

# Northumberland Marine potential Special Protection Area (pSPA)

## Report of Consultation by Natural England

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## **Version Control**

<b>Version &amp; Date</b>	<b>Drafted by</b>	<b>Issued to</b>	<b>Comments by</b>
V1: 06/04/2016	Katie Finkill-Coombs – Lead Marine Adviser	Elaine Young (Senior Marine Adviser)	EY
V2: 23/05/2016	Katie Finkill-Coombs – Lead Marine Adviser	Brad Tooze (Area Manager)  Richard Cook (SPA Program Project Manager)	BT - Signed off and will be notified of any significant material changes prior to submission  RC
V3: 10/06/2016	Katie Finkill-Coombs – Lead 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
V4: 17/06/2016	Katie Finkill-Coombs – Lead Marine Adviser	Jonathan Burney Marine Director	JB: Sign off provided based on proposed revisions
V5: 01/07/2016	Katie Finkill-Coombs – Lead Marine Adviser	Senior Leadership Team	Approval provided by SLT on 8 <sup>th</sup> July 2016 for report to proceed to Natural England Board
V6: 11/07/2016	Katie Finkill-Coombs – Lead Marine Adviser	Natural England Board	Approval provided by NE Board on 20 <sup>th</sup> 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 Northumberland Marine potential Special Protection Area (pSPA) formal consultation which ran from 21<sup>st</sup> January to 21<sup>st</sup> April 2016.

**Table 1: Summary of responses**

<b>Site Name</b>	<b>Northumberland Marine pSPA; Coquet Island SPA, Farne Islands SPA and Northumbria Coast SPA</b>
Formal consultation period (13 weeks)	21 <sup>st</sup> January 2016 – 21 <sup>st</sup> April 2016
Total number of stakeholder responses	33
Organisations	18
Individuals/Unsolicited	5
Relevant/competent authorities	10
Number of supporting responses	16
Number of responses supportive of the proposals but objecting to/raising specific issues	8
Number of general enquiries/neutral responses	13
Number of objections	4
Scientific concerns/queries	2
Socio-economic concerns/queries	8
Both scientific and socio-economic concerns/queries	8
Number of consultees with outstanding objections	3

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.

## **Northumberland Marine pSPA consultation**

The Northumberland Marine pSPA is located on the Northumberland coast, extending approximately 10 nm (20 km) offshore from Scremerston near Berwick-Upon-Tweed in the north to Blyth in the south. The landward boundary is drawn at Mean High Water except around the existing SPAs on the Farne Islands and Coquet Island where the landward boundary will be defined by the Mean Low Water Mark.

The Joint Nature Conservation Committee (JNCC) identified a number of areas in the UK which were likely to support important aggregations of seabirds and auks that might warrant protection in the marine waters surrounding existing SPAs. One of these areas was on the Northumberland coast where there are already a number of terrestrial SPAs designated to protect terns during the breeding season. Furthermore, recent breeding seabird data along the Northumberland coast was assessed and the distribution and abundance of seabirds and auks were considered.

As a result of the evidence, it is being proposed that a new marine pSPA boundary extension is drawn out at sea to protect the foraging areas of breeding seabirds (including common, Sandwich, Arctic, little and roseate terns) that occur in internationally important numbers. The proposed boundary also includes a 1 km seaward extension around Coquet Island and the Farne Islands to protect the maintenance behaviours of two auk species; Atlantic puffin and common guillemot. The new pSPA extension covers an area of 88,687 ha, which alongside the existing SPAs results in a combined area of approximately 89,915 ha.

## **Coquet Island SPA, Farne Islands SPA and Northumbria Coast SPA consultation**

Alongside the classification of the Northumberland Marine pSPA, Natural England carried out formal consultation for additional features to the three existing terrestrial SPA sites. It is proposed that the associated, existing SPAs will be amended at the same time. Whilst their boundaries will remain the same the following additional features are recommended for inclusion:

- Coquet Island SPA – An internationally important seabird assemblage of over 20,000 individuals, covering an area of 19.92 ha
- The Farne Islands SPA – Common guillemot and internationally important seabird assemblage of over 20,000 individuals, covering an area of 101.86 ha
- Northumbria Coast SPA – Arctic tern, covering an area of 1,107 ha

## **The Consultation Process**

### **Informal Dialogue**

Informal dialogue was carried out with relevant individuals and organisations from 31st July 2014 until the start of the formal consultation period in January 2016. During informal dialogue Natural England engaged with stakeholders and landowners on the pSPA and obtained information on the socio-economics impacts including activities within the site which were likely to have a negative impact on the qualifying pSPA features and identify potential management measures were required to address these impacts.

### **Formal Consultation**

There was a 13 week formal consultation carried out on the site proposals from 21<sup>st</sup> January 2016 to 21<sup>st</sup> April 2016.

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

- the scientific case for the classification of the sites.

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 designated as an SPA. Nearly 170 stakeholders were contacted in total, by email or post, announcing the submission and the start of formal consultation. Each stakeholder was provided with consultation documents comprising a cover letter, briefing/consultation document providing a detailed explanation of the consultation process and ways to respond. Where relevant, an overview map of the proposed site and detailed map of the specific area relevant to the landholding of the stakeholder was also included. A link to the relevant page of the Natural England website was provided in the cover letter, and the web page provided an outline of the proposal and links to the following documents:

- Briefing/consultation document.
- Frequently Asked Questions.

- Maps for both the Northumberland Marine pSPA and terrestrial SPA's' Coquet Island, Farne Islands and Northumbria Coast
- Citation for the pSPA.
- Departmental brief providing detailed scientific evidence supporting the pSPA and existing SPA's presented to Government.
- Rationale for Natural England's recommendations for the pSPA.
- A summary consultation document outlining the results of the Screening Record Document

In the event stakeholders were unable to access the worldwide web, hard copies were provided on request. In addition, informal dialogue was carried out with relevant individuals and organisations before the formal consultation period.

During the consultation Natural England staff led stakeholder engagement, which took the form of individual conversations with stakeholders and attendance at a number of meetings including presentations to provide briefings on site recommendations. Natural England regularly engaged with stakeholders on the pSPA and existing SPA's in partnership meetings, for example, Coquet Island Committee meeting and the Farne Islands Committee meeting. The information was circulated in the local AONB and 'Cross-Border' e-newsletters as well as a number of press releases in local media. A meeting was also held at Seahouses harbour between Natural England and the Berwickshire MP, the Seahouses Harbour Master and the Northumberland AONB Chairman to provide further information on the benefits of the pSPA designation and elevate any concerns with the proposed designation.

Natural England has made every effort to be available to talk to via telephone or email, and any further documentation has been made readily available on request.

Four weeks before the end of the formal consultation period Natural England issued a reminder to stakeholders through e-mail and via press and social media notifications, to encourage a response before the closing date. The consultation questions related to the scientific evidence can be found in Appendix 2.

## **Consultation Responses**

NE was contacted by 33 stakeholders during the formal consultation via email, letter, online survey or telephone. 14 of the consultation responses required detailed consideration, with four of these concerning the scientific evidence supporting the recommendations. 16 stakeholders were supportive of the proposals with eight of the 16 supportive of the proposals but raising concerns about certain aspects of the recommendations. Four of the stakeholders objected to the proposals, with 13 stakeholders neither supporting nor objecting the recommendations. Concerns expressed by three stakeholders may be considered outstanding and for Defra's consideration.

One local authority supported the proposals. Natural England held a meeting with this stakeholder to discuss and clarify the proposal further with regard to future planning developments and mitigation measures.

A meeting was held with the local MP for the Berwickshire area to discuss the proposals in further detail.

Two stakeholders out rightly objected to the pSPA proposal, two stakeholders objected to the seaward boundary of the pSPA, either questioning or requesting clarification regarding the methodology and data defining the boundary recommendation. 19 stakeholders (five local authorities/other competent authorities, 12 organisations and one individual) raised specific concerns relating to the socio-economic impact of the designation. There were no concerns raised by stakeholders regarding the consultation process.

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

Natural England replied in writing to each stakeholder who raised issues during the consultation, addressing each of the points raised. Stakeholder representations and Natural England's response to issues raised can be found in Table 3 together with Natural England's recommendations to Defra. Where further communications were received, Natural England responded with further written correspondence and, in some instances through telephone conversations and face-to-face meetings.

### **Consultation Conclusions and Natural England's advice to Defra**

The main concerns raised by stakeholders with regard to the scientific rationale behind the pSPA designation are outlined below. Natural England notes concerns raised by a number of stakeholders regarding the assessment of qualifying features and the definition of the landward and seaward boundaries.

In relation to the seaward boundary, it notes the alternative suggestions that have been made, for example, amongst others, a boundary which excludes major port areas.

However, despite the outstanding objections Natural England's advice is that the site should be classified as per the recommendations because:

- The data is sufficient to demonstrate the importance of the site in terms of the qualifying criteria.
- Excluding the area from port areas is based on socio-economic factors only and not based on scientific evidence
- ECON survey carried out in 2015 concluded qualifying pSPA features were foraging in ports, harbours and estuaries
- The proposed approach to setting the seaward boundary, based on generic habitat characteristics, is appropriate given the data available, allowing designation of the site in the near future and providing certainty for stakeholders.

## Issues for consideration by Defra

Natural England received three objections on the designation of the Northumberland Marine pSPA with regard to the boundary and one submission of additional data to inform the pSPA boundary. Further detail is provided below.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by **British Ports Association (BPA)** with respect to the seaward boundary, specifically the removal of port limits, marinas shipping channels and Port of Blyth. Natural England responded in writing to clarify the boundary and the modelling method used to define the boundary was robust and demonstrated terns used these areas to forage. 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 verification survey findings, demonstrates that tern species forage in areas in which visual and noise disturbance occurs. For a summary of these issues and how Natural England responded to the concerns raised, please refer to page 15 in Table 3 of the Consultation Responses chapter.

Natural England would like to highlight for Defra's consideration as an unresolved objection the issues raised by the **Fairhurst on behalf of the Port of Blyth** with respect to the seaward boundary, specifically the inclusion of the Port's statutory limits within the pSPA boundary, the evidence used to include the port in the boundary and request for clarification on the scientific reasoning behind the designation. Natural England responded in writing to clarify the boundary and the modelling method used to define the boundary was robust and demonstrated terns used these areas to forage. For a summary of these issues and how Natural England responded to the concerns raised, please refer to pages 17 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 **Port of Blyth User Liaison Group** with respect to the seaward boundary, specifically the removal of the boundary within Port of Blyth's port limits. Natural England responded in writing to clarify the boundary and the modelling method used to define the boundary was robust and demonstrated terns used these areas to forage. 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 verification survey findings, demonstrates that tern species forage in areas in which visual and noise disturbance occurs. For a summary of these issues and how Natural England responded to the concerns raised, please refer to page 21 in the Detail of Consultation Responses chapter.

The **Farne Islands Committee** submitted additional information on puffins foraging around the Farne Islands SPA area. The data was submitted as a 'Kernel Density Estimation' (KDE) map representing the tracked puffin data foraging off the Farne Islands. The submitted data did not meet the criteria set by the JNCC, although it is noted the puffin track data submitted is included in the existing pSPA boundary. For a summary of how Natural England responded to the concerns raised, please refer to pages 18 in the Detail of Consultation Responses chapter and Appendix 3 for further information.



## 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: 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

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: Detail of Consultation responses**

CONSULTEE	REPRESENTATION	Type *	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<b>A. Owners and occupiers</b>				
██████████	Neutral response.	1	Acknowledgement provided	None raised
██████████ (Greenwich Hospital)	Neutral response.  Requested clarification on socio-economics with regard to management of the terrestrial SPA's.	1 / 3	Acknowledgement email sent and provided:  Clarification provided that there would be no management restrictions on agricultural practices for agricultural land adjacent to the pSPA	None raised
<b>B. Local authorities/other competent authorities</b>				
Crown Estate	Neutral response.  Provided no comment regarding the scientific justification for extending the SPA. Provided information on a marine aggregate tendering process and details of leases and outfalls in the area.	1 / 3	Acknowledgement email sent and detailed response	None raised
Environment Agency	Neutral response	1	Acknowledgement email sent	None raised
Lesbury Parish Council	Supporting response. Provided details of MMO's delivery functions and confirmed pSPA designations will be added to the marine planning evidence base.	2	Acknowledgement email sent	None raised

<p>Northumberland County Council</p> <p>NOTE: Face-to-face discussion held on 16<sup>th</sup> February 2016. Further communication was sent by NCC via online survey (see below)</p>	<p>Supporting response.</p> <p>Requested further information on the potential impacts to future planning proposals and mitigation of impacts</p>	<p>2 / 3</p>	<p>Acknowledgement email sent and meeting held with the County Ecologist and planners to:</p> <ul style="list-style-type: none"> <li>• Clarify the position on future planning developments along the coast as the boundary of the pSPA is up to MHW mark.</li> <li>• Clarified that each planning development would need to be assessed on a case by case basis depending on scale and duration of proposal. Depending on the scale of the work mitigation measures could be agreed to avoid impacts to the pSPA</li> <li>• Explained the pSPA features are already protected by existing SPAs</li> </ul>	<p>None raised</p>
<p>██████████ – Northumberland County Council Ecologist</p>	<p>Supporting response.</p> <p>No comment made on the scientific basis. Requested additional information on socio-economic impacts with regard to the future management of the pSPA</p>	<p>2 / 3</p>	<p>Acknowledgement email and information sent.</p>	<p>None raised</p>
<p>Department of Energy and Climate Change</p>	<p>Neutral response.</p>	<p>3</p>	<p>Acknowledgement email sent.</p>	<p>None raised</p>
<p>Marine Management Organisation (MMO)</p>	<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>1</p>	<p>Acknowledgement email sent.</p>	<p>None raised</p>

<p>Northumberland inshore Fisheries Conservation Authority (NIFCA)</p>	<p>Supporting response.</p> <p>Noted understanding of the scientific rationale behind the boundary and raised the following queries:</p> <ol style="list-style-type: none"> <li>1. Noted the proposed boundary is complicated and crosses a number of different jurisdictions which may pose difficulties implementing &amp; enforcing management if required.</li> <li>2. Noted omission of potting from the assessment of socio-economic impacts although agreed the requirement for management measures for potting is unlikely. Concerned that management restrictions to vessels as a result of potting vessel disturbance may impact this fishery type. Noted some uncertainty with regards impacts of the gill-net fishery and bird bycatch.</li> <li>3. Noted difficulties at this stage to fully assess the potential impact to the local fishing industry and its associated but indirect infrastructure due to the absence of defined management, quantifiable conservation objectives, or baseline condition status.</li> </ol>	<p>2 / 3</p>	<p>Acknowledgement email sent and provided information on:</p> <ol style="list-style-type: none"> <li>1. Provided clarification regarding the modelling approach used to define the boundary which has been drawn to include only the most important foraging areas. Demonstrated confidence in the models ability to predict patterns of tern usage which was verified through three surveys in 2015. Provided clarity on the NIFCA and the MMO's role with regard to fishing activity in protected waters. Confirmed that the jurisdictions of different regulatory bodies cannot be considered when delineating boundaries for SPAs.</li> <li>2. Clarified that vessel disturbance as a result of potting activities is not likely to require additional management. Tern species are consistently scored as being amongst the least sensitive species to disturbance from vessel and helicopter traffic. Confirmed NE's support for ongoing future monitoring to further determine potential impacts of trawling and potting, with particular regard to gill-net bycatch impacts on pSPA features. Clarified that IFCA as the regulatory authority would implement management measures which Natural England would advise on.</li> <li>3. Provided clarification regarding the development of site Conservation Objectives and the Conservation Advice Package for the pSPA and terrestrial SPA's to inform the HRA process. Noted production of the Vulnerability Assessment (VA) to inform relevant authorities of the sensitivity and exposure the features have to any potentially harmful activities.</li> </ol>	<p>None raised</p>
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Trinity House	<p>Neutral response.</p> <ol style="list-style-type: none"> <li>1. Requested clarification of duties as a relevant authority,</li> <li>2. requested assurances in terms of traditional practices and customary rights and</li> <li>3. requested removal of assets (rock lighthouses, navigation beacons etc.) from pSPA boundaries on a maintenance/emergency procedure basis.</li> </ol>	1 / 3	<p>Acknowledgement provided and detailed response;</p> <ol style="list-style-type: none"> <li>1. Provided clarification of statutory duties and customary rights.</li> <li>2. Provided clarification regarding the justification for inclusion of the areas requested for removal.</li> <li>3. Provided further clarity with respect to likely impacts to maintenance &amp; emergency procedures which are considered to be minimal</li> </ol>	None raised
<b>C. Interested Parties/Organisations</b>				
Anne-Marie Trevelyan - Berwickshire MP	<p>Supportive response and requested a meeting to discuss the pSPA in further detail. At the meeting the following was discussed:</p> <ol style="list-style-type: none"> <li>1. the boundary of the pSPA and the qualifying pSPA features</li> <li>2. future management measures required once the pSPA is classified</li> </ol>	2 / 3	<p>An acknowledgement email was sent including notes to summarise the meeting, which clarified the obligations of EU member states under the Birds Directive to protect suitable territories for birds listed under Annex I of the directive. Further information was provided on the following:</p> <ol style="list-style-type: none"> <li>1. Explained the modelling process and verification surveys used to define the boundary</li> <li>2. Explained the benefits of the pSPA in terms of protecting the foraging waters of rare seabirds.</li> </ol>	None raised
Alcan Aluminium UK Limited	<p>Neutral response.</p> <p>Provided additional information on socio-economic activities</p>	1	Acknowledgement sent.	None raised

<p>Berwickshire and Northumberland Marine Nature Partnership</p>	<p>Supporting response</p> <p>Provided information on potential management of the pSPA, including the involvement of the Berwickshire and Northumberland Marine Nature Partnership to help monitor and manage the pSPA in the future.</p>	<p>2</p>	<p>Acknowledgement provided and detailed response as follows:</p> <ul style="list-style-type: none"> <li>• Clarified that Natural England fully supports the role of the Berwickshire and Northumberland Marine Nature Partnership and will continue to work alongside other stakeholders and regulatory bodies to ensure successful delivery of the pSPA</li> <li>• Clarified that Natural England will continue to work closely within the partnership</li> </ul>	<p>None raised</p>
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<p>British Ports Association</p>	<p>Objecting response specifically;</p> <ol style="list-style-type: none"> <li>1. Requesting removal of all port limits, marinas and shipping channels from pSPAs/SPAs and specifically noted the removal of the Port of Blyth port limits</li> </ol> <p>Further discussion with BPA and other port stakeholders took place on 8<sup>th</sup> June 2016. All points of concern were discussed including a request for further clarification regarding the confidence NE placed on the verification surveys in terms of the Port of Blyth.</p>	<p>4</p>	<p>Acknowledgement email and detailed response sent:</p> <ol style="list-style-type: none"> <li>1. Demonstrated the modelled approach indicates that usage by foraging terns of areas such as port limits and shipping channels exceed the maximum curvature thresholds as outlined in the Departmental Brief. The adoption of a model-based approach is justified with a number of precedents. Demonstrated confidence in the robustness of the models' predictions of patterns of tern usage (verified through three 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.</li> </ol> <p>Provided clarification that three verification surveys were carried out in the pSPA (2015) which demonstrated in all cases that terns were using these areas to forage. Further verification survey work was proposed to help identify the "most important areas of usage" in these areas as well as site-specific agreements between NE and Port authorities to facilitate outcomes-focussed discussions regarding future management of port activities if required. Discussions regarding further survey work and development of agreements are ongoing.</p>	<p>Not explicitly stated but consultee may consider their issue to be current.</p>
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EDF Energy (Offshore)	<p>Neutral response.</p> <p>Raised concerns on socio-economic impacts and questioned the data used to define the boundary</p>	1 / 3	<p>Acknowledgement email sent and a detailed response to clarify;</p> <ol style="list-style-type: none"> <li>1. The modelling method to define boundary and site specific surveys carried out at locations within the pSPA</li> <li>2. The WeBS data and bird data from bird breeding colonies</li> <li>3. ECON survey in 2015 to confirm foraging terns within estuaries and ports</li> </ol>	None raised
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<p>Fairhurst on behalf of the Port of Blyth (Submitted on behalf of Port of Blyth)</p>	<p>Objecting response. Concerns raised included:</p> <ol style="list-style-type: none"> <li>1. Justification for inclusion of port limits and science underpinning the recommendation</li> <li>2. Indicated that the waters of the Port of Blyth port limits are unlikely to provide suitable foraging areas for terns due to high levels of activity such as vessel movements ;</li> <li>3. Queried the compatibility of the recommendations with Port activities, specifically in relation to removal of Port of Blyth port limits from the recent Marine Conservation Zone (MCZ)</li> </ol> <p>Further discussion with port stakeholders including the Port of Blyth took place on 8<sup>th</sup> June 2016. All points of concern were discussed.</p> <p>A further meeting with the Harbour Master and a representative of Fairhurst was held on 24<sup>th</sup> June.</p>	<p>5 / 8</p>	<p>Acknowledgement email sent and detailed response to clarify;</p> <ol style="list-style-type: none"> <li>1. Demonstrated the modelled approach indicates that usage by foraging terns of areas in 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. We are confident in the robustness of the models' predictions of patterns of tern usage (verified through three surveys in 2015) and satisfied with the objectivity that the application of the maximum curvature analysis approach has given to the boundary identification process.</li> <li>2. 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 which noise and visual disturbance occurs.</li> <li>3. Provided clarity with respect to policy differences between MCZ's and European Marine sites such as Special Protection Areas</li> </ol> <p>Further verification survey work was proposed to help identify the "most important areas of usage" in these areas as well as site-specific agreements between NE and Port authorities to facilitate outcomes-focused discussions regarding future management of port activities if required. Discussions are ongoing.</p> <p>The 24<sup>h</sup> June meeting involved positive discussions and focussed on how NE could work with the Port post classification to facilitate their operations.</p>	<p>Not explicitly stated but consultee may consider their issue to be current.</p>
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Farne Island Advisory Committee	<p>Supporting response</p> <p>Concerns raised include:</p> <ol style="list-style-type: none"> <li>1. Queried the current boundary not including important areas of foraging puffins around the Farne Islands and provided additional data on puffins foraging off the Farne Islands SPA (Appendix 3)</li> <li>2. Queried whether NE had taken into account impacts as a result of military activities</li> <li>3. Indicated the socio-economic impacts are underestimated</li> </ol>	2 / 3	<p>Acknowledgement email sent and provided detailed response on:</p> <ol style="list-style-type: none"> <li>1. Clarified the modelling method predicted foraging pattern of terns and that the additional foraging data of puffins around the Farne Islands did not meet the JNCC 2012 criteria for SPA designation. Confirm the data submitted did not meet the JNCC selection criteria to influence the current pSPA boundary.</li> <li>2. Provided an explanation regarding activities occurring on the site in terms of the vulnerability assessment which forms the baseline for current activities. Clarified that the Military of Defence (MOD), as a statutory body, are required to consider new designations.</li> <li>3. Provided further clarification that the assessment concluded that socio-economic impacts resulting from the pSPA classification were relatively low</li> </ol>	None raised
Historic England	<p>Neutral response</p> <p>Additional information submitted of the designated scheduled monuments which fall within the pSPA boundary.</p>	1	Acknowledgement email sent	None raised
KA Kitesurfing Adventure sports	<p>Neutral response.</p> <p>Outlined a number of socio-economics concerns.</p>	1 / 3	Acknowledgement email sent.	None raised
██████████ - National Trust	<p>Supporting response.</p> <p>Did not raise any scientific concerns although raised socio-economic queries</p>	2 / 3	Acknowledgement email sent and provided clarity on the socio-economic concerns raised.	None raised

<p>██████ – Anglo Scottish Fishermen’s Association</p> <p>Further discussion during F2F on 5<sup>th</sup> June during a drop-in sessions</p>	<p>Objecting response.</p> <p>Indicated that the designation will restrict fishing activities and raised socio-economics concerns</p>	<p>4</p>	<p>Acknowledgement email sent and further detail including:</p> <p>Clarified the obligations of EU member states under the Birds Directive to protect suitable territories for birds listed under Annex I of the directive. Confirmed that Natural England will work with MMO, IFCA to continue to monitor bycatch.</p> <p>Further clarification was provided during a face to face discussion on the 5<sup>h</sup> July. The respondent indicated that the issues raised had been adequately addressed.</p>	<p>None raised</p>
<p>Northumberland Wildlife Trust</p>	<p>Supporting response</p> <p>Raised an issue regarding the Farne Islands SPA citation:</p> <ol style="list-style-type: none"> <li>1. The Roseate tern and common tern data used in the Farne Islands SPA data no longer meet the threshold set in the original citation.</li> <li>2. There needs to be a clear justification why the two features remain as a qualifying feature of the Farnes SPA.</li> </ol>	<p>2 / 3</p>	<p>Acknowledgement email sent including a detailed response.</p> <ol style="list-style-type: none"> <li>1. Explained that in instances where species were features of existing SPAs, 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 (See Appendix 4 for further details). Clarified that management is in place to provide successful nesting conditions.</li> <li>2. Clarified that if the site is classified, the Conservation Advice Package will reflect the conservation objectives for the site. For sites that have superseded existing SPAs but have witnessed declines in abundance in certain features over time, proposed objectives will reflect the original ambition of the SPA (i.e. the earlier citation value or some variant thereof).</li> </ol>	<p>None raised</p>

National Farmers Union	<p>Neutral response</p> <p>Raised concerns regarding socio-economics for terrestrial SPA's, specifically and requested clarification that no additional management measures are proposed with regard to the additional SPA qualifying features to Coquet Island SPA, Farne Island SPA and Northumbria Coast SPA.</p>	1	<p>Acknowledgement email sent and detailed response:</p> <p>Confirmed that no additional management measures are proposed with regard to the additional SPA qualifying features to Coquet Island SPA, Farne Island SPA and Northumbria Coast SPA.</p>	None raised
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. Requested Natural England continue engagement and sharing information with the NFFO with regard to future monitoring of bycatch.</p>	1 / 3	<p>Acknowledgement email sent</p> <p>Confirmed that the assessment of socio-economic impacts assumed no additional costs to the sector 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.</p>	None raised

<p>Port of Blyth User Liaison Group</p>	<p>Objecting response, specifically;</p> <p>Requesting removal of all port limits, marinas and shipping channels from pSPAs/SPAs and specifically noted the removal of the Port of Blyth port limits</p> <p>Further discussion with port stakeholders including the Port of Blyth User Liaison Group took place on 8<sup>th</sup> June 2016. All points of concern were discussed.</p> <p>A further meeting with the Harbour Master and a representative of Fairhurst was held on 24<sup>th</sup> June.</p>	<p>4</p>	<p>Acknowledgement and provided detailed response further clarification on:</p> <p>Demonstrated the modelled approach indicates that usage by foraging terns of areas such as port limits and shipping channels exceed the maximum curvature thresholds as outlined in the Departmental Brief. The adoption of a model-based approach is justified with a number of precedents. Demonstrated confidence in the robustness of the models' predictions of patterns of tern usage (verified through three 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>Further verification survey work was proposed to help identify the "most important areas of usage" in these areas as well as site-specific agreements between NE and Port authorities to facilitate outcomes-focused discussions regarding future management of port activities if required. Discussions are ongoing.</p> <p>The 24<sup>h</sup> June meeting involved positive discussions and focussed on how NE could work with the Port post classification to facilitate their operations.</p>	<p>Not explicitly stated but consultee may consider their issue to be current.</p>
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<p>Royal Yachting Association (RYA)</p>	<p>Neutral response.</p> <p>Raised no objections to the proposals across the sites in principle, although indicated they 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</p>	<p>1 / 3</p>	<p>Acknowledgement email sent and detailed response sent.</p> <p>Confirmed that there is no evidence that boating activities, at current levels, are restricting the ability of terns to forage within the pSPA.</p>	<p>None raised.</p>
<p>Royal Society for the Protection of Birds (RSPB)</p> <p>Natural England Ornithologists met with RSPB on 10<sup>th</sup> May 2016 to discuss issues raised. RSPB confirmed support for the proposals.</p>	<p>Supportive of proposals. Also raised some concerns with regard to the socio-economics and;</p> <ol style="list-style-type: none"> <li>1. Queried whether Eider duck should be a named component of the breeding bird assemblage for Coquet Island SPA and Farne Islands SPA.</li> <li>2. Indicated that the description of Coquet Island SPA habitat is incorrect and requires amending</li> </ol>	<p>2 / 3</p>	<p>Acknowledgement email sent and provided a detailed response to clarify;</p> <ol style="list-style-type: none"> <li>1. Clarified that Eider duck did not meet the selection criteria as a named component in the seabird assemblage for Coquet Island SPA and Farne Island SPA as demonstrated through the JNCC SPA selection guidance and outlined in the Departmental Brief</li> <li>2. Confirmed that the site description in the current Department Brief was inaccurate. The correct information of Coquet Island will be clearly reflected in the Conservation Advice Package.</li> </ol>	<p>None raised</p>
<p><b>D. Members of the public and unsolicited responses</b></p>				
<p>Anon</p>	<p>Supporting response</p> <p>Requested the area north of Berwick Upon Tweed to be included in the boundary.</p>	<p>2 / 3</p>	<p>Unable to provide a response</p>	<p>None raised</p>

Anon	Supporting response Requested we communicated with local parish councils, include boundary north of Berwick.	2 / 3	Unable to provide acknowledgement	None raised
David Barber	Supporting response	2	Acknowledgement email sent	None raised

## **Appendix 1: Non-Financial Scheme of Delegation**

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

	<b>Function</b>	<b>Delegation</b>
<b>A</b>	Approval to submit formal advice (Departmental Brief <sup>1</sup> or Selection Assessment Document <sup>2</sup> ) 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>B</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

<sup>1</sup>Departmental Briefs (for Special Protection Areas and Ramsar sites)

<sup>2</sup>Selection 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 Team<sup>1</sup>) 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.

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<sup>1</sup>For 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**

1. Do you accept the scientific explanation for the Northumberland Marine site proposal?
2. Do you accept the scientific explanation for the additional features to the existing terrestrial SPA sites?

- Coquet Island SPA
- Farne Islands SPA
- Northumbria Coast SPA

#### 3. Northumberland Marine pSPA

Do you have any additional information that's not included in the departmental brief about the distribution and populations of:

- Arctic tern
- common tern
- little tern
- roseate tern
- Sandwich tern
- common guillemot
- Atlantic puffin
- internationally important seabird assemblage

#### 4. Coquet Island SPA

Do you have any additional information that's not included in the departmental brief about the distribution and populations of:

- Arctic tern
- common tern
- roseate tern
- Sandwich tern
- internationally important seabird assemblage

#### 5. Farne Islands SPA

Do you have any additional information that's not included in the departmental brief about the distribution and populations of:

- Arctic tern
- common tern
- roseate tern
- Sandwich tern
- common guillemot
- internationally important seabird assemblage

#### 6. Northumbria Coast SPA

Do you have any additional information that's not included in the departmental brief about the distribution and populations of:

- Arctic tern
- little tern
- turnstone
- purple sandpiper

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

### **Appendix 3: Additional Evidence**

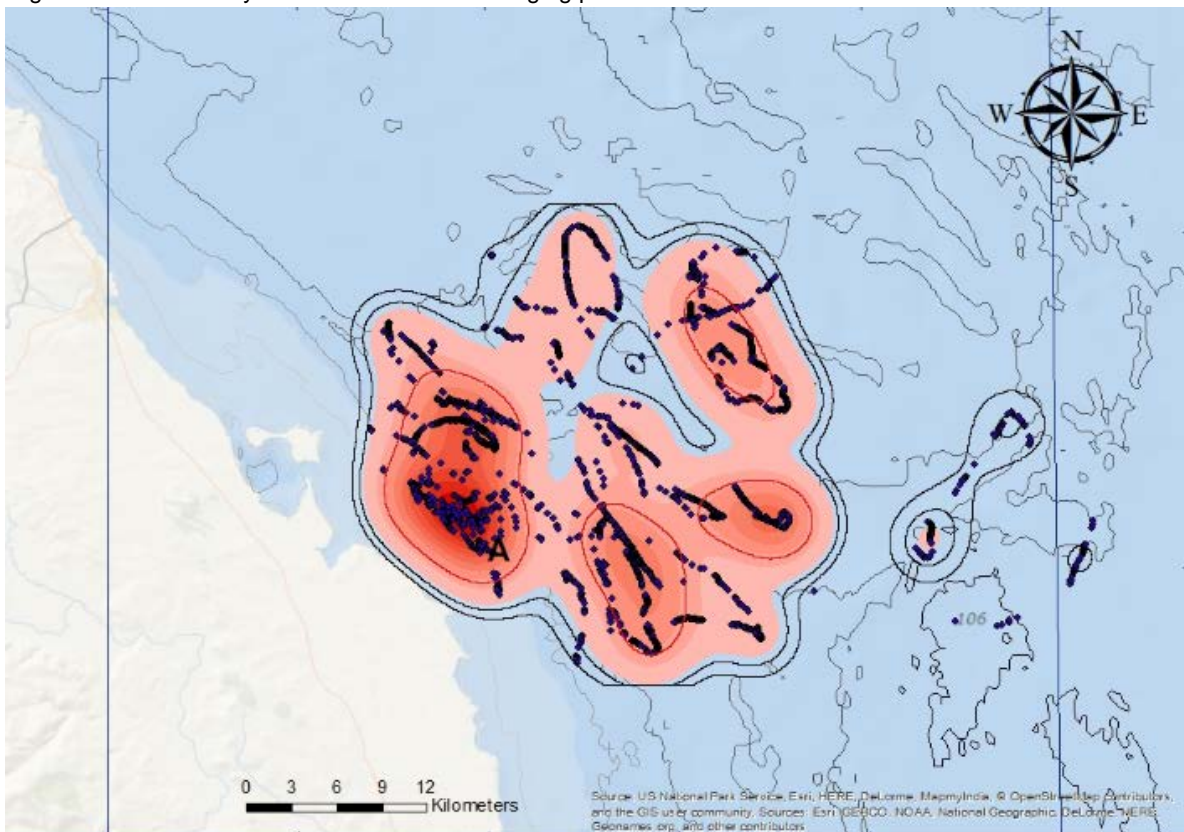
A Kernel Density Estimation (KDE) model on the foraging tracks of puffins from the Farne Islands was submitted by the Farne Islands Committee. The data was collected by a student from Newcastle University on behalf of the Farne Islands and submitted to Natural England as part of the formal consultation response.

The JNCC carried out work to identify important aggregations at sea of all species of seabirds in all seasons around the whole of the UK. This was performed at a UK scale; primary hotspots were identified in Scottish waters which identified four hotspots of breeding puffins including one around the Farne Islands. The conclusion of the JNCC report in 2012 stated: *“The next step in identifying possible SPAs for seabirds in the offshore environment should be to compare the results of the ESAS analyses presented herein and in Kober et al (2010) with the results from other independent studies of seabird dispersion at sea. Any suite of areas with evidence of regular use by seabirds might then be used as the source from which any most suitable territories for SPA classification may be identified.”*

Natural England has not carried out this work in England due to very few ‘hotspots’ being identified in England in comparison to Scotland. Additionally the resource is not currently in place to deliver additional work in the existing SPA Review programme.

In terms of the information submitted by the Farne Islands Committee, the KDE data did not meet the criteria set by the JNCC as the pSPA boundary was drawn to protect the foraging areas used by terns and not puffins. However it should be noted the majority of the puffin data submitted is included in the existing pSPA boundary and therefore the Northumberland Marine pSPA does protect seabird species, including puffin that breed on the Farnes.

Fig 1. A Kernel Density Estimation model on foraging puffins from the Farne Islands SPA



#### **Appendix 4: 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.