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# Ramsar sites in England – A policy statement

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## Introduction

1. The Convention on Wetlands of International Importance especially as Waterfowl Habitat (the 'Ramsar Convention'), signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for the conservation and wise use of wetlands and their resources by national action and international co-operation as a contribution to achieving sustainable development throughout the world. In May 2000 there were 121 Contracting Parties to the Convention. The UK ratified the Convention in 1976. The UK Government is fully committed to effective implementation of the Convention.
2. One of the main means by which the Ramsar Convention seeks to conserve wetlands and wetland interests is through the listing of sites on the Ramsar List of Wetlands of International Importance. In May 2000 there were 1027 wetland sites covering over 78 million hectares on the Ramsar List. At that time the UK had listed 157 sites covering almost 738,000 hectares.
3. The Joint Nature Conservation Committee, the Government's statutory advisor on international conservation matters, is currently carrying out a review of the UK Ramsar site list, taking account of the Convention's Resolution VII.11 (Strategic Framework and Guidelines for the Future Development of the List of Wetlands of International Importance of the Convention on Wetlands). It is the Government's intention to publish a revised site list before the 8th Conference of Contracting Parties (COP) in 2002 and to designate any new sites which meet the selection criteria by COP9 in 2005. This will contribute towards the Ramsar Convention's own target of 2000 listed sites globally by 2005.
4. This statement sets out the Government's policies for the protection and management of Ramsar sites in England of which there were 75 covering over 361,000 hectares at the end of May 2000. Matters relating to the management and protection of Ramsar sites in Scotland, Wales and Northern Ireland fall to the devolved administrations of those countries.

## Ramsar sites in England - the current position

5. All terrestrial areas included within listed Ramsar sites in England are currently Sites of Special Scientific Interest (SSSI) and it is the Government's firm intention that this will continue to be the case. As such they are subject to the same arrangements as for other SSSIs notified by English Nature. The Countryside and Rights of Way Bill currently before Parliament will substantially enhance the protection available to SSSIs and to make it easier for English Nature to create the conditions for their conservation interests to be managed positively. As such the Countryside and Rights of Way Bill changes will make a very substantial contribution to meeting the Government's obligations under the Convention.
6. Paragraph C7 of the current Planning Policy Guidance on Nature Conservation (PPG9) published in 1994 extends the same protection at a policy level to listed Ramsar sites in respect of new development as that afforded to sites which have been designated under the Birds and Habitats Directives as part of the EU Natura 2000 network.
7. Article 6 of the Habitats Directive (as transposed into UK law through the Conservation (Natural Habitats, &c.) Regulations 1994 as amended otherwise referred to as 'the Habitats Regulations') requires that any new development proposal likely to have a significant impact on a Natura 2000 site is assessed for its implications on that site in view of the site's conservation objectives. If that assessment concludes that the project would have an adverse effect on the integrity of the site it can only proceed, in the absence of alternatives, in the overriding public interest. In addition, compensatory measures must be taken to maintain the coherence of the Natura 2000 network. The Government's Outline Position Statement on the Birds and Habitats Directive published in May 1998 (otherwise referred to as the Government Statement) gave further guidance on the application of Article 6.
8. It is the Government's intention to bring forward revised Planning Policy Guidance on Nature Conservation once the Countryside and Rights of Way Bill has completed its passage through Parliament. It will continue to apply as a matter of policy substantially the same framework to listed Ramsar sites as to Natura 2000 sites. Paragraphs 15-27 of this policy statement draw attention to, and provide further guidance on, how that framework will be applied to Ramsar sites.

## Relationship to Natura 2000

9. In May 2000 there were 79 Special Protection Areas (SPAs) classified under the Birds Directive and 148 candidate Special Areas of Conservation (SACs) under the Habitats Directive covering almost 990,000 hectares in England. The Government has recently initiated consultation on substantial additions to its list of candidate SACs which will increase the proportion of SSSIs in the Natura 2000 network to around 75% by area.
10. Of the 75 English Ramsar sites at the end of May 2000, only 6 were completely outside the Natura 2000 network of sites. The remaining 69 were either coincident with or substantially overlapping SPAs or candidate SACs. The Government does not envisage that the proportion of Ramsar sites outside the Natura 2000 network is likely to change substantially in the light of planned revisions to both site networks.

## Management issues

11. English Nature, the Government's statutory advisor on nature conservation matters in England, is charged with ensuring promotion of the conservation and wise use of all Ramsar sites through management and various other measures. In May 2000, 70% of Ramsar sites were in favourable or improving condition. English Nature's objective is to increase this to 75% by 2002, to 80% by 2004, and to exceed 95% by 2010.
12. Resolution V.7 adopted by the Ramsar Convention in 1993 requires that all Ramsar sites should have a management plan. All areas included within English Ramsar sites have some type of management plan incorporating conservation objectives for the Ramsar interests. Where the management plan for a site covers more than one designation, English Nature has been asked to ensure that plans adequately cover the Ramsar interests especially where these may be broader than Natura 2000 interests. They have also been asked to ensure that plans are consistent with the international best practice guidance contained in the Ramsar Toolkit (see paragraph 29).
13. All statutory bodies involved in funding conservation, both on designated sites and in the wider countryside, are encouraged to develop and use schemes to support the positive management of Ramsar sites and their interests.

## Countryside and Rights of Way

14. The Act places a new duty on the Secretary of State to notify the statutory nature conservation agencies of Ramsar designations in England and Wales and, in turn, on the agencies to inform owners and occupiers and other specified bodies. This duty will bring the notification procedures for Ramsar sites in line with those for sites designated as SSSI, SAC and SPA.

## Planning policies

15. Most new development proposals likely to affect a Ramsar site will require an Environmental Impact Assessment under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 as amended. In applying the provisions of the Habitats Regulations to Ramsar sites, PPG9 requires that all development proposals likely to have a significant effect on such a site shall be subject to an 'appropriate assessment' of the implications for the site in view of that site's conservation objectives. This includes any proposal which a statutory body or 'competent authority' proposes to undertake itself. In carrying out an assessment the competent authority is required to consult English Nature and have regard to any representations made. In order to fully meet that policy obligation, the authority will need to ensure that its assessment takes into account the full range of Ramsar interests for which the site has been designated and their vulnerabilities to any effects of the proposed development.
16. Competent authorities are required by the Habitats Regulations to undertake an appropriate assessment of any plan or project likely to have a significant effect on a Natura 2000 site. Where Ramsar sites are coincident with or overlap Natura 2000 sites, authorities also need to ensure that their assessment takes fully into account the Ramsar interests on the site and any additional vulnerabilities that they may have to the effects of the proposal in order to fulfil their policy obligations under PPG9.
17. Wetland sites are some of the most fragile and vulnerable sites in the SSSI series, often subject to hydrological or other changes which occur both on and off site. Assessments need to take particular care to consider indirect effects as well as direct effects of proposals and the cumulative effects of piecemeal development.

## Special considerations

18. The Government Statement of May 1998 on the Birds and Habitats Directives gave extensive guidance on the application of Article 6 of the Habitats Directive and relevant factors to be weighed when making judgements about overriding public interest. In reaching decisions on Ramsar sites, it will be necessary to take into account the wording of Article 4 of the Ramsar Convention which allows a Contracting Party to delete or restrict the boundaries of sites 'in its urgent national interest'.
19. The general principles expounded in paragraphs 8 to 11 of the Statement on the Birds and Habitats Directives should be followed when applying the provisions of PPG9 to listed Ramsar sites. The Government's view is that a development proposal does not necessarily have to be of national significance in its own right to meet the requirements set out in Article 4 of the Convention. Any benefits arising from the proposal must, however, demonstrably outweigh the acknowledged international conservation value of the site. Projects of limited regional or local significance are thus unlikely to meet this test.
20. Article 4 of the Ramsar Convention requires Contracting Parties which delete sites or restrict site boundaries to provide compensatory measures for the loss of conservation interests. It is the Government's view that compensatory measures should provide, as a minimum, no net loss to the overall value of the national Ramsar site series either by way of quality or area. It is the Government's view that the principles expounded in paragraph 11 of the Government Statement on the Birds and Habitats Directives should also apply when it comes to compensatory measures for lost Ramsar interests, namely there must be a reasonable expectation that any such measures involving habitat recreation or restoration will be successful and that any such measures will be delivered within a timescale which secures the continuing nature conservation interests of any species present. The Government expects that a suitable package of compensatory measures will normally be a condition of any consent given and that wherever possible the developer will bear the cost of any such measures under the polluter pays principle.

## Other development and consent regimes

21. Ramsar sites are potentially vulnerable to developments regulated by regimes other than the development control framework. For example, the

Environment Agency regulates a wide range of waste management, discharge and water abstraction activities. Ministers expect that those, including the Government itself, who have responsibility for such regimes should follow the policy approach advocated in PPG9 in respect of developments likely to have significant impacts on listed Ramsar sites.

## Reviews of consents

22. Regulation 50 of the Habitats Regulations as amended requires the review of extant (i.e. unimplemented or partially implemented) consents on Natura 2000 sites. There are no such provisions for Ramsar sites and it has, to date, been the major difference between the two.
23. For the overwhelming majority of Ramsar sites, reviews of consents on Natura 2000 sites under the Regulation 50 provisions will normally be sufficient to ensure the Ramsar interests are adequately protected.
24. Local planning authorities are expected to extend the scope of their appropriate assessments when carrying out Regulation 50 reviews on Natura 2000 sites to consider the effects on coincident or overlapping Ramsar sites. Where the planning authority reaches the conclusion that there would be no adverse effect on the integrity of the Natura 2000 site from allowing the consent to proceed but there would be an adverse effect on integrity on the Ramsar site, it should consider whether to issue a modification or revocation order using powers available under Section 97 of the Town and Country Planning Act 1990. In cases where the authority considers modification or revocation is warranted, the Government will consider reimbursing local authorities where the costs were high, where the action taken was no more than necessary to remove the risk to the site and less costly alternatives have been fully explored.
25. Local planning authorities are expected to adopt a similar approach where listed Ramsar sites are not within the Natura 2000 network by carrying out an appropriate assessment analogous to that required by Regulation 50 and by issuing modification or revocation orders under Section 97 of the Town and Country Planning Act 1990, at the earliest opportunity following the listing of a Ramsar site. Where the integrity of a Ramsar site would be adversely affected by the full implementation of an extant consent and modification or revocation of the consent is warranted, the Government will again consider reimbursing local authorities where the costs were high,

- where the action taken was no more than necessary to remove the risk to the site and less costly alternatives have been fully explored.
26. The Government expects competent authorities, other than planning authorities, to use whatever review powers are available within the regimes they administer to address any potential adverse effects on the integrity of listed Ramsar sites from extant consents by adopting a general approach analogous to that advocated for planning authorities in paragraphs 24 & 25 above.
27. It is the Government's view that the additional call on public funds arising from the application of paragraphs 24 to 26 is not likely to be significant given the very high proportion of the Ramsar site series which is already covered by the Natura 2000 network and the review provisions of Regulation 50 of the Habitats Regulations. These existing measures are expected to protect the Ramsar interests in the vast majority of cases.

## Wider issues

28. Designated sites are to a greater or lesser degree affected by activities which occur away from or adjacent to those sites, as well as those on site. Wetland sites are especially vulnerable to factors such as hydrological change within or adjacent to the site. The Countryside and Rights of Way Bill places a duty on public bodies to 'further the conservation and enhancement' of Sites of Special Scientific Interest. The Government expects that public bodies, in meeting that new obligation, will pay particular attention to the needs of listed Ramsar sites. Where they have not done so already, public bodies will need to incorporate these considerations into their strategic thinking and planning mechanisms.
29. Article 3.1 of the Ramsar Convention requires Contracting Parties to 'formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and, as far as possible the wise use of wetlands in their territory'. The Ramsar Convention has developed and adopted 'Guidelines for the Implementation of the Wise Use Concept' \*. It has also recently published The Ramsar Handbooks on Wise Use\*, nine handbooks (referred to as the "Ramsar Toolkit"), embodying the major 'best practice' guidelines developed and approved by the Conference of the Contracting Parties, complete with case studies, illustrations, and other helpful materials. The Government commends these documents to

statutory bodies as valuable sources of further guidance and technical assistance on how issues of wise use should be addressed.