

MCZ Team,

By email: MCZ@defra.gsi.gov.uk

Nobel House

17 Smith Square

London

SW1P 3JR

26th March 2013

Dear Sir or Madam,

**Consultation on Marine Conservation Zones**

On behalf of the North West Coastal Forum I would like to thank you for the opportunity to comment on the consultation for proposals for designation of Marine Conservation Zones in 2013.

The North West Coastal Forum[[1]](#endnote-1) is a multi-sector partnership working together across boundaries to deliver economic, environmental and social benefits for coastal communities in North West England. Our aim is to promote and deliver integrated coastal zone management in North West England to secure the long-term sustainability of the region’s coastal zone. Our vision of a sustainable future for the North West’s coast includes a range of objectives the most pertinent of which are well-integrated planning and management of the coastal zone, the economic potential of the coast achieved in ways which safeguard, enhance, restore and sustainably use our natural and cultural assets, a high quality natural and built coastal environment able to adapt to climate and other change, and raised appreciation of the North West Coast. As such we have a strong interest in the development of a strategic Marine Protected Area network for the Irish Sea and other marine and coastal areas of the UK.

As we are commenting more on the general process it was not felt appropriate to use the response form provided, which is more suited to site-based comments and evidence.

The North West Coastal Forum was part of the Regional Stakeholder Group for the Irish Sea Conservation Zones project and as such broadly supports the recommendations of the Group although we do have concerns about the process that took place, in particular relating to evidence and the lack of any real discussion about likely management measures at each site.

**Proposed Irish Sea MCZs**

We broadly support designation of the four sites proposed for the Irish Sea: Cumbria coast; Fylde offshore; Hilbre Island Group, and North of Celtic Deep; although without further detail on what management measures may be imposed it is not possible to reach a firm judgement, particularly on the economic impacts of designating, for example on local fisheries.

We are disappointed that only these four sites are being considered in this first tranche, and that not all the conservation features proposed for those sites are being considered (the Cumbria Coast proposal lacking 8 of the 9 features put forward, and North of Celtic Deep lacking 2 of the 4 put forward).

On a more positive note we welcome the news that although not all the ISCZ sites put forward will be considered this time, none have been ruled out completely.

Both Cumbria Coast and Hilbre Island Group, in addition to their conservation value, offer an opportunity to inform and engage the general public in the value of Marine Conservation Zones as both are accessible and close to popular coastal small town tourism destinations (St Bee’s and West Kirby). Work has recently started on extending the National Coastal Route down the Cumbrian coast, including the proposed Cumbria Coast MCZ area. Open coast access could pose some management issues. Because only 1 of the 9 features proposed is included in the proposed designation, with the remaining features requiring further evidence, there could be issues with damage to non-designated features as any management measures put in place for the first tranche would only relate to the single feature: Honeycomb worm (*Sabellaria alveolata)* reefs. As mentioned above we have concerns relating to the uncertainty over what management measures will be needed as it is difficult to see how conclusions about economic, or other, impact will actually be without this information.

With regard to the remaining sites: Allonby Bay; Mid St George’s Channel; Mud Hole; North St George’s Channel; Ribble Estuary; Sefton Coast; Slieve Na Griddle; Solway Firth; South Rigg; West of Walney; Wyre-Lune and the recommended reference sites we urge clarification of the evidence base and designation as soon as possible.

**Data availability and stakeholder knowledge**

While we understand the need for sound data a huge amount of effort was put into sourcing data from a range of sources during the lifetime of the ISCZ project. The recommendations were made in the full realisation that the Regional Stakeholder Group did not have perfect information but did make best use of all available hard data, together with the accumulated and often expert knowledge of stakeholders which people were encouraged to share. The latter point in particular seems to have been ignored in coming to the conclusions about evidence put forward by the proposals for designation of the first tranche of MCZs. While it may be understandable from a scientific and evidenciary point of view it is extremely frustrating and devalues both the overall stakeholder engagement process undertaken and many individual’s contributions. This could become a major issue if future stakeholder consultation is needed on further, or amended, sites.

**Management Measures**

As noted above we have concerns on the management measures that may be imposed as a result of designation. These were not adequately explored during the Regional Stakeholder Group process and are not sufficiently expressed in this consultation to enable a true assessment of, for example, the impact on economic activity at any given site. For example the assumption set out in Annexe E of the consultation that 75% of any fishing activity that has to stop on a site will be displaced to elsewhere rather than ceasing altogether may not in fact be possible and so management measures preventing a particular fishing activity may result in its complete cessation, with associated economic impacts which may be critical in small communities.

**Future Stakeholder Consultation**

We note in 4.1.17 that it is not intended to reconstitute the Regional Stakeholder Groups for further consultation, although stakeholders will be ‘engaged in discussions’, but there is no mechanism given and this is a concern given the point above. Although care was taken to get representative organisations on the Regional Stakeholder Group and a huge amount of effort was put in by the ISCZ team to obtain local engagement there remains a feeling amongst some local groups, such as wildfowlers, that they were effectively excluded from the process. Adequate resourcing for effective consultation going forward is needed and this should include resources for local-level consultation on a site by site basis, as needed.

**Timetable**

There is no public timetable for future rounds of designation so very little certainty for those using the marine and coastal areas which are currently deferred for later consideration. This has commercial implications for many users of the sea and coast. While we understand that evidence takes time to collect all the proposed sites have been under the spotlight for some considerable time now and there is little good reason why any outstanding evidence is not yet available. Decisions are needed sooner rather than later on future sites for both conservation and commercial reasons and we would recommend that a timetable is drawn up to give some certainty for all.

**Precautionary principle – protection of existing and future sites**

We note that sites proposed for designation in this consultation are protected for licensed activity by the procedures set out for regulating authorities in s.126 of the Marine and Coastal Access Act 2009 for any act that is ‘capable of affecting (other than insignificantly) any features or process’ but these are presumably the features proposed for designation, not any that need further evidence which may be in the same MCZ. This is a concern.

Another major concern is the situation for sites for possible future designation. The consultation document states that the regulator should **not** follow the procedure in s.126 of the Act but should ‘take a judgement on the level of precaution it applies to its decision for such sites using an assessment based on and including; the level of uncertainty associated with any supporting evidence; the plausibility of risk associated with any proposed activity; and the likelihood of future designation as a MCZ’. There is a huge amount of uncertainty and subjectivity here which is not in the interests of either commercial activity or conservation interests.

Regarding unlicensed activity the situation is also unclear. The Marine Management Organisation has the powers under s.132 of the Act to make byelaws to protect features from unlicensed activities ‘if it thinks there may be reasons for the Secretary of State to designate the area as an MCZ and there is an urgent need to protect the feature’ and that ‘the MMO will consider whether this applies to any of the sites proposed in the first tranche of sites’. The consultation document goes on to state that ‘In the context of advice from Defra and SNCBs, the MMO will also consider whether there is an urgent need to protect the features in any of the sites that are subject to further evidence gathering. This information will feed into discussions on further tranches of MCZs but there may be exceptions where MMO may decide that byelaws are required sooner’.

In both the case of licensed and unlicensed activity for currently proposed and possible future MCZs we would urge that the precautionary principle is applied and all sites and features are protected while evidence is being collected. This will provide a level of certainty, user confidence and at the same time avoid the risk of damage to sensitive features. But as noted above we do have concerns about management measures for sites creating unnecessary or unforeseen economic burdens so we would urge that only in exceptional cases where clear evidence of damage to a sensitive feature or habitat can be shown should already existing activity be restricted.

**Achieving a Coherent MPA Network**

While the North West Coastal Forum has no detailed knowledge of the other MCZ projects and the sites they have put forward, or those currently being consulted on for other regions, we note that the full 127 sites recommended by all 4 Regional Stakeholder Groups would be needed for a coherent network, and that the piecemeal picture provide by the currently proposed sites falls far short of this objective. Even if some other sites are designated in the future there is a risk that the overall network will fall short of what is required if all are not designated. Given the length of time it has taken to come up with the current set of proposals urgent consideration needs to be given to the risk of this occurring and what measures will be put in place to fulfil the MPA network obligations and ambition.

If you need further clarification regarding any of the matters raised please do not hesitate to contact me.

Yours faithfully,



**Caroline Salthouse**

North West Coastal Forum Secretariat

1. The Marine Management Organisation has observer status on the North West Coastal Forum Management Board and as such has not participated in this consultation response. [↑](#endnote-ref-1)