

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet
dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Our ref: MA HIDCC 150 26

Lynda Warren
Interim Environmental Protection Assessor for Wales

IEPAW@gov.wales

10 March 2026

Dear Lynda,

I want to express my gratitude for the “Protected Sites in Wales” report. It is evident a substantial amount of work has gone into this important document, and it clearly articulates how vital our protected sites are as we work towards the Global Biodiversity Framework vision where by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.

Please pass on my thanks to members of the Interim Environmental Protection Assessor of Wales team, both past and present, and all those involved in the production of the report. Welsh Government accepts that, currently, many of our protected sites are not faring well. We are committed to bringing real positive change by offering support landowners through the Sustainable Farming Scheme with a requirement that a minimum of 10% of each farm is managed as habitat. In addition, farms with designated sites will be required to produce a management plan to help bring sites into better condition. For those farmers willing to go further there will be more targeted site-specific opportunities available to restore and enhance habitats in the Optional and Collaborative layers of the scheme.

We have made some progress already. During the period in which your report was being developed we have continued to invest in our Nature Networks Programme, Local Places for Nature and our National Peatland Action Plan. Over £54m has been invested during this Senedd term helping to improve the condition and connectivity of our protected sites whilst encouraging community engagement. We also continue to support the NRW led Natur am Byth and LIFE projects which focus on restoring some of our most threatened habitats and species.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill will play a crucial role in safeguarding Wales' natural environment. The Bill will place a duty on Welsh Ministers to introduce targets on the effective management of ecosystems. Improving our understanding of the condition of our protected sites in Wales will be critical for the delivery of such targets.

Together with my officials, I have carefully considered the recommendations contained in the report and our response is provided in the annex to this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written over a light blue horizontal line.

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Annex

Recommendations

We note the overall conclusion that the legal framework is not ideally suited for meeting the Government's aspirations, in particular the view that the *current legal framework in relation to protected sites was not intended to be a mechanism for comprehensive all-encompassing nature conservation*.

We acknowledge the conclusion "*in an ideal world, we would like to see the SSSI replaced by a new protected areas designation with sites being selected not just on the basis of their intrinsic features but also on how well they fit within the jigsaw of connections that will make up the network*".

We also note the position that *the IEAPW agrees that current legal framework for protected sites does not best equip them for adaptive approaches. We also agree that the existing protected sites need to be integrated withing a network of sites designed to assist nature recovery. We have no doubt that flexibility and the ability to change management practices to meet changing circumstances will be necessary. We agree that the current legal framework for SSSIs is not fit for future needs.*

Whilst any legislative reform in this area will be a matter for the next Government, we recognise the need to ensure the legal framework is fit for purpose and enables rather than limits our ambition. In the meantime, there are areas we can take forward now, and we have addressed these in our response to the individual recommendations.

Resources

Recommendation 1: The Welsh Government should assess the resources required for NRW to carry out its functions in relation to protected sites, including monitoring of site condition and entering into management agreements, and ensure sufficient funding is provided specifically for this work. We also recommend that NRW being required to account for the use of these resources.

We will work with NRW to scope out what is required for NRW to carry out its functions in relation to protected sites. Budgetary pressures across all public services are well documented and no organisations, including Natural Resources Wales, are immune to extremely tough budgetary conversations and subsequent decisions.

We will work closely with Natural Resources Wales to ensure the delivery of its core functions and statutory duties are prioritised and delivered within existing budgets.

Monitoring

Recommendation 2: The Welsh Government should use the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill to introduce a statutory duty for NRW to monitor SSSIs and report on the condition of features for which a site is notified. The duty should require NRW to develop and implement a monitoring programme that provides for all SSSIs to be monitored regularly. We further recommend the Welsh Government provide guidance on the frequency of monitoring. This will depend on the nature of the features to be monitored but we think it should be at least once every 6 years.

Whilst we do not consider a direct statutory duty on the face of the Bill is appropriate, the issues highlighted within this recommendation will form part of our consideration and regulatory impact assessments as we develop targets as enabling effective ecosystem management will require a robust monitoring programme.

Recommendation 3: The Welsh Government, working with NRW, should consider including self-monitoring of sites in any management agreement including those agreed under the Sustainable Farming Scheme. Information obtained in this way could contribute to the monitoring report. It would also provide an opportunity for owners and occupiers to become more involved in ensuring the condition of notified features is restored and enhanced.

We agree that there is a role for self-monitoring of sites and will explore, with NRW, how this could work in practice. We would need to consider the skills and tools required and the funding required.

Recommendation 4: NRW should normally share monitoring data with those responsible for managing the relevant SSSI.

We agree that NRW should share monitoring data with those responsible for managing the relevant SSSI. NRW do share this information upon request. We will work with NRW to explore whether there a more proactive approach can be applied.

Targets

Recommendation 5: The Welsh Government should use the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill to introduce a target that the condition of all SSSIs is determined by 2030 in order to provide a baseline for assessing progress towards nature recovery. If this target is not included in the forthcoming Bill it should be given priority in the list of targets to be proposed for inclusion in secondary legislation.

The Bill includes priority areas for introducing targets which include the effective management of ecosystems and the quality of evidence to inform decisions relating to biodiversity, access to that evidence and its use and application.

This recommendation will form part of our consideration and evidence base for the development of targets. Whilst targets will need to go through the process set out in the Bill which includes independent expert advice and consultation, condition assessments of protected sites is a key area under consideration for a target.

Recommendation 6: The Welsh Government should ensure that the need to bring all biological SSSIs into favourable condition as soon as possible is a guiding principle in the development of specific biodiversity targets to be included in secondary legislation.

The Bill sets out that Welsh Ministers can only set a target in secondary legislation if they are satisfied that meeting it would contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels, in particular through one or more of the following— (a) increasing the abundance of native species; (b) enhancing the resilience of ecosystems or (c) increasing genetic diversity.

Recommendation 7: The Welsh Government should use the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill to introduce a requirement for the production of a strategic, costed action plan setting out the work needed to bring SSSIs into favourable condition. This action plan should be produced by, or in conjunction with, NRW within 2 years of enactment. It should:

- **prioritise those features/sites most in need of action;**
- **include key milestones towards achieving favourable condition.**

The Bill introduces requirements to strengthen the Welsh Ministers section 6 (Environment (Wales) Act 2016) plan. In addition to setting out how the Welsh Ministers through their functions maintain and enhance biodiversity and promote the resilience of ecosystems the plan must set out the following:

- (a) what action they propose to take to contribute to the fulfilment of the vision of the Global Biodiversity Framework, namely that “by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people,
- (b) proposals covering the areas of responsibility of each of the Welsh Ministers,
- (c) what action they propose to take to ensure that the targets set in regulations under section 6B are met and when they propose to take that action,
- (d) how the targets, if met, will contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels,
- (e) where the standard specified under section 6B(4) in relation to a target is achieved, how they propose to maintain that standard, and
- (f) what action they propose to take to comply with the duty in section 8A to promote awareness of biodiversity.

We do not consider a separate action plan is required but the ask in this recommendation should form part of the wider actions to be set out in the section 6 plan.

Recommendation 8: The Welsh Government, working with NRW, should regularly and transparently review progress with implementation of the action plan and take action where necessary to keep it on track. A detailed report on progress made should be included in the NRW’s Annual Report and implementation of the action plan should be a key performance indicator for NRW.

The Bill introduces a requirement for Welsh Ministers to set out in their section 6 report how progress is being made towards meeting targets set in regulations. In addition, the Bill introduces a new requirement to prepare an evaluation report which must set out the Welsh Ministers’ assessment of the impact and effectiveness of action taken to maintain and enhance biodiversity.

We do not consider a separate report is required.

NRW will be a key contributor in the delivery and achievement of targets and will report on action through their section 6 report. The Office of Environmental Governance for Wales, when established, can of course consider matters of non-compliance.

Protecting Protected Sites

Recommendation 9: The Welsh Government should take action to ensure that activities outside of but potentially impacting SSSIs are not permitted if they are likely to adversely affect the condition of the SSSI. Depending on the nature of the activities, there are several ways in which this might be achieved. We recommend the Welsh Government considers the merits of the following possible mechanisms for achieving this

- extending the requirement for an environmental impact assessment in all applications for planning consent for any development that might adversely affect an SSSI.
- in those situations where planning permission is not required, extending the provisions for appropriate assessment set out in the Conservation of Habitats & Species Regulation 63 (1) – (4) to all activities on SSSIs carried out by, or authorised by statutory undertakers under sections 28H and 28I of the Wildlife and Countryside Act.

We consider that current regulation already account for this. For example, proximity and impact to SSSIs is already considered within Environmental Impact Assessment Regulations.

We are also considering the role of buffers within the requirements for designated sites management plans within the Sustainable Farming Scheme.

Recommendation 10: The Welsh Government should encourage the designation of buffer zones around SSSIs under sections 28B & 28C of the Wildlife and Countryside Act.

The approach to the designation of SSSIs is applied through JNCC guidelines which state “SSSI boundaries should be drawn to encompass the special features of the site and all land necessary to ensure the protection and sustainability of those features”.

Recommendation 11: NRW should make greater use of their powers to enter into section 16 management agreements not only to protect existing notified features but also to enhance the biodiversity value of a site through positive management.

We will work with NRW to determine the priorities for section 16 land management agreements.

Recommendation 12: NRW should make greater use of their powers to enter into section 16 management agreements with landowners outside of SSSIs. Where appropriate such agreements could be used to secure compliance with planning conditions.

We will work with NRW to determine the priorities for section 16 land management agreements.

Recommendation 13: The Welsh Government should urgently revise TAN 5 Nature Conservation and Planning which should clearly state that there is not a hierarchy of protected sites.

Whilst there is not a scheduled programme to update TAN 5, planning policy is kept under continual review, to ensure that it remains effective, and aligned with wider legislation and environmental priorities.

The protected sites narrative detailed in TAN 5 is not set out as a hierarchy, rather it is an overview of designated sites.

Planning Policy Wales reflects this contextual narrative, it states that all designated sites must be able to continue to protect the biodiversity and features for which they were designated and contribute to the resilience of ecosystems at the appropriate scale. Existing national policy sets out the approach to the protection of designated sites, and the Welsh Government considers that the current planning policy framework provides a robust basis for decision-making.

Enforcement

Recommendation 14: The Welsh Government should require NRW to publish a register of enforcement actions.

NRW publishes details of enforcement action as part of its annual regulatory report.

[Natural Resources Wales / How we are performing](#)

Recommendation 15: The Welsh Government in the next Senedd Term should amend NRW's powers of entry under the Wildlife and Countryside Act section 51 to enable them to go onto land to carry out required management and/or restoration works and to be able to recover the cost of those works where possible.

It will be a decision for the next Government to determine whether they want to amend NRW's powers of entry under section 51 of the Wildlife and Countryside Act.

Recommendation 16: The Welsh Government should consider adding a provision in the legislation to allow NRW to recover costs in relation to incident response at protected sites, similar to the 'polluter pays' principle for water pollution offences under the Water Resources Act 1991.

It will be a decision for the next Government as to whether they want to amend/introduce legislation to allow NRW to recover costs in relation to incident response at protected sites.

Recommendation 17: The Welsh Government should consider amending the Environmental Civil Sanctions (Wales) Order 2010 to include offences under the Wildlife and Countryside Act not least because this would give NRW the power to seek a restoration order in response to an offence that causes damage to a SSSI.

It will be a decision for the next Government as to whether they want to amend the Environmental Civil Sanctions (Wales) Order 2010 to include offences under the Wildlife and Countryside Act.

Adaptive Management

Recommendation 18: The Welsh Government should work with NRW to develop a programme for assessing the contribution of protected sites as corridors in a wider connected network of land contributing to nature recovery. This programme should be led by NRW. The programme should encompass the use of new technologies. Third party bodies should be encouraged to participate where appropriate.

NRW have already provided Priority Ecological Network maps which guides the investment for the Nature Networks Programme.

This work is being supported by local scale mapping of resilient ecological networks, such as in the Gwent levels.

We will work with NRW to further develop this approach.

Recommendation 19: The Welsh Government should ensure NRW instigate a strategic review of SSSI designations in Wales with a view to ensuring the notifications accurately reflect the potential for the site to contribute to nature recovery both in terms of the features included and the area of land covered. Where a need for more SSSIs is identified the site selection process should primarily consider the need for ecological coherence.

We will work with NRW to develop a strategic review of SSSI designations in Wales with a view to ensuring notifications reflect the potential for the site to contribute to nature recovery both in terms of the features included and the area of land covered.

The NRW SSSI evidence review will provide the baseline for this work.

Recommendation 20: The Welsh Government, working with NRW, should take action to ensure the SSSI site selection process is applied so that greater emphasis is given to the need for ecological coherence by taking account of how a given site functions in the wider environment. The potential value of sites that might not otherwise meet selection criteria should be taken into account for the same reasons.

We will work with NRW to progress this recommendation. Our 30by30 framework sets out the criteria on connectivity and will guide and support this approach. [A 30by30 framework for Wales | GOV.WALES](#)