



Submitted by email to: protected.sites@theoep.org.uk

Submission to Office for Environmental Protection Call for Evidence on Protected Sites for Nature (April 2023)

Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all. We bring together a wide variety of people and organisations to address issues affecting National Parks and take action to keep these beautiful places safe. We draw on a large pool of experts among our members, many of whom are actively involved in designated landscapes and their communities, across England and Wales and further afield.

We welcome the opportunity to provide a submission to this call for evidence as we believe nature should be given far more priority in Protected Landscapes than is currently the case. Our submission focuses primarily on National Parks in line with our remit but many of the points we raise apply equally to Areas of Outstanding Natural Beauty (AONBs) and we are keen to see the introduction of changes that will secure a stronger focus on nature recovery in all Protected Landscapes.

We begin with some evidence on the state of SSSIs in National Parks and a focus on the specific changes that are needed to improve Protected Areas in Protected Landscapes. This is followed by evidence on a number of other issues where changes are required to ensure that Protected Areas are delivering their objectives. We have included a number of examples from individual SSSIs which were provided by our partners in the National Park Societies (Friends groups) with whom we work closely. We also support the submission by Wildlife and Countryside Link but have not repeated all the points they raise here.

The condition of Protected Areas in National Parks

Protected Landscapes (National Parks and AONBs) contain over half of sites designated for nature and are, therefore, essential to meeting the UK Government’s commitment to protecting 30% of land and sea for nature by 2030 (known as 30x30). However, these areas are underpinned by an outdated legislative framework, which limits the contribution they currently make to nature’s recovery. They should be exemplars for nature, but too often that is not the case. For example, our

[analysis](#) shows that only a quarter of the SSSIs in National Parks are in ‘favourable condition’ compared to a national average of 38%.

As Table 1 below shows, our analysis also found that there is significant variation between National Parks. Whilst 60% of SSSI (by area) in The Broads are in favourable condition, the equivalent figure for the North York Moors is only 12%.

Table 1: SSSIs in National Parks in Favourable Condition (by area)

National Park	FAVOURABLE 2020
Dartmoor	19%
Exmoor	15%
Lake District	23%
New Forest	53%
North York Moors	12%
Northumberland	33%
Peak District	16%
South Downs	53%
The Broads	60%
Yorkshire Dales	29%
All English National Parks	26%

Source: Natural England, data is for 2020 and was released in December 2022.

In general, it is the upland National Parks where there is highest proportion of SSSIs in poor condition. This suggests that there is a particular problem with the management of such areas and it is clear that changes are needed to ensure that peatlands and other moorland habitats are being managed effectively, as demonstrated by the case of the Forest of Dartmoor SSSI¹ where both peatland restoration and changes to grazing practices are required in order to restore the SSSI to favourable condition.

To support nature recovery in the uplands, the Government must expediate the phasing out of damaging and intensive land management practices. This should include a ban on all burning on peatland in National Parks and AONBs, irrespective of peat depth. Damage is also caused to peatlands by afforestation, over-grazing and trampling, and commercial peat extraction. Urgent action is needed to address all these issues and to give much greater priority to the rewetting and restoration of all types of peatlands in our National Parks, alongside a stronger commitment to protecting existing areas of intact peatland. Our [Policy Position Statement on Peatlands](#) provides further evidence about the activities that damage peatlands and the measures needed to address them.

¹ For more details, see [Failing nature on Dartmoor - why its protected areas are in such poor condition and what needs to be done - West Country Voices](#) and [Dartmoor’s Blanket Bogs | a new nature blog](#)

It is particularly concerning that there has been barely any improvement in SSSI condition since the last time we undertook detailed analysis of these figures for our [Raising the Bar](#) report in 2018, despite the various different initiatives since then which highlight the key role the National Parks have to play in tackling the nature and climate emergencies.

Securing improvements for nature in Protected Landscapes

It is clear that this situation needs to be addressed urgently. The [Glover Review of Protected Landscapes](#) published in 2019 highlighted the case for legislative reform and identified the new powers and duties which are required if Protected Landscapes are to fulfil their potential to protect and restore nature at scale. Glover's recommendations included updating the statutory purposes of Protected Landscapes to include a stronger emphasis on nature recovery, giving all relevant bodies strengthened duties to further these updated purposes, strengthening Management Plans with clear targets for nature's recovery, and establishing duties on all relevant bodies to contribute to and report on the delivery of Management Plans.

These legislative recommendations were [accepted by the Government](#) as being vital to the delivery of 30x30. The Government also consulted last year on their proposals for taking forward the Glover recommendations and we submitted [a detailed response](#) which welcomed their ambitions for the nature-related aspects of the Glover Review.

We are extremely disappointed that, a year on from the closure of that consultation, there has still not yet been any progress on implementing the necessary legislative changes. Even more worryingly, the Environmental Improvement Plan (EIP) published earlier this year makes no reference to legislation and focuses instead on updating non-statutory guidance. The EIP indicates that the Government now believes that the general biodiversity duty created by the Environment Act 2021 could deliver the key Glover proposals without the need for further legislation. However, the biodiversity duty does not provide the sustained and specific requirement on other authorities to further protected landscape statutory purposes which the amendments we are calling for would deliver.

In contrast, there has been significant progress towards legislative change in both Wales and Scotland in recent months. Last October, the Welsh Government published [the recommendations from its biodiversity deep dive](#) which includes a commitment to considering legislation in the next Senedd on amended purposes and duties for Protected Landscapes. Last month, NatureScot published [advice](#) to Ministers which provides firm support for the Scottish Government amending National Parks legislation to update the purposes and strengthen responsibilities in relation to National Park Management Plans.

The Government must use the Levelling Up and Regeneration Bill currently before Parliament to deliver these same reforms in England. A failure to do so could see these urgently needed reforms delayed for many more years.

Effectiveness of the Protected Areas legislation

The Habitats Regulations are still fit for purpose and relevant but there is a need to improve their implementation if they are to achieve their intended objectives. There is also a need to strengthen the protection for SSSIs as the legislation under which these areas are designated is less robust and less effective than that which protects SACs and SPAs. If implemented well, the SSSI legislation can be helpful in resisting loss and degradation but it is too weak when it comes to nature recovery.

The legislation is also too weak with regard to the responsibilities of the public bodies (known as Section 28G authorities under the Wildlife and Countryside Act) who are required to ensure that their activities do not harm SSSIs, as demonstrated by the example of Forestry England's role in the New Forest SSSI included below. There are no adverse consequences for such bodies if they fail to meet their obligations and no mechanism to hold them to account, nor is there any reward or recognition where such bodies are meeting their responsibilities with regard to SSSIs.

Addressing these issues will require strong direction from Central Government and a redirection of resources in order to ensure that public bodies are able to prioritise long-term nature recovery over short-term commercial interests. Changes are also needed to prevent the statutory undertakers from carrying out damaging activities within Protected Areas.

We would also like to highlight the damaging role of the Ministry of Defence which controls significant areas of land in some of the National Parks. Military training is inconsistent with the purposes of a National Park and damaging for SSSIs. There should be an explicit ban on live ammunition firing and off-track vehicle movement in SSSIs.

In general, there is a need to ensure that all those responsible for managing biodiverse habitats, including outside of Protected Areas, have a better awareness and understanding of the importance of such habitats and their responsibilities towards it. As a number of recent examples have shown² even conservation NGOs such as The Woodland Trust and the National Trust have sometimes failed to act appropriately with regard to their management of certain habitats.

Contradictory management practices

There is also a need to ensure that the way in which protected sites are being managed is helping to achieve the objectives of halting biodiversity loss and supporting nature recovery as this example from Exmoor National Park illustrates. North Exmoor SSSI covers an area of 12,005ha. and is the largest SSSI in the National Park. The site is nationally important for its southwestern lowland heath communities and for transitions from ancient semi-natural woodland through upland heath to blanket mire. Unfortunately, the rigid adherence to SSSI condition assessments for individual units has led to contradictory management practices. For example, the management prescriptions for the Horner wood include the requirement to encourage natural regeneration of trees, but the wood has a long, mainly unfenced boundary with the surrounding Dunkery open moorland, where the

² See for example: [National Trust destroys decades-old Bassenthwaite grassland - BBC News](#) and [Chronicle of a Grassland Saved | a new nature blog](#)

management prescriptions include the removal of scrub, which inevitably includes young pioneer trees.

These competing management practices lead to an unnaturally hard interface between woodland and moorland, with little or no transition from one habitat to the other. As well as reducing the effectiveness of the woodland edge for biodiversity this has an adverse impact on the landscape, another important consideration for an area within a National Park. As North Exmoor SSSI was notified in 1954 and nearly 70 years later, significant areas are still in unfavourable condition, it is clear that changes are needed to the way in which such areas are managed.

Conflicting priorities

One of the factors that prevents Protected Areas from delivering their full potential for nature in National Parks, is that there is sometimes a conflict between the legislation on Protected Areas and the powers and duties in other legislation. One place where this is a particular concern is the New Forest National Park, approximately 56% of which is designated as SSSI. These SSSIs also form components of four SACs, two SPAs and two wetlands of international importance. The largest is the New Forest SSSI (28,947ha) which is owned by the state and managed by Forestry England. The majority of the New Forest SSSI is also common land where hundreds of active commoners currently exercise grazing rights.

Both Forestry England and the commons of the New Forest are governed by their own separate pieces of primary legislation. There have been conflicts between the state forestry service and those interested in commoning and the conservation of the New Forest since the foundation of the Forestry Commission (a predecessor of Forestry England) in the 1920s and those conflicts continue to this day. For example, parts of the New Forests Acts empower (but do not oblige) Forestry England to grow timber which is in conflict with the SSSI designation.

Unfortunately, while Forestry England staff make a positive contribution to the management of the SSSI (see section below on skills and resources), the organisation's board and executive have chosen to prioritise income generation and cost-savings over their statutory responsibilities relating to the area's SSSI status. This has led to excessive commercialisation and a reliance on income generating activities which harm the SSSI. Forestry England is responsible for 10 campsites and over 140 car parks which were created in the New Forest SSSI in the 1970s. Five of these campsites, covering 52ha and accommodating 1,300 pitches, are set within pasture woodland and are particularly damaging to SSSI features. The Nature Conservancy Council identified unacceptable levels of damage to the SSSI in the late 1980s and by 2001 the damage was so great that the SAC Management Plan (to which the Forestry Commission are signatories) required the closure of three campsites, a review of the remainder and the relocation of particularly damaging car parks.

In 2006, the Forestry Commission made a £12m commercial agreement with a campsite operator, and the most harmful campsites remained open with cumulative

damage to the SSSI. Investigations by the New Forest Association (NFA) identified that the campsite operator had been granted sufficient tenure to enable them to mortgage the SSSI to raise funds to be invested elsewhere. There was also no obligation on them to repair the damage to the SSSI. NFA used this information to challenge the legality of the campsite lease, and in 2022 a new campsite operator was appointed under a revised contract. However, the NFA remains concerned about the limited ability of the campsite operator to implement the SAC Management Plan and repair the damage to the SSSI. All of the damaging campsites and car parks remain open.

The development of campsites and other facilities is also a threat to the future of commoning and thus to the SSSI. This is exacerbated by Forestry England's failure to enforce their byelaws or to provide an adequately resourced ranger service to support responsible visitor behaviour in an area which receives an estimated 15 million day-visitors a year. Where livestock are fed and petted in poorly managed campsites and car parks, they become habituated to people. This can then lead to boisterous behaviour and aggressive begging and may eventually require the animal to be removed from the Forest. While there have not yet been any fatalities to visitors, there have been incidents resulting in life-changing injuries and such circumstances create liabilities for commoners. Despite the fact that they promote and profit from the facilities that bring high numbers of visitors to the SSSI, Forestry England has refused to indemnify the commoners against the risks of their livestock harming, or being harmed by, visitors.

A further area of concern is Forestry England's ongoing commitment to plantation forestry. The New Forest SSSI contains around 8,500ha of timber plantations, about half of which were planted on ancient pasture woodlands and half on heaths and grasslands. The site's designation as an SAC in 2005 brought with it a statutory requirement for the internationally important habitats to be restored to favourable condition, including those suppressed by plantations. Forestry England has produced three iterations of Forest Design Plans which set out their intentions for the plantations. The latest of these makes some provisions for approximately half the plantations within the SSSI. A Habitats Regulation Assessment of this Design Plan concluded that it was not compliant with the Habitats Regulations but called for pragmatism in what was described as a working forest. There was a legal challenge of this assessment but it was not completed due to lockdown restrictions. However, Natural England has now signed off the Design Plan subject to a series of caveats requiring the problematic plantations to be reviewed and reconsidered.

Where plantation sites have been restored, the transformation is remarkable, with some such sites now supporting heathland habitats which are indistinguishable from undisturbed sites. Old growth pasture woodlands take longer to recover but there is good evidence of long abandoned plantations being recolonised by epiphytic lichen. However, the progress towards restoring the SSSI is still painfully slow and far from guaranteed.

Gradual erosion

While the example provided above highlights how the role of one organisation can have a significant effect on the condition of a Protected Area, it is important to highlight that damage to the integrity of SSSIs can also result from the gradual accumulation of a number of different impacts over time. Examples of such factors identified by NFA with regard to the New Forest SSSI (all of which were 'live' issues at the time of drafting this response) include:

- Uncertainty about the future of agri-environment support for commoning.
- Discharges of partially treated waste-water from the Lyndhurst treatment plant into the Beaulieu River.
- Construction activities including the proposed construction of a telecommunications compound and tower on heathland and pasture woodland at Fritham Plain.
- Enclosures of commons, including to plant, and protect, amenity trees.
- Forestry operations continuing through the bird breeding season.
- Destruction of reptile hibernacula through ill-considered vegetation management.
- Excessive clearance of scrub to the detriment of dependent species and natural regeneration of trees.
- Proposed widening of the A326 to a dual carriageway
- Proposed re-instatement of a failing culvert beneath the A31 dual carriageway.

This highlights the range of issues from infrastructure development to poor habitat management and water pollution which can have a negative impact on SSSIs, and which must be managed effectively, if these areas are to be restored to good condition.

Monitoring

There is a need for investment in monitoring of the condition of Protected Areas to ensure that it is both more frequent and more detailed than is currently the case. Existing SSSI Condition Assessments are often not well suited to providing an accurate understanding of the state of large complex sites with many SSSI features. There is also a need for statutory bodies to improve the way in which they respond to the results of Condition Assessments and the remedial action they take as a result. This should be backed up by better communication and reporting of the results of monitoring, so that all parties involved are clearly aware of where changes are required and their role in delivering those changes.

Consideration also needs to be given to ensuring effective monitoring of areas of high biodiversity value outside of Protected Areas, particularly given the need to ensure ecological connectivity as highlighted below.

The role of agri-environment schemes

Agri-environment schemes have an essential role to play in supporting Protected Areas, particularly in Protected Landscapes where 70% of the land is farmed. The new Environmental Land Management (ELM) schemes should be designed in a way which places a particular emphasis on nature recovery and on furthering the purposes of Protected Landscapes, including support for access, heritage and landscape as well as nature outcomes.

There also needs to be more monitoring of such schemes so that those in agri-environment agreements have a clear understanding of whether they are delivering the intended outcomes. Currently Natural England lacks the resources to do such monitoring effectively, or to take the necessary action when it is clear that agreements are not delivering their intended outcomes. For example, in the case of the Forest of Dartmoor SSSI already referred to, a failure to amend grazing patterns in previous years has resulted in increased levels of *Molinia* (purple moor-grass) in certain areas, which in turn leads to over-grazing in other areas. This situation could have been avoided if Natural England had had the resources to ensure that remedial action was taken sooner.

Ensuring ecological connectivity

Halting and reversing biological decline will require better connectivity between Protected Areas (the 'joined' element of the Lawton recommendations). This need for ecological connectivity is something that should be considered as part of future reviews of Protected Areas which should identify opportunities for changes in land use outside the existing SSSI network in order to reconnect SSSIs.

Skills and resources

While there are many skilled officers working for Natural England and other bodies who seek to ensure that SSSIs are being well-managed, such organisations often lack sufficient resources to undertake their responsibilities towards Protected Areas effectively as demonstrated by the inadequacy of SSSI condition monitoring.

However, our local contacts have also provided evidence of the positive role played by 'on the ground' practitioners. For example, the fact the Forestry England employs staff who are highly experienced in the ancient tradition of holly pollarding helps safeguard the internationally important epiphytic lichen flora of the New Forest SSSI. Forestry England also takes a responsible approach to its role as a social landlord and gives preference to tenants engaged in commoning and forestry which contributes to the socio-economic elements of the SSSI citation.

For further information or to discuss the contents of this submission, please contact Ruth Bradshaw, Policy and Research Manager, email: ruthb@cnp.org.uk