

# **Proposed Natura 2000/Ramsar designation**

## **Impact Assessment Document - draft for consultation**

### **Proposed site: Anglesey Terns / Morwenoliaid Ynys Môn draft Special Protected Area**

**January 2016**

**Mae'r ddogfen hon yn gofnod o'r Aseiad Effaith a gynhaliwyd ar gyfer y Ardal Gwarchodaeth Arbennig (AGA) arfaethedig Anglesey Terns / Morwenoliaid Ynys Môn.**

**Drafft a baratowyd gan Gyfoeth Naturiol Cymru.**

This document is a record of the Impact Assessment undertaken for the Anglesey Terns / Morwenoliaid Ynys Môn proposed Special Protection Area (SPA).

Draft prepared by Natural Resources Wales.

# Contents

Summary of Impact Assessment.....	3
Section 1 Impact Assessment: purpose and process.....	4
Section 2 Description of the proposed designation .....	5
Section 3 Analysis .....	6
Section 4 Conclusion.....	11
Section 5 References .....	12

DRAFT

## Summary of Impact Assessment

Document summary	
Name of proposed designation	Anglesey Terns / Morwenoliaid Ynys Môn
Designation type	Special Protection Area
Details	This is a change to an existing site
Document version number	1
Date	13/01/2016
Natural Resources Wales declaration	
<p>The information in Sections 3 and 4 of this document is an accurate description of Natural Resources Wales' understanding of the likely social and economic impacts of this proposed designation, based on evidence provided in <b><i>Developing the Evidence Base for Impact Assessments for Recommended dSACs and dSPAs</i></b> report (ABP Mer 2015).</p>	
Signed	
Name	
Position	
Approval by Welsh Government	
<p>I have read the Impact Assessment and I am satisfied that given the available evidence it represents a reasonable view of the likely costs, benefits and impact of the options.</p>	
Signed:	
Name:	
Position:	
Date:	
Summary	
<p>The proposal does not require any significant change in management. The proposal is a marine extension to an existing SPA (Ynys Feurig, Cemlyn Bay and The Skerries SPA) which is subject to protection in accordance with the Habitats and Birds Directives and transposing legislation, to include a substantial marine area. Habitats Regulations Assessments (HRAs) are already required of any plan or project with the potential to affect the features of the extant SPA, regardless of where those plans/projects are located. Since no changes are proposed to the feature species for which the SPA is designated, there would be no significant additional management considerations to be taken into account in any HRAs.</p> <p>Additional regulation of ongoing activities which may not be subject to HRA, such as commercial shipping and some sea fisheries activities, are not considered likely as a result of this proposed designation. Any such activities currently taking place in the area proposed for designation, and the exercise of regulatory functions by relevant/competent authorities in that area, are already subject to the requirements of the Habitats Regulations.</p>	

## Section 1 Impact Assessment: purpose and process

### 1.1. Purpose

An Impact Assessment (IA) is a process to help policy-makers understand the consequences of possible and actual government interventions in the public, private and third sectors. While an IA cannot inform or affect the decision to designate a Natura 2000 site<sup>1</sup> it will:

- ensure Government/Ministers are aware of the costs, benefits and impacts of a decision to designate an area; and
- inform how the site may need to be managed should it be designated.

### 1.2. Process

The level of analysis required for an impact assessment should be proportionate to the likely impact of the intervention<sup>2</sup>. When assessing potential impacts of Natura 2000 proposals (Special Areas of Conservation, SAC and Special Protected Areas, SPA) there are 2 possible options: (1) do nothing; or (2) classify the SPA or propose the SAC to European Commission.

The levels of analysis which can be carried out are:

- Level 1** **Description of who and what will be affected** by the proposal compared to the baseline. The main groups that could be affected will include business, public sector and consumers.
- Level 2** Full **description of the impacts** (i.e. positive or negative impacts on any group) and order of magnitude (e.g. low, medium, high).
- Level 3** **Quantify the effect** (e.g. number of applications per year, number of management measures per year) where possible. Where quantitative analysis is not possible, qualitative analysis should be carried out
- Level 4** **Monetise fully** all costs and benefits.

Analysis at levels 1 and 2 is a minimum requirement for Natura 2000 proposals and must be undertaken in all cases. Where impacts are identified, consideration should be given to whether further analysis is required (including further information gathering) under Levels 3 and 4, and a recommendation made to the Welsh Government.

This process has guided the IA for the Anglesey Terns / Morwenoliaid Ynys Môn proposed Special Protection Area (SPA) and this IA forms part of the package of information to be consulted on alongside the scientific proposal to designate. The IA and the level of analysis will be reviewed and where necessary adjusted to reflect information received through the consultation process.

---

<sup>1</sup> Social and economic factors cannot be invoked as reasons for classifying/proposing (or not) a site or extending designations; only nature conservation science criteria are allowed. As such an impact assessment can have no bearing on whether a site is designated or not.

<sup>2</sup> Developed in line with UK Government Better Regulation Framework (March 2015).

## Section 2 Description of the proposed designation

### 2.1. Background

The proposal is described fully in NRW (2015) which contains Natural Resources Wales' (NRW) recommendation to the Welsh Government (WG) to change and reclassify Ynys Feurig, Cemlyn Bay and the Skerries SPA under the EU Birds Directive (2009/14/EC) to:

- give effect to the findings of the 2001 SPA review (Stroud et al. 2001). The 2001 review gives different population figures for species for which the site is considered to qualify as an SPA, than given on the extant SPA citation. It does not recommend any boundary changes.
- extend the boundary of the SPA to include adjacent sea areas that are used by birds from within the existing SPA for foraging during the breeding period.
- rename the site from 'Ynys Feurig, Cemlyn Bay and The Skerries' to 'Anglesey Terns / Morwenoliaid Ynys Môn'.

These recommendations are intended to support the delivery of the UK's obligations under Article 4 of the Directive.

### 2.2. Extant Ynys Feurig, Cemlyn Bay and The Skerries SPA

The SPA was classified in 1992 by the then Secretary of State of the Environment. The purpose of SPAs is to enable the application of special conservation measures concerning the habitats of Annex 1 species and/or regularly occurring migratory species (other than those listed in Annex 1) in order to ensure their survival and reproduction in their area of distribution. The existing Ynys Feurig, Cemlyn Bay and The Skerries SPA qualifies under Article 4.1. of the EU Birds Directive by regularly supporting more than 1% of the GB population of: common tern (*Sterna hirundo*), Arctic tern (*Sterna paradisaea*), roseate tern (*Sterna dougalli*) and sandwich tern (*Sterna sandvicensis*), in accordance with Stage 1.1 of the UK SPA selection guidelines (JNCC 1999). The extant citation for the SPA states that the site qualifies as an SPA on the basis of 840 pairs of Arctic tern, 170 pairs of common tern, 517 pairs of sandwich tern and 45 pairs of roseate tern.

### 2.3. Proposed Anglesey Terns / Morwenoliaid Ynys Môn SPA

The proposal does not include a change to the qualifying species for which the extant SPA is classified but there are differences in the number of birds between the extant SPA citation and the results of the 2001 SPA review of the site (Stroud et al. 2001). NRW has advised the Welsh Government that the 2001 numbers should be adopted for the extended site (NRW 2015).

NRW has advised WG that the boundary of the extant SPA should be extended so that the new site encompasses the three breeding sites already within the existing SPA together with a marine foraging area used by the tern species for which the site is classified (NRW 2015). The extended boundary is based on modelling of tern usage of sea areas identified as potential feeding areas around all of the tern breeding colonies in the UK (Wilson et al. 2014).

## Section 3 Analysis

This analysis is based on Natural Resources Wales' review of the evidence on the potential social and economic costs and benefits of the proposed designation, presented in the JNCC-commissioned report examining the potential impact of a proposed UK suite of new SACs and SPAs entitled *Developing the Evidence Base for Impact Assessments for Recommended dSACs and dSPAs* (ABPMer 2015). Potential impacts have been assessed over a 20 year period (2015 to 2034).

### 3.1 Description of activities that could be affected by the proposed designation or change in designation and the level of impact compared to the baseline of no change

#### Level 1 and 2

Natural Resources Wales (NRW) has reviewed, in comparison with the baseline, the evidence of the potential benefits and costs of the proposed SPA for the following human activities (detailed in ABPMer 2015): aggregates; commercial fisheries; offshore renewables; oil and gas; ports and harbours; and recreational boating. AMPMer (2015) highlights that other sectors could possibly incur minor costs associated with individual projects but considers that any costs to other sectors are unlikely to be significant.

Table 1 summarises the Level 1 and 2 analysis for these activities, and the potential for management requirements and impacts as compared against the baseline. Public sector and social costs and benefits are described in Section 3.2.

NRW do not foresee any significant changes to the current management regime for activities which fall under the definition of plans or projects under the Habitats Regulations as a result of extending the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA. NRW already advise authorities to consider (potential) impacts of activities occurring outside of the current Ynys Feurig, Cemlyn Bay and The Skerries SPA boundary in areas that support the bird features of the existing SPA (in addition to the requirement to consider impacts of activities occurring within the SPA). As a result, any new plans or projects within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of the bird features for which the extension is being proposed. It is therefore considered unlikely that the extension would require any significant management or pose additional costs on the activities considered in Table 1.

**Table 1 Level 1 and 2 analysis of the potential impacts of the extension of the proposed SPA on activities considered and the potential for additional management requirements compared with existing SPA (based on evidence from ABPMer 2015).**

<b>Analysis</b>	<b>Level 1</b>		<b>Level 2</b>	
<b>Activity</b>	<b>Baseline (extant SPA)</b>	<b>Impact of proposed SPA (extension)</b>	<b>Description of impact</b>	<b>Magnitude of impact</b>
Aggregates	There are currently no existing licensed marine aggregate sites, application areas or prospecting areas within the vicinity of the proposed SPA. The potential for aggregate extraction from the proposed SPA is considered to be low.	<p>Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features.</p> <p>It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.</p>	No impact	Not applicable
Commercial fisheries- mobile and static gears	The key fishing gears used in the proposed SPA are pots and traps. Only UK vessels are permitted to fish within the inshore area (<6nm) and no foreign vessels operated within the proposed SPA.	It is unlikely that the extension would require any additional management measures for commercial fishing activities within the proposed SPA over and above current measures <sup>3</sup> .	No impact	Not applicable

<sup>3</sup> Note that a review of the management of fisheries in Welsh waters to ensure compliance with Article 6 of the Habitats Directive is to be carried out by the Welsh Government. It is possible that new management measures might be identified in order to ensure protection of the existing SPA in accordance with Article 6, irrespective of the proposed marine extension.

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
Offshore renewables	This includes activities associated with offshore wind, wave, tidal stream and tidal lagoon energy production together with transmission capacity. There are no existing developments within the existing SPA or the proposed SPA.	<p>Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features.</p> <p>It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.</p>	No impact	Not applicable
Oil and gas	There are no existing oil and gas licences and no current awards under the 26 <sup>th</sup> , 27 <sup>th</sup> or 28 <sup>th</sup> oil and gas licensing within or in proximity of the proposed SPA. Further licensing rounds could result in more licence areas but it is not possible to estimate the number, nature of timing of such awards. Given the lack of historical oil and gas activity within the proposed SPA extension, it is considered unlikely that there will be significant levels of activity in the future.	<p>Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features.</p> <p>It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.</p>	No impact	Not applicable



<b>Analysis</b>	<b>Level 1</b>		<b>Level 2</b>	
<b>Activity</b>	<b>Baseline (extant SPA)</b>	<b>Impact of proposed SPA (extension)</b>	<b>Description of impact</b>	<b>Magnitude of impact</b>
Ports and harbours	This includes activities associated with port/harbour development and maintenance activities including maintenance dredging and disposal. A number of industries are strongly related to the ports and harbour sector e.g. ship building, oil and gas, commercial fishing, maritime transportation (including ferry services) and leisure moorings. Holyhead is one of Wales' largest ports and is in proximity to the existing SPA and partly within the proposed SPA.	<p>Any new proposals within the vicinity of the existing SPA would already require Habitats Regulations Assessment (HRA), taking consideration of (potential) impacts of the bird features inside the extant SPA and in areas outside of the extant SPA that support those features.</p> <p>It is unlikely that the extension would require any additional management that would pose any significant additional costs for this activity over and above existing requirements.</p>	No impact	Not applicable
Recreational boating	Recreational boating includes medium and large sailing vessels, yachts, powerboats and motorboats. Voluntary codes of conduct exist to reduce impacts of recreational activities on marine Natura 2000 features (existing SPA features and Pembrokeshire Marine SAC features).	It is unlikely that any additional management measures would be required on recreational boating activities within the proposed SPA over and above existing requirements.	No impact	Not applicable

### **3.2 Public sector and social costs and benefits of the proposed designation or change in designation (compared to the baseline of no change)**

Costs to the public sector of the extension have been considered in terms of:

- Preparation of marine management schemes
- Preparation of Statutory Instruments
- Development of voluntary measures
- Site monitoring
- Compliance and enforcement
- Promotion of public understanding
- Regulatory and advisory costs associated with licensing decisions and Review of Consents.

No public sector costs were identified for the Anglesey Terns / Morwenoliaid Ynys Môn proposed SPA (ABP Mer 2015).

### **3.3 Other sensitivities or areas of possible concern**

Based on the available evidence, NRW considers that there are no other sensitivities or significant areas of possible concern regarding the proposed extension of the SPA.

## Section 4 Conclusion

NRW has reviewed the available information on current and future activities in the proposed SPA extension, and has considered the potential for additional management requirements and the impact they would have on marine users and regulators based on the information provided in *Developing the Evidence Base for Impact Assessments for Recommended dSACs and dSPAs* report (ABPMer 2015).

The SPA proposal under consideration is an extension to the existing Ynys Feurig, Cemlyn Bay and The Skerries SPA, and there is no change in the species features for which the SPA is proposed. The presence of the existing designation means that it is likely that some of the management requirements for the proposed SPA could be implemented under measures for the extant SPA (ABPMer 2015).

The extant SPA already requires activities which fall under the definition of plans or projects under the Habitats Regulations and have the potential to have an impact on its bird features to be managed through the Habitat Regulations Assessment (HRA) process. This requirement stands regardless of whether the activity is taking place within or outwith the extant SPA, where there is the potential to impact on the features for which the extant SPA is designated. This requirement sets the baseline for considering the potential for additional management requirements and costs. The proposed extension will also require these activities to be managed through the HRA process for the same bird features and is therefore not expected to impose further requirements on proponents of plans and projects or on competent authorities.

Additional regulation of ongoing activities which may not be subject to HRA, such as commercial shipping and some sea fisheries activities, are not considered likely as a result of this proposed designation. Any such activities currently taking place in the area proposed for designation, and the exercise of regulatory functions by relevant/competent authorities in that area, are already subject to the requirements of the Habitats Regulations.

NRW considers that Level 1 and 2 analysis of the potential impacts of the proposed SPA is sufficient and that no further analysis (Level 3 and 4) or quantification of the potential impacts of the extension is required.

No public sector costs were identified for the proposed SPA (ABPMer 2015).

## Section 5 References

**ABPMer (2015).** *Developing the evidence base for impact assessments for recommended dSACs and dSPAs.* Report Commissioned by JNCC. November 2015.

**NRW (2015).** *Proposal to extend and reclassify Ynys Feurig, Cemlyn Bay and The Skerries Special Protection Area and rename it as Anglesey Terns / Morwenoliaid Ynys Mon Species Protection Area. Advice to the Welsh Government.* June 2015.

**Stroud et al. (2001).** *The UK SPA network: its scope and content.* Volumes 1-3. JNCC, Peterborough. Available at: <http://jncc.defra.gov.uk/page-1418>

**Wilson et al. (2014).** *Quantifying usage of the marine environment by terns *Sterna* sp. around their breeding colony SPAs.* JNCC Report No. 500. <http://jncc.defra.gov.uk/page-6644>

DRAFT