

Protocol E Comments log

This is the comments log for the SNCB's Advice – Assessing the scientific confidence in the presence and extent of features in recommended Marine Conservation Zones (Technical Protocol E).

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 Owner	Comments
E1	03/10/11	MPA Technical Group	Section 5.1.	(1100912_Evidence Assessment Method_V2.0Final) MPATG7-_5 EvidenceAssessmentMethod	CCW	Statutory Agency	Email	<p>AN APPROACH TO ASSESS THE SCIENTIFIC CERTAINTY OF THE PRESENCE AND EXTENT OF FEATURES IN RECOMMENDED MARINE CONSERVATION ZONES For this my main concern is using a single record to assign an assessment of 'very certain'. The Marine Recorder database has quite a few questionable biotopes in it. Unless you are confident that you have weeded all these out, I would increase the number of records required. I've sent our confidence assessment protocols to Jon as requested - we have used 5 records as an indicator of high confidence.</p> <p>I'm glad you have decided not to worry about age for the broadscale habitats! Although this is also slightly inconsistent with our approach, as we have identified those broadscale habitats that are biologically based (e.g. SS.SBR or SS.SMp) and pulled out the age info for those.</p>	CVH	Suggestions have been added (see actions)
E2	03/10/11	MPA Technical Group	Section 5.1.	(1100912_Evidence Assessment Method_V2.0Final) MPATG7-_5 EvidenceAssessmentMethod	CCW	Statutory Agency	Email	<p>MPATG7_5: No real comment on the methodology although I think the terms - Very certain, Moderate certainty and Less certain or uncertain - are a bit clunky and I think could lead to confusion. I am sure you have spent ages on these and you don't want to change them but I think High certainty, Moderate certainty and Low certainty would be much clearer.</p>	CVH	Suggestions have been added (see actions)
E3	14/10/2011	MPA Technical Group	Section 5.1.	(1100912_Evidence Assessment Method_V2.0Final) MPATG7-_5 EvidenceAssessmentMethod	SNH	Statutory Agency	Email	<p>MPATG7_5_EvidenceAssessmentMethod</p> <ul style="list-style-type: none"> - Presence - need an explanation as to how the cut off dates (2000 for habitats and 2006 for species) were derived and why they are different. Age maybe less of an issue for some species or habitats and may depend on where the data has come from e.g. MNCR surveys are before this date but still have value. Also is a single record of a species enough, especially for those species that are not sedentary. - Extent - there needs to be a definition for 'most' or 'part' of a site in terms of the area covered by the survey, especially when the document is prescriptive for age of data used for presence. May be an approximate guide e.g. 2/3 of area or 3/4 of an area is covered. Is the distribution of sample data going to be considered here in any detail - most of the survey locations could be focused in one area, even though 3/4 of a site has data points in it e.g is the survey effort uniform/stratified?. You might want to consider density so it relates to the area being examined. - Quality of the data should be considered - scientific surveyors versus data from members of the public e.g. sightings. - Modelled data - need in the text to distinguish what you mean by this e.g. modelled based on physical parameters e.g. light, depth, exposure versus interpolation between remotely sensed data e.g.tracks of side scan, AGDS. 	CVH	Suggestions have been added (see actions)
E4	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	<p>Many of the site descriptions prepared by the MCZ Regional Projects were found by the SAP to be poor. There is no protocol to identify the quality of evidence used in the general site description (rather than the very targeted outputs of MB0102 for instance). The benchmarks used by the SAP are a starting point for such a protocol although it could be a part of E 'Data sources and confidence'. The SAP suggested where key data sources had not been used but that advice is not reflected in the draft protocols: the SNCBs should adopt the listed sources. Furthermore, the species used in assessments should include those that are of importance for nature conservation but are not FOCI.</p>	BS	Comments have been considered and changes included in new version (see actions)
E5	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	<p>The protocol falls short of what is needed and does not take advantage of what we know. I am most concerned that the opportunity to increase the precision of data/information for each site (and therefore the precision of sensitivity/vulnerability assessment and design of conservation objectives following from that) is not being pursued, to the detriment of making the best scientifically-based case.</p>	CVH	Useful comments but no action required due to issues being outside the scope of this protocol

E6	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	The protocol needs to accommodate 'tests' for species or habitats added by stakeholders including those from what the ENG describes as "The MCAA allows for the designation of MCZs for any marine species or habitat. For example, there may be species and habitats of local or regional interest that are not listed here as FOCI. Such species and habitats may be listed in the review of Important Plant Areas for algae (Brodie et al. 2007) or the Nationally Important Marine Features (Hiscock, Harris and Luckey 2006)."	CVH	Comments have been considered and changes included in new version (see actions)
E7	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	Protocol E perpetuates the approach that has led to such an incomplete assessment of, in particular, species of conservation importance at a location and such 'thin' site descriptions. Now is the opportunity to accommodate the strengthening of site descriptions especially with additional species ("presence and extent of features" and "principles for the scientific evidence required" in the introduction to the Protocols) that need to be taken into account when identifying conservation objectives, management measures and monitoring. I am shocked that SNCB staff seem still consider the FOCI species (basically BAP species) to be the only representation of species that need to be considered as part of protection. Those BAP species are important but the BAP list is 'restrained' by the requirement for quantitative information on 'rarity' and/or decline – there are many species that do not have that quantitative information but are 'designated' in some way including via criteria identified in the SNCB Review of Marine Nature Conservation.		Useful comments but no action required due to issues being outside the scope of this protocol
E8	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	The cover note states "It is an essential part of the identification and recommendation process that all available data are used to ensure that all habitat types are dealt with on an equal footing, and to avoid discriminating against or excluding the identification of habitats or areas which are comparatively less sampled or surveyed." Finding all available data for a site is important but will not prevent uneven comparisons as some locations will inevitably have more information than others. Does the phrase mean that habitats will be identified whether or not there is evidence to identify what is there? All-in-all, clarity is needed. In the introduction, it is stated "As there are thousands of species and habitats present in our marine environment" Thousands of species, yes, but biotopes in terms of level 4/5 about 350 so not "thousands".	CVH	Comments have been considered and changes included in new version (see actions)
E9	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	Part 2: The protocol: Purpose of protocol. The introductory material lists the questions that will be considered – I have added, in red below, an additional needed point: · Is there verifiable evidence of the presence of the features, including broad-scale habitats (BSH), Features of Conservation Importance (FOCI) and geological features of interest, in the site? · Are there other features that may be of conservation importance or of local or regional importance? Similarly, the 'Detailed methodology for assessment of scientific confidence' table needs a third column to include 'Other features'.	CVH	Comments have been considered and changes included in new version (see actions)
E10	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	I appreciate that Annex 1 (confidence of presence and extent of features) is tentative and hope that the following comments will improve its scientific accuracy and practical application. 'Data sources and confidence' The list is for what the Regional Projects used as data sources but that needs to be substantially improved to get the best possible 'picture' for each site. Looking forward, the list needs greatly expanding so that the risk of criticism for not including relevant and well known data and information sources is minimized. The SAP have identified what those additional data sources should be.	BS	Comments have been considered and changes included in new version (see actions)
E11	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	The protocol should accommodate the cataloguing and application to conservation objectives of finer level biotopes than BSH. The process of describing the character of a site needs to move on to one in which, where data and information allow, greater precision is applied. The Broad-Scale Habitats served their purpose in providing a surrogate for biodiversity when it was all of the territorial seas and offshore that was being considered. Level three biotopes are demonstrably too coarse to identify meaningful sensitivity/vulnerability measures. To support conservation objectives, the finest scale of biotope category available for a site should be used. The approach in 2 i (presence of broadscale habitats) can be used, with some minor adjustments, for any habitats.		Useful comments but no action required due to issues being outside the scope of this protocol
E12	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	The protocol refers to the CCW HabMap approach but that exercise identified 206 different biotopes (variously at levels 3, 4, 5) in Wales and so is not comparable to the 23 Broad Scale Habitats identified only at Level 3 in the ENG.		Useful comments but no action required due to issues being outside the scope of this protocol

E13	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	2 ii Presence of habitats of conservation importance. The approach is un-necessarily indiscriminate in suggesting an across-the-board 12 year cut-off. The tabulated summary is incorrect and risks sending-out the wrong message about protecting a site for a particular feature which, the inference is, may not be there next year. For most biologically-defined habitats, we (experienced marine biologists but also as a result of repeat surveys) know that most biologically defined habitats are very persistent and are unlikely not to be present even several decades after original survey.	BS	Comments have been considered and changes included in new version (see actions)
E14	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	Blue mussel beds on sediment (including intertidal beds on mixed and sandy sediments) [note change to correct title] may be ephemeral but likely to re-appear in same location. Strong case to describe as 'constant'. Cold-water coral reefs – likely to be constant. File shell beds – not relevant to English waters or offshore. Fragile sponge & anthozoan communities on subtidal rocky habitats – constant presence. Maerl beds – constant presence. Horse mussel (<i>Modiolus modiolus</i>) beds – continuous presence in absence of disturbance by fishing so old survey data unreliable. Sea-pen and burrowing megafauna communities – constant presence (sea pens may retract into sediments and be not visible on repeat surveys). Native oyster (<i>Ostrea edulis</i>) beds - Strong case to describe as 'constant' although 'crashes' have occurred. Honeycomb worm (<i>Sabellaria alveolata</i>) reefs – continuous presence in some locations but ephemeral in others. Strong case to describe as 'constant' at some locations. Ross worm (<i>Sabellaria spinulosa</i>) reefs - ephemeral. Seagrass beds – constant presence. The phrase "12 years old or later" is unclear – what is meant is "less than 12 years old".	BS	Comments have been considered and changes included in new version (see actions)
E15	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	2 iii Presence of species of conservation importance. Guidance is sensible but it should be stated that the case for accepting and old record, not accepting a recent record of an ephemeral species etc. needs to be given. Some species are known, as a general rule applicable to all locations where they occur, to be persistent in their presence.	CVH	Comments have been considered and changes included in new version (see actions)
E16	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	3. Assessing scientific confidence of feature extent. Guidance is sensible but the "earlier comment" about raw remote sensing data is off-target. Such data is very often highly inaccurate and that should be the warning. The description used in each box should be "(from <i>in situ</i> survey or remote survey supported by extensive ground truthing)".	CVH	Comments have been considered and changes included in new version (see actions)
E17	24/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MBA	Research	Email/Word doc	Annex 2 (List of national datasets) should include the designated taxa spreadsheet based on the JNCC designated taxa spreadsheets and as modified by Keith Hiscock in April 2010 but should be revised to include recent new records to Britain and recent species new to science that are rare or scarce.	BS	Comments have been considered and changes included in new version (see actions)
E18	30/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	?	NGO?	Email	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 is already available, (examples, the North Devon biosphere group, Sea Torbay, etc) However, against the need for evidence to be consistent is the very real concern that the marine habitat in the meantime is likely to be degraded still further, due to the delays in implementation.		Useful comments but no action required due to issues being outside the scope of this protocol
E19	02/12/2011		Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	BMAPA	Industry	Email/Word doc	It is important for the review protocols to recognise that the process of MCZ site selection is very different to the processes used to identify and define potential sites of European importance. Local stakeholders have been extensively involved and socio-economic considerations have been able to be taken into account during the site selection process. Furthermore, both the ENG and the MCZ process guidance made clear reference to the use of local and lay experience in helping to inform site selection. However at this stage, it remains unclear how this qualitative evidence will be squared away with more quantitative or scientific evidence considered by the protocols. The MCZ site selection process was very deliberately not science-led, and therefore sites are unlikely to stand up to the same degree of scrutiny as the processes required for SAC designation. The key question is given the processes through which they have been identified and agreed, should they really be expected to? Recognising that the review process will be subject to wider stakeholder scrutiny than the cSAC process, it is therefore important to manage expectations by clearly setting out how qualitative and quantitative evidence will be integrated and how any		Useful comments but no action required due to issues being outside the scope of this protocol

								conflicts between the two will be resolved. This could become a key sticking point if the resulting advice does not properly reflect or take into account the way in which the individual site selections were defined.	
E20	05/12/111	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	The Crown Estate	OGD?	Email	Overall the majority of the content of the protocols are robust and The Crown Estate welcomes the recent increase in transparency of the revised process, following the independent review of the scientific evidence base underpinning nature conservation designations.1. Do you consider that the protocols cover all required areas to enable JNCC and Natural England to assess the regional MCZ project recommendations and provide advice to Defra?Yes for the validation of the evidence for the first tranche of rMCZs. However there has been little thought as to the subsequent stages in the process if the result of the surveys designed to improve the evidence base finds no or limited evidence for the features underpinning the remaining rMCZs. Will new sites need to be identified to make up the 'ecological coherent network' and if so will the process be stakeholder or scientific led? Some information on this process would be very useful for stakeholders to reduce uncertainty on the future implications of the network of MCZs.	Useful comments but no action required due to issues being outside the scope of this protocol
E21	05/12/111	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	The Crown Estate	OGD?	Email	2. Do you consider that the protocols provide the required clarity on how Natural England and JNCC will be undertaking the analysis and providing advice? a) If not, what areas do you consider require greater clarity?For the most part yes however it would be helpful to clarify the following point:The Science Advisory Panel recently published their review of how well the rMCZs have met the targets of the Ecological Network Guidance. The report was fairly critical, understandably so as their critique was based solely science and academia and did not take into account the complex reality of the practical considerations of stakeholders attempting to meet all the ENG targets. For example, where best available evidence pointed to a sole example of a feature in a busy tourist harbour, it made no practical sense to locate a reference area over this location yet the ENG would require this to be done to meet the targets. The lack of flexibility on the ENG made meeting the targets practically impossible. As such currently the protocols do not align with the qualitative and anecdotal data used in stakeholder process. It is important that these data are considered and not discounted as part of the stakeholders recommendations. Will the forthcoming NE/JNCC advice on how the ENG targets have been met simply mirror the SAP advice or will it take into account the difficulties faced by stakeholders in attempting to meet the ENG targets as well as the qualitative information provided?3. Do you agree with the approach being undertaken in each of the protocols? Yes for the most part but have a number of points for consideration:a) If not, what do you disagree with (please be as specific as possible)? Generally there is a concern that the gaps in evidence base may be sought from industry based surveys which may results in designations/recommendations in proximity to industry and licence applications. Recently there has been an attempt by both parties to move away from the mistrust between Industry and Nature Conservation by finding solutions that will build bridges and improve the desire of industry to provide data. However it also appears likely that some of rMCZs with the best evidence base might be those underpinned by industry based surveys and there may be a bias towards designation of MCZs in locations subject to planning applications or consents with associated financial and time delay constraints. Industry will continue to be less inclined to provide data if this path is followed and will not help the relationship building that has been evolving.Protocol E – When assessing the scientific evidence base necessary for designating MCZs, the protocol states that for evidence of 'Species FOCI', only the presence of the record is relevant but not the extent. There is a discrepancy between what evidence is deemed important for nature conservation MCZs versus the evidence required for license applications. The JNCC/NE 'Advice on the impacts of MCZs on information provision and decisions in relation to marine licensing proposals' (June 2011) states 'an EIA would need to consider the impact of an activity in the context of the distribution and abundance of the designated features of an MCZ within the MCZ' (Section 7.1). Therefore it is likely that the identification of presence and extent of all features in the MCZ would be necessary for industry applications. Furthermore Section 8.1 states, 'The onus will be on the operator to demonstrate no significant impacts and the SNCBs will screen for effects against the conservation objectives based on the assessments provided by the operator.' Ultimately the burden of proof of evidence appears to be greater for industry than it is for NE/JNCC's nature conservation evidence of MCZs which demonstrates the disproportionate levels of information deemed necessary for license applications versus nature conservation designations. It highlights how advisors look to industry to fill in the gaps for nature conservation which has adverse	BS/CVH Comments have been considered and changes included in new version (see actions)

								impacts on consenting of major projects and stifles 'sustainable development'. This will need to be addressed if the recent objectives in the Autumn Statement are to be aligned with this project.b) and, what approach would you recommend being undertaken instead or how would you change the proposed approach?Recommend that the scientific evidence base required by SNCBs for nature conservation be proportionate to the scientific evidence base requirements on industry in marine license proposals. A review of what is required for license applications should align with the objectives of the recent Autumn Statement 2011.		
E22	06/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	MPA Fishing Coalition	Industry	Email/Word doc	Quality Assessment: The protocol refers to conducting a quality assessment of data but does not offer any guidance on how this would be undertaken. We consider that such a protocol should be elaborated. Scale of feature and sampling sufficiency: There is likely to be a suitable sampling density that translates to a given level of confidence to identify a conservation feature. It is implicit in the construction of the protocol that this would need to be determined in order to enable its consistent application. The protocol would therefore benefit from this being better defined at the outset. Misidentification: The protocol offers no guidance on what should happen if a feature is found to have been mis-identified.	BS	Comments have been considered and changes included in new version (see actions)
E23	06/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Environment Agency	ALB	Email	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	BS	Comments have been considered and changes included in new version (see actions)
E24	05/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Centrica Renewable Energy Limited	Industry	Email	Centrica has concerns regarding whether there is a bias within the process towards the designation of rMCZ in locations where the evidence base has been developed through commercial requirements, such as for license applications. Centrica also wishes to query Protocol E and the assessment of the evidence base for the designation of MCZs. Centrica is concerned that the burden of proof appears to be greater for industry than it does for the designation of MCZs by the statutory nature conservation bodies (SNCB). b) and, what approach would you recommend being undertaken instead or how would you change the proposed approach? Centrica wishes to suggest that the level of the scientific evidence base required by SNCBs for nature conservation to be of a similar quality and standard to the evidence requirements for industry. Any future review of this should be undertaken to align the requirements for license applications with the objectives of the Government's Autumn Statement. Centrica feels that on the whole, the protocols are robust and fit for purpose, with the process having benefitted from the recent independent review of the scientific evidence base.		Useful comments but no action required due to issues being outside the scope of this protocol
E25	05/12/2012	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	SUDG	Industry	Email/Word doc	Many of the issues raised by industry representatives at the meeting reflected concerns about the importance of ensuring the need for equitability in determining the need for evidence to support MCZs and the need for evidence to support development. You will have received more detailed responses from others at the meeting and SUDG supports and agrees with the points made by both BMAPA and The Crown Estate, particularly those regarding the determination of the coherence of the MPA network, the importance of proper risk assessment and the significant value and experience that some pilot approaches to developing MCZs would provide. In essence, the major concern that industry will have is whether they will be expected to fill any data gaps left by the designation process. In other words if there is one level of information required for designation purposes, it must be no less demanding than that required for development. From the extensive co-operation between regional project and stakeholders during the identification of rMCZs, it has been clear throughout and agreed that the evidence to support designation is sometimes lacking. Consequently, it will be important to recognise that it is not the role of developers to fill gaps in knowledge on the designation and value of MCZs, but it will be their responsibility to determine the potential for impacts. This can only be done objectively if sufficient evidence is available in the first place and that if it is subsequently regarded by JNCC and NE that if sufficient data are available for designation purposes, then it must also be the case that the same information is accepted as the baseline from which developers must work in preparing EIAs. In other words it cannot be the responsibility of developers to make qualitative		Useful comments but no action required due to issues being outside the scope of this protocol

information quantitative to support development if qualitative information was considered acceptable to support designation. The protocols provided prior to the meeting and discussed on the day follow many of the principles associated with good quality assurance and management and therefore much of their content must be considered acceptable but JNCC and NE may want to give some consideration to the way the protocols are set out and the language used which would be helpful in making the outcomes of the work more universally understood and agreed. It is however important that the protocols are also redrafted to take on board the comments and omissions expressed at the meeting and in this letter and those from BMAPA and TCE. Many of the issues raised by industry representatives at the meeting reflected concerns about the importance of ensuring the need for equitability in determining the need for evidence to support MCZs and the need for evidence to support development. You will have received more detailed responses from others at the meeting and SUDG supports and agrees with the points made by both BMAPA and The Crown Estate, particularly those regarding the determination of the coherence of the MPA network, the importance of proper risk assessment and the significant value and experience that some pilot approaches to developing MCZs would provide. In essence, the major concern that industry will have is whether they will be expected to fill any data gaps left by the designation process. In other words if there is one level of information required for designation purposes, it must be no less demanding than that required for development.

E26	05/12/2012	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	RSPB	NGO	Email/Word doc	There is no discussion in the protocols about what level of evidence might need to be provided to justify site designation. JNCC and NE have made it clear that they feel the decision about what level of evidence is sufficient for designation rests with Defra/the Minister. However, the Government's Expectations Note (July 11 version) does request a statement from JNCC/NE on the extent to which the Regional Project recommendations are endorsed or otherwise – which implies some form of assessment of the adequacy or otherwise of the evidence base behind each site and the recommended network as a whole. It would therefore be useful to see how the SNCBs propose to assess adequacy, and decide whether or not to endorse site proposals. At present this is a significant omission from the protocols. We are concerned that the levels of evidence required for designation will be set at an unrealistically high level. The MCZ Regional Projects were set up and asked to work with the best available evidence, and have done so, therefore to change the data requirements for sites at this very late stage in the process would seem to undo a lot of the good work done by the Regional Projects, and vastly reduce the chances of getting many sites through to designation.		Useful comments but no action required due to issues being outside the scope of this protocol
E27	05/12/2012	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	RSPB	NGO	Email/Word doc	We welcome the confirmation in the Introduction that best available information should be used for decision-making, rather than postponing decisions in anticipation of new and potentially improved information. This is the principle on which the Regional Projects were established and asked to work, and therefore it should be adhered to throughout the site selection and designation process. We would welcome this level of clarity on the requirement for best available information elsewhere in the protocols. This protocol outlines how the assessment of the quality of the evidence base for each MCZ will be undertaken, to give an outcome of high, medium or low confidence behind the recommended sites and their features. This protocol does not go further to explain how the SNCBs might take any decision on what the implications of this assessment are, or should be, in terms of site designation – the decision on adequacy of the evidence base is left up to Defra. However, Defra have requested from the SNCBs (see Government Expectations Note, July 11 version) a statement on to what extent the SNCBs endorse the outputs of the Regional Projects. This will require an assessment of whether or not the evidence presented for the recommended MCZs is adequate or not. This protocol should therefore include some description of how the decision will be made on adequacy e.g. is a low confidence basis enough to proceed to designation? For clarity, it would be helpful to explain some terms and approaches in more detail. For example, confidence scores are referred to with little explanation or background – for MESH habitat maps a minimum confidence score of 58% is proposed, without explanation of why this level is felt to be appropriate, or how these confidence scores are calculated. We are concerned that the level of evidence required to establish high confidence in feature presence/extent may be set at an ambitious level. Requiring at least five data points to demonstrate the presence of a feature seems less justifiable than requiring multiple data points to establish extent of a feature (where relevant). In some cases, one or two robust/ground-truthed/recent sightings of a feature in a proposed MCZ might be available – under the present proposed approach this would only	BS	Comments have been considered and changes included in new version (see actions)

								<p>give moderate confidence in the presence of the feature whereas it seems that in that circumstance a high confidence score for presence would be appropriate. The Introduction recognizes the risk that, if proposed MCZs do not in fact contain the features they are supposed to protect then the achievement of the ENG guidelines/targets could be compromised as the network would not cover enough features/sites. The Government have asked the SNCBs to provide 'options' for designation where these exist. If the assessment of the evidence basis behind individual recommended MCZs shows that some do not or are unlikely to cover the features they were proposed to protect, then the SNCBs should be prepared to look outside the current recommended network for additional sites to make up an ecologically coherent network. Datasets such as the ESAS dataset for seabirds, and the JNCC/Wildlife Trusts "Areas of Pelagic Ecological Interest" (APEI) data layer would be useful for pinpointing additional sites. In some cases there are likely to be potential sites with good scientific evidence for presence/extent of features that were ruled out during the Regional Project process due to (usually un-quantified, estimated future) socio-economic impacts of designating in that area. It would also be worth revisiting these sites.</p>	
E28	06/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Wildlife Trust	NGO	Email/Word doc	<p>Much mention has been made of the need to take into account the results of the recent independent review of the cSAC evidence base. The SAC designation process is a 'top-down' data-driven process, and it is therefore appropriate to seek high levels of confidence in the data. In contrast, the MCZ process is stakeholder-led, working on 'best available evidence' in line with Defra guidance. While there may be lessons to be learnt in relation to process we would argue that it is inappropriate to use the same criteria for judging evidence both processes. • We do not agree that the designation of MCZs requires greater levels of confidence in the underlying data than their initial identification. This idea seems to have been introduced to the process in the paper from NE and JNCC on the evidence base for MCZs published in May this year. Despite numerous queries to both NE and JNCC it is still not clear to us where this shift in policy originated. It is also not clear why the paper does not appear to have been subject to the same development control and sign-off as other project guidance documents.</p>	Useful comments but no action required due to issues being outside the scope of this protocol
E29	06/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	ScottishPower Renewables	Industry	Email/Word doc	<p>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.</p>	CVH Comments have been considered and changes included in new version (see actions)
E30	06/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	ScottishPower Renewables	Industry	Email/Word doc	<p>Protocol E: Assessing the scientific confidence of the presence and extent of features in recommended marine conservation zones. 1. What are your views on the overall approach proposed in the paper? • It is important to recognise in the advice note that MCZ recommendations based on inaccurate data may displace activities to other potentially more sensitive/valuable habitats and associated FOCI. • It is unfortunate that an approach to combine both presence and extent of scientific confidence and definitions provided have not yet been finalised as this creates further uncertainty. • It is unclear what is meant by "Confidence scores may not be comparable between different datasets e.g. the UKSeaMap confidence assessment is not relative to the MESH confidence assessment". A confidence score associated only to a specific dataset is of limited value and a more holistic approach would be preferable as this will ensure that comparisons can be made across the network. 2. Are there additional considerations that could be included in the proposed methodology? • Consideration should be made during designation of rMCZ that site selection is not driven by proximity to nationally important developments; a consequence of these sites being data rich as they are highly regulated and licensed activities. • The 'Levels of Evidence Paper' states that "The quantity and quality of the information required to identify a site should be greater where there is higher likelihood that management of the proposed site will restrict stakeholder's operations". We strongly suggest that where the co-location of MCZs and renewable energy projects are considered all effort should be made to find alternative locations. Further ground-truthing should be carried out to ensure the designation features are accurately mapped at a sufficient resolution and power to monitor change. • Further consideration of the protocol should establish the temporal stability of the feature(s) being designated. Without this it is unclear how the baseline will be established, against which to assess and account for any change; either natural inherent variation or anthropogenic in</p>	Useful comments but no action required due to issues being outside the scope of this protocol

								origin. • The advice from NE/JNCC states that it is not relevant or necessary to know the extent of species FOCI and only point records are required as evidence for MCZs – we consider this insufficient evidence to define site boundaries and associated conservation objectives and management measures.		
E31	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>General</p> <p>22. The suggested sources of evidence previously and to be searched are very limited. Section 5.2 of the SAP Part B assessment contains examples of additional sources that should be included in the search but it is emphasised that this is not comprehensive. Hence, as indicated above, the in-depth review has to be clear whether it requires a re-analysis of the information for all sites, a re-analysis of the information for a representative subset of the sites or merely an assessment of the methods and approaches used by the RP in considering the evidence.</p> <p>23. A major problem with this protocol is that there seems little documented consideration for the quality of the data or evidence collected. It is difficult to see how an assessment of confidence in the evidence used to describe the presence and extent of a seabed feature can fail to include a clear assessment of the quality of the data used (see also previous comment). Add a clear explanation of how information about the quality of data will be assessed and used in the analysis described in this protocol.</p>	CVH	Comments have been considered and changes included in new version (see actions)
E32	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 124. The opening paragraph of this protocol fails to recognise the limitations of Best Available Evidence as described in the ENG as we move forward towards site designation (see comment #6). Risks to the overall process of network design may have been minimised by applying time pressure, although that is debatable and probably will be debated. However, having now reached a rMCZ design that, if implemented in full, is likely to deliver an ecologically coherent MPA network, the primary risks arise from not managing remaining uncertainties. This begins to be recognised in the final two sentences of paragraph 1 of this protocol but the preceding sentences are a distraction from the important message. The beneficial effects of MPAs will be felt over decades and the argument that time is of the essence is unpersuasive. This leave 3 areas of uncertainty - firstly whether a phased implementation will reduce the coherence of the network; secondly whether a partial implementation undermines the value of the remaining MCZ, and thirdly whether a poor evidence base for the rMCZ will lead to the risk of a challenge to designation. Comment #6 provides additional considerations that should be better reflected in the protocol and the cover note.</p>	CVH	Comments have been considered and changes included in new version (see actions)
E33	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 3</p> <p>25. “we must recognise uncertainties in our knowledge particularly for habitats and species...”. But the SAP review of evidence has suggested that there was a flaw on the part of the NE/JNCC that the RP were not given guidance sufficiently early regarding evidence collection, collation and reporting. It was noted by the SAP that references to information cited in the rMCZ site descriptions were not standardised, not comprehensive and not centred on the features of concern (e.g. the undue emphasis on cetaceans and seabirds when in fact benthic habitats were discussed).</p> <p>26. “Low confidence on the presence/extent of a feature...” - the NE/JNCC should be aware that if this is accepted then the repercussion is that the NE/JNCC are in danger of asking for the whole RP process to be repeated but on a more scientific footing.</p> <p>27. First paragraph, last 3 lines: Uncertainty leads to risk that needs to be managed, but this text provides a one-sided perspective as there is also risk of decisions leading to restrictions on legitimate activity. Section should be more balanced.</p> <p>28. Last paragraph: This paragraph is defensive and backward looking. It should be deleted. In its place should be a much more focused section of text describing the generic reasons for assessing uncertainty in evidence, analysis and interpretation.</p>	CVH	Comments have been considered and changes included in new version (see actions)
E34	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 4</p> <p>29. Paragraph 1: This suggests that this process requires the MB102 data layer process and project to be repeated given that it questions the quality and quantity of the initial data provided to the RP. The in-depth review will then not only have to consider the way the evidence was used by the RP but also whether the evidence was interpreted correctly and if not then what would be the result of interpreting the data correctly and gathering more data. Is this what is in the minds of JNCC/NE?</p> <p>30. Bullet points and text just above them: indicate how this information will be used – what</p>	CVH	Comments have been considered and changes included in new version (see actions)

								will/can the NE/JNCC change at this stage? It is not obvious why this text needs to be included in the protocol. 31. Last bullet: Again, this in particular requires the RP process to be re-run (see para 29).		
E35	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	Page 532. Purpose of the Protocol, bullet points:a. This illustrates the basic flaw of this process of carrying out an in-depth review at this stage as the bullet points question the evidence-based assessment carried out by the RP – accordingly the RP and others could take the view that the RP should have been charged with doing this review. In particular, this suggests that the RP should have asked the 3 questions listed in the bullet points but, in the view of the protocol, did not do so. b. But not all evidence was documented e.g. the stakeholder advice in meetings was often not attributed but only given as pers. comm. for the RP staff – the provenance of this cannot be checked. How will you check the provenance of such evidence? c. This section places emphasis on presence or absence of evidence rather than an assessment of the quality of that evidence. When setting out the purpose of the protocol the questions should be looking for evidence of sufficient quality and quantity to support the identification of features, the determination of spatial extent and the setting of boundaries. 33. Paragraph 5, re. the approach mentioned here refers to the biological and physical evidence - this suggests the StAP (Stakeholder Advisory Panels) only used scientific data but it became apparent to the SAP that these were not the only things considered by the StAP – they also included the socio-economic aspects The protocol should cross-refer to the (socio-economic) Impact Assessment separately carried out hence the NE/JNCC should be aware that if the in-depth review only consider the scientific data as a means of defining the rMCZ then, de facto, it will reach different conclusions from the RP and their StAP. 34. Last paragraph: re. a re-assessment of the evidence in defining the rMCZ - this therefore requires that every site (rMCZ and rRA) needs to be re-examined and thus the whole RP process being repeated, albeit more efficiently now that additional materials have been collated. The IERG questions whether this is what NE/JNCC plan to do.35. Page 6Second paragraph, “An approach to combine both presence and extent of scientific confidence is being considered...”. a. Why is there an aspiration to deal with presence and extent collectively? It seems fine to assess the evidence for each and to specify confidence as proposed. The relative confidence for each would be expected to influence decision making and prioritisation of additional evidence gathering. The cross reference to Annex 1 does not seem to be correct.b. This will require a matrix to be constructed to show the product of extent and presence against degree of confidence but this will still be subjective – be careful not to expect spurious objectivity.c. There also needs to be an indication of the quality of the feature not just the quantity. d. If you decide to go ahead with that approach a separate protocol will need to be developed for the approach. 36. Second paragraph, “Some tentative definitions ...”: Will the section which discusses “tentative definitions” be formalised before these protocols are published? 37. Third paragraph, “This will include an associated confidence score...” It is not clear from the text what this score will be based on. If it is the subsequent tables then this needs to be spelt out. If it is the tables, there is still no indication that an assessment of the evidence quality is part of the confidence score. 38. Table : When you use a table you need to have a legend to describe what the table is and allow it to be referenced from the text. 39. Table: We suggest deleting the word “clear” unless you can define clear and unclear in this context. 40. Table, re. the use of ‘data from 12 year old records’ (FOCI Habitat) : This should be ‘up to 12 years old’. 41. Table: Why were values of 6 and 12 years used as the arbitrary thresholds? It seems to relate to 1 or 2 reporting cycles but has no scientific basis. It is important that any threshold values proposed in the protocols are fully justified. 42. Table: What about data which exist but are not yet made available – e.g. EIA data not yet in the public domain? 43. Table: What do the asterisks in the table refer to?	CVH	Comments have been considered and changes included in new version (see actions)
E36	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	Page 744. Table, top row – this suggests that all modelled data will have low confidence but note that the modelling has to be based on something – it could be good information. Need to check the use of this in e.g. MB102 to see its provenance. 45. Table, bottom row, extent of feature;a. It is difficult to see, in the terms used here, that the ‘extent’ and ‘presence’ are different. One will need to know if the extent is large, medium, small, patchy, etc. In some cases, a patchy habitat is just as satisfactory at maintaining the population as a continuous one. b. Query here regarding the rRA sites – as many of these are embedded in rMCZ then one could either assume that the evidence is of the same quality and quantity or try to look for information that indicates the best information is from the whole rMCZ site but does not consider the precise rRA site. State clearly what the right assumption is.c. Why is extent of	BS	Comments have been considered and changes included in new version (see actions)

								feature not relevant for FOCI species? Surely there is a need to know the spatial distribution of a FOCI species. 46. Last line. a. To be checked - were the MB102 (MB0102?) data only for intertidal areas or also for other areas? b. Ensure that the BGS data are included.		
E37	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 8</p> <p>47. Top of page</p> <p>a. Indicate UKOOA data to be included and that EIA survey data to be used if in the public domain (eventually).</p> <p>b. Local knowledge will also include pers comm. and Stakeholder Advisory Panel information.</p> <p>48. Paragraph 3, et seq, regarding the majority of the datasets. Therefore did the RP take these data at face value? The evaluation will have to consider what the RP did with the data and information.</p> <p>49. Middle of page: "Please note that the judgement of confidence does not necessarily take into account the quality assurance of the data. Regional projects were directed to make recommendations...": This is a concern; the direction [by NE/JNCC?] to the RP that they should not focus on the veracity of evidence does not mean that the verification of the evidence is not important, just that a choice was made, probably incorrectly, to not document it. The judgement of confidence should take into account the quality of the data. It is a fundamental consideration for having confidence in the advice. This is a major issue.</p> <p>50. Paragraph starting "The final SNCB advice will include a quality assessment..." This is a concern. To ensure a clear audit trail exists, would it not be better to deal with quality assessment now and to indicate how this will be done in these documents? It may only undermine the process further if there is high confidence in presence and extent that has to be retracted later because source data were proven to be inadequate.</p>	BS	Comments have been considered and changes included in new version (see actions)
E38	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 951. Paragraph 2, "this helped to ensure there is enough evidence": What is enough (sufficient)? – There is a need to be more objective as presumably the RP decided there was sufficient evidence. 52. Paragraph 3, scores of >58%: a. What is the relevance and source of this precise number? This needs to be justified (why not 60%, two thirds, etc?)? b. Have SNCBs determined the repercussions of this criterion? What data will be excluded and will its exclusion make the analysis untenable?</p>	BS	Comments have been considered and changes included in new version (see actions)
E39	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 10</p> <p>53. Top, physical and energy data layers: But has this been done by the RP or are the SNCBs expecting something different/further will be done by the in-depth review of evidence?</p> <p>54. Table: Legend needed.</p> <p>55. Table: The descriptions are far too vague. When it states that "Presence of feature shown by a habitat with polygons containing biological validation samples..." there needs to be a definition of the quantity and quality of validation samples that would be appropriate for a "High confidence" score.</p> <p>56. Table: How does the 1st bullet in the top cell differ from the top bullet point in the lower cell? What makes the top one High confidence and the lower one Moderate confidence?</p> <p>57. Paragraph 3, period of 12 years being chosen for 2 6-year reporting cycles: Therefore, this is not an ecological criterion and may have little relevance to the quality of the data. Rethink this – what are the repercussions and will it lead to a loss of information?</p> <p>58. Top bullet points: What of the indication of abundance/extent/persistence of the species (e.g. the problem of using ad hoc and individual records of a non-viable population). The assumption below is that these have been removed by the RP – is this the case?</p>	BS	Comments have been considered and changes included in new version (see actions)
E40	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	<p>Page 1159. Middle of page, "The regional MCZ projects and stakeholders have already sense-checked the records supporting species FOCI ...". So, there appears to be some QA of data by the RP, this text and the text on page 6 ("please, note that the judgement of confidence...") need to be consistent. 60. Middle of the page, "MCZ projects and stakeholders have already sense-checked": "Sense-checking" is a very opaque process. Do we know the projects had access to all the expertise needed to do this properly and is the process properly documented if we need to go back to it? If not, the process really needs to be described and documented now. 61. Section on species of conservation importance: For the presence of species with conservation importance there seems to be no consideration of abundance / density or spatial distribution. Is this appropriate? Surely a site with a lot of a particular species is more important than one with only a few isolated representatives of the species. These would also be important data to consider when setting boundaries. 62. Table,</p>	CVH	Comments have been considered and changes included in new version (see actions)

								“at least five (records?) are required”:a. why 5, what of % cover, abundance etc – what if there is one record covering a large extent and so could be considered as a reliable representation of the actual species abundance / density / % cover in that area? b. How much are the assessors allowed to assume that a species is in an area because the hydrographic and other conditions are suitable and the surrounding populations are suitable?		
E41	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	Page 12, 63. End of paragraph 2, “QA by a single individual” We would recommend that the quality assurance is done by a team of experts to ensure that the process is not susceptible to individual views and is consistent across all habitats. 64. First set of bullet points: Check the logic – a patchy vs. continuous distribution would not necessarily be accounted for. 65. Table: Query the assumption that modelled data are poor. 66. Table: Again there is no consideration of the data (or evidence) quality. 67. Second set of bullet points: a. There is no bullet for low confidence. b. Why use +/- 50%, what about using 1/3's (<35%, 35-65%, >65%) or is this too precise? Check the repercussions of using the 50% cut off.	CVH	Comments have been considered and changes included in new version (see actions)
E42	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	Page 13, 68. Top paragraph: Add full stop and cross ref to the protocol for Conservation Objectives. 69. 2nd bullet: The IERG would suggest that other aspects are needed besides presence and extent – stability, persistence, patchiness, etc. For reef species – are these included sufficiently? Consequently, coverage is important and should be included.	CVH	Comments have been considered and changes included in new version (see actions)
E43	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	Page 15,70. Annex 1: There is the need to indicate precisely what is needed / allowed in the in-depth review – to go back to the primary, raw source data; to look at the synthesised and collated data, or merely to check the method of the evidence use? The NE/JNCC have to be clear what they are asking for as it could be interpreted as requiring a complete re-run of the whole analysis.	BS	Comments have been considered and changes included in new version (see actions)
E44	13/12/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	IER Panel	Independent Panel	Word doc	Minor points 71. Page 2, upper table: spelling of Stoker (this emphasises the importance of showing that even the smallest detail is correct in order to establish confidence in the protocols). 72. Page 3, Last paragraph, line 2 et seq, use of data as plural (cf. datum for singular). 73. Page 6, Third line: “confidence on the presence”: Is it “of the presence”? 74. Page 6, Fifth line: “For the assessments...”: Check the grammar. 75. Page 6, Third paragraph: Explain what MESH is. 76. Page 8, Paragraph 2: “a confidence score may will”: Correct grammar. 77. Page 8, Paragraph 3: The second line in this paragraph does not make sense. 78. Page 8, Table: This table needs a legend. 79. Page 9, Paragraph 2, Ramsay et al (2011): Make sure the references are available and can be used. 80. Page 11, Paragraph 1, Exceptions 81. Page 13, 1st bullet; correct grammar: ‘SNCBs for an assessment’	BS	Comments have been considered and changes included in new version (see actions)
E45	21/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Several	Workshop	Comments from Workshop	Add key points from Minutes: On third page, ‘where uncertainly is present’, how will the uncertainty of a feature be addressed without fully understanding the extent/location of a feature? How will the impact be managed/mitigated if there is that uncertainty? Eddy’s surname is spelt wrong on the protocol version list. On page 4 will need to change the date from designation in 2012 to 2013 to reflect changes in the delivery timeline. Align marine license requirements and evidence requirements for designation. Weight of effort for EIA is more stringent than MCZ designation.Gaps in knowledge – danger that EIA needs to fill these gaps. A 6 year review cycle has been proposed but developers need to know what baseline to use – do they have to establish a baseline before an EIA.Stakeholder uncertainty around what activities can continue in MCZs in light of lack of understanding on how activities impact the marine environment. • Stakeholders felt it was important to get this protocol correct but agreed it appears logical. • It was flagged up that the original stakeholder process for identifying MCZs was based on ‘best available evidence’ and this is not reflected in the protocol. It was felt that we will never have complete or perfect evidence for the marine environment. • It was highlighted that quite often the most at risk	CVH	Comments have been considered and changes included in new version (see actions)

sites were not selected by regional projects as rMCZs because these areas were avoided or ruled out early because of conflicting interests. The recommendations from the regional projects are the result of a compromise and are the least worst sites. • It was felt that this was a stakeholder lead process which is now being approached from a different angle. The work carried out by the stakeholders needs to be reinforced. • Will socio-economic elements have the same input as ecological and should this data be considered in the protocol. Also should socio-economic data be scrutinised in the same way as ecological data. • At the top of page 8 the protocol mentions data from local stakeholder knowledge. It was highlighted that stakeholders at a local level are feeling disengaged and feel like MCZs are being forced on them through a top down process. There needs to be more emphasis on local elements. • Is the 12 year benchmark an appropriate threshold, when some features that have disappeared from an area but the habitat is suitable for them, could just need the opportunity to recover. It was suggested that 30 years may be more realistic because it has been in this period of time that marine industry and impacts on the marine environment have increased. It was flagged up that environmental statements require relevant up to date evidence and data older than 12 years would not be used. • Anecdotal evidence provided by stakeholders needs proper consideration. It was suggested that the protocol should identify all the different data sources and the approach used for each type of information. • It was questioned as to why five data points are needed for high confidence in the presence of a habitat when one reliable data point should be sufficient. The quality of the data point should be assessed for presence. The data cannot be looked at in isolation; the wider context surrounding the data used needs consideration. • There is a lack of clarity on how data points have fed into polygon data.

E46	21/11/2011	External Review	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Several	Workshop	Comments from Workshop	Table 2: Session 1 Headline points:1. Overall approach: Density of samples if very important. 58% question - protocol needs to explain why we are using this level.2. protocol needs extra information on how the quality of local information will be assessed. Does this match with processes in other countries outside the UK.3. Decision-making: how much information is sufficient? How is the information reviewed to make sure there is a common understanding? e.g. Explain 58%, explain process for peer reviews. Detailed discussion - how confident we are about the level of evidence. Sites that have low confidence - are they no go? Decision-making will be made by minister. Density of data points will provide a lot more confidence - cut offs for these will be interesting. Ecological network guidance was very important to help join the dots. What technical advice can you give about the number of data points? Can't do this - need to do it on a site by site basis. Page 9 - 3rd paragraph, 1st sentence. A score greater than 58% (this needs to be referenced). Have all 127 passed that test? Don't know yet because we haven't done the assessment. Actually this is about site validation (from the habitat maps) Structural issue - broad scale habitats - by definition a lower level of confidence than foci habitats? Why are these being put on the same level? They need to be. We need to do both. Species foci too need to be teased apart. Are we approaching it in the right way? How confident are we in the presences and extent of features proposed? Is there a better way to answer the questions. RSG - the amount of valid information was not enough to make judgements. RSGs trying to fill holes - will be looking at the available information that the RPs used. Defra will make that judgement based on our advice. Feels like RSG were approving things to meet targets, but the level of information didn't help with this. More information is needed!! How do we verify information with local knowledge? Answer - need to look at all of the information. Does that come through sufficiently well in the protocol? Probably not. Needs another table in there to address this. When you have recovery for a site, is 12 years enough for the recoverability index? - Answer - we can only designate things that are present on the site? Clear that MCZs will have regular reviews, they are dynamic sites and ecological coherence needs to be regularly assessed. How does this compare with international protocols? Aligned with MESH? How much data is enough? Not relevant to the protocols. More relevant to decision-making process - probably more a question for Defra. But we do need to sort this out once and for all. Can we get data from MMO on marine planning - can we use ecological information from this.	Comments have been considered and changes included in new version (see actions)
E47			Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Defra		Email/word Doc	This protocol fits well with discussions we've had on the process of informing Ministers' decision making and does aim for what we need in terms of getting a view on scientific certainty for each site. The high, moderate and low confidence categories are a helpful way to simplify the assessment for Ministers and others. It would be reassuring to know how IER findings, in particular the in-depth review of site by site evidence base, will feed into the	Comments have been considered and changes included in new version (see actions)

					<p>SNCBs' advice?The end of the first para of the introduction section (page 3) might benefit for a mention that an additional risk to low confidence to presence/extent would be reputational for the network as a whole with the associated loss of stakeholder support and the risks this brings to effective management for all sites.Page 6: "An approach to combine both presence and extent of scientific confidence is being considered but has yet to be finalised" - This obviously need to be finalised in time for the final version of this protocol. I can see the logic to combining the assessment of presence and extent, and for the decision-making process it would seem clearer to have one combined assessment of confidence rather than to separate them.Page 8: "Please note that the judgement of confidence does not necessarily take into account the quality assurance of the data. Regional projects were directed to make recommendations based on the best available evidence, and in some cases, the only available evidence came from unverified sources. The final SNCB advice will include a quality assessment of the data used by the regional projects in their final recommendations. This quality assessment will most likely be factored into later decision-making steps on sites as highlighted in the levels of evidence paper" - It's not clear whether the final assessment of scientific confidence (the high, moderate or low categories) will include factoring in the quality assurance of the data, which would seem essential (e.g. if the only data comes from a questionable source, then this would impact on the level of confidence of feature presence/extent). Or perhaps this is inherent in the categorisation process, i.e. high or moderate categories require types of evidence that would be verified anyway? Either way, it would help reassure stakeholders if this could be made clearer.Page 8, first row in table - requiring at least 5 records of ground-truthed data to give high confidence seems quite demanding. Is this to reflect variable quality assurance of these records? Was this approach from Ramsey et al (2011) backed up by a particular justification for needing 5, or did they just pick a number? Happy to defer to the SNCBs' expertise on this of course, but thought it worth querying, and it would be helpful to understanding the thinking here should it be challenged by NGOs.For feature extent, presumably if the boundary suggested by the Regional Project looks to be well-within the feature extent (e.g. for some BSHs) then this will translate to high confidence?</p>	
E48					<p>Protocol E – scientific certainty of sites and features Describing confidence in H, M, L gives us a consistent way to measures sites – I like that approach.</p> <p>There does not appear to be a way in describing the “extent” of FOCI species. To me extent in species should be some gauge in size of population. If we’re impacting stakeholders, it will be far easier if there are considerable populations of sea slugs being protected, rather than 1 found in 1999 for example and maybe no longer in existence on that site. It appears that the protocol only looks at confidence on species by records of presence of species found, not size of these populations.</p>	Comments have been considered and changes included in new version (see actions)
E49	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Defra	Email/word Doc	<p>Protocol EAny comments going to be provided on AAEl?Like the H,M,L proposalDo we need proposed the combined presence and extent analysis?Table on p6/7 – how will the different data sources be treated?Feature presence and extent should include some consideration of the quality of the data sources – related to point aboveFirst sentence in section 1 – does this mean SNCBs will do this or is it in RP reports? May need to consider how to extract from handover material.Penultimate para in section 1 suggests no further analysis of RP recommendations? Section 2i includes commentary on using MESH data with score of 58%. What does this mean in terms of the confidence/uncertainty of the conclusions drawn? 2ii and iii should include some evaluation of the quality of the informationP12 comment on using information supporting presence of feature. Does this mean discarding information that suggests it isn’t there?Criteria at bottom of p12. 50% for high seems quite low if based on modelled info (unless the confidence of the modelled info is high)</p>	Comments have been considered and changes included in new version (see actions)
E50	Section 5.1.	SNCB_MCZ Advice_Protocol_Feature Evidence v3.1	Defra	Email/word Doc	<p>Overall: - This protocol refers only to data used by the regional projects; it is not clear whether they will use additional sources of data (Annex 2 describes the datasets but it does not clarify if the listed datasets are those used by the RPs or include additional ones). From previous discussions we had with NE and JNCC they suggested that there might be some additional data that they would use. It is important to clarify what evidence will be used and, if additional evidence is used, what those are and how they will be incorporated into the analysis. This is also important for the discussions Defra has with SNCBs on what the latter will deliver.- The protocol refers to MCZs but does not mention RAs. Will this protocol</p>	Comments have been considered and changes included in new version (see actions)

be applied to both recommended MCZs and RAs? - Some more information is needed to make clear the contribution/weight that would be allocated to each type of evidence (e.g. peer reviewed documents, data from stakeholders, etc).I have added this here but it is a general comment that applies to some of the other protocols as well. Page 6. - The data sources shown in the table are not exactly the same as those described in section 1Page 7- There is an asterisk next to "sensing data" but no footnote to go with it. Page 8- It is not clear whether the analysis will use the data that the RPs used for each site or it will use all the evidence that are available for each site in the datasets used by the RPs. In other words, will you check if all the info that could inform the analysis for each site has been taken into account by the RPs and, if it has not, include it into your analysis?Page 9- No information is provided to explain why a confidence score of greater than 58% is proposed. An explanation is needed.Page 10- For those FOCI features which were present in a site but we do not have recent data, it would be useful to have the SNCBs view on whether such features could reappear (assuming that they have disappeared) should a MCZs be put in place.Page12- Is it correct to say that the assumption underlining the discussion in section 3i is that a modelled map showing the extent of the feature is available for all MCZs? If yes, please, add relevant text to clarify that. - Do the last two bullets on page 12 explain what "coverage of most of the potential location" and "coverage of only part of the feature" mean? If yes, it would be useful to include this info in the Table shown on page 12 so, all the information that will define the level of confidence is in the same place.

Protocol E Action log

This is the action log for the SNCB's Advice – Assessing the scientific confidence in the presence and extent of features in recommended Marine Conservation Zones (Technical Protocol E).

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
E	V4.0	Annex 1	The benchmarks used by the SAP are a starting point for such a protocol although it could be a part of E 'Data sources and confidence'. The SAP suggested where key data sources had not been used but that advice is not reflected in the draft protocols: the SNCBs should adopt the listed sources. Furthermore, the species used in assessments should include those that are of importance for nature conservation but are not FOCI.	E4	Revise table with data sources	BS	Table removed, and additional information on QA/ confidence assessments included under Part 2- overview and section 1 - evidence sources	20/12/2011
E	V4.0	Introduction	The protocol needs to accommodate 'tests' for species or habitats added by stakeholders including those from what the ENG describes as "The MCAA allows for the designation of MCZs for any marine species or habitat. For example, there may be species and habitats of local or regional interest that are not listed here as FOCI. Such species and habitats may be listed in the review of Important Plant Areas for algae (Brodie et al. 2007) or the Nationally Important Marine Features (Hiscock, Harris and Lucky 2006)."	E6	Revise text	CVH	Section on non-ENG features included under Part 2- overview of protocol - to further explain the approach for highly mobile species and a link has been added to the non-ENG MCZ Board paper	19/12/2011
E	V4.0	Introduction	Does the phrase mean that habitats will be identified whether or not there is evidence to identify what is there? All-in-all, clarity is needed. In the introduction, it is stated "As there are thousands of species and habitats present in our marine environment" Thousands of species, yes, but biotopes in terms of level 4/5 about 350 so not "thousands".	E8	Revise text	CVH	Sentence deleted, text under Part 1 - Introduction revised	19/12/2011
E	V4.0	Part 2: The protocol: Purpose of protocol	. The introductory material lists the questions that will be considered – I have added, in red below, an additional needed point: · Is there verifiable evidence of the presence of the features, including broad-scale habitats (BSH), Features of Conservation Importance (FOCI) and geological features of interest, in the site? · Are there other features that may be of conservation importance or of local or regional importance? Similarly, the 'Detailed methodology for assessment of scientific confidence' table needs a third column to include 'Other features'.	E9	Add clarification on non-ENG features	CVH	Section on non-ENG features included under Part 2- overview of protocol - to further explain the approach for highly mobile species and a link has been added to the non-ENG MCZ Board paper	19/12/2011
E	V4.0	Section 1	'Data sources and confidence' The list is for what the Regional Projects used as data sources but that needs to be substantially improved to get the best possible 'picture' for each site. Looking forward, the list needs greatly	E10	Revise the information, add additional data	BS	Table removed. A new paragraph under part 2 - Overview - with further explanation on QA/	20/12/2011

			expanding so that the risk of criticism for not including relevant and well known data and information sources is minimized. The SAP have identified what those additional data sources should be.		sources if relevant		confidence assessments included under Part 2- overview and section 1 - evidence sources	
E	V4.0	2 ii Presence of habitats of conservation importance.	The approach is un-necessarily indiscriminate in suggesting an across-the-board 12 year cut-off. The tabulated summary is incorrect and risks sending-out the wrong message about protecting a site for a particular feature which, the inference is, may not be there next year. For most biologically-defined habitats, we (experienced marine biologists but also as a result of repeat surveys) know that most biologically defined habitats are very persistent and are unlikely not to be present even several decades after original survey.	E13	Check the viability paper used to develop the section in the ENG to see if further information could be added to justify the 12 year cut-off	BS	Viability paper checked, and the list updated to include only those habitats that are known to be highly variable in terms of their spatial variability. The six year period is kept, as this relates to the reporting cycle within the MCAA	19/12/2011
E	V4.0	3 ii Presence of habitats of conservation importance.	Blue mussel beds on sediment [note change to correct title] may be ephemeral but likely to re-appear in same location. Strong case to describe as 'constant'. Cold-water coral reefs – likely to be constant. File shell beds – not relevant to English waters or offshore. Fragile sponge & anthozoan communities on subtidal rocky habitats – constant presence. Maerl beds – constant presence. Horse mussel (<i>Modiolus modiolus</i>) beds – continuous presence in absence of disturbance by fishing so old survey data unreliable. Sea-pen and burrowing megafauna communities – constant presence (sea pens may retract into sediments and be not visible on repeat surveys). Native oyster (<i>Ostrea edulis</i>) beds - Strong case to describe as 'constant' although 'crashes' have occurred. Honeycomb worm (<i>Sabellaria alveolata</i>) reefs – continuous presence in some locations but ephemeral in others. Strong case to describe as 'constant' at some locations. Ross worm (<i>Sabellaria spinulosa</i>) reefs - ephemeral. Seagrass beds – constant presence. The phrase “12 years old or later” is unclear – what is meant is “less than 12 years old”.	E14	Clarify text	BS	Viability paper checked, and the list updated to include only those habitats that are known to be highly variable in terms of their spatial variability. The six year period is kept, as this relates to the reporting cycle within the MCAA	19/12/2011
E	V4.0	2 iii Presence of species of conservation importance.	Guidance is sensible but it should be stated that the case for accepting and old record, not accepting a recent record of an ephemeral species etc. needs to be given. Some species are known, as a general rule applicable to all locations where they occur, to be persistent in their presence.	E15	Add clarification on the biology of species and expert judgement	CVH	Age considerations and reference to paper added under section 2.ii -presence of Habitat FOCI. Clarification added under section 2.iii- presence of species FOCI	19/12/2011
E	V4.0	3. Assessing scientific confidence of feature extent.	Guidance is sensible but the “earlier comment” about raw remote sensing data is off-target. Such data is very often highly inaccurate and that should be the warning. The description used in each box should be “(from <i>in situ</i> survey or remote survey supported by extensive ground truthing)”.	E16	Revise text	CVH	Text removed. Clarification added under section 1- evidence used	20/12/2011
E	V4.0	Annex 2	Annex 2 (List of national datasets) should include the designated taxa spreadsheet based on the JNCC designated taxa spreadsheets and as modified by Keith Hiscock in April 2010 but should be revised to include recent new records to Britain and recent species new to science that are rare or scarce.	E17	Revise table, add additional data sources if relevant	BS	Table removed, and additional section built into protocol to ensure proper documentation of any evidence used in the assessment and the associated QA/ confidence assessment	20/12/2011
E	V4.0	Overall	When assessing the scientific evidence base necessary for designating MCZs, the protocol states that for evidence of 'Species FOCI', only the presence of the record is relevant but not the extent.	E21	Revise text	CVH	A new section - 3 ii- has been added to assess the extent of species distribution	20/12/2011
E	V4.0	Overall	Quality Assessment: The protocol refers to conducting a quality assessment of data but does not offer any guidance on how this would be undertaken. We consider that such a protocol should be elaborated. Scale of feature and sampling sufficiency: There is likely to be a suitable sampling density that translates to a given level of confidence to identify a conservation feature. It is implicit in the construction of the protocol that this would need to be determined in order to enable its consistent application. The protocol would therefore benefit from this being better defined at the outset. Misidentification: The protocol offers no guidance on what should happen if a feature is found to have been mis-identified.	E22	Clarify QA elements in the text, explain QA is already built in the method, it is an assessment of the sufficiency and quality of information on the data available to demonstrate the presence and extent of features	BS	QA aspects to the protocol and the purpose of the protocol clarified, additional information on QA/ confidence assessments included under Part 2- overview and section 1 - evidence sources	20/12/2011
E	V4.0	Annex 2	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	E23	Add WFD data in annex 2	BS	Table removed, and additional section built into protocol to ensure proper documentation of any evidence used in the assessment and the associated QA/ confidence assessment	20/12/2011

E	V4.0	Overall	<p>We welcome the confirmation in the Introduction that best available information should be used for decision-making, rather than postponing decisions in anticipation of new and potentially improved information. This is the principle on which the Regional Projects were established and asked to work, and therefore it should be adhered to throughout the site selection and designation process. We would welcome this level of clarity on the requirement for best available information elsewhere in the protocols.</p> <p>This protocol outlines how the assessment of the quality of the evidence base for each MCZ will be undertaken, to give an outcome of high, medium or low confidence behind the recommended sites and their features. This protocol does not go further to explain how the SNCBs might take any decision on what the implications of this assessment are, or should be, in terms of site designation – the decision on adequacy of the evidence base is left up to Defra. However, Defra have requested from the SNCBs (see Government Expectations Note, July 11 version) a statement on to what extent the SNCBs endorse the outputs of the Regional Projects. This will require an assessment of whether or not the evidence presented for the recommended MCZs is adequate or not. This protocol should therefore include some description of how the decision will be made on adequacy e.g. is a low confidence basis enough to proceed to designation?</p> <p>For clarity, it would be helpful to explain some terms and approaches in more detail. For example, confidence scores are referred to with little explanation or background – for MESH habitat maps a minimum confidence score of 58% is proposed, without explanation of why this level is felt to be appropriate, or how these confidence scores are calculated.</p> <p>We are concerned that the level of evidence required to establish high confidence in feature presence/extent may be set at an ambitious level. Requiring at least five data points to demonstrate the presence of a feature seems less justifiable than requiring multiple data points to establish extent of a feature (where relevant). In some cases, one or two robust/ground-truthed/recent sightings of a feature in a proposed MCZ might be available – under the present proposed approach this would only give moderate confidence in the presence of the feature whereas it seems that in that circumstance a high confidence score for presence would be appropriate.</p> <p>2. Are there additional considerations that could be included in the proposed methodology?</p> <p>The Introduction recognizes the risk that, if proposed MCZs do not in fact contain the features they are supposed to protect then the achievement of the ENG guidelines/targets could be compromised as the network would not cover enough features/sites. The Government have asked the SNCBs to provide ‘options’ for designation where these exist. If the assessment of the evidence basis behind individual recommended MCZs shows that some do not or are unlikely to cover the features they were proposed to protect, then the SNCBs should be prepared to look outside the current recommended network for additional sites to make up an ecologically coherent network. Datasets such as the ESAS dataset for seabirds, and the JNCC/Wildlife Trusts “Areas of Pelagic Ecological Interest” (APEI) data layer would be useful for pinpointing additional sites. In some cases there are likely to be potential sites with good scientific evidence for presence/extent of features that were ruled out during the Regional Project process due to (usually un-quantified, estimated future) socio-economic impacts of designating in that area. It would also be worth revisiting these sites.</p>	E27	Clarify QA elements in the text, explain QA is already built in the method, it is an assessment of the sufficiency and quality of information on the data available to demonstrate the presence and extent of features. Explain the 58% score	BS	Score of 58% already explained in text, but link to MESH confidence assessment added and text clarified	20/12/2011
E	V4.0	Introduction	<p>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.</p>	E29	Clarify text in the introduction	CVH	Further clarification has been added in the introduction, additional information on QA/confidence assessments included under Part 2-overview and section 1 - evidence sources	19/12/2011
E	V4.0	Overall	<p>22. The suggested sources of evidence previously and to be searched are very limited. Section 5.2 of the SAP Part B assessment contains examples of additional sources that should be included in the search but it is emphasised that this is not comprehensive. Hence, as indicated above, the in-depth review has to be clear whether it requires a re-analysis of the information for all sites, a re-analysis of the information for a representative subset of the sites or merely an assessment of the methods and approaches used by the RP in considering the evidence.</p> <p>23. A major problem with this protocol is that there seems little documented consideration for the quality of the data or evidence collected. It is difficult to see how an assessment of confidence in the evidence used to describe the presence and extent of a seabed feature can fail to include a clear assessment of the quality of the data used (see also previous comment). Add a clear explanation of how information about the quality of data will be assessed and used in the analysis described in this protocol.</p>	E31	Clarify QA elements in the text, explain QA is already built in the method	BS	Clarified QA aspects to the protocol, and the purpose of the protocol	20/12/2011

E	V4.0	Introduction	<p>Page 1</p> <p>24. The opening paragraph of this protocol fails to recognise the limitations of Best Available Evidence as described in the ENG as we move forward towards site designation (see comment #6). Risks to the overall process of network design may have been minimised by applying time pressure, although that is debatable and probably will be debated. However, having now reached a rMCZ design that, if implemented in full, is likely to deliver an ecologically coherent MPA network, the primary risks arise from not managing remaining uncertainties. This begins to be recognised in the final two sentences of paragraph 1 of this protocol but the preceding sentences are a distraction from the important message. The beneficial effects of MPAs will be felt over decades and the argument that time is of the essence is unpersuasive. This leave 3 areas of uncertainty - firstly whether a phased implementation will reduce the coherence of the network; secondly whether a partial implementation undermines the value of the remaining MCZ, and thirdly whether a poor evidence base for the rMCZ will lead to the risk of a challenge to designation. Comment #6 provides additional considerations that should be better reflected in the protocol and the cover note.</p>	E32	Revise text in part two, most of the comments are of policy not of technical nature	CVH	Introduction revised addressing the technical considerations
E	V4.0	Page 4	<p>29. Paragraph 1: This suggests that this process requires the MB102 data layer process and project to be repeated given that it questions the quality and quantity of the initial data provided to the RP. The in-depth review will then not only have to consider the way the evidence was used by the RP but also whether the evidence was interpreted correctly and if not then what would be the result of interpreting the data correctly and gathering more data. Is this what is in the minds of JNCC/NE?</p> <p>30. Bullet points and text just above them: indicate how this information will be used – what will/can the NE/JNCC change at this stage? It is not obvious why this text needs to be included in the protocol.</p> <p>31. Last bullet: Again, this in particular requires the RP process to be re-run (see para 29).</p>	E34	Revise text	CVH	Text revised and under purpose of protocol paragraph added referring to the section of our advice on new data and further evidence assessments
E	V4.0	Page 5	<p>32. Purpose of the Protocol, bullet points:</p> <p>a. This illustrates the basic flaw of this process of carrying out an in-depth review at this stage as the bullet points question the evidence-based assessment carried out by the RP – accordingly the RP and others could take the view that the RP should have been charged with doing this review. In particular, this suggests that the RP should have asked the 3 questions listed in the bullet points but, in the view of the protocol, did not do so.</p> <p>b. But not all evidence was documented e.g. the stakeholder advice in meetings was often not attributed but only given as pers. comm. for the RP staff – the provenance of this cannot be checked. How will you check the provenance of such evidence?</p> <p>c. This section places emphasis on presence or absence of evidence rather than an assessment of the quality of that evidence. When setting out the purpose of the protocol the questions should be looking for evidence of sufficient quality and quantity to support the identification of features, the determination of spatial extent and the setting of boundaries.</p> <p>34. Last paragraph: re. a re-assessment of the evidence in defining the rMCZ - this therefore requires that every site (rMCZ and rRA) needs to be re-examined and thus the whole RP process being repeated, albeit more efficiently now that additional materials have been collated. The IERG questions whether this is what NE/JNCC plan to do.</p> <p>35. Page 6Second paragraph, “An approach to combine both presence and extent of scientific confidence is being considered...”.</p> <p>a. Why is there an aspiration to deal with presence and extent collectively? It seems fine to assess the evidence for each and to specify confidence as proposed. The relative confidence for each would be expected to influence decision making and prioritisation of additional evidence gathering. The cross reference to Annex 1 does not seem to be correct.</p> <p>b. This will require a matrix to be constructed to show the product of extent and presence against degree of confidence but this will still be subjective – be careful not to expect spurious objectivity.</p> <p>c. There also needs to be an indication of the quality of the feature not just the quantity.</p> <p>d. If you decide to go ahead with that approach a separate protocol will need to be developed for the approach.</p> <p>36. Second paragraph, “Some tentative definitions ...”: Will the section which discusses “tentative definitions” be formalised before these protocols are published?</p> <p>37. Third paragraph, “This will include an associated confidence score...” It is not clear from the text what this score will be based on. If it is the subsequent tables then this needs to be spelt out. If it is the tables, there is still no indication that an assessment of the evidence quality is part of the confidence score.</p> <p>38. Table : When you use a table you need to have a legend to describe what the table is and allow it to be referenced from the text.</p> <p>39. Table: We suggest deleting the word “clear” unless you can define clear and unclear in this context.</p> <p>40. Table, re. the use of ‘data from 12 year old records’ (FOCI Habitat) : This should be ‘up to 12 years old’.</p> <p>41. Table: Why were values of 6 and 12 years used as the arbitrary thresholds? It seems to relate to 1 or 2 reporting cycles but has no scientific basis. It is important that any threshold values proposed in the protocols are fully justified.</p> <p>42. Table: What about data which exist but are not yet made available – e.g. EIA data not yet in the public domain?</p>	E35	Revise Text, add legends	CVH	Revise text on the purpose of protocol and add the suggestions, 'clear' replaced by quantifiable or verifiable. Annex 1 deleted. Table legends added.

43. Table: What do the asterisks in the table refer to?								
E	V4.0	Page 7	<p>44. Table, top row – this suggests that all modelled data will have low confidence but note that the modelling has to be based on something – it could be good information. Need to check the use of this in e.g. MB102 to see its provenance.</p> <p>46. Last line. a. To be checked - were the MB102 (MB0102?) data only for intertidal areas or also for other areas? b. Ensure that the BGS data are included.</p>	E36	Add a clarification on the modelling confidence scores and link to reference to the UKSeamap report	BS	Table removed, and additional section built into protocol to ensure proper documentation of any evidence used in the assessment and the associated QA/ confidence assessment	20/12/2011
E	V4.0	Page 7	<p>45. Table, bottom row, extent of feature; a. It is difficult to see, in the terms used here, that the 'extent' and 'presence' are different. One will need to know if the extent is large, medium, small, patchy, etc. In some cases, a patchy habitat is just as satisfactory at maintaining the population as a continuous one. c. Why is extent of feature not relevant for FOCI species? Surely there is a need to know the spatial distribution of a FOCI species.</p>	E36	Revise text	CVH	Text under section 3.1 reviewed. A sentence added to explain that when analysing the number and distribution of sample records over the feature it is essential to use only information that supports the presence of the feature. A new section 3.ii added to include the extent of species distribution.	18/12/2011
E	V4.0	Page 8	<p>47. Top of page a. Indicate UKOOA data to be included and that EIA survey data to be used if in the public domain (eventually). b. Local knowledge will also include pers comm. and Stakeholder Advisory Panel information. 48. Paragraph 3, et seq, regarding the majority of the datasets. Therefore did the RP take these data at face value? The evaluation will have to consider what the RP did with the data and information. 49. Middle of page: "Please note that the judgement of confidence does not necessarily take into account the quality assurance of the data. Regional projects were directed to make recommendations...": This is a concern; the direction [by NE/JNCC?] to the RP that they should not focus on the veracity of evidence does not mean that the verification of the evidence is not important, just that a choice was made, probably incorrectly, to not document it. The judgement of confidence should take into account the quality of the data. It is a fundamental consideration for having confidence in the advice. This is a major issue. 50. Paragraph starting "The final SNCB advice will include a quality assessment..." This is a concern. To ensure a clear audit trail exists, would it not be better to deal with quality assessment now and to indicate how this will be done in these documents? It may only undermine the process further if there is high confidence in presence and extent that has to be retracted later because source data were proven to be inadequate.</p>	E37	Clarify text	BS	text removed, and additional section built into protocol to ensure proper documentation of any evidence used in the assessment and the associated QA/ confidence assessment	20/12/2011
E	V4.0	Page 9	<p>51. Paragraph 2, "this helped to ensure there is enough evidence": What is enough (sufficient)? – There is a need to be more objective as presumably the RP decided there was sufficient evidence. 52. Paragraph 3, scores of >58%: a. What is the relevance and source of this precise number? This needs to be justified (why not 60%, two thirds, etc?)? b. Have SNCBs determined the repercussions of this criterion? What data will be excluded and will its exclusion make the analysis untenable?</p>	E38	Clarify QA elements in the text, explain QA is already built in the method, it is an assessment of the sufficiency and quality of information on the data available to demonstrate the presence and extent of features. Explain the 58% score	BS	Score of 58% already explained in text, but link to MESH confidence assessment added and text clarified	20/12/2011
E	V4.0	Page 10	<p>53. Top, physical and energy data layers: But has this been done by the RP or are the SNCBs expecting something different/further will be done by the in-depth review of evidence? 54. Table: Legend needed. 55. Table: The descriptions are far too vague. When it states that "Presence of feature shown by a habitat with polygons containing biological validation samples..." there needs to be a definition of the quantity and quality of validation samples that would be appropriate for a "High confidence" score. 56. Table: How does the 1st bullet in the top cell differ from the top bullet point in the lower cell? What makes the top one High confidence and the lower one Moderate confidence? 57. Paragraph 3, period of 12 years being chosen for 2 6-year reporting cycles: Therefore, this is not an ecological criterion and may have little relevance to the quality of the data. Rethink this – what are the repercussions and will it lead to a loss of information? 58. Top bullet points: What of the indication of abundance/extent/persistence of the species (e.g. the problem of using ad hoc and individual records of a non-viable population). The assumption below is that these have been removed by the RP – is this the case?</p>	E39	Revise descriptions and add legend top table. Check the viability paper used to develop the section in the ENG to see if further information could be added to justify the 12 year cut-off	BS	Changes to table legends and description changed as suggested. Further clarification on age considerations added under section 3 ii and iii.	20/12/2011

E	V4.0	Page 11	<p>59. Middle of page, "The regional MCZ projects and stakeholders have already sense-checked the records supporting species FOCI ...". So, there appears to be some QA of data by the RP, this text and the text on page 6 ("please, note that the judgement of confidence...") need to be consistent.</p> <p>60. Middle of the page, "MCZ projects and stakeholders have already sense-checked": "Sense-checking" is a very opaque process. Do we know the projects had access to all the expertise needed to do this properly and is the process properly documented if we need to go back to it? If not, the process really needs to be described and documented now.</p> <p>61. Section on species of conservation importance: For the presence of species with conservation importance there seems to be no consideration of abundance / density or spatial distribution. Is this appropriate? Surely a site with a lot of a particular species is more important than one with only a few isolated representatives of the species. These would also be important data to consider when setting boundaries.</p> <p>62. Table, "at least five (records?) are required":</p> <p>a. why 5, what of % cover, abundance etc – what if there is one record covering a large extent and so could be considered as a reliable representation of the actual species abundance / density / % cover in that area?</p> <p>b. How much are the assessors allowed to assume that a species is in an area because the hydrographic and other conditions are suitable and the surrounding populations are suitable?</p>	E40	Clarify that anecdotal information is included. Add abundance/distribution under species assessment	CVH	Text has been deleted and a paragraph on QA added under the overview and appropriate reference thought the text. Distribution added under the species FOCI section. Five data points have been replaced with percentages in tables 2 and 3.	20/12/2011
E	V4.0	Page 12	<p>63. End of paragraph 2, "QA by a single individual" We would recommend that the quality assurance is done by a team of experts to ensure that the process is not susceptible to individual views and is consistent across all habitats.</p> <p>64. First set of bullet points: Check the logic – a patchy vs. continuous distribution would not necessarily be accounted for.</p> <p>65. Table: Query the assumption that modelled data are poor.</p> <p>66. Table: Again there is no consideration of the data (or evidence) quality.</p> <p>67. Second set of bullet points:</p> <p>a. There is no bullet for low confidence.</p> <p>b. Why use +/- 50%, what about using 1/3's (<35%, 35-65%, >65%) or is this too precise? Check the repercussions of using the 50% cut off.</p>	E41	Check sentence on the QA. Explain the extent issue and the approach for using 50%	CVH	Text has been deleted and a paragraph on QA added under the overview and appropriate reference thought the text. Explanation on modelled data and confidence added under overview section and recommended features section. Clarification added under the extent for the use of 50%.	20/12/2011
E	V4.0	Page 13	<p>68. Top paragraph: Add full stop and cross ref to the protocol for Conservation Objectives.</p> <p>69. 2nd bullet: The IERG would suggest that other aspects are needed besides presence and extent – stability, persistence, patchiness, etc. For reef species – are these included sufficiently? Consequently, coverage is important and should be included.</p>	E42	Add a caveat on the limitation of the assessment	CVH	Cut-off dates added in the text under overview, considerations on habitat stability and percentages added under the BSH and habitat FOCI	20/12/2011
E	V4.0	Page 15	70. Annex 1: There is the need to indicate precisely what is needed / allowed in the in-depth review – to go back to the primary, raw source data; to look at the synthesised and collated data, or merely to check the method of the evidence use? The NE/JNCC have to be clear what they are asking for as it could be interpreted as requiring a complete re-run of the whole analysis.	E43	Revise text	CVH	Annex 1 deleted. New section 1- Evidence sources has been added	20/12/2011
E	V4.0	Overall	<p>Minor points</p> <p>71. Page 2, upper table: spelling of Stoker (this emphasises the importance of showing that even the smallest detail is correct in order to establish confidence in the protocols).</p> <p>72. Page 3, Last paragraph, line 2 et seq, use of data as plural (cf. datum for singular).</p> <p>73. Page 6, Third line: "confidence on the presence": Is it "of the presence"?</p> <p>74. Page 6, Fifth line: "For the assessments...": Check the grammar.</p> <p>75. Page 6, Third paragraph: Explain what MESH is.</p> <p>76. Page 8, Paragraph 2: "a confidence score may will": Correct grammar.</p> <p>77. Page 8, Paragraph 3: The second line in this paragraph does not make sense.</p> <p>78. Page 8, Table: This table needs a legend.</p> <p>79. Page 9, Paragraph 2, Ramsay et al (2011): Make sure the references are available and can be used.</p> <p>80. Page 11, Paragraph 1, Exceptions</p> <p>81. Page 13, 1st bullet; correct grammar: 'SNCBs for an assessment'</p>	E44	Check table legends and grammar	BS	Done all corrections	20/12/2011
E	V4.0	Overall	<p>Eddy's surname is spelt wrong on the protocol version list. On page 4 will need to change the date from designation in 2012 to 2013 to reflect changes in the delivery timeline.</p> <ul style="list-style-type: none"> It was felt that this was a stakeholder lead process which is now being approached from a different angle. The work carried out by the stakeholders needs to be reinforced. At the top of page 8 the protocol mentions data from local stakeholder knowledge. It was highlighted that stakeholders at a local level are feeling disengaged and feel like MCZs are being forced on them through a top down process. There needs to be more emphasis on local elements. Is the 12 year benchmark an appropriate threshold, when some features that have disappeared from an area but the habitat is suitable for them, could just need the opportunity to recover. It was suggested that 30 years may be 	E45	Check spelling mistakes. Revise dates. Clarify text, in particular around stakeholder input in providing evidence, add 'No confidence'	CVH	Surname corrected. Sentence referring to GEN '2013 and later added'. Text to re-emphasise that local knowledge is also included in the assessment added. Additional information to explain 12 year old threshold added	18/12/2011

more realistic because it has been in this period of time that marine industry and impacts on the marine environment have increased. It was flagged up that environmental statement require relevant up to date evidence and data older than 12 years would not be used.

- Anecdotal evidence provided by stakeholders needs proper consideration. It was suggested that the protocol should identify all the different data sources and the approach used for each type of information.
- It was questioned as to why five data points are needed for high confidence in the presence of a habitat when one reliable data point should be sufficient. The quality of the data point should be assessed for presence. The data cannot be looked at in isolation; the wider context surrounding the data used needs consideration.
- There is a lack of clarity on how data points have fed into polygon data.

E	V4.0	Page 3/ Page 6	<p>The end of the first para of the introduction section (page 3) might benefit for a mention that an additional risk to low confidence to presence/extent would be reputational for the network as a whole with the associated loss of stakeholder support and the risks this brings to effective management for all sites.</p> <p>Page 6: "An approach to combine both presence and extent of scientific confidence is being considered but has yet to be finalised" - This obviously need to be finalised in time for the final version of this protocol. I can see the logic to combining the assessment of presence and extent, and for the decision-making process it would seem clearer to have one combined assessment of confidence rather than to separate them.</p> <p>For feature extent, presumably if the boundary suggested by the Regional Project looks to be well-within the feature extent (e.g. for some BSHs) then this will translate to high confidence?</p>	E47	Clarify text and move definitions from Annex 1 to part2 under overview	CVH	reference to stakeholder support added at end of paragraph. Explanation on the approach to summarise presence and extent added under overview	18/12/2011
E	V4.0	Page 8	<p>Page 8: "Please note that the judgement of confidence does not necessarily take into account the quality assurance of the data. Regional projects were directed to make recommendations based on the best available evidence, and in some cases, the only available evidence came from unverified sources. The final SNCB advice will include a quality assessment of the data used by the regional projects in their final recommendations. This quality assessment will most likely be factored into later decision-making steps on sites as highlighted in the levels of evidence paper" - It's not clear whether the final assessment of scientific confidence (the high, moderate or low categories) will include factoring in the quality assurance of the data, which would seem essential (e.g. if the only data comes from a questionable source, then this would impact on the level of confidence of feature presence/extent). Or perhaps this is inherent in the categorisation process, i.e. high or moderate categories require types of evidence that would be verified anyway? Either way, it would help reassure stakeholders if this could be made clearer. Page 8, first row in table - requiring at least 5 records of ground-truthed data to give high confidence seems quite demanding. Is this to reflect variable quality assurance of these records? Was this approach from Ramsey et al (2011) backed up by a particular justification for needing 5, or did they just pick a number? Happy to defer to the SNCBs' expertise on this of course, but thought it worth querying, and it would be helpful to understanding the thinking here should it be challenged by NGOs.</p>	E47	Re-word and clarify that QA elements are included and already build in the evidence assessment and change the 5 records for a % of records instead	BS	Clarified QA aspects to the protocol, and the purpose of the protocol	20/12/2011
E	V4.0	Section 2 iii	<p>There does not appear to be a way in describing the "extent" of FOCI species. To me extent in species should be some gauge in size of population. If we're impacting stakeholders, it will be far easier if there are considerable populations of sea slugs being protected, rather than 1 found in 1999 for example and maybe no longer in existence on that site. It appears that the protocol only looks at confidence on species by records of presence of species found, not size of these populations.</p>	E48	Revise text and add age and extent considerations for species	CVH	Distribution and abundance under the species assessment included with some clarification on the difficulties of using extent for species FOCI	19/12/2011
E	V4.0	Annex 1	<p>Do we need proposed the combined presence and extent analysis?</p>	E49	move definitions from Annex 1 to part2 under overview	CVH	Explanation on the approach to summarise presence and extent added under overview	19/12/2011
E	V4.0	page 6 and overall	<p>Table on p6/7 – how will the different data sources be treated?</p> <p>Feature presence and extent should include some consideration of the quality of the data sources – related to point above</p>	E49	Clarify QA elements in the text	BS	Clarified QA aspects to the protocol, and the purpose of the protocol	20/12/2011

E	V4.0	Section 2 i	Section 2i includes commentary on using MESH data with score of 58%. What does this mean in terms of the confidence/uncertainty of the conclusions drawn?	E49	Clarify confidence scores from the MESH approach	BS	Score of 58% already explained in text, but link to MESH confidence assessment added and text clarified	20/12/2011
E	V4.0	Section 2 ii and 2 iii	2ii and iii should include some evaluation of the quality of the information	E49	Clarify QA elements in the text	BS	Clarified QA aspects to the protocol, and the purpose of the protocol	20/12/2011
E	V4.0	Page 12	P12 comment on using information supporting presence of feature. Does this mean discarding information that suggests it isn't there? Criteria at bottom of p12. 50% for high seems quite low if based on modelled info (unless the confidence of the modelled info is high)	E49	Clarify text	CVH	Table 2 revised, No confidence assessment added to section 2. Clarification around the 50% added	19/12/2011
E	V4.0		This protocol refers only to data used by the regional projects; it is not clear whether they will use additional sources of data (Annex 2 describes the datasets but it does not clarify if the listed datasets are those used by the RPs or include additional ones). From previous discussions we had with NE and JNCC they suggested that there might be some additional data that they would use. It is important to clarify what evidence will be used and, if additional evidence is used, what those are and how they will be incorporated into the analysis. This is also important for the discussions Defra has with SNCBs on what the latter will deliver.	E50	Clarify text and explain additional data sources include in our assessment	BS	Table removed, and additional section built into protocol to ensure proper documentation of any evidence used in the assessment and the associated QA/ confidence assessment	20/12/2011
E	V4.0		The protocol refers to MCZs but does not mention RAs. Will this protocol be applied to both recommended MCZs and RAs?	E50	Clarify text highlighting RAs are also MCZs	CVH	Under section with overview a sentence has been added to explain Reference Areas (RAs) not required separate assessment as they are MCZs, footnote with definition inserted	17/12/2011
E	V4.0	page 6 and overall	Some more information is needed to make clear the contribution/weight that would be allocated to each type of evidence (e.g. peer reviewed documents, data from stakeholders, etc).I have added this here but it is a general comment that applies to some of the other protocols as well. Page 6. The data sources shown in the table are not exactly the same as those described in section 1	E50	Clarify text and explain additional data sources include in our assessment	BS	Text clarified, but the weighting of the evidence is done through the division of the confidence categories.	20/12/2011
E	V4.0	Page 9	Page 9 - No information is provided to explain why a confidence score of greater than 58% is proposed. An explanation is needed.	E50	Clarify confidence scores from the MESH approach	BS	Information added	19/12/2011
E	V4.0	Page 7	Page 7 - There is an asterisk next to "sensing data" but no footnote to go with it.	E50	Delete footnote	CVH	text deleted	17/12/2011
E	V4.0	Page 12	Is it correct to say that the assumption underlining the discussion in section 3i is that a modelled map showing the extent of the feature is available for all MCZs? If yes, please, add relevant text to clarify that. - Do the last two bullets on page 12 explain what "coverage of most of the potential location" and "coverage of only part of the feature" mean? If yes, it would be useful to include this info in the Table shown on page 12 so, all the information that will define the level of confidence is in the same place.	E50	Clarify text	CVH	A sentence has been added under section 3.i - Broad scale habitat and FOCI extent to clarify UKSeamap is available for whole area. Bullet points in table as suggested in the comment.	19/12/2011