



October 2013

Draft guidance on selection and designation of Marine Conservation Zones (MCZs) in the Northern Ireland Inshore Region

A CONSULTATION DOCUMENT

Draft guidance on the proposed approach to the selection and designation of Marine Conservation Zones under Part 3 (Marine Protection) of the Marine Act (Northern Ireland) 2013.

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Introduction and status

(as draft guidance)

The seas around Northern Ireland are unique in the UK and Europe, hosting a wide variety of marine wildlife, including many threatened animal and plant species, some of which are found nowhere else in the world. The majority of Northern Ireland's 650km coastline is protected for its special interest and a number of its coastal species, habitats and geological localities are recognised as internationally important. The coastline also includes productive and biologically diverse ecosystems, with features which serve as critical natural defences against storms, floods and erosion.

The UK's vision of "*clean, healthy, safe, productive and biologically diverse oceans and seas*" is particularly relevant to Northern Ireland. As an island-based society, the sea has always had an important role to play, offering a source of recreation and a place of work to many.

Due to the nature of the devolution settlement for Northern Ireland and the complex mix of devolved and non-devolved functions, this new framework for the marine environment, based on sustainable development principles, could only be achieved in Northern Ireland through three interlocking pieces of legislation:

- the Marine and Coastal Access Act 2009¹ (c.23) which received Royal Assent on 12 November 2009;
- UK-wide Marine Strategy Regulations 2010 (No.1627)², which came into operation on 15 July 2010 and which transpose the Marine Strategy Framework Directive (2008/56/EC)³; and
- the Marine Act (Northern Ireland) 2013⁴ which received Royal Assent on 17 September 2013 and includes provisions to designate Marine Conservation Zones (MCZs) to protect nationally important marine habitats and species inside 12 nautical miles.

The Marine Act (Northern Ireland) 2013 (the Act) gives the Department of the Environment (the Department) new powers to better protect and manage the marine environment of Northern Ireland. These powers include a new mechanism for the conservation of marine biodiversity through the designation of Marine Conservation Zones (MCZs) – a new type of marine protected area.

*"clean, healthy,
safe, productive and
biologically diverse
oceans and seas"*

1 http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf

2 http://www.legislation.gov.uk/uksi/2010/1627/pdfs/uksi_20101627_en.pdf

3 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:164:0019:0040:EN:PDF>

4 http://www.legislation.gov.uk/ukpga/2013/1/pdfs/ukpga_20130001_en.pdf

This guidance is being issued in draft form, in order to explain to stakeholders and decision makers how the Department envisages the provisions in Part 3 of the Act will be used to designate MCZs to contribute to the establishment of an ecologically coherent network of well managed Marine Protected Areas (MPAs) in the Northern Ireland inshore region. It remains subject to change, particularly to reflect:

- developing policy, including any policy modifications adopted following the public consultation on ‘A draft Strategy for Marine Protected Areas in the Northern Ireland Inshore Region’⁵;
- on-going work to establish the processes and infrastructure for identifying and
- recommending potential MCZs; and
- views expressed by stakeholders.

Responding to this consultation

The Department welcomes comments on the draft guidance. When responding, please indicate clearly the section(s) of the consultation you are commenting on. This will assist with the analysis of the responses received.

Please also provide:

- Your name
- Your contact details
- The organisation you represent (where applicable)
- **The main area of interest with which you identify** – for example, nature conservation, fisheries, industry, transport, aquaculture, recreation/tourism, academic and scientific, local government, voluntary/community group, public sector, local partnership, other.

Responses can be sent either by e-mail to MCZguidance@doeni.gov.uk or by writing to the address below:

Gerardine McEvoy

Department of the Environment

Environmental Policy Division

8th Floor | Goodwood House

44-58 May Street | Town Parks | Belfast | BT1 4NN

⁵ http://www.doeni.gov.uk/marine_nature_conservation_marine_protected_areas_strategy.pdf

You are invited to respond to this consultation not later than **31 January 2014**.

Should you have any enquiries on this consultation please contact Gerardine McEvoy on 028 9025 4733 or by e-mail to ***MCZguidance@doeni.gov.uk***.

The consultation paper is also available on the Department's website at ***www.doeni.gov.uk/***

This document may be made available in alternative formats. Please contact us to discuss your requirements. Information and additional copies of the document can be requested by **Text phone 028 9054 0642**

Freedom of Information Act 2000 – confidentiality of consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. ***Before*** you submit your response, please read the information at **Annex B** on the confidentiality of consultations and it will give you guidance on the legal position about any information given by you in response to this consultation.

Should you require further information about the confidentiality of responses, please contact:

The Information Commissioner's Office – Northern Ireland
3rd Floor
14 Cromac Place
Belfast
BT7 2JB
Telephone: 028 9027 8757 / 0303 123 1114
Email: ni@ico.org.uk

Thank you for taking time to consider this issue and we look forward to receiving your comments.

1.0 Introduction

1.1 Background

The sea around Northern Ireland is as environmentally important and diverse as the land, and as fundamental to our economic prosperity. It is important that it is managed sustainably and promoted as a valuable social and economic asset. The Department is committed to the vision of a clean, healthy, safe, productive and biologically diverse marine and coastal environment that meets the long term needs of people and nature. Marine nature conservation is an integral component of how this can be achieved.

The Department's draft 'Strategy for Marine Protected Areas in the Northern Ireland Inshore Region' sets out the aims and key objectives to which marine conservation policy can contribute.

Site protection is an important element of marine and coastal conservation and until recently it has focused on species and habitats of European importance which are listed in the relevant annexes of the EC Wild Birds and Habitats Directives⁶.

National, European and International commitments

There are a number of national and international commitments that Northern Ireland, together with the other UK Administrations, has agreed to for the protection of marine biodiversity. These include a number of commitments on establishing marine protected areas:

National

- Marine Policy Statement (MPS)⁷: in this the UK Government re-stated its vision for 'clean, healthy, safe, productive and biological diverse oceans and seas'. To help deliver this vision the UK Government with Devolved Administrations have committed to creating an ecologically coherent network of marine protected areas in the UK.

European

- Habitats Directive (92/43/EEC)⁸ and Wild Birds Directive (2009/147/EC formerly 79/409/EEC)⁹: these Directives provide for the establishment

6 http://ec.europa.eu/environment/nature/index_en.htm

7 <http://www.defra.gov.uk/publications/files/pb3654-marine-policy-statement-110316.pdf>

8 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1992:206:0007:0050:EN:PDF>

9 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>

of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), respectively, which together form the Natura 2000 network. This is an EU-wide network of nature protection areas which aims to assure the long term survival of Europe's most valuable and threatened species and habitats.

- Marine Strategy Framework Directive (2008/56/EC)¹⁰: the UK Government has committed to contributing to achieving Good Environmental Status (GES) of Europe's seas by 2020. This will involve protecting the marine environment, preventing deterioration and restoring where practical, while using marine resources sustainably. The Marine Strategy Framework Directive (MSFD) specifically requires spatial protection measures that contribute to a coherent and representative networks of marine protected areas to be established and for their management to be in place by 2016.

International

- The Oslo-Paris Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR)¹¹: through this convention, the countries bordering the North East Atlantic, including the UK, have agreed to establish an ecologically coherent network of marine protected areas in the North-East Atlantic by 2012 and ensure it is well managed by 2016.
- The Convention on Biological Diversity (CBD)¹²: in 2010, parties to the convention made a commitment that 'by 202010% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems for protected areas and other effective area-based conservation measure, and integrated into the wider landscape and seascape.'

1.2 New powers to designate MCZs

The Marine Act (Northern Ireland) 2013 and the UK Marine and Coastal Access Act 2009 contain new powers to designate MCZs (in the Northern Ireland inshore and offshore regions respectively) as part of a range of measures to manage and protect our seas for current and future generations.

10 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:164:0019:0040:EN:PDF>

11 http://www.ospar.org/content/content.asp?menu=01481200000000_000000_000000

12 <http://www.cbd.int/convention/>

The Marine Act (Northern Ireland) 2013 is the final piece of the Marine Programme which has already delivered the Marine and Coastal Access Act 2009 and regulations transposing the MSFD.

The designation of MCZs will safeguard vulnerable or unique species and habitats of national importance in the Northern Ireland inshore region. These MCZs will help deliver national priorities on biodiversity and geodiversity, including Northern Ireland's contribution to European and international commitments on biodiversity e.g. under MSFD and OSPAR.

1.3 Scope

While nature conservation is a devolved matter, certain portions of the marine environment are reserved with legislative competence retained by the UK Government. These areas include the foreshore (the area between high and low water mark) and the seabed. The Act gives the Department power to designate areas as a MCZ with the agreement of the Secretary of State.

These guidelines apply to the Northern Ireland inshore region as defined in section 2 of the Act (**Figure 1**). The guidelines primarily apply below Mean High Water Spring (MHWS) tide, but may in some circumstances be applied above MHWS in line with sections 15(3) and (4) of the Act.

The Department and the other UK Administrations are working together to deliver, within the context of devolution, a coherent network of well managed MPAs. The Administrations have issued a 'Joint Administrations Statement'¹³ in December 2012 outlining the UK contribution to an ecologically coherent MPA network in the North East Atlantic. This will deliver internationally agreed commitments on the protection of biodiversity in UK waters.

13 <http://archive.defra.gov.uk/environment/marine/documents/protected/mpa-network-joint-admin-statement-201212.pdf>

1.0 Introduction

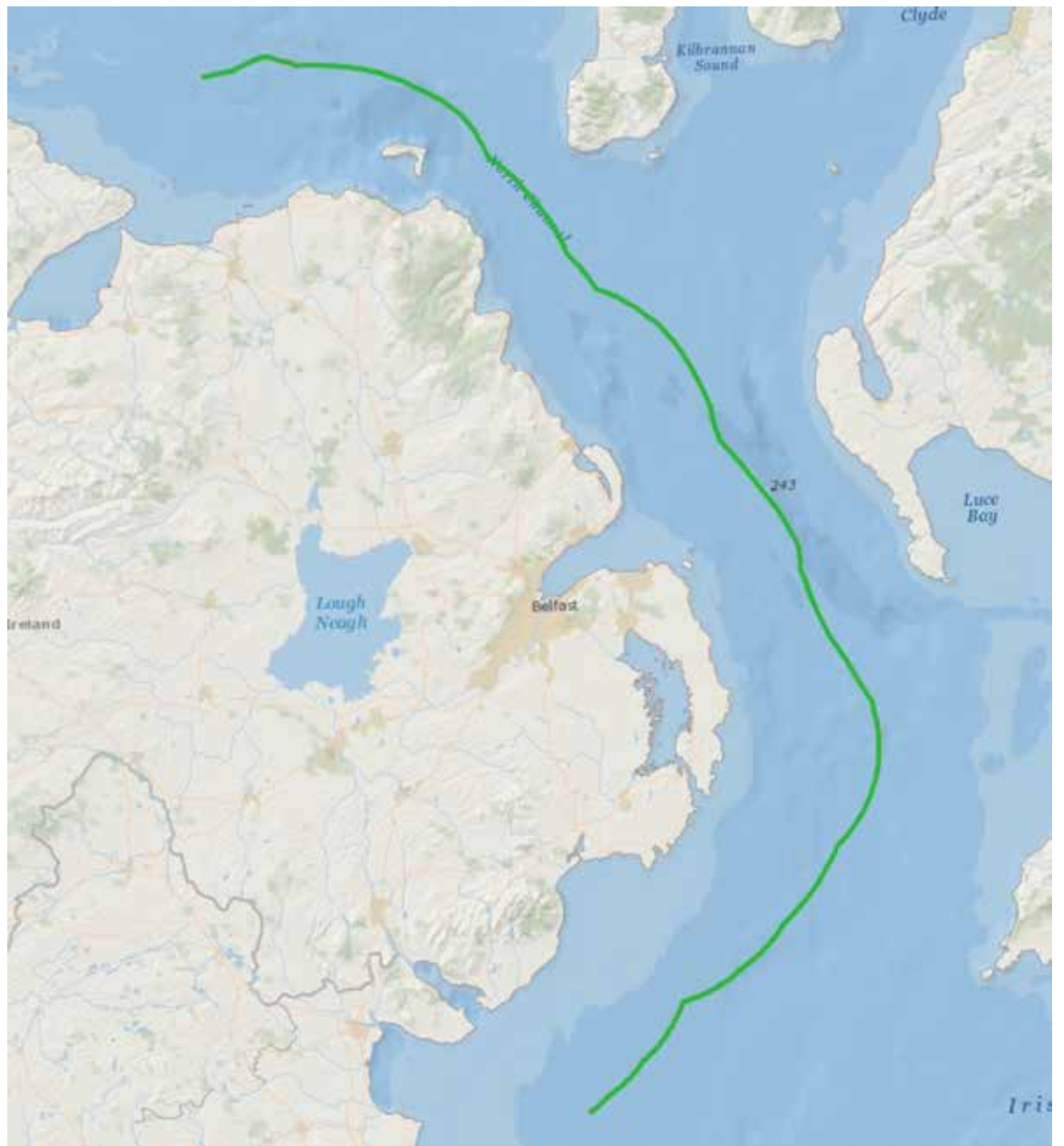
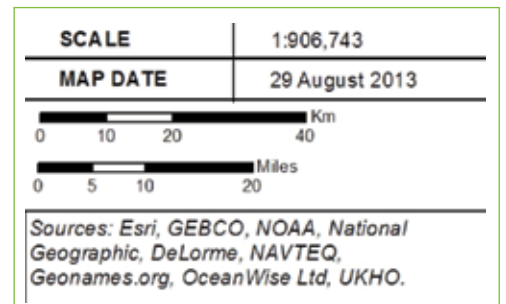


Figure 1: The Northern Ireland Inshore Region



1.4 Purpose of the guidelines

The purpose of this document is to set out guidelines detailing how the Department intends to establish a Marine Protected Area (MPA) network in Northern Ireland's seas through the identification of possible MCZ locations. This will fulfil the obligations in the Act to contribute to an ecologically coherent UK network of MPAs as well as wider biodiversity commitments at European and global level.

1.5 The MPA network and ecological guidance

The Department's aim is to develop a network of well-managed MPAs that will contribute to an ecologically coherent network.

The network should be capable of delivering Northern Ireland's national and international commitments for marine nature conservation and the achievement of GES in our seas by 2020, as required by the MSFD.

The purpose of the network will be to deliver benefits for marine natural features and to support wider ecosystem function. The network should safeguard marine biological and geological features in Northern Ireland waters and through sound management, deliver their recovery where practicable.

The network will include features considered to be key and threatened and/or declining and/or representing the range of features within Northern Ireland's seas.

Ideally sites should contain both biological and geological features. However, sites with individual features will be considered (e.g. where a feature is rare). The ecological and/or geological processes critical to the functioning of the protected features will be taken into account in boundary setting and management.

The network will encompass a range of different types of protected areas, including European marine sites and MCZs designated under section 13 of the Act. An assessment of the contribution these areas make to the MPA network will be carried out as part of the process.

The concept of an ecologically coherent network of MPAs is still evolving, but is underpinned by the OSPAR Commission guidance (OSPAR 2006)¹⁴. The Department has adopted seven MPA network design principles (**Figure 2**) from the OSPAR Commission guidance. These design principles will be used as the basis for MCZ selection.

14 http://www.ospar.org/documents/DBASE/DECRECS/Agreements/06-03e_Guidance%20ecol%20coherence%20MPA%20network.doc

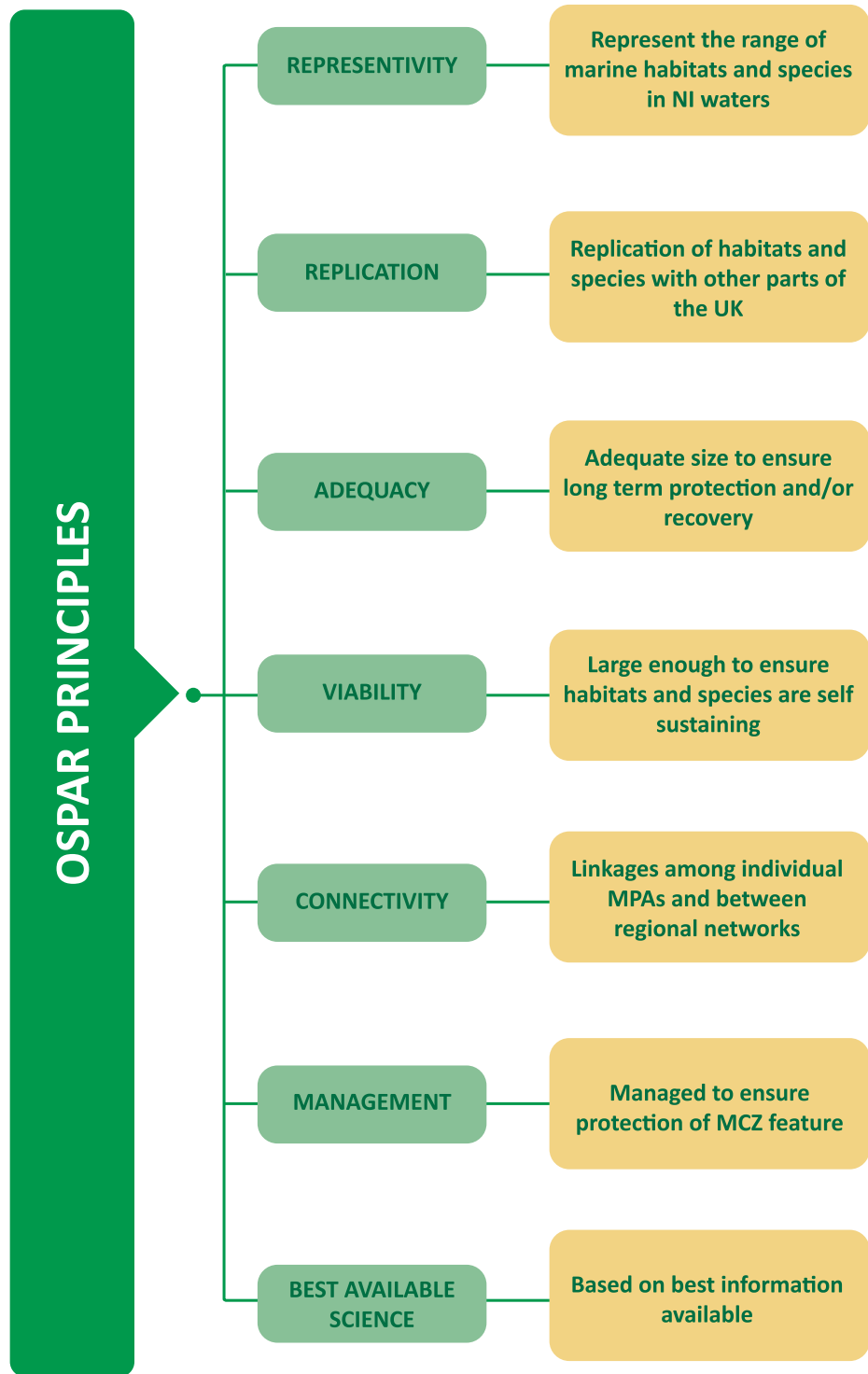


Figure 2: The seven OSPAR network design principles which will be used for the selection of Marine Conservation Zones (MCZs) in the Northern Ireland inshore region.

1.6 Timescales

It is intended that an ecologically coherent and well managed network of MPAs will be substantially complete by the end of 2020. This will make a major contribution to achieving GES in our seas as required under MSFD (Figure 3). The ecological coherence and condition of the network will be kept under review, which may give rise to a need for further orders to be made to designate additional MCZs.

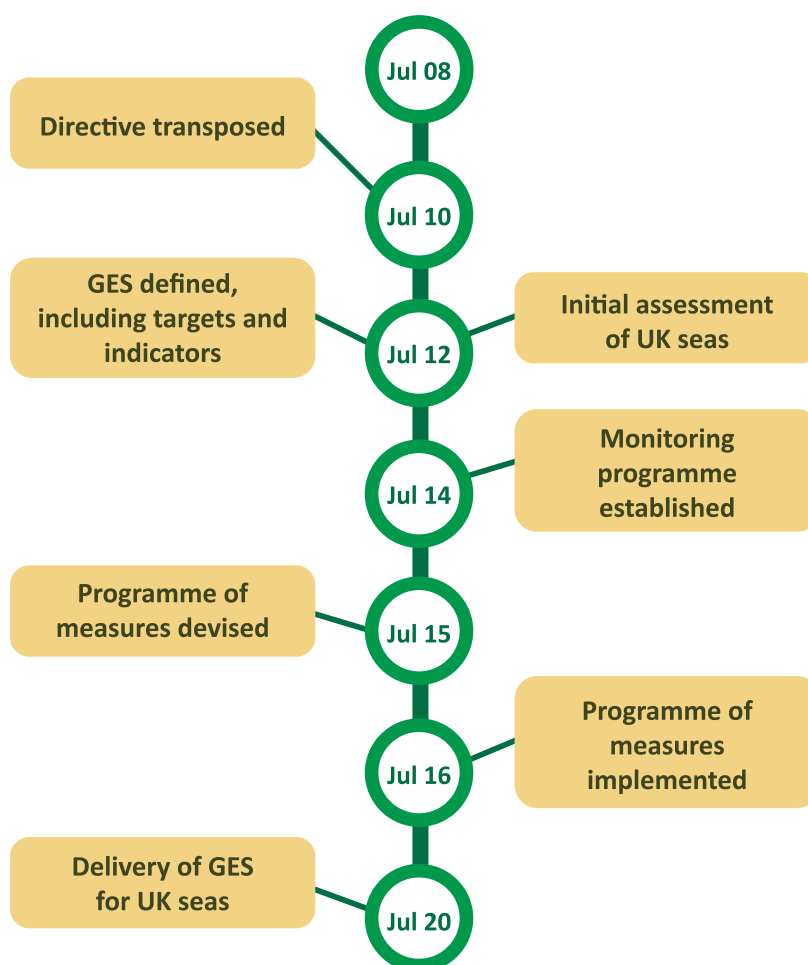


Figure 3: The MSFD milestones and key deliverables in the Department's commitment to a clean, healthy and biologically diverse marine and coastal environment.

Other relevant target timescales for Northern Ireland include:

2015: Public consultation on draft Marine Plan for Northern Ireland

2016: Establishment of a well managed network of MPAs

2018: Report to Northern Ireland Assembly on MPA network progress

2.0 Marine Conservation Zones (MCZs)

2.1 Marine Conservation Zones and an ecologically coherent network

The UK Administrations have committed to achieving an ecologically coherent network of MPAs in UK waters through a number of international agreements (OSPAR Convention, World Summit on Sustainable Development¹⁵ and Convention on Biological Diversity). There are also links to European Directives such as the Marine Strategy Framework Directive and the EC Habitats and Wild Birds Directives.

MCZs designated under the new powers of the Act will complement the marine components of sites designated under the EC Wild Birds and Habitats Directives, the marine ASSIs and Ramsar sites. MCZs will form the main elements of the network and will contribute to our international and national commitments by protecting those features in Northern Ireland that cannot be protected under the existing designations.

Linking marine protected areas together into an ecologically coherent network, supported by wider environmental management measures will achieve benefits more effectively than individual MPAs can alone. A well designed network to protect biodiversity will contain MPAs of different sizes containing a range of habitats and species.

Each of the UK Administrations has the responsibility for designating MCZs (called nature conservation Marine Protected Areas in Scotland) in their territorial waters (out to 12 nautical miles). The OSPAR design principles are being used by the UK Administrations as the basis for network design but each administration is taking a different approach in the selection and designation process.

2.2 Taking account of economic, cultural and social factors in site selection

The designation of MCZs will help to conserve ecosystems and biodiversity whilst recognising the need to maintain sustainable economic, cultural and social uses of the areas. Unlike other marine protected areas, MCZs

¹⁵ <http://www.worldsummit2002.org/>

2.0 Marine Conservation Zones (MCZs)

will take economic, cultural and social activities into account when identifying potential sites, although their presence will not prevent the consideration of an area for designation as a MCZ. Section 14(7) of the Act specifically makes provision for the economic, cultural and social impacts of designating a MCZ to be taken into account when deciding upon which sites to designate.

The Department will, where possible, avoid designating MCZs that would conflict with ongoing/planned economic, cultural or social activities and will consider suitable alternative sites. Where this is not possible, for example due to the rarity of a feature, the aim would be to reduce any conflict between the activity and the conservation objectives to a minimum whilst ensuring that the site makes its contribution to an ecologically coherent network.

The Department will assess the suitability of sites for MCZ designation in areas where activities such as commercial fishing, offshore renewables, or recreational activities already take place or are planned in the near future. This assessment will also apply to areas where activities do not yet take place but are planned or licensed for the future. Consideration will be given to the potential of co-locating MCZs within licensed and/or planned activities. However, to date, there is limited knowledge of this concept in practice, but its success and extent will be site specific. The scope and likelihood of co-location of marine activities will be assessed as part of the designation process.

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. In many cases the effects may be minimal and in others may be more significant.

During the development of MCZ proposals the issue of displacement of activities will be considered by assessing stakeholders' level of dependency on the proposed MCZ. For each proposed MCZ the Department will carry out an assessment of the activity to determine the impact that this is likely to have on the proposed features of the site taking into consideration any information provided by the relevant stakeholder.

An example of the type of information required for these assessments are given in **Box 1**.

Box 1: What is required to carry out an assessment of fishing activities?

The Department will require information on the current fishing intensity, location of target areas, number of users, frequency of activity, purpose and justification (e.g. research or commercial), type of gear used, species caught and landed and duration of activity. This information can be used to determine whether the activity has an adverse impact on the proposed features of the site.

As part of this assessment, fishermen will be asked to provide locations of where they are likely to go should they be displaced as a result of restrictions on fishing activity in the proposed MCZ. These new sites will be assessed in a similar manner to the initial assessment to determine the carrying capacity and potential impacts from increased/new fishing pressure.

All assessments will be dependent on the fishing community providing accurate information and the Department will work closely with DARD, AFBI and industry representatives when carrying this out. Licence holders likely to be affected by MCZ proposals will be assessed on a case by case basis and the Department will take account of the degree of dependency of the stakeholder in relation to their activities historically carried out in that area.

2.3 Impact Assessments

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.

The impact assessments will include:

- identification of current or potential future environmental, economic, cultural and social status of the proposed area in the absence of designation (i.e. the status quo or baseline);
- identification of anticipated range of environmental, economic, cultural and social impacts of designating the preferred sites, relative to the baseline;
- the options for an alternative MCZ (location, conservation objectives, management measures) and the range of associated potential costs and benefits (assessed qualitatively or quantitatively as appropriate).

3.0 The MPA network in the seas around Northern Ireland

3.1 The makeup of the MPA network

The Northern Ireland MPA network will include European marine sites that are Special Protection Areas (SPAs)¹⁶, and Special Areas of Conservation (SACs)¹⁷ together with Marine Conservation Zones (MCZs), and marine parts of Ramsar sites¹⁸ and Areas of Special Scientific Interest (ASSIs)¹⁹ (Figure 5).

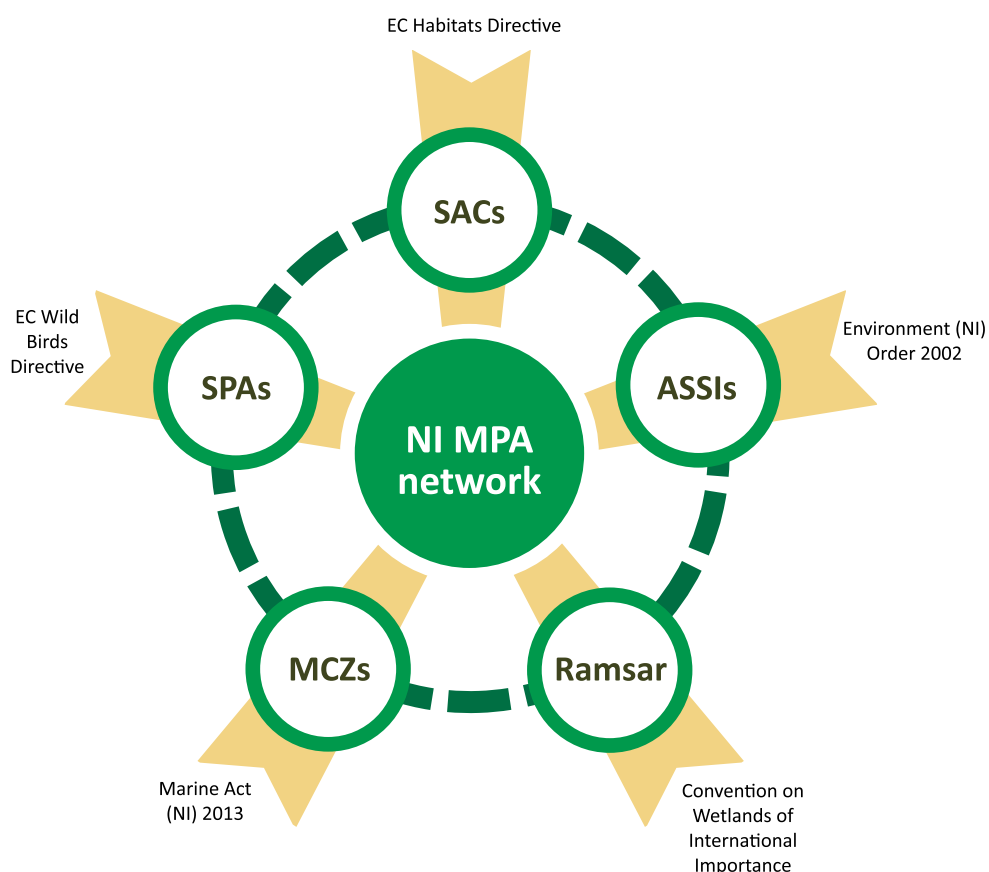


Figure 5: The contribution of nature conservation legislation governing the marine area to Northern Ireland's Marine Protected Area (MPA) network.

16 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>

17 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:NOT>

18 http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0__

19 <http://www.legislation.gov.uk/nisi/2002/3153/contents>

3.0 The MPA network in seas around Northern Ireland

The Act allows for overlap of sites designated under different legislation, but the Department intends MCZs to complement the existing site designation and protection measures for European marine sites.

There may be circumstances where MCZ and European designations fully or partially overlap to protect different features. This may offer a higher level of protection to part of a site than the existing designation allows or be done for practical purposes to extend an existing boundary (e.g. to include geomorphological processes). Examples include but are not limited to:

- designation of a MCZ for a feature within a European marine site that does not qualify under the Habitat or Wild Birds Directives criteria;
- designation of a MCZ for marine features covering areas (usually intertidal) that have been notified as ASSIs for terrestrial features only.

The UK MPA network will comprise the sites as described in **Figure 5** as well as English and Welsh MCZs, Scottish MPAs and SSSIs (**Figure 6**).

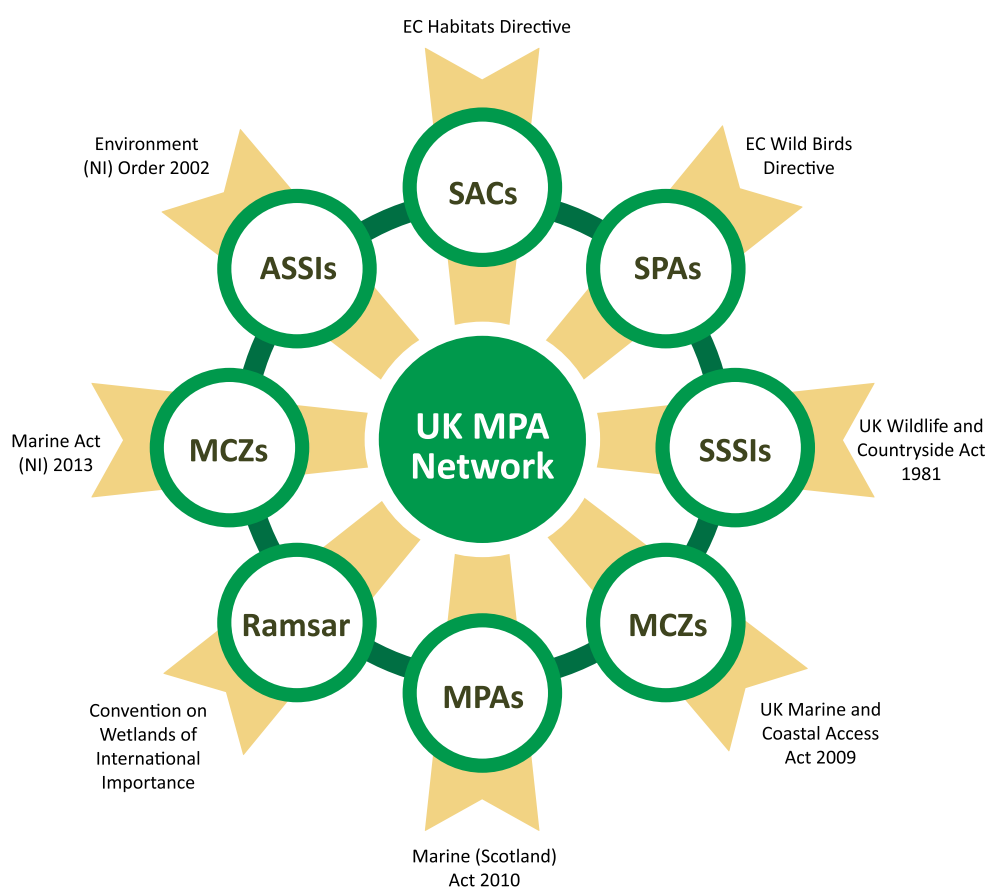


Figure 6: The contribution of nature conservation legislation governing the marine area to the UK Marine Protected Area (MPA) network.

4.0 Features to be included in MCZ development

4.1 MCZ features: what are they?

Our marine environment contains a wide variety of habitats and species and it is unrealistic to try to protect everything. Instead the focus will be on protecting a range of representative and threatened, rare or declining species and habitats – referred collectively as Priority Marine Features (PMF). Some of these species and habitats may be more sensitive or vulnerable to pressures and will need targeted protection and/or urgent action to prevent further damage.

These Priority Marine Features will form the basis of MCZ designation and include marine species, habitats and geological (including geomorphological) features. Habitat features should comprise both the species assemblage (that is typical of the habitat in its location and are key to its ecological functioning) and the physical habitat supporting it. A pelagic species may be part of the species assemblage where there is a direct functional link between it and the habitat feature.

Preference will be given to the selection of MCZs with multiple features, including those of interest for both biodiversity and geodiversity, as these are of high intrinsic value. However, the site selection process will also consider sites with single features to ensure adequate representation of all features particularly those that are important in a Northern Ireland context.

Features will be described in adequate detail in order to make conservation objectives and management advice as meaningful and achievable as possible. Some habitat descriptions may also include detail on associated features.

The site selection process is adaptive to allow for the incorporation of new data on the location, condition and effects of pressures on the features to be protected. The assessment of whether sites are important in terms of any of these factors will be based on the best available science, expert advice and stakeholder knowledge.

4.2 Development of the Priority Marine Features list

There are a number of conservation mechanisms that apply to Northern Ireland's seas, some of which list features of importance to marine

4.0 Features to be included in MCZ development

conservation and the functioning of marine ecosystems. Amongst these are OSPAR Biological Diversity and Ecosystems Strategy; Biodiversity Action Plans; the Northern Ireland Biodiversity Strategy (1992)²⁰; and the EC Habitats and Wild Birds Directives.

In Northern Ireland, marine conservation is focusing on habitats and species that are important in a local context.

The following conservation lists were amalgamated to create a list of marine features:

- the OSPAR list of Threatened and/or Declining Species and Habitats (**OSPAR T&D**);
- the UK Biodiversity Action Plan list (**UK BAP**);
- Northern Ireland List of Priority Habitats and Species (**NI Priority**);
- Species of Conservation Concern (**SOCC**), and
- Nationally Important Marine Features (**NIMF**).

This list was then reviewed by the Department, the National Museums Northern Ireland and in consultation with a number of taxonomic experts from Agri-Food and Biosciences Institute (Afbí); Queen's University, Belfast (QUB); University of Ulster (UU); Department of Agriculture and Rural Development (DARD); Department of Culture, Arts and Leisure (DCAL); independent experts and Northern Ireland Environment Agency (NIEA). This group of experts assessed the suitability of species and habitats for inclusion as a potential feature in the Northern Ireland inshore region.

Some of the low/limited mobility species were grouped together under specific habitats as they shared similar physical requirements and occur together. This will provide better spatial protection than for an individual species. Species considered as vagrants in Northern Ireland waters and non-native species were not included in these lists.

Following a review, three finalised lists of Priority Marine Features were developed. These cover:

- Habitats
- Limited/Low Mobility Species
- Highly Mobile Species

These lists will form the basis of the identification and designation of MCZs in the Northern Ireland inshore region and are detailed in **Tables 1-3**.

20 http://www.doeni.gov.uk/nibs_2002.pdf

4.0 Features to be included in MCZ development

Table 1: Priority Marine Feature (PMF) Habitats

HABITAT	CONSERVATION STATUS
Blue mussel beds (including intertidal beds on mixed and sandy sediments)	OSPAR T&D, NI PRIORITY, UK BAP
Cold water coral reefs	OSPAR T&D
Estuarine rocky habitats	NI PRIORITY, UK BAP
Fragile sponge and anthozoan communities on subtidal rocky habitats	NI PRIORITY, UK BAP
Maerl beds	OSPAR T&D, NI PRIORITY, UK BAP
Horse mussel (<i>Modiolus modiolus</i>) beds	OSPAR T&D, NI PRIORITY, UK BAP
Mud habitats in deep water	NI PRIORITY, UK BAP
Sea-pen and burrowing megafauna communities*	OSPAR T&D
<i>Ostrea edulis</i> beds	OSPAR T&D
Seagrass beds	OSPAR T&D, NI PRIORITY, UK BAP
Stable sand with associated fauna	No conservation status as this is a new description of the habitat for Northern Ireland

* Shallow *Virgularia mirabilis* beds are a Northern Ireland variant of this habitat

Table 2: Priority Marine Feature (PMF) Limited/low mobility species

SPECIES (LATIN NAME)	COMMON NAME	CONSERVATION STATUS	GROUP
<i>Ascophyllum nodosum ecad mackayi</i>	A brown alga	UK BAP, NI Priority, NIMF	Algae
<i>Atractophora hypnoides</i>	A red alga	SOCC	Algae
<i>Pentapora foliacea</i>	Ross coral/ Potato crisp bryozoan	NI Priority	Bryozoa
<i>Diazona violacea</i>	Football sea squirt	None	Chordata
<i>Porania pulvillus</i>	Cushion star	NI SOCC	Echinodermata
<i>Thyonidium drummondii</i>	Drummond's sea cucumber	NI Priority	Echinodermata
<i>Aequipecten opercularis</i>	Queen Scallop	None	Mollusca
<i>Arctica islandica</i>	Oceanic quahog	FOCI, NIMF, OSPAR (but not T&D in region III)	Mollusca
<i>Cerastoderma glaucum</i>	Brackish cockle	SOCC	Mollusca

4.0 Features to be included In MCZ development

Table 3: Priority Marine Feature (PMF) Highly mobile species

SPECIES (LATIN NAME)	COMMON NAME	CONSERVATION STATUS	GROUP
<i>Dipturus batis</i>	Common Skate	BAP, Priority, WANE Schedule 5, OSPAR T&D, IUCN Red List Status – Critically Endangered (2006)	Elasmobranchs
<i>Raja montagui</i>	Spotted Ray	IUCN Red List Status – Least Concern (2007)	Elasmobranchs
<i>Raja clavata</i>	Thornback Ray	IUCN Red List Status – Near Threatened (2000)	Elasmobranchs
<i>Leucoraja naevus</i>	Cuckoo Ray	IUCN Red List Status – Least Concern (2008)	Elasmobranchs
<i>Phocoena phocoena</i>	Harbour Porpoise	BAP, Priority, NIMF, Annex II & IV Habitats Directive, WANE Schedule 5, OSPAR T&D	Cetacean
<i>Solea solea</i>	Sole	BAP, Priority, NIMF	Fish
<i>Pleuronectes platessa</i>	Plaice	BAP, Priority, NIMF, IUCN Red List – Least Concern	Fish
<i>Cephus grylle</i>	Black Guillemot	OSPAR T&D, IUCN Red List – Least Concern	Bird
<i>Melanitta nigra</i>	Common Scoter	IUCN Red List – Least Concern	Bird
<i>Gavia stellata</i>	Red-throated Diver	Annex I Birds Directive, IUCN Red List – Least Concern	Bird
<i>Podiceps auritus</i>	Slavonian Grebe	Annex I Birds Directive, IUCN Red List – Least Concern	Bird
<i>Puffinus puffinus</i>	Manx Shearwater	IUCN Red List – Least Concern	Bird
<i>Phalacrocorax aristotelis</i>	European Shag	IUCN Red List – Least Concern	Bird
<i>Somateria mollissima</i>	Common Eider	IUCN Red List – Least Concern	Bird

4.3 Geological and geomorphological features

To date, the emphasis on geological conservation has been on terrestrial and coastal areas with numerous ASSIs and SACs designated for features of importance. However, sites of geological interest do not stop at the seaward margin of the coast. Geological and geomorphological features refer to the physical structures (landforms, rocks, sediments) and the processes that shape them. Sites with these features will be chosen

4.0 Features to be included in MCZ development

where they represent Northern Ireland’s geological history and are of international geological importance or contain exceptional geological features or are threatened and/or rare. The types of feature considered for protection are summarised in **Table 4** below.

It is expected that in most cases sites identified for geological and/or geomorphological features will be multi-feature sites where they occur alongside Priority Marine Feature habitats or species. There are unlikely to be any standalone geological and/or geomorphological sites.

Table 4: Types of geological and geomorphological features that may be considered for MCZs

GEOLOGICAL/ GEOMORPHOLOGICAL FEATURE	DESCRIPTION
Glacial process features*	Features created as a direct result of physical processes associated with ice.
Marine process features*	Features created directly by marine processes such as waves, tides and currents.
Mass movement features*	Features created from the movement of sediment or rock, for example, a slump or a slide occurring on the seabed. Mass movements can cover large geographical areas and may involve large quantities of material moving at great speed.
Features indicating past change in relative sea level*	These features are markers of historic sea levels which have fluctuated over time.
Geological process features*	These features are formed by a variety of past and ongoing geological process including volcanism, diapirism, fluid and gas seepage from the seabed and tectonism.
Seaward extension features**	These features are often extensions of existing terrestrial features of national importance (principally for coastal geomorphology) where the site integrity is dependent on the uninterrupted operation of near-shore processes.

* Adopted from Natural England and the Joint Nature Conservation Committee (2010). The Marine Conservation Zone Project: Ecological Network Guidance²¹. Sheffield and Peterborough, UK.

** Adopted from Marine Scotland, The Scottish Government, Scottish Natural Heritage and the Joint Nature Conservation (2011). Marine Protected Areas in Scotland’s Seas: Guidelines on the selection of MPAs and development of the MPA network²².

21 http://jncc.defra.gov.uk/pdf/100705_ENG_v10.pdf

22 <http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/mpaguidelines>

5.0 Selection guidelines

5.1 Information requirements

A robust and comprehensive evidence base will support and help inform development at each stage of the process. The information required to inform the selection process is likely to vary according to the stage in the process.

MCZs will be identified using best available science. Potential sites for MCZs will be selected for formal designation following discussion and consultation with stakeholders.

Ecologically and geomorphologically functional units and the processes which underpin these will be taken into account through boundary setting and in subsequent management.

The application of the OSPAR design principles (**Figure 2**) will deliver a MPA network that contributes to the resilience of the marine ecosystem. This is an ecosystem which can absorb disturbances from some natural and human activities, recover from damage, and continue to provide ecosystem services.

The size of a MCZ will depend on the rationale for identifying it, the feature(s) it is designed to protect and the requirements for management of any activities that may prevent the feature(s) attaining their conservation objectives. MCZs are only one of the measures available to help deliver management of Northern Ireland's seas. They will be used where they are the most appropriate mechanism to deliver effective management of the Priority Marine Features.

The economic impact assessments carried out for each MCZ will provide valuable information towards management of an area designated as a MCZ. Stakeholders will be consulted as part of the process and the economic impact assessments and management options papers will be published along with the MCZ proposals during the public consultation.

As our understanding improves, and/or environment changes, there may be a need to select further MCZs, alter boundaries, and/or deselect existing ones. MCZs will be subject to a range of protection levels, depending on the conservation objectives and management requirements of the marine features for which they are designated.

5.2 The five stage selection process

In order to identify and select potential sites for designation as a MCZ a five stage approach will be applied as outlined in **Figure 7**. Further information for each stage is given in **Annex A**.

5.0 Selection guidelines

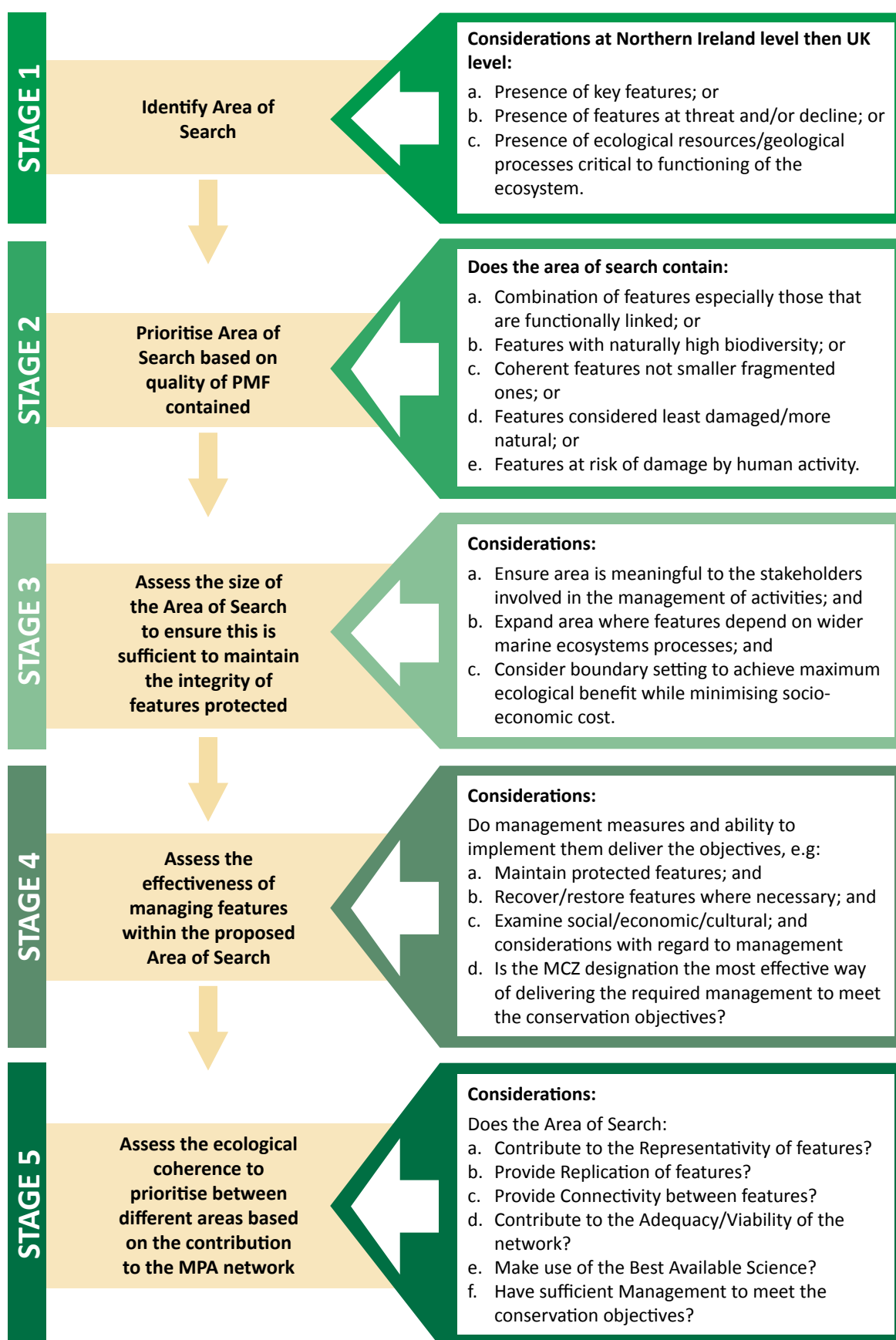


Figure 7: The five stage process that will be used in the selection and designation of MCZs in the Northern Ireland inshore region

6.0 Stakeholder engagement

The development of MCZs and the MPA network in the seas around Northern Ireland will be done in collaboration with stakeholders. The Department is committed to engaging with stakeholders throughout the designation process, particularly those who have an interest in or may be affected by MCZ proposals. The Joint Nature Conservation Committee (JNCC) will support the Department during the designation process using its experience from the various MPA projects in other parts of the UK.

Best available scientific information will be the primary consideration in the selection of MCZs although economic, cultural and social information will be taken into account throughout the designation process.

Furthermore, this may be used to select between sites where two or more alternative search locations meet the scientific guidelines equally.

Effective engagement with stakeholders is fundamental. In the early stages of network development, work will focus on data collection and identification of conservation features and locations. A series of workshops are planned to give an opportunity for stakeholders to submit scientific evidence to support the proposals on the location of potential MCZs or to propose alternative site locations (**Figure 8**). Existing fora, sectoral meetings and various media will also be used to reach stakeholders and to encourage feedback. The Department welcomes any additional evidence that stakeholders wish to submit. This information should be robust, accurate and corroborated in order to be used to inform the designation process. Any stakeholder proposals need to be considered in the context of Northern Ireland's network of MPAs to ensure they meet the OSPAR design principles.

As the process continues, the level of engagement with stakeholders will increasingly reflect direct interest in specific proposals, for example, from those working or having an interest in areas identified as potential site locations. Involvement of stakeholders is also likely to become formalised as the proposed elements of the network are developed and, if relevant, highlighting options for potential management measures for any MCZs which may affect their activities.

Through working with stakeholders the Department can ensure that there is a shared understanding of the protected features, their conservation objectives and the likely impacts from any relevant activities. The level of engagement for each MCZ will depend on the complexity of the issues that need to be resolved.

All proposed MCZs will be subject to a 12 week consultation. The evidence used to identify and develop these proposals will be available. This will

6.0 Stakeholder engagement

allow transparency of decision making and an opportunity for comment by a range of stakeholders. Wherever possible, stakeholder engagement will be joined with the other relevant work streams such as MSFD and the Marine Plan to ensure a join up in thinking across these interlinked work areas and in particular, to ensure data and information are shared across the policy streams.

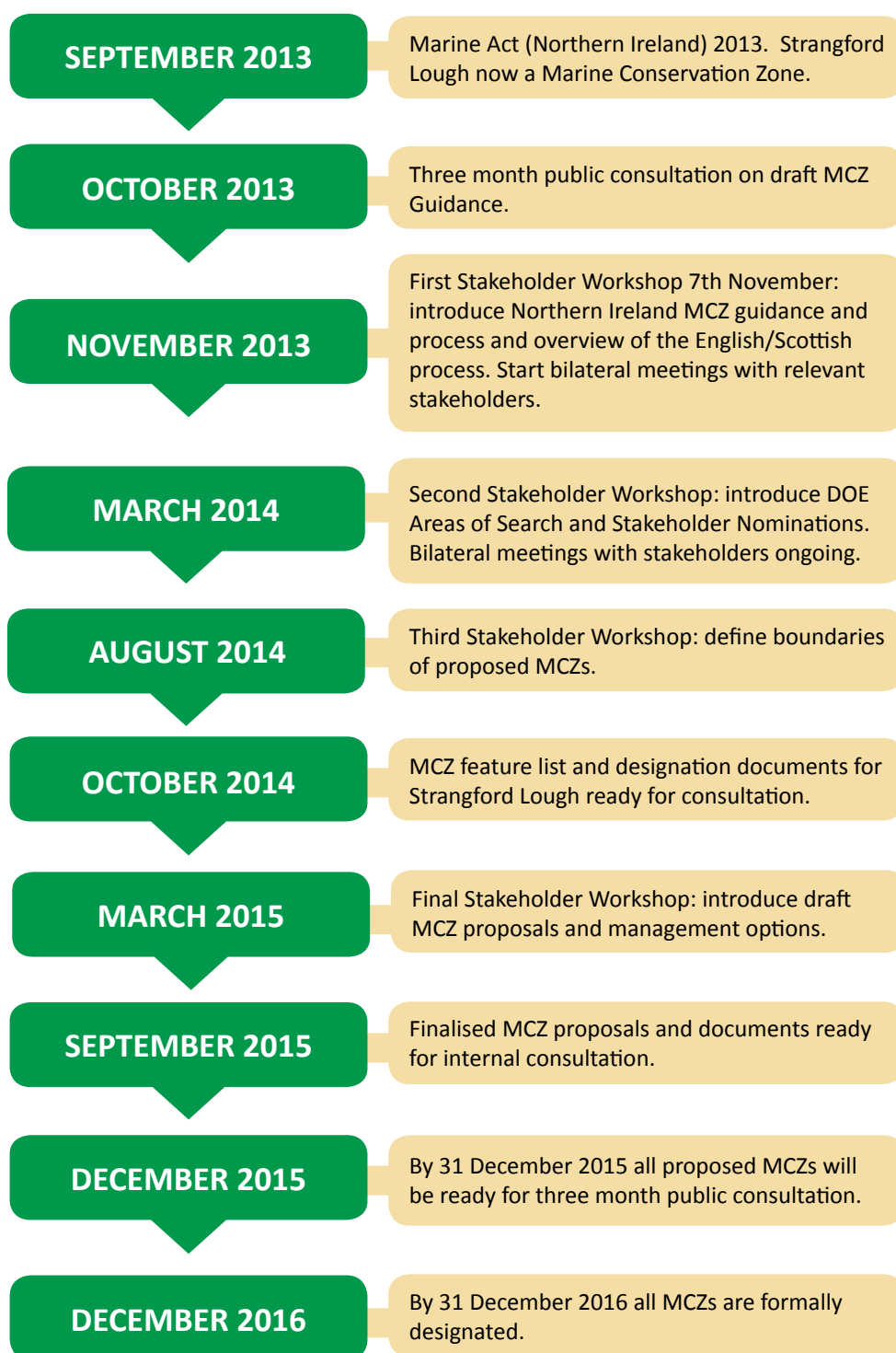


Figure 8: Proposed timeline for MCZ identification and designation outlining key stakeholder workshop events

7.0 Development of individual MCZs

7.1 Use of best available scientific information

MCZ designation will be based upon the use of best available scientific data. This could include information from a variety of national or local sources such as conservation organisations, recreational bodies, industry, academic studies or individuals. The provision of data must be verifiable and must meet data standards. At a UK level research has been undertaken to develop ecological and socio-economic information to inform site designation. Within Northern Ireland similar work is underway and is being supplemented by analysis of further data sets, collation of additional data and marine surveys.

The principle of using best available science without entailing excessive additional costs will be followed. By analysing existing datasets the Department can identify gaps in knowledge of Priority Marine Features locations and the robustness of the data and plan marine surveys to address any clear gaps where judged necessary.

7.2 Boundary setting

When setting boundaries for a MCZ the location of the features of interest will be identified and mapped. Boundaries should encompass as much area as is necessary to protect these feature(s) of interest at the site (as summarised in Stage 3 of the selection process; see **Figure 7**). The ability to enforce management measures for the site should also be a consideration in boundary determination. The boundary setting process will be determined on a site specific basis (to allow for different types of data, different features, etc.) and will be based upon the following principles:

- Boundaries should be drawn as closely as possible around the feature(s) to support the MCZ acting as a functional whole for the conservation of the feature(s) concerned. Consideration should be given as to whether to combine adjacent features into a single MCZ (this will depend on the distance between features). Boundaries should be as simple as possible using a minimum number of straight lines and vertices to aid management (**Figure 9**).

7.0 Development of individual MCZs

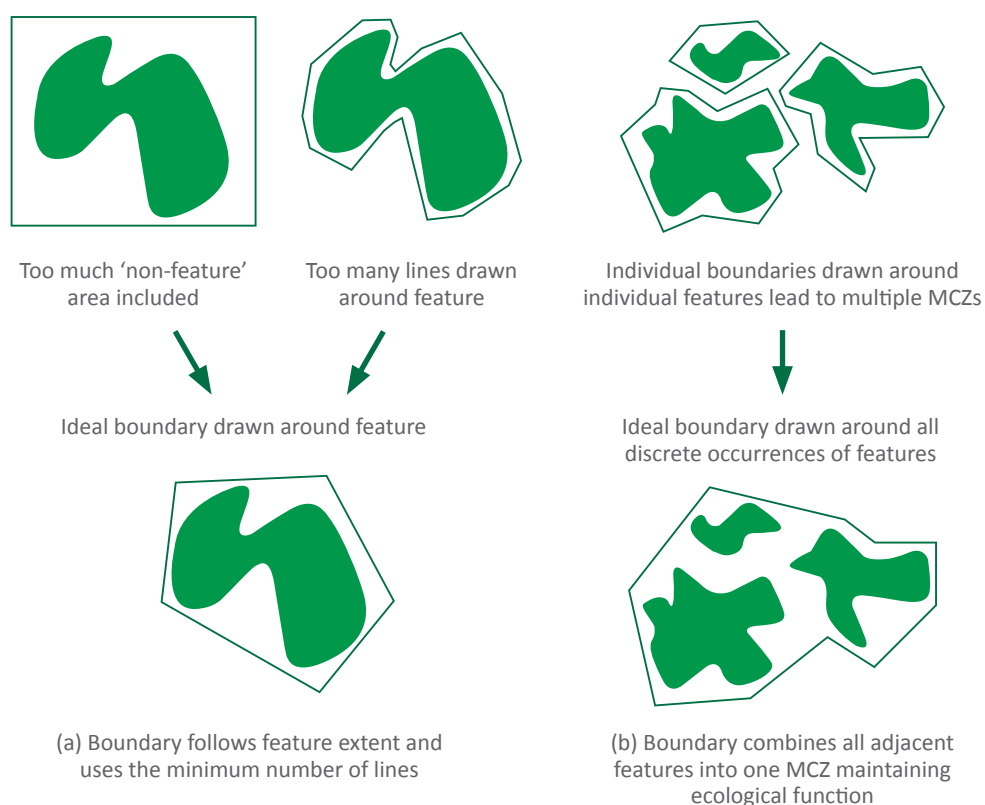


Figure 9: Boundary setting for MCZ features.

- For mobile species, consideration should be given to areas of regular or predicted use within their natural range which provide the physical and biological factors essential to their life and reproduction (e.g. spawning or nursery grounds).
- Activities occurring near sites should not compromise site integrity and where necessary restrict activity to an appropriate distance from the site boundary (e.g. where features are sensitive to certain physical or biological pressures generated by the activities).
- Identify key stakeholders and management issues and ensure that the boundary is relevant to the issues identified as well as to the features itself.
- Use the best available scientific methodology. This is likely to involve the use of statistical analysis and potentially also modelling techniques, particularly for mobile species.

Boundaries should be considered fixed at the time of designation. There may be circumstances when it is appropriate to review them, e.g. the distribution of habitats and species may alter in response to changing climate. The boundary of a MCZ should reflect current knowledge on the distribution of a feature so that it is relevant to planning, management and use of a specific area.

7.0 Development of individual MCZs

In general MCZs will be designated below Mean High Water Spring Tide. However, provided one or more of the conditions set out in section 15(4) of the Act are satisfied, a MCZ may extend landward of this line. Examples of circumstances when this might be appropriate include, but are not limited to:

- inclusion of a whole intertidal biological community including the splash zone, and
- extensions to species MCZs.

7.3 Conservation objectives

A conservation objective is a statement describing the desired ecological/geological state (quality) of a feature (habitat, species or geological) for which a MCZ is designated. The conservation objective establishes whether the feature meets the desired state and should be *maintained*, or falls below it and should be *recovered to favourable condition*. Favourable condition is the overall aim of the conservation objective. Conservation objectives should be realistic and achievable.

The conservation objectives will reflect the purpose of the MCZ, namely to protect, prevent deterioration or contribute to the recovery of the feature(s) and will be specific to each feature within each MCZ. They will set out any maintenance or recovery measures that will be required to achieve favourable condition and will provide a description of what should be achieved, for example, stating that a habitat or species population should be restored. Conservation objectives will act as a starting point for developing management and monitoring progress.

If the feature requires recovery to favourable condition this does not automatically mean that any activity will be restricted; it acts to highlight that a feature may be subject to a pressure which needs further investigation and management by the appropriate authority. It will only be the activities adversely affecting the condition of a feature that will be managed to ensure the conservation objectives are met. Activities that are currently not thought to affect the feature condition will not require any restrictive management.

Similarly, if the feature is required to be maintained in favourable condition this does not mean that active management is not needed; instead management measures may be necessary to prevent any increase in pressure on the feature.

7.0 Development of individual MCZs

Conservation objectives should specify, where possible, the timeframe by which they will be achieved. The timeframe will be based on a number of factors including:

- the feature's condition;
- the pressures to which it is sensitive;
- economic, cultural and social considerations, and
- the contribution of the feature to the status of the MPA network.

7.4 Conservation objectives for geological and geomorphological sites/ features

The setting of conservation objectives for geological and geomorphological features will follow the same principles as for ecological features. The features will be described in the designating order, and the conservation objectives formulated so as to maintain these features. As with ecological features, the Impact Assessments will contain detailed advice on the level of protection required and the management implications for each site.

7.5 Achievement of conservation objectives

The Department will monitor the condition of each MCZ to determine whether the conservation objectives for the designated features are being achieved. This monitoring will also enable an assessment of the overall condition of the Northern Ireland MPA network to determine whether improvement/recovery in ecosystems and populations is occurring. It should be possible to assess the achievement of MCZ conservation objectives through ecological monitoring, and the assessment of the effectiveness of control measures on disturbing or harmful practices. The Northern Ireland information will feed into the assessment of the wider UK MPA network, and its contribution to meeting international obligations.

7.6 Management of MCZs

The Department will work with stakeholders including public authorities when developing recommendations about any management actions and options to introduce specific measures deemed necessary to deliver the conservation objectives for MCZ features. Developing these recommendations will also take into account how the site features will contribute to an ecologically coherent network. Management of activities

7.0 Development of individual MCZs

in or affecting MCZs will be determined on a site-by-site basis to account for local factors influencing feature condition; factors to be considered will include the ecological composition/state of the protected feature(s), the type and extent of any human activity and the overall conservation objectives for the site. The objectives and the feature's sensitivity to human-derived pressures will inform the need (or otherwise) for management action, including management measures. There will be a presumption of sustainable use within a MCZ so long as the conservation objectives of a site can be furthered or least hindered. However, specific activities which pose a significant risk to a protected feature may have to be managed. For example, it might be appropriate to have seasonal restrictions on activities rather than a complete ban, or to modify activities in a way which mitigates the pressures but allows them to continue.

The Department recognises that in some sites extraction, deposition and activities that cause significant disturbance or adverse impacts to support the achievement of conservation objectives may have to be prohibited. An example of this would be to conserve a rare or vulnerable species. It should be noted that management measures may extend outside the boundary of a MCZ in order to deliver the conservation objectives of its feature.

The Department will decide how far activities need to be regulated on the basis of the best scientific evidence available at the time. This information will be used in the Impact Assessment. However, if new evidence comes to light that supports a different set of management conditions then these can be introduced later through the revision of statutory advice and byelaws (which will require public consultation).

Stakeholders will have an important role in influencing site management. A range of management actions, including the use of voluntary options, may be investigated. These actions can be explored with stakeholders and consulted upon prior to decisions being made. Economic, cultural and social factors will be considered and Impact Assessments will be used as a mechanism to help inform the decision-making process.

Once a site has been formally designated as a MCZ by the Department with the agreement of the Secretary of State, the Act places statutory duties on public authorities (including Departments) to exercise their functions to further or least hinder the conservation objectives of a MCZ as set out in sections 22 and 23. These duties must be exercised in accordance with the requirements of public law and so any failure to do so will leave the offending public authority vulnerable to challenge by way of judicial review.

Further protection for MCZs is given in the Act through the provisions for byelaws and interim byelaws. These provisions will be used to control or prohibit those activities which are potentially harmful to features in a MCZ and which would otherwise be unregulated.

The Act also provides for a general offence of deliberately or recklessly damaging a MCZ (section 33). This provides additional protection in cases where byelaws – and penalties for breaching them – may not be adequate to control activities that risk serious damage to, or complete loss of a feature.

7.7 Content of proposed MCZs

Proposals for MCZs will be developed by the Department following discussion with stakeholders. Stakeholders will include Government departments, local authorities, industry, environmental NGOs, recreational users and others who have an interest in the Northern Ireland marine environment.

Consultation on the MCZ proposals will include information to enable stakeholders to understand the importance of each feature and what the implications of designation might be on their activities.

Any proposals will therefore include:

- Background information on the development of the Northern Ireland MPA network.
- A general introduction to the proposed MCZ and the area within which it is located.
- The expected contribution of the MCZ to an ecologically coherent network, its conservation objectives and how these are expected to be achieved.
- A list of the information sources that have been used in developing the proposal.
- A summary of the assessment of the MCZ proposal against the selection guidelines (**Figure 7 & Annex A**).
- A summary of the current understanding of the ecological/geological state of the features being included in the MCZ proposal. This should include information on threats to the features (present or future), including damaging activities where known, and an assessment of the potential for maintenance and/or recovery of the features concerned.
- Expected arrangements for management of the proposed MCZ where available including management of activities inside the site and outside where relevant.
- Possible arrangements for monitoring and reporting against objectives.
- A map of the proposed boundary, which will include information on the distribution and /or extent of relevant feature(s).

7.0 Development of individual MCZs

- Annexes with background information on the ecology, geology or geomorphology of the features for which the MCZ is proposed.

Information on the formal consultation and designation processes will also be provided with any proposals, so that the opportunity to comment is clear to all relevant stakeholders.

All potential MCZs are ecologically important but some may be especially so depending on the types of features present. Giving priority to these latter sites will have greater conservation benefit. In addition, priority may be given to sites that have a low level of human use and are thought to be less impacted and hence more natural since these are more likely to be healthy and resilient.

7.8 Review of MCZs

MCZs will be reviewed by the Department as part of a 6 year monitoring and reporting programme to ensure that they are meeting (or at least progressing towards) their conservation objectives and to determine if any additional management action is required.

In addition, a MCZ could be reviewed:

- if the results of monitoring work show that the conservation objectives for a MCZ are unlikely to be met; and/or
- if new data become available which indicates that there may a change in the MCZ feature distribution or additional areas outside the existing MPA network which could contribute more in terms of protection of a relevant feature.

Following review of individual MCZs, a decision may need to be taken on whether to de-select a specific MCZ. Consequently one or more additional MCZs may need to be selected to replace the deselected features to ensure the ecological coherence of the network is maintained. The review of data will be led by the Department and follow the same process of stakeholder engagement outlined in the designation of MCZs.

Section 21 of the Act requires the Department to report to the Assembly on the extent to which the network aims as described in section 20(2) have been achieved and any further steps required in order to realise these aims. Section 21 also sets out detailed reporting requirements for any designated MCZs. This includes the number of MCZs designated within the reporting period; their size and the conservation objectives of these MCZs; any changes made to existing MCZ designation orders; the extent to which conservation objectives for MCZs have been achieved; and

7.0 Development of individual MCZs

any further steps required in order to achieve the conservation objectives stated for the MCZs.

The report to the Assembly covers the area of sea falling within the Northern Ireland inshore region. The other Administrations have similar reporting requirements, which will collectively present the UK picture for the network of marine protected areas. The first report is due by December 2018 and every 6 years thereafter.

7.9 Availability of new data and revision of the MPA network

It is likely that the MPA network will evolve over time as our knowledge and understanding of the marine environment improves and as new data becomes available. In some cases this may mean that our assessment of the qualities of potential Priority Marine Features in a particular location may change. This could lead to new MCZs being selected for inclusion in the network in the light of improved understanding of the marine environment.

7.10 Hearings

Section 18 of the Act enables the Department to hold hearings before deciding whether to make an order to designate a MCZ. The Department has the discretion to give any person the opportunity of being heard by an appointed person, either orally or in writing to gather further information. The Department will appoint a person to chair each hearing. This person will submit recommendations to the Department. When necessary a specialist adviser with appropriate scientific or technical expertise will be appointed to assist the chair of the hearing.

Hearings will not be an appeal, nor will they form any kind of judgement – their purpose will be limited to gathering of further information required by the Department. As such, if stakeholders want to ensure that their views are taken into consideration before the Department make their final decision they should respond to the public consultation and should not regard hearings as a substitute for effective stakeholder engagement with the MCZ process.

Glossary of Terms & Acronyms

ASSI Areas of Special Scientific Interest are notified under The Environment (Northern Ireland) Order 2002.

Biodiversity the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they form part; this includes diversity within species, between species and of ecosystems.

Biogeographic area an area of the Earth determined by distribution of flora and fauna

Ecological coherence refers to the representation and replication of biodiversity features and the linkages between those features. It also refers to the resilience of the network as a whole and how well the range and geographic variation of the biodiversity features is covered within the network. It is a topic of much scientific debate and no clear definition is yet agreed. However, guidance has been developed under the OSPAR Convention on the key design features associated with establishing an ecologically coherent network.

European Marine Site is used to refer jointly to SACs and SPAs in the marine environment.

Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form and alter them.

Geomorphology the study of landforms and the processes that shape them.

GES Good Environmental Status -“The environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive” (Article 3, Marine Strategy Framework Directive.)

JNCC Joint Nature Conservation Committee, the statutory nature conservation adviser to the Department and the UK Government in the marine environment.

Landforms a feature on the surface of the land or seabed. Marine and coastal examples include sand-dunes, firths and offshore banks.

Least damaged/more natural area a marine area in which there has historically been little human activity and which may therefore be in a relatively natural state.

Mean High Water Springs the mean high water spring is the highest level to which spring tides reach on average over a period.

MPA Marine Protected Area is used specifically to refer to the provisions in the Marine Act (Northern Ireland) 2013, Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009. It may also be used in the generic sense as ‘marine protected areas’ to refer to any area that contributes to the UK MPA network in Northern Ireland’s seas.

MPA Network the network of MPAs includes European marine sites (SACs and SPAs), the marine components of ASSIs and Ramsar sites, MCZs (English

and Welsh waters), Nature Conservation MPAs (Scottish waters) and MCZs in the Northern Ireland inshore region.

MPA protected features features which are formally protected by the designation order for a MCZ.

Natura sites EU wide network of nature conservation sites (SACs and SPAs) established under the EC Habitats and Wild Birds Directives.

Nm Nautical mile

Northern Ireland offshore region

Defined under section 322 of the Marine and Coastal Access Act 2009 as so much of the Northern Ireland zone as lies beyond the seaward limits of the territorial sea. This is an area of the Irish Sea west and south of the Isle of Man beyond the 12nm limit of the Northern Irish territorial waters.

Northern Ireland inshore region Defined under section 2 of the Marine (Northern Ireland) Act 2013 as the area of sea within the seaward limits of the territorial sea of the United Kingdom adjacent to Northern Ireland, including the bed and subsoil of the sea within that area. The territorial sea is defined under the Territorial Sea Act 1987 as the waters stretching from baseline out to a maximum of 12nm, or the median line between adjacent countries.

MCZ Marine Conservation Zone— used to refer to MCZs designated under section 13 of the Marine Act (Northern Ireland) 2013 in the Northern Ireland inshore region and in section 116 of the Marine and Coastal Access Act 2009 in the Northern Ireland offshore region adjacent to Northern Ireland.

OSPAR used to refer to the Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic. It is an agreement by relevant governments and the European Community, to co-operate to protect the marine environment of the North-East Atlantic. *See <http://www.ospar.org/>*

OSPAR Region Northern Ireland's seas fall within Region III (Celtic Seas) of the North-East Atlantic.

Priority Marine Features (PMF)

a collective term for those features (habitats and species) which are considered to be of conservation importance in the Northern Ireland inshore region and will form the basis of MCZ designation.

Ramsar sites designated as internationally important wetlands following the adoption of the Convention of Wetlands of International Importance in 1971.

SAC Special Areas of Conservation established under the provisions of the EC Habitats Directive, (92/43/EEC) on the conservation of natural habitats and species of European importance.

SPA Special Protection Areas established under the provisions of the EC Wild Birds Directive (2009/147/EC formerly 79/409/EEC) to select sites for those bird species included in Annex 1 of the Directive and also for regularly occurring migratory species.

Annex A

The five stage selection process for Marine Conservation Zones

The following provides further detail on the five stages to be used in the selection and designation of MCZs in the Northern Ireland inshore region.

Stage 1

The OSPAR design principles of Representivity and Connectivity

The identification of Areas of Search is based on the presence of one or more:

- (1) Key features (Northern Ireland is a stronghold; exceptional scientific importance; representative of the Northern Ireland marine environment),
- (2) Features considered under threat and/or decline (those on various conservation lists; those sensitive and/or vulnerable to anthropogenic pressures; geological/geomorphological features under threat), and
- (3) Ecological/geological processes critical to the functioning of the ecosystem (proposed area provides resources/processes such as nursery, spawning, feeding grounds; features or locations underpinning key human activities or use of the marine environment).

Stage 2

The OSPAR design principles of Representivity, Connectivity and Replication

This stage considers areas where there are known functional linkages between features as well as sites containing multiple or unique/rare features, which will increase the overall biodiversity. Areas that are least damaged or more natural will be considered here as well as those containing features that are under threat of damage from anthropogenic activities. This stage will use an assessment of the likely feature condition to identify whether maintain or recover conservation objectives are appropriate. Where recovery or restoration of features is not realistic then these areas should not be considered further.

Stage 3

The OSPAR design principles of Adequacy, Connectivity and Viability

This stage considers the size of the area of search and whether it is considered sufficient to maintain the integrity of the proposed features. The

feature extent and dependence on wider ecosystems, including processes (which may be taking place outside of the area of search), should be taken into account. This information is important for boundary definition. This stage should also start to consider what activities are taking place that are likely to adversely impact the proposed feature(s). Knowledge of where an activity is taking place in relation to the feature location is important as this will determine how or whether the feature is being adversely impacted and will drive the setting of the conservation objectives. During this stage information in relation to economic, cultural and social issues will need to be collated to initiate the Impact Assessment.

Stage 4

The OSPAR design principles of Management

This stage considers what management actions are required to ensure the conservation objectives for the proposed features are met including identifying any potential measures to control activities thought to adversely impact the features. This evaluation uses information gathered from the previous stages on feature extent, condition and likely conservation objectives along with information on relevant activities. The potential of any necessary management measures to be implemented successfully, whether features are to be maintained or recovered, is central. Not all features within MCZs will require active management. The aim is to ensure that sufficient management actions are in place to achieve the conservation objectives while taking into account any economic, cultural or social considerations. In some cases MCZ designation may not be the most effective mechanism to ensure protection of the feature; other mechanisms may need to be employed to achieve the relevant conservation objectives. Under such circumstances, the area will not be progressed further in the MCZ process.

Stage 5

Additional considerations such as geological variation, resilience and economic, cultural and social issues

This stage examines whether each proposed area of search meets the OSPAR design principles and fulfils the requirement to make a contribution to an ecologically coherent network. Ideally, the more design principles considered to be met then the higher the probability that proposed area will go forward as an MCZ. Where two or more proposed areas make equal contributions to the network then socio-economic considerations will be used to determine which site will go forward. However, it is important to note that all proposed areas will consider the economic, cultural and social consequences of designation.

Does the area of search contribute to the **Representivity of features?**

The area of search should have examples which represent the range of marine habitats and species present in the Northern Ireland inshore region.

Does the area of search provide **Replication of features?**

Ideally there should be at least two areas of search that contain the same feature but replication can be met at the wider UK level if sufficient examples are not present in the Northern Ireland inshore region.

Does the area of search provide **Connectivity between features?**

Ideally areas of search should be situated sufficiently close to one another (or existing marine protected areas) to enable the unimpeded exchange of species, non-living organic matter and ecological processes. Connections with MPAs at the wider UK level or Republic of Ireland will also be considered.

Does the area of search contribute to the **Adequacy of the network?**

The area of search should be of an adequate size and should include a large enough proportion of features to ensure long-term protection and recovery (if necessary). The adequacy design principle applies both at the individual MCZ and overall MPA network levels.

Does the area of search meet the **Viability design principle?**

The area of search should be large enough to ensure that the habitats and species are self-sustaining. This will ensure that any natural cycles of variation will not result in loss of habitat condition/extent or populations of species.

Does the area of search make use of **Best Available Evidence/Science?**

All proposed areas of search should be identified using the best available evidence or science. Gaps and uncertainties in knowledge are expected but should not result in postponing decisions on site selection as delays may lead to degradation of key features. This evidence will also be used to determine appropriate management of activities if necessary.

Does the area of search have sufficient **Management to ensure the conservation objectives are met?**

Conservation objectives will be developed from knowledge of feature sensitivity, condition and extent. When this is considered with information on all activities taking place within the area of search, in particular those deemed to adversely impact the proposed features, appropriate management actions can be set. Impact assessments may provide additional information.

Annex B

Confidentiality of Consultations

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.

In practice, this means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office – Northern Ireland (or check the website at: www.informationcommissioner.gov.uk)

Annex C

List of consultees

Executive Ministers and Junior Ministers
Northern Ireland party leaders
MPs and MEPs
The Speaker of the Assembly
The Clerk of the Environment Committee
MLAs
The Assembly Business Office
The Assembly Bill Office
Northern Ireland Assembly library
Office of the First and Deputy First Minister
North/South Ministerial Council
Northern Ireland Office
Section 75 consultees
Legal Deposit Libraries
Departmental library
Other external agencies
District councils
Government departments
Other statutory agencies and bodies
Transport
NGOs
Conservation/environmental groups
Education
Energy/renewable energy industry
Telecommunications/cabling
Ports/shipping organisations
Extraction industry
Farming organisations
Aquaculture/fishing industry/groups
Sports and recreational groups
Tourism

