



Llywodraeth Cymru  
Welsh Government

**GUIDANCE**

# Special Nature Conservation Orders and stop notices

When you get a Special Nature Conservation Order (SNCO) and how to challenge it, what a stop notice means, and get consent for restricted activities that affect European sites.

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**Department for Environment, Food & Rural Affairs, Natural England, and Natural Resources Wales**

Applies to:

England and Wales

Special Nature Conservation Orders (SNCOs) are used to protect European sites from damage or deterioration.

An SNCO describes the activities that are likely to destroy or damage protected habitats or species. You need consent from Natural England or Natural Resources Wales (NRW) to carry out a restricted activity at a site that has

an SNCO. Examples of restricted activities include, off-road driving, bonfires and bait digging.

SNCOs apply to European sites. These are:

- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)

Find out [where there are SNCOs](#).

SNCOs limit the activities that you can carry out both on and near to a site. They can apply to both land and water, including inland water bodies and the marine environment.

They apply to the land owners, occupiers and land users, for example recreational activities.

SNCOs are a type of conservation measure. Find out about conservation measures in our guide for the [duty to protect, conserve and restore European sites](#).

## How SNCOs are made

SNCOs are made by the Secretary of State or Welsh Ministers, based on the recommendation of Natural England or NRW. The Secretary of State or Welsh Ministers are called ‘the minister’ in this guide.

Natural England or NRW can request an SNCO if:

- their monitoring shows a site is being damaged
- their monitoring shows a site is at risk
- they agree with a request to do so from others

They will only request an SNCO if:

- the site cannot be protected by other regulations - for example planning or

byelaws

- other measures have not worked or are not possible - for example voluntary agreements

The minister decides whether to make an SNCO. If they agree to an SNCO, Defra or Welsh Government will

- publish it in the London Gazette
- publish it in a newspaper local to the land
- display it on or near the site, when appropriate

Natural England or NRW will send you the SNCO if you own the land or occupy it for the purpose of carrying out any activities.

The SNCO will explain the activities that might cause damage, and that you'll be made to stop if you carry them out.

## Object to an SNCO

Anyone can object to an SNCO. The SNCO will explain what you need to do and where to send comments or your objection.

You'll have at least 28 calendar days to submit comments or your objection.

If you object to an SNCO, the minister will decide if your objection is:

- invalid – they'll give you reasons why
- valid and they'll withdraw or change the SNCO
- valid but they need an inquiry to reach a decision

You do not need to pay to make an objection. However, you must cover your own costs, for example, you might want to get expert advice if there's an inquiry.

## If there's an inquiry

If the minister decides there should be an SNCO inquiry, they'll tell you:

- what to expect
- who'll be involved
- the timings – a complex inquiry can take several months

The Planning Inspectorate runs the inquiries. Find out [how to take part in an inquiry](#).

After the inquiry, the inspector will report to the minister. The minister will decide whether to:

- keep (confirm) the SNCO
- change (amend) the SNCO, for example allow a particular activity to take place
- cancel (revoke) the SNCO

Everyone that takes part in the inquiry will receive a decision notice and a copy of the inspector's report.

Any SNCO stop notices that have already been issued will be amended.

## Confirm the SNCO decision

The minister must publish a decision to confirm whether the SNCO will be kept, changed or cancelled. They must do this within 9 months of first making the SNCO.

After the minister has made a final SNCO decision, you can challenge it if you think the SNCO was made without following the proper legal process. You must lodge your objection with the High Court within 6 weeks of the SNCO decision.

# Stop notices for restricted activities

If you carry out, or propose to carry out, the restricted activities listed within an SNCO, Natural England or NRW can, on behalf of the minister, give you a ‘stop notice’.

The stop notice will tell you that you must not carry out or continue to carry out a particular activity without consent. It explains what will happen if you continue.

Stop notices are normally only used after every other means has been tried to protect a site. For example, you might be given a stop notice if you do not agree to stop an activity or if you do not follow an agreed code of conduct for an activity.

If a stop notice is issued, it will be:

- given to the land owner or users carrying out the activity on the land, if known
- published in The London Gazette
- published in at least one newspaper local to the land
- displayed on or near the site

The stop notice will state:

- the name of the site
- the land affected by the stop notice
- details of the activities that are not allowed
- a start date
- an end date, if applicable

You’re breaking the law if you do not comply with a stop notice. You could get an unlimited fine and be made by a Court to repair the damage you’ve caused.

A stop notice ends:

- on the stated end date - if there is one
- if the SNCO is cancelled or amended by the minister

If you have agricultural land and the stop notice has reduced its value, you can request compensation. You'll need to show Natural England or NRW how much the value has reduced by. The stop notice will explain how to request compensation.

## Get consent to carry out activities in a stop notice

If you want to carry out an activity listed in an SNCO stop notice, you must apply for consent from Natural England or NRW.

You can carry out an activity specified in a stop notice without consent if:

- you already have planning permission for the activity
- it's an emergency – there is a sudden, unexpected and impending risk to health, life, property or the environment

To apply for consent you must give Natural England or NRW written notice of the activity you want to carry out. The stop notice will tell you how to apply for consent.

Natural England or NRW will carry out a habitats regulations assessment (HRA) of your proposal. They'll only give you consent if your proposed activities will not damage the site. If they include conditions to the consent they'll tell you why they've done this. Find out the information you might need to provide for an [HRA](#).

You can carry out the activity if:

- you're given written consent
- it's within the terms of a management agreement, agreed with Natural England or NRW after the stop notice was served

## If you're refused consent

If you're refused consent or do not get a decision, you can ask Natural England or NRW in writing to take the issue to the minister. The consent refusal will tell you how to appeal. You need to do this either within:

- two months of being told you've been refused consent
- three months of applying for consent if you've not had a decision about your application

## Show there's 'overriding public interest'

You'll need to show there's 'overriding public interest' in you carrying out the activity. Reasons of overriding public interest include socio-economic reasons, and where there is no other way of carrying out the proposed works. Find out about [overriding public interest and how to show it](#).

The minister will only agree to give consent when all 3 of these conditions are met:

1. There's no reasonable alternative or less damaging way to achieve the same outcome. For example, carrying out the activity in a different way to minimise the impact on breeding birds.
2. The public interest in carrying out the activity is judged to be more important than the damage the activity would cause to the site. For example, the social or economic benefits are significant enough to justify the damage.
3. You're able to compensate for any damage caused to the site.

If the activity is likely to impact on a 'priority habitat or species' on a SAC, the overriding public interest must relate to human health, public safety or other reasons approved by ministers. [Check a SAC's conservation objectives](#) to find out if it has a priority habitat or species.

# Get a consent decision

The minister will send you a decision letter. It will say whether you can carry out the activity. There's no time limit for the minister to make a decision.

The minister will then tell Natural England or NRW whether to give you a consent.

You must receive the consent before you carry out your activity.

## Where there are SNCOs

Site name	County	Area (hectares)	Date made	Responsible party	Restricted activity
Holton and Sandford Heaths	Dorset	33.2	9 December 1982	Land owner and occupier	Fencing and rotovating
Slop Bog and Uddens Heath	Dorset	17.7	22 October 1984	Land owner and occupier	Using bulldozers
Upton Heath	Dorset	50	22 January 1985	Land owner and occupier	Using bulldozers
Tealham and Tadham Moors	Somerset	16.7	8 July 1985	Land owner	Commercial peat extraction
Westhay Moor	Somerset	7.57	17 June	Land owner	Commercial

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<b>Site name</b>	<b>County</b>	<b>Area (hectares)</b>	<b>Date made</b>	<b>Responsible party</b>	<b>Restricted activity</b>
			1987		peat extraction
Upton Heath	Dorset	0.5	1 December 1989	Third party	Using bulldozers
Lindisfarne	Northumberland	344.76	15 October 1993	Third party	Bait digging
Leek Moors SSSI – Readyleech Green	Staffordshire	17	5 February 1998	Land owner	Installing drainage
Dungeness	Kent	1211	13 January 1999	Third party	Using mechanically propelled vehicles
Castle Hill	Sussex	114.67	26 August 1999	Third party	Open air festivals
Folkstone to Etchinghill Escarpment	Kent	6.903	19 November 1999	Third party	Carving a 'white horse'
Fenns, Whixall, Bettisfield Wem and Cadney Mosses	Shropshire and Clwyd	2.74	31 May 2000	Land owner	Ploughing

<b>Site name</b>	<b>County</b>	<b>Area (hectares)</b>	<b>Date made</b>	<b>Responsible party</b>	<b>Restricted activity</b>
Wouldham to Detling	Kent	62.6	18 August 2000	Third party	Using vehicle
Portsmouth Harbour	Hampshire	44.24	18 January 2001	Third party	Large scale commercial bait digging

For more details about an SNCO [contact Natural England](#).

## Contact

[Contact Natural England](#) for help in England.

[Contact NRW](#) for help in Wales.

## About this document

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