

Marine Conservation Zone Project: Ecological Network Guidance

Summary of responses to sharing the Ecological Network Guidance March/April 2010

Background

This document summarises the responses of stakeholders to the Marine Conservation Zone Project Ecological Network Guidance (ENG). The Guidance was shared by Natural England and the Joint Nature Conservation Committee (JNCC) with stakeholders between 17th March and 9th April 2010.

The ENG is JNCC and Natural England's statutory advice to Government on how to meet the requirements of the Marine and Coastal Access Act and Defra policy. It will provide the basis on which Government expects the regional stakeholder groups to develop their recommendations on Marine Conservation Zone (MCZ) locations and features.

Purpose of sharing the draft ENG

Although the ENG is our statutory advice, we were keen to enable stakeholders to see the draft document and have the opportunity to provide comments on whether they could understand it and would be able to use it to recommend MCZs. We therefore invited comments on the clarity of the document and in particular requested stakeholders to comment on:

- How we can ensure that the text, figures and tables are clear, well understood and cannot be misinterpreted;
- If there is any additional detail you recommend we include to improve your understanding;
- If there is any detail that is irrelevant and should be removed from the document.

How we shared the ENG

Natural England and JNCC directly alerted many stakeholder groups via email to the opportunity to provide comments on the ENG. These groups were:

- The regional MCZ projects;
- The UK MPA Policy Group;
- The UK Marine Biodiversity Policy Steering Group;
- The Science Advisory Panel;
- The MPA Fishing Coalition;
- Stakeholders who had requested via a JNCC stakeholder survey to be kept informed of developments in the MCZ Project.

We also requested the regional MCZ projects to pass the invitation to comment to representatives (or proposed representatives) of their stakeholder groups.

The email provided links to the JNCC and Natural England websites where the ENG was published along with a letter outlining the purpose and process for sharing the ENG. A single point of contact for submitting responses was provided.

Dealing with responses

Each response was logged and an acknowledgement issued to the respondent. Responses were categorised by sector, response type and whether the response covered issues of clarity, policy and/ or science. Details of all of the key issues raised are provided in Annex 1. Policy issues were passed to the relevant policy officials in Defra and/ or the relevant staff in Natural England and JNCC. The authors ensured that the ENG is consistent with any new or updated science information identified by respondents. However, the ENG and much of the science within it has been subject to extensive external scientific peer review, and new research reports which have informed it have been published or are in press - as such we did not feel it was appropriate to seek further comments on matters of science.

We were pleased to receive many helpful comments and suggestions on improving clarity. We were also reassured to see that many stakeholders were broadly satisfied with the ENG and its contents. The authors of the ENG listed all actions arising from the responses on clarity and updated the ENG accordingly. Where there was ambiguity about how to proceed the authors received advice from JNCC and Natural England members of the MCZ Project Board.

Analysis of responses

We received 59 separate responses, of which 9 were received after the deadline. These were from 50 individuals¹ representing 41 organisations. A breakdown of the organisation type is shown in Table 1 and Figure 1.

Table 1: Type of organisation providing responses

Organisation type	Number of responses
Academia	4
Consultancy	2
Government (local and national)	2
Industry	14
Environmental NGO	9
Other	4
Regional MCZ project staff	5
Sea Fisheries Committee	3
Statutory agency	7
Total	50

¹ Some individuals provided several responses through separate emails. These were mostly regional MCZ project staff.

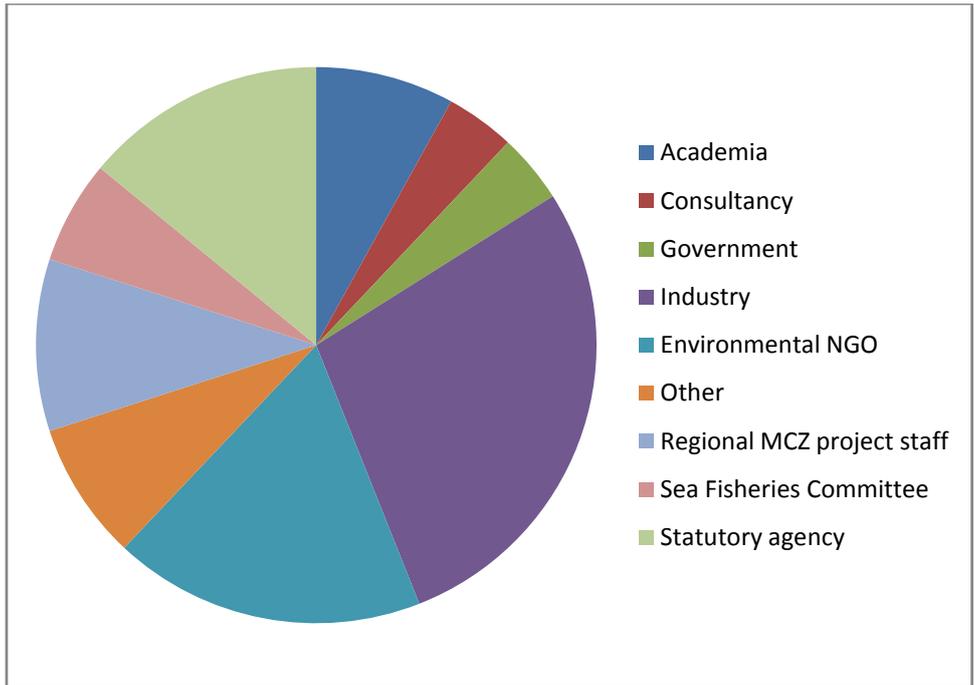


Figure 1: Number of unique responses by sector

Although we requested responses on matters of clarity of the document, we also received a significant number of responses regarding matters of policy and science (table 2).

Table 2: Type of responses received

Response category	Number of individual respondents*
Issue of clarity	39
Issues of policy	33
Issues of science	24
Broad support for ENG	18

*NB: most responses addressed more than one response category

Annex 1: Issues arising from responses

Table 3: Key policy related issues raised by respondents.

Issue	Number of responses	Our response
The process and timescale for MCZ identification and designation.	6	These comments were passed on to the authors of the MCZ Project Delivery Guidance and MCZ Project Board members.
The short timescale and scope for providing comments on the document.	4	<p>The ENG could not be released before the Ministerial Statement was laid before Parliament. In order to get the final version of the ENG to the regional MCZ projects by early June to ensure it could be used for the first iteration a short period of comment was essential. Natural England and JNCC decided that a short period of comment would be better than not allowing stakeholders a chance to review the draft document.</p> <p>The policy framework for the ENG is set by Government policy (as reflected in the Defra MPA Strategy and other Government documents). It was not therefore appropriate to request comments on matters of policy.</p> <p>The ENG and much of the science within it has been extensively reviewed to date and as such we did not feel comments on matters of science were required.</p>
Dissatisfaction at the exclusion of highly mobile species.	6	The ENG has been updated to reflect revised wording in the Defra MPA Strategy . Defra were informed that the issue was raised.
Dissatisfaction at the exclusion of N2K habitats, including estuaries, & species including birds, seals and cetaceans both in terms of selecting sites for these features or using MCZs to improve the protection of features in existing sites.	10	The ENG has been updated to reflect revised wording in the Defra MPA Strategy . Defra were informed that the issue was raised.
Dissatisfaction at the inclusion of blue mussel and oyster beds in feature lists, these species being of commercial value and blue mussels are not considered to be rare.	5	These features are listed under BAP and/or OSPAR and it is not the role of the ENG to review the suitability of these lists further.
The need for further clarity on taking socio-economics into account	3	The scope of the ENG was to cover ecological requirements only. The way in which socio-economics will be taken into account will be included in the revision of Defra's Guidance Note 1 and is also referred to in the Project Delivery Guidance. Defra and the authors of the Project Delivery Guidance were informed that the issue was raised.
The need to ensure synergies between MCZs and other sectors and the need to allow the future development of various sectors.	8	This is beyond the scope of the Ecological Network Guidance but is referred to in the Project Delivery Guidance and the Defra MPA Strategy . It is likely to be covered in the revision of Defra's Guidance Note 1.
The need for significant amounts of highly protected marine reserves and further clarity on the amount and purpose of them.	2	We believe the document provides sufficient clarity on the role of reference areas within the MPA network (section 4.7).

Whether the ENG's focus on representative habitats fulfils the Marine & Coastal Act requirements to represent the range of features present in the UK marine area. Respondents believed the full range of habitats and species should be included.	4	JNCC and Natural England's advice is that identifying MCZs for broad-scale habitats at EUNIS Level 3 provides the best approach for MCZs to contribute to fulfilling the requirement within the Act.
The practicalities of enforcement of areas should be considered during the initial planning stages.	1	The regional MCZ projects have representatives of enforcement bodies on their stakeholder groups who will be able to provide advice on this issue.

Table 4: Key science related issues raised by respondents.

Issue	Number of responses	Our response
The effects of climate change on features should be further elaborated.	3	We believe climate change is adequately covered in the ENG. We have added a section on adaptive management of the network (1.3.6).
The need to undertake site verification, baseline and regular monitoring.	3	This falls outside of the scope of the ENG. JNCC and the other Statutory Nature Conservation Bodies are currently designing a National Marine Monitoring and Surveillance Programme to meet the requirements of the Marine & Coastal Access Act and European Directives.
Dissatisfaction that some research is still in draft and queries about the publication dates of the reports.	8	The peer review of the reports took longer than expected due to time pressures and illness of the reviewers. The Roberts et al. (2010) is now published. All other reports are in press within Natural England and JNCC and should be published by July 2010.
The need for the guidelines to be future-proofed to allow for the changes based on new evidence and greater understanding of the marine environment, and future socio-economic needs.	3	The ENG states that it may need to be reviewed as our understanding and evidence grows. For example, we recognise that for many species a lack of data excluded them and the ENG is caveated that more mobile species may be appropriate to protect within MCZs should more data become available. Future uses of the sea and how these interact with the MPA network will be a policy matter for Government to decide.
There is adequate data for including more elasmobranchs on the feature list. The framework for including species was too rigid and will lead to missing a vital opportunity for spatial protection.	2	We believe the process used to identify highly mobile fish species was evidence based and transparent. We recognise that for many species a lack of data excluded them and the ENG is caveated that more mobile species may be appropriate to protect within MCZs should more data become available.
Working with industry and other agencies on scientific research and data gathering projects can provide benefits to both parties.	2	Natural England and JNCC support this and are already involved in collaborative research programmes such as COWRIE.

Table 5: Key issues related to clarity of the ENG raised by respondents

Section of ENG	Issue	Number of responses	Our response
Overall	The need for a summary document.	7	We have commissioned the production of a non-technical summary by a communications specialist which will be published by early July 2010.
Overall	The length of the document makes it hard to read.	3	We have looked at ways of reducing material but feel that in order to provide stakeholders with the best information and evidence to help them in their job it is inevitable that the document is long. The non-technical summary can be used as a quick reference guide.
Overall	The document is acronym heavy and these should be explained.	3	We have added a list of frequently used acronyms at the beginning of the document.
Overall	Can a non-technical description of the habitats and species and their importance be included?	3	JNCC and Natural England are publishing a non-technical catalogue of the MCZ Project features. Natural England has a contract underway to describe the ecosystem goods and services provided by features. Both products will be available on Natural England's website (the former in June 2010 and the latter in summer 2010).
Overall	The overall MPA network and ecological coherence should be better described and the contribution of existing sites needs to be clarified.	6	Text on ecological coherence has been clarified and text on other features of the MPA network added to Annex 2. Figure 3 has been updated and clarified. How other MPAs are selected is out of the scope of the ENG and guidance can be found on JNCC's website .
Overall	Information about adaptive management and review of the MPA network would be useful.	5	We have added a section on adaptive management of the network (1.3.6).
Introduction	The priority of the network design principles and further considerations is not clear.	5	This has been clarified in the summary of guidelines and section 1.3.4.
Introduction	More emphasis should be placed on ensuring resilience.	3	JNCC and Natural England believe that resilience will be improved by fulfilling the guidelines within the ENG and managing the sites to achieve their conservation objectives.
Introduction	Links between MCZs and delivery of the EU Marine Strategy Framework Directive and Water Framework Directive.	1	The text in the introduction now includes reference to the WFD but the contribution of MCZs to meeting the Directives is a policy matter.
Biogeography (3.1)	How will biogeography be taken into account and linked to regional MCZ project boundaries.	4	The text has been updated to be clearer and better reflect the Defra MPA Strategy .
Biogeography (3.1)	How will the relationship across political boundaries work? (particularly in relation to the links between Finding Sanctuary, Irish	3	Defra are aware of this issue and work with the Devolved Administrations through the UK MPA Policy Group. The regional MCZ projects have engaged Devolved Administrations adjacent to their project areas and are

	Sea Conservation Zones and Welsh territorial waters).		liaising with each other through the MCZ Technical Support Group.
Representativity (4.2)	The fact that the list of features is not finite should be clarified.	6	Text in section 4.2.4 has been clarified and other lists of rare or threatened species are referred to and reference to taking account of the variation in EUNIS Level 3 added. .
Representativity (4.2)	Noted the common and scientific names of several species had been recently altered	3	We have updated species Latin and common names.
Representativity (4.2)	Questions over the inclusion of commercially important blue mussel and oyster beds in feature lists..	5	We have clarified the definition of blue mussel beds to note that this habitat only covers 'natural' beds on a variety of sediment types, and excludes artificially created mussel beds, and mussel beds which occur on rock and boulders. Defra were informed that the issue was raised.
Representativity (4.2)	A description of how species Features of Conservation Importance (FOCI) relate to habitat FOCI and broad-scale habitats would be useful.	2	This has been added to Annex 3.
Representativity (4.2)	Concern over how the number of features add up and the implication for the number of sites needed.	1	The ENG is clear that MCZs are likely to contain both FOCI and broad-scale habitats. In addition existing MPAs are likely to go some way to meeting the guidelines for broad-scale habitats and some FOCI.
Adequacy (4.4)	Confusion expressed over the term 'indicative percentage ranges'.	2	We have changed this term to 'proportion'.
Viability (4.5)	Clarity needed around what 'whole feature' means and how patch sizes are applied.	4	We have clarified the text on this.
Connectivity (4.6)	Clarity needed about what is classed as a similar habitat.	2	This is defined in the revised version as <i>a habitat at EUNIS Level 2</i> .
Protection (4.7)	Conservation objectives should not be linked to Good Environmental Status as this is more appropriately applied at the wider seas level.	2	The guideline has been altered to refer to European Environmental Directives in general.
Best available evidence (4.8)	Questions were raised about the types of evidence that may be used and how this will be weighted.	4	The detail of the data types and use are not appropriate to discuss within the ENG. The Guidance outlines that the best available evidence should be used, and this can come from a mixture of sources, Further work is ongoing in JNCC and Natural England to formalise a data policy for the MCZ Project and identify confidence levels in different types of data used for both identification and designation.
Areas of additional ecological importance (5.2)	Wording needs to be more specific on how and when areas of additional ecological importance can be selected and what features they can be selected for.	7	The priority of principles has been clarified and the guidelines in this section have been altered to be clearer.