Marine Conservation Zones: Consultation on proposals for designation in 2013

rMCZ: Bembridge (BS22)
ABP Port: Southampton

Q1. Do you agree that this site and specified features should be designated in the first tranche? Please explain and provide evidence to support your views as necessary.

Not applicable - this site is not a Tranche 1 site.

Q.2 Are there any additional features (not recommended by the Regional MCZ Projects) located within this site that should be protected? Please explain and provide evidence to support your views as necessary.

No comments.

Q.3 Do you have any comments on the proposed conservation objective(s)? Please provide evidence to support your comments as necessary.

Where the Conservation Objective (CO) is 'maintain' this should lead to a presumption that no additional measures are required for existing activities unless SNCBs provide clear evidence of significant impacts.

Q.4 Are there any significant reasons for alteration of this site's boundary? Please explain and provide evidence to support your views as necessary.

We have continuing concerns relating to the overlap of the proposed rMCZ22 Bembridge site with port related activities, predominantly the St Helen's commercial anchorage. This anchorage is a critical safety control for the local harbour authorities and due to its proximity to the shore it is of particular importance to smaller vessels. This area has been used as an anchorage for several hundred years as it is one of the few anchorages on the South Coast that provides a safe haven for vessels in strong south westerly gales. Also, importantly it is the closest safe anchorage from Westerly gales that lies West of the Dover Straits – one of the world's busiest water ways. As such – we maintain that the overlap with this anchorage is inappropriate.

Q.5 Is there any additional evidence to improve data certainty for features within this site? If yes, please provide evidence.

Not aware of any additional data.

Q.6 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? Please provide evidence to support your views.

We do not have information on additional activities. However, the comments below refer to ABP's continuing concerns relating to the rMCZ22 Bembridge site overlap with a commercial anchorage area and in relation to the Nab disposal site, located within 10km of the site boundary.

The rMCZ22 Bembridge site overlaps with an existing essential anchorage area for commercial vessels (St Helen's Road). The IA suggests that offsetting measures would be required if the rMCZ was designated using the boundaries recommended by the Balanced Seas Project. As the boundary remains unchanged, our original concerns relating to this issue remain, primarily that the anchorage is critical for the ports of Southampton and Portsmouth for both commercial and safety reasons and that there is no alternative anchorage within or near the Solent that could cater for the current operational / navigational safety requirements.. The remaining uncertainty in relation to cost impacts to the Ports sector are discussed in Q7 below.

There is also the potential for indirect interaction between dredging and disposal plumes associated with activities at the Port of Southampton with the rMCZ22 Bembridge site. While, in our opinion, these interactions do not materially affect the conservation objectives for the features within each site, we are mindful that some features within the rMCZ (for example, maerl) are particularly sensitive to sediment deposition and changes in water clarity. There is currently no evidence that dredging and disposal activities are significantly affecting such features and we maintain that the onus should be upon the SNCBs to provide clear evidence that existing activities are having an impact before any action is taken or any requirements are put upon operators. However, we remain concerned that if the MCZ policy approach to management places this onus on dredging and disposal operators rather than the SNCBs to demonstrate with a high level of scientific certainty that they are not having a significant effect on such features, this could a be a very costly exercise (discussed further in Q7). There is therefore much uncertainty until the policy approach to such matters and the SNCB's advice on operations is clarified.

Q.7 Do you have any new information on costs to industry not covered in the Impact Assessment, that would be directly attributable to MCZs as opposed to costs stemming from existing regulatory requirements, or evidence that suggests the need for changes to the methodologies or assumptions used in estimating costs (including in relation to fishing displacement)? If yes please provide evidence.

We believe that the IA as currently drafted significantly underestimates the worst-case costs to the Ports industry. The SNCBs advice suggested that many of the potential additional survey, assessment and monitoring costs identified by the ports sector would be incurred anyway, because habitats and species of conservation importance are on the OSPAR or UK BAP lists and thus would require monitoring and assessment irrespective of MCZ designation. On this basis the SNCBs have chosen to ignore most of the potential additional costs identified by the ports sector.

We disagree with this approach as it is not consistent with the available evidence. The level of consideration that is currently given to OSPAR or UKBAP list habitats and species with port-related assessments is currently very minor, particularly when compared to the effort applied to features subject to national or international nature conservation designation. This largely reflects the differing importance attached to the various features in law and in policy. Should habitat and species features of conservation importance be subject to designation within MCZ, the relative importance attached to these features in law and in policy would significantly increase, resulting in enhanced requirements for survey, assessment and monitoring costs. A simple illustration of how the weight attached to conservation features can influence the costs of monitoring and assessment is provided by the Maintenance Dredge Protocol. This protocol has been introduced to facilitate the licensing of maintenance dredging and disposal

applications that have the potential to affect European Marine Sites. There is no equivalent requirement to monitor or assess OSPAR or UKBAP list features;

As such, we remain concerned about the large uncertainties relating to the potential cost impacts, which in our estimation could vary by up to 2 orders of magnitude depending on the policy approach adopted to MCZ management. Implementation of a less pragmatic management approach may result in a requirement for the following additional studies (with example costs highlighted) and an overall significant cost impact:

For existing Port activities

- Additional costs of compiling MCZ information within MDP documents(c £6,750);
- Additional costs for studies to inform baseline (or equivalent) study where existing information is inadequate in terms of MCZ feature (e.g. additional monitoring of sediment dispersion and habitats to assess impacts, £5,000-£50,000); and
- Cost of additional mitigation measures (e.g. modification of existing sediment management scheme, £50,000-£1million annually).

For new Port developments/activities

- Additional costs associated with compiling EIAs etc (£10,000-£1million per development);
- Cost of additional studies where existing information inadequate in the vicinity of MCZ (e.g. dredged material dispersal studies, £5,000-£10,000 per development/activity);
- Cost of additional mitigation measures (e.g. implementation of sediment management scheme and/or modification to disposal practices, £50,000-£1million annually).

Of particular concern for this proposed site is the unknown cost associated with the potential 'offsetting' measures referred to in the Impact Assessment (IA) in relation to the anchorage area for commercial shipping. The IA states that as mitigation would not allow the Port-related activity to continue at necessary levels, it is assumed that these activities will continue to occur without mitigation because of their economic importance. As such it is proposed that the relevant operator would incur the cost of providing a "benefit that is equivalent to the impact that continuation of the activity would have on the MCZ's features". In the absence of information about what measures to provide equivalent environmental benefit would entail, this is a significant unknown cost and of continuing concern to ABP. The SNCB advice for this non-Tranche 1 site recommends that further work is required to provide clarification about the associated cost impacts. ABP is happy to continue to participate in discussion about this issue.

Q.8 Do you have any new information that was not available or used in the Impact Assessment to inform or quantify the value the benefits of MCZs?

No additional information.

General Comments

Q.9 You may wish to provide comments on other aspects of this consultation such as evidence requirements, identification and treatment of high risk sites. Where you disagree with the approach taken please provide evidence to support your views.

See covering letter.