



Office for Environmental Protection

Call for Evidence

Protected sites for nature in England and Northern Ireland

The Office for Environmental Protection is inviting interested parties to submit evidence as part of its review of the implementation of laws for the designation and management of sites protected for nature on land and freshwater in England and Northern Ireland. We would appreciate it if evidence is submitted by **Friday 21 April 2023** in order to best inform our review.

The Interim Environmental Protection Assessor for Wales (IEPAW) has recently issued a call for evidence and expertise on protected sites.¹ If, rather than responding to our call for evidence, respondents prefer to provide copies of any evidence submitted to IEPAW, we will gratefully receive it.

Background

Protected sites are important for recovering nature and helping the UK meet its domestic and international environmental commitments. For example, the new global biodiversity target to effectively conserve and manage 30% of land and sea.² However, recent decades have seen little progress in expanding the protected site network on land and freshwater or improving its condition.³ This is despite commitments from the UK and Northern Ireland Governments to improve protected sites for nature.⁴

We aim to review this area of law in detail to get to the root of how it is being implemented, its effectiveness and, if appropriate, to recommend improvements. We aim to establish the extent to which these relevant laws are working well and achieving their objectives, and the areas where improvements are needed.

¹ www.gov.wales/call-evidence-and-expertise-protected-sites-html.

² Convention on Biological Diversity (2022) *Kunming-Montreal Global biodiversity framework*.

³ Department for Environment, Food and Rural Affairs, UK (2022) *UK Biodiversity Indicators 2022. Indicator C1: Protected areas*.

⁴ For example, the UK Government's protected sites commitments in *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* and *25 Year Environment Plan* and the Northern Ireland Executive's commitments in *Valuing Nature: A Biodiversity Strategy for Northern Ireland to 2020* and *Draft Environment Strategy*.

Our review will focus on:

- Areas of Special Scientific Interest (ASSIs) designated for flora and / or fauna under the Environment (Northern Ireland) Order 2002
- Sites of Special Scientific Interest (SSSIs) designated for flora and / or fauna under the Wildlife and Countryside Act 1981
- Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the Conservation of Habitats and Species Regulations 2017 or Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.

We do not intend that our review will extend to other designations (such as National Parks or Nature Reserves). However, if those responding to this call for evidence believe there are points to be made about other designations which are relevant to the matters set out in this call for evidence, we will receive evidence on this.

Our review will not cover Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA) because we will examine these in a separate review.

Call for evidence

To inform our review, we are calling for evidence relating to the laws and their implementation for the designation and management of ASSIs, SSSIs, SACs and SPAs on land and freshwater in England and Northern Ireland.

Evidence can include views and / or relevant written material (for example, reports and academic literature). We are interested, in particular, in the following general questions:

1. What aspects of these laws and their implementation are working well and what aspects could be improved?
2. Are these laws and the ways in which they are being implemented fit for purpose, still relevant and achieving the objectives of halting biodiversity loss and supporting its recovery? Do any of these laws exist in tension with each other or are there gaps or inconsistencies?
3. Do the bodies responsible for implementing these laws have sufficient resources, skills and capacity?
4. Are there examples, from other countries or from similar domestic regimes, that provide useful lessons?
5. Are there gaps in the available data and evidence that need to be filled to ensure this area of law is effective?

Evidence relating to protected site designation could address issues such as:

6. The criteria for identifying and designating these sites and their application.

7. The role of the designating authority (this will be government or the statutory nature conservation body depending on the type of designation).
8. The process for designation, including the role of the decision-making body/bodies and the involvement of landowners, the public and other interested parties.
9. The process for keeping the network of designated sites under review to ensure it is achieving its objectives and keeping pace with environmental change.
10. Whether these laws have resulted in a sufficient number and area of protected sites being designated, in the right locations, to halt and reverse biodiversity decline.
11. The above issues as they apply to the designation of protected sites in England and Northern Ireland that span national boundaries, including boundaries within the UK or between Northern Ireland and the Republic of Ireland.

Evidence relating to protected site management could address issues such as (excluding any matters relating to HRA):

12. Do owners and occupiers of protected sites receive what they need to be able to appropriately manage these sites? Do others such as public authorities receive what they need to deliver their responsibilities to conserve and restore protected sites? For example, this might include information, guidance, advice, support and financial assistance.
13. The laws that restrict how land is managed inside protected sites, including the consenting process for operations likely to damage ASSIs and SSSIs, special nature conservation orders and stop notices for SACs and SPAs in England and powers to make byelaws for the protection of ASSIs, SSSIs, SACs and SPAs.
14. Compliance with, and the enforcement of, protected sites laws. This could relate to any obligations, for example those on owners and occupiers and those on statutory nature conservation bodies or other public bodies.
15. Statutory tools that are available to secure the appropriate management of protected sites. This could relate to the statutory tools themselves or how they have been implemented. For example, have these tools been effective and are there any barriers to using them? Examples of these statutory tools are listed in Annex A.
16. The use of agri-environment schemes and other public funding to support the appropriate management of protected sites.
17. Monitoring of protected sites and the communication and reporting of the results of monitoring.
18. The identification, allocation, coordination and delivery of actions to improve protected site condition. This includes actions (or remedies) for ASSIs and SSSIs and actions included in Site Improvement Plans for SACs and SPAs in England and Conservation Management Plans for SACs in Northern Ireland.

19. The use of national and site-specific targets to drive improvements in protected site management and condition. At a national level this could include any targets relating to protected sites that have been included in national strategies or plans. At a site level, this may include how condition categories are defined and applied in practice.
20. The above issues as they apply to the management of protected sites that span national boundaries, including boundaries between nations within the UK or between Northern Ireland and the Republic of Ireland.

In addition to the above, you are welcome to provide any other information that you consider is relevant to this review.

Please send any evidence to protected.sites@theoep.org.uk by **Friday 21 April 2023**.

How we will use your information

Evidence received will be treated with the utmost care and attention to inform our review. Information will not be quoted and attributed to individuals or organisations for official publication without their prior permission to do so.

However, we may publish or disclose the information you provide, including personal data, in accordance with the access to information regimes. These are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.

If you want the information that you provide to be treated as confidential, please be aware that as the OEP is bound by FOIA and the EIRs we may be obliged to disclose all or some of the information you provide. In view of this, it would be helpful if you could explain why you regard the information you have provided to be confidential. If we receive a request for disclosure of the information, we will take full account of your explanation. However, we cannot give an assurance that confidentiality can be maintained in all circumstances. We will hold and process any personal data you provide in accordance with the privacy notice on [our website](#).

Public authorities

Information that we receive from public authorities under their duty of cooperation with the OEP (section 27 Environment Act 2021) will be treated as confidential unless an exemption under section 43 applies. For this reason, if you are responding on behalf of a public authority, please confirm that consent is given for the OEP to disclose your information in our report.

Annex A – Examples of statutory tools that are available to secure the appropriate management of protected sites

The following is a non-exhaustive list of the available tools.

England

SSSIs

- Management schemes, which can include payments (sections 28J and 28M(2), Wildlife and Countryside Act 1981)
- Management notices (section 28K, Wildlife and Countryside Act 1981)
- Compulsory purchase (section 28N, Wildlife and Countryside Act 1981)

SACs and SPAs

- Management agreements (regulations 20 to 22, Conservation of Habitats and Species Regulations 2017)
- Compulsory acquisition (regulation 36, Conservation of Habitats and Species Regulations 2017)

Other tools

- Advice (section 4, Natural Environment and Rural Communities Act 2006)
- Financial and other assistance including grants (section 6, Natural Environment and Rural Communities Act 2006)
- Management agreements (section 7, Natural Environment and Rural Communities Act 2006)
- Protected site strategies (section 110, Environment Act 2021)

Northern Ireland

ASSIs

- Management agreements, which can include payments (article 34, Environment (Northern Ireland) Order 2002)
- Management notices (article 35, Environment (Northern Ireland) Order 2002)
- Powers to acquire land (article 41, Environment (Northern Ireland) Order 2002)

SACs and SPAs

- Management agreements (regulation 13, Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995)
- Power of acquisition (regulation 27, Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995)