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**JNCC's Approach to Improving Conservation Advice for UK Offshore Marine Protected Areas**

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# Improving JNCC's conservation advice for UK offshore Marine Protected Areas

By Laura Cornick

## 1. Background

A new approach to improving JNCC's conservation advice for UK offshore Marine Protected Areas (MPAs) beyond 12 nautical miles is set out in this paper. The number of MPAs designated in the offshore has increased significantly over the last few years and the UK now has a large set of offshore [MPAs](#) on which JNCC is obligated to provide conservation advice. More MPAs are expected to be designated in the UK offshore area over the next few years. It is therefore timely to review our current conservation advice and seek to implement best practice recommendations and address feedback in order that our advice better supports the needs of sea users and regulators going forward.

This paper briefly introduces the concept of conservation advice, JNCC's drivers for providing it and what JNCC already provides for UK offshore MPAs. The paper goes on to review feedback on existing conservation advice and best practice recommendations. The paper concludes by setting out how JNCC's conservation advice is being improved upon to address feedback and implement best practice and summarises the next steps.

The approach outlined in this paper is being applied to pilot offshore MPAs before being rolled out to the remainder of the UK offshore MPAs. As the initial pilot JNCC has prepared draft conservation advice for a European Marine Site, [Dogger Bank cSAC/SCI](#) which is now publicly available on the conservation advice tab. The approach and trial advice have been developed in consultation with some offshore marine users, industry casework advisors and a few of the Country Nature Conservation Bodies in compliance with JNCC's [EQA Policy](#). JNCC is providing an opportunity to comment on the Dogger Bank draft conservation advice over January 2017. Comments can be shared via a short survey or by emailing [OffshoreMPAs@jncc.gov.uk](mailto:OffshoreMPAs@jncc.gov.uk).

## 2. Drivers for the provision of offshore MPA conservation advice

There are legal drivers which set out JNCC's obligations to provide conservation advice for the UK's offshore MPAs. In addition to this there are operational needs to be met in order to support UK offshore MPAs achieving their objectives. These are outlined below.

### 2.1. JNCC's conservation advice legal obligations

Two pieces of legislation set out JNCC's obligation to provide conservation advice for UK offshore MPAs. For European offshore Marine Sites i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) this is Regulation 18 of the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007 (as amended) also known as the Offshore Regulations. For offshore Marine Conservation Zones (MCZs) and Nature Conservation Marine Protected Areas (NCMPAs) Section 127 of the Marine and Coastal Access Act (2009) (MCAA) outlines JNCC's obligations regarding the provision of advice and guidance on their conservation.

Both set out JNCC's obligations to provide advice and guidance on an MPA's conservation objectives and those activities which can impact the habitats or species for which the site has been designated.

### 2.2 Who uses conservation advice and what for?

Figure one below illustrates the MPA management cycle, setting out the integral role which conservation advice plays in supporting the success of an MPA in achieving its objectives.

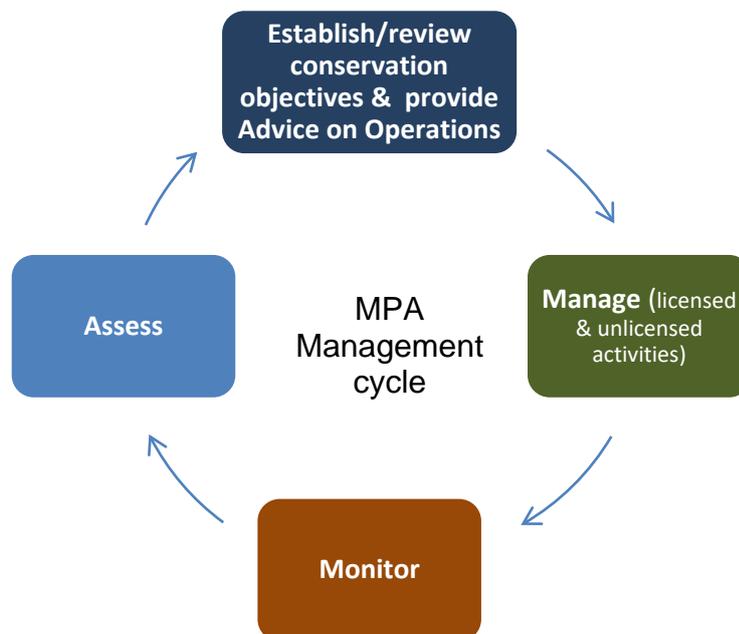


Figure 1: The MPA Management cycle, illustrating the integral role conservation advice has to play in supporting the MPA in achieving its objectives.

### **2.2.1 Management**

Relevant authorities must take decisions on which human activities to restrict and how or when to restrict them in order to minimise the threats to the MPA. Conservation advice supports this decision-making by setting out the objectives of the MPA i.e. what is the MPA trying to do and advising on which human activities have the potential to impact the site and how.

Individuals planning to undertake activities in or near offshore MPAs must also comply with the offshore legislation. Having an understanding of the conservation aims for an MPA's features along with the impacts their particular activity and other activities may have on a site will assist sea users in identifying ways to minimise impacts to an MPA.

### **2.2.2. Monitoring and assessment**

Conservation advice supports the development of JNCC's MPA monitoring plans, including survey plans and the delivery of JNCC's reporting obligations under the MCAA and Offshore Regulations. Post-designation, offshore UK legislation requires the reporting of MPA condition and the effectiveness of measures. In setting out the desired state for an MPA's features the conservation objectives inform what parameters need to be monitored (either by field survey or indirect means where appropriate) and provide the criteria against which to assess condition.

### 3. Typical elements of conservation advice

As soon as an offshore MPA is designated, conservation objectives are established and advice on operations provided by JNCC as its formal conservation advice. Conservation objectives define the condition to be achieved for a protected habitat or species within a MPA<sup>1</sup>.

Typically in the UK and elsewhere, conservation objectives take the form of an overarching statement of intent with further detail provided on ecological characteristics or 'attributes' of the habitat or species which together describe the desired condition or state. This is how conservation objectives have been presented historically in formal Regulation 18, 33 and 35 conservation advice packages published by UK Country Nature Conservation Bodies (CNCB). Where there is sufficient evidence to be able to do so objectives or targets are advised for these attributes which set out in greater detail what the current state is and what needs to be aimed for. In defining the desired state, sea users and regulators are more able to assess the impacts of their activity in terms of how it could affect site condition and achievement of the conservation objectives.

UK legislation does not prescribe the format or content of advice on operations. Around the UK advice on operations published by the CNCBs varies from a relatively simple table listing those activities that can impact a site and briefly how, to web-based portals providing user-interfaces which allow querying of the evidence base and filtering by activity or by protected habitat or species e.g. Marine Scotland's [Feature Activity and Sensitivity Tool](#) (FeAST). What is common to all is the need to underpin this advice with evidence of how a habitat or species can be impacted by and recover from the range of human activities that can occur.

#### 3.1 What does JNCC already provide?

For all offshore UK MPAs JNCC has published conservation objectives and advice on those human activities capable of impacting the site. We have delivered this advice via JNCC's offshore MPA [Site Information Centres](#), specifically the conservation advice tab. The format and content of our conservation advice differs by designation type due to the specific obligations of the different legal instruments but also reflects the process of developing advice for different designation types at different periods in time.

##### 3.1.1. European Marine Sites

Conservation advice for offshore European Marine Sites (SACs and SPAs) is delivered through [Regulation 18 conservation advice packages](#) (if you're not familiar with these packages you can follow the hyperlink provided to Darwin Mounds SAC Site Information Centre as an example and go to the conservation advice tab where you will see a link to the

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<sup>1</sup> The term 'define the condition to be achieved' is taken from the 2012 EU Commission note on setting conservation objectives available here: [http://ec.europa.eu/environment/nature/natura2000/management/docs/commission\\_note/commission\\_note2\\_EN.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf)

advice package). Formal conservation advice packages for the suite of UK offshore European Marine Sites were published between 2010 and 2012.

### **3.1.2. Nature Conservation Marine Protected Areas**

For all offshore Nature Conservation MPAs (NCMPAs), conservation objectives are published in the site Designation Orders. JNCC contributed to the development of an online tool ([FeAST](#)) which is publicly available on Marine Scotland's website. This tool provides information on activities which are capable of impacting protected features in NCMPAs. JNCC has also published individual NCMPA [Management Options Papers](#) (if you're not familiar with these papers you can follow the hyperlink provided to Central Fladen NCMPA Management Options Paper). [These](#) focus on where we considered there could be a risk of the protected features not achieving their conservation objectives due to certain activities and developments thought to be taking place within the MPAs. JNCC and Scottish Natural Heritage have also produced more specific guidance on the impacts of different fishing gears on the protected features of NCMPAs, available on the [JNCC website](#). These documents are all readily available via each NCMPA's Site Information Centre.

### **3.1.3. Marine Conservation Zones**

For all designated offshore Marine Conservation Zones (MCZs), conservation objectives are published in the site Designations Orders. The General Management Approach (GMA) for each feature is listed in the conservation advice tab which explains whether current evidence indicates a feature is considered to be in unfavourable condition and needs to be recovered to favourable condition or is in favourable condition and needs to be maintained. JNCC and Natural England have also published a [package of advice](#) providing a general assessment of potential impacts that human activities can have on habitats and species to be protected by MCZs. Also included is advice on mitigation that may be required to avoid damage or disturbance to these habitats and species. JNCC and Natural England have also provided more specific advice on the impacts of different fishing gears on the protected features of MCZs. This is available on the [JNCC website](#).

#### **4. Why improve conservation advice for UK offshore MPAs?**

Feedback (mainly in regards to the Regulation 18 advice packages) from users across JNCC and externally indicates that our existing conservation advice could be improved upon in terms of supporting users undertaking assessments of impacts on MPAs from proposed activities. Feedback is summarised below.

- The advice is inconsistent at times, too wordy and yet lacking clarity, with important pieces of information often buried under contextual information.
- There is a lack of clarity on what conservation measures may be needed to reduce risk to sites and support the achievement of conservation objectives.
- The advice isn't sufficiently site-specific and in some cases can be quite outdated.
- It is generally unclear how the advice could be used to support responses to applications for consent to undertake an activity in a MPA.
- The advice could be more transparent about its evidence base and how we have used or interpreted such evidence to inform our advice.
- The current advice does not effectively communicate what is special about a site that requires protection or in other words, what conservation benefits does it bring? This question is regularly addressed to JNCC's Offshore Industry Advice staff by consultancies undertaking Environmental Impact Assessments.

Overall, we concluded that our conservation advice is more difficult to understand and use than it might otherwise be and could go further towards meeting user needs. There is a clear impetus to improve JNCC's conservation advice to better support its use.

Feedback received aligns closely with the findings of Defra's 2012 [Habitats Directive Implementation Review](#) of existing UK conservation advice packages. This review provided a set of recommendations on best practice which focus on how to improve conservation advice to better support its use by developers and regulators in undertaking impact assessments of planned activities. Around the same time the EU Commission issued a note<sup>2</sup> providing similar recommendations, specifically on how to set conservation objectives for European Marine Sites.

The recommendations from these reviews are:

- Advice needs to be readily accessible, both in terms of being understandable and easy to obtain ;
- Advice needs to be transparent in terms of what evidence is used to inform the advice and how;
- The objectives should remain up-to-date, and allow applicants to assess the impact of their proposed development i.e. they need to be SMART i.e. Specific, Measureable, Achievable, Realistic and Timely; and
- Advice needs to be clearer about what conservation measures are needed to achieve conservation objectives.

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<sup>2</sup> Available here: [http://ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)

## 5. How we are improving UK offshore MPA conservation advice

To better support sea users and regulators in undertaking assessments of impacts from proposed activities, JNCC's updated conservation advice takes on board the best practice recommendations outlined previously, along with user feedback. Broadly this means advice is:

- Readily accessible.
  - Advice will be both understandable by users and easy to obtain. Our conservation advice is now easier to find as it is all hosted on JNCC's [offshore MPA Site Information Centres](#). Contextual standard information is separated out more from the core advice, to avoid key messages being obscured. To make it easier to understand we will be more succinct, use simple, clear language and minimise the use of technical terms. We will provide guidance to support its ongoing use.
- Transparent
  - Our advice will clearly set out what evidence we have used and how we have used it to inform the advice.
- Site-specific and up-to-date
  - Conservation advice will be kept under review and updated in a timely manner to reflect new evidence; and
  - The conservation benefits of the site will be provided. This information will be provided to support users in assessing the impact of their proposal which under the newly amended Environmental Impact Assessment (EIA) Directive (2014/52/EU<sup>3</sup>) requires consideration of impacts on ecosystem services.
- Includes SMART conservation objectives
  - Objectives (quantitative or qualitative) for attributes can only be set where there is sufficient evidence to describe the desired quality of the feature. For offshore sites such data are scarce because many sites are relatively recently designated and were subject to human activities in the time leading up to identification and designation. There are few data to define the condition of the site without human activity potentially impacting its natural state. Time series data are generally not available on which to base objectives, particularly to establish a state for recovery when activities that adversely impact a site are managed. JNCC anticipate citing our current site knowledge at the outset and then endeavouring to develop qualitative or quantitative objectives in the future as we gather more site evidence. This approach is consistent with the EU Commission note recommendations.
- Is consistent in format and standardised in terms of content across all offshore MPAs (as far as is possible reflecting the differing requirements from the Offshore Regulations and the Marine and Coastal Access Act).
  - This step should support ease of use by developers and regulators who often operate across administrative boundaries and designations.

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<sup>3</sup> Accessible here: <http://ec.europa.eu/environment/eia/review.htm>

## 6. The improved approach to JNCC's conservation advice

Figure 2 below is a conceptual diagram setting out the different elements which JNCC is incorporating into conservation advice going forward which addresses the points raised in Section 5 of this paper. Elements in green are those which require more frequent update to reflect the outputs of any condition assessments, thereby keeping advice up-to-date and site-specific. Those in blue are more static in nature, providing more generic contextual information which will not require updating as frequently and is provided separately to ensure key messages in the advice are not obscured.

Advice is prepared in compliance with [JNCC's EQA Policy](#). Each of the elements shown in Figure 2 are described below including explanations as to how they address improvements identified in Section 5. Guidance to users on how to use or interpret the advice is integral to the various elements. Specific feedback from users indicated a desire to have key messages upfront in the advice with users directed to greater underpinning detail. To this end, the statements on current condition, conservation benefits and conservation measures are set out in the conservation advice tab as key messages, with the remainder of the advice provided as hyperlinks from there.

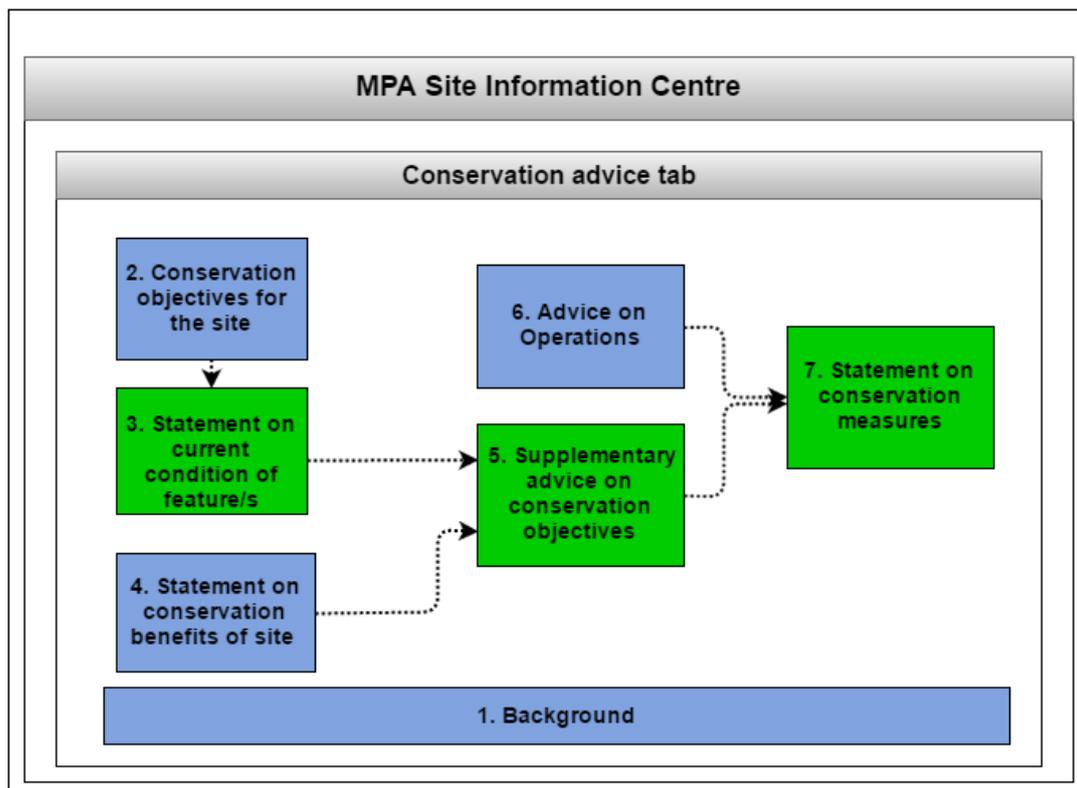


Figure 2: Conceptual diagram of JNCC's revised conservation advice, showing elements of the improved conservation advice which will be presented on the Conservation Advice tabs in the Offshore MPA Site Information Centre for each MPA. Note numbers assigned to products do not reflect any sort of order/priority. Products are listed by these numbers in the descriptive text below.

## 6.1 Background (product 1)

In order to make the key messages of the advice less obscured by contextual information, a brief background document is provided as a separate pdf hyperlinked from the conservation advice tab. This document contains information on who the conservation advice is aimed at, why it is being provided and directs users to other pieces of useful information. This document forms part of the package of advice for a site and is broadly standard across designation types i.e. the background document for one MPA will broadly look the same as one for another MPA. There will however, be slight differences to reflect the location of MPAs i.e. whether located in Secretary of State waters or in Scottish offshore waters for instance. There will also be slight differences to reflect the designation type.

## 6.2 Conservation objectives (product 2)

Conservation objectives are already established for all UK offshore MPAs. In the new approach they are given more prominence; presented upfront and clearly signposted to from the conservation advice tab and other elements of the advice. In doing so, this addresses one of the EU and Habitats Directive Implementation Review recommendations to make the objectives more readily accessible to users.

The new approach includes a revision of existing conservation objectives for offshore SACs which were published in the Regulation 18 advice packages. The revision better reflects the aims of the Habitats Directive and more closely aligns with the criteria developed to fulfil the UK's reporting obligation under Article 17 of the Habitats Directive; the previous [Article 17 report](#) is published on the JNCC website. The revised conservation objectives also better align with those of the national MPAs (MCZs and NCMPAs) and with the objectives established for inshore sites by the UK Country Nature Conservation Bodies. Making this revision helps to address feedback regarding inconsistency in conservation advice across administrative boundaries. The revised conservation objectives are also simpler with users directed to the greater detail provided in the supplementary advice for conservation objectives (SACOs). These changes will help improve the accessibility of our conservation advice through improving understanding.

## 6.3 Statement on current condition of feature/s (product 3)

A view on the current condition of each feature within the site is provided upfront in the conservation advice tab and will be updated as new condition information becomes available. This is a simple statement provided for each feature and presented in a table. A justification is provided along with the date of the assessment. Providing JNCC's view of condition upfront in the advice will clearly inform users of the current state of the site, so it can be taken into consideration in any assessment of the likely impact of proposed activities or any decisions regarding consenting activities. The details behind any statement of current condition i.e. assessment outputs, are not presented here; users are directed to contact JNCC for further detail. JNCC's understanding of current condition is reflected in the supplementary advice on conservation objectives (addressed in section 6.5).

#### **6.4 Statement on the conservation benefits of the site (product 4)**

Feedback on existing conservation advice highlighted the importance for users to understand why a site is unique and what it provides ecologically and socio-economically that necessitates its protection. JNCC present clearly in the conservation advice tab the ecological benefits that protecting i.e. managing a site, can bring to the UK MPA network and the wider marine environment, noting any socio-economic benefits of doing so. This information better supports users in assessing the impact of their proposal as this now requires consideration of impacts on ecosystem services under the newly amended Environmental Impact Assessment (EIA) Directive (2014/52/EU<sup>4</sup>).

Further development of these statements will draw on existing products and ongoing workstreams within JNCC. Information on a site's conservation benefits is incorporated into the SACO to ensure applicants and regulators consider impacts of planned activities on a site's capacity to deliver continued benefits.

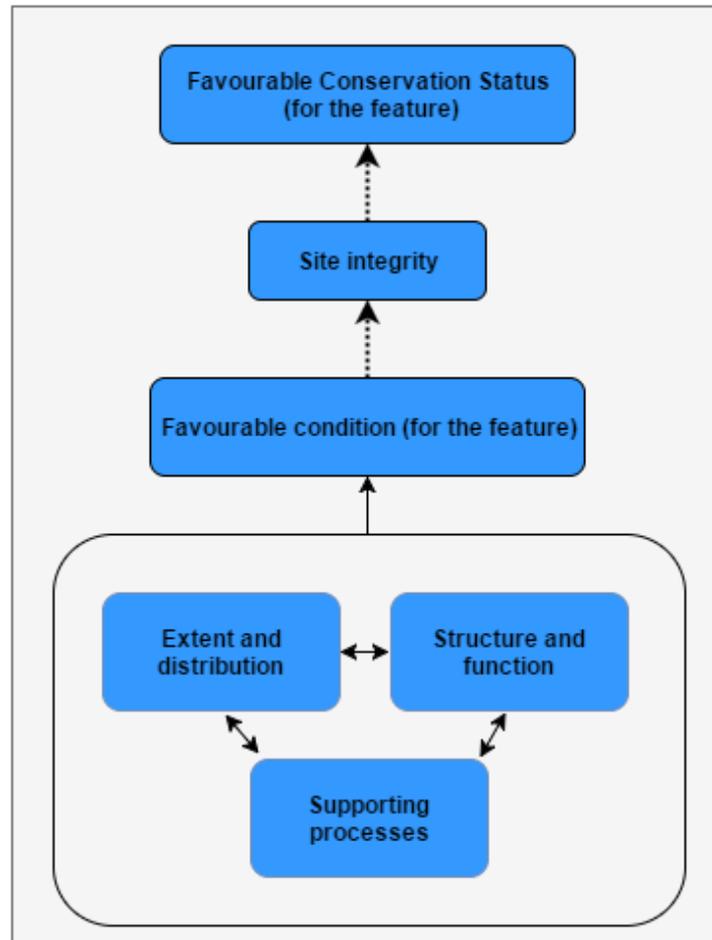
#### **6.5 Supplementary advice on conservation objectives (SACO) (product 5)**

Supplementary advice on a MPA's conservation objectives (SACO) is provided for each feature within the site. Here, the ecological characteristics or 'attributes' which define condition as set out in the conservation objectives for the MPA are described e.g. extent, structure and function and supporting processes. The information is provided in a tabular format which is preceded by an introductory narrative.

This narrative explains the content of the table and is accompanied by a diagram to illustrate the concept of the conservation objectives and in particular the interlinked nature of the attributes. An example of this for a Special Area of Conservation is provided below in figure three. The narrative also provides information to users about how they can use the advice. In addition to this, information is provided about the factors which influence a habitat's or species' capacity to recover from impacts. This is provided to support users in better assessing the duration and therefore significance of any impacts associated with their proposed activity.

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<sup>4</sup> Accessible here: <http://ec.europa.eu/environment/eia/review.htm>



**Figure 3: Diagram illustrating the concept of a SAC's conservation objectives and the interlinked nature of feature attributes**

The SACO for each feature within a site comprises two parts:

1. An objective set for each attribute which is based on available evidence of current feature condition. The following broad principles guide the setting of objectives for attributes:
  - Where evidence indicates an attribute is impacted, the objective is set to restore or recover;
  - Where evidence indicates an attribute is unimpacted, the objective is set to maintain or conserve;
  - Where there is insufficient evidence to indicate whether the attribute is impacted or unimpacted, the objective is set to maintain or conserve and caveated to clarify that this objective is set due to a lack of evidence;
  - Where evidence supports quantitative objectives these are set, otherwise objectives will be qualitative; and
  - Justifications are provided for each attribute objective set, including references to relevant sources of information and evidence.
2. Explanatory notes are provided which consist of broad generic descriptions of each feature attribute, supplemented with site-specific detail where this is available with references to relevant supporting material provided

The SACO approach draws heavily from recent work undertaken by other Country Nature Conservation Bodies on conservation advice. Information on the ecosystem services which an offshore MPA can or does provide is included in the structure and function attribute and is taken from the statement of conservation benefits.

Users are directed to the Advice on Operations within the supplementary advice to ensure they understand that both are needed to support any assessment of impacts from human activities.

The approach set out above addresses several issues raised in feedback and implements best practice recommendations, specifically providing:

- Greater levels of detail, particularly site-specific information, helping to improve user understanding of what a MPA's conservation objectives mean;
- Attribute objectives based on our current understanding of MPA condition, we keep our advice up-to-date and provide transparency about the evidence we use and how we use it;
- Contextual information and the setting of objectives for attributes gives greater clarity on how to interpret and use the conservation objectives. This information builds user understanding of the significance of any impacts that their proposed activity may have on a MPA, including the ecosystem services that it provides.

## **6.6 Advice on operations (product 5)**

The advice on operations is a starting point for determining potential management requirements for offshore MPAs and highlights where further discussion with users of the marine environment may be required. It does not take into account the intensity, frequency or cumulative impacts from activities taking place at specific locations. It is simply to advise developers and regulators of the possible adverse impacts that an activity can have on a MPA's features. To do this it is necessary to understand what pressures are associated with various human activities and how habitats and species are affected by these i.e. their sensitivity. The advice on operations sets out the evidence available which underpins the advice and this is available for users to use in support of their assessment of impacts.

For users with an interest in a Scottish offshore MPA, JNCC is directing them to an existing online Feature Activity and Sensitivity Tool [FeAST](#) hosted on Marine Scotland's webpage. JNCC is working with Marine Scotland and Scottish Natural Heritage to help keep FeAST up-to-date.

The format of the advice on operations for offshore MPAs in Secretary of State waters is currently being trialled as part of the draft conservation advice for Dogger Bank cSAC/SCI. It is being delivered through an Excel workbook and provides high level sensitivity scores i.e. 'Sensitive' or 'not sensitive' or 'insufficient evidence', to a list of pressures for each of the habitat types in Dogger Bank. The pressures are linked to human activities and so the workbook can be queried by activity. The evidence underpinning these links is also provided in the workbook so users can use this information to support their assessments. Users are directed to more detailed sensitivity information delivered through the Marine Biological

Association's [MarLIN](#) webpage. Guidance accompanies the workbook which sets out what information is available and how a user can use this information. JNCC will continue to improve its understanding of habitat and species sensitivity as well as pressures and human activities linkages and update advice accordingly.

### **6.7 Statement on Conservation measures (product 7)**

Arguably the only feasible management option available in the offshore area is to manage activities so as to maintain, reduce or remove associated pressures. The degree to which pressures need to be reduced or removed is at the discretion of regulators. In order to better support decision-makers JNCC is introducing the concept of conservation measures into its conservation advice.

The conservation measures are provided as statements upfront in the advice within the conservation advice tab, to give it prominence. Within the statement JNCC advises what measures we consider are needed to address issues raised in the supplementary advice on conservation objectives, i.e. set out clearly what we think is needed to restore or recover an MPA's condition, or to maintain or conserve its condition. We also flag those activities which are considered capable of adversely affecting an MPA i.e. those activities which can exert pressures to which the MPA's features are sensitive as highlighted through the advice on operations.

## **7. Next Steps**

Updated formal advice for Dogger Bank will be issued in March 2017 which will reflect feedback received in January 2017. Draft conservation advice will be delivered for two further offshore pilot MPAs; one MCZ and one NCMIPA in March 2017. The approach will then be rolled out to remaining UK offshore MPAs, prioritising delivery mainly to support casework application demand and will reflect JNCC's resource availability. It is anticipated that this will be a 2-3 year program of work.

JNCC will work with relevant CNCBs to agree timelines and priorities with regards to delivering any updated conservation advice for MPAs which straddle the 12 nautical mile limit. JNCC will work collaboratively with these CNCBs to develop joint conservation advice packages that reflect both the inshore and offshore nature of the MPAs.