

# DAERA

## Marine Conservation Zone Assessment template

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Department of  
**Agriculture, Environment  
and Rural Affairs**

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# Marine Conservation Zone Assessment

Section 23 of the Marine Act (Northern Ireland) 2013 places a duty on public authorities that have the function of determining an application for authorisation of doing an act, and if the act is capable of affecting (other than insignificantly) –

- i. The protected features of a Marine Conservation Zone (MCZ);
- ii. Any ecological or geomorphological process on which the conservation of any protected features of an MCZ is (wholly or in part) dependent.

This template sets out a process for public authorities (including Government Departments) to follow that will enable them to fulfil their duties under section 23 of the Marine Act.

## Notes:

1. The onus will be on the applicant to supply the relevant information to the public authority and conservation advisers from the Department in order to progress an application through the assessment process.
2. Where another marine protected area overlaps an MCZ, the MCZ assessment process will not be replaced for other necessary tests (e.g. HRA), it will sit alongside those.
3. The Marine Act (Northern Ireland) 2013 does not provide any legislative requirement for explicit consideration of in combination or cumulative impact assessment to be undertaken when assessing the impacts of licensable activities upon an MCZ. However, in order for the public authority to fully discharge its duties under section 58 of the Marine and Coastal Access Act (2009), section 58 requires public authorities to take authorisation decisions in accordance with the appropriate marine policy documents. The UK Marine Policy Statement sets out high level principles for decision making (Section 2.3.2) and this includes the taking into account any multiple and cumulative impacts of proposals, in light of other projects and activities, when considering potential benefits and adverse effects. Consideration of cumulative impact is also a core policy in the draft Marine Plan for Northern Ireland (April 2018); according to section 139 & 145, public authorities should consider all cumulative impacts of a proposal through the decision making process.
4. The public authority must have regard to any advice or guidance given by the Department. If, in the opinion of the Department, the public authority fails to act in accordance with advice or guidance given by the Department, or to comply with its duties regarding MCZs (Section 22&23), the Department must request from the public authority an explanation for failure. The public authority must provide the Department with such an explanation in writing within the period of 28 days from the date of the request.
5. Information on MCZs in Northern Ireland can be found at the following link. This will provide information on location of sites, designated features, conservation objectives and potential management options.  
<https://www.daera-ni.gov.uk/articles/marine-conservation-zones>

<p><b>SCREENING</b></p> <p><b>All applications to be screened to determine whether section 23 of the Marine Act (Northern Ireland) 2013 should apply to the application.</b></p>	
<p><b>(i) Name of Project or Plan.</b></p>	<p>Islander Kelp Ltd. Farm at Killeany Bay, Church Bay, Rathlin Island.</p>
<p><b>(ii) Application number/reference.</b></p>	
<p><b>(iii) Brief description of the plan/project.</b></p>	<p>A kelp farm site is comprised of about 2kms of rope, seeded with two kelp species, saccharina latissimi and Laminaria digitata. The ropes are spread out over 6 ropes. The ropes are about 20 metres apart and run west to east within the license boundary area. The ropes are 15 ml polyprop nylon mix. The anchors are boulders, with large 2 tonne anchors at the end. The ropes are kelp sunk at at least 2.5 metres, and they tend to sink to about 4 metres when heavy with kelp. The visibility of the site is a range of buoys. The visibility of this varies with the weight of kelp and strength of the tide.</p>
<p><b>(iv) Name and location of the MCZ site(s) potentially affected.</b></p> <p>Information on MCZs can be found at:  <a href="https://www.daera-ni.gov.uk/articles/marine-conservation-zones">https://www.daera-ni.gov.uk/articles/marine-conservation-zones</a></p>	<p>Rathlin Island MCZ</p>
<p><b>(v) Description of MCZ site(s).</b></p>	<p>Rathlin Island supports a large population of Black guillemots (Cepphus grylle) that nest within the Island's cliffs. The boundary around the Church Bay area was expanded from the SAC/SPA boundary to include approximately 84% of sheltered waters that lie within 2km of the Island. This fulfils requirements for Black guillemot feeding, loafing and breeding displays.</p> <p>The north and western cliffs of the island are an important feature of the MCZ, but islander Kelp has no interest in this area.</p>

<p><b>(vi) Summary of activities from the plan or project that may potentially affect the MCZ.</b></p>	<p>As the farm is close to the black gullimot breeding area, there were some thoughts when the farm started that it could impact on that population. The original application was for an area east of the site, and this was changed to reflect the presence of sea grass in that area.</p> <p>There has been no negative impact recorded. It is also possible that the kelp has provided habitat for other species which are important feedstuffs for the birds.</p> <p>There were also questions about cetacean entanglements. The lines are single horizontal lines, there has been no evidence of anything like an entanglement.</p> <p>The farm is equivalent to several strings of lobster pots, or whelk pots.</p> <p>The kelp is likely to have enhanced habitat and food for species such as black guillmot.</p>
<p><b>(vii) Is the activity capable of affecting (other than insignificantly) the protected features of the MCZ?</b></p> <p>If the answer is “no” proceed to next question; if “yes” detail the features and proceed to the next question.</p>	<p>No</p>
<p><b>(viii) Is the activity capable of affecting (other than insignificantly) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent?</b></p> <p>If the answer is “no” to vii <u>and</u> viii, no further assessment is required.</p> <p>If the answer is “yes”, detail the processes.</p> <p>If the answer is “yes” to either vii or viii proceed to Stage 1 assessment.</p>	<p>No</p>

## **STAGE 1 MCZ ASSESSMENT**

In the Stage 1 assessment the public authority must satisfy the two tests detailed below. If unable to satisfy these two tests then a Stage 2 MCZ assessment will be required.

<p><b>At the start of the Stage 1 assessment the public authority must notify the Marine Conservation and Reporting team. Consultation advice received from the Department, information supplied by the applicant and any other relevant information should be used to inform the Stage 1 assessment.</b></p> <p><b>Further information on the formal notification to Department can be found in the guidance document.</b></p>	
<p><b><u>TEST 1</u></b></p> <p><b>Based on the evidence received, is the public authority satisfied that there is no significant risk of the activity hindering the achievement of the conservation objectives stated for the MCZ? and</b></p> <p><b>Can the public authority exercise its functions in a manner that it considers best furthers, or least hinders, the achievement of the conservation objectives of the MCZ site?</b></p> <p><b>If the answer is “yes” to this test, a Stage 2 assessment is not required and the authorisation process may proceed. Provide detail.</b></p> <p><b>If the answer is “no” to this test, provide detail and proceed to Test 2.</b></p>	<p>Yes.</p> <p>There is no significant, or any risk of the activity hindering the achievement of the conservation objectives stated for the MCZ.</p>
<p><b><u>TEST 2</u></b></p> <p><b>Although the person seeking an authorisation is unable to satisfy the public authority that the activity will not hinder the achievement of the conservation objectives stated for the MCZ, is there an alternative way of proceeding with the proposal which would create a substantially lower risk of hindering the achievement of the conservation objectives stated for the MCZ? This would include proceeding with it:</b></p> <ul style="list-style-type: none"> <li>• in another manner or</li> <li>• at another location.</li> </ul> <p><b>If the answer is “no” to test 2, a Stage 2 assessment is required.</b></p> <p><b>If the answer is “yes” to test 2, apply the changes and repeat test 1.</b></p>	

<p>If the outcome is “yes” a Stage 2 assessment is not required and the authorisation process may proceed. If the answer is still “no” a Stage 2 assessment is required.</p> <p>Please document the steps taken in the stage 1 assessment in chronological order, detailing changes applied if test repeated.</p>	
<p><b>STAGE 2 MCZ ASSESSMENT</b></p> <p>The Stage 2 assessment will consider whether the conditions in section 23(7)(b) and (c) can be met. In doing so the public authority should use all information supplied by the applicant, advice from the conservation advisers from the Department and any other relevant information. Wider consultation with other advisers may also be undertaken at this stage, in particular to provide additional and specific advice on socio-economic matters.</p>	
<p>Does the benefit to the public of proceeding with the act clearly outweigh the risk of damage to the environment that will be created by proceeding with it? (See guidance for further information.)</p> <p>If the answer is “no” reject application.</p> <p>If the answer is “yes” provide information and proceed to the next question.</p>	
<p>Can the applicant satisfy the public authority that they will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ? (See guidance for further information.)</p> <p>If the answer is “yes” continue with the authorisation process. Measures given by the applicant in this section must be conditioned on the authorisation, if issued.</p> <p>If the answer is “no” reject application.</p>	

<b>SUMMARY TABLE</b>	
<p><b>Provide details of any likely in-combination effects and quantify their significance.</b></p>	
<p><b>List of Agencies / Organisations Consulted:</b> <b>Provide contact name and telephone or email address.</b></p>	
<p><b>MCZ Assessment Summary decision</b></p>	
<p><b>If applicable, list the condition(s) detailed in the stage 2 assessment which should be enforced through the applicable licence.</b></p>	



**Data collected to carry out the MCZ assessment**

<p><b>Who carried out the assessment?</b></p> <p>If you are an agent or consultant on behalf of a public authority please give your details. Also detail the responsible person in the public authority who commissioned the assessment.</p>	
<p><b>Sources of data used.</b></p> <p>Use hyperlinks, references or include as annex.</p>	
<p><b>Level of assessment completed.</b></p>	
<p><b>Where can the full results of the assessment be accessed and viewed?</b></p> <p>Must be an official address of the public authority.</p>	