

Flamborough & Filey Coast potential Special Protection Area (pSPA) and Flamborough Head possible Special Area of Conservation (pSAC)

Report of Consultation by Natural England

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Version Control

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Executive Summary

From 20th January to 14^h April 2014, Natural England carried out a formal public consultation on the Flamborough and Filey Coast pSPA and pSAC, to seek the views of all interested parties on the scientific case as well as the assessment of the likely economic, environmental and social impacts of the proposals. The proposals were to extend the existing Flamborough Head & Bempton Cliffs SPA to include terrestrial and marine areas, and a terrestrial extension to the existing Flamborough Head SAC.

Natural England contacted over 650 major stakeholders and known interested owner-occupiers in total. 47 stakeholders responded during formal consultation; 16 stakeholders of which were supportive of which 5 were supportive in principle but raised certain concerns. The 2 local authorities consulted were supportive of the proposals in principle but also raised specific points.

22 stakeholders in total objected to the proposals; 20 stakeholders raised objections regarding the landward boundary, 14 of these stakeholders also queried the bird distribution in specific areas. 19 stakeholders raised concerns relating to socio-economic impacts.

The landward boundaries of the pSPA and pSAC have been drawn to take into account predicted coastal change over the next 50 years. The landward boundaries presented at formal consultation were drawn to incorporate a 50 year predicted coastal recession line, using physical markers on the ground as recommended in the Natural England internal guidance. This method however resulted in the boundary being drawn a considerable distance from the predicted recession line in some areas. In response to stakeholders concerns, Natural England reviewed the approach and redrew the boundary using a combination of visual markers and GPS points, resulting in the boundary line being closer to the recession line in the majority of locations.

The Marine Biological Association (MBA) specifically questioned the references made to sea fans in the current Flamborough Head SAC citation. Natural England acknowledged that this was included in error, and have since recommended that this is changed as a result of the consultation.

Post consultation, Natural England was contacted by Smartwind regarding our treatment of Atlantic puffin *Fratercula arctica* ('puffin') in the pSPA Departmental Brief. Smartwind raised concerns with the methodology used to estimate puffin population numbers. Natural England's marine ornithologists reviewed these concerns with JNCC and agreed that the alternative methodology proposed by Smartwind is more appropriate. The amended figures do not change the status of the puffin within the breeding seabird assemblage and only affect the overall assemblage number.

As set out in the consultation report, other concerns were raised during the consultation, notably Natural England's use of contemporary data to update the SPA citation. However it is Natural England's view that these concerns do not justify any changes to the pSPA proposals.

Final Conclusions

This Consultation Report outlines the concerns that have been raised by the stakeholders throughout and post formal consultation and summarises how Natural England have responded. Section 4 gives detail as to how Natural England have addressed these issues. Although we have not received recent correspondence from the stakeholders raising further concerns, we also have not received communications stating that stakeholders are now satisfied with our response. Therefore all the objections received are still considered by Natural England as outstanding.

Our final conclusions are:

1. The Flamborough and Filey Coast pSPA and Flamborough Head pSAC should go forward for formal classification using an amended landward boundary using GPS points as well as marker posts.
2. The SPA citation should be amended to incorporate the change in Atlantic puffin numbers in the breeding seabird assemblage feature.
3. The SAC citation should be amended to remove the reference to sea fans which was included in error.

Final Recommendations

Natural England recommends that Defra should:

1. **Note** that there were no objections regarding the additional features for the pSPA, the principle of the northern extension of the pSPA to protect the cliffs at Filey, or the seaward extension for the pSPA;
2. **Consider** the concerns raised by the public regarding the landward boundary, the use of contemporary bird data and the potential impacts of the designations on undertaking activities;
3. **Agree** to amend the Flamborough and Filey Coast pSPA citation to include the changes to the Atlantic Puffin numbers in the breeding seabird assemblage feature;
4. **Agree** to the removal of Sea Fan from the Flamborough Head SAC citation;
5. **Agree** the recommendation for an amended landward boundary from that which was consulted on;
6. **Confirm** that the amended pSPA should be classified and the amended pSAC should be recommended as a candidate SAC as per the consultation.

1. Introduction

The purpose of this Consultation Report is to clearly set out all correspondence received by Natural England and the associated responses during the Flamborough & Filey Coast potential Special Protection Area (pSPA) and Flamborough Head possible Special Area of Conservation (pSAC) consultation.

Table 1: Summary of responses

Site Name	Flamborough & Filey Coast pSPA and Flamborough Head pSAC
Formal consultation period	20 th January 2014 – 14 th April 2014
Total number of stakeholder responses	47*
Owners and occupier	21
Local Authorities/other competent authorities	7
Interested parties	12
Members of the public/unsolicited responses	7
Number of supporting responses	16
Number of supportive responses raising general enquiries	3
Number of supportive responses objecting/raising specific issues regarding the recession boundary	3
Number of supportive responses objecting/raising specific scientific issues	3
Number of supportive responses objecting/raising socio economic issues	2
Number of general enquiries/neutral responses	8
Number of general enquiries/neutral responses with specific issues/objections raised	1
Number of objections	22
Scientific grounds to recession boundary	20
Scientific grounds regarding bird distribution	14
Other scientific grounds	3
Socio-economic grounds	19
Number of consultees with outstanding objections	22

***Note:** 7 stakeholders responded to the consultation both individually and via an appointed land agent. In this report these responses have been treated as **one response for each stakeholder**, encompassing both the individual's response and the corresponding response from the agent.

2. Background

Natural England works as the Government's statutory adviser to identify and recommend Special Protection Areas (SPA) and Special Areas of Conservation (SAC) 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 potential 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.

Flamborough & Filey Coast pSPA consultation

The existing Flamborough Head and Bempton Cliffs SPA encompasses the clifftop, sea cliff and intertidal rock habitats around the majority of Flamborough Head. The existing SPA was classified in 1993 under the Birds Directive due to its breeding population of black-legged kittiwake *Rissa tridactyla* ('kittiwake'), which is of international importance. In 2001, a review of the UK SPA network also identified an internationally-important assemblage of over 20,000 seabirds within the SPA. Recent surveys along an area of cliffs at Filey, to the north of the existing SPA, have identified important numbers of breeding seabirds outside the SPA. In addition, work carried out by the Joint Nature Conservation Committee (JNCC) has identified that some seabird species use the waters around seabird colonies in significant densities. Therefore, the Flamborough & Filey Coast pSPA includes a terrestrial extension and marine extensions of 2km from the cliffs at Flamborough and Filey.

The proposed landward boundary of the pSPA takes into account predicted coastal change over the next 50 years, to ensure that the boundary of the site will continue to protect the interest features of the site for the foreseeable future. Natural England has undertaken analysis and ground-truthing work to provide data to inform the landward boundary delineation, which was then set to features that can be clearly identified on maps and on the ground. See Annex 2 and Annex 3 for further detail.

Flamborough Head possible Special Area of Conservation (pSAC) – consultation on the proposal to revise the landward boundary of the site

As a result of the work to define a landward boundary for the pSPA that takes into account predicted coastal change over the next 50 years, Natural England has also identified the need to update the landward boundary of the existing Flamborough Head SAC. Again this is to ensure that the boundary of the site will continue to protect the interest features of the site into the future. No changes to the interest features of the SAC (reefs, vegetated sea cliffs and sea caves) are proposed.

3. The Consultation Process

There was a 12 week formal consultation carried out on these proposals from 20th January 2014 to 14th April 2014.

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

- The scientific case for the classification of the pSPA and pSAC boundary extension; and
- The assessment of the likely economic, environmental and social impacts of the proposals, as set out in the Impact Assessment (IA).

Raising awareness of the consultation

Natural England contacted all major stakeholders and known owner-occupiers with an interest in the area being proposed as a pSPA and pSAC. Over 650 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 (both site overview and specific areas) for both the pSPA and pSAC.
- Citation for the pSPA.
- Departmental brief providing detailed scientific evidence supporting the pSPA presented to Government.
- Rationale for Natural England's recommendations for the pSPA.
- Selection Assessment Document for the Flamborough Head SAC proposed landward boundary amendment, containing details and rationale for the proposed amendments to the SAC boundary and details of the process undertaken to delineate the revised landward boundary.
- Summary and details of the IA for both the pSPA and pSAC.

In addition to the above, informal dialogue was carried out with relevant individuals and organisations from July 2012 until the start of the formal consultation period in January 2014.

During the consultation Natural England staff led stakeholder engagement, which took the form of individual conversations with stakeholders and attendance at partnership meetings to provide briefings. A drop-in session was held for owner-occupiers to discuss the proposals, during which Natural England staff were available to answer questions and concerns. Port visits were also carried out to engage with fisheries stakeholders. Presentations were given to Filey Town Council and Scarborough Borough Council committees. Natural England has also made every effort to be available to talk to via telephone or email, and any further documentation has been made readily available on request. During the consultation period some additional owner-occupiers were identified and the consultation documents were supplied promptly to these stakeholders.

Four weeks before the end of the formal consultation Natural England issued a reminder to a number of stakeholders by e-mail and a press release, to encourage a response before the closing date.

The landward boundary for the pSPA and pSAC is expected to be the same as for the required underpinning Site of Special Scientific Interest (SSSI). Although the consultation for the planned underpinning SSSI will be carried out separately to this pSPA/pSAC consultation, there has inevitably been some overlap as the same stakeholders will be affected. As such, a number of comments were made in stakeholder's correspondence that related specifically to the planned SSSI notification. Natural England responded to these points by clarifying the difference between the designations, but also addressed the concerns as far as possible regarding the requirement for land owners and managers to gain consents or assents for certain activities and detailing the processes involved.

4. Consultation Representations

Natural England was contacted by **47** stakeholders during the formal consultation. **16** stakeholders were supportive of the proposals, **5** of which were supportive of the proposals in principle but raised concerns about certain aspects.

2 local authorities were contacted; both were supportive of the proposals in principle but one raised concerns about specific points, and one proposed a change to the site name.

22 stakeholders in total objected to the proposals. **20** stakeholders raised concerns about the landward boundary of the pSPA and pSAC, either questioning or asking for clarification of the rationale behind the setting of the boundary, particularly around the use of a 50-year recession prediction and the inclusion of additional land due to the proposed fitting of the boundary to identifiable features on map and ground. **14** stakeholders queried the bird use of specific areas, such as the south-facing cliffs, private land or farmland. **19** stakeholders (including owner-occupiers and the NFU) had concerns specifically relating to the socio-economic impacts of the designations on farming and/or land value.

The purpose of this report is to detail all correspondence received by Natural England and the associated responses during the Flamborough & Filey Coast pSPA and Flamborough Head pSAC consultation. Comments received relating to the IA are dealt with separately as part of the process to update the IA document before it is passed to Defra.

All stakeholder responses were collated and a scientific evidence panel, comprising of Local Advisers, Senior Advisers and Environmental Specialists, convened to re-evaluate the evidence for the proposed designations, in light of the information we received from consultees. Discussions were also had with JNCC with regards to stakeholder comments on the use of the JNCC guidelines.

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, below, together with Natural England's recommendation to Defra. Where further communications were received, Natural England responded with further written correspondence and, in some cases, telephone conversations and face-to-face meetings. This dialogue has been captured in Table 3 under 'Further Representations and Discussions (outside the formal consultation period)'. Copies of correspondence and meeting notes can be provided if necessary.

Stakeholder responses have been categorised as follows:

Table 2: Stakeholder 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 recession boundary
6.	Objection on scientific grounds regarding bird distribution
7.	Objection on other scientific grounds
8.	Objection on socio-economic grounds
9.	Issues with the consultation process in general

Consultees are categorised as follows:

- A - Owner/Occupiers
- B - Local authorities/other competent authorities
- C - Interested parties
- 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				
<p>██████████</p>	<p>1. Questions the rate of erosion of the cliffs that has been used to draw the line of predicted recession.</p> <p>2. Raises concerns regarding the effect of the designation on the market value of his land.</p>	<p>5/8</p>	<p>1. Provided further justification for the recession prediction.</p> <p>2. Referred to previous studies which found no impact of site designation on land value.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>[REDACTED]</p>	<p>1. Have an issue with the inland boundary and the line of predicted recession.</p> <p>2. Raise the issue that there are no breeding birds using their land.</p> <p>3. Raise concerns about the designation discouraging potential future buyers of the property.</p> <p><u>Further Representations and Discussions (outside the formal consultation period)</u></p> <p>4. A number of further letters and e-mails have been exchanged following the formal consultation period. The issues raised by the stakeholders centred on the inclusion of part of their land within the site boundary. The stakeholders reiterated the points previously raised, in particular their dispute of the line of predicted recession and the data used to derive the boundary.</p> <p>† Note: Some of [REDACTED] correspondence was sent on behalf of themselves and their neighbours, [REDACTED]. Following the formal consultation period, individual correspondence was also received from [REDACTED] and [REDACTED].</p>	<p>5/6/8</p>	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>3. Clarified that Natural England do not wish to control the activities undertaken on the property but are obliged to provide consent for activities undertaken within the planned SSSI, which will underpin the pSPA and pSAC. Included an example of long-term blanket consent for lawn mowing and other personal activities as an example.</p> <p>4. Responded with further justification and explanation of the 'Prediction of 50-year cliff recession distances' report and the rationale behind the boundary, but this was not accepted by the stakeholders. Natural England advisers and Senior Environmental Specialist in Coastal Geomorphology attended a meeting with the stakeholders and some of their neighbours. The stakeholder's objection to the location of the boundary in relation to their property remains.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	<ol style="list-style-type: none"> 1. Says that the rate of cliff erosion is minimal. 2. Says that the south-facing cliffs on their land are not good seabird habitat and very few seabirds nest there. 	5/6	<ol style="list-style-type: none"> 1. Provided further justification for the recession prediction. 2. Explained that the pSPA boundary does not include their land and therefore the pSPA designation proposal does not apply. <p>No further communication has been received.</p>	Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.
[REDACTED]	<ol style="list-style-type: none"> 1. Does not think there is any scientific evidence to support the rate of erosion of the cliffs that has been used to draw the line of predicted recession. 2. Raised the issue that the birds in question do not use farmland. 3. Raised concerns regarding the effect of the designation on the market value of his land and profitability of his business. 	5/6/8	<ol style="list-style-type: none"> 1. Provided further justification for the recession prediction. 2. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes. 3. Referred to previous studies which found no impact of site designation on land value. Explained that Natural England do not expect current farming activities to require any additional management measures as a result of the proposed pSPA and pSAC. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.


CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>██████████</p>	<p>1. Disagrees with the scientific basis for the prediction of the 50 year cliff line recession rates.</p> <p>2. Disagrees with the landward boundary, stating that farmland should not be included on the basis that birds do not use these areas.</p> <p>3. Raised concerns regarding the detrimental effect on farm and leisure businesses, both in terms of reduction in value and the inhibition of leisure businesses leading to reductions in employment and negative effects on the local economy.</p> <p>4. Says that the overall consultation process was confusing and that there were inconsistencies in the proposals.</p> <p><u>Further Representations and Discussions (outside the formal consultation period)</u></p> <p>5. Reiterated concerns about the landward boundary and the amount of farmland included.</p>	<p>5/6/8/9</p>	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>3. Referred to previous studies which found no impact of site designation on land value. Explained that Natural England do not expect current farming activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>4. Provided further clarification and details regarding the consultation process.</p> <p>5. A Natural England adviser visited ██████████ to discuss amendments to the boundary to sit more closely to the line of the recession buffer, following the use of GPS co-ordinates (see Section 4 below). Natural England have responded to requests by ██████████ by remapping the proposed boundary as near to the line of the recession prediction buffer as possible.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<p>1. Disagrees with the way in which the landward boundary has been drawn and does not accept the rate of cliff erosion used to define the line of predicted recession.</p> <p>2. Questions the validity of using relatively recent bird population data and thinks that the increasing population of gannets is having a detrimental effect on the availability of nesting sites for other bird species.</p>	5/7/8	<p>1. Provided further justification for the recession prediction.</p> <p>2. Outlined the evidence available regarding the declines of some bird species, which does not suggest any relationship between declines in some species and increasing gannet numbers.</p> <p>The changes to the boundary following the use of GPS coordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>


CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<ol style="list-style-type: none"> 1. States that the cliffs are very stable and only a 'very narrow strip along the top' would be required to protect them. 2. Raises the issue that the birds in question do not use farmland. 3. States that the proposals will impose restrictions on farming activities and would result in an extra management and financial burden, as well as devaluing land. Quantifies this loss of value. 4. States that he did not receive the consultation documents and the consultation process has been poor. 	5/6/8/9	<ol style="list-style-type: none"> 1. Provided further justification for the recession prediction. 2. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes. 3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current farming activities to require any additional management measures as a result of the proposed pSPA and pSAC. 4. Explained that Natural England made every effort to identify land owners using local knowledge and details gained from the land registry, however when the consultation commenced we were unaware that they were a prospective landowner which is why they were not initially made aware of the consultation process. Once Natural England was made aware of the prospective landowner, consultation documents were sent out and the process was explained. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>██████████*</p>	<p>1. States that the recession line is unnecessary as the cliffs are stable and not eroding.</p> <p>2. States seabirds only use the land away from cliffs to collect nesting material and therefore the proposals will have no protective effect. Says that seabirds do not use the south-facing cliffs.</p> <p>3. States that there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism and the ability of land owners to manage their land use.</p>	<p>4/5/6/8/9</p>	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>██████████*</p>	<ol style="list-style-type: none"> 1. States that the natural flora and fauna of the area are thriving and no interference necessary. 2. States that the cliff face is the boundary and there is no need to draw an 'arbitrary' line. 3. States that seabirds do not use the south-facing cliffs. 4. Suggests that the increasing gannet population is responsible for the decline in kittiwake numbers. 5. States that the designation will render his land 'un-sellable' and there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism and the ability of land owners to manage their land use. 	<p>4/5/6/ 7/8/9</p>	<ol style="list-style-type: none"> 1. Outlined reasons for designation. 2. Provided further justification for the recession prediction. 3. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. 4. Discussed available evidence regarding the declines of some bird species, which does not suggest any relationship between declines in some species and increasing gannet numbers. 5. Referred to previous studies which found no impact of site designation on land value. Explained that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>


CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
 *	<ol style="list-style-type: none"> 1. Disagrees with the rate of cliff erosion used to calculate the line of predicted recession. 2. States that seabirds do not use the south-facing cliffs. 3. Says that the proposals will devalue his land and there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism and the ability of land owners to manage their land use. 	5/6/8/9	<ol style="list-style-type: none"> 1. Provided further justification for the recession prediction. 2. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. 3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>██████████*</p>	<p>1. Questions the rate of erosion of the cliffs that has been used to draw the line of predicted recession.</p> <p>2. Raises the issue that the seabirds use neither farmland nor the south-facing cliffs.</p> <p>3. States that there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism and the ability of land owners to manage their land use.</p>	<p>5/6/8/9</p>	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. Clarified that the land within the recession boundary has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
 *	<ol style="list-style-type: none"> 1. Disagrees with the rate of erosion used to define the line of predicted recession. 2. Raises the issue that nesting seabirds do not use the south-facing cliffs or farmland. 3. States that there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism, land value and the ability of land owners to manage their land use. 	5/6/8/9	<ol style="list-style-type: none"> 1. Provided further justification for the recession prediction. 2. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. Clarified that the land within the recession boundary has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes. 3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>██████████*</p>	<p>1. Disagrees with the line of predicted recession and says that cliff erosion is minimal.</p> <p>2. Raises the issue that the birds in question do not use the south-facing cliffs or any inland areas.</p> <p>3. States that there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism and the ability of land owners to manage their land use.</p>	<p>5/6/8/9</p>	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>[REDACTED]</p>	<p>1. States that not enough information/ scientific evidence has been presented to justify why so much additional land is required.</p> <p>2. Raises concerns about reduction to land values and the effect on farm incomes if the land cannot be used for agricultural processes.</p>	<p>5/8</p>	<p>1. Provided further justification for the recession prediction. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>2. Referred to previous studies which found no impact of site designation on land value. Explained that Natural England do not expect current farming activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>
<p>[REDACTED]</p>	<p>1. Disagrees with the line of predicted recession and says that cliff erosion is minimal.</p>	<p>5</p>	<p>1. Provided further justification for the recession prediction.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
	<ol style="list-style-type: none"> 1. Says that the proposal is unnecessary. 2. States that cliff erosion is very slow. 3. States that the birds do not use the south-facing cliffs. 4. States that the SPA designation will devalue land. 	4/5/6/8	<ol style="list-style-type: none"> 1. Clarified the basis for the proposals and the difference between the three designations types (SPA, SAC and SSSI). 2. Provided further justification for the recession prediction. 3. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no evidence to suggest that kittiwakes are no longer using these areas. 4. Referred to previous studies which found no impact of site designation on land value. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Thornwick & Seafarm Centre	<p>1. Disagree with the rate of cliff erosion used to calculate the line of predicted recession.</p> <p>2. Raises the issue that nesting seabirds do not use the south-facing cliffs, although this particular stakeholder's holding is on the north side. States that the inclusion of inland areas is unnecessary.</p> <p>3. States that there has not been sufficient consideration of the economic facts relating to the proposals in respect of tourism and the ability of land owners to manage their land use. Concerned that the SPA/SAC proposals will lead to SSSI designation, which in turn will impose restrictions on farming operations and the development of affected businesses, and have a negative impact on tourism.</p>	5/6/8/9	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the south-facing cliffs are already included in the original 1993 SPA classification which makes reference to kittiwakes being present on the south side of Flamborough Head at South Landing. There is no other evidence to suggest that kittiwakes are no longer using these areas. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes.</p> <p>3. Referred to previous studies which found no impact of site designation on land value. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Flamborough Golf Club	<p>1. Do not accept the rate of cliff erosion used to define the line of predicted recession and say the cliffs are very stable.</p> <p>2. Raise concerns about the erection of marker posts on the golf course and the negative effect this will have on their business.</p>	5/8	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained the changes to the boundary in terms of the use of GPS co-ordinates (see Section 4 below), and therefore no physical marker posts would need to be erected on the course. Revised boundary maps were sent in a follow-up communication. Explained that Natural England do not expect current golfing activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>Trinity House – General Lighthouse Authority</p>	<p>1. Seek assurance that the proposals will not affect their operations and statutory function in respect of offshore beacons, laying buoys and other activities. Say that their land does not qualify for inclusion in SPA/SAC.</p> <p><u>Further Representations and Discussions (outside the formal consultation period):</u></p> <p>2. Trinity House contacted Natural England after the boundary amendment, in order to clarify that parts of the lighthouse and fog station were still proposed to fall inside the pSPA and pSAC.</p>	<p>3/8</p>	<p>1. A Natural England adviser met with Trinity House and explained the likely impact that the pSPA and pSAC extension would have on the day to day operations of the lighthouse and fog station. Explained that Natural England do not wish to stop the undertaking of statutory activities outside of the area in which bird or vegetation features occur but are obliged to provide consent/assent for activities undertaken within the planned SSSI, which will underpin the pSPA and pSAC. Explained that a long-term blanket consent/assent can be issued for activities, providing they are not likely to affect the features of the planned SSSI.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>2. Confirmed that parts of the lighthouse and fog station were still proposed to fall inside the pSPA and pSAC and reiterated our written response with regard to the undertaking of statutory activities. Trinity House still have concerns regarding the undertaking of these activities should the site be designated.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Blue Dolphin Caravan Park/ Bourne Leisure	<p>1. Question the basis for the line of predicted recession and suggest a 20-year line to fit with the Impact Assessment approach.</p> <p>2. Raise concerns about the cost of carrying out Habitats Regulations Assessment (HRA) etc. following designation.</p>	5/8	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that the existing SPA and SAC mean that plans or projects would already require a Habitats Regulations Assessment because the area is functional land and would therefore warrant consideration. Further explained that the classification of a SPA or SAC would not change the requirement for an Environmental Impact Assessment as this assessment would depend on the type of project and whether it falls within the Annex I and II of Council Directive No 85/337/EEC which may have a significant environmental effect, regardless of whether they are in a protected area or not.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.
The Crown Estate	1. Raise a number of existing/proposed projects for consideration in the consultation process.	1/3	<p>1. Acknowledged that Natural England has considered the presence of existing infrastructure as described and the proposed potential projects that may lie adjacent to the proposed pSPA and pSAC. Explained that consideration has been given in the IA to existing activities and future developments will be addressed on a case by case basis.</p> <p>No further communication has been received.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
B. Local Authorities/ other competent authorities				
East Riding of Yorkshire Council	1. Supportive in principal, however raise concerns over the data used to determine the line of predicted recession, and seek clarification regarding the use of Environment Agency LiDAR data to inform the erosion predictions.	2/3/5	<p>1. Provided further justification for the line of predicted recession and provided details of the data used. Explained that although LiDAR data was not directly used in the <i>'Flamborough Head, Filey Brigg to South Bay: Prediction of 50-Year Cliff Recession distances'</i> report, it was anticipated that the data was incorporated in the SMP2 and this was reviewed as part of the assessment.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	No outstanding scientific issues.
Scarborough Borough Council	<p>1. Supportive of the proposals but suggest a change of name to 'Filey Brigg and Coast SPA'.</p> <p>2. Further to Natural England's response, Scarborough Borough Council emailed to reiterate their support of the proposals and further their opposition to the name.</p>	2/3	<p>1. Thanked the council for their support and explained that the proposed name change is not considered a suitable alternative. Explained that we consider the seabird colonies at Flamborough and Filey as a single cliff-dwelling colony separated by an area of unsuitable habitat and therefore the current name reflects the geographical extent of the site. It was also explained that if assessed independently, the cliffs at Filey would not qualify as an SPA in their own right and therefore Natural England views the proposed name as the most suitable for the designation.</p> <p>No further communication has been received.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
North East Inshore Fisheries and Conservation Authority (IFCA)	Neutral response.	1/3	Acknowledgement letter sent.	No outstanding scientific issues.
Environment Agency	1. Neutral response, however raise concerns regarding impacts on netting in Bridlington area.	1/3	1. Responded that Natural England are not aware of any issues relating to seabird bycatch in the Bridlington area at the current fishing levels. Explained that we do not envisage any material changes to the outcome of the licenses from the proposed extension if they remain at the current level. No further communication has been received.	No outstanding scientific issues.
Department for Energy and Climate Change (DECC)	Neutral response.	1/3	No further communication has been received.	No outstanding scientific issues.
Marine Biological Association (MBA)	1. Neutral response, but question the need for a landward boundary incorporating coastal recession. 2. Questioned references to sea fans in the pSAC consultation material.	1/3	1. Provided further justification of the need for the recession boundary. 2. Acknowledged error of sea fan reference and committed to updating the pSAC citation to reflect this. This change does not affect the designated features of the pSAC, which are unchanged from the original designation. No further communication has been received	No outstanding scientific issues.
Marine Management Organisation (MMO)	Neutral response/acknowledgement.	1	Acknowledgement letter sent.	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
C. Interested Parties				
Bempton Parish Council	<p>1. Support the principal of the proposals but disagree with the line of predicted recession on the basis that cliff erosion is minimal.</p> <p>2. Have concerns about the impacts on the farming community.</p>	2/5/8	<p>1. Provided further justification for the recession prediction.</p> <p>2. Explained that Natural England do not expect current farming activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	No outstanding scientific issues.
Flamborough European Marine Site (EMS) Management Scheme	Supportive of the proposals.	2/3	Acknowledgement letter sent.	No outstanding scientific issues.
Hull Geological Society	1. No comment on the proposals but request some kind of official permission statement for geological studies.	1/3	<p>1. Explained that Natural England are obliged to provide consent for activities undertaken within the planned SSSI, which will underpin the pSPA and pSAC. Detailed the operations that could potentially require Natural England's consent and explained that legislation does not allow the issuing of a 'permission statement'. Outlined the process involved in seeking consent. Expressed that Natural England want to support those that are involved in study and education and would not withhold consent if the proposed activities are not likely to affect the features for which the sites are designated.</p> <p>No further communication has been received.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
National Farmers Union (NFU)	<ol style="list-style-type: none"> 1. Do not accept the approach used to draw the landward boundary and calculate the line of predicted recession. 2. Raise the issue that seabirds do not use the landward sites/farmland. 3. Have concerns about the impacts of the proposed designations on farming practices. 4. Say that a number of landowners did not receive details of the consultation. 	5/6/8/9	<ol style="list-style-type: none"> 1. Provided further justification for the recession prediction. 2. Explained that the land within the area of predicted recession has been included to accommodate the migration of features following cliff recession, allowing vegetation on the cliff top to persist and vegetation and breeding bird species to colonise newly exposed cliffs and slopes. 3. Clarified that Natural England do not expect current land management activities to require any additional management measures as a result of the proposed pSPA and pSAC. 4. Outlined the processes undertaken to ensure all known landowners were contacted and requested details of landowners who did not receive the documents to ensure all were included in the correspondence list. <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.
Filey Brigg Angling Society	Supportive of the proposals.	2	Acknowledgement letter sent.	No outstanding scientific issues.
Network Rail Infrastructure Ltd.	Supportive of the proposals.	2	Acknowledgement letter sent.	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>Yorkshire Wildlife Trust (YWT)</p> <p><i>Note: YWT are also an owner-occupier</i></p>	<p>1. Supportive but raise concerns about the use of contemporary seabird data to define baseline populations on the basis that this approach does not take in to account past declines in kittiwakes and other species.</p> <p>2. Have concerns about landward extent of the boundary in terms of the potential impacts on local business owners and farmers.</p>	<p>2/7/8</p>	<p>1. Noted the concerns of YWT with regard to use of contemporary data and confirmed that Natural England will ensure that the kittiwake and assemblage population trends are fully taken into account when identifying conservation objectives for the pSPA and associated SSSIs. Explained that the approach used is consistent with other cases.</p> <p>2. Provided further justification for the recession prediction and explained that Natural England do not expect current farming activities to require any additional management measures as a result of the proposed pSPA and pSAC.</p> <p>In addition, the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) were explained and revised boundary maps were sent in a follow-up communication.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholders have not acknowledged that they agree with Natural England's approach, we consider that there is no outstanding scientific issue for consideration by Defra.</p>

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
<p>Royal Society for the Protection of Birds (RSPB)</p> <p><i>Note: RSPB are also an owner-occupier</i></p>	<p>1. Supportive but seek assurance that the Filey Bay area will be given due consideration in the identification of marine SPAs for foraging seabirds.</p> <p>2. Raise concerns about landward extent of the boundary in terms of the placement of the site boundary further inland of the 50 year predicted recession line due to the lack of mappable features.</p> <p>3. Raise concerns about the use of contemporary seabird data to define baseline populations on the basis that this approach does not take in to account past declines in kittiwakes and other species.</p>	2/3/5/7	<p>1. With regard to the future identification of foraging areas such as Filey Bay, explained that Natural England value the ongoing tagging work and outputs and their contribution towards building the evidence base as the UK SPA network is kept under review.</p> <p>2. Explained the changes to the boundary following the use of GPS co-ordinates (see Section 4 below) explained and sent revised boundary maps in a follow-up communication.</p> <p>3. Noted the concerns of the RSPB with regard to use of contemporary data and confirmed that Natural England will ensure that the kittiwake and assemblage population trends are fully taken into account when identifying conservation objectives for the pSPA and associated SSSIs. Explained that the use of contemporary data is consistent with other cases.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholders have not acknowledged that they agree with Natural England's approach, we consider that there is no outstanding scientific issue for consideration by Defra.</p>
Filey Brigg Ornithology Group	<p>1. Supportive but have concerns regarding the use of contemporary seabird data to define baseline populations on the basis that this approach does not take in to account past declines in kittiwakes and other species.</p>	2/7	<p>1. Noted the concerns of FBOG with regard to use of contemporary data and confirmed that Natural England will ensure that the kittiwake and assemblage population trends are fully taken into account when identifying conservation objectives for the pSPA and associated SSSIs. Explained that the approach used is consistent with other cases.</p> <p>No further communication has been received.</p>	<p>Whilst the stakeholders have not acknowledged that they agree with Natural England's approach, we consider that there is no outstanding scientific issue for consideration by Defra.</p>
English Heritage	Neutral response/acknowledgement.	1	Acknowledgement letter sent.	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	Type	Natural England response	OUTSTANDING ISSUES FOR CONSIDERATION BY DEFRA
Defence Infrastructure Organisation	Neutral response. Highlight that there are some navy activities which may impact on the site.	1	Acknowledgement letter sent.	No outstanding scientific issues.
Royal Yachting Association (RYA)	Supportive of the proposals.	2	Acknowledgement letter sent.	No outstanding scientific issues.
D. Members of the public and unsolicited responses				
██████████	Member of the public – supportive of the proposals.	2	Acknowledgement e-mail sent.	No outstanding scientific issues.
██████████	Member of the public – supportive of the proposals.	2	Acknowledgement e-mail sent.	No outstanding scientific issues.
██████████	Member of the public – supportive of the proposals.	2	Acknowledgement e-mail sent.	No outstanding scientific issues.
██████████	1. Objects on the basis that contemporary seabird data has been used to define the baseline population, which does not take in to account past declines in kittiwakes and other nesting seabirds.	7	1. Confirmed that Natural England will ensure that the kittiwake and assemblage population trends are fully taken into account when identifying conservation objectives for the pSPA and associated SSSIs. Explained that the approach used is consistent with other cases. No further communication has been received.	Whilst the stakeholder's objection remains, Natural England consider that there is no outstanding scientific issue for consideration by Defra.
██████████	Member of the public – supportive of the proposals.	2	Acknowledgement e-mail sent.	No outstanding scientific issues.
██████████	Member of the public – supportive of the proposals.	2	Acknowledgement e-mail sent.	No outstanding scientific issues.
██████████	Member of the public – supportive of the proposals.	2	Acknowledgement e-mail sent.	No outstanding scientific issues.

* These stakeholders responded to the consultation both individually and via an appointed land agent.

5. Amendments following the formal consultation

Landward boundary for the pSPA and pSAC

The landward site boundary presented at consultation was drawn to encompass the areas in which the classified or designated features occur and in addition, due to the eroding and slumping nature of the cliffs, further areas of land based on predictions of coastal recession over the next 50 years. The boundary was drawn following internal guidance which stipulated that physical markers on the ground should be used to delineate the boundary, after allowing for the recession predictions. The original boundary followed existing walls, fence lines, ditches, drains tracks and roadsides. Where there was no mapped feature that could be used to delineate the extent of an interest feature, the boundary was drawn as a straight line from one point distinguishable on the ground to another. In some locations this approach resulted in significant amounts of land beyond the recession predictions being included in the pSPA and pSAC.

During the consultation it became apparent that this method for drawing the boundary was not the most suitable approach for the locality due to the large field sizes, which results in low numbers of visual markers near to the cliffs. In response to concerns from several owner-occupiers regarding this issue, Natural England considered the requirements of the Birds and Habitats Directives and the associated guidance in defining the landward boundary and looked at alternative ways to achieve a boundary that sits closer to the recession predictions.

With this legislative context in mind, it is Natural England's recommendation that the pSPA/pSAC landward boundaries continue to follow fixed points of reference, e.g. fence posts, where they exist in close proximity to the landward side of the 50-year recession predictions, but where there are no physical reference points, the landward boundary now follows GPS points to set the boundary closer to the recession predictions. When revising the pSPA/pSAC landward boundary, we have used the minimum number of GPS points to achieve the desired effect, whilst still following mapped features or 'lines of sight' between mapped points where they exist and are reasonably close to the recession predictions. This approach has, in many locations, significantly reduced the amount of land within the pSPA and pSAC that lies beyond the 50-year recession predictions. Maps showing the pSPA and pSAC boundaries are shown in Annex 3.

Boundary maps showing both the original and proposed revised boundary for the pSPA and pSAC were circulated to relevant owner-occupiers.

Atlantic puffin population numbers

Post consultation, Natural England was contacted by Smartwind regarding our treatment of Atlantic puffin *Fratercula arctica* ('puffin') in the Flamborough and Filey Coast pSPA Departmental Brief. Smartwind raised concerns with the methodology used to estimate puffin population numbers of 490 pairs or 980 breeding adults within the pSPA. The 980 breeding adults figure was derived from census data from 2008 to 2011 which counted puffins as 'individuals on land'. The 'individuals on land' figure of 980 was converted to a pairs estimate by dividing the count by two to give a population estimate of 490 pairs. There is concern that using this methodology may result in a significant underestimation of the puffin population.

Natural England's marine ornithologists have reviewed the puffin population estimate in the Flamborough and Filey Coast pSPA Departmental Brief in consultation with JNCC and consider that, on balance, it is more appropriate to double the number of 'individuals on land' counts for puffin to derive a figure for the number of pairs within the Flamborough and Filey Coast pSPA (as suggested by Smartwind). Therefore, the puffin population estimate for Flamborough and Filey Coast pSPA will be amended from 490 pairs (980 breeding adults) to 980 pairs (1960 breeding adults). These figures do not change the status of puffin within the breeding seabird assemblage

and it still remains an unnamed component. The overall assemblage number in the citation will however be amended to incorporate this increase in puffin numbers.

SAC Citation

The Marine Biological Association (MBA), in their consultation response, specifically questioned the references made to sea fans in the current SAC citation which was provided with the consultation documents. Natural England acknowledged that this was included in error, and have since contacted Defra to recommend that this is changed as a result of the consultation.

6. Additional seabird data received post-consultation

To determine whether there was more recent data regarding the use of the south-facing cliffs at Flamborough Head than that used at classification, Natural England approached other relevant organisations. RSPB monitoring in 2008 found that 365 kittiwake were nesting between Flamborough Head and South Landing. The RSPB also provided data from an incomplete whole-colony survey carried out in summer 2014, which indicated that the south-facing cliffs of Flamborough Head supported approximately 100 pairs of kittiwake, 70 pairs of northern fulmar and 12 pairs of herring gull. Finally, JNCC provided extracts from the Seabird 2000 dataset, demonstrating that in 2000 the south facing cliffs away from South Landing supported a minimum of 115 pairs of kittiwake, 13 pairs of herring gull and 48 pairs of northern fulmar.

This data provides further justification that SPA features breed on the south facing cliffs of Flamborough Head, and that these areas warrant inclusion in the pSPA.

Annex 1 Consultation questions

Scientific Case

Q1 - Do you accept the scientific basis for the potential SPA (pSPA) and possible SAC (pSAC)? If No, please explain why.

Q2 – Do you have any information additional to that included in the Departmental Brief about the distribution and populations of breeding seabirds in the Flamborough and Filey areas that you would like to share with Natural England?

If Yes, Please attach any additional information you hold concerning the distribution and populations of breeding seabirds in the Flamborough and Filey areas and provide a brief overview of the content. If you are unable to attach the file, please post to: Northern North Sea SPA team, Natural England, Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH or indicate below how you would prefer to share this information.

Q3 - Do you have any further comments on the scientific basis for the pSPA and pSAC?

Q4 - Please use this section to add additional comments or feedback about the recommendation to extend the existing SPA at Flamborough or about the proposal to revise the boundary of the Flamborough Head SAC.

If you are unable to attach the file, please post to: Northern North Sea SPA team, Natural England, Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH or indicate below how you would prefer to share this information.

Annex 2 Defining the landward boundary of the SPA

It has been identified that the features of the SPA and the SAC are likely to be affected by coastal erosion in the future. Accordingly Natural England has considered what would be an appropriate and proportionate landward boundary to protect the features in the context of the predicted coastal erosion. Having assessed the requirements of the Birds Directive and the Habitats Directive and the associated guidance, Natural England has proposed to extend the landward boundary for both the pSPA and pSAC, using a 50 year recession line to take account of local coastal erosion rates. Maps can be found in Annex 3.

To provide evidence to meet this requirement Dr Mark Lee was contracted (under Natural England's Shoreline and Geomorphological Advice call off contract) to produce a report to predict the 50 year cliff line recession rates. This included the coastal stretch relevant to both the proposed pSPA boundary and the other existing SSSIs along that section of coast (Lee, 2012).

The assessment involved:

1. *Review of recession prediction methods*; this draws on recent research into the reliability of various prediction methods to estimate recession along the Holderness coast (Lee, 2011).
2. *Identification of cliff units*; these are lengths of cliff line with broadly consistent geological materials (bedrock and glacial deposits), exposure to wave attack and cliff types and shoreline forms. Over the long-term, they can be expected to retreat at relatively uniform rates i.e. a single 50-year retreat prediction should apply for the whole unit.
3. *Assessment of historical recession rates for each cliff unit*, based on a review of available reports (e.g. Future coast, Shoreline Management Plans 2 (SMP2) reports, North Eastern Coastal Authorities Group (NECAG) monitoring reports).
4. *Development of 50-year predictions*, providing both upper and lower-bound estimates, taking account of the historical recession rates and the expected impact of relative sea-level rise (RSLR).

From the recession rates recommended by Dr Mark Lee for the sections between Flamborough and Filey, our Specialist advice from Siobhan Browne (Senior Specialist Coastal Geomorphology) was to use the historical 50 year projection as the more appropriate rate. This is because this also takes into consideration sea level rise (which the extrapolation of current rate does not) and is consistent with the approach taken previously. These represent the upper boundaries of the predictions in the report and so are also the most precautionary based on best available information.

To reduce error in defining the new landward boundary, it was decided that ground truthing was needed to determine a robust cliff line from which to plot the 50 year recession line. Field work was undertaken in July 2012 by Simon Coleman and John Taylor (GI specialists) and the full extent of the cliff edge corresponding to the pSPA landward boundary extent was recorded on GPS devices with readings taken approximately once every 30 metres.

Both Simon and John, independently of each other, plotted a cliff line based on the ground truthing exercise. Two different lines of recession were then calculated from the two plotted cliff lines. There was considerable overlap in the recession lines produced with only minor differences. This gives us high confidence in the predicted line. The boundary was drawn to capture both plotted lines where they overlapped. In a few places the interpretation of the cliff edge differed this was always where another feature such as a gully or valley transacted the cliff edge. The more conservative approach taken by Simon was taken as the best interpretation of cliff edge as the further inland the cliff edge is interpreted to be the more it is influenced by other different processes.

During the process the local advisers highlighted 4 areas where it was the view that local erosion rates are more rapid than those predicted in Dr Mark Lee's analysis. Mark comments that:

'...one of the problems with Flamborough is that there seems to have been no monitoring of cliff recession rates by the local council or other bodies. Various studies have quoted long-term recession rates, but these tend to be based on map comparisons over large sections rather than short-term erosion at specific locations such as Thornwick Bay. As far as I am aware nobody has compared aerial photography for different dates along the Flamborough coast.'

Simon Coleman then compared aerial photography between 2 time periods (most recent and from 2002/3) to determine whether this supports the view that more rapid erosion is taking place in these specific localities. For all areas except Thornwick Bay (East) the analysis has shown that the extent of actual recession, assessed from comparison of the aerial photos, is either that which is to be expected or indistinguishable from Dr Mark Lee's predictions over the same time period. There is a caveat here that these slippage events are infrequent and by their nature do not exhibit incremental change. The 8-9 years comparison therefore may not be enough time to draw firm conclusions that significant slippage greater than Mark's 50 year analysis cannot be ruled out at some point. There isn't any other analysis that can be done, however, to improve certainty in this judgement.

At Thornwick Bay (East) Simon's comparison appears to show, in 3 locations, rates of recession that are marginally greater than Mark's predictions. In drawing the boundary here, however, a proportion of the headland has been included in order to align the boundary to a field margin so this will encapsulate recession rates that are greater than the predictions in any case.

This exercise has given further confidence that the rates predicted by Dr Mark Lee are the best possible evidence base from which to determine the 50 year recession line and the pSPA boundary.

Once the current cliff-line was established and the 50-year predicted recession line mapped, the landward boundary of the pSPA was drawn to encapsulate the recession line. The approach taken was to draw the boundary to the nearest inland boundary that could be identified both on a map and on the ground, such as a field corner or other obvious landmark if it did not seem unreasonable. Where it did, for example including a large field where only a smaller part of it was pSPA, the boundary ran through the field with a straight line drawn from two fixed points either side. However, in response to representations received during the public consultation regarding the use of field corners or other obvious landmarks when setting the landward boundary, Natural England revised our boundary-setting approach to allow the use of Global Positioning Systems (GPS) points where there are no visual markers in close proximity to the 50 year recession line. This has significantly reduced the distance between the recession line and the landward boundary in many locations.

References

Rees, S.M., ed. (2005): Coastal evolution in Suffolk: an evaluation of geomorphological and habitat change. *English Nature Research Reports*, No. 647. Available at: <http://publications.naturalengland.org.uk/file/70029>

Lee, E.M. (2011): Reflections on the decadal-scale response of coastal cliffs to sea level rise. *Quarterly Journal of Engineering Geology and Hydrology* 2011; v. 44; p.481-489. *Abstract available at: <http://qjgeh.lyellcollection.org/content/44/4/481.abstract> Full text available with paid subscription.*

Lee, E.M. (2012): Flamborough Head, Filey Brigg to South Bay: Prediction of 50-Year Cliff Recession distances. Unpublished report to Natural England. *Available on request*

Annex 3 **Maps showing the pSPA and pSAC boundaries** – due to the size of the maps these have been sent separately.