

Marine Special Areas of Conservation (SACs) in English Inshore Waters

Frequently Asked questions (updated September 2011)

This document is produced to answer common questions asked by stakeholders in relation to consultations held by Natural England on new Marine Natura 2000 sites.

BACKGROUND

What is Natura 2000?

The [Habitats Directive](#) requires the creation of a network of marine, coastal and marine protected areas known as 'Natura 2000'. This network consists of Special Areas of Conservation (SACs) to protect habitats and species listed under the Habitats Directive and Special Protection Areas (SPAs) to protect wild birds as set out under the [Birds Directive](#).

What are Special Areas of Conservation (SACs)?

SACs are areas which have been given special protection under the European Union's (EU) Habitats Directive (Council Directive 92/43/EEC). They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

What about Special Protections Areas (SPAs)?

SPAs are designations for the most important bird sites in Europe, required under the EU's Birds Directive (Council Directive 79/409/EEC).

The Government is not consulting on any offshore marine SPAs during 2011 in English inshore waters, although there are plans for completing the SPA network and consulting on new classifications in the future. The majority of this document therefore focuses on SACs.

How many marine Natura sites are there and what area do they cover?

In UK waters there are now 95 SACs with marine components and 107 SPAs with marine components. They cover over 5% of the UK sea area.

Where can I find further background information?

The Joint Nature Conservation Committee (JNCC) website provides background information [Special Areas of Conservation](#), [Special Protection Areas](#); and another type of Marine Protected Area, [Marine Conservation Zones](#).

MARINE SITES BEING PROGRESSED IN 2011

What inshore sites are being progressed now?

Natural England is holding a consultation, from 1st September to 24th November 2011, on Studland to Portland possible SAC (pSAC), 2011 off the Dorset Coast. It has also submitted its final recommendations for Lune Deep and Prawle Point to Start Point pSAC, which have been approved by Ministers have been submitted to the European Commission.

Why are you taking forward these sites now?

To take forward work to complete the network of marine Natura 2000 sites, Natural England, the JNCC and Countryside Council for Wales (CCW) consulted on 10 possible SACs and 2 potential SPAs in English inshore and offshore waters in 2009-10. As a result of this

consultation, in English inshore waters, 8 SACs were submitted to the European Commission and 2 SPAs were classified (August 2010). Natural England ran a further consultation on two sites, Lune Deep pSAC (off Morecambe Bay) and Prawle Point to Start Point pSAC (off the south Devon coast) between 20th August and 12th November 2010, because substantial new evidence had come to light for these areas. These sites have now been submitted to the European Commission.

Further information also came to light in the Poole Bay area (off the Dorset coast) and the site previously consulted on here, Poole Bay to Lyme Bay pSAC, was split into two with only the Lyme Bay to Torbay site being submitted to the European Commission. Studland to Portland is now a separate site in the Poole Bay area and further consultation is taking place after careful evaluation of new evidence resulting in a new recommended boundary for protection of reef feature.

Defra has recently published the findings of an independent review on the evidence process for selected marine SACs. Have you taken account of that review?

In March 2011 Defra's Chief Scientific adviser, Professor Bob Watson, commissioned an independent review of three case studies relating to the selection of marine SACs under the Habitats Directive. The aim was to explore the quality assurance processes and robustness of evidence and advice provided by Natural England and how that evidence was used by Defra. It followed concerns expressed by stakeholders about the robustness and integrity of the work undertaken for the previous consultation on marine sites in 2009-10.

The review report is available on the [Defra Marine Protected Areas web page](#).

The review concluded that the evidence underpinning the selection of three case study marine SACs is sufficient to support the proposed designation of the sites as SACs, in light of the requirements of the Habitats Directive. However, there were issues raised about aspects of the processes which Natural England and Defra followed and a number of recommendations for the future.

Defra and Natural England welcome the report. They are fully considering the recommendations and implications over the summer and will publish their responses in the Autumn.

Natural England has considered and is implementing the recommendations from the report as far as they relate to the sites being progressed during 2011. For example, Natural England is commissioning independent peer review of Studland to Portland pSAC in parallel with the consultation, and the findings will be taken into account in the final recommendations due in early 2012. We have provided links to the documents that we reference in the Selection Assessment Document, setting out the scientific basis for the site, so that the underpinning data is readily available¹. We have also published the decision making process that we went through in determining the boundary and recommendation for each site.

STUDLAND TO PORTLAND CONSULTATION

What is the new evidence that has been found?

During the previous consultation, highly detailed survey work from the DORIS (Dorset Integrated Seabed Survey, 2010) came to light. The exceptional detail of this work provided additional information which was useful in defining the locations of the reefs which has led to a change in the boundary of the possible SAC (pSAC).

¹ Where data is not available for copyright reasons, this will be explained.

Evidence from survey data by Haskoning 2008 (commissioned by Natural England to identify habitats which qualify as Annex 1 reefs), and later data from DORIS (Dorset Integrated Seabed Survey, 2010), both indicate that the reef features within the Studland to Portland pSAC are Annex I reef habitat. The pSAC contains biologically and topographically diverse areas of reef, with multiple reef interest features. Video drops of the area (Axelsson et al 2010; Haskoning 2008) reveal rich and varied reef habitats consisting of extensive common mussel (*Mytilus edulis*) beds, bedrock, boulders and cobbles. The reefs support a wide variety of species typical of both cold and warm-water environments as well as more typical English Channel species, such as populations of pink sea fan (*Eunicella verrucosa*), and varieties of cup corals.

The boundary around the Studland to Portland pSAC has been drawn using the guidance provided by JNCC (2008) and with further consideration against other guidelines. Information on this, the data used, the features and how they qualify as Annex 1 reef under the Habitats Directive, is provided in the Selection Assessment Document.

What are you actually consulting on?

Natural England is consulting on the scientific case for proposing the SAC and its boundaries, and the assessment of the socio-economic costs and benefits of the designation. We are specifically looking for any new scientific information that is not already referenced in the Selection Assessment Document, any information available about the condition of the reef, and any comments about the scientific selection of the site. We are also looking for views on whether the impact assessment reflects the likely effect of the proposed designation on human activities in the site and for further information or data that would help to improve the quality of the estimates of any impacts. All the documents are available on Natural England's [website](#).

Draft Conservation Objectives and Advice on Operations are also available on the website because they underpin the impact assessment, but they are not subject to formal consultation. If, following consultation, the pSAC is submitted by Government to the European Commission Natural England will produce final Conservation Objectives for the site in accordance with its duties under the [Habitat and Species Regulations 2010 \(Regulation 35\)](#). It will consult with relevant authorities² before finalising the Conservation Objectives.

Please read the [Studland to Portland page on the website](#) to obtain all the relevant information.

What new scientific information would be useful to Natural England to help improve the basis for the selection of the site?

Natural England is looking for wide-ranging evidence that will better inform the validity of its recommendations for the site designation. This evidence may be provided in many formats, but should in all cases be able to inform Natural England whether the feature (reef) is present or absent in or within close proximity to the proposed Studland to Portland pSAC. Table 1 below describes the definition of reef habitat and a clarification of terms. For a more detailed synopsis of what constitutes the definition of reef under Habitats Directive (1992) see [JNCC 2007](#).

Table 1. Reef definition and clarification of terms.

² Relevant authorities are organisations with local powers or functions which have, or could have, an impact on the marine area – for example lighthouse authorities, the Marine Management Organisation and Inshore Fisheries and Conservation Authorities.

Definition of reef habitat (EC 2007)

Definition

Reefs can be either biogenic concretions or of geogenic origin. They are hard compact substrata on solid and soft bottoms, which arise from the sea floor in the sublittoral and littoral zone. Reefs may support a zonation of benthic communities of algae and animal species as well as concretions and corallogenic concretions.

Clarifications:

- “*Hard compact substrata*” are: rocks (including soft rock, e.g. chalk), boulders and cobbles (generally >64 mm in diameter).
- “*Biogenic concretions*” are defined as: concretions, encrustations, corallogenic concretions and bivalve mussel beds originating from dead or living animals, i.e. biogenic hard bottoms which supply habitats for epibiotic species.
- “*Geogenic origin*” means: reefs formed by non biogenic substrata.
- “*Arise from the sea floor*” means: the reef is topographically distinct from the surrounding seafloor.
- “*Sublittoral and littoral zone*” means: the reefs may extend from the sublittoral uninterrupted into the intertidal (littoral) zone or may only occur in the sublittoral zone, including deep water areas such as the bathyal.
- Such hard substrata that are covered by a thin and mobile veneer of sediment are classed as reefs if the associated biota are dependent on the hard substratum rather than the overlying sediment.
- Where an uninterrupted zonation of sublittoral and littoral communities exist, the integrity of the ecological unit should be respected in the selection of sites.
- A variety of subtidal topographic features are included in this habitat complex such as: Hydrothermal vent habitats, sea mounts, vertical rock walls, horizontal ledges, overhangs, pinnacles, gullies, ridges, sloping or flat bed rock, broken rock and boulder and cobble fields.

Natural England places high value in the quality of its evidence and subsequent advice. Therefore, whilst we welcome stakeholder views, any anecdotal evidence, opinions, feelings or hearsay or forms of data that do not have a clear audit trail, and cannot be corroborated, will not be considered as evidence that could be used to inform final advice to government following consultation on Studland to Portland pSAC.

Data likely to be considered

- *Acoustic bathymetry data (multibeam, sidescan, singlebeam, AGDS, Olex etc).*
Clarity and reliability of the bathymetric data can improve with subsequent passes of the same ground, so more passes of the same ground the better. One acoustic pass on its own may not be enough evidence, but would be worth submitting in case others come to light that support it.
- *Photos/videos/grab samples and other groundtruthing evidence.*
In order for Natural England to use ground truthing evidence we need to be able to locate the position of the evidence, for example a latitude/longitude on a video overlay for a towed video or start/end positions, latitude/longitude of location of drop down camera, location of dive, etc. Supporting information such as date photo taken, gear used, method of capture will also be highly desirable.
- Any previous reports and surveys, additional to those used by Natural England which can be seen on [the consultation website link](#).

What will happen to my response?

When all responses to the reconsultation have been collated, Natural England will consider the responses made on the scientific justification for the sites and will then consider whether

to amend the site before making its recommendation to Government. Responses on socio-economic grounds will be used to update or amend the impact assessments which accompany the site recommendation to Government, but under a European Ruling Natural England is not able to take socio-economic considerations into account when making its SAC recommendation to Government.

How will I know how responses have been taken into account?

Following approval of the final recommendations by government, Natural England will publish a report on its website which provides a summary of how the consultation was carried out, how responses were assessed, and how it came to its conclusions on the final recommendations.

Copies of the consultation report will be available on request for those without access to the internet.

LUNE DEEP AND PRAWLE POINT TO START POINT

What new evidence came to light for these areas?

Lune Deep

Following the November 2009-February 2010 consultation, analysis of new Maritime and Coastguard Agency (MCA) side multibeam and backscatter data of Lune Deep and the surrounding area clearly demonstrated that the annex 1 reef feature originally identified on the escarpment continued further to the east than previously thought, and extended less far north than previously thought. Natural England made the recommendation to Defra for further consultation because the changes to the boundary were significant.

Prawle Point to Start Point

During the original consultation, concern was raised that significant areas of Annex 1 reef feature, to the east of Prawle Point had not been included into the site. Natural England's Evidence Panel subsequently reanalysed the original raw data (Royal Haskoning 2008) and also used newly available Digital Survey Bathymetry data, video footage and still photography. It was concluded that there was no significant difference between the number of observations of reef feature between sites to the west and east of Prawle Point, therefore confirming the presence of annex 1 reefs between Prawle Point and Start Point. The newly identified area of reef was significant, therefore Natural England made the recommendation to Defra to carry out a further consultation on this site.

How have you taken the comments received into consideration in drawing up the final recommendations?

The responses to each of the science questions were assessed and data, reports or other information that had been put forward during the consultation was analysed. Natural England then made changes as necessary to the supporting SAC Selection Assessment Documents. Responses on the impact assessments, were assessed in relation to the socio-economic activity and the documents were updated or amended as necessary.

Did you make any changes to the site boundaries as a result of the further consultation?

Lune Deep

No further scientific information came to light during the second consultation and therefore the boundary has not been further changed.

Prawle Point to Start Point

Seasearch submitted new dive data which became available early 2011. No other data were submitted. The dive data confirmed the presence of annex 1 reef feature within the Prawle Point to Start Point area. The boundary was not further changed.

Will I receive feedback on my response?

Natural England will publish a report on its website which provides a summary of how the consultation was carried out, how responses were assessed, and how it came to its conclusions on the final recommendations. This includes information on how responses have been considered in relation to the science for this site, and is contained in the final [consultation report](#). If you would like further information on how your comments have been considered then please contact us using the contacts provided at the end of this document.

What has happened to the sites now?

Natural England recommended that Lune Deep be added as an amendment to the existing Shell Flat cSAC which will then be renamed **Shell Flat and Lune Deep**. It also recommended that Prawle Point to Start Point be added as an extension to the Prawle Point to Plymouth Sound and Eddystone cSAC, to become renamed **Start Point to Plymouth Sound and Eddystone**. The amendments were submitted to the European Commission on 5th September 2011. They are now awaiting moderation by the EC (that is, assessment alongside all the other sites submitted by other Member States) for inclusion in the SAC series and Natura 2000 network. Once the European Commission has approved the sites they become Sites of Community Importance and Government then has six years to designate them as an SAC.

Candidate SACs are subject to full protection under the Habitat Directives (transposed through the Conservation of Habitats and Species Regulations 2010³). Amongst other things, the Habitat Regulations place an obligation on competent and relevant authorities to put in place measures to protect the sites from damage or deterioration. Natural England will draw up final conservation objectives and advice on operations for the sites, to enable competent and relevant authorities to consider the need for putting any measures in place.

FUTURE DESIGNATIONS

Are there plans for identifying any further sites in the future?

JNCC is carrying out a [consultation](#) that ends on 29th September 2011 on three offshore SACs (beyond 12 nautical miles) off England. These plus five further offshore SACs off Scotland are planned for submission to the European Commission by the end of 2012.

Marine Special Area of Conservation designation should be completed by the end of 2012 so Natural England's plans are focussed on moving towards substantial completion of an SPA network. Natural England has committed to work with Defra to progress, as far as possible, towards classification of additional seabird colony extensions and other seabird SPAs by the end of 2015.

JNCC is currently conducting, on behalf of Natural England, a programme of annual surveys of seabird breeding and foraging areas, and once these have been analysed, consideration will be given by Natural England and the JNCC to potentially bring forward additional recommendations to extend the seaward boundaries to include important areas for seabirds. Work is also underway to analyse whether further important areas used by seabirds can be

³ The Conservation of Habitats and Species Regulations 2010
(http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1)

identified. We expect to be able to provide more information and carry out dialogue with stakeholder on the work on SPAs in English inshore waters during 2012.

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