



Possible new marine Special Areas of Conservation and Special Protection Areas in Wales

Frequently Asked Questions

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Background

1. What is a Special Protection Area?

Special Protection Areas (SPAs) are areas designated (or 'classified') under the European Union Wild Birds Directive for the protection of nationally and internationally important populations of wild birds. All EU member states must classify the most suitable areas on land and at sea as SPAs.

2. What is a Special Area of Conservation?

Special Areas of Conservation (SACs) are areas of land and/or sea designated under the European Union Habitats Directive as being particularly important for the conservation of the natural habitats and species of plants and animals (other than birds) they support.

3. What are marine protected areas?

'Marine protected area' is a general term, rather than a specific type of designation, that covers any form of protected area in the marine environment. SACs and SPAs at sea are therefore a type of marine protected area.

4. What is the Natura 2000 network?

SPAs and SACs together form the 'Natura 2000' network of sites across the European Union for the conservation of Europe's biodiversity. There are more than 28,000 sites in the Natura 2000 network, covering nearly 1 million km² of land and sea, an area roughly equivalent to the combined area of the UK, Ireland and France.

5. Are these areas the same as Marine Conservation Zones (MCZs)?

No. SPAs and SACs are measures to address the conservation of particular habitats and species and are required under EU law. Marine Conservation Zones are a different type of designation which can be made under domestic (England and Wales) law.

6. How many existing marine SACs and SPAs are there in Wales and what area of Welsh seas do they cover?

Information on the number, and area of Welsh seas covered by existing marine protected areas, including existing SACs and SPAs, is provided in the table below.

Area Type	Number of Sites	Area of Welsh Seas under Designation (Km ²) ¹	Percentage of Welsh seas under designation
SAC	11	5007	31.41%
SPA	9	1314 ²	8.08%
SSSI	103	421	2.64%
Ramsar	4	240	1.21%
MCZ	1	13	0.08%
Total	128	5592	35.08%

¹ Welsh seas (Mean High Water – 12nm limit) =15,942 km²

² Does not include the 3 SPA extensions of 2014 – does not significantly affect the overall area figure.

Details on the potential new sites: where, why, what, how etc?

7. Why do we need any more SACs or SPAs?

A series of SACs and SPAs has already been designated on land and sea in Wales and the rest of the UK, but we need to do more in the marine environment to reflect the particular importance of UK and Welsh waters for marine wildlife. This will ensure compliance with the UK's obligations under the relevant European legislation, namely the 1992 Habitats and Species Directive and the 2009 Wild Birds Directive.

8. What features are covered by the possible new SACs and SPAs?

The possible new SACs are for harbour porpoise only. Any new sites would be 'single feature' designations only applying to this species. The possible new SPAs will protect different species, including: Manx shearwater, puffin, red throated diver, common tern, arctic tern, sandwich tern and roseate tern.

9. Where are the potential new SACs and SPAs?

Indicative maps of the areas under consideration are included in an information leaflet published separately by Natural Resources Wales.

The areas under consideration for harbour porpoise in Welsh waters are:

- An area north of Anglesey
- Cardigan Bay and Pembrokeshire seas
- Seas from Carmarthen Bay down to Cornwall

The areas under consideration for seabird species in Welsh Waters are:

- Seas around Anglesey (tern species – arctic, common, sandwich and roseate)
- North Cardigan Bay (red throated diver)
- Seas west of Pembrokeshire (Manx shearwater)

10. Will there be any other new sites, or changes to existing sites in Welsh waters?

In addition to the above possible new sites and extensions to existing sites, an offshore extension is being considered to the little tern nesting colony at Gronant Dunes in North Wales. This extension is to recognise the foraging areas for these birds, and it is almost wholly within the existing Liverpool Bay SPA.

11. Are there other potential harbour porpoise SACs and marine SPAs sites elsewhere the UK?

Harbour porpoise

The Joint Nature Conservation Committee (JNCC)³ has recently given initial advice to all UK governments, which indicates that there are several potential harbour porpoise sites around the UK. Initial JNCC advice suggests there are 8 potential sites around UK waters, spanning the four UK administrations. However, further work is needed to refine these areas, gather information and develop relevant documentation in preparation for a formal consultation. The 8 potential sites are located in: North Minch; Southern Hebrides; North Channel & Northeast Irish Sea; North Anglesey; West Wales;

³ UK Offshore Waters around Wales, England and Northern Ireland fall under the jurisdiction of the UK government, and the lead nature conservation body is the Joint Nature Conservation Committee (JNCC).

Bristol Channel; Southwest North Sea; and Moray Firth, Southern Trench and Smiler's Hole.

At present, the UK has one Special Area of Conservation (SAC) designated for harbour porpoise, the Skerries and Causeway SAC in Northern Ireland.

Birds

JNCC has analysed the available data on birds in UK Offshore Waters around Wales, England and Northern Ireland and published a report showing hotspots of bird concentrations. JNCC is continuing to provide advice to Defra on these areas in UK Offshore Waters, although no decision has yet been made on whether to proceed with any site proposals for the offshore area around Wales. One of the areas being considered is adjacent to the important area identified for Manx shearwater off Pembrokeshire in Welsh territorial waters (see Question 9 above).

Together with the Scottish Natural Heritage (SNH), JNCC also provided advice to Marine Scotland on important areas for birds inshore and UK offshore waters around Scotland. The Scottish Government is currently considering a suite of 14 Scottish marine draft SPAs which would protect together 32 different seabird species.

12. What protection do SACs and SPAs provide, and how will the species in question benefit?

SPAs and SACs help conserve the habitats and species that are the designated features for those areas – in this case certain seabirds and harbour porpoise.

The authorities responsible for those areas ensure protection through adopting policy and promoting good practice that safeguard the species and avoid disturbance and deterioration of their habitats, and through the assessment and control of any development plans or projects within these areas.

Harbour porpoise is a wide ranging species that is already strictly protected under European and UK law, irrespective of whether any SACs are designated for it. SACs would ensure assessment of any new coastal or marine developments within the sites, or within the range of the harbour porpoise populations of the sites. This assessment will look at any potential impacts on the species, or the habitats on which the harbour porpoises depend.

The designation of SACs for harbour porpoise, and SPAs for the bird species under consideration, (see question 8) will also increase awareness about these species, and the areas where they live.

Finally, designating SACs for harbour porpoise will highlight the importance of UK waters for this species, which currently support around 50% of the European population of this species.

13. Harbour porpoise are already European protected species, what difference will sites make?

A number of species, including harbour porpoise, are listed in the Habitats Directive as requiring both designations of SACs, and their protection as a species wherever they occur. Having SACs for a mobile species like harbour porpoise identifies the areas that are particularly important within the species natural range. SACs provide a basis of ensuring that any management or regulation that may be necessary to protect their habitat is applied in the right areas; they also help raise general awareness and understanding about the species and its distribution. More specifically, SAC designation also triggers the process under the Habitats Directive requiring the approval of plans and projects only where they are shown not to adversely affect the designated species or habitats (see question 30 for further details).

14. As there are high numbers of harbour porpoise in UK waters and they are wide ranging, why do we need sites to protect them?

As mentioned in question 13, harbour porpoise are included in the list of species in the Habitats Directive, which require SACs to be designated for them.

SACs for wide ranging species are intended to represent the areas which according to the best available scientific evidence, are the most important for the species within its natural range. The areas identified for harbour porpoise are those within UK waters that have persistently higher density of harbour porpoises. We don't fully understand what it is about these areas that makes them particularly attractive to harbour porpoise, but it is likely to be related to greater availability of food resources, either on a year round or seasonal basis.

15. What is the benefit of these areas to people that live or work near them?

SPAs and SACs represent some of our most important sites for wildlife and the environment. The potential sites under consideration include some of Wales's most beautiful and valued seascapes, attracting thousands of visitors every year and enhancing the quality of life for the people who live in and near them. Many of the visitors to these areas are drawn by the opportunities of seeing marine wildlife and local people take pride in the special status of their area.

Identifying important areas

16. How were the important areas for seabirds and harbour porpoise identified?

Led by the UK Joint Nature Conservation Committee, the UK nature conservation agencies have worked for several years to gather and analyse data on the numbers and distribution of species of marine mammals and birds which are not sufficiently covered by the existing Natura 2000 network of sites. UK and Welsh waters hold significant proportions of the European populations of many marine species, including harbour porpoise and Manx shearwater.

The data sets analysed comprise the largest and most comprehensive available. Analysis of the data has been conducted by JNCC at a UK level and is based on sound scientific reasoning.

Indicative maps of the areas under consideration are included in an information leaflet published separately by Natural Resources Wales.

The two technical reports underpinning possible harbor porpoise SAC identification are now live on the JNCC website at the link below. The reports are number 543 (land based sightings) and 544 (sea based sightings).

<http://jncc.defra.gov.uk/page-2132>

The technical report underpinning the identification of possible marine SPAs for seabirds is also available from the JNCC website as follows:

http://jncc.defra.gov.uk/pdf/461_final_web.pdf

17. Do any of the areas identified overlap with existing SACs and SPAs and if so, why can't features be added to existing sites?

All of the areas identified for harbour porpoise overlap to some extent with existing SACs. The areas identified for seabirds also overlap with other SACs and in the case of the areas for Manx shearwater, another SPA. It is not possible to simply add the species as features of existing sites because sites are chosen following a rigorous scientific analysis of the distribution and abundance of the habitat and species for which the site is designated. The existing SACs and SPAs have been designated for different habitats and species, and it would therefore not follow this scientific process to simply add extra species to these sites. In addition, the areas identified as important for harbour porpoise are larger than the existing SACs. Options for simplifying the overlap of SPAs are being considered. For the harbour porpoise SACs, if designated, these would be single species sites with no other features and hence different to the other mixed species and habitat SACs that they partially overlap with.

18. How fixed are the boundaries of the possible harbour porpoise sites, what scope is there to change them?

The boundaries are based on a comprehensive and detailed analysis of many years of data on harbour porpoise distribution in UK waters, and the UK conservation agencies believe that they represent the outcome of a robust scientific approach, as required by the Habitats Directive. However, at this stage these are proposed sites and the boundaries are open to being changed if there is a sound scientific basis for doing so.

The proposed sites will be subject to consultation later in 2015. The UK conservation agencies will carefully consider any additional scientific evidence submitted, or concerns about the way in which the data has been used to develop site boundaries, before making our final recommendations to Government. It is important to note however, that social or economic considerations, including for example the potential impact of SAC designation on existing or future commercial activities, may not be taken into account in decisions about designating SACs or defining their boundaries. Such issues must be addressed through the management of the areas once they have been defined.

The designation process

19. Has a decision already been made on which new sites will be designated?

No. A decision will be made by the Welsh Minister for Natural Resources after formal consultation has taken place and the Statutory Nature Conservation Bodies (including

Natural Resources Wales - see question 21) have provided subsequent formal advice to Government. The decision to designate must be made on the basis of the scientific evidence on the species under consideration.

20. Will there be a formal consultation?

Yes. A formal consultation is planned to begin in summer 2015. The purpose of the consultation is to provide the opportunity for views to be taken into consideration on the scientific basis for site proposals. The formal consultation also provides the opportunity to ask questions in order to find out more about the proposals and help understand their potential implications.

21. What is Natural Resources Wales' role in the designation process?

The statutory nature conservation agencies in the UK are responsible for advising governments on the selection of sites. In Wales, Natural Resources Wales carries out this function and undertakes consultation on behalf of, and as instructed by, the Welsh Government. If sites straddle waters in adjacent jurisdictions, this function is undertaken jointly with JNCC for offshore waters (beyond the 12 nautical miles limits of Welsh territorial seas) and Natural England for adjacent English territorial waters.

22. What is the Welsh Government's role in the designation process?

The decision on whether or not to designate sites in Welsh territorial waters is the responsibility of Welsh Ministers. The decision must be based solely on the scientific evidence. As part of the process the Welsh Government must consider advice from Natural Resources Wales on potential sites and decide whether or not to proceed to formal consultation on the basis of this advice.

Cross-border sites (that is sites which straddle the England-Wales border, or which straddle the 12 mile limit of Welsh territorial waters) are a joint responsibility of Welsh and English/UK authorities.

23. How will any social and economic impacts of the sites be assessed and considered?

As part of the preparations for a formal consultation on all these proposals later in 2015, independent consultants will be preparing an 'Impact Assessment' describing the potential social and economic implications if these areas are designated. The report of this work will be published as part of the public consultation stage later in 2015. The consultants may be in contact with stakeholders as part of their information gathering exercise.

The Impact Assessment can help understand the possible effect of new sites and can inform management once sites are in place, but the decision to designate must be made on the basis of the scientific evidence for the species under consideration.

24. Who makes the final decision on whether to designate sites?

The decision on whether to designate sites is the responsibility of Welsh Ministers for sites wholly within Welsh territorial waters. For any site that extends into adjacent waters, the responsibility is joint between Welsh and UK Government.

The Impact Assessment of potential social and economic implications (see question 23) can help understand the possible effect of new sites and can inform management

once sites are in place, but the decision to designate must be made on the basis of the scientific evidence for the species under consideration.

For SACs, before sites are designated they must be formally submitted to the European Commission as 'candidate SACs'. The current intention of the Welsh and UK Governments is that any SACs which are to be taken forward would be submitted to the EC as candidate SACs by December 2015.

Management

25. Who is responsible for management of SPAs and SACs?

No single organisation has responsibility for management of SPAs and SACs. All authorities with existing responsibilities for planning and regulating activities in the marine and coastal environment are responsible for ensuring that these activities do not have a detrimental effect on the site features (in this case the seabirds and harbour porpoise). This includes, for example, local authority land use planning functions, Natural Resources Wales marine licensing decisions and the Welsh Government's fisheries management functions etc.

26. What are the conservation objectives of the potential sites?

New developments and changes to existing human activities will need to be assessed in respect of potential conflict with the conservation objectives of potential SPAs and SACs. Conservation Objectives will be drafted for each possible site prior to formal consultation. The overall objective, as set out in the legislation under which SACs and SPAs are designated and managed, is to maintain the populations and their habitats in a favourable conservation status.

27. What activities are harbour porpoise sensitive to?

Activities that may be capable of effecting harbour porpoise are those that result in the following pressures:

- cause significant noise disturbance
- significantly deplete or displace their prey
- result in direct killing or injury of the animals

28. What activities are the bird species under consideration sensitive to?

Activities that may be capable of affecting the relevant seabirds are those that result in the following pressures:

- cause significant noise and/or visual disturbance
- significantly deplete or displace prey
- result in significant direct killing or injury of the birds

29. Will any current activities be affected by the potential new sites?

SACs and SPAs are not intended to become 'no-go' areas. Wales' existing network of SACs and SPAs are functioning marine areas with a variety of different uses, including shipping, energy, fisheries and recreational activities. While some activities and developments with the potential to damage wildlife may need additional regulation, many marine and coastal activities coexist with the conservation of habitats and species. Designation of further areas should not significantly affect the management and regulation of current activities which are shown not to cause a detrimental effect on

the species for which the sites are designated. There will be further opportunities to discuss management of any designated sites in the future.

Important areas for birds

The bird populations of these areas are in most cases considered to be in a healthy state, with population numbers generally stable or increasing over the past 10 years. The populations are not thought to be significantly affected by ongoing activities such as fishing, shipping and recreation. Therefore, unless new evidence emerges that our existing uses of the marine environment are adversely affecting these species, it is likely that ongoing activities will be able to continue at their current levels without the need for new management measures. In addition, most of the bird populations concerned are already subject to protection under the existing SPA designations on the Dee Estuary, the Anglesey coast and the Pembrokeshire islands. The important area for wintering red throated divers in Northern Cardigan Bay lies mostly within the boundary of the existing Pen Llŷn a'r Sarnau SAC, which is already being managed for the conservation of a range of habitats and species. This means that the areas are already subject to a range of regulations designed to protect marine wildlife, so significant new regulation of existing activities is unlikely to be required.

Important areas for harbour porpoise

Harbour porpoises are already strictly protected wherever they occur in Welsh water under European and UK law. The species ranges widely throughout UK waters, but the any new SACs would focus on areas that appear to be particularly important to the species. Designation of SACs will ensure that new coastal or marine developments are assessed for their potential implications for the species and the habitats on which it depends. The designation of SACs for harbour porpoises will also increase awareness about important areas for the species.

30. How will any new activities be affected by any new sites?

The presence of an SPA or SAC does not automatically prevent new activities, development or change. However, there is a statutory procedure that must be followed when considering plans or projects that could affect SPAs and SACs, whether the proposals are located within the site or outside the boundary.

The statutory assessment process (known as a Habitats Regulations Assessment, HRA) includes the following steps:

- If a proposal is likely to have a significant effect on the features (species or habitats) of an SPA or SAC then the competent authority (i.e. the authority responsible for deciding whether a proposal should proceed) must carry out an assessment to establish whether the proposal will adversely affect the site.
- If it is shown that the proposal would not cause an adverse effect to the site, the proposal will be allowed to go ahead.
- If it is shown that the proposal would cause an adverse effect, consent may be refused, or the proposal may need modifying in order to proceed.
- If it is shown that a proposal may cause an adverse effect, but there are no alternative solutions, the proposal may be allowed to proceed, but only if there are imperative reasons of overriding public interest.

These requirements already apply to any developments in or near existing SACs and SPAs in Wales.

31. Do the potential sites have formal protection now?

No. The areas being considered do not have policy protection until there is ministerial approval to formally consult on them. At that point it is Government policy that possible sites should be treated as designated in terms of management decisions and assessment of new activities, until the Minister has decided whether or not to designate them. Formal public consultation is expected to commence later this year.

32. Are harbour porpoises or the birds under consideration protected in any other ways?

Harbour porpoises are protected under UK and EU law principally under Schedule 5 of the Wildlife and Countryside Act 1981, and the 1992 EU Habitats Directive which prevent deliberate killing, capturing or disturbance of the species anywhere in European waters.

Monitoring

33. How will any new sites be monitored?

If designated, monitoring will be needed to assess the population of seabirds and harbour porpoise using the sites; this is done to check that the populations are healthy and that the way in which the sites are being used and managed remains favourable to the bird and porpoise populations. This work will form part of a long term monitoring programme by the relevant Statutory Nature Conservation Bodies, including Natural Resources Wales.

General

34. Why was short notice given for the first drop in days?

The drop in days are the start of a process of engaging with interested parties. There will be further opportunities to meet with Natural Resources Wales and Welsh Government staff over the coming weeks and months. Interested parties are encouraged to get in touch (see question 36) so that we can ensure our further meetings and local drop in days to provide opportunities for all who wish to find out more.

There will be a formal consultation in the summer. The stage we are at now is providing information informally to help people understand emerging site proposals and to discuss potential implications.

We are also aware that elsewhere in the UK early discussions have begun with some stakeholders. As a result, we wanted to provide equally early opportunities to start talking to stakeholders in Wales to ensure all interests are treated equitably.

35. What happens next?

<i>Ongoing</i>	Any organisations and individuals with an interest in these proposals are very welcome to contact Natural Resources Wales for more information. See the ‘How can I find out more’ section below for details of how to get in touch.
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February – June 2015	Natural Resource Wales, Natural England and JNCC are developing formal recommendations to Government on each proposed site. These will include descriptions of the scientific evidence for each site, why it is considered to meet the criteria for designation as a SAC/SPA and a map of the proposed boundary. Based on this information, Welsh and UK Ministers will decide whether to progress to formal consultation. The Impact Assessment report referred to below will also be provided to Government alongside the scientific recommendations.
April – May 2015	Stakeholders may be contacted by the contractors who are preparing the Impact Assessment report.
July – September 2015	Subject to Ministerial agreement, Natural Resources Wales, working closely with JNCC and Natural England on the cross-border sites, will carry out a three month public consultation on the proposals. This should start around July 2015, and may coincide with consultations on other harbour porpoise areas in English, Scottish and Northern Irish waters.
October – November 2015	The responses to the consultation will be reported to Welsh and UK Governments, along with any changes to the recommendations on each proposed site which may arise from the consultation responses.
December 2015	Ministers will decide whether or not to formally designate each proposed SPA and whether each proposed SAC should be formally submitted to the European Commission as a 'candidate SAC'. At this point, the sites would be subject to the legal protection required under the EU Habitats and Birds Directives.

The precise timing of these stages may change.

36. How can I find out more?

If you have any further questions you are welcome to:

- email Natural Resources Wales at marine.n2k@naturalresourceswales.gov.uk
- phone us on 0300 065 3000
- contact your local Natural Resources Wales office. Contact details of local offices can be found in the 'Contact us' section of our website www.naturalresourceswales.gov.uk.

If you have particular queries about offshore waters (that is, areas outside the 12 mile limit of Welsh Territorial Waters), or the harbour porpoise area in the outer Bristol Channel, you should contact the UK Joint Nature Conservation Committee by emailing porpoise@jncc.gov.uk. Any queries about offshore SPAs should be sent to seabirds@jncc.gov.uk.