



House of Commons  
Environment, Food and Rural  
Affairs Committee

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# Conserving the Jewels of England's Natural Heritage

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Fourteenth Report of Session  
2003–2004

*Report, together with formal minutes, oral and  
written evidence*

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## Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

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\*These Members were nominated as Members of the Sub-committee. Mr David Lepper was Chairman of the Sub-committee.

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### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at

[www.parliament.uk/parliamentary\\_committees/environment\\_\\_food\\_and\\_rural\\_affairs.cfm](http://www.parliament.uk/parliamentary_committees/environment__food_and_rural_affairs.cfm).

A list of Reports of the Committee in the present Parliament is at the back of this Report.

### Committee staff

The current staff of the Committee are Gavin Devine (Clerk), Fiona McLean (Second Clerk), Dr Kate Trumper and Jonathan Little (Committee Specialists), Andy Boyd and Louise Combs (Committee Assistants), Anne Woolhouse (Secretary) and Rebecca Flynn (Intern).

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## Summary

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Defra has been set the very challenging target of ensuring that 95% of England's most valuable wildlife and geological sites—Sites of Special Scientific Interest—are in favourable condition by 2010.

The Department, English Nature and the owners and occupiers of SSSIs have so far responded admirably to the challenge. English Nature has completed the first full assessment of the sites' condition and there has been some early improvement in condition: between April 2003 and April 2004, the percentage of SSSI land meeting the target rose from just under 57% to almost 63%.

However, we are concerned that the target will not be met unless a number of far-reaching changes are made. Agri-environment schemes must be changed so that, when applied to SSSIs, they can be more effectively targeted at achieving favourable condition than at present. Action on individual sites will not be sufficient, as many sites are affected by activities beyond their borders. Defra will need to ensure that its broader environmental policies, particularly those that affect freshwater and coastal ecosystems, protect habitats and wildlife effectively and that such policies are in place in good time.

Although English Nature is clearly fully focussed on the PSA target, other public bodies appear to be less aware of their responsibilities. Defra must ensure that these are clear and that all SSSI landowners know what sources of funding and advice are available to them.

Finally, meeting the target will be expensive. We are concerned that funding for English Nature, agri-environment schemes and wider policy changes will not be sufficient to bring enough SSSIs into favourable condition in time.



# 1 Introduction

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## Background to the inquiry

1. Sites of Special Scientific Interest (SSSIs) are Britain's most important areas for wildlife and geology. English Nature (EN), which designates and monitors SSSIs in England, describes the sites as “the jewels of England's natural heritage”.<sup>1</sup> Responsibility for SSSIs in Scotland and Wales is devolved.<sup>2</sup> This report is concerned only with SSSIs in England.

2. A Public Service Agreement (PSA) target for SSSIs was set in 2000 for the then-Department for Environment, Transport and the Regions. The target now appears as part of Defra's Target 3 “[to] care for our natural heritage, make the countryside attractive and enjoyable for all, and preserve biological diversity by ... bringing into favourable condition by 2010 95% of all nationally important wildlife sites”.<sup>3</sup> The target was subsequently amended to achieving favourable *or recovering* condition in 95% of sites, to reflect the fact that many ecological features would take a long time to recover even if all the measures necessary for recovery were in place.<sup>4</sup> Defra explained that:

95% means 95% of the total area of SSSI land in England, including land covered by water. This could be said to give undue emphasis to large-scale open habitats such as moorland, as opposed, for example, to linear habitats such as cliffs or rivers. However, English Nature aims to achieve the 95% figure for each of the broad habitat types.<sup>5</sup>

3. The target was set using estimates of SSSI condition that later proved to be too optimistic.<sup>6</sup> In April 2003, when all SSSIs had been assessed, only 56.9% of SSSI land was meeting the target.<sup>7</sup> This means that the Government faces more of a challenge in meeting the target than it had realised. Nevertheless, in its 2003 Annual Report, the Department said that it was “on course” to meet the target. EN believes that the target is “challenging but achievable”.<sup>8</sup>

4. Since the PSA target has proved more challenging than at first expected, we decided to undertake an inquiry examining the Government's and EN's policies and actions supporting it. Our terms of reference were:

The Committee will examine progress made towards achieving Defra's Public Service Agreement (PSA) target that by 2010 95% of all nationally important wildlife sites should be in ‘favourable condition’. It will examine the role played by various agencies in meeting the target, including especially English Nature and local

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<sup>1</sup> Ev 42 [English Nature]

<sup>2</sup> Ev 56 [Defra]

<sup>3</sup> Ev 57 [Defra]

<sup>4</sup> Ev 57 [Defra]

<sup>5</sup> Ev 57 [Defra]

<sup>6</sup> Q144

<sup>7</sup> Ev 43 [English Nature]

<sup>8</sup> *England's best wildlife and geological sites*, English Nature, 2003

authorities, and will determine what changes are need to ensure that the target will be met.

5. We received 21 memoranda and took oral evidence from: the Association of National Park Authorities; the Royal Society for the Protection of Birds; the Association of Local Government Ecologists, who also represented the Local Government Association; the Country Land and Business Association; English Nature; and Mr Ben Bradshaw MP, Minister for Nature Conservation and Fisheries, Department of Environment, Food and Rural Affairs. We are most grateful to all our witnesses.

## Importance of Sites of Special Scientific Interest

6. Defra says :

SSSIs help to conserve and protect the best of England's wildlife, geological and physiographical heritage for the benefit of present and future generations. The series of sites is, as a whole, intended to encompass the full range of the country's natural and semi-natural habitats.<sup>9</sup>

7. There are 4,113 SSSIs in England, covering 1,055,000 hectares, which is about 7% of the country. Up to 60% of the area covered by SSSIs is owned or managed by Government, public bodies or private companies that have statutory conservation responsibilities, such as water and sewerage companies. The rest is in private ownership. A high proportion of SSSIs is on agricultural land.

8. Despite their unique value, not all SSSIs have been well maintained. The baseline for the proportion of SSSI land on target, established in April 2003, was 56.9% of the total area, but by the time of the publication of EN's condition report in December 2003, the figure stood at 58.3%.<sup>10</sup> According to EN's website, in April 2004 the overall figure for land meeting the target had risen to nearly 63%, which comprises nearly 46% in favourable condition and 17% in unfavourable recovering condition.<sup>11</sup>

**9. SSSIs represent a vital part of our natural heritage. The way we look after them serves as a barometer for the way in which we care for our natural environment. We welcome the Government's target of bringing 95% of sites into favourable condition by 2010 and urge the Department for Environment, Food and Rural Affairs to be entirely realistic, and not complacent, about what will be needed to meet the target.**

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<sup>9</sup> Ev 56 [Defra]

<sup>10</sup> Ev 58 [Defra]

<sup>11</sup> [www.english-nature.org.uk](http://www.english-nature.org.uk)



## 2 The role of public bodies in meeting the PSA target

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### English Nature's role

10. The PSA target is for Defra, but in practice, English Nature (EN) has a key role in ensuring that it is met. EN has duties to identify, designate and protect SSSIs in England under the Wildlife and Countryside Act 1981.

### *Designating SSSIs*

11. EN has identified 20 broad habitat types for the purpose of identifying areas of particular interest and value that should be designated as SSSIs. When EN wishes to designate an area as a SSSI, it must notify the owners and occupiers of the land, the local planning authority, certain public bodies,<sup>12</sup> and the Secretary of State for Environment, Food and Rural Affairs. Owners and occupiers of the land have four months to object to the designation. The Council of English Nature, which is independent of EN's staff and Executive Committee, decides whether to confirm the designation.<sup>13</sup>

### *Protecting SSSIs*

12. Once a site has been designated, EN produces a list of activities that may be damaging to the special features of the site. Owners, occupiers and relevant public bodies must obtain EN's consent before carrying out any of these activities. EN also provides advice on how to manage the site, usually by means of a voluntary agreement with the owner.

### *New powers to protect SSSIs*

13. The Countryside and Rights of Way (CRoW) Act 2000 amended the Wildlife and Countryside Act 1981 to give EN greater powers over the management of SSSIs. Now, if the site is neglected or poorly managed, EN can pursue more formal legal action and impose a management scheme or, as a last resort, compulsory purchase. EN told us that it has initiated proceedings on four management schemes but that it has not yet been necessary to serve any of them, because voluntary agreements have been reached.<sup>14</sup>

14. EN appears to take a 'light touch' approach to the use of the new powers given to it under the 2000 Act. It considers them to be "a vital tool in securing positive management of sites. [They serve] as a catalyst for voluntary agreement, but would also remedy those few cases where agreement cannot be reached".<sup>15</sup> The Royal Society for the Protection of Birds (RSPB) believes that greater use should be made of EN's new powers if the target is to be met.<sup>16</sup> In particular, the RSPB believes "there is a strong case for initiating management

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<sup>12</sup> For example, the Environment Agency, Internal Drainage Boards and water and sewerage companies.

<sup>13</sup> [www.english-nature.org.uk](http://www.english-nature.org.uk)

<sup>14</sup> Ev 45 [English Nature]

<sup>15</sup> Ev 45 [English Nature]

<sup>16</sup> Ev 8 [RSPB]

schemes for complex sites with multiple ownership” and does not take the view that management schemes should be seen as “a negative, draconian or last resort step”.<sup>17</sup> **We endorse English Nature’s balanced approach to its new powers to protect SSSIs, as long as it continues to deliver results. It should not be afraid to use its powers where necessary, but a voluntary management regime agreed with landowners is clearly preferable.**

### The role of other public bodies

15. Section 28G of the Wildlife and Countryside Act places a duty on public bodies and certain private companies, including privatised utilities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified. Such bodies are referred to as ‘Section 28G bodies’.

16. Some bodies, such as the water and sewerage companies, are well aware of their new responsibilities towards SSSIs. For others, such as local authorities, awareness was much patchier. The Association of Local Government Ecologists said “many [local] authorities are not even aware of the duty let alone the PSA target”.<sup>18</sup> **We recommend that Defra and English Nature write to all Section 28G bodies reminding them of their responsibilities towards SSSIs, and including information about sites in their ownership, what steps they should take to ensure that the sites are in favourable condition and what sources of advice and financial assistance are available. The letter should also emphasise the need for urgent action, given the timeframe of the PSA target.**

## 3 Condition of SSSIs

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### Condition assessment

17. In 2003, EN concluded the first complete assessment of the current condition of all SSSIs in England.<sup>19</sup> EN described the assessment procedure as follows:

We divide SSSIs into ‘management units’—there are about 22,000 units on 4112 SSSIs. At this unit level, condition is assessed against a set of ecological objectives identified to maintain the special habitat and species features in a healthy state. This level of assessment is underpinned by monitoring special features to a common UK standard co-ordinated by the JNCC [Joint Nature Conservation Committee]. English Nature validates the condition assessments by more detailed monitoring of particular special features on a sample of SSSIs.<sup>20</sup>

18. The Joint Nature Conservation Committee has published 13 of 18 intended volumes of guidance on standards for SSSI condition assessment. The remainder are due in 2004/5.<sup>21</sup>

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<sup>17</sup> Ev 10 [RSPB]

<sup>18</sup> Q66

<sup>19</sup> England’s best wildlife and geological sites, English Nature, 2003

<sup>20</sup> England’s best wildlife and geological sites, English Nature, 2003. p. 115

<sup>21</sup> Ev 43 [English Nature]

EN says that the full assessment standards will be made readily available to the public once the JNCC guidance is complete.<sup>22</sup> Land can be classified as being in ‘favourable’, ‘unfavourable recovering’, ‘unfavourable no change’, or ‘unfavourable declining’ condition. The very small number of sites where there has been fundamental and lasting damage can be described as ‘part destroyed’ or ‘destroyed’. Those areas classed as favourable or unfavourable recovering are deemed to count towards the PSA target.

19. Although understanding of what is meant by favourable condition appears to be good among major landowners and at senior levels, there is some evidence that it may not be as clear to some of those involved in managing SSSIs on a daily basis. The Country Land and Business Association said that it was “unclear as to what criteria or factors are used in the definition of the five condition classifications or what proportion of an SSSI unit would have to be in poor condition for its classification to be detrimentally affected”.<sup>23</sup> The Association of National Park Authorities recommended that EN should take the lead in developing a common understanding of favourable condition, and how it applies in practice.<sup>24</sup>

20. Some landowners have expressed concern about a lack of consultation and transparency in arriving at the condition criteria and during the assessment process.<sup>25</sup> Water UK said:

there seems to be some inconsistency across the country about the rigour with which these assessments have been made ... there also appears to have been an over reliance on the precautionary principle and a lack of sound science ... certainly for our sector we feel that there has not been enough interactive dialogue with the companies as the assessment was made.<sup>26</sup>

21. EN told us that it attached great importance to the consistency of and scientific basis for condition assessments and was confident that at the level of national policy these were “broadly correct”. It said that for some sites or some habitats, where the science was underdeveloped or sites had not been assessed for some time, there was room for discussion, and highlighted freshwater ecosystems as an area where the science was still in its infancy.<sup>27</sup>

**22. If SSSI landowners and managers are to play an active and willing role in the care of SSSIs it is vital that they understand the basis of English Nature’s assessment of their land. We welcome the publication of the assessment criteria. In future assessment rounds, English Nature should ensure that it explains the criteria and the assessment methods to landowners prior to embarking on the assessment, and should hold a series of regional conferences to do so. We recommend that English Nature discuss the assessment of condition with landowner or occupier before publishing the result of the**

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<sup>22</sup> Ev 43 [English Nature]

<sup>23</sup> Ev 33 [CLA]

<sup>24</sup> Ev 2 [ANPA]

<sup>25</sup> Ev 86 [NFU], Ev 107 [Moorland Association]

<sup>26</sup> Ev 77 [Water UK]

<sup>27</sup> Q122

**assessment. If the criteria are to be modified in future, it would be helpful to involve land managers in the process at an early stage.**

**23. It is clearly important that the criteria are supported by sound science. Where the science is still uncertain, efforts should be made to clarify the issue as soon as possible and the expertise of land managers should inform the process.**

24. Some witnesses expressed concern that in assessing the condition of SSSIs, EN had in mind some putative ideal state rather than the state of the land when it was designated as a SSSI. For example, Water UK said: “we are not convinced that the assessment of condition was in all cases effectively related to the original reasons for notification”.<sup>28</sup> The Country Land and Business Association (CLA) argued that EN might be seeking to create conditions that had never previously existed.<sup>29</sup> **We take the view that SSSI condition should bear some relation to the state the site was in when it was designated, though without ruling out the prospect of improvement in future.**

25. We received anecdotal evidence of poor relationships between some landowners and EN staff. It was felt that it was particularly hard to build up a good relationship when EN personnel changed frequently.<sup>30</sup> EN said that it took these issues seriously, but pointed out that in general staff turnover was low and staff were trained in “understanding customer needs and influencing and negotiating skills”.<sup>31</sup> **Good relationships between SSSI owners and managers and English Nature staff are crucial. We welcome the regular staff training that English Nature has introduced and recommend that it keep this area under review.**

### **Factors causing unfavourable condition**

26. As well as describing the condition of SSSIs, EN has identified the factors that it considers are responsible for unfavourable condition. The two factors affecting the greatest area of SSSI land are *overgrazing*, which affects more than 45% of SSSI land in unfavourable condition, and *inappropriate moorland burning*, which affects 24%.<sup>32</sup>

27. Some of our witnesses disagreed with EN’s assessment of the impacts of both grazing and moorland burning. The CLA argued that the number of ewes in England is not much higher than it was at the end of the Second World War. Furthermore, they argued that reducing stock numbers does not always have the desired effect on the site.<sup>33</sup> In general though, there seemed to be a consensus that changes to the Common Agricultural Policy had largely removed incentives for farmers to overstock their land.

28. The Moorland Association is “very firmly of the view that English Nature are substantially mistaken in their reasoning and in their allegations as to the damage carried by controlled burning”.<sup>34</sup> EN accepted that it differed from the Moorland Association over

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<sup>28</sup> Ev 77 [Water UK]

<sup>29</sup> Ev 34 [CLA]

<sup>30</sup> Ev 33 [CLA]

<sup>31</sup> Q129

<sup>32</sup> *England’s best wildlife and geological sites*, English Nature, 2003, pp 15–19

<sup>33</sup> Ev 34 [CLA]

<sup>34</sup> Ev 109 [Moorland Association]

some aspects of the ways moors should be managed and that this arose from the two organisations' different, but overlapping, aims: the Moorland Association's members manage moorland primarily for grouse shooting and EN's assessment of moorland SSSI condition is based on a wider range of species. EN is working with the Association and others on a review of the burning code of best practice. **It is important that the various parties involved can reach a common science-based understanding of the impacts of burning on moorland and we expect that the burning review group will achieve this. English Nature should inform us of the review's conclusions when they have been reached.**

## 4 Policies intended to restore favourable condition

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29. Many factors causing unfavourable condition are related to the management of the land, such as the stocking rate or burning regime, but others, such as diffuse pollution, are not under the control of the land manager. Indeed, many of the land management practices themselves are strongly influenced by factors outside the landowner's control. For example, 6% of woodlands in unfavourable condition suffer from inappropriate management, such as the absence of coppicing but, without a market for woodland and coppice products, it is hard to introduce the appropriate management regime. There is, therefore, a need for wider policy changes in order to promote good management of SSSIs and to protect them from adverse effects of activities beyond their boundaries.

### Agri-environment policy

30. A high proportion of SSSI land is under some form of agricultural use, particularly grazing. Owners of these areas need to make an economic return from the land. The kinds of management changes needed to bring it into favourable condition are often costly, or may involve forgoing some profit. Agri-environment schemes are therefore seen as one of the key means of achieving the PSA target on agricultural land.

31. However, the current agri-environment schemes do not always succeed in bringing agricultural SSSIs into favourable condition. In 2002/3, only 56% of SSSI land under the Wildlife Enhancement Scheme was meeting the PSA target, 55% under the Countryside Stewardship Scheme and 41% under the Environmentally Sensitive Areas Scheme. EN told us that this was because the Wildlife Enhancement Scheme was set up before the stronger legal provisions for SSSIs were created by the Countryside and Rights of Way Act 2000 and the other two schemes were not always designed specifically to achieve favourable condition.<sup>35</sup>

32. Defra is reviewing the Countryside Stewardship and Environmentally Sensitive Areas Schemes and is working on a new scheme, the Environmental Stewardship Scheme.<sup>36</sup> In EN's view, the higher level of this scheme has a key role in delivering the PSA target and,

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<sup>35</sup> Ev 45–46 [English Nature]

<sup>36</sup> Ev 60 [Defra]

unless opportunities offered by the higher level scheme are taken, “we will fail to achieve the PSA target”.<sup>37</sup> The higher level is intended largely to replace Wildlife Enhancement Scheme, Environmentally Sensitive Areas and Countryside Stewardship payments. EN believes that the new scheme could reduce bureaucracy and simplify payments.<sup>38</sup> When the new scheme is applied to SSSI land, EN wants its primary objective to be the achievement of favourable condition.<sup>39</sup>

33. EN has calculated that 52% of all SSSI land will require agri-environment support to meet the PSA target. It said that the likely annual cost of agri-environment schemes on SSSIs would need to rise from £22 million in 2002/3 (out of a total agri-environment budget of £120m) to £38 million from 2009/10 onwards and told us that “to achieve this increase, the proportion of agri-environment funding spent on SSSIs needs to be maintained at at least 20% of the total agri-environment spend”.<sup>40</sup>

34. In general, landowners welcomed the idea of better funded and more focussed funds aimed at achieving favourable condition on SSSIs. However, the National Farmers’ Union was concerned that biodiversity should not be the sole aim of the agri-environment schemes, saying “it is important that the Environmental Stewardship Scheme is not ‘hijacked’ to be the principal vehicle for SSSI/PSA delivery” and that additional funding and advice would still be necessary.<sup>41</sup>

**35. Agri-environment schemes are one of the most important mechanisms for achieving favourable condition on many SSSIs. The Government should take care in the design and funding of new schemes to ensure that they are more effective than existing ones and that enough funds are available for all SSSIs. The Government must be explicit about what it wants the new agri-environment schemes to achieve for SSSIs and should report regularly on their progress. This is an area that the Committee will return to.**

## Other policies that affect SSSIs

36. EN said “the PSA target cannot be delivered simply by improving agri-environment schemes and better management of land held by public bodies. The target will not be achieved without significant policy changes”.<sup>42</sup> EN has called for policy changes in a wide range of areas, including coastal planning and flood defence, forestry and management of common land.<sup>43</sup>

**37. The focus and drive provided by the PSA target provides an opportunity for Defra to push forward other aspects of its environmental and conservation work. In particular, we see great scope for improving the status of freshwater ecosystems by integrating work on SSSIs, the Water Framework Directive and diffuse pollution. The**

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<sup>37</sup> Ev 46 [English Nature]

<sup>38</sup> Ev 46 [English Nature]

<sup>39</sup> Ev 46 [English Nature]

<sup>40</sup> Ev 46 [English Nature]

<sup>41</sup> Ev 87 [NFU]

<sup>42</sup> Ev 47 [English Nature]

<sup>43</sup> Qq135–137



problems presented by diffuse pollution have been raised in a number of our recent inquiries and positive action to tackle them has been slow in coming. Government policy and other policies that promote and control development are also important, as are transport policies and other measures that affect airborne conditions. We welcome the announcement that Defra is shortly to publish a draft policy paper on diffuse pollution, which we will wish to examine closely.

## 5 Funding

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38. The availability of funding seems to be at the heart of whether the PSA target will be met. The target could be met through direct funding of EN or through wider policy changes; in either case any reduction in resources is likely to put SSSIs at greater risk.

39. Although this year's Departmental budgets have not yet been announced, it is expected that Defra's budget will be reduced and that therefore EN's grant-in-aid will not be as high as it had hoped.<sup>44</sup> The Government and EN had agreed milestones for improving the condition of SSSIs based on a certain level of grant-in-aid. EN told us that, if that aid were to be reduced, the milestones were likely to be missed.<sup>45</sup>

40. The Minister for Nature Conservation and Fisheries told us that he did not believe the reduced funding posed a serious threat to the target and said that, although the target was challenging, he was confident that it would be met.<sup>46</sup> **We welcome the Minister for Nature Conservation and Fisheries's confidence that the SSSI target will be met. However, the PSA target is already very challenging; we are concerned that if funding for English Nature is reduced in the 2004 Spending Review, the target will prove impossible to meet. If, as is expected, English Nature's grant-in-aid is less than that on which the interim milestones were agreed, English Nature should report to us on the impact of reduced funding on work on SSSIs.**

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<sup>44</sup> Q143

<sup>45</sup> Ev 43 [English Nature]

<sup>46</sup> Qq144, 159

## 6 SSSIs and the wider environmental agenda

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41. SSSIs, important though they are, are not sufficient to conserve all of England's biodiversity; other kinds of protected sites and other policies are necessary. Some of our witnesses were concerned that the PSA target might divert attention from other aspects of biodiversity policy.

42. EN accepted that there was a possibility that the degree of effort focussed on meeting the target could detract from work in other areas, but said that it was very careful to ensure that this did not occur.<sup>47</sup> Indeed, we received several suggestions that attention to the PSA target for SSSIs could have wider benefits for biodiversity and the environment by encouraging more environmentally sustainable policies.<sup>48</sup> **Defra and English Nature should take care that policies intended to meet the PSA target do not have detrimental effects on other aspects of conservation.**

43. Alongside the conservation benefits that are the prime function of SSSIs, these often very beautiful areas have a lot to offer in terms of recreation and education. Some local authorities, for example, have been able to achieve both favourable condition and some of these wider public benefits on SSSIs in their possession.

44. The Countryside and Rights of Way Act (CRoW) 2000 will further open access to many SSSIs: according to EN, 55% of CRoW access land is designated as SSSIs.<sup>49</sup> Some of our witnesses viewed greater public access as a potential threat to the condition of SSSIs: for example, a greater incidence of accidental fires might be expected if visitor numbers were higher. However EN believed that, if done carefully, "access can be managed in a wildlife-friendly way".<sup>50</sup>

45. **Public access to SSSIs is important if their condition is to matter to more than a few dedicated conservationists. Of course, it is vital that visitors should not damage the sites but we believe that sensitive management of routes, access points and information should mean that the public can benefit from visiting SSSIs without compromising the condition of sites.**

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<sup>47</sup> Q115

<sup>48</sup> Q8

<sup>49</sup> Q117

<sup>50</sup> Q118



## 7 Action by Government

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### Defra's review of rural services

46. Lord Haskins' 2003 review of rural delivery recommended the creation of a 'land management' agency.<sup>51</sup> The Government has begun a Modernising Rural Delivery Programme in response to Lord Haskins' review but has yet to announce how it will act on his recommendations. Nevertheless, it is expected that there will be significant changes to EN's role and responsibilities. Naturally, until the Government's position is clearer, it is hard to predict what effect the review will have on EN's work on SSSIs. As the Minister for Nature Conservation and Fisheries pointed out, any changes made in response to Lord Haskins' review might occur outside the timeframe of the PSA target.<sup>52</sup> **If changes to English Nature's structure were to be made before the PSA target deadline, we see potential benefits for SSSIs, particularly in the delivery of agri-environment schemes. However, we also see risks, if English Nature were to lose its status as a 'champion' of wildlife.**

47. **The Government's response to Lord Haskins' recommendations has been slow in coming. The delay in making the final announcements has made it harder for the organisations involved to plan for the future. Whatever happens to English Nature in the Modernising Rural Delivery Programme, it is our view that, in terms of SSSIs at least, its role must be first and foremost to protect wildlife. We will review the situation when the Government's response has been published.**

### Role of other Government departments

48. Although SSSI policy falls clearly within Defra's remit, many activities that influence SSSI condition fall within those of other government departments. The Ministry of Defence, for example, is a major landowner, and many aspects of planning policy, which are the responsibility of the Office of the Deputy Prime Minister, could affect SSSI management.

49. A 'High Level Group' has been established to co-ordinate action on biodiversity across Government, but the Minister for Nature Conservation and Fisheries was not very clear about what it had achieved.<sup>53</sup> **The cross-departmental High Level Group could be a valuable way of co-ordinating action on biodiversity across Government, but it is not clear how effective it has been. Defra should report to us in their response to this report on what the group's terms of reference are, who its members are, how often it meets and what it has achieved.**

50. The role of other Government departments in achieving favourable condition on SSSIs was illustrated most clearly in the evidence we received from local authorities. Although a few exemplar local authorities were very well aware of their responsibilities regarding SSSIs and had invested considerable effort and resources in achieving favourable condition, and

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<sup>51</sup> *Rural Delivery Review: a report on the delivery of Government policies in rural England*, Christopher Haskins, October 2003

<sup>52</sup> Q160

<sup>53</sup> Q148

in improving the public amenity value of SSSIs they owned, most knew rather little about their own SSSIs. In the majority of cases, lack of resources and experienced staff and a perception that SSSIs were a low priority, meant that little work was being done. **Local authorities need a clearer signal from the Office of the Deputy Prime Minister if they are to attach higher priority to SSSIs. The Office of the Deputy Prime Minister should write to local authorities to emphasise that work on SSSIs should be a high priority for environmental and ecological officers and outlining the timeframe of the PSA target.**

## 8 Conclusions and recommendations

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1. SSSIs represent a vital part of our natural heritage. The way we look after them serves as a barometer for the way in which we care for our natural environment. We welcome the Government's target of bringing 95% of sites into favourable condition by 2010 and urge the Department for Environment, Food and Rural Affairs to be entirely realistic, and not complacent, about what will be needed to meet the target. (Paragraph 9)

### The role of public bodies in meeting the PSA target

2. We endorse English Nature's balanced approach to its new powers to protect SSSIs, as long as it continues to deliver results. It should not be afraid to use its powers where necessary, but a voluntary management regime agreed with landowners is clearly preferable. (Paragraph 14)
3. We recommend that Defra and English Nature write to all Section 28G bodies reminding them of their responsibilities towards SSSIs, and including information about sites in their ownership, what steps they should take to ensure that the sites are in favourable condition and what sources of advice and financial assistance are available. The letter should also emphasise the need for urgent action, given the timeframe of the PSA target. (Paragraph 16)

### Condition of SSSIs

4. If SSSI landowners and managers are to play an active and willing role in the care of SSSIs it is vital that they understand the basis of English Nature's assessment of their land. We welcome the publication of the assessment criteria. In future assessment rounds, English Nature should ensure that it explains the criteria and the assessment methods to landowners prior to embarking on the assessment, and should hold a series of regional conferences to do so. We recommend that English Nature discuss the assessment of condition with landowner or occupier before publishing the result of the assessment. If the criteria are to be modified in future, it would be helpful to involve land managers in the process at an early stage. (Paragraph 22)
5. It is clearly important that the criteria are supported by sound science. Where the science is still uncertain, efforts should be made to clarify the issue as soon as possible and the expertise of land managers should inform the process. (Paragraph 23)
6. We take the view that SSSI condition should bear some relation to the state the site was in when it was designated, though without ruling out the prospect of improvement in future. (Paragraph 24)
7. Good relationships between SSSI owners and managers and English Nature staff are crucial. We welcome the regular staff training that English Nature has introduced and recommend that it keep this area under review. (Paragraph 25)
8. It is important that the various parties involved can reach a common science-based understanding of the impacts of burning on moorland and we expect that the

burning review group will achieve this. English Nature should inform us of the review's conclusions when they have been reached. (Paragraph 28)

### **Policies intended to restore favourable condition**

9. Agri-environment schemes are one of the most important mechanisms for achieving favourable condition on many SSSIs. The Government should take care in the design and funding of new schemes to ensure that they are more effective than existing ones and that enough funds are available for all SSSIs. The Government/ must be explicit about what it wants the new agri-environment schemes to achieve for SSSIs and should report regularly on their progress. This is an area that the Committee will return to. (Paragraph 35)
10. The focus and drive provided by the PSA target provides an opportunity for Defra to push forward other aspects of its environmental and conservation work. In particular, we see great scope for improving the status of freshwater ecosystems by integrating work on SSSIs, the Water Framework Directive and diffuse pollution. The problems presented by diffuse pollution have been raised in a number of our recent inquiries and positive action to tackle them has been slow in coming. Government policy and other policies that promote and control development are also important, as are transport policies and other measures that affect airborne conditions. We welcome the announcement that Defra is shortly to publish a draft policy paper on diffuse pollution, which we will wish to examine closely. (Paragraph 37)

### **Funding**

11. We welcome the Minister for Nature Conservation and Fisheries's confidence that the SSSI target will be met. However, the PSA target is already very challenging; we are concerned that if funding for English Nature is reduced in the 2004 Spending Review, the target will prove impossible to meet. If, as is expected, English Nature's grant-in-aid is less than that on which the interim milestones were agreed, English Nature should report to us on the impact of reduced funding on work on SSSIs. (Paragraph 40)

### **SSSIs and the wider environmental agenda**

12. Defra and English Nature should take care that policies intended to meet the PSA target do not have detrimental effects on other aspects of conservation. (Paragraph 42)
13. Public access to SSSIs is important if their condition is to matter to more than a few dedicated conservationists. Of course, it is vital that visitors should not damage the sites but we believe that sensitive management of routes, access points and information should mean that the public can benefit from visiting SSSIs without compromising the condition of sites. (Paragraph 45)

## Action by Government

14. If changes to English Nature's structure were to be made before the PSA target deadline, we see potential benefits for SSSIs, particularly in the delivery of agri-environment schemes. However, we also see risks, if English Nature were to lose its status as a 'champion' of wildlife. (Paragraph 46)
15. The Government's response to Lord Haskins' recommendations has been slow in coming. The delay in making the final announcements has made it harder for the organisations involved to plan for the future. Whatever happens to English Nature in the Modernising Rural Delivery Programme, it is our view that, in terms of SSSIs at least, its role must be first and foremost to protect wildlife. We will review the situation when the Government's response has been published. (Paragraph 47)
16. The cross-departmental High Level Group could be a valuable way of co-ordinating action on biodiversity across Government, but it is not clear how effective it has been. Defra should report to us in their response to this report on what the group's terms of reference are, who its members are, how often it meets and what it has achieved. (Paragraph 49)
17. Local authorities need a clearer signal from the Office of the Deputy Prime Minister if they are to attach higher priority to SSSIs. The Office of the Deputy Prime Minister should write to local authorities to emphasise that work on SSSIs should be a high priority for environmental and ecological officers and outlining the timeframe of the PSA target. (Paragraph 50)

## Formal minutes

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**Wednesday 30 June 2004**

Members present:

Mr Michael Jack, in the Chair

Candy Atherton	Mr Austin Mitchell
Mr Colin Breed	Diana Organ
Mr Mark Lazarowicz	Joan Ruddock
Mr David Lepper	Alan Simpson
Mr Ian Liddell-Grainger	

The Committee deliberated.

Draft Report [*Sites of Special Scientific Interest: Conserving the Jewels of England's Natural Heritage*], proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 50 read and agreed to.

Summary read and agreed to.

*Resolved*, That the Report be the Fourteenth Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

*Ordered*, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.—(*The Chairman*).

Several memoranda were ordered to be reported to the House.

The Committee further deliberated.

[Adjourned till Wednesday 14 July at a quarter past Two o'clock.]

# Witnesses

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## Monday 22 March 2004

Rhodri Thomas, **Association of National Park Authorities** Ev 4

Dr Mark Avery and Gwyn Williams, **Royal Society for the Protection of Birds** Ev 12

Mike Oxford, Murray Davidson and David Pape, **Association of Local Government Ecologists and The Local Government Association** Ev 24

## Tuesday 20 April 2004

Mark Hudson and Colin Hedley, **Country Land and Business Association** Ev 35

Andy Clements and Tom Tew, **English Nature** Ev 49

Ben Bradshaw MP, Martin Capstick and Steve Lee-Bapty, **Department for Environment, Food and Rural Affairs** Ev 61

## List of written evidence

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Association of National Park Authorities	Ev 1, 7
Royal Society for the Protection of Birds	Ev 8,16
Association of Local Government Ecologist in consultation with the Local Government Association	Ev 19, 29
Country Land and Business Association	Ev 32
English Nature	Ev 42
Department for Environment, Food and Rural Affairs	Ev 56, 65
The Woodland Trust	Ev 66
Office of Water Services (Ofwat)	Ev 69
British Ecological Society	Ev 72
Institute of Biology	Ev 75
Water UK	Ev 77
The Forestry Commission	Ev 78
The Deer Initiative	Ev 82
Ministry of Defence	Ev 84
National Farmers' Union	Ev 86
Environment Agency	Ev 88
The Wildlife Trusts	Ev 93
The City Remembrancer's Office, The Corporation of London	Ev 98
United Utilities	Ev 100
National Trust	Ev 101
The Moorland Association	Ev 106

## List of unprinted written evidence

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Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons library where they may be inspected by members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1 (tel 020 7219 3074). Hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Office of Water Services (Annex)  
The Forestry Commission (Annex)



## Reports from the Committee since 2001

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### Session 2003–04

Thirteenth Report	Bovine TB	HC 638
Twelfth Report	Reform of the Sugar Regime	HC 550-I
Eleventh Report	GM Planting Regime	HC 607
Tenth Report	Marine Environment: Government reply to the Committee's Report	HC 706
Ninth Report	Milk Pricing in the United Kingdom	HC 335
Eighth Report	Gangmasters (follow up)	HC 455
Seventh Report	Implementation of CAP Reform in the UK	HC 226-I
Sixth Report	Marine Environment ( <i>Reply, HC 706</i> )	HC 76
Fifth Report	The Food Standards Agency and Shellfish ( <i>Reply, HC 601</i> )	HC 248
Fourth Report	Environmental Directives ( <i>Reply, HC 557</i> )	HC 103
Third Report	Caught in the net: Cetacean by-catch of dolphins and porpoises off the UK coast ( <i>Reply, HC 540</i> )	HC88
Second Report	Annual Report of the Committee 2003	HC 225
First Report	Water Pricing ( <i>Reply, HC 420</i> )	HC 121

### Session 2002–03

Eighteenth Report	Conduct of the GM Public Debate ( <i>Reply HC 443 Session 2003-04</i> )	HC 220
Seventeenth Report	Biofuels ( <i>Reply, HC 88 Session 2003-04</i> )	HC 929-I
Sixteenth Report	Vets and Veterinary Services	HC 703
Fifteenth Report	New Covent Garden Market: a follow-up ( <i>Reply, HC 123 Session 2003-04</i> )	HC 901
Fourteenth Report	Gangmasters ( <i>Reply, HC 122 Session 2003-04</i> )	HC 691
Thirteenth Report	Poultry Farming in the United Kingdom ( <i>Reply, HC 1219</i> )	HC 79-I
Twelfth Report	The Departmental Annual Report 2003 ( <i>Reply, HC 1175</i> )	HC 832
Eleventh Report	Rural Broadband ( <i>Reply, HC 1174</i> )	HC 587
Tenth Report	Horticulture Research International ( <i>Reply, HC 1086</i> )	HC 873
Ninth Report	The Delivery of Education in Rural Areas ( <i>Reply, HC 1085</i> )	HC 467
Eighth Report	The Future of Waste Management ( <i>Reply, HC 1084</i> )	HC 385
Seventh Report	Badgers and Bovine TB ( <i>Reply, HC 831</i> )	HC 432
Sixth Report	Rural Payments Agency ( <i>Reply, HC 830</i> )	HC 382
Fifth Report	The Countryside and Rights of Way Act 2000 ( <i>Reply, HC 748</i> )	HC 394
Fourth Report	Water Framework Directive ( <i>Reply, HC 749</i> )	HC 130
Third Report	The Mid-term Review of the Common Agricultural Policy ( <i>Reply, HC 615</i> )	HC 151
Second Report	Annual Report of the Committee 2002	HC 269
First Report	Reform of the Common Fisheries Policy ( <i>Reply, HC 478</i> )	HC 110

### Session 2001–02

Tenth Report	The Role of Defra ( <i>Reply, HC 340, Session 2002-03</i> )	HC 991
Ninth Report	The Future of UK Agriculture in a Changing World ( <i>Reply, HC 384, Session 2002-03</i> )	HC 550
Eighth Report	Hazardous Waste ( <i>Reply, HC 1225</i> )	HC 919
Seventh Report	Illegal Meat Imports ( <i>Reply, HC 1224</i> )	HC 968
Sixth Report	Departmental Annual Report 2002 ( <i>Reply, HC 1223</i> )	HC 969
Fifth Report	Genetically Modified Organisms ( <i>Reply, HC 1222</i> )	HC 767
Fourth Report	Disposal of Refrigerators ( <i>Reply, HC 1226</i> )	HC 673
Third Report	Radioactive Waste: The Government's Consultation Process ( <i>Reply, HC 1221</i> )	HC 407
Second Report	The Countryside Agency ( <i>Reply, HC 829</i> )	HC 386
First Report	The Impact of Food and Mouth Disease ( <i>Reply, HC 856</i> )	HC 323







# Oral evidence

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## Taken before the Environment, Food and Rural Affairs Committee (Sites of Special Scientific Interest Sub-Committee) on Monday 22 March 2004

Members present

Mr David Lepper, in the Chair

Mr Michael Jack  
Diana Organ

Joan Ruddock

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### Memorandum submitted by the Association of National Park Authorities (N10)

#### BACKGROUND

1. This evidence is submitted from the Association of National Park Authorities (ANPA), representing the seven National Park Authorities in England together with the Broads Authority, New Forest Committee, and South Downs.

2. National Parks comprise some of the finest landscapes in England and include some of the most important and extensive areas for wildlife in the country. 27% (284,000 hectares) of England's SSSI land falls within National Parks. Nationally and internationally important habitats also occur outside of SSSIs in the wider countryside within National Park boundaries. English Nature's data (1) shows that overall 45% of SSSI land in National Parks is considered to be in favourable or recovering condition, leaving 38% which is unfavourable and showing inadequate signs of recovery and, of particular concern, 17% which is continuing to decline.

#### THE ROLE OF NATIONAL PARK AUTHORITIES IN HELPING TO DELIVER THE PSA TARGET

3. The first purpose of National Park Authorities is to conserve and enhance the natural beauty, wildlife and cultural heritage of National Parks. They therefore work in close partnership with English Nature to conserve and enhance SSSIs by promoting nature conservation throughout National Parks. They also achieve this through their role as planning authorities, through advice, grants and management agreements with land managers and directly as SSSI landowners. In the latter capacity ANPA is represented on Defra's Major SSSI Landowners' Group.

4. Commitment to the SSSI PSA target by National Park Authorities is reflected by the Joint Position Statement and Action Plan on SSSIs in English National Parks, signed by ANPA and English Nature in December 2003 (2). This identifies 11 action areas where the organisations will work jointly or in a complementary manner to help deliver the SSSI PSA target. It is also reflected by the inclusion of relevant policies and objectives in National Park Biodiversity Action Plans and National Park Management Plans, and a considerable amount of practical partnership work on the ground to achieve it. The latter is particularly dependent on the effective partnerships which National Park Authorities have developed with landowners and other land managers. Examples of this work include: actively attracting agri-environment scheme funding through Environmentally Sensitive Areas (ESA) and Countryside Stewardship; joint work with the Forestry Commission to promote new native woods in National Parks; joint projects with Defra's Rural Development Service to ensure the renewal of enhanced ESA agreements, with top-up arrangements funded by National Park Authorities and by English Nature's Wildlife Enhancement Scheme where necessary, to help deliver SSSI and wider biodiversity objectives; establishing partnership projects to promote sustainable moorland management and restoration (for example, Heritage Lottery, Objective 5b, and European LIFE projects); and the direct management of SSSIs both on National Park Authority owned land and on behalf of private landowners. Despite this a considerable amount remains to be done if the Government's SSSI PSA target is to be met in National Parks.

*Recommendation 1: That the role of National Park Authorities in helping to deliver the PSA target in a sustainable manner is recognised and developed, both with regard to their own estate and, in practical partnerships with landowners and other land managers, throughout the wider National Park.*

#### THE ROLE OF OTHER ORGANISATIONS IN HELPING TO DELIVER THE PSA TARGET

5. There is some misconception, particularly at a local level, that the SSSI target is a target for English Nature, rather than a target for which all public bodies have some responsibility. Other key organisations will need to be engaged further if the target is to be effectively met.

*Recommendation 2: That the roles and responsibilities of different organisations in helping to deliver the PSA target are agreed at local and regional level through an appropriate mechanism, such as a joint action plan and/or forum.*

6. An understanding of favourable condition and its implications is vital to those organisations and individuals trying to deliver it on the ground.

*Recommendation 3: English Nature should lead in developing a common understanding of favourable condition, and how it applies in practice in different localities, with other delivery organisations such as National Park Authorities, Defra RDS, Forestry Commission and the Environment Agency at national, regional and local level. Delivery organisations should promote an understanding of SSSI conservation objectives to land managers, and agri-environment and other land management support measures affecting SSSI land should include clear objectives related to SSSI condition.*

#### SSSIs IN CONTEXT

7. ANPA welcomes the fact that the condition of the country's most important wildlife sites has been accorded a high priority through its adoption as a government PSA target. At the same time it is important that the PSA target is not seen in isolation, and an integrated approach to biodiversity, natural resource protection, landscape issues and cultural heritage conservation should be taken. Measures to achieve the PSA target therefore need to recognise non-SSSI interest on SSSI land (whether biological, geological, landscape or cultural heritage) and potential conservation impacts on other areas of land (eg ensuring grazing is not displaced to other sensitive sites).

*Recommendation 4: That proposed measures to achieve favourable condition on SSSIs include an assessment of the potential impact on non-SSSI conservation interests, both on-site and on other areas of land, and that there is appropriate consultation with relevant organisations where a significant impact is likely. This should include opportunities to deliver other positive conservation benefits alongside delivery of the PSA target.*

8. It is also important that the underlying causes of unfavourable condition on SSSIs are addressed alongside short-term measures to address particular problems on individual sites. Not only is this likely to be essential if the PSA target is to be met, but it is also important in ensuring that solutions are sustainable in the long term and will deliver benefits across the wider countryside.

*Recommendation 5: That sustainable solutions, addressing the root causes of unfavourable condition of SSSIs and biodiversity in the wider countryside, are taken alongside short-term measures to resolve problems on individual sites.*

9. As well as direct nature conservation benefits, improved SSSI condition has the potential to contribute to socio-economic benefits. These include sustainable tourism, safeguarding water quality, flood protection and the role of peatlands as a carbon sink. This is being increasingly recognised, for example, through the economic effects of the foot-and-mouth outbreak in 2001, and by water companies who are realising the long-term economic benefits of investing in resolving water quality issues at source, in the face of increasing water treatment costs. The importance of this sustainable approach to resource management, with consequent benefits to SSSI condition, should be recognised through resource bidding and allocation.

*Recommendation 6: That there should be an increased emphasis on sustainable solutions to address environmental problems such as water quality and flood prevention at source, encouraged by appropriate emphasis on this in funding streams for public bodies and utilities through mechanisms such as the AMP4 Water Company bids and Environment Agency funding.*

#### SPECIFIC ISSUES AFFECTING SSSI CONDITION

10. ANPA notes English Nature's view that the PSA target is "challenging but achievable" (3). It is likely that a significant shift in land management practice and the financial drivers of this will be required in order to deliver the PSA target in a sustainable manner.

11. The SSSI condition report by English Nature (3) sets out the current condition of SSSIs nationally and the problems affecting them. It shows that, whilst sustainable grazing and moorland burning play an important role in maintaining and enhancing biodiversity, the biggest factors contributing to unfavourable status of SSSIs across the country are overgrazing, inappropriate moorland burning and drainage in the uplands. This situation is mirrored in National Parks with over 100,000 hectares of SSSI affected by overgrazing and nearly 63,000 hectares adversely affected by moorland burning. Other important issues include air pollution and forestry management (affecting around 8-10,000 hectares each) and diffuse water pollution and other sources of nutrient enrichment (affecting around 2,500 hectares).

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## KEY DELIVERY MECHANISMS

12. It is important that delivery mechanisms address the root causes of biodiversity loss and degradation across the wider countryside alongside specific measures for SSSI land. Key mechanisms to achieve this should include the measures below.

*Recommendation 7: Measures to help achieve the PSA target should include:*

- A continuing shift away from production-led agricultural support through CAP reform.
- Recognition of the importance of the proposed High Level Tier of the Environmental Stewardship Scheme in providing adequate incentives and flexible measures to help deliver favourable condition on SSSIs, and the need for appropriate resourcing of this.
- Mechanisms such as incentives, regulation and advisory services to encourage appropriate environmentally friendly farming systems, in particular through facilitated guidance to promote participation.
- Other measures to encourage sustainable economic management such as local produce/branding linked to important wildlife sites such as SSSIs, and other income sources such as tourism-related activities linked to the environment.
- Review of measures for achieving sustainable management of Common Land.
- An integrated cross-organisation approach to identifying and resolving air pollution and diffuse water pollution problems affecting SSSI condition.
- A review of moorland burning practices including the Heather and Grass Burning Code, in dialogue with land managers and other organisations including National Park Authorities.

*Recommendation 8: That mechanisms to achieve the PSA target are broadly identified and costed, and an overall funding and implementation strategy produced to address the resource implications.*

## EXECUTIVE SUMMARY

13. With nature conservation being one of the primary purposes of National Parks, ANPA will have a keen interest in the outcome of the enquiry and a desire to help implement recommendations where appropriate. ANPA have identified five key requirements:

- Recognition of upland land management, air and water pollution as three of the most significant issues which will need to be addressed if the PSA SSSI target is to be met.
- Developing further dialogue between English Nature, land managers and other delivery organisations to increase joint understanding of favourable condition.
- An integrated approach which recognises the potential impacts of land management changes on non-SSSI interest, both within SSSIs and outside.
- That sustainable solutions to land management challenges such as appropriate grazing levels are pursued alongside action targeted at specific sites.
- That an overall costed strategy for progressing towards the PSA SSSI target is produced and the resource implications adequately addressed.

## REFERENCES

- (1) Amos L (unpublished). National Park Condition 01 04\_1 (Excel spreadsheet) English Nature, 2004.
- (2) SSSIs in English National Parks—Joint Position Statement and Action Plan. ANPA/EN, December 2003.
- (3) England's best wildlife and geological sites: the condition of Sites of Special Scientific Interest in England in 2003. English Nature, 2003.

12 March 2004

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*Witness:* **Mr Rhodri Thomas**, Ecology Manager, Peak District National Park Authority, Association of National Park Authorities, examined.

**Q1 Chairman:** Good afternoon and welcome to this first session of an inquiry by a sub-committee of the Environment, Food and Rural Affairs Select Committee into sites of special scientific interest. The inquiry is in the context of Defra's public service agreement target on caring for our natural heritage and, in particular, the part which talks about bringing into favourable condition by 2010 95% of all nationally important wildlife sites. We also have the additional powers under the CROW Act to help do that and English Nature's assessment of the current condition of SSSIs. I would like to welcome first this afternoon Rhodri Thomas who I believe is the Ecology Manger of the Peak District National Park Authority and is here on behalf of the Association of National Park Authorities. Welcome, Mr Thomas. Can I begin this session by asking you about how we judge whether a site is in good favourable condition or declining. I know that the Association of National Park Authorities do say in their evidence that an understanding of favourable condition is very important in making these judgments and I suppose that is fairly obvious. However, do site owners and managers understand what good condition is and how to achieve it?

**Mr Thomas:** Yes. English Nature have published criteria for what constitutes favourable condition to give a baseline at national level. Those have recently been updated by the Joint Nature Conservation Committee and we welcome the updating of those and we welcome an input to those. I understand that they are draft at the moment and the Association of National Park Authorities would very much welcome an input to the discussions on those. One of the fundamental things is of course getting that across to the actual owners, the site owners and the site managers on the ground. One of the positive things that could be done is looking at ways of actually getting that across to the landowners, the people who are actually owning and managing the land, in a practical way actually out on the ground.

**Q2 Chairman:** Has your Association any thoughts on how that can be done?

**Mr Thomas:** Some of the national parks have held joint events with English Nature and also with Defra RDS staff looking at the issue. In relation to date, that is in relation to the existing English Nature criteria and I think that, with the new criteria, we would welcome the opportunity to hold similar types of events perhaps for landowners/land managers to get across favourable condition and to get across what we are looking for from a nature conservation point of view on the land to landowners.

**Q3 Chairman:** You talked about the criteria. Are you convinced that there is consistency in the assessments that are carried out by English Nature, for instance?

**Mr Thomas:** We have not really had the opportunity as yet to look closely at the recently brought-out revised criteria by the Joint National Conservation Committee. So, I think we are at the stage of wanting

to look at those closer and understand those more before we are in a position to do that. I think it is welcomed that there are baseline criteria which have been agreed between the country agencies and they are what we regard as a minimal acceptable standard for the most nationally important wildlife sites.

**Q4 Chairman:** So far as the assessment of the SSSIs within the national parks are concerned, I think that English Nature is saying that something like 45% of them are favourable or recovering with 17% continuing to decline. Do you feel that that is an accurate assessment?

**Mr Thomas:** As far as we can tell at the moment, yes. As I say, we are in the early stages of looking at that but, looking across at some of the sites at which we have looked, yes, I think that is a reasonable assessment.

**Q5 Mr Jack:** Were you consulted as an organisation about this PSA target which seems to dominate every piece of paper I have read so far about SSSIs?

**Mr Thomas:** As far as I am aware, we were not directly consulted during the initial stages but we have been very closely involved with English Nature. We were represented on the Major Landowners Group and we welcomed the opportunity to input through that. So, we did have consultation at that stage in terms of providing input to the Major Landowners Group.

**Q6 Mr Jack:** You say in your evidence that it is important that the PSA target is not seen in isolation and that an integrated approach to biodiversity, natural resource protection, landscape issues and cultural heritage conservation should be taken. Yet, the general thrust of this target is simply to achieve, by 2010, favourable condition in 95% of nationally important wildlife sites. That seems a fairly general thing and yet you want all these other things pulled in together. Do you think that the very nature of the definition of the PSA has had any adverse effect on achieving other objectives within SSSI areas?

**Mr Thomas:** I do not think so to date, no. I think that having a specific target that provides a focus and priorities is fully appropriate and that what we would be looking for is ensuring that, with that, there are other things taken into account. The Association of National Park Authorities have entered into a joint action plan with English Nature over SSSI condition—we welcome the opportunity to do that—and incorporated within that is a recognition by both organisations that delivery of SSSI condition can run alongside delivering some other objectives as well. I think there are cases where there is the potential for it to adversely affect other issues but I think there are ways to deliver it which are compatible with other objectives and that is what we would be looking to ensure.

**Q7 Mr Jack:** What is the potential because you went past that rather important word rather rapidly?



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22 March 2004 Mr Rhodri Thomas

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**Mr Thomas:** The sorts of things that could potentially affect it are, for example, overgrazing which has been identified as one of the key issues. If just the SSSI land was being addressed, there is the potential for grazing to be removed from the SSSI land to be displaced elsewhere on to other land which may not be designated but may nevertheless be important, and it is that sort of thing that we would look at hoping to address and make sure that that sort of issue is avoided.

**Q8 Mr Jack:** In terms of meeting this favourable status which the SSSI target has, do you get any sort of add-on extras in terms of achieving other objectives or targets in this area?

**Mr Thomas:** I think there are potentially a number of other benefits in relation to the specific delivery. One, for example, would be generally promoting sustainable land management which could have benefits for, for example, flood prevention and for things like water-quality delivery. We are particularly pleased, for example, that, in the recent AMP4 round, United Utilities' major bid for management of their estate with biodiversity objectives in mind, SSSI condition in particular but also wider biodiversity objectives, has been successful and I think that reflects the fact that, for example, the water companies are perceiving that the sustainable management of upland areas in particular and the water catchment is very important in helping to deliver water quality as well.

**Q9 Mr Jack:** Is this just a way of them also helping at a fairly early stage and preparing themselves for the implementation of the water framework directive?

**Mr Thomas:** Potentially, I think there are multiple benefits like that; yes, that is right. Yorkshire Water, for example, have increasingly recognised the escalating cost, particularly over the last ten years, of water treatment and, by managing the water catchments well, by managing the upland water catchments well, that will benefit nature conservation and it will also probably be in the longer term more cost-effective to address those problems at source rather than having to treat the issues at the water treatment plants.

**Q10 Chairman:** And the implications of that for our water bills . . . ?

**Mr Thomas:** In the longer term, hopefully, good.

**Q11 Joan Ruddock:** You have been speaking about a number of aspects of land management practices and seeking changes obviously, but in your evidence you talk about environmentally friendly farming and the importance of moving away from production-led subsidies. How can national parks actually encourage environmentally friendly farming? What are the techniques that you would employ?

**Mr Thomas:** There are a number of different ways that national parks have engaged in that sort of thing. One of the ways is that we work very closely with Defra RDS, for example, in helping to deliver

agri-environment schemes at local level. We work with RDS staff on the ground looking at helping to target agri-environment schemes at appropriate sites. There is work in areas such as the South Downs, not yet a national park. They work closely with English Nature, for example, helping to actually deliver management on the ground in SSSIs. I think there are wider issues as well about the type of farming, both in the uplands and the lowlands really—systems and encouraging those in a way that can actually help support appropriate and sustainable countryside management.

**Q12 Joan Ruddock:** Can you describe the extent to which you think the shift from agricultural support based on levels of production will result in changes in management patterns. Is it going far enough? What more do you want?

**Mr Thomas:** I think that the move away from the headage payment system has to be very welcome and a very positive move. I think it is perhaps difficult to predict the direction that farming might take at the moment with the common agricultural policy. Inevitably, changes in the farming systems that might result could have an important influence on general countryside management including SSSI management. For example, possible declines in the dairy sector might actually result in greater intensification if land is purchased by a number of larger dairy farmers. If there are opportunities for diversification of agriculture, then that could be a positive thing.

**Q13 Joan Ruddock:** What impact do you think the proposed high-level tier of the environmental stewardship scheme would have on the management of SSSIs?

**Mr Thomas:** I would say that is probably going to have a pretty critical role in helping to deliver SSSIs objectives and indeed wider biodiversity objectives. Yes, that sort of support which is targeted at environmental improvements, environmental maintenance and enhancement. I think it is going to be fairly critical in that process and I see that as a very important element in helping to achieve targets.

**Q14 Chairman:** English Nature see that as the single delivery mechanism which could have the greatest impact and it sounds as if you would agree with that.

**Mr Thomas:** I think certainly in the shorter to medium term. In the longer term, I think there are issues around whole farming systems and ways of encouraging appropriate farming systems. Yes, in the short to medium term, I would agree with that.

**Q15 Mr Jack:** Have you any idea what proportion of SSSIs are actually farmed landscape?

**Mr Thomas:** I do not know offhand, no. I suspect it is a very large amount. Agriculture is identified as one of the key and probably the key—

**Mr Jack:** It is a rotten question to ask you but it just occurred to me that clearly anything to do with the farm landscape would be irrelevant for the non-farmed by definition, that it is not going to have an impact.

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**Q16 Diana Organ:** You have obviously talked a little about the change in land management practice that needs to go on if the PSA targets are going to be met and one that you talked about is overgrazing, but the other is about moorland burning. I only know about the overgrazing and the water problems because my constituency where I have SSSIs are all wetland areas. You make it sound like this moorland burning is going on in vast amounts and that it is all illegal and inappropriate. Is that the case or is it not a necessary practice once in a while? What is so bad about occasionally burning a bit of moorland?

**Mr Thomas:** I think we see the burning of moorland as making a very important contribution to actually help maintain and enhance. What it does is diversify the structure, the heather; it helps diversify the age range of the heather; it provides habitat for some of the key moorland species, some of the key moorland birds, for example, which favour areas where heather is burnt. Some burning is appropriate but some burning may be inappropriate and the types of burning that might be inappropriate, for example, are on some of the wetter upland areas where a lot of the ecological wildlife interest is dependent on the moss layer and the peat underneath there and, on the wet peatland areas, on the blanket bogs, then too regular burning or too intensive burning can cause problems in killing off the moss layer in opening up the bare ground, the peat. So, I think there are issues like that. On the dryer ground, generally a reasonable rotation has a very positive role to play in helping wildlife, but I think that if a very large proportion of the moorland/the bulk of the moorland is entered into that rotation, then it can mean that some of the things that are dependent on the very old heather and on the older stages of the heather can suffer and they can be absent. It is getting that balance right that is important.

**Q17 Diana Organ:** In answering or not answering Mr Jack's question regarding how much SSSIs are agricultural, obviously the owner manager has an income to derive from certain activities that go on in that moorland. If you want to change and have a review of the burning practices, is there not going to be a cost to that farmer and why should he do that?

**Mr Thomas:** There may be a cost in some instances. I think it depends on the degree of change that is actually required. On two of the key upland habitats, blanket bog and upland heath, burning is identified as one of the key issues and excessive burning is identified as one of the key issues there. Whilst that might affect large areas of moorland, I do not think that the actual changes involved necessarily need to reflect significantly large changes. For example, it would probably require a relatively small proportion of the drier heathland not to be burnt to meet the requirements. So, I think that slight judicious changes . . . I do not think there need to be big economic consequences and again there could be positive economic benefits as well: water catchment is an obvious one where a lot of research is being undertaken at the moment by the water companies on the effects of burning and regular burning in relation to water discolouration. So, I think that

there are positive signs as well from an economic point of view in relation to actually potentially just reducing the level of burning a little bit, certainly in certain of the key habitats.

**Q18 Diana Organ:** You have talked about wanting a review of measures for managing common land, but actually you do not really want a review, you want a stricter guidance.

**Mr Thomas:** I am not too familiar with the common land because we do not have the common land in the Peak District which is where I am originate from/ where I am working. I am not completely *au fait* with the common land issues that there may be in other national parks. I think that one of the key issues is making sure that there is the right facility for being able to reach agreement with commoners; it is obviously a balance between the rights of the commoners and safeguarding the nationally important features of those areas for the nation.

**Q19 Diana Organ:** They are usually the areas of greatest dispute, are they not? Different interest groups can come into conflict with farmers or with English Nature.

**Mr Thomas:** I think there are particular conflicts on common land, yes.

**Q20 Chairman:** May I just take up the issue regarding costs that Diana was asking about. In their evidence to us, English Nature say that if the moor and grass burning and overgrazing regulations were tightened and enforced, the agri-environment costs of the PSA target would be reduced by between £3 million and £4 million per annum. Does that seem a realistic assessment from your point of view?

**Mr Thomas:** I am not quite sure what the basis of it would be except that some of the burning would be carried out for, for example, grouse moor management, and some of the burning management would be carried out because of grazing. The two are intimately linked. So, if there is a reduction in livestock on the moors, then it is likely that there will be also a reduction in the need for burning and vice-versa. It may be that that is the link and a reduction in burning may mean a reduction in livestock as well.

**Chairman:** We will tackle English Nature on that when they come to talk to us.

**Q21 Mr Jack:** In paragraph 5 of your evidence, you say, "There is some misconception, particularly at a local level, that the SSSI target is a target for English Nature . . ." How did you establish that this misconception existed? You go on to say in the same sentence, ". . . rather than a target for which all public bodies have some responsibility." Perhaps you can comment on the thinking that lay behind that particular sentence.

**Mr Thomas:** It was really based on experience within national parks and discussing with colleagues in other organisations the PSA target. Through involvement in, for example, the Major Landowners Group, the recognition that the target is a shared target is there amongst other organisations—

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**Q22 Mr Jack:** Just let me stop you and ask you why, when you are talking about major landowners because my next point was going to be about the private landowner, did they not think they had a part to play in this process?

**Mr Thomas:** I think on the Major Landowners Group, at that level, there is recognition that they have a role to play in the process. At local level, there is still a bit of an issue about getting through to some of the staff on the ground and the message has perhaps not filtered down that this is not just an English Nature target, that this is for public bodies as well.

**Q23 Mr Jack:** Why is the filtering down not taking place and why is it an issue at the level you have just described?

**Mr Thomas:** I honestly do not know. From my perception in talking to other staff in other national parks and from talking to colleagues in other organisations, I think we recognise that there is that issue about it not filtering down, but the reasons behind that I do not know. It is presumably that that communication is not quite filtering down at local level for some reason.

**Q24 Mr Jack:** Are we saying, for example, that local authority officers within SSSI are saying, "Meeting the requirements/targets is nothing really to do with us, it is for somebody else"? Is that the kind of feedback that you have had?

**Mr Thomas:** Yes. I would not particularly single out local authorities, for example, because I have not really talked to colleagues from local authorities.

**Q25 Mr Jack:** If we are to understand where improvements need to be made in the operation of SSSIs, then it is essential... You made a very interesting comment in the evidence that there is some misconception. So, I would be very interested in understanding a little more about that process in case there is something that has to be done to correct the conception about what it is about and whoever wrote this must have some idea as to what was going on behind the scenes, if you like, to make such a statement.

**Mr Thomas:** I think where there is something like guidance for Section 28g bodies, the bodies with responsibility for making sure that that message about the responsibility gets down to the local level, something like that may help in the process, just making sure that message gets down at the local and regional level. Whether further guidance on making sure that the message gets down will be helpful and may be a way to resolve this problem.

**Q26 Mr Jack:** Lord Haskins has put forward his own unique view of how the countryside should be managed in the future. Do you think that the type of integrated agency which he advocated would actually start to address the type of problem that we have just discussed?

**Mr Thomas:** I think that sort of approach would probably help and it is certainly something that the National Park Authorities and the Association of National Park Authorities would support as an integrated approach to countryside management.

**Q27 Mr Jack:** So, whether it be a Haskins model or some other model, you think that an integrated agency would help to wire together the players in a more effective way as far as SSSIs are concerned?

**Mr Thomas:** I think there could be benefits in that, yes.

**Q28 Mr Jack:** Did you actually write this paper yourself?

**Mr Thomas:** I did, yes

**Mr Jack:** I would be grateful if you could reflect on my probing about the nature of this misconception and if, on reflection, there is anything else you could tell us about it in a little more detail, perhaps you could drop us a note because I think this is quite an important area in understanding how messages, as you say, are filtering through.

**Chairman:** I think we would welcome that further information, if you do have it available, because I think it leads back to the very first point which you were making to us, Mr Thomas, about the need to engage others in the issue. Unless my colleagues have any other questions, can I thank you for your attendance this afternoon. Not just on the point that Michael Jack has raised but, if there are any other areas which you would like to draw to our attention in relation to SSSIs in written form, then, please, do feel free to do so. Thank you.

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**Supplementary memorandum submitted by the Association of National Park Authorities  
(Peak District National Park Authority) (N10a)**

You asked for any further thoughts on the nature of the misconception that the PSA target is a matter for English Nature. This was referred to in paragraph 5 of the Association of National Park Authorities evidence submitted. Our further comments are as follows and hopefully elaborate on the initial statement:

The achievement of the PSA target relies on the work of all those agencies and organisations that can influence the way in which land is managed. They have a range of mechanisms, including regulations and incentives, to help them. Further consideration is needed of the role of potentially important delivery mechanisms, such as agri-environment schemes, in helping deliver the PSA target. Also for some key issues such as air pollution, mechanisms to address these have not been clearly identified. Clarity of the contribution that mechanisms can make would naturally lead to clarity of the role of staff in the delivery organisations.

If we are to achieve this, the PSA target needs to be seen to be owned and driven by the whole Defra family, not just English Nature (though clearly they have a pivotal role). This might for example be done by strengthening the Defra High Level Delivery Group as a key driver of the target amongst the main delivery organisations and as a forum for these organisations to agree their contribution towards delivery of the target.

For example, the potential to use the proposed (HLS) Higher Level tier of the Environmental Stewardship Scheme in helping deliver the target needs to be clear. Our view is that favourable condition should be seen as a minimum baseline standard for our nationally important wildlife sites and as such, the HLS should be capable of delivering this without the need for additional top-up payments except in the most exceptional circumstances.

Other key organisations that need to be included in agreeing roles include, for example, Rural Development Service, Forestry Commission, Environment Agency the new integrated land management agency, Rural Development Agencies and National Park Authorities. Once the roles of different organisations and mechanisms are agreed, this needs to be adequately disseminated throughout the relevant parts of the organisation to ensure staff at all levels take on board their contribution towards the PSA target. This might be facilitated, for example, by identification in their performance plans of the contribution the body will make to the PSA target and by setting up targets and mechanisms within each organisation for mainstreaming the PSA target.

*April 2004*

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#### **Memorandum submitted by The Royal Society for the Protection of Birds (N9)**

##### **1. SUMMARY**

1.1 The RSPB welcomed adoption by Defra of the SSSI Public Service Agreement (PSA) target: it is of importance both in its own right, and because of the contribution the SSSI network makes to other aspects of human quality of life. We believe attainment of the target, although challenging, is achievable.

1.2 The RSPB is committed to assisting Government in delivery of the PSA target on land under our management, although we need more assistance to address factors causing unfavourable condition that are outwith our control.

1.3 Overall, we believe greater use should be made of English Nature's powers to enable attainment of the target, particularly use of management schemes. Additional effort is needed to encourage Section 28G authorities to engage with delivery of the target, and to ensure delivery is adequately funded. Many factors causing SSSI unfavourable condition are generic in character, rooted in EU or Government policy. As such, they are best addressed through legislative, policy or funding reform. Many of the necessary changes have been identified in the England Biodiversity Strategy, although a more convincing implementation process is required.

##### **2. THE GOVERNMENT'S PSA TARGET FOR SSSI CONDITION**

2.1 The RSPB is very supportive of the target-led approach to conservation. Used correctly, we think it is a valuable way of identifying priorities, focusing resources on outcomes and assessing progress.

2.2 We welcomed adoption by Defra of the PSA target, that 95% of SSSIs, by area, should be in favourable condition by 2010. This target is of vital importance both in its own right, given the crucial role sites play in England's overall approach to biodiversity conservation, but also because of the contribution the SSSI network makes to other aspects of human quality of life, including ecosystem services, leisure opportunities, access and health, education and support to local economies.

2.3 Completion of the first six-year cycle of SSSI condition assessment by English Nature has been invaluable in providing detailed knowledge about the current state and future management requirements of the SSSI network. In March 2003, English Nature concluded that 58% of SSSI land by area met the PSA target (ie it was in favourable or recovering condition), leaving 42% in unfavourable condition to be addressed over the next six years.

2.4 We welcome the focus that adoption of the PSA target has brought to both Defra and English Nature in co-ordinating delivery of SSSI conservation. In particular, we welcome the steps Defra has taken to "project" manage delivery of the PSA target through establishment of:

- A "Major Landowners Group"; a Defra-chaired meeting of the 12 groups of organisations who, between them, own or manage about half of the SSSI area in England. Clearly, if these 12 groups engage with delivery of the PSA target, then this will go a considerable way to its achievement. The RSPB is a member of this group.

- A “High Level Group”, convened by Defra, and involving a range of other Government departments key to the achievement of the PSA SSSI target, and delivery of the England Biodiversity Strategy. As the English Nature condition assessment report reveals, many of the causes of SSSI unfavourable condition arise from factors outwith the immediate site, and outwith the control of the land owner or occupier. These include water management and drainage, inappropriate coastal management, diffuse airborne and water pollution and inappropriate fisheries management. Remedies will require actions beyond land managers, English Nature or even Defra.

The RSPB believes that attainment of the PSA target for SSSIs is achievable, although challenging. It is clearly important that all parties now engage with these groups purposefully, to convert intention into practical delivery of the PSA target on the ground.

### 3. DELIVERING OF THE PSA TARGET ON LAND UNDER RSPB MANAGEMENT

3.1 The RSPB is fully committed to assisting Government in delivery of the PSA target for SSSI land under our management. By the end of the completion of the first six-yearly condition assessment cycle in March 2003, the results for the SSSI units managed by the RSPB was that 64.2% were classified as meeting the PSA target. Additional data provided by English Nature suggested that of the land not meeting the PSA target, 20.4% was due to factors under RSPB control and 79.6% not.

3.2 As requested through the Major Landowners Group, the RSPB has worked with English Nature to agree an accurate picture of our ownership and site condition. We have provided them with digitised site ownership data, commented on site condition data supplied to us by them, and made our ecological data and management information available to them as appropriate. In the relatively few instances where differences of view have arisen, we have addressed these together.

3.3 We have found that in many cases, work has been done since the assessment to remedy the causes of unfavourable condition. In other cases, work to address unfavourable condition has been programmed in reserve management plans, such that English Nature now has sufficient confidence in it being delivered to reclassify it as “unfavourable recovering”.

3.4 As a consequence of updating done by English Nature, as of January 2004, 67.6% of land under RSPB management was classified as meeting the PSA target. Of land not meeting the PSA target, 14.9% was due to factors under RSPB control, and 85.1% not. Much of the land in unfavourable condition with factors under RSPB control are newly acquired reserves where management plans have not yet been developed or agreed with English Nature. The causes of unfavourable condition are similar to those reported in the national SSSI condition report, the main being overgrazing, inappropriate flood or water management, and lack of scrub control. Those responsible for the factors causing SSSI unfavourable condition not under RSPB control are primarily other private landowners and the Environment Agency. The main organisations we believe are best placed to help the RSPB remedy these factors are English Nature, the Rural Development Service, Environment Agency and Internal Drainage Board. Whilst the individual or body causing the problem may be best placed to resolve it, this will not always be the case. For example, the Rural Development Service or English Nature may be best placed to address grazing management issues caused by an occupier with a full agricultural tenancy.

#### *Next steps*

3.5 In general, we believe that RSPB procedures are well geared to delivering favourable condition where factors causing unfavourable condition are within our control. However, we do need more assistance from English Nature and other Section 28G authorities—such as the Environment Agency and Internal Drainage Boards—in addressing factors outwith RSPB control.

3.6 We have agreed the following actions with English Nature to take delivery of favourable condition forward with respect to RSPB land:

- RSPB regional staff will work with English Nature area staff to agree future programmes of remedial action on the 26 SSSI units (1,420 ha) currently in unfavourable condition where management control resides with the RSPB.
- English Nature area staff will confirm with RSPB regional staff causes of, and the individuals and organisations responsible for, unfavourable condition on the 90 SSSI units (8,139 ha) where management factors are outwith the control of the RSPB.
- English Nature area staff will develop and agree with RSPB regional staff a plan identifying the appropriate remedial actions, and responsibilities, to deliver the remedial works required for the above 90 units.

English Nature and the RSPB will continue to meet regularly at national and regional/reserve levels to review progress, exchange site condition information and address any blockages in the process.

#### 4. OBSERVATIONS ON THE ACHIEVEMENT OF THE SSSI PSA TARGET AS A WHOLE

4.1 Condition monitoring: The RSPB believes the English Nature assessment has provided a good overall measure of the current condition of SSSIs. As noted by English Nature in their assessment report, additional work would improve the assessment process, particularly for freshwater, where for many sites attributes of water quality and quantity were not recorded.

4.2 Implementation of new powers: Passage of the Countryside and Rights of Way Act (CroW Act) made substantial amendments to Section 28 of the Wildlife and Countryside Act 1981. Both Defra and English Nature have been slow implementing the new provisions, which means delivery of the PSA target is also slower than it might have been. In particular:

- Guidance. There was a long delay in publication of the Section 33 Code of Guidance. This delay was unfortunate as Section 28G of the Act now places a duty on all public authorities and bodies to take reasonable steps to further the conservation and enhancement of SSSIs. The Code is a key element in explaining to Section 28G bodies their new duties. We are not aware of any public authority or body that has begun a comprehensive review of their activities in relation to their provisions. As noted above, achievement of the PSA target is unlikely without active engagement of Section 28G bodies.
- Enforcement. The CRoW Act significantly changed the approach to regulating operations or activities that might damage the interest of SSSIs. Section 29 of the 1981 Act, which provided “stop” notices on damaging activities, was replaced by extended byelaw powers and a new offence of “international or reckless” destruction or damage to the interest of the SSSI. Monitoring and enforcement therefore now plays a greater role in delivery of the PSA target. Under the statutory SSSI Code of Guidance, we are aware that English Nature has brought a small number of prosecutions, but a more strategic approach is now required, including working with the Police to support enforcement. Under the statutory Code of Guidance English Nature is expected “to develop and publicise a strategy for enforcement, including action to address issues relating to the use of land by persons other than owners and occupiers. The strategy should clarify the circumstances in which it will take action, and describe the steps it will take”. We are unaware of any such strategy having been produced.
- Denotification of SSSIs. Section 28D allows English Nature to remove notification from an SSSI, or part of it, if the features making the area special are no longer present, or of special interest. The RSPB supported inclusion of this power only on the understanding from Government that it would be used exceptionally, and in the light of guidance setting out those circumstances when it would be appropriate to exercise it. As yet, such guidance has not been developed.

4.3 Managing SSSIs: Lack of appropriate management is the commonest cause of deterioration in the special interest of SSSIs. We agree that positive management is most likely to be secured with the active co-operation of land managers. Part III of the CRoW Act was very much constructed with this in mind: providing opportunities for land managers to engage with, and be rewarded for, the positive management of SSSIs, but with new powers for use in those exceptional cases where dialogue and negotiation had failed to secure management that maintained the site. The amended 1981 Act contained four key measures to this end.

- Management statements. English Nature is required to provide all owners and occupiers with a statement of its views about the management of the land. The intention is that this provides an initial outline on which to base future discussions and decisions on the management of the SSSI. The target for completion in January 2006; to date, some 1,000 of 4,000 have been done. The intention is that the costs of conservation management should then be assisted through agri-environment schemes, or English Nature voluntary management agreements. We consider every effort should be made to meet this deadline, given the fundamental underlying role of management statements in initiating positive management.
- Management schemes. In those cases where voluntary agreement cannot be reached, English Nature now has powers under Section 28J to make a scheme describing how best to conserve or restore the features of an SSSI setting out the measures required for the positive management of the land. It must be drawn up in close consultation with owners and occupiers. We believe there is a strong case for initiating management schemes for complex sites with multiple ownerships where agreement has to be achieved with most, if not all, owners and occupiers, if favourable condition is to be achieved. An example is lowland wet grassland SSSIs where hydrological management has to be approached on a catchment basis. Here, a management scheme is important not only for setting a framework in relation to individual owners and occupiers, but also in providing leadership to Section 28G public bodies, such as the Environment Agency and/or Internal Drainage Boards, who regulate water levels, and will be expected to exercise their powers to conserve or enhance the site. However, to date, no such schemes have been formulated.
- Management notices. Section 28K gives English Nature the power to issue a management notice, if it has been unable to conclude, on reasonable terms, arrangements for implementing a management scheme, and if the special features for which the land was notified are not being adequately conserved.

The notice requires the owner or occupier to carry out specific works within a specified time, or allows English Nature to enter the land and carry out work itself. There is a right of appeal. As no management schemes have been made, no management notices have been issued either.

- The 1981 Act was also amended by the CRoW Act to enhance powers for acquisition of land, including compulsory purchase, although in the expectation that they would be rarely used.

Understandably, the Defra Code of Guidance on SSSIs, places emphasis on consensus and negotiation as the main ways of delivering positive management on SSSIs, and thereby the PSA target. There is a reluctance to invoke English Nature's new powers at an excessively early stage in the process. However, we do not think "management schemes", in particular, should be seen as a negative, draconian or last resort step. After all, a scheme does little more than provide a detailed statement setting out the required management of the land, as a product of discussion with the owners and occupiers of the land. As we have outlined above, we believe management schemes will be important in providing leadership as to the way forward for complex sites, with multiple ownerships, and where other Section 28G bodies will be important in using their powers to deliver favourable condition. We urge Defra and English Nature to consider the use of management scheme powers more actively.

4.4 Funding. Government has two main options for meeting the PSA target. It can fund English Nature more generously to make management agreements with SSSI owners and occupiers, or through use of other funding streams such as agri-environment payments; or, it can encourage public bodies to use their regulatory powers more fully to prohibit activities that are causing unfavourable condition.

4.5 At present, we are concerned that Section 28G bodies are not adequately engaged with the process to support delivery of the PSA target through regulation, and the costs of delivery have not been fully reflected in English Nature's budget.

4.6 We also believe more work is required to identify the best way of sustaining the funding for the management of SSSI's with conservation-dependent habitats, such as heathland and reedbeds, where the land uses that created these habitats have now ceased. Provision of management incentives alone may not be sufficient for the necessary work to be done, as owners and occupiers may not have the manpower, knowledge or equipment to do it. In several areas, dedicated management projects have been set up to provide a contracting service to both public and private sector SSSI landowners and occupiers, often at heavily discounted rates, and funded from a variety of sources, including EU LIFE-Nature, English Nature, Heritage Lottery Fund, and corporate and charitable donations. Such projects are making an important contribution to delivery of the PSA target. For example, the RSPB-led Dorset Heathland Project has facilitated the restoration of around 1,000 ha of heathland SSSI towards favourable condition since 1989, some 15% of the total heathland SSSI area of the county.

4.7 Funding and the role of regulators. Another aspect of funding is the role of regulators in the consideration of environmental schemes advanced by Section 28G bodies to implement their statutory conservation duties. To take the example of the water industry: the Environment Agency and English Nature presented to Defra in November 2003 a programme of environmental schemes which are necessary for the water industry to fulfil its legal duties as part of the fourth periodic review of water pricing. Over 390 kilometres of river SSSI, 18 square kilometres of lake SSSI and 100 square kilometres of wetland SSSI would benefit from water quality and water resources schemes and move towards favourable condition. Investment would include two innovative catchment schemes to improve water company SSSI landholdings in the Lake District, the Forest of Bowland, Peak District and Teesdale—the scheme promoted by United Utilities would alone improve the condition of 19,000 hectares of upland habitats in 54 separate SSSIs. Recently published final ministerial guidance from Defra has confirmed the need for this investment, in the face of severe pressure to reduce the investment programme for fear of rising water bills. This shows real government commitment to the SSSI network and is to be warmly welcomed.

4.8 Linkages with policy reform. As noted by English Nature in their condition assessment report, many factors causing unfavourable condition of SSSIs are generic in character, are rooted in EU or Government policy, and as such are best addressed through legislative, policy and/or funding reform. Many of the necessary changes have been identified in the England Biodiversity Strategy, although a more convincing process for implementation of the Strategy is required.

4.9 Examples of policy reforms that will benefit delivery of the PSA target include implementation of the reforms to the Common Agricultural Policy following the mid-term review, with decoupling of subsidy from production and its linkage to environmental standards, and redirection of spending on environment and rural development. We have also been impressed by the proposed prioritisation of action to support SSSIs as part of the Defra Diffuse Water Pollution from Agriculture Project. However, for this to be translated into delivery, commitment will be required across Government to early (and in some cases radical) action in target catchments. Concern remains this will not be forthcoming within the necessary time-scale and supported by appropriate resources.

*Witnesses:* **Dr Mark Avery**, Director of Conservation, and **Mr Gwyn Williams**, Head of Countryside Conservation, Royal Society for the Protection of Birds, examined.

**Q29 Chairman:** Welcome to our next pair of witnesses on behalf of the Royal Society for the Protection of Birds, Dr Mark Avery, the Director of Conservation, and Gwyn Williams, Head of Countryside Conservation. In your written evidence to us, you talk about enforcement and monitoring. The impression I had from reading your written evidence was that there is not enough enforcement going on. Then I had a look at the evidence of English Nature and they tell us in their written evidence under the CROW Act about 204 separate enforcement actions, six prosecutions, two formal cautions, 21 formal interviews by investigating officers, 36 warning letters from their solicitors and 139 warning letters from senior English Nature staff. We will obviously have a chance to ask them about the accuracy of those figures when we see them in a few weeks' time, but it does suggest that there are perhaps two views about enforcement and I wonder if one or both of you would like to elaborate on your view.

**Dr Avery:** Our view is that enforcement has to form part of the answer and that this is a question of carrots and sticks. I think that we are fairly early in the process, so we would encourage English Nature to use the powers it has and to flex its muscles where it is appropriate and I think that part of what they need to do is to make sure that landowners, which of course includes the RSPB, know that English Nature could come breathing down their necks if they are not doing a good job. That will not always be appropriate and it will not be appropriate to be the first thing that English Nature does, but I think it is important that those powers are used.

**Mr Williams:** I think the second point is that we were not so much complaining about lack of enforcement *per se* but lack of enforcement strategy. We think it is very important that a strategy should be in place, so this is transparent to both the public and indeed other enforcement authorities in helping provide the basis for linkage with the police, Crown Prosecution Service and so on. I think we need to all collectively be clear under what circumstances EN might use its powers.

**Q30 Chairman:** Could you elaborate a little more on what you mean by an enforcement strategy?

**Mr Williams:** One of the key changes in the Wildlife and Countryside Act was moving from section 29 orders, so-called stop orders for controlling, in particular, third party damage to SSSIs. So, things for example like bait digging. Now we have a new criminal offence of reckless damage or destruction to the interest of the SSSI and that really depends on effectively policing individuals, which can either be done through monitoring the situation through criminal law or through bye-laws. It is very important that we know and understand under what circumstances English Nature is likely to act and how.

**Q31 Chairman:** So, there is a role there for English Nature in making that strategy clear to all those it is likely to impact on?

**Mr Williams:** Yes and indeed to act in partnership with, as I say, particularly the police and police wildlife liaison officers investigating that kind of wildlife crime.

**Q32 Chairman:** Can you just give us some idea of how many police wildlife liaison officers there are?

**Mr Williams:** There is now at least one per force. Some have as many as 40. Some are serving officers who do this in their part time as an additional specialism; some are dedicated officers. So, they vary between forces, but the idea is that you have a lead person who understands wildlife legislation and can act as a lead in assisting on a particular case.

**Q33 Chairman:** Enforcement is one thing and a strategy for enforcement is one thing, but an approach that leads to voluntary agreements on management of SSSIs is presumably preferable.

**Mr Williams:** Preferable, yes.

**Q34 Chairman:** Likely to be effective?

**Mr Williams:** Hopefully effective. Again, the changes that the Countryside and Rights of Way Act introduced to the Wildlife and Countryside Act introduced a sort of staged series of interventions, if you like. So, the idea is that every effort is made to encourage people to work voluntarily with the Act and that they should be rewarded for doing that but, if there are difficulties that are preventing the proper management of the site, then there are back-up powers to do that. So, the first stage is management statements to really give views about the management in order that people understand what is important and required of them; the next stage is management schemes which are again a voluntary framework in order that again all parties understand what is required in more detail and that English Nature are offering management agreements on that basis. If, after a period of negotiation and so on, the scheme is not taken up, then there is the ability for management notices which would impose management. We think there is a scope particularly for more management schemes and these are not draconian powers but really a very logical way of progressing where there are very, very complex sites and where a whole bunch of regulators may need to work together to get favourable management rights. So, people like the Environment Agency, for example, say with the management of water levels in lowland wetland sites.

**Q35 Diana Organ:** You spoke of the opportunities, when a voluntary agreement cannot be reached, to use the powers and to have a management scheme, but some would say that is a little draconian and a little like the last resort, in which case you might as well give up because you are never going to get anybody with any goodwill about this because the reason why you cannot get a voluntary agreement is because there are differing pressures and differing views on the management of that land. In the end,



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why should that succeed? Why should an enforced management scheme succeed when you cannot resolve the issue through voluntary agreement?

**Mr Williams:** I think because a management scheme is, as I say, not an enforced process. The Act very much talks about a consultative process and coming out with a framework that is owned by the landowners and occupiers within that area and really I would see it more as providing leadership and an invitation for people to work together in the same direction, particularly where you have, say, maybe a large site with a large number of fragmented ownerships and occupiers and layers of management where really that leadership is required if people are going to work in the same direction.

**Q36 Diana Organ:** To put the argument the other way, if you are saying, “Well, it is not really that enforced, it is only a sort of strategy with a little bit of leadership” and the leadership is coming from English Nature, which sometimes some of the parties might take exception to because they do, in the end why would that work at all? Why is that any better? In fact, are you not saying, “This is just us taking the lead, English Nature, when the rest of you cannot work it out voluntarily”?

**Mr Williams:** Perhaps I could give an example to try and help this. In some lowland catchments, in places like the Somerset Levels, for example, we have had a long history of some people wishing to enter schemes to raise water levels and some not and we have cases where maybe ten people say, “Yes, I would like to do this” and the eleventh person will not and that means it is impossible to raise water levels over the whole of the catchment. So, effectively the will of the ten is frustrated by the one who does not. I think this is the sort of complicated fragmented situation where you may have an internal drainage board, the Environment Agency, delivering the water levels with the owners and occupiers in the areas where it might be appropriate to issue a management scheme in order that all have direction. If that eleventh person then frustrates the scheme, it may be appropriate to go on to the management notice process. The point to stress is that you are probably about four or five years down a process of negotiation and giving people every effort to enter into schemes voluntarily and we would agree with your basic point that to do this voluntarily and by consent is by far the best . . .

**Q37 Diana Organ:** You have given me an example of Somerset Levels and I can think of one in Walmore Common in my constituency which has exactly that kind of dispute between various interested parties and I just cannot see how English Nature initiating such a scheme can retain the goodwill of all, including those who are at odds with it. Will we not always get the one person or the one or two landowners who just say, “Stuff this, I am lifting up the key and letting the water go out. I am draining it”? That happens, does it not? I do not see how these management schemes are going to be any step forward.

**Mr Williams:** I think there are two thoughts here. Over time, the pressures to continue draining land as heavily as it has been in the past will hopefully be removed with the changes in agricultural support and so on that we have seen. Hopefully, some people who have been going hell for leather for production will feel less inclined to do so in the future, particularly as the high tier scheme payments or possibly dedicated management agreements will appear to be a good option for people in the future.

**Q38 Diana Organ:** Have you not really touched on it there by saying that it is often the one or two individuals who might be making the voluntary agreement difficult to deliver because actually it is to do with the income of their farm and they say, “I need the land drained for certain weeks/months in order that I can put my cattle out”, etc, etc, etc? Is the answer not in what you just said there, that actually we have to do something about the payment in order that there is some compensation in exchange for them agreeing to the voluntary scheme?

**Mr Williams:** The scheme would be backed by management agreements offering, as I say, voluntary payments for that, but, beyond that, there are certain farmers who say, “No, actually, I am not terribly interested in farming for the environment, I wish to be a very intensive productive farmer” and I think that, in those small number of cases, that leaves a choice that either that farmer would have to have management imposed or, over time, it may be that land swaps and so on mean that that land is swapped for other highland ground where he can continue farming and we would see land redistribution occurring over time. There are some examples of that as well where farmers within certain environmentally sensitive areas are now deciding they would rather farm somewhere else and sell that land and the problem can be solved in that way.

**Q39 Chairman:** From what you have said, how important is the new approach to the CAP going to be in impacting on SSSIs?

**Dr Avery:** We think it will be very important. Both what has happened nationally through the response to the Curry Commission and reform of CAP last summer moves the whole basis of the deal between the public and farmers to a different level in that no longer will farmers be encouraged through public payments to squeeze every last drop of production out of the land. The deal moves to public support being on the basis of delivering public goods and that, if there is an accompanying shift through modulation, moving money from production subsidies to find agri-environment schemes and other schemes that help the environment and rural communities, then that removes, over a period of time, a lot of the damaging excesses of agriculture which have impacted many of these SSSIs. We have already touched on the fact that overgrazing is top of the list of damaging activities on SSSIs, often in the uplands. That overgrazing has, over time, been fuelled by production subsidies that have encouraged overstocking. So, reform will help

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remove that and if there is less money to encourage overproduction and agri-environment schemes to help fund organic farming and other such schemes, that could lead to quite a dramatic turn-round in the state of these sites.

**Q40 Joan Ruddock:** In your written evidence, you talked about many factors causing unfavourable conditions of SSSIs as being generic in character and, you say, rooted in EU or Government policy and as such are best addressed through legislative, policy and/or funding reform and then you go on to speak about the necessary changes having been identified in the England Biodiversity Strategy and it is around that that I wanted to ask some questions. First of all, to what extent do you think that the England Biodiversity Strategy can bring about the changes that are needed to address some of the generic factors that cause unfavourable condition of SSSIs?

**Dr Avery:** If one looks at the factors that are affecting SSSIs in RSPB ownership, it is quite enlightening to see what types of things are causing problems. So, overgrazing is top of the list and second on the list would be flooding of sites. We own quite a large area of land in the Ouse Washes which is a wetland site but it is increasingly flooded in spring and summer because of water coming down from way outside of the area, higher up in the catchment from Bedford and Milton Keynes. So, that is a factor destroying the interest of that site. The third on the list would be direct pollution of some of our sites. Again, something that, as a landowner, there is rather little we can do. Fourth is moor burning which you have touched on already. Fifth would be drainage which again we have touched on through wetland sites and again there is rather little that, as a landowner owning a particular parcel of wetland, you can do if somebody upstream of you is removing all the water. So, some of those cases are ones which are amenable to changes in government policy providing solutions over the long term and the England Biodiversity Strategy both recognises the importance of meeting the PSA target on SSSIs and says a lot about the types of changes that are necessary to deliver policy changes that over the long term will provide solutions. It is a book which anybody can pick up and read and it has many of the right words in it.

**Q41 Joan Ruddock:** Before you go on to talk about implementation, which I anticipate you probably are going to do, are there any specific policy changes, other than ones that perhaps have been just a little explored in previous sessions, or things that you would like to highlight as being the priorities for policy change in this area?

**Dr Avery:** I think both in terms of agricultural policy change and change in water policy, which we have touched on, those are two of the most important and there has been progress in both of them, but to crack many of the under-performing SSSIs are still the two areas that need the most work. The third area is in the marine environment where we are not so well off because we do not have designated sites, we do not

have a network of SSSIs, SPAs or SACs in the marine environment and so we are even less well off in the marine environment than we are on land.

**Joan Ruddock:** We have certainly touched on that.

**Q42 Chairman:** The Committee has a report published today on the marine environment which might be of interest to you.

**Dr Avery:** Absolutely. In terms of the implementation of the England Biodiversity Strategy, I think clearly that Defra, a relatively new department, is in a position to actually be the champion of biodiversity conservation and has within its powers many of the levers needed to affect policy change. I think that will happen slowly but we clearly do need the rest of government to support that work and to join in. We touched earlier on the need for money to enable English Nature and others to make sure that SSSIs are in good condition. Treasury support is always helpful in these things.

**Q43 Joan Ruddock:** Is that all? You said in your evidence that a more convincing process for implementation of the strategy is required. Could you say a little about what the process is at the moment and how that could be made more convincing.

**Dr Avery:** I think that civil servants in Defra who have responsibility for delivering the PSA on SSSIs probably find it quite difficult to persuade their colleagues in other government departments, but to some extent in Defra as well, that they have to play a part in helping to achieve these targets. That clearly means that we need strong leadership from ministers in Defra to help deliver that joined-up government, both within the department and outside of it.

**Q44 Joan Ruddock:** Are you suggesting that you do not get that at the moment?

**Dr Avery:** We are an NGO; we would always like to see more. I think this is an early stage in the process. I think that Defra and English Nature deserve a great deal of credit for having set a realistic but demanding target on SSSIs and there has been some good progress made towards inching towards it, but 2010 is not that far away and some of the more difficult issues will require action by the whole of government. There is not a lot of time and it needs a lot of action.

**Q45 Chairman:** Is diffuse pollution one of those more difficult issues?

**Dr Avery:** It certainly is, yes, because again some of our RSPB nature reserves, and Ouse Washes would be one but there are other areas of land that we own, are not in favourable condition because of diffuse pollution. I think, as has already been mentioned, the water pricing guidance that was announced last week is a good step forward and could help quite a lot but the Government are about to consult on a diffuse pollution strategy and we will be taking a keen interest in that. Clearly, there is a voluntary pesticides initiative running at the moment and I think the jury is out as to whether that voluntary

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approach is actually going to deliver the goods on its own or whether other policy levers are needed to make quick enough progress.

**Q46 Chairman:** By consulting on diffuse pollution, do you feel that is a sign that the Government are serious about tackling the problem?

**Dr Avery:** I think actually the announcement on guidance on water pricing is a clearer view that the Government are serious because that is actually something the Government have said will happen. On consulting on it, well, we will see. The consultation has been quite long awaited, so we will wait and see what happens.

**Q47 Chairman:** Maybe it should have happened a little earlier.

**Dr Avery:** Yes, I think we have been waiting for that consultation for quite a while and it is an important issue. It is important for people's water bills but it is important for delivery of these biodiversity targets as well.

**Q48 Mr Jack:** Can I just raise some issues regarding funding just to follow on that last train of thought. I would have thought that the land you own would have been in absolutely super favourable condition but, in your evidence, you said there are certain things that happen that we cannot do anything about, one of which was somebody else's pollution. Are you indicating from the last exchange that the statement on water price and the consultation on diffuse pollution will be the way to address the statement you made earlier that, at the moment, the fact that there is nothing we can do about another man's pollution is our problem?

**Dr Avery:** Those will help quite a lot.

**Q49 Mr Jack:** Under the existing mechanisms, you, being experts, will look at a bit of your site and say, "Look, that has been polluted by something. It is not in a good condition." You will no doubt make some effort to identify what it is; what do you do then?

**Dr Avery:** I think what we do then is to—

**Q50 Mr Jack:** Perhaps I should ask, what do you do now?

**Dr Avery:** What we are doing now is to make sure that, in those cases, we consult with English Nature and we get English Nature's agreement or not—we seek their agreement—that our analysis of the reasons for unfavourable condition are right and then we try to agree with English Nature a plan of action in the short term to remedy what is happening, which might mean that English Nature and the RSPB go off and talk to the Environment Agency or English Nature talks to another landowner a little up the road in the SSSI. So, in the short term, we try to fix the problem that way. In the longer term, we try to influence policy changes that are a full and complete solution.

**Q51 Mr Jack:** Does something actually happen from all this talking?

**Mr Williams:** What has happened historically is that we have tended then to address it maybe by bundling the reserve out of the catchment or something like that. So, it becomes disconnected maybe from the river, so you do not have the polluting water from the river coming in, but you then introduce a whole set of other management difficulties in then how you supply good, clean water to the site and so on. That kind of fix, if you like, is not then delivering wider public benefit in terms of the clean, healthy rivers. So, it is treating the symptoms rather the underlying causes of unfavourable condition on our particular site. I think that the solution that my colleague has been covering hopefully will lead to a slightly more holistic approach to addressing some of these problems rather than simply addressing the very site-specific symptom that is the product of something that is much larger.

**Dr Avery:** In answer to your question as to whether anything actually happens, as I imagine you might come back and ask that again, I think it is slightly too early to tell because we are in the process. It was only just before Christmas that English Nature launched their assessment of condition and, as a landowner, we have been working closely with English Nature since that time to iron out some differences of view over whether sites are rightly or wrongly categorised and then we are in the process of agreeing with them whether our assessment that this site is not our fault, it is due to something happening up the catchment is right or not. That process is all working well, and, as I say, we do not have any complaints about the way that English Nature is dealing with that. I think that, over the next six months to a year, we will find out whether that discussion or that talk leads to change on the ground. My expectation would be that it will.

**Q52 Mr Jack:** Have English Nature sufficient resources to make the new approach and indeed the achievement of the PSA targets a possibility because certainly in their evidence to us they indicated that, at the moment under the current funding, the grant in aid, they were likely to miss their targets because money had been taken away but that, if monies were restored for 2005–06, then they might get the target of 72% by April 2006. You work closely with English Nature and you observe what they are doing; are they sending you little messages of worry or are they saying, "We have enough cash to do the job"?

**Dr Avery:** I have yet to hear English Nature or their predecessor, the NCC, ever say they have enough cash to do the job and that might be why such a high proportion of SSSIs in England are in poor condition. I would be surprised if more money were not needed but quite a lot of what is needed is a shift of public subsidy from paying for things that will harm SSSIs to paying for things that will—

**Q53 Mr Jack:** That payment mechanism is a mechanism that goes to a farmer or a landowner, not to English Nature.

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**Dr Avery:** That is a large part of the big picture and I think that English Nature would agree with that. I would be very surprised if English Nature do not need some more money in order to fix this according to the challenging timetable that has been set.

**Q54 Mr Jack:** Turning to the mechanisms to achieve this target, what do you think are the most cost-effective mechanisms and has any effort been made, either by English Nature or other bodies or people like you, to identify what the most effective way of achieving the targets is? In other words, do you get the most bang for the limited amount of buck that is available?

**Dr Avery:** I think probably English Nature are doing some work on that at the moment but I think that it has to be tackling the problem at a variety of levels. So, I would come back and say that changes to government policy and agricultural policy and water policy are going to provide a large part of the solution over the medium term, but they are not going to solve every problem, they are not going to solve pollution at a particular site because sewage is pouring into an SSSI. So, in different circumstances, you are going to need different solutions and many of them will cost money.

**Q55 Mr Jack:** Inevitably you have given me a general answer, but is there anything that is available in greater detail to try and map out, because clearly in terms of some of the management incentive plans which English Nature have to follow through they are restricted in the amount of money they have, so are there any alternative stratagems that should be being followed, or should be followed in the future, which will enable the target to be hit?

**Dr Avery:** I think it is difficult for us to give you anything other than a general answer, so perhaps this is something to ask English Nature to justify if they want more money but I think, as we said right at the beginning, a mix of incentives, policy change and regulation will be needed to solve the wide variety of problems that exist on SSSIs and, looking at regulation, there is a cost of regulating because you need people to enforce the regulation but that way more of the cost falls on the individual landowner who is being regulated, as was touched on earlier.

**Chairman:** Dr Avery and Mr Williams, can I thank you very much for coming before us and answering our questions this afternoon. If you reflect that there is anything you wish you had said and did not, then please feel free to give us a further submission in writing.

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### Supplementary memorandum submitted by the Royal Society for the Protection of Birds (N9a)

#### 1. INTRODUCTION

1.1 The RSPB welcomes this opportunity to provide supplementary evidence to the Committee. We wish to address three issues: the contribution that the Sites of Special Scientific Interest (SSSI) network makes to human quality of life; the funding of SSSI management; and the relationship between Defra's "Modernising Rural Delivery" review and the achievement of the Public Service Agreement (PSA) target.

#### 2. THE CONTRIBUTION OF SSSIs TO THE QUALITY OF LIFE

2.1 As well as enabling the protection and positive management of the best of England's wildlife and geological features for their own sake, it is becoming ever more apparent that SSSIs are making a fundamental contribution to human quality of life. They:

- Tell us about the state of our planet (the impact on wildlife is a key test of the extent to which society is living sustainably);
- Help protect the ecosystem functions and services that underpin our wealth. For example, wetlands can store water and help mitigate damaging floods, estuaries serve as nurseries for commercial fisheries, and saltmarsh creation can buffer the effect of damaging waves, and so reduce expenditure on hard sea defence works;
- Contain a vast resource of knowledge (for example about past climatic patterns) and products. SSSIs provide an opportunity for children to explore the wonder of nature and wild places. Without such first hand experience, young people will not become environmentally-aware;
- Contribute to our mental well-being;
- Provide places to walk and experience nature, which are the best ways to enhance our physical health. The enjoyment of wildlife is the prime motivator in engaging people with a number of health and activity initiatives, including the Green Gym project and "Walking your Way to Health";
- Support economic activity, both directly, in the nature conservation sector, and indirectly, through wildlife tourism. In south-west England, environment-related economic activity contributes about 100,000 jobs and some £1.4 billion to the economy—some 5-10% of the region's GDP; and

- Contribute to regeneration by improving the quality of the natural environment. This brings associated economic benefits, in both urban and rural areas (for example, the East London and the Thames Gateway planning framework identifies the need for flagship environmental sites in the Thames Gateway area).

2.2 Establishing a belief in the benefits of wildlife and healthy SSSIs and ecosystems requires a full understanding and appreciation by government and other stakeholders of all the points listed above. Promoting this wide range of benefits will also increase the willingness of people and institutions to engage with delivery of the PSA target, and to provide the necessary funding.

### 3. THE FUNDING OF SSSI MANAGEMENT

#### *Regulation and financial measures*

3.1 Two main approaches are open to government to attain the PSA target: incentive and regulation (others, such as the provision of advice or use of market signals (eg through eco-labelling or niche marketing), whilst important, are likely to be secondary, in that they are unlikely to succeed in the absence of a favourable regulatory climate or incentives). This was reflected by the Chairman in his question to Mr Rhodri Thomas (Association of National Park Authorities, oral evidence 21 March 2004) about the balance between regulation and incentive in moor management. He cited English Nature's evidence that tighter regulation of burning through revision of the heather and grass burning regulations could save £3–4 million per year in agri-environment expenditure

3.2 The above example is a good illustration of the relationship between the use of regulation and incentive: government has choices about which it employs. Whatever combination of measures is chosen, government must be confident that, in its totality, it will be sufficient to deliver the PSA target. The clear risk is that tensions between the pressure to limit public spending and the effort to reduce the regulatory burden on sectors such as agriculture may lead to environmental goals such as the target falling by the wayside. An incentive-led approach could fail due to inadequate resources, but equally, the regulatory approach could be problematic because of its perceived unpopularity amongst SSSI owners and occupiers. Effective regulation would also require a wide range of Section 28G public bodies to exercise their regulatory powers to help deliver SSSI condition. And of course, regulation needs resources for policing and monitoring if it is to be effective.

3.3 There are other examples of the choices between regulation and incentive facing government. The most critical will be in relation to agriculture and Common Agricultural Policy (CAP) reform, and the introduction of the Single Farm Payment. These payments will be subject to new “cross compliance” standards designed to deliver positive environmental outcomes. For the first time, and as a condition of receiving the Single Farm Payment, farmers will need to keep their land in Good Agricultural and Environmental Condition (GAEC). It is intended this will set baseline standards for the protection and management of soils and will also help reduce damage to habitats and landscape features. In turn, these “cross compliance” measures will also support efforts to control diffuse water pollution from agriculture.

3.4 Those who claim the Single Farm Payment will also be required to meet the Statutory Management Requirements—a range of existing environmental, public and plant and animal health and welfare conditions set out in eighteen EU Directives and Regulations, including the Birds and Habitats Directives. There is an obvious boundary between the standards set through cross-compliance, and environmental enhancement paid for through agri-environment measures. A key example in a SSSI context is diffuse pollution and the establishment of standards for soil, pesticide and nutrient management.

3.5 A further example relates to grazing management on SSSIs, identified by English Nature as the main cause of SSSI unfavourable condition. Tougher overgrazing standards, conditional on the Single Farm Payment, would reduce the cost of agri-environment payments or Section 15 management agreement payments. In the future, under decoupling, with the retention of livestock no longer a factor in the receipt of subsidy, the reverse situation may become a threat to the condition of SSSIs which rely on livestock grazing, and undergrazing standards in cross-compliance will help to retain positive site management.

#### *The development of additional financial measures: Inheritance tax*

3.6 Inheritance tax is a complicated, but influential, issue for nature conservation. Many important biodiversity sites are on privately owned land, where inheritance tax can be high, and therefore can strongly influence landowners' actions. Where designated sites are preserved (ie: they are not deteriorating from the baseline defined in a site management plan) and have reasonable public access, they are exempt from Inheritance Tax. The Inland Revenue can reverse the exemption in perpetuity, which provides a strong incentive to prevent deterioration of the site.

3.7 Inheritance tax thus bridges the gap between the current policy tools of “the polluter pays” (those damaging designated sites can be subject to legal sanctions), and “the provider gets” (payments through management agreements to ensure favourable condition). However, given the PSA target and passage of the Countryside and Rights of Way (CROW) Act, rules over Inheritance Tax relief could be tightened. Once reasonable management agreements for sites have been offered, the tax exemption should require sites to be

in favourable, or unfavourable recovering, condition. Basing taxes on the condition of sites may put extra (but not unreasonable) pressure on the site assessment system, and to be effective would require the means and resources necessary to meet the SSSI target.

#### *Funding work for conservation dependent habitats*

3.8 More work is also required to identify the best way of sustaining the funding for the management of SSSIs with conservation dependent habitats, such as heathland and reedbeds, where the land uses that created these habitats have now ceased. Provision of management incentives alone may not be sufficient for the necessary work to be done, as owners and occupiers may not have the manpower, knowledge or equipment to do it. In several areas, dedicated management projects have been set up to provide a contracting service to both public and private sector SSSI landowners and occupiers, often at heavily discounted rates, with funding from a variety of sources, including EU LIFE-Nature, English Nature, Heritage Lottery Fund, and corporate and charitable donations. Such projects are making an important contribution to delivery of the PSA target. For example, the RSPB-led Dorset Heathland Project has facilitated the restoration of around 1,000 hectares of heathland SSSI towards favourable condition since 1989, some 15% of the total heathland SSSI area of the county.

3.9 However, sustaining funding for such projects has become ever more challenging. Many funders see their role as a pump-priming one, rather than provision of ongoing support of the scale these conservation dependent habitats require. In addition, grant schemes normally require matched funding. Historically, this has often come from the RSPB itself, and thus has resulted in significant subsidy to Section 28G bodies such as local authorities and the Ministry of Defence, something we feel is no longer appropriate now that the CRoW Act is in place.

3.10 In some cases, once a “market” has been established for conservation management (such as for heathlands), private contractors have been drawn into the management process. This is an important, natural progression, and a happy coincidence which can meet biodiversity and rural development/employment objectives. However, accreditation schemes may be necessary to ensure contractors are qualified to do the work to the necessary standard, and English Nature/Defra could have a vital role in promoting this.

3.11 For heathlands, the situation for the future funding of management projects will become critical with the conclusion of the Heritage Lottery Fund’s “Tomorrow’s Heathland Heritage” programme in late 2009, which has generated a total of £26 million for heathland management work since 1998.

#### 4. MODERNISING RURAL DELIVERY AND SSSIs

4.1 We are sympathetic towards the motivation behind Defra’s review of rural delivery, namely to enable the better delivery of rural policy and services, including biodiversity conservation and the PSA target for SSSIs. The Review is a crucial opportunity to improve structures and processes so that biodiversity commitments and targets can be met. However, there is a clear risk that too much change will distract from delivery, and could slow progress towards achievement of the PSA target for SSSIs.

4.2 Any change is by definition disruptive. We accept that some integration of existing institutional structures is both necessary and desirable. However, the chosen institutional model must be informed by a clear business management view, to ensure it delivers the maximum gain with the minimum disruption.

4.3 From the analysis and evidence to date, the best model appears to be the creation of an integrated agency, from English Nature and the Countryside Agency, with operating protocols and arrangements agreed with the Rural Development Service (RDS) at policy level, and agreed ways of operating jointly at local level through “first stop shops”. Similar arrangements will be required with the Environment Agency. No strong rationale has been put forward for the wholesale institutional integration of the RDS with the new agency: the costs of such a move are indisputable, but the net benefits are unclear. Functional integration does not necessarily mean everything should be combined within one big organisation. “Rearranging deck chairs” has a nasty habit of detracting from the real purpose of improved delivery!

4.4 The Integrated Agency must retain biodiversity and natural environment protection as its primary statutory responsibilities. The focus on biodiversity delivery must not be lost or diluted. Unlike many other potential functions of a multi-functional organisation, biodiversity does not have a direct voice. The new agency is likely to be more responsive to other, people-focused functions, as their client base will subject its Board to more direct and immediate political pressure. The risk of this imbalance must be addressed in the construction of the Integrated Agency as, ultimately, people’s use of the rural environment is dependent on effective conservation of the underlying resource: biodiversity.

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**Memorandum submitted by the Association of Local Government Ecologists (ALGE) in Consultation with  
The Local Government Association (N8)**

ALGE ([WWW.ALGE.ORG.UK](http://WWW.ALGE.ORG.UK))

The Association of Local Government Ecologists (ALGE) was established in 1994. It is the association in the UK which provides support for professional officers with responsibility for and interest in biodiversity and nature conservation in Local Authorities and National Parks. ALGE also provides formal professional advice to the Local Government Associations in the UK, governmental organisations and others on biodiversity issues that affect local government.

ALGE's

aims are to:

- Promote and develop good principles and practice for biodiversity, nature conservation, and sustainable development in local government, including National Parks, through its members.
- Maintain an active advice and support forum amongst its members for the exchange of information and ideas on biodiversity and nature conservation matters.
- Provide regular advice on biodiversity and nature conservation matters on behalf of members to government, local authority associations, chief officer societies and others.

ALGE has members in all of the English government regions, and is represented on most of the English regional biodiversity fora. ALGE is also an effective voice in Wales with a strong membership there and has a developing membership in Scotland. All members of ALGE work as specialist professionals, often working alongside a multi-disciplinary team of landscape architects, archaeologists, countryside and public rights of way staff, and other planning colleagues. They may be the sole representative of the ecological profession in their authority, and may therefore often not have the benefit of direct professional support and advice from colleagues within their workplace on nature conservation and biodiversity matters.

Since our evidence in April 2000 to the Environment Sub-Committee and the 20th Report on UK Biodiversity we have been working positively with the Local Government Association to help frame the LGA's biodiversity position statement. This joint working is now at the implementation stage and we are looking to reach out to and support more LAs, provide more advice and build the membership of ALGE further. The financial support of English Nature and the Countryside Council for Wales ALGE has enabled a coordinated set of actions agreed with the LGA to move the position statement forward. In the last three years we have established a website, developed communication systems and increased our membership by 100%. Our recent publication *Increasing the Momentum A Vision Statement for Biodiversity in Local Government, 2004–10* sets out the hallmarks for a modern efficient and effective Local Authority. We are now working on a revised Business Plan which we aim to publish in 2005.

LGA [WWW.LGA.GOV.UK](http://WWW.LGA.GOV.UK)

The Local Government Association (LGA) was formed in 1997 and represents the local authorities of England and Wales—a total of just under 500 authorities. These local authorities represent over 50 million people and spend around £65 billion pounds per annum.

The LGA exists to promote better local government. We work with and for our member authorities to realise a shared vision of local government that enables local people to shape a distinctive and better future for their locality and its communities. The LGA aims to put local councils at the heart of the drive to improve public services and to work with government to ensure that the policy, legislative and financial context in which they operate, supports that objective.

Based in Westminster, close to the Houses of Parliament and Whitehall, the LGA is a voluntary lobbying organisation representing local government. Local authorities do not have to join but nearly all local authorities in England and Wales are in membership. Our members include 34 county councils, 36 metropolitan district councils, 47 English unitary authorities, 32 of 33 London authorities, 238 shire district councils and 22 Welsh unitary authorities. The LGA also represents fire authorities, police authorities, national park authorities and passenger transport authorities. The Welsh Local Government Association (WLGA) is a constituent part of the LGA, but retains full autonomy in dealing with Welsh affairs.

The LGA business plan for 2004 is structured around five ambitious policy and lobbying programmes. They are: freedom to improve, securing resources, setting the agenda, shared priorities and better services; and raising our sights.

Our strategic objectives for 2001–06 are:

- to achieve an equal partnership between central and local government;
- to secure the powers needed for local government to achieve the vision;
- to win greater freedom and flexibility in the exercise of these powers;

- to secure financial arrangements that enable local government effectively to exercise its powers and duties.
- to raise awareness of the role and achievements of local government; and
- to secure access for local authorities to the information, advice, services and support they need.

#### EXECUTIVE SUMMARY

This evidence, given by the Association of local Government Ecologists (ALGE) in consultation with the Local Government Association (LGA), shows that the overall picture for the management of Sites of Special Scientific Interest (SSSIs) in local authority ownership is varied and complex, reflecting great variation in local government.

ALGE and the LGA are aware of three groups of authorities. These are:

- Authorities for which the management of SSSIs is not an issue, because they own no SSSI land.
- Exemplar local authorities that are consciously endeavouring to improve the condition of their SSSIs in line with the PSA target fully recognising their responsibilities under S28g of the Countryside and Rights of Way Act 2000.
- Authorities with SSSI land holdings for whom SSSI management is not an actual or perceived priority.

We consider that there are real opportunities to provide advice and support to all local authorities so that the management of SSSIs can be appropriately prioritised and seen as a way of effective biodiversity delivery and achievement of public benefit whilst contributing effectively to the PSA target. In this evidence we provide a summary of our views on the current situation, activities that we are involved in to assist in gaining favourable condition on local authority SSSIs and identify recommendations for the way forward.

#### INTRODUCTION

1. ALGE has consulted its 200 members on local authority activity contributing to the challenging Public Service Agreement (PSA) target to bring 95% of all SSSIs into favourable condition by 2010.

2. Local authorities are a major player in SSSI land ownership in England collectively owning some 47,000 hectares of SSSI land. In context this is more than either of the Royal Society for the Protection of Birds or the county Wildlife Trusts. In fact, local authorities appear to own and be responsible for an area of SSSI land equivalent to approximately 70% of that owned by the RSPB and the Wildlife Trusts put together.

3. *Recommendation 1.* The LGA and ALGE believe there are real opportunities for the greater promotion by all interested parties of good practice on local authority SSSI management, drawing on case studies to demonstrate to all local authorities what is possible, what is involved, how it can be achieved, the costs and the benefits arising.

4. Given the current resource pressures on local government and on public expenditure generally, local authorities often find it difficult to allocate sufficient resource to work on biodiversity generally. This is particularly an issue for smaller councils. Our following observations about what local government is able to deliver in managing SSSIs should therefore be taken in this context.

#### CHARACTER OF LOCAL AUTHORITY SSSI LAND

5. Local authorities (LAs) own SSSIs of great variety in their size, geological or ecological features, characteristics and usage. They range from small brownfield sites, to quarries, to short lengths of disused railway cutting, to entire estuarine systems and large tracts of heathland. The great majority of these sites were acquired by local authorities many years ago prior to SSSI designation or without consideration of their SSSI status.

6. In many instances LAs have acquired SSSIs, or sites of nature conservation value which have subsequently become SSSIs, simply because no other appropriate organisation has come forward to assume responsibility and/or due to their difficulties of management, and/or public concern about threatened sites or development pressures. Many such SSSIs have intractable physical management issues attached to them and the ecological character of many SSSIs in LA ownership means that straight forward agricultural or traditional management techniques are often inappropriate.

7. In many cases SSSIs in local authority ownership are primarily managed for public recreation. Some have been traditionally managed for their conservation value, whilst the management of others, such as estuaries, are constrained by adjacent development pressures, natural processes and the fact that the ownership boundary may not comprise the entire functional unit. We know of ongoing SSSI land acquisition by one local authority to resolve difficult planning control issues and enable favourable condition to be achieved.



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POLITICAL AND SENIOR OFFICER AWARENESS OF THE PSA TARGET AND S28G DUTIES

8. As far as we are aware, there has to date, been no Ministerial or high level Government announcement specifically directed towards local government to indicate the importance that the Government attaches to the contribution that can be made by local authorities towards the SSSI PSA target.

9. As a consequence, the majority of local authorities do not perceive work towards the PSA target as being a high priority. In fact, many local authorities are unaware of both the PSA target and their duties under Section 28g of the Wildlife and Countryside Act (as amended).

10. *Recommendation 2.* That a high level Government statement is made regarding the importance of SSSIs owned by local authorities and of meeting the PSA target and sustaining SSSI condition thereafter.

11. However, where local authorities are aware of their duties, there are some very positive examples of active engagement in work to improve the condition of their own SSSIs. In some of these cases, these authorities have used S28g responsibilities to justify greater resources for SSSI management, and even for the acquisition of new SSSI land. At present, though, these authorities are believed to be in a minority.

12. *Recommendation 3.* That there is collation of best examples to assist all local authorities and the development of good practice in SSSI management.

13. As part of its input to the group looking at the review of the national sustainable development strategy (chaired by Margaret Beckett, Secretary of State), the LGA has made the following comments:

“Local authorities are adept at hearing both explicit and implicit messages from central government. At the moment our assessment of the message would be that national government thinks sustainable development is a very good idea and that parts of the national government machinery are working very hard on delivery. But in practice, the bits of central government that have most impact locally see sustainable development as a peripheral issue. Central government can have a great deal of positive influence by being consistent in what it says. If it really believes that our future depends on the long term health of our environment as well as the economy and society, and that local delivery should address these priorities in a holistic way, then it needs to be more credible across the whole of government in sending that message. We should all be aware of the danger of contradictory signals eg the tension between the desirability of personal travel and the risks of climate change.

- (a) In particular we would call for better integration between DEFRA which has the lead responsibility for sustainable development, ODPM which leads on the relationship with local government and the ‘big hitters’ in government, DoH, DfES, DfT and Home Office.
- (b) A strong channel for messages from government comes through the comprehensive performance assessment in England and the Wales Programme for Improvement. These assessment frameworks need to do more to incentivise sustainability performance. Local authorities clearly need to play their part by being clear about local priorities and how they are being delivered, but inspectors must deal intelligently with good performance on sustainable development, which often falls outside traditional service areas, and be able to recognise quality when they see it.”

14. *Recommendation 4.* To send credible and consistent messages to local authorities and other key local players that local sustainability matters and that good performance will be recognised.

PROFESSIONAL EXPERTISE FOR THE MANAGEMENT OF SSSIS

15. ALGE believes that there are approximately 140 local authorities in England that employ a professional ecological officer (ie an ecologist); that is approximately 35% of all English local authorities and within this figure most county councils have an ecologist.

16. From consultation with its members, ALGE believes that there is a very strong correlation between those authorities that are actively managing their SSSI landholdings (with regard to S28g and the PSA target) and the employment by that authority of at least one professional ecological officer.

17. For authorities where there is no ecologist (ie in some 65% of English authorities), it is unlikely that they will have: (i) the professional expertise to undertake conservation work towards the PSA target or (ii) a champion within the authority to promote their active and favourable management.

18. In its submission to the 2004 spending review, the LGA, supported by ALGE, has argued that all local authorities should be resourced to a level where they can employ a professional ecologist to support the range of responsibilities that local authorities have in protecting and enhancing biodiversity, including the management of SSSI land.

19. ALGE has been working with English Nature on a more detailed analysis of ecological expertise in local government and the condition of LA SSSIs. This will hopefully clarify where the critical shortfalls lie in necessary ecological staff and skills among local authorities—and will thereby identify where the presence of such staff would act as a catalyst for the LA’s management of their SSSIs.

20. *Recommendation 5.* That all local authorities should be resourced to a level where they can employ a professional ecologist with appropriate skills and understanding of the local authorities needs in relation to site management and biodiversity.

## RESOURCES

21. To date, no detailed calculations have been made to identify the total resources necessary to bring all local authority owned SSSI land into favourable condition and then maintain it. Such a figure would have to involve the setup costs for the initial land management including professional expertise to ensure that correct action and management is taken followed by the ongoing maintenance costs.

22. ALGE and the LGA are keen to identify these costs and we are working with other members of the Major Landowners Group (ie Forestry Commission and English Nature) to share experience and good practice over identifying such costs, so that appropriate financial support can be targeted.

23. Also, by sharing data and experience over the common and necessary management activities and costs, it is hoped that we may be able to identify more effective, efficient and economical means for the procurement of conservation work by local authorities under the guidance of ecological professionals.

24. At present, we are only in a position to offer an indicative overall figure for what it might cost to achieve, and then maintain, LA SSSIs in favourable condition. However, working on 47,000 hectares of LA SSSI land, and based on management costs of £50 to £100 per hectare per annum, this would generate a total land management cost for local government of between £2.5 million and £5 million per annum. In addition, it would cost a further £1 to 1.5 million to increase the number of authorities employing ecological expertise from 35% to 75% (ie 300 English authorities employing one member of staff with ecological land management training).

25. With regard to financial support for the above costs, there needs to be clear and consistent information available to all local authorities explaining to them what financial assistance may be available, from whatever source, both for improving SSSIs in unfavourable condition and for maintaining favourable condition on all SSSIs given that local authorities have a duty to undertake such work because of their statutory obligations under S28g.

26. At the moment, ALGE understands that financial support is available to improve the condition of SSSIs and for specific works for maintenance but not for the on-going routine management of SSSIs. If this is the case, there is no external financial support for an authority to maintain an SSSI in favourable condition, once that status has been reached.

27. *Recommendation 6.* That clear and comprehensive guidance on financial support schemes—conditions, duration, percentage support etc—is provided for local authorities to enable them to achieve favourable condition on SSSIs and then maintain it.

28. In addition to direct financial assistance and incentive, a strong case can be made to include the SSSI PSA target in Best Value Reviews and in Comprehensive Performance Assessments of local authority services. Such incentives would be entirely consistent with the points made by the LGA previously (see paragraph 13 above) about increasing the recognition given to high environmental performance as well as to traditional areas of council work.

29. Greater recognition and emphasis of environmental performance might assist the majority of local authorities who find it difficult to direct substantial resources towards management of any of their land for nature conservation purposes. Many LAs that own and manage SSSIs which are country parks or other areas of Public Open Space spend the great majority of resources on visitor management on these sites. In some cases the current uses of the land which are primarily for public recreation may mitigate against appropriate management for biodiversity.

30. However, there are local authorities that do manage to find above average levels of resources—these should be promoted as centres of excellence and good practice.

31. *Recommendation 7.* That the current PSA SSSI target is included in Best Value Reviews and in Comprehensive Performance Assessments of local authority services.

## DATA

32. There is currently no information available on what local authorities collectively spend on SSSI management or upon wider biodiversity and nature conservation initiatives (ie Biodiversity Action Plans), or what the average expenditure is per authority. To remedy this situation, ALGE with the support of the LGA and other biodiversity partners, has prepared a national questionnaire which we plan to send to all local authorities. This will generate invaluable baseline information on current levels of local authority biodiversity activity and will, hopefully, gather useful data on LA resourcing for—amongst other things—management of SSSIs.

33. The overall picture for the total proportion of SSSIs in favourable condition is not fully known since many authorities do not have such data on their land holdings readily available and, without a clear political imperative, have not prioritised the collation and management of such data. Consequently, at present, data cannot be interrogated individually or collectively for local authorities in order to determine either the quantity and/or the condition of SSSIs in their ownership

34. ALGE are working with EN to identify the nature of the data required from LAs to enable EN to identify which compartments of individual SSSIs are owned by LAs and their condition. ALGE will be liaising with its members:

- to ascertain how easy it will be for them to provide this information to English Nature;
- to encourage them to seek the internal resources from their management to provide the appropriate information on their land holdings (preferably in a GIS format);
- to pass this information, once gathered, to EN and to use it to guide their own land management.

35. *Recommendation 8.* That a common minimal standard is devised for local authority SSSI data and that this is adopted by local authorities to enable appropriate information to be readily gathered across England.

#### LOCAL AUTHORITIES AND THEIR TENANTS

36. It should be noted that a proportion of LA SSSI landholdings are managed by tenants and others individuals and organisations and therefore the LA has only indirect responsibility/control. There is some confusion about what responsibilities lie with the owner and the tenant/manager.

37. Simple guidance to local authorities explaining and distinguishing between their own responsibilities and the responsibilities of their tenants on SSSI land is in our view essential.

38. *Recommendation 9.* That concise and clear guidance is produced for local authorities and their tenants explaining their responsibilities for their SSSI estate where it is in hand and tenanted.

#### ACTIVE MANAGEMENT OF THEIR OWN SSSIs AND INFLUENCING OTHER LAND OWNERS

39. On a very positive note, local authorities that are active in the management of their own SSSIs, and ensure that their tenants are aware of requirements, are also in a good position (ie through countryside management services) to also offer advice to and influence private SSSI owners in their areas. Such authorities, while currently in the minority, seem prepared to make the necessary and considerable commitment of staff and financial resources to undertake such work. These authorities should be promoted as centres of excellence and good practice.

40. Also, LAs have a key role to play in influencing other SSSI land managers through their functions as planning authorities. ALGE is currently working closely with English Nature and DEFRA to prepare further guidance to accompany the proposed new *Planning Policy Statement No 9 Biodiversity and Geological Conservation*. This guidance will provide practical measures to show councils how they can fulfil their S28 responsibilities as a planning authority.

#### FUTURE LAND PURCHASE

41. Some authorities have expressed concern and reluctance about purchasing any further land designated as SSSIs because it would add to their responsibilities and would be a further demand on resources.

42. ALGE is aware of some authorities that have used their responsibilities under S28g to justify further land purchase to increase the extent of their SSSI landholdings. At the present time though, such authorities are thought to be in the minority, and ALGE is aware of a few authorities that have actually indicated that they would now be reluctant to acquire more SSSI land because it would put further pressure on very limited resources. Furthermore, one or two authorities have indicated that they may actually sell some of their SSSI land in response to their S28g responsibilities.

#### CONFLICTING DEMANDS AND OPPORTUNITY COST

43. With the submission of this evidence, ALGE has provided a copy of its new Vision Statement entitled *Increasing the Momentum*. This document provides a comprehensive review of most of the activities that local government is, or can, undertake for biodiversity and nature conservation. There are eight themes which identify hallmarks of a well performing local authority and theme six identifies the hall mark for the management of local authority land including SSSIs.

44. We are aware of a large number of authorities that are taking action to deliver as many of the activities identified in the themes as possible (such as making major contributions to the work of local Biodiversity Action Plan partnerships). Very often though, local authorities have to make difficult choices between one area of biodiversity work and others—meaning that there often conflicts and opportunity costs. In other

words, if they direct resources towards improving the condition of their SSSIs, it takes valuable and scarce resources away from other important actions that would otherwise go towards the achievement of national and local BAP targets. They cannot do both.

#### COMPLIANCE WITH STATUTORY DUTIES

45. A minority of authorities are known to have been in breach of their legal responsibilities for the SSSIs in their ownership, and some authorities have been in breach more than once—despite strong advice from either their own officers and/or officers from English Nature. The clear advice and guidance on the importance of SSSIs recommended by ALGE in para 8 and recommendation 2 above would help local authorities work to avoid this situation recurring.

12 March 2004

*Witnesses:* **Mr Mike Oxford**, Project Officer, ALGE; **Mr Murray Davidson**, Hastings Borough Council, and **Mr David Pape**, Hampshire County Council, examined.

**Q56 Chairman:** May I welcome our final group of witnesses this afternoon. On behalf of the Association of Local Government Ecologists and the Local Government Association we have Mike Oxford, who I believe is the Association of Local Government Ecologists' project officer, and from Hastings Borough Council Murray Davidson, and from Hampshire County Council, David Pape. Now, local authorities do have special responsibilities in relation to SSSIs under Section 28(g), special responsibilities to "take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified". Also, between you, you local authorities own something like 47,000 hectares of SSSI land. In your evidence to us you talk understandably about the pressure on resources on local government and the way that affects local authorities' ability to carry out their responsibilities, but you also say that you can identify three groups of authorities—those for which management of SSSIs is not an issue because they have not got any; secondly, exemplar authorities that are consciously endeavouring to improve the condition of their SSSIs in line with the PSA target; thirdly, authorities with SSSI land holdings for whom management is not an actual or a perceived priority. Could you firstly give us some idea of what proportion of authorities fall into each of those three groups that you have mentioned?

**Mr Oxford:** We can try and it is an early informed estimate, really. We believe there are between 100 and 200 authorities that probably do not own SSSIs. There are then somewhere around 200 local authorities that we know do own SSSIs because they have entered into some form of management agreement for their SSSI land, and it is an interesting statistic that there are somewhere in the order of about 140 councils which are districts, cities or boroughs that own somewhere in the order of just in excess of 25,000 hectares. That came as quite a surprise because we imagined that the county councils would have been one of the prime owners and we currently believe that somewhere in the order of 35 county councils own in excess of 8,000 hectares. Now there is another proportion of SSSI land in local authority ownership which is not in any form of management agreement and we cannot

really give you any information on that, so it gives us a fairly wide margin of error but, as a very broad figure, that is the statistic in terms of authorities that do not own any land, and the districts and so on that do. I will let my colleagues elaborate on the exemplar and more typical authorities.

**Mr Pape:** I cannot give you figures on what proportion of local authorities are exemplar, although the paper that has been produced shows you that they are generally in the minority because of the resources given to local authorities. If I can just give you a few figures for Hampshire because I believe Hampshire is an exemplar authority, if you get a feel for what Hampshire County Council is doing both on its own SSSIs but also SSSIs in the wider countryside it does illustrate what an opportunity is lost there in respect of other local authorities who do not have the resources. Hampshire County Council has 25 SSSIs in its ownership covering over 2,000 hectares; they range in size from 15 hectares to over 200 hectares for individual sites. From the information that I gleaned so far from English Nature's assessments, which is the majority of those 2,000 hectares, of Hampshire County Council sites 93% are either in favourable condition or recovering, so there is active progression to the favourable status. So that is a high percentage. Only half of the sites are under some sort of agreement. The resources required should not be underestimated to manage these SSSIs. Certainly in Hampshire it is no less than one and a quarter million to manage in a rounded way, providing a public resource as well as just the physical management, so certainly nothing less than one and a quarter million and that is not including the amount of money that is accessed through specific management agreements, so it is a considerable cost per hectare for a local authority to maintain SSSIs in a favourable condition, and provide a service. In addition, local authorities do have the opportunity to input into SSSIs in the wider countryside, and Hampshire County Council has been doing that. We have a number of projects. We have project officers funded by the county council such as the heathland project; a specific grazing project—because in the lowlands a key issue is undergrazing causing problems to SSSIs so we have a specific project to promote grazing; we have a woodland project and a life funded project in the New Forest, all of which

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the county council is either leading or in partnership, but I stress leading. Just to give you a flavour, through the heathland project we are putting into the wider countryside advice and prescriptions for 1,733 hectares of SSSIs; under the grazing project we are providing advice and support for 1,938 hectares. This is above and beyond the county council's estate. I mention those figures not to fly the flag for Hampshire County Council but to demonstrate the potential role of a local authority within a county. Of course we have English Nature and the Wildlife Trust, one of the most active in the country, so the other agencies are not deficient in any way, but it is taking a local authority to draw on that partnership and facilitate not only on its own estate but in the wider countryside, and therefore when most local authorities do not really have an ecologist, particularly in the boroughs, and it has been expressed that most of the SSSIs are in borough or district ownership, it is a very big story and a huge opportunity lost, so that is the message I would give from an exemplar authority. There is a lot of opportunity but it is not being realised through resources, or a clear statutory imperative of government guidance cascading down to the local level.

**Mr Davidson:** I am putting in the perspective of a district authority that has one ecologist, myself, and I think I would be quite typical of an ecologist within a borough or a district authority. In Hastings we own three SSSIs, or the majority of them, and to date there has not been a political or a senior management imperative to manage those areas. We manage two of the SSSIs in conjunction with the Wildlife Trust, and one of the others was subject to agricultural pollution round about 2000 and English Nature basically threatened Hastings borough council with prosecution under the impending Countryside and Rights of Way Act at that time which focused minds very considerably. I think it was very sad that it had to take an a negative issue to bring about the local authorities starting to discuss what their responsibilities were, realising what those responsibilities were and how much they were going to cost them, and have to start to think about the resource implications of the SSSI management. We would find that local authorities that have an ecologist tend to be ones where the ecologist is trying to find every means possible to raise the profile of the management of their SSSIs, because I think we will find that the political imperative and priority is not for management of SSSIs. That is not high on the political agenda and therefore it is not high on senior management's agenda for resource implications.

**Q57 Chairman:** And you would say that is true of a large number of authorities?

**Mr Davidson:** Very much so, yes. Now that we have undertaken that recognition, we have put in something like £200,000 odd over the next three years which is capital money to bring a site up into a favourable condition and then we are allocating resources, over £100,000 over five years to maintain that favourable condition and undertake

educational opportunities and the peripheral opportunities that are associated with the actual management of the habitats as well.

**Mr Oxford:** Just adding to that, when ALGE consulted its members to ask for volunteers to come to the Committee today I do not think people were daunted by meeting you; it was when we put the question, "Can you come along and talk as an exemplar authority", that David was just about the only person who stepped forward! Surrey County Council are the only other authority I know which have somewhere in the same order or a number of SSSIs who spend the same kind of money and are looking at the same sort of service for management of their SSSIs, so I think there is anecdotal evidence that the exemplars are in a small minority.

**Q58 Chairman:** Mr Pape, you referred to a figure of £1.25 million for the work that Hampshire is doing at the moment.

**Mr Pape:** It is a broad estimate, yes.

**Q59 Chairman:** Is that what you need to do the work, or is that what you are spending because that is what you are given at the moment?

**Mr Pape:** I think I would conclude that that is possibly generally what we need because we are pretty much there with the percentage in terms of the target. I did not include in that figure the money that we are receiving through the management agreements. I would also point to a future scenario though, which we might get on to later, which is that, as I understand it, because of the interpretation of the CROW Act and the obligation for local authorities to maintain a favourable condition, funding in the future may not be available to local authorities for maintenance of condition. Restoration, rehabilitating a site—yes, but there is a great question mark over whether other statutory agencies will be funding local authorities for maintenance, so there is going to be a much higher cost for local authorities to bear in the future, I believe, if that interpretation is taken to its logical conclusion.

**Q60 Joan Ruddock:** I was a bit surprised when you said £1.25 million for Hampshire alone, because the estimates you provided for all local authorities were as little as £2.5 million, although going up to £5 million. I was firstly going to ask you why such a big range but now I am even more puzzled because it seems Hampshire is £1.25 million and, Mr Oxford, you suggested another county that had a similar spending level, so how do you arrive at the global figures?

**Mr Oxford:** The Association and the LGA are both trying to catch up as quickly as we can in terms of gathering information together, and Defra and English Nature have played a very large part in helping us to be here today, and in gathering information on finance. It has been very difficult because there is no easy way to access what all local authorities spend or to get an average, and we have

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been working with what seemed to be a typical and reasonable figure that we included in our evidence, and erred on the side of caution, I think.

**Q61 Joan Ruddock:** But may I suggest to you it is bound to be more than £2.5 million if you have already identified two authorities spending £2.5 million between them?

**Mr Oxford:** Yes. In my first draft I had something in the order of £500 per hectare per annum, which I think probably on the Hampshire example is closer to what they are spending, and likewise with Surrey. There is a very broad range because some authorities like Hastings will be just seeking to do the minimum to achieve and maintain favourable condition, whereas Hampshire provides a much more rounded service which provides the SSSIs interpretation, countryside management service and everything else that goes with it, so I think there is quite a large range. The figure we included in the evidence is more consistent with English Nature's idea of what it costs per hectare, but I think if you probe some of the local authority services and try and provide best value and an additional access and resource for their local communities, then I think it quite quickly can escalate costs.

**Q62 Joan Ruddock:** You also say it does not include employing specialist staff which clearly could be an expense that could be quantified?

**Mr Oxford:** Yes, and I would think a lot of the discrepancy between the evidence we submitted and then the Hampshire costs are down to the fact that it does take teams of people, and it came as quite a surprise to me last year when I found out local authorities collectively own more SSSI land than the RSPB or the Wildlife Trusts, two flagship conservation organisations who have teams of people to do this. Many local authorities are not aware of either the duty under Section 28(g) or the PSA target and therefore do not have the teams in place. Where the teams are in place I think it is clear it is more costly.

**Q63 Joan Ruddock:** So it is very likely that the actual costs that are being imposed by the work that is being done at the moment by the local authorities are much higher and towards the upper end of the scale and, from the evidence we have already heard, perhaps if they were doing all that they ought to, they would be very much higher again?

**Mr Oxford:** Yes, I think they would be.

**Q64 Joan Ruddock:** What level of funding is available to local authorities managing SSSIs? Is there a global sum that you can identify?

**Mr Oxford:** There are different sources of external funding that local authorities are eligible for, and in our evidence we did ask that there be clearer guidance as to what the eligibility conditions are for applying for that, and there does seem to be some inequality because some local authorities are able to receive money to improve the condition of their SSSIs in one region of England; they may have more difficulty in another region in England; or another

authority that has a higher proportion of their SSSIs in favourable condition who have made a bigger contribution to the PSA target then are not necessarily eligible to maintain that SSSI in condition.

**Q65 Joan Ruddock:** But if I put down a Parliamentary Question asking what the total sum available is, you would think I might not get a very satisfactory answer, is that right?

**Mr Oxford:** I think it would be difficult, yes.

**Mr Pape:** I do not think there is one figure. What Mike was just referring to were those sources of funding through English Nature or Defra schemes for the physical management. As we have discussed above and beyond the physical management costs there are a lot of other costs in relation to managing and providing a rounded approach to the SSSIs. At the end of the day it comes down to the expenditure from the local authority itself, and therefore two things: how much money the local authority receives from government for maintaining biodiversity, and SSSIs is just one element of that and I would say not the most important part of local authority work but one, so it is the degree of central funding for local authorities that is key, and then the ability to prioritise within an individual local authority with competing demands to allocate the resources within the total pot that they have. So there is no magic figure but the figure that has to be derived is an actual local authority figure, not from external agencies.

**Q66 Joan Ruddock:** But in terms of the money that is available under these various headings, there is a suggestion I think you have made already that it may be easy or less easy in different places and the criteria are not clear and all the rest of it. Is there anything you want to say to us about access to available funds, albeit the priorities have to be set by the local authority itself?

**Mr Oxford:** I suppose with reform of various external funding, as will come onstream hopefully next year, central government with its agencies can do a lot to make it very clear what is available to local authorities. To date there has not been a clear message to local authorities full stop about the PSA target, and I think there should be more targeting of the PSA target in local authority friendly language so local authorities understand the relevance to them of the target and of the underlying duty. We must not forget that Section 28(g) brings with it a duty and many authorities are not even aware of the duty let alone the PSA target, and I think a package that spells that out what the concerns are and the reasons for adverse condition and what the remedies are, and then shows local government has a lot to do here; it can do a lot; we have exemplars which show what can be done; and there are various sources of funding under various criteria that may be available. I do not think that is a clear package at the moment.

**Q67 Joan Ruddock:** That is very helpful. By way of encouraging local authorities, do you think that it is possible to argue that getting money for the

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management of SSSIs can contribute to other things that local authorities want to do, such as the provision of local amenities and recreation and that kind of thing? Is there something in it for them other than duty?

**Mr Oxford:** Yes, there is a lot of overlap with other biodiversity objectives. Many local authority SSSIs are local nature reserves as well which is a declaration particularly for local communities, so there is a lot of added value that can be achieved which is what David is talking about in terms of opportunity cost, and if you do not have that rounded service.

**Q68 Mr Jack:** Following on from that, am I understanding correctly that in the revenue support grant there is not a line written in, if you have an SSSI, with money that says, "This is for that purpose."?

**Mr Pape:** No.

**Q69 Mr Jack:** So there is no line in the RSG. Just spell out the sources of money that you do have. Where do they come from?

**Mr Oxford:** From what I am aware, countryside stewardship, wildlife enhancement scheme, woodland grant scheme—those are the primary sources that ALGE members most often refer to. Heritage lottery funding is another source; life funding through Europe.

**Q70 Mr Jack:** So am I right in saying that the local authority has, first of all, got to identify with its SSSIs the land it has, what needs to be done to achieve what it may understand or may not understand are its obligations, and then sit down and work out where it can get the resources from? Some of it might be in a management agreement with English Nature, and some might be from the range of sources that you have just identified?

**Mr Oxford:** I think that is pretty much right.

**Q71 Mr Jack:** So we have a nationally agreed target by Defra but with no connection to the Office of the Deputy Prime Minister?

**Mr Oxford:** Absolutely.

**Q72 Mr Jack:** And a lot of local authorities who do not understand they have an obligation, and some very good ones who are the exemplar authorities? How has this rather patchy hit and miss situation come about, do you think?

**Mr Pape:** Do we know? I am not sure if we know how it has come about but it is certainly something that needs to be sorted. There is nothing coming from the Office of the Deputy Prime Minister in terms of comprehensive performance assessment and any benchmarks which any local authorities have to meet in terms of biodiversity objectives, so that is something that has to be addressed in the whole performance assessment of local authorities. There is nothing for the natural environment in that type of process, so the message is not getting through to local authorities.

**Q73 Mr Jack:** But this is what concerns me because, on the one hand, I guess you have government ministers running around saying, "This is all terribly important, you have to hit this target", and other parts of government seemingly unaware of this and not providing any resource, and some local authorities by virtue of what you have said who do not know they have a responsibility, and others who clearly have gone beyond the basic requirements because, I presume in the case of Hampshire, they think it is a good, proper, worthy and responsible thing to do? I am amazed that there is so much difference.

**Mr Oxford:** I had a glimpse last autumn. I attended a meeting and there was an officer on secondment to ODPM who came to talk about the local government procurement strategy and explained that there had been a very high level announcement from ODPM of the importance of the strategy in a letter directly to all chief executives, and that to my mind was the way that ODPM could engage with local government at a very senior level to say, "This is what we, central government, think is really important", and I think it is part of the answer to your question as to why we are in the patchwork we are in now. There has been nothing centrally that I am aware of that has announced the level of importance that local government should attach to the PSA target, especially now we know that collectively local government is such a big player.

**Q74 Mr Jack:** So here is an example of where "joining-up" has yet to bite?

**Mr Oxford:** Yes.

**Q75 Chairman:** Has the LGA made any representations to government, other than coming here to talk to us today in the hope we might?

**Mr Oxford:** The Committee has forced us to pull together a lot of information early this year so I think the LGA and ALGE are both rapidly trying to catch up to pull information together to formulate some sort of position statement and make recommendations for a course of action, and we are just beginning to probe that now with the evidence we have submitted today.

**Q76 Chairman:** And do you feel it should be Defra or another department which has the lead responsibility, in terms of communicating the message to local authorities?

**Mr Oxford:** I do not expect it is correct for me to ask the Committee a question but, if I can couch the answer in that form, I suppose it needs to be from the part of government which has the most effective ear of chief executives and councillors and I suspect that probably means ODPM, and I suppose one question is "How is ODPM trying to contribute to the PSA target through its actions, policies, advice and guidance to local government?"

**Q77 Mr Jack:** Does what you have just said make a bit of a mockery of setting a PSA target in the first place? It sounds like it is a target for the sake of having a target where there is clearly no delivery

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mechanism, either in terms of setting out parameters for local authorities, awareness raising in terms of policy issues, or a line of finance to give some assistance to hard-pressed authorities to meet those requirements.

**Mr Oxford:** Part of the answer to that is that the information has only just been collected and it has probably taken all of the parties by surprise that local authorities collectively own so much SSSI land and, therefore, could be a major player in this.

**Q78 Mr Jack:** But the point I am making, and perhaps it is one we will put to the minister, is that these PSA targets must have been set by somebody who did some kind of analysis, because SSSIs are not new; the government of the day has changed the law; they recognise that there is a need for improved enforcement legislation, as you said earlier in your evidence to do with having obligations. In other words, in the thinking mind of government, they have been piling on the pressure to upgrade the status of SSSIs, and yet somehow there is a blind spot.

**Mr Oxford:** I think the blind spot is potentially far greater with local authorities because nobody appreciated the SSSI land holding that they hold collectively and, from what I can gather, the PSA target in itself as a general target is fairly clear and justified and focused, but with local government it has been a blind spot.

**Q79 Mr Jack:** Does this make it difficult for you as local authorities to deal with other land owners in a particular area in terms of pursuing joint strategies or simply, if you like, to be the lead agency in stimulating interest by all land owners who have SSSI responsibility in terms of responding to the local challenge, because obviously it means different things to different people in the way they can respond but sometimes local authorities are looked upon to take a lead in an area in matters like this, and the impression I gain is that in the less enlightened areas that may be a very nice aspiration but is far from reality.

**Mr Oxford:** Over recent years local authorities have certainly heard the message and have responded to the call to take a lead over biodiversity action plans, but perhaps David and Murray are better placed to answer the question about SSSIs.

**Mr Pape:** In general terms there is a high level of expectancy for local authorities to perform on biodiversity and, within that, SSSIs. The whole biodiversity action planning process from the United Kingdom biodiversity action plan really focused on local authorities to lead local authority biodiversity partnerships and, indeed, there is a partnership in most counties. Similarly, in terms of data assembly the eyes are on local authorities within an area, and we have community strategies with an obligation for local authorities. At the end of the day, we are the planning authorities; we are dealing with SSSIs each day in relation to planning matters. So there is a high level of expectancy, a core role for local authorities at that very broad level, but if you then look at the mechanisms for cascading

that down to individual local authorities there is nothing in CPA assessment to say local authorities have got to be assessed as to whether they are performing across the board on all that, and there is no specific government guidance or statutory duty for local authorities to perform on biodiversity and neither is the funding there at all. So there is a gap between this huge global expectancy and cascading the mechanisms and statements and policy to ensure that local authorities are either given increased resources or prioritise sufficiently to achieve that. So there is a huge blind spot in the middle there in terms of getting that duty firmly cascading down to the chief executive and the decision-makers in local authorities.

**Mr Davidson:** If I may add, the realpolitik is such that there might be lots of expectations but if they do not fit local priorities set by local members and senior officers, then those expectations rather than duties become a very low priority and sometimes get neglected completely, and unless there is a key officer within the local authority who can try and champion and say, "You are expected to . . .", and try and work with that expectation and try and push that through the political process, then the danger is nothing happens. So it will be the same with the PSA target; unless there is someone there to champion that and unless there is a clear message to say, "This is a duty from central government", then the danger is that local authorities will not hear that message.

**Q80 Mr Jack:** But it is no use having a duty or a champion unless the champion has some resource with which to pursue the objectives identified?

**Mr Davidson:** Of course, and in discussing this with my chief executive he was very keen to stress that resources were a key element in this. If government use the CPA process to implement the CPA target then he referred to that as the "stick"; if there were resources in order to undertake that then that is the "carrot" and he would be less favourable to just being beaten with a stick with no added resources, which is a perennial problem throughout local authorities. If you do not resource them to undertake the targets and the expectations, then the local political priorities will override some of those national imperatives.

**Q81 Chairman:** I think your Association is currently working with English Nature and Defra in preparing guidance on the proposed PPS9 on biodiversity and geological conservation. Will the formulation of that planning policy statement be helpful to local authorities in providing a further incentive?

**Mr Oxford:** I have only thought of this recently so it is fair to say that I have not suggested it to English Nature, Defra or ODPM previously but in thinking about the evidence there is a regulation within the Habitat Regulations, Regulation 37, which requires local authorities to have a policy in their development plan that furthers the management of any landscape feature which is of major importance for either wild flora or fauna, and the current local authority planning guidance says that local authorities can use planning conditions and



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planning obligations to draw money resources from developments and developers for the purposes of managing those important landscape features. So there is an existing mechanism and planning guidance which exists to, say, development, which as David has pointed out is one of local authorities' major functions in terms of planning, and the planning system could deliver resources and mechanisms to further the PSA target on SSSI land if the money were directed in that way. At the moment I do not think there is any direct link with the emerging PPS and that regulation to make it explicit that local authorities could do that, and developers should prepare themselves that that may be a reasonable situation.

**Q82 Chairman:** Thank you for giving us something to consider on that particular issue in our report. Finally, English Nature have published their assessment of sites but, from what you have said in your written evidence and today, there is still quite a bit of work to be done on assessing the condition of sites in local authority ownership. That is so, is it?

**Mr Oxford:** Yes, it is.

**Q83 Chairman:** And is good progress being made on that?

**Mr Oxford:** Any progress being made at the moment is really thanks to English Nature, and we are desperately trying to catch up now and assist and pass the information we have to English Nature so we can work jointly towards that.

**Q84 Chairman:** Thank you very much for your attendance today. We hope that perhaps we might have prompted some ideas in your minds just as you have in ours, and if there is anything further that you would like to say to us in writing upon reflection then we would be very pleased to receive it.

**Mr Oxford:** May I just draw your attention to ALGE's position statement, "Increasing the Momentum", which will give you an idea of opportunity lost, which David was talking about, because there are eight key pages in the middle of this which spell out all the actions which local authorities can take in terms of protecting and enhancing the national environment, not just the PSA target.

**Q85 Chairman:** Thank you very much. Could you leave us with copies of that?

**Mr Oxford:** Certainly.

**Chairman:** Thank you very much.

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#### Supplementary memorandum submitted by the Association of Local Government Ecologists (ALGE) in consultation with the Local Government Association (N8a)

In appearing before the EFRA Committee, we were asked several specific questions and upon reflection would like to add a little more information to the answers we gave verbally.

#### LOCAL AUTHORITIES, THE PSA TARGET AND COMPREHENSIVE PERFORMANCE ASSESSMENT

1. Local government is judged on its performance, and it is a common perception among local authorities that they are only monitored and assessed on what is important to central government. Consequently, many authorities, rightly or wrongly, conclude that if they are not monitored and assessed externally on some area of work it is not really important and therefore does not warrant high priority for effort and resources. ALGE believes this may be the case, in some instances, with regard to the SSSI PSA target.

2. Currently there appears to be little recognition of the SSSI PSA target (or of wider biodiversity issues and LA work) within the assessment process for Comprehensive Performance Assessment (CPA).

3. ALGE believes there is an opportunity to establish and integrate priorities for the SSSI PSA target within the framework for CPA. Indeed, we believe that CPA should examine the performance of local authorities on other wider biodiversity issues as well. To this end, we hope that the forthcoming DEFRA proposal to identify an overall *Biodiversity Indicator* for local authority work may (i) encourage local authorities to do more towards protecting and managing the natural environment (including SSSIs), and (ii) be appropriate for assessment within the CPA process.

#### JOINED UP DELIVERY OF PSA TARGET ALONG WITH WIDER BIODIVERSITY ACTIONS

4. The Government's overarching strategy for biodiversity "*Working with the grain of nature, a biodiversity strategy for England*" was published in October 2002. The PSA target for SSSIs is identified in this document.

5. Arising from the Strategy, ALGE would now obviously like to see central government place greater emphasis on how to include local authorities in the delivery of the target. Ideally, this would be done as part of a renewed message from central government that recognises that the SSSI target is part of the important and pivotal role that local authorities can play in delivering a very wide range of biodiversity objectives at a local and regional level (See pages 12 to 19 of ALGE's Vision Statement *Increasing the Momentum* 2004).

6. ALGE would therefore urge that a clear message is issued jointly by both the ODPM and DEFRA to reinforce, for local authorities, the importance of contributing towards both the England Biodiversity Strategy and to the achievement of the SSSI PSA target.

7. ALGE also believes that it is very important that the combined resource implications for both BAP and SSSI work, is given sufficient recognition by the Government. As ALGE stated in our original evidence, there is a risk that if some authorities direct resources towards improving the condition of their SSSIs, it will take valuable and scarce resources away from other important actions that would otherwise go towards the achievement of national and local BAP targets. Fulfilment of the PSA target should not, therefore, be at the expense of other equally important work on protecting and improving England's wider natural biodiversity heritage.

#### RESOURCES

8. In paragraph 24 of our original evidence we suggested possible overall costs for achieving and maintaining favourable condition on LA SSSIs. At the time of writing, we were working on figures of between £50 and £100 per hectare per annum, leading to an overall cost of between £2.5 and £5.0 million for local government as a whole. Based on new information, we believe that this figure may now underestimate the costs involved.

9. We gave verbal evidence to Committee citing experience from exemplar authorities that spend considerably more than the above figures. For instance, Hampshire County Council (with 93% of their SSSIs in favourable condition) have calculated that they spend somewhere in the order of £500 per hectare per annum (not including monies received from management agreement payments). Hampshire CCs expenditure on SSSIs then contributes towards a rounded biodiversity service for the public which includes land management, public access and interpretation (ie many of Hampshire's SSSIs are also country parks). If this expenditure were to be reflected across the whole LA SSSI estate in England (ie on 47, 000 hectares) it would give a total annual expenditure requirement of nearer £25 million for local government. Figures from other exemplar authorities (such as Kent and Surrey County Councils) support these higher figures.

10. Early analysis suggests that County Councils are therefore more able to find and provide the costs associated with 'exemplar' management. We would ask the Committee to note though, that the majority of SSSI land in local authority ownership is owned by District/City/Borough Councils<sup>1</sup>—where financial resources are often more limited and where there is commonly no 'in-house' professional ecological expertise to advise on SSSI management.

#### CONTRIBUTIONS THROUGH THE PLANNING SYSTEM

11. In question 81, the chairman asked ALGE if the proposed new *Planning Policy Statement on Biodiversity and Geological Conservation (PPS 9)* could provide further incentives.

12. In reply, we stated that new Government planning policy for biodiversity could direct planning authorities and developers towards an existing mechanism (not previously used for the purpose of managing SSSIs though) that could in the future provide further incentives and financial assistance for the management of SSSIs.

13. In making this suggestion, we were referring to Regulation 37<sup>2</sup> of the Conservation (Natural Habitats, &c.) Regulations 1994—commonly known as the Habitat Regulations. Regulation 37 arises directly from Article 10 of the EU Habitats Directive 1992<sup>3</sup>.

14. Current *Planning Policy Guidance No 9 (PPG 9) on Nature Conservation* states in paragraph 16:

“The Habitats Directive requires Member states to endeavour to encourage the management of features of the landscape which are of major importance for wild flora and fauna. These features are those which, because of their linear and continuous structure or their function as stepping stones, are essential for migration, dispersal and genetic exchange”.

15. PPG 9, paragraph 23 adds:

“suitable planning conditions and obligations may serve to promote such management”.

<sup>1</sup> English Nature data shows that 137 District, City and Borough councils own approximately 27,000 hectares of SSSI land in total, compared to 35 County Councils that own just over 8,000 hectares between them.

<sup>2</sup> Regulation 37 states:  
“[development plan] policies in respect of the conservation of the natural beauty and amenity of the land shall be taken to include policies for encouraging the management of features of the landscape which are of major importance for wild flora and fauna”.

“Such features are those which by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems of marking field boundaries) or their function as stepping stones (such as ponds and small woodlands), are essential for the migration, dispersal and genetic exchange of wild species”.

<sup>3</sup> Article 10 is particularly concerned with improving the ecological coherence of the Natura 2000 network (ie the network of sites of European importance such as Special Protection Areas (SPAs) and Special Areas for Conservation (SACs)), by maintaining features essential for the migration, dispersal and genetic exchange of wild species.

16. While not given as an example within Regulation 37 or in PPG 9, many SSSIs are none-the-less clearly very important for migration, dispersal and genetic exchange of wild species. ALGE therefore believes that local authorities could legitimately, under Regulation 37, use planning conditions and obligations to secure the management of SSSIs in their area.

17. Furthermore, ALGE understands that the use of obligations, in particular, might be consistent with current proposals outlined by the ODPM, associated with the introduction of new the Planning and Compensation Act, for using planning obligations to seek and deliver wider environmental benefits.

18. ALGE suggests that new planning guidance could make an explicit link between policies and decisions stemming from Regulation 37 and the management of SSSIs.

*April 2004*

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**Tuesday 20 April 2004**

Members present

Mr David Lepper, in the Chair

Mr David Drew  
Diana Organ

Joan Ruddock  
Paddy Tipping

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**Memorandum submitted by the Country Land and Business Association (N11)**

EXECUTIVE SUMMARY

- The PSA target is an extremely demanding one which is reliant on many issues including the economics of agriculture, forestry and game management in the future. The CLA raises the following specific issues:
- Attractive agri-environment schemes are essential.
- More research is required into the issues of moorland restoration and the effects of burning.
- De-coupling should remove the incentive to overgraze but undergrazing and localised overgrazing may increase.
- Positive contact between English Nature and land managers is essential and can be improved.

INTRODUCTION

1. The Country Land and Business Association (CLA) has some 40,000 members who between them manage half the rural land in England and Wales. With 43% of the SSSI area in England being in private ownership our members have responsibility for many of these sites which they have to consider alongside their agricultural, silvicultural and other business interests. Good stewardship of the countryside is also a priority for many of our members and they are deeply committed to maintaining and improving the conservation interest of their land. Issues relating to SSSIs are raised with CLA regional staff or with the advisory team based at our London headquarters. The collective experience of the CLA and the practical implications for our members of conserving SSSIs to the level of favourable condition means that we can make a valuable contribution to this Inquiry. We are pleased to have been given the opportunity to offer our comments on this very important issue.

2. The terms of reference of the inquiry are:

3. "The Committee will examine progress made towards achieving Defra's Public Service Agreement (PSA) target that by 2010 95% of all nationally important wildlife sites should be in 'favourable condition'. It will examine the role played by various agencies in meeting the target, including especially English Nature and local authorities, and will determine what changes are needed to ensure that the target will be met."

GENERAL COMMENTS

4. The recent announcement that the management of nearly 61% of SSSIs was meeting the PSA target (ie it was either in favourable condition or unfavourable recovering) was encouraging but still implies that more needs to be done if the target is to be met (the PSA target does not exist in a vacuum; it implies costs for at least some land managers if it is to be met).

5. Although there are several positive factors which will assist progress, and these will be explored later, there are also factors which may actually undermine the current situation. With the conservation interest of the majority of SSSIs reliant on traditional land management practice their future is inexorably linked with the economics of agriculture, forestry and sustainable game management. For woodland SSSIs low profitability of timber production is removing resources needed for conservation and high deer numbers pose risks to regrowth on restored coppice stools, natural regeneration of woody species and the rich ground flora. For grazed SSSIs we predict that undergrazing will become more widespread as a consequence of decoupling of CAP support, continuing low incomes from livestock production, a decline in the numbers of appropriate livestock and a decrease in numbers of skilled farmers and farm workers.

6. We would also like to highlight the fact that the management of SSSIs to a high standard is sometimes reliant on factors beyond the boundary of the holding and over which the manager may have little or no control. Some examples would be eutrophication, air pollution and rabbit and deer damage.

#### DEFINING THE CONDITION OF SSSIs

7. We are unclear as to what criteria or factors are used in the definition of the five condition classifications or what proportion of an SSSI unit would have to be in poor condition for its classification to be detrimentally affected. It could be that some generally well managed sites are not contributing to the achievement of the PSA target because a minority of the area is not meeting its conservation objectives.

8. Some land managers have also raised concerns where an SSSI designation has conservation objectives which are appropriate for the majority of the area but may not be appropriate for all the features contained within the boundary. Disagreements with land managers over the practicality and appropriateness of these objectives may be a factor holding up English Nature accreditation of some sites as in favourable condition or recovering.

9. Not all land managers agree with the judgments of English Nature over the effects of particular levels of grazing in the uplands and some question whether the requirements for favourable condition are appropriate to the site or achievable. Please refer to the section on overgrazing later in the document.

#### INCENTIVES FOR POSITIVE MANAGEMENT

10. For many years an SSSI designation has often been seen as a restriction to profitability, offering little or no benefit to the land manager. The introduction of agri-environment schemes such as the Environmentally Sensitive Area (ESA) schemes, the Countryside Stewardship Scheme and English Nature's own Wildlife Enhancement Scheme have helped to change this view by offering payments for the delivery of environmental benefits. However, in some cases, such agreements for a holding have not been focused enough to address the needs of an SSSI contained within it. It is also worth noting that payment levels within these schemes are usually modest, have often favoured creation over existing management and have not specifically rewarded SSSIs over less valuable habitats.

11. Over one million hectares are designated as SSSIs with approximately 410,000 ha publicly owned or owned by private companies with statutory responsibilities and about 450,000 ha are owned by the private sector. Around 190,000 ha (18% of the total) are intertidal habitats where agri-environment agreements do not usually apply. Another 117,000 ha are woodland SSSIs which would be eligible for the Forestry Commission's Woodland Grant Scheme. Of the 743,000 hectares where agri-environment schemes are applicable just 426,100 ha (source: DEFRA and English Nature) are currently in an agreement. This means that for 43% of SSSIs there is currently no positive incentive for the owner to manage his land to achieve favourable condition.

12. A surprising statistic is that 40% of the land currently not meeting the Government's PSA target is in an agri-environment agreement. However this figure must be considered with care. Often agri-environment agreements are prepared on a whole farm basis and cover large parts of the holding. This means that they may include an SSSI but may not be sufficiently focused or have high enough payments to achieve favourable condition. We firmly believe that a level of agri-environment funding that recognises the realistic costs of SSSI conservation is essential if the PSA target is to be met. CLA hopes that the new Higher Level Agri-environment Scheme, to be introduced early in 2005, will have a much greater focus on rewarding good management of important features and more attractive payments to reward the skill and time needed to deliver this. That would help to focus land managers on achieving the environmental potential of their SSSI and other land and should provide the payments.

#### PROVISION OF ADVICE

13. Managers need to be made aware of the value of SSSIs and how it can be maintained and enhanced through their management. Effective and regular contact with English Nature staff who have a good rapport with the owner and manager would be the ideal. English Nature officially recognise that maintaining goodwill and building on the knowledge and enthusiasm of land managers is essential to the future of SSSIs and we would support this concept of a partnership approach.

14. Unfortunately in practice there are constraints on this partnership fulfilling its potential. Land managers prefer to have long standing relationships with advisers they can trust and this is particularly true for conservation which is often regarded as being of a more sensitive nature. For many managers regular changing of their EN contact inhibits this relationship from developing and we believe that this is a significant issue for many SSSIs. The fact that inappropriate scrub control is the second most common problem affecting favourable condition (1,332 sites) appears to highlight the need for a more effective system of communication.

15. Associated with this problem is that a minority of EN staff do struggle to communicate well with land managers. Several members have reported their first contact with EN staff has been after a problem has occurred and they have been treated with a "guilty until proved innocent" attitude. This has often been due to young and apparently fairly inexperienced staff not yet having the confidence or experience

to be able to establish a rapport. If there is then also a wide difference of opinion between EN and the land managers on what should be the conservation objectives for the site it is no surprise that good working relationships are sometimes absent.

16. In recent years English Nature has made considerable efforts to work with land managers, highlight the good results achieved on SSSIs and introduce new initiatives to assist with management such as the Traditional Breeds Incentive. This is appreciated but its success is likely to be limited if more attention is not given to the staff issues we have highlighted.

#### CROW LAND AND THE RIGHT OF ACCESS

17. Open landscapes such as heath, moor and downland were included for a right of access under the CROW Act 2000. Land managers often have concerns about the effect this will have on their management and enjoyment of the land. Where SSSIs in unfavourable condition have a high tree cover which needs to be cleared managers will be unwilling to undertake this work for fear that the SSSI will then be designated as open land. When their commitment and expense would be likely to result in greater management pressures and a potential loss of privacy the reluctance of such managers to achieve favourable condition is entirely understandable.

18. For sites that are already being managed in good condition the introduction of CROW access may threaten the future of the site if significant additional pressures are created and no resources are available to the manager to address these. Some members have raised concerns that unmanaged access could lead to localised erosion and disturbance to ground nesting birds.

#### PRIORITY ISSUES AFFECTING FAVOURABLE CONDITION

19. We would like to focus on three key issues which we believe are critical to this subject:

##### *Overgrazing*

20. Overgrazing is currently recorded as the largest problem affecting the achievement of the PSA target. This is usually associated with uplands and is linked to sheep production where ewe subsidies have encouraged higher stocking rates in some areas. Members report considerable concerns over this issue which include:

21. There is often a presumption that sheep numbers are at a record high and all uplands are at risk from overgrazing. According to the National Sheep Association the national flock now stands at seven million ewes whereas at the end of the Second World War the figure was around six million and that was after a period of significant decline. We may be trying to re-create habitats that never existed in the extent and quality envisaged by some EN staff. More investigation of what is actually achievable on individual sites including consultation with local farmers on historical management practices and site condition is needed.

22. Reducing stock numbers does not necessarily lead to the desired effect and additional management may be required. In some cases farmers have reduced stocking rates through agri-environment agreements and then, when the desired effects have not occurred, they have been pressured into reducing stocking rates further even though some of their land may be suffering from undergrazing. Given that reduced stocking does not always appear to produce the desired benefits, at least in the short term, it is questionable whether this approach should continue to be actively promoted without more research and contact with the farming community.

23. Reducing stock numbers can result in the enterprise becoming unviable and threaten the future of hefted systems which can both have a major impact on the local economy and hill communities. Hill farmers are very worried about this and can be understandably concerned over the impacts of entering agri-environment agreements, especially if they feel that some of the targets are inappropriate. There is great concern that a narrow focus on reducing livestock numbers could result in a shortage of livestock and skilled labour which may be essential for managing these habitats in the future.

24. Members' reports suggest that EN staff sometime take insufficient notice of the knowledge and skills of upland farmers and may seem unwilling to work with them on the basis of a stepped approach to conservation improvement. We have even heard of instances where a land manager has made an application to an agri-environment scheme and the Rural Development Service adviser dealing with the application has fallen out with English Nature because the good proposals were not considered radical enough to meet the conservation objectives for the site. This is extremely worrying and does not foster the partnership approach or the empowering of the land manager which the CLA believes is fundamental to the delivery of high quality environmental benefits. We are very concerned that pressure to meet the PSA target could result in similar occurrences over the coming years which could actually have counter-productive effects on the condition of the SSSI.

25. We do not dispute that overgrazing can be a major problem but the response from our members suggests that the current approach to achieve environmental improvements is not supported by many land managers. A more constructive partnership is needed in some areas so that the experience, knowledge and commitment of local land managers can be utilised. The de-coupling of agricultural subsidies from 2005 should reduce the incentive to keep such high sheep numbers which should make a very positive contribution to reducing overgrazing per se. However we must raise a note of caution here. Undergrazing of moorland leads to an increase in coarser vegetation which can increase grazing pressure on the remaining areas of more palatable vegetation. Without the labour to move animals around the moor or control coarse vegetation we may see localised overgrazing and undergrazing within the same SSSI.

#### *Undergrazing*

26. Although undergrazing only contributes to 5.54% of the SSSI unit area not meeting the PSA target it affects 1,161 sites, the third most common problem behind overgrazing and inappropriate scrub control. Continuing low incomes and the high demands of livestock farming have resulted in progressive and worrying declines in sheep, cattle and farm labour in recent years which show no signs of abating. The de-coupling of agricultural subsidies from production which will be introduced in 2005 will remove the incentive to maintain current numbers of sheep, suckler cows and steers. Unless there is alternative encouragement through the market place, including premium outlets, and/or agri-environment schemes farmers may well decide to reduce stock numbers and possibly labour. This could lead to further undergrazing due to the loss of the grazing mouths and human skills essential to countryside management. Many conservation organisations are extremely concerned about this issue which is already a significant problem on many environmentally important grazed habitats in the east and south east of England. It should be noted that overgrazing in the uplands is sometimes of a localised nature attributable to a lack of labour to visit the moor and move animals around which would have occurred a generation ago.

27. The cross-compliance conditions that will be attached to the new single farm area payments in the future will play a role in ensuring a minimum level of management. However we believe it is the agri-environment schemes which are most appropriate for SSSIs because they have the potential to address the specific management requirements that are required on a site by site basis.

#### *Moor Burning*

28. Moorland fires are a major factor in individual sites not meeting the PSA target. Careful burning is often essential for grouse management and for maintaining a mosaic of vegetation types which benefits many important bird and other species. Burning is also carried out by graziers to restore the quality of the grazing. Sometimes these fires do run out of control but there is evidence that it is through accidents or arson that the most damaging fires are caused.

29. With greater access to open land under the CRoW Act, increasing problems of bracken encroachment and the potential threat of undergrazing leading to an increase in the area of coarser and woody vegetation the threat of burning to SSSIs will grow.

30. Sustainably managed moorland provides natural firebreaks because of the diversity of cover and younger vegetation produced. Such areas will be even more important to limiting the risk to SSSIs in the future but continued management is reliant on economic grouse and grazing enterprises.

31. There is considerable debate over whether some burning, particularly when it affects bog flushes, causes significant damage or is beneficial. The initial conclusion is that more research is needed, a theme that has been raised earlier in the context of how to restore grazed moorland.

12 March 2004

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*Witnesses: Mr Mark Hudson, President, and Mr Colin Hedley, Conservation Adviser, Country Land and Business Association, examined.*

**Q86 Chairman:** Good afternoon, Mr Hudson, and welcome to this Sub-Committee looking into sites of special scientific interest. We have had a written submission from you but I think, Mr Hudson, you would like just to say a few words by way of introduction before we get round to our grilling of you this afternoon?

**Mr Hudson:** Thank you, Chairman. I would be grateful just for three minutes if you would allow me as you have done. I thought it might be helpful just to set the scene as you suggested. A characteristic of the great majority of landowners

is that they take a long-term view of management of their land and thus take their responsibilities to conservation seriously. Indeed, many of the areas designated as SSSIs owe their environmental value to the land practices and land stewardship they were pursuing before, sometimes long before, the Wildlife and Countryside Act granted more proactive powers in 1981 to English Nature to secure the conservation of these sites. The partnership approach to conservation proposed by English Nature, and which we support, should be seen in this context as well as in the context of the

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scientific expertise of many English Nature staff. Land managers—that is landowners, farmers, gamekeepers, fisheries and shoot managers—are, with very few exceptions, keen to work with English Nature to maintain and, where possible, enhance the condition of SSSIs. To succeed over a sustained period, conservation must be practical to fit into the essential objective of running an economically-viable business. A business that is not viable cannot provide long-term conservation. Some landowners have the financial resources to accommodate conservation into their land management plans. Indeed, many do more than is statutorily required of them because they take pride. For many others it cannot be assumed that additional conservation requirements are so easily accommodated, especially where the business, often a farming business, is in a sector or area where farming incomes have been hit in recent years. Farming incomes in the uplands in 2002–03 were averaging only £9,500, equivalent to less than £4.60 per hour for a 40-hour week, and incomes were lower than that in the immediately preceding year. That makes investment in new practices hard for many and it makes sensible management agreements, with payments where there is a cost that is not being met through other alternatives such as agri-environment schemes between English Nature and individual land managers, very important. Most SSSIs still do not have such agreements. The power to designate SSSIs has been in existence since the 1949 National Parks and Access to the Countryside Act but it is only since the 1981 Wildlife and Countryside Act that designation has involved practical commitments by landowners. That means that SSSIs were being designated for over 30 years without as much consideration as to their management and without so much concern from landowners as to the implications, as would be the case today. So when the PSA target refers to the totality of SSSIs, it should be remembered that for many there was no assessment of the extent of management that would be required nor the potential costs for land managers in doing so when the designation was made originally. Against that background there is a story to tell of conservation on SSSIs in England which is actually a positive one and one in which we as a country should take some pride. It is also noticeable that where English Nature have identified problems these have been attributed to two main causes in particular—overgrazing and burning regimes in the uplands. We are still in the early stages of predicting what effects CAP reform may have, and in particular the cutting of CAP support on production and what that effect may be on grazing densities in the uplands, but what we can say is that the incentive to graze more rather than less stock to attract a subsidy will disappear. In some places the problem may indeed shift from over to undergrazing. We also see considerable potential in the restructured Higher Level and Entry Level Stewardship Schemes to embed consistently good burning practices across the uplands. If those practices are reached through

voluntary agreements we believe that they will be more relevant to the terrain and environment and observed with greater commitment by the land managers than if imposed through cross-compliance. The history of agri-environments is that if you can secure the land manager's voluntary agreement to do something he will very often become interested and proud in doing more and indeed better. That is the message, Chairman, I would convey to successful SSSI conservation more widely.

**Q87 Chairman:** Thank you very much for that bit of scene setting as you put it. I think part of what I take from your message is about the need for positive incentives to landowners and land managers. You have referred to the proposed Higher Level Tier of the Environment Stewardship Scheme in your introductory remarks. Could you just say a little more to us about how you see those proposals helping to provide the incentives that are needed?

**Mr Hudson:** First of all, I think that the initial cross-compliance regulations, which you did not mention but are there with the Single Farm Payments, need to be relatively light touch and, as you are probably aware, there is consultation going on at this moment as we speak. We see the Entry Level Scheme and Higher Level Scheme as being an opportunity for much more targeted payments for the management of SSSIs to be introduced and we feel that they should have been done through these two schemes, the Entry Level Scheme and the Higher Level Scheme, in order for managers to be encouraged with partnerships from English Nature to actually carry out the management that is necessary for successful SSSI conservation.

**Chairman:** Thank you. You have mentioned English Nature and obviously the relationship between landowners and English Nature is crucial, and, David, can I pass to you to deal with that issue.

**Q88 Mr Drew:** I want to take this in two forms really. I would like to know what is the formal relationship with English Nature and is this sufficient for the changes in the payment system, or what recommendations would you be making to improve it? We will start with that question and then look at something slightly different.

**Mr Hudson:** I take it that the formal relationship you refer to is the relationship between English Nature and the owner or occupier of the SSSI?

**Q89 Mr Drew:** Yes, I am talking about your members.

**Mr Hudson:** Indeed, I am going to pass that to my colleague Colin Hedley, who has had a fair amount of experience in this and has had had a number of discussions with members on this. Mr Hedley, could you answer Mr Drew's question.

**Mr Hedley:** Obviously, as you said, the relationship between English Nature staff (who have the specialist skills on SSSIs) and our members and other land managers is crucial to delivering



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favourable condition. There are some concerns that some of our members report. Generally it would be fair to say that most members have a positive relationship with English Nature but also we need to bear in mind that to achieve 95% of SSSIs to be in favourable condition we need good, positive relationships, I would argue, with the vast majority of land managers. There are some concerns our members report. We have already mentioned two key issues this afternoon. With the burning issue and the overgrazing issue being the key factors for not achieving favourable condition, both of them do strike very much at the heart of the economic management, if you like, or businesses of our members. So they are issues that should be handled very delicately and I would argue in a very structured, progressive sort of way in building up a rapport and a relationship. Sometimes that relationship is lacking. One issue that seems to be raised is that the contact with English Nature and our members is not as regular as perhaps would be ideal. I think that needs to be addressed quite urgently. I think there is an issue of change of turnover of staff too, as I think we have said in our submission. Land managers do like to have regular contact, farmers do like to bounce ideas off people or have that reassurance, particularly with SSSIs and the conservation issues and the topic generally is one that is quite a new concept where the detail is very different to them and if that contact is not there because of a changeover of staff that is a concern. I think sometimes that relationship is not particularly positive either. I am not apportioning blame, it might just be a clash of personalities, but again we need to build a good structured relationship if we are going to achieve the PSA target and also perhaps the future enhancement of the site that that target still allows.

**Q90 Mr Drew:** I will leave overgrazing and the moorland burning issues because obviously colleagues are going to pick those up. Can I just look at this notion therefore of the Haskins proposal of the integrated land management agency. Do you welcome that? Do you see that as a positive step forward or is this going to be another layer of bureaucracy?

**Mr Hudson:** I think it very much depends how the integrated land management agency is constructed. I think it also depends on what it ends up being responsible for. Our view is that it is important for this new agency to have some economic thread within its remit and not just be an environmental agency. I say that because I think what we must avoid here is the rebuilding of silos. You will be aware that the National Park Authorities have in their remit to take account of the economic and social well-being in the areas in which they are the authority. We would like to see the new land management agency also have that remit of having to look after economic and social well-being along with its environmental responsibilities, so from that point of view I think we must be careful it does not just become a larger body dealing with

environmental matters, important as they are, without any consideration of economic and social matters as well.

**Q91 Mr Drew:** Besides the land your members own, they will possibly also be renting from organisations like the National Trust. In my area this has been a very difficult relationship and I wonder what you would think of the role of English Nature in terms of intermediating between common land authorities and your members in as much as—and, as I say, we are going on to the specifics but again this is an added complication—you could look at the role of the wildlife trusts. All this is making for additional complication in how SSSIs are managed. Is there a way of cutting through some of this complication?

**Mr Hudson:** I think there always should be ways of cutting complication if you can find them. Harking back to the original question as to the role of the new integrated land management agency, clearly there is sense in having one agency which a tenant or an occupier has to work through in order to achieve what the agency is trying to achieve. While that trust plays a slightly different role, I think on the whole that is to be welcomed. You asked earlier about the relationship between the tenant and landlords and you cited the National Trust. I do not think I am in a position to—

**Q92 Mr Drew:** Why I was using the National Trust is clearly the National Trust is a major landowner.

**Mr Hudson:** Indeed.

**Q93 Mr Drew:** Obviously it is a major landowner of land which has been designated as SSSIs. I am looking at whether what is seen to be a good relationship between yourself and English Nature could be improved by the integrated land management body, and how do these other players really fit into this picture, and do you actually see English Nature as a vital assistant, almost an advocate of your position with some of those bodies to make sure that you could farm the land economically as well as looking after it environmentally?

**Mr Hudson:** English Nature's interest as it stands now is of course to look after the environmental side of business, not to look after the farming side, and what we have to find is a system whereby farms can be farmed economically for profit as well as in doing that looking after the necessary environmental point as well. In terms of the role of the Wildlife Trust particularly Colin may have a view on that so can I ask him to pick that up because it is one that is mentioned to us.

**Mr Hedley:** Am I right in thinking the issue you are raising here is whether the position would be simply the SSSI—

**Q94 Mr Drew:** What I am looking at is what the level of complication is at the moment. With the integrated land management body is that going to get worse and really where do English Nature fit into this transition?

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**Mr Hedley:** Okay, I see what you mean. It is still going to be critical, is it not, to achieve favourable condition (if everybody is agreed on what the favourable condition is for that site and that it is achievable) that the specialist advice is easily deliverable to the land manager in one way or another, and I think the skills that English Nature have still got to play a key part. You mentioned the Wildlife Trust and National Trust and the continued management through livestock and hence the economic viability of those systems is very important, but obviously there are land areas where the environmental objectives are extremely high so in theory there should not necessarily be a problem. Obviously what we are looking forward to from next year with the decoupling of agricultural subsidies and the new Higher Level agricultural scheme, which we have got reason to believe will improve on what is a pretty good set of schemes we have at the moment, is that we should be able to arrive at a much more positive outcome.

**Q95 Joan Ruddock:** I want to look with our witnesses at the condition of SSSIs. Partly going back to your evidence about the relationship and what Mr Hedley has already said about the contact being not as good as it could be with English Nature, I wonder to what extent site managers and owners do understand what favourable condition is and how they are expected to achieve it?

**Mr Hudson:** I think there is a potential clash here between the site owner or the site occupier as to what favourable condition should be or is and in some cases what English Nature's view may be. It is useful that you raise this because clearly this is an objective assessment by two individuals. At the same time of course the site owner has got to make his living off that site as well. I think that there are examples, for instance, where there may be disagreements as to what overgrazing actually is and what undergrazing is. There are degrees of both and it is therefore always going to have to be a matter of two individuals talking sensibly and coming to some agreement as to what a reasonable favourable condition should be. That does not mean there are going to be no disagreements, clearly you will get occasions where there will be. I think if both parties—and I do mean both parties, both the occupier and in this case English Nature—work towards a common goal and can communicate with each other, which on the whole they do very well, then I think that the definition of what favourable condition is for a particular site should be able to be achieved, but there will be some disagreements, and Colin may want to add to that.

**Mr Hedley:** As Mark said, ownership is a real key issue. There is definitely scope to improve communication with SSSI managers and owners about changes in the management of SSSIs and I know English Nature is working on that with their views about management initiatives that are trying to improve that dialogue. The issue Mark has raised is then to have agreement on this. Obviously there are issues where people disagree about favourable condition. Sometimes that might well be because

land managers see the change of management as a major threat and from the response of our members to this issue I think in many cases there is justifiable concern over the fact that they might well be encouraged to embark on a direction that is a waste of time and resources. I think on Mark's point about a real partnership there is perhaps scope to improve the communication and also perhaps to be prepared to evolve this process and perhaps to be able to review, if possible, what favourable condition is for that site to make sure that it does evolve in a constructive way that does not waste money through environmental payments trying to encourage things which are not practical on that site and does not waste the resources of our members and other land managers. The short answer would be there is scope for improvement, there are moves to improve that situation, and we are not quite engaged in that full partnership on all sides, which I think does offer so much potential.

**Q96 Joan Ruddock:** That is obviously helpful. Do you find that English Nature are consistent in their approach or are there any difficulties with their consistency or lack of consistency? Are you dialoguing against a constant that is consistent or not?

**Mr Hedley:** It is obviously a very technical area. I think there does seem to be inconsistency in this area. There does seem to be a considerable amount of concern from some of our members whom we regard very highly, members that perhaps are heavily involved with committees and are very broad-minded in terms of all sorts of issues. There are just some concerns there and I think this is one area where we have a dialogue with English Nature at a national level, and a positive one it is, and I think it is one of those areas where we could investigate a little bit more just to explore it a little bit more between the two organisations and also therefore to try and improve the situation on the ground.

**Mr Hudson:** I think also, if I may add to that Chairman, one must also remember that disagreements between people are always talked about fairly regularly. Where there is agreement and harmony you tend not to hear too much about this. You must balance that, in our view, as to how good the relationship is or is not between English Nature and the occupiers.

**Q97 Joan Ruddock:** Given that perhaps it is only a minority of cases where there are disagreements from what you say, can you give us any ideas about how those disagreements are settled when they arise?

**Mr Hudson:** Again I am going to ask Colin because he has much more practical experience.

**Mr Hedley:** The feedback I am getting is that those issues can sometimes be rectified by a change of staff in some cases. It can be a clash of personalities and some members report a much more positive dialogue once that has been changed. I think, to be quite frank, at the moment with some of the issues over burning and overgrazing, which are the two key concerns at the moment—and I might just mention that undergrazing probably will be a bigger issue in

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the future—I think on those two there is still a sense of disagreement and there is perhaps not at the moment with some land managers any positive development towards a more constructive situation. Obviously English Nature is working with several initiatives on reducing grazing and trying to work with land managers and if the results of those are successful then, as you know, the farming grapevine is extremely efficient and hopefully the good news will filter out and perhaps the people who are a little bit unsure will start to engage in a more and more positive dialogue. At the moment there seems to be a bit of a *status quo* situation rather than a movement to resolution in a significant number of cases. Or that is the impression I get from our members.

**Q98 Joan Ruddock:** That suggests people come to you and that when they run into real problems they then contact the national organisation?

**Mr Hedley:** If they have concerns such as, “I need some background. What is the situation for this? What are my responsibilities for this?” they come to us. We have a number of regional offices as well and our regional directors get a steady number. I think it is important to state, as Mark has just mentioned there, that it does seem to be a minority (although perhaps quite significant) but overall on balance people seem to be generally happy—or perhaps they are just blissfully unaware, I do not know.

**Q99 Joan Ruddock:** Do your regional officers just provide information or do they mediate in certain circumstances?

**Mr Hedley:** I am not aware they go into technical mediation but I do know some members have employed local agents for that purpose.

**Q100 Joan Ruddock:** What about data collection? Mr Hudson said that there was a good story to be told. Can you give us any further information in terms of figures and what proportion of the sites are up to standard.

**Mr Hudson:** Yes there are, if I may quickly find them, English Nature’s own figures. I am sure they will be quite capable of giving them themselves if asked the question but I have got them here. Just bear with me while I get the right paper out. You will not be surprised to know that there is currently quite a range. At the moment the proportion of SSSIs meeting favourable condition, this is up-to-date, ranges from as low as 43% in the North East to as high as 76% in the East of England. Both those figures are a long way from 95% clearly. There is still five and a half years to go. As we have said and Mr Drew through his question has pointed out, there are the Entry Level and Higher Level Schemes to be considered which are not yet in operation obviously, so there is some help coming on there, but those are the ranges, between 43 and 76% are in favourable condition at the moment, depending which region you are in. It is also interesting to note that not surprisingly the areas of England you would probably regard as mainly upland areas—that is the North West, the North East, the South West and

Yorkshire and Humberside, and those are the RDA regions of course—are the ones with the most SSSIs in them as well. While there are plenty of SSSIs in the lowlands we are a little bit at the moment concentrating the question on the uplands side and clearly overgrazing and burning are two upland issues, but we must not forget there are SSSIs in the lowlands as well.

**Q101 Joan Ruddock:** Just for the record you are speaking about English Nature’s figures for land owned by your members?

**Mr Hudson:** No, we are speaking about English Nature’s figures straight from their web site, hot off the web site press, if there is such a thing, which we took down a couple of days ago.

**Q102 Joan Ruddock:** So does it follow that you do not yourselves collect data and could not tell us about your own members’ performance?

**Mr Hudson:** No, frankly we do not have the resources to collect the data. We will sometimes take soundings and sometimes conduct polls but I am not claiming they are scientifically correct so we do not collect data ourselves, no.

**Chairman:** Overgrazing and undergrazing has been mentioned several times and Paddy wants to look in a bit more detail at the question of overgrazing.

**Q103 Paddy Tipping:** Mark and Colin told us overgrazing and moorland burning were in a sense the two issues when it came to meeting favourable condition. Returning to English Nature’s own statistics, English Nature suggests that when SSSIs are not meeting favourable condition in 45% of cases that is because of overgrazing. Does that feel right? Is that the kind of feedback that you get from your members?

**Mr Hedley:** That is a very difficult one to answer, which is probably why you have asked the question! I think we acknowledge that overgrazing, possibly fostered by the existing CAP regime, has been a major problem. Overgrazing is a big issue in many upland SSSIs. I think broadly we would say those figures would be largely correct. However, again some of our members are reporting that they disagree with the assessment that their site is being overgrazed.

**Q104 Paddy Tipping:** Just take us through that, Colin, and explain that to somebody who does not go on the hills. Tell us how you make judgments about both overgrazing and undergrazing?

**Mr Hedley:** Trying to sum it up, obviously the specialists in Defra, as you know, have a job to do this. Basically the issue of overgrazing is for animals to be stocked at such a high level that is it is environmentally unsustainable for that site, so they are taking, in simple laymen’s terms, more vegetation off than is accruing in the course of their growing season, so they are having a detrimental effect on the semi-natural composition of that area. Obviously some land managers will be overgrazing and might know it or might not know it and are oblivious to the fact they are. Again a number of our

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members whose views we respect very highly have stated that sheep numbers have been high in the past; there were six million ewes at the end of the Second World War, and that was after a period of considerable decline, we have got seven million now. There does seem to be scope for asking whether some sites are being overgrazed or were some of these sites never covered in heather. We need to investigate that a little bit more carefully because if that is the case and the land manager's experience is right then we could be wasting a lot of money and causing a lot of concern chasing a white elephant in effect. A key issue here, whether or not land managers or English Nature is right, is that there is not the positive engagement which is critical to delivering favourable condition and continuing that beyond 2010.

**Q105 Paddy Tipping:** To some extent this is an art rather than a science, it is a matter of judgment. What is the scientific research on overgrazing and undergrazing?

**Mr Hedley:** To be honest, I am not party to that sort of detailed knowledge.

**Q106 Paddy Tipping:** Let me just switch to an issue you both raise which is potentially there that of undergrazing. We have had a mid-term review, it has got to be implemented yet, but there are signs, you told us Mark, that this is a potential problem for the future.

**Mr Hudson:** It is and I think there is another factor we must remember in this discussion and that is the number of people now employed in agriculture which has declined over many years, as I am sure you are all fully aware, and is still declining. We already have situations where there is no longer the number of feet on the ground to manage flocks of sheep and indeed herds of cattle in the way they would have been managed a number of years ago. I think it is quite possible we would see on one SSSI site a combination of both under and overgrazing. That might sound unlikely but if stock is not being moved at the right time that is going to lead to overgrazing in one particular area whilst undergrazing on the land they should be moved to. I do think that this is potentially a real problem we are going to have because unless we can restore gross profitability back into the uplands industries, the livestock industry in particular (the livestock industry solely so far as farming is concerned whereas other members have other income methods) then I think we will continue with this problem of livestock being managed less intensively, as it were. I am not talking about intensity of grazing now, I am talking about intensity of time put in than has been in the past and that could lead to undergrazing.

**Q107 Paddy Tipping:** That links with the point you made in your opening statement around the need for the new land management agency to have responsibility for social and economic consequences.

**Mr Hudson:** It does link with that indeed and I have made my point there. It does link with that, yes.

**Q108 Paddy Tipping:** What other policy instruments do you think are necessary around the grazing issue? We are focusing on headage payments versus area payments. You are at Defra a lot and you give a lot of advice. If you were in charge in Defra, as I think you are, what policy measures would you advocate?

**Mr Hudson:** Give me another job, thank you! There is no doubt that within the CLA we would advocate first of all payments on an area basis. We have said that for a long time and that is what we are going to be getting. Once the historical method has been washed out in eight years' time then the payments will be entirely area based, as you are aware. I believe, as I said earlier, that the right structure for both the Entry Level and Higher Level Schemes that are currently being discussed could be a very valuable and strong tool in directing occupiers of the land towards the method of management that both gives them the financial return they require and gives English Nature, and all of us for that matter, the enjoyment we are going to get from the SSSIs, which is important from a scientific point of view. I do not see any need for any further instruments. I think the area payments that are coming plus the targeted Entry Level and Higher Level Schemes should be sufficient.

**Q109 Chairman:** Moorland burning; I think there is likely to be a difference of opinion between many of your members and English Nature on that issue.

**Mr Hudson:** Well, there may be. You may hear more later on this afternoon on that issue from English Nature.

**Q110 Chairman:** English Nature list it as one of the main problems.

**Mr Hudson:** There are a number of things. There is, as I am sure you are aware, a Burning Code which the Moorland Association rather than ourselves are very much involved in. I am sure you have had evidence from them. In fact, I know you have because I have had a copy and indeed they talk about this at quite some length. I think we would agree that a Burning Code is a sensible thing to have. Indeed, I personally would be happy to see that Burning Code as part of cross-compliance. English Nature also speak of burning plans. This is obviously more restrictive, I suspect, and these would need to be carefully drawn up and I think they certainly should be part of the Higher Level Scheme. I think we must remember, Chairman, that burning has been going on in moorlands for many hundreds of years as a method of management, I accept mainly for removing grass, but the way it has been done in the past 150 years or so has been done in such a way that because it is rotational in effect and has been on the whole carefully controlled and carefully thought through, it has in fact allowed species to develop because you have got states of recently developed moor to two-year-old or four-year-old up the scale and this allows the habitats and flora and fauna to thrive in a certain area across a range of species types, and

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therefore any burning plan, if I may call it that, that English Nature might wish to discuss with occupiers has got to take into account the experience that those occupiers have had over many, many hundreds of years. As I said in my opening statement, these moorlands have been managed during that period of time really very successfully by owners who know and understand quite a lot about the effects of burning and the dangers of overburning, I agree, and the dangers of underburning.

**Q111 Chairman:** It sounds, am I right, as if you would not disagree with the Association of National Park Authorities who said perhaps there is a scope for a review of burning practices but you would want to ensure that what you have described as that historical legacy of practice contributing to sustainability will be taken into full account in any possible review?

**Mr Hudson:** Yes I would. There is always reason for reviewing the way people do many things and I am not against a review for that reason at all, I think it is quite sensible to review how practices are being carried out, but any review has got to take account of all those who have an interest in that particular subject and, as you say, Chairman, has got to take account, I believe, of the experience and knowledge that moorland managers have built up over many generations.

**Q112 Chairman:** You do say in your written evidence that there is evidence that greater access to open land has led to a problem of accidental and indeed illegal fires which have affected SSSIs. What is the extent of that and what measures would your organisation like to see put in place to help deal with it?

**Mr Hudson:** First of all, the extent. I do not think the extent at this stage has been all that great. Accidental fires and fires started on purpose have happened in the past and will happen again. I think it is to be expected that if the opening up of moorlands through the implementation of the Countryside Rights of Way Act 2000 does increase the number of people going on to moorlands, which I suspect it will because that is what it is designed to do, we have to expect that if nothing done about it—and I will come back to some suggestions in a minute—that problems of accidental fires will probably increase because we all know from experience whatever field of work we

work in that the more people there are in an area the more problems occur, be it litter or vandalism, and I am not suggesting that everyone who walks on the moorlands is a litter lout, far from it, the vast majority of people who walk anywhere are highly responsible and actually appreciate the countryside in which they are walking and that is as it should be. As far as measures that can be taken, I honestly think that this is education and it is also to a certain extent signage which is a bit of a sore point in implementation of the CRoW Act at the moment. We will not go into that because it is slightly off the remit of this particular Committee but there are problems undoubtedly of how to implement some of these things. There is the signage, who is going to pay for it, and education and the revised Countryside Code. All these things are very important and I think we must look to our schools and indeed organisations such as my own to in fact help to educate the public—and I always slightly resist saying that, it sounds rather too grand, but you know what I am trying to say—in what they should and should not be doing when they are out in the countryside and to help them enjoy it and what they can do to extend that. So my answer is the best method of implementing this is by creating an understanding of what people are seeing and what they are walking over and through.

**Q113 Chairman:** And you are also telling us it is not a massive problem at the moment but you are warning us beware of the future?

**Mr Hudson:** I do not think it is a massive problem at the moment simply because not a huge number of people actually walk on the moors. To be frank, there are people who go on the moors and are very knowledgeable and have a lot of fun up there but it is not a great problem as yet. There certainly have been a handful of fires started accidentally and on purpose and the same for forest and that unfortunately is likely to continue unless we can get the education right.

**Q114 Chairman:** Thank you very much, gentlemen. Unless any of my colleagues have any further questions I thank you for appearing before us this afternoon. If on reflection you would like to say anything more to us in writing then we would certainly welcome that. Thank you for your attendance.

**Mr Hudson:** Thank you, Chairman, and thank you for asking us to come.

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**Memorandum submitted by English Nature (N5)**

**EXECUTIVE SUMMARY**

- (a) English Nature believes that the Public Service Agreement (PSA) target of 95% of SSSI land in favourable or recovering condition by 2010 is very challenging but, given appropriate resources, some policy changes and joined-up working across Government, achievable.
- (b) Over the past six years, English Nature has completed a full assessment of the condition of SSSIs. Progress against the PSA target is now open to full public scrutiny. Detailed SSSI condition data are published on English Nature's website.
- (c) The milestone agreed with Government for SSSI condition for April 2004 will be exceeded—condition has improved on more than 5% of the SSSI estate in 2003–04. However, with the planned reductions to English Nature's grant-in-aid, the corresponding milestone for 2005 is unlikely to be met.
- (d) The single most important mechanism for achieving the target is agri-environment funding. English Nature calculates that the agri-environment element of the cost of securing the PSA target will have to rise from £22 million in 2002–03 (out of a total agri-environment budget of £120 million) to £38 million from 2009–10 onwards.
- (e) The new "Higher Level Scheme", which will largely replace existing agri-environment schemes, must deliver favourable condition on SSSIs, or the PSA target will be missed—this single delivery mechanism has a key impact on the target and must be adequately resourced into the future. The HLS will also need to be responsive to changes in agricultural businesses, land management practice and conservation priorities in light of the 2005 CAP reform.
- (f) Increased funding alone will not deliver the entire PSA target—policy changes are also required. The most essential changes are:
  - reviews of burning codes and overgrazing regulations;
  - more coastal managed realignment to solve "coastal squeeze";
  - better regulation on SSSIs damaged by sea fisheries;
  - initiatives to encourage sustainable management of woodlands;
  - implementation of Asset Management Programmes (AMP 3 & AMP 4) for water company investment for SSSIs, and of Water Level Management Plans; and
  - action by Defra to address diffuse pollution from agriculture.

**PART I—BACKGROUND**

*1. Introduction*

1.1 English Nature is the statutory body that champions the conservation and enhancement of the wildlife and geological features of England. We work for wildlife in partnership with others, by:

- advising—Government, other agencies, local authorities, interest groups, business, communities, individuals on nature conservation in England;
- regulating—activities affecting the special nature conservation sites in England;
- enabling—others to manage land for nature conservation, through grants, projects and information; and
- enthusing—and advocating nature conservation for all and biodiversity as a key test of sustainable development.

We have statutory responsibilities for Sites of Special Scientific Interest (SSSIs), the most important of which are managed as National Nature Reserves. We thus have a central role in the delivery of the SSSI PSA target.

Through the Joint Nature Conservation Committee, English Nature works with sister organisations in Scotland, Wales and Northern Ireland to advise Government on UK and international nature conservation issues.

1.2 SSSIs are the jewels of England's natural heritage. There are 4,113 SSSIs in England, covering 1,055,000 hectares, or about 7% of England. The sites range from small areas that protect populations of a single species, to large expanses of moorland or mudflat. SSSIs play a key role in achieving our biodiversity goals, they contribute to peoples' quality of life and they bring benefits to the rural economy. The condition of SSSIs is a key measure of the Government's commitment to reducing the rate of biodiversity loss by 2010, made at the World Summit on Sustainable Development in Johannesburg in 2002.

1.3 English Nature believes that the PSA target for SSSIs is challenging but achievable, provided that there is commitment by policy makers, legislators, and public decision-makers. English Nature has a special responsibility for the conservation of SSSIs, but we cannot deliver the Government's PSA target on our own.

1.4 The Government's PSA target is that 95% of SSSI land should be in "favourable" or "recovering" condition by 2010. The ecological effects of some damaging processes can take much longer than 10 years to undo, which is why recovering condition is regarded as meeting the target. English Nature applies strict standards when determining favourable and recovering condition. We do not record land as recovering unless all the necessary remedial management measures are in hand. Recovering sites are kept under review to ensure that the recovering assessment continues to be justified.

1.5 This evidence focuses upon the measures necessary to conserve SSSIs by the target date of 2010. However, consideration will also need to be given to the broader issue of the restoration of habitats and farming systems around SSSIs, to give sustainable, long-term SSSI management. In the long term, most SSSIs cannot be conserved in isolation and an integrated, landscape-level approach is critical to securing favourable condition.

## 2. *Establishing an accurate and transparent baseline*

2.1 English Nature has now completed a full assessment of the condition of all SSSIs in England against robust and rigorous criteria—the first time this has ever been done. The results were published in December 2003 (England's best wildlife and geological sites, English Nature, 2003). This is in itself a significant achievement. It took six years and involved detailed assessments of more than a million hectares of land. We now know the condition and the causes of adverse condition on each and every SSSI. The full report is given at Annex 1 [Not printed] and includes an executive summary.

2.2 Good baseline condition information allows progress against the PSA target to be measured in a transparent and accountable way. The PSA target was set in 2000 using estimates of SSSI condition. Those estimates proved to be overly-optimistic. The actual baseline condition was not 60%, but lower: by April 2003 when all the assessments were completed, 56.9% was meeting the target and this acts as the baseline.

2.3 In January 2004 English Nature published details of the condition of every SSSI on its web site. The 4,113 SSSIs are broken down into 22,041 parcels, each of which is mapped and can be examined on the web site. Where SSSI land is not favourable or recovering, the cause of the adverse condition is given. The data are updated as new assessments are made. This is part of English Nature's "Nature on Line" project, and has been part-funded by the Treasury's Capital Modernisation Fund (further details are at Annex 2).

2.4 The Joint Nature Conservation Committee has published 13 of the 18 intended volumes of guidance on UK standards for SSSI condition assessment. The remainder are due in 2004–05.

2.5 Progress against this PSA target is therefore open to full scrutiny. The headline figures, the individual site details, and, once the JNCC guidance is complete, the full standards for assessment will be easily accessible to the public.

## PART II—CURRENT PROGRESS

### 3. *Improvement in SSSI condition to date*

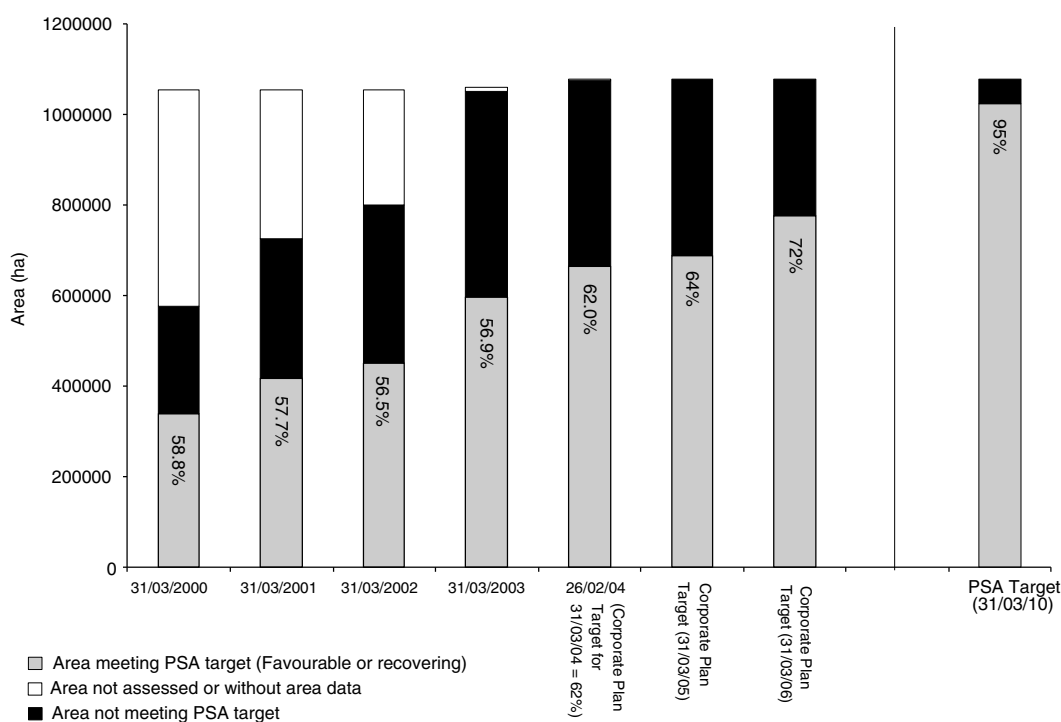
3.1 English Nature cannot by itself deliver the PSA target. Nevertheless, English Nature has a key role to play through:

- management of its own SSSI estate (National Nature Reserves);
- advice and finance to SSSI owners to encourage good land management;
- conservation advice to other public bodies to encourage good regulation and land management;
- direct regulation and, where necessary, prosecution to prevent damage.

3.2 The Government agreed milestones with English Nature for improving the condition of SSSIs: 62% by April 2004, 67% by April 2005 and 72% by April 2006. The milestone for this financial year will be achieved (and probably exceeded). The milestone for 2004–05 was agreed with Defra on the basis of grant-in-aid (GIA) increasing to £74.5 million. Our GIA for 2004–05 is now likely to be £71.3 million. We therefore have advised Defra that the target for April 2005 is likely to be missed and we may only reach about 64%. However, if the £80.5 million GIA planned for 2005–06 is restored, then the target of 72% by April 2006 is still achievable.

3.3 The table below summarises progress in assessing and conserving SSSIs since the PSA target was set.

**Progress towards the targets to assess and improve SSSI condition.  
(with target figures for 2004-06 and 2010)**



NB. % figures show the proportion of SSSI land meeting the PSA meeting (figures for 2000-2002 estimated on the basis of the proportion assessed).

#### 4. English Nature’s Estate—National Nature Reserves

4.1 National Nature Reserves cover 87,859 ha, about 8% of the SSSI series. 66 percentage of NNR land is managed by English Nature and the remainder by “Approved Bodies” such as The National Trust, Forest Enterprise and RSPB. NNRs conserve nature and provide opportunities for people to enjoy nature, but also demonstrate good and/or innovative land management techniques.

4.2 English Nature set itself demanding targets for improving the condition of NNRs. At 1 April 2003, 67% of NNR land was in favourable or recovering condition. Our target for 31 March 2004 is 80%: we have now reached 80%. By April 2006, we aim to have at least 90% of NNR land meeting the PSA target.

#### 5. English Nature’s advice and financial assistance to SSSI Managers

5.1 English Nature has achieved the 5% improvement in SSSI condition this year by focussing on effective solutions through negotiation, persuasion and judicious use of management agreements. Five Hundred and One new “Wildlife Enhancement Scheme” agreements were signed in 2003–04 with managers of SSSI land. These range from upland grazing agreements, such on the herb-rich limestone at Malham-Arncliffe in Yorkshire, (122 ha), deer management on lichen and veteran tree sites, as at Melbury Park in Dorset (283 ha), to geological site restoration as at Bilsey Hill in Norfolk (2.5 ha).

5.2 A major contribution to progress has been the “Sheep Wildlife Enhancement Scheme”. This supports sustainable sheep grazing on SSSIs, solving both over- and under-grazing problems through voluntary agreements with graziers. English Nature negotiates the agreements, yet the money comes from the UK Sheep National Envelope and is paid by the Rural Payments Agency.

#### 6. English Nature’s advice to other public bodies

6.1 Up to 60% of SSSI land is owned or managed by Government, or by other public bodies, or by private companies that have statutory conservation responsibilities. Parliament greatly strengthened the environmental obligations on these bodies through the Countryside and Rights of Way Act 2000 (CRoW). English Nature advises these bodies on their new responsibilities and how they can make an effective contribution to the delivery of the SSSI PSA target.

6.2 Defra has established an effective group representing the most significant of these bodies, known as the “Major Landowners Group”. The members have been working with English Nature to agree the:



- extent of the their SSSI land-holdings;
- remedies that are in their own gift;
- remedies that require action from other bodies; and

The table at Annex 3 shows progress with these public bodies to date.

7. *English Nature’s regulation to protect SSSIs*

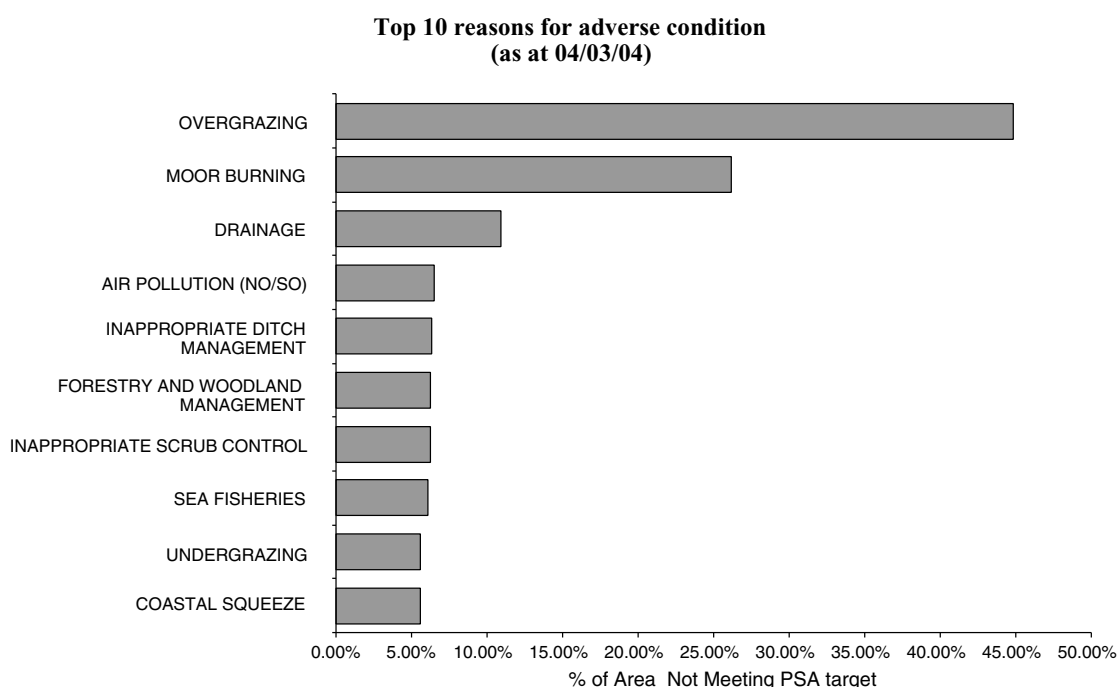
7.1 In common with other prosecuting authorities English Nature’s enforcement response depends upon the severity and circumstances of each case. Since the implementation of the CRoW Act (30 January 2001), English Nature has taken 204 separate enforcement actions: six prosecutions, two formal cautions, 21 formal interviews by Investigating Officers, 36 warning letters from our solicitors and 139 warning letters from senior EN staff.

7.2 The CRoW Act also introduced statutory Management Schemes and Notices, aimed particularly at neglected sites. English Nature has initiated proceedings on 4 Management Schemes, but it has not yet been necessary to serve any of them, because voluntary agreements have been reached. English Nature considers this new power is a vital tool in securing positive management of sites. It serves as a catalyst for voluntary agreement, but would also remedy those few cases where agreement cannot be reached.

PART III—FUTURE PROGRESS

8. *Agri-Environment schemes*

8.1 English Nature has identified 37 main causes of unfavourable condition. The top 10 (by area), each of which accounts for more than 5% of the land failing the PSA target, are set out below.



8.2 Agri-environment schemes can be used to solve four of the major problems: over-grazing and under-grazing, moor burning, and lack of scrub control. They can also help solve ditch management, drainage and diffuse pollution problems. This is not to underplay the necessity of progress on other policy matters. Policy solutions, particularly to coastal management and water quality/quantity problems, are essential if we are to reach the PSA target. Nevertheless, the vital importance of agri-environment measures cannot be overstated.

8.3 English Nature has been working closely with Defra and the Rural Development Service (RDS) to examine the effectiveness of agri-environment schemes in conserving SSSIs. English Nature and RDS have made significant progress to integrate their data. We have achieved this by using GIS techniques and by close cooperation between data analysts, rather than by development of costly IT programmes.

## PERFORMANCE OF CURRENT AGRI-ENVIRONMENT SCHEMES (2002–03 DATA)

	<i>Countryside Stewardship (CSS)</i>	<i>Environmentally Sensitive Areas (ESA)</i>	<i>Wildlife Enhancement Scheme (WES)</i>
Area of SSSI within agreement boundaries (ha)	138,007	120,872	167,221
Total cost of agreements within SSSI	£4,175,477	£9,179,634	£8,230,409
Percentage of SSSI land within agreements meeting PSA target	55%	41%	56%

8.4 No scheme is currently fully effective at delivering favourable condition on SSSIs. 40 percentage of WES schemes pre-date the stronger legislative and financial provisions in the CRoW Act and the associated Financial Guidelines. These older agreements were negotiated under the weak, pre-CRoW provisions, which did not necessarily deliver favourable condition. ESAs and some Stewardship agreements were not designed specifically to achieve favourable condition but do address other objectives. In addition to the limitations within the schemes, many SSSIs under agri-environment agreements are affected by factors which are outside the control of individual farmers, or outside the scope of schemes, particularly water levels, water quality and coastal management.

8.5 English Nature is working with Defra on the new Environmental Stewardship Scheme (ESS). The Higher Level of this Scheme (HLS) is intended largely to replace WES, ESA and CSS payments. This new scheme has the potential to reduce bureaucracy and simplify payments, especially by removing the need to “top-up” ESA and CSS agreements with WES. £2.3 million of the £8.2 million WES spending shown above went on “top-ups” for ESAs and CSS.

8.6 English Nature is working closely with Defra to ensure that the Higher Level Scheme has:

- management prescriptions that are able to deliver favourable SSSI condition;
- payment rates that strongly encourage take up (particularly following the implementation of CAP reform in 2005); and
- favourable condition as the primary objective on SSSIs.

8.7 Existing agreements that are not delivering favourable condition, but which would if the HLS prescriptions and payments were adopted, must be transferred into the new scheme before 2010. Defra and RDS have indicated that they may not have sufficient staff to do this for all failing ESA and CSS agreements. This will require close examination and the resources of both English Nature and RDS need to be fully considered. This will be reinforced by the programme to modernise rural delivery.

8.8 The HLS has a key role in delivering the PSA target. Unless these opportunities are taken, we will fail to achieve the PSA target. This single policy measure has a key impact on the target.

## 9. *The cost of achieving the target*

9.1 Achieving the PSA target requires both agri-environment expenditure and expenditure on other programmes. Using our detailed SSSI condition data and the agri-environment data shared with RDS, English Nature can now calculate the agri-environment element of the overall cost of the PSA target. This does assume that schemes on SSSIs do improve and deliver favourable condition. 550,000 ha (52%) of all SSSI land will require agri-environment support to meet the PSA target. The likely annual cost of agri-environment schemes on SSSIs will need to rise from £22 million in 2002–03 (out of a total agri-environment budget of £120 million) to £38 million from 2009–10 onwards. To achieve this increase, the proportion of agri-environment funding spent on SSSIs needs to be maintained at at least 20 percentage of the total agri-environment spend. This funding, coupled with the necessary scheme improvements, would make an unprecedented improvement in the condition of the best wildlife sites in England.

9.2 These costs are drawn from a detailed model developed by English Nature, which incorporates all agri-environment spending: the £38 million is the overall estimate for all agri-environment schemes on SSSIs, not English Nature’s WES alone. The full cost of securing the PSA target will depend on the costs and potential savings arising from the policy changes set out in sections 9 and 10 below.

9.3 Sheep WES will end in 2005. The ongoing costs on SWES SSSIs will then have to be met from agri-environment spending. This, and the additional HLS spending required to meet the target, could be delivered through extra national modulation and through additional EU level funding for the Rural Development Regulation. This must be a top UK negotiating priority in the run up to the next CAP and Rural Development reform in 2007.

9.4 Implementation of CAP reforms in 2005 will affect SSSIs. Under-grazing problems in the lowlands will worsen, given the predicted reductions in lowland beef cattle and sheep farming. Defra must monitor these changes and adjust agri-environment schemes to ensure that the HLS can deliver its part of the PSA target. Other ERDP schemes will similarly have to be reviewed.

## 10. Policy changes

10.1 The PSA target cannot be delivered simply by improving agri-environment schemes and better management of land held by public bodies. The target will not be achieved without significant policy changes.

10.2 Farming systems: In some cases policy change can reduce the need for agri-environment expenditure. For example, if the Moor and Grass Burning and Overgrazing Regulations were tightened and enforced, the agri-environment costs of the PSA target would be reduced by between £3 million and £4 million per annum, depending upon the effectiveness and implementation of the regulatory changes.

10.3 Coastal management: “Coastal squeeze” occurs where saltmarshes are trapped between rising sea-levels and hard sea defences. It causes the loss of coastal habitats, and also makes sea defences more expensive to maintain. Managed realignment of existing seawalls would create new, sustainable flood defence lines. Unfortunately, the current rate of progress is too slow to meet the 2010 target. Authorities responsible for coastal and flood management need to take greater account of the PSA target. This requires a change in culture, but adequate funding also needs to be made available.

10.4 Sea fisheries: A proportion of the Wash, England’s largest SSSI, is in an unfavourable condition due to inshore fishery activities, which disturb or destroy key features and take invertebrates that are a key food for bird communities. For all coastal SSSIs, Sea Fisheries Committees must accept fully their responsibilities under the Wildlife and Countryside Act.

10.5 Freshwater SSSIs: The principal causes of unfavourable condition on freshwater SSSIs, are:

- direct polluting discharges (sewage and industrial effluent);
- drainage (including water-level management and canalisation of rivers and streams);
- diffuse pollution from agricultural run-off (including that caused by ploughing and trampling by livestock);
- water abstraction; and
- invasive species (eg signal crayfish, Australian swamp stonecrop).

Most of these impacts are outside the direct control of English Nature, and so we are working with the Environment Agency and other bodies to identify what must be done to meet the PSA target.

10.5.1 Sewage discharges are a particular concern. In AMP3, phosphorus removal will be installed at 72 treatment works affecting SSSIs by 2005. However in AMP4 English Nature has, with the Environment Agency, identified the need for further works at 63 sites, as well as 60 investigations, which must be implemented in full by 2010 if the PSA target is to be met. AMP 4 will also address many of the outstanding cases of over-abstraction. Discharges from industrial processes must also be reduced.

10.5.2 Rivers, lakes and fens are suffering excessive siltation and nutrient enrichment from agricultural pollution. We have proposed a two-tier approach with basic measures (eg through the Entry Level Scheme) across all catchments and targeted action where additional SSSI protection is necessary. English Nature has recently identified >100 SSSIs most at risk (Prioritising designated wildlife sites at risk from diffuse agricultural pollution. English Nature Research Report 551, November 2003). English Nature has been advising Defra on its Diffuse Water Pollution from Agriculture Project, which is due for public consultation in 2004.

10.5.3 English Nature and Defra have prioritised 144 SSSIs where work is needed by the Environment Agency and Internal Drainage Boards to improve the quality and implementation of Water Level Management Plans. River SSSIs need restoration where they have been artificially deepened or straightened, but neither English Nature nor the Environment Agency have the powers and budgets for such work. The same is true of lake restoration: some lake SSSIs are more than two-thirds full of silt, which must be pumped out if the SSSIs are to be restored. English Nature requires a substantial budget to build on its initial programme of lake restoration completed in 2004. Removal and control of invasive species is an increasing problem. Responsibilities for dealing with invasive species are unclear, and budgets for control measures are inadequate.

10.6 Forestry management: More initiatives are needed to help create markets for sustainable wood products and to support non-market benefits of woodlands. English Nature contributes to local initiatives that provide funding and advice for woodland owners, such as “Heartwoods” in the West Midlands. We support the National Deer Initiative to promote good long-term management of deer populations, and we carry out deer management on our NNRs. In the short term, fencing is needed to reduce pressure from sheep and deer, to allow woodlands to regenerate.

10.7 Follow-up to the Haskins Review of Rural Delivery: Following the publication of Lord Haskins’ review in November 2003, English Nature has been working closely with Defra over the full response to the report. This is expected later in spring 2004. There are opportunities to help deliver the SSSI PSA target; including:

- fewer, simpler, better targeted, more efficient and more understandable rural funding schemes, and especially an integrated package of properly designed, resourced and targeted agri-environment schemes

- closer working at both policy and operational level with other bodies such as Environment Agency, Forestry Commission and English Heritage; and
- the ability to give a better, and more joined-up, service to SSSI owners, occupiers and other land users; to influence policy makers; to resolve perceived conflicts between site protection and access; and to encourage better public use and appreciation of special sites.

## Annex 2

### GUIDE TO THE NEW, IMPROVED ENGLISH NATURE WEBSITE

#### INTRODUCTION

Nature On-line is a two year project, initiated in April 2002, to enable a wide range of people to discover all sorts of information about nature via the English Nature website. The project has been part funded by a grant from the Treasury's Capital Modernisation Fund (CMF).

#### NATURE ON-LINE KEY DELIVERABLES

1. Nature on the Map. On-line now. Nature on the Map allows web users to search for information about wildlife sites on an interactive map, in any area of England simply by specifying a postcode, or name, or by choosing a county. The location of protected sites, such as National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSI) is displayed on an Ordnance Survey map.

There is also an "Advanced Map" tool which enables users to build thematic maps to their own requirements.

When viewing protected sites or habitats on Nature on the Map, users can click on the site to get further information, eg descriptions of NNRs, SSSI citations and condition information. Nature on the Map can be accessed via the English Nature homepage at [www.english-nature.org.uk](http://www.english-nature.org.uk) or via [www.natureonthemap.org.uk](http://www.natureonthemap.org.uk)

2. SSSI Information. On-line now. There are now SSSI pages on the website. A suite of information about SSSIs is available, including new notification packages, citations, "Views about Management", "Operations Likely to Damage" and SSSI and unit condition information. Condition reports are available at national, regional and county levels, as well as for each site.

3. Nature for Schools. Available by 31 March 2004. A significant new section on the website which will contain more than 100 lesson plans meeting the requirements of the National Curriculum along with activities and information to help pupils understand nature and our impact on the natural environment. The pages also contain over 500 links to other websites providing educational resources.

4. National Nature Reserves Virtual Tours. On line now: Using innovative technology and design, we will enable web users to experience the nature of NNRs via virtual tours on our website. The virtual tours will employ a combination of text, panoramic images, video clips, sound, animation and photos to educate web visitors about NNRs. The virtual tours will illustrate the NNR so that visitors know what to expect in the way of facilities, standards of access, site conditions, distances and terrain when they visit in person and so that users who are unable to physically visit the site can nevertheless experience it. The tour of Lathkill Dale within the Derbyshire Dales National Nature Reserve is on line now. Lundy Marine Nature Reserve will be added by 31 March 2004.

5. Nature in the Garden. Available by 31 March 2004. Through gardens we want to enthuse people, so that they take a greater interest in nature and the possibilities for interaction with wildlife. We wish to make this information applicable to everyone even if they do not have a garden of their own. As well as all sorts of monthly hints and tips, the new garden pages will provide users interested in gardens with an interactive virtual tour of an ideal wildlife friendly garden.

6. Volunteer Pages. On line now. English Nature welcomes the support of people who live and work near NNRs to help protect and enhance them. We have created pages for volunteers or people interested in volunteering on our website to encourage people to get involved and to provide supporting information for existing volunteers.

7. Webcams. On line now. In addition to the popular Red Kites at Rockingham webcam, images of a bat roost, an underwater webcam at Lundy and a seal haul out site will be added by 30 April 2004.

8. E-services on-line. Available by 31 March 2004. In common with other organisations in the public sector, English Nature is seeking to modernise its services to external customers, using electronic delivery wherever possible, in accordance with overall Modernising Government White Paper target that by 2005, 100% of services should be delivered electronically. The first two of English Nature's services to be implemented electronically as part of Nature On-line are Land Purchase Grants and Species Licensing.

9. Slide library. Available by 31 March 2004. Around 16,000 images in the English Nature national slide library have been digitised and are available for users to search and download. Both low and high resolution images will be available, free of charge. This will link to the SSSI page, to allow people to see slides of individual SSSIs.

10. New homepage. On line now. The English Nature website homepage has been redesigned to enable better signposting of new content.

**Annex 3****LAND OWNED OR MANAGED BY MAJOR PUBLIC OR STATUTORY BODIES.**

<i>S28G BODY<sup>1</sup></i>	<i>Has S28G body identified the extent of the their SSSI holdings</i>	<i>Approximate area of SSSI land owned (ha)</i>	<i>Percentage SSSI area failing PSA target</i>	<i>Main reasons for adverse condition</i>	<i>Remedies identified</i>
Ministry of Defence	Partly	85,400	36%	Undergrazing/ Overgrazing/ Scrub control	Generic remedies agreed. To be assigned to units from 04/04
Forestry Commission	Yes	67,900	29%	Woodland management/ Overgrazing	Initial discussions held with EN. Generic remedies identified.
English Nature	Yes	58,000	20%	Coastal erosion & Flood defence, Overgrazing, Drainage	Remedies identified and assigned to units
Local Authorities	No	47,045 minimum	28%	Flood Defence/ Coastal Squeeze/ Undergrazing/ Scrub control	No
Water companies	Partly	43,800	57%	Overgrazing/Moor burning/Air pollution/Drainage	No
National Park Authorities	Yes	19,900	55%	Overgrazing/Moor burning/Air pollution	Joint position statement agreed at national level with ANPA to agree remedies.
Crown Estate	No	17,577 minimum	24%	Coastal Squeeze/ Woodland Management	No
Ports/Harbour Authorities	Yes	15,528	12%	Flood defence/ Erosion	No
Environment Agency	Yes	5,126	24%	Flood defence/ Diffuse pollution	Initial discussions held with EN to scope generic remedies
Intertidal land as yet unattributed between S28G bodies	NA	190,000 approx.	NA	NA	NA

<sup>1</sup> Section 28G of the Wildlife & Countryside Act 1981, as incorporated by the Countryside & Rights of Way Act 2000, defines these bodies.

12 March 2004

*Witnesses: Mr Andy Clements*, Director of Designated Sites, and *Mr Tom Tew*, General Manager of Designated Sites, English Nature, examined.

**Q115 Chairman:** Good afternoon. You have been in the audience and now you are players in the next act. Mr Clements, Director of Designated Sites, English Nature, and Mr Tew, General Manager of Designated Sites, welcome. The NFU in their written submission to us say the PSA target for SSSIs has not yet distorted policy priorities to the detriment of other activities with which English Nature or Defra is engaged. However, they do ask us as a Committee to be vigilant of such a risk. Do you think they are right to warn us of that risk? Is there a danger of an emphasis on work with SSSIs distorting perhaps biodiversity roles that both English Nature and the Department should have their eye on?

**Mr Clements:** If I may take that answer first, Chairman. Thank you, by the way, for inviting us to give our views and answer your questions today. It is an issue worth considering without a doubt and it is an issue on which we in English Nature, and I am sure Defra, are vigilant to already. In thinking about the benefits of the PSA target for SSSIs I would identify as perhaps the only disbenefit of having the target is the fact that it focuses attention so well for the first time on achieving a remarkable benefit for nature conservation in terms of putting the best wildlife sites in the country into favourable condition. It focuses energy so well on that that what we must not do is forget that an organisation such as

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English Nature has very broad responsibilities for delivering a variety of benefits for nature conservation, for advising government quite widely about matters for or affecting nature conservation, for encouraging the public to understand more about nature conservation and why important sites for wildlife for example are valuable to people, the eco system services they provide. So I think that as far as our organisation is concerned it is something of which we are aware. I believe the benefits of the PSA target far outweigh any disbenefits such as that that I have been speaking of in answering your question. We do need to be aware however that our organisation is not an SSSI ghetto, if I can put it like that. We do an awful lot more in the wider countryside and with people, maybe not in the countryside, urban nature conservation for example would be another good example of the breadth. We need to be aware of all of those things.

**Q116 Chairman:** And I take it you are saying that the work on SSSIs and on meeting the targets informs and affects other biodiversity work you are engaged in?

**Mr Clements:** Yes it does. The other thing that is important about designated sites, of which SSSIs are one aspect, is that in nature conservation we no longer want to think of those of isolated islands of some good biodiversity. It is very important that the wider countryside as well has a level of value to the environment which is able to support the rare and special which you may need a network of sites specifically for, but the two things are integrated. Our own programme of designated sites work is very clearly linked in within our organisation with our policy role of advising government about the wider policies affecting the countryside and the sea, for example, and also biodiversity in the wider environment.

**Mr Tew:** It is a difficult opening question for two people who are obsessed with the condition of SSSIs, I am afraid, every waking moment! The other thing about SSSIs is they are the jewels in the crown, they are the flagship for nature conservation and they are very good indicators of England's ability to have sustainable development, so the fact we now know so much about them and can measure their condition and give accurate updates on their progress means that they serve as very good indicators of sustainable development.

**Q117 Chairman:** Do you think they ought to continue to have that important place in the kind of new role that, for instance, Lord Haskins's recommendations are suggesting for English Nature?

**Mr Clements:** Yes, we think they will continue to have a very important role. If the integrated agency comes about, as was originally recommended by Lord Haskins, then the role of designated sites will be as important if not more important than it is now. We are already developing strong programmes about the CRoW access to the countryside and actually SSSIs provide a highly disproportionate resource. The SSSIs only cover

seven and a half per cent of England's land area but they provide 55% of CRoW access land crossing so they are disproportionately important. That is a very good example. For people who just want to experience England's wonderful countryside for over half the time they are going to be experiencing it in our most important wildlife sites.

**Mr Tew:** We tend to speak a lot about condition of sites but also in our NNRs we are putting a lot of effort into making them open to the public, getting people to visit them, getting good visitor facilities, educating people, exciting people and we promote them via our web site so there is a lot of time and effort going into the wider role of the science. It is not just a dry scientific exercise about whether they are in good condition or not.

**Q118 Chairman:** What about some of these controversies that our last witnesses referred to, particularly about the implementation of the CRoW Act, do you have any comment on that?

**Mr Clements:** Once again we are optimistic about the inception of CRoW access rights and their use and we have done quite a lot of work in preparation for that, alongside the Countryside Agency's lead in terms of mapping the access routes, and we have got a good handle on those sites, where we expect if there are any conflicts between the needs of visitors in access terms and features of interest, that on the whole those concerns can be managed and access can be managed in a wildlife-friendly way. I think Alun Michael, the Minister, was very struck when he visited Ingleborough National Nature Reserve with us about the way in which natural access patterns of people visiting these sites tend to stick to paths that are already there and that kind of thing. In that way quite a soft touch can manage those access issues and we believe restricting access will be a tiny part of the issue. We are confident not to miss out and have a reduction of access.

**Q119 Joan Ruddock:** I want to look at the condition assessments. Again you will have heard evidence from country landowners and we have received evidence from Water UK so some of my comments are based on what they have said. Clearly there are disagreements. I would firstly like to ask you how did you assess the condition of sites and the causes of unfavourable condition.

**Mr Tew:** I agree absolutely with the CLBA that it is a tiny minority of disagreements that get all the bad press. Let's be clear at the start, 99% of the time we have complete agreement. We have had a major exercise with people like the RSPB who initially said, "This is a very difficult science, it is all subjective and we will never be able to agree on this", but when push came to shove we found we were discussing three or four units across the entire country. To answer your question directly, it is not, as we heard from CLBA, an entirely subjective business. There is a great deal of science behind this and we follow common standards which are UK wide and which the CCW and the SNH have agreed to. We set national prescriptions based on

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a series of attributes to do with a particular habitat. For example, for a piece of heather there would be a series of attributes to do with how high it was, how much bare ground there was, how old it was and so on which means that when our individual conservation officers go out on the ground they can almost literally tick the boxes and come to a uniform and consistent view on the condition of that heather. Consistency for us is very important because it is not fair that the owners and managers of the land are left in uncertainty as to what we mean by favourable condition, nor is it fair that they would be treated differently if they were living in different parts of the country or indeed if they got a different answer from a different conservation officer who turned up the next time, so consistency is key for us and we do not have consistency by applying different standards. However, not all heather across all of the country will be identical and there is indeed room for recognition of local diversity. Not all rivers for instance will be the same even if they are called chalk rivers. So to answer your question there is a national framework which we are applying robustly and there is some local autonomy given to the conservation officer. We are keen to stress that we are very confident about the robustness of the science.

**Q120 Joan Ruddock:** With regard to Water UK do you have any explanation of how they feel that in their sector things have not been quite as good as you have just suggested and that they have not felt quite the confidence that you have in the assessments that have been made and how they have been made?

**Mr Tew:** Could you point me to the specific question?

**Q121 Joan Ruddock:** I think they actually had the experience of a site not having been visited as far as they knew and then assessed without a visit, which they thought was inappropriate. They said: "We do not believe that English Nature was adequately resourced to carry out this task and certainly for our sector we feel that there has not been enough interactive dialogue with the companies as the assessment was made."

**Mr Clements:** I am very happy to take that question. To some extent we would agree with that point of view. With respect to freshwater sites where the scientific evidence is very detailed about water quality, we do accept that the science of understanding in terms of the condition of sites and how water quality affects particular animals and plants that occur in freshwater sites is quite a young science and therefore we are willing and we do work with the water industry to identify a set of measures that are agreed. It is one of the good examples where despite the fact that generally we are very robust about the science behind this, it is very important to take on board the feelings of the sectors with their own specialists about whether or not we have got the condition assessment absolutely right. The freshwater story is the one story which I would pick where we need to do some

more work and that is what we are doing with that sector very openly and looking for agreement with them about that common set of attributes and the way in which the biological attributes relate to their quality in terms of water and chemistry of the water. Having said that, it was notable, for example, when we launched our site condition report in December that one of the speakers on the platform was from Yorkshire Water, the Chair of Yorkshire Water, who was very happy to put his hand up and say, "When the original data about the condition of our SSSI series came out, we were performing so badly that we thought that must be the fault of English Nature in the past, but now we put our hand firmly in the air to say, no, we got it wrong and English Nature were right", and we are working with them to set things right.

**Q122 Joan Ruddock:** Do I detect the fact that you have less confidence in the robustness of these assessments in the particular area of freshwater? Is it fair to say that that is the case or there is some uncertainty still remaining?

**Mr Clements:** I do not think I am saying that we are less confident. I am saying that we are confident across the piece about the data that we have, but where people raise concerns, we are willing to sit down and talk to them about those concerns. In particular, concerns in the freshwater sector require our close attention because, as I say, things are quite young in the science and there is not a huge body of people out there who are able to go out and do those assessments very easily as there are in some other areas of pure nature conservation, the quality of chalk grassland, the quality of a heather moorland, whatever that is, so there is room for sitting down and discussing concerns and coming to an agreement.

**Mr Tew:** We did discuss those with the Environment Agency at some length. We understand that this is an important issue because of course condition of sites has serious implications for measures that water companies need to take to clean up SSSIs under both the Asset Management Programme and, looking forward, the Water Framework Directive, so we understand the sensitivity behind needing to get this correct.

**Mr Clements:** The last thing I would add is that there are two levels to this. I think there are individual cases where an assessment may be wrong or an assessment is quite old and we are getting round to carrying it out again and we can sit down and talk with individual owners about that, but there is a national policy level where we believe things are broadly correct. As my colleague says, when we talk about the effect on the asset management programme and putting things right through that route, we feel as though we are in a robust and scientifically healthy place for enabling that to happen.

**Q123 Joan Ruddock:** Finally, you said that there was not a huge body of people who go out and make these assessments. Is it because they do not exist in terms of qualifications and, as you say, it

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is a rather new science or do you lack resources? Could you have recruited more people? Do you need more resources or do you actually have enough resources for the task that you have undertaken?

**Mr Clements:** I think it was the RSPB who said that they have never heard English Nature say that they have got all the resources they need. I do not think anyone has heard us say that. It is very clear for our staff that the achievement of this target by the year 2010 is very challenging, but achievable. We are clear about that, but only on the basis of the required amount of resources being put into the picture, whatever that picture is, some of it being resources to English Nature. I do not want to sit here and say that we are where we want to be in the freshwater set-up because we do not have the resources. I would rather talk about that being a young area of science and that we are working together with the sector, with the scientists, with the Environment Agency to ensure that we have the right body of people doing the right work to assess condition.

**Mr Tew:** To complete that condition assessment programme, the six-year programme which we finished last year, was extremely difficult and we had to crack the whip on some of our area teams who were very, very stretched, but we set ourselves a target and we achieved it with the resources we had. We would have bitten your hand off if you had offered us more conservation officers, but in the end we did it with the resources that we had.

**Q124 Diana Organ:** Quite rightly you have answered that you never do have enough resources, but of course there is a bit of a problem at the moment. Do you think that the Government agreed with your assessment of what you needed in grant-in-aid to meet the targets that they had set?

**Mr Clements:** Yes, I believe they did agree with us initially. My understanding of the situation with regard to grant-in-aid in the current year is that the Department itself faced a very difficult financial round and in those circumstances many of the Department's delivery bodies had their expectations reduced in terms of the amount of money available. What we believe the Department did for English Nature, and I do believe this is partly driven by having a PSA target like the SSSI target which is potentially achievable and everybody can understand where we are on that, because of that, the Department was able to protect as much as it could of the grant-in-aid to English Nature, so whilst others may have had a cut, we did in fact have an increase, but it simply was not as large as we were expecting and, therefore, we have amended the target for the coming year as a result of that.

**Q125 Diana Organ:** Well, I wanted to come to that. Obviously if your grant-in-aid is not quite what you thought you were going to get, what is not going to be done which you might have been doing because you have got less money? How much is this going to affect the condition of SSSIs and how

much are you going to be able to meet the targets that are set for 2005–06 and so on after that? Are you going to have to adjust the percentages that are going to be in a good condition or are you going to meet it if you just make your money stretch a bit further?

**Mr Clements:** The first thing is about the SSSI target for the current year. Our initial advice on receiving the knowledge of our grant-in-aid was that we would reduce the target by a couple of per cent, so there was a direct hit, if you like, on the SSSI target figure by having less money than we expected. What we have done subsequently is work very positively and well with Defra to recognise that whilst English Nature has less money itself to spend on direct land management solutions to deliver sites into favourable condition, and by that I mean we have got less cash to give to owners and occupiers of the land to have an agreement to make that land favourable, we can do two things. We can, first of all, ask our staff to work harder on spending other people's money or other money from other pots on delivering favourable condition, but also, working with government, we can look at policy solutions which can also deliver favourable condition without there being a direct cash incentive involved. One of the examples of that which could come on stream this year if everything works well is that a large part of The Wash is currently unfavourable as a result of inshore shell-fishing. Now, if we can fix that issue, and we are working well with the Eastern Sea Fisheries Committee to do that, then that will deliver another 1% or getting on towards 2%. There may be a further round of things we can do at a policy or legislative level to deliver a percentage of SSSIs into favourable condition this year, so our mantra now, if you like, is that we will maintain what it said in our Corporate Plan, 67% for the end of 04–05, and that is dependent in part on our own delivery through direct land management and in part through working with government on policy and legislative fixes too.

**Q126 Diana Organ:** Having said that then, that the grant-in-aid is not quite what you expected, so you have looked at policy, you have looked at funding from other sources, you have looked at other ways of working with what you do there and you can still meet the targets that you wanted to keep, does that not then beg the question that in future years government might come back to you and say, "Well, actually you managed on less than what we agreed", because you said at the beginning that government did agree with your assessment of grant-in-aid? Does it not just encourage government to pare a little bit more again and then when you have met the target, which is what we are interested in, getting up to condition of SSSIs, you did it on less money because you imaginatively worked with others? Are you not fearful that that might be opening the door to less grant-in-aid in future years?



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**Mr Clements:** Yes, it is a risk without a doubt and it is a risk we have to take seriously, but what we must not forget in this discussion about the target is that it is not English Nature's target, but it is the Government's target to deliver.

**Q127 Diana Organ:** Except that they are asking you to be the agency that is overseeing the delivery of that target.

**Mr Clements:** Well, they are asking us to do our bit, which is how we approach that. In the last 18 months or so Defra themselves have come forward with a very helpful delivery plan about how to deliver the target in its entirety. There are two bits of infrastructure that help in that. There is the major landowners' group and you have heard from the RSPB and others, the National Trust have given evidence, and there is a higher-level delivery group which is how Defra encourage what the rest of government could do right across government to help deliver this target. These things are quite new, so to my mind for the current year it is not surprising that we have been able to finesse with the Department a way of achieving the target as set out in our Corporate Plan, but it does not necessarily make it any easier for future years. We just have to be aware and we have to inform our decisions very clearly about what parts of the target can be achieved by English Nature's cash, what parts can be achieved by direct land management cash in any event, whoever's money it is, and what parts of the target require legislative or policy changes.

**Mr Tew:** If I might be a bit more parochial, there are also this year two mitigating factors. One is that we have actually exceeded delivery of the target in the year just gone, so we already have an extra one percent in the bag, and the other is that we are able to use the national sheep envelope money which is able to give active support to farmers to reduce over-grazing, money that we might otherwise have had to find out of our core funding. So we hope next years target has survived by the skin of our teeth and I am sure it will not be seen by most people as a long-term management of the target.

**Q128 Chairman:** Just while we are on this issue of funding, you do say in your evidence that agri-environment schemes are obviously very important in meeting the target and that a proportion of that agri-environment funding is spent on SSSIs' needs to be maintained at at least 20% of the total agri-environment spend. The NFU have obviously got views about that. How do you justify 20% of the total agri-environment budget being spent on SSSIs?

**Mr Tew:** It is about public goods delivering public services and 20% is roughly the current level. We would hope that SSSI funding would not get left behind with an increase in agri-environment funding. That is the rationale there. Agri-environment funding, particularly the high-level schemes that we have been discussing already, clearly have a key role to play, possibly the single most important role, and we now have a farming community and land-owning community who are

in the most part delighted to work with government to help deliver environmental benefit and they are very willing partners, the great majority of farmers. What we hope government can provide are schemes that can deliver favourable condition, that the correct options are there for farmers, at rates which are attractive to farmers, and at a level that is accessible to farmers, with enough staff to be able to engage with farmers who wish to negotiate. If we get those things right, then we are optimistic that the farming community will react very positively.

**Q129 Chairman:** You did hear Mr Hudson and Mr Hedley saying a bit earlier this afternoon that there were fairly frequently problems in that relationship, but also between them and English Nature. They talked, for instance, about regular changes of personnel affecting the reactions of their members to what they are asked to do. They also, although they did not go into detail, talked about situations where it would be necessary for a different member of English Nature's staff to get involved here because perhaps an abrasive relationship had developed. Do you feel that that is a problem? You have talked about the good relationship, so do you feel they were exaggerating the kind of situations which can arise or is this something that English Nature has confronted and is dealing with?

**Mr Tew:** We welcome the preface that once again acknowledged it was the minority of difficult cases which drew attention. Over 40% of our sites had had the same conservation officer for the last six years and over 75% have had just two conservation officers over the last six years, so staff turnover is not really a huge issue. We put a lot of effort these days, perhaps not before time, into training our conservation officers to understand the stakeholders, the partners they are working with. In the last year we have sent all of our conservation officers on training courses into understanding customer needs and influencing and negotiating skills. We do take it very seriously and I would not wish to underplay the difficult relationships because when you do get a difficult relationship, first of all, it sucks up lots of everyone's time and, secondly, our role as a firm, but fair regulator is not to get on the wrong side of the people who own and manage the land. The management of the SSSIs is entirely within their gift and we hope we will encourage and support them financially. The last thing we want to do is have a bad relationship with them, so we go to great lengths to avoid that.

**Mr Clements:** I would add to that that there are 32,000 relationships with owner/occupiers of SSSIs that we manage and I believe that it is a healthy organisation that if there are problems with some of those relationships, it looks at ways of how to resolve those which may involve coming up the line, it may involve different members of staff at different times looking at it just so that we can sit round the table with some of those relationships because that is ultimately what will achieve favourable condition for the sites. As my colleague said, it is very important to us that those

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relationships with owner/occupiers are predominantly positive, healthy and deliver what we want on the ground.

**Mr Tew:** Last year we sent out to 4,000 different owner/occupiers a package detailing our views about the management of the sites which covered 1,000 SSSIs. We had just ten representations back out of 4,000, and we agreed with six of those.

**Chairman:** We are heartened by that.

**Q130 Joan Ruddock:** Perhaps it makes the next set of questions redundant about management schemes and the greater powers that you will have. I wonder if you could tell us a bit about your strategy for using your greater monitoring and enforcement powers.

**Mr Clements:** Yes, we are happy to talk about that. We have noted references to whether or not we have an enforcement policy statement and we certainly do. I think it has been made clear by the RSPB, and we would agree with that, that predominantly the set of relationships we have with owner/occupiers are about encouraging positive management. It is also important though to understand that the Countryside and Rights of Way Act has given us very strong legislation to back up the protection of our most important wildlife sites and since the inception of CRoW, we have reissued to all of our staff guidance on how to use the variety of mechanisms available to achieve the required protection of sites. Since CRoW, we have had, I think, six successful prosecutions of which three have been in the last year, so there is a little bit of evidence that we are using the stick. It would be for others to decide perhaps whether that was proportionate or not, but this is a growing issue partly because CRoW is still quite young and we are putting in place the mechanisms which it enables us to use, we hope, in a proportionate way. In terms of that enforcement strategy being available to the outside world for them to understand, that is something we have been working very hard on over the last few months. It was quite recently that we re-issued to our staff the complete enforcement guidelines about what all of the mechanisms are and how we expect them to be used. We have very strict controls within the organisation about the use of enforcement powers, as you would expect a responsible public body to have. All of the prosecutions, for example, are signed off at my level in the organisation. My colleague will sign off some of the other enforcement powers that are not as stringent perhaps as a prosecution. We aim to publish our enforcement policy statement within a few weeks and we have got very late drafts in front of us here but we are very happy to send those to the committee as an annex to the evidence today.

**Q131 Joan Ruddock:** What about imposed management? How common do you expect imposed management to become?

**Mr Tew:** We expect it to be very rare. We have gone to the edge of imposing four management schemes. One case is ongoing. Two were solved

when the landowner saw the light and agreed to manage the land in an appropriate way, and there was one where the landowner sold his land to the Wildlife Trust so that it could be managed appropriately. We fully accept the Defra code of guidance instructing English Nature that management notices should be a last resort because the principle is good relationship. We are very proud of the fact that we have very few prosecutions and no management notices. We do not see that as a failure to prosecute the law. We see that as a successful, positive partnership.

**Mr Clements:** We also agree with others who have said that the Countryside and Rights of Way Act in this sense is a deterrent. It has helped the negotiating platform, if you like. People are more understanding of the fact that there are strong back-up powers and ironically that makes them less often used perhaps because we have got a better negotiating stance.

**Q132 Joan Ruddock:** How do you evaluate your other roles, such as advice-giving, the regulatory measures you have and incentives? Those are the other ways clearly in which you are dealing with the difficulties. Do you choose between them? Are they all valuable equally?

**Mr Clements:** They are all valuable without a doubt but we do see the harder end of enforcement of the legislation as a last resort, in that sense, if they are ranked in any way. It would not be right to say that if we get to that stage we think we have failed because ultimately it is an important piece of legislation and it is there to be used but we hope that in the vast majority of cases, and this is borne out by experience, we are able to get the right management on SSSIs with the positive mechanisms available to us much more so than with any negative mechanisms.

**Mr Tew:** If we rank them in terms of the effect they have on the PSA target, which is an area measure and therefore crude, the active support via financial incentive would be the best way of achieving the majority of the target. There is then a chunk of ten or 15% that really need policy changes as well as active support and lastly the enforcement action really deals only with a very small percentage, a small number of individuals affecting a small area of the estate.

**Q133 Joan Ruddock:** Finally, can I ask you about complex sites where you have got multiple ownership? The RSPB have suggested that in those sorts of cases it would be useful to initiate management schemes. Do you agree with that view or not?

**Mr Tew:** We think there is some misunderstanding over a management scheme and a management plan but there should certainly be management planning for those complex sites. Management schemes may well be appropriate. What we do not want to do is see it as a precursor towards legislative action enforcement, but certainly there

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will be a case where a good management plan that has everyone signing in is what is required and very often that is the most difficult thing to achieve.

**Q134 Joan Ruddock:** But you would be the initiators of that?

**Mr Tew:** Yes.

**Q135 Paddy Tipping:** Can we talk about policy reform? You said in your written evidence, and you have reinforced that today, that it is not just agri-environment schemes or good land management policies on public land that are going to achieve the PSA targets. Policy changes can make a difference. Can you spell out for us what policy changes you would like to see?

**Mr Clements:** One of the policy changes I would like to see is the way in which the code and the regulations are used as a tool to enable the right management of moorlands which are burnt. Another area of policy change to look at is coastal management where there is considerable cultural resistance, and that is entirely understandable, for resolving the issues of coastal squeeze where important inter-tidal habitats are squeezed up against a hard coastal defence and the need is to set the coastal defences back and enable the natural development of those habitats. The policy changes there are about the delivery of funds to enable that kind of habitat replacement or managed realignment where currently funds are used to maintain sea walls which perhaps are not doing the function that they were originally set there to do. They may be protecting low grade agricultural land. Coastal management and the way in which regulations are used as tools for burning would be two of mine.

**Mr Tew:** Commons legislation that allows good management of sites because there are difficult issues over some technical aspects of commons management would be one of mine. Policy initiatives that support good woodland management would be another. I am Regional Director in the south east and most of our SSSI woodlands are struggling because they are no longer economically viable, for example, the coppicing industry, the wood fuel industry. It is very difficult to solve those on a site by site basis and it is not really appropriate for English Nature or anyone else to throw money at the woodland manager indefinitely. We need some macro-economic policies that allow the proper management of those woodlands. Proper implementation of water level management plans would be a significant step forward. That affects over a hundred SSSIs. A way of tackling diffuse water pollution from agriculture is a huge challenge. I am skimming through these. How many do you want? These are huge and complex policy issues on their own, each and every one of them.

**Q136 Paddy Tipping:** We will come back to moorland burning in a minute. Let us stick with two of the examples which you gave us: one on

coastal habitats and the other on woodlands. You know that there is a need for policy change there. You are the people on the ground. You are talking to the land management people. You want some policy change. What are the channels open to English Nature to bring about that policy change?

**Mr Clements:** On the coasts, first of all we have a wide set of partners working for this. This is not just about English Nature's view and English Nature getting its view heard in the right places. We have got a broad spectrum of authorities and organisations who are able to influence this area. Within Defra the Flood Management Division is very switched on to the issues and there are still areas for discussion about how best to achieve what we want. The Environment Agency are key players in the delivery of some of those solutions and it is about influencing the way in which the Environment Agency spends its money. More tricky is to influence the culture. I said "culture" at the beginning very purposefully about coasts. I am sure all of us can understand that when we are talking about the sea invading the land then people's livelihoods and people's feelings are very important in that issue. I think there is a lot of pent-up cultural feeling in the way our structures and our institutions work around coastal flood defence. There is a big piece of work to be done in raising the awareness and understanding of those groups and communities and within those I would include the regional flood defence committees as very important to shift the feeling about what needs to be done and why, and what is the effective use of public money and what is effective in terms of coastal protection. Let us not misunderstand. English Nature are not saying we do not need coastal protection but, for example, the coastal realignment that the Minister opened a couple of years ago in Freiston in Lincolnshire demonstrated quite clearly that the things we are talking about are not only good for biodiversity but it is also technically superior coastal management and it is cost effective. It costs much less if you set it back and enable the natural processes to take energy out of the sea. That is a wide range of channels I believe we need to use to be able to fix that.

**Q137 Paddy Tipping:** Woodlands?

**Mr Tew:** We have extremely good ministerial leadership at a national level. For the woodlands, however, it is probably more appropriate to do it at a regional level. There has just been launched a regional forestry strategy for the south east and the key players there are SEEDA and SEERA and GOSE because there must be regional solutions, local power stations, local fuel networks, sustainable housing development that uses local fuel as well as a local market for coppicing, for instance. We have been working with the Forestry Commission and others looking at economic incentives for good woodland management but it is, of course, a long road.

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**Q138 Paddy Tipping:** We mentioned moorland burning. Let me put it in polite terms. You are having a bit of a spat with the Moorland Association because your view is that after over-grazing moorland burning is damaging, and the Secretary of the Moorland Association says you cannot justify that. Tell me about the discussion that is going on with the Moorland Association.

**Mr Clements:** First of all, it is a wider discussion than just with the Moorland Association.

**Q139 Paddy Tipping:** Let us stick with the Moorland Association because I know them well.

**Mr Clements:** The way I would characterise the issue of burning in the uplands, the favourable condition of SSSIs and the Moorland Association is that the starting point is two very different views about what is good management practice in the uplands. The Moorland Association would say that they know about upland moorland management because they have been doing it for a very long time. We would have to agree with that; they certainly do know about upland moorland management, but what English Nature would say is that they know about upland moorland management for managing grouse moors and we as a specialist nature conservation body know about upland moorland management in terms of the best thing for biodiversity and nature conservation. Those two things are not the same, so there will be areas of that discussion where we will continue to disagree but we do not believe that it is the right thing to say, for example, that English Nature are against burning and the Moorland Association are for burning. It is much more complex than that. We, for example, do not want blanket bog on the whole burnt in the way it is burnt now. We would like perhaps 10% of the best habitats for wildlife in the uplands not to be burnt at all. We would like other areas to have much longer burning rotations than they currently have. We believe the route to solving this is to find areas where we can agree with the Moorland Association and have the right mechanisms in place which support that and a code of moorland burning best practice, which is

modern, fit for purpose and has buy-in from most stakeholders and buy-in from us in terms of what we need for biodiversity. That would be a great start.

**Q140 Paddy Tipping:** And you think that if you have got that you can make environmental savings of between three and four million pounds?

**Mr Clements:** The figures in our evidence demonstrate that, if you get the right regulation base, even at a conservative estimate (and we are somewhere in the middle of that spectrum of no effective regulation to the most perfect regulation) we would end up with three or four million pounds' savings.

**Q141 Paddy Tipping:** But how are you going to take that forward with the Moorland Association?

**Mr Clements:** We will continue to do as we are doing now. I do not believe it is the right thing either to characterise our relationship with the Moorland Association as a wholly adversarial one.

**Q142 Paddy Tipping:** I did not say that. I said it was a spat.

**Mr Clements:** I did not mean to suggest that you said that. Others might. A spat is what it is and what you do with a spat is sit down and talk around it and sort things out and I do believe that is what is happening with the Moorland Association. I would say that English Nature is recognising as well that we have not always done things in the best way possible as far as moorland owners are concerned in the past and we are being very careful to review, for example, our own consenting mechanisms, the fact that when owners want to burn sites they have to ask us about that and we consent that. We are reviewing that as our side of the bargain about doing something positive towards achieving a better relationship with owners.

**Paddy Tipping:** That is very helpful.

**Chairman:** Gentlemen, thank you very much for answering our questions this afternoon. You have already offered us some additional information which we have gratefully received and if there is anything else which on reflection you wish you had said then please do write to us and we will look at that with interest as well. Thank you very much.

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### Memorandum submitted by the Department for Environment, Food and Rural Affairs (N19)

#### BACKGROUND

1. Sites of Special Scientific Interest (SSSIs) help to conserve and protect the best of England's wildlife, geological and physiographical heritage for the benefit of present and future generations. The series of sites is, as a whole, intended to encompass the full range of the country's natural and semi-natural habitats.

2. Protected nature conservation sites were first introduced under the National Parks and Access to the Countryside Act 1949. The main statutory framework for SSSIs as we know them today is contained in section 28 of the Wildlife and Countryside Act 1981. The protection afforded these sites was substantially strengthened with new provisions for the 1981 Act introduced by section 75 of and schedule 9 to the Countryside and Rights of Way Act 2000 (the CRoW Act). Although the original legislation applied to England, Scotland and Wales, such matters are now devolved and the amendments under the CRoW Act apply to England and Wales only. Defra's responsibilities, and its PSA target, apply only to England.

3. English Nature is required to notify land which in its opinion is of special interest for its fauna or flora, or for its geological or physiographical features. In determining its opinion, English Nature follows Guidelines published, and revised and amplified, by the Joint Nature Conservation Committee (JNCC) since 1989. It then notifies owners, occupiers and others with an interest, with a description of the features of special interest, a list of operations likely to damage the site, and its views as to how the land needs to be managed. The notification is confirmed nine months later, subject to consideration by English Nature's Council of any representations which have not, by then, been resolved.

4. There are now 4,113 SSSIs in England, covering 1,055,000 hectares, or 7% of the total area of land, and representing each of the 20 broad habitat types identified for the purpose by English Nature.

*SSSIs in the biodiversity context:*

5. The Government's overall nature conservation objectives are set out in the England Biodiversity Strategy—*Working with the grain of nature (2002)*.<sup>24</sup> The Government acknowledges that protection of special sites alone will not be sufficient to ensure the conservation of biodiversity. The Strategy sets out the Government's aim of "ensuring that special sites sit within a 'wildlife-friendly' landscape that reduces fragmentation of habitats, helps species populations to disperse and regenerate and supports wide ranging species in healthy ecosystems". Securing healthy habitats and species populations within special sites is an essential component of delivering the objectives of the Strategy.

*The Public Service Agreement (PSA) target:*

6. Defra's PSA target for SSSIs was originally set in 2000, and now appears as part of Target 3, as follows: "Care for our natural heritage, make the countryside attractive and enjoyable for all, and preserve biological diversity . . . bringing into favourable condition by 2010, 95% of all nationally important wildlife sites; . . ." The EU has agreed to work to halt biodiversity loss, with the aim to meet this objective by 2010. The PSA target helps in pursuing this objective, as well as implementing our obligations under the Ramsar Convention. It will also help to implement the Birds and Habitats Directives, as terrestrial Natura 2000 sites are all SSSIs. The condition of SSSIs is also an indicator in the England Biodiversity Strategy, the Sustainable Development Strategies of Defra and of the Government (the "UK Quality of Life Indicators"), and the Sustainable Food and Farming Strategy. Other members of the Defra family, such as English Nature, the Environment Agency, and Forestry Commission have also used the condition of SSSIs in setting targets of their own.

7. The key aspects of Defra's PSA target are defined as follows:

- (a) "Favourable condition" means that the features for which a site is notified are in satisfactory condition; or are recovering, with the necessary management measures in place, such that English Nature predicts, using expert judgment, that the land will reach favourable condition over time.
- (b) The condition of sites is assessed through Common Standards Monitoring (CSM), a system agreed by the statutory nature conservation bodies of England, Wales, Scotland and Northern Ireland, and ratified by the JNCC. This involves an assessment of the condition of each of the features for which the site has been notified. Achievement of the target condition encompasses the following JNCC Common Standards conditions: "Favourable maintained", "Favourable recovered," and "Unfavourable recovering".
- (c) 95% means 95% of the total area of SSSI land in England, including land covered by water. This could be said to give undue emphasis to large-scale open habitats such as moorland, as opposed, for example, to linear habitats such as cliffs or rivers. However, English Nature aims to achieve the 95% figure for each of the broad habitat types. Defra supports this approach, considering that each of these habitat types is equally important, and believes that the 95% target is sufficiently strict to require best efforts in relation to all SSSIs, in order for the target figure to be met. The 4,113 sites are broken down into some 22,000 site units, by habitat type and by ownership. The area and condition of each unit contributes independently to the calculation of the amount of land which is meeting the target.
- (d) The condition of SSSIs is assessed by English Nature on a rolling six year programme. Sites more vulnerable to adverse impacts or not on target are visited more frequently than others. Condition assessment information is collated by English Nature using the English Nature Site Information System (ENSIS). The figures reported are based on the latest assessment made of each unit.

<sup>24</sup> Defra, UK—Wildlife and Countryside—Working with the Grain of Nature.

*Progress to date and reasons for unfavourable condition:*

8. English Nature completed the first six year condition assessment programme in March 2003. The full results were published in December 2003 in a report entitled “England’s best wildlife and geological sites. The condition of Sites of Special Scientific Interest in England in 2003”.<sup>25</sup>

9. This report provides the first full assessment of the condition of all SSSIs in England and the factors affecting them. It confirms that the baseline for the proportion of SSSI land on target, established in March 2003, was 56.9% of the total area, but that by the time of the report’s publication the figure stood at 58.3%. The later figure comprised 44.6% “favourable”, and 13.7% in “unfavourable recovering” condition. The overall figure for land meeting the target has now risen to above 60%, and is expected to reach English Nature’s Corporate Target figure of 62% by the end of March 2004.

10. The condition report also ranked 37 causes of unfavourable condition. Most of the sites which are not in “favourable” or “unfavourable recovering” condition are affected by just one or two of these factors, while others are affected by several. The top ten factors, shown below in descending order of area impacted, each affected more than 5% of the SSSI area:

- (a) overgrazing;
- (b) moor burning;
- (c) drainage;
- (d) lack of appropriate scrub control;
- (e) forestry and woodland management;
- (f) lack of appropriate ditch management;
- (g) undergrazing;
- (h) air pollution;
- (i) sea fisheries issues; and
- (j) coastal squeeze.

11. Many of the 37 factors are interlinked and many relate to the agriculture sector. Some are more suitable for remedy in conjunction with individual landowners or managers, while others will require action at government policy level. Some factors are susceptible to influence by both. Very few sites are subject to malicious damage. For most sites, management of the land in the interests of the features for which they were notified is required, in order to achieve favourable status.

*Delivery Planning*

12. Defra’s planning for delivery of the PSA target includes five key strands of activity. These are:

- (a) Administration and enforcement of the law protecting SSSIs from damage or neglect.
- (b) A further legal obligation on public bodies and statutory undertakers to further the conservation and enhancement of SSSIs in the exercise of their functions.
- (c) Influencing a range of public policies with a view to making their impact on the condition of SSSIs more positive.
- (d) Use where appropriate of a range of funding avenues not solely dedicated to SSSI condition, including the agri-environment schemes administered by Defra’s Rural Development Service.
- (e) Grants made by English Nature to private landowners, mostly farmers, as payment for the appropriate use and positive management of SSSI land.

*Legal Protection*

13. As set out above, the notification of an SSSI includes a list of those activities which would be likely to damage the site’s features of interest. The landowner has to obtain a consent from English Nature before undertaking any of those activities. Consent can be given, withheld, or made subject to conditions. In most cases, consent is granted, and potential difficulties are resolved in discussion between the landowner and English Nature. However, a fine of up to £20,000 in a Magistrates Court (or unlimited on conviction on indictment) can be imposed for going ahead without having obtained the consent. A similar fine can be levied on anyone recklessly or intentionally causing damage. English Nature may also make byelaws for the protection of an SSSI.

14. The consent regime is reinforced by the planning system. An application for planning permission can take the place of an appeal to the Secretary of State against the refusal of a consent, or even take the place of applying for the consent in the first place. However, English Nature is a statutory consultee in both instances, and can ask for cases to be called in if permission is granted against its advice.

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<sup>25</sup> <http://www.english-nature.org.uk/pubs/publication/PDF/SSSICondfulldoc.pdf>.

15. For the purposes of ensuring that a landowner or occupier carries out positive management of a site, English Nature also has the power to impose a management scheme, and to serve management notices requiring compliance with the scheme. This can only happen after the offer of a management agreement (on reasonable terms of re-imbursement). This provision is therefore expected to be more effective as an incentive to reach agreement, than through the actual imposition of management schemes.

#### *Public Bodies*

16. Under the revised Act, public bodies and statutory undertakers are required to further the conservation and enhancement of SSSIs, in exercising their statutory functions. This applies to decision and policy making functions which have an impact on SSSIs. However, it also applies to public bodies in their capacity as SSSI landholders. The largest SSSI landholders come into this category.

17. Defra has established a Major Landowners' Group of public and voluntary bodies, on which all bodies owning or controlling more than 10,000 hectares of SSSI land are represented, together with Defra, English Nature, and the Environment Agency. The membership of the Group comprises:

- (a) Defence Estates;
- (b) Forestry Commission/Forest Enterprise;
- (c) Local Government Association;
- (d) The National Trust;
- (e) The Crown Estate;
- (f) The Wildlife Trusts;
- (g) The Royal Society for the Protection of Birds;
- (h) The Association of National Park Authorities;
- (i) Water UK;
- (j) Associated British Ports;
- (k) The Environment Agency;
- (l) English Nature;
- (m) Defra.

18. The Major Landowners' Group has been established as a forum for discussion of issues of mutual interest amongst the bodies represented, and particularly with Defra and English Nature. It also enables each landowner to check its own data and assessments of what needs to be done on its land with those of English Nature, and to establish who is responsible for these activities. This in turn helps to inform Defra as to changes which are needed, beyond the control and responsibility of landowners. Meanwhile, Government Departments have, within the Sustainable Development in Government framework, agreed to reach the target on SSSIs within their own estates.

19. In 2003, Defra produced a "Code of Guidance on SSSIs: Encouraging Positive Partnerships", which sets out in detail the legal position in respect of SSSIs, including the duties of landowners, public bodies and statutory undertakers.

#### *Public Policy*

20. Many of the unfavourable impacts on SSSIs can best be resolved on a site by site basis. However, some can better be tackled, or at least alleviated, by ensuring that a range of public policies acts in ways which support favourable SSSIs condition. The prime case is in agriculture, where the production support regimes which have characterised the CAP are being replaced by single income payments, backed up by schemes that pay for environmental land management. This represents a major policy shift, taken on a combination of grounds, of which biodiversity is only one, and SSSIs only one element of that. As an example, the new approach is expected to remove much of the incentive to maximise stocking levels which has contributed to overgrazing of the uplands. And Defra has recently consulted on measures<sup>26</sup> to improve the agricultural management of common land. One-fifth of the SSSI area is common land, of which only 37% is assessed to be on target. These measures will enable statutory commons associations to take responsibility for the effective, sustainable, management of common land.

21. It is particularly important to consider the public policy route for problems which cannot readily be resolved on a site by site basis. For instance, while diffuse water pollution from agriculture does not appear in the top ten reasons for unfavourable condition listed in paragraph 10 above, its impact is heightened by the fact that it cannot generally be sorted out locally as part of an agreement between the landowner and either Defra or English Nature. Defra will shortly be issuing a further consultative document covering the full range of options for reducing such pollution.

<sup>26</sup> [www.defra.gov.uk/corporate/consult/common-land/index.htm](http://www.defra.gov.uk/corporate/consult/common-land/index.htm).

22. Air pollution, flood management, and fisheries are all areas where public policy is changing in ways which can benefit the condition of SSSIs. The creation of Defra has ensured that these policy areas, along with agriculture and diffuse water pollution mentioned above, are now brought together in the same Department, which helps to ensure that biodiversity is integrated into wider policy development. While policy development alone will not often deliver sites into favourable condition, it can provide an important underpinning and support progress at a site-specific level. Defra has established a High Level Biodiversity Delivery Group, with membership drawn from across the Department and among other Departments. The group oversees delivery of the SSSI target and of the England Biodiversity Strategy, and considers how these areas can best be integrated with wider policy streams to deliver the Government's aims.

#### *A Range of Funding Programmes*

23. Achieving favourable condition for SSSIs will in most cases involve incentivising landowners or land managers. There are a number of mechanisms for doing this. Many involve public funding, but where there is the opportunity to achieve progress through regulation or other routes we also explore this. For example, the Secretary of State's guidance for the current periodic review of water prices—on the environmental objectives to be achieved by the water industry between 2005 and 2010—makes clear that the industry is expected to tackle those of its abstractions and discharges which adversely affect precious sites. The Environment Agency will also, via regulation, be dealing with such problems where caused by others.

24. English Nature runs funding programmes which are dedicated to the conservation and enhancement of SSSIs. Although these are an important tool for improving SSSI condition, achieving integration of funding streams is the key to success, including programmes for which SSSI condition is not the sole, or even the major objective of the scheme.

25. The most important of these are the agri-environment schemes -currently the Countryside Stewardship Scheme and Environmentally Sensitive Area Scheme. As the standard and level of environmental management required for favourable SSSI condition is high, it is the higher "tiers" of these schemes which are particularly relevant. Defra and English Nature maintain regular and close contact to ensure that their respective schemes work well together to deliver maximum benefit from the funds available.

26. Both schemes are being reviewed, and a new Higher Level Environmental Stewardship scheme is currently under development; this will be available in 2005. A new Entry Level Scheme is also being developed, as are the cross-compliance conditions which farmers must meet in order to qualify for the new Single Farm Payment. These last two measures will, on the whole, be too widely spread to deliver favourable SSSI condition, but should help to provide a firm basis for the effective targeting of the Higher Level Scheme and of funding from English Nature.

27. The Forestry Commission's Woodland Grant Scheme, which will be replaced by the English Woodland Grant Scheme in 2005, provides grants to owners of woodland, including SSSIs. These schemes have a basic set of grants for operations such as tree regeneration. They also include capital payments which have been paid in many woodland SSSIs for work which will help to achieve favourable condition.

28. Defra's Hill Farm Allowance Scheme helps to preserve the farmed upland environment by ensuring that land in less favoured areas is managed sustainably.

29. Other funding programmes might have still wider remits, but can be accessed by projects which include the restoration or management of SSSIs. These can be available to those putting together partnerships for the restoration of land for a variety of purposes, including physical regeneration and social inclusion. Funding can originate from Lottery sources, the Capital Modernisation Fund, the Landfill Tax, or the Aggregates Levy, among others. Securing such funding is often best achieved at a local level, and it is here that local authorities can play a key role, particularly for semi-rural SSSIs.

30. As noted in paragraph 23 above, a further important source for SSSI funding is spending by water companies to meet their responsibilities in relation both to water quality and to the level of abstraction.

#### *English Nature*

31. Resolving all the difficulties on all SSSIs using dedicated SSSI funding would cost more money than has traditionally been made available for nature conservation objectives. However, this does not mean that no such funding is available. Use of the various delivery mechanisms for the PSA target outlined above is designed to constrain the requirement for dedicated funding to within manageable levels, as well as to harness the full benefits of partnership working. Those funds which are dedicated to achieving favourable SSSI condition are administered by English Nature in a number of ways.

32. Most important is the Wildlife Enhancement Scheme (WES). This is used to fund management agreements with landowners, usually farmers, with the objective of conserving and enhancing the special interest features for which the site was notified. Such agreements pay for the time and effort involved on the part of the landowner, although there is also an element which replaces income forgone where the agreement results in a lower economic yield than was obtained before. (Since the CRoW Act, there is no requirement



to compensate for the loss of potential sources of income which have not been and cannot now be exploited.) The scheme is sufficiently flexible to enable it to tackle most SSSI condition issues, but it can also be used as a top-up mechanism to supplement activity and funding available from other sources.

33. The parallel Reserves Enhancement Scheme provides funding for the county-level Wildlife Trusts, who manage a number of SSSIs. Some SSSIs, among the National Nature Reserves, are owned by English Nature. These are managed directly by the organisation, but this does not mean that they need less resource than if they were managed by a private landowner. In 2003–04 and 2004–05, English Nature has also had access to funds from the National Sheep Envelope under the CAP, which it is administering as Sheep WES, focussing primarily on resolving overgrazing problems.

34. Finally, English Nature administers Land Purchase Grants, where the best solution for SSSI land is a change of ownership—to English Nature, the Wildlife Trusts, or to Local Authorities.

35. In the wake of Lord Haskins' review of rural delivery, Margaret Beckett, announced an immediate full review of rural funding streams to provide a clearer and simpler framework and to achieve a reduction in bureaucratic procedures. This review is taking place under Defra's Modernising Rural Delivery Programme. It has mapped funding streams and is gathering evidence on the efficiency and effectiveness of the current arrangements—including the funding streams mentioned above. It is aiming to make recommendations before the end of March on simplifying and rationalising rural funding.

#### *Prospects for meeting the target*

36. Defra has not published a trajectory for meeting the target. As outlined above, it was only last spring that English Nature published a figure for the first assessment of the condition of all sites. This showed less land in favourable condition than was anticipated three years earlier, when the target was set. We now know the reasons for unfavourable condition on each unit, and the next task is to identify who is responsible for putting each of them right. Defra is also assessing what policy changes or changes in legislation would assist in delivery of the target, and whether they would be practicable and desirable.

37. English Nature is in the process of developing a computer model which will use the latest information about the condition of the sites, together with assumptions as to the impact of any future policy changes, to arrive at an estimate of what can be achieved, on what timescale, and at what cost. This in turn will enable Defra to establish a trajectory for delivery of the target, against which future progress can be assessed.

38. The establishment of the PSA target has had a major impact in highlighting the action needed to improve biodiversity. It has strengthened partnership working within the Department, across Government more widely and with interested parties outside Government. Progress is being made on the ground: in 2003–04 the proportion of sites in favourable condition has risen from 56.9% and is expected to be some 62% by the end of March. The scale of the challenge remains high, but constructive action is being taken to raise the quality of England's most precious wildlife sites.

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*Witnesses: Mr Ben Bradshaw, a Member of the House, Minister for Nature Conservation and Fisheries, Mr Martin Capstick, Head of European Wildlife Division, Department for Environment, Food and Rural Affairs and Mr Steve Lee-Bapty, Department for Environment, Food and Rural Affairs, examined.*

**Q143 Chairman:** Minister, welcome to this Sub-Committee looking at SSSIs. Welcome also to Mr Capstick and Mr Lee-Bapty who is sitting between you and slightly behind. Minister, you came into this session just as we were talking about funding and in particular the grant in aid to English Nature to enable them to see through the targets which have been set. Why is English Nature's grant in aid for 2004–05 likely to be lower than the amount on which the milestones for improving SSSI conditions were originally based, because it sounds as if that is what it is?

**Mr Bradshaw:** We do not know yet for certain, Mr Lepper, but I think you are probably right in assuming that it will be, but I think it is important to recognise that that will still represent an increase. It is just not such a big increase as we or English Nature would have liked and that is a reflection of the current very tight spending round. It is the tightest spending round since 1997–98. Within the department we have tried and I think succeeded in

trying to protect as far as we can those funding streams like this one which we believe, in very important ways, further our strategic objectives. I am sure you have got the figures. If you look at the increase that there has been since 2001 up until now and what we hope, both in terms of what we can deliver within the department's budgets and what we can achieve in our negotiations with the Treasury, we will achieve by 2007–08, it will represent a doubling in absolute terms of the amount of funding for English Nature for these specific schemes.

**Q144 Chairman:** I take the point that you have made but do you see that having any impact on English Nature's ability or the ability generally to reach the PSA targets?

**Mr Bradshaw:** I do not think so, no, and if you look at what has been achieved so far, I came into this job just after the benchmark figure was arrived at which gave some of us a bit of a shock, the level of percentage of SSSIs that were considered

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satisfactory, having had a view that it was going to be rather higher than it was, but we have made tremendous progress in the last 12 months; in fact, we have made more progress than we had originally hoped for. As English Nature themselves said, we are confident of reaching 67% by next year and if the current trajectory continues we are confident that we will reach what we accept is a very challenging and ambitious target, 95% by 2010.

**Q145 Chairman:** Can I just clarify: you do have the ministerial responsibility for seeing that that target is reached?

**Mr Bradshaw:** Yes, Defra, as I am sure you know, is a department which tries not to divide its ministers into silos, so we all in a way have responsibility for biodiversity and for our PSA targets in general but specific responsibility for this one and for English Nature rests with me.

**Q146 Chairman:** We have talked this afternoon about the importance of agri-environment schemes in helping to achieve the target for SSSIs. How important do you as Minister see those schemes and their role in achieving those targets?

**Mr Bradshaw:** I think they are very important and the CAP reform and the single farm payment have become increasingly important. I think this was reflected in the funding that the government has allocated to them, which is currently running at £120 million a year, an increase of £15 million a year, and increases in the specific bits of those agri-environment fundings which, through the Countryside Stewardship Scheme and the Environmentally Sensitive Areas are channelled specifically to improving the quality of SSSIs.

**Q147 Chairman:** And English Nature does say that their assessment is that 20% of the total agri-environment spend will need to go on SSSIs. Do you feel that is an accurate assessment and do you see that impacting on other work that perhaps should be achieved under the agri-environment schemes?

**Mr Bradshaw:** I do not think so. That is currently the percentage which goes on the specific English Nature support for SSSIs. I do not see that being reduced. On the contrary, I see it being increased in the same way as our overall spending on agri-environment schemes is being increased.

**Mr Capstick:** It might be helpful to put things into context. At the time the PSA target was set English Nature and the people running agri-environment schemes were in different government departments. We have already achieved a strong degree of advantage by bringing the two into the same department and one of the things that has been very striking to me has been the successful way in which we have been bringing together different interests and ensuring that English Nature work closely with Rural Development Service people and with my colleagues responsible for the agri-environment scheme. It is an ongoing process and we constantly want to improve it but I think we would all agree

that there has been significant joining together and that has been very advantageous in pursuing this agenda.

**Q148 Chairman:** Since you reminded us that departments have not always been as they are now, when we had the local authority ecologists before us a few weeks ago one of the things they said was that local authorities were perhaps not giving the high priority that they felt was needed to work on SSSIs. Could you, Minister, tell us something about the discussions that go on between your department and other departments, particularly ODPM, in relation to the role of local authorities or indeed the role of other departments generally?

**Mr Bradshaw:** As English Nature said, the Major Landowners Group are very involved. I have got a table I can leave you with which lists all the main landowners who are responsible for SSSIs in a major way, which includes local authorities. Part of the table is a percentage of SSSIs that they own which are failing the PSA target, and actually the local authorities are doing very well at having only 28%, which is much less than the average currently of SSSIs in their area that have failed the target. As I am sure you will also know, overall funding to local authorities has increased pretty enormously under this government, I think by about 30% in real terms since 1997. We do not dictate to them about how they spend that money but with the record that they have and with increased funding we are confident that they can fulfil their obligations.

**Q149 Paddy Tipping:** The way we pay farmers and landowners is going to change very radically and there is a review of agri-environment schemes going on at the moment. One that I know particularly and have been critical about in the past has been Countryside Stewardship. Are you confident that we are going to get better value for money out of the new arrangement of funding?

**Mr Bradshaw:** Yes, I am hopeful that we will. It is not just how those schemes are administered; it is how we set up the rules for cross-compliance, for example, which are critically important as well in a number of the areas which I know you are interested in and which you have already raised with English Nature which will also help us achieve the target. That is one of the important ways of doing it.

**Q150 Paddy Tipping:** One of the things that has always fascinated me a little bit is that the schemes have always been over-subscribed. There has been a waiting list. Again, what is the confidence that there is going to be sufficient money in this pot?

**Mr Bradshaw:** We are committed to increasing the yearly amount of money that we spend on Countryside Stewardship and other agri-environment schemes. As you rightly say, there has historically been an over-demand and I am confident that that over-demand will continue. As was said earlier by English Nature, farmers recognise the interest that they have in taking part in these schemes and as the whole system of supporting agriculture in this country moves from a system of

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support for production to a system for support for public goods, central among those public goods is environmental gain.

**Q151 Paddy Tipping:** That is all very helpful and you heard me talking with English Nature about broader policy issues, for example, the Water Framework Directive, in terms of diffuse pollution possibly having a major impact. That is important. You mentioned yourself a few moments ago cross-compliance and I think you are consulting on cross-compliance at the moment. Just help us through the policy development for both of those things because this is for both new thinking. There is a process that you go through to ensure that we get those policy changes.

**Mr Bradshaw:** Mr Capstick will correct me if I am wrong, but my understanding is that the timescale of the impact of the Water Framework Directive is likely to lie outside the time frame in which we hope to reach this target, but there are other positive impacts on the problem of diffuse water pollution that we are taking on board in the meantime, both government and the Environment Agency. The current discussion over the water price review is critical in that respect and my Rt Hon Friend the Secretary of State made a statement on this last month, as I am sure you will be aware of, and we are in discussions now with the water industry and Ofwat as to how we can achieve in the next periodic water price review, 2005–10 I think it is, significant environmental gains to build on those that we have already achieved. On cross-compliance, these will be a series of rules that will be applied to landowners in order for them to qualify for single farm payments and ministers have been very keen on trying to get as wide a selection of conditions if you like that we possibly can, including factors that will specifically help us achieve this target on SSSIs.

**Q152 Paddy Tipping:** In a sense you are reinforcing the point that English Nature was making, that it is not just about agri-environment schemes, it is not just about good land management practices; there are broader policy issues, broader policy developments which can bring about major change.

**Mr Bradshaw:** Yes. It is likely to be the more targeted schemes that have the bigger impact in terms of us achieving our target because we are talking about the 7% of land which is the most valuable and has the most valuable biodiversity and wildlife. We are talking about SSSIs but there is no doubt that the overall changes to the way our countryside and our agriculture are managed will help lift everything up and that in turn will help us achieve the SSSI target.

**Mr Capstick:** I might just add that English Nature were helpfully describing the SSSIs as the crown jewels. One of the questions that the committee was interested in was how far English Nature were diverting their attention to that. It is obviously a Defra issue in that it is my team who are responsible for the England Biodiversity Strategy which, exactly

as the Minister says, is looking at SSSIs as the crown jewels within a wider countryside which is rich in biodiversity.

**Q153 Joan Ruddock:** I wanted to touch on the fact that English Nature consider that the new HLS scheme is very central to conserving SSSIs. I wonder what proportion of failing ESA and CSS agreements Defra and RDS will be able to take into the new HLS scheme in time to meet the target? There have been some concerns about the ability of yourselves to do this.

**Mr Capstick:** When you refer to payment schemes do you mean schemes which are successfully improving the land but not bringing them up to favourable condition?

**Q154 Joan Ruddock:** Indeed.

**Mr Capstick:** That is an issue which we are discussing with English Nature on an ongoing basis. At the moment I do not think we can give you a specific answer. If we could give you a specific answer we would know absolutely bang on whether we were going to hit the 95% or not. In many ways having the target helps us focus on these issues. If this is material to our not reaching the target then we need to do something about it and address it and it is something which we are looking at very seriously with English Nature. At the moment I could not say that we have a specific programme to address these.

**Q155 Joan Ruddock:** But you are accepting English Nature's view that it is very important that the transfer does occur?

**Mr Capstick:** Clearly, if there are—and there are—some agreements on sites which, as I say, are improving the condition but not bringing them up to the level where we get to tick the box for favourable condition, we also need to look at when the particular agreement comes up for renewal. If it comes up for renewal after 2010 and we do not do something about it we will not get the tick in the box for that site. That is English Nature's advice and that is advice that we obviously accept.

**Q156 Joan Ruddock:** You have accepted it?

**Mr Capstick:** Obviously, we accept it in those cases that if we do not address them we will not get the particular sites up to favourable condition.

**Q157 Joan Ruddock:** Does that mean that you need to transfer some resources in order to make this possible?

**Mr Capstick:** It means that we need to have a serious dialogue with English Nature about how best we address that and at the moment we are in the state of that dialogue.

**Q158 Joan Ruddock:** Thank you for that answer. You accept what English Nature say. You might be up against a problem, clearly, if you did not transfer. Are you accepting that perhaps not enough resources are available, that you currently have more schemes you need to transfer than you have resources for?

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**Mr Bradshaw:** We could always wish to have more money in these areas and, as I said earlier, during the department's current discussions in the run-up to the 2004 comprehensive spending review, which is going to be very important and not necessarily easy for all government departments except Health and Education, we have looked very closely at where within the department and through other mechanisms which are not the direct interest of this committee but may be in terms of some of your other work in cost recoveries in the agricultural sector, in savings that can be made in other areas, we can prioritise our spending in those areas that, as I said earlier, are aimed at fulfilling our strategic objectives, and you cannot get more strategic than our PSA targets.

**Q159 Joan Ruddock:** What would be the consequences of not being able to transfer some of these schemes?

**Mr Bradshaw:** We are still confident at the moment at the way things are going that we will meet the target. If we begin to doubt that in the future we will clearly have to take another look at what we are spending our money on. As things stand we are confident that we can do it.

**Q160 Chairman:** Following Lord Haskins' review, the Secretary of State announced a review of rural funding streams within the context of the Modernising Rural Delivery Programme. What do you see as the opportunities the Modernising Rural Delivery Programme offers for improving delivery particularly in relation to the SSSI public service agenda?

**Mr Bradshaw:** Again, a lot of the Haskins implementation is going to be outside our time frame because it will require primary legislation in order to overhaul so dramatically the structures in the way that Lord Haskins recommends and that is not likely to happen for some years. There are things which we can do in the meantime and one of the most important and useful that Lord Haskins pointed to is where there is duplication and where there are streams that can be brought together and we can actively pursue that in the short-term and we are doing that. I think that in a way this relates to the question that Mrs Ruddock just asked about how we can get more money into this area in the meantime. Creating a single integrated agency with the priority for managing all the natural resource in one body I think will hugely strategically help us in achieving our biodiversity targets in general and our part of the PSA target on SSSIs in particular.

**Q161 Chairman:** Am I right that the Department had hoped by the end of last month to make recommendations on simplifying and rationalising rural funding? I think what did happen by the end of last month was the launch of a new website, or a new addition to your website, inviting Defra customers to have a chance to say where schemes are over-complicated and contradictory and overlapping or otherwise open to improvement. I take it that that work of bringing together the funding streams,

looking at the arrangements how about they operate, is still ongoing. When do you anticipate that those final recommendations about rural funding will be made?

**Mr Bradshaw:** Forgive me, but rural funding streams are not in my immediate area of ministerial responsibility.

**Q162 Chairman:** As you have told us, you do not work in silos within your Department.

**Mr Capstick:** What I can say, which I hope is helpful, is, exactly as you say, this work is ongoing. I am afraid I did not bring with me a note of when we do expect to be able to make a policy statement. I think I can follow that up if that would help.

**Q163 Paddy Tipping:** The Minister told us that Haskins needs primary legislation. There is speculation about when we might get it, when we might not get it, but in the meantime the people who work in the agencies must be quite concerned about their future. With any change there is a dysfunctional effect as well as long-term benefits. How is that being combated?

**Mr Capstick:** One of the things that the team leading on Modernising Rural Delivery within the Department have been particularly conscious of is the need to try to ensure that people are aware of developments and even where there may not be specific news at least people are aware that their interests are being taken into account. I think the two particular mechanisms I would draw attention to are the establishment of the Chair of Chairs group, chaired by Sir Martin Doughty, which helps to ensure at a senior level that the organisations are working constructively together, and also the Modernising Rural Delivery team has geared up to ensure that it is communicating regularly with people within organisations and pulling together the internal communications of the different organisations so, again, there are messages going out. In addition to that, as you will be aware, there are a number of work streams which are being considered.

**Q164 Paddy Tipping:** An awful lot of work streams, I understand.

**Mr Capstick:** A sufficient number to enable ministers to take decisions on the way forward. Obviously different people are being involved in those because the important thing is that we want experience of the delivery bodies to enable us to help ensure that ministers make the right decisions and it is not just Defra staff sitting in a little box thinking perfect thoughts.

**Q165 Paddy Tipping:** That is very interesting, Martin, you finished on ministers make the right decisions. My recollection is that the Secretary of State would have made an announcement by about now on the way forward on Haskins. Where are we? When is the announcement coming?

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**Mr Bradshaw:** I honestly could not tell you, Mr Tipping. I expect it to happen soon. These things tend not to happen quite when you think they are going to, they tend to slip by a month or two.

**Q166 Paddy Tipping:** Soon or very soon?

**Mr Bradshaw:** Honestly, I do not know. I have not had a look at our grid recently.

**Q167 Chairman:** We look forward with anticipation, as I am sure you do, to that announcement. Can I thank you for your appearance before us today. You have promised us additional information during the course of this afternoon and obviously, as I have said to other witnesses, if there are further thoughts on behalf of the Department that you would like to submit to us in writing then we would be very happy to receive them.

**Mr Bradshaw:** Thank you.

**Chairman:** Thank you, and thank you to Mr Capstick and Mr Lee-Bapty.

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**Memorandum submitted by the Department for Environment, Food and Rural Affairs (N19a)**

The review was announced by Margaret Beckett, following the publication of Lord Haskins' Rural Delivery Review in November, to provide a clearer and simpler framework for applicants and to achieve a reduction in bureaucratic procedures. In taking forward this review, Defra aims to:

- Identify how to make funding flows and grants consistently simple to access and use by our customers;
- Reduce the number of schemes and simplify administrative arrangements;
- Improve value for taxpayers' money;
- Chart how to devolve Defra and Defra-sponsored funding programmes regionally and locally;
- Ensure that funding targets Defra's strategic objectives.

The Secretary of State intends to publish a refreshed rural strategy for England later in the spring. The strategy will include a full response to all the recommendations coming out of Lord Haskins' Rural Delivery Review, including those relating to rural funding streams.

*May 2004*

# Written evidence

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## Memorandum submitted by the Woodland Trust (N1)

### 1. INTRODUCTION

1.1 The Woodland Trust welcomes this opportunity to submit written evidence to the above inquiry. The comments that follow are delivered on behalf of the UK's leading woodland conservation charity. We achieve our purposes through a combination of acquiring woodland and sites for planting and through advocacy of the importance of protecting ancient woodland, enhancing its biodiversity, expanding woodland cover and increasing public enjoyment. We own over 1,100 sites across the country, covering around 19,000 hectares (47,000 acres) and we have 250,000 members and supporters.

### 2. SUMMARY OF KEY POINTS PRESENTED IN THIS SUBMISSION

- Climate change and habitat fragmentation are major threats to the SSSI network and other sites of importance for wildlife. The dynamic nature of landscapes and ecosystems, combined with the rapidity of predicted climate change and other human impacts, require a more holistic and forward looking strategy for nature conservation as a whole, than is the case at present.
- The SSSI network was established as a representative sample of the nation's wildlife sites but many sites outwith the SSSI network have great biodiversity value and should also be considered nationally important.
- The Woodland Trust believes the current method for assessing SSSI condition has much to commend it as a tool for measuring condition within a site.
- However, given that SSSI condition assessment does not take the wider landscape into consideration we believe that the PSA target is effectively unachievable, as it does not give a true reflection of a site's condition.
- We believe that Government PSA targets for SSSI condition should be much more robust in their assessment and take account of external factors affecting SSSIs.

2.1 In responding to the terms of reference of this Inquiry we wish to address three themes:

- (a) threats to SSSIs;
- (b) the inadequacy of the SSSI system to protect all nationally important wildlife sites and to protect biodiversity in general; and
- (c) the issue of assessing favourable condition on SSSIs.

### 3. THREATS TO SSSIS

#### *Climate change*

3.1 The greatest threat now faced by ancient woodland and other key habitats is climate change. In their current state ancient woodland SSSIs, for example, are simply not sustainable in a time of rapid environmental change given the immobile nature of many of their most characteristic species, locked in by the hostile landscape in which the woods now exist and given the very importance of ancient woodland as a habitat is based on its relative ecological stability. In a time of rapid climate change it is now widely accepted that the species compositions of semi-natural habitats will change considerably.

3.2 The view that climate change will have a considerable effect on species survival and distribution is well founded. The recent research project—MONARCH—(Modelling Natural Resource Responses to Climate Change), undertaken by the Environmental Change Institute at Oxford for a consortium of Government agencies and NGOs, used models to analyse the impact on the future location of suitable 'climate envelopes' for a number of species. The findings suggest that climate change appears to present threats for some species together with opportunities for others (Harrison et al 2001)<sup>1</sup>. Species at threat include beech (*Fagus sylvatica*), which is predicted to decline in southern England with increasing periods of drought but is likely to be succeeded by other species more tolerant of dry conditions. The MONARCH research clarifies the need to allow for spatial movement of species in response to climate change. When coupled with the problems of landscape fragmentation, discussed below, it is likely that SSSI key features, those that are specifically assessed to monitor condition, may change markedly.

3.3 A further example of recent research comes from the UK Phenology Network (UKPN), of which the Woodland Trust is a lead partner. Data has shown a marked difference in the timing of leafing between oak and ash. Date of leafing compared with spring temperature shows that oak comes into leaf earlier than ash

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<sup>1</sup> Harrison, P A, Berry, P M and Dawson, T P, (eds), (2001), *Climate Change and Nature Conservation in Britain and Ireland: Modelling natural resource responses to climate change (the MONARCH project)*: Technical Report. UKCIP, Oxford.

in warmer temperatures. This suggests that oak gains a four day advantage for every degree it is warmer. The competitive advantage of oak over ash raises serious questions about woodland composition in the future (clearly an important factor to monitor in woodland SSSIs). Average spring temperature has risen already in the last few decades and both oak and ash leafing has already changed as a result. Further analysis shows how the gap between oak and ash leafing has widened over the last 50 years.

3.4 Other UKPN data shows a wide range of species events, such as leafing, nesting, flowering and insect emergence radically altering timing as a result of climate change. Some disturbing patterns are also emerging, for example that insects, birds and plants all seem to be responding at relatively different rates, raising important issues such as loss of synchrony between species.

3.5 The need to focus on environmental change as the key factor affecting biodiversity in the UK is supported by others. The House of Lords European Communities Committee in the report of its inquiry into European Union policy on biodiversity concluded that biodiversity in the wider countryside outside designated sites needs to be addressed and that “biodiversity objectives will not be achieved without a wide range of complementary policies, especially in the fields of agriculture and forestry, other countryside policies, devolved and regional planning for sustainable development, air quality, protection of the aquatic environment and fisheries policy”<sup>2</sup>.

3.6 The need to address change was also highlighted during the second reading debate of the Countryside and Rights of Way Bill. Joan Walley, MP for Stoke on Trent North stated: “We have a greater awareness and understanding of climate change, and we know how speedily we must tackle it. We cannot afford to wait another generation and certainly not another century to legislate for further sustainability. We must manage wildlife in the context of the acceleration of global warming. We must not only give enhanced protection to Sites of Special Scientific Interest, but build into the legislation ways of managing change”.<sup>3</sup>

#### *Habitat fragmentation*

3.7 In a highly fragmented landscape, particularly that of the English lowlands, which does not generally lend itself to the creation of large enough reserves to support many species, off-reserve activities for the conservation of biodiversity assume a far greater importance. Nature Reserve philosophy in England assumes that the great body of common wildlife will continue to survive in the wider countryside yet the intensive nature of land use in England has produced a truly hostile matrix for wildlife and indeed many of our most rapidly declining species exist in this ‘wider countryside’. The well-publicised decline in farmland birds in recent years is an indication that all is not well.

3.8 A key factor in conserving biodiversity is that all semi-natural habitats, whether or not they are SSSIs, need to be a part of ecologically functional landscapes, so that wildlife has the space it needs to adapt and evolve in the face of environmental change. This will require the creation of further semi-natural habitats, both woodland and open ground, and more wildlife-friendly land use practices, especially in agriculture. This vision is not at odds with society’s needs; in fact it can contribute towards rural development, flood alleviation, recreation and tourism, as well as economic and other benefits that add to quality of life.

3.9 Against a backdrop of change, any designation system aimed at providing protection that fails to address the issues of the wider environment is ultimately doomed to fail. UK biodiversity policy must fully embrace the increasingly widespread recognition that a site-centred system cannot deliver adequate protection for our natural heritage in the face of habitat fragmentation and climate change.

## 4. THE INADEQUACY OF THE SSSI SYSTEM TO PROTECT ALL NATIONALLY IMPORTANT WILDLIFE SITES

### 4.1 *Representativeness versus inclusiveness:*

The Committee’s Terms of Reference uses the expression “all nationally important wildlife sites”. It is crucial to point out that not all nationally important wildlife sites are designated as SSSIs. The SSSI network was originally established as no more than a representative sample of wildlife sites across the UK, not as an inclusive system containing all sites of high quality. Many sites of national importance and of equal biodiversity value to SSSIs are not within the network. For example, irreplaceable ancient woodland, that by definition predates 1600 AD, and that in many cases is a remnant of the original wildwood that colonised the British Isles after the last Ice Age, is poorly represented with only 15% of the remaining ancient woodland resource enjoying the legal protection of SSSI status. It is regrettable that non-SSSI wildlife sites are in some way seen as of inferior quality. This point is particularly important when considering delivery of England Biodiversity Strategy and Biodiversity Action Plan targets, which will require the management and creation of important wildlife sites outwith the SSSI network. Nonetheless given the high quality of many of our SSSIs we must do all we can to protect them and ensure that they are the seed corn for developing ecologically functional landscapes of the future.

<sup>2</sup> House of Lords Select Committee on European Communities Twenty -Second Report: European Union policy on biodiversity. Part III, Summary of Recommendations.

<sup>3</sup> Hansard 20 March 2000 c 780.

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## 5. ASSESSING FAVOURABLE CONDITION

### 5.1 *The current system for site based condition assessment*

As a system of measuring the condition within a SSSI, the Woodland Trust believes that there is much to commend the current approach, although we do have concerns about whether the PSA target will be achieved given that February 2004 figures from English Nature show only 60.84% currently meeting the PSA target.

5.2 Our fundamental concern about the current system of condition assessment is that we do not believe it is a robust measure of a site's condition or sustainability per se, as it fails to take major external influences into consideration. English Nature's summary on "reasons for adverse condition"<sup>4</sup> fails to list any off-site influences. It is only by being fully robust in assessment that problems can be identified and solved. Given SSSIs are the first tier of wildlife sites that enjoy legal protection, it is fundamental that any Government target to improve their condition and protection, using public money, should be fully robust in its delivery. We believe that the current system of assessment is sentencing SSSIs to an ill-prepared and precarious future.

5.3 Using current systems of assessment, one might visit a site on two occasions but fail to record that adjacent land use had changed from unimproved grassland to intensive arable. This is because adjacent land use is not assessed as an influence upon the site itself. While this land-use change scenario would be unlikely now with the new regulations for Environmental Impact Assessment on Uncultivated Land, this is the sort of major land-use change that will have occurred adjacent to many SSSIs over the last 30–40 years. Not to record this as a significant factor in assessing a site's condition seems most extraordinary.

5.4 Furthermore, not to record the presence or absence of other semi-natural habitats in the landscape, and therefore some measure of the SSSI's ecological sustainability, also seems at odds when assessing the condition of a site. Given also that many SSSIs are small and therefore have relatively large amounts of edge, the management to which the adjacent land is subjected is likely have a significant effect.

5.5 Taking the example of ancient woodland, the UK's richest habitat in terms of BAP species, 80% of woods are under 20ha in size and the majority under 5ha, so we believe this habitat is largely influenced by adjacent land use. As yet unpublished research shows that pesticides and fertilisers, applied to the adjacent land, penetrate into woodland by several metres. Further research is beginning to identify aerial deposition of nitrogen as a significant factor on the nutrient load of woodland habitats. Clearly these findings in woodland are equally attributable to non-woodland habitats and the full suite of SSSIs. Not to record wider land use change of this kind outside the SSSI could leave a major parameter affecting site deterioration or indeed improvement, in one form or another, unmeasured.

5.6 Given that SSSI condition assessment does not take the wider landscape into consideration we believe that the PSA target of achieving favourable condition on 95% of SSSIs by 2010 is effectively unachievable, as it does not give a true reflection of a site's condition. It is no longer appropriate to measure nature conservation success purely at a site level; the ability to assess a site using its designated "features of interest" is likely to be severely compromised as these features may struggle for survival as a result of external influences such as climate change and adjacent land uses and management practices. We therefore believe that a system of assessment that fails to take account of the wider environment will simply report an inaccurate picture of the true condition of the SSSI network.

5.7 Yet the CRoW Act does give English Nature the ability to do something about this, particularly if we had a system of condition assessment that was able to identify off-site concerns. Schedule 9 of the CRoW Act details the changes in law relating to SSSIs. Section 28 B and C allow for notification of additional (adjacent) land and enlargement of the SSSI respectively.<sup>5</sup> Buffering and expanding such sites will help to ameliorate the affects of fragmentation and will ensure these important seed corn sites are more sustainable in the face of environmental change. Such activity would see the beginning of more ecologically functional and sustainable landscapes. Such a strategy would also complement Article 10 of the EU Habitat's Directive, which requires member states to take account of the ecological coherence of the Natura 2000 network. Under Article 10, member states are required to encourage the management of features of the landscape which are of importance to flora and fauna and that are essential for migration, dispersal and genetic exchange of material. This of course would include all SSSIs, outwith the Natura 2000 network, as well as other undesignated semi-natural habitats and landscape features. Such a holistic nature conservation strategy, entirely possible within existing legislation, would build on the existing network of designated sites and ensure the land in between these sites is as sympathetic as possible, and thus ecologically functional. We believe that such strategies are now vital to ensure the success and relevance of the SSSI network in the future.

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<sup>4</sup> English Nature (2004). Reasons for adverse condition summary. <http://www.english-nature.org.uk/Special/sssireportIndex.cfm>

<sup>5</sup> "If we treat SSSIs as "isolated pockets" of special interest we may not address all of the issues which affect them. English Nature now has powers to enter into management agreements on land which is not notified as SSSI but where this will help sustain the special interest on an SSSI. Ministers therefore recommend that in discussions on management with owners and occupiers, English Nature should consider the management of both SSSI and non-SSSI land within an individual holding on a whole-farm basis." From Defra's Sites of Special Scientific Interest: Encouraging Positive Partnerships Public Consultation Paper on Code of Guidance.



### 5.8 *Measuring biodiversity condition at a landscape scale*

The Woodland Trust has identified those site features which are major determinants of value to woodland biodiversity; ancient woodland, old growth, size, core area (area not affected significantly by edge effects from a site's surroundings), woodland adjacent to semi-natural habitats, density of semi-natural habitats and linkage of open ground habitats (Woodland Trust, 2000)<sup>6</sup>. The Trust's overarching conclusion when all these key features are considered together is that the contribution sites make to biodiversity increases as their temporal (age) and spatial (size) continuity increases. In this context the following measures, which can be used at a landscape or site scale, encompass the key features of woods for biodiversity, an approach which, with minor amendment, is equally relevant to all semi-natural habitats:

- Density of ancient woodland cover.
- Percentage of ancient woodland that is semi-natural.
- Cumulative Core Area of all semi-natural habitats (area of semi-natural habitats as a whole not affected significantly by edge effects from intensive land use).
- Area of old growth.<sup>7</sup>

5.9 Assessing condition in such a way would take account of habitat fragmentation, by identifying issues such as contiguity of habitats across landscapes, and also identifying the degree to which individual sites and whole landscapes could welcome the establishment of species when they happen to arrive from a long distance. This is important because chance dispersal may be the only means by which many less mobile species will be able to survive rapid climate change (Wilkinson 1999). This is not to suggest however that more sympathetic management of the wider countryside, across the UK as a whole, is not also vital, to encourage such events more frequently.

## 6. CONCLUSION

6.1 We began by saying that we believe that as a system of measuring the condition within a SSSI, there is much to commend the current approach to condition assessment. We believe that if such landscape scale assessment, as we suggest above, were made an additional part of SSSI condition assessment, a more robust view of the condition and sustainability of the nation's natural heritage would be achieved. We might fail to meet the 2010 PSA target, but at least those sites reported to be in favourable or recovering condition, could truly be regarded as being so.

10 March 2004

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### **Memorandum submitted by the Office of Water Services (Ofwat) (N2)**

#### SUMMARY

1. The Government has set a public service agreement (PSA) target of 95% for all sites of special scientific interest to achieve "favourable condition" by 2010. In February 2004, English Nature estimated that 61% of land is already in a favourable or recovering condition. Water and sewerage companies, and hence their customers, are already contributing to improvements to SSSIs. At the price reviews in both 1994 and 1999 our determinations assumed that companies would take action to allow environmental sites, including SSSIs, to be maintained and improved. Water companies have therefore already made a substantial commitment to investigating and implementing work to improve the aquatic environment.

2. At this price review water companies will be funded to take action that contributes to the delivery of the Government's target on SSSIs. We have now received Ministers' principal guidance setting out what they want companies to include in business plans. However, there are many upward pressure on bills and all future investment needs to be set in that context. Companies' draft business plans, in August 2003, indicated that customers will face rising bills without the additional upward pressure resulting from additional drinking water quality and environmental enhancements. Recent customer research has demonstrated a willingness to pay for further improvements by a substantial proportion of the customer base but this still leaves a significant proportion who take the opposite view. We all may need to tailor our expectations for the scale and pace of improvements to what can be financed efficiently by companies and to what customers are willing to bear.

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<sup>6</sup> Woodland Trust (2000) Expanding our Horizons. [www.woodland-trust.org.uk/policy/publications.htm](http://www.woodland-trust.org.uk/policy/publications.htm)

<sup>7</sup> Where ancient woodland, lowland wood pasture and parkland retain ancient trees and have a continuity of ancient trees reaching into the past they can be defined as old growth woodland. There has been no systematic approach to identifying old growth woodland in the UK nor has there been any designation of sites with SSSI status on these grounds. Many sites, which can now be regarded as being of international importance for ancient trees and their associated biodiversity, have no statutory or even non-statutory designation.

3. In order to meet the Government's targets, actions will need to be taken by all contributors to pollution. Investment by the water and sewerage companies alone will not deliver the required improvements. We await the Government's promised consultation paper on the control of diffuse pollution. Water customers meet the costs of the companies' investment and should not be expected to remedy pollution caused by others just because this is the easiest course of action. The polluter pays principle should apply. Action by several parties may be needed to deliver the full potential environmental improvements.

4. Before investment is undertaken it is vital that the "right" solutions to environmental problems are identified. The tripartite investigations into the River Derwent in Yorkshire provide a model for this and are explored more extensively in our memorandum. Thorough investigations and a full understanding of the issues are essential before major improvement works are triggered and customers are asked to finance the costs of particular schemes to deliver improvement to SSSIs. There are mechanisms to deal with changes in companies' obligations and consents during the period 2005–10, when further investigations identify the "right" solution.

#### BACKGROUND

1. Ofwat is the economic regulator of the water and sewerage companies in England and Wales. Our role is to set price limits that enable a well-managed company to deliver services in a sustainable and efficient way. Section 3 of the Water Industry Act 1991 also sets down the expectations on the water companies and Ofwat for SSSIs. The importance of nature conservation is set down in the Countryside and Rights of Way Act 2000 (Section 28G), which echoes the duty placed on Ofwat by the Water Industry Act 1991.

2. In "England's best wildlife and geological sites" (December 2003), English Nature identified 4,112 SSSIs in England covering 1 million hectares, 7% of the land area of England. The Government's PSA target is that 95% of this land should be in a "favourable" condition by 2010. English Nature estimates that 61% (February 2004) of this is already in a "favourable" or "recovering" position. Around 3% of the land area is inland aquatic SSSIs. Although this is only a small percentage of the total, it is made up of rivers, streams and lakes which are high priority. In addition, 8% of the total comprises water-related areas, such as fens, marshes and lowland grassland, or shorelines.

3. Water companies are directly responsible for some SSSIs which they own and manage. More significantly their activities in providing public water and sewerage services can also have an impact on aquatic SSSIs.

#### WATER AND SEWERAGE COMPANY ACTION

4. Although English Nature report that the water sector owns or manages 43,000 hectares or 4% of the land area under SSSIs, very little is aquatic habitat. The majority is owned or managed by water companies with upland catchments. The sites they manage/own are mainly upland heath in the collection areas for reservoirs. The majority (55%) of this land is not in a "favourable" condition. However, this is not due to direct activities arising from providing water and sewerage services, much of the damage was caused by industrial air pollution in the past. It is not within the powers of the water companies, or any land management practice, to bring this back into a favourable condition soon. Water companies are only directly responsible for a small proportion of aquatic SSSIs, chiefly reservoirs and open water.

5. There has always been an awareness that delivering the public water supply and dealing with disposal of sewage from a population of almost 52.5 million people in England and Wales means that water enterprises do have an impact on the aquatic environment and specifically on SSSIs. At each price review since privatisation the companies have set out in their business plans their strategies for dealing with this.

6. The first programme of work to deal with the impact of abstraction for the public water supply on low flow rivers was initiated at the price review in 1994. This continued at the price review in 1999, and on the water service 57 projects (£75 million) on solutions and investigations into abstractions affecting low flow rivers and SSSIs were provided for in price limits. On the sewerage side, £43 million worth of work was identified for improvements required under the Habitats and Birds Directive and also work on SSSIs. Water companies have already made a substantial commitment to investigating and implementing programmes of work to alleviate their impact on nature conservation sites.

7. We are now defining the work programmes to be expected from companies in the next five years 2005–10. Information from the Environment Agency in November 2003 indicated that companies may need to carry out significant extra work as they review consents for both medium and low priority sites. In our public letter to the Secretary of State (annex 1) [Not Printed], we indicated that the range of costs for water companies to deliver the improvements included in companies' draft business plans (August 2003) was between £200 million and £500 million for the water service and about £900 million for the sewerage service, for 2005–10.

8. We do not expect this investment to deliver a significant contribution to the achievement "favourable" status of sites in England. Much other work is needed to reduce the level of nutrients at aquatic SSSIs fed by moving or static water. Point source discharges chiefly comprising sewage effluents deliver just under half of the phosphorus to these sites and less than one-third of the nitrates. Work also needs to be carried out

to reduce other contributions of nutrients to the aquatic environment, such as those from diffuse (chiefly agricultural) pollution, other sources of run off and other point sources. At present water and sewerage customers are financing by far the major part of action plans in this area.

9. For example, Wessex Water has told us that at one site on the Hampshire Avon it has reduced nutrient levels in sewage effluents, and now its sewage effluent contributes only a third of the phosphorous present. The company estimates it may cost over £50 million to reduce phosphorus levels further in the Hampshire Avon and Frome catchments. However, unless action is taken to deal with the majority arising from diffuse (mainly agricultural) pollution water customers' investment will not result in the improved water quality necessary for the desired aquatic habitat.

#### INVESTIGATIONS

10. We believe it is essential for the dynamics of ecosystems to be thoroughly understood before major investment is undertaken. For example, abstraction from the Derwent in Yorkshire for the public water supply was initially considered to be environmentally detrimental and Yorkshire Water would need to find alternative sources. However, a tripartite investigation (English Nature, the Environment Agency and Yorkshire Water) into the Derwent found that it is the management of the catchment and the natural water courses that is paramount. Abstraction for the public water supply had a minimal impact on the environment. Without this comprehensive research the company could have been required to invest in major new sources, without achieving the desired environmental benefits. This is summarised in Annex 2.

11. Where it is unclear, at this stage, what action each company should take to deal with SSSIs there are mechanisms that will allow decisions to be made during the period 2005–10. Particularly where further investigations will lead to more effective solutions. New requirements on companies can be financed through an interim determination application or through logging up the net additional capital costs to be financed at the 2009 periodic review. The protocol that we put in place at the 1999 price review for dealing with changes in companies' obligations and consents provides the blueprint for this. This protocol will be updated in the next few months for use in the 2005–10 period.

#### MEETING TARGETS

12. On its website English Nature identifies many reasons why SSSIs are in an unfavourable condition. The key factors are overgrazing—a factor in 45% of “unfavourable” sites and moor burning—27% of sites.

13. Diffuse pollution contributed to 3% of unfavourable sites; direct pollution, including pollution from sewage effluents, to 2% of sites; and abstraction including the public water supply, less than 1%. We recognise that these relatively low percentages are due to aquatic SSSIs being only a small, albeit very important, subset of the total. However, this illustrates that it will be possible to address the current unfavourable status of a large number of SSSIs only if action is also taken to address problems arising from, for example, management of grazing, drainage and moor burning. Action by the water companies can, at a maximum, improve only 3% of sites. Water customers through the periodic review process are already paying significant amounts in water bills and will be expected to pay more after 2005. These payments are not one-off but will run in perpetuity. In order for the PSA targets to be realised polluters and others having an impact on both the aquatic and other SSSIs should also contribute within the same timescales.

14. We welcomed the EFRA Committee's recognition of this in its report following its inquiry into “Water pricing” (HC21).

“... where a particular problem has several causes and action by a water company alone would not be enough to significantly improve the situation, there is a case for delaying the requirement on the water company to act until the other causes are also addressed. Second, while the requirements for environmental improvements are likely to keep increasing, customers' willingness and ability to pay ever larger bills are not.”

#### NEXT STEPS

The Environment Agency and English Nature are identifying the actions that must be taken by the water companies. The economic regulation of the water companies via the periodic review process ensures that these obligations will be delivered. It is essential that comparable and effective measures are now taken urgently for other sectors to play their part, so that the full environmental benefits can be realised.

*Case study—Yorkshire Water—The lower Derwent project (Derwent Ings)*

The sustainable management of the water resources of the Lower Derwent Valley—Yorkshire

English Nature wanted Yorkshire Water to curtail its abstraction from the River Derwent. This is a major source of resources for Yorkshire, two abstraction points taking a maximum of 305Ml/day.

A study was undertaken by English Nature, the Environment Agency and Yorkshire Water. This study is a very thorough investigation of the River Derwent, and the surrounding flood plains, wetlands and meadows. It shows the complex interrelationship between the abstraction and operation of other parts of the drainage system, barrage and tides. This whole interaction needs thorough research before radical changes to abstraction, or any other area, are made.

At this stage the joint study shows—

“maximum permissible abstractions were found to have no, or little adverse impact or, in some cases, a slightly beneficial impact on the river ecological indicators.”

This study demonstrates the value of studies that investigate and monitor in this multi-agency way, before making decisions.

This is a useful model to use for recommending full investigations in future before going ahead with pre-conceived schemes which are not fully justified and supported.

11 March 2004

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**Memorandum submitted by the British Ecological Society (N3)**

*The BES and the Efra consultation*

1. The British Ecological Society (BES) is the leading UK learned society to support, and promote ecological science. Founded in 1913, the BES is an independent and charitable body with some 4,000 members. It publishes scientific journals and holds scientific meetings as well as works on education and policy matters. The BES is also a member of the Biosciences Federation and is a specialist Affiliated Society to the Institute of Biology which may be submitting some overall comments. This response focuses particularly on the ecological dimensions. The BES welcomes the Select Committee's inquiry into the Protection of Sites of Scientific Interest which is most timely given UK undertakings to the Biodiversity Convention and the related Defra Public Service Agreement (PSA) target of 95% of all nationally important wildlife sites to be in favourable condition.

*SSSI assessment is new and challenging but should lead to genuine benefits*

2. The assessment of SSSIs is something new for the principal UK agencies concerned with wildlife, geological and countryside conservation (neither NCC or NC before had any such system). It is a challenging task but should lead to genuine benefits for both conservation and allied benefits (such as quality of life through improved environmental quality) provided assessments are a) carried through thoroughly and properly, and b) that there is follow-up action to ensure that where possible (and sometime it will not be possible) that those SSSIs in an unfavourable condition are improved.

*New resources will be required for this activity and Departmental scientific funding has been the subject of previous Parliamentary concern*

3. As stated, this assessment activity will be new to English Nature. Further, while some SSSIs are already being managed satisfactorily, those that are not will require resources for proper management. Both these require “new money” funding. Given that overall MAFF/Defra R&D has declined in real terms for many years (*cf.* Commons Science and Technology Committee reports *Governmental Expenditure on R&D* (2000) and *Are We Realising Our Potential?* (2001) it is hoped that securing appropriate resources for the assessment and, where needed, the protection of SSSIs will not prove difficult.

*Science underpinning assessment is essential for policy and conservation value*

4. Regarding assessment procedures, current methodologies are largely experience-based: while we understand that English Nature is reasonably confident that they are robust, it is important that they are backed by suitable quality assurance and evidence-based validation procedures. Pressure to get the basic assessments done should not lead to the scientific underpinning being skimped. If the assessment is not

properly scientifically underpinned then the exercise's value in both policy and conservation terms will be severely undermined. Conversely quality assurance and evidence-based validation provides credibility to, as well as competency with, land managers to know what management works and what does not, through being able to provide the evidence along with advocacy.

*An unfavourable but accurate assessment is far more value than a worthless favourable but inaccurate assessment*

5. The BES stresses the above point to the Select Committee as it is important that political pressures to meet the target must not undermine the assessment process: it would be better if we have reached only 85% favourability assessment by 2010 if the assessment is fair and sound, rather than that the figures are fudged to make it 95%. If the assessment presents an erroneous position then nobody will be able to ascertain what action really needs to be taken for maximum efficacy and the losers will be biodiversity and its associated natural heritage as well as the nation.

*English Nature is being reorganised and we must ensure this SSSI issue continues*

6. We are aware that the principal Defra agency concerned with ecological SSSIs, English Nature, is currently the subject of proposals for reorganisation under the outcome of the Haskins enquiry. The evaluation of assessment processes needs to be continued and carried through with the same degree of commitment by the new organisation.

*More evidence is required as to SSSIs' deterioration but there are co-ordination and resource limits*

7. There are a number of Defra Agency reports on SSSIs as well as the state of the natural environment. These outline what are considered to be the major pressures on the SSSIs, for example overgrazing of moorland SSSIs. While in many cases the general evidence for SSSI deterioration is clear, there is a need to build up more examples through systematic review of the current evidence and, if necessary, experimental testing of cause-effect relationships for some impacts in some habitats. There are resource limits on how far English Nature and other Defra Agencies can move down this path on their own; it would be helpful if Defra, and other Government Departments with responsibility for land use (such as the Office of the Deputy Prime Minister with its planning, and local and regional government commitments) devoted more of their science budgets to assessing the impact of activities under their control (agriculture, water abstraction, development etc..) on protected sites and the potentials for future optimum management.

*A cross Agency and pan-Departmental strategy is required*

8. This will necessitate a) cross Agency strategy within Departments such as Defra, and b) pan-Departmental strategy. With regards to the former "a", the BES welcomes Government Departments creating their own scientific advisory councils such as the one announced in February to serve Defra. With regards to "b", we note that the Office of Science and Technology within the DTI has responsibility for cross-Departmental strategy for science and it may be that this is well placed to orchestrate the scientific assessment that will be necessary to determine effective future management requirements.

*Research priorities include those on site as well as landscape level pressures*

9. With regards to the outcome of any particular SSSI assessment, the pressures on SSSIs can be roughly divided into those that can be ameliorated (at least in principle) by action at the site scale—eg getting grasslands grazed or coppicing woodland—and those that may need action at a landscape scale such as those pressures arising out of the impact of diffuse pollution, landscape fragmentation, or deer populations. There is a particular need for better integration of ecological knowledge of landscape-scale processes with the practicalities of land-use policies and management. For example is it better to put effort into creating large areas of semi-natural habitat around existing sites to buffer them rather than attempting to deal with problems by action within the sites? These questions are not trivial and necessitate proper examination.

*Uniformity of commitment is required by agencies and their Departments*

10. The BES is under the distinct impression that some agencies, and their respective Departments, appear to have made a more public commitment to meeting the PSA target than others, eg the Forestry Commission and Ministry of Defence who were cited in the recent English Nature report *England's Best Wildlife and Geological Sites, 2003*, (see pages 44–46), and it was also disappointing that the Countryside Agency did not recognise the importance of science when determining its strategy for the South Downs National Park.

*We stress the above cross agency and pan-Departmental points*

11. The BES emphasises the cross agency and pan-Departmental points in the above paragraphs (8–10) as the terms of reference for the Committee’s inquiry refer specifically to the contribution of English Nature and local authorities to the PSA target. We hope we have adequately illustrated that significant and co-ordinated contributions from others are also required. It should also be noted that there may be conflicting policy goals. For example, the primacy of agricultural factors (overgrazing, moor burning, drainage, undergrazing, ditch management) in the top ten factors leading to unfavourable SSSI condition reinforces the desirability of Defra reviewing the degree to which it can contribute to meeting the conservation PSA target. Local Authorities (hence the ODPM) do have a key role with respect to certain sites or types of site, but by area issues to do with planning etc., are lower down the list in terms of negative SSSI impact.

*A UK strategy for conservation sites is also required to meet UK commitments*

12. The above point regarding competing policy goals complements that of the need to have a co-ordinated and strategic approach to implementing conservation goals. For example, we mentioned in passing above (paragraph 1) the UK commitments to the Biodiversity Convention. This has wider implications for the delivery of biodiversity objectives than the protection and management of SSSIs, which are simply representative of the best UK habitats. We therefore venture that while the inquiry is about the PSA target for SSSIs, this should be seen in conjunction with the commitments of different departments and agencies for the systemic, rather than the site-based, deliver of Habitat and Species Action Plans under UK and European Biodiversity Action Plans. For some habitats and species achieving the SSSI PSA target will also make a substantial contribution to the HAP/SAP targets—for example of 60% of lowland heath is within SSSIs. For other habitats such as ancient woodland (only about 15% SSSI) additional action will be needed outside the SSSI series. Finally it might be useful for the Committee to bear in mind that the UK’s commitments to biodiversity also relate to Scotland, Northern Ireland, and Wales and that any English contribution is being made as part of a broader effort.

*Assessment needs to account for on-going change*

13. We wish to make a point as to the dynamic nature of the environment. The term “SSSI assessment”, could imply the ability to define what the state (structure, composition etc) is of particular features of SSSIs compared to what they might be. This may be seen by some as rather static and deterministic. There must be scope built into the system to take account of changing environmental conditions—for example climate change. The SSSI series will continue to be the cornerstone of nature conservation, but there may be circumstances where the species and habitat features for which the sites are currently scheduled may no longer be present, or at least not in abundance. The objectives for sites and the condition assessment targets themselves may therefore need to be periodically reassessed to ensure that they are still appropriate.

*Assessment should help prepare for the future*

14. Further to this last, it would be useful to prepare for the future. We can anticipate with some confidence that some pressures (such as arising from climate change or continuing landscape fragmentation due to development) will continue. Not only do we need to assess so as to properly plan and then protect existing SSSIs, but we need to anticipate now how we are likely best to do this in the longer term future if UK’s ecological heritage is to be maintained, if not enhanced, and have longevity.

*Systematic research remains of concern to biologists and Parliamentarians, Defra has policy-driven R&D responsibilities*

15. Importantly, the BES wishes to stress that the initial identification of ecological (as opposed to geological) SSSIs, their assessment and the determination of the nature of their ecology required for management considerations, depends on the science of systematics (species identification and their evolutionary relationships). This whole issue is just one example of the need for systematics in the policy-driven R&D context. Government Departments are responsible for policy-driven R&D (as opposed to fundamental, basic and blue skies R&D which is supported by the “Science Base” from the Research Councils from the DTI’s Office of Science and Technology (OST)). However for some two decades support for systematics has markedly declined. This is of considerable concern to the UK whole-organism community. This concern has been further shared by Parliamentarians. For example, the Lords Select Committee for Science and Technology has conducted two inquiries into the decline of systematic research: *What on Earth? The Threat to Science Underpinning Conservation* (2002) and the Dainton report (1992). If Defra is to roll out UK policies related to biodiversity conservation then it needs to be aware of the need to support systematics research to ensure that the appropriate expertise is available to carry forward its policy commitments.

*Assessment must not impede on-going development of the SSSI series*

16. There is a perception that the process of new SSSI designation and existing SSSI-enlargement has effectively stalled. We would not want the process of assessment to stifle the overall “SSSI programme” (see paragraph 6). This is particularly important in the light of recent studies and reviews emphasising the need for a dynamic and responsive network of designated sites to allow species of conservation importance to adapt to climate change (see paragraph 13).

12 March 2004

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**Memorandum submitted by the Institute of Biology (N4)**

1. The Institute of Biology (IOB) is the independent and charitable body charged by Royal Charter to further the study and application of the UK’s biology and allied biosciences. It has 14,000 members and over 60 specialist learned Affiliated Societies (see [www.iob.org](http://www.iob.org)). The IOB’s Environment Committee draws upon Members with expertise in ecology, conservation, countryside management, soil biology and marine science. The British Lichen Society contributed to this response.

**SUMMARY**

2. The main points of this response are:

- (i) The IOB welcomes the Select Committee’s inquiry into the protection of Sites of Special Scientific Interest (SSSIs) (paragraph 3).
- (ii) Quality assurance mechanisms should be in place to ensure that SSSI assessments, such as the Common Standards Monitoring (CSM) process undertaken by JNCC, produce valid and usable results (paragraph 6).
- (iii) If the input of local authorities in protecting and managing SSSIs is to be increased in future then they will have to make a major investment in skilled manpower (paragraph 7).
- (iv) It should be ensured that the proposed reorganization of English Nature’s responsibilities do not affect the protection, management and monitoring of SSSIs (paragraph 8).
- (v) The original citation of an SSSI may not reflect the true biological importance of a site and should be reviewed regularly as new information comes to light (paragraph 9).
- (vi) Lower plants can be an important part of an SSSI’s biodiversity but may not be considered in CSM assessment processes (paragraph 10).
- (vii) Defra and other government departments with responsibility for land use should devote more of their science budgets to assessing the impact on SSSIs of activities under their control (paragraph 11).
- (viii) Defra’s PSA target on SSSIs will not be met without the provision of workers skilled in systematics and taxonomy. However, there has been little investment in this area in recent years and it is in danger of extinction (paragraph 12).

**BACKGROUND ON SSSIs**

3. The IOB welcomes the Select Committee’s inquiry into the protection of Sites of Special Scientific Interest (SSSIs) in relation to Defra’s Public Service Agreement (PSA) target that by 2010 95% of all nationally important wildlife sites will be in “favourable condition”. The inquiry terms imply that the Committee thinks the PSA target will not be met under current conditions (ie “and will determine what changes are needed to ensure that targets are met”).

4. The Joint Nature Conservation Committee (JNCC) states on its website that one of the key responsibilities of the statutory nature conservation agencies in the UK [English Nature (EN), Scottish Natural Heritage (SNH) and the Countryside Council for Wales (CCW)] is the identification and protection of a series of sites intended to conserve important wildlife and earth science features. Once sites have been designated, the country agencies work with owners, occupiers and others to secure their management and protection. In 1998, JNCC agreed on common standards throughout Britain for monitoring features on designated sites, and calls this process Common Standards Monitoring (CSM).<sup>8</sup> [Although “Site Condition Monitoring” appears to be the term used by EN, CCW and SNH.] The process works at the “interest feature” level rather than the site level, and such features are identified, monitored and reported separately. The first six-year cycle began in 1999 and the first results are expected in late 2005. The results are intended to identify general problem areas rather than produce detailed statistical analyses.

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<sup>8</sup> JNCC. A statement on Common Standards Monitoring. 1998. Available at: <http://www.jncc.gov.uk/csm/statement/Default.htm>

5. In the interim, English Nature has used a different method to report that 61% of SSSIs are currently meeting the PSA agreement across England.<sup>9</sup> Rather than looking at interest features the agency has broken down the sites into “management units” to produce this figure.

#### ISSUES TO BE CONSIDERED

6. The collection of data for CSM has been a new initiative and a learning process for all involved. Quality assurance mechanisms should be in place to ensure that SSSI assessments produce valid and usable results. Approaches to data collection processes in SSSIs seem to differ slightly between the three nature conservation agencies and between regional offices of English Nature. In some, extensive and sometimes complex protocols have to be completed by a third party consultant or specialist, while in others, no such paperwork is involved. Also, assigning “favourable status” to an SSSI relies upon subjective data collection methods. This all implies a potentially variable result in the quality of the assessments. As a separate point, it is important that the definition of “favourable status” is not too prescriptive in order to adequately represent the range of national variation in UK habitats.

7. It is not clear that local authorities are playing any part in CSM at present. If the input of local authorities in protecting and managing SSSIs is to be increased in future (perhaps in line with the recent Rural Delivery Review by Lord Haskins) then they will have to make a major investment in skilled manpower. The resources required to monitor the condition of SSSIs are significant. Much has already been invested but it is vital that sufficient funds are allocated to ensure the job is done properly.

8. We are aware that English Nature is currently the subject of proposals for reorganisation under the outcome of the Lord Haskins enquiry. The protection, management and monitoring of SSSIs needs to be continued and carried through with the same degree of commitment in the new organisation.

9. The CSM process concentrates on those habitat and species features that were “notified” in the original citation of the SSSI, but they ignore other features which may also be significant, or which have emerged as significant since the first citation. Due to historical and perhaps poorer quality data, the original citation may not reflect the true biological importance of a site. SSSI citations need to be reviewed regularly as new information comes to light.

10. Related to point 9, currently there is no CSM guidance for monitoring lower plants in SSSIs, such as bryophytes (mosses and liverworts), lichens, fungi and algae. Lichens are often important features of heathland, but the decline of lichen populations may not be considered in CSM. The deterioration through agricultural nitrogen pollution of rock lichens would not be mentioned in the SSSI citation for a heathland, and as the flowering plants would be unaffected, the feature could be registered as favourable. Lower plants are in danger of being overlooked by spot checks on key species to assess biodiversity and left unprotected.

11. Overgrazing, moor burning, drainage and air pollution are the most common factors cited by English Nature for an SSSI being in an adverse condition.<sup>10</sup> These, and other factors such as diffuse pollution, arise from activities that often fall outside the remit of the nature conservation agencies. It would therefore be helpful if Defra and other government departments with responsibility for land use devoted more of their science budgets to assessing the impact of activities under their control (agriculture, water abstraction, development, etc) on SSSIs and the potentials for future optimum management.

12. As highlighted by the 2003 House of Lords report “What on earth?”<sup>11</sup>, there has been little investment in systematics and taxonomy over recent years and career prospects in this area are not perceived to be good. There has been a demonstrable decline in the teaching of systematics and taxonomy throughout UK universities, colleges and museums. Trained and experienced staff in museums are not being replaced on retirement. Within 5–10 years the subject will have disappeared from university curricula and experts will be virtually extinct in most UK institutions. However, these areas of research underpin vital disciplines such as conservation and ecology and Defra’s PSA target on SSSIs will not be met without skilled workers in these areas. The Government has failed to increase funding to the major systematics institutions, but it has pledged to set up a body to identify priority areas of biodiversity for which taxonomic research is most needed. We hope the work required to meet the PSA target on SSSIs will go towards emphasising the need for more funding in this area.

13. Any conclusions of the inquiry should be communicated to Scottish Natural Heritage or the Countryside Council for Wales as they may influence the agendas for conducting their own parts of the CSM programme.

15 March 2004

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<sup>9</sup> English Nature. SSSI condition summary—compiled 01 Feb 2004. Available at: <http://www.english-nature.org.uk/special/ssi/reportAction.cfm?Report=sdr15&Category=N&Reference=0>

<sup>10</sup> English Nature. Reasons for adverse condition summary—compiled 01 Feb 2004. Available at: <http://www.english-nature.org.uk/special/ssi/reportAction.cfm?Report=sdr17&Category=N&Reference=0>

<sup>11</sup> House of Lords Select Committee on Science and Technology. *What on Earth? The Threat to the Science Underpinning Conservation: The Government’s Response and the Committee’s Commentary*. June 2003.



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## Memorandum submitted by Water UK (N6)

### INTRODUCTION

1. Water UK is the representative body for the statutory water undertakers, private companies in England and Wales and public sector organisations in Scotland and Northern Ireland.

2. Water UK has a good working relationship with English Nature on a number of policy issues relating to special nature sites. For example, work is underway to plan more effectively for droughts and actions that would need to be taken if water supplies had to be augmented from abstraction points impinging on these sensitive sites. At a local level water companies work closely with English Nature and local and national NGOs to deliver environmental benefits through land management projects and there is a willingness to do more.

3. English Nature has carried out an assessment of the condition of all SSSIs over the past few years. They believe that the water industry in England owns or manages 43,000 hectares of SSSI land, 4% of the total SSSI land and 65% of all SSSI land owned or managed by private companies. Whilst we have some disagreement with English Nature about the precise figure there is no doubt that the water industry is a major landholder with a large number of sites with special nature designations.

### SCOPE OF THE CHALLENGE FOR THE WATER INDUSTRY

4. Under the CRoW Act water companies, unlike other businesses, are deemed to be public bodies and have the same statutory duties as public sector organisations in this respect. English Nature's assessment process shows that 45% of water company SSSIs are in favourable or recovering condition. This leaves the industry with a considerable challenge to meet the Public Service Agreement target of 95% of sites in favourable condition by 2010.

5. Water companies are committed to maintaining a good environment. Without one we do not have a sustainable industry. However four aspects of SSSIs mean that in practice the industry will find it difficult to meet the PSA target.

### ASSESSMENT

6. We have some concerns about the methods used to assess the condition of the SSSIs. There seems to be some inconsistency across the country about the rigour with which these assessments have been made. At the extreme, we have heard of an instance where a site was designated as failing when no site visit had in fact been made. There also appears to have been an over reliance on the precautionary principle and a lack of sound science and we are not convinced that the assessment if condition was in all cases effectively related to the original reasons for notification. We do not believe that English Nature was adequately resourced to carry out this task and certainly for our sector we feel that there has not been enough interactive dialogue with the companies as the assessment was made.

### LACK OF STRATEGY

7. Most private sector landholders are not experts in nature conservation and look to English Nature to provide practical advice. The lack of robust management plans is a real weakness of the current process. The assessment is of course of interest but what will make the difference is what happens next and what the implication are for the landholder. Many water companies do not have a clear steer yet from English Nature as to the actions that would be required to remediate a failing site, and consequently the likely costs. We would welcome the formulation of a strategy by English Nature on how they are going to contribute to the solutions for SSSIs. Again we have a concern that English Nature does not have adequate resources to discharge this duty properly. For example, English Nature has just one hydro-ecologist.

### FUNDING

8. The statutory duties of the water companies with respect to SSSIs have not been routinely funded in the past. The periodic review process does not value the service targets on SSSIs HAPs and BAPs in the same way as delivering water and wastewater services in a cost effectively for customers. Minimising negative impacts on the environment is an important element of delivering our services but the restoration of habitats has not been seen as a priority by the water industry's economic regulator, Ofwat. Increased investment in water industry land management projects would deliver substantial progress towards the PSA targets at minimal cost as well as delivering wider quality benefits. We are pleased to note that in the Ministerial Guidance issued by the Secretary of State to Philip Fletcher there is specific support for the catchment based land management proposals put forward by United Utilities and Northumbrian Water. It might be helpful if SSSIs could be put down as assets in company business plans.

#### LAND MANAGEMENT CONSIDERATIONS

9. Many water company owned SSSIs not in favourable status fail due to overgrazing, drainage or diffuse pollution issues. These problems may be the direct result of past and current Government agricultural policy and grant regimes. Frequently such company sites are leased to and managed by farmers where the nature of the tenancy agreements does not usually give the landowner the right to be prescriptive with the tenant mid-way through the lease. In many cases diffuse pollution takes place on land within water and river catchments but outside water company ownership and control. Companies can and do work with farmers to assist them to change to better environmental practices, but this is done on a voluntary basis. Such work has not been remunerated by the regulator and success relies entirely on the goodwill of the farmers and the powers of persuasion of the company concerned.

#### WHO SHOULD PAY?

10. There is also an issue for the water industry over how far it is right to ask customers to pay for the consequences of land and forestry management activities. In the present circumstances customers may be seen as paying twice, first by subsidising the original land management through the current system of CAP and secondly by paying for the water treatment and assets required to deal with resulting water quality problems. While to some extent we could be deemed to act as environmental contractors for the Government, there is no public awareness of this or debate about whether it is the right approach going forward.

#### MEETING THE PSA TARGETS

11. A positive outcome at the final determination for the land management elements of companies' submissions for PR04 would make a significant contribution to PSA targets and wider HAP and BAP objectives.

#### LOOKING AHEAD—KEEPING THE PROCESS RELEVANT

12. Finally there is a question for debate about the whether it is right that SSSI designation is cast in stone. Whilst it is obviously a public good to preserve and enhance special habitats, external changes may make it overambitious to believe that all types of habitats can be maintained. Evolution means that through time change takes place in any case. Climate change may lead to changes in our natural habitats and indeed the habitats and species that can be preserved in any area. We need a system of designation that is able to cope with change.

*12 March 2004*

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### **Memorandum submitted by the Forestry Commission (N7)**

#### EXECUTIVE SUMMARY

The Forestry Commission is the government department responsible for advising on and implementing forestry policy in Great Britain. It offers grants for expanding, regenerating and managing forests, regulates tree felling and protects Britain's forests from pests and diseases. The Commission is the largest woodland owner in England, managing one fifth of the country's woodlands.

Approximately 10% (115,000 hectares) of England's woodland area is designated as SSSI, and woodland comprises 10% of the total area of all SSSIs. Currently 71% of the woodland SSSIs are in "favourable or recovering condition", making it one of the better performing habitats.

The public forest estate managed by the Commission includes 40,000 hectares of these woodland SSSIs. It also includes 26,600 hectares of other habitats, such as heathland, bog and acid grassland. 74% of its woodland SSSIs are in favourable condition and 66% of the non-woodland sites are in favourable condition. Both of these figures are well above the national average.

The most common reasons for unfavourable condition in woodland include deer browsing, livestock grazing, lack of coppicing and the presence of conifers or other non-native species. Over or under-grazing are also common reasons on non-woodland habitats, with past drainage of wetland habitats also being a major factor. Much work is in progress, often in partnership with English Nature, to address these issues.

The Commission has adopted a performance measure to achieve the 95% target on all sites where it has "statutory responsibility". The target applies to all woodland SSSIs, all SSSIs on the public forest estate, and any other SSSIs where "forestry" is perceived to be a problem. In overall terms, the target is relevant to 15% of all SSSIs in England.

The Commission has produced a “Delivery Plan” for its target. The most important delivery measure will be the new English Woodland Grant Scheme, but there is an increasing reliance on the agri-environment schemes. Work towards meeting the target on the public forest estate can be planned and delivered rapidly, responsibly and reliably through the use of the established local teams. Although substantial progress has been made through major external funding partnerships, funding remains a constraint on the public estate.

Accordingly, the Commission has been prioritising its work to target more resources at SSSIs. Current projections suggest it can achieve favourable condition on 85% of the SSSIs within its “statutory responsibility” by 2010. Meeting the 95% will only be possible with additional resources, and it is estimated that an extra £2 million per annum would be needed from 2006 onwards.

## INTRODUCTION

1. This memorandum sets out the role and work of the Forestry Commission in relation to Sites of Special Scientific Interest (SSSI) generally and specifically in connection with supporting the achievement of Defra’s Public Service Agreement (PSA) target that by 2010 95% of all nationally important wildlife sites should be in “favourable condition”.

2. The Forestry Commission is the government department responsible for advising on and implementing forestry policy in Great Britain. Forestry is a devolved matter and in England the Commission reports to the Secretary of State for Environment, Food and Rural Affairs. The Commission is headed by a Board of Commissioners, whose principal duties and powers are defined in the Forestry Acts 1967 and 1979.

3. The Commission provides advice to Ministers, undertakes and commissions research, sets standards for good forestry practice. It also offers grants for expanding, regenerating and managing forests, regulates tree felling and protects Britain’s forests from pests and diseases. Through its agency Forest Enterprise, the Commission is the largest woodland owner in England, managing in total around 260,000 hectares equivalent to about one fifth of the country’s woodlands.

## FORESTRY POLICY, LEGISLATION AND SSSIs

4. The Government’s aims for forestry are:

- the sustainable management of our existing woods and forests; and
- a continued steady expansion of our woodland area to provide more benefits for society and our environment.

5. The Government’s priorities and programmes for delivering sustainable forestry in England are set out in its forestry strategy, *A New Focus for England’s Woodlands*<sup>12</sup>. The Strategy was published in December 1998 and is based around four inter-related programmes: Rural Development; Economic Regeneration; Recreation, Access and Tourism; and the Environment and Conservation. Each of the four programmes includes a range of actions that the government plans to take over the next 5–10 years. Actions related to biodiversity are included in the Environment and Conservation programme. A copy of the Strategy is enclosed.

6. Woodlands also feature as one of the five main sectors in the Government’s England Biodiversity Strategy<sup>13</sup> published in 2002. The Commission is leading the woodland sector of the England Biodiversity Strategy. One of the key indicators for delivery of the woodland programme of action is the condition of woodland SSSIs. The Forestry Commission is also the lead partner for the native woodland Habitat Action Plans under the UK’s Biodiversity Action Plan. These were agreed as a follow through to the commitments made at the Earth Summit in 1993, and contain long term targets for woodland conservation, restoration and creation.

7. There is a range of legislation relating to biodiversity issues generally and specifically to SSSI’s that are relevant to the work of the Forestry Commission. Section 28(g) of the Wildlife and Countryside Act 1981 (as amended) requires public bodies, including the Commission, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of SSSIs.

## WOODLAND SSSIs

8. There are 115,000 hectares of SSSIs that are predominantly woodland ie 10% of the total area designated as SSSIs. The “Lowland broadleaved woodland” habitat extends to 77,000 hectares and is the fourth largest single habitat in the SSSI series. The “Coniferous woodland” habitat is also significant with some 23,000 hectares designated as SSSIs. In total, approximately ten per cent of woodland in England is designated as SSSIs. Information on the condition of SSSIs is potentially a valuable indicator of the condition or “health” of the wider native woodland resource.

<sup>12</sup> *A New Focus for England’s Woodlands*. Strategic Priorities and Programmes. Forestry Commission 1998.

<sup>13</sup> *Working with the Grain of Nature*. A Biodiversity Strategy for England. Defra. 2003.

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## SSSIs ON THE PUBLIC FOREST ESTATE

9. The public forest estate, which is owned by the Secretary of State for Environment, Food and Rural Affairs and managed by the Forestry Commission, includes 67,000 hectares of SSSIs (25% of the total estate area). The Commission is the third largest manager of SSSIs in England, after English Nature and the Ministry of Defence. This area includes two very large SSSIs: the New Forest (27,000 hectares) and Thetford Forest [17,500 hectares]. Although woodland is the most extensive habitat, 40% of the SSSIs on the public forest estate are actually non-woodland habitats. Two of these non-woodland habitats are particularly significant for the Commission. It manages nearly half the total area of SSSIs designated as “lowland acid grassland”. It also manages 20% of the fen, marsh and swamp SSSI type. The estate also includes a small proportion of the total area of inland rock, bog and heath (lowland and upland types) SSSIs.

## FORESTRY COMMISSION TARGET FOR SSSIs

10. The Commission has had a “Joint Statement of Understanding” with English Nature for many years. The document, which is revised periodically, provides a framework for collaborative working, including that related to the conservation, protection and enhancement of SSSIs. A copy of the latest Statement is enclosed. This process has helped to ensure that all SSSIs on the public forest estate are now managed in accordance with plans agreed between the Commission and English Nature.

11. As part of the 2002 Spending Review process, the Commission established a target to bring into favourable (or recovering) condition by 2010, 95% of all SSSIs where the Forestry Commission has statutory responsibilities. The target has been broken down into three main areas reflecting the range of the Commission’s statutory responsibilities.

- (a) all woodland SSSIs, irrespective of ownership (since the Forestry Commission is the lead Government body for woodlands);
- (b) all SSSIs on the public forest estate including both woodland and non-woodland habitats;
- (c) other SSSIs where “forestry” is recorded as the reason for “unfavourable condition”, for example a conifer plantation occupying part of a lowland heath SSSI (where the Forestry Commission has regulatory responsibilities through the granting of felling licences and in some cases consideration as to whether Environmental Impact Assessments may be needed for deforestation proposals).

12. The extent of each of these, and the current situation in respect of the target, is summarised in the table below. The figures for both woodland generally and for the public forest estate compare favourably with the national average for SSSIs which is 58%.

<i>Category of SSSI</i>	<i>Area included (hectares)</i>	<i>Proportion meeting the target (%)</i>
Woodland SSSIs outwith the public forest estate	74,400	71
Public forest: woodland	40,600	74
Public forest: non-woodland	26,600	66
Non-woodland where “forestry” is recorded as the problem	c 15,000	c 60

13. Progress towards the target will be monitored through the assessments of condition carried out by English Nature. The Commission is working closely with English Nature to agree the work needed to achieve favourable condition for each site. This includes sharing information on the underlying issues and solutions at a national scale.

## REASONS FOR “UNFAVOURABLE CONDITION”

14. English Nature’s report on SSSI condition<sup>14</sup>, published in December 2003, gives the overall picture for SSSIs of all types. This shows “forestry and woodland management” as the fifth most extensive reason for “unfavourable condition”, affecting 6% of all SSSIs, with “deer” affecting a further 2%. The main reasons for unfavourable condition in woodland SSSIs (in both private and public ownership) include the following (in broadly decreasing importance):

- Browsing by deer, damaging seedlings, coppice shoots and woodland flora.
- Excessive grazing by domestic livestock, particularly in upland woods.
- Lack of traditional management, particularly coppicing and cutting rides and glades.
- Shading by conifers and presence of non-native or invasive species.

15. The range of non-woodland habitats on the public forest estate is very wide, and as a result the reasons for unfavourable condition are equally wide, but the following are the most common:

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<sup>14</sup> *England’s best wildlife and geological sites: The condition of Sites of Special Scientific Interest in England in 2003*. English Nature, 2003.

- Over-grazing (or occasionally under-grazing) of grassland and heathland
- Conifer plantations remaining on non-woodland habitats
- Past attempts at drainage which are still adversely affecting bog, fen and heath

16. The work needed to achieve favourable condition is very variable. The cost therefore also varies enormously, ranging from major capital expenditure to modest annual costs or even break-even operations. This makes budgeting difficult, exacerbated by the fact that often only part of an SSSI needs remedial work in order to bring the whole area into favourable condition. Conversely, some large-scale actions, such as deer control or drainage, often benefit an area larger than the SSSI itself.

17. Many sites can be brought into favourable condition through one-off operations requiring capital payments. Others will require an ongoing funding stream to maintain annual or periodic actions, such as coppicing and deer control. As the area in favourable condition increases, the area requiring ongoing maintenance, and hence the total funding required also increases. This has implications for ensuring that SSSIs that have been brought into favourable condition do not slip back. There are wider factors, such as diffuse pollution or climate change, which may result in some sites remaining in or falling back into unfavourable condition despite the required site management having been done.

#### Delivery Mechanisms

18. The Commission has prepared a delivery plan for this target. This sets out the nature and scale of the task, the delivery mechanisms and partners, planning and monitoring processes and finally the main risks and challenges.

19. For woodland SSSIs outside the public forest estate, the primary delivery mechanism has been the Commission's Woodland Grant Scheme. This provides a range of incentives which contribute to the cost of carrying out the sort of operations identified in paragraphs 16 and 17 above. In 2002–03 the Commission paid grants worth £1.1 million related to the management and improvement of woodland SSSIs. The Commission is developing a new package of measures which will replace the existing scheme in April 2005. These will include many grants which could contribute to improvement of SSSIs. In particular, Woodland Improvement Grants are proposed, which are “narrow and deep” payments to address particular problems or needs in woodland. The new measures will include the scope for considerable regional discretion and local flexibility. As an example, one possibility that is being considered is targeting a proportion of the new Woodland Improvement Grant specifically at improving SSSIs which are in unfavourable condition.

20. The Woodland Grant Scheme can fund some operations relating to non-woodland habitats but the Commissioners' statutory powers mean that grants cannot be provided for habitats which are not part of a woodland. The Commissioners also issue felling licences, including for the conversion of woodland to other habitat where there are overriding public benefits. In many situations, this presupposes the availability of other funding streams to support the creation and management of the new habitat. Under the developing proposals for Defra's Higher Tier Environmental Stewardship Scheme it is anticipated that there will be increased opportunities for the strategic co-ordination of different funding streams.

21. The Commission's grants are often complemented by grant aid from English Nature under their Wildlife and Reserve Enhancement Schemes in order to fund actions which are not covered by the Woodland Grant Scheme.

22. Delivery on the public forest estate is much more straightforward. Once a policy is agreed, and funding is secured, management can be directly implemented, via Forest Enterprise staff or through the use of specialist contractors. This gives responsive, direct and robust delivery of known outcomes, without the uncertainty of the market or the whims of private owners. Apart from a few sites where there are legal obstacles, the main constraint has been resources, and focusing on SSSIs could mean reducing expenditure on the provision of other non-market benefits.

23. Some examples which illustrate the range and potential of the Commission's work in relation to SSSIs are included at Annex A [Not printed] to this Memorandum.

#### MAJOR CHALLENGES

24. There are a number of significant challenges which make achieving this target particularly difficult. These, and examples of work underway to address them include:

- Engagement with woodland owners: about half of the woodland on SSSIs is currently within a Woodland Grant Scheme, and the Commission has very limited engagement with the owners of the remaining SSSIs. This is being addressed by the inclusion of woodland operations within Defra's Entry and Higher Level Agri-environment Schemes; and the development of new outreach approaches, aiming to advise, support and “inspire” owners rather than just offer incentive payments.
- Deer: can have a significant impact. Excluding deer from woods can be very expensive, and managing a herd is only feasible at the scale of whole landscapes. Defra and the Commission are currently undertaking a consultation on the sustainable management of wild deer in England, to inform future strategic directions on these issues

- Grazing: upland habitats, woodland and others, are often over-grazed, whereas securing appropriate grazing for lowland ones is becoming a significant issue. Conversely, securing appropriate grazing for lowland woodlands is often the key issue. The current proposals for Entry and Higher Level Schemes respectively include options for maintenance and erection of fencing to exclude livestock from woodland. In addition, the Commission has (with the Rural Development Service and English Nature) initiated a pilot survey of upland woods to assess the scale and nature of the current overgrazing problem.
- Downturn in timber incomes: significant reductions in world timber prices have reduced both the private and public sector owners' ability to fund woodland improvement work. This is leading to a decline in the capacity of the sector and the skills base to actually carry out the work. The new English Woodland Grant Scheme will target resources to those owners providing greatest non-market benefits. SSSIs are featuring in the emerging regional biodiversity and woodland/forestry strategies and frameworks, which may open up scope for securing resources to pursue targets at a regional level.

25. There are a number of other activities underway by the Forestry Commission which will facilitate achievement of the target, including:

- A complete site-by-site appraisal of all SSSIs on the public forest estate is nearing completion. This comprises data on the precise reasons for unfavourable condition, the work required and costed plans for achieving it. These will be integrated with the main spatial management database used by Forest Enterprise.
- The databases which will underpin the England Woodland Grant Scheme have been designed to enable work done on SSSIs to be analysed, so at any time the Commission will know what work has been approved, completed and funded.
- Data on SSSI condition has been broken down into a spatial dataset for each region, and regional teams are now empowered to target their efforts to the handful of unfavourable SSSIs in each county.

#### FUTURE PROGRESS

26. The Forestry Commission has been prioritising its activities, in order to target more resources specifically at SSSIs. Current projections suggest that this will enable us to achieve favourable condition on 85 per cent of SSSIs that are relevant to our work by 2010. If the 95% target is to be achieved it will require additional resources, and it is estimated that these will need to be in the order of £2 million per annum from 2006 onwards.

27. Considering both woodland and non-woodland SSSIs, there are some sites that will inherently be very difficult to get into favourable condition. These are due to extremely high cost operations, difficult local settings or legal constraints. There will also be some where local public opinion is against the sort of rapid landscape change that will be required. This is particularly true of sites requiring removal of mature conifer forest and restoration to non-woodland habitat. It is therefore likely that there will be a "rump" of difficult sites as we approach 2010.

12 March 2004

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### Memorandum submitted by the Deer Initiative (N12)

#### INTRODUCTION

The Deer Initiative (DI) is a wide partnership of statutory, non-statutory, voluntary and private interests. Whilst originally set up by the Forestry Commission and still, in the main, funded by the Forestry Commission and English Nature, it has a core staff whose activities are both to co-ordinate the relevant activities of the partners and to deliver some functions directly.

The aim of the DI is "*to ensure the delivery of a sustainable, well managed wild deer population in England*". The staff and finances of the DI are managed through the DI Ltd, a charitable company limited by guarantee, dedicated to supporting the DI. This response reflects the views of the staff of the DI, our partner organizations will respond separately.

We are pleased to have been given the opportunity to offer our comments on this very important issue.

*The terms of reference of the inquiry are:*

"The Committee will examine progress made towards achieving Defra's Public Service Agreement (PSA) target that by 2010 95% of all nationally important wildlife sites should be in 'favourable condition'. It will examine the role played by various agencies in meeting the target, including especially English Nature and local authorities, and will determine what changes are needed to ensure that the target will be met."

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### *General Comments*

The recent announcement that the management of nearly 61% of SSSIs was meeting the PSA target (ie it was either in favourable condition or unfavourable recovering) was encouraging but still implies that more needs to be done if the target is to be met.

For woodland SSSIs high deer numbers continue to pose risks to re-growth on restored coppice stools, natural regeneration of woody species and the rich ground flora.

We would also like to highlight the fact that the management of SSSIs to a high standard is sometimes reliant on factors beyond the boundary of the holding and over which the manager may have little or no control. This emphasizes the need for collaborative deer management to take place on a landscape scale.

### *Defining the Condition of SSSIs*

One of the major problems highlighted in recent awareness seminars, is the lack of knowledge as to what criteria or factors are used in the definition of the five condition classifications or what proportion of an SSSI unit would have to be in poor condition for its classification to be detrimentally affected. This lack of clarity is not restricted to landowners but was also expressed by EN staff responsible for monitoring and classifying sites. It could be that some generally well managed sites are not contributing to the achievement of the PSA target because a minority of the area is not meeting its conservation objectives.

It is clear that not all land managers agree with the judgments of English Nature over the effects of particular levels of grazing particularly in parklands and the uplands and some question whether the requirements for favourable condition are appropriate to the site or achievable.

### *Incentives for Positive Management*

We are currently working with EN to on a local scheme in the West Midlands which aims to offer a positive incentive to landowners to effectively manage wild deer to achieve conservation benefit. The initial indications are that this project will enhance the deer management capability in the area and facilitate more efficient management at a landscape scale. We believe that this type of positive partnership approach is essential if we are to reduce the impact of wild deer on our woodland SSSIs.

### *Provision of Advice*

Land owners and managers need to be made aware of the value of SSSIs and how it can be maintained and enhanced through their management. We are already working in partnership with both English Nature and Forestry Commission staff and where possible landowners and managers, to provide the necessary knowledge to recognize and minimize deer impacts. Unfortunately in practice there are constraints on this partnership fulfilling its potential. Land managers prefer to have long standing relationships with advisers they can trust and this is particularly true for deer management which is often regarded as being of a very sensitive nature.

### *Priority Issues Affecting Favourable Condition*

It is clear that wild deer are having significant negative impacts on many woodland SSSIs though we recognize that in many wood-pastures they play a critical and very positive role in helping to maintain the open conditions characteristic of this habitat. Various rare and threatened species benefit, directly or indirectly. We do not therefore want to eliminate deer and deer browsing from the landscape either nationally or regionally—they are a natural part of woodland systems.

However we do need to bring them more into balance with the communities and species that we value now—most of which developed in a cultural landscape in which deer were rare or absent (Rackham 1986). It is naïve to expect that we can conserve such habitats and species without also managing deer numbers in the landscape as a whole.

Therefore we may fail to meet many biodiversity plan targets if we do not, over the next few years, bring about effective, landscape-scale deer management.

15 March 2004

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## Memorandum submitted by the Ministry of Defence (N13)

### INTRODUCTION

1. MOD is one of the UK's largest landowners and is the government's principal owner of Sites of Special Scientific Interest (SSSIs, or ASSIs in NI).

2. The Defence Estate has developed over the past 200 years and today occupies some 240,000 hectares. Its wide geographical distribution, past history of benign stewardship and its location on marginal land has meant that it is now very highly valued for its extensive range of habitats and species across the length and breadth of the United Kingdom.

3. MOD has management responsibility for 190 SSSIs/ASSIs. There are 144 in England, 26 in Scotland, 18 in Wales and two ASSIs in Northern Ireland). The MOD-managed SSSIs in England alone cover approximately 85,000 hectares (850 square kilometres). The role of the Defence Estates is to support the delivery of defence capabilities. However, MOD recognises that it has a major role to play in the conservation of the UK's biodiversity interest.

### MOD SSSI FAVOURABLE CONDITION PROJECT

4. Following the publication of the PSA target on SSSIs, and the subsequent announcement of the Sustainable Development in Government (SDiG) biodiversity target H4 on SSSI condition, MOD established its SSSI Favourable Condition Project in September 2003. The aim of the Project is to audit the condition of the SSSIs for which MOD has management responsibility and to scope the costs of works required to bring unfavourable sites into favourable/unfavourable improving condition. The Project also aims to assess the requirements needed to maintain the condition of those sites that are currently in favourable condition.

5. At the present time the percentage of MOD SSSI units assessed to be in favourable/unfavourable recovering condition in England is about 64% (as at October 2003). This is slightly above the England national average of 58%. Performance in Scotland (74%) and Wales (67%) is above that in England but still falls short of the target<sup>15</sup>. 60% of ASSI units in Northern Ireland meet the target.

### PROJECT SCOPE AND OBJECTIVES

6. The Project has the following objectives for 2004:

- (a) By 31 March 2004 to have undertaken an audit of management issues affecting MOD SSSIs in England, and prepare a draft action plan for MOD's Top Level Budget Holders (TLBs), outlining prescriptions, solutions and a rough order of costs to meet the PSA/SDiG targets.
- (b) By 30 July 2004 to have undertaken an audit of management issues affecting MOD SSSIs in Scotland, Wales and Northern Ireland, and prepare a draft action plan for TLBs outlining prescriptions, solutions and rough order of costs to meet the PSA/SDiG targets.

7. The scope of the SDiG target goes beyond July 2004 because the SSSI condition deadline projects forward to 2010. The current phase of the MOD SSSI Project ends on 31 July 2004. Further work will relate to the implementation of the action plans in order to reach the SDiG target, as far as can be reasonably achieved.

### METHOD OF APPROACH/STAGES

8. The Project addresses a number of steps at each site with SSSIs:

- Data acquisition of MOD managed SSSIs across the UK. The task is to identify SSSI units or features reported by the Statutory Bodies (SBs) as being in unfavourable condition and collate relevant information.
- Investigation. For each SSSI unit/feature in unfavourable condition investigate the current reasons of unfavourable condition including those of an operational nature or related to third party actions.
- Review. Where the SB reports unfavourable SSSI units and MOD considers that they may actually be in favourable condition, review and seek to resolve the SB condition assessment criteria.
- Improvement. Identify key prescriptions, costs and management authority (ie MOD Top Level Budget holder) where local action can be taken to improve condition.
- Maintenance. Identify key prescriptions, costs and management authority (ie MOD Top Level Budget holder) where local action is required to maintain condition.
- Identify issues for SSSI management where improvements are considered to be outside MOD control or where significant operational factors prevent appropriate SSSI management.

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<sup>15</sup> As assessed by the relevant Statutory Body—English Nature, Scottish Natural Heritage, Countryside Council for Wales, Environment and Heritage Service DoENI.



9. Where MOD is identified as having management responsibility and control the Project will produce draft improvement plans to bring unfavourable SSSI units in England and SSSIs in Scotland, Wales and NI, into favourable condition. The proposals will be discussed with budget holders in order that the funding issues can be identified.

#### BIODIVERSITY PLANS

10. A draft MOD Biodiversity Delivery Plan is being published which outlines the initiatives and mechanisms through which MOD can deliver the PSA/SDIG targets on biodiversity. This delivery plan has not yet received formal endorsement through the MOD management structures.

11. The initiatives outlined in the Biodiversity Delivery Plan will subsequently be subject to a full assessment of cost implications, resource issues and operational impacts. MOD is unable to state to what extent the Department will be able to implement the initiatives at this time.

12. It is expected that 4 to 5% of SSSIs for which MOD has management responsibility will not achieve favourable condition due to an overriding military requirement. However, MOD recognises that there is still a requirement to manage these sites to enhance nature conservation.

#### RESOURCE ISSUES

13. The MOD is ineligible to apply directly for government grants for SSSI management. The Department must therefore seek to allocate funds from within the Defence budget to support the required works on designated sites. It is also looking at accessing funds through partnerships with other groups and individuals, including tenant farmers that are able to access government grants.

14. There is particular issue for MOD tenant farmers over applications for conservation grants. Tenants may benefit if there is no special condition on conservation management in their lease. However, to achieve its wider biodiversity obligations, MOD seeks to include such clauses in new or renewed leases. This good practice on the part of MOD effectively removes the tenant's eligibility to apply for grants.

15. MOD's delivery of estate management is complex and currently uses a variety of mechanisms, including tenant farmers, PPP/PFI arrangements and direct management. Whilst some of the conservation management work required may be achieved by amending current estate management systems and work, it is considered that in order to achieve the target for SSSI Favourable Condition, most additional work will require substantial additional resources.

#### WIDER BIODIVERSITY ISSUES

16. There is an issue for the SSSI Project when it comes up against competing obligations between SSSI management and MOD's wider biodiversity obligations for nationally important biodiversity species that may also be present on the site. MOD currently applies Statutory Body advice which states that the statutory protection provided for the SSSI features takes precedence over important biodiversity species.

17. There is some concern that the increased statutory protection of biodiversity habitats and species may cause confusion as to which habitats and species take priority over others. It is intended that this will be addressed on a case by case basis because there are significant regional variations in priorities for biodiversity. MOD will continue to rely on clear guidance from the statutory nature conservation agencies on these issues.

#### PARTNERSHIPS

18. MOD is working closely and positively with English Nature. Defence Estates, the MOD agency responsible for the department's land and property, is liaising over all aspects of the MOD SSSI Favourable Condition Project. This helps both parties to resolve data issues relating to assessments and the SSSI boundaries, and advice on management.

19. MOD considers that it has a positive and effective working relationship with English Nature both at a national level and with English Nature's local teams. This has included the offer of assistance from the EN funding officer for a MOD workshop on opportunities to access external resources. This working relationship has been vital to the successful development of the Project, and in the future it will be equally vital in agreeing and achieving required works to realise the targets.

20. During the next phase of the Project the team will be developing similar working arrangements with Scottish Natural Heritage, Countryside Council for Wales, and Environment and Heritage Service (DoE NI).

*15 March 2004*

### **Memorandum submitted by the National Farmers' Union (N14)**

1. The National Farmers' Union (NFU) welcomes this opportunity to make a submission to the Environment, Food and Rural Affairs Committee's inquiry on Defra's Public Service Agreement (PSA) target for Sites of Special Scientific Interest (SSSI). Given that the vast majority of SSSIs are found on farmland and are in private ownership, our interest in the Government's PSA target and the means by which it may be achieved need little amplification.

2. The Committee has chosen an appropriate time to review progress towards the PSA target. English Nature has recently published a comprehensive survey of SSSI condition and is now, we understand, in a position to report on the state of SSSIs on a consistent and regular basis. At the same time Defra is in the initial stages of implementing a fundamental reform of the Common Agricultural Policy, which will result in the complete removal of distorting direct payments. Finally, in parallel with CAP reform, Defra is set to introduce a new agri-environment scheme, Environmental Stewardship, which will have biodiversity conservation as one of its priority objectives.

3. The timeliness of the Committee's inquiry is not only influenced by these factors: Defra is also in the midst of responding to Lord Haskins' wide ranging and thoughtful reflections on how best the department should deliver its rural services. As a principal recommendation of Lord Haskins' report is the creation of an integrated land management agency with responsibility for SSSIs, the outcome of Defra's deliberations is likely to be of considerable relevance to this PSA target.

4. In our submission we wish to address briefly these issues in turn, offering a commentary from the farming perspective.

#### **PUBLIC SERVICE AGREEMENT TARGET**

5. It is not surprising that the Committee should wish to review progress of Defra towards this target, however we believe that there are dangers in policy driven by targets, such as the PSA suite. We understand that such targets, and indicators such as those used to illustrate the Government's "quality of life" measure, are intended to provide a shorthand assessment of progress across a broader range of fronts. Thus we understand the PSA target to be one of a range of means of assessing environmental protection and improvement.

6. However, we believe that there is a grave risk in becoming over focused on any single measures to the detriment of other activities the Government or its agencies should be addressing. In short, Ministers should be wary of allowing indicators to set policy priorities, rather than vice versa.

7. Our assessment is that the PSA target for SSSIs has not yet distorted policy priorities to the detriment of other activities with which English Nature or the Department is engaged. However, we suggest that the Committee is vigilant of such a risk, especially as the deadline for its achievement nears. We would be greatly concerned if, for example, English Nature or its successor felt a greater emphasis on regulatory measures as compared to incentives or advice, were necessary to achieve the PSA target. Similarly we would be opposed to giving priority to biodiversity within Defra's new multi-objective agri-environment scheme.

#### **SSSI CONDITION STATUS**

8. The recent English Nature report on SSSI condition made both encouraging and challenging reading. It is clear that substantial progress has been made in improving site management and reversing declining condition. In some habitats, arable SSSIs being the prime example, the PSA target is already achieved. Also encouraging is the clarity the report brings to the scale and nature of the issues still to be addressed. If Defra is to tackle poor SSSI condition it needs to understand the scale of issues that need to be addressed.

9. However, we are disappointed that the report risks being perceived as a negative assessment of on the efforts of land managers. Our understanding is that English Nature is only in the initial stages of meeting individual owners and occupiers and agreeing site management statements (as required by the Countryside and Rights of Way Act). We suspect many SSSI owners and occupiers are unaware of the "official" condition of the site in their control. We also believe that it is notable that many SSSIs are managed without any formal management agreement.

10. Given this practical context, we believe that Defra and the relevant agencies have a major challenge in communicating and enabling SSSI owners and occupiers to rise to the challenge of this PSA target. This is particularly important as the "favourable condition" assessment is not immediately apparent to farmers of SSSIs, nor are the solutions needed (in English Nature's opinion) necessarily available to the farmers concerned. In an extreme example, an SSSI may be damaged by atmospheric acid deposition, which both reduces its biological diversity and its capacity to sustain grazing. In such an example it would be interesting to know on whom English Nature lays the "blame" for poor condition.

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## CAP REFORM

11. As we have noted Defra is in the initial stages of implementing last year's CAP reform package. One aspect of this reform will have fundamental implications for SSSI status—the basis and scale of single farm payments. It will be of little surprise to the Committee that SSSIs rely heavily on grazing management, however the switch to regionalised payments, and the boundaries chosen for their calculation will have a significant impact on the relative profitability of individual livestock businesses, as well as the viability of the sector.

12. Our initial assessment is that the approach proposed—regionalised payments based on the SDA/non-SDA boundary—will significantly reduce the viability of extensive beef production, especially in the SDA. This offers the disturbing prospect of suckler cow numbers dropping and with it the diversity of grazing practice. We believe that this should be of great concern to those concerned about the condition of SSSIs, where a mixture of cattle and sheep grazing is frequently desired and a livestock infrastructure (of markets, suppliers and stockmen), essential.

13. We have attached two illustrations of the financial impact of decoupling for “typical” farms in SSSI grazing situations in Exmoor and the Culm measures in Devon.

## “ENVIRONMENTAL STEWARDSHIP”—DEFRA'S NEW AGRI-ENVIRONMENT SCHEME

14. The NFU has been closely involved in the development of Defra's replacement scheme for Countryside Stewardship and Environmentally Sensitive Areas Schemes. We commend Defra for its open and thorough development process used to produce the replacement scheme.

15. We believe that the new Environmental Stewardship Scheme, especially the Entry Level tier, will have much to contribute to the PSA target for SSSIs. In particular the Scheme should provide a more supportive economic and environmental context for those farms containing SSSIs. This context will be provided by rewarding those farms that already do “a good job” for the environment, and providing a payment for this public good, and providing additional habitat and “buffering” to SSSI features and species.

16. However, it is important that the Environmental Stewardship Scheme is not “hijacked” to be the principal vehicle for SSSI/PSA delivery. We are clear that the scheme is multi-objective and aimed at providing a supportive context for SSSI management. The need for additional targeted advice and financial assistance for each SSSI remains mandatory.

17. We are also clear that Environmental Stewardship must continue to offer attractive and secure payments for public goods. We are concerned to hear reports that payments levels will substantially reduce on the introduction of decoupled payments. We believe that notwithstanding accountants' calculations, Defra must retain and improve the confidence of agreement holders that conservation schemes provide a secure, growing and legitimate income source for their businesses.

## INTEGRATED LAND MANAGEMENT AGENCY

18. We await Defra's decision on the form and remit of the proposed integrated Land Management Agency with interest. Clearly the Agency will continue to have the lead role in delivering SSSI regulation. While some fear the widening of the proposed agency's remit to include recreation, landscape and access, as well as delivery of the new conservation scheme, we see considerable advantage. We have been concerned that English Nature's exclusive focus on biodiversity is both the organisation's strength and its key weakness. A widened remit will enable the new organisation's advisors to combine EN's local presence with a broadened conception of land management. It is hoped that the Agency's statutory purposes permit such joined up approaches to be delivered in advice to “SSSI farms” and those farming around SSSIs.

## SUMMARY

19. We welcome the Committee's inquiry on Defra's PSA target for SSSI condition. The inquiry is timely, since it coincides with important decisions the Department is currently taking. We believe that the PSA target provides a challenging target for SSSI management, but that given the resources (ie funding for SSSI management and advisors) this target is achievable. However, we would emphasise that the PSA target is only achievable with the willing co-operation of the 30,000 owners and occupiers of SSSIs. They need to have clear incentives to contribute, they need clarity about what they can do, and they require the resources to sustain SSSI condition. Most important these owners and occupiers require congratulation on the current and sustained improvement in SSSI condition in recent times.

*15 March 2004*

## POST CAP REFORM DECOUPLING ILLUSTRATIONS

## EXMOOR SDA FARM

284 ha—32 ha of arable land—stocked with 1,900 ewes and 130 suckler cows and 250 cattle for finishing.

Payments:

<i>Year</i>	<i>Payment (before Deductions)</i>	<i>Net Payment</i>
2005	£89,595.67	£80,293.13
2006	£85,943.41	£76,199.92
2007	£74,535.75	£65,393.78
2008	£63,128.09	£55,412.08
2009	£51,720.43	£45,430.38
2010	£40,312.77	£35,448.67
2011	£28,905.11	£25,466.97
2012	£21,300.00	£18,812.50

## CULM MEASURES, CORNWALL/DEVON

152 ha—60 ha arable land—stocked with 190 ewes and 300 head finishing cattle.

Payments:

<i>Year</i>	<i>Payment (before deductions)</i>	<i>Net Payment</i>
2005	55,736.36	49,989.04
2006	54,647.81	48,503.31
2007	50,905.25	44,717.10
2008	47,162.70	41,442.36
2009	43,420.14	38,167.63
2010	39,677.59	34,892.89
2011	35,935.04	31,618.16
2012	33,440.00	29,435.00

15 March 2004

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**Memorandum submitted by the Environment Agency (N15)**

### 1.0 SUMMARY

1.1 The Defra Public Service Agreement (PSA) target to achieve by 2010 favourable condition in 95% of nationally important wildlife sites demonstrates a strong policy commitment by Government towards conserving and enhancing biodiversity in England.

1.2 The Environment Agency has an important role to play in helping achieve the target for water and wetland SSSIs in particular. We are already working closely with English Nature and others to this end.

1.3 The 2010 timetable is challenging and will not be achieved unless action is taken now to tackle the impacts of diffuse pollution from agriculture as well as those point source and abstraction problems still to be resolved.

1.4 A landscape-scale approach to environmental management is required if our nationally and internationally important wildlife sites are to be sustainable in the longer term.

1.5 Institutional, legal and proper funding arrangements need to be secured to achieve effective protection of SSSIs.

## 2.0 BACKGROUND TO THIS SUBMISSION

### *Our responsibilities for wildlife conservation and role in contributing to the PSA target*

2.1 The Environment Agency is the leading public body working to protect and improve the environment in England and Wales. We regulate pollution to air, land and water and manage flood risk, water resources and freshwater fisheries. We have important statutory duties to conserve and enhance wildlife in carrying out our activities.

2.2 Under the Conservation and Rights of Way (CroW) Act 2000, we have a statutory duty to further the conservation and enhancement of Sites of Special Scientific Interest (SSSIs). We are a competent authority under the European Birds and Habitats Directives and we have a general duty to promote the conservation of wetland habitats and species.

2.3 Our influence as an environmental regulator extends to a wide variety of SSSIs. For example, we regulate industrial emissions to air that may directly or indirectly affect sensitive heathland vegetation. However, our main regulatory locus, where we also have a significant operational remit is water and wetlands, particularly in the lowlands and associated coastal areas. That is where we will concentrate our evidence for this Inquiry.

2.4 We have three roles to play in relation to the PSA target: (i) a minor but important one as an SSSI landowner; (ii) a major one, by regulating or carrying out activities that could potentially damage wildlife interest on other SSSIs; and (iii) shaping policies and legislation for environmental and agricultural activities that help to protect SSSIs.

## 3.0 AGENCY-OWNED SSSI LAND

3.1 We own land in 181 SSSIs, covering a total of 5,126 hectares, which represents about 0.5% of the total SSSI land area in England.

3.2 English Nature condition assessment data show that 76.1% of our SSSI landholding area is in "favourable condition", compared with a national figure of 58.3%.

3.3 English Nature has told us what is causing damage at our sites in unfavourable condition and we are drawing up a work programme to ensure that improvements take place as quickly as possible. Given that several landowners are often involved in managing a single SSSI, we will not be able to achieve favourable condition by our actions alone.

3.4 In many instances we own flood defence or other infrastructure (eg weirs, flow gauges) as our only landholding within an SSSI. As these cannot be altered for operational reasons, changes in land management by owners elsewhere in the SSSI are needed to bring about favourable condition.

3.5 Our work programme (mainly related to flood management and pollution control) will concentrate on practical actions that have tangible biodiversity benefits.

## 4.0 HELPING TO IMPROVE OTHER SSSIs

4.1 Several factors that damage SSSIs, particularly in the lowlands, are influenced by our regulatory or operational activities. Point-source water and air pollution, excessive abstraction of water, inappropriate water level management and intertidal habitat loss are all well-established causes of unfavourable condition where we have a major role to play. We are working with English Nature to agree remedies within our remit or influence.

### *Our Habitats Directive work*

4.2 We are undertaking a statutory review of all our existing environmental licences and consents, to identify and remedy the causes of damage to those SSSIs which are of European importance. These Birds and Habitats Directive sites (collectively known as Natura 2000 sites) comprise a substantial proportion of SSSIs by area. Our Habitats Directive work should therefore contribute significantly to the PSA target because about half the wetland, riverine and lake SSSIs are also Natura 2000 sites.

4.3 This review, the biggest of its kind in Europe, involves many thousands of individual licences. We have agreed a three-phase, priority-based programme of work with Government and need to decide before March 2006 which environmental licences will have to be modified or revoked to reverse damage on 41 high priority sites. We will have completed our review on all 321 Natura 2000 sites in England by March 2010.

4.4 This exercise involves close co-operation with English Nature and has taught us some important lessons:

- condition assessment needs to be robust, auditable and based on best available information;
- there must be good evidence for damage and determining the likely causes of that damage;
- remedial action needs to be risk-based and concentrate on those actions which will secure tangible improvements;

- those responsible for remedial work need to be clearly accountable for their actions;
- there must be an effective legal framework and sufficient means of funding to enable the necessary action to be carried out;
- those affected by change need to be informed early on, otherwise understanding and support will be hard to secure.

4.5 The technical information and experience gained will inform the programme of work for SSSIs outside Natura 2000 sites. The wider range of issues involved will mean that a streamlined and rigorous priority-based approach to identifying and rectifying problems will be required.

#### *Water pollution and abstraction problems*

4.6 English Nature's condition assessment concludes that 31% of river SSSIs, 69% of lake and canal SSSIs and 65% of fen, marsh and swamp SSSI are in favourable condition.

4.7 For damage caused by water industry activities such as water abstraction and sewage-related pollution, we have concentrated on influencing rounds 3 and 4 of the Ofwat Periodic Review of Water Prices.

4.8 The Periodic Review environment programme approved for 2000–05 and the forthcoming one for 2005–10 are crucial for remedying damage in more than 150 SSSIs, many of which are Natura 2000 sites.

4.9 Working closely with English Nature, we secured an environment programme for 2000–05 worth £5.3 billion involving a capital investment programme of £100 million to protect SSSIs, including several Natura 2000 sites. £40 million is being spent on nutrient removal at 72 sewage treatment works affecting 29 SSSIs, whilst £60 million is being spent on schemes to alleviate water abstraction problems on 18 SSSIs and investigations into water resources concerns on a further 27 SSSIs.

4.10 As a result, for example water quality has been improved by reducing excessive nutrient input (which damages water plant communities) at several key sites including the River Wye and the Norfolk Broads. Flows have been restored on the River Eden in Cumbria, and valley bogland vegetation improved on North Dartmoor.

4.11 For the 2004 Periodic Review we have agreed with English Nature that the environment programme for 2005–10 needs funding to support 260 schemes to tackle water quality problems at 63 SSSIs, alleviate water abstraction problems at 46 sites and to investigate problems at a further 121 sites. The Secretary of State for the Environment has now published her final guidance on the environment programme which includes these elements. Our programme to restore sustainable abstraction that will benefit water and wetland SSSIs also needs to be accounted for in this Periodic Review round.

#### *Diffuse pollution*

4.12 Since 1990, over £20 billion pounds has been spent upgrading the sewerage infrastructure in England and Wales to improve the quality of discharges and hence the quality of receiving waters. These improvements have brought into stark focus the impact diffuse pollution is having on surface and groundwater quality. For example, (i) 21 out of 56 salmon action plans will probably miss spawning targets because of the impact of silt and (ii) over half of rivers monitored for water quality have elevated phosphorus levels.

4.13 More stringent sewage treatment will not alone solve the water quality problems affecting SSSIs. Nutrient enrichment of water, caused by phosphorus and other fertilisers washed into water courses from adjacent fields is a widespread problem and this so-called "diffuse pollution" is a damaging factor in at least 100 water and wetland SSSIs.

4.14 In many catchments, at least half the phosphorus entering rivers is derived from diffuse sources in adjacent fields. For example, the River Teme SSSI requires action to reduce phosphorus from point source discharges and also catchment-related action on diffuse pollution, particularly in the lower reaches. Lakes which act as a sediment trap for phosphorus, are even more vulnerable to nutrient enrichment. Unless the diffuse pollution problem is tackled in parallel with point sources, many river and lake SSSIs will remain in unfavourable condition.

4.15 In preparation for the Water Framework Directive, Defra is developing a strategic action plan for tackling diffuse agricultural pollution and a comprehensive evidence base has been prepared. However, the consultation draft is insufficiently focused on the immediate practical actions that are needed. We have been working closely with English Nature to help Defra identify priorities and actions.

4.16 We have progressed with English Nature, a practical approach to tackle the problems. We need: (i) a suite of transitional measures around improved advice, grant aid, and conditions on CAP payment, to be implemented by 2005; (ii) a robust and costed delivery model for stakeholders to comment upon; (iii) sufficient funding from Spending Review 2004 to allow advisory officers to be put into priority catchments to advise landowners on practical measures that need to be taken.

*Water level management*

4.17 We are working with Defra, English Nature and Internal Drainage Boards to improve the condition of 496 wetland SSSIs which have water level problems. We have lead responsibility for drawing up and implementing water level management plans for 343 wetland SSSIs. We have completed 323 plans and started an implementation programme.

*Coastal habitat management*

4.18 Intertidal habitat loss caused by the “squeezing effect” of sea-level rise and maintenance of “hard” sea defences on flood-prone low-lying coasts in the south and east is a particularly challenging problem, requiring long-term solutions.

4.19 Shoreline Management Plans and Coastal Habitat Management Plans have identified the anticipated rate of loss over the next 50 years and how much new intertidal habitat needs to be created through managed realignment of sea defences to compensate for that lost unavoidably.

4.20 Working with Defra, English Nature, RSPB and County Wildlife Trusts, we have already successfully recreated saltmarsh and intertidal mudflat habitats through managed realignment in Essex, Lincolnshire and on the Humber. Plans are well advanced for further work.

4.21 We are also trying to find better and more sustainable ways of managing shingle beaches where they are currently managed as sea defences in SSSIs. Shingle recycling and reprofiling damages the wildlife interest and often no longer delivers the required standard of flood defence. There are alternative options that can be identified through shoreline management plans.

*River management*

4.22 Substantial lengths of river SSSI have been physically modified by land drainage and flood defence works in the past. This constrains the amount of habitat able to support characteristic plant and animal communities, so physical restoration of habitat is important in helping river SSSIs achieve favourable condition.

4.23 Restoring river habitats countrywide is a long-term aim and currently there is a lack of powers to undertake the work and funds to make it a reality. Buffer zone management along river fringes offers a relatively low-cost option, but needs more agricultural funding to make it feasible on a large scale.

4.24 In the meantime, we have agreed with English Nature to define catchment-scale restoration needs on SSSI rivers and identify potential funding streams for implementation within the PSA target timeframe.

*Lake restoration*

4.25 Accelerated soil erosion from fields has produced sedimentation at more than 10 times the natural rate in some lake SSSIs, smothering clean-water plant and animal communities. Successful local remedial action has been achieved on the Norfolk Broads involving ourselves, the Broads Authority and Anglian Water; jointly funded by European money, this project has clearly demonstrated the length of time and funding needed for the benefits to be fully realised.

*Non-native species*

4.26 Invasive non-native species damage several water and wetland SSSIs because native flora and fauna are suppressed by aggressive competitors such as Japanese knotweed, American mink, signal crayfish and Australian swamp stonecrop. We have an interest in containing or controlling these alien species and are working with English Nature to define a catchment-scale approach to the problem. The key recommendation from the recent Defra working party on non-native species need to be implemented to establish the necessary legal framework, strategy, funding and organisational co-ordination to take this work forward effectively.

**5.0 PARTNERSHIPS WITH OTHERS***English Nature*

5.1 We have a very close working relationship with English Nature at both policy and operational levels. This is reinforced through a formal agreement, setting out shared objectives and ways of working. Top priorities are agreed and a joint programme of work reviewed annually.

5.2 Together we have developed joint strategies and consenting protocols for protecting and enhancing river SSSIs and recently concluded a very successful EU funded project “Life in UK rivers” based on the conservation of Natura 2000 rivers.

5.3 For our Habitats Directive work, joint specialist groups on air quality, water quality, flood management, water resources and fisheries have developed and applied scientific knowledge to inform management decisions on priorities and technical decisions.

5.4 This working relationship and products such as technical guidance documents provide an excellent model and will be used in our programme of work to tackle problems in SSSIs outside Natura 2000 sites.

#### *Other partners*

5.6 We have started discussions with major landowners such as the Ministry of Defence and Forestry Commission to agree how we will work with them to jointly tackle problems on damaged SSSIs owned by them.

5.7 We are members of the Defra major landowners group and this forum has injected momentum into the PSA target implementation programme.

5.8 Given that pressures on biodiversity and ecosystem integrity will increase in future as development of housing, infrastructure and industry increases (eg the Thames Gateway), the importance of Regional Development Agencies, local authorities and the Office of the Deputy Prime Minister in achieving the PSA target will be crucial.

#### 6.0 CAN THE PSA TARGET BE ACHIEVED?

6.1 Those problems causing damage which do not have effective legal, technical or financial solutions make achievement of the target by 2010 unlikely unless the following actions are taken.

- Implementation of the full national environment programme covering SSSIs for the Periodic Review of Water Prices during 2005–10.
- A robust and fully funded strategic action plan for controlling diffuse water pollution from agriculture, including measures to improve environmental standards based on a whole farm approach.
- More agri-environment funding for SSSI landowners involved in implementing water level management plans.
- Implementation of a management strategy for low-lying coasts with agricultural land-use to secure saltmarsh and intertidal mudflat in the long term.
- Securing landscape-scale environmental improvements as a precursor to work under the Water Framework Directive.
- Implementation of the key recommendations from the Defra review group report on non-native species.

6.2 All parties responsible for action ought to know what they need to do and when. This means a PSA target implementation plan based on a realistic assessment of what can and cannot be done by 2010.

6.3 Work priorities and co-ordination between organisations need to be based on environmental outcomes, whilst blockages to progress need to be identified and rectified at the earliest opportunity. The Defra High Level Biodiversity Delivery Group is essential to this process.

#### *Landscape scale management and climate change*

6.4 The long-term viability of SSSIs, many lowland examples of which are small, isolated and vulnerable, depends on an ecosystem approach to land management. This is particularly important in view of the combined impacts of habitat fragmentation and climate change.

6.5 A landscape scale ecosystem approach means environmental planning and management that provides integrated and sustainable solutions to the protection and use of natural resources. Sensitive land management to buffer SSSIs from damage and reconnecting fragmented habitats of rivers and wetlands will help to put resilience back into the system. For example, imaginative strategic options for flood risk management are required in the context of climate change uncertainties. The Government's *Foresight* programme will be addressing this and this approach could be usefully extended elsewhere.

6.6 Strategic development plans (eg for roads, airports, ports and housing) need to reflect biodiversity factors because gross damage to SSSIs must be avoided and opportunities taken to compensate for previous habitat loss and fragmentation. Planning policy guidance needs to reflect the longer-term objective of improving biodiversity rather than maintaining the current, vulnerable wildlife resource.

6.7 A more resilient and attractive landscape will benefit the rural economy. It will also through improved water and air quality and flood risk management, benefit urban populations as well.



6.8 A close working relationship between ourselves and the proposed integrated land agency is essential to take opportunities for tackling diffuse pollution and using strategic management options to maximise biodiversity gain in SSSIs and the wider countryside.

16 March 2004

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### Memorandum submitted by the Wildlife Trusts (N16)

#### EXECUTIVE SUMMARY

1. The Wildlife Trusts believe that work on SSSIs should therefore not simply be seen as an end in itself, but as one important tool that contributes to national targets for habitats and species and helps to meet our international obligations.

2. We strongly recommend that Local Site systems are given statutory underpinning to ensure they are in place and operate effectively. We also recommend that clear guidance regarding the structure, status and management of Local Site systems and resources to run them are made available, to assist in the favourable condition of SSSIs.

3. The Wildlife Trusts believe that while SSSIs provide a valuable tool for conservation in the terrestrial environment, better legislation and policy is required for the marine environment if we are to safeguard all the UK's biodiversity.

4. We consider this to be a challenging target and urge Government to maintain focus on it even though it may prove hard to achieve. The target sends out a powerful message of the Government's commitment to biodiversity and provides a strong statement of intent about the importance we should all attach to this work.

5. We congratulate English Nature on completing the assessment of the condition of all SSSIs in March 2003, as a major body of work that sets the baseline for future activity towards this target. We also greatly welcome the open and supportive approach that English Nature has adopted towards sharing information on SSSI condition and assisting organisations in moving towards the target.

6. We believe that English Nature must identify and address any problems with consistency of approach to ensure that condition assessments are robust and the information reliable.

7. The Wildlife Trusts believe that we should be careful in how we apply the classification of "unfavourable recovering" to ensure that it accurately reflects the status of sites moving towards the target and is not simply used as a means of boosting the figures for "favourable" status.

8. We would expect organisations with a specific statutory duty to further the conservation and enhancement of SSSIs to be taking this responsibility seriously and applying adequate resources and expertise towards it. The Wildlife Trusts therefore congratulate those section 28G bodies with a performance approaching 88% of sites in favourable condition, but would like to see *all* such bodies taking a lead by demonstrating clear commitment and funding to the target.

9. We believe that the voluntary sector bodies have made a serious undertaking to help meet the Government's SSSI target and are making good progress in working towards achieving it.

10. We would like to ensure that within the current review of Defra that funding to the voluntary sector for ongoing maintenance of sites in favourable condition in addition to support to bring additional sites to this status is not lost

11. If this good work is to continue and progress against the target for smaller landowners is to be improved, it will be necessary to increase the funding available to English Nature for SSSIs and ensure better targeting of agri-environment schemes to these sites

12. The real test for the collective commitment to the SSSI target comes with the major policy blockages that are largely outside the control of an individual landowner and can only be dealt with by major legislation, policy or funding changes across Government.

13. Government therefore needs to focus its effort on these key policy blockages and show real resolution in dealing with them. These should be integrated into the work programme of existing policy groups, in particular the Implementation Groups of the England Biodiversity Strategy, so that priorities are integrated and addressed.

14. The Wildlife Trusts believe that the "High Level Group" provides an opportunity for all appropriate Government Departments and agencies to demonstrate their commitment to meeting the SSSI target and show their contribution to addressing the key policy blockages.

15. In the current Defra Modernisation of Rural Delivery process there is a clear role for Defra and its agencies to ensure commitment to and delivery of biodiversity targets (such as the SSSI target) across Government.

16. In the current Defra Modernisation of Rural Delivery process there is a clear role for Defra and its agencies to ensure commitment to and delivery of biodiversity targets (such as the SSSI target) across Government.

17. We also believe that at the regional level the protection, conservation and enhancement of our natural heritage need to be better recognised with improved resourcing, structures and procedures for biodiversity.

18. We believe that Defra and its agencies should do more across Government and by building capacity within the voluntary nature conservation bodies to assist in engaging people in biodiversity.

19. The Wildlife Trusts believe that greater recognition of this contribution within those relevant Government departments and agencies is needed to increase commitment to the SSSI target.

## INTRODUCTION

1. The Wildlife Trusts welcome the opportunity to submit written evidence to the House of Commons Environment, Food and Rural Affairs Committee inquiry into *Protection of Sites of Special Scientific Interest*.

2. The Wildlife Trusts are a unique partnership of 47 Wildlife Trusts and Wildlife Watch, the junior branch, covering the whole of the UK, Isle of Man and Alderney. The Partnership campaigns for the protection of wildlife and invests in the future by helping people of all ages to gain a better appreciation and understanding of nature. Collectively, The Wildlife Trusts have approximately 560,000 members and manage almost 2,550 nature reserves, covering more than 80,000 hectares of land ranging from inner city urban sites to the UK's finest wildlife areas.

The Wildlife Trusts will be focussing our evidence on six main areas where we have significant experience:

- SSSIs as a conservation tool.
- The PSA target and condition assessments.
- Performance against the PSA target.
- Major factors causing unfavourable condition.
- The role of Defra.
- Wider understanding and engagement in the target.

Further references on these and other areas are provided in Annex 1.

## THE WILDLIFE TRUSTS' INVOLVEMENT

3. The Wildlife Trusts' purpose is the conservation of UK biodiversity and we are heavily involved in protection of SSSIs through work at both the local and national level. As a Partnership we own or manage approximately 700 SSSIs covering an area of about 40,000 hectares in England. We are also involved in the development and delivery of the UK Biodiversity Action Plan (BAP), England Biodiversity Strategy and Local BAPs, all strategic documents that impact on the protection of SSSIs. As part of the UK BAP we act as lead or joint lead partner for 23 species as well as sitting on numerous steering groups for other priority species and habitats. In addition, we are intimately involved in co-ordinating work on Local Wildlife Sites and play a lead role in establishing and operating Local Site systems.

4. The Wildlife Trusts are also represented on the Defra Major Landowners Group and are working closely with English Nature and other partners. As an organisation, we have made a commitment to help meet the Government's SSSI target on land that we own or manage, as this is considered a core part of our work and a useful indicator of progress.

## SSSIs AS A CONSERVATION TOOL

5. The 4,112 Sites of Special Scientific Interest in England covering an area of about one million hectares represent some of the most important wildlife sites in the country. They are home to UK and European priority species and habitats and bringing these sites into favourable condition will play a major part in safeguarding the future of our wildlife.

SSSIs provide an important contribution to the implementation of the strategic approach to conservation in the UK, through the UK Biodiversity Action Plan and England Biodiversity Strategy. The UK BAP represents the Government's response to Article 6 of the 1992 Convention on Biological Diversity and our international commitment to conserve and enhance our biodiversity. *The Wildlife Trusts believe that work on SSSIs should therefore not simply be seen as an end in itself, but as one important tool that contributes to national targets for habitats and species and helps to meet our international obligations.*

6. However, our conservation effort should not stop with the network of SSSIs. These sites only make up 7% of the land area of England and consequently, most of our biodiversity lives outside these sites. This can be seen most clearly in an individual county such as Leicestershire where only 2% of the land area is made up of SSSIs. Although SSSIs are increasingly effective as a site based conservation tool, any effective

approach to maintaining biodiversity will need to have clear mechanisms to ensure the protection and enhancement of biodiversity outside designated sites. We must complement work on SSSIs with conservation measures in the wider countryside to ensure that we do not simply create isolated pockets of biodiversity in protected sites that are no longer viable as the areas surrounding them become sterile.

7. In particular, Government should recognise the substantial contribution made by Local Site systems to the conservation of our biodiversity, including SSSIs. The series of non-statutory Local Sites comprises more than 35,000 sites in England, and many Local Sites are in fact of SSSI quality because SSSIs are only a representative sample of sites that meet this standard. The nationally important network of Local Sites complements legally protected sites by maintaining wildlife corridors, linking sites, providing reservoirs of biodiversity from which SSSIs can be replenished and acting as buffer zones.

8. The Wildlife Trusts' recent survey of Local Site systems<sup>16</sup> shows that only 8% of systems in England are currently operating to best practice standards and that 95% have inadequate resources to operate effectively. We have also shown that Local Sites are still being lost or damaged at an alarming rate<sup>17</sup>, and this will impact on the integrity of the wider countryside and the condition of SSSIs. *We strongly recommend that Local Site systems are given statutory underpinning to ensure they are in place and operate effectively. We also recommend that clear guidance regarding the structure, status and management of Local Site systems and resources to run them are made available, to assist in the favourable condition of SSSIs. Recommendations on guidance for operating such systems have been provided by The Wildlife Trusts.*<sup>18</sup>

9. The 4,112 SSSIs currently designated are all terrestrial sites and the current view is that SSSIs are "terrestrial" designations. Despite priority marine habitats being highlighted in the UK BAP, legislation to protect and enhance our marine environment is weak. Issues such as pollution, industry and development are threatening our seas, resulting in whole marine ecosystems suffering serious damage.<sup>19</sup> *The Wildlife Trusts believe that while SSSIs provide a valuable tool for conservation in the terrestrial environment, better legislation and policy is required for the marine environment if we are to safeguard all the UK's biodiversity.*

#### THE PSA TARGET AND CONDITION ASSESSMENTS

10. The Wildlife Trusts welcome the establishment of the PSA target to bring 95% by area of all nationally important wildlife sites into favourable condition by 2010. We believe that a targeted approach to UK conservation is essential for focusing effort and resources on the highest priorities. *We consider this to be a challenging target and urge Government to maintain focus on it even though it may prove hard to achieve. The target sends out a powerful message of the Government's commitment to biodiversity and provides a strong statement of intent about the importance we should all attach to this work.*

11. *We congratulate English Nature on completing the assessment of the condition of all SSSIs in March 2003, as a major body of work that sets the baseline for future activity towards this target. We also greatly welcome the open and supportive approach that English Nature has adopted towards sharing information on SSSI condition and assisting organisations in moving towards the target.*

12. However, we have experienced some cases where there may be inconsistencies in the way that different English Nature teams interpret condition assessments and reasons for adverse condition, and would be concerned if this is more than a few isolated incidents. For example, this could mean the classification of sites as "favourable" in one area when over a border sites in a similar condition are classified "unfavourable". It could also result in a temptation to classify some unfavourable sites as "favourable" or "unfavourable recovering" in an endeavour to meet the target rather than reflecting their true status. *We believe that English Nature must identify and address any problems with consistency of approach to ensure that condition assessments are robust and the information reliable.*

13. Similarly, we believe that there are concerns in considering the classification "unfavourable recovering" within the category of "favourable". It may be that major threats have been removed and remedial action is included in management plans for sites (which would warrant a classification as "unfavourable recovering"), but this is not the same as sites having reached favourable condition on the ground. *The Wildlife Trusts believe that we should be careful in how we apply the classification of "unfavourable recovering" to ensure that it accurately reflects the status of sites moving towards the target and is not simply used as a means of boosting the figures for "favourable" status.*

#### PERFORMANCE AGAINST THE PSA TARGET

14. Current information on performance against the PSA target shows that some 58% of SSSIs are in favourable condition.<sup>20</sup> To analyse this in more detail it is helpful to group performance into that of section 28G bodies (under the CROW Act, ie statutory, public and private bodies), voluntary bodies and individual landowners.

<sup>16</sup> Status of UK Wildlife Site systems 2002.

<sup>17</sup> England's Green Unpleasant Land.

<sup>18</sup> Gaining Ground—Local Sites.

<sup>19</sup> Our Dying Seas.

<sup>20</sup> England's Best Wildlife and Geological Sites.

15. Performance of section 28G organisations shows considerable variation in their progress towards the target (approximately 37%–88% sites in favourable condition). While we recognise that not all of the factors causing unfavourable condition will be within the immediate control of these bodies, *we would expect organisations with a specific statutory duty to further the conservation and enhancement of SSSIs to be taking this responsibility seriously and applying adequate resources and expertise towards it. The Wildlife Trusts therefore congratulate those section 28G bodies with a performance approaching 88% of sites in favourable condition, but would like to see all such bodies taking a lead by demonstrating clear commitment and funding to the target.*

16. The major landowning voluntary bodies (National Trust, Royal Society for the Protection of Birds and The Wildlife Trusts) own or manage more than 10% by area of SSSIs in England. Current figures show that something in the region of 68% by area of these sites is in favourable condition. *We believe that the voluntary sector bodies have made a serious undertaking to help meet the Government's SSSI target and are making good progress in working towards achieving it.*

17. The status of sites owned or managed by The Wildlife Trusts shows that approximately 80% are in favourable condition and that we are well on the way to achieving the 95% target. Much of this good work has been achieved with the generous support of the Heritage Lottery Fund and English Nature's Reserves Enhancement Scheme that is targeted to management of SSSIs.

18. We believe that Government should recognise the progress that has been made and the continued effort that is required for voluntary organisations to not only bring sites into favourable condition, but to maintain this status. We believe that ongoing support mechanisms are required for voluntary bodies like The Wildlife Trusts to manage our sites and that this represents real value for money. *We would like to ensure that within the current review of Defra that funding to the voluntary sector for ongoing maintenance of sites in favourable condition in addition to support to bring additional sites to this status is not lost.*

19. Approximately half of the SSSIs by area in England are under ownership or management of individual landowners or relatively small bodies. Progress against the target by this group shows that performance is behind the national average of 58% in favourable condition. However, The Wildlife Trusts believe that much good work is being done with this group, particularly as a result of the amendments to the Wildlife and Countryside Act 1981 (through the Countryside and Rights of Way Act 2000) which provided increased powers for the protection and enhancement of SSSIs. We particularly welcome the increased powers to enter into management agreements to encourage positive management of sites and strengthening of measures to protect sites by increasing penalties and closing loopholes that previously resulted in significant damage and destruction.

20. *If this good work is to continue and progress against the target for smaller landowners is to be improved, it will be necessary to increase the funding available to English Nature for SSSIs and ensure better targeting of agri-environment schemes to these sites.*

#### MAJOR FACTORS CAUSING UNFAVOURABLE CONDITION

21. The results of English Nature's condition assessment process show that many of the small scale issues causing unfavourable condition of SSSIs have been addressed, or can be influenced relatively easily through management advice and support. *The real test for the collective commitment to the SSSI target comes with the major policy blockages that are largely outside the control of an individual landowner and can only be dealt with by major legislation, policy or funding changes across Government.* These blockages are factors such as grazing, moor burning, coastal management and freshwater quality/quantity.

22. The Wildlife Trusts believe that Government must show genuine joined-up policy to deal with these issues and that by addressing relatively few key policy changes there could be a significant improvement in the target. The key issues that must be urgently addressed are:

- Effective targeting of agri-environment schemes to SSSIs and adjacent land, with farm payments conditional on appropriate grazing.
- Revision of the heather moorland and grass burning code and measures to support compliance.
- A review of commons legislation and support to encourage appropriate grazing in the lowlands through initiatives such as the Grazing Animals Project.
- A commitment to managed realignment of coastal areas within the context of shoreline management plans.
- Strategic and comprehensive measures (including regulatory measures) to address diffuse pollution together with an appropriate investment programme under AMP4 for freshwater and wetland sites, within the context of the Water Framework Directive.

23. We should also be putting strategies in place now to address climate change if we are to maintain favourable condition of sites in the long term.

24. The Wildlife Trusts believe that with more than 40% of sites still failing to meet the target there is still a long way to go to reach the 95% figure. It is also likely that the closer we get to the target, the harder it will become to tackle the issues impacting on unfavourable condition.

25. *Government therefore needs to focus its effort on these key policy blockages and show real resolution in dealing with them. These should be integrated into the work programme of existing policy groups, in particular the Implementation Groups of the England Biodiversity Strategy, so that priorities are integrated and addressed.*

#### THE ROLE OF DEFRA

26. The Wildlife Trusts welcome the pro-active role taken by Defra in establishing a “Major Landowners Group” to help coordinate delivery of the SSSI target. We believe this group has the potential to not only report on progress and share best practice in working towards the target but, more importantly, to identify and help resolve many of the policy blockages that are keeping sites in unfavourable condition.

27. In this respect we believe that Defra plays a crucial role in sharing ownership and commitment to this target, not only amongst the members of the Major Landowners Group but also amongst the cross-departmental “High Level Group” that has been established. The Wildlife Trusts are concerned that biodiversity issues including SSSIs are seen as solely the responsibility of Defra rather than being something that all Government departments and agencies contribute to under their duty to “have regard for the conservation of biodiversity”.<sup>21</sup>

28. *The Wildlife Trusts believe that the “High Level Group” provides an opportunity for all appropriate Government Departments and agencies to demonstrate their commitment to meeting the SSSI target and show their contribution to addressing the key policy blockages.* In addition, it provides opportunities for new policy areas to be developed that make a positive contribution to this target.

29. *In the current Defra Modernisation of Rural Delivery process there is a clear role for Defra and its agencies to ensure commitment to and delivery of biodiversity targets (such as the SSSI target) across Government.* In order to do this, The Wildlife Trusts believe that the new proposed “Integrated Agency” should have:

- Biodiversity and natural resource protection as its primary statutory responsibilities.
- “Protection, conservation and enhancement of biodiversity” within its mission.
- An advisory role on biodiversity across the whole of Government.
- An independent scrutiny role across Government.
- A strong enforcement function.

30. *We also believe that at the regional level the protection, conservation and enhancement of our natural heritage need to be better recognised with improved resourcing, structures and procedures for biodiversity.* To be able to promote a sustainable development agenda The Wildlife Trusts believes the terms of reference of the Regional Development Agencies need to be amended and/or there needs to be other mechanisms to counterbalance the primarily economic focus of the RDAs, and to promote the conservation of the environment. This will include clarifying the role of new or existing environmental agencies at the regional level and developing regional environmental work programmes/strategies. This is essential if the activities of regional bodies are to contribute to rather than conflict with work towards the SSSI target.

31. Further recommendations on Modernisation of Rural Delivery can be found in the attached paper on biodiversity conservation in England.<sup>22</sup>

#### WIDER UNDERSTANDING AND ENGAGEMENT IN THE TARGET

32. The Wildlife Trusts believe that SSSIs can also play an important role in public understanding and involvement with wildlife. Our work has shown that such contact with nature can greatly contribute to quality of life and help to change attitudes and behaviour to the environment. *We believe that Defra and its agencies should do more across Government and by building capacity within the voluntary nature conservation bodies to assist in engaging people in biodiversity.* This could greatly assist in raising the level of concern and commitment to the SSSI target amongst the general public.

33. Research has also shown that biodiversity and the natural environment can have a significant positive impact on the local economy and social issues such as health and education.<sup>23</sup> *The Wildlife Trusts believe that greater recognition of this contribution within those relevant Government departments and agencies is needed to increase commitment to the SSSI target.*

<sup>21</sup> Countryside and Rights of Way Act.

<sup>22</sup> Towards Better Delivery of Biodiversity Conservation in England.

<sup>23</sup> The Environmental Economy of the West Midlands.

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16 March 2004

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**Memorandum submitted by The City Remembrancer's Office, The Corporation of London (N17)**

BACKGROUND

1. The Corporation of London owns and manages over 10,500 acres of open spaces in and around London but only a small proportion of these spaces is to be found within the boundaries of the City. The vast majority of the Corporation's open spaces extends far beyond the square mile and includes Epping Forest, Hampstead Heath, Highgate Wood, Queen's Park, West Ham Park, Burnham Beeches, Ashted Common and the West Wickham and Coulsdon Commons in the south Croydon and Bromley area.

2. In the 1870s the open countryside around London was being swallowed up to provide rural homes and amenities for the first generation of commuters. So concerned was the Corporation at the speed at which the surrounding countryside was disappearing that it embarked on a project to safeguard some of what remained. As a result, two Acts of Parliament were passed in 1878 which granted the Corporation the right to acquire and protect both Epping Forest and land within 25 miles of the City "for the recreation and enjoyment of the public". This policy was used as the inspiration for the creation of the Green Belt.

3. The Sites of Special Scientific Interest (SSSIs) for which the Corporation is responsible are all located outside the City of London and are owned and managed by the City in its private capacity funded from the City's private funds. The estimated net expenditure of maintaining the open spaces outside the City is approximately £13.5 million a year none of which is contributed to by City, or even London, council taxpayers.

CORPORATION OWNED SSSIs

4. Epping Forest is the largest woodland SSSI in the South East of England and receives no financial contribution from English Nature. A favourable condition analysis of all of the compartments within the Epping Forest SSSI has been carried out by English Nature in consultation with the Conservators. The Conservators' Management Plan commits them to producing "favourable condition" action plans for all the compartments. The current compartment status is as follows:

- (i) 15 favourable;
- (ii) 17 unfavourable recovering;
- (iii) 21 unfavourable no change; and
- (iv) 8 unfavourable declining.

A key reason for the "unfavourable" condition of many of Epping Forest's compartments is high nitrogen deposition as a result of air pollution, in particular from vehicles. Whilst control of air pollution is not in the hands of the Conservators, management activity such as the reintroduction of grazing and other techniques to reduce nutrient levels, which are within the Conservators' control, have a strong correlation with "favourable" condition. The candidate Special Area of Conservation (cSAC) status of the Forest should be a mechanism for not only getting proper recognition of the damage pollution causes but also remedial action in the form of the development and implementation of a Forest-wide transport strategy. The process of developing an Epping Forest Transport Strategy with Essex County Council for inclusion in 2005 in the Essex County Local Transport Strategy is underway but will need significant resources from government.

5. If roads remain busy, polluting and dangerous for people, livestock and wildlife, then the picture is not good. Proper control of traffic levels in the Forest, the expansion of grazing (this is very closely linked to road safety) together with continued significant investment on conservation management should place the Forest in a better position to achieve the targets.

6. Burnham Beeches, which like Epping Forest is a site of European as well as national importance, suffers from similar problems to the Forest with regard to air pollution and traffic level control. However, not all of the SSSI and cSAC site is in the Corporation's ownership. Staffing changes at English Nature have resulted in those running the site being unclear of its exact status. It is thought to be "unfavourable recovering" but it is unclear whether this description results from only a small part of the site being grazed, or perhaps because of the condition of that part of the site which is not in Corporation ownership.

7. Burnham does not currently receive any government grants (such as Stewardship) but will be seeking supplementary funding for the expensive work now required. Much of the emphasis has been placed on getting sites into "favourable condition". Managing Burnham Beeches in favourable condition will require continual active management, some of which is expensive to carry out (for example tree pollarding). Grazing too is a crucial part of the management. There is a need to extend the current area that is grazed and the Corporation would like to work in partnership with surrounding local authorities in order to achieve this across a range of local SSSIs which, in turn would help them to move from "unfavourable" to "favourable condition" too. However, the planning stages, let alone the implementation, of such a project require funding that cannot immediately be found.

8. Ashted Common is part of the Epsom & Ashted Commons SSSI and is a National Nature Reserve managed by the Corporation acting as an "Approved Body" under Section 35(1)(c) of the Wildlife & Countryside Act 1981. The management team has been actively seeking capital grant aid from English Nature to restore areas of grassland and scrub to a "favourable condition". It is about to embark on work to restore ancient oak pollards to a more favourable condition, albeit that their true condition is not actually recognised by English Nature in the SSSI documentation.

9. The Corporation believes that there are a number of problems associated with of the current SSSI description and assessment of condition for Ashted Common, which is regarded by those managing the Common as inaccurate, out of date and "purely subjective". It is essential that DEFRA and English Nature review the SSSI statements etc before decisions on setting objectives and allocating grant aid funding are made if there is to be a realistic expectation that targets will be met.

10. Riddlesdown and Farthing Downs & Happy Valley SSSIs. The Corporation manages the whole of the Riddlesdown SSSI including Riddlesdown Quarry, and part of the Farthing Downs & Happy Valley SSSI, as part of its West Wickham & Coulsdon Commons open spaces in South London. These SSSIs are regarded as among the best chalk grassland sites in London. Since no funds are received from English Nature, the Corporation relies on Countryside Stewardship funding to cover some of the additional costs incurred over and above those needed to meet the requirements of the Open Spaces Act 1878.

11. There are additional costs involved in providing livestock grazing management, for example, while still fulfilling the prime role of providing free access to the public. This issue is currently addressed through Countryside Stewardship Schemes which provide an inadequate level of support, particularly for heavily-used suburban sites. The Corporation would argue, however, that ideally the necessary support should come through a single mechanism, rather than the present cumbersome system of Stewardship payments and Livestock Premiums. These schemes currently require several different forms to be completed every year and comprise a substantial amount of paperwork. The Corporation nevertheless is able to provide an integrated service for public access and livestock management of its important grassland sites, and its example is being studied and emulated by other organisations responsible for grassland sites in the urban fringe. Financial support in the form of a single payment, based on the area managed and meeting the requirements of an action plan agreed with a single agency (not three as at present), would provide long-term stability for organisations struggling to maintain the remnants of the once extensive chalk grasslands on the North Downs which the SSSIs represent.

12. The Corporation is in a partnership with local authorities in the South London/Surrey urban fringe in the Downlands Countryside Management Project. The Project is endeavouring to re-introduce grazing to a number of chalk grassland sites, but is always struggling to attract sufficient funding to maintain the sites in favourable condition. It is currently spending an enormous amount of time applying for Heritage Lottery Fund funding to kick start an ambitious programme designed to bring sites into proper management. Secure long-term funding is required to ensure the project's success.

## CONCLUSIONS

13. To achieve the target set for SSSIs, there needs to be more funding available to the owners of SSSIs who are willing to take on the work necessary to bring them into favourable condition. Once they are in favourable condition, funding support is still required in many cases to maintain them, because traditional agricultural and forestry practices are no longer economically self-supporting.

14. English Nature has a crucial role to play, not only from the funding point of view but by providing staff to assist with projects that aim to help deliver improved favourable condition. Staff support is essential if the necessary messages are to be received by landowners, including local authorities, for whom conservation is an additional rather than a core activity.

15. English Nature attaches importance to small research projects to inform the management of the site. For example air quality and pollution are of particular concern for some of the Corporation sites and more regular monitoring and site surveys are needed to help clarify the issues. It is becoming increasingly challenging to self fund these projects and it is difficult to find suitable grants and opportunities for alternative funding.

17 March 2004

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### **Memorandum submitted by United Utilities (N18)**

#### **CURRENT POSITION**

1. United Utilities is a major landowner in the North West of England, with 58,000 ha of catchment land, a third of the area of land serving our 192 reservoirs and the largest such landholding in the water industry. The area is characterised by uplands with open range sheep grazing on the moors and fells. Our land includes the renowned estates of Haweswater and Thirlmere in the Lake District, the Bowland Fells in Lancashire and the Longdendale and Goyt Valleys in the Peak District. Nearly half of the land is in three National Parks, and nearly one third is designated as Sites of Special Scientific Interest (SSSIs). In total, we own land in 54 different SSSIs including nine Special Protection Areas and 19 Special Areas for Conservation. 48% (by area) of our SSSIs are either in “favourable” or “unfavourable recovering” status.

2. We welcome the PSA target to improve the condition of these SSSIs, and the EFRA Committee inquiry into how this could be achieved. We have a long history of working constructively with English Nature, and we are confident that we can work with them to achieve the target status by 2010, assuming that support for our plans is forthcoming through the AMP4 Periodic Review process. If funding was not provided through the Periodic Review process, we would continue to work with English Nature to make improvements as resources permitted, but could no longer be confident of meeting the 2010 target date. It should be noted that much of the degradation of the SSSI’s is due to historic activities such as atmospheric pollution, overgrazing and uncontrolled fires.

#### **STATUTORY DUTIES**

3. As a water undertaker we are identified in Section 28G of the Countryside and Rights of Way Act as having specific duties to “take reasonable steps to further the conservation and enhancement of SSSIs”. In practice, we or our predecessor company have been working with English Nature for decades in pursuit of such aims, as resources have permitted. Our efforts on our Bowland estate were rewarded by English Nature in 2002 with an award for sensitive management of the Bowland SSSI.

#### **UNITED UTILITIES APPROACH TO LAND MANAGEMENT**

4. The primary purpose of our approach to catchment management is to deliver safe and secure water supplies. Although we own the land, our control over land use is circumscribed under the many old-style agricultural tenancies we have with our tenant farmers. In partnership with the RSPB, we have piloted successful schemes under which our tenants agree to farm more sustainably, but financial support is needed to roll this approach out more widely.

5. Our overall approach is governed by our Sustainable Development Policy, which is supported by a Biodiversity Strategy and specific Biodiversity Action Plans. In many cases the approach is a joint one where we work co-operatively with local partners.

6. We are guided in our approach by an independent Conservation Access and Recreation Advisory Committee (CARAC), which helps us to define policies and to resolve potential conflicts in their implementation. We have a longstanding close working relationship with English Nature, (who are also represented on CARAC) to prepare and implement SSSI management plans.

#### **CONDITION ASSESSMENT**

7. Having received feedback from English Nature in 2002–03 on the condition of SSSIs on our land, we commissioned an in depth survey to assess and detail the measures needed within each SSSI unit deemed “unfavourable no change”, or “unfavourable declining” to bring them into favourable condition. This survey was completed in summer 2003 and forms the basis of the costed plans submitted to OFWAT as part of our Business Plan for 2005–10. These plans include quantified details of such actions as fencing, grip blocking, seeding, stock exclusion/reduction and negotiation with commoners.

#### **UNITED UTILITIES SUSTAINABLE CATCHMENT MANAGEMENT AMP4 PROJECT**

8. SSSIs regardless of their condition need ongoing active management to prevent deterioration. The present government approach to managing SSSIs which currently meet the PSA targets relies on subsidies to compensate farmers for reduced production. This approach is costly, and were the subsidies to be removed or reduced, would almost certainly lead to a deterioration in the condition of SSSIs.



9. Our proposal, as detailed in the Sustainable Catchment Project, which has been submitted as part of the AMP4 programme looks at the long term viability of the whole farm unit. The project seeks to provide long term protection and enhancement of both the SSSIs and the wider catchment biodiversity.

10. The work proposed as part of the project will lead to United Utilities upland estates being farmed and managed in a way which benefits wildlife and improves raw water quality, using a variety of tried and tested techniques. These would include reducing the density of grazing animals, excluding them from some areas, restoring wetlands through blocking drains, tackling moorland erosion, converting silage fields to hay meadows, creating buffer zones, controlling some bracken beds and restoring walls and hedges. We have experience of many of these techniques from projects such as “Moors for the Future” in the Peak District National Park, where we are injecting capital into improving the condition of moorland areas.

11. Securing the co-operation of tenants will be an essential feature of the project. This will involve negotiating long term agreements, and a variety of approaches will be taken to achieve this including financial compensation.

*19 March 2004*

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### **Memorandum submitted by the National Trust (N20)**

1. The National Trust welcomes this opportunity to contribute to the Committee’s inquiry into progress towards achieving Defra’s Public Service Agreement (PSA) target that by 2010 95% of all nationally important wildlife sites should be in “favourable condition”.

2. The National Trust is the owner of the third largest SSSI (Site of Special Scientific Interest) estate in England, after the Ministry of Defence and the Forestry Commission. Of the Trust’s 245,000 ha land 25% is SSSI, that part in England amounting to 6% of the England SSSI component.

#### **SUMMARY**

3. Biodiversity and geodiversity are fundamental components of our environment, providing a wide range of essential resources and services, including clean air and water, good health, cultural inspiration and enjoyment. SSSIs are a representative sample of the best of the nation’s bio- and geodiversity. The health of these wildlife and geological sites is, therefore, an important indicator of the nation’s progress towards achieving sustainable development and improving people’s quality of life.

4. The Trust supports the Government’s target to have 95% of its SSSI network in favourable or recovering condition by 2010. It is a demanding but sensible challenge and a measure of the Government’s contribution to the UN World Summit on Sustainable Development commitment to reducing the rate of biodiversity loss by 2010.

5. The target is important and should remain to raise the profile of the England’s biological and geological resources, to focus public funding and resources, to attract private investment, to provide a common goal for a wide variety of organisations to work together and to strengthen the leadership roles of English Nature and of the new Integrated Agency, once established. It also provides an important tool to help the Government avoid the possibility of infraction proceedings from the European Court for not ensuring the favourable conservation status of England’s Natura 2000 sites.

6. English Nature has a vital role in ensuring the target is met, but it acts principally as a champion, catalyst, enforcer and facilitator. As the lead delivering agent English Nature (and in future the Integrated Agency) will need to be fully resourced to properly assess SSSIs, advise land managers of the management, establish Management Agreements, monitor progress and enforce where necessary.

7. Delivery of favourable condition across England’s SSSIs will come through partnerships, usually directly with land owners and land managers, which need to be supported by a range of incentives and advice, backed by effective standards and regulation, and operating within a supportive policy framework. This does not yet exist.

8. The initial analysis of the National Trust’s SSSIs largely reflects the overall national pattern, with our lowland sites in better condition than average and our upland sites in slightly worse condition—many because they are common land and have either too many rights of common being exercised or too few for the conservation of the ecological interest to be sustained.

9. Our analysis is that the main land management changes needed to achieve the PSA target in the short term are:

- reducing the intensity of sheep grazing in the upland habitats (and a more appropriate sheep and cattle mix);
- increasing livestock (sheep and cattle) grazing the lowland habitats;
- a reduction in the direct and diffuse pollution burdens affecting all habitats, especially the freshwaters; and

- an ambitious programme of realignment of our coastline to provide space for the coastal habitats to adapt to sea level rise.

10. Defra is in a dynamic and creative period of policy-making that could provide significant opportunities for a step-change in securing positive land management changes to improve the condition of England's SSSIs as well as the wider countryside. The Government will need to be bolder and more innovative in using the tools available to move towards sustainable land management and to improve the long term prospects for England's wildlife and geology. In particular, the Trust is looking for:

- Sufficient incentives—a switch of direct farm payments (modulating at least 10% CAP payments) to fund the new agri-environment programme.
- Integrated advice—a farm/land manager advisory service, to raise awareness and develop skills, to put the environment at the heart of the farm business and to promote collaboration between land managers and owners.
- Minimum environmental standards—robust and enforced cross compliance on the Single Farm Payment, especially to control the worst of the overgrazing in the uplands and diffuse pollution.
- A diffuse water pollution strategy—with new measures to tackle diffuse water pollution from agriculture, including small-scale capital grants.
- New legislation—to modernise the legal framework for common land to improve governance and the long term collective management of commons.

11. This demonstrates the need for the committee to focus its attention on the broad regulatory, fiscal and policy environment within which landowners and managers operate if SSSIs are to be further improved.

12. Looking ahead, our philosophy and approach to SSSI management needs to evolve to focus as much beyond the site boundary as within it. Improving the condition of SSSIs cannot be achieved in isolation from the wider environment, particularly if wildlife is to adapt to climate change. For that we need a landscape-scale approach to the conservation of our biological and geological resources. Working at this scale requires a substantial shift in behaviour and approach of policy makers and delivery bodies and far greater collaboration between land managers and owners. Such action should be more cost-effective in the long term and provide multiple benefits when compared to issue-specific action aimed at redressing the damage done internally to one site only. We urge the Committee to identify this as a key task for Defra and the new Integrated Agency.

#### NATIONAL TRUST PROGRESS ON SSSIs

13. The National Trust owns and manages 63,700 ha of SSSI across 2,153 units in England. The Trust's SSSIs range in size and habitat, from the smallest ponds at Stockbridge Common on the Isle of Wight to the expanse of upland bog of The Dark Peak in the Peak District. By July 2003 34,531ha (55%) of the SSSI component had been assessed by English Nature (EN) as being in favourable or recovering condition and 28,418ha (45%) in unfavourable no change or declining condition.

14. On Trust SSSI, the dry lowland habitats are approaching the desired state and are generally ahead of the national picture (range 78–98% meeting the PSA target). Coastal habitats, similarly, are generally in healthy condition (78–100%). Freshwater habitats are only marginally more in favourable condition than not (58–62%). And the upland habitats are variously in poor, moderate and good condition (5–91%). See Fig 1.

15. The most important factors affecting the National Trust's SSSIs, by a combination of area and habitat affected (but in no order), are scrub invasion, undergrazing, overgrazing, direct and diffuse pollution, coastal squeeze, water abstraction (see Fig 2). Many sites are affected by more than one issue (such as overgrazing and diffuse pollution, or scrub invasion and undergrazing). Deer browsing and inappropriate woodland management are important factors in the woodland habitats but affect only a small area of land.

16. The biggest areas of failing land are in the uplands: calcareous upland grassland (5,385 ha), upland dwarf shrub heath (7,724 ha) and bogs (8,679 ha). These three habitats comprise nearly 50% of the Trust's SSSI holding.

17. In the uplands, the major problem preventing a recovery to favourable condition is overgrazing (prime cause of failure on 61% of the 23,768 ha failing in the uplands), usually as a result of stocking rates maintained artificially high by agricultural subsidies. This is further complicated in the Peak District by a long history of air pollution, where fragile bog habitats have been badly affected and the residual effects could take decades to repair. Woodland overgrazing, by contrast, is a result of stockshelter or the presence of deer.

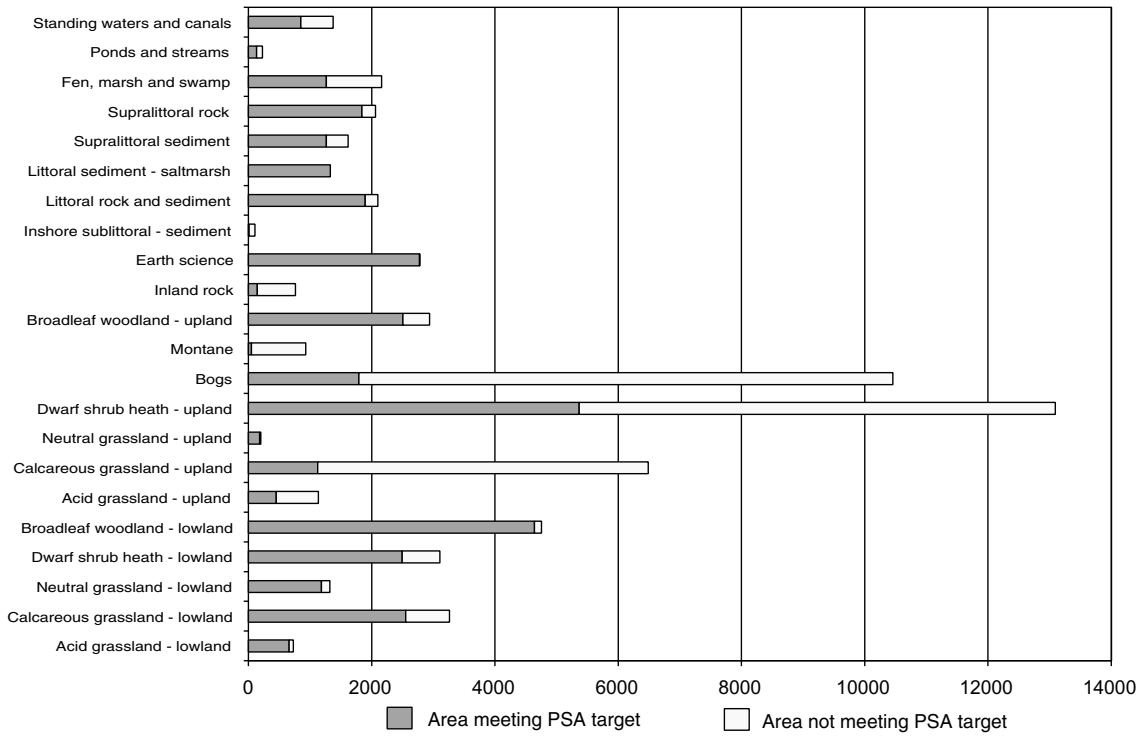
18. In the dry lowland habitats, scrub invasion and undergrazing are the most significant issues, affecting 61% of the 1,635 ha of lowland habitats not meeting the PSA target. Conversely, there are often too many deer in the lowlands: deer browsing of coppice regrowth and natural regeneration is a particular problem in woodlands in these areas.

19. In the wetlands, direct and diffuse waterborne pollution is a significant problem as well as abstraction.

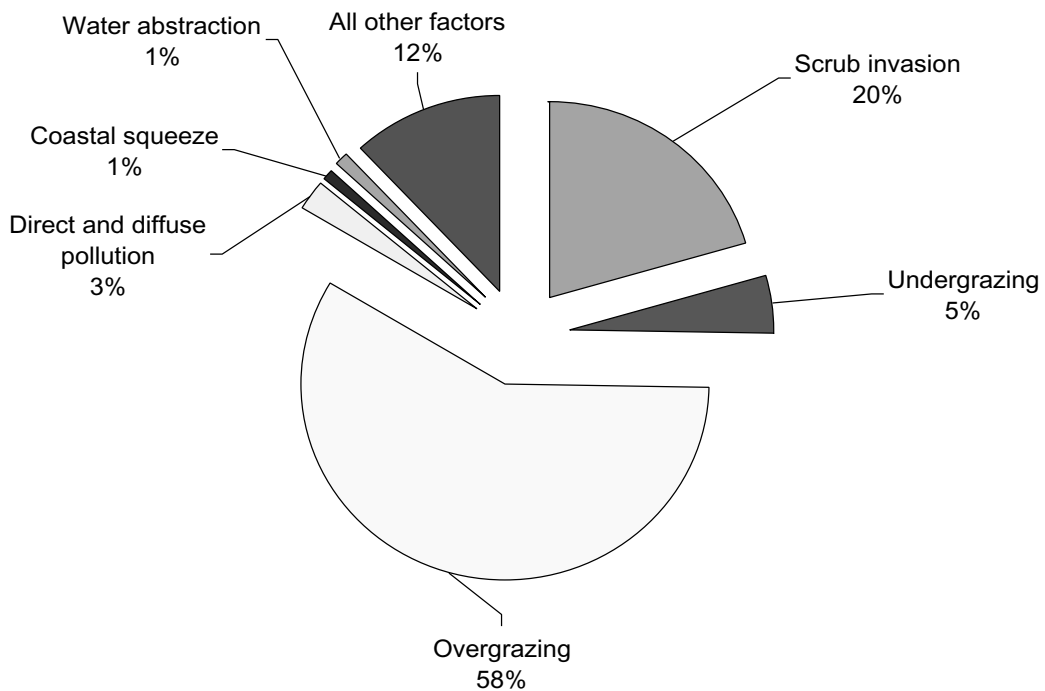
20. Small areas of land failing to meet the target can be as significantly important to some habitats (eg inshore sublittoral sediment) as large areas are to others (eg bogs).

21. The Trust is committed to working in partnership with a wide range of organisations, from statutory agencies and voluntary bodies to neighbouring land owners. The Trust is a member of the Major Landowners Group, which has been established by Defra to help achieve the target and as a landowner and manager, the National Trust values the working relationship that has been established between the Trust and English Nature (and other agencies such as the Environment Agency), at a national and local level.

**Figure 1: areas (ha) of different habitat types on National Trust SSSI, showing proportions meeting and not meeting the PSA target**



**Figure 2. Relative areas of National Trust SSSI land not meeting the PSA target condition as a result of the primary cause being attributed to the identified key factors**



*Note:* data for both figures has been extracted from that supplied to the National Trust by English Nature in July 2003.

#### CHANGES NEEDED TO MEET THE TARGET

22. We identify the following measures as critical for delivering the changes that are required if the SSSI PSA target is to be met.

##### *Incentives*

23. The most important and immediately effective mechanism for delivering the PSA target by 2010 will be the new England agri-environment programme. The Entry Level Scheme (ELS) will be available to every farmer, which will set an important foundation of good land management. However, in most cases, the ELS will be too modest to effect significant changes to the management of SSSIs that need urgent attention. It is therefore essential that the Higher Level Scheme (HLS) has sufficient funds, capacity and flexibility to target SSSI management effectively, on an area basis as well as farm by farm.

24. We urge the Government to make maximum use of the opportunity to switch CAP funds from direct Single Farm Payment to invest in the new agri-environment programme through modulation. This will help to ensure that public money is spent wherever possible on more sustainable land management and to demonstrate the Government's commitment to meeting its PSA target.

25. The new agri-environment programme also provides an important strategic mechanism to both buffer SSSIs and "Defragment" the countryside. To help tackle the root causes of, for example, lowland undergrazing or habitat restoration, the programme will need to have robust processes for local and regional targeting. Areas and farms with SSSIs in unfavourable condition should be a priority for the new programme and managers of the land surrounding the SSSI should also be targeted for entry into the HLS, especially where this strategically reconnects habitats.

26. Links between upland and lowland livestock producers are important for the future viability of farms, as well as sustaining conservation grazing of SSSI. As English Nature's Wildlife Enhancement Scheme (WES) is due to end in 2005, we suggest a pilot scheme (linked to the agri-environment programme) is established to link upland SSSI livestock farmers with lowland SSSI livestock "finishers". The Grazing Animals Project (GAP) could run the pilot, as they have led successful partnership work on conservation grazing.

##### *Advice*

27. Farmers are facing a scale and pace of change unseen for the last 50 years. They need to be able to adapt and respond successfully during this transition, and information, support and advice is critical. Following the recommendations of the Curry Commission in 2001 and Lord Haskins in 2003, there is an urgent need for an integrated environment and business advisory service for farmers and land managers which puts the environment back into the heart of the farm business. This should include training and advice for managers of SSSIs, not only on the sensitive land management practices required but also on how this can be integrated with the operation of a successful rural enterprise.

28. Facilitation is also needed to broker more collaborative land management agreements, so that SSSIs and their surrounding areas are managed as a whole, rather than discrete units. Greater partnership working between landowners is needed, but the real difference is made through farmer/land manager collaboration, particularly if we are to secure economic benefits as well as land management benefits.

29. A farm/land manager advisory service is critical, especially where, as in the case of the National Trust, a large proportion of SSSIs are managed by tenant farmers, often with Agriculture Holdings Act tenancies (ie without the right for landowners to insist on the inclusion of nature conservation clauses), and commoners. In these cases management agreements aimed at achieving a recovery to favourable condition often have to be negotiated directly between the responsible agency and the tenant or common rights holders.

30. The Trust has invested hugely in developing its own integrated business and environmental advisory service for its farm tenants. A network of 16 farm and countryside advisers is at the forefront of delivering our whole farm planning programme. The advisers are able to draw on specialist nature conservation, environmental, archaeology and rural business expertise to ensure that an integrated approach is taken to solving environmental problems across farms and beyond the farmgate. In our experience it is an approach that works and there needs to be a similarly holistic investment in service provision to farmers and land managers country-side as part of the delivery of the new agri-environment programme, wider CAP reform and the government's strategy for sustainable farming and food.

*Minimum Standards*

31. For the first time, environmental conditions will be attached to direct (CAP) farm payments from 2005, so called cross compliance. This gives the Government scope to raise the baseline performance of all farms and ensure public benefits are secured from farm payments. The conditions set must be meaningful in changing the behaviour of land managers and properly enforced. There is a real chance to tackle some of the damaging practices which chronically affect SSSIs at farm level, whether it be slurry leakage, soil erosion, pesticide use or cutting of hedgerows. A whole farm audit should be a critical component of cross compliance and this will help to identify environmental risks to SSSIs.

32. The Government has recognised the lack of policies and delivery tools to tackle diffuse water pollution from agriculture (DWPA) and undertaken a wide-ranging review. We look forward to Defra publishing its DWPA report and action plan as soon as possible. One of the missing tools to address the root cause of farm pollution is the lack of small capital grant schemes for dealing with organic and other farm wastes, soil and water management, as these issues consistently come out as high priorities from the Trust's whole farm action plans.

*Legislation—Common Land*

33. One of the most significant factors in the overgrazing of the upland SSSI habitats (such as in the Lake District fells) and the undergrazing of many lowland SSSI habitats (such as in the Surrey heaths) is that they lie on areas of common land. Despite the intention of the Commons Registrations Act 1965, these areas are still beset by confusing rights issues, uncertainties over collective and individual responsibilities and, in the uplands, insufficient resources to meet the demands of the rights holders. The major problem in the lowlands is the lack of livestock-owning rights-holders able to exercise their rights, although increasing public use, restrictions on erecting fences to enable management schemes to be put in place and the walking of dogs off their leads are also problems.

34. The National Trust owns 66,000 hectares of common land in England and Wales—41,500 ha in England (11% of common land in England)—comprising 25% of the Trust's estate.

35. The Trust believes that new legislation is urgently required for common land to achieve the SSSI PSA target. Until we have an effective legal framework which enables better governance and long term collective management of commons, we will continue to see overgrazing in the uplands and undergrazing in the lowlands and the most intractable issues in SSSI management will not be addressed.

36. The new framework should enable individual or multiple rights-holders, or indeed the landowner, to reduce the exercising of their rights without disadvantage where over-use is preventing "favourable condition" or to allow new management or exercising of unused rights where under-use is the problem. It will also be important to protect the rights and duties of the landowner, who may have specific responsibilities for management of the site or aspirations which differ from those of the rights-holders.

37. The Trust's priorities for legislation are:

- statutory associations which should include the landowners, those holders of rights other than grazing and representation of other public interests;
- a live register, working to known numbers of grazing animals;
- enabling the deregistration and extinguishment of rights to be handled fairly; and
- dealing comprehensively with wrongly registered rights, particularly on commons with excessive numbers of livestock.

38. The Trust also believes the phrase "sustainable agricultural management" which underpins delivery of common land management is too narrow, omitting important public benefits such as nature conservation and landscape. It is important, therefore, to find a solution for managing the collective interests of individual commoners in a way that provides for public interests and enjoyment of an accessible common which is in good ecological and landscape condition.

*Wider policy frameworks*

39. The SSSI PSA target is also affected by a large number of other policies and the Government needs to be as creative as possible in optimising these opportunities. For example, the Periodic Review and Asset Management Programmes (AMP) of the Water Companies should help to tackle many sewage discharge and water abstraction impacts on SSSIs. Equally, a strong and effective land use planning system is key to preventing destruction and damage from new development.

40. Full advantage should be taken by all parties of the opportunities provided by the forthcoming implementation of the Water Framework Directive to help achieve the target for aquatic habitats such as ponds and rivers. The WFD will provide an important planning tool at a catchment scale to help reduce diffuse pollution, secure better soil management and restore damaged or constrained rivers.

41. The England Rural Development Programme, implemented at the regional level, provides a real chance to stimulate activities that support the managers of SSSIs, by providing local economic value from a high quality environment, through local food, tourism and other enterprise initiatives. Regional Development Agencies will have a key role in investing in local economies and their Regional Economic Strategies should embrace the SSSI PSA target as protecting an essential economic as well as environmental resource.

#### AN EVOLVING PHILOSOPHY AND APPROACH

42. Improving the condition of SSSIs will not be achieved sustainably in isolation from the wider environment. The biodiversity in SSSIs is recharged and often sustained by areas outside of the site, areas which provide supporting populations of species or supplementary foraging. In the same way, detrimental factors arising externally to the site, such as edge effects of urban development or diffuse pollution can affect the biodiversity within.

43. The external pressures on SSSIs will continue and will probably exacerbate the problems of site-based approaches to the management of SSSIs. We are already witnessing problems with coastal habitats being damaged and destroyed by the squeezing effect of a rising sea level towards hard sea walls. The rate of realignment of the coastline and coastal defences needs to be significantly increased to provide sufficient space for the re-creation of the coastal habitats which are currently continually lost to erosion and sea level rise.

44. A new philosophy and approach is required, both to the way in which decision-makers think and also the way in which practitioners deliver, especially if we are to help the environment adapt to climate change and other pressures. We need to move towards a landscape scale approach that seeks to reconnect fragmented habitats, including SSSIs, in order to gain greater ecosystem resilience, capacity and functionality. This much wider spatial and longer term approach requires a substantial shift in behaviour and approach of policy makers and delivery bodies and far greater collaboration between land managers and owners. We urge the Committee to identify this as a key priority for the new Integrated Agency and for Defra.

45. In the longer term, the investment required to bring 95% of England's SSSIs into favourable or recovering condition by 2010 will only have been worth it if those in favourable condition remain so and those which are recovering actually reach truly favourable condition. For some of those recovering sites it could be decades before they attain that favourable condition. The importance of persistent funding, both to change unfavourable and also to maintain favourable sites post 2010 should not be underestimated.

46. However, adopting a more sustainable approach to land management across the whole of England will be the most cost-effective way of dealing with the legacy of long-term decline and to maintain health and recovery of England's SSSI network in the future.

22 March 2004

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#### Memorandum submitted by the Moorland Association (N21)

##### INTRODUCTION

The Moorland Association is an association of the owners and managers of heather moorland in England and Wales. Its members are responsible for the management of over 700,000 of the estimated 800,000 acres of heather moorland remaining in England and Wales, and the primary objective of the Association is to prevent the continuing loss of heather moorland, and to secure its future.

The enquiry which the Environment Food Rural Affairs Committee ("the Committee") is holding into the protection of Sites of Special Scientific Interest, and the progress made towards achieving Defra's PSA target is of particular concern to the Moorland Association. The heather moorland habitat that has been created over the past 150 years by land management practices designed and implemented to create a habitat suitable for both grouse and sheep is probably the most important single type of habitat in England and Wales for nature conservation. Almost 70% of the land managed by members of the Moorland Association is designated as Sites of Special Scientific Interest (SSSIs) and the great majority of that land is further designated as SACs or SPAs. Conversely the uplands embrace a substantial number of all feature types found within SSSIs—35% of Habitat Directive qualifying occurrences of habitats within candidate SACs are in the uplands.

It follows that the condition of heather moorland is of particular concern in assessing the UK Government's obligation under the habitat and species directives. The Moorland Association and its members are all concerned to ensure that the moorland areas for which they are stewards are maintained in favourable condition.

## GROUSE MOOR MANAGERS' CONTRIBUTION

The Committee should understand that the heather moorland that remains in England and Wales has been preserved almost entirely by the actions of landowners who have managed the land primarily for sporting purposes and in particular for grouse. Until approximately five years ago, substantive areas of heather moorland were being reduced and/or lost to over-grazing (which degrades it to little better than unimproved grassland) and to afforestation. The loss of heather between 1945 and 1995 was between 25% and 40% (depending on the definition of heather moorland) and it is for practical purposes only where the moorland owner has had the incentive and the ability to maintain a higher value from his land than forestry would offer, and to ensure that over grazing is limited, that heather has survived. It is therefore no coincidence that the heather moorland areas that are designated are substantially in the Pennine range of the north of England and in the North York Moors. It should be noted that in those few other areas where moorland has been maintained by input of public finance (rather than by private sporting imperatives) the range of ground nesting birds is less than on those managed for grouse—we note from RSPB survey last year that curlews and green plover are almost extinct on Exmoor, whilst counts of waders on Dartmoor are a minute fraction of those found on similar land in North Yorkshire.

## ENGLISH NATURE CONDITION ASSESSMENTS 2001

Given the high proportion of heather moorland areas designated as SSSI within the past 20 years and given the emphasis placed on these SSSIs in their selection as habitats of importance in a European context by designation as candidate SACs, the Moorland Association was astonished to read “The State of Nature” report published by English Nature in March 2001. That publication suggested that 72% of upland heathland SSSIs and 60% of blanket bog were in unfavourable condition. No reference to the Moorland Association or its members had been made prior to the publication of The State of Nature, and since 2001 the Moorland Association has been trying to ascertain from English Nature the basis upon which those judgements were made. Some explanation has been given, but to date robust scientific evidence to fully support the very damning overall assessment has not been forthcoming. That is perhaps not surprising given the apparent disparity between the decisions that had justified designating so much land as SSSI (because of its condition and its scientific importance) and the suggestion soon afterwards that much of that area was in unfavourable condition. For example, in discussion we learnt that the entire area of a substantial English moor was recorded as being in unfavourable condition, and not improving, because of a temporary, albeit severe, outbreak of heather beetle, which affected no more than 10% of its total area. Traditional management techniques, which harnessed natural processes, all but eliminated the outbreak within three years, rendering the condition assessment manifestly and scientifically wrong. It has been examples such as this, which have eroded the trust of moorland managers in English Nature’s ability to make accurate assessments, and of course those managers have felt aggrieved. One moment they had been basking in the reflected glory of SSSI designations, which their management practices had earned, and the next they were being publicly pilloried for those same practices, particularly rotational burning, which English Nature now claimed to have reduced nearly three quarters of their land to unfavourable condition!

## JNCC COMMON STANDARD MONITORING CRITERIA

JNCC has now published criteria (the common standard monitoring criteria) which are intended to operate uniformly throughout the United Kingdom. It should be noted that in course of arriving at those criteria, there has been no consultation with land managers, nor, despite our request for involvement, has there been any reference to the Moorland Association. It is clear, however, that the combined JNCC view in respect of burning for example (possibly influenced in large part by Scottish National Heritage) has produced assessment criteria that are in marked contrast to those applied hitherto by English Nature in management agreements and condition assessments. These required that “all age classes of *Calluna* (heather) be present, with at least 25% of the unit in the late mature/degenerate age class or between 10–30% of the unit excluded from any burning rotation”. The JNCC criteria, requiring only that 10% should be left un-burnt, makes no mention of the alternative of having heather in the late mature/degenerate age class. We do not believe that a scientific case has been made for leaving heather unburned, and we will continue to argue for a properly managed burning rotation, which of course should leave ample heather in the late mature stage, but the fundamental point is clear: Knowledge is still developing in the field, and alterations to existing practices must be based on sound, proven science, as well as a broad consensus.

The JNCC criteria will now be subject to public evaluation, and we are working with English Nature in the Burning Group and through ongoing work on our joint Memorandum of Understanding (MOU) (both of which will be referred to later), to try and ascertain the justification for those criteria with which we have difficulty and their relevance to heather moorland generally. There are a number which we believe are inappropriate—for example, a complete ban on burning in bracken stands is, in our view, flawed. Bracken control work can include selective burning to stimulate new growth, and hence chemical uptake, when properly coordinated with Azulox treatment. Notwithstanding the above, the JNCC criteria are considerably better than previous English Nature proposals—for example it had hitherto been suggested that a site should be in unfavourable condition if there was any burning on blanket bog, which was to be

prohibited entirely (There was an added difficulty in the lack of an agreed definition of blanket bog!). It is now accepted in the JNCC assessment criteria that burning on active blanket bog, though in some cases undesirable, can be carried out selectively if done correctly.

#### ENGLISH NATURE CONDITION ASSESSMENTS 2003

The assessments therefore made by English Nature up to date must be regarded with considerable scepticism, even though we accept that they have been made in good faith on the basis of the best available information English Nature had (which appears to us to be relatively little). In December 2003 English Nature published its most recent full assessment of the condition of SSSIs. This appears to show that the position in the uplands between March 2001 and December 2003 has remained substantially unchanged, which is perhaps not surprising since English Nature had not, in the intervening period, apparently changed the basis upon which it assessed the condition of the sites. It has not been able to explain to the Moorland Association and its members the reason for its concern in such a way that has convinced moor managers to change the management practices that created the sites in the first place. In view of the fact that the assessments were published 3 months before JNCC's publication of its criteria, we can only assume that the assessments were made against the previous existing criteria, and in particular English Nature's Upland Management Handbook published in 2001, again without consultation with moor owners. The basis for the 2003 assessments must therefore be regarded as unproven, and it is unfortunate that their very public airing has again pilloried moorland managers for presiding over what will be seen by many as a 70%+ failure rate!

The two major reasons for the alleged adverse conditions of moorland sites are overgrazing (which accounts for some 45% of unfavourable sites) and moor burning (which accounts for some 26% of such sites).

#### OVERGRAZING

Subject to the major question of the relative condition of sites at the date of designation when contrasted with their condition at the date of assessment (to which we return later in this paper), the Moorland Association believes that the question of damage by overgrazing is likely to be correct.

We have already indicated in the opening of this paper that one of two major cause of loss of heather since the war has been overgrazing, and even though moorland owners have done their very best to resist the pressure of overgrazing, in many cases grazing pressures and the management of sheep lie outside the owners' control. A large proportion (approximately 25%) of heather moorland comprises common land, where the rights of the commoner are quite independent of the right of the owner of the common and are limited only by the numbers registered and the determination of the owner to enforce those numbers. The old agricultural subsidy regime, founded on payment per head of sheep, has in the past given farmers a very considerable incentive to increase stock numbers to a level far greater than many commons could sustain. Furthermore, problems arising from over registration, and separation of rights of common from the land to which they are appurtenant, means that the owners of commons often have very limited scope for preventing damage. This is particularly so when agricultural subsidies enable commoners to bring hay and other imported feedstuffs onto the common, leading to a concentration of stock in particular areas and hence localised over grazing and very often under grazing in other areas. Similar problems arise when farms have been let on old tenancy agreements without such stipulations as stock numbers and stock management practices. Those rights then become protected under the Agricultural Holdings Act 1948 and 1986 so that again the scope of the owner to limit damage is restricted. Owners who have been successful in limiting over grazing have often done so at considerable expense to themselves by taking every opportunity to buy out rights of common and by taking land in hand when tenancies become vacant, as the only practical way to reduce stock numbers. This of course can create a related sociological problem in reducing farmers in the area, but it has been necessary to prevent damage caused by the Common Agricultural Policy.

We believe that the position could have been considerably mitigated if the Ministry of Agriculture (as it then was) and now Defra had been prepared to enforce cross compliance provisions, which could have required that there should be no localised over grazing and no feeding in such a way as to cause local tramping, poaching and destruction of heather. Our experience, and that of a number of Moorland Association members, is that the powers available were not used at a time when much damage could have been prevented by use of cross compliance regulations, not to drive out farmers but simply to limit damage they were doing by their stock management practices.

We believe that the change in the subsidy regime from a headage basis to an area basis, whilst still unproven, will substantially mitigate the damage that has been done and we hope that a move to area payments will reduce the incentive to over graze. These changes will take time to remedy the damage that has been caused by overgrazing over a period of some 40 years but we anticipate that the great majority of the SSSIs concerns should be achieving recovery status within the PSA target period. It is important, however, that the cross compliance provisions restricting both over grazing and under grazing should be firmly (if fairly) enforced so that tax payers' money is not wasted. If support payments have the effect of encouraging graziers to destroy the habitat, and if this then requires considerable finance through stewardship schemes to restore it, then the policy will have been doubly wasteful.



We submit, therefore, that, quite apart from the private efforts of the landowner (which has been the only constant throughout), the primary agency with power to reduce damage from over grazing is likely to be Defra. Other agencies, however, clearly have an important role to play and in particular English Nature. Whilst we have concerns about English Nature's measure of over grazing. There is no doubt that the knowledge of particular field officers, their ability to work with landowners and farmers within their area and the availability of funds to English Nature under Wildlife Enhancement Schemes, have enabled particular problem areas of over grazing to be tackled and in particular for sheep numbers to be reduced during the winter months by off-wintering and winter housing schemes. Such schemes are particularly difficult to put together and implement where large areas of land, and in particular where common land, is involved. The Moorland Association gained considerable experience in initiating such schemes through the Moorland Management Company's Northland Upland Moorland Regeneration Project (NUMRP) under Objective 5b. Although part of the work of the scheme was frustrated because of the time limits and constraints imposed by foot and mouth, the role of the scheme facilitators, who were able to give their time and knowledge to bring together a number of farmers involved in grazing a particular area, showed the way forward for successful implementation of such schemes. Unfortunately, imposition of regional arrangements rather than land type makes projects replicating NUMRP impracticable, but there is no reason why schemes should not be devised which draw upon the principles and lessons learnt which are contained in our report on the Project.

Local Authorities, and in particular National Parks, also have an important element to play in this work, and the work of the North York Moors National Park Objective 5b Scheme (particularly in improving livestock quality through tick control, bracken spraying and vaccination) has had a marked effect on the management of grazing in the North York Moors SSSI, with a consequent improvement of the condition of the moors there. Apart from these schemes, it seems unlikely that Local Authorities have a great deal of scope to ensure that PSA targets can be achieved in the uplands. We have no doubt that further funding and further personnel would enable the work of English Nature to be accelerated. Reducing over grazing is time consuming and expensive, and we are not satisfied from the information we have that English Nature have the resources to carry out all the work they would like to do. We have in recent months pointed out a number of areas which are manifestly suffering from over grazing where action has yet to be taken to resolve the position—again we believe that use of the powers available to English Nature, as well as money, would speed up improvements.

#### BURNING

The second reason for the alleged adverse condition of upland sites is moor burning. In this respect we are very firmly of the view that English Nature are substantially mistaken in their reasoning and in their allegations as to the damage carried by controlled burning. The areas designated as SSSIs have been designated because of the management regime effected over a period of 150 years and that management regime has always included rotational burning to secure a mosaic of heather of different ages, which is so beneficial not only to grouse but to the many other species of ground nesting birds for which it constitutes home. The Tharme report, commissioned by the RSPB in the North Pennines, indicates that populations of curlews and lapwings are approximately 5 times higher on managed grouse moors than on similar unmanaged moorland and other ground nesting birds, including golden plover, are twice as abundant. There is no doubt that burning is necessary to provide the bare ground which golden plover require, while well managed burning rotations also provide ample long heather for nesting sites for those birds requiring it, including merlin and other raptors.

In our joint MOU with English Nature they have accepted that the onus is upon them to demonstrate scientifically the justification for any changes they seek to established management practices, and since 2001 the Moorland Association has been pressing English Nature to justify its allegations that moors are suffering by over burning or that damage is being caused. It may be that one ground for their concern is the suggestion that heather is being deliberately burnt to limit nesting sites for hen harriers. Research by RSPB and CEH in Scotland, however, demonstrates that long heather is not essential for hen harrier breeding success, albeit that (along with many other birds) it may be the nesting site of choice. Furthermore, in a recent field study with English Nature on a well burnt moor, we were able to demonstrate the existence of very considerably more suitable nest sites than would be required if the bird's numbers increased to levels accepted as being the recovery target. For these 2 reasons we hope that the aggressive assertions made on this subject will now die away.

The Moorland Association has established with English Nature a Burning Group to review the Heather Burning Code and to establish best burning practice. In that group we have experts from The Heather Trust, Game Conservancy, National Gamekeepers' Organisation (Moorland Branch), the National Farmers' Union and National Sheep Association, and we are just beginning to consider each issue, or allegation of damage claimed to arise from burning. This work has been considerably facilitated by a publication commissioned by English Nature, Report Number 550 entitled "Review of the impact of heather and grassland burning in the uplands on soils hydrology and biodiversity". This is a literature review, which pulls together all the published research on the subject. However, it must be stressed that a number of the Conclusions (which are given prominence in the Executive Summary) are unsupported by the main text of the document and appear instead to be the personal views of the author or others. We believe that these may

now have been disowned by English Nature in the light of considerable criticism by senior scientists in a number of fields. That said, the text of the literature review makes it clear in our view that there is little scientific evidence, or there is conflicting evidence, relating to the assertions of damage caused by burning. There is patently a need for further research, but until it is clear that there is demonstrable damage caused by burning, then there seems to be little justification in changing a burning regime that has created such an important habitat in the first place and which has maintained it for 150 years.

Similarly, site visits by the burning group to examine specific problems have indeed highlighted examples of bad burning practice, and these justify criticism, but English Nature's suggestions of generalised over burning, or of damage caused on blanket bog for example by destruction of sphagnum, where clearly the sphagnum is regenerating and is maintained within the burning regime, suggest that many of fears of English Nature are over stated.

This is an issue that must be resolved by good science and by co-operation between moorland managers and scientists. It will only be resolved if land managers can be satisfied that their long-standing management is really causing the sites to be in unfavourable condition. This is an area where English Nature must take the lead by working, through the medium of Burning Group, with land managers and with other scientists involved, to resolve such issues that now remain. A large number of those issues appear to be capable of being resolved if JNCC are prepared to adopt more flexible assessment criteria relating to blanket bog and dry heath, and we remain hopeful that the issues outstanding can be resolved by discussion.

*Wildfires.* The point is of particular importance given the damage that has been caused in recent years by wild fires in Sites of Special Scientific Interest, and by the fact that the risk of such wild fires is likely to be increased by increased public access under the Countryside & Rights of Way Act. Two fires in the North York Moors in 2003 demonstrate the relative risks—a fire on one moor, Bransdale, a managed grouse moor regularly burned by the keepers, took hold but was unable to spread because there was no great mass of un-burnt heather in which the fire could run, and which would enable it to gain sufficient heat to burn into the peat. By contrast a moor fire on Fylindales, which ran through un-burnt heather, took approximately 1 week to extinguish and has done such damage by burning into the peat that it is unlikely that the habitat will ever be capable of full restoration. Regular burning on moorland by the grouse moor manager is the best defence against wild fires and the best way of limiting damage when such fires arise.

In summary, we submit that the current assessment by English Nature of the condition of English Moorland SSSIs is likely to be significantly wrong, particularly when it assesses condition arising from routine burning. We believe that reassessment on the basis of the revised JNCC criteria will itself produce a very substantial reduction in the area regarded as being in unfavourable condition, and this is particularly likely to be the case when these revised criteria are themselves revised in the light of discussions with landowners and managers who have considerable knowledge and experience of the issues and the land in question.

#### CHANGE IN CONDITION SINCE DESIGNATION

However, the biggest single change is likely to arise from the clear specification in the JNCC Criteria when it requires the feature to be assessed against its extent / condition since SSSI notification.

Paragraph 7 (on page 22) states “the feature is favourable if there has been no measurable decline in extent since SSSI notification. This judgement will be dependent on sufficient data being available to make comparisons. Site management objectives have a bearing on this as they may specify the expansion of one feature at the expense of the other”. This statement is eminently logical—if a site has been designated because of its condition at the time of designation, then it seems unreasonable to complain that the site has become unfavourable because it has continued in that condition since designation. For example, in the North York Moors there are large areas of *caluna vulgaris*, which dominate the moorlands to the exclusion of almost all other shrubby species. That condition has been the case for very many years, with management practices quite specifically encouraging this “monoculture” state for very good economic reasons—the proliferation of grouse. The site was designated when the vegetation had that monoculture. Yet, if it was not for the provisions of paragraph 7 to which we have referred, the area would be treated as being in unfavourable condition because there may not be at least two shrub species within the specified small sample area or areas. It appears clear to us that the very great majority of heather moorland SSSIs have improved since designation, which in most cases has been within the last 15–20 years. We see no evidence of deterioration—burning practices have continued unchanged and grazing pressures have, if anything, been reduced. We believe that when Moorland SSSI are properly assessed against this criteria, judgement may be very different.

#### CONCLUSION

Condition assessment is fundamentally a matter for English Nature and we submit that the primary responsibility for determining whether land meets PSA objectives lies with English Nature. Realistically, however, English Nature will achieve most if it will continue to work with Landowners (as it traditionally has done) to achieve such changes as both English Nature and owners regard as necessary to modify or adapt a regime which has been established for 150 years, and which has created a type of habitat of national and

international importance, accepted as such by all conservation agencies and which provides revenue to enable conservation work throughout the uplands to be carried out. Landowners will need convincing that it is right to change that management regime and must be convinced that this is the correct way forward for them. They do not wish to cause damage to the land for which they are responsible, but to date they see no evidence to substantiate the allegation that what they have done is damaging—indeed every time that suggestion is examined, it is demonstrated to be unsubstantiated. It is important that bad management is removed. Mistakes will always happen and casual and wholesale burning is clearly inappropriate in this fragile ecosystem. However, adjustments in management practice will only be achieved by co-operation between English Nature and land managers and that is the biggest contribution that any Agency can make towards achieving the Government's PSA target. The Moorland Association is committed to working with English Nature, though work in bodies such as the Burning Group, to help achieve targets which are agreed as being realistic.

*1 April 2004*

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