



Department
for Environment
Food & Rural Affairs

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Marine Conservation Zones

Consultation on Sites Proposed for Designation in the Second Tranche of Marine Conservation Zones

January 2015



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Any enquiries regarding this publication should be sent to us at

mcz@defra.gsi.gov.uk

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Executive summary

The purpose of this consultation is to seek your views on the proposal to designate 23 Marine Conservation Zones (MCZs) in the second tranche of designations, and to add new features for conservation in 10 of the first tranche MCZs. The area covered by the proposed new MCZs is just over 10,800 km², which compares with a little under 9,700 km² in the first tranche. A full list of consultation questions is in Part J of this document.

Establishment of MCZs will contribute 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 resources, to achieve the government's vision of clean, healthy, safe, productive and biologically diverse oceans and seas. Other elements include implementing the reforms we secured to the Common Fisheries Policy to manage fish stocks more sustainably and eliminate the waste of discarding fish, establishing 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. All of these initiatives will contribute to achieving good environmental status in our seas by 2020 as required under the EU Marine Strategy Framework Directive.

The first tranche of 27 MCZs was designated in November 2013. We aim to designate this second tranche within 12 months, followed by a third tranche to complete our contribution to the network.

In this second tranche, we are aiming to address the big ecological gaps in our contribution to the network of MPAs, such as where a species or habitat is currently not protected in a region, or only a very small proportion is protected. The Joint Nature Conservation Committee (JNCC) and Natural England undertook an analysis to identify the ecological gaps within the MPA network that could be filled by the remainder of the 127 Regional Project recommendations which had not already been designated or removed from consideration. Following consideration of this analysis we announced 37 potential candidate sites for the second tranche in February 2014.

Economic and scientific evidence for the 37 candidate sites has been reviewed and updated. In the pre-consultation phase we also met local and national stakeholders, including representatives of all the main marine sectors and non-governmental organisations which may have an interest in the designation of sites to gather their views (section 18). Following consideration of the updated evidence we have identified 23 sites as suitable to propose for designation in the second tranche.

Fourteen out of the 37 candidate sites are not considered suitable for designation at this time. Further work will be carried out with local stakeholders to enable consideration of these sites for subsequent designation.

The 23 sites proposed for designation in the second tranche protect a diverse range of important seabed habitats and marine life. The sites in this tranche vary in 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 habitats at different depths, from finer mud sediments to sandy seabeds to coarse gravels and also 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 variety of different species that rely on these. The sites also include habitats and species of conservation importance; these are known to be rare, threatened or declining in our seas. Examples include subtidal biogenic reefs such as Honeycomb worm reefs (*Sabellaria alveolata*), seagrass beds, native oyster (*Ostrea edulis*) and stalked jellyfish (*Lucernariopsis cruxmelitensis*).

Following consideration of responses to this consultation, Ministers will make decisions on which sites to designate. Where sites are designated, regulators will review activities at site level and consider what management may be necessary to achieve the objectives of the site. When an MCZ is designated it does not automatically mean that economic and recreational activities in that site will be restricted. Decisions will be taken on a case by case basis, and management will not be put in place for activities which do not have a detrimental impact on achieving the conservation aims of the MCZ.

An Impact Assessment has been produced to accompany this consultation. It sets out the costs and benefits of possible management measures for the sites proposed for designation. The sectors affected include commercial fishing, renewable energy, oil and gas, ports and harbours and recreation. The best estimate annual average total cost to sea users for all sites is £0.227 million per year. Details of both the species and habitats being protected and the anticipated management measures and cost implications for each site are provided in the site specific summaries, which are available on the consultation webpage.

In addition to designating second tranche sites, we are also proposing to fill some of the gaps in the network by designating additional features within some first tranche sites. Your views are also sought on these proposals.

We welcome any additional evidence that stakeholders wish to submit during the consultation. This will need to meet certain quality standards, for example, evidence will only be considered suitable where there is a clear audit trail and the data can be corroborated. Data should be provided as early as possible during the consultation to allow time for it to be processed and analysed.

The second tranche and additional tranche one features are expected to be designated within 12 months.

Part A - Purpose and process

1. Purpose of the consultation

1.1 The purpose of this consultation is to seek your views on the proposal to designate 23 MCZs in the second tranche. We are also seeking your views on adding features for protection to some sites designated in the first tranche. It is an opportunity to provide any relevant scientific or economic 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 this questionnaire at <https://consult.defra.gov.uk/marine/tranche2mczs>
- **email** to mcz@defra.gsi.gov.uk
- **post** to:

MCZ Team
C/O Post Room
Nobel House
17 Smith Square
London SW1P 3JR

2.3 Our preferred method is online 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 **24th April 2015**. 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 state 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 to inform feature presence, extent and condition,
 - site-specific data on commercial or recreational activities to inform assessments of their likely impact on features' current condition,
 - 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 Strategy¹ 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 process².
- 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-6658>. 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.
- 4.4 Evidence should be submitted in electronic format and must be accompanied by a data submission form, provided as 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.

¹ <https://www.gov.uk/government/publications/defra-s-evidence-investment-strategy-2010-to-2013-and-beyond-2011-update>

² 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>

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 already used by Natural England and the JNCC is listed here³. Any data which has already been submitted via Mapping European Seabed Habitats (MESH) or Marine Recorder does not need to be re-submitted, however, reference should be provided to the relevant MESH GUI reference (Globally Unique Identifier) 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 publically available. Where data is submitted as confidential and it is considered there are justified reasons for considering it as such, high level information (e.g. metadata) may be made publicly available to maintain transparency. All scientific data considered for inclusion or exclusion will be shared within the Defra Network⁴ 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.

³ For offshore sites, this is listed as part of the JNCC advice at <http://jncc.defra.gov.uk/page-6658>. Evidence used for inshore sites is listed in table 2 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 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 and MCZs

- 5.1 Our seas host a rich and diverse range of life. There is a vast array of life living on or in the seabed: seahorses in seagrass meadows; blue mussel beds supporting seaweeds, barnacles, sea snails, and crabs; cold-water coral reefs with starfish, anemones and sponges; and deep water mud habitats with cockles, sea urchins, brittlestars and scampi, to name just a few.
- 5.2 MPAs are one tool to protect our marine environment and safeguard the contribution our marine resources can make to our society for generations to come. Protecting our natural resources allows marine ecosystems, and the services they can provide us, to recover and grow providing greater benefits for all.
- 5.3 Establishment of marine protected areas, 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 include management and regulation of activities which take place in the marine environment, for example implementing the reforms we secured to the Common Fisheries Policy to manage fish stocks more sustainably and eliminate the waste of discarding fish. The government is also establishing marine plans around our coast to help achieve efficient management of competing uses of our seas, while safeguarding the environment, and has implemented an improved system for marine licensing. Another tool in achieving the government's vision is specific protection for important marine species, for example cetaceans and some fish species. All of these initiatives will contribute to achieving good environmental status in our seas by 2020 as required under the EU Marine Strategy Framework Directive⁵.
- 5.4 Whilst detailed data on seabed habitats and species remains limited, our knowledge has greatly improved over recent decades and is still growing. We do know that the marine environment is coming under increasing pressure from unsustainable human activity, which is damaging marine ecosystems⁶. 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 network includes:

⁵ Directive 2008/56/EC

⁶ <http://chartingprogress.defra.gov.uk/>

- European Marine Sites - 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,
- Ramsar sites established under the Ramsar Convention.

5.6 The UK has made a number commitments relevant to MPAs, nationally in the Marine Policy Statement⁷ as well as in the following international agreements:

- Biodiversity 2020⁸,
- Marine Strategy Framework Directive⁹,
- Convention on Biological Diversity¹⁰,
- United Nations Conference on Sustainable Development¹¹, and
- The Oslo and Paris Convention¹² (OSPAR).

6. Ecologically coherent network

6.1 Our aim is that MPAs established in UK waters will contribute to a wider ecologically coherent network in the North East Atlantic. Linking MPAs together into an ecologically coherent network will achieve 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 concept of what constitutes an ecologically coherent network of MPAs is continuing to evolve. The UK's approach is underpinned by the OSPAR Commission guidance¹³ on developing an ecologically coherent network of MPAs.

6.3 In 2012, Defra and the devolved administrations published a statement¹⁴ 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

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

⁸ <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

⁹ Directive 2008/56/EC

¹⁰ <http://www.cbd.int/>

¹¹ http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E

¹² www.ospar.org

¹³ http://www.ospar.org/v_measures/browse.asp

¹⁴ 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>

characteristics), rather than administrative regions. The five main OSPAR principles guiding the process are:

- **Features** – Sites should represent the range of species and habitats. 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.

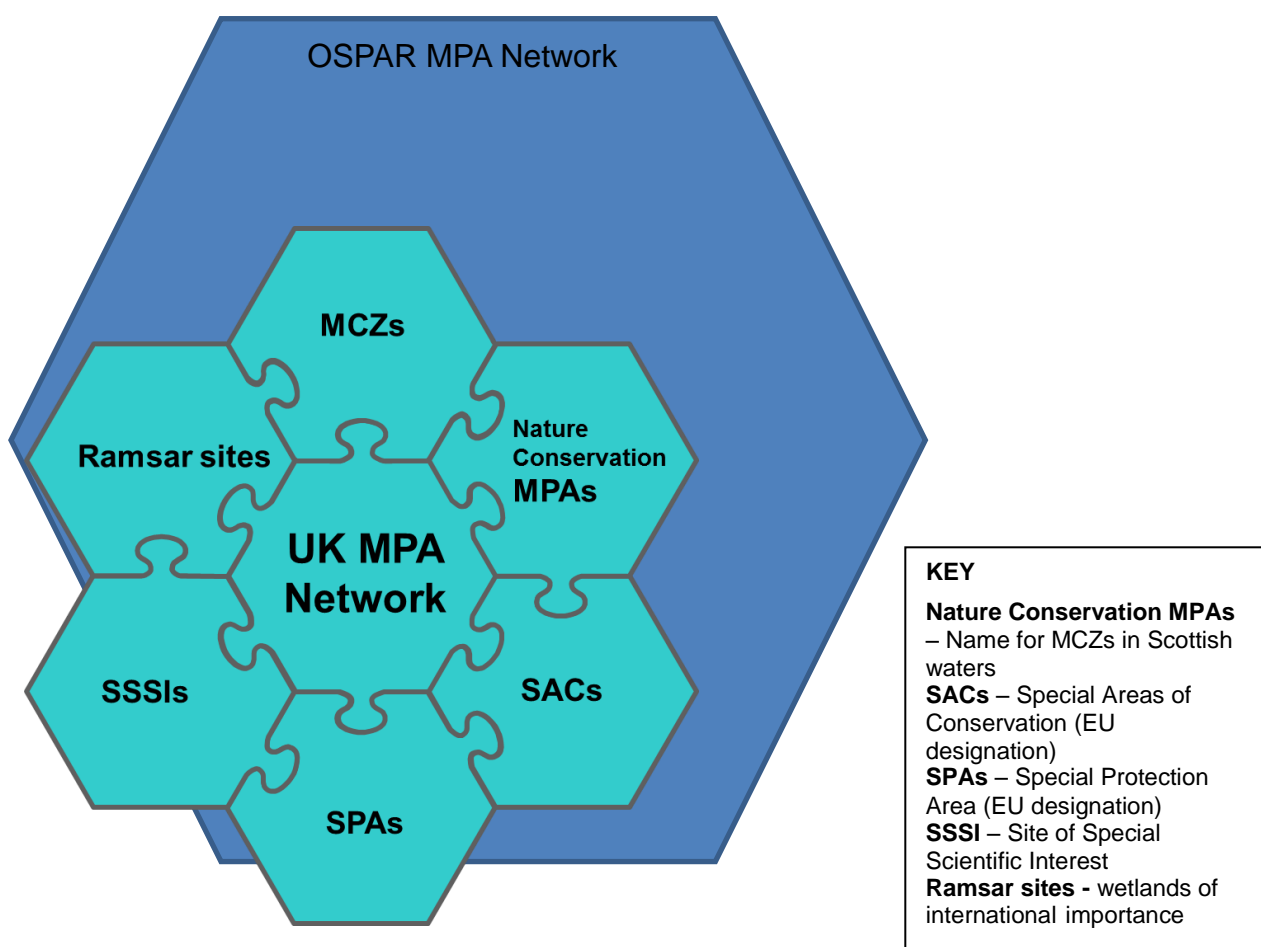
6.4 We have been working with the devolved administrations in the UK, the JNCC and national conservation agencies to take stock of the habitats and species protected in existing and planned MPAs. This work was conducted on a biogeographical basis¹⁵, and has helped to inform analysis undertaken by the JNCC¹⁶ to identify gaps within the MPA network in our waters. This analysis was then used to identify gaps that could be filled by the remainder of the 127 Regional Project recommendations which were not already designated or removed from consideration, as well as any further features we should seek to protect to meet our commitments to a network guided by the OSPAR principles.

¹⁵ 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.

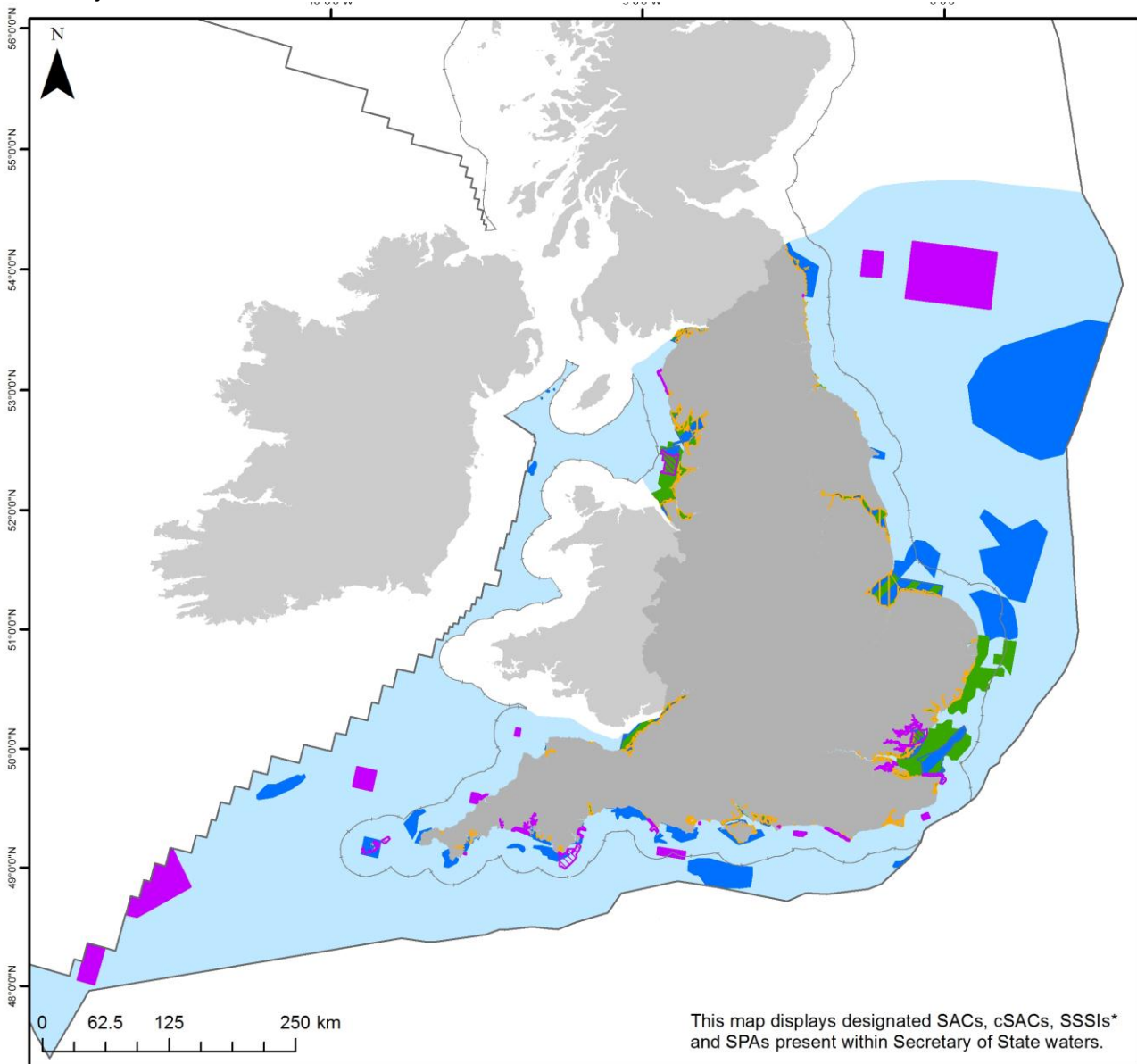
¹⁶ JNCC (2014) *Identifying the remaining MCZ site options that would fill big gaps in the existing MPA network around England and offshore waters of Wales and Northern Ireland* http://jncc.defra.gov.uk/pdf/140224_BigGapsMethod_v8.pdf

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.
- 7.2 As it is not always possible to protect all habitats and species of importance in one type of MPA, some sites will be protected under more than one type of designation. Where MCZs overlap with another type of designation, the government intends this to complement (and not duplicate) the existing site designation and protection measures. Where there are overlapping MPAs, we aim for there to be a comprehensive and straightforward approach to the conservation and management of features.
- 7.3 The diagram below illustrates the different MPAs which form part of the OSPAR MPA network.



7.4 The map below shows all existing MPAs in English waters and the offshore waters adjacent to Wales and Northern Ireland.



Designated MCZs

- MCZs not overlapping existing MPA
- MCZs overlapping existing MPAs
- Overlapping SAC and SPA sites
- Special Areas of Conservation (SAC) or Candidate SAC with Marine Components
- SPAs with marine components
- SSSIs*
- UK Continental Shelf
- 12nm Territorial Seas Limit
- Secretary of State waters

*Note this map displays SSSIs sites with marine features, within Secretary of State waters, as outlined in the Defra Report to Parliament on the Marine Protected Areas Network (Dec 2012)

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 obtained from the UK Hydrographic Office with
 the permission of the Controller of Her Majesty's
 Stationery Office and UK Hydrographic Office
 (www.ukho.gov.uk). Map produced by
 JNCC 2014. The exact limits of the UK Continental
 Shelf designated area (UKCS) are set out in
 orders under section 1(7) of the Continental
 Shelf Act 1964.
 Map Projection: Albers

8. European marine sites

- 8.1 The UK is committed to designating SACs and SPAs in accordance with the EU Habitats and Wild Birds Directives. Together, these sites make up the Natura 2000 network. The Directives list the species and habitats that SACs and SPAs should include.
- 8.2 SACs protect habitats such as reefs, shallow sandbanks and intertidal mudflats, and species such as seals¹⁷. Based on current evidence the SAC network contribution for habitats can be considered complete. SPAs protect rare and vulnerable birds and migratory birds¹⁸. These include a variety of seabird species, including divers, terns and gulls. Defra and the devolved administrations in the UK plan to complete the identification of SPAs for birds in the UK marine area by the end of 2015.
- 8.3 In UK waters, there are now 108 SACs and 108 SPAs with marine components, 44 SACs and 43 SPAs are in English waters and offshore waters adjacent to Wales and Northern Ireland.

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 113 SSSIs with marine components around the English coast.
- 9.2 We want to ensure that the best mechanism is used to protect features, and we will avoid designating the same feature in the same place under different types of MPAs. Defra asked Natural England to review 15 of the proposed MCZs recommended by the Regional Projects which are predominantly (>80%) intertidal, to see whether a SSSI would be a more appropriate mechanism to protect them. Sites that are best protected through designation as an MCZ will be considered as part of the third tranche.

10. Ramsar sites

- 10.1 Ramsar sites are wetlands of international importance, designated under the Ramsar Convention¹⁹. This includes marine areas with a water depth at low tide of less than six metres. The vast majority of Ramsar sites are also classified as SPAs and all terrestrial Ramsar sites are also designated as SSSIs.

11. MCZs progress to date

- 11.1 An ambitious stakeholder-led approach was used to recommend possible sites to government. Four Regional Projects were established by the JNCC and Natural England: Irish Sea Conservation Zones (Irish Sea); Finding Sanctuary (South West

¹⁷Directive 92/43/EEC

¹⁸Directive 2009/147/EC

¹⁹<http://www.ramsar.org/>

waters); Balanced Seas (South East waters); and Net Gain (North Sea). These Regional Projects brought together a wide range of stakeholders, including conservation non-government organisations, fishermen and other sea users, to develop proposals for locations for MCZs.

- 11.2 The Regional Projects made recommendations for 127 MCZ locations in September 2011²⁰. Economic and social considerations were part of the Regional Projects' deliberations from the start so their recommendations represent a balance between conservation and socio-economic interests. The Regional Projects made impressive progress in building consensus among those with often strongly contrasting views. However, not all those with an interest had the opportunity to be involved with the Regional Projects and some aspects of their recommendations remained contentious.
- 11.3 Independent scientific advice²¹ on the recommendations concluded that there were a number of gaps and limitations in the scientific evidence base. As a result of this, Ministers announced that MCZs would be designated in tranches, with the best evidenced sites being designated first, and additional funding provided for evidence gathering to support the MCZ designation process.
- 11.4 Sites proposed for the first tranche were subject to formal consultation between December 2012 and March 2013. Following consideration of the over 40,000 responses received, 27 MCZs covering almost 10,000 km² of seabed were designated in November 2013. Further details on the first tranche can be found at <https://www.gov.uk/government/news/new-network-to-protect-valuable-marine-life>.
- 11.5 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 process²². 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.
- 11.6 Management of activities which do not require a marine licence, such as commercial fishing and recreation activities, are being introduced in a risk-based, phased approach, by relevant regulators (mainly Marine Management Organisation and Inshore Fisheries and Conservation Authorities), to ensure the species and habitats most at risk from damaging activities are protected first. A number of these sites already have some protection from fishing activities through existing legislation, for example, bottom trawling by vessels over 15 metres is prohibited in the 0-6 nautical mile zone and regional restrictions on the type and size of fishing gear used within inshore waters.

²⁰ Details of the regional project recommendations, together with the consideration of their economic and social impacts can be found here <http://publications.naturalengland.org.uk/publication/2071071>

²¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69451/sap-mcz-final-report.pdf

²² <https://www.gov.uk/how-marine-licensing-works#marine-conservation-zone-assessment>

11.7 Management of commercial fishing activities in sites in the 6-12 nautical mile area where other EU member states have historic fishing rights, and in sites beyond 12 nautical miles will be implemented through the Common Fisheries Policy. Discussions with other member states with an interest in the first tranche of MCZs are underway for a number of sites.

12. Highly protected marine areas (reference areas)

12.1 As part of their work to identify suitable locations for MCZs, the Regional Projects were asked to identify reference areas, also known as Highly Protected Marine Areas. These are sites or areas within sites where greater restrictions on commercial or recreational activities may be needed. Reference areas were the most controversial aspect of the Regional Projects' recommendations with differing levels of stakeholder engagement within each Project. In response to advice from the JNCC and Natural England we decided not to take forward the reference area recommendations and to commission a review to take a fresh look at the requirements for such areas. The Centre for Environment, Fisheries and Aquaculture Science has been asked to carry out this review which will report to Defra in spring 2015. Further details of the review are available at http://randd.defra.gov.uk/Document.aspx?Document=12292_TPS_MB0139_Final.pdf

13. Mobile species

13.1 We consider that sectoral measures (such as fisheries management, by-catch mitigation measures and protected species licensing) are likely to be the most effective tools in conserving widely dispersed and mobile species. However, MCZs for such species would be considered if there is clear evidence that the conservation of a highly mobile species would benefit from site-based protection measures. For marine mammals listed under Annex II of the Habitats Directive, we consider that any MPAs required would be designated as SACs.

13.2 Highly mobile species have been considered in MCZs where aspects of their lifecycle have been identified as suitable for site-based protection, e.g. spawning or nursery grounds. This led to the inclusion of the highly mobile species black seabream (*Spondyliosoma cantharus*) and smelt (*Osmerus eperlanus*) in the designations of two sites in the first tranche of MCZs. Within this second tranche consultation, smelt is under consideration for inclusion in the Swale Estuary site.

13.3 MCZs are not considered to be an appropriate tool for the protection of European eels. They have been identified as habitat generalists for which it is particularly difficult to identify unique nursery or foraging grounds due to their wide distribution across coastal and freshwater zones. Conservation and management of European

eels is considered to be more effectively achieved through the Eel Regulations²³ and Eel Management Plans²⁴.

14. UK-wide picture

- 14.1 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, Wales and Northern Ireland are the responsibility of the UK government, while there is executive devolution of responsibility to the Scottish government for offshore waters adjacent to Scotland.
- 14.2 All administrations are committed to contributing collectively to an appropriate UK contribution to the ecologically coherent network of MPAs in the North East Atlantic.
- 14.3 The UK has over 500 MPAs established in our waters and over 16% of UK waters are currently protected in MPAs.

15. Scotland

- 15.1 Following a process of evidence gathering and stakeholder consultation Scotland has completed its programme of Nature Conservation MPAs²⁵, details of which were announced on 24th July 2014²⁶. Thirty Nature Conservation MPAs are now in place, covering 10% of Scottish waters. Four additional MPA proposals are also being considered with a view to consulting on the case for their designation in 2015.

16. Wales

- 16.1 Following an initial consultation on 10 potential options for highly protected MCZs in 2012, the Welsh government established a Task and Finish Team to review the MCZ process and recommend how MCZs in Wales could contribute to the wider MPA network. In July 2013 the Minister for Natural Resources and Food made a Written Ministerial Statement²⁷ withdrawing the approach and the ten potential options as presented in the initial consultation. This statement launched a revised approach to MCZs in Wales based on understanding its network obligations and filling any gaps through the identification of MCZs.
- 16.2 On 12 December 2014, as a result of Part 5 of the Act coming into force in Wales, the marine reserve at Skomer was reclassified and became Wales' first MCZ. The Welsh government is assessing the contribution of Skomer MCZ together with all the other types MPAs in Wales towards achieving a representative and coherent network of sites. This work will give the Welsh government an understanding of how well it is meeting its network obligations and whether there are any gaps to be filled through

²³ Council Regulation (EC) No 1100/2007

²⁴ <https://www.gov.uk/government/policies/managing-freshwater-fisheries/supporting-pages/increasing-eel-stocks>

²⁵ MCZs are known as Nature Conservation Marine Protected Areas in Scotland

²⁶ <http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/developing/DesignationOrders>

²⁷ <http://wales.gov.uk/about/cabinet/cabinetstatements/2013/mcz/?lang=en>

further possible MCZs. This work is ongoing with initial outputs expected later in 2015.

17. Northern Ireland

17.1 The Marine Act (Northern Ireland) received Royal Assent in 2013. As well as enabling the establishment of further MCZs, the Act also established Strangford Lough, formerly a Marine Nature Reserve, as Northern Ireland's first MCZ.

17.2 The Department of Environment Northern Ireland has set up a project to identify MCZs. Following consultation on the selection and designation principles and workshops on prospective search areas, further work is planned including a set of engagement workshops, data collation and collection and assessment, to complete the network of sites by the end of 2016.

Part D - MCZ second tranche: Identifying sites for designation

- 18.1 For the second tranche of MCZ designations, we are aiming to address the big ecological gaps in the network, for example habitats and species that are not currently protected in a region, or where only a small proportion is protected. The aim is that a third tranche of sites will fill the remaining gaps and complete our network contribution.
- 18.2 The JNCC and Natural England undertook an analysis to identify the ecological gaps within the MPA network that could be filled by the remainder of the 127 Regional Project recommendations that had not already been designated or removed from consideration. Further information about the gap analysis is available at <http://jncc.defra.gov.uk/page-6658>.
- 18.3 With the JNCC and Natural England, we have reviewed each of the remaining Regional Project recommendations, considering a site's potential contribution towards a coherent network of MPAs and the adequacy of its supporting evidence. We identified 37 potential candidate sites for the second tranche. Further details are available at <https://www.gov.uk/government/publications/marine-conservation-zones-february-2014-update>.
- 18.4 We engaged with local and national stakeholders including representatives of all the main marine sectors and non-governmental organisations which may have an interest in designation of sites, to gather their views on the candidate sites.
- 18.5 The JNCC and Natural England updated their scientific advice on these 37 sites, incorporating data from surveys conducted over the last two years and other new evidence, presenting this to Defra in summer 2014²⁸. We have updated the cost estimates to reflect the latest economic data.
- 18.6 With support from the JNCC, Natural England, the Marine Management Organisation and Inshore Fisheries and Conservation Authorities, we assessed the updated evidence on the 37 candidate sites to identify those suitable to propose in this consultation for designation in the second tranche. This consideration was based on:
- updated scientific advice,
 - updated socio-economic estimates,
 - consideration of concerns expressed by stakeholders (see site annexes for details).

²⁸ <http://jncc.defra.gov.uk/PDF/MCZProjectSNCBAdviceBookmarked.pdf>

Part E - MCZ second tranche proposals

19.1 Twenty three sites are being proposed for the second tranche, which are listed below.

MCZ	Site number on map	Inshore/offshore	Area (km ²) ²⁹
Coquet to St. Mary	1	Inshore	188
Farnes East	2	Inshore & offshore	945
Fulmar	3	Offshore	2,437
Runswick Bay	4	Inshore	68
Holderness Inshore	6	Inshore	309
Cromer Shoal Chalk Beds	7	Inshore	320
The Swale Estuary	8	Inshore	51
Dover to Deal	9	Inshore	10
Dover to Folkstone	10	Inshore	20
Offshore Brighton	11	Offshore	862
Offshore Overfalls	12	Inshore & offshore	593
Utopia	13	Inshore	3
The Needles	17	Inshore	11
Western Channel	19	Offshore	1,614
Mounts Bay	20	Inshore	12
Land's End (Runnel Stone)	21	Inshore	20
North West of Jones Bank	22	Offshore	464
Greater Haig Fras	23	Offshore	2,041
Newquay and the Gannel	24	Inshore	9
Hartland Point to Tintagel	25	Inshore	304
Bideford to Foreland Point	26	Inshore	104
West of Walney	35	Inshore & offshore	388
Allonby Bay	37	Inshore	39

19.2 Fourteen sites are not considered suitable for designation at this time. These are:

- **Locally contentious sites with potential for significant management impacts (Studland Bay; Bembridge; Norris to Ryde; Yarmouth to Cowes).**

These were controversial and may have significant management implications for local sea users (particularly potential mooring and anchoring restrictions affecting local yachting clubs and larger vessels). We consider that further work is needed to explore the scope for developing local solutions on these sites before they can be proposed for designation.

- **Sites in offshore waters adjacent to Wales (Celtic Deep; South of Celtic Deep; East of Celtic Deep; Mid St George's Channel; North St George's Channel).**

²⁹ The total area covered by the sites in the second tranche is 10,810km². Areas covered by individual sites have been rounded to the nearest whole number.

Defra is responsible for designating MCZs in offshore waters adjacent to Wales. These five sites which were proposed as candidates for the second tranche are in these waters.

Since the 37 candidate sites were announced, the Silk Commission³⁰, which was an independent commission established to review what powers should be devolved to Wales, recommended that offshore waters adjacent to Wales should be the responsibility of the Welsh government. The UK government has not yet responded to these recommendations but, given this is currently under consideration, we do not consider it appropriate to take forward sites in the offshore waters adjacent to Wales at this time.

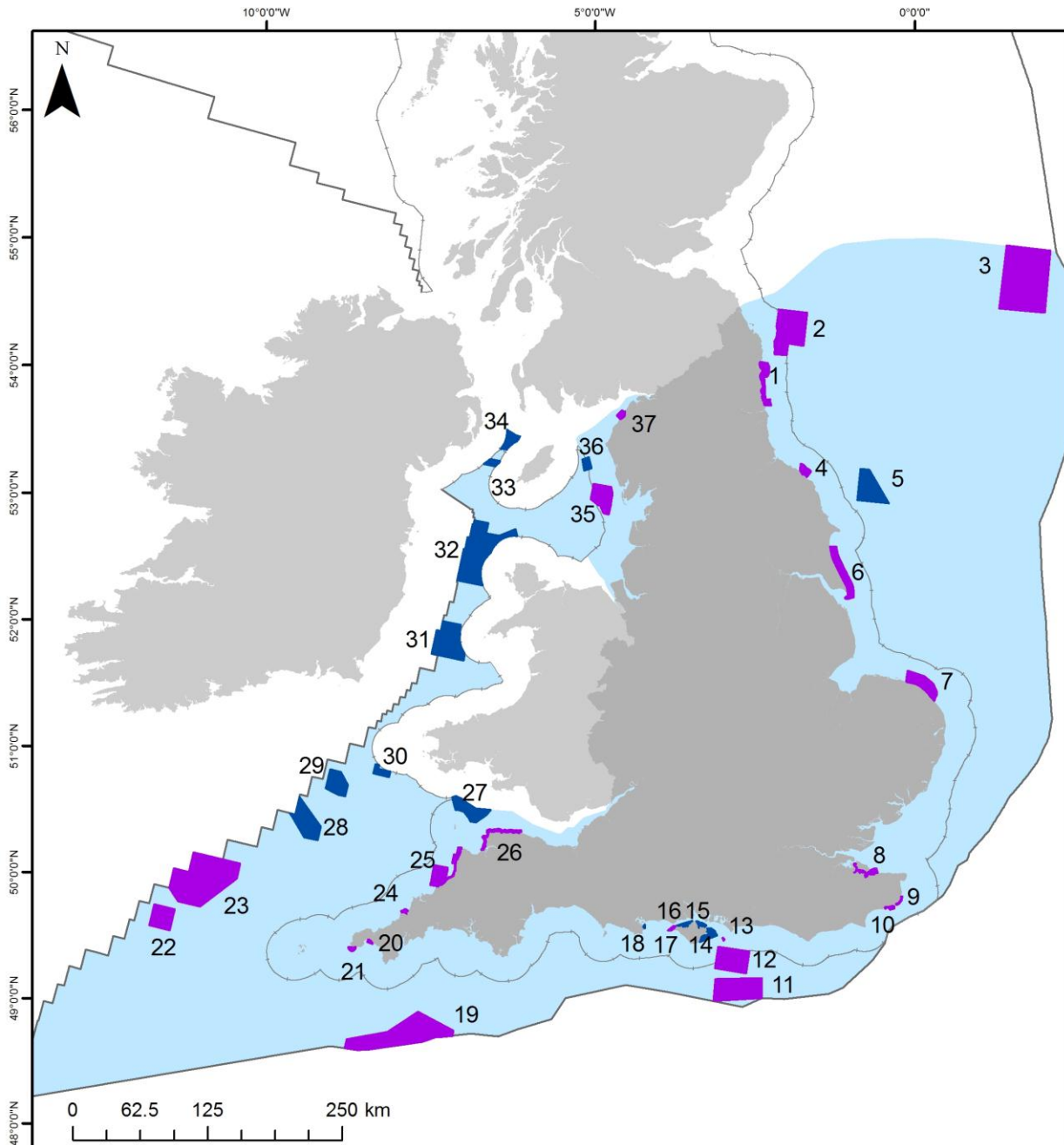
- **Sites protecting mud seabed habitats and associated species in the Irish Sea and SW waters (Mud Hole; South Rigg; Slieve Na Griddle; Celtic Deep).** There remains a regional gap in the network for mud habitats. However, these sites are important nephrops fishing grounds and designation could have a significant impact on the fishing sector, particularly in Northern Ireland. Further work is being carried out with the fishing industry and other interested parties to review options to protect subtidal mud in the region, with the aim that any suitable sites will be considered in the third tranche.
- **Two other sites (Compass Rose; North of Lundy) are not being proposed for designation at this time due to individual reasons (see site summary documents for details).**

20 These fourteen sites remain under consideration for future designation. With the exception of sites in offshore waters adjacent to Wales, these sites will be considered for inclusion in the third tranche. For sites in offshore waters adjacent to Wales, the UK government response to the Silk Commission's second report will confirm if responsibility for these waters will transfer to the Welsh government. Following this response, sites will either be considered by the Welsh government, which has an ongoing programme to designate MCZs, or will remain with the UK government for consideration as part of the third tranche.

20.2 A full summary of each of these fourteen sites and individual plans for work are available in the site summary documents.

³⁰ <http://www.assembly.wales/en/bus-home/research/Pages/research-silk-commission.aspx>

20. Overview of Sites Proposed for Designation in the Second Tranche



- rMCZs for Tranche Two consultation
- rMCZs advised for Tranche Two but not included for consultation
- 12nm Territorial Seas Limit
- UK Continental Shelf
- Secretary of State waters

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- 20.1 Fifteen of the sites proposed for designation are in English inshore waters and five in English offshore waters, with the remaining three sites crossing the 12 nautical mile boundary. The total area covered is 10,810 km², approximately 2,500 km² in the inshore and 8,300 km² in the offshore. This compares to a total area of 9,664 km² for the first tranche MCZs (1,493 km² inshore and 8,171 km² offshore).
- 20.2 Following discussions with stakeholders and the updated scientific and economic evidence received for each site, the boundaries of six sites have had minor revisions from the boundaries recommended by the Regional MCZ Projects to address concerns about specific potential impacts on sea users without significantly reducing the ecological value of the sites. These sites are Mounts Bay, Newquay and the Gannel, Bideford to Foreland Point, Coquet to St Mary, Dover to Deal and Dover to Folkestone. Details of the original and revised boundary for each site are given in the relevant site summaries, together with the reasons for the change.
- 20.3 The sites proposed in the second tranche protect a diverse range of nationally important habitats, marine life and geologically interesting features. These include 21 Broad Scale Habitats (BSH), 11 habitats of conservation importance and 11 species of conservation importance. The sites range from protecting two or more features to complex mosaics which create diverse habitats that support a range of associated species, some of which are rare, vulnerable and currently unprotected within the regions.
- 20.4 Each BSH 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 range of BSHs cover a variety of depths within UK waters, they range from finer mud sediments to sandy seabeds to coarse gravels and also 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.
- 20.5 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 BSHs 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 (*Sabellaria spinulosa*), 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, unique and fragile peat and clay exposures and diverse seapen and burrowing megafauna communities.

20.6 Species of conservation importance protected in sites in this consultation include rare and vulnerable species such as native oyster (*Ostrea edulis*), stalked jellyfish (*Haliclystus auricula*) and fan mussel (*Atrina fragilis*).

20.7 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 for a feature in an MCZ 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 condition.³¹

20.8 Details of the habitats and species in each of these sites are in the site summary documents, as well as details on the fourteen sites not going forward at this stage.

³¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259972/pb14078-mcz-explanatory-note.pdf

Part F - Management implications

- 21.1 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 species, habitats and geological/geomorphological features (for which a site is designated) and the impact on these of 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.
- 21.2 To provide stakeholders with an understanding of the implications of designating sites and what effect this may have on their activities, site-specific summaries have been developed which give details of activities which may potentially need management and those which may not. These summaries have been developed in conjunction with regulatory partners, Natural England and the JNCC.
- 21.3 Public authorities who have a function of consenting an application or authorisation for an activity which is capable of affecting (other than insignificantly) the protected features of an MCZ, or the processes upon which those features depend, have an obligation to consider whether there is significant risk of that activity hindering the conservation objectives of an MCZ. Regulators should consider sites that are formally proposed for designation in public consultation as well as previously designated sites. Further management measures on activities exempt from the marine licensing regime, such as commercial fishing, are being introduced, as appropriate, on a risk based, phased approach, from the point of designation.

Part G - Impact Assessment

- 22.1 The Impact Assessment accompanying this consultation indicates the costs and benefits of possible management measures for the second tranche sites and will provide an indication of what might be expected in terms of how sites may be managed. The management measures noted in the Impact Assessment are for illustrative purposes and to allow for the calculation of a range of potential cost implications for each site. Actual management measures are not being consulted on at this stage as they will be drawn up separately and put in place by the relevant regulators after designation.
- 22.2 The Impact Assessment has been updated with new information that has become available since the Regional MCZ Projects made their recommendations, including following meetings with local stakeholders in spring and summer of 2014.
- 22.3 The Impact Assessment outlines expected costs associated with designations to both the private and public sector. The expected economic impact of management to marine industries such as commercial fishing, renewable energy, oil and gas, and ports and harbours within or in close proximity to MCZs are outlined in the Impact Assessment. Average annual impacts are outlined in the table below. The best estimate annual average total cost to sea users for all sites is £0.227 million per year. Details of anticipated costs to industry for each individual site are given in the site summaries.
- 22.4 The expected cost to the public sector, such as assumed management costs and ecological surveys, were based on best available evidence. The best estimate annual average total cost to the public sector for all sites is £1.924 million per year; where there are economies of scale in implementing management and monitoring of multiple sites then this may be an overestimate.

Average annual costs by sector

Sector	Range of cost estimates £/year	Best estimate £/year
Aggregate	3,000 – 11,000	11,000
Archaeological heritage	-	No cost
Aquaculture	-	No cost
Cables	1,000 – 2,000	1,000
Coastal development	-	No cost
Commercial fisheries	0 – 354,000	35,000
Oil and gas	35,000 – 64,000	49,000
Ports, harbours, commercial shipping and disposal sites	121,000 – 270,000	123,000
Recreation	-	No cost
Renewable energy	7,000	7,000
Total	167,000 – 708,000	226,000

Part H - Additional features in first tranche sites

23.1 In addition to designating second tranche sites, we are also proposing to fill some of the gaps in the network by designating additional features within first tranche sites. In some cases, the feature was considered in the first tranche and we did not have sufficient scientific evidence at the time, but subsequent surveys have improved the evidence unavailable. Some features are entirely new and were discovered on the sites during recent surveys.

23.2 Inclusion of these features has been assessed on the same principles as selecting MCZs for the second tranche. Features recommended for addition to first tranche sites are described in annex A. Ten of the first tranche MCZs are affected. There are no significant additional costs attributable to inclusion of these extra features. The impact of additional features are outlined in further detail in the Impact Assessment.

Part I - Next steps

- 24.1 Final decisions on which MCZs to designate will be made following analysis of the responses to the consultation. The second tranche is expected to be designated within 12 months.
- 24.2 Decisions will be based on all available evidence and relevant views of interested persons, 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 second tranche sites.
- 24.3 For many of the 23 sites proposed, not all of the features recommended by the Regional Projects are currently being included for designation in this tranche. Where there is insufficient confidence in the data for a particular feature we are not proposing designation (except where they have been specifically identified as being at higher risk in that site). Similarly, not all of the new features identified in recent surveys have adequate data. However, if new data becomes available that improves the evidence confidence assessments for these features, including ongoing surveys or data provided by stakeholders in responses to this consultation, then we may add the features to the MCZs when they are designated as part of this tranche. Features currently not proposed for designation will be added to sites only where they create no significant additional management and cost implications.

Part J - Consultation questions

Site specific questions applicable to all proposed second tranche sites

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

Q. Are there any additional features not currently proposed for designation located within this site that should be protected? Please explain and provide evidence to support your views and proposal.

Q. 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.

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

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

Q. 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.

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

Questions applicable to all additional features proposed for first tranche sites

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

Q. Do you have any new information on costs to industry of these additional features 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

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