



Department
for Environment
Food & Rural Affairs

Marine Conservation Zones

Consultation on sites proposed for designation in the third tranche of Marine Conservation Zones

June 2018



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Foreword from the Secretary of State

The UK is surrounded by some of the richest and most diverse sea life in the world, from the bright pink sea-fan coral colonies off the south-west coast, to the great chalk reef stretches in the east. With almost 18,000 km of mainland coastline, we are the custodians of the widest range of marine habitats in Europe.

Our seas and oceans, however, are also an integral part of our history, economy and way of life. We all rely on a healthy marine environment, protected from persistent pollutants, heavy metals and over-fishing.

Today, on World Oceans Day, I am delighted to launch this consultation to complete our very successful Blue Belt programme in UK waters. This document proposes the creation of 41 new Marine Conservation Zones (MCZs), alongside adding new features to 12 existing sites, making it the most significant expansion so far.

Our underwater habitats are a treasure trove of biodiversity and species richness; home to dramatic clay cliffs, limestone, peat and sponge. We are often drawn to exotic creatures like the short-snouted seahorse – also known as the *Hippocampus hippocampus* – but we must also protect their habitats and the underwater geology that is, quite literally, our bedrock.

Many of these species and habitats are under pressure from human activity, with our sea life now less abundant than it could be.

We are taking action elsewhere by banning plastic microbeads in rinse-off cosmetics and personal care products, taking nine billion single use plastic bags out of circulation through our 5p carrier bag charge, and setting out our plans for a ban on plastic straws, stirrers and cotton buds and the introduction of a deposit return scheme for plastic bottles.

It is only by granting special protection, however, that we will understand the full value of the marine environment and incorporate that into the decisions we take: this is key to the ‘natural capital’ approach that underpins our 25 Year Environment Plan. Our network of MCZs will help our seas to recover their health and allow us to draw on the riches of the sea in a sustainable way.

The UK is at the forefront in establishing Marine Protected Areas, with almost 300 sites established so far. The 41 new sites proposed in this consultation, from the Purbeck Coast to Holderness, will complete our world-leading and ecologically coherent network of Marine Protected Areas. Most of the sites were proposed and developed by stakeholder-led Regional Projects, whom I would like to thank. I am confident these stakeholders,

environmental NGOs, the fishing and marine industry and the public will respond with the constructive and challenging responses that help government to protect and enhance our environment.

The Rt Hon Michael Gove MP

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive style with a large initial 'M' and a long, sweeping underline.

Secretary of State for Environment, Food and Rural Affairs

Executive summary

The purpose of this consultation is to seek your views on the proposal to designate 41 Marine Conservation Zones (MCZs) in the third tranche of designations, and to add new features to 12 existing MCZs designated in the first and second tranches. The area covered by the proposed new MCZs is approximately 11,700 km² (bringing the total area of MCZ protection to over 32,000 km²). 201 features (including features to be added to existing sites) in this tranche will be protected.

This will be the third and final tranche of MCZs and the designation of the sites proposed will substantially complete the contribution in the Secretary of State's waters to an ecologically coherent network of Marine Protected Areas (MPAs) in the North East Atlantic. This is a key element of an ambitious programme to protect and enhance the marine environment, while supporting sustainable use of its assets, to achieve the government's vision of clean, healthy, safe, productive and biologically diverse oceans and seas as set out in the 25 Year Environment Plan.

The first tranche of 27 MCZs was designated in 2013 and the second tranche of 23 sites in 2016. We will designate this third and final tranche within 12 months of this consultation.

Other types of Marine Protected Areas in our network are Special Areas of Conservation and Special Protection Areas, established under the EU Habitats and Wild Birds Directives, and Sites of Special Scientific Interest, established under the Wildlife and Countryside Act 1981.

Many activities posing a threat to Marine Protected Areas are managed immediately via the licensing and consenting regime. Commercial fisheries management measures such as byelaws are now in place for the first tranche inshore sites and the Marine Management Organisation (MMO) and Inshore Fisheries and Conservation Authorities (IFCAs) are working to implement management measures for the second tranche sites. Management measures for offshore sites must currently be agreed with other Member States of the EU through the Common Fisheries Policy. All designated offshore sites are either in negotiations now or are due to be consulted on very shortly.

Following designation of the second tranche of sites, the Joint Nature Conservation Committee (JNCC) and Natural England undertook an analysis to identify remaining ecological gaps within the MPA network, for example where a species or habitat that is important to the network is not adequately protected within a region. In this final tranche we are aiming to fill these ecological gaps to substantially complete our contribution to the international ecologically coherent network of MPAs.

Sites proposed for designation come from three sources:

- (1) sites originally recommended by the Regional MCZ Projects¹ (30 sites);
- (2) sites identified by the JNCC and Natural England to fill the remaining ecological gaps in the network that could not be filled by Regional MCZ Project recommendations (9 sites); and
- (3) sites proposed by stakeholders for highly mobile species (2 new sites plus these species being added to some other sites).

In addition to establishing new MCZs, we are also proposing to fill some of the gaps in the network by designating additional features in 12 existing MCZs. These are features that were not supported by sufficient scientific evidence during previous tranches, but for which subsequent survey data have become available which now supports their designation.

Regardless of their origin the process for considering sites for the third tranche followed similar principles: each of the candidate sites was considered in terms of its potential contribution towards completing the ecologically coherent network alongside the social and economic costs associated with its designation.

Before this consultation, most sites have already been discussed with local, national and, where appropriate, international stakeholders. This included discussions with representatives of all the main marine industry sectors and conservation charities that may have an interest in the designation of these sites. All evidence and views gathered during the pre-consultation phase have been considered in selecting these sites for consultation.

Following proposals by stakeholders for the protection of highly mobile species, such as fish and seabirds, we are also proposing to designate two new sites solely for highly mobile species and to add highly mobile species as additional features to three other MCZs. All proposals were carefully considered to ensure that site-based protection measures were appropriate for the species in question and we are satisfied that in these cases there is clear evidence of a conservation benefit for these species.

We intend this to be the final tranche of MCZs and consider that it will substantially complete our contribution to the international ecologically coherent network of Marine Protected Areas. Designation of these MCZs will mean most, but not all, of our ecological network targets will have been met. Residual gaps will be considered further with later designations of individual sites. As new scientific evidence emerges there may also be a need to make future changes by adding or adapting individual sites.

¹ The Regional MCZ Project was set up in 2008 to give sea-users and stakeholder interest groups the opportunity to identify and recommend sites to be designated as MCZs. Further information is available at: <http://jncc.defra.gov.uk/page-2409>

If all of these proposed MCZs are designated, around 40% of English inshore and offshore waters will be protected, and the total for the UK as a whole will be nearly 25%. The 41 sites proposed for designation in this tranche protect a diverse range of important seabed habitats and marine life.

The sites vary in biodiversity and complexity, from areas which cover a small number of important species and habitats, to complex mosaics of diverse habitats that support a wide range of species, some of which are rare and vulnerable. Sites include a range of seabed habitats, at different depths, exposed to different wave, current and tidal conditions; from finer mud sediments to sandy seabeds to coarse gravels and also rocky seabeds. Each of these habitats support their own range of species, such as banded venus clams living in subtidal coarse sediment. The component species living on each habitat are part of the designated habitat feature protected by the MCZ. Consequently, by protecting the full range of seabed habitats in our waters, and the species that live on and in each, the network will support the full range of marine biodiversity around the UK. The proposed MCZs will also protect habitats and species of specific conservation importance, known to be rare, threatened or declining in our seas. Examples include short-snouted seahorse, three species of stalked jellyfish, fan mussel, and peacock's tail seaweed.

An Impact Assessment (annex A) has been produced to accompany this consultation. It sets out the costs and benefits of designating the third tranche sites and indicates possible management measures. The sectors affected include commercial fishing, ports and harbours, oil and gas, and recreational boating. The best estimate annual average cost to sea users for all sites is £418,000 per year. However the benefits, including to marine biodiversity and productivity, environmental resilience, research and education, climate regulation, recreational and tourism opportunities and human wellbeing, are expected to be significant. Details of the species and habitats to be protected and the anticipated management measures and associated costs for each site are provided in the annexes.

Your views are sought on these third tranche proposals. To aid this, a list of specific consultation questions is provided in part J of this document. We welcome any additional evidence that stakeholders wish to submit during the consultation. New evidence must meet certain quality standards, for example, evidence will only be considered suitable where there is a clear statement of how data were collected and the data can be corroborated. We would appreciate any new data be provided as early as possible during the consultation period. Evidence which has previously been submitted to Defra, JNCC or Natural England does not need to be resubmitted.

Following consideration of all responses to this consultation, Ministers will make final decisions on site designations. Regulators will manage sites according to their specific needs. This does not automatically mean that industry and recreational activities in that site will be restricted. Decisions will be taken on a case-by-case basis, and management will only be put in place for activities that are detrimental to the habitats and species being protected in the MCZ.

Part A - Purpose and progress

1. Purpose of consultation

1.1 The purpose of this consultation is to seek your views on the proposal to designate 41 new MCZs in the third tranche. We are also seeking your views on designating additional features in twelve existing first and second tranche sites. The consultation is an opportunity to provide your views and any relevant natural or socioeconomic scientific evidence.

2. Consultation process

2.1 Consultation questions are listed in part J of this document. Please focus your responses on the specific questions asked. There is also a question that allows for general comments to be made.

2.2 You can respond to this consultation in one of three ways:

- **online** by completing the survey at <https://consult.defra.gov.uk/marine/consultation-on-the-third-tranche-of-marine-conser/>
- **email** to mcz@defra.gsi.gov.uk
- **post** to:
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2 Marsham Street
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2.3 Our preferred method of receiving responses is via the Citizen Space portal because it is the fastest and most cost-effective way for us to collate, analyse and summarise responses.

2.4 Please provide your responses to this consultation by **Friday 20th July 2018**. Only responses provided by this date will be considered.

2.5 Final decisions on which sites will be designated will take into account any relevant information submitted as part of this consultation. We will publish details of evidence received and a government response to issues raised in the consultation, together with the final decisions on each site. This will be placed on the consultations section of the government web site.

3. Confidentiality

3.1 Please tell us if you do not want details of your response to be made public or if there are any restrictions on the use of information submitted, with an explanation of why it should be kept confidential. We will take your reasons into account, but you should be aware that there may be circumstances in which we will be required to disclose this information to third parties on request. This is in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations. Please note, if your computer automatically includes a confidentiality disclaimer, this will not be treated as a confidentiality request.

4. Evidence standards

4.1 A number of our questions provide the opportunity to submit additional evidence relevant to the proposed MCZ sites. This evidence may include environmental and socio-economic information, such as:

- scientific information on feature presence, extent and condition;
- site-specific data on commercial or recreational activities to inform assessments of their likely impact on features' current condition; and
- other socio-economic data for the Impact Assessment.

4.2 We welcome any additional evidence that stakeholders wish to submit during the consultation which is relevant to decisions on whether to designate these sites. Evidence provided as part of consultation responses should meet Defra's definition of evidence as defined by Defra's Evidence Investment Strategy² and be reliable and accurate information that we can use to support decisions in developing, implementing and evaluating policy. It is important that all evidence has a clear audit trail and can be able to be independently scrutinised and verified. The suitability of environmental evidence for informing decisions will be assessed as part of Natural England's and the JNCC's evidence assessment process.³

4.3 Natural England and the JNCC, in partnership with the Wildlife Trusts, have developed best-practice guidelines for data providers on collecting and submitting data to support designation of MCZs, which can be accessed here: <http://jncc.defra.gov.uk/page-7119>. While Defra will consider all information submitted during the consultation, following these guidelines will assist Defra and its agencies in making the best use of the available information.

² <https://www.gov.uk/government/publications/defra-s-evidence-investment-strategy-2010-to-2013-and-beyond-2011-update>

³ Further information is available in section 3 of *Natural England's advice to Defra on recommended Marine Conservation Zones to be considered for consultation in 2015. Pre Consultation Advice* at <http://publications.naturalengland.org.uk/publication/5803843768025088?category=6742552893980672>

4.4 Evidence should be submitted in electronic format and must be accompanied by a data submission form, provided at annex B. For large files that cannot be submitted via the online form please notify us via email at mcz@defra.gsi.gov.uk, and arrangements will be made to ensure we can access the data via post or a file sharing website.

4.5 Evidence will be processed and analysed as it is received throughout the consultation period. It is therefore helpful if evidence is provided as early as possible. This will allow greater scope for Natural England and the JNCC to resolve any issues with the data.

4.6 It is important to note that where evidence has already been submitted to either Natural England or the JNCC through other routes this should be clearly referenced in your consultation response, rather than the data being resubmitted in its entirety. Evidence used by Natural England and the JNCC in pre-consultation advice to DEFRA is listed here⁴. Any data which has already been submitted via Mapping European Seabed Habitats or Marine Recorder does not need to be re-submitted, however, reference should be provided to the relevant Mapping European Seabed Habitats Globally Unique Identifier reference or the Marine Recorder Survey ID and Survey Name.

4.7 In the interests of transparency, evidence that is used in decision making is expected to be publicly available. Where data are submitted as confidential and it is considered there are justified reasons for considering it as such, high level information (e.g. data source / survey information) may be made publicly available to maintain transparency. All scientific data considered for inclusion or exclusion will be shared as required within the Defra Network⁵ and will be referenced within the JNCC's and Natural England's advice. Socio-economic data used in the final assessments of sites will be referenced in the Impact Assessment accompanying designations.

⁴ For offshore sites, this is listed as part of the JNCC advice at <http://jncc.defra.gov.uk/page-7119>

⁵ Department of Environment Food and Rural Affairs, Natural England, Joint Nature Conservation Committee, Marine Management Organisation, Inshore Fisheries Conservation Authority, Environment Agency and Centre for Environment, Fisheries and Aquaculture Science.

Part B - Why we need MPAs including MCZs

5.1 The seabed hosts a diverse array of marine habitats and species. Examples include chalk reefs colonised by crabs and urchins; sandy gravels with scallops, shrimp and sole; seagrass meadows sheltering seahorses; and deep water mud habitats with sea urchins, sea cucumbers and scampi.

5.2 MPAs are one tool to protect our marine environment and safeguard the contribution our marine assets can make to our society for generations to come. Protecting our natural assets allows marine ecosystems, and the services they provide to us, to recover and grow, providing greater benefits for all.

5.3 Establishment of MPAs, including MCZs, is a key element of an ambitious programme to protect and enhance the marine environment while supporting sustainable use of its resources; this will help to achieve the government's vision of clean, healthy, safe, productive and biologically diverse oceans and seas. Other elements are:

- our commitment to manage fish stocks sustainably (ensuring that all fish stocks are recovered to and maintained at levels that can produce their maximum sustainable yield) and to end the wasteful discarding of fish;
- the establishment of marine plans around our coast to help achieve efficient management of competing uses of our seas while safeguarding the environment;
- an improved system for marine licensing; and
- specific protection for important marine species, for example, cetaceans and some fish species.

5.4 Whilst detailed data on seabed habitats and species remain limited, our knowledge has greatly improved over recent years and is still growing. We know that the marine environment is coming under increasing pressure from unsustainable human activity, which is damaging marine ecosystems. More recently, there have been some positive indications of change but there are many issues still to be addressed. In comparison to terrestrial conservation, marine conservation is less well developed and it is important that appropriate measures are introduced in order to protect our marine ecosystems before it is too late.

5.5 The Marine and Coastal Access Act 2009 (the Act) requires government to establish a network of MPAs that protects habitats and species which are representative of the range of habitats and species in our seas. The Act includes powers to designate MCZs to contribute to this network to complement other types of MPAs and protect nationally representative and rare or threatened habitats and species. The Act permits Ministers to take account of the economic and social implications when deciding where to designate MCZs. In addition to MCZs, the MPA network includes:

- Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) established under the EU Habitats and Wild Birds Directives.
- Sites of Special Scientific Interest (SSSIs) established under the Wildlife and Countryside Act 1981.

5.6 The recently published 25 Year Environmental Plan⁶ included a commitment to complete our MPA network with this third tranche of MCZs. Commitments on MPAs are also included in the national Marine Policy Statement⁷ as well as the following international agreements:

- The Oslo and Paris Convention (OSPAR).⁸
- Convention on Biological Diversity.⁹
- United Nations Conference on Sustainable Development.¹⁰
- Marine Strategy Framework Directive.¹¹

6. Ecologically coherent network

6.1 MPAs established in UK waters contribute to a wider ecologically coherent network in the North East Atlantic. Linking MPAs together into an ecologically coherent network achieves benefits more effectively than individual MPAs can achieve alone. A well designed network to protect biodiversity will contain ecologically viable MPAs of different sizes containing different habitats and species, connected by movements of adults and larvae.

6.2 The UK's approach to what constitutes an ecologically coherent network of MPAs is underpinned by the OSPAR Commission guidance¹² on developing an ecologically coherent network of MPAs.

6.3 In 2012, Defra and the devolved governments published a statement¹³ on the UK contribution to the ecologically coherent network in the North East Atlantic. This is a commitment to develop a network of MPAs based on biogeographic regions (geographic areas of biological communities that have similar or shared characteristics) rather than administrative regions. The five main OSPAR principles guiding the process are:

⁶ <https://www.gov.uk/government/publications/25-year-environment-plan>

⁷ <https://www.gov.uk/government/publications/uk-marine-policy-statement>

⁸ www.ospar.org

⁹ <http://www.cbd.int/>

¹⁰ http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E

¹¹ Directive 2008/56/EC

¹² http://jncc.defra.gov.uk/pdf/06-03e_Guidance%20ecol%20coherence%20MPA%20network.pdf

¹³ Joint Administrations Statement. 2012. UK Contribution to Ecologically Coherent MPA Network in the North East Atlantic. Available online at <http://www.scotland.gov.uk/Resource/0041/00411304.pdf>

- Features – Sites should represent the range of species and habitats in our seas. The proportion of features included in the MPA network should be determined on a feature-by-feature basis, considering whether features that are in decline, at risk or particularly sensitive are of a higher priority and would benefit from a higher proportion being protected by MPAs.
- Representativity – To support the sustainable use, protection and conservation of marine biological diversity and ecosystems, areas which best represent the range of species and habitats should be protected.
- Connectivity – The MPA network should seek to maximise and enhance the linkages among individual MPAs using the best current science. This may be approximated by ensuring the MPA network is well distributed in space and takes into account the linkages between marine ecosystems.
- Resilience – The MPA network should include adequate replication of habitats and species in separate MPAs in each biogeographic area. The size of the site should be sufficient to maintain the integrity of the feature for which it is being selected.
- Management – MPAs should be managed to ensure the protection of the features for which they were selected and to support the functioning of an ecologically coherent network.

6.4 We have been working with the Devolved Governments in the UK, the JNCC and national conservation agencies to take stock of the habitats and species protected in existing and planned MPAs. This work was conducted on a biogeographical basis¹⁴, and has helped to inform analysis undertaken by the JNCC¹⁵ to identify gaps within the MPA network in the Secretary of State's waters¹⁶. This analysis was then used to identify gaps that could be filled by the remainder of the 127 Regional MCZ Project recommendations which were not already designated or removed from consideration. Where none of the Regional MCZ Project recommendations were suitable, the JNCC and Natural England developed proposals for new sites to fill those gaps.

¹⁴ Assessments were made using regions identified here <http://chartingprogress.defra.gov.uk/regional-basis-charting-progress-2>

These are not based on administrative boundaries, but on the 11 biogeographic regions identified as part of the Review of Marine Nature Conservation (RMNC) 2004, principally using physical and biological features such as tidal fronts and seabed flora and fauna.

¹⁵ JNCC 2016. Assessing progress towards an ecologically coherent MPA network in Secretary of State Waters in 2016: Results:

http://jncc.defra.gov.uk/pdf/JNCC_NetworkProgressInSoSWaters2016_Results_Final.pdf

¹⁶ English inshore waters and English and Northern Irish offshore waters.

Part C - Progress in establishing the MPA network

7.1 Existing MPAs have been established either under EU legislation to protect habitats and species of European importance (for example, for species that are rare at a European scale or habitats that make a significant contribution to biodiversity at a European level) or under domestic legislation for features of national importance (for example, where SSSIs hold some of England's rarest and most threatened wildlife). Further details of the different types of sites and what they protect are provided below.

8. Special Areas of Conservation and Special Protection Areas

8.1 The UK has designated SACs and SPAs in accordance with the EU Habitats and Wild Birds Directives. In UK waters, there are now 105 SACs and 107 SPAs with marine components. Of these, 39 SACs and 45 SPAs are in English inshore and offshore waters. The European Union (Withdrawal) Bill will ensure that the whole body of existing EU derived environmental law, including the domestic measures which implement the Habitats and Wild Birds Directives, continues to have effect in UK law, providing businesses, communities and stakeholders with maximum certainty as we leave the EU. Environmental protections for designated areas will continue as before. We will also continue to uphold all our obligations under international environmental treaties.

8.2 SACs protect habitats such as reefs, shallow sandbanks and intertidal mudflats, and species such as seals and harbour porpoise.¹⁷ Based on current evidence the SAC network contribution for habitats is considered complete. SPAs protect rare and vulnerable birds and migratory birds.¹⁸ These include a variety of seabird species, including divers, terns and gulls. Defra and the Devolved Administrations are in the process of completing the suite of SPAs for seabirds required in the UK marine area.

9. Sites of Special Scientific Interest (SSSIs)

9.1 These are sites that have been designated under the Wildlife and Countryside Act 1981. There are currently 97 SSSIs with marine components around the English coast.

¹⁷ Directive 92/43/EC

¹⁸ Directive 2009/147/EC

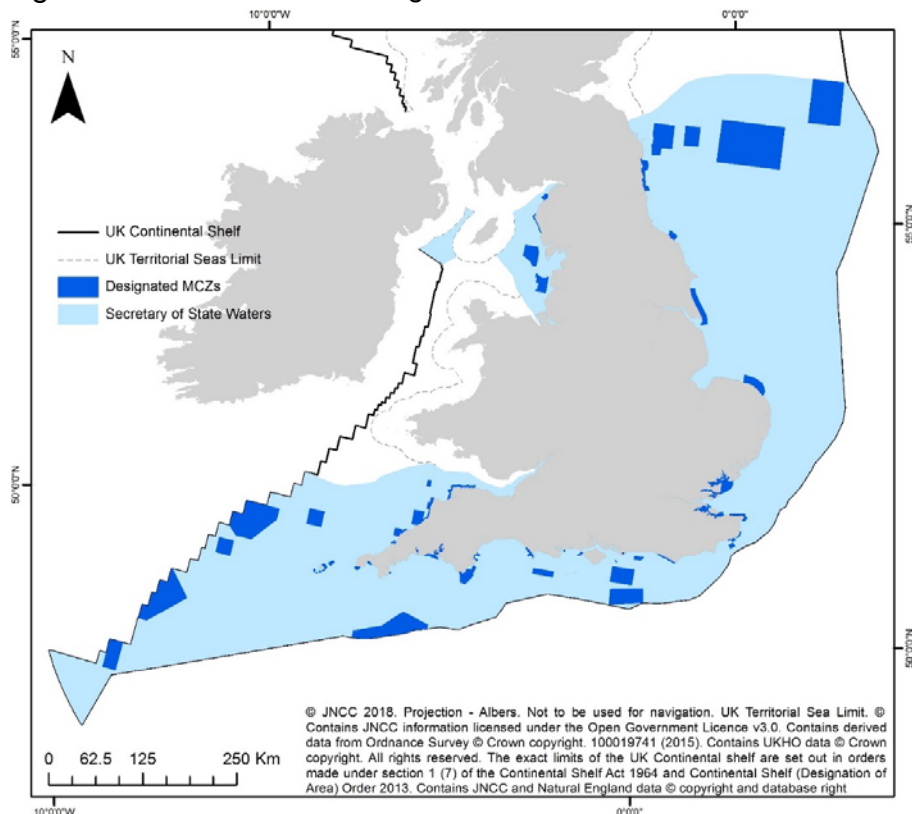
10. MCZs progress to date

10.1 An ambitious stakeholder-led approach was used to recommend possible sites to government. Four Regional Projects were established by the JNCC and Natural England, these brought together a wide range of stakeholders, including conservation charities, fishermen and other sea users, to develop proposals for locations for MCZs.

10.2 Economic and social considerations were part of the Regional MCZ Projects' deliberations from the start so their recommendations represent a balance between conservation and socioeconomic interests. The Regional MCZ Projects made impressive progress in building consensus among those with often strongly contrasting views, however, some aspects of their recommendations remained contentious.

10.3 Following consultation, 27 MCZ sites, covering almost 10,000 km² of seabed, were designated in 2013 as the first tranche. In 2016, a second tranche of 23 MCZs were added to the network, bringing the total area of protection to over 20,000 km².

Figure 1 - Current MCZs in English and offshore Northern Irish waters



11. Management of MPAs

11.1 To deliver conservation benefits, effective management of MPAs is crucial. Managing commercial fishery activities in English waters in the 0-6 nautical miles zone is the responsibility of the Inshore Fisheries and Conservation Authorities. The MMO is responsible for licensing non-fisheries activities in all English waters and for fisheries management in the 6-12 nautical miles and the 12-200 nautical miles (the English Exclusive Economic Zone). These measures are being introduced through a risk-based, phased approach to ensure the species and habitats most at risk from damaging activities are protected first.

11.2 The regulators work with fisheries and other marine interests to make sure that measures applied are proportionate and enable sites to meet their conservation objectives. A number of sites already had some protection from fishing activities through existing voluntary agreements. Since January 2016 all first tranche inshore sites have had measures identified and work is ongoing to deliver measures for the second tranche sites. This work includes the 26 SACs with marine features and 38 SPAs in the English inshore zone. Examples of measures applied include: restricting the use of bottom towed mobile gears over sensitive features through byelaws in all first tranche inshore sites; seasonal restrictions on fisheries; and regional restrictions on the type and size of fishing gear used. Voluntary agreements are used where appropriate and where good compliance can be demonstrated. Offshore management measures must currently be agreed with other Member States of the EU through the Common Fisheries Policy. All designated offshore sites are either in negotiations now or are due to be consulted on very shortly. Defra is seeking agreement to measures for five first tranche sites in the Southern North Sea and ten MCZs in the Channel and South West. The MMO is currently consulting on measures for West of Walney MCZ, a straddling site in the Irish Sea and will shortly be consulting on measures for Fulmar MCZ and Farnes East MCZs in the North Sea. Examples of measures proposed for offshore sites include restrictions on mobile bottom-towed gears and seasonal restrictions on fisheries.

11.3 There are now 29 new and 25 legacy byelaws in place to provide specific protection in inshore MPAs with a further 21 expected later in 2018. In addition, there are 15 new voluntary agreements in place and two new Regulatory Orders. The government is currently developing fisheries management measures for 9 offshore SACs with marine features in the English offshore region and 2 offshore SPAs. These measures will primarily protect harbour porpoise and sea birds.

11.4 Activities which require a marine licence, such as port developments, renewable energy, oil and gas developments, which are within or in close proximity to an MCZ site, are already managed through the existing marine licensing process.¹⁹ The MCZ assessment process is now embedded in the marine licensing process and the impact on sites of potential new activities are assessed in line with legislative requirements.

¹⁹ <https://www.gov.uk/government/publications/marine-conservation-zones-mczs-and-marine-licensing>

12. Highly Protected Marine Areas

12.1 As part of their work to identify suitable locations for MCZs, the Regional MCZ Projects were asked to identify Reference Areas, also known as Highly Protected Marine Areas (HPMAs). These are sites where greater restrictions on commercial or recreational activities are likely to be needed. Reference areas were the most controversial aspect of the Regional MCZ Projects' recommendations. Subsequent scientific advice, from the JNCC, Natural England and the independent Science Advisory Panel, was that most of the recommendations were too small to be viable.

12.2 We asked the Centre for Environment, Fisheries and Aquaculture Science to carry out a review of HPMAs²⁰. The aim of this review was to assess whether the added conservation value of HPMAs, compared to other MPAs, would outweigh the additional impacts they will have on sea users. Although their overall conclusion was that HPMAs provide additional ecological value, the review found that they were not able to gain a clear enough understanding of the extra economic costs of such sites. Without this, it is difficult to justify the added restriction on sea users. The review also concluded that such sites needed substantial stakeholder support to be successful and the Regional MCZ Project experience suggested that this would be unlikely.

12.3 We would welcome any new evidence that would help establish whether the added ecological benefits of HPMAs, beyond those of other MPAs, would outweigh the added costs to sea users and for enforcement. We would also any views on locations where it would be particularly beneficial for existing or new MPAs to have the higher level of protection provided for by being a HPMA. This would not have any bearing on MCZs designated in this tranche, but would be helpful for consideration of the future policy development.

13. UK-wide picture

13.1 Each Administration in the UK has responsibility for designating MCZs in its inshore waters (which extend to 12 nautical miles from the coast). Offshore waters adjacent to England and Northern Ireland are the responsibility of the UK Government, while there is executive devolution of responsibility to the Welsh and Scottish governments for offshore waters adjacent to their countries.

13.2 All administrations are committed collectively to making an appropriate UK contribution to the ecologically coherent network of MPAs in the North East Atlantic.

13.3 The UK has almost 300 MPAs established in our waters and almost 24% of UK waters are currently protected in MPAs.

²⁰ Cefas review of highly protected areas for Defra (2014/15). Available from: <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=19469>

13.4 Please refer queries on MPAs in Scotland, Wales and Northern Ireland to the relevant administration.

14. Scotland

14.1 In Scotland, MCZs are referred to as Nature Conservation MPAs. In 2014, thirty Nature Conservation MPAs were designated for a wide range of habitats and species, covering 10% of Scottish waters. In May 2017, Scottish Ministers designated the Loch Carron MPA on an urgent basis, and are currently undertaking the statutory process required to make it a permanent MPA. In addition to these 31 Nature Conservation MPAs, Scottish Ministers are taking forward plans formally to consult in 2018 on four additional proposals, primarily for mobile species such as basking shark and minke whale.

15. Wales

15.1 The Welsh Government is working towards completing its contribution to an ecologically coherent UK network of MPAs. There are 134 MPAs in Welsh waters protecting a wide range of marine habitats, species and birds.

15.2 An assessment undertaken by the JNCC and Natural Resources Wales in 2016 concluded Welsh MPAs are already making a substantial contribution towards ecological coherence and the wider network²¹.

15.3 Later this year, work will begin to address the outcome of the network assessment and the small number of gaps identified in the Welsh network. The Welsh Government intends to work in partnership with marine stakeholders, Natural Resources Wales and the JNCC to identify potential areas suitable for consideration as MCZs to fill the gaps.

15.4 The scale of the work will cover Welsh inshore and offshore waters to align with the Welsh Government's extended responsibility for nature conservation, as of 1 April 2018²². Further information regarding this work and its associated timeframe will be published by the Welsh Government later this year.

²¹ <http://jncc.defra.gov.uk/page-4164>

²² The Wales Act, 2017, Subsection 46 to 47, Available from: <http://www.legislation.gov.uk/ukpga/2017/4/contents/enacted>

16. Northern Ireland

16.1 Following the introduction of the Marine Act (Northern Ireland) 2013, the Department of Agriculture, Environment and Rural Affairs (DAERA) designated MCZs at Rathlin, Waterfoot, Outer Belfast Lough and Carlingford Lough. Together with Strangford Lough, this give a total of five MCZs in Northern Irish waters.

16.2 A network assessment undertaken by the JNCC concluded that following these designations the current suite of MPAs in the Northern Ireland inshore region is very close to delivering an ecologically coherent network. The majority of MPA features of conservation interest are already represented and replicated in the MPA network. A small number of features do not meet the benchmarks set by the network criteria but these shortfalls typically only relate to replication or the amount of habitat afforded protection.

16.3 DAERA is currently considering the next steps to improve the coherence of the network in line with the findings of the report and will focus on filling the identified gaps.

Part D - MCZ third tranche: identifying sites for designation

17.1 For the third tranche of MCZ designations, we are aiming to fill remaining gaps in the network substantially to complete our contribution to the international ecologically coherent network in the North East Atlantic. Filling gaps in our network means ensuring our MPAs protect suitable proportions of all habitats and species in our waters.

17.2 Following the designation of the second tranche of MCZs, the JNCC carried out an assessment of the progress made towards completing the network. This analysis identified the remaining gaps that needed to be filled. The JNCC's report²³ recommended that, in addition to considering Regional MCZ Project sites (which form the bulk of the proposals here) and adding additional features to existing MCZs, to fill the remaining gaps in the network it would be necessary to identify a small number of new site options.

17.3 New site options were developed by the JNCC and Natural England to address the remaining ecological gaps in the network while minimising any socioeconomic impacts on sea users. The approach taken to identify potential new site options is set out in a published report²⁴. Twelve candidate sites were identified and these were discussed with stakeholders during the pre-consultation engagement period.

17.4 The JNCC and Natural England updated their scientific advice on the Regional MCZ Project sites under consideration, incorporating data from surveys conducted in the intervening period and any other new evidence. They also provided scientific advice on the ecological importance and conservation objectives of the twelve new site options.

17.5 We engaged with local and national and, where appropriate, international stakeholders to gather their views on the candidate sites. This included discussions with representatives of all the main marine sectors and conservation charities that may have an interest in the designation of sites.

17.6 We have reviewed each of the remaining Regional MCZ Project recommendations (including features recommended for existing MCZs) and the new site options proposed by the JNCC and Natural England, to identify those suitable to propose in this consultation for designation in the third tranche. This consideration was based on:

²³ JNCC 2016. Assessing progress towards an ecologically coherent MPA network in Secretary of State Waters in 2016: Results:

http://jncc.defra.gov.uk/pdf/JNCC_NetworkProgressInSoSWaters2016_Results_Final.pdf

²⁴ JNCC and Natural England 2016. Identifying potential site options to help complete the Marine Protected Area network in the waters around England.

http://jncc.defra.gov.uk/pdf/Identifying_options_MPA_network_Final.pdf

- Scientific advice on each site's contribution towards completing the ecologically coherent network.
- Adequacy of the supporting evidence on the presence and extent of the relevant habitats and species in the site.
- Socioeconomic estimates of the impacts and costs of designation, including consideration of concerns expressed by stakeholders.

18. Highly mobile species

18.1 We consider that sectoral measures applied over a wide area are likely to be the most effective tools in conserving widely dispersed and highly mobile species such as fish, birds and dolphins. These measures include fisheries quotas, ending wasteful discards, by-catch mitigation measures and protected species licensing. However, MPAs do have a role to play where highly mobile species are very dependent on specific areas or habitats, for example, spawning or nursery grounds for fish, and seabird nesting colonies. Black seabream and smelt are protected in two existing MCZs, harbour porpoise are protected in designated SACs and there are now 107 SPAs protecting seabirds around the UK.

18.2 Defra invited proposals for sites where there was clear evidence that an MCZ would provide effective protection for a highly mobile species. The JNCC and Natural England developed principles for identifying the suitability of MCZ protection for a highly mobile species and provided guidance to assist those proposing suitable sites²⁵.

18.3 Twenty-one proposals were received, covering seabirds, fish species and white-beaked dolphin. The scientific case and socioeconomic costs and benefits of each proposal were assessed to identify those suitable to propose for designation in this consultation, particularly considering if there was clear evidence that the conservation of the highly mobile species would benefit from site-based protection measures in that location.

18.4 Other stakeholders have not yet had the opportunity to comment on the sites we are proposing for designation and we welcome views and any additional evidence that stakeholders wish to submit during the consultation.

²⁵ JNCC and Natural England 2016b. Identifying possible Marine Conservation Zones for highly mobile species: Principles for third-party proposals.
http://jncc.defra.gov.uk/pdf/20160525_AnnexA_Selection_criteria_proposed_by_JNCC_and_Natural_England_v4.0.pdf

Part E - MCZ third tranche proposals

19.1 Forty-one sites are proposed for designation in the third tranche. Details of these sites are provided in Table 1 below and further information is available in site factsheets. The areas of the sites have been rounded to the nearest whole kilometre. A map of all proposed sites is below in Figure 2.

Table 1 – Third tranche MCZs

Proposed MCZ	Site number on map	Inshore/offshore	Area (km ²)
Albert Field	1	Inshore	192
Axe Estuary	2	Inshore	1
Beachy Head East	3	Inshore	195
Bembridge	4	Inshore	75
Berwick to St. Mary's	5	Inshore	634
Camel Estuary	6	Inshore	2
Cape Bank	7	Inshore & offshore	474
Dart Estuary	8	Inshore	5
Devon Avon Estuary	9	Inshore	2
East of Start Point	10	Inshore & offshore	116
Erme Estuary	11	Inshore	1
Foreland	12	Inshore	244
Goodwin Sands	13	Inshore	277
Helford Estuary	14	Inshore	6
Holderness Offshore	15	Inshore & offshore	1176
Inner Bank	16	Inshore & offshore	199
Kentish Knock East	17	Inshore & offshore	96
Markhams's Triangle	18	Offshore	200
Morte Platform	19	Inshore	25
North-East of Haig Fras	20	Offshore	464
North-West of Lundy	21	Inshore	173
Orford Inshore	22	Inshore & offshore	72
Otter Estuary	23	Inshore	1
Purbeck Coast	24	Inshore	282
Queenie Corner	25	Offshore	146
Ribble Estuary	26	Inshore	15
Selsey Bill & the Hounds	27	Inshore	16
Solway Firth	28	Inshore	45
South of Celtic Deep	29	Offshore	278
South of Portland	30	Inshore	17
South of the Isles of Scilly	31	Offshore	132
South Rigg	32	Offshore	143
South West Approaches to Bristol Channel	33	Inshore & offshore	1128

Southbourne Rough	34	Inshore	5
South West Deeps (East)	35	Offshore	4653
Studland Bay	36	Inshore	4
Swanscombe	37	Inshore	3
West of Copeland	38	Offshore	158
West of Wight-Barfleur	39	Offshore	138
Wyre-Lune	40	Inshore	92
Yarmouth to Cowes	41	Inshore	16

19.2 Regional MCZ Project sites make up the bulk of the third tranche proposals (30 sites), alongside nine new site options and two sites to be designated for the protection of highly mobile species only. Details of all the features proposed for protection in all sites are provided in site factsheets.

19.3 The two new highly mobile species sites will protect common eider (Berwick to St. Mary's) and black seabream (Southbourne Rough). Additionally we are proposing to protect black seabream as a feature of the new Purbeck Coast site and as an additional feature of the existing Poole Rocks MCZ, and razorbill as an additional feature of the existing Cumbria Coast MCZ.

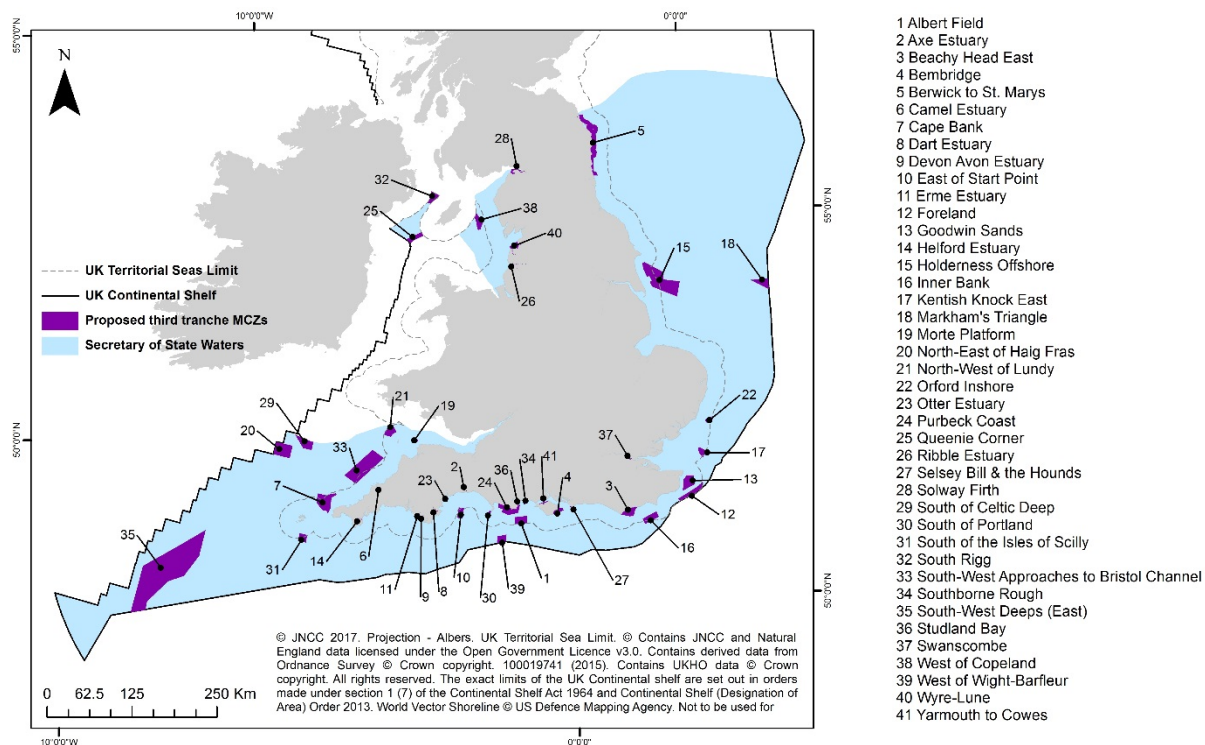
20. Residual ecological gaps

20.1 If all of the sites and features proposed for the third tranche are designated, our contribution to the international ecologically coherent network of MPAs will be substantially complete. Some residual ecological gaps will remain but we believe that for the most part these are not particularly significant. The most significant residual gap will be for seabed mud habitats in the English Channel. We have, as yet, not been able to find more suitable sites for this habitat in the region due to limitations of the data for mud in the region and the very significant socioeconomic implications of some locations considered. The other residual gaps are minor, either a small shortfall in the proportion of habitat being protected or in the number of MCZs in which the feature is protected.

20.2 Residual gaps will be considered further with later designations of individual sites. As new scientific evidence emerges there may also be need to make future changes by adding or adapting individual sites. We would welcome any new scientific evidence that may help us identify potential sites to fill these gaps in individual designations after this third tranche.

21. Overview of new sites proposed for designation

Figure 2 – Proposed new MCZs in English and offshore Northern Irish waters



21.1 Thirty-nine of the sites proposed are in English waters and two are in Northern Irish offshore waters. The total area covered by the new sites is 11,713 km²: 3,441km² in the inshore area and 8,272 km² in the offshore area. 201 features will be covered, including features to be added to existing sites.

21.2 Following analysis of scientific and socioeconomic evidence for each site and discussions with stakeholders, the boundaries of nine sites have been revised from those recommended by the Regional MCZ Projects. Boundary changes have been made to address concerns about specific potential impacts on sea users without significantly reducing the ecological value of the sites. Boundaries have also been changed to capture the extent of ecologically important features better. In most cases these boundary changes have been very minor. The sites affected are Axe Estuary, Bembridge, Camel Estuary, Ribble Estuary, Selsey Bill and the Hounds, South of Celtic Deep, South West Deep (East), Swanscombe, Yarmouth to Cowes and Wyre-Lune. Additionally, the boundaries for two of the highly mobile species sites have changed from the proposals submitted. There was a minor change for Cumbria Coast, and a significant extension to the Coquet Island proposal to include a greater area used by eider ducks for foraging in the nesting season. In light of the significant amendment to the Coquet Island proposal the site name has also been changed to Berwick to St. Mary's to better reflect the location of the site. Details of the boundaries for each site are provided site factsheets.

21.3 Our MPA network will protect the full range of habitats and species that live in our seas, some of which are rare and vulnerable. The sites proposed in the third tranche

protect a diverse range of important habitats, marine life and features of geological importance. These include 126 broad-scale habitats, 33 species of conservation importance and seven of geological importance.

21.4 Each broad-scale habitat represents habitats, and the associated species that live on and in the habitat, at a relatively coarse level, e.g. “subtidal mud” covers all mud sediment seabed conditions which support a variety of marine life, such as large numbers of worms, brittle stars, bivalves, urchins, nephrops, burrowing mega-fauna and sea-pens. These broad habitat types act as surrogates for biodiversity at finer scales. The broad-scale habitats cover a variety of depths within UK waters, and range from finer mud sediments to sandy seabeds to coarse gravels and hard substrate such as bedrock, each supporting a range of species. By protecting a wide range of habitats in different physical and geographic conditions, the network will support a range of different species that rely on these.

21.5 Habitats and species of conservation importance are specific species and habitats that are known to be rare, threatened or declining in our seas. They are considered in addition to broad-scale habitats to identify where urgent action may be required for their conservation. An example of a habitat of conservation importance is subtidal biogenic reefs such as ross worm reefs, which provide a secure environment for other marine life such as anemones, snails and seaweeds. Other habitats of conservation importance include seagrass beds which can provide a nursery area or shelter for fish species including seahorses, unique and fragile peat and clay exposures and diverse seapen and burrowing megafauna communities.

21.6 Species of conservation importance protected in sites in this consultation include species known to be rare, threatened or declining in our seas. Examples include short snouted seahorse, three species of stalked jellyfish, fan mussel, and peacock’s tail seaweed.

21.7 Our aim is to have sufficient representation in our MPA network of these different types of habitats and species. For broad-scale habitats this is achieved through protecting a target percentage of each in all the biogeographic regions in which they occur. For habitats and species of conservation importance our aim is to have three replicates of each protected in each region in which they occur. Further information on these ecological targets is provided in Natural England and the JNCC’s Ecological Network Guidance²⁶.

21.8 The conservation objective for features protected by MCZs is that each of the features be in favourable condition. To achieve this objective, the general management approach required will either be for it to be maintained in favourable condition (if it is currently in this state), or for it to be recovered to favourable condition (if it is currently in a damaged state) and then to be maintained in favourable condition²⁷.

21.9 Details of the habitats and species in each of these sites are in site factsheets.

²⁶ http://jncc.defra.gov.uk/pdf/100705_ENG_v10.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/492784/mcz-update-jan-2016.pdf

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259972/pb14078-mcz-explanatory-note.pdf

Part F - Additional features in existing MCZs

22.1 In addition to designating new sites in the third tranche, we are also proposing to fill some of the ecological gaps in the network by designating additional features within existing MCZs. These are features that were not supported by sufficient scientific evidence during previous tranches, but for which new survey data has become available. The addition of these features has been assessed using the same principles as for selecting new sites. Full consideration has been given to any additional socioeconomic impacts that designating a new feature within an existing site might have.

22.2 Additional features are proposed for twelve existing MCZs and these are described in annex C. Extra management requirements as a result of designating these additional features are only expected for two sites, Dover to Deal MCZ and Poole Rocks MCZ, and the best estimate costs for these sites are low relative to the average cost of a site. More details are provided in the Impact Assessment.

Part G - Management implications

23.1 Regulators have an obligation to consider whether there is risk that a planning or licensing application may hinder the conservation objectives of an MCZ. MMO is the licensing regulator for non-fishery activities (e.g. dredging for aggregate) and the Department for Business, Energy and Industry Strategy consent other activities such as offshore energy generation through their agencies and the Planning Inspectorate. Regulators should consider sites that are formally proposed for designation in public consultation as well as previously designated sites.

23.2 Activities exempt from the marine licensing regime, such as commercial fishing, are managed through, for example, byelaws. The MMO and IFCA regulate commercial fishing activities, and management measures for fishing in the 12-200 nautical miles zone are currently managed through the Common Fisheries Policy.

23.3 Management decisions are taken on a case by case basis by relevant regulators. Management will not automatically mean that economic and recreational activities will be restricted, decisions will be based on the specific facts in each case. Restrictions on an activity will depend on the sensitivity of the species or habitat to activities taking place in that area. There will be sites where some activities are not allowed but others can occur, or where there are seasonal restrictions on activities.

23.4 Management will not automatically mean that economic and recreational activities will be restricted. Decisions will be based on the specific facts in each case. Restrictions on an activity will depend on the sensitivity of the species or habitat to activities taking place in that area. There will be sites where some activities are not allowed but others can occur, or where there are seasonal restrictions on activities.

23.5 To provide stakeholders with an understanding of the implications of designating sites and what effect this may have on their activities, site factsheets give details of activities which may potentially need management and those which may not. These details have been developed in conjunction with regulatory partners, Natural England and the JNCC.

Part H - Impact assessment

24.1 The Impact Assessment accompanying this consultation identifies the costs and benefits of designating the third tranche sites. Marine industries such as commercial fishing, ports and harbours and recreation within or in close proximity to a new MCZ may be affected. Private sector cost estimates include costs arising from any additional management measures required to meet the conservation objectives of sites and the costs of carrying out additional environmental assessments. The management measures provided in the Impact Assessment allow for the calculation of a range of potential cost implications for each site. They are based on information about the sensitivity of species and habitats to be protected as well as information about the type of human activity in each site. At this stage it is not possible to provide definite management measures because this requires a much more detailed assessment of each site. Actual management measures are not being consulted on here as they will be drawn up separately and put in place by the relevant regulators after designation.

24.2 Annual average costs to the private sector are outlined in the table below. The best estimate total cost to sea users for all sites is £418,000 per year. Details of anticipated costs to industry for each individual site are provided in site factsheets.

Table 2 – Annual average costs by sector

Sector	Range of cost estimates £/year	Best estimate £/year
Aggregate	£4,000 - £6,000	£6,000
Archaeological heritage	-	No impact monetised
Aquaculture	-	No impact monetised
Cables	£1,000 - £3,000	£2,000
Coastal development	-	No impact monetised
Commercial Fisheries	£0 - £916,000	£109,000
Oil and gas	£54,000 - £114,000	£89,000
Ports, harbours, commercial shipping and disposal sites	£111,000 - £326,000	£114,000
Recreation	£15,000 - £172,000	£93,000
Renewable energy	£5,000	£5,000
Total	£192,000 - £1,539,000	£418,000

24.3 The best estimate annual average total cost to the public sector for all sites is £4 million per year. This includes the cost of managing sites and carrying out ecological surveys to monitor site condition.

24.4 It is more difficult to monetise the expected benefits of designating sites than to monetise the costs. However the benefits, including to marine biodiversity and productivity, environmental resilience, research and education, climate regulation, recreational and tourism opportunities and human wellbeing, are expected to be significant, and are the primary reason why the MPA network is being established. More

information on the benefits of designating the third tranche sites is provided in the Impact Assessment.

Part I - Next steps

25.1 Final decisions on which MCZs to designate will be made following analysis of the responses to the consultation. The third tranche will be designated within 12 months of this consultation.

25.2 Decisions will be based on all available evidence, including any new evidence submitted through this consultation and any recent seabed surveys. The JNCC and Natural England will provide updated scientific advice based on all available scientific evidence. Cost estimates will be updated in the light of new economic data received through the consultation or which otherwise becomes available. A revised Impact Assessment will accompany designation of the third tranche sites.

Part J - Consultation questions

Questions applicable to all proposed new third tranche sites

Q1. Do you agree that this site and specified features should be designated? Please explain and provide evidence to support your views.

Q2. Should any changes be made to the boundary of the site? If so what changes would you propose? Please explain and provide evidence to support your views and proposal.

Q3. Is there any additional evidence to improve the scientific data certainty for features within this site? If yes, please provide evidence using the data submission form.

Q4. Are there any additional activities (that may have an impact on proposed features) occurring within this site that have not been captured within the Impact Assessment and site factsheets? Please provide evidence to support your views.

Q5. Do you have any new information on costs to industry not covered in the Impact Assessment that would be directly attributable to these MCZs, as opposed to costs stemming from existing regulatory requirements? If yes, please provide evidence.

Q6. Do you have any new information on the monetised or quantified benefits of designation? If yes, please provide evidence.

Questions applicable to all additional features proposed for existing Marine Conservation Zones

Q7. Do you agree that the additional features proposed should be added to the existing MCZs? Please explain and provide evidence to support your views as necessary.

Q8. Is there any additional evidence to improve the scientific data certainty for the recommended additional features within this site? If yes, please provide evidence using the data submission form.

Q9. Do you have any new information on costs to industry of these additional features that are not covered in the Impact Assessment? Please note that relevant costs are only those directly attributable to adding these features to the MCZs, as opposed to costs stemming

from existing regulatory requirements or stemming from the existence of the MCZs with their current features. If yes, please provide evidence.

General comments

Q10. You may wish to provide comments on any other aspects of the consultation proposals. Where you disagree with the proposed approach, please provide evidence where possible to support your views.

Question on developing the MPA network after this third tranche

Q11. Do you have any new evidence that would help establish whether the added ecological benefits of Highly Protected Marine Areas, beyond those of other MPAs, would outweigh the added costs to sea users and for enforcement?

Q12. Are there any locations where it would be particularly beneficial for existing or new MPAs to become Highly Protected Marine Areas? Please provide evidence to support your views.