



Department
for Environment
Food & Rural Affairs

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Marine Conservation Zones: Consultation on proposals for designation in 2013 Summary of Responses

July 2013

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Introduction

1. This document provides a summary of responses to Defra's public consultation exercise on its proposals for designating Marine Conservation Zones (MCZs) in 2013, which ran from 13 December 2012 to 31 March 2013. With over 40,000 responses, this has been an exceptional consultation in terms of the numbers of responses Defra has received. The aim of this document is to provide a broad summary of these and to respond to the main issues raised. We continue to carry out our detailed analysis and consideration of site specific issues in the consultation responses to build new site specific information received during the consultation into the designation process.

Background

2. The UK has a large marine area, rich in marine life and natural resource. It is important to recognise that our seas are not just places of important biological diversity, they also provide us with a variety of goods and services. This makes the marine environment essential to our social, economic and environmental well-being.
3. However, the marine environment is coming under increasing pressure from unsustainable human activity, which is damaging and further threatening marine ecosystems. By protecting our marine environment now we can ensure that our seas will continue to contribute to our society for generations to come.
4. To enable this, and deliver our vision of clean, healthy, safe, productive, and biologically diverse oceans and seas, the UK government has committed to developing an 'ecologically coherent' network of Marine Protected Areas (MPAs). This network will protect rare, threatened and valuable habitats in the seas around the UK, with enough sites to conserve a range of major habitats vital for the health of our marine ecosystems. The network will comprise Special Protection Areas (SPAs), Special Areas of Conservation (SACs), RAMSAR sites, Sites of Special Scientific Interest (SSSIs), and Marine Conservation Zones (MCZs), a new type of MPA created under Part 5 of the Marine and Coastal Access Act 2009.
5. MCZs will protect areas that are nationally representative and important to conserve for the diversity of nationally rare or threatened habitats and species they contain. Unlike other types of MPA, designation of MCZs will involve taking social and economic factors into account alongside environmental factors when identifying potential sites.
6. Four stakeholder-led Regional MCZ Projects were established to identify possible MCZs: Finding Sanctuary (south-west), Net Gain (North Sea), Balanced Seas (south-east) and Irish Sea Conservation Zones. The Regional MCZ Projects submitted their final recommendations to the Marine Protected Areas Science Advisory Panel (SAP) and the Statutory Nature Conservation Bodies (SNCBs – Natural England and the Joint Nature Conservation Committee (JNCC)) on 8 September 2011 for review. The SAP provided its assessment on 30 October 2011 on the extent to which the project's recommendations met the SNCB Ecological Network Guidance and, with other MPAs, contributed to the delivery of an ecologically coherent network. The SAP also provided a scientific review of the evidence cited by the Regional MCZ Projects to support their site recommendations. This concluded that further work was needed to ensure that site summaries met acceptable scientific standards and recommended an in depth review of the literature sources used. In response to this advice and issues regarding the timetable for provision of formal advice from the SNCBs, Richard Benyon, Minister for Natural Environment, Water and Rural Affairs issued a Written Ministerial Statement [here](#). The Statement explained that MCZ designation would be undertaken in tranches, the timetable would be revised and additional funding provided for evidence to support the MCZ designation process.
7. A timeline of main stages in the process is as follows:
 - July 2012 – submission to Defra of formal advice from the SNCBs, including impact assessments and project recommendations;

- 13 December 2012 – launch of public consultation proposing the designation of up to 31 MCZ sites;
 - 31 March 2013 – close of consultation. 40,632 responses recorded;
 - April to September 2013 – analysis of responses, receipt of scientific advice from Natural England and the Joint Nature Conservation Committee, and final decisions taken on designations followed by designation of sites
8. Once sites are designated the relevant public authorities will be responsible for putting in place appropriate management measures to achieve the conservation objectives for the site.
9. Further background on the process can be found in the consultation document, which can be accessed [here](#).

Raising awareness of the consultation

10. The consultation exercise sought to engage all those who have an interest in the marine environment, and particularly those who may be directly affected by the proposals. Whilst it would be impossible to reach directly all individuals who have an interest, Defra took steps to raise awareness of the consultation launch as far as practicable. This included holding meetings with stakeholders; directly alerting by email around 4500 stakeholders considered to have marine interests or registered on our distribution lists; and placing articles/notifications in relevant media (e.g. the Defra website, Defra/Marine Management Organisation (MMO) Fishing Focus newsletter). The high profile campaigns run by conservation non-governmental organisations (NGOs) also served to raise significant awareness and the level of responses received indicates a high level of stakeholder coverage and interest.
11. The consultation sought general views on our proposals and on the following specific questions:
- Do you agree that the chosen sites and specified features should be designated in the 2013 tranche?
 - Should additional features within the site be protected?
 - Do you have any comments on the proposed conservation objectives?
 - Should site boundaries be altered?
 - Is there any additional evidence to improve data certainty for site features?
 - Are there any additional activities occurring within this site that have not been captured within the Impact Assessment?
 - Do you have new information on costs to industry, or evidence that suggests the need for changes to the methodologies and assumptions used in estimating costs?
 - Do you have new information on valuing the benefits of MCZs?

Handling responses

12. The consultation closed on 31 March 2013. However, responses received up to and including 2 April have been recorded to allow for the fact that the closing date was over a bank holiday weekend.

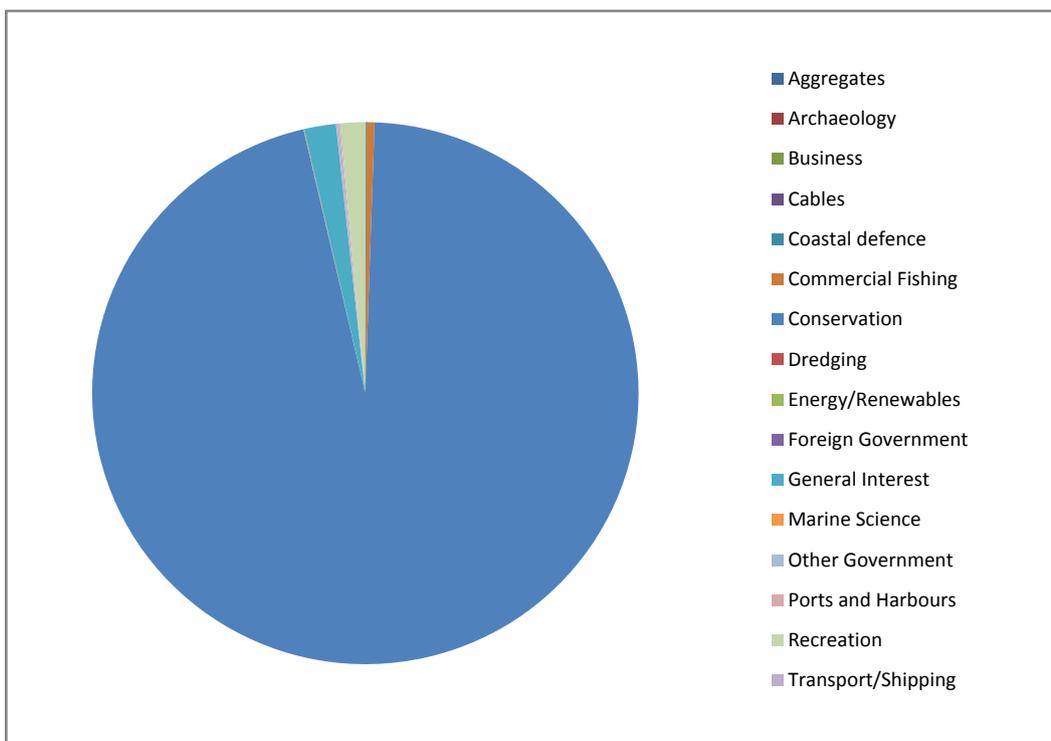
13. All responses that included environmental data/evidence were passed to Natural England and JNCC for consideration. Priority was given to evidence relating to first tranche sites. Evidence submitted during the consultation is being used to update the evidence base and confidence assessments for features in the 31 sites proposed for designation. All data considered by JNCC and Natural England for inclusion/exclusion in their MCZ advice will be documented, including any decisions made that relate to the use of individual datasets. The rationale for excluding any datasets from the assessment process will be published alongside the confidence assessment results in the JNCC and Natural England advice.
14. Social and economic information has been analysed by Defra and Regional MCZ Project economists to update the costs and benefits for each site where relevant. This will inform final decisions on designation and the final MCZ Impact Assessment, which will accompany designation. Any changes to cost estimates will be described in this Impact Assessment.
15. All responses will be taken into consideration in reaching our decisions on which sites and features to designate in 2013 and in considering potential future designations. We would like to thank all the organisations, groups and individuals that took the time to contact us with their views. The importance of the marine environment to people is clear from the significant interest generated by these proposals.

Overview of Responses

16. In total, 40,632 consultation responses have been recorded. Of these, approximately 3% were individual or organisational responses, with the remaining 97% responses submitted as part of campaigns. In total 19 campaigns submitted responses. The majority of these campaign responses came from Fish Fight, The Wildlife Trust, the Marine Conservation Society and the Royal Society for the Protection of Birds.

17. Figure 1 illustrates the spread of consultation responses by sector, including campaign responses. This shows that, including campaign responses, over 95% of all responses received were from those with conservation interests.

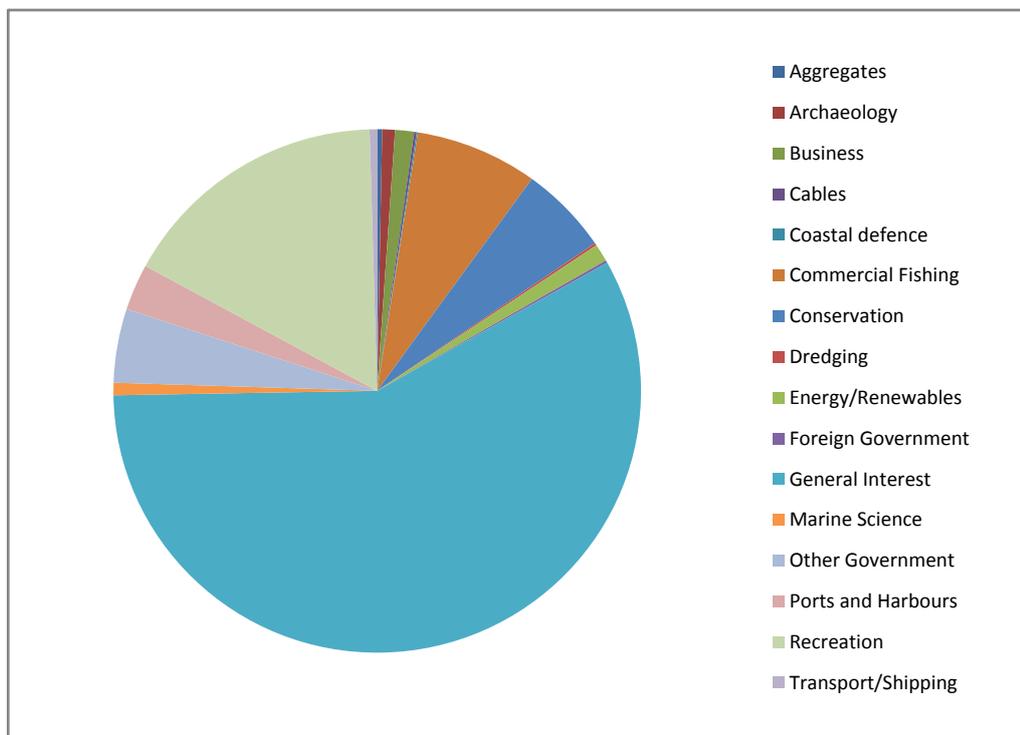
Figure 1: Breakdown of responses by sector, including campaign responses



18. Figure 2 also illustrates the spread of responses by sector, excluding all the campaign responses. This shows that, those with a 'general interest'¹ form more than half of respondents, followed by recreation, commercial fishing and conservation.

¹ The 'General Interest' category is used where respondents did not specify, or it was not obvious in their response, whether they were affiliated with any particular sector. This included, for example, members of the general public. Responses from this category expressed a range of viewpoints.

Figure 2: Breakdown of responses by sector, excluding campaign responses



19. In broad terms, there were two main categories of response to the consultation:

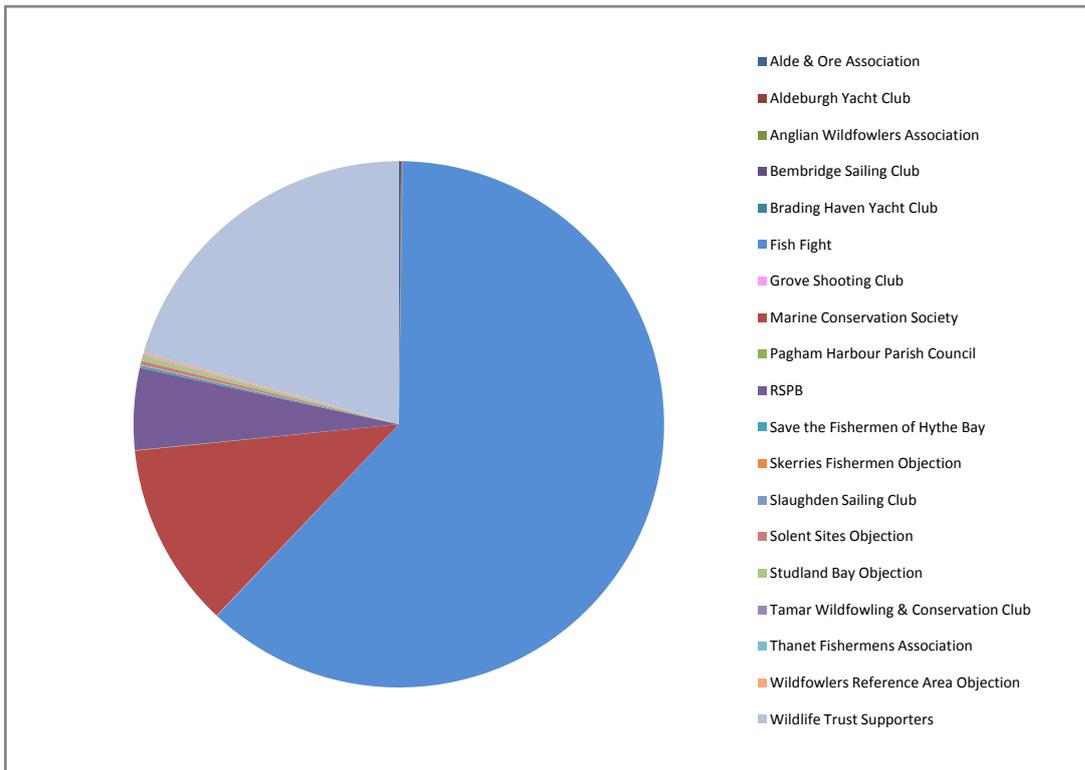
- those highlighting generic issues about MCZ designation. For example, responses calling for all 127 sites identified by Regional MCZ Projects to be designated. Our response to many of these broader issues is covered in this document and, where appropriate, is being given further consideration. This largely equates to question 9 of the consultation.
- those providing site-specific issues and evidence under questions 1-8 of the consultation (see section on 'Background'), including the provision of potential new evidence. These issues are being considered further before we make decisions on individual sites and features, and are not therefore covered in any detail in this document. Further detail will be provided when sites are designated in the autumn. At the same time we will indicate our proposed approach to the next stage of work on MCZs.

Responses

Overview of main campaigns

20. The majority (approximately 96%) of responses received to the consultation came from campaigns organised by Fish Fight, the Marine Conservation Society (MCS), the Wildlife Trusts and the Royal Society for the Protection of Birds (RSPB). Figure 3 below illustrates the breakdown of these campaign responses,

Figure 3: Spread of campaign responses only



21. The Fish Fight 'Save Our Seas' campaign resulted in approximately 62% of campaign responses recorded. The Fish Fight Charter sought public consultation on all 127 Marine Conservation Zones recommended by the Regional MCZ Projects (along with other marine protected areas) to achieve an ecologically-coherent network of such sites. It considered that sustainable fishing that does not damage the sea floor should be allowed to take place in MCZs, whilst activities such as bottom trawling, dredging and port development should be stopped. 'Marine Reserves', closed to all fishing and other activities considered to have negative impacts, were also supported by the campaign.

22. The Marine Conservation Society campaign (approximately 11% of campaign responses) sought the designation of all 127 recommended MCZs: the 31 sites the subject of this consultation plus 33 identified as being at high-risk in 2013, and the remaining 63 (along with new sites needed in Scotland, Wales and Northern Ireland) in

2014 to create an ecologically-coherent network. The campaign considered that such a network was needed to implement a number of national and international commitments. It also sought the introduction of Reference Areas (not included in the consultation).

23. The Wildlife Trusts campaign (approximately 21% of campaign responses) supported the creation of an ecologically-coherent network of MCZs. It urged the Government to create a valuable and important legacy by designating in 2013 the 31 sites in this consultation, enforcing appropriate management measures as soon as possible, and committing to an ambitious timetable to designate further sites (which it considered should be protected in the meantime). The campaign also called for evidence collected by Defra and other stakeholders in 2012 to be taken into account as soon as possible.
24. Those responding as part of The Royal Society for the Protection of Birds (RSPB) campaign (approximately 5% of campaign responses) were disappointed that, following the Regional Project process, only 31 of the 127 proposed sites were being taken forward for designation in 2013. The campaign considered that many of those did not include all of the original species and habitats they were intended by the Regional MCZ Projects to protect, and none included seabirds. This was seen as a continuing failure to protect areas at sea vital for seabirds and a demonstration that social and economic issues were taking precedence over the primary objective of protecting the marine environment. The campaign called for all of the 31 sites to be designated and placed under active management as soon as possible in 2013, with a clear timetable set for the designation of additional MCZs.
25. Other smaller campaigns acknowledged in Figure 3 submitted between 6 to around 100 responses each. These campaigns largely represented local organisations including yachting and shooting and conservation clubs, and recreational and commercial fishing organisations. The campaigns were largely concerned with proposals for particular MCZs, the impacts designation could have to existing recreational and commercial activities and flood defence schemes within proposed sites, and associated economic implications for the local area. Some campaigns also raised concerns about Reference Areas.
26. In addition, as part of their campaign for 127 MCZs in English waters, the Marine Conservation Society, World Wildlife Fund for Nature, Royal Society for the Protection of Birds, the Wildlife Trusts and Wildlife and Countryside Link collected over 350,000 pledges of public support. This was delivered as a joint petition to No.10 Downing Street on 12 June 2013. Some respondents also requested recognition of other pledges, votes and signatures collected over the past few years. Defra has recorded responses received through the specified consultation address and mailboxes during the consultation period, and has not counted any supplementary petitions in final response numbers. This is a standard approach to Defra consultations, minimising the possibility of 'multiple-counting' of individuals responses. While consultation responses are not 'votes', it is important to ensure that the issues represented in the campaigns and petitions are recorded. The aim is to capture the full range of stakeholder views and any new general or site specific evidence or issues not considered in the consultation document and Impact Assessment. This information collectively informs Defra's final decisions. Our responses to the issues raised in the campaigns are considered below, along with other broad issues raised in the consultation.

Broad issues raised

27. Below are the main broad issues raised by a number of stakeholders during the consultation and the Defra response to them. The list is not intended to be exhaustive nor in any particular order and the absence of a particular issue is not an indication that it has been ignored or that it is of lesser importance. All responses will be considered in taking final decisions.

Numbers of sites to be designated

28. **Issue:** Many respondents welcomed the designation of 31 sites but most of those, largely in the campaigns, thought that this did not go far enough and that all 127 of the site recommendations should be designated in 2013, particularly to ensure that an ecologically-coherent network of marine protected areas is established. There were a small number of respondents objecting to the designation of any MCZs considering them unnecessary or premature. A significant number of responses made site specific comments and did not comment on total numbers of MCZs.

29. **Government response:** Defra has been clear that we want successful, well-managed sites created in the right places in the right way and not just lines on maps.

30. The four Regional MCZ projects carried out very good work to provide an initial list of proposals for 127 sites. However, throughout the process there were concerns about the evidence base supporting the proposals and some of the recommendations did not have unequivocal support and/or were controversial. Also, the Defra-appointed Science Advisory Panel which reviewed the recommendations found some evidence gaps. Defra has since committed additional resources to plugging those gaps and pressed ahead with proposals for 31 sites with appropriate levels of evidence. The need for adequate evidence is vital. Without it, it is impossible to define the management measures necessary and take effective conservation action. There would also be no prospect of securing agreement from other Member States to regulate the activities of their fishermen where this is required in waters beyond our six-mile limits.

31. The establishment of MCZs has to be seen alongside the significant number of Marine Protected Areas that already exist in UK inshore and offshore waters, including 107 Special Areas of Conservation and 107 Special Protection Areas for birds with marine components. Natural England advise that there are also over 300 coastal Sites of Special Scientific Interest (of which 113 have been assessed as having features which would contribute to an ecologically coherent network) in English waters. 23% of English inshore waters are already included in Marine Protected Areas and the Government has committed to 25% of English inshore waters being within a well-managed MPA network by 2016².

² <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

Designation of future tranches

32. **Issue:** Many respondents sought a clear timetable for the designation of future tranches on MCZs.
33. **Government response:** Since the Consultation period finished, Defra has received its Spending Review settlement for 2015 – 16. In light of this, decisions will be taken in the autumn on further MCZ designations in conjunction with decisions on other environmental priorities within the limits of available resources.

Sites at high risk of damage or deterioration and application of the precautionary principle

34. **Issue:** There was a high level of concern particularly from conservation NGOs (including their campaigns) that some sites at high-risk of damage or deterioration, as identified by the Statutory Nature Conservation Bodies, were not being put forward for designation in 2013 and many of those supporting designation of all 127 sites recommended by the Regional MCZ Projects considered that remaining high risk sites should be given priority for future designation. In relation to that, many consultees felt that the precautionary principle had not been adequately applied while others considered it vital that evidence based decisions were made.
35. **Government response:** 23 high-risk sites have been proposed for designation this year, including 12 where the data quality would not otherwise be considered sufficient. Those sites not being put forward for designation in 2013 were not considered suitable because the evidence base was particularly poor or there was significant uncertainty around the potential cost impacts. More work will be needed to determine if any of these sites can be designated in the future.
36. The MCZ consultation document (section 4.1) explained how sites had been selected and explained that we were applying a precautionary approach to the protection of features and sites which JNCC and Natural England had identified as being at high risk. Annex A1-6 to the consultation document provided a detailed narrative for each site, summarising the decision-making process and explaining why it had or had not been selected. A description of the decision-making process was published on Defra's website in March 2012³.
37. For sites not proposed for designation in 2013, regulatory authorities will consider whether it is appropriate to protect the features in these sites through current legislative provisions (i.e. the normal regulatory requirements that apply outside protected areas). Regulatory authorities may utilise the evidence that has been gathered by the Regional MCZ Projects in performing their statutory duties. Final decisions will rest with the relevant regulator. The MMO has published guidance on how it will operate the licensing process for MCZs which is available [here](#).

³ <https://www.gov.uk/government/publications/steps-for-assessing-marine-conservation-zone-proposals>

Management measures

38. **Issue:** A large number of respondents from the commercial and recreational sectors raised concerns over the lack of clarity regarding what management measures may be put in place after designation, making a proper assessment of the impacts of designation difficult.
39. **Government response:** The impact assessment accompanying the consultation indicated the costs and benefits of possible management measures (for illustrative purposes) for all sites and provided a good indication of what might be expected. Actual management measures were not included in the consultation as they will be drawn up separately and put in place by the relevant public authorities after designation.
40. Defra and its delivery partners are working together to ensure that the management measures that are to be put in place will provide effective protection for designated sites. However, when an MCZ is designated it does not automatically mean that all economic or recreational activities in that site will be restricted. Restrictions on an activity will depend on the sensitivity of species, habitats and other features (for which a site is designated) to the activities taking place in that area and on the conservation objectives for those features.
41. The lead regulatory authorities, the Marine Management Organisation (MMO) and the Inshore Fisheries and Conservation Authorities are developing plans and processes for putting in place management measures. This work includes the prioritising of MCZs on the basis of potential management need and a simple timetable for next steps for each site at the time of designation. At the heart of any action they take will be engagement with interested parties.

Ecosystem based management

42. **Issue:** A small number of respondents from conservation sectors raised concerns over the feature-based approach to managing designated sites rather than an holistic ecosystem-based approach which would protect all the species and habitats within the MCZ boundary.
43. **Government Response:** Proposals from the Regional MCZ Projects were based on the features based approach set out in guidance given to the Regional MCZ projects and consistent with the approach taken for other types of marine protected areas. Moving to an holistic ecosystem based approach could potentially be seen as a fundamental change in approach and it could possibly have led to the Regional MCZ Projects proposing a completely different suite of sites.
44. The management of sites will be based on the conservation objective of the features within that site and their vulnerability to human activities i.e. activities that are currently occurring which are likely to have caused damage to the feature. Each feature will have a conservation objective describing the desired ecological/geological state which reflects favourable condition, which will provide the framework for the identification of appropriate management measures to achieve favourable condition. In developing

management plans regulatory authorities will consider all of these in deciding how best a site should be managed.

Evidence standard

45. **Issue:** There was concern raised by a range of stakeholders including conservation NGOs and individuals involved in the Regional MCZ Project process that the evidence standard had been set too high for MCZs, unnecessarily restricting the numbers of sites put forward for designation in 2013. A large number of concerns were raised that the approach applied to secure robust evidence for each individual feature was a change from the intention to use 'best available evidence' by the Regional MCZ Projects. In many cases, it was felt that this was a change in evidence requirements and undermined the 'stakeholder-led' process. In contrast a number of responses supported taking an evidence-based approach. Also, despite perceived high evidence standards, a number of individual and industry-body responses challenged the evidence for specific sites and/or noted that the standards of evidence should be no less rigorous than for development proposals.
46. **Government response:** Defra has stated from the outset that it wants well-managed MCZs to contribute to the network of Marine Protected Areas and not just a series of lines on maps. It has also been clear that it wants to move swiftly to managing sites soon after designation. To do this effectively, adequate evidence is vital.
47. Marine evidence is complex and constantly evolving, the levels of evidence required will vary throughout the process from identification of sites to designation and subsequent management. Varying evidence standards relate to the evidence need at each stage. The Regional Project process was not constrained by strict evidence requirements and used a 'best available' approach to identify sites that met an ecological and social and economic balance, even if some data were lacking. Defra agrees that best available evidence should be used but considers that there are instances when this is not sufficient to proceed with designation. Defra has built on this basis by commissioning additional survey work for recommended sites which in some cases has confirmed uncertainties around the information available to the Regional MCZ Projects. Given these uncertainties it is important that the evidence is robust to support management. Defra considers that an adequate evidence base is necessary to support decisions that may have social and economic impacts and effects on peoples' livelihoods and result in enforcement and monitoring costs that fall on the tax payer.
48. Defra is actively working with Natural England and JNCC to ensure that evidence standards are appropriate for features included within MCZs and it will be possible to move rapidly to site management. Specific challenges around the evidence supporting individual sites are being investigated on a case by case basis.
49. **Issue:** Concerns have been raised by a range of stakeholders, including those within the scientific community about the use of evidence, particularly the application of age-limit rules when assessing the confidence of survey information.
50. **Government response:** It is important that the evidence supporting Marine Conservation Zones is robust. Protocols were developed by Natural England and JNCC to ensure that the process for providing advice is clear and transparent. This

includes the protocol for assessing the scientific confidence in the presence and extent of features in the recommended Marine Conservation Zones (Technical Protocol E). The standardised method for assessing confidence in marine data as described by the protocol was subject to independent expert review. The protocol includes consideration of the age of data when determining feature confidence, but age cut offs were *not* used to exclude data from analysis. Assessments that do use age information in setting confidence scores do so for biological reasons, for example; some species are highly temporally variable so confidence in the use of old data is reduced. To ensure consistency in approach with previous assessments the categories for the age of data described Technical Protocol E remain unchanged. If the age of data causes the confidence judgement to decline since the previous assessment, then expert judgement may be used to determine whether this is sensible. Defra will continue to look at the effectiveness of methods used to assess data, such as Technical Protocol E, and the related concerns raised within the consultation.

51. **Issue:** A wide range of stakeholders including conservation NGOs, individual stakeholders and regulatory authorities raised concerns that not all evidence had been used to support designation of MCZs, particularly that data obtained as part of recent Defra-funded survey work, or collected by other organisations since the Regional Project recommendations, had not been used.
52. **Government response:** Marine data are constantly evolving and that is testament to the amount of additional survey work funded, and the data collected directly by stakeholders. The nature of the MCZ process means assessments and decisions on the evidence have to be made at a point in time, which is often then overtaken by an improving evidence base. Decisions on the sites to include in the consultation needed to be made before all newly collected evidence was available. All the newly available evidence including that available from Defra-funded survey work, and that submitted during the consultation is being used to update the evidence base and confidence assessments for features in MCZ sites, and will feed into final MCZ decision making by Defra. All data considered by JNCC and Natural England for inclusion/exclusion will be documented and the rationale for excluding any datasets from the assessment process will be published alongside the confidence assessment results in JNCC and Natural England's advice. All marine metadata or data gathered as part of the MCZ programme will be lodged (where permitted) with the relevant Data Archive Centre (DAC), and so will be accessible via an online data portal. All relevant socioeconomic information provided to the Regional MCZ Projects was included in their analysis and assessments. Only the activities which were likely to be impacted by MCZ designation, and the costs due to designation (rather than the costs existing in the baseline) were included in the Impact Assessment summary.

Highly mobile species and inclusion of sea birds as features

53. **Issue:** The lack of inclusion of highly mobile species including sea birds as features of MCZ designation was noted as a concern for many responses, particularly those responding through the RSPB campaign. There were calls for highly mobile species to be reinstated within MCZ sites for designation where these had been identified by the Regional MCZ Projects, with a number of responses suggesting that highly mobile species should be added to sites or supported by extensions to MCZ sites. However, there were also responses from industry stakeholders who agreed that highly mobile

species should not be included within MCZs at this stage. They did not consider that clear evidence has been provided or that MCZ designation is the appropriate method for providing protection to highly mobile species.

54. **Government Response:** Given the nature of highly mobile and widely dispersed species, it is Defra's view 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 them. 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 in English waters. The priority is to designate the sites and the features described within the public consultation. This does not include highly mobile features not listed within the Ecological Network Guidance.
55. MCZs specifically to protect marine birds have not been proposed at this time as this would duplicate work currently underway to develop a network of SPAs for birds under the EU Wild Birds Directive. However, MCZs and other spatial measures will undoubtedly contribute to the protection of marine birds in the UK. The full contribution of these protected areas is best assessed when the work on the SPA network is completed, at which point the need for additional spatial protection measures for seabirds will be considered. However, we will consider any new evidence emerging before this time that indicates additional protection is needed.

Approach to an ecologically coherent network

56. **Issue:** Concerns were raised particularly by conservation NGOs on the approach to consider an ecologically coherent network of MPAs at a biogeographic scale and that this represented a shift in approach. Industry bodies also raised concerns that this could extend the timetable to achieve a final MPA network. There were also concerns that there is a lack of clarity in how this will be achieved. Many respondents thought that the designation of 31 MCZs fell far short of the requirements for an ecologically coherent network of MPAs. Some respondents considered that it was necessary to designate all of the sites recommended by the Regional MCZ Projects to achieve this.
57. **Government response:** UK Administrations have committed to establishing marine protected areas and to achieving a UK contribution to an ecologically coherent network of marine protected areas. Scientific understanding of what is considered an ecologically coherent network continues to evolve. Advice from JNCC working with the UK country nature conservation agencies is that it is scientifically justified and more relevant to consider the network on a biogeographic scale rather than at a UK level. This approach will allow us to consider how our MPA contribution aligns with our international commitments and to work more closely with other European Member States' administrations where possible. Work is ongoing with the Devolved Administrations and SNCBs looking at an analysis of the evolving UK MPA network at a biogeographic level, and also to consider what biogeographic scale is appropriate.

Addition of features not included in the consultation without further consultation

58. **Issue:** The consultation document stated that where features recommended by the Regional MCZ Projects were not being proposed for designation in 2013, due to concerns around data certainty associated with them, then these features may be included in the designations should improved data become available in time. A small number of responses were concerned about these proposals and wanted to be re-consulted on these features before designation.

59. **Government response:** We need to strike a balance between the concerns expressed that additional features should not be included and the substantial number of concerns raised that too few sites and features were being proposed for designation, specifically the views expressed that all features recommended by Regional MCZ Projects should be designated. This consultation has provided an opportunity for consultees to comment on all the features recommended by the Regional MCZ Projects and estimates of costs to industry were based on the inclusion of all features in each site. When making final decision on site designation we will take account of this balance.

Reference Areas

60. **Issue:** Responses around reference areas were mixed, with some respondents strongly in favour of these while others felt they were unnecessary and not provided for in the Marine and Coastal Access Act. Other respondents supported the proposed review and sought further information on the timetable for this.

61. **Government response:** Reference areas were one of the most controversial aspect of the Regional MCZ Projects' recommendations. Defra carefully considered the advice from the Statutory Nature Conservation Bodies who were overseeing the process. They advised that the reference areas recommended by the Regional MCZ Projects did not meet the requirements of the agreed Ecological Network Guidance and should therefore be re-evaluated. Defra has therefore decided to review reference areas and this review is expected to start later in 2013. It will take a fresh look at requirements for reference areas, including size, number, location and management measures and include take account suggestions made in some responses about taking forward reference areas.

Conservation objectives for individual sites

62. **Issue:** There were a range of issues expressed in relation to Conservation Objectives, the most common being:

- responses that suggested that the direction of travel for Conservation Objectives should be to recover all features in all sites to favourable condition
- responses that suggested that for features in specific sites the direction of travel for Conservation Objectives should be to maintain the features in favourable condition, so as to limit the potential for restrictions on sea users.
- the definition of favourable condition should be clearly stated as the absence of significant anthropogenic pressures.

63. **Government response:** We will consider the concerns raised relating to conservation objectives and the impact on sea users when making final decisions on designating sites. We will rely on advice from the SNCBs on current condition of features including their recommendations on the confidence of the assessments being made. The definition of favourable condition will be amended to clarify it is in the absence of significant anthropogenic pressures.

Social and economic issues

64. **Issue:** Some concerns were raised particularly from conservation NGOs that social and economic considerations had been given undue weight when MCZs were selected to be proposed for designation in the consultation. A small number of respondents also considered that some sectors seemed to have been given preferential treatment.

65. **Government response:** It is important that we secure the long term future of coastal communities, particularly in the current economic climate. We are fully committed to meeting our conservation commitments and believe that marine protected areas can sit alongside sustainable use of the seas. The future of both marine conservation and marine industries depend on them working together. When selecting sites for designation the same process for considering social and economic implications was applied across all sectors.

Issues relating to the Impact Assessment

66. **Issue:** A number of responses across several sectors were concerned that cost estimates were too low, with particular points outlined below;

67. **Government response:** Comments and cost estimates provided are being considered in detail. The final Impact Assessment accompanying designation will describe any changes to costs for each sector. Although there was some confusion over exact management measures, a number of respondents had concerns about costs which will *not* in practice arise through MCZ designation (for example, the management measures will *not* impact the specific activity referred to in the response). The Impact Assessment only values the *additional* costs and benefits that arise specifically due to MCZ designation and not those from existing policy.

68. Many responses commented that cost figures for commercial fisheries appeared lower than the value of fish caught at a site. For a few responses, this difference in figures relates to the different type of information presented. Fishing fleets often refer to their *landings* value in their response i.e. the maximum value of landings which could be lost if the highest cost management scenario was applied. However, the appropriate value is the 'best estimate' of the high and low management scenarios (which often range from completely open, i.e. no costs up to a higher cost estimate). In addition, for cost benefit analysis it is important to use *Gross Value Added (GVA)* rather than value of landings. GVA measures the contribution to the economy of each sector. It can be considered as the *additional* value created by the activity. i.e. net of the costs of carrying out the activity. This GVA value for cost benefit analysis taking the best estimate of management scenarios is therefore different to the figures available through landings data, but is the correct figure to use for comparing costs.

69. There were, however, a number of responses which provided landings data, relevant to the MCZ area, which were not available in the Regional MCZ Projects stage. These data are being incorporated into cost figures and will be included in the impact assessment accompanying MCZ designation.
70. **Issue:** Some responses raised concerns on methodology used to assess impacts especially the discount rate used (3.5%) and the time period over which the costs and benefits were assessed (20 years).
71. **Government response:** The Impact Assessment follows Government methodology for cost benefit analysis (HM Treasury, 2003)⁴. The IA assesses costs and benefits over a 20 period horizon as it is anticipated that MCZs will have costs and benefits over this time period. Impacts that are anticipated beyond 20 years are described but not quantified as the uncertainty is likely to be high reducing the robustness of estimates significantly.
72. In most instances, the regional MCZ projects collected information from stakeholders about the level and type of human activity in each MCZ (or group of sites). This informed the identification of management scenarios and identification of possible and preferred management measures. The regional MCZ projects invited the RSGs to comment on the management scenarios and management measures, and to make further suggestions. These methodologies were also independently peer review by academic experts⁵.
73. **Issue:** Some respondents noted that the benefits of designation were not adequately presented or monetised.
74. **Government response:** Compared to costs, benefits are much harder to quantify. There are a number of studies valuing overall habitats, or baseline figures for use, but there are very few data that help to value marginal changes in ecosystem services in the marine environment brought about by MCZ designation. The consultation Impact Assessment explained these benefits qualitatively using the ecosystem services approach and existing evidence from the National Ecosystem Assessment. Defra will be continuing work to address these evidence gaps. It has commissioned a project looking at the value of tourism and recreation services provided by MPAs and MCZs to inform the final Impact Assessment. Defra will also review the additional information provided during the consultation to help inform our decisions on MCZ designations. This will be presented in the impact assessment accompanying MCZ designation.

⁴ Methodologies are available at <http://publications.naturalengland.org.uk/publication/1940011>

⁵ Present values using discount rates have been calculated for costs and benefits as society, as a whole, prefers to defer costs to future generations (and to receive goods and services sooner rather than later). HM Treasury. 2003. The Green Book : www.hm-treasury.gov.uk/data_greenbook_index.htm.

Site-specific issues

75. As noted above, in addition to the general issues that respondents raised on the way we have approached the designation of MCZs, many provided comments, evidence and data on specific sites. Some sites attracted more comment, criticism and/or support than others but all information and comments submitted through the consultation will be used to inform Ministers' final decisions on which sites will be designated in 2013. We are now in the process of analysing and evaluating all the new evidence, data and information received to help Ministers make fully-informed decisions on site designation. This includes all evidence collected in 2012 and early 2013 that may not have been available to the Regional MCZ Projects and the SNCBs when providing their advice and recommendations. Environmental data submitted during the consultation have been passed onto Natural England and JNCC for analysis.
76. Natural England and JNCC will be analysing environmental data submitted during the consultation, and as part of their advice package, the reasons for inclusion/exclusion of data will be documented, including any decisions made relating to the use of individual datasets. An audit trail of the evidence used for each MCZ site, and the decisions made by the SNCBs will be published as part of their advice. New information relating to costs and benefits has been considered by the Regional MCZ Project and Defra economists for each site, verified where relevant with regulatory authorities and individual respondents. The information will be used to inform final decisions on site designations and incorporated into the figures for the final Impact Assessment where appropriate.

Sector-specific issues

77. Below are short summaries of some of the main issues of relevance to specific sectors affected by the MCZ proposals raised during the consultation.

Archaeological heritage

78. There were concerns raised that there had been inadequate consultation with marine historic heritage organisations and that insufficient consideration had been given to the marine historic environment in the MCZ designation process. There were particular concerns that the current proposals could reduce access by archaeologists and divers to marine historic assets especially those preserved in peat and clay.
79. Defra is aware of the commitments in the Marine Policy Statement regarding archaeological heritage and will remind SNCBs and regulators to take archaeological heritage into account in this context when considering management plans for sites working with English Heritage as appropriate.

Commercial Fisheries

80. Responses were received from a wide range of fishing interests including associations, Producer Organisations, fishing businesses of various sizes and individual small

fishermen. The main sectoral issues raised included displacement from current fishing grounds and implications for health and safety, fuel costs with longer journeys to new fishing grounds and social and economic concerns relating to smaller vessels being displaced from local fishing grounds. Responses were also received from some fishing interests in the Devolved Administrations and neighbouring EU member states. As noted in paragraph 66 many fisheries respondents considered that their costs had been underestimated in the impact assessment and provided additional information about these. A few fisheries respondents questioned the fairness of implementing MCZs inside the 6 mile limit ahead of implementation in the 6-200 nautical mile area.

81. Comments on individual site recommendations will be reviewed as part of the consideration of these sites before decisions are taken on designation. The consultation was the opportunity for stakeholders to comment on the assumptions made in reaching the proposal for designation. It is very welcome that fishing organisations and fishermen have pointed out where they believe these assumptions are incorrect and provided evidence to support their views. These will be considered in making final decisions on site designations.

Flooding and coastal erosion

82. There were site-specific concerns over what impact MCZ designations would have on planned and future flooding and coastal erosion works and schemes. These concerns included whether these would be permitted and, if they were, what additional costs and delays would arise, and whether MCZ boundaries be moved to accommodate such works. We will consider these concerns when making final decisions on the specific sites.

Ports, Harbours, Commercial Shipping and disposal sites

83. These sectors have expressed a number of concerns about the MCZ process, many of which have been covered by the 'broad issues raised' sections above (for example, on management measures, costs, evidence and uncertainty over future designations). There was also suggestion that these and any future designations should be made in the context of the marine planning process. Many responses from the sector called for the removal from MCZs of port and harbour limits and operational areas, and some questioned the impact of designation on dredging operations and disposal sites. There was also an expectation that surface navigation activity will not be restricted. As these issues will be relevant to specific sites rather than general, we will take account of these concerns when making final decisions on sites.

Recreation

84. There were site-specific concerns raised around potential restrictions to recreational activities, particularly the mooring and anchoring of leisure craft, and challenges to the cost estimates for this, and from members of the British Association for Shooting and Conservation. We will consider all these issues when making final decisions on the specific sites. We will only manage activities that have a detrimental impact on achieving the conservation aims of the MCZ. Where activities are not damaging to the

species or habitats being conserved in an MCZ, then they will not need to be restricted, subject to normal licensing and management conditions.

Renewable Energy

85. The renewable energy sector expressed site-specific concerns about possible cost implications for the industry of having MCZs co-located on current or potential offshore wind farms, and where export cables from offshore wind farms pass through coastal MCZs. There were also concerns around the risk of the potential for MCZs to dissuade investment needed for offshore renewables development. We will consider these concerns when making final decisions on the specific sites.
86. There were also a small number of responses that felt that this sector had been given preferential treatment. When selecting sites for designation the same process for considering socio-economic implications was applied across all sectors.

Oil and Gas and other energy, Cables, Aggregates,

87. Responses received from these sectors did not raise any specific general concerns. Site specific issues will be considered as part making final decisions on site designations.

Next steps

88. Defra is very grateful for all the time and effort to which people, groups and organisations have made to provide us with evidence, data and information to enable us to make better decisions on which MCZ sites to designate in 2013. We are also grateful for all the views on the process undertaken to get us to this position. This will all be given careful consideration in our further deliberations and discussions and help to inform the final decisions on designation

89. We will now finalise our analysis of responses regarding specific sites including consideration of new data submitted and make final decisions on designations. Following cross-Government agreement to designation proposals we aim to designate sites in autumn 2013 together with an indication of timing for any management action. Decisions on further work will be taken in the autumn, taking account of competing priorities for limited resources.

Annex A: List of organisations who responded to the consultation

40south Energy
Alde and Ore Association
Alde and Ore Wildfowlers Association
Aldeburgh Yacht Club
Amble Sea Angling Club
Anglian Water
Anglian Wildfowlers Association
Angling Trust
Angling Trust Wyvern Region
Anglo Scottish Fishermen's Association
Anglo-North Irish Fish Producers Organisation
Associated British Ports
Association of Bargemen
Association of Inshore Fisheries and Conservation Authorities
Axmouth Harbour Management Company Limited
Beer & District Sea Angling Association
Belgian Fisheries Producer Organisation
Bembridge Angling Club
Bembridge Harbour Users Group
Bembridge Sailing Club
Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust
Berwickshire and North Northumberland Coast EMS Management Group
Blackwater Oystermans Association
Blundellsands Sailing Club
Boat Owners Response Group
Bournemouth University Maritime Archaeology Research Group
Brading Haven Yacht Club
Bridlington Harbour Commissioners
Britannia Aggregates Ltd
British Association for Shooting and Conservation
British Marine Aggregate Producers Association
British Marine Federation
British Ports Association
British Spear Fishing Association
British Sub Aqua Club
Brittany Fishing Industry
Brixham Sea Anglers

Brixham Yacht Club
Bunn Leisure
Burnham Yacht Harbour Marina Ltd
Campaign to Protect Rural England Sussex
Canal & River Trust
Canoe England
Cemex
Centrica Renewable Energy
Chichester Wildfowlers Association
Client Earth
Colchester Borough Council
Communications and Management for Sustainability
Cornish federation of Sea Anglers
Cornish Fish Producers Organisation Ltd
Cornwall Council
Cornwall IFCA
Cornwall Seal Group
Coronation Wreck Project
Country Land and Business Association
Countryside Council for Wales
Crouch Harbour Authority
Dart Harbour and Navigation Authority
Deben Yacht Club
Department of Agriculture and Rural Development
Department of the Environment Sea Angling Club
Derbyshire Wildlife Trust
Devon & Severn IFCA
Devon County Council
Devonshire Wildlife Trust
Dorset County Council
Dover Harbour Board
DP World Gateway
Dungeness Angling Association
Durham Heritage Coast Partnership
Dymchurch and District Sea Angling Club
East Sussex County Council
Eastern IFCA
EDF Energy
Energy UK
English Heritage
English Heritage Historic Sites - Moorsand, Erme Estuary Ingot and Erme Estuary Cannon

Essex Coast Organisation
Essex County Council
Essex Wildlife Trust
Fairhurst on behalf of Port of Blyth
Falfish
Falmouth Harbour Commissioners and Falmouth Docks and Engineering Company
Felixstowe Ferry Fishermen
Ferring Conservation Group
Finding Sanctuary RSA rep
Fjordr Limited
Folkstone Fisherman's Association
Food Ethics Council
French Fishing Industry (CNPMEM)
French Producers Organisation COBRENORD
Friends of the Earth East Dorset
Friends of the Earth Hull
Friends of the Earth Kent
Friends of the Earth St Albans
Friends of the Earth West Cornwall
Friends of the North Kent Marshes
FTI Consulting Ltd
Grange Natural History Society
Hamford Water Management Committee
Hampshire and Isle of Wight Wildlife Trust
Hampshire County Council
Harbour of Rye Advisory Committee
Harwich Fishermen's Association
Harwich Haven Authority
Harwich Small Boat Owners Assoc
Haslemere Sub-Aqua Club
Haven Gateway Partnership
Heart of the South West Local Enterprise Partnership
Holderness Fishing industry group
Holme-next-the-Sea Parish Council
Honiton Sea Angling Club
HR Wallingford
Humber Industry Nature Conservation Association
Hutchinson Ports (UK)
Hythe Town Council
Institute for Archaeologists
Institute of Fisheries Management
Isle of Wight Angling Trust Marine Committee

Isle of Wight Council
Isles of Scilly IFCA
J&B Fisheries
Joint Nautical Archaeology Policy committee
Joint Regatta Sailing Committee
Jonas Seafood
K & D Thomas Dungeness Fisherman Partnership
Kent and Essex IFCA
Kent Brushes
Kent County Council
Kent Wildfowling and Conservation Association
Kent Wildlife Trust
Lancashire County Council
Leach Fishing Enterprises
Leicestershire and Rutland Wildlife Trust
Lewes District Council
LGA Coastal Special Interest Group
Licensee of HMS Invincible, Co Chair of the Licensees' Association
London Gateway
Looe Marine Conservation Group
Lundy Field Society
Maldon Harbour Improvement Commissioners
Manhood Peninsula Steering Group
Marine & Towage Services Group
Marine Biological Association
Marine Conservation Society
Marine Liaison Group
Marine Reserves Coalition
Marinelife
Marinet
Maritime Archaeology Sea Trust
Medway Council
Mersey Estuary Conservation Group
Morecambe & Heysham Fisherman's Association
MPA Fishing Coalition
N J Fisheries Ltd
National Farmers Union
National Grid
National Trust
Natural Environment Research Council
Nautical Archaeology Society
Nautical Museums Trust

Nelson Naturalists Society
Network Rail
New Economics Foundation
Newbury Yacht Club
Newhaven Fish & Flake Ice Society Ltd
Newhaven Port
Norfolk and Suffolk Boating Association
Norfolk Coast Partnership
Norfolk county council
Norfolk Wildlife Trust
North Devon AONB
North Devon's Biosphere Reserve
North Eastern IFCA
North Norfolk District Council
North Norfolk Fishermen's Society
North West Coastal Form
North West IFCA
Northern Ireland Marine Task Force
Northney Marina Berth Holders Association
Northumberland County Council
Northumberland IFCA
Northumberland Wildlife Trust
Nottingham Wildlife Trust
OceanDMT Limited
Oil & Gas UK
Old Gaffers Association
Orford Sailing Club
Overstrand Shoreline Committee
Pace Investments
Padstow Harbour Commissioners
Pagham Beach (Holdings) Ltd
Pagham Beach Residents
Pagham Harbour Parish Council
Pagham Residents' Flood Defence Trust
Peel Ports Medway
Pembrokeshire Coast National Park Authority
Penzance Chamber of Commerce
Plantlife
Plymouth City Council
Plymouth University Marine Institute
Poole Harbour Commissioners
Port of London Authority

Portland Port
Professional Association of Diving Instructors
Project Aware
PSA English Riviera Tourism Company
Renewable Energy Association
Renewable UK
Restronguet Sailing Club
Rhossili Working Group
Rochester Oyster and Floating Fishery
Royal London Yacht Club
Royal Society for the Protection of Birds
Royal Torbay Yacht Club
Royal Victoria Yacht Club
Royal Yachting Association
Royal Yachting Association Eastern Region
RWE npower
RWE npower and RWE Innogy
Salcombe Cannon English Heritage Historic Wreck Site
Saltash Sailing Club
Scottish Power Renewables
Seabed Users and Development group
Seafield Emiel Trawlers
SeaSearch
Seasearch Kent
Seasearch Sussex
Selsey Fishermens Association
Selsey Town Council
Seven Sisters Voluntary Marine Conservation Area
Shepway District Council
Shepway Environment and Community Network
Slaughden Sailing Club
Society of Underwater Technology Marine Renewable Energy Committee
South Bristol Divers
South Coast Angling Club
South Devon & Channel Shell Fishermen Ltd
South Devon AONB
South Downs Network
South Downs Society
South East Fishing Industry
South Eastern Fishermen's Protection Association
South Essex Wildfowling and Conservation Club
South Hams District Council

South Western Fish Producer Organisation Ltd
Southampton Sailing Club
Southern Water
Spanish Government
Sport and Recreation Alliance
Stakeholder Forum for a Sustainable Future
Stoke Gabriel Parish Council Devon
Stonehenge Druids
Stour and Orwell Peninsula Habitat Protection UK
Studland Bay Preservation Society
Studland Branch of the Conservation Association
Studland Parish Council
Sub-aqua Association
Sub-aqua Association 308 Subaqua Club
Subsea Cables UK
Suffolk Coastal District Council
Suffolk County Council
Suffolk Wildlife Trust
Surrey Wildlife Trust
Sussex Angling
Sussex IFCA
Sustainability and Living Environment Scrutiny Panel, London Borough of Enfield
Swale Borough Council
T W Logistics
Tamar Estuaries Consultative Forum
Tamar Wildfowling and Conservation Club
Tarmac Marine Dredging Ltd
Taw Torridge Estuary Forum
Thanet District Council
The Carbon Capture & Storage Association
The Chartered Institution of Water and Environmental Management
The Co-operative
The Co-operative Asset Management
The Crown Estate
The Cruising Association
The Orford and District inshore Fishermen's Association
The Overfalls Group
The Seahorse Trust
The Shellfish Association of Great Britain
The Wildlife Trust
Titchmarsh Marina
Tollesbury MudClub

Tollesbury Parish Council
Tollesbury Wildfowlers Club
Torbay Business forum
Torbay Coast and Countryside Trust
Torbay Council
Torbay Development Agency
Torbay Harbour Authority
Torquay Fishermans Association
Transition Town Weymouth and Portland
Transport for London
Trinity House
UK Chamber of Shipping
UK Hydrographic Office
UK Major Ports Group
Vectis Boating and Fishing Club
Ventnor Angling and Social Club
VisNed
Volker Dredging Ltd
W. Stevenson & Sons Ltd
WA Coastal and Marine
Walney Island Wildfowlers Association
Walton and Frinton Yacht Club
Walton on the Naze Fairways Committee
Warwickshire Wildlife Trusts
Waveney District Council
Wells and District Inshore Fisherman's Association
Welsh Federation of Sea Anglers
Welsh Fisherman's Association
Wessex Water
West Devon Borough Council
West Lulworth Parish Council
West Mersea Wildfowlers
West Sussex County Council
Westermost Rough Ltd
Whale and Dolphin Conservation
Wildfowl & Wetlands Trust
Wildlife & Countryside Link
Wiltshire Wildlife Trust
Wirral Wildlife (Cheshire Wildlife Trust)
Worcestershire Wildlife Trust
Wyre Council
Yarmouth Harbour Commissioners

Yorkshire Naturalists Union
Yorkshire Wildlife Trust
Zoological Society of London

896 individuals (those not responding on behalf of a specific organisation, and not part of a campaign) also provided responses.