



Press Release: 10<sup>th</sup> September 2019

For Immediate Release

## Wales' special Sites for Wildlife under threat from the government body designed to protect them

Sites of Special Scientific Interest (SSSIs) are protected areas of land that represent the very best examples of Wales' natural heritage. Today, under the stewardship of Natural Resources Wales (NRW), these special areas appear to be under threat.

The Initiative for Nature Conservation Cymru (INCC) believes that NRW may have acted unlawfully and breached a number of its statutory duties when failing to object to a development proposal that would have destroyed part of a Site of Special Scientific Interest (SSSI) in Mid Wales earlier this year. The SSSI in question is one of the last remaining fragments of species rich marshy grassland in Powys and noted locally for its potential to support the rare Marsh Fritillary butterfly.

Legal advice sought by INCC from law firm Leigh Day indicates that NRW may be in breach of its statutory duties under several pieces of legislation including the Wildlife and Countryside Act 1981 and the Environment (Wales) Act 2016. The legal advice also highlighted that NRW failed to consider and comply with relevant national planning policy on the management and protections of SSSIs. Most notably, NRW's response ignored Planning Policy Wales guidance on '*the presumption against development likely to damage SSSIs*'.

If adopted more widely throughout Wales, we believe the consequence of NRW's approach toward harmful developments on SSSIs would mean that instead of reversing biodiversity losses in Wales, even more species and habitats will be lost over the coming years.

Rob Parry, Chief Executive of INCC said “At a time when there is a real risk of species becoming extinct in Wales, we look to our Statutory Environmental Body and Environmental Decision Makers for support and leadership. But instead of solutions, they have become part of the problem”.

Carol Day, Solicitor with law firm Leigh Day, said: “NRW is under a duty to further the conservation and enhancement of SSSIs and to object to planning applications that would result in net damage to a SSSI. The failure to discharge this duty not only exposes SSSIs to inappropriate development, it unfairly delegates the responsibility for protecting these important areas to voluntary conservation bodies.”

**-ENDS-**

Notes for editor:

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Photos: available on request

INCC website: [www.natureconservation.wales](http://www.natureconservation.wales)

Leigh Day website: [www.leighday.co.uk](http://www.leighday.co.uk)

## **About INCC**

### **Vision:**

‘A Wales with more wildlife in more places, created by a society that intrinsically values the natural world’.

### **Mission:**

To be the Strong unconstrained voice that Welsh wildlife needs, speaking out and putting the needs of wildlife first.

The reasons for the declines and losses in biodiversity are both numerous and complex, but INCC believes that at the heart of the problem is that wildlife in Wales has lost its voice. Few communities in Wales today fully realise the very desperate situation wildlife is now in, or the factors that continue to cause the losses. Without knowledge of the situation, there can be no drive to put things right at either the public or political level.

INCC's unique role in the nature conservation sector in Wales is to speak out for all wildlife, to be the voice that is needed and to tell the story from wildlife's point of view. While other organisations focus on specific Taxa, habitats, areas or local interests, INCC will speak out for Welsh wildlife in its entirety. INCC will not accept Welsh Government (WG) or Natural Resources Wales (NRW) grant funding for any of its activities. This, along with the support from members will ensure that INCC will remain uncompromised, objective and able to speak out and challenge decision makers for the benefit of wildlife.

### About Marsh Fritillary (*Euphydryas aurinia*)

The Marsh Fritillary Butterfly has undergone widespread and catastrophic declines throughout much of its natural European range and is now thought to be among the most threatened butterflies in Europe (Hula *et al* 2004). The species has retreated from over 60% of its European range (Hula *et al* 2002) and extinct from several previously occupied countries including Belgium and the Netherlands (Warren 1991).

Similar trends for the U.K. have been witnessed with the species undergoing a 55% reduction in range between 1970 and 2000 (Asher *et al* 2001). As a consequence, the Marsh Fritillary is listed under Annex II of the the EC Habitats and Species Directive as well as the Bern Convention and fully protected under the Wildlife and Countryside Act 1981.



Marsh Fritillary Butterfly