

10 February 2015

Paper Title	Sites of Special Scientific Interest (SSSI) – notification programme and the impact of Glastir
Paper Reference:	NRW B B 9.15
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Purpose of Paper:	Discussion
Recommendation:	To note Natural Resources Wales’ programme for future notification of SSSI, and our role, drivers and targets for the facilitation and delivery of conservation management on SSSI.
Decision Required:	To note the action being taken to balance effort across proactive and reactive SSSI work streams.

Impact:	Impact on the Environment: SSSI represent the principal national designation for places of importance for biodiversity and geodiversity in Great Britain. They play an important role in the conservation of the most important species, habitats and geological sites in Wales. On land they provide the main regulatory mechanism for delivering Wales’ Habitats and Birds Directive obligations. Natural Resources Wales has multiple relevant roles, including a legal duty to notify SSSI and to consent operations, to undertake direct land management on our own estate, and a general duty to conserve biodiversity. Impact on the Economy: Studies have shown that the economic value of the benefits
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	of SSSI is substantial, and the benefits provided by sites in Wales exceed the cost of the policy. It has been estimated that the public are willing to pay £128 m annually for the benefits provided by sites in Wales (Benefits of SSSIs, Defra 2011). The way in which Natural Resources Wales undertakes SSSI functions and duties has an impact on the Welsh economy, most directly through the funding of management agreements (annual budget c. £2 m), which are principally (but not exclusively) with land managers in the agricultural sector. Glastir spending on SSSI also provides important economic benefits. Impact on Knowledge: Collaboration and partnership working facilitates evidence and knowledge exchange. The suite of SSSI offers a valuable resource and monitoring opportunities for programmes across the UK - including climate change evidence, as well as biodiversity and conservation management monitoring and research. Impact on Communities: SSSI provide wider community benefits through the ecosystem services they provide.
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Issue

1. This paper has been written to inform the Board about the difficult decisions that have to be made in balancing effort towards the reactive and proactive work streams required to deliver Natural Resources Wales' SSSI work. This is exemplified by our duty to respond to 'Notices of Intent' for operations proposed in Glastir land management agreements on SSSI. Acknowledging the positive benefits of the Glastir land management scheme, our staff have been assessing a significant caseload of Glastir applications. As a result, the rate of notification of new SSSI has slowed, along with engagement in other programmable proactive work (see below). A risk-based approach is taken to doing the best we can for the environment while using our staff resources as efficiently as possible.

Summary

2. Operational staff in place-based teams are tasked with delivering Natural Resources Wales' SSSI duties and functions:

Programmable proactive work

- Survey and evaluation
- Notification and confirmation
- Management agreements
- Voluntary management
- Partnership working
- Monitoring

Reactive work

- Consenting (including Glastir consenting)
- Enforcement

3. The balance of time and effort between these work elements depends on the demands placed upon the Operational teams responsible for SSSI. These teams have to juggle responding to reactive work such as consenting casework related to Glastir, and consultation/designation programmes for internationally important sites carried out on behalf of Welsh Government, and proactive work. There are also geographical differences in the distribution of workloads, for example, demands on staff time processing Glastir consents are greater in north Wales, because proportionally more SSSI and agri-environment agreements are in the north.

Background

4. Natural Resources Wales has a duty under Section 28 (1) of the Wildlife and Countryside Act 1981 (as amended) to notify land where *'it is of the opinion that any area of land is of special interest by reason of its flora, fauna or geological or physiographical features'*. All owners and occupiers of the land and certain public bodies must be notified, and are thereafter subject to the requirements to seek consent to carry out any operations likely to damage the special interest. Natural Services maintains a list of candidate sites for notification and denotification and agrees an annual programme with operational teams.
5. Progression of the Environment Bill will lead to consideration and integration of the management needs of SSSI within our development of the ecosystem approach and natural resource management planning. The draft Welsh Government Nature Recovery Plan identifies opportunities through the development of Area Statements for reviewing the relationship between sites, other designations and the wider environment to ensure they are treated in ways which are mutually reinforcing to deliver multiple benefits.
6. Following survey and analysis of evidence, potential SSSI are assessed in accordance with the advice provided by Natural Resources Wales' habitats, species, and geodiversity specialists as well as the Joint Nature Conservation Committee (JNCC) guidelines for selection of SSSIs. Some 12.5% of land in Wales is designated as SSSI, and a significant number of the 1062 sites are internationally important, being designated as Special Areas of Conservation (SAC) under the Habitats Directive, Special Protection Areas (SPA) under the Birds Directive (collectively named the Natura 2000 sites) or listed as Ramsar sites under the Ramsar Convention. The principal mechanism for management of these internationally important sites (on land) is through SSSI provisions.
7. Following SSSI notification, owners and occupiers and public bodies are required to seek consent to carry out any operations likely to damage the special interest. Natural Resources Wales' operational teams respond to all applications for consent to carry out land management activities within legislative timescales. (See Annex 1 for more information on the number of Glastir consents issued over a recent 12 month period.)
8. In conjunction with Welsh Government, we have committed to work towards bringing SSSI into favourable condition. The focus of the Special Sites Programme is to stimulate communication and partnership working towards action. The Programme promotes an integrated way of working and provides a framework to draw together relevant staff and partner organisations to provide

coordination and strategic direction. Action on these targets is co-led by Natural Resources Wales and Welsh Government, with partnership inputs expected from a wide range of other organisations in the public, voluntary and private sectors. The Wales Biodiversity Partnership (WBP) coordinates partnership action and a WBP subgroup oversees progress towards the SSSI condition targets established under the Environmental Strategy for Wales (Welsh Government, 2006).

At the time, we recognised that these were very challenging targets and Welsh Government agreed that we would focus on undertaking the actions needed to achieve appropriate management on protected sites, with improvement of the condition of features being the ultimate goal. Our planned work towards getting these actions underway is on target. Our Corporate Plan **Indicator**: 'Condition of features of marine, terrestrial and freshwater Natura 2000 sites' condition target is currently red, however, and is likely to remain so for 3 main reasons:

- the time lag between securing appropriate management and the habitat or species responding in a way that can be measured;
 - the lack of up to date evidence of feature condition (SSSI and N2K monitoring programme) due to competing priorities and limited resources.
 - the relative speed at which we can undertake all of the actions required to get sites into appropriate management, which is dependent on the amount of resource we can commit to this work and the actions of partner organisations.
9. The LIFE N2K Programme is developing an action plan for the restoration and management of Natura 2000 sites, all, on land, are underpinned by SSSI. It will identify what needs to be done on these sites, prioritising and costing the work, and look at traditional as well as innovative mechanisms to address the challenges. This should bring new focus and ways of working to the management of our Natura 2000 sites.
10. Operational teams plan annual work programmes of action to address the conservation management issues that have been identified on SSSI. Identified issues must be significant, e.g. either already causing features to be in unfavourable condition or likely to do so in the future, if not controlled. The annual work programme prioritises identified potential Natural Resources Wales management agreements for negotiation, and is dependent on available resources.
11. Glastir contracts are one of the tools for achieving appropriate conservation management on farmland and woodland SSSI. Contracts are negotiated by Welsh Government staff and are funded under the Rural Development Plan (RDP) using a mixture of EU and Welsh Government funding. Natural Resources Wales management agreements are another widely used option, and are available to a wider range of land managers. Such agreements are directly negotiated by Natural Resources Wales land agents. With both Glastir and management agreements, Natural Resources Wales has a significant role in advising on the most appropriate form of management. The choice between Glastir and Natural Resources Wales management agreement is substantially determined by the land owner/manager concerned. Participation in Glastir requires an application to be submitted to Welsh Government, while NRW management agreements can arise from proposals by the land owner/manager or from NRW wishing to progress management options, working within the

confines of Natural Resources Wales' budget and conservation management priorities. Operational staff will prioritise responding to Glastir casework, mindful of the requirements to deliver our other legal obligations.

12. In order to maximise the environmental benefits from NRW's available financial resource, Natural Resources Wales' preferred first option is to achieve SSSI conservation objectives through Glastir agreements wherever possible. Natural Resources Wales management agreements are funded from within our own resources and are currently used to complement Glastir, to support management on areas ineligible for support under the agri-environment programme or where land managers do not want to participate in Glastir.
13. One of the consequences of placing significant reliance on Glastir is that the extremely high number of Glastir applications in 2014-15 has had a significant impact on staff workloads and their ability to engage in other proactive work on SSSI. It is likely that, at least in the first half of 2015, the workload may be less, but it is predicted to increase again in autumn 2015. Much of this is due to the ending of historic agri-environment scheme agreements and the need to renegotiate terms of the agreement impacting on the management of SSSI land

Next Steps

14. Significant potential exists to improve the efficiency of the consultation process between NRW and WG on Glastir plans affecting SSSI. Such an approach will also help to integrate legacy body delivery and provide a Hampton-compliant service. This review will use internal NRW process re-engineering skills and, due to the breadth of the work required, will report later this year. There is a Project Plan that provides a detailed account of the proposed work covering all aspects of Glastir and its impact on Natural Resources Wales. In parallel, 'quick wins' are being explored and implemented.
15. In the meantime, Natural Resources Wales will continue to support the Glastir programme using the existing processes. Assuming that the Glastir consenting caseload demand remains at its current level, operational teams will have to continue juggling their responses to Glastir applications and the proactive programme of SSSI work. Currently it appears that the impact of the extraordinary workload in 2014 has been successfully negotiated. However, the current uncertainties over how Welsh farmers will react to the recent CAP reforms (in particular the new Direct Payments regime and the date on which the new Rural Development Programme will be approved by the European Commission) mean that it is extremely difficult to predict the future Glastir workload. The potential demand for Natural Resources Wales management agreements is equally difficult to predict.
16. The signing of Glastir contracts on SSSI contributes to bringing designated sites into favourable condition. At the same time, the delivery and resourcing for Natural Resources Wales management agreements is currently under review and will incorporate the prioritisation developed by the LIFE Natura 2000 Programme for the management and restoration of Natura 2000 sites.

Risks

17. If Natural Resources Wales is unable to progress new SSSI notifications there may be reputational damage. This will arise from the loss or damage of the

unique wildlife resources of Wales. This risk can be mitigated by allocating sufficient staff resources to meet our legal duty. Rationalising the existing suite of sites may lead to resource savings in the longer term, i.e. denotifications, amalgamations and updating the 'Operations likely to damage the special interest' list.

18. If insufficient resources are directed to assessment and consenting of Glastir applications we will miss opportunities for incorporating positive management actions. This may well prevent improvements in favourable condition on SSSI. It could also lead to increased demands on the budget for management agreements. The staff resourcing issues involved in Glastir SSSI consenting are being addressed by an internal process review.
19. Any reduction in Natural Resources Wales' budget for management agreements would reduce the scope for entering into new agreements. A review of the management agreement strategy is underway, taking account of existing contractual commitments.

Financial Implications

20. A reduction in the budget available for management agreements will reduce our ability to bring SSSI Feature into favourable condition and would impact on our corporate and business plan aspirations to increase the proportion of SSSI in recovering or favourable condition. Furthermore, the remaining management agreement budget would already be committed to current agreements and the ability to enter into new commitments would be further reduced.

Communications

21. The role of SSSIs and Natural Resources Wales' reliance on Glastir as well as management agreements will be incorporated into the wider natural resource management communications plan.
22. Where Natural Resources Wales proposes to notify or de-notify any SSSI, we will prepare a communications plan in accordance to the scale of that designation.
23. Natural Resources Wales will need to maintain an ongoing dialogue with the farming and forestry sectors to ensure they are fully aware of our approach to SSSI notification and management agreements as well as our approach to working with the Welsh Government on the delivery of Glastir.

Equality impact assessment (EqIA)

EqIA not required.

Index of Annexes

Annex1 - Glastir Consents/Assents Issued by Natural Resources Wales - 1st November 13 to 31st October 14
Annex 2 - SSSI and international sites work streams briefing



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Board Paper