

## NATURE SCORE CARD



### United Kingdom

United Kingdom has been a member of the European Union since 1973. Its Natura 2000 network consists of 925 sites, covering 108153 km<sup>2</sup>. Terrestrial sites are covering 20989 km<sup>2</sup> (8.57% of the land area) while marine N2000 sites are covering 87164km<sup>2</sup>. The below analysis and recommendations suggest that national authorities still need to make further efforts in order to fully implement the Birds and Habitats Directives and effective conservation of threatened species and habitats to be achieved on the ground.

	<ul style="list-style-type: none"> <li>• Transposition</li> <li>• Site designation</li> <li>• Avoid deterioration of sites, disturbance of species and implementation of appropriate assessments</li> <li>• Species protection</li> <li>• Management of sites</li> <li>• Landscape connectivity</li> <li>• Funding and resources</li> <li>• Monitoring</li> <li>• Promotion of research</li> <li>• Non-native species</li> <li>• Stakeholder engagement, public participation and communication</li> </ul>

### ACTION PLAN FOR NATURE IN THE UNITED KINGDOM

#### Transposition and designation

- Fully implement Birds (Art 3, 4, 7(4), 10) and Habitats (Art 6(1), 6(2), 10, 11, and 18) Directives, and correct all transposition failures.
- Introduction of new governance arrangements to ensure robust regulatory, monitoring, enforcement and other functions currently provided by the EU institutions.

#### Prevention of negative impacts

- Set, identify and publish definitions of Favourable Conservation Status for each protected species and habitat at a national and individual site level.
- Crack down on wildlife crime and end the persecution of protected species

#### Active management to achieve favourable conservation status

- Address conservation in the wider countryside, in particular avoiding the pollution or deterioration of habitats outside SPAs as required by Article 10 of the Birds Directive, and using land use planning and development policies to encourage the management of landscape features of major importance for wild flora and fauna as required by Article 10 of the Habitats Directive.

#### Funding

- Reform incentives for farming to deliver public goods for public money.
- Designate funding for nature as protected funding A report publish by RSPB provides a figure for how much nature needs: it is estimated that the total cost of achieving our environmental ambitions (for example to meet targets for species and habitats) on land are £2.3 billion per year.

#### Monitoring and research

- Introduce a rolling programme of monitoring for protected species and habitats on land and at sea.

#### Stakeholder engagement

*The information in this scorecard is based on expert analysis from RSPB. Full details on the following pages.*

LEGAL REQUIREMENT	STATUS IN UNITED KINGDOM
<p><b>Transposition</b></p>	<ul style="list-style-type: none"> <li>• The UK Government failed to meet deadlines set in the Directives themselves and by the European Commission for transposing the Birds and Habitats Directives into national law<sup>1</sup>, but many years after these deadlines transposition remains incomplete. Notable specific failures include: <ul style="list-style-type: none"> <li>- Inadequate transposition of Article 3 of the Birds Directive;</li> <li>- Failure to transpose Article 4 of the Birds Directive;</li> <li>- Failure to transpose Article 10 of the Birds Directive and Articles 11 and 18 of the Habitats Directive;</li> <li>- Failure to transpose the requirements of Articles 6(1) and 6(2) of the Habitats Directive;</li> <li>- Failure to fully transpose the Birds Directive Article 7(4) requirement of ‘wise use and ecologically balanced control’ of huntable species;</li> </ul> </li> </ul>
<p><b>Site designation</b></p> <p>Designate and establish sites that form the Natura 2000 network of protected areas</p> <p><i>Habitats Directive, art. 3 &amp; 4</i> <i>Birds Directive, art. 3 &amp; 4</i></p>	<ul style="list-style-type: none"> <li>• In the UK, on land, the network of SPAs and SACs is substantially complete, although site designation for a number of species is incomplete. In total there are 925 Natura 2000 sites (both terrestrial and marine) and Natura 2000 covers 8.57% of the land area.</li> <li>• Identification and classification of marine SPAs in the UK remains incomplete. A review of SPA provision at sea is required for at least 49 species. While the most important seabird breeding colonies on land are protected, there are still gaps in inshore areas, but most notably in offshore areas. <ul style="list-style-type: none"> <li>- At sea there are gaps in the network of SACs, but in response to Commission infraction proceedings consultations on harbour porpoise SACs have been carried out concerning five proposed sites. The results are currently with the European Commission.</li> </ul> </li> <li>• Under the Habitats Directive Member States are required to take appropriate steps to avoid the deterioration of protected habitats and disturbance of the species for which Natura 2000 sites have been designated. <ul style="list-style-type: none"> <li>- In the UK, this is not achieved through bespoke procedures set out in the regulations transposing the directive, but rather through adaptation of the consenting mechanisms established for SSSIs and ASSIs. These mechanisms require landowners to obtain consent for ongoing operations and activities such as grazing or wildfowling. No comparable mechanism has been established by UK law for sites solely designated as Natura 2000 sites.</li> <li>- This means that effective protection of Natura 2000 sites is dependent on UK nature conservation authorities ensuring that every Natura 2000 site is “underpinned” by SSSI/ASSI designations.</li> </ul> </li> </ul>
<p><b>Management of sites</b></p> <p>Establish site protection measures in Natura 2000 sites</p> <p><i>Habitats Directive, art. 6(1)</i> <i>Birds Directives, art. 4(1) &amp; 4(2)</i></p>	<ul style="list-style-type: none"> <li>• The identification of effective management measures to secure habitat and species maintenance and restoration remains unfulfilled<sup>2</sup>. Even on land, where data are often available to inform such management objectives, the management plans for Natura sites are too often entirely generic in nature, often failing even to clarify whether the feature is in FCS at site level and is to be maintained, or in unfavourable conservation status and therefore in need of restoration. The UK * Government has however commenced work in</li> </ul>

<sup>1</sup> <http://awsassets.panda.org/downloads/raceprotect.pdf>

<sup>2</sup> [http://www.ieep.eu/assets/277/Article\\_12\\_report.pdf](http://www.ieep.eu/assets/277/Article_12_report.pdf)

	<p>England to address the lack of clear conservation objectives for Natura 2000 sites<sup>3</sup>. Notable specific failures include:</p> <ul style="list-style-type: none"> <li>- Failure to establish, under Article 6(1), the necessary conservation measures for terrestrial sites across the UK corresponding to the ecological requirements of the species and habitats present on the site in order ensure site integrity;</li> <li>- Failure to quickly and efficiently prescribe management measures, as required by Article 6(1) of the Habitats Directive, for offshore European Marine Sites (EMS) in waters fished by 3rd party States;</li> <li>- Failure of national protected area designations i.e. Sites of Special Scientific Interest (SSSI) in England, Scotland, and Wales, and Areas of Special Scientific Interest (ASSI) in Northern Ireland, to provide effective protection for breeding wader populations which have been allowed to decline within ASSIs and SSSIs in breach of Articles 3 and 4 of the Birds Directive</li> <li>- Failure of the UK's current approach to managing the farmed environment to halt and reverse declines of common farmland birds and meet the relevant requirements of articles 3 and 4 of the Birds Directive</li> </ul>
<p><b>Species protection</b></p> <p>Ensure species protection</p> <p><i>Habitats Directive, art. 12-16</i> <i>Birds Directive, art. 5-9</i></p>	<ul style="list-style-type: none"> <li>• For some species status assessment surveillance and monitoring has not progressed to the point where there are adequate data sets collated to enable the reliable assessment of condition.</li> <li>• The UK is not meeting fully its obligation to make an annual report to the Commission on implementation of Article 9 of the Birds Directive. As there is no requirement under the majority of general licences for license users to register or to report what they have taken under the license, the statutory nature conservation agencies – as the licensing authorities – cannot demonstrate that the granting of derogations constitutes ‘judicious use’ as stipulated under Article 9(1c).</li> <li>• Overall, funding remains insufficient, and the absence of adequate research needed to establish causes of decline and methods for recovery seriously hampers conservation efforts. For example the lack of data is contributing to the UK's failure to comply with Article 10 of the Birds Directive in relation to specialist woodland birds, and makes it difficult to ensure relevant provisions are included in agri-environment schemes.</li> </ul>
<p><b>Avoid deterioration of sites, disturbance of species and appropriate assessment</b></p> <p>Ensure no deterioration of habitats and disturbance to species in Natura 2000 sites</p> <p><i>Habitats Directive, art.6(2)</i></p> <p>Ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment</p> <p><i>Habitats Directive 6(3)</i></p> <p>Ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for imperative reasons of overriding public interest and if compensatory measures are taken</p> <p><i>Habitats Directive 6(4)</i></p>	<ul style="list-style-type: none"> <li>• UK has failed to transpose, in the terrestrial and inshore environment, the requirements of Article 6(2) of the Habitats Directive to take appropriate steps to avoid deterioration and disturbance of habitats and species of Community interest in SPAs and Special Areas of Conservation (SACs) designated under the Habitats Directive (up until 2012 in the marine environment).</li> <li>• A UK review in 2012 of Implementation of the Birds and Habitats Directives in England concluded that ‘<i>in the large majority of cases the implementation of the Directives is working well, allowing both development of key infrastructure and ensuring that a high level of environmental protection is maintained</i>’, but also identified measures</li> <li>• to improve the way the Directives are implemented in England. <ul style="list-style-type: none"> <li>- The recommended measures were broadly welcomed by both the industry and NGO sectors. However, in a number of cases what was proposed fell short of what was required and in others, calls for support in specific areas were not reflected in the measures identified.</li> <li>- Many of the issues highlighted by NGOs and industry in their evidence to the Defra review, and reflected in the measures identified, have been echoed in evidence provided to the Fitness Check of the Nature Directives across a range of other Member States.</li> </ul> </li> </ul>

<sup>3</sup> <http://publications.naturalengland.org.uk/publication/6734992977690624?category=3769710>

- Although a Defra review of the implementation of the recommended measures suggested that the vast majority had been completed by June 2013, many (15 out of the 28 measures) are in fact ongoing actions – many of which have since been abandoned or sidelined, suggesting a lack of political will to see through their delivery. Some of those delivered have failed to deliver real change, some have resulted in perverse outcomes, and 2 remain undelivered, two years after the deadline for their implementation.
- There are still problems relating to inadequate assessment of the impacts of projects on protected sites and species under Article 6 of the Habitats Directive and Article 4 of the Birds Directive which has resulted in a complaint to the European Commission.

### **Landscape connectivity**

Encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network

*Habitats Directive art. 3(3) & 10*

- In the UK there are many instances of planning authorities being ill equipped to make judgements, leading to poor practice and unnecessary burdens being placed on developers. This has become increasingly prevalent following severe resource cuts to all of the UK's Statutory Nature Conservation Bodies, and restructuring of Local Governments.
  - In the UK there have also been instances of national legislation being interpreted, in the absence of any guidance or legal clarity in the legislation, in such a way that compliance with the Birds and Habitats Directives is undermined.
- In England, for birds, the knowledge of terrestrial species is generally good, as a consequence of the investment in survey made by Natural England and the Joint Nature Conservation Committee and their predecessor bodies, the British Trust for Ornithology, the RSPB and local bird clubs. Much the same is true of for non-avian taxa and the contribution of many other specialist NGOs.
  - Unfortunately, the same cannot be said for marine wildlife, in no small part because marine survey is mostly beyond the capability of volunteer effort. Successive governments have consciously under-invested in marine survey, leading to the nation lacking the basic currency needed to enable delivery of sustainable growth, and the entirely predictable regulatory difficulties facing some marine and inshore developments. Due to under-investment in survey, SEA of projects such as successive offshore wind rounds have been based on insufficient data. This has meant that development licences have been issued with incomplete knowledge.
- The lack of agreed, quantified objectives for sites and species in the UK has had important knock on effects in decision-making. Apart from being the cause of regular criticism of Natural England by developers and consultants, it has created uncertainty and has led to, for European Protected Species particularly, a more precautionary approach to impact assessment.
- New guidance on the application of Article 6(4) of the Habitats Directive (Measure 3 identified in the UK Government's 2012 Habitats Regulations Review) was 'fast-tracked' and published in December 2012, ahead of planned 'overarching guidance' on the requirements of the Birds and Habitats Directives. Instead of providing clarity, sections of that guidance depart significantly from the EU guidance and may therefore undermine the consistent application of the Habitats Directive. It has therefore had the perverse effect of introducing additional uncertainty for developers, investors and other stakeholders, and increased the likelihood of legal challenge.
- There are several, now relatively historic, projects which received approval without adequate provision for compensatory measures. In the case of the Cardiff Bay Barrage and Trinity Terminal/Felixstowe Dock and Railway Act 1988, the enabling Act provided for non like-for-like compensation. Lappel Bank lacked any compensatory provision at the time of consent. This was later

	<p>secured elsewhere in the greater Thames estuary as a consequence of judicial review brought by the RSPB, through the Defra scheme at Wallasea (this also includes like-for-like compensation for the loss of mudflats at Trinity Terminal/Felixstowe Dock and Railway Act 1988).</p> <ul style="list-style-type: none"> <li>- The Wallasea Island Wild Coast Project has provided strategic compensation for historic and ongoing losses on the Essex and Suffolk coast.</li> </ul>
<p><b>Funding and resources</b></p> <p>Identify funding needs</p> <p><i>Habitats Directive, art. 8</i></p>	<ul style="list-style-type: none"> <li>• The UK submitted regional Prioritised Action Frameworks for Natura 2000 (PAF) in early 2013, which set out previous experience of funding mechanisms (including EU) and the broad priorities for funding during the 2014-20 period. Updated versions were published in 2016, and these 2nd editions will be refreshed in 2018 ahead of the next EU financial framework, with a fuller revision planned for 2021.</li> <li>• In England, based on a combination of existing management commitments and additional costs highlighted in Site Improvement Plans (SIPs) an indicative figure of financial needs is estimated at £1.3-1.4 billion for period 2015-2020/21. This figure includes some of the £3 billion investment in agri-environment schemes over this period. <ul style="list-style-type: none"> <li>- However, it is clear that a significant funding gap remains for individual measures.</li> </ul> </li> <li>• The financial needs presented in the PAF, although derived from measures needed for Natura 2000, are not separated from the costs of (often the same) measures needed for other objectives. <ul style="list-style-type: none"> <li>- A large share of the financial needs presented in the PAF will be covered by existing programmes and plans. As there is no ring fencing of financial instruments in England for Natura 2000, measures are integrated in the funds, programmes and initiatives that (also) serve other objectives.</li> </ul> </li> <li>• In the 2012 Habitats Regulations Review both NGOs and industry highlighted the loss of resources and expertise within the statutory nature conservation agencies as a key barrier to effective implementation, and yet related measures were confined to the inclusion of commitments to co-operation, transparency and delivery in the corporate plans of government agencies, staff exchange programmes, development of professional standards for ecologists and a workshop to explore ways of managing expertise. These were welcome, but do nothing to address the fundamental issues of resourcing and expertise. <ul style="list-style-type: none"> <li>- In other cases, calls for support in specific areas were not reflected in the measures identified. For example calls for guidance on, and the promotion of, best practice were not addressed.</li> </ul> </li> </ul>
<p><b>Habitats and species monitoring</b></p> <p>Undertake monitoring of the conservation status of habitats and species of Community importance</p> <p><i>Habitats Directive, art.11</i></p>	<ul style="list-style-type: none"> <li>• Monitoring systems are in place for some species, but due to a lack of resources coverage is patchy and incomplete. <ul style="list-style-type: none"> <li>- For some species status assessment surveillance and monitoring has not progressed to the point where there are adequate data sets collated to enable the reliable assessment of condition.</li> </ul> </li> <li>• Environmental data is available through the UK's Article 12 and Article 17 reports are available online via the JNCC website.</li> </ul>
<p><b>Promotion of research</b></p> <p>Encourage research and scientific work</p>	<ul style="list-style-type: none"> <li>• The scientific community receive some support for research projects to assess the status of threatened species, but underfunding remains a significant barrier to effective conservation action, and research gaps continue to cause problems for implementation of the directives.</li> </ul>

*Habitats Directive, art. 18*  
*Birds Directive, art. 10*

### **Non-native species**

Ensure that introductions of non-native species do not prejudice native habitats and species

*Habitats Directive, art. 22*  
*Birds Directive, art. 11*

- Management plans for Natura sites are too often entirely generic in nature, and do not include site specific measures in relation to invasive alien species.

### **Stakeholder engagement, public participation and communication**

Stakeholder engagement and public participation are key to ensuring effective implementation

- The site designation process involves consultation of stakeholders.
  - Many management plans are generic in nature, often failing even to clarify whether the feature is in FCS at site level and is to be maintained, or in unfavourable conservation status and therefore in need of restoration
- According to the UK Government's evidence to the Fitness Check of the BHD, "public consultation is embedded into the process of designating and managing of Natura 2000 sites."
- Stakeholder participation and public consultation in granting authorisation for Article 6 is very limited and inadequate.
- Awareness raising activities on Natura 2000 at the national or regional level have been limited, and performed through LIFE project.
- There has been no Natura 2000 communication strategy for the local level (site level).

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1. Fully implement Birds and Habitats Directives, and correct all transposition failures.
2. Introduce a rolling programme of monitoring for protected species and habitats on land and at sea.
3. Set, identify and publish definitions of Favourable Conservation Status for each protected species and habitat at a national and individual site level.
4. Complete the Natura 2000 network on land and in particular at sea.
5. Address conservation in the wider countryside, in particular avoiding the pollution or deterioration of habitats outside SPAs as required by Article 10 of the Birds Directive, and using land use planning and development policies to encourage the management of features of the landscape which are of major importance for wild flora and fauna as required by Article 10 of the Habitats Directive. Steps are needed to deliver a coherent ecological network with four themes, “more, bigger, better, and joined-up”...
6. Reform incentives for farming to deliver public goods for public money.
7. Designate funding for nature as protected funding A report published by RSPB provides a figure for how much nature needs: it is estimated that the total cost of achieving our environmental ambitions (for example to meet targets for species and habitats) on land are £2.3 billion per year. Read [more](https://ww2.rspb.org.uk/community/ourwork/b/martinharper/default.aspx#yhgFJjipJdSfCbE.99) at <https://ww2.rspb.org.uk/community/ourwork/b/martinharper/default.aspx#yhgFJjipJdSfCbE.99>.
8. Crack down on wildlife crime and end the persecution of protected species.
9. Fully and faithfully transpose all EU environmental law into UK law through the Withdrawal Bill as part of the Brexit process, and ensure that the EU’s environmental principles (polluter pays, precautionary principle) are incorporated into domestic law.
10. Commit to the introduction of new governance arrangements to ensure robust regulatory, monitoring, enforcement and other functions currently provided by the EU institutions.