



The Habitats Regulations:

What's at risk and how can we build on and strengthen the Regulations to be more effective for nature and people?

Introduction

The Government's ambition to restore nature cannot be achieved if it undermines the most effective nature protection laws in the UK – the Habitats Regulations. Rather than pursue a misguided deregulatory agenda, the Government should retain and strengthen these regulations which protect the most important and vulnerable sites and species in the UK.

This briefing explains how the Habitats Regulations provide robust protection to sites and species, identifies aspects of the Government's current agenda which threatens these crucial regulations, and highlights what could be lost if the Habitats Regulations are repealed or weakened. Next, this briefing sets how the Government should build on the essential legal foundations of the Habitats Regulations and strengthen and better implement these regulations to ensure that the UK's most important environmental protections are effective and fit for the future.

What are the Habitats Regulations?

The Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) protect hundreds of wildlife sites in England—across millions of hectares of land, freshwater and sea—and over one hundred rare or vulnerable animal, bird and plant species.

The Habitats Regulations cover the sites of greatest significance and international importance for nature, for which the UK has a special responsibility: breeding and resting sites for rare and threatened species, plus precious natural habitats that are at risk. The Regulations provide these sites with protection through the designations of Special Areas of Conservation (SACs), which provide protection to a variety of special species and habitats, and Special Protection Areas (SPAs), which provide protection for rare and vulnerable birds and their habitats. These protections also extend to internationally important wetland Ramsar sites as a matter of policy.

These Habitats Regulations designations (SAC and SPA) give a higher level of legal protection than domestic protections, such as Sites of Special Scientific Interest (SSSIs), including through a legal requirement to assess potential impacts on protected sites (Habitats Regulations Assessment or HRA). For a more detailed comparison of the protection rules for SACs, SPAs and Ramsar sites versus SSSIs, please see Appendix A.

Species listed for strict protection under the Habitats Regulations are also afforded a higher level of protection compared with domestic laws. For example, as well as protection from killing, capture and disturbance, listed species are protected from disturbance and damage of their habitats which could impair their ability to survive, reproduce, hibernate or migrate, or which could affect the local population. The protection offered by the Habitats Regulations against disturbance is broader, beyond



just species' 'individual resting places,' which is an additional and essential layer of protection on top of that offered to species by the Wildlife and Countryside Act 1981 (as amended).

The evidence is clear that the Habitats Regulations are the most effective UK nature conservation laws. Researchers have found that bird species strictly protected by the Habitats Regulations fared significantly better than species that were not listed.¹ These species have done better in those countries where the Birds Directive (from which the Habitats Regulations in the UK partly derives) has been implemented for longer. Not only do the Habitats Regulations benefit designated sites and listed species, they also boost biodiversity outside protected sites and of non-listed species. A recent RSPB study found that numbers of threatened birds are higher both within and in a 5km buffer zone around a protected area and a British Trust for Ornithology (BTO) study found that study sites with a greater proportion of protected land are home to higher numbers and more species of birds.²

Defra's own review in 2012³ (as well as the two previous reviews) found the Habitats Regulations were fit-for-purpose. The review concluded that '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.' Where costs and delays for developers do arise, the review points to these issues as stemming from implementation.

The importance of the Habitats Regulations for certainty and consistency for the private sector was recognised by the Defra 2012 report. These findings were echoed by The Red Tape Initiative report in 2018,⁴ which highlighted the importance of these regulations for business and the need to improve implementation of these regulations.⁵

Providing more certain and consistent protection for important nature sites will result in better environmental outcomes and provide more certainty, consistency and resource efficiency for those involved in the system, including developers, public authorities and statutory agencies.

Under threat

In its Nature Recovery Green Paper,⁶ the Government stated its intention to 'fundamentally change the way the assessments under Habitats Regulations work,' despite the previous Defra reviews demonstrating that these regulations are fit-for-purpose. Although it recognised that 'we have just 8 years left to halt nature's decline,' the Green Paper missed the opportunity to focus on extending and strengthening the network of protected areas (to help meet 30x30 and as called for by the Government's Lawton Review⁷); instead, it was preoccupied with reforming EU-derived conservation laws in ways that would reduce protections for nature.

¹ <https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12196>

² <https://www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/uk-protected-sites-deliver-far-reaching-benefits-for-birds-say-landmark-new-studies/>

³ <https://www.gov.uk/government/publications/report-of-the-habitats-and-wild-birds-directives-implementation-review>

⁴ <https://www.biodiversityinplanning.org/wp-content/uploads/2018/12/RTI-November-2018-Report-FINAL.pdf>

⁵ <https://www.ft.com/content/f688bdd6-cbea-4fed-b2a6-f0946bb43f96>

⁶ <https://www.gov.uk/government/consultations/nature-recovery-green-paper>

⁷ <https://web.archive.nationalarchives.gov.uk/ukgwa/20110704125215/http://www.defra.gov.uk/environment/natural/whitpaper/>



It also inaccurately suggested that the protection afforded by SSSIs is equivalent to the protection provided by the Habitats Regulations and characterised those regulations as an unnecessary burden on business.

Through the Environment Act 2021, the Government gave itself powers to amend parts of the Habitats Regulations by statutory instrument. Further powers and reforms are being considered as part of the Levelling Up and Regeneration Bill, the Energy Bill, and the Retained EU Law (Revocation and Reform) Bill. The latter gives ministers powers to revoke, amend, or replace retained EU law, including the Habitats Regulations, with almost no safeguards included and a clear deregulatory agenda.⁸ As well, these powers all open the door for Government to weaken these vital laws with little parliamentary scrutiny.

The Habitats Regulations remain England’s most effective protection for nature, but they are facing assault on multiple fronts.

The Government was right to identify that the existing nature protections are not sufficient to restore nature, but wrong to suggest that reforming the Habitats Regulations is the best way to solve the problem. The Habitats Regulations are elegant and nuanced pieces of legislation that protect nature and do not stand in the way of appropriate and sustainable development. However, their implementation could be improved to support the effective application of these regulations.

Rather than pursue a misguided deregulatory agenda, **the Government should retain and strengthen the Habitats Regulations and improve their implementation.**

What’s at risk?

If the Habitats Regulations were to be revoked or key aspects repealed or significantly reformed, the UK’s most effective legal protections for important habitats and species, and the legal framework, including the assessment of impacts on protected sites requirements could be lost.

The loss of some aspects of the Habitats Regulations, such as the precautionary principle in the HRA assessment, would be wholly contrary to the ‘no reduction in protections’ requirement in the Environment Act.

Sites

The loss of the legal status of important nature sites and the loss or weakening of the protections for and requirements to improve these sites would undermine the Government’s legally binding domestic targets, including the target to halt the decline of species abundance by 2030, and domestic and international environmental commitments, such as the ambitions in the 25 Year Environment Plan and the 30x30 pledge. It would also put compliance with international environmental law and treaties at risk, including the Ramsar Convention on wetlands, the Bern Convention covering species and habitats and the OSPAR convention on the northeast Atlantic marine environment.

⁸ https://www.wcl.org.uk/docs/Greener_UK_and_Link_REUL_Bill_second_reading_briefing.pdf



On land, 79% of the SSSI network currently has greater protection by also being designated as an SAC or SPA.⁹ Removing SAC/SPA status and simply relying on SSSI notifications would be weaker:

- with no requirement to drive the improvement of nature within these sites or maintain the integrity of the UK protected site network.
- SACs and SPAs (and Ramsar sites) enjoy a stronger level of legal protection through the Habitats Regulations that ensures these sites are protected from the risk of significant harm, except in cases of imperative and overriding public interest, and only then if no less damaging alternatives are possible and proper compensation is in place. By contrast, SSSIs are afforded legal protection through the Wildlife and Countryside Act 1981, which does not clearly cover offsite or cumulative impacts and which still allows development which is likely to have an adverse effect on an SSSI to proceed if the development's benefits are considered to outweigh the adverse effects on the SSSI.
- For a more detailed comparison of the designations, please see Appendix A.

At sea, protection for the vast majority of protected sites would also be weakened, or the breadth of protections for protected sites diminished, by the removal of the underpinning SAC or SPA designation. In some cases, where marine SAC and SPA sites are not underpinned by another designation, protections would be removed entirely.

Of the marine protected areas in England, 75 sites which are designated as both an SAC or SPA and SSSI would be downgraded in protection if the SAC/SPA designation were lost.¹⁰ For another six marine sites which are designated as both an SAC or SPA and as a Marine Conservation Zone (MCZ), the removal of the SAC or SPA designation would result in the breadth of protection for these sites to be diminished, as fewer different designations means fewer species and features are protected.

Eight marine protected areas in England are only designated as an SAC or SPA (with no overlapping SSSI or MCZ designation), meaning that protection and designation for these sites would be lost entirely if the Habitats Regulations were to be repealed.

Species

The loss of protections for listed rare and vulnerable species and all bird species (including the prohibition of disturbance to habitats, the legal requirement for compensation when habitat loss does occur in the absence of less damaging alternatives and if Imperative Reasons of Overriding Public Interest (IROPI) is established, and strict licensing requirements), would lead to further declines in wildlife populations in the UK.

Species protected include hazel dormice, harbour porpoise, bats, otter, kingfisher, common scoter, shore dock (*Rumex rupestris*) and Killarney fern (*Trichomanes speciosum*).

⁹ <https://ieep.eu/uploads/articles/attachments/2bfb8a50-e73d-4932-b26c-c5dbc862f2e3/finalreportsssis-benefits.pdf?v=63664509758> (page 8)

¹⁰ Analysis of the marine protected sites network was done by the Marine Conservation Society, with special thanks to Frith Dunkley at MCS.



Business certainty

Weakening the Habitats Regulations would mean significant costs and delays for policymakers, decision-makers, and those who interact with the current Habitats Regulations regime in England and in the devolved nations of the UK.

There would be costs to businesses and developers due to the changes in the regulatory regime and the loss of case law (there is a high likelihood that new laws will have to be challenged through the courts and the process of rebuilding the library of case law will take years) and the resulting uncertainty.

As the Habitats Regulations are referenced and underpin various other pieces of domestic legislation and policy, any loss of requirements or significant changes would have even further impacts. There would be significant burden on civil servants and policymakers to review legislation and ensure there are no legislative or regulatory gaps.

This burden would be particularly felt by resource-stretched local authorities, which would have to revisit local development plans within which the Habitats Regulations are embedded.

There would also be significant cross-border issues in removing or significantly reforming a regime that currently operates across the UK, as the environment is within the competency of the devolved administrations. Changes within England may not be made in, for example, Scotland too. Such divergence would have implications for businesses and developers who operate in or across different countries. For example, the North South interconnector project operates across the Republic of Ireland and Northern Ireland,¹¹ and in the marine environment, for example, the Severn Estuary includes both Welsh and English waters.¹²

There would be delays and costs for nature and people during a critical decade for nature. We know that the UK is one of the most nature-depleted countries in the world¹³ and that nature is vital for people's health, safety and wellbeing. Instead of wasting time reforming existing, fit-for-purpose and effective nature conservation regulations, the Government needs to focus on taking the urgent actions necessary to tackle the nature and climate crisis and meet its targets under the Environment Act.

¹¹ https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2018/2018-12-18_spotlight-a-comparison-of-the-planning-systems-in-ireland-and-northern-ireland_en.pdf (page 43)

¹² <https://severnestuarypartnership.org.uk/the-estuary/managing-the-estuary/marine-planning/>

¹³ <https://www.nhm.ac.uk/press-office/press-releases/natural-history-museum-reveals-the-world-has-crashed-through-the.html>



The solution: Retain and strengthen the Habitats Regulations

The Government was right to identify that the existing nature protections are not yet sufficient to restore nature, but wrong to suggest that reforming the Habitats Regulations in a way that would reduce protections is the best way to solve the problem. While the implementation of the Regulations could be improved to work better for nature and those involved in the system, the Habitats Regulations are effective and the legislation is fit-for-purpose, as suggested by Defra's own review in 2012.

The Habitats Regulations should be retained, strengthened and better implemented to improve their effectiveness for nature, people, and those interacting with the regulatory regime.

Essential aspects of the Habitats Regulations that must be retained

The central aspects of the Habitats Regulations that provide the legal foundation for the robust protection of habitats and wildlife and the consistency and certainty for those involved in the system and must be retained include:

- The duty (Regulation 9) for relevant authorities to establish conservation measures is necessary to avoid deterioration of nature sites and to avoid disturbance to listed species must be retained.
- Robust site protection rules, including:
 - A requirement to maintain the integrity of the protected sites network and need to achieve all the network objectives;
 - The ability to require site management and improvement, and
 - A requirement to assess impacts on protected sites with a Habitats Regulations Assessment.
- A legal framework to assess impacts to protected sites, which must include:
 - The precautionary principle;
 - An assessment of indirect effects (the consideration of harm generated outside of the site in development applications);
 - An assessment of in combination/cumulative effects;
 - An assessment of a proposal's effect on the site's integrity, as well as the site's conservation objectives
 - A requirement to seek less damaging alternative solutions, and if there are none...
 - A bottom line/backstop for nature, i.e., projects should not be allowed to proceed if there are adverse effects, except for 'imperative reasons of overriding public interest' (IROPI);



- Legal requirements to secure compensatory measures where harm takes place, and
- Strict species protection rules, including:
 - The protection of breeding and resting places (habitats) for vulnerable species.
 - Strict licensing requirements for work that will have an impact on vulnerable species, in addition to requirements for planning permission, which require the developer to demonstrate that a) the activity is for a certain purpose (for example, it's in the public interest), b) that there is no satisfactory alternative that will cause less harm to the species, and c) that the development does not harm the long-term conservation status of the species.
- Favourable Conservation Status (FCS) must be retained as a legal concept and the goal of protection and management measures for species and sites, with FCS being determined at local and regional, as well as national scales.
- The ability to drive strategic solutions to pressures on environmental limits and a framework to identify less-damaging solutions must be retained.

Opportunities to strengthen the Habitats Regulations

The essential aspects of the Habitats Regulations should be retained, strengthened, and more effectively implemented so that they deliver more effective protections.

The Government should strengthen the terrestrial protected sites network so that protected sites are afforded the highest levels of legal protection, giving them greater protection from harm, including from off-site and cumulative impacts, and ruling out damaging activities and development that will prevent the attainment of favourable condition. If there were to be consolidation into a single designation, the level of protection should be consistent with or stronger than protection that SACs and SPAs currently enjoy. The obligations for site management must be retained and strengthened, with more of an emphasis on better management for protected sites, rather than just preventing harm, with the aim of driving nature's recovery.

The Habitats Regulations Assessment and accompanying case law should be retained and more effectively applied to protected sites so that they deliver stronger protections. The Habitats Regulations Assessment (HRA) should remain additional to Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) or any new arrangements that may be introduced through the Levelling up and Regeneration Bill.



To strengthen aspects of the existing Habitats Regulations, we recommend:

1. There should be better application of (a) checks for combined effects to assess whether combinations of projects or proposals would together have a significant effect on nature; and (b) of the precautionary principle.
2. The Government should set out specific thresholds for risks of environmental harm that must not be exceeded in or around a protected site, such as levels of nutrient pollution, as a result of new developments. This would help to limit the number of inappropriate proposals that come forward and help reduce the need for costly assessment of plans that are clearly damaging.
3. There should be strict limits on the types of development that can qualify for an exemption through the derogation process for ‘imperative reasons of overriding public interest’ (IROPI). For example, while flood defence might need to be considered, housing, transportation and leisure developments should not.
4. The mitigation hierarchy should be reinforced in law to support its early consideration and the highest standard of implementation to ensure nature’s recovery. Currently the mitigation hierarchy is present in guidance on appropriate assessment and in policy in the National Planning Policy Framework (NPPF), but it should be strengthened by being made a legal requirement.
5. Increased funding and ecological expertise is urgently needed for all competent authorities (e.g., Local Planning Authorities) and statutory nature conservation bodies in order to properly and confidently review and conclude environmental assessments and decisions. The Regulation 9 duty for relevant authorities to establish conservation measures to avoid deterioration of nature sites and to avoid disturbance to listed species must be fully funded and supported.
6. The quality, availability and comparability of environmental data, necessary to underpin good decision-making, should be improved. Data collected through the environmental assessment process should be shared and made available and usable for other purposes in accordance with the FAIR data principles¹⁴ to improve the existing environmental evidence base, which can then be mobilised for future environment assessments and inform best practice.

Strict legal protection for all species currently listed in the Habitats Regulations (European Protected Species or EPS) should be maintained and strengthened through more robust protection and management measures, with any impacts on local populations and wider meta-populations mitigated by robust, scientifically-proven beneficial compensation measures.

Achieving Favourable Conservation Status (FCS) should be established in law as a guiding principle for species and habitat conservation, including informing which species are protected. Decisions which impact on species’ populations (including local populations) and sustainability, including planning, licensing, and sustainable hunting, should be assessed against the relevant FCS objectives.

¹⁴ Fair Data principles (2019) <https://www.fairdata.org.uk/principles/>.



Conclusion

The Habitats Regulations form the foundation of the UK's nature conservation laws and the UK's compliance with international environmental treaties. While there is room for improvement, the Habitats Regulations are effective and fit-for-purpose regulations, and revocation or significant reform that would weaken nature protections risks significant costs and delays to the UK's environmental obligations, commitments and reputation, nature and people, and those interacting with the current regime.

Instead of scrapping, replacing, or reforming the Habitats Regulations in a way that would weaken protections, the Government should retain and strengthen these regulations, building on the strong foundations offered by these most important of site and species protection rules.

For questions or further information:

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Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 67 organisations to use their joint voice for the protection of the natural world.

This briefing is supported by the following Link members:

British Ecological Society	People's Trust for Endangered Species
Bumblebee Conservation Trust	Plantlife
Butterfly Conservation	RSPB
Campaign for National Parks	RSPCA
CIEEM	Wildfowl and Wetlands Trust
Friends of the Earth	Wildlife Trusts
Marine Conservation Society	Woodland Trust
National Trust	
Open Spaces Society	

Appendix A: Comparison of Protected Site Designations

The proposed Retained EU Law Bill (REUL) seeks to overhaul a body of UK domestic law. This would include the Conservation of Habitats and Species Regulations 2017 (as amended), ‘the Habitat Regulations’, an important piece of legislation that protects our most sensitive habitats and species.

Without it, it is assumed that protection of Special Areas of Conservation (SAC) and Special Protection Areas (SPA) would be on a par with that afforded nationally designated sites for nature conservation, such as Sites of Special Scientific Interest (SSSI). This is without considering proposed SPAs, possible SACs and Ramsar sites, which are treated equally as a matter of UK government policy with the National Planning Policy Framework (NPPF, 2021)¹.

Table 1 below outlines some key examples of differences² between the current legal protection afforded statutory designated sites for nature conservation under the Habitats Regulations and under the Wildlife and Countryside Act 1981. The focus is on England and Wales; however, the relevant legislation and any key differences in the protection of designated sites for nature conservation is also outlined below for Scotland and Northern Ireland.

It should be noted that UK SACs and SPAs are now part of a National Site Network; however, the term ‘European site’ has still been used in the text as this is the terminology within the legislation.

Table 1: Protections for National Site Network (SPA/SAC) VS UK Sites (SSSI/ASSI) Designations

National Site Network (SPA/SAC)	UK Sites (SSSI/ASSI)
<p>England & Wales</p> <p><i>Conservation of Habitats and Species Regulations 2017 (as amended)</i></p> <p>As required by Regulation 63, for all plans or projects likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans and projects) and not directly connected with or necessary to the management of the European site, the Competent Authority³ must make an Appropriate Assessment (AA) of the plan or project in view of that site’s conservation objectives, i.e. a Habitat Regulations Assessment (HRA). A HRA follows a rigorous accepted process, which includes assessment of in-combination effects, application of a precautionary principle and seeks to ensure that impacts on European sites are mitigated if unavoidable.</p> <p>If adverse effects on site integrity remain, the plan or project then needs to go through the derogations, which are a high bar and require the demonstration of no alternative solutions that are less damaging to the environment, imperative reasons of overriding public interest (Regulation 64) and the potential to secure satisfactory compensatory measures with a view to maintaining the integrity of the National Site Network (Regulation 68).</p>	<p>England & Wales</p> <p><i>Wildlife and Countryside Act 1981 (as amended)</i></p> <p>SSSIs are designated by the statutory nature conservation body (SNCB) and are given certain protection against damaging operations.</p> <p>Where potentially damaging operations are being undertaken in or near a SSSI, the proposals should be discussed with the relevant SNCB as assent under Section 28H may be required.⁴</p> <p>Local Authorities and other public institutions also have a statutory duty to further the conservation and enhancement of SSSIs both in carrying out their operations and in exercising their decision-making functions, which includes making planning decisions. Consultation with the relevant SNCB is necessary where there are potential impacts on statutory designated sites for nature conservation, however this is not always clear, and the impact not measurable.</p> <p>Cumulative impacts on SSSIs may be considered as part of an Ecological Impact Assessment (EClA).</p> <p>SSSIs have guidelines for management and landowners will be permitted to undertake certain operations within SSSIs.</p>

¹ <https://www.gov.uk/guidance/national-planning-policy-framework>

² The table outlines some key examples of the differences, but is not a comprehensive list of all the differences, between designations under the Habitats Regulations and designations under the Wildlife and Countryside Act 1981.

³ The “competent authority” includes any Minister of the Crown (as defined in the Ministers of the Crown Act 1975(1)), government department, statutory undertaker, public body of any description or person holding a public office; the Welsh Ministers; and, any person exercising any function of a person mentioned above.

⁴ Works are still able to be carried out on the SSSI if the applicant believes the assent provided by NE is unacceptable, as long as the applicant provides written evidence prior.

National Site Network (SPA/SAC)	UK Sites (SSSI/ASSI)
<p>Natural England, as the statutory nature conservation body (SNCB), must be consulted with regard to appropriate assessments and the Competent Authorities need to have full regard for their opinion. This applies regardless of the consenting procedure.</p> <p>It is necessary that European sites have conservation objectives and for most, supplementary advice, which provides detailed information about the attributes and targets to maintain or restore the favourable conservation status of qualifying features.</p>	<p>Offences⁵:</p> <ul style="list-style-type: none"> • Intentional or reckless damage. • Destroy features of interest. • Disturb wildlife for which the site was notified. • Carry out listed operations without consent. <p>Natural England may make byelaws for the protection of SSSIs⁶.</p>
<p>Scotland</p> <p><i>Conservation (Natural Habitats &c.) Regulations 1994 (as amended)</i></p> <p>Same overall process of assessment as England and Wales, but with the production of a Habitat Regulations Appraisal and NatureScot as the SNCB.</p>	<p>Scotland</p> <p><i>Nature Conservation (Scotland) Act 2004</i></p> <p>SSSIs in Scotland carry similar level of protections as in England and Wales.</p> <p>Offences:</p> <ul style="list-style-type: none"> • Intentional or reckless damage the protected natural features of a SSSI. • Carry out listed operations without consent. <p>NatureScot may make byelaws for the protection of a SSSI.</p>
<p>Northern Ireland</p> <p><i>Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended)</i></p> <p>Same overall process of assessment as England and Wales with the production of an HRA. The SNCB is the Department for Agriculture, Environment and Rural Affairs (DAERA).</p>	<p>Northern Ireland</p> <p><i>The Environment (Northern Ireland) Order 2002</i></p> <p>Areas of Special Scientific Interest (ASSI) are the Northern Ireland equivalent of SSSI sites and carry similar levels of protection as in England and Wales and Scotland. Offences:</p> <ul style="list-style-type: none"> • Intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical protected features. • Intentionally or recklessly disturbs any of those fauna. <p>The Department of the Environment may make byelaws for the protection of an ASSI.</p>

Through the evaluation provided in Table 1 above, in comparison, the Wildlife and Countryside Act and the protection it affords to SSSIs does not enforce the same rigorous assessment process and compensation requirement as the Habitat Regulations and the protection afforded to the National Site Network (SACs/SPAs).

The protection of SSSIs largely relies on the SNCB being consulted via the planning system or direct application to the SNCB for consent to undertake potentially damaging operations. Furthermore, the Wildlife and Countryside Act does not consider the effect of plans on SSSIs. The removal of this whole component of assessment may result in poorer planning and the potential disregarding of impact sources. If, with the loss of the Habitat Regulations, SACs and SPAs (and Ramsar sites) were to be subject to the current SSSI protection, an additional burden would be placed on the SNCBs and create a risk that site protection could be compromised.

Overall, the Habitats Regulations represent the UK's compliance with international environmental treaties, obligations and commitments and is, therefore, very important.

⁵ Wildlife and Countryside Act 1981 (as amended), Section 28P.

⁶ <https://consult.defra.gov.uk/natural-england/byelaws-for-sssis/results/final-modelsssiyelaws.pdf>