

Annex 6: Poole Harbour potential Special Protection Area (pSPA)

Report of Consultation by Natural England

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Version Control

Version & Date	Drafted by	Issued to	Comments by
V1: 18/05/2016	Maxine Chavner & Sue Burton Marine Advisers	Hilary Crane Area 13 Senior Adviser	Hilary Crane
V2: 19/05/2016	Maxine Chavner Marine Adviser	SPA Project team, Richard Cook (Senior Adviser)	Richard Cook
V3: 20/05/2016	Maxine Chavner Marine Adviser	Fran Davies Area Manager	Fran Davies: Signed off and will be notified of any significant material changes prior to submission
V4: 10/06/2016	Maxine Chavner Marine Adviser	N2K Project Board	Jamie Davies (Natural England, Senior Responsible Officer) – comments provided Niall Malone (Defra) – no comments at this stage Kerstin Kober (JNCC) – no comments provided
V5: 17/06/2016	Maxine Chavner Marine Adviser	Jonathan Burney Marine Director	JB: Sign off provided based on proposed revisions
V6: 01/07/2016	Maxine Chavner Marine Adviser	Senior Leadership Team	Approval provided by SLT on 8 th July 2016 for report to proceed to Natural England Board.
V7: 11/07/2016	Maxine Chavner Marine Adviser	Natural England Board	Approval provided by NE Board on 20 th July 2016 to submit recommendations to Defra

Introduction

The purpose of this Consultation Report is to clearly set out all correspondence received by Natural England and the associated responses during the Poole Harbour potential Special Protection Area (pSPA) consultation, which ran from 21st January 2016 until 21st April 2016.

Table 1: Summary of responses

Site Name	Poole Harbour pSPA
Formal consultation period (13 weeks)	21 st January 2016 – 21 st April 2016
Total number of valid stakeholder responses	60*
Owners / occupiers	9
Relevant / competent authorities	12
Other organisations	10
Fisheries	2
Utilities	2
Anonymous / Individuals	25
Number of supporting responses	35
Number of supportive responses raising general enquiries or further information	6
Number of supportive responses raising specific queries regarding the boundary extension	5
Number of supportive responses raising socio-economic issues	3
Number of neutral responses	14
Number of objections	11**
Scientific evidence for boundary extension	10
Scientific evidence for additional bird features	6
Socio-economic issues	3
Number of consultees with outstanding objections	8***

***Two** stakeholders responded to the consultation via the online smart survey and via email. In this report these responses have been treated as **one response for each stakeholder**, as they duplicated their responses. Also, 49 nil responses from the online smart survey were discounted.

****Three** stakeholders were supportive of the additional features but objected to an aspect of the boundary extension. These are recorded as objecting responses.

*****Three** stakeholders responded via the online smart survey but left no reasoning for the objections or contact details. These objections could not be resolved and 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.

Poole Harbour pSPA consultation

The existing Poole Harbour SPA consists of intertidal areas of a large natural harbour, comprising of extensive tidal mudflats and saltmarsh together with associated reedbeds, freshwater marshes and wet grassland, including around Brownsea Island. The unusual micro-tidal regime gives the harbour characteristics of a lagoon. The north side is largely urbanised while the south and west areas abut the Dorset Heaths SPA where valley mire and heath habitats exist. Grazing marsh along the river valleys also contribute to supporting the overwintering waterbirds. Poole Harbour, both above and below Mean Low Water (MLW), is used by a large number of seabirds and waterbirds for foraging and roosting throughout the year.

The current SPA was classified in 1999 under the Birds Directive due to its Annex 1 breeding populations of common tern (*Sterna hirundo*) and Mediterranean gull (*Larus melanocephalus*) and over-wintering population of pied avocet (*Recurvirostra avosetta*), and its internationally important non-breeding populations of Icelandic black-tailed godwit (*Limosa limosa islandica*) and shelduck (*Tadorna tadorna*), and an assemblage of over 20,000 waterfowl. In 2001, a review of the UK SPA network also identified little egret (*Egretta garzetta*) as an additional qualifying species of the Poole Harbour SPA. Since this review, Eurasian spoonbill and Sandwich tern are also now regularly present in numbers exceeding the qualifying thresholds.

Recent surveys of an area of previously freshwater coastal grazing marsh at Lytchett Bay to the north of the existing SPA, which is now subject to tidal inundation following a natural breach of the embankment in 2013, have identified this area as important to existing and proposed bird features of the SPA. Count data have shown this area is used by a significant proportion of the existing and proposed features of the site. Therefore, this area constitutes the proposed landward boundary extension of the pSPA. In addition, the marine areas of the harbour below MLW provide an important feeding and roosting resource to the existing and proposed bird features. A large part of the sheltered muddy shore lies below MLW and this is an area of food resource for aggregations of non-breeding waterbirds. In addition, the areas of open water below MLW are essential for fish-eating species to feed and to rest, e.g. goldeneye, red-breasted merganser and cormorant, which Wetland Bird Survey (WeBS) counts (undertaken at low tide in Poole Harbour), have recorded as widespread in the Harbour. Furthermore, work carried out by the Joint Nature Conservation Committee (JNCC) has identified that several breeding tern species use the subtidal waters around their nesting

colonies on Brownsea Island in significant densities. Therefore, the Poole Harbour pSPA includes a terrestrial extension to the north of Lytchett Bay and a marine extension to include the subtidal area of Poole Harbour. The pSPA covers an area of 4,104.83ha which is 1,832.84ha larger than the existing SPA of 2,271.99ha.

The Consultation Process

A 13 week formal consultation was carried out on the site proposals from 21st January 2016 to 21st April 2016.

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

- The scientific case for the addition of three new bird features to the Poole Harbour SPA classification; and
- The scientific case for the classification of the pSPA

Socio-economic queries cannot be taken into consideration when deciding to classify the site. An assessment of socio-economic impacts for the site was undertaken before the consultation and is based on the current understanding of existing and planned activities occurring within the pSPA. As agreed by Defra, the 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 not developed.

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.

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 500 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 Poole Harbour pSPA, an explanation of the consultation process and ways to respond, and a map of the proposed boundary extension. 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.
- An A3 map of the existing SPA and proposed pSPA extension.

We were contacted by three owner / occupiers requesting paper copies of all the consultation documents and online survey. This package contained:

- Cover letter
- Consultation letter
- Consultation Summary document
- Departmental Brief
- A3 boundary map
- Consultation survey questions

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 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 [REDACTED] Dorset Wildlife Trust, Poole Harbour Steering Group, South Coast Fishermen's Council, RSPB, National Trust, and Poole Harbour Study Group. Natural England has also made every effort to be available to talk to 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.

Consultation Responses

Natural England contacted over 500 major stakeholders and known interested owner-occupiers in total. 60 stakeholders responded during formal consultation and of these 60 responses, 35 stakeholders were supportive, of which nine were supportive in principle but raised specific concerns. Of the three local authorities consulted, two were supportive of the proposals in principle with one raising specific points. One local authority objected to an aspect of the boundary extension.

In total, 11 stakeholders raised objections to the proposals. Five stakeholders objected to both the additional bird features and the boundary extension. Six stakeholders raised objections regarding only the boundary extension, specifically the inclusion of artificial features such as ports, marinas and drainage culverts. One of these six stakeholders supported the boundary extension but proposed a further extension to the boundary to encompass an additional parcel of saltmarsh. One stakeholder raised an objection to the three additional bird features only. Six¹ stakeholders raised concerns or queried socio-economic aspects.

The purpose of this report is to detail all correspondence received by Natural England and the associated responses during the Poole Harbour pSPA consultation.

¹ This figure includes both supporting (n=3) and objecting responses objecting (n=3).

Consultation Conclusions and Natural England's Advice to Defra

All stakeholder responses were collated and a scientific evidence panel, comprising of Local Advisers, Senior Advisers and Environmental Specialists, convened to re-evaluate the evidence for the proposed designations, in light of the information we received from consultees.

Natural England notes the concerns raised by a number of stakeholders regarding the generic modelling used for predicting areas of use by foraging tern species, and the subsequent inclusion of certain areas of the harbour within the proposed boundary extension.

Several stakeholders have requested the removal of these areas from the proposed boundary, including marinas, boatyards, commercial areas, ports, shipping channels and artificial drainage culverts.

Despite the outstanding objections, Natural England's advice is that the site should be classified:

- With an amended boundary: omitting the sections of the artificial Creekmoor and Fleetsbridge Channels upstream of the A350 dual carriageway to the north and north-east respectively, and with the addition of a 0.64 Ha area of saltmarsh at Harkwood, Holes Bay (see Annex 4 for further details);
- The SPA citation should be amended to incorporate the addition of three newly qualifying species: breeding Sandwich tern; non-breeding little egret; and Eurasian spoonbill because:
 1. The importance of the proposed subtidal and additional terrestrial and intertidal areas for both current features and the proposed features can be clearly demonstrated through bird count data. Whilst the generic modelling proposed a boundary based on the usage by foraging tern species, the whole of the harbour is utilised by the individual SPA features and those of the waterbird assemblage. To maintain this current demarcation across habitats is ecologically flawed.
 2. The data are sufficient to demonstrate the importance of the three proposed new bird features in terms of the JNCC SPA qualifying criteria.

Issues for Consideration by Defra

Natural England received 11 objections regarding Poole Harbour pSPA recommendations, including a proposal to extend the boundary. Eight of these objections may be considered as outstanding and for Defra's consideration. One neutral response highlights a request for Defra's consideration. Further detail is provided below:

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED], **resident**, with respect to the view that the main channel and north channel areas are too busy with commercial and pleasure users to enable enforcement through any further protection. Natural England outlined that due to evidence

showing that terns will forage in areas of high anthropogenic activity, including marinas and ports, we consider there is sufficient justification for including all subtidal areas of the eastern side of the harbour within the boundaries of pSPA and explained that the birds are already afforded a degree of protection in these areas outside of the current SPA boundary, in line with Article 3 of the Birds Directive, as authorities have had to consider the impact of any activities in these areas on the features of the SPA / pSPA. For a summary of these issues and how Natural England responded to the concerns, please refer to page 15 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED] **Fortitudo Property Ltd.** with respect to the inclusion of additional bird species as the consultee considers there is sufficient space for the birds without disrupting "Human Commercial Activity on the East side of the Harbour." He also disputes the scientific explanation for the boundary recommendations as it does not place enough emphasis of the "Commercial impact on Human advancement and Evolution of Commercial Activity." Natural England outlined that due to evidence showing that terns will forage in areas of high anthropogenic activity, including marinas and ports, we consider there is sufficient justification for including all subtidal areas of the eastern side of the harbour within the boundaries of pSPA and explained that the birds are already afforded a degree of protection in these areas outside of the current SPA boundary, in line with Article 3 of the Birds Directive, as authorities have had to consider the impact of any activities in these areas on the features of the SPA / pSPA. Natural England also clarified that socio-economics 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. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 15 & 16 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED] **Davis's Boatyard** with respect to the use of statistical modelling to 'capture all areas below mean high water' and the objection to the inclusion of Davis's Boatyard within the proposed extension. During formal consultation, Natural England engaged with [REDACTED] Davis's Boatyard via telephone and email in order to alleviate and resolve concerns prior to the end of the consultation period, by outlining that an extension of the SPA would not change the current advice we give to Regulators and the consents that we would give for activities that Davis's Boatyard undertakes in the Harbour. Despite this, an objection response was received with the same concerns reiterated. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 16 & 17 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED] **Marina Developments Limited (MDL)** with respect to the view that the statistical modelling employed by JNCC to define the extension is overly simplistic, leading to concerns that the boundary should not be defined by this modelling. MDL are of the belief that Cobbs Quay Marina is too far from the nesting colony in Brownsea to be utilised as foraging habitat for terns. Natural England discussed these concerns with MDL via email correspondence and telephone. We provided more detailed information about how the modelling work was undertaken and also provided a report of verification surveys carried out in 2015, which concluded that tern species will forage in areas of high

anthropogenic activity, including marinas. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 17-19 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by **the British Ports Association** and request for removal of port statutory limits, shipping channels and marinas should be excluded from all pSPA/SPA designations. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 19 & 20 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by [REDACTED] from **Borough of Poole**, with respect to concerns regarding the inclusion of two narrow artificial drainage culverts (Fleetsbridge and Creekmoor) within the pSPA boundary and requested the '*boundary of the SPA should follow the MHW mark along the edge of Holes Bay but then run across the mouth of each of these channels.*' Borough of Poole raised concerns regarding the inclusion of these two channels within the pSPA and an apparent inconsistency with the Sterte channel (a similar channel entering Holes Bay), which only includes the lower reaches below the carriageway which are contained within the existing SPA. It is proposed to draw back the pSPA boundary for the two culverts in-line with the Sterte Channel to include only the sections downstream of the dual carriageway (see Appendix 4 for further detail). For a summary of these issues and how Natural England responded to the concerns, please refer to pages 23 - 25 in the Detail of Consultation Responses table. A consensus regarding the exclusion of the drainage culverts in their entirety, as outlined in further correspondence received from [REDACTED] was not reached. Therefore, the objection raised by Borough of Poole should be considered as outstanding and for Defra's consideration.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by **Poole Harbour Commissioners (PHC)** with respect to the statistical modelling and in their view, a 'capture everything' approach. Their view is that commercial operations leave parts of the Harbour less valuable in habitat terms and 'at the very least' would like existing developments to the Port area, marinas, boatyards and shipping and sailing channels, and the immediate water hinterland of these, to all be excluded from the designation. They are also of the view that current management adequately manages the areas proposed in the pSPA extension. Natural England engaged with PHC via several face to face meetings, including providing presentations, and also via email in order to resolve the concerns raised by PHC prior to the end of the consultation period. Despite this, an objection response was received from PHC with the same concerns reiterated. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 25-27 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by **the Poole & District Fisherman's Association (PDFA)** with respect to their concerns that the pSPA may lead to an unreasonable restriction of fisheries in the future and their view that current management adequately protects the pSPA. The PDFA submitted an objection response on the grounds it is unnecessary and bird populations are increasing without the extra protection. They believe the method applied was based on risk and judgement rather than actual scientific evidence. Natural England engaged with the

Secretary of the PDFA, [REDACTED], and a member of PDFA, [REDACTED], via a face to face meeting to attempt to resolve these concerns. Despite this, the same concerns were raised as an objection by the PDFA at the end of the consultation. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 31 & 32 in the Detail of Consultation Responses table.

Natural England would like to highlight for Defra's consideration the request raised by [REDACTED] **Dorset Wildlife Trust** for an additional parcel of saltmarsh in western Holes Bay be considered for inclusion in the boundary, and that black-necked grebe and overwintering Sandwich tern be considered as additional potential features. Further evidence was provided by DWT including an aerial map of the saltmarsh in question and a list of the plant species present. Additionally, recent figures for non-breeding black-necked grebe observed in Poole Harbour, Studland Bay and Shell Bay and for overwintering Sandwich tern in Poole Harbour were provided (see Appendix 3 for further details). The request for the inclusion of Harkwood saltmarsh was referred to the Evidence Panel and a conclusion made that the area of saltmarsh was omitted in error during the original classification of the SPA in 1985 due to a mapping anomaly in the underlying SSSI. Therefore, Natural England recommend the pSPA boundary should be re-drawn to include this area of saltmarsh. With regard to the request for the addition of non-breeding black-necked grebe and non-breeding Sandwich tern, in 2001 the UK SPA & Ramsar Scientific Working Group decided that "there are no known concentrations of European importance for these grebe species" and as such it was not considered appropriate to identify SPA suites for this species. Furthermore, there are no available qualifying thresholds for overwintering Sandwich tern in the UK as they are only considered a migratory breeder or passage visitor. For a summary of these issues and how Natural England responded to the concerns, please refer to pages 29 & 30 in the Detail of Consultation Responses table and for further detail please refer to Appendix 4. Correspondence received on 2nd June 2016 from DWT confirmed that the inclusion of Harkwood Saltmarsh within the pSPA has resolved their issue.

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 stakeholder correspondence and meeting notes can be provided if necessary. 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 extension based on the scientific evidence
6.	Objection to boundary extension based on socio-economic reasons
7.	Objection to boundary extension, proposing additional land
8.	Objection to the additional bird features based on the scientific evidence

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				
<p>██████████ The Crown Estate</p>	<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
<p>██████████ Cobbs Quay and Harkwood saltmarsh</p> <p>Further correspondence received 31/05/2016</p>	<p>Broadly supportive of the proposals but raised the following queries regarding the inclusion of Cobbs Quay marina:</p> <ol style="list-style-type: none"> 1. Queried whether the intertidal mudflats covered and protected if at all 2. Noted the inclusion of Cobbs Quay pontoons and what this might mean <p>The stakeholder, as landowner of the Harkwood saltmarsh area, was re-consulted on 26/05/2016 for their views on the intention to include the area of Harkwood saltmarsh in the pSPA boundary (see Appendix 4 for further detail).</p>	2, 3	<p>Acknowledgement and detailed response sent.</p> <ol style="list-style-type: none"> 1. Clarified that the intertidal mudflats are within the current Poole Harbour SPA boundary and therefore protected. 2. Clarified that Cobbs Quay pontoons were included within the proposed pSPA boundary extension and provided information on the implications of this. Explained that Natural England currently advises authorities on the potential impacts of activities on areas outside of the current SPA (such as Cobbs Quay marina) that are important to the features of the SPA, in line with Article 3 of the Birds Directive. <p>Provided clarification regarding the inclusion of the marinas in the pSPA boundary and the modelling approach (referred to in the Departmental Brief)</p>	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>performed to inform the proposed boundary. Demonstrated the modelled approach indicates that usage by foraging terns in the marina areas 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. Demonstrated confidence in the robustness of the models' predictions of patterns of tern usage (verified through surveys in 2015) 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.</p> <p>Confirmed support for the inclusion of Harkwood Saltmarsh as proposed (see Appendix 4 for further detail).</p>	
<p>Resident</p>	<p>Supportive of the proposals.</p> <p>Sought further clarity on implications of the marine extension and how it would help with wildlife management.</p>	<p>2, 3</p>	<p>Acknowledgement and detailed response sent.</p> <ul style="list-style-type: none"> Clarified that the proposed extension of the current SPA boundary has improved monitoring of the bird features and their supporting habitat throughout the Harbour, while the extension will clarify the importance of the 	<p>None</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>whole Harbour, not just areas above MLW.</p> <ul style="list-style-type: none"> • Explained Natural England's role to advice relevant authorities in terms of potential impacts of activities for areas both inside and outside of the pSPA that are important to the features of the pSPA. • Provided examples of how Natural England engages with relevant authorities (e.g. Southern Inshore Fisheries & Conservation Authority, Dorset County Council and others), to improve management of activities that impact wildlife within the harbour. 	
<p>Resident</p>	<p>Supportive of the proposals although raised the following queries:</p> <ol style="list-style-type: none"> 1. Noted unable to locate information regarding the reasons for broadening the area from MLW to the entire harbour other than information that there is another pSPA for Poole Bay and the Solent. Noted it would be convenient to join the two designations together. 2. Noted could not find any information on how the SPA if approved would affect the area and the business conducted in the harbour, such as how will the change in status affect the yacht clubs within the harbour and the way that they maintain their havens, something that is 	<p>2, 3, 4</p>	<p>Acknowledgement and detailed response sent.</p> <ol style="list-style-type: none"> 1. Highlighted the text from the Departmental Brief and the Consultation Summary document explaining the justifications underpinning the proposals. 2. Referred to Article 3 of the Birds Directive and explained that as a result, there would be no change in the way impacts as a result of activities are considered. Explained the justification for inclusion of the marina areas within the proposed boundary and the modelling approach (referred to in the Departmental Brief) performed to inform the proposed boundary. 3. Provided clarification regarding the assessment of socio-economic impacts as a result of the proposals and referred to a paragraph in the consultation letter regarding the EU ruling that socio-economic cannot be considered when defining the boundaries for SPAs 	<p>None</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>done almost every couple of years.</p> <p>3. Enquired why further information from NE regarding the potential economic impact was not available</p>		Further clarified each issue via phone call with [REDACTED].	
<p>[REDACTED] Resident</p>	<p>Objecting to the scientific explanation for the boundary recommendations for the following reasons. Noted support of the scientific explanation for inclusion of additional bird species to the existing SPAs.</p> <ul style="list-style-type: none"> Proposed that the commercial eastern side is too busy to protect any further i.e. the main and north channels are too busy with commercial and pleasure users to enforce any further protection. 	2, 3, 4, 5	<p>Acknowledgement and detailed response sent.</p> <ul style="list-style-type: none"> Demonstrated the modelled approach indicates that usage by foraging terns in marina and shipping areas exceeds the maximum curvature thresholds and therefore included in the boundary recommendation. Demonstrated confidence in the robustness of the models' predictions of patterns of tern usage (verified through surveys in 2015) and satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process. Clarified that the evidence indicates that terns will forage in areas of high anthropogenic activity, including marinas and ports and therefore the inclusion of all subtidal areas of the eastern side of the harbour within the boundaries of pSPA is justified. Provided further information regarding current management in Poole Harbour through the measures contained within the Poole Harbour Aquatic Management Plan and the Poole Harbour Maintenance Dredging Protocol. 	Not explicitly stated but consultee may consider their issue to be current.
<p>[REDACTED]</p>	Objecting response for the following reasons:	5, 6, 8	Acknowledgement and detailed response sent.	Not explicitly stated but

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Fortitudo Property Ltd.	<ol style="list-style-type: none"> Does not accept the scientific explanation for the additional bird species as “there is sufficient space for the birds without disrupting Human Commercial Activity on the East side of the Harbour.” Does not accept the scientific explanation for the boundary changes as “it does not place enough emphasis of the commercial impact on human advancement and evolution of commercial activity.” 		<ol style="list-style-type: none"> Demonstrated the modelled approach indicates that usage by foraging terns in marina and shipping areas exceeds the maximum curvature thresholds and therefore included in the boundary recommendation. Demonstrated confidence in the robustness of the models’ predictions of patterns of tern usage (verified through surveys in 2015) and satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process. Clarified that the evidence indicates that terns will forage in areas of high anthropogenic activity, including marinas and ports and therefore the inclusion of all subtidal areas of the eastern side of the harbour within the boundaries of pSPA is justified. 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. 	consultee may consider their issue to be current.
<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> Davis’s Boatyard	Objecting response. Specifically objecting to the inclusion of Davis’s boatyard within the proposed boundary and raised the following concerns: <ol style="list-style-type: none"> Concerned that the generic model does 	5	Acknowledgement and detailed response sent. <ol style="list-style-type: none"> Demonstrated the modelled approach indicates that usage by foraging terns in the boatyard area exceeds the maximum curvature thresholds and therefore its inclusion in the boundary recommendation is justified. 	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>not determine foraging accurately and serves to capture all areas below MHW not previously included in the SPA.</p> <p>2. Noted they were not aware of any terns foraging within the extents of Davis's Boatyard.</p>		<p>Explained how the model does not 'capture all' areas where terns may forage, as the approach to define the final boundary (maximum curvature analysis) 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> <p>2. As well as outlined in Point 1, confirmed that verification surveys carried out in Northern Ireland, Wales and England confirmed the presence of foraging terns in every area in which they were predicted to occur which included very narrow, enclosed waterbodies such as marinas. Noted 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 we consider there is sufficient justification for including all subtidal areas of the harbour within the boundaries of pSPA.</p>	
<p>Marina Developments Ltd. (MDL)</p>	<p>Objecting response to the inclusion of Cobbs Quay Marina within the proposed boundary extension for the following reasons. Noted support for addition of new features to the existing SPA.</p> <p>1. Consider scientific rationale and</p>	<p>2, 5</p>	<p>Acknowledgement and detailed response sent. Addressed each concern raised relating to the modelling for both Poole Harbour pSPA and Solent & Dorset Coast pSPA:</p> <p>1. Demonstrated therefore that the model does not 'capture all' areas where terns may forage by displaying that the modelled approach indicates that usage by foraging</p>	<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>modelling overly simplistic and is a 'capture everything approach';</p> <ol style="list-style-type: none"> 2. No verification surveys carried out within Poole Harbour; 3. Only 3 covariates used and a "generic model"; 4. Assumes consistent habitat preferences between sampled and un-sampled tern colonies. 5. Indicated that both tern species would only forage close to Brownsea colony. 		<p>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 although field data was not collected for the pSPA (note: verification surveys originating from Poole Harbour SPA were carried out for the at sea distribution of birds for the Solent and Dorset Coast pSPA) verification surveys carried out in Northern Ireland, Wales and England confirmed the presence of foraging terns in every area in which they were predicted to occur which included very narrow, enclosed waterbodies such as marinas. Described 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 	

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>extensive field sampling.</p> <p>3. Clarified that only those co-variants 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 bathymetry). Other co-variants 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, i.e. habitat, as the locations in which birds were observed during the extensive field sampling.</p> <p>5. See responses to Points 1 & 2. Noted that verification surveys (for Solent & Dorset Coast pSPA) carried out during 2015, tracked the at sea distribution of birds originating from Poole Harbour SPA. The surveys indicated that both tern species originating from the breeding colonies on Brownsea Island forage several kilometres away from the immediate vicinity of the island, including Swanage Bay, outside the harbour entrance as well as within the harbour.</p> <p>Introduced proposed inclusion of Harkwood saltmarsh, owned by [REDACTED] / MDL.</p>	
<p>[REDACTED] British Ports Association</p>	<p>Objecting response and requested removal of port limits, marinas, shipping channels from all pSPAs/SPAs.</p>	<p>5</p>	<p>Acknowledgement and detailed response sent.</p> <p>Demonstrated the modelled approach indicates that usage by foraging terns of areas such as port limits and shipping</p>	<p>Not explicitly stated but consultee may consider their</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	Further discussion with BPA and other port stakeholders took place on 8 th June 2016. All points of concern were discussed.		<p>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 in 2015) 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.</p> <p>Discussions on the 8th June resulted in consensus to develop site-specific agreements between NE and Port authorities to facilitate outcomes-focussed discussions regarding future management of port activities if required. Discussions are ongoing.</p>	issue to be current.
B: Relevant / Competent authorities				
 Trinity House	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 	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 	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	lighthouses, navigation beacons, etc.) from pSPA boundaries on a maintenance/emergency procedure basis.		maintenance & emergency procedures which are considered to be minimal.	
<p>██████████</p> <p>Southern IFCA</p>	<p>Neutral response. Provided the following comment:</p> <p>Highlighted the high economic importance and social value of fishing activities within Poole Harbour and believe that consideration should be given as to how these would be affected by the protection of additional species and areas. Noted that when considering any potential economic impacts of classifying the Poole Harbour pSPA, it is also important to consider any additional management costs that may be incurred by the Authority.</p>	1, 4	<p>Acknowledgement and detailed response sent.</p> <p>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. There are examples of other SPAs (e.g. Liverpool Bay SPA, Outer Thames SPA) located in areas that are highly important in commercial terms where activities are managed accordingly.</p>	None
<p>██████████</p> <p>Marine Management Organisation</p>	Neutral response.	1	Acknowledgement provided	None
<p>██████████</p> <p>Purbeck District Council</p>	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes. Raised the following queries	2, 3, 4	<p>Acknowledgement and detailed response sent.</p> <p>1. Clarified that we do not consider the current activities outlined, to be a cause for concern to the bird features of Poole Harbour. Noted that future activities / developments</p>	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<ol style="list-style-type: none"> 1. Requested further information on potential impacts as a result of the pSPA on water-based transport, economic activities and recreational activities. 2. Requested further information on the potential effects of the pSPA to Lytchett Bay, particularly impacts on future economic development, commercial development and impacts to residents whose properties abutted the pSPA. Specifically queried likely planning restrictions as a result of the pSPA for structures abutting and entering the sea. 		<p>such as additional landing structures would need to consider the potential impacts on the Poole Harbour pSPA and its features which would require consideration on a case by case basis as is the current practice with the existing SPA.</p> <ol style="list-style-type: none"> 2. See Point 1. Clarified that activities which may directly affect the bird features, or affect their supporting habitat, would need to be considered. Directed stakeholder to Poole Harbour Aquatic Management Plan and the Poole Harbour Site Improvement Plan to refer to with respect to the types of activities that may impact the features of Poole Harbour SPA (including the pSPA area) and information on the approach being taken to manage these activities. <p>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 Poole Harbour pSPA be classified.</p> <p>Clarified that within and around the margins of Poole Harbour, increasing recreational pressure is an ongoing issue and a strategic approach is now in place with Borough of Poole and under discussion with Purbeck. The approach is intended to provide authorities with a mechanism to permit residential development to continue. Clarified that the pSPA will not change Natural England's advice regarding recreational management in Poole Harbour but will help clarify that the whole of the Harbour,</p>	

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			not just areas above MLW, are important to the bird features of the SPA.	
<p>██████████ Purbeck District Council</p>	<p>Supportive response</p> <p>Requested clarification of the data which justifies the inclusion of French's Farm within the extended pSPA boundary.</p> <p>Further correspondence noted that the area is clearly of considerable importance to a number of species, particularly greenshank, black-tailed godwit, lapwing and redshank, with actual numbers of teal also high.</p>	2, 3	<p>Acknowledgement and detailed response sent.</p> <p>Provided a summary of figures to illustrate the importance of this new area for the existing and proposed SPA features, including French's Farm, Poole Harbour, and provided an indication of the numbers of bird features that regularly use this area.</p>	None
<p>██████████ Borough of Poole</p>	<p>Neutral Response</p> <p>Requested confirmation that all land owner / occupiers had been informed.</p>	3	<p>Acknowledgement and detailed response sent.</p> <p>Provided confirmation that all land owner / occupiers had been informed of the proposals.</p>	None
<p>██████████ Borough of Poole</p> <p>Further correspondence received on 02/06/2016</p>	<p>Objecting response.</p> <p>Questioned the validity of the modelling in determining the boundary for two artificial drainage culverts which flow into Holes Bay. Suggested it is inappropriate to include the channels (Fleetsbridge and Creekmoor) in the pSPA boundary and that the boundary of the pSPA should follow the MHW mark along the edge of Holes Bay and then cut</p>	5	<p>Acknowledgement and detailed response sent.</p> <p>Following further deliberation (as outlined in Appendix 4) Natural England recommends that the pSPA boundary for the culverts in question is drawn across the channels below the dual carriageway, rather than at Mean High Water, and include only the sections downstream of the dual carriageway. The canalised nature of the two culverts and lack of connectivity with the adjoining water body as they are up-stream of a dual carriageway overpass, indicates the channels, upstream of the</p>	Consultee considers their issue to be current.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>across the mouth of each of these channels. Submitted bird sightings data to support case.</p> <p>Further correspondence indicates the proposed boundary revision (as outlined in Appendix 4) does not address the stakeholders concerns adequately. Believes that none of the outfall channels should be included in the pSPA boundary. Considers that the inclusion of Sterte channel in the existing SPA boundary was a mapping error in the original SPA as the area is a heavily modified channel with steel piled walls and concrete base.</p>		<p>southern edge of the road, are unlikely to be of significant biological value as a supporting habitat for the current or proposed features of the pSPA.</p> <p>Natural England maintains the view that the area of culverts in question (as outlined in Appendix 4) do not provide suitable foraging habitat for tern species. In terms of the culvert areas which flow immediately into Holes Bay (from the carriageways towards the bay) these are immediately connected to the wider water body. Verification surveys carried out in Northern Ireland, Wales and England confirmed the presence of foraging terns in very narrow, enclosed waterbodies. Furthermore, scientific evidence indicates that terns do forage in areas of shallow water including areas of shallow water and over intertidal flats when inundated and even in pools located in intertidal areas when the tide is out.</p>	
<p> Borough of Poole</p>	<p>Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.</p> <p>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</p>	<p>2, 4</p>	<p>Acknowledgement and detailed response sent.</p> <p>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. Noted, there are examples of other SPAs (e.g. Liverpool Bay SPA, Outer Thames SPA) located in areas that are highly important in commercial terms where activities are managed</p>	<p>None</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	of the town's regeneration objectives.		accordingly.	
 Dorset County Council	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
 Poole Harbour Commissioners	<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 commercial operational elements within the Harbour 	4, 5, 6, 8	<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 and sailing channels and the immediate water hinterland within the 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>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> <ol style="list-style-type: none"> 4. Believe Poole Harbour and Poole Bay are adequately and efficiently managed through various existing control mechanisms. 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. 6. Noted particular concerns regarding the proposed extension to the Poole Harbour SSSI, which they understand will be out for consultation shortly, and believe that should have been carried out in parallel with the proposed SPA. 		<p>of pSPA.</p> <ol style="list-style-type: none"> 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. Provided examples of other SPAs (e.g. Liverpool Bay SPA, Outer Thames SPA) located in areas that are highly important in commercial terms where activities are managed accordingly. 4. Addressed concerns that current management measures adequately address impacts of activities occurring in Poole Harbour and Poole Bay. 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. 	

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			6. Comments as to the process acknowledged. Communication is ongoing regarding concerns about the SSSI designation.	
Historic England	Neutral response. No specific advice or other comment provided given their specific responsibilities for the historic environment.	1	Acknowledgement sent.	None
Department of Energy and Climate Change	Neutral response.	1, 3	Acknowledgement sent.	None
C. Other organisations				
Royal Yachting Association (RYA)	Neutral response. 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	Acknowledgement and thanks sent. Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability of terns to forage within the pSPA.	None
RSPB Further communication	Supportive response. Welcomes and strongly supports the proposed additional bird features for the pSPA. Welcomes and strongly supports the proposed modifications to include all marine habitats within the harbour. The following comments	2, 3	Acknowledgement and detailed response sent. Data requested. 1. Natural England contacted RSPB on 24/04/16 regarding the request to include Whimbrel Field within the pSPA explaining that data to support this request would be	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
received from on 18/05/2016	<p>were made:</p> <ol style="list-style-type: none"> 1. The RSPB supports the inclusion of parts of French's Farm within the pSPA. Considers there is a potential argument for a larger area of French's Farm to be included in the proposed extension. This request focused on an area of improved grassland known as Whimbrel Field. The proposal involves linking the main proposed extension of the western portion of French's Farm with the small isolated parcel located south of the sewage works. 2. Clarified that the RSPB is tenant and manager of the site and not the owner as indicated in Annex 2 of the site recommendations (Departmental Brief) which is also repeated in Annex 4 (Implementation of Evidence Standards). 		<p>required within three weeks to enable ornithologists to consider the case for amending the pSPA. During a follow up phone call on 4/05/16, Natural England clarified that the area would be less suitable as a supporting habitat for the bird features as it was improved grassland on higher ground and reiterated that we require any supporting data to be submitted by 13/05/2016. No data has been forthcoming, RSPB are content for the pSPA to go forward with the original boundary</p> <ol style="list-style-type: none"> 2. Acknowledged the error in the site recommendations in terms of landowner. 	
[REDACTED], Birds of Poole Harbour	<p>Neutral response.</p> <p>Requested permission to include details of pSPA on his website with links to consultation pages. Also provided additional spoonbill data.</p>	3	<p>Acknowledgement and detailed response sent.</p> <p>Permission provided. Noted the additional spoonbill data submitted further supports the recommendations.</p>	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>[REDACTED], RNL</p>	<p>Neutral response</p> <p>Queried potential effects of pSPA proposals on RNL operations. Noted the proposed boundary runs directly in front of the Poole Harbour RNL station and along vessel channels frequently used. Requested clarification what it might mean for maritime operations and navigation and on a day to day basis.</p>	3	<p>Acknowledgement and detailed response sent.</p> <p>Outlined that the pSPA extension would not change the current advice we provide to regulators and the consents we provide for activities that the RNL undertake in the Harbour. Noted that NE already advises authorities to consider the impact of activities on areas outside of the SPA in the Harbour that are important to the features of the SPA, in line with Article 3 of the Birds Directive. Explained the extension of the current Poole Harbour SPA boundary will improve monitoring of the bird features and their supporting habitat throughout the Harbour while the extension will help clarify that the whole of the Harbour including area above MLW are important to the bird features of the SPA.</p>	None
<p>[REDACTED], Dorset Wildlife Trust Further correspondence received 02/06/2016</p>	<p>Neutral response. Supportive of additional features and seaward and landward boundary extensions. Raised the following points:</p> <ol style="list-style-type: none"> Proposed an area of saltmarsh for inclusion within the pSPA boundary at Harkwood (Holes Bay). Provided further information on this area, including maps and species. Proposed the addition of overwintering black-necked grebe and Sandwich tern as features of the pSPA. Provided bird counts for both species and the areas 	2, 3, 7	<p>Acknowledgement and detailed response sent.</p> <ol style="list-style-type: none"> Following further deliberation (as outlined in Appendix 4) Natural England recommends that the area of Harkwood saltmarsh should be included in the recommendations as the area provides additional supporting habitat for all current features of the existing SPA and proposed features of the pSPA Reiterated previous correspondence provided during informal dialogue stage, which outlined the qualifying criteria for species in order to be considered for inclusion as a feature. Provided the JNCC SPA selection criteria. Also stated JNCC's position on the identification of SPAs for black-necked grebe in the UK. 	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	that they utilise. 3. Provided information about the recent establishment of a breeding Mediterranean Gull colony on Brownsea Island and breeding pair figures for common and Sandwich tern in 2015.		3. Thanks sent for additional and updated data on Mediterranean Gull nesting on Brownsea. Respondent provided acknowledgement that the recommendation to include Harkwood Saltmarsh within the pSPA has resolved their boundary concern. Additionally, provided clarification regarding their support for the recommendations.	
██████████, Dorset Wildlife Trust	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Dorset Bird Club	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Bournemouth University	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, East Dorset Friends of the Earth	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes	2	Acknowledgement sent.	None
██████████, Pegasus Group	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
D: Fisheries				
██████████, National	Neutral response. Assumed that no additional management	1	Acknowledgement and detailed response sent.	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Federation of Fisherman's Organisations (NFFO)	measures for fisheries activities are expected to be proposed in the area.		Confirmed that the assessment of socio-economic impacts assumed no additional costs to the sector from the classification of the pSPA	
 Poole & District Fisherman's Association (PDFA)	Objecting response on the following grounds: <ol style="list-style-type: none"> 1. Challenged the idea that scientific evidence implies that more regulation and protection is needed beyond that which is very effectively provided already by the Southern Inshore Fisheries & Conservation Authority and Poole Harbour Commissioners, with Natural England advice in the context of the existing conservation designations. 2. Method seems to revolve around risk and judgment rather than actual scientific evidence. Noted that evidence indicates that the natural Harbour and its fisheries are coexisting very successfully. 3. Noted that the addition of little egret as a new feature for example supports Point 2. This also demonstrates how an increase in bird numbers can lead over time to more and more restrictions on activities which are demonstrably 	5, 6, 8	Acknowledgement and detailed response sent. <ol style="list-style-type: none"> 1. Agreed the management of Poole Harbour SPA by the relevant authorities has been exemplary through measures contained within the Poole Harbour Aquatic Management Plan and the Poole Harbour Maintenance Dredging Protocol. Explained that current management measures adequately address impacts of activities occurring in Poole Harbour and Poole Bay. 2. Clarified that the model-based approach to defining the areas important to foraging terns is 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) that share the same characteristics as the locations in which birds were observed during the extensive field sampling. The cross validation of the final generic modelling compared data from one set of sites with another set of sites and confirmed the model was a good fit to independent data. 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 that was 	Not explicitly stated but consultee may consider their issues to be current.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>harmless to those birds.</p> <p>4. Noted that over-designation can run in irrational directions at the expense of sustainable fishing activity which is of great importance to the local community.</p> <p>5. Concerned that if the pSPA is classified, conservation NGOs will have direct recourse to the European Court of Justice.</p> <p>6. Indicated that the extent of the existing SPA is effective in protecting the features while at the same time accommodating traditional fisheries, specifically under 10m boats.</p>		<p>disproportionate to the importance of the areas for the birds. The model therefore does not capture all areas where terns may forage.</p> <p>3. Explained that a designation is recommended depending upon its importance for its species and habitats. Further 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>4. Reiterated that socio-economic factors cannot be taken in to account when classifying a SPA but clarified an SPA classification does not aim to stop or restrict activities occurring within the site.</p> <p>5. Comment acknowledged.</p> <p>6. See Point 3. Explained that birds using Poole Harbour do not differentiate between the areas above and below MLW and that the whole of the harbour is important to the birds. Demonstrated for example, that ducks and terns feed both over the open water and upon the seagrass in Poole Harbour. The scientific recommendations to the current Poole Harbour SPA boundary, demonstrates that the whole of the Harbour, not just areas above MLW, are</p>	

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			important to the bird features of the SPA.	
E: Utilities / Industry				
██████████, Southern Electric Power Distribution (SSE)	Neutral response Verified that proposed extension would not impact on their statutory duties.	1	Acknowledgement sent.	None
██████████, Wessex Water	Neutral response Raised concerns regarding their ability to carry out statutory duties and extra costs associated with carrying out any additional Appropriate Assessments.	3, 4	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. Clarified it would be 'business as usual' for their operation.	None
F: Anonymous / Individuals				
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Objecting response. Does not accept the scientific explanation for the additional bird species and the boundary changes.	5, 8	Acknowledgement sent, unable to respond in detail as contact details not provided.	None
Anonymous,	Supportive response. Accepts the scientific	2	Acknowledgement sent.	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Smart Survey	explanation for the additional bird species and the boundary changes.			
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Objecting response. Does not accept the scientific explanation for the additional bird species and the boundary changes.	5, 8	Acknowledgement sent, unable to respond in detail as contact details not provided.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2, 3	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2, 3	Acknowledgement sent.	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Smart Survey	explanation for the additional bird species and the boundary changes.			
██████████ Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2, 3	Acknowledgement sent.	None
██████████ Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2, 3	Acknowledgement sent.	None
██████████ Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2, 3	Acknowledgement sent.	None
██████████, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species and the boundary changes.	2	Acknowledgement sent.	None
██████████, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species.	2	Acknowledgement sent.	None
Anonymous, Smart Survey	Objection response. Does not accept the scientific explanation for the additional bird species.	8	Acknowledgement sent, unable to respond in detail as contact details not provided.	None
Anonymous,	Supportive response. Accepts the scientific	2	Acknowledgement sent.	None

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Smart Survey	explanation for the additional bird species.			
Anonymous, Smart Survey	Supportive response. Accepts the scientific explanation for the additional bird species.	2	Acknowledgement sent.	None

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 ¹ or Selection Assessment Document ²) 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

¹Departmental Briefs (for Special Protection Areas and Ramsar sites)

²Selection Assessment Documents (for Special Conservation Areas)

Part A – In the first instance the scientific case is developed and presented to the Chief Executive (and the Senior Leadership Team²) 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.

²For 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

Q1: Do you accept the scientific explanation for the additional bird features proposed to be added to the Poole Harbour SPA?

Q2: Do you have any additional information that is not included in the Departmental Brief about the distribution and/or populations of:

- Little egret?
- Eurasian spoonbill?
- Sandwich tern?

Q3: Do you have any further comments on the scientific rationale behind the proposal to add three new bird features to the Poole Harbour SPA?

Q4: Do you accept the scientific explanation for the proposed boundary changes to the Poole Harbour SPA?

Q5: Do you have any additional information that is not included in the Departmental Brief about the distribution and/or populations of:

- Little egret?
- Eurasian spoonbill?
- Sandwich tern?
- Common tern?
- Mediterranean gull?
- Black-tailed godwit?
- Shelduck?
- Avocet?
- Non-breeding waterbird assemblage?

Q6: Do you have any further comments on the scientific rationale behind the boundary changes proposed for the Poole Harbour SPA?

Appendix 3: Additional data received post-consultation

Dorset Wildlife Trust

██████████ at the Dorset Wildlife Trust has stated that Gull Island was not the only place where Mediterranean gull bred and provided data for breeding Mediterranean gull on Brownsea Island. DWT also provided a map of Harkwood saltmarsh including a list of the saltmarsh plant species present. Recent figures were provided for numbers of black-necked grebe observed within the Harbour and neighbouring bays outside of the Harbour and also of overwintering Sandwich tern observed within the Harbour.

Birds of Poole Harbour

██████████, from the organisation Birds of Poole Harbour, provided count data for the Eurasian spoonbill that demonstrated the population in Poole Harbour was the largest overwintering non-breeding population in Great Britain not the second largest as stated in the Departmental Brief. This was verified through the acquisition of BTO WeBS data for Eurasian spoonbill at Poole Harbour and North Norfolk Coast, the site that holds the largest non-breeding summer population.

Borough of Poole

██████████ provided information about the characteristics and habitat quality, including photographs, of the artificial Fleetsbridge and Creekmoor drainage culverts at that enter north-east Holes Bay under the A350. Borough of Poole also submitted the results of short bird survey of the Fleetsbridge, Creekmoor and Sterte Channels and a summary of casual observations of Sandwich and common terns in Holes Bay and Lytchett Bay.

Appendix 4: Proposed amendments following the formal consultation

The Poole Harbour pSPA boundary as proposed for formal consultation can be found in Figure 3. The amended boundary following formal consultation as detailed below can be found in Figure 4.

The Poole Harbour pSPA should go forward for formal classification using an amended marine boundary:

1. Harkwood saltmarsh, Holes Bay

The boundary will be amended to include a small area (0.65 Ha) of saltmarsh to the west of Holes Bay (Harkwood Saltmarsh). The saltmarsh is part of a larger area of saltmarsh to the west of Holes Bay and appears to have been excluded as a result of a mapping error during the original classification of the SPA in 1985.

During Natural England's consultation, regarding the proposed amendments to Poole Harbour SPA, Dorset Wildlife Trust brought to our attention a small area of saltmarsh to the west of Holes Bay (Harkwood saltmarsh), which is not included within the existing SPA. Saltmarsh within Poole Harbour (other than this area) is included in the current SPA due to its importance as a supporting habitat for roosting birds which are features of the existing SPA. A recent survey of roosting sites within the SPA in 2015 recorded black-tailed godwit (SPA bird feature) and redshank (component of the non-breeding waterbird assemblage) to be roosting in saltmarsh neighbouring this area of saltmarsh and there is no reason not to believe that Harkwood saltmarsh also supports these roosting birds. Teal are also known to feed on the seeds of saltmarsh plants. With significant saltmarsh loss occurring in Holes Bay and across the Harbour, the remaining saltmarsh will become increasingly important for supporting roosting birds of the SPA.

In addition, the Poole Harbour European Marine Site Regulation 33 package highlights the importance of saltmarsh as supporting habitat for all current features of the SPA, including those of the waterbird assemblage.

3.4.1 Key sub-features

Saltmarsh Communities - This habitat is of importance for providing roosting, feeding and nesting habitat. Upper saltmarsh is of importance as nesting habitat for both common tern and Mediterranean gull, whilst saltmarsh habitats, and in particular the associated creeks are also used as a feeding area by Mediterranean gull. Saltmarsh provides ideal high-water roosts for all of the annex 1 species.

3.5.1 Key sub-features

Saltmarsh Communities - Upper and lower saltmarsh provide important feeding areas for the internationally important assemblage of waterfowl and its qualifying species. Upper saltmarsh in particular also makes ideal high-water roost sites. Dark-bellied Brent geese and teal feed on saltmarsh plants and their seeds.

Natural England area therefore minded to include this area on the basis that the omission of this area of saltmarsh during the original classification appears to be a mapping anomaly and the area provides an important supporting habitat for birds of the SPA. Therefore, it is proposed that the boundary is amended to include this area of saltmarsh within the pSPA as defined by the attached map (Figure 1).

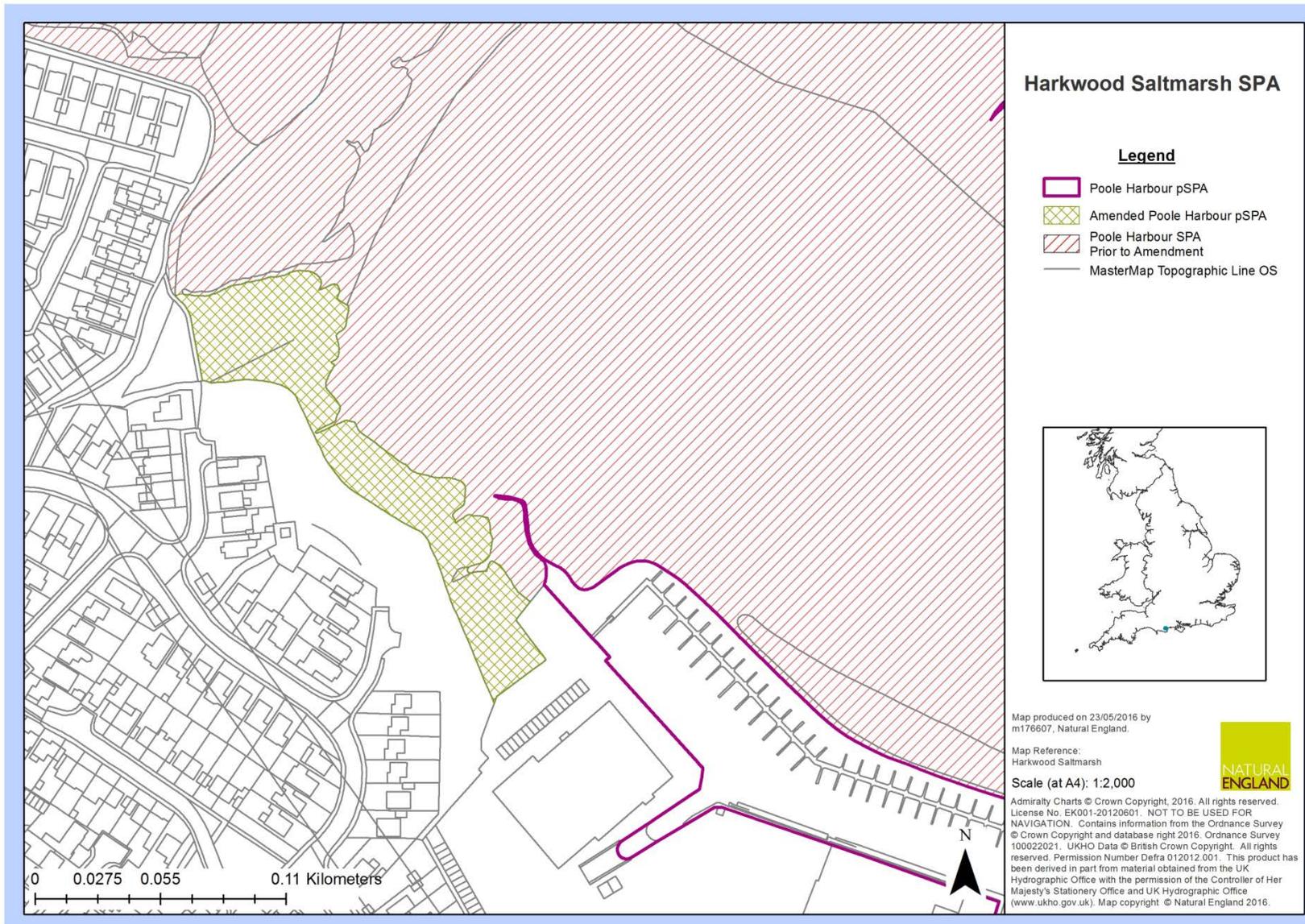


Figure 1. Map outlining area of Harkwood saltmarsh for inclusion within the Poole Harbour pSPA.

2. Fleetsbridge and Creekmoor Channels, Holes Bay

Two artificial drainage culverts leading into the northern end of Holes Bay are to be excluded from the pSPA. The Creekmoor and Fleetsbridge Channels are narrow straight-sided canalised culverts lined by concrete and/or sheet-piling; one of the channels carries water flowing from the sewage treatment works. Within a few metres of their outfall to the harbour, they pass under a dual carriageway (the A350) creating a tunnel underneath of only few metres in height.

Given the canalised nature of these two culverts and that they are totally enclosed areas separated by a significant road barrier, passing under the A350 within a few metres of joining the harbour, expert opinion indicates these channels, upstream of the southern edge of the road, are unlikely to be of significant biological value as a supporting habitat for the current or proposed features of the pSPA. It is therefore recommended to draw the pSPA boundary across the channels below the dual carriageway, rather than at Mean High Water, and include only the sections downstream of the dual carriageway (Figure 2). This will ensure consistency with a third drainage culvert within Holes Bay, the Sterte channel, where the existing SPA only includes the lower reaches of the culvert downstream of the dual carriageway.

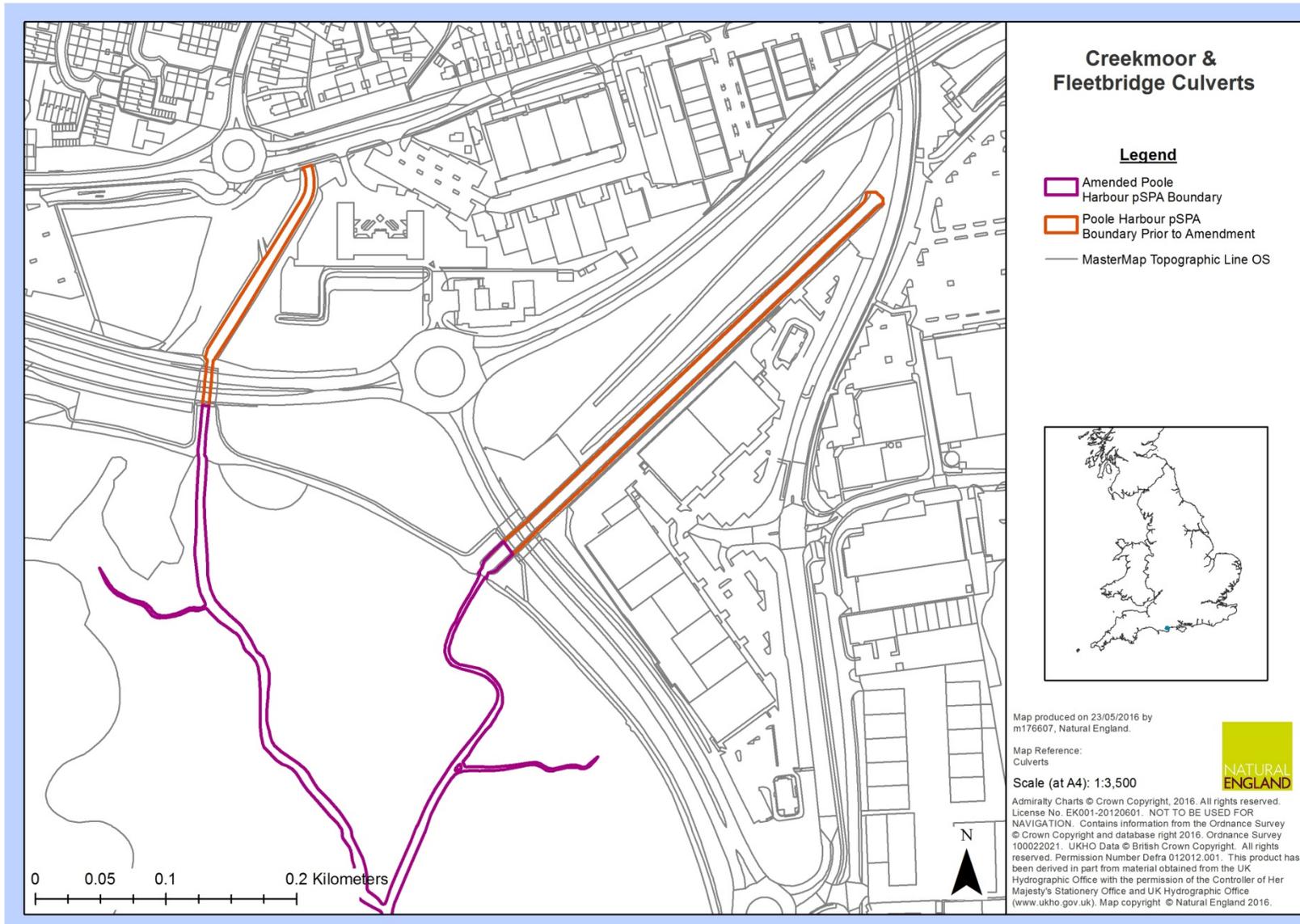


Figure 2. Map outlining amendments to the Poole Harbour pSPA boundary, excluding Creekmoor and Fleetsbridge drainage culverts from the southern edge of the A350 dual carriageway to Mean High Water.

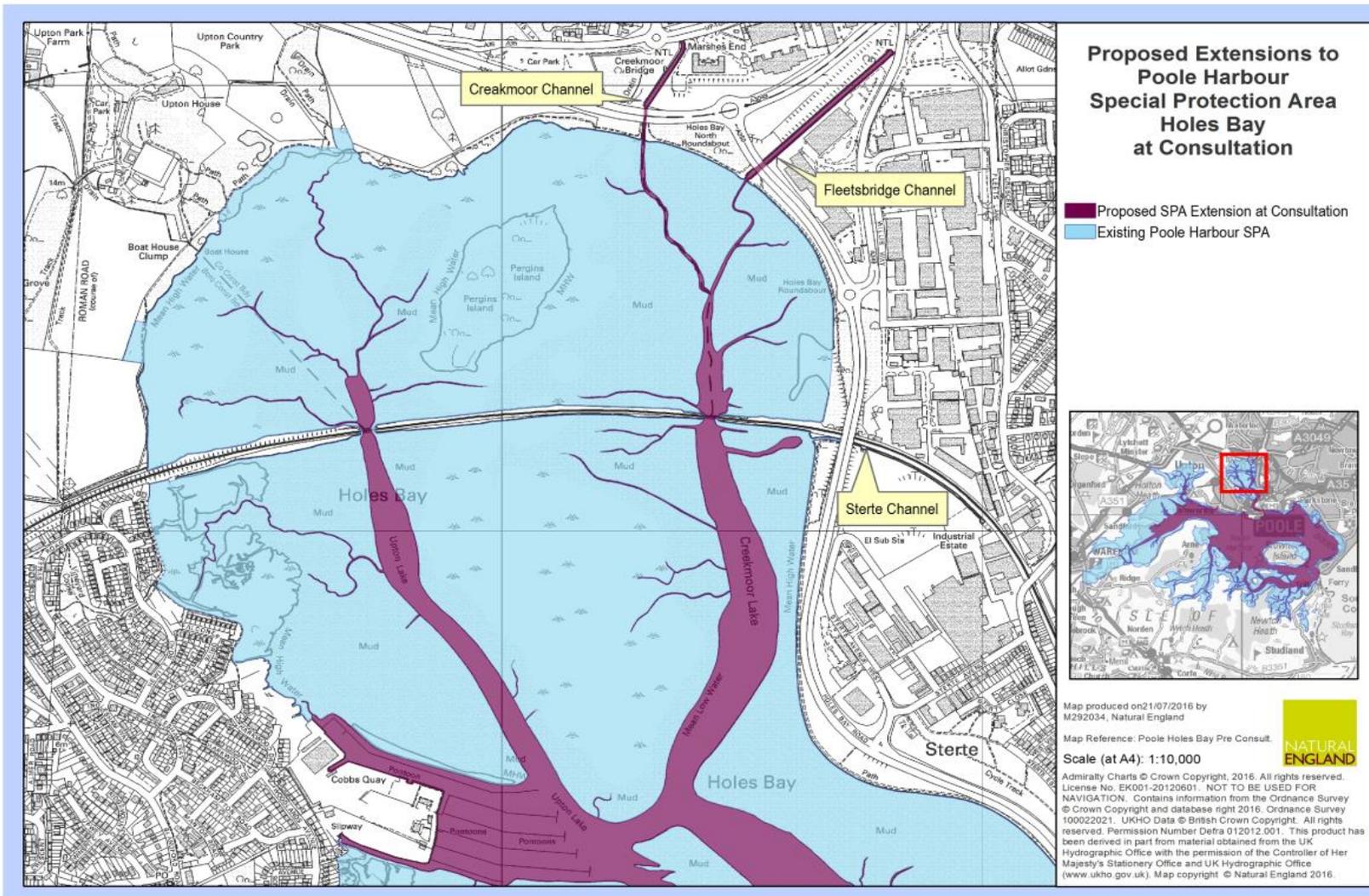


Figure 3: Map displaying the Poole Harbour pSPA boundary as presented during formal consultation.

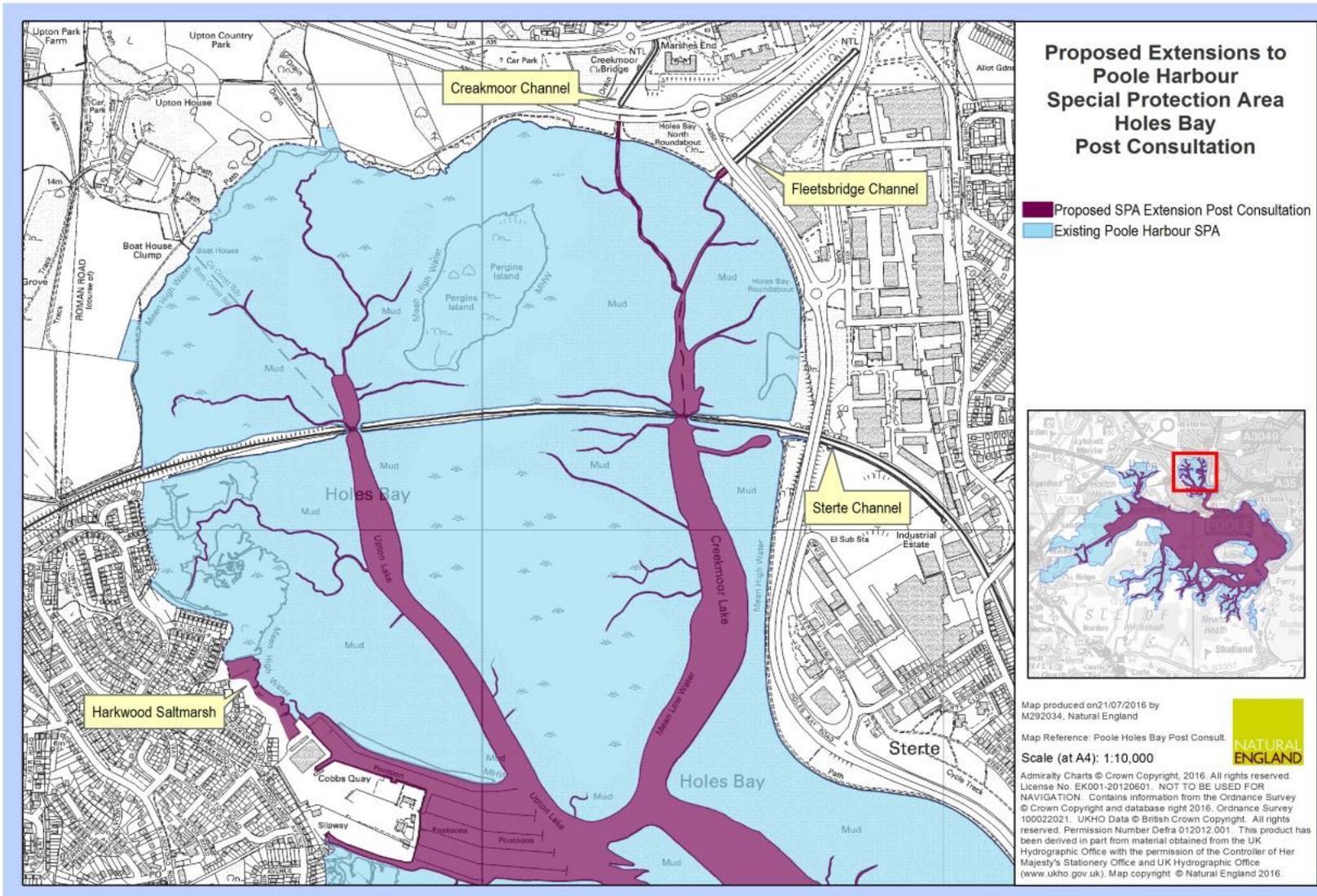


Figure 4: Map displaying the proposed Poole Harbour pSPA following formal consultation which includes proposed boundary amendments.