



Department of the  
**Environment**  
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# **A draft Strategy for Marine Protected Areas in the Northern Ireland inshore region**

## **Summary of Consultation Responses**

**October 2013**

## Introduction

### Background

1. On 1 May 2013, the Department launched a consultation on, '*A draft Strategy for Marine Protected Areas in the Northern Ireland Inshore Region*', seeking views from stakeholders with an interest in/responsibility for our marine area. The full text of the consultation paper is available on the Department's website at:

[http://www.doeni.gov.uk/index/protect\\_the\\_environment/natural\\_environment/marine\\_and\\_coast/marine\\_policy.htm](http://www.doeni.gov.uk/index/protect_the_environment/natural_environment/marine_and_coast/marine_policy.htm)

2. The Strategy explains how the Department intends to use Marine Protected Areas (MPAs) to help protect and improve ecosystems in our territorial waters. The Strategy will also assist to fulfill legal obligations under the Marine Strategy Framework Directive (MSFD).

### Consultation Responses

3. The consultation period on the draft Strategy ran from 1<sup>st</sup> May 2013 until 30<sup>th</sup> September 2013.
4. In total, thirty responses were received, 4 of which were not substantive.
5. A summary of respondents' comments is provided in **Annex A**. A list of all respondents is attached at **Annex B**.
6. No comments were received on the preliminary screening for Equality Impact contained in the consultation paper.
7. The majority of the respondents welcomed the Strategy and were supportive of the Department's proposed approach to protect our marine environment through a network of marine protected areas and the introduction of marine conservation zones.
8. In their comments, consultees emphasised the following:
  - clarification on the MCZ selection and designation process; and
  - the importance of widespread stakeholder involvement and at the earliest opportunity.
9. The Department would like to thank all those who responded to the consultation. The consultation process will assist the Department in finalising the content of the Strategy.
10. It is anticipated that the Strategy will be published in December 2013.

Organisation/Comment	Department's Response
<b>INTRODUCTION</b>	
<p>The <b>Crown Estate</b> and <b>National Trust</b> both commented on the lack of detail on the development of MCZs and would like to see 'Timescales' specifically referring to MCZ creation.</p>	<p>The Department has developed a timeline which includes key dates for the MCZ process and is outlined below:</p> <p>September 2013 Marine Act (Northern Ireland) 2013</p> <p>October 2013 Three month public consultation on draft MCZ guidance commences.</p> <p>November 2013 First Stakeholder Workshop. Introduce draft guidance and process. Start bilateral meetings with relevant stakeholders</p> <p>March 2014 Second Stakeholder Workshop. Introduce Areas of Search and Stakeholder Nominations. Bilateral meetings with stakeholders ongoing.</p> <p>August 2014 Third Stakeholder Workshop. Define boundaries of proposed MCZs.</p> <p>October 2014 MCZ feature list and designation documents for Strangford Lough ready for consultation.</p> <p>March 2015 Final Stakeholder Workshop. Introduce draft MCZ proposals and management options</p> <p>September 2015 Finalised MCZ proposals and documents ready for internal consultation.</p> <p>December 2015 All proposed MCZs will be ready for three month public consultation.</p> <p>December 2016 All MCZs are formally designated.</p>

<p>The <b>Northern Ireland Marine Task Force</b>, supported by <b>Northern Ireland Environment Link, National Trust, Royal Society for the Protection of Birds, The Wildlife Trust</b> and <b>Ulster Wildlife</b> suggest that the timescales should include meeting the 2020 Aichi target of halting and reversing biodiversity loss.</p> <p>The <b>Irish Federation of Sea Anglers/Ulster</b> recommended that, at least on a near shore basis, the protection zone should be extended from the high water mark out to one mile to provide a protected corridor for species between other SAC's.</p>	<p>This timeline is outlined in the draft guidance on selection and designation of MCZs which is currently out to consultation.</p> <p>The Department recognises the importance of the Aichi target and will include this target in the final version of the Strategy.</p> <p>Whilst this approach may appear to support the concept of connectivity between sites, in reality species would be unlikely to stick to an inshore corridor. The majority of connectivity is achieved through planktonic dispersal or migratory adults. The socio-economic cost of such a corridor, removing approximately 10% of the seabed as well as displacing fishing offshore would be difficult to justify in a sustainability argument.</p>
<p><b>VISION</b></p>	
<p>The <b>Council for Nature Conservation and the Countryside</b> suggested that there should be an objective covering data gathering and monitoring, as without this element it is extremely difficult to make the case for any MPA.</p>	<p>The Department considers that Objectives 2.3 (iii) and (iv) as outlined in the Strategy cover the data gathering and monitoring aspect adequately without the need for a specific objective.</p> <p>iii. Establish appropriate protection and conservation measures for species and habitats designated 'Priority Marine Features'. These will include the OSPAR List of Threatened and/or Declining Species and Habitats, and other species and habitats (including some existing Northern Ireland</p>

<p>The <b>Crown Estate</b> sought clarification on when the objectives were aiming to be achieved.</p> <p>The <b>Northern Ireland Marine Task Force</b> along with the other environmental conservation bodies acknowledge that the Strategy should include a more detailed description of the work areas needed to bring about the UK/NI vision for a healthy and productive marine environment.</p> <p>A representative for <b>Marine Conservation Northern Ireland</b> commented that the need must be toward conservation in preference to individual need as spatial planning becomes a priority.</p> <p><b>The Council for Nature Conservation and the Countryside</b> along with the <b>Northern Ireland Marine Task Force</b> and the</p>	<p>conservation priority species and habitats) which require MPA protection.</p> <p>iv. Establish appropriate management to enable the achievement of favourable condition status and/or GES through regular monitoring of species and habitats while promoting sustainable use of our seas</p> <p>The Department intends to have a network of MCZs designated by 2016.</p> <p>The overall focus of the Strategy is the promotion of sustainable use of our seas. This means putting an emphasis on an ecosystem approach to management that maintains the health of the ecosystem alongside appropriate human uses of the marine environment for the benefit of current and future generations. The Strategy is a high level document and the detail of its delivery will be contained in the guidance on selection and designation of MCZs in the Northern Ireland inshore region which is currently out for public consultation.</p> <p>The Department acknowledges this, however, the designation of MCZs must consider socio-economic impacts.</p> <p>Work on the Marine Plan continues in tandem with the selection and designation process. Marine nature conservation will be a</p>
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<p>other environmental conservation bodies suggested that Marine Spatial Planning should be treated as a defined work stream.</p>	<p>key part of any future marine planning process.</p>
<p><b>LEGISLATIVE MEASURES AND OBLIGATIONS</b></p>	
<p><b>Aquaculture Initiative</b> sought assurances that the implementation of MPAs in Northern Ireland waters would not impinge on commitments given in the Marine Policy Statement.</p> <p>The <b>Council for Nature Conservation and the Countryside</b> drew attention to the requirements under Article 3 of the Birds Directive and commented that these obligations should be acknowledged in Section 3 of the strategy.</p> <p>The <b>Crown Estate</b> sought clarification regarding Strangford Lough becoming a MCZ under the Marine Act as to whether the MCZ's conservation objectives may differ from any existing environmental designation in the area. They also sought clarity on how existing and planned/future developments and activities will be considered during the designation process.</p> <p>The <b>Northern Ireland Marine Task Force</b> noted that the commitments under the World Parks Congress 2003, Durban are not included in the strategy.</p>	<p>The Department recognises the need to adhere to the commitments in the Marine Policy Statement and these will be taken into consideration during the selection and designation process.</p> <p>The Department considers that Section 3 of the Strategy adequately covers the requirements of the Wild Birds Directive.</p> <p>Strangford Lough is already an SAC and development within it is regulated through the Habitats Regulations Assessment (HRA) process. If additional features are added as MCZ features, conservation objectives will be set and managed through the scheme of management and HRA process.</p> <p>The Department accepts this suggestion and will include reference to the World Parks Congress 2003, Durban in the final Strategy.</p>

## DEVELOPING THE MPA NETWORK

### *Seven Design Principles of the MPA Network*

The **National Federation of Fishermen's Organisations** and **Anglo – North Irish Fish Producers' Organisation** urge the Department to avoid a highly formulaic transposition of design criteria in order to design the network (such as in, for example, the Ecological Network Guidance applied in the English process). They consider that a process that is both pragmatic and adaptive in evaluating the application of principles would be most successful in reaching conclusions on the appropriate selection of sites.

The **Council for Nature Conservation and the Countryside** suggests that all of the OSPAR principles listed in the draft Strategy should be used, rather than a selection.

The **Marine Conservation Society** considers that lack of full scientific certainty over the presence, extent and condition of features and the benefits of the network should not be a reason for delaying the designation of MPAs.

The **Northern Ireland Marine Task Force**, supported by **Northern Ireland Environment Link, National Trust, Royal Society for the Protection of Birds, The Wildlife Trust** and **Ulster Wildlife** acknowledge the commitment to use 'best available evidence' but requested additional details about the

The Department is adopting a practical approach to the designation of MCZs. The focus will be on protecting a range of representative and threatened, rare or declining species and habitats – referred collectively as Priority Marine Features. These Priority Marine Features will form the basis of MCZ designation.

The Department intends to use all seven OSPAR design principles in the designation process where possible. However, there may be occasions where certain design principles cannot be met at a Northern Ireland level and in these situations we may have to look at a UK level (e.g. replication).

The Department agrees with this statement.

The Department acknowledges their comment. Details on 'best available evidence' will be addressed in the workshop on the 7<sup>th</sup> November.

<p>levels of evidence required to meet this criteria.</p> <p>The <b>Royal Society for the Protection of Birds</b> requested the Strategy explicitly include the word ‘representative’ when referring to the ‘range of marine biodiversity in our waters’ to demonstrate the importance of creating a representative network.</p> <p>The <b>Royal Town Planning Institute (NI)</b> requested more detail on how the OSPAR principles will function, what is already happening in other areas and how issues such as replication and connectivity will be addressed during the designation process.</p>	<p>The Department is content to include the word ‘representative’ in the final version of the Strategy.</p> <p>The Department acknowledges this comment but considers that this issue will be addressed in the draft MCZ guidance consultation document.</p>
<p><b>Northern Ireland MPA Network</b></p>	
<p>The <b>National Federation of Fishermen’s Organisations</b> and <b>Anglo – North Irish Fish Producers’ Organisation</b> consider that working to deliver a network in a non-alarmist and careful manner will likely produce a much more robust network that best promotes conservation and sustainable marine livelihoods.</p> <p>The <b>Council for Nature Conservation and the Countryside</b> felt that there is need for greater clarity as to why MPAs are specifically the tool of choice to deliver our commitments and what their particular merits are over other tools.</p>	<p>The Department concurs with this comment.</p> <p>MPAs are one of the tools used to deliver Good Environmental Status in our waters as required under the Marine Strategy Framework Directive.</p>

<p>The <b>Marine Conservation Society</b> recommended that the Department looks to the MPA processes carried out in England, Scotland and Wales to draw out best practice and avoid some of the problems that they incurred.</p> <p>The <b>Northern Ireland Marine Task Force</b>, supported by other environmental conservation bodies consider that the strategy needs to provide a clear outline of how the network of MPAs will be financed, including the financing of enforcement activities.</p> <p><b>Northern Ireland Environment Link</b> pointed out that they would like to see the network of sites protecting the full range of mobile species in our inshore waters, including cetaceans and sea-birds.</p> <p>While the <b>Royal Society for the Protection of Birds</b> stated that the MPA network must include key lifecycle areas such as feeding, resting, moulting and displaying seabirds, and breeding, nursery and feeding areas for basking sharks, seals and dolphins, at sea.</p>	<p>The Department will be assessing all these approaches. The Joint Nature Conservation Committee (JNCC) will be supporting the Department during the designation process using its expertise from the various MPA projects in other parts of the UK.</p> <p>The Department have allocated resources to address this and is rolling out a system of rangers. Discussions are ongoing with other Agencies/Departments as to how to deliver enforcement/monitoring regimes which represents good value for money.</p> <p>MCZs will be considered for mobile species where areas are identified as being important for specific life-cycle stages.</p> <p>MCZs will be considered for mobile species where areas are identified as being important for specific life-cycle stages.</p>
<p><b>Marine Conservation Zones</b></p>	
<p>The <b>National Federation of Fishermen's Organisations</b> and <b>Anglo – North Irish Fish Producers' Organisation</b> thought that there should be flexibility in the selection of features when taking into account social, economic and displacement factors.</p>	<p>The Department agrees with this comment.</p>

<p>The <b>British Association for Shooting and Conservation</b> stressed that wildfowling, as a legal, sustainable and long-standing cultural activity must be recognised in the process of creating MCZ's.</p> <p><b>Marine Conservation Northern Ireland</b> recommends that features should also include the marine species and the crucial factor the chosen habitat has for their conservation.</p> <p>The <b>Northern Ireland Marine Task Force</b> believes that the Strategy would benefit from further clarification of how the joined up approach to ecological coherence will be developed. They also added that</p> <ul style="list-style-type: none"> <li>• it was unclear from the strategy whether an impact assessment will be required during MCZ designation, and if so, whether this will include information on the economic and social benefits to communities from designation</li> <li>• the Strategy should include specific consideration of highly protected MPAs, and their benefits to certain species/habitats/features</li> <li>• the Strategy needs to lay out clearly how economic and social factors will be included in the process. This should</li> </ul>	<p>The Department agrees with this comment.</p> <p>The Department acknowledges these comments.</p> <p>The concept of an ecologically coherent network is still evolving, but is underpinned by the OSPAR Commission guidance (OSPAR 2006). This will be addressed in the draft MCZ guidance consultation document.</p> <p>All MCZ designations will be subject to an economic impact assessment setting out the anticipated costs and benefits of the proposed designation, including the identified nature conservation, environmental, economic, cultural and social implications.</p> <p>The level of protection will be determined, using sound scientific evidence, on a site by site basis. This will allow for a range of measures to be applied as necessary.</p> <p>MCZs will take economic, cultural and social activities into account when identifying potential sites. The Department recognises that the designation of MCZs may have an impact as</p>
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<p>include describing how displacement of activity will be considered, and the impact on the environment should a site not be designated, and</p> <ul style="list-style-type: none"> <li>remains concerned at the potential implications of the feature based approach described in the Strategy.</li> </ul> <p>The <b>Royal Yachting Associations</b> raised concerns that without knowledge of the proposed management measure for each site it is impossible to fully understand the implications of any proposed MCZs.</p>	<p>some activities could be displaced to other areas. Clearly, the size, scope and nature of an activity within any proposed MCZ will determine the possible impacts, if any, of the displacement issue. This is an operational issue and better addressed in the draft MCZ guidance.</p> <p>Each MCZ will have a full description of the features for which it has been designated.</p> <p>Stakeholders will be fully engaged throughout the process and will have an important role in influencing site management. Proposed management measures for each MCZ will be formally consulted upon with the site proposals. The Department plans to hold a management options workshop in March 2015.</p>
<p><b>Guidance on selection and designation of MCZS in Northern Ireland's seas</b></p>	
<p>The <b>Royal Yachting Associations</b> would encourage the Department to demonstrate transparency on the issue of MCZ site management as early as possible to inspire stakeholder confidence and buy-in to the selection and designation process.</p> <p><b>SEE Renewables</b> suggests that the Department provide further guidance on their policies to ensure the co-existence of Renewable Energy projects and Marine Protection Areas.</p>	<p>A crucial element of MCZ designation will be stakeholder involvement. Throughout the entire process the Department is committed to meeting with all relevant stakeholders to discuss the MCZ process and any issues arising from proposals.</p> <p>The scope and likelihood of co-location of marine activities will be assessed as part of the designation process.</p>

### **Stakeholder Engagement**

All of the respondents welcomed the Departments proposals for stakeholder engagement and qualified the need for early engagement while offering their full support in the process.

The **Royal Society for the Protection of Birds** has called on the Department to outline what steps it will take to ensure maximum public engagement and confidence.

The **Northern Ireland Housing Executive** strongly suggests that local residential coastal communities should be engaged.

The **National Federation of Fishermen's Organisations** and **Anglo – North Irish Fish Producers' Organisation** pointed out that the fishing industry has a wealth of local ecological knowledge to draw upon, as well as knowledge and social, economic and displacement considerations which would be valuable in making the appropriate choice of sites, choice of features to protect and also in defining and/or refining boundaries.

The Department is committed to engaging with stakeholders throughout the designation process. A series of four stakeholder workshops are planned:

- Workshop 1 (November 2013) – this will introduce the draft guidance on selection and designation of MCZs giving stakeholders the opportunity to discuss the document with the Department.
- Workshop 2 (March 2014) – this will introduce the Department's Areas of Search and Stakeholder Nominations.
- Workshop 3 (August 2014) – this will define boundaries of proposed MCZs.
- Workshop 4 (March 2015) – final workshop will detail draft proposals and management options.

Bilateral meetings with relevant stakeholders will also take place during the designation process.

The Department welcomes any additional evidence that the fishing industry wish to submit to support the proposals on the location of potential MCZs or to propose alternative site locations.

<p>Several respondents commented that the Strategy needs to lay out clearly how economic and social factors will be included in the process. This includes describing how displacement of activity will be considered, and the impact on the environment should a site not be designated.</p>	<p>The Department recognises that the designation of MCZs may have an impact as some activities could be displaced to other areas. Clearly, the size, scope and nature of an activity within any proposed MCZ will determine the possible impacts, if any, of the displacement issue. This is an operational issue and better addressed in the draft MCZ guidance.</p>
<p><b><i>Managing the MPA Network</i></b></p>	
<p>The <b><i>National Federation of Fishermen’s Organisations</i></b> and <b><i>Anglo – North Irish Fish Producers’ Organisation</i></b> consider it will be necessary to adopt a risk based framework in terms of guiding and evidencing management choices.</p> <p>They also suggested that consideration should be given to how to operationalise voluntary approaches where these can enable sites to achieve their conservation objectives. Dependent upon the particular circumstances of the site, examples might include the following elements:</p> <ul style="list-style-type: none"> <li>• Identifying the outcomes of management (e.g. net reduction of physical pressure) and allowing marine users to develop a management plan to meet those outcomes (results-based management).</li> <li>• Providing choices in the selection of mitigation approaches to reducing a particular pressure.</li> <li>• Adopting a voluntary code of conduct with respect to gear use / spatial management measures.</li> </ul>	<p>The Department recognises that the work is risk based and will only adopt a precautionary principle when appropriate data is deficient.</p> <p>The type of management required to ensure the conservation objectives are achieved is dependent on the features for which the MCZ is designated and any activities that are adversely impacting the MCZ. Potential management options will be discussed with stakeholders during the designation process.</p> <p>The Department agrees and this will be dependent on robust science and an open and transparent process.</p> <p>Potential management options will be discussed with stakeholders during the designation process and where feasible voluntary codes of conduct may be applied..</p>

<p><b>Marine Conservation Northern Ireland</b> commented that the monitoring and enforcement needs to be consistent and sufficiently funded. Also the use of local "deputies" who are from recognized and responsible NGOs effectively trained would be a very positive addition to resources and enable greater "ownership" from the public and stakeholders.</p> <p>The <b>Northern Ireland Marine Task Force</b> believes that further clarity is needed in this section, particularly in relation to the enforcement of fisheries/licensing which is to be managed by another NI Department. The strategic document should describe how this relationship will work and the processes that will be undertaken during the management and enforcement of sites.</p> <p>The <b>Royal Yachting Associations</b> encourage transparency on the issue of MCZ site management as early as possible to ensure stakeholder buy-in to the selection and designation process.</p>	<p>The Department has powers to appoint enforcement officers under the Marine Act (NI) 2013.</p> <p>Section 3 of the Marine Act (Northern Ireland) 2013 enables the Department to enter into arrangements with a 'relevant public authority' in order to promote the co-ordination of their marine functions. The Department is currently consulting with DARD on shared use of resources to deliver value for money enforcement.</p> <p>A list of relevant public authorities is given in section 3 (4).</p> <p>The Department will work with stakeholders when developing recommendations about any management actions and options to introduce specific measures deemed necessary to deliver the conservation objectives for MCZ features.</p>
<p><b>Priority Lists (Annex A)</b></p>	
<p><b>Aquaculture Initiative</b> has concerns about the proposed inclusion of Blue Mussel Beds as a feature of interest in the development of the MPA network.</p>	<p>Blue mussel beds are present on the OSPAR Threatened and/or Declining list of Habitats and Species. It is envisaged that the Department will protect sites which are not commercially fished or impacted to act as both biodiversity hotspots and to protect breeding stock. The assessment of whether sites are selected for formal designation will be based on the best available evidence, expert advice and stakeholder knowledge.</p>

**Marine Conservation Northern Ireland** suggested that the Blue Shark should be included in the species list.

Blue shark is an oceanic species and is present in very low numbers in our waters. Localised protection is unlikely to benefit the wider population because of its highly migratory nature.

**List of Respondents to Consultation – a draft Strategy for Marine Protected Areas in the Northern Ireland inshore region.**

<b>No.</b>	<b>Comments</b>	<b>Respondent</b>
1.	No comment	Civil Aviation Authority
2.	No comment	Police Service of Northern Ireland
3.		Northern Ireland Fish Producers Organisation
4.	No comment	Northern Ireland Ombudsman
5.	No comment	Disability Action
6.		Department of Agriculture and Rural Development, Fisheries Division
7.		Northern Ireland Housing Executive
8.		Royal Yachting Association
9.		Aquaculture Initiative
10.		Tidal Ventures Ltd
11.		The British Association for Shooting & Conservation
12.		DP Marine Energy
13.		Royal Town Planning Institute (NI)
14.		SSE Renewables
15.		Royal Society for the Protection of Birds (RSPB)
16.		Northern Ireland Environment Link (NIEL)
17.		Ulster Wildlife
18.		Northern Ireland Marine Task Force
19.		Northern Ireland Water
20.		Countryside Alliance Ireland
21.		Council for Nature Conservation and the Countryside (CNCC)
22.		Irish Federation of Sea Anglers/Ulster
23.		National Trust
24.		National Federation of Fishermen's Organisations/Anglo – North Irish Fish Producers' Organisation
25.		The Crown Estate
26.		Northern Ireland Renewables Industry Group
27.		The Wildlife Trusts
28.		Marine Conservation Society
29.		The Loughs Agency
30.		Marine Conservation NI/IFSA