

Matters arising from the Bradford Core Strategy Examination In Public

Towards a statement of common ground on SPA matters

This document provides clarification from Defra and JNCC on various points raised at the Bradford Core Strategy Public Inquiry in relation to the South Pennine Moors (Phase 2) SPA and the features for which the SPA has been classified.

Statement of Clarification from DEFRA

Matter arising:**The status of qualifying species on individual SPAs****Response from DEFRA:**

I understand the status of SPA review species were at the heart of the questioning in an Examination in Public of Bradford's core strategy.

I can confirm that the 'status of 'qualifying' species on individual SPAs', as provided on the JNCC website (<http://jncc.defra.gov.uk/page-5485>), represents the Defra position. It is important to note that in the absence of formal public consultation (i.e. opportunity to challenge) the 2001 UK SPA Review cannot be regarded as [*providing*] a definitive list of 'legal qualifiers'.

Natural England, the government's adviser on the natural environment, is responsible for taking forward the 2001 SPA Review recommendations in England and the subsequent provision of advice to Defra on the formal classification of SPAs.

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From email to Natural England - 9 March 2015.

Statement of Clarification from JNCC

Matter arising	Response from JNCC
<i>'JNCC regard this (the 2001 review) as the definitive citation - it is simply an administrative matter that the JNCC 2001 citation is not being used by Natural England. (Dr David Stroud' (pers. comm.) (Para 8 of Andrew Baker's statement on</i>	<p>i) The legal documentation describing features on SPAs is the relevant SPA citation for the site concerned.</p> <p>ii) The 2001 Review was co-ordinated by JNCC in the late 1990s and following formal submission to, and agreement by, relevant Ministers, the results</p>

<p>behalf of CEG Land Promotions).</p>	<p>were published in 2001.</p> <p>iii) The 2001 Review does not provide a ‘citation’ <i>per se</i> – it lists the species agreed by the Joint Committee for which each SPA qualifies as internationally important and that provide “the site-based requirements of the Birds Directive Annex I and migratory species that regularly occur in the UK.”</p> <p>iv) At sites where there remain differences between the species listed in the 2001 Review and the extant SPA citation, the relevant country agency has responsibility for providing further guidance as outlined at http://jncc.defra.gov.uk/page-5485 .</p>
<p><i>‘From a scientific point of view it is clear that the JNCC 2001 citation should have primacy for the following reasons.</i></p>	<p>As noted above the 2001 SPA Review site accounts are not ‘citations’ in a legal sense.</p>
<p><i>1. The features listed in the 2001 citation meet the rigorous scientific selection guidelines (1999) whereas the earlier citations do not.</i></p>	
<p><i>2. JNCC is the body responsible for the identification and designation of European sites and its recommendations were accepted by Government Ministers (David Stroud pers. Comm</i></p>	<p>i) The Joint Committee formally submitted the results of the 2001 Review to Ministers initially on 15 March 2000, and then again after their June 2001 meeting (on 5 July 2001).</p> <p>ii) JNCC is not responsible for the legal classification (designation) of SPAs; that responsibility rests with the appropriate government department working with their relevant statutory conservation agency.</p>
<p>From email to Natural England on 9 March 2015 from: Dr David Stroud, Senior Ornithologist, UK Joint Nature Conservation Committee, Monkstone House, City Road, Peterborough PE1 1JY United Kingdom Tel: +44 (0)1733 866810 E-mail: David.Stroud@jncc.gov.uk Web-site: jncc.defra.gov.uk</p>	