

Lucille Adie

From: King, John J (NE) [John.King2@naturalengland.org.uk]
Sent: 03 March 2015 11:43
To: a.baker@bakerconsultants.co.uk
Cc: Cork, Christina (NE); Keatley, Tom (NE); Fawcett, Emma (NE); Harrison, David (NE); Fraser, Ben (NE); Buddle, Zoe (NE); Jane Scott
Subject: South Pennine Moors SPA (Phase 2) Assemblage
Importance: High

Good Morning Andrew,

I have been passed your query from my colleague Christina Cork. Recognising your request for an urgent reply, I hope the following will assist.

The citation – 1998

There is only one citation for South Pennine Moors SPA (Phase II) – not 3 as in your email. The citation sets out the current legally protected features. There has been only one citation and this remains the legal basis, unless and until a revised version is entered into the Register of European sites by the Secretary of State.

The Standard Data Form -1999

There is one Standard Data Form for the site. This reflects and is consistent with the citation for the site. It includes all species which qualify in their own right (1% of GB population) and *certain key component species* of the breeding bird assemblage (which include Curlew, Lapwing, Dunlin, and short eared owl, amongst other species).

The standard data form is the vehicle for communicating a decision by the Secretary of State to amend an SPA citation to the European Commission. The current version still reflects the features as classified on the 1998 citation. No other SDF has been sent to the Commission.

The SPA Review

The 2001 document – which you refer to as the 2001 citation - I understand to be the SPA review 'site account'. This contains a series of recommendations to add and delete features, 'promote' some species from an assemblage to be features in their own right, and to combine the two SPAs as one. In this the JNCC has recommended the removal of the breeding bird assemblage feature, not because it has declined to no longer qualify, but because the SPA guidelines now do not provide for such an assemblage feature in future classifications. This review also identifies that the site remains one of the most suitable territories for conservation of some of the species named within that assemblage which might qualify in their own right. A second SPA review is now underway.

Government Policy

In line with current Government policy (contained in the NPPF/ JNCC website) since the SPA review has yet been acted upon, or formal public consultation commenced, it has no formal status in conservation objectives or HRAs. We consider that this equally applies to proposals to add as well as remove features. The European Site Conservation Objectives, and their listing of qualifying features, have thus been updated to take account of this Government policy.

The European Site Conservation Objectives – June 2014

The Conservation Objectives for the site list the two species which qualify in their own right, breeding Merlin and Golden Plover, and the breeding bird assemblage. The Dunlin is listed on the Conservation Objectives individually but this should be as part of the assemblage. Short Eared Owl is not listed individually, since as per the citation they form part of the breeding bird assemblage for which the site remains classified.

Implementing the SPA review findings

Giving effect in the citation to all the recommendations of the 2001 review is not a simple administrative exercise with an inevitable outcome. In the process of the necessary public consultation on any proposal to amend the citation, some of the proposed deletions could well be objected to and, if additional evidence came forward, some of the relevant species could well be retained as qualifying features in their own right.

Unless and until the Secretary of State updates the SPA citation, on the basis of advice from NE and following the usual public consultation it would not be advisable to discount all components of the assemblage on the basis of the 2001 review.

No doubt we will discuss these issues in greater detail at the examination tomorrow.

Regards

John

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