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Wales

Proposed changes to Liverpool Bay / Bae Lerpwl Special Protection Area:

A consultation

09 November 2016 to 08 February 2017

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Introduction

The purpose of Natural Resources Wales (NRW) is to ensure that the environment and natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

One of NRW's roles is to advise the Welsh Government on the identification of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs and SPAs, also known as 'Natura 2000 sites' or 'European sites' are measures required under EU law for the conservation of biodiversity. SPAs are designated to protect populations of rare, threatened or migratory species of wild birds and the habitats they depend on, while SACs are designated to protect a range of natural habitats types and species of plants and animals other than birds.

Decisions on whether to designate SACs and SPAs in Wales and Welsh inshore waters within the 12 nautical mile Territorial Sea limit are made by the Welsh Ministers. Decisions on whether to designate SACs and SPAs in English inshore waters and in offshore waters beyond the 12 mile limit are made by the UK Secretary of State.

Liverpool Bay / Bae Lerpwl SPA, which lies in both English and Welsh waters, was designated in 2010 in recognition of its internationally important non-breeding populations of common scoter *Melanitta nigra* and red-throated diver *Gavia stellata* and a non-breeding waterbird assemblage.

In April 2016, Natural England (NE), NRW and the UK Joint Nature Conservation Committee (JNCC) submitted to the UK and Welsh Governments proposals to:

- extend the Liverpool Bay / Bae Lerpwl SPA to include additional marine areas;
- add further species to the list of individual bird species for which the SPA is designated, namely:
 - breeding population of little tern *Sternula albifrons*
 - breeding population of common tern *Sterna hirundo*
 - non-breeding population of little gull *Hydrocoloeus minutus*;
- recognise further named species within the non-breeding waterbird assemblage, namely little gull *Hydrocoloeus minutus*, red breasted merganser *Mergus serrator* and great cormorant *Phalacrocorax carbo*.

The location of the SPA and the proposed extensions are shown in a series of maps available on the [Natural England](#) website. The proposed extensions to the SPA boundary include a small inter-tidal area in Wales and a larger extension mainly in English waters but which also extends into UK offshore waters beyond the 12 mile limit.

Welsh and UK Ministers have asked NE, NRW and JNCC to carry out a public consultation on the above proposals. Information on how to respond to the consultation is given below.

What is the purpose of this consultation?

Consultation over proposals to designate SPAs in inshore waters is a statutory requirement under Regulation 12B of the Conservation of Habitats & Species Regulations 2010. Consultation over proposed SPAs is required by Regulations 8 and 13 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

After the end of the consultation period, NE, NRW and JNCC will be reporting to Welsh and UK Government on the representations we have received.

There are two parts to the consultation:

1. Consultation on the proposed changes to the Liverpool Bay / Bae Lerpwl SPA (NE, NRW and JNCC)

We are seeking the views of stakeholders on the **scientific basis** of the proposed changes to the SPA. We are particularly interested in comments on the way in which data on the relevant bird species have been used to develop the proposed changes to the SPA boundary and to evaluate the site against the relevant guidelines for the identification of SPAs.

2. Consultation on a draft assessment of the potential social and economic impact of the proposals in Wales (NRW only¹)

NRW has drafted an assessment of the potential social and economic impact of the proposed changes to the Liverpool Bay / Bae Lerpwl SPA, insofar as they relate to Welsh inshore waters. We are consulting on this draft to assist with identifying any additional information or evidence that would help improve the assessment.

In preparing our reports to the Welsh Government and UK Government, NE, NRW and JNCC will take into consideration all representations received. However please note that subsequent decisions by UK and Welsh Ministers on whether to designate the changes to the SPA may only take into account relevant scientific information and must be based on application of relevant guidelines and criteria. Social or economic considerations will be reported on, and can inform decisions about the way in which SPAs are managed and regulated, but may not be taken into account by Ministers in decisions on whether to designate SPAs or in the determination of their boundaries.

¹ NE and JNCC have carried out a separate process for assessing the potential social and economic impact of the proposals insofar as they relate to English and UK offshore waters. For more information about this, please see the relevant section (on page 4) of the Natural England Consultation Summary Document which can be found on the [Natural England](#) website.

Who can respond to this consultation?

This is a public consultation which is open to any individual or organisation to respond to.

At the start of the consultation NE and NRW emailed or wrote to a wide range of stakeholders for whom we hold contact details. We also announced the start of the consultation through social media.

How can I access the documents?

There are a number of documents published as part of this consultation. The following summarises what the various documents are, and how to access them.

All the documents are accessible via the [Natural England](#) and/or [NRW](#) websites.

Printed versions of any of the documents, are available on request from NRW by emailing marine.n2k@naturalresourceswales.gov.uk or by phoning the NRW Customer Care Centre on 0300 065 3000.

Documents on which we are consulting

Proposed Special Protection Area ‘Departmental Brief’.

This document describes the scientific basis for the proposed changes to the SPA, and is accompanied by detailed maps showing the existing site boundary and proposed changes. The departmental brief and maps are available on the [Natural England](#) website.

Draft Impact Assessment for the pSPA (Wales only).

The [Draft Impact Assessment](#) assesses the potential impacts associated with the pSPA proposals regarding their interaction with human activities in and around the sites.

Supporting material, which is provided for information

The following documents may help inform any response you wish to make, but they are provided for information only. We are **not** consulting on them.

Draft conservation objectives and advice in relation to activities in and around the sites

JNCC, NE and NRW’s draft conservation objectives. The conservation objectives are available on the [Natural England](#) website.

Scientific reports relating to the proposed SPA

The 'Departmental Brief' for the proposed SPA (see above) includes references to a number of scientific reports which were used in developing the proposed changes to the SPA boundary and to the list of species for which the SPA is designated. There are links within the Departmental Brief to key reports available on the JNCC website.

Other

A copy of the [letter from Welsh Government](#) asking NRW to carry out this consultation. This is considered to constitute the statutory notice from the Welsh Ministers to NRW, as required under Regulation 12B of the Conservation of Habitats and Species Regulations, 2010 (as substituted).

How to respond to the consultation

If you would like to discuss any aspect of this consultation with NRW staff **before** submitting a consultation response, you can do so at any time during the consultation period. Please get in touch by emailing your name, phone number and a brief description of your enquiry to marine.n2k@naturalresourceswales.gov.uk. A relevant member of staff will then get in touch with you. Or you can phone us on 0300 065 3000. However if your query is particularly in relation to the English or offshore part of the site, you may wish to contact NE at Liverpool.BaySPA@naturalengland.org.uk or by telephone on 0300 060 3900.

All responses to this consultation must be received by **5pm on 08 February 2017 at the latest**. Any responses received after that date may not be taken into account.

Responses can be submitted in English or in Welsh.

Responding to the consultation on the proposed changes to the SPA

Apart from comments on NRW's draft impact assessment (see below), all responses to the consultation should be sent to **Natural England**. Responses **must** be submitted using NE's online response form or otherwise be submitted in writing.

The best way to respond is to complete the [online response form](#).

However if you are unable to respond online, it is also possible to respond by sending an email to: Liverpool.BaySPA@naturalengland.org.uk, or by writing to NE at: FAO Liverpool Bay pSPA, Natural England, Hornbeam House, Electra Way, Crewe CW1 6GJ.

If you wish to respond by letter, it would be helpful if you used the standard response form. Please contact us on 0300 065 3000 if you would like us to send you a paper

version of the response form. **However, completing the online response form will help with the efficient handling of consultation responses and preparation of our report on the consultation.**

Responding to the consultation on NRW's draft impact assessment

Any comments on the draft Impact Assessment of the proposals in relation to the Welsh part of the site, should be sent to NRW **not** to NE. Comments should be emailed to marine.n2k@naturalresourceswales.gov.uk or posted to: Protected Sites Team, Natural Resources Wales, Maes y Ffynnon, Bangor, LL57 2DW.

How will NE/ JNCC /NRW use my response?

NE, NRW and JNCC where applicable, will use the responses to this consultation in order to prepare reports to the UK Government and Welsh Government. The reports may be published in due course on the Natural England and Natural Resources Wales websites.

Please note that in the interests of transparency and openness, **all** responses to this consultation, including the names of respondents, but not including any other personal information, will be made publicly available and may be published, including on the NRW and/or NE websites.

Individual responses that we receive may be shared between NRW, NE and JNCC, and with UK Government and Welsh Government. This is in order to ensure a coordinated approach to this consultation.

Any personal information you provide to us will be used and stored in line with the requirements of the Data Protection Act 1998. We will use your information only for the purposes of this consultation, as described above. Please ensure you do not mention other individuals by name, or include personal information within the body of your response.

If you do not wish your name and your views on this consultation to be made public, you are advised not to respond.