

Guidelines for the de-selection of Local Sites in the Tees Valley

In the 2006 Defra publication, “Local Sites: Guidance on their Identification, Selection and Management” one of the responsibilities of a Local Sites Partnership is the de-selection of sites that no longer qualify. This is reflected in the Tees Valley Local Sites Partnership’s own document, “Guidelines for the selection of Local Wildlife Sites in the Tees Valley”, which states that “The Partnership is also responsible for the de-selection of sites which no longer qualify.”

The relevant sections from the Defra publication are reproduced below.

“De-select sites which no longer qualify

36. The partnership can de-select sites if their nature conservation interest deteriorates to such an extent that they no longer qualify as Local Sites. De-selection proposals may be prompted by an individual or picked up during monitoring. If sites are proposed for deselection, owners and other interested parties should be notified and given the opportunity to make observations. Formal de-selection, once agreed by the partnership, should be notified to owners and other interested parties.

37. In considering whether to de-select a site, the partnership should consider any implications for the provision of contact with nature and the availability of sites for educational use. The potential for restoring the site’s features of interest should also be a consideration. This is particularly relevant where a site has been deliberately damaged or degraded through neglect or inappropriate management.”

Based on the Defra guidance sites could be de-selected at the point at which they no longer meet the qualifying criteria. Nevertheless, it needs to be appreciated that Local Sites including, in some cases, Local Geological Sites are dynamic entities and qualifying features may show fluctuations from year to year. This is perhaps most obvious in, for example, the populations of invertebrate species which may fall below qualifying levels in certain years due to factors unrelated to site management. However, it could even affect geological features where such as a slippage might obscure the interest feature, but a further slippage may produce new exposures of interest.

A further consideration is that the process of designating Local Sites by Local Authorities, while not set in stone, is quite lengthy, including notifying landowners and showing sites in Local Plans and other documents. Consequently, de-selection of sites would seem inappropriate where that site might realistically be restored to qualifying status within a reasonable timescale. This is in line with Para 37 of the Defra guidance. Local Plan documents are usually reviewed on a five to ten-year cycle therefore a period of five years is taken as the reasonable timescale.

Para 37 of the Defra guidance also requires consideration of whether de-selection might have an implications for people’s contact for nature. Although selection criteria for Local Sites in the Tees Valley have not included recognition of the opportunities that a site provides for education or contact with nature, Defra revised guidance (2008) indicates that this could be a consideration (see below).

“Can Local Sites also be selected for other interests?”

A LS may have multiple interests and benefits in addition to its substantive nature conservation value. LS include sites with geological interests which have been selected on the basis of educational and research opportunities and aesthetic qualities. They may provide social and community functions and can play a part in the wider Open Space Strategy. They may also have interests relating to education, research or quiet enjoyment.”

In determining when de-selection would be appropriate, some weight can therefore be given to the potential for a site to continue to deliver wider public benefits even if its substantive nature conservation value has fallen below the levels prescribed under other criteria.

In consideration of the above issues, it is recommended that de-selection of sites should take place in the following circumstances:

- D1. Where the habitat for which the site was designated has been completely destroyed
- D2. Where the habitat for which the site was designated has been reduced in area or quality such that it is clearly below the level required for designation and that there is no realistic prospect of it being restored to qualifying status within 5 years. (See Note 1)
- D3. Where there has been no evidence of the species for which the site was designated for a period of at least 5 years and there is no realistic prospect of it being restored within 5 years. (See Note 2)
- D4. Where the population of the species for which the site was designated has fallen significantly below qualifying levels (taken to be 50% or more below) and there is no realistic prospect of it being restored to qualifying levels within 5 years

Notes:

Note 1. Sites should not be deselected where the habitat for which the site was designated has been reduced in area or quality such that it is clearly below the level required for designation, but which still retains substantive nature conservation interest and which provides substantive opportunities for education or contact with nature.

Note 2. Where the species for which the site is designated are believed to have completely disappeared de-selection should not occur until a formal survey at an appropriate level of detail has occurred to confirm this.