

SCHEDULES

SCHEDULE 12

Article 55

HARBOUR SEAL COMPENSATION MEASURES

1. In this Schedule—

“harbour seal compensation measures document” means the document “Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Harbour Seal” certified by the Secretary of State as the harbour seal compensation measures document for the purposes of this Order under article 47 (certification of documents, etc.);

“harbour seal compensation strategy” means a strategy for the provision of measures to compensate for predicted collision effects on harbour seals in the WNNC as a result of the authorised development;

“harbour seal rehabilitation” means compensation to be provided which must be sufficient to rescue and rehabilitate five harbour seals per year, on average, for the duration of the operational period, with the harbour seals being released back into the WNNC if appropriate or otherwise into the same biogeographic region; and

“WNNC” means the site designated as The Wash and North Norfolk Coast Special Area of Conservation.

2. No part of the authorised development may commence until a harbour seal compensation strategy has been submitted to and approved by the Secretary of State, following consultation with the relevant statutory nature conservation body.

3. The strategy submitted for approval must be based on the measures set out in the harbour seal compensation measures document and must include—

- (a) details of the harbour seal rehabilitation compensation measures to be provided, including the timeframe for delivery, which must allow for the harbour seal rehabilitation to commence prior to the operational period and/or prior to any impact to harbour seals as a result of any part of the authorised development occurring, whichever is the earlier;
- (b) evidence of how the harbour seal rehabilitation is to be funded and the legal mechanisms in place to ensure that harbour seal rehabilitation is funded over the specified timeframe for delivery;
- (c) an implementation plan for the harbour seal rehabilitation which must include a requirement for the undertaker to enter into a binding legal contract with Skegness Natureland Limited or any other such company or charity which is able to provide the harbour seal rehabilitation; and
- (d) details of the proposed scheme for ongoing monitoring and reporting of the effectiveness of the harbour seal rehabilitation compensation measures and any adaptive management measures.

4. The undertaker must implement the measures set out in the harbour seal compensation strategy approved under this Schedule unless otherwise agreed by the Secretary of State in writing, following consultation with the relevant statutory nature conservation body.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. The harbour seal compensation strategy approved under this Schedule includes any amendments that may subsequently be agreed in writing by the Secretary of State, following consultation with the relevant statutory nature conservation body.

6. Results from the monitoring scheme specified in paragraph 3(d) must be submitted at least every five years, starting from the beginning of the operational period, to the Secretary of State and the relevant statutory nature conservation body and made publicly available. This must include details of any findings that the harbour seal compensation strategy has been ineffective and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State following consultation with the relevant statutory nature conservation body.