
LEAFLET 7: NATURE CONSERVATION & BIODIVERSITY

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OVERVIEW

7-1. The aim of Joint Service Publication (JSP) 362, Leaflet 7, is to inform all personnel, both Service and Civilian, of the current MOD Policy towards the natural environment of the estate.

SCOPE

7-2. MOD has statutory and non-statutory obligations for nature conservation that must be complied with in the course of delivering the defence aim¹. This leaflet provides the overview of the policy and applies to ALL STAFF (Service and Civilian).

7-3. The importance of conserving the natural environment is becoming increasingly recognised across the world. The natural environment is essential as it provides the goods and services essential to our well-being and survival. MOD recognises that as one of the country's largest landowners², it has a major role to play in the conservation of the UK's natural resources.

7-4. The need to provide realistic training across challenging and demanding terrain in a variety of environments, as well as ranges, munitions stores and communication sites, means that MOD has responsibility for some of the most unspoilt and remote areas in Britain. Many of these areas have been recognised as being highly valuable for wildlife and have been designated under national, European and international nature conservation legislation. These have the potential to conflict with military interests, and therefore need active management. All habitat and species protection can restrict the operational use and management of sites. This leaflet sets out the policy designed to ensure the integration of military requirements with good environmental management. It should be read in conjunction with relevant Practitioner Guidance, and other policy leaflets included in JSP362 and [JSP418](#). Please see the Further Information / Links section for more details.

7-5. This leaflet provides policy on designated sites, protected species and wider biodiversity. It also highlights where other nature conservation policies can be found within JSP362 and other relevant sources of information.

WHO SHOULD READ

7-6. All personnel and organisations with responsibility for or influences conservation on MOD estate, which includes:

- Defence Estates (DE) Personnel/Offices, Partnering Organisations, Public Private Partnership (PPP) / Private Finance Initiative (PFI), Project Managers, Site Estate Team Leaders (SETL), Customer Estates Organisations (CEstO), Top Level Budget Holders (TLB), Integrated Project Teams (IPT), Heads of Establishments (HoE) /Commanding Officers (CO), Maintenance Management Organisations, Environmental Protection/Conservation Officers/Advisors, Contractors and Industry Partners.

¹ To deliver security for the people of the UK and the overseas territories by defending them, including against terrorism and to act as a force for good by strengthening international peace and security (Defence Plan 2008 - 2012)

² "Land", in this context, is defined as land and water which is freehold, leasehold or licensed. Sites that are leased or licensed may be subject to some constraints.

ROLES & RESPONSIBILITES

7-7. Overall responsibility for safety, health and environmental (SHE) protection and sustainable development (SD) within MOD is vested in the Secretary of State for Defence (SofS) who outlines the MOD's SHE and SD responsibilities. The Defence Board (DB) ensures that these functions are discharged correctly and are achieving high standards. The DB is supported by the Defence Environment and Safety Board (DESB) which provides direction, sets objectives, monitors and reviews performance and provides assurance to the DB on delivery of SHE and SD.

7-8. DE Property Directorate (Prop) has the delegated Policy Owner lead from PUS for Sustainable Estate and Stewardship which includes non operational energy, water resources, built environment, natural environment, sustainable procurement and climate change adaptation and mitigation. DE Prop is responsible for the development and maintenance of MOD policy and strategy in these areas. DE Prop is also responsible for the overarching strategy to ensure compliance with the SofS' SHE and SD Policy Statement (see Further Information section) on the Estate. DE Prop reports performance and risks to DESB.

7-9. DE Prop liaise with Environmental Focal Points and Advisors within the TLBs in the development of policy and strategy. Policy relating to the management of MOD shipping activities & maritime conservation interests is co-ordinated by the Maritime Environmental Steering Group (MESG) and the Ship Safety Management Office (SSMO).

7-10. DE Prop is also responsible for the development and maintenance of Memoranda of Understanding (MoU) and Joint Declarations of Intent (DoI) with the other Government Departments, devolved administrations and the statutory conservation bodies on conservation matters. DE Prop will deal with matters of policy and issues with conservation bodies at national (Head Office) level. The appropriate DE Estate Surveyor (ES) and MOD Environmental Advisor should undertake relevant liaison at a local level. Below this level, liaison may be undertaken by establishments with reputable conservation agencies or individuals as directed or approved by the appropriate senior officer³. The DE ES and MOD Environmental Advisors must be kept informed of any local liaison undertaken. DE Foresters advise where environmental advice relates to forestry and woodland.

7-11. Advice and support for all site and project implementation issues can be obtained from DE ES who in turn may seek specialist advice from appropriately qualified MOD Environmental Advisors.

Responsibilities of Top-Level Budget Holders (TLBs)

Central TLB (CTLB)

7-12. As Joint Managers of the Central TLB (CTLB), the 2nd Permanent under Secretary (PUS) and the Vice Chief of the Defence Staff have both personal and collective responsibility for the effective implementation of the SofS' Policy Statement for SHE & SD across the CTLB. The Joint Managers have appointed Director CTLB to 'champion' SHE & SD and to provide assurance. The Chief Environment & Safety Officer (CTLB) team has the role of providing competent professional advice.

³ The MoU with Defra et al, and the DoI with the statutory bodies should be referred to when liaising with these organisations – see Further Information section.

Defence Estates (DE)

7-13. Chief Executive (CE) DE is responsible for discharging the SofS' SHE responsibilities across DE and has published an environmental policy statement. CE DE has delegated responsibility for implementing environmental policy and obligations to all DE Directors and Regional Managers in each functional directorate, and reporting of performance through the DE Management Board (DEMB).

7-14. CE DE has tasked DE Prop as the DE focal point for establishing the nature conservation policy and high level management framework to deliver Sustainable Development and Government targets, and monitoring implementation of the policy statement. DE Chief Operating Officer (COO) is responsible for implementation of the SHE functions within each DE regional business area using International Organisation for Standardisation (ISO) standards management systems for Health and Safety and Environmental Management. DE COO is also responsible for the enabling of specialist environmental support within DE.

Royal Navy (RN)

7-15. First Sea Lord (1SL) is responsible for discharging SofS' Safety, Environmental Protection (S&EP) and SD responsibilities for Navy Command (NavCom) TLB through the Letter of Delegation from the PUS. 1SL looks to Commander-in-Chief (CINC) Fleet to be the Navy Board lead for the management of S&EP and SD and the task of providing an annual report of compliance for the TLB. To discharge this responsibility, CINC Fleet requires Deputy Commander-in-Chief (DCINC) Fleet to chair a senior board to oversee the implementation and operation of an effective Navy-wide Safety and Environmental Management System (SEMS), covering S&EP and SD.

Army

7-16. The Chief of General Staff (CGS) is responsible for discharging the SofS' SHE responsibilities across the Army.

7-17. In order to discharge his responsibilities CGS has delegated specific responsibilities to CINC Land Forces and in turn to Chief of Staff (COS) Land Forces (chair of the Army Environment Safety Board [AESB]) who is responsible for Safety, Environmental Protection and Sustainable Development related matters. Chief Environment and Safety Officer (CESO) Army is the lead branch for Army S&EP policy matters and focal point for the Land Forces TLB. The lead on SD issues rests with the Director of Infrastructure (DInfra).

7-18. The Regional Forces Chain of Command is responsible for S&EP implementation. Conservation matters at a Garrison or Unit level are channelled through the existing Divisional Environmental Protection Focal Point arrangement. Where appropriate, dedicated responsibilities may be assigned at Garrison or Unit level.

Royal Air Force (RAF)

7-19. The SofS delegates responsibility for SHE within the RAF to the Chief of the Air Staff who has, through CINC Air, further delegated the responsibility to Deputy CINC Operations (Ops). Deputy CINC Ops (RAF representative on the DESB) has further delegated the authority and responsibility for routine SHE management within the RAF to Chief of Staff Support (RAF representative on the DESB Project Management Committee). On behalf of Chief of Staff Support, the Assistant Chief of Staff Support chairs the RAF SHE Committee. CESO (RAF) is the lead branch for RAF SHE policy matters, including conservation.

Defence Equipment & Support (DE&S)

7-20. The SofS delegates responsibility for SHE protection within DE&S to the Chief of Defence Materiel (CDM). The Chief of Corporate Services is the Sustainable Development lead on the main board and has delegated responsibility for environmental policy and assurance to Head Safety and Environmental Protection (the CESO DE&S role) within Director Safety and Engineering. Within the S&EP team, the Acquisition Safety and Environmental Group lead on equipment and procurement related environmental policy and the Occupational SHE team lead on estate related environmental policy. Accountability is delegated down the management chain within each 2* Director cluster area.

Defence Science and Technology Laboratory (Dstl)

7-21. The CE Dstl is responsible for discharging SHE responsibilities, and who in turn delegates the duty to the Dstl Head of Estates. Senior Estates Managers are responsible for fulfilling these duties on behalf of the Head of Estates.

Meteorological Office (Met Office)

7-22. The CE of the Met Office has responsibility for ensuring that the strategic principles of the SofS' Policy Statement on Safety, Health, Environment Protection and SD are achieved. The Director of Government Business undertakes the role of SD champion for the Met Office with SD implemented across the Office through its Corporate Responsibility (CR) arrangements. These arrangements are primarily directed and monitored by the Met Office's CR Committee and supported by other committees and groups (e.g. Health and Safety Committee).

UK Hydrographical Office (UKHO)

7-23. The UKHO CE is responsible for discharging SHE responsibilities and who delegates the Head of Transformation Change & Human Resources, who's Division is responsible for fulfilling these duties via the Facilities Management and S&EP teams.

Other MOD Non-Departmental Public Bodies (NDPBs) & Trading Funds

7-24. MOD NDPBs and Trading Funds are responsible for ensuring that relevant statutory and Government policy obligations for nature conservation and biodiversity are addressed through their management structures.

Contracted Out Operations

7-25. Contractors & Industry Partners are required to comply with MOD policy, including compliance with all relevant legislation and to support MOD in achieving the SD objectives and targets set out in the Departmental Plan, the MOD's [SD Report and Action Plan](#), the MOD Environmental Management System (EMS) and other estate policy requirements. This should be identified to contractors as a standard requirement in all tender documents and works orders.

7-26. For contracted out operations such as on the MOD/Government-owned contractor-operated (GOCO) estate or Regional Prime Contracts (RPCs), the MOD Sponsor for the contract has the responsibility for ensuring that statutory conservation obligations and MOD policy are complied with.

7-27. The mode of delivery (PPP / PFI / Stand Alone Prime Contract, etc.) determines who will be responsible for conducting project level appraisals and ensuring that conservation obligations are delivered. Compliance with statutory sustainability/conservation and policy obligations should be built into the contract.

7-28. Industry partners/contractors are required to be competent and resourced to incorporate sustainable development and nature conservation into their activities, and this requirement should be addressed during the contract negotiations. In order for the MOD to fulfil its wider Government reporting requirements, the Industry Partner/Contractor should be tasked to provide the necessary SD Performance Data.

7-29. Contractors are obliged to liaise with DE/MOD staff as first point of contact when it is necessary to engage external stakeholders, and to review records or collate sustainability/nature conservation information before taking action. DE undertakes the Competent Authority role for MOD under the Habitats Regulations on the defence estate and has a defined relationship with Statutory Bodies. Using the DE focal point also maintains relationships and clarity for our stakeholders.

7-30. Contractors are to verify that they have the capability to deliver MOD policy and to ensure that they have taken all measures to check for legislative designations, significant features or species in the course of their activities.

7-31. Liaison by the contractor with MOD staff is necessary for MOD/DE's overview and intelligent customer role.

United States Visiting Forces (USVF) in the UK

7-32. The policy requirements of this Chapter will be followed in relation to sites occupied by USVF, although the exact detail of its process may vary. DE is responsible for Visiting Forces Compliance matters in relation to the estate. MOD Environmental Advisors will provide support to USVF operational activities at the various sites and are co-located with their USVF environmental counterparts. MOD Environmental Advisors provide advice to USVF on MOD and UK requirements in relation to their operational activities and act on behalf of the local DE manager for the site as agent for the HoE.

7-33. Within the DE Ops International Directorate, the DE Ops International USVF Division Sustainability Environmental Manager provides the functional management and co-ordination link between MOD Environmental Advisors, USVF, MOD and wider DE staff on conservation matters and provides the management liaison with Natural England and other organisations at a local level. Refer to JSP 418, Volume 1, Chapter 18 for more information about USVF.

Specialist Environmental Support

7-34. TLBs delegate their responsibilities to Budget Holders who are advised in the following ways.

7-35. DE ES are responsible for providing professional advice to TLBs on estate management matters and with managing the MOD estate with the funds provided.

7-36. MOD Environmental Advisors are responsible for providing advice on environmental and conservation management matters and on specific areas or topics. They must be appropriately trained or qualified for the environmental subject matter on which they are advising. The DE ES should be contacted initially for issues relating to conservation or the rural estate.

7-37. MOD Environmental Advisors have the following areas of responsibility:

- Co-ordinating the delivery of conservation activities on the defence estate through the DE ES and TLB authorities;

- Advise on the impacts on, and the management and enhancement of biodiversity interests on the defence estate;
- Advise on the effect of MOD developments and activities upon the environment, including requirements for any sustainability and environmental appraisals;
- Advise and support the education of Service and civilian personnel in conservation matters;
- Advise and support on the management of habitats, species, landscape and access;
- Advise the relevant TLB authority of any representation made by the Statutory Bodies;
- Advise and support Units/Establishments in cases where national defence requirements prevent providing Statutory Bodies (SB) with the required notice of damaging operations; and
- Maintain close liaison with TLB Environmental Focal Points in the conduct of this work.

7-38. In addition to the MOD Environmental Advisor functions detailed above, Professional & Technical Services (PTS) Environmental Advisory Services (EAS) Natural Environment Team (NET) as part of the DE Ops North Directorate will also:

- Maintain a list of all designated sites, ensuring that TLB Environmental Focal Points, Units/Establishments and DE ES are aware of the designated sites and protected species on their site and inform them of any special considerations;
- Co-ordinate consultations with SB's regarding any new or any changes made to site designations;
- Provide a co-ordination and support role for the development and delivery of nature conservation and management;
- Co-ordinate deer management activities.

7-39. Close liaison is to be maintained with the site and TLB public relations staff and every opportunity should be taken to promote any positive conservation work and activities. All publicity should be cleared with the appropriate senior officer and Public Relations office. The appropriate MOD Environmental Advisor and regional DE offices should be consulted before any reports on conservation on MOD property or details of species and habitats are published.

Heads of Establishment/Commanding Officers (HoEs/COs)

7-40. HoEs/COs of MOD land and property⁴ are responsible for ensuring that they are aware of and comply with all legislation and MOD policy which pertains to each site, and that this knowledge is disseminated to all users, both military and civilian.

7-41. HoEs/COs are required to:

- Consult their ES and Environmental Protection Advisor/CESO Environmental Focal Point who may seek the advice of MOD Environmental Advisors concerning the requirements of environmental and conservation legislation. They should be conversant with all activities, planned or current that may have an impact on the conservation or environmental interest at their site. They should ensure that any change or increase in magnitude of activity or development should be subject to a relevant sustainability and/or environmental appraisal prior to its approval.
- Ensure that the SETL and all contractors, are aware of protected sites, species, environmental obligations and MOD policy, and the requirement for new proposals

⁴ Including that owned by Reserve Forces & Cadets Association (RFCA)

to undergo sustainability and environmental appraisals as necessary. Option studies, designs, specifications, tender documents and contracts must reflect the requirements of conservation and other sustainable development issues, including those covering adjacent areas, as identified in sustainability and/or environmental appraisals.

- Take appropriate steps to ensure all users (of whatever category) are briefed concerning any relevant protected sites and species. This should be regarded as an essential part of all Unit briefings, and included in pre-exercise briefs and standing orders. HoEs/COs and managers should consider issuing a short local conservation brief to all user units.
- Maintain their site EMS/Integrated Rural Management Plan (IRMP) to ensure they keep up-to-date with new initiatives or projects (e.g. the results of new surveys). They should maintain close liaison with MOD Conservation Groups (see JSP362, Volume 3, Chapter 3, Leaflet 11 on MOD Conservation Groups).

7-42. Although it is not always possible to include instruction on conservation matters in current training programmes, HoEs/COs should encourage personnel to take an active interest in conservation matters generally.

7-43. MOD Environmental Advisors, ES and DE Prop must be kept informed of any matters of conservation interest as appropriate.

Other Users

7-44. Users are to ensure that they are fully briefed on the environmental sensitivity of each site and inform the local HoE/CO and ES of any damage to, nature conservation, landscape or other sensitive sites or species to ensure that active remediation can be undertaken. The ES must ensure that the appropriate MOD Environmental Advisor is also aware of the infringement.

MOD POLICY

7-45. This section will outline the Government and MOD policies which govern nature conservation. For more detail on mandatory practise or guidance, please see Further Information which contains links to relevant, more detailed Practitioner Guidance.

7-46. The UK is signed up to several International Conventions that relate to the conservation of biodiversity and the natural environment. Within the UK, these Conventions are translated into legislation, policies and strategies with associated objectives and targets. These include the [UK Biodiversity Action Plan](#) (BAP) (1994) and the [UK SD Strategy](#). Please see the further information section for more detail on these.

7-47. The main UK statutory obligations for nature conservation derive from the [Wildlife and Countryside Act](#) (WCA) 1981, [Conservation of Habitats \(&c\) Regulations 1994](#) (or equivalent in the devolved administrations), [Countryside & Rights of Way](#) (CROW) Act 2000, and [Natural Environment and Rural Communities](#) (NERC) Act 2006. Other relevant legislation may apply on the overseas estate.

7-48. Biodiversity and nature conservation is an integral part of the Government's SD Strategy. MOD's sustainable development commitments have been outlined in the SofS for Defence's Policy Statement for Safety, Health and Environment Protection

which states “Ensure that MOD plays its part in leading by example to deliver sustainable development in line with Securing the Future⁵”.

7-49. MOD, as a government department, must comply with UK Government Policy and UK Statutory Regulations. On the overseas estate, Establishments will comply with local legislation, and in addition, where UK standards exceed local standards, will apply the UK standards. It is MOD policy to ensure that natural environment issues are fully integrated with operational and training requirements and safety issues. All military and estate management activities must comply with all current UK conservation legislation. Through this compliance it aims, in so far as is compatible with operational requirements, to fulfil MOD obligations with all relevant International Conventions. All biodiversity and conservation management should be managed through the relevant establishments EMS, Integrated Estate Management Plan (IEMP) or IRMP.

Designated Sites

7-50. MOD has statutory duties and commitments to ensure that the potential impacts of its activities on any designated site are considered and managed. Relevant personnel, therefore, need to be aware of designated sites that are on, adjacent to, or near to, MOD Establishments, or where MOD has a licence to train. For practical purposes, site staff should be aware of all designated sites within 5km of their site, and should consider designated sites further afield when appropriate.

7-51. If an MOD Establishment includes freehold, leasehold, tenanted or contractor-operated land that lies within a statutory protected site, the HoE/CO has responsibility for ensuring that the special features are protected from damaging activities and managed in accordance with MOD policy and UK legislation⁶. Where a MOD Establishment is adjacent, near to, has licence to train on, or otherwise may affect land that lies within such a site, the HoE/CO has responsibility for ensuring that the special features are protected from damaging activities. TLBs should seek to improve the nature conservation value of this land so as to achieve Government targets for designated sites.

7-52. All incidents of environmental damage to designated sites or protected species are to be reported to the MOD Environmental Advisor via the Defence Estates Land Management Service (LMS) and the TLB Environmental Focal Points as soon as possible. It is the ES responsibility to report damage to the appropriate SB. DE Prop must be made aware of such incidents that may give rise to official complaints or parliamentary questions. Refer to Practitioner Guidance on Designated Sites for more detailed information on how to manage designated sites issues.

Natura 2000 Network (Special Areas of Conservation (SAC), Special Protection Areas (SPA), European Marine Sites (EuMS), and Ramsar sites

7-53. MOD has statutory duties to protect and where appropriate enhance European and Internationally protected sites and species for which it has management responsibility. The EC Habitats Directive 1992⁷ provides for the creation of SACs, these combined with SPAs created under the EC Birds Directive⁸ form a network of protected areas across the European Union, known as “Natura 2000”.

⁵ Securing the Future is the UK Government’s Sustainable Development Strategy (2005)

⁶ Or equivalent legislation on the overseas estate

⁷ [Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora](#)

⁸ [Council Directive 79/409/EEC on the conservation of wild birds](#)

7-54. For sites designated, or in the process of being designated as a European site (SAC, candidate SAC, SPA, potential SPA and including marine SACs/SPAs), or as Ramsar sites, MOD will comply with the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and the [Offshore Marine Conservation \(Natural Habitats, &c\) Regulations 2007](#), or the relevant local legislation in Scotland, Northern Ireland, Germany, Cyprus and Gibraltar.

7-55. As a “Competent Authority”⁹, MOD has a general duty, in the exercise of any of its functions, to have regard to the requirements of the Habitats Directive. As such, MOD must make the judgements as to whether plans or projects are likely to have significant effects on SPAs or SACs with advice from the relevant SB and, where necessary, undertake Habitats Regulations Assessments (HRA)¹⁰. For marine sites, MOD is also a “Relevant Authority”, and may contribute to and should be consulted on the establishment of management schemes. Refer to Section 5 of the [MOD Sustainability and Environmental Appraisal Tools \(SEAT\) Handbook](#) for further guidance.

7-56. In the UK, the decision-making role of MOD as a Competent Authority cannot be transferred to a private partner or contracted out, although partners, contractors or consultants may be involved in undertaking work to support the decision-making process for HRA.

7-57. For further detailed information regarding HRA, including for details on where procedures differ on the Overseas MOD estate, please consult the Practitioners Guidance on Designated Sites. Also please refer to the MoU’s between the MOD and various SB’s for further information on working with other government departments in relation to SACs, SPAs and Ramsar sites.

Sites of Special Scientific Interest (SSSIs)

7-58. SSSIs are areas of land that have been notified as being of special interest (by reason of their flora, fauna, geological or physiographical features). In England and Wales they are protected under Part II of the WCA 1981 (as amended). In Scotland they are protected under the [Nature Conservation \(Scotland\) Act 2004](#). In Northern Ireland, they are notified as Areas of Special Scientific Interest (ASSIs) under the [Wildlife \(Northern Ireland\) Order 1985](#).

7-59. For MOD land notified as a SSSI/ASSI, TLB authorities must comply with the requirements set out under the above mentioned Acts. Where MOD has management responsibility for a SSSI/ASSI, a MOD Conservation Group or Focal Point must be established and a management plan produced to ensure the objectives to achieve “favourable condition” status are met. In addition, MOD will contribute to the Government target to achieve 95% of SSSI land in ‘favourable’ or ‘unfavourable recovering’ condition by 2010.

7-60. For each site, a list of potentially damaging operations is provided. These listed operations cannot be carried out without consent from the SB. Refer to the Practitioner Guidance on Designated Sites for the process of applying for SB consent or whether ongoing military activities have been agreed with the SB under the DoI¹¹.

⁹ A Competent Authority is any Minister, government department, public body, or person holding public office

¹⁰ HRA assesses the impacts of any plan or project likely to have a significant adverse effect on a European/International site and is a requirement under the Habitats Directive. It comprises of two stages; Judgment of Likely Significant Effects (JLSE) and Appropriate Assessment (AA)

¹¹ Links to the DoI can be found in the Further Information section

7-61. When carrying out operations that are in danger of affecting the conservation status of the SSSI, it is MOD policy to engage in early consultation with SB's to ensure compliance with conservation legislation.

7-62. Where damage occurs to a SSSI for which MOD has management responsibility for, DE must be informed immediately. Lead responsibility for liaising with the SB over any impacts to MOD SSSIs remains with DE.

7-63. MOD retains responsibility for safeguarding SSSIs where it authorises activities by third parties and enables casual use of MOD's SSSI land. Please refer to the Practitioner Guidance on Designated Sites for the process of dealing with third party activities on MOD SSSIs, including agricultural tenants.

Internationally and Nationally Protected Species

7-64. Many species of wild plants, birds and animals are protected under EU¹² and UK¹³ legislation, making it an offence to: deliberately capture, kill, disturb or trade in the species listed as protected or to pick, collect, cut, uproot, destroy or trade in protected plants. Some mammals are also afforded protection under other legislation, for example, the [Protection of Animals Act 1911](#), [Deer Act 1991](#), and [Wild Mammals \(Protection\) Act 1996](#). Badgers and their setts are protected under the [Protection of Badgers Act 1992](#).

7-65. HoEs/COs, DE LMS and other relevant members of site staff must ensure that they are aware of any threatened or protected species on their site that may affect or be affected by their activities or developments. Where impacts are unavoidable and there are no alternatives and there is no overall impact on the population status, a relevant licence will need to be obtained before activities or development works commence. For further information on this, please consult the Practitioners Guidance on Protected Species.

Biodiversity and the Wider Environment

7-66. MOD has a general duty under the NERC Act 2006, that "*in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In Scotland, MOD has a duty under the Nature Conservation (Scotland) Act 2004, which places an additional requirement on MOD to further biodiversity interests and to have regard for the [Scottish Biodiversity Strategy](#). MOD also has a duty to further the purposes of the UK BAP (1998).

7-67. It is MOD policy that due regard will be given to national and local priority species and habitats and other species of conservation concern, and where possible, MOD will carry out specific actions for certain habitats and species to support UK BAP targets.

7-68. There are a number of sites on the MOD estate that have local conservation designations. These should be considered as part of management planning and for any new projects or plans. For further information on biodiversity, please refer to the Practitioners Guidance on Biodiversity.

7-69. Where there is a site with a significant biodiversity interest, particularly one with a major designation, a MOD Conservation Group should be established. For more

¹² Conservation (Natural Habitats, &c) Regulations 1994 (and devolved equivalents)

¹³ The Wildlife and Countryside Act 1981 (and devolved equivalents)

information on MOD Conservation Groups, please consult Volume 3, Chapter 3, Leaflet 11 of JSP362.

Sustainable Development & Environmental Tools

7-70. MOD has mandated the use of an EMS. For more information on EMS, please refer to JSP418, Volume 1, Chapter 11.

7-71. MOD has mandated the use of Sustainability and Environmental Appraisals to assess and manage the potential impacts of all new or revised MOD plans, programmes, projects and policies that have the chance to adversely affect the environment, society and the economy. Appraisal methodology allows sustainability issues to be considered in a systematic, transparent and auditable way and should be conducted at the earliest opportunity.

7-72. A single document sets out guidance and methodologies for the appraisal and environmental assessment tools for the MOD estate “The Sustainability and Environmental Appraisal Tools Handbook”. Policy and guidance on Sustainability and Environmental Appraisals is contained within JSP 418, Volume 1, Chapter 14.

Other Relevant MOD Policy

Policy relating to Nature Conservation	Location
Public Access	JSP 362, Vol. 3 Ch.5
Occasional Use of MOD Property	JSP 362, Vol. 3, Ch.2, Leaflet 3
Pest & Weed Control	JSP 362, Vol. 3, Ch.3, Leaflet 4
Management of Deer & Other Hoofed Mammals	JSP 362, Vol. 3, Ch.3, Leaflet 5
Landscape	JSP 362, Vol. 3, Ch.3, Leaflet 6
IRMPs	JSP 362, Vol. 3, Ch.3, Leaflet 10
Disposal of land of high conservation value	JSP 362, Vol. 4, Leaflets 1-4
Managing Grassland on Aerodromes	JSP 554, Section 630, 630A
Sustainable and Environmental Appraisal	JSP 418
EMS	JSP 418
Maritime Activities	JSP 430

APPLICABLE LEGISLATION

7-73. This lists the key pieces of legislation, (not an exhaustive list).

European

- Council Directive 79/409/EEC on the conservation of wild birds (EC Birds Directive);
- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

UK

- Protection of Animals Act 1911;
- Wildlife and Countryside Act 1981;
- Wildlife (Northern Ireland) Order 1985;

- Deer Act 1991;
- Protection of Badgers Act 1992;
- Conservation of Habitats (&c) Regulations 1994;
- Wild Mammals (Protection) Act 1996;
- Countryside & Rights of Way 2000;
- Offshore Marine Conservation (Natural Habitats &c) Regulations 2004;
- Nature Conservation (Scotland) Act 2004;
- Natural Environment & Rural Communities Act 2006.

Overseas

- Cyprus – Protection and Management of Game and Wild Birds Ordinance 2004;
- Cyprus – Protection and Management of Nature and Wildlife Ordinance 2007;
- Gibraltar – Nature Protection Act 1991;
- Gibraltar – Nature Conservation Area (Upper Rock Nature Reserve) (Protection and Regulations) Regulations 1993;
- Gibraltar – Marine Nature Reserve Regulations 1995;
- Germany – Federal Nature Protection Act 2002 (Bundesnaturschutzgesetz);
- Germany – Federal Nature Conservation Act 1998 (Bundesnaturschutzgesetz);
- Germany – Federal Ordinance on the Conservation of Species 1999 (Bundesartenschutzverordnung).

7-74. Other overseas sites (for example the Falkland Islands, Canada, Nepal, Brunei etc.) may have local laws or policy requirements that should be considered. Further advice can be sought from the relevant focal point with DE Ops International.

7-75. Please note that MOD policy is to follow UK standards (legislation, policy, guidance and best practise) where reasonably practicable supplemented with or substituted by Host Nation standards where these are more protective or more appropriate.

FURTHER INFORMATION

7-76. There are a variety of documents that provide detailed information on all that is contained within this leaflet. The following list provides details of these documents.

Internal

- [SofS Policy Statement on Safety, Health, Environmental Protection and Sustainable Development](#) in the MOD;
- [MOD Sustainable Development Report & Action Plan](#);
- The MOD Biodiversity Strategic Statement sets out the vision to conserve and, where appropriate, enhance biodiversity as part of estate stewardship, to contribute to the UK commitment to halt the loss of biodiversity by 2010 and afterwards, whilst ensuring the provision of defence capabilities;
- JSP 418 – [MOD Sustainable Development and Environment Manual](#) – Sustainable Development & Environment Manual;

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- [MOD Sustainability and Environmental Appraisal Tools](#) – for details of any environmental appraisals that may be required due to the conservation status of a site;
 - The [Defence Estates Electronic Business Management System](#) provides guidance on the processes for management of activities and projects that may affect nature conservation and biodiversity;
 - Memorandum of Understanding between MOD and Department of Environment, Food & Rural Affairs (DEFRA), Department of Communities & Local Government (DCLG), Scottish Government, Welsh Assembly Government, and Northern Ireland Executive on the Habitats and Birds Directives. These provide details of working arrangement and measures to ensure that wherever possible MOD's operational and training requirements are not unduly compromised in relation to the management of Natura 2000 sites. These can be seen at: <http://www.mod.uk/DefenceInternet/MicroSite/DE/OurPublications/Agreements/DefraMemorandumOfUnderstanding.htm>
 - Declaration of Intents between MOD and Natural England, Countryside Council for Wales and Scottish Natural Heritage can be found at: <http://www.mod.uk/DefenceInternet/MicroSite/DE/OurPublications/Agreements/Index.htm>. These acknowledge, among other matters, that existing defence activities and patterns of use may continue, whilst recognising a requirement for MOD to consult with the relevant SB over proposals for any significant intensification or change of use within designated sites.
 - Please consult Practitioner Guidance notes on Designated Sites, Protected Species and Wider Biodiversity for further detailed information on their management across the estate; **PUBLISHED SOON**
 - The [Sustainable Development Portal](#) contains information on a number of Sustainable Development issues across the Defence Estate, including nature conservation and biodiversity.

External

7-77. [UK BAP](#) (1994) is the Government's response to the Convention on Biological Diversity signed in 1992. It identifies the species and habitats most at risk in the UK and provides detailed plans with targeted actions for their protection known as Species and Habitat Action Plans.

7-78. [UK Sustainable Development Strategy](#) (Securing the Future) (2005) sets the policy context for government on sustainable development in relation to four shared priorities and five guiding principles.

CONTACTS

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TLB Focal Points

7-79. For a list of TLB Nature Conservation & Biodiversity Advisors, please consult the Practitioner Guides on Designated Sites and Protected Species.

ABBREVIATIONS

1SL	First Sea Lord
AA	Appropriate Assessment
AESB	Army Environment Safety Board
ASSI	Area of Special Scientific Interest (Northern Ireland only)
BAP	Biodiversity Action Plan
CDM	Chief of Defence Material
CE	Chief Executive
CESO	Chief Environment & Safety Officer
CEstO	Customer Estates Organisation
CGS	Chief of General Staff
CINC	Commander-in-Chief
CO	Commanding Officer
COO	Chief Operating Officer
COS	Chief of Staff
CR	Corporate Responsibility
CROW	Countryside & Rights of Way (Act 2000)
CTLB	Central TLB
DB	Defence Board
DCINC	Deputy Commander-in-Chief
DCLG	Department of Communities & Local Government
DE	Defence Estates
DE&S	Defence Equipment & Support
DEFRA	Department of Environment, Food & Rural Affairs
DEMB	Defence Estate Management Board
DESB	Defence Environment & Safety Board
DInfra	Director of Infrastructure
DoI	Declaration of Intent
Dstl	Defence Science & Technology Laboratory
EAS	Environmental Advisory Services
EMS	Environmental Management System
ES	Estate Supervisor
EuMS	European Marine Site
GOCO	Government-owned Contractor-operated
HoE	Heads of Establishment
HRA	Habitat Regulations Assessment
IEMP	Integrated Estate Management Plan
IPT	Integrated Project Team
IRMP	Integrated Rural Management Plan
ISO	International Organization for Standardisation
JLSE	Judgement of Likely Significant Effects
JSP	Joint Service Publication

LMS	Land Management Services
MESG	Maritime Environmental Steering Group
Met	Meteorological
MoU	Memorandum of Understanding
NavCom	Navy Command
NDPB	Non-Departmental Public Bodies
NERC	Natural Environment & Rural Communities (Act 2006)
NET	Natural Environment Team
Ops	Operations
PFI	Private Finance Initiative
PPP	Public Private Partnership
Prop	Property Directorate
PTS	Professional & Technical Services
PUS	Permanent Under Secretary
RAF	Royal Air Force
RFCA	Reserve Forces & Cadets Association
RN	Royal Navy
RPC	Regional Prime Contract
S&EP	Safety and Environmental Protection
SAC	Special Area of Conservation
SB	Statutory Body (s)
SD	Sustainable Development
SEAT	Sustainability & Environmental Assessment Tool
SEMS	Safety & Environmental Management System
SETL	Site Estate Team Leader
SHE	Safety, Health & Environment
SofS	Secretary of State
SPA	Special Protection Area
SSMO	Ship Safety Management Office
SSSI	Site of Special Scientific Interest
TLB	Top Level Budget Holder
UKHO	UK Hydrographic Office
USVF	United States Visiting Forces
WCA	Wildlife & Countryside Act (1981)