

# Review of implementation of laws for terrestrial and freshwater protected sites in England



# **Review of implementation of laws for terrestrial and freshwater protected sites in England**

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of the Environment Act 2021.

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# Foreword

# Foreword

People need places for nature. Nature is the foundation on which the economy is built. Among government's obligations and commitments to positive environmental outcomes, there is a real need to ensure that the benefits and services that nature provides are maintained and recovered, and so can support sustainable growth.



This government is focused on such sustainable growth, on infrastructure and building homes, and is reviewing the regulatory systems that support these. It is also committed to nature's recovery, of which protected sites are a cornerstone. These programmes must move forwards in tandem to ensure the government achieves its desired 'win-win' for the environment and for growth.

It is in this context that we have explored England's protected sites. These sites play a pivotal role in conserving and restoring nature. They are a crucial component in halting and reversing the decline of biodiversity, in building connected landscapes resilient to climate change and in providing health and socio-economic benefits.

The best of England's nature is represented in its protected sites, from the Fens and the Broads to the mountains and waters of the Lake District and from the coasts and moors of Cornwall to those of Northumberland. These places are not just of national significance. England is custodian of globally significant habitats: chalk streams, heathlands and temperate forests among them. Threatened species such as roseate tern, lady's slipper orchid and avocet live predominantly within protected sites, and large parts of the world populations of migratory birds, such as knot and brent goose, are sustained within England's wildlife sites network.

But the best of nature is not confined to the countryside. Protected sites include former industrial sites and the busy estuaries of the Thames and the Tees. They are much-valued features of towns and cities, providing people with access to nature, vital for health and well-being. The distribution and histories of protected sites, such as those on the Humber, demonstrate that, when managed effectively, nature, economy and communities can regenerate and grow alongside one another.

Our report comes at a time of significant and ongoing legislative, policy and operational developments. Policy objectives and priorities for land and water are changing. All of this is happening in the context of the overriding challenges of mitigating and adapting to climate change. We therefore aim to support future change, as well as more effective application of existing systems, in our assessment of the implementation of protected site laws.

We have examined how protected sites are designated, managed and monitored, and the regulatory tools available for their protection. We have reviewed underpinning governance frameworks and resourcing, so important for effective implementation. We have asked what has worked well and what needs to change.

Sites of Special Scientific Interest (SSSIs), among other designations, can be seen as the 'jewels in the crown' in protecting England's nationally important wildlife and other natural features. Established since 1949, they now cover some 8% of England's land and freshwater environments. The intended environmental outcomes for these sites are largely not being achieved. According to recent data, the area of SSSIs in 'favourable condition' has dropped to just over a third. While some of those in unfavourable condition are recovering, about



one in five are not improving, or are deteriorating. Work to designate further SSSIs has been slow and has now largely stalled.

Government has committed to the outcome of restoring 75% of SSSIs to favourable condition by 2042. Our most recent report on progress with the Environmental Improvement Plan found the prospects of meeting this commitment to be largely off track. The close connection between site condition and nature's wider recovery underpins our associated assessments that progress towards the biodiversity targets set under the Environment Act 2021, and the UK's '30 by 30' commitments, is also largely off track.

This means that, overall, the protection in law of these sites has not proved to be sufficient to prevent their deterioration, or to support their effective restoration. This is against the backdrop of a legal framework that, applied robustly, ought to secure these natural treasures, all the while enabling innovation, development and growth.

Our analysis is that, for the most part, the legislation itself is not the problem. Rather, we have found that it is not being implemented effectively, or at the pace and scale needed to meet the intended outcomes. We see four main root causes for this: insufficient action from government to drive progress; insufficient investment to achieve outcomes; a lack of incentives and engagement for owners and occupiers of protected sites; and gaps in evidence to inform and underpin decision-making.

This has not always been the case. Positive progress has been made during periods of effective leadership. Much was done, for example, between 2000 and 2010 when the groundwork for success was laid. Since then, however, focus has been lost and implementation has largely fallen short.

Dan Corry's recent independent review of Defra's environmental regulatory landscape found it is not working as well as it should to support either nature's recovery or economic growth. Our findings here and elsewhere broadly align with that assessment.

We have identified positive 'conditions for success' that characterise an effective regime for protected sites. We have then drawn up recommendations to help guide government, Natural England and other public authorities, as well as owners and occupiers, towards achieving these conditions and fulfilling the potential of protected sites for nature and society.

A stronger focus is needed on achieving outcomes, at greater scale and pace. To achieve this, government and public bodies will need to work more effectively together, lead by example and be more transparent and open to scrutiny. The resources that are made available should be aligned with what is needed to achieve the outcomes being sought. Incentives, advice and regulation should be used more effectively to ensure protected sites and the areas around them are being well-managed by owners and occupiers. Work to improve the gathering, use and communication of evidence will need to be accelerated.

Maintaining the status quo in how laws are implemented is not going to achieve the intended outcomes. Significant change will be needed if sites are to be not only protected in law but also restored in practice. As noted more than a decade ago by Professor Sir John Lawton in the landmark Making Space for Nature review, 'without that step change all the evidence points to the fact that the slow, downward spiral of wildlife loss will inevitably continue', and if existing wildlife sites are not managed to the highest standards, 'all other efforts will be depressingly pointless'.

Maximising the benefits to nature in protected sites will require leadership, innovation and, inevitably, some trade-offs. Government therefore needs to determine how best to align its environmental and wider objectives, to enhance and work with nature, while securing sustainable growth, clean energy infrastructure and housing.

The need to act is urgent. Failure to do so risks further depleting the natural resources on which society and economy depend. It also risks missing legally binding biodiversity targets and the 30 by 30 commitments. Protected sites need to be at the heart of renewed efforts to halt and then reverse nature's decline, to make long overdue improvements in the state of the environment and to ensure sustainable growth, all for current and future generations.

A handwritten signature in black ink, appearing to read 'G Stacey', with a stylized flourish at the end.

Dame Glenys Stacey  
Chair, Office for Environmental Protection

# Executive summary and recommendations

# ENGLAND'S PROTECTED SITES

A golden  
opportunity  
to drive nature's  
recovery



## RECOMMENDATIONS 15 actions. Improving sites. Increasing efficiency.



Summary of the OEP's review of implementation of protected site laws in England

# Executive summary and recommendations

## The importance and benefits of protected sites

Protected sites for nature are vital for safeguarding the environment and building environmental resilience. Areas identified as 'Sites of Special Scientific Interest' (SSSIs), or other protected site designations are important not just for nature but also for the health, well-being and prosperity of people and society. They provide valuable ecosystem services, including climate change mitigation and adaptation. Research has found that investing in such protected sites benefits the economy and society and significantly outweighs the costs.

Among other examples, the designation and management of the Humber Estuary have protected and improved the environment while allowing the operation and continued commercial development of its ports and other infrastructure. The Humber vibrantly illustrates how protected sites can work effectively alongside economic growth and development, providing benefits for people and nature.

## Targets and commitments

The significance of protected sites is reflected in domestic and international laws, targets and commitments.

The 25 Year Environment Plan produced by government in 2018 set out the commitment to restore 75% of SSSIs to their intended state of 'favourable condition' by 2042. This commitment was underscored when the 25 Year Environment Plan became England's first Environmental Improvement Plan (EIP) under the Environment Act 2021, and was reaffirmed when the EIP was revised in 2023. While reviewing the EIP, the current government has confirmed this commitment to Parliament, and has highlighted SSSIs as one of the most effective tools for protecting and enhancing biodiversity and providing a wide range of health and socio-economic benefits.

In this context, SSSIs and other types of protected sites should be managed and restored to support the achievement of wider environmental outcomes. These include long term, legally binding biodiversity targets under the Environment Act to first halt the decline in the abundance of species by 2030, to have reversed that decline by 2042, and to reduce the risk of species' extinction by 2042 when compared to 2022.

Best known internationally, perhaps, is the Global Biodiversity Framework under the Convention on Biological Diversity. This includes dual '30 by 30' targets to effectively conserve and manage at least 30% of land and sea, and to ensure at least 30% of areas of degraded ecosystems are under effective restoration by 2030. Well-managed protected sites have a large part to play in the successful achievement of both targets, particularly the former.

## What are protected sites and why are they important?

Protected sites are places recognised and managed for the long term conservation of species, habitats and other important features.

The loss and degradation of habitats is a major cause of biodiversity decline. Protecting, restoring and enhancing remaining areas of scarce habitats are essential if biodiversity loss is to be halted and reversed. Environmental law provides for the designation of protected sites, which should help achieve this.

The main category of protected sites in England is ‘Sites of Special Scientific Interest’ (SSSIs). These are the country’s most special places for nature. They safeguard areas as large as the Wash, one of Europe’s most important coastal wetlands. But they also include much smaller sites, critical to protecting threatened species, such as orchids, butterflies and dormice.

England’s protected sites, therefore, encompass both extensive ecosystems and scarce habitats of global significance, and places that are national sanctuaries for threatened species.

Many protected sites are managed by public bodies, such as the Forestry Commission, Ministry of Defence and Natural England. Others are controlled by non-governmental organisations including the National Trust, the Wildlife Trusts and the Royal Society for the Protection of Birds. A large number are managed by private estates and individuals, including many farmers.

Designating a protected site does not set aside that land exclusively for nature. Rather, it aims to provide for a partnership between government bodies and landowners, occupiers and other stakeholders to conserve, restore and enhance these places. This should enable management for nature alongside other land uses such as recreation, forestry and agriculture. This is essential, as many sites contain habitats and species that only thrive under specific, human-made or influenced conditions, such as livestock grazing.

People need protected sites. They reportedly make around 380 million visits a year to England’s SSSIs. Many are within easy reach of towns and cities, providing access to nature that improves physical and mental health. For example, SSSIs on Wimbledon Common and Epping Forest allow Londoners to explore nearby protected, wildlife-rich habitats. More broadly, many of England’s most celebrated landscapes are within or contain protected sites. These include large parts of the Cornwall and Northumberland coasts, the New Forest and the Norfolk and Suffolk Broads.



**Photo 1. Bamburgh, Northumberland. The coast in this area is safeguarded as part of several protected sites.**



Photo Credit: PhotoPlus Magazine/Future Collection via Getty Images

**Photo 2. Children playing in Epping Forest, Essex. This extensive area of woodland, grassland and scattered wetlands, on the edge of London, is a protected site.**



Photo Credit: Alys Tomlinson/Stone Collection via Getty Images

## About this report

Despite their importance, the implementation of protected site laws in England has not been subject to detailed, independent assessment for many years. This has left uncertainty about the effectiveness of these laws and their application. With this report, we aim to fill that gap.

These laws relate to the designation, protection, monitoring and management of SSSIs, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) on land and in freshwater in England. The relevant laws are the Wildlife and Countryside Act 1981 for SSSIs, and the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') for SACs and SPAs. In this report, we use the general term 'protected sites' to refer to SSSIs, SACs and SPAs on land and in freshwater.

We have assessed whether those laws and their implementation are effectively fulfilling their intended outcomes. Where we judge they are not, we make recommendations for improvement.

We focus primarily on the work of Defra and its arm's length body, Natural England, as the main authorities responsible for protected site laws. We also look at how their functions and actions interact with those of other bodies, both public and private.

We are separately investigating Defra and Natural England in relation to potential failures to comply with their duties to classify, manage or adapt SPAs, and to protect and maintain wild bird populations, under the Habitats Regulations. For this reason, we have not considered the designation of SPAs in this report.

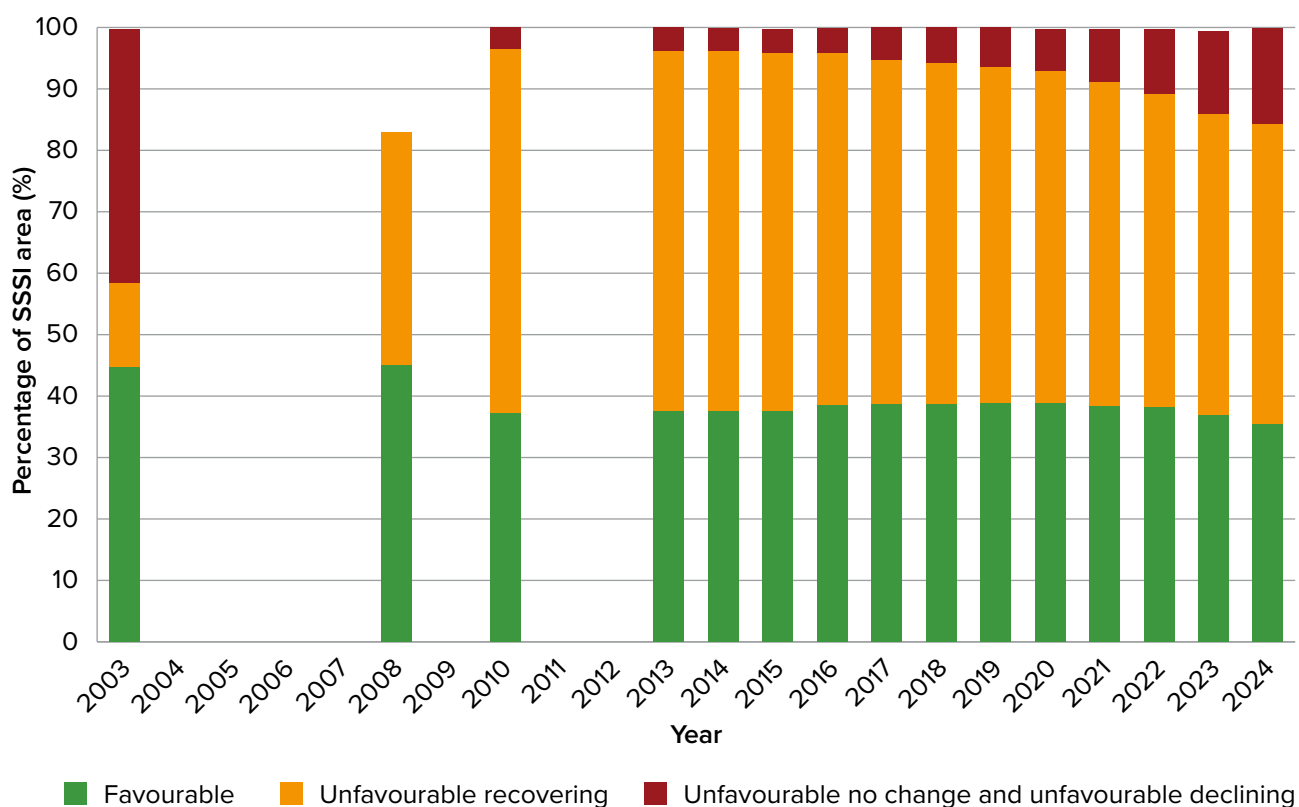
Neither do we cover other types of designations, such as National Parks, National Landscapes or National Nature Reserves. While these places also contain important habitats and species, and hold great potential for restoring nature, they are not subject to the same legal protections. Moreover, the designations are not mutually exclusive. For example, Natural England is required by law to designate as a SSSI any part of a National Park, National Landscape, National Nature Reserve or any other area that meets the SSSI designation criteria.

## Implementation of protected site laws has been ineffective

Our view is that current protected site laws are not being applied effectively or achieving their intended environmental outcomes. As a result, there is a significant opportunity to improve their implementation and to support a wider range of biodiversity, health and socio-economic benefits.

For example, the area of SSSIs in favourable condition has fallen during the last two decades (Figure 1). The marked increase in the area of SSSIs in 'unfavourable no change' or 'unfavourable declining' condition (from 3.5% in 2010 to 15.6% in 2024) and the fall in the area of SSSIs in favourable condition (from 37.2% to 35.5%) are clear.



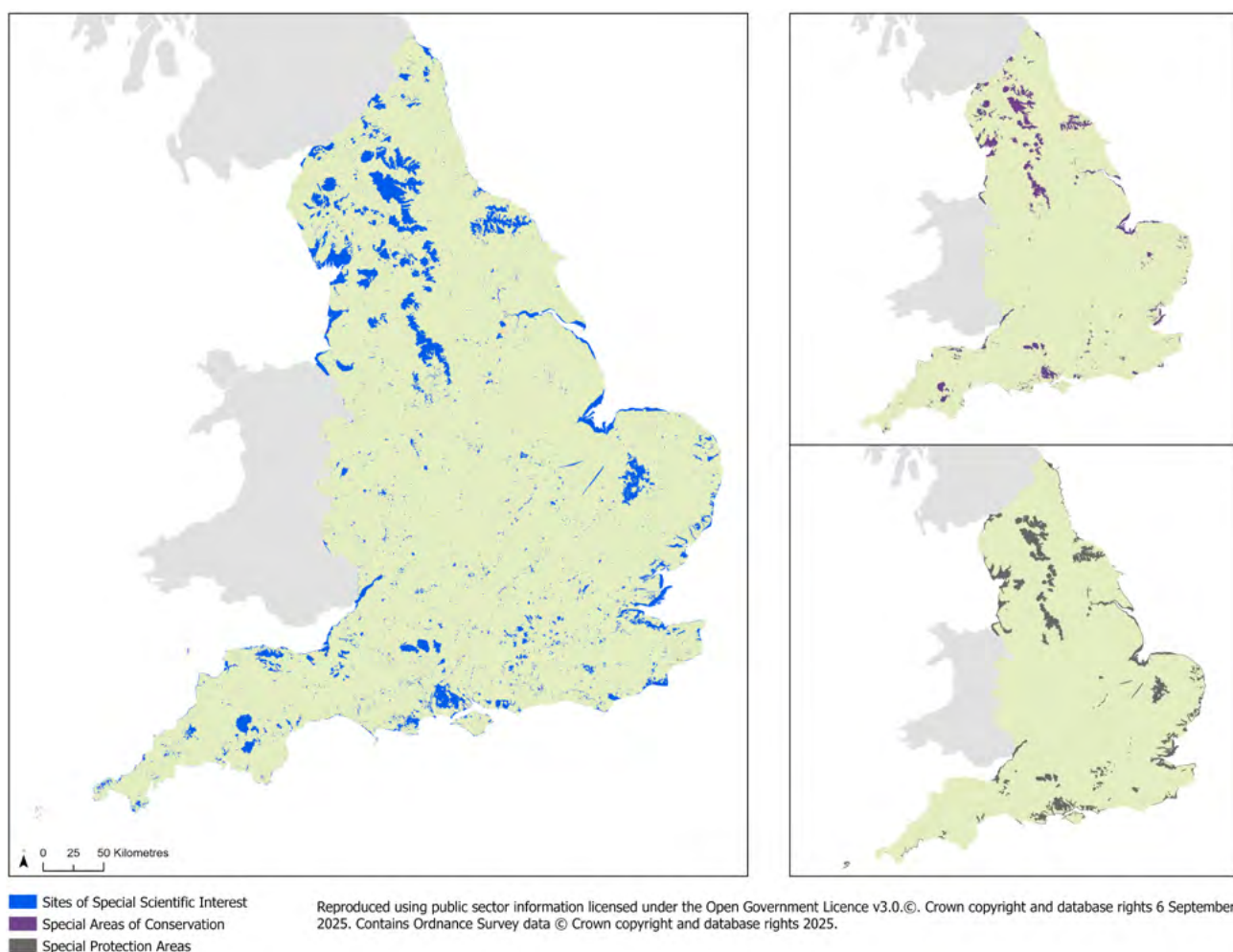


**Figure 1. Percentage of SSSI area by condition, 2003-2024.** Results of SSSI monitoring are reported in Defra’s official statistics from 2013 to 2024. Results of assessments in 2003, 2008 and 2010 are included for comparison. Gaps are from years when consistent data were not available.

The most recent data are in Natural England’s online protected sites database, ‘Designated Sites View’. This shows the area of SSSIs in favourable condition has fallen further to just over a third (33.5%) in September 2025. At the same time, Natural England’s data show that while some of the areas in unfavourable condition were recovering (45.7%), just over one in five either were not improving (8.5% unfavourable no change) or were getting worse (12.2% unfavourable declining). A small fraction (less than 0.1%) had been partially or fully destroyed.

Overall, therefore, the condition of SSSIs appears to have worsened since 2010, and continues to decline.

Further, the extent of protected sites in England is low compared to other countries and has increased only slightly in the past 20 years. The area of England above mean low water designated as SSSIs covers just over 1 million hectares, or 7.7% of the total. Some 666,000 hectares are designated as SACs and 644,000 hectares as SPAs (Figure 2). The areas of protected sites with these different designations overlap to a large degree, so the separate figures cannot be summed.



**Figure 2. Map of terrestrial and freshwater protected sites in England**

England's coverage of SSSIs is the same as the coverage of equivalent sites in Northern Ireland, but less than in Wales (12.0%) and Scotland (12.6%). Reviews by Natural England have noted significant gaps in the SSSI series which have, for the most part, not yet been filled. The combined 6.4% coverage of SACs and SPAs in England, meanwhile, is lower than that in all of the European Union member states.

## Barriers to effective implementation

Our assessment has found some gaps in the current regimes where government may wish to adjust the legal framework to materially improve the prospect of achieving environmental outcomes. For example, while there are duties and objectives in relation to protected sites, there are no statutory targets to achieve outcomes of improved site condition or for increasing the extent of protected sites. Neither is there an express statutory duty for protected sites to be monitored. At the same time, the current legislation and related guidance appear to limit Natural England's powers and discretion to address activities that may damage protected sites, and to ensure habitats and species are restored.

In most cases, however, our assessment is that it is not the laws themselves that are the problem. Rather, we have found they are not being implemented effectively, or at the pace and scale needed to achieve the environmental outcomes intended.

Our assessment has found that public authorities are not making sufficient contributions towards managing, enhancing and expanding protected sites. A lack of ambitious statutory targets, strategy and planning, and leadership and co-ordination from government, all appear to have hampered direction and progress.

The effective implementation of protected site laws also depends on the adequacy and continuity of funding. There have been times when protected site targets have been backed up by adequate resourcing, prioritisation and action. More recently, however, the resourcing allocated has not been aligned with the outcomes intended. It therefore has not allowed enough action to designate, monitor and secure the appropriate management of protected sites at the pace and scale needed to meet those outcomes.

Fluctuating levels of resources and changing priorities will also mean that limited resources may not always have been used as efficiently as they could. This is because resources have been put into planning for future actions which have not subsequently taken place.

The designation of protected sites is not currently associated with adequate financial incentives and support for owners and occupiers to address the likely additional requirements of managing land to maintain or achieve its favourable condition. Designation can, therefore, be viewed as an imposition upon farmers or other land managers. Limited communication of monitoring conclusions and a lack of tailored advice further stifle progress.

Gaps in evidence have hampered the completion of reviews into the coverage of SSSIs and in determining the effectiveness of land management schemes. A scaling back of SSSI condition monitoring means many features have not been assessed for over a decade. This leaves Natural England lacking the evidence needed to inform the most effective use of incentives, advice, regulatory tools and enforcement. There is also currently no system for Natural England to proactively monitor compliance with protected site laws.

Additionally, we have identified a number of areas where information about protected sites is hard to understand or unavailable for stakeholders or the wider public. Given the importance of these national assets for nature, and their wider health and socio-economic benefits, the system is not as transparent as it should be.

## **The underlying approach to protected sites**

A further point of debate concerns the merits of the current ‘feature-based’ approach to designating and managing protected sites. Some stakeholders have suggested that habitats and species in protected sites should be allowed to change over time through natural processes. While this means that site features may be different to those present at the point of designation, they argue that this could support better overall outcomes by enabling ecosystems to function more naturally and improve their resilience to climate change.

These concerns may be addressed, to some extent, by Natural England exploring ways to enable a transition to more naturally functioning sites under the current law. Inevitably, however, there will be constraints in the legislation. Government may, therefore, wish to consider whether the present approach supports the right outcomes for all sites, or should be adjusted.

We note that Natural England has itself advocated reforms in response to previous government consultations to better accommodate dynamic ecological processes, while

retaining feature-based approaches where appropriate. We broadly agree that an updated approach, if well-designed and implemented, may better facilitate the outcome of wider ecological restoration while protecting specific features. This would be a major endeavour, however. Any such reform should therefore be carried out with care to avoid reducing current levels of environmental protection. It also should not hinder the effective and timely ongoing implementation of existing law.

## **Wider developments**

We have produced this report at a time of ongoing legislative, policy and operational change.

Defra commissioned an independent review of environmental regulations in October 2024. The report of this review called for a ‘greater focus from Defra on facilitating infrastructure projects in the right locations, with more emphasis on proportionality and cost-effectiveness of outcomes for nature and economic development’. It also concluded that England’s regulatory system is not working as well as it should to support either nature recovery or economic growth. We broadly agree with that assessment and, where appropriate, reflect certain of the review’s findings in this report.

At the time of writing, the Planning and Infrastructure Bill is before Parliament. The Bill aims to simplify the planning process for developments in England, in particular housing. If passed, it would allow for the creation of ‘Environmental Delivery Plans’ that could modify or disapply environmental regulations, such as those applied under the Wildlife and Countryside Act and the Habitats Regulations. The Bill does not propose amendment of the current requirements in law for the designation of protected sites, but it would alter the current provisions for their protection in respect of the specific development matters that it covers.

Natural England published its new corporate strategy in autumn 2025, containing four strategic outcomes. The first of these is to recover nature by increasing the scale and quality of places where nature thrives. The strategy explains what success will look like, including the intended outcome that: ‘Wildlife is thriving in protected areas, which are connected to and enriching the wider environment’.

While such changes are ongoing, it is clear that protected sites are critical to protecting and improving biodiversity and wider outcomes, and will remain so in the future. We therefore aim through this report to inform the application of current law, or any amended or new environmental law, by offering an evidence-based assessment of the implementation of legislation on protected sites to date.

## **Conditions for success and recommendations**

We believe there is opportunity to support the government’s aim for a ‘win-win’ that provides more for society via growth alongside nature improvements by better applying, and potentially strengthening, protected site laws.

Through our assessment, we have identified ‘conditions for success’ for effective protected site laws. These conditions, and the related recommendations, are intended to guide and support Defra, Natural England and other public authorities towards better law and better implementation, improving prospects for protected sites and enabling progress towards wider benefits and legally binding targets.

While our conditions and recommendations are intended to guide Defra, Natural England and other public authorities, the achievement of positive environmental outcomes also relies upon the actions of many private landowners and occupiers. Our recommendations are, therefore, intended to ensure the protected sites regime fosters a sense of environmental stewardship, encouraging and enabling landowners and occupiers to play their full part in nature's recovery. We set out how the regime's ability to do so can be enhanced through improvements in the incentives and advice for landowners and occupiers, and, where necessary, in more effectively using regulatory tools.

Some of our recommendations are especially time-critical, in terms of progress towards the government's targets and commitments for improving the condition of protected sites and related outcomes. These are Recommendations 1 to 4 (on governance and resourcing, to enable better implementation of all aspects of the law especially by public bodies), 8 and 9 (on monitoring, to ensure there is a sound evidence base) and 10 and 12 (on agri-environment schemes and advice, to support better land management inside and outside protected sites).

The remaining recommendations, while less pressing in respect of immediate progress towards targets and commitments, are important for the regime's longer term application and its effective functioning in a coherent, wider system of nature law and policy. For example, we consider it also important that there are sufficient numbers and extent of protected sites, as the core parts of a wider ecological network, to support the government's biodiversity targets and commitments.

Our recommendations aim to make the protected site system work better so that it can achieve its intended benefits and environmental outcomes. This may also result in opportunities for efficiencies and cost savings.

For example, improving planning, oversight and co-ordination at national and local levels (Chapter 2) could provide for more efficient work to achieve protected site targets and commitments, reducing duplication. Our recommendation on resourcing (Chapter 3) seeks to enable reliable and ongoing financial forecasting, planning and prioritisation so available resources can be used most efficiently. While Chapter 4 calls for (amongst other things) more protected sites, it also identifies that the time taken to designate sites could be significantly reduced. Improving the monitoring of protected sites (Chapter 5) should allow for better targeting of funding to deal with key pressures and improve site condition. We also note that a greater use of technology could make monitoring less expensive.

Integrating protected site condition monitoring into the design and review of environmental land management schemes is likely to bring efficiencies, compared to keeping them separate (Chapter 6). Our recommendation for collaborative and co-ordinated advice from the main agencies should also save farmers and other land managers the time and cost of liaising with multiple bodies that we heard are not currently always acting with consistency.

Finally, in Chapter 7, we recommend reforms so that the public should not cover the costs of removing or modifying consents for activities that could damage protected sites' features, and to give Natural England greater discretion over payments in respect of management notices. These recommendations would place a lower burden on public funding for protected sites and would broadly align with the 'polluter pays' principle.

## Governance

**Conditions for success:** A well-functioning system would be characterised by the existence and successful delivery of clear targets for protected sites, accompanied by a coherent strategy and plans to achieve them. Their delivery would be overseen, co-ordinated and kept under review. Delivery would be a coherent, cross-government effort, with clarity of roles and responsibilities. Accessible information about protected sites would be publicly available, supporting delivery and allowing for public scrutiny and challenge.

We found that some elements of effective governance are already in place. Overall, however, we believe existing governance arrangements fall short of those required for these laws to be well-implemented. We found that:

- Successive governments have set measurable intended outcomes, including the current commitment to restore 75% of SSSIs to favourable condition by 2042. However, this has not yet led to action being taken at sufficient pace and scale to achieve the intended improvements. In fact, the area of SSSIs in favourable condition has deteriorated in recent years.
- The approach to measuring the extent of SSSIs in favourable condition appears to have changed since the commitment was set. In our view, it is important that when any national commitment or target is set, there is consistency and clarity over how performance against it is measured and reported.
- The 2042 favourable condition commitment has not been broken down into shorter term milestones. Two interim targets for SSSIs, which were included in the 2023 EIP, although useful, reflect enabling measures rather than a trajectory to the overall intended environmental outcome.
- Over a longer period, our view is that there has been a failure in practice since 2010 to carry out sufficiently frequent, transparent and meaningful reviews of progress in meeting targets and commitments to improve the condition of protected sites. Moreover, we have seen little evidence that the lack of progress during this period triggered any significant review of strategy and implementation plans.
- Despite reviews showing gaps in the SSSI series (see Designation below), government has not set specific targets for increasing the extent of protected sites. This means that there is no specific outcome against which progress in designating sites to fill these gaps can be assessed.
- Government does not have a costed plan for how it will achieve the 2042 favourable condition commitment. Such a plan needs to reflect currently available resources and those that can reasonably be expected to be available in the future to allow progress to be maintained.
- Previous plans developed to address the main causes of poor site condition have had limited success. Site-level information has not been kept up to date, and as a result has not been used effectively by delivery bodies.

- The SSSI Major Landowners' Group has previously enabled good progress towards meeting targets. Following a relatively successful decade of progress on protected sites up to 2010, however, the co-ordination of action among different public bodies has since been less effective.
- Evidence suggests that there is little difference in how well protected sites in the control of major public authorities are being managed, compared to those of other owners and occupiers and across the private sector. This is despite public authorities having specific duties in relation to SSSIs. There is an opportunity for public authorities to provide a greater lead by example.

To improve governance arrangements, we make the following recommendations.

**Recommendation 1:** The Secretary of State should consider making regulations under section 1 of the Environment Act 2021 that would set legally binding, long term and SMART targets, supported by interim targets, that reflect government's intended environmental outcomes to increase the extent, and improve the condition, of protected sites.

Where we refer to 'protected site targets' in subsequent recommendations, we are referring to such legally binding targets, and interim targets, as discussed under Recommendation 1 or, in their absence, any similar but non-binding targets and commitments in the EIP or elsewhere.

**Recommendation 2:** Achieving protected site targets will require the right action to be taken at the right time, pace and scale. We recommend that:

- (a) Defra and Natural England should work together to produce and publish a national strategy and implementation plan that are incorporated within the EIP for achieving protected site targets. These should set out the overall actions that will be taken, when and by whom, and the associated resourcing requirements, to address the main threats and pressures affecting site condition. In doing so, Defra and Natural England should seek to bring greater coherence to national and local implementation.
- (b) At the level of individual sites, Defra and Natural England should ensure that there is an up-to-date, comprehensive and clear list of the costed actions that need to be taken to maintain or achieve favourable condition. Actions should be assigned to the responsible individuals and bodies, with appropriate deadlines.
- (c) Defra and Natural England should regularly and transparently review and report on progress in the EIP annual progress reports, and take corrective action if needed.

**Recommendation 3:** Effective implementation of protected site laws requires stronger co-ordination and oversight of public authorities' practical delivery of protected site outcomes, plans and legal duties. We recommend that:

- (a) Defra should resume its former active and senior leadership role as chair of the SSSI Major Landowners' Group.
- (b) Defra, with support from Natural England, should ensure all public authority group members have their own targets for contributing to national protected site targets and are acting at the pace and scale to achieve them in practice. Group members' targets and progress should be regularly reviewed and published to allow for scrutiny and course correction.

- (c) Defra should provide new guidance under section 33 of the Wildlife and Countryside Act 1981 to clarify how public authorities should exercise their functions to contribute to achieving protected site targets.

## Resources

**Conditions for success:** A well-functioning system would be characterised by planned, sufficient and sustained resource allocation. Long term provision of resources, including staff capacity and expertise, would be based on a sound assessment of what is needed to implement the law effectively and achieve targets and other intended outcomes.

We recognise that the funding that can be allocated to protected sites, as with other areas of environmental law and wider public policy, will be constrained and subject to competing priorities. This means that the resources that are available need to be used efficiently. It also means that the resources that are planned and allocated need to be aligned with the intended outcomes and what is required to be done to achieve them. Such alignment is currently lacking. While our main focus is on Natural England, we also consider the resourcing of certain other public authorities. We found that:

- Between 2000 and 2010, resources for protected site laws increased, as did the pace and scale of action. The opposite happened between 2011 and 2020.
- Resources increased between 2020 and 2024. This allowed for work that had been largely paused to be restarted. However, we consider that it has not yet been enough to put progress on track to achieve the commitment to restore 75% of protected sites to favourable condition by 2042.
- Fluctuating resources and changing priorities will also mean that limited resources may not always have been used as efficiently as they could. This is because resources have been put into planning for future actions which have not subsequently taken place.
- Defra's most recent assessment of the costs and benefits of achieving the 2042 protected site condition commitment, and of the funding to do so, was carried out in 2021 based on data from 2019/20. Keeping this assessment up to date will be important to ensure funding is aligned with the efficient achievement of intended outcomes.
- Natural England's work to apply protected site laws is also hampered by high staff turnover, reducing both effectiveness and efficiency. While we recognise the challenges of acquiring and maintaining expertise and experience in this complex area, this appears to be at least partly related to relatively low levels of pay.
- Funding for protected site work has generally been set for each financial year and at a late stage in planning and implementing that year's work. This can make it difficult to use money effectively if there is little time for advance planning or for work that needs to take place across multiple years.



To improve the resourcing of the implementation of protected site laws, we recommend the following.

**Recommendation 4:** Resourcing allocations and mechanisms need to be aligned with legal requirements and protected site targets and commitments. We recommend that:

- (a) Defra and Natural England should assess and set out the overall level and trajectory of resource allocation needed to achieve government's protected site targets and commitments, including when those targets and commitments are changed. They should work with other members of the SSSI Major Landowners' Group to validate these assessments. This should enable reliable and ongoing financial forecasting, planning and prioritisation, and the most efficient use of available resources, based on a reasonable expectation of available funding calculated to meet the intended environmental outcomes.
- (b) To support transparency, accountability and scrutiny, Defra and Natural England should publish information on resource allocations against those originally intended or assessed as needed. If there are any shortfalls in available funding, compared to that assessed as needed, this should be stated along with the consequences and any action that will be taken to address this.
- (c) Defra and Natural England should determine how to address issues of staff retention and expertise within Natural England to enable the most effective implementation of plans and the efficient use of resources for work on protected sites.

## Designation

**Conditions for success:** A well-functioning system would be characterised by an ecologically effective, well-connected and resilient network of protected sites, which is regularly reviewed and adapted. The purpose and process of designation would be understood by, and undertaken collaboratively with, landowners and occupiers.

The requirement to designate protected sites, which should be supported by keeping the need for new, extended or modified sites under regular review, is a key means of protecting, restoring and enhancing England's habitats and species. We found that:

- Too few SSSIs have been designated to achieve intended environmental outcomes. Reviews by Natural England in 2015 and 2016 found gaps in the SSSI series for almost all habitats and species considered. These gaps have, for the most part, not yet been filled. We understand at least 100,000 hectares of land potentially meet the criteria for SSSI designation but have not been considered further.
- Designation activity generally reduced following the 2015 and 2016 reviews. At the time of writing, no SSSIs have been designated since 2022. This is the longest period with no new designations since the duty to notify SSSIs was created in 1949.
- Natural England has not published documents relating to its 2015 and 2016 reviews and we found stakeholders unaware they had happened.
- We saw little evidence to indicate that Defra has been keeping the SAC network under review. No new SACs have been put forward for designation since 2013.

- Some stakeholders expressed concerns that owners and occupiers did not understand why their land was being designated, whether management would need to change and what support would be available. This has led to some designations facing considerable opposition.

To improve the designation of protected sites, we make the following recommendations.

**Recommendation 5:** Sufficient numbers and areas of protected sites need to be designated to effectively implement the law and support the achievement of targets and other intended outcomes. We recommend that:

- (a) Natural England should significantly increase the speed and scale of its programme for designating SSSIs.
- (b) Defra should restart a programme for ensuring the sufficiency of SACs, in the first instance by reviewing the current SAC network.
- (c) Natural England and Defra should keep the sufficiency of SSSIs and SACs under regular review and should promptly publish and implement their findings.

**Recommendation 6:** Engagement with landowners and occupiers during the designation process should aim to build effective and sustainable working relationships based on proactive, clear and ongoing communication. We recommend that Natural England seek to ensure landowners and occupiers understand the following points and the related evidence, and discuss concerns they may raise, before their land is designated:

- (a) Why their land is proposed to be included in the protected site.
- (b) The condition of the features on their part of the proposed protected site.
- (c) Expectations of whether the management of their part of the proposed protected site will need to change to maintain or improve the condition of the relevant features.
- (d) What funding, advice and support will be available after designation and how this can be accessed.

## Monitoring, evaluation and reporting

**Conditions for success:** A well-functioning system would be characterised by comprehensive and timely monitoring, evaluation and reporting. This would provide a detailed understanding of the condition of protected sites, the pressures affecting them and the action that needs to be taken to achieve the intended outcomes. Evidence would be published, discussed with owners and occupiers, and regularly reviewed to track progress towards achieving outcomes for individual sites and the network as a whole.

Natural England undertakes a programme of monitoring to assess the condition of protected sites. To understand the effectiveness of this programme, we assessed monitoring frequency, and the communication and use of condition monitoring data.

We found that:

- Since 2010, monitoring frequency has not consistently been sufficient to effectively support and demonstrate achievement of the intended outcomes of the legislation, targets and commitments.
- When monitoring does not occur with sufficient frequency, Natural England risks missing early signs of poor site management or off-site pressures, losing the chance to intervene so that they are addressed. When Natural England increased its monitoring, assessing features where the condition was previously unknown, many were found to be in unfavourable declining condition.
- Targets and commitments related to monitoring and improving site condition have driven increased monitoring when sufficient resourcing has been available.
- The absence of milestones to monitor the trajectory of sites towards favourable condition hinders Natural England's ability to assess progress and encourage sustained, positive management by owners and occupiers. Stakeholders also told us that, without clear progress indicators, securing funding for the required management measures is more difficult.
- Findings from monitoring have not always been shared with owners and occupiers. This means the information is not used as much as it should be. At the time of finalising this report, some stakeholders noted that the situation had improved in the last two years. We believe this improvement is linked to Natural England's recent work to meet the interim targets in the EIP regarding up-to-date condition assessments and actions being on track.

To improve monitoring, reporting and evaluation in relation to protected sites, we make the following recommendations.

**Recommendation 7:** Defra should consider proposing legislation to Parliament that would, if adopted, establish an express duty for Natural England to monitor and report on the condition of protected sites.

**Recommendation 8:** Monitoring under a risk-based approach should be sufficient to effectively support and demonstrate achievement of the intended outcomes of the legislation, targets and commitments. This should include informing decisions to adapt site management and address pressures. We recommend that:

- (a) Defra and Natural England should set out how they will ensure monitoring supports those outcomes, including how frequently the condition of different types of protected site features should be assessed, and the resources, technologies and expertise needed. This should inform the wider resourcing assessment that we propose in Recommendation 4.
- (b) Natural England should set, monitor and publicly report against milestones for the recovery of SSSI features in unfavourable condition where their recovery is likely to take several years.

**Recommendation 9:** Natural England should provide its evaluation and conclusions from condition assessment monitoring to owners and occupiers in a timely way, clearly explaining where action is required and working with them to ensure actions are effectively implemented.

## Land management incentives and advice

**Conditions for success:** A well-functioning system would be characterised by incentives for owners and occupiers that are widely taken up and that help ensure protected sites are maintained in, or restored to, favourable condition. Site management would embody genuine partnership and collaboration between the responsible public authorities and the owners or occupiers. This would be rooted in relevant and enduring expertise and experience and use a mixture of direct engagement and other approaches.

Inappropriate land management is a widespread cause of the poor condition of protected sites. We looked at how effectively incentives and advice have been applied to encourage positive management on and around protected sites. We found that:

- Historically, there has been limited evidence on the uptake of agri-environment schemes in protected sites. However, it is likely that a large area of protected sites is eligible for, but not being managed under, such schemes. Encouraging uptake over a greater area should help efforts to improve protected sites. Securing higher levels of uptake in areas around protected sites should also help support the achievement of favourable condition by reducing off-site pressures.
- There is some evidence of agri-environment schemes improving SSSI habitats and ecological connectivity. However, broader conclusions are lacking because of minimal integration and consistency between monitoring for agri-environment schemes and protected site outcomes.
- Protected sites have been given limited consideration in the development and application of agri-environment schemes to date. This presents an opportunity to establish greater alignment between these areas.
- Where land is ineligible for an agri-environment scheme, there are a range of other funding options. A key tool for protected sites is the Conservation and Enhancement Scheme. However, we heard that its scale and, therefore, effect are currently limited.
- Owners and occupiers of protected sites told us that they had valued their relationships with Natural England officers. However, their experience was that the availability and quality of advice had declined in recent years.

To improve the effectiveness of incentives and advice for owners and occupiers of protected sites and surrounding areas, we make the following recommendations.

**Recommendation 10:** Agri-environment schemes should be improved to better support the achievement of protected site outcomes. We recommend that:

- (a) Defra should integrate protected site condition monitoring into the design and review of environmental land management schemes. This should include establishing an accurate baseline understanding of agri-environment scheme effectiveness, coverage and eligibility in protected sites and surrounding areas. This should be followed by setting and pursuing SMART targets for achieving improvements in effectiveness and coverage in protected sites and surrounding areas, and regular monitoring and reporting of progress.

- (b) Defra should ensure agri-environment scheme agreements on protected sites include actions to conserve, restore or enhance these sites. To identify the appropriate actions, there should be early engagement with Natural England in the development of individual agreements.
- (c) In providing for financial incentives under agri-environment schemes, Defra should consider how best to reflect the potentially higher costs for owners and occupiers of managing protected sites compared to other areas.
- (d) Defra should allow for longer agreements so they cover the periods needed to enable protected sites to be restored to, and maintained in, favourable condition. As a general rule, we suggest agri-environment scheme agreements in protected sites should be for at least 10 years. They should also be kept under review and revised where necessary.
- (e) Defra should consider how best to support and fund existing farmer clusters or similar groups on protected sites and their surrounding landscapes, and, where appropriate, to enable the establishment and operation of new clusters and groups.

**Recommendation 11:** Defra should determine the area of protected sites ineligible for agri-environment schemes that should be managed through other funding arrangements such as the Conservation and Enhancement Scheme, and ensure that these arrangements are sufficiently resourced to support the intended level of coverage.

**Recommendation 12:** The main agencies (co-ordinated by Natural England and including, where appropriate, the Rural Payments Agency, the Environment Agency and the Forestry Commission) should work collaboratively to implement a co-ordinated advice offer, covering both site-specific and wider landscape-scale actions to maintain or achieve favourable condition. We recommend that they:

- (a) Establish a single point of contact for protected site owners and occupiers with the agencies. This ideally would be a person (not a generic mailbox) with whom owners and occupiers can develop constructive, consistent relationships.
- (b) Provide expert, locally embedded advice for protected site owners and occupiers, on a one-to-one basis. Officers should proactively explain what owners and occupiers can do to improve the condition of their protected sites and help them access funding opportunities to do so.

## Regulatory tools and enforcement

**Conditions for success:** A well-functioning system would be characterised by prompt action, using a range of regulatory approaches and tools, to secure positive management of sites and to deter and address non-compliance.

Regulatory tools are concerned with what must, what may and what may not be done on protected sites. We explore how the use and implementation of these tools can help achieve the law's purpose and intended outcomes. We found that:

- Some consents that were granted before legislative reforms came into effect in 2001 might, if exercised, allow damage or deterioration to protected sites.

- However, legislation requires compensation to be paid where such consents are modified or withdrawn. Indicative estimates by Natural England suggest this could extend to millions of pounds in individual cases. Limited progress has been made in identifying or addressing such consents.
- Statutory tools for Natural England to formulate management schemes for SSSIs, and to serve notices on owners and occupiers to achieve positive management, have rarely been used. There are several barriers to their practical application, including the current Defra guidance (last updated in 2003) that suggests Natural England must offer a voluntary agreement which would meet all the costs of undertaking works in a management scheme, and the limited available budget for doing so.
- Natural England does not undertake proactive monitoring to ensure that the SSSI consenting regime is being complied with. We consider that Natural England should do so in order to improve its ability to ensure the law is implemented effectively.
- Natural England sets out a broadly proportionate intended approach to enforcement. While recorded levels of enforcement action generally appear low, it is hard to assess if enforcement is at the right level because of the absence of proactive monitoring.

**Recommendation 13:** Natural England should identify legacy consents which may allow SSSIs to be damaged and seek to withdraw or modify them. To enable this, Defra should consider proposing legislation that would, if passed by Parliament, amend section 28M(1) of the Wildlife and Countryside Act 1981 to allow Natural England to modify or withdraw such consents to prevent such damage, without making a payment to owners or occupiers.

**Recommendation 14:** Natural England should be able to issue management schemes and notices where necessary to conserve or restore a protected site. We recommend that Defra take action to:

- (a) Enable Natural England to offer agreements on reasonable terms before issuing management notices as required by section 28K of the Wildlife and Countryside Act 1981.
- (b) Remove the expectation in the 2003 statutory guidance that Natural England should cover the full cost of positive management required by a management scheme. This could be achieved when preparing new guidance under the Wildlife and Countryside Act 1981 as suggested in Recommendation 3.

**Recommendation 15:** Monitoring and enforcement need to be sufficient to ensure compliance with protected site laws. We recommend that:

- (a) Natural England should undertake proactive, risk-based monitoring of compliance by owners, occupiers and other parties with protected site laws. It should determine how best to use new technologies to support such activity.
- (b) Natural England should review its levels of enforcement activity, including in the light of such compliance monitoring, to ensure they are adequate to effectively apply the regime and achieve the intended environmental outcomes.

# 1. Introduction



# 1. Introduction

## 1.1 Focus of this report

In England, as in the rest of the UK, nature conservation legislation can be divided between laws relating to the direct protection of rare, threatened or otherwise important species of animals and plants, and those relating to the place-based protection of specific sites and their features. In this report, we cover the latter, specifically the designation and subsequent protection and enhancement of sites for nature on land<sup>1</sup> and in freshwater environments.

Protected sites are cornerstones of nature conservation, both globally<sup>2</sup> and domestically.<sup>3</sup> They are clearly defined geographical areas that are recognised and managed through legal or other effective means (for example, through voluntary agreements), to ensure the long term conservation of species, habitats and geological or physiographical features.<sup>4</sup>

This report focuses on protected sites for the conservation of nationally and internationally important plants, wildlife and other natural features, habitats and species in England. This is the second of two such OEP reports, following our similar report on such protected sites in Northern Ireland.<sup>5</sup> Specifically, in this report we assess the implementation of laws in England for the designation, protection, monitoring and management of:

- Sites of Special Scientific Interest (SSSIs) designated for flora, fauna, or geological or physiographical features under the Wildlife and Countryside Act 1981. Our focus is on SSSIs designated for habitats and species. While we do not cover geology and geomorphology, we note that SSSIs have been found to be effective in conserving England's geology.<sup>6</sup> In addition, many of the statistics and sources of reference we use in this report also include earth science features and sites.
- Special Areas of Conservation (SACs), designated for habitats and species (excluding birds) under the Conservation of Habitats and Species Regulations 2017<sup>7</sup> ('the Habitats Regulations').
- Special Protection Areas (SPAs), designated for vulnerable species of birds and for regularly occurring migratory species, under the Habitats Regulations.

In this report, we use the general term 'protected sites' to refer to SSSIs, SACs and SPAs on land and in freshwater. Annex 1 presents a wider glossary of terms that we use in this report which have a specific meaning, along with a list of abbreviations.

1 For the purposes of this report, we have defined 'land' and 'terrestrial' (which we use interchangeably) as extending down to the mean low water mark.

2 Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 69.

3 Defra, 'Environmental Improvement Plan 2023' (2023) <[www.gov.uk/government/publications/environmental-improvement-plan](https://www.gov.uk/government/publications/environmental-improvement-plan)> accessed 17 July 2024.

4 Secretariat of the Convention on Biological Diversity, 'Convention on Biological Diversity: Texts and Annexes' (United Nations 2011) <[www.cbd.int/doc/legal/cbd-en.pdf](https://www.cbd.int/doc/legal/cbd-en.pdf)> accessed 17 June 2024.

5 Office for Environmental Protection, 'Review of Implementation of Laws for Terrestrial and Freshwater Protected Sites in Northern Ireland' (2025) <[www.theoep.org.uk/report/action-urgently-needed-protect-and-restore-northern-irelands-natural-treasures-says-oep](https://www.theoep.org.uk/report/action-urgently-needed-protect-and-restore-northern-irelands-natural-treasures-says-oep)> accessed 27 July 2025.

6 Colin D. Prosser and Hannah C. Townley, 'Sites of Special Scientific Interest: Their Role and Importance in Conserving England's Geoheritage' (2025) 136 Proceedings of the Geologists' Association 101095.

7 The Conservation of Habitats and Species Regulations 2017, UK Statutory Instruments 2017 No. 1012.



These protected sites for nature exist within a broader array of place-based designations, with significant variation in their management, governance and use.<sup>8</sup> These include sites designated for their natural beauty (for example, National Landscapes) or heritage value. There are also a range of designations focused on nature conservation, including those such as National Nature Reserves (NNRs) which may have the additional purpose of encouraging people to experience, engage with and enjoy nature.

Several aspects of protected sites are out of the scope of this report. We do not review the implementation of laws for Marine Protected Areas. This is because we are separately gathering evidence on the contributions of Marine Protected Areas in England and Northern Ireland to the achievement of 'good environmental status' of marine waters. We have commenced an investigation into this topic.<sup>9</sup> We also do not address the operation of environmental assessment regimes such as Habitats Regulations Assessments, as we have reported on this as part of an earlier project.<sup>10</sup>

Separately, the OEP is currently undertaking an investigation into the implementation of certain duties within the Habitats Regulations (see Box 1.1 below). We therefore do not consider matters relating to these duties in this report.

### **Box 1.1. OEP investigations into Special Protection Areas and protection of wild birds**

In March 2024, the OEP launched an investigation<sup>11</sup> into indications that the Department for Environment, Food and Rural Affairs (Defra) and Natural England may have failed to comply with their duties to classify, manage or adapt SPAs, and to protect and maintain wild bird populations more widely, as required by the Habitats Regulations.

Many bird populations in the UK are in decline,<sup>12</sup> and SPAs play a vital role in conserving rare and threatened wild birds. A key consideration of the investigation is the implementation of recommendations made by the Joint Nature Conservation Committee (JNCC) and other statutory nature conservation bodies on the classification, adaptation and management of SPAs. These recommendations were provided through three reviews of the SPA network, published in 1992, 2001 and partially in 2016 and 2025.

Having identified these issues as a topic of interest, the OEP subsequently received evidence through this project's Call for Evidence which highlighted gaps in implementation of the SPA network reviews as an area of concern.

- 8 Nigel Dudley and others, 'The Revised IUCN Protected Area Management Categories: The Debate and Ways Forward' (2010) 44 *Oryx* 485.
- 9 Office for Environmental Protection, 'OEP Launches Investigation into a Suspected Failure by Defra to Take the Necessary Measures to Achieve Good Environmental Status (GES) of Marine Waters' (8 January 2025) <[www.theoep.org.uk/news/oep-launches-investigation-suspected-failure-defra-take-necessary-measures-achieve-good](https://www.theoep.org.uk/news/oep-launches-investigation-suspected-failure-defra-take-necessary-measures-achieve-good)> accessed 8 April 2025.
- 10 Office for Environmental Protection, 'A Review of the Implementation of Environmental Assessment Regimes in England' (2023) <[www.theoep.org.uk/report/environmental-assessments-are-not-effective-they-should-be-due-practical-barriers](https://www.theoep.org.uk/report/environmental-assessments-are-not-effective-they-should-be-due-practical-barriers)> accessed 15 January 2025.
- 11 Office for Environmental Protection, 'OEP Launches Investigations into Special Protection Areas for Wild Birds' (18 March 2024) <[www.theoep.org.uk/news/oep-launches-investigations-special-protection-areas-wild-birds](https://www.theoep.org.uk/news/oep-launches-investigations-special-protection-areas-wild-birds)> accessed 25 April 2024.
- 12 Andrew J Stanbury and others, 'The Status of Our Bird Populations: The Fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and Second IUCN Red List Assessment of Extinction Risk for Great Britain' (2021) 114 *British Birds* 723; Gillian Gilbert, Andrew Stanbury and Lesley Lewis, 'Birds of Conservation Concern in Ireland 4: 2020–2026' (2021) 43 *Irish Birds* 1.

Alongside this investigation, we began a similar investigation in Northern Ireland. At the same time, Environmental Standards Scotland launched an investigation into similar issues in Scotland, with the Interim Environmental Protection Assessor for Wales also undertaking work relating to protected sites.

To find the latest information on the OEP investigations, see our Investigations webpage.<sup>13</sup>

The remainder of this chapter summarises the purpose and scope of our assessment, setting out the ecological and other benefits of protected sites, and the evolving policy framework in relation to them. We provide a summary of relevant laws relating to protected sites, their state (extent and condition), and our approach to the work of assessing the implementation of these laws.

## 1.2 Protecting sites for habitats and species

Protected sites are intended to be, and in many cases are, a crucial mechanism for halting and reversing the decline of biodiversity, and supporting the recovery of the natural environment.<sup>14</sup> Protected sites are not, however, immune to wider losses of biodiversity or landscape-scale pressures.<sup>15</sup>

SSSIs, SPAs and SACs in the UK provide vital protection to nationally and internationally important species and habitats (Box 1.2).

### Box 1.2. Examples of the benefits of protected sites for nature in the United Kingdom

**Bird species and communities:** Studies have demonstrated that rare and declining bird species, as well as birds with specific habitat requirements, can gain substantial benefits from protected sites. These benefits are reflected in increases in their occurrence, abundance, productivity and colonisation.<sup>16</sup> Protected sites have also been shown to provide ‘spillover’ benefits for birds in the wider countryside,<sup>17</sup> and support colonisation driven by climate change.<sup>18</sup>

13 Office for Environmental Protection, ‘Investigations’ <[www.theoep.org.uk/investigations](https://www.theoep.org.uk/investigations)> accessed 11 March 2025.

14 Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 69; International Union for Conservation of Nature, ‘Conserving at Least 30% of the Planet by 2030 – What Should Count?’ (2023) <[www.iucn.org/resources/factsheet/conserving-least-30-planet-2030-what-should-count](https://www.iucn.org/resources/factsheet/conserving-least-30-planet-2030-what-should-count)> accessed 19 June 2024.

15 Charles A Cunningham and others, ‘The Effectiveness of the Protected Area Network of Great Britain’ (2021) 257 Biological Conservation 109146.

16 Ailidh E Barnes and others, ‘Rare and Declining Bird Species Benefit Most from Designating Protected Areas for Conservation in the UK’ (2022) 7 Nature Ecology & Evolution 92.

17 Fiona J Sanderson and others, ‘Benefits of Protected Area Networks for Breeding Bird Populations and Communities’ (2023) 26 Animal Conservation 279.

18 Chris D Thomas and others, ‘Protected Areas Facilitate Species’ Range Expansions’ (2012) 109 Proceedings of the National Academy of Sciences 14063.

**Habitats:** Some 68% of the total remaining resource of semi-natural grassland in England is found within SSSIs.<sup>19</sup> Evidence has demonstrated that these SSSIs have retained 91% of their original grassland habitat, compared with only 27% being retained outside the SSSIs.<sup>20</sup> Fenlands and heathlands have also been shown to be in better condition within SSSIs than those outside.<sup>21</sup>

**Invertebrate species and communities:** Protected sites have greater species richness compared to unprotected areas, with 15% more invertebrate species and almost double the number of rare species.<sup>22</sup> Recovery of butterfly populations has coincided with greater protection and management of sites,<sup>23</sup> and trends for populations of threatened butterflies have been generally positive in protected sites considered to be in 'favourable condition'.<sup>24</sup> Protected sites have also been shown to provide 'landing pads' for range-shifting pollinators,<sup>25</sup> and to enable colonisation driven by climate change.<sup>26</sup>

The importance of protected sites is reflected in nature conservation policy at both the domestic and international scales.

## 1.2.1 The Convention on Biological Diversity

The UK is a party to the Kunming-Montreal Global Biodiversity Framework (GBF) under the Convention on Biological Diversity.<sup>27</sup> This sets out a vision and framework to conserve, use sustainably, and share equitably the benefits of biodiversity.<sup>28</sup>

The framework includes four goals for 2050 and 23 targets to be met by 2030. The latter are intended to enable achievement of the former. The UK and other parties to the convention must translate the framework into national proposals,<sup>29</sup> and set out these proposals and report on progress to the Secretariat.<sup>30</sup>

Of these targets, many relate to, or will affect, protected sites. These include targets to halt species' extinction (GBF Target 4),<sup>31</sup> reduce pollution (GBF Target 7),<sup>32</sup> and ensure that data and information are available and accessible (GBF Target 21).<sup>33</sup>

- 19 Natural England, 'State of the Natural Environment 2008' (2008) NE85 <<https://publications.naturalengland.org.uk/publication/31043>> accessed 17 January 2025.
- 20 Lucy E Ridding, John W Redhead and Richard F Pywell, 'Fate of Semi-Natural Grassland in England between 1960 and 2013: A Test of National Conservation Policy' (2015) 4 *Global Ecology and Conservation* 516.
- 21 E Hewins and others, 'The Condition of Lowland Heathland: Results from a Sample Survey of Non SSSI Stands in England' (Natural England 2007) <<https://publications.naturalengland.org.uk/publication/36001>> accessed 26 June 2024; Natural England, 'State of the Natural Environment 2008' (n 19) ch 7.
- 22 Rob Cooke and others, 'Protected Areas Support More Species than Unprotected Areas in Great Britain, but Lose Them Equally Rapidly' (2023) 278 *Biological Conservation* 109884.
- 23 Tom M Brereton and others, 'The Changing Status of the Chalkhill Blue Butterfly *Polyommatus coridon* in the UK: The Impacts of Conservation Policies and Environmental Factors' (2008) 12 *Journal of Insect Conservation* 629.
- 24 Harriet Davies and others, 'Government Targets for Protected Area Management: Will Threatened Butterflies Benefit?' (2007) 16 *Biodiversity and Conservation* 3719.
- 25 Cooke and others (n 22).
- 26 Thomas and others (n 18).
- 27 Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 69.
- 28 Kunming-Montreal Global Biodiversity Framework (adopted 19 December 2022) CBD/COP/DEC/15/4.
- 29 Art 6, Convention on Biological Diversity.
- 30 Art 26, Convention on Biological Diversity.
- 31 Convention on Biological Diversity, 'Target 4 Halt Species Extinction, Protect Genetic Diversity, and Manage Human-Wildlife Conflicts' <[www.cbd.int/gbif/targets/4](http://www.cbd.int/gbif/targets/4)> accessed 27 February 2025.
- 32 Convention on Biological Diversity, 'Target 7 Reduce Pollution to Levels That Are Not Harmful to Biodiversity' <[www.cbd.int/gbif/targets/7](http://www.cbd.int/gbif/targets/7)> accessed 27 February 2025.
- 33 Convention on Biological Diversity, 'Target 21 Ensure That Knowledge Is Available and Accessible To Guide Biodiversity Action' <[www.cbd.int/gbif/targets/21](http://www.cbd.int/gbif/targets/21)> accessed 27 February 2025.

Protected sites are central to GBF Target 3.<sup>34</sup> This is aimed at effectively conserving and managing, at least 30% of land and inland waters, and 30% of seas, by 2030, for biodiversity. Target 3 is often referred to as the ‘30 by 30’ target for protected areas. This is closely linked with, and supported by, GBF Target 2,<sup>35</sup> which focuses on restoring at least 30% of all degraded ecosystems by the same year (see Box 1.3 which reproduces the specific text from the GBF). Together, these two targets create a framework and requirement for both conservation and restoration efforts across the UK as well as in other countries that are parties to the convention.

### **Box 1.3. Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity**

#### **Global targets for 2030**

‘The Kunming-Montreal Global Biodiversity Framework has 23 action-oriented global targets for urgent action over the decade to 2030. The actions set out in each target need to be initiated immediately and completed by 2030. Together, the results will enable achievement towards the outcome-oriented goals for 2050. Actions to reach these targets should be implemented consistently and in harmony with the Convention on Biological Diversity and its Protocols, and other relevant international obligations, taking into account national circumstances, priorities and socioeconomic conditions’.<sup>36</sup>

#### **Target 2: Restore 30% of all degraded ecosystems**

‘Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity’.<sup>37</sup>

#### **Target 3: Conserve 30% of land, waters and seas**

‘Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognising and respecting the rights of indigenous peoples and local communities, including over their traditional territories’.<sup>38</sup>

34 Convention on Biological Diversity, ‘Target 3 Conserve 30% of Land, Waters and Seas’ <[www.cbd.int/gbf/targets/3](http://www.cbd.int/gbf/targets/3)> accessed 10 June 2024.

35 Convention on Biological Diversity, ‘Target 2 Restore 30% of All Degraded Ecosystems’ <[www.cbd.int/gbf/targets/2](http://www.cbd.int/gbf/targets/2)> accessed 27 February 2025.

36 Convention on Biological Diversity, ‘Convention on Biological Diversity: 2030 Targets with Guidance Notes’ <[www.cbd.int/gbf/targets](http://www.cbd.int/gbf/targets)> accessed 10 June 2024.

37 Convention on Biological Diversity, ‘Target 2 Restore 30% of All Degraded Ecosystems’ (n 35).

38 Convention on Biological Diversity, ‘Target 3 Conserve 30% of Land, Waters and Seas’ (n 34).

As well as ensuring at least 30% of land and inland waters are effectively conserved, Target 3 requires that these areas are also effectively managed. Guidance for this target states that the protected areas and ‘other effective area-based conservation measures’<sup>39</sup> must be managed with the primary objective of achieving positive outcomes for biodiversity. This requires the adoption of ‘appropriate management objectives and processes, governance systems, adequate and appropriate resourcing and consistent monitoring’.<sup>40</sup> The condition of sites, and their species and habitats, is therefore of equal importance to the spatial extent of area designated. We discuss specific issues associated with governance, resourcing and monitoring for protected sites in England in Chapters 2, 3 and 5 of this report, respectively.

Defra set out the government’s approach to achieving the ‘30 by 30’ target on land in 2023<sup>41</sup> and 2024.<sup>42</sup> The latter states that SSSIs will only count towards meeting the target where they are in ‘favourable’ or ‘unfavourable recovering’ condition. It also presents an ‘indicative assessment’ of land counting towards 30 by 30 which we reproduce in Table 1.1.

**Table 1.1. Defra’s indicative assessment of land counting towards 30 by 30 (as of October 2024)<sup>43</sup>**

Area	Approximate % of England (to mean low water)
Total areas that currently count (indicative)	7.1%
SSSIs in ‘favourable’ or ‘unfavourable recovering’ condition	6.4%
Additional areas beyond SSSIs (public woodland under favourable management for biodiversity, and NNRs)	0.7%

‘Favourable condition’ is the intended environmental outcome for SSSIs. It means that a SSSI’s ‘features’ are meeting their condition objectives. The features are those elements within the site, such as particular types of habitats or species, for which it has been designated for protection. ‘Unfavourable recovering’ means that a feature in unfavourable condition has begun to show, or is continuing to show, a trend towards favourable condition.

We describe the other condition assessment categories for SSSIs, beyond ‘favourable’ and ‘unfavourable recovering’, in Chapter 5 (Box 5.1). SSSIs in these other conditions will not count towards meeting the 30 by 30 commitments.

39 We do not address ‘other effective area-based conservation measures’ in this report.  
40 See the section on “explanation of the target and its elements” as part of Convention on Biological Diversity, ‘Target 3 Conserve 30% of Land, Waters and Seas’ (n 34).  
41 Defra, ‘Delivering 30by30 on Land in England’ (2023) <[www.gov.uk/government/publications/delivering-30by30-on-land-in-england](https://www.gov.uk/government/publications/delivering-30by30-on-land-in-england)> accessed 5 September 2025.  
42 Defra, ‘Criteria for 30by30 on Land in England’ (2024) <[www.gov.uk/government/publications/criteria-for-30by30-on-land-in-england](https://www.gov.uk/government/publications/criteria-for-30by30-on-land-in-england)> accessed 5 September 2025.  
43 *ibid*.

## 1.2.2 The Environmental Improvement Plan (EIP) and environmental targets

Under the Environment Act 2021, the Secretary of State is required to prepare an EIP.<sup>44</sup> The EIP during the period over which this project was conducted was that adopted for England by the then government in 2023.<sup>45</sup> This identified 10 main goals, accompanied by proposals and commitments for actions and future outcomes. It included the commitment to restore 75% of England's SSSIs to 'favourable condition' by 2042. This commitment was previously introduced in the 25 Year Environment Plan in 2018.<sup>46</sup>

The EIP is under review at the time of this report's completion. However, while undertaking this review, the current government's Minister for Nature has reconfirmed the commitment to restore 75% of SSSIs to favourable condition by 2042.<sup>47</sup>

In addition, government is subject to a number of legally binding biodiversity targets that have been set under the Environment Act.<sup>48</sup> These include targets to: halt the decline in the abundance of species by 2030,<sup>49</sup> and then increase abundance by at least 10% by 2042;<sup>50</sup> and reduce the risk of species' extinction by 2042, when compared to 2022.<sup>51</sup>

Protected sites are expected to make an important contribution to meeting these binding biodiversity targets. The then government's impact assessment for these targets stated in 2022 that:

'for species abundance and species extinction risk ambitions to be realised, action on improving the condition of protected sites in line with the 25 Year Environment Plan goal of restoring 75% of our terrestrial and freshwater protected sites to favourable condition is vital'.<sup>52</sup>

The EIP adopted by the then government in 2023 similarly identified the commitment to restore 75% of SSSIs to favourable condition by 2042 as 'critical to our biodiversity commitments'. The current Minister for Nature also highlighted SSSIs as 'one of the most effective tools for protecting and enhancing biodiversity' in reconfirming that commitment in early 2025.<sup>53</sup>

In addition, interim targets for the monitoring and management of SSSIs have been set under the Environment Act in the EIP in 2023. These are for SSSI condition assessments to be up to date, and for 50% of SSSIs to have actions on track to achieve favourable condition, by 31 January 2028. These interim targets were established to support achievement of the Environment Act biodiversity targets as well as the commitment to restore 75% of SSSIs to favourable condition.

Chapter 2 of this report discusses current and previous targets and commitments related to protected sites in more detail.

44 Section 8, Environment Act 2021.

45 Defra, 'Environmental Improvement Plan 2023' (n 3).

46 Defra, 'A Green Future: Our 25 Year Plan to Improve the Environment' (2018) <[www.gov.uk/government/publications/25-year-environment-plan](https://www.gov.uk/government/publications/25-year-environment-plan)> accessed 14 March 2025.

47 Defra, 'Nature Conservation Question for Department for Environment, Food and Rural Affairs' (UK Parliament 2025) <<https://questions-statements.parliament.uk/written-questions/detail/2025-01-08/22660/>> accessed 4 September 2025.

48 Sections 1 and 3, Environment Act 2021.

49 Regulation 11, Environmental Targets (Biodiversity) (England) Regulations 2023.

50 Regulation 14, Environmental Targets (Biodiversity) (England) Regulations 2023.

51 Regulation 4, Environmental Targets (Biodiversity) (England) Regulations 2023.

52 Defra, 'The Environment Act – Terrestrial Biodiversity Targets: Impact Assessment' 23 <[https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting\\_documents/Biodiversity%20terrestrial%20targets%20%20Impact%20Assessment.pdf](https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting_documents/Biodiversity%20terrestrial%20targets%20%20Impact%20Assessment.pdf)> accessed 10 September 2025.

53 Defra, 'Nature Conservation Question for Department for Environment, Food and Rural Affairs' (n 47).



### 1.2.3 The wider benefits of protected sites

Beyond nature conservation, protected sites provide wider benefits to society and to the economy. These areas provide ecosystem services including climate change mitigation and adaptation (for example, carbon sequestration)<sup>54</sup> and support for pollinators.<sup>55</sup> They also enhance human health and well-being by offering opportunities to spend time in nature,<sup>56</sup> and preserve historical and cultural values.<sup>57</sup> It was reported in 2009 that there were ‘around 380 million visits a year to SSSIs, with over 40 different types of recreational and educational activity taking place, including organised walks and open days.’<sup>58</sup>

Box 1.4 provides an illustration of the application and benefits of protected sites in the case of the Humber Estuary. More broadly, research has shown that investing in protected sites benefits the economy and society. One study published in 2012 calculated the annual value that SSSI conservation policies provide in terms of ecosystem service benefits at some £956 million. The same study assessed an annual £111 million cost of managing SSSIs.<sup>59</sup> In other words, the value of the benefits from investing in SSSIs was seen to be almost nine times as high as public expenditure on them. A further study in 2021 reached a similar conclusion. It found that the benefits of improving SSSI condition far outweigh the costs of doing so.<sup>60</sup>

Such benefits, and the ratio of costs to benefits, are sensitive to funding levels. Increased and long term funding supports site conservation benefits and ecosystem, while reductions in funding can lead to site condition degradation and loss of wider benefits.<sup>61</sup> We explore issues of resourcing in Chapter 3 of this report.

#### Box 1.4. Protected sites and the Humber Estuary

The Humber Estuary is on England’s east coast and drains a catchment area of some 24,500km<sup>2</sup>, which is around 20% of the total land surface of England. It is estimated that up to 1.26 million tonnes of sediment may be present in its waters.<sup>62</sup> These high suspended sediment loads feed a dynamic and rapidly changing system of growing and eroding mudflats, sandflats and saltmarshes, with tidal reedbeds developing where salinity falls upstream.

The Humber is designated as a SSSI, SAC and SPA, with its natural habitats supporting thousands of waterbirds such as golden plover, avocet, and internationally important populations of pink-footed goose.<sup>63</sup> The estuary is also an important site for grey seals who come ashore each autumn to give birth, and for lamprey (a primitive, eel-like jawless fish) which migrate through its waters.

54 Rob H Field and others, ‘The Value of Habitats of Conservation Importance to Climate Change Mitigation in the UK’ (2020) 248 Biological Conservation 108619.

55 Cooke and others (n 22).

56 Nick Hanley and others, ‘Sites of Special Scientific Interest (SSSI) Economics’ (Natural England 2022) NECR415 <<https://publications.naturalengland.org.uk/publication/6319377778737152>> accessed 23 June 2024.

57 Sue Solton, Peter Shadie, and Nigel Dudley, ‘Guidelines for Applying Protected Area Management Categories’ (International Union for Conservation of Nature 2013) <<https://portals.iucn.org/library/node/30018>>.

58 Public Accounts Committee, ‘DEFRA: Natural England’s Role in Improving Sites of Special Scientific Interest - Public Accounts Committee’ (2009) <[www.publications.parliament.uk/pa/cm200809/cmselect/cmpubacc/244/24403.htm](http://www.publications.parliament.uk/pa/cm200809/cmselect/cmpubacc/244/24403.htm)> accessed 11 August 2024.

59 Mike Christie and Matt Rayment, ‘An Economic Assessment of the Ecosystem Service Benefits Derived from the SSSI Biodiversity Conservation Policy in England and Wales’ (2012) 1 Ecosystem Services 70.

60 Caroline Hattam and others, ‘Costs and Benefits of England’s Biodiversity Ambition’ (ICF and Etec 2021) 95–97 <<https://randd.defra.gov.uk/ProjectDetails.aspx?ProjectId=21641>> accessed 9 June 2025.

61 Hanley and others (n 56).

62 Humber Nature Partnership, ‘About the Humber Estuary’ <[www.humburnature.co.uk/humber-estuary](http://www.humburnature.co.uk/humber-estuary)> accessed 14 September 2025.

63 British Trust for Ornithology, ‘Waterbirds in the UK 2023/24. BTO/RSPB/JNCC/NatureScot’ (2025) <[www.bto.org/our-work/science/publications/reports/waterbirds-uk/2023-24](http://www.bto.org/our-work/science/publications/reports/waterbirds-uk/2023-24)> accessed 14 September 2025. See Tables 3 and 4.

Alongside its ecological importance, the Humber is a major industrial area and trade gateway, with 17% of the UK's seaborne trade passing through the estuary. Industries along the shoreline include chemical works, oil refinery complexes and power stations.

Green Port Hull, on the Humber's north bank, is the UK's first dedicated offshore wind manufacturing and logistics hub. It produces blades and pre-assembles turbine towers for North Sea wind farms. Associated British Ports (ABP) and Siemens Gamesa are working together at Green Port Hull to play a key role in achieving the government's targets of net zero emissions by 2050.

An integral part of this development was the Siemens Gamesa blade factory, whose socio-economic benefits included the initial recruitment of a 1,000-strong workforce from the local area. Siemens Gamesa continues to invest, with a further £186 million investment doubling the size of its factory in Hull. As of 2025, the site has a workforce of 1,600 people. The project also involved creating 7.5 hectares of new intertidal habitat to offset the effects of the development.

ABP told us that it was acutely aware of the importance of the estuarine habitats within which it operates. It said that: 'The Humber is a vital trade gateway and boasts the deepest water between the Thames and the Tees. It is an incredibly important strategic national asset but realising its potential for seaborne freight is only possible by applying the most rigorous environmental standards to ensure its ecological coherence is maintained. ABP has recognised its need to invest and grow, in order to support the UK's continually evolving trading needs, and balanced its environmental obligations, for example, via the recent creation of a large managed realignment site on the north bank at Skeffling. This wildlife site, built in collaboration with the Environment Agency, has been proactively created by ABP in order to meet the various future environmental legal obligations promoted by various pieces of planning legislation. Habitat at Skeffling will therefore be 'drawn down' as and when future port growth proposals could unavoidably result in habitat losses'.

The Humber Nature Partnership (HNP) has been bringing together stakeholders on the estuary since 2002.<sup>64</sup> As well as working with its members to help them meet their statutory duties, the HNP aims to 'increase awareness and appreciation of the natural environment of the Humber' and ensure that outdoor pursuits can be enjoyed without damage or disturbance to the protected site.<sup>65</sup> The HNP told us it engages with the general public through online social media, face-to-face events and via the Humber Nature Forum. The forum brings together statutory bodies, businesses and members of the public to learn about, discuss and resolve important ecological issues on the estuary.

The south bank, close to Grimsby, has a strategic mitigation scheme in operation. The local planning authority (North East Lincolnshire Council) has proactively created wet grassland habitat which is managed for birds. Developers make a financial contribution to 'draw down' on this available land in proportion to the size of their development site. This approach has removed the need for developers to gather their own evidence or establish their own mitigation strategies on a case-by-case basis.<sup>66</sup>

64 Whilst the Nature Partnership was created after the 2011 Natural Environment White Paper, the estuary partnership previously operated as the Humber Industry Nature Conservation Association.

65 Humber Nature Partnership, 'About Us - The Humber Nature Partnership' <[www.humburnature.co.uk/about-us](http://www.humburnature.co.uk/about-us)> accessed 15 September 2025.

66 Office for Environmental Protection, 'A Review of the Implementation of Environmental Assessment Regimes in England' (n 10). See Figure 7.



The designation and management of the Humber Estuary have therefore protected and improved the environment while allowing the operation and continued commercial development of its ports and other infrastructure. This illustrates how protected sites can work effectively alongside economic growth, providing benefits for people and nature.

**Photo 3. Shorebirds on the Humber Estuary**



Photo Credit: Graham P Catley

## 1.3 Protected sites in England

### 1.3.1 Number and extent of protected sites

The first SSSIs were designated under the National Parks and Access to the Countryside Act 1949. Designation of SACs and SPAs began much later following the adoption and implementation of European directives (see Section 1.4.2). At the time of completing this report, there are just over 4,100 SSSIs,<sup>67</sup> 252 SACs<sup>68</sup> and 85 SPAs.<sup>69</sup> There are some 13,000 owners and occupiers of these sites.<sup>70</sup>

The area of England above mean low water designated as SSSIs covers just over 1 million hectares. In addition, almost 666,000 hectares are designated as SACs and just over

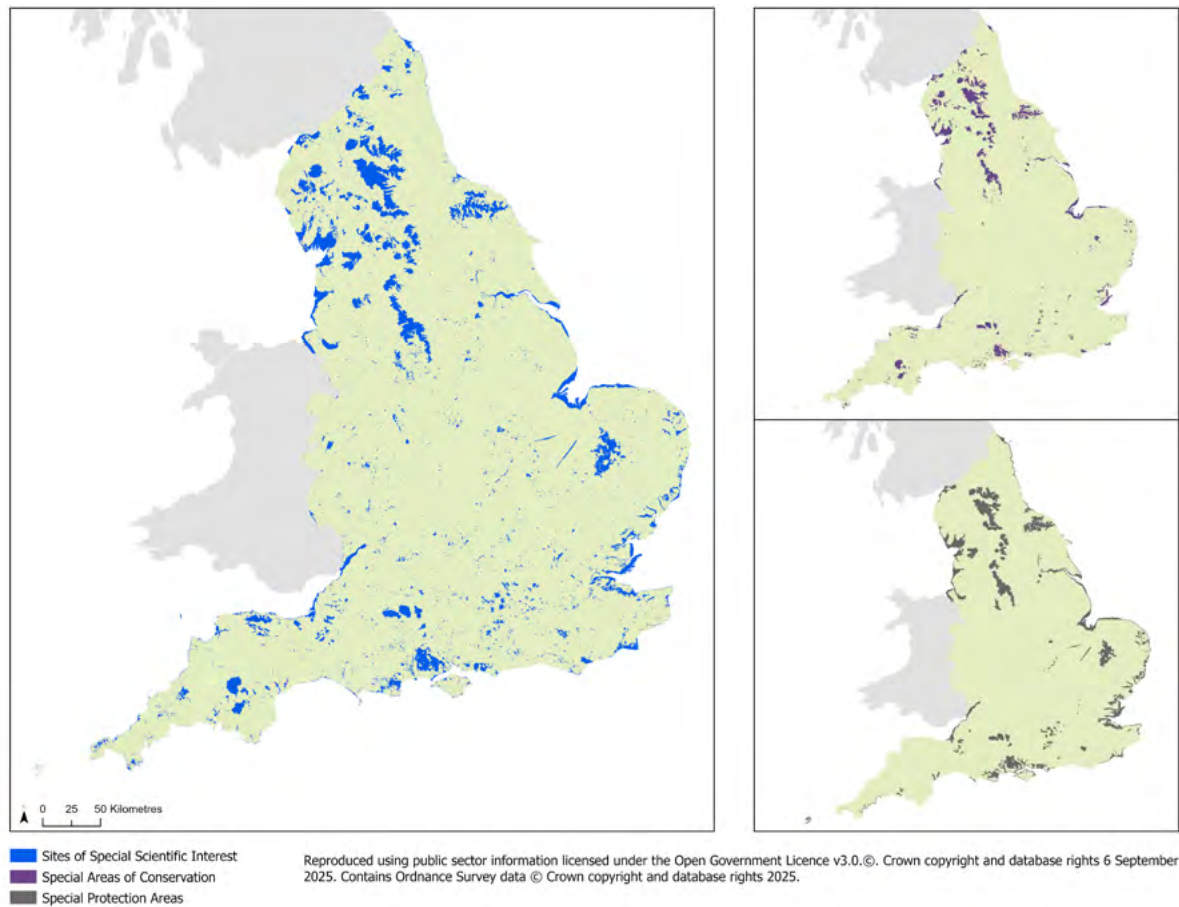
67 Brian Davies, 'Investing in Sites of Special Scientific Interest (SSSIs)' (23 August 2023) <<https://naturalengland.blog.gov.uk/2023/08/24/investing-in-sites-of-special-scientific-interest-sssis/>> accessed 8 August 2025.

68 JNCC, 'Special Areas of Conservation' (30 April 2025) <[www.jncc.gov.uk/our-work/special-areas-of-conservation/](http://www.jncc.gov.uk/our-work/special-areas-of-conservation/)> accessed 8 August 2025. This includes 10 cross-border sites with Scotland and Wales.

69 JNCC, 'Special Protection Areas' <[www.jncc.gov.uk/our-work/special-protection-areas/](http://www.jncc.gov.uk/our-work/special-protection-areas/)> accessed 8 August 2025. This includes 3 cross-border sites with Scotland and Wales.

70 Brian Davies (n 67).

644,000 hectares are designated as SPAs.<sup>71</sup> The areas of protected sites with these different designations overlap to a large degree, so the separate figures cannot be summed. Figure 1.1 shows the areas of England with these designations.



**Figure 1.1. Map of terrestrial and freshwater Sites of Special Scientific Interest, Special Areas of Conservation and Special Protection Areas designated in England. Sites are shown to mean low water**

As discussed further in Chapter 4, the percentage of land within protected sites in England is comparatively low. Approximately 7.7% is designated as SSSIs.<sup>72</sup> This is the same as the 7.7% coverage of equivalent sites in Northern Ireland,<sup>73</sup> and less than the 12.0% in Wales,<sup>74</sup> and 12.6% in Scotland.<sup>75</sup> The combined coverage of SACs and SPAs (6.4%)<sup>76</sup> in England is lower than that in all of the European Union (EU) countries (see Chapter 4, Figure 4.3).

Although this report does not cover marine designations, it is also notable that while designations at sea began at a lower starting point (for the period covered by the available

71 Defra, 'ENV09 - England Biodiversity Indicators' <[www.gov.uk/government/statistical-data-sets/env09-england-biodiversity-indicators](http://www.gov.uk/government/statistical-data-sets/env09-england-biodiversity-indicators)> accessed 15 May 2025.

72 Calculated on basis of total England land area 13,046,000 ha, with 1,009,620 ha of SSSI. Data obtained from Natural England, 'Sites of Special Scientific Interest (England)' <<https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::sites-of-special-scientific-interest-england/about>> accessed 3 March 2025.

73 Office for Environmental Protection, 'Review of Implementation of Laws for Terrestrial and Freshwater Protected Sites in Northern Ireland' (n 5). Equivalent sites in Northern Ireland are called 'Areas of Special Scientific Interest' (ASSIs) rather than SSSIs.

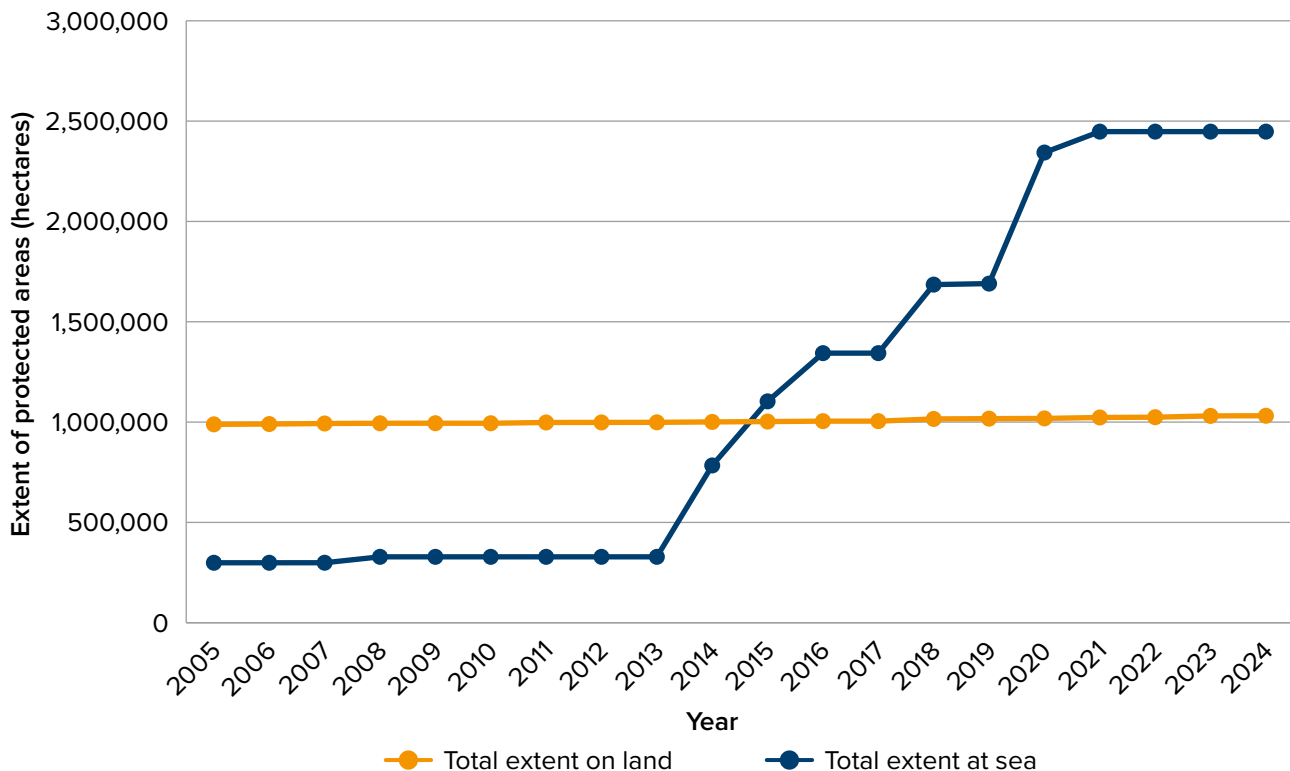
74 Calculated on basis of total Welsh land area 2,120,341 ha, with 255,264 ha of SSSI. Data obtained from Natural Resources Wales, 'Sites of Special Scientific Interest (SSSI)' <<https://datamap.gov.wales/showmetadata/xsl/386>> accessed 13 January 2025.

75 Calculated on basis of Scotland's total land area 7,878,900 ha, with 1,011,000 ha of SSSI. Data obtained from NatureScot, 'Sites of Special Scientific Interest (SSSIs)' <[www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/national-designations/sites-special-scientific-interest-sssis](http://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/national-designations/sites-special-scientific-interest-sssis)> accessed 13 January 2025.

76 Data provided by JNCC.

data), the area designated at sea now far exceeds that on land. Over a 19-year period (see Figure 1.2), the area of terrestrial designations in England increased by 4.3% (42,133 hectares). In contrast, designations in the inshore marine environment increased by 719% (2,148,716 hectares). These figures include Ramsar Sites (wetlands of international importance designated under the Ramsar Convention – see Section 1.4.2), Marine Conservation Zones and NNRs as well as SSSIs, SACs and SPAs.

This means that, in contrast to the just over 1 million hectares of terrestrial and freshwater sites, representing 7.7% of land cover, some 2.4 million hectares of marine sites have been designated, representing 49% of English inshore waters.<sup>77</sup>



**Figure 1.2. Total extent of designated areas in England above mean low water (on land) and below mean low water (at sea)<sup>78</sup>**

### 1.3.2 Condition of Sites of Special Scientific Interest

Prior to 2000, there was no overall assessment of the condition of SSSIs. However, it was thought that many were failing to protect the habitats and species for which they had been designated. Following the creation of a Public Service Agreement (PSA) target (see Chapter 2), a baseline for their condition was determined in 2003. This found that 44.6% of the total area of SSSIs was in favourable condition, 13.7% was in unfavourable recovering condition and 41.5% was in either unfavourable no change or unfavourable declining condition, while the remainder had been destroyed.<sup>79</sup>

<sup>77</sup> Data taken from Defra, 'Extent and Condition of Protected Areas' (30 May 2025) <[www.gov.uk/government/statistics/england-biodiversity-indicators/1-extent-and-condition-of-protected-areas--2](https://www.gov.uk/government/statistics/england-biodiversity-indicators/1-extent-and-condition-of-protected-areas--2)> accessed 15 May 2025. Note that these data cover the following designations: SSSIs, SACs, SPAs, Ramsar Sites, Marine Conservation Zones and National Nature Reserves. Any one protected area can have more than one designation, but each site contributes only once to the indicator total.

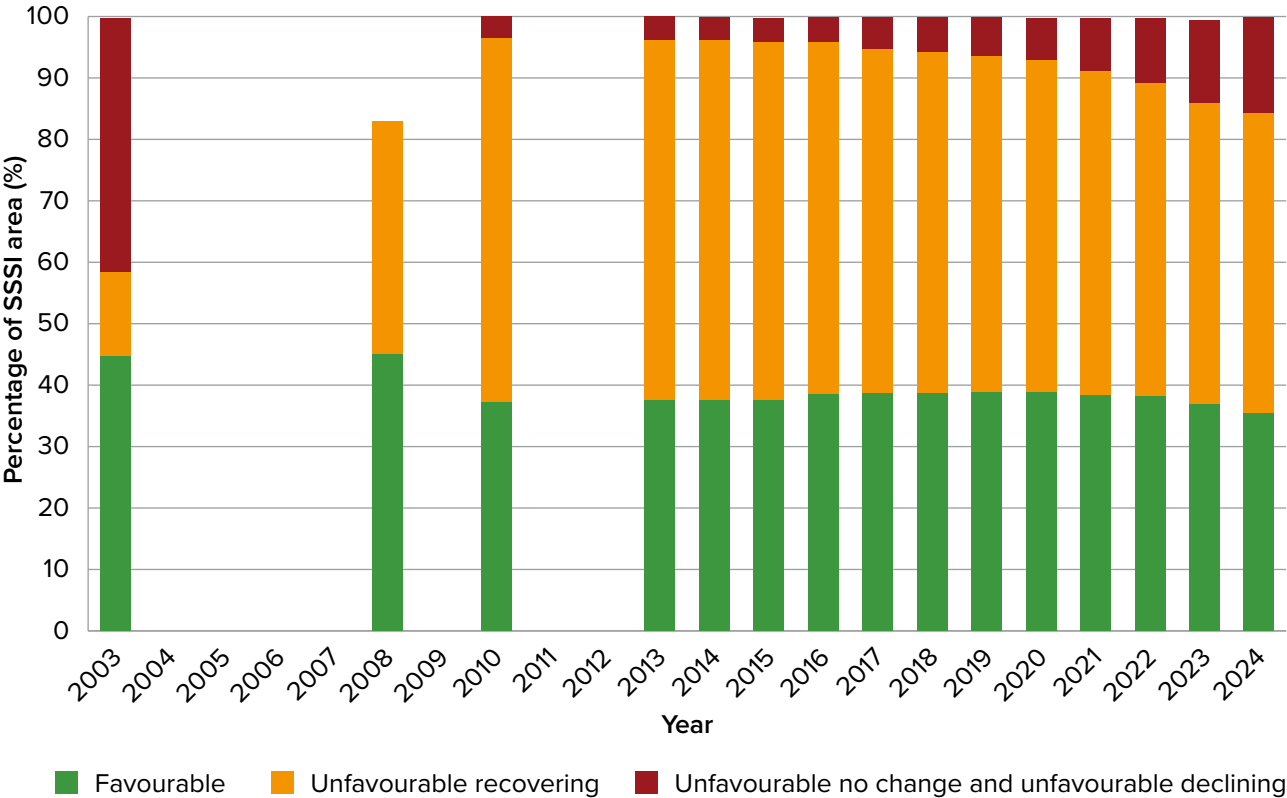
<sup>78</sup> *ibid.*

<sup>79</sup> Natural England, 'Protecting England's Natural Treasures, Sites of Special Scientific Interest' (2011) <<https://publications.naturalengland.org.uk/publication/47003>> accessed 11 June 2024.

By 2010, actions under the PSA target had brought improvements to the condition of SSSIs and their monitoring. The total area of SSSIs in favourable condition was 37.2%, while 59.3% was in unfavourable recovering condition, and 3.5% was in unfavourable no change or declining condition. The reported fall in the area in favourable condition was attributed to the application of more consistent monitoring standards.<sup>80</sup>

Defra reported in 2025 that ‘there has been little change in the area of SSSIs in favourable condition since 2016’.<sup>81</sup> The data we have gathered show that the same is largely true dating back to 2010.

Figure 1.3 presents this graphically. It sets out the results of SSSI monitoring as reported in Defra’s official statistics from 2013 to 2024. It also includes, for comparison, the results of assessments in 2003, 2008 and 2010. There are gaps where data are not available. Nevertheless, the figure clearly shows a fall in the percentage area of SSSIs in favourable condition from 2010 to 2024 (from 37.2% to 35.5%). The same period also saw a marked increase in the percentage area of SSSIs in unfavourable no change or declining condition (from 3.5% to 15.6%).



**Figure 1.3. Percentage of SSSI area by condition, 2003 to 2024<sup>82</sup>**

80 *ibid.*

81 Defra, ‘Extent and Condition of Protected Areas’ (n 77).

82 Data for 2003 and 2010 taken from Natural England, ‘Protecting England’s Natural Treasures, Sites of Special Scientific Interest’ (n 79). Data for 2008 taken from National Audit Office, ‘Natural England’s Role in Improving Sites of Special Scientific Interest’ (2008) HC 1051 <[www.nao.org.uk/reports/natural-englands-role-in-improving-sites-of-special-scientific-interest/](http://www.nao.org.uk/reports/natural-englands-role-in-improving-sites-of-special-scientific-interest/)> accessed 22 August 2024. Data for 2013 taken from Defra, ‘Biodiversity 2020: A Strategy for England’s Wildlife and Ecosystem Services Indicators 2013’ (2013) <[https://webarchive.nationalarchives.gov.uk/ukgwa/20131213142304/https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/253546/England\\_full\\_FINAL.pdf](https://webarchive.nationalarchives.gov.uk/ukgwa/20131213142304/https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/253546/England_full_FINAL.pdf)> accessed 12 September 2025. Data for 2014 taken from Defra, ‘Biodiversity 2020: A Strategy for England’s Wildlife and Ecosystem Services. Indicators 2014.’ (2014). Data for 2015 taken from Defra, ‘England Biodiversity Indicators 2015 Assessment’ (2016) <<https://webarchive.nationalarchives.gov.uk/ukgwa/20161022031909/https://www.gov.uk/government/statistics/england-biodiversity-indicators>> accessed 12 September 2025. Data for 2016 onwards taken from Defra, ‘Extent and Condition of Protected Areas’ (n 77).



Further to the official statistics reflected in Figure 1.3 up to 2024, the most recent data can be seen in Natural England's online protected sites database, 'Designated Sites View'. This shows the area of SSSIs in favourable condition having fallen further to 33.5% as reported in September 2025, compared to 35.5% in the official data for 2024. Also in September 2025, Natural England reported that 8.5% of the area of SSSIs was in unfavourable no change condition and 12.2% was in unfavourable declining condition, making a total of 20.7% in these two categories (compared to 15.6% in the official data for 2024).<sup>83</sup>

Overall, therefore, the condition of SSSIs appears to have considerably worsened since 2010, and to continue to decline.

## **1.4 The legislative framework for protected sites**

The laws through which protected sites have been designated, protected and managed have evolved over several decades. Here we summarise the development of these laws. Chapters 4 to 7 provide further information on the relevant specific provisions.

While we have referenced the provisions of these laws here and further throughout this report, we have also sought to summarise key elements of them, which may inevitably involve some simplification. Anyone who wishes to consider the exact legal provisions should therefore refer to the legislation. In addition, we have focused on the provisions most relevant to the themes of this report, so it should not be taken as a complete statement of the law in this area.

### **1.4.1 Sites of Special Scientific Interest**

The National Parks and Access to the Countryside Act 1949 gave the Nature Conservancy, a predecessor of Natural England, a duty to notify the relevant local planning authority where it considered an area of land of special interest by reason of its flora, fauna, geological or physiographical features. While the legislation has changed since then, the statutory reasons for designating SSSIs remain the same.

The emphasis of the National Parks and Access to the Countryside Act was on identifying, rather than protecting, such sites. New controls were introduced through the Wildlife and Countryside Act. This had a clearer focus on environmental protection, while still providing relatively limited powers initially. As long as an owner or occupier notified the Nature Conservancy Council (as it was by then called) of their proposal to carry out an operation likely to damage the features of a SSSI, they could proceed with such operations after waiting for a period of three months, even in the absence of consent.

The regulatory system to protect SSSIs from damaging operations was further strengthened through amendments made to the Wildlife and Countryside Act by the Countryside and Rights of Way Act 2000. These amendments increased regulatory control over the activities that could be undertaken on SSSIs. They also added to the suite of tools that English Nature (which had taken on the previous role of the Nature Conservancy Council), and later Natural England, could call upon to encourage and mandate appropriate management.

<sup>83</sup> Natural England, 'Designated Sites View: SSSI Condition Summary' <<https://designatedsites.naturalengland.org.uk/ReportUnitConditionSummary.aspx?SiteType=ALL>> accessed 18 September 2025.

### 1.4.2 Special Areas of Conservation and Special Protection Areas

The Wildlife and Countryside Act is domestic legislation. By contrast, the legislative framework for SACs and SPAs has its origins in international and European law.

In the 1970s, several international treaties were agreed in respect of nature conservation, applying to the UK and other parties. These are:

- (a) the Ramsar Convention (Convention on Wetlands of International Importance especially as Waterfowl Habitat) of 1971
- (b) the Bonn Convention (Convention on the Conservation of Migratory Species of Wild Animals) of 1979
- (c) the Bern Convention (Convention on the Conservation of European Wildlife and Natural Habitats) of 1979.

The Ramsar Convention requires that parties designate wetlands of international importance due to their flora and fauna, amongst other things.<sup>84</sup> England currently has 69 'Ramsar Sites'<sup>85</sup> covering some 284,000 hectares.<sup>86</sup> Almost all Ramsar Sites are underpinned by SSSI designations, and most are also SPAs.<sup>87</sup>

The Bonn Convention requires that parties endeavour to conserve certain migratory animal species (particularly those whose conservation status is unfavourable), and their habitats.<sup>88</sup> The Bern Convention requires that parties take 'appropriate and necessary legislative and administrative steps' to ensure the conservation of habitats of certain wild flora and fauna, and specific endangered habitats.<sup>89</sup>

Partly to implement these international obligations, in 1979 the European Economic Community (later part of the EU) adopted a directive on the conservation of wild birds, known as the 'Birds Directive'.<sup>90</sup> This required member states to create protected areas for wild bird species and their habitats. Such areas, referred to as SPAs, were to be designated if they fulfilled certain objective ornithological criteria.<sup>91</sup>

Similarly, in 1992, the European Economic Community adopted the so-called 'Habitats Directive'.<sup>92</sup> This required member states to identify 'sites of community importance' by reference to ecological criteria.<sup>93</sup> If these were adopted by the European Commission in light of its own scientific advice, they were then to be designated as SACs.

SPAs and SACs together formed the 'Natura 2000' network of European sites. The Habitats Regulations implement the Habitats Directive and elements of the Birds Directive and govern the protection and management of SPAs and SACs in England.

84 Art 2, Convention on Wetlands of International Importance especially as Waterfowl Habitat.

85 JNCC, 'Convention on Wetlands' (20 January 2025) <<https://jncc.gov.uk/our-work/convention-on-wetlands/#ramsar-site-network-summary>> accessed 22 September 2025.

86 Defra, 'ENV09 - England Biodiversity Indicators' (n 71).

87 JNCC, 'Extent and Condition of Protected Areas' (12 October 2024) <<https://jncc.gov.uk/our-work/ukbi-protected-areas/>> accessed 22 September 2025.

88 Art III, Convention on the Conservation of Migratory Species of Wild Animals.

89 Art 4.1, Convention on the Conservation of European Wildlife and Natural Habitats.

90 Council Directive 79/409/EEC [1979] OJ L103/1. Later replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds [2009] OJ L 20/7.

91 European Commission, 'Designating Natura 2000 Sites' <[https://environment.ec.europa.eu/topics/nature-and-biodiversity/natura-2000/designating-natura-2000-sites\\_en](https://environment.ec.europa.eu/topics/nature-and-biodiversity/natura-2000/designating-natura-2000-sites_en)> accessed 9 July 2024.

92 Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora [1992] OJ L206/7.

93 European Commission (n 91).

The Defra Secretary of State must designate as SACs such sites as they consider to be of national importance, defined as those which contribute significantly to maintaining at or restoring to ‘favourable conservation status’ the natural habitat types listed in Annex I or the species listed in Annex II to the Habitats Directive, or to the maintenance of biodiversity within the Atlantic biogeographic region.<sup>94</sup>

For this purpose, the Secretary of State must establish priorities for designation, based on the site’s importance for favourable conservation status or for the coherence of the wider network, as well as the risk of degradation or destruction.<sup>95</sup>

In respect of birds, the Secretary of State must ensure that those sites most suitable for the conservation of the species in Annex I of the Birds Directive, and for regularly occurring migratory species, are classified as SPAs.<sup>96</sup>

Together, the Habitats and Birds Directives have had a profound influence on nature conservation law in the UK. Following the UK’s exit from the EU, the Habitats Regulations remained in force as EU-derived domestic legislation<sup>97</sup> and are now classed as ‘assimilated EU law’.<sup>98</sup>

As part of this transition, some functions were transferred from the European Commission to the domestic authorities, in this context primarily the Defra Secretary of State. The UK sites within the Natura 2000 network when the UK was a member of the EU, along with any new SACs and SPAs that are designated, now form part of the ‘national site network’ for the purposes of the Habitats Regulations.<sup>99</sup>

### **1.4.3 The concurrent designation of protected sites**

SSSIs, SACs and SPAs can be designated on both public and private land. Although it is not required by the Habitat Regulations, in practice and as a matter of government policy, SPAs and SACs tend also to have been designated as SSSIs. Therefore, most areas of SACs and SPAs, being considered of European importance, are also underpinned by SSSIs, and considered of national importance. In contrast, only a subset of SSSIs are also SACs or SPAs as only some SSSIs meet the relevant criteria.

Concurrent designation of an SAC or SPA as a SSSI means that its features benefit from an additional layer of protection and management. Hence SACs and SPAs mostly also benefit from protections under the Wildlife and Countryside Act, but not all SSSIs benefit from protections under the Habitats Regulations.

## **1.5 Other policy and legislative developments**

We have produced this report at a time of ongoing legislative, policy and operational change. We therefore aim to support the consideration of such changes in so far as they relate to protected sites, and inform the effective application of current, amended or new environmental law, by offering an objective, evidence-based assessment of the implementation of legislation in this area to date.

<sup>94</sup> Regulation 12, Habitats Regulations.

<sup>95</sup> Regulation 13, Habitats Regulations.

<sup>96</sup> Regulation 15, Habitats Regulations.

<sup>97</sup> Section 2, European Union (Withdrawal) Act 2018.

<sup>98</sup> Section 6(7), European Union (Withdrawal) Act 2018.

<sup>99</sup> Regulation 3, The Conservation of Habitats and Species Regulations 2017.



### 1.5.1 The Environmental Improvement Plan

The substance of the work on which this report is based was carried out over the period from 2023 to 2025. It therefore references the goals, targets and commitments set out in the statutory EIP during that period.<sup>100</sup>

Following the 2024 General Election, in July 2024 the new government announced its intention to undertake ‘a rapid review of the [EIP] to be completed by the end of the year to deliver our legally binding targets to save nature’.<sup>101</sup> The new EIP has not been published at the time of completing this report.

At the government’s invitation, the OEP provided advice to inform the EIP review.<sup>102</sup> In that advice, we identified maximising the contribution from protected wildlife sites as one of five priority actions. We suggested that further steps should be taken urgently to correct underinvestment in site designation and management (including via environmental land management schemes) and improve overall governance and engagement with partners. We explore these points in further detail in this report.

### 1.5.2 The Planning and Infrastructure Bill

At the time of writing, the Planning and Infrastructure Bill is before Parliament. It aims to simplify the planning process for development, particularly of housing, in England. It also provides for ‘Environmental Delivery Plans’. These could modify or disapply environmental regulations, such as those applied under the Wildlife and Countryside Act or the Habitats Regulations, under certain conditions.

The Bill would not change the current provisions in law for the designation and management of protected sites which we discuss in this report. It could alter current provisions for their protection, as outlined above, in respect of the specific planning and infrastructure development matters that it covers.

Government’s intention is that the Bill provides benefits both for the economy and for nature’s recovery. We agree that taking a more strategic approach to addressing environmental challenges such as nutrient overloading has much to commend it. We can see that enabling co-ordinated action at the appropriate geographical scale provides the opportunity to improve nature, including within protected sites, where that is supported by good evidence and appropriate safeguards.

### 1.5.3 Review of environmental regulations

In October 2024, Defra commissioned an independent review of its stock of environmental regulations.<sup>103</sup> The resulting report, published in April 2025,<sup>104</sup> judged the current system for environmental regulation to be outdated, inconsistent, highly complex and not delivering enough for nature or growth. While not calling for ‘major institutional change’ or a ‘bonfire

<sup>100</sup> Defra, ‘Environmental Improvement Plan 2023.’ (n 3).

<sup>101</sup> Defra, ‘Government Launches Rapid Review to Meet Environment Act Targets’ (2024) <[www.gov.uk/government/news/government-launches-rapid-review-to-meet-environment-act-targets](https://www.gov.uk/government/news/government-launches-rapid-review-to-meet-environment-act-targets)> accessed 15 August 2025.

<sup>102</sup> Office for Environmental Protection, ‘OEP Submits Advice on the Government’s Review of Its Environmental Improvement Plan’ (2024) <[www.theoep.org.uk/report/oep-submits-advice-governments-review-its-environmental-improvement-plan](https://www.theoep.org.uk/report/oep-submits-advice-governments-review-its-environmental-improvement-plan)> accessed 15 August 2025.

<sup>103</sup> Defra, ‘Dan Corry Appointed to Lead Defra Regulation Review’ (2024) <[www.gov.uk/government/news/dan-corry-appointed-to-lead-defra-regulation-review](https://www.gov.uk/government/news/dan-corry-appointed-to-lead-defra-regulation-review)> accessed 27 November 2024.

<sup>104</sup> Dan Corry, ‘Delivering Economic Growth and Nature Recovery: An Independent Review of Defra’s Regulatory Landscape’ (4 February 2025) <[www.gov.uk/government/publications/delivering-economic-growth-and-nature-recovery-an-independent-review-of-defras-regulatory-landscape](https://www.gov.uk/government/publications/delivering-economic-growth-and-nature-recovery-an-independent-review-of-defras-regulatory-landscape)> accessed 10 April 2025.

of regulations’, it advocated a ‘radical repositioning and repurposing of environmental regulation’ and made 29 recommendations.

Among other suggestions, the environmental regulations review report calls for a ‘greater focus from Defra on facilitating infrastructure projects in the right locations, with more emphasis on proportionality and cost-effectiveness of outcomes for nature and economic development; and potentially reforming the Habitats Regulations and how they are applied, whilst ensuring consistency with international obligations’. Its discussion about these regulations is primarily concerned with the Habitats Regulations Assessment process, which we have considered in a separate report.<sup>105</sup>

We agree that implementation of current legislation is not working as well as it should to support nature. We also note that a number of the general findings from that wider review appear to broadly align with our own, more specific findings in relation to protected sites, as set out in this report. These include:

- A recognition that the current system is failing nature. We consider that maintaining the status quo in implementing current protected site laws is not going to achieve the outcomes intended.
- Observation of failures in governance and fragmentation of the implementation of environmental regulations at national and local levels, and the need for greater coherence and co-ordination. We discuss this for protected sites in Chapter 2.
- Identification of low levels of regulatory staff retention, in part due to pay, as a key problem to be addressed. We consider this in relation to Natural England in Chapter 3.
- A recognition that sites cannot simply be preserved as they are now, or looked at on a purely micro, site-by-site basis. In this report, we look to both a landscape-scale approach to designating sites (Chapter 4) and better enabling nature-positive action (Chapters 2, 6 and 7).
- A call for more frequent, risk-based monitoring that makes appropriate use of technologies, and for greater transparency of data so that there can be more scrutiny and accountability of regulators and public bodies. We discuss these issues in respect of protected site condition and compliance monitoring in Chapters 5 and 7. We address the need for greater transparency and accountability of public bodies’ performance and of progress against targets and commitments in Chapter 2.
- Highlighting possibilities for better co-operation between regulators and appointing a ‘lead regulator’ for all major projects in which multiple regulators have an interest. We discuss a similar approach for the provision of advice on protected sites in Chapter 6.
- Highlighting the need for rural grants and payments to be used by farmers and landowners, in combination with green finance, to balance food production and nature outcomes. We discuss the opportunity to better integrate the management of protected sites and environmental land management schemes in Chapter 6.

<sup>105</sup> Office for Environmental Protection, ‘A Review of the Implementation of Environmental Assessment Regimes in England’ (n 10).

- A call for regulators to have more ‘constrained discretion’. It explains that this ‘would involve allowing regulators greater autonomy to be flexible when determining how best to deliver the outcomes most needed in a local place’. We address such matters in relation to Natural England’s work on protected sites in Chapter 7. We identify provisions in law and guidance that are limiting Natural England’s flexibility to use its regulatory powers.

#### 1.5.4 The approach to protected sites

A point of debate in relation to protected sites concerns the merits of the current, feature-based approach to their designation and management, versus a possible wider approach. As set out in this report, many protected sites have been designated, and are managed and monitored, for specific habitats or species. However, some stakeholders consider it would be better to restore some sites to a wider, more natural ecological functioning, and that protected site designation may inhibit this.

These concerns may, to some extent, be addressed by Natural England exploring ways to accommodate a transition to more naturally functioning sites while remaining within what is required or provided for by the law. Inevitably, however, there will be limited room for flexibility within the requirements of the current legislation. Government may, therefore, wish to consider whether the current approach to protected sites is the right one, or should be adjusted.

In this regard, Natural England has itself advocated reforms<sup>106</sup> to accommodate and reflect dynamic ecological processes, while also retaining feature-based approaches where appropriate. We note that protected sites on the coast may already be managed in such a way as to maintain or encourage natural processes.<sup>107</sup>

We broadly agree that an updated approach, if well-designed and implemented, may lead to a more flexible regime that better enables wider ecological restoration while also protecting specific features. In our view, any such reform would be a major endeavour and would need to be carried out with care to avoid reducing current levels of environmental protection.

In April 2025, Natural England set out its overall intended strategic direction for the period 2025 to 2030.<sup>108</sup> Among other points, this highlights a need to focus on a ‘more, bigger, better, and more joined up’ approach to nature, in line with the 2010 Lawton Review ‘Making Space for Nature’ (see Section 1.5.5).

This strategic direction was later replaced by Natural England’s new corporate strategy, which was published in November 2025. The strategy contains four strategic outcomes, the first of which is to recover nature by increasing the scale and quality of places where nature thrives. The strategy explains what success will look like in working towards that objective, which includes the intended outcome that: ‘Wildlife is thriving in protected areas, which are connected to and enriching the wider environment.’<sup>109</sup>

<sup>106</sup> Natural England, ‘Response to Defra’s Nature Recovery Green Paper (Unpublished)’. In providing this document to the OEP for this project, Natural England noted that it was responding to a specific consultation document and questions from the then government, and does not necessarily represent Natural England’s current position.

<sup>107</sup> Environment Agency, ‘Shoreline Management Plans - Guidance’ (28 January 2025) <[www.gov.uk/guidance/shoreline-management-plans](https://www.gov.uk/guidance/shoreline-management-plans)> accessed 11 August 2025. See definitions of ‘no active intervention’ and ‘managed realignment’.

<sup>108</sup> Natural England, ‘Recovering Nature for Growth, Health and Security: Natural England’s Strategic Direction 2025-2030’ <[www.gov.uk/government/publications/natural-englands-strategic-direction-2025-2030](https://www.gov.uk/government/publications/natural-englands-strategic-direction-2025-2030)>.

<sup>109</sup> Natural England, ‘Natural England’s Strategy: Recovering Nature for Growth, Health and Security’ <[www.gov.uk/government/publications/natural-englands-strategy-recovering-nature-for-growth-health-and-security/natural-englands-strategy-recovering-nature-for-growth-health-and-security](https://www.gov.uk/government/publications/natural-englands-strategy-recovering-nature-for-growth-health-and-security/natural-englands-strategy-recovering-nature-for-growth-health-and-security)> accessed 10 November 2025.

### 1.5.5 Making Space for Nature

Regardless of whether sites are designated for specific features or wider ecological functioning, it is also broadly accepted that ‘more, bigger, better, and joined up’ areas for nature are needed to support sustainable populations of species. This was set out in the Lawton Review ‘Making Space for Nature’ in 2010.<sup>110</sup> The review advised that the ‘absolute priority’ if England is to have an effective ecological network is to improve the quality of current sites by better habitat management (this is the ‘better’ part of the above statement). The review added that: ‘Anything we do to enhance the network further must not detract from the ongoing need to manage existing wildlife sites to the highest standards. If we do not achieve this, all other efforts will be depressingly pointless’.

We consider in this report the extent to which the implementation of protected sites legislation to date has addressed this imperative.

### 1.5.6 Local Nature Recovery Strategies and the Land Use Framework

Local Nature Recovery Strategies (LNRS) set out local priorities for nature by showing where important wildlife exists now, and identifying areas with potential to become important for wildlife in the future. They provide a statutory spatial framework that can usefully direct coherent, on-the-ground nature recovery action.

For example, LNRS may identify areas that could be designated to improve ecological connectivity, or they may help co-ordinate landscape-scale actions such as mitigating nutrient runoff or recreational pressure. In this way, LNRS can help inform the creation of an ecologically coherent network of protected sites as well as helping to improve their condition.

In our separate report, published earlier this year, we made seven recommendations to government to improve the prospects of LNRS supporting national nature recovery commitments, as intended.<sup>111</sup>

The government’s Land Use Framework is expected to be an important spatial framework that can guide strategic choices over how land is used, supporting reconciliation of diverse priorities such as nature recovery, climate sequestration, food production, housing and infrastructure. The framework is intended to enable multi-functional use of land, underpinned by principles, data and analysis.

If effective, it should shape and help integrate national strategies that affect land use. It could also influence the design of policy incentives, such as agri-environment schemes, and inform local initiatives such as LNRS. It could therefore play a significant role in improving coherence both across land use policy areas and between national strategies and local priorities.

110 Professor Sir John Lawton, ‘Making Space for Nature: A Review of England’s Wildlife Sites and Ecological Network’ (Defra 2010) <<https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>> accessed 12 March 2025.

111 Office for Environmental Protection, ‘A Review of Local Nature Recovery Strategies and Their Role in Contributing to Nature Recovery Commitments in England’ (2025) <[www.theoep.org.uk/report/local-nature-recovery-has-important-part-play-helping-government-deliver-its-win-win](http://www.theoep.org.uk/report/local-nature-recovery-has-important-part-play-helping-government-deliver-its-win-win)> accessed 19 June 2025.

## 1.6 The approach adopted in producing this report

Our methodology is summarised below with further detail in Annex 2.

First, we reviewed the laws and guidance relating to the designation, protection, monitoring and management of protected sites. We considered their history and development, as well as their intended purposes and implementation.

Second, we commissioned a literature review on the effectiveness of the laws governing the designation, protection, monitoring and management of protected sites in Northern Ireland and England.

Third, we engaged with a wide range of organisations and individuals with an interest or expertise in protected sites. In addition to Defra and Natural England, these included other agencies and public authorities, owners and occupiers of protected sites, groups representing farmers and environmental charities. Annex 2 provides information on the stakeholders that contributed to the research.

Engagement included:

- a) Public call for evidence:** From February to April 2023 we received 58 responses to our public call for evidence from a range of stakeholders across England and Northern Ireland. Eight of these related both to England and to Northern Ireland and 39 specifically concerned England. Our assessment of the responses identified six major themes of research: governance, funding and resourcing, designation, monitoring, land management, and the regulatory regime and enforcement. Our analysis and reporting subsequently followed these themes, as set out in this report.
- b) Meetings with stakeholders:** We held online meetings with individuals, organisations and public authorities to explore perspectives and issues, including the six themes of research.
- c) Site visits:** We visited several protected sites across England and Northern Ireland. Sites were selected through discussions with stakeholders, and for the purpose of engaging in specific issues identified through our research.
- d) Expert panel:** We established a panel comprising members who had expertise in protected sites. These experts were then involved in workshops, as well as considering the findings and recommendations set out in this report. Some panel members were also engaged individually on subject-specific matters and provided written comments on our research and drafts of our report.
- e) Information requests:** We requested and obtained additional written evidence, including data and reports not in the public domain, from Natural England, JNCC and other bodies. Whenever figures are presented in this report, we provide clarification of the sources and have sought to address any discrepancies between sources and reporting by third parties.

## 1.7 Structure of this report

In Chapters 2 and 3, we focus on what we consider to be important enabling mechanisms for the delivery of protected site laws. These chapters present our assessment of governance arrangements (Chapter 2), and funding and resourcing (Chapter 3).

In Chapters 4 to 7, we assess the effectiveness of the implementation of important aspects of the law and its supporting policies, guidance and operational arrangements. These cover the designation of protected sites (Chapter 4), monitoring, evaluation and reporting (Chapter 5), land management incentives and advice (Chapter 6) and regulatory tools and enforcement (Chapter 7).

We summarise our findings and present our recommendations in each of these areas at the start of each chapter.





## 2. Governance

## 2. Governance

### Overview

In any programme of action, it should be clear what is to be done, who will do it, how and when. While legislation might put some of this structure in place, in practice the successful implementation of laws requires effective governance arrangements. These should include clear objectives, strategies and plans to achieve them, and systems of accountability and oversight, as well as of monitoring, evaluation and learning. These will enable the objective and transparent assessment of progress towards the desired outcomes and, critically, will provide for adaptation and the timely and effective adjustment of actions, to ensure things stay on track.

We have assessed current governance arrangements that should support the implementation of protected site laws and help to meet objectives.

We found that some elements of effective governance are already in place. For example, the previous government included commitments and targets in the EIP that provide measurable objectives against which performance can be assessed. While the current government is reviewing the EIP, it has reconfirmed the long term commitment relating to the condition of SSSIs.

In addition, the SSSI Major Landowners' Group has previously enabled good progress towards meeting targets. There is also an appetite amongst significant stakeholders for contributing to this, as demonstrated by several setting their own targets for improving protected sites.

However, overall we have concluded that governance arrangements have fallen short of those required for these laws to be well-implemented and for intended outcomes to be achieved.

- A long term commitment for improving protected site condition was set in the 25 Year Environment Plan in 2018. It was restated in the EIP in 2023 and has been reconfirmed by the current government. This is to achieve the outcome of restoring 75% of SSSIs in England to favourable condition by 2042.
- However, adoption of this outcome-based commitment has not led to action being taken at sufficient pace and scale to achieve an overall improvement in the area of SSSIs in favourable condition. In fact, the percentage of SSSIs by area that are in favourable condition is lower than it was in 2010.
- The approach to measuring the extent of SSSIs in favourable condition appears to have changed since the commitment was established. In our view, it is important that where any national commitment or target is set, there is consistency and clarity over how performance against it is measured and reported.
- While the government is subject and has stated its general commitment to the '30 by 30' targets, it has set no specific or longer term target for increasing the extent of protected sites. We consider that this is an important objective to pursue so that the site network is sufficient for the full range of England's species and habitats, and can form the core of a wider nature recovery network.

- The government does not have a specific and costed plan that sets out how it will achieve the outcome of restoring 75% of SSSIs in England to favourable condition by 2042. Previous plans developed to address the main causes of poor site condition, such as air and water pollution, have had limited success.
- The previous government also set interim targets relating to the updating of SSSI condition assessments and implementation of SSSI actions. We assess in this report that progress on at least one of these interim targets is off course, while the other requires progress to be accelerated and sustained.
- These two interim targets for SSSIs, though useful, relate to intermediate or enabling measures rather than intended environmental outcomes. The long term protected site favourable condition commitment has not been broken down into shorter term milestones to demonstrate the trajectory of increase in condition that is needed to meet the commitment.
- Following a relatively successful decade of progress up to 2010, the co-ordination of action among different public bodies has since been less effective. For example, there is an opportunity for government to improve how public bodies set individual targets that align with the national SSSI condition commitment and the national interim target relating to implementing SSSI actions.
- The SSSI Major Landowners' Group has not recently generated sufficient action, in contrast to its positive contributions between 2000 and 2010. Only around a quarter of SSSI features within land owned or occupied by group members have been rated as 'positive' in relation to the interim target for 50% of SSSIs to have actions on track to achieve favourable condition. Group members, most of whom are public authorities, are performing little better than owners and occupiers across all SSSIs more widely. In our view, public authorities should be setting a high standard for others to follow but are not currently doing so.

To improve governance arrangements, we make the following recommendations.

**Recommendation 1:** The Secretary of State should consider making regulations under section 1 of the Environment Act 2021 that would set legally binding, long term and SMART targets, supported by interim targets, that reflect government's intended environmental outcomes to increase the extent, and improve the condition, of protected sites.

Where we refer to 'protected site targets' in subsequent recommendations, we are referring to such legally binding targets, and interim targets, as discussed under Recommendation 1 or, in their absence, any similar but non-binding targets and commitments in the EIP or elsewhere.

**Recommendation 2:** Achieving protected site targets will require the right action to be taken at the right time, pace and scale. We recommend that:

- (a) Defra and Natural England should work together to produce and publish a national strategy and delivery plan that are incorporated within the EIP for achieving protected site targets. These should set out the overall actions that will be taken, when and by whom, and the associated resourcing requirements, to address the main threats and pressures affecting site condition. In doing so, Defra and Natural England should seek to bring greater coherence to national and local implementation.

- (b) At the level of individual sites, Defra and Natural England should ensure that there is an up-to-date, comprehensive and clear list of the costed actions that need to be taken to maintain or achieve favourable condition. Actions should be assigned to the responsible individuals and bodies, with appropriate deadlines.
- (c) Defra and Natural England should regularly and transparently review and report on progress in the EIP annual progress reports, and take corrective action if needed.

**Recommendation 3:** Effective implementation of protected site laws requires stronger co-ordination and oversight of public authorities' practical delivery of protected site outcomes, plans and legal duties. We recommend that:

- (a) Defra should resume its former active and senior leadership role as chair of the SSSI Major Landowners' Group.
- (b) Defra, with support from Natural England, should ensure all public authority group members have their own targets for contributing to national protected site targets and are delivering at the pace and scale to achieve them in practice. Group members' targets and progress should be regularly reviewed and published to allow for scrutiny and course correction.
- (c) Defra should provide new guidance under section 33 of the Wildlife and Countryside Act 1981 to clarify how public authorities should exercise their functions to contribute to achieving protected site targets.

## 2.1 Introduction

Achieving the intended outcomes of protected site laws, commitments and targets is not a simple task that lies within the control of any one body. It requires a concerted and sustained effort from public and private organisations, and many individuals, to deal with complex systems that are often beset by deep-rooted problems.

Such endeavours require effective governance. By governance, we mean:

'The system by which entities are directed and controlled. It is concerned with structure and processes for decision-making, accountability, control and behaviour [...] [influencing] how an organisation's objectives are set and achieved, how risk is monitored and addressed, and how performance is optimised'.<sup>112</sup>

Governance provides for steering, co-ordinating and enabling collective action amongst diverse groups to achieve change, and it allows problems to be shared and solved by all those who need to act.<sup>113</sup> Although the aim is to secure common action by many, government has a special role in initiating and leading this process.<sup>114</sup>

112 Office for Environmental Protection, 'Taking Stock: Protecting, Restoring and Improving the Environment in England' (2022) 39 <[www.theoep.org.uk/report/taking-stock-protecting-restoring-and-improving-environment-england](https://www.theoep.org.uk/report/taking-stock-protecting-restoring-and-improving-environment-england)> accessed 27 November 2024.

113 James Evans, *Environmental Governance* (1st Edition, Routledge 2011) 4–5.

114 Chris Ansell and Alison Gash, 'Collaborative Governance in Theory and Practice' (2008) 18 *Journal of Public Administration Research and Theory* 543, 544.

We consider that effective governance for the implementation of England's protected site laws requires the following:

- a) Targets** – Clearly establishing an ambitious direction towards intended environmental outcomes at a national level, with interim targets to track progress and enable course-corrective measures.
- b) Strategy** – Creating an effective strategy to achieve targets that identifies the challenges that must be addressed and the main actions that will be taken.
- c) Delivery plans** – Producing and implementing detailed, joined-up, time-bound, costed and funded plans for action at the national and protected site levels, and at the required pace and scale to meet targets.
- d) Leadership, oversight and co-ordination** – Effective leadership by government including overseeing and co-ordinating action by the main public authority delivery bodies.
- e) Review and reporting of progress** – Regular and transparent evaluation and reporting of progress in meeting targets and the implementation of measures to keep progress on track.

This chapter considers whether effective governance has been put in place for implementing protected site laws. It assesses where governance arrangements are working well and where improvements can be made.

## 2.2 Targets

Targets are statements that quantify the desired outcome or level of performance, based on measurable indicators. In 'Taking Stock', our first progress report on protecting, restoring and improving the environment in England, we explained their importance:

'Targets operationalise goals and objectives and enable monitoring of performance. They influence how environmental laws, strategies and policies are implemented in practice. They can set direction, indicate a change of pace and drive the achievement of desired outcomes'.<sup>115</sup>

Government is subject to several long term, legally binding, statutory targets under the Environment Act. The most relevant targets are to:

- by the end of 2030, halt the decline in the abundance of species<sup>116</sup>
- by the end of 2042, reverse the decline in the abundance of species so that the abundance is greater than in 2022 and at least 10% greater than in 2030<sup>117</sup>
- by the end of 2042, reduce the risk of species' extinction, when compared to that in 2022.<sup>118</sup>

These legally binding targets do not have directly corresponding interim targets. They have, however, been supported by related interim and other targets and commitments in the EIP (which is currently under review) and elsewhere.

<sup>115</sup> Office for Environmental Protection, 'Taking Stock: Protecting, Restoring and Improving the Environment in England' (n 112) 27.

<sup>116</sup> Regulation 11, Environmental Targets (Biodiversity) (England) Regulations 2023

<sup>117</sup> Regulation 14, Environmental Targets (Biodiversity) (England) Regulations 2023.

<sup>118</sup> Regulation 4, Environmental Targets (Biodiversity) (England) Regulations 2023.

In addition, the UK has signed up to international targets, including the commitment to ‘30 by 30’ under the GBF.<sup>119</sup> This aims to effectively conserve and manage at least 30% of land and 30% of seas for nature by 2030. The GBF also aims for at least 30% of areas of degraded ecosystems to be under effective restoration by 2030.

Within this context and at the time of producing this report, there are three specific targets and commitments in the EIP concerned with England’s SSSIs. These relate to achieving favourable condition, carrying out condition assessments, and ensuring actions are on track to achieve favourable condition. There are also targets and commitments in the EIP and in the Clean Air Strategy 2019 that seek to address the effects of water and air pollution on protected sites.

These targets and commitments are shown in Table 2.1 below, alongside previous targets and commitments for protected sites that have been set since 2000.

The EIP targets related to SSSI condition assessments and actions, and water pollution, also have the status of being ‘interim targets’ under the Environment Act.

<sup>119</sup> Kunming-Montreal Global Biodiversity Framework 2022 (CBD/COP/DEC/15/4). See targets 2 and 3.

Table 2.1. Summary of protected site targets and commitments since 2000

Year target or commitment was set	Intended outcome	Starting position	Year to be achieved	Ending or latest position	Target or commitment met or on course to be met?
Public Service Agreement Target <sup>120</sup>					
2000	95% of the total area of SSSIs to be in 'favourable' or 'recovering' condition	58.3% <sup>121</sup>	2010	96.5% <sup>122</sup>	Met
Biodiversity 2020: A strategy for England's wildlife and ecosystem services <sup>123</sup>					
2011	At least 50% of the total area of SSSIs in 'favourable' condition	36.6% <sup>124</sup>	2020	38.7% <sup>125</sup>	Not met
2011	Maintain at least 95% of the total area of SSSIs in 'favourable' or 'recovering' condition	96.6% <sup>126</sup>	2020	92.8% <sup>127</sup>	Not met

120 See PSA target 3b. Defra, 'Department for Environment, Food and Rural Affairs Resource Accounts 2007 to 2008' (2008) <[www.gov.uk/government/publications/department-for-environment-food-and-rural-affairs-resource-accounts-2007-to-2008](http://www.gov.uk/government/publications/department-for-environment-food-and-rural-affairs-resource-accounts-2007-to-2008)> accessed 11 August 2024.

121 Natural England, 'Protecting England's Natural Treasures - Sites of Special Scientific Interest - NE306' (*Natural England - Access to Evidence*) <<https://publications.naturalengland.org.uk/publication/47003>> accessed 11 August 2024. The baseline was established in 2003.

122 *ibid.*

123 Defra, 'Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services' (2011) 12 <[www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services](http://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services)> accessed 11 August 2024.

124 Charlotte Hawkins and others, 'Evaluation of Biodiversity 2020. Evaluation Report' (Centre for Ecology and Hydrology 2019) C07111 <<https://nora.nerc.ac.uk/id/eprint/527921>> accessed 14 June 2024.

125 Defra, 'ENV09 - England Biodiversity Indicators' (n 71).

126 Hawkins and others (n 124).

127 Defra, 'ENV09 - England Biodiversity Indicators' (n 71).



Year target or commitment was set	Intended outcome	Starting position	Year to be achieved	Ending or latest position	Target or commitment met or on course to be met?
<b>25 Year Environment Plan<sup>128</sup> / Environmental Improvement Plan 23<sup>129</sup></b>					
2018 and 2023	Commitment to restore 75% of SSSIs to favourable condition	38.7% (by area in 2018) <sup>130</sup>	2042	33.5% (by area as of September 2025) <sup>131</sup> 41.2% (by feature as of September 2025) <sup>132</sup>	Not on course – the proportion of the area of SSSIs in favourable condition is decreasing
2023	Interim target for all SSSIs to have an up-to-date condition assessment	14.9% of SSSI features had an up-to-date condition assessment (in 2023) <sup>133</sup>	31 January 2028	31.8% of SSSI features had an up-to-date condition assessment (as of September 2025) <sup>134</sup>	Not on course – the current rate of progress does not appear sufficient to achieve the target <sup>135</sup>

<sup>128</sup> Defra, 'A Green Future: Our 25 Year Plan to Improve the Environment' (11 January 2018) <[www.gov.uk/government/publications/25-year-environment-plan](https://www.gov.uk/government/publications/25-year-environment-plan)> accessed 13 November 2023.

<sup>129</sup> Defra, 'Environmental Improvement Plan 2023.' (n 3).

<sup>130</sup> Defra, 'ENV09 - England Biodiversity Indicators' (n 71). Note that the extent of favourable condition was only measured by area in 2018, and not also by feature. See Section 2.2.3 below.

<sup>131</sup> Natural England, 'Designated Sites View: SSSI Condition Summary' (n 83).

<sup>132</sup> Natural England, 'Designated Sites View: SSSI Feature Condition Summary' <<https://designatedsites.naturalengland.org.uk/ReportFeatureConditionSummary.aspx?SiteType=ALL>> accessed 18 September 2025.

<sup>133</sup> Natural England, 'Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites' (2024) 10 <<https://publications.naturalengland.org.uk/publication/5681050328760320>> accessed 17 July 2024.

<sup>134</sup> Natural England, 'Designated Sites View' <<https://designatedsites.naturalengland.org.uk>> accessed 18 September 2025. See 'Environmental Improvement Plan Targets' in the National Reports section.

<sup>135</sup> Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (2025) 52 <[www.gov.uk/government/publications/environmental-improvement-plan-annual-progress-report-2024-to-2025](https://www.gov.uk/government/publications/environmental-improvement-plan-annual-progress-report-2024-to-2025)> accessed 3 September 2025.

Year target or commitment was set	Intended outcome	Starting position	Year to be achieved	Ending or latest position	Target or commitment met or on course to be met?
2023	Interim target for 50% of SSSIs to have actions on track to achieve favourable condition	10.8% of SSSI features had actions on track (in 2023) <sup>136</sup>	31 January 2028	23.2% of SSSI features had actions on track (as of September 2025) <sup>137</sup>	Defra has reported as on course <sup>138</sup>  We discuss this further below
2023	Interim target to reduce nitrogen, phosphorus and sediment pollution from agriculture to the water environment by 15% in catchments containing protected sites in unfavourable condition due to nutrient pollution	N/A	31 January 2028	Unknown	Not on course – this is assessed as largely off track in our most recent EIP progress report given current policies and measures <sup>139</sup>

<sup>136</sup> Natural England, 'Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites' (n 133) 17.

<sup>137</sup> Natural England, 'Designated Sites View' (n 134).

<sup>138</sup> Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (n 135) 52.

<sup>139</sup> Office for Environmental Protection, 'Progress in Improving the Natural Environment in England 2023/2024' 70, 84 <[www.theoep.org.uk/sites/default/files/reports-files/Progress%20in%20improving%20the%20natural%20environment%20in%20England%202023-2024.pdf](https://www.theoep.org.uk/sites/default/files/reports-files/Progress%20in%20improving%20the%20natural%20environment%20in%20England%202023-2024.pdf)> accessed 19 May 2025.

Year target or commitment was set	Intended outcome	Starting position	Year to be achieved	Ending or latest position	Target or commitment met or on course to be met?
Clean Air Strategy <sup>140</sup>					
2019	Reduce the damaging deposition of reactive forms of nitrogen (N) by 17% over England's protected <sup>141</sup> priority sensitive habitats	24.4 (total deposition of reactive N onto nutrient-N sensitive priority habitat N <sub>sens</sub> in kg ha-1 year-1) (in 2016) <sup>142</sup>	2030	22.4 (as of 2021) <sup>143</sup>	Not on course – this is assessed as largely off track in our most recent EIP progress report. <sup>144</sup> We discuss this further in Box 2.2 below.

140 Defra, 'Clean Air Strategy 2019' 38 <<https://www.gov.uk/government/publications/clean-air-strategy-2019>> accessed 5 June 2025.

141 The Clean Air Strategy included a reference to a page on JNCC's website to explain the meaning of 'protected'. This page can no longer be found on JNCC's website but an archived version of the page shows that it defined what is meant by 'protected areas', which included the protected sites covered in this report and other areas such as National Parks and NNRS.

142 Ed Rowe and others, 'Air Pollution Trends Report 2024: Critical Load and Critical Level Exceedances in the UK. Report to Defra under Contract AQ0849, UKCEH Project 07617' 75 <[https://uk-air.defra.gov.uk/library/reports?report\\_id=1157](https://uk-air.defra.gov.uk/library/reports?report_id=1157)> accessed 2 June 2025.

143 ibid 76.

144 Office for Environmental Protection, 'Progress in Improving the Natural Environment in England 2023/2024' (n 139) 64.

As we note in Table 2.1, Defra reported in its annual EIP progress report, covering April 2024 to March 2025, that progress up to the end of that period was on the projected trajectory to achieve the interim target for 50% of SSSIs to have actions on track to achieve favourable condition by 31 January 2028. Just over 23% of SSSI features reportedly had actions on track at the end of March 2025. Thereafter, the projected trajectory to meet the interim target is for progress on the actions to accelerate.<sup>145</sup>

As of September 2025, Natural England reported 23.2% of SSSI features with actions on track.<sup>146</sup> This reflects little, if any, further progress in the six months from March to September 2025. This slowdown may have been a temporary issue over a relatively short period, and some degree of variation in the rate of progress is inevitable. Nevertheless, it highlights the need for significant progress to be sustained in the remaining period if the interim target is to be met by January 2028.

More broadly, we consider that restoring more protected sites to or towards favourable condition is an important outcome. This is reflected in the commitment to restore 75% of SSSIs to favourable condition by 2042. Progress towards this commitment will also enable SSSIs to contribute more effectively to the achievement of the legally binding Environment Act targets.

The interim targets focus on ensuring there is a reliable, up-to-date understanding of the condition of each site and on implementing actions to achieve favourable condition. They received widespread support from a diverse range of stakeholders in our call for evidence. We consider the interim targets important, and also support the targets to address two of the main causes of poor site condition, namely air and water pollution.

The priority now should be on the effective delivery of activity to meet these targets and commitments. This will require actions from Defra, Natural England and other major delivery bodies, and for government to keep progress under regular and active review. We assess delivery and review in the following sections of this chapter.

At the same time, we have identified three important areas for potential improvement in the setting of targets and commitments, which we discuss below. We suggest that government should consider and address these in order to maximise the contribution of protected sites to meeting the Environment Act species targets.

## **2.2.1 Protected site condition target**

Considering the importance of improving the condition of protected sites in supporting nature's recovery, it is notable that the commitment to restore 75% of SSSIs to favourable condition by 2042 was not set as a legally binding target under the Environment Act.

In our view, setting a legally binding target for protected site condition would give this outcome greater prominence, priority and authority. It would also be a stronger signal of the importance of improving the condition of protected sites to meet wider objectives. We consider that it would give the target a similar status to that of the Public Service Agreement (PSA) target to improve the condition of protected sites between 2000 and 2010.<sup>147</sup>

<sup>145</sup> Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (n 135).

<sup>146</sup> Natural England, 'Designated Sites View' (n 134).

<sup>147</sup> HM Treasury, 'Comprehensive Spending Review 2000' <[www.gov.uk/government/publications/comprehensive-spending-review-2000](https://www.gov.uk/government/publications/comprehensive-spending-review-2000)> accessed 7 July 2025. Note that the target was subsequently amended so that it required 95% of sites to be in favourable or recovering condition.

PSA targets, though not statutory, were commitments of the whole government which meant they had a similar level of authority. As a result, they generated significant action from departments and delivery bodies, combined with resourcing, clear priorities and systems of oversight and accountability. They were abolished in 2010.<sup>148</sup>

The PSA target led to more effective delivery than has been the case subsequently. This was illustrated, for example, by the effective functioning of the SSSI Major Landowners' Group (a working group of organisations that own or manage the largest area of SSSIs, which we discuss further in Section 2.5.3), and by achievement of the target.<sup>149</sup>

In contrast, the area of protected sites in favourable condition has decreased since the commitment to restore 75% of SSSIs to favourable condition by 2042 was set in 2018.<sup>150</sup> This followed the failure, as shown in Table 2.1 above, to achieve earlier, non-statutory targets, set in 2011. Those were to restore at least 50% of the total area of SSSIs to favourable condition by 2020, and to maintain at least 95% of the total area of SSSIs in 'favourable' or 'recovering' condition.

In the absence of PSA targets, our view is that the prospects of achieving a similar level of concerted, cross-departmental effort would be improved through setting statutory, legally binding targets for protected sites under the Environment Act. This would provide for greater accountability mechanisms as set out in the legislation. We expect it would also lead to greater priority being attached to the objective within government and the wider public sector.

This was also the view of an official at a public body that owns a large area of protected sites. They told us that having a statutory, legally binding target relating to protected site condition would lead to greater prioritisation within their body and would help in efforts to secure funding for this outcome.

In the absence of a PSA target or binding target under the Environment Act for improving protected site condition, this objective appears to have become a lower priority than was the case between 2000 and 2010. For example, seven years after the non-binding EIP protected site condition commitment was set, we found no delivery plan to achieve it or assessment of progress towards it in government's EIP progress reports.

Progress was initially reported under the 25 Year Environment Plan. However, Defra's EIP progress reports now only assess progress on meeting legally binding Environment Act targets and their related interim targets.<sup>151</sup> Data are available, however, on government and Natural England websites to inform reporting against the protected site condition commitment.

148 Institute for Government, 'Public Service Agreements and the Prime Minister's Delivery Unit' (2014) <<https://www.instituteforgovernment.org.uk/sites/default/files/case%20study%20psas.pdf>> accessed 23 September 2024.

149 Natural England, 'Protecting England's Natural Treasures - Sites of Special Scientific Interest - NE306' (n 121) 11–14.

150 Defra, 'Extent and Condition of Protected Areas' (n 77). See Figure 2: Cumulative proportion of Sites of Special Scientific Interest in favourable or unfavourable recovering condition in England, 2016 to 2024.

151 Defra, 'Environmental Improvement Plan Annual Progress Report 2023 to 2024' (2024) <[www.gov.uk/government/publications/environmental-improvement-plan-annual-progress-report-2023-to-2024](https://www.gov.uk/government/publications/environmental-improvement-plan-annual-progress-report-2023-to-2024)> accessed 22 August 2024; Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (n 135).

Many responses to the then government's consultation on Environment Act targets,<sup>152</sup> and to our call for evidence in this project, advocated setting a legally binding protected sites condition target. We have also previously advised,<sup>153</sup> as has Natural England,<sup>154</sup> that the government should set such a target. Our advice explained that the condition of protected sites is the only currently available measure of habitat quality, which is an outcome of critical importance to achieving the Environment Act species targets.<sup>155</sup>

This was recognised by government at the time. The then government stated in its consultation on the Environment Act targets that 'in recognition of the significant importance to domestic biodiversity of protected sites, we will look to set a protected sites target in future when we have responded to the Nature Recovery Green Paper and following any future reforms'.<sup>156</sup>

## 2.2.2 Protected site extent target

Currently, there are no outcomes set in or under law for increasing the area covered by protected sites. Specifically, there are no targets for the number of new SSSIs, SACs or SPAs, or the total area of the protected site network.

In the absence of such targets, as adopted in 2023 the EIP committed in more general terms to 'creating more joined up space for nature on land – protecting land and increasing interconnections to boost natural resilience'.<sup>157</sup> The government has also committed to the GBF target to effectively conserve and manage at least 30% of land and 30% of seas by 2030 (see Section 1.2.1).<sup>158</sup>

The EIP states that in achieving the '30 by 30 target', the government will 'designate new protected areas'.<sup>159</sup> It also set a commitment to establish 25 new NNRs. As explained in Box 2.1, NNRs do not benefit from the same levels of protection as SSSIs unless also specifically designated as such.

152 Defra, 'Environmental Targets Consultation Summary of Responses and Government Response' 10 <[https://assets.publishing.service.gov.uk/media/639c6f2f8fa8f539108d596a/Environmental\\_targets\\_consultation\\_summary\\_of\\_responses\\_and\\_government\\_response.pdf](https://assets.publishing.service.gov.uk/media/639c6f2f8fa8f539108d596a/Environmental_targets_consultation_summary_of_responses_and_government_response.pdf)> accessed 15 May 2025.

153 Office for Environmental Protection, 'Advice on Environmental Targets' 6 <[www.theoep.org.uk/report/oep-response-consultation-environmental-targets](http://www.theoep.org.uk/report/oep-response-consultation-environmental-targets)> accessed 15 May 2025.

154 Natural England, 'Consultation on Environment Act 2021 Environmental Targets – Natural England Response (Unpublished)'.

155 Office for Environmental Protection, 'Advice on Environmental Targets' (n 153) 2.

156 Defra, 'Consultation on Environmental Targets' (2022) 14 <[https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting\\_documents/Environment%20Targets%20Public%20Consultation.pdf](https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting_documents/Environment%20Targets%20Public%20Consultation.pdf)> accessed 15 May 2025.

157 Defra, 'Environmental Improvement Plan 2023.' (n 3) 39.

158 *ibid* 40.

159 *ibid*.

## Box 2.1. National Nature Reserves

Natural England has statutory powers to declare land to be an NNR.<sup>160</sup> To do so, the land must be subject to management as a nature reserve by Natural England, by another owner or occupier under a management agreement with Natural England, or by another body that has been approved by Natural England, and Natural England must be satisfied that the land is of national importance.<sup>161</sup>

There were 224 NNRs in England in July 2025, with a total area of over 116,000 hectares. This is 0.8% of England's land area.<sup>162</sup>

NNRs are places where nature conservation is the primary consideration, alongside recreational activities that are compatible with that objective. They contrast with the larger area covered by SSSIs in which management for nature is sought alongside other land uses such as forestry and agriculture.

The management of NNRs has primarily been achieved through management agreements (referred to as 'nature reserve agreements'),<sup>163</sup> by Natural England acquiring the land itself, or through byelaws (available in both cases).<sup>164</sup> Until recently, NNRs were underpinned by designation as SSSIs.<sup>165</sup> This provided them with protection from potentially damaging operations through the consenting and assenting regimes (see Chapter 7). SSSI underpinning has also provided tools for Natural England to secure appropriate management using management schemes and notices.

However, more recently, Natural England has declared land to be an NNR without any accompanying SSSI designation.<sup>166</sup> These areas, therefore, do not benefit from the specific protections that follow from SSSI designation.

The government considers that NNRs are 'protected areas' for the purposes of the 30 by 30 commitment, whether or not they are designated as SSSIs.<sup>167</sup> However, the GBF guidance refers to the International Union for Conservation of Nature (IUCN) definition of 'protected areas'.<sup>168</sup> The Protected Areas Working Group of the IUCN National Committee UK has concluded that, assessed against the formal IUCN protected area definition, NNRs do not qualify as 'protected areas' unless they are also covered by SSSIs, SACs, SPAs or Ramsar Sites. This is because the NNR legislation does not itself provide for their long term protection or impose legal obligations on owners and occupiers.<sup>169</sup>

160 Section 19, National Parks and Access to the Countryside Act 1949; section 35, Wildlife and Countryside Act 1981.

161 Section 35, Wildlife and Countryside Act 1981.

162 Natural England, 'National Nature Reserves in England' (23 July 2025) <[www.gov.uk/government/collections/national-nature-reserves-in-england](https://www.gov.uk/government/collections/national-nature-reserves-in-england)> accessed 20 August 2025.

163 Section 7, Natural Environment and Rural Communities Act 2006; section 15A(2)(a), National Parks and Access to the Countryside Act 1949.

164 Section 20, National Parks and Access to the Countryside Act 1949; section 35(3) and (4), Wildlife and Countryside Act 1981.

165 Christopher P Rodgers, *The Law of Nature Conservation* (Oxford University Press 2013) 102.

166 For example, Louise Crothall, 'London Has a New National Nature Reserve: The South London Downs NNR' (30 July 2019) <<https://naturalengland.blog.gov.uk/2019/07/30/london-has-a-new-national-nature-reserve-the-south-london-downs-nnr/>> accessed 18 July 2025.

167 Defra, '30 by 30 on Land in England: Confirmed Criteria and next Steps' (2024) <[www.gov.uk/government/publications/criteria-for-30by30-on-land-in-england/30by30-on-land-in-england-confirmed-criteria-and-next-steps](https://www.gov.uk/government/publications/criteria-for-30by30-on-land-in-england/30by30-on-land-in-england-confirmed-criteria-and-next-steps)> accessed 11 December 2024.

168 Convention on Biological Diversity, 'Target 3 Conserve 30% of Land, Waters and Seas' (n 34).

169 Protected Areas Working Group of the IUCN National Committee UK, 'Statements of Compliance for UK Protected Areas and "Other Effective Area-Based Conservation Measures": 2023 Review' (2023) 47–54 <<https://iucn-nc.uk/wp-content/uploads/2023/12/Statements-of-Compliance-for-UK-protected-areas-and-%E2%80%98other-effective-area-based-conservation-measures-2023-Review.pdf>> accessed 3 June 2024.



During consultation on the Environment Act targets, we also advised the then government to set a target for the extent of protected sites.<sup>170</sup> We explained that increasing the area covered by protected sites was important in achieving the Environment Act's legally binding species targets and the GBF target to effectively conserve and manage 30% of land by 2030.<sup>171</sup> We referred to the 2010 'Making Space for Nature' review, which found that England's wildlife sites were too small and insufficiently connected to operate effectively.<sup>172</sup>

We outline further evidence showing gaps in the coverage of protected sites for many habitats and species in Chapter 4. We also observe that the percentage of England covered by SACs and SPAs is lower than in any of the 27 member states of the EU, and has barely increased in recent years.

The evidence highlights the need for more protected sites to be designated if environmental targets, commitments and outcomes are to be achieved.

We consider that setting such a target for the extent of protected sites would give this important objective greater priority. We found that when targets were set to increase the extent of protected sites in Northern Ireland, there was a significant increase in designation activity.<sup>173</sup>

This would require Defra, working with Natural England, to identify by how much the area covered by protected sites should be increased to support the achievement of the Environment Act species targets, '30 by 30' and the 2050 GBF goals. As we note in Chapter 4, work by Natural England in 2021 showed that there were potentially suitable areas for an additional 100,000 hectares of new SSSI land to be designated.<sup>174</sup> This figure was taken from '30 by 30' scenario modelling by Defra. This would be around a 10% increase in the extent of SSSIs.

Further, we understand that this 2021 work considered only upland blanket bog and heath, and coastal and ancient woodland habitats. If all habitats and species were considered, a larger area of land would potentially meet the criteria for SSSI designation.

The implementation of such a target, if adopted, should focus on filling the gaps in the SSSI series identified by previous reviews (see Chapter 4) and improving the prospects of achieving the Environment Act species targets. It should also aim to create a more ecologically coherent network of sites, which could provide the core of a wider network for nature recovery. Government should also consider how this would support its plans to achieve '30 by 30'.

### **2.2.3. SMART targets**

The statutory protected sites targets that we recommend government considers setting in this chapter should be SMART, that is: specific, measurable, ambitious, realistic and time-

170 Office for Environmental Protection, 'Advice on Environmental Targets' (n 153) 6.

171 *ibid.*

172 Professor Sir John Lawton (n 110).

173 Office for Environmental Protection, 'Review of Implementation of Laws for Terrestrial and Freshwater Protected Sites in Northern Ireland' (n 5) 45.

174 Natural England, 'Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)'; openDemocracy, 'Government Set to Miss Key Nature Targets after Ignoring Own Advice' (*openDemocracy*) <[www.opendemocracy.net/en/government-set-to-miss-key-nature-targets-after-ignoring-own-advice/](https://www.opendemocracy.net/en/government-set-to-miss-key-nature-targets-after-ignoring-own-advice/)> accessed 11 December 2024.

bound.<sup>175</sup> SMART biodiversity targets are more likely to be met<sup>176</sup> than those which are unrealistic or unspecific.<sup>177</sup>

The protected site targets and commitments that were set in the EIP (included in Table 2.1) meet some of these criteria. They include reasonably specific goals that are time-bound.

There is, however, some ambiguity as to the specific outcome sought under the commitment that was made to restore 75% of SSSIs to favourable condition by 2042. While Defra and Natural England previously reported on the basis of the percentage of the total area of SSSIs in favourable condition, they now also do so on the basis of the percentage of designated SSSI features in favourable condition. We discuss this further in Section 5.1.2.

This means that when the commitment was set in 2018, the extent of favourable condition was only measured using the area-based approach. From 2023 onwards, Natural England changed to the feature-based approach while saying it would also continue to measure the area percentages until 2025. That is why we show the area-based results for 2018 (38.7% in favourable condition) and from September 2025 (33.5%) in Table 2.1, as these figures are comparable. The percentage of features in favourable condition in September 2025 was reported to be 41.2%, as also shown in Table 2.1, but there is no equivalent figure for 2018.

The commitment to restore 75% of SSSIs to favourable condition does not itself include any specificity on the basis on which it is to be assessed. However, as outlined above, it appears to have changed over time. This could lead to the impression that there has been an improvement in the extent of SSSIs in favourable condition, when it is actually a change of measurement.

In our view, it is important that where any national commitment or target is set, there is consistency and clarity over how performance against that outcome is measured and reported. We note, additionally, that Defra will need to continue to measure the area of SSSIs in favourable or unfavourable recovering condition for the purposes of the GBF 30 by 30 commitments, since these are area-based rather than feature-based targets (see Section 1.2.1).

The interim EIP targets for protected sites identified in Table 2.1 (relating to SSSI condition assessments and actions) that should be met by 2028 were not initially measurable owing to a lack of metrics. The government's annual EIP progress report for 2023/24 did not state the latest progress, explaining that metrics were under development.<sup>178</sup> Progress was first reported in the 2024/25 annual progress report.<sup>179</sup>

However, the interim target relating to water pollution from agriculture in catchments containing protected sites remains, and will continue to be until 2029, unmeasurable.<sup>180</sup> This means that progress cannot be assessed against this interim target at any stage before, or on, its due date in 2028. We address this in more detail in Section 2.6 below.

We have also seen no evidence to demonstrate whether the current targets and commitments in Table 2.1 are sufficiently ambitious to achieve the government's overall

175 Sandra Díaz and others, 'Set Ambitious Goals for Biodiversity and Sustainability' (2020) 370 *Science*. 411-413. Elizabeth J. Green and others, 'Relating Characteristics of Global Biodiversity Targets to Reported Progress' (2019) 33 *Conservation Biology*. 1360-1369. Georgina M. Mace and others, 'Aiming Higher to Bend the Curve of Biodiversity Loss' (2018) 1 *Nature Sustainability*. 448-451.

176 Elizabeth J. Green and others (n 175); Sean Leo Maxwell and others, 'Being Smart about SMART Environmental Targets' (2015) 347 *Science* 1075.

177 Elizabeth J. Green and others (n 175); Sean Leo Maxwell and others (n 176).

178 Defra, 'Environmental Improvement Plan' (n 151).

179 Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (n 135).

180 *ibid* 69.

goals. For example, it is unclear how they relate to or are intended to support the targets of halting and reversing the decline in the abundance of species and reducing the risk of species' extinction.

Further, we question the extent to which some of the targets and commitments in Table 2.1 have been set based on a specific and realistic assessment of what needs to be done to achieve them. Targets and commitments should be developed using evidence to assess if they are attainable, considering the full range of tools and resources that government and public authorities, working with others, can use.<sup>181</sup> This should include establishing the trajectory of improvement that would be needed and whether this is feasible, for example considering the time it will take for conservation measures to be put in place and for them to lead to the recovery of habitats and species. This evidence should be in the public domain so that all delivery bodies can see the target is attainable.

As we find in Section 2.5 below, such a trajectory has not been established seven years after the commitment was made to restore 75% of protected sites to favourable condition by 2042. The annual EIP progress report for 2024/25 includes such trajectories for the interim targets relating to carrying out SSSI condition assessments and increasing the number of actions that are on track, but not for the ultimate, long-standing objective of improving SSSI condition.

Our view is that government will need to take additional action if it is to ensure targets and commitments for protected sites are specific, measurable, ambitious and realistic, as well as time-bound. This is important because progress in meeting targets and commitments that are not specific or measurable cannot be readily monitored or scrutinised by government, Parliament, oversight bodies and the public. Targets and commitments that are not sufficiently ambitious may not lead to overall biodiversity objectives being met. Targets and commitments that are not realistic or accompanied by sufficiently planned measures for achievement may not command the confidence of delivery bodies and may not galvanise action within or outside government if they are widely seen as unachievable or aspirational.

## 2.3 Strategy

Targets and commitments are only as effective as the measures to achieve them. Setting statutory targets, as advocated above, will enable more effective delivery but will not secure this by themselves. To be successful they will need to be paired with other elements of effective governance. In this section, we examine the strategy put in place to achieve the EIP protected site condition commitment and to increase the extent of protected sites.

Strategy sets the direction for what is needed to achieve targets and commitments, and the pace and scale of action required. Successful strategy has three elements: a diagnosis of an issue or problem, a guiding policy and a set of coherent actions to achieve targets.<sup>182</sup> However, we have found that there is no such strategy in or under the EIP for achieving the EIP protected site condition commitment or increasing the extent of protected sites.

The current EIP commitment was originally set in the 25 Year Environment Plan in 2018.<sup>183</sup> This plan did not contain a strategy for achieving the intended outcome, however, as it lacked any diagnosis, guiding policy or set of actions to achieve it.

181 Miranda S. Bane and others, 'An Evidence-Base for Developing Ambitious yet Realistic National Biodiversity Targets' (2022) 5 Conservation Science and Practice.

182 Richard Rumelt, *Good Strategy, Bad Strategy: The Difference and Why It Matters* (Profile Books 2017) 77.

183 Defra, 'A Green Future: Our 25 Year Plan to Improve the Environment' (n 46) 26.

The same commitment was retained in the EIP adopted in 2023 under the Environment Act. The then government also set out a list of the actions it was or would be taking to achieve the commitment.<sup>184</sup> This was a positive step forward, but in our view still did not constitute an effective strategy for meeting this commitment. The main gaps in this regard, as outlined below, appear to remain unfilled at the time of this report.

Firstly, the EIP did not contain a diagnosis of the problem. In other words, there was no analysis of why the condition of protected sites had barely changed since 2010, despite government targets for improvement. There was no mention of the pressures on protected sites that would need to be overcome to meet this commitment or the scale of the challenge and the response required. Some of this has been set out elsewhere, for example in Natural England's SSSI Improvement Plan (see Section 2.4.1), but we consider that it should be an important part of the overall strategy as set out in the EIP.

An evaluation by the UK Centre for Ecology and Hydrology (UKCEH) in 2019 provided some diagnosis of the issues that would need to be addressed.<sup>185</sup> It attributed the failure to achieve the two protected site condition targets that should have been met in 2020 (see Table 2.1) to: low levels of uptake of agri-environment schemes in protected sites; insufficient resourcing for one-to-one advice to landowners; infrequent monitoring; a lack of joined-up partnership working to address off-site pressures; and reduced and insecure long term funding.<sup>186</sup>

The list of actions in the EIP in 2023 for achieving the EIP protected site condition commitment only partially addressed the issues identified by UKCEH. It did not contain actions for increasing the uptake of agri-environment schemes or providing one-to-one advice to owners and occupiers within protected sites. We discuss this further in Chapter 6. Nor did it address the need to provide more secure, longer term funding for protected site work. We discuss resourcing issues in Chapter 3.

Since 2022, Natural England has had a statutory power to prepare and publish protected site strategies for improving the conservation and management of protected sites and managing the effect on them of plans, projects or other activities.<sup>187</sup> Public bodies, statutory undertakers and others with duties under the Habitats Regulations must have regard to such a strategy so far as relevant to their other protected site duties.

The EIP included commitments to pilot protected site strategies on 33 SSSIs and to work with partners to improve 145 SSSIs.<sup>188</sup> These would go some way towards addressing UKCEH's findings around partnership working to address off-site pressures in relation to these sites. We understand from Defra that they will cover around 9% of the area of SSSIs.

This leads to our second concern. It has not been clear whether or how the actions that were outlined in the EIP, collectively, were expected to provide the pace and scale of progress needed to achieve the EIP protected site condition commitment. Several did not appear significantly different from what had already been happening over a long period to implement protected site laws, with limited success. Others were at an early stage of development, progressing slowly or at a small scale.

184 Defra, 'Environmental Improvement Plan 2023.' (n 3) 45–46.

185 Hawkins and others (n 124).

186 *ibid.* 50–51.

187 Section 110, Environment Act 2021.

188 Defra, 'Environmental Improvement Plan 2023.' (n 3) 45–46.

For example, a baseline for the condition of all sites, which will be necessary to inform actions needed to improve their condition, is intended to be established in 2028, 10 years into a 25-year target.<sup>189</sup> As noted above, progress on establishing that baseline by 2028 is off track. In contrast, a baseline of condition was established three years after the PSA target was set in 2000.<sup>190</sup>

Similarly, almost four years after the power became available to make statutory protected site strategies under the Environment Act, such strategies are due to be in place for less than 1% of SSSIs by the end of 2025.<sup>191</sup> Defra told us that the intention has been to pilot protected site strategies up to 2025, with the aim of testing and validating the concept. We appreciate the need to test new policy tools and we note that government has committed to increasing the scale of this programme after this initial period.<sup>192</sup> However, this appears to be progressing slowly considering the need to rapidly put in place action to meet the government's relevant targets and commitments.

In addition, work by the Major Landowners' Group is only being targeted at a proportion of the protected sites within group members' control. In contrast, between 2000 and 2010 the group was able to operate at a larger scale, making a substantial contribution to a national protected site condition target (see Section 2.5.3).

With regard to increasing the extent of protected sites, the only public statement of a national position that we are aware of is that included in the 2023 EIP by the then government. This refers in broad terms to 'continuing to implement the designations programme to consider further places suitable to be SSSIs'.<sup>193</sup>

In 2023, Natural England calculated that it had designated new SSSI land at an average annual rate of around 2,900 hectares in recent years. If this were to continue up to 2030, it would increase SSSI coverage of England's land area by 0.2%.<sup>194</sup>

The government biodiversity indicators published in 2025 note that 'the area of terrestrial and freshwater sites has remained relatively stable since 2005' and that there has been 'little or no overall change' between 2019 and 2024.<sup>195</sup>

We found there is no government strategy to increase the extent of protected sites, mirroring the absence of a government target or commitment to do so. This is despite the commitment to protect 30% of land (and 30% of sea) by 2030, in line with the GBF '30 by 30' target. In 2023, the then government acknowledged in the EIP that new protected areas will be needed to meet this target.<sup>196</sup> We would also expect new protected areas, including SSSIs, SACs and SPAs, to provide an important component in the delivery of 30 by 30.

189 *ibid* 34, 45.

190 English Nature, 'Select Committee on Environment, Food and Rural Affairs Minutes of Evidence: Memorandum Submitted by English Nature (N5)' <[www.publications.parliament.uk/pa/cm200304/cmselect/cmenvfru/475/4042005.htm](http://www.publications.parliament.uk/pa/cm200304/cmselect/cmenvfru/475/4042005.htm)> accessed 15 May 2025.

191 Defra, 'Environmental Improvement Plan 2023.' (n 3) 45.

192 HM Treasury, 'Autumn Budget 2024' (2024) 105 <[https://assets.publishing.service.gov.uk/media/672b98bb40f7da695c921c61/Autumn\\_Budget\\_2024\\_Print.pdf](https://assets.publishing.service.gov.uk/media/672b98bb40f7da695c921c61/Autumn_Budget_2024_Print.pdf)> accessed 9 October 2025.

193 Defra, 'Environmental Improvement Plan 2023.' (n 3) 45.

194 Natural England, 'Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)' (n 174).

195 Defra, 'Extent and Condition of Protected Areas' (n 77).

196 Defra, 'Environmental Improvement Plan 2023.' (n 3) 40.

## 2.4 Delivery plans

### 2.4.1 National delivery plan

Natural England provided us with a copy of its SSSI Improvement Plan 2023-2028.<sup>197</sup> This plan has not been published.<sup>198</sup> In our view, it should be published to help increase transparency, build greater stakeholder confidence that targets can be met and allow for external scrutiny and challenge. We note that the Environmental Information Regulations 2004 require public authorities to proactively publish and make easily accessible environmental information including plans relating to the environment.<sup>199</sup>

As regards its content, there is much to welcome in the SSSI Improvement Plan. It outlines work underway, for example, to update evidence on site condition, identify pressures and costed actions for each SSSI, and ensure progress. The plan also contains four clear objectives: to designate more sites; determine site condition; improve condition; and protect sites from harm.<sup>200</sup>

The SSSI Improvement Plan is not expressly a plan to achieve the objective of restoring 75% of protected sites to favourable condition by 2042, or any other such long term outcome. It contains elements of what such a plan might contain but is primarily aimed at the two interim SSSI targets for 2028.

The plan also does not address the risk that the delivery of the interim target for 50% of SSSIs to have actions on track to achieve favourable condition does not prioritise the timely implementation of those actions most urgently needed to meet the longer term protected site condition commitment. Some actions that are required to achieve that longer term commitment may take many years to result in an improvement in site condition, so would need to be implemented quickly if that commitment is to be met. However, the interim target could be achieved without putting in place such actions.

We consider that a more complete and effective delivery plan for achieving the protected site condition commitment should include, for example, a set of costed actions at a national level, allocated to relevant delivery bodies. To enable progress to be measured, we suggest that the intended outcome to be achieved by 2042 should be broken down into interim targets or milestones that reflect the trajectory required. This should be informed by an understanding of how long it will take to deliver actions and for protected sites and their features to recover.

### 2.4.2 Addressing the main causes of poor protected site condition

The SSSI Improvement Plan lists key pressures on SSSIs and some available mechanisms and possible changes to policy and law which could help deliver improvements. However, it says little about the large scale causes of poor condition and the strategic solutions to these matters, and does not seek to present clear links between the pressures, mechanisms and desired changes. We also note that some of the mechanisms are at an early stage of policy development or delivery and are currently operating at a small scale. We suggest that these matters would benefit from further attention by Natural England to improve the plan's likely effectiveness.

<sup>197</sup> Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)'.

<sup>198</sup> Some aspects were discussed in this blog: Brian Davies (n 67).

<sup>199</sup> Regulation 4, Environmental Information Regulations 2004.

<sup>200</sup> Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)' (n 197).

More broadly, we have found that previous attempts to develop large scale, strategic solutions to improve protected site condition have developed slowly and have not been widely implemented. For example, between 2013 and 2015, Natural England's Improvement Programme for England's Natura 2000 Sites (IPENS) produced theme plans to address '11 common and complex issues which affect many sites and are difficult to address on a site-by-site basis'.<sup>201</sup> Box 2.2 below illustrates the problems in implementing this programme and national government targets and commitments in relation to the effects of air and water pollution on protected sites.

### Box 2.2. Case Study: Addressing the effects of air and water pollution on protected sites

A key action in the IPENS **atmospheric nitrogen** theme plan was to trial Site Nitrogen Action Plans (SNAPs) at up to six sites, and then to develop and implement a SNAPs programme more widely.<sup>202</sup> However, limited progress appears to have been made. In 2023, an update for the Major Landowners' Group stated that four SNAP pilots were still underway.<sup>203</sup> Ten years after the need for SNAPs was identified, there had been no wider application of them across affected sites.

At a national level, the then government set a target in the Clean Air Strategy 2019 to reduce the damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, and to review what longer term targets should be.<sup>204</sup> Government's most recent data suggest there has been an 8.3% decrease in the total deposition of reactive nitrogen onto protected sensitive habitats in England between 2016 and 2021.<sup>205</sup> If this trend were to continue, the 2030 nitrogen deposition target would likely be met.

However, our assessment has found government largely off track in relation to this target.<sup>206</sup> We noted that a similar decrease up to 2020 may have partly reflected pandemic lockdown restrictions. In addition, recent projections suggest government is off track to meet the statutory 2030 emission reduction commitment for ammonia,<sup>207</sup> which is considered the dominant source of excess nitrogen deposition on vulnerable ecosystems.<sup>208</sup> We also observed that in the period 2020-2022, the percentage area of sensitive habitats where nitrogen deposition exceeded critical loads (99.3%) was largely unchanged since 2003.<sup>209</sup>

201 Natural England, 'Improvement Programme for England's Natura 2000 Sites (IPENS): Planning for the Future. Programme Report – a Summary of the Programme Findings.' (2015) <<https://publications.naturalengland.org.uk/publication/5757712073752576>> accessed 16 May 2025. 13.

202 Natural England, 'Atmospheric Nitrogen Theme Plan: Developing a Strategic Approach for England's Natura 2000 Sites' (2015) <<https://publications.naturalengland.org.uk/publication/6140185886588928?category=5605910663659520>> accessed 16 May 2025; Natural England, 'Improvement Programme for England's Natura 2000 Sites (IPENS): Implementation Progress Report 2015-2018' 50 <<https://publications.naturalengland.org.uk/publication/6630490718601216>> accessed 16 May 2025.

203 Natural England, 'MLG Winter 2023: SSSI Report to End of November 2023 (Unpublished)'.

204 Defra, 'Clean Air Strategy 2019' (n 140). 38.

205 Ed Rowe and others (n 142). 76.

206 Office for Environmental Protection, 'Progress in Improving the Natural Environment in England 2023/2024' (n 139). 64.

207 M Elliott and others, 'UK Informative Inventory Report: Emissions of Air Pollutants in the United Kingdom from 1990 to 2023' 445 <[https://naei.energysecurity.gov.uk/sites/default/files/2025-03/GB\\_ILR\\_2025\\_Submission.pdf](https://naei.energysecurity.gov.uk/sites/default/files/2025-03/GB_ILR_2025_Submission.pdf)> accessed 5 June 2025.

208 Economic Commission for Europe's Executive Body for the Convention on Long-range Transboundary Air Pollution, 'Assessment Report on Ammonia' 2 <[https://unece.org/sites/default/files/2021-03/ECE\\_EB.AIR\\_WG.5\\_2021\\_7-2102624E.pdf](https://unece.org/sites/default/files/2021-03/ECE_EB.AIR_WG.5_2021_7-2102624E.pdf)> accessed 5 June 2025.

209 Ed Rowe and others (n 142). 49. Defra, 'Outcome Indicator Framework - A6: Exceedance of Damaging Levels of Nutrient Nitrogen Deposition on Ecosystems' <<https://oifdata.defra.gov.uk/themes/air/A6/>> accessed 5 June 2025.



IPENS found that **diffuse water pollution** was another pressure on many protected sites. The relevant IPENS theme plan identified diffuse water pollution plans (DWPPs) as a 'key mechanism for directing action to address this pressure'.<sup>210</sup> These are produced by the Environment Agency, in conjunction with Natural England, in relation to protected sites affected by water pollution. In 2015, government agreed in a judicial review Consent Order to produce DWPPs for 37 SACs and SPAs as soon as reasonably practicable. However, as of November 2023, only six of the sites reportedly had DWPPs in place.<sup>211</sup> Defra informed us in August 2025 that the Environment Agency and Natural England had now completed 28 of the 37 DWPPs required.

Moreover, the need for DWPPs appears to go beyond those 37 sites. The IPENS theme plan states that 54 SACs and SPAs need DWPPs, and a further 25 sites require investigation to confirm whether action, such as the development of a DWPP, is needed.<sup>212</sup>

Separately, there is a legally binding, statutory target under the Environment Act to reduce diffuse nitrogen, phosphorus, and sediment pollution from agriculture into the water environment by 40% by 31 December 2038, compared to a 2018 baseline.<sup>213</sup> The previous government also set interim targets relating to this target in the EIP, including to reduce nitrogen, phosphorus and sediment pollution from agriculture to the water environment by 15% in catchments containing protected sites in unfavourable condition due to nutrient pollution by 31 January 2028.<sup>214</sup> Our recent assessment is that progress is largely off track in relation to these targets.<sup>215</sup>

To be effective, our view is that a national delivery plan should set out how measures will be taken to address the main causes of poor condition of protected sites at the necessary scale and pace. The examples above, and the reported deterioration of protected sites, show that work to address these causes needs to be significantly scaled up and accelerated if intended environmental outcomes are to be met.

This should include ensuring that the plan sets out how the targets and commitments to address air and water pollution on protected sites in the Clean Air Strategy and EIP will be achieved, or ensuring coherence with other plans that set this out. At present, these targets and commitments are not mentioned in the SSSI Improvement Plan. To be most effective, we suggest that achieving targets and commitments relating to SSSI condition and actions, and the effects of air and water pollution on protected sites, should be a joined-up, coherent effort across government, Natural England and other delivery bodies at national and local scales.

More broadly, improving SSSI condition should be a key consideration in the development and implementation of all relevant policies, plans and strategies by public bodies. This reflects their statutory duties, for example, to further the conservation and enhancement

210 Natural England, 'Diffuse Water Pollution Theme Plan: Developing a Strategic Approach to Diffuse Water Pollution for England's Natura 2000 Sites' (2015) <<https://publications.naturalengland.org.uk/publication/5848526737113088?category=5605910663659520>> accessed 16 May 2025. 6.

211 Shosha Adie, 'Water Pollution Plans Promised in Court Stalled for over a Decade' *ENDS Report* <[www.endsreport.com/article/1845997?utm\\_source=website&utm\\_medium=social](http://www.endsreport.com/article/1845997?utm_source=website&utm_medium=social)> accessed 16 November 2023.

212 Natural England, 'Diffuse Water Pollution Theme Plan: Developing a Strategic Approach to Diffuse Water Pollution for England's Natura 2000 Sites' (n 210). 6.

213 Regulations 5 and 8(1), Environmental Targets (Water) (England) Regulations 2023.

214 Defra, 'Environmental Improvement Plan 2023.' (n 3) 103.

215 Office for Environmental Protection, 'Progress in Improving the Natural Environment in England 2023/2024' (n 139). 70, 84.

of SSSI features.<sup>216</sup> We consider the co-ordination of efforts to improve protected site condition below (Section 2.5).

Overall, we conclude that an effective strategy or plan has not been put in place to implement the commitment to restore 75% of protected sites to favourable condition by 2042 at the pace and scale that will be required since that commitment was first set in 2018. Previous efforts to develop and implement plans to address the most widespread causes of poor site condition have also had limited success.

The speed with which strategies and plans are developed and implemented matters. The longer that work to restore sites is deferred, the more complex, expensive and difficult it may be. Good early progress can make things easier and less expensive later. This is especially the case for habitats that are slow to recover, such as many woodlands and peatlands.

### 2.4.3 Site-level delivery plans

Alongside planning at a national level to deal with widespread pressures on protected sites, plans are also needed at a site level to set out specific, local actions.

#### Special Areas of Conservation and Special Protection Areas

The Secretary of State and Natural England must exercise their functions relevant to nature conservation so as to secure compliance with the requirements of the Habitats Directive.<sup>217</sup> This includes a requirement in respect of SACs, to:

‘establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites’.<sup>218</sup>

Measures taken with respect to SACs must be designed to maintain or restore habitats and species to favourable conservation status.<sup>219</sup>

While the specific requirements differ for SPAs, the Birds Directive includes a requirement for certain species to be: ‘the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution’.<sup>220</sup> It also includes a general requirement to ‘take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats’ for all wild birds.<sup>221</sup>

The Habitats Directive also requires parties to ‘take appropriate steps to avoid’, in both SACs and SPAs, ‘the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant’.<sup>222</sup> Relevant case law clarifies that the measures required for SACs and SPAs must be both identified and implemented.<sup>223</sup>

<sup>216</sup> Section 28G, Wildlife and Countryside Act 1981.

<sup>217</sup> Regulation 9(1), Habitats Regulations.

<sup>218</sup> Article 6(1), Habitats Directive.

<sup>219</sup> Article 2(2), Habitats Directive.

<sup>220</sup> Article 4(1) and (2), Birds Directive.

<sup>221</sup> Article 3(1), Birds Directive.

<sup>222</sup> Articles 6(2) and 7, Habitats Directive.

<sup>223</sup> C-441/17 *Commission v Poland* [213].

The UK's 2019 Habitats Directive General Implementation Report summarised that, by 2018, at a UK-level, necessary conservation measures had been established and applied to 16.9% of the SAC network (by area).<sup>224</sup> For SPAs, the UK's 2019 Birds Directive General Implementation Report summarised that the necessary conservation measures had been established and applied for 43.6% of the SPA network (by area).<sup>225</sup>

While more recent figures were not available during this project, or figures specifically for England, the Secretary of State is required to publish a report on the implementation of measures taken to secure compliance with the requirements of the Habitats Directive and the Birds Directive by 31 January 2026.<sup>226</sup>

It appears that some progress was made towards identifying site-specific measures around a decade ago. Natural England produced site improvement plans for each SAC and SPA between 2013 and 2015 as part of IPENS.<sup>227</sup> These outlined the priority issues affecting the condition of the site, the actions required, who was responsible, potential delivery mechanisms and funding sources.

These plans laid a foundation for improving SAC and SPA condition, but their implementation has been limited. Natural England's website states that site improvement plans 'are live documents that will be updated to reflect changes in our evidence/knowledge and as actions get underway'.<sup>228</sup> However, these plans do not appear to have been updated since their publication over a decade ago.

This has also been noted by stakeholders. For example, the Broads Authority told us that it was not clear how site improvement plans had been translated into action. The IUCN UK National Committee's Protected Areas Working Group observed that the implementation of IPENS actions has not been funded and there has been no published assessment of their delivery. Other stakeholders, including some highly invested in managing protected sites, were either unaware of the current status of site improvement plans or had no knowledge of their existence.

Natural England has not been able to provide information to us about the extent to which actions in IPENS theme plans or site improvement plans have been implemented, or the funds available for doing so. It told us that, without a statutory underpinning for site improvement plans, the impetus to make progress with actions has not been maintained. A 2021 report for Defra found that much of the work identified as being needed under the IPENS project, and which was intended to be undertaken between 2015 and 2021, had yet to be completed.<sup>229</sup>

## Sites of Special Scientific Interest

Natural England also has records of the actions needed to maintain or improve the condition of SSSIs. These have been made available to members of the Major Landowners' Group. We heard from group members in 2024 that these records had not been kept up to date and, as a result, were of limited use to delivery bodies. For example, a water company

224 JNCC, 'Fourth Article 17 UK Habitats Directive Report (2019): Annex A (General Implementation Report)' (2019) 14 <<https://data.jncc.gov.uk/data/49d215d2-3780-40dc-a777-dd956f3b9c7a/Article17-AnnexA-2019-A.pdf>> accessed 13 June 2025.

225 JNCC, 'Eleventh Article 12 UK Birds Directive Report (2019): Annex A – General Report' (2019) 8 <<https://data.jncc.gov.uk/data/63b0f65d-671b-44f9-86f2-e23e0fcdcb2c/UK-birds-general-report.pdf>> accessed 13 June 2025.

226 Regulation 9A, Habitats Regulations.

227 Natural England, 'Site Improvement Plans by Region' <<https://publications.naturalengland.org.uk/category/5458594975711232>> accessed 9 October 2025.

228 For example, see Natural England, 'Site Improvement Plan: Baston Fen (SIP010)' <<https://publications.naturalengland.org.uk/publication/6625046869049344>> accessed 20 May 2025.

229 Caroline Hattam and others (n 60) 35.

told us that some of its recorded actions were 10 years out of date. They also said that their actions had not been updated or, when completed, recorded as such.

Natural England said it considers that it is the responsibility of members of the Major Landowners' Group to update the details of the actions they own. Our understanding is that this is a change in approach and that this was previously seen as Natural England's responsibility. From our discussions with members, it appears that very few are updating their actions.

One member expressed concern to us that the new approach effectively requires members to 'mark their own homework'. Another member of the group told us that their organisation does not currently have capacity to update their actions, which they described as a time-consuming task for a large landowning body. They added that some of this work would be of little value because many of the condition assessments the actions are based on are out of date.

On the other hand, the Environment Agency has appreciated being given responsibility to update its SSSI actions. It told us that this is an efficient way to keep its actions up to date and has helped with reporting against its internal key performance indicator (KPI) on SSSI actions (see Section 2.5.4).

Drawing on these records, we understand from Natural England that it is developing a new database of protected site actions and their implementation. This will inform the development of an action plan for each SSSI, which will set out who needs to do what, and by when, to improve and maintain feature condition. Natural England will also develop a costed SSSI Delivery Plan that sets out the mechanisms and actions needed to achieve and maintain favourable condition.<sup>230</sup>

To be effective, we consider that the actions database and action plans should contain complete, consolidated and frequently updated sets of all the costed, on-site and off-site time-bound actions needed to maintain or restore each site's features to favourable condition and their latest status. This should include actions from IPENS site improvement plans and all other plans that contain relevant actions. It will also need to be well-communicated with bodies responsible for taking actions. An effective system should be put in place with action-owners for ensuring that the database is being kept up to date.

We discuss above (Section 2.3) progress in developing and piloting protected site strategies. Natural England stated in June 2025 that there will be an accelerated rollout of these strategies after 2025.<sup>231</sup> Their development is an opportunity to set out what action Natural England considers should be taken, and by whom, to address the causes of poor site condition. In many cases this will be beyond the control of a single individual or organisation. It is therefore also an opportunity to put in place and empower effective local partnerships to deliver action at the required scale to protect and restore sites.

There is a risk, however, that this could largely repeat the process of developing site improvement plans during the previous decade without leading to the scale and speed of delivery needed to improve site condition. There is a pressing need to rapidly move beyond strategising and planning, and into delivery. The success of these strategies and plans will be measured in their implementation and outcomes.

230 Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)' (n 197).

231 David Burton, 'Protected Site Strategies – Problems Shared' (16 June 2025) <<https://naturalengland.blog.gov.uk/2025/06/16/protected-site-strategies-problems-shared/>> accessed 16 June 2025.

## 2.5 Leadership, oversight and co-ordination

Government has a unique role in securing good governance. As well as putting in place targets, strategies and plans, it also has a responsibility to provide leadership in overseeing and co-ordinating the efforts of delivery bodies. Done well, this should ensure that targets, commitments, strategies and plans are being delivered by bodies that know what they need to do and are empowered, motivated and able to do so.

This section focuses on government oversight and co-ordination of public delivery bodies. This is because of the importance of these public bodies in achieving protected site outcomes and the control government can exercise over them.

### 2.5.1 Public authorities' contribution to improving protected sites

Approximately 40% of the area covered by SSSIs is owned or occupied by public authorities.<sup>232</sup> Some of these authorities are listed in Table 2.2 below.

Members of the SSSI Major Landowners' Group, which mostly comprises public authorities, have a role in the management of 52% of all SSSI features.<sup>233</sup> Data provided to us by Natural England show that some public authorities, such as the Environment Agency, are responsible for many actions that need to be taken to improve the condition of sites even though they own only a small proportion of the areas in question.

The responsibility of public authorities in improving protected site condition is reflected in legislation and guidance. For example, public authorities have a statutory duty when exercising their functions to take reasonable steps to further the conservation and enhancement of SSSI features.<sup>234</sup>

Public bodies also have a duty to have regard to the requirements of the Habitats and Birds Directives in exercising their functions, so far as they may be affected by the exercise of those functions.<sup>235</sup> The Secretary of State and Natural England have a stronger duty, to exercise their functions which are relevant to nature conservation so as to secure compliance with the requirements of the directives.<sup>236</sup> The directives' requirements are summarised in Section 2.4.3.

Further, public bodies are subject to a general biodiversity duty, requiring them to consider what actions they can take, consistent with their functions, to further the conservation and enhancement of biodiversity in England.<sup>237</sup> Government guidance to public authorities on this duty states that authorities should 'work actively with Natural England and others to identify and implement the actions needed to improve [protected] site condition'.<sup>238</sup>

The Greening Government Commitments adopted in 2021 also set out that government departments and certain agencies and other public bodies should develop and deliver nature recovery plans. These should include 'a specified commitment, where relevant, to [...] all protected sites under their management'.<sup>239</sup>

232 Natural England, 'Protecting England's Natural Treasures - Sites of Special Scientific Interest - NE306' (n 121) 12–13.

233 Natural England, 'SSSI Monthly Update Report for the Major Landowners Group – October 2023 (Unpublished)'.

234 Section 28G, Wildlife and Countryside Act 1981.

235 Regulation 9(3), Habitats Regulations.

236 Regulation 9(1), Habitats Regulations.

237 Section 40, Natural Environment and Rural Communities Act 2006.

238 Defra, 'Guidance: Complying with the Biodiversity Duty' <[www.gov.uk/guidance/complying-with-the-biodiversity-duty](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty)> accessed 20 May 2025.

239 Defra, 'Greening Government Commitments 2021 to 2025' <<https://www.gov.uk/government/publications/greening-government-commitments-2021-to-2025/greening-government-commitments-2021-to-2025>> accessed 20 May 2025.

Overall, therefore, the law and guidance reflect a clear expectation that public authorities should significantly contribute towards improving the condition of protected sites. However, the evidence suggests this is not yet being fully delivered as intended.

Based on data obtained from Natural England, Table 2.2 summarises the performance of members of the Major Landowners' Group in progressing actions to conserve and enhance their SSSIs. In this table, a SSSI feature that is 'positive' can be considered on track and a 'negative' feature can be considered not on track, in both cases for the purposes of the EIP interim target for 50% of SSSIs to have actions on track to achieve favourable condition by 31 January 2028.

**Table 2.2. The number of features in SSSIs owned or managed by Major Landowners' Group members that are 'positive' or 'negative' in respect of the actions on track interim target (taken from data provided by Natural England as of the end of May 2025)**

Major Landowners' Group member	Negative	Positive	Total	% Positive	Trend since last quarter
National Landscapes	2,570	818	3,388	24.1%	→
Canal and River Trust	61	19	80	23.8%	→
Church Commissioners	47	15	62	24.2%	→
Crown Estate - Marine	566	291	857	34.0%	→
Crown Estate - Rural	103	93	196	47.4%	↑
Environment Agency	82	52	134	38.8%	→
Forestry England	461	81	542	14.9%	↑
National Highways	103	21	124	16.9%	↓
Internal Drainage Boards	1,072	374	1,446	25.9%	↑
Local Authorities	1,094	368	1,462	25.2%	↑
Ministry of Defence	519	157	676	23.2%	↑

Major Landowners' Group member	Negative	Positive	Total	% Positive	Trend since last quarter
National Parks	1,878	458	2,336	19.6%	↑
National Trust	1,232	366	1,598	22.9%	↑
Natural England	767	293	1,060	27.6%	↑
Network Rail	73	11	84	13.1%	→
Ports And Harbour Authorities	19	35	54	64.8%	→
RSPB	562	221	783	28.2%	↑
Water Companies	344	101	445	22.7%	↑
Wildlife Trusts	1,796	550	2,346	23.4%	↑
<b>Total</b>	<b>13,349</b>	<b>4,324</b>	<b>17,673</b>	<b>24.5%</b>	↑

The data provided suggest that the main public authorities with protected site responsibilities are performing only just above the overall national figure in respect of the percentage of features that are 'positive' towards the EIP interim target. The national figure stands at 23.2%, compared to 24.5% across the whole of the Major Landowners' Group.<sup>240</sup> We note that most, but not all, group members are public authorities.

Natural England informed us that features owned and managed by major landowners are often large and complex compared to other SSSI features. It said they are therefore more difficult to assess than most others, and require co-ordinated management actions which take time to implement. Nevertheless, given the law and guidance summarised above, our view is that public authorities should be making a greater contribution to improving protected site condition. Considering the large numbers of sites and actions for which they are responsible, their performance will need to substantially improve if intended outcomes are to be met. Moreover, in our view these authorities should be setting a high standard for others to follow, but the data in Table 2.2 may suggest that several are not currently doing so.

This therefore offers a major opportunity for the government to significantly improve the prospects of meeting these outcomes and, in doing so, the legally binding Environment Act

<sup>240</sup> The national figure is as of 18 September 2025. The national figure at that time appears to have changed little since March 2025, as the position then was stated to be just over 23% in the annual EIP progress review. See Table 2.1 above.



species targets. As we explain below, we suggest that there is much that government could do to provide for better oversight and co-ordination of the authorities in question.

There are limitations to the data presented in Table 2.2. The table only includes the features on SSSIs that are owned or managed by group members.<sup>241</sup> Some group members such as Natural England and the Environment Agency will have many actions relating to SSSIs they do not own or manage. This also means that there may be cases where a group member's actions are 'positive' but the feature could be showing in the table as 'negative' because another individual or organisation's actions are 'negative'.

We understand that for a feature to be considered 'positive', it must have an up-to-date condition assessment, and is otherwise 'negative'. Members may therefore have actions underway on SSSI features but are awaiting updated assessments from Natural England for the feature to count as 'positive' towards the EIP interim target. For example, at the end of 2023, 60 of 513 features managed by Forestry England had up-to-date assessments, limiting how many could be recorded as 'positive'.

The SSSI features for National Landscapes and National Parks are those that are found within the boundaries of those designations, rather than being the responsibility of a specific landowner or occupier. Natural England also informed us that not all actions are currently captured or updated on the database from which these data are taken.

We suggest that Defra and Natural England consider the best measure of public authorities' performance towards meeting this interim target and ensure that the data underpinning it are comprehensive and up to date. This will allow for the most appropriate KPI or target to be chosen for public authorities' reporting, as discussed in Section 2.5.4. For example, a clearer measure of performance may be the percentage of actions which should have been started by a public authority that are 'underway - on track' or 'complete'. We understand that data are available to support such a measure and are already accessible to Major Landowners' Group members. It will be important for SSSI condition assessments to be up to date to ensure that reporting gives an accurate picture of the performance of each public authority.

## **2.5.2 Comparing the periods 2000 to 2010 with 2011 to 2020**

A helpful starting point in considering where oversight and co-ordination can improve is to compare the arrangements established by Defra between 2000 and 2010 with those from 2011 to 2020.

As we summarise in Table 2.3, Defra played a more engaged and effective role between 2000 and 2010 in steering, enabling and scrutinising delivery bodies' work on protected sites. This helped secure rapid and substantial improvements in site condition, leading to the achievement of an ambitious government target. In the following decade, Defra largely withdrew from this role or saw its authority reduced. This may go some way to explaining why progress in improving site condition between 2000 and 2010 was not sustained in the next decade.

<sup>241</sup> Natural England informed us that, for the purposes of this table, if a Major Landowners' Group member owns or manages more than 50% of the total area of a SSSI unit, that member is treated as having ownership or management of the features listed on that unit. If they have responsibility for less than 50% of the total unit area, they are treated as not having ownership or management of the features on that unit. This is not exclusive as management responsibility can overlap, for example where land is leased to another group member or a third party or where a feature covers more than one landowner.

**Table 2.3. Comparison of Defra activity on protected sites over the periods 2000 to 2010 and 2011 to 2020**

Type of action	2000 to 2010	2011 to 2020
Target	A target for Defra to improve SSSI condition was set as part of a suite of cross-governmental targets. <sup>242</sup>	A target for improving SSSI condition was set in a Defra strategy. <sup>243</sup> This was not a cross-governmental target.
Milestones	Defra agreed annual milestones with English Nature to track progress. <sup>244</sup>	As far as we can determine, milestones were not set to measure progress.
SSSI Major Landowners' Group	Defra established and chaired the Major Landowners' Group to oversee progress, hold members accountable, address barriers and facilitate co-ordination.	Defra passed the role of chair of the Major Landowners' Group to Natural England (see Section 2.5.3 for further discussion on this point).
Progress reporting	The progress of main delivery bodies was publicly reported. <sup>245</sup>	There was no public reporting of main delivery bodies' progress.
Guidance	In 2003, Defra issued updated statutory guidance to English Nature and other public bodies to assist them in implementing their SSSI duties. <sup>246</sup>	The 2003 guidance was archived on the National Archives website in 2013; however, the document continues to apply. <sup>247</sup>

Our view is that the prospects of progress towards intended outcomes for protected sites would be increased if Defra were to resume a more proactive leadership role, similar to the one it exercised between 2000 and 2010, supported by Natural England.

### 2.5.3 The SSSI Major Landowners' Group

A key area that offers scope for improvement is leadership of the SSSI Major Landowners' Group. We recognise that Defra has already taken some steps in that direction, for example chairing alternate meetings of the group, while also noting that it could go further.

Between 2000 and 2010, the group played a significant role in delivering the then government's PSA target for protected site condition. We have found that the group's success over that period was supported by several features that were absent after 2010. Drawing on information from past and present members of the group, along with published documents, we summarise these features in Box 2.3 below.

<sup>242</sup> English Nature (n 190).

<sup>243</sup> Defra, 'Biodiversity 2020' (n 123) 12.

<sup>244</sup> English Nature (n 190).

<sup>245</sup> English Nature, 'Target 2010 - The Condition of England's Sites of Special Scientific Interest in 2005' (2006) 13 <<https://publications.naturalengland.org.uk/publication/111037>> accessed 11 August 2024.

<sup>246</sup> Defra, 'Sites of Special Scientific Interest: Encouraging Positive Partnerships, Code of Guidance' <<https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http://archive.defra.gov.uk/rural/documents/protected/sssi-code.pdf>> accessed 20 August 2024.

<sup>247</sup> Country Land and Business Association, 'Restoring Balance: Hidden Statutory Guidance for SSSI Management' (25 February 2025) <[www.cla.org.uk/news/restoring-balance-hidden-statutory-guidance-for-sssi-management/](http://www.cla.org.uk/news/restoring-balance-hidden-statutory-guidance-for-sssi-management/)> accessed 7 August 2025.

### **Box 2.3. The functioning of the SSSI Major Landowners' Group between 2000 and 2010, compared to subsequently**

**Chair.** Between 2000 and 2010, a Defra director chaired the group. The chair exercised significant authority and held members to account.

From 2011, the role of chair passed to Natural England. The Natural England staff member occupying the role changed several times, generally at a level of seniority below that of the previous Defra chair. There is a perception among some members of the group that this indicates that the role has not been such a high priority for Natural England.

We also heard that the group's power diminished when Defra relinquished the role of chair. Natural England does not set other public authorities' budgets so is less able than Defra to hold members accountable for how they spend their money. Some group members also expressed concern that, as the chair of the group, Natural England has not itself been held to account for its work towards achieving protected site targets and commitments.

**Attendance.** We were told there were high levels of attendance at all levels among group members, including senior officials, between 2000 and 2010. Organisations generally sent their relevant director, who had the internal authority and control of budgets to ensure protected site actions were prioritised.

In contrast, we heard that levels and seniority of attendance dropped after 2010. We understand that very few, if any, attendees are now at a director level. We also found that, in 2023, fewer than half of members attended all four meetings and around a quarter attended none. The members who attended no meetings are responsible for many of the SSSI improvement actions listed in Table 2.2. Their non-attendance limits the extent to which the Major Landowners' Group can support the delivery of the EIP interim target for actions to be on track.

Defra told us that one of the four annual meetings was a visit to a protected site, which not everyone would have been able to attend. We understand that other meetings are held online. However, during the high attendances that were secured between 2000 and 2010, we heard that all meetings were held in person and there were regular visits to protected sites.

**Purpose of the group and format of meetings.** The group was established with a clear focus on achieving the government's protected site condition target by 2010. It did so by holding members accountable for delivery, enabling collaboration, and ensuring barriers to delivery were identified and resolved, typically at a policy level by Defra or Natural England. Meetings were divided into a reporting session that checked whether each member was on track to deliver what it had agreed and a session to discuss a specific challenge for delivery bodies. As noted above, meetings were held in person, which allowed for conversations that built rapport and enabled the pooling of expertise.

Conversely, we heard that after 2010 the group lost its focus on delivering the subsequent targets and commitments. This was not helped by an eight-month gap between the expiry of the PSA target and the setting of the new Biodiversity 2020 target, which we were told resulted in a loss of momentum and engagement from stakeholders. Morale amongst the members we spoke to was low. Some told us they had lost confidence in the group's ability to deliver significant improvements to SSSIs several years ago. More than one questioned whether participation in meetings was a good use of their time.

This evidence suggests that changes are needed if this group is to enable and oversee the delivery of improvements in protected site condition more effectively, as it appears to have done between 2000 and 2010. We consider that consistent leadership of the group is needed, and that this is best provided by Defra, which sets the relevant targets and commitments, and is ultimately responsible for achieving them. Defra can also oversee and hold all members to account, including Natural England, and should be better placed to address many of the barriers that the group identifies, for example relating to funding, policy or legislation.

We also suggest that Defra should focus on ensuring that group members are effectively delivering improvements to SSSI condition at the pace and scale needed to achieve government's protected site targets and commitments. We expect this would benefit from an increase in effort to manage the group between meetings, including to secure suitable seniority of attendees and levels of attendance, and to establish effective one-to-one communication between Defra (as chair) and members. A two-way discussion between Defra and individual members outside of meetings should enable issues affecting delivery to be resolved, increase stakeholder buy-in and generate a greater sense of momentum.

Further, we consider that the group should report regularly to Defra's Biodiversity Targets Board on its contribution to protected site targets and commitments which support the wider biodiversity targets. The performance of group members in meeting protected site targets and commitments should also be publicly reported to enable public scrutiny and accountability.

We note that Defra has recently established the National Estate for Nature (see Table 2.4 in Section 2.5.6). This has similar membership to the SSSI Major Landowners' Group. It aims to 'drive delivery for Environment Act targets and nature recovery objectives like 30 by 30 [...] on their estates'.<sup>248</sup> We suggest that Defra should clarify the relationship between these two groups to ensure they work effectively together to achieve protected site targets and commitments alongside other nature objectives.

Protected site targets and commitments could be further embedded within some SSSI Major Landowners' Group members in the next version of the greening government commitments. The last set of such commitments, adopted in 2021 to run until 2025, stated that certain departments and partner organisations should develop and deliver nature recovery plans for their land and operations. It said that these should include a specified commitment, where relevant, to all protected sites under their management.

We understand that a new set of commitments is being developed under the current government. This is an opportunity to align these commitments with those in the revised EIP. It could, for example, state that specific commitments should be set, delivered and reported on relating to the condition of SSSIs on public land and on the delivery of public authorities' actions to achieve favourable SSSI condition. This should reflect their expected contribution to the government targets and commitments.

The cross-government nature strategy that is currently being developed is another opportunity to ensure that public bodies have adopted the government's protected site targets and commitments.<sup>249</sup>

248 Defra, 'England's Major Landowners to Work Together to Drive Nature Recovery. Defra Environment Blog.' (24 March 2025) <<https://defraenvironment.blog.gov.uk/2025/03/24/englands-major-landowners-to-work-together-to-drive-nature-recovery/>> accessed 21 May 2025.

249 Defra, 'Answer to Nature Conservation Question for Department for Environment, Food and Rural Affairs (UIN 53981)' <<https://questions-statements.parliament.uk/written-questions/detail/2025-05-21/53981>> accessed 18 September 2025.

We note that the government's independent review of environmental regulations also identifies the need to 'review and improve how regulators work together, co-create and collaborate'. The review recommends that government supports better co-operation between regulators.<sup>250</sup> The Major Landowners' Group, having proved effective previously, offers an opportunity for government to achieve this for delivering protected site targets and commitments.

#### **2.5.4 Public authorities' key performance indicators**

A test of oversight and co-ordination mechanisms is whether government targets and commitments have been consistently adopted, where appropriate, by the public authorities that have the greatest potential to contribute to meeting them. We have found that, mostly, this has not happened.

The interim target for 50% of SSSIs to have actions on track to achieve favourable condition by 31 January 2028 has not been reflected in any published KPIs or other published indicators or targets by the Environment Agency, Forestry Commission/Forestry England or the Ministry of Defence. These are all members of the SSSI Major Landowners' Group.

We heard from the Environment Agency that it does have an unpublished, internal KPI that measures the numbers of actions that have been reviewed, made progress or been completed each year. However, this has not been included in the agency's published action plan, corporate scorecards or annual reports to Parliament. This suggests that improving the condition of protected sites is a lower priority for the Environment Agency, compared with other measures that are included in those published documents.

We understand from discussion with representatives of some water companies that neither the interim target to have 50% of SSSI improvement actions on track nor the longer term commitment to restore 75% of SSSIs to favourable condition have been embedded in this sector's reporting. For example, these targets are not reflected in Ofwat's annual performance reports.

United Utilities told us that 'all water companies report biodiversity improvements through Ofwat's common Biodiversity Performance Commitment, which was introduced for the reporting period 2025-2030 and this is inclusive of SSSIs'. However, this does not appear to provide for reporting against the government's protected site targets and commitments.

We note that some public authorities, including some water companies, have set and report annually on KPIs or targets relating to the condition of their sites. For example, the Forestry Commission and Forestry England have indicators and targets that are aligned with the government's commitment to restore SSSIs to favourable condition. They report on progress through the Forestry Commission's KPI reports and in Forestry England's natural capital accounts.<sup>251</sup> Similarly, the Ministry of Defence reports annually on the condition of SSSIs in its estate.<sup>252</sup>

250 Corry (n 104) 28.

251 Forestry England, 'Biodiversity Plan 2022-26' (2022) 7 <[www.forestryengland.uk/sites/default/files/documents/Forestry%20England\\_Biodiversity%20Plan%202022-26\\_0.pdf](http://www.forestryengland.uk/sites/default/files/documents/Forestry%20England_Biodiversity%20Plan%202022-26_0.pdf)> accessed 23 September 2024; Forestry Commission, 'Forestry Commission Key Performance Indicators Report for 2024-25' (2025) <[www.gov.uk/government/statistics/forestry-commission-key-performance-indicators-report-for-2024-25](http://www.gov.uk/government/statistics/forestry-commission-key-performance-indicators-report-for-2024-25)> accessed 30 October 2025; Forestry England, 'Natural Capital Accounts 2022/23' (2024) <[www.forestryengland.uk/our-natural-capital-approach](http://www.forestryengland.uk/our-natural-capital-approach)> accessed 30 October 2025.

252 Ministry of Defence, 'Ministry of Defence Annual Report and Accounts 2023 – 24' 59 <[https://assets.publishing.service.gov.uk/media/66aa3e400808eaf43b50db19/Ministry\\_of\\_Defence\\_annual\\_report\\_and\\_accounts\\_2023\\_to\\_2024.pdf](https://assets.publishing.service.gov.uk/media/66aa3e400808eaf43b50db19/Ministry_of_Defence_annual_report_and_accounts_2023_to_2024.pdf)> accessed 21 May 2025.

However, in some cases public authority KPIs or targets are not aligned with the government's commitment to restore SSSIs to favourable condition. We observed that one target related to the combined percentage of the organisation's SSSIs that are in favourable and unfavourable recovering condition. The government target relating to this combined percentage expired, without replacement, in 2020 (see Table 2.1).

This suggests there is an opportunity for government to improve how delivery bodies set individual KPIs or targets that align with the national SSSI condition commitment and the interim target for actions to be on track. As stated above, in our view these KPIs or targets should be published and progress in meeting them should be publicly reported on. This would allow for public scrutiny of public authorities' delivery of their statutory duties and the government's targets and commitments.

The government's independent review of environmental regulations made a similar finding more broadly. It recommended that government should 'increase the transparency of the work of regulators by making live monitoring information accessible to the public, so they can see for themselves how regulators are improving the environment in their area'. The review suggested that greater openness should come with 'a strong emphasis on accountability to Parliament to ensure regulatory actions are scrutinised and aligned with public interest'. This will allow 'more informed parliamentary scrutiny' and will enable the government and the public to track delivery. The review added that 'if an outcome is not being delivered, we need to know'.<sup>253</sup>

While this recommendation was made in respect of Defra's agencies and public bodies with regulatory responsibilities, we consider that the need for and benefits of greater openness apply to public authorities' delivery of protected site duties, targets and commitments.

As a positive example, Defra has achieved some success in conjunction with National Parks and National Landscapes (collectively referred to as protected landscapes). In 2024, protected landscapes were given targets by Defra that align with the targets and commitments that were set in the EIP relating to SSSI condition and actions, amongst other targets.<sup>254</sup> These were more ambitious than the targets for England as a whole.

This is important because more than half of SSSIs are situated within protected landscapes.<sup>255</sup> The governing bodies of such landscapes and their delivery partners can therefore play a major role in supporting the delivery of SSSI outcomes.<sup>256</sup> They can do this, for example, by convening and undertaking action at a large scale to improve site management and address pressures arising from the wider landscape. They can also improve protected sites' ecological connectivity by encouraging positive management in the areas between sites. This was also recognised in the 2010 'Making Space for Nature' review.<sup>257</sup>

Defra's first report on progress towards the targets set in 2024 was published in 2025.<sup>258</sup> This showed that in protected landscapes 40% of SSSI features are in favourable condition, compared to 41% across the whole of England. It also noted that while progress is being

253 Corry (n 104) 11, 40, 43, 55.

254 Defra, 'Protected Landscapes Targets and Outcomes Framework' (2024) <[www.gov.uk/government/publications/protected-landscapes-targets-and-outcomes-framework/protected-landscapes-targets-and-outcomes-framework](https://www.gov.uk/government/publications/protected-landscapes-targets-and-outcomes-framework/protected-landscapes-targets-and-outcomes-framework)> accessed 21 May 2025. See targets 2 and 3.

255 *ibid*.

256 By 'governing bodies', we mean National Park Authorities, the Broads Authority, National Landscape Conservation Boards and National Landscape Partnerships.

257 Professor Sir John Lawton (n 110) 80.

258 Defra, 'Protected Landscape Targets and Outcomes Framework Progress Report' (2025) 10–15 <[www.gov.uk/government/publications/protected-landscape-targets-and-outcomes-framework-progress-report](https://www.gov.uk/government/publications/protected-landscape-targets-and-outcomes-framework-progress-report)> accessed 13 October 2025.



made in meeting the SSSI actions target, ‘the current pace of improvement will need to accelerate significantly over the next 3 years to meet the target. Strategic planning and effective delivery of conservation actions will be essential to meet the target’.<sup>259</sup> However, the report does not state how the significant acceleration in improvement, or the strategic planning and effective delivery of conservation actions, will be achieved to allow the target to be met.

We suggest that Defra should explain how progress towards achieving protected site targets and commitments within protected landscapes will be significantly accelerated in the strategy and delivery plan that we propose in Recommendation 2(a) and that Defra considers this in the resourcing assessment that we propose in Recommendation 4.

### **2.5.5 Statutory duties on public bodies**

We heard that the statutory duty on public authorities to take reasonable steps to further the conservation and enhancement of SSSI features when exercising their functions<sup>260</sup> has not consistently led to most public bodies exercising their functions in ways that help SSSIs recover. Some thought this duty is too weak and should be strengthened. However, another suggested obstacle to this duty being more effective is that public authorities do not receive specific funding to deliver it. Rather, it is something they are expected to fulfil alongside their other functions, without any additional resource.

We were also told that the statutory duty relating to the conservation and enhancement of SSSI features is interpreted by some authorities as requiring them to prevent further harm to protected sites when exercising their functions, rather than requiring proactive action to help sites recover. This appears inconsistent with the duty, which requires that public authorities have regard not only to the conservation of SSSI features but also to their enhancement.

The government guidance for public bodies on complying with this duty was published in 2003 and archived in 2013. There appears to be no more recent guidance in place, except for guidance on the specific matter of carrying out or approving activities on or near SSSIs.<sup>261</sup> As noted above, the government has issued guidance to public authorities on their general biodiversity duty, but this provides little detail on how protected site duties should be exercised.<sup>262</sup>

Up-to-date guidance is needed to ensure public authorities are taking positive action to restore protected sites, not just seeking to avoid harming them. To this end, we suggest that Defra should produce up-to-date guidance to raise awareness and ensure public authorities better understand their duties, their contribution to national targets and commitments, and how they should apply them.

Public authorities also have a duty<sup>263</sup> to have regard to protected site strategies so far as relevant to their duties under the Habitats Regulations and their protected site duties under the Wildlife and Countryside Act. Defra’s oversight and co-ordination should therefore also cover the delivery by public authorities of these strategies.

259 *ibid* 12–13.

260 Section 28G, Wildlife and Countryside Act 1981.

261 Natural England, ‘Sites of Special Scientific Interest: Public Body Responsibilities’ <[www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities](https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities)> accessed 5 June 2025.

262 Defra, ‘Guidance: Complying with the Biodiversity Duty’ (n 238).

263 Section 110(10), Environment Act 2021.



We also note that, over the course of this project, we came across other examples of guidance that date from a similar period and do not appear to have been updated since. For example, the Association of Drainage Authorities informed us that guidance for water level management plans was last updated in the early 2000s, and that much of it dates back to the 1990s. The Association would like to see a strengthening and updating of this guidance.

## 2.5.6 Co-ordinating action to address off-site pressures on protected sites

As noted above, many sites are in poor condition because of pressures arising from outside the site. Addressing these will rarely be within the control of a single individual or organisation. It will, instead, require co-ordination of efforts across multiple owners, occupiers and agencies in the area surrounding a protected site.

Table 2.4 below shows that there are many opportunities to achieve this, although it is not clear how this will work in practice. Even though this is unlikely to be a comprehensive list, the large number of initiatives and groups creates risks such as confusion over remits, duplication of effort and inconsistent action. Government should therefore ensure that there is coherent and effective planning and delivery of widespread action to address the main off-site pressures on protected sites.

**Table 2.4. Examples of national and spatial plans, strategies, frameworks, networks, programmes and delivery groups that could enable a landscape-scale approach to addressing off-site effects on protected sites**

Initiatives and groups	Summary
Air Quality Action Plans	Statutory plans produced by local authorities for the purpose of securing air quality standards and objectives. <sup>264</sup>
Catchment Management Plans (sometimes referred to as Catchment Partnership Plans)	Non-statutory plans to establish a framework for collaborative working to deliver integrated catchment management. They are typically delivered by Catchment Based Approach partnerships. <sup>265</sup>
The proposed cross-government nature strategy	Defra is leading the development of this new strategy, which will apply the principles of the Land Use Framework (see below). <sup>266</sup>
Diffuse Water Pollution Plans	Non-statutory plans that seek to reduce diffuse pollution on protected sites using a strategic, catchment scale. They are produced jointly by the Environment Agency and Natural England. <sup>267</sup>

<sup>264</sup> Section 83A, Environment Act 1995.

<sup>265</sup> Catchment Based Approach (CaBA) Support Team, 'A Framework for a CaBA Catchment Management Plan' <<https://catchmentbasedapproach.org/learn/developing-a-catchment-management-plan/>> accessed 11 February 2025.

<sup>266</sup> Defra, 'Answer to Nature Conservation Question for Department for Environment, Food and Rural Affairs (UIN 53981)' (n 249).

<sup>267</sup> Environment Agency, 'River Basin Management Plans, Updated 2022: Summary Programmes of Measures – Mechanisms' para 7.1.10 <[www.gov.uk/guidance/river-basin-management-plans-updated-2022-summary-programmes-of-measures-mechanisms](https://www.gov.uk/guidance/river-basin-management-plans-updated-2022-summary-programmes-of-measures-mechanisms)> accessed 11 February 2025.

Initiatives and groups	Summary
Improvement Programme for England's Natura 2000 Sites including site improvement plans	A programme between 2013 and 2015 to develop an understanding of how to improve the management of SACs and SPAs and areas surrounding them. <sup>268</sup>
The proposed Land Use Framework	A tool to develop and deliver a more coherent approach to land use policy and spatial prioritisation. <sup>269</sup>
Local Nature Recovery Strategies and related delivery groups	Statutory strategies that set out local priorities for nature. There are 48 authorities responsible for creating the strategies across England. <sup>270</sup>
Local plans for nitrogen dioxide compliance	Statutory plans that certain local authorities have been directed to produce to deliver compliance with the legal limit value for nitrogen dioxide air pollution. <sup>271</sup>
National Estate for Nature Group	A group formed in 2025 comprising large landholders from the public, private and third sectors. This is to take action on its estates to assist the delivery of Environment Act targets and related objectives such as 30 by 30. <sup>272</sup>
Nature Recovery Network and the related Delivery Partnership	Intended to be a growing, national network of wildlife-rich places that are bigger, better and joined up. <sup>273</sup>
Nitrate Vulnerable Zones	Designed to limit nitrogen use which would help reduce off-site pressures on protected sites. <sup>274</sup> Some 55% of England is within these zones, although evidence suggests they have not been as effective as intended. <sup>275</sup>

268 Natural England, 'Improvement Programme for England's Natura 2000 Sites (IPENS): Planning for the Future. Programme Report – a Summary of the Programme Findings.' (n 201).

269 HM Government, 'Land Use Consultation' <<https://consult.defra.gov.uk/land-use-framework/land-use-consultation/>> accessed 8 July 2025.

270 Sections 104 to 108, Environment Act 2021 and Defra, 'Local Nature Recovery Strategies' <[www.gov.uk/government/publications/local-nature-recovery-strategies/local-nature-recovery-strategies](http://www.gov.uk/government/publications/local-nature-recovery-strategies/local-nature-recovery-strategies)> accessed 11 February 2025.

271 Defra and Department for Transport, 'Air Quality Plan for Nitrogen Dioxide (NO<sub>2</sub>) in UK (2017): Air Quality Directions' <[www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017-air-quality-directions](http://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017-air-quality-directions)> accessed 2 November 2025.

272 Defra, 'England's Major Landowners to Work Together to Drive Nature Recovery. Defra Environment Blog.' (n 248).

273 Defra and Natural England, 'The Nature Recovery Network' <<https://www.gov.uk/government/publications/nature-recovery-network/nature-recovery-network>> accessed 8 July 2025.

274 Defra and Environment Agency, 'Nitrate Vulnerable Zones' (2 August 2018) <[www.gov.uk/government/collections/nitrate-vulnerable-zones](http://www.gov.uk/government/collections/nitrate-vulnerable-zones)> accessed 2 November 2025.

275 Fred Worrall, Eben Spencer, and Timothy Burt, 'The Effectiveness of Nitrate Vulnerable Zones for Limiting Surface Water Nitrate Concentrations' (2009) 370 Journal of Hydrology 21.

Initiatives and groups	Summary
Protected landscape management plans	Statutory plans that cover the geographic area of a National Park or National Landscape, outlining the vision and strategy for conserving and enhancing its natural beauty, including wildlife and cultural heritage, and promoting opportunities for the public understanding and enjoyment of its special qualities. <sup>276</sup>
Protected Site Strategies and related delivery groups	Statutory strategies to improve the conservation and management of a protected site, including by managing off-site pressures. <sup>277</sup>
River Basin Management Plans and related delivery groups	Statutory plans to protect and improve the quality of waters in each river basin district. <sup>278</sup>
Spatial Prioritisation	JNCC is developing a spatial prioritisation approach that uses evidence to identify and rank multiple land-based actions on their suitability and potential effect on delivery of ecosystem services. <sup>279</sup>
Site Nitrogen Action Plans and related delivery groups	The development of these plans was recommended by the IPENS project and has been piloted. They are intended to address nitrogen deposition on SACs and SPAs. <sup>280</sup>
SSSI action plans	Plans being developed by Natural England that set out who needs to do what and by when to improve and maintain SSSI condition. Actions will be implemented through SSSI delivery plans. <sup>281</sup>
SSSI Major Landowners' Group	A group established by Defra of the largest owners and occupiers of SSSIs and other bodies such as the Environment Agency. It aims to put in place the actions necessary to improve protected site condition (see Section 2.5.3 above).

276 Section 66, Environment Act 1995; section 89, Countryside and Rights of Way Act 2000; and Defra and Natural England, 'Management Plans for Protected Landscapes in England' <[www.gov.uk/government/publications/management-plans-for-protected-landscapes-in-england/management-plans-for-protected-landscapes-in-england](https://www.gov.uk/government/publications/management-plans-for-protected-landscapes-in-england/management-plans-for-protected-landscapes-in-england)> accessed 2 November 2025.

277 Section 110, Environment Act 2021.

278 Regulations 26 to 33, Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

279 JNCC, 'Simplifying Land Management with Spatial Prioritisation in England' <<https://jncc.gov.uk/our-work/spatial-prioritisation/>> accessed 2 November 2025.

280 Natural England, 'Atmospheric Nitrogen Theme Plan: Developing a Strategic Approach for England's Natura 2000 Sites' (n 202).

281 Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)' (n 197).

Initiatives and groups	Summary
Water Level Management Plans	Plans that aim to balance and integrate the water level requirements of a range of activities including agriculture, flood risk and nature conservation. Internal Drainage Boards have been required to produce these plans for all SSSIs in their area where their activities can affect the wildlife interest. <sup>282</sup> The Association of Drainage Authorities told us it would like to see reforms of these plans, for example, it would support integrating plans for adjacent protected sites within a catchment area.

Co-ordination is also required at a national level in the development of policy. To explore how this works in practice, we considered how well the objective of improving protected site condition has been integrated into air quality policy.

The government's Air Quality Strategy recognises that poor air quality is a major contributor to the long term decline of biodiversity in the UK. For example, it notes that 93.5% of SSSIs exceed the lower critical ammonia level to protect sensitive plants, such as mosses and lichens. It refers to local authorities' statutory biodiversity duty, though not their duties regarding the conservation and enhancement of SSSIs or in respect of SACs and SPAs.

The guidance adds that local authorities should consider the effects of air quality on habitats in the development of local nature recovery strategies, protected site strategies and shared nitrogen action plans.<sup>283</sup> However, it provides little information on what local authorities should do to address these issues or how these different strategies and plans are meant to come together.

The picture is similar at a local level. For example, we were told that in Herefordshire there are groups such as the Marches Local Nature Partnership, Herefordshire Local Nature Partnership, Local Nature Recovery Strategy Steering Group, Climate and Nature Partnership Board, Farm Herefordshire, Nutrient Management Board, Wye Catchment Partnership and Wye Valley National Landscape Partnership. We heard that there are overlaps of purpose and membership between these bodies but little co-ordination of action towards delivery of the county's contribution to national targets and commitments.

We suggest that Defra and Natural England should consider how to better ensure that there are effective governance arrangements for the national and local delivery of protected site targets and commitments. This should include clarifying which national and local initiative and delivery group is to take the lead in overseeing and co-ordinating progress, and how national and local delivery will be joined up.

The government's independent review of environmental regulations made a similar observation. It found that there were a 'multitude of nature and planning strategies' that need to 'come together in a way which local authorities and combined authorities can understand and deliver, in partnership with regulators'. It called for a stronger and clearer

282 Water Management Alliance, 'Water Level Management Plans' <[www.wlma.org.uk/uploads/WMA\\_WLMP\\_Info.pdf](http://www.wlma.org.uk/uploads/WMA_WLMP_Info.pdf)> accessed 2 November 2025.

283 Defra, 'Air Quality Strategy: Framework for Local Authority Delivery' s 2.3 <[www.gov.uk/government/publications/the-air-quality-strategy-for-england](http://www.gov.uk/government/publications/the-air-quality-strategy-for-england)> accessed 10 July 2025.

link between targets and plans set nationally and their local delivery. It also recommended the ‘consolidation of various local plans and strategies’ and ensuring that funding is brought together and directed at achieving a single plan. The review pointed to Local Nature Recovery Strategies and suggested that they are used as a basis for developing local EIPs.<sup>284</sup>

We agree that consolidating and bringing greater coherence to delivery will increase the prospects of achieving protected site outcomes. We consider that this is an area that offers significant potential for improvement.

## 2.6 Review and reporting of progress

To achieve targets, government needs to keep progress under review and ensure action is taken where progress is not as expected.

We have found that there was ongoing and in-depth review within government of progress towards the 2010 PSA protected site condition target, for example through the SSSI Major Landowners’ Group (see Section 2.5.3) and published reports.<sup>285</sup> The National Audit Office<sup>286</sup> and the House of Commons’ Public Accounts Committee<sup>287</sup> also provided external scrutiny of Natural England’s work to improve the condition of protected sites during this period.

In contrast, we found less evidence of reviews of progress in achieving the Biodiversity 2020 protected site condition target. A Defra report in 2013 noted that progress was insufficient but did not contain any specific corrective actions.<sup>288</sup> We have not found any other assessments of progress on this topic by Defra.

An evaluation was carried out for Defra by UKCEH shortly before the 2020 target’s due date.<sup>289</sup> However, this identified lessons for future biodiversity strategies, rather than keeping progress under review and adapting plans where necessary during the target period.

Following adoption in the 25 Year Environment Plan of the commitment to restore 75% of protected sites to favourable condition by 2042, Defra initially published updates in its annual progress reports on that plan. The 2019/20 report concluded that: ‘Based on recent trends we are not on track to meet our commitment to restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition’.<sup>290</sup> The report did not outline the expected level of achievement or any measures to fill the gap.

284 Corry (n 104) 6, 28, 29.

285 English Nature (n 245).

286 National Audit Office, ‘Natural England’s Role in Improving Sites of Special Scientific Interest’ <<https://www.nao.org.uk/reports/natural-englands-role-in-improving-sites-of-special-scientific-interest>> accessed 20 August 2024.

287 Public Accounts Committee (n 58).

288 Defra, ‘A Simple Guide to Biodiversity 2020 and Progress Update’ 5 <<https://assets.publishing.service.gov.uk/media/5a7c51aa40f0b6321db3862e/pb14009-biodiversity2020-progress-guide-20130730.pdf>> accessed 22 May 2025.

289 Centre for Ecology and Hydrology and ICF Consulting Services, ‘Evaluation of Biodiversity 2020’ (2019) <<https://randd.defra.gov.uk/ProjectDetails?ProjectID=20409&FromSearch=Y&Publisher=1&SearchText=BE0170&SortString=ProjectCode&SortOrder=Asc&Paging=10>> accessed 2 October 2024.

290 Defra, ‘25 Year Environment Plan Progress Report: April 2019 to March 2020’ (2020) 17 <<https://assets.publishing.service.gov.uk/media/5ee26af686650c03f8514e9e/25yep-progress-report-2020.pdf>> accessed 4 June 2025.

Defra's 2020/21,<sup>291</sup> 2021/22<sup>292</sup> and 2022/23<sup>293</sup> annual progress reports stated that there had been little change in site condition, apart from a small decrease in favourable condition in the latter two years. Unlike in 2019/20, these reports contained no statement of whether progress in meeting the target was on track. They outlined some actions that government was taking to improve protected sites but did not include evidence, analysis or explanation of how these actions were expected to achieve the intended outcomes.

Defra produced its annual progress report for the EIP, covering the period 2023/24, in 2024.<sup>294</sup> It did not report on progress in achieving the protected site condition commitment, despite the then government having said it was 'critical to our biodiversity commitments'.<sup>295</sup> Progress against this commitment was also not reported in Defra's annual EIP progress report covering 2024/25, in 2025.<sup>296</sup>

We note that there is publicly available data on the condition of protected sites, for example in Defra's England biodiversity indicators (which feed into its Outcome Indicator Framework for the 25 Year Environment Plan)<sup>297</sup> and Natural England's Designated Sites View website.<sup>298</sup>

However, this is different from reporting progress against a specific target or commitment. In our view, progress reporting should involve stating the target or commitment, the progress that has been made in meeting it and an assessment of whether progress is on or off course. If progress is off course, it should also set out the likely reasons for this and what actions will be taken to change course. Assessing and publicly reporting progress in meeting targets and commitments in such a way should enable course correction by government and scrutiny by Parliament, other oversight bodies and the public.

Defra's 2023/24 progress report also did not assess progress against the interim targets relating to SSSI condition assessments and actions, and water pollution in the catchments of protected sites. It stated that the metrics for these targets were under development.<sup>299</sup> Progress on the interim targets relating to SSSI condition assessments and actions was reported for the first time in the 2024/25 report. However, there was no information about how progress would be accelerated to ensure these targets were met, especially in respect of the interim target relating to SSSI condition assessments, which was found to be off track. We also note that progress was not reported against the water pollution interim target and will not be reported during the period this target is in place.

The reporting of progress in meeting the Clean Air Strategy target to reduce nitrogen deposition over England's protected priority sensitive habitats has not been integrated into Defra's annual EIP progress reporting under the Environment Act. The Outcome Indicator Framework does report on the exceedance of damaging levels of nutrient nitrogen deposition on ecosystems, although this does not track the target directly.<sup>300</sup> Progress is

291 Defra, '25 Year Environment Plan Annual Progress Report: April 2020 to March 2021' (2021) 11, 16, 42 <<https://assets.publishing.service.gov.uk/media/618bb636d3bf7f05539de31c/25yep-progress-report-2021.pdf>> accessed 15 May 2025.

292 Defra, '25 Year Environment Plan Annual Progress Report: April 2021 to March 2022' (2022) 24 <<https://assets.publishing.service.gov.uk/media/62d7d236e90e071e81480858/25yep-annual-progress-report-2022.pdf>> accessed 5 June 2025.

293 Defra, '25 Year Environment Plan Annual Progress Report: April 2022 to March 2023' (2023) 36 <<https://assets.publishing.service.gov.uk/media/64ccbf833c4564000d942a0d/25yep-annual-progress-report-2023.pdf>> accessed 5 June 2025.

294 Defra, 'Environmental Improvement Plan' (n 151).

295 Defra, 'Environmental Improvement Plan 2023.' (n 3) 45.

296 Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (n 135).

297 Defra, 'Outcome Indicator Framework for the 25 Year Environment Plan' (18 August 2025) <<https://oifdata.defra.gov.uk/>> accessed 22 September 2025.

298 Natural England, 'Designated Sites View' (n 134).

299 Defra, 'Environmental Improvement Plan' (n 151) 40, 51.

300 Defra, 'Outcome Indicator Framework - A6: Exceedance of Damaging Levels of Nutrient Nitrogen Deposition on Ecosystems' (n 209).

being monitored separately in an annual air pollution trends report commissioned by Defra and produced by UKCEH, but the most recent trend data are limited to 2021.<sup>301</sup> As these are scientific reports provided to Defra by a consultant, they do not contain Defra's own statement of whether it considers progress to be on track and, if not, what course-corrective measures it will take.

Overall, since the commitment to restore 75% of protected sites to favourable condition by 2042 was set in 2018, their condition has, in fact, deteriorated. Defra's annual progress reports do not suggest this has led to significant changes in strategy or delivery to attempt to reverse these trends and meet the commitment.

Perhaps the most significant change in approach in this area has been legislating for and piloting protected site strategies, and the government's commitment to scaling up this work (see Section 2.3). Although this is a positive development, Defra's progress reports do not set out how these strategies, alongside other measures, are expected to achieve the intended outcomes for protected sites.

Over a longer period, our view is that there has been a failure in practice since 2010 to carry out sufficiently frequent, transparent and meaningful reviews of progress in meeting targets and commitments to improve the condition of protected sites. Moreover, we have seen little evidence that the lack of progress during this period triggered any review of strategy and delivery plans. We expect this has contributed to targets and commitments not being achieved or being off course. Ultimately, it appears to amount to targets and commitments having been set without being backed up by tangible measures that could realistically be expected to achieve them.

Setting statutory Environment Act targets for increasing the extent and improving the condition of SSSIs, as we recommend above, should lead to increased monitoring of progress.<sup>302</sup> In the meantime, until any such targets are set, we suggest that Defra's annual EIP progress reports should include progress in achieving the EIP protected site condition commitment, or any update or replacement for it. These reports should also explain what action is being taken to ensure progress is sufficient to achieve protected site targets and commitments.

<sup>301</sup> Ed Rowe and others (n 142) 75.

<sup>302</sup> Section 16(1)(b), Environment Act 2021.



### 3. Resources

## 3. Resources

### Overview

Funding and resourcing are essential for the effective implementation of protected site laws and achieving associated targets and commitments. This includes having and retaining sufficient staff, who possess the required expertise and experience, to successfully implement protected site laws. While our main focus is on Natural England, we include observations on the resourcing of other public authorities. We consider agri-environment schemes and management agreements, which are key sources of funding for protected site owners and occupiers, in Chapter 6.

We have found that:

- During the lifetime of the then government's PSA target for improving protected site condition between 2000 and 2010, resources for implementing protected site laws increased, as did the pace and scale of implementation. The PSA target was successfully achieved.
- Following the end of the PSA target period, the opposite happened between 2011 and 2020. Resources decreased, leading to a scaling back and slowing down of work. As noted in the previous chapter, the government's 2020 site condition targets were missed.
- Resources increased between 2020 and 2024. This allowed for work that had been largely paused, such as monitoring the condition of protected sites, to be restarted. However, we consider that this increase has not yet allowed protected site laws to be implemented sufficiently to put progress on track to achieve the commitment to restore 75% of protected sites to favourable condition by 2042.
- Resources continue to fluctuate. Funding for protected sites decreased in 2024/25, while Natural England's overall resourcing for 2025/26 increased.
- Defra's most recent assessment of the costs and benefits of delivering the EIP protected site condition target, and of the funding made available to do so, was carried out in 2021 based on data from 2019/20. The absence of up-to-date and reliable information on the resources that are needed and available will make it challenging to ensure relevant bodies have the resources they need.
- This assessment was clear that the benefits of improving SSSI condition far outweigh the costs of doing so. Research carried out a decade earlier, in 2012, reached the same conclusion.
- Natural England's work to implement protected site laws is hampered by low staff retention, which appears to be affected at least in part by low levels of pay relative to other similar organisations.
- Funding for protected sites work has generally been set for each financial year and at a late stage in the preceding year. This can make it difficult to use money effectively if there is little time for advance planning. It is also difficult to deliver work that needs to take place across multiple financial years.

- Overall, we conclude that since 2010, resourcing allocated has not been aligned with the intended outcomes. As outlined in subsequent chapters, this has not allowed for enough action to designate, monitor and secure the appropriate management of protected sites at the pace and scale needed.
- Fluctuating resources and changing priorities will also mean that limited resources may not always have been used as efficiently as they could. This is because resources have been put into planning for future actions which have not subsequently taken place.

To improve the resourcing of the implementation of protected site laws, we make the following recommendations:

**Recommendation 4:** Resourcing allocations and mechanisms need to be aligned with legal requirements and protected site targets and commitments. We recommend that:

- (a) Defra and Natural England should assess and set out the overall level and trajectory of resource allocation needed to achieve government's protected site targets and commitments, including when those targets and commitments are changed. They should work with other members of the SSSI Major Landowners' Group to validate these assessments. This should enable reliable and ongoing financial forecasting, planning and prioritisation, and the most efficient use of available resources, based on a reasonable expectation of available funding calculated to meet the intended environmental outcomes.
- (b) To support transparency, accountability and scrutiny, Defra and Natural England should publish information on resource allocations against those originally intended or assessed as needed. If there are any shortfalls in available funding, compared to that assessed as needed, this should be stated along with the consequences and any action that will be taken to address this.
- (c) Defra and Natural England should determine how to address issues of staff retention and expertise within Natural England to enable the most effective delivery of plans and the efficient use of resources for work on protected sites.

## 3.1 Introduction

The successful implementation of protected site laws requires public authorities to have sufficient resources to deliver their responsibilities, and to use those resources effectively and efficiently. Natural England has a particularly important role in this area. It is responsible for designating SSSIs, monitoring their condition and securing their protection and appropriate management.

These are complex and demanding tasks, involving more than 4,100 existing SSSIs, managed by some 13,000 owners and occupiers.<sup>303</sup> This requires careful and sustained work by expert and experienced staff over many years.

As with other areas of public policy, resources are often constrained. One previous assessment on this topic has suggested that:

'At the root of most of the SSSI system's weaknesses is inadequate and declining funding to fulfil the originally envisaged functions of monitoring, condition

303 Brian Davies (n 67).

assessment, reporting, and adaptive management. This has had major implications including for landowners and other stakeholder involvement’.<sup>304</sup>

## 3.2 Resourcing from 2000 to 2020

Sections 3.2.1 and 3.2.2 below look at the different levels of resourcing, and the implications of those differences for work on protected sites, in the periods 2000 to 2010 (the PSA target period) and 2011 to 2020 (the Biodiversity 2020 Strategy period). Section 3.3 then considers more recent levels of resourcing since 2020.

### 3.2.1 The Public Service Agreement target period (2000 to 2010)

As discussed in Chapter 2 (see Table 2.1), in 2000 government set a PSA target for 95% of SSSI area to be classed as in favourable or recovering condition by December 2010. As a consequence, annual public expenditure on SSSIs more than doubled in the lifetime of this target, from £36 million in 2000/01 to £85 million in 2008/09.<sup>305</sup>

This funding increase illustrates that the PSA target was seen as a priority for government, and for public authorities who had recently been given a new legal duty, under the Countryside and Rights of Way Act, regarding the conservation and enhancement of SSSIs.<sup>306</sup> In 2008, the National Audit Office found that the ‘introduction of the PSA target has stimulated activity to improve the condition of England’s SSSIs’.<sup>307</sup>

The effects of this funding increase, and the government priority that it reflected, can be seen in several other chapters of this report, such as stronger governance (Chapter 2), high levels of SSSI condition monitoring (Chapter 5) or in the availability of expert advice for landowners and occupiers (Chapter 6) during this period.

We heard from an individual who was a senior member of the SSSI Major Landowners’ Group at the time. They told us that when their organisation explained to Defra what funding was needed to make their contribution to the target, that funding was provided. They added that funding needs were regularly reviewed at meetings of this group. They said there was a sense in government that the target was important and that the public sector should be seen to be leading the way.

Defra’s funding for SSSIs over the period 2000 to 2010 came from a range of sources. Defra noted in 2004 that ‘resolving all the difficulties on all SSSIs using dedicated SSSI funding would cost more money than has traditionally been made available for nature conservation objectives’.<sup>308</sup> However, there was a wide range of funding sources that could be used flexibly and creatively by Natural England, and its predecessor organisation English Nature, to achieve this target.<sup>309</sup>

304 Colin Galbraith and David Stroud, ‘Sites of Special Scientific Interest in England: Their Historical Development and Prospects in a Changing Environment’ (Natural England 2022) NECR414 38–39 <<https://publications.naturalengland.org.uk/publication/4937362194038784>> accessed 4 September 2024.

305 Public Accounts Committee (n 58).

306 The Countryside and Rights of Way Act 2000 amended the Wildlife and Countryside Act 1981. This duty is found in section 28G of the Wildlife and Countryside Act 1981.

307 National Audit Office, ‘Natural England’s Role in Improving Sites of Special Scientific Interest’ (n 286) 6.

308 Defra, ‘Select Committee on Environment, Food and Rural Affairs Minutes of Evidence: Memorandum Submitted by the Department for Environment, Food and Rural Affairs’ <<https://publications.parliament.uk/pa/cm200304/cmselect/cmenvfru/475/4042009.htm>> accessed 9 June 2025.

309 *ibid.*

Those involved in delivering the PSA target within Natural England said that funding was planned and delivered in a more structured way than previously. This approach meant it was clearer what had been and what would be achieved using funding. This was made possible by effective national and local partnerships working at a site level to agree and deliver actions.<sup>310</sup>

This is not to say that there was no room for improvement in this period. The National Audit Office and the Public Accounts Committee found that, until 2007, Defra had a limited understanding of the annual public spending on SSSIs and of the cost of delivering the PSA target.<sup>311</sup>

The National Audit Office recommended in 2008 that Defra regularly review its estimates of the funding required to achieve the target and work with other members of the SSSI Major Landowners' Group to validate these estimates.<sup>312</sup> A year later, the Public Accounts Committee similarly recommended that Defra and Natural England 'establish a programme and detailed plan of work for moving all SSSIs into a favourable condition, and use the plan to establish reliable financial forecasts and commitments, and to prioritise actions annually based on available funding'.<sup>313</sup>

### **3.2.2 The Biodiversity 2020 Strategy period (2011 to 2020)**

The 'Making Space for Nature' review stated in 2010 that the progress made in the last decade in improving SSSI condition 'is the beginning of a great success story and the momentum must not be lost'.<sup>314</sup> It recommended that 'the recent progress in improving the management of SSSIs must be sustained, with the aim of moving the condition of sites from 'recovering' to 'favourable'. Investment in the management of the SSSI series must be maintained'.<sup>315</sup> Natural England specialists stated in the same year that 'over the next decade, further work to bring recovering units [of protected sites] through to favourable condition will require significant resourcing'.<sup>316</sup>

However, while 2000 to 2010 can be described as a decade of increasing resources for implementing protected site laws, 2011 to 2020 was the opposite. This was despite a new target being set in 2011 for improving protected site condition by 2020 (see Table 2.1).

As noted in Section 3.2.1, annual public expenditure of £85 million was invested into SSSIs in 2008/09. Defra estimated in 2009 that annual public expenditure of £96 million would be needed on an ongoing basis for SSSIs.<sup>317</sup> The Public Accounts Committee questioned the accuracy of this estimate as around a third of sites did not have complete descriptions of the works required to bring them into good condition.<sup>318</sup>

A report prepared by independent consultants for Defra in 2021 estimated, albeit with high levels of uncertainty, that £93 million was spent on SSSIs in 2019/20. Only £17 million of the £93 million reportedly came from public funding but these figures are likely to be an

310 Keith Kirby and others, 'What Has the SSSI Improvement Programme Achieved for Nature Conservation in England?' (2010) 22 British Wildlife 16, 23–24.

311 National Audit Office, 'Natural England's Role in Improving Sites of Special Scientific Interest' (n 286); Public Accounts Committee (n 58).

312 National Audit Office, 'Natural England's Role in Improving Sites of Special Scientific Interest' (n 286).

313 Public Accounts Committee (n 58).

314 Professor Sir John Lawton (n 110) 68.

315 *ibid* 79. See Recommendation 11.

316 Keith Kirby and others (n 310) 25.

317 Public Accounts Committee (n 58).

318 *ibid*.

underestimate as it appears that they exclude spending on agri-environment schemes.<sup>319</sup> We have not been able to find a comprehensive estimate of the current public spending on SSSIs and how this has changed since the expiry of the PSA target. However, it appears from the information outlined below that this fell sharply between 2011 and 2020.

Furthermore, we have seen no evidence that, during the period 2011 to 2020, Defra acted upon the National Audit Office's 2008 recommendation to establish and regularly review estimates of the funding required and spent to achieve the government's SSSI condition target. It is therefore not clear if the target set in 2011 was based on a calculation of the cost of meeting the target.

Natural England's IPENS project (see Section 2.4) established the costs of 48% of the actions identified as necessary to restore SACs and SPAs to favourable conservation status.<sup>320</sup> Drawing on this, estimates of financial needs for the management of SACs and SPAs were set out by JNCC in the 'England Prioritised Action Framework' submitted to the EU in 2016.<sup>321</sup> This noted that 'it is clear that a significant funding gap remains for individual measures'. The necessary funding to implement these actions does not appear to have been provided, however.<sup>322</sup>

Declining public funding in this period appears to have hampered Natural England's ability to implement protected site laws and achieve intended outcomes. Natural England provided us with information that shows a steep decline in its staff numbers working on the implementation of protected site laws, from 205 full-time equivalent posts to 129 in the six-year period from 2013/14 to 2019/20. Similarly, the number of Natural England staff working specifically on SSSI monitoring fell from 53 full-time equivalent posts to 13 in the seven-year period from 2012/13 to 2019/20. It is difficult to see how 13 full-time equivalent posts could have been sufficient to effectively monitor more than 4,000 SSSIs.

Natural England's overall funding fell by 72% between 2009 and 2019. Natural England was not alone in having its budget reduced over this period, when there were large scale public funding cuts in response to economic pressures. However, Natural England reportedly faced relatively larger reductions than other similar organisations.<sup>323</sup>

This reduction in resources is reported to have had significant effects. Natural England's SSSI Improvement Plan highlights that, due to SSSI funding declining between 2010 and 2019, most work on SSSIs moved 'into a reactive phase'.<sup>324</sup> The decline in funding and reduced SSSI work programme led to much of the evidence on site condition, pressures and effectiveness of interventions not being updated during this period.<sup>325</sup>

As a consequence, Natural England said in 2023 that much of its information on SSSIs was out of date.<sup>326</sup> It added that many of the actions commenced before 2010 had not been completed or evaluated, improvements in site condition during the previous decade were not maintained and, in many cases, the current condition of sites was unknown.<sup>327</sup>

319 Caroline Hattam and others (n 60) 21.

320 Natural England, 'Improvement Programme for England's Natura 2000 Sites (IPENS): Planning for the Future. Programme Report – a Summary of the Programme Findings.' (n 201) 133.

321 JNCC, 'Format for a Prioritised Action Framework (PAF) for Natura 2000' (2016) 2–3, 29–32 <<https://data.jncc.gov.uk/data/1b21d5b4-e87a-42db-a3af-894f10d40e4e/paf-england.pdf>> accessed 6 October 2025.

322 Caroline Hattam and others (n 60) 35.

323 Emma Rose, 'The UK's Enforcement Gap 2020' (2020) <[www.unchecked.uk/wp-content/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf](http://www.unchecked.uk/wp-content/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf)> accessed 9 June 2025.

324 Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)' (n 197).

325 *ibid*.

326 *ibid*.

327 *ibid*.

Natural England's annual report for 2019/20 stated that, owing to its budget declining by nearly two-thirds during the previous decade, it was 'running with some serious risk to our core, statutory functions [...] For example our monitoring of Sites of Special Scientific Interest has been reduced in frequency, so that our efforts are focused on the highest priority sites'.<sup>328</sup>

One of the funding sources previously used to improve SSSI condition during the PSA target period between 2000 and 2010 – the Conservation and Enhancement Scheme – was closed for new entrants in 2018/19 owing to reductions in Natural England's budget. Natural England informed us that this scheme delivered positive management in areas that were not eligible for agri-environment schemes, such as wetlands and non-agricultural grasslands. Natural England added that the closure of this scheme led to a deterioration in the condition of many sites it had covered, and had wider consequences, such as preventing the agency from using some of its regulatory tools. These issues are discussed further in Chapters 6 and 7.

It therefore appears that progress towards improving the condition of protected sites from 2000 to 2010, during the PSA target period, came to a halt and began to be reversed from 2011 to 2020 as resources were reduced.

Backlogs built up between 2011 and 2020 as a result. Natural England told us during the project that it was still trying to address these. For example, it said the condition of many sites still needs to be assessed, relationships with owners and occupiers need to be rebuilt and management agreements need to be reinstated (see Chapters 5 and 6).

In our view, there is a rather obvious lesson to be drawn from these two contrasting decades. Implementing protected site laws, with the ambition to significantly improve site condition, cannot be done effectively at the same time as significantly scaling back the resources available for doing so.

A further lesson is that fluctuating funding and changing priorities mean that limited resources sometimes do not appear to have been used as efficiently as they could. This is because resources were put into planning for future actions which have not subsequently taken place.

Considerable resources were directed to planning actions during the PSA target period. Following this, resources were reduced which led to work being scaled back and slowed down. This meant that those efforts did not lead to the intended improvements in SSSI condition. Similarly, significant resources were expended during the IPENS project to plan activity to restore SACs and SPAs but, as we observe in Chapter 2, many of these actions appear not to have been completed.

In Chapter 4 we outline work to review the sufficiency of the SSSI series, which found gaps for almost all the habitat types and species groups considered. These gaps have, for the most part, not yet been filled. We also heard from Natural England that changes in resources and priorities can result in a stop-start designation process. This can require Natural England to invest more resources in re-engaging stakeholders, in addition to causing delays or even stopping the work entirely. Natural England told us that a more stable resourcing model could significantly shorten the designation process. This could also mean that resources invested in progressing a designation lead to a positive environmental outcome.

<sup>328</sup> Natural England, 'Annual Report and Accounts 2019 to 2020' (2020) HC 712 2 <[www.gov.uk/government/publications/natural-england-annual-report-and-accounts-2019-to-2020](https://www.gov.uk/government/publications/natural-england-annual-report-and-accounts-2019-to-2020)> accessed 22 August 2024.



In Chapter 7 we outline a project carried out by Natural England to identify and catalogue consents, assents and notices relating to SSSIs. This was partly intended to identify consents allowing potentially damaging activities. Owing to the need to find savings, Natural England told us that funds were reallocated away from this project and data were collected only in respect of 7.5% of SSSIs. This means that the full extent of the damage to SSSI features that is being or could be caused by practices consented on protected sites prior to a strengthening of the legislation in 2001 has not been ascertained.

There appears to have been a pattern of starting but not completing work due to fluctuating funding and changing priorities, resulting in intended outcomes not being achieved. Short term progress has not been sustained over the longer term. In our view, this is not an effective or efficient use of resources.

### 3.3 Resourcing since 2020

#### 3.3.1 Resourcing to achieve the protected site targets and commitments in the 25 Year Environment Plan and EIP

After the reductions between 2010 and 2019, the resourcing of Natural England's protected site work started to increase in 2020/21. Information provided to us by Natural England shows that, from the low point of 129 full-time equivalent posts in 2019/20, this increased to 255 in 2022/23 and 2023/24. The number working on SSSI monitoring also increased, from 13 in 2019/20 to 87 in 2023/24.

However, not all areas of work saw a similar increase. The number of staff posts working on the designation of new sites increased by only six over the same period (from nine full-time equivalents in 2019/20 to 15 in 2023/24). Only 1% of Natural England's budget for delivering work relating to SSSIs is for designating new SSSIs.<sup>329</sup> We consider the scale of Natural England's designation work in Chapter 4.

We requested, but were unable to obtain, specific information to compare current staffing levels with those between 2000 and 2010, when protected site laws were implemented sufficiently well to meet the then government's PSA target. Nevertheless, the recent rise in resources has allowed work to implement these laws to be increased. This can be seen in the work that is being delivered under Natural England's SSSI Improvement Plan, for example to update condition assessments and to develop costed site action plans as discussed in Chapter 2. As noted in Chapter 6, the Conservation and Enhancement Scheme was reopened to new applicants in 2022/23.

Natural England's SSSI Improvement Plan indicates that a significant proportion of the recent increase in resources has been used to address the backlog of work built up during the previous decade.<sup>330</sup> For example, resources have been applied to update condition assessments and lists of actions that, as discussed in Chapters 2 and 5, had fallen out of date. While addressing this backlog is necessary, in the meantime SSSI condition has been deteriorating. As we note in Chapter 2, action is not being delivered at the pace and scale required to reverse this trend.

Moreover, work to clear the backlog of out of date SSSI condition assessments appears to be progressing too slowly to meet the interim target in the EIP for all SSSIs to have an up-to-date condition assessment by January 2028 (see Table 2.1). Natural England informed

<sup>329</sup> Natural England, 'Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)' (n 174).

<sup>330</sup> Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)' (n 197).

us during the project that it had forecast to secure 42% of SSSI features with an up-to-date condition assessment by March 2025. As of September 2025, however, only 32% of features had an up-to-date assessment.<sup>331</sup> In its 2024/25 annual progress review of the EIP, the government states that ‘performance is behind planned projections to meet the 2028 target’.<sup>332</sup> This has been reported separately as being due to a ‘lack of funding and resources’.<sup>333</sup>

This picture of a shortfall in resourcing compared to intended outcomes is also reflected in evidence from a wide range of protected site owners, occupiers and other interested parties. Several individuals and organisations from different sectors told us that Natural England is not sufficiently resourced to implement protected site legislation effectively. Our evidence from stakeholders was gathered in 2023 and 2024, which was after the increases in Natural England’s resources began in 2020.

The IUCN UK National Committee’s Protected Areas Working Group told us that Natural England has ‘grossly inadequate resources and lacks capacity, with markedly insufficient numbers of non-headquarters staff ‘on the ground’.

The National Trust reflected that: ‘decision makers at a local level do not have the adequate skills and confidence to use the legislation to its full effect. They are severely under-resourced, so are unable to undertake monitoring, enforce breaches of the regulations, or administer key funding at a wide scale’.

An ecologist with extensive experience in protected sites told us that Natural England is suffering from significant gaps in its workforce. They said this means staff are heavily overloaded. Similarly, the UK Environmental Law Association commented that while ‘the statutory powers exist, the resources to enforce them are lacking’. One of the most frequently raised concerns by owners and occupiers was the lack of advice from Natural England on how to manage sites (addressed in more detail in Chapter 6).

We also understand that resourcing continues to fluctuate. Natural England’s Action Plan 2024 to 2025 states that: ‘Our budget, the last in the current spending review, is more or less stable, but increased costs mean our team will shrink in a number of areas’. It also notes that there was a 4% decrease compared to total planned funding for 2023 to 2024.<sup>334</sup> Natural England told us in 2024 that this will limit its protected sites work, especially its efforts to update SSSI condition assessments. In contrast, Natural England has more recently reported a 5% increase for its total funding in 2025/26 compared to 2024/25, which it said demonstrates that ‘nature and Natural England are at the forefront of delivering the Government’s priorities’.<sup>335</sup>

To be able to meet legal obligations and to deliver targets and commitments, government needs to know how much this will cost. This should allow for intended outcomes and resources to be aligned. A study commissioned and published by Defra in 2021, drawing on estimates calculated in 2015 by the IPENS project, identified £160 million of annual funding as being needed to achieve three levels of ambition: 47% (low), 55% (medium) and 65%

331 Natural England, ‘Designated Sites View’ (n 134). See the ‘Environmental Improvement Plan Targets’ report in the National Reports section.

332 Defra, ‘Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025’ (n 135) 52.

333 Pippa Neill, ‘EIP Rapid Review: All but One of Environment Act Targets at Risk, Document Reveals’ *ENDS Report* (15 May 2025) <[www.endsreport.com/article/1918125/eip-rapid-review-one-environment-act-targets-risk-document-reveals](https://www.endsreport.com/article/1918125/eip-rapid-review-one-environment-act-targets-risk-document-reveals)> accessed 13 June 2025.

334 Natural England, ‘Natural England Action Plan 2024 to 2025’ (2024) <[www.gov.uk/government/publications/natural-england-action-plan-2024-to-2025](https://www.gov.uk/government/publications/natural-england-action-plan-2024-to-2025)> accessed 22 August 2024.

335 Natural England, ‘Natural England Action Plan 2025 to 2026’ (2025) <[www.gov.uk/government/publications/natural-england-action-plan-2025-to-2026](https://www.gov.uk/government/publications/natural-england-action-plan-2025-to-2026)> accessed 28 August 2025.

(high) of SSSIs in favourable condition by 2037. The same level of funds was estimated for all three scenarios, with the timing and pace of investment differing.<sup>336</sup> For example, the high level of ambition required actions to be completed between 2023 and 2025.

We understand from Defra that the department has not carried out any more recent assessment since 2021 of the cost of achieving the current protected site condition commitment, or of the adequacy of the current levels of funding to do so. Defra told us that ‘assessments of this scale are substantial undertakings and are carried out periodically’. It added that recent efforts have focused on delivering the interim targets relating to SSSI condition assessments and actions on track to support the delivery of the protected site condition commitment.

The 2021 assessment cautioned that ‘the robustness of the estimates for protected sites is limited by significant data gaps and uncertainties’.<sup>337</sup> The report stated that, to assess costs, it is ‘necessary to define and quantify the actions needed to meet each target’ and noted that, as we discuss in Chapter 2, ‘there is no defined plan of action’ to achieve this target.<sup>338</sup> We consider that the absence of up-to-date and reliable information on the resources that are needed and available will make it challenging to ensure relevant bodies have the resources they need to meet the government’s protected site condition commitment.

In our view, implementing laws with the realistic expectation of achieving the targets and commitments in place at the time of producing this report will require further resource increases. We recognise that this will be challenging given public spending pressures. However, in practice there will be little benefit in having targets or commitments that suggest one level of ambition in theory, without being matched by resources that mean they can be met. At the moment, these are not aligned.

### **3.3.2 Recruitment and retention of staff**

Many protected site owners and occupiers, and others involved in protected site laws, were concerned about high levels of staff turnover within Natural England. We heard that Natural England officers, who act as key contact points for site owners and occupiers, often do not remain in post for long and have little time to develop relationships, local knowledge, expertise and experience.

We were also told by an official at another public authority that inexperienced Natural England staff can find it difficult to exercise discretion and judgement on how sites should be managed. In their view, this is a consequence of relatively low salaries at Natural England. These, they suggested, are only able to attract recent graduates, who may quickly move on to better paid roles elsewhere.

Natural England has confirmed to us that high levels of staff turnover are a challenge. It provided us with data during the project that showed that, for some of its Area Teams dealing with protected sites, more than 20% of staff had left within the previous eight months.

We were told by Natural England that this has required it to be in a near constant state of recruiting to these vacancies. Natural England also noted that new starters are often less experienced than in the past, which requires more training and diverts existing staff away from operational functions. Natural England told a House of Lords committee in 2023 that

336 Caroline Hattam and others (n 60) 48.

337 *ibid* 58.

338 *ibid* 57.

‘the skills we have brought in are not necessarily as expert as some of those we have lost’.<sup>339</sup>

While we heard several suggested reasons for these issues of staff retention and experience, one in particular concerns pay. As shown in Table 3.1, Natural England staff within the Senior Executive Officer (SEO) grade appear to have received lower salaries than those employed by other Defra group members listed on the Civil Service Jobs website at broadly similar levels. Natural England’s Chair has also highlighted the organisation’s ‘uncompetitive salaries compared to some other organisations’ and that for some skill sets it has struggled to recruit.<sup>340</sup> He added that Natural England is trying to recruit from ‘the same pool as the developers and everyone else’.<sup>341</sup>

**Table 3.1. Examples of salaries for Senior Executive Officer (SEO) level and equivalent positions advertised among different bodies in the Defra group (as of August-September 2024)**

Organisation	Job Title	Salary
Forestry Commission	Curator	£45,260 – £49,062
Royal Botanic Gardens Kew	Lead Developer Mycology Tools	£43,123 – £50,059
Royal Botanic Gardens Kew	Functional Consultant	£43,123 – £50,059
Animal and Plant Health Agency	Bacteriology Science Transformation Manager	£42,577 – £47,039
Veterinary Medicines Directorate	Senior Safety Assessor	£42,577 – £47,039
Rural Payments Agency	Grants Service Agricultural Subject Matter Expert	£41,220 – £45,400
Environment Agency	Senior Heritage Specialist	£39,635
Defra	Senior Evaluation Analyst	£39,439 – £47,039
Animal and Plant Health Agency	National Bee Unit Operational Delivery Lead – National Bee Inspector	£39,439 – £43,569
Veterinary Medicines Directorate	Distribution and Supply Chain Inspector	£39,439 – £43,569
Centre for Environment, Fisheries and Aquaculture Science	Senior ICP-MS Specialist	£39,150 – £43,280
Marine Management Organisation	Business Intelligence Analyst	£38,730
JNCC	Senior Pollution adviser	£38,320
Ofwat	Senior Associate Economist (Charges and Developer Services)	£36,918 – £50,000
Natural England	Senior Specialist, Social Science	£36,098

339 Natural England, ‘Evidence to the House of Lords Built Environment Committee on the Impact of Environmental Regulations on Development’ <<https://committees.parliament.uk/oralevidence/13366/pdf>> accessed 11 June 2025.

340 *ibid* 5.

341 *ibid* 6.

The effects of several voluntary exit schemes have also contributed to low levels of staff retention. Natural England told us that it ran a voluntary exit scheme that resulted in 214 people leaving in early Autumn 2025. This appears to be around 7% of the total workforce, which was reported to be 2,834 full-time equivalent permanent staff in 2023/24.<sup>342</sup> Natural England added that ‘careful consideration has been given to ensure Natural England retains the skills needed for the future’.

These issues of staff retention and expertise are not unknown in the environmental sector, although they may be a particular issue in Natural England as noted above. The government’s independent review of environmental regulations made a similar finding more broadly. It recommended that government assess the potential ‘for regulators to have targeted pay flexibility so they can employ and retain staff, particularly specialist staff’. It said that this should ‘help ensure that salaries are competitive with the private sector and experienced staff are retained’.<sup>343</sup>

### **3.3.3 Duration and complexity of funding**

Protecting, restoring and enhancing protected sites requires effective planning and delivery. Some sites that are in poor condition may take years or decades to be restored, and will require ongoing monitoring and adaptive management during this period. For example, it can take around two decades for vegetation to recover from inappropriate burning, and longer for some species.<sup>344</sup> Delivering a programme of restoration for over 4,100 SSSIs is therefore a challenging, long term endeavour.

It can be difficult for Natural England to deliver such work when funding is unpredictable and is provided at short notice or for short periods. Natural England told us that funding to restore protected sites may only be provided for one or two years at a time and at a late stage in the preceding year. This has meant that securing investment for activities with longer durations can be challenging. Natural England added that the way protected sites are currently funded can incentivise short term, ad hoc actions rather than long term, strategic actions.

Another stakeholder thought that the current arrangements cause uncertainty not just for Natural England, but also for other bodies involved in planning and delivering long term work, for example in having enough time to set up site surveys in advance of short survey seasons. For example, bird surveys usually need to start at the end of March or beginning of April. The same contributor suggested that the pressure to spend allocated money that is only available within the relevant financial year can undermine high-quality, long term work. They said this can lead to expenditure on projects that are ‘substandard, rushed, stressful’.

The charitable sector has reported a similar picture. For example, the RSPB told us that it experiences ‘a boom and bust of project funding’ which makes it challenging to deliver long term projects to restore degraded peatland sites.

Overall, therefore, recent funding for protected sites looks to have been relatively inconsistent, unpredictable and short term in nature. In contrast, if more stable, long term, strategic and co-ordinated funding could be provided, aligned with targets and

342 Natural England, ‘Natural England Annual Report and Accounts 2023 to 2024’ (2025) 58 <[www.gov.uk/government/publications/natural-england-annual-report-and-accounts-2023-to-2024](https://www.gov.uk/government/publications/natural-england-annual-report-and-accounts-2023-to-2024)> accessed 18 September 2025.

343 Corry (n 104) 7.

344 Roxane Andersen and others, ‘Blanket Bog Vegetation Response to Wildfire and Drainage Suggests Resilience to Low Severity, Infrequent Burning’ (2024) 20 Fire Ecology; National Audit Office, ‘Natural England’s Role in Improving Sites of Special Scientific Interest’ (n 286) 10.

commitments, this should provide a more effective and efficient basis for planning and implementing measures to achieve those outcomes.

### 3.3.4 Private funding

Previous sections of this chapter have focused on public funding from central government to implement protected site laws. However, there are also various other potential sources of funding that could contribute towards protected site conservation, restoration and enhancement.

It is widely recognised that mobilising private investment, alongside public investment, will be needed to achieve the government's nature recovery objectives. For example, the EIP included a commitment to mobilise 'at least £500 million of private finance per year into nature's recovery in England by 2027, rising to more than £1 billion per year by 2030'.<sup>345</sup>

Natural England provided us with documents to inform the preparation of protected site strategies that place a heavy reliance on mobilising private finance.<sup>346</sup> At the same time, Natural England notes that 'attracting external private funding can be challenging'.<sup>347</sup>

We note in this regard that the government's independent review of environmental regulations has called for greater action to 'unlock the flow of private sector green finance to support nature restoration whilst better targeting public sector finance'. This included recommending that Defra 'explore launching a Nature Market Accelerator to bring much needed coherence to nature markets and accelerate investment', and that it should also 'publish a call for evidence on further opportunities to increase private investment into nature'.<sup>348</sup> We support these recommendations.

Further, while we recognise the imperative of bringing in private funds, it is unclear what would happen if the necessary level of private funding, for example for protected site strategies, does not materialise. In addition, the success of these strategies will depend on the capacity of whoever is leading the protected site strategy partnership and of its partners, several of whom will be public authorities. These authorities will need resourcing to ensure that they have the required capacity to contribute.

We consider that ultimate responsibility for ensuring that sufficient public and private funding is being secured to achieve government targets and commitments lies with government itself. We therefore suggest that government should closely monitor this so that any shortfalls in resources can be identified, the implications can be assessed and action taken to address them. This should be done transparently so that it can be open to public scrutiny.

## 3.4 Future resources

As outlined above, there appears to have been a lack of detailed understanding or clarity about the cost of implementing protected site laws and achieving associated targets and commitments, or the funding that is being made available. At times the right sort of resources appear to have been allocated and some good progress made. However, this has not been sustained, and while ongoing resource requirements were estimated for varying levels of ambition, they do not appear to have been acted upon consistently.

<sup>345</sup> Defra, 'Environmental Improvement Plan 2023.' (n 3) 10.

<sup>346</sup> Natural England, 'How to Prepare and Deliver Protected Site Strategies: A Collaborative Approach to Nature Recovery (Unpublished)'.

<sup>347</sup> *ibid* 32.

<sup>348</sup> Corry (n 104) 10.



In particular, it appears that resources have been insufficient to implement these laws well enough to achieve targets and commitments over the last 15 years. In our view, this remains broadly the case under the targets and commitments that were articulated in the EIP. There are also challenges with staff retention and the duration and nature of funding mechanisms.

In this context, we welcome Natural England's ongoing work described in its SSSI Improvement Plan. The plan identifies Natural England's intention, for each protected site action logged on its database, to estimate an indicative cost, the expected staff resource to complete the action and the start and end dates. The plan also states that this information will be used to 'develop annual delivery plans and longer term trajectories to help understand what is required to deliver Government's commitment to bring 75% of SSSIs into favourable condition by 2042'.<sup>349</sup> If this is done well, and the necessary resources are provided, it should be a significant step towards improving how this area of law is implemented and the outcomes it delivers.

We suggest that the information developed under Natural England's SSSI Improvement Plan, and the anticipated annual delivery plans and longer term trajectories noted above, should be kept under review and updated where necessary. This would be in line with what was recommended in 2008 by the National Audit Office. Further, we suggest that the information should be published in the interests of transparency and to enable scrutiny of the resource requirements, allocations and delivery plans.

### 3.5 Resourcing of other public authorities

Beyond Natural England, the successful delivery of protected site laws, targets and commitments requires significant action from other authorities. As we discussed in Chapter 2, the Wildlife and Countryside Act imposes specific responsibilities on entities with public functions. In particular, ministers, public bodies and statutory undertakers (which are defined in the Act as 'section 28G authorities') have a general statutory duty to 'take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of' the notified interest features of SSSIs.<sup>350</sup>

The Environment Agency has a particular responsibility as the body with legal powers to address some of the most widespread pressures facing protected sites, especially those relating to water quality and quantity. The Ministry of Defence, Forestry Commission, internal drainage boards, local authorities, water companies and national park authorities, amongst others, are also responsible for significant numbers of actions to improve SSSI condition.

As an example, the Environment Agency told us it has limited resources for carrying out work to improve protected site condition. At the time of this project, it had only one temporary national post devoted to protected sites and, although many of its staff do work that will contribute to conserving and improving protected sites, it had no specific dedicated posts focusing on protected sites in local teams.

An official at another public authority told us that its budget for protected sites work needed to be significantly scaled up to meet the level of government's stated ambition. More broadly, there will be many competing demands on budgets within public authorities, such that a lack of dedicated funding for protected sites means they may be given a low priority.

<sup>349</sup> Natural England, 'SSSI Improvement Plan 2023-2028 (Unpublished)' (n 197).

<sup>350</sup> Section 28G, Wildlife and Countryside Act 1981.



## 4. Designation

## 4. Designation

### Overview

The legal requirement to designate protected sites and, to support this, keeping the need for new, extended or modified sites under regular review, is a vital means of protecting, restoring and enhancing England's habitats and species. In this way, protected sites can play their full part in halting the decline in biodiversity and supporting nature's recovery.

When a site is designated, achievement of the intended outcomes will depend upon positive action by its owners and occupiers. The process of designation, therefore, should initiate an effective relationship, ensuring these stakeholders understand the important role they will need to play and how they will be supported to fulfil it.

We have assessed the implementation of duties relating to the designation of SSSIs and SACs. In so doing, we have considered designation strategies, reviews and programmes, and their implementation. We also analysed stakeholder evidence regarding Natural England's engagement with landowners and occupiers during the designation process.

We have found that:

- Too few SSSIs have been designated to achieve the intended outcomes. Natural England's reviews in 2015 and 2016 found gaps for almost all the habitat types and species groups considered. These gaps have, for the most part, not yet been filled. We understand at least 100,000 hectares of land potentially meets the criteria for SSSI designation but has not been considered further.
- Natural England's SSSI designations programme has not achieved the pace and scale needed to address the identified gaps. Natural England expected there to be around 50 sites considered for SSSI designation every year after the 2015 and 2016 reviews, but the number peaked at 27 cases between 2018 and 2020. There were 22 cases listed in the programme at the time of producing this report. Almost half of those sites listed for consideration as SSSIs had been on the programme for more than seven years.
- Designation activity has generally reduced following the 2015 and 2016 reviews. Since they were carried out, there have been no more than five new, extended or modified SSSIs designated in any year. In the early 2000s, in contrast, as many as 16 new, extended or modified SSSIs were designated in a year. In the period more immediately preceding the reviews, the maximum number in a year was eight.
- The period from 2001 to 2010 also saw significant progress in improving site condition. This illustrates that, with the necessary resource and effort, progress is possible on both designation and site condition in parallel.
- At the time of writing this report, no SSSIs have been designated since 2022. This is the longest period with no new designations since the duty to designate SSSIs was first created in 1949.
- Natural England has not published documents relating to its 2015 and 2016 reviews. We found stakeholders unaware they had happened. This will have limited the scope for public scrutiny of Natural England's SSSI designation work.

- We saw little evidence to indicate that Defra has been keeping the SAC network under review to ensure it is contributing to the favourable conservation status of relevant habitats and species. No new SACs have been put forward for designation since 2013. The most recent review was carried out by the European Commission in 2019 based on data provided by the UK in 2014. The percentage of England's land area designated as an SAC or SPA is lower than that in any of the 27 EU member states. The extent of England's SAC network has increased by 0.06% since 2012.
- Concerns were expressed to us that, in some cases, landowners and occupiers did not understand why their landholding was being designated, whether management would need to change and what support would be available. This has led to some designations facing considerable opposition.

To improve the process of designating protected sites, we make the following recommendations.

**Recommendation 5:** Sufficient numbers and areas of protected sites need to be designated to effectively implement the law and support the achievement of targets and other intended outcomes. We recommend that:

- (a) Natural England should significantly increase the speed and scale of its programme for designating SSSIs.
- (b) Defra should restart a programme for ensuring the sufficiency of SACs, in the first instance by reviewing the current SAC network.
- (c) Natural England and Defra should keep the sufficiency of SSSIs and SACs under regular review and should promptly publish and implement their findings.

**Recommendation 6:** Engagement with landowners and occupiers during the designation process should aim to build effective and sustainable working relationships based on proactive, clear and ongoing communication. We recommend that Natural England seek to ensure landowners and occupiers understand the following points and the related evidence, and discuss concerns they may raise, before their land is designated:

- (a) Why their land is proposed to be included in the protected site.
- (b) The condition of the features on their part of the proposed protected site.
- (c) Expectations of whether the management of their part of the proposed protected site will need to change to maintain or improve the condition of the relevant features.
- (d) What funding, advice and support will be available after designation and how this can be accessed.

## 4.1 Introduction

The designation of protected sites is the process by which important places for habitats and species receive statutory protection, along with providing for a range of measures to support their restoration and enhancement.

In this chapter we review how functions to designate SSSIs and SACs have been implemented. We have not considered the designation of SPAs owing to our ongoing investigation.<sup>351</sup>

We look at designation strategies, reviews of the sufficiency of the extent of protected sites, and their implementation. We consider whether the designation of protected sites is supporting effective implementation of the law and government targets and commitments. We also consider how Natural England communicates with landowners and occupiers during the designation process, which may be its first contact with these important stakeholders.

### 4.1.1 The role of protected site designation in nature recovery

The legal duty to designate sites, where land meets the relevant criteria, reflects their important role in nature's recovery.

Where land is not designated as a SSSI, SAC or SPA, a range of other tools may be used to protect and improve the environment, especially where nature recovery is already a strong motive of the landowner or occupier. Such tools include, for example, entry of a landowner or occupier into a landscape recovery agri-environment scheme (see Chapter 6) or the creation of a conservation covenant. Similarly, NNRs may be declared where nature conservation is the primary consideration, alongside recreational activities that are compatible with that objective (see Box 2.1 in Chapter 2).

However, designation as a SSSI, SAC or SPA is the only tool in the current system of law that can effectively secure the legal protection of land that is important for nature's recovery, where the pursuit of that objective is not currently a primary motivation, or may not be the future motivation, of the landowner or occupier.

Even where a landowner or occupier is already motivated to manage their land for nature, the designation of a protected site is likely to assist them. This is because it comes with, for example, protections from inappropriate development and other damage arising from inside or outside the site (see Chapter 7),<sup>352</sup> greater prospects of entry into agri-environment schemes (see Chapter 6)<sup>353</sup> and, in principle at least, a programme of condition assessment (which we discuss further in Chapter 5).<sup>354</sup>

The starting point for this chapter, therefore, is that the designation of SSSIs, SACs and SPAs and the extension or modification of existing sites remain a vital part of halting and reversing biodiversity loss. Under the current legislation this should take place alongside, rather than being replaced by, other area-based tools, with the aim of creating a resilient ecological network. Protected sites should form the core of this network. The network should aim to reduce pressures on protected sites and connect them and other areas of semi-natural habitat together, enabling species to recover and move through the landscape.

Some stakeholders expressed the view that protected site designation can constrain innovation and management which may be in the best interests of a site's current and

351 Office for Environmental Protection, 'OEP Finds Possible Failures to Comply with Environmental Law by Defra and Natural England in Relation to the Protection of Wild Birds' (9 June 2025) <[www.theoep.org.uk/news/oep-finds-possible-failures-comply-environmental-law-defra-and-natural-england-relation](https://www.theoep.org.uk/news/oep-finds-possible-failures-comply-environmental-law-defra-and-natural-england-relation)> accessed 31 July 2025.

352 For SSSIs, see Ministry of Housing, Communities and Local Government, 'National Planning Policy Framework' para 193 <[www.gov.uk/government/publications/national-planning-policy-framework-2](https://www.gov.uk/government/publications/national-planning-policy-framework-2)> accessed 4 July 2025. For SACs and SPAs see Part 6 of the Habitats Regulations.

353 Jason Beedell and others, 'The Impact of SSSI Status on Land Values in England' 16. <[https://data.parliament.uk/DepositedPapers/Files/DEP2020-0114/Natural\\_England\\_SSSI\\_status\\_on\\_land\\_values.pdf](https://data.parliament.uk/DepositedPapers/Files/DEP2020-0114/Natural_England_SSSI_status_on_land_values.pdf)> accessed 2 July 2025.

354 Natural England, 'Natural England Standard: SSSI Monitoring and Reporting - NESTND035' <<https://publications.naturalengland.org.uk/publication/6232097035386880>> accessed 11 August 2024.

potential biodiversity value and its natural ecological functioning. However, there is scope for addressing this problem where it occurs (see Box 4.1 below).

#### **Box 4.1. Consideration of dynamic ecological processes in the management of protected sites**

Many protected sites were designated, and are managed and monitored, for specific habitats or species.

We heard a desire by some land managers to restore their land's wider natural ecological functioning, and a perception that its designation as a protected site in relation to specific habitats or species was holding this back. They explained that this was because protected site laws require the strict protection of those specific habitats and species.

Some stakeholders observed that changing management to allow natural processes, for example allowing more scrub and trees to grow on an upland site, might not always be in the best interests of the individual site's designated features. However, they suggested that, in some cases, it might lead to more ecologically diverse and naturally functioning sites that contribute more effectively to wider biodiversity targets.

These concerns may, to some extent, be addressed by Natural England officers discussing the issues with land managers and exploring ways to accommodate a transition to more naturally functioning sites, while remaining within what is required by the law. However, as we discuss in Chapter 6, there is a widespread view that Natural England's advice has decreased in its availability and quality in recent years. We also heard that its officers were applying the regime more rigidly than in the past. As we note in Chapter 3, there has been a high level of staff turnover and loss of experience in Natural England, and ongoing resourcing challenges.

At the same time, inevitably there will be limited room for flexibility within the requirements of the current law, regardless of resourcing levels and expertise. Government may, therefore, wish to consider whether the current approach to protected sites is the right one, or should be adjusted.

In this regard, Natural England has advocated reforms<sup>355</sup> to better accommodate and reflect dynamic ecological processes, while also retaining feature-based approaches where necessary. It suggested that, instead of changing the basis for designating sites, this could be achieved by setting conservation objectives for all protected sites<sup>356</sup> that specify whether a site is to be protected and managed as a 'natural systems site' or a 'habitat management site'. Natural England also said sites for static geological features should continue to be protected and managed for their features.

Natural England considered that a 'natural systems site' could be appropriate for many large upland, coastal, freshwater and wetland sites, and large expanses of lowland habitat. It proposed that the objective could be to remove pressures that are restricting the natural functioning of these ecosystems.

A 'habitat management site', it suggested, could include semi-natural habitats such as hay meadows or coppiced woodlands, and sites that are a refuge for threatened species, which are dependent on active management rather than natural functioning ecosystems.

355 Natural England, 'Response to Defra's Nature Recovery Green Paper (Unpublished)' (n 106).

356 Only SACs and SPAs currently have conservation objectives.

A similar approach was suggested in a report commissioned by Natural England. The report set out a series of recommendations for how an ‘ecologically connected network’ of protected areas could be created and managed in the context of accelerating climate change.<sup>357</sup>

We broadly agree that such an approach, if well-designed and delivered, may lead to a more flexible regime that better enables wider ecological restoration while also protecting specific features. It could allow for more decisions to be taken on a case-by-case basis, making it easier to deliver positive actions for nature.

In our view, any such reform would be a major endeavour and would need to be carried out with care to avoid reducing current levels of environmental protection. For example, options and evidence would need to be assessed to ensure that any new approach would not adversely affect the conservation status of habitats and species at a national level, considering the effects of climate change. It also should not impede the speeding up and scaling up of the implementation of current protected site laws to improve their effectiveness as we recommend in this report.

## 4.1.2 Sites of Special Scientific Interest

The first legislation requiring the designation of SSSIs in England was passed in 1949.<sup>358</sup> The Nature Conservancy (a forerunner of Natural England) was given a duty to notify the relevant local planning authority where it considered that an area of land was of special interest by reason of its flora, fauna, geological or physiographical features.<sup>359</sup>

While the legislation has changed over the last 76 years, the statutory reasons for designating SSSIs remain the same. Under the current legislation (the Wildlife and Countryside Act), Natural England must now also notify the Secretary of State and every owner and occupier of the land, as well as the local planning authority.<sup>360</sup> A SSSI comes into being when those parties are notified by Natural England. We refer to this as the designation of a SSSI.

The land that can be designated as a SSSI includes land lying above the mean low water mark and land covered by estuarial waters. Adjoining land which falls outside of these categories can also be designated if certain conditions are met. These include where the special interest is wholly or partly dependent on anything that takes place in or is present in that adjoining area.<sup>361</sup> The Wildlife and Countryside Act also makes provision for Natural England to increase the size of an existing SSSI where the extended site would be of special interest.<sup>362</sup>

The legislation makes no provision for the consideration of socio-economic factors in designation decisions. Once Natural England has formed the opinion that the land is of special interest, it must designate it.<sup>363</sup>

357 Natural England, ‘Creating a Protected Area Network for Nature Recovery in England. Natural England Commissioned Report NECR441’ (2023) <<https://publications.naturalengland.org.uk/publication/6575810543353856>> accessed 9 August 2024.

358 National Parks and Access to the Countryside Act 1949.

359 Section 23, National Parks and Access to the Countryside Act 1949 (as originally enacted).

360 Section 28(1), Wildlife and Countryside Act 1981.

361 Sections 28(1A), (1B) and (1C), Wildlife and Countryside Act 1981.

362 Sections 28B and 28C, Wildlife and Countryside Act 1981.

363 *Fisher & Anor v English Nature* [2003] EWHC 1599 (Admin), [para 20]. This decision was upheld by the Court of Appeal in *R (on the application of Fisher) v English Nature* [2004] EWCA Civ 663.

The notification must include the reasons for the designation, and specify the period of time (not less than three months from the date of giving notification) and the manner by which representations or objections can be made. Notice must also be given in at least one local newspaper. Natural England must consider any submissions received.<sup>364</sup>

From the point of notification, the site is protected as a SSSI. This will lapse nine months after the point of notification unless Natural England has either confirmed the designation, with or without modification, or withdrawn it.<sup>365</sup> It appears there would only be a limited basis for withdrawing a notification. This could be, for example, if Natural England changed its opinion that the area of land was of special interest, or that the conditions for notifying adjoining land had not been met.<sup>366</sup>

The Wildlife and Countryside Act gives Natural England broad scope to consider land for designation. Further guidance is provided by JNCC's SSSI selection guidelines, which contain two fundamental guiding principles for site selection. These are consideration of the best examples in defined geographical areas, and consideration of all examples above a defined threshold.<sup>367</sup> The individual habitats and species chapters state which principle should be used.<sup>368</sup>

More emphasis is also now placed on the potential value of the site and whether it will contribute to the development of an ecological network.<sup>369</sup> It is therefore no longer accurate to characterise the SSSI series as solely a representative series, protecting only examples of isolated high-quality habitat patches. The focus is now much wider.

#### 4.1.3 Special Areas of Conservation

The duty to designate SACs is set out in the Habitats Regulations. The Secretary of State must designate, as SACs, sites in England that they consider to be of national importance.<sup>370</sup> Such sites are identified as those that contribute significantly to:

- the maintenance or restoration, at 'favourable conservation status',<sup>371</sup> of the habitat types listed in Annex I of the Habitats Directive
- the maintenance or restoration, at favourable conservation status, of species listed in Annex II of the Habitats Directive, or
- the maintenance of biological diversity within the Atlantic biogeographic region.<sup>372</sup>

The Secretary of State must establish, and then have regard to, priorities for designating SACs, based on factors including the importance of sites for the coherence of the national site network, and their exposure to threats of degradation or destruction.<sup>373</sup>

364 Section 28, Wildlife and Countryside Act 1981.

365 Section 28(5) and (6), Wildlife and Countryside Act 1981.

366 *R (on the application of Fisher) v English Nature* [2004] EWCA Civ 663.

367 JNCC, 'Guidelines for Selection of Biological SSSIs' (2024) <[www.jncc.gov.uk/our-work/guidelines-for-selection-of-sssis/](https://www.jncc.gov.uk/our-work/guidelines-for-selection-of-sssis/)> accessed 4 June 2024.

368 See for example; JNCC, 'Sites of Special Scientific Interest Guidelines. Chapter 1c: Saline Lagoons' (2022) <<https://hub.jncc.gov.uk/assets/b0c3d93f-5c1d-4101-9973-0830742ca9d6>> accessed 6 June 2024.

369 JNCC, 'Guidelines for the Selection of Biological SSSIs: Part 1: Rationale, Operational Approach and Criteria for Site Selection' 19. <<https://data.jncc.gov.uk/data/dc6466a6-1c27-46a0-96c5-b9022774f292/SSSI-Guidelines-Part1-Rationale-2013.pdf>> accessed 18 June 2025.

370 Regulation 12(1), Habitats Regulations.

371 Favourable conservation status is defined in article 1(e) of the Habitats Directive.

372 Regulation 12, Habitats Regulations.

373 Regulation 13, Habitats Regulations.



As with the Wildlife and Countryside Act for SSSIs, the Habitats Regulations make no provision for the consideration of socio-economic factors in site selection.

It is a long-standing practice, though not a legal requirement, that where land is designated as an SAC (or an SPA), it is also designated as a SSSI.<sup>374</sup> This is because the Wildlife and Countryside Act is used to manage certain activities on these sites, for example, through its consenting<sup>375</sup> or assenting<sup>376</sup> regimes (see Chapter 7).

## 4.2 The sufficiency of the protected sites network

To effectively fulfil duties to designate protected sites, there should be a clear strategy setting out what is to be achieved and a programme of designation activity. This should be informed by up-to-date evidence on the sufficiency of the existing site network.

This requires the network to be regularly reviewed to assess whether sites are playing their full part in the protection and enhancement of important habitats and species. For the network to conserve nature effectively in the context of a changing climate, such reviews should also establish whether it is resilient and fit for purpose.

JNCC guidance reflects the need for review. It states that Natural England and the equivalent agencies in other parts of the UK, 'are likely to keep the SSSI series under review to reflect our dynamic environment, changing natural heritage values and circumstances and changes in the context within which our site conservation work is conducted'.<sup>377</sup>

The implementation of these reviews is crucial for the effective implementation of the legislation, recovery of the natural environment, and building resilient, connected landscapes. It can also support business planning for public authorities involved in designating sites, especially Natural England.

### 4.2.1 Sites of Special Scientific Interest

#### Designation strategies and reviews of the SSSI series

In 2008, the National Audit Office recommended that Natural England periodically review and update the series of SSSIs.<sup>378</sup> This recommendation was reiterated a year later by the Public Accounts Committee in the House of Commons, which noted that Natural England was unable to demonstrate whether existing sites still supported their features of special interest, or if other locations provided valuable conservation opportunities. The Committee recommended that Natural England 'establish a systematic approach to reviewing [...] existing sites and to identifying and designating new sites'.<sup>379</sup>

Natural England published a SSSI notification strategy in November 2008.<sup>380</sup> The strategy noted that new SSSIs had previously been identified through an ad hoc approach and there was a need for a more strategic selection of potential sites. It said this would be based

374 House of Commons Library, 'The Habitats Directive and the UK Conservation Framework and SSSI System. Research Paper 94/90' 6 <<https://researchbriefings.files.parliament.uk/documents/RP94-90/RP94-90.pdf>> accessed 25 August 2024.

375 Section 28E, Wildlife and Countryside Act 1981.

376 Section 28H, Wildlife and Countryside Act 1981.

377 JNCC, 'Guidelines for the Selection of Biological SSSIs: Part 1: Rationale, Operational Approach and Criteria for Site Selection' (n 369).

378 National Audit Office, 'Natural England's Role in Improving Sites of Special Scientific Interest' (n 82).

379 Public Accounts Committee (n 58).

380 Natural England, 'Sites of Special Scientific Interest (SSSI): A Notification Strategy for England' <[https://webarchive.nationalarchives.gov.uk/ukgwa/20140605123715/http://www.naturalengland.org.uk/Images/Notification%20strategy%20for%20web\\_tcm6-15235.pdf](https://webarchive.nationalarchives.gov.uk/ukgwa/20140605123715/http://www.naturalengland.org.uk/Images/Notification%20strategy%20for%20web_tcm6-15235.pdf)> accessed 30 August 2024.

on a set of principles, including biodiversity priorities, addressing gaps and shortfalls, and ensuring that new and existing SSSIs could respond to natural processes and the predicted effects of climate change.<sup>381</sup>

The strategy stated that sites should be kept under review ‘to ensure the continued value of the series’ which should ‘contribute to ecological networks to increase connectivity and reduce habitat fragmentation’.<sup>382</sup> It added that:

‘As our scientific understanding of the needs of many habitats and species improves, and the predicted impacts of climate change become more apparent, the existing series needs to be kept under review (for example to ensure new features are adequately protected and site boundaries reflect needs of dynamic systems). We may also consider that a higher (or lower) proportion of the total resource should be protected within the SSSI series’.<sup>383</sup>

The strategy was to be implemented through two strands of work starting in 2009/10:

‘Strand one will be led by the relevant national specialists in Natural England’s Evidence Team, who will review notification requirements, assess the adequacy of the current SSSI series and identify any gaps in coverage. The second strand aims to review the boundaries and interests of existing SSSIs to ensure that they remain fit for purpose and resilient. This will be led by Natural England’s regional teams and carried out alongside the condition assessment process’.<sup>384</sup>

The commitment to carry out this review was set out in the then government’s biodiversity strategy. In its 2011 document ‘Biodiversity 2020: A strategy for England’s wildlife and ecosystem services’, Defra stated that, in implementing its notification strategy, Natural England would ‘identify gaps in the present coverage of priority habitats and species within the SSSI series’.<sup>385</sup>

In 2012, Natural England published a designations strategy.<sup>386</sup> This included similar principles to the 2008 SSSI notification strategy but covered a broader range of designations, including marine conservation zones and landscape designations. The earlier SSSI notification strategy formed part of this broader strategy. Both were intended to support achievement of the government’s overall biodiversity strategy, Biodiversity 2020.<sup>387</sup>

The designations strategy stated that the two strands of reviews of the SSSI series referred to above were scheduled to be completed by August 2013.<sup>388</sup> It expected this to result ‘in a significant programme [of SSSI designation]’.<sup>389</sup> The strategy added that:

‘It is likely that the SSSI notification programme will be relatively limited for [the] next 2-3 years alongside the reviews – approx. 12-20 cases per year. Thereafter, the expectation is that there will be c.50 cases per year with approx. 10% being major notifications and the bulk being small sites or amendments’.<sup>390</sup>

381 *ibid* 3.

382 *ibid* 2-3.

383 *ibid* 2.

384 *ibid* 4.

385 Defra, ‘Biodiversity 2020’ (n 123).

386 Natural England, ‘Natural England Designations Strategy July 2012’ (2012) <<https://publications.naturalengland.org.uk/file/2635576>> accessed 25 August 2024.

387 *ibid* 5.

388 *ibid* 16.

389 *ibid* 8.

390 *ibid* 27.

This is the closest we have been able to find to a target relating to the designation of SSSIs. We assess progress against this statement later in this chapter.

The national SSSI series reviews (strand one) were completed in 2015 and 2016.<sup>391</sup> It comprised ‘full’ reviews where data and evidence on qualifying features were sufficient, and ‘short’ reviews where there were gaps. The explanatory notes state that the short reviews were to be updated once more evidence had been gathered.

The reviews determined whether there were gaps in the SSSI series and identified evidence gaps. The outcomes did not include an action plan. Rather, the explanatory notes state that the reviews ‘are considered to be working documents to inform Natural England’s work programming’.

We summarise the conclusions of the SSSI reviews in Table 4.1, based on documents provided to us by Natural England. The source documents did not themselves set out clear or specific conclusions and presented information in different formats. However, Natural England has confirmed that our interpretation of the reviews’ findings is accurate.

An overall conclusion from this work is that there were gaps in the SSSI series for almost all features. This matches Natural England’s prediction in its 2012 designations strategy that these reviews would lead to a significant programme of designation.

In parallel with these reviews led by national specialists in Natural England, its Area Teams carried out rapid local reviews of existing SSSIs (strand two). These aimed to determine if changes were needed to improve their condition, for example by designating additional land that would support their ecological functioning.<sup>392</sup> Natural England told us that several hundred SSSIs were subsequently subjected to a ‘detailed notification review’.

The SSSI series reviews’ explanatory notes also referred to Natural England’s conservation strategy, which was under development at the time of the reviews. The notes said that Natural England’s conservation strategy would guide its activities relating to designated sites, building on the 2012 designations strategy. The explanatory notes also explained that the SSSI reviews were being undertaken to ‘provide an important base of evidence to support the implementation of the Conservation Strategy and inform Natural England’s rolling programme of designations in a truly strategic way’.<sup>393</sup>

Natural England published its conservation strategy in 2016 as ‘Conservation 21’,<sup>394</sup> building on the Lawton Review.<sup>395</sup> It identified working at a much larger scale as the most important aspect of Natural England’s new approach.<sup>396</sup> In relation to designation, the strategy explained that:

‘Alongside looking afresh at how existing and new designations can deliver more for the environment, we want to modernise our approaches for gathering and using science and data; to remove unhelpful processes and “site-based” – rather than landscape scale – approaches that constrain us’.<sup>397</sup>

391 Natural England, ‘Review of the Site of Special Scientific Interest Series (SSSI) in England. Explanatory Notes & Index (Unpublished)’.

392 Natural England, ‘Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)’ (n 174).

393 Natural England, ‘Review of the Site of Special Scientific Interest Series (SSSI) in England. Explanatory Notes & Index (Unpublished)’ (n 391).

394 Natural England, ‘Conservation 21: Natural England’s Conservation Strategy for the 21st Century’ <[www.gov.uk/government/publications/conservation-21-natural-englands-conservation-strategy-for-the-21st-century](https://www.gov.uk/government/publications/conservation-21-natural-englands-conservation-strategy-for-the-21st-century)> accessed 29 August 2024.

395 Professor Sir John Lawton (n 110).

396 Natural England, ‘Conservation 21’ (n 395) 5.

397 *ibid* 6.

**Table 4.1. OEP summary of information taken from the Natural England SSSI series reviews completed in 2015 and 2016<sup>398</sup>**

Feature	Type of review (full or short)	Conclusion – gaps in the SSSI series?
Coastal	Short	Yes
Intertidal	Short	Possibly for some features
Trees and woodland	Short	Yes
Lowland grasslands	Full	Different format – only reviews the selection guidelines and suggests changes
Lowland heathland	Full	Yes
Rivers	Full	Yes
Standing waters	Short	Yes
Fens	Short	Yes
Lowland raised bogs	Short	Yes
Upland habitats	Full	Yes
Artificial habitats	Short	Only notes the need to review the selection guidelines
Geodiversity	Full	Yes
Vascular plants	Full	Yes
Bryophytes	Short	Yes
Lichens	Full	Yes
Fungi	Short	Yes
Mammals	Full	Yes
Birds	Full	Yes
Amphibians and reptiles	Short	Yes
Invertebrates	Short	Focuses on creating selection guidelines and a work programme to identify possible sites in the future

This has remained Natural England’s overall conservation strategy over the course of this project and the production of this report. As noted above, Natural England published a new corporate strategy in November 2025 containing four strategic outcomes. The first of these is to recover nature by increasing the scale and quality of places where nature thrives. Although the strategy lists several ways in which this will be achieved, there is no mention of extending the protected site network.<sup>399</sup>

Natural England told us that its 2012 designations strategy was reviewed in 2018. It added that the 2012 strategy, together with a paper setting out the conclusions of the review<sup>400</sup> and a subsequent plan for implementing the review’s recommendations,<sup>401</sup> constitute Natural England’s current designations strategy. Natural England explained that the

<sup>398</sup> Information provided by Natural England.

<sup>399</sup> Natural England, ‘Natural England’s Strategy: Recovering Nature for Growth, Health and Security’ (n 109).

<sup>400</sup> Natural England, ‘Review of the 2012 Designations Strategy: Draft Findings and Recommendations as at 14 May 2018 (Unpublished)’.

<sup>401</sup> Natural England, ‘Review of the 2012 Designations Strategy: Implementation Plan (Unpublished)’.

recommendations in the implementation plan focus on clarifying its approach to designation rather than specifying which designations will be taken forward.

Natural England has not made public its documents relating to the SSSI series reviews, despite its Board minutes from 2017 noting ‘that the SSSI series review would be published as a research report after consideration by [Natural England’s Science Advisory Committee] and the Board’.<sup>402</sup> We also note that only the original 2012 designations strategy is publicly available. The conclusions of Natural England’s review of this strategy and the plan for implementing the review from 2018 are not.

As a result, we found that several stakeholders did not know about the reviews. This means that there has been little external scrutiny of Natural England’s work to complete and implement these reviews. We consider that the lack of public awareness of identified gaps in the SSSI series and, as a result, the lack of scrutiny of Natural England’s work to address such gaps, may have contributed to the small scale of Natural England’s designations programme over the past decade.

Like other public authorities, Natural England has a duty to make certain environmental information publicly available. This includes, as a minimum, policies, plans and programmes relating to the environment, and data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment.<sup>403</sup> Natural England must also take reasonable steps to organise environmental information with a view to its active and systematic dissemination to the public.<sup>404</sup>

One positive step towards greater transparency has been Natural England’s publication since 2016 of a list of sites it is considering designating.<sup>405</sup> This has subsequently been updated nine times. The list includes the name of each site that is being considered and the county in which it is situated. Additional information is available on some of the sites on a separate webpage, but this is difficult to find, only relates to a minority of cases and does not provide clear updates on progress.<sup>406</sup>

We suggest it would be helpful to also include an explanation of what is under consideration in respect of the possible designation. For example, it is not currently explained whether it is a new site, extension or modification, what the relevant features are, the progress Natural England has made and the expected timescales for completing its consideration of the site. This would allow for greater public understanding and scrutiny of, and potentially participation in, this programme. Without such information, it is difficult to understand exactly what is being considered.

## **Sufficiency of the SSSI series**

The 2012 designations strategy and the 2015-16 SSSI series reviews have helped Natural England progress its designation work. Natural England told us that it now adopted a more proactive and strategic approach to designation. Natural England also told us that,

402 Natural England, ‘Confirmed Minutes of the Seventieth Natural England Board Meeting on 3 May 2017’ 5 <[https://webarchive.nationalarchives.gov.uk/ukgwa/20210401010614mp\\_/https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/626491/board-meeting-minutes-3-may-2017.pdf](https://webarchive.nationalarchives.gov.uk/ukgwa/20210401010614mp_/https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/626491/board-meeting-minutes-3-may-2017.pdf)> accessed 24 June 2025.

403 Regulation 4, Environmental Information Regulations 2004 and article 7(2), Council Directive 2003/4/EC on public access to environmental information and repealing Council Directive 90/313/EEC.

404 Regulation 4, Environmental Information Regulations 2004.

405 Natural England, ‘Natural England’s Designations Programme’ (GOV.UK) <[www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme](http://www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme)> accessed 29 August 2024.

406 Natural England, ‘Evidence Projects Related to SSSI Notifications’ <<https://publications.naturalengland.org.uk/category/5089901121896448>> accessed 4 July 2025.

previously, sites were prioritised if they were thought to be under threat. The selection of possible new sites and proposed extensions can now be informed by gaps shown by the series reviews.

Natural England's designations programme has secured the protection of important sites in recent years, with 21 new or enlarged sites confirmed in total since 2017. These include large sites such as Cotswold Water Park, covering more than 170 lakes that are important for waterbirds and aquatic plants.<sup>407</sup> New designations have also begun to address the findings of the SSSI series reviews. These designations have been a significant area of work for Natural England, involving extensive evidence-gathering and partnership-working. This has brought the total number of SSSIs in England to over 4,100.<sup>408</sup>

Despite this, we consider that progress has been insufficient. We set out a wide range of evidence to support this conclusion below.

There is longstanding evidence of gaps in SSSI coverage. In addition to Natural England's own work, 'Making Space for Nature' observed in 2010 that there were:

'...geographical gaps for certain habitats, such as lowland heathlands in west Cornwall and, perhaps more significantly, there are also some habitat types which are very poorly represented in the SSSI series as a whole. They include some arable habitats of botanical importance, and two recently listed [UK Biodiversity Action Plan] priority habitats, traditional orchards and open mosaic habitats on previously developed land, which can host a range of rare species'.<sup>409</sup>

The report added that 'a survey of the biodiversity potential of 478 brownfield sites in the Thames Gateway found that, of 113 rated 'high' in terms of invertebrate interest, only one was designated as SSSI'.<sup>410</sup> It commented on 'known SSSI gaps for certain types of species' or an absence of guidelines for SSSI selection. These included grassland fungi, algae and many soil-living organisms. It also identified several extremely rare species that lie outside the SSSI series.<sup>411</sup>

Some of these findings have only been partly addressed. For example, while the designation of Swanscombe Peninsula in 2021 added one further brownfield SSSI in the Thames Estuary,<sup>412</sup> many other sites remain unprotected. The SSSI designation case 'Thames Estuary Invertebrates, Essex and Kent' has remained on Natural England's designations programme since 2020.<sup>413</sup>

There is no publicly available information on whether or how the findings of Natural England's SSSI series reviews have been addressed. From our discussions with Natural England, we understand that, owing to resource constraints, it has adopted a strategic approach to prioritising its designations programme. We understand that this has only begun to address the findings of the SSSI series reviews.

407 Natural England, 'Cotswold Water Park Confirmed as a Site of Special Scientific Interest' (GOV.UK) <[www.gov.uk/government/news/cotswold-water-park-confirmed-as-a-site-of-special-scientific-interest](https://www.gov.uk/government/news/cotswold-water-park-confirmed-as-a-site-of-special-scientific-interest)> accessed 5 September 2024.

408 Brian Davies (n 67).

409 Professor Sir John Lawton (n 110).

410 *ibid.*

411 *ibid.*

412 James Seymour, 'Swanscombe Cements Its Place among England's Finest Nature Sites – James Seymour, Area Manager for Kent and Sussex' (12 March 2021) <<https://naturalengland.blog.gov.uk/2021/03/12/swanscombe-cements-its-place-among-englands-finest-nature-sites-james-seymour-area-manager-for-kent-and-sussex/>> accessed 19 June 2025.

413 Natural England, 'Natural England's Designations Programme' (n 405).



These reviews are now nine to ten years old and would not be sufficient alone to support a new designation case. However, Natural England believes that they remain a valuable evidence base to inform the prioritisation of future SSSI designations.<sup>414</sup> We therefore understand that the reviews' findings that the series is incomplete for almost all of the features considered remain up to date.

An academic study in 2017 found that England's protected areas network, comprising SSSIs and NNRs, 'poorly represents England's different ecoregions and elevation zones'.<sup>415</sup> The authors considered the network ecologically unrepresentative and that it mostly protects remote, upland areas which are agriculturally unproductive. Only 3.5% of English lowlands are protected. The authors pointed to other research showing that it is common for national protected area networks to over-represent areas of low potential economic value.<sup>416</sup> Their study found this tendency appears particularly strong in England.<sup>417</sup> We illustrate the distribution of protected sites in England in Chapter 1, Figure 1.1 of this report.

The same study also found that 82% of SSSIs are smaller than 100 hectares.<sup>418</sup> The small size of such sites means they can be highly vulnerable to pressures from the surrounding landscape. It also limits their ability to support sustainable species populations.<sup>419</sup>

Increasing the size of small sites, improving connections between them and creating new large sites have been identified as means to significantly improve the resilience of England's ecological network.<sup>420</sup> Enlarging SSSIs, as well as designating new ones, can help address this.

Natural England has already done this in some places, but progress has been slow. Between 2001 and 2017, there was little change in the average (median) area of SSSIs.<sup>421</sup> We expect that little will have changed since then because of the slowing down in the pace of designation activity after 2017 (as discussed in the next subsection below).

Several organisations provided us with additional evidence of gaps in the SSSI series. For example, the Broads Authority told us that:

'An assessment of one of the river valleys in the Broads National Park was completed in 2013 by the Broads Authority and Natural England to determine the quality, area and extent of undesignated sites. This concluded that there was a substantially greater area of non-designated land of equivalent value to Protected Sites and the existing sites are only representative and far from comprehensive of the rare wetland habitats, such as wet woodlands and fen'.

The Broads Authority added that it supports greater designation of protected sites and would like to work with Natural England to contribute data and mapping to support the designation process.

The Amphibian and Reptile Conservation Trust informed us of several apparent deficiencies in the SSSI series. It said it understands that Natural England has determined that range-

414 Natural England, 'Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)' (n 174).

415 Assaf Schwartz and others, 'Scaling up from Protected Areas in England: The Value of Establishing Large Conservation Areas' (2017) 212 *Biological Conservation* 279. The authors used 'ecoregions' to mean Natural England's 159 National Character Areas, each of which represents a unique combination of landscape, biodiversity, geodiversity, cultural and economic activity.

416 Lucas N. Joppa and Alexander Pfaff, 'High and Far: Biases in the Location of Protected Areas' (2009) 4 *PLOS ONE*.

417 Assaf Schwartz and others (n 415).

418 *ibid*.

419 Professor Sir John Lawton (n 110).

420 *ibid* 39.

421 Assaf Schwartz and others (n 415).



restricted amphibian and reptile species ‘are not adequately covered by the protected site series, and that a range of detailed improvements are needed including the expansion of the site network for these species’.

It also understands that the series is inadequate for more widespread species and that there has been an absence of data to designate new sites. It added that there are many SSSIs where amphibian and reptile species are present but have not been included as features of the site despite meeting selection criteria. This can impede efforts to conserve these species and may put them at risk of harm from inappropriate management. We heard that, in other cases, amphibian breeding ponds have been included within the SSSI boundary, but the terrestrial habitat also necessary to support populations has not.

Plantlife stated its view that the series is inadequate for species such as invertebrates, lichen and fungi. This broadly mirrors the findings of Natural England’s SSSI series reviews.

Wildlife and Countryside Link and the Woodland Trust have reported that only 16% of England’s ancient woodlands have SSSI status.<sup>422</sup> They advocate designation of all ancient woodland habitat, including plantations on ancient woodland and ancient wood pasture. This would require the designation of an additional 300,000 hectares of ancient woodland, plus an unknown amount of ancient wood pasture which has not been comprehensively mapped.<sup>423</sup>

Finally, as noted in Chapter 2, Natural England carried out work in 2021 that showed there were potentially suitable areas for an additional 100,000 hectares of new SSSI land to be designated.<sup>424</sup> This work only considered certain habitats.

The available information demonstrates that the SSSI series does not cover a large enough area of land that is of special interest and, therefore, is not sufficient for the habitats and species it is designed to conserve and enhance. In addition, previous work, such as Natural England’s SSSI notification strategy in 2008 and ‘Making Space for Nature’ in 2010, recognised the importance of protected sites in forming the core of ecological networks to increase connectivity and reduce habitat fragmentation. This is particularly important in the face of climate change.

Whilst we recognise that other types of designations such as National Landscapes, National Parks and schemes such as Environmental Land Management<sup>425</sup> can play a supporting role in the creation of a well-connected ecological network, protected sites should form its core. This is because SSSIs have the legal framework necessary for effective, long term conservation and management. As shown in Chapter 1, Figure 1.1, there remain large gaps between protected sites, leaving many isolated and limiting their scope to play a full part in a coherent, wider ecological network.

422 Wildlife and Countryside Link, ‘Ancient Woodlands in England’ 1 <[https://wcl.org.uk/docs/2025/Link\\_Briefing\\_Ancient\\_Woodland\\_Protection.pdf](https://wcl.org.uk/docs/2025/Link_Briefing_Ancient_Woodland_Protection.pdf)> accessed 19 June 2025; Woodland Trust, ‘Trees and Woods: At the Heart of Nature Recovery in England’ (2023) 21 <[www.woodlandtrust.org.uk/media/52202/trees-and-woods-at-the-heart-of-nature-recovery-in-england.pdf](https://www.woodlandtrust.org.uk/media/52202/trees-and-woods-at-the-heart-of-nature-recovery-in-england.pdf)> accessed 19 June 2025.

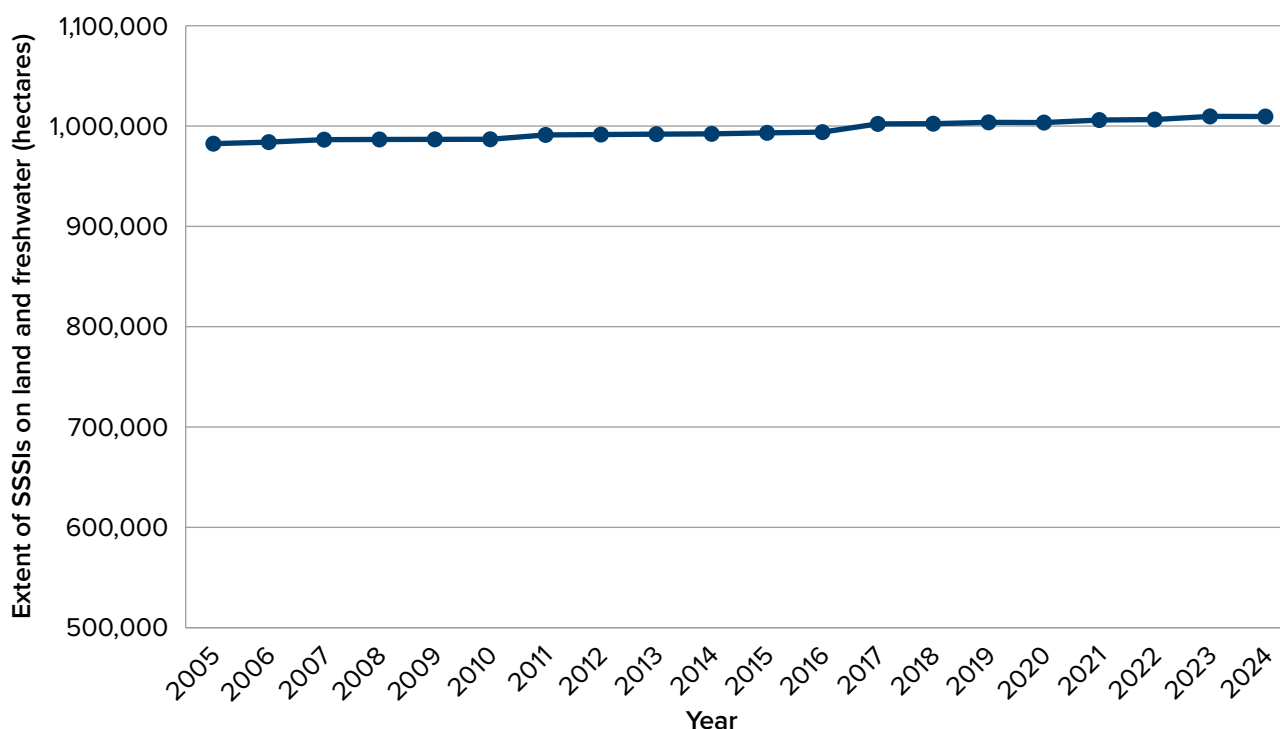
423 Wildlife and Countryside Link (n 422) 5, 7.

424 Natural England, ‘Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)’ (n 174); openDemocracy (n 174).

425 James Fair, ‘Tony Juniper: “Protecting 30% of Nature by 2030 Will Not Be Done by Creating New Protected Sites”’ *ENDS Report* (12 September 2025) <[www.endsreport.com/article/1932274?utm\\_source=website&utm\\_medium=social](https://www.endsreport.com/article/1932274?utm_source=website&utm_medium=social)> accessed 15 September 2025.

## The speed and scale of Natural England's designations programme

Defra reports that 'the area of terrestrial and freshwater sites has remained relatively stable since 2005'.<sup>426</sup> The increase in the extent of SSSIs has been just over 27,000 hectares (2.8%) (Figure 4.1). This increase appears modest when compared with the gaps identified by Natural England in its reviews, and the potentially suitable areas for an additional 100,000 hectares of SSSIs as described above.



**Figure 4.1. Extent of SSSIs on land and freshwater (hectares) down to mean low water, 2005 to 2024**<sup>427</sup>

We note above that Natural England expected there to be around 50 designation cases each year following the completion of its SSSI series reviews in 2016. A designation case is an area that Natural England is considering in its designations programme. In practice, Natural England's expectation has not been achieved.

As shown in Table 4.2, the number of designation cases peaked at 27 between 2018 and 2020. Natural England told us that the increase in designation cases in 2018 was informed by the evidence gathered as part of SSSI reviews. However, we note that the same 27 cases remained on the programme until October 2020. At the time of completing this report, Natural England's designations programme lists 22 cases.<sup>428</sup> These 22 cases have been on the programme since December 2022.<sup>429</sup>

<sup>426</sup> Defra, 'Extent and Condition of Protected Areas' (n 77).

<sup>427</sup> Data taken from *ibid*.

<sup>428</sup> Natural England, 'Natural England's Designations Programme' (n 405).

<sup>429</sup> This information was obtained by accessing archived versions of the programme, which can be found on the National Archives website The National Archives, 'The National Archives - UK Government Web Archive' <<https://webarchive.nationalarchives.gov.uk/search/result?q=Natural%2CEngland%2Cdesignations%2Cprogramme%2Cfor%2Careas%2Csites%2Cand%2Ctrails>> accessed 28 August 2025.

**Table 4.2. Number of SSSI designation cases in Natural England's designations programme on each update since 2016<sup>430</sup>**

Date	Number of designation cases
13 April 2016	8
7 February 2018	27
7 July 2020	27
15 September 2020	27
15 October 2020	15
5 August 2021	15
11 February 2022	12
27 April 2022	12
15 December 2022	22
26 March 2025	22

Two designation cases (Filey Brigg and Flamborough Head) have remained on the programme since its creation in 2016 (see Box 4.2). Nine of the 22 cases currently in the programme have been listed since 2018.<sup>431</sup> Some will have been under consideration for a longer period. For example, the need to revise the SSSI designations at Filey Brigg, Flamborough Head and Rutland Water was first identified in 2014.<sup>432</sup>

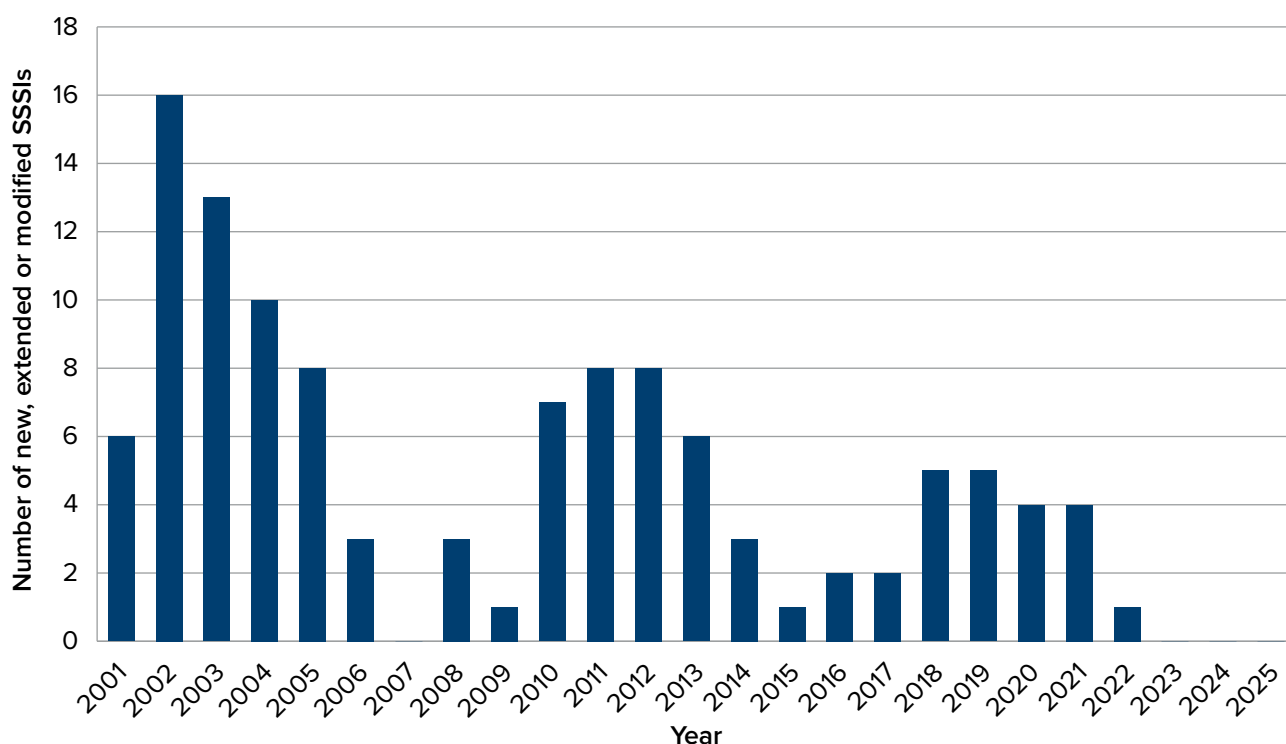
While there was an increase in the number of sites added to Natural England's designations programme after the 2015/2016 reviews (see Table 4.2), few sites were progressed to designation each year. This is shown in Figure 4.2 which is based on data provided by Natural England. It shows that the number of sites designated, extended or modified was higher before the reviews in nine of the preceding 14 years. No SSSIs were designated in 2023 or 2024, and at the time of writing, none have been designated in 2025.

The rate of designation between 2001 and 2010 was achieved while significant progress was being made in improving site condition. This demonstrates that, with the necessary resource and effort, progress can be made at the same time on both designation and site condition. However, a much higher rate of designation would be needed to achieve an expansion of the series by 100,000 hectares.

<sup>430</sup> Natural England, 'Natural England's Designations Programme' (n 405). This information was compiled by accessing archived versions of the programme, which can be found on the National Archives website; The National Archives (n 429).

<sup>431</sup> In addition to Filey Brigg and Flamborough Head, these are Bernwood (Buckinghamshire), Creech Barrow and Valley (Dorset), Nettlecombe Park (Somerset), Pixton Park (Somerset), Prees Heath (Shropshire), Rutland Water (Rutland) and Trowbridge Woods (Wiltshire).

<sup>432</sup> Natural England, 'Site Improvement Plan: Rutland Water (SIP208)' 2, 4 <<https://publications.naturalengland.org.uk/publication/5985520903520256>> accessed 26 June 2025. For Filey Brigg and Flamborough Head, see Box 4.2 in this report.



**Figure 4.2. Number of new, extended or modified SSSIs (excluding de-notifications) each year, 2001 to 2025<sup>433</sup>**

#### Box 4.2. Filey Brigg and Flamborough Head SSSIs, Yorkshire

In 2013, Natural England proposed a change to the boundary of Flamborough Head SAC and an extension of Flamborough Head and Bempton Cliffs SPA. The Secretary of State gave Natural England approval to undertake a public consultation on the proposed changes.<sup>434</sup>

The consultation, carried out in 2014, identified the need for Natural England to also review the SSSIs in the area. It gave two reasons for this: firstly, the need to underpin the SPA and SAC with a SSSI to protect them from certain activities; and secondly that Natural England has a duty to designate land where it is of special interest.<sup>435</sup>

The consultation stated that survey work was underway and that ‘re-notification (of SSSIs) will follow at the earliest opportunity’.<sup>436</sup>

The SPA was extended and renamed Flamborough and Filey Coast SPA in 2018.<sup>437</sup> Flamborough Head SAC was extended at the same time.<sup>438</sup>

<sup>433</sup> Data provided by Natural England.

<sup>434</sup> Natural England, ‘Flamborough and Filey Coast Potential Special Protection Area (pSPA) and Flamborough Head Possible Special Area of Conservation (pSAC)’ <<https://webarchive.nationalarchives.gov.uk/ukgwa/20140605100712/http://www.naturalengland.org.uk/ourwork/conservation/designations/spa/flamborough-fileypspaconsultation.aspx>> accessed 15 September 2024.

<sup>435</sup> Natural England, ‘Consultation on Potential Extension to Flamborough Head and Bempton Cliffs SPA: Frequently Asked Questions’ <<https://webarchive.nationalarchives.gov.uk/ukgwa/20140605100712/http://www.naturalengland.org.uk/ourwork/conservation/designations/spa/flamborough-fileypspaconsultation.aspx>> accessed 1 July 2025.

<sup>436</sup> *ibid.*

<sup>437</sup> Natural England, ‘European Site Conservation Objectives for Flamborough and Filey Coast SPA - UK9006101’ (*Natural England - Access to Evidence*, 14 July 2014) <<https://publications.naturalengland.org.uk/publication/5400434877399040>> accessed 15 September 2024. See SPA citation.

<sup>438</sup> Natural England, ‘European Site Conservation Objectives for Flamborough Head SAC - UK0013036’ (*Natural England - Access to Evidence*, 14 July 2014) <<https://publications.naturalengland.org.uk/publication/6725936141565952>> accessed 15 September 2024. See SAC citation (2018 version).

Despite Natural England publicly stating the need to revise the SSSI designations in 2014, 11 years later this has not been done. These sites have been listed in Natural England's designations programme since it was created in 2016. The SSSIs have remained unchanged since 1985 for Filey Brigg and since 1986 for Flamborough Head. This means that parts of the extended SAC and SPA are not underpinned by a SSSI designation and, therefore, are not protected from potentially damaging operations as they would be under the SSSI consenting and assenting regimes (see Chapter 7).

**Photo 4. Cliff top at Flamborough, Yorkshire**



Photo Credit: Graham P Catley

Natural England calculated in 2023 that if its recent rate of SSSI designation were to continue up to 2030, it would increase SSSI coverage of England's land area by 0.2%.<sup>439</sup>

This is a small increase when compared with the government's commitment to protect 30% of land by 2030. It is also modest when compared with the 10% increase that would be achieved if the 100,000 hectares of land estimated by Natural England as potentially meeting the criteria for SSSIs were designated. As this estimate was based on only a small number of habitat types, the total percentage increase required to designate all eligible land will likely be larger.

Natural England told us that the length of the designation process for SSSIs can vary significantly. In recent years, it has ranged from less than a year (Swanscombe Peninsula) to up to 10 years (as seen with West Penwith Moors and Downs SSSI). In the case of Penwith, surveys were first carried out in 2012, but the site was not designated until 2022.

<sup>439</sup> Natural England, 'Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)' (n 174).



Rapid progress was possible with Swanscombe Peninsula because Natural England was able to use the data from a Nationally Significant Infrastructure Project with the developer's agreement. However, in cases where new data collection is required, such as the Cotswold Water Park and Penwith, the designation process can take several years. During this time, resources and priorities within Natural England can change, resulting in a stop-start designation process. This can cause delays or even stop the work entirely (see Box 4.3).

Natural England told us that it thought a more stable resourcing model could significantly shorten the designation process. For example, it indicated that the Cotswold Water Park and Penwith designations could have been completed in around half to two-thirds of the time with a more stable, dedicated project team. However, committing to longer term funding remains difficult, and is often limited to an annual basis (see Chapter 3).

Natural England determined that the designation of an additional 100,000 hectares of new SSSI land to contribute to 30 by 30 would require additional resourcing. This was not provided by government and so Natural England has continued with its business as usual designation rate.<sup>440</sup>

### Box 4.3. Bernwood, Buckinghamshire

Natural England has been considering the re-notification, amalgamation and extension of the SSSIs in Bernwood since 2018. Its intention has been to 'expand the existing SSSI designations to protect Bechstein's bat maternity colonies known to be present in the area and also to notify [them] for [their] habitat and invertebrate interest'.<sup>441</sup>

Surveys have shown that Bernwood contains one of the largest known populations of Bechstein's bats (one of the UK's rarest bats) in England and it is at the northern edge of its UK distribution and its European range. However, 20% of the maternity roosts recorded in the area were located outside the existing SSSIs. These roosts are considered 'extremely important for the healthy functioning of the Bernwood Bechstein's population'. The population is vulnerable to the 'continual expansion of built developments, habitat fragmentation and loss, uncoordinated land management and the effects of climate change'.<sup>442</sup>

In May 2025, the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust stated that: 'Natural England have informed the Trust that it has had to pause all work on the proposed Bernwood SSSI because of budget cuts'. The Trust added that the expansion of the SSSI was vital to ongoing efforts to enhance and expand an area of ancient woodland as, without the protection offered by an expanded SSSI, the area's habitats and species are at higher risk of harm from inappropriate development.<sup>443</sup>

In addition, it is not clear why the designation of a new SAC is not being considered given that Bechstein's bat is a species that is listed on Annex II of the Habitats Directive. The population of Bechstein's bat at Bernwood is significantly larger than those in several of the SACs that have been designated for this species.<sup>444</sup> We discuss the SAC network in Section 4.2.2.

440 *ibid.*

441 Natural England, 'The Bernwood Population of Bechstein's Bat: A Non-Technical Summary of the Evidence. NECR558' 4 <<https://publications.naturalengland.org.uk/publication/6669682445910016?category=5089901121896448>> accessed 4 July 2025.

442 *ibid* 5–7.

443 Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust, 'Wildlife Protections Scrapped as Infrastructure Closes In' <[www.bbowl.org.uk/news/wildlife-protections-scrapped-infrastructure-closes](http://www.bbowl.org.uk/news/wildlife-protections-scrapped-infrastructure-closes)> accessed 4 July 2025.

444 Natural England, 'The Bernwood Population of Bechstein's Bat: A Non-Technical Summary of the Evidence. NECR558' (n 441) 18.

**Photo 5. Woodland in the Bernwood area, Buckinghamshire**



Photo Credit: Charlotte Karmali

Insufficient resourcing for SSSI designation work and related activity is not new. Natural England's SSSI notification strategy states that, in 2008, it lacked the resources to undertake a comprehensive review. This prevented it from forming a complete view of what a sufficient SSSI series would comprise.<sup>445</sup>

This points to another reason why the SSSI designations programme has remained at a small scale. This is the lack of evidence necessary to inform designation work. Natural England told us that, when it undertook its reviews of the SSSI series in 2015 and 2016, it found it was constrained by data availability and expertise for some qualifying features. In these cases, Natural England carried out 'short reviews', as noted earlier in this chapter (see Table 4.1).

A Natural England Board paper from January 2023 refers to the SSSI reviews and states that, where the reviews are less conclusive, its priority was to address the evidence gaps so it can reach clearer recommendations.<sup>446</sup> Natural England told us the evidence gaps were not filled at the time because the selection guidelines needed updating. Its recent work to address evidence gaps has included creating or updating habitat inventories for waxcap

<sup>445</sup> Natural England, 'Sites of Special Scientific Interest (SSSI): A Notification Strategy for England' (n 380) 3.

<sup>446</sup> Natural England, 'Natural England Board Paper NEB 113 04B: The Role of SSSIs in Target Delivery (Unpublished)' (n 174).



fungi, alkaline fens and grasslands, and securing access to the ‘breeding waders of wet meadows’ dataset.

We also consider it likely that progress and resourcing have been affected by the lack of recent or current government targets to increase the extent of the SSSI series, which we discuss in Chapter 2. In the absence of such targets, SSSI designation work has received relatively little funds and the increase in SSSI extent has been small. Changes in extent have been monitored in the England biodiversity indicators, but without any target against which to measure progress.<sup>447</sup>

The absence of government targets may also make it harder in some cases for Natural England to make the case for designation and to withstand pressure when it does seek to designate. The process of designating land can face resistance from affected stakeholders<sup>448</sup> and, in at least one instance, from the local Member of Parliament (MP).<sup>449</sup>

Following the designation of Penwith in 2022, the local MP presented a Bill to Parliament that would have transferred the power to designate SSSIs from Natural England to the Defra Secretary of State.<sup>450</sup> In doing so, the MP was critical of Natural England’s work on the designation, such as its evidence gathering and communication with landowners. The MP was concerned about the effect of the designation on farming in the constituency.

The Bill was supported by a former Defra Secretary of State, a former Defra Minister, the then chairs of the Environmental Audit Committee and the Environment, Food and Rural Affairs Committee, and several other MPs.<sup>451</sup>

This creates a challenging environment for Natural England to designate all the sites it considers to be of special interest, as it is required to by law.

At the time of writing this report, no further SSSIs have been designated since Penwith in 2022. This is the longest period with no designations since the duty to designate sites was first created in 1949.

In conclusion, we have found significant areas for improvement in the implementation of Natural England’s legal duty to designate land that is of special interest as a SSSI.

In our view, Natural England needs to designate many more areas as SSSIs to implement the law effectively and to meet its objective, first stated in 2008, to help deliver an ecologically effective, well-connected and resilient network. This objective is equally relevant today. Natural England’s strategic direction for 2025 to 2030 highlights a need for ‘more, bigger, better, and more joined up’ nature.<sup>452</sup> This originates from the 2010 review ‘Making Space for Nature’.<sup>453</sup> Designation should form an important part of the wider suite of measures to protect and restore nature, including meeting the legally binding targets to halt and reverse biodiversity loss and reduce extinction risk.

447 Defra, ‘Extent and Condition of Protected Areas’ (n 77).

448 See for example: Steven Morris, ‘Natural England Designates Cornish Moorland a Nature Conservation Area’ *The Guardian* (28 June 2023) <[www.theguardian.com/uk-news/2023/jun/28/cornwall-farmers-contest-plans-turn-penwith-moors-conservation-area](https://www.theguardian.com/uk-news/2023/jun/28/cornwall-farmers-contest-plans-turn-penwith-moors-conservation-area)> accessed 3 September 2024.

449 HC Deb 18 September 2023, Vol 737, Col 1204; HC Deb 13 March 2024, Vol 747, Col 325.

450 HC Deb 13 March 2024, Vol 747, Col 325.

451 HC Deb 13 March 2024, Vol 747, Col 325.

452 Natural England, ‘Recovering Nature for Growth, Health and Security: Natural England’s Strategic Direction 2025-2030’ (n 108).

453 Professor Sir John Lawton (n 110).

## 4.2.2 Special Areas of Conservation

Alongside the duty to designate SACs referred to above,<sup>454</sup> the Habitats Regulations require the Defra Secretary of State (in co-operation with any other responsible authorities) to manage, and where necessary adapt, the national site network of SACs (and SPAs). This is to be done with a view to contributing to the achievement of the management objectives of that network.<sup>455</sup>

The management objectives include that the habitats and species must be maintained at or restored to 'favourable conservation status'.<sup>456</sup> Given that habitats and species' distributions will change over time, for example in response to climate change and other pressures, Defra should keep the SAC network under review to ensure it continues to meet the management objectives.

Natural England's designations strategy stated in 2012 that the designation of terrestrial SACs was substantially complete and that 'future selection requirements [were] likely to be small'.<sup>457</sup>

In 2019, the European Commission's last report on the UK's implementation of EU environmental policy and law before the UK's departure from the EU stated that 'on the basis of the latest update on the assessment of the Birds and Habitats directives, the UK's terrestrial Natura 2000 network under the Birds and Habitats Directives is now considered to be complete'.<sup>458</sup> The European Commission told us this update was based on data submitted to it by the UK in 2014. As far as we have been able to determine, this is the last time that the overall sufficiency of the UK's SAC network has been reviewed.

However, the European Commission also noted that the UK's terrestrial SAC and SPA network 'is limited' and that it 'has the second lowest percentage of land [after Denmark] designated under Natura 2000 in the EU'.<sup>459</sup> The network's coverage in England (6.4%) is lower than for the UK as a whole (9.5%) and lower than any of the 27 EU member states. This is illustrated in Figure 4.3.

454 Regulation 12, Habitats Regulations.

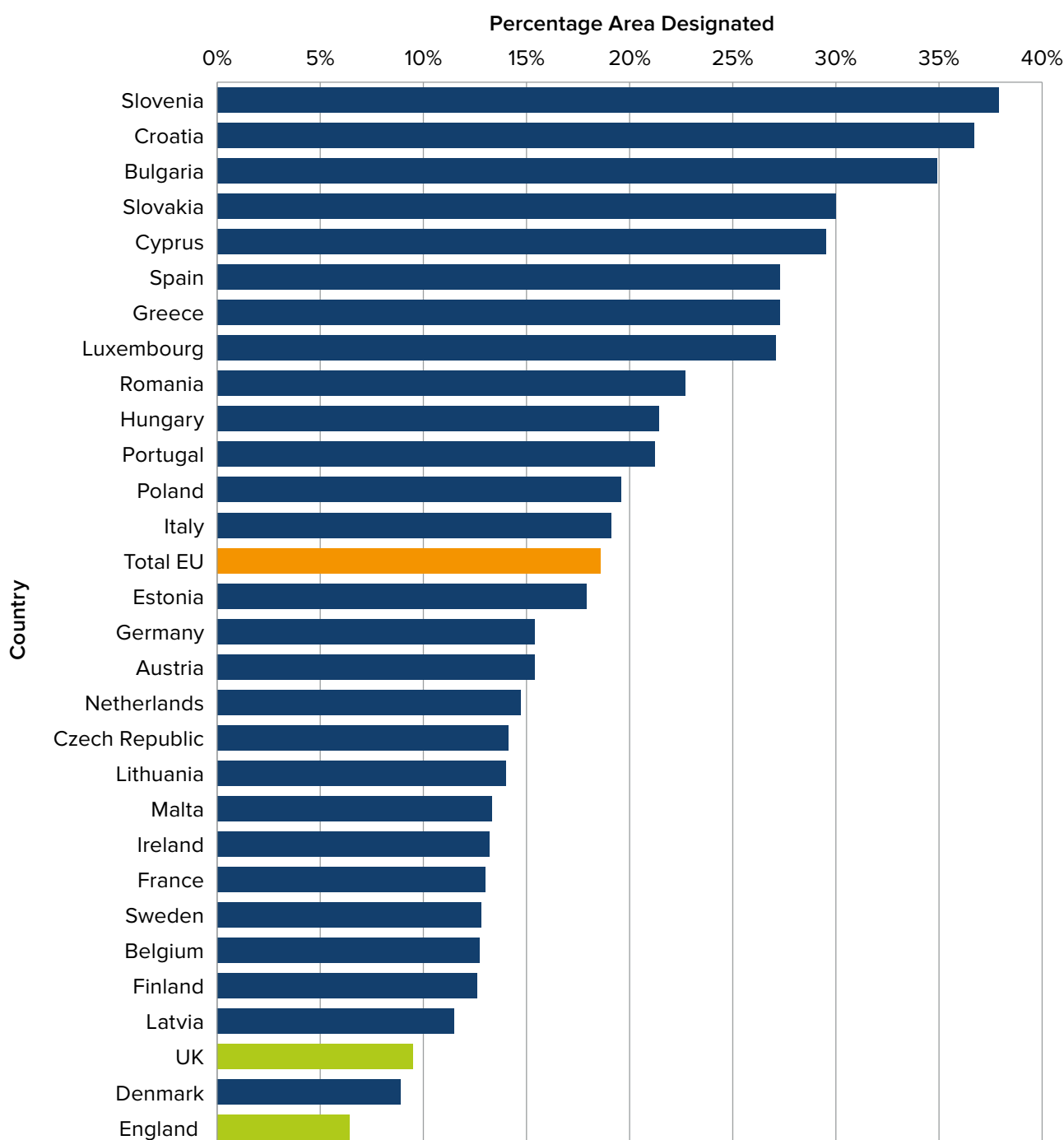
455 Regulation 16A(1), Habitats Regulations.

456 Regulation 16A(2), Habitats Regulations.

457 Natural England, 'Natural England Designations Strategy July 2012' (n 386).

458 European Commission, 'The EU Environmental Implementation Review 2019 Country Report - United Kingdom' (2019) 11 <<https://op.europa.eu/en/publication-detail/-/publication/68940c6f-06ed-11ea-8c1f-01aa75ed71a1/language-en>> accessed 14 June 2024.

459 *ibid*.



**Figure 4.3. Comparison of the proportions of land area designated as either SACs or SPAs across EU member states and the UK as a whole, for comparison with England<sup>460</sup>**

Since 2012, the total extent of SACs above mean low water in England has increased by less than 400 hectares (Figure 4.4). This is an increase of 0.06%. We also note that there have been no SACs on Natural England’s designations programme since it was created in 2016.

We have seen little evidence to indicate that the Defra Secretary of State is keeping the SAC network under review to ensure it is continuing to contribute to the favourable

<sup>460</sup> EU data were obtained from the European Environment Agency. Data dated end 2023. European Environment Agency, ‘Natura 2000 Barometer’ (European Environment Agency) <[www.eea.europa.eu/data-and-maps/dashboards/natura-2000-barometer](http://www.eea.europa.eu/data-and-maps/dashboards/natura-2000-barometer)> accessed 2 September 2024. UK and England data were provided by JNCC in November 2024. UK and England data are mapped to mean low water.

conservation status of the relevant habitats and species. Such review should lead to the network being adapted where necessary, for example through the designation of new sites, the extension of existing ones or the modification of their listed features.

Reviews should include assessing whether the SAC network, when combined with SSSIs and SPAs, is contributing to a resilient ecological network that will support the delivery of the government’s biodiversity targets and goals. This includes consideration of the connectivity of sites.

JNCC explained to us that there was still work to be done to determine whether the SAC network and broader protected areas network are well-connected. It highlighted this was particularly important for species movement, given the scale and pace of climate change.

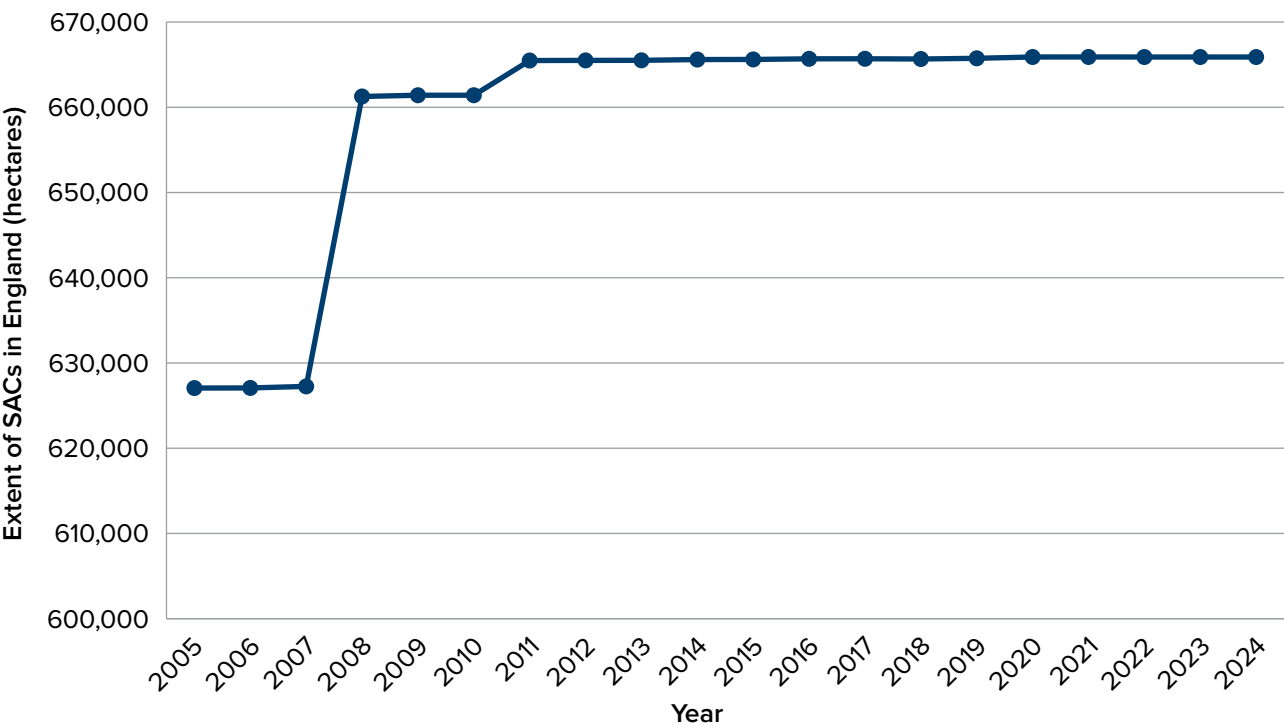


Figure 4.4. Extent of the SAC network in England down to mean low water (hectares), 2005 to 2024<sup>461</sup>

### 4.3 Engagement with landowners and occupiers

Designation is the first step towards securing ongoing positive management of a site. Achieving favourable site condition and maximising the site’s contribution to wider environmental outcomes relies, in significant part, on positive action by its owners and occupiers.

The designation process will often be the first direct interaction landowners and occupiers have with the protected sites regime. It is crucial, therefore, that their initial engagement with Natural England starts well, otherwise the designation may be perceived negatively

<sup>461</sup> Defra, ‘Extent and Condition of Protected Areas’ (n 77). The increase in extent in 2008 results from the designation of the area above mean low water of the Humber Estuary SAC, and the area above mean low water and in England of the Severn Estuary SAC and the Dee Estuary SAC. See; JNCC, ‘UK National Site Network (SAC and SPA): Site Summary Details Spreadsheet | JNCC Resource Hub’ (10 April 2025) <<https://jncc.gov.uk/resources/a3d9da1e-dedc-4539-a574-84287636c898>> accessed 31 July 2025. While no new terrestrial SACs have been put forward for designation since 2013, JNCC confirmed that the change in extent after this date takes account of updates to the Ordnance Survey base mapping and positional accuracy improvement.

from the outset. This is likely to hinder the development of positive long term relationships and the goal of securing appropriate management.

Protected sites can be designated even if their features are in unfavourable condition.<sup>462</sup> If such a site is designated, significant changes to the management of land inside or outside the site are likely to be required. To be most effective, therefore, Natural England needs to engage at an early stage and build relationships to help landowners and occupiers understand the reasons for designation, the support available to them and their responsibilities. This will ensure they know what needs to be achieved on the site and how to deliver it once the land is designated.

### 4.3.1 Criticisms of the SSSI designation process

While we found widespread support amongst stakeholders for the protected sites system as a whole, proposals to designate specific areas of land as SSSIs are sometimes poorly received.

Two designations in recent years proved particularly controversial. West Penwith Moors and Downs SSSI was designated with 169 unresolved objections.<sup>463</sup> An unresolved objection is an objection to the designation of a SSSI that has not been withdrawn and where the objector has not confirmed that their concern would be addressed by modifications recommended by Natural England officers (for example, by a boundary change). The Chair of Natural England described the decision to confirm the designation as ‘complicated and difficult’.<sup>464</sup> Similarly, Cotswold Water Park SSSI was designated with 43 unresolved objections.<sup>465</sup>

However, it should not be concluded that all SSSI designations generate high levels of opposition. For example, the Dearne Valley Wetlands SSSI has 82 owners and occupiers and was confirmed with only two unresolved objections.<sup>466</sup>

Natural England told us that, in almost all cases, it talks to landowners and occupiers for several years prior to designation. However, we heard from the Country Land and Business Association that the engagement is ‘often lacking in clarity and often inconsistent and sporadic’. Natural England accepted that its engagement can sometimes be patchy and stop-start, for example, due to gaps in resources. It added that, as a result, landowners and occupiers may believe that the proposed designation is not being pursued. This may require Natural England to invest more resources in re-engaging them at a later stage.

The Country Land and Business Association and the National Farmers’ Union also questioned the evidence used for designation. They highlighted that, in their view, it is not always provided in sufficient detail to relate to the landowner’s or occupier’s landholding. The RSPB also told us that documents prepared by Natural England as part of the designation process do not always provide sufficient clarity or details about the site. For example, there can be significant variation in the length and level of detail provided in the citation. According to the RSPB, this can lead to difficulties determining the appropriate management for individual landowners or occupiers.

462 Natural England, ‘Natural England Standard: Sites of Special Scientific Interest - NESTND010’ (2012) <<https://publications.naturalengland.org.uk/publication/5995307>> accessed 4 September 2024.

463 Figure provided by Natural England.

464 Natural England, ‘New Site of Special Scientific Interest Confirmed’ (GOV.UK) <[www.gov.uk/government/news/new-site-of-special-scientific-interest-confirmed](http://www.gov.uk/government/news/new-site-of-special-scientific-interest-confirmed)> accessed 5 September 2024.

465 Figure provided by Natural England.

466 Figure provided by Natural England.

We also heard from the National Farmers' Union that there have been cases where Natural England initially assured farmers that designation would not result in any significant changes to their management practices but subsequently changed its position. The Country Land and Business Association made a similar point, stating that Natural England generally portrays designation as a good thing and is reluctant to openly acknowledge and discuss possible negative effects on commercial activity.

#### **4.3.2 Stakeholder views on improving engagement**

The Game and Wildlife Conservation Trust told us it believes that a more collaborative approach would yield better outcomes. It noted that since the Wildlife and Countryside Act became law in 1981:

‘approaches to habitat conservation that are more collaborative have developed – such as conservation covenants. Focussing on outcomes and engagement has been proven to be effective at supporting conservation measures. Any attempt to reform our current approach to protection and designation should allow for a more adaptive approach to conservation that encompasses the motivations of individual landowners and works with them to achieve a common outcome’.

We note that this is broadly consistent with the strategic direction outlined by Natural England earlier this year.<sup>467</sup>

The Country Land and Business Association suggested that Natural England should engage with those affected by a potential designation as early as possible, providing specific evidence for the inclusion of individual land parcels rather than general evidence for the entire SSSI.

Landowners and occupiers need to understand why their land is being designated, the condition of the relevant protected site features, and how they will be expected to manage the site after designation. Equally, Natural England needs to understand the current management practices and recognise landowners and occupiers' knowledge and experience of their land, as well as their legitimate concerns.

Natural England's inability to consider socio-economic factors during the SSSI and SAC designation process generated strong and mixed views from stakeholders. Our view is that the selection of sites for designation should continue to be based solely on scientific evidence. Nevertheless, Natural England should reconsider the current approach, whereby land is designated first, and then Natural England works with the owner or occupier to determine management and funding options. This can lead to uncertainty prior to, and discontent after, designation if funding is not available or if existing management practices need to be altered and this was not communicated at the outset.

This current approach fails to address the principal concerns of many landowners and occupiers, and the designation process can continue without these concerns being allayed. We believe this contributes to stakeholders' perception of the designation process being done 'to them' rather than 'with them'.

Improving the regime in this area requires Natural England to more consistently and effectively engage with landowners and occupiers throughout the designation process. Staff need to have the necessary skills, experience and understanding of the local

<sup>467</sup> Natural England, 'Recovering Nature for Growth, Health and Security: Natural England's Strategic Direction 2025-2030' (n 108).



context. They should be guided by clear policies and procedures that support successful engagement and a collaborative approach, learning from the experience of recent designations that have generated significant opposition.

In this respect, we note that Natural England carried out a ‘lessons learned exercise’ after the designation of the Cotswold Water Park SSSI. This stressed, amongst other things, ‘the continued importance of investing in stakeholder engagement – and in ensuring local teams have a full understanding of stakeholder perspectives, drivers and interests’.<sup>468</sup> Natural England told us that it undertook a similar review after Penwith, and this had resulted in recommendations to improve its designation processes, guidance and external engagement.

Effective stakeholder engagement for future designations will, of course, require sufficient resources, which we address in Chapter 3. We note that designation work is particularly poorly resourced, currently accounting for only 1% of Natural England’s budget for work relating to SSSIs.

The Country Land and Business Association also suggested to us that negative perceptions could be changed by ensuring adequate advice and funding are available for effective management. The National Trust similarly emphasised the importance of financial incentives, stating these can support positive engagement and help ensure landowners are committed to the ecological improvement of their sites. We broadly agree, and further discuss the topic of incentives and advice for owners and occupiers of protected sites in Chapter 6.

We also observe that Natural England has carried out substantial engagement with owners and occupiers in Penwith following confirmation of that SSSI. It states that it has ‘worked closely with farmers and landowners, often through one-to-one meetings on their land, to agree any changes to land management, inviting the National Farmers’ Union to join these discussions and provide further guidance’. Natural England says it has listened carefully to concerns and has made significant progress in providing greater certainty and establishing a healthier dialogue.<sup>469</sup>

Natural England’s experience is that, across England, farmers benefit from SSSI status through greater access to funding for sustainable farming practices. It reports that there are 56 agri-environment agreements in place on the Penwith SSSI, covering 1,481 hectares or 49% of the site. The Cornwall Wildlife Trust, in partnership with local farmers, has been successful in securing a Landscape Recovery pilot scheme which covers a large part of the SSSI.<sup>470</sup>

Whilst this example shows that post-designation engagement can also be positive, more generally our view is that early engagement with landowners and occupiers is more likely to lead to an effective designation process. Front-loading engagement efforts should ensure greater understanding and buy-in from those who will be affected by the designation. Achieving the successful outcome of favourable condition relies on Natural England’s ability to build and maintain successful relationships with each owner and occupier. This should start as early as possible.

468 Natural England, ‘Confirmed Minutes of the 107th Natural England Board Meeting: 19 January 2022’ 6 <[www.gov.uk/government/organisations/natural-england/about/our-governance](https://www.gov.uk/government/organisations/natural-england/about/our-governance)> accessed 26 June 2025.

469 Julian Donald, ‘West Penwith Moors and Downs (Hallow Ha Gonyow Pennwydh West) SSSI – an Update on Nature Recovery in West Cornwall’ (14 November 2024) <<https://naturalengland.blog.gov.uk/2024/11/14/west-penwith-moors-and-downs-hallow-ha-gonyow-pennwydh-west-sssi-an-update-on-nature-recovery-in-west-cornwall/>> accessed 5 July 2025.

470 *ibid.*

## 5. Monitoring, evaluation and reporting

## 5. Monitoring, evaluation and reporting

### Overview

There is limited value purely in the act of monitoring. The value comes from evaluating the data gathered, the conclusions reached, and the effective communication of this information to inform action on the ground, or adjustments to policy as needed. To achieve its value, monitoring needs to be carried out with sufficient frequency and quality to support those subsequent actions at the scale needed.

Condition assessment monitoring, therefore, should lead to action that enables sites to achieve favourable condition, which is the intended outcome in applying the legislation.

Natural England delivers a programme of monitoring to assess the condition of protected sites. To understand the effectiveness of this programme, we assessed monitoring frequency, and the communication and use of condition monitoring data.

We found that:

- Monitoring frequency has varied significantly. Our assessment is that, since 2010, it has not consistently been sufficient to effectively support and demonstrate delivery of the intended outcomes of the legislation and targets.
- When monitoring does not occur with sufficient frequency, Natural England risks missing early signs of poor site management or off-site pressures, losing the chance to intervene so that they are addressed. We found that when Natural England increased its monitoring, assessing features where the condition was previously unknown, many were found to be in unfavourable declining condition.
- Targets related to monitoring and improving site condition have driven increased monitoring when sufficient resourcing has been available.
- The absence of milestones to monitor the trajectory of sites towards favourable condition hinders Natural England's ability to assess progress and encourage sustained positive management by owners and occupiers. Stakeholders told us that, without clear progress indicators, securing funding for the required management measures is more difficult.
- Several stakeholders told us that the results of Natural England's monitoring were not always communicated to owners and occupiers. This means the information is not used as much as it should be to inform management measures or to address threats and pressures to the site.
- At the time of finalising this report, some stakeholders noted that the situation had improved. We believe this improvement is linked to Natural England's recent work to meet the interim targets in the EIP regarding up-to-date condition assessments and actions being on track. This positive progress needs to be sustained as maintaining and improving site condition is a long term endeavour that requires up-to-date evidence.

To improve monitoring, reporting and evaluation in relation to protected sites, we make the following recommendations.

**Recommendation 7:** Defra should consider proposing legislation to Parliament that would, if adopted, establish an express duty for Natural England to monitor and report on the condition of protected sites.

**Recommendation 8:** Monitoring under a risk-based approach should be sufficient to effectively support and demonstrate delivery of the intended outcomes of the legislation, targets and commitments. This should include informing decisions to adapt site management and address pressures. We recommend that:

- (a) Defra and Natural England should set out how they will ensure monitoring supports those outcomes, including how frequently the condition of different types of protected site features should be assessed, and the resources, technologies and expertise needed. This should inform the wider resourcing assessment that we propose in Recommendation 4.
- (b) Natural England should set, monitor and publicly report against milestones for the recovery of SSSI features in unfavourable condition where their recovery is likely to take several years.

**Recommendation 9:** Natural England should provide its evaluation and conclusions from condition assessment monitoring to owners and occupiers in a timely way, clearly explaining where action is required and working with them to ensure actions are effectively implemented.

## 5.1 Introduction

Monitoring provides a means of determining whether protected site laws are being effectively implemented and enforced, and thereby achieving their intended outcomes. It is fundamental to understanding whether and how protected sites are conserving the habitats and species for which they were designated. The core purpose of SSSI monitoring is to determine whether these ‘qualifying features’, and the protected site as a whole, are in favourable condition. Favourable condition means that the SSSI’s features are meeting their condition objectives.

Natural England highlighted the importance of monitoring, telling us:

‘it is vital for any laws to be supported by relevant and up to date science and evidence. This enables a better understanding of what changes are happening in the natural environment and what interventions are working well, knowledge which can then be actively applied to support and robustly defend decision making, where necessary’.

To track progress towards favourable condition, an effective and comprehensive monitoring programme needs to start with a baseline. This shows the condition at a specific point in time and serves as a reference for identifying changes. The monitoring programme should be able to identify trends and enable an evaluation of whether the site and its features are on track to reach the target condition. Monitoring should also provide information on on-site and off-site threats and pressures that may hinder the site’s ability to achieve favourable condition and detect instances of damage.

A key part of monitoring is evaluating the evidence gathered and forming a conclusion on the condition of the protected site and its features. The analysis should be linked to management and remedial measures, creating a feedback loop to gauge their effectiveness (both positive and negative) and allow for necessary adjustments (see Figure 5.1). To do this effectively, monitoring needs to be carried out sufficiently frequently and be communicated to owners and occupiers in a clear and actionable way.

Reporting on the condition of protected sites in England is also essential. It shows progress at a site and network scale, ensuring transparency and accountability for the actions taken, insights into the broader natural environment, and progress towards targets. While monitoring and reporting come at a cost, without them it will be impossible for government or others to know with any confidence whether actions are working and whether domestic and international targets and commitments are being met.

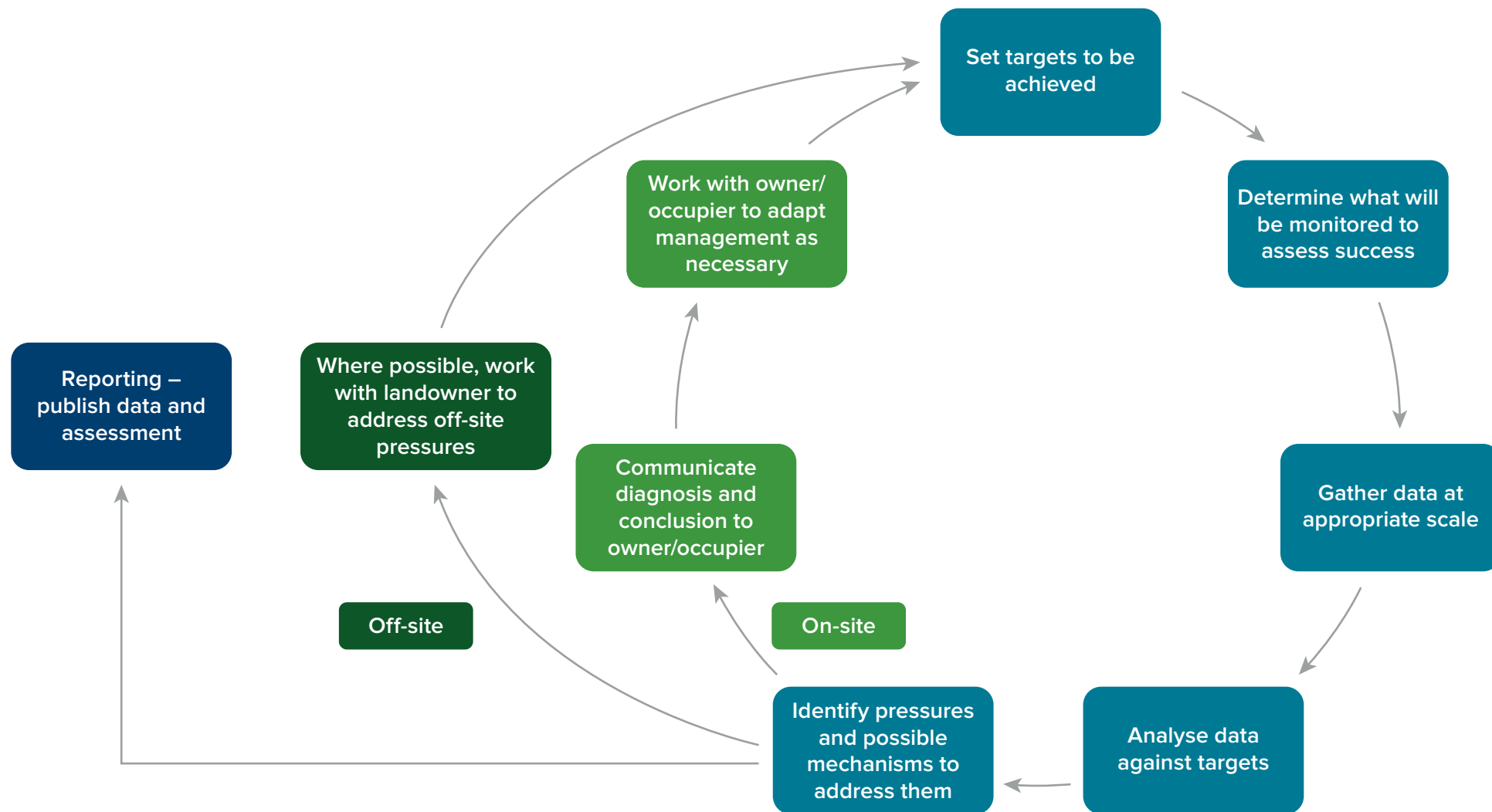


Figure 5.1. Diagram of the protected site monitoring cycle<sup>471</sup>

471 Adapted from Natural England, 'Natural England Standard' (n 354).

A joint statement from the UK's statutory nature conservation bodies sets out seven principles for protected sites. Principle three is that the approach:

'should be underpinned by a strong evidence base. This should include making the most of existing data and obtaining new evidence. In seeking new evidence, the most should be made of opportunities, such as embracing technological developments that could better inform the management, monitoring and design of protected areas'.<sup>472</sup>

While there is no explicit statutory duty for protected sites to be monitored, the Habitats Regulations require the Secretary of State to 'make arrangements...for the surveillance of the conservation status' of certain habitats and species. This includes that the 'necessary surveillance is carried out on an ongoing basis'.<sup>473</sup>

This duty applies more widely than where those habitats and species are found within SACs and SPAs. It was formerly linked to the six-yearly reporting to the European Commission and the European Environment Agency, with the information used to create reports such as 'The State of Nature in the European Union'.<sup>474</sup> Following the UK's exit from the EU, the Habitats Regulations retain this six-yearly reporting, but the duty now is simply that the Secretary of State must publish a report. The report must include the main results of that surveillance.<sup>475</sup>

The previous EU reporting was done at a UK level by JNCC.<sup>476</sup> This amalgamation of data from the four countries is also retained, with a requirement for the Secretary of State to publish a 'composite report', which must include an evaluation of the contribution of the UK's 'national site network' to the objective of achieving favourable conservation status for the relevant habitats and species.<sup>477</sup> The Secretary of State, in co-operation with the devolved administrations, must manage, and where necessary adapt, the national site network with a view to contributing to the achievement of the management objectives. These include that the habitats and species are maintained at, or restored to, favourable conservation status.<sup>478</sup> Up-to-date evidence is clearly needed to underpin this assessment.

### 5.1.1 Monitoring methodology – Common Standards Monitoring

Natural England has a duty under the Natural Environment and Rural Communities Act 2006 that, when it carries out monitoring, it must have regard to 'Common Standards Monitoring'.<sup>479</sup>

This relates to JNCC's statutory function to establish 'common standards throughout the United Kingdom for the monitoring of nature conservation'.<sup>480</sup> These standards are to enable 'assessments made by different people at different times to be compared' and

472 JNCC and others, 'A Joint Statement on Improving the Approach to Protected Areas in the UK' (2024) <[www.jncc.gov.uk/resources/2f79ed3b-a46c-4084-9df1-ef03c91f6a87](https://www.jncc.gov.uk/resources/2f79ed3b-a46c-4084-9df1-ef03c91f6a87)> accessed 22 August 2024.

473 Regulation 50, Habitats Regulations.

474 EIONET, 'Reporting under the Birds and the Habitats Directives' (*Eionet Portal*) <[www.eionet.europa.eu/etcs/etc-be/activities/reporting](https://www.eionet.europa.eu/etcs/etc-be/activities/reporting)> accessed 15 July 2024.

475 Regulation 9A, Habitats Regulations.

476 JNCC, 'Article 12 and 17 Reports' (2019) <[www.jncc.gov.uk/our-work/article-12-and-17-reports/#habitats-directive-reporting](https://www.jncc.gov.uk/our-work/article-12-and-17-reports/#habitats-directive-reporting)> accessed 15 July 2024.

477 Regulations 3 and 9A, Habitats Regulations.

478 Regulation 16A, Habitats Regulations. The rest of this chapter will use the term 'favourable condition'. This has a narrower focus, referring to the condition of a specific protected site or a qualifying feature on that specific protected site.

479 Section 3, Natural Environment and Rural Communities Act 2006.

480 Section 34(2)(c), Natural Environment and Rural Communities Act 2006.



‘staff to identify changes taking place on their sites’, and so that assessments from the four nations can be aggregated for reporting purposes.<sup>481</sup>

Common standards monitoring was designed for SSSIs, SACs and SPAs.<sup>482</sup> JNCC has produced guidance, comprising an introduction and guidance for each habitat and species feature, and a statement on common standards monitoring.<sup>483</sup>

The statement defines the common standards which can change over time. The current standards for monitoring consist of the qualifying features (the habitats or species for which a site is designated), attributes (what will be monitored, such as extent or population size) and condition categories.<sup>484</sup>

The original statement, published in 1998, included the standard that the features for all designated sites ‘will be monitored at least once within six years’. While this was aligned to EU reporting requirements and international commitments, it also stated that it took account of the scale of monitoring required and the likely rate of change to features. It additionally noted that it ‘will be useful’ to form a view on the overall condition of features within a specific site more frequently. At that time (1998), it was said that the approach ensured minimum requirements were defined and ‘able to be delivered within the resources available’.<sup>485</sup>

The common standard to monitor each feature within a site at least once every six years was removed in 2019. This 2019 version of the statement referred to a ‘risk-based approach’ being developed to prioritise and plan monitoring programmes.<sup>486</sup> The current statement, adopted in 2022, provides further detail on the risk-based approach, explaining it allows each country to use its monitoring resources responsibly and focus on the most vulnerable features that require the most frequent monitoring.<sup>487</sup> This means the four countries no longer need to have consistent monitoring cycles.

The accompanying introduction and feature guidance documents have not been updated for some time.<sup>488</sup> JNCC states that some of the content remains relevant, while also saying ‘it is essential’ that the current statement on common standards is referred to and understood before using the other documents.<sup>489</sup> The statement highlights the experience gained by implementing this approach to monitoring over the last 20 years, and that conserving nature is now considered at different spatial scales along with the dynamic nature of ecosystems. It states that the guidance should now be considered an ‘interpretative framework’ rather than a methodology.<sup>490</sup>

481 JNCC, ‘Common Standards Monitoring: Introduction to the Guidance Manual’ (2004) <<https://hub.jncc.gov.uk/assets/f6fef832-93f0-4733-bf1d-535d28e5007e>> accessed 16 June 2024. For example, monitoring is aggregated for the ‘composite reports’ required under Regulation 9A(3) of the Habitats Regulations.

482 Common Standards Monitoring was also designed for Ramsar Sites, but these are not covered in this report.

483 JNCC, ‘Common Standards Monitoring’ <<https://jncc.gov.uk/our-work/common-standards-monitoring/>> accessed 3 March 2025.

484 JNCC, ‘A Statement on Common Standards for Monitoring Protected Sites 2022 (Version 2.1)’ (2022) <<https://hub.jncc.gov.uk/assets/0450edfd-a56b-4f65-aff6-3ef66187dc81>> accessed 16 June 2024.

485 JNCC, ‘Statement on Common Standards Monitoring (CSM)’ (1998) <<https://jncc.gov.uk/resources/c493dc31-e910-422a-a148-e43f0a03fc3c>> accessed 20 June 2024.

486 A Statement on Common Standards for Monitoring Protected Sites 2019. Provided by JNCC.

487 JNCC, ‘A Statement on Common Standards for Monitoring Protected Sites 2022 (Version 2.1)’ (n 484).

488 The introduction is dated 2004, and the individual feature guidance dates from between 2004 to 2016.

489 JNCC, ‘Common Standards Monitoring: Introduction to the Guidance Manual’ (n 481).

490 JNCC, ‘A Statement on Common Standards for Monitoring Protected Sites 2022 (Version 2.1)’ (n 484).

The common standard has four condition categories as set out in Box 5.1 below.<sup>491</sup>

### **Box 5.1. Condition Standards Monitoring condition categories**

**Favourable condition:** used when the feature is meeting its objectives.

**Unfavourable condition:** used when the feature is not meeting its objectives.

**Partially destroyed:** used when part of the feature, or the habitat or processes essential to support part of the feature, has been removed or irretrievably altered.

**Destroyed:** used when the entire feature has been affected to such an extent there is no hope of recovery.

Previously, the common standard also included ‘trend qualifiers’ in the condition categories. For example, ‘unfavourable recovering’ meant that a feature in unfavourable condition had begun to show a trend towards favourable condition. Conversely, ‘unfavourable declining’ showed that a feature which was already in unfavourable condition was getting worse. Use of these trend qualifiers is now optional.<sup>492</sup>

## **5.1.2 How Natural England undertakes condition monitoring**

As noted above, the common standard to monitor each feature within a site at least once every six years was removed in 2019. However, in 2018, the then Parliamentary Under Secretary of State told Parliament that: ‘Since 2013 Natural England has adopted a risk-based approach to the frequency of monitoring sites, which varies according to a range of factors such as risk to the site and the stability of its ecology’.<sup>493</sup>

Natural England confirmed this to us, adding it had been unable to meet the six-year monitoring cycle for all features owing to this change in approach and funding constraints. This means the monitoring undertaken did not align with the standards in place from 2013 to 2019.

Natural England sets out its current approach to monitoring in its operational standard. It states it ‘will have a prioritised programme to periodically assess all features on all SSSIs’. It explains this will consider factors including risks and opportunities, along with the features’ susceptibility to change and management measures.<sup>494</sup>

Natural England previously undertook condition assessments at a ‘unit’ level. These units were discrete, area-based subdivisions of a protected site for monitoring purposes. For example, unit boundaries may be drawn around a particular habitat type in a particular location or around an individual’s landholding.

In 2023, Natural England changed its approach to assess condition at a ‘qualifying feature’ level, such as coastal saltmarsh across the entire SSSI. This reduces the level of detail of the information collected because it is now gathered at a greater spatial scale.

Natural England told us that the changed approach to move to feature-level assessments enables it to take a landscape-level perspective to pressures and threats, and the actions needed to bring about favourable condition. However, in response to stakeholder concerns

491 *ibid.*

492 *ibid.*

493 ‘Written Questions and Answers - Written Questions, Answers and Statements - UK Parliament’ <<https://questions-statements.parliament.uk/written-questions/detail/2018-10-08/176211>> accessed 5 February 2025.

494 Natural England, ‘Natural England Standard’ (n 354).

about this new approach, Natural England also agreed to continue unit-level assessments until at least 2025.

Natural England explained how the feature-level assessments will still allow it to gather information at a unit level. During the condition assessment, Natural England visits each unit to determine whether the feature in that unit has any noticeable differences or pressures specific to that location compared with the feature in other units. This could be, for example, a different grazing intensity, or the presence of non-native species or erosion. If the unit shows no distinct differences, it will automatically be assigned the condition determined for the feature as a whole.

Natural England explained that condition assessment is now a ten-step process. It said this includes, where appropriate, identifying and agreeing any necessary management measures with the owner or occupier before the assessment is concluded. This means that condition assessment is not wholly an objective assessment of the condition of the feature at the time of that assessment, but is also dependent on how it is expected to be managed.

During our parallel assessment in Northern Ireland,<sup>495</sup> the Northern Ireland Environment Agency told us it did not make any condition assessment conclusions without a site visit. In contrast, Natural England may use other assessment information and methods. These include desk-based assessments<sup>496</sup> and data from third parties, partners, land managers, citizens and volunteers.<sup>497</sup> The then Defra Parliamentary Under-Secretary of State told Parliament in October 2018 that:

‘Natural England is...developing an approach to the monitoring of SSSIs which will make better use of new technologies, such as remote sensing and greater partnership involvement. This is intended to improve efficiency of SSSI monitoring’.<sup>498</sup>

## 5.2 Frequency of monitoring

Regular monitoring enables Natural England to identify on-site and off-site pressures acting upon a protected site and its qualifying features. It provides evidence for decisions on any necessary interventions, such as changes to management, and, ultimately, enables Natural England to reach a conclusion on the condition of the feature and the condition of the site overall. Monitoring also supports Natural England’s regulatory and enforcement responsibilities, as discussed in Chapter 7, for example by providing part of the evidence presented in public inquiries and court cases.<sup>499</sup>

The importance of sufficient monitoring is reflected in a report commissioned and published by Natural England, stating:

‘It seems fundamental to us that [a lack of monitoring] needs to be resolved, as resolving nearly all other problems identified here depend, ultimately, on a good understanding of the state of those species and habitats for which the sites are legally protected’.<sup>500</sup>

495 Office for Environmental Protection, ‘Review of Implementation of Laws for Terrestrial and Freshwater Protected Sites in Northern Ireland’ (n 5).

496 Natural England, ‘Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites’ (n 133).

497 Natural England, ‘Natural England Standard’ (n 354).

498 ‘Written Questions and Answers - Written Questions, Answers and Statements - UK Parliament’ <<https://questions-statements.parliament.uk/written-questions/detail/2018-10-08/176209>> accessed 23 August 2024.

499 Natural England, ‘Natural England Standard’ (n 354).

500 Natural England, ‘Sites of Special Scientific Interest (SSSIs) in England - NECR414’ (*Natural England - Access to Evidence*) <<https://publications.naturalengland.org.uk/publication/4937362194038784>> accessed 21 August 2024.

Levels of monitoring have fluctuated over time. We have observed that when the government increases the focus on protected sites, regular and more frequent monitoring occurs, alongside greater investment of resources to improve their condition.

### **5.2.1 Monitoring under the 2010 Public Service Agreement condition target**

In 2000, an improvement programme for SSSIs was agreed by Defra's predecessor, the Department of Environment, Transport and the Regions. This aimed to improve the monitoring and maintenance of SSSI condition. At that time, while it was recognised that there was no overall assessment of SSSI condition, it was thought that many features for which these sites had been designated were not being protected.<sup>501</sup>

To remedy this, as we describe in Chapter 2, the government set a PSA target for 95% of SSSIs (by area) to be in favourable condition by 2010.<sup>502</sup> The target included sites in favourable condition, and those in unfavourable recovering condition where management measures had been put in place and it was predicted that the land would reach favourable condition over time.<sup>503</sup>

English Nature (a predecessor of Natural England) was responsible for monitoring sites and assessing their progress towards the target. It published the first complete assessment of SSSI condition in 2003. This formed the baseline for delivery of the PSA target.

English Nature stated that the target was 'extremely useful in focusing effort towards the positive conservation of the most important wildlife and geology in England' and noted that progress was monitored by the Treasury.<sup>504</sup> The monitoring undertaken to demonstrate achievement of the target is shown below in Figure 5.2.

The weight given to the PSA 2010 target drove action to monitor SSSIs, as SSSI condition became a greater priority for public bodies (see Chapter 2). For example, the Major Landowners' Group was set up and chaired at Defra Director level, and improving SSSI condition was factored into the Asset Management Plan funding for water companies.

The baseline figure of SSSIs by area in the target condition was just over 58% in March 2003. By December 2010, the target was achieved, with 37.2% of SSSIs by area in favourable condition and 59.3% in unfavourable recovering condition, making a total of 96.5% in the target condition.<sup>505</sup>

501 Natural England, 'Protecting England's Natural Treasures, Sites of Special Scientific Interest' (n 79).

502 See here for example - PSA target 3b: Defra, 'Department for Environment, Food and Rural Affairs Resource Accounts 2007 to 2008' (n 120).

503 'House of Commons - Environment, Food and Rural Affairs - Minutes of Evidence' <[www.publications.parliament.uk/pa/cm200304/cmselect/cmenvfru/475/4042009.htm](http://www.publications.parliament.uk/pa/cm200304/cmselect/cmenvfru/475/4042009.htm)> accessed 11 August 2024.

504 English Nature (n 245).

505 Natural England, 'Protecting England's Natural Treasures, Sites of Special Scientific Interest' (n 79).

## 5.2.2 Monitoring under the Biodiversity 2020 condition target

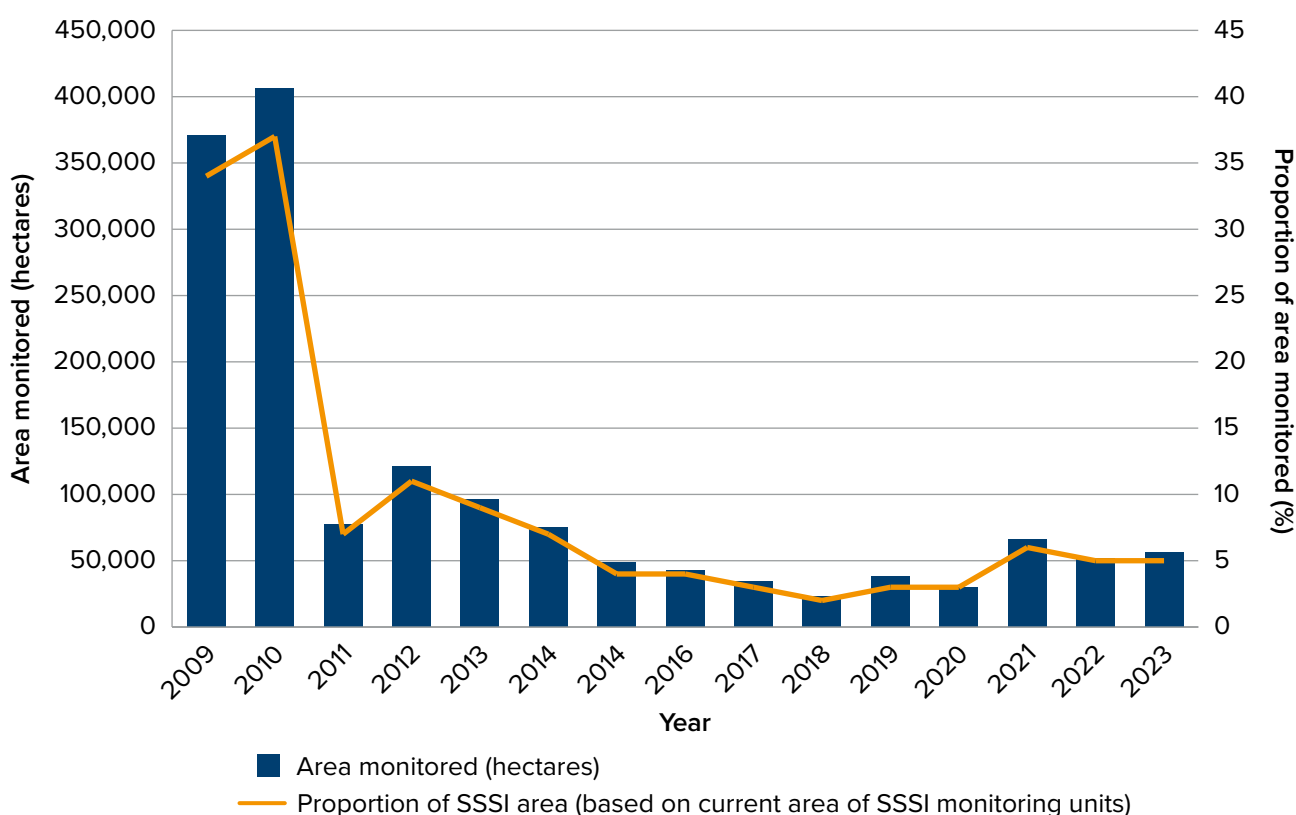
In May 2010, the new government abolished PSA targets. In August 2011, the government created a new target for protected site condition in its strategy 'Biodiversity 2020'. It explained that this 'builds on the successful work that has gone before, but also seeks to deliver a real step change'.

The new target had two parts: firstly, that by 2020, 50% of SSSIs were to be in favourable condition; and secondly, that at least 95% of SSSIs were to be maintained in favourable or unfavourable recovering condition.<sup>506</sup>

Despite this new target, Natural England told us that between 2010 and 2019, its proactive work on SSSIs significantly reduced due to government austerity measures. Natural England provided us with data that illustrate how sharply its SSSI monitoring programme fell after 2010, reaching its lowest level in 2018.

Figure 5.2 shows that, after 2010 and with the exception of 2012, Natural England was monitoring less than 10% of SSSI units by area each year. In four years (2017 to 2020), the figures were as low as 2% and 3%, although we recognise that Natural England's ability to carry out monitoring in 2020 will have been constrained by the national lockdowns associated with the Covid pandemic.

To meet the common standard for six-yearly monitoring cycles that was still in place until 2019, Natural England should have monitored an average of 17% of SSSI units by area each year. This was only achieved (and exceeded) in 2009 and 2010.



**Figure 5.2. Area of SSSIs monitored in hectares and proportion of overall SSSI area, 2009 to 2023<sup>507</sup>**

<sup>506</sup> Defra, 'Biodiversity 2020' (n 123).

<sup>507</sup> Data provided by Natural England.

Neither part of the ‘Biodiversity 2020’ target was met.<sup>508</sup> Despite the ‘step change’ that was sought, limited progress had been made in a decade. Between 2010 and 2020, the percentage of SSSIs by area in favourable condition increased marginally (1.5%). Those in unfavourable recovering condition went down by 5.2%.

These results will partly have reflected the limited new monitoring data that were available each year to add to Natural England’s evaluation. With approximately 1 million hectares of SSSIs,<sup>509</sup> the limited change in the condition statistics results from a lack of new monitoring data as well as the lack of proactive SSSI management work reported by Natural England. This lack of new monitoring data means that some of the data used to assess achievement of the 2020 target will have been the same as were used to assess achievement of the 2010 target.

This is particularly concerning because, in 2010, nearly 60% of SSSIs by area were reported to be in unfavourable recovering condition.<sup>510</sup> This included sites where management measures had been put in place with the expectation that the land would reach favourable condition over time. Owing to the low levels of monitoring, we assume that Natural England was unable to confirm the extent to which these management measures were effective.

These points were also noted in a report commissioned by Defra to evaluate Biodiversity 2020. One of the crucial lessons was that ‘the lack of monitoring and evaluation [...] hindered progress assessment, and progress itself’. The report highlights that infrequent monitoring means that the current condition of many sites is unknown, and that Natural England’s and others’ understanding of the most appropriate management to improve site condition is impeded. Without this knowledge, it states that management plans may not be effective.<sup>511</sup>

During our research, we also found that some SSSI units had not been monitored for many years (Figure 5.3). As a specific example, the Game and Wildlife Conservation Trust told us that more than half the units in the Upper Teesdale SSSI had not been assessed since 2009 or 2010. When we reviewed the data for this site, we found that almost 80% of the units (69 out of 88 units) had not been monitored for more than 10 years.<sup>512</sup>

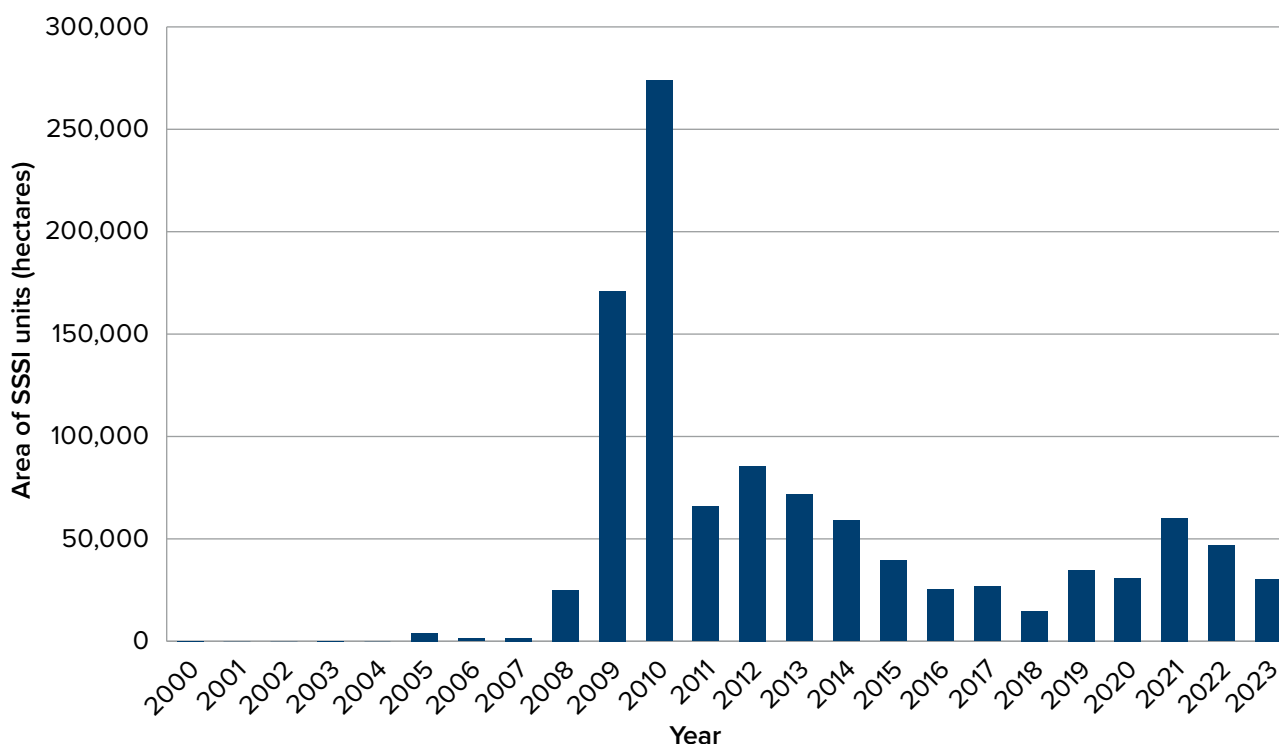
508 Defra, ‘Extent and Condition of Protected Areas’ (n 77).

509 Between 2011 and 2019 the extent of SSSIs went from 991,148 to 1,003,461 hectares. See Defra, ‘ENV09 - England Biodiversity Indicators’ (n 71).

510 Natural England, ‘Protecting England’s Natural Treasures, Sites of Special Scientific Interest’ (n 79).

511 Hawkins and others (n 124).

512 Natural England, ‘Designated Sites View’ (n 134). Data correct as of 28 July 2025.



**Figure 5.3. The year in which the most recent condition assessment was made of SSSI units (in hectares)<sup>513</sup>**

### 5.2.3 Monitoring under the EIP condition commitment

As described in Chapter 2, the current EIP includes the commitment to restore 75% of SSSIs to favourable condition by 2042. While the EIP is under review, the current government has reconfirmed that commitment.<sup>514</sup> As we note in Chapter 2, the metric for monitoring progress on this commitment appears to have changed since it was set (see Section 2.2.3).

Chapter 2 also explains that this commitment is currently supported by two interim targets. These are that, by 31 January 2028, all SSSIs will have an up-to-date condition assessment, and that 50% of SSSIs will have actions on track to achieve favourable condition.<sup>515</sup>

Monitoring is required to achieve and assess progress against these commitments and targets. Natural England told us that it commenced a ‘renewed monitoring programme’ in 2020 which is ‘picking up the decline that occurred between 2010-19’. Natural England has published a Technical Information Note to describe the work it will undertake to meet the targets.<sup>516</sup>

In relation to the interim target for all SSSIs to have an up-to-date condition assessment, Natural England said it will determine its confidence in its current assessments using data that it already holds. Only those feature assessments in the ‘complete’ and ‘high’ confidence categories will be defined as up to date. This means that Natural England

<sup>513</sup> Wild Justice, ‘A Sight for Sore SSSIs’ (2023) <[www.wildjustice.org.uk/sssis/a-sight-for-sore-sssis-a-wild-justice-report/](https://www.wildjustice.org.uk/sssis/a-sight-for-sore-sssis-a-wild-justice-report/)> accessed 22 August 2024. The year of most recent condition assessment does not equal the total number of assessments undertaken that year. The report states that Natural England provided the data to Wild Justice under the Environmental Information Regulations in May 2023. Wild Justice provided us with the raw data.

<sup>514</sup> Defra, ‘Nature Conservation Question for Department for Environment, Food and Rural Affairs’ (n 47).

<sup>515</sup> Defra, ‘Environmental Improvement Plan 2023.’ (n 3).

<sup>516</sup> Natural England, ‘Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites’ (n 133).



is confident that these condition assessments represent the current situation for that feature.<sup>517</sup>

While the common standard to monitor each feature at least once every six years no longer applies, one of Natural England's criteria for the 'complete' and 'high' confidence categories is that no assessment should be older than six years. Accordingly, Natural England told us that some feature assessments currently in the complete and high confidence categories will require re-assessment ahead of the 2028 deadline. Information online also gives owners and occupiers the expectation that most sites will continue to be monitored at least once every six years.<sup>518</sup>

On 1 April 2023, which was the baseline set for monitoring progress against this interim target, 1,998 feature assessments were determined to be up to date. This is 14.9% of the total number of features. Once Natural England has categorised all of its qualifying feature assessments, it will prioritise new assessments for those with 'low' or 'no' confidence. These assessments will be carried out using Common Standards Monitoring methodology.<sup>519</sup> In its 2024/25 annual progress review of the EIP, the government states that progress in meeting this interim target is off track.<sup>520</sup>

The Technical Information Note also explains Natural England's work towards the interim target for 50% of SSSIs to have actions on track to achieve favourable condition. It explains that each action has a start date and an 'action status', for example: agreed, complete, not agreed. We assume this means that the measures required to address any identified issues, including those that arise from monitoring, have been discussed with the relevant owners and occupiers. We address the use and communication of monitoring data in Section 5.3 below.

#### 5.2.4 The implications of insufficient monitoring

All public authorities and statutory undertakers have a duty to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features of SSSIs.<sup>521</sup> These bodies also have a duty to have regard to the requirements of the Habitats and Birds Directives in exercising their functions (with the Secretary of State and Natural England also subject to a stronger duty, as noted in Section 2.5.1).<sup>522</sup> However, a lack of up-to-date information can make it difficult to discharge these duties.

For example, the Forestry Commission told us that 'the mean date for the most recent condition assessment for SSSIs in the Nation's Forests is 2012'. It said this makes it difficult to bid for resources successfully, especially if a site's condition is stated to be favourable based on historical data, but it is known in practice that this is no longer the case.

Similarly, water companies told us they need up-to-date information to demonstrate the effectiveness of their investments in improving SSSI condition. As this is not available, some have previously paid Natural England to carry out condition assessments so that they can obtain the current data.

<sup>517</sup> *ibid.*

<sup>518</sup> Natural England, 'Sites of Special Scientific Interest: Managing Your Land' (15 April 2024) <[www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest](https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest)> accessed 23 August 2024.

<sup>519</sup> Natural England, 'Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites' (n 133).

<sup>520</sup> Defra, 'Environmental Improvement Plan Annual Progress Report: April 2024 to March 2025' (n 135) 52.

<sup>521</sup> Section 28G, Wildlife and Countryside Act 1981.

<sup>522</sup> Regulation 9(3), Habitats Regulations.

Conversely, the Broads Authority said it has undertaken its own monitoring and provided the data to Natural England for use in its condition assessments of water bodies. It has provided these data for over 30 years and this year (2025) is entering into a Memorandum of Understanding with Natural England for their ongoing supply.

Our research identified several wider risks associated with infrequent condition monitoring.

Firstly, aging data reduce confidence in their accuracy. Natural England told us this makes it less useful for evidence-based planning of the appropriate actions that will address the specific pressures affecting condition. This issue was also highlighted by the National Audit Office when it advised the Environmental Audit Committee to explore if Natural England had ‘sufficient assurance over the current condition of SSSIs, given it lacks data on how regularly it has inspected each site’.<sup>523</sup>

The Country Land and Business Association expressed the view that the monitoring of sites is too infrequent to accurately reflect changing conditions. It suggested that more frequent monitoring would better enable Natural England to ensure the actions it advises through agri-environment schemes (see Chapter 6) are delivering the desired environmental improvements.

Holme-next-the-Sea Parish Council noted that monitoring data are also used by developers and decision-makers in planning applications. It highlighted that inaccuracies can increase the risk of poor decisions being made, with negative effects on protected sites.

Secondly, insufficient monitoring leaves gaps in understanding. The consequences of this are put simply in a Natural England commissioned report: ‘if you do not know the facts you cannot take effective action’.<sup>524</sup>

As discussed above in Section 5.2.2, we assume that reduced monitoring after 2010 meant that Natural England was unable to determine if the management measures it had put in place were effective in achieving favourable condition or progressing towards it. More broadly, without an up-to-date understanding of the condition of SSSIs, it is impossible to understand progress towards or the scale of the task to meet targets and commitments. This also limits the scope to assess the effectiveness of the government’s policy and legislative measures to achieve those outcomes.

Another significant risk resulting from a lack of regular monitoring is demonstrated in a Natural England ‘Technical Information Note’.<sup>525</sup> That is that SSSI features can suffer damage, sometimes to the point of destruction. The note states that, in 2020, the condition of 4,835 SSSI features (out of 13,838) was unknown. It adds that since then, ‘a significant amount [of] monitoring has been undertaken to address the number of unknown features’.

The updated baseline of 1 April 2023 reports more features in unfavourable declining condition (a total of 1,181 features, versus 688 in 2020) and that more features had been destroyed (a total of 44 features, versus 42 in 2020). Without regular site monitoring, Natural England risks missing early signs of poor site management or off-site pressures and therefore losing the chance to intervene so that they are addressed.

523 National Audit Office, ‘Environmental Compliance and Enforcement. Department for Environment, Food & Rural Affairs’ (2022) <[www.nao.org.uk/briefings/environmental-compliance-and-enforcement/](https://www.nao.org.uk/briefings/environmental-compliance-and-enforcement/)> accessed 21 August 2024.

524 Natural England, ‘Creating a Protected Area Network for Nature Recovery in England. Natural England Commissioned Report NECR441’ (n 357).

525 Natural England, ‘Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites’ (n 133).

### 5.2.5 Factors affecting monitoring frequency

While the limitations in monitoring frequency noted above may have a variety of reasons, we discuss two below. The first relates to resourcing levels and the second to local expertise.

There has been a changed approach to monitoring since JNCC's original statement defined common standards in 1998.<sup>526</sup> As noted in the 2019 version of the statement 'foremost of these is a reduction in resources available for protected area monitoring'.<sup>527</sup>

A lack of resources within Natural England, which we discuss in Chapter 3, is a well-known issue and was highlighted by numerous stakeholders. The National Farmers' Union described the persistent nature of the problem, stating that 'for a long time, Natural England has not had the required resources to undertake regular assessment of habitat condition, the foundation step to site improvement'. The Country Land and Business Association told us there had been at least one instance where Natural England had acknowledged that the condition of a SSSI had changed but had not updated the condition assessment owing to insufficient resources. This matters because a negative change in condition triggers the need to identify the cause, along with the implementation of the required remedy.

Natural England wrote to Parliament in 2020 confirming that 'our ability to invest directly in monitoring sites has been affected heavily by budget cuts since 2010 [...] meaning we do not have a current robust evidence base around the state of our SSSIs, their management needs etc'.<sup>528</sup> Based on our assessment, this issue continues today.

When Natural England was discussing its work to ensure all SSSIs have an up-to-date condition assessment, it told us it has sufficient capacity to undertake this work until 2025. Beyond 2025, it anticipated that it would need an uplift in staff and budget to be able to meet the 2028 deadline for the interim target in the EIP to update all condition assessments. As noted above, Defra stated that, as of the end of March 2025, 'performance is behind planned projections to meet the 2028 target'. This is reportedly due to a lack of funding and resources.<sup>529</sup>

It therefore appears that Natural England has had insufficient resources to deliver the interim target in the EIP. As noted in Chapter 3, Natural England recently ran a voluntary exit scheme. It told us that 214 people were leaving the organisation in early autumn 2025. This is some 7% of its workforce.<sup>530</sup>

A lack of resources can also affect the quality of monitoring. For example, the 'Independent review of protected site management on Dartmoor' refers to the:

'almost universal feedback from commoners that...NE staff [do not] have the time and resource to carry out SSSI condition assessment rigorously. They believe NE is, at best, making flying visits to SSSI commons and making fairly cursory judgements of their condition'.<sup>531</sup>

526 JNCC, 'Statement on Common Standards Monitoring (CSM)' (n 485).

527 'A Statement on Common Standards for Monitoring Protected Sites 2019'. Provided by JNCC by email on 5 August 2024.

528 Natural England, 'Biodiversity and Ecosystems - Written Evidence - Committees - UK Parliament' (2 November 2020) <<https://committees.parliament.uk/writtenevidence/14454/pdf/>> accessed 18 August 2024.

529 Pippa Neill (n 333).

530 Natural England, 'Natural England Annual Report and Accounts 2023 to 2024' (n 342). See Table 7.

531 Defra, 'Independent Review of Protected Site Management on Dartmoor' (2023) <[www.gov.uk/government/publications/independent-review-of-protected-site-management-on-dartmoor/independent-review-of-protected-site-management-on-dartmoor](https://www.gov.uk/government/publications/independent-review-of-protected-site-management-on-dartmoor/independent-review-of-protected-site-management-on-dartmoor)> accessed 18 August 2024.

Another public authority with significant landholdings echoed these concerns in relation to Natural England's new approach to feature-based monitoring. It questioned whether the new approach has been driven by resource availability rather than scientific rigour.

We understand that Natural England has trialled the use of technologies for condition assessment such as LiDAR (Light Detection and Ranging), earth observation and eDNA.<sup>532</sup> It found that these can be used to provide valuable supporting data, but to adopt them as common practice will require an increase in specialist capacity.

We note that the government's independent review of environmental regulations more broadly calls for a 'clear policy on monitoring and the use of technology', while noting that for regulators to 'embrace fully the opportunity of technological and digital approaches will need upfront investment in tech and skills'. It adds that 'Defra and the government will need to think about how to fund this'.<sup>533</sup>

As discussed in Chapter 6, we also heard that resource constraints have led Natural England to move away from having local officers for each protected site. The South Downs National Park Authority told us that monitoring and reporting have been variable; some sites are well surveyed while others are not. It believes the situation is likely worsened by the absence of local officers who can establish relationships on the ground, meaning that the quality and consistency of information collected can vary.

The RSPB highlighted that Natural England staff are now responsible for larger areas and have broader responsibilities. It believes there is insufficient staff coverage to allow individual officers to become familiar with the sites they cover. A media report has noted that Natural England has the equivalent of one staff member to carry out condition assessments for every 73 SSSIs on average. In response, Natural England said these data missed that 'trusted partners and third-party contractors' were used to gather data which increases its capacity for assessments.<sup>534</sup>

Such comments point to a loss of local knowledge, or that Natural England may find it difficult to use such knowledge owing to other demands as resources become constrained. Consequently, staff undertaking condition monitoring may be less familiar with the sites, how they are being managed, and how threats and pressures are affecting them.

The view of another large public authority with significant landholdings supports this analysis. When explaining its concerns about Natural England's new feature-based assessment, it told us that previous assessments had been undertaken by Area Team staff who knew the site well and had the relevant expertise. This meant they were able to tailor the monitoring specification to the specific site conditions. When the site was monitored in 2022, this local expertise was not used, and the public authority had subsequently challenged the conclusions of parts of this assessment. It told us that discussions were ongoing.

532 Environmental DNA (eDNA) is the genetic material shed by species into their surroundings, for example, via skin cells or faeces. The eDNA can then be extracted from the water, soil or air to detect the species' presence or absence.

533 Corry (n 104) 40, 60.

534 Tess Colley, "'Serious Concern': One Natural England Employee Assigned to SSSI Assessments for Every 73 Sites, Figures Reveal" *ENDS Report* (19 June 2023) <[www.endsreport.com/article/1826837?utm\\_source=website&utm\\_medium=social](https://www.endsreport.com/article/1826837?utm_source=website&utm_medium=social)> accessed 29 July 2025.

## 5.3 Use and communication of monitoring information

Regular monitoring costs time and money. Its purpose should, therefore, be clear and should be visible to stakeholders. This means that the results of monitoring should be communicated to owners and occupiers so that it leads to the necessary action.

Condition assessment data need to be collected at an appropriate scale so that Natural England can diagnose the reasons for the feature and site condition, identify any on-site or off-site threats and pressures, and ensure that action is taken to resolve the identified issues. To achieve this, Natural England should provide not just the results of monitoring to owners and occupiers, but also its diagnosis, so that all parties can understand what needs to be done to achieve favourable condition.

### 5.3.1 Communication of monitoring activity and its results to owners and occupiers

During this project, some stakeholders expressed frustration with Natural England's communication of its monitoring activities and subsequent evaluation. For example, the Country Land and Business Association reported that its members felt there was insufficient notice provided when monitoring was scheduled. Other stakeholders told us they were not aware that monitoring was taking place on their site.

We also heard that some owners and occupiers would like to accompany Natural England during its monitoring visits but had been told this was not possible. One farmer felt strongly about this, stating that they 'would love' to observe Natural England's monitoring to better understand both the positive and negative aspects of their land management. They had been told 'this was not allowed'.

In the view of the National Farmers' Union, Natural England often fails to engage with farmers who are managing protected sites. It said this prevents the farmers' valuable knowledge about their management practices from being incorporated into the condition assessment process.

The National Farmers' Union also told us that Natural England does not provide feedback on how land managers' activities contribute to site improvements. It suggested that more immediate post-monitoring feedback would allow land managers to learn which actions are having a positive effect, while also enabling Natural England to better understand the most effective management measures.

The South Downs National Park Authority told us that there can be a significant time lag between Natural England's monitoring and the subsequent sharing of its evaluation and conclusions. Other stakeholders, including the National Trust, the Ministry of Defence and the Broads Authority, said that the results of Natural England's monitoring were not always communicated to owners and occupiers. This is concerning because if the owner or occupier does not receive Natural England's evaluation, they cannot discuss and make any necessary changes to their site management.

Even if changes are not needed, because the site is determined to be in favourable condition, the owner or occupier still needs to receive the information. This will enable them to understand the positive effect of their management on maintaining or achieving favourable condition for the relevant features. Failing to provide positive feedback is a missed opportunity to deepen owners' and occupiers' sense of environmental stewardship and to increase their motivation to continue this management.

The comments above came from our call for evidence in 2023 and subsequent engagement with the stakeholders in question, which reconfirmed those views for inclusion in this report. During the call for evidence, some further organisations initially expressed similar views. However, when we contacted those other organisations in summer 2025 to seek consent to use their information in this report, several told us that the information they had previously provided on monitoring was no longer up to date. These stakeholders said they were now getting information on condition assessments more regularly, or that if they asked Natural England for the information, it was being provided in a timely way.

We consider that this positive change is likely linked to the interim target for all SSSIs to have an up-to-date condition assessment by 2028 and the interim target for 50% of SSSIs to have actions on track to achieve favourable condition (see Section 5.2.3). The work undertaken by Natural England to meet these interim targets coincides with our project.

We spoke to stakeholders as outlined above during 2023 and early 2024. Natural England's Technical Information Note, dated June 2024, shows that 1,998 features were determined to have an up-to-date condition assessment.<sup>535</sup> The latest information on Natural England's 'Designated Sites View' shows that an additional 2,298 features had an up-to-date assessment in September 2025 (making a total of 4,296).<sup>536</sup> Natural England also told us that giving feedback to the owner or occupier is part of the new ten-step monitoring process (see Section 5.1.2).

The interim targets therefore appear to have resulted in an increase in monitoring, and the associated requirement for Natural England to provide feedback to owners or occupiers before uploading its assessment onto Designated Sites View is likely to be responsible for the improved view of some stakeholders.

### **5.3.2 Assessment against milestones to recovery**

Milestones are important because the rate and scale of recovery to favourable condition will depend on the specific habitat or species and its current condition. For example, restoring blanket bog can take many years. Milestones enable Natural England to assess whether management is keeping features on the right trajectory towards intended outcomes and to encourage ongoing positive management by owners and occupiers.

Stakeholders told us that a lack of assessment against agreed milestones can result in a lack of incentive to continue management measures. For example, a feature can remain in 'unfavourable recovering' condition for many years despite significant resources being invested to improve site condition. The Association of Drainage Authorities described this as sites being 'effectively stuck in reporting terms'.

The Forestry Commission told us that it would welcome more regular discussions and ongoing feedback from Natural England on whether its interventions are genuinely leading to improved site condition.

Water companies emphasised the importance of assessment against milestones to determine and secure the appropriate funding through the Asset Management Period process. For example, the funding needed to achieve favourable condition will vary significantly between, say, a habitat that is already 90% towards reaching that outcome versus one that has a much longer way to go.

<sup>535</sup> Natural England, 'Natural England Technical Information Note TIN216 Environment Act Interim Target for Protected Sites' (n 133).

<sup>536</sup> Natural England, 'Designated Sites View' (n 134). See National Reports. Data correct as of 11 September 2025.

The RSPB echoed these views, highlighting the value of assessing progress against milestones to determine ‘where features sit on the recovery trajectory’. It provided the Major Landowners’ Group with a paper on ‘the milestone approach’<sup>537</sup> in 2015 and subsequently tested the methodology on its reserve at Dove Stone in the Peak District. The RSPB noted that a ‘recovering’ status should demonstrate continuous improvement until favourable condition is achieved, which may necessitate ongoing management adjustments. It also stated that ‘the need for such an approach is supported by both private and public sector major landowners who struggle to justify ongoing investment and action on improving site condition in the absence of demonstrable progress’.

During this project, Natural England told us it was planning to trial milestones for blanket bogs in 2024 and would be doing the same for woodland in 2025. More recently, in August 2025, Natural England said it was still progressing interim milestones although these trials had not gone ahead as planned.

### **5.3.3 Making condition assessments more easily accessible**

Natural England’s online database of information on protected sites, Designated Sites View, provides information on the condition of each SSSI broken down into units, as well as some feature assessments. For example, the condition of ‘non-breeding birds’ is presented at a feature level as it occurs on the protected site more widely than in one specific unit. The database includes the date the area was monitored, comments made as part of the assessment, and the reason for unfavourable condition where relevant. It also provides information on the pressures acting upon sites.<sup>538</sup>

From reviewing the information on Designated Sites View, we found that the level of detail provided for each condition assessment can vary. Some comments provide a detailed account of a site visit, for example recording the species found, noting issues such as presence of bare peat or non-native species, and identifying instances of unconsented activities that need to be addressed. Other entries simply note that the unit is in an agri-environment scheme.

We understand that Natural England does not intend for owners and occupiers to access this database in order to determine for themselves whether and how their existing management practices should change. As discussed in Section 5.3.1, to ensure that the results of monitoring lead to the necessary action, Natural England should discuss its diagnosis and conclusions with the owner or occupier, ensuring this is tailored to their landholding, and takes account of all relevant information.

The North York Moors National Park Authority told us that the condition assessment data in Designated Sites View reflect only a specific point in time. This means that trends cannot readily be identified. We reviewed the database and found that historical assessments are available. However, they are accessed through a different part of the database and not under the ‘condition of SSSI features and units’. We can, therefore, appreciate that some stakeholders may not be aware that this information is available.

The ‘Independent Review of Protected Site Management on Dartmoor’ also expressed concerns about the published data on SSSI condition assessments. It found that:

<sup>537</sup> Alice Groom (2015). ‘How to track and ensure the recovery of SSSIs to favourable condition: The milestone approach’, RSPB (Unpublished).

<sup>538</sup> Natural England, ‘Designated Sites View’ (n 134).



'[...] sites have been notified in different places for different features and information on their condition is difficult to pull together. [Natural England] has done its best to present this information on GOV.UK, but we are not surprised that the commoners find it hard to access and understand. This matters because understanding is the first vital step towards successful implementation'.<sup>539</sup>

Natural England told us that it is working to improve Designated Sites View to simplify and improve people's ability to find and use the information. We suggest this provides an opportunity to address the issues highlighted by stakeholders which we note above.

### **5.3.4 Factors affecting the use and communication of condition assessments**

Section 5.2 illustrates how fluctuations in resource levels can affect the amount of monitoring carried out by Natural England. Further to this, Natural England requires sufficient resources to effectively communicate its monitoring and conclusions to stakeholders if the information is to be used.

Natural England told us that stakeholders are not always immediately willing to implement the necessary management measures. This requires negotiation and the right incentives, as well as the ability to address any subsequent questions and follow-up. This takes time and, therefore, constraints on Natural England's resources will affect not just its ability to monitor protected sites in the first place, but also its effective use and communication of the information that it produces.

Local expertise is also important. Natural England told us that it believes its inability to adequately resource condition monitoring over the past decade has affected its relationship with landowners. This is likely to affect Natural England's scope to influence owners and occupiers to implement management measures based on its monitoring conclusions. The evidence from stakeholders suggests that Natural England has not always begun this process.

In our view, Natural England needs to communicate its condition assessment monitoring, diagnosis and conclusions with owners and occupiers in a way that is easy to understand and act upon. The information should be provided at the appropriate scale to lead to action. To do this, Natural England needs to:

- (a) Clearly define the required outcome for the site; that is to specify what constitutes favourable condition for the site and its qualifying features.
- (b) Have a clear baseline that subsequent monitoring data can be assessed against.
- (c) Identify the drivers and pressures, both on-site and off-site, affecting the condition of the qualifying features.
- (d) Understand how the positive and negative effects of current management measures are affecting condition.
- (e) Understand any new actions that need to be implemented, who will undertake them and explain opportunities for support (for example, funding).
- (f) Provide milestones to assess progress over time where features are in unfavourable condition and their recovery is likely to take several years.

<sup>539</sup> Defra, 'Independent Review of Protected Site Management on Dartmoor' (n 531).



## 6. Land management incentives and advice

## 6. Land management incentives and advice

### Overview

Inappropriate land management within and surrounding protected sites remains one of the main causes of their poor condition.

In this report, we look at three main ways to achieve more positive land management: financial incentives such as agri-environment schemes, advice and regulation. This chapter assesses how effectively incentives and advice have been applied to encourage positive management in and around protected sites. We consider regulation in the next chapter.

We found that:

- Historically, there has been limited evidence on the uptake of agri-environment schemes in protected sites. Defra published a new indicator estimating uptake in 2024, although this should be treated with caution because of limitations in the availability of data.
- The uptake indicator did not consider eligibility of sites for agri-environment schemes. It is likely that a large area of protected sites is eligible for, but not being managed under, such schemes. Encouraging uptake over a greater area should help efforts to improve protected site condition.
- Little research has been done to establish the effectiveness of agri-environment schemes in protected sites. Studies have found some evidence of schemes improving SSSI habitats and ecological connectivity. However, broader conclusions are lacking because of minimal integration and consistency between monitoring for agri-environment schemes and protected site outcomes.
- There is therefore scope to improve the information and evidence base that should enable agri-environment schemes to better support the achievement of favourable condition for protected sites.
- There are also opportunities to improve how agri-environment schemes, and agreements entered into under them, are developed and applied. These opportunities broadly reflect a common theme, which is that protected sites have not been given enough consideration in the development and application of these schemes. For example:
  - To be most effective, agri-environment schemes and agreements should be developed to improve protected site outcomes. However, Natural England has often been involved too late in the process of developing agreements to promote this.
  - Where protected sites are on a landholding, agri-environment agreements should include protected sites, but this is not always currently the case because not all schemes require it.
  - Payment rates should provide sufficient financial incentives, considering the additional requirements that may be associated with managing protected sites compared to other areas. However, current schemes do not include such differentiation.

- Schemes should provide for ongoing positive management of sites to maintain their condition. However, current schemes tend only to reward enhancements to biodiversity, rather than maintenance.
- Schemes should be of sufficient length to deliver the long term management that protected sites need. Many are currently too short in duration to restore protected sites to favourable condition, which can be a long term endeavour.
- Where land is ineligible for an agri-environment scheme, there are a range of potential funding options. A key tool for protected sites is the Conservation and Enhancement Scheme. However, this has funded management in less than 2% of the area of England's protected sites. We heard that its scale is not sufficient.
- Owners and occupiers of protected sites told us that the availability and quality of advice had declined, with relationships with local officers diminishing.
- Pressures from surrounding areas contribute to the poor condition of many sites. Agricultural land accounts for the largest land cover type around protected sites. Securing higher levels of uptake of appropriate agri-environment schemes around protected sites should help to support the achievement of favourable condition by reducing off-site pressures.

To improve the effectiveness of incentives and advice for owners and occupiers of protected sites and surrounding areas, we make the following recommendations:

**Recommendation 10:** Agri-environment schemes should be improved to better support the achievement of protected site outcomes. We recommend that:

- (a) Defra should integrate protected site condition monitoring into the design and review of environmental land management schemes. This should include establishing an accurate baseline understanding of agri-environment scheme effectiveness, coverage and eligibility in protected sites and surrounding areas. This should be followed by setting and pursuing SMART targets for achieving improvements in effectiveness and coverage in protected sites and surrounding areas, and regular monitoring and reporting of progress.
- (b) Defra should ensure agri-environment scheme agreements on protected sites include actions to conserve, restore or enhance these sites. To identify the appropriate actions, there should be early engagement with Natural England in the development of individual agreements.
- (c) In providing for financial incentives under agri-environment schemes, Defra should consider how best to reflect the potentially higher costs for owners and occupiers of managing protected sites compared to other areas.
- (d) Defra should allow for longer agreements so they cover the periods needed to enable protected sites to be restored to and maintained in favourable condition. As a general rule, we suggest agri-environment scheme agreements in protected sites should be for at least 10 years. They should also be kept under review and revised where necessary.
- (e) Defra should consider how best to support and fund existing farmer clusters or similar groups on protected sites and their surrounding landscapes, and, where appropriate, to enable the establishment and operation of new clusters and groups.

**Recommendation 11:** Defra should determine the area of protected sites ineligible for agri-environment schemes that should be managed through other funding arrangements such as the Conservation and Enhancement Scheme, and ensure that these arrangements are sufficiently resourced to support the intended level of coverage.

**Recommendation 12:** The key agencies (co-ordinated by Natural England and including, where appropriate, the Rural Payments Agency, the Environment Agency and the Forestry Commission) should work collaboratively to implement a co-ordinated advice offer, covering both site-specific and wider landscape-scale actions to maintain or achieve favourable condition. We recommend that they:

- (a) Establish a single point of contact for protected site owners and occupiers with the agencies. This ideally would be a person (not a generic mailbox) with whom owners and occupiers can develop constructive, consistent relationships.
- (b) Provide expert, locally embedded advice for protected site owners and occupiers, on a one-to-one basis. Officers should proactively explain what owners and occupiers can do to improve the condition of their protected sites and help them access funding opportunities to do so.

## 6.1 Introduction

Most protected sites require some level of intervention to maintain, restore or enhance the features for which they were designated. The law provides regulatory powers to prevent damaging activities being undertaken and to require positive management (see Chapter 7). However, there are limits to what the law alone can achieve across more than 4,100 SSSIs with some 13,000 owners and occupiers.

Much depends on the ability of the protected sites regime to foster a sense of stewardship for the natural environment. This is a common feature of environmental law more generally, which has been described as ‘an effort to institutionalise stewardship obligations’.<sup>540</sup>

Therefore, an important barometer when reviewing the success of protected site laws is whether they have been able to change behaviours towards the protection of the habitats and species for which these sites have been designated. While destruction of habitats within SSSIs was commonplace following designation of the first sites,<sup>541</sup> there is also evidence demonstrating success in safeguarding some habitats.<sup>542</sup> Although the law now provides sites with stronger protection, however, many sites are still poorly managed, and the designation of new sites is sometimes contested (see Chapter 4).

Natural England’s SSSI Improvement Plan states that almost half of SSSI features are adversely affected by ‘land management’ pressure.<sup>543</sup> This includes inappropriate livestock grazing, cutting, mowing, fertiliser use and allowing scrub encroachment.<sup>544</sup> Inappropriate grazing is particularly prevalent. This was previously identified as a priority issue in 28% of site improvement plans for SACs and SPAs.<sup>545</sup>

540 A. Dan Tarlock, ‘The Future of Environmental Rule of Law Litigation: Sixth Annual Lloyd K. Garrison Lecture on Environmental Law’ (2000) 17 Pace Environmental Law Review 237, 239.

541 Peter Marren, *Nature Conservation: A Review of the Conservation of Wildlife in Britain 1950-2001* (Harper Collins 2002).

542 For example, Ridding, Redhead and Pywell (n 20).

543 Natural England, ‘SSSI Improvement Plan 2023-2028 (Unpublished)’ (n 197).

544 *ibid*.

545 Natural England, ‘Grazing Theme Plan Developing a Strategic Approach for England’s Natura 2000 Sites’ (2015) <<https://publications.naturalengland.org.uk/publication/4839898496368640?category=5605910663659520>> accessed 2 July 2025.

One way to address such pressures is to incentivise owners and occupiers to act as stewards of the land, adopting management practices that will support the maintenance or restoration of site features to favourable condition. This could include financial incentives such as agri-environment schemes and management agreements. These specify desirable, though not obligatory, management practices and the financial support that may be provided to implement them. As new natural capital markets grow across the country, owners and occupiers could also be given support to find other ways for their land to create additional income streams.

These incentives, if well-designed and delivered, can encourage and support appropriate site management and help ensure designation is not viewed negatively. They can also encourage actions that benefit wider ecosystem services.<sup>546</sup>

However, there are limits to the extent that financial incentives can foster a sense of stewardship. Public and private investment tend only to pay for enhancements that are additional to existing biodiversity on a site, rather than maintaining what is already there. Investment is also generally short-lived. This means agreements expire and, unless they are renewed, positive management may not be continued.

Agreements also are not always effective, and revising those that are not delivering improvements in site condition may not lead to improved stewardship. For example, Natural England concluded that the low extent of the Dartmoor SSSI in favourable condition meant it could not confirm that agreements were achieving their objectives without significant management changes and reductions in stocking rates. According to an independent review of protected site management on Dartmoor:<sup>547</sup>

‘these changes undoubtedly came as a shock to the commoners. They responded angrily, with pre-existing tensions spilling over and their whole future participation in Agri-Environment Schemes being thrown into question. This culminated in local MPs sponsoring a Westminster Hall debate on the issue’.

Some commentators have also warned that payments can crowd out the intrinsic motivation and other non-financial values which encourage positive behaviour.<sup>548</sup> Research carried out for Natural England found that while participants in agri-environment schemes entered them for both environmental and financial reasons, a majority (73%) identified success against environmental objectives. Only 16% identified success in terms of business and financial criteria.<sup>549</sup>

This points to another way that stewardship can be fostered. The provision of advice to owners and occupiers, usually by Natural England, is an opportunity to encourage and enable positive action. This requires effective communication and building trust and relationships between the providers of advice and the owners and occupiers.

546 Jonathan R Mosedale and others, ‘A Think Piece on the Effectiveness of Protected Areas in England.’ (Natural England 2022) NECR41 <<https://publications.naturalengland.org.uk/publication/5801032570634240>> accessed 14 June 2024.

547 Defra, ‘Independent Review of Protected Site Management on Dartmoor’ (n 531).

548 Michael J. Sandel, *What Money Can't Buy: The Moral Limits of Markets* (Penguin 2013).

549 Naomi Jones and others, ‘ES Quality Assurance Programme, 2013/14: Assessing the Role of Advice and Support on the Establishment of HLS Agreements. Natural England Contract Reference LM0433’ 14 <<https://randd.defra.gov.uk/ProjectDetails?ProjectID=19201&FromSearch=Y&Publisher=1&SearchText=LM0433&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>> accessed 2 July 2025.



Such relationships should help remove some of the barriers impeding the intended outcomes of protected site laws. There is a range of evidence showing that this is important to achieving high levels of uptake of agri-environment schemes and their effectiveness.<sup>550</sup>

In this chapter, we look at the use of financial incentives to support protected site management. We focus on the coverage and effectiveness of agri-environment schemes in protected sites.

We review the use of management agreements for land inside protected sites that historically have not been eligible for such schemes. We also consider the advice provided by Natural England to owners and occupiers and the relationships between them. Finally, we look at how land is managed in the areas surrounding protected sites.

## 6.2 Agri-environment scheme agreements

Changes to agricultural practices are reported to have been major contributors to declines in species.<sup>551</sup> As a response to this, agri-environment schemes were introduced in 1987. These provide payments to farmers to protect and enhance biodiversity, landscapes and historic features, and to promote public access.<sup>552</sup>

Around half of SSSIs by area are on predominantly agricultural land.<sup>553</sup> The importance of agri-environment schemes in this regard was reflected in the EIP adopted by the then government in 2023. This stated that the new schemes being developed ‘will contribute at least 50% of the target of bringing protected sites into favourable condition by 2042’.<sup>554</sup>

We summarise the different schemes in Table 6.1 below. Schemes can be described as ‘higher-level’ (also referred to as ‘targeted’ or ‘high-tier’) or ‘entry-level’ (also referred to as ‘low-tier’). Higher-level schemes are tailored to achieve a specific biodiversity outcome through a bundle of measures, targeted advice and guidance. Entry-level schemes are simpler, supporting generally positive, but often untargeted and less ambitious improvements.

The Sustainable Farming Incentive (SFI) is an example of an entry-level scheme. The more ambitious components of Countryside Stewardship Higher Tier (CSHT) and Landscape Recovery projects are examples of higher-level schemes.

Landscape Recovery, for example, funds large scale, long term projects to improve the environment via a competitive application process. Some of the first round of projects from 2022 have secured funding with on-the-ground delivery about to start.<sup>555</sup> The second round of applications from late 2023 is expected to provide £25 million of funding across 34 projects focused on supporting net zero, enhancing or restoring protected sites and

550 For example, Nigel Boatman and others, ‘Agreement Scale Monitoring of Environmental Stewardship 2013-14: Assessing the Delivery of Higher Level Stewardship Agreement Outcomes and Their Relationship with the Quality of Advice and Support Provided to Agreement Holders. Natural England Research Report LM0432.’ <<https://eprints.glos.ac.uk/id/eprint/3979>> accessed 2 July 2025; Matt Lobley and others, ‘Training Farmers in Agri-Environmental Management: The Case of Environmental Stewardship in Lowland England’ (2013) 3 International Journal of Agricultural Management 1; Naomi Jones and others (n 549); Hawkins and others (n 124) 13.

551 Fiona Burns and others, ‘Agricultural Management and Climatic Change Are the Major Drivers of Biodiversity Change in the UK’ (2016) PLOS ONE.

552 Defra, ‘Accredited Official Statistics: Area of Land in Agri-Environment Schemes’ <[www.gov.uk/government/statistics/england-biodiversity-indicators/area-of-land-in-agri-environment-schemes](http://www.gov.uk/government/statistics/england-biodiversity-indicators/area-of-land-in-agri-environment-schemes)> accessed 2 July 2025.

553 Defra, ‘Observatory Monitoring Framework – Indicator Fact Sheet. Indicator DE8: Favourable Condition of Important Wildlife Sites on Farmland: Agriculturally Managed Sites of Special Scientific Interest (SSSIs)’ 3 <<https://assets.publishing.service.gov.uk/media/5a7e223240f0b6230268963b/agindicator-de8-11nov14.pdf>> accessed 2 July 2025.

554 Defra, ‘Environmental Improvement Plan 2023.’ (n 3).

555 Rebecca Kenner, ‘Landscape Recovery: First Projects Move into Delivery Phase – Farming’ (29 August 2025) <<https://defrafarming.blog.gov.uk/2025/08/29/landscape-recovery-first-projects-move-into-delivery-phase/>> accessed 27 October 2025.

creating wildlife-rich habitats.<sup>556</sup> A third round of applications for Landscape Recovery was expected to be launched in 2024, but has been delayed.

**Table 6.1. Agri-environment schemes in England, 1987 to present**

Scheme		Period scheme was open to new agreements
Environmentally Sensitive Areas		1987 – 2004
Countryside Stewardship		1991 – 2004
Environmental Stewardship	Entry-Level Stewardship	2005 – 2015
	Organic Entry-Level Stewardship	2005 – 2015
	Higher-Level Stewardship	2006 – 2015
	Upland Entry-Level Stewardship	2010 – 2015
Countryside Stewardship	Mid-Tier (only)	2015 – 2020
	Mid-Tier and Wildlife Offer	2021 – 2024
	Higher-Tier	2015 – 2024
Environmental Land Management	Countryside Stewardship Higher-Tier	2025 onwards
	Sustainable Farming Incentive	2022 onwards
	Landscape Recovery	2022 onwards

### 6.2.1 Eligibility and coverage of agri-environment schemes in protected sites

In our view, the area of protected sites managed under agri-environment schemes should be one of the principal measures of progress towards improving protected site condition. However, not all land within protected sites will be eligible for an agri-environment scheme. For example, publicly owned land or areas that are not farmed (such as open water) may be ineligible.

Therefore, to provide a more accurate measure of progress, it is also necessary to calculate the area of land in protected sites that is eligible for entry into agri-environment schemes. If both figures (eligibility and coverage) were known, it would be possible for government to set SMART targets to increase the area of eligible land within protected sites being managed under these schemes.

This would allow progress in increasing uptake to be monitored and scrutinised, and for course-corrective action to be taken if needed. Efforts to increase uptake should also aim to ensure that the most suitable scheme is used, depending on the requirements of the habitats and species for which a site is designated.

There is evidence pointing to higher levels of uptake of agri-environment schemes within protected sites. A Natural England study in 2021 found such increased uptake.<sup>557</sup>

556 Sam Burford, 'Landscape Recovery: Sharing the Successful Second Round Projects' (*Farming*, 29 November 2023) <<https://defrafarming.blog.gov.uk/2023/11/29/round-two-projects/>> accessed 9 September 2025.

557 Rachel Sykes, 'Agri-Environment Evidence Annual Report 2021: A Summary of Findings from Recently Published Projects. Natural England Research Reports, NERR104' (2021) <<https://publications.naturalengland.org.uk/publication/5873861299273728>> accessed 5 July 2025.

There is also evidence that having land designated as a SSSI strengthened Higher-Level Stewardship applications and increased the chance of securing funding.<sup>558</sup>

Until recently, there has been limited publicly available data accurately showing the coverage of these schemes in protected sites. In 2024, for the first time, Defra published an indicator for the area of land managed under agri-environment schemes within SSSIs.<sup>559</sup> This showed that, in 2023, just under half of the area of SSSIs (some 46 to 48%) was managed under agri-environment schemes (Countryside Stewardship, Environmental Stewardship and the SFI).<sup>560</sup>

Some caution should be applied to these figures. Defra notes that:<sup>561</sup>

‘To participate in agri-environment schemes, farmers select from a series of options for environmentally friendly land management practices. Many of these options involve management practices which do not apply to the whole of any given parcel of land, for instance, planting bird friendly seed mixes along field margins’.

Furthermore, the data available are not tailored to assessing coverage, which limits the accuracy of the calculation. Defra has therefore had to make a number of assumptions.

However, neither Defra nor Natural England have been able to provide us with a figure for the area of SSSIs eligible for management under agri-environment schemes. This makes it difficult to determine the potential contribution that agri-environment schemes could make to managing and improving the condition of protected sites. Defra and Natural England have told us they are currently working to address this gap.

Using land cover<sup>562</sup> and agricultural land<sup>563</sup> data, we have estimated that somewhere between two-thirds and almost all SSSIs (depending on criteria for the new schemes) are potentially eligible for agri-environment schemes. This is an imprecise estimate. We suggest that Defra and Natural England should calculate and publish a more precise figure alongside the new indicator for the area of SSSI land managed under these schemes. We consider that a more helpful indicator would be the area of SSSIs that is eligible for, and being managed under, agri-environment schemes, and their component parts.

Our estimate also suggests that a large percentage of the area covered by SSSIs, though eligible for agri-environment schemes, is not being managed under them. Given that agri-environment schemes are a key tool in incentivising the appropriate management of protected sites, this appears to be a significant opportunity for improvement which could help achieve the intended outcomes.

The limited availability of data means we have been unable to assess the change over time in the proportion of protected sites eligible for, and being managed under, agri-environment schemes. The National Audit Office found that, in 2008, 63% of SSSI land was supported by an incentive scheme.<sup>564</sup> Analysis by Natural England in 2010 found that 78% of eligible

558 Jason Beedell and others (n 353).

559 Defra, ‘Extent and Condition of Protected Areas’ (n 77). See Part D: Area of land managed under agri-environment schemes within SSSIs.

560 *ibid*. See Parts A (Extent of protected areas) and D (Area of land managed under agri-environment schemes within SSSIs).

561 *ibid*.

562 UKCEH, ‘Land Cover Map 2023 (Land Parcels, GB)’ <<https://catalogue.ceh.ac.uk/id/50b344eb-8343-423b-8b2f-0e9800e34bbd>> accessed 9 September 2025.

563 Ministry of Agriculture, Fisheries and Food, ‘Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land’ (1988) <<https://publications.naturalengland.org.uk/file/5526580165083136>> accessed 9 September 2025.

564 National Audit Office, ‘Natural England’s Role in Improving Sites of Special Scientific Interest’ (n 82).

priority Biodiversity Action Plan habitats within SSSIs were in agri-environment schemes.<sup>565</sup> These two studies established baselines which do not appear to have been monitored subsequently. However, we note that these figures are substantially higher than the 46 to 48% of SSSI land estimated as being managed under agri-environment schemes in 2023.

An independent evaluation of the delivery of Defra's 2011 biodiversity strategy drew on evidence from experts and literature to consider how to improve the uptake of incentives such as agri-environment schemes. The evidence suggested that support from government improved uptake, such as provision of advice, guidance, and capacity building.<sup>566</sup> Factors that reduced uptake included insufficient financial gain, poor administrative management, schemes being a poor fit with existing land management, and the short term duration of some schemes.<sup>567</sup> We consider some of these factors further in the sections below.

### **6.2.2 Effectiveness of agri-environment schemes in protected sites**

While there has been extensive evaluation of agri-environment schemes more broadly, there is relatively little evidence to show how effective they have been specifically in relation to protected sites. A 2019 report for Natural England found evidence that agri-environment schemes were improving SSSI habitats in some cases through positive management.<sup>568</sup> A further study in 2021 found they significantly contributed to ecological connectivity due to the high prevalence of habitat creation and restoration options on or near SSSIs.<sup>569</sup>

However, the authors of the 2019 study found it challenging to reach any broader conclusions. They stated that agri-environment scheme studies:<sup>570</sup>

'generally do not separate SSSI and non-SSSI features in their analyses. Where national AES [agri-environment scheme] surveys do include SSSIs, the results are often drawn from small sample sizes and there is difficulty in deriving robust results that can be scaled up to either habitat or SSSIs more widely. In terms of SSSI condition evidence gaps, there have been fewer condition assessments of SSSIs in recent years, so there can be a lack of up-to-date information'.

The authors made several recommendations on how to close this evidence gap, for example through a greater integration of the monitoring of agri-environment schemes and SSSIs.<sup>571</sup> Natural England made a similar point to us in this project. It noted that different criteria are used to monitor agri-environment schemes and SSSIs. This makes it challenging to assess the effectiveness of agri-environment schemes in achieving SSSI outcomes.

It is therefore generally unclear how well agri-environment schemes are working to improve protected site condition. Without this, it is difficult to identify whether and how schemes need to be adjusted, or to monitor and scrutinise progress over time in increasing their effectiveness.

We note that a similar issue has been considered in Defra's independent review of environmental regulations more widely. This recommended that Defra should 'set out

<sup>565</sup> Keith Kirby and others (n 310) 24.

<sup>566</sup> Hawkins and others (n 124) 13.

<sup>567</sup> *ibid* 55–56.

<sup>568</sup> Chris Short and others, 'Assessment of the Impact of Agri-Environment Schemes on SSSI Recovery' (2019) 8 <<https://randd.defra.gov.uk/ProjectDetails?ProjectId=20132>> accessed 4 July 2025.

<sup>569</sup> Rachel Sykes (n 557) 19.

<sup>570</sup> Short and others (n 568). See the two page summary, p. 2.

<sup>571</sup> *ibid* 8.

publicly how rural grants and payments can be used by farmers and landowners, in combination with green finance, to balance food production and nature outcomes'. The review identifies Defra's 25-year farming roadmap as an opportunity to do this, suggesting that: 'This should set out where grants and payments have delivered multiple outcomes, how they can be integrated with green finance, and where they will need to continue to evolve to meet the needs of farmers and food production whilst delivering nature recovery outcomes'.<sup>572</sup>

### **6.2.3 Developing agri-environment schemes and agreements in protected sites**

Developing effective agri-environment schemes and agreements to contribute to improving the condition of protected sites requires effective co-ordination of activities between several organisations. These may include, for example, Defra's policy work to create a new scheme, Natural England's input to design of the scheme as well to specific agreements, its consideration of applications for consent and advice to owners and occupiers, and the Rural Payments Agency's administration of the scheme. The Forestry Commission may also be involved in woodland agreements.

Unlike most agri-environment agreements, however, there has been no requirement to seek advice from Natural England in the development of SFI agreements on SSSIs. In some cases, Natural England was involved too late to positively influence the agreement.

The SFI handbook only required applicants to notify Natural England for the purposes of getting consent to carry out actions under SFI agreements.<sup>573</sup> This allowed Natural England to prevent actions that would be harmful to the SSSI by withholding consent for, or requiring modification of, the actions (see Chapter 7). However, it did not have an opportunity to provide advice which could help ensure the most appropriate actions are selected to improve the site's condition.

While Natural England has a greater advisory role for higher-level schemes, its only legal power in the application of any agri-environment scheme is to stop harmful actions through the consenting regime. It has no power, beyond providing advice, to ensure the agreements themselves will improve site condition.

It is therefore possible for a participant in an agri-environment scheme to meet all the requirements of the scheme without improving site condition. We heard from Natural England that a large proportion of sites are being managed in accordance with the requirements of agri-environment schemes but are remaining in unfavourable condition. While in some cases this will be due to off-site pressures, in others it may stem from the scheme not supporting the management the site needs.

A further issue is that there has been no requirement to include a protected site on an applicant's landholding within a new SFI agreement. An owner or occupier could enter into an SFI agreement on part of their land, but not the area designated as a protected site. This differs from the approach with CSHT, where guidance stated that: 'you should include any SSSI on your holding in your application, unless Natural England agree you can exclude it'.<sup>574</sup>

572 Corry (n 104) 11.

573 Defra, 'Sustainable Farming Incentive (SFI): Handbook for the SFI 2023 Offer (V10 April 2025)' 129–130 <[www.gov.uk/government/publications/sfi-handbook-for-the-sfi-2023-offer](https://www.gov.uk/government/publications/sfi-handbook-for-the-sfi-2023-offer)> accessed 5 July 2025.

574 Defra and Rural Payments Agency, 'Countryside Stewardship Higher Tier (CSHT)' (2025) Guidance <[www.gov.uk/government/publications/countryside-stewardship-higher-tier-csht](https://www.gov.uk/government/publications/countryside-stewardship-higher-tier-csht)> accessed 18 September 2025.

Under previous agri-environment schemes, if owners and occupiers wanted to join a scheme, they had to include any land within a protected site even if there were no suitable actions to manage it.<sup>575</sup> This was because these schemes were ‘whole-holding agreements’. They applied to the whole of the applicant’s landholding. In our view, agri-environment schemes could be made more effective by requiring agreements to cover any protected sites on the holding, and any other land owned or occupied by the applicant which will affect protected sites’ condition.

#### **6.2.4 Agri-environment scheme payments for protected sites**

Several of those who responded to our call for evidence raised concerns about agri-environment scheme payments for land within protected sites. Although there appear to be greater chances of securing funding through higher-tier schemes if land is within a protected site, the levels of payment are no more than for land outside sites. This is despite managing land in a protected site generally imposing more regulatory requirements, complexities and constraints on owners and occupiers.

Payment rates for each option within the current and previous schemes are based on the principle of income foregone. Under this principle, the cost of implementing the option and the income lost because of doing so are added together to calculate the rate of payment.

However, simply covering the costs of management and lost income provides limited incentive, especially when an owner or occupier has a protected site that may require more onerous management. In purely financial terms, the owner or occupier will be no better off participating in the scheme.

We consider that there is a case for providing higher payments for protected sites than other areas that are not subject to the same or similar requirements. For example, an area of a particular type of habitat may extend beyond the boundary of a protected site, with additional protections and requirements only applying within the designated protected site area. In such cases, under agri-environment schemes to date, payments generally would be the same to owners and occupiers either side of a site boundary, despite those whose land is inside the protected site potentially being subject to additional requirements.

A differential approach to payments under agri-environment schemes to recognise the costs of managing protected sites would also provide a more effective incentive to encourage uptake of schemes in protected sites. It would send a clear message from government that it wants to see these sites well-managed, reflecting that they have been identified as the nation’s most important areas for habitats and species.

Similar recommendations have been made in the past. For example, a report to Natural England on the effect of agri-environment schemes recommended having a tier dedicated to SSSIs, akin to the ‘organic’ options in both Environmental Stewardship and Countryside Stewardship.<sup>576</sup>

We also heard from some stakeholders that, in their experience, agri-environment schemes do not reward those who are already achieving the right management of a protected site but may need financial support to continue this. Stakeholders said that schemes have not provided funding for continuing good management and, as a result, the condition of sites may deteriorate.

<sup>575</sup> For example, Natural England, ‘Higher Level Stewardship: Environmental Stewardship Handbook, Fourth Edition – January 2013 (NE350)’ 87 <<https://publications.naturalengland.org.uk/publication/2827091>> accessed 11 July 2025.

<sup>576</sup> Short and others (n 568) 42.



Funding under agri-environment schemes tends to only pay for enhancements that are additional to the existing biodiversity baseline. This could create a perverse incentive to keep biodiversity baselines low until income is available to bring about enhancements. Achieving favourable condition will often require continuous management over the long term, for which farmers should be supported and rewarded.

### **6.2.5 Duration of agri-environment schemes in protected sites**

Long term management is required to restore the majority of sites in unfavourable condition. Degraded ecosystems take years, sometimes decades, to recover. For example, it may take up to 20 years for vegetation to recover on damaged blanket bog.<sup>577</sup>

However, agri-environment schemes only secure management for the duration of the agreement. There is no guarantee that management will be maintained when an agreement ends or that the land will be entered into another agreement on expiry.

The new agri-environment agreements will vary in length. Unless they are changed by government's current reforms, SFI agreements will last for three years.<sup>578</sup> CSHT agreements will last for five, 10, 15 or 20 years, but most actions will last for five years. The length depends on the type of action. For example, a woodland improvement action will last for 10 years, whereas a supplement to create and maintain specific habitats for priority species will only last for five years.<sup>579</sup>

Many of these agreement periods will not be long enough to secure the recovery of protected site features to favourable condition. In some cases, there will be a need to enter into several successive agreements to achieve restoration.

While the appropriate length of agreement will vary based on site-specific requirements, in our view an agreement of less than 10 years is unlikely to be sufficient for a protected site in most cases. Moreover, long term agreements should be kept under review and revised where necessary to secure favourable site condition. We heard from a site manager in a public authority that some aspects of its 10-year Higher-Level Stewardship agreement were no longer appropriate, but there was no process for reviewing the agreement.

This appears to have been addressed in CSHT. Defra told us that there are five-year break points where the agreement can be renegotiated or amended to help improve site condition.

Long term agreements can also help increase stakeholder confidence and uptake, while maintaining biodiversity benefits.<sup>580</sup> The National Farmers' Union told us that 'the availability of longer term agreements for those managing protected sites, reflecting the long-term nature of commitments relating to protected sites, could give farmers more confidence when considering future commitments'.

In many cases, a longer period will be needed to achieve ecological restoration. We therefore welcome the guidance for round two of the Landscape Recovery scheme

577 Roxane Andersen and others (n 344).

578 Defra, 'Sustainable Farming Incentive (SFI): Handbook for the SFI 2023 Offer (V10 April 2025)'.

579 Defra and Rural Payments Agency, 'Countryside Stewardship Higher Tier: Preview Guidance' <[www.gov.uk/government/publications/countryside-stewardship-higher-tier-get-ready-to-apply/countryside-stewardship-higher-tier-preview-guidance](https://www.gov.uk/government/publications/countryside-stewardship-higher-tier-get-ready-to-apply/countryside-stewardship-higher-tier-preview-guidance)> accessed 5 July 2025.

580 Hawkins and others (n 124) 56.



which stated that projects should last at least 20 years and be sustainable beyond this.<sup>581</sup> We anticipate that the revised CSHT and Landscape Recovery schemes could address some of the historical issues we heard about.

### **6.2.6 Consideration of protected sites in agri-environment schemes**

A common theme in the areas for improvement outlined above is that schemes need to be developed, delivered and monitored with greater consideration of protected sites.

The Head of Conservation at the Holkham Estate in Norfolk, which includes a large area of protected sites, suggested that protected sites should have their own bespoke agreements. These, they proposed, would be designed primarily to meet the needs of nature recovery, recognising the need for long term vision, financial support and management. This is similar to the recommendation in the 2019 report for a tier dedicated to SSSIs as outlined above.<sup>582</sup>

The Landscape Recovery scheme may go some way towards achieving this. It provides owners and occupiers with the opportunity to develop long term, landscape-scale agreements tailored to the specific circumstances of the site. The large size of these projects should also enable them to address the off-site pressures that are responsible for many protected sites being in unfavourable condition.

Natural England provided positive feedback to us about this scheme, saying that it has the potential to be consistent with EIP targets and commitments. The extent to which it will resolve the issues we have outlined so far in this chapter is likely to depend on how widely it is delivered across the protected site network, and whether Defra and Natural England can ensure that agreements will maximise their potential contribution to improving protected site condition.

Where a protected site is not covered by a Landscape Recovery scheme agreement, appropriate management will need to be incentivised through an SFI or CSHT agreement or other funding, for example a management agreement or private investment. Our analysis above has found opportunities to improve the SFI and CSHT schemes so they are more effective for protected sites. We discuss other sources of funding in the next section.

## **6.3 Other sources of funding for protected site management**

The development of the new agri-environment schemes provides an opportunity to include non-agricultural land, enabling more land traditionally not eligible to be part of such a scheme. We also note that public bodies will be able to apply for a CSHT agreement, but will not be paid under that scheme to complete activities already required by law or covered by other funding sources.<sup>583</sup>

However, the new schemes will not be available or suitable for all land within protected sites. This means that some sites will remain dependent on other funding sources to

581 Defra, '[Closed] Criteria and Scoring Guidance for Landscape Recovery: Round 2' <[www.gov.uk/government/publications/apply-for-landscape-recovery-funding/criteria-and-scoring-guidance-for-landscape-recovery-round-two#:~:text=net%20zero%20contribution,-Climate%20resilience,to%20risks%20from%20climate%20change.>](https://www.gov.uk/government/publications/apply-for-landscape-recovery-funding/criteria-and-scoring-guidance-for-landscape-recovery-round-two#:~:text=net%20zero%20contribution,-Climate%20resilience,to%20risks%20from%20climate%20change.>)>.

582 Short and others (n 568) 42.

583 Defra and Rural Payments Agency (n 579) para 6.3.

support their management. There is a wide range of funding sources available, although many are not designed exclusively for protected sites.<sup>584</sup>

These funding sources are often only available for short periods. This can make it difficult for officers, owners and occupiers to secure a regular flow of support necessary for protected sites. It is also unclear how different funding sources may interact on a single landholding.

We focus below on the two schemes most directly associated with protected sites: the Conservation and Enhancement Scheme (CES) and the SSSI Investigation Fund. Both are administered by Natural England and have important roles to play in achieving favourable protected site condition.

### 6.3.1 Conservation and Enhancement Scheme

CES is delivered under Natural England's power in the Natural Environment and Rural Communities Act 2006 to make management agreements with any owner or occupier of land in England.<sup>585</sup> An agreement must further Natural England's general purpose, which includes promoting nature conservation and protecting biodiversity.<sup>586</sup>

Natural England explained to us that CES plays an important role in securing the appropriate management of protected sites when an agri-environment scheme cannot be used. This may be because the site is outside the farmed landscape. For example, several geological, river, wetland, coastal and non-agricultural grassland sites have benefitted from the scheme.

We heard from Natural England that CES has also been useful for small sites. Many SSSIs are only one to five hectares in size and some of these contain the only land owned or occupied by the person concerned. In such situations, it is unlikely that they will be able to successfully apply for an agri-environment scheme. In addition, small sites may be difficult to manage or require specialist input to achieve the desired outcomes. Natural England added that CES has also been valuable in sites of all sizes where bespoke management is required, such as for the eradication and control of invasive, non-native species.

In many cases, CES will need to provide funding to maintain positive management in the long term, even after a site has moved into favourable condition. It may be the only currently available source of funding for ongoing positive management.

However, CES appears to have achieved a relatively small reach to date, compared to its likely potential, suggesting an opportunity for its increased use to support wider benefits. Natural England told us in 2023 that CES had, at that time, delivered positive management on 19,378 hectares of land in protected sites. This is less than 2% of the area of England's protected sites.

584 See, for example, Environment Act 2021 ss 117–139; Defra, 'Understanding Biodiversity Net Gain' <[www.gov.uk/guidance/understanding-biodiversity-net-gain](https://www.gov.uk/guidance/understanding-biodiversity-net-gain)> accessed 11 July 2025; Tim Andrews, 'Conservation Covenants: Putting Environmental Commitments into Law' (22 April 2024) <<https://defraenvironment.blog.gov.uk/2024/04/22/conservation-covenants-putting-environmental-commitments-into-law/>> accessed 11 July 2025; Brian Davies (n 67); Farm Carbon Toolkit, 'Getting Paid for Carbon on Farms' <<https://farmcarbontoolkit.org.uk/toolkit-page/getting-paid-for-carbon/>> accessed 11 July 2025; Forestry Commission, 'England Woodland Creation Offer' <[www.gov.uk/guidance/england-woodland-creation-offer](https://www.gov.uk/guidance/england-woodland-creation-offer)> accessed 11 July 2025; Defra, 'Get Funding for Farming in Protected Landscapes' <[www.gov.uk/guidance/funding-for-farmers-in-protected-landscapes](https://www.gov.uk/guidance/funding-for-farmers-in-protected-landscapes)> accessed 11 July 2025; Natural England and Defra, 'Nature for Climate Peatland Grant Scheme' <[www.gov.uk/guidance/nature-for-climate-peatland-grant-scheme](https://www.gov.uk/guidance/nature-for-climate-peatland-grant-scheme)> accessed 11 July 2025; Rural Payments Agency, 'About the Water Restoration Fund' <[www.gov.uk/government/publications/water-restoration-fund-guidance-for-applicants/about-the-water-restoration-fund](https://www.gov.uk/government/publications/water-restoration-fund-guidance-for-applicants/about-the-water-restoration-fund)> accessed 11 July 2025.

585 Section 7, Natural Environment and Rural Communities Act 2006.

586 Sections 2 and 7, Natural Environment and Rural Communities Act 2006.

Indeed, Natural England also told us that the scale of CES needs to increase, although it is not known by how much. This is in part because it is not clear, as outlined above, what area of protected sites is currently eligible for agri-environment schemes, which may change as new schemes are developed. Increasing the scale of CES would require funding so Natural England can enter into and administer more agreements, including developing effective relationships with participants and providing advice.

The scale of CES has been affected by constrained resources in Natural England. The number of new CES agreements annually peaked in 2012/13 and then decreased, with some fluctuations in subsequent years. In 2018, the scheme closed to new applicants for four years. Natural England told us that this was because of reductions in its budget. Natural England also said that ‘since CES funding ceased many of these sites have moved back into unfavourable condition or are at risk from moving into unfavourable condition’.

CES was reopened to new applicants in 2022/23. Natural England told us that, as of October 2024, there were 109 CES agreements within SSSIs, including 56 CES agreements set up since the scheme’s relaunch.

### 6.3.2 SSSI Investigation Fund

The SSSI Investigation Fund is used to better understand the causes of unfavourable condition and the most effective mechanisms for addressing them. This then can inform action, for example entering into a management agreement under CES with the owner or occupier.

In 2022/23, Natural England approved 36 projects under the SSSI Investigation Fund, amounting to expenditure of approximately £500,000. Natural England told us that it has estimated that around 2,500 SSSI features may require investigation to move them towards favourable condition. Not all investigation requires the use of the SSSI Investigation Fund. In some cases, an internal conversation with Natural England specialists may suffice.

As of 2024, Natural England told us that it had not yet established how many investigations were needed. It was therefore unable to assess whether the SSSI Investigation Fund was adequately resourced.

## 6.4 Advice for owners and occupiers of protected sites

Neither financial incentives nor regulation alone is sufficient to encourage long term pro-environmental behaviour inside or outside protected sites.<sup>587</sup> The provision of high-quality advice to owners and occupiers is also required.<sup>588</sup>

The availability of advice increases participation in, and the quality of engagement with, agri-environment schemes.<sup>589</sup> An assessment of the implementation of the government’s 2011 biodiversity strategy found that ‘investing in local advisors and project officers to engage with stakeholders and provide one-to-one advice can help build trust and confidence and encourage voluntary uptake of initiatives such as [agri-environment

587 Jules N Pretty and others, ‘An Assessment of the Total External Costs of UK Agriculture’ (2000) 65 *Agricultural Systems* 113; Jules N Pretty and others, ‘Policy Challenges and Priorities for Internalizing the Externalities of Modern Agriculture’ (2001) 44 *Journal of Environmental Planning and Management* 263.

588 Kaley Hart and others, ‘What Tools for the European Agricultural Policy to Encourage the Provision of Public Goods? A Report for the European Parliament.’ <<http://dx.doi.org/10.13140/2.1.1325.3922>> accessed 10 July 2025.

589 Jules N Pretty and others, ‘An Assessment of the Total External Costs of UK Agriculture’ (n 587); Jules N Pretty and others, ‘Policy Challenges and Priorities for Internalizing the Externalities of Modern Agriculture’ (n 587); Nigel Boatman and others (n 550); Matt Loble and others (n 550); Naomi Jones and others (n 549).

schemes]'. Conversely, it found that insufficient advice, facilitation and guidance was considered a barrier to making applications.<sup>590</sup>

The best environmental outcomes have been reported where officers are expert, trusted and locally embedded, and for advice to be provided on a one-to-one basis at the individual farm level.<sup>591</sup> Consistency in advice, especially through the retention of the same officer, allows for the development of a trusted relationship, which increases the likelihood of advice being acted upon.<sup>592</sup>

Advice can support the development of intrinsic motivations such as the desire of the owner and occupier to be a good environmental steward, taking pride in improving the habitats and species on their land. Officers can do so by translating national policy to the local context and explaining the evidence on how certain farming practices may lead to environmental improvement and their cost effectiveness. They can also help owners and occupiers navigate a complex funding and regulatory system.<sup>593</sup>

In our conversations with owners and occupiers during visits to protected sites in 2024, advice was the topic most frequently raised. We received a consistent message on this subject from owners and occupiers, regardless of whether they were individuals, public authorities or non-governmental organisations.

This was that they previously had highly valued advice provided by Natural England (and its predecessors) and had good relationships with their local officers. However, in all cases we were told that this had changed and that, for several years, the availability and quality of advice had significantly declined.

We outline further what we heard below and set out what we consider should change. Our view is that providing better advice is an important opportunity to improve the condition of protected sites.

#### **6.4.1 Provision of advice by Natural England**

We heard from owners and occupiers that, previously, their Natural England officers were in post for several years, enabling them to develop good working relationships. They broadly trusted their advice. Officers generally were seen as being experienced and having extensive local knowledge. Land managers told us they advised respectfully, explaining what owners and occupiers could do and the benefits, without being seen to be applying pressure.

We were also told that owners or occupiers of protected sites had a specific, named, local contact who they could easily reach. Officers generally would be willing and able to visit sites to discuss issues with owners and occupiers. There was a sense that decisions were

<sup>590</sup> Hawkins and others (n 124) 59.

<sup>591</sup> Agriculture Industries Confederation, 'The Value of Advice Report' <<https://www.agindustries.org.uk/resource/value-of-advice-project-report.html>> accessed 10 July 2025; Frank Vancly, 'Social Principles for Agricultural Extension to Assist in the Promotion of Natural Resource Management' (2004) 44 Australian Journal of Experimental Agriculture 213; Kirsty Blackstock and others, 'Understanding and Influencing Behaviour Change by Farmers to Improve Water Quality' (2010) 408 The Science of the Total Environment 5631; Emilie Vrain and Andrew Lovett, 'The Roles of Farm Advisors in the Uptake of Measures for the Mitigation of Diffuse Water Pollution' (2016) 54 Land Use Policy 413; David Christian Rose, Connor Keating, and Carol Morris, 'Understand How to Influence Farmers' Decision-Making Behaviour: A Social Science Literature Review' <<https://ahdb.org.uk/knowledge-library/understand-how-to-influence-farmers-decision-making-behaviour>> accessed 11 July 2025.

<sup>592</sup> Carol Morris, 'Negotiating the Boundary between State-Led and Farmer Approaches to Knowing Nature: An Analysis of UK Agri-Environment Schemes' (2006) 37 Geoforum 113; Lee-Ann Sutherland and others, 'Considering the Source: Commercialisation and Trust in Agri-Environmental Information and Advisory Services in England' (2013) 118 Journal of Environmental Management 96.

<sup>593</sup> Kirsty Blackstock and others, 'Good Practice Guide: Influencing Environmental Behaviour Using Advice' (2007) <<https://www.programme3.ac.uk/water/P345GoodPracticeGuide.pdf>> accessed 27 November 2025.

taken together, and that officers were willing to be flexible and tailor advice to the specific needs of the sites and the individuals concerned.

Conversely, we heard from many owners and occupiers that the advice being received from Natural England at the time of the project had significantly reduced in its availability and quality. This was widely attributed to reductions in Natural England's budget and high levels of staff turnover, as outlined in Chapter 3.

A manager of a large area of protected sites told us that, over the past decade, Natural England's advice had mostly disappeared from the farmed landscape. We also heard that owners and occupiers no longer had access to a single point of contact in Natural England. They were instead asked to contact Natural England via a general email address for their local Area Team. Stakeholders reported that a response could then come from any member of a small team of Natural England staff, who some felt were covering too large an area to provide a good service.

A further message was that the human element had been removed from Natural England's advice, and that it now felt like contacting an anonymous call centre. Further, the advice received was broadly characterised as top-down, generic and not tailored to local conditions. Stakeholders saw officers as lacking a detailed knowledge of the local area or of farming, sometimes suggesting actions that were not realistic.

We also heard about concerns of inconsistent approaches by the wider set of authorities operating in an area such as Defra, the Rural Payments Agency, the Environment Agency and Natural England. Stakeholders said there appeared to be no one co-ordinating these bodies and ensuring a joined-up approach.

Owners and occupiers told us that this had left them struggling to understand how to manage their sites, how to access funding to do so, and what legal requirements they needed to comply with. Some said they had lost trust in Natural England's advice. In one case, we were told that they had a fear of speaking to Natural England, and that when staff did visit the site it felt more like an inspection than a conversation to offer advice.

We heard similar points from several organisations.

For example, the Country Land and Business Association said many of its members had expressed concerns that the Natural England officers they interact with had little understanding of farming. It added that this has hampered communication and the ability to find practical solutions.

The Nature Friendly Farming Network said that Natural England does not provide one-to-one bespoke advice and support on management. It said that this had happened in the past, but Natural England no longer had the resources to do this.

The RSPB told us that Natural England staff were covering larger areas and had broader responsibilities than before. It observed that this had made it difficult for officers to know the sites that they cover in the level of detail needed to ensure appropriate management.

The National Trust said that a lack of capacity in Natural England had made it difficult to have the right conversations at the right time to ensure that the Trust understands Natural England's requirements and ambitions and can plan accordingly.

The South Downs National Park Authority told us that dedicated points of contact for SSSI owners and occupiers had been reduced in number or lost entirely. It added that, to

effectively implement the laws, sufficient, long term and dedicated resources are essential to build relationships and trust, and to provide bespoke advice for the particular site.

Similar issues were also identified in an independent review commissioned by Defra of protected site management on Dartmoor. The review concluded that:<sup>594</sup>

‘A key issue is the lack of dedicated resource [Natural England] has been able to deploy on the moor. Until recently there have been one and a half advisers managing the protected sites and the agri-environment agreements on Dartmoor and some other areas (reduced from over a dozen at one stage). This was insufficient to maintain relationships, provide a reasonable level of support and advice to agreement holders and, ultimately, to achieve [Natural England’s] statutory environmental objectives. We understand this resource has recently been increased.

[Natural England’s] local advisers have responded to this situation by becoming increasingly inward-looking and target driven, rather than by reaching out and building effective partnerships. Personal contact has significantly reduced and commoners have unanimously expressed the view to us that trust and communication have broken’.

The number and broad consistency of views expressed by different types of owners and occupiers indicate that this is an area offering significant potential for improvement. We suggest that this should be a priority for Defra and Natural England to consider.

Moreover, despite the views expressed to us, there was also a broad recognition from stakeholders that Natural England officers were doing their best in difficult circumstances. Most owners and occupiers still saw their relationship with Natural England as important. There was a desire to improve this. This provides a platform for improvements. There is also value in knowing that parts of the advice service appeared to work well in the past and, given the necessary resources and approach, could do so again if updated to reflect current challenges faced by protected sites.

### **6.4.2 Improving advice**

To redress the balance, we consider that an important change would be to bring back a more direct, human element to Natural England’s engagement with owners and occupiers. Previous studies have suggested that personal relationships improve the receptiveness and uptake of advice. They also report that farmers are less receptive to advice where they feel they are being told what to do by an external, ‘faceless’ representative.<sup>595</sup> Stakeholders in our project expressed similar views.

This does not mean advice services should necessarily replicate what was done in the past. Multiple owners and occupiers with responsibility for different parts of a single, large protected site told us that they would like to see a common, integrated officer for the whole site. Such a person’s role would be to co-ordinate the activities of the relevant public authorities and their relationships with other owners and occupiers.

We agree. We consider that, to be most effective, the relevant agencies (co-ordinated by Natural England and including others such as the Rural Payments Agency, the Environment Agency and the Forestry Commission) operating in a protected site should

<sup>594</sup> Defra, ‘Independent Review of Protected Site Management on Dartmoor’ (n 531) para 13.3-13.4.

<sup>595</sup> Agriculture Industries Confederation (n 591); Kirsty Blackstock and others (n 593).

work collaboratively to develop and implement an integrated advice service with, ideally, a single point of contact. Natural England need not always provide the advice under such an approach, but it should provide oversight as the lead delivery body for protected sites. Another agency could be the point of contact for advice, or an external officer with suitable expertise could be appointed.

We note that the government's independent review of environmental regulations has also considered issues where different authorities have an interest in the same regulated activities. It notes that: 'Many customers including farmers, developers and those looking to enhance nature need to engage with multiple regulations and regulators to understand how they need to operate'.<sup>596</sup> The review also highlights opportunities to support better co-operation between regulators, including recommending appointing a 'lead regulator' for major projects with multiple regulators.<sup>597</sup>

While large sites with many owners and occupiers are more likely to require dedicated officers, most protected sites are small or medium-sized. In those cases, we suggest that an integrated advice service with a single point of contact for a wider area (covering all similar sites in the area) should be considered.

The approach needs to reflect that small protected sites generally cannot be managed effectively in isolation. Coherent advice and co-ordination should be provided across a landscape or catchment scale to ensure the right management is being adopted on different landholdings, and that this is helping establish an effective ecological network. Area officers could therefore help to promote a more holistic view of their areas. This could include encouraging the adoption of positive management outside protected site boundaries where necessary to address off-site pressures within the wider area.

The efforts of such officers should be linked to and support the implementation of broader spatial strategies. For example, Local Nature Recovery Strategies may provide opportunities to improve advice on protected sites. They could do so by better defining geographical areas for the delivery of advice and bringing advice users and providers together. This could support a better common understanding of what needs to happen and where to improve the condition of protected sites.

We suggest that a crucial role of such officers should be to assist owners and occupiers to identify how they can improve the contribution their land makes to achieving favourable condition, and how to access funding to do so.

The officers should be known to and approachable by owners and occupiers. They should visit their sites with sufficient frequency to provide one-to-one advice and develop positive relationships. Such interaction should entail providing not just advice, but also a constructive discussion so that those who manage the land are listened to and their knowledge considered.

Continuity of advice is also important. The Catchment Sensitive Farming partnership is an advice-led initiative supporting action by farmers to reduce agricultural pollution. Evaluation of this initiative found that it takes around three years to start seeing positive ecological results because of the time needed for officers to develop effective relationships with farmers.<sup>598</sup>

<sup>596</sup> Corry (n 104) 32.

<sup>597</sup> *ibid* 7.

<sup>598</sup> Environment Agency, 'Catchment Sensitive Farming Evaluation Report – Water Quality, Phases 1 to 4 (2006-2018). Natural England Publication' 3, 34 <<https://publications.naturalengland.org.uk/publication/4538826523672576>> accessed 11 July 2025.



In contrast, we heard that, in recent years, officers in Natural England do not usually remain in post for more than two years. This hinders the building of relationships and experience. It also increases resource pressures due to a frequent need to recruit to fill vacancies. We further discuss high staff turnover among other resourcing issues in Chapter 3.

We recognise that the trend over several years has been to reduce the provision of advice to farmers. For example, government has designed the SFI to not generally require specialist advice, with actions meant to be straightforward for farmers to carry out.<sup>599</sup> This is intended to allow resources to be used for a small number of targeted, complex agreements.

In our assessment, however, the reduced advice service that has been offered in recent years is not effective for protected sites. These sites contain the nation's most important areas of habitat and support populations of many of its most endangered species. To be effective, they often require management tailored to the specific features and condition of the site, entailing additional requirements for owners and occupiers. We suggest this requires an enhanced advice provision, compared to the wider landscape, if protected sites are to be protected and improved as intended.

Many sites, especially large sites with multiple owners and occupiers, are also likely to benefit from the formation of 'farmer clusters'.<sup>600</sup> For example, farmer clusters have been reported to have contributed to improving Martin and Tidpit Downs SSSI, the third-largest area of chalk grassland in England.<sup>601</sup>

We saw the benefits that come from a farmer cluster during a visit in 2024 to the Pevensey Levels SSSI and SAC as part of this project. The cluster at this site has helped farmers secure higher-tier agri-environment scheme agreements. It did this through creating a support network to assist farmers in a variety of areas, such as assessing which agri-environment schemes are available and appropriate, pooling local knowledge and experience, and exchanging information about management actions. Despite this, we heard that the funding for this farmer cluster was due to end the following year.

599 Office for Environmental Protection, 'Progress in Improving the Natural Environment in England 2023/2024' (n 139) 206.

600 Game and Wildlife Conservation Trust, 'Farmer Clusters' <[www.farmerclusters.com/](http://www.farmerclusters.com/)> accessed 19 October 2025.

601 Sarah Warrener, 'Farmer Clusters - Working Together to Achieve More. Natural England Blog.' (2017) <<https://naturalengland.blog.gov.uk/2017/03/21/farmer-clusters-working-together-to-achieve-more/>> accessed 19 October 2025.

**Photo 6. Cattle in the Pevensey Levels Farmer Cluster, Sussex**



Photo Credit: Martin Hole

The government's Countryside Stewardship Facilitation Fund has provided funding for farming group facilitators.<sup>602</sup> A report on the implementation of this fund found that agri-environment schemes on participating farms should lead to more positive environmental outcomes than on non-participating farms. It also found that the fund achieved a range of social capital benefits including 'improving trust, communication and land manager confidence in working together to deliver shared environmental outcomes specific to their area'.<sup>603</sup> However, this fund has now permanently closed to new applicants.<sup>604</sup>

Therefore, alongside improving advice for owners and occupiers of protected sites, we consider that government should consider how best to support and fund existing farmer clusters on and around protected sites. Where appropriate, it should also enable the establishment and operation of new farmer clusters in these areas.

602 Rural Payments Agency, 'Facilitation Fund: Countryside Stewardship' <[www.gov.uk/government/publications/facilitation-fund-2024-countryside-stewardship](https://www.gov.uk/government/publications/facilitation-fund-2024-countryside-stewardship)> accessed 11 July 2025.

603 Naomi Jones and others, 'Countryside Stewardship Facilitation Fund Phase 2 Evaluation. Final Report, March 2020' 7 <<https://randd.defra.gov.uk/ProjectDetails?ProjectID=20130&FromSearch=Y&Publisher=1&SearchText=LM0479&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>> accessed 11 July 2025.

604 Rural Payments Agency (n 602).

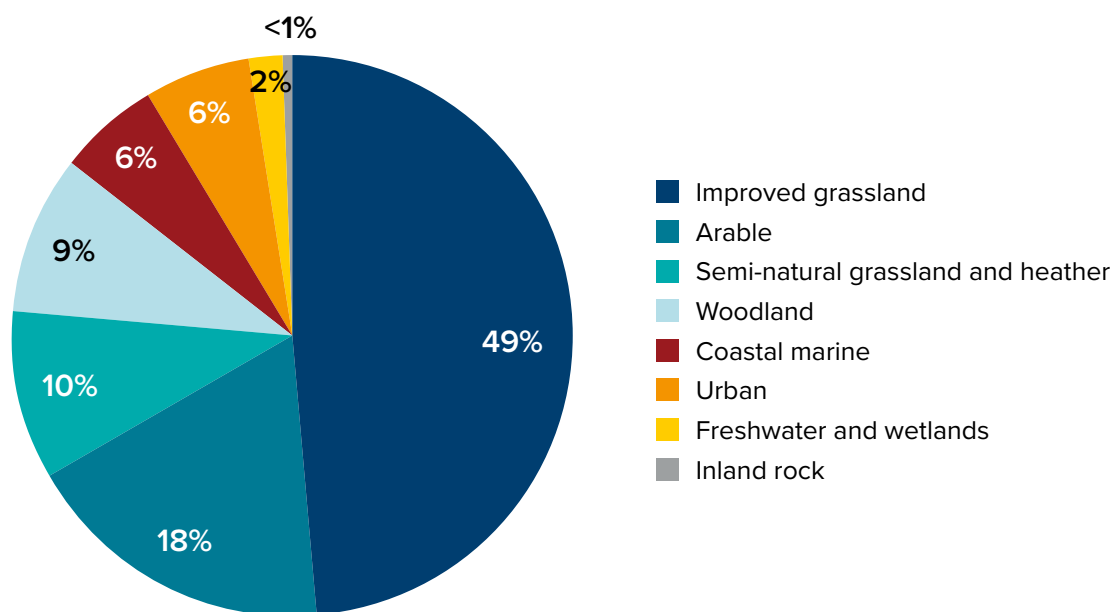
We note that Defra pointed to ‘peer to peer collaboration’ as a crucial lever (alongside others such as agri-environment schemes, advice and improved regulation) to ‘get nature-friendly farming right’ in its response to our report on EIP progress from 2023 to 2024.<sup>605</sup>

## 6.5 Addressing off-site pressures

As noted in Chapter 2, protected sites are affected by a range of off-site pressures that may be outside the control of their owners and occupiers. Natural England has stated that more than a quarter of SSSIs are affected by such off-site pressures.<sup>606</sup>

Many of these pressures arise from the way that land surrounding protected sites is managed. For example, some intensive agricultural activities can harm sites through the air and water pollution they generate. It may also be difficult for a small, isolated protected site to support sustainable species populations and contribute to a wider ecological network if it is surrounded by intensively managed farmland.

Our analysis shows that agricultural land accounts for the largest land cover type surrounding protected sites (Figure 6.1). Around two-thirds of SSSIs are surrounded by improved grassland and arable land.



**Figure 6.1. Relative importance of land cover types within 500 metres of SSSIs in England in 2023<sup>607</sup>**

The management of agricultural land surrounding protected sites will, to a significant extent, affect whether the site can achieve favourable condition. The entry of this land into appropriate agri-environment schemes could, therefore, substantially reduce off-site pressures on protected sites.

605 Defra, ‘Government Response to January 2025 Office for Environmental Protection (OEP) Report on EIP Progress from 2023 to 2024’ <[www.gov.uk/government/publications/government-response-to-the-oep-report-environmental-improvement-plan-progress-from-2023-to-2024/government-response-to-january-2025-office-for-environmental-protection-oep-report-on-eip-progress-from-2023-to-2024#the-government-response-to-the-oeps-recommendations](https://www.gov.uk/government/publications/government-response-to-the-oep-report-environmental-improvement-plan-progress-from-2023-to-2024/government-response-to-january-2025-office-for-environmental-protection-oep-report-on-eip-progress-from-2023-to-2024#the-government-response-to-the-oeps-recommendations)> accessed 22 October 2025.

606 Natural England, ‘Evidence to the Environment and Climate Change Committee on Protected Areas (PAE0008)’ <<https://committees.parliament.uk/work/7322/protected-areas/publications/written-evidence/>> accessed 8 July 2025.

607 Based upon R.D. Morton and others, ‘Land Cover Map 2023 (Land Parcels, GB). NERC EDS Environmental Information Data Centre’ <<https://doi.org/10.5285/50b344eb-8343-423b-8b2f-0e9800e34bbd>> accessed 12 November 2025.

However, the percentage of land surrounding protected sites that is managed under agri-environment schemes is unknown. We suggest that Defra should address this knowledge gap so that progress in increasing uptake can be assessed. While we outline reservations about the SFI above in the context of protected sites, we also note that it is being reformed and suggest it should play a major role in managing off-site pressures through the large scale uptake of environmental improvements in the agricultural land that surrounds protected sites.

It will also be important to deliver positive management at the appropriate scale to address off-site pressures. To be effective, several widespread issues need to be considered at a much broader scale than at the site level. This applies to pressures such as climate change, air and water pollution, deer management and grazing (both under- and over-grazing). These will require a co-ordinated approach across different owners and occupiers, regulatory bodies and funders. We review the governance arrangements to support this in Chapter 2.



## 7. Regulatory tools and enforcement

## 7. Regulatory tools and enforcement

### Overview

Regulatory tools are concerned with what must, what may and what may not be done on protected sites. In this chapter we explore how the use and implementation of these tools can help achieve the law's purpose and intended outcomes. We also analyse factors that contribute to effective enforcement of protected site legislation.

We first look at the legal regime that regulates activities on SSSIs. This makes certain activities subject to consent (or in the case of public bodies, 'assent') before they may be undertaken. We also look at Natural England's powers to formulate management schemes for protected sites, and to serve notices on owners and occupiers to achieve positive management. Finally, we consider the monitoring of compliance with, and enforcement of, the legislation.

We found that:

- Some consents that were granted before legislative reforms came into effect in 2001 might, if exercised, allow damage or deterioration to protected sites. However, legislation requires compensation to be paid where they are modified or withdrawn. Indicative estimates by Natural England suggest this could extend to millions of pounds in individual cases. Limited progress has been made in identifying or addressing such consents.
- Better access to advice and support from Natural England officers (which we discuss in Chapter 6) could also help owners and occupiers comply with consenting requirements.
- The statutory tools for Natural England to formulate management schemes for protected sites, and to serve notices on owners and occupiers to achieve positive management, have rarely been used. In part, this is because of a requirement for Natural England to make alternative offers of voluntary agreements before serving management notices.
- We heard from Natural England that its budget was insufficient for making such offers. Moreover, Defra guidance appears to go further and implies that Natural England should meet all the costs of implementing a management scheme.
- Natural England sets out a broadly proportionate intended approach to enforcement. However, we consider that Natural England should proactively monitor compliance in order to improve its ability to ensure the law is implemented effectively. While recorded levels of enforcement action appear low, it is hard to assess whether enforcement is at the right level because of the absence of proactive monitoring.

To address these issues, we recommend that:

**Recommendation 13:** Natural England should identify legacy consents which may allow SSSIs to be damaged and seek to withdraw or modify them. To enable this, Defra should consider proposing legislation that would, if passed by Parliament, amend section 28M(1) of the Wildlife and Countryside Act 1981 to allow Natural England to modify or withdraw such consents to prevent such damage, without making a payment to owners or occupiers.



**Recommendation 14:** Natural England should be able to issue management schemes and notices where necessary to conserve or restore a protected site. We recommend that Defra take action to:

- (a) Enable Natural England to offer agreements on reasonable terms before issuing management notices as required by section 28K of the Wildlife and Countryside Act 1981.
- (b) Remove the expectation in the 2003 statutory guidance that Natural England should cover the full cost of positive management required by a management scheme. This could be achieved when preparing new guidance under the Wildlife and Countryside Act 1981 as suggested in Recommendation 3.

**Recommendation 15:** Monitoring and enforcement need to be sufficient to ensure compliance with protected site laws. We recommend that:

- (a) Natural England should undertake proactive, risk-based monitoring of compliance by owners, occupiers and other parties with protected site laws. It should determine how best to use new technologies to support such activity.
- (b) Natural England should review its levels of enforcement activity, including in the light of such compliance monitoring, to ensure they are adequate to effectively apply the regime and achieve the intended environmental outcomes.

## 7.1 Introduction

In this chapter, we look at the regulatory tools to manage activities that must, may or may not be done on or adjacent to protected sites. By regulatory tools, we mean the powers and duties in legislation that regulators such as Natural England can use to deliver a particular outcome.

The regulation of activities on or near protected sites is largely provided for by the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and by the Habitats Regulations. The Wildlife and Countryside Act regulates activities on SSSIs, while the Habitats Regulations contain additional regulatory powers relating to SACs and SPAs.

This chapter considers three parts of the regulatory framework for protected sites: consenting and assenting of operations; mandating appropriate management; and monitoring and enforcement of compliance with protected site laws.

## 7.2 Consenting and assenting of operations

### 7.2.1 The legal context

The development of robust legal provisions to prevent harmful activities on protected sites took time. Before the Wildlife and Countryside Act, the emphasis in the legislation was on identifying, rather than protecting, important wildlife sites. This did little to stop these sites being lost or damaged during the second half of the 20th century.<sup>608</sup>

<sup>608</sup> Professor Sir John Lawton (n 110) 46.

The introduction of the Wildlife and Countryside Act was a step forward. When it was first enacted, however, it gave Natural England's predecessor bodies (initially the Nature Conservancy Council) little power to prohibit owners and occupiers from carrying out damaging activities on protected sites.

As long as an owner or occupier notified the Nature Conservancy Council of their proposal to carry out an operation likely to damage the features of a SSSI, they could proceed with such operations after waiting for a period of three months, even in the absence of consent. In one case, a judge commented that 'the [Wildlife and Countryside Act] does no more in the great majority of cases than give the [Nature Conservancy] Council a breathing space within which to apply moral pressure, with a view to persuading the owner or occupier to make a voluntary agreement'.<sup>609</sup>

The regulatory system to protect SSSIs from damaging operations was strengthened through amendments made to the Wildlife and Countryside Act 1981 by the Countryside and Rights of Way Act 2000. These amendments increased regulatory control over the activities that could be undertaken on SSSIs. They also added to the suite of tools that English Nature (which had taken on the previous role of the Nature Conservancy Council), and later Natural England, could call upon to encourage and mandate appropriate management. We discuss this further in Section 7.3. One author commented that, after 2000, 'for the first time in their half-century existence, Sites of Special Scientific Interest have become protected sites'.<sup>610</sup>

A review of England's wildlife and ecological network noted that, by 2010, sites designated as SACs, SPAs or SSSIs received a high degree of protection.<sup>611</sup> As explained below, a major practical implication of a site being a SSSI is that certain operations cannot be undertaken unless they are consented.

Under the Wildlife and Countryside Act as amended, an owner or occupier of land included in a SSSI may not carry out (or cause or permit to be carried out) any operation specified in that SSSI's notification unless they have Natural England's written consent, or are doing so in accordance with a management agreement or management scheme or notice.<sup>612</sup> Operations so specified are referred to as 'operations requiring Natural England's consent' (ORNECs).<sup>613</sup> Subject to some exceptions, it is a criminal offence to undertake ORNECs without Natural England's consent.<sup>614</sup>

The regime differs for entities with public functions. Ministers, public bodies and statutory undertakers (which are defined in the Act as 'section 28G authorities') have a general statutory duty to 'take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of' the notified interest features of SSSIs.<sup>615</sup>

In addition, section 28G authorities must give notice to Natural England before carrying out operations likely to damage the notified interest features of SSSIs.<sup>616</sup> This applies even if the operations are to take place outside the SSSI boundary.<sup>617</sup> If Natural England does not assent to the proposed operations, or if the section 28G authority proposes to carry out the

609 *Southern Water Authority v Nature Conservancy Council* [1992] 1 W.L.R. 775, Lord Mustill [778].

610 Peter Marren (n 541) 102.

611 Professor Sir John Lawton (n 110).

612 Section 28E, Wildlife and Countryside Act 1981.

613 These were referred to in the past as "Operations Likely to Damage" or the "OLD List".

614 Section 28P, Wildlife and Countryside Act 1981.

615 Section 28G, Wildlife and Countryside Act 1981.

616 Section 28H, Wildlife and Countryside Act 1981.

617 Section 28H(2), Wildlife and Countryside Act 1981.

operations otherwise than in accordance with the terms of Natural England's assent, the section 28G authority must comply with all of the following conditions:

- waiting 28 days from the date of their notice to Natural England informing it of the operations, and then giving Natural England at least 28 days' further notice of the proposed start date
- explaining how (if at all) it has taken account of any written advice from Natural England
- carrying out the operations in such a way as to give rise to as little damage to the notified interest features of the SSSI as is reasonably practicable in all the circumstances
- if any damage to the notified interest features of the SSSI occurs, restoring the site to its former condition, as far as reasonably practicable.<sup>618</sup>

The legislation also covers the situation where the permission of a section 28G authority is needed before operations by another party may be carried out, and those operations are likely to damage the notified interest features of a SSSI. In this case, the authority must notify Natural England, wait 28 days and take into account any advice from Natural England when making its decision.<sup>619</sup> Again, this requirement applies even if the operations would not take place on land included in a SSSI.<sup>620</sup>

Natural England may advise against permitting the operations, or that they should only be carried out subject to conditions. If it does so, the section 28G authority does not have to follow that advice, provided that it gives notice to Natural England and complies with certain requirements. Those requirements include giving a statement of how (if at all) the authority has taken account of Natural England's advice, and not granting permission which would allow the operations to start within 21 days from the date of that notice.<sup>621</sup>

Much of this chapter considers the implementation of regulatory tools in the Wildlife and Countryside Act in respect of SSSIs. Almost all SACs and SPAs on land are also underpinned by SSSI designations. As such, the requirements for consent or assent in relation to SSSIs will apply to land within SACs and SPAs that has been underpinned with a SSSI designation. However, the features for which SACs and SPAs are designated are not always or automatically the same as the notified interest features of SSSIs.

Additional protection applies where an operation proposed by the owner or occupier of a SSSI (other than a section 28G authority) is or forms part of a plan or project which is likely to have a significant effect on an SAC or SPA. In this case, provided the proposed operation is not directly connected with or necessary to the management of that site, Natural England must make an 'appropriate assessment' of the implications for the site's conservation objectives.<sup>622</sup> Natural England can then only give consent for the operation if it determines that the plan or project will not 'adversely affect the integrity of the site'.<sup>623</sup>

While the regime under the Habitats Regulations is clearly relevant to Natural England's consenting of operations on SSSIs, we have not looked in detail at assessments under

618 Section 28H(4)-(6), Wildlife and Countryside Act 1981.

619 Section 28I, Wildlife and Countryside Act 1981.

620 Section 28I(3), Wildlife and Countryside Act 1981.

621 Section 28I(6), Wildlife and Countryside Act 1981.

622 Regulation 24(1), Habitats Regulations.

623 Regulation 24(2), Habitats Regulations.

the Habitats Regulations in this report. This is because we reviewed Habitats Regulations Assessments in our separate report on environmental assessment regimes.<sup>624</sup>

Under the Habitats Regulations, the Secretary of State also has a power to make ‘Special Nature Conservation Orders’ (SNCOs).<sup>625</sup> These specify operations which would be likely to destroy or damage protected features of SACs or SPAs. The Secretary of State must consult Natural England when they do this. Once an SNCO is in force, a stop notice can be served on a person carrying out or proposing to carry out an operation specified in the SNCO which appears likely to destroy or damage protected features. That person then must not carry out any operation specified in the SNCO without the written consent of Natural England or in accordance with a management agreement.<sup>626</sup>

## **7.2.2 Effectiveness of the SSSI consenting and assenting regimes**

The SSSI consenting and assenting regimes exist to stop protected sites’ habitats and species features being damaged or lost. We have looked at how well these laws have been implemented in practice. In doing so, we have identified three areas where we consider that there are opportunities for improvement. These are: firstly, Natural England’s advice and guidance for owners and occupiers; secondly, flexibility in the consenting and appropriate assessment processes; and thirdly the existence of legacy consents granted decades ago that allow for enduring harmful practices.

### **Advice and guidance**

Natural England’s operational standard on SSSI regulation<sup>627</sup> explains how to apply for consent or assent, and how Natural England assesses and determines such applications. Our view is that this standard is broadly comprehensive. However, we consider that closer engagement with Natural England could help owners and occupiers better navigate the consenting regime in particular circumstances. We discuss the potential benefits of increased and more direct advice and guidance from Natural England in Chapter 6.

### **Flexibility**

As part of our engagement with stakeholders, several called for greater flexibility from Natural England. This was also raised in government’s independent review of environmental regulations in relation to protected sites and more broadly. The review noted that it had received comments that there were ‘problems relating to the fixed nature of SSSI designations and an inability to respond to changes i.e. the selected species moving to a different landscape’.<sup>628</sup> More broadly, the review suggested that there should be a more permissive approach to enabling innovative actions which support nature recovery, instead of preserving the status quo of a site or species.<sup>629</sup> It also called for trusted nature conservation and environmental partners and other organisations with good track records to have greater autonomy, enabling them to move fast on restoring nature without having to apply to regulators for multiple permissions.<sup>630</sup>

624 Office for Environmental Protection, ‘A Review of the Implementation of Environmental Assessment Regimes in England’ (n 10).

625 Regulation 27, Habitats Regulations.

626 Regulation 28, Habitats Regulations.

627 Natural England, ‘Natural England Standard’ (n 354).

628 Corry (n 104) 33.

629 *ibid* 29.

630 *ibid* 9.

In particular, some stakeholders that we spoke to were of the view that the current consenting or Habitats Regulations Assessment regimes may impede activities which are intended to support nature recovery.

For example, the National Trust told us that a ‘Dynamic Dunescapes’ project was slowed considerably by the need for an appropriate assessment, despite the project seeking to improve the condition of SAC sites. The National Trust stated that:

‘the way that the regulation is currently implemented can cause frustration and does not always create the best outcomes for nature because decision-makers are not adequately supported or qualified to use their professional judgement when applying legislation. We have experienced this on our own sites. For example our Dynamic Dunescapes project, which secured financial (EU) support to improve the condition of key SAC sites in England and Wales, could not take advantage of the derogation that it was work ‘necessary for the management of the site’ and was therefore required to undertake a costly Habitats Regulations Assessment despite the project seeking to improve the condition of the SAC sites and being necessary for the management of the sites. More confident use of the regulation by the statutory agencies would have facilitated quicker delivery of improvements for nature and one less application adding strain to the system’.

The Forestry Commission also referred to instances where constraints on certain activities (such as track construction and maintenance to enable access to woodland sites) prevented essential coppicing work which was designed to enhance biodiversity.

Some stakeholders thought that the feature-based system promoted by protected site legislation may hinder the consenting of nature recovery projects, where these projects may have an effect on designated features. There is in some cases, they suggested, a disconnect between the criteria for which sites were designated and what is now considered to be relevant for a site’s biodiversity, taking account of broader factors.

For example, the Dartmoor National Park Authority said that: ‘the majority of sites on Dartmoor were designated decades ago, based on criteria which may no longer be relevant or useful to address current issues of biodiversity decline, climate warming, landscape scale nature recovery and other factors’.

Conversely, other stakeholders were opposed to, or expressed caution about, a move away from a feature-based approach. For example, the RSPB thought that: ‘there may be potential to develop future mechanisms that provide for more adaptive management and flexibility in a way that will not have an overall detrimental effect on species and habitats’ but that this would require ‘careful, evidence-based and detailed consideration’.

Natural England indicated to us that it recognises the tension between feature-based conservation and the need to enable broader ‘natural systems’ to function well. It told us that it is engaged in a project to assess the current and possible future effects of climate change on SSSIs, and whether to respond by resisting, adapting to, or directing these changes.<sup>631</sup>

In its SSSI Improvement Plan (updated July 2023), Natural England states that it will ‘identify any SSSIs where managing the site for the notified features would affect our wider ambitions for nature’s recovery or would make little environmental sense’. Simultaneously,

631 See for example: Natural England, ‘Amberley Wild Brooks SSSI Climate Change Vulnerability Assessment and Adaptation Planning Report (NECR504)’ (2023) <<https://publications.naturalengland.org.uk/publication/5011263307120640>> accessed 7 October 2025.

however, it recognises that it ‘has a legal duty to conserve and enhance SSSIs for the features for which they were notified’.

We consider that allowing the notified features of some sites to change, for example by restoring the natural functioning of a site, or by enabling it to change in response to climate change, is an issue which merits further attention. We recognise the concerns about the feature-driven nature of the current regime, which may sometimes appear to operate at odds with wider biodiversity objectives. We note that Natural England has made proposals for how this could be addressed.<sup>632</sup> Any fundamental change of approach would require a change in the law and careful consideration to avoid overall negative effects on species and habitats. We also explore this issue in Chapter 4 (see Box 4.1).

## Legacy consents

As explained above, prior to the changes made to the Wildlife and Countryside Act, Natural England’s predecessors had limited powers concerning damaging activities on protected sites. The legislation had limitations in respect of the powers for the regulator to refuse, attach conditions to or impose a time limit on a consent. It was based on the premise that, once informed of an owner’s or occupier’s intention to carry out a potentially damaging activity, the regulator would attempt to negotiate compensation for profits foregone by not carrying out such activities, or enter into negotiations to purchase the site on behalf of the public.

Some of the SSSI consents issued by Natural England’s predecessors prior to legislative reform in 2001 were not time-limited or made subject to conditions. The result is that consents continue to be valid today that do not, as explained in the 2022 Nature Recovery Green Paper, ‘reflect current scientific knowledge and available evidence, take into account the effects of climate change or align with modern regulatory standards’. The Green Paper added that ‘many SSSI consents issued in the past by Natural England’s predecessor bodies permitting certain land management activities might, if exercised, cause damage or deterioration to some protected sites’.<sup>633</sup>

Natural England told us that it collected data on this topic as part of its ‘Legacy Consents Project’. This was established in 2020 and sought to identify and catalogue all consents, assents and notices relating to SSSIs. Part of the ambition was to identify consents allowing potentially damaging activities. However, as a result of the need to find savings within a wider programme of works, Natural England told us that funds were reallocated away from the Legacy Consents Project and data were collected only in respect of 324 (7.9%) out of 4,121 SSSIs.

While this project raised awareness of the need to check for legacy SSSI consents before issuing new ones, therefore, it did not go as far as had been intended in identifying which legacy consents were likely to be allowing activities contributing most significantly to poor protected site condition. Natural England told us that its SSSI condition assessment data should identify on a case-by-case basis where the cause of unfavourable SSSI condition may be an active legacy consent. However, the full extent of the damage to SSSI features that is being or could be caused by practices consented on protected sites prior to 2001 has not been ascertained.

632 Natural England, ‘Response to Defra’s Nature Recovery Green Paper (Unpublished)’ (n 106) 4–5.

633 Defra, ‘Nature Recovery Green Paper: Protected Sites and Species’ (2022) <<https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/>> accessed 13 August 2024.

Despite these limitations, Natural England told us that the Legacy Consents Project made several findings. Based on the limited data the project generated before it closed, it was extrapolated that more than 100,000 consents could have been granted since 1981, an estimated 40% of which could have been given prior to the 2001 reforms and therefore could still be active. This number was likely to have been refined if the project had continued, but it was closed in 2022. There is therefore a potentially large, though currently unknown, number of legacy consents that may be allowing activities which could damage SSSI features.

While Natural England has said that ‘most of these consents are not currently being exercised by SSSI consent holders’, it has also cautioned that ‘those that remain extant could still be lawfully exercised and, depending on their content, could pose an ever-present risk to the integrity of SSSIs and their notified features’.<sup>634</sup>

Targeted searches carried out by Natural England identified a number of legacy consents of particular concern. For example, one search identified 78 live legacy consents relating to the release of gamebirds on SSSIs. This work only identified and catalogued consents for potentially harmful activities. It did not assess whether any harm was already occurring to SSSI features due to their exercise or could so occur.

We asked Natural England for examples of specific legacy SSSI consents. We were shown documents that provide consent for carrying out, over an indefinite period, activities such as the maintenance of current levels of summer grazing by sheep, the application of fertiliser and the release of pheasants. Natural England told us that it had not formed a view as to whether these consents, which were issued more than 40 years ago, should be modified or withdrawn.

Legacy consents are also an administrative and practical challenge for Natural England when it comes to it consenting proposed new activities on SSSIs. This is because Natural England must take legacy consents into account in the assessment of these new activities and will, therefore, be constrained in the extent to which it can consent new activities or proposals.

The continuing issue of legacy SSSI consents can in part be explained by the fact that there is no mechanism in law for Natural England to withdraw or modify them without offering compensation. Under the Wildlife and Countryside Act, Natural England may withdraw or modify consents, but in doing so it is obliged to make a payment to any owner or occupier of land who suffers loss because of this.<sup>635</sup> An owner or occupier can also appeal to the Secretary of State, who can decide that a hearing or local inquiry is to be carried out.<sup>636</sup>

There has been no comprehensive assessment of the cost of compensation for the withdrawal or modification of legacy consents. However, some indicative estimates have been made by Natural England. It has suggested that these could extend to millions of pounds in individual cases.

Natural England also told us that, in 2022/23, some 5% of its Grant in Aid Budget was allocated in connection with its protected sites responsibilities, amounting to just under £13 million. The cost to Natural England of reviewing and modifying or withdrawing legacy consents could, therefore, be significant relative to its total budget for protected sites.

634 Natural England, ‘Response to Defra’s Nature Recovery Green Paper (Unpublished)’ (n 106).

635 Section 28M, Wildlife and Countryside Act 1981.

636 Section 28F, Wildlife and Countryside Act 1981.



It is also apparent from the discussion above that Natural England lacks complete data on the number and status of legacy consents, and evidence about the full extent to which these allow activities that may be harmful to protected sites. Without visibility over which consents are in place and the effect of activities on SSSI features, or the resources to assess this, Natural England cannot reasonably be expected to identify and deal with a large number of legacy consents for activities posing a threat to protected site condition.

Natural England's Legacy Consents Project was, in our view, an important initiative that was stopped owing to resource constraints before it could reach its intended conclusion. We consider that, subject to the necessary resources being made available, Natural England should resume this initiative in such a way as to identify which legacy consents allow activities that may be significant contributors to poor site condition. It should also prioritise the modification or withdrawal of these consents where practical. This should contribute towards meeting protected site and other biodiversity targets and commitments.

Before any attempts are made to modify or withdraw such legacy consents, however, we suggest that government should also consider reforming the legislation to address the issue of compensation. Our view is that costly compensation payments should not be a barrier to withdrawing consents which, in Natural England's reasonable assessment, are causing, or could cause, damage to a protected site. We consider that the current provisions for such compensation sit uncomfortably with the polluter pays principle.

We also note that this may be considered as an example of a wider problem highlighted in government's independent review of environmental regulations. This has called for regulators to be given more discretion and flexibility to decide how to best achieve the outcomes most needed in a local place.<sup>637</sup> Removing the requirement for making compensation payments in such cases would increase Natural England's flexibility to deliver the most appropriate local outcomes.

There is a precedent for such reform. Water abstraction licences provide another example of where legacy permissions issued without a time limit previously have been recognised as causing environmental problems. However, in this case the right to compensation has been restricted under the Water Act 2003.<sup>638</sup> This enabled water abstraction licences to be varied or revoked without compensation where the Secretary of State was satisfied that it was necessary to protect water resources or any flora or fauna dependent on them from serious damage. The principle has more recently been extended by the Environment Act 2021, which broadens the grounds for varying or revoking abstraction licences without compensation and reduces the harm threshold to 'damage' rather than 'serious damage'.<sup>639</sup>

### **7.3 Regulatory tools to mandate positive management in protected sites**

The consenting and assenting regime is crucial to protecting sites against damaging operations. However, this regime is neither designed for, nor does it enable, the positive management of protected sites. Such management is required because many of the features for which these sites are designated can only thrive under specific, and sometimes human-made or influenced, conditions. For example, grasslands often require seasonal grazing or cutting to prevent their succession to scrub and woodland.

<sup>637</sup> Corry (n 104) 5–8, 21.

<sup>638</sup> Section 27, Water Act 2003.

<sup>639</sup> Section 88, Environment Act 2021.

In its response to Defra's Nature Recovery Green Paper, Natural England pointed to poor management of protected sites as a major factor in the deterioration of their condition. It said that 'when the adverse condition reasons are categorised into those that derive from inappropriate management, pollution or other reasons, the data show that inappropriate management was the reason given for three quarters (76%) of SSSIs being in unfavourable condition'.<sup>640</sup>

Securing positive management of protected sites can be achieved in a number of ways. As detailed in Chapter 6, for example, financial incentives and advice can encourage owners and occupiers to manage sites to maintain or restore them to favourable condition.

Regulatory tools have also been developed to ensure that appropriate management practices can be imposed where incentives and advice do not deliver the management a site requires. The Wildlife and Countryside Act enables Natural England to formulate management schemes for conserving or restoring the flora, fauna or geological or physiographical features by reason of which land is of special interest. Natural England must consult the owners and occupiers of the land before serving notice of such a scheme.<sup>641</sup>

If the owners or occupiers do not comply with the provisions of a management scheme, and if, as a result, any of the SSSI features are being inadequately conserved or restored, Natural England may serve a management notice.<sup>642</sup> It may do so only if satisfied that it cannot conclude a voluntary agreement, on reasonable terms, for the land to be managed in accordance with the management scheme.

A management notice requires an owner or occupier to carry out certain works or do other things to ensure the land is managed in accordance with the management scheme. Failing to comply with a management notice without reasonable excuse is an offence punishable by a fine.<sup>643</sup> In addition, Natural England can enter the land to carry out the required actions and recover the costs of doing so from the owner or occupier.<sup>644</sup>

The availability of such mandatory management tools was made possible by the changes made to the Wildlife and Countryside Act 1981 by the Countryside and Rights of Way Act 2000.<sup>645</sup> Prior to this, Natural England could not compel management of the kind that conserves or restores the features of SSSIs.

Defra's 2003 Code of Guidance states that 'lack of appropriate management is widely recognised as the commonest cause of deterioration in the special interest [of SSSIs]'.<sup>646</sup> It also sets out how it expects management schemes would be used:

'Management schemes will provide owners/occupiers with a more detailed statement of measures required for positive management of the land. Not all sites will need one, but there will be a presumption that all SSSIs with more complex management and/or ownership issues will have such a scheme, or will have other arrangements in place which define the management needed... It should be a valuable means of making sure that SSSIs are in 'favourable condition'.<sup>647</sup>

640 Natural England, 'Response to Defra's Nature Recovery Green Paper (Unpublished)' (n 106).

641 Section 28J, Wildlife and Countryside Act 1981.

642 Section 28K, Wildlife and Countryside Act 1981.

643 Section 28P(8), Wildlife and Countryside Act 1981.

644 Section 28K(7), Wildlife and Countryside Act 1981.

645 Section 75 and Schedule 9, Countryside and Rights of Way Act 2000.

646 Defra, 'Sites of Special Scientific Interest: Encouraging Positive Partnerships, Code of Guidance' (n 246) para 25.

647 *ibid* 7.

Natural England told us that it had served notice of 12 proposed management schemes from 2004 to 2024, one of which was withdrawn before it was confirmed.

A 2008 report by the National Audit Office<sup>648</sup> found that Natural England had not sufficiently used its powers to enforce positive management practices on owners or occupiers. It noted that ‘Natural England has not yet exercised its powers to enforce positive management practices on landowners/occupiers who persistently refuse to manage land in a way that safeguards the interest of the site’, adding that:

‘Natural England has used its statutory powers to deal with damage to sites, but only once taken steps to enforce positive management practices by landowners/occupiers. Natural England should use its enforcement powers within a reasonable timescale where landowners/occupiers persistently refuse to manage land in a way which conserves the SSSI’.

In 2009, the House of Commons Public Accounts Committee took oral evidence from Natural England, notably on its limited use of powers to compel management practices on SSSIs. In its response, Natural England emphasised the distinction between ‘reactive enforcement action’ (in response to wilful damage on a site), and ‘proactive regulation’ (which imposes certain ongoing management practices on owner and occupiers).<sup>649</sup> In contrast to the 700 reactive enforcement actions in the five years to 2009,<sup>650</sup> Natural England had only once used its powers of proactive regulation, in the form of a management scheme.

The Public Accounts Committee concluded that Natural England had failed to use its powers adequately to take action against owners and occupiers who ‘persistently refuse to manage land in a way which conserves the SSSI, allowing negotiations to become protracted at a financial and conservation cost’.<sup>651</sup>

Natural England made some use of its power to issue management schemes after the National Audit Office and Public Accounts Committee reports in 2008 and 2009. However, their use was never as widespread as Defra had envisaged in its 2003 Code. For example, Natural England told us that one management scheme was issued in 2015 and another in 2024, but there were none in the intervening period. Over the years from 2009-10 to 2012-13, Natural England took 397 reactive enforcement actions<sup>652</sup> but issued only eight management schemes.

Natural England also told us that it had not served any management notices.

The EIP states that restoring protected sites will involve ‘using powers in existing legislation appropriately to support more effective management of protected sites’.<sup>653</sup> However, as set out above, this does not yet seem to have been borne out in respect of management schemes and notices. There appear to be several reasons for this.

First is the preference expressed by Natural England and Defra for using voluntary tools over mandatory measures. As well as recognising that inappropriate management

648 National Audit Office, ‘Natural England’s Role in Improving Sites of Special Scientific Interest’ (n 286) 5.

649 House of Commons Public Accounts Committee, ‘DEFRA: Natural England’s Role in Improving Sites of Special Scientific Interest’ (2009) <[www.publications.parliament.uk/pa/cm200809/cmselect/cmpubacc/244/24403.htm](http://www.publications.parliament.uk/pa/cm200809/cmselect/cmpubacc/244/24403.htm)> accessed 22 August 2024.

650 *ibid*.

651 *ibid*.

652 Natural England, ‘Annual Report on Natural England’s Enforcement Activity 1 April 2012 to 31 March 2013’ (2014) fig 1.1 <<https://assets.publishing.service.gov.uk/media/5a7e29b0e5274a2e8ab463e5/enforcement-annual-report-2012-13.pdf>> accessed 16 September 2024.

653 Defra, ‘Environmental Improvement Plan 2023.’ (n 3) 46.

causes deterioration of SSSI features, Defra's 2003 guidance also states that: 'Positive management is most likely to be secured with the active co-operation of land managers'.<sup>654</sup>

This was echoed in our discussions with Natural England. We were told that, when deciding whether to impose mandatory measures, Natural England gave significant consideration to the prospects of reaching a voluntary agreement with the owner or occupier. Natural England also said that mandatory measures will only be considered if the voluntary approach has either failed or is not feasible or appropriate.

Natural England told us that there is no internal guidance setting out how long efforts to secure voluntary agreements should persist before considering mandatory measures. This differs from the approach recommended by the Public Accounts Committee in 2009, which was that:

'Senior management in Natural England should monitor the action taken to reach agreement on the management of SSSI sites with landowners/ occupiers on an exception basis, based on elapsed time against an internally established benchmark. Natural England should pilot the use of a specialist team to enforce the body's powers where negotiations exceed the benchmark'.<sup>655</sup>

The second reason for Natural England's limited use of powers to issue management schemes and notices relates to government guidance and funding for Natural England to make 'reasonable offers'. In its response to Defra's Nature Recovery Green Paper, Natural England stated that:

'Statutory Management Notices and Management Schemes are intended to address the issue of the lack of appropriate management, which is the reason for so many protected sites being in poor condition. However, the guidance on how payments should be calculated and applied, and the lack of resources to fund such payments, are barriers to Natural England making full use of these powers. This has resulted in sites suffering ongoing neglect'.<sup>656</sup>

It appears to us that guidance requires Natural England to pay owners and occupiers more, potentially, than is required on the face of the legislation. Under the Wildlife and Countryside Act, Natural England can only serve a management notice if 'they are satisfied that they are unable to conclude, on reasonable terms, an agreement with the owner or occupier as to the management of the land in accordance with the management scheme'.<sup>657</sup>

However, the guidance goes further. Defra's 2003 Code of Guidance on SSSIs<sup>658</sup> states that, where management schemes or notices become necessary to achieve positive management of a SSSI:

'the Secretary of State expects that, wherever costs would be incurred, English Nature will have calculated the costs to the owner or occupier of undertaking the work and offered a management agreement that would meet those costs, on terms appearing to be reasonable' [our emphasis added].

Natural England's view, which we share, is that the guidance appears to imply that Natural England (as the successor body to English Nature) has no discretion but to offer an

654 Defra, 'Sites of Special Scientific Interest: Encouraging Positive Partnerships, Code of Guidance' (n 246).

655 House of Commons Public Accounts Committee (n 649).

656 Natural England, 'Response to Defra's Nature Recovery Green Paper (Unpublished)' (n 106).

657 Section 28K(2), Wildlife and Countryside Act 1981.

658 Defra, 'Sites of Special Scientific Interest: Encouraging Positive Partnerships, Code of Guidance' (n 246).

agreement which would meet all the costs of undertaking works detailed in a management scheme. Our view is that this goes beyond what is required by the Wildlife and Countryside Act, which only requires the terms offered to be ‘reasonable’.

Moreover, it is unclear from the guidance whether the provision of financial support by the Rural Payments Agency under an agri-environment scheme would suffice, or whether Natural England must use its own limited budget for entering into management agreements under the Conservation and Enhancement Scheme (CES) (see Section 6.3.1).

Requiring Natural England to meet all the costs of putting in place appropriate management presents a high barrier to the use of management schemes and puts the onus entirely on the public purse. It also limits Natural England’s discretion as a regulator to make the best decisions on how to use its powers depending on local circumstances. This may be considered another example of the need, identified in government’s independent review of environmental regulations, for regulators to be given more discretion and flexibility to achieve outcomes.<sup>659</sup>

We therefore suggest that Defra should revisit the 2003 guidance to ensure it is up to date and reflects the intended outcomes. We also consider that related guidance documents such as the ‘Guidelines on Management Agreement Payments and Other Related Matters, 2001’ should be updated to ensure consistency.<sup>660</sup>

Concluding an agreement on reasonable terms requires Natural England to have sufficient budget to make reasonable offers. We heard from Natural England that its budget was insufficient for making such reasonable offers from around 2016 to 2022. Natural England used its CES budget to make these offers but, as we set out in Section 6.3.1, this scheme was scaled back and eventually closed to new applicants during this period.

If reasonable offers cannot be made to owners and occupiers, Natural England cannot serve management notices. If Natural England cannot serve management notices, it cannot enforce its management schemes. There is little value in going through the process of formulating, consulting on and finalising a scheme which cannot then be enforced. We expect that this goes a long way to explaining the limited use of management schemes to date.

A further reason stated by Natural England for its limited use of management schemes and notices is that it has insufficient information about protected site condition. Natural England needs a good understanding of a site in order to formulate a management scheme. Then to be able to serve a management notice, which is subject to a right of appeal,<sup>661</sup> Natural England also needs robust evidence that the owner or occupier has not complied with the scheme and that a feature is being inadequately conserved or restored as a result (in addition to being able to show that a reasonable offer, as referred to above, has been made).

As noted in Chapter 5, however, infrequent site condition assessments have resulted in a limited evidence base from which to mandate positive management. Pressure on staff capacity in Natural England (see Chapter 3) exacerbates these challenges.

659 Corry (n 104) 5–8, 21.

660 Department of the Environment, Transport and the Regions, ‘Guidelines on Management Agreement Payments and Other Related Matters’ (2001).

661 Section 28L, Wildlife and Countryside Act 1981.

We broadly agree with Natural England's view that using mandatory management tools is rarely likely to be an appropriate first step where a site is being poorly managed. Advice, support, guidance and negotiation to enter into agri-environment schemes and management agreements usually should be the first port of call. In addition, given the number of SSSIs and owners and occupiers, the extent of management issues to resolve, and the time-consuming nature of using regulatory tools, Natural England cannot sensibly use its regulatory powers in all circumstances. We also recognise that reaching for hard-edged regulation without having explored other options may work against the establishment of good relationships.

Furthermore, as we discuss in Chapter 6, incentives should be sufficiently attractive, accessible and tailored to a site's needs to encourage appropriate management without the use of regulatory tools. Achieving high levels of uptake of incentive schemes requires Natural England to have the staff capacity and skillsets to build relationships with, and provide trusted advice to, owners and occupiers.

Nevertheless, a credible and well-resourced regulatory backstop is needed to ensure that, where voluntary options are not taken up or not effective, protected sites are being appropriately managed.

It is therefore important that Natural England has powers to issue management schemes and notices to secure positive management where voluntary approaches have failed. However, these powers have largely been placed out of reach by a combination of government guidance, insufficient funding and infrequent condition assessments.

## 7.4 Regulatory tools to address off-site pressures

Natural England and owners and occupiers of land outside protected site boundaries can enter into voluntary agreements designed for the benefit of protected sites. These include agreements under the Habitats Regulations over land adjacent to European sites,<sup>662</sup> or under the Natural Environment and Rural Communities Act 2006 over any land.<sup>663</sup>

However, regulatory tools capable of mandating management practices (such as management schemes and management notices as discussed above) can only be used in respect of land within SSSI boundaries. Therefore, Natural England cannot mandate a certain type of management on adjacent land, even if this could substantially improve the condition of the SSSI.

In contrast, regulatory tools similar to management schemes and management notices were introduced in Scotland by the Nature Conservation (Scotland) Act 2004. Chapter 3 of Part 2 of this Act empowers the Scottish Ministers, further to a proposal from NatureScot (Scottish Natural Heritage), to make land management orders imposing positive management obligations on a protected site or contiguous land.<sup>664</sup>

Such orders can only be made if voluntary options have been attempted. This might be the case, for example, where a management agreement has been offered and refused or where the owner or occupier is in breach of an existing agreement.<sup>665</sup>

<sup>662</sup> Regulation 20, Habitats Regulations.

<sup>663</sup> Section 7, Natural Environment and Rural Communities Act 2006.

<sup>664</sup> Regulation 21, Conservation (Natural Habitats, &c.) Regulations 1994. The provisions in the Nature Conservation (Scotland) Act 2004 are stated to apply to SSSIs, but regulation 21 (as amended) extends them to European sites.

<sup>665</sup> Christopher Rogers, 'Nature's Place? Property Rights, Property Rules and Environmental Stewardship' (2009) 68 Cambridge Law Journal 550.

The effectiveness of this power remains untested, because it has not yet been used inside or outside protected sites in Scotland.<sup>666</sup> NatureScot explained to us that land management orders are not usually required. Owners and occupiers prefer to enter into voluntary agreements in return for a payment, rather than be compelled to manage their land in a certain way.

NatureScot also noted that it could be particularly expensive to enter into management agreements for off-site activities. For example, larger, well-maintained buffer zones between commercial forestry operations and nearby blanket bogs could be desirable for biodiversity. However, NatureScot said it would possibly need to make substantial offers to convince commercial forestry operators to forego the profits derived from cultivating these zones, although it has not attempted to do this.

In our view, obstacles to Natural England's use of management schemes and management notices within protected sites should be dealt with first. If these obstacles were removed, and this led to an increase in the use of these tools and positive outcomes for protected sites, we consider that legislative changes should then be considered to allow for such schemes and notices to be used beyond protected site boundaries.

We expect that, even if these powers were available in the areas around protected sites, they would only be used where it has not been possible to develop voluntary agreements with owners and occupiers. In Chapter 6, we outline the opportunity to help buffer protected sites from external pressures by securing a higher uptake of agri-environment schemes in the areas around those sites. In Chapter 2, we address the governance needed to deal with the most widespread off-site pressures and the opportunities presented by initiatives such as Local Nature Recovery Strategies.

We also note that the Secretary of State has a power to make Special Nature Conservation Orders under the Habitats Regulations. These can be used to address off-site operations affecting an SAC or SPA.<sup>667</sup> However, the last such order was made in 2001.<sup>668</sup>

## 7.5 Compliance monitoring

Effective enforcement action needs reliable, up-to-date data and evidence. Breaches of the Wildlife and Countryside Act, including consent requirements, could be criminal offences. This means that the evidential threshold for Natural England to prosecute against protected site legislation is high. The regulator will have to present evidence to satisfy magistrates or a jury, beyond reasonable doubt, that an offence has been committed. This threshold also applies to using civil sanctions to impose monetary penalties, compliance notices or restoration notices in relation to protected sites.

Yet, compliance with protected site laws is not formally monitored in England. Natural England's guidance on consenting makes no reference to a system of checking compliance with consents granted.<sup>669</sup> In Northern Ireland, by contrast, until recently site integrity

666 NatureScot, 'Using Land Management Orders' (2023) <[www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/conservation-orders/land-management-order](https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/conservation-orders/land-management-order)> accessed 4 September 2024.

667 Regulation 27, Habitats Regulations.

668 Defra and others, 'Special Nature Conservation Orders and Stop Notices' <[www.gov.uk/guidance/special-nature-conservation-orders-consent-and-stop-notices](https://www.gov.uk/guidance/special-nature-conservation-orders-consent-and-stop-notices)> accessed 20 July 2025.

669 Natural England, 'Sites of Special Scientific Interest' (n 518).



monitoring by helicopter fly-over allowed the detection of non-compliance incidents, such as potentially damaging activities taking place without consent.<sup>670</sup>

Natural England's published standard on using regulation provides that 'to regulate effectively we will carry out compliance checks'.<sup>671</sup> However, Natural England confirmed to us in its call for evidence response that it does not carry out formal compliance inspections in relation to protected sites. It added that condition assessment monitoring, site checks and meetings with owners and occupiers would identify instances of non-compliance with incentive schemes or where damage had occurred through lack of compliance with statutory obligations.

A similar point is also reflected in Natural England's annual report of enforcement activity for the year 2022-23. This explains that Natural England is made aware of potential offences 'through our own condition assessment monitoring of sites as well as information from members of the public/conservation partners and stakeholders and as a result of reports from other regulators and enforcement bodies'.<sup>672</sup>

In the absence of checks on legal compliance with the consenting regime, as stated above, Natural England relies on its own condition monitoring or third parties to identify legal compliance issues. Condition monitoring, however, focuses on establishing the ecological condition of the site's features and is not designed to identify legal non-compliance.

Moreover, we document how infrequently sites have been subject to condition monitoring in Chapter 5. In the absence of more frequent monitoring, Natural England has been largely dependent on reports from the public, which will arise only where someone identifies a potential breach, recognises it as such and contacts the relevant authority. In our view, this is unlikely to provide a sound basis in the long term for ensuring compliance with a regime designed to protect the nation's most important sites for nature.

Natural England agreed during the project that a lack of underpinning evidence about protected sites is a crucial factor limiting its ability to use regulatory powers. Inadequate information about the condition of sites (see Chapter 5) appears to us to be compounded by inadequate information about legal compliance on sites.

One reason for the lack of legal compliance monitoring on protected sites appears to be lack of funding. Natural England told us that better compliance monitoring would be beneficial, but that it has not been resourced to do this. Natural England's ability to engage with owners and occupiers to reduce the likelihood of offending in the first place is similarly constrained.

We consider that, to apply the regime effectively, Natural England needs to be better aware of whether, and how, legal requirements are being complied with on protected sites. This should help it to prioritise its enforcement efforts and secure relevant evidence with which to take enforcement action. It should also help Natural England to be more proactive and to take action to remedy issues quickly.

670 Office for Environmental Protection, 'Review of Implementation of Laws for Terrestrial and Freshwater Protected Sites in Northern Ireland' (n 5) 140.

671 'Natural England Standard: How We Use Regulation' <<https://publications.naturalengland.org.uk/publication/5916623#:~:text=Natural%20England%20standards%20This%20strategic%20standard%20describes%20the,environment%20as%20well%20as%20contributing%20to%20sustainable%20development.>> accessed 27 August 2024.

672 'Report on Natural England's Enforcement Activity 1 April 2022 - 31 March 2023' 7 <<https://assets.publishing.service.gov.uk/media/662a1c59690acb1c0ba7e560/annual-enforcement-report-2022-2023.pdf>> accessed 28 August 2024.

Some stakeholders noted that the extent and geography of certain protected sites make it particularly difficult to ascertain the extent to which protected site legislation is being complied with. This is the case, for example, in the Broads, where there are few vantage points to assess fen cutting areas, scrub and ditch management, and no comprehensive self-reporting. In response to this, the Broads Authority advocated better use of technology and aerial observations in relation to sites where compliance is ‘uncertain’.

A similar recommendation was made more generally in the government’s independent review of environmental regulations. It considered that ‘with satellites, drones, sensors and AI, let alone modern customer relationship management (CRM) systems, we should be seeing a massive change in the way we regulate, monitor and enforce environmental regulation’. However, it found that this transition needed to accelerate. It stated that ‘Defra and its regulators should be looking for ways that new technology can support the transformation of its regulatory functions, as we cannot remain static in a dynamic world, particularly in the context of the dynamic natural environment’. For example, this could include ‘applying AI to the geo-spatial information held by Defra to assess habitat changes’.<sup>673</sup>

We agree with the principle of making better use of technology. Using Earth Observation data, for example through programmes such as Defra’s Earth Observation Centre of Excellence, could be a cost-effective way to identify areas of potential non-compliance with protected site laws.<sup>674</sup> Data analysis will be required to assess whether the activities detected through Earth Observation technology could amount to ORNECs or breach existing consent conditions. Machine learning tools could also be helpful, for example to identify areas of likely non-compliance.

Such a layered approach to compliance monitoring could help guide Natural England’s choice of where and how to take enforcement action. It could also provide it with at least initial evidence as a basis to undertake further compliance monitoring or enforcement action where needed.

## 7.6 Enforcement

To ensure the effectiveness of protected site legislation, Natural England can take enforcement action to address non-compliance. If an offence is committed under the Wildlife and Countryside Act, Natural England can issue warnings or advisory letters, issue cautions or bring prosecutions.<sup>675</sup> Under the Regulatory Enforcement and Sanctions Act 2008 and the Environmental Civil Sanctions (England) Order 2010, Natural England can also impose civil sanctions instead of prosecuting through the courts.

Civil sanctions can include stop notices prohibiting the continuation of an activity until specific steps have been taken. They can also include enforcement undertakings, under which an offender agrees to take remedial action and, often, make payments to relevant nature protection organisations.

Enforcement is a fundamental component of the effective implementation of regulatory regimes. The purpose of protected site legislation can only be achieved if the obligations and restrictions set out in that legislation are fairly and predictably enforced. If they are not,

673 Corry (n 104) 54–58.

674 Defra, ‘Policy Paper: Roadmap for the Defra Earth Observation Centre of Excellence 2023 to 2028’ <[www.gov.uk/government/publications/defra-earth-observation-centre-of-excellence-roadmap-2023-to-2028/roadmap-for-the-defra-earth-observation-centre-of-excellence-2023-to-2028-accessible-version#our-member-organisations](https://www.gov.uk/government/publications/defra-earth-observation-centre-of-excellence-roadmap-2023-to-2028/roadmap-for-the-defra-earth-observation-centre-of-excellence-2023-to-2028-accessible-version#our-member-organisations)> accessed 3 July 2024.

675 Section 28P(10), Wildlife and Countryside Act 1981.

then the purpose of the regime may be undermined and any deterrent effect that might have been derived from enforcement action may be lost.

A similar issue has been noted in a wider context in the government's independent review of environmental regulations. This reported the view that:<sup>676</sup>

'if the probability of being caught for non-compliance is low and the penalty of non-compliance is small, then the system has an inbuilt disincentive to comply. The probability of being caught (not least through the use of technology [...]) needs to increase and where that probability remains low, there needs to be stronger sanctions for those that are caught. Without this, persistent offenders will continue to undermine the regulatory system, creating an uneven playing field for businesses trying to comply. Investor confidence will be low in a sector that appears to be contravening the rules. It also undermines public confidence in both the sector and in the regulators'.

Some stakeholders brought to our attention concerns that damage to protected sites may not be subject to sufficient enforcement. For example, the Amphibian and Reptile Conservation Trust told us that it 'is aware of cases of damage to SSSIs which have not been subject to adequate enforcement action'.

Table 7.1 sets out the number of SSSI enforcement actions taken by Natural England each year, in the form of civil sanctions and prosecutions.

**Table 7.1. The number of civil sanctions and prosecutions for SSSI offences (2012 to 2024)<sup>677</sup>**

Year	Civil sanctions	Prosecutions
2012	2	1
2013	2	2
2014	9	1
2015	23	0
2016	3	0
2017	10	0
2018	10	0
2019	4	2
2020	10	0
2021	16	0
2022	7	0
2023	8	2
2024	7	0
Annual average	9	0.6

<sup>676</sup> Corry (n 104) 42.

<sup>677</sup> Natural England, 'Register of Enforcement Action Taken by Natural England' <[www.gov.uk/government/publications/register-of-enforcement-action-taken-by-natural-england](https://www.gov.uk/government/publications/register-of-enforcement-action-taken-by-natural-england)> accessed 21 July 2025.

Natural England's enforcement guidance (due to be updated at the time of writing) prioritises the restoration of habitats.<sup>678</sup> It places emphasis on educating offenders who are confused about the law and on bringing them into compliance. As a result, low-level types of enforcement action (such as issuing warning letters) are a common response to offences.

We do not dispute Natural England's intended approach to enforcement as set out in its guidance. It was beyond the scope of this project to review and scrutinise individual enforcement decisions made by Natural England. We also recognise that the regulation of protected sites is a complex balancing act between respect for individual property rights and the need to protect ecological features.

Nevertheless, the numbers in Table 7.1 appear relatively low considering there are around 4,100 SSSIs, managed by around 13,000 owners and occupiers.

Natural England told us that it had expected the rate of civil sanctions and prosecutions to rise after it established a centralised national team of enforcement experts. The team was set up in June 2020, further to an internal review in 2017/18 of Natural England's model for enforcement delivery. It was created to ensure that enforcement actions were appropriately recorded and reported, as well as to provide greater consistency across the breadth of Natural England's enforcement work and to enable appropriate expertise to be in place.

However, the published data do not suggest an increase in enforcement action since 2020 (see Table 7.1). The number of civil sanctions issued and prosecutions taken by Natural England is similar before and after this year.

As noted in the government's independent review of environmental regulations, low enforcement levels would be a concern because they would be unlikely to serve as a significant deterrent to potential offenders, as well as allowing damage to sites important to nature, society and the economy to go unaddressed.

However, it is hard to assess if enforcement is at the right level or not because, as discussed above, Natural England does not carry out proactive monitoring to determine the level of non-compliance. This means that a more systematic 'ground truth' against which to compare the intelligence from public complaints and other sources is lacking.

<sup>678</sup> Natural England, 'Enforcement Guidance' 10 <<https://assets.publishing.service.gov.uk/media/5a759948e5274a545822cc0e/enforcement-guidance.pdf>> accessed 11 September 2025.

# Annex 1. Glossary

# Annex 1. Glossary

## Defined terms

We use a number of defined terms which have a specific meaning in this report. We list these below.

Term	Description
30 by 30	International target under the Kunming-Montreal Global Biodiversity Framework to effectively conserve and manage at least 30% of land and inland waters, and 30% of seas, for biodiversity by 2030, to which the UK Government has committed
Asset Management Period	A five-year regulatory cycle used by Ofwat to set investment plans, performance targets and price controls for water companies
Birds Directive	European Union Directive 2009/147/EC on the conservation of wild birds (which replaced the original Birds Directive, 79/409/EEC)
Designated Sites View	The Natural England online database to search for and view information about designated sites in England
Designation	The formal decision that makes an area a protected site. Known as 'notification' in the case of SSSIs but, for simplicity, we have used designation throughout this report
England biodiversity indicators	<p>The biodiversity indicators enable the UK Government to report on progress against its Environmental Improvement Plan and the Kunming-Montreal Global Biodiversity Framework.</p> <p>Each biodiversity indicator is composed of one or more measures which will show trends over time. These trends are assessed to determine whether the situation is improving, deteriorating, or whether there is little or no overall change, or insufficient data to make an assessment</p>
Favourable condition	A feature of a Site of Special Scientific Interest (SSSI) is considered to be in favourable condition when its condition objectives are being met
Feature	In the context of a Site of Special Scientific Interest, its features are those elements of the site, such as particular types of habitats or species, for which it is considered of special interest and so has been designated
Full-Time Equivalent	A standardised unit that measures the hours worked by an employee compared to a full-time standard

Term	Description
Habitats Directive	European Union Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
Habitats Regulations	The Conservation of Habitats and Species Regulations 2017 (UK Statutory Instruments 2017 No. 1012)
Land	For the purposes of this report, we have defined land (and ‘terrestrial’, which we use interchangeably) as extending down to the mean low water mark
Major Landowners’ Group	The Major Landowners’ Group comprises the main public authorities and certain other bodies which, between them, manage over 50% of SSSI features
National Landscapes	This is the term which is now used in practice to refer to England’s ‘Areas of Outstanding Natural Beauty’
National Parks	National Parks are designated under the National Parks and Access to the Countryside Act 1949. Their purpose is to conserve and enhance natural beauty, wildlife and cultural heritage, and to promote public understanding and enjoyment of their special qualities
National Site Network	The UK network which replaces Natura 2000 for the purposes of the Habitats Regulations, made up of UK sites that were within the Natura 2000 network when the UK was a member of the EU, along with any SACs and SPAs designated in the UK since then
Natura 2000	The network of European protected sites under the Birds and Habitats Directives
Protected landscapes	This is the collective term which covers England’s National Parks and National Landscapes
Protected sites	In this report when we refer to ‘protected sites’ we mean Sites of Special Scientific Interest, Special Areas of Conservation and Special Protection Areas on land and in freshwater, and specifically those in England unless the context indicates otherwise
Secretary of State	Where reference is made to the Secretary of State, this refers to the Secretary of State for the Environment, Food and Rural Affairs
Section 28G authorities	Ministers, public bodies and statutory undertakers are defined in the Wildlife and Countryside Act 1981 as ‘section 28G authorities’ and, as such, have a general statutory duty to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the notified interest features of SSSIs
Site of Special Scientific Interest (SSSI)	A site designated for flora, fauna, or geological or physiographical features under the Wildlife and Countryside Act 1981 – our focus in this report is on SSSIs designated for habitats and species



Term	Description
Special Area of Conservation (SAC)	An area for the protection of certain habitats and species (other than birds), deriving from the Habitats Directive and, in England, now designated under the Habitats Regulations
Special Protection Area (SPA)	An area for the protection of certain species of birds, deriving from the Birds Directive and, in England, now designated under the Habitats Regulations
Unfavourable condition	This describes the condition of a SSSI feature when its condition objectives are not being met  'Unfavourable condition' is further divided into 'unfavourable recovering condition', 'unfavourable no change condition' and 'unfavourable declining condition'
Unfavourable declining condition	A SSSI feature that is in unfavourable declining condition is in unfavourable condition and getting worse
Unfavourable no change condition	A SSSI feature that is in unfavourable no change condition is in unfavourable condition and neither declining nor recovering
Unfavourable recovering condition	A SSSI feature that is in unfavourable recovering condition is in unfavourable condition and has begun to show, or is continuing to show, a trend towards favourable condition

## Acronyms and Abbreviations

Acronyms/Abbreviations	Full Form
ABP	Associated British Ports
CES	Conservation and Enhancement Scheme
CSHT	Countryside Stewardship Higher Tier
Defra	Department for Environment, Food and Rural Affairs
DWPP	Diffuse Water Pollution Plan
EIP	Environmental Improvement Plan
EU	European Union
GBF	Global Biodiversity Framework
HNP	Humber Nature Partnership
IPENS	(Natural England's) Improvement Programme for England's Natura 2000 sites
IUCN	International Union for Conservation of Nature
JNCC	Joint Nature Conservation Committee
KPI	Key Performance Indicator
LiDAR	Light Detection and Ranging
LNRS	Local Nature Recovery Strategy

Acronyms/Abbreviations	Full Form
MP	Member of Parliament
NNR	National Nature Reserve
OEP	Office for Environmental Protection
Ofwat	Water Services Regulation Authority
ORNECs	Operations requiring Natural England's consent
PSA	Public Service Agreement
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SEO	Senior Executive Officer (a staff grade in Natural England and other Defra-group bodies)
SFI	Sustainable Farming Incentive
SMART	Specific, measurable, ambitious, realistic and time-bound
SNAP	Site Nitrogen Action Plan
SNCO	Special Nature Conservation Order
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
UKCEH	UK Centre for Ecology and Hydrology



# Annex 2. Methodology, expert review and contributors to our research

## Annex 2. Methodology, expert review and contributors to our research

This report draws on the following main research and review elements.

### 1. Call for evidence and stakeholder meetings

We issued a call for evidence between February and April 2023, inviting interested parties to submit evidence on the designation and management of sites protected for nature on land and freshwater in England and Northern Ireland. We included a list of non-exhaustive questions and areas of interest to stimulate responses to our call. These included, but were not limited to, matters of criteria for designation, statutory and voluntary tools, role of responsible authorities, sufficiency of site networks, and the support provided to owners and managers of protected sites. We also encouraged respondents to include any other evidence they felt was of relevance to our review.

We received 58 responses from a range of stakeholders across England and Northern Ireland. Eight of these related both to England and to Northern Ireland and 39 specifically concerned England.

Responses included written submissions, and supplementary documents which included government policy and guidance documents, and evidence that had previously been submitted to the Interim Environmental Protection Assessor for Wales' call for evidence on protected sites. Responses also identified additional sources of evidence including peer-reviewed literature, government reports, and blogs.

We carried out meetings with 28 stakeholders with whom we wanted to discuss in greater detail their response, or to secure further input and evidence including with individuals and organisations who had not responded to our call.

We used a semi-structured approach in these meetings. Questions were provided in advance to stakeholders that related to either their response or area of expertise. We also provided an opportunity for stakeholders to discuss matters they felt were of relevance and identify exemplar case studies of protected sites that demonstrated best and worst practice. Meetings were not recorded, but notes were taken to inform our research.

Responses to our call for evidence and meeting notes were thematically analysed using NVivo.<sup>679</sup> Members of the project team with expertise in law, protected sites and land management in both England and Northern Ireland carried out the analysis. The data were coded for themes guided by both the questions set out within our call for evidence, as well as inductively from the data. This approach enabled us to explore areas of interest whilst reducing the effect of confirmation bias and enabling a detailed exploration of the rich sources of evidence received. Our analysis was carried out iteratively, with several reviews carried out throughout the process to organise and clarify themes. Themes, and codes within them, included:

- Effectiveness of sites: in the context of environmental decline and other land uses.
- Governance of sites: roles and responsibilities; decision-making and the role of politics; funding and resourcing.

679 Lumivero, 'NVivo' <<https://lumivero.com/products/nvivo/>>.

- Designation of sites: purpose of designation; the process of designation; reviews of protected sites; de-notification.
- Management of sites: citations and conservation objectives; management tools; role of agri-environment schemes; consenting; advice and support; funding and resourcing of management; effect of off-site pressures.
- Monitoring and reporting: the process of condition monitoring; reporting of monitoring.
- Enforcement: use of statutory tools; reporting damage or disturbance; post-enforcement engagement.
- Targets for protected sites: historical targets; setting and meeting new targets.
- Transboundary sites: effect of divergence between the UK and EU, and within the UK.
- Sites in the context of a changing climate: flexibility of sites; role in a changing climate.

## 2. Desk-based research

We undertook desk-based research that built upon the themes identified through our call for evidence. This encompassed reviews of legislation, literature and official reports, among other sources. We also held additional meetings with public authorities and requested information from authorities including Defra, Natural England, the Environment Agency, JNCC and the European Commission.

This research was focused on the following themes:

- Legislation: including consideration of powers and duties.
- Governance: including targets for sites, co-ordination and oversight, delivery planning, and coherence with other strategies.
- Resourcing: including the funding available for work on protected sites, duration and planning of funding, staff turnover, capacity and expertise.
- Evidence/monitoring: including the quality of the evidence base for protected site designation, condition, and management, and how this is used.
- Land management: including the use of tools to ensure protected sites are managed appropriately, including advice, incentives and regulation.
- Designation and the site network: ensuring the network is sufficient including implementing reviews, enabling flexibility, and addressing off-site effects.

## 3. Site visits

In January and February 2024, we undertook visits to five protected sites in England. Sites were identified through engagement with respondents to the call for evidence, and for the purpose of exploring key issues emerging through our research and understanding the delivery of work on the ground (which includes designation, monitoring, management and regulation).

Sites visited:

- Dark Peak SSSI. This site is also designated as South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) SPA.
- Hartlebury Common and Hildditch Coppice SSSI.
- Long Dale, Hartington SSSI. This site is also designated as Peak District Dales SAC.
- Pevensey Levels SSSI. This site is also designated as Pevensey Levels SAC.
- Tiddesley Wood SSSI.

## **4. Literature review of protected sites in England**

We commissioned Land Use Consultants to undertake a literature review relating to the designation and management of protected sites in England. This review aimed to identify, synthesise and analyse relevant published literature (peer-reviewed and ‘grey’) that has considered the effectiveness of the laws governing the designation and management of protected sites in England and their implementation. The review also included analysis of literature relating to the UK.

## **5. Expert panel and review**

In undertaking this project in England and Northern Ireland, we established an expert panel with experience in the implementation of protected site laws in the UK and internationally. Members were drawn from academic and practitioner expert communities, to bring specialist knowledge of areas relevant to the project. The panel was convened with terms of reference as a forum for discussion and information-sharing.

Members:

- Professor Stuart Bell
- Paul Corbett
- Christina Cork
- Professor Roger Crofts
- Nigel Dudley
- Jake Fiennes
- Jeff Lunn
- David Stroud

We held two workshops with the expert panel covering England and Northern Ireland, which included consideration of the emerging findings. Members were also engaged individually on subject-specific matters. The panel was an advisory, not a decisionmaking or steering, body. As such, the findings and recommendations presented in this report are those of the OEP and do not necessarily reflect the views of panel members.



Prior to completion, we also sent draft copies of our report to selected external experts for independent review. The reviewers were identified based on their knowledge of protected site laws and their delivery, and availability to undertake the review. They were:


- Professor Stuart Bell
- James Marsden
- David Stroud

All reviewers returned comments which we have considered in finalising the report. The report remains the work and presents the conclusions of the OEP. It does not necessarily reflect the views of the reviewers.

We are grateful to all panel members and reviewers for contributing their time and expertise to inform our work.







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