

Natural England's approach to assessing and responding to wildfowling notices on Sites of Special Scientific Interest (SSSIs) and European sites



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1. Natural England's position on wildfowling

- 1.1 Natural England recognises that responsible and sustainable wildfowling along our protected coastlines is a valid use of our wildfowl populations. We understand that wildfowling clubs are about more than the activity of wildfowling, but often being integral to the conservation of wildfowl sites through wardening, land management and pest control.
- 1.2 Wildfowling affects waterbirds both through direct mortality and disturbance, which can affect not only those birds being actively being hunted, but also birds feeding and roosting nearby, including non-target species.
- 1.3 Of interest to Natural England, when discharging its duties towards the conservation and enhancement of Protected Sites, is usually the degree to which an activity may sufficiently affect the designated populations of waterbirds to result in a population-level effect, including changes to abundance, productivity, distribution and mortality¹.
- 1.4 Significant disturbance does not necessarily directly affect the physical integrity of a species population but can nevertheless have an indirect negative impact on the species. The intensity, duration and frequency or repetition of disturbances are important parameters to take into account when assessing the level of any disturbance.
- 1.5 Direct mortality has the potential to work alongside changes in populations of notified quarry species. Where populations are in decline, the taking of affected notified quarry species by shooting can exacerbate the trend.
- 1.6 The potential ecological impact that wildfowling could have on some of the features of SPAs means that Natural England may be unable to rule out an adverse effect to the integrity of the sites in question, which is an important legal test set out in the Habitats Regulations.
- 1.7 To mitigate this, in some cases Natural England may only been able to provide a consent for a more limited period that allows some wildfowling activity to continue in the short-term. In others, we may have to refuse to give our consent for any further activity. We will always give our reasons why a consent has had to be refused or conditioned so that our decision can be clearly understood.

2. Protected Sites and a summary of the statutory framework

- 2.1 A large number of the sites in England that are protected due to their special interest in relation to flora, fauna or geological or physiographical features, also have a long history of wildfowling activity. These Sites of Special Scientific Interest (SSSIs) are notified in England by Natural England as part of its statutory function. For each site there is a list of operations which need written consent from Natural England before they can be carried out, these are known as "Operations Needing Natural England's Consent" ("ORNECs"). It is the responsibility of the SSSI owner/occupier to submit a notice to Natural England should they intend to carry out, cause or permit such an operation. In response, Natural England may consent to the operation as proposed, consent to it subject to conditions or refuse to give its consent.
- 2.2 Wildfowling, and the introduction of, and changes to, wildfowling practices is listed on the ORNECs for the relevant sites, meaning that written consent for wildfowling activity is

¹ Adoption of guidance in the context of the implementation of the AEWA Action Plan – Resolution 6.7 – November 2015

required and needs to be applied for under Section 28 E (3)(a) of the [Wildlife & Countryside Act 1981 as amended](#).

- 2.3 Alternatively, Natural England may enter into a management agreement (referred to as a 'Management Plan' (MP) for the remainder of the document) under Section 7 of the [Natural Environment and Rural Communities Act 2006](#) (NERC Act 2006) with a person who has an "interest" in land if doing so appears to it to further its general purpose. Previously, Natural England (or its predecessors) were only able to enter into such agreements in relation to land which was to be managed as a nature reserve.

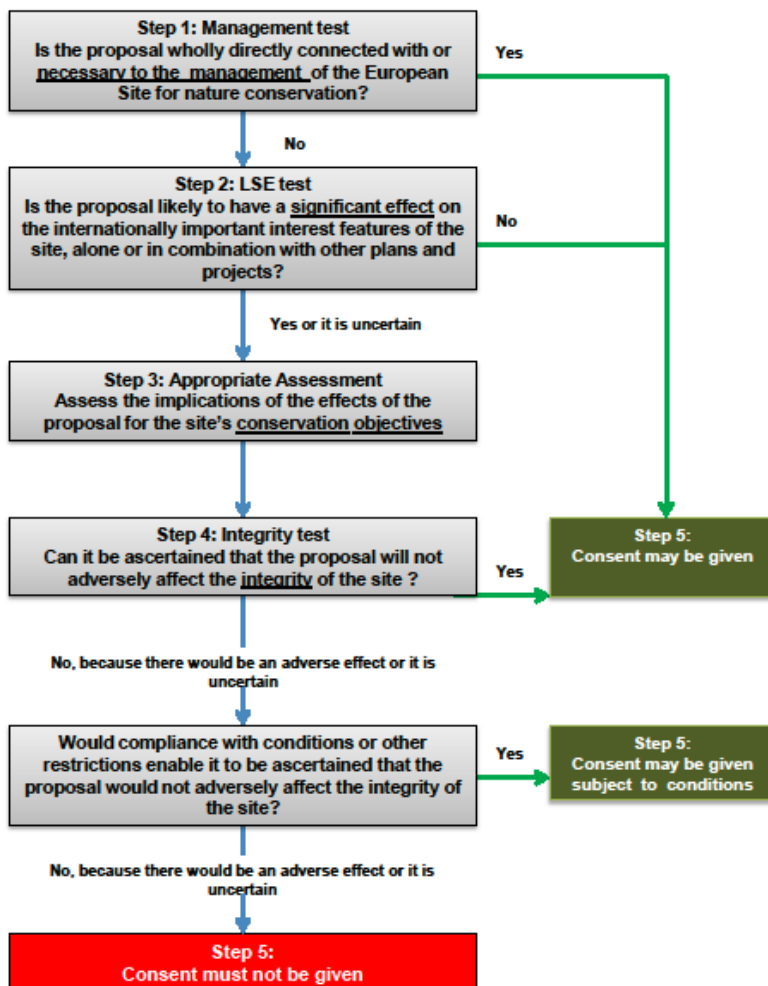
In relation to the proposed MP an interest in land is defined by reference to the [National Parks and Access to the Countryside Act 1949](#). This Act defines interest as follows:

"Interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights".

- 2.4 An agreement under Section 7 of the NERC Act 2006 meets the condition set out in Section 28 E (3) (b) of the Wildlife & Countryside Act 1981 (as amended) and can be put in place as an alternative to a consent under 28 E of the Wildlife & Countryside Act 1981 (as amended) or, where appropriate, can work alongside such a consent, to provide permission for different activities.
- 2.5 Some SSSIs, and many of those on which wildfowling activities take place, are also classified as either a Special Protection Area (SPA) and/or a Special Area of Conservation (SAC) or a Wetland of International Importance (Ramsars), collectively known as European Sites. These sites are subject to the provisions of the Conservation of Habitats and Species Regulations 2017 ('Habitat Regulations').
- 2.6 The Habitat Regulations set out an assessment and decision-making process where a 'competent authority' must decide whether or not to grant permission for a "plan or project" that may affect such a site. When dealing with applications for SSSI consent on European sites in England that may be or form part of such a plan or project, including those for wildfowling activities, Natural England is the competent authority who must undertake such assessments.
- 2.7 Although, the term plan or project is not defined within the Habitat Regulations it has been considered in case law. It was confirmed in *Akester*² that the terms should be given a wide interpretation [para 72]. *Akester* also drew attention to the importance of considering whether an action could potentially have an impact on the environment or on a European site when considering whether it could be a plan or project [para 76].
- 2.8 The Habitat Regulations require that, before consenting a plan or project that is not directly connected with or necessary to the management of the European site, and that is likely to have a significant effect, either alone or in combination with other plans or projects, the competent authority (such as Natural England) must make an appropriate assessment of the implications for the site in view of the site's conservation objectives. The basic process which Natural England, as the competent authority, must follow for the assessment of all plans or projects affecting a European site is set out in Figure 1, below.

- 2.9 As the statutory nature conservation body in England, Natural England provides formal, publicly available advice on European Site conservation objectives. The conservation objectives of a site define the desired state for each of the features for which the site has been designated and they are provided for all European sites. Conservation objectives for birds are aimed at maintaining and/or restoring bird populations, and/or the diversity of species within defined assemblages, both through the protection of the habitats supporting them and management against the negative impacts of disturbance. All conservation objectives for Terrestrial Sites can be found [here](#) and Marine Advice can be found [here](#), both on [gov.uk](#).
- 2.10 Natural England is only able to grant consent for an operation or enter into a MP on a site which is subject to the provisions of the Habitat Regulations where it can be shown that the proposal will not have an adverse effect on the integrity of the site.

Figure 1:
The step-wise consideration of applications for SSSI consent affecting European Sites by Natural England under Regulation 24 of the Habitats Regulations 2017



3. The proposal

3.1 A notice or proposal should provide enough information to allow Natural England to fully understand what is being proposed and to enable it to consider its implications for the special designated features of the site. The more relevant information that is provided, the sooner that Natural England can assess the notice and make its decision. Information which should be included, where possible, within any wildfowling notices given under 28 E of the Wildlife & Countryside Act 1981 (as amended) on a designated site includes:

- The area over which the activity is proposed to be carried out (including a map);
- The number of years consent is sought for
- the level of activity per season/annually or a rolling figure for the duration of the consent ie the number of visits requested over X years. In some cases it may be possible to base the intensity requested on historical usage³.
- historic bag returns (ideally for 15 years, but as long as you may have them)
- historical visit numbers (ideally for 15 years, but as long as you may have them)
- Club monitoring data e.g. annual bag returns and visit numbers
- type of wildfowling – i.e. shoulder gun or punt gun
- intended quarry
- any restrictions on the number of simultaneous visits and/or the number of days that wildfowling may take place (e.g. it is illegal on Sundays in some counties);
- details of additional activities such as vegetation management, supplementary feeding, vehicular access; These details should include: what, where, how, and when are you intending to undertake these activities
- presence, location and description of any no shooting zones or refuges managed for minimal disturbance.

3.2 On some sites a MP may be the appropriate way of producing a holistic document that covers all the activities of the wildfowling club and integrates the needs of all parties. If a plan is to succeed it needs to be based upon a joint vision agreed upon by both parties, and information needs to be shared. It would be expected that all the information listed in 3.1 would be shared along with any additional information that might help inform the MP, for example bird surveys undertaken by clubs. The principles which can be used to provide a framework for such a management plan are provided in [Appendix A](#).

3.3 Upon receipt of a Notice, Natural England will first look to see whether a wildfowling club already has a consent for wildfowling in the area proposed. If live consents are found, your Natural England Adviser will write to you confirming the terms that you can exercise your consent under and whether or not you need further consent to conduct your activity.

³ It would be appropriate to base the intensity of a consent or MP on historical usage if the data supplied to support the usage was of sufficient quality and longevity to provide a realistic view of the level of wildfowling over in excess of a 10 year period. The variance over that historical period would also need to be sufficiently small to allow a meaningful average to be calculated upon which could then be used within the assessment process.

4. The SSSI Assessment

- 4.1 Whilst the Wildlife and Countryside Act 1981 provides a requirement for a Notice to be submitted to Natural England before an owner or occupier can conduct an activity that may damage a SSSI, it does not provide a method of assessment, unlike the Habitat Regulations.
- 4.2 It does however impart a duty on Natural England to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
- 4.3 The effect of this is that when Natural England assesses a Notice it must consider the whether the project will damage its notified features or prevent their recovery to favourable condition. Where, on assessment, damage or the prevention of recovery is concluded Natural England is able to impose conditions or refuse to provide consent.
- 4.4 Where the site is not designated as a European site, no further assessment above that set out in 4.3 is required.

5. The Habitat Regulations Assessment - Judging the likely significant effects of wildfowling

- 5.1 Plans or projects that are directly connected with or necessary to the management of a European site are not subject to the appropriate assessment requirements. This exception applies only to plans or projects being undertaken solely for the purposes of managing a European site in the interests of maintaining and restoring (if necessary) its favourable conservation status.
- 5.2 Many wildfowling clubs undertake positive conservation activities on the sites they shoot on. However, due to the fact that wildfowling, and changes to such activities, are listed on the ORNECs for the relevant sites, and the fact that wildfowling activity is a recreational activity that can potentially be disturbing to the interest features of site as well as causing direct mortality, it is not usually possible to conclude that a notice proposal put forward containing wildfowling activity was wholly necessary or directly connected with the management of the European site. This would, therefore, mean that it is likely that the project could not be screened out at this initial stage.
- 5.3 Once it has been established that the proposal is not necessary or directly connected with the management of the site, the next step is the Likely Significant Effect (LSE) test as set out in the Habitat Regulations. This is designed to check whether a more detailed assessment of the proposal is required. An "effect" includes anything that could impact upon a European site, temporary, permanent, direct and indirect effects need to be considered. This test is intended to be a simple assessment based on existing information to decide whether a plan or project should be taken through to the next appropriate assessment stage for a more detailed examination.
- 5.4 The assessment will:
 - Identify what (if any) European sites may be affected by the proposal
 - Identify the conservation objectives (as described in 2.10) of any site that may be affected, and the condition of that site.

- Identify the potential effects of the plan or project on the site, alone or in-combination with other plans or projects. This needs to include consideration of each of the features for which the site is designated.
- Identify how those effects may impact on the site's conservation objectives.
- Make a high level assessment of whether likely significant effects can be ruled out

- 5.5 A "significant effect" only includes effects which could undermine a European site's conservation objectives, for example by reducing the area or quality of protected habitat for which the site was designated, or by the disturbance or displacement of species for which the site was designated. Case law has confirmed that to be "likely", a risk or a possibility of a significant effect, is sufficient to trigger the need for a more detailed assessment (an appropriate assessment).
- 5.6 In the context of the Habitats Regulations, the precautionary principle applies at the likely significant effect stage in the same way that it applies to any other stage. The precautionary principle is applied where there are doubts about the likely impacts of proposed activities. The absence of information is not a basis to assume no negative effect.
- 5.7 Where a notice for wildfowling is submitted to Natural England, an assessment will initially be made as to the scale and intensity of the proposal. It may be that the proposal is so insignificant in its scale that it is unlikely to pose any appreciable risk of impact. Where this is the case, the adviser may screen it out as having no likely significant effect. However, the impact of a similar small-scale proposal in a sensitive area may be judged to be significant.
- 5.8 If it has been concluded that the likely effects of the plan or project is not considered to be significant alone, it must then be considered for any potential significant effects that may arise "in-combination" with the effects of other plans and projects that may affect the same site. If a LSE in-combination is identified, then the project must still go through to the Appropriate Assessment stage and the assessment is done to examine the precise nature of the likely in-combination effect on the site in question.
- 5.9 Previously, mitigation measures which were voluntarily built into any proposal specifically in order to avoid harmful effects on a site could be taken into account at the LSE filter stage. However, a decision by the Court of Justice of the European Union, *People over Wind*⁴ ruled that it was not appropriate to take into account such measures until the appropriate assessment phase where their effect can be fully considered.

6. The appropriate assessment

- 6.1 The appropriate assessment is the core stage of the Habitats Regulations assessment process. It is carried out where a risk or a possibility of significant effect from a plan or project (either alone or in-combination) has been identified. Its purpose is to more precisely assess the likely ecological effects identified and to ascertain that, should the plan or project go ahead, there will be no adverse effect from it on the site's integrity so that the site's conservation objectives will not be undermined.

- 6.2 The assessment itself should always be 'appropriate' in terms of its scope, content, length and complexity to the plan or project under assessment. For example, the appropriate assessment of a simple proposal could be shorter and less complex than an assessment of a much larger or more complex proposal. There is therefore no standard methodology or structure to an appropriate assessment but it must be sufficiently detailed to ascertain whether the project will have an adverse effect (either alone or in-combination) on the integrity of the site in view of the European site's conservation objectives.
- 6.3 The appropriate assessment must be made on the basis of the best scientific information which is reasonably available. It should be based upon the details of the proposal and the parameters provided within the notice. These should be considered together with any other available information on which to assess the predicted effects of the proposal, such as historic data relating to the activity and the protected site and its interest features. Local knowledge and monitoring information provided by a wildfowling club or others can also be used, if available.
- 6.4 The assessment will normally include consideration of the following information;
- Identifying the site's conservation objectives and conservation status.
 - Identifying what each potential effect of the plan or project is and what aspects of the plan or project causes such effect, and consideration of any cumulative effects.
 - Identifying how each potential effect could impact on each of the site's conservation objectives.
 - Assessing the scale and seriousness of potential effects, including their magnitude, duration and reversibility.
 - Assessing how effects may change over time. (Assessing the likelihood that the effects might occur).
 - Identifying the degree of certainty which underpins the assessment of effects.
- 6.5 The aim of the appropriate assessment is to assess in greater detail each stage and element of the project and its potential impact on the integrity of the European site features, taking full account of the ecological needs of the features likely to be affected, the prevailing environmental conditions of the site and the formal conservation objectives for the site(s). The ultimate purpose of the appropriate assessment is to ascertain whether an adverse effect on site integrity can be clearly ruled out. It can consider any mitigation measures already incorporated into the proposal by the applicant and can establish whether additional mitigation measures should be imposed, by the competent authority, in order to conclude no adverse effect on site integrity.
- 6.6 The integrity of a site is its ongoing ability to support and sustain its habitat and the special features for which it has been designated for.
- 6.7 The following list provides information as to what could be included in an appropriate assessment, it is not exhaustive, but represents the types of locally derived information which can be used to inform the assessment, where available;

- Changes to habitat extent and quality within a given sector/site that might influence bird abundance/distribution. Consideration of whether this is due to changes in management and/or natural change.
- Presence of high tide roost sites and proximity to wildfowling activity.
- Presence of important low tide feeding areas and proximity to wildfowling (i.e. those areas that hold larger numbers/proportion of the SPA species population or assemblage)
- Presence of refuge or no-shooting areas within the proposal area and the SPA as a whole.
- Whether there are any features within a sector that might act as natural barriers or have a sheltering effect between the wildfowling and the areas most likely to be frequented by SPA bird populations. For example: creeks, flood defence banks, treelines, very remote mudflats, reedbeds or any other inaccessible areas used by bird populations.
- Access routes to the areas where wildfowling is most likely to be undertaken (recognising that wildfowlers wish to keep specific locations confidential) and whether on foot and/or motorised access, including boats.
- Whether the majority of the wildfowling activity is likely to be shore-based or from boats/other vehicles (recognising that some wildfowlers wish to keep specific locations confidential).

6.8 The following key site-specific factors should also be considered within the assessment process;

- 1) Scale of impact;
- 2) Duration of impact and recovery/reversibility;
- 3) Long term impacts, biological-lag⁵ and sustainability;
- 4) Dynamic systems;
- 5) Conflicting feature requirements;
- 6) Off-site impacts;
- 7) Uncertainty with cause and effect and a precautionary approach.

6.9 In addition to the Wildlife & Countryside Act 1981 and the Habitat Regulations, whilst undertaking regulatory decisions affecting protected sites Natural England must also take into consideration its undertakings and duties in relation to other legislation including;

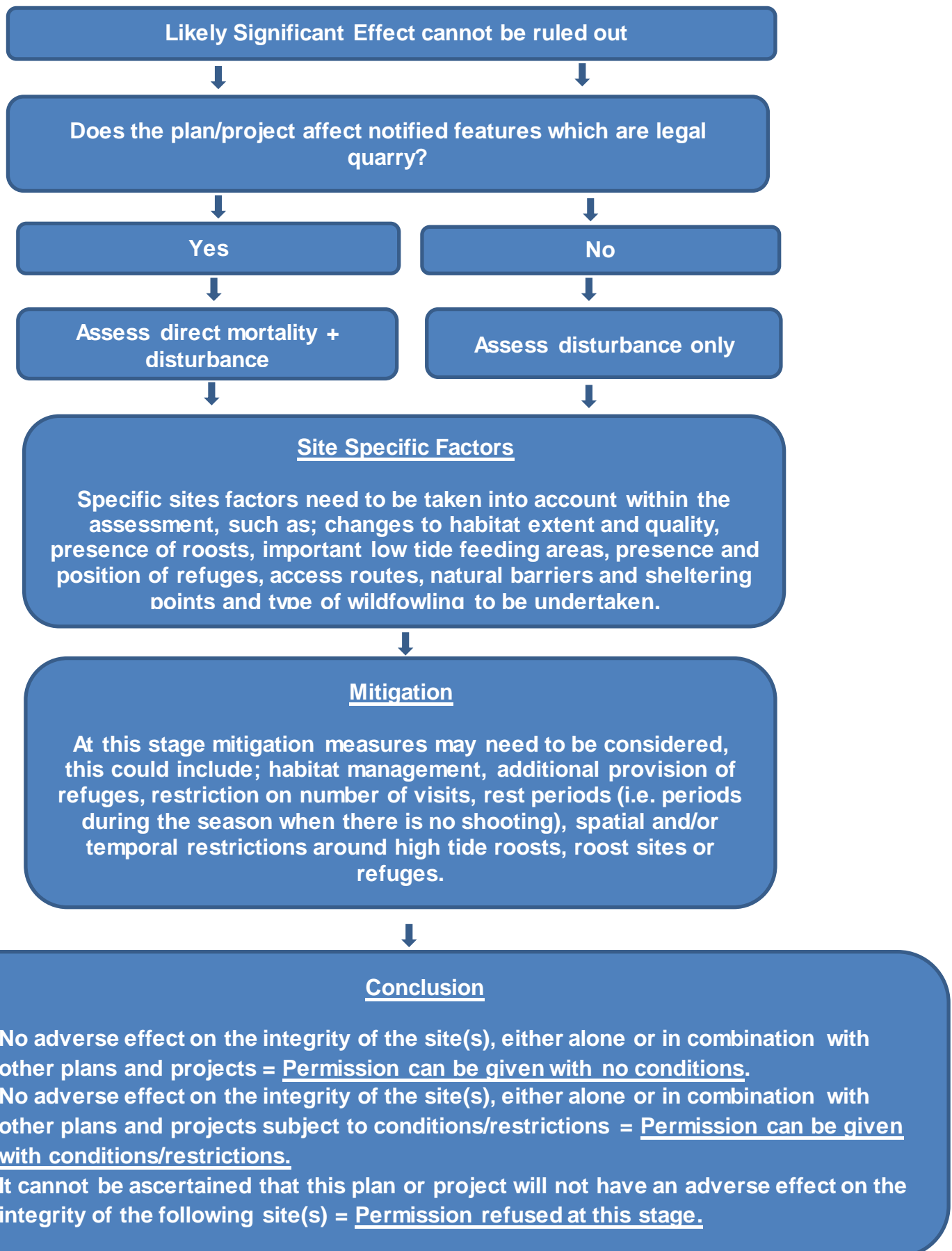
- Natural Environment and Rural Communities Act 2006
- Countryside Act 1968
- Deregulation Act 2015
- Legislative and Regulatory Reform Act 2006

These additional considerations do not outweigh the necessary protections required for these sites, rather it is a relevant consideration that must be weighed and taken account of when deciding how to act in a particular case. The weight given will depend upon the

⁵ Biological-lag is the time it takes a population to feel the effects of a particular intervention.

circumstances of a case, including the applicability of other relevant duties to those circumstances.

Figure 2 – Appropriate Assessment Steps for a wildfowling notice



- 6.11 There is seldom evidence available at a specific site level relating to direct mortality and disturbance effects of wildfowling and therefore, the appropriate assessment is based upon the examination of species (or assemblage) population change over the past 15 years (or time period when data availability allow) at whole SPA level, using the Wetland Bird Survey (WeBs) core count data and WeBS Alerts reports.
<https://www.bto.org/volunteer-surveys/webs/publications/webs-annual-report>.

For each of the species selected to be part of the assessment mean numbers from the WeBS core counts for the winter periods (September to March inclusive, as routinely used for WeBS reporting) from the last 15 years are used to identify the overall trends within individual sectors. These are then compared to trends for the same species for the whole site. Consideration will also be given to regional/ national trends where possible, using WeBS Alerts reports.

- 6.12 Natural England recognises that there may be limitations with the use of WeBS data. For example, the areas covered by the notice do not usually coincide with WeBS count sectors; or certain SPA species such as hen harrier and bittern will not be accurately covered by these counts. However, in most cases it is expected that the WeBS data will constitute the best available information for assessing impacts on the integrity of the SPA. If alternative or additional information is available, such as records of wintering bittern and harriers, or relevant local knowledge and information provided by partners and land managers including wildfowling, then this can also be included. The assessment process and record should make the distinction between data collected by standard and robust methodologies (e.g. WeBS data) and anecdotal information – but both types of evidence can be used in assessments.
- 6.13 Table 1 below summarises possible scenarios following the analyses of the WeBS data. The table must only be used as a guide and each conclusion must be reached on a case by case basis. All conclusions must be robust and informed by the best, reasonably available scientific evidence.

Table 1. Possible scenarios to guide conclusions of adverse effect (AE) on site integrity and timescales for issuing consent (short and long)

Estuary/site population trend	Sector population trend	Wildfowling Levels			
		Increased ⁶	Status quo	Decreased	New area
	Increasing	Site specific	No AE Long	No AE Long	Site specific Short
Increasing	Stable	Site specific	Site specific	No AE Long	Site specific Short
	Decreasing	AE further consideration	AE further consideration	Site specific	AE further consideration
	Increasing	Site specific	No AE Long	No AE Long	Site specific Short
Stable	Stable	Site specific	No AE Long	No AE Long	Site specific Short
	Decreasing	AE further consideration	AE further consideration	Site specific Short	AE further consideration
	Increasing	AE further consideration	No AE Long	No AE Long	AE further consideration
Decreasing	Stable	AE further consideration	Site specific Short	No AE Long	AE further consideration
	Decreasing	AE further consideration	AE further consideration	Site specific Short	AE further consideration

6.14 Explanation of terms used in the table

6.14.1 Site specific

The boxes within the table referring to site specific factors deal with situations where it is not possible to give generic guidance. There will need to be a consideration of site based factors (examples described above in Section 5.8) before reaching a conclusion regarding adverse effect on site integrity. All conclusions have to be robust and clearly explained in the appropriate assessment.

6.14.2 Adverse effect, further consideration

This refers to circumstances where negotiating amendments to the notice or attaching conditions, such as refuges around important high tide roosts, may enable a conclusion of no adverse effect on the integrity of the designated site to be reached. All efforts will be made to agree a consent but in some cases this may not be possible and consent will be refused.

6.14.3 In-combination assessment

⁶ A proposed increase in wildfowling should always be assessed on a case by case basis, dependent on the level of increase proposed.

In order to undertake a thorough in-combination assessment, every effort should be made to quantify and assess the effects and likely impacts of other plans and projects with similar effects that could interact with the wildfowling proposal. It is important to ensure that only relevant 'plans' and projects' are included within an in combination assessment, and not every conceivable activity.

This information should enable wildfowling disturbance and direct mortality to be considered in relation to other forms of disturbance and direct mortality that may be present on the site. This will usually relate to other wildfowling activities.

The observed trends taken from the WeBS data are the result of all factors (both on and off the site) influencing the SPA species utilising a particular area, whether they fall under the definition of a 'plan' or 'project' or not. It is difficult, if not impossible, to identify a cause and effect relationship between the trends and the influence from wildfowling alone.

A thorough in-combination assessment can be undertaken by considering this data and the resultant trends alongside the information provided on the notice, locally derived information and knowledge and other significant causes of bird disturbance occurring within the relevant WeBS sectors. The potential impacts of the proposed wildfowling on the SPA can be considered either alone and in combination.

7. Timescales

- 7.1 In ideal circumstances we would expect that the timescales for a consent provided under Section 28 E of the Wildlife & Countryside Act would have a maximum of 10 years. These timescales are used in Table 1.

There is a limit to the predictive quality of historic data, especially in times of climate change, rising sea levels and changing land management and uses; and in the context of bird populations which may be affected by a multitude of other factors, both on and off site. It is therefore impossible to ascertain for how long all relevant factors will remain unchanged. Consequently, Natural England will not extrapolate trends more than 10 years into the future and, as such, all consents will have a maximum duration of 10 years.

- 7.2 It should be noted that where there is an unknown intensity of wildfowling taking place due to open ended consents and/or missing bag returns, particularly where there are concerns regarding impacts to notified features, then it may be that Natural England can only issue single season consents whilst the uncertainty remains.
- 7.3 The length of time a MP, provided under Section 7 the NERC Act 2006, can be put in place, will vary according to the needs of all parties but will likely be subject to the similar time restrictions as a consent because the evidence the decision is based on is the same for both types of permission.
- 7.4 Each MP permission will be subject to regular review meetings to discuss progress, record activities undertaken, consider approaches used and the evidence gathered. Through the review meetings the parties may also agree any changes that might be required.

8. Conclusion of assessment

- 8.1 After assessment of the notice has been completed, either through the SSSI process or through the Habitat Regulations Assessment, one of three conclusions will be reached;
- Consent approved with no conditions
 - Consent approved with conditions or,
 - Consent refused.

If conditions have been attached or the consent application has been refused a clear Statement of Reasons must be provided and advice on how to [appeal](#).

- 8.2 Any conditions applied will be ecologically evidenced and linked to the condition of features on the site and the impacts of the project to the site. For instance, where there are concerns about particular notified quarry species or species that forms part of the notified interest, there may be restrictions imposed on the take of those quarry species of concern.
- 8.3 For any MP that is agreed by Natural England on a European site a conclusion of 'no adverse effect on the integrity of the site' must have been reached.

9. Changing your Consents

- 9.1 Under the same part of the 1981 Act that requires an owner or occupier to submit a Notice to Natural England, there is also the provision that Natural England can modify or withdraw a consent that it has previously given.
- 9.2 Natural England uses this power infrequently and as necessary to protect a site, but where a consent is unrestricted and its continued use is adversely affecting, or could adversely affect a site's notified features then we may look to either modify or withdraw the consent.
- 9.3 Should Natural England wish to modify a consent, we will conduct an assessment of the consent, detailing why it requires modification. A notice will then be served which expires after 2 months. Once this two month period has expired, and if the notice is not [appealed](#), then the modified consent comes in to force.
- 9.4 Where an owner occupier can demonstrate loss from the modified consent, they may be entitled to compensation.
- 9.5 Natural England can also modify or withdraw a consent at the request of the consent holder. The same formal process must be followed by Natural England but this can be especially useful where an owner-occupier has duplicate permissions or consents that they no longer wish to use and wishes to achieve a clearer understanding of what they are consented to do.

10. Contacting your Adviser

- 10.1 Natural England understands that open dialogue with wildfowling clubs fosters greater trust and understanding between all parties. We are happy to discuss your land management and consents and any concerns or further information relating to the site you may have. Please feel free to contact your local Area Team Adviser to facilitate this.

Appendix A

Principles of Wildfowling Management Plans under Section 7 of the Natural Environment & Rural Communities Act 2006

Introduction

- Natural England can enter into a management agreement (referred to as a Management Plan) under Section 7 of the Natural Environment and Rural Communities Act 2006 with a person who has an “interest” in land about the management or use of the land, if doing so appears to it to further its general purpose.
- The plans provide a mechanism by which Natural England can articulate shared goals with wildfowling clubs in line with the approach set out in Defra’s 25 year Environment Plan.

Principles	Description
1. A shared vision and commitment	<p>The aim is, through collaborative discussions, the respective interests of the parties will be formed into a single shared vision that sets out the agreed outcomes all parties are seeking to achieve on the site.</p> <p>Examples of what may set out as their objectives for a site;</p> <p><i>i) To carry out conservation measures for the benefit of the wildfowl population, key species of breeding bird, rare plants, and priority habitats.</i></p> <p><i>ii) To maintain controlled wildfowling management on the site so as to promote the sustainable use of the wildfowl resource.</i></p> <p><i>iii) To carry out and support monitoring of wildfowl and waders across the site.</i></p> <p><i>iv) To provide wardening so as to discourage illegal and bad practice.</i></p> <p><i>v) To develop wildfowling management consistent with the overall needs of the estuary.</i></p> <p><i>vi) To maintain and enhance the large wildfowl and wader populations which are found on the site.</i></p>
2. Common Generic Features	<p>There are common generic features that we expect each plan to include. The consideration of these features will enable a framework to be set out for management that can be developed to deliver joint</p>

	<p>outcomes. These generic features and the framework will also clearly illustrate the evidence used to inform the plan. For example, each plan would include:</p> <ul style="list-style-type: none"> • History of the site; • identification of sensitive features; • conservation management that is being undertaken/will be undertaken; • additional activities which are being undertaken/will be undertaken; • monitoring and data collection; • information on landscape; • details relating to access; and • legal terms and conditions.
<p>3. Locally relevant</p>	<p>Features, where possible, will be illustrated with photographs and maps and any other visual products from the site itself. This will ensure that each plan is as clear and meaningful as possible about what it describes, with the intention that this will aid parties when they are implementing the plans.</p>
<p>4. Clear terms and conditions, (including the plans acting as a permission)</p>	<p>For the plans to succeed and not duplicate or conflict with existing consents, we will need to ‘replace’ existing consents through the statutory process for modifying/revoking. Parties will need to identify all existing consents, permissions and agreements.</p> <p>When parties meet to discuss a new plan, it is hoped that all current arrangements can be discussed in an open manner, with parties working together in a transparent manner to identify the best way to achieve the shared visions/objectives.</p> <p>Parties will also need to agree and include information on the following:</p> <ul style="list-style-type: none"> - The level of wildfowling activity on the site, this can be based on an annual or rolling basis ie a number of visits which can have been undertaken over a 15 year period. <p>Historical usage would be appropriate if it were possible to undertake a robust assessment with the data available. It would be necessary for the data to be of sufficient quality and longevity to provide a realistic view of the level of wildfowling to be assessed. The variance over that historical period would need to be sufficiently small to allow a meaningful average to be calculated upon which the assessment could be based.</p> <ul style="list-style-type: none"> - Each plan will be subject to Habitats Regulations Assessment for all the land that is within or adjacent to a Special Area of Conservation or Special Protection Area. The assessment of the plans will articulate the evidence that has been drawn upon,

any levels of uncertainty, how different types of evidence have been taken into account; and how this has been weighed up against other factors (where appropriate). Each plan will be developed alongside the relevant assessments. This ensures any assumptions/requirements in the assessment(s) are reflected in the plan.

The legal instrument used to document the permission that each plan is granting is likely to be a Management Agreement under Section 7 of the Natural Environment & Rural Communities Act 2006, which allows Natural England to make an agreement with a person who has an interest in land about the management or use of the land, if doing so appears to it to further its general purpose. Natural England's general purpose includes the following;

- a) Promoting nature conservation and protecting biodiversity;
- b) Conserving and enhancing the landscape;
- c) Securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment;
- d) Promoting access to the countryside and open spaces and encouraging open-air recreation and
- e) Contributing in other ways to social and economic well-being through management and the natural environment.

Each plan must be legally compliant and must set out the legislative basis for Natural England's permission. Template legal terms and conditions will also be provided, and these can be reviewed and discussed by parties to ensure that the permissions are underpinned by agreed legal terms. This ensures that parties have a clear and certain basis underpinning each plan which is beneficial for all involved.

The length of the permission granted by each plan will be limited to the lifespan of the plan and will be granted pursuant to the terms of the plan, but we would expect work to review the plan will start well before it ends. A commitment to this review could be included in the plan.

As Natural England are required to comply with their statutory obligations, the plans will make reference to this. Natural England will be under a duty to act reasonably should any assessments need to be undertaken/renewed during the lifespan of any plan.

If land owners/occupiers are operating in accordance with the plan, there is no need to seek further consent or permission from Natural England during the term of the plan, but both parties (land managers and Natural England) are encouraged to maintain dialogue with each other on anything they are unsure of and to ensure that these long term plans have principles of collaboration and cooperation enshrined within them.

	<p>It is in all parties interest that the terms and conditions of these plans are robust, and there is a clear link between:</p> <ul style="list-style-type: none"> ➤ the shared vision and commitments; ➤ the agreed outcomes; ➤ the results of any assessments undertaken on the land; and ➤ compliance with relevant legislation. <p>These plans may be subject to public scrutiny, and parties must work together throughout the lifespan of each plan to ensure that these plans continue to deliver the required outcomes in the desired manner, whilst being sensitive to Natural England’s ongoing duties and the needs of the wildfowling club.</p>
<p>5. Monitoring</p>	<p>Each plan will explain the outcomes and trends that will be monitored, alongside Natural England’s usual programme of site monitoring and condition assessment, and the programme of assessment required under the relevant legislation. The approaches to monitoring will be explicit in the plan, although the detail may need to be worked up and agreed upon during the first year of the plan.</p> <p>Each plan will be subject to regular review meetings to discuss progress, record all activities undertaken, and consider approaches used and the evidence gathered. Through the review meetings the parties can also agree any changes that might be required. Each plan will set out a process for agreeing and implementing any changes to ensure that the plans stay up to date, and parties fully understand which version should be implemented.</p> <p>The plans are designed so that it is in the interests of those using them to implement them correctly. Should this not be the case, the plan would be withdrawn in accordance with the terms of the plan.</p> <p>Over time, the plans need to evolve, learning and evaluating what’s working or not, and for it to be revised as necessary by mutual agreement.</p> <p>It is hoped that wildfowling clubs will undertake greater levels of monitoring to inform the Management Plans and help build the evidence base.</p>
<p>6. Lifespan</p>	<p>The length of time a plan will vary according to the needs of all parties and will be governed by the assessment of the plan undertaken.</p>
<p>7. Transparency</p>	<p>These plans are about sharing our understanding of the management of these sites and helping to build our evidence base. This means we will publish our progress on the plans and a brief summary of each one, and they will also be publically available on request. Parties</p>

	should also be aware that Natural England are required to comply with the provisions of the Freedom of Information Act, and are required to act in a transparent manner.
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Version Control Log

Version	Date	Author/Revision by	Changes
1	September 2018	Sue Beale and Matthew Powell	First issue.
2	February 2021	Matthew Powell	Updates to position, and summary of framework, inclusion of SSSI Assessment, change to Timescales, addition of changes to consents and contacting your adviser, revision to MP Appendix, plus other smaller changes.