

# UK Technical Advisory Group on the Water Framework Directive

## Guidance on determining whether Natura 2000

### Protected Areas are meeting the requirements of Article 4 (1c)

**(Final – Revised March 2011)**

**This Guidance Paper is a working draft defined by the UKTAG. It documents the principles to be adopted by agencies responsible for implementing the Water Framework Directive (WFD) in the UK. This method will evolve as it is tested, with this working draft being amended accordingly.**

<b>Working Paper Version:</b> From WP11t <b>WFD Requirement:</b> Key terms: Article 4, Natura protected areas	<b>Status:</b> Approved by UKTAG <b>UKTAG</b> Status of version: Final – Revised March <b>Review:</b> 2011
--	--

## 1. Introduction

1.1 Previous agreed guidance on Natura 2000 (N2K) ‘protected areas’ has established which habitats and species ‘features’ of the Habitats and Birds Directives should be considered as water dependent for the purposes of the WFD (UK TAG Guidance 4a- *Identification of Natura 2000 protected areas*). This has led to the entry of N2K protected areas designated for one or more water- dependent ‘feature’ onto the register of protected areas, as required by Article 6. Determining whether ‘protected areas’ are meeting the requirements of Article 4 (1c) is independent of the classification of ‘water bodies’ and indeed covers “areas” which are not ‘water bodies’. Furthermore, ‘water bodies’ may meet the requirements of Article 4 (1a & 1b) whilst the ‘protected area’ element fails to meet the requirements of Article 4 (1c)<sup>1</sup>. According to guidance from Government, the deadline for ensuring that a water dependent N2K protected area is achieving the requirements of Article 4(1c) is 2015. If the protected area is also a water body, the deadline may be extended provided (i) the relevant conditions described within Article 4 (4) are met; and (ii) that doing so does not undermine compliance with the requirements relating to the particular protected area.

---

<sup>1</sup> Article 4 (1c) - In making operational the programmes of measures specified in the river basin management plans, for protected areas, Member States shall achieve compliance with any standards and objectives set for each protected area by 22 December 2015<sup>1</sup>, unless otherwise specified in the Community legislation under which the protected area was established

1.2 With reference to Article 4.1c WFD, the overarching aim for water-dependent N2K protected areas is described by UK TAG guidance (WP4a - Guidance on objectives and standards for Protected Areas<sup>2</sup>). This defines that the objective for Natura Protected Areas is to “Protect and, where necessary, improve the status of the water environment to the extent necessary to achieve the conservation objectives that have been established for the protection or improvement of the site’s natural habitat types and species of Community importance in order to ensure the site contributes to the (i) achievement of favourable conservation status under the Habitats Directive (ii) the conservation (survival and reproduction in their area of distribution) of birds species listed in Annex I of the Birds Directive. Favourable Conservation Status is defined in Article 1 of the Habitats Directive<sup>3</sup>.

1.3 The legislation transposing the Habitats and Birds Directives sets no statutory ‘standards’ that have to be achieved, however, the Habitats and Birds Directives require the setting of ‘conservation objectives’ for each N2K area, in order to determine if the aims and objectives of the Directives are being met, to ensure that measures taken are designed to maintain features at or restore features to favourable conservation status and to help determine the impact of any plans and projects. Conservation objectives (or in Scotland “Condition Objectives”) are also used to assess whether a designated habitat or species is in favourable condition on each N2K area, and therefore contributing to FCS at the member-state scale.

1.4 UK TAG guidance WP4a states that the standards required to achieve the objective for a Natura Protected Area are the biological, physico-chemical and hydromorphological standards in surface water and groundwater that are necessary to support the achievement of the conservation objectives that have been established for site. (Hereafter referred to as the ‘environmental conditions’).

1.5 In Wales Natura site conservation objectives are confirmed as being the ‘Standards and Objectives’ referred to in Article 4.1c. by a Welsh Ministerial statement (November 2009<sup>4</sup>).

## **2. Determining whether a ‘feature’ is meeting Article 4.1c requirements**

2.1 Water dependent features (as defined in the 2003 UKTAG guidance) shall be judged as meeting their Article 4 (1c) objectives if:

- (i) that feature was reported to the JNCC in 2006 (or in a more recent condition assessment) as meeting the relevant conservation objectives
- (ii) if the environmental conditions necessary to achieve conservation objectives have been established and are in place (see para 1.4 above) **or**
- (iii) if the feature was assessed as not meeting these criteria but this was due a failure to achieve a target for an attribute that is clearly not water related.

<sup>2</sup> [http://www.wfduk.org/tag\\_guidance/Article\\_06-07/guidance\\_protected\\_areas](http://www.wfduk.org/tag_guidance/Article_06-07/guidance_protected_areas)

<sup>3</sup> Favourable conservation status is the sum of the influences ....  
see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992L0043:20070101:EN:HTML>

<sup>4</sup> <http://wales.gov.uk/publications/accessinfo/drnewhomepage/environmentdrs2/environmentdrs2009/habitatcreation/:jsessionid=yQTSL9RctCsGVRCmJVpDS6hQBj3rdrZHpTZfY12vQ820t2vTLHwJ!-1718541967?lang=en>

2.2 The Habitats Directive requires that surveillance of the Community interest features be carried out. For Natura 2000 sites this is undertaken by the UK conservation agencies, using the JNCC Common Standards Monitoring (CSM) framework. Associated guidance sets out a range of attributes (and their targets) for assessing the condition of a feature. For each feature on a N2K protected area, conservation objectives (or condition objectives in Scotland) are established by the conservation agencies. Appendix I provides an extract from the River Eden SAC protected area as an example. The conservation objectives contain the list of attributes and the targets to be used for assessing feature condition on that particular protected area. These are based on the guidance but may differ to suit local conditions. Appendix II contains an example of the attributes and targets established for a species, Atlantic Salmon, on the River Usk. Achievement or failure of the ‘conservation objective’ for a feature is determined through monitoring against the attributes and targets. The results of this assessment will be used to determine whether Natura 2000 protected areas are meeting their objectives, as set out in section 1.2.

2.3 Attributes and targets have been identified for every feature designated under the Habitats and Birds Directives. Appendix III provides the links to each of the relevant CSM guidance documents.

### **3. Meeting Article 4.1c requirements at the N2K protected area level:**

3.1 Where a protected area is designated for more than one water-dependent feature, that Protected Area shall be reported as meeting the requirements of Article 4 (1c) when:

- (i) all the water dependent features are assessed as meeting the relevant conservation objectives or
- (ii) if the environmental conditions necessary to achieve conservation objectives have been established and are in place (see para 1.4 above) or
- (iii) if any feature was assessed as not meeting these criteria but this was due a failure to achieve a target for an attribute that is clearly not water related.

3.2 The conservation agencies are responsible for setting the attributes and targets for determining the condition of designated habitats and species, and therefore for determining if the N2K protected area is meeting the requirements of Article 4 (1c). Where more than one objective is set, the most stringent will apply.

## **4. Reporting progress and demonstrating every effort is being made to comply with Article 4.1c objectives**

4.1 Member states have an obligation to report progress in implementation of RBMP measures under Article 15(3) of the WFD. An obligation also exists under Article 17 of the Habitats directive to report on the implementation of conservation measures and an evaluation of the impact of those measures, on the conservation status of the natural habitats. These reporting mechanisms should be utilised to demonstrate that every effort is being made toward meeting the requirements of Article 4.1c.

4.2 Aspiring to meet the requirements of Article 4.1c is a challenging target. As a first step toward demonstrating that every effort is being made, all measures identified in the programme of measures should have been made “operational” by 2012. This is required by Article 11.7 WFD.

4.3 Where the conservation objectives for water dependent features, or the environmental conditions established to achieve them are not met by 2015 (unless the deadline has been extended), it will be necessary to demonstrate that every effort continues to be made toward meeting the requirements of Article 4.1c.

## **5. Classification and reporting at the River Basin District level**

5.1 The River Basin Management Plan must contain a map showing the results of monitoring and assessment of the N2K 'protected areas' (Annex VII of the WFD).

5.2 If the RBMP is likely to have a significant effect (alone or in combination with other plans or projects), the Competent Authority (WFD) must carry out an appropriate assessment to determine any adverse effects of the plan. Where required, an appropriate assessment will be made in view of the conservation objectives of the site(s) in question. Subject to provisions set out below, a RBMP can only be approved having ascertained no adverse effect on the integrity of the site(s) concerned. (Regulation 61 of The Conservation of Habitats and Species Regulations 2010)

5.3 Where a negative conclusion to an assessment is determined (i.e. it cannot be determined that a RBMP will not have an adverse effect on the integrity of any N2K protected area in the RBD), consideration should be given to amending the plan to avoid the identified adverse effect. Where this cannot be avoided, the RBMP may still proceed, provided there are no alternatives and there are imperative reasons of overriding public interest. Where priority habitats or species are affected the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or subject to an opinion from the European Commission (Regulation 62). Where such cases arise compensatory measures are required to ensure the overall coherence of the Natura 2000.

**Appendix I Example** of conservation objectives for an SAC protected area - **extract** from River Eden SAC

# Conservation objectives and definitions of favourable condition for designated features of interest



North West - North Team

Juniper House,

Murley Moss,

Oxenholme Road,

Kendal LA9 7RL

Tel: 01539 792800

Fax: 01539 792830

**These Conservation Objectives relate to all designated features on the SSSI, whether designated as SSSI, SPA, SAC or Ramsar features.**

Name of Site of Special Scientific Interest (SSSI)	
River Eden and Tributaries	
Names of designated international sites	
<b>Special Area of Conservation (SAC)</b>	<b>River Eden</b>
<b>Special Protection Area (SPA)</b>	<b>N/A</b>
<b>Ramsar</b>	<b>N/A</b>
Relationship between site designations	
<p>The River Eden and Tributaries SSSI and SAC boundaries co-inside throughout.</p> <p>This SSSI is adjacent to Birk Fell, Gowbarrow Park, Brothers Water, Low Wood, Eden Gorge, Skiddaw Group, Upper Solway Flats and Marshes, Irthing Gorge, Geltsdale and Glendue Fells, Sunbiggin Tarn and Moors and Little Asby Scar, Spadeadam Mires, King Water, Janny Wood Section, Swindale Beck, Appleby Fells, Smardale Gill, Scandal Beck and Stone Gill Sites of Special Scientific Interest.</p>	



## **Conservation Objectives and definitions of Favourable Condition: notes for users**

### **Conservation Objectives**

SSSIs are notified because of specific biological or geological features. Conservation Objectives define the desired state for each site in terms of the features for which they have been designated. When these features are being managed in a way which maintains their nature conservation value, then they are said to be in 'favourable condition'. It is a Government target that 95% of the total area of SSSIs should be in favourable condition by 2010.

### **Definitions of Favourable Condition**

The Conservation Objectives are accompanied by one or more habitat extent and quality definitions for the special interest features at this site. These are subject to periodic reassessment and may be updated to reflect new information or knowledge; they will be used by Natural England and other relevant authorities to determine if a site is in favourable condition. The standards for favourable condition have been developed and are applied throughout the UK.

#### *Use under the Habitats Regulations*

The Conservation Objectives and definitions of favourable condition for features on the SSSI may inform the scope and nature of any 'appropriate assessment' under the Habitats Regulations. An appropriate assessment will also require consideration of issues specific to the individual plan or project. The habitat quality definitions do not by themselves provide a comprehensive basis on which to assess plans and projects as required under Regulations 20-21, 24, 48-50 and 54 - 85. The scope and content of an appropriate assessment will depend upon the location, size and significance of the proposed project. Natural England will advise on a case by case basis.

Following an appropriate assessment, competent authorities are required to ascertain the effect on the integrity of the site. The integrity of the site is defined in paragraph 20 of ODPM Circular 06/2005 (DEFRA Circular 01/2005) as the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. The determination of favourable condition is separate from the judgement of effect upon integrity. For example, there may be a time-lag between a plan or project being initiated and a consequent adverse effect upon integrity becoming manifest in the condition assessment. In such cases, a plan or project may have an adverse effect upon integrity even though the site remains in favourable condition.

The formal Conservation Objectives for European Sites under the Habitats Regulations are in accordance with paragraph 17 of ODPM Circular 06/2005 (DEFRA Circular 01/2005), the reasons for which the European Site was classified or designated. The entry on the Register of European Sites gives the reasons for which a European Site was classified or designated.

#### Explanatory text for Tables 2 and 3

Tables 2, 2a and 3 set out the measures of condition which we will use to provide evidence to support our assessment of whether features are in favourable condition. They are derived from a set of generic guidance on favourable condition prepared by Natural England specialists, and have been tailored by local staff to reflect the particular characteristics and site-specific circumstances of individual sites. Quality Assurance has ensured that such site-specific tailoring remains within a nationally consistent set of standards. The tables include an audit trail to provide a summary of the reasoning behind any site-specific targets etc. In some cases the requirements of features or designations may conflict; the detailed basis for any reconciliation of conflicts on this site may be recorded elsewhere.

### **Conservation Objectives**

The Conservation Objectives for this site are, subject to natural change, to maintain the following habitats and geological features in favourable condition (\*), with particular reference to any dependent component special interest features (habitats, vegetation types, species, species assemblages etc.) for which the land is designated (SSSI, SAC, SPA, Ramsar) as individually listed in Table 1.

**Habitat Types represented (Biodiversity Action Plan categories)**

Rivers and Streams  
Broadleaved, mixed and yew woodland (Wet woodland)  
Fen, marsh and swamp (Lowland wetland)  
Standing Open Water

**Species represented**

Atlantic salmon *Salmo salar*  
River lamprey *Lampetra fluviatilis*  
Brook lamprey *Lampetra planeri*  
Sea lamprey *Petromyzon marinus*  
Bullhead *Cottus gobio*  
White-Clawed crayfish *Austropotamobius pallipes*  
Schelly *Coregonus lavaretus*  
Otter *Lutra lutra*  
Invertebrate Assemblage  
Breeding bird assemblage  
Sand martins (breeding)

**Geological features (Geological Site Types)**

KARST (IK)

(\*) or restored to favourable condition if features are judged to be unfavourable.

Standards for favourable condition are defined with particular reference to the specific designated features listed in Table 1, and are based on a selected set of attributes for features which most economically define favourable condition as set out in Table 2, Table 2a and Table 3.



**Table 1 Individual designated interest features**

BAP Broad Habitat type / Geological Site Type	Specific designated features	Explanatory description of the feature for clarification	SSSI designated interest features	SAC designated interest features	SPA bird populations dependency on specific habitats			Ramsar criteria applicable to specific habitats			
					Annex 1 species	Migratory species	Waterfowl assemblage	1a Wetland characteristics	2a Hosting rare species &c	3a 20000 waterfowl	3c 1% of population
Rivers and Streams	<p><b>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</b></p> <p>'Whole River' SSSI</p> <p>Type VI Rivers on sandstone, mudstone and hard limestone in England and Wales.</p>	Whole river ecosystem including characteristic aquatic and riparian habitats and species.	*	*							

**Table 2 Habitat extent objectives**

<b>Conservation Objective for habitat extent</b>	To maintain the designated features in favourable condition, which is defined in part in relation to a balance of habitat extents (extent attribute). Favourable condition is defined at this site in terms of the following site-specific standards.
<b>Extent - Dynamic balance</b>	On this site favourable condition requires the maintenance of the extent of each habitat type (either designated habitat or habitat supporting designated species). Maintenance implies restoration if evidence from condition assessment suggests a reduction in extent.

<b>Habitat Feature (BAP Broad Habitat level, or more detailed level if applicable)</b>	<b>Estimated extent (ha) and date of data source/ estimate</b>	<b>Site Specific Target range and Measures</b>	<b>Comments</b>
<p><b>SSSI Area = 2491.09ha</b></p> <p><b>SAC Area = 2463.23ha</b></p> <p>Areas of lowland wetland and wet woodland which are not <b>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</b> are excluded from the SAC.</p>			
<b>Rivers and Streams</b>	410km length  Area to be measured	No loss of extent	NB. The designated boundaries of the river do not include the full area of influence which includes the wider River Eden catchment as a whole.
<b>Standing open water</b>	Area to be measured	No loss of extent of standing water.	Changes caused by active management, such as infilling or channel diversion should be assessed. Changes due to drying out or successional change are covered under other attributes.

**Rivers and Streams (details of site-specific standards defining favourable condition)**

**GUIDANCE ON CONSERVATION OBJECTIVES FOR MONITORING DESIGNATED SITES: SSSI / SAC RIVERS**

**Modified from UK Common Standards guidance for use in England: Interest feature: Rivers**

**Equivalent Phase 1 type: G2 running water (part)**

**Annex I habitats included:** H3260 Water courses of plain to montane levels with *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

**Reporting category: Rivers and streams**

**NB** All attributes listed are mandatory unless indicated as discretionary or site specific (e.g. for SACs only) by \*.

Attribute	Targets	Method of assessment	Comments
<p><b>Habitat functioning:</b> water flow</p>	<p>Flow regime should be characteristic of the river. Levels of abstraction should not exceed Generic River Flow Thresholds as laid down in Table 1c in relation to daily naturalised flows except where detailed site-specific hydro-ecological studies of habitat-flow relationships provide robust evidence to justify deviation from those Generic Thresholds.</p>	<p>Data on gauged and naturalised flows, flow accretion methods, and the Resource Assessment Method (RAM) Framework.</p> <p>Site-specific hydro-ecological studies.</p>	<p>Naturalised flow is defined as the flow in the absence of abstractions and discharges.</p> <p>River flow affects a range of habitat factors of critical importance to characteristic flora and fauna, including current velocity, water depth, wetted area, substrate quality, dissolved oxygen levels and water temperature. The maintenance of both flushing flows and seasonal base flows, based on natural hydrological processes, is vital.</p> <p>The generic targets vary according to the specific sensitivity of the reach type to abstraction. Within the CAMS programme the headwaters of the main River Eden and its tributaries are defined as 'very high' and the main river is defined as 'high' sensitivity to abstraction.</p> <p>A more or less stringent threshold may be appropriate for other specified reaches following the completion of robust hydro-ecological investigations undertaken during the Review of Consents process. Detailed and ecologically robust investigations of habitat-flow relationships in Stage 3 of the Review of Consents have identified that the River Eamont will be allowed to deviate from table 1c at moderate flows only</p>

**Appendix II**

Example of the performance indicators (attributes and their targets) established for assessing the condition of Atlantic Salmon on the River Usk SAC. Relevant Units refers to sections of the River for which the target applies. Each SAC/SPA may have slightly different targets to reflect site specific conditions or differences in monitoring data collected.

<i>Atlantic salmon <i>Salmo salar</i>:</i>			
<i>Performance indicators for feature condition</i>			
<i>Attribute</i>	<i>Specified limits</i>	<i>Comments</i>	<i>Relevant unit(s)</i>
a) Adult run size	Conservation Limit Limit complied with at least four years in five (see 5.4)	CSM guidance states: Total run size at least matching an agreed reference level, including a seasonal pattern of migration characteristic of the river and maintenance of the multi-sea-winter component.  As there is no fish counter in the Usk, adult run size is calculated using rod catch data. Further details can be found in the EA Usk Salmon Action Plan.	All
b) Juvenile densities	Expected densities for each sample site using HABSCORE	CSM guidance states: These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality.  Assessed using electrofishing data.	6-10
<i>Performance indicators for factors affecting the feature</i>			
<b>Water quality</b>			
a) Biological quality	Biological GQA class A	This is the class required in the CSM guidance for Atlantic salmon, the most sensitive feature.	6-10
b) Chemical quality	RE1	It has been agreed through the Review of Consents process that RE1 will be used throughout the SAC (see Annex 3)	All
<b>Hydromorphology</b>			
a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents (see Annex 1)	All

### Appendix III

Guidance on attributes and targets for assessing condition of N2K water dependent habitats and species features designated under Habitats and Birds Directives. (The titles provide links to the relevant document providing you are reading on a PC with open internet access.)

General guidance for Common Standards Monitoring  
Introduction Text, 2003

<http://www.jncc.gov.uk/page-2201>

Coastal Habitats:

- [Common Standards Monitoring Guidance for Coastal vegetated shingle](#) (PDF, 109 kb)
- Download [Common Standards Monitoring Guidance for Sand dunes](#) (PDF, 160 kb)
- Download [Common Standards Monitoring Guidance for Saltmarsh](#) (PDF, 123 kb)
- Download [Common Standards Monitoring Guidance for Maritime cliff & Slope](#) (PDF, 92 kb)

Freshwater Habitats:

- [Common Standards Monitoring Guidance for Canals](#) (PDF, 195kb)
- Download [Common Standards Monitoring Guidance for Ditches](#) (PDF, 161 kb)
- Download [Common Standards Monitoring Guidance for Standing water](#) (PDF, 631 kb)
- Download [Common Standards Monitoring Guidance for Rivers](#) (PDF, 278 kb)

Lowland Grassland:

[Common Standard Monitoring Guidance for Lowland Grassland](#)

Lowland Heath:

[Common Standards Monitoring Guidance for Lowland heathland](#)

Lowland Wetland;

[Common Standards Monitoring Guidance for Lowland Wetland](#)

---

Marine Habitats

- [Common Standards Monitoring Guidance for Generic Introduction for marine features](#) (PDF, 116 kb)
- Download [Common Standards Monitoring Guidance for Littoral rock and inshore sublittoral rock \(Reefs\)](#) (PDF, 135kb)
- Download [Common Standards Monitoring Guidance for Littoral sediment flats \(mud/sand flats\)](#) (PDF, 149kb)
- Download [Common Standards Monitoring Guidance for Inshore sublittoral sediments \(sandbanks\)](#) (PDF, 138 kb)
- Download [Common Standards Monitoring Guidance for Estuaries](#) (PDF, 171 kb)
- Download [Common Standards Monitoring Guidance for Inlets and Bays](#) (PDF, 129 kb)
- Download [Common Standards Monitoring Guidance for Sea Caves](#) (PDF, 79 kb)
- Download [Common Standards Monitoring Guidance for Lagoons](#) (PDF, 175 kb)

Upland Habitats:

[Common Standards Monitoring Guidance for Upland Habitats](#) (PDF, 617 kb)

Woodland:

[Common Standards Monitoring Guidance for Woodland](#) (PDF, 125 kb)

**Reptiles and amphibians:**

[Common Standards Monitoring Guidance for Reptiles and Amphibians](#) (PDF, 567 kb)

**Birds:**

[Common Standards Monitoring Guidance for Birds](#)

**Fish and freshwater fauna:**

[Download Common Standards Guidance on Freshwater Fauna](#)

**Marine mammals:**

[Common Standards Monitoring Guidance for Marine Mammals](#)

**Terrestrial mammals (otters and bats etc):**

[Common Standards Monitoring Guidance for Terrestrial Mammals](#)

**Vascular plants (including freshwater and wetland plants):**

[Common Standards Monitoring Guidance for Vascular Plants](#) (PDF, 618 kb)

**Bryophytes and Lichens:**

[Common Standards Monitoring Guidance for Bryophytes and Lichens](#) (PDF, 650 kb)