Protocol F Comments log

This is the comments log for the SNCBs' Advice technical protocol - Assessing scientific certainty in feature condition (Technical protocol F)

The comments arise from the Independent Expert Review Group commissioned by Defra and stakeholders following a request for comments by Natural England and JNCC.

Log number	Date received	Review stage	MCZ section	MCZ protocol/Version	Organisation	Organisation Type	Response format	Response details	Action type	Action Owner	Comments
F1	14/10/11	MPA Tech Group	Section 5.2	Assessing scientific certainty in feature condition /v1.5	Scottish Natural Heritage	SNCB	Email	Scientific certainty in feature condition - With regard to the benchmark scores you may want to highlight that an activity could occur at a level/intensity above or below this and this may in turn affect the sensitivity of a feature - Not sure page 6, 2nd paragraph from the end starting 'In instances...' is very clear - wasn't quite sure what you were getting at here. - Think it is acceptable to say where the assessment of feature condition is based on a vulnerability assessment then the certainty is low. - The addition of presence/extent is complicating things and surely this will be considered alongside this feature condition score anyway for the sites i.e. you'll have scores from all the different protocols which you'll use to make an overall assessment? - Additionally and related to the point above if you have direct evidence of a feature being damaged then surely the scientific certainty in feature condition should always be high or moderate? It seems a bit contradictory to say we have direct evidence e.g. images of trawl tracks through habitat x and then say the certainty of feature condition is low as indicated on the right hand side of the flow chart. In any case the likelihood is you would only have direct evidence where the presence and extent of a feature was well established anyway (ie certainty high/moderate) It might be better and quicker if it was kept simpler - just having vulnerability assessments resulting in a low level of certainty (except where you have high/moderate confidence in the sensitivity of a feature being high/moderate AND where moderate/highly certain in the quality/resolution of the activity data and there being an overlap). In this case you could have a vulnerability assessment with a moderate certainty perhaps. The flow chart and method could be perceived as being quite complicated and I think if these protocols are to make things more open and	Review and save as new version	AJ & LC	
F2	26?10/11	Defra policy	Section 5.2	Assessing scientific certainty in feature condition /v1.5	Defra	Defra	Email	Background section, the first para describes the two options of 'maintain' or 'recover' but only touches on the 'recover to reference condition' option in the footnote - as this is one of the three options for COs it should perhaps be covered more prominently. This leads on to another question (but not necessarily one requiring an editing change): as one of the purposes of reference areas are to understand better what the feature would be like in the absence of anthropogenic influences, how will we know (and be able to test/demonstrate) when they have reached that state? Or is the CO for reference areas more of a process measure, i.e. exclude activities, not really rooted in a consideration of the changing state of the feature? I think the draft SAP advice advocates this approach for all COs. There would be challenges with this - I wonder if this is one of the reasons why industry has been so vehemently opposed to reference areas is because they sense that for reference areas the aim is to restricting activities, whereas all other MCZs the aim is much more clearly described in terms of improving or maintaining the actual condition of the feature. Top of page 6 - I don't find it convincing that there's a case for a default assumption of low certainty where feature condition is derived from vulnerability assessment. For example, if we have a medium or high certainty that an activity is occurring, and we have a medium or high certainty that such an activity will damage the type of feature in question, then we surely have at least a medium certainty that the feature will have been affected? I accept that high certainty would probably require direct data on condition, but setting everything else at a low certainty default seems to be applying a very high level of expectation (and we cannot ignore that for the marine environment the data context is challenge, but we just have to work in that context). For example: does the assumption of low certainty default mean that we would treat both these cases in the same way (i.e. as low certainty)? • high certainty of activity occurrence + high certainty that such an activity will damage the type of feature in question • low certainty of activity occurrence + low certainty that such an activity will damage the type of feature in question I realise that page 5 notes the exceptions, but this doesn't provide the sort of clarity I'm looking for to convincingly make the case for the default low certainty assumption. Last para on page 6 - I don't think it's a defensible position to make such a blanket assumption, each will need to be considered on a case by case basis (and fine if this gives exactly the same result, but it'll be a much more defendable position). Table 1 - I don't see why certainty level over a feature's presence should influence the certainty level estimation of it's condition (unless there's some weird quantum mechanics-type effects...) It seems better to treat them as independent quantities, combining them blurs what each means. For example, if a fragile benthic habitat is postulated to be in an area of known aggregate dredging then we can be pretty sure it'll be damage (i.e. high certainty on condition) even if the occurrence hasn't been confirmed by direct data. Equally, if a feature is postulated for an area where there's absolutely no human activity, then it's probably safe to assume it's undamaged, even if we're not entirely sure if it's actually there. When we had our chat we discussed an issue of (and I might have misunderstood this) stakeholder activity data that's unverified by external sources being automatically treated as low certainty. I've since had a brief conversation with Cristina which makes me think I might have got the wrong end of the stick when talking to you. I'd appreciate clarification. It's possible that the quality assurance process around the IA might provide a degree of	Review and save as new version	AJ & LC	Due to time restrictions it was only possible to incorporate some and not all of Defra's comments. Remaining comments were dealt with in the preparation of version 4.0 & 5.0
F6	02/12/2011	Defra policy	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Defra	Defra	Email attachment (.doc)	Protocols as they stand don't seem to add up to the advice we are expecting. Suspect they have been written by individuals/groups without anyone taking an overview All the protocols contain unnecessary text which could be deleted They are quite confusing and some quite poorly written Not sure that SNCB staff could use in their current form – e.g.. they don't explain how different info should be treated or weighted to draw conclusions Have commented on this one before and still find it very confusing. I wondered if there was something missing on the boundary of the MCZ recommendation – if you know feature is present within the boundary and you know that activity is also happening within the boundary isn't it possible to comment on feature condition within the proposed boundary even if you can't comment across the whole extent of either? Last para before section 1 refers to possibly changing conservation objectives – couldn't spot this being covered in any of the protocols – how will SNCBs do/decide? Missing cross references which suggests less than professional	Review and save as new version	LC	
F4	5/12/11 (MCZ inbox) 6/12/11 (author inbox)		Section 5.2	Assessing scientific certainty in feature condition /v3.0	Renewable Energy Association - Ocean Energy Group	Industry	Email pdf attachment	2. We hope that JNCC and NE will give consideration to the way the protocols are set out and the language used, in order to make them more easily understood by non-specialists and improve the likelihood of universal agreement. 4. Technical Protocol F: Assessing scientific confidence of feature condition 4.1 The REA welcomes the clarity of language used in this Protocol, which is easy to read and clarifies much of the jargon used elsewhere. 4.2 We would however urge caution in the use of the JNCC, 2010. "Pressures-activities matrix" for the undertaking of a Vulnerability Assessment as a proxy of feature condition. In the REA"s experience, a number of the so-called "pressures" resulting from human activities associated with wave and tidal energy devices are based on specious opinion, with no sound scientific basis. 4.3 As a consequence of our lack of confidence in the "Pressures-activities matrix" for the undertaking of a Vulnerability Assessment, the REA is concerned about the statement that: where the outcomes of a direct evidence assessment and a VA disagree with respect to feature condition, a precautionary approach was adopted and a 'recover' CO was assigned. (Page 13). We believe that in such cases, new and robust scientific data	Review and save as new version	LC	
F5	02/12/2011 (MCZ inbox) 05/12/11 (author inbox)		Section 5.2	Assessing scientific certainty in feature condition /v3.0	British Marine Aggregates Producers Association	Industry	Email pdf attachment	iii. Risk management and vulnerability assessment We understand the need to review the basis on which conservation objectives and their associated management measures for individual features contained within proposed MCZ sites have been derived. However, the resulting advice should make it clear whether any changes required are as a result of the regional projects ignoring or altering the original advice they received from the SNCB's through the vulnerability assessment process, or whether the original advice from the SNCB's has itself had to be altered as a result of new evidence.	No action required regarding protocol	LC	

F6	05/12/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	The Crown Estate		Email	Protocol F – The protocol on assessing the level of confidence of the conservation objectives set by the project teams and SNCBs should be revised. It is incorrect to assume that where there is a greater score for severity of impact there is automatically a greater level of confidence in this assessment. Likewise it should not be assumed that there is a low confidence in the data set where there is low evidence of only minor damage. For example, one can be 100% confident that laying a cable has a low impact on broad scale habitats, however under the current protocols, one would have to assume the confidence in the assessment is low. This does not make sense. Recommend that the conservation objectives assessments be revised to account for higher confidence score for small impact scores. The confidence scoring in the matrix should be separated from the damage levels.	Review and save as new version	LC
F7	05/12/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	RSPB	NGO	Email .doc attachment	We welcome the opportunity to comment on the Data Protocols to be used by JNCC/NE in the development of their advice to Government. However, the time period for comment on these protocols has been very short, and therefore our comments are necessarily limited to headline points. These comments should be considered in addition to, rather than to the exclusion of, feedback already supplied during the MCZ data protocols workshop (22 November 2011). As a general comment – these data protocols are setting an enormous task for the statutory agencies to complete. Has there been a thorough enough assessment of whether such stringent and detailed assessment of the evidence is justified and/or required? 1. What are your views on the overall approach proposed in the paper? Clarity should be improved throughout the protocol. Table 1 should be re-drafted as the criteria are not all equivalent – in particular 'severity of impact' should be separated out from the others. At present the table implies that high confidence in feature condition can only be inferred where the severity of impact on the feature is high. This ignores the situations where there may be very good information about minor damage or disturbance to a feature. Assessment of feature condition using a combination of direct evidence and a VA would appear to be the best approach? 2. Are there additional considerations that could be included in the proposed methodology? 3. Is there any information or data that could be applied using a different approach? The methodology outlined in this protocol states that where there is 'low confidence' in feature extent, the confidence in feature condition will necessarily be assessed as 'low', regardless of how good the information about feature condition itself is. This does not seem entirely fair. There may be instances where confidence about feature extent may be low, but if there is good information about feature condition and sensitivity then confidence in feature condition may not necessarily be assessed as 'low'? If this rule remains then it must be clear that a precautionary approach to	Review and save as new version	LC
F8	06/12/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Environment Agency	Defra ALB	Email	Thank you for the opportunity to comment on the protocols. My only comments are: 1. To check that WFD data has been used to inform the evidence base for rMCZ? (I could not see this source listed) 2. To highlight the opportunity for join up/efficiencies between gathering new evidence for MCZ designation & WFD/FCERM monitoring programme in 2012 3. To request, under no surprises, that we are informed at the earliest stage if new evidence results in recommendations for the status of any rMCZ being changed from maintain to restore, where there are implications for our FCERM operations or other permitting/management responsibilities. Please get in touch if you have any questions or would like to discuss these points further. Regards,	No action required regarding protocol	LC
F9	24/11/2011 (MCZ proj inbox) 29/11/11 (author inbox)	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Individual	Academic	Email & jpg attachment	I have made specific comments in relation to each of the protocols in the attached document. Overall, I am concerned that the protocols do not take advantage of the greater precision (of biotopes and species present at a location in particular) that is now possible as we start to look at site management rather than selection. That greater precision facilitates a much better assessment of 'importance' and of sensitivity/vulnerablity and therefore better supports management actions. The Broad Scale Habitats are, in almost all cases, too broad too support assessments of sensitivity/vulnerability or to properly characterise a site. For many (especially inshore) sites, biotopes at Level 4/5 can be identified and wherever possible, that precision should be used. The FOCI species alone do not properly reflect the range of 'important' species at a site and taking account of that wider range of species is not only important in protecting fragile and threatened features but also adds substance to the case for each site. The list of 'Designated taxa' that are so meaningful as a touchstone for 'importance' needs to be used. It may be a 'sequence of events' thing but the advice that the SAP has given in its report on the RP Final Recommendations seems not to have been used. It is important that advice is carefully scrutinized and applied. Protocol F. Assessment of the scientific confidence of conservation objectives. Carefully scrutiny of the SAP advice should be made. For instance, the SAP noted "The value and 'special features' of each rMCZ and rRA are not always clearly stated in the site descriptions and that can be greatly improved for many. Such clarity, where survey data is adequate, is essential in developing detailed Conservation Objectives for a site." Section 7.1 of the SAP report needs to be carefully scrutinized to assist in identifying	Review and save as new version	LC
F10	30/11/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Individual	Academic	Email & jpg attachment	Meanwhile, two things: I hope that you and yours have come across, bought and read the new(ish) volume by Roff & Zacharias - very good and relevant: http://www.amazon.co.uk/Marine-Conservation-Ecology-John-Roff/dp/1844078841 And, I came across the attached advert in the Evening Standard yesterday - almost exactly what I said to the Minister a bit earlier.	No action required regarding protocol	LC
F11	28/11/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	MoD	OGD	Email	Having had feedback from the MOD representative at the above workshop, I note that the Impact Matrix currently shows all military activity as having high impact. I understand that you are reconsidering this blanket classification. We have previously been in consultation with JNCC on the possible pressures and impacts resulting from military activity and you may find the attached record useful in your deliberations. Please let me know the outcome.	No action required regarding protocol	LC

							way that each site is considered in terms of the evidence base upon which it was chosen. Finding Santuary had longer to look at sites, and although we often needed more data than was available, we worked within our remit to use the best available evidence that we could. The social and economic requiremenst of the commercial fishing industry, renewables, and Ports and Harbours, were always considered in parallel with the ecological data for each site. In the first protocol it outlines the need for sound evidence to inform the conservation advice for NE and JNCC. Many of the sites in the south west, especially the inshore sites, are in clear water and easily accessible areas. Many have been extensively mapped and so the habitats and species are already well known. They have also been subject to extensive sonar scans. Having all this evidence available begs the question why there is a need to delay any implementation of any of these sites. Clearly, there are sites that need more data but many do not. It appears from the outside, that this could simply be a delaying tactic by those industries that may be impacted by the implementation of the proposed network. In the south west, the Isles of Scillies sites were proposed and agreed by the local fishing community. Again, it seems baffling that sites which have general agreement from all parties, should be subject to any delay in implementation. Some sites are quite simply unique. The best example of this is found in the Canyons site, which has a habitat which is found nowhere else in English waters, because of the depth. Similarly, chalk and limestone outcrops are found in only a few tiny geographical areas within the south west, so again, these would seem obvious candidates to go forward immediately. Moving to the second protocol, relating to Quality control. The key phrase here is that sufficient MCZ's are designated to meet legal obligations. Our remit within the FS project was to ensure that a network of sites was produced, which collectively were significantly more valuable than the sum of the parts. The rationale behind this protocol is very clear and well thought through, but it is vital that the sites provide the ecologically coherent UK network. Suggestions that sites can be removed, (this being publicly stated by leading south west fishing representatives), flies in the face of eveything that the Finding Sanctuary project has attempted to achieve in the last two to three years. It is paramount to recognise that thousands of stakeholders have been questioned and their views filtered through to the Local Groups with their expert knowledge, before moving forward to the Working Groups for shaping, refining and returning for further consultation. A huge investment in time/ resources and public money, has produced a good and viable network and any attempt to radically degrade the network would provoke huge resentment and disappointment amongst many key stakeholder groups. The third protocol is important. We recognise that it is vital to have a measured and standard approach to all the sites, and that the presence and extent of the features throughout the four regions meet the same requirements. When considering the additional information that may be possible to source, it is important to consider the work of local groups that have worked in specific parts of the region, and where detailed and scientific evidence		
F12	30/11/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Individual (member of Finding Sanctuary RSA Steering & Working Group Member)	Email		No action required regarding protocol	LC	
							4. We are also concerned that those areas which have been surveyed for development purposes have generated ecological data which contributes to a better evidence base and therefore attracts more confidence in terms of designation. This does not mean that these data-rich areas are necessarily of greater ecological importance, but rather that more is known about them, in comparison to less well-surveyed areas. This should be recognised within the protocols, and the risks of comparing different types and qualities of data acknowledged. • It is unclear why Conservation Objectives set for reference areas are not based on an assessment of feature condition as without such an assessment it is difficult to see how change will be monitored to ascertain if the management measures are successful? • We query the statement that where there is 'low confidence' in feature extent, the confidence in feature condition will necessarily be 'low', regardless of whether feature condition has been assessed using direct evidence or a VA. Firstly, if evidence is available it should be used rather than disregarded and secondly we believe this approach is over precautionary and 'moderate' should be the default option for features in low condition. This will avoid the application of precaution on precaution which may result in a situation where activities with limited impact will be restricted purely because the default option is for the site to recover due to the low confidence in the data. We would like to see Table 1 reconsidered, so that the confidence in the accuracy of the data (e.g. as a result of data age) is separated from severity and scale of impact recorded. 2. Are there additional considerations that could be included in the proposed methodology? • We would welcome further clarity on how the scale of impact is assessed. It is important to consider temporal aspects of any impact, as well as the magnitude and the sensitivity of a feature to pressures in assessing the evidence of the feature's condition. Presently it is unclear how a one-off activity will be differentiated from a multiple/repeatable activity e.g. the setting of 10s of fishing pots will have a different impact to 100s of pots; seasonal activities compared to year round exposure. • The a priori assumption is that any activity that has an impact will have an effect. This is not necessarily the case as many activities are only temporary with limited potential to cause an effect e.g. trenching a cable through coarse sand will have an impact as the seabed only for one tidal excursion due to the mobility of this substrate and any effect will be ephemeral. 4. How can criteria iii and iv in the method to assess confidence of feature condition determined using a Vulnerability Assessment (VA) be further developed?		
F13	06/12/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Scottishpower Renewables	Industry	Email .docx attachment	Review and save as new version	LC	
							II. Technical Protocol F Stakeholder group role (p4): The introductory text on the role of regional groups in recommending conservation objectives is not represented accurately. It should acknowledge that SNCBs working with marine managers completed the initial vulnerability assessments. Each regional project dealt with the results of this work differently. The Net Gain project used the work as a basis to "sense check" its results with stakeholders. With respect to fishing activity, in a number of cases there were differences in views across stakeholders. This, in part, reflects the technical nature of the issue and that a suitable methodology was not available to effectively undertake this task – it is not possible to infer the relationship between activities and pressures in any reliable or consistent way by simply viewing a set of VMS data on an overhead screen, for example. In the Finding Sanctuary project the results were presented but no input was given by the stakeholder groups to validate or change the results of the work. These issues have implications for how SNCBs give due consideration to the outputs of the regional MCZ projects. Linkage between confidence in feature condition and severity and scale of impact (p8): Presently, Table 1 incorrectly links scale and severity of impact with confidence levels. Individually the scales are simply related to magnitude and distribution of damage. Each of these scales could have a high or low level of confidence but at present minor damage is linked to low confidence and vice-versa. These should be separated out into individual confidence assessments rather than attempting to combine them into one score. Feature Condition derived from a Vulnerability Assessment (VA) and underlying uncertainties (p8-9): As with Table 1, the guidance explaining when confidence may be determined above the default "low" incorrectly links levels of certainty with an assessment of likelihood and scale of impact occurring that would undermine the integrity of a conservation feature. Given adequate evidence, a higher level of confidence can be attributed irrespective of the level of impact. Notwithstanding this issue, the reference to guidelines that are aimed at assessing conservation feature exposure (suitability of scale and intensity of activity, II and iv) should be more explicit about recognising the temporal and spatial variability of pressures. The guidance should refer to the footprint and intensity of pressures rather than an activity footprint, as activities need to be understood in terms of the pressures they exert. Anthropogenic pressures should also be assessed in the context of the prevailing natural disturbance patterns affecting a feature. In the case of fishing activity, we recognise that VMS forms an important piece of evidence that needs to be interpreted correctly with an appropriate		
F14	07/12/2011	Section 5.2	Assessing scientific certainty in feature condition /v3.0	MPA Fishing Coalition	Industry	Email & pdf attachment	Review and save as new version	LC	
							• The SAP also raises issues with the setting of Conservation Objectives (CO) and, in paragraph 7.1.4, emphasises '...that removal of damaging practices within MCZs must be a primary goal…' and proposes that the focus should be on the need to '…mitigate damaging practices within them.' where there is uncertainty over the condition of conservation features. We support this pragmatic approach to uncertainty round the setting of conservation objectives.		
F15	06/12/11 (MCZ Proj inbox) 07/12/11 (author inbox)	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Wilflife Trusts	NGO	Email & pdf attachment	No action required regarding protocol	LC	

									82. The main difficulties of this protocol relate to the logic being flawed in places which may lead to a challenge by users, and the value/ability to use a site-specific assessment based on data which were not collated for the assessment. 83. It is difficult to see how one can claim that the condition of a feature can be categorically determined by an assessment of the potentially harmful activities that occur within the area of that feature. In fact, it is strange that there is a separation between assessments of the presence, extent and quality of a feature (see also comment #23). Surely these things are all related. How would it be possible to collect sufficient evidence to support a high confidence concerning the presence and extent of a feature without collecting evidence that would allow you to determine the condition of the feature also? 84. We appreciate that knowledge of pressures in an area is essential to determine the risk that features may be impacted but it does not provide a direct assessment of condition. Therefore, we recommend that further justification/explanation of the process be provided. 85. A single protocol for assessing presence, extent and condition would be recommended because treating them independently can lead to the same levels of confidence for different conditions (see also comments #23 and #83). Thus, in the 1st box on page 6, severity and scale of impact tell what has happened whilst age of data and data source / QA tell you how confident you are in the data. So if one then goes to Table 1 (page 8) it is possible to see how one can have two situations; 1. Old, anecdotal evidence that the feature is very severally impacted or 2. Recently collected high quality data to show the feature has had very little impact. Both of these situations give a Moderate confidence but are totally different conditions. 86. If there is confidence in a feature's condition one can have confidence in a CO for that feature. If there is no confidence in the feature condition (which is the usual case because of the absence of evidence) then one can have no confidence in the CO. The use of the VA approach without feature condition evidence is deeply flawed as stated in comment #88. 87. Remove general history from introduction. Focus on specifics of this Protocol. Take out normative language unless words such as 'deteriorate' are linked to a defined objective. 88. The IERG note that SAP has significant difficulties with the concepts of COs of 'maintain' and 'recover' which are derived solely from predicted activities and the pressures that they may place on features, i.e. when the current state of those features is unknown. These are detailed in part A of the SAP's assessment. Page 4 89. Paragraph 3: Reference areas should be included in this protocol, especially if the assumption in the CO is that they are not in good condition (the RP have used the default 'to recover' which is not defendable if there is no site specific assessment). We consider that any assessment of evidence for the rMCZ which is not used for the rRA will be open to challenge by stakeholders and users of the marine space who may then be prevented from performing their activities. This is irrespective of the suggestion by the SNCB that the work they describe in this protocol is not undertaken for RAs (i.e. they will not assess the confidence in feature condition for features in RAs). 90. CO for rRA should based on an assessment of feature condition; if not then on what are they based (an assumption of perceived degradation?)? The logic used here implies that a rRA has been degraded by activities, that these activities will now be prevented and hence the area will recover (to some previously undefined state). If however, this is challenged such that degradation cannot be shown then the CO cannot be achieved. Paragraph			
F16	12/12/11 - received JoD (JNCC) & CD (NE), 13/12/11 - received author inbox	IER	Section 5.2	Assessing scientific certainty in feature condition /v3.0	Defra	Defra ALB	Email and pdf attachment		Review and save as new version	LC	

Protocol F Action log

This is the action log for the SNCBs' Advice technical protocol - Assessing scientific certainty in feature condition (Technical protocol F)

The actions arise from the comments received from Independent Expert Review Group and stakeholders

Protocol	version	Section / page	Comment	Response log number	Suggested action	Owner	Action undertaken	Date action completed
F	v1.5	Overall	With regard to the benchmark scores you may want to highlight that an activity could occur at a level/intensity above or below this and this may in turn affect the sensitivity of a feature - Not sure page 6, 2nd paragraph from the end starting 'In instances...' is very clear - wasn't quite sure what you were getting at here. - Think it is acceptable to say where the assessment of feature condition is based on a vulnerability assessment then the certainty is low. - The addition of presence/extent is complicating things and surely this will be considered alongside this feature condition score anyway for the sites i.e. you'll have scores from all the different protocols which you'll use to make an overall assessment? - Additionally and related to the point above if you have direct evidence of a feature being damaged then surely the scientific certainty in feature condition should always be high or moderate? It seems a bit contradictory to say we have direct evidence e.g. images of trawl tracks through habitat x and then say the certainty of feature condition is low as indicated on the right hand side of the flow chart. In any case the likelihood is you would only have direct evidence where the presence and extent of a feature was well established anyway (ie certainty high/moderate)	F1	Review and save as version 1.6.	AJ & LC	Edits made to method to incorporate comments.	27.10.2011
F	v1.5	Overall	Due to time restrictions it was only possible to incorporate some and not all of Defra's comments	F2	Review and save as version 1.6	AJ & LC	Edits made to method to incorporate comments.	27.10.2012

F	v3.0	p5	Page 5: "For the reason given above, where there is 'low confidence' in feature extent, the confidence in feature condition will necessarily be 'low', regardless of whether feature condition has been assessed using direct evidence or a VA ". I'm not sure this stands up in a situation where the scale of the activity is far greater than the uncertainty of a feature's location, e.g. if a large area has been subject to bottom trawling, and we know the feature is somewhere in this area (but do not know precisely where) then could there not still be a high degree of confidence in knowing that the feature has been subject to this activity? I see later on (top of page 10) that this issue is considered as the basis for an exception, but are you confident that the above default assumption can be applied in most cases?	F3	Lack of understanding - review wording to clarify rationale for default low; expand on table on uncertainties. Review & save as v4.0	Laura	wording to justify default 'low' has been revised & text in table one clarified	20.11.2011
F	v3.0	p6	Page 6, first para in the Feature condition assessed using direct evidence section - this is confusing and seems counter-intuitive: why could direct observation not find a feature to be pristine and undamaged? The para seems to state that any state found by direct observation must be damaged - this seems hard to defend. If this is due to favourable condition not yet being defined, then why make an assumption that the condition found by direct observation indicates damage, the counter assumption could be made that this is the undamaged state. The rest of this section does seem to be based on making assumptions of what the favourable state is.	F3	Lack of understanding - it is not stated in protocol that ' any state found by direct observation must be damaged'. Protocol wording needs to be reviewed to improve clarity. Disagree, that if direct evidence indicates feature is damaged that this could be the 'undamaged state'. Wording to be reviewed - provide analogy. Believe it is a valid assumption that if afeature shows signs of damage, it is less likely to function unimpaired and therefore less likely to be in favourable condition. Review & save as V4.0	LC	Wording revised to clarify link between damage and feature functioning/u nfavourable condition. Analogy provided.	20.11.2011
F	v3.0	p8	Page 8, table 1: The assessment of confidence in feature condition would ideally be independent of "severity of impact", and while I can appreciate that in practice it is probably easier to be certain of the condition of a heavily damaged feature, is there no way to make the confidence assessment independent of the variable being measured?	F3	Disagree with suggestion to 'make the confidence assessment independent of the variable being measured'. Agree, that it is 'easier to be certain of the condition of a heavily damaged feature' & justifies why higher confidence is associated with feature conditon where signs of severe &/or widespread damage are presented. Provide analogy to clarify. Review & save as v4.0.	LC	Wording revised to clarify link between damage and feature functioning/u nfavourable condition. Analogy provided.	20.11.2011

F	v3.0	p9	Page 9: "Given the underlying uncertainties in the VA process, summarised briefly in Table 2, we propose to have a default 'low' scientific confidence for feature condition derived from a VA, except where specific criteria are satisfied. In such instances, it might be possible to offer greater confidence in feature condition " - This would seem to put the majority of sites into the low confidence category by default. While perhaps not an issue for EMS sites, for MCZs where the designation orders must include the conservation objectives for their features, this may prevent the designation of the sites until further data can be collected. I defer to your expertise on this one, but perhaps there might be a way to more finely differentiate feature condition confidence? I know data and modelled understanding of the marine environment is limited but it seems surprising that for most sites there is apparently such limited understanding of potential feature condition, especially inshore.	F3	perhaps there might be a way to more finely differentiate feature condition confidence' - Agree, however this has been considered & disregarded previously at a workshop in Newcastle because it was concluded that it would require assigning confidences to numerous metrics & collating them; inevitably resulting in a relatively meaningless overall confidence score which will be weighted towards low because of the requirement for expert judgment & assumptions at various stages in the process. SNH response concurs with assumption of default low certainty in feature conditon derived form VA. Add wording to clarify the V.A. process is the best available in the absence of direct evidence but we need to be clear and transparent regarding uncertainties around the process - many of the other responses highlight these uncertainties also, which strengthens the position of default low certainty in feature conditon derived from VA. Need to clarify rationale for default low. Review & save as v4.0	LC	wording to justify default 'low' has been revised & text in table one clarified	20.11.2011
F	v3.0	overall	4.1 The REA welcomes the clarity of language used in this Protocol, which is easy to read and clarifies much of the jargon used elsewhere.	F4	No action required	LC	None required	20.11.2011
F	v3.0	overall	4.2 We would however urge caution in the use of the JNCC, 2010. "Pressures-activities matrix" for the undertaking of a Vulnerability Assessment as a proxy of feature condition. In the REA"s experience, a number of the so-called "pressures" resulting from human activities associated with wave and tidal energy devices are based on specious opinion, with no sound scientific basis.	F4	Agree, there are issues of concern in the matrix referred to, some of which are touched upon in the uncertainties table, this supports the position that confidence should be by default low, for feature's assessed using V.As. No action required.	LC	None required	20.11.2011
F	v3.0	p13	4.3 As a consequence of our lack of confidence in the "Pressures-activities matrix" for the undertaking of a Vulnerability Assessment, the REA is concerned about the statement that: where the outcomes of a direct evidence assessment and a VA disagree with respect to feature condition, a precautionary approach was adopted and a 'recover' CO was assigned. (Page 13). We believe that in such cases, new and robust scientific data should be gathered to inform the setting of conservation objectives.	F4	Agree, new and robust data should be gathered to inform the setting of COs, the process used to set COs was precautionary. COs are iterative and should be kept under review and revised accordingly using best avilable evidence; this is stated in the COG. The COG is referred to in the protocol and an outline of the VA method is also provided in a flow diagram. This response provides weight to the position of default low confidence in feature condition derived using a VA. No action required.	LC	None required	20.11.2011
F	v3.0	overall	82. The main difficulties of this protocol relate to the logic being flawed in places which may lead to a challenge by users, and the value/ability to use a site-specific assessment based on data which were not collated for the assessment.	F5	82. check logic throughout protocol, amend text to improve clarity in logic where appropriate. Data was collated for the assessment, however it was not site-specific - amend text to improve clarity on this. Justification for this approach has been provided previously in the COG which is referred to in the protocol along with a flow diagram describing assessment and setting of COs. Review & save as v4.0	LC	Text reviewed and amended to provide clarity to justification for default low and amend text in table of	20.11.2011

F	V3.0	section 1	Protocol F – The protocol on assessing the level of confidence of the conservation objectives set by the project teams and SNCBs should be revised. It is incorrect to assume that where there is a greater score for severity of impact there is automatically a greater level of confidence in this assessment. Likewise it should not be assumed that there is a low confidence in the data set where there is low evidence of only minor damage. For example, one can be 100% confident that laying a cable has a low impact on broad scale habitats, however under the current protocols, one would have to assume the confidence in the assessment is low. This does not make sense. Recommend that the conservation objectives assessments be revised to account for higher confidence score for small impact scores. The confidence scoring in the matrix should be separated from the damage levels.	F6	Misunderstanding - we are not more or less confidence that the feature is damaged where we see signs of damage but rather we are more or less certain of its continued functioning depending on the scale and severity of the damage. Revise wording & provide analogy	LC	Wording revised and analogy provided.	20.11.2011
F	V3.0	overall	Clarity should be improved throughout the protocol. Table 1 should be re-drafted as the criteria are not all equivalent – in particular 'severity of impact' should be separated out from the others. At present the table implies that high confidence in feature condition can only be inferred where the severity of impact on the feature is high. This ignores the situations where there may be very good information about minor damage or disturbance to a feature.	F7	Revise wording & format throughout to improve clarity. Table 1 can be modified to improve clarity and wording revised to improve clarity as comment shows misunderstanding. There are 4 criteria, as stated; the method does not rely solely on severity of impact, it is only one consideration. Provide analogy	LC	Wording & format revised throughout to aid clarity. Table 1 modified to improve clarity. Criteria i-iv - wording reivsed to provide clarity	20.11.2011
F	V3.0	overall	3. Is there any information or data that could be applied using a different approach? The methodology outlined in this protocol states that where there is 'low confidence' in feature extent, the confidence in feature condition will necessarily be assessed as 'low', regardless of how good the information about feature condition itself is. This does not seem entirely fair. There may be instances where confidence about feature extent may be low, but if there is good information about feature condition and sensitivity then confidence in feature condition may not necessarily be assessed as 'low'? If this rule remains then it must be clear that a precautionary approach to conservation objective and management will be taken in such circumstances.	F7	Revise wording & format throughout to improve clarity as comment shows misunderstanding. Feature extent is only one consideration when assessing confidence. If there were 'good information on feature condition' it would inform the confidence score. If we were not confident in the feature's extent, how can we judge whether or not the 'good infomration' is representative of the entire of the feature or just a very small portion. If the latter then we would be extrapolating that information to the entire feature - this is an assumption (valid) but requires us to lower confidence.	LC	Wording revised to aid clarity & analogy provided	20.11.2011
F	V3.0	overall	It may be a 'sequence of events' thing but the advice that the SAP has given in its report on the RP Final Recommendations seems not to have been used. It is important that advice is carefully scrutinized and applied. Protocol F. Assessment of the scientific confidence of conservation objectives. Carefully scrutiny of the SAP advice should be made. For instance, the SAP noted "The value and 'special features' of each rMCZ and rRA are not always clearly stated in the site descriptions and that can be greatly improved for many. Such clarity, where survey data is adequate, is essential in developing detailed Conservation Objectives for a site." Section 7.1 of the SAP report needs to be carefully scrutinized to assist in identifying measures that should improve the scientific confidence of COs. I comment that scientific confidence can be greatly improved if degree of threat/sensitivity/vulnerability is assessed against level 4/5 biotopes – part of the increased precision now possible for many recommended sites. There is much work underway to rationalize the assessment of 'Favourable Condition' (I notice that the term "feature condition" is used in the Protocol) and	F9	Comments are not specifically relevant to protocol but rather the future work in COs. No action required	LC	None required	20.11.2011
F	V3.0	overall	The whole Protocol would benefit greatly from a decision tree approach to illustrating how it works and where the key decisions are made in the assessment.	F9	Create a summary key and revise wording throughout to aid clarity	LC	Wording revised to aid clarity & summary key provided	20.11.2011	

F	V3.0	overall	4. We are also concerned that those areas which have been surveyed for development purposes have generated ecological data which contributes to a better evidence base and therefore attracts more confidence in terms of designation. This does not mean that these data-rich areas are necessarily of greater ecological importance, but rather that more is known about them, in comparison to less well-surveyed areas. This should be recognised within the protocols, and the risks of comparing different types and qualities of data acknowledged.	F13	Protocol F does not ecological importance, not relevant. No action required	LC	None required	20.11.2011	
F	V3.0	overall	It is unclear why Conservation Objectives set for reference areas are not based on an assessment of feature condition as without such an assessment it is difficult to see how change will be monitored to ascertain if the management measures are successful?	F13	See response to Defra's comment 89. No action required	LC	None required	20.11.2011	
F	V3.0	overall	• We query the statement that where there is 'low confidence' in feature extent, the confidence in feature condition will necessarily be 'low', regardless of whether feature condition has been assessed using direct evidence or a VA. Firstly, if evidence is available it should be used rather than disregarded and secondly we believe this approach is over precautionary and 'moderate' should be the default option for features in low condition. This will avoid the application of precaution on precaution which may result in a situation where activities with limited impact will be restricted purely because the default option is for the site to recover due to the low confidence in the data. We would like to see Table 1 reconsidered, so that the confidence in the accuracy of the data (e.g. as a result of data age) is separated from severity and scale of impact recorded.	F13	Misunderstanding - evidence was not disregarded, it was used, we are now trying to assess our confidence in feature condition which would have used all available evidence. Process in COG is described, this is referred to throughout the protocol. Revise wording to improve clarity. All 4 criteria inform confidence - revise wording to improve clarity and provide analogy.	LC	Wording revised to improve clarity & provide analogy	20.11.2011	
F	V3.0	table 2 & text on uncertainties	2. Are there additional considerations that could be included in the proposed methodology? • We would welcome further clarity on how the scale of impact is assessed. It is important to consider temporal aspects of any impact, as well as the magnitude and the sensitivity of a feature to pressures in assessing the evidence of the feature's condition. Presently it is unclear how a one-off activity will be differentiated from a multiple/repeatable activity e.g. the setting of 10s of fishing pots will have a different impact to 100s of pots; seasonal activities compared to year round exposure.	F13	This process is described in the COG, consideration was given to scale in terms of area covered, duration etc. This required a degree of expert judgment which is explained in table 2 and is a major contributor to the low confidence in feature condition derived from a VA. Revise wording to improve clarity.	LC	Wording revised to improve clarity	20.11.2011	
F	V3.0	overall	• The a priori assumption is that any activity that has an impact will have an effect. This is not necessarily the case as many activities are only temporary with limited potential to cause an effect e.g. trenching a cable through coarse sand will have an impact as the seabed only for one tidal excursion due to the mobility of this substrate and any effect will be ephemeral.	F13	See response to previous comment in row 34. Sensitivity also encompasses consideration of recoverability of feature, so is incoporated into the VA. COG provides further explanation - No action required.	LC	None required	20.11.2011	
F	V3.0	overall	• Criteria iii: This approach appears sensible with reference to renewables activities that are highly regulated through the marine licensing process and there is a high degree of spatial accuracy known about the activities. It would be useful to understand if there are relative thresholds which if exceeded (both spatially and temporally) would result in an expected significant effect on a BSH. It is our understanding that currently no differentiation is made between temporary/limited activities and regular/widespread activities?	F13	See response to comment in row 34. No action required.	LC	None required	20.11.2011	
F	V3.0	overall	• Criteria iv: It is unclear if intensity takes into account both the spatial and temporal extent of an activity and further clarity should be provided	F13	Discuss with colleagues if definition of criteria iv can be developed as responses have not provided anything useful. Revise wording.	LC	Discussed definition of criteria iv with colleagues further- could not provide a definition so criteria iv was removed from	20.11.2011	

F	v3.0	introduction	Stakeholder group role (p4): The introductory text on the role of regional groups in recommending conservation objectives is not represented accurately. It should acknowledge that SNCBs working with marine managers completed the initial vulnerability assessments. Each regional project dealt with the results of this work differently. The Net Gain project used the work as a basis to “sense check” its results with stakeholders. With respect to fishing activity, in a number of cases there were differences in views across stakeholders. This, in part, reflects the technical nature of the issue and that a suitable methodology was not available to effectively undertake this task – it is not possible to infer the relationship between activities and pressures in any reliable or consistent way by simply viewing a set of VMS data on an overhead screen, for example. In the Finding Sanctuary project the results were presented but no input was given by the stakeholder groups to validate or change the results of the work. These issues have implications for how SNCBs give due consideration to the outputs of the regional MCZ projects.	F14	Revise introductory text to reflect comment	LC	Introductory text revised	20.11.2011
F	v3.0	section 1, table 1	Linkage between confidence in feature condition and severity and scale of impact (p8): Presently, Table 1 incorrectly links scale and severity of impact with confidence levels. Individually the scales are simply related to magnitude and distribution of damage. Each of these scales could have a high or low level of confidence but at present minor damage is linked to low confidence and vice-versa. These should be separated out into individual confidence assessments rather than attempting to combine them into one score.	F14	Disagree with suggestion to undertake 4 separate assessments; there would still be a requirement to bring them all together to inform a final confidence score. Revise wording to improve clarity on how scale and severity of observed damage informs confidence in feature condtion & provide analogy	LC	Wording revised to aid improve clarity & analogy provided	20.11.2011
F	v3.0	overall	Feature Condition derived from a Vulnerability Assessment (VA) and underlying uncertainties (p8-9): As with Table 1, the guidance explaining when confidence may be determined above the default “low” incorrectly links levels of certainty with an assessment of likelihood and scale of impact occurring that would undermine the integrity of a conservation feature. Given adequate evidence, a higher level of confidence can be attributed irrespective of the level of impact.	F14	Agree, level of impact is not the only consdieration in determining confidence. However, disagree that confidence in feature condtion derived from a VA cannot be raised in certain circumstances. Revise wording to clarify.	LC	Wording revised to improve clarity	20.11.2011
F	v3.0	v3.0	Notwithstanding this issue, the reference to guidelines that are aimed at assessing conservation feature exposure (suitability of scale and intensity of activity, II and iv) should be more explicit about recognising the temporal and spatial variability of pressures. The guidance should refer to the footprint and intensity of pressures rather than an activity footprint, as activities need to be understood in terms of the pressures they exert. Anthropogenic pressures should also be assessed in the context of the prevailing natural disturbance patterns affecting a feature. In the case of fishing activity, we recognise that VMS forms an important piece of evidence that needs to be interpreted correctly with an appropriate methodology. The NFFO is undertaking a pilot project towards developing appropriate methods. Methods also need to be developed for fisheries without such evidence. In circumstances where there is trust between the fishing industry and SNCBs and marine managers it may also be possible to use fishermen’s fish plotter data as a line of evidence. Use of such data is also being trialled in the NFFO pilot	F14	Uncertainties regarding how exposure to pressures is assessed are provided in table 2 and form the basis of why the default confidence in feature condition derived from a VA is low. The process is described in the COG which is referred to throughout the protocol. These uncertainties will be expanded upon in the narrative of the advice. No action required.	LC	None required	20.11.2011

F	v3.0	overall	83. It is difficult to see how one can claim that the condition of a feature can be categorically determined by an assessment of the potentially harmful activities that occur within the area of that feature. In fact, it is strange that there is a separation between assessments of the presence, extent and quality of a feature (see also comment #23). Surely these things are all related. How would it be possible to collect sufficient evidence to support a high confidence concerning the presence and extent of a feature without collecting evidence that would allow you to determine the condition of the feature also?	F16	Protocol does not claim that the VA process categorically determines condition, as also explained in the COG - revise wording to clarify this. It is necessary to separate the protcols as the alternative would be one very long, complicated protocol. It is clear from public consultation and stakeholder workshop responses that, individually, the protocols are already complicated enough. There is a clear link provided in protocol F, to the output of protocol E. No action required. I agree it would be difficult to collect evidence informing presence & extent without collecting some evidence of feature condition. However, more evidence is required to assess condition (various parameters would need to be measured, for example) than to verify a feature is simply present/absent in a location. So it is possible that evidence used to adequately inform presence and extent is not adequate to inform condition but may be used nonetheless (as best available evidence) but with appropriate low confidence. Review wording to clarify direct evidence is opportunistic, not collected in targeted surveys to assess feature condition & save as v4.0	LC	Wording in text box revised & wording on opportunistic data clarified	20.11.2011
F	v3.0	overall	84. We appreciate that knowledge of pressures in an area is essential to determine the risk that features may be impacted but it does not provide a direct assessment of condition. Therefore, we recommend that further justification/explanation of the process be provided.	F16	Agree, assessment of pressures does not provide a direct assessment of feature condition - the protocol does not claim otherwise, which is why one method is called VA and the other direct evidence. Further explanation is provided int he COG which is referred to throughout protocol. Review wording to clarify & save as v4.0	LC		20.11.2011
F	v3.0	overall	85. A single protocol for assessing presence, extent and condition would be recommended because treating them independently can lead to the same levels of confidence for different conditions (see also comments #23 and #83). Thus, in the 1st box on page 6, severity and scale of impact tell what has happened whilst age of data and data source / QA tell you how confident you are in the data. So if one then goes to Table 1 (page 8) it is possible to see how one can have two situations; 1. Old, anecdotal evidence that the feature is very severally impacted or 2. Recently collected high quality data to show the feature has had very little impact. Both of these situations give a Moderate confidence but are totally different conditions.	F16	see response to comment 83	LC	see action on comment 83	20.11.2011
F	v3.0	overall	86. If there is confidence in a feature's condition one can have confidence in a CO for that feature. If there is no confidence in the feature condition (which is the usual case because of the absence of evidence) then one can have no confidence in the CO. The use of the VA approach without feature condition evidence is deeply flawed as stated in comment #88.	F16	The VA approach is not deeply flawed; given the absence of direct evidence of feature condition it is the next & best available evidence which we are required to use. This rationale is clearly described and justified in the COG which was consulted on by Defra and has been used in the assessment of features in EMS. Also, nowhere in the protocol is there a claim of 'no confidence'. Review wording to clarify justification for default low confidence and provide links to COG.	LC	Additional inks to COG provided & wording revised to provide clarity	20.11.2011
F	v3.0	introduction	87. Remove general history from introduction. Focus on specifics of this Protocol. Take out normative language unless words such as 'deteriorate' are linked to a defined objective.	F16	Stakeholder responses have asked for this information to be provided accurately. No action required. Some normative language, like deteriorate or damage, are required because they describe a negative impact which may impair a feature's functioning. Impact alone just describes a change which can, theoretically, be positive or negative. No action required.	LC	None required	20.11.2011
F	v3.0	overall	88. The IERG note that SAP has significant difficulties with the concepts of COs of 'maintain' and 'recover' which are derived solely from predicted activities and the pressures that they may place on features, i.e. when the current state of those features is unknown. These are detailed in part A of the SAP's assessment. Page 4	F16	Please see response to comment 86. No action required.	LC	None required	20.11.2011

F	v3.0	p4	89. Paragraph 3: Reference areas should be included in this protocol, especially if the assumption in the CO is that they are not in good condition (the RP have used the default 'to recover' which is not defendable if there is no site specific assessment). We consider that any assessment of evidence for the rMCZ which is not used for the rRA will be open to challenge by stakeholders and users of the marine space who may then be prevented from performing their activities. This is irrespective of the suggestion by the SNCB that the work they describe in this protocol is not undertaken for RAs (i.e. they will not assess the confidence in feature condition for features in RAs).	F16	Features in Reference Areas did not undergo an assessment of condition - see COG for explanation, so it is not possible to undertake an assessement of confidence in feature condition. Comment regarding challenge by stakeholders while valid is not relevant to this protocol. No action required.	LC	None required	20.11.2011
F	v3.0	p4	90. CO for rRA should based on an assessment of feature condition; if not then on what are they based (an assumption of perceived degradation?)? The logic used here implies that a rRA has been degraded by activities, that these activities will now be prevented and hence the area will recover (to some previously undefined state). If however, this is challenged such that degradation cannot be shown then the CO cannot be achieved. Paragraph 4: re. 'state' of the feature - there is an assumption here that activities were likely to have caused damage and hence the removal of these will allow a site to recover (to an as-yet undefined state). This has not been shown and so is the assumption in this protocol here that the in-depth review will repeat this analysis? Be explicit about the repercussions of actually doing what you say needs to be done.	F16	Features in Reference Areas did not undergo an assessment of condition like non-RAs - see COG for answer as to why. It is therefore not possible to undertake an assessement of confidence in feature condition. Comment regarding challenge by stakeholders while valid is not relevant to this protocol. No action required.	LC	None required	20.11.2011
F	v3.0	p4	91. Paragraph 4, last sentence: check the logic here – this assumes that damage will occur in the future if activities are not stopped but if damage has not occurred by now (hence the assimilative capacity of the site not being exceeded) then why should it do so in the future? Page 5	F16	Lack of understanding - you are suggesting we will know a feature is damaged, this would be rare and not an appropriate assumption if a VA is needed to inform feature condition. In most instances (in the absence of direct evidence we use the best available) we assume that if activities which are potentially damaging are occurring, the feature may be damaged. That is the premise of the VA approach described in detail in the COG. No action required.	LC	None required	20.11.2011
F	v3.0	p5	92. Paragraph 5: "regardless of certainty of footprint": Check the logic here; nothing is regardless of the certainty of the footprint.	F16	Disagree - to be certain that an activity is occurring over the feature you need to be certain of where the feature is as well as certain of where the activity is. If you know exactly where the activity but you are not certain the feature lies underneath it- how can certainty in feature condition be above low? - Review wording to improve clarity, provide illustration & save as v4.0	LC	Illustration to confirm overlap provided and wording clarified	20.11.2011
F	v3.0	p5	93. Paragraph 6: "the second aspect to ...": or is it just assumed that the activity-pressure-impact chain will occur? Page 6	F16	For the purposes of a VA, the activity-pressure-impact chain is assumed which is why the VA is described as a proxy and the default confidence low and condition described as likely, as opposed to categorical. Review wording to improve clarity on this & save as v4.0	LC	Wording revised to provide clarity	20.11.2011
F	v3.0	p6	94. Terminology: The use of the terms "impact" and "damage" is mixed. The protocols should define precisely what they mean by "impact", "damage" and "pressure". The same applies to Table 1 where columns are labeled impact but cells refer to damage.	F16	Agree, keep separate, remove impact from the table & save as v4.0	LC	'impact' is replaced by damage	20.11.2011
F	v3.0	p6	95. First two lines: The assumption here again is that the activity-pressure-impact chain occurs; this is not valid and has to be demonstrated otherwise a user will challenge the assessment.	F16	See response to comment 93. This cannot be validated, this requires site-specific empirical evidence that an activity has damaged a feature, in which case confidence in feature condition would be mod- high. We are highly unlikely to have such information for many rMCZ features but are still required to provide COs for rMCZs, therefore a proxy is a valid approach - see COG for explanation. No action required.	LC	None required	20.11.2011

F	v3.0	p6	96. Middle of page, Box, severity of impact: This is the product of the magnitude (the extent x the duration) x the intensity of impact – are these adequately covered here?	F16	Duration of impact cannot be assessed with single observations in time, as is almost exclusively likely to be the case with opportunistic data. Time-series monitoring would be required which is curently not available. Impact, in this instance, refers to signs of damage in a single observation, not over a period of time. Age of data can inform reliability which could be explained better in the text. However, the extent of impact (signs of damage) is covered by scale - again wording could be amended to improve clarity. Review wording & save as v4.0	LC	Wording accompanying criteria revised to provide clarity	20.11.2011
F	v3.0	p6	97. First paragraph after the box: The 4 criteria have been given equal weighting – the IERG believe that they are not equally weighted and more consideration should be given to the relative importance of these 4 criteria.	F16	Agree, criteria are not equally weighted but not aware of any evidence on which to base a quantitative weighting, as stated in the protocol. Discuss with colleagues to see if alternatives can be identified, if not, amend wording to clarify position & save as v4.0	LC	Alternatives discussed but no method to quantitatively weight the criteria is available. Wording revised to provide clarity	20.11.2011
F	v3.0	p6	98. Second box: The text in this box is not clear. Surely the examples given are precisely the sort of monitoring that will provide direct evidence of feature condition and therefore are how this part of the methodology can be applied. Page 7	F16	Agree, this is exactly the type of direct evidence (if it is available) which could inform feature condition. However, given the information is opportunistic, not necessarily from monitoring & not targeted for our purposes of assessment of feature conditon. We therefore need to asses it to determine how appropriate it is or how adequately it can inform feature condition. Review wording to clarify & save as v4.0	LC		20.11.2011
F	v3.0	p7	99. Make sure all the types of monitoring are included and use the terms used in the various directives: surveillance monitoring, condition monitoring, investigative monitoring, diagnostic monitoring, etc. Page 8	F16	Not sure how naming the different types of monitoring taking place under the various directives will improve understanding of the protocol. This is unnecessary detail for SNCB staff who will use the protocol and will not help the public understand the protocol any better. It is sufficient to name some examples of potential sources of such information. However, can review wording to ensure more examples are provided & save as v4.0	LC	Wording reivsed, firther examples provided.	20.11.2011
F	v3.0	p8	100. Table 1: This assumes that one can make the link between the presence of the activity (in the RP procedure) and the evidence of an impact. The repercussion of the table is that it will require a revisiting of the whole process; hence a large project is required. Is this what NE/JNCC have in mind?	F16	See responses to comments 93 & 95. No action required.	LC	None required	20.11.2011
F	v3.0	p8	101. Table 1: Mitigation of the potential impacts of an activity are not mentioned anywhere here but yet we always assume that permission for an activity is granted on the basis that mitigation (and/or habitat/use/user compensation) is employed. Check the logic here.	F16	Not necesarily the case as the activities currently occurring would have been consented prior to designation. However, the COG describes the process used. No action required.	LC	None required	20.11.2011
F	v3.0	p8	102. The benchmarks in table 1 are reasonable, assuming action is taken to improve terminology as requested in comment #94. The scoring is clearly arbitrary but this is an evitable consequence of the approach. Page 9	F16	Agreed & see response to comment 94.	LC	See action on comment 94	
F	v3.0	p9	103. Top of page, bullet on information use: What of the confidence that 'an activity in this place, at this time, carried out in this way, on these habitats and with this level of mitigation, will have this impact'?	F16	Assessment of exposure requires expert judgment & assumptions, this is stated in the table of uncertainties and is one of the reasons the default confidence in feature condition derived using a VA is low. No action required.	LC	None required	20.11.2011
F	v3.0	p9	104. List at the bottom of the page, condition (i): Is this determined directly by field assessment or merely by overlapping maps of feature and activity? In the absence of direct evidence it is not clear how the assessment of condition in (i) can be made. If it is on the basis of the VA, the argument is circular and hence superfluous surely? Condition (i) should be dropped; it adds nothing to the case.	F16	Review wording to improve clarity, remove condition (i) and word alternatively	LC	Condition (i) removed and wording revised to improve clarity	20.11.2011
F	v3.0	p9	105. List at the bottom of the page, condition (ii): Again, make clear if actual assessment cf. assumed assessment via matrices. Page 10	F16	Lack of understanding; section 2 deals solely with vulnerability assessments as given by its title. No action required.	LC	None required	20.11.2011

F	v3.0	p10	106. List at the top of the page, condition (iii): “Suitability” is the wrong word; do you mean ‘compatibility’ or ‘coincidence’ of scale?	F16	Agree, compatibility would be more appropriate. Revise & save as v4.0	LC	Compatiblity used instead of suitability. Illustration provided	20.11.2011	
F	v3.0	p10	107. List at the top of the page, condition (iv): Be clear about activity leading to impact; is this presumed or measured?	F16	Lack of understanding; section 2 deals solely with vulnerability assessments as given by its title. No action required.	LC	None required	20.11.2011	
F	v3.0	p10	108. Table 2: There needs to be concrete examples otherwise you are leaving this open to (mis)interpretation.	F16	Agree, wording can be improved to aid clarity but the uncertainties associated with VAs will be exapnded upon on the narrative of the advice. Revise wording to aid clarity.	LC	Wording revised to improve clarity.	20.11.2011	
F	v3.0	p10	109. The SAP advice is to bypass the use of COs, in the absence of information about the current condition of features, and seek to remove the most damaging activities, which the criteria (ii-iv) helpfully characterise. Explain whether you will follow that approach but be aware that the approach is open to challenge by users if activities are prevented without good evidence of precise impact at the site under question. Page 11	F16	Comment regarding SAP suggestion is not relevant to the protocol. VA actually highlights those activities which may currently be damaging the feature - refer to COG. Lack of understanding with regard to how we 'intend' to assess feature condition. It has already been done and the provided in the recommendations - review wording to improve clarity on this.	LC	Wording revised to aid clarity	20.11.2011	
F	v3.0	p11	110. Table 2, last row, “VA relies heavily of expert judgement and assumptions”: Therefore, you have to be sure that the in-depth review will use the same basis – this is unlikely. What will you do if the in-depth review comes to different conclusions, how will you reconcile the differences given that the original was stakeholder-led and the in-depth review could be science-led?	F16	It is not appropriate to discuss what is expected of the in-depth review within the protocol- no action required	LC	None required	20.11.2011	
F	v3.0	p11	111. Table 2, last row, “does not occur for activities”: Provide examples; e.g. industrial waste dumping? For example, what of areas where fly ash were dumped and could still have an effect on the bed? Page 12	F16	Agree, provide further wording to improve clarity & save as v4.0	LC	Wording reivised to aid clarity	20.11.2011	
F	v3.0	p12	112. It is difficult using this decision tree (it is more like a conceptual model) – it needs expanding to guide the user through the incorporation of confidence on the activity-pressure-impact-response chain.	F16	Review wording to improve clarity and prepare a summary key & save as v4.0	LC	Wording reivised to aid clarity, summary key created	20.11.2011	
F	v3.0	p13	Page 13 113. First bullet point, “Outcomes disagree”: But note the repercussions of the ‘to recover’ CO – if you use the ‘to recover’ CO but there is no direct evidence of deterioration at the site then how will you know what to recover to and how will you know when the site has recovered? This is an impossible objective which cannot be achieved through monitoring. If a site has been receiving an activity and yet there is no evidence of damage then it is within its assimilative capacity (the bedrock of marine environmental protection) and/or the mitigation measures have been successful.	F16	Comment regarding setting CO to recover is not relevant to protocol. The COG describes the process and is transparent about being precautionary, this was consulted on by Defra amongst others. The COs have been presented in the recommendations already. The COG is referred to throughout the protocol. No action required. However 'If a site has been receiving an activity and yet there is no evidence of damage then it is within its assimilative capacity (the bedrock of marine environmental protection) and/or the mitigation measures have been successful' - this comment assumes the site has been monitored/assessed using direct evidence to come to the conclusion that the feature is within its assimilative capacity. However, as explained in the COG and the protocol, this information will not be available for many sites. Review wording to clarify this.	LC	Wording revised to aid clarity	20.11.2011	
F	v3.0	p13	114. First bullet point, second line, “approach was adopted”: Is it correct to use past tense here?	F16	Yes it is theoretically correct to use the past tense because we are assessing work which has already been done, however, if confusing, we can use present tense provided the introduction clarifies the purpose of the assessment. Review this and intro & save as v4.0	LC	Tense changed to present	20.11.2011	
F	v3.0	p13	115. The text on this page is a logical addition although will be of limited application. Page 16	F16	Agree	LC	None required	20.11.2011	
F	v3.0	p16	116. Annex 2: a. Stage 2 is ambiguous; do you mean ‘are you assessing a Reference Area’? b. Again this flow chart assumes the activity-pressure-impact chain occurs.	F16	Details are provided int he COG publicly available. No action required.	LC	None required	20.11.2011	

			Page 17 117. Annex 3, overall: Most of these clarifications are needed to clarify Protocol G rather than the protocol in which this Annex appears. Once revised, definitions should be applied consistently to all uses of these terms in all protocols and highlighted in A. As it stands, the changing and mixed use of terminology makes the process		Definitions have been previously agreed and are extracted from either the COG or the Ecological Network Guidance. Will discuss with colleagues regarding addition of glossary in an annex to the advice we provide to Govt. No action required for		None		
F	v3.0	p16	difficult to interpret.	F16	protocol.	LC	required	20.11.2011	
F	v3.0	p17	118. Definition of “extent”: This could also refer to an activity and an impact.	F16	see response to comment 117	LC	See action on comment 117	20.11.2011	
F	v3.0	p17	119. Definition of “exposure”: This definition seems to be equivalent to a definition of impact. It would be more accurate to define exposure as ‘a measure of the extent to which a receptor is subjected to pressure’. The impact should be a consequence of the exposure. Page 18	F16	Check with co-author of v4.0 where the exposure defintion has come from as it is not that provided in the COG. Replace current definition with that in COG and save as v5.0	LC	Amendment to exposure deifntion (copied from that provided in the COG) made and saved as v5.0	06.01.2012	
F	v3.0	p18	120. First paragraph, “the adoption of the term favourable conditions”: does this assume that Favourable Conservation Status = Good Environmental Status (GEnS of the MSFD) (and by extension Good Ecological Status of the WFD) – one has to make this assumption of equivalence for the logic here to hold and for the Directives to be harmonised.	F16	Disagree; favourable condition will need to be aligned with these directives, so that MPAs can contribute appropriately to GEnS, GES. This does not require the assumption they are the same. This is explained in the COG. No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	121. Definition of “impact”: a. See also comments # 94, #117 on the need for clear definitions. b. This would be more accurately defined as ‘the change in a component or attribute as a result of pressure’. c. this refers to adverse effects (otherwise effects could also be beneficial).	F16	Definition proposed may confuse the term attribute which is used elsewhere in a different context. Also, in the context of this protocol, we are only really interested in changes brought about by anthropogenic external factors which the current definition encompasses and the proposed definition does not. The current definition aligns much better with that provided in the ENG (taken from Robinson, Rogers & Frid, 2008). No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	122. Definition of “Intolerance” – it would be better to have the term ‘susceptibility’ which is used in the restoration/impact literature (‘intolerance’ is not used).	F16	Disagree. Intolerance is a term commonly used by SNCBs undertaking sensitivity assessments and who are familiar with MarLIN terminology because the sensitivity assessments provided by MarLIN are used for VAs for inshore and offshore EMS. For consistency, intolerance is used because it also describes sensitivity as defined in MarLIN. This definition has been used to date in the COG and the ENG. No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	123. Definition of “Recoverability”: It is better to use the term ‘resilience’ as the ability to recover from a defined impact (and also use ‘resistance’ to an impact).	F16	Recoverability links well to the objective to recover. Resilience provides an alternative but no better definition (ability to return to original state after being disturbed - MarLIN) than recoverability. Recoverability is a definition used by MarLIN to describe a feature's sensitivity, so unless the definition of resilience was better I would rather avoid introducing a new term. Resistance refers to the degree to which a variable is changed following perturbation (MarLIN), again I would rather not introduce a new term when the whole assessment of likely feature condition process has been described in detail in the COG and further defintiions are provided in material accompanying the MB0102 sensitvity matrix. No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	124. Definition of “Reference condition”: This has now confused your discussion and logic further – this will be read as being synonymous with ‘reference area’ but this definition implies that the RA should have a CO of ‘to maintain’ (as they are implied to be in good condition) rather than ‘to recover’. Hence there is the need to clarify the different terms and their use.	F16	Disagree, the reference condition definition does not imply an RA should have a CO of maintain; it is clearly caveated in the glossary to say it is only found where there is no anthropogenic disturbance. Therefore, if there is thought to be anthropogenic disturbance then the CO would be set to recover. This is clearly explained in the COG which id referred to throughout the protocl. No action required.	LC	None required	20.11.2011	

F	v3.0	p19 glossary in annex	125. The term “Receptor” needs to be defined.	F16	Disagree, see response to comment 128. Vulnerability is clearly explained in both the COG (which is referred to throughout) & the narrative of the protocol. No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	Page 19 126. Definition of “Sensitivity”- In the context of the vulnerability assessment it would be more accurate to say that ‘sensitivity is a measure of the magnitude of response to a defined pressure and is positively correlated with recovery time’.	F16	Current definition was extracted from publicly available ENG and COG for consistency, it also aligns better with Marlin's definition and is in plain english. No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	127. Definition of “Unfavourable condition”- This suggests something is ‘unsatisfactory’ – this cannot be defended and needs either defining or a better and more objective term should be used.	F16	While I agree the definition provided in the glossary is not ideal, it has been agreed previously and is extracted from the COG which is a publicly available document, consulted upon by Defra. The definition is expanded upon in the narrative of both the COG (which is referred to throughout the protocol) and protocol. No action required.	LC	None required	20.11.2011	
F	v3.0	p19 glossary in annex	128. Definition of “Vulnerability”: a. This is more common as the ‘likelihood of change’ – check the overlap in definitions between sensitivity and vulnerability. b. This is not an informative definition in the context of the vulnerability analysis because exposure is the ‘measure of the degree of exposure of a receptor’. ‘Vulnerability’ as it is used in the preceding document is the product of sensitivity and exposure that is vulnerability will increase with sensitivity even if pressure is constant.	F16	While I agree the definition provided in the glossary is not ideal (& is misquoted by the commentor), it has been previously agreed and is extracted from the COG and ENG, both of which are already publicly available and consulted on by Defra. Despite this, the text within the protcol and COG (which is referred to throughout the protocol) clearly states already that a feature is vulnerable to a pressure when it is both, exposed to and sensitive to that pressure and that vulnerability can increase with increasing exposure or sensitivity. No action required	LC	None required	20.11.2011	
F	v3.0	All	129. Throughout: use “data” as plural.	F16	Review & save as v4.0	LC	amendments made where necessary	20.11.2011	
F	v3.0	p13	130. Page 1, Title: Not clear what it means (check grammar).	F16	Title does not need amending. However, the introduction needs improving to better explain the purpose and content of the protocol	LC	Wording in introduction revised and new section added to explain what the protocol does and does not cover.	20.11.2011	