



JNCC, DOENI, NATURAL ENGLAND AND NATURAL RESOURCES WALES CONSULTATION FOR PROPOSED RECLASSIFICATION AND EXTENSION AND PROPOSED CLASSIFICATION OF THE POTENTIAL SPECIAL PROTECTION AREAS (SPA) IN ENGLAND, NORTHERN IRELAND AND WALES.

April 2016

Wildlife and Countryside Link, Wales Environment Link, Scottish Environment Link and the Northern Ireland Marine Task Force work together to achieve better protection for marine wildlife and effective management of all UK seas. Each is a coalition of environmental voluntary organisations, united by their common interest in the conservation and enjoyment of wildlife, the countryside and the marine environment. This response is supported by the following members of the Environment Links UK (formerly known as Joint Links):

- A Rocha UK
- ClientEarth
- Environmental Investigation Agency
- Friends of the Earth England
- Humane Society International - UK
- Institute of Fisheries Management
- Marine Conservation Society
- MARINELife
- ORCA
- Royal Society for the Protection of Birds
- Whale and Dolphin Conservation
- The Wildlife Trusts
- Wildfowl & Wetlands Trust
- WWF - UK

The Environment Links UK welcome the opportunity to respond to the joint consultation between JNCC, DOENI, Natural England and Natural Resources Wales on the scientific basis for designating 11 new and extended SPAs in the seas off England, Northern Ireland and Wales. If classified, these additional and extended sites should do much to address the needs of the populations of non-breeding divers, ducks and grebes which are listed at those sites. They will be first sites in UK waters to protect the foraging grounds of some of our breeding seabirds (predominantly terns). This represents a significant step in the right direction, although much remains to be done (especially in relation to the protection of the foraging grounds of other UK breeding seabirds).

As such, **we strongly welcome the proposals for these sites for English, Welsh and Northern Irish waters.** We would like to see them designated at the earliest possible opportunity, supported by

clear conservation objectives and effective management at the site level to achieve and maintain favourable conservation status (FCS).

However we are **concerned by** the use of contemporary data for the citation of species that have undergone significant declines at the proposed sites between the date of their original classification as an SPA and their inclusion in the 2001 SPA Review. In this context, the effective downgrading of protection at these sites through the use of contemporary data alone is not acceptable. Therefore we would request that the proposed sites do not downgrade features, that have undergone significant declines, and the citations retain the original count data used at the time of designation.

Further details on our comments are provided below.

Setting the context: The role of Natura 2000 in a sustainable future for our coasts and seas

A coherent network of Natura 2000 sites is fundamental to a sustainable future for our coasts and seas. Against a background of historic and ongoing over-exploitation with associated declines in habitat quality and species populations, and increasing development pressure, the need for coherent management and safeguarding of our coasts and seas is more urgent than ever. This will be essential to securing the future of our marine and coastal biodiversity, and the industries and communities that they sustain. The UK supports internationally important populations of seabirds, with 8 million nesting seabirds of 26 species. Yet they are facing significant declines, around 600,000 seabirds were lost between 2000 and 2008.

The primary aim of the Natura 2000 network (on land and at sea) is to ensure the long-term survival of Europe's most valuable and threatened species and habitats. However, a coherent network of SPAs and Special Areas of Conservation (SACs), properly selected and effectively managed, has the potential to deliver a wide range of additional benefits. The Government's own impact assessments associated with the development of the Marine and Coastal Access Act 2009 pointed to the high economic, environmental and social benefits from the existing marine ecosystem. These assessments also concluded that the benefits of protecting marine biodiversity and ecosystems outweighed the costs. We would expect the Regulatory Impact Assessments for the proposed potential SPAs to draw on the conclusions of these studies.

The Birds and Habitats Directives (under which SPAs and SACs) are designated and protected) provide a practical framework for sustainable development. They apply a set of tests to all activities and developments to ensure that all those which do not adversely affect a site may continue, and that those which cannot be progressed without such effects are only being permitted where it is unavoidable, warranted for 'imperative reasons of overriding public interest' and can be compensated for. Too often presented as a barrier to socio-economic activity, the Directives instead provide a litmus test for sustainable development. The identification of sites, their boundaries, features and sensitivities are key to giving developers and other users the information they need to avoid impacts and any associated costs and delays. In this context the poor progress made by Government towards completion of the Natura 2000 network at sea (particularly in relation to SPAs), continues to act as an unnecessary hindrance to effective regulation. As a result, the Government finds itself in the somewhat perverse situation where some developers are frustrated by the lack, as opposed to the presence, of clearly defined SPAs and SACs, especially at sea.

By protecting some of the most important parts of the marine environment from adverse effects of human activity Natura 2000 sites, together with Marine Conservation Zones, form an ecologically coherent Marine Protected Area (MPA) network, which will make an essential contribution to the wider protection of marine biodiversity. This will include improving the survival and spawning rates of commercial fish stocks, increasing resilience to man-made pressures and climate change, protecting and restoring the provision of essential ecosystem services, and enhancing opportunities for tourism and education.

In addition to commitments under the Birds and Habitats Directives, the UK is committed under the Marine Strategy Framework Directive (MSFD) to put in place measures (including Marine Protected Areas) by 2016 to attain Good Environmental Status (GES) by 2020. The health of seabird populations, in terms of their distribution, abundance and condition, forms a key part of the targets for achieving GES. The UK has also signed up to the EU commitment of “*halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible*”, in line with the international targets set at the Nagoya Convention in 2010¹. Implementation of the Birds and Habitats Directives, including the designation and management of a coherent network Natura 2000 network will be key in achieving these European and international objectives. The effective management of the proposed sites is an important tool in the delivery of and ecologically coherent network of MPAs and should not be overlooked. We look forward to contributing to the development of site level management plans following designation of the proposed sites.

Use of contemporary data

We are concerned by the use of contemporary data for the citation of species that have undergone significant declines at the sites between the date of their original classification as an SPA and their inclusion in the 2001 SPA Review. As this represents an effective downgrading of protection at these sites through the use of contemporary data alone and in our view is not acceptable. Whilst we recognise the complexity of these declines, in the absence of any definition of ‘favourable conservation status’ for these species in the UK, there is not a sufficiently robust audit mechanism to allow Government and its agencies to review the populations of these species at the proposed sites. This applies in the context of the contribution made by the sites to the conservation of the species at the UK level, and to secure action to address declines whether here or elsewhere within the UK SPA network. Therefore we would request that the proposed sites do not downgrade, features that have undergone significant declines, and the citations retain the original count data.

For sites in England, Natural England has previously stated that it is ‘committed to the use of contemporary, most up to date information when making recommendations to Defra². As with previous cases, we question the use of contemporary data for species that have undergone significant declines at a site since its original classification as an SPA and/or its inclusion in the 2001 UK SPA Review. We note that in the case of the current proposed re-classifications, this approach has been inconsistently applied, with contemporary data used (for example breeding tern species), while original data (which pre-dates that presented in the 2001 UK SPA Review, and submitted to

¹ <https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>

² Natural England response to RSPB’s formal consultation response on the Flamborough and Filey Coast pSPA: letter dated 31 July 2014

the European Commission in the recent revised Natura 2000 standard data form for the site), has been retained for all other qualifiers. We seek clarification of the rationale for this approach, and seek reassurance 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 or to which they should be restored.

For detailed comments on individual sites, please see supporting responses from the individual Link organisations covering the relevant pSPAs. For any questions about this response, please contact Sarah Stuart-Smith, Marine Policy and Campaigns Manager Wildlife and Countryside Link, on 0207 820 8600 or Sarah.Stuart-Smith@wcl.org.uk