



Subject:	Notification of Consultation on Special Areas of Conservation for Harbour Porpoise
Date:	15 th March 2016
Reporting Officer:	Keith Sutherland (ext 3576)
Contact Officer:	Dermot O’Kane (ext 2293)

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Please see Note 1 in Part 3</i>		
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If 'No' please see Note 2 in Part 3</i>		

1.0	Purpose of Report or Summary of main Issues
1.1	To update and make members aware of the consultation on proposed Special Areas of Conservation (pSAC) for Harbour Porpoise led by Joint Nature Conversation Committee (JNCC) with responses coordinated by Department of the Environment (DoE).

2.0	Recommendations
2.1	Members are ask to: <ul style="list-style-type: none">• Note the Department of the Environment’s (DoE) consultation on the proposed Special Areas of Conversation (pSAC) for Harbour Porpoise.• Consider and if appropriate agree and the proposed consultation response set out in paragraph 3.9 that Council agree in principle to the proposed designation.

3.0	Main report
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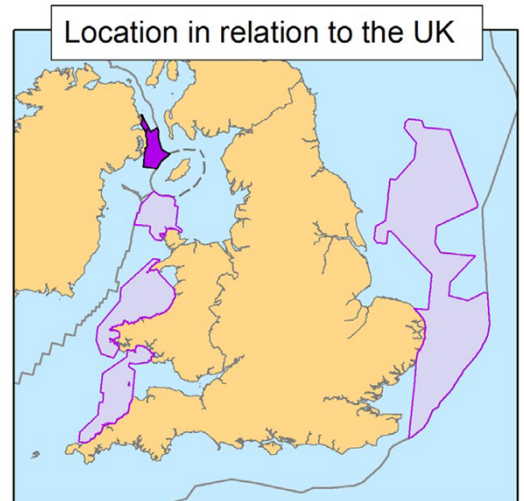
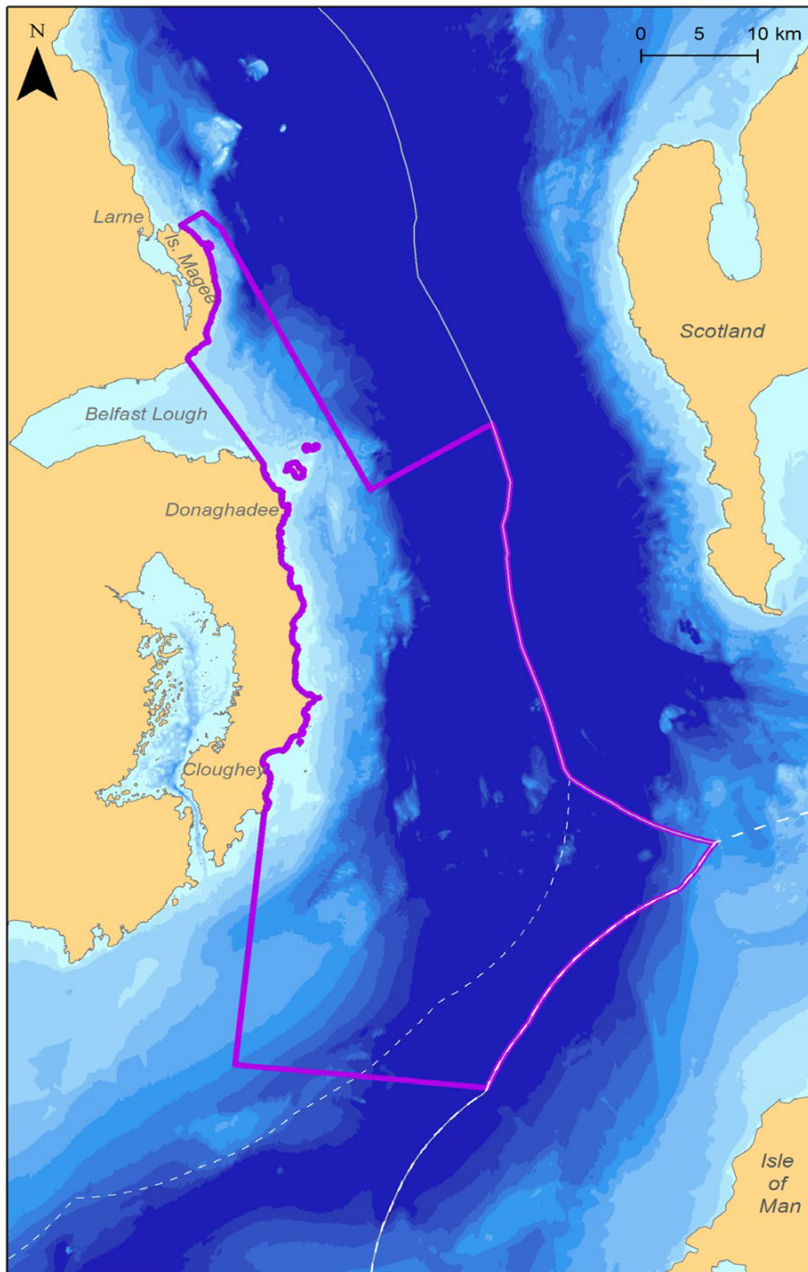
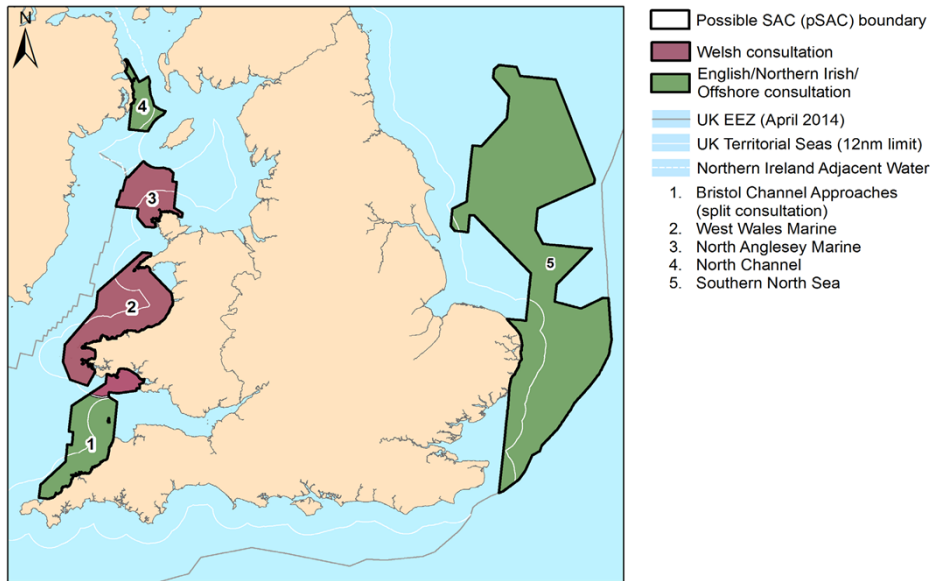
3.1	Key Issues Belfast City Council has been asked to respond to a consultation on the proposed Special Areas of Conservation (pSAC) for harbour porpoise led by the Joint Nature Conservation Committee (JNCC) with responses coordinated by the Department of Environment Marine Division (see appendix one). The JNCC is a public body that advises UK Government on UK wide and international nature conservation. The JNCC is led by a Joint Committee which brings together experts from nature conservation bodies across the UK including Northern Ireland.
3.2	A pSAC is a site designated under European Habitats Directive (92/43/EEC) which aims to conserve the biodiversity of natural habitats. These sites, together with Special

	<p>Protection Areas of (SPA's) make up a network of nature protection sites called 'Natura 2000'.</p>
3.3	<p>SACs are designated by Northern Ireland Environmental Agency (NIEA) and managed using a set of conservation objectives. There are 57 SACs in Northern Ireland. The adoption of the pSAC for Harbour Porpoise will be the first SAC designation for Belfast.</p>
3.4	<p>The harbour porpoise has been identified for protection in five other possible Special Areas of Consultation in UK waters (see appendix two). These sites have been identified based on 18 years of observations by JNCC. The site of particular relevance to Council is defined as the North Channel covering 1,600km².</p>
3.5	<p>Harbour porpoise are protected in European Waters under the provisions of the Habitats Directive. Due to the highly mobile nature of this species, it is considered as part of the wider European population. The concept of determining the site population may not be appropriate but conservation measures will apply to the site identified as the North Channel pSAC. JNCC have outlined the North Channel site is predominately occupied during winter months (October-March).</p>
3.6	<p>The JNCC outline the proposed conservation objective for the site: "To avoid deterioration of the habitats of the harbour porpoise or significant disturbance to the harbour porpoise, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to maintaining the Favourable Conversation Status (FCS) for the UK harbour porpoise. To ensure for harbour porpoise that, subject to change, the following attributes are maintained or restored in the long term:</p> <ol style="list-style-type: none"> 1. The species is a viable component of the site 2. There is no significant disturbance of the species 3. The supporting habitats and processes relevant to harbour porpoises and their prey maintained."
3.7	<p>The EU Habitats Directive (93/43/EEC) requires a competent authority (Council) to undertake a Habitats Regulation Assessment (HRA) of any plan or project necessary to the management of a Natura 2000 site. The HRA process consists of 4 stages:</p> <ul style="list-style-type: none"> • Stage 1- Screening/Test of likely significance: which identifies likely impacts on Natura 2000 sites of a plan or project • Stage 2- Appropriate Assessment: considers the potential impacts on the structure and function as well as the conservation objectives of the Natura 2000 sites. An assessment of potential mitigation measures will be presented to reduce potential adverse impacts • Stage 3- Assessment of Alternative Solutions • Stage 4- Imperative reasons of overwhelming public interest
3.8	<p>Planning has a duty to consider the impacts of development on the environment and protected species. Members will be aware of the Shared Environmental Services (SES) team that has been set up in Mid and East Antrim Council which provides support to Council on a range of specialist functions including the HRA on planning applications and during the preparation of the LDP to assess and advise on the impacts of European Sites such as the pSAC and Special Protection Areas (SPA). This function will support Council to ensure the legal requirements of these habitats/sites are fully met in accordance to the Habitats Directive and other Environmental Legislation and to reduce the risk of challenge to planning decisions, development plans and policies. As a matter of course Council will consult with the SES and where appropriate, NIEA, on any significant application within its corundum sanatorium as shown in appendix two would expect consideration.</p>

<p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p>	<p>In response to the consultation, it is suggested Council agrees to the proposed designation of the pSAC for Harbour Porpoise on the basis that the Department resources, monitors and provides access to relevant data on potential cumulative impacts.</p> <p><u>Finance and Resource Implications</u> There is no resource implications associated with this report.</p> <p><u>Asset and Other Implications</u> With the successful adaption of the pSAC for Harbour Porpoise, Council will consider and note this designation as part of the Local Development Plan (LDP) process and will consult with SES on planning considerations and relevant policy.</p> <p><u>Equality or Good Relations Implications</u> There are no relevant equality and good relations implications attached to this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
<p>4.1</p>	<p>Appendix One – Letter from DoE inviting Council to respond to the pSAC Harbour Porpoise</p>
<p>4.2</p>	<p>Appendix Two – Map of North Channel pSAC</p>

Appendix One: – Letter from DoE inviting Council to respond to the pSAC Harbour Porpoise

Appendix Two: Map of North Channel pSAC: (Source: <http://jncc.defra.gov.uk/page-7059>)



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