

MB/JD0304/10

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## MARINE CONSERVATION ZONES – DEVELOPING SITE SELECTION GUIDANCE

### Issue

1. To provide you with an update on progress to date in developing site selection guidance for highly protected marine conservation zones in Welsh waters.

### Timing

2. It would be good to have your views before the next meeting of the Technical Advisory Group on 19 August 2010.

### Recommendation

3. That you:
  - Note the progress and issues encountered to date in developing site selection guidance for MCZs in Wales,
  - Provide any views on how you would like officials to proceed,
  - Indicate whether you would like a meeting late August/early September to discuss the issues further.

### Background

4. The Marine and Coastal Access Act 2009 gives Welsh Ministers new powers to better protect and manage the marine environment of Wales. These powers include a new mechanism for the conservation of marine biodiversity through the designation of marine conservation zones – a new type of marine protected area.
5. Given the already extensive suite of marine protected areas in Wales it was decided to use the new marine conservation zone power to supplement these existing sites with a small number of highly protected sites. There is as yet limited empirical evidence of the benefits of highly protected sites in waters similar to Wales'. However the strong scientific opinion both internationally and

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domestically (including our statutory advisers CCW) is that highly protected sites are an important part of any marine protected area network because of the role they play in terms of supporting recovery, enhancing resilience and improving our understanding of the marine environment. Therefore this was the approach set out in the Welsh Assembly Government's consultation paper entitled 'Protecting Welsh Seas' which we issued in September 2009.

6. A project has been established with the work being delivered through 3 groups a Steering Group, a Technical Advisory Group and a Stakeholder and Citizen Engagement Group. Full detail of this project and the structure, role and remit of the groups was provided under SF/JD 0331/09.

**Developing Site Selection Guidance**

7. One of the main tasks of the project to date has been for the Technical Advisory Group (TAG) to develop site selection guidance for the identification of highly protected marine conservation zones (HPMCZs). TAG was tasked with developing site selection guidance that incorporates ecological, social and economic considerations in line with Welsh Assembly Government's policy to identify a small number of sites that maximise ecological, social and economic benefits while minimising conflicts with the different uses of the sea, as far as possible.
8. The TAG hosted a workshop in April 2010, attended by TAG members and other key individuals, to develop the ecological aspect of the site selection guidance -the social and economic aspects of site selection are being developed separately, with a subgroup of the TAG, and will be incorporated into the final site selection guidelines at a later stage.
9. Since the workshop CCW has continued to take the lead in drafting the guidance paper with revisions being shared with TAG members and other workshop attendees for comment. Feedback to date has raised a number of concerns with the ecological guidance in its current form. These concerns have been raised from within the Welsh Assembly Government and from external interests.
10. The main area of concern is that the science underpinning the guidance is based on general network design principles rather than principles specific to highly protected sites. In addition those general principles are in any case largely based on opinion, rather than empirical evidence of what should work in waters similar to Wales'. As it currently stands the guidance could result in a high number of sites, over a large area of sea, being identified for consideration as HPMCZs. This approach is proving difficult to justify with some key sectors such as fishing and energy interests, given the developmental nature of highly protected sites. The essential criticism is that, given the potential socio-economic disbenefits, we should not yet be aiming for the stars until we have a better understanding in practice of the ecosystem benefits.
11. In light of this it is considered necessary to limit the number of HPMCZ designations until we know more how these sites really respond to a high level

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of protection and understand more about the true benefits for healthy functioning, robust and resilient ecosystems. This will be informed by ongoing research into the best way to manage the marine environment, including work by Bangor University to review the effectiveness of marine protected areas with varying levels of protection, from full to partial to no protection, plus site specific monitoring and evaluation to understand how each site responds to this level of protection.

12. Officials have, over recent months, been in discussions with CCW with the aim of realigning the guidance so that the selection of sites focuses on those areas that are expected, based on the best available scientific understanding, to provide the greatest benefit from an ecosystem perspective. For example a focus on broad-scale habitats such as biogenic reefs that support the more diverse communities rich in flora and fauna, might reasonably be expected to provide the greatest contribution towards ecosystem resilience, recovery and functioning. We are also keen to rationalise the level of replication of habitats suggested within the guidance in the light of what is already protected within our existing suite of sites and the wider UK network.
13. To take this forward officials have drafted a clear statement of the Welsh Assembly Government's intentions and the key principles for site selection, including:
  - a) the need for the selection criteria to focus on ecosystem management and the ability of the proposed sites to contribute to ecosystem resilience and recovery and deliver a range of ecosystem services. Related to this, each site proposed for selection should encompass a range of the primary selection criteria identified within the guidance, so that they truly represent the most valuable and useful sites in terms of ecology.
  - b) given the developmental nature of highly protected sites, it is appropriate to designate no more than 2-3 marine conservation zones initially, with the focus on identifying sites within existing marine protected areas in Welsh waters, and to keep the size of the sites to a minimum. Emphasising that until we understand more about how these sites contribute to the network in practice, it is appropriate to limit the number and size of designations on practical grounds, in particular because of:
    - pressures on public funding and the practicalities of enforcement will enable only a small number of sites to be managed and enforced properly at the moment, and
    - the need to minimise social and economic constraints whilst recognising that sites might also offer social and economic benefits.
  - c) proposed sites in Welsh waters will also be looked at in the context of their expected contribution to a network of conservation sites across UK waters in accordance with the Act; a self-contained network of Welsh sites is not a must-have.

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14. **Enforcement** – there will be additional enforcement costs resulting from MCZ designation for which no budget has yet been set aside and which will be covered by the impact assessments that will be produced as part of the designation process. It has been agreed previously that such additional costs will need to be met from the DES budget. This enhances the need to keep the number and size of sites modest.
15. We also need to be mindful of the timeframe for marine planning and ensure that no zones are designated in advance of key planning priorities being agreed, as discussed at the recent Ministerial Policy Board.
16. This statement will act as a preface to the site selection guidance document and a full copy attached at doc 1. Please note that we also intend having a section in the preface explaining the role of HPMCZs in supporting ecosystem functioning and are still working on this.

**Next Steps**

17. We have reached agreement with CCW to revise the guidance in line with our policy intentions. A paper outlining the options for how this can be achieved will be presented to the TAG membership at a meeting on 19 August; this may include removing the replication criterion and/or revising the list of habitats that should be represented.
18. We are aware however that some members of the TAG, including CCW, might not agree that these sites are developmental and hold great store by the scientific opinion. It is possible that the TAG Chair might feel unable to recommend adoption of the guidance to the Steering Group, which is chaired by Matthew Quinn and now due to meet early October.
19. It would be useful to have your views beforehand to feed into this meeting and you may then wish to meet officials to discuss the issues after the TAG meeting and before the Steering Group meeting. Given the interest and implication for the fishing industry you may wish to meet with the Minister for Rural Affairs at the same time. We will in any case provide further advice to you on the guidance after it is considered by the Steering Group in early October and before it is issued for public comment.

**Clearance**

20. This briefing has been prepared following a discussion with the Director of DES, Matthew Quinn and has been cleared by the Head of Branch, Julia Williams.

**Press and Publicity Arrangements**

21. We do not anticipate any interest at this stage, but there is likely to be interest when site selection guidance is released for public comment, planned for later this year once the guidance has been cleared.

**Louise George  
MARINE BRANCH**