

Independent Environmental Protection Assessor for Wales

Welsh Government Offices

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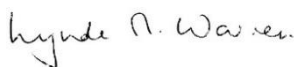
Dear Chair

I am providing you with the following commentary from my Deputy, Anna Heslop who has been engaged with our work on the SPA network in Wales in response to a submission we received on the perceived implementation delays.

This letter is for information only and I am not requesting a formal response from you.

I shall also provide this letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs for his information.

Yours sincerely



Interim Environmental Protection Assessor for Wales

Independent Environmental Protection Assessor for Wales

SPA Network in Wales Review letter of Advice to Welsh Ministers

September 2025

Special Protection Areas in Wales

The IEPAW is in receipt of a submission relating to delays to the implementation of full Special Protection Area (SPA) network in Wales (IEPAW028). The submission focussed on the significant delays to the completion of the UK network and a complaint was simultaneously made to the OEP and a concern raised to Environmental Standards Scotland.

The legal requirement

Regulation 15 of the Conservation of Species and Habitats Regulations 2015 (as amended) states that:

(1) The appropriate authority must classify as special protection areas such sites in England and Wales as the authority considers necessary to ensure that the objective in paragraph (2) is met.

(2) The objective referred to in paragraph (1) is that those sites across the United Kingdom's territory which are most suitable in number and size for—

(a) the conservation of the species listed in Annex 1 to the new Wild Birds Directive which naturally occur in that territory, and

(b) the conservation of regularly occurring migratory species of birds not listed in Annex 1 which naturally occur in that territory, are classified as special protection areas.

The obligation in Regulation 15 stems from Article 4 of Directive 2009/147/EC on the conservation of wild birds (the Birds Directive). Long established case law of the CJEU indicates that although appropriate authorities have a certain margin of discretion in the classification of SPAs, the argument that they have discretion as to the choice and delimitation of such areas and the timing of their classification is not accepted (C-550/90). Further case law indicates that

appropriate authorities must use the best available evidence when identifying SPAs (e.g. C-235/04, C-334/04).

The Scientific evidence

The JNCC's UK SPA and Ramsar Scientific Working Group (SPAR SWG) Statutory Nature Conservation Bodies Working Group (SNCB Working Group) has responsibility for providing the scientific advice relating to reviews of the SPA network in the UK.

In its latest report, *The Status of UK SPAs in the 2000s: the Third Network Review (Phase 2) Summary Advice and Options (Third Network Review)* published in May 2025, the SNCB Working Group indicates that 12 existing protected areas in Wales require updating either to expand their geographical footprint or their list of qualifying species, as well as 2 cross border sites shared with England. The report also identifies 15 new sites or search areas in Wales which meet the criteria for classification as new SPAs, as well as one which spans the border between England and Wales.

It should be noted that Natural Resources Wales (NRW) is an active member of the SNCB Working Group.

Implementation plans

The Third Network Review also highlights the need for a prioritised work programme from each of the four-country level devolved administrations, outlining a timescale for the classification of new sites; the extension of the boundaries of existing sites; and/or the revision of SPA site Citations.

We understand, from discussions with stakeholders, that in 2020, in anticipation of the publication of the Third Network Review, NRW convened a Wales SPA Expert Working Group and developed a prioritised framework for the implementation of the Third Network Review in Wales. These stakeholders were informed that the recommendations contained in that prioritised framework had been endorsed by the NRW Biodiversity and Ecosystems Resilience Board by the summer of 2020 and had been provided to Welsh Government.

Whilst we accept that the passage of 5 years may require a review and an update to that plan, it would appear that a significant amount of work has been conducted to enable a swift implementation of the recommendations of the Third Network Review in Wales.

The implications of continued delay

It is clear that protected bird species do better in countries with a greater number of SPAs and with larger and more established SPAs¹. A 2022 peer review study² found that population trends for birds of higher conservation concern correlated positively with SPA coverage.

Delays to the implementation of the Third Network Review could have negative impacts on the status of key bird species in Wales. The UK Breeding Bird Survey³ shows, for example, a 76% decline in the population of breeding curlew in Wales since monitoring began in 1995, with the decline between 2016 and 2024 alone standing at 37%. The Third Network Review recommends classification of a new SPA in Mynydd Hiraethog and boundary changes to expand three existing upland SPAs in Wales.

Next Steps

Given the expert evidence gathered and presented in the Third Network Review, the existence of a prioritised framework for implementation in Wales and the legal requirement contained in Regulation 15 of the Conservation of Habitats and Species Regulations 2015, IEPAW consider it incumbent upon Welsh Government and NRW to take swift action to implement the recommendations of the Third Network Review.

Ministers will be aware that the OEP in England and Northern Ireland has written to DEFRA, DAERA and Natural England to issue investigation notices in relation to this matter and that the OEP is currently considering the responses to those notices.

The IEPAW does not have equivalent powers to issue such notices, however, given that a prioritised framework for implementation in Wales already exists, one would expect Wales to be

¹ Donald, P.F. et al (2007) International Conservation Policy Delivers Benefits for Birds in Europe, Science, Vol. 317, Issue 5839, pp. 810-813 <https://doi.org/10.1126/science.1146002>

² [Benefits of protected area networks for breeding bird populations and communities - Sanderson - 2023 - Animal Conservation - Wiley Online Library](#)

³ [Population trend graphs | BTO](#)

in an advanced position by comparison. We very much hope that the prioritised framework for implementation can be finalised, published, and that implementation can begin before this file is passed to the new Office of Environmental Governance for Wales.

The IEPAW **recommends** that Welsh Ministers swiftly and transparently establish a timetable under which it will:

1. Publish the (updated if necessary) prioritised framework for implementation; and
2. Implement the Third Network Review in line with that prioritised framework.

IEPAW further urges Welsh Ministers to ensure that NRW is provided with sufficient resources (in terms of additional manpower, budget, and support) to implement the recommendations of the Third Network Review in Wales.

Welsh Ministers should note that OEP has also expanded the scope of their investigation to include the need for a marine SPA review to be conducted. IEPAW further **recommends** that Welsh Ministers work closely with the UK administrations to ensure the timely completion of a marine SPA review.

Yours sincerely



Anna Heslop

Deputy Interim Environmental Protection Assessor for Wales