



## Office of the Administrator **Policy on amendments to National Protected Areas for critical infrastructure development in Ascension**

<b>AUTHOR:</b>	<b>David Mills, Director of Operations and Facilities</b>
<b>OWNER:</b>	<b>Sean Burns, Administrator</b>
<b>ISSUE DATE:</b>	<b>23 September 2022</b>
<b>VERSION NO:</b>	<b>1.0</b>
<b>STATUS:</b>	<b>CONSULTATION DRAFT</b>
<b>DATE OF LAST REVIEW:</b>	<b>23 September 2022</b>
<b>DATE OF NEXT REVIEW:</b>	<b>31 March 2023</b>

### Contents

Background.....	2
Context .....	2
Issue .....	2
Principles and Objectives.....	3
Application of Policy .....	3
Long Beach Nature Reserve .....	3
Background.....	3
Options .....	4
Implementation .....	5

## Background

1. The National Protected Areas Ordinance, 2003 provides the legislative basis to designate protected areas within Ascension.
2. Nature Reserves are one type of Protected Area that can be designated under the legislation.
3. Under section 4(1)(b) of the National Protected Areas Ordinance, 2003, the Administrator can only permit development within a nature reserve if it is for the purpose of ‘maintaining a proper balance in the natural ecology of the area’ or for sport and recreation. This is because the purpose of a nature reserve is to protect wildlife or allow recreation. Development for any other purpose could conflict with those aims.

## Context

4. 10 protected areas have been designated under this legislation since it was first introduced. The aim of the network is to protect Ascension’s unique and internationally-important biodiversity and to meet commitments under the Convention on Biological Diversity, Convention on the Conservation of Migratory Species of Wild Animals and Ascension Environmental Charter. The network includes a protected area at Long Beach in Georgetown.
5. In 2022 necessary waste water treatment replacement works were proposed for the Georgetown waste water treatment plant. The plant had previously been included within the boundary of the Long Beach Nature Reserve when designated. As no policy regarding the amendment of a protected area boundary existed, this policy was produced.

## Issue

6. In order to ensure that the principles of designation are not undermined, a suitable policy stating AIG’s commitment to the current Protected Area network and the very exceptional circumstances in which amendments to individual protected areas would be considered is required.

7. Consideration under such a policy should seek to ensure that the integrity of the protected area and the conservation objectives that underpin its designation are maintained, and that minor amendments to the boundary can only be considered where they are both strictly necessary for critical infrastructure developments and do not undermine the protected area in the context of the overall purpose of designation and conservation objectives. Even when both of these considerations are met, preference will be given to preserving the protected area boundaries.

## Principles and Objectives

8. The National Protected Areas Ordinance is a critical piece of legislation with regard to the effective and proportionate safeguarding of areas with high conservation importance.
9. The Designated Boundaries of Protected Areas will not be amended other than in very exceptional circumstances for critical infrastructure projects.
10. The boundaries of the protected areas were established to protect Ascension's internationally-important biodiversity and any erosion of the boundaries is likely to compromise their effectiveness. Changes to boundaries of protected areas may only be proposed in very specific circumstances where such changes are necessary for the critical functioning of the island, all alternative locations have been exhausted and a robust environmental impact assessment indicates there will be no negative impact on the integrity of the wider protected area. As such it should be anticipated that such circumstances will be extremely rare.
11. Prior to taking a decision under this policy, decision makers should consider all other potential sites. If no other potential sites are considered appropriate, this must be evidenced and included in the decision making record.
12. In order to ensure that any amendments do not undermine the purpose of the Protected Area, any decision to amend the boundary of a Protected Area may only be made following consultation with the Director of Conservation and Fisheries.

## Application of Policy

### Long Beach Nature Reserve

#### Background

13. Long Beach was designated as a nature reserve in 2014 to protect breeding green turtles. Ascension Island supports the second largest population in the Atlantic of this endangered species and Long Beach is the most important nesting beach on the island with approximately 10,000 nests laid there annually.

14. The boundary of the 2014 designation is detailed in the image below:



15. Turtles nest only on sandy beaches, but they can be disturbed by noise and light close by and the beach habitat can be affected by adjacent land use. For that reason, the boundary of Long Beach Nature Reserve extends inland from the beach to prevent any damaging activities that could impact the beach or turtles.

16. A 2017 report commissioned by the Foreign and Commonwealth Office found that the existing Georgetown wastewater treatment plant was in a state of disrepair and required replacement. Subsequently, finance from the Conflict, Stability and Security Fund (CSSF) was secured to construct a new treatment plant and it is proposed to commence the civil works required for this project in October 2022. The site for the new treatment plant is close to the existing one and has been chosen to avoid both the need for substantial new pipework and disruption to the residents and businesses of Georgetown.

17. The site chosen for the new wastewater treatment plant is within the boundary of the Long Beach Nature Reserve, designated in Part 2 of the Schedule to the National Protected Areas Order, 2014. Construction of the plant would fall within the definition of development in section 2 of the National Protected Areas Ordinance, 2003. While the Administrator does have statutory powers to permit some development in a National Protected Area, the wastewater treatment plant does not fall within this scope as it is not for the purpose of maintaining a proper balance in the natural ecology of the area nor for sport or recreation. An amendment to the protected areas legislation would be needed in order for construction of the wastewater plant to proceed at the preferred location.

### Options

18. The wastewater treatment plant is critical to the island's infrastructure and a new plant is urgently needed in Georgetown as the existing plant in poor operational condition, past its life expectancy and beyond economic repair.

19. The proposed position is ideal for the following reasons:

- It is the only location lower than the existing plant.
- The location is of sufficient size to incorporate all three sections of the newly proposed plant.

- It does not require the demolition of existing structures.
- It does not require the wastewater network serving Georgetown to be significantly altered.
- The new site is further away from the beach than the current site.

20. Two alternative options to allow the wastewater treatment plant to go ahead were considered and rejected:

- i. On the site of the existing plant. This was discounted for two reasons. Firstly, due to its proximity to the beach and secondly because it would mean a substantial gap in treatment services during the time the current plant was decommissioned and the new plant was made functional.
- ii. South East of the Obsidian Hotel. This site was a possible location identified in the 2017 report. However, it was subsequently rejected as it would have required extensive modification to the Georgetown sewage pipe network, not only to redirect the system, but also to deal with technical issues such as falls.

21. Consideration was also given to amending the text of the National Protected Areas Ordinance, 2003, such that developments for purposes other than conservation or recreation could be permitted by the Administrator. This was rejected because it would significantly erode the protection of nature reserves and leave them vulnerable to future development.

### Implementation

22. In order to allow the wastewater treatment plant to be constructed, the boundary of the Long Beach Nature Reserve will be adjusted to exclude the site proposed for the treatment plant.

23. An environmental impact assessment for the proposed new wastewater treatment plant has been carried out by the Director of Conservation and Fisheries. This has shown that, with appropriate mitigation in place, the construction and operation of the treatment plant at the preferred location would not have a negative impact on the natural features of the Long Beach Nature Reserve. Therefore, it would be possible to proceed with the development without compromising the purpose of the nature reserve or breaching Ascension's international commitments to biodiversity protection.

24. In this particular circumstance, amending the boundary of the nature reserve to exclude the proposed site of the plant is considered the best option of assessment of the evidence available. This would allow the wastewater treatment plant to go ahead, whilst also ensuring the continued protection of Long Beach Nature Reserve. It would result a small alteration to the protected area representing 1.4% of its overall size. Measures included in the treatment plant's operating procedures (such as the absence of artificial lighting and prevention of run off) mean that, though it is close to the beach area, its long-term operation will not impact on the turtles or their nesting habitat.

25. In this instance, the boundary change will not result in the loss of any turtle nesting habitat since the area to be removed from the nature reserve is not beach habitat and has no other conservation value. No changes to the boundaries of protected areas will be approved where they would result in the direct loss of important habitat.

26. As no other critical infrastructure projects within protected areas are currently being proposed, no further changes to protected area boundaries are being considered.

CONSULTATION DRAFT