

Screening and Record Document

Natura 2000 Impact Assessments



Pre Impact Assessment Screening and Record Document – N2K Designations	
Designation Name:	Crouch and Roach Estuaries pSPA (part) and pRamsar (part)
Designation Type: (delete as appropriate)	Extension
Document Number:	1
Date document completed:	02/12/2015
Responsible NE Officer:	Vicky Gilson
Role:	Lead adviser-Ecological Networks
<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:	
Screening Meeting	
Date of screening meeting:	02/12/2015
Stage: (delete as appropriate)	Pre-consultation
Present at screening meeting:	Natural England Vicky Gilson- Designations Lead Adviser Phil Eckersley-Designations Senior Specialist Tim Sunderland – Economics Principal Specialist Defra Tanya Wettingfeld-Assistant Economist Helen Dunn-Senior Economic Adviser
Conclusion	
Conclusion: (delete as appropriate)	Basic Screen
Responsible Defra Officer:	Helen Dunn
Date of decision:	4/12/2015
Signature:	Helen Dunn
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)	No
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

Basic Screen

Step 1. Site description, features and reason for designation

Site description

Natural England is proposing changes to enlarge the existing boundary of Crouch and Roach Estuaries Special Protection Area (SPA¹), an internationally important bird site situated in south Essex, and Crouch and Roach Estuaries Ramsar² site to include more land for the same interest features. This document sets out the proposed change to the boundary. The scientific case for this proposal is set out in a Departmental Brief.

This document focuses on the changes proposed to the Crouch and Roach Estuaries SPA and Ramsar which have coincident boundaries. By way of background, these sites incorporate part of the estuary system of the Crouch and Roach rivers, and contain networks of creeks, intertidal areas, and islands, the largest of which is Wallasea which sits at the confluence of the two rivers (see Annex for map). The proposal is for addition of two areas into the Crouch and Roach Estuaries SPA and Ramsar sites: The first area is situated east of Hullbridge at Brandy Hole, and the second on the north coast of Wallasea Island.

Features

The new SPA and Ramsar areas will collectively protect:

- Additional areas of habitat supporting a population of dark-bellied Brent goose *Branta bernicla bernicla*
- Additional areas of habitat used by birds which form a component of the sites waterbird assemblage (waterbirds as defined by the Ramsar Convention).
- Additional areas of habitat supporting wetland invertebrates.
- Additional areas of habitat supporting vascular plants

Reason for designation

Natural England is proposing this site as a necessary contribution by the UK to the network of SPAs and Ramsars.

¹ European Directive 2009/147/EC on the Conservation of Wild Birds (codified version) (the Birds Directive) (formally 79/409/EEC) aims to promote the maintenance of biodiversity. Under Article 4.1 of the Birds Directive the UK (as a Member State) is required to identify and designate the most suitable sites for the protection of rare or vulnerable wild birds (listed in Annex I of the Directive). Article 4.2 requires similar measures for regularly occurring migratory species, e.g. large assemblages of water birds to ensure their survival and reproduction in their area of distribution.

² The UK is a signatory to the Ramsar Convention on Wetlands of International Importance. Article 2.1 provides that each contracting party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance. This site qualifies as a Ramsar, Wetlands of International Importance by meeting the Kampala 2005 criteria.

The background driver to this proposal is a Judgement of the European Court of Justice which ruled³ in 1997 that compensation was required for the destruction of intertidal habitat at Lappel Bank in the Medway Estuary and Fagbury Flats in the Orwell Estuary. These two sites were both, it was judged, wrongly excluded from SPA designations and should have been included within the SPA Medway Estuary & Marshes SPA and Orwell Estuary SPA respectively. Unfortunately these sites were subject to pre-existing planning permissions and were both destroyed by port developments before they could be protected. It was therefore decided, that in accordance with the ruling the UK Government should take necessary compensatory measures to ensure that the overall coherence of Natura 2000 is protected. Consequently another area was selected to provide compensation for the intertidal land lost through these developments. The majority of the proposed area is owned by Defra and RSPB, and other areas are being managed sensitively. Site monitoring has shown this area now qualifies for selection so it is being put forward at this time for designation as SPA. The Ramsar site, which is selected for the same bird features as the SPA is being extended to include these same areas.

Classification of the site will reduce the likelihood of infraction proceedings from the European Commission, which could arise if it was judged that the UK government has not completed its Natura 2000 network in terms of classifying sufficient sites for migratory birds. It will also help to meet UK commitments under the Ramsar Convention.

The site is selected for the following features:

- The site is used regularly by 1% or more of the biogeographical population of dark-bellied Brent goose *Branta bernicla bernicla* which is a regularly occurring migratory species, not listed in Annex 1 of the Birds Directive (79/409/EEC), in any season:
- The site is used regularly by over 20,000 waterbirds in any season.
- The site supports vulnerable, endangered, or critically endangered species or threatened ecological communities of invertebrate.
- The site supports vulnerable, endangered, or critically endangered species or threatened ecological communities of vascular plants.

Step 2. Justification for no additional management or changes in boundaries

- *If there are additional management measures or changes to boundaries go straight to step 3, at the beginning of the Detailed Screen*

Summary: We do not expect this new designation to change the activity allowed in the newly designated area because this area is next to an existing SPA and Ramsar site— namely the Crouch and Roach Estuaries site. The Habitats Directive already

³ Judgment of the Court of 11 July 1996. - Regina v Secretary of State for the Environment, ex parte: Royal Society for the Protection of Birds. - Reference for a preliminary ruling: House of Lords - United Kingdom. - Directive 79/409/EEC on the conservation of wild birds - Directive 92/43/EEC on the conservation of the natural habitats of wild fauna and flora - Delimitation of Special Protection Areas - Discretion enjoyed by the Member States - Economic and social considerations - Lappel Bank. - Case C-44/95.

requires activities which are likely to have a significant effect on a designated interest feature of a European site, including indirect effects, to be assessed. Therefore activities in the newly designated area are already being considered in this way. This also extends, as a matter of government policy to Ramsar sites. Additionally the area in the new designation is predominantly in the ownership of Defra and the RSPB.

Relationship with SSSIs

It is usual, necessary practice to underpin SPAs and Ramsar sites on land with SSSIs. The existing Crouch and Roach Estuaries SPA and Ramsar are already notified as SSSI and the same principle will apply to the extension proposals.

An Impact Assessment (IA) of the new SPA and Ramsar designations would include only the costs and benefits of the new SPA and Ramsar area, meaning that changes due to the SSSI are out of scope. However it is important to note in this case that the two new designations in combination are not expected to lead to a change in management or permissible activity.

SPA and Ramsar

The proposed extensions are adjacent to an existing SPA and Ramsar site. The Crouch and Roach Estuaries SPA and Ramsar sites were both classified (and designated) in 1998 and form part of the larger Mid Essex Coast SPA⁴ and Ramsar sites.

Given the history and sensitive management of the extension areas the likelihood of in situ development proposals is anticipated to be low. If any arise, Natural England's approach would be to work with stakeholders whilst within its general duty to 'take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special scientific interest'. We encourage early engagement so any issues can be resolved at the soonest possible stage. The extension areas, if classified, would form part of the Natura 2000 network, and so any development proposal would be subject to the provisions of the Habitats Regulations⁵.

Under the requirements of the Habitats Regulations, the relevant competent authority is required to consider new plans or projects which have the potential to affect the designated interest feature of European sites (directly or indirectly). The Habitats Regulations Assessment (HRA) process aims to screen a project for any likely significant effects and on the undertaking of an appropriate assessment whether there may be adverse effect of the integrity⁶ of the site. This process will be

⁴ Due to its large size Mid Essex Coast SPA and Ramsar have been classified in phases. The other sub divisions in addition to Crouch and Roach Estuaries are: Dengie (Phase 1), Colne Estuary (2), Crouch and Roach Estuary (3), Blackwater estuary (4) and Foulness (5).

⁵ As a matter of policy the Habitat Regulations also apply to Ramsar sites.as specified in paragraph 118 of National Planning Policy Framework March 2012. This protection also extends to sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites

⁶ The integrity of the site is defined in paragraph 20 of ODPM Circular 06/2005 (DEFRA Circular 01/2005) as the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.

informed by the site's Conservation Objectives⁷. If the conclusion is reached that there may be an adverse effect the project cannot proceed unless there are imperative reasons of over-riding public interest and subject to securing any necessary compensatory measures.

It is important to note that these proposals are to extend those of existing sites which are designated for the same features. Accordingly Natural England would be likely to, irrespective of the extension areas, consider the plans or projects in this wider context.

Ownership/occupation

The majority of the area proposed for inclusion within the existing SPA and Ramsar sites are owned by Defra and the RSPB. There are also small areas of land registered to a wildfowling group, Environment Agency, a yacht club, several farms, other private stakeholders, and small areas of unregistered land. Wildfowling activities are subject to SSSI consent, subject to consideration of the European site features due to their proximity to the neighbouring sites, and are as such not anticipated to require additional management measures above and beyond those which already exist.

- *If there are no additional management measures of changes to boundaries go straight to step x, for sign-off*

Detailed screen

Step 3. Description of activities which could possibly be affected by the change in management or boundaries (compared to the counterfactual)

- *Include measures which could be affected even if there is no expected additional impact, 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)

⁷ The formal Conservation Objectives for European Sites under the Habitats Regulations are in accordance with paragraph 17 of ODPM Circular 06/2005 (DEFRA Circular 01/2005), the reasons for which the European Site was classified or designated. The entry on the Register of European Sites gives the reasons for which a European Site was classified or designated.

Step 4: Estimate of maximum likely impact

- *This step should identify all stakeholders likely to be affected.*
- *Estimates of maximum impact are to be provided where possible, using calculations based on published evidence and local NE staff input*
- *Estimates are the maximum 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*
- *Include impacts which cannot be monetised qualitatively.*
- *Total to include quantified impacts only*

Activity	Estimated maximum impact in any year (£ per year, total of stakeholder group)	Notes/assumptions
Total		

Step 5: Estimate likelihood of maximum impact

Activity	Likelihood of maximum impact (high/med/low)	Notes/assumptions

Step 5: 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.*

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

Reference list

ABPmer (2004). *Wallasea Island North Bank Realignment: Environmental Statement*. Report R.1114

DEFRA (2011). Wallasea Wetlands Creation Project – Allfleet's Marsh. Newsletter 4. [Online] Available from <http://www.defra.gov.uk/publications/2011/05/16/wallasea-newsletter/> [Accessed 14th September 2015]

Council Directive (EC) no 2009/147 of 30 November 2009 on the conservation of wild birds. *Official Journal of the European Commission*

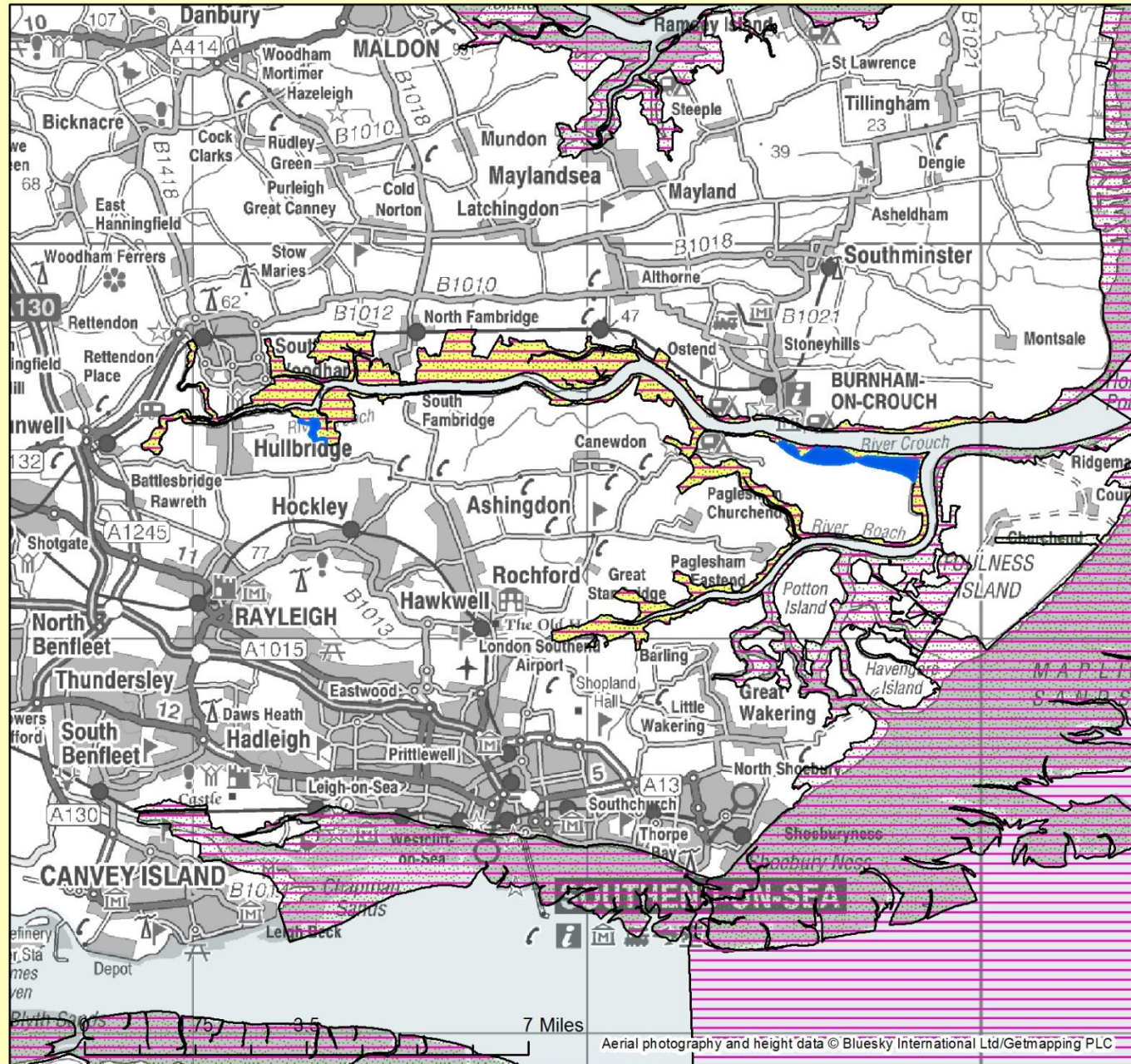
Scott C. R. (2007). *Wallasea Wetland Creation Scheme: Lessons Learned. Proceedings of the CIWEM Rivers and Coastal Group Winter Meeting: From Directive to Detail: A Joined-Up Response to Flooding?* London. 26/01/07

Natural England (2013) *Consenting on SSSIs Internal Guidance*: Natural England

Natural England (2015) *Habitat regulations Internal Guidance*: Natural England

Wallasea wetlands creation project. [Online] Available from: <http://www.abpmer.net/wallasea/> [Accessed 15th September 2015]

Wallasea Wetland Creation Project Update Newsletter 3 [Online] Available from http://www.abpmer.net/wallasea/media/reports/defra_newsletter_sept07.pdf [Accessed 14th September 2015]



Crouch and Roach Estuaries Location map

Legend

- Crouch and Roach Estuaries pSPA and pRamsar
- Special Protection Areas
- Ramsars
- Crouch and Roach Estuaries SPA and Ramsar

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Scale (at A4): 1:3,969,067

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Natural England

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