

Screening and Record Document

Natura 2000 Impact Assessments



Pre Impact Assessment Screening and Record Document – N2K Designations	
Designation Name:	Isles of Scilly pSPA
Designation Type: (delete as appropriate)	Extension
Document Number:	
Date document completed:	28 February 2018
Responsible NE Officer:	Kate Sugar
Role:	Marine Lead Adviser, West Cornwall Team
<i>This document is an accurate description of Natural England's understanding of the possible economic impacts of this N2K Designation at this time.</i>	
Signature:	Kate Sugar
Screening Meeting	
Date of screening meeting:	22 February 2018
Stage: (delete as appropriate)	Pre-consultation
Present at screening meeting:	Kate Sugar, Louisa Knights, Emily Kirkham, [REDACTED]
Conclusion	
Conclusion: (delete as appropriate)	Detailed screen
Responsible Defra Officer:	[REDACTED]
Date of decision:	22 February 2018
Justification	
Are there any changes to the management measures required for the designated area? (Including changes to spatial coverage and advice on Habitat Regulations Assessments)	Yes. Most management measures required for the designation area would already be required by the existence of the terrestrial SPA. However there is some potential increase in site monitoring costs, and possible further scrutiny of management of fisheries and recreational activities within the area.
Is there a significant chance of either: a) Private sector costs in excess of £100,000 in any one year, or b) Public sector costs in excess of £200,000 in any one year?	No
Are there particular sensitivities from businesses or other Government Departments that an Impact Assessment (IA) would help to clarify?	No
Brief explanation of the sensitivity and how an IA will help.	N/A

Final conclusions following the close of formal consultation and consideration of all stakeholder responses	Several responses to the consultation raised concerns regarding perceived socio-economic impacts but none included any additional evidence (see summary at Addendum A). Concerns raised focussed on potential increased regulatory burden which had already been assessed and therefore the conclusions in this document remain unaltered.
Date final document completed:	10 June 2019
Responsible NE Officer:	Kate Sugar
Role:	Marine Lead Adviser, Cornwall Team
Responsible Defra Officer:	[REDACTED]
Date of decision:	24/07/2019

Basic Screen

Step 1. Site description, features and reason for designation

This document sets out the predicted additional financial costs resulting from a proposed extension to the seaward boundary of the Isles of Scilly SPA.

The Isles of Scilly form an archipelago of over 200 low-lying granite islands and rocks situated in the South-West Approaches 45 km (28 mi) south-west of Land's End at the extreme south-west of England. The current SPA boundary ends at Mean High Water (MHW) and therefore only encompasses those areas used for nesting, whilst the vast majority of the feeding areas used by the seabirds are marine waters outside the existing SPA. Marine extension to the site is therefore proposed to protect the areas of sea adjacent to the islands, used for a variety of purposes by the qualifying features of the SPA, including foraging and 'maintenance behaviours' such as loafing and preening.

The area of extension has been identified and defined by European shag distribution recorded around the islands during the breeding season. These areas add marine habitat which will be used by all features of the SPA, including birds forming part of the seabird assemblage. The features of the existing SPA (European storm petrel *Hydrobates pelagicus*, Lesser black-backed gull *Larus fuscus graellsii*, seabird assemblage) are retained, and new qualifying features are added based on a review of current bird abundance within the pSPA boundary. The new features proposed are European shag *Phalacrocorax aristotelis* and great black-backed gull *Larus marinus*.

The total area of the Isles of Scilly pSPA is approximately 13,332.52 ha, with the new marine area proposed comprising approximately 12,931.14 ha of that total area. The marine boundary encompasses the islands forming the original SPA. Where islands and / or rocks were not part of the original SPA, or where only parts of larger islands were included, the marine boundary is placed at MHW.

For more information on the proposed extension for the SPA, please see the relevant Technical Information Note:
<http://publications.naturalengland.org.uk/publication/6573576605401088>

Step 2. Description of current management measures due to existing wildlife designations (both within and outside site boundary) and likelihood that they will change following the proposed designation/amendment/extension

- *Provide a brief description of management measures already in place due to existing designations, including both those in, or near, the existing site. Description does not need to include impacts since this depicts the status quo*
- *Description of changes should include activity and stakeholders affected and expected impacts (if possible in monetary terms)*
- *If there are no management measures currently in place go straight to step 3*

There are currently no specific management measures in place to protect seabirds whilst they are foraging/loafing etc. at sea within the pSPA area.

There are a number of management measures in place which help to protect seabird species within the existing (terrestrial) SPA. These are targeted to help protect the breeding colonies and include management or restriction of visitor access to island colonies, and control of vegetation at some locations. There has also been a large scale predator control project with the eradication of rats from St Agnes and Gugh islands within the archipelago. The proposed marine extension to the SPA would not affect these management measures where they are ongoing.

The existing terrestrial SPA is protected by the Birds Directive which is achieved through the Conservation of Habitats and Species Regulations 2010. Management is therefore already required in the marine area around the existing SPA, as necessary to protect the breeding seabird features of the terrestrial SPA. Future applications for statutory permissions, consents or authorisations within the pSPA boundary will be subject to the HRA process, regardless of whether it is designated as all areas within the new marine boundary for the site could already be described as 'functionally linked' to the existing terrestrial SPA.

Step 3. Justification for no additional management or changes in boundaries

- *If there are additional management measures or changes to boundaries go straight to step 4, at the beginning of the Detailed Screen*

Additional management to protect breeding seabirds in the marine area covered by the pSPA would be required whether or not the marine extension is designated, under Article 3 of the Birds Directive that requires the "*upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones*".

However it is most likely that designation of the pSPA marine boundary would trigger further action to investigate impacts of specific activities within and around the pSPA – including fisheries and recreational activities. Further detail is provided in the table below.

- *If there are no additional management measures or changes to boundaries go straight to sign-off*

Detailed screen

Step 4. Description of activities which could possibly be affected by the change in management or boundaries compared to the counterfactual (including current management measures) as set out in step 2.

- *Only include measures that are in addition or change the existing management measures, as set out in step 2. Measures should be mentioned even if there is no expected additional impact by noting why.*
- *Include future assessments which may be required.*

Activity	Additional management which may be required (change from current management)	Stakeholders affected (description and estimate of numbers affected)
Fishing	<p>There is some small scale netting and potting activity around the islands, and local fisheries activities have not yet been assessed for their potential impact on the SPA birds, therefore this represents additional monitoring and assessment work that the IFCA would need to undertake. In particular any impact of disturbance to seabirds, or of netting bycatch for vulnerable birds (e.g. shag, auk species) should be investigated and quantified where possible, and additional management brought in where necessary.</p> <p>Natural England already provides statutory advice to the IFCAs and the Marine Management Organisation (MMO) that they should consider the impact of activities on seabirds even when they are using marine areas outside of the current SPA boundaries. There is little anecdotal evidence of bycatch to date and local fishing practices (large mesh size, depth nets are set at, attendance at nets, limited soak times, avoidance of aggregations of birds) already eliminate much of the risk of bycatch. Fishermen on Scilly are already discussing proactive introduction of a Code of Conduct to regulate the impact of fishing/netting activities on seabirds so it is unlikely that significant additional management measures would be required as a result of this marine extension to the site.</p>	Isles of Scilly IFCA (also potentially Marine Management Organisation, Local fishermen)
Recreation	Recreational activities take place across the whole of the site. The Isles of Scilly are very popular for sailing and recreational diving, with other activities such as walking, kayaking, paddle boarding, windsurfing and kite surfing also taking place. Intensity of recreational activity is increasing in line with national trends.	General Public Royal Yachting Association (RYA), St Mary's Harbour Authority,

	<p>Closer investigation of the impacts of recreational activity on breeding seabirds will be required throughout the SPA area (terrestrial and marine). In particular the impacts of disturbance on breeding seabirds. Management might be required in the future to protect seabirds, in particular from disturbance effects at the breeding colonies, however as the existing terrestrial SPA already covers the breeding colonies, this would not represent additional effort resulting from the marine extension.</p> <p>As above, Natural England already provides statutory advice to management authorities that they should consider the impact of activities on seabirds even when they are using areas outside of the current SPA boundaries. The IPENS 'Site Improvement Plan' for the Isles of Scilly SAC and SPA (published in 2014) noted that action to manage public access/disturbance impacts on breeding seabirds was required via education and awareness raising, production of Codes of Conduct etc. Work towards these actions is already being considered and taken forward by the local Marine Protected Area Working Group and in any case is required for the management of the existing terrestrial SPA, and so would not represent additional work required by the designation of a marine extension to the SPA.</p>	<p>St Mary's Boatmen Association, Local dive operators, Local watersports operators and providers</p>
<p>Site monitoring</p>	<p>The monitoring strategy for the site has yet to be agreed and will depend on several factors such as a policy decision on the future of marine monitoring of birds and budget availability.</p> <p>A full all-island breeding seabird survey was carried out in 2015/2016 to inform condition assessment for the existing terrestrial SPA. Digital aerial survey was also conducted in the summers of 2014 and 2015 as part of the data gathering to inform the boundary setting for the pSPA marine area.</p> <p>There is a duty on Natural England to assess and report on the condition of the SPA on a 6-yearly cycle (as per any Natura 2000 designation). This has been achieved to date by all-island breeding seabird census. As condition of the seabird features is most effectively assessed by census of the breeding colonies, designation of the marine portion of the site should not represent any additional cost in terms of monitoring for the 6-yearly reporting cycle. There may be additional</p>	<p>Natural England Royal Society for the Protection of Birds (RSPB)</p>

	<p>monitoring requirement in terms of seabird usage of the marine area of the site, to identify key foraging/maintenance behaviour hotspots for example, which could inform management responses.</p>	
<p>All other activities</p>	<p>There are no specific projects or plans for activities to alter significantly in the near future that Natural England are aware of. Possible future activities/developments within the area that have been raised by stakeholders during informal dialogue include marine renewables development (offshore wind, wave or tidal power development), housing development on St Mary's island, changes to infrastructure (water and sewerage), and changes/improvements to sea defences.</p> <p>The proposed marine extension to the Isles of Scilly Special Protection Area (SPA) includes marine areas adjacent to the terrestrial breeding colonies, and used by the various breeding seabird species to support foraging and maintenance behaviours (preening, loafing). The breeding colonies are already classified within the existing terrestrial Isles of Scilly SPA.</p> <p>Any impact to these seabirds (or habitat on which the population is dependent) which causes a significant permanent decline in the size, distribution, structure or function of the breeding seabird population of the existing SPA, is considered to have an adverse effect on its integrity.</p> <p>Therefore, the presence of the existing SPA requires management (such as through the Habitat Regulations process) for these birds in their foraging and maintenance areas already, whether the marine extension to the SPA is classified or not, because Article 3 of the Birds Directive requires the <i>"upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones."</i></p> <p>Natural England therefore already advise authorities to consider the impact of activities on areas outside of the current SPA boundary that support the existing features of the SPA. Therefore, the re-classification of the Isles of Scilly SPA (and the designation of the area included within the marine extension) does not require any additional management above that already required for the existing SPA. Competent authorities may incur one-off costs if they need to review outstanding or existing consents or permissions, or undertake Appropriate Assessment of future plans and projects. However, the additional cost of extending those assessments, which would already be required for the designated terrestrial SPA to acknowledge the designation of the proposed marine area as well is</p>	

	unlikely to be significant.	
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Step 5: Estimate of maximum likely impact

- *This step should identify all stakeholders likely to be affected.*
- *Estimates of maximum likely impact are to be provided where possible, using calculations based on published evidence and local NE staff input*
- *Estimates are the maximum likely impact in any year. Where these impacts are initial costs and fall significantly after the first few years, this should be recorded under notes/assumptions*
- *Estimates should only relate to management measures in addition or changes to existing management measures, as set out in step 2*
- *Include impacts which cannot be monetised qualitatively (including uncertainties and other risks).*
- *Total to include quantified impacts only*

Activity	Estimated maximum impact in any year (£ per year, total of stakeholder group)	Notes/assumptions	Pre-consultation or post-consultation
Fishing	IFCA – £10,000 IFCA - £10,000	Estimated maximum cost to the IFCA of bycatch study/monitoring impact of the net fishery – £10,000. This is an estimate based on initial discussions with IFCA staff, as well as comparison with similar monitoring put in place for Falmouth Bay to St Austell Bay SPA. The maximum cost of the incidental bycatch study in 2014/2015 in Falmouth Bay was set at £55,000 but this is for a far greater marine area, and for monitoring a fishery of over 100 individuals compared to less than 10 individuals on Scilly. Estimated maximum cost to the IFCA of management if required - £10,000. No significant impact of seabird bycatch is anticipated, as the local net fishery is small, reasonably well observed, and already implementing fishing practices that would tend to reduce the likelihood of seabird bycatch – including shorter soak	Pre-consultation

		times, higher rate of attendance at nets, setting nets at depths beyond normal diving range of many species, using larger mesh sizes, and avoiding setting nets in the vicinity of aggregations of birds. The fishermen are already proactively discussing implementation of a Code of Conduct – therefore additional management costs for the IFCA are anticipated to be minimal.	
Recreation	MMO - £10,000	<p>Recreational fishing – assessment and potential management by MMO. Estimated maximum cost to the MMO of bycatch study/monitoring of the impact of recreational net fishing– £10,000. This is estimated from expected costs for commercial fisheries management.</p> <p>Costs of assessing and potentially managing other recreational activities have been estimated (in the IPENS Site Improvement Plan) initially as £5,000 but are not included in totals here as work towards this management is already underway with local stakeholders and is driven by existing designations.</p>	Pre-consultation
Monitoring	NE – £30,000	<p>Estimated maximum cost to NE of monitoring the protected features of the site (within the additional marine area) once designated - £30,000. This is a very high estimate. The last all-island breeding seabird survey in 2015/2016 cost £52,134. These breeding colony surveys will need to continue into the future as part of the ongoing 6-yearly monitoring for the terrestrial SPA. On designation of the marine extension there might be some requirement for additional monitoring of seabird use of the marine area but it is hard to quantify costs without better information about what monitoring might be required. As a comparator, one year of digital aerial survey across the area of</p>	Pre-consultation

		search around the Isles of Scilly cost £60,000. This was a thorough survey using an expensive survey technique and covering a much larger geographical area than the proposed marine extension so any costs of additional marine survey in any one year would be expected to be well below this level.	
All other activities	Unknown	Costs unquantifiable as subject to considerable uncertainties.	Pre-consultation
Total	£60,000		

Step 6: Estimate likelihood of maximum impact

Activity	Likelihood of maximum impact (high/med/low)	Notes/assumptions
Fisheries	Medium	There is a medium likelihood that the actual costs of bycatch monitoring and fishery management in any one year will approach the high estimates given.
Recreation	Medium	There is a medium likelihood that as a result of the designation of the marine extension, some scrutiny/monitoring of the recreational net fishery might be required.
Monitoring	Medium	There is a medium likelihood of some monitoring at sea being required for the marine extension to the SPA
All other activities	Unknown	It is not possible to assess likelihood of impacts due to existing uncertainties/lack of specific plans or projects proposed.

Step 7: Site sensitivities, areas of possible Other Government Department Concern

- *This section is for describing other impacts that may be of concern, for instance impacts on a key stakeholder group, or disproportionate impacts on certain businesses.*
- *Please refer to Annex 1 for all stakeholders contacted during informal dialogue.*

Activity	Stakeholder group(s) who may have concerns	OGD's who may have concerns	How would an IA help to clarify these concerns?

Annex 1 – Stakeholder engagement to date

The following stakeholders were contacted during informal dialogue:

Government Agencies

Isles of Scilly Inshore Fisheries and Conservation Authority (IFCA)
Marine Management Organisations (MMO)
Ministry of Defence
Environment Agency
Historic England

Local Authorities

Council of the Isles of Scilly
Cornwall Archaeological Unit
Isles of Scilly AONB

NGO

Isles of Scilly Wildlife Trust
RSPB
Isles of Scilly Bird Group

Fishing

Isles of Scilly Fishermen's Association

Local stakeholders

Duchy of Cornwall
Islands Partnership
St Mary's Harbour Authority
St Mary's Boatmen's Association

Private Companies

South West Water
Tresco Estates
Trinity House

National Stakeholders

Marine Management Organisation
Inshore Fisheries & Conservation Authority
Environment Agency
UK Marine Biodiversity Policy Steering Group (scientific justification for the site shared)

Summary of concerns raised by stakeholders during informal dialogue:

Stakeholder	Issues raised	Engagement to date
Council of the Isles of Scilly	Concern about possible impacts and costs of this additional designation on future projects (e.g. marine renewables development). Poor understanding of regulatory implications of current designations (marine SAC and terrestrial SPA) and how this marine extension would change that picture. Concern about possible future use of this additional designation as a delaying or blocking tactic for new developments. Questioning the scientific basis for the proposed marine boundary.	Phone conversation with Chief Executive (Theo Leijser); Stakeholder meeting 15/02
Tresco Estates	Concern about cost implications of additional designation in terms of assessing impacts of future activities/developments.	Phone conversations and email exchange with Estate Director (Diana Mompoloki); Stakeholder meeting 15/02
Duchy of Cornwall	Concern about cost implications of additional designation in terms of assessing impacts of future activities/developments.	Discussion at Isles of Scilly AONB Partnership meeting
IFCA	Some concern about 'another layer' of designation. Eagerness to be on the front foot and proactively propose management locally before it is imposed from above.	Phone conversations and email exchange with IFCA Chief Officer, Committee members; Informal IFCA meeting 15/02
Isles of Scilly Fishermen's Association	Concern about implications for fisheries activities. General perception that levels of bycatch are very low. Suspicion that introduction of a boundary would lead inevitably to more management of the fishery in the future. Eagerness to be on the front foot and proactively propose management locally before it is imposed from above.	Phone conversations and email exchange with Chairman of the Association (Mark Pender); Informal IFCA meeting 15/02
RSPB	General support. Query on the rationale for excluding the option of extending the site terrestrially at this point.	Phone conversations, email exchange and conference call with local and national RSPB representatives

Addendum A: Socio-economic comments raised during the formal consultation.

Table below includes Natural England's response and view regarding this SRD. The table describes the socio-economic issues and concerns raised by stakeholders as part of the consultation.

In general, these responses raised concerns that the designation would impose costs on businesses operating within the pSPA, either through the additional burden associated with HRAs or the requirement for additional management measures. Concerned respondents were advised that Natural England already advises authorities to consider the impact of activities on areas outside of the current, terrestrial SPA boundary that support SPA features. Therefore, the designation of the marine extension will not require any additional management beyond that already required, and the additional cost of extending any assessments (which would already be required for the terrestrial SPA) to acknowledge the designation of the proposed marine area as well is unlikely to be significant. Therefore we do not agree that this marine extension to the existing terrestrial SPA will have significant socio-economic impacts.

Stakeholder	Activity	Socio-economic issue / concern	NE response¹
Council of the Isles of Scilly	Renewable energy developments	Seeking reassurance that the marine extension to the SPA would not prevent the future use of renewable energy resources on and around the islands	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.
Trinity House	Maintenance of property interests (primarily: lighthouses, buoys, beacons)	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.	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.
South West Water	Schedule of improvement works to existing infrastructure, and potentially creation of new assets	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).	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

¹ All views and assumptions are those of Natural England except where stated otherwise.

			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.
RSPB	Tourism	It is important that the positive contribution of seabirds to the tourism industry of Scilly is considered in any socio-economic or impact assessments.	Noted and agreed with point made.
Tresco Estate	Various	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.	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.
Isles of Scilly Steamship Group	Transport links to the Islands/ inter-island transport	Concerns about the implications of the extension to the site with regards to their future asset replacement	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.
Islands Partnership	Tourism	Recognise that the extension will enhance the islands' reputation and significance as an exceptional eco-tourism destination.	Noted comment and welcomed support.
St Agnes Boating	Recreational boating	Concerns about potential impacts of the marine extension on recreational boating sector in the future	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

			<p>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.</p>
<p>██████████ Fisherman</p>	<p>Commercial fishing</p>	<p>Expressed concerns over the impact of designations on local communities, specifically detrimental impact on fishermen. Specific concerns about the designation being used to argue for a future reduction in fishing effort</p>	<p>Explained 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 (Mark Pender). 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 doesn't seem to be any current issue with high level of bycatch locally, so no additional management requirements would be expected.</p>