

Marine consultation summary document for Isles of Scilly potential Special Protection Area (pSPA)

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Purpose of this document

This document provides guidance to stakeholders for the formal consultation on the Isles of Scilly potential Special Protection Area (pSPA).

It explains:

- Natural England's proposal
- the background information which is helpful in understanding Natural England's proposal
- how to respond to the formal consultation

Natural England's proposal for Isles of Scilly as a potential Special Protection Area (pSPA)

The Isles of Scilly SPA was classified in 2001 under the European Commission's Directive on the conservation of wild birds (the Birds Directive) as the site supports internationally important populations of European storm-petrel (*Hydrobates pelagicus*) and lesser black-backed gull (*Larus fuscus*), as well as a breeding seabird assemblage of European importance. Terrestrial areas above Mean High Water (MHW) used for nesting are currently encompassed within the boundary. Natural England is responsible for recommending potential SPAs in English waters (out to 12 nautical miles) to Defra for classification. As part of that recommendation, Natural England has commissioned surveys of marine waters around the Isles of Scilly to identify the key areas used by breeding seabirds for which the SPA has been classified. This information has been used to propose a marine boundary extension to the SPA, extending from the breeding colonies out to sea, within which 'hotspots' of usage (for foraging, preening and other activities) are contained. This proposal for a marine extension will help provide clarification to regulators and stakeholders in planning and managing activities, and should have very little impact, if any, in terms of additional regulatory requirements given that SPA and Special Area of Conservation (SAC) designations are already in place on and around the islands.

The 'Site summary' and 'Summary of potential economic impacts' sections below provide the background information to support the proposal.

The Departmental Brief provides the full scientific rationale for the proposal. The non-technical data summary document provides an overview of the survey methodology and results supporting the setting of the pSPA boundary.

Both of these documents can be viewed here: <https://consult.defra.gov.uk/natural-england-marine/isles-of-scilly-potential-special-protection-area>

Site summary

The Isles of Scilly form an archipelago of over 200 low-lying granite islands and rocks situated in the South-West approaches, 45km South-West of Land's End. The total area of the existing Isles of Scilly SPA is approximately 400 ha and covers key breeding sites for seabirds. The isolated nature of the islands and rocks, together with their low levels of disturbance, make them particularly suitable for nesting seabirds, with the SPA supporting a breeding seabird assemblage of European importance. The existing SPA site supports the fifth largest UK population of European storm petrels (and the largest in England), the sixth largest population of lesser black-backed gulls, the third largest population of European shags (*Phalacrocorax aristotelis*) (and the largest in England), and the largest population of great black-backed gulls (*Larus marinus*) in the UK. The seabird assemblage includes at least eight other species, including Manx shearwater (*Puffinus puffinus*), which only breeds at one other location in England.

The proposed new Isles of Scilly pSPA will have a total area of approximately 13,300 ha of which 12,900 ha comprises inshore waters. Combining the original terrestrial designation with the proposed area of marine extension, the boundary now encompasses the seabird nesting sites forming the original SPA, or where only parts of larger islands were included, the marine boundary is placed at MHW. The features of the existing SPA (European storm petrel, lesser black-backed gull and a breeding 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 and great black-backed gull.

The proposed marine extension to the current Isles of Scilly SPA is based on recent survey data of the at-sea distribution of European shags, but also encompasses key nearshore marine areas used by all species protected by the existing Isles of Scilly SPA; for foraging, resting, preening and other activities. At some other existing SPAs classified for breeding seabirds, it has been possible to define a marine extension for the site over a generic distance, based on research investigating areas within which 'maintenance behaviours' consistently take place for some species across studied UK colonies. However, none of the species for which these generic extensions have been defined are qualifying features of the Isles of Scilly SPA in their own right. Therefore, it has been necessary instead to collect bespoke site-specific data on seabird distribution around the islands supporting breeding seabirds. In setting the marine extension boundary, the feasibility of using data from each qualifying feature was considered. Breeding shags are known to favour shallow, sandy sediments or rocky substrates for foraging, indicating a greater likelihood of being able to identify consistently-used marine areas by this species. In contrast, it is unlikely that data from European storm petrels, lesser black-backed gulls or great black-backed gulls would be useful to define a marine SPA boundary due to their very large foraging ranges and opportunistic feeding behaviour. As a result, the proposed seaward boundary for the marine SPA is based on distribution of shags at sea during the breeding season. However, the proposed extension will still add marine habitat to the designation which will be used by all features of the SPA, including birds forming part of the seabird assemblage.

Summary of potential economic impacts

As this proposal is for an extension to the boundary of an existing designated site, most management measures required for the proposed additional area of designation would already be subject to the requirement of the Habitats Regulations. Designation of a marine extension to the existing Isles of Scilly SPA will therefore require very little, if any, additional management above that already required for the terrestrial site. Any 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. This is because all areas within the new marine boundary for the site could already 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 current SPA boundary that support the existing features of the SPA. Management is therefore already required in the marine area as necessary to protect the breeding seabird features of the current SPA. Therefore additional costs attributable purely to the marine extension are expected to be low.

There are some anticipated increases in site monitoring costs, and possible requirement for further scrutiny of management of fisheries and recreational activities within the area. The maximum total cost for management and monitoring for regulators (IFCA, MMO and Natural England) in any year is estimated at £60,000, based on Natural England's experience of recent designations.

Competent Authorities may incur future costs if they need to review outstanding or existing consents or permissions. The presence of the existing SPA means that the requirement to undertake Habitats Regulations Assessments of future plans and projects is already in place, and the additional cost of extending those assessments to consider the proposed marine area is unlikely to be significant. 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. The designation of the marine extension will help provide clarity on the extent to which functionally linked areas of sea, outside the current boundary for the terrestrial site, need to be considered.

A summary of the potential economic impacts predicted should the site become a Marine Protected Area is provided below.

Fishing Activity

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.

- Estimated maximum cost to the IFCA to determine any impact of subsequent monitoring need of the net-fishery- £10,000
- Estimated maximum cost to the IFCA of introducing management, if required- £10,000

Recreation Activity

Costs of assessing and potentially managing other recreational activities have been estimated but are not included in totals here as work to consider any management requirements is already underway with local stakeholders and is required by existing designations.

- Maximum cost to the MMO to determine any impact of subsequent monitoring need of the net-fishery- £10,000

Monitoring Activity

Breeding colony surveys will need to continue into the future as part of the ongoing 6-yearly monitoring for the terrestrial SPA and would therefore incur no additional cost. There may be some requirement for additional monitoring of seabird use of the marine area as a consequence of designation of the marine extension to the site, therefore an upper-bound estimate for this has been provided. It is expected this additional monitoring would only be required where routine monitoring highlights unexplained declines in the SPA features.

- Upper-bound estimate of maximum cost to Natural England in any one year for monitoring the protected features of the site (within the additional marine area) once designated- £30,000

How to respond

This consultation runs for 12 weeks beginning 26 February 2019 and is run in accordance with the [government consultation principles](#).

- Read the Departmental Brief setting out the scientific case for the pSPA
- Read the non-technical data summary document, summarising the survey and data analysis methods used to set the pSPA boundary

You may also find it useful to read:

- [Proposals for a marine extension to the Isles of Scilly Special Protection Area \(TIN175\)](#)
- [Establishing Marine Special Protection Areas \(TIN120\)](#)

Use these documents to help with your response. Submit your response by completing the survey on the consultation page (link can be found here: <https://consult.defra.gov.uk/natural-england-marine/isles-of-scilly-potential-special-protection-area>)

Results from the consultation will be submitted as a report to the Secretary of State for the Environment, Food and Rural Affairs (SoS). Following consideration of that report, the SoS will decide whether or not the site is suitable for classification as a European Marine Site (SPA) and make a recommendation to the European Commission.

If you don't have access to the Internet, please contact us for copies of the documents you need.

Confidentiality

Using and sharing your consultation response

In line with Natural England's [Access to Information Statement](#), at the end of the consultation period copies of the responses and/or the information contained in them may be subject to publication or release to the public on request and/or on our website.

A report will also be produced collating all representations made during the formal consultation period together with any recommendations arising from the consultation for the Secretary of State. The Secretary of State will consider this report before deciding whether or not to classify the site as a SPA.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please explain clearly why you regard the information you have provided as confidential. If we receive a request for release of the information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on Natural England.

We will summarise all responses and place this summary on our website at https://www.gov.uk/government/publications?departments%5B%5D=natural-England&publication_filter_option=consultations. This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

Use of maps

Natural England has provided maps which show the complete boundary and additional maps where necessary to support the explanations given for the boundary locations.

Maps which accompany the site summary should ideally be printed on A3 paper. If you don't have this facility:

- print the relevant chapter text
- view the associated map on your computer screen, using the zoom tool to view it at a suitable size