



Submission of Dogger Bank candidate SAC to the European Commission

Frequently Asked questions (August 2011)

This document has been produced to provide answers to the most frequently asked questions by stakeholders around the outcomes from the consultation on Dogger Bank from August – November 2010 and the next steps.

The Joint Nature Conservation Committee (JNCC) website provides background information on Marine Protected Areas, including: [Special Areas of Conservation](#), [Special Protection Areas](#); [Marine Conservation Zones](#); [Scottish MPAs](#).

THE SCIENCE

How did JNCC develop the scientific evidence required to select the Dogger Bank possible SAC?

JNCC's work on identifying offshore SACs began in 2000. Selection of sites is based on a coarse assessment of where areas of potential Annex I habitat (including sandbank) might occur, based on a combination of geology and bathymetry. The Dogger Bank was identified through this process as Annex I habitat worthy of consideration as an SAC. This was followed by collation of existing scientific data on the Dogger Bank from a wide range of publications, industry and academic sources. A [three week survey](#) was commissioned in 2008 to gather new physical and biological data across the bank to help define the extent of the sandbank habitat. The additional data gathered during the survey allowed JNCC to refine the Dogger Bank dSAC boundary with emphasis placed on identifying the physical extent of the bank through the analysis of bathymetric data, supported by biological information. An independent scientific peer review of JNCC's recommendation was conducted in 2009. During informal dialogue on JNCC's earlier proposal for a SAC at Dogger Bank questions on the scientific evidence for the site proposal were identified, that needed to be addressed prior to formal consultation. This resulted in reconsideration of the scientific evidence for the site, and JNCC's recommended boundary of March 2010, placing more emphasis on identifying the extent of the biological communities characteristic of the shallower parts of the bank than on its physical structure. The boundary recommendation is unchanged following consultation.

THE SITE

Why do we need to designate this site?

Dogger Bank is a site of international importance that lies across UK, Dutch and German waters; two thirds of the Bank lies in UK waters. Dogger Bank is the UK's largest example of a sandbank listed in Annex I of the Habitats Directive (sandy mound sub-type), and designation will protect it from potentially damaging activities. By designating the site we will be able to secure its protection and the important contribution it makes to our marine ecosystems and biodiversity. As a Member of the European Union, the UK is required to identify a representative suite of SACs under the Habitats Directive and ensure that the site features are protected. Failure to designate a sufficient amount and examples of sandbank habitat may lead to infraction by the European Commission. The sections of the Bank that lie in Dutch and German waters have already been submitted to Europe for designation as SACs.

Why does the boundary contain a lot of sandy sediment deeper than 20m?

The interpretation manual for the Habitats Directive provides the definition for the Annex I habitat "sandbanks slightly covered by seawater all the time". This manual states that "Slightly covered by seawater all the time" means the top of the sandbank the water depth is seldom more than 20m below chart datum. Sandbanks can, however, extend beneath 20m below chart datum. It can, therefore, be appropriate to include such areas in site proposals where they are part of the feature and host its biological assemblages" (CEC 2007)

In determining the extent of the Annex I sandbank habitat in waters deeper than 20m, JNCC have used information on the biological communities (infauna and epifauna), as well as physical information, to assess which areas are part of the feature and host its biological assemblages. The crest of the Dogger Bank lies in water less than 20m deep, and the bank gradually extends into deeper water with the greatest slope change around the 45-50m depth contour.

There are a number of biological communities that are present on the shallowest part of Dogger Bank in less than 20m water depth, and are hence associated with it, with several of them extending to around 30-40m water depth. The site boundary includes all these biological communities, and the entire area of sandy sediments within the UK site boundary is regarded as the Annex I sandbank habitat – not just those parts in less than 20m water depth.

How does Dogger Bank contribute to the network of sandbank sites?

Under the Habitats Directive, UK is not required to protect all areas of Annex I habitat within the network of sites, we need to protect enough area within sites in proportion to the amount of the habitat we have in UK waters. Dogger Bank is a large site for sandbank habitat, and is needed within the site series to ensure a representative amount of Annex I sandbank is protected within the site network.

To ensure that a full, representative range of Annex I sandbank types were included with the UK Natura network, JNCC identified those physical parameters (such as substratum, salinity, coastal influence and topography) which determine the ecological communities associated with the sandbank features. This process was then used to identify a range of different sandbank 'types' present within UK waters which require sites to represent them within the site series. Dogger Bank represents a sandy mound in offshore waters distant from near-shore coastal influences, with clean, fine and coarse sandy sediments.

Other areas of Annex I sandbank not proposed or under consideration as sites have been assessed by JNCC, but have not been included as site recommendations as they are considered to contain poorer or less extensive, representative examples of the habitat type. It is expected that the Dogger Bank will complete the contribution of SACs for sandbank in UK offshore waters.

THE FORMALCONSULTATION

What have JNCC been doing since the end of the consultation?

Since the consultation ended on 12th November 2010, JNCC have been reviewing all the responses and analysing the additional data that was submitted, both to inform the scientific basis behind the sites, and also the impact assessments (which set out the likely socio-economic impacts of designation). This has resulted in changes to some of the site assessment and impact assessment documents. The report of the consultation is available at jncc.defra.gov.uk/marineconsult.

How have you taken the comments received into consideration in drawing up the final recommendations?

The responses to each of the questions on the scientific justification for the site were assessed and data, reports or other information that had been put forward during the consultation was analysed. JNCC then made changes as necessary to the SAC selection assessment document. Responses on the impact assessment, were assessed in relation to the socio-economic activity and the impact assessment document also updated or amended as necessary.

What changes have been made to the sites as the result of the consultation?

There was no change overall to the Dogger Bank site recommendation as a result of the consultation. Additional information has been included, minor amendments made to both the SAC Selection Assessment document and the Final Impact Assessment, and a small error in the site boundary corrected. Documents are available from JNCC's website at jncc.defra.gov.uk/page-4169

Will I receive individual feedback on my response?

Once you have read the report of the consultation, if you would like to receive individual feedback on your response providing more detail on how your comments have been considered then please contact us at offshore@jncc.gov.uk.

THE NEXT STEPS

What happens to the Dogger Bank now?

Government has now formally submitted the site to the European Commission as a candidate SAC (cSAC). At this stage the site is with European Commission awaiting 'moderation' (that is, assessment alongside all the other sites submitted by other Member States) for inclusion in the SAC series and Natura 2000 network. Once the European Commission has approved the site it then becomes a Site of Community Importance and Government then has six years to designate it as an SAC in the UK. The Dogger Bank cSAC has now been added to the UK Register of European Offshore marine sites, and JNCC has notified Competent Authorities of the addition of the Dogger Bank onto the Register.

When will activities that might affect the site be managed?

From now on (ie once the site is submitted to the European Commission), any plans or projects that might significantly affect the integrity of the site need to be considered against the conservation objectives for the site by the Competent Authority.

What is a European (offshore) marine site?

A European marine site is a SAC or SPA (Special Protection Area for birds) or a combination of either, in the marine environment. A European Offshore Marine Site is a European Marine Site located in UK offshore waters (ie more than 12 nautical miles from the coast, out to 200 nautical miles or the limit of the UK Continental Shelf designated area).

The conservation objectives are still draft, when will they be finalised?

Work will begin shortly on finalising the conservation objectives. The draft objectives were not subject to the 2010 consultation, although they were publicly available and comments were received on them. These comments will be considered as the objectives are updated, and then formally issued to Competent Authorities.

What are the roles of the different organisations that have responsibilities in the offshore environment?

Statutory nature conservation body - JNCC

JNCC is required to provide conservation advice for European offshore marine sites to Competent Authorities. JNCC's advice includes conservation objectives for a site and advice on operations that may impact the features of the site.

JNCC does not directly implement or enforce management measures or activity on the site,. JNCC's advice will guide the competent authorities in developing any management measures or management scheme that may be required for a site. JNCC will also provide advice to competent authorities, user groups and interested bodies generally on nature conservation issues and are responsible for carrying out ecological monitoring in order to advise on whether the site is meeting its conservation objectives.

Competent authorities

Competent authorities include any statutory body or public office who is exercising their legislative powers whether on land or at sea. They include government departments such as the Department of Energy and Climate Change and Ministry of Defence, and other bodies such as the Environment Agency and port and harbour authorities.

Competent authorities are legally required to comply with the Offshore Marine Conservation Regulations 2007 (as amended). One obligation placed upon them is to follow a step-wise assessment and decision making process set out in the Offshore Marine Conservation Regulations 2007 before granting consents for plans or projects that may have a significant effect on a European offshore marine site.

As soon as reasonably practical, they are obliged to undertake reviews of previous consents, permissions or authorisations which might impact on these sites in so far as they have not been implemented.

Management measures may also be put in place to control ongoing activity, such as fishing, where it could have an impact on the features of the site.

For European offshore marine sites, any competent authority which exercises functions in relation to a site may establish a management scheme for that site.

So as an example, who will decide on what management should be implemented in relation to fisheries?

In offshore waters (beyond 12 nm) any fisheries management measures for sites will need to be implemented through the European Common Fisheries Policy (CFP). The appropriate

competent authority (MMO for offshore waters adjacent to England, Wales, and Northern Ireland – Scottish Ministers for waters adjacent to Scotland) will be advised by the JNCC on conservation objectives for sites and activities that may damage relevant habitats or species for which offshore sites have been identified. It is likely that the UK Government will propose appropriate fisheries management measures for sites to the European Commission, as was the case for the Darwin Mounds CFP closed area. The Dogger Bank is an international site, consisting of a cSAC in UK waters, plus adjacent SACs identified by the Netherlands and Germany. Work is currently underway with Netherlands and Germany to develop coordinated fisheries management proposals under the CFP for the wider Dogger Bank sandbank area including the three SACs. The EC North Sea Regional Advisory Council (RAC) for fisheries is also involved in this work, to provide stakeholder input to developing fisheries management proposals.

Will existing consents be reviewed?

Under Regulation 27 of the offshore Habitat Regulations there is an obligation on competent authorities to review any consent, permission or other authorisation previously given for a plan or project which may have implications for the conservation objectives of a SAC or SPA. In reviewing these, the competent authority can then affirm, modify or revoke the consent, permission or authorisation. The review does not affect anything already done under the consent/permission/authorisation.

FUTURE DESIGNATIONS

Are there plans for identifying any further sites in the future?

Three offshore SACs off England are currently out to consultation until 29th September 2011 (jncc.defra.gov.uk/marineconsult) and offshore sites off Scotland are currently under consideration by JNCC. England, Scotland and Northern Ireland also have a limited number of sites under consideration in their inshore waters. These additional sites are expected to be consulted upon and put forward to the European Commission by the end of 2012. The European Commission will then determine whether the UK has met its commitments and has identified sufficient SACs.