



Net Gain response to Science Advisory Panel feedback on the 2nd iteration.

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Introduction

This document provides Net Gains response to SAP feedback on the 2nd iteration. It aims to:

- Distil key points of guidance from the SAP feedback.
- Set out the project team's reaction to the key messages.
- Describe how we have addressed the SAP feedback into our process for the 3rd iteration
- Look at points that need to be addressed in future, and points we cannot address.

The document serves as a record of how we are seeking to fulfil our responsibility to incorporate SAP feedback into our process.

We have quoted specific paragraphs of the SAP feedback, followed by the project team's reaction (in italics). We have grouped together quotations from different sections of the original SAP document, where they address similar points, and tried to put them in a logical, thematic order. Not all paragraphs from the original SAP feedback document are included, as not all of them require comment or action.

This document is not a replacement of the full SAP feedback document (which can be downloaded from our website).

Section 1 SAP feedback specific to Net Gain

1. 2nd iteration progress

SAP feedback paragraphs 1.1 – 1.7 In these paragraphs the SAP outline the progress made by Net Gain and the Regional Stakeholder Group, noting the good use of materials, well planned meetings and congratulating the development of PRISM/PISA tools and consensus forms to assist the planning process. Overall it is concluded that the procedures undertaken by the team, the means of presenting information to the stakeholders and of collating and prioritising information and sites, has produced a robust and defensible method so long as the team are confident all the relevant stakeholders have been included in the process. The team appears to have a viable and realistic timescale for reaching and discussing the 3rd iteration.

Project team reaction: Net Gain welcomes the positive comments received from the SAP and the recognition of the hard work and commitment of the project team and Regional Stakeholder Group.

2. Join up with Marine Planning

SAP feedback paragraph 1.8 The Net Gain team will have to ensure that the plans do not conflict, even at this early stage, with the newly defined MMO spatial planning area from Flamborough to Suffolk.

Project team reaction: Net Gain is working in collaboration with the MMO to ensure join up even at the early stages of the marine planning process. We are holding Regional Hub meetings in March, at which the MMO will present on marine planning and also management measures.

3. Meeting ENG targets

SAP feedback paragraphs 1.10-1.21 The SAP provide a summary of how the Representativity, replication, viability and adequacy targets have been met.

Project team reaction: We note the SAP comments and intend to provide a narrative in the 3rd iteration to demonstrate how targets have been met, or the reasons why they cannot be met for all features.

SAP feedback paragraphs 1.22 – 1.23 Table 4 (as a distance matrix) gives the inter-site distances (with 80km highlighted) but these are linking different types of site. This is not how connectivity is defined. It would be helpful to have such a table of distances between boundaries of MPAs of similar habitats, as defined in section 4.6 of the ENG. This criterion is judged as of secondary importance in the ENG, but nevertheless is a component of attributes such as adequacy which are of first importance so need to be determined with some care. Net Gain are reminded that the rule of thumb spans 40-80km so it might be more helpful to highlight the lower limit rather than (or as well as) the upper. The connectivity between populations will be a more important feature than between habitats, where this can be inferred, in the large expanses of North Sea sediments.

Project team reaction: The feedback is taken on board and the project team have discussed Finding Sanctuaries approach to providing a buffer to similar habitats to assess connectivity at Eunis Level 2.

We do not feel it will be possible to infer connectivity between populations as insufficient data is available to us.

SAP feedback paragraphs 1.28-1.31 It is not possible to assess the adequacy of protection levels for the dMCZs until conservation objectives are specified. These cannot be prepared until there is a shared understanding of the features contained within each site and their current condition. The style of the narratives and content of the dMCZ site descriptions prepared by Net Gain are commended as precursors to site dossiers that will enable that understanding to be developed and recorded. The Net Gain site descriptions provide valuable insights into the rationale for each dMCZ and record the assumptions being made by stakeholders about co-location and management measures likely to be required to protect the features on the site. The tools PRISM and PISA have clearly assisted the associated discussions. The COG tool now under development by Net Gain should facilitate the preparation of conservation objectives and allow the assumptions being made by stakeholders to be confirmed or modified.

There is a need to identify reference sites. Some advice on this is contained in paragraph 2.14. Net Gain does not engage in this process in their 2nd iteration but the site descriptions for some dMCZs contain suggestions for possible reference areas. Table 5 indicates actual and some potential activities that stakeholders know to occur in each dMCZ. This provides a starting point for a number of discussions, including that on socio-economics and the extent to which activities are likely to be compatible with the features for which conservation objectives are proposed. It seems certain that such discussions will demand much more information about the temporal and spatial intensity of activities and the fraction of the dMCZ occupied by the features in question.

***Project team reaction:** During the 3rd iteration planning process the RSG have determined the features of each dMCZ for inclusion in draft conservation objectives. For the 3rd iteration progress report the COG tool has been used to provide draft conservation objectives (see Annex) which will form the basis for vulnerability assessments in forthcoming meetings. Initial discussions on Reference Areas have identified a number of possible sites which will be built on in our March meetings.*

4. Additional Areas of Ecological Importance

SAP feedback paragraphs 1.25-1.26 Net Gain appears to have used available data subjectively in the Regional Hub workshops and they were inputs to the Marxan analysis, which was itself an input to the ranking exercise; a good practice. The dMCZ site summaries contain check lists and contain free form text to indicate whether or not additional features are known to occur there. It is difficult to detect whether these data are having a discernable effect on the size and location of the individual dMCZs and the makeup of the overall network. Some explanation of this will be helpful to the RSG and SAP, not least to confirm that the guidance in the ENG is being followed. This requires MCZs selected for conservation of BSH and FOCI to be prioritised to include AAEI. It is insufficient to record when they do so serendipitously; the existence of significant AAEI not contained in any MCZ is relevant too. The importance of the Flamborough-Helgoland front has yet to be emphasised in the proposed designations

***Project team reaction:** Since submitting the 2nd iteration further guidance has been sought from the SNCBs on the incorporation of AAEI into the dMCZs as follows:*

' The SAP report on the second iteration advises that AAEI should be used to make choices between potential MCZs that are comparable in meeting the principles of representativity, replication and adequacy. This means if choices are available between areas where there are comparable options for broad-scale habitats or FOCIs, the presence of AAEI could help to make a decision. This is clearly stated in the ENG selecting MCZs using the areas of additional ecological importance data layer. Also, in the JNCC/NE advice we emphasise that information on AAEI should only be used as a further qualifying factor to distinguish between possible MCZs for broad-scale habitats and FOCI. Therefore an area of ecological importance cannot by itself be considered as a potential MCZ because it will not meet the guidelines within the ENG. Defra Guidance Note 1 states that MCZs will not be directly designated for ecological processes alone. This means that MCZs can only be designated for features not for processes. They should be used to ensure that we are protecting the more ecologically diverse, productive and important examples of broad-scale habitats and features of conservation importance. Therefore ecological processes could be taken into account in MCZs, for example when setting the conservation objectives for broad-scale habitats or FOCI and considering the management measures required, so that processes will be maintained/conserved where necessary to support a habitat or species. Common sense here will be paramount, the question that RSG need to consider is: can we put anything into the CO or management measures that will realistically contribute to the protection of the ecological process?. If the answer is no, move on and go to the next issue.'

*The project team asked the RSG to consider AAEI within the sites so far as possible while maintaining a good level of support from stakeholders for the site boundaries. The Yorkshire/Humber Regional hub considered the inclusion of the Flamborough Helgoland front, **but felt that further advice was required from the SAP on how best to incorporate this feature, in whole or in part.***

5. Geological and Geomorphological features

SAP feedback paragraph 1.27 The Regional Hubs used data on the occurrence of geological and geomorphological features to identify and rank sites. Features are noted in the site summaries but in due course Net Gain needs to demonstrate that all the features in their Region, which are not protected by SSSIs, are contained within and reflected in the conservation objectives of the relevant MCZ.

Project team reaction:** The SAP feedback goes further than the ENG guidance which states that the 32 coastal GCR sites that have a significant intertidal or subtidal portion and are not currently protected in SSSIs should be considered for designation'. The project team have interpreted this guidance to mean that the RSG should consider these sites, not that they must all be included. **We request clarification on this point from the SNCBs. In addition the RSG would like further guidance on whether for large geomorphological features such as the Outer Silver Pits is benefit in recommending a portion of the feature or if it must be considered in its entirety.

Section 2. General comments relevant to all the Regional MCZ Projects

1. Single species records

SAP feedback paragraph 2.2. The SAP notes that single occurrences of many of the FOCI species are found in a serendipitous way (for instance seahorses, sea fan anemone, stalked jellyfish, gooseneck barnacle, crawfish, fan -mussel). They are probably more widely distributed than indicated and also may be 'gone' next time a particular location is sampled. Similarly, if another location is surveyed, they may well turn-up there. However, it is emphasised that single records of species should only be used **to justify creation of a MCZ** if they are a persistent feature at that location. Records should only be accepted for consideration as part of the case for a MCZ if the populations are established, can be reliably found at the location on separate visits and numbers are significant (the species would be described as occasional or higher abundance) at a location. Historical records that suggest the location was previously occupied by a resident or regularly occurring population of that FOCI species can also be used, bearing in mind that MCZs are expected to aid recovery.

Project team reaction: The SAP feedback was noted and passed on to the RSG for consideration during planning. Within Net Gain, a number of Species of Conservation Importance only have single records with implications on our ability to meet the ENG. In the 3rd iteration report, we will provide an assessment against targets for all species, however, highlighting those for which we only have single records for the SAPs information.

2. Site dossiers

SAP feedback paragraphs 2.3,2.5, 2.6. The report from Net Gain included information on dMCZs which was laid-out almost in a dossier style. A house-style for these documents needs to be agreed to ensure a consistent approach and that all of the relevant information/evidence is included **for each MCZ and the MPAs that are being relied upon to deliver against the ENG targets**. Dossiers are not full management plans but include a clear boundary map on a chart backdrop and a catalogue that explains what are the features that make the area important including the broad scale habitats, the FOCI, 'Additional ecological importance' and 'Other' features, the geophysical and geomorphological interest, and the conservation objectives.... Bearing in mind the points made about assembling all of the biological information that is relevant to a proposed MCZ, the SAP encourages specific workshops of experienced and knowledgeable marine biologists to populate the suggested dossiers.

Project team reaction: Net Gain plans to use a similar format to that of our 2nd iteration in the 3rd progress report and has worked with the other regional projects to develop this into a house style. Information available within the Regional Profile has been supplemented by dossiers provided from the NGOs, which have also been used in writing the report. While the project team recognises the benefit of holding workshops for experts to develop site dossiers further it must be recognised that this may not be feasible in the given timeframes and our focus must be on meeting the requirements of the ENG.

3. Cross Boundary Sites

SAP feedback paragraph 2.8 The boundaries between Regional Projects are another source of artificiality. Within the limitations imposed by national boundaries, the RPs should (continue to) ensure that the area occupied by an interest feature is represented regardless of project or sub-group boundaries.

Project team reaction: Efforts are being made to liaise with the Scottish MPA Project and Balanced Seas on cross boundary sites. We have shared shape files and fishermap data with balanced seas to facilitate this process.