

Proposals for three new/amended Special Protection Areas in the seas around Wales:

Report of a consultation carried out from 19 January to 3 May 2016

October 2016

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Rhagair

Mae'r ddogfen hon yn adroddiad o'r ymgynghoriad a gynhaliwyd gan Cyfoeth Naturiol Cymru a Cyd-bwyllgor Gwarchod Natur y DU rhwng mis Ionawr a mis Mai 2016 ar y cynnig am Ardal Gwarchodaeth Arbennig (AGA) morol newydd mewn dyfroedd glannau Cymru a cynigion i ymestyn dau AGA presennol, gydag un ohonynt yn ymestyn i ddyffroedd alltraeth y DU. Mae'n disgrifio sut y cafodd yr ymgynghoriad ei gynnal, yn rhoi rhywfaint o wybodaeth ystadegol am y nifer a'r math o ymatebion, yn adolygu'r sylwadau manwl gan ymatebwyr ac yn cyflwyno ymatebion CNC (ac os yw'n berthnasol JNCC) i'r materion a godwyd gan ymgynghoreion. Mae argymhellion terfynol CNC a JNCC (os yw'n berthnasol) mewn perthynas â'r cynigion fel yr ymgynghorwyd drostynt yn adran 5.

Preface

This document is a report of a consultation carried out by Natural Resources Wales and the UK Joint Nature Conservation Committee between January and May 2016 on a proposed new marine Special Protection Area (SPA) in Welsh inshore waters and proposals to extend two existing SPAs, one of which extends into UK offshore waters. It describes how the consultation was carried out, provides some statistical information about the number and type of responses, reviews the detailed comments from respondents and presents NRW's (and where relevant JNCC's) responses to the issues raised by consultees. The final recommendations of NRW (and JNCC where applicable) in relation to the proposals as consulted over are given in section 5.

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1. Introduction and background

Natural Resources Wales is a Welsh Government Sponsored Body. Our purpose is to ensure that the environment and natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

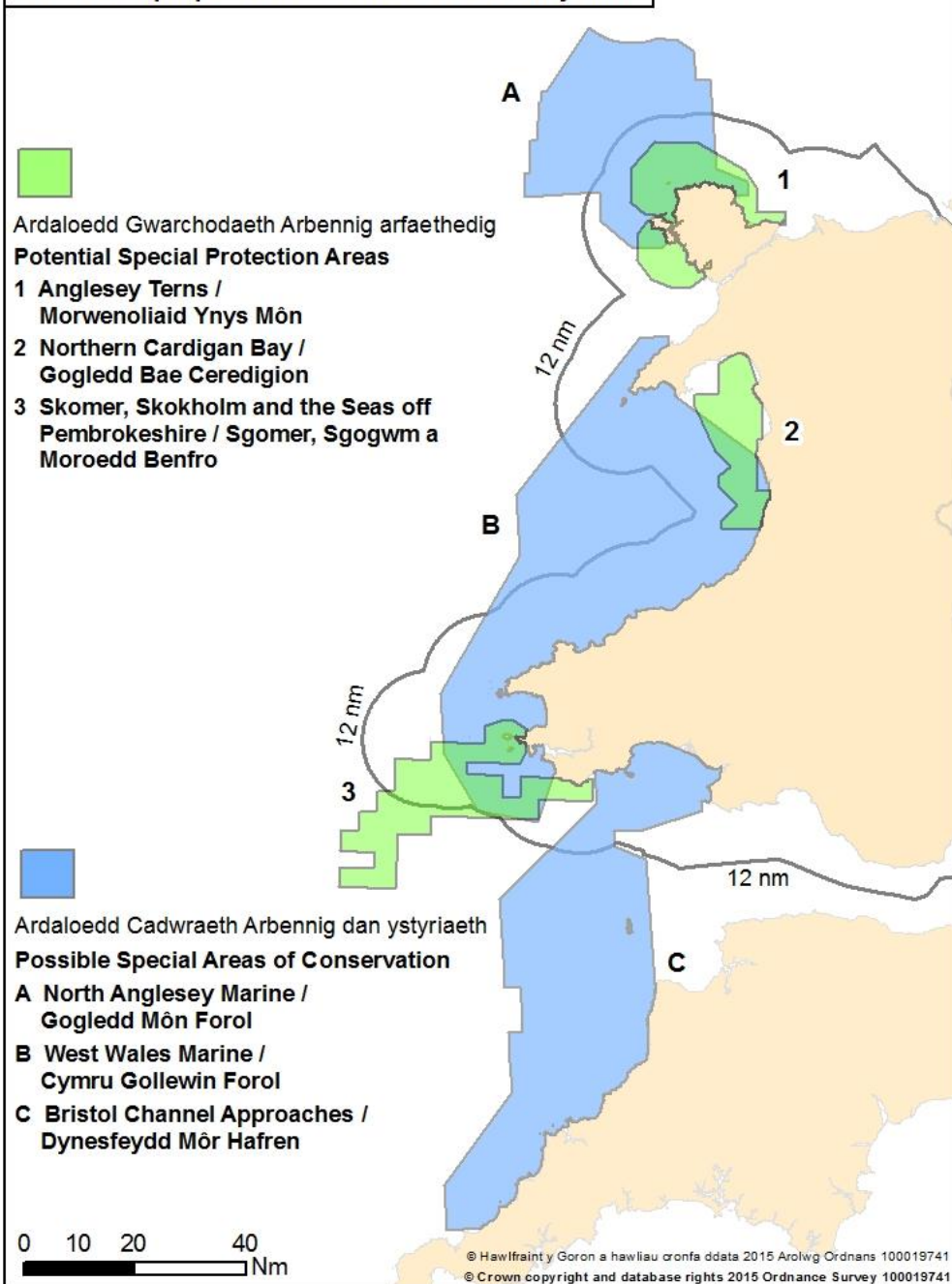
One of our roles is to advise the Welsh Government on the identification of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in Wales and Welsh territorial waters. The Joint Nature Conservation Committee (JNCC) has the equivalent role for UK offshore waters. SACs and SPAs, also known as 'Natura 2000 sites' or 'European sites', are measures required under EU law for the conservation of biodiversity. SPAs are designated to protect populations of rare, threatened or migratory species of wild birds and the habitats they depend on, while SACs are designated to protect a range of natural habitats types and species of plants and animals other than birds.

Between 19 January and 3 May 2016, NRW and JNCC carried out a consultation on three proposed marine SPAs:

- A proposed new SPA for wintering red-throated divers in northern Cardigan Bay (*Northern Cardigan Bay / Gogledd Bae Ceredigion* potential SPA (pSPA));
- A proposal to extend the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA to include the surrounding sea areas used by the breeding tern populations of the existing SPA (Arctic tern, common tern, sandwich tern and roseate tern), and to rename the site *Anglesey Terns / Morwenoliaid Ynys Môn* SPA;
- A proposal to extend the existing Skokholm and Skomer SPA to include additional sea areas used by breeding Manx shearwater and Atlantic puffin and to rename the site *Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro* SPA. This proposal includes an area in UK offshore waters beyond the 12 nautical mile limit of Welsh Territorial Waters, where SPAs are the responsibility of the UK Government and JNCC is the statutory advisor. The consultation on this site was therefore carried out jointly with JNCC.

The consultation on these site proposals was carried out at the same time as consultations by NRW and JNCC on a number of proposed SACs for the conservation for harbour porpoise. The results of those consultations have been reported separately. The location of the proposed sites around Wales is shown in the map below. Although the consultation has now closed, the documents should continue to be available for some time on the NRW website:

www.naturalresources.wales/mn2k.



2. How the consultation was carried out

The consultation was conducted as follows:

- The consultation adhered to the published Code of Practice on Consultation.¹ The consultation ran for 15 weeks², allowing adequate time for consideration of the information and formation of responses. No extensions were requested by stakeholders, and all responses included in the analysis were received during the allocated consultation period.
- All consultation documents were published on the NRW website. This included 'Departmental Briefs' setting out the scientific case for each proposal, together with other supporting information including draft conservation objectives and a list of questions and answers. The JNCC website had a link to the relevant page on the NRW website.
- The consultation was conducted bilingually in English and Welsh and in accordance with NRW's Welsh Language Scheme.
- Draft Impact Assessments of each of the proposed sites were published illustrating the initial consideration of the potential regulatory impacts of the sites if designated. JNCC also published a 'screening document' for the offshore part of the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro site proposal, with a similar purpose.
- Press notices and social media were issued to publicise the start of the consultation. Social media messages were also posted towards the end of the consultation period as reminders that the consultation period would shortly be closing.
- At the start of the consultation period, several hundred stakeholders known to NRW and JNCC received an email or letter informing them of the consultation and inviting them to access the documents online, or to request hard copies. A copy of the letter is given in **Annex 1** to this report. Stakeholders were also encouraged to disseminate the information through their individual channels in order to reach as wide an audience as possible.
- There was encouragement to submit consultation responses using an online response form accessible from the consultation page on the NRW website, but it was made clear that emails or letters would also be accepted. A copy of the online response form is given in **Annex 2** to this report.
- Consultees were invited to contact NRW with any queries (or to contact JNCC if the query related specifically to the offshore part of the Skomer, Skokholm and the seas off Pembrokeshire site). Contact details were provided in the consultation documents and website information.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100807/file47158.pdf

² The standard consultation period in the Code of Practice is 12 weeks. The consultation was initially planned for 13 weeks to allow an extra week given that it spanned the Easter holiday period. It was subsequently extended by an additional two weeks after a minor technical error was discovered in some of the documentation relating to the proposed harbour porpoise SACs being consulted on at the same time. Although the error did not affect the SPA proposals in any way, for administrative ease it was decided to also extend the period of the SPA consultation.

- While no bespoke stakeholder engagement events were held during the consultation period, the consultation paper made clear that NRW would be happy to arrange such events if there was sufficient demand. No such requests were received, but the consultation was publicised at a number of meetings of relevant stakeholders which had been organised for other purposes. Also, in 2015, NRW held a series of 6 'drop in days' at different locations around Wales as part of an informal process of sharing information with stakeholders about the SPA (and harbour porpoise SAC) proposals.
- In order to comply with the Data Protection Act, it was made clear to consultees that their responses and personal information would be shared with other agencies and with Governments, and that responses and the names of respondents may be made public.

3. Statistical summary of consultation responses

The total number of consultation responses³ received by NRW during the consultation period (to both the SPA and harbour porpoise SAC consultations) was 9,613. No responses were received after the closing date.

99% of responses (9,536) were connected with email campaigns run by Whale and Dolphin Conservation (WDC) and the Marine Conservation Society (MCS) concerning the proposed harbour porpoise SACs, none of which included any response to the SPA proposals.

Of the remaining 77 individual responses not apparently connected to the WDC or MCS campaigns, 4 only made reference to the proposed harbour porpoise SACs, leaving 73 which commented to some degree on the SPA proposals. Of those 73 responses, one respondent commented only on the SPA proposals.

Aside from a number of queries and requests for data, JNCC received one consultation response referring to all three site proposals in this consultation, and also referring to a number of other marine SPA proposals elsewhere in the UK. This same consultation response was also sent to NRW (and is one of the 73 referred to above and below).

The following figures relate only to 73 consultation responses that made reference to the SPA proposals.

19 responses were received by email or letter.

54 responses were made using the NRW online response form.

The online response form was divided into three sections:

- Part A requested personal information about the respondents and any associations with a particular industry or sector, and included a reminder about the data handling policy.
- Part B was referred to as the 'general response' section, which allowed respondents to quickly state whether or not they agreed with the three SPA proposals without going on to the

³ In addition to consultation responses, NRW and JNCC received a number of enquiries and requests for information, including requests for hardcopies of the consultation documents and requests for the site boundary data. The figures in this section do not include such enquiries/requests.

more detailed section of the form (Part C). Respondents were asked whether they support the proposals with the options being: Yes, No, In part or Undecided/don't know. Respondents could also make additional comments and/or attach a supporting document.

- Part C allowed respondents to write more detailed comments regarding the site identification process and the draft impact assessments. Part C also enabled respondents to reference their comments to particular sites. Further comments and supporting documentation could also be uploaded in this section.

To help with preparing this report, the 19 responses submitted by email or letter were manually added to the online database of responses by NRW staff. Two of these emailed responses were in the form of completed electronic versions of the online form, which could readily be added to the database of responses submitted online. The remaining 17 were 'free form' responses sent as email text, 'pdf' documents attached to emails or hardcopy letters. Although some of these free-form responses contained detailed comments, to avoid misrepresenting any views (particularly in assigning answers to the detailed consultation questions where a free form response had not explicitly answered the consultation questions), these 17 responses were not included in the statistical analysis of responses to Part C below. **However all consultation responses received during the consultation period, including online forms, documents attached to online forms, emails, documents attached to emails and hardcopy letters) have been considered in the preparation of section 4 this report.**

The responses are summarised as follows:

Part A – Respondent information

Of the 73 respondents, 33 (45%) said they were responding as an individual and 40 (55%) said they were responding on behalf of an organisation.

Respondents (both individuals and organisations) were also asked to indicate whether they identified themselves as associated with any particular sector of interest (they could select more than one option):

Sector/interest	Number of respondents	% (n=73)
Academic & scientific	4	5
Energy (non-renewables)	3	4
Energy (renewables)	4	5
Fishing (all forms)	9	12
Ports & harbours	2	3
Recreation & sport	3	4
Local authority	7	10
Local community group	1	1
Public sector	5	7
Non-governmental organisation	13	18
Private individual	18	25
Other/not specified	4	5

Part B – General response

Question: Do you support the designation of the three⁴ marine SPA proposals? (n=73)

Yes: 49 (67%) No: 3 (4%) In part: 7 (10%) Undecided: 14 (19%)

Part C – Detailed response

A total of 9 respondents using the online response form provided a detailed response in Part C. In addition, the 2 email responders who sent a completed electronic version of the online response form also completed Part C, so 11 respondents are considered as having completed Part C. Note that some of the 'free form' responses submitted by email/letter also provided detailed comments, but they are not included in the figures below. However, all detailed comments, however they were submitted, were considered in the analysis of responses in section 4 of this report.

Respondents were first asked to select which of the three site proposals they wished to comment on, and they could select one, two or all three.

Of the total of 11:

- 5 respondents ticked Northern Cardigan Bay / Gogledd Bae Ceredigion
- 5 respondents ticked Anglesey Terns / Morwenoliaid Ynys Môn
- 9 respondents ticked Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro

Question: Do you agree that the analysis and evidence underpinning the proposed sites support and justify their designation?

Northern Cardigan Bay / Gogledd Bae Ceredigion (n=5):

Yes: 1 No: 0 In part: 3 Undecided: 1

Anglesey Terns / Morwenoliaid Ynys Môn (n=5):

Yes: 0 No: 0 In part: 3 Undecided: 2

Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro (n=9):

Yes: 3 No: 0 In part: 4 Undecided: 2

Respondents were also asked if they had any comments on the draft Impact Assessments for the three SPAs. Of the 11 respondents considered to have completed Part C, 7 provided comment on the draft Impact Assessments.

⁴ This question did not allow respondents to answer in relation to particular sites. Some of the email/letter responses added to the online database by NRW staff (19 out of the total of 73 responses) only expressed views specific to an individual site. Since it cannot be assumed that any of these respondent's views on one site would apply to the other sites, the numbers/percentages here need to be viewed only as approximate indications of the level of support/objection to all three sites.

4. Issues raised by consultees and NRW/JNCC response

This section is divided into three tables dealing with representations from consultees on the following matters:

- 4.1 The scientific basis of the proposals;
- 4.2 The potential social and economic impact of the proposals;
- 4.3 The draft conservation objectives for the sites.

Some comments from some consultees fall into more than one of these categories.

4.1 Representations concerning the scientific basis of the proposed designations

CONSULTEE	COMMENT <i>(NB These are not necessarily direct quotations from consultation responses.)</i>	SITE			NRW (AND JNCC WHERE APPLICABLE) RESPONSE
		Anglesey Terns	N Cardigan Bay	Sk, Sk & Seas off Pembs	
Haven Energy Forum	The baseline information on which the site is proposed appears to be drawn from a period beginning in 2001 and continuing up to <i>circa</i> 2009. Such data may not cover a sufficiently representative time period or be sufficiently recent to allow scientifically robust conclusions about the pattern of usage by birds to be drawn.			◆	<p>The data for the Skomer, Skokholm and the Seas off Pembrokeshire site are not drawn from the period stated in this comment. Up to 26 years of boat-based ESAS (European Seabirds at Sea) data were used in the analysis which underpins the proposed SPA. Information about the data used and the analysis undertaken is presented in the 'Departmental Brief' published for the consultation, and in Kober <i>et al</i> (2010).</p> <p>Kober, K., Webb, A., Win, I., O'Brien, S., Wilson, L.J. & Reid, .B. 2010. An analysis of the numbers and distribution of seabirds within the British Fishery Limit aimed at identifying areas that qualify as possible marine SPAs. <i>JNCC Report No. 431</i>. Available at: http://jncc.defra.gov.uk/page-5522</p>
Haven Energy Forum	Some of the survey work was not conducted in accordance with JNCC guidelines for specification and methodology. These limitations may have undermined the robustness of the modelling outputs and conclusions reached.			◆	<p>We do not agree with this comment. It is widely recognised that the ESAS database is the most comprehensive and longest running data set for the distribution of seabirds at sea in north-west European waters (Pollock and Barton 2006). The data were obtained using transects, collected during targeted boat surveys and from vessels of opportunity, over the past three decades. For further details on ESAS see Reid and Camphuysen (1998). No other robust data with the required spatial extent are currently available. The proposed boundary was based on a modelled approach consisting of a three-step process involving the generation of continuous seabird density distribution maps from point data using Poisson kriging, the delineation of</p>

			<p>seabird hotspots based on the Getis-Ord G_i^* statistic, and the application of UK SPA selection Stages 1.1-1.4 (Kober <i>et al</i> 2012). The guidelines were applied to assess whether species fulfilled the guidelines of regular occurrence and meeting a 1% minimum population threshold. This work was scientifically peer reviewed and presented in Kober <i>et al</i> 2010 and summarised in NRW and JNCC's formal advice to government, published for the consultation. JNCC considered data quality and suitability when undertaking the analysis and excluded data which would not be suitable for the intended analyses. Furthermore, the UK agreed requirement is a minimum of three years of suitable data for identification of SPAs.</p> <p>Kober, K., Webb, A., Win, I., O'Brien, S., Wilson, L.J. & Reid, .B. 2010. An analysis of the numbers and distribution of seabirds within the British Fishery Limit aimed at identifying areas that qualify as possible marine SPAs. <i>JNCC Report No. 431</i>. Available at: http://jncc.defra.gov.uk/page-5522</p> <p>Kober, K., Wilson, L.J., Black, J., O'Brien, S., Allen, S., Bingham, C. & Reid, J.B. 2012. The identification of possible marine SPAs for seabirds in the UK: The application of Stage 1.1-1.4 of the SPA selection guidelines. <i>JNCC report No. 461</i>. Available at: http://jncc.defra.gov.uk/page-6268</p> <p>Pollock, C. & Barton, C. 2006. An analysis of ESAS seabird surveys in UK waters to highlight gaps in coverage. <i>Report to the DTI</i>.</p> <p>Reid, J.B. & Camphuysen, C.J. 1998. The European Seabirds at Sea Database. <i>Proceedings of the 1st meeting of the European Orn. Union. Biol. Cons. Fauna</i> 102: 291.</p>
<p>Horizon Nuclear Power</p>	<p>Concerns about the case which underpins the delineation of the proposed boundaries. These concerns may be mitigated, however, if the conservation objectives and management measures were clear and unambiguous and more clearly aligned with the aims of the Directive. More effectively drafted conservation objectives would allow sustainable development such as the Wylfa Newydd</p>	<p>◆</p>	<p>The scientific case underpinning the definition of the boundary of the proposed extension – including the data and the methodology - is fully explained in the documents published for consultation, in particular the 'Departmental Brief'. We note that Horizon's principal concern however relates to the conservation objectives and the impact they may have on the delivery of the Wylfa Newydd project. See section 4.2 below.</p>

	project to be delivered.			
RSPB & Wales Environment Link & Wildlife and Countryside Link & Wildlife Trusts Wales	Concerns over the use of 'contemporary data' as the basis of SPA reclassification, for species that have undergone significant declines at the proposed sites since their original classification as SPAs The effective 'downgrading' of protection at these sites through the use of contemporary data alone is not acceptable.	◆	◆	<p>It is noted that RSPB Cymru and others made a very similar comment in response to NRW's consultation in 2014 on the proposed marine extensions to breeding colony SPAs at Skokholm and Skomer, Grassholm and Glannau Aberdaron ac Ynys Enlli / Aberdaron Coast and Bardsey Island SPAs. We carefully considered those comments at that time and outlined NRW's reasons for taking the approach we did, in a letter to RSPB (3 September 2014).</p> <p>Our approach has not changed and we remain of the view that the data published in the 2001 SPA review (Stroud <i>et al.</i> 2001) are the appropriate basis for assessing these sites against the UK SPA selection guidelines.</p> <p>However in the process of considering these comments we have identified a factual error in the 'Departmental Brief' for the Anglesey Terns / Morwenoliaid Ynys Môn pSPA. This error does not in any way affect the evidence or rationale for the proposed marine extension, but relates to some confusion over the bird population data underpinning the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA. Further details are given in Annex 3 to this report.</p> <p>Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, I., McLean, I., Baker, H. & Whitehead, S. 2001. <i>The UK SPA network: its scope and content.</i> Volumes 1-3. JNCC, Peterborough Available at: http://jncc.defra.gov.uk/page-1418</p>
Milford Haven Port Authority	Concern about the heavy reliance on modelling outputs when defining the proposed boundaries of the site, and the considerable age of the input data used, especially since more recent data are available.		◆	<p>The European Seabirds at Sea (ESAS) database is widely recognised as the most comprehensive and longest running data-set for the distribution of seabirds at sea in north-west European waters (Pollock and Barton 2006). The data were obtained using transects, collected during targeted boat surveys and from vessels of opportunity, over the past three decades. For further details on ESAS see Reid and Camphuysen (1998). No other robust data with the required spatial extent are currently available.</p> <p>The proposed boundary was indeed based on a modelled approach, consisting of a three-step process involving: the generation of continuous seabird density distribution maps from point data using Poisson kriging; the delineation of seabird hotspots based on the Getis-Ord Gi* statistic; and the application of UK SPA selection Stages 1.1-1.4. The SPA selection guidelines were applied to assess whether a given species meets</p>

				<p>the guidelines of both regular occurrence and of the 1% minimum GB population threshold. This work was scientifically peer reviewed and published in Kober <i>et al</i> (2010).</p> <p>Kober, K., Webb, A., Win, I., O'Brien, S., Wilson, L.J. & Reid, .B. 2010. An analysis of the numbers and distribution of seabirds within the British Fishery Limit aimed at identifying areas that qualify as possible marine SPAs. <i>JNCC Report No. 431</i>. Available at: http://jncc.defra.gov.uk/page-5522</p> <p>Pollock, C. & Barton, C. 2006. An analysis of ESAS seabird surveys in UK waters to highlight gaps in coverage. <i>Report to the DTI</i>.</p> <p>Reid, J.B. & Camphuysen, C.J. 1998. The European Seabirds at Sea Database. <i>Proceedings of the 1st meeting of the European Orn. Union. Biol. Cons. Fauna 102</i>: 291.</p>
Milford Haven Port Authority	The resolution of the modelled outputs is not sufficient to justify the proposed boundaries of the site extending into the area of the port limits.		◆	<p>Given the source data there are inevitable limitations to the resolution of the modelled outputs and the size of the 'cells' that need to be used. However in the absence of data or outputs at any higher resolutions, decisions to truncate individual cells need to be ecologically justified (e.g. no land areas are included). Unless there is scientific evidence supporting partial exclusion of a given cell, for consistency the boundary needs to encompass complete cells. The presence of administrative or legal boundaries (such as statutory port limits) should not affect boundary placement, since social and economic considerations may not be taken into account in defining SPA boundaries. We also point out that the existing Skokholm and Skomer SPA, recently reclassified in 2014 already extends into the area under the Milford Haven Port Authority's jurisdiction.</p>
Wales Environment Link	The use of contemporary data has been applied inconsistently across species. Clarification is needed on the rationale for how data have been used.	◆	◆	<p>◆</p> <p>We do not agree that data have been used inconsistently across species. In relation to assessing the population of any of these three sites:</p> <p>The Anglesey Terns site uses the figures published in the 2001 SPA review (Stroud <i>et al</i> 2001). See Annex 3 to this report.</p> <p>The Skomer, Skokholm and the seas off Pembrokeshire site is an existing SPA which was reclassified in 2014 when the basis for classification was updated in line with the 2001 SPA review data. The only proposed changes are to extend the boundary to include additional marine areas, not to update the bird count data on which the SPA is</p>

				<p>considered to qualify.</p> <p>The Northern Cardigan Bay site is a new proposed site which therefore post-dates the 2001 SPA review and therefore cannot by definition use 2001 SPA review data. The population estimate for this site is based on 2001-2004 count data.</p> <p>It has also been brought to our attention that there is an error in the population figures given in the 'Departmental Brief' for the Skomer, Skokholm and the Seas off Pembrokeshire site, whereby Table 4 gives the number of breeding storm petrels <i>Hydrobates pelagicus</i> as 7,000 pairs. This should be 3,500 pairs (i.e. 7,000 individuals). This will be corrected.</p>	
Welsh Fishermens Association	No reference or evidence has been provided to consultees to confirm or otherwise the peak mean breeding and non-breeding population numbers proposed as an indicator of Favourable Conservation Status at each of the sites and the species proposed.	◆	◆	◆	The bird population figures given in SPA citations indicate the importance of the sites for the species concerned, but do not in themselves make assumptions about favourable conservation status for the wider populations of these species.
Welsh Fishermens Association	The time series data used to establish the qualifying population levels should be made available.	◆	◆	◆	<p>The relevant data for the Northern Cardigan Bay site can be found in:</p> <p>O' Brien, <i>et al.</i> 2015. An assessment of the numbers and distribution of wintering waterbirds using Bae Ceredigion /Cardigan Bay area of search. <i>JNCC Report No. 555</i>. Available at: http://jncc.defra.gov.uk/page-6992</p> <p>For the Anglesey Terns and Skomer, Skokholm and seas off Pembrokeshire proposals, no changes are made to the qualifying population levels, which remain as for the existing SPAs.</p>
Wildlife Trusts Wales	Acceptance of the need to apply a uniform approach across the UK, but this risks imposing a perverse outcome by excluding some detailed and highly robust evidence available in locations such as Skomer.			◆	The analysis of the numbers and distribution of seabirds within British Fishery Limits used the best available evidence. Even though the analysis presented in Kober <i>et al</i> (2010) aimed to ensure the use of robust evidence and careful application of the SPA selection guidelines (Kober <i>et al.</i> 2012), we recognise that data in support of the analysis came from only one source, namely the European Seabirds at Sea (ESAS) data base. The ESAS data used in the Kober <i>et al.</i> (2010) and (2012) analyses provide a picture of the relative importance of different areas throughout UK waters,

			<p>which was vital in ensuring that we identify the ‘most suitable territories’⁵ at a UK level for the conservation of the species concerned. However we would welcome having access to all data sets that may provide corroborative information and evidence, and assist with understanding why the site is so important, and with future decision making and management concerning the site.</p> <p>One way to achieve a stronger evidence base might be to establish a bespoke at-sea survey programme to ‘ground-truth’ the importance of these areas. However, such a course of action would be very costly and time-consuming. We agree that in the future it would be useful to compare the results of the ESAS analyses presented in Kober <i>et al.</i> (2010) with the results from other independent studies of seabird dispersion at sea. For example, many recently collected, at-sea survey data exist that have not yet been stored in the ESAS database. Similarly, many datasets are now becoming available from studies of the movements of seabirds that have deployed tracking methods and data loggers. Such tracking data are an extremely valuable new source of information which unfortunately was not available at the time when these marine SPA proposals were being developed. This relatively new area of research illuminates new aspects of how seabirds use the marine environment which are quite different from the information on the spatial distribution of aggregations provided by the analysis of the ESAS database. It is feasible that the two types of data may be used in the future, where the tracking data provides valuable information to support the management of the SPAs.</p> <p>We would be very grateful to have access to any datasets that may assist with future management and assessment of these sites.</p> <p>Lastly, we would point out that the non-inclusion of some datasets relating to Skomer Island has not prevented the area being clearly identified as one of the most important areas for breeding seabirds in the UK, or from being classified as an SPA accordingly.</p> <p>Kober, K., Webb, A., Win, I., O'Brien, S., Wilson, L.J. & Reid, .B. 2010. An analysis of the numbers and distribution of seabirds within the British Fishery Limit aimed at identifying areas that qualify as possible marine SPAs. <i>JNCC Report No. 431</i>. Available at: http://jncc.defra.gov.uk/page-5522</p> <p>Kober, K., Wilson, L.J., Black, J., O'Brien, S., Allen, S., Bingham, C. & Reid, J.B. 2012. The identification of possible marine SPAs for seabirds in the UK: The application of Stage 1.1-1.4 of the SPA selection guidelines. <i>JNCC report No. 461</i>.</p>
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⁵ EC Wild Birds Directive 2009/147, Article 4(1).

				Available at: http://jncc.defra.gov.uk/page-6268
Wildlife Trusts Wales	The lesser black-backed gull (the one existing individual qualifying species with a known significant trend of decline extending back many years on Skomer and Skokholm), was not identified as a qualifying feature for the SPA extension. Concern about whether or not this would mean they would be included in the conservation objectives and management given that for the current SPA this is the qualifying species potentially most at risk.		◆	<p>There may be some confusion over the list of qualifying features for the proposed reclassification of the Skomer, Skokholm and the seas off Pembrokeshire site. When the findings from the at sea hotspot analysis of ESAS data were tested against the SPA selection guidelines, only Manx shearwater and Atlantic puffin qualified under stage 1.1 – 1.4 of the SPA selection guidelines. As a consequence the proposed marine extension to the existing SPA was based only on inclusion of foraging areas for these two species. Lesser black-backed gull could therefore not be identified as a qualifying feature of the marine area. This was probably a result of the species' distribution being too variable to show important areas at predictable locations.</p> <p>However, because this proposal is being progressed as an extension to the existing Skokholm & Skomer SPA rather than as a separate SPA covering only the marine foraging areas (given the high likelihood that a significant proportion of the foraging Atlantic puffin and Manx shearwater are from the breeding populations of the existing SPA), all qualifying features of the current Skokholm and Skomer SPA – including lesser black-backed gull - will, if the site is reclassified as proposed, continue to be qualifying features of the extended/renamed SPA. In many Natura 2000 sites designated for multiple features, the importance of different parts of the site varies for each designated species or habitat type. Such spatial variation needs to be addressed through the way in which conservation objectives are developed and applied, and through how any management measures are implemented. There is no means within the Natura 2000 site designation process itself to spatially differentiate the importance of particular areas for different qualifying species within a site boundary.</p>
Wildlife Trusts Wales	Of the hotspot data for 31 seabird species analysed, only 6 species met SPA qualifying criteria. Concern that species which are hard to distinguish but which are increasingly known to be important, specifically Balearic Shearwaters, which are critically endangered, may have been overlooked with the modelling methodology, which should be sensitive enough to accommodate them.			This appears to be a general comment about the UK statutory conservation agencies' approach to identifying marine SPAs, rather than a comment specifically relating to any of the three SPA proposals consulted over. Our response is given in Annex 4 to this report.

4.2 Representations concerning the social and economic impact of the proposed designations, including comments on the draft Impact Assessments

CONSULTEE	COMMENT <i>(NB These are not necessarily direct quotations from consultation responses.)</i>	SITE			NRW (AND JNCC WHERE APPLICABLE) RESPONSE
		Anglesey Terns	Northern Cardigan Bay	Sk, Sk & Seas off Pembro	
Anglesey County Council	There is a need for guidance materials for the assessing of impacts of development on the new sites and better information on activities that are likely to cause damage to be made publically available.	◆			Comments noted, but this does not call for any change to the draft Impact Assessment (IA). NRW is currently reviewing our website provision of information on marine site management, including 'Regulation 35 advice' documents and links to other sources of guidance relating to particular sectors or habitats/species. There is also a considerable amount of general guidance already available on Habitats Regulations Assessment (HRA), including as presented at a recent series of training events organised by WG Planning division for all Welsh local authorities.
Beaumaris Town Council	General comment on the need to consult on any future management restrictions.	◆			Any new management measures that may be required (none have yet been identified) would be developed by the relevant authorities, as advised by NRW, and through consultation with stakeholders.
The Crown Estate	This respondent provided a list of all of their interests in the areas concerned, including leases to 3 rd parties, and offered to provide further socio-economic information	◆	◆	◆	The availability of this information is noted with thanks. Although we do not consider it necessary to include in the Impact Assessment at this stage, such information may usefully inform future discussions about any potential management measures that might impact on TCE interests, and we would anticipate TCE being fully involved in any such discussions.

	if required.				
Dŵr Cymru	Agreement that the impacts of sewage on the propose SPAs is seen as low and due to large levels of investment in Sewage Treatment Works. Reassurance needed that these proposals will not trigger a new Review of Consents exercise nor, in particular, a tightening of any of the permits that apply to Dŵr Cymru's coastal discharges.	◆	◆	◆	<p>Since the Anglesey and Pembrokeshire SPA proposals are extensions to existing sites, and given the very low risk of sewage discharges impacting negatively on any of the species for which these two SPAs are designated, we can confirm that we do not envisage any additional controls on sewage discharges becoming necessary as a result of these proposals.</p> <p>The legal position is slightly different in relation to the Northern Cardigan Bay site. Under the Habitats Regulations, if the site was to be formally classified as an SPA, it would become a European site, and Regulation 63 of the Habitats Regulations would take effect. Under Regulation 63, if a consent issued before the date on which a site becomes a European site is considered likely to have a significant effect on the site, the competent authority concerned must review that consent as soon as reasonably practicable. However, as noted in this consultation response, the risk to red throated divers posed by existing sewage disposal is considered to be low, including because of the existing controls and standards already applied to most discharge consents. We consider it very unlikely that any current sewage discharges in Wales would be considered likely to have a significant effect on this pSPA and thus even require an appropriate assessment of their implications for the red-throated diver population, let alone any modifications.</p>
Haven Energy Forum	Reassurance needed from JNCC regarding the potential use of 'Areas To Be Avoided' (ATBAs). Potential costs would significantly increase for Haven Energy Forum members. Practicalities and health and safety considerations must be taken into account. Further assurance needed that an ATBA would be unjustified in this context and should be ruled out.			◆	<p>JNCC have provided a screening document which provides a broad assessment of potential regulatory costs of the classification of the offshore part of the proposed SPA, using different hypothetical management scenarios. The purpose of this document is to illustrate the full range of possible implications of the designation. It does not represent JNCC's advice on actual management requirements, and is certainly not meant to imply that any such measures are being contemplated by the relevant regulatory organisations, or by JNCC as the advisory body. The designation of an ATBA is used only to illustrate a possible upper management scenario, if it was considered that additional management or regulation of shipping (particularly shipping involving hazardous cargoes) was considered necessary to protect SPA features. As the JNCC screening document states, this is considered extremely unlikely.</p>
Haven Energy	Reassurance needed from NRW and WG that the extra steaming			◆	<p>The extra steaming figures for the upper management scenario was included to provide an illustration of the scale of economic impact on shipping in the unlikely</p>

Forum	distances for vessels as identified in the draft Impact Assessment are unjustified and should be ruled out in relation to both the Welsh inshore and UK offshore parts of the site.				event that additional regulation would be required, over and above existing measures. This is to provide a nominal 'upper limit' to the potential regulatory impact of the designation, and it is not being suggested that this is likely to happen, or that any shipping regulation that might be required would be defined in this way.
Haven Energy Forum	Specific guidance is needed establishing that the industries in the Haven are unlikely to significantly affect prey species of SPA features.			◆	NRW is not in a position to issue such all encompassing guidance. However, there is no evidence that existing industries operating within Milford Haven are impacting on the prey resource of any of the bird species for which the existing Skokholm & Skomer SPA is classified to the extent that the populations themselves are being adversely affected. Since the proposal being consulted does not involve any changes to the list of qualifying species of the SPA, we do not consider that extending the SPA to include additional sea areas would make the need for additional regulation of industries in the Haven any more or less likely.
Haven Energy Forum	Confirmation sought from Welsh Government/NRW that the geographical extent in which it seeks to achieve Good Environmental Status (GES) is confined to the maximum extent of the pSPA shown in the consultation documents.			◆	The aim of achieving GES under the Marine Strategy Framework Directive covers all marine waters and is not confined to areas within the boundaries of Natura 2000 sites.
Horizon Nuclear Power	General comment about increased burden of regulation.	◆			Comments noted. As this is an extension to an existing SPA, we would not expect it to result in any significant increase in regulatory burden. If any management of marine activities, including mitigation measures applied to plans or projects through the Habitats Regulations Assessment (HRA) was required to ensure appropriate protection of SPA species or their supporting habitat, it would be required in relation to the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA.
Steve James	General criticism that there are too many marine designations and regulations particularly affecting fisheries.	◆	◆	◆	As noted in the draft Impact Assessments, two of these three SPA proposals are extensions to existing SPAs which are not expected to result in any significant increase in regulatory burden. It may be that this comment is made primarily in relation to the parallel consultation that took place on a number of proposed harbour porpoise SACs, which is being reported separately by NRW and JNCC.

<p>Milford Haven Port Authority</p>	<p>Concern that the new Skomer, Skokholm and seas off Pembrokeshire site will entirely surround the entrance to the port of Milford Haven. The draft Impact Assessment indicates that no further management measures are being considered but further reassurance is needed that NRW will recognise the baseline level of port and shipping activity in this area, and will not seek to impose any additional management measures which might impact this activity, or indeed any additional activity arising from port developments. Specific protections for any and all activities necessary for the continued operation of the Port are needed, and such operations should be exempted from being subject to any consultations, processes or management measures that may be contemplated for the purposes of managing the enlarged SPA, recognising that the Port Authority is itself a competent authority under the Habitats Regulations.</p>			◆	<p>This is a proposed extension to an existing SPA, not a new SPA and as this consultee notes, the need for additional regulation of shipping/port activity is not anticipated as a result of the proposed extension to the SPA.</p> <p>NRW (and WG) do indeed recognise the baseline level of port and shipping activity in the area, and we are very well aware of the economic importance of the port of Milford Haven, both locally and nationally.</p> <p>Any decisions about the need for additional management measures, or lack thereof, have to be made in accordance with the obligations of all competent authorities under the Habitats and Birds Directives and Habitats Regulations. It would unlawful – and certainly not within NRW’s powers – to ‘exempt’ any existing or future port activities from compliance with the requirements of the relevant legislation. By virtue of its status as a competent authority, we do not believe that the activities of the port authority can practically or legally be exempted from any ‘consultations, processes or management measures’ that may arise in relation to an enlarged SPA.</p> <p>As the draft Impact Assessment makes clear, this is a proposed extension to an existing SPA (which has already been extended in 2014 to include sea areas around the islands and close to the entrance to the Haven), we do not anticipate the need for any significant additional regulation of shipping and port activity as a result of the proposed extension to the SPA.</p>
<p>Porthmadog Sailing Club</p>	<p>Concerns about additional management or regulation of sailing if the sites are designated</p>	◆	◆	◆	<p>We consider it unlikely that significant additional regulation of recreational sailing would result from any of these three proposals. As we have said in response to several other comments, two of the three SPA proposals are extensions to existing SPAs which are already subject to the Habitats Regulations, so that <u>if</u> further regulation of recreational boating was required in order to protect the species or their habitats from disturbance or damage, such measures would be required irrespective of the proposed extensions. Meanwhile the Northern Cardigan Bay proposal is a new site, such that the potential for any marine or coastal activities to</p>

					adversely impact on the wintering red throated diver population would now need to be considered where it has not previously been required. However recreational boating activity is typically low during the winter months, and there are no known areas within the pSPA where red throated divers are particularly likely to come into frequent proximity with or be significantly disturbed by recreational vessels.
Pembrokeshire Marine SAC RAG	Need for clarity on how the sites are to be managed and resources for the production of management plans.			◆	We agree that questions of site management are important and will need to be addressed in due course. Responsibility for the management of the sites lies with all relevant and competent authorities (including decisions about the need, or otherwise, for management schemes and their resourcing) so it is not possible for NRW at this stage to provide the requested clarity.
Pembrokeshire County Council	The costs of producing a management scheme should not be assessed as zero as there will be costs associated with this.			◆	We agree that questions of site management are important and will need to be addressed in due course. However at this stage is not known if a management scheme will be required for the site. Furthermore even if the relevant authorities decide that a management scheme of some form is required for the proposed extended site, it is open to question what form this would take and whether it would represent a significant additional cost to public authorities with a number of responsibilities in relation to the existing SPA. Not all marine SPAs in Wales have management schemes e.g. Liverpool Bay / Bae Lerpwl SPA. We again point out that the proposal being consulted on is an extension to an existing SPA which already includes a substantial marine area.
RSPB & Wildlife Trusts Wales & Wales Environment Link	The draft Impact Assessments only consider negative impacts not positive ones including wider benefits to fisheries and tourism. For the Skomer, Skokholm and seas off Pembrokeshire site, the Wildlife Trust and boat operators could provide some information on monetised benefits of the marine designations. For example, coastal tourism is worth £602 million per year to the Welsh economy.	◆	◆	◆	We agree that these designations would bring positive effects but these have not been quantified at this time. The Evidence report prepared by consultants to inform the draft Impact Assessments acknowledges the significant potential for the designations to protect and enhance the ecosystem services provided by these areas, particularly the recreational value of these areas and the wildlife they support, and their 'non use' value to society. However the Evidence report also advises a qualitative rather than quantitative assessment due to the difficulties of quantifying such benefits. It is also important to note that two of the draft Impact Assessments are for amendments to existing SPAs, where it would particularly difficult to distinguish the potential benefits (and of course costs) of the <u>changes</u> to the designations, from the designations <i>per se</i> . Also, when assessing the potential economic value of designations in terms of benefits to tourism and recreation, it is important to be able to distinguish the value of the ecosystem services provided particularly by the protection of the wildlife concerned (eg wildlife watching from

<p>& Richard Pearcy</p>				<p>land or by boat), from the economic value of other environmental recreational assets in the area, such as opportunities for enjoyment of the landscape and beach/cliff/water based recreational activities (see for example Marine Planning Consultants <i>et al.</i>, 2013). We do not disagree with the comments from these consultees that designations can bring significant social and economic benefits, but we would argue that these relate mainly to the existing SPAs, and are in practice very difficult to separate from the ecosystem services provided by the environment itself, rather than specifically by the statutory protection of particular features. However we will review the draft Impact Assessments to ensure that they include appropriate reference to the potential social and economic benefits of the proposals.</p> <p>We do not have the resources to gather primary information on potential benefits of any of these proposals at this stage, especially considering that such information should have no bearing on Ministers' decision on whether to formally adopt the proposals. However we agree that gaining a better understanding of the social and economic (and wider environmental) benefits is a worthwhile aspiration and hopefully something that can be pursued in the longer term. Experience has shown that understanding and communicating the social and economic benefits of (marine) protected areas can be an important factor in their long term success.</p> <p>Marine Planning Consultants, Atkins & Pembrokeshire Coastal Forum 2013. Wales Marine Activity Mapping. Economic value of marine recreation activity. Report prepared for Welsh Government, Pembrokeshire Coast National Park Authority and the Port of Milford Haven. Available at: http://www.walesactivitymapping.org.uk/reports-3/</p> <p>Kober, K., Webb, A., Win, I., O'Brien, S., Wilson, L.J. & Reid, .B. 2010. An analysis of the numbers and distribution of seabirds within the British Fishery Limit aimed at identifying areas that qualify as possible marine SPAs. <i>JNCC Report No. 431</i>. Available at: http://jncc.defra.gov.uk/page-5522</p>
<p>RSPB & Wales Environment</p>	<p>The 5% reduction in effort figure in the upper management scenario is arbitrary and do not feel that it is underpinned by any rationale.</p>		<p>◆</p>	<p>The 5% reduction in effort figure for the upper management scenario in the Northern Cardigan Bay site was indeed arbitrary, and was included purely to provide an illustration of the scale of economic impact on fisheries even in the unlikely event that additional regulation would be required, over and above existing measures, in order to protect wintering red throated divers. This is to provide a nominal 'upper limit' to the potential regulatory impact of the designation, and it is not being suggested that this is likely to happen, or that any new fishery regulations</p>

Link & Welsh Fishermens Association				that might be required would be defined in this way.
Welsh Fishermens Association	No reduction in static gear fishing activity should be imposed without evidence that clearly identifies such measures as necessary to address pressures or threats to the site features.		◆	We agree that the need for any additional management measures would need to be supported by evidence. Note however that the upper management scenarios presented in the report on the evidence base for the proposed SPAs do not represent anticipated management requirements or reflect any current intentions of NRW or WG to introduce such measures.
RSPB & Wales Environment Link	Since fisheries activities are being considered as part of the ongoing 'Assessing Welsh Fisheries Activities' Project, the monetised figures used in the impact assessment for the Northern Cardigan Bay site should be removed pending the outputs from that project.		◆	We acknowledge that there is a separate piece of work ongoing to look systematically at fisheries in Welsh European marine sites. However we believe that the draft IA makes clear the basis and assumptions on which these monetised figures are based, and that they are intended only to provide an illustration of the monetary impact of a hypothetical upper management scenario. We therefore disagree with the suggestion that this information should be removed from the Impact Assessment.
Royal Yachting Association	The costs to industry/developers of providing additional evidence to support Habitats Regulations Assessment (HRA) of projects (e.g. marina works) in relation to potential impacts on the new proposed SPA in Northern Cardigan Bay, should be acknowledged in the Impact Assessment.		◆	We agree that the Impact Assessment should reflect this additional potential cost arising from the Northern Cardigan Bay proposal, namely the need for Habitats Regulations Assessments (HRAs) to address potential impacts on red throated divers. We will review this aspect of the draft IA and include the additional information.
Royal	It is not clear why, in the draft		◆	The very small cost to regulators identified for the Skomer, Skokholm and Seas of

Yachting Association	Impact Assessment for the Skomer & Skokholm and seas of Pembrokeshire site, additional costs to regulators has been identified but no additional costs to developers/applicants.				Pembrokeshire site (£7K over the 20 year assessment period) is a nominal amount reflecting the extension of the site to include offshore waters and the consequent involvement of additional competent authorities and policy considerations (UK as well as Wales) in decision making concerning the site. Since there are no changes to the features of the SPA and Habitats Regulations Assessment (HRA) would be required anyway, costs to applicants in terms of providing the necessary information to support HRAs would not be expected to increase as a result of the proposed extension.
Trinity House	There is an essential requirement for Trinity House (TH) to maintain lighthouses and other navigational aids in and around the SPAs. Concern that new designations covering additional species may bring with it extended breeding / over-wintering seasons that leave no window of opportunity to undertake such works. The presence of TH assets needs to be noted.	◆	◆	◆	No new species or changes to SPA qualifying season are proposed for the Anglesey and Pembrokeshire sites, so no additional regulatory impact is anticipated in relation to maintenance of navigation aids (as with other sectors). In relation to the Northern Cardigan Bay site, whilst it is correct that this is a new site that would need to be considered in any Habitats Regulations Assessment (HRA) of plans or projects, and by any competent authority (including TH) when carrying out its functions, we consider it very unlikely that operations connected with routine maintenance of navigation aids would be likely to significantly affect the wintering red throated diver population or its marine habitat, or if there were any potential for adverse effects on the pSPA, they could not readily be mitigated. However we agree that the lack of reference to this sector in the draft Impact Assessments is an omission. We will add information to the draft Impact Assessments addressing the potential impact (or lack thereof) of these three SPA proposals on lighthouse/navigation aid maintenance operations.
Wales Environment Link	It is not clear why the draft Impact Assessment identifies costs for the development of voluntary measures for recreational activities, as the Pen Llŷn a'r Sarnau SAC (PLAS) already has a voluntary scheme.		◆		We accept that PLAS has very recently developed a marine code for recreational activities. However this is a general code and not specific to the designated features. There is also a cost with disseminating the code and PLAS are currently in receipt of a grant from NRW to carry out this dissemination.
Welsh Fishermen's Association	Request to be involved in any discussions on fishery management measures.	◆	◆	◆	Fishery management measures in Welsh inshore waters are the responsibility of Welsh Government. We would expect WG (and NRW where appropriate) to engage with representatives of the fishing industry in Wales over the development of any future measures considered necessary in relation to the protection and management of marine Natura 2000 sites.

				<p>Fisheries management in UK offshore waters falls under the EC Common Fisheries Policy. The UK Government and the Devolved Administrations have pursued an open consultative process with the fishing industry in UK and Europe when developing management measures for SACs and SPAs in offshore waters. Should any management measures be required in the offshore part of the Skomer, Skokholm and Seas of Pembrokeshire site, UK Government and WG would expect the Welsh Fishermen's Association to be part of the process.</p>
<p>Wildlife Trusts Wales</p>	<p>Concerns with shipping, particularly the impact of lighting and noise pollution from tankers on the Manx Shearwaters.</p>		◆	<p>NRW acknowledge one of the recognised threats that shearwaters face during their reproductive season is the effect of nocturnal light pollution at or in the vicinity of their nesting colonies (Fontaine 2011). As with many other bird species, the effects of light pollution on seabird colonies are not fully understood (Rich & Longcore 2006). For example, juvenile shearwaters, especially on their early flights have been reported to feel attracted and disoriented by artificial light sources, misleading them from going back to their colonies at night and often causing them to end up stranded on land or colliding against tall structures (Miles <i>et al.</i> 2010). However between 1998-2015, data from the Manx shearwater breeding study plots on Skomer Island suggest that the population has increased, breeding success is relatively high and there is no significant variation in adult breeding survival (Stubbings <i>et al.</i> 2015). With this strong evidence on current Manx shearwater population demography, NRW do not consider that the impact of current light or noise pollution levels from tankers are having a significant impact on the Manx shearwater population of the Skokholm and Skomer SPA.</p> <p>Fontaine, R., Gimenez, O., Bried, J. (2011). The impact of introduced predators, light-induced mortality of fledglings and poaching on the dynamics of the Cory's Shearwater (<i>Calonectris diomedea</i>) population from the Azores, north-eastern subtropical Atlantic. <i>Biol. Conserv.</i> 144: 1998–2011.</p> <p>Miles, W., Money, S., Luxmoore, R., Furness, R.W. (2010). Effects of artificial lights and moonlight on petrels at St Kilda. <i>Bird Study</i> 57: 244–251.</p> <p>Rich, C. & Longcore, T. (Eds) (2006). <i>Ecological consequences of artificial night lighting</i>. Washington, DC: Island Press.</p> <p>Stubbings, E.M., Buche, B.I., Miquel Riera, E., Green, R.m. & Wood, M.J. 2015. Seabird monitoring on Skomer Island in 2015. Unpublished JNCC Report.</p>

4.3 Representations concerning the draft conservation objectives

A number of consultees provided comments on the draft conservation objectives for the three SPA proposals. Draft conservation objectives were published alongside the consultation documents for information, and were not the subject of the consultation. However, comments about the conservation objectives and suggestions on the way in which they are presented may inform the preparation in due course of NRW and JNCC's statutory advice, under the Habitats Regulations⁶, as to conservation objectives for the sites and any operations which may cause disturbance or deterioration of site features, together with any associated guidance on interpreting and applying the conservation objectives.

CONSULTEE	COMMENT <i>(NB These are not necessarily direct quotations from consultation responses.)</i>	SITE			NRW (AND JNCC WHERE APPLICABLE) RESPONSE
		Anglesey Terns	Northern Cardigan Bay	Sk, Sk & Seas off Pembro	
Horizon Nuclear Power	Concerns about the case which underpins the delineation of the proposed boundaries may be mitigated if the conservation objectives and management measures were clear and unambiguous and more clearly aligned with the aims of the Directive. More effectively drafted conservation objectives would allow sustainable development such as the Wylfa Newydd project to be delivered.	◆			<p>The extension of the existing SPA for breeding terns on Anglesey will not significantly alter the way that the Wylfa Newydd project needs to consider the SPA in terms of Habitats Regulations Assessment (HRA), as the site is already classified (Ynys Feurig, Cemlyn Bay and The Skerries SPA) for the four breeding tern species and therefore any likely significant effect that the project might have would need to undergo HRA in any case.</p> <p>The draft conservation objectives are based on those for the existing SPA, and we consider them to be already well-aligned with the aims of the Birds Directive.</p> <p>Aside from the need for plans and projects to be subject to HRA, no decisions about other 'management measures' that may be necessary in relation to the proposed marine extensions have yet been made, and there were no such proposed management measures forming part of this consultation. In line with previous practice on other marine Natura 2000 sites in Wales and the UK, we would expect the</p>

⁶ Regulation 35 of the Conservation of Habitats & Species Regulations 2010, and Regulation 18 of the Offshore Marine Conservation Regulations 2007.

					development of any management scheme for the site, should such a scheme be considered necessary, to include participation by all relevant authorities and interested stakeholders.
RSPB & Wales Environment Link	The conservation objectives should include statements to reflect the key roles of site level conservation objectives which include: 1) to ensure the maintenance and (where necessary) restoration of site integrity, 2) to ensure the site makes a full contribution to achieving the aim of the Wild Birds Directive, 3) to ensure the avoidance of the deterioration and disturbance of species (and the habitats of qualifying species), 4) to inform the application of the necessary conservation measures.	◆	◆	◆	It is normal practice for NRW when formally issuing conservation objectives to do so as part of a 'Regulation 35 advice' document ('Regulation 18 advice' for JNCC in relation to offshore waters) which includes explanatory information addressing the kinds of information mentioned in this comment. Draft conservation objectives, rather than full Regulation 35 advice documents, were published alongside the consultation documents for information. Suggestions on the way in which conservation objectives are presented may inform the preparation of NRW and JNCC's statutory advice.
RSPB	The objectives assume that the population is at a favourable status at the cited level and that the quality and quantity of habitat available is sufficient to maintain it. Clarification is needed on the basis for this implied assumption, and about the baseline that has been used to define the current area and quality of suitable habitat.	◆	◆	◆	<p>The definition of what constitutes Favourable Conservation Status (FCS) is currently being actively debated and discussed by non-government organisations and statutory nature conservation bodies (SNCBs). These discussions include developing workable definitions of FCS at a range of scales and addressing the overall applicability of the FCS concept to the implementation of the Birds Directive.</p> <p>In the absence of species-specific definitions of what FCS 'looks like' in practice for individual bird species, when developing conservation objectives we will normally set population targets (minima) based on a combination of our knowledge of population trends in the population on the individual site and in the wider SPA network, together with the population estimates used to determine the basis on which the site qualifies as an SPA. The objective then normally states that the population should be stable or increasing. We can only reasonably set 'restoration targets' (that is minimum population targets which are significantly higher than contemporary or recently observed population levels) if there is a valid scientific and conservation basis for doing so. Note also that the 'population target' for a species in the definition of FCS given in</p>

				the Habitats Directive is that a population should 'sustaining itself on a long term basis' ⁷ . hence our preference for expressing objectives as 'stable or increasing'. Meanwhile as well as bird populations themselves, conservation objectives can also focus on the avoidance of any adverse effects on the population and may also include attributes such as productivity, distribution within a site and the maintenance of sufficient extent of supporting habitat or sufficient quality.	
RSPB	Concern that the wording of the objective in respect of habitat, 'should not decrease significantly' may leave the habitat vulnerable to degradation by the cumulative effects of small scale impacts. Concern about the absence of either a clearly defined baseline or indication of what scale of loss would be deemed 'significant', either alone or in-combination.		◆	We agree that there is a need to protect sites from cumulative degradation by a series of small impacts which when added together become significant. We will carefully consider the way in which the term 'significant' is used in defining conservation objectives (for this and other sites)	
Wales Environment Link	Concern that some species specific vulnerabilities have not been accounted for in the conservation objectives. In the case of red-throated diver, there is no objective pertaining to disturbance. In the Skomer, Skokholm and the Seas off Pembrokeshire site there are inconsistencies between conservation objectives for different species.	◆	◆	◆	It should be noted that the conservation objectives are not management objectives. However species-specific vulnerabilities are of course something that would be considered when using the conservation objectives, such Habitats Regulations Assessment of plans and projects or when assessing the need for any other site management measures. In simple terms, the main purpose of the objectives is to describe what we are aiming to achieve in terms of the qualifying feature itself. Objectives addressing the factors affecting the population are a means to that end. We will carefully consider what additional information concerning species-specific vulnerabilities it is appropriate and practical to include in the site conservation objectives.
Wales Environment Link	In the case of Manx shearwaters in the Skomer, Skokholm and the Seas off Pembrokeshire site			◆	Most of the sites included in the 2001 SPA review (Stroud <i>et al.</i> 2001) were already classified as SPAs. In many cases the site accounts in the 2001 review identify different species as qualifying interests to those listed on extant SPA citations. In these

⁷ EC Habitats and Species Directive 92/43/EEC, Article 1(i).

<p>&</p> <p>Wildlife Trusts Wales</p>	<p>clarification is needed on what level the population will be restored to and/or maintained at, specifically given that the current population is more than twice that of the population estimate on which the classification of the extant SPA is based (150,968 breeding pairs).</p> <p>The conservation objective is to ensure that populations should be 'stable or increasing', which for Manx shearwaters is interpreted as 'the breeding population of Manx Shearwater should be stable or increasing with no measured decrease in numbers'. Since the current breeding population of Skomer alone is now estimated at around twice that number, with an additional contribution from non-breeders, this might allow for a massive decline in population within SPA without raising any legal basis for action.</p>			<p>cases, the intended function of the 2001 SPA review is to provide the basis for reclassification of the sites. Skokholm and Skomer SPA was included in the 2001 review and was reclassified in 2014 on the basis of the 2001 review data.</p> <p>Between the original classification of the SPA in 1982 and the publication of the SPA review in 2001, the population estimate for Manx shearwater went from 137,000 pairs (SPA citation) to 150,968 pairs (2001 SPA review), representing 68.6% of the GB population and up to 55% of the global population. The 2001 SPA review figure was used as the basis for assessing the site against the SPA selection guidelines when it was reclassified in 2014.</p> <p>Using a new census method, Perrins <i>et al</i> (2012) have suggested a more recent population estimate for Manx shearwater of 316,070 breeding pairs. In all cases, the population estimates vastly exceed the population thresholds for SPA selection under the UK guidelines. It is unclear if (a) the new method overestimates the population, (b) if the old method underestimates the population or (c) if numbers have indeed increased considerably over time. We accept that the reasons for the differences in population estimates between the census methods need to be better understood. This may be achieved by either a repeat whole island census using the methods of Perrins <i>et al</i> (2012) or an experimental count where both methods are used at the same time. Until such a study is done the figure presented in the 2001 SPA review, i.e. 150,968 breeding pairs, continues to be the population estimate use for the purpose of assessing the site against the SPA selection guidelines.</p> <p>The conservation objectives for Manx shearwater state that the size of the population should be stable or increasing. This makes no assumption about whether the population is currently at favourable conservation status, nor any assumptions that a significant decline in numbers would be acceptable simply by virtue of the population remaining above the level estimated in the 2001 SPA review.</p> <p>Perrins, C.M., Wood, M.J., Garroway, C.J., Boyle, D., Oakes, N., Revera, R., Collins, P. & Taylor, C. 2012. A whole-island census of the Manx Shearwaters <i>Puffinus puffinus</i> breeding on Skomer Island in 2011. <i>Seabird</i> 25:1-13.</p> <p>Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, I., McLean, I., Baker, H. & Whitehead, S. 2001. <i>The UK SPA network: its scope and content</i>. Volumes 1-3. JNCC, Peterborough Available at: http://jncc.defra.gov.uk/page-1418</p>
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<p>Wales Environment Link</p>	<p>The wording of the objective in respect of habitat in the Cardigan Bay pSPA ('should not decrease significantly') is a cause for concern as this may leave the habitat vulnerable to degradation by the cumulative effects of small scale impacts.</p> <p>Concern about the absence of either a clearly defined baseline or indication of what scale of loss would be deemed 'significant', either alone or in-combination.</p>		◆		<p>We agree that further consideration is required as to what constitutes 'significant' loss of habitat, and that conservation objectives need to be carefully framed so as to prevent degradation of sites by the cumulative impact of small losses. A related challenge in setting and using conservation objectives is clearly differentiating between change which constitutes 'damage' to qualifying features, and change to supporting habitats (as a result of either natural and anthropogenic changes) which is <u>not</u> significant in terms of its impact on qualifying species.</p>
<p>Wales Environment Link</p>	<p>Concern about the lack of any objectives relating to the prey base of qualifying species</p>		◆	◆	<p>We will carefully consider what additional statements about the prey resources of qualifying species should be included in conservation objectives for these sites.</p>
<p>Wales Environment Link</p>	<p>Assurance is needed that population trends over time will be taken into account when setting conservation objectives for the site, including the level at which populations should be maintained and/or to which they should be restored.</p>	◆	◆	◆	<p>We agree that the process of setting conservation objectives for SPAs needs to be informed by population trends over time, but the practicality of doing so can be limited by availability of long term data sets of sufficient quality and comparability (for example where data gathering methods change over time). Likewise population targets within conservation objectives need to be kept under review in the long term to take account of natural change and long term population trends.</p>
<p>Welsh Fishermens Association & Mark</p>	<p>The consultation documents indicate a population size for Red throated divers that winter in Northern Cardigan Bay of 1,186 (2001/2 – 2003/4) also the draft conservation objectives identify 1,186 as a mean peak population for the Red throated divers. Since</p>		◆		<p>The data which was used for the proposed site for red-throated diver in Northern Cardigan Bay pSPA is based on the best available evidence at the time, using the most recent aerial counts (2000/2001 to 2003/2004)</p> <p>Five-year peak means are used to incorporate inherent variability in bird numbers in similar inshore SPAs such as those in Liverpool Bay and Carmarthen Bay as well as other, estuary SPAs. These count data can then be compared to future counts to determine population trends and inform decisions on identifying potential causes of</p>

<p>Roberts</p>	<p>this figure is based on aged survey data there is concern about the accuracy required to establish conservation objectives. A target population size of 1,186 would not accommodate adverse impacts on population numbers as a result of severe winter weather or other potential natural events. Can this objective be explained in terms of future monitoring of the site feature against the conservation objectives?</p>			<p>change (e.g. effects of weather or factors affecting the wider population, or site-specific pressures) and whether or not amendments to conservation objectives should be considered. If population numbers are potentially affected by severe winter weather this will most probably be reflected in the general population of the UK and therefore we will be able to ascertain that declines or indeed increases are most probably not due to site specific issues. It should be noted that severe winter weather may have the effect of increasing UK winter populations as birds move to relatively warmer sites than those further north or east.</p> <p>The qualifying number population size at time of SPA classification is used to assess the importance of the site for a given qualifying species. Of course there is natural variability, and the use of a peak means does allow for this variability. If a wider population is variable as a whole, the importance of individual areas which regularly support important numbers of the species does not change, but rather it remains important for the species as the wider population as a whole fluctuates in numbers.</p> <p>The conservation objectives include that the size of the population should be stable or increasing, allowing for natural variability, and that the population is sustainable in the long term. The number of 1,186 individuals is the population size of red-throated divers that has been estimated for the proposed site in order to assess the importance of the site and suitability as an SPA. We do not expect that management will maintain exactly this number of birds. Any future monitoring and conclusions will have to take into consideration the ability of site monitoring techniques and data analysis to detect real population change against the background 'noise' of natural variability, and against the context of trends in the wider population.</p>
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5. Recommendations

Having considered the representations made in the consultation as described in **section 4.1 above**, Natural Resources Wales consider that there are no scientific issues which would warrant any changes to the three SPA proposals as approved by Welsh Government for consultation.

Likewise, the Joint Nature Conservation Committee consider there are no scientific issues which would warrant any changes with respect to the offshore component of the proposed *Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro* SPA, as approved by Defra for consultation.

Therefore NRW recommends that:

1. Ynys Feurig, Cemlyn Bay and The Skerries SPA be extended to include the marine area as consulted on, and renamed as the Anglesey Terns / Morwenoliaid Ynys Môn SPA, as described in the Departmental Brief dated June 2015, and that the basis on which the site qualifies as an SPA against the UK SPA selection guidelines should continue to be as described in relevant site account in the 2001 SPA Review.
2. The Northern Cardigan Bay / Gogledd Bae Ceredigion pSPA be classified as an SPA, as described in the Departmental Brief dated June 2015.

NRW and JNCC recommend that:

3. Skokholm and Skomer SPA be extended to include the additional marine area as consulted on, and renamed as the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA, as described in the Departmental Brief dated June 2015.

Departmental Briefs

The consultation has highlighted that some amendments are needed to the Departmental Brief for the Anglesey Terns / Morwenoliaid Ynys Môn pSPA, to correct an error concerning the basis of the existing SPA classification (as explained in Annex 3 to this report). A small amendment is also needed to the Departmental Brief for Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA, to correct an erroneous population figure for the storm petrel population in one of the tables. Revised versions of the Departmental Briefs for these two sites showing the changes made to the versions as consulted on, are enclosed with this report.

No substantive changes are made to the Departmental Brief for the Northern Cardigan Bay / Gogledd Bae Ceredigion site. An updated version of that document is enclosed with this report, the only changes being to make clear that it represents NRW's recommendations following the consultation.

Impact Assessment

Having considered the representations made in the consultation as described in section 4.2 above, NRW and the Welsh Government will review and where necessary update the Impact Assessments.

6. Next steps

This report and recommendations have been submitted by NRW to Welsh Government and by JNCC to Defra in relation to the offshore part of the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro pSPA.

Officials in WG and Defra will consider this report and recommendations ahead of seeking a decision from respective Ministers. If the sites are formally (re)classified NRW, and JNCC where applicable, will notify stakeholders accordingly.

7. Further information

If you have any questions about this report or would like further information about the consultation and designation process for Special Protection Areas, please contact NRW on 0300 065 3000 or email us at marine.n2k@naturalresourceswales.gov.uk. Any queries about the offshore part of the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro site proposal should be sent to seabirds@jncc.gov.uk.

Although the consultation on these three sites has now closed, all the consultation information will remain accessible for some time on the NRW website: www.naturalresources.wales/mn2k.

Annexes

Annex 1

NRW Consultation letter



Protected Sites Team / Tîm Safleoedd
Gwarchoddedig
Maes y Ffynnon
Bangor
LL57 2DW
Epost/Email:
marine.n2k@naturalresourceswales.gov.uk
Ffôn/Phone: 0300 065 3000

19 January 2016

Dear Sir/Madam

CONSULTATION ON PROPOSED SPECIAL AREAS OF CONSERVATION FOR HARBOUR PORPOISE AND PROPOSED NEW AND EXTENDED SPECIAL PROTECTION AREAS FOR SEABIRDS

A number of sea areas around Wales are under consideration as proposed Special Areas of Conservation (SACs) for harbour porpoise and proposed Special Protection Areas (SPAs) for a number of species of seabirds.

SACs and SPAs are areas of land or sea identified as being of European importance for the conservation of biodiversity. Under the EU Habitats and Species Directive 1992, and the EU Wild Birds Directive 2009, all EU member states are required to designate SACs and SPAs and put in place measures to ensure the conservation of the habitats and species for which the sites are designated.

As someone who may have an interest in the areas concerned, we are writing to invite you to respond to this consultation by telling us your views. We are consulting on six proposals:

- North Anglesey Marine / Gogledd Môn Forol possible SAC;
- West Wales Marine / Cymru Gollewin Forol possible SAC;
- Bristol Channel Approaches / Dynesfeydd Môr Hafren possible SAC;
- Anglesey Terns / Morwenoliaid Ynys Môn proposed SPA (a proposed extension to the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA);
- Northern Cardigan Bay / Gogledd Bae Ceredigion proposed SPA.
- Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro proposed SPA (a proposed extension to the existing Skokholm and Skomer SPA).

Full details of each of these proposals are available on the Natural Resources Wales website: www.naturalresources.wales/mn2k. A summary map showing the location of the areas is given at the end of this letter.

The information available on our website includes a consultation paper explaining

fully what the consultation is about and how to respond to it, and detailed maps of the boundaries of each proposed site. We have also set out in detail the reasons why we consider these areas to be eligible for designation as SACs and SPAs, and we have provided some Questions and Answers and a range of other supporting technical information, including draft conservation objectives for the sites and assessments of their potential regulatory impact.

Decisions on whether to designate SACs and SPAs in Wales and Welsh inshore waters are made by the Welsh Ministers, and no such decisions have yet been made in relation to these sites. We are carrying out this consultation on behalf of the Welsh Government and will report the results of the consultation to them. In doing so, we will take into account all consultation responses received, but please note that only relevant scientific considerations can be taken into account by Ministers in deciding whether to designate SACs and SPAs. Information and views on economic and social considerations can help inform future decisions about the way in which the areas should be managed, but cannot influence decisions on the designation of SACs and SPAs or the determination of their boundaries.

Some of these sites lie partly in Welsh territorial waters and partly in UK offshore waters beyond the 12 nautical mile Territorial Sea limit. Sites in UK offshore waters are the responsibility of the UK Government and the UK Joint Nature Conservation Committee (JNCC). NRW and JNCC are working together on these sites, and the consultation will therefore be reported jointly by NRW and JNCC to both the Welsh Government and UK Government. You may also receive correspondence from JNCC in relation to other proposed sites in English, Northern Ireland and UK offshore waters, although we have tried to avoid duplication as much as possible. **Full details of how to respond and where to send your response are given in the consultation paper on the NRW website. Please note that it is not necessary to respond to both NRW and JNCC on any of the above sites, as both organisations will be working closely together, and with the other UK statutory conservation agencies, to review the consultation responses and prepare our reports to Government.**

If you would like paper copies of any of the consultation documents on our website, or have any initial questions about this consultation, please email us as at marine.n2k@naturalresourceswales.gov.uk or call us on 0300 065 3000. You are also welcome to contact your local NRW office.

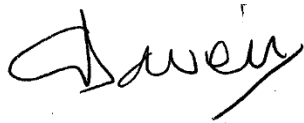
Responses to the consultation must be made in writing, and can be made in English or Welsh. The best way to respond is by using our straightforward online response form (follow the link from the consultation page on our website). The online form allows you to provide a brief response, or respond in detail to the consultation questions, including by attaching additional documents if required. If you are unable to respond online, you can respond by email or by letter to the address at the top of this letter.

All responses to the consultation must be received by midnight on **19 April 2016 at the latest**, which is when the consultation period ends.

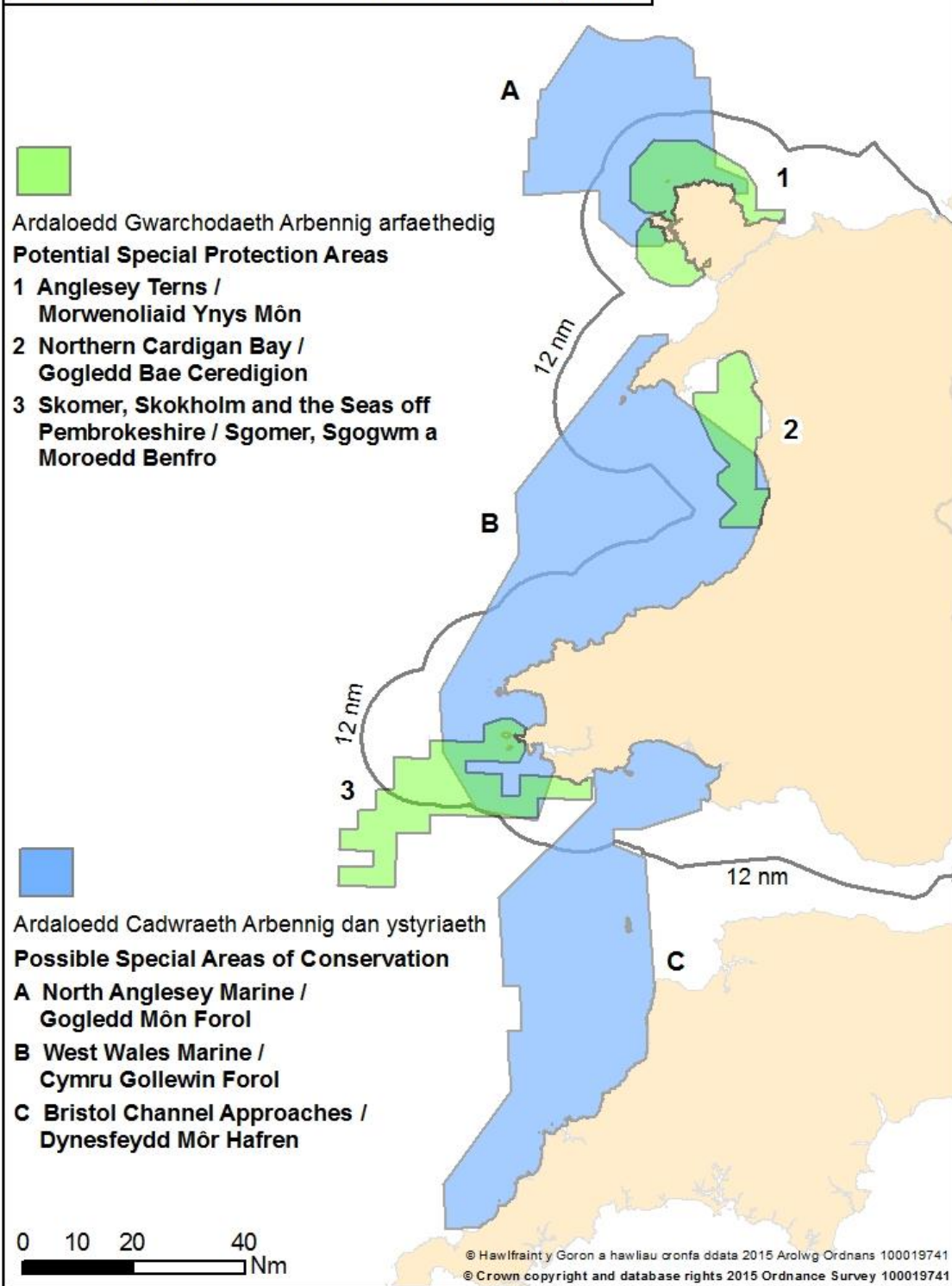
Please note that in the interests of transparency and openness, all responses to this consultation together with the names of all respondents (but not their addresses or any other personal information) may be made available to any member of the public on request, and may also be published, in part or in whole, including on the NRW and/or JNCC websites. All personal information will be handled in accordance with Data Protection Act requirements. If you do not wish your name and your views on these SAC or SPA proposals to be made public, you are advised not to respond to this consultation. When responding, please do not include any personal information about yourself or others within the body of your comments.

We look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ceri Davies', with a stylized flourish at the end.

Ceri Davies
Executive Director Knowledge, Strategy and Planning



Annex 2

On line consultation response form



Consultation on Proposed Marine Special Areas of Conservation and Special Protection Areas

January to April 2016

If you would like to respond online to the consultation, please go to our consultation page www.naturalresources.wales/mn2k and follow the links.

Please use this form only if you do not wish to respond to the consultation by using our online response form.

Please send completed copies of this form to:

Protected Sites Team, Natural Resources Wales, Maes y Ffynnon, Bangor, LL57 2DW.

Forms must reach us at the above address by **19 April 2016** at the latest. Consultation responses received after that date may not be taken into account.

All the consultation documents are available on the consultation pages of the Natural Resources Wales website www.naturalresources.wales/mn2k, and none of the information is repeated here.

Questions marked with an asterisk * are mandatory. Forms submitted without these fields completed may not be taken into consideration.

Please write clearly in blue or black ink. If you wish to continue your answers to any of the questions on separate sheets, please label each sheet clearly with your name and which sections of the form they relate to.

There are four parts to the response form.

PART A - Respondent Information

It is necessary to provide some information about yourself in order to submit a response.

PART B - General response section

You can use this section to register general support / objection to the proposals

PART C - Detailed or site specific response on the proposed SACs for harbour porpoise

Use this section if you have specific comments on the proposed SACs for harbour porpoise and/or wish to comment on particular proposed SACs.

PART D - Detailed or site specific response on the proposed SPAs

Use this section if you have specific comments on the proposed SPAs and/or wish to comment on particular proposed SPAs.

Part A: Information about you

*** I am responding**

(Tick one)

- As an individual
- On behalf of an organisation

Do you or your organisation identify with any of the groups listed below?

(Tick one)

- Academic & scientific
- Aquaculture
- Energy (non-renewables)
- Energy (renewables)
- Fishing (all forms)
- Local authority
- Local community group
- Non governmental organisation
- Ports & harbours
- Public sector
- Recreation & Sport
- Shipping
- Tourism
- Private individual

Other (please specify):

Please note that in the interests of transparency and openness, all responses to this consultation, including the names of respondents, but not including contact information, will be made publicly available and may be published, including on the NRW and/or JNCC websites. We may also share any individual responses that we receive with other statutory nature conservation bodies, UK and devolved Governments (Joint Nature Conservation Committee, Natural England, Scottish Natural Heritage, Welsh Government, UK Department for the Environment, Food and Rural Affairs (Defra), Scottish Government and the Department of the Environment for Northern Ireland) in order to help ensure a coordinated approach to this consultation and to prepare reports to the Welsh Government and UK Government. Any personal information you provide to us will be used and stored in line with the requirements of the Data Protection Act 1998. We will use your information only for the purposes of this consultation, as described above. Please ensure you do not mention other individuals by name, or include personal information within the body of your response.

If you do not wish your name and your views on these SAC or SPA proposals to be made public, you are advised not to respond to this consultation.

* Please tick here: I have read the above statement, and I understand that my name (or if applicable my organisation's name) and my response may be made public.

* Signed
Date

*

* Your name:

* The name of your organisation (if responding as a private individual, leave this blank):

* Your Address:

Your email address:

Your telephone number:

*** If necessary, may we contact you in relation to your response to this consultation?**

- Yes
- No

PART B - General Comments

Please note that site specific or detailed comments should be made using PART C of the form

*** Do you support the designation of the possible harbour porpoise SACs included in this consultation? (tick one of the following)**

- Yes
- No
- In part
- Undecided / Don't know

Comments:

*** Do you support the designation of the three marine SPA proposals included in this consultation? (tick one of the following)**

- Yes
- No
- In part
- Undecided / don't know

Comments:

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words "Part B General comments"

PART C - Detailed Response on the proposed harbour porpoise SACs

If you only wish to comment on the proposed SPAs, please skip this section and go straight to Part D.

*** In the list below, please tick which of the proposed SACs you wish to comment on: (Tick any that apply)**

- Bristol Channel Approaches / Dynesfeydd Môr Hafren
- North Anglesey Marine / Gogledd Môn Forol
- West Wales Marine / Gorllewin Cymru Forol

*** Please also select one of the following options:**

- You would like your comments on the pSACs above to also be considered as applicable to the whole UK series of pSACs for harbour porpoise.
- You consider your comments as applicable only to the pSACs selected above.

*** Do you agree that the analysis and evidence underpinning the proposed SACs support and justify their designation?**

- Yes
- No
- In part
- Undecided / Don't know

Comments

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words “pSACs - Evidence”

*** Do you have any comments relating to the socioeconomic impact assessment reports for any of these sites?**

Please note that decisions by Ministers on whether to designate SACs and SPAs and in determining their boundaries, must be made on the basis of relevant scientific information, and may not take account of social or economic considerations.

- No
- Yes - please provide your comments below

Comments

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words “pSACs - Impact Assessment”

*** Do you wish to make any further comments not covered in the previous questions?**

- No
- Yes - please provide your comments below

Comments

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words “pSACs – other comments”

PART D - Detailed Response on the proposed SPAs

*** In the list below, please tick which of the proposed SPAs you wish to comment on: (Tick any that apply)**

- Anglesey Terns / Morwenoliaid Ynys Môn
- Northern Cardigan Bay / Gogledd Bae Ceredigion
- Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro

*** Do you agree that the analysis and evidence underpinning the proposed SPAs support and justify their designation?**

- Yes

- No
- In part
- Undecided / Don't know

Comments

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words “pSPAs - Evidence”

*** Do you have any comments relating to the socioeconomic impact assessment reports for any of these sites?**

Please note that decisions by Ministers on whether to designate SACs and SPAs and in determining their boundaries, must be made on the basis of relevant scientific information, and may not take account of social or economic considerations.

- No
- Yes - please provide your comments below

Comments

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words “pSPAs - Impact Assessment”

*** Do you wish to make any further comments not covered in the previous questions?**

- No
- Yes - please provide your comments below

Comments

If necessary you can continue on a separate sheet. Please clearly label any additional sheets with your name and the words “pSPAs – other comments”

Annex 3

NRW (and JNCC where applicable) response to comment from several consultees criticising use of ‘contemporary data’ for determining qualifying population levels for species which have apparently declined since sites were originally classified (See section 4.1)

This comment, which has been made by consultees in relation to Anglesey Terns / Morwenoliaid Ynys Môn and the Skomer, Skokholm and seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA proposals, expresses the view that where a population of a qualifying species has apparently undergone significant decline since the sites were originally classified, the ‘contemporary data’ should not be used as the basis for determining the qualifying population level, as this would represent a downgrading of the protection afforded to the species. It is not clear whether consultees expressing this view would regard it as acceptable to use contemporary data where populations have apparently increased since the original classification of the SPA.

Clearly this comment does not apply to Northern Cardigan Bay / Gogledd Bae Ceredigion pSPA.

It is noted that RSPB Cymru in particular made a very similar comment in response to NRW’s consultation in 2014 on the proposed marine extensions to breeding colony SPAs at Skokholm and Skomer, Grassholm and Glannau Aberdaron / Ynys Enlli SPAs. We carefully considered those comments and outlined NRW’s reasons for taking the approach we did in a letter to RSPB (3 September 2014). Our overall approach has not changed.

Aside from the proposals to rename and extend the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA and the Skokholm and Skomer SPA, to include marine areas used for foraging by the breeding seabirds, this consultation was also used to consult on the proposal to update the bird population estimates used to assess the sites against the UK SPA selection guidelines, using data published in the 2001 SPA review (Stroud *et al.* 2001).

For Skokholm and Skomer SPA, this change was completed in 2014, so for the purposes of this consultation no changes are proposed to the basis on which the SPA is considered to qualify – the only change is the proposed marine extension.

In relation to Ynys, Feurig Cemlyn Bay and The Skerries, the SPA was originally classified in 1992, but the ‘citation’ for the site (its official entry in the Welsh Government’s register of European sites) was in fact updated in 2008, including to incorporate the data presented in the 2001 SPA Review. Stakeholders were notified of this by letter at the time but the changes were not the subject of any consultation, as there were no changes to the site boundary being proposed, nor any changes to the list of qualifying species. Unfortunately owing to an administrative error, the ‘Departmental Brief’ (NRW’s advice to Welsh Government) published for the consultation in January 2016, fails to acknowledge that this SPA has already (in 2008) been updated in line with the 2001 SPA review data, and erroneously presents this as a proposal for consultation. NRW apologises for any confusion that this error may have caused for consultees and we have amended the ‘Departmental Brief’ (advice to Government) accordingly.

We maintain our position that the bird population estimates published in the 2001 SPA review (and recorded in the extant official documentation for the Ynys Feurig, Cemlyn Bay and The Skerries SPA) should continue to be the basis on which the extended and renamed SPA would be considered to meet the UK SPA selection guidelines.

Rationale for continued application of the 2001 SPA review data

The purpose of the 2001 SPA review was to provide a consistent and transparently derived baseline of bird population data for the UK. Despite the elapse of time since the publication of the review, we do not believe that this intention has changed. Therefore, when proposing reclassification of these two sites to incorporate marine extensions, we felt it was appropriate to continue to rely on the population figures in the 2001 SPA review.

The 2001 SPA Review presents individual 'site accounts' as the basis for modifying extant SPA citations in accordance with the nationally agreed SPA selection guidelines (JNCC 1999) to give a clear assessment of each of the species populations for which each site is classified. Meanwhile the quality and reliability of the population assessments that underpin the original SPA citations for many sites are unknown and would be difficult to evaluate. Indeed the uncertain quality of the data underpinning original SPA citations is one of the reasons why the 2001 SPA review was undertaken.

The 2001 SPA Review presented a consistently derived 'snap-shot' assessment of the entire UK SPA network in the mid-1990s. For many of the hundreds of SPAs covered by the 2001 Review, the published site accounts give different population estimates to those on the original SPA citations. There are several reasons for such differences, including:

- Estimated populations on a site had increased between the population assessment period represented in the original citation and the 2001 SPA Review (for example due to favourable management or protection on the site, success of wider conservation measures, or natural population trends);
- Estimated populations on a site declined owing to external factors other than those related to site management (e.g. long-term contraction of a species' range);
- In some cases the population estimates given in original citations, and the basis on which they qualified for SPA status, were obscure or unknown, noting that many SPAs were classified in the early 1980s before the development of agreed national guidelines for determining whether sites qualify as SPAs.

Therefore it is considered that the 2001 SPA review still provides the best UK-wide systematic assessment of the SPA network, based on data derived from the early 1990's and application of the 1999 UK SPA selection guidelines.

Comparisons of the original SPA citations with the 2001 SPA review site accounts for Skokholm and Skomer SPA and Ynys Feurig, Cemlyn Bay and The Skerries SPA are presented in Tables A3.1 and A3.2 respectively. The population estimates for different species across the two SPAs are variously similar, higher or lower between original citations and the 2001 SPA Review. Note also that for Skokholm and Skomer SPA, the 2001 SPA review identified new qualifying species that were not considered to qualify when the site was originally classified. Those additional qualifying features were formally added to the SPA citation when the site was reclassified by the Welsh Ministers following consultation in 2014.

Table A3.1 Comparison of the original Skokholm and Skomer SPA citation with the 2001 SPA review site account

Species	Relevant article of Birds Directive	Original SPA citation	2001 SPA review site account (Stroud <i>et al.</i> 2001), and current citation
European storm petrel <i>Hydrobates pelagicus</i> (breeding)	4.1	About 7000 pairs ¹ , representing about 5% of the EC breeding population	3500 pairs, representing at least 4.1% of the GB breeding population (count as at 1995)
Manx shearwater <i>Puffinus puffinus</i> (breeding)	4.2	About 137,000 pairs, representing about 49% of the EC population	150,968 pairs, representing at least 56.9% of the global breeding population (count as at late 1990s) ²
Atlantic puffin <i>Fratercula arctica</i> (breeding)	4.2	About 19,600 individuals about 1% of the population	9500 pairs, representing at least 1.1% of the global breeding population (count as at mid-1980s)
Razorbill <i>Alca torda</i> (breeding)	4.2	About 4300 individuals about 1% of the population	Not listed
Chough <i>Pyrhocorax pyrrhocorax</i> (breeding)	4.1	Not listed	4 pairs, representing at least 1.2% of the GB breeding population
Short eared owl <i>Asio flammeus</i> (breeding)	4.1	Not listed	6 pairs, representing at least 0.6% of the GB breeding population (count as at 1998)
Lesser black backed gull <i>Larus fuscus</i> (breeding)	4.2	Not listed	20,300 pairs, representing at least 16.4% of the breeding biogeographic region population (mean 1993-1997)
Assemblage of over 20,000 seabirds (breeding)	4.2	Not listed	67,278 seabirds ³ , including razorbill <i>Alca torda</i> , guillemot <i>Uria aalge</i> , kittiwake <i>Rissa tridactyla</i> , puffin <i>Fratercula arctica</i> , lesser black-backed gull <i>Larus fuscus</i> , Manx shearwater <i>Puffinus puffinus</i> , storm petrel <i>Hydrobates pelagicus</i>

¹This is considered to be an error on the original citation- should be about 7000 individuals, i.e. 3500 pairs.

²Perrins (2012) using a new census method has suggested a population estimate for Manx shearwater of 316,070 breeding pairs.

³This figure is manifestly an error in the 2001 SPA review, as it excludes even the lower estimate of more than 150,000 pairs of Manx shearwater population

Table A3.2 Comparison of the extant Ynys Feurig, Cemlyn Bay and The Skerries SPA with the 2001 SPA review site account

Species	Relevant article of Birds Directive	Original 1992 SPA citation	2001 SPA review site account (Stroud <i>et al.</i> 2001) as reflected in current citation
Roseate tern <i>Sterna dougallii</i>	4.1	45 pairs , representing 53% of the GB breeding population	3 pairs , representing 5% of the GB breeding population (5 year mean 1992 to 1996)
Common tern <i>Sterna hirundo</i>	4.1	170 pairs , representing 2% of the GB breeding population	189 pairs , representing at least 1.5% of the GB breeding population (5 year mean 1992 to 1996)
Arctic tern <i>Sterna paradisaea</i>	4.1	840 pairs , representing 1% of the GB breeding population	1,290 pairs , representing at least 2.9% of the GB breeding population (5 year mean 1992 to 1996)
Sandwich tern <i>Sterna sandvicencis</i>	4.1	517 pairs , representing 4% of the GB breeding population	460 pairs , representing 3.3% of the GB breeding population (5 year mean 1993 to 1997)

References

JNCC 1999. The Birds Directive. Selection Guidelines for Special Protection Areas. Peterborough. <http://jncc.defra.gov.uk/page-1405#s1>

Perrins, C.M., Wood, M.J., Garroway, C.J., Boyle, D., Oakes, N., Revera, R., Collins, P. & Taylor, C. 2012. A whole-island census of the Manx Shearwaters *Puffinus puffinus* breeding on Skomer Island in 2011. *Seabird* **25**:1-13.

Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, I., McLean, I., Baker, H. & Whitehead, S. 2001. *The UK SPA network: its scope and content*. Volumes 1-3. JNCC, Peterborough
Available at: <http://jncc.defra.gov.uk/page-1418>

Annex 4

NRW and JNCC response to comment by Wildlife Trusts Wales concerning failure of ESAS data hotspot analysis to identify sites for other species, including Balearic shearwater (See Table B.1).

The analysis of the numbers and distribution of seabirds within British fishery limits used the best available evidence at the time, the analysis of European Seabirds at Sea (ESAS) data (Kober *et al.* 2010). Of the species listed in Annex I of the Birds Directive and of the regularly occurring migratory species, this consultee correctly points out that 31 seabirds occur regularly in UK waters and could therefore benefit from SPA protection. However, four species, Balearic shearwater, Sabine's gull, roseate tern and little tern, were excluded from analysis as adequate data were not available at the time (Kober *et al.* 2010). Furthermore, even though analyses were carried out for all species/season combinations, it did not prove possible to identify density hotspots for 21 species. Kober *et al.* (2010) present possible reasons for this:

1. Species are too evenly distributed to show areas of aggregation (e.g. wide ranging pelagic species such as Cory's, great, and sooty shearwaters);
2. Species distributions are too variable to show important areas at predictable locations (e.g. Balearic shearwater);
3. Species are too scarce to show areas of aggregation or to show a regular occurrence in an area (e.g. wide ranging pelagic species such as Cory's, great and sooty shearwaters, long-tailed and pomarine skuas, glaucous and Iceland gulls);
4. The location of a species aggregation through the ESAS approach was either not sampled at all or not sampled frequently enough to show a regular presence for species that concentrate close to shore, such as common and Sandwich tern, and some gull species such as little gull).

Of these scenarios (1) and (2) are situations which probably prevail for a number of these species, but currently there is not enough evidence to confirm this. In case of (3) SPA identification might be sensible, but it would require much more data to identify the 'most suitable territories'. Finally (4) could be an issue of concern, particularly when considering the uneven sampling and the gaps in spatial effort in this analysis. Issues 1 - 4 might be addressed by either the collection of widespread new data or collation of additional data which could point to unidentified important seabird areas. Recognising the large temporal and spatial extent of the existing ESAS database, the lack of evidence for currently unrecognised seabird hotspots and the resource-hungry nature of marine survey, it is unlikely that immediate further survey will be undertaken or would prove value for money.

In addition, where it was thought appropriate, JNCC has undertaken separate analyses for species which are thought to aggregate in predictable locations but for which the ESAS surveys may not have sampled adequately. Given the status of Balearic shearwater, JNCC has led on work seeking to find regularly occurring aggregations for this species in UK waters. However given the extremely variable nature of their distributions, in time and space, no suitable areas have yet emerged, though data continue to be collected and assessed.

Kober, K., Webb, A., Win, I., O'Brien, S., Wilson, L.J. & Reid, J.B. 2010. An analysis of the numbers and distribution of seabirds within the British Fishery limit aimed at identifying areas that qualify as possible marine SPAs. *JNCC Report No. 431*.

Available at: <http://jncc.defra.gov.uk/page-5522>

Kober, K., Wilson, L.J., Black, J., O'Brien, S., Allen, S., Bingham, C. & Reid, J.B. 2012. The identification of possible marine SPAs for seabirds in the UK: The application of Stage 1.1-1.4 of the SPA selection guidelines. *JNCC report No. 461*.

Available at: <http://jncc.defra.gov.uk/page-6268>

Perrins, C.M., Wood, M.J., Garroway, C.J., Boyle, D., Oakes, N., Revera, R., Collins, P. & Taylor, C. 2012. A whole-island census of the Manx Shearwaters *Puffinus puffinus* breeding on Skomer Island in 2011. *Seabird* **25**:1-13.

Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, I., McLean, I., Baker, H. & Whitehead, S. 2001. *The UK SPA network: its scope and content*. Volumes 1-3. JNCC, Peterborough

Available at: <http://jncc.defra.gov.uk/page-1418>