



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

Proposed Natura 2000/Ramsar designation

Impact Assessment Document

**Skomer, Skokholm and the seas off Pembrokeshire /
Sgomer, Sgogwm a Moroedd Penfro potential Special
Protection Area (SPA) (inshore area)**

October 2016

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Mae'r ddogfen hon yn gofnod o'r Aseiad Effaith a gynhaliwyd ar gyfer yr ardal y glannau (hy o fewn y terfyn 12 môr-fylltir dyfroedd tiriogaethol Cymru) Ardal Gwarchodaeth Arbennig (AGA) arfaethedig Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro. Yr oedd fersiwn blaenorol o'r ddogfen hon (dyddiedig Ionawr 2016) yn destun ymgynghoriad a gynhaliwyd gan Cyfoeth Naturiol Cymru (CNC) rhwng mis Ionawr a mis Mai 2016. Mae hwn yn fersiwn derfynol a baratowyd yn sgil yr ymatebion i'r ymgynghoriad hwnnw. Nodwch fod JNCC wedi paratoi dogfen ar wahân ar gyfer y rhan o'r AGA arfaethedig sy'n gorwedd yn nyfroedd alltraeth y DU.

This document is a record of the Impact Assessment undertaken for the inshore area (i.e. within the 12 nautical mile limit of Welsh Territorial waters) of the proposed Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro Special Protection Area (SPA). A previous version of this document (dated January 2016) was the subject of a consultation carried out by Natural Resources Wales (NRW) between January and May 2016. This final version has been prepared in light of the responses to that consultation. Note that JNCC has prepared a separate document for the part of this proposed SPA lying in UK offshore waters.

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Summary of Impact Assessment

Document summary	
Name of proposed designation	Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro
Designation type	Special Protection Area
Details	This is a change to an existing site
Document version number	2
Date	24/10/2016
Natural Resources Wales declaration	
<p>The information in Section 3 of this document is an accurate description of Natural Resources Wales' understanding of the likely social and economic impacts of this proposed designation insofar as it applies to Welsh territorial waters, based on evidence provided in <i>Developing the Evidence Base for Impact Assessments for Recommended dSACs and dSPAs</i> report (ABPMer 2015) and in light of the responses to the consultation that was carried out on version 1 of this document.</p>	
Signed	
Name	Mary Lewis
Position	Marine Strategic Planning, Energy and Advice Team Leader
Approval by Welsh Government	
<p>I have read the Impact Assessment and I am satisfied that given the available evidence it represents a reasonable view of the likely costs, benefits and impact of the proposal.</p>	
Signed:	
Name:	Julian Bray
Position:	Head of Marine Nature Conservation and Biodiversity Branch
Date:	24 November 2016
Summary	
<p>The proposal does not require any significant change in management. The proposal is a marine extension to an existing SPA which is subject to protection in accordance with the Habitats and Birds Directives and transposing legislation, to include a substantial marine area. Habitats Regulations Assessments (HRAs) are already required of any plan or project with the potential to affect the features of the extant SPA, regardless of where those plans/projects are located. Since no changes are proposed to the feature species for which the SPA is designated, there would be no significant additional management considerations to be taken into account in any HRAs.</p> <p>Additional regulation of ongoing activities which may not be subject to HRA, such as commercial shipping and some sea fisheries activities, are not considered likely as a result of this proposed designation. Any such activities currently taking place in the area proposed for designation, and the exercise of regulatory functions by relevant/competent authorities in that area, are already subject to the requirements of the Habitats Regulations.</p>	

Section 1 Impact Assessment: purpose and process

1.1. Purpose

An Impact Assessment (IA) is a process to help policy-makers understand the consequences of possible and actual government interventions in the public, private and third sectors. While an IA cannot inform or affect the decision to designate a Natura 2000 site¹ it will:

- ensure Government/Ministers are aware of the costs, benefits and impacts of a decision to designate an area; and
- inform how the site may need to be managed should it be designated.

1.2. Process

The level of analysis required for an impact assessment should be proportionate to the likely impact of the intervention². When assessing potential impacts of Natura 2000 proposals (Special Areas of Conservation, SAC and Special Protected Areas, SPA) there are 2 possible options: (1) do nothing; or (2) classify the SPA or propose the SAC to European Commission.

The levels of analysis which can be carried out are:

- Level 1** **Description of who and what will be affected** by the proposal compared to the baseline. The main groups that could be affected will include business, public sector and consumers.
- Level 2** Full **description of the impacts** (i.e. positive or negative impacts on any group) and order of magnitude (e.g. low, medium, high).
- Level 3** **Quantify the effect** (e.g. number of applications per year, number of management measures per year) where possible. Where quantitative analysis is not possible, qualitative analysis should be carried out
- Level 4** **Monetise fully** all costs and benefits.

Analysis at levels 1 and 2 is a minimum requirement for Natura 2000 proposals and must be undertaken in all cases. Where impacts are identified, consideration should be given to whether further analysis is required (including further information gathering) under Levels 3 and 4, and a recommendation made to the Welsh Government.

This process has guided the IA for the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro potential Special Protection Area (SPA) and this IA forms part of the package of information that was consulted on alongside the scientific proposal to designate. The IA and the level of analysis have been reviewed and where necessary adjusted to reflect information received through the consultation process.

¹ Social and economic factors cannot be invoked as reasons for classifying/proposing (or not) a site or extending designations; only nature conservation science criteria are allowed. As such an impact assessment can have no bearing on whether a site is designated or not.

² Developed in line with UK Government Better Regulation Framework (March 2015).

Section 2 Description of the proposed designation

2.1. Background

The proposal is described fully in NRW (2016). It is to change the existing Skokholm and Skomer Special Protection Area (SPA) which was originally classified in 1982 and re-classified by the Welsh Ministers in October 2014, to:

- extend the boundary of the existing SPA to include significant additional areas of Welsh territorial waters³;
- rename the site as the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA.

No changes are proposed to the list of bird species for which the area is considered to qualify for classification under Article 4 of the Birds Directive. The Directive requires Member States to classify the most suitable territories in number and size as SPAs for the conservation of species listed in Annex 1 to the Directive and for regularly occurring migratory species. The purpose of SPAs is to enable the application of special conservation measures concerning habitats of Annex 1 species and/ or regularly occurring migratory species in order to ensure their survival and reproduction in their areas of distribution.

New SPAs along with existing protected areas in the UK marine area will contribute to achieving Good Environmental Status under the Marine Strategy Framework Directive and the UK's contribution to an ecologically coherent network of marine protected areas under the OSPAR convention.

2.2. Extant Skokholm & Skomer SPA

The existing Skokholm and Skomer SPA qualifies under Article 4.1 of the EU Birds Directive (2009/147/EC) by regularly supporting more than 1% of the GB population of: European storm petrel *Hydrobates pelagicus*, red-billed cormorant *Pyrrhocorax pyrrhocorax* and short-eared owl *Asio flammeus*. It also qualifies under Article 4.2 by regularly supporting breeding populations of international importance of the migratory species: Manx shearwater *Puffinus puffinus*, Atlantic Puffin *Fratercula arctica*, and lesser black-backed gull *Larus fuscus* and by regularly supporting an assemblage of breeding seabirds of 394,260 birds, the main components of which are Manx shearwater, European storm petrel, Atlantic puffin, razorbill *Alca torda*, common guillemot *Uria aalge* and lesser black-backed gull. The site was first classified in 1982 and extended to include some marine areas in 2014.

2.3. Proposed Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA in Welsh Territorial Waters

Natural Resources Wales (NRW) has advised the Welsh Government that the existing Skomer and Skokholm SPA should be extended to include additional sea areas. The additional areas provide important foraging habitat for two of the species of the existing SPA, namely Manx shearwater and Atlantic puffin during the breeding season. The proposal does not include a change to the qualifying species, which will remain the same as for the extant SPA.

³ The proposal also includes an extension of the SPA into United Kingdom offshore waters and the need for an Impact Assessment for the offshore area has been considered separately by JNCC and Defra.

Section 3 Analysis

This analysis is based on Natural Resources Wales' review of the evidence on the potential social and economic costs and benefits of the proposed designation, presented in the JNCC-commissioned report examining the potential impact of a proposed UK suite of new SACs and SPAs entitled *Developing the Evidence Base for Impact Assessments for Recommended dSACs and dSPAs* (ABPMer 2015). Version 1 of this document was the subject of a public consultation between January and May 2016 and relevant representations made during the consultation have been taken into account. Potential impacts have been assessed over a 20 year period (2015 to 2034).

3.1 Description of activities that could be affected by the proposed designation or change in designation and the level of impact compared to the baseline of no change

Level 1 and 2

Natural Resources Wales (NRW) has reviewed, in comparison with the baseline, the evidence of the potential benefits and costs of the inshore part of the proposed SPA (extension) for the following human activities: aggregates; commercial fisheries; offshore renewables; oil and gas; ports and harbours; recreational boating; and navigational aids. AMPMer (2015) highlights that other sectors could possibly incur minor costs associated with individual projects but considers that any costs to other sectors are unlikely to be significant.

Table 1 summarises the Level 1 and 2 analysis for these activities, and the potential for management requirements and impacts as compared against the baseline. Public sector and social costs and benefits are described in Section 3.2.

NRW does not foresee any significant changes to the current management regime for activities which fall under the definition of plans or projects under the Habitats Regulations as a result of extending the existing Skokholm and Skomer SPA. NRW already advises authorities to consider (potential) impacts of activities occurring outside of the current Skokholm and Skomer SPA boundary in areas that support the bird features of the existing SPA (in addition to the requirement to consider impacts of activities occurring within the SPA). As a result, any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of the bird features for which the extension is being proposed. It is therefore considered unlikely that the extension would require any significant management or pose additional costs on the activities considered in Table 1.

Table 1 Level 1 and 2 analysis of the potential impacts of the extension of the SPA on activities considered and the potential for additional management requirements compared with existing SPA (based on evidence ABPMer 2015 and responses to the consultation on version 1 of this document).

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
Aggregates	There are currently no existing licensed marine aggregate sites, application areas or prospecting areas within the vicinity of the proposed SPA. There are some areas with marine aggregate potential that overlap with the proposed SPA, however these areas are remote from existing areas of marine aggregate extraction and it is assumed that no marine aggregate licence applications would be submitted over the assessment period.	Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features. It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.	No impact	Not applicable
Commercial fisheries- mobile and static gears	The key fishing gears used in the proposed SPA are pots and traps. Only UK vessels are permitted to fish within the inshore area (<6nm); however some French and Belgian vessels have historical rights to fish in the 6 to 12nm, and their activity overlaps with the	It is unlikely that the extension would require any additional management measures for commercial fishing activities within the proposed SPA over and above current measures ⁴ .	No impact	Not applicable

⁴ Note that a review of the management of fisheries in Welsh waters to ensure compliance with Article 6 of the Habitats Directive is to be carried out by the Welsh Government. It is possible that new management measures might be identified in order to ensure protection of the existing SPA in accordance with Article 6, irrespective of the proposed marine extension.

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
	proposed SPA.			
Offshore renewables	This includes activities associated with offshore wind, wave, tidal stream and tidal lagoon energy production together with transmission capacity. There are no existing developments within the existing SPA or the proposed SPA.	<p>Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features.</p> <p>It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.</p>	No impact	Not applicable
Oil and gas	There are no existing oil and gas licences and no current awards under the 26 th , 27 th or 28 th oil and gas licensing within or in proximity of the proposed SPA. Further licensing rounds could result in more licence areas but it is not possible to estimate the number, nature or timing of such awards. Given the lack of historical oil and gas	Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features.	No impact	Not applicable

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
	activity within the proposed SPA (extension), it is considered unlikely that there will be significant levels of activity in the future.	It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.		
Ports and harbours	This includes activities associated with port/harbour development and maintenance activities including maintenance dredging and disposal. A number of industries are strongly related to the ports and harbour sector e.g. ship building, oil and gas, commercial fishing, maritime transportation (including ferry services) and leisure moorings. Milford Haven is Wales' largest port and is in close proximity to the existing SPA and thus the proposed SPA. Stackpole Quay is one of a number of smaller ports with quays and jetties in proximity to the existing SPA.	Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features. It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.	No impact	Not applicable
Recreational boating	Recreational boating includes small, medium and large sailing vessels, yachts, powerboats and motorboats. Voluntary codes of conduct exists to reduce or avoid impacts of recreational activities on marine Natura 2000 features (existing SPA features and features of the extant Pembrokeshire	It is unlikely that any additional management measures would be required on recreational boating activities within the proposed SPA over and above existing requirements.	No impact	Not applicable

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
	Marine SAC.			
Navigation aids	This includes the installation, maintenance, modification and decommissioning of lighthouses, buoys and other navigation markers. There are a number of such assets within the proposed marine extension to the existing SPA.	It is unlikely that any additional management measures would be required in relation to these activities, over and above existing requirements. For example any works to existing assets would in any case need to consider the risk of disturbance to the breeding birds for which the existing SPA is designated or damage to their habitat.	No impact	Not applicable

3.2 Public sector and social costs and benefits of the proposed designation or change in designation (compared to the baseline of no change)

3.2.1 Public sector costs and benefits

Costs to the public sector of the extension have been considered in terms of:

- Preparation of marine management schemes
- Preparation of Statutory Instruments
- Development of voluntary measures
- Site monitoring
- Compliance and enforcement
- Promotion of public understanding
- Regulatory and advisory costs associated with licensing decisions and Review of Consents.

Estimated total public sector costs (over and above costs associated with the existing SPA) of £7,000 over the period of 2015 to 2034 were identified for the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro proposed SPA due to additional regulatory and advisory costs associated with licensing decisions (ABP Mer 2015).

The only public sector benefit that has been identified is the potential for the formal recognition, through statutory designation, of the marine area used by the Manx shearwaters and Atlantic puffins for foraging during the breeding season. It provides a clearer spatial basis and framework for dialogue between stakeholders, including competent and relevant authorities, about the management needs of the SPA, as compared to the baseline of the existing SPA which does not formally recognise the importance of the sea area for foraging.

3.2.2 Social costs and benefits

The potential social costs of the proposal are covered by the analysis of activities in section 3.1 above, being directly related to the economic implications in different sectors. No other social costs have been identified.

Effective conservation of wild bird populations, including through the identification and effective protection and management SPAs, can provide a wide range of social benefits by creating opportunities to enjoy and appreciate wildlife and the associated habitats, landscapes and seascapes, such as through tourism, formal and informal recreational activity, artistic and spiritual appreciation and recognition of 'non-use' or intrinsic values in the natural world. However no attempt has been made to characterise these social benefits in detail or to quantify them in relation to this proposal (a) because of the lack of empirical evidence that can be reliably referenced to this particular proposal (as distinct from other wildlife, habitat or landscape conservation measures in the immediate vicinity or further afield), and (b) due to the difficulty of distinguishing the social benefits that might arise from the proposed extension to the SPA, from the benefits arising from the existing SPA. It is considered that attempting to quantify these benefits, which are likely to be marginal in

relation to the proposed extension as distinct from the extant SPA, would entail disproportionate effort in the current context.

3.3 Other sensitivities or areas of possible concern

Based on the available evidence, NRW considers that there are no other sensitivities or significant areas of possible concern regarding the proposed extension of the SPA.

Section 4 Conclusion

NRW has reviewed the available information on current and future activities in the proposed SPA extension in Welsh waters, and has considered the potential for additional management requirements and the impact they would have on marine users and regulators.

The SPA proposal under consideration is an extension to the existing Skokholm and Skomer SPA in Welsh territorial waters, and there is no change in the species features for which the SPA is proposed. The presence of the existing designation means that it is likely that most of the management requirements that might arise for the proposed SPA could be implemented under measures for the extant SPA.

The extant SPA already requires activities which fall under the definition of plans or projects under the Habitats Regulations and have the potential to have an impact on its bird features to be managed through the Habitat Regulations Assessment (HRA) process. This requirement stands regardless of whether the activity is taking place within or outwith the extant SPA, where there is the potential to impact on the features for which the extant SPA is designated. This requirement sets the baseline for considering the potential for additional management requirements and costs. The proposed extension will also require these activities to be managed through the HRA process for the same bird features and is therefore not expected to impose further requirements proponents of plans and projects or on competent authorities.

Additional regulation of ongoing activities which may not be subject to HRA, such as commercial shipping and some sea fisheries activities, is not considered likely as a result of this proposed designation. Any such activities currently taking place in the area proposed for designation, and the exercise of regulatory functions by relevant/competent authorities in that area, are already subject to the requirements of the Habitats Regulations.

NRW considers that Level 1 and 2 analysis of the potential impacts of the proposed SPA on activities is sufficient and that no further analysis (Level 3 and 4) or quantification of the potential impacts of the inshore part of the extension is required.

Total public sector costs for the period 2015 to 2034 were estimated at £7,000 due to additional regulatory and advisory costs associated with licensing decisions.

A range of potential social benefits have been identified but these are considered likely to be minor and have not been quantified.

Section 5 References

ABP Mer (2015). *Developing the evidence base for impact assessments for recommended dSACs and dSPAs.* Report Commissioned by JNCC. November 2015.

NRW (2016). Proposals to extend Skokholm and Skomer Special Protection Area and rename it as Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a moroedd Penfro Special Protection Area. *Advice to the Welsh Government.* October 2016.