

A Stakeholder-led process - How were sea users and other interest groups involved in recommending Marine Conservation Zones?

BACKGROUND

The Marine and Coastal Access Act 2009 builds on and improves the protection and conservation of national marine biodiversity by introducing a new type of Marine Protected Area called Marine Conservation Zones (MCZs). MCZs, along with Ramsar sites, European Marine Sites, Sites of Special Scientific Interest, Scottish Nature Conservation Marine Protected Areas (MPAs) and possible Northern Irish MPAs will be part of a UK network of MPAs. Marine Conservation Zones in Welsh inshore waters are being identified through the Marine Conservation Zone Project Wales

Before deciding which sites to designate, the Government wants to be clear about the likely success of the implementation of MCZs. This means understanding the benefits and the impact of choosing particular sites for designation, both for the environment and on sea users.

A wide range of stakeholders have an interest in the designation of MCZs. They range from individual fishermen operating small inshore vessels and recreational users, through to larger fishing boat operators, multi-national companies, international organisations public bodies and the wider public. Public bodies include the planning authorities, the Crown Estate, marine managers such as the Marine Management Organisation (MMO) and the Inshore Fisheries and Conservation Authorities (IFCAs).

The Government want sea users and other stakeholders to participate in the decision making process to designate MCZs. The development process has been designed to encourage and facilitate involvement from the start so that stakeholders may shape the location, conservation objectives and management of MCZs.

- Firstly, through the stakeholder-led MCZ Project established by Joint Nature Conservation Committee (JNCC) and Natural England (November 2009 - September 2011);
- Secondly, during a formal Defra public consultation on proposed sites for MCZ designation (December 2012), and;
- Thirdly through consultation on any regulatory management measures to be introduced by the relevant authority (2013 onwards).

As part of the MCZ Project, JNCC and Natural England set up four regional stakeholder projects covering English territorial waters and UK offshore waters adjacent to England, Wales and Northern Ireland (figure 1). These regional MCZ projects covered the North Sea (<u>'Net Gain'</u>); the Irish Sea (<u>'Irish Sea Conservation Zones</u>'); the south east (<u>'Balanced Seas</u>'); and the south west (<u>'Finding Sanctuary</u>').

These project areas were chosen to reflect the ecological, social and economic differences between the seas around England.

Each regional MCZ project had a Board that was responsible for the delivery of the project and consisted of representatives from a range of partner organisations appropriate to the area. An observer from the Department for Environment, Food and Rural Affairs (Defra) was invited to the quarterly Board meetings, and other members were invited on to the Board as the Board saw fit.

The Project Boards were **not** stakeholder groups and were not involved in recommending MCZs. They had overall legal, financial and management responsibility for the projects, and ensured that the projects were co-ordinated and communicated nationally, regionally and locally. The Boards had no role in the design or selection of sites but ensured that the selection process was open and inclusive.

Whilst the MCZ recommendations were developed regionally, the MCZ Project provided, at national level, the required



Fig 1

guidance, technical support, research, governance, planning, communications, national stakeholder engagement and reporting, to facilitate regional delivery. The MCZ Project was implemented through a partnership between Natural England, JNCC and Defra.

Interested parties were strongly encouraged to participate in the regional MCZ projects by feeding in their data, knowledge and views. Stakeholder participation in the recommendation of locations for MCZs was through Regional Stakeholder Groups (RSGs), set up by the regional MCZ projects that sought input from local, regional, national and international sectors. These stakeholder groups have followed Defra's principles of <u>stakeholder</u> engagement.¹

What is a stakeholder?

A stakeholder is defined as an organisation, regulator, interest group or individual whose activities could be affected by MCZs.

Why did Government consider the involvement of sea users and interest groups so important in recommending MCZs?

Whilst the Government will decide if and where MCZs should be designated, it wants to be clear about the implications of its decisions, and the likely success of the implementation measures to achieve the conservation objectives. It needs to understand the impact of different choices for the environment and on sea users.

It decided that the best way to do this was through early engagement with stakeholders in the recommendation process.

¹ Based on <u>Guidance on selection and designation of Marine Conservation Zones (Note 1)</u> - Guidance on the proposed approach to the selection and designation of Marine Conservation Zones under Part 5 of the Marine and Coastal Access Act September 2010

Who are the various Government agencies involved and what are their roles in stakeholder engagement?

The role of Government is to set policy direction (i.e. to create a network of marine protected areas) and designate MCZs. Defra will put forward MCZ recommendations for formal public consultation at the end of 2012.

The Statutory Nature Conservation Bodies (SNCBs) – Natural England and JNCC will provide advice to Defra in July 2012, prior to formal public consultation. They have managed the stakeholder led process part of the MCZ project and involved stakeholders in recommending MCZs throughout.

Public Authorities – such as the MMO and IFCAs have been part of the stakeholder led process (in some cases as part of the RSGs) and will engage with stakeholders, wherever possible, before implementing management measures on designated sites.

Why bother with stakeholder engagement when there is a formal consultation as well?

Previously designation processes have begun with SNCBs such as Natural England and JNCC providing Government with advice on where sites should be designated based on scientific evidence. This would then be followed by a formal public consultation to allow the public to comment on the proposals. However, recognising the valuable knowledge and experience sea users and interest groups have of the marine environment, and the importance of considering the social and economic impacts that MCZs might have, the Government decided that stakeholders should be involved in making those initial recommendations.

Why is the process of designating MCZs different to other marine designations?

In contrast to the designation of European Marine Sites, the Marine and Coastal Access Act 2009 states that the designation of MCZs *may have regard to any economic or social consequences*). The aim of the regional MCZ projects was to form Regional Stakeholder Groups that had an understanding of the marine environment and activities so they could identify sites that satisfy the guidelines provided in the Ecological Network Guidance² to achieve the network design principles, but would take social and economic consequences into account when doing so.

Stakeholders have been central in the decision making process for recommending the location of MCZs. The process has been staged, with opportunities for different people and organisations to feed information and opinions into the process at different times. If you weren't involved in developing the MCZ recommendations that were submitted by the regional MCZ projects in September 2011, there are further opportunities to share your views during the public consultation.

The MCZ Project recognises the significant contribution that many stakeholders have made nationally, regionally and locally throughout the project and endeavours to utilise their time and knowledge as effectively and efficiently as possible.

² Ecological Network Guidance

How was the timescale for stakeholder recommendations decided?

The timetable for engaging with stakeholders was developed after the Marine and Coastal Access Act 2009 was passed. The ambitious schedule needed to include time for the regional MCZ projects to involve stakeholders and for full consideration of the evidence and recommendations by the SNCBs, the Science Advisory Panel (SAP) and Defra prior to formal public consultation in December 2012.

The formal public consultation will take place six months later than previously planned because the SAP's advice was that there are a number of gaps and limitations in the scientific evidence base supporting the MCZ recommendations. Defra has commissioned additional research to address these gaps.

What is the difference between stakeholder involvement in recommending MCZs and formal public consultation?

Stakeholder involvement in recommending MCZs is a non-statutory process. There is no requirement to engage with stakeholders prior to formal consultation but the Government believed that the success of MCZs would be greatly enhanced if it was well understood and supported by sea users and interest groups. It is therefore committed to developing and managing the designation process in a way that will achieve this aim. It was recognised that not all interested parties could be involved in the negotiation stage of developing MCZ recommendations for logistical reasons. Therefore the RSGs were established to provide a cross-section of knowledgeable stakeholders that could practically contribute to meetings. Members of the groups had a responsibility to represent their sectors as fully as possible, with an expectation that they would present draft recommendations and secure feedback from their constituents and members throughout the development of the recommendations. Although great lengths were taken by the regional MCZ projects to encourage good representation and a broad involvement, it was never intended that this recommendation stage of the process could take into consideration all interests of all individuals, groups or communities. The formal public consultation is the stage in which wider representations can be made.

Formal consultation on MCZ designation is a requirement of the section 119 of the Marine and Coastal Access Act 2009. Formal public consultation is expected to commence in December 2012.

Ministers will consider all representations received before deciding whether to make a designation order. The Secretary of State may correspond, discuss or seek further information from the SNCBs and others, before reaching a decision, and may decide to hold a hearing (section 121).

REGIONAL STAKEHOLDER GROUPS

Who were the Regional Stakeholder Groups (RSGs)?

The RSGs were made up of representatives from organisations that have a regional perspective, including national and international bodies as necessary. Members were involved whose interests broadly reflect the range of interests in the wider stakeholder community. In order to enable the development of a cohesive, practical and effective working group, the number of members was limited and organisations in the same sector were encouraged to work together to field one representative on the sector's collective behalf.

How was membership established?

Membership of the RSGs reflected regional MCZ project circumstances and the diversity of stakeholder interests. In all cases the regional MCZ projects undertook an initial stakeholder analysis exercise to identify the different interest groups. Final membership was established by considering, with stakeholders, the balance of interests in the area and who would best represent those interests.

For reasons of practicality and efficiency membership had to be kept to a workable number, it was not possible to provide a place for every interest or person that wanted to be on the RSG.

Who were the Named Consultative Stakeholders, how were they appointed and what was their involvement?

Named Consultative Stakeholders (NCS) were representatives from sectors that, despite best efforts, were unable to provide a representative that could engage in the RSG meetings, for example due to time or other constraints. These sectors had the option of having a representative nominated as a "Named Consultative Stakeholder".

At key stages these stakeholders were asked to comment on the MCZ recommendations being developed by the RSG.

Three of the four regional MCZ projects established NCS groups and followed a protocol to ensure their feedback was taken into account. The ISCZ Project did not formally establish any NCSs since all stakeholders on their contact list were able to comment on each iteration produced.

Further details of each RSG and the stakeholder engagement process can be found in each of the final reports produced by the regional MCZ projects: North Sea ('<u>Net Gain'</u>), the Irish Sea ('<u>Irish Sea Conservation Zones</u>'), the south east ('<u>Balanced Seas</u>') and the south west ('<u>Finding Sanctuary</u>'), (fig. 1).

The responsibilities of RSG members are outlined below.

What responsibilities did RSG members have to represent other stakeholders?

Members of the RSG were expected to have a good knowledge of the sector they represented. Their role was to work positively with the other members of the group in order to develop the final recommendations.

They were also expected to be willing to actively speak about the interests of their stakeholder sector in discussions and engage positively in the process and the workshops associated with it.

Between workshops, group members supported by the regional and national project teams were expected to liaise with the sector they represented in order to:

- Provide information on potential environmental, economic, and social effects of the proposed MCZ options;
- Disseminate information on the MCZ recommendation process and workshop outputs to their sector; and
- Act as the point of contact for establishing a two-way dialogue to ensure their sectors aspirations for the MCZs were represented at workshops.

Advice on how to engage with the sectors they were representing was offered to members by the regional MCZ projects.

Who did the RGSs report to?

The progress of the RSG development of MCZ recommendations was reported to the Regional Project Boards by the regional MCZ project teams to ensure that those Boards were able to manage delivery issues.

The regional MCZ projects were required to deliver draft recommendations at a number of points throughout the development process to enable feedback from Named Consultative Stakeholders (NCS), the Science Advisory Panel (SAP), the Statutory Nature Conservation Bodies (SNCBs), Government Departments and other public bodies (via UK Marine Biodiversity Policy Steering Group) and Defra. These dates were set out in the Project Delivery Guidance³

The development of the regional MCZ project Impact Assessment materials has also been an iterative process, with a number of points at which it was shared with members of the RSGs, NCS's, SNCBs, independent expert reviewers and Defra.

The final MCZ recommendations were submitted to the SAP, SNCBs and Defra in September 2011. The Impact Assessment material will be submitted by the regional MCZ project economists to Defra in July 2012.

Did all the RSGs engage with stakeholders in the same way?

The RSGs all worked in accordance with the MCZ Project Delivery Guidance published by JNCC and Natural England (July 2010). The guidance provided the framework for stakeholder engagement, allowing for flexibility depending on regional differences.

WHO WAS ENGAGED IN THE MCZ RECOMMENDATION PROCESS?

How have stakeholders been involved so far?

In addition to the Regional Stakeholder Groups (RSGs), a range of methods were used by the regional MCZ projects to involve stakeholders. The projects recognised that different approaches would suit different stakeholders. The aim was to engage with as many stakeholders as possible. Examples of the methods used include:

- Up to date websites with provision of contact details and feedback forms
- Interactive map for data collection and representation
- Regular newsletters
- Press releases and articles in various media
- Posters and leaflets placed in relevant locations
- Interviews to gain data from sea users and sea user groups
- Drop in days to raise awareness advertised on website, forums, social networking and through regional media
- Sector meetings

How much involvement did stakeholders have?

³ MCZ Project Delivery Guidance

Over 2,500 interviews with groups and individuals were conducted. Detailed negotiations have taken place at155 stakeholder meetings. Millions of individuals' interests have been represented through the representatives on the RSGs which have enabled marine industries such as fishing, ports and offshore renewable energy to share their views alongside conservationists, landowners and recreational sea users. Further information about the stakeholder engagement is available on each of the regional MCZ project websites: North Sea ('<u>Net Gain</u>'), the Irish Sea ('<u>Irish Sea Conservation Zones</u>'), the south east ('<u>Balanced Seas</u>') and the south west ('<u>Finding Sanctuary</u>') <u>Click here for map of regional MCZ project areas.</u>

How were the non-UK stakeholders involved?

International stakeholders are an overseas organisation, regulator or interest group from a single country or with a wider European or global remit.

To support the regional Marine Conservation Zone (MCZ) projects in engaging national and international stakeholders, JNCC undertook a national and international stakeholder identification and analysis to identify how and whether interested stakeholders wanted to be involved.

Following feedback from national and international stakeholder from the aforementioned analysis, it was identified that international stakeholders could be involved in the regional MCZ either by applying for places on the regional stakeholder groups (RSG) or applying to the regional MCZ projects to become a Named Consultative Stakeholder.

JNCC visited neighbouring countries that expressed interest in engagement and provided MCZ and UK MPA updates through large group meetings and fed back queries and concerns to the regional MCZ projects. JNCC also provided updates on UK MPAs (including the MCZ Project) to national and international stakeholder meetings.

Why wasn't I involved in the RSG? Who was invited to join RSG on my behalf?

Regional MCZ projects worked hard to identify a cross-section of knowledgeable stakeholders that could effectively represent their sectors at RSG meetings. However, it was never intended that the recommendation stage of the process could take into consideration all interests of all individuals, groups or communities. The public consultation is the stage in which wider representations can be made.

Members of RSGs are listed on the regional MCZ project websites: North Sea ('<u>Net Gain'</u>), the Irish Sea (<u>'Irish Sea Conservation Zones'</u>), the south east ('<u>Balanced Seas</u>') and the south west ('<u>Finding Sanctuary</u>')

I'm a member of a group who engaged with the RSG, and I don't feel my interests were represented. What are my options?

The next opportunity to comment will be through the formal Defra public consultation in December 2012. This consultation will include all sites recommended by the regional MCZ projects with clarity on how and when work on them will be taken forward. It is envisaged that the first MCZ designations will take place in 2013.

HOW MUCH NOTICE WAS TAKEN OF INFORMATION PROVIDED BY STAKEHOLDERS?

How much notice is being taken of human activity and the potential impacts on communities and local economies?

Evidence provided by stakeholders has played a central role to the MCZ recommendation process, from informing the negotiations on potential MCZ locations, to providing information for the Impact Assessment.

The regional MCZ project teams gathered evidence from stakeholders within their project areas to gain a better understanding of human activities, and how the sea is used by local, regional, national and international stakeholders.

Within the RSG discussions, stakeholders were able to consider potential impacts on communities and local economies alongside the ecological requirements and identify sites accordingly. By seeking wider feedback at each iteration, it was also possible to gain a broader understanding of potential impacts to consider at the next planning stage.

For an overview of the levels of evidence required for the different parts of the MCZ process (identification, designation, implementation) and an outline of the guiding principles for the ownership, use and custodianship of the data being used by the MCZ Project see <u>Levels of evidence required for the identification, designation and management of Marine</u> <u>Conservation Zones</u>⁴

Once the Minister has decided which sites to put forward in the public consultation stakeholders will be able to consider if their activities are likely to be affected and can comment through the public consultation. These comments will be considered by Ministers and will help inform decisions about designation.

Who decides whether evidence is valid or not?

All available evidence was considered by the RSGs as part of the recommendation process. In addition:

- Evidence used for the MCZ recommendations has been considered by the Science Advisory Panel (SAP). This is an independent national panel consisting of well-respected UK and international scientists. The SAP was appointed by the Secretary of State. It includes eight members with a broad range of experience and scientific expertise at national and international levels. Its Chair has oceanographic expertise and experience in leading and facilitating expert groups.
- The SNCBs have also carried out an extensive evidence assessment following <u>MCZ</u> <u>advice protocol E</u>, the results of which will form part of the MCZ advice package to Defra.
- Evidence used for the Impact Assessments is being considered by regional MCZ project economists, with support from SNCB and Defra economists and input from economists from other Government departments.

⁴ Levels of evidence required for the identification, designation and management of Marine Conservation Zones, MCZ Project paper 2011

What happens now?

The regional MCZ projects submitted the final recommendations made by the Regional Stakeholder Groups (RSGs) to Natural England, JNCC, the Science Advisory Panel (SAP) and Defra in September 2011. These recommendations are available to view in the Final Reports, available on the regional MCZ project websites: <u>Net Gain</u>; <u>Irish Sea Conservation</u> <u>Zones</u>; <u>Balanced Seas</u>; and <u>Finding Sanctuary</u>.

The SAP provided an independent review of the recommendations in October 2011. They have been published on Defra's <u>webpage</u>.

Natural England and JNCC are reviewing the recommendations to identify how well they meet the requirements set out in the Ecological Network Guidance. Natural England and JNCC will submit their advice on this to Defra for consideration, along with the unchanged regional MCZ project recommendations and Impact Assessment, in July 2012.

Defra have commissioned a further independent review of the evidence used to develop the MCZ recommendations and a collation of further evidence that was not used. The results will be published and used as additional information to inform the formal public consultation.

Ministers have indicated that they will submit all the recommendations made by the regional MCZ projects for formal public consultation in December 2012. The recommendations along with the advice from the Statutory Nature Conservation Bodies, the SAP, and the results of the formal public consultation will be considered by Ministers when making decisions about MCZs.

CAN I STILL GET INVOLVED?

How do I get involved at this stage?

Most of the contribution needed from stakeholders to make well supported, well informed recommendations for MCZs, has now been captured through a wide variety of engagement including negotiations, meetings, interviews and data sharing. The amount of direct input from stakeholders into the designation process reduced when the regional MCZ projects submitted their recommendations in September 2011. Natural England and JNCC are currently reviewing the recommendations. This stage in the process does not require input from stakeholders however we recognise the need to continue to involve sea users and interest groups and keep them well informed of progress. Stakeholders can stay informed through the MCZ newsletter. In addition to this, feedback on draft material for the Impact Assessment being developed by the regional MCZ projects has been sought from economists in other Government departments and from the RSGs and Named Consultative Stakeholders that have been directly involved in developing the site recommendations.

The formal public consultation will be another opportunity for stakeholders to have their say.

Who do I talk to?

Queries can be answered by Natural England local advisors and JNCC international advisors. Contact details for local advisors can be found via the Natural England enquiry line 0845 600 3078 or by calling the JNCC on 01733 562626. For more information about the MCZ designation process you can email:

mczproject@jncc.gov.uk or visit the following websites:

http://www.defra.gov.uk/environment/marine/protect/mcz/ http://www.naturalengland.org.uk/ourwork/marine/protectandmanage/mpa/mcz/default.aspx http://jncc.defra.gov.uk/page-4525 If you wish to continue to receive the latest information and updates on the MCZ Project sign up to the MCZ Project Newsletter:

http://incc.us1.list-manage.com/subscribe?u=205a2a3660eb825f6170957cf&id=2eb0f14994

Can alternative boundaries be proposed?

There will be an opportunity to comment on boundaries during Defra's formal public consultation.

Can I influence future management of sites that are designated?

Public authorities such as the Marine Management Organisation and the Inshore Fisheries and Conservation Authorities will set and implement management measures for MCZs depending on their location. Natural England and JNCC will provide advice on achieving conservation objectives to these authorities. Public authorities will engage with affected stakeholders wherever possible before implementing any changes to management.

JARGON BUSTER 5

Department for Environment, Food and Rural Affairs (Defra): The UK Government department responsible for the environment, for food and farming, and for rural matters.

Ecological Network Guidance: Guidance produced by JNCC and Natural England that sets out the ecological framework within which Regional Stakeholder Groups will identify Marine Conservation Zones (MCZs) to contribute to the establishment of an ecologically coherent Marine Protected Area (MPA) network.

Inshore Fisheries and Conservation Authority: IFCAs are either committees or joint committees of the local authorities that fall within an IFC district. They are tasked with the sustainable management of inshore sea fisheries resources in their local area. They are made up of representatives from the constituent local authorities (who provide funding for the IFCA) along with people from across the different sectors that use or are knowledgeable about the inshore marine area, such as commercial and recreational fishermen, environmental groups and marine researchers, who offer their time voluntarily.⁶

Impact Assessment: An Impact Assessment is a process for analysing and selecting policy options and a tool for communicating how preferred options have been chosen. It articulates the anticipated environmental, economic and social costs, benefits and impacts of a proposed policy or range or policies. These impacts are assessed against a baseline of the proposed policy interventions not taking place.

Joint Nature Conservation Committee (JNCC): The statutory adviser to Government on UK-wide and international nature conservation. Its specific remit in the marine environment ranges from 12-200nm and the UK continental shelf. JNCC delivers the UK and international responsibilities of the four country nature conservation agencies of the devolved regions.

Marine Conservation Zone (MCZ): A new type of Marine Protected Area (MPA) to be designated under the Marine and Coastal Access Act 2009. MCZs will protect nationally important marine wildlife, habitats, geology and geomorphology and can be designated anywhere in English and Welsh inshore and UK offshore waters.

Marine Management Organisation (MMO); A non departmental public body established in 2010 to contribute to the achievement of sustainable development by bringing together delivery of a number of marine functions within a single independent body. It carries out a wide range of activities such as marine planning, licensing, work related to nature conservation and fisheries management.

Marine Protected Area (MPA): Any area of intertidal or sub-tidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment.⁷

Marine Protected Area (MPA) Network: A system of individual MPA operating cooperatively and synergistically, at various spatial scales, and with a range of protection levels, in order to fulfil ecological aims more effectively and comprehensively than individual sites could acting alone. The system will also display social and economic benefits, though the latter may only become fully developed over long time frames as ecosystems recover.

⁵ MCZ Guidance unless otherwise stated

⁶ Defra website

⁷ IUCN website

Natural England: The statutory advisor to Government established to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings. Natural England has a statutory remit for England out to 12 nautical miles offshore.

Public Authority: According to the Marine and Coastal Access Act, the term includes: Ministers of the Crown; public bodies (including government departments, local authorities, local planning authorities and statutory undertakers (including those authorised by legislation to carry out transport, dock or harbour works); and persons holding a public office.⁸

Regional MCZ project: A project established by Defra, Natural England and JNCC to identify and recommend MCZs to Government. The MCZ Project will be delivered through four regional MCZ projects covering the South-West, Irish Sea, North Sea and South East and will work with stakeholders to identify MCZs.

Regional Project Board: Is responsible for the effective delivery of MCZ recommendations and accompanying Impact Assessment by the stakeholder group to Natural England and JNCC.

Regional Stakeholder Group (RSG): Comprises representatives from regional, national and international sectors (where appropriate) that have an interest in the development of the MCZs within the geographical scope of the specific regional MCZ project. They are responsible for working together to agree marine conservation zone recommendations for their region, conservation objectives and complete the Impact Assessment.

Science Advisory Panel (SAP): An independent national panel consisting of well-respected UK and international scientists. Their participation will enhance the independent scientific expertise and advice available to the regional MCZ projects. The SAP is appointed by the Secretary of State. It includes eight members with a broad range of experience and scientific expertise at national and international levels. Its Chair has oceanographic expertise and experience in leading and facilitating expert groups.

SNCB: Statutory Nature Conservation Body (Natural England or JNCC).

Stakeholder: An organisation, regulator, interest group or individual whose activities could be affected by MCZs.

⁸ Based on Guidance on selection and designation of Marine Conservation Zones (Note 1) - Guidance on the proposed approach to the selection and designation of Marine Conservation Zones under Part 5 of the Marine and Coastal Access Act September 2010