



The Moorland Association

SSSI Consent Decisions: A Practical Guide to Appeals

Natural England may refuse consent for an operation on a Site of Special Scientific Interest (SSSI), grant consent subject to conditions, or subsequently modify or withdraw an existing consent. An owner or occupier who disagrees with such a decision has a statutory right of appeal to the Secretary of State.

This note explains the main steps and deadlines for appeals in England. It is intended as practical guidance for Moorland Association members and is based on the information provided by the government here [GOV.UK – Sites of special scientific interest: appeal a refusal or change of consent](#).

When can you appeal?

An SSSI owner or occupier can appeal where Natural England:

- refuses consent for proposed works or an activity.
- grants consent, but you disagree with one or more of the conditions.
- changes or withdraws an existing consent.
- has not made a decision within four months of receiving the application for consent. In that situation, the absence of a decision can be treated as a refusal for appeal purposes.

The appeal is made to the Secretary of State, rather than back to Natural England. An inspector from the Planning Inspectorate considers the evidence and reports to the Secretary of State, who makes the final decision.

The two-month deadline is important

You normally have two months from the date of Natural England's notice in which to appeal. Where Natural England has failed to make a decision within four months of the application, the appeal must instead be made within the following two months.

Do not allow discussions with Natural England to cause the appeal deadline to expire

It may be possible to agree additional time with Natural England while discussions continue, but any extension must be agreed in writing before the original two-month appeal period expires. A copy of that agreement must accompany a later appeal.

MA practical advice: calculate the appeal deadline as soon as a refusal or conditional consent is received and record it clearly. If discussions with Natural England are continuing as the deadline approaches, consider lodging an appeal to protect your position rather than assuming those discussions have stopped the clock.

Before appealing

It can be sensible to speak to the Natural England SSSI adviser first, particularly where the disagreement might be resolved by modifying the proposed operation or agreeing suitable conditions. Government guidance also identifies mediation as an available option.

However, informal discussions and an appeal are not mutually exclusive. An appeal can subsequently be withdrawn and, where discussions with Natural England are making progress, Defra can also agree to hold an appeal temporarily in abeyance.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

Do I need a solicitor?

No. You can make and conduct an SSSI appeal yourself and there is no requirement to appoint a solicitor or other professional representative. For a relatively straightforward appeal, particularly one proceeding by written representations, an owner or occupier may be perfectly capable of preparing the grounds of appeal, assembling the relevant evidence and submitting the case directly to Defra.

Professional advice may nevertheless be worthwhile where the issues are legally or scientifically complex, substantial expert evidence is disputed or the appeal is proceeding to a hearing or inquiry. Depending on the issue, the most useful assistance may be from an ecologist, land agent or other technical specialist rather than a solicitor.

MA practical advice: do not assume that instructing a solicitor is necessary simply because you wish to appeal. Start by identifying exactly why you disagree with Natural England's decision and what evidence supports your position. If specialist legal or technical issues then emerge, take advice on those issues.

Grounds of appeal

The appeal must explain why you disagree with Natural England's decision. These reasons are the “grounds of appeal”.

You do not necessarily need to have every expert report or piece of supporting evidence completed before lodging the appeal. Where the original grounds do not set out the case fully, there is a later opportunity to provide a more detailed “statement of case” and supporting evidence. This is explained below.

It is, however, important that the initial appeal identifies **all the main grounds** on which the decision is challenged. Defra warns that material submitted later may not be considered if it does not relate to grounds identified in the original appeal. Omitting an important ground can also delay proceedings and, in some circumstances, have costs consequences.

Depending on the particular decision, possible issues members may need to consider include whether:

- Natural England has correctly understood the proposed operation and the facts on the ground.
- Its conclusions are supported by the evidence it cites.
- Relevant site-specific evidence has been considered.
- The scale, location, duration and practical effects of the operation have been properly assessed.
- Relevant benefits or consequences of refusing the proposed management have been considered, including, where relevant, agricultural, forestry, economic or social effects.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

- Reasonable conditions or modifications could address the identified concern.
- Natural England has adequately explained why consent cannot be given.
- Where a Habitats Regulations Assessment or other statutory assessment is involved, the assessment actually supports the conclusion reached.

These are not automatic grounds of appeal. The appropriate grounds will depend upon the facts and the reasons given in Natural England's decision.

Three ways an appeal can be determined

When lodging an appeal you must indicate which procedure you would prefer:

1. **Written representations.** Normally the simplest, quickest and least expensive route. There is no hearing. The inspector considers the written evidence and may visit the site. Government guidance says a decision is still likely to take at least four months. Costs cannot be awarded against a party under this procedure.
2. **Hearing.** A relatively informal discussion led by an inspector. Witnesses can give evidence, but there is no formal cross-examination. This can be appropriate where the issues benefit from oral explanation without requiring a full inquiry.
3. **Inquiry.** The most formal procedure and generally the longest and most expensive. It may be appropriate for particularly complex cases, cases involving significant public interest or where witnesses need to be cross-examined.

The Secretary of State will consider your preference but can decide that a different option is more appropriate. If any party asks for the matter to be heard, there must be a hearing or inquiry.

What must be submitted?

The appeal is made to Defra. The notice of appeal must include:

1. The appellant's name, address, telephone number and email address.
2. The equivalent details for any agent.
3. The grounds of appeal.
4. Whether written representations, a hearing or an inquiry are requested.
5. A dated list of the documents being submitted.

You must also provide the original SSSI designation notice, Natural England's decision letter and reasons (including relevant maps and plans), and correspondence with Natural England upon which you intend to rely. If a submitted document refers to another map, photograph, report or other document, that document should also be supplied.

Defra recommends submitting appeals by email to protected.areas@defra.gov.uk. The official appeal form is optional, but can be useful because it identifies the information required for a valid appeal. The appeal form can be downloaded here [Defra guidance: appealing an SSSI consent decision](#).

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

MA practical advice: keep a complete appeal file from the outset. Include the application or notice, maps, Natural England correspondence, meeting notes, relevant management agreements, photographs, surveys and technical evidence. Where a decision relies upon another assessment or report which you have not been provided with, request it promptly.

Remember that documents submitted as part of the appeal will normally be shared with the parties involved and made publicly available, so consider personal or confidential information before submitting material.

What happens after the appeal is lodged?

Defra first checks that the appeal is valid. Natural England is then given two weeks to state which appeal procedure it considers appropriate. Defra will subsequently write to the parties confirming whether the appeal will proceed by written representations, hearing or inquiry. The date of this letter is the official start date of the appeal.

From that start date:

- Natural England has two weeks from the start date to notify interested parties of the appeal.
- Interested parties must send their representations to Defra within six weeks of the appeal start date.
- You and Natural England must also send Defra any required statements of case within six weeks of the appeal start date.

What is a statement of case?

A statement of case is the fuller written explanation of your appeal. It develops the grounds identified when the appeal was lodged, explains your arguments in detail and brings together the evidence on which you rely. This might include maps, photographs, surveys, expert evidence, management records and other documents relevant to Natural England's decision.

Do you always need one?

Not necessarily. If your original notice of appeal and grounds already explain your objections fully, a separate statement of case may not be needed. However, where the initial appeal was lodged principally to protect the two-month deadline, or where further explanation or evidence is needed, the statement of case provides the opportunity to develop the appeal properly. It must reach Defra within six weeks of the official start date. It should develop the grounds already identified in the appeal rather than introduce entirely new grounds.

Defra then exchanges the statements of case between you and Natural England. The subsequent timetable depends on whether the appeal is proceeding by written representations, hearing or inquiry.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

Preparing the evidence

A good appeal should focus on the actual reasons for Natural England's decision rather than simply repeating why the proposed management is desirable.

Evidence might include:

- Photographs, maps and site records.
- Habitat or species surveys.
- Management plans and previous consents.
- Relevant correspondence with Natural England.
- Expert ecological or other technical evidence.
- Evidence about how the proposed operation would actually be undertaken.
- Evidence addressing the particular risks identified by Natural England.
- Where appropriate, alternative methods, safeguards or conditions capable of addressing those risks.

For a hearing or inquiry, expert witnesses can be used. At an inquiry, written proofs of evidence are required where the appellant or expert witnesses will give evidence.

MA practical advice: organise the evidence around each ground of appeal. For each issue, identify:

1. What Natural England concluded.
2. Why you say that conclusion is wrong or insufficiently supported.
3. The evidence supporting your position.

This is generally more useful than submitting a large volume of material without explaining its relevance.

What will the Secretary of State consider?

The appeal is not confined simply to reconsidering Natural England's ecological assessment. In deciding the appeal, the Secretary of State considers the inspector's report and recommendations alongside a number of statutory duties. These include duties relating to the conservation and enhancement of SSSIs and the natural beauty and amenity of the countryside, as well as the duty to have regard to **the needs of agriculture and forestry and to the economic and social interests of rural areas**. Where European site protections are engaged, the relevant Habitats Regulations requirements must also be complied with.

MA practical advice: Members should therefore consider whether there is relevant evidence about the agricultural, forestry, economic or social consequences of Natural England's decision. Depending on the case, this might include effects on the practical management of the holding, employment, farming or forestry operations, management costs or the wider rural economy. These considerations do not override the statutory nature-conservation requirements, but they should not be assumed to be outside the scope of an appeal.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

Site visits

An inspector may visit the SSSI. For written-representation appeals, the inspector may decide that a site visit is necessary. A site visit will normally also take place in connection with a hearing or inquiry. Members should therefore consider from the outset what features on the ground are important to understanding the dispute and ensure they are clearly identified on maps and in the written evidence.

Can an appeal be paused or withdrawn?

Yes. An appeal can be withdrawn at any point before the Secretary of State makes the decision. Defra may also agree to hold an appeal in abeyance where you and Natural England are actively trying to reach agreement. An abeyance lasting more than three months will normally only be granted in exceptional circumstances. This can be useful where lodging an appeal is necessary to protect the statutory deadline but constructive discussions with Natural England are continuing.

How long does an appeal take?

Government guidance says a written-representations appeal is likely to take at least four months. Hearings and inquiries take longer. Defra says it will normally seek to conclude an appeal within nine months of the appeal start date, although individual cases may take longer.

Costs

There is no fee for making an SSSI appeal, but you will normally meet your own professional, legal, expert and administrative costs.

For written-representation appeals, costs cannot be awarded against you. For hearings and inquiries, the Secretary of State can make a costs award where unreasonable behaviour by a party has caused another party unnecessary expense. Late introduction of evidence is one example identified in the government guidance.

Ten practical points for members

1. Record the date of Natural England's notice immediately.
2. Calculate the two-month appeal deadline and do not assume discussions with Natural England stop the clock.
3. Read the decision carefully and identify precisely what has been refused or what conditions are disputed.
4. Obtain the documents and assessments underlying Natural England's decision, including any HRA where relevant.
5. Preserve correspondence, maps, photographs, surveys and contemporaneous records.
6. Consider whether the dispute could be resolved by a modification or appropriate conditions.
7. If an extension is needed, obtain Natural England's agreement in writing before the deadline expires.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

8. If appealing, identify all substantive grounds in the initial notice, even if detailed evidence will follow.
9. Choose the appeal procedure according to the complexity of the dispute and the need for oral or expert evidence.
10. Consider specialist advice where necessary. You do not need a solicitor to appeal, but ecological, land-management or legal advice may be valuable where the evidence is complex, Habitats Regulations issues arise or the case may establish an important precedent.

MA assistance

Members considering an appeal are encouraged to contact the Moorland Association at an early stage. Similar issues can arise across different SSSIs and it can be helpful to identify relevant experience, evidence and previous regulatory decisions before grounds of appeal are finalised.

Further information

The full government guidance, including procedural deadlines and requirements for written representations, hearings and inquiries, is available here: [GOV.UK – Sites of special scientific interest: appeal a refusal or change of consent](#)

A Gilruth
29 September 2026

Disclaimer. This fact sheet provides general guidance on SSSI appeals in England and is not legal advice. Appeal rights and the appropriate grounds will depend on the particular decision and circumstances. Members should consider obtaining specialist legal or ecological advice where necessary.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.