

Isles of Scilly potential Special Protection Area (pSPA)

Report of Consultation by Natural England, 2019



European shag (photo credit: Natural England)

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Introduction

Formal consultation on the Isles of Scilly potential Special Protection Area (pSPA) ran from 26th February to 21st May 2019. The purpose of this Consultation Report is to set out all correspondence received by Natural England during the public consultation and the associated responses provided. The advice in this report regarding the site and its classification is Natural England's advice provided to the Department of Environment, Food and Rural Affairs (Defra).

Table 1: Summary of responses

Site Name	Isles of Scilly pSPA
Formal consultation period (12 weeks)	26th February – 21st May 2019
Total number of stakeholder responses	44
Organisations	6
Individuals/Unsolicited	31
Relevant/competent authorities	7
Number of supporting responses	35
Number of supportive responses that raise scientific concerns/queries	0
Number of supportive responses that raise socio-economic concerns/queries	5
Number of supportive responses that raise socio-economic and scientific concerns/queries	1
Number of general enquiries/neutral responses	6
Number of neutral responses that raise scientific concerns/queries	0
Number of neutral responses that raise socio-economic concerns/queries	2
Number of neutral responses that raise both scientific and socio-economic concerns/queries	0
Number of objections	3
Number of objections which raise scientific concerns/queries	1
Number of objections which raise socio-economic concerns/queries	2
Number of objections which raise both scientific and socio-economic concerns/queries	0
Number of consultees with outstanding objections	3

Background

Natural England works as the Government's statutory adviser to identify and recommend Special Protection Areas (SPAs) in England to meet the requirements of the European Birds Directive¹.

The Birds Directive requires 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, they are recommended to government for approval to carry out a formal public consultation. Government decides which sites to classify and to put forward to the European Commission for inclusion in the Natura 2000 network.

Isles of Scilly pSPA consultation

The Isles of Scilly potential SPA (pSPA) is located in the South-West Approaches, 45 km (28 miles) south-west of Land's End. The Isles of Scilly form an archipelago of over 200 low-lying granite islands and rocks which support a greater diversity of seabirds than any other site in England, with over 8,000 pairs of 13 different species of regularly breeding seabird. The largest five islands are inhabited (St Mary's, St Martin's, Treco, Bryher, and St Agnes (including Gugh)).

The existing terrestrial Isles of Scilly SPA was classified in 2001 to protect key breeding sites for seabirds across the islands and covers an area of approximately 400 hectares. The existing terrestrial SPA site supports the fifth largest UK population of European storm petrel *Hydrobates pelagicus* (and the largest in England), the sixth largest UK population of lesser black-backed gull *Larus fuscus graellsii*, the third largest UK population of European shag *Phalacrocorax aristotelis* (and the largest in England), and the largest population of great black-backed gull *Larus marinus* in the UK. The seabird assemblage includes at least eight other seabird species, including Manx shearwater *Puffinus puffinus*, which only breeds at one other location in England (Lundy Island).

The proposed new Isles of Scilly pSPA has been recommended to extend the protection for these breeding seabirds while they are at sea. The pSPA will incorporate approximately 12,900 ha of inshore waters around the islands which the seabirds use for feeding and maintenance behaviours such as resting and preening. Where only parts of larger islands were included within the existing SPA boundary, the pSPA boundary is placed at Mean High Water (MHW).

The qualifying features of the existing SPA are the European storm petrel; lesser black-backed gull; and a breeding seabird assemblage. These existing SPA qualifying features are retained, and new qualifying features for European shag and great black-backed gull are proposed for the pSPA.

The Isles of Scilly pSPA qualifies under Article 4 of the Birds Directive (2009/147/EC) for the following reasons:

- Species listed in Annex I of the Birds Directive: the site regularly supports more than 1% of the Great Britain population of one breeding species (European storm-petrel). Therefore the site qualifies for SPA classification for this species in accordance with the UK SPA selection guidelines (stage 1.1: JNCC 1999).
- Regularly occurring migrants not listed in Annex I of the Birds Directive: the site regularly supports more than 1% of the biogeographical populations of two breeding species (European shag and lesser black-backed gull). Therefore the site qualifies for SPA classification for these species in accordance with the UK SPA selection guidelines (stage 1.2: JNCC 1999).

¹ EEC, 2009, Council Directive 2009/409/EEC of 30 November 2009 on the Conservation of wild birds. Official Journal L20, 26.1.2010, p.7-25

- Assemblages: the site has a long history of supporting an assemblage of more than 20,000 individual seabirds, recognised within the original Isles of Scilly SPA classification. Therefore the site qualifies for SPA classification in accordance with the UK SPA selection guidelines (stage 1.3: JNCC 1999).
- Species for which stage 1 guidelines cannot be applied: the site supports one regularly occurring migratory breeding species which is not on Annex I of the Birds Directive but which cannot be selected at stage 1.2 (reaching 0.90% of the biogeographic threshold). The site is identified as supporting the largest aggregation of breeding great black-backed gulls in the UK, making a contribution to sufficiency of the SPA network (Stroud et al. 2016), and therefore qualifies for SPA classification in accordance with the UK SPA selection guidelines (stage 1.4: JNCC 1999).

The Consultation Process

Stages of the consultation process

Natural England ran a period of **informal dialogue** from 10th January to 7th February 2018 with local stakeholders on the Isles of Scilly, with separate ongoing stakeholder liaison up to and including autumn 2018.

A 12 week **formal public consultation** was then carried out on the site proposals from 26th February to the 21st May 2019. The purpose of this consultation was to seek the views of all interested parties on:

- The scientific case for the addition of two new seabird features to the Isles of Scilly SPA classification; and
- The scientific case for the classification of the pSPA

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. The assessment concluded that the socio-economic impacts resulting from the pSPA classification were relatively low. Therefore a full socio-economic impact assessment for the consultation was considered disproportionate and was not developed. However, to ensure all consultation responses have been considered, socio-economic representations are also reported briefly within this consultation report (see below for discussion and further detail in Table 3).

Raising awareness about the Consultation

Natural England has provided opportunities through face to face meetings, informal drop-in sessions, and via telephone and email correspondence, for stakeholders and individuals to discuss the proposals and raise any queries, issues or concerns.

Information was made available to stakeholders during the informal dialogue period to help improve understanding of the proposals in advance of formal consultation launch. Documents provided included two Technical Information Notes (TINs) TIN 175 – Proposals for a marine extension to the Isles of Scilly pSPA and TIN 120 – Establishing Marine SPAs; a Frequently Asked Questions (FAQs) document; and a non-technical summary briefing of the data collection and analysis undertaken to define the pSPA marine boundary.

Meetings and workshops were held with key stakeholders on the Isles of Scilly during and after the informal dialogue period in 2018, including:

- An informal IFCA meeting with IFCA Committee members and Chairman of the Isles of Scilly Fishermen's Association (February 2018)

- A general stakeholder meeting (February 2018)
- A specific half-day workshop on Scilly explaining the data and the scientific basis for the marine boundary (June 2018).
- A one-day Habitat Regulation Assessment training course for regulators on the islands (June 2018)
- Bilateral discussion meeting with Councillors from Council of the Isles of Scilly (June 2018)
- Meeting with Derek Thomas MP (November 2018)

At the start of formal consultation, Natural England contacted all major national and local stakeholders with an interest in the area of the pSPA site, as well as owner/occupiers and the relevant Member of Parliament (MP). A total of 42 local stakeholders and 15 local owner/occupiers (for the existing terrestrial SPA) were contacted during the formal consultation, either by email or by post. In addition, 250 national stakeholders were contacted by email announcing the start of formal consultation. Reminders were sent 2 weeks before the close of consultation.

Stakeholders were encouraged to respond via an online survey (hosted by the Citizen Space website). The formal consultation package was made available online and contained a consultation summary document, the Departmental Brief (describing the scientific case underpinning the proposal), the non-technical data summary, a map showing the proposed SPA boundary as well as links to TIN 175 and TIN 120. A meeting with Natural England staff to discuss the proposals was offered to all major stakeholders. Provision was made to send hard copies of the consultation documents on request to anybody who was unable to access the documents online.

A press release was distributed to relevant media at the start of formal consultation, which contained details of the proposals and information about the consultation. There was some take-up of the press release towards the end of the formal consultation period, with interviews provided to “This is Scilly” and ITV West Country (both appearing online during the consultation period).

Meetings and teleconferences with key stakeholders on the Isles of Scilly and the mainland (Cornwall) were held during the formal consultation period. These included the Council of the Isles of Scilly, the RSPB, Tresco Estate, the Duchy of Cornwall, and the Duchy Harbour Authority. In addition, representatives from the Council of the Isles of Scilly, the Islands Partnership and the Isles of Scilly IFCA attended a general stakeholder discussion meeting held on the islands. A meeting was also held with the Isles of Scilly Steamship Group post consultation, in response to queries and concerns they had raised by email during the consultation period.

Public drop-in sessions were held on St Mary’s (0 attendees) and the off-islands of St Agnes (11 attendees), Bryher (3 attendees), St Martin’s (12 attendees) and Tresco (1 attendee), to provide an opportunity for interested parties to discuss the proposals, along with any questions and/or concerns, with Natural England staff (further details of these provided in Appendix 3).

Consultation Responses

Natural England received 44 formal consultation response submissions during the formal consultation period. 7 were from authorities, 31 from individuals and 6 from interested organisations. Of the 44 response submissions received, 40 were full consultation responses.

Of the 40 full consultation responses received, 29 responses were highly supportive of the proposals, and a further 6 were supportive in principle but raised concerns about management of the pSPA. 2 neutral responses raising socio-economic concerns were received. Three objecting responses were received; one of these related to the scientific basis for the pSPA.

Consultation Conclusion; Natural England's Advice to Defra

Natural England have considered the principal issues raised by consultees and noted the objections which are outlined below. Natural England has assessed the objections and conclude that there are no scientific objections which would warrant any changes to the pSPA.

Natural England confirms the recommendation that the Isles of Scilly pSPA be classified on the basis of the available scientific evidence as set out in the Departmental Brief.

Issues for consideration by Defra

Outstanding objections raised by respondents

One objection was raised on the **scientific** basis for the designation via the online consultation, where an individual (██████████) answered 'No' to the question: "Do you accept the scientific rationale for the site proposal? If no, explain why". The consultation asked for an explanation to support the response but none was provided so Natural England could only acknowledge the response, rather than respond to any reasoning for the objection (see p22, Table 3). It is probable that this response could be more accurately categorised as an objection in principle to the designation rather than to the detail of the scientific justification for the site.

Two individual responses received to the online consultation (local residents ██████████ ██████████) were **objections in principle** to the designation of marine protected areas, with some associated concerns about the possible socio-economic impacts of the marine extension to this site, particularly for local fishermen.

We responded to ██████████ to clarify the formal consultation process and its purpose, and to confirm that the local Fishermen's Association had been consulted and that they felt that the marine extension would not cause any undue problems for fishing around the islands. We explained that SPAs are designated on scientific evidence basis alone, and that socio-economic issues cannot influence the selection of sites or their boundaries, as a matter of case law (see p19, Table 3).

██████████ response did not provide any comment on the scientific justification for the pSPA. It focussed on his belief that environmentalists can often do more harm than good (with examples given from Scotland in relation to salmon and seals and decisions earlier this year in relation to the general licensing of pigeon control) and his belief that policing/enforcement of current legislation is ineffectual. Natural England acknowledged this response but did not comment on issues raised as these were considered outside of the scope of the consultation (i.e. the scientific rationale for the site proposal) (see p21, Table 3).

No detailed information was supplied by either respondent in relation to concerns regarding socio-economic impacts of the pSPA. A summary of predicted socio-economic impacts of the extension had been presented in the Consultation Summary Document, provided to all consultees. As outlined in that document, because management is already required in the marine area as necessary to protect the breeding seabird features of the current terrestrial SPA, there should be no additional socio-economic impacts attributable purely to the marine extension.

Summary of socio-economic concerns raised

It is a matter of case law that socio-economic considerations cannot influence the designation of SPAs or their boundaries, which must be based on scientific evidence. As a result the information provided below is an overview and does not describe each issue in detail, although Natural England has responded to them.

Further details of the stakeholders, their specific socio-economic concerns and Natural England responses are contained in Table 3 below.

Some respondents did recognise the positive impact that this designation could have in socio-economic terms, highlighting the important contribution that seabirds make to the tourism industry of Scilly, and that designation enhances the islands' reputation and significance as an exceptional eco-tourism destination.

The proposals for this site have triggered a suite of wider questions about the need for assessment of plans and projects affecting Natura 2000 sites in general, rather than pertaining to the SPA extension in particular. The consultation process has allowed an opportunity to clarify roles and responsibilities stemming from existing Natura 2000 designations, and to ensure that local authorities are fully supported (e.g. via the Habitats Regulations Assessment training facilitated during the Informal Dialogue period). As the islands themselves are already designated as a Special Area of Protection (SPA), and the marine area around the islands is already designated as a marine Special Area of Conservation (SAC), most proposed activities and developments would already require assessment and this extension of the existing SPA into the marine environment will require minimal additional information or assessment.

Stakeholders have queried whether the proposed designation might create additional bureaucracy for, and add expense to, any new projects or developments. In particular the possible future development of renewable energy resources on or around the islands. There have also been concerns about the potential impact on current low-level commercial and recreational marine activities. Furthermore concerns have been expressed over the impact of designations on local communities, and specifically detrimental impact on fishermen. In discussion, stakeholders have generally been supportive of Natural England's proposals to take forward local discussion around the perceived 'burden of regulation' for on-island stakeholders in relation to all local protected areas, through the Island Futures Board; as well as further discussions around recreational management through the local Marine Protected Areas (MPA) Working Group.

Detail of Consultation Responses

Table 2: Response categories

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


The stakeholder's representation is outlined together with Natural England's response and recommendation to Defra in Table 3 below. Natural England will provide Defra with a consultation package including copies of all consultation responses received, as required, and Natural England's response to the points raised.

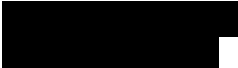
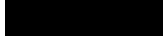

The final column in Table 3 highlights whether the scientific objections raised are still considered outstanding. Objections are considered outstanding unless a response has been received from the stakeholder to indicate otherwise.

Consultees are categorised as follows:



- A - Local authorities/other competent authorities
- B - Interested parties/Organisations
- C - Members of the public and unsolicited response

Table 3: Consultation responses


CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
A. Local authorities/other competent authorities				
Council of the Isles of Scilly 	Supportive of the proposals (online survey) 1. Welcomed the designation to support breeding seabirds, but with the caveat that that the extension will not create additional complexity and regulation with regard to new projects/developments, to avoid harm to the economic and social well-being of the islands. 2. Concerns expressed over potential impact on current low-scale commercial and recreational marine activities, but reassured following discussion during consultation period that current levels of activity would not be affected. 3. Noted that future proposals must continue to be developed in discussion with all local stakeholders with the support of Defra, Natural England and the MMO. 4. Seeking reassurance from Natural England that the extension would not prevent the use of renewable energy resources on and around the islands.	2 / 3	Response sent (email) 1. Confirmed that the marine extension to the existing SPA will not add any further complexity and regulation to the decision making process. 2. Noted their comment. 3. Confirmed that Natural England look forward to working with the Council of the Isles of Scilly and other stakeholders to develop ongoing management measures, if needed, for the protected sites on the Isles of Scilly. 4. Explained that the designation of a SPA does not preclude renewable energy development, and that any future proposals for renewable energy around the islands would be subject to the 'Habitats Regulations' for the existing terrestrial SPA and the existing marine SAC, as well as the proposed marine extension to the SPA.	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Council of the Isles of Scilly 	Supportive of the proposals (email). Requested clarification on rationale for specific treatment of additional features. <ol style="list-style-type: none"> 1.  gave support for the evidence in the Departmental Brief for adding shag and great black-backed gull (GBBG), but queried why shag and GBBG now qualify as features in own right. 2. Also queried why European shag is described as 'a regularly occurring migrant', when it's resident all year on Scilly. 	2 / 3	Detailed response sent (email): <ol style="list-style-type: none"> 1. Explained that biogeographic population figures for European shag and great black-backed gull have been updated since the existing terrestrial SPA was designated, hence they now qualify as features in their own right. 2. Shag is a migratory species over much of its global range, and even though shags on Scilly may move far shorter distances the species as a whole is 'a regularly occurring migratory species'. 	None
Trinity House 	Neutral response (email). Requested exclusion of marine areas surrounding lighthouses. <ol style="list-style-type: none"> 1. Explanation of Trinity House functions and property interests (primarily, lighthouses, buoys, beacons). 2. Requested the explicit exclusion of marine areas surrounding lighthouses at Bishop's Rock, Round Island and Peninnis from the designation, on an operational maintenance and emergency procedure basis. 	1 / 3	Detailed written response sent (email) <ol style="list-style-type: none"> 1. Noted information and provided clarification of statutory duties and customary rights. 2. Provided clarification regarding the justification for inclusion of the marine areas which Trinity House requested to be excluded from the pSPA boundary, and further clarification with respect to likely impacts to maintenance and emergency procedures, which are considered to be minimal. Additional points made: <ol style="list-style-type: none"> 3. Offered the opportunity for more detailed discussion, including developing a suitable platform for addressing operations considered as emergencies. 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
South West Water (SWW)	<p>Supportive of the proposals (online survey). Concerns about how implementation of proposals might impact planned works for Isles of Scilly.</p> <ol style="list-style-type: none"> 1. Explained that SWW is taking on responsibility for water and sewerage provision on the Isles of Scilly, and have a schedule of improvements to existing infrastructure and potentially new assets. 2. Concerns that the implementation of the marine extension in a single change may adversely impact their planned programme of works for 2020-2025 (which have already been approved by the Regulator). SWW requested that the extension to the SPA is therefore implemented incrementally. SWW request involvement as Natural England's plans (pSPA) develop so that where possible they can 'future proof' their works to meet likely future requirements. 	2 / 3	<p>Detailed response sent (email):</p> <ol style="list-style-type: none"> 1. Noted information provided. 2. Explained why implementing the marine extension incrementally would not alter impact on their planned programme of works. Firstly, as a matter of government policy, from the date that the consultation starts the proposed marine extension (pSPA) is afforded the same protection as if it were fully designated, and secondly, as this proposal is for an extension to the boundary of an existing designated site, most relevant planned works would already be subject to the requirements of the Habitats Regulations because all areas within the new marine boundary could be described as being 'functionally linked' to the existing terrestrial SPA. <p>Additional points made:</p> <ol style="list-style-type: none"> 3. The designation of the marine boundary to the SPA should clarify the areas of greatest importance for the seabirds protected by the Isles of Scilly SPA, and this increased clarity should be helpful for stakeholders and competent authorities, including SWW, in decision making over any future proposals. 	None


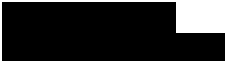
CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Environment Agency (EA) 	<p>Neutral response (email). Requested information on marine modelling.</p> <ol style="list-style-type: none"> Query about whether any marine modelling has been undertaken as part of the pSPA work, and requesting if the EA can have access to this information, as it might assist them in discussions with the Council of the Isles of Scilly and South West Water (SWW) over the siting of a new potential sewage outfall. 	1	<p>Detailed response sent (email)</p> <ol style="list-style-type: none"> Explained that the marine extension to the SPA boundary was based on modelling data from digital aerial surveys and so is not relevant to the modelling data that the EA is seeking. Signposted the EA to the data summary in the Non-technical summary document (part of the consultation documentation) for further clarification. 	None
Duchy of Cornwall 	<p>Supportive of the proposals (teleconference). Raised a number of queries.</p> <ol style="list-style-type: none"> Supportive, overall view of The Duchy and Duchy Harbour is that the proposal seems sensible and a good idea. Understood that the boundary of the marine extension is based on scientific data but queried whether it would have been easier to set a circular boundary. Queried why the proposed extension does not cover all of the foraging areas used by all the seabird species. Discussion around current activities and any potential impacts on the proposed extension. Duchy Harbour are very supportive of further discussions around recreational management, and wish to be involved (through the MPA Working Group). Queried who will responsible for monitoring and reporting on the site. Supportive of attempting discussion around 	2 / 3	<p>Discussion of and verbal response to queries raised (teleconference).</p> <ol style="list-style-type: none"> Welcomed support. Explained the importance of sound scientific justification for the boundary and that guidance suggests that straight line boundaries are easier for site managers to use. Explained that data on Shag was used to determine the boundary of the proposed marine extension as this species forages in shallower waters closer to the islands and is therefore easier to define. The pSPA boundary also captures the waters used by all the seabird species for maintenance behaviour. No specific management is expected to be introduced as an immediate consequence of designation but discussions around fisheries management have been held (Fishermen's Association voluntary code of conduct, and ongoing IFCA monitoring), also discussions around monitoring and management of recreational activities (e.g. through the MPA Working Group). 	None



CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
	perceived 'burden of regulation' from on-island stakeholders in relation to all Isles of Scilly protected areas through the Island Futures Board.		<p>5. Explained that responsibility for managing and monitoring the SPA lies with the various competent authorities (based on the type of activity). But Natural England have overall responsibility for monitoring condition of the site and its features (i.e. periodic all-island breeding seabird surveys).</p> <p>6. Noted support</p>	
Department for Business, Energy & industrial Strategy	Supportive of the proposals (online survey)	2	Acknowledgement sent	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
B. Interested parties/organisations				
Royal Society for the Protection of Birds (RSPB) 	<p>Very supportive of the proposals, with a couple of points for clarification (accepted offer of a meeting with Natural England prior to submitting formal written response, key points summarised here)</p> <p>1. Welcome and support the proposed marine extension to the existing terrestrial SPA, and strongly welcome the approach Natural England is taking in incorporating the findings of the recent SPA Review to support the robust case for designation.</p>	2 / 3	<p>Detailed discussion at face to face meeting, and follow up letter sent</p> <p>1. Noted and thanked for support.</p> <p>2. Noted and agreed with point made.</p> <p>3. Confirmed that the marine extension will provide protection for all the qualifying features of the SPA, including the breeding seabird assemblage, to provide protection for the full suite of species.</p>	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
	<p>2. Comment that designation is first step to establishing a coherent network of marine protected areas, but in order to thrive they need to be well managed, adequately resourced and properly enforced with strong, proactive conservation objectives.</p> <p>3. Request for clarification that the marine extension area would also provide protection for the full suite of SPA species including the seabird assemblage.</p> <p>4. Requested that potential gaps in the terrestrial SPA are addressed, including sites notified as SSSIs but not incorporating seabirds as notified features (e.g. Manx shearwater at Wingletang SSSI, St Agnes), and breeding sites which are outside of all designated sites (e.g. European storm petrel on Burnt Island, St Agnes).</p> <p>5. Made the point that it is important that the contribution of seabirds to the tourism industry of Scilly is considered in any socio-economic or impact assessments.</p> <p>6. Site features need to be well understood and threats assessed. Essential to share information and work with stakeholders, which requires a proactive and well-resourced plan for site management. Need to address the currently poor understanding of how the site is used by features and users, and the sensitivities of protected features to various impacts. Recommendation for further monitoring to determine site use, and any impact resulting particularly from recreation and/or transport (land, sea and/or air) to identify any management gaps and most appropriate management measures.</p>		<p>4. Noted the request for implementation of the recommendations made for the Isles of Scilly (as part of the SSSI Notification Review process) to address potential gaps and anomalies in the terrestrial coverage of the SPA and the underpinning terrestrial SSSIs for seabirds.</p> <p>5. Noted and agreed with point made.</p> <p>6. Agreed that further work is required to investigate recreational and transport impacts on the pSPA, and for other protected sites around the islands, most notably the marine SAC and MCZs. Natural England looks forward to continuing to work with local stakeholders to establish proactive and collaborative ongoing management of the SPA and other protected sites.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Isles of Scilly Wildlife Trust [REDACTED]	Supportive of the proposals (online survey) Strongly supportive of the completion of the marine extension to provide vital protection of breeding seabirds on the Isles of Scilly.	2	Acknowledgement sent	None
Tresco Estate [REDACTED]	Supportive of the proposals. Raised a number of concerns (at the drop-in session on Tresco and followed up with an online response) 1. Accepts the scientific rationale for the marine extension to the Isles of Scilly SPA but considers the data on which it is based to be limited and is unclear about the evidence for the extension. 2. Concerns about the impacts that the marine extension to the existing terrestrial SPA could have on future projects for development and growth as well as for current activities, especially mainland and inter-island transport, cruise ships and yachting, and also impacts on future proposals for renewable energy. In particular, concerns over additional bureaucracy and potentially significant costs of the Habitats Regulation Assessment process. 3. Questioned what aims and objectives the marine extension would accomplish for the SPA, opinion that the focus should be on securing management for the existing site before extending it. 4. Stated that Defra are required to carry out an Impact Assessment for each SPA designation, and provided some information on what activities should be considered in that Assessment.	2 / 3	Discussions at drop-in session on Tresco, then further detailed response sent (email), in response to submission to online survey: 1. Noted comment. 2. The proposed marine extension is adjacent to and overlays other existing protected sites, in particular the terrestrial SPA and marine SAC, which are already subject to Habitats Regulation requirements therefore this marine extension to the SPA will not increase regulatory requirements. Any projects affecting seabirds within the proposed additional area of designation would already be subject to requirements under the 'Habitats Regulations' at this stage, even before confirmation of the extension to the boundary. This is because all areas within the proposed marine extension could be described as being 'functionally linked' to the existing terrestrial SPA. Natural England already advise authorities to consider the impact of activities on areas outside of the existing SPA boundary, which support the existing features of the SPA designation. 3. Explained that the marine extension to the existing terrestrial SPA will help to achieve the conservation objectives for the site as it recognises that the seabirds are almost completely dependent on the marine environment for their survival, apart from nesting/breeding on land. Also provided a link to the on-line Conservation Objectives for the existing	Stated concern that the data underpinning the marine extension proposal are 'limited' (although accepts the scientific basis for designation)

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
			<p>terrestrial SPA.</p> <p>4. Confirmed that for any SPA designation or extension, the requirement for Impact Assessment is considered, and explained that for the Isles of Scilly marine extension the predicted economic impact is below cost thresholds that would trigger the requirement to carry out a full Impact Assessment. Also signposted the 'Summary of potential economic impacts' in the Consultation Summary document, which provide predicted costs for the Isles of Scilly extension.</p> <p>Additional points made:</p> <p>5. During the drop-in session on Tresco, discussed requirements under the Habitats Regulations in more detail, and opportunities for collaboration between on-island stakeholders with regards to regulatory requirements of the various local protected sites, for any future projects. Agreed that the Islands Futures Board was the appropriate forum to take this issue to for initial discussion (Natural England to take this forward initially).</p>	
<p>Isles of Scilly Steamship Group</p> <p></p>	<p>Raised a number of socio-economic concerns and queries (initial telephone discussion, further email submission to consultation, follow up face to face meeting)</p> <p>1. Raised queries about implications of the proposed site extension with regards to future asset replacement.</p>	3	<p>Discussion by phone, email, face to face meeting</p> <p>1. Explanation of why Natural England expect there to be minor regulatory impact as a result of extension to the SPA. More general discussion of regulatory framework surrounding existing protected areas for Isles of Scilly (marine and terrestrial).</p>	None
<p>Islands Partnership</p> <p></p>	<p>Supportive of the proposals, with caveat about impacts on economic activity, specifically recreational activities (online survey)</p>	2 / 3	<p>Response sent (email)</p> <p>1. Noted comment and welcomed support.</p>	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
	<ol style="list-style-type: none"> Content with the proposals and the scientific rationale; recognise that the extension will enhance the islands' reputation and significance as an exceptional eco-tourism destination. Stated support for the extension, on the basis that it will not materially affect or change economic activity (tourism, recreational activity, fishing, future energy generation) in the area. Raised the issue about the limited level of data or analysis of current recreational/boating activity, and the need for a baseline, to help assess future proposals. Offered assistance of the Islands Partnership for work to set that baseline if/as required. 		<ol style="list-style-type: none"> Agreed that there has been little scrutiny of recreational activities and potential impacts to date, and that baseline information and agreed methodologies for collecting information into the future are required. Natural England are very supportive of working collectively to explore the current scale of recreational activities on and around the islands and the potential impacts for protected sites, and thanked the Islands Partnership for the offer of assistance with progressing this in the near future. 	
St Agnes Boating 	Supportive of the proposals, with concerns about potential impacts on recreational boating sector (discussion during consultation period)	2 / 3	Discussion of issues during island visits <ol style="list-style-type: none"> Confirmed that there are not expected to be any immediate impacts on the local recreational boating sector. Explained that the proposed marine extension is adjacent to and overlays other existing protected sites, in particular the terrestrial SPA and marine SAC, which are already subject to 'Habitat Regulations' requirements therefore this marine extension to the SPA will not increase regulatory requirements. 	None
C. Members of the public and unsolicited responses				
 Fisherman	Objection (online survey) <ol style="list-style-type: none"> Expressed frustration about the consultation process ("largely pointless"), argued that the consultation should have been put to the Isles of Scilly Fishermen's Association, and outlined 	4	Detailed response sent (email) <ol style="list-style-type: none"> Explained that the object of a formal consultation on proposals to extend the SPA boundary is to provide an opportunity for stakeholders/consultees to provide any additional scientific information to 	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
	<p>further concerns about designation being used to argue for a reduction in fishing effort.</p> <p>2. Expressed concerns over the impact of designations on local communities, specifically detrimental impact on fishermen, and cited recent issues over locally proposed control of grey seal populations, and a proposed crawfish byelaw.</p>		<p>inform the proposed designation, or to raise any significant objections on the scientific basis of the proposal. Confirmed that the proposals were discussed at an informal meeting of the IFCA in February 2018 with the Chairman of the Isles of Scilly Fishermen’s Association ([REDACTED]). The Fishermen’s Association did not feel that the proposal for the marine extension would cause any undue problems for fishing around the islands. The possible conflict between net fisheries and seabirds (particularly shags) was discussed but there does not seem to be any current issue with high level of bycatch locally, so no additional management requirements would be expected.</p> <p>2. Noted concerns, and explained that SPAs are designated under the Birds Directive, and are designated on the scientific evidence basis alone, it does not permit socio-economic considerations to influence the selection of sites or the boundaries as a matter of case law.</p> <p>Additional points made:</p> <p>3. Explained that since the first meeting with the Fishermen’s Association, fishermen have led on drawing up a voluntary Code of Conduct for net fishing around the islands, which is a significant step in taking control of the management of fisheries for the site locally.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	<p>Objection (online survey)</p> <ol style="list-style-type: none"> 1. Questioned the purpose and point of the proposed extension, and expressed the view that there is already enough protection through existing legislation, with no mechanism for policing or enforcing existing legislation. 2. Sees further designation as unnecessary interference and control by 'external bodies'. 	4	Acknowledgment sent	None
[REDACTED]	<p>Supportive of the proposals (email). Raised a query about management of cruise ship traffic to the site.</p> <ol style="list-style-type: none"> 1. Supportive of the increased protection for Isles of Scilly wildlife 2. Concerned that the impact of cruise ships on Isles of Scilly protected areas (for birds and wildlife) has not been sufficiently taken into account. Querying why Natural England is not pressing for regulation of cruise ships for this and other designations. 	2 / 3	<p>Detailed response sent (email)</p> <ol style="list-style-type: none"> 1. Noted and welcomed support. 2. Clarified that Natural England's role is advisory and responsibility for assessment of the impact of activities on the SPA lies with those authorities who licence or permit the activity. While there is no clear licensing authority in respect of cruise ships it could be seen to be a joint obligation across a number of local parties to develop an assessment collaboratively. Natural England believe that the Harbour Master has recently brought together a group of stakeholders to discuss this issue, and to consider local monitoring and control of cruise ship visits. 	None
[REDACTED]	Supportive of the proposals (on-line survey)	2	Acknowledgement sent	None
[REDACTED] Catholic Action for Animals	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED] Church (unspecified)	Supportive of the proposals (online survey)	2	Acknowledgement sent	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	Objection (online survey) Does not accept scientific rationale for site proposal. No explanation or further comments provided.	5	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
Anonymous	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED] Kent Wildlife Trust	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
Anonymous	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED] Surrey Wildlife Trust	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED] RSPB volunteer	Supportive of the proposals (online survey)	2	Acknowledgement sent	None

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
Anonymous	Supportive of the proposals (online survey)	2	Acknowledgement sent	None
[REDACTED]	Supportive of the proposals (online survey)	2	Acknowledgement sent	None

Appendix 1: Natural England Non-Financial Scheme of Delegation

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

	Function	Delegation
A	Approval to submit formal advice (Departmental Brief ¹ or Selection Assessment Document ²) to Secretary of State on the selection of a pSAC, pSPA or pRamsar site or proposed amendments to an existing cSAC, SCI, SAC, SPA or Ramsar site.	Chief Executive
B	Following the consultation, approval of final advice, with or without modifications, and report on the consultation, where:	
	a) objections or representations are unresolved	Board or Chairman on behalf of the Board
	b) there are no outstanding objections or representations (i.e. where no objections or representations were made, or where representations or objections were withdrawn or resolved)	Appropriate Director

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

²Selection Assessment Documents (for Special Conservation Areas)

Part A – In the first instance the scientific case is developed and presented to the Chief Executive (and the Senior Leadership Team²) who discuss the case and approve sign off as Natural England’s formal scientific advice to Defra. Defra then seek Ministerial approval for Natural England to consult on these proposals on behalf of Government.

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

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

²For this marine pSPA, the Natural England Senior Leadership Team (SLT) has delegated the responsibility for approval of Natural England’s formal scientific advice to the Chief Officer for Strategy & Reform. The Chief Officer for Strategy and Reform informs SLT when approval for Natural England’s formal scientific advice has been provided.

Appendix 2: Consultation Questions

Online survey

Q1: What is your name?

Q2: What is your email address

Q3: What is your organisation?

Q4: Would you like your response to be confidential?

Please explain why you need to keep details confidential.

Q5: Do you accept the scientific rationale for the site proposal?

If no, explain why

Q6: Do you have any additional information that's not included in the departmental brief about the at-sea distribution of seabirds around the Isles of Scilly? If no, please explain why in the text box provided below.

Q7: Do you have any further comments on the scientific rationale behind the site proposal?

Please add any further comments in the text box below.

Appendix 3: Summary of public drop-in sessions

St Mary's – Old Town Inn: 0 attendees

St Agnes: 11 attendees (all island residents)

All expressed support for greater protection for seabirds. No issues with designation of the marine extension to the site: as long as it is not going to stop current their activities (small scale recreational fishing and boat use, commercial fishing, wildlife watching boat operators).

Questions asked:

- How will designation of the site change management of current activities?
- If little or nothing is going to change then why designate?
- Why is Scilly is important to designate when the numbers of seabirds present are so much lower than at the large seabird colonies elsewhere?
- What happens to small-scale activities that are not 'caught' by the Habitats Regulations?

Bryher: 3 attendees (1 island resident, 2 visitors)

All expressed support for greater protection of seabirds and had no issues with the proposed designation. Questions asked about the success of the St Agnes & Gugh Seabird Recovery Project and likelihood of it being extended to cover the other off-islands. Discussion of rat eradication on Lundy

St Martin's: 12 attendees (11 residents, 1 regular visitor)

Key (relevant) points from discussion:

- In general there was a high level of engagement and strong feelings – not all directed at the SPA extension in particular but in general about regulation, conservation measures, and the number of different designations that we have seen for the marine environment in recent years.
- Some participants expressed a general dislike of regulation, a feeling that the SPA extension is 'pointless' and a deep suspicion that it will lead to greater regulation being imposed on their activities (generally fishing) in the future, even if that greater regulation is not already planned.
- One fisherman suggested that net fishing would always have some level of bycatch associated with it and that it was not possible to set nets without ever catching one or two shags.
- Other impacts on seabirds noted by participants were great black-backed gull predation, crow predation, seals 'stealing' food sources (fish), disturbance from greater visitor numbers especially with dogs, particularly around St. Martin's Daymark.
- Fishermen frequently referred back to the MCZ process and the attempted imposition of 'no-take zones' through that process, and how the IoS fishermen had worked together to counter that suggestion and come up with their own ideas on designation. There was evidence of 'designation fatigue' and cynicism about what these designations mean for local people.
- Some participants were in favour of the extension, and had questions about whether this was a first 'wave' of marine designations and they could expect more locally in future years
- What impact will the SPA extension have on – fishermen, recreational activities, local water quality/sewerage
- Comment from one participant that the SPA is failing to protect seabirds from helicopters.

- General comments from several participants about enforcement feasibility and how this would work without constant presence on the islands to monitor activities.

Tresco: 1 attendee (resident)

Similar concerns to those raised during 2018 around the additional regulatory burden of designations (in general) and the additional cost for already-expensive projects. Concern about being the only 'proper' community completely surrounded by an SPA.