

Declaration of Intent

between the Ministry of Defence and English Nature

This Declaration of Intent is made between the Ministry of Defence (MoD) and English Nature. It relates to:

- 1.1. Land or water (on shore and off shore) owned, occupied or used by the MoD in England, including land or water owned or used by the Reserve Forces and Cadets Association (RFCA) and MoD Agencies or Partners, and such rights as are taken over private land, which:
 - 1.1.1. Is included in the UK list of candidate, listed or designated Special Areas of Conservation (SAC), proposed or classified Special Protection Areas (SPAs) or sites designated under the Convention on Wetlands (Ramsar sites), and land adjoining such sites;
 - 1.1.2. English Nature has notified as a Site of Special Scientific Interest (SSSI) or intends to notify in the future, and land adjoining SSSIs;
 - 1.1.3. May otherwise have been identified as being of wildlife and/or geological importance (e.g. Local Sites) or holds priority habitats or species as defined in Biodiversity Action Plans.
 - 1.1.4. May otherwise, because of its character or potential, be deserving of sympathetic management for nature conservation, within available resources.
- 1.2. Operations permitted by MoD:
 - 1.2.1. On or outside SSSIs/international sites.
 - 1.2.2. That may affect species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c) Regulations 1994.
- 1.3. It is recognised that the primary purpose for which MoD holds or uses land is for military requirements and in the interest of national defence. This Declaration of Intent does not interfere with these purposes but it is intended that full consultations with English Nature, including consultation under section 28 of the Wildlife and Countryside Act 1981, (as amended) and the Conservation (Natural Habitats, &c) Regulations 1994, shall ensure that wildlife and geological conservation are taken properly into account, together with any other alternative uses or interests.

The MoD declares that:

- 2.1. With reference to land identified in Clause 1.1.1, and operations permitted under paragraph 1.2.1 (international designations), MoD in applying and complying with the Memorandum of Understanding with DEFRA on the application of the Habitats Regulations will, as necessary, seek the advice of English Nature in making judgements on the impact of plans and projects and how any adverse negative impacts can be avoided. Such contacts are to be encouraged at the earliest opportunity so as to secure, as far as possible, that plans or projects are able to satisfy the tests of the Regulations.
- 2.2. With reference to the land identified in Clause 1.1.2 and operations included under clause 1.2.1 (SSSI land), it will take reasonable steps consistent with the proper exercise of its functions to further the conservation and where possible, enhancement of the SSSI's special interests. It will contribute to the Government's Public Service Agreement target to achieve 95% of SSSI land in 'favourable' or 'recovering' condition by 2010, apply strict tests when carrying out functions within or affecting SSSIs, and ensure that it minimizes adverse effects and adopts the highest standards of management. It will ensure that internal procedures affecting SSSIs as agreed with English Nature and published in DCI Gen 90/02 and to be included in JSP 362 are followed. Early consultation with English Nature with regard to activities or projects that may affect SSSI sites is encouraged.
- 2.3. It will not carry out or permit to be carried out any activity likely to damage the special interest of the site except in so far as it is carried out in accordance with the provisions of Section 28 of the Wildlife and Countryside Act 1981, (as amended). This clause shall not inhibit unreasonably any activity required for the purposes referred to in clause 1.3 above.
- 2.4. Where it intends development via the planning process (or is supporting others in development) on land notified as or affecting an internationally designated site or other SSSI, and taking full account of its duties under the Conservation (Natural Habitats, &c) Regulations, section 28G of the Wildlife and Countryside Act 1981 (as amended) and paragraphs 2.1, 2.2 and 2.3 above, MoD estate advisers will consult with the relevant local team managers of English Nature at the earliest opportunity. Both parties will respectively inform the MoD Conservation Office and English Nature External Relations Team of any matters concerning the development which are considered to be contentious, or may be drawn to public or Ministerial attention.
- 2.5. It will wherever legally possible incorporate Clauses in new or renewed Agricultural or Farm Business Tenancies or licences granted by MoD which will maintain at or restore to favourable condition the nature conservation interest of the holding, where they relate to land notified as an SSSI, and enhance the nature conservation potential of other land.
- 2.6. With reference to land of wildlife and/or geological importance identified in clause 1.1.3 (local designations) it will undertake to treat agriculture, forestry and nature conservation equally but if this cannot be achieved, shall endeavour to give priority to nature conservation. It will take full account of Biodiversity Action Plans for priority habitats and species and seek to contribute to specific habitat and species targets.
- 2.7. With reference to land identified in Clause 1.1.4 (non-designated land), it will so far as possible take account of any wildlife and/or geological interest and utilize opportunities to develop this interest further where it can be incorporated within existing and new management plans.
- 2.8. It will take full account of the special protection given to species under Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats etc) Regulations 1994. It will comply with licensing requirements when any activity may adversely affect a nationally or internationally protected species.
- 2.9. In cases where training rights are taken over private land, or land owned by other public bodies, it will comply with the requirements, as advised by the landowner or English Nature, for sensitive sites.
- 2.10. It will comply with the statutory and non-statutory requirements for Environmental Assessments and Appropriate Assessments on a strategic and site-specific basis. It will aim to ensure the integration of environmental considerations into all policy areas having regard to the desirability of promoting nature

conservation wherever this is compatible with the needs of national defence. It will adopt good practice in environmental assessment in all relevant situations.

- 2.11. It will consult with English Nature over nature conservation issues regarding public access to designated MoD sites, consequent upon the Countryside and Rights of Way Act 2000.
- 2.12. It will maintain the conservation interest of all designated sites declared redundant, during the period of preparation for disposal.

English Nature declares that it will:

- 3.1. Support MoD in pursuing positive management of SSSIs by cooperating with MoD Environmental Advisers and Conservation Groups in: a) preparing and agreeing SSSI conservation objectives; b) preparing and agreeing Site Management Statements; c) determining the condition of features on MoD-owned sites.
- 3.2. In exceptional circumstances, where no alteration of the terms of the tenancy with MoD is possible (paragraph 2.5 above), consider offering MoD tenants Management Agreements under the provisions of Section 15 of the Countryside Act 1968 to secure SSSI land in favourable condition.
- 3.3. Where possible, assist MoD through the provision of advice to MoD conservation teams, ecological specialists, Conservation Groups and estate management partners, including advice on non-designated land.
- 3.4. Work with MoD Conservation Groups to advise on appropriate sources of grant aid to further nature conservation work.
- 3.5. Work with MoD, its strategic partners and Conservation Groups to identify projects and partnerships to secure resources from the Lottery and Europe to further nature conservation work, on or adjacent to, MoD land.
- 3.6. Advise on the nature conservation aspects of land which MoD is proposing to acquire.
- 3.7. Assist MoD by supporting the cost of specialist research that English Nature may decide is required in relation to the conservation interest of the MoD estate, including research designed to facilitate improving the condition of SSSIs. This will not normally include research necessary as part of an appropriate assessment of a plan or project under Regulation 48 of the Habitats Regulations.
- 3.8. Assist MoD by providing training for MoD personnel e.g. Habitats Directive, Countryside and Rights of Way Act and other relevant nature conservation subjects.
- 3.9. Provide advice as knowledge permits on changes in habitats, or species distribution, as a result of forecast climate change, and on mitigating measures.
- 3.10. Inform the MoD Conservation Office at the earliest stage of any proposal to designate an area in which MoD may have an interest. This includes proposed boundary changes for SSSIs or the addition of special features to a designation; and will allow for joint discussion of the scientific basis for any proposal and representation (in accordance with English Nature's general procedures for such representation) when English Nature's Council considers such matters.
- 3.11. In the spirit of this Declaration of Intent, and without prejudice to any proceedings, provide early informal advice to MoD in cases where accidental damage by the military may have occurred within a designated site.
4. Both bodies declare that:
 - 4.1. This Declaration of Intent will be supported by an annually agreed work programme.
 - 4.2. They will make arrangements to liaise over land referred to in clause 1.1.1 and 1.1.2 above and operations included under 1.2 above, its conservation interest, management and relationship to MoD uses and operations.
 - 4.3. The staff of both bodies and their agents shall make and maintain close working relationships and shall endeavour to develop an understanding of their respective interests and requirements through dialogue, meetings, training and appropriate secondments. Both bodies will develop and promote best practice and will work to resolve any differences between them at the lowest appropriate level.
 - 4.4. They will jointly publicise achievements, such as the declaration of National Nature Reserves, the annual award of the 'Silver Otter' etc through press releases and media events. They will operate a 'no surprises' policy with regard to issues in the media. The Press Officers of both organisations will liaise over any potential adverse publicity.
 - 4.5. Preparation of Site Management Plans, Integrated Land Management Plans and Conservation Management Plans will be led by MoD Budget Holders, assisted by MoD Conservation, the Environmental Support Teams, Estate Advisers or RFCA Secretaries, and agreed by English Nature for MoD land containing SSSIs. Individual management plans will embody assents and consents under the Wildlife and Countryside Act 1981 (as amended) for specified management operations. Management Plans and Site Management Statements should be completed as soon as possible and reviewed every five years.
 - 4.6. MoD will give advance notice to English Nature of any intended disposal or acquisition of land wholly or partially notified as an SSSI. This notice will be given to Local Team Managers of English Nature by Estates Advisers from Defence Estates or RFCA Secretaries and copied to English Nature's External Relations Team. English Nature will have the opportunity to advise MoD on ways to secure the wildlife opportunities and, for disposals to nominate a suitable body to purchase the land within Treasury Rules, as long as there are no Criel Down considerations or other legal constraints.
 - 4.7. Sympathetic management for nature conservation purposes for all MoD land is regarded as an integral function of estate management, where compatible with clause 1.3.
 - 4.8. No action arising from this Declaration of Intent will override the statutory duties or responsibilities of either body.
 - 4.9. This Declaration of Intent has immediate effect. It supersedes the previous declaration signed on 26 June 1996. The content of this statement will be communicated to all appropriate staff within MoD and English Nature and its application will be subject to formal review every five years.