



# Environment Information Regulations

## Classification of the Greater Wash SPA

For a Link to the FOI/EIR page visit: <http://jncc.defra.gov.uk/default.aspx?page=6077>

For further information about the Joint Nature Conservation Committee visit:

<http://jncc.defra.gov.uk/>

Number of EIR 201814

## Request

From a quick web search I understand that you lead for JNCC on issues related to FoI and EIR requests.

I am considering making a FoI/EIR request in relation to the scientific evidence base relating to the classification of the Greater Wash SPA and in particular the evidence supporting the decision to create a 'hole' in the SPA off the Lincolnshire coast.

Prior to triggering that statutory process I thought it reasonable to make a simple request to JNCC for that information relating to the 'hole'.

I seek to understand what evidence was used to:

1. Identify that the area within the 'hole' was not occupied by red-throated diver (or a sufficient density of red-throated diver)
2. Identify the distance between the outer wind turbine generator of any constructed and operational offshore wind farm within the 'hole' and the boundary of the classified SPA (ie the edge of the hole)

I understand that this is not a trivial question and that a substantive technical answer will be required. Accordingly I do not seek a rapid but in-substantive answer but do seek a reply assuring me that JNCC will be answering these two questions to a set timetable. Clearly if that 'reply of assurance' is not satisfactory then that will weigh in my decision to make the same request through the statutory FoI/EIR process.

I also understand that the 'hole' is within 12 nm of the coast and accordingly you may wish to argue that the scientific evidence base is a matter for Natural England. In this particular instance the 'preceding' evidence base was gathered and analysed by JNCC and accordingly I see no basis on which JNCC can argue that they have no role in the evidence base on which the SPA was classified. I can assure you that I will have no problem with receiving and understanding complex scientific information, having worked on a consultancy basis on red-throated diver distribution in relation to offshore wind farms for both JNCC ([http://jncc.defra.gov.uk/pdf/Report\\_604\\_FINAL\\_web.pdf](http://jncc.defra.gov.uk/pdf/Report_604_FINAL_web.pdf)) and Natural England as well as OWF developers along the east coast of England.

I already have access to that evidence used up to and including the point that there was a formal consultation on the proposal to classify the SPA (<https://consult.defra.gov.uk/natural-england-marine/greater-wash-potential-special-protection-area-com/>). It is the evidence base relating to the stages after the start of consultation that I am interested in.

For your information I will be making similar 'simple' requests, prior to deciding whether to trigger the statutory process, to Natural England and Defra.

## Reply

Thank you for your request concerning the boundary change at the Greater Wash, received by JNCC on Wednesday 2<sup>nd</sup> May, which we have dealt with under the Environmental Information Regulations 2004.

As you are aware, JNCC was involved in the data analysis relating to the original proposal for the Greater Wash SPA. In 2016/2017 a public consultation took place to inform the wider stakeholder community about the work done by Natural England and JNCC, prior to the consultation. A [consultation report](#), detailing the replies from Natural England and JNCC to the consultation responses, was produced in summer 2017 and, based upon this report, we submitted our formal

advice to Government. At this time, the boundary of the Greater Wash pSPA was consistent with the boundary as published during the consultation. We are aware that you have access to the evidence used, up-to and including the point that there was a formal consultation.

However, since our formal advice has been submitted to Government the boundary has undergone a change, i.e. an area has been eliminated from its centre. Your questions are concerned with the evidence that underpins this post-consultation change of the boundary:

“...I seek to understand what evidence was used to:

- 1) Identify that the area within the ‘hole’ was not occupied by red-throated diver (or a sufficient density of red-throated diver)
- 2) Identify the distance between the outer wind turbine generator of any constructed and operational offshore wind farm within the ‘hole’ and the boundary of the classified SPA (ie the edge of the hole)...”

Although JNCC were made aware by Natural England that such a boundary change was under consideration, we have had limited involvement, relating to a brief correspondence with Natural England, which asked JNCC for input into considerations as to whether data analysis could potentially be used to inform such a boundary change. We did not provide any substantial technical input, with the exception of re-calculation of bird numbers within different working versions of the Greater Wash SPA boundary, based on the KDE density surfaces of individual species. Apart from this, JNCC has not been part of discussions on whether such a boundary change should be undertaken. We have no information about the data and analysis which was used to underpin the boundary change and JNCC did not undertake any of the analysis itself, nor have we provided data for this purpose. Our formal advice to Government on the Greater Wash SPA, based on the details provided in the Consultation Report and including the boundary as presented during the consultation, remains unchanged.

Consequently, we do not hold any information relevant to your questions, i.e. on the evidence underpinning this particular post-consultation boundary change, apart from a draft document from Natural England on analytical considerations to identify such a boundary (attached; received by JNCC on 07/11/2017). Please note that the red text in the document did not reflect any formal agreements between Natural England and the JNCC, but were added by the author as a reminder of first tentative outcomes from the preliminary discussions on technical options to exclude areas with lower red-throated diver densities.

Please acknowledge receipt of this email and attachment. If you require any further detail please do not hesitate to contact us.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint please contact Kirsty Meadows ([kirsty.meadows@jncc.gov.uk](mailto:kirsty.meadows@jncc.gov.uk)).

If you are still not satisfied following this, you can make an appeal to the Information Commissioner who is the statutory regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 08456 30 60 60  
01625 54 57 45

[www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely,

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