

Potential marine extension to the Outer Thames Estuary Special Protection Area (SPA)

Report of Consultation by Natural England and the Joint Nature Conservation Committee

Contents

Version Control	2
Introduction	3
Table 1: Summary of responses	3
Background.....	4
Outer Thames Estuary pSPA consultation.....	4
The Consultation Process	5
Raising awareness about the Consultation	5
Consultation Responses	6
Consultation Conclusion and Advice to Defra	6
Detail of Consultation Responses	9
Table 2: Response categories	9
Table 3: Consultation responses	10
A. Owners and occupiers	10
D. Members of the public and unsolicited responses.....	39
Appendix 1a: Non-Financial Scheme of Delegation within Natural England	40
Appendix 1b: Schedule of Delegation within JNCC	41
Appendix 2: Consultation Questions	45
Appendix 3: RSPB contemporary data query	46

Version Control

Version & Date	Drafted by	Issued to	Comments by
V1: 08/08/2016	Miriam Parish	Ingrid Chudleigh, NE Area Team Senior Marine Adviser	Ingrid Chudleigh
V2: 10/09/2016	Miriam Parish	Richard Cook, Natura 2000 Senior Adviser & Ingrid Chudleigh	Ingrid Chudleigh & Richard Cook
V3: 18/08/2016	Miriam Parish	Helen Ward, NE Area Manager in West Anglia Area Team & Jim Robinson, NE Natura 2000 Senior Adviser	Helen Ward & Jim Robinson
V4: 19/08/16	Miriam Parish/ Richard Cook	NE SPA Project SRO: Jamie Davies JNCC: Julie Black, Senior Marine Ornithologist Kerstin Kober, Senior Seabird Ecologist Jon Davies, MPA Programme Leader	Jamie Davies Kerstin Kober Julie Black JNCC MPA Programme Leader approval provided 27 Sept 2016 JNCC Director Marine Operations endorsement provided 11 Oct 2016
V5: 09/09/16	Miriam Parish/ Emily Kirkham	Marine N2K Board	Sam King (NE Senior Responsible Officer)
V6: 03/10/16	Miriam Parish	Marine Director	Jonathan Burney Approval provided 4 Oct 2016 subject to minor amendments
V7: 07/10/16	Miriam Parish	Chief Officer, Strategy & Reform	Alan Law Approval provided 7 Oct 2016
V8: 13/10/16	Miriam Parish	Senior Leadership Team	Approved 18 Oct 2016
Final Version	Miriam Parish	Natural England Board	Approved 7 Dec 2016

Introduction

The purpose of this Consultation Report is to set out all correspondence and the associated responses received by Natural England and the Joint Nature Conservation Committee (JNCC) during the formal consultation for a marine extension to the Outer Thames Estuary Special Protection Area (SPA) which ran from 21st January 2016 to 14th July 2016. The site has both inshore and offshore elements and is therefore considered a joint site with the JNCC. Whilst Natural England led on the consultation process given it is largely an inshore site, the advice regarding the site and its designation is deemed joint advice provided to Defra from both Natural England and the JNCC.

Table 1: Summary of responses

Site Name	The Outer Thames Estuary pSPA marine extension
Formal consultation period (25 weeks)	21st January 2016 – 14th July 2016
Total number of stakeholder responses	49
Organisations	26
Individuals/Unsolicited	9
Relevant/competent authorities	14
Number of supporting responses	19
Number of supportive responses that raise scientific concerns/queries	3
Number of supportive responses that raise socio-economic concerns/queries	6
Number of supportive responses that raise socio-economic and scientific concerns/queries	2
Number of general enquiries/neutral responses	25
Number of neutral responses that raise scientific concerns/queries	1
Number of neutral responses that raise socio-economic concerns/queries	12
Number of neutral responses that raise both scientific and socio-economic concerns/queries	1
Number of objections	5
Number of objections which raise scientific concerns/queries	0
Number of objections which raise socio-economic concerns/queries	2
Number of objections which raise both scientific and socio-economic concerns/queries	3
Number of consultees with outstanding objections	5*

* One objecting stakeholder responded via the online smart survey although provided no contact details. The objection related to the potential impact on their business which may be in the Yare River area although this was not clear from the response. The objection could not be responded to or resolved due to the omission of the stakeholders contact details.

Details of Natural England's Non-Financial Scheme of Delegation (NFSoD) and JNCC Schedule of Delegations can be found in Appendices 1a and 1b respectively.

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, including English inshore waters to 12 nautical miles, to meet the requirements of the European Birds and Habitats Directives.

The JNCC is a statutory advisor to the UK Government and devolved administrations on UK-wide and international nature conservation. One of JNCC's roles is to identify and recommend Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in offshore waters (beyond 12 nautical miles) 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 possible SPAs or SACs, they are recommended to government for approval to carry out a formal public consultation. When a site is approved by government for formal consultation it becomes a "potential" Special Protection Area (pSPA). Government decides which sites are put forward to the European Commission for inclusion in the Natura 2000 network.

Outer Thames Estuary pSPA consultation

The Outer Thames Estuary SPA is located in the south-east of England, and is currently classified for the protection of the largest aggregation of wintering red-throated diver (*Gavia stellata*) in the UK, an estimated population of 6,466 individuals, which is 38% of the wintering population of Great Britain¹. The Outer Thames Estuary SPA lies partly in territorial waters and partly in UK offshore waters. The Outer Thames Estuary pSPA proposes the extension of the existing site to include three inshore areas for foraging tern. While Natural England is responsible for advising government on conservation matters in English territorial waters (within 12 nautical miles), the JNCC have an equivalent responsibility in UK offshore waters (beyond 12 nautical miles). Natural England and the JNCC have jointly recommended this pSPA to the Department of Environment, Food and Rural Affairs (DEFRA). Natural England managed the consultation on behalf of both organisations and acted as the first point of contact for responses.

The current SPA is divided into three main areas:

- The outer estuary (east of a line north from Sheerness, Kent to Shoebury Ness, Essex);
- A separate area extending south along the coast from East Norfolk (from Caister-on-Sea) to Woodbridge, Suffolk; and
- An area lying offshore slightly further north-east of Norfolk.

The Outer Thames Estuary SPA is being considered by Natural England and the JNCC for an extension for foraging little and common tern as the site regularly supports more than 1% of the Great Britain breeding populations of these species as well as an aggregation of non-breeding red-throated diver. All three species are listed in Annex 1 of the Birds Directive. The site is currently classified solely for non-breeding red-throated divers (*Gavia stellata*). This extension will offer new protection for little tern (*Sternula albifrons*) and common tern (*Sterna hirundo*) foraging areas enhancing the protection already afforded to their feeding and nesting areas in the adjacent coastal SPAs (Foulness SPA, Breydon Water SPA and Minsmere to Walberswick SPA).

¹ JNCC (2016) 'Outer Thames Estuary SPA', <http://jncc.defra.gov.uk/page-7249>.

The surrounding environment of the aforementioned existing coastal SPAs provides important foraging ground for tern species during the breeding season. The potential Special Protection Area (pSPA) enlarges the existing Outer Thames Estuary SPA to include three new inshore areas identified for foraging terns breeding at the other (already classified) SPAs on shore (Foulness SPA, Breydon Water SPA and Minsmere to Walberswick SPA); these are parts of the Rivers Yare and Bure, a small riverine section at Minsmere, and both estuarine and marine areas around Foulness. The seaward and alongshore extent of the foraging grounds match the boundary of the existing Outer Thames Estuary SPA with the exception of the coastal areas up to Mean High Water (MHW). The pSPA comprises areas for foraging breeding seabirds and non-breeding waterbirds. The feature of the existing SPA is retained, and new qualifying features are added based on a review of up-to-date bird abundance information. The existing area of the Outer Thames Estuary SPA is 379,268 ha, and the proposed extension will take the pSPA to approximately 391,909 ha, an increase of approximately 12,641 ha.

The site consists of areas of shallow and deeper water (ranging from 0 to 50 m below sea level), high tidal current streams and a range of mobile sediments. Large areas of mud, silt and gravelly sediments form the deeper water channels, the main ones representing the approach route to the ports of London and as such are continually disturbed by shipping and maintenance dredging. Sand in the form of sandbanks separated by troughs predominates in the remaining areas and the crests of some of the banks are exposed at Mean Low Water.

The Consultation Process

There was a 13 week formal consultation carried out on the site proposals from 21 January 2016 to 21 April 2016. The consultation was extended by 12 weeks until 14 July 2016 to allow some stakeholders, who were previously not informed of the consultation due to an administrative error, to respond to the proposals. This made the full consultation period 25 weeks.

The purpose of this consultation was to seek the views of all interested parties on the scientific case for the classification of the Outer Thames Estuary pSPA.

Under an EU ruling, the Habitats and Birds Directives 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 summary of the expected socio-economic implications to help stakeholders understand potential site management issues. The 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 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.

Raising awareness about the Consultation

Natural England and JNCC contacted all major stakeholders with an interest in the area of the proposed SPA marine extension, as well as owner/occupiers and relevant MPs. A total of 947 stakeholders and owner/occupiers were contacted during the formal consultation.

Approximately 481 stakeholders were contacted by email announcing the formal consultation. Each stakeholder was provided with a covering letter and a link to the formal consultation pack, which contained a consultation summary document, Departmental Brief and boundary maps of the proposed site extension. Stakeholders were also provided with the option to respond online via an online survey. 466 owner/occupiers were sent hard copies of the covering letter and formal consultation package by post. A meeting with Natural England staff to discuss the proposals was offered to major stakeholders. Provision was made to send hard copies of the consultation documents on request to anybody who was unable to access the documents online. The consultation was also advertised on JNCC's website with links provided to the relevant gov.uk consultation webpages.

A press release was distributed to relevant media at the start of formal consultation, which contained details of the proposals and information about the consultation. A second press release was distributed midway during the consultation. At this stage a reminder email was also sent to stakeholders to remind them of the deadline for responses.

In addition and prior to formal consultation, an informal dialogue was carried out for an eight week period from 1 July to 26 August 2015, to allow key stakeholders to input into the process and provide any additional information or data related to the proposal.

Consultation Responses

A total of 49 stakeholders contacted Natural England during the formal consultation via email, online survey, letter or telephone. 26 of the consultation responses required a detailed response. Additionally we contacted seven stakeholders directly to offer meetings; however they all declined and had no further comments.

19 stakeholders were supportive of the proposals; three of those supportive responses also raised scientific concerns/queries, six raised socio-economic concerns/queries and two raised both scientific and socio-economic concerns/queries. 25 responses were either general enquires or neutral. Of those general enquiries, one raised a scientific query, 12 raised socio-economic queries and one raised both scientific and socio-economic queries. There were five objections, two on socio-economic grounds and three on both scientific and socio-economic grounds. Eight stakeholders responded via the online smart survey but left no contact details. One of these responses was an objection but given it was submitted anonymously Natural England were not able to address the concerns. It has been noted within this report and included as an outstanding objection for consideration by Defra.

Of the five objections received, five remain outstanding. Please see details in the 'Issues for consideration by Defra' section below.

Socio-economic related concerns raised during the consultation included the possible impacts of the proposals on; commercial and recreational fishing, shipping routes and port development, recreational boat use, lighthouses, buoys, and coastal development.

Scientific related concerns raised during the consultation included the scientific modelling used to propose the designation, suitability of habitat for foraging terns, bird count data, and the inclusion and exclusion of surrounding areas of the coastline within the extension proposal.

Consultation Conclusion and Advice to Defra

Natural England and JNCC recommend that the site be classified in line with the Departmental Brief and supporting consultation documents. Site specific data collected

between 2011 and 2015 provides evidence that the area is important for foraging little and common terns and this demonstrates that the proposed SPA marine extension meets the qualifying criteria. There are four objections which reference the scientific rationale for the pSPA (see next section) but Natural England and JNCC remain confident in this advice to Defra.

Issues for consideration by Defra

Natural England and JNCC received four objections to the designation of the Outer Thames Estuary pSPA that we would like to highlight to Defra as unresolved.

Natural England and JNCC would like to highlight for Defra's consideration as an unresolved objection the issues raised by **Great Yarmouth Borough Council**. The stakeholder raised concerns regarding the suitability of habitat in the Yare and Bure rivers for foraging terns including the apparent lack of predictive usage cells in the river areas; the modelling rationale; whether the SPA selection guidelines had been followed; and functional linkage between Breydon Water SPA and Scroby Sands. The stakeholder also raised concerns regarding the impact of the proposals on the Borough's housing and economic growth plans along the rivers Yare and Bure. Additionally, it was noted that the description in the citation as presented in the Departmental Brief regarding the boundary location and extent of intertidal habitats in the river areas was not clear.

Natural England held a meeting with Great Yarmouth Council to discuss their concerns. Clarification was provided that the model-based approach to generating maps of variation in bird density or usage, coupled with a numerical approach to boundary setting (Maximum Curvature Analysis) has precedents and represents an objective, repeatable and scientific method to site identification. We demonstrated that the inclusion of the rivers Yare and Bure is justified and supported by non-site specific verification surveys which confirm the model in other similar industrialised locations around the country (e.g. River Mersey and River Tees) and local birding records of tern presence near to the rivers in question. Additionally, a brief site visit by a Natural England ornithologist confirmed the areas in question were consistent with foraging tern use and the river channels are adjacent to the Breydon Water SPA within which the birds nest and are thus within the immediate foraging range of the terns. Further clarity was provided regarding the apparent lack of usage cells in the River areas. Compliance with SPA selection guidelines was demonstrated as well as the inclusion of Scroby Sands and functional linkage with the Breydon Water SPA. Amendments are suggested to make the description in the citation more clear should the minister classify the site. It was also noted that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. Clarification was provided that we do not currently hold evidence to suggest activities are negatively impacting tern foraging distribution and therefore no additional management is recommended. A "letter of comfort" outlining Natural England's position was provided to the Council which can be shared with potential developers. Dialogue is ongoing as Great Yarmouth Borough Council's development plans progress. For a summary of these issues and how Natural England responded to the concerns raised, please refer to pages 20 – 24 in the Detail of Consultation Responses chapter.

Natural England and JNCC would like to highlight for Defra's consideration as an unresolved objection the issues raised by the **British Ports Association** with respect to the request to exclude all port statutory limits, shipping channels and marinas from all pSPAs/SPAs. Natural England responded to clarify 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. Furthermore, clarification was provided that tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel

and helicopter traffic which, together with the non-site specific verification survey findings, which confirm the model in other similar industrialised locations around the country (e.g. River Mersey and River Tees), demonstrates that tern species forage in areas in which visual and noise disturbance occurs. No further response was received from the British Ports Association. For a summary of these issues and how Natural England responded to the concerns raised, please refer to page 15 in the Detail of Consultation Responses chapter.

Natural England and JNCC would like to highlight for Defra's consideration as an unresolved objection the issues raised by the **Port of London Authority (PLA)**. The stakeholder objected to the OTE boundary definition in relation to features and uses, and the scientific basis of the evidence provided during the consultation. Natural England responded in writing and held two meetings with the PLA to clarify that the boundary and the modelling method used to define the boundary for this pSPA was robust and demonstrated terns used these areas to forage. Additionally, information from the Vulnerability Assessment was provided to indicate there was no evidence suggesting that current activities are negatively impacting tern foraging distribution and therefore that additional management is not recommended. No further response was received from the PLA. For a summary of these issues and how Natural England responded to the concerns raised, please refer to pages 27 & 28 in the Detail of Consultation Responses chapter.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by **DP World**, a global trading company. The stakeholder did not consider there was adequate information provided during the consultation to understand the impacts of the proposals or potential restrictions on commercial and economic activities in the Thames, and suggested that the cost of monitoring surveys presented was underestimated. Natural England responded to clarify that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. Additionally, we highlighted that an assessment of socio-economic costs was conducted which concluded that socio-economic costs, should the pSPA be classified, were relatively low and the production of a more detailed assessment would be disproportionate. No further response was received from DP World. For a summary of these issues and how Natural England responded to the concerns raised, please refer to pages 31 & 32 in the Detail of Consultation Responses chapter.

The **anonymous stakeholder** that did not leave any contact details, refuted the scientific explanation on the grounds that the River Yare is an industrialised port area with manufacturing facilities all along it. Additionally, the stakeholder queried the implications to their business. No further details were provided. Please refer to page 39 in the Detail of Consultation Responses chapter.

Detail of Consultation Responses

Table 2: Response categories

Categories of Responses	
Number	Type
1.	Simple acknowledgement/neutral response
2.	Support
3.	Do not understand the implications/request clarification/general views
4.	Objection in principle to designation
5.	Objection on scientific grounds to the boundary (seaward, landward or east-west)
6.	Objection on scientific grounds regarding species or surveys
7.	Objection on other scientific grounds
8.	Objection on socio-economic grounds
9.	Objection – other

The stakeholder's representation is outlined together with Natural England's response and Natural England's and JNCCs joint recommendation to Defra in Table 3 below. Natural England and the JNCC will provide Defra with a full consultation package to include copies of all consultation responses received as requested and Natural England's response to the points raised.

Consultees are categorised as follows:

- A - Owner/Occupiers
- B - Local authorities/other competent authorities
- C - Interested parties/Organisations
- D - Members of the public and unsolicited responses

Table 3: Consultation responses

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
A. Owners and occupiers				
Canewdon Parish Council	<p>Supportive of the proposals.</p> <p>Emphasized that there has to be consideration for fishermen and other commercial companies affected by the proposals.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	2	Acknowledgement provided.	None raised
The Church Commissioners for England (Rochester Estate)	<p>Neutral to the proposals.</p> <p>Provided no comment regarding the scientific justification for extending the SPA.</p> <p>Stated that the scheme will not affect their land. Requested to be contacted with any amendments following the consultation if amendments are made to the SPA boundary.</p>	1	Acknowledgement provided.	None raised
Cooling Parish Council	<p>Neutral response.</p> <p>Requested permission to share proposals on parish website.</p>	1	Acknowledgement provided and permission given to the council to share proposals on their website.	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	No further comments on the scientific rationale behind the proposals.			
Crouch Harbour Authority	<p>Supportive response.</p> <p>Emphasized that the proposals should not impede on the authority's ability to undertake their legal duties and management obligations. The authority listed activities and legislative requirements in their area.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	2	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Confirmed that the protection afforded to the proposed extension areas would not impede on the authority's ability to undertake management of the marine environment within their jurisdiction. 2. Clarified that Natural England do not hold evidence to suggest that current activities are negatively impacting tern foraging distribution and therefore no additional management is recommended. It was also noted that if in the future evidence does become available that attributes negative changes in the condition of features to increasing activity levels, additional management may become necessary. 3. Welcomed their adherence in undertaking the appropriate HRA process that assess likely impacts on the current bird features (and their supporting habitats) of the Crouch and Roach SPA; confirmed that for future plans/proposals, the tern features must be included in the assessments of impacts. 	None raised
Crown Estate	Neutral to the proposals.	1	Acknowledgement provided.	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>Provided no comment regarding the scientific justification for extending the SPA.</p> <p>Provided information on a marine aggregate tendering process and details of leases and outfalls in the area.</p>			
<p>Hutchinson Ports (Felixstowe, Harwich International and London Medway ports)</p>	<p>Neutral response (during meeting).</p> <p>Queried the potential impact of the SPA extension on port development and shipping routes e.g. the Foulness extension area and its proximity to London Medway Port shipping routes. Hutchinson Ports are planning to develop an area near Dovercourt of compensatory habitat to compensate for loss of mudflats of a planned port development in the Bathside Bay region. They are already working with Natural England on this.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	<p>1</p>	<p>Held a meeting on 24th May 2016 with the organisation followed by email correspondence.</p> <p>Discussed the planned developments and clarified that no extra management measures are needed for current levels of activity as the area is already an SPA. Explained the scientific evidence and modelling used to recommend the extension of the SPA. Explained the vulnerability assessment.</p>	<p>None raised</p>
<p>Meopham Parish Council</p>	<p>Supportive of the proposals (online survey).</p> <p>No further comments on the scientific rationale behind the proposals.</p>	<p>2</p>	<p>Acknowledgement provided.</p>	<p>None raised</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p><u>Shorne Parish</u></p>	<p>Supportive response.</p> <p>Highlighted the proposal's links with the aims of protecting the North Kent Marshes SPA and Ramsar site, and the surrounding marine environment.</p> <ol style="list-style-type: none"> 1. Queried the impact that other planned development in the region could have on nesting and feeding areas in the North Thames Marshes SPA and Ramsar site. Suggested that proposed development in the North West Kent and the Thames Estuary area are being promoted by other Government Departments (e.g. Department for Transport and Highways England) and appointed bodies (Thames Estuary 2050 Growth Commission and Lord Heseltine) which threaten environmental protection aims by destroying/ compromising marshland and extending housing and industrial development onto/alongside/towards protected areas. 2. Raised concerns about the likelihood of contaminated water from land based runoff damaging marshland breeding grounds and entering the Thames, Specifically 		<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Explained that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. Clarified that an assessment of socio-economic costs for the site was undertaken before the consultation which is based on the current understanding of existing and planned activities occurring within the pSPA. 2. We directed Shorne Parish to the Environment Agency with reference to concerns regarding contaminated water from land-based run-off and pollution 3. Explained Natural England's active involvement with Highways England throughout the consultation process on the Lower Thames Crossing to ensure that environmental considerations are a key part of the decision making process. Noted our continuing work with Highways England, Environment Agency and the Forestry Commission as the scheme progresses to ensure that wherever possible impacts are avoided or fully mitigated. 4. Explained that the Thames Estuary 2050 Growth Commission is at an early stage and we have not been consulted on it as yet. Clarified that The Thames Gateway is a key area promoted for regeneration and growth which brings with it environmental 	<p>None raised</p>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>concerned about the impact of pollution on food availability for birds.</p> <p>3. Raised concerns regarding the potential environmental impact as a result of the Lower Thames Crossing "Option C" suggested for West of Gravesend, including contaminated water run-off and discharge.</p> <p>4. Suggested that the Channel Tunnel Rail Link crossing under the Thames at Ebbsfleet may adversely affect the water table. Noted that the Thames Estuary 2050 Growth Commission does not have any members appointed to champion environmental issues and no aims or interests defined in terms of protecting or enhancing already protected habitats. Shorne Parish conclude that there seems to be a lack of joined up thinking in Government if different departments are at the same time advocating conflicting strategies, and they would like to see this being addressed with environmental protection aims prevailing.</p>		<p>opportunities as well as some risks, which through careful design can be managed.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
B. Local authorities/other competent authorities				
British Ports Association	<p>Objecting response specifically;</p> <p>Requesting removal of all port limits, marinas and shipping channels from pSPAs/SPAs.</p> <p>Further discussion with BPA and other port stakeholders took place on 8th June 2016. All points of concern were discussed.</p>	4	<p>Acknowledgement email and detailed response sent:</p> <p>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 (model 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. It was clarified that tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel and helicopter traffic, which together with non-site specific verification survey findings in other similar industrialised locations around the country (e.g. River Mersey and River Tees), 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 Natural England and Port authorities to facilitate outcomes-focussed discussions regarding future</p>	Not explicitly stated but consultee may consider their issue to be current.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			management of port activities if required. Discussions are ongoing.	
The Broads Authority	Supportive of the proposals (online survey). The Broads Authority support establishing a more complete marine SPA network, which include the downstream tidal rivers of the Broads National Park, which is considered highly important in a UK context.	2	Acknowledgement provided.	None raised
Canterbury City Council	Supportive of the proposals (online survey). No further comments on the scientific rationale behind the proposals.	2	Acknowledgement provided.	None raised
Canvey Island Town Council	Supportive of the proposals. No further comments on the scientific rationale behind the proposals.	2	Acknowledgement provided.	None raised
Department of Energy and Climate Change (DECC)	Neutral response. Clarified that the site extension does not coincide with any of DECC's current activities. No further comments on the scientific rationale behind the proposals.	1	Acknowledgement provided.	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Eastern Inshore Fisheries and Conservation Authority (EIFCA)	<p>Supportive of the proposals (online survey), but they:</p> <ol style="list-style-type: none"> 1. Queried the modelling method primarily relating to Minsmere & Walberswick SPA where no data was collected and “general” boundaries have been used. Requested clarification around the approach and how it is scientifically justifiable . 2. Highlighted that the Alde-Ore Estuary SPA was noted in the Departmental Brief as amongst a group of sites listed as not regularly occupied and they queried that if the area is not regularly occupied then what is the purpose of adding the feature to the site? 3. Highlighted that the proposals involves further cost implications than just survey; site designation is followed by the commitment to conduct assessments and where appropriate implement management measures. 4. Queried whether the ports of Great Yarmouth and Lowestoft need further consideration in terms of shipping. 	2	<p>Acknowledgement provided and detailed response as follows. Additionally, the Area Team followed-up with EIFCA representative in May 2016 to provide clarification regarding their modelling related queries (specifically Point 1 below).</p> <ol style="list-style-type: none"> 1. Provided clarification around the EIFCA interpretation of a “general” boundary by explaining the modelling approach and demonstrated it as an objective, repeatable and scientific method to site identification. Provided examples where the approach has been applied to identify SPAs previously. Explained that tern data from Minsmere & Walberswick SPA demonstrates the SPA has been regularly occupied although not occupied when the foraging extent surveys were conducted. Additionally, provided evidence regarding functional linkage with other East coast SPAs. 2. Provided clarification that JNCC defined ‘regularly occupied’ tern SPAs as a mechanism to identify sites for data collection/modelling, using a threshold of 25 pairs. This was not intended to work as a filter to exclude SPAs requiring marine protection, merely to focus limited resources for the boundary modelling work. Whilst the Alde-Ore Estuary SPA was not in JNCC’s list of ‘regularly occupied’ sites, that does not mean it is not occupied (albeit with 	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>relatively small numbers of terns), and is therefore appropriate to include terns from this colony in the OTE pSPA. The fact that terns move from site to site reinforces this point – numbers change between colonies from year to year, and may indeed increase at the Alde-Ore Estuary SPA in future.</p> <p>3. Clarified that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries, but Natural England considered the requirement and associated costs for assessments as well as the need for additional management measures. This work was completed in the form of a vulnerability assessment (VA) which assessed the possible socio-economic effects of classification of the site.</p> <p>4. The VA concluded that socio-economic impacts resulting from the classification of the pSPA were relatively low and the production of a more detailed assessment of any impacts of the ports of great Yarmouth and Lowestoft, along with other socio-economic impacts of the classification, would be disproportionate. Natural England clarified 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>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Environment Agency (EA)	<p>Neutral response (online survey).</p> <ol style="list-style-type: none"> 1. Highlighted that the proposed extension area overlaps with several designated EU bathing beaches in south Essex and requested that management of the pSPA should be sensitive to these constraints, since bathing beaches are important to local economies. 2. Flagged potential anthropogenic disturbance levels on the shores of these beaches. 3. Water Framework Directive annual EA intertidal seagrass survey activities may require permissions if the pSPA covers this area. 	RWE1	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Clarified that Natural England do not expect there to be any additional management measures or restrictions to recreational use of beaches as a result of the proposals. 2. Clarified that human disturbance to nesting terns in the intertidal zone will be limited largely due to the inaccessibility of the area. 3. Confirmed that seagrass monitoring survey activities will not require new permissions, since the surveys are unlikely to impact upon the SPA and current permissions would cover any mitigation (if required). 	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Great Yarmouth Council (GYC)	<p>Objection on scientific and socio-economic grounds.</p> <ol style="list-style-type: none"> Queried the model-based approach used to define the OTE boundary and indicated there is no evidence provided that the Yare and Bure extension areas are used by foraging terns. The council suggest that to increase the robustness of the scientific justification, there should be more qualitative data on the suitability of the river sections through Great Yarmouth for foraging terns. The council also queried the likelihood of terns foraging within the rivers. <p>Queried the lack of predicted usage cells (as outlined in Figure 5 of the Departmental Brief and represented by yellow markers on the map) along the Rivers Yare and Bure which suggests these areas should not be included in the boundary. Noted that the modelling appeared to be a quantitative exercise based on pooled surveys where the mapping presented is simplistic and not provided at a sufficient</p>	5/6/8	<p>Acknowledgement provided and detailed response sent as follows</p> <ol style="list-style-type: none"> Provided clarification that the model-based approach to generating maps of variation in bird density or usage, coupled with a numerical approach to boundary setting (Maximum Curvature Analysis) has been used to identify a number of marine SPAs and represents an objective, repeatable and scientific method to site identification. Noted that non site-specific field verification surveys confirm the model in other similar industrialised locations around the country (e.g. River Mersey and River Tees) by establishing the presence of foraging terns in every area in which they were predicted to occur as far upriver and as far along the open coast as modelled site boundaries; site specific tern records near the Yare & Bure Rivers confirmed usage of these areas; and a brief site visit by a Natural England ornithologist in August 2016 to view the areas of the Rivers Yare and Bure in question, indicated these areas are consistent with providing suitable foraging habitat areas for tern species. Additionally, the river channels in question are adjacent to the Breydon Water SPA within which the birds nest and are thus within the immediate foraging range of the terns. <p>Clarified that the apparent lack of predictive</p>	Outstanding objection.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>scale and level of detail to justify the inclusion of the river areas.</p> <ol style="list-style-type: none"> 2. Queried inclusion of the riverine sections (Rivers Yare and Bure) as foraging areas when the Departmental Brief appears to refer to the provision of marine foraging areas. 3. Queried the functional linkage between the Breydon Water SPA and Scroby Sands 4. Noted in terms of the SPA selection criteria that the Departmental Brief indicated that the “naturalness” criteria is no longer applicable whereas “naturalness” remains on the list of criteria published by the JNCC as a basis for assessment. 5. Suggested an apparent contradiction in the use of generic guidance² for the extension of colony SPAs which states generic guidance is not appropriate in the case of terns and the use of a generic model to define the site boundary. 6. Noted that the description in the citation of the Departmental Brief 		<p>usage cells in Figure 5 of the Departmental Brief is due to the scale of the modelling. The usage markers displayed on the map in the Departmental Brief represent the centre of a 1 km² grid cell. When the majority of the area within a predictive grid cell falls on land, the usage markers are not displayed although the model does predict usage. The River Bure is comparatively narrow (thus most of the relevant grid cells containing the river fell mainly on land) and therefore the predictive usage cells are not displayed on the map although the model does predict tern usage in these riverine areas. Usage is supported by the verification surveys, site specific tern records and a brief NE Ornithologist site visit.</p> <ol style="list-style-type: none"> 2. Demonstrated that common tern are known to use both marine and freshwater habitats for foraging, with terns breeding at some sites switching between salt and freshwater depending on tide state, while other colonies use exclusively marine foraging areas. Also noted that zones of intense foraging activity are often located in areas of high water flow; terns have been observed using busy marinas, ports and mooring areas in other sites; provided 	

² Webb, A. & Reid, J.B. (2004). Guidelines for the selection of marine SPAs for aggregations of inshore non-breeding waterbirds. Annex B in: Johnston, C., Turnbull, C. Reid, J.B. & Webb, A. (2004). Marine Natura 2000: Update on progress in Marine Natura.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>is not clear with regards to the following: River Yare is not mentioned; Description of River Bure is unclear as there are two places named "Runham" close to the river; and the description of intertidal habitat found within creeks and rivers of the River Yare is inaccurate.</p> <p>7. Queried the impact of the proposals on the borough's housing and economic growth along the rivers Yare and Bure. They emphasized the lack of consideration for potential economic impacts, highlighting a significant development proposal to develop the whole stretch of the Yare and Bure around Great Yarmouth.</p> <p>An online response was received on 14 July 2016. Natural England held a meeting with the Council to discuss the concerns on 3 August 2016. Further representation was received from GYC on 16 August 2016. The issues raised in the first response were discussed during the face to face meeting in Aug, although these were not resolved. The second response covered points raised in the first response as well as additional points</p>		<p>scientific evidence which confirms that terns do forage in areas of shallow water and in very narrow, enclosed waterbodies such as small estuaries, rivers, harbours and marinas.</p> <p>3. Demonstrated that breeding populations at Scroby Sands increase over the six years since common tern resumed breeding at this location whilst the population breeding at Breydon Water SPA decreased. Also displayed that the annual fluctuation of both populations taken together is within one standard deviation of that mean population, which shows limited annual variation.</p> <p>4. Highlighted that a site which meets only one of the Stage 2 judgments is not considered any less preferable than a site which meets several of them, as the factors operate independently as indicators of the various different kinds of importance that a site may have. The proposed extension therefore does not need to meet the naturalness criteria in order for it to be considered for classification as an SPA.</p> <p>5. We note the word 'generic' has been used in differing ways. For breeding seabird maintenance extensions, 'generic' describes the area within which we expect most key behaviours (roosting, preening, etc.) to take place</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>raised during the meeting. Natural England responded in writing to all concerns raised in early Oct 2016</p>		<p>for certain species regardless of location and local environmental conditions.</p> <p>Tern foraging activity is defined by local environmental conditions and so cannot follow the maintenance approach. Instead, 'generic' foraging tern models define the relationship between tern activity and these environmental conditions derived from data from many sites. Where a site has no tern activity data, these 'generic' relationships are used to predict tern density based on environmental condition data for the site in question. Thus whilst the model relationships are 'generic', the predictions of tern activity and resulting SPA boundaries are site-specific.</p> <p>6. Minor changes are proposed to clarify the habitat description in the citation should the minister decide to classify the site. These changes do not materially affect other consultees views had they been consulted on those changes.</p> <p>7. Explained that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. Provided clarification that we do not hold evidence that suggests activities are negatively impacting tern foraging distribution so no additional management is recommended.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
			<p>However, if in the future evidence does become available that attributes negative changes in the condition of features to increasing port activity levels, additional management may become necessary. Noted that current activities taking place below mean high water would already be subject to a Habitat Regulations Assessment due to proximity with the existing Breydon Water SPA</p> <p>In our response we provided an indication that proposed developments discussed during the meeting on 3 August would not impact foraging terns, and provided an additional letter outlining this position with the aim that the Council could share this letter with potential developers. Further meetings have been offered with Great Yarmouth Borough Council as development plans for the area progress.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Great Yarmouth Peel Ports	<p>Neutral response</p> <p>No comment on the proposals. Requested we inform them if there was anything they had missed that could materially affect their ability to operate as a busy commercial port with a large throughput of vessels.</p>		<p>Acknowledgement provided and detailed response as follows:</p> <p>We confirmed that prior to consulting on the proposed site we assessed the potential economic impacts and management that could arise from their classification. That assessment concluded that there was not expected to be any additional costs to the Port sector or additional management required from the classification of the site.</p> <p>A meeting was offered to discuss their response although this was not taken up.</p>	None raised
Historic England	<p>Neutral response.</p> <p>Indicated that the proposals would not impact on responsibilities for protection and management of the historic environment and provided no additional comment.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	1	Acknowledgement provided.	None raised
Kent and Essex IFCA	<p>Supportive of the proposals (online survey).</p> <p>1. Highlighted that potential economic impacts of the proposed extension are not</p>	2	<p>Acknowledgement provided and detailed response as follows:</p> <p>1. Natural England clarified that socio-economic factors cannot be taken into account when classifying an SPA or</p>	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>stated in terms of potential loss of earnings for the commercial fishing industry should designation result in restrictions on fishing activities.</p> <p>2. Current fishing activities have been assessed under the Defra revised approach to fishing in EMS' and have not shown any likely significant effect on EMS features. If restrictions to these fishing activities are required to further the conservation objectives of the proposed extension to the site, the potential economic impact of this should be assessed.</p>		<p>defining its boundaries. However, we conducted an assessment of the potential socio-economic impacts of the proposals, which concluded that socio-economic impacts resulting from the classification of the pSPA were relatively low and the production of a more detailed assessment of any impacts would be disproportionate.</p> <p>2. Clarified that an SPA classification does not aim to stop or restrict activities occurring within the site, it is rather to ensure that the conservation of rare, endangered and migratory bird populations are reflected in how activities, which may impact the bird features, are managed. Most fishing activities will not impact on foraging terns and so no adverse impacts from current fishing practices have been highlighted within the Outer Thames Estuary pSPA boundaries. We provided vulnerability assessment guidance.</p>	
Marine Management Organisation	<p>Neutral response.</p> <p>Provided details of MMO's delivery functions and confirmed pSPA designations will be added to the marine planning evidence base.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	1	Acknowledgement provided.	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Port of London Authority (PLA)	<p>Objection on scientific and socio-economic grounds.</p> <ol style="list-style-type: none"> 1. PLA objected to the OTE boundary definition in relation to features and uses – they highlighted that we had omitted any mention of bunkering and anchoring. PLA’s concerns focused around the proposed extension into the Inner Thames, and they did not support the value of adding the two tern species as features to the entire area of the SPA. 2. The PLA queried modelling and evidence, and flagged that the temporally changing coastline will make terns change the areas that they use. 3. They requested the vulnerability assessment and enquired how Natural England had assessed activities, so that they could understand when a HRA assessment could be triggered. 4. The PLA expressed an interest in what the thresholds might be for determining the ongoing condition of features of the site. 	5/6/8	<p>NE held two meetings and three phone calls with the PLA and issued three formal responses. We provided a summary of the Vulnerability Assessment, an additional GIS layer and had regular email correspondence.</p> <ol style="list-style-type: none"> 1. Natural England set out the criteria used to conclude low vulnerability of features to current PLA activities including bunkering and anchorage. Natural England highlighted that we do not hold evidence that suggests activities are negatively impacting tern foraging distribution so no additional management is recommended. However, if in the future evidence does become available that attributes negative changes in the condition of features to increasing port activity levels, additional management may become necessary. In the meantime, activities taking place below mean high water are already subject to the HRA process due to connectivity with existing Breydon Water SPA. 2. Natural England explained the modelling methodology used and the maximum curvature approach by highlighting the parameters used in the model (bathymetry, distance from colony and distance from shore). In addition, Natural England directed PLA to an Annex that held site- 	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>5. They also highlighted consultation fatigue; a number of consultations from Defra and Natural England have been launched recently that required detailed input.</p>		<p>specific, up-to-date bird ringing data that was used in the model³. Natural England explained that if changes were needed to channel maintenance as a result of changing hydrological regime of the Thames Estuary, this would be assessed against bird distribution data at that time, in order to understand how usage within the site had changed.</p> <p>3. Natural England provided a summary of the vulnerability assessment and held a meeting to take PLA through the assessment, discussing all activities.</p> <p>4. Natural England discussed how condition of features is currently assessed, based on using Common Standards Monitoring thresholds and EU reporting cycle. We shared the draft Conservation Objectives of the site, which are standard for SPA classifications nationally. Natural England noted that the conservation objectives are in draft status and subject to change</p> <p>5. We acknowledged the comments and welcomed suggestions for more effective future consultations.</p>	
Suffolk County Council	<p>Supportive response (online survey)</p> <p>Provided no further comments on the</p>	2	Acknowledgement provided.	None raised

³ Ringing data were used to inform the abundance of common terns breeding at Foulness SPA. This supported the use of the model to define the marine usage of common terns breeding at Foulness SPA.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	scientific rationale behind the proposals.			
Tendring District Council	<p>Neutral response.</p> <p>Indicated that the proposals would not have an impact on the Tendring District coastline.</p> <p>Provided no further comments on the scientific rationale behind the proposals.</p>	1	Acknowledgement provided.	None raised
Trinity House	<p>Neutral response.</p> <p>Requested clarification of:</p> <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	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Provided clarification of statutory duties and customary rights. 2. Provided clarification that activities listed were unlikely to have a significant effect on the site. 3. Provided further clarity with respect to likely impacts to maintenance & emergency procedures which are considered to be minimal. Natural England offered to hold a meeting if Trinity House wanted a further discussion. 	None raised
C. Interested parties/organisations				
British Marine Aggregate	Neutral response.	1/3	Acknowledgement provided and detailed response as follows:	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Producers Association (BMAPA)	<ol style="list-style-type: none"> Indicated that unpublished site-specific data could not be verified. 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. 		<ol style="list-style-type: none"> Acknowledged that corroborating data had not been published at the start of the consultation. Explained that the procedure for assessing socio-economic impacts, as agreed by Defra, did not require the production or publication of a detailed economic assessment where the predicted impacts were considered to be below an agreed threshold. 	
Burnham on Crouch Sailing Club	<p>Neutral response.</p> <p>Emphasised the negligible impact of their activities on the surrounding SPAs and SPA features. Confirmed that the Sailing Club's activities would not impact the proposals, and emphasised the negligible impact of leisure use in general on the river and estuary resulting from recreational sailing in comparison to the impacts of commercial fishing.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	1	<p>Acknowledgement provided and detailed response as follows:</p> <p>A vulnerability assessment has been undertaken which assessed the impact of leisure activities such as recreational sailing, but also of commercial activities such as fishing. It was concluded that both recreational and commercial vessel activity are not considered to have a direct significant effect on site integrity within the proposed extension areas of the SPA. This is because foraging terns are highly manoeuvrable in flight and have a low sensitivity to vessel movement.</p>	None raised
Crouch Yacht Club	<p>Supportive of the proposals.</p> <p>Emphasised the negligible impact of their activities on the surrounding SPAs and SPA features. Confirmed that the yacht</p>	2	<p>Acknowledgement provided and detailed response as follows:</p> <p>Clarified that an assessment was undertaken to assess the impact of leisure activities such as</p>	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>club's activities would not impact the proposals, and emphasised the negligible impact of leisure use in general of the river and estuary resulting from recreational sailing in comparison to the impacts of commercial fishing.</p> <p>No further comments on the scientific rationale behind the proposals.</p>		<p>recreational sailing and also of commercial activities such as fishing. The assessment concluded that both recreational and commercial vessel activity are not considered to have a direct significant effect on site integrity within the proposed extension areas of the SPA. This is because foraging terns are highly manoeuvrable in flight and have a low sensitivity to vessel movement.</p>	
DP World	<p>Objection based on socio-economic concerns (online survey).</p> <ol style="list-style-type: none"> 1. DP World do not consider that there is adequate information to understand the potential impacts on commercial activities in this area of the Thames if the SPA is extended. They asked what activities were currently of concern that were driving the proposals? 2. Based on their experience, the cost of surveys presented in the summary document is underestimated. Noted that the assessment of socio-economic costs also does not address the potential for restrictions that could be imposed based on monitoring, that could have economic and commercial impacts. 	8	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Natural England clarified that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. However, we conducted an assessment of the potential socio-economic impacts of the proposals, which concluded that socio-economic impacts resulting from the classification of the pSPA were relatively low and the production of a more detailed assessment of any impacts would be disproportionate. We provided vulnerability assessment guidance to DP World. 2. We provided clarification that the proposals do not aim to stop or restrict activities occurring within the site; the focus is rather to ensure that the conservation of rare, endangered and migratory bird populations 	<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
			is reflected in how activities (which may impact the bird features) are managed. Natural England offered a meeting to discuss how estimated monitoring costs were calculated and answer any outstanding concerns, but we did not receive a further response. An amended "assessment of socio-economic costs" will be submitted to Defra which will take into account all socio-economic concerns raised during the consultation.	
DONG Energy	Supportive of the proposals (online survey). No further comments on the scientific rationale behind the proposals.	2	Acknowledgement provided.	None raised
Essex Wildlife Trust	Supportive of the proposals (online survey). Confirmed no further comments on the scientific rationale behind the proposals.	2	Acknowledgement provided.	None raised
Great Yarmouth Wildfowling and Conservation Association	Neutral response. 1. Queried the impact of the proposals on users and owners of the river and land adjacent to the river Bure and Breydon Water.	1	Acknowledgement provided and detailed response as follows: 1. Clarified that Natural England do not expect there to be any additional management measures or restrictions to the use of beaches, river banks or privately owned	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>2. Asked whether this area will be fenced off in the breeding season, and asked if there would be any impact in the winter months.</p>		<p>land as a result of the proposals.</p> <p>2. Clarified that potential impacts of human use of the surrounding areas is already subject to the HRA process, and that no extra management or fencing off of sensitive areas is required at any time of year in terms of the pSPA extension. Provided clarification 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>	
Harwich Fishermens' Association	<p>Neutral response.</p> <p>Request further information on how the pSPA extension would affect commercial or recreational fishing.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	1/3	<p>Acknowledgement provided and detailed response as follows:</p> <p>Provided clarification that most fishing activities will not impact on feeding common or little terns and no adverse impacts from current fishing practices have been highlighted. We therefore are not advising any restrictions to be imposed as a result of the SPA extension, but also clarified that if future monitoring work was to highlight any issues further assessments may be necessary.</p>	None raised
Kent Wildlife Trust	<p>Supportive of the proposals (online survey).</p> <p>Requested that little terns breeding in the</p>	2	<p>Acknowledgement provided and detailed response as follows:</p> <p>1. Explained that little terns are already a feature of the Medway Estuary & Marshes</p>	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>Medway and Swale are included in the proposals.</p> <p>No further comments on the scientific rationale behind the proposals.</p>		<p>SPA. Natural England did investigate the effect of applying a generic seaward extent little tern foraging model to this SPA. The results showed very limited overlap with the proposed Outer Thames Estuary pSPA, and therefore provided little additional justification to include little terns within the marine boundary.</p> <ol style="list-style-type: none"> 2. Demonstrated that little terns are not currently a classified feature of The Swale SPA, therefore birds breeding at this site were not considered for inclusion within the Outer Thames Estuary pSPA. 3. Noted that the SPA and Ramsar Scientific Working Group is currently involved in the process of reviewing the sufficiency of the UK SPA network. We envisage this to give an indication of any requirement for further sites for individual species including breeding little tern. The timeframe is unconfirmed, but should a recommendation emerge to find additional SPAs to satisfy insufficiency in the network, it seems likely that available candidate sites would be identified at that stage. 	
National Federation of Fishermen's Organisations (NFFO)	<p>Neutral response.</p> <p>Assumed that no additional management measures for fisheries activities are expected to be proposed in the area.</p>	1	<p>Acknowledgement provided and detailed response as follows:</p> <p>Confirmed that the assessment of socio-economic impacts assumed no additional costs to the sector</p>	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	No further comments on the scientific rationale behind the proposals.		from the classification of the pSPAs. 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.	
Royal Corinthian Yacht Club	Supportive of the proposals. Emphasised the negligible impact of their activities on the surrounding SPAs and SPA features. Confirmed that the yacht club's activities would not impact the proposals, and emphasised the negligible impact of leisure use in general of the river and estuary resulting from recreational sailing in comparison to the impacts of commercial fishing. No further comments on the scientific rationale behind the proposals.	2	Acknowledgement provided and detailed response as follows: Confirmed that an assessment was undertaken of the impact of leisure activities such as recreational sailing and also of commercial activities such as fishing. The assessment concluded that both recreational and commercial vessel activity are not considered to have a direct significant effect on site integrity within the proposed extension areas of the SPA. This is because foraging terns are highly manoeuvrable in flight and have a low sensitivity to vessel movement.	None raised
Royal Society for the Protection of Birds (RSPB)	Supportive of the proposals. Sought clarification regarding the rationale for use of contemporary data for setting citation baselines, and requested a further conversation with NE about setting conservation objectives. Natural England Ornithologists met with RSPB on 10 May 2016 to discuss issues	2/3	Acknowledgement provided and detailed response as follows: Provided clarification on what the Departmental Brief seeks to do and Natural England's position on the application of contemporary data versus historical data for citation and the use of WeBS data (See Appendix 3 for further information).	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	raised. RSPB confirmed support for the proposals.			
RWE Generation UK	<p>Supportive of the proposals.</p> <p>Suggested that there should be an explicit statement in the proposals that there is no expectation of current industrial use being curtailed by the proposed designation either by direct impacts on the populations to be protected or indirectly via effects on their prey species or habitats.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	2	<p>Acknowledgement provided and detailed response as follows:</p> <p>Clarified that the recommendations are designed to present the scientific rationale for the identification of the marine foraging areas for tern species and do not seek to clarify the level of changes in management as a consequence of the classification. Noted that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries. However, we conducted an assessment of the potential socio-economic impacts of the proposals, which concluded that socio-economic impacts resulting from the classification of the pSPA were relatively low; the possibility of current industrial use being curtailed by the proposed designation is unlikely. Provided clarification 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>	None raised
Royal Yachting Association (RYA)	<p>Neutral response.</p> <p>No objections to the proposals across the sites in principle, although indicated would be very concerned if the</p>	1/3	<p>Acknowledgement provided and detailed response as follows:</p> <p>Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability</p>	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>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.</p> <p>No further comments on the scientific rationale behind the proposals.</p>		of terns to forage within the pSPA.	
Scottish Power Renewables	<p>Supportive response (online survey)</p> <p>Requested further guidance and clarification on the process to review any existing and future consents, if required. Requested to be kept up to date with any future consultation activity and in the development of management measures for the site.</p> <p>No further comments on the scientific rationale behind the proposals.</p>	2/3	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Confirmed that the pSPA proposals would not require a review of existing consents. For future developments, we suggested that these new features are added into assessments so planned activities can be adequately assessed against all relevant species afforded protection. 2. Acknowledged that Natural England would update Scottish Power with any developments. 	None raised
Suffolk Wildlife Trust	<p>Neutral response.</p> <ol style="list-style-type: none"> 1. Queried why little terns foraging and breeding at the mouth of the River Deben and the Knolls in Suffolk were not included in the extension proposals. 2. Requested further information about SPA review periods for 	1/3	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Confirmed that the current round of SPA classification is to identify important marine areas for foraging birds. As this encompasses a large number of tern colonies around the UK, the JNCC prioritised its data collection and analysis to those SPA colonies displaying recent and 	None raised

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>estuaries such as the Deben.</p> <p>No further comments on the scientific rationale behind the proposals.</p>		<p>regular occupation. Natural England did look at whether a case could be made for functional linkage between terns breeding at the Alde-Ore Estuary SPA and those breeding at the Deben Knolls. However, from the available breeding data we have so far been unable to do this, as the data did not illustrate that terns move between these sites.</p> <p>2. The SPA and Ramsar Scientific Working Group is currently involved in the process of reviewing the sufficiency of the UK SPA network. We envisage this to give an indication of any requirement for further sites for individual species including little tern. At present we are unsure of the timeframe for the review to be finalised, but should a recommendation emerge to find additional SPAs to satisfy insufficiency in the network, it seems likely that available candidate sites would be identified at that stage.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
D. Members of the public and unsolicited responses				
Anonymous	Objection to the proposals on socio-economic grounds (online survey). Referred to the River Yare and queried the implications of the proposals on their business. Also stated they have a problem with seagulls.	8	No response provided (contact details unavailable). We are confident in the scientific justification of the boundaries which include areas providing suitable foraging habitat for tern species including industrialised port and river areas. Also it is noted that socio-economic factors cannot be taken into account when classifying an SPA or defining its boundaries.	Not explicitly stated, but consultee may consider their issue to be current.
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
Anonymous	Neutral response.	1	No response provided (contact details unavailable).	None raised
██████████	Supportive response (online survey).	2	Acknowledgement provided.	None raised

Appendix 1a: Non-Financial Scheme of Delegation within Natural England

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 Team⁴) 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.

⁴For 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 1b: Schedule of Delegation within JNCC

SCHEDULE OF DELEGATIONS

Introduction

1. Under the Natural Environment and Rural Communities Act 2006, and following approval from the Secretary of State, the Joint Committee set up the JNCC Support Co. as a company limited by guarantee. The purpose of the Company is to provide services to the Joint Committee in connection with the functions specified in sections 33 and 36 of the Natural Environment and Rural Communities Act 2006 and in connection with any other functions of the Joint Committee.
2. The Joint Committee has corporate responsibility for fulfilling its responsibilities as a statutory body and for controlling the Company as set out in paragraph 4.7 of the Management Statement.
3. The Chief Executive of JNCC Support Co. is also the JNCC's Accounting Officer and has responsibilities in that role.
4. This schedule sets out how the Joint Committee and Chief Executive discharge their responsibilities directly and through delegation. The JNCC has authorised Natural England to exercise specific advisory functions in offshore English waters in relation to the projects, or proposed projects relating to the provision of offshore renewable energy installations. This authorisation falls outside this schedule of delegations.
5. The schedule comprises:
 - Part 1 Delegations from the Joint Committee to the Chairman, Company, Chief Executive/Accounting Officer and sub-groups of the Committee.
 - Part 2 Delegations from the Chief Executive/Accounting Officer to staff and the Executive Management Board which supports him/her. This is supplemented separately by detailed financial delegations.
6. Each schedule shows the matters reserved to the delegating body/individual alongside the areas of responsibility delegated. The schedules also require the body/individual to whom responsibilities are delegated to refer back up through the line any matters that may involve either the Company or the Joint Committee in significant risk to their reputations, legal standing or financial positions.
7. Annex A sets out responsibilities under the Companies Act which can only be discharged by the Company. These therefore fall outside the Schedule of Delegations.

Relevant Sections of Part 1. Schedule of Delegations from the Joint Committee to the Chairman, sub-groups of the Committee, Company and Chief Executive/ Accounting Officer

Governance and assurance				
Reserved for Committee	Delegated to Chairman	Delegated to Committee sub-groups	Delegated to the Company	Delegated to the Chief Executive
<p>Ensuring an effective framework of corporate governance is in place to ensure that the Joint Committee fulfils its responsibilities for promoting the efficient and effective use of staff and other resources by the JNCC. This includes effective systems of:</p> <ul style="list-style-type: none"> • delegated authorities; • risk management and audit; • planning and monitoring; • programme and project management; • financial management; • staff management; • environmental management; • information management; • health and safety; and • internal and external communications. <p>Establishing, amending or dissolving standing sub-groups as may from time to time be appropriate, including agreeing their terms of reference and membership.</p> <p>Ensuring that the company is run in accordance with the intentions of the Natural Environment and Rural Communities Act 2006 and making recommendations as necessary to the Secretary of State on matters concerning establishing or winding up the company or changing its objects.</p>	<p>Establishing time-limited sub-groups of the Joint Committee where a clear need is demonstrated.</p>			<p>Maintaining a comprehensive system of internal delegated authorities which are notified to all staff, together with a system for regularly reviewing compliance with these delegations.</p>

Planning and delivery				
Reserved for Committee	Delegated to Chair	Delegated to Committee sub-groups	Delegated to the Company	Delegated to the Chief Executive
<p>Reviewing reports from the MPA Sub-Group on progress, key decisions made on the Committee's behalf and advice.</p> <p>Agree high-level strategies for work on MPAs, including those put in place to address strategic issues, after detailed consideration by the Sub- Group.</p> <p>Recommend to government offshore Natura 2000 sites and offshore MPAs designated under national legislation (including offshore components of transboundary² and/or cross- border³ sites).</p> <p>Comment on inshore Natura 2000 sites and inshore MPAs as a contribution to the UK network.</p> <p>Giving guidance or information to any of the country conservation bodies on any matter arising in connection with the functions of that body, which, in the opinion of the Committee, concerns nature conservation for the UK as a whole or nature conservation outside the UK.</p>	<p>Signing off non-contentious Committee-level advice after consultation with full Committee where necessary.</p> <p>Signing-off reserved items (international work) that are of little relevance to country conservation body members.</p>	<p>Delegated to the MPA Sub-Group</p> <p>Advising on strategies to achieve an ecologically coherent site network to fulfil domestic and international obligations.</p> <p>Advising on how JNCC and the country conservation bodies can enhance efficiency and effectiveness through co-ordinating their efforts and providing consistent messages.</p> <p>Providing advice to ensure linkages are effectively made between MPA components of legislation and other aspects of that legislation, and between different MPA legislation.</p> <p>Maintaining a high-level overview of progress against plans for various MPA workstreams.</p> <p>Considering contentious proposals for offshore Natura 2000 sites and offshore MPAs designated under national legislation (including offshore components of transboundary⁴ and/or cross-border⁵ sites) and advise the Joint Committee accordingly, including conservation objectives and management advice where appropriate.</p> <p>Endorsing consultation reports on offshore Natura 2000 sites and offshore MPAs to be designated under national legislation (including offshore components of transboundary and/or cross-border sites) prior to formal submission to Government and consider any significant issues raised.</p> <p>Advising on the extent to which Natura 2000 network requirements (and those under other legislation in due course) are being met.</p> <p>Advising on the extent to which UK MPAs are contributing to international commitments.</p> <p>Maintaining sight of inshore Natura 2000 site proposals across the UK.</p> <p>Advising the Joint Committee and/or country conservation body councils/boards on specific inshore Natura 2000 and national specific inshore Natura 2000 and national MPA site proposals, if significant differences of opinion exist at officer level.</p> <p>Resolving any issues relating to MPAs designated under national legislation which have strategic implications, such as ability to fulfil UK's obligations for achievement of European and international networks which cannot be resolved at officer level.</p> <p>Advising on surveillance requirements to meet national, European and international obligations.</p> <p>Advising on strategic issues relating to the management of MPAs and the MPA network.</p> <p>Advising on contentious advice or proposals for MPA management.</p>	<p>Operational delivery of JNCC's functions and duties.</p>	<p>Delivering the Joint Committee's corporate and business plans. This includes the provision of any advice, information or other services necessary to fulfil the plan on behalf of the Joint Committee including that delivered through, or in partnership with, other organisations.</p> <p>Providing advice and information to the Joint Committee to enable them to deliver the matters reserved to them.</p>

² Trans-boundary refers to the boundary between inshore and offshore zones.

³ Cross-border refers to the borders between UK administration marine waters

⁵ Cross-border refers to the borders between UK administration marine waters

Extract from Part 2. Schedule of delegations from the Chief Executive/ Accounting Officer

NB. The Company Board is responsible for everything delegated to the Chief Executive/ Accounting Officer by the Joint Committee.

Responsibility	Responsibilities retained by the Chief Executive	Delegated to EMB	Delegated to other JNCC staff
<p>Providing any advice, information or other services necessary to fulfil the JNCC's corporate and business plans on behalf of the Joint Committee, including that delivered through, or in partnership with, other organisations.</p>		<p>Agreeing advice where this is novel, potentially contentious or involves any other significant implications for the JNCC.</p> <p>Agreeing a position/policy on complex issues that cut across programmes.</p> <p>To facilitate the above, reviewing key decisions to be considered by Directors and the position reached by them.</p> <p>Identifying matters that require Joint Committee consideration.</p>	<p>Staff competent to deliver the advice, information or service as determined by the relevant Project Manager for planned work or Programme Leader for unanticipated requests where this involves low risks for JNCC as a whole.</p> <p>The relevant Director(s) where advice, information or services involves moderate risks for JNCC as a whole.</p> <p>Identifying matters that require EMB consideration – the relevant Director</p>
<p>Providing advice and information to the Joint Committee to enable them to deliver the matters reserved to them.</p>	<p>Approving papers prior to them being submitted to Committee.</p> <p>Reporting to Committee, significant decisions made by EMB on Committee's behalf.</p>	<p>Agreeing a provisional forward programme for the Joint Committee including work on major cross-cutting strategic issues and new approaches.</p>	<p>Advising EMB on matters requiring Committee approval – Directors.</p> <p>Production of Committee papers – relevant Director(s) in conjunction with appropriate staff.</p> <p>Presenting to EMB for decision, scientific advice for the Joint Committee from the Chief Scientists Group – relevant Director.</p> <p>Obtaining agreement from the country conservation bodies, government administrations and others on matters of interest to them, prior to Committee approval – relevant Director.</p> <p>Production of Committee forward programme – Director of Corporate Services in conjunction with Directors and Programme Leaders.</p>

Appendix 2: Consultation Questions

Online survey

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: little tern and common tern.

If yes, please comment in the box below (or attach file)

Do you have any further comments on the scientific rationale behind the proposed marine extension to the Outer Thames Estuary SPA?

If yes, please comment in the box below.

Q3: Please enter your contact details.

Q4: What organisation do you work for? Or enter not applicable (n/a)

Appendix 3: RSPB contemporary data query

The Departmental Brief sets out the scientific case for classification of the SPA. Within those documents, where possible, we use contemporary data for those species that:

- Are being added to existing sites
- Are the basis for setting the boundary of the new/amended SPA
- Are the basis for the classification of an entirely new site
- Are a feature of the original SPA but the baseline has increased significantly solely due to a change in the size of the site
- Have seen significant increases in abundance since the classification of the original SPA and where the data that supports this meets our evidence standard

This applies to all new marine SPAs, including completely novel sites and those superseding or replacing existing SPA boundaries.

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 rule out site-specific factors for 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.

Once the site is classified, conservation advice packages will reflect our objectives for the site, including numerical targets for abundances of features, where we can establish them. For sites that have superseded existing SPAs but have witnessed declines in abundance in certain features over time, proposed objectives will usually reflect the original ambition of the SPA (i.e. the earlier citation value or some variant thereof). Natural England's Chief Scientist is responsible for signing off new conservation objectives, based on the evidence submitted by the relevant Area Team dealing with the site and with input from the ornithology specialists. Within JNCC, the signing off will primarily be the responsibility of the Marine Protected Areas Program Lead. Where higher level sign-off is required the EMB, the MPA Sub Group or the Joint Committee will provide this, depending on the complexity or the risk associated with a particular conservation advice package.