



MINISTRY OF DEFENCE

# Strategy and Policy Directorate

**DE**  
DEFENCE ESTATES  
Delivering Estate Solutions to Defence Needs

## Designated Sites

Practitioner Guide 06/10

Sustainable  
Development

### Document Aim:

This document provides guidance for ensuring compliance with legislation, licensing / authorisation requirements and MOD policy for sites designated for nature conservation interest both on land and at sea, including:

- Sites of Special Scientific Interest (SSSI) or Areas of Special Scientific Interest (ASSI),
- Special Protection Areas (SPA),
- Special Areas of Conservation (SAC),
- Marine Conservation Zones (MCZ), and
- Ramsar Sites.

Reference should also be made where issues relate to specific protected species (see Practitioner Guide – Protected Species).

### Document Synopsis:

MOD has responsibility for numerous sites that are important for nature conservation and biodiversity. This Practitioner Guide aims to provide details of the department's legal and policy obligations to protect and enhance the wildlife interest on the estate, and the processes by which MOD practitioners can ensure compliance with these obligations.

The guidance on SSSIs is UK specific. Guidance on SACs and SPAs<sup>1</sup> applies to all Europe. The guidance on Ramsar sites applies internationally.

<sup>1</sup> Also known as Natura 2000 sites





## Document Control

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### Related Documents

JSP 418 – Leaflet 3	Practitioner Guide – Protected Species
JSP 362 – Volume 3, Chapter 3, Leaflet 7	MOD Sustainability and Environmental Appraisal Handbook








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## Legend

<p><b>Legal Requirements and Mandatory Practice</b> These boxes identify the relevant aspects of the EC Directives and UK Legislation and complying with MOD Mandatory Practice.</p>	
<p><b>Hints and Tips</b> These boxes provide hints and tips for complying with Advisory practice.</p>	
<p><b>Illustrative Examples</b> Generic examples have been used to illustrate the recommended approach within the guidance. These examples have been drawn from real MOD projects to aid to their interpretation.</p>	
<p><b>Other Information</b> These boxes provide general information about designated sites.</p>	
<p><b>Stakeholder Requirement</b> This indicates a requirement to engage with relevant stakeholders either internal or external to MOD. These may be a statutory body, Government Department or Devolved Administration, or a Non-Governmental Organisation (NGO).</p>	

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# 1. Introduction

- 1.1. The MOD recognises that, as one of the country's largest landowners with an estate that extends over 240,000 hectares, it has a major role to play in the conservation of the UK's natural resources. The long history of land ownership for military training within challenging terrain in a variety of environments, as well as ranges, munitions stores and isolated communication sites, means that the MOD has responsibility for some of the most unspoilt and remote areas in Britain.
- 1.2. MOD has management responsibility for a substantial number of designated sites and therefore has statutory obligations to protect, conserve and where appropriate enhance these sites. Some of these sites are directly managed by MOD, but some are managed under lease by agricultural or other tenants or operated under Government-owned Contractor-operated (GOCO) arrangements. MOD owns land to deliver military outputs. It also has to meet Health and Safety (including training safety) obligations. Both factors have the potential to support and conflict with conservation interests, and consequently need active management.
- 1.3. Military training activities, site management procedures and estate development can impact adversely on the nature conservation interest. Everyone using the MOD estate, whether Service or Civilian, bears a responsibility for nature conservation and has a duty to minimise any adverse effects on the environment.
- 1.4. This Practitioner Guide gives a summary of the law, policy and processes that apply to designated sites. Annex 1 provides links to further information and useful contacts. Annex 2 gives a summary of the main types of designated sites, and Annex 3 presents a table of designated sites on the MOD estate. The locations and boundaries of designated sites, mapped against MOD estate boundaries, can be viewed using the Defence Estates (DE) Geographic Online Data for Estates (GEODE) mapping utility at <http://eip.cis.r.mil.uk/EIP/>.

## ***Government Policy and Guidance, Statutory Regulation and Compliance***

- 1.5. A significant amount of new and amended legislation for the conservation of the natural environment has come into force in the UK over the past 20 years. Much of this has been as a consequence of European directives and international agreements.
- 1.6. The MOD has legal duties and policy commitments to consider the potential impacts of its activities on any designated site. Relevant personnel therefore need to be aware of designated sites that are on, or near to, MOD establishments, or where MOD has a licence to train. For operational and legal reasons, site staff should be aware of all designated sites within 5km of their site, and should consider the potential for impacts on designated sites further afield if necessary.
- 1.7. Advice and support for all site and project implementation issues and compliance with legal conservation obligations can be obtained from DE Estates Surveyors (ES) who in turn may seek specialist advice from suitably qualified/trained MOD Environmental Advisors. See Annex 1 for details.

## ***MOD Policy***

- 1.8. MOD policy aims to ensure that natural environment issues are fully integrated with operational and training requirements and safety issues. All military and estate management activities must comply with conservation legislation to fulfil MOD obligations with all relevant EU legislation and international conservation conventions.

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- 1.9. Officers and Integrated Project Teams (IPT) responsible for the delivery of Facilities, Platforms and / or Equipment; training exercise planning; estate rationalisation and estate acquisition are also required to encompass the conservation of the natural environment in the Sustainability and Environmental Appraisals that must be conducted in compliance with [JSP 418](#). These must address all the issues throughout the Concept, Assessment, Development, Manufacture, In-Service and Disposal (CADMID) phases of a Project.



## 2. Natura 2000 Sites – SACs and SPAs (and Ramsar Sites)

### Box 2.1 Internationally designated sites – the basics



#### Natura 2000 Network

Internationally protected sites in the UK are represented by European Special Protection Areas (SPAs) under the EC Birds Directive<sup>2</sup>, and Special Areas of Conservation (SACs) under the Habitats Directive<sup>3</sup>. Together they form the Natura 2000 network and are protected by the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”). Natura 2000 sites are also underpinned by the Site / Area of Special Scientific Interest (SSSI / ASSI) designation<sup>4</sup>.

SPAs are selected for rare, threatened or vulnerable bird species and for regularly occurring migratory birds listed in the Birds Directive.

SACs are selected for a number of particular habitats and species which are listed in the Habitats Directive. Details of the boundaries and reasons for designation are contained in the Natura 2000 site data form.

MOD is a ‘competent authority’ and a ‘relevant authority’ under the Habitats Regulations. MOD and other public bodies have a duty to avoid damaging qualifying habitats and significant disturbance of qualifying species for which the sites are designated. The Regulations make sure that any plan or project that may damage a Natura 2000 sites is assessed and can only proceed if certain strict conditions are met. This process is known as Habitats Regulations Appraisal (HRA) and is a legal obligation.

A HRA will determine whether a plan, programme or project will have a significant effect on the qualifying features of a Natura 2000 site. This can also be impacts from MOD projects on Natura 2000 sites outside MOD boundaries. Most MOD developments and activities do not have a significant impact on the Natura 2000 interest features, and those that may, can usually be modified so they will not conflict with the features of special interest. Under certain strict criteria, MOD may proceed with a damaging activity despite a negative assessment of impacts on the site features for imperative reasons of overriding public interest (IROPI).

The process differs slightly across the MOD overseas estate where it is MOD policy to follow the host nations standards and legislation.

#### Ramsar Sites

These are wetlands of international importance, named as such after the Iranian city where the international convention was signed in 1971. They are selected for specific wetland habitat and wetland birds. The convention provides a framework for national action and international co-operation for the conservation and wise use of wetlands and their resources.

Although there is no specific legislation to protect Ramsar sites, they benefit from the provisions that protect the SSSIs and Natura 2000 sites that overlap them. The UK applies the same approaches to the management of Ramsar sites as it does for Natura 2000 sites.

- 2.1. The UK is bound by the terms of the Birds and Habitats Directives. These are transposed into law in England and Wales by the [Conservation of Habitats and Species Regulations 2010](#)<sup>5</sup>, transposed in Scotland by the [Conservation \(Natural Habitats &c.\) Regulations 1994](#)<sup>6</sup>, and

<sup>2</sup> [Council Directive 2009/147/EC of 15 February 2010 on the conservation of wild birds](#)

<sup>3</sup> [Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora](#)

<sup>4</sup> Please note that all subsequent references to SSSIs in this document refer equally to both SSSIs and ASSIs.

<sup>5</sup> Formerly the Conservation (Natural Habitats &c.) Regulations 1994

<sup>6</sup> The Conservation of Habitats and Species Regulations 2010 applies in Scotland but only in reserved matters



transposed in Northern Ireland by the [Conservation \(Natural Habitats &c.\) \(Northern Ireland\) Regulations 1995](#). These are hereafter referred to as the 'Habitats Regulations'.

- 2.2. The Habitats Regulations give legal protection for 'European sites'. These are: candidate Special Areas of Conservation (cSACs); Sites of Community Importance (SCIs); SACs; and SPAs. Together these sites form the Natura 2000 network. It is agreed Government policy that the same level of protection should also be applied to potential SPAs (pSPA). The Directives are transposed in UK offshore waters (beyond 12 nautical miles) by the [Offshore Marine Conservation Regulations 2007](#).
- 2.3. Ramsar Sites are sites defined as Wetlands of International Importance in England and Wales. They are treated in the same way as Natura 2000 sites as a matter of Government policy. Scotland and Northern Ireland have adopted a similar approach.
- 2.4. For sites designated, or in the process of being designated as a European site<sup>7</sup>, MOD will comply with the Habitats Regulations and the Offshore Marine Conservation Regulations.
- 2.5. Please see section 2.42 below for details of compliance with Natura 2000 obligations in Permanent Joint Overseas Bases.

### ***MOD Statutory Obligations for Natura 2000 Sites***

- 2.6. MOD has statutory duties under the UK Regulations to protect and enhance sites which it manages/has responsibility, and for the impacts of its activities on the conservation interest of European sites and species. The Habitats Regulations define the status of Competent and Relevant Authorities in relation to Natura 2000 sites (see also Box 2.1).
- 2.7. The main requirements and constraints for MOD acting as a "Competent"/"Relevant" Authority are:
  - a) A duty, where relevant to the exercise of its functions, to establish necessary conservation measures involving, if need be, management plans (specifically designed for the sites or integrated into other plans) and suitable administrative or contractual measures.
  - b) A duty to take steps to avoid deterioration of habitats in the Natura 2000 network, or the disturbance of the species for which they have been designated. The features should be maintained or managed so that they meet, or work towards, defined and agreed conservation objectives, and therefore contribute to the favourable conservation status of the relevant habitat or species.
  - c) Any plans or projects that (alone or in combination with other projects) which may have a significant effect on the features of any SAC or SPA and which are not directly connected with or necessary to their management, are subjected to appropriate assessment by the competent authority proposing to authorise or undertake that plan / project.
- 2.8. All relevant personnel should be aware of MOD's obligations for the management and protection of European and Ramsar Sites and how these obligations might impact upon, or be impacted by MOD sites or activities. For practical purposes, site staff and those responsible for planning activities should be aware of all designated sites within 5km of their site, and be prepared to consider the impacts on sites further afield if needed<sup>8</sup>. These may

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<sup>7</sup> The term European Site refers to SACs, SPAs, cSACs, SCIs and pSPAs throughout.

<sup>8</sup> The need should be determined by the type of activity and what the sensitive parameters are. Examples include where units undertake training activities under license on private land and/or in the wider countryside (land, air or sea) and where discharges to air and water are likely to affect sites downwind or downstream. If there are any concerns about an activity impacting upon a site within or further than 5km, then please consult a MOD Environmental Advisor

be listed/identified in related site documents e.g. Land Quality Assessments (LQA), Environmental Risk Assessments, Integrated Rural Management Plans (IRMP), Integrated Estate Management Plans (IEMP) or an Environment Management System (EMS).

- 2.9. For all MOD Establishments (including freehold, leasehold, tenanted or contractor-operated land) that lie within a European or Ramsar Site, the Head of Establishment/Commanding Officer has responsibility for ensuring that the special features are protected and managed in line with MOD policy and UK/European legislation.

**Box 2.2 – Mandatory Practice – MOD as a “Competent Authority” and/or “Relevant Authority” under the Habitats Regulations**



As a “Competent Authority”, under the Habitats Regulations, MOD has a general duty to take into account the requirements of the Directive in carrying out any of its functions. MOD also has specific duties under the Regulations. For example MOD must make judgements as to whether plans or projects may have a significant effect on European Sites and, where the effect cannot be ruled out, carry out appropriate assessments of the plan or project (having consulted the Statutory Nature Conservation Bodies (SNCB)<sup>9</sup>). For certain inshore marine sites, the MOD is also a “Relevant Authority”, and may contribute to and should be consulted on the establishment of management schemes.

The decision-making role of MOD as a Competent Authority cannot be transferred to a private partner or contracted out, although partners, contractors or consultants may be involved in undertaking work in support of the decision-making process for appropriate assessments. MOD Environmental Advisors should be consulted for advice on requirements and process.

In certain circumstances, more than one competent authority may be responsible for decision-making. Where this occurs, it should be agreed between competent authorities which one will take the role as “lead” competent authority.

The Memorandum of Understanding (MoU) between MOD and The Department for Environment, Food and Rural Affairs (Defra), the Department for Communities and Local Government (DCLG), the Welsh Assembly Government (WAG), the Scottish Government (SG) and the Northern Ireland Executive (NIE) provides information on working with other government departments on SACs, SPAs and Ramsar sites. Please see the Further Information section for links to the MoUs.

For European Marine Sites (inshore SACs and SPAs - 0-12 nautical miles), the relevant authorities may setup a management scheme under which their functions (including any byelaw-making powers) shall be exercised, so as to ensure compliance with the Habitats Directive, though only one management scheme may be established for each site<sup>10</sup>. MOD is a Relevant Authority on certain sites where it is also the Harbour Authority or Navigational Authority.

For Offshore European Marine Sites (12 – 200 nautical miles), the MOD is a competent authority. For Offshore sites, any or all competent authorities may establish a management scheme. MOD will be consulted and given the opportunity to take part in the scheme. Any competent authority participating in a management scheme has a legal duty to take reasonable steps to exercise its functions in line with that scheme. It should be noted that one management scheme may cover multiple sites.

## ***Natura 2000 Designation***

- 2.10. The designation of sites under the Habitats Directive is a devolved matter (other than in the offshore region). Defra is responsible for designation of sites in England. The SG<sup>11</sup>, the WAG

<sup>9</sup> In the UK, these are Natural England (NE), Countryside Council for Wales (CCW), Scottish Natural Heritage (SNH) and Northern Ireland Environment Agency (NIEA)

<sup>10</sup> Although one management scheme may cover more than one European Marine site

and the NIE are responsible for site designation and co-ordination in their respective countries. There are differing processes by which SPAs and SACs are selected and adopted. MOD is consulted throughout these processes.

- 2.11. Further information on the criteria used to identify SACs for designation can be found at <http://www.jncc.gov.uk/page-1457>, while SPA selection guidelines can be found at <http://www.jncc.gov.uk/page-1405>.
- 2.12. SACs and SPAs are designated for the special features (habitats and species) that are identified as being of international importance in their citations. The legal obligations to protect the designations apply only to those special features. However, most terrestrial European and Ramsar sites are also notified as SSSIs / ASSIs, which may have additional special features to be protected.
- 2.13. Proposed sites and certain types of proposed changes to the boundaries or site features of existing sites<sup>12</sup> are subject to public consultation, including with MOD. MOD is consulted through the DE Operations (Ops) North Professional and Technical Services (PTS) Environmental Advisory Services (EAS)<sup>13</sup>, who will in turn notify the DE ES and relevant TLB authority and Units/Establishments. DE Ops EAS keeps copies of all Natura 2000 citation papers for sites that affect MOD. Most terrestrial and inshore SACs have been designated. Offshore sites and some sites subject to boundary changes will still require consultation and formal designation. Please see Annex 4 for details of the consultation process within MOD.

### ***Natura 2000 Management Agreements and Management Schemes***

- 2.14. Once designated, the Habitats Regulations provide for management agreements with owners and occupiers of land within and adjacent to the site for the conservation management, restoration or protection of a Natura 2000 site.
- 2.15. Where established, these Natura 2000 Management Agreements should be referred to, and taken account of in any MOD estate management plans, including IEMPs or IRMPs. The IRMP is the mechanism by which MOD will ensure compliance with its obligations under the Habitats Directive, for steady-state activities.

### ***Plans and projects carried out by MOD in Natura 2000 sites***

- 2.16. Where MOD proposes a change in land use, or intensification of military activity, or a development which may have a significant effect on the site, those changes shall be taken to be “plans and projects” within the meaning of Article 6(3) of the Habitats Directive.
- 2.17. IPT leaders or project managers of new plans, projects or activities; or intensified activities must take the advice of MOD Competent Individuals (see [MOD Sustainability and Environmental Toolkit \(SEAT\) Handbook](#)) to confirm whether their plan or project may be considered a plan or project within the Habitats Regulations. It is the IPT Leader’s or Project Manager’s responsibility to identify whether their plan or projects might have significant effects on a Natura 2000 site and whether a HRA<sup>14</sup> is required.

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<sup>11</sup> SG also have executive devolution of the Offshore Marine Conservation Regulations in Scotland’s offshore zone, applicable since the 1<sup>st</sup> April 2010

<sup>12</sup> Consultation is generally only carried out on proposed changes which are likely to increase the regulatory impact of an existing designation. Minor changes and those whose effect is to reduce regulatory impact are not necessarily subject to consultation, but relevant parties are informed of the changes.

<sup>13</sup> Hereafter referred to as DE Ops EAS

<sup>14</sup> Also known as Habitat Regulations Assessment

### Box 2.3 – What is a Plan or Project for the MOD?



The Habitats Directive and transposing Regulations in the UK do not specify what a plan or project is. As a precautionary measure, it should be given a broad interpretation, and can include both developments and other military activities that may impact on the Natura 2000 network. The limiting factor as to whether a MOD activity is considered as a plan or project, is whether it may have a significant effect on a Natura 2000 site.

Reference can also be made across to the definition of a project within the Environmental Impact Assessment (EIA) Directive. This is not limited to physical construction projects, but can include other interventions into the environment.

Examples of MOD projects that may need HRA include new infrastructure developments such as buildings, roads, hard-standings, ranges, targetry, storage facilities and harbour works; significantly different, changed or intensified operational activities; and other projects such as flood defences, changes to drainage patterns, major third party income generation proposals, water abstractions and discharges to land, water or air. Examples of MOD plans that might need HRA include IRMPs, Establishment Development Plans and estate rationalisation studies.

Replacement equipment or ongoing “steady state” activities are not normally considered to be plans or projects unless they involve an intensification of impact or a different impact to the equipment or activity it is replacing, and will affect the favourable condition of the Natura 2000 sites. The advice of the DE Ops EAS should be sought.

It is important to remember that even if it is decided that an activity does not fall within the scope of a Plan or Project under Article 6(3) of the Directive, it is still necessary to ensure it is compatible with MOD’s general duty to protect the Natura 2000 network.

## ***Habitats Regulations Appraisal – Judgements of Likely Significant Effect and Appropriate Assessments of Plans and Projects***

- 2.18. “Habitats Regulations Appraisal” (HRA) refers to a phased assessment of a plan or project, including ‘Judgement of Likely Significant Effect’ (JLSE) and ‘Appropriate Assessment’ (AA), that may be required for plans or projects that could affect SACs or SPAs.
- 2.19. MOD must assess any plans and projects that could have a significant effect<sup>15</sup> on a Natura 2000 or Ramsar site and are not directly connected with, or necessary to, the conservation management of the site (see Box also 2.3 for what constitutes a plan or project). This initial screening identifies plans and projects which may have a significant effect and need a more detailed ‘Appropriate Assessment’ (see the MOD SEAT Handbook for details).
- 2.20. The Regulations state that where more than one Competent Authority is involved in undertaking, consenting or authorising a plan or project, they may agree for one Authority to take the lead for the HRA, having regard to the views of the other Competent Authorities.
- 2.21. Full details of the process and requirements for JLSE and AA can be found in the MOD SEAT Handbook, including links to MOD Form 2223 – Habitats Regulations Judgement of Likely Significant Effect and MOD Form 2224 – Appropriate Assessment, along with details of the Competent Individuals authorised to sign-off these documents.

<sup>15</sup> For guidance on what is meant by “significant effect”, please consult paragraph 4.4 of the EC Guidance on [Managing Natura 2000 sites – the provisions of Article 6 of the Habitats Directive](#)

2.22. The Lead Competent Authority must make the decision in HRA. Responsibility cannot be transferred to commercial partners, contractors or consultants. The technical considerations in support of an AA may be undertaken by partners/consultants after an initial decision on likely significant effect, but the content and approach of the technical consideration must be checked and approved by a competent individual within MOD.

**Box 2.4 – Considerations of Avoidance, Mitigation and Integrity of a Site**



**Avoidance / Mitigation**

Measures taken to avoid or reduce negative impacts. Measures may include: locating the development and its working areas and access routes away from areas of high ecological interest, fencing off sensitive areas during the construction period, or timing works to avoid sensitive periods. Mitigation can also include habitat enhancement or re-creation measures taken within the boundary of an SPA or SAC. Also see section 2.29 – 2.37.

Where operational and training activities take place within an SPA / SAC, impact avoidance and mitigation measures can include Standing Orders, Standard Operating Procedures and Environmental Management Systems (EMS). These usually rely on ‘adaptive management’ whereby monitoring and surveillance regimes predict, identify and assess where an impact may occur and take preventative or remedial actions.

Examples of monitoring & surveillance regimes include regular or pre-exercise ground condition and fire risk inspections; regular and post-exercise reviews by range wardens and training area marshals; vegetation, bare ground and sometimes animal species surveys and monitoring by internal MOD environmental advisors, contractors and consultants, and feedback from SNCB, Non-Governmental Organisations (NGO) or other staff, perhaps through conservation group meetings.

Preventative actions may include temporary limits on the use of pyrotechnics during dry periods or on heavy vehicles during wet periods. Remedial actions may include temporary fencing to allow re-vegetation of damaged areas, perhaps with mechanical soil de-compaction.

**When to Consider Mitigation and Compensation**

During the HRA process, all reasonable opportunities to avoid or mitigate potential harmful impacts on Natura 2000 features should be explored to avoid a negative assessment of significant effect on a Natura site. Mitigation can be considered during either the “JLSE” or “AA” of a plan or project.

If the HRA cannot show “no adverse effect on integrity” on a Natura 2000 site despite the use of proposed avoidance and mitigation, then it may be possible to proceed if there are no alternative solutions and IROPI apply. Any necessary compensatory measures must be undertaken to ensure the overall coherence of the Natura 2000 network is maintained. Compensation must be considered and discussed/agreed with the SNCBs. See section 2.23.

***Alternatives and Imperative Reasons of Overriding Public Interest (IROPI)***

2.23. Where an HRA cannot conclude that a plan or project will not adversely affect the integrity of a site, it can only proceed under certain circumstances. A plan or project which could result in an adverse impact on a Natura 2000 sites can only go ahead if there are:

- No alternative solutions;
- Sufficient compensatory measures can be secured; and
- There are imperative reasons of overriding public interest.



Consultation and advice from an authorised Competent Individual is essential. Early consultation with SNCBs is strongly recommended.

- 2.24. MOD must show that there are no alternative solutions and that compensatory measures can be secured before a plan or project can proceed for IROPI. This includes whether there are likely to be suitable and available sites which are reasonable alternatives for the development or activity, or if there are options for different practicable approaches which would have a lesser impact. This applies equally to new proposals and to developments with existing permissions. Cost is not necessarily a reason for dismissing an alternative.
- 2.25. The IROPI decision will involve consideration of the importance of the development and whether this is sufficient to override the nature conservation importance of that site, and must pass stringent tests. In many cases, it may be possible to develop a sustainable solution which would remove or reduce an impact, in which case the plan/project would ‘fail’ the no alternative solutions test. But where alternatives have been explored and conflict remains, and where MOD believes the development must proceed, the Habitats Regulations set out a procedure by which, the Government (and the European Commission in certain cases affecting priority habitats or species) may consider whether the overriding public interest considerations should apply. MOD can take a decision on IROPI itself but must notify Defra of it<sup>16</sup>. These ‘derogations’ are reported to the Commission.

**Box 2.5 – The principles for deciding whether imperative reasons of overriding public interest apply**



Where there are no alternative solutions, each case will be judged on its merits but the following guiding principles will be relevant to deciding whether IROPI apply:

- A need to address a serious risk to human health and public safety;
- **The interests of national security and defence;**
- The provision of a clear and demonstrable direct environmental benefit on a national or international scale;
- A vital contribution to strategic economic development or regeneration;
- Where failure to proceed would have unacceptable social and/or economic consequences.

- 2.26. In general, projects of national importance are most likely to be judged as giving rise to IROPI. Important regional projects may also be so judged. Whilst projects of more local significance are not ruled out it is less likely that their potential benefits will be considered to override the nature conservation value of the sites.
- 2.27. The importance of the site within the overall biodiversity network will also affect the balance of considerations. Some sites have habitats and species which are listed as priorities under the Habitats Directive. These must be subject to particularly stringent scrutiny. In these cases the Directive requires considerations other than human health and public safety or overriding environmental reasons to be subject to an opinion from the European Commission.

### ***Compensation under the Habitats Regulations***

- 2.28. Where a decision has been made to carry out a plan or project for IROPI, compensatory measures must be secured to maintain the coherence of the Natura 2000 network. In cases where the habitat types or species affected are relatively abundant and the Government has

<sup>16</sup> And, where appropriate, consult with the relevant ministers in the devolved administrations



designated or is proposing to designate only part of the national resource, it may be possible for an area of similar quality and character to be identified for designation which may, at least in part, compensate for the loss to the network. This will become increasingly difficult with the rarer habitat types and species. In the cases of the rarest, all suitable sites are already likely to be designated. In these cases opportunities for restoration of damaged habitat or creation of replacement habitat should be considered. This may be costly and often technically difficult or ecologically untried. In certain cases the habitat affected may be irreplaceable.

- 2.29. MOD will be expected to bear the cost of the compensatory measures. If re-creation or restoration is specified as compensation, the area concerned should have the potential to become, within a clear timescale, of sufficient quality to ensure that the coherence of the network is protected.
- 2.30. Compensation should not be confused with mitigation. Measures to minimise the impacts on a site may be part of the plan/project or may be proposed to avoid a negative assessment of the impact of the plan/project. Compensation measures are those which address the residual adverse effects that cannot be reduced or avoided and which trigger consideration for over-riding reasons of public interest.
- 2.31. Compensation measures may include the re-creation of a comparable habitat at a new site, or an extension to an existing site. New compensation habitat will normally be designated to maintain the coherence of the Natura 2000 network.
- 2.32. "Compensatory measures" are not defined within the Directive or the Regulations. The scope of the compensation necessary must be assessed in the context of the biogeographic region of the site to be adversely impacted. The European Commission has published guidance on compensation – see Annex 1 for further information.
- 2.33. Factors to be considered in the agreement of compensation measures include:
  - a. Location (distance from affected sites)
  - b. Time to re-create /restore the habitat affected and to the required quality
  - c. Any temporal effects
  - d. Long term sustainability of the compensation measures.
- 2.34. Compensation measures should be secured and ideally be finished before work on the authorised plan or project begins. It may be possible to agree with the appropriate authority to start works, where permissions and assurances are in place to secure compensation. If the compensation measures have been agreed, the MOD must complete them to remain compliant with the Habitats Directive. A monitoring programme should be established to determine whether the compensation is effective, and further compensatory measures applied should they be required.
- 2.35. Any compensation measures must be agreed with the relevant SNCBs, Secretary of State for Defra or Welsh or Scottish Ministers. Defra must be informed for reporting requirements to the European Commission. It is advisable to make sure that the relevant SNCB, Defra and the relevant Devolved Administration are engaged with as soon as a negative assessment is known, if they are not already involved in the process.
- 2.36. It should be noted that MOD must wait 21 days from notifying the Secretary of State before proceeding with the plan or project unless the Secretary of State notifies them that they may proceed before then.

## ***Review of Consents***

- 2.37. Competent authorities are required to review all existing consents and permissions and other authorisations within a Natura 2000 site. The competent authority is responsible for identifying which authorisations/consents need to be reviewed, and if more than one

competent authority is involved, Regulation 23<sup>17</sup> provides for identifying the most appropriate authority to lead on the HRA.

- 2.38. After reviewing the consent, and carrying out an HRA if needed, the competent authority should affirm, modify or revoke the consent as appropriate.
- 2.39. The SNCBs may be consulted by the MOD at any stage of a review of an authorisation, and must be consulted when undertaking the appropriate assessment phase of HRA (see the MOD SEAT Handbook).
- 2.40. Reviews of consents should be done as soon as is reasonably practicable for all new or amended SACs and SPAs after they have become Natura 2000 sites.
- 2.41. If a steady-state activity in an SAC causes deterioration of natural habitats or disturbance of species for which the area has been designated, it must be managed in accordance with the conservation objectives of the site. This may require the negative impact to be stopped by either halting the activity, or by taking mitigation measures.

## ***Natura 2000 Obligations on the Overseas Estate***

### ***Cyprus***

- 2.42. Although the Sovereign Base Areas (SBA) of Cyprus are outside the European Union and are thus not legally obligated to designate sites under the Natura network, the Treaty of Establishment 1960, (which created the Republic of Cyprus and the terms of the SBA and retained sites) requires the SBA to mirror Republic of Cyprus legislation. As member of the EU, the Republic of Cyprus has commenced its Natura 2000 designations. As a result, the Cyprus Sovereign Base Areas Administration (SBAA) has gazetted specific legislation (Ordinances) to meet the requirements of mirroring the Republic of Cyprus laws for Natura 2000. These are the:
  - Protection and Management of Game and Wild Birds Ordinance 2004 (implementing the EU Birds Directive and thus allows the designation of SPAs); and
  - Protection and Management of Nature and Wildlife Ordinance 2007 (implementing the EU Habitats Directive and thus allows the designation of SACs).
- 2.43. Broadly similar in objectives, the Ordinances differ significantly from UK legislation in some procedural aspects. As these Ordinances bind the Crown and employees of the Crown, the procedures within them relating to MOD projects affecting SPAs or SACs in the SBA will need to follow the SBA procedures.
- 2.44. Under the SBA Ordinance an AA is carried out where, in the opinion of the Chief Officer of the SBAA, the project may affect (alone or in combination) an SAC or SPA. For military projects the AA is carried out by the Her Majesty's Forces (or DE as their agents), though the final decision on whether a project can proceed lies with the Chief Officer. Similar principles to the UK are applied before a project can proceed that may adversely affect the integrity or the character of such a site. This allows, in the absence of satisfactory alternatives, approval of projects of imperative over-riding public interest, and in the case where the site hosts a priority habitat or species projects of public health or safety or for reasons relating to beneficial consequences of primary importance for the environment. As with the Habitats Regulations, the precautionary principle is adopted where there is doubt over a project's impact on sites.
- 2.45. For retained sites situated in Natura 2000 sites (e.g. Troodos), these fall out of the legislation detailed above as these sites are not within British sovereign territory. Therefore

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<sup>17</sup> Or Regulation 52 under Habitat Regulations 1994

the host Nation's laws will apply (Republic of Cyprus Nature and Game and Wild Birds laws). These laws implement the EU Birds and Habitats Directives. The competent authority in this case is the Environment Department of the Republic of Cyprus.

- 2.46. The SBAA Environment Department can give advice on the procedures associated with activities effecting the equivalent of Natura 2000 sites (SPAs and SACs), as they are currently in the process of designating these sites across the SBA. Current SBAA policy is to treat all potential Natura sites as if they were designated.

## **Germany**

- 2.47. The Birds Directive and the Habitats Directive provide the foundation for the protection of flora, fauna and habitats in Germany. These have been implemented at the national level through the Federal Nature Protection Act 2002 (Bundesnaturschutzgesetz), which delegates responsibility to the Federal States (Bundes Länder). The Federal States must fulfil the obligations of the Directives through the management of Natura 2000 sites by establishing priority species and biotopes with suitable prohibitions and conservation and development measures.
- 2.48. Military training areas made available for exclusive and unrestricted use by the British Forces in Germany are covered by Articles 48, 53 and 54A of the Supplementary Agreement to the NATO Status of Forces Agreement. These provisions ensure that all overriding military need is safeguarded, but the activities of the British Forces in the Germany ensure that the aims and principles of nature protection and landscape maintenance are taken into account. This principle has been enshrined in the Framework Arrangement signed in May 2009 between the regional ministry of North Rhine Westphalia and Lower Saxony Environment Agency (who fall within the North Rhine Westphalia Ministry for Environment and Nature Protection, Agriculture and Consumer Protection) and the Federal Republic (represented by the Institute for Estate Management (Bundesanstalt für Immobilienaufgaben). This means that whilst military training requirements must take priority, the British Forces will cooperate with the nature protection agencies to maintain the ecological integrity of the Natura 2000 network.
- 2.49. Projects must be examined before they are permitted or carried out to assess that they are compatible with the conservation aims of an SAC or an SPA. This follows a preliminary examination or screening to identify the potential impacts on a site's conservation objectives. If an EIA is needed and this shows that the project would lead to considerable adverse effects (and there are no alternative solutions), the Federal State can declare that it is not permissible (BNatSchG 34(2)).
- 2.50. In such circumstances, a project may only be permitted for compelling reasons of overwhelming public interest; in connection with human health or public safety including national defence and the protection of the civilian population (BNatSchG 34 (3)). If the project is to be carried out in the interests of defence, compensation measures necessary to ensure the connectivity of the Natura 2000 must be undertaken. The approval will be made between the Federal Ministry of Defence and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

## **Gibraltar**

- 2.51. Gibraltar is part of the EU, having joined the European Economic Community with the United Kingdom in 1973. Article 299(4) applies the treaty to "*the European territories for whose external relations a Member State is responsible*", a provision which in practice only applies to Gibraltar. Notwithstanding its being part of the EU, Gibraltar is outside the customs union and VAT area and is exempted from the Common Agricultural Policy. As a separate jurisdiction to the UK the Gibraltar Parliament transposes EU Directives into local law.
- 2.52. The management of nature conservation is governed by the:

- Gibraltar Nature Protection Act 1991 as amended (1992, 1995, 1997, 2001, 2005, 2007, 2008);
- Gibraltar Nature Conservation Area (Upper Rock Nature Reserve) (Protection and Regulation) Regulations 1993; and
- Gibraltar Marine Nature Reserve Regulations 1995.

This involves compliance with EU Directives 2009/147/EC, 92/43/EEC and 2006/105/EC. The Nature Protection Act 1991 closely mirrors UK legislation including procedures.

- 2.53. Under the Nature Protection Act, once adopted as a Natura 2000 site, they are designated as SACs/SPAs. The Ministry of Environment within the Government of Gibraltar is the competent authority with responsibility for SACs/SPAs.

### ***United States Visiting Forces Sites in the UK***

- 2.54. The nature of the United States Visiting Forces (USVF) operations in the UK and the executive responsibilities means the process for dealing with Natura 2000 obligations may vary from that used on other MOD establishments, however, the compliance requirements and standard forms remain the same.
- 2.55. It is the responsibility of the DE ES to co-ordinate management of Natura 2000 obligations between USVF and MOD/DE Environmental Advisors. All records of JLSE must be copied to the DE Ops EAS. Please see DE Electronic Business Management System (EBMS) Process 1.11.1.5.2 for further detail on where engagement processes differ.

### ***Marine Natura 2000***

- 2.56. European Marine Sites are a part of the Natura 2000 network (SACs, SPAs, cSACs, SCIs and pSPAs) but consist of areas covered intermittently or continuously by seawater. They are subject to the same requirements as other SACs/SPAs. European Offshore Marine sites are designated in UK Waters between 12-200 nautical miles, under the Offshore Marine Conservation Regulations 2007.
- 2.57. For Inshore & Offshore European Marine Sites the MOD is a competent authority, where any or all competent authorities may establish a management scheme (although only one management scheme may be established for each site, but this scheme may cover more than one site).
- 2.58. MOD will be consulted and given the opportunity to participate in the scheme. Any competent authority participating in a management scheme has a statutory duty to take reasonable steps to exercise its functions in line with that scheme.

### 3. Sites of Special Scientific Interest (SSSIs)

#### Box 3.1 Nationally designated sites – the basics



#### Sites/Areas of Special Scientific Interest

SSSIs / ASSIs are designated as the UK's best wildlife and geological sites on land and down to low water mark. They are protected by the Wildlife and Countryside Act 1981, the Nature Conservation Scotland Act 2004 and Wildlife (Northern Ireland) Order 1985.

SSSIs identify areas with habitats and species worthy of protection against damaging operations; and any such operations need to be authorised by the designating authority. SSSIs form the basic unit of UK protected area law, and the majority of internationally protected sites are underpinned by SSSI designation.

MOD and other public bodies have a legal duty to further the conservation and enhancement of SSSIs in carrying out their functions. As a public body (also called a section 28G authority), MOD must not carry out operations likely to damage the special interest of a SSSI (see figure 1 for a useful decision tree). There is a formal process by which MOD must seek consent for damaging operations and, in certain circumstances, where consent is not required (e.g. an emergency operation).

Information on a particular SSSI is set out in the "citation". This legal document describes site boundaries and why it is special, and information about operations likely to damage (OLDs). This forms part of a package of information, including the SNCBs view about management (also called site management statements). Local DE Land Management Services and DE Ops EAS are your first port of call for information about SSSIs on the MOD estate.

It is an offence to intentionally or recklessly damage or destroy features of special interest, or for public bodies to undertake or permit damaging operations without consulting the SNCB and requesting consent. In some instances these can result in unlimited fines and MOD will be required to restore damage done.

MOD retains responsibility for safeguarding the SSSIs where it authorises or permits activities by third parties and casual use of MOD's SSSI estate (see para 3.27). Third parties are also responsible for their activities, and can be prosecuted for damage to the special interest features.

#### National Nature Reserves

National Nature Reserves (NNR) are the sites which are among the best examples of particular habitats. NNRs are underpinned by SSSI protection and are given the highest level of conservation protection available under UK legislation.

#### SSSI Improvement Programme

MOD is committed to Government targets to improve the condition of SSSIs. We have established an improvement programme to identify and implement improvement works to enhance and maintain SSSI features to meet our legal obligations. Details can be provided by DE Ops EAS.

- 3.1. SSSIs are designated under the [Wildlife and Countryside Act 1981](#) and [Nature Conservation \(Scotland\) Act 2004](#). Equivalent ASSIs in Northern Ireland are designated under the [Environment \(Northern Ireland\) Order 2002](#).
- 3.2. The purpose<sup>18</sup> of SSSI designation is to safeguard the diversity and geographic range of habitats, species and geological and physiographic features. They are intended to integrate

<sup>18</sup> Contained with the Defra 2003 Code of Guidance (SSSIs – Encouraging Positive Partnership), although only applicable to England



and balance conservation needs with other sectoral interests. They are selected on the basis of scientific criteria<sup>19</sup>. The majority of SPAs, SACs and Ramsar sites (with the exception of most marine sites) are also notified as SSSIs.


- 3.3. For land notified as a SSSI/ASSI, Top-Level Budget (TLB) authorities must meet the requirements of Part II of the Wildlife and Countryside Act 1981 (as amended) (except, S.51 Powers of Entry), the Nature Conservation (Scotland) Act 2004 (as amended) and the Environment (Northern Ireland) Order 2002, and with any other relevant statutory provisions regarding UK designations.
- 3.4. MOD has management responsibility for 172 SSSI/ASSIs (as at Mar 2010), and operates on a further 93 SSSIs through land on which MOD is licensed to train. Many of these are also designated as SACs, SPAs, Ramsar Sites or European Marine Sites.

### **Designation (Notification) of a SSSI**

- 3.5. The SNCBs have a legal duty to identify land that is of special interest. The SNCB must notify all the owners and occupiers of the land where it considers there to be an area of special interest. The majority of SSSIs have been consulted on and notified, though changes to boundaries, new sites or denotification of sites may occur.
- 3.6. Please refer to Annex 5 for the processes for notification, varying a notification and denotification of a SSSI.

### **MOD Statutory Obligations for SSSI Protection**

- 3.7. As a ‘public body’, MOD has a statutory duty to take “*reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the [...] sites special scientific interest*”<sup>20</sup>. ‘Public bodies’ are also called section 28G authorities within the relevant section of the Wildlife and Countryside Act 1981. The duty applies wherever the MOD is exercising its functions, whether on MOD-owned land, or training on private land.
- 3.8. Please refer to the Declarations of Intent (DoI) with NE, SNH and CCW for details on working with the SNCBs (See Annex 1).

<p><b>Box 3.2 - MOD Obligations as a “Section 28G Authority” under the Wildlife and Countryside Act 1981, or a Public Body under the Nature Conservation (Scotland) Act 2004</b></p>	
<p>In compliance with the Wildlife and Countryside Act 1981 and the Nature Conservation (Scotland) Act 2004, TLB authorities must “take reasonable steps, consistent with the proper exercise of [‘MOD’s’ functions], to further the conservation and enhancement of flora and fauna or geological or physiological features by reason of which the site is of special scientific interest”<sup>21</sup>.</p> <p>As well as this general duty, MOD must not carry out operations likely to damage the special interest of a SSSI, unless the SNCB has first been given written notice of the intended operation. Each site will have a list of operations considered by the SNCB as likely to cause damage (known variously as</p>	

<sup>19</sup> Details of the criteria for site selection are available from the Joint Nature Conservation Committee (JNCC). [Click here for biological SSSIs](#) and [click here for Earth Science SSSIs](#)

<sup>20</sup> Section 28G (2) of the Wildlife and Countryside Act 1981

<sup>21</sup> Similarly in Scotland TLB Authorities must “in exercising [MOD functions], take reasonable steps, so far as is consistent with the proper exercise of [MOD functions] ... to further the conservation and enhancement of the natural feature specified in the SSSI notification, and maintain or enhance the representative nature of any series of sites of special scientific interest to which the SSSI notification contributes”



Operations Likely to Damage, (OLDs) Potentially Damaging Operations (PDOs) or Operations Requiring Consent (ORCs)). The SNCB has 28 days to reply and may assent to the proposed operation with or without conditions, or refuse assent.

In these circumstances, the TLB authority must make sure that advice from the DE ES and a MOD Environmental Advisor is taken into account.

The Government expects all public bodies to:

- Apply strict tests when carrying out functions within or affecting SSSIs, to ensure they avoid or minimise adverse affects;
- Adopt the highest standards of management in relation to SSSIs in their ownership, and to take appropriate action to prevent damage by third parties; and
- As owners or otherwise, take positive steps, wherever possible, to conserve the special interest features of a SSSI, where their activities may be affecting it, or as opportunities arise in the exercise of their functions.

The MOD is only required to seek or hold consents/assents for activities it considers likely to damage the special features of a SSSI (i.e. included on the OLD list). If it is considered that the activity will not impact on the special feature, an assent/consent is not needed.

Assent is not needed for activities ongoing before February 2001. This does not apply in Scotland where consents issued to public bodies before the Nature Conservation (Scotland) Act 2004 came into force, were not carried forward and public bodies must re-apply for consent for damaging operations.

### ***Operations carried out by MOD<sup>22</sup> that need consent/assent***

- 3.9. The SNCBs must be consulted over any plans, projects or activities that are listed as OLDs, or that may damage the special features of any SSSI, unless they are covered by a planning permission, an existing assent or management plan or, as agreed under the DoI, are ongoing military activities. In Scotland, consent is also not required from SNH if the operation has been permitted by another Regulatory Body<sup>23</sup>. See Figure 1 for a process map for carrying out operations that may affect SSSIs. If there is any uncertainty about whether an operation is likely to damage SSSI features, a MOD Environmental Advisor must be consulted and the relevant SNCB should be consulted at an early stage.
- 3.10. In England and Wales, if the proposed operations are part of the MOD's statutory functions, i.e. military training, then assent under section 28H of the Wildlife & Countryside Act (as amended) is required. However, if the MOD has a request from a third party for events such as a proposed orienteering event or car rally, then a notice seeking consent under 28E is required. It is possible for third parties and MOD industry partners to undertake the discussions about an assent, however, any assent/consent issued must be to MOD as the landowner.
- 3.11. MOD tenants and long term licensees, who are considered 'occupiers (i.e. have a legal interest in the land) should secure their own consents as occupiers under section 28E.
- 3.12. For notices submitted for consent under section 28E the SNCB has 4 months to determine the proposals. The SNCB can either give consent, consent with conditions or a refusal. If a refusal or conditioned consent is issued, then there is the right of appeal to the Secretary of State within two months of the decision. A notice of a proposal under section 28E is deemed as being refused if the SNCB has not made a formal response to it after four months.
- 3.13. For section 28E consent notices that are submitted on sites that are also a Natura 2000 site, the SNCB is the competent authority to carry out the HRA under the Habitat Regulations (section 20).

<sup>22</sup> And for all "public bodies" / "Section 28G authorities"

<sup>23</sup> The relevant regulatory bodies are the Scottish Ministers, any local authority, the Scottish Environmental Protection Agency, the Forestry Commission, the Crofters Commission and any district salmon fisheries board

- 3.14. In Scotland, MOD must apply to SNH for consent to carry out any operation that is likely to damage the natural features of a SSSI under section 13 of the Nature Conservation (Scotland) Act 2004 (see below). The MOD is to apply for consent to allow third parties to carry out events on land owned by the MOD. Tenants of the land must apply to SNH themselves for consent to carry out or allow others to carry out operations on the ORC list. As in England and Wales, SNH is the competent authority in relation to applications for consent that affect a Natura 2000 site.
- 3.15. Where MOD plans to undertake operations in the exercise of its functions, which are likely to damage the special interest of a SSSI, the appropriate SNCB must be given written notice (this includes works outside a SSSI that may affect it). To apply to a SNCB for assent to undertake an OLD the following should be provided in writing:
- The nature of the operation;
  - The proposed start and completion dates;
  - The land on which it is proposed to carry out the operation;
  - Details of any proposed mitigation; and
  - Any further information necessary for a SNCB to be able to form a clear view about the proposal's implications on the special features of a SSSI.

**Box 3.3 – Mandatory Practice – Operations on SSSIs**



MOD policy encourages early consultation with SNCBs to ensure legal compliance.

Heads of Establishment / Commanding Officers, Environmental Protection Officers, Site Estate Team Leaders and other relevant personnel should be aware of the requirements and constraints for the management and protection of SSSIs that may affect or be affected by MOD's activities.

DE ES are the first point of contact for advice on designated sites. DE ES should check their records and consult DE Ops EAS or the appropriate SNCB to check designations. DE ES should consult MOD Environmental Advisors for advice on requirements / process (see contact details).

For land notified as a SSSI or ASSI, TLB authorities must meet the requirements of Part II of the Wildlife and Countryside Act 1981 (except Section 51 – Powers of Entry), the Nature Conservation (Scotland) Act 2004, the Environment (Northern Ireland) Order 2002 and with any other relevant statutory provisions regarding UK designations. In compliance with this legislation, TLB authorities must 'take reasonable steps, consistent with the proper exercise of 'MOD' functions, to further the conservation and enhancement of flora and fauna or geological or physiological features by reason of which the site is of special scientific interest'.

Where MOD has management responsibility for a SSSI, a MOD Conservation Group or Focal Point must be setup and a management plan produced to ensure the objectives to achieve "favourable condition" are met.

- 3.16. The SNCB will indicate within 28 days whether or not it assents to the operations (either with or without conditions) which may include the need to obtain a licence if there is an impact on a protected species (see also EBMS process 2.7.3.3 Protected Species licensing). Where assent is neither given nor refused within that time, it is deemed to have been refused. Where SNCBs have previously issued Consent or Assent for an OLD is it advisable to check that the Consent/Assent is valid for the planned activity.
- 3.17. If it is decided that MOD must proceed with the works, MOD must give not less than 28 days notice of the start of the operation, explaining how it has taken into account any advice that the SNCB has given. MOD must show how the balance between varying interests has been taken into account, including the special interest of the site, and alternative methods of carrying out the

operations in order to minimise impacts. MOD Environmental Advisors must be consulted before this step is taken.

- 3.18. The SNCB may in exceptional cases, where it is seriously concerned about the significance of the damage, consider what alternative options are available to it, including reference to the Secretary of State, or an application for judicial review of the MOD's decision to proceed.
- 3.19. Further guidance should be obtained from MOD Environmental Advisors, and process maps on dealing with operations on SSSIs can be found in the EBMS (process 2.7.3.1.1)

**Box 3.4 – Restricted Information about operations on defence land**



The SNCBs accept that there will be circumstances in which prior consultation over notifiable operations on defence land could prejudice national security. In these cases, the relevant SNCB should be given as much detail of the occurrence as national security will permit, at the earliest opportunity.

### ***Planning Control and SSSI Assent/Consent***

- 3.20. Where planning permission has been granted for development affecting a SSSI, MOD is not required to obtain a separate SSSI assent (in these cases, the planning authority must have consulted the SNCB before granting planning permission). MOD must show how it has taken account of the requirements for SSSIs within its planning application.
- 3.21. Where the exercise of certain permitted development rights on a SSSI would constitute an operation likely to damage (i.e. as listed in the notification as likely to damage the special interest features), MOD will need a separate assent of the SNCB, and should consult with the relevant SNCB using the process identified above.
- 3.22. The identification and avoidance/mitigation of a proposal's impact on any SSSI will be a key element of pre-application negotiations between MOD and the Local Planning Authority (LPA). Practitioners should make sure that planning applications are submitted with adequate information, using early negotiation, using published LPA checklists and undertaking ecological surveys and appropriate consultation.
- 3.23. Practitioners should also be aware that LPAs will seek to secure measures to protect, enhance, mitigate and where appropriate compensate through planning conditions and obligations.
- 3.24. For further guidance please contact a MOD Environmental Advisor.

### ***Environmental Impact Assessment and SSSIs***

- 3.25. Where designations are involved (including National Parks, SSSI, NNR and National Scenic Areas), a statutory EIA may be required where the particular natural heritage interest of the area would be likely to be significantly affected by a development.
- 3.26. For more information on EIA, please see Section 4 of the MOD SEAT Handbook (see Further Information).
- 3.27. The Institute of Ecology and Environmental Management (IEEM) has guidance on the ecological input to EIA, and this can be found at:  
<http://www.ieem.net/ecia/impact-assess.html>

## **Third Party Activities on SSSIs**

- 3.28. MOD retains responsibility for safeguarding SSSIs where it authorises activities by third parties and casual use of MOD's SSSI land. Any licence or permission given by MOD must contain adequate clauses or conditions to make sure that only the permitted activity is carried out and that the permit holder is responsible for any further damage, disturbance or destruction. MOD should seek advice from the SNCB on third party activities (including contractor activities) where they may affect SSSI features.
- 3.29. Contracting partners can apply for SSSI consents / assents directly through the SNCB where required; however DE must receive a copy & should be kept advised by informed industry partners throughout the process. Any consent applied for by a contracting partner must be issued to the MOD. Third party casual use should not be permitted against the advice of the SNCB.

### **Box 3.5 - Third Party Activities on MOD SSSIs**



Third party users are responsible for and can be prosecuted for damage to the special interest features of a SSSI.

It is an offence for any third party to intentionally or recklessly damage or destroy any of the features of special interest of an SSSI, or to disturb wildlife for which a site is notified without reasonable excuse. Knowledge that the land affected was an SSSI is not required for an offence to be committed, and penalties can include fines and orders to restore the damage done.

Where third party activities on MOD SSSIs relate to industry partners on MOD-owned land (e.g. Regional Prime Contractor, Private Funding Initiative, QinetiQ), the partner may initiate the application process but SSSI consents/assents must be issued to DE rather than the contracting partner.

Where damage occurs to a SSSI for which MOD has management responsibility for, DE must be informed immediately. Lead responsibility for liaising with the SNCB over any impacts to MOD SSSIs remains with DE.

## **Tenant Farmers & long-term agricultural licensees - operations on SSSIs**

- 3.30. Tenant farmers and agricultural licensees must not carry out any operations likely to damage unless:
- It is in accordance with a management agreement;
  - The tenant/licensee obtains consent from the SNCB;
  - Planning permission is applied for and granted to the tenant;
  - The MOD grants permission (after seeking advice from the SNCB); or
  - In an emergency.
  - A relevant regulatory authority has given permission for the operation (in Scotland)
- 3.31. Where Tenant Farmers and long-term agricultural licensees apply for consents in their own right as owners or occupiers DE must receive a copy.
- 3.32. Consent from the SNCB may be subject to conditions and may be refused if the proposed operation will damage the special interest. If consented activities are damaging SSSI

features, the SNCB has powers to withdraw or modify an existing consent. Appeals against refusal, withdrawal or modification of consent must be made within two months (28 days in Scotland). If consent is withdrawn or modified, the SNCB must offer a management agreement to owners and occupiers if they suffer a loss as a result.

- 3.33. When new farming tenancies/licences are arranged or new leases agreed, advice should be sought from DE Ops EAS to ensure that appropriate environmental and conservation aspects are taken into consideration such as statutory obligations to maintain and improve the condition of a SSSI.

### ***Offences and Penalties***

- 3.34. All major incidents of damage to designated sites must be reported to DE Ops EAS via the ES and the TLB Environmental Focal Points as soon as possible. It is the ES's responsibility to report damage to the appropriate SNCB. DE Strategy and Policy Directorate (StratPol) must be made aware of such incidents that may give rise to official complaints or parliamentary questions.
- 3.35. A person is liable to a fine of up to £20,000 (£40,000 in Scotland) on summary conviction or an unlimited amount on conviction on indictment if he or she carries out, without reasonable excuse, an operation which damages the special features of an SSSI.
- 3.36. The Courts can also make an order requiring that person to take certain actions to restore the land to its former condition. Failure to comply with a court order may be punished by a fine of up to £5,000 and a further fine of up to £100 per day for as long as the offence continues. In Scotland the penalties for non-compliance are a fine of up to £40,000 on summary conviction, or an unlimited amount on conviction on indictment. If restoration is not carried out within the specified time, the SNCB may carry out the works and recover all costs involved.
- 3.37. A third party offence of intentional or reckless damage or destruction without the requirement of knowledge that the land affected was an SSSI also exists and accordingly carries a lower penalty fine of up to a maximum of £2,500<sup>24</sup>. In Scotland the penalties are a fine of up to £40,000 on summary conviction, or an unlimited amount on conviction on indictment.
- 3.38. Failure to follow the procedures could lead to judicial review against MOD, and also to the third party being prosecuted for causing damage, disturbance or destruction without reasonable excuse. Individuals within MOD can be held accountable for offences committed under SSSI legislation.
- 3.39. Where it is suspected that an offence has been committed, the SNCB / wildlife officers will work with MOD police to investigate (and inform DE).

### ***Monitoring SSSI condition status***

- 3.40. The SNCBs are responsible for monitoring SSSI condition, according to the common monitoring standards published by the Joint Nature Conservation Committee (JNCC). TLB authorities should facilitate access for the SNCBs to relevant SSSI land for monitoring purposes, subject to health and safety, and security requirements. The SNCBs provide details of condition assessments and SSSI status to DE.

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<sup>24</sup> Penalties correct as at June 2009

### Box 3.6 - The MOD SSSI Favourable Condition Programme



MOD has a target to get 95% of the SSSIs in its ownership or under its management such that 95% by area are to be in a 'favourable' or 'unfavourable recovering' condition by December 2010 (Defra Public Service Agreement target). This applies in England and Scotland only. For Northern Ireland and Wales, the target dates vary; in Northern Ireland 95% of ASSIs in target condition by 2013, and for Wales 95% of SSSIs in target condition by 2015.

The first phase of the Programme involved auditing the state of our SSSIs, reasons for adverse condition and identifying where improvement was needed. Reasons were found to include:

- Over-grazing, moor burning, unsuitable ditch management (69% of unfavourable area);
- Scrub control and under-grazing (34% of unfavourable area);
- Coastal squeeze (10% of unfavourable area);
- Forestry and woodland management (6% of unfavourable area);
- Direct military impacts (2% of unfavourable area).

Since 2003, there has been significant progress towards the target. The latest figures for the condition of SSSIs on the MOD estate can be seen by following this [link](#).

In January 2009, a [joint partnering agreement](#) was reached with Natural England to set out the approach and mechanism by which the MOD can agree plans with Natural England which address MOD's SSSI remedies and thereby secure favourable or unfavourable recovering condition (in partnership with other remedy owners) across not less than 95% of MOD SSSI area by December 2010. This has involved massive partnership work between the MOD, Natural England and our contractors and tenants. The MOD has committed to a SSSI improvement programme for England.

The Wales Environment Strategy Outcome 21 sets targets for getting designated sites (SAC, SPA, Ramsar, SSSI and 'local sites') into favourable condition in Wales. The Countryside Council for Wales and Welsh Assembly Government are working in partnership with MOD to develop a programme of action to deliver SSSI management.

Work is currently underway to agree wider SSSI programmes in Scotland and Northern Ireland.

Contact the DE Ops EAS for more details regarding specific SSSIs/ASSIs. See Annex 1 for contact details.



## 4. National & Local Nature Reserves

### *National Nature Reserves*

- 4.1. NNRs are designated under the [National Parks and Access to the Countryside Act 1949](#) or the Wildlife and Countryside Act 1981 for the primary purpose of nature conservation. They are considered to be of outstanding nature conservation interest, and given strict protection against damaging operations. They also have strong protection against development on and around them through the planning process. All NNRs are also SSSIs and may have additional international designations (e.g. SAC or Ramsar). There is no extra obligation on owners / managers of NNRs, but there will be a management agreement to manage the site sympathetically for wildlife. For these sites, MOD should seek to show best practice measures for avoiding detrimental impacts on the site.
- 4.2. MOD has management responsibilities on two NNRs and has licence to train over a further eleven sites. See Annex 3 for a list of MOD Sites with associated designations.

### *Local Nature Reserves*

- 4.3. Local Nature Reserves (LNRs) are designated by local authorities under the National Parks & Access to Countryside Act 1949, section 21. In Northern Ireland, they are designated by district councils through Article 22 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. They are places with wildlife or geological features that are of special interest locally. LNRs can only be designated by local authorities if they have a legal interest in the land (freehold/leasehold), or by having a nature reserve agreement with the owner.
- 4.4. While there is no legal obligation to manage an LNR to any set standard, management agreements often exist, and they may be given protection against damaging operations and development through local plans/byelaws. It is therefore MOD Policy to consider them before proceeding with new plans, programmes and projects. There are currently 13 LNRs on the MOD estate, most of which are within a SSSI designation and are therefore well protected. For the others, MOD policy on local biodiversity, as highlighted in section 7 below, should be followed.

## 5. Disposal of land of high conservation value

- 5.1. MOD will ensure that conservation designations and issues are taken into account when disposing of surplus MOD property, and land subject to conservation designations, which is scheduled for disposal, is managed to the same standard as if it were in operational use.
- 5.2. As long as there are no Crichel Down (former owner) considerations, legal constraints or other conflicting Treasury rules or Government policy, MOD will first consider selling land of high conservation value to a purchaser formally nominated by the SNCB, at open market value. The appropriate DE Business Unit must prepare a business case to show that the best return for the taxpayer, consistent with Government policies is being obtained. An independent, suitably qualified valuer must provide an open market valuation.
- 5.3. Landowners of SSSI land must notify the appropriate SNCB, within 28 days of disposal, when the property changes hands or a new tenancy is granted or other changes relating to an interest in the land occur. MOD has agreed to give “advance notice of any intended disposal or acquisition of land wholly or partial notified as a SSSI”. All offices must ensure that the relevant SNCBs are informed of such transactions.
- 5.4. Further guidance on the disposal of land of high nature conservation value can be found in the Site Closure Guide (DMG12)<sup>25</sup> and [JSP362 Volume 4](#) on disposals.

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<sup>25</sup> Please see Annex E – Environmental Considerations During The Rundown Period (p39-42)

## 6. Marine Protected Areas (MPA)

### Box 5.1 – Marine Conservation Zones (MCZ)



The [Marine and Coastal Access Act 2009](#) provides for the designation and protection of Marine Conservation Zones (MCZ) in England and Wales, and UK offshore waters. These will form part of an ecologically coherent network of Marine Protected Areas (MPA), along with European marine sites and the marine parts of SSSIs and Ramsar Sites. In Scotland, these are provided for through the Marine (Scotland) Act 2010<sup>26</sup>.

MCZs will protect important marine wildlife, habitats, geology and geomorphology not already protected by other designations. Sites will be chosen to protect not just the rare and threatened, but the range of marine wildlife and habitats. The management measures required within MCZs will be decided on a site-by-site basis and will depend on what the site has been designated for, and the site-specific conservation objectives that have been set. In a similar way to protected areas on land, there will be sites where some activities are not allowed but others can occur, or where there are seasonal restrictions on activities rather than a complete ban. Not all sites will need the same management measures and there is no presumption that all activities will be banned. There may, however, be some sites where all damaging activities are restricted.

MCZs, together with other types of MPA, will deliver the Government's aim for an 'ecologically coherent network of Marine Protected Areas'. This means the MPA network will be a collection of areas that work together to provide more benefits than an individual area could on its own.

Public authorities have, for MCZs and Scottish MPAs, a general duty to exercise their functions in a manner which furthers the conservation objectives of MCZs/MPAs, or where that is not possible to exercise its functions in a manner which least hinders them. There is also a specific duty on public authorities authorising or consenting to anything that might be capable of affecting an MCZ/MPA.

### ***Voluntary Marine Protected Areas***

- 6.1. Voluntary Marine Conservation Areas (VMCAs), Voluntary Marine Nature Reserves (VMNRs) and Sensitive Marine Areas (SMAs), protect local priority habitats or species, as identified within the UK Biodiversity Action Plan ([UK BAP](#)). While these have no legal basis, the MOD is still expected to have regard for biodiversity and further the UK BAP while carrying out its functions under s40 of Natural Environment & Rural Communities Act 2006 (and devolved equivalents). Therefore these sites should be considered when undertaking activities in the marine environment.

<sup>26</sup> Marine (Scotland) Bill has been passed, and received Royal Assent. in March 2010.

## 7. Other Designated Sites (non-statutory)

- 7.1. As well as the designated sites referred to above, there are a number of other local conservation designations. These sites form part of a wider national network of Local Sites. These include sites designated for their wildlife and/or geological interest. They are often administered by local authorities in partnerships with non-statutory conservation organisations, in particular the Wildlife Trusts. Please see the Further Information section for Defra guidance on the management of local sites.
- 7.2. This tier of conservation designation varies from area to area. The criteria for inclusion and the level of protection may not be the same in all areas, but are usually based on the presence of priority habitats and species as identified in the UK BAP. Some local sites will have much the same biodiversity value as SSSIs. In England and Wales most individual counties have different schemes, although most are similar. The local development framework will include policies for the protection of local sites, and any impacts on such sites would be a material consideration in planning applications. Local sites have no statutory protection, and are protected through the planning system.
- 7.3. The areas have often been identified by the local Wildlife Trust and agreed by the planning authority. In practice, in many areas, the local Wildlife Trust, although a non-statutory body, has the most important role in advising on the scheme.
- 7.4. These locally designated sites should also be taken into account in any management planning for a site and any new projects or plans. Further advice on these can be obtained from DE ES and MOD Environmental Advisors.

### Box 7.1 - Local Designations



MOD will seek to protect and enhance local sites for which it has management responsibility. These non-statutory areas are given a name and invariably an acronym. For example, a

- LWS (Local Wildlife Site);
- SINC (Site of Importance for Nature Conservation);
- COWS (County Wildlife Site);
- SNCI (Site of Nature Conservation Importance);
- ANCI (Area of Nature Conservation Importance);
- SCWI (Site of County Wildlife Importance);
- RIGS (Regionally Important Geological Site).

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## 8. Other Protected Habitats

### ***Hedgerows***

- 8.1. Hedgerows are protected by the [Hedgerows Regulations 1997](#). Under the regulations, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority.
- 8.2. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and which contain a diversity of woody shrub species often with associated hedgerow features, such as standard trees or ditches. The local planning authorities will assess the importance of the hedgerow using criteria set out in the regulations.
- 8.3. Hedgerows in areas covered by a Historic Landscape Characterisation are often protected on the basis of historic importance and their wildlife value.
- 8.4. A summary of the law is contained in the Defra leaflet *Hedgerow Regulations: Your Question Answered*. More detailed guidance can also be found in *The Hedgerows Regulations 1997: A Guide to the Law and Good Practice*. For more information, see this [link](#).

### ***Ancient Woodlands***

- 8.5. Ancient Woodland is identified as land which has been continuously wooded since AD1600 (or AD1750 in Scotland). It is home to a number of rare or threatened species, many of which are protected under the UKBAP. Therefore Ancient Woodland is a priority habitat and should be protected under MOD's general duty to consider biodiversity interests.
- 8.6. MOD policy on the management of Ancient Woodland is to follow Government policy on their management, entitled "[Keepers of Time](#)". For more information, please consult the guide or contact a MOD Environmental Advisor or the MOD Head Forester.
- 8.7. Further information on woodland management can be found in [JSP362, Volume 3, Chapter 3, Leaflet 2](#) on Forestry.

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## **Annexes**

1. Further Information and Useful Contacts
2. Summary of Nature Conservation Designations
3. Table of MOD Sites and associated designated sites
4. Natura 2000 consultation and designation process
5. Notification, Varying a Notification and Denotification of a SSSI/ASSI
6. Abbreviations

## Annex 1 - Further Information and Useful Contacts

### Box A1 - Further Advice and Guidance – Internal MOD



For further advice on the compliance with designated sites obligations, contact:

#### **Policy:**

DE Strategy and Policy Directorate (Sustainable Development and Energy Team)

☎: 9355 83523 / +44 (0) 1225 883523

✉: [sustainable.development@de.mod.uk](mailto:sustainable.development@de.mod.uk)

#### **Operations:**

DE Operations North – Professional & Technical Services Environmental Advisory Services (Natural Environment Team)

☎: Natural Environment Team Leader 94325 4820 / +44 (0) 1980 4820

✉: [stuart.otway@de.mod.uk](mailto:stuart.otway@de.mod.uk)

#### **For implementation advice in relation to USVF sites, contact:**

Sustainability Environmental Manager - DE Ops International, USF Division

Tel: 01223 255045

Email: [malcolm.starreveld@de.mod.uk](mailto:malcolm.starreveld@de.mod.uk)

#### **MOD Environmental Advisors contact points:**

##### **Army**

Department of Infrastructure and Support

Tel: 01722 433924

Email: [simon.morriss507@mod.uk](mailto:simon.morriss507@mod.uk)

##### **Central**

CTLB Estates Team Leader

Tel: 0207 218 2185

Email: [david.evans804@mod.uk](mailto:david.evans804@mod.uk)

##### **Cyprus**

Environmental Advisor (Cyprus)

Tel: 00357 2596 2209

Email: [david.reynolds@cyp.mod.uk](mailto:david.reynolds@cyp.mod.uk)

##### **DE&S**

Environmental Protection Advisor

Tel: 01225 467361

Email: [DESSESEP-EP-Advice@mod.uk](mailto:DESSESEP-EP-Advice@mod.uk)

##### **Defence Science & Technology Lab**

DSTL Conservation Officer

Tel: 01980 613373

Email: [SJCORBETT@dstl.gov.uk](mailto:SJCORBETT@dstl.gov.uk)

##### **Defence Training Estate**

Rural Operations & Plans

Tel: 01985 222874

Email: [nigel.hayward@de.mod.uk](mailto:nigel.hayward@de.mod.uk)

##### **Germany**

Sustainability Environmental Manager

Tel: 01223 255045



Email: [malcolm.starreveld@de.mod.uk](mailto:malcolm.starreveld@de.mod.uk)

**Gibraltar**

Defence Estates Land Agents

Tel: 00350 200 55533

Email: [purserj@a.dii.mod.uk](mailto:purserj@a.dii.mod.uk)

**Met Office**

Tel: 01392 884631

Email: [jason.parr@metoffice.gov.uk](mailto:jason.parr@metoffice.gov.uk)

**Navy**

Environmental Protection Advisor

Tel: 02392 625981

Email: [FLEET-CAPCESOEPSO1C@mod.uk](mailto:FLEET-CAPCESOEPSO1C@mod.uk)

**RAF**

Chief Environment & Safety Officer

Tel: 01494 497441

Email: [AirSpt-CESOSDSO1@mod.uk](mailto:AirSpt-CESOSDSO1@mod.uk)

**Volunteer Estate**

Tel: 01225 449717

Email: [john.hawkins@de.mod.uk](mailto:john.hawkins@de.mod.uk)

**UK Hydrographic Office**

Tel: 01823 337900 (ex 3322)

Email: [rick.hodge@ukho.gov.uk](mailto:rick.hodge@ukho.gov.uk)

## **Internal MOD Policy and Guidance**

- Further Information on MOD policy for designated sites can be found in JSP 362 – The Land Management Policy Manual ([Chapter 3, Leaflet 7 – Nature Conservation & Biodiversity](#));
- [JSP418 Volume 2 Leaflet 3](#) on Conservation & Biodiversity;
- [SofS Policy Statement on Safety, Health, Environmental Protection and Sustainable Development in the MoD](#);
- Memorandum of Understanding between MOD and Department of Environment, Food & Rural Affairs (Defra), Department of Communities & Local Government (DCLG), Scottish Government, Welsh Assembly Government, and Northern Ireland Executive on the Habitats and Birds Directives can be found at:  
<http://www.mod.uk/DefenceInternet/MicroSite/DE/OurPublications/Agreements/DefraMemorandumOfUnderstanding.htm>
- Declaration of Intents between MOD and Natural England, Countryside Council for Wales and Scottish Natural Heritage can be found at:  
<http://www.mod.uk/DefenceInternet/MicroSite/DE/OurPublications/Agreements/Index.htm>
- Details and guidance for all appraisals requirements, including Sustainability Appraisals and Environmental Impact Assessments can be found in the [MOD Sustainability and Environmental Appraisal Tools Handbook](#);
- For guidance on protected species and wider biodiversity, please refer to the appropriate Practitioner Guide;
- The [Sustainable Development Portal](#) contains information on a number of Sustainable Development issues across the Defence Estate, including designated sites.

## External Information and Guidance

- EC guidance “Managing Natura 2000: The provisions of Article 6 of the Habitats Directive” are a good general overview of the obligations of member states towards N2K sites:  
[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf)
- Natura 2000 sites viewer and database are available online to provide information on Natura 2000 sites from: <http://natura2000.eea.europa.eu/> and <http://www.eea.europa.eu/data-and-maps/data/natura-2000/> respectively;
- Tyldesley and Hoskin (2008) *Assessing projects under the Habitats Directive: guidance for competent authorities*. Report to Countryside Council for Wales.  
[http://www.powys.gov.uk/rep\\_2009-04-23rw1\\_10b\\_en.pdf?id=47](http://www.powys.gov.uk/rep_2009-04-23rw1_10b_en.pdf?id=47)
- Further information on SSSIs and MOD’s obligations as a Section 28G Authority can be found in the Defra publication - [Sites of Special Scientific Interest: Encouraging Positive Partnerships](#)
- For information on the management of local sites Defra’s guidance: “Local Sites – Guidance on their Identification, Selection and Management, 2006”

### Box A2 - Useful Contacts – external organisations



#### **Natural England (Head Office)**

1 East Parade, Sheffield, S1 2ET

Tel: 0845 600 3078 (local rate)

Fax: +44 (0) 114 241 8921

Website: <http://www.naturalengland.org.uk>

Area Team contacts: [http://www.naturalengland.org.uk/about\\_us/contact\\_us/](http://www.naturalengland.org.uk/about_us/contact_us/)

#### **Scottish Natural Heritage (Head Office)**

Great Glen House, Leachkin Road, Inverness, IV3 8NW

Tel: +44 (0)1463 725000

Fax: +44 (0)1463 725067

Website: <http://www.snh.org.uk/>

Area Team contacts: <http://www.snh.org.uk/scottish/ns-a00.asp>

#### **Countryside Council for Wales (Head Office)**

Maes-y-Ffynnon, Penrhosgarnedd, Bangor, Gwynedd. LL57 2DW

Tel: 0845 1306229

Fax: +44 (0) 1248 355782

Website: <http://www.ccw.gov.uk/>

Area Team contacts: <http://www.ccw.gov.uk/about-ccw/ccw-offices.aspx>

#### **NI Environment Agency**

Klondyke Building, Cromac Avenue, Gasworks Business Park, Lower Ormeau Road

Belfast, BT7 2JA

Tel: +44 (0) 28 9056 9515

Fax: +44 (0) 28 9056 9548

Website: <http://www.ni-environment.gov.uk/>

Team Contacts: <http://www.ni-environment.gov.uk/other-index/contacts.htm?theme=4>

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## Annex 2 – Summary of Nature Conservation Designations & Applicable Legislation

### Statutory Sites of International Importance

**Ramsar sites** are listed under the [Ramsar Convention on Wetlands of International Importance](#). Most are legally protected by designation as Sites of Special Scientific Interest (SSSI), and must be given special consideration by planning authorities and public bodies such as MOD.

**Special Protection Areas (SPAs)** are classified under the [EC Directive on the Conservation of Wild Birds](#). Special features are protected by the Habitats Regulations, which include requirements for Determination of Likely Significant Effect and Appropriate Assessment of plans and projects, and duties on public bodies. Most SPAs, on land or the foreshore, are also notified as SSSI.

**Special Areas of Conservation (SACs)** are designated under the [EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna](#) (the Habitats Directive). Special features are protected by the UK Habitats Regulations, which includes requirements for Determination of Likely Significant Effect and Appropriate Assessment of plans and projects, and also duties on public bodies. Most SACs, on land or the foreshore, are also notified as SSSI.

**Biosphere Reserves** receive accreditation under [UNESCO's Man and the Biosphere Programme](#). The core areas of Biosphere Reserves are notified as SSSI and/or declared as NNR.

**European Marine Sites (EMS)** form parts of the Natura 2000 network (SACs and SPAs) but 'consist of areas covered intermittently or continuously by seawater.' They are also known as Marine SACs/SPAs.

**European Offshore Marine Sites** are SACs and SPAs which are designated within the full extent of the UK continental shelf.

### Statutory Sites of National Importance

**National Nature Reserves (NNRs)** are declared under section 19 of the [National Parks and Access to the Countryside Act 1949](#) or section 35 of the [Wildlife and Countryside Act 1981](#) to protect the most important areas of wildlife habitat and geological formations in Britain. NNRs are also notified as SSSIs.

**Sites of Special Scientific Interest (SSSIs)** are notified under section 28 of the [Wildlife and Countryside Act 1981](#) or the [Nature Conservation \(Scotland\) Act 2004](#). The [Countryside and Rights of Way Act 2000](#) strengthened SSSI protection in England and Wales and placed a legal duty on public bodies such as MOD to protect, manage and where possible enhance the special features of SSSIs, and the Nature Conservation (Scotland) Act 2004 placed a similar duty on public bodies in Scotland.

**Marine Conservation Zones (MCZ)** are designated in England under the [Marine and Coastal Access Act 2009](#). MCZs will protect nationally important marine wildlife, habitats, geology and geomorphology. MPAs are designated in Scotland under the [Marine \(Scotland\) Act 2010](#). Areas will be designated for nature conservation, demonstration and research or the conservation of historic areas and will be applied to relevant parts of the sea, associated islands and areas of seashore.

**Areas of Special Scientific Interest (ASSI)** are designated under the Environment (Northern Ireland) Order 2002. They are analogous to SSSIs.

**Marine Protected Areas (MPA)** are also used to describe a wide range of marine areas that have been protected for living, non-living, cultural and/or historical reasons. The main types of MPA, in England, Wales and UK offshore waters, are marine SACs, SPAs and MCZs.

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## **Sites of Regional or Local Importance**

**Local Nature Reserves (LNRs)** are designated by local authorities under section 21 of the National Parks and Access to the Countryside Act 1949.

### **Non-statutory Sites**

**Local Wildlife and Geological Sites** are established and managed by a variety of public and private bodies e.g. county wildlife trusts, RSPB. They can have a variety of names and acronyms, e.g. SINC, COWS, ANCI, SCNI.

### **Applicable Legislation (not exhaustive)**

#### **European**

EC Wild Birds Directive – Council Directive on the Conservation of Wild Birds, (2009/147/EC)

EC Habitats Directive – Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, (92/43/EEC)

#### **UK (including all UK offshore waters beyond 12 nautical miles)**

Marine and Coastal Access Act 2009

Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007

#### **England**

Wildlife and Countryside Act 1981 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990

Countryside and Rights of Way Act 2000

Natural Environment and Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2010

#### **Scotland**

Wildlife and Countryside Act 1981 (as amended)

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Planning (Listed Buildings and Conservation Areas) Act (Scotland) 1997

Land Reform (Scotland) Act 2003

Nature Conservation (Scotland) Act 2004

Conservation of Habitats and Species Regulations 2010 (in reserved matters only)

Marine (Scotland) Act 2010

#### **Wales**

Wildlife and Countryside Act 1981 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990

Countryside and Rights of Way Act 2000

Natural Environment and Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2010

#### **Northern Ireland**

Wildlife (Northern Ireland) Order 1985

Nature Conservation and Amenity Lands (Northern Ireland) Order 1985

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation (Natural Habitats &c.) Regulations (Northern Ireland) 1995 (as amended)

The Environment (Northern Ireland) Order 2002

#### **Cyprus**

Environmental Impact Assessment Ordinance (11/03)

Nature and Wildlife Ordinance (Ordinance 26/07)

Game and Wild Birds Ordinance (21/08)

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**Gibraltar**

Nature Protection Act 1991

Nature Conservation Area (Upper Rock Nature Reserve) (Protection and Regulations) Regulations 1993

Marine Nature Reserve Regulations 1995

**Germany**

Environmental Impact Assessment Act 2001

Federal Nature Protection Act 2002 (Bundesnaturschutzgesetz)

## Annex 3 – Table of MOD Sites and associated designated sites

Please note that this table is accurate as of 02/10/09, and that the table does not show all SSSIs that are TOPL, adjacent or nearby a MOD site. For further information please contact DE Ops EAS.

Country	MOD Site	SSSI	Special Area Of Conservation (SAC)	Special Protection Area (SPA)	Ramsar Site	MOD Free/ Leasehold Area (ha)
ENGLAND	Altcar Training Camp	Sefton Coast	Sefton Coast	Ribble & Alt Estuaries	Ribble & Alt Estuaries	267.4
	Atturm Instow	Taw-Torridge Estuary				5.0
	Beachley Barracks	Severn Estuary	Severn Estuary	Severn Estuary	Severn Estuary	36.2
		River Wye				33.0
	Blandford	Blandford Camp				28.7
	Cannock Chase	Cannock Chase	Cannock Chase			8.0
	Canterbury Old Park	Chequer's Wood And Old Park				104.3
	Chilmark	Chilmark Quarries	Chilmark Quarries			2.6
	Corsham	Box Mine	Bath & Bradford On Avon Bats			0.2
	DCSA Radio Penhale Sands	Penhale Dunes	Penhale Dunes			0.9
	DFG West Moors	Holt And West Moors Heaths	Dorset Heaths	Dorset Heathlands	Dorset Heathlands	112.2
	DMC Ernesettle	Tamar-Tavy Estuary	Plymouth Sound & Estuaries	Tamar Estuaries Complex		154.5
	DMC Gosport	Portsmouth Harbour		Portsmouth Harbour	Portsmouth Harbour	2.2
	Dstl Porton Down	Porton Down	Salisbury Plain	Porton Down		1562.0
	DTE E: Barnham	Thetford Heaths	Breckland	Breckland		153.8
	DTE E: Colchester	Roman River				270.5
	DTE E: Colchester / Fingringhoe	Colne Estuary	Essex Estuaries	Colne Estuary	Colne Estuary	528.7
		Roman River				2.5
	DTE E: Donna Nook Air Weapons Range	Humber Estuary	Saltfleetby - Theddlethorpe Dunes & Gibraltar Point	Humber Estuary	Humber Estuary	895.0
	DTE E: Dukeries	Birklands West And Ollerton Corner				68.2
		Birklands And Bilhaugh	Birklands & Bilhaugh			206.7
	DTE E: Holbeach Air Weapons Range	The Wash	The Wash & North Norfolk Coast (Marine)	The Wash	The Wash	764.1
	DTE E: Honington / Thetford Rifle Range	Breckland Forest		Breckland		9.7
	DTE E: Stanford	Breckland Farmland		Breckland		1494.8
		Breckland Forest		Breckland		452.7
		Grime's Graves	Breckland	Breckland		28.0
		Hooks Well Meadows, Gt Cressingham				4.8
		Old Bodney Camp		Breckland		32.6
		Stanford Training Area	Breckland	Breckland		4657.4
		Bridgham And Brettenham Heaths	Breckland	Breckland		200.8
	DTE E: Wainfleet Air Weapons	The Wash	The Wash & North Norfolk Coast	The Wash	The Wash	3869.7



Country	MOD Site	SSSI	Special Area Of Conservation (SAC)	Special Protection Area (SPA)	Ramsar Site	MOD Free/ Leasehold Area (ha)
	Range		(Marine)			
	DTE E: Woodbridge Army Airfield	Sutton And Hollesley Heaths		Sandlings		11.4
	DTE E: Yardley Chase	Yardley Chase				157.1
	DTE HC: Ash	Ash To Brookwood Heaths	Thursley, Ash, Pirbright & Chobham	Thames Basin Heaths		1408.4
		Basingstoke Canal				9.3
	DTE HC: Barossa (Sandhurst)	Broadmoor To Bagshot Woods And Heaths		Thames Basin Heaths		576.2
	DTE HC: Bordon	Broxhead And Kingsley Commons		Wealden Heaths		62.7
	DTE HC: Bourley / Aldershot Training Area	Basingstoke Canal				16.0
		Bourley And Long Valley		Thames Basin Heaths		822.0
		Heath Brow		Thames Basin Heaths		1.9
	DTE HC: Bramshott	Bramshott And Ludshott Commons		Wealden Heaths		102.2
	DTE HC: Browndown	Browndown				61.4
	DTE HC: Chilcomb Range (Barton Stacey)	River Test				8.2
	DTE HC: Hawley / Minley	Castle Bottom To Yateley Common		Thames Basin Heaths		331.3
		Foxlease And Ancells Meadows				56.9
	DTE HC: Longmoor	Woolmer Forest	Woolmer Forest	Wealden Heaths		1076.3
		Thursley, Hankley And Frensham Commons	Thursley, Ash, Pirbright & Chobham	Wealden Heaths	Thursley & Ockley Bog	630.4
	DTE HC: Otmoor	Otmoor				128.8
	DTE HC: Pirbright	Colony Bog And Bagshot Heath	Thursley, Ash, Pirbright & Chobham	Thames Basin Heaths		968.4
	DTE N: Catterick	Lovely Seat - Stainton Moor	North Pennine Moors	North Pennine Moors		985.4
	DTE N: Ripon Parks	Ripon Parks				31.0
		River Ure Bank, Ripon Parks				0.6
	DTE N: Strensall	Strensall Common	Strensall Common			527.4
	DTE N: Warcop	Appleby Fells	Moorhouse - Upper Teesdale	North Pennine Moors		4981.2
		Helbeck Wood	North Pennine Moors			31.9
		River Eden And Tributaries				1.6
	DTE O: Otterburn	Barrow Burn Meadows	North Pennine Dales Meadows			5.1
		Barrow Meadow				5.7
		Cottonshope Head Quarry				14.4
		Durtrees Burn Grassland	North Pennine Dales Meadows			4.2
		Harbottle Moors	Harbottle Moors			775.8
		Holystone Burn Woods				30.3
		Linbrigg				7.3
		Otterburn Mires				293.6
		Ramsey's Burn Wood				11.9
		River Coquet And				99.9

Country	MOD Site	SSSI	Special Area Of Conservation (SAC)	Special Protection Area (SPA)	Ramsar Site	MOD Free/ Leasehold Area (ha)
		Coquet Valley Woodlands				
		Simonside Hills	Simonside Hills			258.5
		Billsmoor Park And Grasslees Wood				4.3
	DTE O: Ponteland Rifle Range	Prestwick Carr				50.5
	DTE O: Whitburn Ranges	Durham Coast	Durham Coast	Northumbria Coast	Northumbria Coast	2.8
	DTE SE: Acrise	Great Shuttlesfield Down				21.8
	DTE SE: Boyington Court/North Court/Lydden	Alkham, Lydden And Swingfield Woods				106.6
	DTE SE: CPTA	Folkestone To Etchinghill Escarpment (And Asholt Wood)	Folkestone To Etchinghill Escarpment			154.0
	DTE SE: Hythe 'The Rough'	Lympne Escarpment				37.0
	DTE SE: Lydd	Dungeness, Romney Marsh And Rye Bay	Dungeness			1140.4
	DTE SE: Lydden	Lydden And Temple Ewell Downs	Lydden & Temple Ewell Downs			8.5
	DTE SE: Pippingford Park	Ashdown Forest	Ashdown Forest	Ashdown Forest		301.8
	DTE SE: Shorncliff (St Martins Camp)	Seabrook Stream				15.1
	DTE SP: Bovington	River Frome				0.3
		Turners Puddle Heath	Dorset Heaths	Dorset Heathlands	Dorset Heathlands	287.5
	DTE SP: Bovington: Turners Puddle Heath Training Area	Turners Puddle Heath	Dorset Heaths	Dorset Heathlands	Dorset Heathlands	52.6
	DTE SP: Lulworth	Povington And Grange Heaths	Dorset Heaths	Dorset Heathlands	Dorset Heathlands	1079.4
		Purbeck Ridge (West)				91.0
		South Dorset Coast	Isle Of Portland To Studland Cliffs			721.9
	DTE SP: Salisbury Plain	Bratton Downs				163.8
		Great Cheverell Hill				33.7
		River Avon System	River Avon			32.7
		Salisbury Plain	Salisbury Plain	Salisbury Plain		19701.3
		Upton Cow Down				6.4
		Scratchbury And Cotley Hills				53.2
	DTE SW: Fremington Camp	Fremington Quay Cliffs				1.4
	DTE SW: Penhale	Penhale Dunes	Penhale Dunes			360.1
	DTE SW: Scraesdon Fort	Lynher Estuary	Plymouth Sound & Estuaries	Tamar Estuaries Complex		7.4
	DTE SW: Scraesdon Waterside	Lynher Estuary	Plymouth Sound & Estuaries	Tamar Estuaries Complex		14.6
	DTE SW: Staddon Heights	Plymouth Sound Shores And Cliffs	Plymouth Sound & Estuaries			6.7

Country	MOD Site	SSSI	Special Area Of Conservation (SAC)	Special Protection Area (SPA)	Ramsar Site	MOD Free/ Leasehold Area (ha)
	DTE SW: Trengantle	Rame Head And Whitsand Bay	Plymouth Sound & Estuaries			50.9
	DTE SW: Willsworthy	North Dartmoor	Dartmoor			1007.1
	DTE SW: Woodbury Common (Lypstone)	East Devon Pebblebed Heaths	East Devon Pebblebed Heaths	East Devon Heaths		6.3
	DTE SW: Wyke Regis Training Area	Chesil And The Fleet	Chesil And The Fleet	Chesil Beach & The Fleet	Chesil And The Fleet	23.5
	DTE SW: Yoxter Range	Chancellor's Farm				32.4
	DTE SW: Tipner Firing Range	Portsmouth Harbour		Portsmouth Harbour	Portsmouth Harbour	3.6
	DTE W&W: Kingsbury Ranges	Kingsbury Wood				60.1
	DTE W&W: Leek & Upper Hulme	Leek Moors		Peak District Moors		432.6
	DTE W&W: Sealand	Dee Estuary	Dee Estuary	The Dee Estuary	Dee Estuary	307.8
	Eastriggs	Upper Solway Flats And Marshes (England)				274.8
	Hartland Point	Marsland To Clovelly Coast	Tintagel Marsland Clovelly Coast			0.2
	Hms Excellent: Horsea Island	Portsmouth Harbour		Portsmouth Harbour	Portsmouth Harbour	10.2
	Keogh Barracks Defence Medical Training Centre	Basingstoke Canal				9.5
	Lodge Hill & Chattenden	Chattenden Woods				55.2
	MOD Eskmeals	Drigg Coast	Drigg Coast			113.0
	MOD Portland Bill	Isle Of Portland	Isle Of Portland To Studland Cliffs			4.6
	MOD Shoeburyness	Foulness	Essex Estuaries	Foulness	Foulness	10671.5
		Benfleet And Southend Marshes		Benfleet & Southend Marshes	Benfleet & Southend	98.6
	MOD St Thomass Head	Middle Hope	Severn Estuary	Severn Estuary	Severn Estuary	17.1
		Severn Estuary	Severn Estuary	Severn Estuary	Severn Estuary	15.2
	Morwenstow	Steeple Point To Marsland Mouth	Tintagel Marsland Clovelly Coast			20.2
	Newtown	Newtown Harbour	Solent Maritime	Solent And Southampton Water	Solent & Southampton Water	259.6
	Poole Rm (Hamworthy)	Ham Common	Dorset Heaths	Dorset Heathlands	Dorset Heathlands	7.6
	RAF Barkston Heath: Barkston Heath	Copper Hill				0.6
	RAF Fylingdales	North York Moors	North York Moors	North York Moors		741.6
	RAF Hythe	Hythe To Calshot Marshes	Solent Maritime	Solent And Southampton Water	Solent & Southampton Water	1.5
	RAF Lakenheath	RAF Lakenheath	Breckland	Breckland		110.9
		Wangford Warren And Carr	Breckland			3.1
	RAF Portreath	Godrevy Head To St Agnes	Godrevy Head To St Agnes			37.6
	RAF Spadeadam	Caudbeck Flow	Border Mires Kielder			18.2

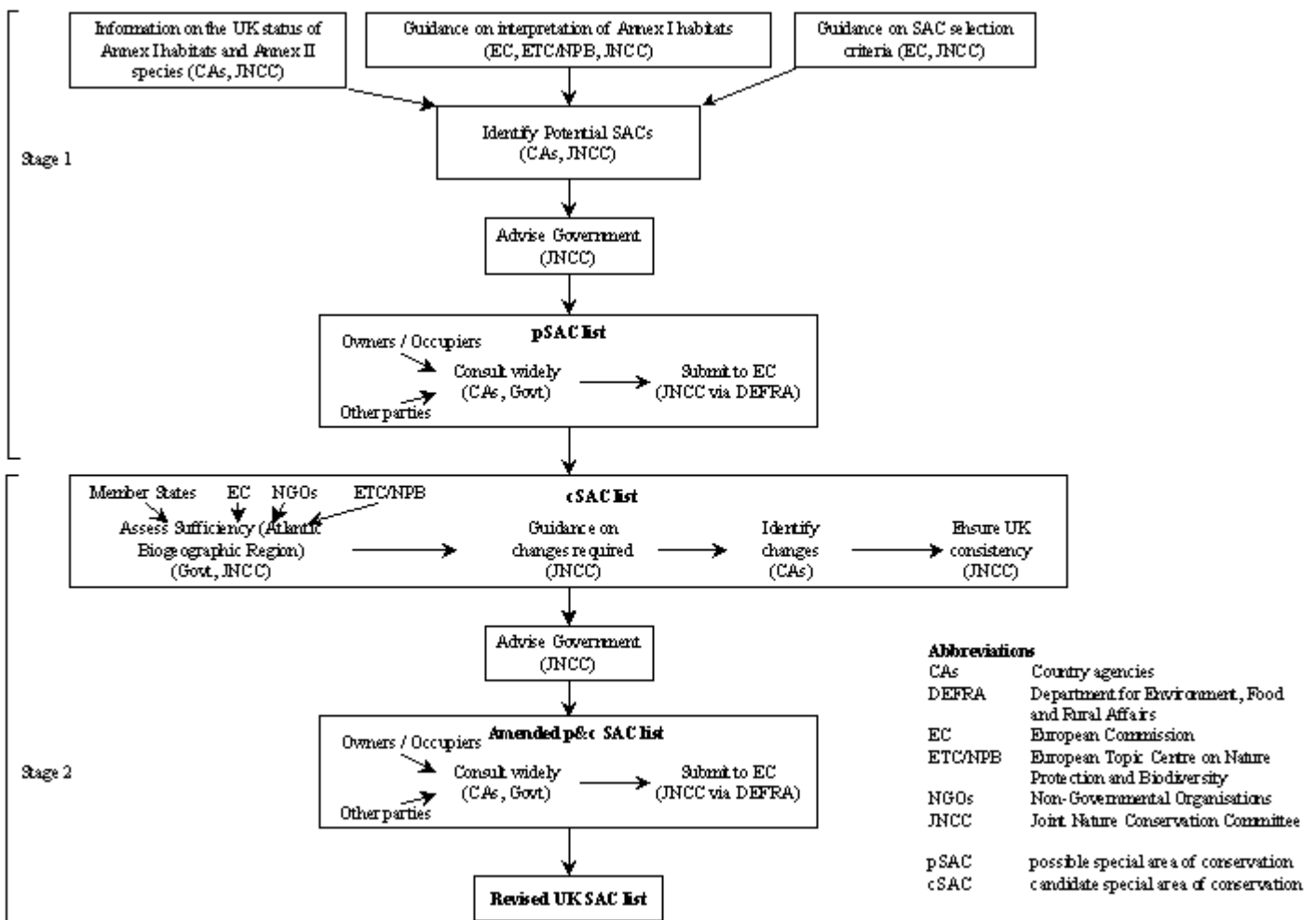
Country	MOD Site	SSSI	Special Area Of Conservation (SAC)	Special Protection Area (SPA)	Ramsar Site	MOD Free/ Leasehold Area (ha)	
			– Butterburn				
		Irthing Gorge				5.7	
		Kielder Mires				0.6	
		Spadeadam Mires	Border Mires Kielder – Butterburn			1045.2	
		River Eden And Tributaries				13.9	
		Kielderhead And Emblehope Moors	Border Mires Kielder - Butterburn			5.6	
		Whitfield Moor, Plenmeller And Ashholme Commons				0.2	
		RAF Wittering	Whitewater Valley			2.2	
		RAF Woodvale	Sefton Coast	Sefton Coast	Ribble & Alt Estuaries	Ribble & Alt Estuaries	23.2
		RNAS Culdrose: Predannack	West Lizard	The Lizard			133.1
		RSME Chatham - Yantlet Demolition Range	South Thames Estuary And Marshes		Thames Estuary And Marshes	Thames Estuary & Marshes	146.4
		Theddlethorpe Range	Saltfleetby - Theddlethorpe Dunes		Humber Estuary	Humber Estuary	350.6
		Thorney Island / Baker Barracks	Chichester Harbour	Isle Of Wight Downs	Chichester And Langstone Harbours		230.2
		Tor Point HMS Raleigh	St John's Lake	Plymouth Sound & Estuaries	Tamar Estuaries Complex		226.8
		Tower Hill Upnor	Tower Hill To Cockham Wood				18.3
SCOTLAND	DCSA Radio Crimond	Loch Of Strathbeg		Loch Of Strathbeg	Loch Of Strathbeg	3.6	
	DMC Beith	Bankhead Moss, Beith	Bankhead Moss			32.5	
	DMC Crombie	Firth Of Forth		Firth Of Forth	Firth Of Forth	108.5	
	DTE S: Barry Buddon	Barry Links	Barry Links	Firth Of Tay & Eden Estuary	Firth Of Tay & Eden	1024.7	
		Monifieth Bay	Firth Of Tay & Eden Estuary	Firth Of Tay & Eden Estuary	Firth Of Tay & Eden	0.5	
	DTE S: Cape Wrath Bombing Range	Cape Wrath	Cape Wrath	Cape Wrath		936.4	
	DTE S: Faraid Head (Cape Wrath Bombing Range)	Durness	Durness			19.3	
	DTE S: Fort George	Whiteness Head	Moray Firth	Inner Moray Firth	Inner Moray Firth	183.3	
	DTE S: Kirkcudbright	Abbey Burn Foot To Balcarry Point				7.1	
		Torrs To Mason's Walk				74.8	
	DTE S: Tain Bombing Range	Morrish More	Dornoch Firth & Morrish More	Dornoch Firth & Loch Fleet	Dornoch Firth & Loch Fleet	1195.1	
	Eastriggs	Upper Solway Flats & Marshes (Scotland)	Solway Firth	Upper Solway Flats & Marshes	Upper Solway Flats & Marshes	861.8	
	Fort George Communication Site	Ardersier Glacial Deposits				0.5	
	Machrihanish	Machrihanish Dunes				1.2	
	MOD South Uist (Hebrides)	Loch Bee				196.3	
		Loch Bee Machair	South Uist Machair	South Uist	South Uist	665.5	
	MOD South Uist /	Bornish And				4.7	

Country	MOD Site	SSSI	Special Area Of Conservation (SAC)	Special Protection Area (SPA)	Ramsar Site	MOD Free/ Leasehold Area (ha)
	Hebrides	Ormiclate Machairs				
	MOD West Freugh	Scare Rocks	Luce Bay And Sands			-
		Torr's Warren - Luce Sands	Torr's Warren - Luce Sands	Loch Of Inch & Torr's Warren	Loch Of Inch & Torr's Warren	1580.9
	RAF Kinloss	Culbin Sands & Findhorn Bay	Culbin Bar	Moray And Nairn Coast	Moray Basin Firths And Speys	7.1
	RAF Leuchars	Earlshall Muir				5.1
		Eden Estuary	Firth Of Tay & Eden Estuary	Firth Of Tay & Eden Estuary	Firth Of Tay & Eden	2.9
Stornoway Drdf Site	Tong Saltings				0.0	
WALES	DTE P: Castlemartin	Castlemartin Cliffs And Dunes	Limestone Coast Of South-West Wales	Castlemartin Coast		642.8
	DTE P: Manorbier	Freshwater East Cliffs To Skrinkle Haven	Pembrokeshire Marine			14.3
	DTE P: Pembrey Sands Air Weapons Range	Arfordir Pen-Bre / Pembrey Coast	Carmarthen Bay Dunes	Carmarthen Bay/Bae Caerfyrddin		683.7
	DTE P: Penally	Cors Penally (Penally Marsh)			Carmarthen Bay/Bae Caerfyrddin	9.7
		Lydstep Head To Tenby Burrows	Limestone Coast Of South-West Wales	Carmarthen Bay/Bae Caerfyrddin		66.9
	DTE W&W: Caerwent	Coombe Valley Woods				3.0
		Dinham Meadows				14.9
	DTE W&W: Rogiet Moor	Gwent Levels - Magor And Undy				15.9
	DTE W&W: Sealand	Dee Estuary / Aber Afon Dyfrdwy	Dee Estuary / Aber Dyfrdwy	The Dee Estuary(Wales)	The Dee Estuary(Wales)	120.0
	DTE W&W: Sennybridge	Afon Wysg (Isafonydd) / River Usk (Tributaries)				11.3
		Blaen Cilieni				20.0
		Mynydd Epynt	Mynydd Epynt			4.0
		River Usk	River Usk			0.1
		River Wye Tributaries	River Wye			0.0
	MOD Aberporth	Aberarth - Carreg Wylan	Cardigan Bay / Bae Ceredigion			60.6
	MOD Pendine	Aber Taf / Taf Estuary	Carmarthen Bay And Estuaries / Bae Caerfyrddin Ac Aberoedd			176.7
		Twyni Lacharn - Pentwyn / Laugharne - Pendine Burrows	Carmarthen Bay Dunes	Carmarthen Bay/Bae Caerfyrddin		1532.5
	RAF Valley	Llynau Y Fali - Valley Lakes	Llyn Dinam	Ynys Feurig		3.2
	Ynys Gaint (Menai Bridge)	Glannau Porthaethwy				0.2
	Northern Ireland	DTE O: Ballykinler	Murlough			
DTE O: Magilligan Training Centre / Ballymaclarry		Magilligan				702.7

## Annex 4 – Natura 2000 consultation and designation process

- 1) MOD will be formally consulted on proposed Natura 2000 site designations or changes to the boundary of an existing site<sup>27</sup> through DE Ops EAS, who will in turn notify the DE ES and relevant TLB authority and Units/Establishments. DE Ops EAS retains copies of all Natura 2000 notification papers for sites that affect MOD. Most terrestrial and inshore SACs have been designated. Offshore sites and some sites subject to boundary changes will still require consultation and formal designation. Unlike SACs, there is no sufficiency test for SPAs and the UK undertakes regular reviews of the SPA network to ensure it is compliant with the Birds Directive. The UK has developed guidelines to assist in the identification of its SPAs together with comprehensive bird monitoring regimes.

Figure 2 – The SAC Selection Process, Defra 2001  
(Available on p24 of [JNCC Background to Site Selection](#) published September 2009)



- 2) The formal consultation will specify:
  - a) The extent and location of the Natura 2000 site (including a map).
  - b) The flora, fauna, geological or physiographic features of special interest as identified in the annexes of the Directives.
- 3) The TLB authority at every Unit / Establishment where MOD has management responsibility for (part of) a Natura 2000 site, will:

<sup>27</sup> Consultation is generally only carried out on proposed changes which are likely to increase the regulatory impact of an existing designation. Minor changes and those whose effect is to reduce regulatory impact are not necessarily subject to consultation, but relevant parties are informed of the changes.



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- 4) On receipt of notification of a site, the TLB authority will discuss with their MOD Environmental Advisor, an ES and the SNCB, any military or other activities which could damage the Natura 2000 site or conflict with the conservation interest of the site. This should be reflected in the Conservation Management Plan, IRMP, IEMP or EMS for the site.
  - 5) TLB authorities are responsible for ensuring that the statutory requirements in respect of Natura 2000 are fulfilled. To support this, the DE ES will:
  - 6) Provide the SNCB with the following details in respect of each site which the SNCB has told them includes a Natura 2000 site:
    - a) The TLB authority responsible for the site.
    - b) All tenant farmers with leases or licence rights over the site.
    - c) Those with other legal rights in the site.
    - d) Other bodies (including recreational groups) which regularly use the site.
  - 7) Notify the SNCB of any changes in the above organisations and individuals, including any changes resulting from the acquisition or disposal of MOD land
  - 8) Advise the TLB authority at the Unit/Establishment on the development of a Management Agreement for the Natura 2000 site, if necessary.
  - 9) Negotiate any appropriate management agreements with tenants, MOD Environmental Advisors and the SNCB (either where the tenant or the SNCB proposes positive conservation measures; or if the SNCB offers a Management Agreement).
  - 10) Objections to site designation can only be based on scientific grounds and not on social, economic or military grounds.

## Annex 5 – Notification, Varying a Notification and Denotification of a SSSI/ASSI

- 1) Section 28 of the Wildlife & Countryside Act 1981 (as amended) or equivalent devolved legislation<sup>28</sup> provides for the notification of SSSIs. The SNCB's have a statutory duty to identify land that is of special interest. The SNCB must notify all the owners and occupiers of the land where it considers there to be an area of special interest.
- 2) Schedule 13 of the Marine and Coastal Access Act 2009 makes provision for SSSIs to be notified seaward of the mean low water mark and in estuarial waters in certain circumstances, and with agreement of the Secretary of State or The Welsh Ministers (as appropriate).
- 3) The SNCB will formally notify MOD of a proposed SSSI or changes to the boundary of a SSSI through the DE Ops EAS, who will in turn notify the DE ES and relevant TLB authority and Units/Establishments. The SNCB will formally notify tenants and other occupiers. As far as possible other bodies, including recreational groups, which are not legally 'occupiers', will be informed of the notification by the SNCB either direct or through publication in a local newspaper.
- 4) The formal notification will specify:
  - a. The extent and location of the SSSI (including a map).
  - b. The flora, fauna, geological or physiographic features of special interest.
  - c. A list of operations likely to damage the special interest of the site.
  - d. A site management statement, on the ways the land needs to be managed to maintain the features of interest
- 5) The TLB authority at every Unit / Establishment where MOD has management responsibility for (including a part of) a SSSI, will:
  - a) On receipt of notification of a site, the TLB authority will discuss with their MOD Environmental Advisor, an ES and the SNCB, any military or other activities which could damage the SSSI or conflict with the conservation interest of the site. This should be reflected in the Conservation Management Plan, IRMP, IEMP or EMS for the site.
  - b) Ensure that a MOD Conservation Group is established in accordance with MOD policy.
  - c) Invite the Conservation Group to input into, and advise on, the development of a Management Plan or conservation component plan of an IRMP or EMS covering the SSSI. Within the plan, the TLB authority should have the greatest possible freedom of action compatible with the special interest of the site to ensure that the special features are maintained or managed to meet or progress towards defined and agreed conservation objectives, and therefore achieve "favourable condition". Details on favourable condition definitions and current status of sites should be obtained from the local DE ES or a MOD Environmental Advisor.
- 6) TLB authorities are responsible for ensuring that the statutory requirements in respect of SSSIs are fulfilled. To support this, the DE will:
  - a) Provide the SNCB with the following details in respect of each site which the SNCB has told them includes a SSSI:
    - The TLB authority responsible for the site;
    - All tenant farmers with leases or licence rights over the site;
    - Those with other legal rights in the site;
    - Other bodies (including recreational groups) which regularly use the site.

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<sup>28</sup> Nature Conservation (Scotland) Act 2004, Wildlife (Northern Ireland) Order 1985

- b) Notify the SNCB of any changes in the above organisations and individuals, including any changes resulting from the acquisition or disposal of MOD land.
- c) Ensure that the TLB authority and MOD Environmental Advisor are aware of lettings on land that has been designated as a SSSI and what functions the lessee/licence is entitled to perform.
- d) Consult the SNCB where new tenancies are proposed.
- e) On land not let to tenants, discuss conservation options with the appropriate MOD Environmental Advisor and SNCB.
- f) Advise the TLB authority at the Unit/Establishment on the development of a Management Agreement for the SSSI, if necessary.
- g) Negotiate any appropriate management plans with tenants, MOD Environmental Advisors and the SNCB (either where the tenant or the SNCB proposes positive conservation measures; or if the SNCB offers a Management Agreement).

### ***Objections to a SSSI Notification***

- 7) MOD as an owner/occupier will be afforded a minimum of 3 months in which representations about a notification can be made, including on the SNCB's views about the management requirements. Objections to a notification must be on a scientific basis regarding the features of interest. Discussions are then undertaken to seek to resolve any concerns. Objections cannot be made on the grounds of impacts to MOD business.
- 8) If a TLB authority has objections to a notification, it should first discuss these objections with the DE Ops EAS, who will advise on the grounds for objections, and will raise it formally with the SNCB if appropriate, on behalf of the TLB authority, and negotiate any modifications on behalf of the Department and TLB authority.
- 9) The SNCB must decide within nine months (12 months in Scotland) of the notification, whether to confirm it, with, or without modifications. If it is not confirmed, the notification will lapse. This does not apply to land originally notified as an SSSI before 1981.

### ***Varying a SSSI Notification***

- 10) Once confirmed, the SNCB may modify any aspect of the notification, or notify additional land or enlargement of an existing SSSI under Sections 28A, 28B and 28C, with the same process for making representations as for new designations<sup>29</sup>.

### ***De-Notification of a SSSI***

- 11) The SNCB may remove the notification from a SSSI or part of a SSSI if the sites special features for which the area was notified are no longer present or are no longer of special interest. Procedures for removing a notification from part or all of a SSSI are similar to those for notifying land. A site remains protected throughout any de-notification process, until the removal of the notification is confirmed.
- 12) Consideration of the removal of a notification [or part of] will only occur in exceptional circumstances, if the SNCB is satisfied that the special interest has been irrevocably lost, and cannot be recovered by any reasonable or practicable means. Examples might be where development has been permitted, permanent damage has occurred, or through natural processes or ecological changes.

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<sup>29</sup> In Scotland there is no requirement for SNH to consult owner/occupiers over amendments to existing notifications (i.e. changes to citations, ORC lists or SMS)

## Annex 6 – Abbreviations

AA	Appropriate Assessment
ANCI	Area of Nature Conservation Importance ( <i>an LWS</i> )
ASSI	Area of Special Scientific Interest ( <i>Northern Ireland only</i> )
BAP	Biodiversity Action Plan
CADMID	Concept, Assessment, Development, Manufacture, In-Service and Disposal ( <i>Project Management Phases</i> )
CCW	Countryside Council for Wales
CESO	Chief Environment & Safety Officer
CEstO	Customer Estates Organisation
COWS	County Wildlife Site ( <i>an LWS</i> )
cSAC	Candidate Special Area of Conservation
DCLG	Department of Communities & Local Government
DE	Defence Estates
Defra	Department of Environment, Food and Rural Affairs
Dol	Declaration of Intent
DTE	Defence Training Estate
EAS	Environmental Advisory Services
EBMS	Estate Business Management System
EIA	Environmental Impact Assessment
EMS	Environmental Management System
ES	Estate Surveyor
GEODE	Geographic Online Data for Estates
GOCO	Government-Owned Contractor-Operated
HRA	Habitats Regulations Appraisal
IEEM	Institute of Ecology and Environmental Management
IEMP	Integrated Estate Management Plan
IPT	Integrated Project Team
IRMP	Integrated Rural Management Plan
IROPI	Imperative Reasons of Overriding Public Interest
JLSE	Judgement of Likely Significant Effect
JNCC	Joint Nature Conservation Committee
JSP	Joint Service Publication
LNR	Local Nature Reserve
LPA	Local Planning Authority
LQA	Land Quality Assessment
LWS	Local Wildlife Site
MCZ	Marine Conservation Zone
MPA	Marine Protected Area
MoU	Memorandum of Understanding
NDPB	Non-Departmental Public Body
NE	Natural England

NGO	Non-Governmental Organisation
NIE	Northern Ireland Executive
NIEA	Northern Ireland Environment Agency
NNR	National Nature Reserve
OLD	<i>(List of) Operations Likely to Damage (a SSSI)</i>
Ops	Operations
ORC	<i>(List of) Operations Requiring Consent (equivalent to OLD list)</i>
PDO	<i>(List of) Potentially Damaging Operations (equivalent to OLD list)</i>
pSPA	Potential Special Protection Area
PTS	Professional and Technical Services
RIGS	Regionally Important Geological Sites
SBA	Sovereign Base Area ( <i>Cyprus</i> )
SBAA	Sovereign Base Areas Administration ( <i>Cyprus</i> )
SAC	Special Area of Conservation
SCI	Sites of Community Importance ( <i>a SAC which has been 'adopted' by the EC but not yet designated by the member state</i> )
SCWI	Site of County Wildlife Importance ( <i>a LWS</i> )
SEAT	Sustainability & Environmental Assessment Tool
SG	Scottish Government
SINC	Site of Importance for Nature Conservation ( <i>a LWS</i> )
SMA	Sensitive Marine Area
SNCB	Statutory Nature Conservation Body
SNCI	Site of Nature Conservation Importance ( <i>a LWS</i> )
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
StratPol	Strategy and Policy Directorate
TLB	Top Level Budget Holder
TOPL	Training on Private Land
USVF	United States Visiting Forces
VMCA	Voluntary Marine Conservation Area ( <i>a LWS</i> )
VMNR	Voluntary Marine Nature Reserve ( <i>a LWS</i> )
WAG	Welsh Assembly Government