

Written evidence from the Institute of Environmental Management and Assessment (IEMA) on the Office of Environmental Protection Call for Evidence: Protected Sites for Nature in England and Northern Ireland

About IEMA

IEMA is the professional body for those people working in environmental management and in corporate sustainability roles. IEMA's growing membership of over 20,000 professionals work at the interface between organisations, the environment and society in a range of critical roles (for example from sustainability directors through to climate change leads and in consultancy and advisory roles). We also work with a range of corporate partners. Our members are active across all sectors in the UK, for example from construction and manufacturing through to logistics, facilities, and across financial, infrastructure, retail, food, consultancy and the wider service and public sector.

Executive summary

IEMA hosted a workshop for members and other relevant experts outside of the membership to inform this response. A summary of our recommendations are as follows:

- Protected sites are essential to halt loss of rare and declining habitats and species. However, Government agencies are under-resourced and Protected Sites don't cover the full range of priority habitats and species. The laws on Protected Sites should be updated and adapted (not removed) to have a greater focus on maintaining and improving irreplaceable habitats and priority habitats, enhancing populations and priority species and providing space for nature to adapt within them.
- Current monitoring reports must be replaced with mandatory reports every five or six years that include forward plans for managing the Protected Site alongside biodiversity trend. These plans must be coordinated and shared with land stakeholders where they have roles to play in managing protected sites. Data collected should be freely accessible. Monitoring methods should be improved.
- The language used in monitoring and management, including descriptors, must be updated, streamlined and consistent with that used elsewhere in nature monitoring and management regimes.
- The Government agencies who look after the effective management of Protected Sites must have sufficient resources to monitor success and act to improve poor outcomes, as well as work with stakeholders in a timely fashion to create and carry out future plans. The agencies must have sufficient resources to respond to breaches in protection.

Questions and responses

1. What aspects of these laws and their implementation are working well and what aspects could be improved?

The laws related to Protected Sites are out of step with legally binding targets in the Environment Act including increasing species abundance by 2042 compared with 2022 and ensure 10% higher than 2030. Laws around Protected Sites should also be aligned with other initiatives such as biodiversity net gain, ELMS, UK Red List, etc. The extent of the laws should be reviewed and built on to capture missed opportunities (see below). The laws are not implemented effectively.

It would be better to improve the planning and execution of protections, and expand what is protected within Protected Sites, than to try to rearrange protected sites or remove them. Protected sites should function as a network that safeguards irreplaceable habitats and priority habitats and actively support growth in populations of priority species, allowing space for climate adaptation.

The laws are out of step with other established and new ways of measuring and monitoring. For example, the Defra metric uses conditions of good/bad/poor/very poor whereas conditions in protected sites are favourable/unfavourable/destroyed/partially destroyed. Consistency in how we classify the condition of nature would be a great help to understand the state of biodiversity. Similarly, a consistent system of data recording across Protected Sites and for other biodiversity protections, would be useful e.g. using the UK Habitat Classification¹.

The laws should be reconsidered in light of more recent research on approaches and methods of monitoring to provide more effective outcomes.

The focus of Protected Sites must be on maintaining and improving irreplaceable habitats and priority habitats. The British Ecological Society paper 'Protected Areas and Nature Recovery'² identifies that site features are measured but trends in biodiversity are not. Protected Site reporting and action plans must include biodiversity trends.

Protected Sites are currently designated due to specific features. If a species is found within that protected site that is new and /or rare in the area, there is no mechanism within the law to support that species (i.e. no reason to direct resources to it). It seems not to be possible to add a species as 'protected' within a site. Flexibility to build on what is protected within a site should be allowed on a case-by-case basis.

Protected Sites should also be seen as opportunities to protect, conserve and make space for nature. Many of our threatened and declining species have discerning requirements and this limits the sites and spaces where species can be restored. Sites with potential for enhancing species need to be

¹ <https://ukhab.org/>

² https://www.britishecologicalsociety.org/wp-content/uploads/2022/04/BES_Protected_Areas_Report.pdf

safeguarded through legal protections including in the planning system. Similarly, climate change demands opportunities to be created for species to adapt, requiring protection of adaptive space for them to disperse into. This makes the current approach, focusing on the confirmed presence of specific features, not sufficiently dynamic.

IEMA's response³ to the Government's Nature Recovery Green Paper⁴ in 2022 stated the need to act urgently on nature recovery within Protected Sites, rather than focusing on reorganising the Government agencies responsible for Protected Sites. The response also stated that the focus should be on bringing Protected Sites up to a favourable standard and move beyond to create improvements. The response stated that targets within forward plans would be useful to achieve this.

2. Are these laws and the ways in which they are being implemented fit for purpose, still relevant and achieving the objectives of halting biodiversity loss and supporting its recovery? Do any of these laws exist in tension with each other or are there gaps or inconsistencies?

As above, the laws themselves are mostly fit for their given purpose but their implementation is not – see below. If the framework of implementation around the laws was functioning correctly then the majority of sites would be in favourable-maintained condition or at least unfavourable-recovering.

The laws are no longer relevant within the current context of the UK Government's need to enhance species abundance and laws are not implemented effectively. There seems to be a lot of 'red tape', inefficiency and some duplication in the process of implementation.

The extent of, and effectiveness of, monitoring of sites as well as prosecutions for degraded sites is not known to IEMA. The British Ecological Society's paper 'Protected Areas and Nature Recovery'⁵ identifies that statutory agencies struggle to meet the level of monitoring set out in the Common Standards Monitoring framework used on Protected Sites and that 78% of SSSIs had not been monitored for over 6 years. The OEP's report, 'Progress in improving the natural environment in England, 2021/22'⁶, states that there is 'a continued decline in the condition of SSSIs'. This suggests that sites are not being monitored effectively. Since removal of the UK Biodiversity Action Plan there has been no mechanism for consistent and regular monitoring of a high proportion of threatened and declining species. This makes it very difficult to know how well protection mechanisms are working.

³ [IEMA - Government consultation responses](#)

⁴ https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20Protected%20Sites%20and%20Species.pdf

⁵ https://www.britishecologicalsociety.org/wp-content/uploads/2022/04/BES_Protected_Areas_Report.pdf

⁶ [Progress in improving the natural environment in England, 2021/2022 | Office for Environmental Protection \(theoep.org.uk\)](#)

It is worth noting that SACs and SPAs are an effective and useful model, in part because of the key concepts in the Habitats Directive addressing the need to ensure:

1. that priority species remain in favourable conservation status or are still able to achieve it
2. that priority habitats remain in good condition

Poor enforcement on Protected Sites seems to be symptomatic of a wider problem where we see rivers polluted by agricultural run-off and sewage release with the 'polluter pays' principle in very little use. Laws should either be more effective and/or enforcement should be greater.

There is an issue around functionality of land that surrounds Protected Sites. For example, in Hatchmere in Cheshire water quality was poor as a result of surrounding land use and the condition of the SSSI was therefore almost uncontrollable.

Protected sites tend to have a hard-stop border around the protected area that means that there is no control over the impacts on nature within the sites by activities right on the border of, or close to, the sites (see above). Buffer zones could be introduced. Appropriate assessment and tests could be applied effectively in Protected Site buffer zones to ensure that the functionality and extent of core areas are safeguarded. This can allow management of any development or other impacts around these core requirements, so that the activities won't cause any significant adverse effect on any protected feature. Such impacts might only be permitted for reasons of overriding public interest (e.g. health) not for economic reasons only.

Within protected sites there can be tensions between landowners and managers and the needs of the site. For example, burning vegetation as part of managing land for game birds limits habitat creation. There should be stronger powers within Protected Sites – alongside significant stakeholder engagement – to enforce better practices.

There is an issue in that sites are self-contained and are not connected to each other; they are patchwork. There are 29 official UN (United Nations) CBD (Convention on Biological Diversity) decisions that relate to connectivity as a fundamental requirement, especially in response to climate change. In the UN CBD Global Biodiversity Framework, Goal A, and 5 targets out of 23 targets, relate to connectivity. To connect the sites would be complicated but thought should be given in planning for the sites as to how to create and/or improve connectivity across surrounding habitats in line with the Lawton principles in 'Making Space for Nature'⁷ to support these obligations.

The existing Protected Sites network has not been designed explicitly with the objective of providing the space needed to support resilient, self-sustaining examples of priority habitats and species and provide opportunities for their adaptation and expansion, as needed to achieve nature recovery.

There is value in creating new protected sites. Local nature and nature recovery sites can be in good condition but do not have the same protections as protected sites, leading to less safeguarding and less resources being assigned to them for protection and improvement. Identifying key local nature

⁷ [Making Space for Nature: \(nationalarchives.gov.uk\)](https://nationalarchives.gov.uk)

and nature recovery sites and giving them regulatory protection will allow habitats to thrive and may support creating corridors between habitats.

The Protected Sites must relate to the other aspects of the Environment Act so there is an understanding for everybody – enforcement agencies, developers, ecologists and EIA specialists - around the connections between ELMS, Protected Sites, Local Nature Recovery Sites, etc. and how they will work together synergistically (rather than separately).

There is a requirement for agencies to report the results of monitoring every six years. IEMA do not know if this happens (it's hard to find published data) but the British Ecological Society's paper 'Protected Areas and Nature Recovery'⁸ states that in 78% of SSSIs have not been monitored in the last six years. This is a significant proportion

Every five or six years is an appropriate frequency for reporting on Protected Sites but reports should not just be on monitoring as they are currently and it must be mandatory to include forward plans and strategies (an action plan) to halt and reverse biodiversity loss and continue site improvement. There should then be a mechanism in place to ensure that this information is shared with landowners or park managers to facilitate individual actions needed to support the plan.

Protected sites should not be seen as a legal burden but as an aspiration and an opportunity to support the 25 Year Environment Plan and the EIP, and also the much broader targets in the Lawton review⁹, looking forward with set and measurable targets.

3. Do the bodies responsible for implementing these laws have sufficient resources, skills and capacity?

Anecdotal experience tells us that there are slow responses to applications to Natural England, and the lack of monitoring of SSSIs mentioned previously, and unwillingness to act to protect degradation that is not significant suggests that yes, there is an issue around resourcing. Land owners and land managers often have little incentive, knowledge or resources to ensure appropriate management. Natural England seems to use a lot of its resources in legal battles trying to enforce appropriate land management and/or tenancy agreements (e.g. winter grazing of Dartmoor SSSIs).

A member cited an example where an Ecological Impact Assessment required wintering bird surveys to be undertaken due to an SAC on the coast near Southport. Natural England's Discretionary Advice Service (DAS) response was that they would not be responding to the member's enquiry but that the member shouldn't consider Natural England's lack of response as approval of their suggested survey method.

The enforcement bodies need the resources and powers to act.

⁸ https://www.britishecologicalsociety.org/wp-content/uploads/2022/04/BES_Protected_Areas_Report.pdf

⁹ [Making Space for Nature: \(nationalarchives.gov.uk\)](https://www.nationalarchives.gov.uk/making-space-for-nature/)

4. Are there examples, from other countries or from similar domestic regimes, that provide useful lessons?

A country that we could look to for inspiration is Belize. It has large protected areas in both terrestrial and marine environments. It has various tiers of protected areas, often managed by local partnerships. The law is written in English. We can offer a contact if required.

5. Are there gaps in the available data and evidence that need to be filled to ensure this area of law is effective?

See above. There are gaps in monitoring reports which means that the state of the sites is relatively unknown. There are gaps in what data is collected that would provide a full picture of what is happening and there are lost opportunities in where data is stored and its lack of availability.

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