

Proposed Natura 2000/Ramsar designation

Impact Assessment Document – draft for consultation

Proposed site: Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro Special Protection Area (SPA) (inshore area)

January 2016

Mae'r ddogfen hon yn gofnod o'r Aseiad Effaith a gynhaliwyd ar gyfer yr ardal y glannau (hy o fewn y terfyn 12 môr-filltir dyfroedd tiriogaethol Cymru) Ardal Gwarchodaeth Arbennig (AGA) arfaethedig Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro .

Drafft a baratowyd gan Gyfoeth Naturiol Cymru . Nodwch fod JNCC wedi paratoi dogfen ar wahân ar gyfer y rhan o'r AGA arfaethedig sy'n gorwedd yn nyfroedd alltraeth y DU.

This document is a record of the Impact Assessment undertaken for the inshore area (i.e. within the 12 nautical mile limit of Welsh Territorial waters) of the proposed Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro Special Protection Area (SPA).

Draft prepared by Natural Resources Wales. Note that JNCC has prepared a separate document for the part of this proposed SPA lying in UK offshore waters.

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Summary of Impact Assessment

Document summary	
Name of proposed designation	Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro
Designation type	Special Protection Area
Details	This is a change to an existing site
Document version number	1
Date	15/01/2016
Natural Resources Wales declaration	
<p>The information in Section 3 of this document is an accurate description of Natural Resources Wales' understanding of the likely social and economic impacts of this proposed designation insofar as it applies to Welsh territorial waters, based on evidence provided in <i>Developing the Evidence Base for Impact Assessments for Recommended dSACs and dSPAs</i> report (ABPMer 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 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 site¹ 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 intervention². 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 Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro 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.

¹ 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.

² 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). It is to change the existing Skokholm and Skomer Special Protection Area (SPA) which was originally classified in 1982 and re-classified by the Welsh Ministers in October 2014, to:

- extend the boundary of the existing SPA to include significant additional areas of Welsh territorial waters³;
- rename the site as the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA.

No changes are proposed to the list of bird species for which the area is considered to qualify for classification under Article 4 of the Birds Directive.

2.2. Skokholm & Skomer SPA

The existing Skokholm and Skomer SPA qualifies under Article 4.1 of the EU Birds Directive (2009/147/EC) by regularly supporting more than 1% of the GB population of: European storm petrel *Hydrobates pelagicus*, red-billed chough *Pyrrhocorax pyrrhocorax* and short-eared owl *Asio flammeus*. It also qualifies under Article 4.2 by regularly supporting breeding populations of international importance of the migratory species: Manx shearwater *Puffinus puffinus*, Atlantic Puffin *Fratercula arctica*, and lesser black-backed gull *Larus fuscus* and by regularly supporting an assemblage of breeding seabirds of 394,260 birds, the main components of which are Manx shearwater (301,936 birds), European storm petrel (7,000 birds), Atlantic puffin (19,000 birds), razorbill *Alca torda* (5,990) and common guillemot *Uria aalge* (15,262 birds), and lesser black-backed gull (40,600 birds). The site was first classified in 1982 and extended to include some marine areas in 2014.

2.3. Proposed Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA in Welsh Territorial Waters

Natural Resources Wales (NRW) has advised the Welsh Government that the existing Skomer and Skokholm SPA should be extended to include additional sea areas. The additional areas provide important foraging habitat for two of the species of the existing SPA, namely Manx shearwater and Atlantic puffin during the breeding season. The proposal does not include a change to the qualifying species, which will remain the same as for the extant SPA.

³ The proposal also includes an extension of the SPA into United Kingdom offshore waters and the need for an Impact Assessment for the offshore area has been considered by JNCC and Defra.

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* (ABP Mer 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 inshore part of the proposed SPA (extension) for the following human activities (detailed in ABP Mer 2015): aggregates; commercial fisheries; offshore renewables; oil and gas; ports and harbours; and recreational boating. AMP Mer (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 Skokholm and Skomer SPA. NRW already advise authorities to consider (potential) impacts of activities occurring outside of the current Skokholm and Skomer 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 proposals 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 SPA on activities considered and the potential for additional management requirements compared with existing SPA (based on evidence ABP Mer 2015).

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
Aggregates	There are currently no existing licensed marine aggregate sites, application areas or prospecting areas within the vicinity of the proposed SPA. There are some areas with marine aggregate potential that overlap with the proposed SPA, however these areas are remote from existing areas of marine aggregate extraction and it is assumed that no marine aggregate licence applications would be submitted over the assessment period.	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. 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.	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); however some French and Belgian vessels have historical rights to fish in the 6 to 12nm, and their activity overlaps with 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 ⁴ .	No impact	Not applicable

⁴ 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 th , 27 th or 28 th 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

Analysis	Level 1		Level 2	
Activity	Baseline (extant SPA)	Impact of proposed SPA (extension)	Description of impact	Magnitude of impact
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. Milford Haven in Wales' largest port and is in close proximity to the existing SPA and thus the proposed SPA. Stackpole Quay is one of a number of smaller ports with quays and jetties in proximity to the existing 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 exists to reduce impacts of recreational activities on marine Natura 2000 features (existing SPA features and features of the extant Pembrokeshire Marine SAC.	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.

Estimated total public sector costs of £7,000 over the period of 2015 to 2034 were identified for the Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro proposed SPA due to additional regulatory and advisory costs associated with licensing decisions (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 in Welsh waters, 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 Skokholm and Skomer SPA in Welsh territorial waters, 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 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 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 on activities is sufficient and that no further analysis (Level 3 and 4) or quantification of the potential impacts of the inshore part of the extension is required.

Total public sector costs for the period 2015 to 2034 were estimated at £7,000 due to additional regulatory and advisory costs associated with licensing decisions (ABPMer 2015).

Section 5 References

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

NRW (2015). Proposals to extend Skokholm and Skomer Special Protection Area and rename it as Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a moroedd Penfro Special Protection Area. *Advice to the Welsh Government.* June 2015.

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