

Report of the 2010 consultation on 2 marine Special
Areas of Conservation (SACs) in English waters
Lune Deep pSAC
Prawle Point to Start Point pSAC



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This report is produced by:

Lune Deep pSAC:	Prawle Point to Start Point pSAC:
Rob Whiteley	Elizabeth Bailey
Lead Marine Adviser, Natural England	Lead Marine Adviser, Natural England
Juniper House, Murley Moss	Level 9, Renslade House
Oxenholme Road	Bonhay Road
Kendal	Exeter
LA9 7RL	EX4 3AW

Telephone:+44 (0)845 600 3078

E-mail: Natura2000.consultation@naturalengland.org.uk

Website: <http://www.naturalengland.org.uk/ourwork/marine/sacconsultation>

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1. Introduction and background

This document sets out the process undertaken by Natural England on the formal consultation of 2 new marine Natura 2000 sites, Lune Deep and Prawle Point to Start Point. It provides a summary of the consultation responses and conclusions on the recommendations, which have been considered and endorsed by the Chair of Natural England, supported by a sub-group of its Board.

The Habitats¹ and Birds Directives² (the Directives) together provide for the creation of a network of protected areas for important or threatened wildlife habitats across the European Union known collectively as 'Natura 2000'. This network consists of Special Areas of Conservation (SACs) for habitats and non-bird species, and Special Protection Areas (SPAs) for birds.

Natural England is responsible for recommending sites and conducting public consultation on SACs and SPAs within English inshore waters (0-12 nautical miles), reporting to Defra. The Joint Nature Conservation Committee (JNCC) is responsible for these activities within UK offshore waters (12-200 nautical miles and the UK Continental Shelf).

Natural England, JNCC and the Countryside Council for Wales (CCW)³ worked together as the Government's statutory advisors to conduct a joint consultation in 2009-10 on 10 possible SACs and 2 potential SPAs in English, offshore and Welsh waters. The SACs were submitted to the European Commission on 20th August 2010 (at which point they became candidate SACs, or cSACs) and the 2 SPAs were classified on the same date.

Following the 2009-10 consultation, Defra gave approval for two English inshore sites to be made subject to a further consultation, because new scientific information had come to light. As a result, Natural England announced a further consultation on Lune Deep pSAC (off Morecambe Bay) and Prawle Point to Start Point pSAC (off the south Devon coast) on 20th August 2010. Lune Deep pSAC was formally part of Shell Flat & Lune Deep pSAC that formed part of the 2009/10 consultation, but new evidence on its reef habitat extent altered the site's boundary sufficiently to warrant a new consultation. Prawle Point to Start Point pSAC lies directly adjacent to Prawle Point to Plymouth Sound and Eddystone cSAC that formed part of the 2009/10 consultation. During this consultation, there was substantial stakeholder concern that the reef feature to the east, between Prawle Point and Start Point, was not included into the site. Defra considered this area was a significant addition requiring further consultation.

The consultation on Lune Deep and Prawle Point to Start Point finished on 12th November 2011. Seven responses were received for Lune Deep pSAC and 19 responses for Prawle Point to Start Point.

Following the consultation, Natural England reviewed the scientific case for both sites and drew up final site recommendations, taking account of representations made during the consultation. A final impact assessment was also drafted to comply with Government guidance and submitted along with the final recommendations to Defra in June 2011. The final recommendation to Defra is that both these sites should amend existing cSACs as follows:

- Lune Deep should be added to Shell Flat cSAC which will then be renamed Shell Flat and Lune Deep
- Prawle Point to Start Point should be added to Prawle Point to Plymouth Sound and Eddystone cSAC, which will then be renamed as Start Point to Plymouth Sound and Eddystone.

2. The purpose of the consultation

The purpose of the consultation was to seek the view of all interested parties on:

¹ Council Directive 92/43/EEC and the Conservation of natural habitats of wild flora and fauna.

² Directive 2009/147/EC

³ Collectively known as "the Conservation Agencies".

- the scientific case for the designation of the SACs; and
- the assessment of the likely economic and social impact of the designation of each site (impact assessment).

The Directives do not permit socio-economic impacts to influence the choice of sites or their boundaries. The UK, as a Member State, must identify the sites and boundaries based only on scientific evidence. The impact assessments cannot influence site selection or boundaries and, for this reason, when the responses from the consultation were received, the scientific evidence was assessed separately from the impact assessment evidence (see section 3 for more details). This ensured that only scientific evidence informed the decision on the site selection and their boundaries.

The socio-economic impact evidence will be used to inform the development of advice on management of activities for the sites, to ensure the features for which the sites have been designated are conserved. Draft Conservation Objectives and Advice on Operations were also made available for each site to assist stakeholders assess the likely effects of the sites on their activities. The Conservation Objectives were not the subject of the consultation although any comments that were received on them will be considered and taken into account when the Objectives are finalised.

3. How the formal consultation was carried out

The formal consultation ran for twelve weeks. The documents being consulted on were available on Natural England's website for both sites. Hard copies of the documentation were also available on request.

The documents presented for consultation were:

- A boundary map of each site under consideration.
- An SAC Selection Assessment Document for each site, setting out the scientific basis for the site.
- An Impact Assessment document and summary covering both sites.
- A single document containing all the annexes which applied to the impact assessment.

The following information was also made available on the website:

- A document entitled "*Consultation on marine Special Areas of Conservation (SACs); Lune Deep pSAC and Prawle Point to Start Point pSAC*", which sets out the purpose of the consultation, what was being consulted on and how to make responses. It also included a summary of both sites under consideration.
- Draft Conservation Objectives and Advice on Operations for each site.
- Frequently asked questions.

Consultees were encouraged to respond through the use of a proforma which was also posted on the website. However, recognising that not everyone finds a proforma easy to use, responses were accepted in any format.

The consultation questions are set out at Annex 2.

4. Raising awareness of the consultation

The formal consultation on these two sites followed the 2009-10 consultation on marine Natura 2000 sites, which meant many stakeholders were already aware of the nature of the sites. The announcement of the consultation was made at the same time as the announcement that 8 cSACs

had been submitted to the European Commission and 2 SPAs had been classified (the outcome of the previous consultation).

Over 1,500 letters were emailed or posted to stakeholders by Natural England (by both national and regional offices) and a national press release was issued by Natural England, which resulted in the following media coverage:

- National newspapers and magazines: 10
 - Regional newspapers and magazines: 25
 - Online mentions only (e.g. newswires and other websites without an accompanying print publication): 19
 - Broadcasters online (e.g. BBC and other broadcasters): 4
- TOTAL: 58 mentions

There may also have been some mentions in regional print which were not picked up through Natural England's normal monitoring mechanisms. Of the 58 mentions, two mentioned the new consultation in the headlines.

During the consultation, Natural England staff led stakeholder engagement for the two sites. Engagement took the form of individual conversations with stakeholders, meetings specifically organised for stakeholders or groups to discuss the proposals, and attendance at partnership meetings to provide briefings.

Approximately two weeks before the end of the formal consultation, Natural England issued a reminder to key stakeholders to encourage a response before the closing date.

5. Analysis of the responses

For the purpose of analysis, stakeholders that responded were categorised to the following sectors:

- Commercial (*aggregates, cables, commercial fishing, energy, ports and shipping, general industry, tourism, utilities*)
- Conservation/information (*coastal partnership, conservation and wildlife, education, record centres, research, consultancy, academic*)
- Recreation (*bird watching, diving, leisure craft, recreational fishing, surfing*)
- Political/others (*local government, defence, landowner*)

The process of managing responses and ensuring that they reached the right specialists and regional advisers in Natural England for consideration was overseen by the project manager for new marine Natura 2000 designations.

Responses were submitted to the two relevant lead advisers in North West and South West regions, acknowledged, logged onto a spreadsheet, and hard copies scanned. There was close communication between the two lead advisers and the project manager to ensure that no responses were missed. All responses were then transferred to internal shared systems and a secure shared database. The log, the actual responses, and the links to the shared drive were sent to the Evidence Team.

The only new evidence that came to light as part of the consultation was from Seasearch, which indicated there would be evidence from dives in 2010 that would support the proposal, but that the data at the time was still being analysed. These two new Seasearch dives had been conducted in the Prawle Point to Start Point consultation period and when completed Seasearch forwarded the report. The report showed that the dives resulted in information that supported the presence of annex 1 reef feature (see Section 7)

The consultation report for each site was drafted by the project manager and cross checked by the regional lead advisers. The Selection Assessment Documents (SADs) for both sites were drafted by Evidence team Specialist in consultation with the regional lead advisers, and the project manager.

The consultation reports and SADs were reviewed by Director Marine. The SADs were then circulated to the UK Marine Policy Biodiversity Steering Group (which comprises of Government Departments) and MPA Technical Group (co-ordinated by JNCC and comprising of representatives of all the UK country agencies). No comments were received from members of the UK Marine Policy Biodiversity Steering Group. One member of the MPA Technical Group submitted comments, which were incorporated into the final SADs submitted to Defra.

Responses received

In total 26 individual consultation responses were received from 23 consultation respondents. These were all unique responses (i.e. not identical to any other response) and there were no responses that originated as part of a campaign.

Total number of responses received per site

Table 1 – Total number of responses per site

Site	Total Responses	Campaign responses	Unique responses
Lune Deep pSAC	7		7
Prawle Point to Start Point pSAC	19		19
TOTAL	26	0	26

Unique responses received in relation to each consultation question.

The following provides a quantitative summary of the responses received to each consultation question:

Lune Deep Prawle-Start TOTAL

Scientific

Q1 Numbers who accepted scientific basis

Yes:	3	9	12
No:	0	1	1
Part:	0	0	0
No comment:	4	9	13
Totals	7	19	26

Q2 Numbers who said they had scientific information not referenced in the Selection Assessment Document.

Yes:	0	1	1
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Q3 Numbers who said they had information to share about the condition of features in the site.

Yes:	0	1	1
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Q4 Numbers who provided further comments on scientific selection.

Yes:	0	2	2
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Economic and Social Impact of the designation

Q1 Numbers who believed the draft impact assessment accurately reflects the socio-economic and environmental impacts of the designation.

Yes:	0	1	1
No:	0	3	3
Part:	0	1	1
No comment:	7	14	19
Totals	7	19	26

Q2 Numbers who provided responses on how commercial fishers may respond (if management measures are implemented on the site).

Yes:	0	4	4
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Q3 Numbers who provided responses on recreational angling.

Yes:	1	2	3
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Broadly one half of stakeholders who commented accepted the scientific basis put forward for the sites. All but one of the other half made no comment, none partly accepted the scientific basis and one stakeholder rejected the scientific basis.

Number of unique responses per stakeholder category

The pie chart below gives a pictorial view of the number of unique responses per stakeholder category and Table 2 sets out the information by site.

The Conservation/Information sector provided the most responses followed by Recreation, and Commercial Fishing.

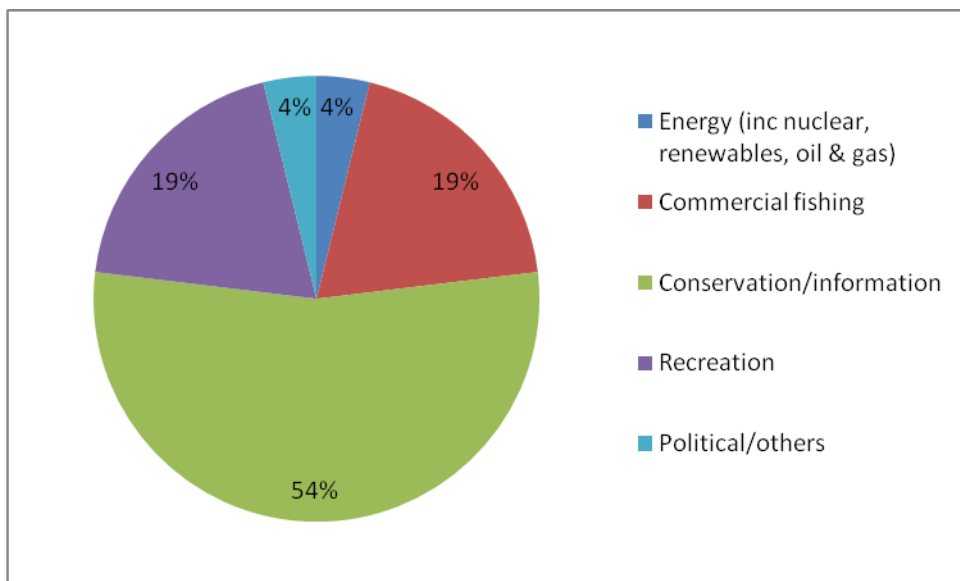


Table 2 – Number of unique responses received per site and category:

Sector	Site		TOTAL
	Lune Deep pSAC	Prawle Point to Start Point pSAC	
Commercial:			
Aggregates	0	0	0
Cables	0	0	0
Energy (inc nuclear, renewables, oil & gas)	0	1	1
Ports and shipping	0	0	0
General Industry, Tourism, Utilities			0
Commercial fishing	1	4	5
Conservation/information	5	9	14
Recreation	1	4	5
Political/Others	0	1	1
Local Government	0	0	0
Others e.g. landowners	0	0	0
TOTALS	7	19	26

6. Key messages

This section summarises the key messages arising from the consultation in each sector. A summary of the representation made by each stakeholder, accompanied by the Conservation Agencies' response, is set out in separate consultation reports for each site at Annex 4 and 5.

Key messages from responses from the Commercial sector (fishing):

- Responses largely focused on issues such as the impact assessment or future management rather than the scientific basis for both sites.
- One respondent questioned the need for the SAC (focussing on Prawle Point to Start Point). They could not see the benefit and was of the opinion that there is currently enough legislation in place.
- Concern was expressed about how the valuation of fishing opportunities was arrived at in the impact assessment.
- There was a call for management to mirror the existing Inshore Potting Agreement covering the Prawle Point to Start Point area.
- There was concern that the SACs off the Devon coast will affect trawlermen.

Commentary

IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations. The accuracy of the valuation of fishery landing data has been specifically investigated when drafting the IA.

Future management issues (including those about the Inshore Potting Agreement) do not influence the selection of the site or its boundaries. Natural England along with relevant authorities will continue dialogue around future management once the site has been submitted to the European Commission.

Renewables and aggregates sector

- One response was received for Prawle Point to Start Point site, stating the organisation has no particular interest in the area so will not be making formal comment.

The Conservation/Information sector

- This sector strongly supported the proposals for both sites. The RSPB welcomed the review of new evidence.
- Devon Seasearch suggested that information from diver surveys would be available for Prawle Point to Start Point site, but this was still being analysed at the time of the consultation.
- Comments on the future conservation objectives, future management and the IA.
- Interest expressed by stakeholders in helping with future awareness-raising.

Commentary

Two new Seasearch dives had been conducted in the Prawle Point to Start Point consultation period and when completed Seasearch forwarded the report. The report showed that the dives resulted in information that supported the presence of Annex 1 reef feature.

Comments on conservation objectives will be considered when they are finalised following submission of the site to the European Commission.

Future management issues do not influence the selection of the site. Natural England along with relevant authorities will continue dialogue around future management.

IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.

Dialogue will continue with interested stakeholders regarding future awareness-raising.

From the Recreation sector:

- One comment was received, welcoming proposals, which also provided comments for the impact assessment.

Commentary

Impact assessment comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.

Political/Others

- Comments received from one landowner in the Prawle to Start Point area which supported proposals.

7. Conclusions and final recommendations on site boundaries

This section summarises the key sources of data and other relevant scientific information that have come to light for both these sites and how Natural England has used it to come to their conclusions on the site recommendations. A full audit trail is provided at Annex 5.

Lune Deep pSAC

Background

Lune Deep is located in the Irish Sea Regional Sea, at the entrance to Morecambe Bay. It is a good example of boulder and bedrock reef, the largest proportions of reef occurring along the unique kettle hole feature. It provides a contrasting habitat to the surrounding muddy communities of the Eastern Irish Mudbelt, and is a high energy site due to the strong tidal currents running into and out of the heads at Morecambe Bay. Despite a large sediment influence in this area, the site appears to support a healthy reef community across a variety of depths.

This site is different from other reef SACs in the same regional sea because it comprises boulder reef and bedrock set in an unusual topographic feature, with the unique combination of strong tidal streams and considerable sediment influence. This combination of conditions support an unusually rich and diverse suite of communities not found elsewhere within the Irish Sea

Lune Deep pSAC was originally part of the Shell Flat and Lune Deep site (Fig 2A below) which was first consulted on from November 2009 to February 2010. There was little public reaction in this formal consultation. The sandbank feature (Shell Flat) was not scientifically challenged and following Executive Board approval, signed off by Natural England's chair (7 June 2010) was submitted to the EC in August 2010 as a cSAC.

Although there was also no stakeholder challenge during this consultation on Lune Deep, new information came to light, presented by the Maritime and Coastguard Agency (MCA). High resolution (0.5 - 2metre) Multibeam and backscatter data of the Lune Deep and surrounding area became available for analysis. This work along with re-analysis of previous contractor outputs (Haskoning 2008) enabled Natural England to better spatially define the extent and location of the reef features. These changes were considered by the Executive Board and signed off by Natural England's Chair on 7 June 2010 and following Defra approval Lune Deep was reconsulted on from August to November 2010. There was again little public reaction and no new evidence submitted.

The boundary remains unchanged following the 2010 reconsultation and the scientific analysis is presented here to support the changes made for Lune Deep following the first 2009-2010 consultation (i.e. after the receipt of the MCA data set out above).

Figure 2. Site evolution of Shell Flat and Lune Deep SAC.

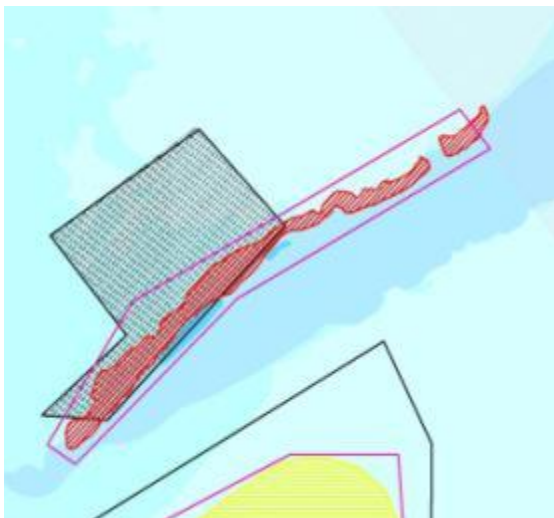
(A) Shell Flat and Lune Deep pSAC – as at start of 2009 formal consultation



(B) Shell Flat cSAC – submitted to EC August 2010



(C) Lune Deep boundary change approved in June 2010



Black line – 2009/10 formal consultation boundary; red line – 2010 reconsultation boundary

(D) Shell Flat cSAC (black line) and proposed Lune Deep pSAC (red line) – March 2011



Analysis

Analysis of the MCA data resulted in two changes approved by the Executive Board and signed off by Natural England's Chair on 7 June 2010:

- 1) An increase in the easterly extent of reef
- 2) A reduction in the northern extent of reef.

An increase to the easterly extent of reef

The Eastern edge of Lune Deep reef was excluded from the 2009 proposals due to a paucity of data available at the time when the boundary was drawn by Natural England's contractors Royal Haskoning. Analysis of the new MCA multibeam data embedded in Fledermaus© (2001) by the Evidence Panel⁴, clearly demonstrated that the Annex 1 reef features originally identified on the escarpment of Lune Deep continue further to the east. Because of this, Natural England recommended to Defra an extension of the border eastwards to take account of this new data (Fig 2, C).

A reduction in the northern extent of reef

Over 1000 hectares of the old boundary was based on ground truth data from just two video drop down sites. Natural England's Evidence Panel believed this evidence was insufficient and a meeting was held with Royal Haskoning to test emerging findings. Both parties agreed with the uncertainties outlined by Envision (subcontractors to Royal Haskoning) who stated that "*the characterisation of the acoustic data must be regarded as predictive rather than certain*".

Natural England and Royal Haskoning were not convinced therefore that the entirety of the Northern plateaux of Lune Deep could be confidently designated as Annex 1 reef. To this end, and in order to deliver the SAC with the highest degree of confidence the recommended boundary was reduced in extent to the south edge of the Lune Deep where sample levels and confidence in the ground truth data are much higher (Fig 2, A, C, D).

Final Recommendation

Given that no new evidence or objections have resulted from further consultation, it is recommended that the Lune Deep boundary as at (Fig 2, C) above be submitted to Defra unchanged. The site will be added to Shell Flat cSAC which will be amended and renamed on submission to the EC as Shell Flat and Lune Deep cSAC (Fig 2, D).

Prawle Point to Start Point pSAC

Background

Prawle Point to Start Point lies adjacent to Prawle Point to Plymouth Sound and Eddystone cSAC (PPPSE). PPPSE alone was previously put forward for its Annex 1 reef habitat and during formal consultation from November 2009 to February 2010, there was considerable public reaction to the proposal (Fig 3, A overleaf). Stakeholders were concerned that the site boundaries included large areas which do not qualify as Annex 1 feature, and in response Natural England refined the boundary to reduce the extent of these areas (Fig 3, B). There

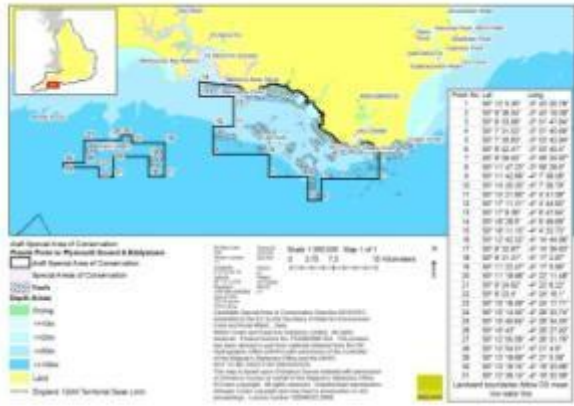
⁴ Set up to review the 2009-2010 consultation responses. Chaired by Michael Coyle (Senior Specialist) with the following members: Dr Robert Enever (Marine Specialist), Ian Reach (Senior Marine Specialist), Dr James Bussell (Marine Specialist), Ian Saunders (Marine Data Specialist), Neil Golding and Therese Cope (JNCC).

was also substantial stakeholder concern that the reef feature to the east of Prawle Point was not included into the site. Defra considered this area was a significant addition requiring further consultation. The Executive Board considered the recommendation which was signed off by Natural England's Chair for further consultation on 7 June 2010.

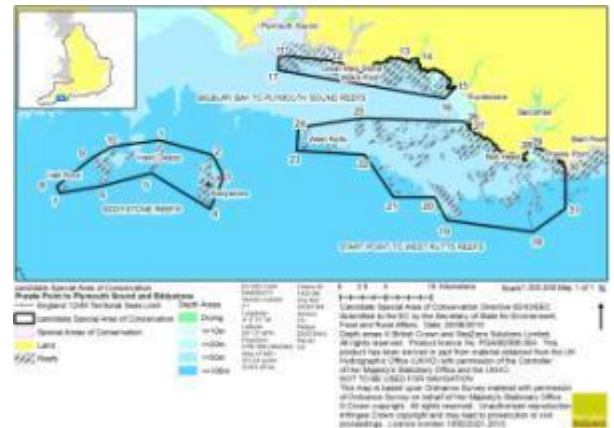
Natural England's contractors (Royal Haskoning) who drew up the first site boundary (Fig 3, A) commented in their report (2008) that the reef to the East of Prawle Point was more sediment dominated and therefore not the same quality as the reef to the west of Prawle Point. This statement conflicted with stakeholder knowledge of the site coming to Natural England's attention through formal consultation. Natural England's Evidence Panel reviewed Royal Haskoning's method and established that sediment samples had been included in their judgement for this site. This was inconsistent with the method used for determining reef feature to the west of Prawle Point. Natural England's Evidence Panel re-analysed Haskoning's raw data (excluding the sediment samples) and also used newly available Digital Survey Bathymetry data to determine if there was a significant difference in reef/sediment composition between samples taken east and west of Prawle Point. There was found to be no significant difference (see below).

Figure 3. Site evolution of Start Point to Prawle Point and Eddystone reefs SAC.

(A) Prawle Point to Plymouth Sound and Eddystone pSAC as at start of November 2009 consultation



(B) Prawle Point to Plymouth Sound and Eddystone cSAC – submitted to EC August 2010



(C) Prawle Point to Plymouth Sound and Eddystone cSAC and proposed Prawle Point to Start Point pSAC (red) March 2011



Analysis

Natural England's Evidence Panel re-analysed Haskoning's raw data (excluding the sediment samples) to determine if there was a significant difference in reef/sediment composition between samples taken east and west of Prawle Point. A total of 81 video samples was used in this analysis and taken from survey areas SY03 (west of Prawle Point) and SY04 (east of Prawle Point) from (Fig 4).

Reef was determined at Eunis level one according to the analysis of video evidence conducted by PML applications Ltd (PML 2009). Biotope codes that begin with "CR" (Circalittoral Rock) were coded as reef and those with an "SS" prefix (Sublittoral sediment) re-coded as non-reef (Table 1).

Figure 4. Map showing survey areas SY03 and SY04. Red stars represent drop down video sample sites and red circles represent sediment grab samples.

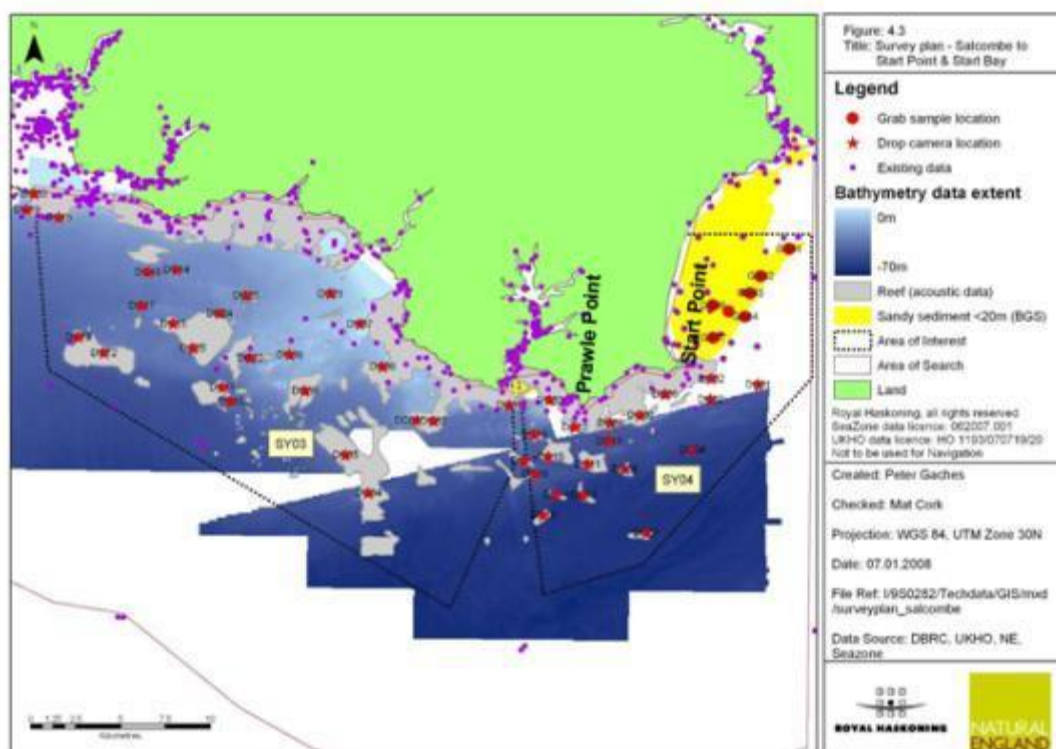


Table 1. Number of reef and Non reef habitats identified through analysis of drop-down video from sites SY03 and SY04.

Eunis_L1	SY03	SY04	Grand Total
Reef (CR)	29	10	39
Non-reef (SS)	27	15	42
Grand Total	56	25	81

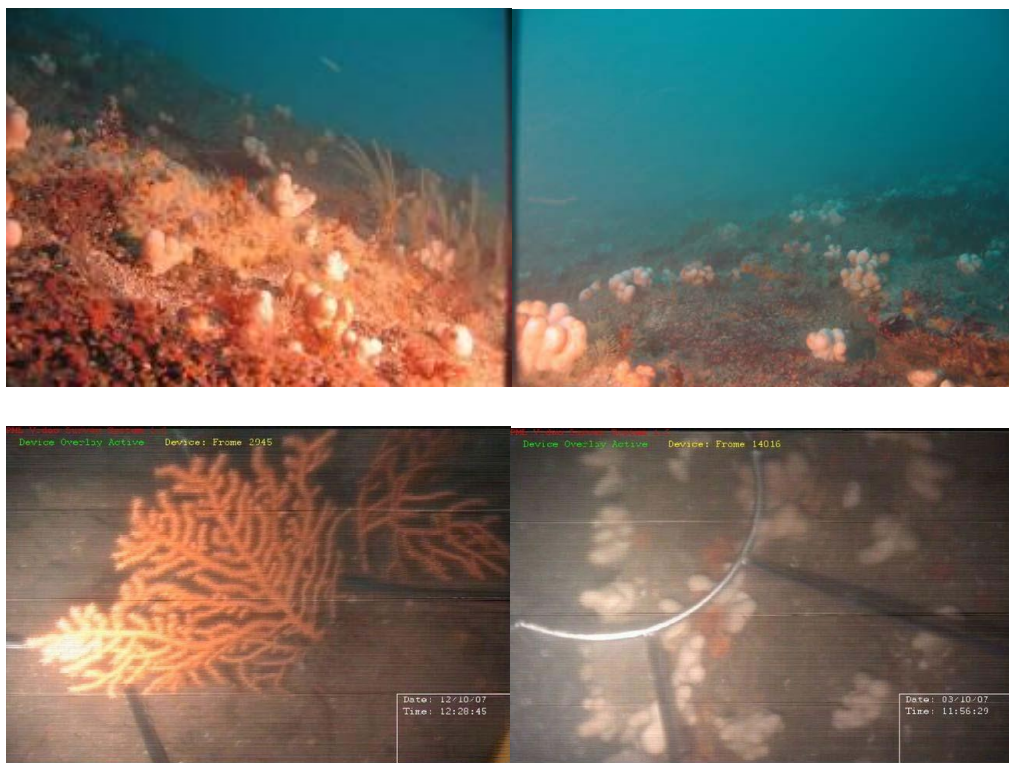
CR=circalittoral rock, SS = Sublittoral sediment

Site SY03 footage showed that 29 of the 56 biotopes identified (52%) in the footage were reef feature. Site SY04 footage showed that 10 of the 25 biotopes identified (40%) were reef feature. Logistic regression models (SPSS 2009) were used to analyse whether the presence or absence of reef biotope was significantly different between sites (SY03 and SY04). It was assumed that video surveillance in both sites was random and that the likelihood of filming reef and non-reef habitat in both sites (SY03 and SY04) was equal. The dependant variable was reef and the independent variable was the site.

The model showed that there is no significant difference ($p=0.325$) between the number of observations of reef feature between sites SY03 (west of Prawle Point) and SY04 (east of Prawle Point). This

analysis, alongside video footage, still photography (Fig. 5) and newly available digital survey bathymetry survey was used to support the conclusion that Annex 1 qualifying reef is present to the east of Prawle Point.

Figure 5 - Supporting photographic evidence of Annex 1 reef feature within the Prawle Point to Start Point extension site.



The only new evidence submitted during further consultation was from Devon Seasearch - two new Seasearch dives had been conducted during the Prawle Point to Start Point consultation period, within the pSAC site boundary. Both dives support the evidence base that the site contains Annex 1 reef feature, with typical species and biotopes being recorded.

Final Recommendation

Given the above evidence, and that this area of reef is contiguous with Prawle Point to Plymouth Sound and Eddystone cSAC and also that no new evidence resulted from further consultation, it is recommended that the Prawle Point to Start Point boundary as at (Fig 3, C) above be submitted to Defra unchanged. The site will be added to Prawle Point to Plymouth Sound and Eddystone cSAC which will be amended and renamed on submission to the EC as Start Point to Plymouth Sound and Eddystone cSAC.

Annex 1 - Wider Context

The Habitats Directive

The Habitats Directive provides the context in terms of principles and criteria for selection of SACs. Article 3 introduces principles for the selection of a coherent European ecological network of special areas of conservation. These principles are:

- Natural range
- Sufficiency
- Proportionality

Article 4 of the Habitats Directive introduces criteria for the selection of individual sites as a contribution to this network. Assessment of Member States' contributions towards the network is carried out at a biogeographic level by the EC⁵.

Natural range

Article 3.1 states that the network of sites must be sufficient to enable the natural habitat types to be maintained (and/or restored) at a favourable conservation status within their natural range. The natural ranges for the Annex I habitat types within UK waters were mapped approximately using seabed feature data for the UK produced by the British Geological Survey along with additional survey information from academia, industry and contracts let by JNCC and the UK conservation agencies. In 2003, the Joint Committee agreed that in relation to offshore site selection, at least one example of each habitat sub-type (that meets the Annex III criteria under Article 4, set out below) in each Regional Sea within the site series should be sufficient to ensure minimum representation for the habitat within its natural range in the UK.

Sufficiency

The EC provided guidance to inform the first biogeographical seminars on what proportion of the national representation for each habitat type might be considered sufficient according to the principle of sufficiency. The indication was that less than 20% of the national resource of a particular habitat represented within the site series would be likely to be considered insufficient, and that more than 60% of the national resource would be likely to be considered sufficient.

There is no actual figure to quote around how much reef the EC requires for the UK to be sufficient. In March 2009 the EC indicated that the UK would be largely sufficient if it put forward the sites planned at the time. This list comprised of Lune Deep plus the package that was submitted by Natural England and JNCC in August 2010. Defra have since indicated to the EC (September 2010) that they now plan to put forward Prawle Point to Start Point, Lune Deep and also Studland to Portland draft SAC⁶ and expect that this will complete the network in English inshore waters.

With the inclusion of all the designated SACs, candidate SACs, and possible or draft SACs which are proposed to be included, or may be considered for inclusion, within the network for Annex I Reefs habitat, the proportion of the total UK resource of Annex I reef habitat within the recommended site network is approximately 36%.

Proportionality

Proportionality is also likely to be an important factor to inform judgements on sufficiency, but the European Commission cannot judge this fully until a complete submission of site proposals by all Member States within the Atlantic biogeographic region has been made.

⁵ In December 2008, JNCC (in collaboration with the country conservation agencies) considered the development of a network in a whole UK context, and, to a more limited extent, in a wider European context (JNCC – *Progress towards completing the UK network of marine Special Areas of Conservation (SACs) for Annex 1 habitats and site proposals for Hatton Bank and Bassurelle Bank* December 2008, updated February 2009).

⁶ Consultation planned Summer 2011.

Site selection guidelines

Natural England followed the selection process outlined in Annex III (stage 1) to the Habitats Directive, which is further refined in an EC interpretation manual COMMISSION OF THE EUROPEAN COMMUNITY (CEC). 2007. *Guidelines for the establishment of the Natura 2000 network in the marine Environment. Application of the Habitats and Birds Directives*. Brussels: European Commission DG Environment. http://ec.europa.eu/environment/nature/natura2000/marine/docs/marine_guidelines.pdf

These guidelines propose assessment of broad scale geophysical or oceanographic information as a basis for site selection followed by the incorporation of local or regional scale remote sensed and physical and biological sample data.

In the selection of proposed sites, Natural England also used guidance from the JNCC on “Selection criteria and guiding principles for selection of Special Areas of Conservation (SACS) for marine Annex I habitats and Annex II species in the UK” (JNCC. 2009). JNCC. <http://www.jncc.gov.uk/page-4165>. Sites are proposed on the basis of selection criteria as listed under article 4 and Annex III of the Habitats Directive. These criteria are:

- i. degree of representativity of the natural habitat type on the site;
- ii. area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within the national territory;
- iii. degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities;
- iv. global assessment.

These criteria are applied to each area considered for selection as a site suitable for recommendation to Defra as an SAC see Annexes 8 and 9 for the Selection Assessment Document (SAD) that apply to Lune Deep and Prawle Point to Start Point.

In setting boundaries, Natural England used UK guidance on defining boundaries for marine SACs for Annex I habitat sites fully detached from the coast (JNCC. 2008). <http://www.jncc.gov.uk/page-4165>

Annex 2 shows the location of Lune Deep pSAC and Prawle Point to Start Point pSAC in the context of other reef sites and the regional seas around the UK.

Annex 2 – consultation questions

Scientific Case

Q1 - Do you accept the scientific basis for the sites being put forward in this round of consultation? If not, then please could you explain why?

Q2 - Please indicate if you have any scientific information, not already referenced in the SAC Selection Assessment document for the site?

Q3 - Do you have any information additional to that included in the SAC Selection Assessment document about the condition of Annex I habitats within the site boundary that you would like to share with Natural England?

Q4 - Do you have any further comments on the scientific selection of the sites as possible SACs?

Economic and Social Impacts

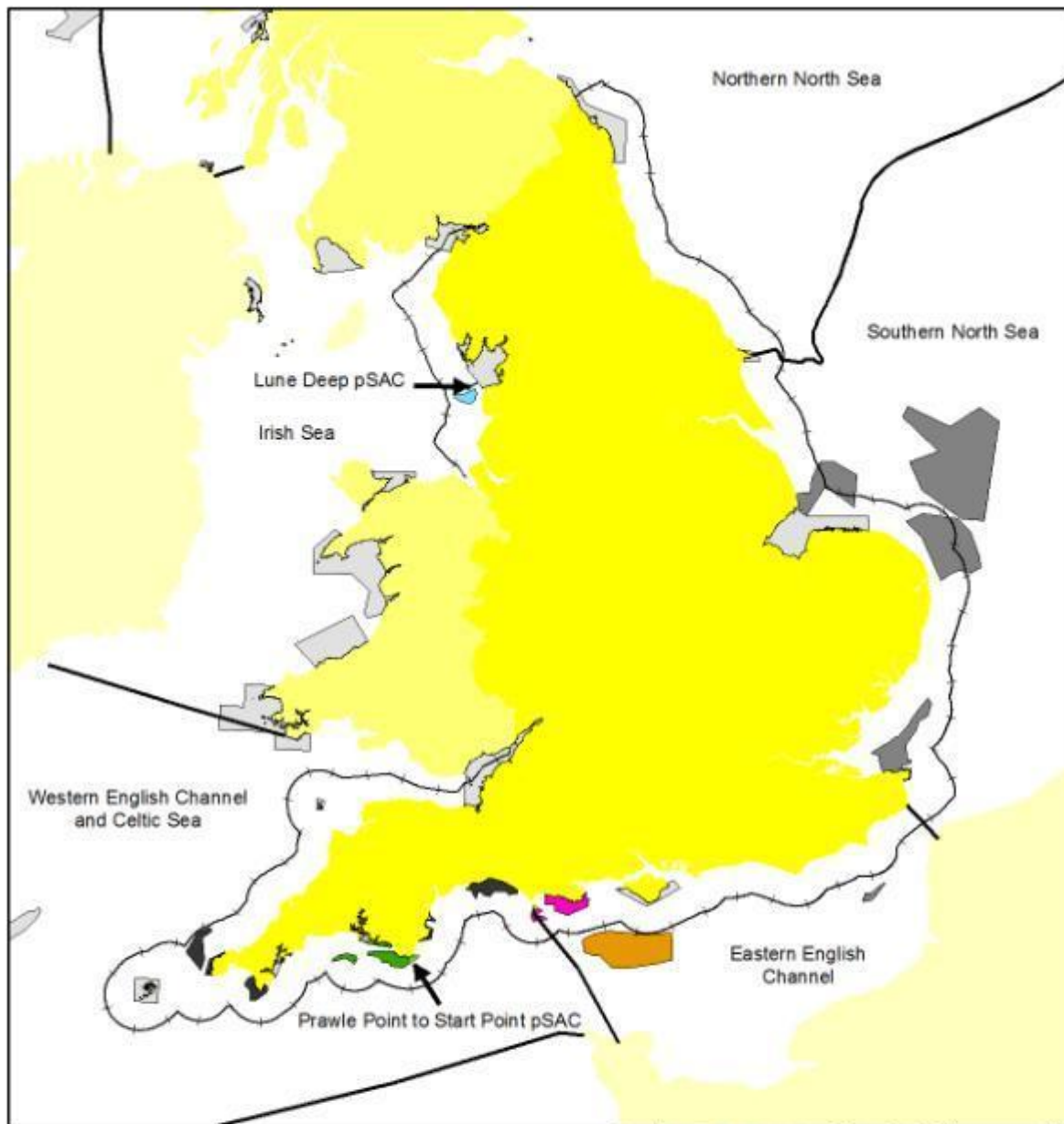
Q1 – Does the impact assessment accurately reflect the likely effect of the hypothetical management of the site on human activities? If not please explain why including if possible information on:

- the scale, extent (in economic terms) and type of the activity and the amount of it that would be affected by the hypothetical (both the minimum and the maximum) measures in the site.
- the nature and extent of the effects (positive and/or negative) on the sector operating within the site (or the effects on individuals or businesses where information on the sector cannot be provided). Where possible please describe the effects in economic terms such as value of goods (such as value of landings of fish from the site that would be affected, ideally specifying the species), costs of measures to mitigate the impacts (such as costs of surveys or additional cable length), impacts on employment (estimated number of full-time equivalent jobs) and impacts as a result of competition and gear conflicts in fishing grounds.
- any significant effects the hypothetical measures would have on communities and the local economy, including impacts to profits and crew share.

Q2 - How might fishers specifically, either the industry or individuals, respond to the hypothetical management measures used for analysis?

Q3 - What is the level of recreational angling charters operating and mooring in the sites, and what species do they typically fish?

Annex 3 - Map showing context around England & Wales



--- England 12nm Territorial Seas Limit

— Regional Seas Boundaries

Offshore dSACs (JNCC, 2011)

Studland to Portland dSAC

Prawn Point to Plymouth Sound and Eddystone cSAC

Prawn Point to Start Point pSAC

Lüne Deep pSAC

Shell Flat cSAC

new candidate Special Areas of Conservation with Annex I sandbanks as the main designated feature (August 2010)

new candidate Special Areas of Conservation with Annex I reef as the main designated feature (August 2010)

SACs with Marine Components with Annex I reef as a qualifying feature

Scale 1:5,000,000 Map 1 of 1

0 50 100 200 Kilometers

↑ N

Version:

3

Plotted:

05/04/2011

Plot ID:

2

Projection:

British National Grid



12nm limit © British Crown. This product has been derived in part from material obtained from the UK Hydrographic Office (UKHO) with permission of the Controller of Her Majesty's Stationary Office and the UKHO. NOT TO BE USED FOR NAVIGATION

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Annex 4 - Lune Deep Consultation Report

Total number of responses	7
Number accepting scientific basis	3
Number partly accepting scientific basis	0
Number rejecting scientific basis	0
No comment on scientific basis	4

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS ACCEPTING SCIENTIFIC BASIS FOR SITE			
1	English Heritage North West region	Supports the scientific designation and the impact assessment (IA).	
2	Environment Agency (National)	Supports development of proposals to increase the protection of habitat and biodiversity within our seas. Looks for clear conservation objectives and makes comments in relation to water quality standards.	Comments on conservation objectives will be considered when these are finalised following submission of the site to the European Commission. Water quality standard comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
3	RSPB	Welcomes reconsultation in response to further scientific information coming to light. Supports the proposal. Has comments on the conservation objectives. Has comments on the impact assessment.	Comments on conservation objectives will be considered when these are finalised following submission to Europe. IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.
STAKEHOLDERS SUBMITTING NO COMMENT ON SCIENTIFIC BASIS			
4	Blackpool Boat Angling Club	Has comments on the impact assessment.	IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.
5	National Federation of Fishermen's Organisations	Has comments on the impact assessment.	IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.
6	English Heritage	Formally offers no responses on matters pertaining to the scientific case. No further comment on Lune Deep.	No further comment.
7	Lancashire Wildlife Trust	No comment.	No further comment.

Annex 5 - Prawle Point to Start Point pSAC consultation report

Total number of responses	19
Number accepting scientific basis	9
Number partly accepting scientific basis	0
Number rejecting scientific basis	1
No comment on scientific basis	9

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS ACCEPTING SCIENTIFIC BASIS FOR SITE			
1	Brixham Sea Angling Club	Welcomes proposal. Provides comments for impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
2	Seasearch	Supports scientific basis. Suggests there will be new information from Seasearch dives made in 2010 that supports proposal, but that the data is still being analysed.	Two new Seasearch dives were conducted during the Prawle Point to Start Point consultation period and when analysed Seasearch forwarded the report. The report showed that the dives resulted in information that supported the presence of Annex 1 reef feature.
3	Environment Agency (National)	Supports development of proposals to increase the protection of habitat and biodiversity within our seas. Looks for clear conservation objectives and makes comments in relation to water quality standards.	Comments on conservation objectives will be considered when these are finalised following submission of the site to the European Commission. Water quality standard comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.
4	Environment Agency (local)	Same response as (3) above	As (3) above
5	Stratton and Holborrow, Blackpool and Start Estate	Fully supports the proposal. Asks us to consider unpublished 2010 Seasearch reports which may be relevant.	This reference is to the Seasearch data listed in (2) above, which was not available at the time of finalising documentation on this site.
6	South Devon AONB Unit	Welcomes proposal. Would like to discuss how education and awareness raising can be co-ordinated with the AONB's own work.	No comment. Dialogue will continue regarding future awareness raising.
7	Torbay Coast and Countryside Trust	Offers complete support.	No further comment.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
8	RSPB	<p>Welcomes reconsultation on this site, which is in response to further scientific information coming to light. Supports the proposal.</p> <p>Has comments on the conservation objectives.</p> <p>Has comments for the impact assessment.</p>	<p>Comments on conservation objectives will be considered when these are finalised following submission of the site to the European Commission.</p> <p>IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.</p>
9	National Trust	<p>Welcomes proposal.</p> <p>Makes a number of comments around future management of the site.</p>	<p>Future management issues do not influence the selection of the site. Natural England along with relevant authorities will continue dialogue around future management.</p>
STAKEHOLDERS REJECTING SCIENTIFIC BASIS FOR SITE			
10	Brixham Sea Farms	<p>Believes there is enough legislation in place and designation is just another piece of paper.</p>	<p>No scientific evidence in rebuttal of the designation was submitted.</p>
STAKEHOLDERS SUBMITTING NO COMMENTS ON SCIENTIFIC BASIS			
11	Shell Fish Association of GB	<p>Circulated the consultation to members but only received one response, which was in relation to the impact assessment.</p>	<p>IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.</p>
12	Local trawler business	<p>This response refers to Prawle Point to Plymouth Sound and Eddystone SAC. Believes proposals would affect him and other trawler men. Cannot see benefit of SAC. Suggests look to restrict fishing rather than banning. Believes it is visiting trawler men who damage the area.</p>	<p>This comment does not relate to the site under consultation. The regional lead adviser asked the consultee if he wished to submit a second response, but no further comments were received.</p>
13	National Federation of Fishermen's Organisations	<p>Comments on the impact assessment.</p>	<p>IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.</p>
14	Ocean Electric Power	<p>No particular interests.</p>	<p>No comment.</p>
15	Devon SFC	<p>No comment - has been recommending this boundary for some time. The SFC would like the site to mirror the existing crabbing agreement and for management measures to remain the same.</p>	<p>These comments relate to future management and not to scientific site selection.</p>
16	English Heritage	<p>Formally offers no responses on matters pertaining to the scientific case. Makes comments on impact assessment.</p>	<p>IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.</p>

	CONSULTEE	REPRESENTATION	OUR COMMENTS
17	Local fisherman	Asks a number of questions which have been answered.	No further comment.
18	South Devon and Channel Fishermen Ltd	Comments on impact assessment.	IA comments have been considered in drafting the final impact assessment documentation. They have not been used to inform the scientific recommendations.
19	Local fisherman	Commented on Eddystone and East and West Rutts rather than the site.	This comment relates does not relate to the site under consultation. The regional lead adviser asked the consultee if he wished to submit a second response, but no further comments were received.

Annex 6 Audit trail: Lune Deep pSAC and Prawle Point to Start Point pSAC

From December 2008.

	Date	Activity	Supporting documentation
1	11 December 2008	Natural England Executive Board approval for 8 draft SACs for submission to Defra for formal consultation. Included Shell Flat and Lune Deep pSAC and Prawle Point to Plymouth Sound and Eddystone (adjacent to but not including Prawle Point to Start Point)	Natural England 2008. Minutes from Executive Board. December 2008.
2	19 December 2008	Submission of draft SACs to Defra.	Natural England 2009. Marine SACs recommendations to Defra.
3	July – October 2009	Informal dialogue on 8 SACs in (1) and (2) above.	Natural England. 2009. Inshore Special Area of Conservation (SAC): Poole Bay to Lyme Bay pSAC Selection Assessment. [For consultation]. Natural England. 2009. Inshore Special Area of Conservation (SAC): Prawle Point to Plymouth Sound & Eddystone pSAC Selection Assessment.[For consultation].
4	November 2009- February 2010	Formal consultation on Shell Flat and Lune Deep pSAC and on Prawle Point to Plymouth Sound pSAC.	Responses were received from a number of stakeholders in relation to the Prawle Point to Start Point area and pointing out that it had been omitted. Nine responses were received on Shell Flat and Lune Deep, with five stakeholders accepting the scientific basis for the site and four submitting no comment. 2008 Maritime and Coastguard Agency Civil Hydrography Programme survey data sourced for Lune Deep. SeaZone Solutions Ltd Bathymetry data 2010 sourced for Prawle Point to Start Point.
5	March/April 2010	Natural England/JNCC Evidence Panel assessed scientific information arising from the consultation. Meeting with Royal Haskoning to outline the scope and nature of the new scientific information and seek views on proposed changes to new recommendations. The Evidence Panel made recommendations initially to Joanna Redgwell (N2K project Manager), Angela Moffat (Marine Major Project Manager) and Charlotte Johnston (JNCC) for changes to the site.	File notes (Natural England 2010): <ul style="list-style-type: none"> •Justification for boundary changes for Lune Deep pSAC •Prawle Point to Plymouth Sound and Eddystone pSAC – proposed changes to the site boundary (includes Prawle Point to Start Point). Email exchanges with James Marsden, Director Marine, and with Defra.

		Recommendations were then passed to James Marsden, Director Marine, and discussed with Defra.	
6	20 April 2010	UK Marine Biodiversity Policy Steering Group – presentation on final recommendations.	Defra 2010 UK Marine Biodiversity Policy Steering Group meeting note.
7	20 May 2010	Presentation to Natural England Executive Board of final recommendations for 8SACs, 2 SPAs, including Shell Flat and Prawle Point to Plymouth Sound and Eddystone. Recommendation for Lune Deep and Prawle Point to Start Point for further consultation.	Natural England 2010. Marine Natura 2000: Special Areas of Conservation and Special Protection areas – site recommendations for designation.
8	7 June 2010	Poul Christensen, Natural England Chair, signed off recommendations at a specially convened meeting of Natural England's Executive Board and Joe Horwood, Natural England Board member (marine). Submission of final recommendations to Defra (21st June).	Natural England 2010. Marine Natura 2000: Special Areas of Conservation and Special Protection areas – site recommendations for designation. The meeting approved all recommendations.
9	20 August 2010	Submission to EC - 8SACs and 2 SPAs including Shell Flat cSAC and Prawle Point to Plymouth Sound and Eddystone cSAC.	Natural England 2010 Shell Flat SAC Selection Assessment Document v2.3 Prawle Point to Plymouth Sound and Eddystone SAC Selection Assessment Document v2.3.
10	August - November 2010	Formal consultation on Lune Deep and Prawle Point to Start Point pSACs.	Lune Deep Selection Assessment Draft Special Area of Conservation. Prawle Point to Start Point - Addendum to Prawle Point and Plymouth Sound and Eddystone cSAC – for consultation. Version 1.2.
11	November 2010 – January 2011	Consultation responses analysed by Joanna Redgwell (Project Manager), Louisa Knights (lead adviser SW team). Robert Whiteley/Jerrard Nicolson (lead adviser NW team), Robert Enever (Evidence team) cross checked by Jen Ashworth and Tammy Smalley (Evidence team). Consultation reports drafted by Joanna Redgwell and checked by Louisa Knights/Robert Whiteley, SADs finalised by Robert Enever and QA'd by Joanna Redgwell.	Natural England 2010 – summary of stakeholder responses Lune Deep_Prawle Point. Prawle Point to Start Point pSAC consultation report.
12	January 2011	Consultation reports and SADs quality assured by James Marsden, Director Marine.	File records
13	February 2011	SADs submitted to Defra which in turn circulated to UK Marine Biodiversity Policy Steering Group, and to JNCC which circulated to MPA Technical Advisory Group.	File records
14	March 2011	Executive Board paper and annexes, including final consultation reports and SADs, quality assured by James Marsden, Director Marine, followed by Guy Thompson, Executive Director sponsor.	File records
15	28 March 2011	Paper considered by Natural England's Executive Board and deferred for further consideration after amendment.	File records
16	11 May 2011	Revised paper considered and approved by Poul Christensen, Natural England Chair,	File records

		who signed off recommendations at a specially convened meeting of Natural England's Executive Board, Joe Horwood, and David Macdonald (Natural England Board members).	
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