



**Consultation on potential extension to
Flamborough Head and Bempton Cliffs
Special Protection Area (SPA):**

**Flamborough and Filey Coast potential SPA
(pSPA)**

January 2014

Version control

Document number and date	Amendments made	Issued to
1.1 31 May 2013	Document drafted by Martin Kerby	Flamborough SPA project group and IA economists
1.2 17 June 2013	Redrafted following comments from project group (Malte Busch, Emily Hardman, Ian Paterson, Joanna Redgwell)	Caroline Cotterell, SRO
1.3 25 June 2013	Redrafted following comments from SRO	Jamie Rendell, Defra
1.4 05 December 2013	Updated in advance of formal consultation	Flamborough project group
1.5 02 January 2014	Updated following feedback	

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Purpose of this document

This document provides guidance to stakeholders for the formal consultation on the potential extension to the existing Flamborough Head and Bempton Cliffs SPA. The proposed name for the extended site is the Flamborough and Filey Coast potential SPA (pSPA).

The consultation document sets out the aim of the consultation, and provides a summary of the site, a review of the supporting documentation and guidance on how to respond.

Background

The existing Flamborough Head and Bempton Cliffs SPA is on the English North Sea coast in Yorkshire. The current SPA boundary encompasses the clifftop, sea cliff and intertidal rock habitats around the majority of Flamborough Head.

The existing SPA was classified in 1993 under the European Commission Conservation of Wild Birds Directive (the Birds Directive) due to its breeding population of black-legged kittiwake, which is of international importance. In 2001, a review of the UK SPA network also identified an internationally-important assemblage of over 20,000 seabirds at the SPA.

Recent surveys along an area of cliffs at Filey, to the north of the existing SPA, have identified important numbers of breeding seabirds outside the SPA. In addition, work carried out by the Joint Nature Conservation Committee (JNCC) has identified that some seabird species use the waters adjacent to seabird colonies in significant densities. Therefore, the proposed Flamborough and Filey Coast pSPA includes both terrestrial and marine extensions.

Aim of the consultation

The aim of this formal consultation is to seek the view of all interested parties on:

- The scientific case for the classification of the pSPA; and
- The assessment of the likely economic, environmental and social impacts of the designation of the site.

This consultation runs for 12 weeks from **20 January 2014 to 14 April 2014** and is carried out in line with government consultation principles, which are outlined in Annex B.

How to contribute and deadline for responses

Natural England welcomes your comments on the site recommendations and the associated Impact Assessment. We recommend that you first read the Departmental Brief setting out the scientific case for the pSPA, and then the consultation Impact Assessment/summary Impact Assessment. Information on the purpose of these documents is set out on pages 7-8. All consultation documents can be accessed from the Natural England website at:

<http://www.naturalengland.org.uk/ourwork/conservation/designations/spa/flamborough-fileypspaconsultation.aspx>

You may also find it useful to read the other background information linked from this webpage, including 'SPA Technical Information Notes' regarding seabird species, and the factsheet 'Establishing Marine Special Protection Areas' (TIN120).

Having read the documents, please submit your response online using the Smart Survey link on the above webpage. A Microsoft Word document with a series of questions is also available on the webpage for you to fill in and return. The questions are also set out in Annex A below.

The closing date for responses to this consultation is 14 April 2014.

If you do not have access to the Internet, please contact us (details below) and we will supply electronic or printed copies of the material that you require.

Using and sharing your consultation response(s)

In line with Natural England's [Access to Information Statement](#), at the end of the consultation period copies of the responses and/or the information contained in them may be subject to publication or release to the public on request and/or on our website.

A report will also be produced collating all representations made during the formal consultation period together with any recommendations arising from the consultation for the Secretary of State. The Secretary of State will consider this report before proposing this site to the European Commission during the latter half of 2014 as eligible for designation as a European Marine Site.

Information supplied in consultation responses may also be used to revise the Impact Assessment for the site (quoting the source) before final versions are submitted to the Secretary of State for the Environment.

If you do not want your response - including your name, contact details and any other personal information - to be publicly available, please explain clearly why you regard the information you have provided as confidential. If we receive a request for release of the information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on Natural England.

We will summarise all responses and place the summary on our website at naturalengland.org.uk as well as on the GOV.UK website. The summary will include a list of names of organisations that responded to the consultation but not the names, addresses or other contact details of individual respondents.

How to respond

As well as online survey responses, all comments that are submitted in writing will be considered. You can either complete the consultation response forms on our website and return to us, or respond to the questions in Annex A.

Please send your responses to:

Email:

northernnorthseaspa@naturalengland.org.uk

Post:

Martin Kerby
Lead Adviser
Northern North Sea Team
Natural England
Lancaster House
Hampshire Court
Newcastle-upon-Tyne
NE4 7YH

For any queries please telephone: 0300-060-4105

Documents for formal consultation

The Departmental Brief and Impact Assessment are the documents subject to formal consultation. There is also a separate document summarising the Impact Assessment. We welcome your comments on these three documents.

Departmental Brief

The Departmental Brief and its Appendices provide the detailed scientific evidence for the pSPA. The document includes:

- i. A description of the proposed site boundary, including maps
- ii. An assessment of its ornithological interest
- iii. An assessment of the pSPA's seabird populations against the JNCC criteria for the selection of SPAs
- iv. A description of the proposed interest features of the pSPA.

Impact Assessment

An Impact Assessment is required to accompany all proposals for Government interventions that might lead to costs or savings for the private sector. The Department for Environment, Food and Rural Affairs (Defra) has asked Natural England to prepare the Impact Assessment for the proposed Flamborough and Filey Coast SPA. The Impact Assessment that is being consulted on now may be revised to take account of consultation responses, and the final version will be submitted to Government along with our site designation recommendations.

The Impact Assessment identifies the likely positive and negative impacts on the UK economy, society and the environment of the proposed designation. It examines the potential benefits and costs of designating the site. These are assessed relative to the baseline of the activities (for business or leisure) that are likely to take place at the site over the next twenty years and the impacts of these on habitats and species if these were not protected.

The preparation and publication of the Impact Assessment is intended to ensure those with an interest in the site can question and understand:

- the purpose of the proposed designation;
- how and to what extent the proposed designation may impact on them;
- the estimated potential costs and benefits of the proposed designation.

It also provides an opportunity for those who are affected to identify any potential unintended consequences.

It should be noted that under the Birds Directive, social or economic considerations cannot influence the selection of sites or demarcation of their boundaries. The UK, as a Member State, must identify the sites and boundaries based only on the presence of qualifying species specified in the Directive. This means that the Impact Assessment should not influence site selection, boundaries or features. The Impact Assessment has been produced to meet with government guidance. The information will help Government to consider the

effects of designating the site, and whether measures should be put in place to offset negative social and economic impacts that may arise from conserving habitats and species.

The identification of activities and assessment of their effects on habitats and species provided in the Impact Assessment may also be used to inform the design of any measures that may be needed to manage activities to ensure the features for which the site has been designated are conserved.

Summary information about the pSPA

Site location: See Maps 1 and 2 below. Terrestrial parts of the pSPA fall within East Riding of Yorkshire Council and Scarborough Borough Council.

Site coordinates: 0° 19' 40" E, 54° 15' 43" N (northernmost point of Filey section); 0° 5' 41" W, 54° 4' 57" N (southernmost point of Flamborough section).

Site surface area: the pSPA covers an area of 8039.60 hectares, of which the marine extension covers 7471.78 hectares.

Site overview: the Flamborough and Filey Coast pSPA is located on the English North Sea coast of Yorkshire. It has two sections, Flamborough to the south, and Filey to the north. The pSPA supports the largest seabird colony in England and important populations of a number of individual species, including the largest black-legged kittiwake colony in the UK, the only northern gannet colony in England and the largest common guillemot and razorbill colonies in England.

Proposed pSPA boundary: the pSPA includes a proposed terrestrial extension running from the cliffs at Filey Brigg to Cunstone Nab in the west. This is being considered to incorporate important breeding colonies that currently fall outside the existing SPA. Between 2009 and 2011 the RSPB/Seabird Monitoring Programme collected seabird colony data for the Filey area. This data indicates that a diverse and extensive seabird population is present. Further west and north from Cunstone Nab the softer rock and sloping cliffs support a less diverse assemblage of seabirds, and are therefore not included within the pSPA.

Marine extensions from the existing SPA and proposed terrestrial extension are also proposed. Waters adjacent to seabird colonies are used by large numbers of some seabird species for a wide range of activities, including bathing, preening, displaying, loafing and local foraging. JNCC has recommended species-specific marine extensions to the boundaries of seabird colony SPAs based on survey work and on an analysis of seabird behaviour, distribution and density. Following these recommendations, the pSPA incorporates a marine extension of 2 km from the seabird colonies.

Proposed pSPA features: the existing SPA was classified in 1993 due to its breeding population of black-legged kittiwake. As the pSPA still supports more than 1% of the biogeographic population of this species, black-legged kittiwake will continue to be an interest feature of the site. In addition, a review of colony data has shown that the site also supports more than 1% of the biogeographic populations of the following species: northern gannet, common guillemot and razorbill.

In 2001, a review of the UK SPA network also identified an internationally-important assemblage of over 20,000 seabirds at the SPA. As the pSPA still supports over 20,000 seabirds, the seabird assemblage will continue to be an interest feature of the site. As over 2,000 individual northern fulmar use the pSPA, this species makes a significant contribution to the assemblage qualification and therefore is a 'named assemblage component' of the pSPA. Great cormorant, European shag, herring gull and Atlantic puffin also form part of the seabird assemblage.

Summary of Impact Assessment (IA) findings

Costs of the pSPA: the additional costs resulting from the pSPA are restricted to the costs of managing the site. The IA assumed that the existing European Marine Site (EMS) Management Group will manage the extensions to the SPA in addition to the current SPA. Management activities resulting in additional costs are likely to include development and implementation of an action plan for management of the extension, revision of the existing voluntary Code of Conduct to cover the SPA extension, and setting-up a SPA Liaison Group to engage with stakeholders. Please see the full IA for more details.

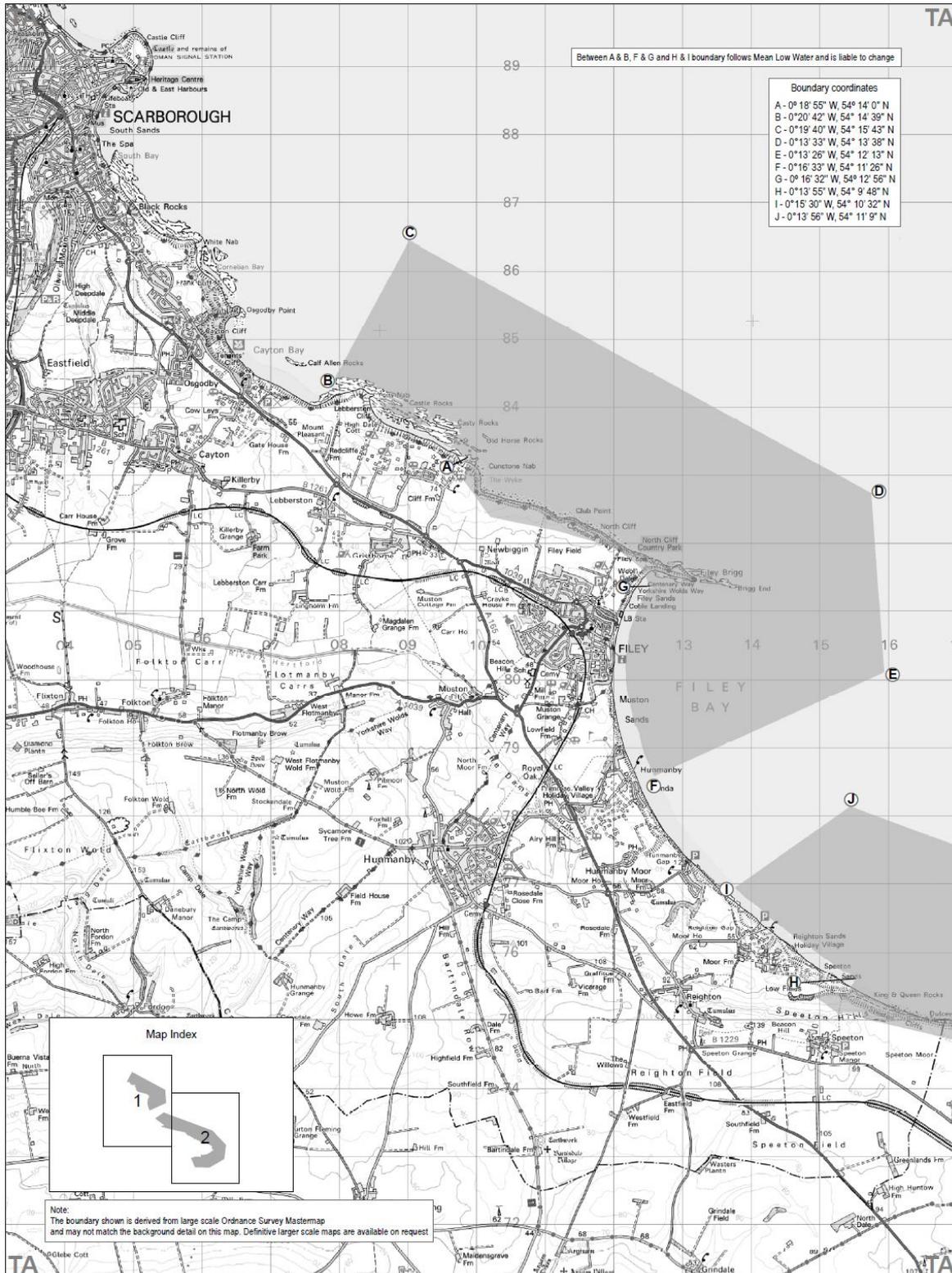
Additional costs may be incurred by 'competent authorities' and Natural England when reviewing outstanding permissions, consents and other existing activities, and undertaking assessment of future plans and projects. These are not predicted to increase significantly beyond the assessments already required for the existing SPA.

Additional management: the IA has identified the following categories of activities that occur within or adjacent to the area covered by the SPA extension: recreation; commercial fishing, transit of commercial and recreational vessels; research and education. Assuming that these activities continue at their current levels, none are likely to be impacted on negatively by the pSPA.

Some of the existing management measures associated with the existing SPA, SAC and SSSI will also provide the management required for the pSPA. Please see the full IA for more details.

Benefits of the pSPA: the pSPA will have ecological benefits for seabirds, and also benefit education, members of the public who value conservation ('non-use value'), and recreational wildlife watching.

Map 1: Detailed map of northern part of pSPA including boundary coordinates



Potential Special Protection Area
Flamborough and Filey Coast
 East Riding of Yorkshire, North Yorkshire

Special Protection Area
 8039.60 Hectares

This map relates to a site entered in the Register of European Sites for England
 Register reference number: UK9006101
 Date of registration:
 Signed:

On behalf of the Secretary of State for Environment, Food and Rural Affairs

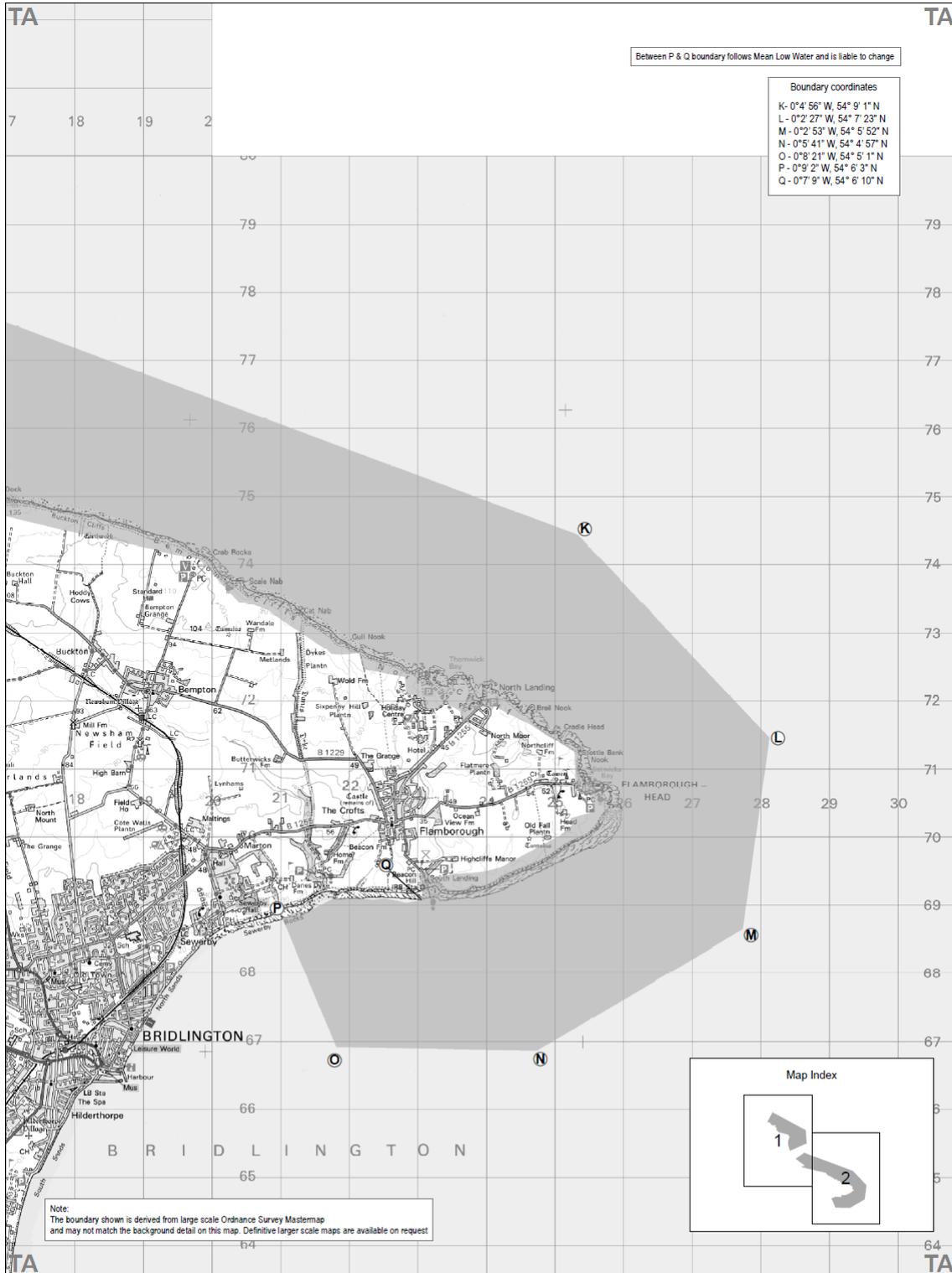
SPA Site Code: UK9006101
 Theme ID: 1007749
 Version Number: 1
 Longitude: -0° 15' 42" W
 Latitude: 54° 9' 55" N
 Projection: British National Grid
 Area of SPA: 8039.60 Hectares

Theme ID: 1007749
 Grid Ref: TA190799
 Version: 20131204
 Pooled: 10112/2013

Scale 1:50,000 at A3
 Map 1 of 2
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Map 2: Detailed map of southern part of pSPA including boundary coordinates



Potential Special Protection Area
Flamborough and Filey Coast
 East Riding of Yorkshire, North Yorkshire

Special Protection Area
 8039.60 Hectares

This map relates to a site entered in the Register of European Sites for England
 Register reference number: UK9006101
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SPA Site Code:
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 Area of SPA:
 8039.60 Hectares

Theme ID:
 1007148
 Grid Ref:
 TA 90759
 Version:
 20131204
 Printed:
 10/12/2013

Scale 1:50,000 at A3
 Map 2 of 2
 0 2500 5000 7500m
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Annex A: Consultation questions

Each question should be addressed individually (as set out on the template available on the website) at:

<http://www.naturalengland.org.uk/ourwork/marine/mpa/ems/newsites.aspx>

Scientific Case

Q1 - Do you accept the scientific basis for the site being put forward in this consultation?
Yes/No

If No, then please could you explain why?

Q2 – Do you have any information additional to that included in the Departmental Brief about the distribution and populations of breeding seabirds in the Flamborough and Filey areas that you would like to share with Natural England? Yes/No

If Yes, please state if this information has been submitted with your response.

Q3 - Do you have any further comments on the scientific selection of the site as a pSPA?

Economic and Social Impacts

Q1 – Does the Impact Assessment accurately reflect the likely effect of the SPA extension on human activities in the site? Yes/No

If Yes please proceed to Question 3, if No please proceed to Question 2.

Q2 - If the Impact Assessment does not accurately reflect the likely effect of the SPA extension on human activities, could you please provide further details, including:

- a. the nature of the activity that would be impacted on and the scale of that activity.
- b. the location where the impact would arise.
- c. the range in additional management of the activity that you anticipate will be required, the nature of the impact that management would have on the activity and an explanation of how the impact would arise.
- d. effects that it would have on other businesses or organisations, communities and the local economy.

Q3 – Do you have information that has not already been used in the Impact Assessment that would improve the quality of the estimates of the costs or benefits of the SPA extension? Yes/No.

If Yes, would you be willing to share it with Natural England? Yes/No

If Yes, please state if it has been submitted with your response.

Annex B: Consultation Principles

This consultation is in line with the government's Consultations Principles. The Consultation Principles can be found at <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

When to consult

Consultation should take place at a stage when there is scope to influence the policy outcome. Every effort should be made to make available the Government's evidence base at an early stage to enable contestability and challenge.

Duration of consultation exercises

Timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. Be clear about the length of time you are allowing for the consultation. Also explain, as appropriate, where previous engagement has already occurred.

Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach. Information provided to stakeholders should be easy to comprehend in an easily understandable format, using plain language and clarify the key issues, particularly where the consultation deals with complex subject matter.

The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation. Responses should usually be published within 12 weeks of the close of formal consultation, where this is not possible a brief statement on why they have not done so and expected date for publication

Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.