

Planning Policy Guidance 9: Nature conservation

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Summary

Planning Policy Guidance notes set out the Government's policies on different aspects of planning. Local planning authorities must take their contents into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

This PPG gives guidance on how the Government's policies for the conservation of our natural heritage are to be reflected in land use planning. It embodies the Government's commitment to sustainable development and to conserving the diversity of our wildlife.

This guidance:

- sets out the Government's objectives for nature conservation, and the framework for safeguarding our natural heritage under domestic and international law;
- describes the key role of local planning authorities and English Nature;
- emphasises the importance of both designated sites and undesignated areas for nature conservation;
- advises on the treatment of nature conservation issues in development plans;
- states development control criteria, particularly for Sites of Special Scientific Interest and sites with additional national and international designations;
- contributes to the implementation of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive);
- elaborates on minerals development and nature conservation, and on the development control implications of species protection.

Key to Abbreviations

AOSP - Area of Special Protection for birds

DOE - Department of the Environment

EA - Environmental Assessment

GCR - Geological Conservation Review

GDO - General Development Order

JNCC - Joint Nature Conservation Committee

LNR - Local Nature Reserve

MNR - Marine Nature Reserve

MPG - Minerals Planning Guidance note

NCC - Nature Conservancy Council

NCR - Nature Conservation Review

NNR - National Nature Reserve

NRA - National Rivers Authority

PPG - Planning Policy Guidance note

SAC - Special Area of Conservation

SPA - Special Protection Area

SSSI - Site of Special Scientific Interest

Introduction

1 The wildlife of Britain is an integral part of its countryside, towns and coasts. The 1990 White Paper *This Common Inheritance* made plain the Government's commitment to sustainable development, and in particular to conserving the natural heritage for the benefit of this and future generations¹. In January 1994 the Government published a national strategy looking at the principles of sustainable development and the processes for implementing and monitoring them². The United Kingdom signed the Biodiversity Convention at the UN Conference on Environment and Development held in Brazil in June 1992. Biodiversity (biological diversity) can be simply defined as "the sum total of life's variety on earth". The Convention includes provisions on habitat conservation and impact assessment. It requires that the components of diversity should be used sustainably; that is, in a way and at a rate which does not lead to their long-term decline, and which maintains their potential to meet the needs of present and future generations. These concepts are not new to the United Kingdom. In response to the Convention the Government published in January 1994 an Action Plan setting out the UK's conservation strategy for the next 10 and 20 years³.

2 The Government's objectives for nature conservation are to ensure that its policies contribute to the conservation of the abundance and diversity of British wildlife and its habitats, or minimise the adverse effects on wildlife where conflict of interest is unavoidable, and to meet its international responsibilities and obligations for nature conservation. Sound stewardship of wildlife and natural features is not a task for Government alone. It depends also on the decisions made by local planning authorities, landowners and others who influence the development and use of land.

3 One of the essential tasks for Government, local authorities, and all public agencies concerned with the use of land and natural resources is to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment. The conservation of nature is important. Attractive environments, where attention is given to nature conservation, are essential to social and economic well-being. With careful planning and control, conservation and development can be compatible.

4 The key to the conservation of wildlife is the protection of the habitat on which it depends. The Wildlife and Countryside Act 1981 introduced the most comprehensive system of wildlife conservation ever seen in this country, based on a network of Sites of Special Scientific Interest (SSSIs). But protection of wildlife is not an objective which applies only in SSSIs; it depends on the wise use and management of the nation's land resources as a whole. The Government looks to local authorities to keep themselves informed of the state of the natural environment locally, and to take account of nature conservation interests wherever relevant to local decisions.

5 This Planning Policy Guidance note (PPG) sets out the principles and policies that apply to the integration of nature conservation priorities and land use planning. But others may also be relevant to nature conservation issues - for example PPG7, which provides guidance on the need to balance economic, conservation, agricultural and other factors in considering development in the

¹ Cm 1200.

² *Sustainable Development: The UK Strategy*, Cm 2426.

³ *Biodiversity: The UK Action Plan*, Cm 2427.

countryside; PPG12, which makes clear that the planning (and especially the development plans) system can contribute to sustainable development and that plan policies and proposals should be subject to appropriate environmental appraisal; PPG 13, which advises on mitigating the impact of transport proposals on the natural environment; PPG17 on the interaction of nature conservation with sport and recreation; PPG20 on coastal planning; and PPG21 on tourism.

6 This PPG first describes the main statutory nature conservation obligations, under both domestic and international law.(Annex A describes the different types of designation under that legislation, and the protection that results). The PPG then explains how nature conservation objectives should be reflected in regional planning guidance and development plans. It goes on to describe the planning controls that help to protect SSSIs, including those of international importance. In particular, it takes account of the implementation of the Habitats Directive, adopted by the Council of the European Communities in May 1992. Annex B shows classified and identified potential sites of international importance, and Annex C advises on development control in such areas in accordance with the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations).

Statutory Framework

7 Successive Governments since 1949 have built up and applied a framework of statutory measures to safeguard the natural heritage. This consists of both conservation and planning legislation and has been strengthened significantly in recent years.

Legislative Landmarks in Nature Conservation

- ***The National Parks and Access to the Countryside Act 1949** introduced the concept of National Nature Reserves (NNRs) and SSSIs, important for their flora and fauna, geological or physiographical (landform) features; and conferred powers on local authorities to create nature reserves.*
- ***The Countryside Act 1968** strengthened many of the powers given under the 1949 Act and imposed on every Minister, government department and public body a duty to have regard to the desirability of conserving the natural beauty and amenity of the countryside in the exercise of their functions relating to land Annex D advises on the implications of this duty for local authorities.*
- ***The Wildlife and Countryside Act 1981** strengthened the protection for SSSIs, provided additional safeguards for particular types of area, and restricted the killing, taking from the wild and disturbance of various species.*
- ***The Wildlife and Countryside (Amendment) Act 1985** further strengthened the protection for SSSIs by making it operative immediately on notification by the Nature Conservancy Council.*
- ***The Environmental Protection Act 1990** established three country conservation councils and the Joint Nature Conservation Committee to succeed the Nature Conservancy Council; and provided further protection for SSSIs.*
- ***The Planning and Compensation Act 1991** improved local planning authorities' abilities to safeguard conservation and amenity areas by strengthening their planning enforcement and development control powers. It also required structure, local and unitary development*

plans to include policies in respect of the conservation of the natural beauty and amenity of the land.

- ***The Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations)*** formally transpose the requirements of the EC Habitats Directive into national law. They build on the existing nature conservation legislation for the protection of habitats and species listed in the Directive and apply its considerations in respect of development control and pollution control legislation. They also introduce a new system for the conservation of certain marine areas.

International Obligations and Interests

8 Species other than man do not recognise national boundaries and effective nature conservation cannot depend solely on national action. The Government attaches great importance to the various international obligations it has assumed, is determined to honour them and to encourage other countries similarly to honour theirs. These international obligations underlie much of our legislative framework for conservation. This PPG outlines the specific consequences for local planning authorities.

Key International Obligations

- ***The Bern Convention on the Conservation of European Wildlife and Natural Habitats*** carries obligations to conserve wild plants, birds and other animals, with particular emphasis on endangered and vulnerable species and their habitats. The provisions of the Convention underlie the EC Habitats Directive (see below) as well as the UK's wildlife legislation.
- ***The Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat*** requires the conservation of wetlands, especially sites listed under the Convention. The Convention is reproduced at Annex E.
- ***EC Council Directive on the Conservation of Wild Birds: The Birds Directive*** applies to birds, their eggs, nests and habitats. It provides for the protection, management and control of all species of naturally occurring wild birds in the European territory of Member States (Article 1); requires Member States to take measures to preserve a sufficient diversity of habitats for an species of wild birds naturally occurring within their territories (Articles 2 and 3) in order to maintain populations at ecologically and scientifically sound levels, and requires Member States to take special measures to conserve the habitat of certain particularly rare species and of migratory species (Article 4). The Directive is reproduced at Annex F.
- ***EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora: The Habitats Directive*** contributes to the conservation of bio-diversity by requiring Member States to take measures to maintain or restore natural habitats and wild species at a favourable conservation status in the Community, giving effect to both site and species protection objectives. The Directive was adopted by the Council in May 1992. Following a period of consultation, sites to be designated as Special Areas of Conservation (SACs) must be agreed with the EC Commission by June 1998. The Habitats Directive is reproduced at Annex G. Article 7 modifies the Birds Directive.
- ***The Bonn Convention on the Conservation of Migratory Species of Wild Animals*** requires the protection of endangered migratory species listed, and encourages separate

international agreements covering particular species. An agreement covering the Conservation of Bats in Europe came into force in January 1994. It deals with the need to protect bats and their feeding and roosting areas.

- ***EC Council Directive on the Assessment of the Effects of certain Public and Private Projects on the Environment*** requires environmental assessment to be carried out, before a decision is taken on whether development consent should be granted for certain types of project which are likely to have significant environmental effects.

The Role of English Nature

9 The Nature Conservancy Council for England (English Nature) is the agency responsible in England for advising central and local government on nature conservation, and for monitoring, research and promotion of wildlife and natural features. They:

- establish, maintain and manage nature reserves;
- notify and protect SSSIs;
- advise Ministers on policies affecting nature conservation and their implementation;
- provide advice and disseminate knowledge about nature conservation;
- commission and support research;
- advise on, or issue licences under, the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992.

10 English Nature can advise local authorities and others on a wide range of conservation issues. They have a statutory role in development plan preparation and development control. They should be approached through their local offices, which are listed at Annex H.

11 English Nature, the Countryside Council for Wales and Scottish Natural Heritage are required to exercise certain functions jointly through the Joint Nature Conservation Committee (JNCC). This promotes Great Britain-wide and international nature conservation, carries out joint monitoring and research, sets common standards and advises central government.

Designated Sites

12 Many important sites for nature conservation have been designated under the statutes and international conventions outlined above. Annex A describes in more detail the obligations, designations and protection afforded them under conservation legislation. The Secretary of State wishes to ensure that these obligations are fully met, and that, as far as possible and consistent with the objectives of the designation, these sites are protected from damage and destruction, with their important scientific features conserved by appropriate management.

13 All National Nature Reserves (NNRs), terrestrial Ramsar Sites, Special Protection Areas (SPAs) and (in future) Special Areas of Conservation (SACs) are also SSSIs under national legislation. In addition, some SSSIs have been identified as potentially qualifying for SPA classification but are currently subject to further survey or consultation work before decisions can be taken about their classification. Similarly, candidate SACs will be identified on a list which the Government must send to the Commission by June 1995. For the purpose of considering development proposals affecting them, potential SPAs and candidate SACs included in the list sent to the European

Commission should be treated in the same way as classified SPAs and designated SACs. Sites which the Government and the Commission have agreed as Sites of Community Importance which are to be designated as SACs attract the same legal protection as if they had already been designated. Advice about such areas is available from English Nature⁴. A location map and list of classified and potential SPAs and listed Ramsar Sites as at September 1994 is at Annex B.

Site Designations		
Importance	Site Designation and Explanation	UK Statutory Designation
Sites of <i>International</i> Importance	Ramsar Sites listed under the Convention on Wetlands of International Importance	SSSI
	Special Protection Areas (SPAs) classified under the EC Directive on the Conservation of Wild Birds	SSSI; SPA
	Special Areas of Conservation (SACs) to be designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive)	SSSI; SAC
Sites of <i>National</i> Importance*	National Nature Reserves (NNRs) declared under section 19 of the National Parks and Access to the Countryside Act 1949 or section 35 of the Wildlife and Countryside Act 1981	SSSI
	Sites of Special Scientific Interest (SSSIs) notified under section 28 of the Wildlife and Countryside Act 1981	SSSI
Sites of <i>Regional/ Local</i> Importance	Local Nature Reserves (LNRs) designated by local authorities under section 21 of the National Parks and Access to the Countryside Act 1949	LNR
	Non-statutory Nature Reserves established and managed by a variety of public and private bodies eg county wildlife trusts Royal Society for the Protection of Birds	
	Sites of Importance for Nature Conservation Sites of Importance for Nature Conservation or equivalent. These are usually adopted by local authorities for planning purposes. The name and	

⁴ Information on important bird sites is available in *Important Bird Areas in the United Kingdom*, published by the Royal Society for the protection of Birds in co-operation with English Nature, the Countryside Council for Wales, Scottish Natural Heritage and the JNCC, 1990 (ISBN 0-903138-46-8); and *Protecting Internationally Important Bird Sites - A Review of the EEC Special Protection Area Network in Great Britain*, Nature Conservancy Council, 1990 (ISBN 0-86139-633-2). In addition the Government intends to publish information through English Nature to local planning authorities about those sites which have been designated or agreed as Sites of Community Importance to be designated as SACs and those which have been declared as potential or candidate sites.

	status of this type of site varies considerably	
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Note: * Biological SSSIs collectively form a national series of sites; those SSSIs identified under the Nature Conservation Review and Geological Conservation Review criteria are key sites of national importance.

Nature Conservation Outside Designated Sites

14 Our natural wildlife heritage is not confined to the various statutorily designated sites but is found throughout the countryside and in many urban and coastal areas. Lowland England, for example, retains many remnants of ancient woodland, which have nature conservation and amenity value as well as economic use for timber production. Many urban sites for nature conservation have an enhanced local importance as a consequence of the relative lack of wildlife sites in built-up areas. Endangered species protected under the 1981 Act may be found in many places not notified as SSSIs.

15 Many sites of local nature conservation importance are given designations by local authorities and by local conservation organisations. These sites are important to local communities, often affording people the only opportunity of direct contact with nature, especially in urban areas. Statutory and non-statutory sites, together with countryside features which provide wildlife corridors, links or stepping stones from one habitat to another, all help to form a network necessary to ensure the maintenance of the current range and diversity of our flora, fauna, geological and land-form features and the survival of important species. In some areas the maintenance of traditional agricultural practices is important for nature conservation objectives. Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife, and the skilled adaptation of derelict areas can provide extended habitats.

16 The Habitats Directive requires Member States to endeavour to encourage the management of features of the landscape which are of major importance for wild flora and fauna (see paragraph 23 below). These features are those which, because of their linear and continuous structure or their function as stepping stones, are essential for migration, dispersal and genetic exchange. Examples given in the Directive are rivers with their banks, traditional field boundary systems [such as hedgerows], ponds and small woods.

17 Regionally important geological/geomorphological sites are being identified by local conservation groups with the involvement in many cases of local authorities. These sites provide valuable educational facilities, and supplement sites notified as SSSIs as a result of the Geological Conservation Review.

18 Local planning authorities should have regard to the relative significance of international, national, local and informal designations in considering the weight to be attached to nature conservation interests. They should only apply local designations to sites of substantive nature conservation value, and take care to avoid unnecessary constraints on development.

Nature Conservation and land Use Planning

19 The Government's general policy on nature conservation is outlined in the introduction. Nature conservation objectives should be taken into account in all planning activities which affect rural and coastal land use, and in urban areas where there is wildlife of local importance. They should be reflected in regional planning guidance, structure plans, unitary development plans and local plans. General policy advice on plan preparation is set out in PPG12. This includes guidance that plan policies and proposals should be subject to appropriate environmental appraisal in the plan preparation process.

20 Specific advice on nature conservation issues in structure and local plan preparation is available from English Nature. The voluntary sector has developed a wide range of expertise and makes a vital contribution to nature conservation. National bodies such as the Royal Society for the Protection of Birds and the Royal Society for Nature Conservation, and local bodies such as the county wildlife trusts and urban conservation groups, can provide valuable advice.

Regional and strategic planning guidance

21 Nature conservation issues are not confined by administrative boundaries, and should be addressed on a strategic basis. Regional planning guidance notes issued by the Department of the Environment include nature conservation issues but the form of that guidance means that the issue is addressed very generally. Local authorities should aim to ensure that regional nature conservation issues are brought before the regional planning conferences.

Structure plans

22 Structure plans and part I of unitary development plans set out general policies and proposals on key strategic issues, taking account of the appropriate published national and regional policy guidance. They should identify key sites of nature conservation importance, such as SSSIs, NNRs, SPAs, SACs and Ramsar sites, to establish a strategic framework and exemplify the particular characteristics of nature conservation interest in the plan area in their national and international context. Policies to be applied to these sites should reflect their relative significance (see paragraph 18 above), and place particular emphasis on the protection of internationally important sites (see paragraph 37 below and Annex C). The detailed policies in local plans and part II of unitary development plans should conform to this framework.

23 Structure plans, local plans and unitary development plans must include policies in respect of the conservation of the natural beauty and amenity of the land. Arising from article 10 of the Habitats Directive, regulation 37 of the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations) states that such policies shall include policies encouraging the management of features of the landscape which are of major importance for wild flora and fauna (see paragraph 16 above). Suitable planning conditions and obligations may serve to promote such management.

Local plans

24 Local plans and part II of unitary development plans should identify relevant international, national and local nature conservation interests. They should ensure that the protection and enhancement of those interests is properly provided for in development and land-use policies, and place particular emphasis on the strength of protection afforded to international designations. Plans should offer reasonable certainty to developers, landowners and residents alike about the weight that will be given to nature conservation interests in reaching planning decisions. Nature conservation issues should be included in the surveys of local authority areas required by sections 11 and 30 of the Town and Country Planning Act 1990 to ensure that the plans are based on fully adequate information about local species, habitats, geology and landform. Plans should be concerned not only with designated areas but also with other land of conservation value (see paragraph 23 above) and the possible provision of new habitats. They should take account of locally-prepared nature conservation strategies, which should in turn be consistent with development plan policies.

25 Local plans should include planning policies to be applied to nature conservation sites, indicating the criteria against which a development affecting a site will be judged. They should have regard to the advice in this PPG on the relative significance of different designations

(paragraph 18), and on policies for SSSIs (paragraph 29); NNRs and NCR and GCR sites (paragraph 36); SPAs and SACs (paragraph 37 and Annex C); and potential SPAs, candidate SACs and Ramsar sites (paragraphs 13 and C7 of Annex C). The plan proposals map should identify the areas to which these policies apply, including any sites identified as of local nature conservation importance. Minerals and waste local plans should also take account of nature conservation interests, especially in respect of designated sites.

26 Authorities should take account of nature conservation considerations in assessing sites for any development proposals in the plan. In some cases the reduced importance of keeping agricultural land in production may enable development to be directed towards land which is not of the best and most versatile agricultural quality, rather than to alternative sites which may be of greater nature conservation interest; special protection applies to the best and most versatile agricultural land (see PPG7).

Nature Conservation and Development Control

27 Nature conservation can be a significant material consideration in determining many planning applications, especially in or near SSSIs, where there are statutory requirements to consult English Nature. But local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations.

28 Where there is a risk of damage to a designated site, the planning authority should consider the use of conditions or planning obligations in the interests of nature conservation. Conditions can be used, for example, to require areas to be fenced or banded off to protect them, or to restrict operations or uses to specific times of year. Planning obligations can accompany permissions in order to secure long-term management, to provide funds for management, or to provide nature conservation features to compensate for any such features lost when development takes place. Full guidance on planning conditions is provided by DoE Circular 1/85 and on planning obligations in DoE Circular 16/91.

Sites of Special Scientific Interest

29 The key importance of SSSIs means that development proposals in or likely to affect them must be subject to special scrutiny. The paragraphs below give details. Paragraphs 27 and 28 are also relevant.

Consultation with English Nature

30 Under the General Development Order (GDO), planning authorities must consult English Nature before granting permission for the development of land in an SSSI. Such consultation should take place as soon as possible and authorities may not determine any application to develop such a site within 14 days of initiating consultation. For their part, English Nature will respond as quickly as possible. The authority should tell the agency if it intends to grant permission against their advice, so that the agency can consider before the applicant is informed of the authority's decision whether to ask the Secretary of State to call-in the application. SSSIs can be seriously damaged or even destroyed by development outside their boundaries. The GDO also requires a local planning authority to consult about planning applications in any consultation area *around* an SSSI defined by English Nature. An authority is also required to consult where an application is for development which is *likely to affect* an SSSI, even if the application site falls outside the SSSI and any consultation area.

31 The Government has requested English Nature to give priority to defining consultation areas around sites of international importance. It has also asked them to define the consultation areas as narrowly as is consistent with protecting the scientific interest of these particularly important sites. A consultation area may extend up to a maximum of 2 kilometres from the boundary of an SSSI. Normally it will not extend beyond about 500 metres, although for areas such as wetlands it may extend as far as the 2 kilometre maximum. The boundaries of such consultation areas will be notified to local planning authorities by English Nature. When notifying a consultation area English Nature may advise that they wish to be consulted only about certain types of development. They may also advise a local authority that they would like to be consulted about other types of development (for example a major industrial facility) beyond the 2 kilometre maximum.

32 Where a consultation area has not been defined, the planning authority should give particular attention to any planning application in the vicinity of an SSSI so as to decide whether or not such consultation is needed. The planning authority should bear in mind the possibility that certain developments may affect a site some distance away. (For example a wetland site might have its water table lowered as a result of water abstraction some considerable distance away; and a river SSSI might be affected by an upstream development.) Consultation is not required on proposals, such as minor house extensions, that would clearly have no effect on a nearby SSSI. But, where there is any doubt whether or not there is likely to be an effect, the local planning authority should contact the appropriate office of English Nature for advice. Annex H provides contact points.

33 A local planning authority should inform English Nature of decisions on all applications for the development of land about which they were consulted.

Recreational activities

34 The permission granted by the GDO for the temporary use of land for war games, motorsports and clay pigeon shooting does not apply in SSSIs. This means that a planning application is required for all such uses of land within an SSSI; nature conservation and other relevant considerations can therefore be taken properly into account before the land is so used. It does not mean that no such activities can take place in SSSIs under any circumstances. A local planning authority should make a proper assessment and not reject an application out of hand. Some SSSIs are seasonal in their sensitivity; others can accommodate recreational activities without risk to their features of special interest. In some cases an authority may be able to mitigate potential damage to its satisfaction by imposing conditions to regulate the proposed use.

35 Where appropriate, an authority may also wish to consider making a direction under Article 4 of the GDO to withdraw permitted development rights for other activities, in particular in SSSIs. In such cases a planning application will be required.

Special procedures to protect sites of particular importance

36 Whilst all SSSIs form part of a national series and are subject to the basic procedures outlined in paragraphs 29-35 above, some have additional designations conferred on them for specific reasons (see paragraph 13 above and Annex A). When weighing the case for proposed development in NNRs and in NCR and GCR sites against nature conservation interests, a planning authority is expected to pay particular regard to their national importance. On the advice of English Nature, the Secretary of State will normally call-in for his own decision planning applications with a significant effect on these sites. He may also call-in other applications affecting SSSIs if they raise planning issues of more than local importance.

Implementation of the Habitats Directive

37 The UK is bound by the terms of the EC Birds and Habitats Directives (reproduced in Annexes F and G). Special considerations therefore apply to SPAs and in future to SACs. The Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations) provide for the designation of SACs, pursuant to the Habitats Directive. They apply specific provisions of the Habitats Directive to future SACs and to existing and future SPAs classified pursuant to the Birds Directive. The provisions of the Habitats Directive are summarised in Annex A, paragraph A15. The procedures described in Annex C for SPAs and SACs, in conjunction with the statutory duties imposed by the Habitats Regulations, fulfil the assessment and decision-making requirements of the Habitats Directive in respect of the land use planning system.

Environmental assessment

38 Environmental assessment (EA) is mandatory for projects of the kinds listed in Schedule 1 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. For projects of a kind listed in Schedule 2 to the Regulations (Schedule 2 projects), EA is required if the particular development proposed would be likely to have significant environmental effects by virtue of factors such as its nature, size or location.

39 DOE Circular 15/88 advises that consideration should be given to the need for EA where a Schedule 2 project is likely to have significant effects on the special character of an SSSI, and that any views expressed by the Nature Conservancy Council, now succeeded by English Nature, should be taken into account. It also advises that the environmental effects of any proposed development either in or close to an SPA or Ramsar site should be subjected to the most rigorous examination; the same applies to potential SPAs or to SACs from the point they are placed on the candidate list. In practice the effect of Schedule 2 development on an SSSI will often be such as to require EA. Whilst each case should be judged on its merits, EA would normally be required where a Ramsar site or a potential or classified SPA, or a candidate, agreed or designated SAC could be affected. Where a local planning authority is uncertain about the significance of a project's likely effects on the environment, it should consult English Nature.

Minerals matters including peat extraction

40 Minerals are a valuable natural resource and can only be worked where they are found. However some mineral deposits occur within or underlying sites of importance for nature conservation. Guidance on drawing up policies for minerals in development plans and on the handling of new applications for mineral working which would affect SSSIs is contained in the series of Minerals Planning Guidance Notes (MPGs) issued by DOE, and in particular MPGs 1, 2, 6, 7 and 10. Applications in or likely to affect SSSIs should be the subject of the most rigorous examination, and English Nature must be consulted on such applications. The need for the mineral must be balanced against environmental and other relevant considerations. Where planning permission is given, conditions will normally be required relating to the winning and working of the minerals and the restoration and aftercare of the site. Particular attention should be paid to the proposed end-use of the site in framing those conditions. Special considerations apply to applications which are likely significantly to affect SPAs, SACs and Ramsar sites (see box following paragraph C10 of Annex C).

41 Guidance on the provisions for registration of permissions for the winning and working of minerals or the depositing of mineral wastes, originally granted under Interim Development Orders, is in MPG8. Advice on preparation of schemes of conditions for these sites is in MPG9, including reference to the need to protect, as far as possible, sensitive areas of environmental or ecological importance.

42 Extraction of minerals can create new types of habitat in areas where they were formerly rare or absent, while quarry faces may provide a valuable supplement to natural rock outcrops since features of geological importance may be revealed during quarrying operations. Mineral planning authorities and mineral companies should bear in mind opportunities for habitat creation and enhancement even where nature conservation is not the primary end-use of a site. Planning conditions, particularly on longer-life sites, may need to allow for some flexibility to accommodate changes to schemes should these become necessary. Consideration should also be given to arrangements for continuing management of restored nature conservation sites, beyond the end of the aftercare period.

43 Proposals for the working of peat should be subject to special consideration. Peat is formed from accumulated remains of plants, mainly sedges and sphagnum mosses, which grow in waterlogged conditions. Resources of peat which may be of commercial quality for mineral extraction are generally found in lowland areas which, in their natural state, formed raised mires (domes of peat) or fen (sedge) peats. They provide particularly distinctive and rare habitats. Peatlands are listed as habitat types for protection at a favourable conservation status under the Habitats Directive, some types having priority status. Large areas of the original peatlands have been drained for agriculture, developed, or cut for peat for commercial or domestic purposes. The Department of the Environment's Working Group, set up to advise about nature conservation, peat extraction and other land use matters affecting peatlands (Commons Hansard, 7 July 1992, col. 158) published its report in 1994. The Working Group took the requirements of the Habitats Directive into account. A draft MPG on peat provision in England which takes account of the Working Group's report has been issued for consultation. Mineral planning authorities should consult English Nature about any proposals for peat working which could affect sites of nature conservation importance. The Secretary of State will consider calling in any such applications on the advice of these agencies. Aspects of proposals for peat extraction which would need particular attention include the hydrological and ecological implications, methods of working, and intentions and methods for site reclamation.

Protection of Species

44 Part 1 of the Wildlife and Countryside Act 1981 sets out the protection which is afforded to wild animals and plants. Every five years, the Schedules to the Act relating to protected animals (Schedule 5) and plants (Schedule 8) are reviewed. Local authorities are notified of any amendments and additions to those Schedules as a result of the review and are bound by the Act to take steps to bring to the attention of the public and of school children in particular the provisions of Part 1 of the Act. The protection offered by the Act is additional to that offered by the planning system.

45 Certain plant and animal species, including all wild birds, are protected under the 1981 Act. Some other animals are protected under their own legislation (for example the Protection of Badgers Act 1992). It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found in the non-living areas of a dwelling house (that is, in the loft) or in any other place without first notifying English Nature.

46 The Conservation (Natural Habitats,&c.) Regulations 1994 (the Habitats Regulations) implement the requirements of the Habitats Directive for species listed in Annex IV of the Directive (see Annex G to this PPG). It is an offence deliberately to kill, injure, take or disturb

listed animal species; to destroy their resting places or breeding sites; or to pick, collect, cut, uproot or otherwise destroy listed plant species.

47 The presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the protection of the species, particularly if a species listed in Annex IV to the Habitats Directive would be affected. They should also advise developers that they must conform with any statutory species protection provisions affecting the site concerned.

48 English Nature are responsible for issuing licences under section 10(1)(d) of the Protection of Badgers Act 1992 to permit interference with a badger sett, in the course of development (which includes building and construction work). Although consideration of the case for granting a licence is separate from the process of applying for planning permission, a local authority should advise anyone submitting an application for development in an area where there are known to be badger setts that they must comply with the provisions of the Act. Local authorities and all other public bodies also need a licence in respect of any development which they themselves carry out in any areas where there are known to be badger setts. For further information see Home Office Circular 100/91.

Lawful Development Certificates

49 If a local planning authority is considering an application for a lawful development certificate⁵, and the development or use appear *prima facie* to involve a contravention of the 1981 Act, they should draw its requirements to the applicant's attention. They cannot however have regard to possible contravention of the 1981 Act in determining the application. A lawful development certificate relates only to the lawfulness of the use of land or buildings under planning legislation. It remains the applicant's responsibility to comply with all other legislation. A local authority should however notify English Nature of any lawful development certificate application relating to an SSSI.

Cancellation of Advice

50 DOE Circulars 32/81, 24/82, 27/87 and 1/92 are hereby cancelled.

⁵ Under section 191 or 192 of the Town and Country Planning Act 1990 (as amended)

Annex A: Designated Sites

A1 This Annex describes the various designations under British law and other agreements, and the protection offered under conservation legislation.

A2 Sites of Special Scientific Interest (SSSIs) are identified by English Nature. Guidelines for the selection of biological SSSIs were published by their predecessor, the Nature Conservancy Council (NCC), in 1989. These will be updated and guidelines for geological sites will be published in due course by the Joint Nature Conservation Committee. English Nature must notify the sites to their owners and occupiers, the local planning authority, the National Rivers Authority and the Secretary of State. Interested parties may make representations to English Nature following the initial notification of an SSSI. The council must consider all such representations and decide within 9 months of the original notification whether or not it should stand.

A3 The Wildlife and Countryside Act 1981 also required English Nature to renotify SSSIs designated under previous legislation. This renotification is virtually complete.

A4 All sites of national and international importance on land (including National Nature Reserve (NNRs), Nature Conservation Review (NCR) and Geological Conservation Review (GCR) sites, Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites) are notified as SSSIs.

A5 In line with the concepts explained in the 1947 Government White Paper (Cmnd. 7122 and Cmnd. 7235), which led to the National Parks and Access to the Countryside Act 1949, within the SSSI series certain "key areas" have been identified where nature conservation should be the primary purpose of control and management of the site. These "key areas" embody the basic principle that adequate examples of all major semi-natural and natural ecosystems in Britain should be set aside and managed so as to maintain their environment (including physical structure), with their characteristic communities of plants and animals, in a satisfactory state.

A6 A comprehensive survey and assessment of biological sites of national and international importance was published by the Cambridge University Press on behalf of the former NCC and the Natural Environment Research Council in 1977. The Review describes the main habitat types in Britain and sets out the criteria in selecting the "key" sites listed in Volume 2 of the review. These sites are known as **NCR sites**. Since its publication the former NCC and now the JNCC have identified additional important sites and have added them to the list of NCR sites. Notification of these NCR sites is included in the notification of SSSIs.

A7 Between 1977 and 1989 the former NCC conducted a similar comprehensive survey and assessment of geological sites. The Review is intended to identify, assess and describe all those British geological and geomorphological areas where conservation is essential for education and research in the earth sciences. These sites are known as **GCR sites**. Notification of GCR sites is included in the notification of SSSIs.

A8 To protect SSSIs from operations outside the scope of planning controls, English Nature specify to their owners and occupiers the operations which they consider to be harmful to their conservation interest. Owners and occupiers are required either to notify English Nature of potentially damaging operations and may not undertake them for 4 months (longer by agreement) unless they are in accordance with the terms of a management agreement or to have the consent of English Nature.

A9 Local authorities are required to register all notifications of SSSIs as a local land charge. They are also asked to help to protect them by alerting English Nature if they become aware of any threat to the special interest of the site, such as a change in farming techniques, an application for development of land or coast protection works. In all cases, English Nature should be advised about development affecting SSSIs (see paragraph 30 of the PPG).

A10 As further protection, the Secretary of State may make a **Nature Conservation Order** to protect any sites of national or international importance. Such an order extends the period for the negotiation of a management agreement to up to 12 months (or longer by agreement). If agreement still cannot be reached, English Nature may apply to the Secretary of State for confirmation of a Compulsory Purchase Order.

A11 Limestone pavements, fissured by natural erosion, are of physiographical, and sometimes biological, interest. They are identified as a priority habitat type in the Habitats Directive. Those in this country, mainly in the north of England, are among the best examples in the world. In the past, pavements have been vulnerable to exploitation for use in garden rockeries and decorative walling. English Nature and the Countryside Commission are required to notify local planning authorities of limestone pavements which they consider to be of special interest. Under section 34 of and Schedule 11 to the Wildlife and Countryside Act 1981, the Secretary of State or the relevant local planning authority may then make a **Limestone Pavement Order** designating the land concerned and prohibiting the removal or disturbance of limestone on or in it.

A12 An Order takes effect on being made. County Planning Authorities may revoke their own Orders but the Secretary of State is required to consider each Order made by other authorities or by him. He must give notice within 9 months that he intends either to revoke, amend, or allow the Order to remain in force; if he takes no action, the Order ceases to have effect. No compensation is payable. There are procedures for objections to be made against Orders and for challenging Orders in the Courts.

A13 The removal of limestone from Order land requires a planning permission granted on a specific application under Part III of the Town and Country Planning Act 1990. The General Development Order does not grant permission for such development.

A14 National Nature Reserves (NNRs) are areas of national, and sometimes international, importance which are owned or leased by English Nature or bodies approved by them, or are managed in accordance with Nature Reserve Agreements with landowners and occupiers. The essential characteristic of NNRs is that they are primarily used for nature conservation.

A15 Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) are intended to protect the habitats of threatened species of wildlife.

- Article 4 of the Birds Directive requires that special measures be taken to conserve the habitat of the species listed in Annex I of the Directive in order to ensure their survival and reproduction in their area of distribution. In particular, Member States are required to classify the most suitable areas for these species as SPAs. Similar measures are to be taken in respect of regularly occurring migratory species not listed in Annex I.
- Article 2 of the Habitats Directive states that the Directive's aim is to contribute towards bio-diversity through conserving natural habitats and wild fauna and flora of Community importance. Measures taken pursuant to the Directive are to take account of economic, social and cultural requirements and regional and local characteristics.

- Article 3 of the Habitats Directive requires Member States to contribute, according to the selection and designation procedure set out in Article 4 and Annex III, to a coherent Community-wide network of SACs called Natura 2000. The SACs will be selected for their importance as natural habitat types and as habitats of the species listed in Annexes I and II of the Directive. All Birds Directive SPAs will also be part of the Natura 2000 network under Article 3(1) of the Habitats Directive.
- Article 6(2) of the Habitats Directive requires Member States to take appropriate steps to avoid, in SACs and SPAs, significant deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the sites have been designated.
- Article 6 (3) and (4) of the Habitats Directive requires that proposed developments(1), not directly connected with or necessary to site management, which are likely to have a significant effect on an SAC or an SPA, either individually or in combination with other plans or projects, should be assessed according to their implications for the site's conservation objectives. The development may go ahead if, as a result of that assessment, it is found that it will not adversely affect the integrity of the site. If the assessment shows there will be a negative effect, the scheme may only be allowed if there is no alternative solution and if there are imperative reasons of overriding public interest, including those of a social or economic nature. In such instances, Member States must take compensatory measures to preserve the overall coherence of the Natura 2000 network. There are special considerations for sites which host priority natural habitat types or priority species, which are particularly at risk and are marked with * in Annexes I and II to the Habitats Directive (see Annex G of this PPG). In such cases, schemes can only be considered in terms of overriding reasons of human health and public safety, or beneficial consequences of primary importance for the environment or, further to an opinion from the European Commission following consultation by the Government, other imperative reasons of overriding public interest.
- Article 7 of the Habitats Directive applies Articles 6(2),(3) and (4) of that Directive to the Birds Directive. These provisions supersede the first sentence of Article 4(4) of the Birds Directive.
- Article 10 of the Habitats Directive requires Member States to encourage in their land-use planning and development policies the management of landscape features which are of major importance for wild fauna and flora (see paragraph 16 of this PPG)
- (1) Development in this context does not include development plans, since the plan itself cannot authorise development that would affect the site.

A16 The Conservation (Natural Habitats,&c.) Regulations 1994 (the Habitats Regulations) make provision for the purposes of implementing the Habitats Directive. Among other things, they apply the relevant requirements of Article 6 to specified provisions of the Town and Country Planning Act 1990, the Pipe lines Act 1962, the Highways Act 1980, the Cycle Tracks Act 1984, the Electricity Act 1989 and the Transport and Works Act 1992. They also provide for the designation of SACs under the Habitats Directive. In the Regulations, SACs and SPAs classified pursuant to the Birds Directive, are known as European sites.

A17 The **Ramsar Convention** requires signatory states to protect wetlands that are of international importance, particularly as waterfowl habitats. **Ramsar sites** are listed by the Secretary of State. The provisions of the Ramsar Convention include requirements for contracting parties to promote wetlands generally and to:

- a. "formulate and implement their planning so as to promote the conservation of the wetlands included in the list, and as far as possible the wise use of wetlands in their territory";
- b. "designate alternative sites of the original habitat type should the development of any of the presently designated sites become necessary in the urgent national interest".

A18 Biogenetic Reserve. A number of National Nature Reserves and some important SSSIs have been identified as Biogenetic Reserves under a Council of Europe programme for the conservation of heathlands and dry grasslands. Sites of international importance are designated by the Secretary of State in the light of recommendations made by English Nature. These recommendations are made only after consultation with local authorities and the owners and occupiers of the land concerned. The Secretary of State takes any comments into account before reaching a decision. Relevant local authorities are informed of any designations by English Nature.

A19 Marine Nature Reserves (MNRs) are designated under the Wildlife and Countryside Act 1981 to conserve marine flora or fauna or geological or physiographical features or to allow study of such features. Following an application by English Nature, the Secretary of State may apply such a designation to any areas of land covered (continuously or intermittently) by tidal waters or to parts of the sea up to the seaward limits of territorial waters. An MNR has already been established at Lundy. A voluntary marine park has been established at the Isles of Scilly.

A20 English Nature may make byelaws for the protection of MNRs, except where these would interfere with the byelaw-making functions already vested in another authority. Local authorities can contribute to the successful operation of reserves by making complementary byelaws to control activities on the foreshore or other parts of MNRs within their boundaries.

A21 Areas of Special Protection for Birds (AOSPs) are established under the Wildlife and Countryside Act 1981 by orders made by the Secretary of State after appropriate consultation with owners and occupiers. The purpose of such orders is normally to provide sanctuary to particularly vulnerable groups of birds. The protection given by such Orders can vary to meet particular circumstances. AOSPs replace the establishment of **Bird Sanctuaries** under the Protection of Birds Act 1954 but sanctuaries established under that Act still enjoy protection.

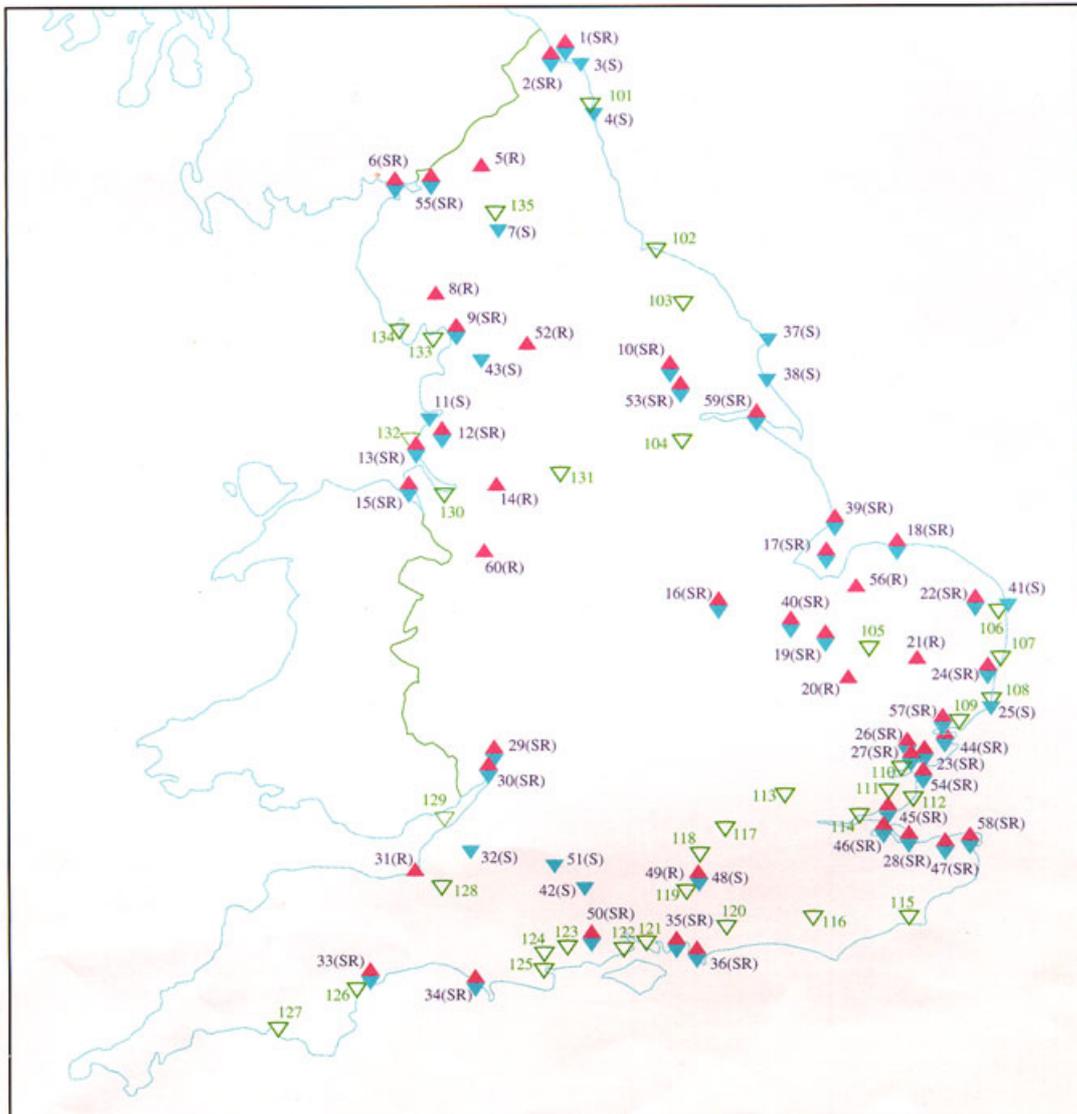
A22 Local Nature Reserves (LNRs) may be established by local authorities under section 21 of the National Parks and Access to the Countryside Act 1949. These habitats of local significance can make a useful contribution both to nature conservation and to the opportunities for the public to see, learn about, and enjoy wildlife. Authorities are required to consult English Nature about the establishment of such a reserve. English Nature can give practical help and, in some circumstances, grants, as well as advice on byelaws to protect the reserve. Such byelaws should follow the model available from the Department of the Environment and require confirmation by the Secretary of State.

Annex B: Classified Special Protection Areas, potential Special Protection Areas and Listed Ramsar sites

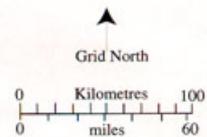
Annex B: Classified Special Protection Areas, potential Special Protection Areas and Listed Ramsar sites has been made available as a PDF download at the foot of this page

ANNEX B

Classified Special Protection Areas, potential Special Protection Areas and listed Ramsar sites



- ◆ Special Protection Area/Ramsar (SR)
- ▲ Ramsar (R)
- ▼ Special Protection Area (S)
- ▽ Potential Special Protection Area
- ▽ Proposed extension to Special Area



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ANNEX B

CLASSIFIED SPECIAL PROTECTION AREAS AND LISTED RAMSAR SITES

1 (SR)	Lindisfarne
2(SR)	Holburn Moss
3(S)	Farne Islands
4(S)	Coquet Island
5(R)	Irthinghead Mires
6(SR)	Upper Solway Flats & Marshes
7(S)	Moor House
8(R)	Esthwaite Water
9(SR)	Leighton Moss
10(SR)	Lower Derwent Valley
11(S)	Ribble Estuary
12(SR)	Martin Mere
13(SR)	Alt Estuary
14(R)	Rostherne Mere
15(SR)	The Dee Estuary
16(SR)	Rutland Water
17(SR)	The Wash
18(SR)	North Norfolk Coast
19(SR)	Ouse Washes
20(R)	Chippenham Fen
21 (R)	Redgrave & Lopham Fen
22(SR)	Broadland (including Bure Marshes, and Hickling Broad and Horsey Mere
23(SR)	Colne Estuary
24(SR)	Minsmere - Walberswick
25(S)	Orfordness Havergate
26(SR)	Abberton Reservoir
27(SR)	Old Hall Marshes
28(SR)	The Swale
29(SR)	Walmore Common
30(SR)	Upper Severn Estuary
31 (R)	Bridgwater Bay
32(S)	Chew Valley Lake
33(SR)	Exe Estuary
34(SR)	Chesil Beach & The Fleet
35(SR)	Chichester & Langstone Harbours
36(SR)	Pagham Harbour
37(S)	Flamborough Head & Bempton Cliffs
38(S)	Homsea Mere
39(SR)	Gibraltar Point
40(SR)	Nene Washes
41(S)	Great Yarmouth North Denes
42(S)	Porton Down
43(S)	Bowland Fells
44(SR)	Hamford Water
45(SR)	Benfleet and Southend Marshes
46(SR)	Medway Estuary and Marshes
47(SR)	Stodmarsh
48(S)	Wealden Heaths Phase 1
49(R)	Thursley and Ockley Bogs
50(SR)	New Forest
51(S)	Salisbury Plain
52(R)	Malham Tarn
53(SR)	Derwent Ings
54(SR)	Dengie
55(SR)	Rockcliffe Marshes
56(R)	Roydon Common
57(SR)	Stour and Orwell Estuary
58(SR)	Thanet Coast & Sandwich Bay
59(SR)	Humber Flats Marshes & Coast
60(R)	Midland Meres and Mosses

POTENTIAL SPECIAL PROTECTION AREAS(1)

101	Northumberland Coast
102	Teessmouth & Cleveland Coast
103	North Yorkshire Moors
104	Thorne and Hatfield Moors
105	Brecklands
106	Breydon Water
107	Benacre Broad to Easton Bavents
108	Alde-Ore Estuary
109	Deben Estuary
110	Blackwater Estuary
111	River Crouch Marshes
112	Foulness
113	Lee Valley
114	Thames Estuary & Marshes
115	Dungeness to Pett Levels
116	Ashdown Forest
117	London Reservoirs and Gravel Pits
118	Thames Basin Heaths
119	Wealdon Heaths Phase 2 (formerly Woolmer Forest)
120	Arun Valley (formerly Amberley)
121	Portsmouth Harbour
122	Southampton Water & Solent Marshes
123	Avon Valley
124	Dorset Heathlands
125	Poole Harbour
126	East Devon Heaths
127	Tamar Estuaries Complex
128	Somerset Levels & Moors
129	Severn Estuary
130	Mersey Estuary
131	South Pennine Moors (formerly Yorkshire Dale Moorlands)
132	Ribble & Alt Estuaries
133	Morecambe Bay
134	Duddon Estuary
135	North Pennine Moors

(*)This map and list include those areas identified on the basis of scientific advice as potentially qualifying for classification as SPAS in England. For the purposes of considering development proposals affecting them, these sites should be treated in the same way as classified SPAs (see paragraphs 13 and C7 of this PPG). The Government has asked the JNCC to review this list. When the outcome of this review is announced the Government will provide local planning authorities with a revised list of potential SPAS.

Annex C: Development Control for Special Protection Areas and Special Areas of Conservation

Classification of SPAs and SACs

C1 When consultations take place preparatory to the classification of an SPA or designation of an SAC, local planning authorities will be asked to consider all extant planning permissions which may affect the proposed area (i.e. those permissions which have not been implemented at all, and those which have not been completely implemented). They should consider for each whether the implementation of that permission would have a significant effect on the ecological value of the site. If so, they should say so in their response to the consultation.

C2 Regulations 50, 51, 55 and 56 of the Conservation (Natural Habitats,&c.) Regulations 1994 (the Habitats Regulations) require the local planning authority to review extant planning permissions⁶ which are likely to have a significant effect on a site, either individually or in combination with other development, and to take any appropriate action. This requirement applies to:

- existing SPAs when the Regulations come into force;
- future SPAs when they are classified; and
- SACs when the Government and the European Commission agree the site as a Site of Community Importance to be designated as an SAC.(Local authorities will be notified when sites are agreed.)

C3 Local authorities must review permissions as soon as is reasonably practicable. They should have identified any relevant permissions during the consultations referred to in paragraph C1 above. The Department will have considered whether they should be a factor in deciding the boundaries of the site under the requirements of the Birds and Habitats Directives. The review will need to ascertain whether implementation of any permission which is likely to have a significant effect on the site, and is not directly connected with or necessary to its management, would adversely affect its integrity (see box following paragraph C10). English Nature will advise on individual cases. If the integrity of the site would be adversely affected, and if the permission does not fulfil the conditions under which a new development proposal affecting the site would be approved (see box following paragraph C10), then the authority must take appropriate action to remove the potential for harm, unless there is no likelihood of the development being carried out or continued.

C4 If local authorities consider that planning obligations restricting or regulating the use of the land would safeguard the integrity of the site they must invite those concerned to enter into them. Otherwise they must modify or revoke the permission, or make a discontinuance order. They should also take such action if a developer proceeds with damaging development while they are

⁶ Excluding planning permission deemed to be granted under section 90(1),(2) or (2A) of the Town and Country Planning Act 1990 in connection with the Pipe-lines Act 1962, the Electricity Act 1989 or the Transport and Works Act 1992. Such reviews will be carried out by the Secretary of State, as will those of other deemed permissions under section 90(1)(see regulation 55(3) and (4)). The local planning authority must consider whether any of these other permissions under section 90(1) should in their opinion be reviewed. If so they must refer the matter to the Government Department which made the direction deeming permission to be granted. They should take similar action in the case of deemed permissions connected with the Pipe-lines, Electricity and Transport and Works Acts. See [paragraph C6](#) regarding permissions granted by Development Orders and Simplified Planning Zone and Enterprise Zone schemes, which are also excluded from review (regulation 55(2) refers).

endeavouring to secure a planning obligation. Regulation 57 provides that modification, revocation or discontinuance orders take effect when served. They must however be confirmed by the Secretary of State. Where compensation is payable, the authority must refer the amount to the Lands Tribunal unless the Secretary of State indicates otherwise (see regulation 59).

C5 *PPG23, Planning and Pollution*, advises that local planning authorities should not seek to duplicate controls which are the statutory responsibility of other bodies (including local planning authorities in their non-planning functions). Regulations 83, 84 and 85 require the review of authorisations under the Environmental Protection Act 1990 granted by Her Majesty's Inspectorate of Pollution for integrated pollution control and by local authorities for air pollution control; of waste management licences under the 1990 Act granted by waste regulation authorities; and of water discharge consents under the Water Resources Act 1991 granted by the National Rivers Authority. If in reviewing a planning permission local planning authorities consider that action falls to be taken under regulations 83, 84 or 85 they should inform the relevant authority. They should only exercise planning powers under regulation 56 if powers under the other regimes are not available or if their exercise could not achieve what is required. In carrying out reviews and in exercising their own powers local planning authorities must have regard to the provision in regulation 51 that the action to be taken should be the least onerous to those affected.

C6 Advice on amendments to the General Development Order is at paragraphs C12-C16 below. Regulations 64, 65, and 66 provide that existing Special Development Orders, Simplified Planning Zone schemes and Enterprise Zone schemes cease to have effect to grant planning permission for development which is likely to have a significant effect on a classified SPA or an SAC agreed by the Commission and the Government as a Site of Community Importance to be designated as an SAC. Existing Special Development Orders relate to Urban Development Corporations, former New Town Development Corporations, Atomic Energy Establishments and Telecommunications Networks on Railway Operational Land. The Regulations also prevent new Special Development Orders and SPZ and EZ schemes from granting planning permission for development which is likely significantly to affect a classified SPA or agreed SAC.

Development affecting SPAs and SACs

C7 Regulations 48, 49, and 54 restrict the granting of planning permission for development which is likely significantly to affect an SPA or SAC, and which is not directly connected with or necessary to the management of the site. They apply to planning decisions taken on or after the date the Regulations come into force, regardless of when the application was submitted. They apply to classified SPAs, and to SACs from the point where the Commission and the Government agree the site as a Site of Community Importance to be designated as an SAC. They do not apply to potential SPAs or to candidate SACs before they have been agreed with the Commission, but as a matter of policy the Government wishes development proposals affecting them to be considered in the same way as if they had already been classified or designated (see paragraph 13 of this PPG). The Government has chosen to apply the same considerations to listed Ramsar sites.

C8 On land, SPAs and in future SACs will already have been notified to authorities as SSSIs. An authority is required under the GDO to consult English Nature before granting planning permission for development affecting an SSSI; regulation 48 incorporates a similar requirement for development affecting an SPA or SAC. In responding, these bodies will advise if the SSSI forms part of a designated or potential SPA or SAC or is otherwise of particular significance in terms of the Birds or Habitats Directives. They will also advise whether in their opinion the proposed development would significantly affect the ecological value for which the site was identified, and if appropriate will suggest what measures might be taken to avoid such effects.

C9 The Secretary of State will normally call in for his own decision planning applications which are likely significantly to affect sites of international importance; he will have regard to the advice of English Nature on which applications are likely to have such effects. Where a planning application likely to affect such a site is not called in, the Government expects the papers inviting local authority members to take a particular decision to indicate clearly that the relevant factors have been fully addressed, whether or not the authority is minded to allow the development. Planning authorities should be prepared to explain their reasons, particularly if they do not decide the case in accordance with the recommendations of English Nature. Regulation 49 requires an authority proposing to allow development which would adversely affect an SPA or SAC to notify the Secretary of State in advance.

C10 The approach to be taken in considering a development proposal that would affect an SPA or SAC is set out in the box below, whether the decision-taker is the Secretary of State or the local planning authority.

Consideration of Development Proposals Affecting SPAs and SACs⁷

The decision-taker must first establish whether the proposed development is directly connected with or necessary to site management for nature conservation and whether it is **likely to have a significant effect** on an SPA or SAC. Taking account of advice from English Nature, they should consider whether the effect of the proposal on the site, either individually or in combination with other proposals, is likely to be significant in terms of the ecological objectives for which the site was classified or designated. If the initial assessment is inconclusive, a fuller assessment will be needed to establish the effects of the proposed development on the site.

If the decision-taker concludes that a proposed development unconnected with site management is likely significantly to affect an SPA or SAC, they must then assess its implications in view of the **site's conservation objectives** (i.e. the reasons for which the site was classified or designated), so as to ascertain whether or not it will adversely affect the integrity of the site. The advice of English Nature and the citation issued by them saying why the site was classified or designated will need to be carefully considered. The **integrity of a site** is 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 scope and content of an **appropriate assessment** will depend on the location, size and significance of the proposed project. English Nature will advise on a case-by-case basis.

According to the nature conservation value of the site, they will identify whether particular aspects such as hydrology, disturbance or land-take should be specifically addressed. In the simplest cases, a general statement from them of the impact of the development may suffice. The assessment required under the Habitats Regulations does not correspond to an environmental assessment, although for some projects EA will be necessary (see paragraphs 38-39 of this PPG). In such cases it will be appropriate to use the information assembled for the purposes of the EA also for the assessment required by the Habitats Regulations.

If the decision-taker ascertains that the proposed development will adversely affect the integrity of the site, and this effect will not be removed by conditions, they must not grant planning permission except in the following closely defined circumstances. They must first be satisfied that there are no **alternative solutions**. They should consider whether there are or are likely to be suitable and available sites which are reasonable alternatives for the proposed development, or different,

⁷ See also paragraph C7 regarding potential SPAs, candidate SACs, and Ramsar sites.

practicable approaches which would have a lesser impact. They should bear in mind the advice of English Nature. In their own interests applicants should demonstrate that they have fully considered alternative solutions.

If there is no alternative solution, and the site does not host a priority natural habitat type or species defined in the Habitats Directive⁸, planning permission must not be granted unless the proposed development has to be carried out **for imperative reasons of overriding public interest**, including those of a social or economic nature. Such reasons would need to be sufficient to override the ecological importance of the designation⁹.

If the site hosts a priority habitat or species, and there is no alternative solution, the only considerations which can justify the grant of planning permission are those which relate to human health, public safety, or beneficial consequences of primary importance to the environment (unless the European Commission is of the opinion that there are other imperative reasons of overriding public interest - any such consultation with the Commission must be carried out by the Government).

This process is represented in the flow chart which has been made available as a PDF download at the foot of the page.

If planning permission is granted for a development which would adversely affect the integrity of an SPA or SAC, regulation 53 requires the Secretary of State to secure that any necessary compensatory measures are taken to ensure that the overall coherence of the Community-wide network of SPAs and SACs known as Natura 2000 is protected.

Local authority and Crown development affecting SPAs and SACs

C11 Applications made by local planning authorities, or for the development of their land, are now subject to normal planning procedures (with some modifications). The Government has announced its intention to end Crown exemption from planning laws, with certain exceptions including trunk road and motorway development, which is subject to separate procedures designed to produce the same effect as planning legislation. Regulation 69 achieves the same result for trunk road or motorway construction or improvement projects carried out by the Secretary of State under the Highways Act 1980 as the Regulations do for development requiring planning permission. Pending legislation altering Crown exemption, local planning authorities will continue to be consulted about proposals for Crown development under the procedures in DOE Circular 18/84. Where such proposals are likely to affect a site of international importance, authorities should apply the same tests in framing their advice as under the Habitats Regulations. The Secretaries of State will do likewise in deciding whether planning clearance should be given for proposals which are the subject of unresolved objections from a local planning authority.

Permitted Development Rights, SPAs and SACs

C12 Article 3 of the Town and Country Planning General Development Order (GDO) grants a general planning permission (subject to specified conditions and limitations) for the types of

⁸ Priority habitats and species are indicated by an asterisk in Annexes I and II of the Habitats Directive. The citation saying why the site was designated will show whether it hosts a priority habitat or species.

⁹ Regulation 52(4) requires a "competent authority", other than the Secretary of State, in determining whether to agree on grounds of overriding public interest, to seek and have regard to the views of any other competent authorities involved.

development set out in Schedule 2 to the GDO. These permitted development rights largely apply to developments which are uncontentious, and which, if they required individual consideration, would place an unnecessary burden on householders or other developers and on local planning authorities. Other permitted development rights relate to developments which are controlled through other approval procedures, and to developments by statutory undertakers and local authorities in the performance of their statutory duties.

C13 Regulations 60-63 ensure that any permission granted under the GDO is not in breach of the terms of the Habitats Directive. They prevent any development which is likely significantly to affect a classified SPA, or a site which the Government and the European Commission have agreed as a site to be designated as an SAC (see paragraph 13 of this PPG), or a designated SAC from benefiting from permitted development rights unless the local planning authority have decided, after consulting English Nature, that it would not adversely affect the integrity of the site.

C14 The flow chart - which has been made available as a PDF download at the foot of the page - explains the process developers should follow to find out whether the particular development they propose would benefit from a permitted development right. It identifies the role of the local planning authority and English Nature¹⁰. Additional information is given below.

C15 The local planning authority would enter the process at the point where either the developer or English Nature decided that the proposal would be likely to have a significant effect on the site. If the developer wished to pursue the proposal further, the local planning authority would undertake an assessment of the implications of the proposal for the site's conservation objectives. After consulting English Nature, the local planning authority would decide whether or not the proposal would adversely affect the integrity of the site. If the authority concluded that it would have such an effect and the developer wished to proceed a planning application would be required. Regulation 63(2) provides for a fee to be paid to the local planning authority for undertaking this assessment. Advice on significant effect, appropriate assessment and site integrity is contained in the box after paragraph C10.

C16 English Nature will respond within 21 days from the receipt of all information necessary to enable them to form an opinion, both to requests from:

- a developer for their opinion as to whether a development is likely to have a significant effect on a site; and
- a local planning authority for advice about whether a development will adversely affect the integrity of a site.

If the information provided is inadequate or incomplete, English Nature will advise what additional information they need.

Permitted Development Rights and the Developer

Developers should bear in mind that if they proceed with a development in or near an SPA or SAC on the assumption that it benefits from a permitted development right, without first checking

¹⁰ This process does not remove the responsibilities of owners and occupiers or developers to undertake other consultations with English Nature under other legislation, for example section 28 of the Wildlife and Countryside Act 1981 (as amended). However, consultees may send a single notification, covering one or more consultation procedures, so long as these separate procedures are made clear in the notice.

whether it is likely to have a significant effect on the site, they run the risk of undertaking the project without the benefit of planning permission and being liable to enforcement proceedings.

If developers are uncertain whether their proposal is likely to have a significant effect on the site, they should seek an opinion from English Nature, through the appropriate local office (see Annex H). There is no charge for this. Developers should provide the following information:

(a) A short description of the proposed development or works showing:

- i. their broad purpose;
- ii. their physical extent, including the area of land or water likely to be covered;
- iii. any residues likely to be produced and proposals for disposal, and any emissions to air, water, soil, and by noise, vibration, heat, light or radiation;
- iv. the timetable for the proposed development.

(b) A map (or maps) showing the location of the proposed development in relation to the SPA/SAC boundary and the position of all proposed buildings, service access routes and works (whether permanent or temporary).

(c) A description of possible direct or indirect effects (including disturbance) on the wildlife, water quality, hydrology, geological or landform features of the site.

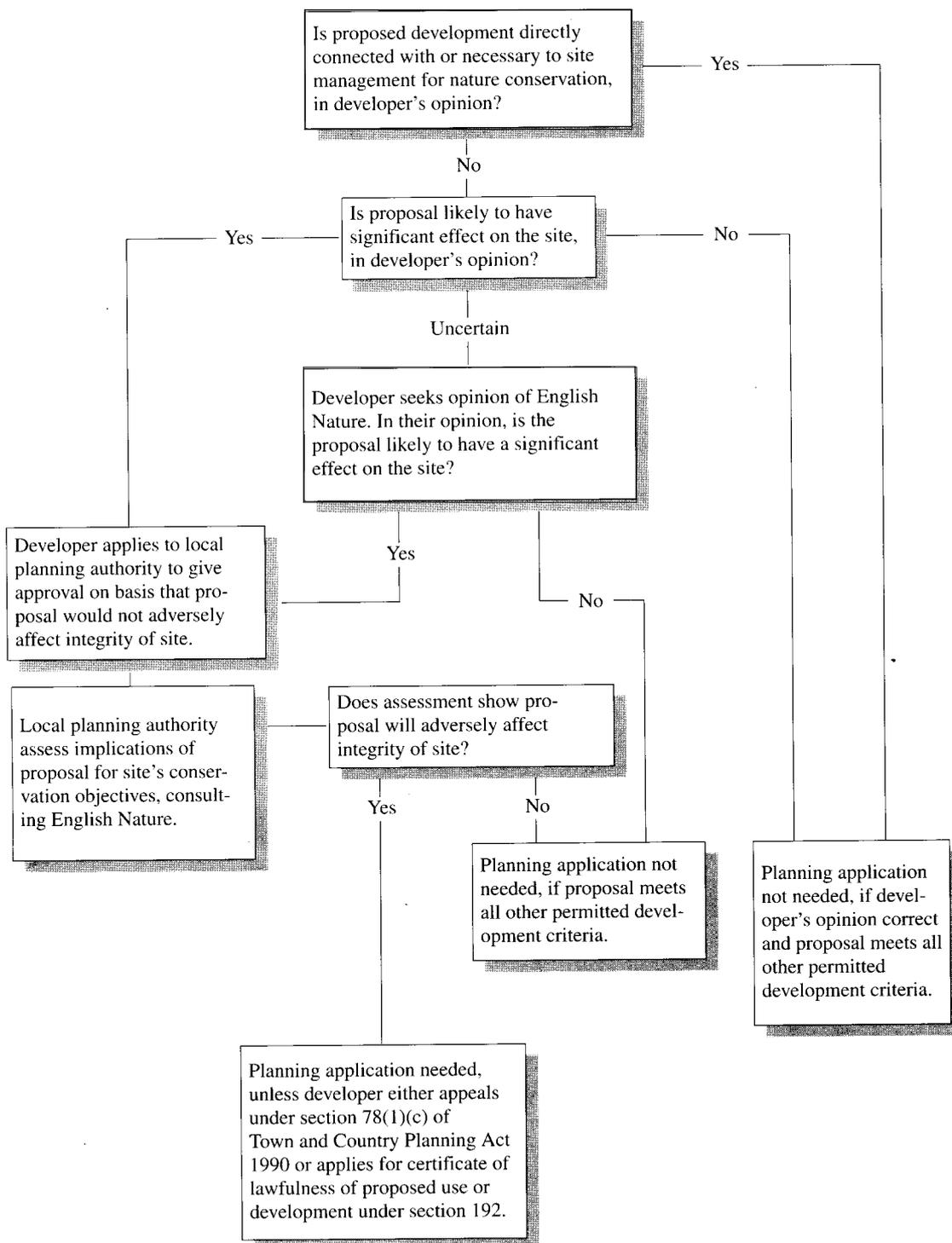
(d) Information about any measures the developer proposes to incorporate into the project to prevent, reduce, ameliorate or offset any landtake, residues or emissions.

To inform their initial consideration about whether to consult English Nature, developers may obtain a copy of the citation giving the reasons for designation or classification from the appropriate local office of English Nature (see Annex H). A copy of the citation is provided to relevant local authorities and to owners and occupiers of a site during the consultation process which precedes designation or classification.

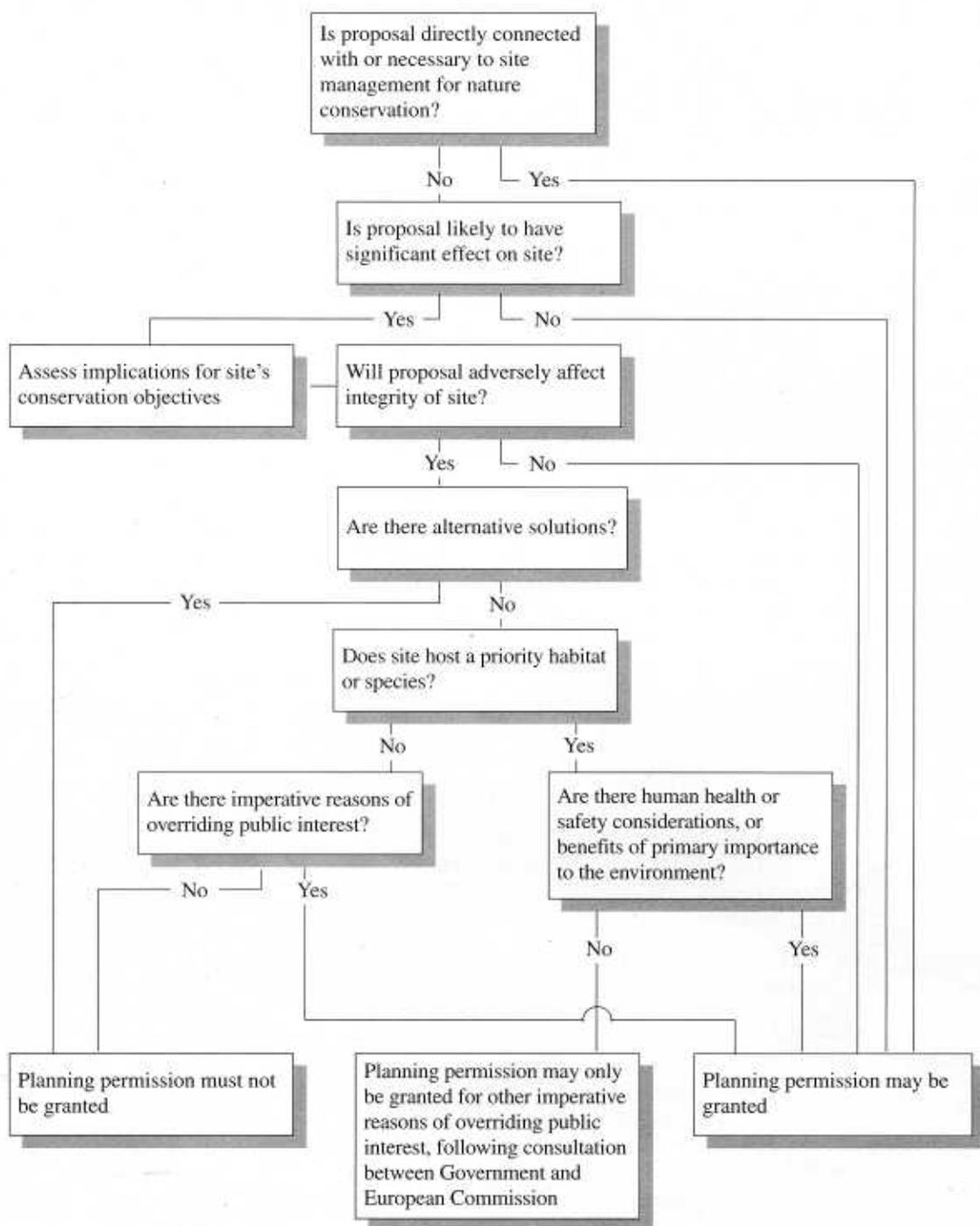
Unauthorised developments affecting SPAs and SACs

C17 Local planning authorities will need to implement specific administrative procedures to prevent, or quickly remedy, any alleged breach of planning control which has, or is likely to have, a significant effect on an SPA or SAC. If a continuing breach of planning control is likely to result in serious long-term harm to a site, the authority should consider the simultaneous service of a stop notice with the related enforcement notice, to prohibit environmentally harmful activity which would otherwise continue for the duration of an enforcement appeal. Where the significant effect on an SPA or SAC appears to result from an alleged breach of a planning condition, it may be more effective to issue an enforcement notice, reinforced by a stop notice, rather than serve a breach of condition notice. This is because a minimum period of 28 days must be allowed for compliance with a breach of condition notice, during which period irreparable harm to the natural habitat may occur. Alternatively, or additionally, the authority may consider submitting an immediate application to the High Court, or County Court, for the grant of an interim planning enforcement injunction while they prepare to take other action to enforce against a breach of control which is having a significant effect on an SPA or SAC. Advice on enforcement is given in PPG18 and DOE Circular 21/91.

Permitted Development Rights, SPAs and SACs



Consideration of development proposals affecting SPAs and SACs



Annex D: Local Authority Action Under the Countryside Act 1968

D1 In exercising their functions relating to land under any enactment, local authorities are required by section 11 of the Countryside Act 1968 "to have regard to the desirability of conserving the natural beauty and amenity of the countryside". This includes safeguarding wildlife and geologically and physiographically important features. It extends to urban as well as rural areas.

D2 This is a responsibility which local authorities should take seriously and which should be shared with the whole community. Voluntary bodies and the business community may have a particularly important part to play as catalysts to mobilise wider support. Measures which local authorities should consider include:

- the use of local authority byelaws to support local nature conservation objectives;
- the making of tree preservation orders under section 198 of the Town and Country Planning Act 1990;
- the creation of new wildlife habitats through restoration of mineral workings and reclamation of derelict land;
- pond restoration and creation;
- entering into management agreements with owners or occupiers of land (under section 39 of the Wildlife and Countryside Act 1981), and the giving of loans/grants;
- managing local authority land so that account is taken of its wildlife interest, for example in the sympathetic treatment of roadside verges, open spaces and parks and in environmental improvement schemes, both domestic and industrial;
- educational activities, such as the establishment of nature conservation areas in school grounds and the provision of information about conservation.

Annex E: Convention on Wetlands of International Importance Especially as Waterfowl Habitat

Ramsar 2.2.1971: as amended by the Protocol of 3.12.1982

The Contracting Parties,

Recognizing the interdependence of Man and his environment;

Considering the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Recognizing that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

Article 1

1 For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

2 For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

Article 2

1 Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the list" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

2 Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.

3 The inclusion of a wetland in the list does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is suited.

4 Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession as provided in Article 9.

5 Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6 Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

Article 3

1 The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

2 Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

Article 4

1 Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2 Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3 The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.

4 The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.

5 The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

Article 5

1 The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavour to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

Article 6

1 The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2 The Conferences shall have an advisory character and shall be competent, inter alia:

- a. to discuss the implementation of this Convention
- b. to discuss additions to and changes in the List;
- c. to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d. to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
- e. to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands;

3 The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

Article 7

1 The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2 Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.

Article 8

1 The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

2 The continuing bureau duties shall be, inter alia:

- a. to assist in the convening and organizing of Conferences specified in Article 6
- b. to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
- c. to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d. to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;

- e. to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

Article 9

1 This Convention shall remain open for signature indefinitely.

2 Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a Party to this Convention by:

- a. signature without reservation as to ratification
- b. signature subject to ratification followed by ratification
- c. accession.

3 Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depositary").

Article 10

1 This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.

2 Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

Article 10 bis

1 The Convention may be amended at a meeting of the Contracting Parties convened for that purpose in accordance with this article.

2 Proposals for amendment may be made by any Contracting Party.

3 The text of any proposed amendments and the reasons for it shall be communicated to the organization or government performing the continuing bureau duties under the Convention (hereinafter referred to as "the Bureau") and shall promptly be communicated by the Bureau to all Contracting Parties. Any comments on the text by the Contracting Parties shall be communicated to the Bureau within three months of the date on which the amendments were communicated to the Contracting Parties by the Bureau. The Bureau shall, immediately after the last day for submission of comments, communicate to the Contracting Parties all comments submitted by that day.

4 A meeting of Contracting Parties to consider an amendment communicated in accordance with paragraph 3 shall be convened by the Bureau upon the written request of one third of the Contracting Parties. The Bureau shall consult the Parties concerning the time and venue of the meeting.

5 Amendments shall be adopted by a two-thirds majority of the Contracting Parties present and voting.

6 An amendment adopted shall enter into force for the Contracting Parties which have accepted it on the first day the fourth month following the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance with the Depository. For each Contracting Party, which deposits an instrument of acceptance after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance, the amendment shall enter into force the first day of the fourth month following the date of the deposit of its instrument of acceptance.

Article 11

1 This Convention shall continue in force for an indefinite period.

2 Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depository. Denunciation shall take effect four months after the day on which notice thereof is received by the Depository.

Article 12

1 The Depository shall inform all States that have signed and acceded to this Convention as soon as possible of:

- a. signatures to the Convention;
- b. deposits of instruments of ratification of this Convention;
- c. deposits of instruments of accession to this Convention;
- d. the date of entry into force of this Convention;
- e. notifications of denunciation of this Convention.

2 When this Convention has entered into force, the Depository shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

In WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, all texts being equally authentic which shall be deposited with the Depository which shall send true copies thereof to all Contracting Parties.

Articles 6 and 7 of the Convention on Wetlands of International Importance especially as Waterfowl Habitat as amended by the Conference of the Parties on 28.5.1987

(amendments are reproduced below in italics)

Article 6

1 There shall be established a Conference of the Contracting Parties to review and promote the implementation of this Convention. The Bureau referred to in Article 8, paragraph 1, shall convene ordinary meetings of the Conference of the Contracting Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at the written requests of at least one third of the Contracting Parties. Each ordinary meeting of the Conference of the Contracting Parties shall determine the time and venue of the next ordinary meeting.

2 *The Conference of the Contracting Parties shall be competent:*

- a. to discuss the implementation of this Convention;
- b. to discuss additions to and changes in the List;
- c. to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d. to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
- e. to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands;
- f. *to adopt other recommendations, or resolutions, to promote the functioning of this Convention.*

3 The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

4 *The Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings.*

5 *The Conference of the Contracting Parties shall establish and keep under review the financial regulations of this Convention. At each of its ordinary meetings, it shall adopt the budget for the next financial period by a two-third majority of Contracting Parties present and voting.*

6 *Each Contracting Party shall contribute to the budget according to a scale of contributions adopted by unanimity of the Contracting Parties present and voting at a meeting of the ordinary Conference of the Contracting Parties.*

Article 7

1 The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2 *Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention.*

Annex F: Council Directive of 2 April 1979 on the Conservation of Wild Birds (79/409/EEC)

The Council of the European Communities

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission¹¹

Having regard to the opinion of the European Parliament¹²

Having regard to the opinion of the Economic and Social Committee¹³

Whereas the Council declaration of 22 November 1973 on the programme of action of the European Communities on the environment¹⁴ calls for specific action to protect birds, supplemented by the resolution of the Council of the European Communities and of the representatives of the Governments of the Member States meeting within the Council of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment¹⁵;

Whereas a large number of species of wild birds naturally occurring in the European territory of the Member States are declining in number, very rapidly in some cases; whereas this decline represents a serious threat to the conservation of the natural environment, particularly because of the biological balances threatened thereby;

Whereas the species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species; whereas such species constitute a common heritage and whereas effective bird protection is typically a trans-frontier environment problem entailing common responsibilities;

Whereas the conditions of life for birds in Greenland are fundamentally different from those in the other regions of the European territory of the Member States on account of the general circumstances and in particular the climate, the low density of population and the exceptional size and geographical situation of the island;

Whereas therefore this Directive should not apply to Greenland;

Whereas the conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary to attain, within the operation of the common market, of the Community's objectives regarding the improvement of living conditions, a harmonious development of economic activities throughout the Community and a continuous and balanced expansion, but the necessary specific powers to act have not been provided for in the Treaty;

¹¹ OJ No C 24, 1.2.1977, p. 3; OJ No C 201, 23.8.1977, p. 2

¹² OJ No C 163, 11.7.1977, p. 28.

¹³ OJ No C 152, 29.6.1977, p. 3.

¹⁴ OJ No C 112, 20.12.1973, p. 40.

¹⁵ OJ No C 139, 13.6.1977, p. 1.

Whereas the measures to be taken must apply to the various factors which may affect the numbers of birds, namely the repercussions of man's activities and in particular the destruction and pollution of their habitats, capture and killing by man and the trade resulting from such practices; whereas the stringency of such measures should be adapted to the particular situation of the various species within the framework of a conservation policy;

Whereas conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe; whereas it makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible;

Whereas the preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds; whereas certain species of birds should be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution; whereas such measures must also take account of migratory species and be coordinated with a view to setting up a coherent whole;

Whereas, in order to prevent commercial interests from exerting a possible harmful pressure on exploitation levels it is necessary to impose a general ban on marketing and to restrict all derogation to those species whose biological status so permits, account being taken of the specific conditions obtaining in the different regions;

Whereas, because of their high population level, geographical distribution and reproductive rate in the Community as a whole, certain species may be hunted, which constitutes acceptable exploitation; where certain limits are established and respected, such hunting must be compatible with maintenance of the population of these species at a satisfactory level;

Whereas the various means, devices or methods of large-scale or non-selective capture or killing and hunting with certain forms of transport must be banned because of the excessive pressure which they exert or may exert on the numbers of the species concerned;

Whereas, because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations on certain conditions and subject to monitoring by the Commission;

Whereas the conservation of birds and, in particular, migratory birds still presents problems which call for scientific research; whereas such research will also make it possible to assess the effectiveness of the measures taken;

Whereas care should be taken in consultation with the Commission to see that the introduction of any species of wild bird not naturally occurring in the European territory of the Member States does not cause harm to local flora and fauna;

Whereas the Commission will every three years prepare and transmit to the Member States a composite report based on information submitted by the Member States on the application of natural provisions introduced pursuant to this Directive;

Whereas it is necessary to adapt certain Annexes rapidly in the light of technical and scientific progress; whereas, to facilitate the implementation of the measures needed for this purpose, provision should be made for a procedure establishing close cooperation between the Member States and the Commission in a Committee for Adaptation to Technical and Scientific Progress,

Has Adopted this Directive:

Article 1

1 This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.

2 It shall apply to birds, their eggs, nests and habitats.

3 This Directive shall not apply to Greenland.

Article 2

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

Article 3

1 In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

2 The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

- a. creation of protected areas;
- b. upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- c. re-establishment of destroyed biotopes;
- d. creation of biotopes.

Article 4

1 The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In this connection, account shall be taken of:

- a. species in danger of extinction;
- b. species vulnerable to specific changes in their habitat;
- c. species considered rare because of small populations or restricted local distribution;
- d. other species requiring particular attention for reasons of the specific nature of their habitat.

Trends and variations in population levels shall be taken into account as a background for evaluations.

Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this Directive applies.

2 Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

3 Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 above form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.

4 In respect of the protection areas referred to in paragraphs 1 and 2 above, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

Article 5

Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:

1. deliberate killing or capture by any method;
2. deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
3. taking their eggs in the wild and keeping these eggs even if empty;
4. deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
5. keeping birds of species the hunting and capture of which is prohibited.

Article 6

1 Without prejudice to the provisions of paragraphs 2 and 3, Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.

2 The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III/1, provided that the birds have been legally killed or captured or otherwise legally acquired.

3 Member States may, for the species listed in Annex III/2, allow within their territory the activities referred to in paragraph 1, making provision for certain restrictions, provided the birds have been legally killed or captured or otherwise legally acquired.

Member States wishing to grant such authorisation shall first of all consult the Commission with a view to examining jointly with the latter whether the marketing of specimens of such species would result or could reasonably be expected to result in the population levels, geographical distribution or reproductive rate of the species being endangered throughout the Community. Should this examination prove that the intended authorisation will, in the view of the Commission, result in any one of the aforementioned species being thus endangered or in the possibility of their being thus endangered, the Commission shall forward a reasoned recommendation to the Member State concerned stating its opposition to the marketing of the species in question. Should the Commission consider that no such risk exists, it will inform the Member State concerned accordingly.

The Commission's recommendation shall be published in the *Official Journal of the European Communities*.

Member States granting authorisation pursuant to this paragraph shall verify at regular intervals that the conditions governing the granting of such authorisation continue to be fulfilled.

4 The Commission shall carry out studies on the biological status of the species listed in Annex III(3) and on the effects of marketing on such status.

It shall submit, at the latest four months before the time limit referred to in Article 18(1) of this Directive, a report and its proposals to the Committee referred to in Article 16, with a view to a decision on the entry of such species in Annex III/2.

Pending this decision, the Member States may apply existing national rules to such species without prejudice to paragraph 3 hereof.

Article 7

1 Owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II may be hunted under national legislation. Member States shall ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.

2 The species referred to in Annex II/1 may be hunted in the geographical sea and land area where this Directive applies.

3 The species referred to in Annex II/2 may be hunted only in the Member States in respect of which they are indicated.

4 Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2. They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season nor during the various stages of reproduction. In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds. Member States shall send the Commission all relevant information on the practical application of their hunting regulations.

Article 8

1 In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV (a).

2 Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV (b).

Article 9

1 Member States may derogate from the provisions of Articles 5, 6, 7 and 8, where there is no other satisfactory solution, for the following reasons:

- a. in the interests of public health and safety,
 - o in the interests of air safety,
 - o to prevent serious damage to crops, livestock, forests, fisheries and water,
 - o for the protection of flora and fauna;
- b. for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
- c. to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

2 The derogations must specify:

- the species which are subject to the derogations,
- the means, arrangements or methods authorised for capture or killing,
- the conditions of risk and the circumstances of time and place under which such derogations may be granted,
- the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom,
- the controls which will be carried out.

3 Each year the Member States shall send a report to the Commission on the implementation of this Article.

4 On the basis of the information available to it, and in particular the information communicated to it pursuant to paragraph 3, the Commission shall at all times ensure that the consequences of these derogations are not incompatible with this Directive. It shall take appropriate steps to this end

Article 10

1 Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1.

2 Particular attention shall be paid to research and work on the subjects listed in Annex V. Member States shall send the Commission any information required to enable it to take appropriate measures for the coordination of the research and work referred to in this Article.

Article 11

Member States shall see that any introduction of species of bird which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection they shall consult the Commission.

Article 12

1 Member States shall forward to the Commission every three years, starting from the date of expiry of the time limit referred to in Article 18(1), a report on the implementation of national provisions taken thereunder.

2 The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. That part of the draft report covering the information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be forwarded to the Member States.

Article 13

Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of species of birds referred to in Article 1.

Article 14

Member States may introduce stricter protective measures than those provided for under this Directive.

Article 15

Such amendments as are necessary for adapting Annexes I and V to this Directive to technical and scientific progress and the amendments referred to in the second paragraph of Article 6(4) shall be adopted in accordance with the procedure laid down in Article 17.

Article 16

1 For the purposes of the amendments referred to in Article 15 of this Directive, a Committee for the Adaptation to Technical and Scientific Progress (hereinafter called 'the Committee'), consisting of representatives of the Member States and chaired by a representative of the Commission, is hereby set up.

2 The Committee shall draw up its rules of procedure.

Article 17

1 Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by its chairman, either on his own initiative or at the request of the representative of a Member State.

2 The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit set by the chairman having regard to the urgency of the matter. It shall act by a majority of 41 votes, the votes of the Member States being weighted as provided in Article 148(2) of the Treaty. The Chairman shall not vote.

3 (a) The Commission shall adopt the measures envisaged where they are in accordance with the opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit a proposal to the Council concerning the measures to be adopted. The Council shall act by a qualified majority.

(c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 18

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification. They shall forthwith inform the Commission thereof.

2 Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 19

This Directive is addressed to the Member States.

Done at Luxembourg, 2 April 1979.

For the Council

The President

J. François-Poncet

ANNEX F

[ANNEX I *[to the Birds Directive]*]

1. <i>Gavia stellata</i>	Red-throated Diver	49. <i>Gyps fulvus</i>	Griffon Vulture
2. <i>Gavia arctica</i>	Black-throated Diver	50. <i>Aegypius monachus</i>	Black Vulture
3. <i>Gavia immer</i>	Great Northern Diver	51. <i>Circus gallicus</i>	Short-toed Eagle
4. <i>Podiceps auritus</i>	Slavonian Grebe	52. <i>Circus aeruginosus</i>	Marsh Harrier
5. <i>Pterodroma madeira</i>	Freira	53. <i>Circus cyaneus</i>	Hen Harrier
6. <i>Pterodroma feae</i>	Gon-gon	54. <i>Circus macrourus</i>	Pallid Harrier
7. <i>Bulweria bulwerii</i>	Bulwer's Petrel	55. <i>Circus pygargus</i>	Montagu's Harrier
8. <i>Calonectris diomedea</i>	Cory's Shearwater	56. <i>Accipiter gentilis arrigonii</i>	Goshawk (Corsican-Sardinian subspecies)
9. <i>Puffinus puffinus mauretanicus</i>	Manx Shearwater (Balearic subspecies)	57. <i>Accipiter nisus granti</i>	Sparrowhawk (Canarian-Madeirian subspecies)
10. <i>Puffinus assimilis</i>	Little Shearwater	58. <i>Accipiter brevipes</i>	Levant Sparrowhawk
11. <i>Pelagodroma marina</i>	Frigate Petrel	59. <i>Buteo rufinus</i>	Long-legged Buzzard
12. <i>Hydrobates pelagicus</i>	Storm Petrel	60. <i>Aquila pomarina</i>	Lesser Spotted Eagle
13. <i>Oceanodroma leucorhoa</i>	Leach's Storm-petrel	61. <i>Aquila clanga</i>	Spotted Eagle
14. <i>Oceanodroma castro</i>	Madeiran Storm-petrel	62. <i>Aquila heliaca</i>	Imperial Eagle
15. <i>Phalacrocorax carbo sinensis</i>	Commorant (continental sub-species)	63. <i>Aquila adalberti</i>	Spanish Imperial Eagle
16. <i>Phalacrocorax aristotelis desmarestii</i>	Shag (Mediterranean sub-species)	64. <i>Aquila chrysaetos</i>	Golden Eagle
17. <i>Phalacrocorax pygmeus</i>	Pygmy Cormorant	65. <i>Hieraaetus pennatus</i>	Booted Eagle
18. <i>Pelecanus onocrotalus</i>	White Pelican	66. <i>Hieraaetus fasciatus</i>	Bonelli's Eagle
19. <i>Pelecanus crispus</i>	Dalmatian Pelican	67. <i>Pandion haliaetus</i>	Osprey
20. <i>Botaurus stellaris</i>	Bittern	68. <i>Falco naumanni</i>	Lesser Kestrel
21. <i>Ixobrychus minutus</i>	Little Bittern	69. <i>Falco columbarius</i>	Merlin
22. <i>Nycticorax nycticorax</i>	Night Heron	70. <i>Falco eleonora</i>	Eleonora's Falcon
23. <i>Ardeola ralloides</i>	Squacco Heron	71. <i>Falco biarmicus</i>	Lanner Falcon
24. <i>Egretta garzetta</i>	Little Egret	72. <i>Falco peregrinus</i>	Peregrine
25. <i>Egretta alba</i>	Great White Egret	73. <i>Bonasa bonasia</i>	Hazel Grouse
26. <i>Ardea purpurea</i>	Purple Heron	74. <i>Lagopus mutus pyrenaicus</i>	Ptarmigan (Pyrenean sub-species)
27. <i>Ciconia nigra</i>	Black Stork	75. <i>Lagopus mutus helveticus</i>	Ptarmigan (Alpine sub-species)
28. <i>Ciconia Ciconia</i>	White Stork	76. <i>Tetrao tetrix tetrix</i>	Black Grouse (continental subspecies)
29. <i>Plegadis falcinellus</i>	Glossy Ibis	77. <i>Tetrao urogallus</i>	Capercaillie
30. <i>Platalea leucorodia</i>	Spoonbill	78. <i>Alectoris graeca saxatilis</i>	Rock Partridge (Alpine sub-species)
31. <i>Phoenicopterus tuber</i>	Greater Flamingo	79. <i>Alectoris graeca whitaken</i>	Rock Partridge (Sicilian subspecies)
32. <i>Cygnus bewickii</i> (<i>Cygnus columbianus bewickii</i>)	Bewick's Swan	80. <i>Alectoris barbara</i>	Barbary Partridge
33. <i>Cygnus Cygnus</i>	Whooper Swan	81. <i>Perdix perdix italica</i>	Partridge (Italian sub-species)
34. <i>Anser albifrons flavirostris</i>	White-fronted Goose (Greenland subspecies)	82. <i>Perdix perdix hispaniensis</i>	Partridge (Iberian sub-species)
35. <i>Anser erythropus</i>	Lesser White-fronted Goose	83. <i>Porzana porzana</i>	Spotted Crane
36. <i>Branta leucopsis</i>	Barnacle Goose	84. <i>Porzana parva</i>	Little Crane
37. <i>Branta ruficollis</i>	Red-breasted Goose	85. <i>Porzana pusilla</i>	Baillon's Crane
38. <i>Tadoma ferruginea</i>	Ruddy Shelduck	86. <i>Crex crex</i>	Corncrake
39. <i>Marmaronetta angustirostris</i>	Marbled Teal	87. <i>Porphyrio porphyrio</i>	Purple Gallinule
40. <i>Aythya nyroca</i>	White-eyed Pochard	88. <i>Fulica cristata</i>	Crested Coot
41. <i>Oxyura leucocephala</i>	White-headed Duck	89. <i>Turnix sylvatica</i>	Andalusian Hemipode
42. <i>Pernis apivorus</i>	Honey Buzzard	90. <i>Grus grus</i>	Crane
43. <i>Elanus caeruleus</i>	Black-shouldered Kite	91. <i>Tetrax tetrax</i>	Little Bustard
44. <i>Milvus migrans</i>	Black Kite	92. <i>Chlamydotis undulata</i>	Houbara
45. <i>Milvus milvus</i>	Red Kite	93. <i>Otis tarda</i>	Great Bustard
46. <i>Haliaeetus albicilla</i>	White-tailed Eagle	94. <i>Himantopus himantopus</i>	Black-winged Stilt
47. <i>Gypaetus barbatus</i>	Bearded Vulture		
48. <i>Neophron percnopterus</i>	Egyptian Vulture		

[ANNEX I *[to the Birds Directive]*]

95. <i>Recurvirostra avosetta</i>	Avocet	142. <i>Picoides tridactylus</i>	Three-toed Woodpecker
96. <i>Burhinus oedicnemus</i>	Stone Curlew	143. <i>Cherosophilus duponti</i>	Dupont's Lark
97. <i>Cursorius cursor</i>	Cream-coloured Courser	144. <i>Melanocorypha calandra</i>	Calandra Lark
98. <i>Glareola pratincola</i>	Collared Pratincole	145. <i>Calandrella brachy-dactyla</i>	Short-toed Lark
99. <i>Charadrius morinellus</i> (<i>Eudromias morinellus</i>)	Dotterel	146. <i>Galerida theklae</i>	Thekla Lark
100. <i>Pluvialis apricaria</i>	Golden Plover	147. <i>Lullula arborea</i>	Woodlark
101. <i>Hoplopterus spinosus</i>	Spur-winged Plover	148. <i>Anthus campestris</i>	Tawny Pipit
102. <i>Philomachus pugnax</i>	Ruff	149. <i>Troglodytes troglodytes fridanensis</i>	Wren (Fair Isle subspecies)
103. <i>Gallinago media</i>	Great Snipe	150. <i>Luscinia svecica</i>	Bluethroat
104. <i>Numenius tenuirostris</i>	Slender-billed Curlew	151. <i>Saxicola dacotiae</i>	Canary Islands Stonechat
105. <i>Tringa glareola</i>	Wood Sandpiper	152. <i>Oenanthe leucura</i>	Black Wheatear
106. <i>Phalaropus lobatus</i>	Red-necked Phalarope	153. <i>Acrocephalus melano-pogon</i>	Moustached Warbler
107. <i>Larus melanocephalus</i>	Mediterranean Gull	154. <i>Acrocephalus paludicola</i>	Aquatic Warbler
108. Larus genei	Slender-billed Gull	155. <i>Hippolais olivetorum</i>	Olive-tree Warbler
109. <i>Larus audouinii</i>	Audouin's Gull	156. <i>Sylvia sarda</i>	Marmora's Warbler
110. <i>Gelochelidon nilotica</i>	Gull-billed Tern	157. <i>Sylvia undata</i>	Dartford Warbler
111. <i>Sterna caspia</i>	Caspian Tern	158. <i>Sylvia rueppelli</i>	Riippell's Warbler
112. <i>Sterna sandvicensis</i>	Sandwich Tern	159. <i>Sylvia nisoria</i>	Barred Warbler
113. <i>Sterna dougallii</i>	Roseate Tern	160. <i>Ficedula parva</i>	Red-breasted Flycatcher
114. <i>Sterna hirundo</i>	Common Tern	161. <i>Ficedula semitorquata</i>	Semi-collared Flycatcher
115. <i>Sterna paradisaea</i>	Arctic Tern	162. <i>Ficedula albicollis</i>	Collared Flycatcher
116. <i>Sterna albifrons</i>	Little Tern	163. <i>Sitta krueperi</i>	Kriiper's Nuthatch
117. <i>Chlidonias hybridus</i>	Whiskered Tern	164. <i>Sitta whiteheadi</i>	Corsican Nuthatch
118. <i>Chlidonias niger</i>	Black Tern	165. <i>Lanius collurio</i>	Red-backed Shrike
119. <i>Uria aalge ibericus</i>	Guillemot (Iberian subspecies)	166. <i>Lanius minor</i>	Lesser Grey Shrike
120. <i>Pterocles orientalis</i>	Black-bellied Sandgrouse	167. <i>Pyrhacorax pyrrhoco-rax</i>	Chough
121. <i>Pterocles alchata</i>	Pin-tailed Sandgrouse	168. <i>Fringilla coelebs ombriosa</i>	Chaffinch (Hierro subspecies)
122. <i>Columba palumbus azorica</i>	Woodpigeon (Azores subspecies)	169. <i>Fringilla teydea</i>	Canary Island Chaffinch
123. <i>Columba trocaz</i>	Long-toed Pigeon	170. <i>Loxia scotica</i>	Scottish Crossbill
124. <i>Columba bollii</i>	Bolle's Laurel Pigeon	171. <i>Bucanetes githagineus</i>	Trumpeter Finch
125. <i>Columba junoniae</i>	Laurel Pigeon	172. <i>Pyrhula murina</i>	Azores Bullfinch
126. <i>Bubo bubo</i>	Eagle Owl	173. <i>Emberiza cineracea</i>	Cinereous Bunting
127. <i>Nyctea scandiaca</i>	Snowy Owl	174. <i>Emberiza hortulana</i>	Ortolan Bunting
128. <i>Glaucidium passerinum</i>	Pygmy Owl	175. <i>Emberiza caesia</i>	Cretzschmar's Bunting
129. <i>Asio flammeus</i>	Short-eared owl		
130. <i>Aegolius funereus</i>	Tengmalm's Owl		
131. <i>Caprimulgus europaeus</i>	Nightjar		
132. <i>Apus caffer</i>	White-rumped Swift		
133. <i>Alcedo atthis</i>	Kingfisher		
134. <i>Coracias garrulus</i>	Roller		
135. <i>Picus canus</i>	Grey-headed Woodpecker		
136. <i>Dryocopus martius</i>	Black Woodpecker		
137. <i>Dendrocopos major canariensis</i>	Great Spotted Woodpecker (Teneriffe subspecies)		
138. <i>Dendrocopos major thanneri</i>	Great Spotted Woodpecker (Gran Canaria subspecies)		
139. <i>Dendrocopos syriacus</i>	Syrian Woodpecker		
140. <i>Dendrocopos medius</i>	Middle Spotted Woodpecker		
141. <i>Dendrocoposleucotos</i>	White-backed Woodpecker		

ANNEX F

ANNEX II/ I [to the Birds Directive]

ANSERIFORMES

1. Anser fabalis	Bean goose
2. Anser anser	Greylag goose
3. Branta canadensis	Canada goose
4. Anas penelope	Wigeon
5. Anas strepera	Gadwall
6. Anas crecca	Teal
7. Anas platyrhynchos	Mallard
8. Anas acuta	Pintail
9. Anas querquedula	Garganey
10. Anas clypeata	Shoveler
11. Aythya ferina	Pochard
12. Aythya fuligula	Tufted duck

GALLIFORMES

13. Lagopus lagopus scoticus et hibernicus	Red grouse
14. Lagopus mutus	Ptarmigan

15. Alectoris graeca	Rock partridge
16. Alectoris rufa	Red-legged partridge
17. Perdix perdix	Partridge
18. Phasianus colchicus	Pheasant

GRUIFORMES

19. Fulica atra	Coot
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CHARADRIIFORMES

20. Lymnocyptes minimus	Jack snipe
21. Gallinago gallinago	Snipe
22. Scolopax rusticola	Woodcock

COLUMBIFORMES

23. Columba livia	Rock dove
24. Columba palumbus	Wood pigeon

ANNEX II/2 [to the Birds Directive]

25. Cygnus olor	Mute swan	49. Vanellus vanellus	Lapwing
26. Anser brachyrhynchus'	Pink-footed goose	50. Calidris canutus	Knot
27. Anser albifrons'	White-fronted goose	51. Philomachus pugnax	Ruff Reeve
28. Branta bernicla	Brent goose	52. Limosa limosa	Black-tailed godwit
29. Netta rufina	Red-crested pochard	53. Limosa lapponica'	Bar-tailed godwit
30. Aythya marila'	Scaup	54. Numenius phaeopus'	Whimbrel
31. Somateria mollissima	Eider	55. Numenius arquata'	Curlew
32. Clangula hyemalis'	Long-tailed duck	56. Tringa erythropus	Spotted redshank
33. Melanitta nigra'	Common scoter	57. Tringa totanus'	Redshank
34. Melanitta fusca'	Velvet scoter	58. Tringa nebularia	Greenshank
35. Bucephala clangula'	Golden-eye	59. Larus ridibundus	Black-headed gull
36. Mergus serrator	Red-breasted merganser	60. Larus canus	Common gull
37. Mergus merganser	Goosander	61. Larus fuscus	Lesser black-backed gull
38. Bonasia bonasia (Tetrastes bonasia)	Hazel hen	62. Larus argentatus	Herring gull
39. Tetrao tetrix (Lyrurus tetrix)'	Black grouse	63. Larus marinus	Greater black-backed gull
40. Tetrao urogallus'	Capercaillie	64. Columba oenas	Stock dove
41. Alectoris barbara	Barbary partridge	65. Streptopelia decaocto	Collared turtle dove
42. Coturnix coturnix	Quail	66. Streptopelia turtur	Turtle dove
43. Meleagris gallopavo	Wild turkey	67. Alauda arvensis	Skylark
44. Rallus aquaticus	Water rail	68. Turdus merula	Blackbird
45. Gallinula chloropus'	Moorhen	69. Turdus pilaris	Fieldfare
46. Haematopus ostralegus	Oystercatcher	70. Turdus philomelos	Song-thrush
47. Pluvialis apricaria'	Golden plover	71. Turdus iliacus	Redwing
48. Pluvialis squatarola'	Grey plover	72. Turdus viscivorus	Mistle-thrush

+ denotes hunting of the species may be authorised under Article 7(3)

ANNEX 111/1 [to the Birds Directive]

1. <i>Anas platyrhynchos</i>	Mallard	4. <i>Alectoris barbara</i>	Barbary Partridge
2. <i>Lagopus lagopus scoticus et hibernicus</i>	Red Grouse	5. <i>Perdix perdix</i>	Partridge
3. <i>Alectoris rufa</i>	Red-legged Partridge	6. <i>Phasianus colchicus</i>	Pheasant
		7. <i>Columba palumbus</i>	Wood Pigeon

ANNEX 111/2 [to the Birds Directive]

8. <i>Anser albifrons albifrons</i>	White-fronted Goose (Continental race)	17. <i>Somateria mollissima</i>	Eider
9. <i>Anser anser</i>	Greylag Goose	18. <i>Melanitta nigra</i>	Common Scoter
10. <i>Anas penelope</i>	Wigeon	19. <i>Lagopus mutus</i>	Ptarmigan
11. <i>Anas crecca</i>	Teal	20. <i>Tetrao tetrix britannicus</i>	Black grouse (British population)
12. <i>Anas acuta</i>	Pintail	21. <i>Tetrao urogallus</i>	Capercaillie
13. <i>Anas clypeata</i>	Shoveler	22. <i>Fulica atra</i>	Coot
14. <i>Aythya ferina</i>	Pochard	23. <i>Pluvialis apricaria</i>	Golden Plover
15. <i>Aythya fuligula</i>	Tufted Duck	24. <i>Lymnocyptes minimus</i>	Jack Snipe
16. <i>Aythya marila</i>	Scaup	25. <i>Gallinago gallinago</i>	Snipe
		26. <i>Scolopax rusticola</i>	Woodcock

ANNEX IV [to the Birds Directive]

- (a) — Snares, limes, hooks, live birds which are blind or mutilated used as decoys, tape recorders, electrocuting devices.
- Artificial light sources, mirror, devices for illuminating targets, sighting devices for night shooting comprising an electronic image magnifier or image converter.
 - Explosives.
 - Nets, traps, poisoned or anaesthetic bait.
 - Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.
- (b) - Aircraft, motor vehicles.
- Boats driven at a speed exceeding five kilometres per hour. On the open sea, Member States may, for safety reasons, authorize the use of motor-boats with a maximum speed of 18 kilometres per hour. Member States shall inform the Commission of any authorizations granted.

ANNEX V [to the Birds Directive]

- (a) National lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution.
- (b) Listing and ecological description of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds.
- (c) Listing of data on the population levels of migratory species as shown by ringing.
- (d) Assessing the influence of methods of taking wild birds on population levels.
- (e) Developing or refining ecological methods for preventing the type of damage caused by birds.
- (f) Determining the role of certain species as indicators of pollution.
- (g) Studying the adverse effect of chemical pollution on population levels of bird species.

Annex G: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

The Council of the European Communities

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission¹⁶

Having regard to the opinion of the European Parliament¹⁷

Having regard to the opinion of the Economic and Social Committee¹⁸

Whereas the preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are an essential objective of general interest pursued by the Community, as stated in Article 130r of the Treaty;

Whereas the European Community policy and action programme on the environment (1987 to 1992)¹⁹ makes provision for measures regarding the conservation of nature and natural resources;

Whereas, the main aim of this Directive being to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements, this Directive makes a contribution to the general objective of sustainable development; whereas the maintenance of such biodiversity may in certain cases require the maintenance, or indeed the encouragement, of human activities;

Whereas, in the European territory of the Member States, natural habitats are continuing to deteriorate and an increasing number of wild species are seriously threatened; whereas given that the threatened habitats and species form part of the Community's natural heritage and the threats to them are often of a transboundary nature, it is necessary to take measures at Community level in order to conserve them;

Whereas, in view of the threats to certain types of natural habitat and certain species, it is necessary to define them as having priority in order to favour the early implementation of measures to conserve them;

Whereas, in order to ensure the restoration or maintenance of natural habitats and species of Community interest at a favourable conservation status, it is necessary to designate special areas of conservation in order to create a coherent European ecological network according to a specified timetable;

Whereas all the areas designated, including those classified now or in the future as special protection areas pursuant to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds²⁰, will have to be incorporated into the coherent European ecological network;

¹⁶ OJ No C 247, 21.9.1988, p. 3; and OJ No C 195, 3.8.1990, p. 1.

¹⁷ OJ No C 75, 20.3.1991, p. 12.

¹⁸ OJ No C 31, 6.2.1991, p. 25.

¹⁹ OJ No C 328, 7.12.1987, p. 1.

Whereas it is appropriate, in each area designated, to implement the necessary measures having regard to the conservation objectives pursued;

Whereas sites eligible for designation as special areas of conservation are proposed by the Member States but whereas a procedure must nevertheless be laid down to allow the designation in exceptional cases of a site which has not been proposed by a Member State but which the Community considers essential for either the maintenance or the survival of a priority natural habitat type or a priority species;

Whereas an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future;

Whereas it is recognised that the adoption of measures intended to promote the conservation of priority natural habitats and priority species of Community interest is a common responsibility of all Member States; whereas this may, however, impose an excessive financial burden on certain Member States given, on the one hand, the uneven distribution of such habitats and species throughout the Community and, on the other hand, the fact that the 'polluter pays' principle can have only limited application in the special case of nature conservation;

Whereas it is therefore agreed that, in this exceptional case, a contribution by means of Community co-financing should be provided for within the limits of the resources made available under the Community's decisions;

Whereas land-use planning and development policies should encourage the management of features of the landscape which are of major importance for wild fauna and flora;

Whereas a system should be set up for surveillance of the conservation status of the natural habitats and species covered by this Directive;

Whereas a general system of protection is required for certain species of flora and fauna to complement Directive 79/409/EEC; whereas provision should be made for management measures for certain species, if their conservation status so warrants, including the prohibition of certain means of capture or killing, whilst providing for the possibility of derogations on certain conditions;

Whereas, with the aim of ensuring that the implementation of this Directive is monitored, the Commission will periodically prepare a composite report based, *inter alia*, on the information sent to it by the Member States regarding the application of national provisions adopted under this Directive;

Whereas the improvement of scientific and technical knowledge is essential for the implementation of this Directive; whereas it is consequently appropriate to encourage the necessary research and scientific work;

Whereas technical and scientific progress mean that it must be possible to adapt the Annexes; whereas a procedure should be established whereby the Council can amend the Annexes;

Whereas a regulatory committee should be set up to assist the Commission in the implementation of this Directive and in particular when decisions on Community co-financing are taken;

²⁰ OJ No L 103, 25.4.1979, p. 1. Directive as last amended by Directive 91/244/EEC (OJ No L 115, 8.5.1991, p. 41).

Whereas provision should be made for supplementary measures governing the re-introduction of certain native species of fauna and flora and the possible introduction of non-native species;

Whereas education and general information relating to the objectives of this Directive are essential for ensuring its effective implementation,

Has Adopted This Directive:

Definitions

Article 1

For the purpose of this Directive:

(a) *conservation* means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined in (e) and (i);

(b) *natural habitats* means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;

(c) *natural habitat types of Community interest* means those which, within the territory referred to in Article 2:

- i. are in danger of disappearance in their natural range;
or
- ii. have a small natural range following their regression or by reason of their intrinsically restricted area;
or
- iii. present outstanding examples of typical characteristics of one or more of the five following biogeographical regions: Alpine, Atlantic, Continental, Macaronesian and Mediterranean.

Such habitat types are listed or may be listed in Annex I;

(d) *priority natural habitat types* means natural habitat types in danger of disappearance, which are present on the territory referred to in Article 2 and for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority natural habitat types are indicated by an asterisk (*) in Annex I;

(e) *conservation status of a natural habitat* means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2.

The conservation status of a natural habitat will be taken as 'favourable' when:

- its natural range and areas it covers within that range are stable or increasing, and
- the species structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and

- the conservation status of its typical species is favourable as defined in (i);

(f) *habitat of a species* means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;

(g) *species of Community interest* means species which, within the territory referred to in Article 2, are:

- i. endangered, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region;
- ii. vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or
- iii. rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range; or
- iv. endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

Such species are listed or may be listed in Annex II and/or Annex IV or V;

(h) *priority species* means species referred to in (g)(i) for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority species are indicated by an asterisk (*) in Annex II;

(i) *conservation status of a species* means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;

The *conservation status* will be taken as 'favourable' when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;

(j) *site* means a geographically defined area whose extent is clearly delineated;

(k) *site of Community importance* means a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type in Annex I or of a species in Annex II and may also contribute significantly to the coherence of Natura 2000 referred to in Article 3, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned.

For animal species ranging over wide areas, sites of Community importance shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction;

(l) *special area of conservation* means a site of Community importance designated by the Member States through a statutory, administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of the species for which the site is designated;

(m) *specimen* means any animal or plant, whether alive or dead, of the species listed in Annex IV and Annex V, any part or derivative thereof, as well as any other goods which appear, from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of animals or plants of those species;

(n) *the committee* means the committee set up pursuant to Article 20.

Article 2

1 The aim of this Directive shall be to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies

2 Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest

3 Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.

Conservation of natural habitats and habitats of species

Article 3

1 A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000. This network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.

The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.

2 Each Member State shall contribute to the creation of Natura 2000 in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1. To that effect each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1.

3 Where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.

Article 4

1 On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species

which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.

The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site. That information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III (Stage 1) provided in a format established by the Commission in accordance with the procedure laid down in Article 21.

2 On the basis of the criteria set out in Annex III (Stage 2) and in the framework both of each of the five biogeographical regions referred to in Article 1(c)(iii) and of the whole of the territory referred to in Article 2(1), the Commission shall establish, in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists identifying those which host one or more priority natural habitat types or priority species.

Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5% of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.

The list of sites selected as sites of Community importance, identifying those which host one or more priority natural habitat types or priority species, shall be adopted by the Commission in accordance with the procedure laid down in Article 21.

3 The list referred to in paragraph 2 shall be established within six years of the notification of this Directive.

4 Once a site of Community importance has been adopted in accordance with the procedure laid down in paragraph 2, the Member State concerned shall designate that site as a special area of conservation as soon as possible and within six years at most, establishing priorities in the light of the importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed.

5 As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article 6(2),(3) and (4).

Article 5

1 In exceptional cases where the Commission finds that a national list as referred to in Article 4(1) fails to mention a site hosting a priority natural habitat type or priority species which, on the basis of relevant and reliable scientific information, it considers to be essential for the maintenance of that priority natural habitat type or for the survival of that priority species, a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each.

2 If, on expiry of a consultation period not exceeding six months, the dispute remains unresolved, the Commission shall forward to the Council a proposal relating to the selection of the site as a site of Community importance.

3 The Council, acting unanimously, shall take a decision within three months of the date of referral.

4 During the consultation period and pending a Council decision, the site concerned shall be subject to Article 6(2).

Article 6

1 For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2 Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3 Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4 If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Whereas the site concerned hosts a priority natural habitat type and/or a priority species, 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, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

Article 7

Obligations arising under Article 6(2),(3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4(4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4(1) or similarly recognised under Article 4(2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.

Article 8

1 In parallel with their proposals for sites eligible for designation as special areas of conservation, hosting priority natural habitat types and/or priority species, the Member States shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6(1).

2 In agreement with each of the Member States concerned, the Commission shall identify, for sites of Community importance for which co-financing is sought, those measures essential for the maintenance or re-establishment at a favourable conservation status of the priority natural habitat types and priority species on the sites concerned, as well as the total costs arising from those measures.

3 The Commission, in agreement with the Member States concerned, shall assess the financing, including co-financing, required for the operation of the measures referred to in paragraph 2, taking into account, amongst other things, the concentration on the Member State's territory of priority natural habitat types and/or priority species and the relative burdens which the required measures entail.

4 According to the assessment referred to in paragraphs 2 and 3, the Commission shall adopt, having regard to the available sources of funding under the relevant Community instruments and according to the procedure set out in Article 21, a prioritised action framework of measures involving co-financing to be taken when the site has been designated under Article 4(4).

5 The measures which have not been retained in the action framework for lack of sufficient resources, as well as those included in the above mentioned action framework which have not received the necessary co-financing or have only been partially co-financed, shall be reconsidered in accordance with the procedure set out in Article 21, in the context of the two-yearly review of the action framework and may, in the meantime, be postponed by the Member States pending such review. This review shall take into account, as appropriate, the new situation of the site concerned.

6 In areas where the measures dependent on co-financing are postponed, Member States shall refrain from any new measures likely to result in deterioration of those areas.

Article 9

The Commission, acting in accordance with the procedure laid down in Article 21, shall periodically review the contribution of Natura 2000 towards achievement of the objectives set out in Article 2 and 3. In this context, a special area of conservation may be considered for declassification where this is warranted by natural developments noted as a result of the surveillance provided for in Article 11.

Article 10

Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

Article 11

Member States shall undertake surveillance of the conservation status of the natural habitats and species referred to in Article 2 with particular regard to priority natural habitat types and priority species.

Protection of species

Article 12

1 Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range, prohibiting:

- a. all forms of deliberate capture or killing of specimens of these species in the wild;
- b. deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- c. deliberate destruction or taking of eggs from the wild;
- d. deterioration or destruction of breeding sites or resting places

2 For the species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.

3 The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.

4 Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV(a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

Article 13

1 Member States shall take the requisite measures to establish a system of strict protection for the plant species listed in Annex IV(b), prohibiting:

- a. the deliberate picking, collecting, cutting, uprooting or destruction of such plants in their natural range in the wild;
- b. the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species taken in the wild, except for those taken legally before this Directive is implemented.

2 The prohibitions referred to in paragraph 1 (a) and (b) shall apply to all stages of the biological cycle of the plants to which this Article applies.

Article 14

1 If, in the light of the surveillance provided for in Article 11, Member States deem it necessary, they shall take measures to ensure that the taking in the wild of specimens of species of wild fauna and flora listed in Annex V as well as their exploitation is compatible with their being maintained at a favourable conservation status.

2 Where such measures are deemed necessary, they shall include continuation of the surveillance provided for in Article 11. Such measures may also include in particular:

- regulations regarding access to certain property,

- temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations,
- regulation of the periods and/or methods of taking specimens,
- application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations,
- establishment of a system of licences for taking specimens or of quotas,
- regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens.
- breeding in captivity of animal species as well as artificial propagation of plant species, under strictly controlled conditions, with a view to reducing the taking of specimens from the wild,
- assessment of the effect of the measures adopted

Article 15

In respect of the capture or killing of species of wild fauna listed in Annex V(a) and in cases where, in accordance with Article 16, derogations are applied to the taking, capture or killing of species listed in Annex IV(a), Member States shall prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:

- a. use of the means of capture and killing listed in Annex VI(a);
- b. any form of capture and killing from the modes of transport referred to in Annex VI(b).

Article 16

1 Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):

- a. in the interest of protecting wild fauna and flora and conserving natural habitats;
- b. to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;
- c. in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- d. for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants;
- e. to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities.

2 Member States shall forward to the Commission every two years a report in accordance with the format established by the Committee on the derogations applied under paragraph 1. The Commission shall give its opinion on these derogations within a maximum time limit of 12 months following receipt of the report and shall give an account to the Committee.

3 The reports shall specify:

- a. the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;
- b. the means, devices or methods authorised for the capture or killing of animal species and the reasons for their use;
- c. the circumstances of when and where such derogations are granted;
- d. the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within what limits and by what agencies, and which persons are to carry out the task;
- e. the supervisory measures used and the results obtained.

Information

Article 17

1 Every six years from the date of expiry of the period laid down in Article 23, Member States shall draw up a report on the implementation of the measures taken under this Directive. This report shall include in particular information concerning the conservation measures referred to in Article 6(1) as well as evaluation of the impact of those measures on the conservation status of the natural habitat types of Annex I and the species in Annex II and the main results of the surveillance referred to in Article 11. The report, in accordance with the format established by the committee, shall be forwarded to the Commission and made accessible to the public.

2 The Commission shall prepare a composite report based on the reports referred to in paragraph 1. This report shall include an appropriate evaluation of the progress achieved and, in particular, of the contribution of Natura 2000 to the achievement of the objectives set out in Article 3. A draft of the part of the report covering the information supplied by a Member State shall be forwarded to the Member State in question for verification. After submission to the committee, the final version of the report shall be published by the Commission, not later than two years after receipt of the reports referred to in paragraph 1, and shall be forwarded to the Member States, the European Parliament, the Council and the Economic and Social Committee.

3 Member States may mark areas designated under this Directive by means of Community notices designed for that purpose by the committee.

Research

Article 18

1 Member States and the Commission shall encourage the necessary research and scientific work having regard to the objectives set out in Article 2 and the obligation referred to in Article 11. They

shall exchange information for the purposes of proper coordination of research carried out at Member State and at Community level.

2 Particular attention shall be paid to scientific work necessary for the implementation of Articles 4 and 10, and trans-boundary cooperative research between Member States shall be encouraged.

Procedure for amending the Annexes

Article 19

Such amendments as are necessary for adapting Annexes I, II, III, V and VI to technical and scientific progress shall be adopted by the Council acting by qualified majority on a proposal from the Commission.

Such amendments as are necessary for adapting Annex IV to technical and scientific progress shall be adopted by the Council acting unanimously on a proposal from the Commission.

Committee

Article 20

The Commission shall be assisted by a committee consisting of representatives of the Member States and chaired by a representative of the Commission.

Article 21

1 The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

2 The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Supplementary provisions

Article 22

In implementing the provisions of this Directive, Member States shall:

- a. study the desirability of re-introducing species in Annex IV, that are native to their territory where this might contribute to their conservation, provided that an investigation, also taking into account experience in other Member States or elsewhere, has established that such re-

introduction contributes effectively to re-establishing these species at a favourable conservation status and that it takes place only after proper consultation of the public concerned:

- b. ensure that the deliberate introduction into the wild of any species which is not native to their territory is regulated so as not to prejudice natural habitats within their natural range or the wild native fauna and flora and, if they consider it necessary, prohibit such introduction. The results of the assessment undertaken shall be forwarded to the committee for information;
- c. promote education and general information on the need to protect species of wild fauna and flora and to conserve their habitats and natural habitats.

Final provisions

Article 23

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification. They shall forth-with inform the Commission thereof.

2 When Member States adopt such measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3 Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.

Article 24

This Directive is addressed to the Member States.

Done at Brussels, 21 May 1992.

For the Council

The President

Arlindo MARQUES CUNHA

ANNEX I [to the Habitats Directive]

COASTAL SAND DUNES AND CONTINENTAL DUNES

NATURAL HABITAT TYPES OF
COMMUNITY INTEREST WHOSE
CONSERVATION REQUIRES THE
DESIGNATION OF SPECIAL AREAS OF
CONSERVATION

Interpretation

Code: The hierarchical classification of habitats produced through the Corine programme' (Corine biotopes project) is the reference work for this Annex. Most types of natural habitat quoted are accompanied by the corresponding Corine code listed in the Technical Handbook, Volume 1, pp. 73-109, Corine/Biotope/89/2.2, 19 May 1988, partially updated 14 February 1989.

The sign 'x' combining codes indicates associated habitat types, e.g. 35.2 x 64.1 - Open grassland with *Corynephorus* and *Agrostis* (35.2), in combination with continental dunes (64.1).

The sign '*' indicates priority habitat types.

COASTAL AND HALOPHYTIC HABITATS

Open sea and tidal areas

- 11.25 Sandbanks which are slightly covered by sea water all the time
- 11.34 * Posidonia beds
- 13.2 Estuaries
- 14 Mudflats and sandflats not covered by seawater at low tide
- 21 * Lagoons
- Large shallow inlets and bays
- Reefs
- Marine 'columns' in shallow water made by leaking gases

Sea cliffs and shingle or stony beaches

- 17.2 Annual vegetation of drift lines
- 17.3 Perennial vegetation of stony banks
- 18.21 Vegetated sea cliffs of the Atlantic and Baltic coasts
- 18.22 Vegetated sea cliffs of the Mediterranean coasts (with endemic *Limonium* spp.)
- 18.23 Vegetated sea cliffs of the Macaronesian coasts (flora endemic to these coasts)

Atlantic and continental salt marshes and salt meadows

- 15.11 *Salicornia* and other annuals colonising mud and sand
- 15.12 *Spartina* swards (*Spartinion*)
- 15.13 Atlantic salt meadows (*Glauco-Puccinellietalia*)
- 15.14 * Continental salt meadows (*Puccinellietalia distantis*)

Mediterranean and thermo-Atlantic salt marshes and salt meadows

- 15.15 Mediterranean salt meadows (*Juncetalia maritimi*)
- 15.16 Mediterranean and thermo-Atlantic halophilous scrubs (*Arthrocnemetalia fruticosae*)
- 15.17 Iberia halo-nitrophilous scrubs (*Pegano-Salsolietea*)

Salt and gypsum continental steppes

- 15.18 * Salt steppes (*Limonietalia*)
- 15.19 * Gypsum steppes (*Gypsophiletalia*)

Sea dunes of the Atlantic, North Sea and Baltic coasts

- 16.211 Embryonic shifting dunes
- 16.212 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
- 16.221 to *Fixed dunes with herbaceous vegetation (grey dunes):
- 16.221 *Galio-Koelerion albescentis*
- 16.222 *Euphorbio-Helichryson*
- 16.223 *Crucianellion maritimae*
- 16.224 *Euphorbia terracina*
- 16.225 *Mesobromion*
- 16.226 *Trifolio-Gerantietea sanguinei*, *Galio maritimi-Geranium sanguinei*
- 16.227 *Thero-Airion*, *Botrychio-Polygaletum*, *Tuberarion guttatae*
- 16.23 * Decalcified fixed dunes with *Empetrum nigrum*
- 16.24 * Eu-atlantic decalcified fixed dunes (*Calluno-Ulicetea*)
- 16.25 Dunes with *Hyppophae rhamnoides*
- 16.26 Dunes with *Salix arenaria*
- 16.29 Wooded dunes of the Atlantic coast
- 16.31 to 16.35 Humid dune slacks
- 1.A Machairs (* Ireland)

Sea dunes of the Mediterranean coast

- 16.223 *Crucianellion maritimae* fixed beach dunes
- 16.224 Dunes with *Euphorbia terracina*
- 16.228 *Malcolmietalia* dune grasslands
- 16.229 *Brachypodietalia* dune grasslands with annuals
- 16.27 * Dune juniper thickets (*Juniperus* spp.)
- 16.28 Dune sclerophyllous scrubs (*Cisto-Lavenduletalia*)
- 16.29 x 42.8 *Wooded dunes with *Pinus pinea* and/or *Pinus pinaster*

Continental dunes, old and decalcified

- 64.1 x 31.223 Dry sandy heaths with *Calluna* and *Genista*
- 64.1 x 31.227 Dry sandy heaths with *Calluna* and *Empetrum nigrum*
- 64.1 x 35.2 Open grassland with *Corynephorus* and *Agrostis* of continental dunes

FRESHWATER HABITATS

Standing water

- 22.11 x 22.31 Oligotrophic waters containing very few minerals of Atlantic sandy plains with amphibious vegetation: *Lobelia*, *Littorelia* and *Isoetes*
- 22.11 x 22.34 Oligotrophic waters containing very few minerals of West Mediterranean sandy plains with *Isoetes*
- 22.12 x (22.31 and 22.32) Oligotrophic waters in medio-European and perialpine area with amphibious vegetation: *Littorelia* or *Isoetes* or annual vegetation on exposed banks (*Nanocyperetalia*)
- 22.12 x 22.44 Hard oligo-mesotrophic waters with benthic vegetation of chara formations
- 22.13 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation
- 22.14 Dystrophic lakes
- 22.34 * Mediterranean temporary ponds
- * Turloughs (Ireland)

Running water

- Sections of water courses with natural or semi-natural dynamics (minor, average and major beds) where the water quality shows no significant deterioration
- 24.221 and Alpine rivers and the herbaceous vegetation along their banks
- 24.222
- 24.223 Alpine rivers and their ligneous vegetation with *Myricaria germanica*
- 24.224 Alpine rivers and their ligneous vegetation with *Salix elaeagnos*
- 24.225 Constantly flowing Mediterranean rivers with *Glacium favum*

'Corine Council Decision 85/338/EEC of 27 June 1985 (OJ No L 176, 6.7.1985, p. 14

ANNEX G

ANNEX I [to the Habitats Directive]

24.4	Floating vegetation of <i>Ranunculus</i> of plain and submountainous rivers	37.31	Molinia meadows on chalk and clay (Eu-Molinion)
24.52	<i>Chenopodietum rubri</i> of submountainous rivers	37.4	Mediterranean tall-herb and rush meadows (<i>Molinio-Holoschoenion</i>)
24.53	Constantly flowing Mediterranean rivers: <i>Paspalo-Agrostidion</i> and hanging curtains of <i>Salix</i> and <i>Populus alba</i>	37.7 and 37.8	Eutrophic tall herbs
–	Intermittently flowing Mediterranean rivers	–	<i>Cnidion venosae</i> meadows liable to flooding
TEMPERATE HEATH AND SCRUB		Mesophile grasslands	
31.11	Northern Atlantic wet heaths with <i>Erica tetralix</i>	38.2	Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>)
31.12	* Southern Atlantic wet heaths with <i>Erica ciliaris</i> and <i>Erica tetralix</i>	38.3	Mountain hay meadows (British types with <i>Geranium sylvaticum</i>)
31.2	Dry heaths (all subtypes)	RAISED BOGS AND MIRES AND FENS	
31.234	* Dry coastal heaths with <i>Erica vagans</i> and <i>Ulex maritimus</i>	Sphagnum acid bogs	
31.3	* Endemic Macaronesian dry heaths	51.1	* Active raised bogs
31.4	Alpine and subalpine heaths	51.2	Degraded raised bogs (still capable of natural regeneration)
31.5	* Scrub with <i>Pinus mugo</i> and <i>Rhododendron hirsutum</i> (<i>Mugo-Rhododendretum hirsuti</i>)	52.1 and 52.2	Blanket bog (*active only)
31.622	Sub-Arctic willow scrub	54.5	Transition mires and quaking bogs
31.7	Endemic oro-Mediterranean heaths with gorse	54.6	Depressions on peat substrates (<i>Rhynchosporion</i>)
SCLEROPHYLLOUSSCRUB (MATORRAL)		Calcareous fens	
Sub-Mediterranean and temperate		53.3	* Calcareous fens with <i>Cladium mariscus</i> and <i>Carex davalliana</i>
31.82	Stable <i>Buxus sempervirens</i> formations on calcareous rock slopes (<i>Berberidion p.</i>)	54.12	* Petrifying springs with tufa formation (<i>Cratoneurion</i>)
31.842	Mountain <i>Genista purgans</i> formations	54.2	Alkaline fens
31.88	<i>Juniperus communis</i> formations on calcareous heaths or grasslands	54.3	* Alpine pioneer formations of <i>Caricion bicoloris-atrofuscae</i>
31.89	* <i>Cistus palhinhae</i> formations on maritime wet heaths (<i>Junipero-Cistetum palhinhae</i>)	ROCKY HABITATS AND CAVES	
Mediterranean arborescent matorral		Scree	
32.131 to 32.135	juniper formations	61.1	Siliceous
32.17	* Matorral with <i>Zyziphus</i>	61.2	Eutric
32.18	* Matorral with <i>Laurus nobilis</i>	61.3	Western Mediterranean and alpine thermophilous
Thermo-Mediterranean and pre-steppe brush		61.4	Balkan
32.216	Laurel thickets	61.5	Medio-European siliceous
32.217	Low formations of euphorbia close to cliffs	61.6	* Medio-European calcareous
32.22 to 32.26	All types	Chasmophytic vegetation on rocky slopes	
Phrygana		62.1 and 62.1A	Calcareous sub-types
33.1	<i>Astragalo-Plantagnetum subulatae phrygana</i>	62.2	Silicicolous sub-types
33.3	<i>Sarcopoterium spinosum phrygana</i>	62.3	Pioneer vegetation of rock surfaces
33.4	Cretan formations (<i>Euphorbieto-Verbascion</i>)	62.4	*Limestone pavements
NATURAL AND SEMI-NATURAL GRASSLAND FORMATIONS		Other rocky habitats	
Natural grasslands		65	Caves not open to the public
34.11	* Karstic calcareous grasslands (<i>Alyssio-Sedion alb.</i>)	–	Fields of lava and natural excavations
34.12	* Xeric sand calcareous grasslands (<i>Koelerion glaucae</i>)	–	Submerged or partly submerged sea caves
34.2	Calaminarian grasslands	–	Permanent glaciers
36.314	Siliceous Pyrenean grasslands with <i>Festuca eskia</i>	FORESTS	
36.32	Siliceous alpine and boreal grasslands	(Sub)natural woodland vegetation comprising native species forming forests of tall trees, with typical undergrowth, and meeting the following criteria: rare or residual, and/or hosting species of Community interest	
36.36	Siliceous <i>Festuca indigesta</i> Iberian grasslands	Forests of temperate Europe	
36.41 to 36.45	Alpine calcareous grasslands	41.11	<i>Luzulo-Fagetum</i> beech forests
36.5	Macaronesian mountain grasslands	41.12	Beech forests with <i>Ilex</i> and <i>Taxus</i> , rich in epiphytes (<i>Illici-Fagion</i>)
Semi-natural dry grasslands and scrubland facies		41.13	<i>Asperulo-Fagetum</i> beech forests
34.31 to 34.34	On calcareous substrates (<i>Festuco Brometalia</i>) (*important orchid sites)	41.15	Subalpine beech woods with <i>Acer</i> and <i>Rumex arifolius</i>
34.5	* Pseudo-steppe with grasses and annuals (<i>Thero-Brachypodietea</i>)	41.16	Calcareous beech forest (<i>Cephalanthero-Fagion</i>)
35.1	* Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in continental Europe)	41.24	<i>Stellario-Carpinetum</i> oak-hornbeam forests
Sclerophyllous grazed forests (dehesas)		41.26	<i>Galio-Carpinetum</i> oak-hornbeam forests
32.11	With <i>Quercus suber</i> and/or <i>Quercus ilex</i>	41.4	* <i>Tilio-Acerion</i> ravine forests
		41.51	Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains

ANNEX I [to the Habitats Directive]

- 41.53 Old oak woods with *flex* and *Blechnum* in the British Isles
- 41.86 *Fraxinus angustifolia* woods
- 42.51 * Caledonian forest
- 44.A1 to * Bog woodland
- 44.A4
- 44.3 * Residual alluvial forests (*Alnion glutinoso-incanae*)
- 44.4 Mixed oak-elm-ash forests of great rivers

Mediterranean deciduous forests

- 41.181 * Apennine beech forests with *Taxus* and *flex*
- 41.184 * Apennine beech forests with *Abies alba* and beech forests with *Abies nebrodensis*
- 41.6 Galicio-Portuguese oak woods with *Quercus robur* and *Quercus pyrenaica*
- 41.77 *Quercus faginea* woods (Iberian Peninsula)
- 41.85 *Quercus trojana* woods (Italy and Greece)
- 41.9 Chestnut woods
41. IA x Hellenic beech forests with *Abies borisii-regis*
- 42.17
- 41.113 *Quercus frainetto* woods
- 42.A1 Cypress forests (*Azero-Cupression*)
- 44.17 *Salix alba* and *Populus alba* galleries
- 44.52 Riparian formations on intermittent Mediterranean water courses with *Rhododendron ponticum*, *Salix* and others
- 44.7 Oriental plane woods (*Platanion orientalis*)
- 44.8 Thermo-Mediterranean riparian galleries (*Nerio-Tamariceteae*) and south-west Iberian Peninsula riparian galleries (*Securinegion tinctoriae*)

Mediterranean sclerophyllous forests

- 41.7C Cretan *Quercus brachyphylla* forests
- 45.1 *Olea* and *Ceratonia* forests
- 45.2 *Quercus suber* forests
- 45.3 *Quercus ilex* forests
- 45.5 *Quercus macrolepis* forests
- 45.61 to * Macaronesian laurel forests (*Laurus*, *Ocotea*)
- 45.63
- 45.7 *Palm groves of *Phoenix*
- 45.8 Forests of *flex aquifolium*

Alpine and subalpine coniferous forests

- 42.21 to Acidophilous forests (*Vaccinio-Plceetea*)
- 42.23
- 42.31 and Alpine forests with larch and *Pinus cembra*
- 42.32
- 42.4 *Pinus uncinata* forests (*on gypsum or limestone)

Mediterranean mountainous coniferous forest

- 42.14 * Apennine *Abies alba* and *Picea excelsa* forests
- 42.19 *Abies pinsapo* forests
- 42.61 to Mediterranean pine forests with endemic black pines
- 42.66
- 42.8 Mediterranean pine forests with endemic Mesogean pines, including *Pinus mugo* and *Pinus leucodermis*
- 42.9 Macaronesian pine forests (endemic)
- 42.A2 to * Endemic Mediterranean forests with *Juniperus* spp.
- 42.A5 and
- 42.A8
- 42.A6 * *Tetraclinis articulata* forests (Andalusia)
- 42.A71 to * *Taxus baccata* woods
- 42.A73

ANNEX G

ANNEX II [to the Habitats Directive]

ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION

Interpretation

- (a) Annex II follows on from Annex I for the establishment of a consistent network of special areas of conservation.
- (b) The species listed in this Annex are indicated:
- by the name of the species or subspecies, or
 - by the body of species belonging to higher taxon or to a designated part of that taxon.

The abbreviation 'spp.' after the name of a family or genus designates all the species belonging to that family or **genus**.

- (c) *Symbols*

An asterisk (*) before the name of a species indicates that the species is a priority species.

Most species listed in this Annex are also listed in Annex IV.

Where a species appears in this Annex but does not appear in either Annex IV or Annex V, the species name is followed by the symbol (o); where a species which appears in this Annex also appears in Annex V but does not appear in Annex IV, its name is followed by the symbol (V).

(a) ANIMALS

VERTEBRATES

MAMMALS

INSECTIVORA

Talpidae

Galemys pyrenaicus

CHIROPTERA

Rhinolophidae

Rhinolophus blasii
Rhinolophus euryale
Rhinolophus ferrumequinum
Rhinolophus hipposideros
Rhinolophus mehelyi

Vespertilionidae

Barbastella barbastellus
Miniopterus schreibersi
Myotis bechsteini
Myotis blythi
Myotis capaccinii
Myotis dasycneme
Myotis emarginatus
Myotis myotis

RODENTIA

Sciuridae

Spermophilus citellus

Castoridae

Castor fiber

Microtidae

Microtus cabrerai
* Microtus oeconomus arenicola

CARNIVORA

Canidae

*Cams lupus (Spanish populations: only those south of the Duero; Greek populations: only those south of the 39th parallel)

Ursidae

*Ursus arctos

Mustelidae

Lutra lutra
Mustela lutreola

Felidae

Lynx lynx
*Lynx pardina

Phocidae

Halichoerus grypus (V)
*Monachus monachus
Phoca vitulina (V)

ARTIODACTYLA

Cervidae

*Cervus elaphus corsicanus

Bovidae

Capra aegagrus (natural populations)
*Capra pyrenaica pyrenaica
Ovis ammon musimon (natural populations-Corsica and Sardinia)
Rupicapra rupicapra balcanica
*Rupicapra ornata

CETACEA

Tursiops truncatus
Phocoena phocoena

REPTILES

TESTUDINATA

Testudinidae

Testudo hermanni
Testudo graeca
Testudo marginata

Cheloniidae

*Caretta caretta

Emydidae

Emys orbicularis
Mauremys caspica
Mauremys leprosa

SAURIA

Lacertidae

Lacerta monticola
Lacerta schreiberi
Gallotia galloti insulanagae
*Gallotia simonyi
Podarcis lilfordi
Podarcis pityusensis

Scinidae

Chalcides occidentalis

Gekkonidae

Phyllodactylus europaeus

OPHIDIA

Colubridae

Elaphe quatuorlineata
Elaphe situla

Viperidae

*Vipera schweizeri
Vipera ursinii

AMPHIBIANS

CAUDATA

Salamandriidae

Chioglossa lusitanica

ANNEX II [to the Habitats Directive]

Mertensiella luschani	*Ladigesocypris ghigii (o)
*Salamandra salamandra aurorae	Leuciscus lucomonis (o)
Salamandrina terdigitata	Leuciscus souffia (o)
Triturus cristatus	Phoxinellus spp. (o)
<i>Proteidae</i>	Rutilus pigus (o)
Proteus anguinus	Rutilus rubilio (o)
<i>Plethodontidae</i>	Rutilus arcasii (o)
Speleomantes ambrosii	Rutilus macrolepidotus (o)
Speleomantes flavus	Rutilus lemmingii (o)
Speleomantes genei	Rutilus friesii meidingeri (o)
Speleomantes imperialis	Rutilus alburnoides (o)
Speleomantes supramontes	Rhodeus sericeus amarus (o)
ANURA	Scardinius graecus (o)
<i>Discoglossidae</i>	<i>Cobitidae</i>
Bombina bombina	Cobitis conspersa (o)
Bombina variegata	Cobitis larvata (o)
Discoglossus jeaneae	Cobitis trichonica (o)
Discoglossus montalentii	Cobitis taenia (o)
Discoglossus sardus	Misgurnis fossilis (o)
*Alytes muletensis	Sabanejewia aurata (o)
<i>Ranidae</i>	PERCIFORMES
Rana latastei	<i>Percidae</i>
<i>Pelobatidae</i>	Gymnocephalus schraetzer (V)
*Pelobates fuscus insubricus	Zingel spp. [(o) except Zingel asper and Zingel zingel]
FISH	MI
PETROMYZONIFORMES	<i>Gobiidae</i>
<i>Petromyzonidae</i>	Pomatoschistus canestrini (o)
Eudontomyzon spp. (o)	Padogobius panizzai (o)
Lampetra fluviatilis (V)	Padogobius nigricans (o)
Lampetra planeri (o)	CLUPEIFORMES
Lethenteron zanandrai (V)	<i>Clupeidae</i>
Petromyzon marinus (o)	Alosa spp. (V)
ACIPENSERIFORMES	SCORPAENIFORMES
<i>Acipenseridae</i>	<i>Cottidae</i>
*Acipenser naccarii	Cottus ferruginosus (o)
*Acipenser sturio	Cottus petiti (o)
ATHERINIFORMES	Cottus gobio (o)
<i>Cyprinodontidae</i>	SILURIFORMES
Aphanius iberus (o)	<i>Siluridae</i>
Aphanius fasciatus (o)	Silurus aristotelis (V)
*Valencia hispanica	INVERTEBRATES
SALMONIFORMES	ARTHROPODS
<i>Salmonidae</i>	CRUSTACEA
Hucho hucho (natural populations) M	<i>Decapoda</i>
Salmo salar (only in fresh water) (V)	Austropotamobius pallipes (V)
Salmo marmoradus (o)	INSECTA
Salmo macrostigma (o)	<i>Coleoptera</i>
<i>Coregonidae</i>	Buprestis splendens
*Coregonus oxyrhynchus (anadromous populations in certain sectors of the North Sea)	*Carabus olympiae
CYPRINIFORMES	Cerambyx cerdo
<i>Cyprinidae</i>	Cucujus cinnaberinus
Alburnus vulturius (o)	Dytiscus latissimus
Alburnus albidus (o)	Graphoderus bilineatus
Anaecypris hispanica	Limoniscus violaceus (o)
Aspius aspius (o)	Lucanus cervus (o)
Barbus plebejus (V)	Morimus funereus (o)
Barbus meridionalis (V)	*Osmoderma eremita
Barbus capito (V)	*Rosalia alpina
Barbus comiza (V)	<i>Lepidoptera</i>
Chalcalburnus chalcoides (o)	*Callimorpha quadripunctata (o)
Chondrostoma soetta (o)	Coenonympha oedippus
Chondrostoma polylepis (o)	Erebia calcaria
Chondrostoma genei (o)	Erebia christi
Chondrostoma lusitanicum (o)	Eriogaster catax
Chondrostoma toxostoma (o)	Euphydryas aurinia (o)
Gobio albipinnatus (o)	Graellsia isbellae (V)
Gobio uranoscopus (o)	
Iberocypris palaciosi (o)	

ANNEX G

ANNEX II [to the Habitats Directive]

Hypodryas maturna
Lycaena dispar
Maculinea nausithous
Maculinea teleius
Melanagria arge
Papilio hospiton
Plebicula golgus

Mantodea
Apteromantis aptera

Odonata
Coenagrion hylas (o)
Coenagrion mercuriale (o)
Cordulegaster trinacriae
Gomphus graslinii
Leucorrhina pectoralis
Lindenia terraphylla
Macromia splendens
Ophiogomphus cecilia
Oxygastra curtisii

Orthoptera
Baetica ustulata

MOLLUSCS

GASTROPODA

Caseolus calculus
Caseolus commixta
Caseolus sphaerula
Discula leacockiana
Discula tabellata
Discus deflorarus
Discus guerinianus
Elona quimperiana
Geomalacus maculosus
Geomitra moniziana
Helix subplicata
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellosa
Vertigo angustior (o)
Vertigo genesii (o)
Vertigo geyeri (o)
Vertigo moulinsiana (o)

BIVALVIA

Unionoida
Margaritifera margaritifera (V)
Unio crassus

(b) PLANTS

PTERIDOPHYTA

ASPLENIACEAE
Asplenium jahandiezii (Litard.) Rouy

BLECHNACEAE
Woodwardia radicans (L.) Sm.

DICKSONIACEAE
Culcita macrocarpa C. Presl

DRYOPTERIDACEAE
*Dryopteris corleyi Fraser-Jenk.

HYMENOPHYLLACEAE
Trichomanes speciosum Willd.

ISOETACEAE
Isoetes boryana Durieu
Isoetes malinverniana Ces. & De Not.

MARSILEACEAE
Marsilea batardae Launert
Marsilea quadrifolia L.
Marsilea strigosa Willd.

OPHIOGLOSSACEAE
Botrychium simplex Hitchc.
Ophioglossum polyphyllum A. Braun

GYMNOSPERMAE

PINACEAE
*Abies nebrodensis (Lojac.) Mattei

ANGIOSPERMAE

ALISMATACEAE
Caldesia parnassifolia (L.) Parl.
Luronium natans (L.) Raf.

AMARYLLIDACEAE
Leucojum nicaeese Ard.
Narcissus asturiensis (Jordan) Pugsley
Narcissus calcicola Mendonça
Narcissus cyclamineus DC.
Narcissus fernandesii G. Pedro
Narcissus humilis (Cav.) Traub
*Narcissus nevadensis Pugsley
Narcissus pseudonarcissus L.
subsp. nobilis (Haw.) A. Fernandes
Narcissus scaberulus Henriq.
Narcissus triandrus (Salisb.) D. A. Webb
subsp. capax (Salisb.) D. A. Webb
Narcissus viridiflorus Schousboe

BORAGINACEAE
*Anchusa crispa Viv.
*Lithodora nitida (H. Ern) R. Fernandes
Myosotis lusitanica Schuster
Myosotis rehsteineri Wartm.
Myosotis retusifolia R. Afonso
Omphalodes kuzinskyana Willk.
*Omphalodes littoralis Lehm.
Solenanthes albanicus (Degen & al.) Degen & Baldacci
*Symphytum cycladense Pawl.

CAMPANULACEAE
Asyneuma giganteum (Boiss.) Bornm.
*Campanula sabatia De Not.
Jasione crispa (Pourret) Samp.
subsp. serpentinica Pinto da Silva
Jasione lusitanica A. DC.

CARYOPHYLLACEAE
*Arenaria nevadensis Boiss. & Reuter
Arenaria provincialis Chater & Halliday
Dianthus cintranus Boiss. & Reuter
subsp. cintranus Boiss. & Reuter
Dianthus marizii (Samp.) Samp.
Dianthus rupicola Biv.
*Gypsophila papillosa P. Porta
Herniaria algarvica Chaudri
Herniaria berlengiana (Chaudhri) Franco
*Herniaria larfolia Lapeyr.
subsp. litardierei gamis
Herniaria maritima Link
Moehringia tommasinii Marches.
Petrocoptis grandiflora Rothm.
Petrocoptis montsicciana O. Bolos & Rivas Mart.
Petrocoptis pseudoviscosa Fernandez Casas
Silene cintrana Rothm.
*Silene hicesiae Brullo & Signorello
Silene hifacensis Rouy ex Willk.
*Silene holzmanii Heldr. ex Boiss.
Silene longicilia (Brot.) Orth.
Silene mariana Pau
*Silene orphanidis Boiss.
*Silene rothmaleri Pinto da Silva
*Silene velutina Pourer ex Loisel.

CHENOPODIACEAE
*Bassia saxicola (Guss.) A. J. Scott
*Kochia saxicola Guss.
*Salicornia veneta Pignatti & Lausi

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CISTACEAE

- Cistus palhinhae* Ingram
Halimium verticillatum (Brot.) Sennen
Helianthemum alypoides Losa & Rivas Goday
Helianthemum caput-felis Boiss.
 **Tuberaria major* (Willk.) Pinto da Silva & Roseira

COMPOSITAE

- **Anthemis glaberrima* (Rech. f.) Greuter
 **Artemisia granatensis* Boiss.
 **Aster pyrenaicus* Desf. ex DC.
 **Aster sorrentinii* (Tod) Lojac.
Carduus myriacanthus Salzm. ex DC.
 **Centaurea alba* L.
 subsp. *heldreichii* (Halacsy) Dostal
 **Centaurea alba* L.
 subsp. *princeps* (Boiss. & Heldr.) Gugler
 **Centaurea attica* Nyman
 subsp. *megarensis* (Halacsy & Hayek) Dostal
 **Centaurea balearica* J. D. Rodriguez
 **Centaurea borjae* Valdes-Berm. & Rivas Goday
 **Centaurea citricolour* Font Quer
Centaurea corymbosa Pourett
Centaurea gadorensis G. Bianca
 **Centaurea horrida* Badaro
 **Centaurea kalambakensis* Freyn & Sint.
Centaurea kartschiana Scop.
 **Centaurea lactiflora* Halacsy
Centaurea micrantha Hoffmanns. & Link
 subsp. *herminii* (Rouy) Dostal
 **Centaurea niederi* Heldr.
 **Centaurea peucedanifolia* Boiss. & Orph.
 **Centaurea pinnata* Pau
Centaurea pulvinata (G. Bianca) G. Bianca
Centaurea rothmalerana (Arenes) Dostal
Centaurea vicentina Mariz
 **Crepis crocifolia* Boiss. & Heldr.
Crepis granatensis (Willk.) B. Bianca & M. Cueto
Erigeron frigidus Boiss. ex DC.
Hymenostemma pseudanthemis (Kunze) Willd.
 **Jurinea cyanoides* (L.) Reichenb.
 **Jurinea fontqueri* Cuatrec.
 **Lamyropsis microcephala* (Moris) Dittrich & Greuter
Leontodon microcephalus (Boiss. ex DC.) Boiss.
Leontodon boryi Boiss.
 **Leontodon siculus* (Guss.) Finch & Sell
Leuzea longifolia Hoffmanns. & Link
Ligularia sibirica (L.) Cass.
Santolina impressa Hoffmanns. & Link
Santolina semidentata Hoffmanns. & Link
 **Senecio elodes* Boiss. ex DC.
Senecio nevadensis Boiss. & Reuter

CONVOLVULACEAE

- **Convolvulus argyrorhamnus* Greuter
 **Convolvulus Fernandes* Pinto da Silva & Teles

CRUCIFERAE

- Alyssum pyrenaicum* Lapeyr.
Arabis sadina (Samp.) P. Cout.
 **Biscutella neustrica* Bonnet
Biscutella vincentina (Samp.) Rothm.
Boleum asperum (Pers.) Desvoux
Brassica glabrescens Polidini
Brassica insularis Moris
 **Brassica macrocarpa* Guss.
Coincya cintrana (P. Cout.) Pinto da Silva
 **Coincya rupestris* Rouy
 **Coronopus navasii* Pau
Diplotaxis ibicensis (Pau) Gomez-Campo
 **Diplotaxis siettiana* Maire
Diplotaxis vicentina (P. Cout.) Rothm.
Erucastrum palustre (Pirona) Vis.
 **Iberis arbuscula* Runemark
Iberis procumbens Lange
 subsp. *microcarpa* Franco & Pinto da Silva
 **Ionopsidium acaule* (Desf.) Reichenb.
Ionopsidium savianum (Caruel) Ball ex Arcang.
Sisymbrium cavanillesianum Valdes & Castroviejo

- Sisymbrium supinum* L.

CYPERACEAE

- **Carex panormitana* Guss.
Eleocharis carniolica Koch

DIOSCOREACEAE

- **Borderea chouardii* (Gausson) Heslot

DROSERACEAE

- Aldrovanda vesiculosa* L.

EPHORBIACEAE

- **Euphorbia margalidiana* Kuhbier & Lewejohann
Euphorbia transtagana Boiss.

GENTIANACEAE

- **Centaurium rigualii* Esteve Cheuca
 **Centaurium somedanum* Lainz
Gentiana ligustica R. de Vilm. & Chopinet
Gentianella anglica (Pugsley) E. F. Warburg

GERANIACEAE

- **Erodium astragaloides* Boiss. & Reuter
Erodium paularense Fernandez-Gonzalez & Izco
 **Erodium rupicola* Boiss.

GRAMINEAE

- Avenula hackelii* (Henriq.) Holub
Bromus grossus Desf. ex DC.
Coleanthus subtilis (Tratt.) Seidl
Festuca brigantina (Markgr.-Dannenb.) Markgr.-
 Dannenb.
Festuca duriotagana Franco & R. Afonso
Festuca elegans Boiss.
Festuca henriquesii Hack.
Festuca sumilusanica Franco & R. Afonso
Guadinea hispanica Stace & Turin
Holcus setiglumis Boiss. & Reuter
 subsp. *duriensis* Pinto da Silva
Micropyropsis tuberosa Romero-Zarco & Cabezudo
Pseudarrhenatherum pallens (Link) J. Holub
Puccinellia pungens (Pau) Paunero
 **Stipa austroitalica* Martinovsky
 **Stipa bavarica* Martinovsky & H. Scholz
 **Stipa veneta* Moraldo

GROSSULARIACEAE

- **Ribes sardum* Martelli

HYPERICACEAE

- **Hypericum aciferum* (Greuter) N. K. B. Robson

JUNCACEAE

- Juncus valvatus* Link

LABIATAE

- Dracocephalum austriacum* L.
 **Micromeria taygetea* P. H. Davis
Nepata dirphyia (Boiss.) Heldr. ex Halacsy
 **Nepata sphaciotica* P. H. Davis
Origanum dictamnus L.
Sideritis incana
 subsp. *glauca* (Cav.) Malagarriga
Sideritis javalambrensis Pau
Sideritis serrata Cav. ex Lag.
Teucrium lepicephalum Pau
Teucrium turredanum Losa & Rivas Goday
 **Thymus camphorates* Hoffmanns. & Link
Thymus carnosus Boiss.
 **Thymus cephalotos* L.

LEGUMINOSAE

- Anthyllis hystrix* Cardona, Contandr. & E. Sierra
 **Astragalus algarbiensis* Coss. ex Bunge
 **Astragalus aquilanus* Anzalone
Astragalus centra!pinus Braun-Blanquet
 **Astragalus maritimus* Moris
Astragalus tremolsianus Pau
 **Astragalus verrucosus* Moris
 **Cytisus aeolicus* Guss. ex Lindl.
Genista dorycnifolia Font Quer
Genista holopetala (Fleischm. ex Koch) Baldacci

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ANNEX II [to the Habitats Directive]

- Melilotus segetalis (Brot.) Ser.
subsp. fallax Franco
*Ononis hackehi Lange
Trifolium saxatile All.
*Vicia bifoliolata J. D. Rodriguez
- LENTIBULARIACEAE**
Pinguicula nevadensis (Lindb.) Casper
- LILIACEAE**
Allium grosii Font Quer
*Androcymbium rechingeri Greuter
*Asphodelus bento-rainhae P. Silva
Hyacinthoides vincentina (Hoffmanns. & Link)
Rothm.
*Muscari gussonei (Parl.) Tod.
- LINACEAE**
*Linum muelleri Moris
- LYTHRACEAE**
*Lythrum flexuosum Lag.
- MALVACEAE**
Kosteletzkya pentacarpos (L.) Ledeb.
- NAJADACEAE**
Najas flexilus (Willd.) Rostk. & W. L. Schmidt
- ORCHIDACEAE**
*Cepha[anthera cucul]ata Boiss. & Heldr.
Cypripedium calceolus L.
Liparis loeselii (L.) Rich.
*Ophrys lunulata Parl.
- PAEONIACEAE**
Paeonia cambessedesii (Wink.) Willk.
Paeonia parnassica Tzanoudakis
Paeonia clusii F. C. Stern
subsp. rhodia (Steud.) Tzanoudakis
- PALMAE**
Phoenix theophrasti Greuter
- PLANTAGINACEAE**
Plantago algarbiensis Samp.
Plantago almogravensis Franco
- PLUMBAGINACEAE**
Armeria berlengensis Daveau
*Armeria helodes Martini & Pold
Armeria neglecta Girard
Armeria pseudarmeria (Murray) Mansfeld
*Armeria rouyana Daveau
Armeria soleirolii (Duby) Godron
Armeria velutina Welv. ex Boiss. & Reuter
Limonium dodarth (Girard) O. Kuntze
subsp. lusitanicum (Daveau) Franco
*Limonium insulare (Beg. & Landi) Arrig. & Diana
Limonium lanceolatum (Hoffmanns. & Link) Franco
Limonium multiflorum Erben
*Limonium pseudolaetum Arrig. & Diana
*Limonium strictissimum (Salzmann) Arrig.
- POLYGONACEAE**
Polygonum praelongum Coode & Cullen
Rumex rupestris Le Gall
- PRIMULACEAE**
Androsace mathildae Levier
Androsace pyrenaica Lam.
*Primula apennina Widmer
Primula palinuri Petagna
Soldanella villosa Darracq.
- RANUNCULACEAE**
*Aconitum corsicum Gayer
Adonis distorta Ten.
Aquilegia bertolonii Schott
Aquilegia kitaibelii Schott
*Aquilegia pyrenaica D. C.
subsp. cazorlensis (Heywood) Galiano
*Consolida samia P. H. Davis
- Pulsatilla patens (L.) Miller
*Ranunculus weyleri Mares
- RESEDACEAE**
*Reseda decursiva Fossk.
- ROSACEAE**
Potentilla delphinensis Gren. & Godron
- RUBIACEAE**
*Galium lotorale Guss.
*Galium viridiflomm Boiss. & Reuter
- SALICACEAE**
Salix salvifolia Brot.
subsp. australis Franco
- SANTALACEAE**
Thesium ebracteatum Hayne
- SAXIFRAGACEAE**
Saxifraga berica (Beguinot) D. A. Webb
Saxifraga florulenta Moretti
Saxifraga hirculus L.
Saxifraga tombeanensis Boiss. ex Engl.
- SCROPHULARIACEAE**
Antirrhinum charidemi Lange
Chaenorhinum serpyllifolium (Lange) Lange
subsp. lusitanicum R. Fernandes
*Euphrasia genargentea (Feoli) Diana
Euphrasia marchesettii Wettst. ex Marches.
Linaria algarviana Chav.
Linaria coutinhoi Valdes
*Linaria ficalhoana Rouy
Linaria flava (Poiret) Desf.
*Linaria hellenica Turrill
*Linaria ricardoi Cout.
*Linaria tursica B. Valdes & Cabezudo
Linaria tonzigii Lona
Odontites granatensis Boiss.
Verbascum litigosum Samp.
Veronica micrantha Hoffmanns. & Link
*Veronica oetaea L.-A. Gustavson
- SELAGINACEAE**
*Globularia stygia Orph. ex Boiss.
- SOLANACEAE**
Atropa baetica Willk.
- THYMELAEACEAE**
Daphne petraea Leybold
*Daphne rodiguezii Texidor
- UL. NIACEAE**
Zelkova abelicea (Lam.) Boiss.
- UMBELLIFERAE**
*Angelica heterocarpa Lloyd
Angelica palustris (Besser) Hoffm.
*Apium bermejoi Llorens
Apium repens (Jacq.) Lag.
Athamanta cortiana Ferrarini
*Bupleurum capillare Boiss. & Heldr.
*Bupleurum kakiskalae Greuter
Eryngium alpinum L.
*Eryngium vivipartum Gay
*Laserpitium longiradium Boiss.
*Naufraga balearica Constans & Cannon
*Oenanthe conioides Lange
Petagnia saniculifolia Guss.
Rouya polygama (Desf) Coincy
*Seseli intricatum Boiss.
Thorella verticillatundata (Thore) Brig.
- VALERIANACEAE**
Centranthus trinervis (Viv.) Beguinot
- VIOLACEAE**
*Viola hispida Lam.
Viola jaubertiana Mares & Vigineix

ANNEX II *Ito the Habitats Directive*

Lower plants

BRYOPHYTA

- Bruchia vogesiaca Schwaegr. (o)
 *Bryoerythrophyllum machadoanum (Sergio) M. Hill (o)
 Buxbaumia viridis (Moug. ex Lam. & DC.) Brid. ex Moug. & Nestl. (o)
 Dichelyma capillaceum (With.) Myr. (o)
 Dicranum viride (Sull. & Lesq.) Lindb. (o)
 Distichophyllum carinatum Dix. & Nich. (o)
 Drepanocladus vernicoccus (Mitt.) Warnst. (o)
 Jungermannia handelii (Schiffn.) Amak. (o)
 Mannia triandra (Scop.) Grolle (o)
 *Marsupella profunda Lindb. (o)
 Meesia longiseta Hedw. (o)
 Nothothylas orbicularis (Schwein.) Sull. (o)
 Orthotrichum rogeri Brid. (o)
 Petalophyllum ralfsii Nees & Goot. ex Lehm. (o)
 Riccia breidlerii Jur. ex Steph. (o)
 Riella helicophylla (Mont.) Hook. (o)
 Scapania massolongi (K. Muell.) K. Muell. (o)
 Sphagnum pylaisii Brid. (o)
 Tayloria rudolphiana (Gasrov) B. & G. (o)

SPECIES FOR MACARONESIA

PTERIDOPHYTA

HYMENOPHYLLACEAE

- Hymenophyllum maderensis Gibby & Lovis

DRYOPTERIDACEAE

- *Polystichum drepanum (Sw.) C. Presl.

ISOETACEAE

- Isotes azorica Durieu & Paiva

MARSILIACEAE

- *Marsilea azorica Launert & Paiva

ANGIOSPERMAE

ASCLEPIADACEAE

- Caralluma burchardii N. E. Brown
 *Ceropegia chrysanthia Svent.

BORAGINACEAE

- Echium candicans L. fil.
 *Echium gentianoides Webb & Coincy
 Myosotis azorica H. C. Watson
 Myosotis maritima Hochst. in Seub.

CAMPANULACEAE

- *Azorina vidalii (H. C. Watson) Feet
 Musschia aurea (L. f.) DC.
 *Musschia wollastonii Lowe

CAPRIFOLIACEAE

- *Sambucus palmensis Link

CARYOPHYLLACEAE

- Spergularia azorica (Kindb.) Lebel

CELASTRACEAE

- Maytenus umbellata (R. Br.) Mabb.

CHENOPODIACEAE

- Beta patula Ait.

CISTACEAE

- Cistus chinamadensis Banares & Romero
 *Helianthemum bystropogophyllum Svent.

COMPOSITAE

- Andryala crithmifolia Ait.
 *Argyranthemum lidii Humphries
 Argyranthemum thalassophyllum (Svent.) Hump.
 Argyranthemum winterii (Svent.) Humphries
 *Atractylis arbuscula Svent. & Michaelis
 Atractylis preauxiana Schultz.
 Calendula maderensis DC.

- Cheirolophus duranii (Burchard) Holub
 Cheirolophus gomerytus (Svent.) Holub
 Cheirolophus junonianus (Svent.) Holub
 Cheirolophus massonianus (Lowe) Hansen
 Cirsium latifolium Lowe
 Helichrysum gossypinum Webb
 Helichrysum oligocephala (Svent. & Bzawm.)
 *Lactuca watsoniana Trel.
 *Onopordum nogalessi Svent.
 *Onopordum carduelinum Bolle
 *Pericallis hadrosoma Svent.
 Phagnalon benetti Lowe
Stemmacantha cynaroides (Chr. Son in Buch) Dierl
 Sventenia bupleuroides Font Quer
 *Tanacetum ptarmiciflorum Webb & Berth

CONVOLVULACEAE

- *Convolvulus caput-medusae Lowe
 *Convolvulus lopez-socasii Svent.
 *Convolvulus massonii A. Dietr.

CRASSULACEAE

- Aeonium gomeraense Praeger
 Aeonium saundersii Belle
 Aichryson dumosum (Lowe) Praeg.
Monanthes wildpretii Banares & Scholz
 Sedum brissemoretii Raymond-Hamet

CRUCIFERAE

- *Crambe arborea Webb ex Christ
 Crambe laevigata DC. ex Christ
 *Crambe sventenii R. Petters ex Bramwell & Sund.
 *Parolinia schizogynoides Svent.
 Sinapidendron rupestre (Air.) Lowe

CYPERACEAE

- Carex malato-belizii Raymond

DIPSACACEAE

- Scabiosa nitens Roemer & J. A. Schultes

ERICACEAE

- Erica scoparia L.
 subsp. azorica (Hochst.) D. A. Webb

EUPHORBIACEAE

- *Euphorbia handiensis Burchard
 Euphorbia lambii Svent.
 Euphorbia stygiana H. C. Watson

GERANIACEAE

- *Geranium maderense P. F. Yeo

GRAMINEAE

- Deschampsia maderensis (Haeck. & Born.)
 Phalaris maderensis (Menezes) Menezes

LABIATAE

- *Sideritis cystosiphon Svent.
 *Sideritis discolor (Webb ex de Noe) Belle
 Sideritis infernalis Bolle
 Sideritis marmorea Belle
 Teucrium abutiloides L'Her
 Teucrium betonicum L'Her

LEGUMINOSAE

- *Anagyris latifolia Brouss. ex Willd.
 Anthyllis lemmaniana Lowe
 *Dorycnium spectabile Webb & Berthel
 *Lotus azoricus P. W. Ball
 Lotus callis-viridis D. Bramwell & D. H. Davis
 Lotus kunkelii (E. Chueca) D. Bramwell & al.
 *Teline rosmarinifolia Webb & Berthel.
 *Teline salsoloides Arco & Acebes.
 Vicia dennesiana H. C. Watson

LILIACEAE

- *Androcymbium psammophilum Svent.
 Scilla maderensis Menezes
 Semele maderensis Costa

LORANTHACEAE

- Arceuthobium azoricum Wiens & Hawksw

ANNEX G

ANNEX II [to the Habitats Directive]

MYRICACEAE

**Myrica rivas-martinezii* Santos.

OLEACEAE

Jasminum azoricum L.
Picconia azorica (Tutin) Knobl.

ORCHIDACEAE

Goodyera macrophylla Lowe

PITTOSPORACEAE

**Pittosporum coriaceum* Dryand. ex Air.

PLANTAGINACEAE

Plantago malato-belizii Lawalree

PLUMBAGINACEAE

**Limonium arborescens* (Brouss.) Kuntze
Limonium dendroides Svent.
**Limonium spectabile* (Svent.) Kunkel & Sunding
**Limonium sventenii* Santos & Fernandez Galvan

POLYGONACEAE

Rumex azoricus Rech. fil.

RHAMNACEAE

Frangula azorica Tutin

ROSACEAE

**Bencomia brachystachya* Svent.
Bencomia sphaerocarpa Svent.
**Chamaemeles coriacea* Lindl.
Dendriopterium pulidoi Svent.
Marcetella maderensis (Born.) Svent.
Prunus lusitanica L.
 subsp. *azorica* (Mouillef.) Franco
Sorbus maderensis (Lowe) Docle

SANTALACEAE

Kunkeliella subsucculenta Kammer

SCROPHULARIACEAE

**Europrasia azorica* Wats
Euphrasia grandiflora Hochst. ex Seub.
**Isoplexis chalcantha* Svent. & O'Shanahan
Isoplexis isabelliana (Webb & Berthel.) Masferrer
Odontites holliana (Lowe) Benth.
Sibthorpia peregrina L.

SELAGINACEAE

**Globularia ascanii* D. Bramwell & Kunkel
**Globularia sarcophylla* Svent.

SOLANACEAE

**Solarium lidii* Sunding

UMBELLIFERAE

Ammi trifoliatum (H. C. Watson) Trelease
Bupleurum handiense (Bolle) Kunkel
Chaerophyllum azoricum Trelease
Ferula latipinna Santos
Melanoselinum decipiens (Schrader & Wendl.) Hoffm.
Monizia edulis Lowe
Oenanthe divaricata (R. Br.) Mabb.
Sanicula azorica Guthnick ex Seub.

VIOLACEAE

Viola paradoxa Lowe

Lower plants

BRYOPHYTA

**Echinodium spinosum* (Mitt.) Jur. (o)
**Thamnobryum fernadesii* Sergio (o)

ANNEX III [to the Directive]

CRITERIA FOR SELECTING SITES ELIGIBLE FOR IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE AND DESIGNATION AS SPECIAL AREAS OF CONSERVATION

STAGE 1: Assessment at national level of the relative importance of sites for each natural habitat type in Annex I and each species in Annex II (including priority natural habitat types and priority species)

- A. *Site assessment criteria for a given natural habitat type in Annex I*
- Degree of representativity of the natural habitat type on the site.
 - Area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory.
 - Degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities.
 - Global assessment of the value of the site for conservation of the natural habitat type concerned.
- B. *Site assessment criteria for a given species in Annex II*
- Size and destiny of the population of the species present on **the site** in relation to the populations present within national territory.
 - Degree of conservation of the features of the habitat which are important for the species concerned and restoration possibilities.
 - Degree of isolation of the population present on the site in relation to the natural range of the species.
 - Global assessment of the value of the site for conservation of the species concerned.
- C. On the basis of these criteria, Member States will classify the sites which they propose on the national list as sites eligible for identification as sites of Community importance according to their relative value for the conservation of each natural habitat type in Annex I or each species in Annex II.
- D. That list will show the sites containing the priority natural habitat types and priority species selected by the Member States on the basis of the criteria in A and B above.

STAGE 2: Assessment of the Community importance of the sites included on the national lists

- All the sites identified by the Member States in Stage 1 which contain priority natural habitat types and/or species will be considered as sites of Community importance.
- The assessment of the Community importance of other sites on Member States' lists, i.e. their contribution to maintaining or re-establishing, at a favourable conservation status, a natural habitat in Annex I or a species in Annex II and/or to the coherence of Natura 2000 will take account of the following criteria:
 - relative value of the site at national level;
 - geographical situation of the site in relation to migration of species in Annex II and whether it belongs to a continuous ecosystem situated on both sides of one or more internal Community frontiers;
 - total area of the site;
 - number of natural habitat types in Annex I and species in Annex II present on the site;global ecological value of the site for the biogeographical regions concerned and/or for the whole of the territory referred to in Article 2, as regards both the characteristic or unique aspect of its features and the way they are combined.

ANNEX IV [to the Habitats Directive]

ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST IN NEED OF STRICT PROTECTION

The species listed in this Annex are indicated:

- by the name of species or subspecies, or
- by the body of species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation 'spp.' after the name of a family or genus designates all the species belonging to that family or genus.

(a) ANIMALS
VERTEBRATES

MAMMALS

INSECTIVORA

Erinaceidae

Erinaceus algirus

Scnidae

Crocidura canariensis

Talpidae

Galemys pyrenaicus

MICROCHIROPTERA

All species

RODENTIA

Ghridae

All species except *Glis glis* and *Eliomys quercinus*

Scinridae

Citellus citellus

Sciurus anomalus

Castoridae

Castor fiber

Cricetidae

Cricetus cricetus

Microtidae

Microtus cabrerae

Microtus oeconomus arenicola

Zapodidae

Sicista betulina

Hystriidae

Hystrix cristata

CARNIVORA

Canidae

Canis lupus (Except Spanish populations north of the Duero and Greek populations north of the 39th parallel)

Ursidae

Ursus arctos

Mustelidae

Lutra lutra

Mustela lutreola

Felidae

Felis silvestris

Lynx lynx

Lynx pardina

Phocidae

Monachus monachus

ARTIODACTYLA

Cervidae

Cervus elaphus corsicanus

Bovidae

Capra aegagrus (natural populations)

Capra pyrenaica pyrenaica

Ovis ammon musimon (natural populations - Corsica and Sardinia)

Rupicapra rupicapra balcanica

Rupicapra ornata

CETACEA

All species

REPTILES

TESTUDINATA

Testudinidae

Testudo hermanni

Testudo graeca

Testudo marginata

Cheloniidae

Caretta caretta

Chelonia mydas

Lepidochelys kempii

Eretmochelys imbricata

Dermochelyidae

Dermochelys coriacea

Emyidae

Emys orbicularis

Mauremys caspica

Mauremys leprosa

SAURIA

Lacertidae

Algyroides fitzingeri

Algyroides marchi

Algyroides moreoticus

Algyroides nigropunctatus

Lacerta agilis

Lacerta bedriagae

Lacerta danfordi

Lacerta dugesi

Lacerta graeca

Lacerta horvathi

Lacerta monticola

Lacerta schreiberi

Lacerta trilineata

Lacerta viridis

Gallotia atlantica

Gallotia galloti

Gallotia galloti insulanagae

Gallotia simonyi

Gallotia stehlini

Ophisops elegans

Podarcis erhardii

Podarcis filfolensis

Podarcis hispanica atrata

Podarcis lilfordi

Podarcis melisellensis

Podarcis milensis

Podarcis muralis

Podarcis peloponnesiaca

Podarcis pityusensis

Podarcis sicula

Podarcis taurica

Podarcis tiliguerta

Podarcis wagleriana

Scincidae

Ablepharus kitaibelli

Chalcides bedriagai

Chalcides occidentalis

Chalcides ocellatus

Chalcides sexlineatus

ANNEX G

ANNEX IVa [to the Habitats Directive]

Chalcides viridianus
Ophiomorus punctatissimus

Gekkonidae

Cyrtopodion kotschy
Phyllodactylus europaeus
Tarentola angustimentalis
Tarentola boettgeri
Tarentola delalandii
Tarentola gomerensis

Agamidae

Stellio stellio

Chamaeleontidae

Chamaeleo chamaeleon

Anguidae

Ophisaurus apodus

OPHIDIA

Colubridae

Coluber caspius
Coluber hippocrepis
Coluber jugularis
Coluber laurenti
Coluber najadum
Coluber nummifer
Coluber viridiflavus
Coronella austriaca
Eirenis modesta
Elaphe longissima
Elaphe quatuorlineata
Elaphe situla
Natrix natrix cetti
Natrix natrix corsa
Natrix tessellata
Telescopus falax

Viperidae

Vipera ammodytes
Vipera schweizeri
Vipera seoanni (except Spanish populations)
Vipera ursinii
Vipera xanthina

Boidae

Eryx jaculus

AMPHIBIANS

CAUDATA

Salamandridae

Chioglossa lusitanica
Euproctus asper
Euproctus montanus
Euproctus platycephalus
Salamandra atra
Salamandra aurorae
Salamandra lanzai
Salamandra luschani
Salamandrina terdigitata
Triturus camifex
Triturus cristatus
Triturus italicus
Triturus karelinii
Triturus marmoratus

Proteidae

Proteus anguinus

Plethodontidae

Speleomantes ambrosii
Speleomantes flavus
Speleomantes genei
Speleomantes imperialis
Speleomantes italicus
Speleomantes supramontes

ANURA

Discoglossidae

Bombina bombina
Bombina variegata
Discoglossus galganoi
Discoglossus jeanneae
Discoglossus montalentii
Discoglossus pictus
Discoglossus sardus
Alytes cisternasii
Alytes muletensis
Alytes obstetricans

Ranidae

Rana arvalis
Rana dalmatina
Rana graeca
Rana iberica
Rana italica
Rana latastei
Rana lessonae

Pelobatidae

Pelobates cultripedis
Pelobates fuscus
Pelobates syriacus

Bufo

Bufo calamita
Bufo viridis

Hylidae

Hyla arborea
Hyla meridionalis
Hyla sarda

FISH

ACIPENSERIFORMES

Acipenseridae

Acipenser naccarii
Acipenser sturio

ATHERINIFORMES

Cyprinodontidae

Valencia hispanica

CYPRINIFORMES

Cyprinidae

Anaocypris hispanica

PERCIFORMES

Percidae

Zingel asper

SALMONIFORMES

Coregonidae

Coregonus oxyrhynchus (anadromous populations in certain sectors of the North Sea)

INVERTEBRATES

ARTHROPODS

INSECTA

Coleoptera

Buprestis splendens
Carabus olympiae
Cerambyx cerdo
Cucujus cinnaberinus
Dytiscus latissimus
Graphoderus bilineatus
Osmoderma eremita
Rosalia alpina

Lepidoptera

Apatura metis
Coenonympha hero
Coenonympha oedippus
Erebia calcaria
Erebia christi
Erebia sudetica
Eriogaster catax
Fabriciana elisa
Hypodryas maturna
Hyles hippophaes
Lopinga achine
Lycaena dispar
Maculinea arion
Maculinea nausithous
Maculinea teleius
Melanagria arge
Papilio alexanor
Papilio hospiton
Parnassius apollo
Parnassius mnemosyne
Plebicula golgus
Proserpinus proserpina
Zerynthia polyxena

Mantodea

Apteromantis aptera

Odonata

Aeshna viridis
Cordulegaster trinacriae
Gomphus graslinii
Leucorrhina albifrons
Leucorrhina caudalis
Leucorrhina pectoralis
Lindenia tetraphylla
Macromia splendens
Ophiogomphus cecilia
Oxygastra curtisii
Stylurus flavipes
Sympecma braueri

Orthoptera

Baetica ustrulata
Saga pedo

ARACHNIDA

Araneae

Macrothele calpeiana

MOLLUSCS

GASTROPODA

Prosobranchia

Patella feruginea

Stylommatophora

Caseolus calculus
Caseolus commixta
Caseolus sphaerula
Discula leacockiana

Discula tabellata
Discula testudinalis
Discula turricula
Discus defloratus
Discus guerinianus
Elona quimperiana
Geomalacus maculosus
Geomitra moniziana
Helix subplicata
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellosa

BIVALVIA

Anisomyaria

Lithophaga lithophaga
Pinna nobilis

Unionoidea

Margaritifera auricularia
Unio crassus

ECHINODERMATA

Echinoidea

Centrostephanus longispinus

ANNEX G

ANNEX V [to the Habitats Directive]

(b) PLANTS

Annex IV (b) contains all the plant species listed in Annex II (b)' plus those mentioned below

PTERIDOPHYTA

ASPENIACEAE

Asplenium hemionitis L.

ANGIOSPERMAE

AGAVACEAE

Dracaena draco (L.) L.

AMARYLLIDACEAE

Narcissus longispatus Pugsley

Narcissus triandrus L.

BERBERIDACEAE

Berberis maderensis Lowe

CAMPANULACEAE

Campanula morettiana Reichenb.

Physoplexis comosa (L.) Schur.

CARYOPHYLLACEAE

Moeblingia fontqueri Pau

COMPOSITAE

Argyranthemum pinnatifidum (L.) Q. Lowe subsp. *succulentum* (Lowe) C. J. Humphries

Helichrysum sibthorpii Rouy

Picris willkommii (Schultz Bip.) Nyman

Santolina elegans Boiss. ex DC.

Senecio caespitosus Brot.

Senecio lagascanus DC.

subsp. *lusitanicus* (P. Cout.) Pinto da Sciva

Wagenitzia lancifolia (Sieber ex Sprengel) Dostal

CRUCIFERAE

Murbeckiella sousae Rothm.

EUPHORBIACEAE

Euphorbia nevadensis Boiss. & Reuter

GESNERIACEAE

Jankaea heldreichii (Boiss.) Boiss.

Ramonda serbica Pancic

IRIDACEAE

Crocus etruscus Parl.

Iris boissieri Henriq.

Iris marisca Ricci & Colasante

LABIATAE

Rosmarinus tomentosus Huber-Morath & Maire

Teucrium charidemi Sandwith

Thymus capitellatus Hoffmanns. & I -ink

Thymus villosus L.

subsp. *villosus* L.

LILIACEAE

Androcymbium europeum (Lange) K. Richter

Bellevalia hackelli Freyn

Colchicum corsicum Baker

Colchicum cousturieri Greuter

Fritillaria conica Rix

Fritillaria drenovskii Dogen & Stoy.

Fritillaria gussichiae (Degen & Doerfler) Rix

Fritillaria obliqua Ker-Gawl.

Fritillaria rhodocanakis Orph. ex Baker

Ornithogalum reverchonii Degen & Herv.-Bass.

Scilla beirana Samp.

Scilla odorata Link

ORCHIDACEAE

Ophrys argolica Fleischm.

Orchis scopulorum Simsmerh.

Spiranthes aestivalis (Poiret) L. C. M. Richard

PRIMULACEAE

Androsace cylindrica DC.

Primula glaucescens Moretti

Primula spectabilis Tratt.

RANUNCULACEAE

Aquilegia alpina L.

SAPOTACEAE

Sideroxylon marmulano Banks ex Lowe

SAXIFRAGACEAE

Saxifraga cintrana Kuzinsky ex Willk.

Saxifraga portosantana Boiss.

Saxifraga presolanensis Engl.

Saxifraga valdensis DC.

Saxifraga vayredana Luizet

SCROPHULARIACEAE

Antirrhinum lopesianum Rothm.

Lindernia procumbens (Krocker) Philcox

SOLANACEAE

Mandragora officinarum L.

THYMELAEACEAE

Thymelaea broterana P. Cout.

UMBELLIFERAE

Bunium brevifolium Lowe

VIOLACEAE

Viola athois W. Becker

Viola cazorlensis Gandoger

Viola delphinantha Boiss.

ANNEX V

ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE TAKING IN THE WILD AND EXPLOITATION MAY BE SUBJECT TO MANAGEMENT MEASURES

The species listed in this Annex are indicated:

- by the name of the species or subspecies, or

- by the body of species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation 'spp.' after the name of a family or genus designates all the species belonging to that family or genus.

(a) ANIMALS

VERTEBRATES

MAMMALS

CARNIVORA

Canidae

Canis aureus

Canis lupus (Spanish populations north of the Duera and Greek populations north of the 39th parallel)

Mustelidae

Manes martes

Mustela putorius

Phocidae

All species not mentioned in Annex IV

Viverridae

Genetta genetta

Herpestes ichneumon

' Except bryophytes in Annex II (b)

ANNEX D [to the Habitats Directive]

DUPLICIDENTATA

Leporidae

Lepustimidus

ARTIODACTYLA

Bovidae

Capra ibex

Capra pyrenaica (except Capra pyrenaica pyrenaica)

Rupicapra rupicapra (except Rupicapra rupicapra balcanica and rupicapra otnata)

AMPHIBIANS

ANURA

Ranidae

Rana esculenta

Rana perezi

Rana ridibunda

Rana temporaria

FISH

PETROMYZONIFORMES

Petromyzonidae

Lampetra fluviatilis

Lethenteron zanandrai

ACIPENSERIFORMES

Acipenseridae

All species not mentioned in Annex IV

SALMONIFORMES

Salmonidae

Thymallus thymallus

Coregonus spp. (except Coregonus oxyrhynchus-anadromous populations in certain sectors of the North Sea)

Hucho hucho

Salmo salar (only in fresh water)

Cyprinidae

Barbus spp.

PERCIFORMES

Percidae

Gymnocephalus schraetzer

Zingel zingel

CLUPEIFORMES

Clupeidae

Alosa spp.

SILURIFORMES

Siluridae

Silurus aristotelis

INVERTEBRATES

COELENTERATA

CNIDARIA

Corallium rubrum

MOLLUSCA

GASTROPODA-STYLOMMATOPHORA

Helicidae

Helix pomatia

BIVALVIA-UNIONOIDA

Margaritiferidae

Margaritifera margaritifera

Unionidae

Microcondylaea compressa

Unio elongatulus

ANNELIDA

HIRUDINOIDEA-ARHYNCHOBDELLAE

Hirudinidae

Hirundo medicinalis

ARTHROPODA

CRUSTACEA-DECAPODA

Astacidae

Astacus astacus

Austropotamobius pallipes

Austropotamobius torrentium

Scyllaridae

Scyllarides latus

INSECTA-LEPIDOPTERA

Saturniidae

Graellsia isabellae

(b) PLANTS

ALGAE

RHODOPHYTA

CORALLINACEAE

Lithothamnium coralloides Crouan frat.

Phymatholithon calcareum (Poll.) Adey & McKibbin

LICHENES

CLADONIACEAE

Cladonia L. subgenus Cladina (Nyl.) Vain.

BRYOPHYTA

MUSCI

LEUCOBRYACEAE

Leucobryum glaucum (Hedw.) Angstr.

SPHAGNACEAE

Sphagnum L. spp. (except Sphagnum pylassi Brid.)

PTERIDOPHYTA

Lycopodium spp.

ANGIOSPERMAE

AMARYLLIDACEAE

Galanthus nivalis L.

Narcissus bulbocodium L.

Narcissus juncifolius Lagasca

COMPOSITAE

Arnica montana L.

Artemisia eriantha Ten

Artemisia genipi Weber

Doronicum plantagineum L.

subsp. tournefortii (Rouy) P. Cout.

CRUCIFERAE

Alyssum pintadasilvae Dudley.

Malcolmia lacera (L.) DC.

subsp. gracilima (Samp.) Franco

Murbeckiella pinnatifida (Lam.) Rothm.

subsp. herminii (Rivas-Martinez) Greuter & Burdet

GENTIANACEAE

Gentiana lutea L.

IRIDACEAE

Iris lusitanica Ker-Gawler

LABIATAE

Teucrium salviastrum Schreber

subsp. salviastrum Schreber

LEGUMINOSAE

Anthyllis lusitanica Cullen & Pinto da Silva

Dorycnium pentaphyllum Scop.

subsp. transmontana Franco

Ulex densus Welw. ex Webb.

ANNEX G

ANNEX VI [to the Habitats Directive]

LILIACEAE

Lilium rubrum Lmk
Ruscus aculeatus L.

PLUMBAGINACEAE

Armeria sampaio (Bemis) Nieto Feliner

ROSACEAE

Rubus genevieri Boreau
subsp. herminii (Samp.) P. Cout.

SCROPHULARIACEAE

Anarrhinum longipedicelatum R. Fernandes
Euphrasia mendongae Samp.
Scrophularia grandiflora DC.
subsp. grandiflora DC.
Scrophularia berminii Hoffmanns & Link
Scrophularia sublyrata Brot.

COMPOSITAE

Leuzea rhaponticoides Graells

ANNEX VI [to the Habitats Directive]

PROHIBITED METHODS AND MEANS OF CAPTURE AND KILLING AND MODES OF TRANSPORT

(a) Non-selective means

MAMMALS

- Blind or mutilated animals used as live decoys
- Tape recorders
- Electrical and electronic devices capable of killing or stunning
- Artificial light sources
- Mirrors and other dazzling devices
- Devices for illuminating targets
- Sighting devices for night shooting comprising an electronic image magnifier or image converter
- Explosives
- Nets which are non-selective according to their principle or their conditions of use
- Traps which are non-selective according to their principle or their conditions of use
- Crossbows
- Poisons and poisoned or anaesthetic bait
- Gassing or smoking out
- Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition

FISH

- Poison
- Explosives

(b) Modes of transport

- Aircraft
- Moving motor vehicles

Annex H: Addresses of the Joint Nature Conservation Committee and English Nature

Joint Nature Conservation Committee

Monkstone House
City Road
Peterborough
Cambridgeshire
PE1 1JY
Tel: 0733 62626

English Nature

Headquarters

Northminster House
Peterborough
Cambridgeshire
PE1 1UA
Tel: 0733 340345

English Nature *Local Offices*

(Northumberland, Tyne and Wear, Cleveland, Durham)

Archbold House
Archbold Terrace
Newcastle upon Tyne NE2 1EG
Tel: 091 281 6316

(Norfolk)

60 Bracondale
Norwich NR1 2BE
Tel: 0603 620558

(Cumbria)

Blackwell
Bowness-on-Windermere
Cumbria LA23 3JR
Tel: 05394 45286

(Suffolk)

Norman Tower House
1-2 Crown Street
Bury St Edmunds
Suffolk IP33 1QX
Tel: 0284 762218

(Berks, Bucks, Oxon)

Foxhold House
Thornfold Road
Crookham Common
Newbury
Berks RG15 8EL
Tel: 0635 268881

(Essex, Herts)

Harbour House
Hythe Quay
Colchester
Essex CO2 8JF
Tel: 0206 796666

(Kent)

The Countryside Management Centre
Coldharbour Farm
Wye
Ashford
Kent TN25 5DB
Tel: 0233 812525

(Notts, Leics, Lincs)

The Maltings
Wharf Road
Grantham
Lincs
NG31 6BH
Tel: 0476 68431

(Avon, Somerset)

Roughmoor
Bishop's Hull
Taunton
Somerset
TA1 5AA
Tel: 0823 283211

(Beds, Cambs, Northants)

Ham Lane House
Ham Lane
Orton Waterville
Peterborough PE2 5UR
Tel: 0733 391100

(Cheshire, Shropshire, Staffs, West Midlands) (Gloucs, Hereford and Worcester)

Attingham Park
Shrewsbury

Masefield House
Wells Road

Shropshire SY4 4TW
Tel: 0743 709611

(West Sussex, East Sussex, Surrey)

The Old Candlemakers
West Street
Lewes
East Sussex BN7 2NZ
Tel: 0273 476595

(London)

Room 801
Chancery House
Chancery Lane
London WC2A 1SP
Tel: 071 831 6922

(Hants, Isle of Wight)

1 Southampton Road
Lyndhurst
Hants SO43 7BU
Tel: 0703 283944

(Wilts)

Prince Maurice Court
Hambleton Avenue
Devizes
Wilts SN10 2RT
Tel: 0380 726344

(Dorset)

Slepe Farm
Arne
Wareham
Dorset BH20 5BN
Tel: 0823 556688

(Devon)

The Old Mill House
37 North Street
Okehampton
Devon EX20 1ER
Tel: 0837 55045

(Cornwall)

Trelissick
Feock
Truro
Cornwall TR3 6QQ
Tel: 0872 865261

Malvern Wells
Worcs WR14 4PA
Tel: 0684 560616

(Derbyshire)

Manor Barn
Over Haddon
Bakewell
Derbyshire DE45 1JE
Tel: 0629 815095

(Warwickshire)

10/11 Butchers Row
Banbury
Oxon OX16 8JH
Tel: 0295 257601

(North Yorks, North Humberside)

The Institute for Applied Biology
The University of York
York YO1 5DD
Tel: 0904 432700

**(North Yorks-Craven and
Richmond only)**

Thornborough Hall
Leyburn
North Yorks
DL8 5AB
Tel: 0969 23447

**(South Yorks, West Yorks, South
Humberside)**

44 Bond Street
Wakefield
South Yorks WF1 2QP
Tel: 0924 387010

**(Manchester, Merseyside,
Lancashire and the Cheshire
districts of Ellesmere Port and
Neston, Halton and Warrington)**

Pier House
Wallgate
Wigan
WN3 4AL
Tel: 0942 820342

