

Solent and Dorset Coast potential Special Protection Area (pSPA)

Report of Consultation by Natural England

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Version Control

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Introduction

The purpose of this Consultation Report is to clearly set out all correspondence received by Natural England and the associated responses during the Solent and Dorset Coast potential Special Protection Area (pSPA) consultation, which ran from 21st January 2016 until 21st April 2016. A further period of consultation was held from 18th October 2016 until 17th January 2017 to allow some stakeholders who were not aware of the initial consultation to respond.

Table 1: Summary of responses

Site Name	Solent & Dorset Coast pSPA
Formal consultation period (26 weeks)	21st January 2016 – 21st April 2016 and 18th October 2016 - 17th January 2017
Total number of valid stakeholder responses	
	106
Owners / occupiers	9
Relevant / competent authorities	27
Other organisations	16
Fisheries	2
Utilities	6
Anonymous / Individuals	47
Number of supporting responses	
	44
Number of supportive responses raising specific queries regarding the boundary	2
Number of supportive responses raising socio-economic issues	1
Number of neutral responses	
	41
Number of objections	
	21
Number of objections which raise scientific concerns	10
Number of objections which raise socio-economic issues	17
Number of consultees with outstanding objections	
	21*

***Four** of these objecting stakeholders responded via the online smart survey but left no reasoning for their objections or contact details. These objections could not be resolved and are therefore not treated as outstanding for consideration by Defra.

Details of Natural England's Non-Financial Scheme of Delegation (NFSoD) can be found in Appendix 1.

Background

Natural England works as the Government's statutory adviser to identify and recommend Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in England to meet the requirements of the European Birds and Habitats Directives.

The Birds and Habitats Directives require the creation of a network of protected areas for important or threatened wildlife habitats across the European Union known as 'Natura 2000' sites. Once sites are identified as proposed SPAs or possible SACs, they are recommended to government for approval to carry out a formal public consultation. Government decides which sites are put forward to the European Commission for inclusion in the Natura 2000 network.

Solent and Dorset Coast pSPA consultation

Solent and Dorset Coast potential Special Protection Area (pSPA) is proposed to protect important foraging areas at sea used by qualifying interest features from colonies within adjacent, already classified SPAs. These qualifying interest features are three species of tern: common tern, Sandwich tern and little tern.

There are four existing Special Protection Areas (SPAs) within the Greater Solent that are designated for breeding terns. These are Chichester & Langstone Harbours SPA (for Sandwich and little tern), the Solent and Southampton Water SPA (for common, Sandwich and little tern) and Pagham Harbour SPA (little tern) and Poole Harbour SPA (common tern). The Solent and Dorset Coast pSPA boundary is a composite of areas used by these terns which breed within the adjacent SPAs. The pSPA covers an area of approximately 472.6 km² and extends from the Isle of Purbeck in the West to Bognor Regis in the East, following the coastline on either side to the Isle of Wight and into Southampton Water.

The site will include the sub-tidal areas not currently encompassed in the existing SPAs. The landward boundary is set at Mean Low Water (MLW) where it abuts any existing SPA which has terns as existing features to avoid overlapping sites. Elsewhere the landward boundary will set to Mean High Water (MHW) so as to afford the birds protection within the intertidal areas which are used for foraging; for example at Portsmouth Harbour and Pagham Harbour.

The Solent and Dorset Coast pSPA qualifies under Article 4 of the Birds Directive (2009/147/EC) for the following reasons:

The site regularly supports more than 1% of the Great Britain populations of three breeding tern species: **Sandwich tern** (*Sterna sandvicensis*), **little tern** (*Sternula albifrons*) and **common tern** (*Sterna hirundo*). Therefore, the site qualifies for SPA Classification in accordance with the UK SPA selection guidelines (stage 1.1).

The Consultation Process

A 13 week formal consultation was carried out on the site proposals from 21st January 2016 to 21st April 2016. A further 13 week consultation was carried out from 18th October to 17th January 2017 due to a mapping error which meant that not all relevant stakeholders were consulted during the first consultation period.

The purpose of these consultations was to seek the views of all interested parties on:

- The scientific case for the classification of the pSPA

The Habitats and Birds Directives¹ do not permit socio-economic considerations to influence the choice of Natura 2000 sites (SPAs and Special Areas of Conservation) or their boundaries. While socio-economic implications cannot be taken into consideration when deciding to classify an SPA, the consultation included a brief summary of the expected socio-economic implications to help stakeholders understand potential site management issues. A screening assessment of socio-economic impacts for the site was undertaken before the consultation and based on the current understanding of existing and planned activities occurring within the pSPA. As agreed by Defra, the screening assessment concluded that the socio-economic impacts resulting from the pSPA classification were relatively low. Therefore production of a full socio-economic impact assessment for the consultation was considered disproportionate and was not undertaken.

However, to ensure all consultation responses have been considered, all socio-economic representations are reported briefly within this Consultation Report (Table 3) with further detail provided as an addendum to the assessment of socio-economic impacts performed prior to formal consultation. The amended socio-economic assessment will be submitted to government along with this Consultation Report.

Raising awareness about the Consultation

Natural England contacted all major stakeholders and known owner-occupiers with an interest in the area being proposed as a pSPA. Over 2500 stakeholders were contacted in total, by email or post, announcing the submission and the start of formal consultation. Each stakeholder was sent a consultation letter, which provided background information about the proposals for Solent and Dorset Coast pSPA, an explanation of the consultation process and ways to respond, and a map of the proposed boundary. A link to the consultation pages on the government website was provided in the cover letter, and the web page provided an outline of the proposal and links to the following documents:

- Consultation Summary Document: Provides full guidance on the consultation, including important information about confidentiality and how to respond;
- Departmental Brief: A description of site status, site boundary (including maps), assessment of ornithological interest including an assessment against the UK criteria for selection of SPAs and comparison with other sites in the UK.
- Map of the proposed pSPA.

In addition to the above, informal dialogue was carried out with relevant individuals and organisations from November 2014 until the start of the formal consultation period in January 2016.

During the formal consultation, Natural England staff led stakeholder engagement, which took the form of individual conversations with stakeholders and attendance at partnership meetings to provide briefings. Presentations were given to Poole Harbour Steering Group, South Coast Fishermen's Council and the Solent Forum. Staff also met with representatives from Bournemouth Borough Council, Christchurch and East Dorset Councils and the Isle of Wight Council to discuss the proposals in detail. Natural England has also made every effort to be available to communicate with stakeholders via telephone or email, and any further documentation has been made readily available on request.

Three weeks before the end of the formal consultation, Natural England issued a reminder to a number of stakeholders by email and a press release, to encourage a response before the closing date. The consultation questions posed on the online Smart Survey, including those related to the scientific evidence, can be found in Appendix 2.

¹ ECJ judgement of 2 August 1993, *Commission v Spain*, C-355/90 ECJ reports, p.4221, especially points 26-27; judgement of 11 July 1996, *Regina v Secretary of State for the Environment*, ex parte: *Royal Society for the Protection of Birds*, C-44/95, ECJ reports, p.3805, especially point 26)

¹ ECJ judgement of 11 September 2001, *Commission v France*, C-220/99, ECJ reports, p.5831; judgement of 11 September 2001, *Commission v Ireland*, C-67/99, ECJ reports, p.5757; judgement of 11 September 2001, *Commission v Germany*, C-71/99, ECJ reports, p.5811)

Consultation Responses

Of the over 2500 major stakeholders and known interested owner-occupiers contacted by Natural England, 106 stakeholders responded during formal consultation and of these, 44 were supportive with 2 supportive in principle but raising specific concerns. Of the 13 local authorities consulted, 2 were supportive of the proposals in principle with 1 raising specific issues. 2 local authorities objected to an aspect of the boundary.

Natural England received objections from 21 stakeholders regarding Solent and Dorset Coast pSPA recommendations and, of these, 17 could be responded to. The other 4 stakeholders who objected left no contact details. No stakeholders objected to the whole site boundary but rather objected to specific parts of the proposed boundary. All 17 stakeholders raised concerns or queried socio-economic aspects.

Consultation Conclusions and Natural England's Advice to Defra

Natural England has considered the principal issues raised by consultees, and noted the objections which are outlined below. Natural England has assessed the objections and concluded there is one scientific objection which warrants a change to the pSPA proposal.

We therefore confirm the recommendation of the Solent and Dorset Coast pSPA to be classified on the basis of the available scientific evidence as set out in the Departmental Brief with the following alteration:

- **Exclude the shallow and culverted section of the upper Medina River (Isle of Wight) located upstream of the bend in the river before the A3020 (Medina Way) dual carriageway (see Appendix 4 for further details).**

In addition, we recommend the final citation is amended to correct the total site area as currently reported in the draft citation of the Departmental Brief² (scientific recommendation). The area figures in the final citation should be adjusted from 875.31 km² (87,531 ha) as currently reported to 890.78 km² (89,078 ha). The total area figure of the pSPA should be amended in the final citation from 875.31 km² (87,531 ha) to 890.78 km² (89,078 ha). The addition of some parts of Portsmouth Harbour, all of Pagham Harbour and a section of the River Avon following the 1st consultation period resulted in a revised site area. The revised area was communicated via the site map during the 2nd formal consultation period although the area value was not altered in the draft citation. The changes do not materially affect stakeholder's views or alter the scientific basis for the site or the boundary itself. We therefore recommend the citation is amended should the Secretary of State approve the classification of the site as a SPA.

Issues for Consideration by Defra

Natural England received 21 objections regarding Solent and Dorset Coast pSPA recommendations. 17 of these objections may be considered as outstanding and for Defra's consideration. The majority of the objections received are from port and marina operators, and other relevant authorities.

A summary of these issues and Natural England's view is provided below with further detail, including information on Natural England's engagement with the consultee, provided in Table 3:

²Departmental Brief available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560622/solent-dorset-departmental-brief.pdf

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by the [REDACTED]. These include **the concern that the statistical modelling used to define the boundary seems to ignore the physical environment** (i.e. the modelled boundary resulted in a boundary line which bisected Sandown Bay rather than including the whole of the Bay), leading to concerns that the boundary should not be defined by this modelling **and suggests that there should be more ground-truthing and reliance on actual observed data**. The consultee submitted local bird records (Appendix 3) which confirmed usage in some areas around the Isle of Wight (including parts of the Medina River) but also **requested that the upper Medina River should be excluded on the basis that it would not provide suitable foraging grounds due to its built-up nature**. Natural England responded to reassure the [REDACTED] that the boundary and the modelling method used to define the boundary for this and other pSPAs was robust and demonstrated terns used these areas to forage. Verification surveys in the Solent & Dorset Coast pSPA confirm the model predictions of tern usage. Additionally, as part of the same survey program in 2015, verification surveys carried out in Northern Ireland, Wales and England in other similar industrialised and riverine locations around the country (e.g. River Mersey and River Tees) demonstrate that tern species will forage in rivers and areas in which visual and noise disturbance occurs. Following further discussion with the [REDACTED], a site visit was arranged in April 2016 including a Natural England Senior Ornithologist. As a result of the site visit, Natural England propose to remove a small culverted section in the upper reaches of the Medina River on the basis of expert opinion which concluded this area would not provide suitable foraging habitat for terns due to poor connectivity with the water column for prey species caused by its enclosed, narrow and extensively culverted nature. Please refer to Appendix 4 for further details. The [REDACTED] also raised a number of socio-economic issues including the possibility for increased regulatory burden, changes to the existing arrangement for financial contributions towards mitigation from certain types of residential development and the impact in future development in important commercial areas. Natural England clarified that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 25

Natural England would like to highlight for Defra's consideration as unresolved objections the issues raised by a number of stakeholders including [REDACTED]

[REDACTED] these stakeholders **raised concerns that the statistical modelling used to define the boundary is overly simplistic, and that there is insufficient evidence and verification to support the designation, and requested the removal of specific areas of interest including marinas, port limits and shipping and sailing channels from the pSPA**. Natural England responded to all stakeholders to reassure them that the boundary and the modelling method used to define the boundary for this and other pSPAs was robust and demonstrated terns used areas such as shipping lanes and ports and marinas to forage. Natural England confirmed that verification data was collected for the Solent & Dorset Coast pSPA in 2015 which tracked the at-sea-distribution of breeding terns into the Solent which originated from the existing Poole Harbour SPA. Additionally, Natural England explained that as part of the same field verification program during 2015, further surveys were carried out in Northern Ireland, Wales and England which collectively confirmed the presence of foraging terns in every area in which they were predicted to occur including very narrow, enclosed waterbodies such as marinas. Furthermore, we clarified that tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel and helicopter traffic which, together with the verification survey program carried out in Northern Ireland, Wales and England during 2015 (including verification surveys in the Solent & Dorset Coast pSPA) confirmed the model in other similar busy locations around the country (e.g. River Mersey and River Tees) and demonstrates that tern species forage in areas in which visual and noise disturbance occurs including marinas, ports and shipping/sailing channels.

In addition to the concerns regarding the modelling outlined above, [REDACTED] also **suggested revised foraging boundaries from each known tern colony**

across the site which would effectively avoid the inclusion of large areas of the proposed site including all of the approach waters into Southampton. [REDACTED] suggest that 95% of Sandwich tern foraging activity in Coquet Islands is contained within 5% of the maximum foraging range (citing JNCC report 500³) and therefore large parts of the Solent and Dorset Coast pSPA would not be used by foraging terns. Natural England do not agree that it is appropriate to take the comments made by JNCC Report 500 to infer that the proposed pSPA boundaries as drawn and based on maximum curvature analysis, which have already excluded large areas of low usage, can be further shrunk by the same proportionate amount. Natural England demonstrated confidence in the modelled approach which indicates that usage by foraging terns of areas such as port limits and shipping channels exceed the maximum curvature thresholds as outlined in the Departmental Brief. Natural England also clarified that tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel traffic which, together with the verification survey program carried out in Northern Ireland, Wales and England during 2015 (including verification surveys in the Solent & Dorset Coast pSPA) confirmed the model in other similar busy locations around the country and demonstrates that tern species forage in areas in which visual and noise disturbance occurs including marinas, ports and shipping channels. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 20.

In addition to the concerns regarding the modelling outlined above, [REDACTED] (page 18), also raised a concern relating to all pSPAs currently in process which inferred that in many cases **the data was published more than a decade ago using even older data and that newer data sources which have been quoted seem to be small scale and ad-hoc surveys.** Natural England note that the query was a general comment not directed specifically to a particular pSPA or species. However, Natural England provided clarification to [REDACTED] that all data sets used in the delineation of pSPA site boundaries meet with marine UK SPA selection guidelines and Natural England's and the Joint Nature Conservation Committee's evidence standards. We explained that we are committed to using the best available data and survey techniques although noted that it is inevitable that an amount of time is required between data collection and consultation on potential sites which is unavoidable as time is required for analysis, reporting, and development of proposals.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED], with respect to concerns regarding **the inclusion of Yarmouth Harbour (Isle of Wight) which includes slipways and abuts land under [REDACTED] ownership. The consultee also objected to the pSPA on grounds that assurances were provided by English Nature in writing (1996 to 1998) that the [REDACTED] area would be removed from the existing SSSI and not designated in future as SPA.** Natural England has clarified that these assurances were made when there was no settled legal position regarding whether socio-economic factors could be taken into consideration when deciding to classify a site or delineating the site boundary. Natural England explained that the model accurately predicts that terns will use the type of habitat around the [REDACTED] which has been ground-truthed through a verification programme carried out in Northern Ireland, Wales and England in 2015. The verification program also included the collection of site-specific data for the Solent & Dorset Coast pSPA which tracked the at-sea-distribution of breeding terns originating from the existing Poole Harbour SPA into the Solent area. The program collectively confirmed the presence of foraging terns in every area in which they were predicted to occur by the model which included intertidal areas. The legal position on socio-economics has now been clarified and there is no ecological reason why these areas should not be included as part of the pSPA, if they have the potential to support foraging terns. Despite the previous assurances, Natural England has a duty to provide the Secretary of State with advice based on the best available scientific information available and in accordance with the prevailing legal framework.

³ Wilson L. J., Black J., Brewer, M. J., Potts, J. M., Kuepfer, A., Win I., Kober K., Bingham C., Mavor R. and Webb A. 2013. Quantifying usage of the marine environment by terns *Sterna* sp. around their breeding colony SPAS. JNCC Report 500.

██████████ also queried why an area in the Lymington Harbour was excluded from the pSPA proposals. Natural England confirmed that although evidence indicates that tern species will forage in the Lymington Harbour area, it is not part of the Solent and Dorset Coast pSPA currently being consulted on. The area is landward of the existing Solent and Southampton Water SPA, which sought only to protect tern nesting sites. At the time of the Solent and Southampton Water SPA designation, it was not known that this area within Lymington Harbour was important for foraging terns. There are a number of other minor areas within the site where a similar situation occurs. Therefore, Natural England have made a judgement that to include the Lymington Harbour area (and other areas where this situation occurs) within the Solent and Dorset Coast pSPA recommendations would create a fragmented patchwork site interspersed with another SPA (Solent and Southampton Water SPA) classified for among other things, the same species. A site visit has been proposed although not accepted as yet by the consultee. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 12.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by ██████████ from ██████████. The consultee suggests that tern numbers in Pagham are low which is reflected by the lack of site specific data for Pagham Harbour and **requested that the boundary is amended to that shown in Figure 3 on page 13 of the Departmental Brief which removes all marine foraging areas from Portsmouth East.** Natural England clarified that the map shown in Figure 3 of the Departmental Brief displays a boundary derived only from the modelled foraging areas of terns breeding at the Pitts Deep-Hurst colony (Solent and Southampton Water SPA) and does not take in to consideration the additional colonies which forage from Chichester and Langstone Harbours to the east. The stakeholder also noted that the most likely foraging areas for terns breeding at Chichester and Langstone are within or near the entrance to these harbours and not around Pagham Harbour. Natural England explained the modelling and verification work and that whilst the foraging distribution and numbers of terns in Pagham Harbour SPA were not specifically included in developing the boundary for the marine pSPA or in calculating the qualifying numbers of each species supported by the pSPA, the pSPA serves to protect all terns that forage within it regardless of their origin. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 17.

Natural England would like to highlight for Defra's consideration as unresolved objections the inclusion of intertidal areas within their respective areas of interest by ██████████ (page 34). The ██████████ also noted there should have been a **greater assessment of the potential economic impacts of classifying the Solent and Dorset Coast pSPA.** Natural England explained our confidence in the modelled approach and demonstrated there is good evidence showing that terns will use areas of intertidal at high tide as foraging grounds. Natural England clarified that, as agreed with Defra, the estimated costs of classifying the Solent and Dorset Coast pSPA were too low to trigger a full socio-economic impact assessment and also clarified that socio-economics cannot be taken in to account when classifying an SPA or defining its boundaries. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 34.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by ██████████, with respect to concerns that **no draft regulatory or management plans have been presented within the consultation material, and the potential impacts of the pSPA on coastal development.** The ██████████ noted concerns that the existing Dorset Heathlands SPA imposes development restrictions and mitigates impacts through developer contributions which they are concerned would also apply to the new pSPA. Natural England confirmed that developer contributions would not apply to the new pSPA as foraging terns are generally unaffected by coastal development which was demonstrated through a 2016 Marine Licence Application example for coastal defence replacement/repair and beach recharge works. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 23.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED], with respect to **concerns regarding the potential impact of the pSPA on [REDACTED] activities.** [REDACTED] needs to carry out upgrading work and routine maintenance work on its assets including on its cross Solent Water Supply main and is concerned that the designation may inhibit their ability to provide drinking water/wastewater treatment provisions in within the pSPA. Natural England acknowledged the importance of maintenance and upgrading requirements and clarified that we do not anticipate the pSPA to impact on their works. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 37.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED]. [REDACTED] believes that the designation is driven by politics rather than scientific evidence and argues that not permitting socio-economic considerations is a violation of human rights. Natural England clarified that socio-economics cannot be taken in to account when classifying an SPA or defining its boundaries. For a summary of these issues and how Natural England responded to the concerns, please refer to Table 3 on page 42.

A number of individual stakeholders [REDACTED] (page 39) raised **concerns in relation to the ongoing coastal erosion at Pagham Beach noting that nature conservation appears to have taken precedence over the lives and homes of local residents.** Natural England recognises the concerns regarding the requirement to breach the spit at Pagham Harbour and as such has committed to work with the local community, the Parish Council and Arun District Council to find a workable solution to coastal erosion on the Pagham frontage. A detailed letter outlining this commitment was sent to [REDACTED] in January 2016.

Detail of Consultation Responses

Natural England replied in writing to each stakeholder who raised issues during the consultation, addressing each of the points raised. Each stakeholder's representation and Natural England's response is outlined in Table 3 in the Detail of Consultation Responses section below. Copies of correspondence and meeting notes can be provided on request. Stakeholder response categories are explained in Table 2 below.

Table 2: Stakeholder response categories

Categories of Responses	
Number	Type
1.	Simple acknowledgement / neutral response / no comment
2.	Supportive
3.	Request clarification / provide general views or further information
4.	Raised socio-economic concerns
5.	Objection to boundary based on the scientific evidence
6.	Objection to boundary based on socio-economic reasons

Consultees are categorised as follows:

- A: Owner / Occupiers
- B: Relevant / Competent authorities
- C: Other organisations
- D: Fisheries
- E: Utilities / Industry
- F: Anonymous / Individuals

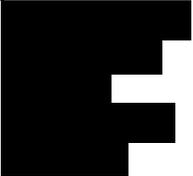
Table 3: Consultation responses

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
A: Owners / Occupiers				
[REDACTED]	<p>Neutral response.</p> <p>No comment about the scientific justification for reviewing the site and proposed extension of the SPA.</p> <p>Provided additional information on socio-economic activities, listed assets and leases in Poole Harbour.</p>	1	Acknowledgement and detailed response sent.	None
[REDACTED]	<p>Supportive response raising specific queries:</p> <ul style="list-style-type: none"> - Questioned whether the pSPA would result in constraints for The Needles chair lift including the infrastructure currently within the intertidal. 	2, 3	<p>Acknowledgement and detailed response sent.</p> <ul style="list-style-type: none"> - Confirmed that we do not consider the current activities outlined to be a cause for concern to the bird features of the pSPA. Explained that any future plans to repair the structure below Mean High Water springs would require a Marine Licence from the MMO, however we would not anticipate that the new marine pSPA would lead to restrictions on any such licence. 	None
[REDACTED]	<p>Neutral response with specific queries:</p> <ul style="list-style-type: none"> - Questioned whether the pSPA would have an impact on the day to day running of his amusement park. 	1, 3	<p>Acknowledgement and detailed response sent</p> <ul style="list-style-type: none"> - Advised that as the amusement park is based entirely on land (approx. 200m from the foreshore) and situated on the clifftop well above MHW with no public access to the foreshore, that the day to day running of the business would be unaffected as it currently stands. 	None
[REDACTED]	<p>Objecting response to the boundary within Yarmouth Harbour on Isle of Wight which encroaches on his slipway and abuts with land under his ownership (an existing SPA</p>	5, 6	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> 1. Clarified that in the time since the assurances had been provided, the Court of Justice of the European Union 	<p>Consultee considers their issue to be current.</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>and SSSI are already in place within Yarmouth Harbour) for the following reasons:</p> <ol style="list-style-type: none"> 1. Assurances made in letters dating between 1996 and 1998 that the boundary of an existing SPA and SSSI would be reviewed and amended but this was never fulfilled by Natural England. Assurances were also made that no further designation (i.e. SPA) would encroach onto land under his ownership. 2. The detrimental effect that inclusion of the land would have on the boating industry, his livelihood (including that of his staff), and his relationship with various parties (not least his customers). 3. Queried why an area north of the wave barrier in Lymington is excluded from the pSPA. What is different in this area to that of Yarmouth Harbour? 		<p>(CJEU) has consistently and clearly ruled that the classification of SPAs under the Wild Birds directive must be undertaken on purely scientific grounds. A Member State is not authorised to take account of economic requirements when classifying a SPA and defining its boundaries. Despite Natural England's previous assurances, we note our duty to provide the Secretary of State with advice based on the best available scientific evidence and in accordance with the prevailing legal framework. The ruling reaffirms our current position not to adjust the boundary based on socio economic factors and the modelling and verification program confirms usage by foraging terns of the habitat type found in the boatyard area.</p> <ol style="list-style-type: none"> 2. Confirmed that we do not believe there are any activities occurring on or around his business which would require additional management measures. This is because foraging terns are considered to have a low sensitivity to most activities that occur within the site. This includes activities associated with the use and management of boatyards and marinas. The classification of a SPA does not aim to stop or restrict activities occurring within the site, nor is that our objective. Instead we are trying to ensure the conservation of rare, endangered and migratory tern populations. There are examples of other SPAs (e.g. Solent and Southampton Water SPA, Chichester and Langstone Harbours SPA, Poole Harbour SPA) which are located in commercially important areas. 3. Confirmed that whilst evidence indicates that tern species will forage in the Lymington Harbour area, it is not part of the Solent and Dorset Coast pSPA currently being consulted on. The Lymington Harbour area is landward of 	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>the existing Solent and Southampton Water SPA which sought only to protect tern nesting sites. A number of other yet smaller areas have been identified by Natural England which were also omitted from the existing Solent and Southampton Water SPA for the same reason provided above. It is Natural England's view that to include Lymington Harbour (and other identified areas) within the Solent and Dorset Coast pSPA would create a fragmented patchwork site interspersed with another SPA classified for among other things, the same species. It remains theoretically possible that the Lymington Harbour area (and other areas identified) may in future be proposed for inclusion in any extended Solent and Southampton Water SPA but we have no plans to do so at this time. Natural England believes this approach avoids a confusing patchwork of sites while providing protection for the tern species using the area.</p> <p>During the two consultation periods, Natural England had several telephone conversations and email exchanges as well as a site visit to ██████████ business in 2016 to better understand his concerns which at present remain unresolved.</p> <p>A site visit is currently being planned with ██████████ to discuss his issues.</p>	
	<p>Objecting response to the inclusion of a number of marinas within the proposed boundary including; one within Southampton Water, 3 up the River Hamble and 3 up the River Itchen for the following reasons:</p>	<p>4, 5, 6</p>	<p>Acknowledgement and detailed response sent.</p> <p>Addressed each concern raised relating to the modelling for both Solent & Dorset Coast pSPA and Poole Harbour pSPA:</p> <ol style="list-style-type: none"> 1. Demonstrated that the model does not 'capture all' areas where terns may forage by displaying that the modelled 	<p>Not explicitly stated but consultee may consider their issue to be current.</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<ol style="list-style-type: none"> 1. Consider scientific rationale and modelling overly simplistic and is a 'capture everything approach'; 2. No verification surveys carried out across the site; 3. Only 3 covariates used and a "generic model"; 4. Assumes consistent habitat preferences between sampled and un-sampled tern colonies. 		<p>approach indicates that usage by foraging terns in the marina area exceeds the maximum curvature thresholds and therefore included in the boundary recommendation. The adoption of a model-based approach is robust with a number of precedents. Clarified that the cross validation exercise confirmed the model was a good fit to the independent data. Added that the maximum curvature analysis approach to define the final boundary also explicitly sought to exclude areas that are used by the birds at a level which is so low that their inclusion would result in an increase in site extent which was disproportionate to the importance of the areas for the birds.</p> <ol style="list-style-type: none"> 2. Confirmed that verification data was collected for the Solent & Dorset Coast pSPA in 2015 which tracked the at-sea-distribution of breeding terns into the Solent which originated from the existing Poole Harbour SPA . Additionally, noted that as part of the same field verification program during 2015, further surveys were carried out in Northern Ireland, Wales and England which collectively confirmed the presence of foraging terns in every area in which they were predicted to occur including very narrow, enclosed waterbodies such as marinas. We explained that that the models used were not theoretical but based on direct observations of the foraging behaviour of breeding terns from many colonies around the UK, over a period of up to three years. A modelled approach was chosen as it has the ability to identify all areas (within the foraging range of terns) which share the same characteristics as the locations in which birds were observed during the extensive field sampling. 	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>3. Clarified that only those covariaets that were consistently found to be important in predicting tern foraging were used in the generic model (i.e. distance to colony; distance to shore and water depth which limits foraging ability). Other covariates were considered but were not found to be important in this prediction and therefore excluded.</p> <p>4. As outlined in Points 1 and 2, the modelled approach identified all areas (within the foraging range of terns) which share the same characteristics, ie habitat, as the locations in which birds were observed during the extensive field sampling.</p>	
	<p>Neutral response with specific queries:</p> <ul style="list-style-type: none"> - Sought clarification that leisure boating activities and associated mooring within the pSPA would not be affected. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> - Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability of terns to forage within the pSPA. 	None
	<p>Objecting response with the following comments:</p> <ol style="list-style-type: none"> 1. Challenged the requirement for the pSPA to include the intertidal zone along the West Sands beach due to the beach in front of West Sands being predominantly shingle which offers limited foraging opportunity for Terns. 2. Noted that the pSPA has the potential to have a negative impact on their business due to greater regulatory burden relating to the day-to-day management and future provision of coast protection. 	5, 6	<p>Acknowledgment provided and detailed response sent as follows:</p> <ol style="list-style-type: none"> 1. Natural England explained our confidence in the modelled approach and demonstrated there is good evidence from other sites showing that terns will use intertidal areas at high tide (i.e. when the intertidal area is inundated) as foraging grounds regardless of the intertidal substrate. 2. Confirmed that we have not identified any activities that would require additional management measures to those already in place across the site. This is because foraging terns are considered to have a low sensitivity to most activities that occur within the site. This includes the various Flood and Coastal Erosion Risk Management schemes in place already. Whilst we cannot rule out that 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>new evidence, or new activities in the future might need some management measures, based on our current understanding we consider this unlikely.</p> <p>Confirmed that we have given similar re-assurances to other Local Authorities who manage the coastline.</p>	
	<p>Objecting response for the following reasons:</p> <ol style="list-style-type: none"> 1. The number of terns recorded in the Pagham Harbour area is low and therefore the boundary should not be defined by Sandwich terns foraging from Chichester and Langstone Harbours. Instead the boundary should reflect that shown within Figure 3 of the Departmental Brief which would remove all foraging areas east of Portsmouth. 2. The foreshore of the Estate is subject to active, serious and localised coastal erosion and is already heavy protected by SSSI, SPA, MCZ and RAMSAR and does need another tier of protection which will allow relevant authorities to oppose coastal defence measures. 	5, 6	<p>Acknowledgment provided and detailed response sent as follows:</p> <ol style="list-style-type: none"> 1. Demonstrated that the modelled approach indicates usage by foraging terns in the Pagham Harbour area which exceeded the maximum curvature thresholds and therefore included in the boundary recommendation. Explained our confidence in the robustness of the models' predictions of patterns of tern usage (verified through additional surveys in the Solent and other sites during 2015) and the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process. Clarified that whilst the foraging distribution and numbers of terns in Pagham Harbour SPA were not specifically included in developing the boundary for the marine pSPA or in calculating the qualifying numbers of each species supported by the pSPA, the pSPA serves to protect all terns that forage within it regardless of their origin. 2. Confirmed that Natural England has committed to work with the local community, the Parish Council and Arun District Council to find a solution to coastal erosion on the Pagham frontage. The existing Pagham Harbour SPA already protects little and common terns and their associated foraging areas so this new proposed designation does not place any further requirements on 	<p>Not explicitly stated but consultee may consider their issue to be current.</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>the current planning application to breach Church Norton spit and we advised this at the scoping stage. Any proposal will need to be assessed in relation to its potential impacts on the designated features of the site and considered accordingly.</p> <p>Explained that whilst we recognise that there are already several designations covering Pagham Harbour, the UK Government is committed to protecting a number of seabirds listed in Annex 1 of the EU Birds Directive to help reverse their declining populations and this protection of their foraging areas aims to do this particularly out to sea.</p>	
	<p>Objecting response including the following:</p> <ol style="list-style-type: none"> 1. Queried the compatibility of including port limits within pSPAs/SPAs. Noted there is no model, estimate or projection for what the pSPAs hope to achieve by designating and now extending these areas, often over areas much larger than the feeding grounds or habitats they are seeking to protect. 2. Highlighted the  current "Port Zone" policy suggestion to exclude all statutory harbour limits from marine protected areas. 3. Noted the data in many cases was published more than a decade ago using even older data and that newer data sources which have been quoted 	4, 5, 6	<p>Acknowledgment provided and detailed response sent:</p> <ol style="list-style-type: none"> 1. Demonstrated the modelled approach indicates that usage by foraging terns of areas such as port limits and shipping channels exceed the maximum curvature thresholds as outlined in the Departmental Brief. The adoption of a model-based approach is justified with a number of precedents. Demonstrated confidence in the robustness of the models' predictions of patterns of tern usage (verified through additional surveys during 2015 in the Solent and other sites) and satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process. Clarified that tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel and helicopter traffic, which together with the verification survey findings, demonstrates that tern species forage in areas in which noise and visual disturbance occurs. Also noted that the areas which have been included within site boundaries 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>seem to be small scale and ad-hoc surveys.</p> <p>4. Highlighted statutory duties in respect of navigational safety and conservancy, noting that existing activities must be allowed to continue unhindered.</p> <p>5. Highlighted that [REDACTED] feel very strongly that proposals must be placed in a context of wider Government policy – namely Marine Plans and the UK Marine and Ports Policy Statements.</p>		<p>including port, harbours and marinas is restricted to those areas considered to be of greatest importance to the well-being of the birds whilst deliberately excluding areas of use that are of lesser importance.</p> <p>2. Acknowledged that [REDACTED] are in direct contact with Defra regarding the “Port Zone” policy suggestion; we have therefore not commented in detail on these proposals. We do note that decisions for SPAs can only be influenced by the scientific/ornithological criteria, and that socio-economic factors cannot be taken into account.</p> <p>3. Natural England note that the query was a general comment not directed to a particular pSPA or species. However, between 2009 and 2013, JNCC coordinated a programme of survey work to identify important foraging areas for terns at a number of UK tern colonies. Natural England provided clarification that all data sets used in the delineation of pSPA site boundaries meet with marine UK SPA selection guidelines and Natural England’s and the Joint Nature Conservation Committee’s evidence standards. We explained that we are committed to using the best available data and survey techniques although noted that it is inevitable that an amount of time is required between data collection and consultation on potential sites which is unavoidable as time is required for analysis, reporting, and development of proposals.</p> <p>4. Provided clarification regarding statutory harbour duties and demonstrated that additional management for existing activities is not recommended.</p> <p>5. Highlighted that UK government is committed to halting, and where possible reversing, the loss of marine biodiversity by creating a coherent network of Marine Protected Areas (MPAs) in the UK which aims to achieve</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			the balance required for sustainable development. Noted and Natural England will ensure [REDACTED] views are captured in final advice to Government.	
B: Relevant / Competent authorities				
[REDACTED]	Neutral response. Requested clarification of: <ol style="list-style-type: none"> 1. Duties as a relevant authority, 2. Requested assurances in terms of traditional practices and customary rights and 3. Requested removal of assets (rock lighthouses, navigation beacons, etc.) from pSPA boundaries on a maintenance/emergency procedure basis. 	1, 3	Acknowledgement provided and detailed response sent. <ol style="list-style-type: none"> 1. Provided clarification of statutory duties and customary rights. 2. Provided clarification regarding the justification for inclusion of the areas requested for removal. 3. Provided further clarity with respect to likely impacts to maintenance & emergency procedures which are considered to be minimal. 	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Objecting response and specifically requests the removal of the area of Southampton Water as they: <ol style="list-style-type: none"> 1. Consider the scientific rationale for proposing the designation with the current boundaries insufficiently evidenced and is not verified with local site specific data. 2. [REDACTED] provided a series of possible marine foraging extensions from each breeding SPA (based on maximum foraging distances) as an alternative to the proposed Solent and Dorset Coast 	4,5,6	Acknowledgement provided and detailed response sent: <ol style="list-style-type: none"> 1. Demonstrated the modelled approach indicates that usage by foraging terns of areas such as port limits and shipping channels exceed the maximum curvature thresholds as outlined in the Departmental Brief. Confirmed that verification data was collected for the Solent & Dorset Coast pSPA in 2015 which tracked the at-sea-distribution of breeding terns into the Solent which originated from the existing Poole Harbour SPA. Additionally, noted that as part of the same field verification program during 2015, further surveys were carried out in Northern Ireland, Wales and England which collectively confirmed the presence of foraging 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>pSPA (see Appendix 5). The [REDACTED] Southampton revised boundary was based on JNCC report 500⁴ which suggests that 95% of Sandwich tern foraging activity in Coquet Islands was contained within 5% of the maximum foraging range and therefore large parts of the Solent and Dorset Coast pSPA would not be used by foraging terns.</p> <p>3. [REDACTED] also brought to our attention the economic importance of Southampton.</p>		<p>terns in every area in which they were predicted to occur including other similarly busy locations around the country (e.g. River Mersey and River Tees) and demonstrate that tern species will forage in areas in which visual and noise disturbance occurs. We explained that that the models used were not theoretical but based on direct observations of the foraging behaviour of breeding terns from many colonies around the UK, over a period of up to three years. A modelled approach was chosen as it has the ability to identify all areas (within the foraging range of terns) which share the same characteristics as the locations in which birds were observed during the extensive field sampling.</p> <p>2. Natural England clarified that the total available area being referred to in JNCC report 500 is that defined by the species-specific global maximum foraging range which in the case of Sandwich tern is reported to be 54km. The report also states that <i>“the majority of usage was confined to an area less than that encompassed by the mean maximum foraging ranges so although a simple approach such as applying a mean maximum foraging range radius around the colony, would correctly identify areas being used, it would also include large areas of relatively low importance and be rather precautionary. The report goes on to state “This habitat modelling approach, although complex, provides more realistic estimates of the relative importance of the areas within the maximum and mean maximum foraging ranges.”</i> In all cases the boundaries provided clearly exclude large areas of sea within the species’ wider</p>	

⁴ Wilson L. J., Black J., Brewer, M. J., Potts, J. M., Kuepfer, A., Win I., Kober K., Bingham C., Mavor R. and Webb A. 2013. Quantifying usage of the marine environment by terns *Sterna* sp. around their breeding colony SPAS. JNCC Report 500.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>foraging range where relative usage levels are so low as to not meet the threshold defined by the MCA approach. Therefore Natural England do not agree that it is appropriate to take the comments made by JNCC Report 500 to infer that the proposed pSPA boundaries as drawn and based on maximum curvature analysis, which have already excluded large areas of low usage, can be further shrunk by the same proportionate amount.</p> <p>3. Clarified that socio-economic issues cannot be taken into account when defining boundaries of SPAs although we do not anticipate that any additional management measures will be required should the pSPA be classified.</p>	
	<p>Neutral response with specific queries:</p> <ol style="list-style-type: none"> 1. Questioned whether the pSPA would extend beyond the existing SPA into Lymington Harbour. 2. Questioned whether the pSPA would have an impact on dredging disposal at Hurst Fort. 3. Sought clarification that commercial shipping and leisure boat movements would not be impacted by the pSPA 	1,3	<p>Acknowledgement provided and detailed response sent:</p> <ol style="list-style-type: none"> 1. Confirmed that the pSPA would not extend beyond the existing SPA into Lymington Harbour. 2. Confirmed that dredging disposal is managed through Marine Licencing and that existing management measures are deemed as sufficient. 3. Confirmed that these activities were regarded as being low risk in regards to potential impacts on foraging terns and these activities would not be effected by the pSPA. 	None
	Neutral response	1	Acknowledgement sent	None
	Neutral response.	1	Acknowledgement provided	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	<p>Neutral response with but sought clarification on:</p> <ol style="list-style-type: none"> Whether there is potential for any new limitations through this designation on operations of the [REDACTED] such as coastal protection works. What additional consultation arrangements will be needed by [REDACTED] for the new designation, and for what types of activities / development would they be required. Whether there may be buffer or exclusion zones for certain development types adjacent to the designation similar to the Dorset Heathlands. 	1,3	<p>Acknowledgement and detailed response provided:</p> <ol style="list-style-type: none"> Confirmed that it is not expected that there will be any new limitations through the designation on operations of the [REDACTED], such as coastal protection works. Confirmed that it is not anticipated that the regulatory burden will increase due to the pSPA and consider the current consultation arrangements that [REDACTED] have in place as sufficient. Confirmed that there will not be a buffer or exclusion zone adjacent to the designation similar to the Dorset Heathlands that will affect either [REDACTED] 	None
[REDACTED]	<p>Neutral response and sought confirmation that:</p> <ul style="list-style-type: none"> Natural England do not expect that any additional management measures are required across the pSPA. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> Confirmed that Natural England do not expect that any additional management measures are required across the pSPA. 	None
[REDACTED]	<p>Objecting response with specific concerns relating to:</p> <ol style="list-style-type: none"> The impacts that another restrictive regime will have on coastal development. The presence of the existing Dorset Heathlands SPA has 	4, 6	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> We do not anticipate that the regulatory burden or related costs on local authorities will increase significantly. Demonstrated that a recent marine licence application for groyne replacement and beach nourishment at Bournemouth screened out any potential impacts on the 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>put development restrictions and led to additional costs through levies intended to mitigate disturbance through additional dwellings.</p> <ol style="list-style-type: none"> In relation to coastal protection, [REDACTED] are concerned that once in place, the additional designation could lead to unknown levels of restriction in the future which would have implications on tourism and the wider economy. In relation to the lack of draft regulatory or management terms are presented making it hard to assess the future impact of the pSPA. 		<p>pSPA. Whilst we cannot rule out that new evidence, or new activities in the future might need some management measures, based on our current understanding we consider this unlikely</p> <ol style="list-style-type: none"> Confirmed that we will work closely with the relevant authorities when we develop conservation advice for the site which will include 'advice on operations'. This will outline the types of activities / development that could potentially have a negative impact on the site and which may require an Appropriate Assessment as well as those that can be screened out. <p>Expressed that Natural England understands the importance of tourism to the [REDACTED] and the increased pressure to develop. We appreciate that the [REDACTED] relies heavily on the seafront where we are proposing to designate the SPA.</p>	
[REDACTED]	<p>Neutral response with but sought clarification on:</p> <ul style="list-style-type: none"> Whether there is an expectation of an extension to the Review of Consents required from this designation and also whether it would result in potential restrictions to the EA's winter work on beach replenishment particularly along the Sussex coast. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> Advised that an extension to the review of consents would not be required for the new pSPA and it is unlikely that the pSPA would have an impact on coastal works in Sussex during the winter as the pSPA protects terns which are present from April to September. 	None
[REDACTED]	<p>Supportive response. Accepts the scientific explanation for the proposals. Raised the following queries:</p> <ol style="list-style-type: none"> Stated it would be useful if an assessment of the impact on and 	2, 3, 4	<p>Acknowledgement and detailed response sent.</p> <ol style="list-style-type: none"> Clarified that we do not consider that current levels of activity within this specific location to be a cause for concern to the tern species. As such the impact on and 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>implications for people living and working in the area could accompany the scientific rationale.</p> <p>2. The ██████ sought assurances that sustainable economic development around the coast, in particularly Swanage and Lulworth, will not be unreasonably impacted.</p>		<p>implications for people living and working in the area will be minimal.</p> <p>2. Noted that socio-economic factors cannot be taken into account when defining boundaries of SPAs although we do not anticipate that any additional management measures will be required should the pSPA be classified</p>	
██████████	<p>Objecting response with the following queries outstanding:</p> <ol style="list-style-type: none"> 1. The ██████ question the scientific rationale for the pSPA and specifically the actual usage of the waters surrounding the Isle of Wight and inland tidal waters by foraging terns. 2. The ██████ questioned what assessment work has been undertaken to understand how the proposed designation will work with existing designations to identify both potential mutual benefits and potential conflicts. 3. As proposed the pSPA will result in the entire coastline of the Isle of Wight being covered by a European designation. The ██████ question the use of theoretical modelling whether ground truthing has been carried out to sense check the boundaries. 4. The ██████ submitted local bird records (Appendix 3) and requested 	4, 5, 6	<p>Acknowledgement and detailed response sent.</p> <ol style="list-style-type: none"> 1. Demonstrated the modelled approach indicates that usage by foraging terns across the site exceed the maximum curvature thresholds as outlined in the Departmental Brief. The adoption of a model-based approach is justified with a number of precedents. We are confident in the robustness of the models' predictions of patterns of tern usage (verified through additional surveys in 2015 in the Solent and other sites) and satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process. 2. We explained that the existing SPA and the new pSPA would sit alongside each other but we do not expect there to be significant changes as a result. We confirmed that that we do not expect that any further management measures will be required which will negate a situation whereby there are both winter and summer restrictions on activities. 3. As per our response to query 1, Natural England reiterated that the modelling has been used to define the boundary and that verification surveys in the western extremity of the proposed Solent and Dorset Coast pSPA 	<p>Consultee considers their issue to be current.</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>that the upper Medina River should be excluded on the basis that it would not provide suitable foraging grounds due to its built-up nature. The [REDACTED] raise a number of queries with regards to socio-economic impacts which include:</p> <ul style="list-style-type: none"> - Natural England's expected costings of the designation - The implications for both existing and proposed economic development - Previous reassurances that were made that there would be no economic impact on development but subsequently were - The additional requirements that would be places on activities - Potential impacts on anchorages, ferry operations, utility cables, pipelines, outfalls, renewable energy projects, gas and oil activities. 		<p>boundary and other sites have established that the model does a good job of predicting where terns are likely to forage for food.</p> <ol style="list-style-type: none"> 4. Natural England note that submitted data confirms usage of some parts of the Medina River and that the river forms a continuous, albeit steadily narrowing, linear feature of similar nature along its length, the entirety of which is therefore likely to be functionally connected and biologically important for foraging terns. However, following a site visit with a Natural England Senior Ornithologist, Natural England agreed to exclude a small area of the upper reaches of the Medina River from the pSPA boundary on the basis that the area would not provide suitable foraging habitat for tern species due to poor connectivity with the water column as a result of its enclosed, narrow, canalised and extensively culverted nature. See Appendix 4 for further detail. 5. Addressed each of the [REDACTED]'s socio-economic concerns separately: <ul style="list-style-type: none"> - Provided a copy of the socio-economic screening assessment and agreed to update our predicted costings if there were any activities that Natural England had not considered but the [REDACTED] deemed relevant. - Agreed to work with the [REDACTED] to develop a screening process for existing and proposed development to ensure transparency and consistency. - Confirmed that we do not anticipate that any additional management measures will be required should the pSPA be classified. - See above. 	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	<p>Neutral response.</p> <ul style="list-style-type: none"> - Requested clarification regarding the implications the proposals will have on delivering development in the affected local planning authority areas. Noted constraints through existing internationally protected sites and noted that further layers of designation will likely further delay delivery of the town's regeneration objectives. 	1, 4	<p>Acknowledgement and detailed response sent.</p> <ul style="list-style-type: none"> - Clarified that socio-economic factors cannot be taken in to account when classifying an SPA and that an SPA classification does not aim to stop or restrict activities occurring within the site, rather to ensure that the conservation of rare, endangered and migratory bird populations is reflected in how activities which may impact the bird features are managed. 	None
[REDACTED]	<p>Objecting response received for the following reasons:</p> <ol style="list-style-type: none"> 1. Do not believe there is sufficient convincing scientific evidence to justify the proposals. Believe the statistical modelling undertaken to determine forage usage follows a 'capture everything' approach. 2. Requested that at the very least existing developments to the Port area, marinas, boatyards etc., and shipping and sailing channels and the immediate water hinterland of these should all be excluded from the designation. 3. Of the opinion the proposals do not demonstrate a reasonable approach to decision making. Accepting that socio-economics do not directly influence SPA designation the realities of 	4, 5, 6,	<p>Acknowledgement and detailed response sent.</p> <ol style="list-style-type: none"> 1. Demonstrated the modelled approach indicates that usage by foraging terns in proposed marine exclusion areas exceeds the maximum curvature thresholds and therefore included in the boundary recommendation. Explained how the model does not 'capture all' areas where terns may forage, as the approach to define the final boundary explicitly sought to exclude areas that are used by the birds at a level which is so low that their inclusion would result in an increase in site extent which was disproportionate to the importance of the areas for the birds. 2. See Point 1. Clarified that tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel and helicopter traffic, which together with the verification survey findings, demonstrates that tern species forage in areas in which noise and visual disturbance occurs. Therefore Natural England consider there is sufficient justification for including the port, boatyard, and marina areas, shipping 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>commercial operational elements within the Harbour does make parts of it clearly less valuable in habitat terms than other parts and this needs to be taken into account in any further layers of environmental designation.</p> <p>4. Believe Poole Harbour and Poole Bay are adequately and efficiently managed through various existing control mechanisms.</p> <p>5. Concerned there is an increasing creep occurring in extending and creating new designations generally. Cited Studland to Portland SAC and Poole Rocks MCZ, which they feel takes a much larger area of the seabed than is significant for the species designated. Further creep will occur within the pSPA as further bird species are added.</p>		<p>and sailing channels and the immediate water hinterland within the boundaries of pSPA.</p> <p>3. Clarified that socio-economic factors cannot be taken in to account when classifying an SPA and that an SPA classification does not aim to stop or restrict activities occurring within the site, rather to ensure that the conservation of rare, endangered and migratory bird populations is reflected in how activities which may impact the bird features are managed.</p> <p>4. Addressed concerns that current management measures adequately address impacts of activities occurring in Poole Harbour and Poole Bay.</p> <p>5. Explained that a designation is recommended depending upon its importance for its species and habitats and that birds using Poole Harbour do not differentiate between the areas above and below MLW. Explained that lack of immediate concern for an area or species is not a justification for exclusion of these areas, just as the identification of an area in which significant adverse effects might already occur or be anticipated, would not of itself provide justification for inclusion of an area within a designated site. The presence or absence of current pressures or future threats is not a material consideration in the process by which SPAs are identified but rather whether these areas are important supporting habitats for the qualifying features.</p>	
	<p>Neutral response. No specific advice or other comment provided given their specific responsibilities for the historic environment.</p>	1	<p>Acknowledgement sent.</p>	<p>None</p>
	<p>Neutral response.</p>	1	<p>Acknowledgement sent.</p>	<p>None</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]				
[REDACTED]	Neutral response and sought confirmation that we had consulted all ports/harbours within the site boundary.	1, 3	Acknowledgement and confirmation sent.	None
[REDACTED]	Neutral response.	1	Acknowledgement sent.	None
[REDACTED]	Neutral response.	1	Acknowledgement sent.	None
[REDACTED]	Neutral response but would support [REDACTED] suggestion to move the boundary north of the breakwater and south of the bridge.	1, 3	Acknowledgement sent.	None
[REDACTED]	Neutral response and provided an update on: - ongoing work to establish the potential environmental impacts of the various locations being considered to accommodate housing or employment within the district. Confirmed that [REDACTED] does not expect that there will be any impact in terms of the site integrity to the pSPA through these proposals.	1, 3	Acknowledgement and detailed response sent: - Re-assured [REDACTED] that Natural England are committed to working with Relevant Authorities during the designation of this pSPA and will endeavour to keep them informed of any updates to the site which could affect their statutory duties.	None
[REDACTED]	Neutral response and sought clarity as to whether:	1, 3	Acknowledgement and detailed response sent: 1. Demonstrated the modelled approach indicates that usage by foraging terns within Portsmouth harbour exceed the maximum curvature thresholds as outlined in	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<ol style="list-style-type: none"> 1. Natural England is confident that all the areas up to MHW are suitable foraging habitats for terns. 2. The landward boundary of the pSPA is entirely appropriate reflecting available scientific evidence. [REDACTED] suggest that the landward boundary should be based on sufficient robust scientific evidence so that unnecessary burdens and issues are avoided in the future. 		<p>the Departmental Brief. The adoption of a model-based approach is justified with a number of precedents. We are confident in the robustness of the models' predictions of patterns of tern usage (verified through additional surveys in 2015) and satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process.</p> <ol style="list-style-type: none"> 2. See above. Also noted that socio-economic cannot be taken into account when defining boundaries of SPAs although we do not anticipate that any additional management measures will be required should the pSPA be classified. 	
[REDACTED]	Supportive response	2	Acknowledgement and thanks sent	None
[REDACTED]	<p>Neutral response with a specific comment relating to:</p> <ul style="list-style-type: none"> - The potential cost of designating the pSPA which is not clear from the material published. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> - Confirmed that Natural England have undertaken an assessment of potential costs and should the site be classified, that this was only expected to amount to the costs associated with monitoring for condition assessments. 	None
[REDACTED]	<p>Neutral response but specific comments:</p> <ul style="list-style-type: none"> - Clarity is required as to impacts on management measures for existing activities. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> - Provided reassured that current levels of activities (particularly recreational boating and maintenance dredging) will not be subject to additional measures as a result of the designation. 	None
[REDACTED]	Supportive response	2	Acknowledgement and thanks sent	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	Neutral response and provided details of local geography and ability to support terns.	1	Acknowledgement and thanks sent.	None
C. Other organisations				
[REDACTED]	<p>Neutral response.</p> <ul style="list-style-type: none"> - No objections to the proposals across the sites in principle, although indicated would be very concerned if the designation or extension resulted in any additional proposals for management of recreational activities within and around the proposed SPAs, given the assurances set out in the consultation documents 	1	<p>Acknowledgement and thanks sent.</p> <ul style="list-style-type: none"> - Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability of terns to forage within the pSPA. 	None
[REDACTED]	Supportive response	2	Acknowledgement and thanks sent	None
[REDACTED]	<p>Supportive response. Welcomes and strongly supports the proposal whilst raising the following points:</p> <ol style="list-style-type: none"> 1. Titchfield Haven and Blashford Lakes are not mentioned in the Departmental Brief and both support breeding common tern. 2. Natural England state that the breeding population of little tern at Paghham Harbour is noted as falling below the 1% reference level. [REDACTED] consider this to be an inaccurate reflection of the importance of the site, 	2, 3	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> 1. Confirmed that as neither colony currently meets the criteria (1% of GB breeding population) that they not been considered within the modelling for the boundary of the pSPA. Clarified that terns which originate from these sites will benefit from full protection within the pSPA if they forage within the proposed boundary. 2. Confirmed that at the time of publication, little terns were not breeding at qualifying numbers and as set out in the qualification guidelines could not be included in the modelling. However, as a qualifying species of the existing SPA they will be afforded full protection within the pSPA. Natural England is aware of the recent breeding success 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>and its potential to support breeding little terns.</p> <p>3. [REDACTED] would wish to see the following features of importance included in the assessment:</p> <ul style="list-style-type: none"> - The area of intertidal that falls below the MLW mark (existing SPA boundary) which is used by internationally important numbers and assemblages of wintering and migrant waterfowl. - The low intertidal and shallow sub-tidal areas are important for diving birds such as sea-duck, grebes, divers and cormorants i.e. Shell Bay and Studland Bay. - Consider impacts during the migration period or during the winter; for example increasing numbers of Sandwich terns are now wintering in the harbours along the Dorset and Hampshire coast. - How inland sites that support breeding terns would be dealt with i.e. Brownsea Lagoon and Blashford Lakes. - The existing Solent and Southampton Water SPA citation includes Mediterranean Gull as a breeding species however the cited number of breeding pairs does not 		<p>at Pagham Harbour SPA and will ensure that this is adequately referenced if the pSPA is classified and will be given proper consideration when conservation objectives for the site are defined.</p> <p>3. Each point was addressed separately:</p> <ul style="list-style-type: none"> - Outlined the qualifying criteria for species in order to be considered for inclusion as a feature. Confirmed that these features fall outside of the criteria for this tern foraging pSPA as described within the departmental brief. - As above. - Confirmed that where terns are overwintering either within the existing SPA or proposed SPA, Natural England would consider impacts to terns through plans or projects the same as we would during the breeding season. That is the basis on which we have consistently advised that windfarms that might intercept birds on migration (or indeed in winter) need to be factored into in combination assessments. - As above. Confirmed that where terns originate from inland sites but forage within the pSPA that will benefit from full protection within the boundary. - Confirmed that information relating to qualifying species will be updated when the existing SPA is next reviewed. 	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	reflect current breeding success at Titchfield Haven.			
[REDACTED]	<p>Supportive response. Welcomes and strongly supports the proposal and raises the following queries:</p> <ol style="list-style-type: none"> 1. The use of contemporary data for species that have undergone significant declines at a site since its original classification as an SPA. 2. Roseate tern has not been included as a feature of the pSPA. 3. The omission of the little tern colony at Chesil Beach and the Fleet SPA from the source SPAs included in the Solent and Dorset Coast pSPA and from the current SPA extension proposals as a whole. 4. Concerned that non-SPA breeding colonies, which use the foraging area in the proposed pSPA, have been omitted from the pSPA population calculation e.g. colony of common tern at Blashford Lakes. 	2, 3	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> 1. Explained that where species have declined, or where selection thresholds have increased, or both, it is not always possible to demonstrate site qualification based on contemporary data. In such instances, where species were features of existing SPAs and where we cannot identify specific factors causing declines, we wish to preserve the ambition of the original SPA classification to support its features. In order to do this, we sometimes need to refer to data from an earlier time period to demonstrate the case for (re)classification of some features. 2. Confirmed that despite being a feature of the Solent and Southampton Water SPA, it was not possible to include roseate tern as a feature of the new pSPA as there are no records of them occupying nests or breeding within the Solent in recent years. 3. Confirmed that work is currently underway within Natural England to re-classify the Chesil Beach and the Fleet SPA to reflect the qualifying status of little tern. 4. Confirmed that this colony does not currently meet the criteria (1% of GB breeding population) to be considered for designation as an SPA and has therefore not been considered within the modelling for the boundary of the pSPA. 	None
[REDACTED]	Neutral response with specific queries:	1, 3	Acknowledgement and detailed response sent.	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	- Questioned whether the new designation would have an impact on the activities of his sailing club.		- Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability of terns to forage within the pSPA.	
[REDACTED]	Supportive response and provided most up to date [REDACTED] annual report.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Supportive response.	2	Acknowledgement and thanks sent.	None
[REDACTED]	Objecting response with specific queries: 1. [REDACTED] question the perceived lack of ground truth data / evidence and the reliance on models to define the site boundary.	4, 5, 6	Acknowledgement and detailed response sent: 1. Demonstrated the modelled approach indicates that usage by foraging terns across the site exceed the maximum curvature thresholds as outlined in the Departmental Brief. Confirmed that verification data was collected for the Solent & Dorset Coast pSPA in 2015 which tracked the at-sea-distribution of breeding terns into the Solent which	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>2. [REDACTED] question whether the boundary will have any impact on restricting activities below mean high water springs (MHWS), ie if a new coastal defence structure is required.</p> <p>3. [REDACTED] feel that there needs to be a greater assessment of the potential economic impacts of classifying the Solent and Dorset Coast pSPA.</p>		<p>originated from the existing Poole Harbour SPA. Additionally, noted that as part of the same field verification program during 2015, further surveys were carried out in Northern Ireland, Wales and England which collectively confirmed the presence of foraging terns in every area in which they were predicted to occur. We explained that that the models used were not theoretical but based on direct observations of the foraging behaviour of breeding terns from many colonies around the UK, over a period of up to three years.</p> <ol style="list-style-type: none"> 1. Confirmed that we do not consider the current activities outlined to be a cause for concern to the bird features of the pSPA. Explained that any future coastal defence structures below MHWS would require a marine licence from the MMO, however we would not anticipate that the new marine pSPA would lead to restrictions on any such licence. 2. Clarified that socio-economic factors cannot be taken into account when defining boundaries of SPAs although we do not anticipate that any additional management measures will be required should the pSPA be classified. 	
[REDACTED]	<p>Supportive response with the following comments:</p> <ol style="list-style-type: none"> 1. Noted that the boundary has been calculated by modelling the likely range of the known populations, rather than actual records. 2. Requested the addition of two other breeding Annex 1 species – guillemot and shag, and for several other amber- 	2, 3	<p>Acknowledgement and thanks sent:</p> <ol style="list-style-type: none"> 1. Demonstrated the modelled approach indicates that usage by foraging terns in the western extent of the boundary exceeds the maximum curvature thresholds and are therefore included in the boundary recommendation. 2. Explained that the listed species of birds, unlike the 3 species of tern, are not currently features of existing breeding SPAs within the site boundary and as such cannot be considered for inclusion as features of this foraging SPA for tern. 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	listed species (puffin, razorbill, and fulmar) to the pSPA.			
[REDACTED]	Neutral response.	1	Acknowledgement sent.	None
[REDACTED]	Neutral response and requested GIS shapefile of the boundary.	1	Acknowledgement and SID shapefile sent.	None
D: Fisheries				
[REDACTED]	Neutral response. - Assume that no additional management measures for fisheries activities are expected to be proposed in the area	1, 4	Acknowledgement and detailed response sent. - Confirmed that the assessment of socio-economic impacts assumed no additional costs to the sector from the classification of the pSPA. Whilst additional evidence may be required to confirm no impact on tern from bycatch, this would be required whether the pSPA was classified or not due to existing SPA protection.	None
[REDACTED]	Neutral response. Provided the following comment: - No consideration is given to potential socio-economic impacts of designation. Without Natural England's conservation advice package information, the authority is unable to comment on potential sector impacts or future management requirements. A range of fisheries activities are known to occur within the proposed area,	1, 4	Acknowledgement and detailed response sent. - Clarified that socio-economic factors cannot be taken in to account when classifying an SPA and that an SPA classification does not aim to stop or restrict activities occurring within the site, rather to ensure that the conservation of rare, endangered and migratory bird populations is reflected in how activities which may impact the bird features are managed. A screening assessment of socio-economic impacts for the site was undertaken before the consultation with a brief summary of the assessment findings provided during formal consultation. Important to note that as agreed by Defra, the screening	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	including netting, potting, trawling and angling.		assessment concluded that socio-economic impacts resulting from the pSPA classification were relatively low and therefore production of a full socio-economic impact assessment for the site was considered disproportionate and not undertaken. Consequently, further management measurements are not proposed for fisheries or other activities.	
E: Utilities / Industry				
██████████	Neutral response. Requested boundary shapefile for the pSPA.	1	Acknowledgement and boundary shapefile sent.	None
██████████	Neutral response with specific queries: 1. Indicated that unpublished site-specific data could not be verified. 2. Suggested that the approach taken to assess the likely economic impact on the sector was less than transparent as a detailed assessment was not published.	1, 3	Acknowledgement and detailed response sent. 1. Acknowledged that corroborating data had not been published at the start of the consultation. 2. Established procedure for assessing socio-economic impacts does not require the production and publication of a detailed assessment where predicted impacts are below set criteria.	None
██████████	Neutral response - Raised concerns regarding their ability to carry out statutory duties and extra costs associated with carrying out any additional appropriate assessments.	1, 3,	Acknowledgement and detailed response sent. - Provided reassurance that the proposals will not have an impact on their statutory duties, in line with Article 3 of the Birds Directive. Clarified it would be 'business as usual' for their operation.	None
██████████	Objecting response regarding the following query: - Raised concerns regarding their ability to carry out statutory duties and extra	4, 6	Acknowledgement and detailed response sent. - Provided reassurance that the proposals will not have an impact their statutory duties, in line with Article 3 of the Birds Directive.	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	costs associated with carrying out any additional appropriate assessments.			
[REDACTED]	<p>Objecting response requesting the removal of shipping channels through the Solent and around the Isle of Wight, into and out of Southampton Water and the area around Fawley Marine Terminal connecting to such channels for the following reasons:</p> <ol style="list-style-type: none"> 1. The importance of the waterways (as above) to the country and the region in ensuring fuel supply to Southern Britain. 2. That removing certain areas important to [REDACTED] within the pSPA, such as shipping lanes, is unlikely to reduce the protection of important foraging areas for terns. 	4, 5, 6	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> 1. Confirmed that Natural England understands the importance of the waterways to the country and region that we are proposing to designate. Clarified the modelling method used to define the boundary for this and other pSPAs was robust and demonstrated terns used these areas to forage. The verification program findings carried out in Northern Ireland, Wales and England during 2015 (including verification surveys in the Solent & Dorset Coast pSPA) confirm the model in other similarly busy locations around the country (e.g. River Mersey and River Tees) and demonstrate that tern species will forage in areas in which visual and noise disturbance occurs. Clarified that whilst socio-economic factors cannot be taken in to account when classifying an SPA, an SPA classification does not aim to stop or restrict activities occurring within the site, rather to ensure that the conservation of rare, endangered and migratory bird populations is reflected in how activities which may impact the bird features are managed. 2. Confirmed that we do not consider the current activities outlined to be a cause for concern to the bird features of the pSPA. This is because foraging terns are considered to have a low sensitivity to the use of shipping channels (and the associated maintenance dredging) through the Solent and around the Isle of Wight, into and out of Southampton Water, and the area around the Fawley Marine Terminal connecting to such channels. Whilst we cannot rule out that new evidence, or new activities in the 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			future might need some management measures, based on our current understanding we consider this unlikely.	
█	<p>Neutral response and sought confirmation:</p> <ul style="list-style-type: none"> - That the pSPA would not restrict █ current ability to freely maintain their existing submarine cable assets within this area. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> - Provided reassurance that the proposals will not have an impact on their ability to freely maintain their existing submarine cable assets within this area. Clarified it would be 'business as usual' for their operation. 	None
F: Individuals / Anonymous				
█	<p>Neutral response:</p> <ul style="list-style-type: none"> - █ contacted us because he had been informed that 80% of Solent fisheries were going to be closed and wanted to know if the pSPA was going to lead to further closures. 	1, 3	<p>Acknowledgement and detailed response sent.</p> <ul style="list-style-type: none"> - Advised █ that closing the Solent to fishing was not our intent and that SIFCA are undertaking work to revise the management of fisheries within European Marine Sites such as the pSPA. Mr Long was satisfied with our response. 	None
█	Neutral response	1	Acknowledgement sent.	None
█	<p>Objecting response regarding the following concern:</p> <ul style="list-style-type: none"> - That nature conservation has taken precedence over the lives and homes of local residents. 	4, 6	<p>Acknowledgement sent.</p> <ul style="list-style-type: none"> - Confirmed that Natural England recognises the serious problems and potential impacts posed by the coastal erosion and is committed to helping all parties reduce the erosion risk to people's homes. 	Not explicitly stated but consultee may consider their issue to be current.
█	<p>Neutral response with specific queries:</p> <ul style="list-style-type: none"> - Sought clarification of the practical consequences due to the pSPA as someone who lives on a river boat on the River Itchen. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> - Provided clarification that there would be no additional practical consequences to living on a river boat other than what is already in place. 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	<p>Neutral response and queried whether:</p> <ul style="list-style-type: none"> - There would be restrictions on anchoring within the pSPA boundary. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ul style="list-style-type: none"> - Confirmed that our vulnerability assessment which assessed the impact of various activities on the foraging terns within the proposed area. The anchoring of yachts was not highlighted as being one of the activities that would require management based on what we currently know about the activity. 	None
[REDACTED]	Neutral response	1	Acknowledgement sent	None
[REDACTED]	<p>Neutral response with specific queries:</p> <ol style="list-style-type: none"> 1. Queried the impacts of the pSPA on the use of motor boats and their continued access within the site. 2. Queried whether the pSPA will prevent the future dredging of rivers in or in close proximity to the pSPA to prevent flooding. 3. Queried the 'excessive' size of the pSPA given the importance of the waterways it covers. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> 1. Confirmed that the activities mentioned were not highlighted as potentially having a negative impact on the new pSPA. Therefore we do anticipate any implications for the use of motor boats and their continued access within the site. 2. Confirmed that although terns are known to forage up the River Stour, it is not regarded as one of their key foraging areas. In addition the terns are only here during the summer so would therefore not expect the designation of the pSPA to affect decision making as to whether the river should be dredged to prevent future flooding events 3. Demonstrated the modelled approach indicates that usage by foraging terns throughout the extent of the boundary exceeds the maximum curvature thresholds and are therefore included in the boundary recommendation. 	None
[REDACTED]	<p>Neutral response raising specific queries:</p> <ol style="list-style-type: none"> 1. Questioned whether keeping a motor boat at Yarmouth Marina and associated recreational activities would be affected by the pSPA. 	1, 3	<p>Acknowledgement and detailed response sent:</p> <ol style="list-style-type: none"> 1. Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability of terns to forage within the pSPA. 2. Clarification given. 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	2. Sought clarification that living on the water's edge at Bouldner, Isle of Wight would not be affected by the pSPA.			
	Neutral response with specific queries: <ul style="list-style-type: none"> - Questioned whether fishing/crabbing and recreational use within the pSPA would be restricted. 	1, 3	Acknowledgement and detailed response sent: <ul style="list-style-type: none"> - Confirmed that using the best available evidence Natural England does not consider these activities, at current levels, to be impacting the proposed feature. Therefore currently Natural England has not advised that any change in management is needed 	None
	Objecting response regarding the following query: <ul style="list-style-type: none"> - That the shingle spit which has been forming adjacent to the entrance of Pagham Harbour (and since naturally breached) should be managed appropriately to ensure no further erosion of Pagham Beach. 	4, 6	Acknowledgement and detailed response sent: <ul style="list-style-type: none"> - Confirmed that Natural England recognise the concerns regarding the requirement to breach the spit at Pagham Harbour and as such, alongside the aims for nature conservation for Pagham Harbour, Natural England has committed to work with the local community, the Parish Council and Arun District Council to find a solution to coastal erosion on the Pagham frontage. 	Not explicitly stated but consultee may consider their issue to be current.
	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None
	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None
	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None
	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None
[REDACTED]	Neutral response.	1	Acknowledgement send	None
[REDACTED]	Objecting response regarding the following query: <ul style="list-style-type: none"> - That the shingle spit which has been forming adjacent to the entrance of Pagham Harbour (and since naturally breached) should be managed appropriately to ensure no further erosion of Pagham Beach. 	4, 6	Acknowledgement and detailed response sent: <ul style="list-style-type: none"> - Confirmed that Natural England recognise the concerns regarding the requirement to breach the spit at Pagham Harbour and as such, alongside the aims for nature conservation for Pagham Harbour, Natural England has committed to work with the local community, the Parish Council and Arun District Council to find a solution to coastal erosion on the Pagham frontage. 	Not explicitly stated but consultee may consider their issue to be current.
[REDACTED]	Objecting response regarding the following query: <ul style="list-style-type: none"> - That the shingle spit which has been forming adjacent to the entrance of Pagham Harbour (and since naturally breached) should be managed appropriately to ensure no further erosion of Pagham Beach. 	4, 6	Acknowledgement and detailed response sent: <ul style="list-style-type: none"> - Confirmed that Natural England recognise the concerns regarding the requirement to breach the spit at Pagham Harbour and as such, alongside the aims for nature conservation for Pagham Harbour, Natural England has committed to work with the local community, the Parish Council and Arun District Council to find a solution to coastal erosion on the Pagham frontage. 	Not explicitly stated but consultee may consider their issue to be current.
[REDACTED]	Objecting response with the following comments: <ol style="list-style-type: none"> 1. Questioned the scientific rationale for the designation as [REDACTED] feels that the drivers are political and are not supported by peer reviewed by evidence. 	4, 5, 6	Acknowledgement and detailed response sent: <ol style="list-style-type: none"> 1. Demonstrated the modelled approach indicates that usage by foraging terns of across the site exceed the maximum curvature thresholds as outlined in the Departmental Brief. The adoption of a model-based approach is justified with a number of precedents. We are confident in the robustness of the models' predictions of patterns of tern usage (verified through additional surveys in 2015) and 	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	2. Questions why socio-economic factors are not considered within the material provided.		<p>satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process.</p> <p>2. Clarified that socio-economic factors cannot be taken in to account when classifying an SPA and that an SPA classification does not aim to stop or restrict activities occurring within the site, rather to ensure that the conservation of rare, endangered and migratory bird populations is reflected in how activities which may impact the bird features are managed. A screening assessment of socio-economic impacts for the site was undertaken before the consultation with a brief summary of the assessment findings provided during formal consultation. Important to note that as agreed by Defra, the screening assessment concluded that socio-economic impacts resulting from the pSPA classification were relatively low and therefore production of a full socio-economic impact assessment for the site was considered disproportionate and not undertaken.</p>	
[REDACTED]	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None
[REDACTED]	Supportive response. Accepts the scientific explanation for the site proposal.	2	Acknowledgement sent.	None
[REDACTED]	Supportive response. Accepts the scientific explanation for the site proposal and requested GIS shapefile of the boundary.	2	Acknowledgement and GIS shapefile sent.	None
[REDACTED]	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Unable to respond in detail as contact details not provided.	None
[REDACTED]	Objecting response without providing any detail explaining the reason for the	5,	Unable to respond in detail as contact details not provided.	Not explicitly stated but consultee may

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	objection. Does not accept the scientific explanation for the proposal.			consider their issue to be current.

⁵ **Four** objecting stakeholders responded via the online smart survey but left no reasoning for their objections or contact details. These objections could not be resolved and therefore not treated as outstanding for consideration by Defra.

Appendix 1: Non-Financial Scheme of Delegation

The Non-Financial Scheme of Delegation currently states the following for international site designation cases:

	Function	Delegation
A	Approval to submit formal advice (Departmental Brief ⁶ or Selection Assessment Document ⁷) to Secretary of State on the selection of a pSAC, pSPA or pRamsar site or proposed amendments to an existing cSAC, SCI, SAC, SPA or Ramsar site.	Chief Executive
B	Following the consultation, approval of final advice, with or without modifications, and report on the consultation, where:	
	a) objections or representations are unresolved	Board or Chairman on behalf of the Board
	b) there are no outstanding objections or representations (i.e. where no objections or representations were made, or where representations or objections were withdrawn or resolved)	Appropriate Director

Part A – In the first instance the scientific case is developed and presented to the Chief Executive (and the Senior Leadership Team⁸) who discuss the case and approve sign off as Natural England’s formal scientific advice to Defra. Defra then seek Ministerial approval for Natural England to consult on these proposals on behalf of Government.

Part B – Once the formal consultation process has completed, Natural England considers any scientific objections to the proposals and endeavours to resolve any issues or concerns raised by stakeholders during the consultation. If, after a reasonable process of liaison with stakeholders, there are outstanding issues that cannot be resolved Natural England finalises the report on the consultation for Defra and sets out its final advice on the case in the report. There may be changes proposed as a result of the consultation and outstanding issues for Defra’s consideration.

- i) Where there are no outstanding objections, representations or issues with respect to the proposals the relevant Director can approve the consultation report for submission to Defra.
- ii) Where there are outstanding issues which it has not been possible to resolve the responsibility for approval of the consultation report falls to Board, or Chairman on behalf of the Board.

⁶ Departmental Briefs (for Special Protection Areas and Ramsar sites)

⁷ Selection Assessment Documents (for Special Conservation Areas)

⁸For this marine pSPA, the Natural England Senior Leadership Team (SLT) has delegated the responsibility for approval of Natural England’s formal scientific advice to the Chief Officer for Strategy & Reform. The Chief Officer for Strategy and Reform informs SLT when approval for Natural England’s formal scientific advice has been provided.

Appendix 2: Consultation questions

Scientific Case

Scientific rationale for the proposal

Q1. Do you accept the scientific explanation for the site proposal?

Q2. Do you have any additional information that's not included in the departmental brief about the distribution and populations of: Sandwich tern, common tern, little tern.

Do you have any further comments on the scientific rationale behind the site proposal?

Management of the SPA

Q3. Is there a need for a new management group for the SPA?

Q4. Will there be costs incurred by other relevant authorities to develop or implement an management plan?

Appendix 3: Additional data received post-consultation

provided records (Table 1) and maps (Figure 1) displaying the locations of tern sightings obtained from the Isle of Wight Local Records Centre. We thanked the and clarified that although the records provide an indication of tern distribution on the north coast of the Isle of Wight, they do not demonstrate that terns would not forage up the Medina River and therefore do not materially affect the boundary proposals.

Table 1: Tern records supplied by Isle of Wight local Records Centre

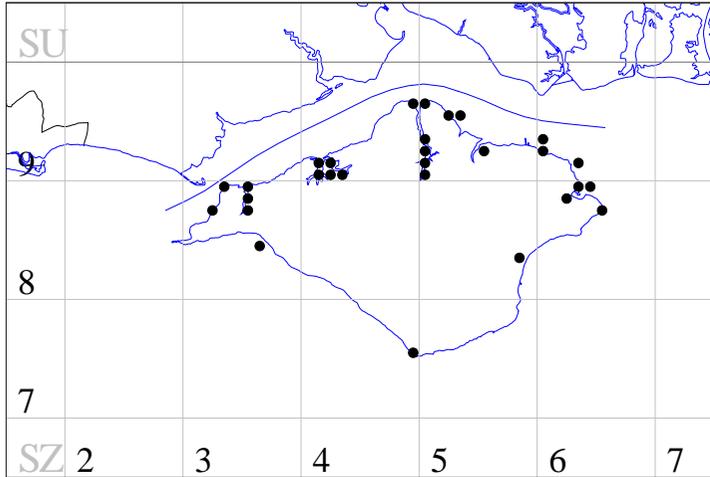
Taxon	Vernacular	Site	GridRef	1k Square	Date	Quantity	Stage	Record status	Comment
Sternula albifrons	Little Tern	Fort Victoria	SZ338896	SZ3389	21/04/2013	7	Adult		Groups of 5 and 2, diving for fish as they travelled towards Colwell Bay
Sternula albifrons	Little Tern	Fort Victoria	SZ3389	SZ3389	18/04/2003	5	Adult	Flying over	east
Sternula albifrons	Little Tern	Fort Victoria, offshore	SZ3389	SZ3389	01/07/2003	2	Adult	Flying over	
Sternula albifrons	Little Tern	Western Yar River and Estuary	SZ354887	SZ3588	07/05/2013	1	Adult		Sitting on the mud in the Yarmouth Mill basin
Sternula albifrons	Little Tern	Yarmouth Pier, off coast	SZ354900	SZ3590	15/06/2003	1	Adult	Flying over	Possibly same bird as one at Mill
Sternula albifrons	Little Tern	Yarmouth, Mill Road	SZ355895	SZ3589	01/05/2005	4	Adult	Flying over	over inlet west of mill
Sternula albifrons	Little Tern	Yarmouth Mill	SZ357894	SZ3589	15/06/2003	1	Adult	Flying over	SW of mill
Sternula albifrons	Little Tern	Yarmouth Harbour	SZ38P		01/05/2005	2	Adult	Feeding	
Sternula albifrons	Little Tern	Gull Island	SZ418913	SZ4191	21/06/2010	2	NR		
Sternula albifrons	Little Tern	Newtown River	SZ4191	SZ4191	06/05/2008	2	NR	Flying over	flying over estuary
Sternula albifrons	Little Tern	Newtown Harbour SSSI	SZ419911	SZ4191	04/07/2003	1	Adult	Flying over	
Sternula albifrons	Little Tern	Newtown, The Scrape	SZ421909	SZ4290	12/05/2014	2	NR		
Sternula albifrons	Little Tern	Newtown, The Scrape	SZ421909	SZ4290	18/05/2014	2	NR		rested on Island in Scrape

Sternula albifrons	Little Tern	Newtown National Nature Reserve	SZ425915	SZ4291	30/05/2007	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	12/06/2009	3	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	24/04/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	25/04/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	03/05/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	10/06/2010	3	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	13/06/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	19/06/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	19/06/2010	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	16/07/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	16/07/2010	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	29/04/2011	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	29/04/2011	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	30/04/2011	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	02/05/2011	4	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	02/05/2011	3	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	03/07/2011	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	10/06/2012	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	13/08/2012	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	30/08/2012	1	NR		

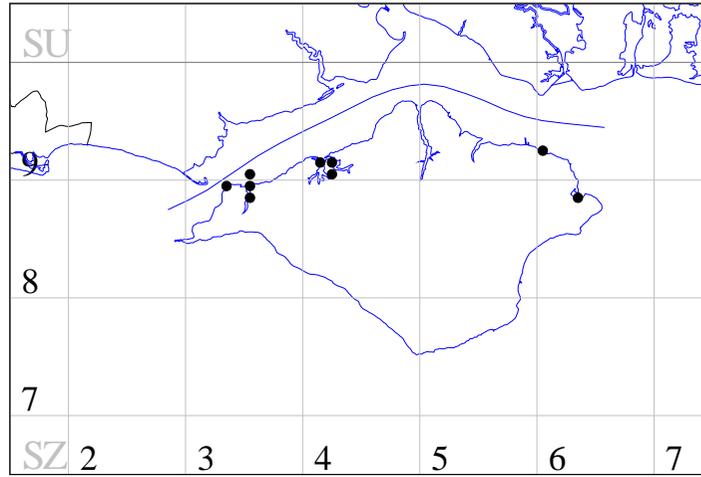
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	01/05/2013	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	02/05/2013	6	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	12/05/2013	3	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	09/06/2013	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	07/07/2013	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	21/09/2013	2	Juvenile		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	26/04/2014	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	08/05/2014	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	16/05/2014	1	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	16/05/2014	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	05/07/2014	2	NR		
Sternula albifrons	Little Tern	Newtown NR	SZ4290	SZ4290	20/07/2014	1	NR		
Sternula albifrons	Little Tern	Ryde East Sands	SZ6092	SZ6092	01/08/2003	1	Adult	Flying over	with 72 mainly Sandwich, some Common Terns
Sternula albifrons	Little Tern	Bembridge Harbour, north	SZ634887	SZ6388	10/09/2006	1	NR		Bembridge Harbour, inner harbour survey 2006-2007

Figure 1: Maps displaying records of tern species off the Isle of Wight (sourced from Isle of Wight local Records Centre)

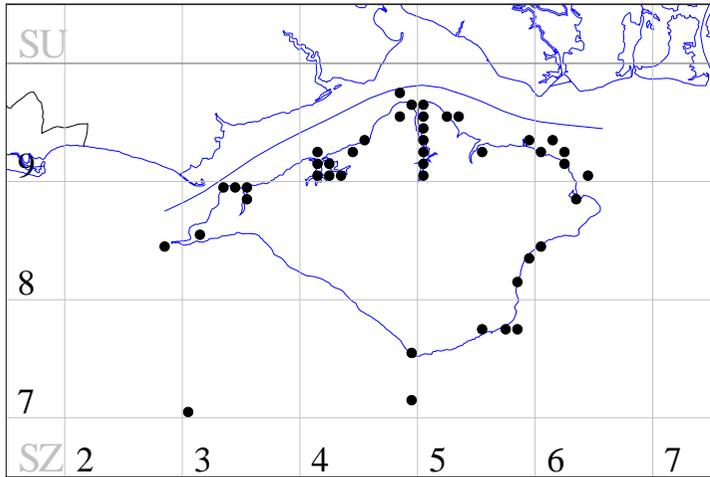
Sandwich Tern (*Sterna sandvicensis*)



Little Tern (*Sternula albifrons*)



Common Tern (*Sterna hirundo*)



Appendix 4: Proposed boundary amendment following the formal consultation

The Solent and Dorset Coast pSPA should go forward for formal classification using an amended marine boundary:

Medina River, Isle of Wight

Natural England recommends that the pSPA boundary as recommended for formal consultation is amended to exclude a small area of the upper Medina River which is located north of the A3020 (Medina Way) dual carriageway (See Figure 2 below).

Following a site visit by a Natural England Senior Ornithologist and Area Team staff with representatives of the [REDACTED] to discuss the [REDACTED] concerns regarding the inclusion of the Medina River in the pSPA proposals, the following was concluded:

- the upriver limit to the pSPA boundary (as proposed during formal consultation), based on the results of the modelling and standard guidance on setting landward boundaries of marine SPAs i.e. to draw the boundary to Mean High Water (interpreted as being the Natural Tidal Limit in the upper reaches of rivers), is considered not to be appropriate in this specific area. This is because the upper Medina River, under and south of the dual carriageway (A3020), appears unlikely to provide suitable foraging habitat for terns due to poor connectivity with the water column as a result of its enclosed, narrow, canalised and extensively culverted nature. The area in question to be excluded covers an area of 1.12 Ha; and
- Natural England therefore recommend the boundary should be redrawn to exclude the upper Medina River (under and south of the A3020 dual carriageway) and include all of the Medina River seaward (north) of the dual carriageway crossing. North of the dual carriageway (as indicated in Figures 2 and 3 below), the river forms a continuous, albeit steadily narrowing, linear feature of similar nature along its length, the entirety of which is therefore likely to be functionally connected and biologically important for foraging terns.

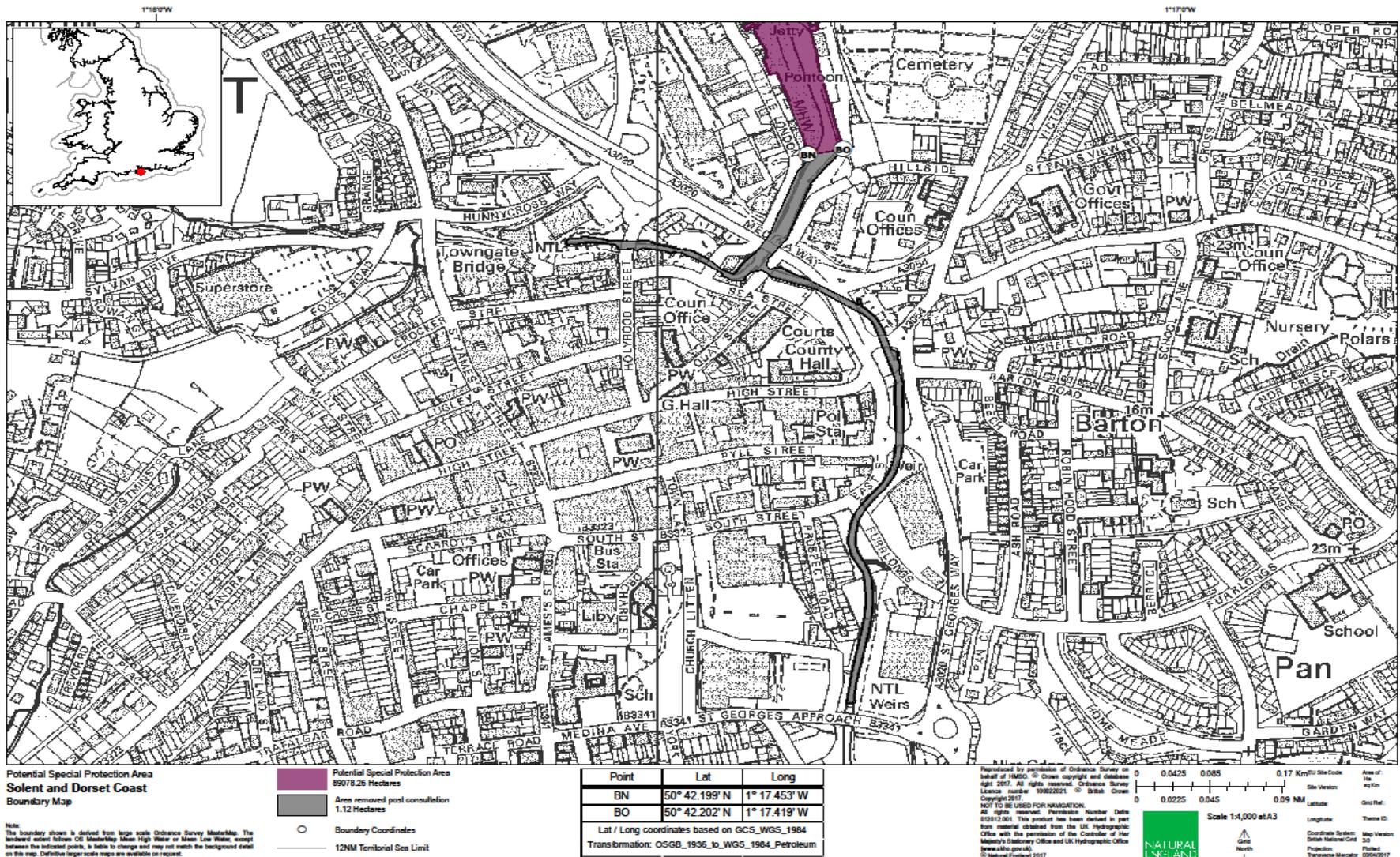


Figure 2. Map outlining area of the Upper Medina River recommended to be excluded from the Solent and Dorset Coast pSPA.

Appendix 5: Alternative boundary submitted by [REDACTED]

