

**UK Marine Protected Areas: meeting with the North Sea RAC
11th March 2010**

Room 808, Nobel House, Smith Square, London, SW1P 3HZ
13:00 – 15:30

Chair: Mark Tasker
Rapporteur: Sophie Elliott

1) Introductions (Mark Tasker)

Introductions, agenda items and the aim of the meeting outlined; to update the RAC members of current MPA developments, outline forthcoming MPA developments and discuss ways to actively engage international fisheries in the development of the forthcoming MPAs.

2) Presentation on the UK MPA network (Tom Blasdale)

a. Current MPAs

Brief overview of Natura 2000 sites - Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

Two SPAs and ten SACs (two joint inshore and offshore SAC in the North Sea; Haisborough Hammond and Winterton and Inner Dowsing, Race Bank and North Ridge and two entirely offshore SACs Bassurelle Sandbank and North West Rockall Bank) have just been formally consulted on. Consultation ended 26th February 2010. Refer to [JNCC's website for offshore sites](#) which have been consulted on and [Natural England's website](#) for the joint sites for more information.

Due to a technical problem where some consultees did not receive the email announcing the start of consultation, the consultation period has been extended by 8 weeks but only for those Scottish and international stakeholders who have been notified of this. The closing date for these consultees only is now **30th April 2010**.

ACTION:

- RAC members were sent an email on 8th March announcing the extension of the SAC consultation and requesting responses to be received by JNCC before the 30th April 2010.

b. Forthcoming Natura 2000 sites

Natura 2000 sites

The UK is currently identifying further SACs and SPAs to contribute to the Natura 2000 network and meet the outstanding requirements of the Habitats and Birds directives. Although socio-economic considerations cannot be taken into account in the identification of Natura 2000 sites, details of stakeholder activities are required to develop Impact Assessments, to contribute to developing Conservation Objectives and Advice on

Operations, and to contribute to developing possible future management measures. JNCC is assessing survey data for the Areas of Search (AoS), and JNCC will then recommend areas as SACs or SPAs to UK Government, and a public consultation will then follow. JNCC will engage with stakeholders at several stages of the above process, including the development of future management measures for sites which have already been submitted to the European Commission. Please also refer to slide 7 of the presentation for a map of current and forthcoming SACs and AoS. The JNCC website has additional information on SPAs at <http://www.jncc.gov.uk/page-1414> and on SACs at <http://www.jncc.gov.uk/page-1445>.

c. Further UK Marine Protected Areas

Through the Marine and Coastal Access Act, the government aims to have an *ecologically coherent and well supported network of MPAs*. These are required also to meet international commitments and European obligations under the Marine Strategy Framework Directive. These will consist of:

- **Marine Conservation Zones (MCZs)** in English inshore waters and English, Welsh and Northern Irish offshore waters, led by Defra, JNCC and Natural England. The MCZ Project is a stakeholder led project. Each of the regional MCZ projects are in the process of identifying stakeholders from all the different marine sectors. The selected stakeholders shall be identifying MCZs within each of the regional MCZ projects areas (refer to slide 10 and 11 of the presentation) and developing their conservation objectives. Other regional, national and international stakeholders will be able to contribute to MCZ developments and engage through liaison officers. Please refer to <http://www.jncc.gov.uk/page-2409> for more information;
- In **Welsh inshore waters**, MCZs of high level protection are being developed. These will be led by Welsh Assembly Government (WAG) and the Countryside Council for Wales (CCW); and
- **Scottish MPAs**; The Marine (Scotland) Act gained Royal Assent on 12th March 2010. The Act enables Scottish Ministers to designate Marine Protected Areas in Scottish territorial waters, to mirror the responsibility given to Scottish Ministers under the Marine and Coastal Access Act to designate MPAs in Scottish offshore waters. JNCC, Scottish Natural Heritage and Marine Scotland are currently drafting guidance to support the MPA site selection process and identifying features for which Marine Protected Areas are an appropriate management tool. JNCC will lead for offshore MPAs (beyond 12 miles) and Scottish Natural Heritage for inshore MPAs. Stakeholder engagement and communications activities will be central to the site identification processes

Please see for a summary on UK MPAs:

http://www.jncc.gov.uk/PDF/MPAsInfoDoc_v2_1.pdf.

d. Data requirements

Socio-economic activities are important considerations to take into account when developing management measures for Natura 2000 sites. However, socio-economic

consideration cannot be taken into account during selection of Natura 2000 sites; these sites are selected on purely scientific grounds.

In contrast, non-Natura UK MPAS can take account of socio-economic considerations during site selection.

Currently the UK has data on VMS (UK and non-UK fleets) and UK landings data by ICES rectangles (and broken down by season) for both inshore and offshore waters. In addition, through the MCZ Project team, details of UK fleet fishing activities are being collected through the regional MCZ project liaison officers. The JNCC are recruiting liaison officers to facilitate the engagement of international stakeholders, including fishers, in the process.

JNCC hopes that NSRAC members will help their efforts to engage the non-UK fishers in the UK MPA processes (in particular the MCZ Projects). Ideally JNCC would like non-UK fishermen to:

- Validate existing VMS and landings data;
- Improve the quality of data – eg. more information on gear, catches, seasonality etc.
- Tell us what is missing; and
- Indicate the (relative) value of fishing areas to their fishing activities.

3) Update on Dogger Bank and other North Sea SACs (Mark Tasker)

JNCC hopes to formally consult on a SAC at Dogger Bank as soon as possible, but we are still awaiting Government approval to start the consultation.

4) Marine Spatial Planning (MSP); work done by the NSRAC (Euan Dunn)

MSP is viewed as an important development by the NSRAC; hence the reason for the early (2005) establishment of a sub-group chaired by Euan Dunn. The most significant recent project was the Lot 7 project developed by Chris Darby (Cooperation to Develop Fisheries Information from the North Sea). Here an analysis of fishing activities by UK and other fleets operating on the Dogger Bank was undertaken using VMS and log book data, in order to inform the UK's Impact Assessment in relation to the draft SAC in the area (following the pre-consultation JNCC held with the NSRAC in December 2008). Euan Dunn proposed that, given the emerging network of MPAs and other offshore developments (notably wind farms), this work now needs to be done throughout the North Sea so that the NSRAC, government and developers can get an accurate and coherent idea of fishing activities throughout the region, not least to address the potential impacts of displacement in a comprehensive way.

NFFO noted that the NSRAC was looking into the possibility of employing staff to undertake this (GIS-based) mapping work for the whole North Sea (and wider), the creation of this database to be funded by those who require this level of data and planning; however, this funding is yet to be secured.

JNCC noted that the UK's timescale is to designate an ecologically coherent network by 2012) and that therefore the majority of data gathering for the MCZ Project is needed by

October 2010. NSRAC indicated that this deadline would be very difficult to meet in a comprehensive and informed way. JNCC was encouraged by the NSRAC's intent to create one coherent dataset of fishing activity for MSP purposes, but suspected that the process might be too late for the October deadline. JNCC and the regional MCZ projects do want to engage the views of as many of the fisheries sector as possible in the regional MCZ project stakeholder groups. Active engagement of the fisheries sector is necessary to:

- validate current data available;
- incorporate detail on fishing at a finer scale;
- provide any further relevant information on unfished areas and
- ensure fishermen's views and activities are taken on board.

NFFO pointed out that VMS is a powerful tool but needs careful interpretation (it can be a tool to mislead as many factors influence VMS outputs, e.g. TACs, days at sea, gear restrictions and markets). Logbook data is useful but is not necessarily at the spatial scale by which a feature can be protected while allowing fishing opportunities to continue. Access to data is also a challenge: vessel operators own the data but won't yield it up unless they want to, and there are also confidentiality issues. Since the RACs do not currently own fisheries data the JNCC asked the RAC members whether they could approach their associations to engage their respective national fishing fleets.

Mark Tasker suggested that it would be worthwhile investigating whether the data being collected for UK MPA activities might feed into the proposed NSRAC MSP project; thus simplifying some data gathering. The NSRAC noted that it would need to think about the format in which this could work, requiring a dialogue to collect the sort of data that suits the ToRs of the MCZ project.

Further discussion included the need to develop a protocol for data gathering at an EU level i.e. the need for consistency in data gathering formats.

5) Discussion of fisheries data gathering (Mark Tasker)

a. Data needs

Discussions over data needs were covered through the questions asked (see below). There was a general agreement that VMS data alone was not sufficient. Validation is needed alongside gathering of further information held by fishers to ensure correct data is being used and the VMS is understood and interpreted correctly.

ACTION:

- JNCC will provide the RACs and individual fishers with details regarding data ownership and confidentiality.

b. Who should the JNCC be talking to for data gathering?

It was generally agreed that the RAC was not the place to gather (VMS) data and that JNCC should be visiting the fishers in the NSRAC's constituent countries to do this.

c. How should we collect data from small scale fisheries?

Inshore fleets are being engaged through liaison officers within the regional MCZ projects. Within the regional MCZ projects Liaison Officers are covering the coasts of England, asking fishermen a series of questions regarding their activities and preferred location of MCZs.

The JNCC are aware that non-VMS vessels from neighbouring countries do undertake activities within UK waters. It was agreed that these were mainly French vessels in the Channel Areas although the usage was relatively small. It was likely that since Balanced Seas regional project had native French staff on their team, it might be possible for them to undertake consultations with under 15m French fleets on JNCC's behalf, after co-ordination with JNCC. Perrine Ducloy (Comité National des Pêches Maritimes et des Elevages Marins) indicated that she would be willing to help with this.

d. What is the role of the NSRAC and how should international fisheries views be represented on the regional MCZ projects?

Each of the four regional MCZ projects has a stakeholder group representing all the sectors who will meet at regular intervals. Given that it will not be possible for all stakeholders (including non-UK fishers) to attend the meetings, outputs of each meeting will be sent to those who cannot attend to enable them to make separate input. MCZ decision making process will however, continue to be made within the regional MCZ project stakeholder groups.

The regional MCZ project and JNCC will provide the NSRAC members with precise options by which non-UK fishers can influence the decision-making processes in the project stakeholder groups.

ACTION:

- JNCC to forward information on options for engaging in regional projects to NSRAC members as soon as possible.

UK MPA Stakeholder Forum (Sophie Elliott)

In addition to the regional project stakeholder groups there will also be a UK MPA Stakeholder Forum which will meet twice a year. The purpose of this forum will be to discuss UK wide MPA developments by providing a place to address strategic issues which are significant beyond an individual project area, and by disseminating the collective views of UK sectoral stakeholders, the Devolved Administrations and their conservation advisors, and international stakeholders.

The precise terms of reference are still being developed alongside the individuals and representatives of the different sectors. Once plans have been developed, information will be made available from the [Marine Protected Sites webpage](#) and JNCC newsletter.

ACTION:

- RAC members and fishing representatives to email MPAengagement@jncc.gov.uk if they are interested in receiving updates.

Summary

Euan Dunn highlighted that the NSRAC is only interested in two of the MCZ project areas plus the Scottish MPAs being developed. Euan thanked JNCC for calling the meeting and was pleased that representatives of all relevant countries with the exception of Belgium had been able to attend. It was essential that non-UK fishers engage in the process but, while the NSRAC will facilitate where possible, it will primarily be up to the members and their individual national associations and research institutes to decide on how they wish to interact with the regional projects.

JNCC emphasised that the regional MCZ project needs to get the information and views of non-UK fisheries on board as soon as possible in order to give them the best possible opportunity to influence the decision-making process regarding the location and conservation objectives of MCZs.

The UK MPA process continues to develop and further information will be provided in due course. JNCC would welcome any further thoughts and ideas that would help improve the process.

For further information and or information updates on UK MPA developments please email MPAengagement@jncc.gov.uk or phone 01733 855 927.

Questions and answers not covered above:

Are MPAs being developed going to cover all of the UK waters, are they being developed through national or international law and is there going to be the same number of MPAs as there is on land?

MPAs will not cover the whole of the project areas; different MPAs will be identified within the projects area by those responsible for the particular projects areas i.e. within the Net Gain area (North Sea), MCZs will be identified by Net Gain regional project stakeholder group.

MPAs are covered by both national and international legislation; Natura sites are developed in fulfilment of the EU's Habitats and Bird Directives. National sites (Scottish MPAs and MCZs) are developed under UK legislation to fulfil international commitments and obligations. One of the mechanisms to achieve Good Environmental Status (GES) under the Marine Strategy Framework Directive is through the establishment of a coherent and representative network of MPAs.

There is no plan to designate the same number of MPAs in UK seas as there is on UK land.

With MCZs, what is the legal mechanism to restrict fishing activities outside 6nm?

Legal mechanisms to restrict fishing activities outside 6nm have to be through the Common Fisheries Policy (CFP). This is the reason why international fishermen need to be engaged just as much as national fishermen.

What, why and how protection is to occur needs to be clearly defined. Why does a sand bank need to be protected when it's been trawled for the last 100 yrs?

Shallow sandbanks are one of the characteristic European habitats that require protection from damage under the EU's Habitats Directive. The aim of the habitats directive is to maintain or restore these habitats at favourable conservation status. When selecting SACs we aim to choose the best, pristine or least impacted sites, but for some habitat sub-types, we may not be able to find an undamaged example of that habitat sub-type, and restoration of the habitat may be required if current activities are damaging the habitat. If current activities are not damaging the habitat, they will be allowed to continue. Under the Marine and Coastal Access Act and Scottish Marine Act (and the Marine Strategy Framework Directive), sites will be selected to avoid conflict with existing use of areas where possible. Where this is not possible, what needs protection, from what activities, and why, will be defined. For both Natura 2000 sites and national MPAs, ecological guidance is available and or is being developed.

Are the JNCC willing to come and talk to fishermen in Netherlands and other neighbouring European countries?

Yes the JNCC will be coming to talk to overseas fishers who carry out activities in UK waters. The JNCC is employing international liaison staff to carry out this work.

What does the regional MCZ project membership consist of and what is the selection process?

Selection process for the regional project stakeholder groups has been through a series of regional project county and regional meetings and workshops in addition to various analysis and application proposals. The regional MCZ projects are currently identifying members to stand on the regional project stakeholder groups. There will be places available for non-UK representatives of sectors on these stakeholder groups.

In addition to places on stakeholder groups, certain Named Consultative Stakeholders will be able to contribute to network iterations and influence decision making whilst not actively being at the regional project stakeholder group meetings. Details on both of these ways of participating will be available shortly.

Why is the UK developing national sites rather than completing the Natura 2000 network? Management decisions for UK MCZs need to be along the Natura 2000 sites otherwise they will not be valid at EU level. There is no reason for international fisheries to engage in the development of nationally led sites.

UK has been informed that it does not yet have sufficient SACs to meet the Natura 2000 network obligations, neither does it have enough SPAs in the marine environment. UK's current process will largely complete the Natura 2000 network by 2012. The legislation to designate Natura 2000 sites is separate from that of national sites.

The Marine Strategy Framework Directive requires European Member States to contribute to the development of a coherent and representative network of MPAs. This is also to fulfil commitments under other international Conventions and Agreements, such as OSPAR and the CBD (Convention on Biological Diversity). The Marine Strategy Framework Directives gives validity to nationally identified sites within the context of the Common Fisheries Policy, so long as conditions on non-discrimination are met. Various articles within the Common Fisheries Policy Regulation (2371/2002) also give obligations to fisheries managers to protect the marine environment.

An example of non-Natura sites that affect both UK and non-UK fishers is that of Darwin Mounds. Fisheries measures were requested initially under emergency articles of 2371/2002 (unrelated to the EU Natura directives). The fisheries measures were then confirmed, with activities of all fishing fleets restricted. Subsequently the site has been designated as an SAC. UK wishes for non-UK fishers to take part in the MCZ identification process, by providing information and their views, and thus influencing which sites are proposed.

Will international stakeholders from other sectors be engaged? The timeline for the MCZ Project is very tight to enable appropriate engagement.

Other international stakeholders are being taken into account but the fisheries sector is a priority for us. The JNCC and the members of the regional MCZ projects agree that the timeline for the project is tight but we are bound by government policy.

How can a fishers trust JNCC and the regional MCZ projects with activity data and ensure that such data are used appropriately?

The first aspect of this question involves what happens with the data; the regional projects are aware of this concern and are developing a common protocol to deal with this (this will be made available in due course). There is already a security protocol informing the fishermen of what happens to the data and confidential information. There is a possibility that the data could be returned to the fishing industry once the MCZ identification process is complete.

The second aspect of the question involves the decision making process. There are two basic mechanisms by which MPAs can be identified and designated; firstly through the method by which Natura 2000 sites have to be identified – where stakeholder views are not taken on board. The alternative is through a process in which stakeholders play a central role in the decision making processes. This is the route that the MCZ Projects have taken. JNCC is asking the NSRAC for their opinion as to how non-UK fishers can get their views onto the table. It is unlikely that an MPA will immediately benefit fishers. Therefore if fishers do not engage in the MCZ process, their views cannot be taken into account and the possibility of non-UK fishers influencing the location and conservation objectives of sites will be lost. Ultimately JNCC considers that there is a risk that there will be greater losses for non-UK fishers if they do not engage in the process.

VMS data will form the lowest common denominator, however fishers know much more about the activities lying behind the VMS data.

By talking to non-UK fishers we will be able to validate and clarify VMS data.

The time frame is not realistic. Fisheries want a realistic timeframe or else they will walk away from the process! Where is this time pressure from?

All EU governments are under the same pressure, we are all feeling the pressure but this is a mandatory piece of legislation being undertaken to best take into account stakeholder considerations. Extending the deadlines is not an option the UK Government is willing to give.

VMS is a powerful tool but does not give that much information. TAC decisions, PO decision, fishing gear, the markets, economic decisions can all affect where fishing activities occur. Therefore VMS could be misleading and misinterpreted. There needs to be care taken in how this tool is used.

For those precise reasons the JNCC would like to actively engage with non-UK fishers to validate and ensure the correct information is being taken into account.

Fisheries scientists often do not understand the regulations that are in place when making decisions.

This is another reason why fisheries engagement is very much needed.

There seems to be a conflict in interest on the Dogger Bank between its protection and renewable energy plans; is the Dogger Bank going to be selected as an SAC, can wind farms become compatible with MPAs?

JNCC hope to consult formally on a Dogger Bank site as soon as possible, once Government approval is given. In the UK there is no prohibition of wind farms from SACs, and each development proposal is considered on a case by case basis against the conservation objectives for the site. UK has not yet considered whether wind energy developments would be compatible with a SAC at Dogger Bank.

The UK also needs to take into account the management plans. EMPAS and FIMPAS projects give good examples of difficulties in obtaining appropriate activity data. Why have the UK not been mapping data beforehand?

UK has been mapping data – it is some of that mapping that we will be seeking views on. Management measures are a second phase to the process and plans for engagement are currently being developed. The EMPAS and FIMPAS projects concern only Natura 2000 sites where stakeholders were asked to join the projects after site selection. In the case of the MCZ Projects, JNCC wish to ensure that full account is taken of the views of international stakeholders before site selection.

Regional stakeholder groups do not encompass national and international stakeholder views adequately

The MCZ Projects have been established to take into account of regional differences around the UK. The regional project stakeholder groups are open to national and international stakeholders. In addition Named Consultative Stakeholders will also be able to put their views to the stakeholder groups. There is a difficult balance between selecting a large enough group to represent all sectors and small enough group to be manageable. For this reason each of the regional projects are supported by expert staff and facilitators.

Will there be a stakeholder engagement process in Scotland?

There will be a stakeholder engagement process in Scotland. The Scotland Marine Bill became an Act on 10th March 2010) and JNCC and SNH are working with Marine Scotland (Scottish Government) to develop stakeholder engagement processes. MPAs in Scotland will be identified by the nature conservation agencies (JNCC and Scottish Natural Heritage) through a science-led process, but stakeholder engagement will be necessary to help inform the site selection.

Attendees

North Sea RAC

Euan Dunn
Willem de Boer
Peter Breckling
Rory Campbell
Nigel Proctor
Perrine Ducloy
Dale Rodmell
Mike Park
Barrie Deas
Willem (Pim) Visser
Henrik Lund
Harald Oestensjoe
Sarah Goddard

JNCC

Mark Tasker
Tom Blasdale
Sophie Elliott
Cristina Herbon

Natural England

Robbie Fisher

Defra

Natasha Mahmoudian
David Bayntun

Regional MCZ Projects

Net Gain – Ian Rowe
Balanced Seas – Sue Wells
Scottish MPAs – Megan Linwood (JNCC)