

**DEFRA**

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Your reference:

Our reference:

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**FOLLOW UP TO THE UK SPA SWG MEETING ON 8 MAY 2002  
PROTECTION UNDER ARTICLE 6(3)) AND (4) OF THE HABITATS DIRECTIVE  
ALL YEAR ROUND**

At the last meeting of the UK SPA SWG we discussed whether the site protection legislation for SPAs (article 6(3)) and (4) of the Habitats Directive transposed by the Conservation (Natural habitats) Regulations 1994) applies all year round.

I can confirm that the Department has previously considered this issue and is of the opinion that article 6(3)) and (4) of the Habitats Directive, transposed by the 1994 Regulations, applies to SPAs all year round. The Department is aware of nothing in article 6 of the Habitats Directive or the 1994 Regulations to support a view that site protection only applies at times of the year when the “qualifying” birds are present, and it is hard to see how SPAs could be effectively protected if protection was seasonal.

However, article 6 appears to contain sufficient flexibility to take account of seasonal species movements. For example, short-term projects taking place during periods when the qualifying species are absent could, depending on their nature, be deemed not likely to have a significant effect on the SPA, in which case an appropriate assessment would not be required. Notifications of potentially damaging operations in force for sites which are also SSSIs might also take account of seasonal variations.

Yours sincerely

cc UK SPA SWD Members



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