



Welsh Assembly Government

Marine Conservation Zone Project - Wales

HPMCZ Site Selection Guidance; the Welsh Assembly Government's analysis and response to the period of public comment

March 2011

Overview

1. The HPMCZ Site Selection Guidance as developed by the MCZ Project Wales was published for a period of public comment 25 October – 26 November 2010.
2. 133 responses were received during this period. The comments received consist of suggestions or requests for amendments in order to clarify the meaning of the text. Many of these have been accepted and are detailed below, under the relevant section heading. We have also noted where suggestions have been considered but it has been decided not to take them forward.
2. A number of respondents raised issues in relation to the Welsh Assembly Government's policy and intentions for MCZs in Wales – WAG's response to these are also detailed below under the relevant heading.
3. The responses have been broken down as follows:
 - 102 - Private interest (mainly divers, using a proforma response)
 - 7 - Industry (non-fishing)
 - 4 - Fishing
 - 3 - NGOs
 - 5 - Statutory agencies and advisory bodies (including Relevant Authority Groups)
 - 3 - Local Authorities
 - 3 - Education
 - 4 - Recreational organisations
 - 2 - Consultants

PREFACE

Amendments to improve understanding

4. The use of the phrase 'generally understood' within paragraph 3 was queried with a suggestion that it was ambiguous and should instead state 'defined'. WAG has considered this and has decided to keep to the original wording of the text as there is no one definition of a highly protected site, for example the term has been used to describe a level of protection that does not exclude deposition.
5. Paragraph 8b has been amended in recognition of the fact that ecosystem recovery can be slower than 6 years. Some respondents were concerned that relying on the 6 yearly review process could undermine the case for more MCZs in the future as the benefits might not 'kick in' within 6 years.

Other issues

6. Why highly protected sites? - A number of respondents took the opportunity to question the Welsh Assembly Government's approach to establish highly protected MCZs in Wales, on the basis that there is no legal obligation or scientific evidence that requires such a high level of protection to be afforded automatically, and that the need for such a high level of protection should be considered in the light of sensitivity of a particular habitat to a particular activity.
7. Limiting the number of sites – The majority of respondents commented that limiting the number of sites to no more than 3 to 4 HPMCZs initially is inadequate to provide the

protection required for Welsh waters and to meet Wales' contribution to an ecologically coherent UK network of marine protected areas.

WAG's Response:

8. There is strong scientific opinion both internationally and domestically (*Highly Protected Marine Reserves – Evidence of Benefits and Opportunities for Marine Biodiversity in Wales CCW Science Report 762/2006*) 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.
9. However until we know more about the ecosystem benefits delivered by such sites in domestic waters, we are proposing to limit their number to no more than 3 to 4 MCZs. Post designation monitoring and research work will inform how we proceed with MCZ designations in the future.
10. We have consistently made clear that this is our initial approach; we will then take stock and assess the effects of designation, review whether the initial sites should continue to be designated and at what level of protection, and whether other sites would benefit from MCZ designation in the future, and at what level of protection.

INTRODUCTION

Amendments to improve understanding

11. Further information has been provided on the role of the Stakeholder and Citizen Advice Group within paragraph 2.
12. There was a misunderstanding from some respondents that the network we are striving towards consists of HPMCZs only and in Welsh inshore waters only. The text at paragraph 4 has been amended (in addition to what is already provided within the Preface) to clarify that HPMCZs are a small part of a much bigger network, made up of different types of MPAs, across the UK.
13. In response to requests for background information, the introduction has been expanded and now includes text originally part of Annex 2. Definitions have also now been provided as to what is meant by extractive, depositional, damaging and disturbing activities.

OVERALL PROCESS AND TIMETABLE

Amendments to improve understanding

15. The timeframe has been extended to take account of forthcoming NAW elections. The result is that the consultation and designation process at Stage 8 and Stage 9 now runs into 2013. There was a suggestion to include a timeframe within Figure 1, but we do not think this is necessary as timeframes are already provided for each stage within Part 2.
16. At the beginning of this Chapter we have clarified our engagement with other UK administrations in order to ensure coherence with the wider UK network. Furthermore we have clarified that until they disband in the summer 2011, we will continue to engage with the Finding Sanctuary Project and the Irish Sea Conservation Zone Project and take into consideration the outputs. After they disband, the dialogue will continue with JNCC and Defra.

17. There were concerns from some that the decision to seek an opinion/decision from the Welsh Ministers at all stages in the process was at the prerogative of officials. We have amended the text to help alleviate these concerns— now at paragraph 11. However effective government working involves officials being able to seek an opinion/decision from the Welsh Ministers when and as they think fit. Non-officials are of course free to raise matters directly with the Welsh Ministers at any time.
18. At Stage 1 we have clarified the role of CCW and provided rationale for the anticipated number of Focus Sites – see footnote 8.
19. At Stage 4 we have clarified that this will involve full public consultation as the original text gave the impression that consultation would be with selected groups only. We have also made clear that an impact assessment will be provided for each Potential Site; this was raised as necessary in order to compare the full costs and benefits. We have also clarified that during this stage where possible we will start to identify management measures in line with the draft conservation objectives.
20. In response to a suggestion for splitting Stage 8 into 2 stages - a consultation stage and a designation stage - we have introduced Stage 9.

Other issues

21. Overall there is support for the 8 stage process which was viewed as logical and transparent, although some questioned the need for 3 iteration exercises for just 3-4 sites. A few respondents commented that the process was too top-down, and overly complicated.
22. WAG's Response: We remain of the view that the careful and considered approach afforded by iterative engagement is a key element of the process to identify highly protected sites, given that this level of protection involves stopping certain activities. Although questioned by some respondents, many others are supportive of the iterative process and the opportunities it provides for engagement.
23. Transparency at Stage 3 - Some even though they support the process have concerns about transparency at Stage 3 where a site if it conflicts with WAG policy may be removed from consideration – they would prefer the site to be open to stakeholder discussion before being removed as a potential site.
24. WAG's Response: The guidance states that any site considered unsuitable for the first iteration exercise will be identified within the consultation paper with full reasons for why the site was considered unsuitable for further consideration. Stakeholders and sea users will be free to comment on such sites as part of the consultation exercise. The same applies for any site refined or removed during later iterations.

ECOLOGICAL GUIDELINES

Amendments to improve understanding

25. The text for broadscale habitats has been amended to clarify that for Focus Sites (but not necessarily Potential Sites and Proposed Sites) we are looking for sites that represent **all** broadscale habitats as it was felt that this was not clear within the original text (this also applies to 'other important habitats under paragraph 44). Further information with regards to heterogeneity has also been provided.

26. The guidance for site size at paragraph 46 has been modified to make clear that the guidance is to assist with the assessment of Focus Sites and then refinement to Potential Sites but that the final proposed sites may be larger or smaller than the guide size.
27. The final sentence of paragraph 49 has been amended to clarify that it 'will' (rather than 'may') be necessary to consider sites proposed across the UK.
28. The Scoring System is now known as the Assessment System – this is in response to a comment that Stage 2 involves an element of professional judgement and therefore cannot be scored. A summary of the Assessment System is provided at paragraphs 52-53 with the detail of the Assessment System now contained within an annex – see Annex 1. This is to achieve a more consistent approach in line with the level of information and detail provided throughout Chapter 2.

Other issues

29. Site size – many commented that the size of the proposed sites is inadequate and that when coupled with the small number of sites anticipated, questioned how WAG will meet its network obligations. Both fishing and recreational organisations requested clarification on a maximum site size.
30. WAG's Response: paragraph 46 has been amended to ease understanding of the guidance in relation to site size. However this does not change the position that the size of a potential site is linked to what is appropriate to ensure the viability of the site. There is no stipulation for minimum site size (nor maximum site size) but instead the emphasis is on what is right and appropriate to ensure the viability of the site in question. The Preface and Introduction explain how WAG intends to meet its network obligations.
31. Species – A small number of respondents raised the issue of the need for HPMCZs for mobile species and questioned why species are treated as a 'secondary' consideration.
32. WAG's Response: The approach to identifying HPMCZs in Wales is to select those areas that we anticipate will benefit the most from a high level of protection to provide the greatest contribution to marine ecosystem recovery and resilience. The site selection guidance has been developed on the understanding that by protecting the right habitats, the species will follow – while recognising that when assessing one potential site over another certain species can contribute to ecosystem structure and/or function.

SOCIAL AND ECONOMIC ASPECTS

Amendments to improve understanding

33. Paragraph 69 has been amended to clarify that we will be undertaking stakeholder engagement alongside and as well as the public consultation exercises.
34. Further information has been added to Table 3 to present a more consistent approach with regards to all activities listed and re-dress a perceived imbalance with regards to the information provided for commercial fishing. We have also expanded the text in relation to renewable energy to clarify why co-location has been ruled out. In response to comments that Table 3 presents an overly negative impression of HPMCZs we have provided more information on the anticipated long term benefits of HPMCZs, while recognising that our understanding of the full societal and economic benefits are likely to develop and be informed on a site by site basis during the site selection process - paragraph 69 refers.

Other Issues

35. Social and Economic considerations - Some were of the view that there is too much emphasis on the social and economic considerations throughout the selection process and questioned the weight being given to certain interests. Others welcomed the inclusion of social and economic in the process.
36. WAG's Response: It has always been our intention to ensure that HPMCZs are as far as possible chosen to maximise benefits, while minimising any conflicts with the different uses of the sea. The guidance outlines a robust process for identifying these sites that is informed by stakeholder dialogue and incorporates ecological, social and economic considerations. This is a key approach for highly protected sites because they involve stopping certain activities.
37. Recreational Activity - recreational fishers questioned the incompatibility of their activity in HPMCZs. There is a view that through co-existence recreational fishers could play a useful role in policing areas, as they do on inland waters. Some also raised the need to consider recreational diving as incompatible with a HPMCZ as it may result in damage and the removal of curios.
38. WAG's Response: The primary objective of a highly protected site is to protect the whole ecosystem by excluding all extractive and depositional activities within an area to contribute towards ecosystem recovery and resilience and also to provide a better understanding of the marine environment in an un-impacted state. HPMCZs provide places against which the nature and extent of human impacts of the sea can be judged by scientific research; it is considered that this would be compromised by allowing recreational fishing, which is an extractive activity per se. The need for management measures to control other activities which are not extractive or depositional per se, such as diving, will be considered by the MCZ Project as part of the process.
40. Practical considerations (Table 4) – some questioned whether opportunities for research or monitoring are a valid reason for not designating a MCZ.
41. WAG's Response: The Welsh Ministers are under a duty to report on the condition of MCZs including their contribution towards an ecologically coherent network of marine protected areas. Consequently the ability to monitor an area is a key practical consideration.

ANNEX 1 GROUP MEMBERSHIP

42. Stakeholder and Citizen Engagement Group – the membership of this group has been expanded to include more representatives from the fishing sector and recreational interests.
43. The membership details previously provided in Annex 1 have now been removed from the Guidance and will instead be posted on to the Welsh Assembly Government's website. This is a more appropriate place for listing the membership details of the MCZ governance structure and provides a more efficient and accessible means of updating membership details.
44. Annex 1 now holds the Site Assessment System.

ANNEX 2 SUPPORTING EVIDENCE

45. Part A3.1 relating to site selection software has been updated.