

Marine Conservation Zone Project

Additional guidance for regional MCZ projects on planning for areas where licensed, planned or existing socio-economic activities occur

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Natural England and JNCC

Key points -

- The priority in MCZ planning is satisfying the requirements of the Ecological Network Guidance (ENG);
- All areas should be considered in the MCZ planning process, regardless of existing, licensed or planned activities;
- Synergies between MCZ objectives and existing, licensed and planned activities should be planned for, creating co-location 'win wins';
- There should be fair treatment of the range of socio-economic interests throughout the planning process;
- Where sites are essential to meet the ENG and therefore must be recommended, the nature of both the existing, licensed or planned for activities should be logged in the recommendation and costed in the impact assessment.

Overview

This guidance is provided by JNCC and Natural England at the request of the regional MCZ projects. The regional stakeholder groups should use this guidance when planning for MCZs in areas where:

- a) socio-economic activities occur e.g. fishing activity, existing wind farms, active marine aggregate dredging areas, recreation etc and;
- b) there are licensed or planned for socio-economic activities but where the activity has not yet started.

The regional stakeholder group's responsibility is to deliver recommendations that satisfy the Ecological Network Guidance (ENG) whilst minimising the social and economic impacts along with the wider environmental consequences. Therefore, no part of the regional MCZ project planning area should initially be excluded from the stakeholder process. The only exceptions are where there are areas that have been permanently modified, with a very low potential to ever return to a natural or semi-natural state. These areas should initially be avoided (e.g. artificial structures, active licensed dump sites etc.). However, if features of conservation importance are only present

in modified areas, then it may still be necessary to select a site in these areas. The regional stakeholder group with advice from SNCBs and the regional project team should identify and agree in the initial planning stages any areas that should be excluded from the initial planning process.

There are significant socio-economic benefits in integrating MCZs with existing activities; wherever possible regional stakeholder groups are encouraged to identify these synergies to provide for 'win win' situations. Regional stakeholder groups should ensure that consideration is also given to socio-economic activities that are licensed (see section b) and being planned for, thus providing a level of 'future proofing' in the co-location decision making process.

It is important there is fair treatment of the range of socio-economic interests of stakeholders throughout the planning process. It is the responsibility of the regional stakeholder groups to decide on the process to ensure fair consideration of the range of views when identifying where MCZs could be located. The MCZ Project Delivery Guidance (PDG) provides advice on some of the methodologies that could be used.

This guidance supports the 'fine tuning' of decisions and should be used in conjunction with impact assessment and the Science Advisory Panel audit processes throughout the planning period. Natural England and JNCC aim to provide as much clarity as possible on the implications to any stakeholder activities / interests of any MCZ recommendation. The conservation objective guidance, pressure matrices and the impact assessment process will all support this. However, stakeholders need to be aware that this is generic guidance that will require interpretation at a site level and will vary depending on the features present, the number (and intensity) of activities occurring (licensed or planned) as well as the conservation objectives of the feature(s) of interest.

a) Identifying MCZs in areas where socio-economic activities occur

Where socio-economic activities occur in areas that have features present that are included in the Ecological Network Guidance (ENG) (Features of Conservation Importance or broad-scale habitats), an area should be considered in the regional MCZ planning process.

Where the site is identified as being suitable for a MCZ from the stakeholder discussions, the regional stakeholder group will need to identify the appropriate conservation objective for the desired quality of the feature(s) (reference or favourable condition). If the objective is reference condition then no extractive or depositional activities (or other impacting activities) will be compatible with achieving the objective. Careful consideration in minimising the social and economic impacts will be required in the identification of sites requiring reference condition as

there will be fewer options for integration and co-location with existing, licensed or planned (depositional, extractive or impacting) activities.

For all 'non-reference condition' areas of proposed MCZs, consideration should be given to whether the pressure(s) on the environment from existing activities would allow the feature(s) to achieve the 'favourable condition' target for the MCZ. The degree of compatibility of existing activities with the level of pressure is assessed through the sensitivity, pressure and activity matrices being developed by Natural England and JNCC (regional projects should use their draft matrices until these are produced).

If existing (and/or planned) activities in an area together exert a level of pressure deemed compatible with the conservation objectives, the area should be considered as an ideal area for recommendation as long as the favourable condition target can be achieved. This will require close liaison with the stakeholders with an active interest in the site. Where it is both feasible and consistent with the ENG, co-location of this sort will help to reduce conflicts of use elsewhere.

If the activities will exert an adverse level of pressure (within a proposed site) they will not be compatible with the conservation objective. In this instance the regional stakeholder group should work with the regional project team and facilitator to identify whether if there are any other locations in the regional area that could be suitable. If there are no other suitable areas and the site is essential to fulfil ENG requirements, consideration would have to be given as to whether favourable condition could be met through future mitigation of the impacts of the activities on the feature (for example modifications to fishing gear). This would require discussions between the relevant stakeholders, nature conservation advisors and management authorities. If agreement can be achieved that the impacts can be mitigated and favourable condition can be met, then the area should be considered for recommendation. Liaison with the relevant stakeholders will be required to inform assessment for the IA of the costs to the UK economy that will arise from the mitigation measures. Uncertainty and unknown impacts should be appropriately reflected in the analysis.

There may not be enough time in the planning process to fully consider mitigation strategies with management authorities and discussions may have to be kept at a high level. In these cases information on any mitigation discussions should be submitted with the recommendations and the site considered as if the prevailing pressures are not compatible (see below process).

In areas where prevailing pressures are not compatible to achieving the conservation objectives, impacts cannot be mitigated yet the site is essential to fulfil the ENG, the area must not be

discounted but the socio-economic costs of including the area should be evaluated in the impact assessment. The site should be recommended and any objections (and support) from stakeholders logged. As above, liaison with relevant stakeholders will be required to ensure the impact assessment accurately assesses the costs arising from impacts on their operations. A clear explanation will be required as to why the site is essential in the delivery of the ENG and why all other options could not be progressed.

b) Where an area is licensed or planned but no activity has started

The same process as for (a) above should be followed. If recommendations are essential to fulfil the ENG in areas where there are licensed or planned activities, in addition to the information required above further information should be provided on the nature of the potential pressures and associated impacts likely to arise from the licensed or planned activity.

Ideally information will be sought from the developer (or the licensing or planning authority if necessary) on the likelihood of the activity being initiated, the potential to undertake the activity in another location or to amend a licence to avoid any potential adverse pressures to the feature. Liaison with stakeholders will be needed to inform assessment of the costs that would arise from any revocation of, or amendments, to licences or plans.

Summary

- The priority in MCZ planning is satisfying the requirements of the ENG;
- All areas should be considered in the MCZ planning process, regardless of existing, licensed or planned activities;
- Synergies between MCZ objectives and existing, licensed and planned activities should be planned for, creating co-location 'win wins';
- There should be fair treatment of the range of socio-economic interests throughout the planning process;
- Where sites are essential to meet the ENG and have to be recommended, the nature of both the existing, licensed or planned for activities should be logged in the recommendation and costed in the impact assessment.

Decision support tree for co-location planning of MCZs.

