



Stakeholder Engagement, Facilitation & Mediation

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# **Irish Sea Conservation Zones Regional Stakeholder Group Workshop 8**

## **REPORT**

**Meeting: 13<sup>th</sup> & 14<sup>th</sup> July 2011**  
**Venue: Ribby Hall, near Preston**

Report: August 2011

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The Irish Sea Conservation Zones (ISCZ) Stakeholder Process has been designed and facilitated by Rob Angell of R K Partnership Ltd (RKP) since March 2011. Lynn Wetenhall and Jim Welch have supported the facilitation and process design. The facilitators hold no formal position on any of the substantive issues that have been, or might be, considered. It is for the participants to decide what issues are raised, how they might be addressed and how any observations, conclusions and recommendations might be recorded and communicated.

Meeting reports are produced by the ISCZ Project Team and RKP.

Details of the ISCZ Project, the Regional Stakeholder Group, and all meeting reports are available on the ISCZ website [www.irishseaconservation.org.uk](http://www.irishseaconservation.org.uk)

## Attendees

### Regional Stakeholder Group (RSG)

<b>Name</b>	<b>Organisation</b>
1. Andrew Bellamy	Sand and gravel extraction
2. Adrian Lester	Chamber of Shipping
3. Jane Lister	MMO
4. Andrew Finlay	The Crown Estate
5. Andrew Gouldstone	RSPB
6. Caroline Salthouse	NW Coastal Forum
7. Cheryl Nicholson	The Wildlife Trust
8. Chris Lumb	Natural England
9. Chris Sweeting	British Sub Aqua Club
10. Cristina Herbon	JNCC
11. Cynthia Burek	NW Geodiversity Partnership
12. Dale Rodmell	NFFO
13. Dave Dobson	NW IFCA
14. Dick James (13 <sup>th</sup> July only)	UKAFPO
15. Fiona Gell	Isle of Man government
16. Geoff Meggitt (14 <sup>th</sup> July only)	Recreational/leisure craft
17. John Amery	Angling Trust
18. John Watson	Centrica
19. Julie Drew	Renewables UK
20. Kay Foster	Marine Conservation Society
21. Kelsey Thompson	Mariculture
22. Paddy Campbell	Northern Ireland Executive
23. Peter Jamieson	UK Cable Protection Committee
24. Ron Graham	Mobile whitefish gear
25. Sarah Peet	Environment Agency
26. Sue Stalibrass	English Heritage
27. Tom Bryan-Brown	Manx Fish Producers Organisation
28. Tony Wyld	MOD
29. Jonathan Parr	MMO
30. Kath Cameron (14 <sup>th</sup> July only)	DEFRA (observer)

### ISCZ Project Team

<b>Name</b>
31. Greg Whitfield
32. Andy Cameron
33. Matthew Sutcliffe
34. Harriet Morrall
35. Kieran Bell
36. Stephen Manning
37. Francesca Moore
38. Chris Egan



## Agenda: Day 1

# Regional Stakeholder Group Meeting

Wednesday 13<sup>th</sup> July

9.30	<b>Arrivals &amp; refreshments</b>
10am	<b>Start</b> Review and agree the Agenda & Meeting Aims
	<b>Context</b> The Project Team will give you an update on how well the Network currently performs against the ENG targets.  We will discuss with you what format your final recommendations will take, so you know what you will be aiming to finish with at the end of this meeting.
	<b>Finalising the Network</b> There will be an update by the Project Team on the actions relating to sites from the May RSG The Project Team will show you and explain to you the options from the focus meeting for sites 2 and 8 You will have an opportunity to ask questions of clarification
	<b>Break</b>
	<b>Finalising the Network (cont'd)</b> You will be working on which of these options you can agree to incorporate in the network.. You will have paper maps and interactive maps on laptops to work with if needed. Work will take place in a mixture of small group and / or plenary session.
1pm	<b>Lunch</b>
	<b>Finalising the Network (cont'd)</b> Work will take place in a mixture of small group and / or plenary session.
	<b>Break</b>
	<b>Finalising the Network (cont'd)</b> Work will take place in a mixture of small group and / or plenary session. Your task will be to conclude your discussions on sites and their boundaries.
	<b>Reflection on the day</b> On how the meeting has gone
6pm	<b>Finish</b>
8pm	<b>Dinner</b>

## Agenda: Day2

### Regional Stakeholder Group Meeting

Thursday 14<sup>th</sup> July

08.45	<b>Arrivals</b>
9am	<p><b>Conservation Objectives, Activities in the sites &amp; Implications</b></p> <p>You will get an overview from the Project Team on the work done by them and JNCC and NE to develop conservation objectives for the sites. This will include an explanation of any activity restrictions that will need to be in place in the pMCZs.</p> <p>You will have the opportunity to discuss this and understand how the work was done.</p> <p>You will then have the task of clearly recording any narrative text to set out the implications of any these restrictions</p>
	<b>Break</b>
	<p><b>Conservation Objectives, Activities in the sites &amp; Implications (cont'd)</b></p> <p>You will have time to continue your work on the implications of sites.</p>
12.30	<b>Lunch</b>
	<p>This slot is left deliberately open to allow for conclusions to any outstanding issues / questions that stakeholders may have. If it's not used / needed we will bring things forward, possibly leading to an earlier finish.</p>
	<b>Break</b>
	<p><b>Your Recommendations and the future</b></p> <p>You will have time to discuss with each other how satisfied you are with the network / your work and what this means and what, if any thoughts you have on how stakeholders should continue to be involved in MCZ and / or marine management and planning.</p>
	<p><b>Reflection and evaluation</b></p> <p>On the process</p>
4pm	<b>Finish</b>

## Context

### The Draft Final Network

The Project Manager gave a presentation to update the RSG on the performance of the draft final network configuration; that is, the network as it stood following the May RSG meeting on 9<sup>th</sup> and 10<sup>th</sup> May and the June RSG meeting on 29<sup>th</sup> June 2011 (see Appendix 1). This presentation focussed on the performance of the network against the ENG targets. The RSG were given an opportunity to ask questions.

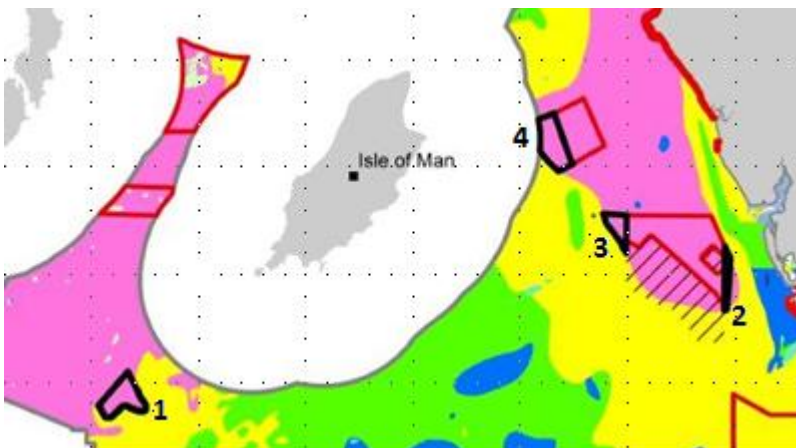
### Options for finalising the MCZ Network

The Project Manager gave a further presentation to provide an overview of the options for the RSG to consider in order to improve the network for the final recommendations. This broadly comprised proposed changes to the following sites:

- pMCZ 3 – proposed extension to the north-east to capture drumlin features
- pMCZ 11 – proposed seaward extension so that the southern part of the site covers the whole shore down to the mean low water spring mark
- pMCZ 14 – proposed alteration to square off the previously curved boundary
- pMCZ 4 – proposed extension to the south-east which is the result of confusion on what was agreed at the May RSG meeting
- pMCZ 8 – three proposed boundaries for the RSG to consider following the 15<sup>th</sup> June 2011 focus group meeting

The Project Manager also explained to the RSG that the co-location meetings (between various offshore windfarm developers, the SNCBs and The Crown Estate), that the RSG had requested to take place at its May 2011 meeting, had not yet reached a firm conclusion. Stuart Livesey (Dong Energy) was given the opportunity to read out a statement that informed the RSG of the current status of these talks. The statement indicated that there had not been enough time for a mutually acceptable decision to be made and, therefore, that the developers were not in a position to sign up to co-location.

As a result of the co-location situation, the Project Manager presented four options for the RSG to meet the ENG target for subtidal mud. The options are numbered 1-4 on the below map.



These four options were agreed by the stakeholders who attended a mud focus group meeting on 28<sup>th</sup> June. The four options were agreed on the basis that they were a back-up plan only for further discussion in the event that co-location had not been agreed by the 13<sup>th</sup> and 14<sup>th</sup> July RSG meeting. The four options were:

- Option 1 – a standalone site to the south-west of the Isle of Man
- Option 2 – a slight eastwards extension to pMCZ 2 (further inshore)
- Option 3 – a slight westwards extension to pMCZ 2 (further offshore)
- Option 4 – a westwards extension to pMCZ 1

In addition to this statement, Stuart Livesey stated that the offshore wind industry is aware of the additional pressure that finding mud elsewhere (i.e. the above options to meet the ENG target in the absence of co-location) would impose on the commercial fishing industry. Because of this, the offshore wind developers would not support any additional mud options that would negatively impact fisheries. He also underlined the desire of the industry to improve on and maintain strong relationships with the fishing industry.

## Finalising the MCZ Network

### Small group work

The RSG were divided into four small multi-sector groups (5 or 6 stakeholders on each table). Each group were asked to consider all of the options presented to them in order to finalise the MCZ Network. Each sub-group had a facilitator and recorder on the table. The proposed options were agreed, rejected or accepted with a qualification by each sub-group. The reasons for the group decisions were recorded, and were reported back to the whole RSG in plenary.

### Plenary session 1: reporting from small group work

#### **Group A (facilitated by MS)**

**pMCZ 11:** The group agreed to the proposed boundary change. They felt that 500 m was not a sufficient width for an MCZ on this part of the shore.

**pMCZ 3:** The group agreed to the proposed site extension on the basis that this was just for the drumlins and not for broad-scale habitats. Need to ensure that cables are not restricted. It needs to be recorded that the cable industry will have to avoid drumlins, and there will be an implication for cost to the industry.

**pMCZ 14:** The group agreed to the straight boundary as there are no perceived additional socio-economic impacts.

**pMCZ 4:** The group agreed to accept the extension as there are no additional perceived implications. This is an area of high biodiversity, so it makes sense to extend the site on this basis.

**pMCZ8:** The group agreed to accept the western boundary (the same as Liverpool Bay SPA). For the eastern boundary, the group accepted the furthest inshore option on the basis that the Conservation Objective (CO) would remain as maintain – and therefore commercial and recreational fishing would be allowed to continue.

**Mud Options:** If co-location is not accepted then it may be possible to look at option 1 and option 2. This would have the least impact on commercial fishing. An inshore extension (option 2) would provide the most conservation benefit. But the offshore wind developers stressed the need for a buffer of 1 km around the windfarm. South west of Isle of Man (option 1) would be beneficial for connectivity reasons and that the socio-economic implications would be spread around the mud in the project area.

#### **Group B (facilitated by RA)**

**pMCZ 11:** The group agreed to the proposed extension. They thought it was logical to follow the low water mark.

**pMCZ 3:** The group agreed to the proposed extension. There should be no implications for cables. This extension was agreed on the basis that it is for drumlins only and not broad-scale habitat. This was also suggested by SAP.

**pMCZ 14:** The group agreed to straighten the boundary but noted that it should be smaller in area.

**pMCZ 4:** The group could not reach consensus. Arguments for extending for geodiversity but counter arguments from fisheries.

**pMCZ 8:** The group agreed to the western boundary option (Liverpool Bay SPA). The group did not agree to option 3 (offshore eastern boundary). Split views within the group about option 1 and 2 - no consensus was achieved.

**Mud Options:** All options are not acceptable. The whole project area has been considered throughout the process. If these options were acceptable to stakeholders they would have emerged before now. Any of these options would send the wrong message to the government as they would not have stakeholder support.

### **Group C (facilitated by GW)**

**pMCZ 11:** The group agreed to the proposed boundary extension for management purposes (it is easier to manage a site that is delineated by a natural boundary, such as the low water mark).

**pMCZ 3:** The group partly agreed to this boundary extension (for drumlins) on the basis that there would be no additional management.

**pMCZ 14:** The group agreed to the squared boundary but acknowledged that the local fishing representative was not within this sub-group.

**pMCZ 4:** The group did not reach any agreement. Arguments for the extension (ecological reasons) and against the extension (more difficult for management and greater burden on commercial fishing). It was also stated that the network is over subscribed on the two broad-scale habitats in question. Ecological interests were sure that this had been agreed at the May RSG, but others contested this.

**Mud Options:** Co-location is the preferred option of the group. Options 1 and 2 should be considered, only if necessary, as reserve areas as they are the least worst for the commercial fishing and other socio-economic interests. Some of the group preferred to fall short of the ENG target (and stated that this is not the fault of the RSG). Some of the group acknowledged that there was a risk associated with this (the decision may be taken by others). The group felt uncomfortable making a decision given that the co-location discussions had not reached a final conclusion.

### **Group D (facilitated by LW)**

**pMCZ 11:** The group agreed to the proposed boundary extension as this seemed more logical than a site of 500 m width.

**pMCZ 3:** The group agreed to the proposed boundary extension for drumlins only (not broad-scale habitats). It was noted that there may be possible military activity and aggregate extraction in the future. Implications for possible Round 3 windfarm cables were also noted.

**pMCZ 14:** The group accepted the square boundary as long as this was agreed by Chris Woods. However, Chris Woods was not in attendance. MS informed the RSG that he had discussed this with Chris Woods and he said that it was okay.

**pMCZ 4:** The group agreed to reject this boundary suggestion on the basis that there would be negative implications for the Belgian fishing fleet. It was noted that areas of additional ecological importance (AAEI) are a poor reason for extending a site when this has been considered elsewhere in the network.

**pMCZ 8:** The group agreed to the proposed western boundary (Liverpool Bay SPA). Most endorsed option 1 (furthest offshore) for the eastern boundary.

**Mud Options:** It was agreed that co-location was the preferred option. If co-location is not accepted Options 1 and 2 could be considered as reserve areas.

## **Plenary session 2: RSG group decisions on the proposed options for finalising the MCZ Network**

After the whole RSG had been informed of the conclusions of the small groups (in plenary session 1), this second plenary session focussed on achieving group decisions to finalise the MCZ network. Each site was discussed in turn.

### **pMCZ 11:**

The RSG **AGREED** to accept the proposed boundary to extend the site to the low water spring mark.

### **pMCZ 3:**

The RSG **AGREED** to accept the proposed boundary extension with the following caveats:

- If fishing is allowed then the NFFO accept this extension. The SNCB advice (not formal) is that drumlins would be compatible with commercial fishing. It was noted that the official (formal) SNCB advice is for GCR sites only, not individual geomorphological features, such as drumlins.
- Manx fisheries raised objections on basis that this site covered further fishing grounds. They are concerned over management that will be introduced beyond the stakeholder led component of the MCZ process.
- The offshore wind developers reluctantly accepted the group decision, but pointed out that the industry could/might face additional costs

### **pMCZ 14:**

The RSG **AGREED** to accept the proposed squared boundary with the following caveats:

- No additional management is needed.
- NFFO outlined their desire for conversations to take place at a local level before sign off.

#### pMCZ 4:

The RSG **AGREED** to reject the proposed boundary extension. This means that the boundary remains as it was in the draft final recommendations. It was acknowledged that there was some confusion about the boundary and what was originally agreed at the May RSG. The MOD representative commented that there is an inert firing range in the middle of this pMCZ, but this is assumed to be compatible.

#### pMCZ 8:

The RSG **AGREED** to accept the western boundary proposed by the focus group (that is the same as the Liverpool Bay SPA). The RSG further **AGREED** to eastern boundary option 2 as this was a compromise between the requests of the conservation interests and commercial/recreational fishing interests. It was noted that this eastern boundary was the same as the boundary that was agreed at the May RSG meeting. The following caveats and notes were recorded:

- The site was agreed by NW IFCA if there are no additional management measures proposed.
- Concerns were raised by NFFO about future fishing in this zone. There is low pressure now, but what happens if pressure increases in the future? NE answered that if levels of activity increased in the future, then the management organisations would need to consider if the increased activity still allowed the features to reach/retain their conservation objectives. If the conservation objectives could still be achieved then nothing additional may be needed. If the conservation objectives could not be achieved/retained then this would need to be addressed. The RSG acknowledged that this is a future risk at this pMCZ.
- Implications for anchoring were raised (commercial shipping), although this is not a major concern in this area.
- Natural England commented that the SPA management (Liverpool Bay) would deliver everything needed for this MCZ. No additional management measures are needed above and beyond those delivered by the SPA.

#### Mud Options:

The RSG **AGREED** to reject mud options 3 and 4. They were not favoured by any of the small groups.

This resulted in three possible *scenarios*:

1. Co-location (no shortfall of mud for the ENG target)
2. No co-location but present options 1 and 2 (no shortfall of mud for the ENG target)
3. No co-location and no further options (this would result in a shortfall of mud for the ENG target)

A plenary discussion followed (on the mud options and co-location) in order for the RSG to come to a conclusion over which scenario they most favoured.

Commercial fishing interests stated that they do not want to exploit the most vulnerable stakeholders to meet a target. They commented that nowhere is it stated that they have to meet the 15% minimum target. The RSG have tried very hard to reach this target for over 12 months.

Fishing takes place in all of the mud areas. They further commented that if the RSG cannot agree on a 15% target then they should submit a network that has a shortfall of mud.

Several of the RSG stated that time needs to be made available for discussions to conclude on co-location. It was suggested that the group propose co-location on the understanding that the co-location discussions will continue and will end up in a positive situation. NFFO stated that the group need to acknowledge that the offshore wind developers are seeking reassurances that their activities will not be restricted. Other activities do not request these guarantees – especially commercial fishing.

The offshore wind representatives and The Crown Estate stated that the group should submit scenario 3 and the RSG should not be upset with the shortfall of subtidal mud. The financial implications are too great for the developers to accept or sign up to co-location. Even if the co-location discussions have a positive outcome, this may also mean that it may be an unviable project for the developers. However, they also stated that they do not want to negatively impact the commercial fishing sector further.

### ***Taking stock of discussions on co-location***

It was **AGREED** to reject scenario 2 (No co-location but present options 1 and 2). This was based on the rationale that the other mud options would give Defra an easy route out of the problem given the cross-sector conflicts.

Natural England commented that the SNCBs, Defra, DECC and MMO are in favour of co-location and they have made a commitment to continue discussions with a view to coming to a position that the developers can accept. They further confirmed that they believe that the developers' have been given a high level of assurance on co-location and it is as far as they can go in their statutory advice.

Scenario 1, with a mutually acceptable management framework, would be acceptable to the developers. This would also meet the ENG mud target. However, the developers' preference was to put forward scenario 3 with the caveat that discussions are still being undertaken to fulfil the co-location option (scenario 1; and therefore the mud shortfall). There is a general RSG ambition and commitment to meet the ENG target.

The RSG acknowledged the significant amount of work that has been done (by the RSG and outside in the co-location talks) to try to get co-location to be agreed. The RSG **AGREED** that they want this work to continue. The RSG felt that with more time, co-location could be agreed.

At this point in the meeting, scenarios 1 and 3 appeared to have merged with the inclusion of the statement allowing discussions to continue. However, the group had not agreed that, if co-location is not accepted, then scenario 3 would be submitted. The second best scenario is scenario 3 (shortfall of mud).

### ***Conclusion on co-location and the ENG target for subtidal mud***

At this point in the meeting, all three scenarios had been considered and consensus could not be reached. The scenarios either have unacceptable socio-economic implications (for commercial

fishing industry) or unacceptable environmental consequences (i.e. not meeting the ENG subtidal mud target).

The RSG **AGREED** that it should clearly be stated, in the final report, that options 1 and 2 (of the mud options that emerged from the focus group meeting) were not in any way preferred options. The RSG did not feel that it was acceptable to ask the commercial fishing industry to sign up to sites that have further economic implications for them. They have made substantial contributions and compromises in the whole MCZ process, and additional compromises would simply be unfair to them.

The RSG **AGREED** to the following statement which should accompany the final recommendations (and associated reports).

- We share a preference to see co-location of offshore infrastructure in the pMCZ 2 co-location zone as long as the co location issues can be mutually agreed between the government and the offshore infrastructure developers.
- Without co-location, we recognise that there is a 2% shortfall of subtidal mud relative to the ENG target and we share a desire to meet that target.
- We have all worked hard to try and achieve co location and therefore meet the subtidal mud target, but think that we have had insufficient time to come to a mutually acceptable conclusion. We believe that with a little more time and with continued discussions between offshore infrastructure developers and the government, that we think need to take place at a higher level (than the discussions that have hitherto been held), this could be achieved.
- In the event that discussions do not result in mutually acceptable co-location (between the government and the offshore infrastructure developers) we would like it to be clear that we have considered options to meet the 15% subtidal mud target but, as an RSG, we could not reach agreement on the options that would allow us to meet the subtidal mud target.
- We believe that the inclusion of the mud options that we considered would have unacceptable socio-economic impacts on the fishing industry. The RSG feels that it is unacceptable to ask the fishing industry to accept these further impacts in addition to those that they have already accepted. We also acknowledge that proposing an option that does not meet the ENG target for subtidal mud has environmental consequences in terms of not meeting the 15% ENG target.

It was **AGREED** that the 'potential co-location zone' should be included in the final recommendations, but there should be clear differentiation between pMCZ2 and the 'potential co-location zone' as the latter will not be a formally recommended MCZ. This needs to be clearly labelled on the final map/s. Network statistics tables need to be presented clearly to enable the reader to appreciate the difference between including the pMCZ and the co-location zone. Essentially these need to be presented as separate statistics.

The session ended with a reassurance (from the offshore wind developers) that the conversations will not be dropped on co-location. They will continue and will be resolved but there cannot be a deadline placed on this. A map of the final network can be found in Appendix 2 of this report.

## Finalising Reference Areas

### Options for finalising the Reference Area set

The Project Manager gave a presentation to update RSG on the agreed Reference Area set following the June RSG meeting. The presentation outlined the ENG features that had not been included in the Reference Area set. In order to fulfil the ENG target for Reference Areas, three new proposed Reference Areas were presented to the RSG – I, T and Z. In addition, one of the previously agreed Reference Areas was discussed again in order to place it in a more appropriate position (W2) and a new Reference Area (ZZ) was proposed. This work was all undertaken in plenary.

### Plenary session 3: Reference Areas

#### ***Ref Area I – south of St Bees Head***

This site is for High Energy Intertidal Rock – St Bees Head is the only place to meet this habitat. It was proposed by a small working group (subset of the RSG) following an action from the June RSG. The new proposed area is very inaccessible. There is some potting activity here, but it is of relatively little importance. It is relatively inaccessible for anglers.

It was **AGREED** that the site was accepted subject to fine tuning of the boundary around Fleswick Bay and to ensure that it is only as far seaward as the rock itself. It also needs to be checked that there is no cable that runs into the site.



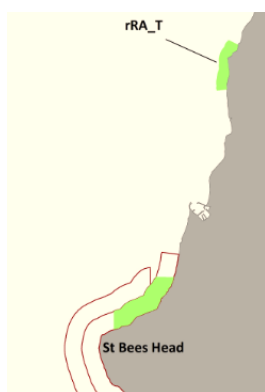
#### ***Ref Area T – Cunning Point (between Whitehaven and Workington)***

This site is for Moderate Energy Intertidal Rock and Moderate Energy Infralittoral Rock. There are limited opportunities to meet this feature elsewhere. It was proposed by a small working group (subset of the RSG) following an action from the June RSG.

The shoreline is inaccessible for commercial fishing purposes and recreational angling. Drawing a boundary 250 m below (seaward of) the low water spring mark was thought to be acceptable by the working group. So, the suggested site extends from the mean high water mark to 250 m below the mean low water spring mark.

Queries were raised over the railway line (and associated sea defence work) that extends below mean high water springs (and therefore within the reference area). Natural England stated that this should not be a problem and that this is the only place that we can have a reference area for this habitat. Queries were raised that this may be inconsistent with the reference area guidance. Natural England, MMO and IFCA agreed to have further discussions including Network Rail. Queries were raised about outfalls from two farms adjacent to the reference area. There is a need to consult with these stakeholders.

It was **AGREED** to accept this site, subject to discussing the boundary with Network Rail, in terms of their maintenance of sea defences. If this is not compatible then this cannot be accepted as a reference area.



#### **Reference Area Z – Leven Estuary (Morecambe Bay)**

This site would cover the majority of the features that had not already been covered by the agreed reference areas. It was proposed by the project team.

It was commented that there is significant human activity in this area, for example:

- GlaxoSmithKline factory and associated outfalls
- Cockling
- Other shellfishing
- Recreational activities
- Navigation
- Other estuary interests

It was **AGREED** to reject this reference area given the amount of human activity at this site.

#### **Reference area ZZ – Hightown Submerged Forest**

English Heritage suggested a reference area adjacent to Hightown to cover peat and clay exposures. A site 100 m x 100 m was proposed. This suggestion followed an action from the April focus group meeting for pMCZ 13.

Query over the boat launching access and the adjacent Alt channel. It was confirmed that the boat club do not launch over the peat as it is slippery. Navigation is within the Alt channel itself which the reference area does not coincide with.

It was **AGREED** that reference area ZZ was accepted.

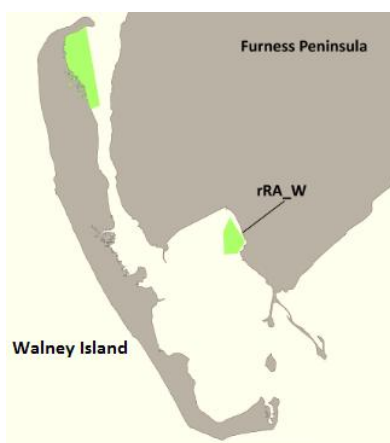


### ***Ref Area W2 - North east of Walney Island***

This reference area was agreed at the June RSG meeting. However, concerns were raised about dredging and other human activities that occur at the site (i.e. within the previously agreed boundary). A subset of the RSG proposed a different reference area location, north east of Walney Island.

The rationale for the suggested site was to capture seagrass beds and tideswept channels whilst minimising conflict with human activities (recreational and industry). The group thought that the original reference area W2 was too close to the dredged channel (Piel channel). The suggested new area is further to the north and is close to the original proposed reference area W1 (RSG7; June RSG meeting). The new area was considered to be a better proposal, with much lower human disturbance. In addition, the shipping and coastal forum representatives supported the new site.

The RSG **AGREED** to accept this new site and that it would be called reference area W2 (even though it is in a different area to the original W2 as agreed on 29<sup>th</sup> June).



The final reference area set can be viewed on a map of the final network in Appendix 2 of this report. Appendix 3 shows all the reference areas that have been discussed in the process, but were rejected.

## **Conservation Objectives, activities in the sites, and implications**

### **Context**

Francesca Moore (ISCZ Economist) explained how the conservation objectives for features in each site, and the activity restrictions required to meet these conservation objectives, had been derived. She explained why a vulnerability assessment was needed for each site to inform this work, and how the project team had undertaken this work since January 2011. This work had been informed by the level and type of activity in each site collected at the RSG workshops, the March/April 2011 focus meetings and liaison work with the wider community. It has also been informed by feature sensitivity information sourced from academic surveys, grey literature and industry expertise. The vulnerability assessment outputs were reviewed by the SNCBs to ensure consistency between each of the regional MCZ projects. The conservation objectives, activity restrictions and management measure options were presented to the RSG and their views collected.

The RSG were given an opportunity to ask questions on the approach for deriving conservation benefits. This resulted in an extended plenary discussion session.

### **Plenary discussion 4: Conservation objectives and activity restrictions**

The project team were asked to confirm whether, where the conservation objective (CO) is to recover, some activities (specifically licensed activities) that do not have an impact on the feature, would be subject to additional EIA work and/or additional work at the planning stage. The project team responded by stating that this will depend on the level of mitigation afforded by existing management.

SNCBs stated that the conservation objectives presented at this meeting are draft, not final. Recover conservation objectives only apply where activities cause pressure on the features to a level where it is deemed necessary to introduce some form of management. There may need to be more data collection (and therefore evidence compiled) in order to better understand the relationships between activities and pressures, before designation of MCZs. SNCBs stated that the information presented at this meeting would be as far as the ISCZ work would progress on pressures and activities. Concerns were raised over the need to have strong evidence on the linkage between pressures and activities before unnecessary implications are placed on stakeholders.

Queries were raised over the natural (background) environmental vulnerability of some features given that they are subject to pressure from natural disturbance. The project team stated that all conservation objectives begin with the wording "subject to natural variation" to acknowledge this background vulnerability.

Queries were raised by the NFFO about possible increased future levels of activity (commercial fishing) at any site/s where the conservation objective is to maintain. The project team and the SNCBs stated that this would need to be addressed if/when this situation arises in the future, as opposed to working with a range of hypothetical scenarios for the purpose of the Impact Assessment. The condition of the MCZs will be monitored in the future to assess whether conservation objectives are being met, or are on target to do so.

Queries were raised over the status of conservation objectives to recover. It was questioned to what condition is the recovery aimed at? Is it some kind of previous state, and can this be

quantified? The project team and SNCBs stated that there are not numerical targets. Rather, recovery is aimed at achieving 'good environmental status' (in line with the Marine Strategy Framework Directive). Monitoring will address the *direction of travel* (towards recovery). This will be based on the best available data. There was a request to acknowledge, in the final report, the lack of scientific certainty.

SNCBs stated that, looking to the future there is flexibility in the process of MCZ management. If the features have reached reference status they would only need to be maintained thereafter. This may mean that management could change through time. This process of monitoring will happen after the process of selecting MCZs.

Commercial fishing representatives requested to better understand activity restrictions. Advice provided by the SNCBs resulted in four different categories of fisheries restrictions. These are 1. continued access or 2. restrict to current level (for maintain conservation objectives) and 3. reduce from current level or 4. restrict altogether (for recover conservation objectives). Concerns were raised over how these decisions were reached. The project team confirmed that there is an audit trail of these decisions and that a guidance document will be able to be circulated that sets out the basis upon which these decisions were made.

Concerns were raised about the Impact Assessment process and the potential to miss sectors that may be affected by designation of MCZs. The project team is working hard to ensure that they engage with every sector. There will be two weeks for the RSG to comment on a draft of the Impact Assessment between 24<sup>th</sup> October to 6<sup>th</sup> November (this is consistent with the other three MCZ projects).

#### **RSG Task: Comment on Conservation Objectives and activity restrictions**

The RSG were asked to look at pre-formatted worksheets that gave details of the following for each site:

- Features in each site, and their Conservation Objectives
- Activities that need to be managed in order for the features to achieve their Conservation Objectives
- The extent to which activities need to be managed and/or if the impacts of these activities are already mitigated through existing management
- Management measure options

The RSG were asked to look at all of the worksheets and to fill in implications (for their activity or industry) and costs and benefits of the activity restrictions. This information is to be typed up and circulated with the RSG for additional comments by 22<sup>nd</sup> July. The comments will be included in the narrative submitted with the final recommendations.

#### **Plenary session 5: Conservation Objectives and activity restrictions**

NFFO raised concerns that inshore management will go ahead before offshore areas (due to different mechanisms and the need to go through CFP) and that this would be unfair to local less nomadic types of fishing. CFP reform is important to consider, as the timescale for this will mean that the management timescales will be further delayed in the offshore (and 6-12 nm where there

are historical fishing rights) area. The project team reassured the RSG that this is being commented upon in the Impact Assessment.

Questions were raised about the timescale for management measures and designation. Concerns were raised by the static infrastructure sectors that they need to be consulted on any proposed management measures so that they can plan time and budget for this accordingly. These sectors need concrete timescales as soon as possible so that they can plan for future work.

### ***Seabird inclusion***

A proposal was made by RSPB to consider the inclusion of seabirds within 3, 4, 5, and 10. The available data (foraging radii) support the importance of these sites for these species (Fulmer, Gannet, Black Guillemot, Little Tern, Manx Shearwater, Puffin and Razorbill). These were discussed at the March/April focus group meetings. RSPB conducted Vulnerability Assessment work which indicates that current level of activities lead only to a conservation objective of maintain for all sites. This means that there would not be any additional management implications, but would allow the network to acknowledge the importance of seabirds at these sites (as designated features).

Concerns were raised about birds and static infrastructure and the EIA process. If species get new conservation status then this could lead to difficulties for the offshore windfarm planning process. This would have implications for economic viability of any proposed development. Concerns were raised about a future increase in other activities that would mean that management measures may have to be introduced for protection of seabirds. The RSG saw this as a risk.

It was raised that seabirds should be included in the site descriptions as features of additional ecological importance – i.e. features that are not proposed for designation (and do not have a conservation objective) but have been used to identify the boundary of several sites.

NFFO stated that they could not sign up to the inclusion of seabirds as features proposed for designation. Other commercial fishing representatives commented that they could accept the inclusion of the seabirds as non designated features without conservation objectives and future management risk. This would acknowledge the importance of seabirds at these sites without additional implications for commercial fishing. NFFO further commented that they have had reassurances on activity restrictions in the past and that these have not ended up being realistic when final management has been introduced.

Offshore wind developers (specifically relating to pMCZ 3) do not believe that there will be no implications for their industry if seabirds are simply added as additional features, as they would still have to be included in the EIA process (extra weight will be given to these species if they are written into a statutory document). Experience has shown that this is the case, with extra financial implications.

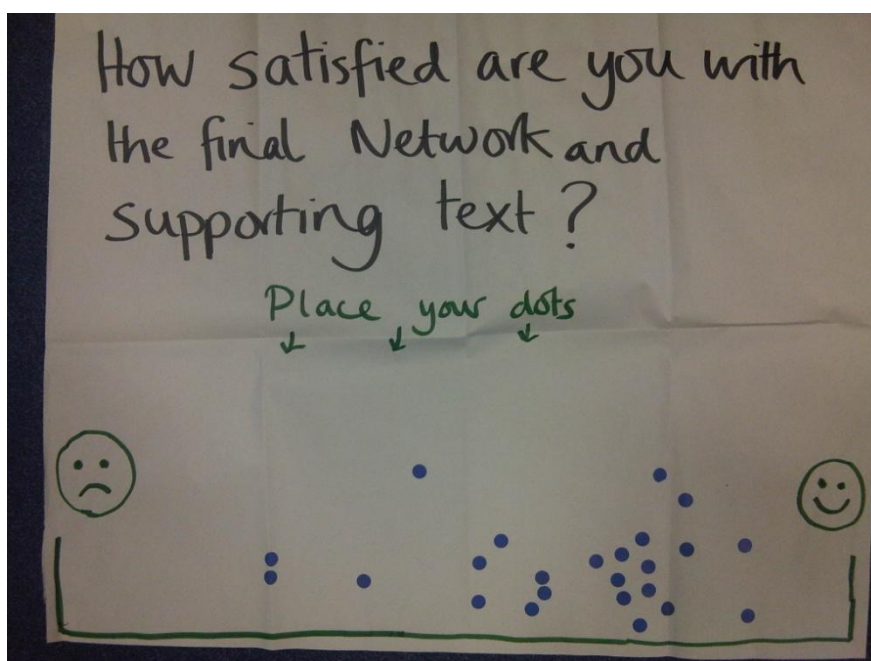
RSPB acknowledged that they were thankful to have been given the opportunity to have these discussions with the RSG.

It was **AGREED** that in pMCZs 4, 5, and 10, seabirds are recognised as AAEI (species: Fulmer, Gannet, Black Guillemot, Little Tern, Manx Shearwater, Puffin and Razorbill depending on site) but that they will not be proposed for designation nor will they have conservation objectives.

It was **AGREED** that the RSG would like to request clarification (from the SNCBs) on any management implications for areas of additional ecological importance (AAEI) and how this may differ from features with conservation objectives.

## Satisfaction with your work

The RSG were asked to place sticky dots on a flipchart to indicate their satisfaction with the final network and supporting text. A photograph of this flipchart is included below.



### Positive comments

I was happy with the process. I would have been happier if guidance was received in time so that it could be useful. Acknowledgement that this is just the beginning of a longer process.

We could have gone further in terms of developing the network, but huge social capital has been built through the process and it has been useful for wider education about the marine environment. Tremendous achievement!

Nobody is completely happy but, from an environmental standpoint, this is a massive improvement on the marine protection that existed before this process. This is a huge step change!

Outcomes from the network are very positive. Started with a blank map, used a lot of complex data and had difficult discussions to come to an excellent outcome. A huge achievement!

## **Other comments (positive and negative)**

Ecological data came too late, and the previous facilitator was resistant to re-look at sites when new data were made available.

Lack of joined up thinking about other devolved administration MPA work. This would have made a better network.

It is a shame that different processes are being followed in Wales and Scotland. Excellent stakeholder involvement in our process but, from an environmental standpoint, we could have ended up with a better network if we didn't have to avoid socio-economic interests.

Meetings were personality driven at times.

There was a lack of guidance especially for static industry. This has led to NIMBYism and led to a precautionary approach about selecting sites without understanding the management implications.

In terms of commercial fishing this is probably the best network that we could have achieved given the constraints of the ENG. We were more at risk than anyone else. We have come to a 'least damaging approach' in the subtidal mud. Extensive discussions make it much easier to justify decisions to constituents. I've lost time from fishing but this will prove beneficial and time well spent in the long run.

NFFO commented that the network looks better from Cumbrian fishing perspective than Northern Irish perspective. 15% of business has been raided. Final sites are a reflection of decisions that were made earlier in the process. We would like to better understand the environmental consequences of displacement of fishing effort, which could have a negative net effect. Closing prawn grounds may not be ecologically desirable (overcrowding of *Nephrops* burrows can lead to mortality).

Losing fishing grounds was inevitable, but we have ended up with a least worst outcome.

We would be happier if we knew that our recommendations will be listened to and be acted upon. This needs to be communicated to Defra. It is unfortunate that there has been a lack of certainty.

I had high expectations at the start of the process. I have learnt a tremendous amount, including the ability to compromise. Excellent network! Hope that stakeholder relationships will continue into the future.

## **Next Steps**

The Project Manager updated the RSG on the timescale for reporting from now until the end of the ISZ project. This included the following:

- Report on final recommendations will be submitted to NE, JNCC and the SAP on 31<sup>st</sup> August 2011
  - It was stated that there would not be time for stakeholders to comment on any draft of this final report

- There will be a summary version of the final recommendations that will be sent to the RSG in early-mid September 2011
- The draft Impact Assessment will be sent to the RSG for comment between 24<sup>th</sup> October and 6<sup>th</sup> November
- The final Impact Assessment will be submitted to Defra on 16<sup>th</sup> January 2012
- ISCZ are planning to hold a final stakeholder event in October or November – possibly to coincide with the timescale for RSG comments on the draft Impact Assessment

The Project Manager informed the RSG that the mapped habitat colours, that they had become familiar with over the past 18 months, would have to be changed so that a consistent set of colours are used by all four regional projects. This is how the maps will be presented in the final report. The Project Manger promised to send the RSG a before and after version, so that they could familiarise themselves with the new colours and symbols. This map can be found in Appendix 4 of this report.

SNCBs stated that between 31<sup>st</sup> August and 30<sup>th</sup> November they are required to submit their formal advice on the Final MCZ network to Defra. They will not change any of the recommendations made by the RSG but will be required to comment on areas where the ENG has not been satisfied and, therefore, how the network could be improved. This advice (to Defra) will be made publically available.

Public Consultation will take place in summer 2012, with aim to designate sites by the end of 2012.

The SAP will look at the final recommendations and give their advice to Defra by mid October 2011. The SNCBs will take into account the SAP advice when providing Defra with their own advice.

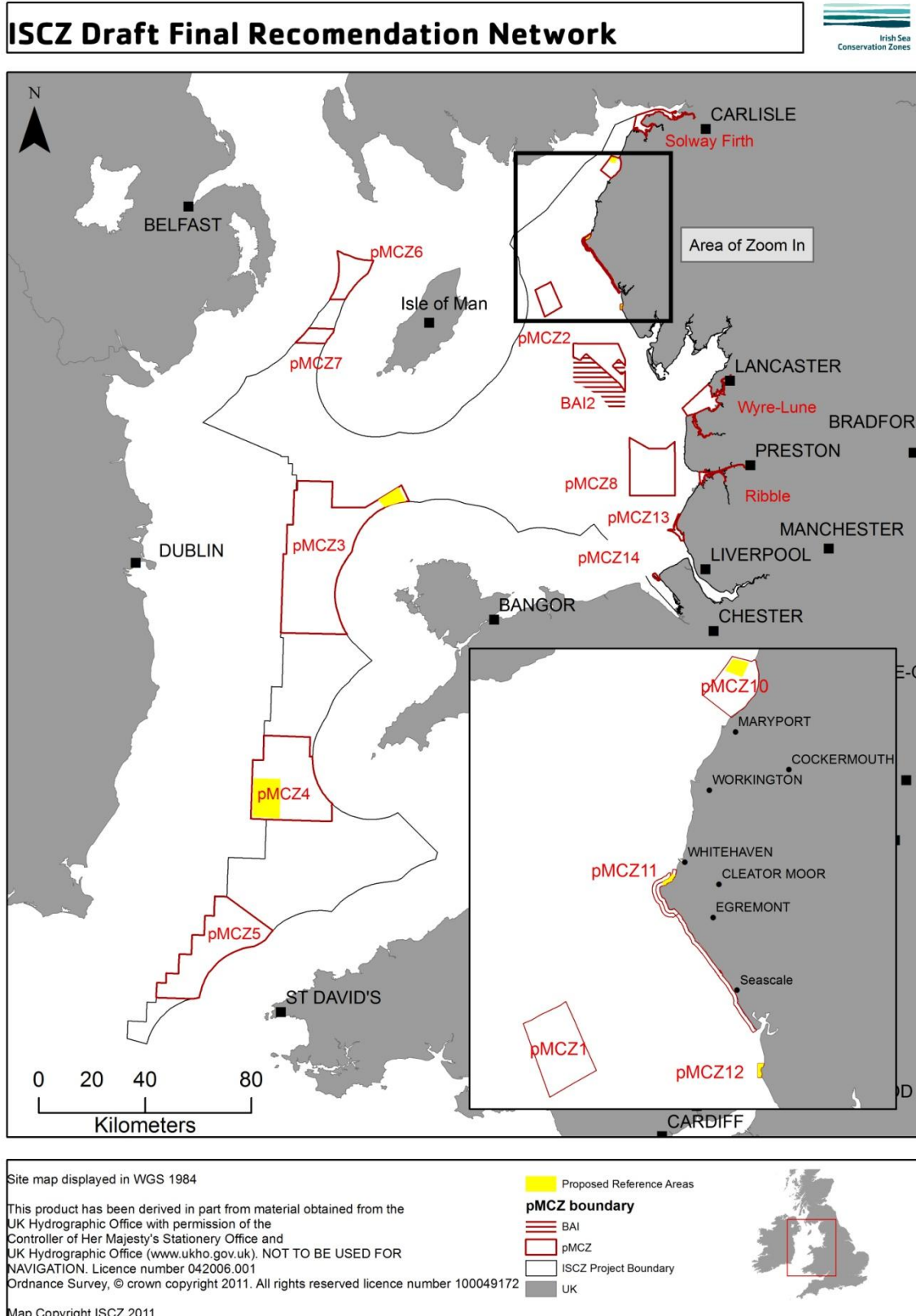
Defra want to maintain stakeholder engagement but don't have the budget to use the current RSG workshop format. Desires were raised from several national stakeholders to have a national group and not four regional groups. It was recognised that there is value of maintaining the ISCZ RSG through the designation and monitoring process. Marine Spatial Planning (MSP) workshops are considering the ISCZ RSG model as a good practise approach, but it could be eight years before MSP is introduced in the Irish Sea. The concept of a virtual group was considered to be desirable.

The Project Manager agreed to keep the RSG informed on any developments up until the end of February 2012, when his contract is due to end.

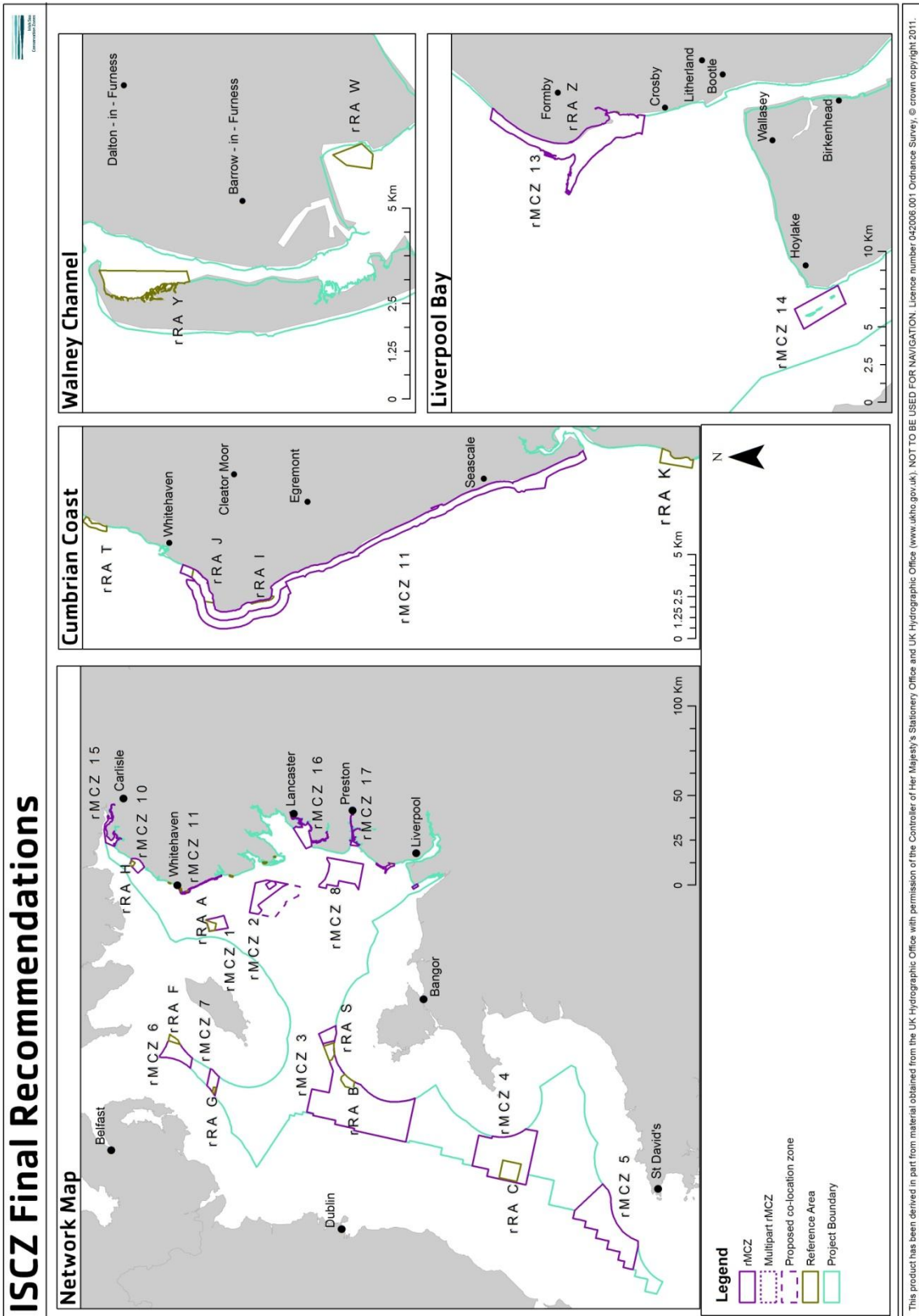
The Project Manager thanked the RSG for all of the hard work that had been undertaken over the course of the last two years. There has been a huge amount of effort and time given up by stakeholders and he and the project team are extremely grateful for this.

# Appendices

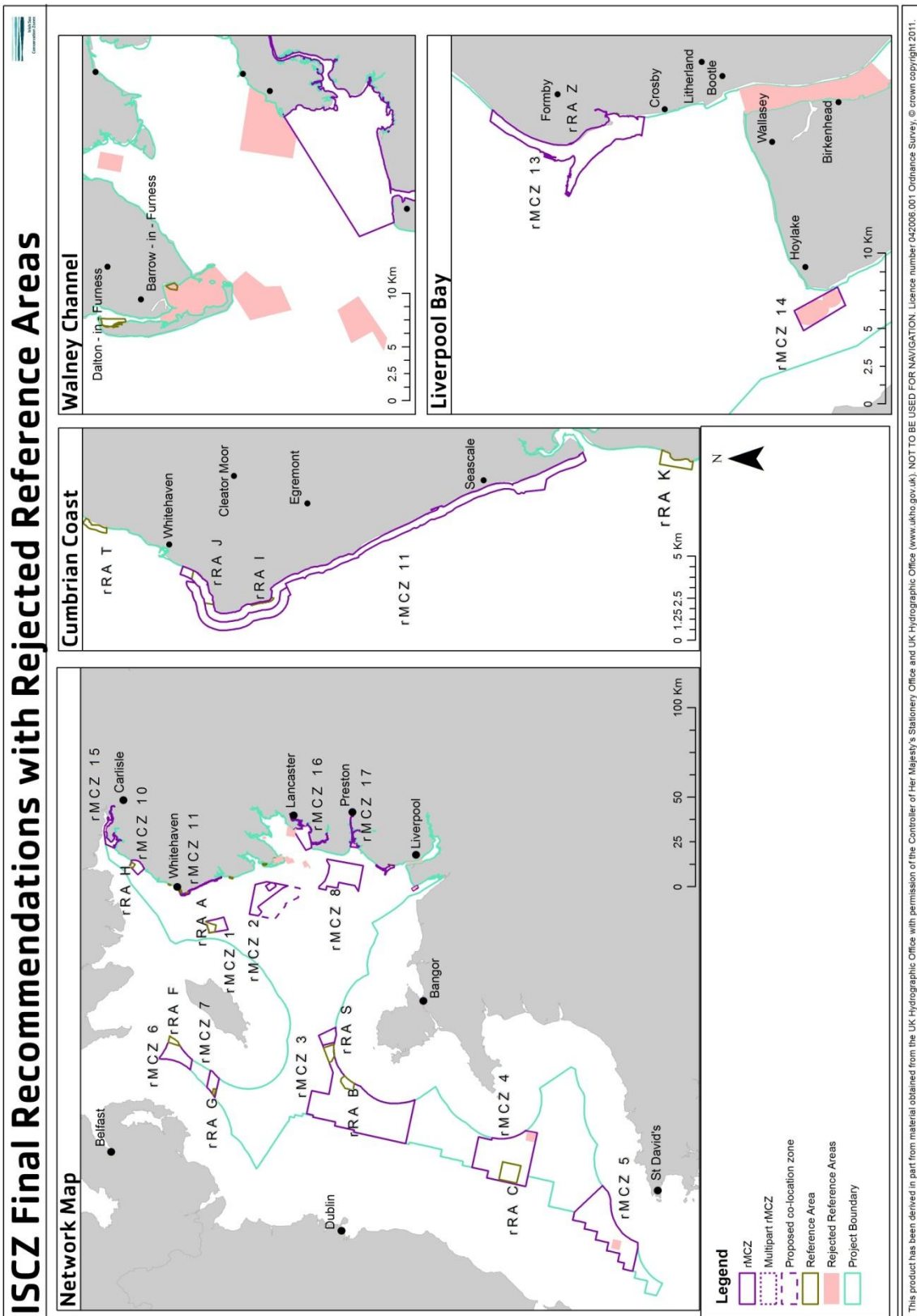
## Appendix 1: The draft final network (produced at the May RSG workshop)



## Appendix 2: Final network of recommended MCZs and Reference Areas



Appendix 3: Final network also showing Reference Areas that were considered but rejected



Appendix 4: Map showing traditional RSG symbology and the national symbology for use in the final report

