

**MARINE CONSERVATION ZONES
IN THE
NORTHERN IRELAND INSHORE REGION**

FREQUENTLY ASKED QUESTIONS



About this document

This document was produced as an aid to conservation advisors and stakeholders answering some of the frequently asked questions that have arisen through the Northern Ireland MCZ selection and designation process.



1. What is the difference between a Priority Marine Feature (PMF) and a proposed Marine Conservation Zone (pMCZ) feature?

PMF are habitats, species and geological/geomorphological features important in our seas that have been refined for Northern Ireland from existing national and international conservation lists. pMCZ features are PMFs that would benefit from spatial protection and underpin the MCZ designations.

2. How were the lists of Priority Marine Features (PMF) and proposed Marine Conservation Zone (pMCZ) features developed?

PMFs is a collective term for those features (habitats, species and geological/geomorphological) which are considered to be of conservation importance in the Northern Ireland (NI) inshore region. pMCZ features are a subset of the PMF list which are used to identify areas of search and will underpin the MCZ designation.

Once the MCZ has been designated for the identified MCZ feature, the PMFs that are also present within the boundary will be listed in the designation documentation and afforded protection.

The pMCZ feature list consists of a range of species and habitats that require conservation action in NI waters. These features were put forward from the PMF list as, at the time of publication, they contain sufficient evidence for the designation of MCZs. After several reviews the recommended pMCZ list consists of 6 broad-scale habitats, 6 geological/geomorphological features and 4 species for which MCZs are deemed the most appropriate conservation measure.

It is important to note that the PMF and pMCZ lists will be continually reviewed to include/exclude other features as further evidence becomes available.

Ultimately the combination of Ramsar, SAC (Special Area of Conservation), SPA (Special Protection Area), ASSI (Area of Special Scientific Interest) and MCZ protected sites will form the basis of Northern Ireland's contribution to the OSPAR ecologically coherent network of MPAs¹.

¹ For further information on the development of the lists please refer to the 'Justification Report for Selection of Priority Marine Feature (PMF) List' available from the DOE Marine Division website

http://www.doeni.gov.uk/index/protect_the_environment/water/marine_new_homepage/marine_nature_conservation/marine_priority_habitats_and_species/marine_protected_areas/marine_conservation_zones-2.htm

3. How will mobile species be protected?

The key to protecting mobile species is to identify areas that are important for specific stages of their life cycle such as feeding, loafing, spawning and nursery grounds. These areas can be identified by the presence of large aggregations or communities of mobile species which are intrinsically linked to a specific habitat in this area (eg Black Guillemots which are associated with highly productive feeding grounds in inshore waters).

4. What are the Areas of Search?

Areas of Search (AoS) are those areas which the DOE have identified as containing the pMCZ features. The current evidence indicates that these areas are the best location for the pMCZs outside of the current MPA network. At the 2nd MCZ Stakeholder Workshop (19th March 2014) DOE presented the proposed Areas of Search as marked with indicative circles on a map – these do not define boundaries. Further survey work (2014-2015) is planned for each AoS in order to determine the extent of the proposed features and this information will be incorporated into the MCZ Evidence Catalogue.

5. What restrictions/management will be placed on MCZs?

The management of activities 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/condition 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.

Stakeholders will have an important role in influencing and developing 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.

6. How will enforcement within MCZs be managed?

Once a site has been formally designated as an MCZ by the Department, with the agreement of the Secretary of State, the Marine Act (Northern Ireland) 2013 places statutory duties on public authorities (including Departments) to exercise their functions to further (or least hinder) the conservation objectives of an MCZ as set out in Sections 22 & 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 Marine Act through the provisions for byelaws and interim byelaws under Sections 26 & 29. These provisions will be used to control or prohibit those activities which are potentially harmful to features in an MCZ and which would otherwise be unregulated. In addition, Section 40(5) would allow for the application of new byelaws under Section 26 to protect marine SPAs or SACs.

The Marine Act also makes it an offence to deliberately or recklessly damage an 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 damaging or cause the loss of a feature.

Section 35 of the Marine Act also provides for the application of a civil sanction in the form of a fixed monetary penalty for those who contravene the conditions of a byelaw which has been made to protect a designated site.

Section 26(5) of the Marine Act enables the Department to grant an exemption to some or all of the conditions of a byelaw, on a case by case basis, if appropriate using an administrative procedure.

7. Why is Strangford Lough MCZ not included as an Area of Search (AoS) or pMCZ?

Strangford Lough became an MCZ the day after the Marine Act (Northern Ireland) 2013 received Royal Assent. This was due to the Marine Act repealing the legislation (the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985) which had designated the Lough as a Marine Nature Reserve (MNR). The boundary for Strangford Lough MCZ is the same as that for the MNR.

AoS are new sites being considered as potential MCZs. As Strangford Lough is now an MCZ it is not included as an AoS; however, work is ongoing to determine what PMFs and pMCZ features are present within Strangford Lough. Similar to the other proposed MCZs, Strangford Lough will undergo the same consultation process on MCZ features, management options and socio-economic impact assessments.

8. Has the OSPAR principle of Connectivity been considered between Areas of Search?

Yes. All Areas of Search have been considered with existing MPAs (SACs/SPAs/ASSIs) when examining the presence and extent of features. The AoS are close enough to other MPAs enabling the unimpeded exchange of species, non-living organic matter and ecological processes. In addition, we have been working closely with the other country agencies (Natural England, Scottish Natural Heritage and Natural Resources Wales) as well as Defra and JNCC in developing the list of sites. This work will ensure that connectivity (and other OSPAR principles such as replication and representativity) across the wider UK network is considered.

9. How can stakeholders nominate sites?

As part of the identification and selection of possible MCZs the Department would encourage stakeholders to identify sites that they feel should be included for consideration. Evidence supporting these sites will need to be provided to the Department, such as biological/ecological information relating to key features (habitats and species) including latitudes and longitudes, type of survey, date of surveys, photographs, etc. As part of the Department's commitment to engage with stakeholders we are happy to discuss any proposals they may have.

10. Will MCZs be subject to a review?

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

In addition, an 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 becomes available which indicates that there may be 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 the 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 identified and designated 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.

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 quality of PMFs and pMCZ 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.



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