

# Report of the 2009-2010 consultation on 12 marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and offshore waters around the UK

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# 1. Introduction and background

This document sets out the process undertaken by Natural England, the Joint Nature Conservation Committee (JNCC) and the Countryside Council for Wales (CCW) for the formal consultation on 12 new marine Natura 2000 sites. It also provides a summary of the conclusions on the recommendations which have been considered and endorsed by Natural England's Executive Board, the Joint Nature Conservation Committee and the Countryside Council for Wales Directors Team.

The Habitats<sup>1</sup> and Birds Directives<sup>2</sup> (the Directives) together provide for the creation of a network of protected areas for important or threatened wildlife habitats across the European Union to be known collectively as 'Natura 2000'. This network consists of Special Areas of Conservation (SACs) for habitats and non-bird species, and Special Protection Areas (SPAs) for birds.

Natural England is responsible for recommending sites and conducting public consultation on SACs and SPAs for English inshore waters (0-12 nautical miles), reporting to Defra. The Joint Nature Conservation Committee (JNCC) is responsible for this for UK offshore waters (12-200 nautical miles and the UK Continental Shelf), reporting to Defra and Scottish Government, and Countryside Council for Wales (CCW) is responsible for Welsh inshore waters, reporting to Welsh Assembly Government.

Natural England, JNCC and CCW<sup>3</sup> have worked together as the Government's statutory advisors to conduct a joint consultation in 2009-10 on 10 SACs and 2 SPAs. Four of the 12 sites proposed straddle areas of responsibility of the Conservation Agencies and the Government departments identified above.

Following approval by Government, the formal consultation commenced on 27<sup>th</sup> November 2009 and closed on 26<sup>th</sup> February 2010. An extended period of consultation was allowed for certain Scottish and International stakeholders, until 30<sup>th</sup> April 2010, as they did not receive the initial notification of the start of the consultation in November 2009<sup>4</sup>.

A total of 675 responses were received. This report summarises the purpose of the consultation, how it was run, how the responses were analysed, the nature of the responses by sector and the key messages arising from it.

Following the consultation, the Conservation Agencies have reviewed the scientific case for each site within their area of responsibility and have drawn up final site recommendations, taking account of representations made during the consultation. Final impact assessments have also been drafted to comply with Government guidance and are also being submitted along with the final recommendations to Defra, Scottish Government or Welsh Assembly Government as appropriate, in June 2010.

## The Sites

The sites that were subject to consultation are listed below. Three sites, Haisborough Hammond & Winterton pSAC, Inner Dowsing Race Bank & North Ridge pSAC, and Outer Thames SPA, straddle inshore and offshore waters and are proposed jointly by Natural England and JNCC. Two pSACs, Bassurelle Sandbank and Northwest Rockall Bank lie entirely in offshore waters and are proposed by JNCC. One site, Liverpool Bay/Bae Lerpwl SPA, straddles inshore English and Welsh waters and is proposed jointly by Natural England and CCW.

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<sup>1</sup> Council Directive 92/43/EEC and the Conservation of natural habitats of wild flora and fauna.

<sup>2</sup> Directive 2009/147/EC

<sup>3</sup> Collectively known as "the Conservation Agencies".

<sup>4</sup> Due to a technical problem.

**The possible SACs are:**

*Inshore and offshore*

1. Haisborough Hammond and Winterton (off Norfolk)
2. Inner Dowsing, Race Bank and North Ridge (off Norfolk).

*Inshore*

3. Margate and Long Sands (Thames Estuary)
4. Poole Bay to Lyme Bay (Dorset and Devon coast)
5. Prawle Point to Plymouth Sound and Eddystone (Devon coast)
6. Lizard Point (Cornwall)
7. Land's End and Cape Bank (Cornwall)
8. Shell Flat and Lune Deep (Morecambe Bay).

*Offshore*

9. Bassurelle sandbank (Dover Strait)
10. North West Rockall Bank (off north western Scotland).

**The proposed SPAs are:**

1. Liverpool Bay/Bae Lerpwl (inshore waters in England and Wales)
2. Outer Thames Estuary (inshore and offshore waters in England).

## 2. Purpose of the consultation and how it was carried out

### The purpose of the consultation

The purpose of the consultation was to seek the view of all interested parties on:

- the scientific case for the designation of the SACs and SPAs listed on page 4; and
- the assessment of the likely economic and social impact of the designation of each site (impact assessments).

It is important to note that the Directives do not permit socio-economic impacts to influence the choice of sites or their boundaries. The UK, as a Member State, must identify the sites and boundaries based only on scientific evidence. The impact assessments cannot influence site selection or boundaries and, for this reason, when the responses from the consultation were received, the scientific evidence was assessed by a separate panel to that which assessed the impact assessment evidence (see section 3 for more details). This ensured that only scientific evidence informed the decision on the site selection and their boundaries.

The socio-economic impact evidence will be used to inform the development of advice on management of activities for the sites, to ensure the features for which the sites have been designated are conserved. Draft Conservation Objectives and Advice on Operations were also made available for each site to assist stakeholders assess the likely effects of the sites on their activities. The Conservation Objectives were not the subject of the consultation although any comments that were received on them will be considered and taken into account when the Objectives are finalised.

### How the formal consultation was carried out

The formal consultation ran for three months. At the start of the consultation, 1,056 letters were emailed or posted to stakeholders by Natural England (by both national and regional offices), 131 by JNCC to Scottish and International stakeholders, and 127 by CCW to Welsh stakeholders. The documents being consulted on were available on Natural England's website for inshore and joint sites, and on JNCC's website for joint and entirely offshore sites. Hard copies of the documentation were also available on request.

The documents presented for consultation were:

- A boundary map of each site under consideration.
- An SAC Selection Assessment Document for each SAC and a Departmental Brief for each SPA, setting out the scientific basis for the site.
- An Impact Assessment document for each site.
- A single document containing all the annexes which applied to each impact assessment.

The following information was also made available on the website:

- List of consultees.
- A document entitled "*Consultation on marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and offshore waters around the UK*", which sets out the purpose of the consultation, what was being consulted on and how to make responses. It also included a summary of each site under consideration.
- Draft Conservation Objectives and Advice on Operations for each site.
- Frequently asked questions.
- Frequently asked questions specifically in relation to fisheries.

Consultees were encouraged to respond through the use of a proforma which was also posted on the website. However, recognising that not everyone finds a proforma easy to use, responses were accepted in any format.

The consultation questions are set out at Annex 1.

## **Raising awareness of the consultation**

The formal consultation followed a period of informal dialogue<sup>5</sup> and therefore many stakeholders were already aware of the nature of the sites and the scientific justification for them. The impact assessments for consultation and draft conservation objectives were first published at the start of the formal consultation period.

A national press release was issued jointly between Natural England, JNCC and CCW on 27<sup>th</sup> November 2009 which resulted in 11 media mentions nationally. The news release was also tailored for regional media which resulted in an additional 66 mentions around the country (including Scotland, Wales and Northern Ireland).

During the consultation, Natural England staff led stakeholder engagement for English and joint sites, JNCC led for UK-wide, Scottish and International stakeholders and CCW led for Welsh stakeholders.

Engagement took the following forms:

- Individual conversations with stakeholders.
- Meetings specifically organised for stakeholders or groups to discuss the proposals.
- Presentations to EC fisheries Regional Advisory Councils and national stakeholder groups
- Attendance at local partnership meetings to provide briefings.
- Public drop in sessions organised for both daytime and evenings, targeting fishery communities although other interested parties were also invited to attend.
- Two area and topic specific surveys organised by the East of England region, in conjunction with local fishery stakeholders.

Approximately one month before the end of the formal consultation, Natural England issued a press notice plus a reminder to key stakeholders to encourage a response before the closing date. This resulted in a media mention in Fishing News, with a further 10 regional media mentions around the country.

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<sup>5</sup> For a summary of feedback following informal dialogue, see Annex 2

### 3. Analysis of the responses

For the purpose of analysis, stakeholders that responded were categorised to the following sectors:

- Commercial (*aggregates, cables, commercial fishing, energy, ports and shipping, general industry, tourism, utilities*)
- Conservation/information (*coastal partnership, conservation and wildlife, education, record centres, research, consultancy, academic*)
- Recreation (*bird watching, diving, leisure craft, recreational fishing, surfing*)
- Political/others (*local government, defence, landowner*)

Each response to every site was logged and an acknowledgement issued to the consultee. Three teams, co-ordinated by a project manager, were set up to assess the responses as follows:

- An SAC Evidence Panel – comprising of marine specialists from Natural England and JNCC, who assessed the responses to the science questions for the pSACs and, in particular, reviewed and analysed any data, reports or other information that had come in during the consultation.
- An SPA Evidence Panel – comprising of marine specialists and ornithologists from Natural England, JNCC and CCW, who assessed the responses to the scientific questions in relation to the proposals for SPAs.
- An Impact Assessment team – comprising of a Senior Economist and sector specialists plus other staff from all three organisations, who assessed all responses in relation to the socio-economic activity. The contractors, eftec<sup>6</sup>, were also appointed to assist with this analysis.

The results were proofed and agreed by the relevant Conservation Agencies prior to documentation being drawn up for final approval. Annex 4 provides further information on how the Evidence Panels assessed the scientific data and developed the final recommendations.

The analysis below sets out:

- The total number of responses received per site.
- The numbers of unique responses received in relation to each question.
- The number of unique responses received per category as above.

#### Responses received

In total 675 individual consultation responses were received from 359 consultation respondents. This comprised 324 campaign based responses and 351 unique responses. The campaign responses were from RSPB members and although worded differently, were identical in nature, with the same messages as the RSPB's own response and focusing entirely on Liverpool Bay/Bae Lerpwl and Outer Thames SPA proposals. Unique responses were not identical to any other response, therefore the majority of this analysis focuses on the unique responses received.

A further 63 responses from fishermen were received from a local survey carried out by the East of England region in relation to potting and bycatch on the Outer Thames Estuary SPA and Haisborough Hammond and Winterton pSAC. This information was considered in the drafting of the Impact Assessments and provided Natural England with specific local information that will be used to inform the development of future management measures.

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<sup>6</sup> Economics for the Environment Consultancy Limited



## Total number of responses received per site

Table 1 sets out the total number of responses, both unique and campaign, received per site.

**Table 1** – Total number of responses per site

<b>Site</b>	<b>Total Responses</b>	<b>Campaign responses</b>	<b>Unique responses</b>
National (generic responses applying to all sites)	22		22
Bassurelle Sandbank	8		8
Haisborough Hammond & Winterton	29		29
Inner Dowsing, RB & NR	29		29
Land's End and Cape Bank	24		24
Liverpool Bay/Bae Lerpwl	196	162	34
Lizard Point	19		19
Margate & Long Sands	30		30
North West Rockall Bank	8		8
Outer Thames Estuary	213	162	51
Poole Bay to Lyme Bay	58		58
Prawle Point to Plymouth Sound & Eddystone	31		31
Shell Flats and Lune Deep	9		9
<b>TOTAL</b>	<b>675</b>	<b>324</b>	<b>351</b>

## Unique responses received in relation to each Consultation question.

The following provides a quantitative summary of the responses received to each consultation question:

		SACs			SPAs		TOTAL
		Joint	Inshore	Offshore	Liverpool Bay/Bae Lerpwl	Outer Thames	SACs & SPAs
<i>Scientific</i>							
Q1	Numbers who accepted scientific basis						
	Yes:	22	59	12	18	19	<b>130</b>
	No:	19	28	0	5	16	<b>68</b>
	Part:	4	27	0	2	2	<b>35</b>
	No comment:	35	57	3	9	14	<b>118</b>
	<b>Totals</b>	<b>80</b>	<b>172</b>	<b>15</b>	<b>34</b>	<b>51</b>	<b>351</b>
Q2	Numbers who said they had scientific information not referenced in the Selection Assessment Document or Departmental Brief (per site).						
	Yes:	12	29	2	1	8	<b>52</b>
Q3	Numbers who said they had information to share about the condition of features in the site.						
	Yes:	12	23	0	2	7	<b>44</b>
Q4	Numbers who provided further comments on scientific selection.						
	Yes:	8	39	2	6	16	<b>71</b>
<i>Economic and Social Impact of the designation</i>							
Q1	Numbers who believed the draft impact assessment accurately reflects the socio-economic and environmental impacts of the designation.						
	Yes:	6	11	1	1	4	<b>23</b>
	No:	37	78	4	14	17	<b>150</b>
	Part:	3	7	0	1	8	<b>19</b>
	No comment:	34	75	10	18	22	<b>159</b>
	<b>Totals</b>	<b>80</b>	<b>171</b>	<b>15</b>	<b>34</b>	<b>51</b>	<b>351</b>
Q2	Numbers who provided responses on how commercial fishers may respond.						
	Yes:	17	35	1	4	7	<b>64</b>
Q3	Numbers who provided responses on recreational angling.						
	Yes:	4	15	0	1	2	<b>22</b>
Q4	Numbers who provided responses on impact to aggregate extraction sector.						
	Yes:	7	4	0	4	3	<b>18</b>

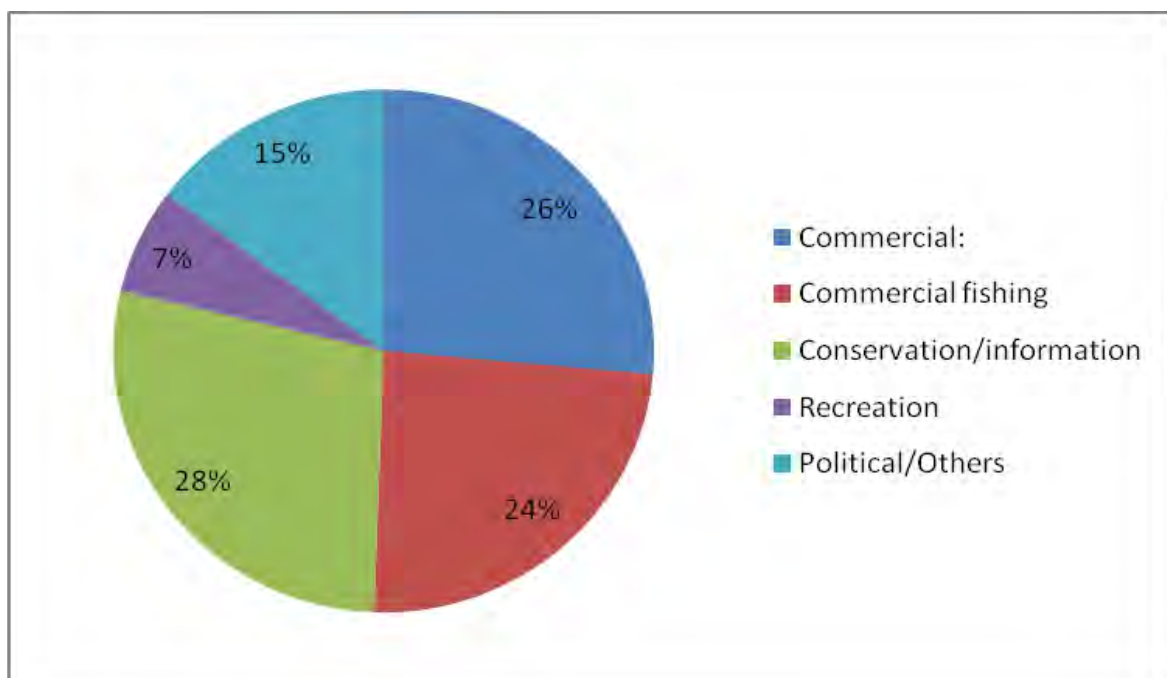
Broadly one third of stakeholders who commented accepted the scientific basis put forward for the sites; one third made no comment and the remaining third was split between those partly accepting the science and those objecting. A number of stakeholders provided scientific data or reports, all of which were assessed by the Evidence Panel in drawing up the final recommendations for the sites. A few stakeholders provided detailed comments on the SAC Selection Assessment Documents and the SPA Departmental Briefs, which have been analysed and incorporated where appropriate. A few also provided comments on the conservation objectives, which will be assessed following submission of the sites to the European Commission by 1<sup>st</sup> October 2010.

There was significant interest in the impact assessments with around 23 consultees believing the draft impact assessments accurately reflected the socio-economic and environmental impacts of the designations; 169 believed that they did not accurately reflect the impacts, either in total or in part, and 159 provide no comment. There were also a large number of responses to the more industry specific questions (Q2 to Q4<sup>7</sup>). A number of general letters were submitted by local stakeholders relating to impacts, which are included in these figures.

### Number of unique responses per stakeholder category

The pie chart below gives a pictorial view of the number of unique responses (ie excluding campaign responses) per stakeholder category and Table 2 sets out the information by site. Poole Bay to Lyme Bay pSAC received the most responses, followed by Outer Thames Estuary SPA. The offshore sites received the fewest responses.

The Conservation/Information sector provided the most responses followed by Commercial, then Commercial Fishing.



<sup>7</sup> See Annex 1.

**Table 2** – Number of unique responses received per site and category:

SECTOR	RESPONSES													
	SACs											SPAs		
		Inshore English waters						Joint		Offshore				
		Shell Flat and Lune Deep	Land's End & Cape Bank	Lizard Point	Prawle Point to Plymouth Sound & Eddystone	Poole Bay to Lyme Bay	Margate & Long Sands	Haisborough Hammond & Winterton	Inner Dowsing Race Bank & North Ridge	Bassurelle Sandbank	North West Rockall	Outer Thames Estuary	Liverpool Bay / Bae Lerpwl	
Commercial:	National													TOTAL
Aggregates	0	0	0	0	0	0	1	1	1	0	0	1	1	5
Cables	0	0	1	1	1	0	0	0	0	0	0	0	1	4
Energy (inc nuclear, renewables, oil & gas)	6	1	1	0	0	1	4	4	4	0	0	5	3	29
Ports and shipping	2	1	2	2	2	3	4	2	3	0	0	7	6	34
General Industry, Tourism, Utilities	4	0	1	1	1	4	3	0	1	1	0	4	1	21
Commercial fishing	4	1	8	5	11	17	6	10	8	2	1	9	3	85
Conservation/information	4	4	7	7	10	15	9	7	5	5	6	12	8	99
Recreation	0	2	2	1	2	3	1	1	2	0	0	6	3	23
Political/Others														
Local Government	0	0	0	0	1	10	1	3	4	0	0	5	5	29
Others inc defence, landowners	2	0	2	2	3	5	1	1	1	0	0	2	3	22
TOTALS	22	9	24	19	31	58	30	29	29	8	7	51	34	351

## 4. Key messages

This section summarises the key messages arising from the consultation in each sector. A summary of the representation made by each stakeholder, accompanied by the Conservation Agencies' response, is set out in separate 'summary of responses' tables which have been submitted for each site.

### **Key messages from responses from the Commercial sector:**

#### Fishing sector

- Mixed response of support and objection.
- Questioned boundary sizes on scientific grounds, e.g. boundary contains large areas with no features; boundary should be extended to include more features.
- Challenged boundary sizes on socio-economic grounds, e.g. boundaries should be drawn tighter around features to allow fishing between reef areas.
- Strong feeling that protected areas should be designated on both socio-economic and science grounds, instead of science alone.
- Concern that the fishing industry was not invited to input data for both impact assessment drafting and proposed boundary locations.
- Impact assessments generally considered to be inaccurate for the sector.
- Minimum management measures within the impact assessments would have a significant detrimental economic affect on fishers and their livelihoods.
- The industry feels it is being "squeezed out" by offshore wind farm and aggregate dredging industries.
- Call for clarification of management measures and strong feeling that future management measures should be drawn up with sectors affected by the site.
- Concern that SACs will become no-take zones.
- Inshore boats rely solely on the sites for their income.
- If fishers cannot diversify, displacement effects could be significant.

#### Commentary

Socio-economic impacts cannot be taken into account in the selection of sites. Comments made during the consultation on the socio-economic impact of the designations will be used only to finalise the impact assessments and develop advice on operations which were published in draft. Management measures will be drawn up by relevant or competent authorities, based on advice from the relevant nature conservation agencies and in liaison with stakeholders, once the sites have been submitted to the European Commission (or in the case of SPAs, once classified by Ministers). The site boundary does not equate to a no-take zone and differential management measures can be applied to enable economic activity to continue in areas where there is no significant impact on conservation objectives.

The points around boundary size and the presence of non Annex 1 features largely related to the two Devon and Dorset sites, in particular (Prawle Point to Plymouth sound and Eddystone pSAC and Poole Bay to Lyme Bay pSAC). For these sites, evidence came to light through the consultation which enabled Natural England to better map the reef features and therefore draw up boundaries containing less sand and sediment.

The size of the SPA sites (Outer Thames Estuary and Liverpool Bay/Bae Lerpwl) was an issue as the perception that the average density of birds within the sites was low. The method used to define the SPA boundaries was based on an analytical method developed by JNCC and designed to

optimise the number of birds within the protected area in relation to its size. A review of the evidence, prompted by the consultation responses, resulted in some minor changes to the inshore boundary of the Outer Thames SPA.

The boundaries of the pSACs have been drawn to JNCC guidelines <http://www.jncc.gov.uk/page-4165> which were amended in 2008 following comments received during the 2007-08 consultation on offshore SACs. These guidelines indicate site boundaries should be defined to protect the habitats for which the site is proposed, but also to minimise the area of habitat not required to be protected by the Habitats Directive within the site. This leads to more complex site boundaries, rather than simpler 'box shaped' sites, and does allow for inclusion of some areas of, for example, sediment between reef features, to enable a pragmatic site boundary to be defined.

#### Harbours/Ports/Shipping sector

- Requested that shipping lanes be excluded from the proposals.
- Requested that harbours be excluded from the proposals.
- Concerned for potential effects on shipping, anchoring and dredging.
- There are no potential financial costs to the shipping industry in the impact assessments.

#### Commentary

Exclusion of shipping lanes would affect the integrity of the site and would also be taking socio-economic factors into account in site designation. The potential effects on shipping will be set out in the final impact assessments, although this is only possible as far as the information has become available.

In some instances, the scientific case for inclusion of areas close to or within harbours and estuaries was reviewed (where issues were raised) and boundaries redrawn to exclude them where there was no scientific case for their inclusion.

#### Renewables and aggregates sector

- Costs to aggregate extraction/renewable industry have been underestimated.
- Solutions to the issues of cabling through the pSACs need to be addressed so new designations do not prevent marine renewables being developed.

#### Commentary

Useful information was received through the consultation to inform costs to the renewables and aggregate extraction industry. The Conservation Agencies will continue to work with these and all other industries to ensure that site conservation does not preclude future development.

#### The Conservation/Information sector

- Strongly support proposals.
- Requested protection of additional species to include, amongst others: little tern, common and sandwich tern, harbour porpoise, grey and common seals, sea horses.
- Requested protection of additional features to include, amongst others: the Manacles, the Runnelstone, Ironstone, Start, Abbotsbury reefs, sea grass, sea caves (south west sites).
- Wished to see boundaries extended as they believe some were drawn too tightly around features or did not take into account future movement of features, e.g. sandbanks.

### Commentary

SACs and SPAs can only be identified for the habitats and species covered by the Directives – seahorses, for example, are not specifically covered by the Habitats Directive, and they do not generally occur in any of the above mentioned habitats. However, they do receive indirect protection where their habitat (e.g. seagrass beds) is included within inshore SACs.

Natural England, JNCC and CCW have committed to review the scientific case for addition of birds to the SPA proposals, such as little tern, common tern and sandwich tern (amongst others). Any additional listing of species in the proposed SPAs will be subject to further consultation.

The number and distribution of existing SACs for the two seal species, identified to cover areas essential to their life and reproduction such as breeding and haul out sites, is considered sufficient for UK. JNCC are carrying out a scientific review of recent data on the distribution of seals at sea, to determine if there is any justification for identifying marine extensions to existing seal sites, or wholly marine areas for seals.

### **From the Recreation sector:**

- Recreational angling should have no restrictions as anglers believe their activity is sustainable and does no damage.
- Yacht clubs on the Essex and Norfolk coastline strongly objected to the landward boundary of the Outer Thames site. They highlighted inconsistencies in boundaries with other similar areas.
- Diving (being a responsible activity) should not be restricted in the sites.

### Commentary

The impacts associated with recreational angling will be considered in the development of management measures.

In light of the comments from stakeholders along the Essex and Norfolk coastline, the landward boundary of the Outer Thames site was reviewed and revised in places where the scientific evidence justified a change.

It is unlikely that diving would be restricted although this will be considered on a site by site basis.

### **Political/Others**

- Mainly support the proposals for the creation of the SPAs and SACs.
- Raised concerns for local economies should renewable energy and other investment projects not be permitted.
- Raised concerns for local fishermen's livelihoods.
- Raised concerns of impact on tourism and economy should fishing be curtailed.

### Commentary

These general points are largely addressed through the commentaries above. The Conservation Agencies will work with stakeholders in the drawing up of management schemes and management measures to ensure that local activities can continue as far as possible, provided the conservation objectives for the individual sites are not compromised.

## 5. Conclusions and final recommendations on site boundaries

As explained on page 7, Natural England, JNCC and CCW set up Evidence Panels to analyse the responses to the consultation in relation to the scientific questions posed to stakeholders and to draw up recommendations for final approval. This section summarises the key sources of data and other relevant scientific information that have come to light and how Natural England, JNCC and CCW have used it to come to their conclusions on the site recommendations.

The site maps with the consultation boundaries and, where appropriate, the revised recommendations are in Annex 5.

### 1. Inner Dowsing, North Ridge and Race Bank pSAC

The consultation boundary of the Inner Dowsing, North Ridge and Race Bank pSAC was based on work carried out for Natural England by Entec (environmental consultants), and used data obtained from sources such as windfarm and aggregate surveys and some limited dedicated survey work and modelling. As for Haisborough, Hammond and Winterton pSAC, this represented the best available information held at the time.

As for Haisborough, Hammond and Winterton SAC, Natural England and JNCC received SeaZone Digital Survey Bathymetry (DSB) data in August 2009, digitised through funding from the Marine Aggregate Levy Sustainability Fund (MALSF) Regional Environmental Characterisation (REC) studies. These datasets allowed the sandbank features to be mapped with greater accuracy. Further survey data to inform mapping of sandbanks and (biogenic) reefs (*Sabellaria spinulosa*) was provided by industry through the consultation, including marine aggregate and windfarm sectors.

Following revision of the extent of sandbank features by slope analysis, and the mapping of *Sabellaria spinulosa* reef, the site boundary was re-defined following the JNCC guidance for boundary setting (JNCC, 2008).

The area within the revised boundary is 84514 ha (compared with the previous 90627 ha) and the revised area of Annex 1 sandbank feature has been defined as 21834 ha (compared with the range given previously of between 23314 ha based on the sandy sediments within the 20m contour and 31247 ha based on this plus sandy sediments within the 50m contour). The revised area of Annex I biogenic reef is 1502 ha compared with the previous extent of 910 ha.

### 2. Haisborough, Hammond and Winterton pSAC

The consultation boundary of Haisborough, Hammond and Winterton pSAC was based on work carried out for Natural England by Entec (environmental consultants), and used data obtained from sources such as windfarm and aggregate surveys and some limited dedicated survey work and modelling. This represented the best available information held at the time.

*Sabellaria spinulosa* biogenic reef was known to exist within the site although there was not sufficient information for it to be included as an Annex 1 feature at the formal consultation stage. Therefore, Natural England and JNCC specifically sought data or information from consultees on the presence of *Sabellaria spinulosa* reef within the site to determine whether it should be included as a feature of the site.

In August 2009, Natural England and JNCC received SeaZone Digital Survey Bathymetry (DSB) data, digitised through funding from the Marine Aggregate Levy Sustainability Fund (MALSF) Regional Environmental Characterisation (REC) studies. This data allowed the sandbank features to be mapped with greater accuracy by conducting slope analysis. Further survey data



to inform mapping of sandbanks and (biogenic) reefs of *Sabellaria spinulosa* was provided by industry through the consultation, specifically from the marine aggregates and gas storage sectors.

As a result, the mapping of sandbank features has been refined and the extent of the *Sabellaria spinulosa* reef has been determined. *S. spinulosa* crusts are distributed across the site but reef structures appear to be most prevalent in the troughs and swales between closely associated sandbanks, whilst not apparent on any banks. Three reefs have been identified for designation; Haisborough Gat, Haisborough Tail and Winterton Ridge reefs.

Following revision of the extent of sandbank features, the site boundary was re-defined following the JNCC guidance for boundary setting (JNCC, 2008).

The area within the revised boundary is 146759 ha (compared with the previous 184821 ha) and the area of Annex 1 sandbank habitat within the site is defined as 66901 ha (compared with the range given previously of between 31249 ha based on sandy sediments within the 20m contour and 159248 ha based on this plus sandy sediments within the 50m contour). The area of mapped reef is 91 ha, however this value is likely to be an underestimate of the full extent of *Sabellaria spinulosa* reef on this site.

### **3. Margate and Long Sands pSAC**

The consultation boundary of the Margate and Long Sands pSAC was based on work carried out for Natural England by Entec (environmental consultancy), and used data obtained from sources such as windfarm and aggregate surveys and some limited dedicated survey work and modelling.

New data has since become available to Natural England and Joint Nature Conservation Committee (JNCC). As set out for the two sites above, Natural England received SeaZone Digital Survey Bathymetry (DSB) data in August 2009, digitised through funding from the Marine Aggregate Levy Sustainability Fund (MALSF) Regional Environmental Characterisation (REC) studies. Other new sources of information included surveys from aggregate licence areas. In addition, a number of consultees highlighted the mobility of Long Sands head and commented on the need to account for this when drawing the site boundary.

Although a number of comments were received during the consultation about the scientific basis for the site, no other data were submitted.

Following revision of the extent of sandbank features the site boundary was re-defined following the JNCC guidance for boundary setting (JNCC, 2008).

To address the issue of feature mobility, Maritime and Coastguard Agency UK hydrographic survey data has been sourced through the consultation in addition to information from the Crown Estates report 'Seabed mobility in the Greater Thames Estuary' (Burnham and French 2009). Margate Sands has been shown to be moving east and Long Sands Head has been shown to be extending north east. The current rate of movement is greater than historical rates. To ensure the boundary will enclose the feature for the foreseeable future (50 years), the boundary has been drawn assuming the current rate of extension (around 137m per year) will continue for the next ten years. After this it has been assumed the historic rate of increase will continue for the following 40 years. The distance between Long Sands Head and the boundary therefore needs to be in the region of 2.5km.

The Wildlife Trusts asked Natural England to consider the presence of *Sabellaria spinulosa* in this site, but there is insufficient evidence for *S. spinulosa* reef on this site. They also stated that

seals use the site. Further investigation on seals at sea is being undertaken by the JNCC and Natural England will await this report before making any recommendations.

The area within the revised boundary is 64950 ha (compared with the previous 55905 ha) and the revised area of Annex 1 sandbank is 41039 ha.

#### 4. Poole Bay to Lyme Bay pSAC

The consultation boundary of Poole Bay to Lyme Bay pSAC was based on work carried out for Natural England by Royal Haskoning (environmental consultants), which included limited dedicated survey work and modelling. During the consultation, a number of consultees had comments on the scientific justification of selecting the site, and put forward new evidence.

Consultees said there was too much sand and sediment in the site compared to the amount of reef feature (designated features accounting for 32% of the area of the site). In addition, some said that the boundaries were not drawn tight enough in the Torbay area. In light of this, this information, along with application of the more recent boundary guidance issued by JNCC (JNCC 2008), was used to review the boundaries accordingly.

Consultees stated that the “Ridge” Reef in Torbay had been omitted. Data showing SeaSearch records confirmed the presence of these reefs, which has led Natural England to incorporate this reef into the site and redraw the boundaries accordingly.

Consultees highlighted that areas off Balaclava Bay (Portland) were misinterpreted as ‘reef’. Studies undertaken for the Portland Gas Storage Environmental Impact Assessment (EIA) in the vicinity of Balaclava Bay were made available to Natural England. The Portland Harbour Authority also commissioned specialist advice to review the available data and information provided in the SAC Selection Assessment document. This information was used in revisiting the boundary in this area.

Consultees highlighted that some sea caves had been omitted. Natural England was provided with a report which identified additional sea caves with extensive infralittoral habitats. Following a review of this report, the boundary has been increased by 1.45km to incorporate the sea caves to the North.

A number of consultees alerted Natural England to new information being generated by the DORIS project. This is a collaborative project between Dorset Wildlife Trust (DWT), the Maritime and Coastguard Agency (MCA), the Channel Coastal Observatory (CCO) and the National Oceanographic Centre, Southampton (NOCS). The project has mapped the extent and distribution of seabed features in an area East of Lyme Bay to Poole Bay. The DWT released acoustic survey and underwater photography data from the project which has allowed Natural England to remap the reef and make decisions on its quality. The outcome of the analyses was that reef can be more accurately mapped in the Studland Bay to Portland area than is currently the case. The reef feature was shown to be more extensive than originally presented, and the quality of the reef is such that Natural England believes the boundary should be extended to incorporate it. However, further analysis is required before coming to a conclusion on the boundary.

In light of the above evidence and analysis, it was clear that whilst minor changes could be made to the part of the site covering Torbay and Lyme Bay, more extensive changes and further analysis is required for the Studland to Portland area. Natural England recommended that the site was split, and the section renamed as **Lyme Bay and Torbay pSAC** put forward to Defra now as a final site recommendation. Lyme Bay and Torbay pSAC is 31247ha and is comprised

of 47% reef. The section Studland to Portland is still being assessed and a further recommendation will be submitted in due course.

## **5. Prawle Point to Plymouth Sound and Eddystone pSAC**

The consultation boundary of Prawle Point to Plymouth Sound and Eddystone pSAC was based on work carried out for Natural England by Royal Haskoning (environmental consultants), which included limited dedicated survey work and modelling.

A number of consultees had comments on the scientific justification for selecting the site, which can be summarised as follows:

- Only 30% of the site as mapped was Annex 1 reef feature.
- Undesignated reef to the east of Prawle Point is as good as the quality of reef contained within the site.
- Some areas were incorrectly mapped as reef.

Newly available Digital Survey Bathymetry was acquired from SeaZone Solutions and re-analysis of video footage and close scrutiny of the raw data in light of the issues has enabled Natural England to better define the spatial extent and location of the reef. The 2008 boundary guidance from JNCC has been re-applied to this higher resolution data. Following analysis, Natural England agree also that the area of reef between Start Point and Prawle Point is of similar quality to the reef within the boundary mapped for consultation. This is a significant addition of reef feature that Natural England believes is widely supported.

As a result of the above, Natural England has been able to more accurately define the reef feature and verify stakeholder concerns about the amount of site area containing non-qualifying features of sand and sediment. The review of evidence concluded that some areas of non-qualifying habitat (sediment) could be excluded from the site boundary, whilst still including the reef feature.

Natural England has recommended a revised boundary for the areas around Prawle Point, Plymouth Sound and Eddystone Rocks. Natural England has not recommended that these revisions be subject to further consultation because they address, and largely accommodate, stakeholder concerns. The section of reef from Start Point to Prawle Point is submitted for further consultation as it is a substantial area that was not included in the original proposal put out to consultation.

## **6. Lizard Point pSAC**

The consultation boundary for Lizard Point pSAC was based on work carried out for Natural England by the Centre for Environment, Fisheries & Aquaculture Science (CEFAS), which included limited dedicated survey work and modelling.

There was general support for the designation and scientific justification of this site in the formal consultation. One consultee did not support designation, believing that the habitat is already adequately represented in the series. We have included the site because the reef sites off the Cornish coast differ in terms of their wave and tidal stream exposures. The Cape Bank and Land's End site has greater wave exposure, whereas Lizard Point is more sheltered by Land's End but has enhanced tidal strength.

A number of consultees requested the inclusion of the Manacles and provided supporting evidence. Natural England does not believe that the Manacles is sufficiently different in character from other reefs in this series, therefore has not amended the boundary to include this area.

There were conflicting comments over the margin between the edge of the reef and the site boundary, some believing it was too wide and others stating it insufficient. Natural England has reviewed the application of JNCC guidance to this site and advises that the boundary should remain unchanged.

## **7. Land's End and Cape Bank pSAC**

The consultation boundary for Land's End and Cape Bank pSAC was based on work carried out for Natural England by the Centre for Environment, Fisheries & Aquaculture Science (CEFAS), which included limited dedicated survey work and modelling.

There was general support for this site and no objections to the scientific basis. Inclusion of the Runnelstone reef feature was requested. Natural England does not believe that the Runnelstone is sufficiently different in character from other reefs in this series, therefore has not amended the boundary to include it.

Inclusion of seals as a feature was also requested and one consultee asked that the site be extended to cover the inter-tidal zone.

The number and distribution of existing SACs for the two seal species, identified to cover areas essential to their life and reproduction such as breeding and haul out sites, is considered sufficient for UK. JNCC are carrying out a scientific review of recent data on the distribution of seals at sea, to determine if there is any justification for identifying marine extensions to existing seal sites, or wholly marine areas for seals.

The number and geographical range of coastal sites for intertidal habitats is also considered sufficient for UK. Natural England has, therefore, not extended the site.

Comments were also submitted in relation to the extent of the margin applied between the reef features and the boundaries. Natural England has reviewed the application of the JNCC guidelines and recommends that the boundary remains unchanged.

## **8. Shell Flat and Lune Deep pSAC**

The consultation boundary for Shell Flat and Lune Deep pSAC was based on work carried out for Natural England by Royal Haskoning (environmental consultants), which included limited dedicated survey work and modelling. There were no comments or objections to the scientific basis arising from the consultation.

However, new bathymetric information has been presented to Natural England from the Maritime and Coastguard Agency. Analysis of this, plus re-analysis of the raw data has enabled Natural England to better define the extent and location of the reef features as mapped for the consultation for Lune Deep. New boundary guidance has been issued by JNCC (in 2008) since the previous map was drafted and the proposed changes for both Shell Flat and Lune Deep have now been drawn in line with this latest guidance.

Natural England recommends that the boundary for Shell Flat is submitted as a final site recommendation – Shell Flat pSAC. As the boundary for Lune Deep is significantly different from that consulted on, Natural England recommends that there is a further consultation on Lune Deep.

## **9. Liverpool Bay/Bae Lerpwl SPA**

The site boundary was determined for Red Throated Diver and Common Scoter using data collected in five winters between 2001/02 and 2006/07 and applying a mathematical technique known as Kernel Density Estimation and a Maximum Curvature method (as set out in the Departmental Brief). There was no new data submitted for this site following the consultation, although there were a number of queries in relation to the analysis, which have now all been resolved.

A number of consultees requested that shipping lanes be excluded. Natural England and CCW are unable to take socio-economic impacts into account in determining the boundary of the site. Shipping lanes are likely to move over time and their exclusion would affect the overall integrity of the site. Natural England and CCW will work with stakeholders to minimise the impact of the site designation on their interests as far as possible, whilst meeting conservation objectives.

The environmental Non Government Organisations, plus a number of supporters, stated their strong support for the designation, but requested that further species be protected. Following a meeting with the RSPB in February 2010, Natural England, JNCC and CCW have committed in principle to a further assessment of these proposals from October 2010, following classification. If there is found to be a case for adding species to the listings, there would be a requirement for further consultation.

The boundary and site designation is recommended for approval unchanged following formal consultation.

## **10. Outer Thames Estuary SPA**

The site boundary was determined for Red Throated Diver using data collected in five winters between 2001/02 and 2006/07 and applying a mathematical technique known as Kernel Density Estimation and a Maximum Curvature method (as set out in the Departmental Brief). There was no new data submitted for this site following the consultation, although there were a number of queries in relation to the analysis.

A number of consultees asserted that mapping the landward boundary to mean low water (as set out in the consultation Departmental Brief) could not be justified on scientific grounds, because there was not the evidence for bird densities above the threshold in some areas close to the coast. As a result, the mapping of the landward boundary was reviewed by study of WeBs on-shore observations as well as re-examination of the aerial surveys used to determine the original boundary.

The objection at Great Yarmouth (where two consultees asked for the harbour area to be excluded) could not be upheld because the scientific data does show bird populations above the threshold in this area. The boundary has, therefore, not been changed at Great Yarmouth.

However, Natural England and JNCC agreed that the case made by a number of stakeholders in the River Crouch and River Blackwater estuaries, off the Essex coast, was justified and that on the basis of the evidence, the bird numbers in this area within the consultation boundary are below the threshold the boundary has been amended accordingly.

As with Liverpool Bay/Bae Lerpwl SPA, the environmental Non Government Organisations, plus a number of supporters, stated their strong support for the designation but requested that further species be protected. Following a meeting with the RSPB in February 2010, Natural England, JNCC and CCW have committed in principle to a further assessment of these proposals from

October 2010, following classification. If there is found to be a case for adding species to the listings, there would be a requirement for further consultation.

As a result of the above, the boundary has been amended to take slightly off-shore along the Essex coastline. This results in a slight reduction in area overall from 393,734 ha to 379,268 ha. The remainder of the boundary is unchanged and the species under protection are unchanged.

## **11. North West Rockall Bank pSAC**

The consultation boundary of the North-West Rockall Bank pSAC was based on ICES 2007 advice to amend the current European Commission and North-East Atlantic Fisheries Commission fisheries closure to protect cold water corals at NW Rockall Bank. This advice was reviewed by JNCC against the definition of Annex I reef habitat according to the Habitats Directive (which includes, but is not restricted to, cold water corals). The ICES 2007 advice on extending the fisheries closure in the NW of the site has not been implemented into an amendment to the EC/NEAFC fisheries closure, due to questions about the extent of corals in the proposed extended area to the north west of the existing closure.

During the informal dialogue conducted by JNCC prior to formal consultation on the site recommendation, Scottish Fishermen's Federation offered additional data on fishermen's plotter records of coral locations and trawling effort over a long period around Rockall Bank. Changes suggested were to reduce the pSAC area in the north and west where trawling has occurred over time and there are no or few coral records, and to extend it in the east where there is evidence of corals and no or little trawling. This suggested amendment was provided to consultees during the consultation in the form of an Addendum.

All of the responses to the consultation received on North-West Rockall Bank accepted the scientific basis for site selection and the proposed amendment to the boundary was widely approved by consultees. Therefore, the site boundary has been changed to this effect. The area within the revised boundary is 436 526 ha (compared with the previous 488 569 ha).

## **12. Bassurelle Sandbank pSAC**

The consultation boundary of the Bassurelle Sandbank pSAC was determined using the extent of the sandbank feature and the UK: France median line, and was aligned to join up with the corresponding site in French waters "Ridens et dunes hydrauliques du Detroit du Pas de Calais" as the Bassurelle sandbank feature occurs across the waters of both countries.

A concern was raised that the southern portion of the site boundary extended further than the extent of sandbank, and that within that area there is significant French fishing interest. The recommended boundary of the UK pSAC is defined on the southern side to align with the boundary of the adjacent French SAC. Discussions with the French Environment Ministry (May 2010) indicated that the French SAC boundary (see map below) was not under review and is due to be recommended to the European Commission by October 2010, and socio-economic factors should not be taken into account in the identification of Natura sites and their boundaries. Therefore the recommended boundary remains unchanged following consultation, with an area of 6709 ha.

## Annex 1 - Consultation questions

### Scientific

- Q1 - Do you accept the scientific basis for the sites being put forward in this round of consultation? If not, then please could you explain why?
- Q2 - Please indicate if you have any scientific information, not already referenced in the SAC Selection Assessment document or Departmental Brief for the site?
- Q3 - Do you have any information additional to that included in the SAC Selection Assessment document or Departmental Brief about the condition of Annex I habitats within the site boundary that you would like to share with Natural England/JNCC?
- Q4 - Do you have any further comments on the scientific selection of the sites as possible SACs or potential SACs?

### Economic and Social Impact

#### GENERAL

- Q1 - Does the impact assessment accurately reflect the likely effect of management of the site on human activities (for business or leisure)? Does it accurately reflect other economic, environmental and social impacts of designating the sites? If not please explain why this is the case and provide information that you think accurately reflects the likely impacts. You may include:

- extent and type of activity;
- proportion of activity affected by management of the site;
- the nature and extent of the effects (positive and/or negative) on the activity of individuals, on a sector, and/or on the local economy and
- unit costs and other assumptions.

Please describe the extent of activity or impact in economic terms such as financial turnover, employment (total full-time and part-time employees, and estimated number of full-time equivalent jobs), and volume of goods (such as tonnes of fish or aggregate).

Please indicate the sector(s) that your response to this question concerns:

#### **Commercial**

Aggregate extraction  
Telecom cables  
Power cables (not renewables)  
Commercial fishing  
Oil and gas  
Ports and shipping  
Wind farms  
Wet renewables  
Tourism  
Other

#### **Conservation/Information**

Conservation of the environment & wildlife  
Cultural heritage  
Education  
Monitoring  
Research  
Other

**Recreation**

Bird watching  
Diving  
Leisure craft  
Recreational fishing  
Other

**Other**

Defence  
Enforcement  
Land-based sources of pollution  
Other

**INDUSTRY SPECIFIC**

Q2 - How would fishers be likely to respond to the (a) maximum and (b) minimum management measures used for analysis in the impact assessment in the event that the measures were used to manage the site? How would this impact on the following:

- quantity and value of landings;
- costs of fishing (fuel costs, time spent fishing, steam time);
- profits and crew share and
- competition and gear conflicts in fishing grounds?

Q3 - What is the level of recreational angling charters (a) operating and (b) mooring in the site? What species are typically fished?

Q4 - What is the impact on the marine aggregate extraction sector of restricting screening in sites where screening plumes are coincidental with features?



## **Annex 2 - Summary of the informal dialogue from summer 2009**

Informal dialogue was carried out on the new Natura 2000 sites prior to formal consultation, as recommended in the Government's Consultation Code of Practice. The purpose of the informal dialogue was to share relevant information about the proposals and the designation process; to help the Conservation Agencies start to understand how the proposals may impact on socio-economic activities, and start discussions over possible future management measures.

Informal dialogue and preparation of the impact assessment for North West Rockall Bank SAC was carried out by JNCC in autumn-winter 2008, in anticipation of starting formal consultation on this site in early 2009. However, formal consultation on this site was then delayed.

The Conservation Agencies were given approval by Defra's Minister for the Marine and Natural Environment and the Welsh Ministers to proceed with informal dialogue on 6 inshore SACs, one offshore SAC and 2 SPAs in July 2009. The two Outer Wash sites (Haisborough, Hammond and Winterton, and Inner Dowsing, Race Bank and North Ridge) were excluded because the Minister asked for Natural England and JNCC to review the evidence base supporting these proposals in light of the site selection criteria under the Habitats Directive. This was completed and Natural England and JNCC proceeded with informal dialogue on these two sites on 17th September 2009.

Meetings and presentations were held with national consultees jointly by Natura England and JNCC. In addition, Natural England emailed letters to 35 national stakeholders in the following sectors:

- Aggregate industry
- Renewable energy
- Environment
- Government
- Fisheries
- Oil and Gas
- Ports and shipping
- Recreation

Where these stakeholders were likely to have an interest in individual sites, they were also contacted at regional level. Altogether, around 280 regional stakeholders, local authorities and coastal management groups were contacted where appropriate.

In addition, CCW wrote to over 100 stakeholders (all those who may have an interest in the Liverpool Bay/ Bae Llwprydol SPA proposal, on the Welsh side of the border) in July 2009.

### **Issues raised during the informal dialogue**

Broadly, stakeholders welcomed the opportunity to discuss the proposals with the Conservation Agencies. The process enabled the Conservation Agencies to understand better the issues that may be faced by stakeholders in the future, which will help to inform future management measures. It also provided an early indication of the types of responses that may be submitted through the formal consultation.

A summary of comments and issues raised by sector during the informal dialogue are listed below:

### Aggregates

Informal dialogue quickly led to the identification of new scientific data which is pertinent to the identification and mapping of qualifying features in the possible SACs in the Outer Wash. Natural England and JNCC will continue to review such data to ensure that sites are designated using the best available scientific evidence.

### Energy

The main dialogue was through an Industry focussed event which around 35 wind and tidal energy stakeholders attended. It introduced the sites and highlighted the issues and challenges of ensuring new marine SACs and SPAs are effectively safeguarded and managed in relation to activities within the renewables/low carbon energy sector. Liaison also took place at a site level with individual windfarm developers, to ensure that they are well briefed on the proposals.

### Environment

The main non Governmental Environmental Organisations were consulted at national level. Where appropriate, regional meetings were held regarding individual sites. Some of these stakeholders submitted preliminary comments which were reviewed and considered alongside other responses arising from the formal consultation.

### Government

A presentation was given to Government departments through the UK Marine Biodiversity Policy Group, and there were a number of individual meetings with the Department of Energy and Climate Change and with the Crown Estates, and consultation with the MOD. The Department of Transport was also consulted in relation to the ports and shipping sector. Liaison has also taken place with the Marine & Fisheries Agency (now Marine Management Organisation).

### Fisheries

Nationally, liaison took place with Seafish and NFFO, and regionally largely with the Sea Fisheries Committees. JNCC led on liaison with Scottish stakeholders and the North Sea, North Western Waters and Pelagic Regional Advisory Councils (RACs) representing European fisheries interests. Staff attended the Mollusc Conference and had meetings with the Scallop Association GB and New Under Ten Fisheries Association. All regions also held meetings with local fishermen to hear their views and concerns. The Marine Director for Natural England also visited a number of fishing communities in various areas to learn about local inshore fisheries and gear adaptations to improve sustainability, and to encourage engagement of the fishing industry in the designation and management of marine protected areas

Some fishing groups were enthusiastic to learn about the types of scientific information that Natural England or JNCC would accept as providing admissible evidence to consider changes to the sites. More widely, fishing groups and communities were very concerned at the possible impact of the designations on their activities and livelihoods, although the impact in reality was not known because work to scope management measures had not started. In February a pilot project commenced to discuss scenarios around management measures for inshore sites in the South West and will continue until successful measures are secured. Work around scoping management measures for inshore sites is likely to follow a risk based approach (looking at the risk of each activity to the conservation objectives for each site) and there are unlikely to be whole scale closures across all sites to fishing activity. The Conservation Agencies recognise the concerns and will continue to work with fisheries stakeholders in developing future proposals.

### Oil and Gas

The oil and gas industry were contacted by letter at the start of informal consultation but there was no further informal dialogue.

### Ports and shipping

An introduction to both Marine Conservation Zones and to the Marine Natura 2000 project was held for national ports, shipping and yachting representatives during October 2009. Regional Natural England staff held site specific meetings with individual ports including Medway, Felixstowe, Portland and Associated British Ports.

### Other

Recreational and cabling interests were contacted at the start of informal dialogue, and a meeting took place with cabling representatives.

Coastal local authorities, Regional Development Agencies and Coastal Management Groups and forums were also consulted by Natural England staff, and various meetings and briefings took place.

## Annex 3 - List of Respondents

Aldeburgh Fishermen's Trade Guild Ltd  
Anglia Fishermen's Assoc  
Angling Trust  
Aquanet  
Associated British Ports  
Benacre Estate  
Blackpool & Start Estate (Stratton & Holbrow)  
BMAPA  
Bournemouth Borough Council  
Brighton & Newhaven Fish Sales  
Brixham Sea Angling Club  
Brixham Sea Farms Ltd  
Burnham Yacht Harbour Marina Ltd  
BWEA  
Cadgwith Helford & District Fishermen's Assoc  
Cadw  
Caister Inshore Fishermen Assoc  
Cardium Shellfish Ltd  
Centrica  
Cheshire West & Chester Council  
Consumer Council for Water  
Conwy County Borough Council  
Cornish Fish Producers Organisation Ltd  
Cornwall Council - Port of Truro  
Cornwall Sea Fisheries Committee  
Cornwall Wildlife Trust  
Corporation of Trinity House  
Cove Fish (Local Fishmongers)  
Crouch Harbour Authority  
Crouch Yacht Club  
Crown Estates  
Dee Estuary Conservation Group  
Deepdock Ltd  
Dept of Energy and Climate Change (Aberdeen)  
Devon CC  
Devon Sea Fisheries Committee  
Devon SeaSearch  
Devon Wildlife Trust  
Dick Melton Marine  
DONG Energy  
Dorset County Council  
Dorset Handline Fishermen's Assoc  
Dorset Wildlife Trust  
Duchy of Cornwall  
Dutch Fisheries Organisation  
East Coast Wildlife Trust  
East of England Wildlife trusts  
Eastern Leisure Sea- Angler's Alliance  
Eastern Sea Fisheries Joint Committee  
EDF Energy  
Eirgrid plc  
English Heritage  
Environment Agency  
Faversham Town Council  
First East Urban Regeneration Company  
French National Committee for Marine Fisheries & Sea Farming  
Friends of the North Kent Marshes  
Great Yarmouth Borough Council  
Greater London Authority  
Gwynedd County Council

Harwich Haven Authority  
 Health and Safety Executive  
 Hutchison Ports (UK)  
 Lincolnshire Coast Fishermen's Association  
 Kent and Essex Sea Fisheries Committee  
 Kent Wildlife Trust  
 Kings Lynn BC  
 Kings Lynn Fishing Industry Co-operative Ltd  
 Land's End Inshore Fishermen's Association  
 Lankford & Sons Fishing Ltd  
 London Array Ltd  
 Looe Fishermen's Protection Association  
 Marine Conservation Society  
 Maritime and Coastguard Agency  
 Mersey Conservancy  
 Mersey Docks & Harbour Co & Manchester Ship Canal  
 Mersey Estuary Conservation Group  
 Merseyside Environmental Advisory Service  
 Mevagissey Fishermen's Association  
 Ministry of Defence  
 Jonas Seafoods Ltd  
 Mudeford & District Fishermen's Association Ltd  
 National Federation of Fishermen's Organisations  
 National Trust Devon Cornwall & Wessex Region  
 Norfolk Coast Partnership  
 Northwest Regional Development Agency  
 North West & North Wales Sea Fisheries Committee  
 NWWRAC  
 Oakford Oysters Ltd  
 Ocean Electric Power  
 Offshore Shellfish Ltd  
 OFWAT  
 Oil and Gas UK  
 P J Caunter & Sons Ltd  
 Peel Ports Medway  
 Plymouth Fishermen's Association  
 Plymouth Marine Science Partnership  
 Poole Harbour Commissioners  
 Port of Boston  
 Port of London Authority  
 Port of Mostyn  
 Portland Gas storage  
 Portland Harbour Authority  
 Portsmouth Water  
 Purbeck District Council  
 R J Garnett & Sons  
 Rame Peninsula Fishermen's Association  
 Roach Sailing Association  
 Rowse Fishing Ltd  
 Royal Burnham Yacht Club  
 Royal Corinthian Yacht Club  
 Royal Yachting Assoc Northwest  
 RSPB  
 RWE NPower Renewables  
 RWE NPower  
 Scottish and Southern Energy Plc  
 Scottish Environment LINK Marine Task Force  
 Scottish Fishermen's Federation  
 Scottish Power Renewables  
 South East England Biodiversity Forum  
 Sea Torbay  
 Seafish  
 South Coast Fishermen's Council

South Devon & Channel Fishermen's Ltd  
South Devon AONB  
South Holland District Council  
South West of England Regional Development Agency  
South West Water  
South Western Fish Producers Organisation Ltd  
Southern Sea Fisheries District Committee  
Southern Water  
SP Energy Networks  
Suffolk County Council  
Suffolk Coastal District Council  
Suffolk Preservation Society  
South West Fish Producers Organisation Ltd  
South West Inshore Fisheries Association Ltd  
Swanage Fishermen's Association  
Swanage Town Council  
Thames Water  
Thanet Coast Project  
The British Chamber of Shipping  
The Royal Yachting Association  
The Wash Estuary Project  
The Wildlife Trusts  
Tidal Dee users Group  
Tidal Energy Limited  
Torbay Coast and Countryside Trust  
Torbay Council  
Torbay Harbour Authority  
United Utilities  
Vattenfall Wind Power Ltd  
Vattenfall - Thanet Offshore Wind  
W Harvey and Sons  
Water UK  
Waveney District Council  
Wells-next-the Sea Town Council  
Wessex Water  
West Lulworth Parish Council  
West Lulworth Village History Group  
Western Power Distribution  
Weymouth & Portland Licensed Fishermen's & Boatmen's Association  
Wildfowl and Wetland Trust  
Winterton on Sea Parish Council  
Wirral Commercial Fishermen's Association  
Wirral Small Boat Angling Club  
World Wild Fund  
25 Individual responses

## **Annex 4 - Assessment of the scientific data and development of final recommendations**

### **Special areas of conservation**

Natural England and JNCC followed the selection process outlined in Annex III (stage 1) to the Habitats Directive, which is further refined in an EC interpretation manual COMMISSION OF THE EUROPEAN COMMUNITY (CEC). 2007. *Guidelines for the establishment of the Natura 2000 network in the marine Environment. Application of the Habitats and Birds Directives*. Brussels: European Commission DG Environment . [http://ec.europa.eu/environment/nature/natura2000/marine/docs/marine\\_guidelines.pdf](http://ec.europa.eu/environment/nature/natura2000/marine/docs/marine_guidelines.pdf)

In the selection of proposed sites, guidance was also used from the Joint Nature Conservation Committee on “Selection criteria and guiding principles for selection of Special Areas of Conservation (SACs) for marine Annex I habitats and Annex II species in the UK” (JNCC. 2009). JNCC. <http://www.jncc.gov.uk/page-4165>.

In setting boundaries, UK guidance was used on defining boundaries for marine SACs for Annex I habitat sites fully detached from the coast (JNCC. 2008). <http://www.jncc.gov.uk/page-4165>.

### **The SAC Evidence Panel**

An ‘Evidence Panel’ comprising of staff from Natural England and JNCC was set up during 2009. The purpose of the panel was to review new and pertinent data (arising from informal dialogue and the formal consultation) which could affect feature maps or site boundaries of the proposed new SACs, in particular for the joint SACs in the outer Wash. The panel met initially in August 2009 to assess new data from BMAPA on the location and extent of Sandbanks in the Outer Wash. Regular meetings continued to be held to discuss analysis and potential revisions of the Outer Wash sites. Members then convened, and worked full-time on the panel, from the week of 22<sup>nd</sup> February 2010 to early April 2010 to review all the data on joint and inshore sites that was submitted by stakeholders through the consultation.

The members of the Evidence Panel were:

Michael Coyle – Chair (Senior Specialist/TDL Marine Evidence)  
Ian Reach – Senior Marine Ecologist  
Ian Saunders – Marine Data Specialist  
James Bussell – Marine Ecologist (focussing on sandbanks)  
Robert Enever – Marine Ecologist (focussing on reefs)  
Neil Golding – Offshore Data & Survey Manager (JNCC)  
Therese Cope – Offshore Data and Survey Officer (JNCC)

Relevant evidence came to light through the consultation in the following forms:

- Raw or processed data made available through the consultation.
- Raw or processed data sourced directly by the Evidence team on notification from stakeholders that the data was available.
- Reports and references to reports.
- Maps drawn on by stakeholders from public meetings.
- Written representations within the consultation responses with comments or queries on the SADs.

The Evidence Panel went through the process of reviewing and analysing all the relevant scientific information, before agreeing on appropriate revisions which were also shared with Defra.

## **Special Protection Areas**

The criteria for selection of sites as SPAs within the UK are set out in the SPA selection guidelines published by the JNCC <http://www.jncc.gov.uk/page-1405>

### **The SPA Evidence Panel**

The SPA Evidence Panel team comprised of the following:

- Joanna Redgwell – Chair
- Peter Clement – Senior Designations Specialist (until his retirement on 29<sup>th</sup> March)
- Sarah Anthony – Senior Designations Specialist (Peter Clement's replacement)
- Andy Webb – JNCC Ornithologist
- Richard Caldow – Natural England Senior Ornithologist
- Sian Whitehead – CCW Ornithologist
- Neil Smith – CCW Conservation Officer
- Christian Williams – South East Marine Adviser
- Robert Whiteley – North West Marine Adviser

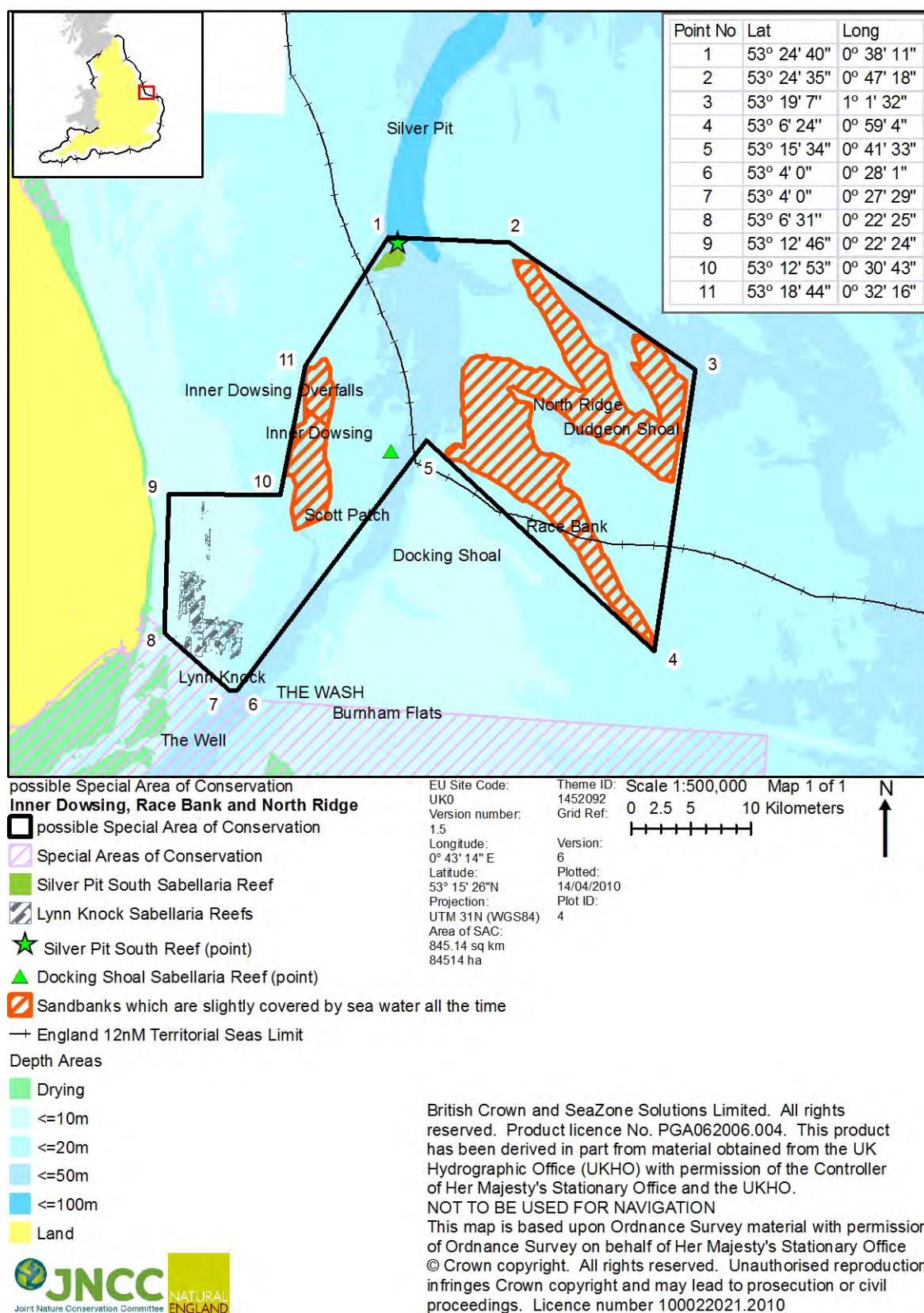
The Panel convened to review all the consultation responses for Outer Thames Estuary SPA and Liverpool Bay/Bae Lerpwl SPA. No data was submitted through the consultation but stakeholders raised a number of queries and issues. These were all assessed in detail to ensure that there were no issues that would potentially undermine the overall methodology.

In addition, the number of objections in relation to the landward boundary of the Outer Thames SPA warranted a review of this boundary. JNCC led this review with a reassessment of the boundary along the coast backed up by WeBs data. This is described in the final departmental brief and summaries of responses by site.

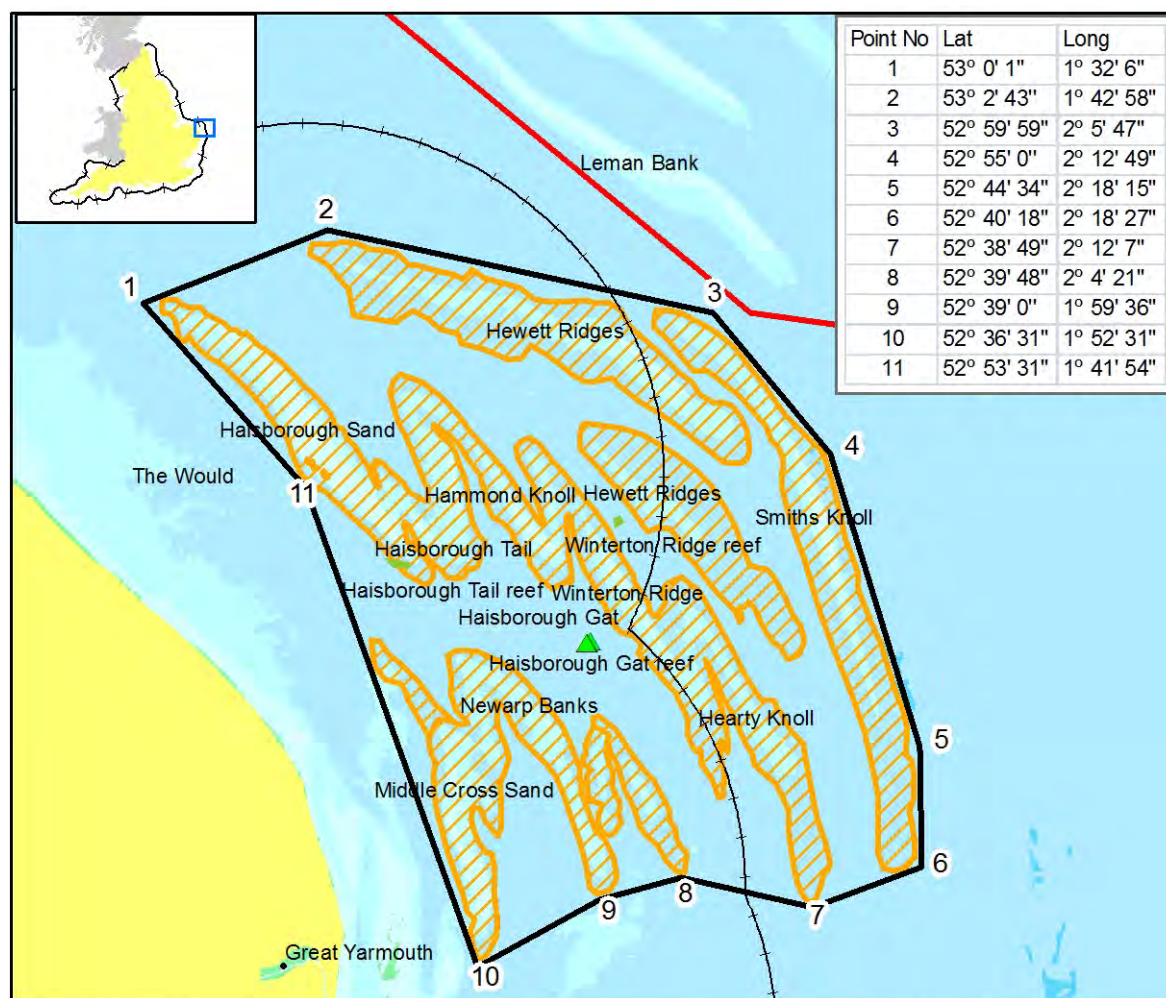


## Annex 5 - Maps of consultation and final recommendation boundaries

### Inner Dowsing, Race Bank and North Ridge pSAC



## Haisborough Hammond and Winterton pSAC



possible Special Area of Conservation  
**Haisborough, Hammond and Winterton**

  North Norfolk Sandbanks and Saturn Reef pSAC

  possible Special Area of Conservation (v 1.4)

▲ Location of Annex I Sabellaria Biogenic reefs

—+— England 12nM Territorial Seas Limit

Annex I Sabellaria Biogenic reef extent

Sandbanks which are slightly covered by sea water all the time

Land

Depth Areas

Drying

<=10m

<=20m

<=50m

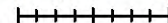
<=100m



Theme ID: 1452093  
Grid Ref:  
Version: 6  
Plotted: 14/04/2010  
Plot ID: 4  
EU Site Code: UK0  
Version number: 1.4  
Longitude: 1° 57' 58" E  
Latitude: 52° 50' 27" N  
Projection: UTM 31N (WGS84)  
Area of SAC: 1467.49 sq km  
146748.54 ha

Scale 1:500,000 Map 1 of 1

0 2.5 5 10 Kilometers



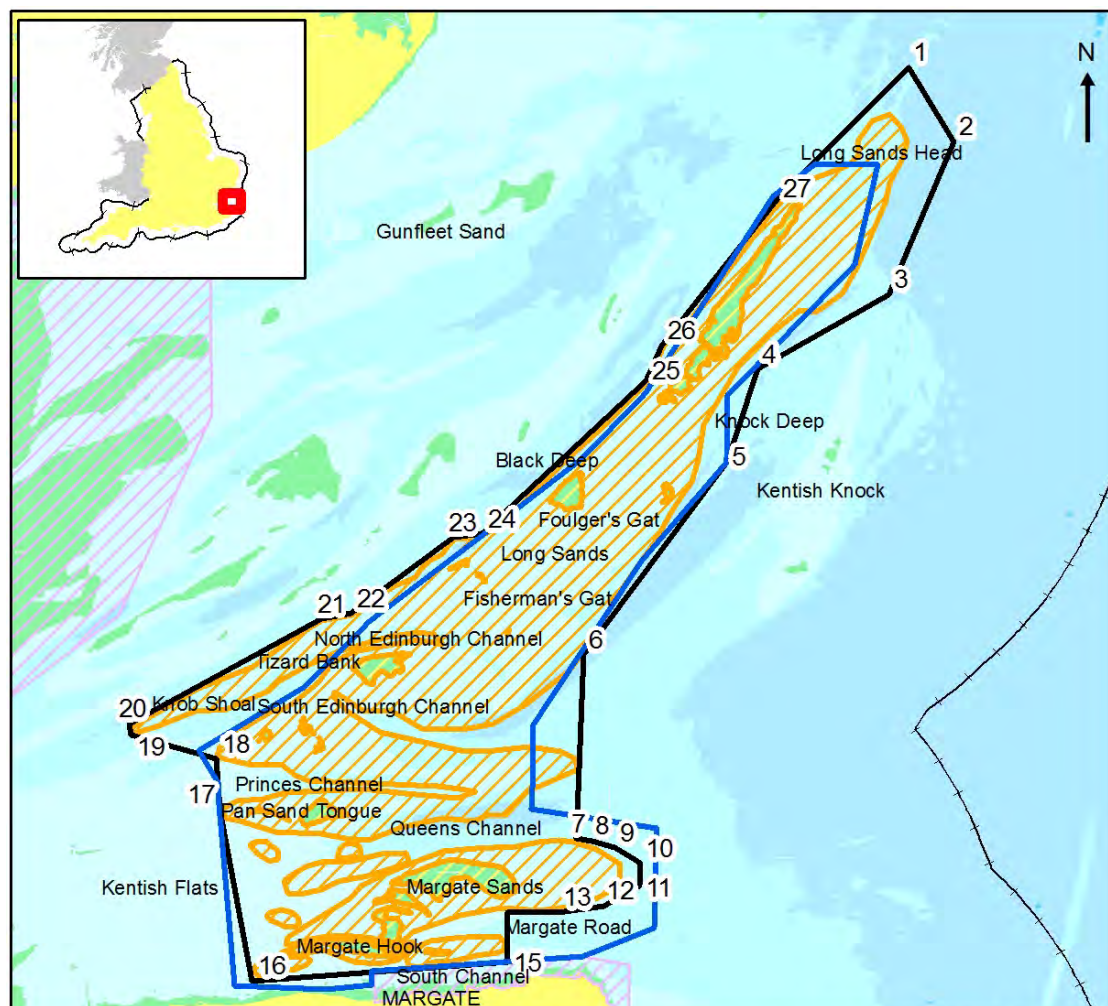
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## Margate and Long Sands pSAC



possible Special Area of Conservation

### Margate and Long Sands

- possible Special Area of Conservation
- old pSAC boundary
- Sandbanks that are slightly covered by sea water all the time
- Mudflats and Sandflats not covered by sea water at low tide
- Special Areas of Conservation
- +— England 12nM Territorial Seas Limit

#### Depth Areas

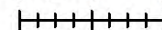
- Drying
- <=10m
- <=20m
- <=50m
- <=100m
- Land

EU Site Code:  
UK0  
Version number:  
1.3  
Longitude:  
1° 22' 12" E  
Latitude:  
51° 33' 55" N  
Projection:  
UTM 31N (WGS84)  
Area of SAC:  
649.14 sq km  
64913.66 ha

Theme ID:  
1452090  
Grid Ref:  
  
Version:  
6  
Plotted:  
29/04/2010  
Plot ID:  
4

Scale 1:400,000 Map 1 of 1

0 2 4 8 Kilometers



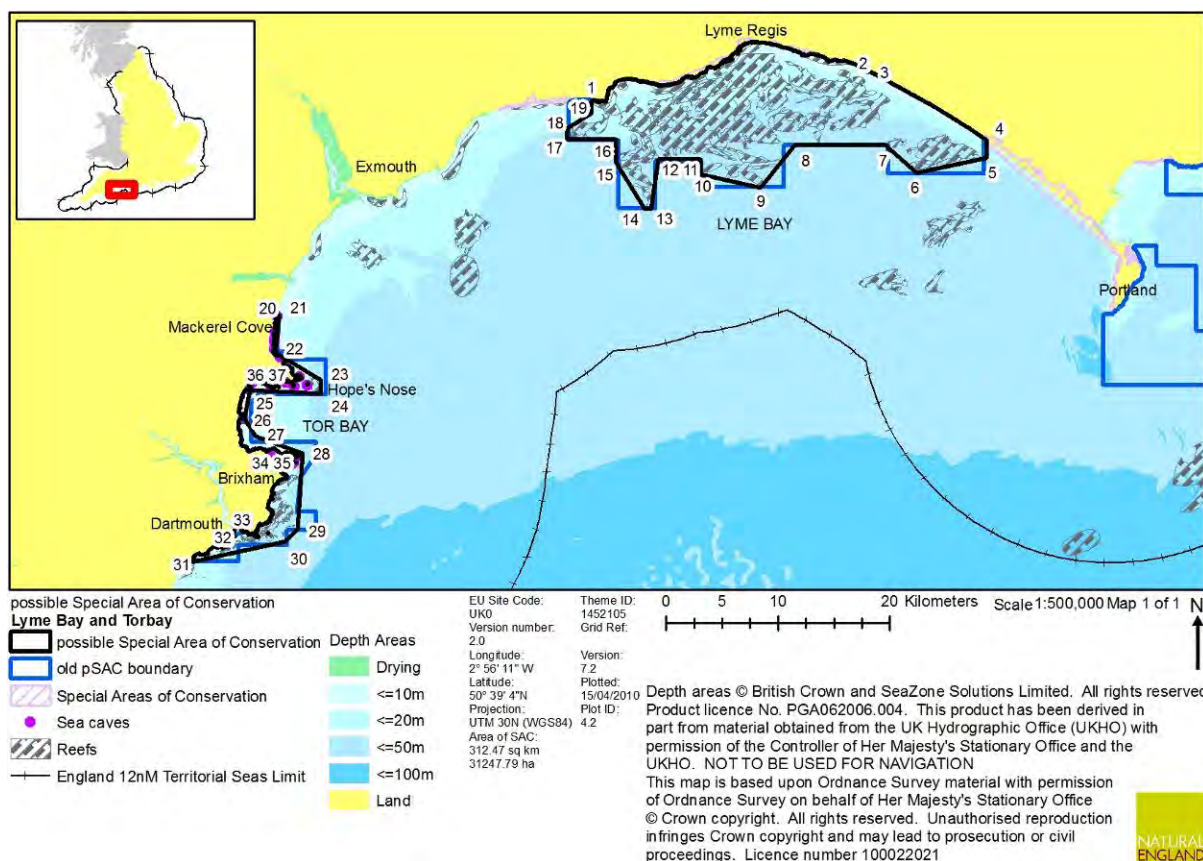
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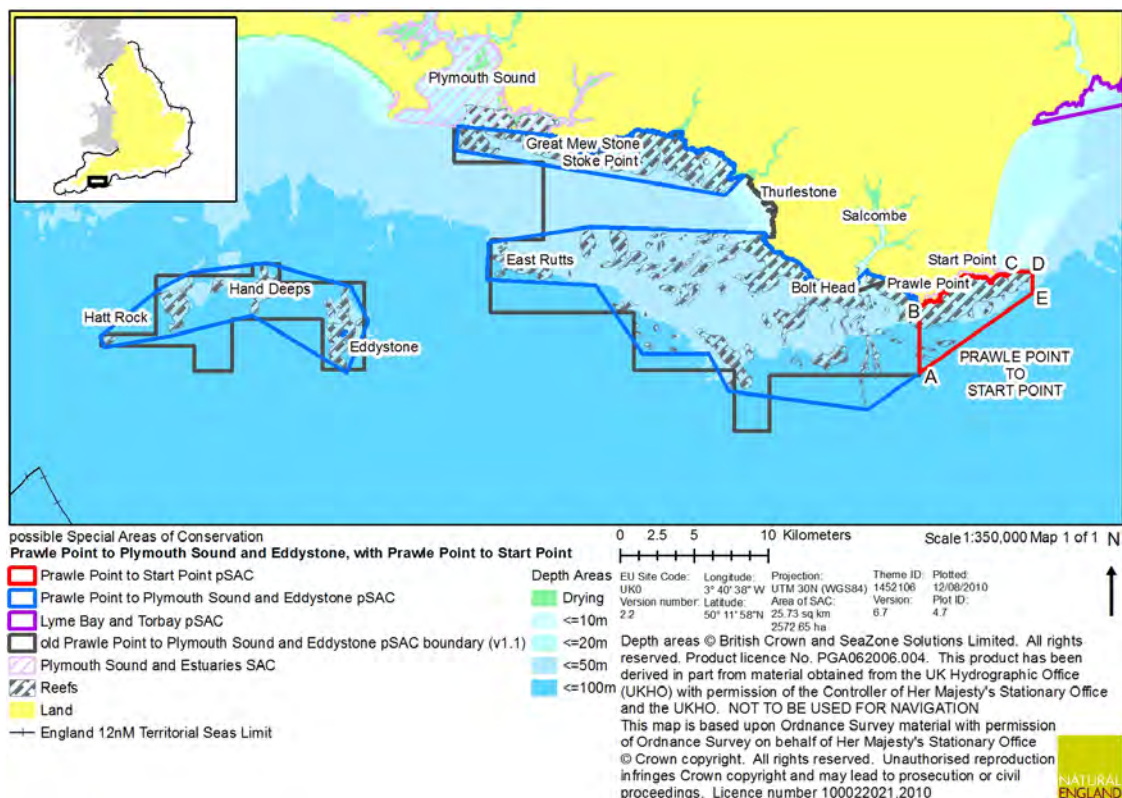
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## Lyme Bay and Torbay pSAC

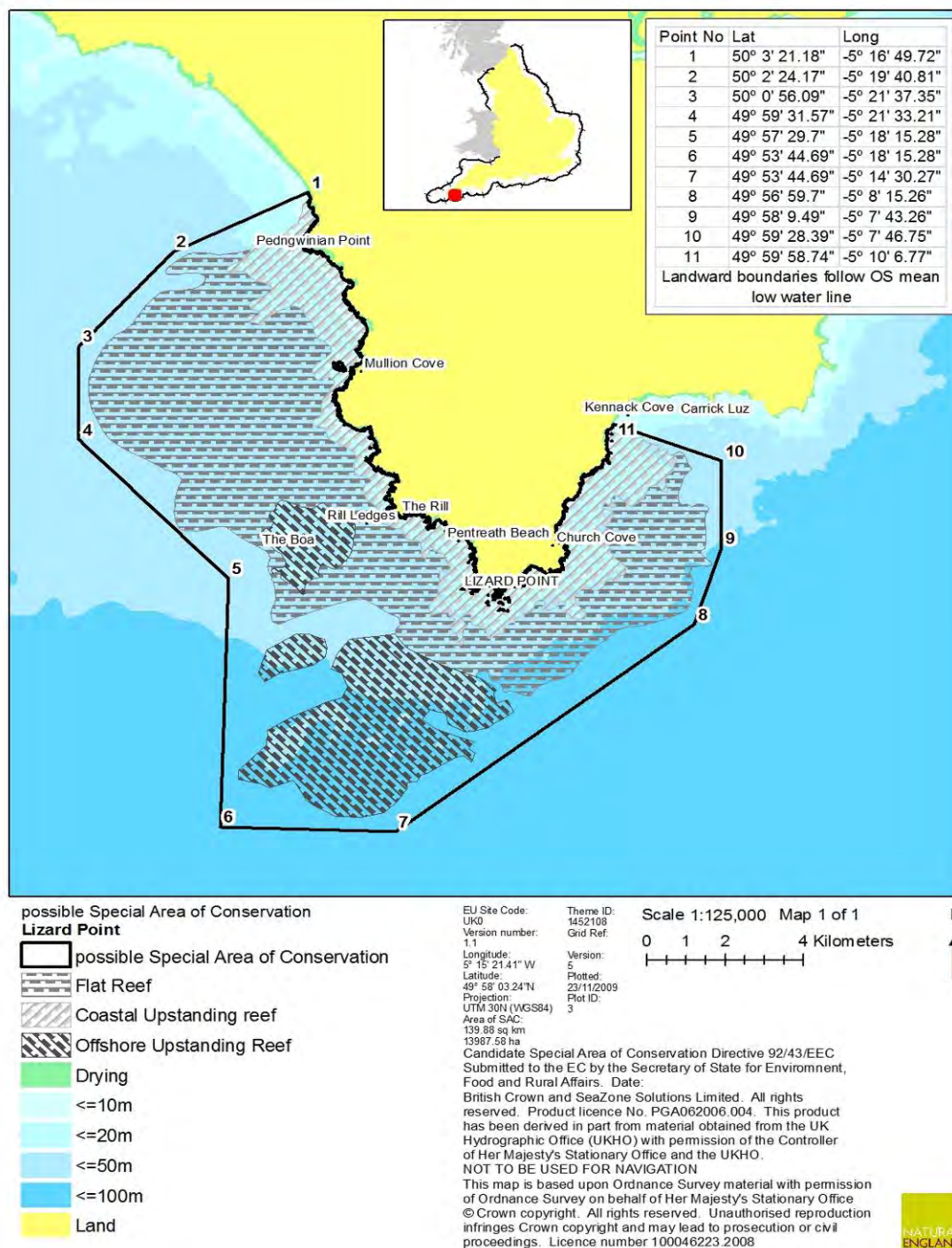


## Prawle Point to Plymouth Sound and Eddystone pSAC (with Prawle Point to Start Point extension for further consultation)

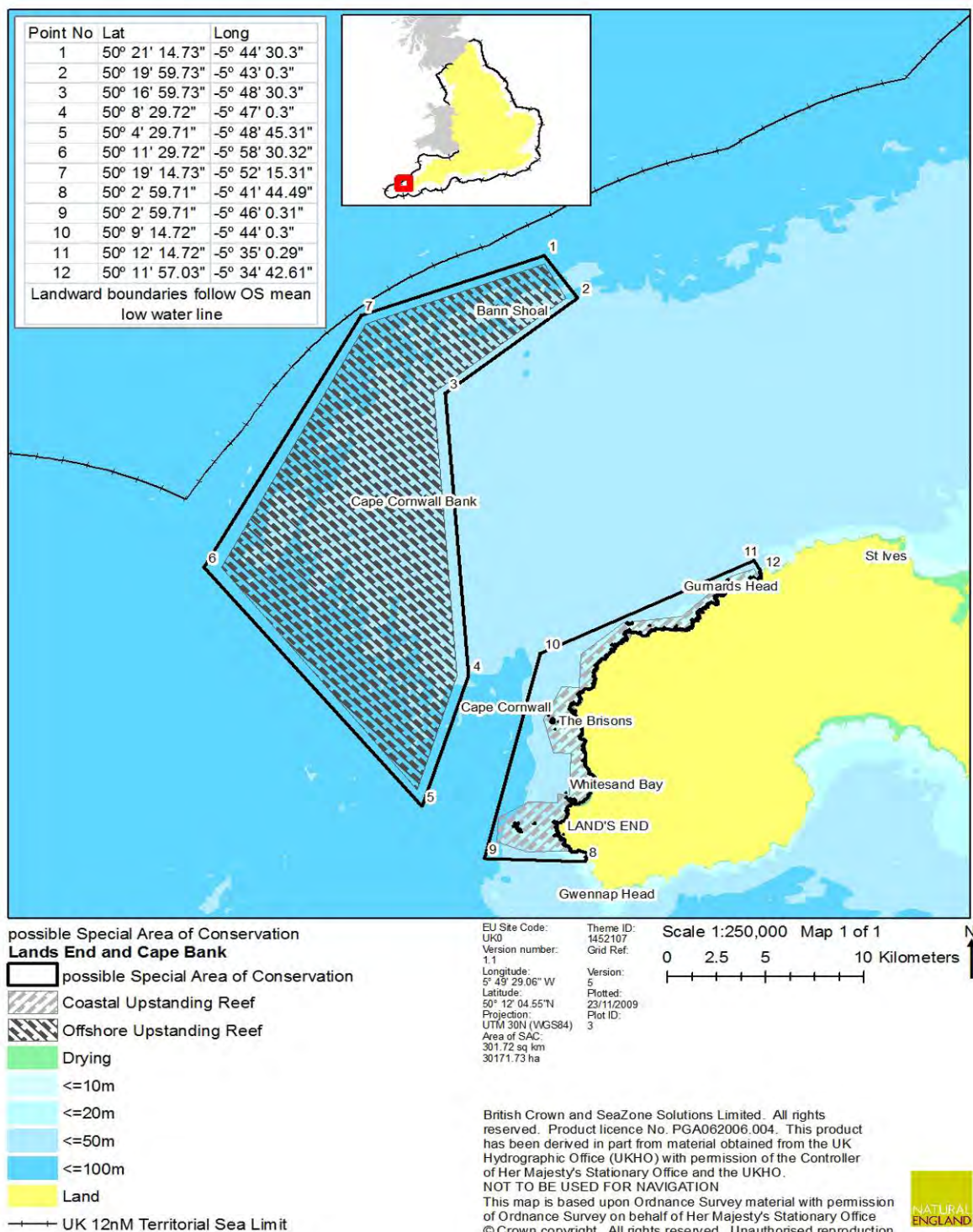




## Lizard Point pSAC

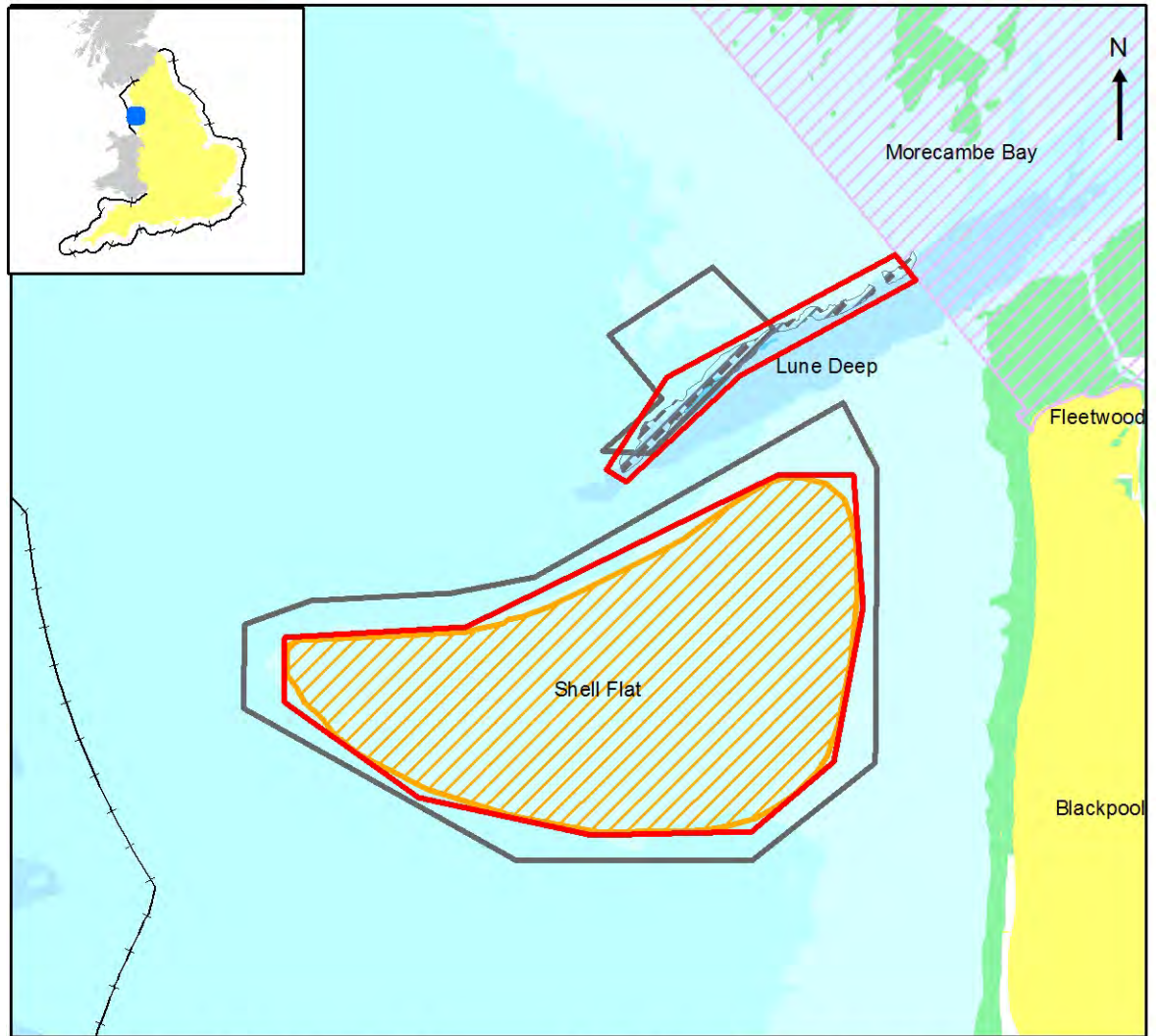


## Lands End and Cape Bank pSAC





## Shell Flat pSAC and Lune Deep Reconsultation



possible Special Area of Conservation

### Shell Flat and Lune Deep

Revised pSAC boundary (v2.0)

Old pSAC boundary (v1.1)

Morecambe Bay SAC

Reefs

Sandbanks which are slightly covered by sea water all the time

### Depth Areas

Drying

<=10m

<=20m

<=50m

<=100m

Land

England 12nM Territorial Seas Limit

EU Site Code:

UK0

Version number:

2.0

Longitude:

3° 12' 45" W

Latitude:

53° 51' 50" N

Projection:

UTM 30N (WGS84)

Area of SAC:

105.69 sq km

10569.41 ha

Theme ID:

1452095

Grid Ref:

Version:

6.7

Plotted:

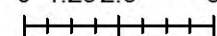
13/08/2010

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Scale 1:200,000 Map 1 of 1

0 1.25 2.5 5 Kilometers



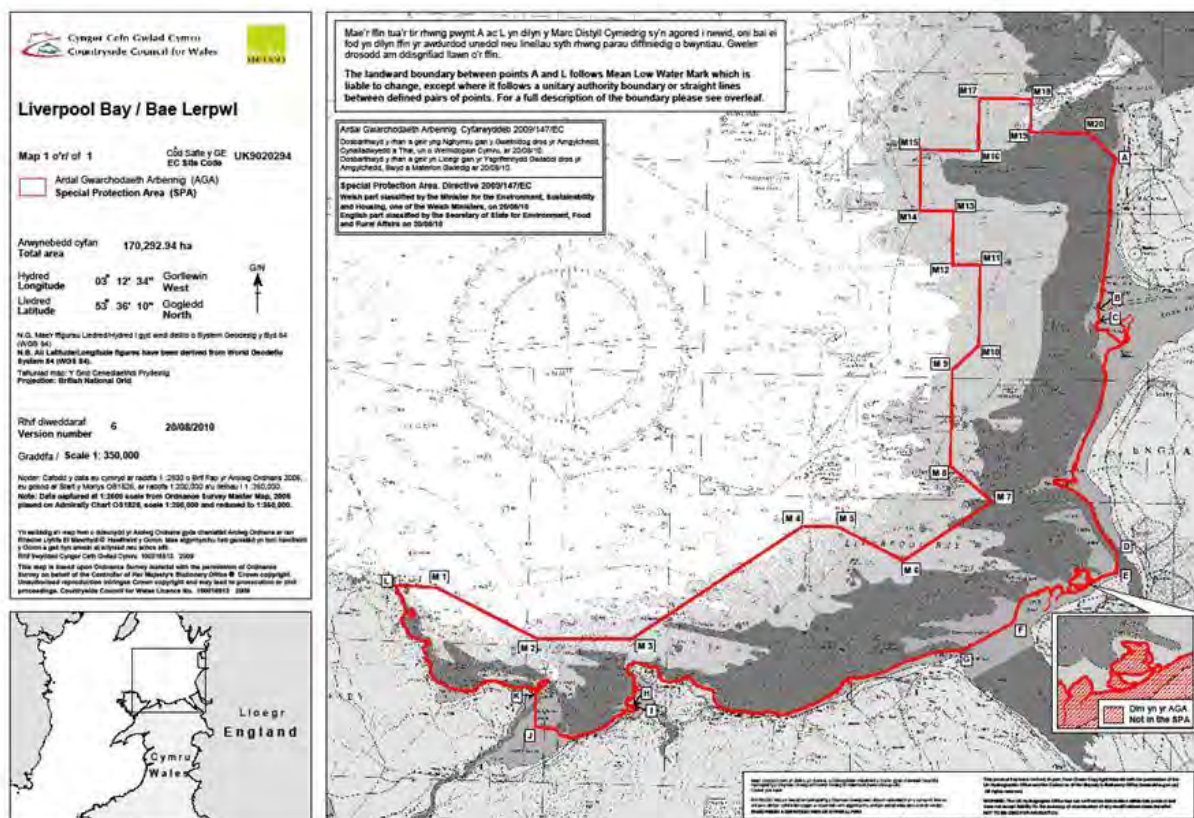
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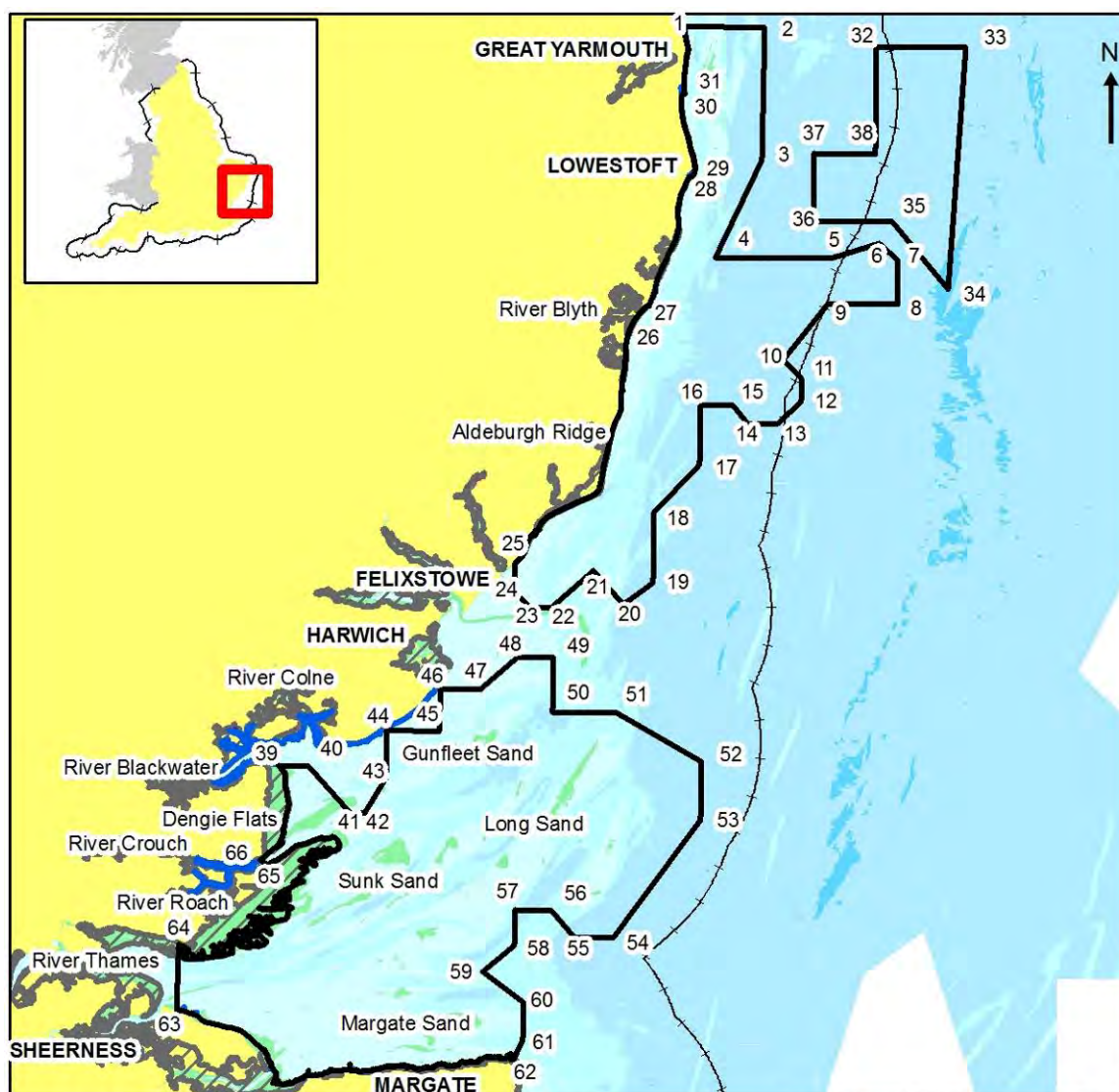


## Liverpool Bay/Bae Lerpwl SPA





## Outer Thames Estuary SPA



Special Protection Area (SPA)  
**Outer Thames Estuary**

→ England 12nM Territorial Seas Limit

□ Outer Thames Estuary SPA

□ old SPA boundary

▨ Special Protection Areas

### Depth Areas

■ Drying  
■ ≤10m  
■ ≤20m  
■ ≤50m  
■ ≤100m

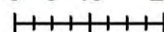


EU Site Code:  
UK0  
Version number:  
4.5  
Longitude:  
1° 32' 41" E  
Latitude:  
51° 54' 58" N  
Projection:  
UTM 31N (WGS84) 4.5  
Area of SPA:  
3792.68 sq km  
379268.14 ha

Theme ID:  
1452174  
Grid Ref:  
Version:  
2.4  
Plotted:  
30/04/2010  
Plot ID:

Scale 1:1,000,000 Map 1 of 1

0 5 10 20 Kilometers

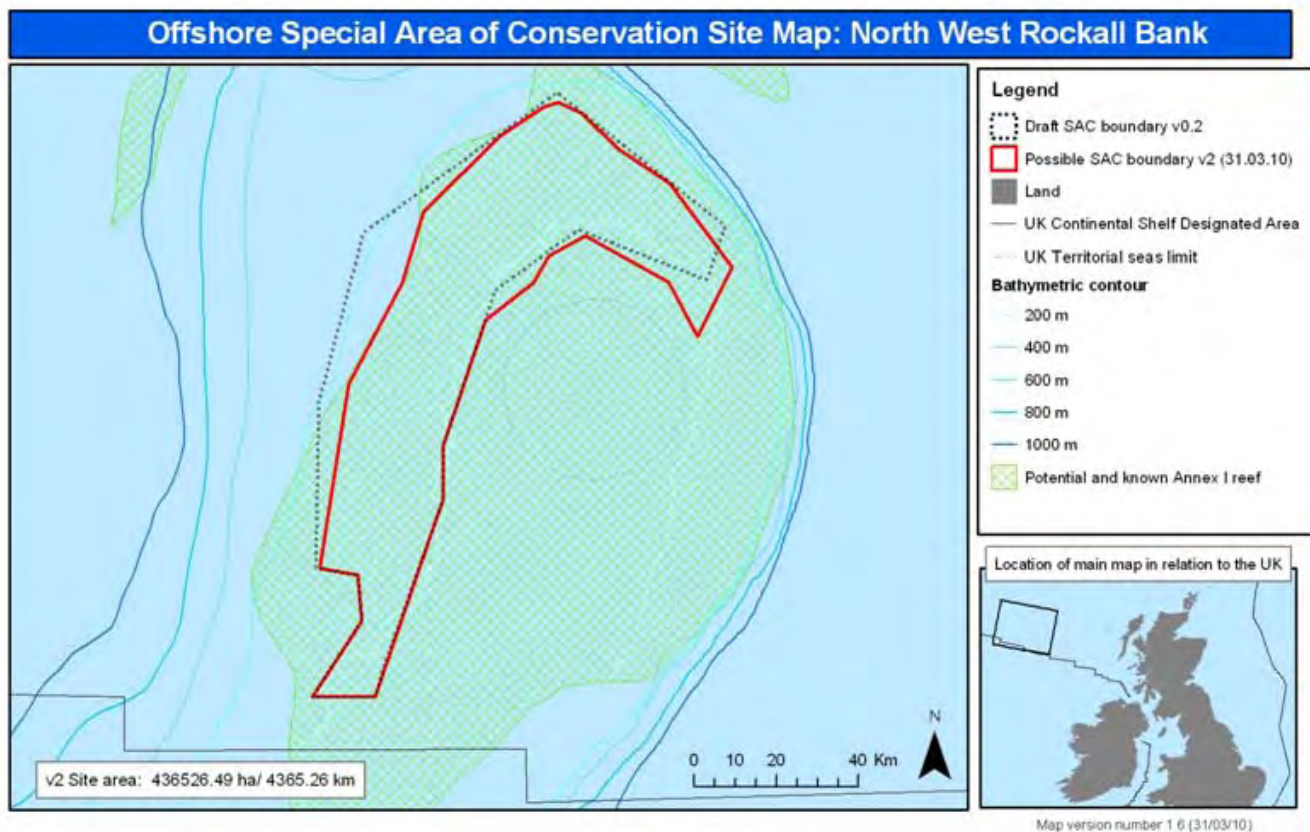


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## North West Rockall Bank offshore pSAC



## Bassurelle Sandbank offshore pSAC

