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Review of process, evidence and advice relating to the selection of specific candidate marine Special Areas of Conservation (SACs):

Report for the Review Group on Natural England's tendering and consultation processes

Final report

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EXECUTIVE SUMMARY

Introduction

1. In March 2011, Defra's Chief Scientific Adviser commissioned an independent review[1] of the process that Natural England (previously English Nature) and Defra used to select the three case study areas for designation as marine Special Areas for Conservation (SACs) under the EU Habitats Directive.[2] As part of this review, the In House Policy Resource (IHPR) was asked to carry out a detailed examination of Natural England's ***tendering and consultation processes***.

Examination of Natural England's tendering process

2. The tendering exercises leading to the selection of the three key external contractors – BMT Cordah, SeaStar Survey and Royal Haskoning – were considered in detail using file and electronic records and through discussion with Natural England. It was concluded from an examination of both the processes involved and the tender documents that ***all three contractors provided the strongest bids overall*** and were appropriately selected. However, particularly in the case of both SeaStar Survey and Royal Haskoning, the ***audit trail recording the tender boards' decisions could have been clearer***.

Examination of Natural England's consultation process

3. At the request of the Review Team, a detailed examination of the consultation process was carried out by studying relevant documents and through interviews with key Natural England staff to investigate the following four areas:

Stakeholder involvement

4. It was concluded that Natural England had gone to ***significant lengths to seek and allow input from stakeholders*** and there ***did not appear to have been any bias*** in the choice of stakeholders to be consulted. It had developed national and regional stakeholder engagement plans containing relevant contacts in a systematic way. It had also undertaken significant publicity both nationally and regionally to ensure that stakeholders were aware of, and could respond to the consultation.

Adequacy and transparency of the consultation document and associated processes

5. It was clear that Natural England had made efforts to list the underpinning evidence for designation in the consultation material in an attempt to allow stakeholders to

[1] Members of the Review Team were: Dr Ian Graham-Bryce (Chair); Professor Andrew Pullin, Dr Steve Widdicombe and Dr Ann Davies (consultant; In House Policy Resource). Dr John Roberts and Ms Lucy Barnard provided the Secretariat.
[2] Lyme Bay and Torbay (candidate SAC submitted to the European Commission on 20 August 2010); Prawle Point to Plymouth Sound and Eddystone (candidate SAC submitted to the European Commission on 20 August 2010); and Prawle Point to Start Point (possible candidate SAC subject to consultation which closed on 12 November 2010).

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understand the basis for decisions and to make informed comments. However, ***for most consultees, it would have been difficult to access, understand and use this information*** to comment on the validity of the scientific basis for designation (Question 1 of the consultation) unless they were able to attend open events where they could view the underlying data in a more meaningful way.

6. As has already been recognised by Natural England, it needs to find ways to ***increase the transparency and accessibility of the process*** to explain decisions more clearly and allow informed comment. Providing the ***underlying evidence on its website*** (with complex data being available from the project team) will help to do this. More fundamentally, Natural England needs to ***involve stakeholders at the start and throughout the process***.

Adequacy and transparency of process for dealing with consultation responses

7. Sufficient evidence was presented to indicate that ***consultation responses had been properly taken into account without any bias***. A process was in place to route responses to the appropriate person/team within Natural England, including the Evidence Panel, and the summary documents prepared for a sub-group of the Natural England Board and Executive Directors recorded how each comment was dealt with. As a key part of this, the ***Evidence Panel appeared to have made the right decisions regarding the acceptance of new data***.

8. However, the Panel had ***no written protocol for deciding whether or not to accept new data***, relying solely on expert judgement, and it ***did not assess the quality of the data*** received. There were also ***no detailed minutes recording how decisions were made*** (including the exclusion of any new data). Overall, there was a ***lack of transparency*** within the process. The only publicly available document that recorded how responses had been addressed was the consultation summary. However, ***the summary of responses prepared for the sub-group of the Board and Executive Directors could also have been usefully published***. Natural England will need to consider ways to ***address these issues***.

Use of the consultation process as an independent expert review

9. While the consultation process provided an opportunity for consultees to challenge the site boundaries and provide additional data, it did not – and could not – take the place of an independent expert review as most stakeholders were not in a position to be able to judge the validity of the scientific basis for selecting the sites. More fundamentally, the ***external validation of the process occurred too late***. Natural England needs to consider how to ***involve stakeholders, including data providers, much earlier in the process***. As part of this, it needs to commission ***an independent expert review*** of the underpinning data before going out to consultation.

LIST OF RECOMMENDATIONS

Recommendation 1: Natural England should ensure there is a clear audit trail leading to final decisions on the selection of external contractors.

Recommendation 2: Natural England needs to consider ways to increase the transparency and accessibility of the underpinning scientific data in relation to designation of marine SACs.

Recommendation 3: Natural England should draw up terms of reference for the operation of the Evidence Panel and make these publically available.

Recommendation 4: Natural England needs to consider ways to improve the transparency of the process for dealing with consultation responses in relation to the designation of marine SACs.

Recommendation 5: Natural England needs to consider how to involve stakeholders much earlier in the designation process for marine SACs.

Recommendation 6: Natural England needs to commission an independent expert review of the underpinning data before going out to public consultation on possible candidate marine SACs.

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1. INTRODUCTION

1.1 In March 2011, Defra's Chief Scientific Adviser commissioned an independent review[3] of the process that Natural England[4] and Defra had used to select marine areas for designation as Special Areas for Conservation (SACs) under the EU Habitats Directive.[5]

1.2 The terms of reference of the review were:

- To explore the robustness of evidence and advice provided by Natural England, and use of that evidence and advice by Defra, in decisions regarding the identification of three candidate/possible candidate SACs, in the light of requirements of the Habitats Directive;

- To explore the robustness of quality assurance processes applied to evidence and advice provided by Natural England regarding the identification of three candidate/possible candidate SACs.

These issues were to be considered in the context of whether the evidence and advice was reasonable and fit for purpose given the timescales and requirements of the Habitats Directive.

1.3 The three case studies covered by the review were:

- Lyme Bay and Torbay candidate SAC submitted to the European Commission on 20 August 2010;

- Prawle Point to Plymouth Sound and Eddystone candidate SAC submitted to the European Commission on 20 August 2010; and

- Prawle Point to Start Point possible candidate SAC recommended for designation by Natural England to Defra on 1 June 2011.

1.4 As part of this review, the In House Policy Resource (IHPR)[6] was asked to carry out a detailed examination of:

[3] Members of the Review Team were: Dr Ian Graham-Bryce (Chair); Professor Andrew Pullin, Dr Steve Widdicombe and Dr Ann Davies (consultant). Dr John Roberts and Ms Lucy Barnard provided the Secretariat support
[4] Natural England was vested on 1 October 2006: prior to that English Nature was responsible for nature conservation.
[5] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora. *Official Journal of the European Communities,* **L206**, 22.07.92,
[6] The In House Policy Resource (IHPR) is an in-house review team of policy consultants that carries out projects for Defra, the Department of Energy and Climate Change (DECC), the Department for Communities and Local Government (DCLG) and the Department for Transport (DfT).

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- the ***tendering process*** used by Natural England to select external contractors to carry out three distinct pieces of work leading to the identification of the candidate SACs; and

- the ***consultation process*** used by Natural England leading to final recommendations to Defra on candidate SACs

1.5 The results of these examination exercises are detailed in Chapters 2 and 3 and the key conclusions and recommendations are given in Chapter 4.

Acknowledgements

1.6 Sincere thanks go to Eleanor Hill and her colleagues in Natural England who spent time being interviewed and providing the information needed to undertake these two examination exercises, as well as checking Chapters 1-3 for factual accuracy.[7]

[7] Natural England did not see the Executive Summary and Chapter 4, which sets out the key conclusions and recommendations.

2. EXAMINATION OF NATURAL ENGLAND'S TENDERING PROCESS

Introduction

2.1 Work by English Nature to identify inshore[8] "reef" and "sandbank" SACs, as defined by Annex 1 of the Habitats Directive, followed a process of broad scale assessment of available geophysical or oceanographic information to identify potential Areas of Search, followed by the incorporation of local- or regional-scale remote-sensed, physical, and biological data.

2.2 Three contractors carried out this work:

- BMT Cordah
- SeaStar Survey
- Royal Haskoning

2.3 The tendering processes used to select these contractors were examined in detail and are discussed below. A brief overview of the site identification process, including the work carried out by these contractors, is given at **Annex A**.

Detailed examination of tendering exercises

2.4 The three tendering exercises were considered in detail through examination of the relevant paper files and discussion with Eleanor Hill from Natural England, who was able to provide the key documents either electronically or as hard copies. The procurement processes were judged against established standards of good practice, while expert judgement was used to assess the suitability of the successful bids against those of other potential contractors. A list of the key documents examined is at **Annex B**.

Selection of BMT Cordah to carry out data collation and mapping

Examination of the process

Invitation to tender

2.5 In September 2003, the tender process began for a contract to revise and update maps derived from British Geological Survey (BGS) data and assist in refining maps to show the distribution of relevant habitats. A project specification (at **Annex C**)[9] was drafted and invitations to tender were sent to BMT Cordah and five other potential contractors.

[8] English Nature/Natural England is responsible for recommending sites within English inshore waters (0-12 nautical miles from the coast), while the Joint Nature Conservation Committee (JNCC) has responsibility for recommending sites in UK offshore waters (between 12 and 200 nautical miles from the coast and the UK Continental Shelf) and the Countryside Council for Wales (CCW) is responsible for sites within Welsh inshore waters.

[9] The names of individuals included in all specifications and internal documents have been removed.

2.6 There was no clear audit trail to show how this list of potential contractors had been drawn up. However, an early version of the specification (supplied by Natural England), which was drafted by an expert in marine survey work, included some suggested contractors (including four of those invited to tender but not BMT Cordah), with a request for further suggestions by colleagues in marine operations (who had experience in oil spill sensitivity mapping), the Joint Nature Conservation Committee (JNCC) and the Countryside Council for Wales (CCW). The final list was therefore likely to have been based on expert opinion, although no correspondence was found to substantiate this.

2.7 The **objectives of the contract** were to:

1. To validate the distribution of habitat derived from the BGS data, amending and augmenting with new information, at an appropriate scale(s)
2. To add information on relevant habitats not identified from the BGS data in the course of relevant data collection
3. To fill in significant spatial gaps not covered in the BGS data
4. To provide a revised map showing known areas of Annex I habitat, including relevant target notes and text
5. To collate biological information of the relevant habitats[10] and summarise this in brief descriptions of specific geographic areas or locations of habitat.

2.8 The **main outputs** were to be:

- annotated colour maps in electronic and paper format;
- Geographical Information System (GIS) – detailed requirements including GIS Mapinfo data files containing spatial data, cross-referenced with data tables; and
- a report in paper and electronic format.

2.9 Contractors were asked to provide the **following information**, against which the tenders would be evaluated:

- Fixed costs of the contract, including the different elements
- Standard data/data retrieval charges from relevant data holders
- Detailed timetable of work
- Proposed methodology and detail of how the data would be collated and interpreted
- Suggestions for refining the methods, the format of the data tables and attributes
- A statement as to how the quality of the research would be ensured and maintained throughout the contract
- Details of the staff who would carry out the work, including their qualification and experience
- Details of any sub-contractors or partners, who would be involved in the project, and the breakdown of responsibility for the work
- Knowledge of, and access to, existing data sets

[10] Reefs, sandbanks, submarine structures made by leaking gases and submerged or partially submerged sea caves.

2.10 The project was let under PS9 (English Nature's General Terms and Conditions – Research Projects) and PS12 (Travel and Subsistence). A revised version of these terms, which govern the provision of research and development services by contractors to Natural England, is given at **Annex D**.

Tender evaluation

2.11 Of the six contractors invited to tender, only BMT Cordah and one other contractor submitted proposals for this work, both of which were available on file. The deadline for receipt of tenders was 11 am on 17 October. An undated and unnamed file note (written after the evaluation had taken place) recorded that BMT Cordah's tender had been received by email on the afternoon of the 17th and that the contractor had been advised that it would be 'non-compliant'. However, the note went on to record that "*The tender submitted by the [other contractor], on discussion with the GIS Unit and Project Officer, was considered to be insufficiently qualified in terms of GIS expertise and staff, generating a risk to completing the contract. Therefore, in consultation with Procurement, it was agreed that we would consider the late tender from BMT, as we had had such a poor response and we were limited on time, e.g. to do a new tender exercise."* There were no records to indicate that the other contractor was informed of this decision.

2.12 It was clear that both tenders were subject to detailed consideration and, indeed, both contractors were asked to provide additional information in several areas, including:

- experience of using GIS (particularly the MapInfo GIS package)
- quality control, in particular how to check anomalies in the data
- harmonisation of data from different datasets for the same location

2.13 A panel comprising the Project Officer, another marine expert and the GIS Data Manager carried out an assessment of the tenders and the post-tender clarification of points provided by each potential contractor.[11] The note of the meeting showed that the tenders were assessed using the following **evaluation criteria**, though no scoring process appeared to have been carried out:

- Understanding of the work
- Technical competence, including experience and understanding of data, collection and analysis
- Use of GIS
- Access to data
- Staff resource
- Costs

2.14 On the basis of these criteria, the panel concluded that BMT Cordah *"have provided detailed evidence to suggest that they can undertake the work required. Further,*

[11] The file contained a copy of an email from one of the Marine SAC team to Procurement colleagues recording a potential conflict of interest (a friendship with a member of BMT Cordah). However, she was not involved in the evaluation of the tenders.

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whilst the BMT tender is slightly more expensive,[12] *it is considered that, given the difference is likely to be small, the explanation of the costings, and BMT's ability to undertake the work, they represent better value for money than the [other contractor's] work."*

2.15 In contrast, it was concluded that *"whilst the [other contractor's] tender is slightly less and allows for more days' work, it is considered that they have not provided sufficient detail on some aspects of work, appear to have not fully understood a number of points in the contract specification, and lack sufficient staff and expertise with respect to GIS. The latter, in particular, presents a risk to completing the contract."* BMT Cordah was subsequently awarded the contract in November 2003.

Examination of the tender documents

2.16 Examination of the project specification, tenders and additional material submitted by both potential contractors clearly substantiated the comments made by the panel in relation to the above criteria (particularly the understanding of the work, technical competence and the use of GIS), and the overall conclusions.

Conclusions

2.17 From an examination of the process and tender documents, it is clear that ***BMT Cordah's tender was of a far higher standard and justified being awarded the contract.*** However, there was a ***poor audit trail in relation to the initial selection of potential contractors to tender for the project. Acceptance of BMT Cordah's tender after the deadline is also questionable,*** although the reasons were clearly documented and there is little doubt that the other contractor would not have been awarded the contract if there had been no others. On balance, in these particular circumstances, ***this was a reasonable and pragmatic approach***.

Selection of SeaStar Survey to carry out the pilot survey of reef habitat around Eddystone

Examination of the process

Invitation to tender

2.18 On 6 May 2005, a specification (at **Annex E**) and invitation to tender were sent to SeaStar Survey and seven other potential contractors. As with the BMT Cordah work, there was no audit trail to show how this list of potential contractors was chosen.

2.19 It was proposed that work at Eddystone Reef would take place in three stages. Contractors were invited to bid for Stages One and Two (the survey work outlined in the specification), and it was expected that Stage Three (a description of ecological

[12] BMT Cordah quoted a price of £35,804 while the other tenderer quoted £31,901 (both costings excluded VAT).

structure and ecosystem functionality) would be carried out on data collected by an 'appropriate science based contractor'.

2.20 The specific aims of Stages One and Two were:

Stage One: Characterisation of the physical extent of the reef and surrounding habitats

The aim of the survey was to describe (a) the extent of the reef[13] and (b) the matrix of other biological habitat types which occurred interspaced with subtidal bedrock and were thought to include fine sand, mud, shell and gravel. The intention was to provide a general, broad scale overview of the reef area rather than a detailed survey. It was expected that sidescan sonar would be used to describe the seabed type and that simultaneous use of a single beam echo sounder would provide along track bathymetric information.

Stage Two: Description of the Biological Community

This stage was intended to provide a characterisation of the richness and diversity of biotopes and species which were supported by the reef feature. Sampling strategies were to be informed by the sonar mosaic produced during Stage One. In general, the sampling methods adopted were expected to follow those suggested in the specification. For example, biotope richness and distribution were to be mapped and recorded using drop down video, while species composition of the main biotopes were to be recorded using high resolution drop down digital photography. On soft substratum, epifauna were to be characterised using a standard 2m beam trawl with 5 mm cod end mesh over a distance of 200m, while infauna were to be recorded using a series of Day or Hamon grabs on a single replicate grid sample basis.

2.21 The specification made clear that the total value of Stages One and Two was around £100,000 (inclusive of VAT and all weather risk), with roughly equal amounts for each stage, and that a principle evaluation criterion was the amount of survey work that could be completed for that sum. Contractors were asked to prepare an outline survey plan indicating how the objectives of both stages would be achieved and to provide a detailed breakdown of costs.

2.22 The following **evaluation criteria** were set out in the specification:

- Quality of survey package proposed, including number of survey days, proposed line spacing/resolution and size of vessel
- Relevant experience in conducting acoustic and biological surveys
- Clear understanding of the aims of the project, with specific regard to adapting standard biological survey techniques to reporting the aspects of ecological structure and function
- Ability to complete the work in timescales indicated

[13] A sub-surface outcrop of granite 20 km south-west of Plymouth Sound.

2.23 Contractors were expected to follow English Nature PS9 and PS12. They were also required to follow industry standard protocols and to undertake appropriate Quality Assurance and Control as outlined in Procedural Guideline 1.4.[14]

Tender evaluation

2.24 The deadline for receipt of tenders was 27 May. Tenders were received from SeaStar Survey and two other contractors.[15] These were evaluated by a board comprising the English Nature project officer, another English Nature expert and a member of the JNCC Marine Group. Prior to the board, all three evaluators were asked to independently assess the three tenders and to provide a score out of 10 for the first three of the above criteria, resulting in a total score of 30:

2.25 Scores for these three criteria from two out of the three evaluators are given below, though it appears that one of the evaluators used a different scoring system, with 1 being a higher mark than 2.

Contractor	Quality of survey package		Relevant experience		Understanding of project aims		Total score	
	Eval 1	Eval 2	Eval 1	Eval 2	Eval 1	Eval 2	Eval 1	Eval 2
SeaStar	6	1	8	2	6	1	20	5
Contractor 2	6	2	2	2	0	2	8	8
Contractor 3	5	1	4	1	2	2	11	5

2.26 The board's report records that:

> *"The results of the independent evaluations …. did not rank the companies in the same order. This note records the discussion between members of the tender board to come to consensus on the preferred supplier.*
>
> *"All evaluators recognised that two companies [(Contractors 2 and 3)] were strong on the geophysical aspects of the survey. [Contractor 2's] bid gave a particularly good geophysical survey plan, including extras such as USBL, which were not offered by the other companies. However, both [Contractors 2 and 3] presented poor biological survey options with neither specifying details of who would undertake the biological work and how the geophysical and biological would be linked.*
>
> *SeaStar presented a more balanced bid. All the tender board recognised that SeaStar as a younger company did not possess the geophysical expertise of either of the two other bidders. However, the board also felt that SeaStar's experience in geophysical work was adequate to complete the proposed survey which was expected to be a 'quick overview' broad scale characterisation of easily distinguishable features rather than a high quality, detailed survey.*

[14] http://www.jncc.gov.uk/page-2430.
[15] SeaStar Survey also tendered for the Outer Thames Estuary Survey.

SeaStar also presented a coherent biological package with a named environmental scientist (with a PhD in marine habitat mapping).

The consensus view of the board was that a balanced approach to both the geophysical and biological work packages was of greater importance than the poorer biological options offered by the more experienced geophysical companies. The invitation to tender was explicit in that both work packages were of equal importance, hence SeaStar was the preferred bidder."

Examination of the tender documents

2.27 Examination of the project specification and tender documents submitted by all three potential contractors showed that SeaStar Survey's bid was stronger on the biological work, particularly compared to [Contractor 2] which did not provide any detail on how the biological sampling would be undertaken. However, it was slightly weaker on the geophysical side and, unlike one other bid [Contractor 3], did not include any contingency for adverse weather. Overall, as the geophysical and biological aspects of the survey were considered to be equally weighted, it seemed a reasonable approach to have accepted SeaStar Survey's tender.

Conclusions

2.28 From an examination of the process and tender documents, it appears that ***the process was conducted fairly and, overall, the contractor chosen – SeaStar Survey – appeared to provide the best all round bid***. However, there was ***a poor audit trail in terms of potential contractors invited to tender and the board's decision-making process.*** For example, all of the scores and supporting comments should have been retained on file, particularly as there was initial disagreement between the evaluators in terms of rankings for the tender documents.

Selection of Royal Haskoning to carry out data acquisition and survey

Examination of the process

Pre-qualification questionnaire

2.29 In April 2006, a Services Restricted Procedure Notice was placed in the *Official Journal of the European Union* seeking contractors to undertake further survey work in seven Areas of Search.[16] Each of the seven areas was to be considered separately and contractors were invited to bid for one, some or all of the areas. Potential contractors who responded to the Contract Notice were provided with *'Contract Notice Questionnaire – FST20-18-030 Acquisition of Survey Data and*

[16] The areas and associated features were as follows: **1. Outer Wash Sandbanks** (subtidal sandbank and biogenic reef); **2. Greater Thames Estuary** (subtidal sandbank and biogenic reef**); 3. Lyme Bay to Poole Bay** (rocky reef, subtidal sandbank and biogenic reef); **4. Salcombe to Yealm and Eddystone** (rocky reef); **5. Lizard Point** (rocky reef); **6. Lands End and Cape Bank** (rocky reef); and **7. Outer Morecambe Bay, Shell Flat and Lune Deep** (subtidal sandbank and boulder reef).

Preparation of Site Briefing Statements for draft Marine Special Areas of Conservation (SAC) within the 0-12 Nautical Mile Zone', which set out some background information (i.e. a list of the sites under consideration and an indication of the work) and included a questionnaire for completion by 16 May.

2.30 The questions covered:

3.1 – **Company details**, including: the use of consortia; the principal business activities and the numbers of staff in each; proposals for maintaining staff quality and knowledge throughout the life of the project; and measures to ensure quality, including internal quality procedures and training, and of relevant quality certification(s) held

3.2 – **Financial and other information**

3.3 – **Experience and track record**:

3.3.1 – contracts awarded for the provision of services similar to those required by English Nature

3.3.2 – experience of (a) undertaking marine survey work, both for mapping large scale subtidal marine features (reefs, sandbanks) and sampling and describing biological communities; (b) making assessments of conservation interest features, and the associated sensitivity, exposure and vulnerability to change; and (c) stakeholder mapping

3.3.3 – understanding of the Habitats Directive, how the Habitats Regulations apply at sea and English Nature's work in marine protected areas.

3.3.4 – experience of liaising with any subcontractors

3.4 – **Company procedures and contractor's approach**, including how planning, management and evaluation of projects are carried out, particularly in relation to estimating resources and costs and tracking performance.

Evaluation of PQQ responses

2.31 Fourteen contractors submitted the Pre-Qualification Questionnaire (PQQ), including Royal Haskoning. These were assessed by a panel of three on 17 May using a standard template, which set out a number of criteria based on the questionnaire, which were assessed at each of the four stages of the evaluation (see below). At the end of each stage, an assessment was made as to whether the contractor's response should proceed to the next stage.

Stage 1 – Adherence to procurement procedures and eligibility
Stage 2 – Critical requirements
Stage 3 – Essential technical requirements
Stage 4a – Financial stability
Stage 4b – Company procedures

2.32 Under Stage 2 (Critical requirements), the following two criteria were assessed and scored as 'Yes' or 'No'. Failure in relation to either of these questions meant that the contractor could not proceed to Stage 3.

3.1.8 – Is the average manpower of the company, in relevant services, over the last 3 years sufficient for EN/NE to believe they have the staffing capacity to carry out the work?

3.3.1 – Has the service provider provided references for a similar service over the last three years?

2.33 Under Stage 3 (Essential technical requirements), the following criteria were assessed and scored from 0 (No evidence) to 6 (Excellent response):

3.3.1 – To what extent can the service provider demonstrate track record and expertise in providing support and advice for similar projects of a similar type?

3.3.2 – Does the service provider have experience in undertaking marine survey work, both for mapping large scale subtidal marine features (reefs, sandbanks) and sampling and describing biological communities?

3.3.3 – Is the service provider able to demonstrate an understanding of the Habitats Regulations and how they apply to the sea and the work undertaken by EN/NE on Marine Protected Areas?

3.2.1 – Does the service provider have experience in liaising with subcontractors?

2.34 Royal Haskoning scored a maximum of 24 at this stage. One other potential contractor also scored 24, with six other contractors scoring between 17 and 23. The remaining six contractors failed at Stage 2.

Invitation to tender

2.35 Royal Haskoning and the other seven successful potential contractors were invited to tender for survey work in the seven Areas of Search on 24 May. As before, contractors were invited to bid for one, some or all of the areas.

2.36 The specification (at **Annex F**), set out the **key deliverables** required from this work. In addition to providing a detailed report containing descriptions of feature locations and their relevance to the Habitats Directive, the following deliverables were required:

- **Habitat mapping**, **including a description of the location and extent of features and the types of biological community present:**
    - confirmation of data relating to the occurrence of reef or sandbank collated in BMT Cordah and Jones (2005)[17] and mapping of the location and extent of the features, involving both collation of archived survey data and collection of fresh survey data as appropriate

[17] BMT Cordah Ltd and Jones, L. (2005). *Identification of marine habitats relevant to Special Areas of Conservation.* **English Nature Research Report No. 659**.

- consideration of less intensive methods of habitat mapping appropriate to the size of area
- proposal of appropriate survey methods using standard techniques such as sidescan, swath, grab sampling, video survey, drop down photography or diving
- refining of the overall search areas for each site should mapping information indicate that features extend outside the proposed boundaries.

- **Compliance with site selection criteria and additional principles for site selection** – assessment of the habitat mapping data acquired above for compliance with the site selection criteria and additional principles for selection detailed in Johnston *et al.* (2002).[18]

- **A statement of the principle conservation interests for the features** – comprehensive description of the local, regional and international importance of the site and provision of full ecological descriptions.

- **A description of the depth of evidence associated with material presented under the above sections** – provision of a confidence rating against the accuracy of the data using standard risk assessment techniques.

- **Assessment of the sensitivity, exposure and overall vulnerability of the features and habitats to ongoing human operations** – to enable relevant authorities to direct and prioritise their work on the management of activities that pose the greatest potential threat to the favourable condition of the interest features should designation be taken forwards.

- **Stakeholder mapping** – identification of key organisations and presentation of stakeholder interests by sector (e.g. ports & shipping, offshore renewables, fisheries, hydrocarbons, aggregates, recreation, etc.).

2.37 The following **evaluation criteria** were set out in the specification:

- Quality of proposal and relevance to underpinning of designation process
- Relevant experience in undertaking similar projects
- Capability / capacity to carry work programme through to completion
- Value for money
- Understanding of requirement
- Ability and willingness to work collaboratively
- Performance Management Systems
- Expertise of key project members

[18] Site assessment criteria are: representativity; area of habitat; conservation of structure and function; and global assessment. Additional principles are: priority/non-priority status; geographical range; special UK responsibilities; multiple interest; and rarity.

Tender evaluation

2.38 Tenders were received from seven potential contractors including Royal Haskoning on 7 July . There then followed a delay of five months before funding was committed to the surveys,[19] which resulted in the loss of one year's work. Letters were sent to the eight contractors on 16 October detailing amendments to the timescales for further survey in the seven Areas of Search and requesting revised costs to inform the tender evaluation.

2.39 The tender evaluation panel, comprising the two Natural England nominated officers, another Natural England expert and a representative from JNCC, was held on 13 November and assessed all seven tenders. Only Royal Haskoning and one other contractor tendered for all seven areas. In addition to Royal Haskoning, three contractors tendered in full for Area 3 (Lyme Bay to Poole Bay) and two for Area 4 (Salcombe to Yealm and Eddystone), with one tendering for some of the work in both areas.

2.40 Royal Haskoning quoted a fixed price for each area of £104,570, but this excluded estimates for field work, which were considered to be in the region of £50,000-100,000.[20] Costs quoted by the three other contractors tendering for Area 3 were £163,466 (Contractor 3)[21], £170,000 (Contractor 5) and £200,000 (Contractor 6). For work in Area 4, the other two contractors quoted prices of £151,157 (Contractor 3) and £255,000 (Contractor 6).

2.41 All tenders were considered together irrespective of whether they had tendered for work in all or some of the areas. The tenders were evaluated against the following eight questions, with scores of 0 (poor) to 10 (excellent) being awarded for each:

1. Have they understood what is required for the project?

2. Quality of proposal (i.e. is this what we are looking for in terms of a proposal for Defra?) Quality compared with other proposals.

3. Have the company done something like this before - i.e. is their proposal realistic?

4. Has the company got enough team members to carry out the work and see it through to completion, making sure that there is consistency/continuity in working?

5. What does their work programme include? Are we getting good value for money? Is this good/bad compared with other companies?

6. How willing are they to work with ourselves, area teams, developers, stakeholders and other consultants?

[19] Delays occurred due to a moratorium on spending. Defra committed funds to the work on 10 October 2006.
[20] Actual costs of the field work for Areas 3 and 4 were £73,642 and £81,416 respectively.
[21] See table below for further details of the evaluation of contractors' bids.

7. How are they going to manage the work load and make sure the project objectives are being met?

8. How experienced are the various members of the team?

2.42 The summary tender evaluation sheet indicated that Royal Haskoning scored an average overall mark of 64.3 (out of 80), with individual panel scores ranging from 56 to 77.[22] The overall mean scores recorded for all seven potential contractors are set out below in descending order, together with their associated ranges.

Contractor	***Mean overall score***	***Range of overall scores***
Royal Haskoning	64	56-77
Contractor 1	62	48-73
Contractor 2	61	46-69
Contractor 3	58	46-68
Contractor 4	57	40-66
Contractor 5	54	46-65
Contractor 6	52	36-67

Note: In addition to Royal Haskoning, Contractors 3,4 and 6 tendered for Area 3 and Contractors 3 and 6 tendered for Area 4.

2.43 There were significant differences in the overall scores by individual panel members, with the scores for all tenders varying by between 19 and 31 marks. Scores for individual criteria also varied significantly and there were relatively few comments given for each criterion to support the marking. In addition, several errors in scoring were found, though this did not affect the overall ranking.

2.44 In summing up their conclusions, the panel noted that the Royal Haskoning tender was *"the best one. Have awarded them areas 3 and 4 as the write [up] of the reefs in these areas will entail a lot of comprehensive work. Have awarded them Area 7 as well as the area comprises both sediment and rock."* On the basis of the evaluation exercise, Entec (Contractor 1) was awarded Areas 1 and 2 as they were *"good at sediment surveys"*, while Cefas (Contractor 2) was awarded Areas 5 and 6, which *would "entail a lot of survey work"* due to *"the size of vessels and work in the past."*

2.45 Summary comments on the other tenders were:

Contractor 3 – *"Out of the top 4 only two tendered for Areas 3 and 4 (similar areas) and decided to go with Royal [Haskoning] as they scored the highest. And for the Thames Entec who also ranked higher."*

Contractor 4 – *"Have good experience in the area but they have [not?] included much information on the methods for assessing and interpreting data. No detail on stakeholder sensitivity, etc. No project timings."*

[22] Scores were only given for three out of the four panel members for the Royal Haskoning tender document.

Contractor 5 – *"Strong on Lyme Bay but weaker on areas 5 and 6. Difficult to see how ecological processes incorporated into analysis. A pure mapping approach; a reduced interpretative approach."*

Contractor 6 – *"Tender poorly structured. Some experience in working in specific geographical areas but no independent thought on how to complete the project."*

2.46 Royal Haskoning was awarded the contract to acquire further data and survey gaps in Area 3 (Lyme Bay to Poole Bay) and Area 4 (Salcombe to Yealm and Eddystone) on 13 November. This included a 10-day standstill period to 28 November to allow for unsuccessful contractors to challenge, which was subsequently extended to 4 December. During this period, several of the unsuccessful contractors requested detailed feedback on the reasons for non-selection. The initial start up meeting between Royal Haskoning and Natural England to agree the work programme was held on 5 December.

Examination of PQQs and tender documents

2.47 Examination of the PQQs returned by Royal Haskoning and the other 13 potential contractors clearly showed that the decisions to exclude six of these from the scoring process at Stage 3 were correct. Royal Haskoning's PQQ was also clearly one of the strongest bids.

2.48 From an examination of the tender documents submitted by the seven potential contractors, it was clear that Royal Haskoning, Cefas and Entec all submitted good proposals. In relation to Areas 3 and 4, Royal Haskoning's tender was clearly stronger than that submitted by Contractor 6. However, although it demonstrated a good understanding of the brief and showed that the work would be well managed and carried out by a highly experienced consortium, backed by a panel of experts, it did not much provide much detail about the proposed approach to each area particularly compared to those submitted by Contractors 3 and 5 (for Area 3). It was also more difficult to work out the value for money of the bid because, in addition to providing a fixed price for each site (£104,570), due to uncertainty in the amount and type of primary data required and the complexity of each site, only ball-park estimates were provided for the field work elements. However, when considered against all the evaluation criteria, it did appear to be the strongest tender for Areas 3 and 4.

Conclusions

2.49 From an examination of the process and tender documents, it can be concluded that the ***PQQ stage was conducted fairly***, there was a ***clear audit trail of the decisions*** made and ***invitations to tender were subsequently sent to those contractors submitting the strongest bids***. However, at the ***tender evaluation stage,*** there was a ***relatively poor audit trail*** in terms of the comments, conclusions and decisions made by the panel in relation to all potential contractors. In particular, ***not all of the individual scores and supporting comments were recorded for each criterion***. This was important as there was significant variation in scoring by panel members, thereby making it more difficult to understand the decisions taken in

relation to each potential contractor. Despite this, when considered against all the evaluation criteria, ***Royal Haskoning's tender did appear to be the strongest for Areas 3 and 4***.

3. EXAMINATION OF THE CONSULTATION PROCESS

Introduction

3.1 Draft Selection Assessment Documents (SADs) for Poole Bay to Lyme Bay and Prawle Point to Plymouth Sound and Eddystone were submitted to Natural England by Royal Haskoning in mid-2008. Following a number of revisions, these were presented to Natural England's Executive Board in December 2008, which gave approval for eight draft inshore SACs to be submitted to Defra for consultation. An overview of the consultation process is given at **Annex G**.

Examination of the consultation process

3.2 A detailed examination of the consultation process was carried out by studying relevant documents provided by Natural England and through interviews with Eleanor Hill, the Natura 2000 (N2K) Project Manager who was responsible for managing the consultation process and the Marine Ecologist who led on the reefs under consideration and who was a member of the Evidence Panel. A list of the key documents examined is at **Annex H**.

3.3 At the request of the Review Team, the examination focused on the following key questions:

- To what extent did Natural England seek and allow input from stakeholders? Was there any bias in the choice of stakeholders to be consulted?
- Were the consultation document and processes adequate, in the sense of providing the right information to allow informed comment? Was Natural England's process sufficiently transparent to allow stakeholders to understand the basis for decisions and to comment appropriately?
- Is there evidence that responses were properly taken into account, without any bias? Were there sufficient processes in place to ensure the quality assurance of the evidence? Was the process sufficiently transparent?
- Did the consultation process provide a sufficiently rigorous examination to act as an equivalent to an independent expert review?

Stakeholder involvement

3.4 Discussions were held with Natural England and various stakeholder documents were examined to assess:

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- the extent to which Natural England sought and allowed input from stakeholders; and
- whether there was any bias in the choice of stakeholders to be consulted.

Examination of the process

3.5 The initial list of stakeholders was drawn up by external contractors used to develop the Impact Assessments (IAs)[23] for each site. This list formed the basis of guidance for Natural England staff (at **Annex I**), issued in February 2009, which was used to develop national and regional stakeholder engagement plans for both the informal and formal consultations. For example, a N2K National Stakeholder Action Plan was developed as a basis for informal dialogue with a range of sectors: aggegrates; energy; environment; fisheries; Government and agencies; oil and gas; recreation; shipping; telecom cables; and others.

3.6 Stakeholder Engagement Plans were prepared for all areas, identifying the key organisations that should be targeted in the region, the initial method of engagement (letter, email, phone or meeting) and the staff involved. For example, the South West Engagement Plan included over 150 stakeholders in seven sectors (fisheries, statutory bodies, MPs/MEPs, conservation groups, landowners, sea users and academic groups). It also set out the types of activities that would take place, such as:

- Sending letters to key regional stakeholders to commence informal dialogue. Conducting national engagement according to the national engagement plan.
- Posting information on the Natural England website for public viewing (including the site conservation objectives, boundary maps, FAQs and SADs)
- Holding meetings with key stakeholders to explain:
    - Why this was happening
    - Site selection process
    - Boundary choices
    - Conservation objectives
    - The IA process
    - The overall 'consultation' process
    - Relationship to Marine Conservation Zones (MCZs)[24]
- Attending some public-facing events and discussing dSACs with those interested

3.7 Press releases were also issued at the start of informal dialogue and formal consultation and at the announcement of the sites as candidate SACs to try to ensure that other stakeholders not specifically targeted were also aware of the consultation. In addition, regional advisers also advertised public meetings locally.

[23] An Impact Assessment (IA), which is an assessment of the likely economic and social impact, is required to accompany all proposals for Government interventions that might lead to costs and/or benefits to the private sector.
[24] Marine Conservation Zones (MCZs) are being established as part of the Marine and Coastal Access Act and, together with Natura 2000 sites, they will contribute to the Marine Protected Areas (MPAs) network. Unlike Natura 2000, the process of identifying MCZs may have regard to socio-economic effects.

Conclusions

3.8 From a detailed examination of the material provided and discussion with Natural England, it appears that the organisation went to ***significant lengths to seek and allow input from stakeholders***. There ***does not appear to have been any bias*** in the choice of stakeholders to be consulted: the lists of national and regional contacts were drawn up systematically and the consultation document and associated material was placed on the Natural England website, with significant publicity being undertaken nationally and regionally to ensure that all those who wanted to respond could do so.

Adequacy and transparency of the consultation document and associated processes

3.9 The consultation document and associated documents (listed at **Annex H**) were examined and interviews were held with Natural England to assess whether:

- the consultation document and processes were adequate, in the sense of providing the right information to allow informed comment; and
- Natural England's process was sufficiently transparent to allow stakeholders to understand the basis for decisions set out in the consultation document and to be able to comment appropriately.

Examination of the process

Format of the consultation document and other associated documents

3.10 Formal consultation on possible SACs (pSACs) at Poole Bay to Lyme Bay and Prawle Point to Plymouth Sound and Eddystone was carried out as part of a wider consultation of 10 possible inshore and offshore SACs and two potential Special Protection Areas (SPAs) (see **Annex G**). The consultation document[25] stated that the aim of the consultation was to seek the views of interested parties on:

- the scientific case for the designation of SACs and SPAs in the areas listed below; and
- the assessment of the likely economic and social impact of the designation of each site

3.11 In inviting comments from stakeholders on the site recommendations and associated IAs, the following information was provided:

- Legal and policy context – Natura 2000 sites and relationship to the UK Government's Marine Protected Areas Network vision

[25] "Consultation on marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and offshore Waters around the UK". Found at: http://www.naturalengland.org.uk/ourwork/marine/sacconsultation/default.aspx

- List and map of 10 possible SACs and two possible SPAs subject to formal consultation
- Interest features to be protected – habitats (reefs, sandbanks and submerged or partially submerged sea caves and species (two bird species)
- Documents for consultation – explanation of the purpose and format of the SAC SADs/SPA Departmental Briefs and IAs and details of how to comment (see below)
- Future management
- Site designation process
- Summary information for each candidate site – location, extent, interest features and a site overview

3.12 Comments on the SAC SADs/SPA Departmental Briefs and IAs were sought in the form of answers to the following questions given in Annex A of the consultation document. Those questions relating to the scientific case for the designation of SACs and SPAs in the areas listed are given below:

Q1 – Do you accept the scientific basis for the sites being put forward in this round of consultation? If not, then please could you explain why.

Q2 – Please indicate if you have any scientific information, not already referenced in the SAC Selection Assessment document or Departmental Brief.

Q3 – Do you have any information additional to that included in the SAC Selection Assessment document or Departmental Brief for the site?

Q4 – Do you have any further comments on the scientific selection of the sites as possible SACs or possible SPAs?

3.13 The document also provided links to other documents on the Natural England and JNCC[26] websites:

- SAC SADs/SPA Departmental Briefs
- IAs
- Frequently Asked Questions (FAQs) – both a general version (providing information on the process, the consultation, the science, the IAs, the sites, future management and future designations) and a fisheries supplement[27]
- Templates for feedback on questions

Acceptance of the scientific base for site designation (Question 1)

3.14 Taking account of the information contained in the SADs for Poole Bay to Lyme Bay and for Prawle Point to Plymouth Sound and Eddystone, consultees were asked

[26] For documents relating to offshore sites.
[27] FAQs were first published on the Natural England (and JNCC) website at the start of informal dialogue and then updated at formal consultation. FAQs specifically relating to fisheries were also produced for both the informal and formal consultation (but not for the Prawle Point to Start Point consultation as they were no longer needed).

whether they accepted the scientific basis for these sites being put forward for possible designation (Question 1). In addition to information on the Annex I habitats, SADs included:

- A map of the site, its location and extent
- A list of data sources on topography, habitats and species present used to define the features and site boundaries – including a description of the data source and its reference

3.15 Discussions with Natural England revealed that while most of the underpinning evidence for the sites was in the public domain, it was likely to be widely dispersed on different websites and requests for some of these data sources would be subject to a charge. Natural England did make available on request key reports from BMT Cordah, Royal Haskoning and others and when data were requested, staff endeavoured to provide them where practicable. However, it was acknowledged that the underpinning evidence was not as accessible as it might have been and that it would have been a difficult task for most consultees to use the data sources listed to define the feature and boundary for each site.[28]

3.16 This issue was also recognised by Natural England as part of its 'lessons learnt' exercise carried out in March 2011 (**Annex J**). It was recommended (Recommendation 62) that, wherever possible, the underlying evidence should be made available on the Natural England website and where this was not possible (e.g. for complex data that cannot be loaded directly on the website), it should be made clear that requests could be made directly to the project team.

3.17 As a way of overcoming this issue during the consultation – and in recognition of the practical difficulties of viewing the complex data sources in their different formats – Natural England also publicised and held workshops, open meetings and drop-in sessions where stakeholders could view the supporting data and ask further questions. As noted in Natural England's lessons learnt exercise, these events proved a very effective way of engaging with stakeholders.

Provision of additional scientific data (Question 2)

3.18 Although not stated as one of the two main aims of the formal consultation, a key part of the exercise was the acquisition of additional scientific data for the sites (Question 2). The intention had originally been for data gathering to begin during the informal dialogue phase, but due to its delayed start, this was not possible. However, the form in which data could be received during the formal consultation was discussed with stakeholders and a short note was produced for staff to advise stakeholders – mainly fishermen – if they wanted to know about the types of data available. Natural England commented that the note was intentionally short because Natural England did not want to limit the types of data stakeholders might want to present and that as it was drafted mainly for dealing with enquiries from

[28] It was noted that Portland Harbour Authority was able to challenge the site boundary following a request for the supporting data and subsequent analysis of these and its own data.

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fishermen, it did not go into detail about more complex data sources. The note is attached at **Annex K.**

3.19 Further guidance for stakeholders was also included in the general FAQ document:

What type of evidence will you take into consideration if we do not agree with your justification for any of the sites?

An important aspect of this consultation is to ensure that Natural England, CCW and JNCC have used the most robust science in order to identify the sites. We would welcome any biological or physical information, which is geographically referenced that can be used to underpin or query the site selection. It should be noted that anecdotal information is unlikely to be used to inform designations.

Complexity of material presented

3.20 Although the consultation document and SADs were reasonably clear and comprehensive, they were not written in easily understandable 'lay' terms and both the amount and complexity of the material presented would have been daunting for many stakeholders who were not familiar with the scientific terms. The FAQs should have helped to improve the accessibility of the material, as would the various 'open' events where staff could explain the proposals. However, as noted in the lessons learnt exercise, some regional staff also produced their own leaflets for stakeholders setting out the key issues in a simplified form and it was recommended (Recommendation 71) that this should be considered in the future.

Conclusions and Recommendations

3.21 Based on an examination of the relevant documentation and discussion with Natural England staff, it is clear that efforts were made to list the underpinning evidence in the SADs in an attempt to allow stakeholders to understand the basis for decisions and to make informed comments. However, ***for most consultees, it would have been difficult to access and use this information*** to comment on the validity of the scientific basis for designation (Question 1 of the consultation). Clearly, for ***stakeholders attending open meetings, workshops and drop-in sessions***, where there was an ***opportunity to view the supporting data***, it would have been ***easier*** (but not necessarily easy) ***to understand the rationale and to comment*** appropriately. However, not all consultees were able to attend these events.

3.22 In terms of ***providing guidance to stakeholders on the provision of additional data*** (Question 2), ***the FAQ was helpful***. However, publication of the note to staff – or something similar – at the outset would have been clearer and more transparent.

3.23 Natural England needs to find ways to ***increase the transparency of the process*** to explain decisions more clearly and allow informed comment. This has already been recognised and, in future, the ***underlying evidence will be made available on the Natural England website*** with a clear message that where this is not possible (e.g. for complex data that cannot be loaded directly on the website), they

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can be requested from the project team. Another way of doing this would be to ***provide more guidance on the types of evidence that would be considered*** at the outset. More fundamentally, Natural England needs to ***involve stakeholders at the start and throughout the process***.

3.24 Natural England put significant effort into publicising and holding various open meetings, workshops and drop-in sessions where the background to the site selection could be explained more fully. However, due to the technical nature of the material presented, it also needs to consider ways to ***improve its accessibility to the lay person***. Again, this has already been recognised by Natural England, which is considering producing simpler material to sit alongside its more comprehensive documentation.

Adequacy and transparency of process for dealing with consultation responses

3.25 An assessment of the process for dealing with consultation responses was made to ascertain whether:

- there was evidence that responses were properly taken into account, without any bias;
- there were sufficient processes in place to ensure the quality assurance of the evidence; and
- the process was sufficiently transparent to stakeholders.

3.26 The assessment was undertaken by discussing the process in detail with Natural England, by examining the various documents provided and by following several examples of comments made through the process.

Examination of the process and associated documents

3.27 Guidance on 'Responding to the formal consultation' was drafted for Natural England staff prior to the formal consultation exercise (attached at **Annex L**). This note set out the process for assessing responses to the formal consultation, including where the responses would be held, who was responsible for logging responses, what acknowledgement[29] was required, how the responses would be dealt with and what the role of regional staff was in the process.

3.28 As shown in Figure 2 of the guidance note, responses were to be analysed in different ways according to whether they contained 'hard data' sufficient to inform the final site recommendations (or IAs) or whether they were of a 'more general nature which better contributed to our wider knowledge of the sites and stakeholder views. For example:

[29] As it was not possible to comply with Natural England's Customer Service standards, which required a 'full' response within 10 days, the guidance note advised that an immediate acknowledgement was sent explaining what was going to happen next and to what timescale.

- ‘Hard’ evidence for SACs – a quick assessment would be made by the chair of the Evidence Panel, after which it would be discussed by the Panel (including the Evidence Team, appropriate regional leads and JNCC) in February/March 2010, final recommendations would be agreed with the N2K Project Manager/Marine Director and JNCC, if applicable, and revised recommendations would be submitted to the Natural England Executive Board by May 2010.
- General comments (site evidence) – evidence would be reviewed by the Evidence Team and, if not considered ‘hard evidence’, it would be dealt with by regional staff and would form part of the audit trail of recommendations made to the Executive Board.

3.29 The guidance note stressed the importance of providing an audit trail from the comment received to the final action taken or recommendation made. As such, response summary forms were used to log the process by which site-specific responses were dealt with for each site, as well as more general responses covering all sites. These forms set out the comment made by each stakeholder, the date it was received, to whom it was passed for action and what follow-up stakeholder engagement, if any, was planned for March to July 2010. A summary of how each site-specific response was dealt with by Natural England was also prepared and submitted to a sub-group of the Board and Executive Directors in June 2010.[30] Neither these summaries nor the corresponding Board paper were placed on the Natural England website.

3.30 It was explained that a decision had also been taken not to reply to individual respondents but to send out a standard letter explaining the outcome of the consultation and inviting individuals to contact Natural England if they wished to see how their response had been considered. The main reason for this was the significant resource implications involved in responding to over 350 individual responses. In addition, regional advisers had felt it would be counter-productive to provide individual feedback where consultation responses contained long running issues that had been previously discussed and aired especially where not directly relevant to the consultation (e.g. around future management issues).

3.31 A report summarising the outcome of the consultation exercise,[31] prepared jointly be Natural England, JNCC and CCW, was published on 20 August. This report provided some high-level statistics (quantitative summary of positive and negative responses received to each consultation question and number of unique responses per site and sector) and key messages from each sector. In addition, for each site, a summary of the comments made on the scientific justification for selection and new evidence submitted were included along with the main conclusions and recommendations on the boundaries. Comments and evidence put forward in

[30] Responses were categorised in relation to acceptance of the scientific basis. Of the 58 responses relating to the Poole Bay to Lyme Bay pSAC, 12 accepted the scientific basis, 17 partly accepted it, 15 rejected it and 14 made no comment on it. Of the 31 responses on Prawle Point to Plymouth Sound and Eddystone pSAC, comparable figures were 10, 5, 7 and 9.

[31] ‘Report of the 2009-2010 consultation on 12 marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and offshore waters around the UK’. Found at: http://www.naturalengland.org.uk/Images/consultation-summary_tcm6-21708.pdf.

relation to Poole Bay to Lyme Bay pSAC and Prawle Point to Plymouth Sound and Eddystone pSAC, together with the action taken, are given below

Poole Bay to Lyme Bay pSAC

3.32 The report highlighted the following comments/evidence by consultees and subsequent action undertaken by Natural England at that time (in italics):

- Too much sand and sediment in the site compared to the amount of reef feature (designated features accounting for 32% of the area of the site) – *boundaries reviewed*
- Boundaries not drawn tightly enough in the Torbay area – *boundaries reviewed*
- 'Ridge' Reef in Torbay omitted – confirmed by SeaSearch records; *reef incorporated and boundaries redrawn*
- Areas off Balaclava Bay (Portland) misinterpreted as 'reef' – studies undertaken for the Portland Gas Storage Environmental Impact Assessment (EIA) and work commissioned by Portland Harbour Authority to review available data and information provided in the SAD made available to Natural England; *boundary revisited*
- Some sea caves omitted – report submitted which identified additional sea caves; *boundary increased by 1.45 km to incorporate sea caves to the North*
- New information generated by the DORIS (DORset Integrated Seabed Study) project – this collaborative project[32] mapped the extent and distribution of seabed features in an area east of Lyme Bay to Poole Bay and made available acoustic survey and underwater photography data; reef can now be mapped more accurately in the Studland Bay to Portland area; *further assessment underway*

Prawle Point to Plymouth Sound and Eddystone pSAC

3.33 The report highlighted the following comments by consultees:

- Only 30% of the site as mapped was Annex 1 reef feature
- Undesignated reef to the east of Prawle Point was as good a quality as that contained in the site
- Some areas were incorrectly mapped as reef

3.34 The report also noted that *"Newly available Digital Survey Bathymetry was acquired from SeaZones Solutions and re-analysis of video footage and close scrutiny of the raw data in the light of the issues has enabled Natural England to better define the spatial extent and location of the reef."* and *"…. Natural England agree also that the area of reef between Start Point and Prawle Point is of similar quality to the reef within the boundary mapped for consultation."*

[32] Involved Dorset Wildlife Trust (DWT), the Maritime and Coastguard Agency (MCA), the Channel Coastal Observatory (CCO) and the National Oceanographic Centre, Southampton University (NOCS).

Role of the Evidence Panel

3.35 As part of the examination of the process, consideration was given to the role and operation of the N2K Evidence Panel, which played a key role in assessing new data submitted by consultees that might affect feature maps or site boundaries. As noted previously (para. 3.28, the Panel was set up prior to the consultation and involved key regional staff with site-specific knowledge as well as national experts and JNCC. It was not normal practice to set up such a group, but it was felt to be necessary in view of the large amount of new evidence likely to be provided and the resulting high workload. Natural England felt that the Panel had worked well and intend to use this approach again in the future.

3.36 From discussions with Natural England, it appeared that the Panel had no clear terms of reference. There were also no protocols in place for deciding whether or not to consider any new data provided and no formal system of quality assurance to enable the Panel to assess and compare the quality of evidence received. Decisions were based on a case by case basis using expert judgement. Two examples were given of how this worked in practice in relation to the Poole Bay to Lyme Bay pSAC:

- Omission of the "Ridge" Reef in Torbay – a map showing Seasearch records that confirmed the presence of reefs known locally as "The Ridge" was received and reviewed by the Panel. The outcome of this analysis was to incorporate this reef and redraw the boundary accordingly.

- Boundaries not being drawn tight enough around reef features in the Torbay area – the Devon Sea Fisheries Committee provided shellfish survey and OLEX data to challenge the drawing of boundaries in three areas: south and west of the mouth of the Dart; Dartmouth around Scabbacombe Head; and Berry Head. The Panel sought advice from Cefas on the use of the OLEX data and agreed that it should not be used as it was highly interpolated. However, based on the other evidence provided, which confirmed that areas within the pSAC boundary were not reef, together with the latest guidance on boundary setting by JNCC,[33] the boundaries were revised.

3.37 It was acknowledged by Natural England that protocols should have been drawn up beforehand setting out the types of evidence that would be considered, perhaps based on the document drafted for all staff. It was also felt that, with hindsight, an assessment of the quality of the data should have been made, perhaps using the MESH (Mapping European Seabed Habitats) data confidence assessment methodology.[34] This would have allowed a more systematic consideration of all data received and would have provided a clearer audit trail of decision-making.

3.38 Weekly reports were made by the Panel chairman to key Natural England staff, including the N2K Project Manager and the Evidence Team. Summary documents

[33] JNCC (2008). UK guidance on defining boundaries for marine SACs for Annex I habitat sites fully detached from the coast. Found at: http://www.jncc.gov.uk/page-4165

[34] Further information can be found at: http://www.searchmesh.net/confidence/confidenceAssessment.html.

setting out the proposed changes to site boundaries were also produced (see **Annex M** for the Poole Bay to Lyme Bay pSAC) and were signed off by the N2K Project Manager and the Marine Director prior to consideration and approval by the Natural England Executive Board. However, more detailed minutes recording how decisions were made (including the exclusion of any new data) were made were not produced, presumably in part due to lack of time.

Analysis of comments

3.39 Comments made by consultees on the two pSACs were analysed to check whether the responses had been properly taken into account by Natural England without any bias. The documents examined were: the 'Summary of Responses to Formal Consultation' prepared for a sub-group of the Natural England Board and Executive Directors (at **Annex N**); the summary documents prepared for both sites by the Evidence Panel; and the consultation summary document. Only those responses that dealt with the scientific basis for designation were considered. In a few cases, where the explanations given in these documents were unclear, further information was also sought from Natural England.

Poole Bay to Lyme Bay pSAC

Accepting scientific basis

3.40 Of the 12 responses that accepted the scientific basis, only one provided new evidence (Devon SeaSearch) and this was used to draw revised boundaries (see para. 3.32 above). Of the others, five required no action by Natural England (i.e. they accepted the scientific basis), while the remaining six responses appeared to have been adequately taken into account. For example:

- Offshore Shellfish Ltd – queried if *"the aim is to return the site to a specific historical point in time, as conditions are constantly changing"*. Natural England's comment[35] was that *"The site will be maintained or restored according to its conservation objectives, which will be finalised following designation. This will be clarified with the stakeholder when we next meet or write to them."*
- Oakford Oysters Ltd and Poole Harbour Commissioners – both commented that the previous survey work [by Envision] was superficial. Natural England commented that *"The site has been remapped using recent data. The Poole Bay to Lyme Bay pSAC has been split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site."*

[35] Unless stated otherwise, here and elsewhere the Natural England commentary is taken from the 'Summary of Responses to the Formal Consultation' provided to a sub-group of the Natural England Board and Executive Directors in June 2010 (see **Annex N)**.

Partly accepting scientific basis

3.41 Of the 17 responses partly accepting the scientific basis for the site, several provided evidence which resulted in boundary changes (e.g. Torbay Coast and Countryside Trust in relation to the omission of sea caves; Dorset Wildlife Trust's DORIS data; Portland Gas Storage Ltd in relation to Balaclava Bay; and Devon SeaSearch and an individual respondent in relation to the "Ridge" reef – see above). Several other comments (e.g. from Devon Sea Fisheries Committee/Devon County Council, which commented that the boundaries could be drawn more tightly, and from Torbay Council/Torbay Harbour Authority, which wanted Brixham, Paignton and Torquay harbours to be excluded due to lack of evidence of reefs or sea caves) were also largely taken into account, with resulting boundary changes.

3.42 The remaining six responses suggested other data sources or areas, but all appeared to have been adequately considered. For example:

- University of Plymouth Marine Institute – felt that a range of data sources had not been included (and referred to various websites), particularly biogenic reefs. Natural England's commented that *"New data sources include more recent SeaSearch surveys, which have been used to help inform SADs and future baseline assessments. The area of biogenic reef is outside the 12 nm limit and some distance from the site."*

  Further information was sought from Natural England. It was explained that the Marine Institute had questioned the sensitivity assessments and the activity and valuation data used in the IA. Natural England's Evidence Panel had believed that this information, whilst useful for further iterations of the IA of this site, did not question the scientific rationale presented for the determining interest feature or the location of the boundaries.

  The Marine Institute had also identified Annex 1 reef feature not included within the site but, on plotting the locality of this feature, the Evidence Panel had found that the reef lay outside the 12nm limit (and Natural England's remit) and was some distance from the site. Natural England's Evidence Panel followed the JNCC (2008) boundary drawing guidance which states, *"Where small isolated instances of habitat occur at some distance from the main location of the habitat, these may be excluded from the site if their inclusion would result in large areas of non-interest feature" being included within the site boundary".* Consequently, Natural England had decided to exclude this evidence.

- Southern Sea Fisheries District Committee – felt that there was a strong case for inclusion of reef at the far eastern end of Lyme Bay. Natural England commented *"…. the additional reef suggested for inclusion has not been brought into the boundary as it is deemed to be of lesser quality in the original surveys by Haskoning and lies outside the main area of the site".*

  Natural England provided further information: *"Stenner's reef, the area referred to in the comment, like the Exeter's (another excluded reef in Lyme Bay), are*

relatively small, isolated patches of reef at the far eastern and western ends of the main Lyme Bay reef habitat. Between the main Lyme Bay reefs and the isolated patches of reef to the east and west are large areas of non-qualifying interest feature. Natural England's Evidence Panel followed the JNCC (2008) boundary drawing guidance.

"To this end, Stenner's, like the Exeter's, the Runnel Stone and the Mannacles (all isolated patches of reef that stakeholders requested to be included into the N2K reef sites) were considered too distant and likely to, if included, reduce the ratio of feature to non-feature and thus run counter to JNCC (2008) guidance. Furthermore, the reef type was already represented within the boundary of the proposed sites therefore could not be included in addition to what was already there. Natural England therefore did not agree with any suggested boundary change."

Rejecting scientific basis

3.43 Of the 15 responses rejecting the scientific basis for site selection, Portland Harbour Authority submitted additional evidence that resulted in boundary changes around Portland (para. 3.32). Several other consultees commented that there was too much sand and sediment in the site compared to the amount of reef feature (e.g. South Western Fish Producers Organisation Ltd), challenged the location of reef area (e.g. Dorset Handline Fishermen's Association) or proposed other areas (e.g. Weymouth & Portland Licensed Fishermen's & Boatmen's Association). The majority of these were addressed by the proposed boundary changes.

3.44 The remaining seven responses made a number of different comments, but all appeared to have been adequately considered by Natural England. For example:

- Bournemouth Borough Council Leisure Services – wanted to see the Ironstone 'reefs' located due south of Henistbury Head (Christchurch Harbour) included. Natural England commented that *"The reefs are boulder reefs of low extent and some distance from the rest of the site."*

  Natural England further explained that Henistbury Head is approximately 20km from the most eastern boundary of the Poole Bay to Lyme Bay pSAC. In following the JNCC (2008) boundary drawing guidance, the Evidence Panel had noted that the insertion of Henistbury Head would result in large areas of non-interest feature being included into the site and therefore it had not agreed with this suggested boundary change. Furthermore, Poole Bay to Lyme Bay dSAC had received large amounts of new, high quality data resulting in the site being split into two parts: Lyme Bay and Torbay and Studland to Portland. The Studland to Portland pSAC, to which Henistbury head is closest, would be going out to public consultation again in July 2011.

- Brighton and Newhaven Fish Sales – felt that the reefs were not in need of protection and suggested that site selection should be stakeholder-led. Also concerned that the proposals were biased against fishermen. Natural England

commented that it *"…. can only make recommendations based on scientific evidence and stakeholder socio-economic information cannot be taken into consideration."*

Prawle Point to Plymouth Sound and Eddystone pSAC

Accepting scientific basis

3.45 Of the 10 responses that accepted the scientific basis for the site, three submitted or suggested further evidence: Devon Wildlife Trust submitted the SeaSearch survey that Natural England already had in its possession; Devon SeaSearch submitted a SeaSearch Plymouth Drop off Survey report for 2006-2009 that was used for condition monitoring work; and the Plymouth Marine Science Partnership noted that a study of shell-gravel area west of Eddystone was underway but Natural England commented that *"this data is not directly relevant to the reef*[36] *and therefore we have not asked to view it"*.

3.46 Three others simply accepted the scientific basis and the remaining four responses appeared to have been adequately addressed. For example:

- South West Water – wanted reassurance that the boundaries accurately reflected the location of features.[37] Natural England commented that "*Analysis of recent Seazone data has enabled us to reassess the reef features and we are now confident that the mapping is correct."*

- Blackpool & Start Estate – wanted to see pSAC extended to include all of Start Point. Natural England commented that *"We recommend that the site is extended to Start Point and that this proposal is consulted on further."*

Partly accepting scientific basis

3.47 Of the five responses partly accepting the scientific basis for the site, one (Marine Conservation Society) provided evidence (SeaSearch survey results) that were used by Natural England to help inform its revised recommendations for the pSAC. The remaining four wide-ranging responses appeared to have been adequately addressed. For example:

- Plymouth Fishermen's Association – felt that areas should be redefined with industry input, that the site had been trawled for many years and that areas protected by local bylaws had been omitted. Natural England commented that *"The boundaries can only take into account scientific evidence. However, a pilot is being run with stakeholders to develop a suite of potentially suitable management measures."*

[36] Shell gravel does not qualify as Annex 1 reef.
[37] The same comment was made in relation to Poole Bay to Lyme Bay pSAC.

- South Devon Area of Outstanding Natural Beauty (AONB) – considered that the boundary should be re-visited, noting that reef at the mouth of the River Erme should be included. Felt that areas were not protecting certain species (eel grass beds, seals, basking sharks, etc.). Natural England commented that *"The new boundary goes further into the mouth of the River Erme than the old boundary and now encompasses the whole area of reef shown by the new Seazone data. We are not designating for seals at the present time. However, JNCC are undertaking a review to obtain more information on seal populations. It is not possible to protect the other species listed through this type of MPA, but it may be possible to do so in the future through MCZs."*

Rejecting scientific basis

3.48 Of the seven responses rejecting the scientific basis for site selection, one (Devon Sea Fisheries Committee) provided a detailed scientific response and OLEX data to support its view that the boundaries could be drawn tighter. In commenting on this response, Natural England *"agreed that the boundaries could be drawn more tightly around the features"* and noted that *"The OLEX data were used to complement the definition of reef feature".* Natural England further explained that*: "Analysis of the OLEX data was carried out by the Evidence Panel as it was for the Poole Bay and Lyme Bay pSAC. Data collection methods were identical. However, the reason it could be used to complement the delineation of the reef feature here and not in the Poole Bay to Lyme Bay pSAC, is that the OLEX data in the Prawle Point to Plymouth Sound and Eddystone pSAC were further supported by higher resolution Digital Survey Bathymetry from SeaZone."* In the absence of the supporting SeaZone bathymetric data, it would not have been possible to use the OLEX data because the coverage was poor and granular.

3.49 The remaining six responses (some of which contained supporting maps and images) all felt that the boundaries needed to be drawn more tightly around the reef feature as the proposed area contained large areas of sand and gravel. All were addressed by the proposed boundary changes.

Conclusions and Recommendations

3.50 Following an examination of key documents, a detailed analysis of how comments were dealt with and discussions with Natural England staff on the process, sufficient evidence has been presented to indicate that ***consultation responses were properly taken into account without any bias***. A process was in place to route responses to the appropriate person/team within Natural England, including the Evidence Panel, and the summary documents prepared for the sub-group of the Board and Executive Directors record how each comment was dealt with. As a key part of this, the ***Evidence Panel appears to have made the right decisions regarding the acceptance of new data***.

3.51 However, the Panel had ***no written protocol for deciding whether or not to accept new data***, relying solely on expert judgement, and it ***did not assess the quality of the data*** received (e.g. using the MESH data confidence assessment

methodology). There were also ***no detailed minutes recording how decisions were made*** (including the exclusion of any new data). ***These issues will need to be addressed*** if Natural England is to use the Evidence Panel approach in future.

3.52 In addition, although Natural England appears to have shown no bias regarding consultation responses, including new data provided by consultees, there was a ***lack of transparency*** within the process. The only publicly available document that recorded how responses were addressed – and resulted in changes to the site boundaries – was the consultation summary, which was a very high level document. While it is understandable that Natural England could not reply to all respondents on an individual basis, it ***could have written to those where 'hard' evidence was rejected explaining the reasons***. More simply, it could also have ***published the summary of responses prepared for the sub-group of the Natural England Board and Executive Directors***. Natural England will need to ***consider ways to improve the transparency*** of the process in the future.

Use of the consultation process as an independent expert review

3.53 The Natural England staff interviewed felt that the consultation process, if not an independent expert review, did provide an important audit of the process, with consultees being able to challenge decisions on site boundaries and provide new data which resulted in changes. Evidence Panel members, who were not involved in the earlier work, also provided a useful quality assurance function and instigated reviews of some of the boundaries.

3.54 While it is true that the consultation process provided an opportunity for consultees to challenge the site boundaries and provide new data, it did not – and could not – take the place of an independent expert review as most stakeholders were not in a position to be able to judge the validity of the scientific basis for selecting the sites. Similarly, while the Evidence Panel was able to carry out a thorough review of the data using the considerable expertise of panel members, this process was not a substitute for an external validation by independent experts.

3.55 More fundamentally, the ***external challenge to the process occurred too late***. Although Natural England had originally hoped to use the informal consultation as a way of challenging the site boundaries and gathering new data, it needs to consider how to ***involve stakeholders, including data providers, much earlier in the process***. As part of this, it also needs to commission an ***independent expert review*** of the underpinning data before going out to consultation.

4. CONCLUSIONS AND RECOMMENDATIONS

Examination of Natural England's tendering process

4.1 The tendering exercises leading to the selection of the three key external contractors – BMT Cordah, SeaStar Survey and Royal Haskoning – were considered in detail using file and electronic records and through discussion with Natural England. The main conclusions of these investigations are given below, together with recommendations for Natural England, where appropriate.

BMT Cordah

4.2 From an examination of the process and tender documents submitted by BMT Cordah and one other potential contractor, it was clear that BMT Cordah's tender was significantly stronger, particularly in terms of understanding of the work, technical competence and the use of GIS. Therefore, ***BMT Cordah justified being awarded the contract. However,*** there was a ***poor audit trail in relation to the selection of potential contractors invited to tender for the project. Acceptance of BMT Cordah's tender after the deadline is also questionable,*** although the reasons were clearly documented and there is little doubt that the other contractor would not have been awarded the contract if there had been no others. On balance, in these particular circumstances, ***this was a reasonable and pragmatic approach***.

SeaStar Survey

4.3 Examination of the project specification and tender documents submitted by SeaStar Survey and two other potential contractors showed that SeaStar Survey's bid was stronger on the biological work but slightly weaker on the geophysical side. Overall, as the geophysical and biological aspects of the survey were considered to be equally weighted, it seemed a ***reasonable approach to have accepted SeaStar Survey's tender as it provided the best all-round bid***.

4.4 However, while it appeared that the process had been conducted fairly, there was ***a poor audit trail in terms of potential contractors invited to tender and the board's decision-making process.*** For example, all of the scores and supporting comments should have been retained on file, particularly as there was initial disagreement between the evaluators in terms of rankings for the tender documents.

Royal Haskoning

4.5 Examination of PQQs returned by Royal Haskoning and the other 13 potential contractors and the evaluation process clearly showed that the decisions to exclude six of these from the scoring process at Stage 3 were correct. Overall, it could be concluded that the ***PQQ stage was conducted fairly***, there was a ***clear audit trail of the decisions*** made and ***invitations to tender were subsequently sent to those contractors submitting the strongest bids, including Royal Haskoning***.

4.6 From an examination of the subsequent tender documents submitted in relation to Areas 3 (Lyme Bay to Poole Bay) and Area 4 (Salcombe to Yealm and Eddystone), for which only Royal Haskoning and three other potential contractors offered bids, it appeared that ***Royal Haskoning's tender was the strongest overall*** although it provided less detail than some and it was more difficult to assess in terms of value for money.

4.7 However, there was a ***relatively poor audit trail*** at this stage in terms of the comments, conclusions and decisions made by the panel in relation to all potential contractors. This was important as there was significant variation in scoring by panel members, thereby making it more difficult to understand the decisions taken in relation to each potential contractor.

Recommendation 1: Natural England should ensure there is a clear audit trail leading to final decisions on the selection of external contractors.

As part of this, Natural England should ensure that the individual scores and comments made by all members of tender evaluation panels are filed electronically. A summary report should also be produced setting out the views of panel members on each evaluation criterion and on the overall tender submitted by each potential contractor under consideration, as well as on the key reasons for selecting a particular contractor.

Examination of Natural England's consultation process

4.8 At the request of the Review Team, a detailed examination of the consultation process was carried out by studying relevant documents and through interviews with key Natural England staff in an attempt to answer the following questions:

- To what extent did Natural England seek and allow input from stakeholders? Was there any bias in the choice of stakeholders to be consulted?
- Were the consultation document and processes adequate, in the sense of providing the right information to allow informed comment? Was Natural England's process sufficiently transparent to allow stakeholders to understand the basis for decisions and to comment appropriately?
- Is there evidence that responses were properly taken into account, without any bias? Were there sufficient processes in place to ensure the quality assurance of the evidence? Was the process sufficiently transparent?
- Did the consultation process provide a sufficiently rigorous examination to act as an equivalent to an independent expert review?

The main conclusions of these investigations are given below, together with recommendations for Natural England, where appropriate.

Stakeholder involvement

4.9 Consideration of the relevant material showed the Natural England went to ***significant lengths to seek and allow input from stakeholders*** and there ***did not appear to have been any bias*** in the choice of stakeholders to be consulted. It developed national and regional stakeholder engagement plans containing relevant contacts in a systematic way. It also undertook significant publicity, including stakeholder events, both nationally and regionally to ensure that stakeholders were aware of, and could respond to the consultation.

Adequacy and transparency of the consultation document and associated processes

4.10 Based on an examination of the relevant documentation and discussion with Natural England staff, it was clear that efforts had been made to list the underpinning evidence in the SADs in an attempt to allow stakeholders to understand the basis for decisions and to make informed comments. However, ***for most consultees, it would have been difficult to access and use this information*** to comment on the validity of the scientific basis for designation (Question 1 of the consultation).

4.11 In terms of ***providing guidance to stakeholders on the provision of additional data*** (Question 2 of the consultation), ***the FAQ was helpful***. However, publication of the note to staff on the types of evidence that would be acceptable (at **Annex K**) – or something similar – at the outset would have been clearer and more transparent.

4.12 Natural England put significant effort into publicising and holding various open meetings, workshops and drop-in sessions where the background to the site selection could be explained fully. However, it also needs to consider ways to ***improve the accessibility of the material presented*** for those who are unfamiliar with the scientific terms used but are unable to attend these events.

Recommendation 2: Natural England needs to consider ways to increase the transparency and accessibility of the underpinning scientific data in relation to designation of marine SACs.

This has already been recognised by Natural England and, in future, the underlying evidence will be made available on its website with a clear message that where this is not possible (e.g. for complex data that cannot be loaded directly on the website), they can be requested from the project team. Other ways of doing this would be to provide more guidance on the types of evidence that would be considered and, as has also been recognised by Natural England, produce simpler material for the lay person to sit alongside the more comprehensive documentation. However, more fundamentally, Natural England needs to engage stakeholders at the start and throughout the process.

Adequacy and transparency of process for dealing with consultation responses

4.13 Following an examination of key documents, a detailed analysis of how comments were dealt with and discussions with Natural England staff on the process, it was considered that sufficient evidence had been presented to indicate that ***consultation responses were properly taken into account without any bias***. A process was in place to route responses to the appropriate person/team within Natural England, including the Evidence Panel, and the summary documents prepared for a sub-group of the Board and Executive Directors record how each comment was dealt with. As a key part of this, the ***Evidence Panel appeared to have made the right decisions regarding the acceptance of new data***.

4.14 However, the Panel had ***no written protocol for deciding whether or not to accept new data***, relying solely on expert judgement, and it ***did not assess the quality of the data*** received (e.g. using the MESH data confidence assessment methodology). In addition, while it produced weekly reports for the N2K Project Manager and others, there were also ***no detailed minutes recording how decisions were made*** (including the exclusion of any new data).

4.15 There was also a ***lack of transparency*** within the process. The only publicly available document that recorded how responses were addressed was the consultation summary, which was a very high level document. While it is understandable that Natural England could not reply to all respondents on an individual basis, it ***could have written to those where 'hard' evidence was rejected explaining the reasons***. More simply, it could also have ***published the summary of responses prepared for the sub-group of the Board and Executive Directors***.

Recommendation 3: Natural England should draw up terms of reference for the operation of the Evidence Panel and make these publically available.

As part of this work, protocols should be drawn up for deciding whether or not to accept new data and for assessing the quality of the data received (e.g. using the MESH data confidence assessment methodology). There should also be a clear audit trail of decisions taken.

Recommendation 4: Natural England needs to consider ways to improve the transparency of the process for dealing with consultation responses in relation to the designation of marine SACs.

In addition to publishing the consultation summary, and making the Evidence Panel's role more transparent, it should also consider writing to those who have supplied 'hard' evidence that has been rejected explaining the reasons and publishing a more detailed summary of responses like that prepared for the sub-group of the Natural England Board and Executive Directors.

Use of the consultation process as an independent expert review

4.16 The Natural England staff interviewed felt that the consultation process, if not an independent expert review, did provide an important audit of the process, with consultees being able to challenge decisions on site boundaries and provide new data that resulted in changes. Evidence Panel members, who were not involved in the earlier work, also provided a useful quality assurance function and instigated reviews of some of the boundaries.

4.17 While the consultation process provided an opportunity for consultees to challenge the site boundaries and provide new data, it did not – and could not – take the place of an independent expert review as most stakeholders were not in a position to be able to judge the validity of the scientific basis for selecting the sites. More fundamentally, the ***external validation of the process occurred too late***. Natural England needs to consider how to ***involve stakeholders, including data providers, much earlier in the process***. As part of this, it needs to commission ***an independent expert review*** of the underpinning data before going out to consultation.

Recommendation 5: Natural England needs to consider how to involve stakeholders much earlier in the designation process for marine SACs.

Recommendation 6: Natural England needs to commission an independent expert review of the underpinning data before going out to public consultation on possible candidate marine SACs.

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ANNEX A: OVERVIEW OF THE SITE IDENTIFICATION PROCESS

1. Work by English Nature to identify inshore "reef" and "sandbank" SACs, as defined by Annex 1 of the Habitats Directive, followed a process of broad scale assessment of available geophysical or oceanographic information to identify potential Areas of Search, followed by the incorporation of local- or regional-scale remote-sensed, physical, and biological data.

Broad scale screening to indentify prioritised Areas of Search

2. In January 2002 English Nature commissioned the British Geological Society (BGS) to produce a Geographical Information System (GIS) and database of seabed habitats and features, largely based on geological and sedimentological data in its possession (e.g. published BGS 1:250,000 sea bed sediment (SBS) maps).[38]

3. In 2003, English Nature commissioned ***BMT Cordah*** to undertake additional data collation in order to revise and update maps derived from BGS data and assist in refining maps to show the distribution of relevant habitats; provide summary descriptions of relevant biological information; and provide an accompanying GIS and collated dataset of geological and biological information.

4. This work[39] produced a list of areas of potential interest which were further validated by English Nature national specialists and area staff in 2004 and resulted in 21 areas of interest being selected for further scrutiny. A workshop was held with external stakeholders in 2005 to consider the biological and physical data available for these sites and to assess whether any areas had been omitted or whether any should be removed from the list of areas. From the findings of the workshop and discussions held within English Nature, seven Areas of Search were identified.

5. In parallel with this work, a pilot survey was undertaken by ***SeaStar Survey*** on reef habitat around Eddystone Reef, Plymouth to allow English Nature to derive the most suitable methodologies for identifying and surveying the Habitats Directive Annex I reef features in inshore waters.

Detailed survey and development of site recommendations for formal consultation

6. In late 2006 and 2007 Natural England commissioned ***Royal Haskoning*** to carry out a data collation exercise to gather together all existing data for the two Areas of Search off Devon and Dorset, in order to identify gaps and to carry out a survey to acquire new data to fill the gaps. The two relevant Areas of Search were:

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[38] Poulton, C.V.L., Philpott, S.L., Bee, E.J., James, J.W.C., Tasong, W.A., Graham, C. and Lawley, R.S. (2002). Framework for the identification of seabed habitats and features within offshore English waters to 12 nautical miles. *Coastal Geology and Global Change Programme.* Commissioned Report **CR/02/134**. *British Geological Survey.*

[39] BMT Cordah (2004). Identification of marine habitats relevant to Special Areas of Conservation. A report for English Nature. Updated as: BMT Cordah & Jones, L. (2005). Identification of marine habitats relevant to SACs. *English Nature Research Report No.* **659**

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- Salcombe to Yealm & Eddystone
- Poole Bay to Lyme Bay

7. The data collation exercise was completed in February 2007. Contractors were asked to rate the confidence of the data as Low, Medium, High or Very High, according to guidelines developed under the Mapping European Seabed Habitats (MESH) project. Royal Haskoning produced a report scoping out new survey requirements identified following the collation of existing data for both Areas of Search in July 2007 and survey work was carried out in both areas in the late summer/autumn 2007. This survey work included sub-contracted surveys carried out by the Plymouth Marine Laboratory in the Salcombe to Yealm and Eddystone area, and by Envision Ltd in the Poole Bay to Lyme Bay area.

8. In early 2008, the data analyses from these surveys were completed and the SAC selection criteria applied by Royal Haskoning. Site boundary options were proposed by contractors and presented in the site selection reports. Royal Haskoning used a Technical Advisory Panel (TAP) made up of experienced UK marine scientists[40] to oversee the preparation of the site selection reports.

[40] Royal Haskoning TAP consisted of Dr Susan Gubbay (Independent Consultant); Dr Keith Hiscock (Marine Biological Association); Professor Chris Frid (Liverpool University); Dr Roger Bamber (Natural History Museum); Professor Lynda Warren (Independent Consultant); and Dr Richard Newell (Marine Ecological Surveys).

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ANNEX B: LIST OF KEY TENDER DOCUMENTATION EXAMINED

FST20-18-016 Data collation and mapping tender documentation

FST20-18-016 Identification of marine habitats relevant to Special Areas of Conservation. Annex A – Data collation and mapping to inform the identification of habitats under the Habitats Directive in English Territorial Waters

BMT Cordah Limited – Identification of Marine Habitats relevant to Special Areas of Conservation. FST20-18-016. A Proposal for English Nature.

BMT Cordah Limited – Proposal information – Identification of Marine Habitats relevant to SACs.

[Other contractor] – Contract FST20-18-016. Identification of Marine Habitats relevant to Special Areas of Conservation. Tender to English Nature from [other contractor].

[Other contractor] – Contract FST20-18-016. Identification of Marine Habitats relevant to Special Areas of Conservation. Tender from [other contractor]. Further clarification.

FST20-18-016 Identification of marine habitats relevant to Special Areas of Conservation. Tender board assessment and summary sheet

File note on the procurement procedure adopted in relation to BMT Cordah Limited

FST20-18-025 Eddystone Reef survey tender documentation

FST20-18-025 Specification for Acoustic and Biological Survey of Reef Habitat around Eddystone Reef, Plymouth

SeaStar Survey – Tender to English Nature. Contract number FST-18-025. Survey of reef habitat around Eddystone Reef, Plymouth.

Contractor 2 – Survey of reef habitat around Eddystone Reef, Plymouth. Contract number FST-18-025. Offer to carry out services.

Contractor 3 – Commercial proposal to: English Nature. Survey of reef habitat around Eddystone Reef, Plymouth. Contract number FST-18-025.

Tender board assessment

FST20-18-030 Data acquisition and survey work tender documentation

FST20-18-030 Pre-Qualification Questionnaire (PQQ) stage

Official Journal of the European communities, Services Restricted Procedure Notice, April 2006.

Contract Notice Questionnaire – FST20-18-030 Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone

Royal Haskoning – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone – Questionnaire response.

Entec – Contract Notice Questionnaire – FST20-18-030. Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

Cefas – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 4] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 5] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 6] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 7] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone – Questionnaire response. Contract Notice Questionnaire FST20-18-030.

[Contractor 8] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 9] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone. Contract No. FST20-18-030.

[Contractor 10] – FST20-18-030. Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 11] – Contract Notice Questionnaire. FST20-18-030. Title: Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 12] – Survey data for Marine Special Areas of Conservation. Contract No. FST20-18-030.

[Contractor 13] – Contract Notice Questionnaire – FST20-18-030. Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 14] – Contract Notice Questionnaire – FST20-18-030. Title: Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

FST20-18-030 PQQ evaluation template

FST20-18-030 Invitation to tender stage

FST20-18-030 Specification for acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

Royal Haskoning – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone. FST20-18-030. Tender bid for English Nature.

Entec UK Ltd/Contractor 1 – English Nature Characterisation of proposed marine SACs in English waters.

Cefas/Contractor 2 – Contract no. FST20/18/030. Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone. Tender bid for English Nature, July 2006.

[Contractor 3] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone. Contract no. FST20-18-030.

[Contractor 4] – FST20-18-030: Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone.

[Contractor 5] – FST20/18/030 – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone. Tender bid for English Nature.

[Contractor 6] – Acquisition of survey data and preparation of site briefing statements for draft marine special areas of conservation within the 0-12 nautical mile zone. FST20-18-030. Tender bid for English Nature.

FST20-18-030 Tender evaluation panel – individual and summary spreadsheets

ANNEX C: PROJECT SPECIFICATION FOR DATA COLLATION AND MAPPING WORK CARRIED OUT BY BMT CORDAH

Data collation and mapping to inform the identification of habitats under the Habitats Directive in English Territorial Waters

1. Introduction

English Nature is the statutory body that champions the conservation and enhancement of the wildlife and natural features of England. We do this by:

- **Advising**-Government, other agencies, local authorities, interest groups, business, communities, individuals;
- **Regulating**-activities affecting the special nature conservation sites in England
- **Enabling**-helping others to manage land for nature conservation, through grants, projects and information
- **Enthusing**-advocating nature conservation for all and biodiversity as a key test of sustainable development

In fulfilling our statutory duties we:

- Establish and manage National Nature Reserves
- Notify and safeguard Sites of Special Scientific Interest
- Advocate to Government Departments and others effective policies for nature conservation
- Promote research relevant to nature conservation

Through the Joint Nature Conservation Committee (JNCC), English Nature works with sister organisations in Scotland, Wales and Northern Island to advise Government on UK and international conservation issues.

The government has encouraged English Nature to press forward with the identification of Special Areas of Conservation (SACs) within the 12 nautical mile limit and this is reflected in our Corporate Plan for 2003-2006. To help with this process, English Nature requires some work to be undertaken to a relatively tight timescale, building on previous work, to collate and interpret relevant information on the distribution and description of relevant habitats.

2. Background

The 1992 Directive on the Conservation of natural habitats and of wild fauna and flora (92/43/EEC), more commonly known as the 'Habitats Directive' was implemented into UK law by the Conservation (Natural Habitats &c.) Regulations 1994 and the Conservation (Natural Habitats &c.) (Northern Ireland) Regulations 1995. One of the requirements of the Habitats Directive is the selection, proposal of and subsequent designation of Special Areas for Conservation (SACs) for a range of habitats and species listed in Annexes I and II of the Directive respectively. Of the current SAC series in the seas around England, all sites are inshore and attached to the coast.

Implementation of the Habitats Directive was originally restricted to Territorial Waters within the UK. A court judgement in 1999 resulted in the UK being required to implement the Habitats Directive out to 200 nautical miles. JNCC have therefore been undertaking work (in close collaboration with the country conservation agencies) to identify possible SACs (and SPAs) in UK offshore waters between 12 and 200 nautical miles (referred to herein as the "JNCC-led work").

Because of the relative lack of data on habitats and species within this area, this work necessitated different methods of SAC identification than those employed hitherto for inshore SACs. So far, broad scale geophysical seabed information has been used to identify the distribution of habitat, and available biological data collated to provide brief descriptions of specific areas within the overall distribution. That work is presented in Johnston *et al* 2002 and potential contractors are encouraged to refer to this report.

The new methods necessary for the identification of offshore SACs developed by JNCC and the country conservation agencies, and the availability of new seabed geological information for English waters, provided new evidence for the widespread existence of possible Annex I habitat, and therefore highlighted the potential gap in the SAC site series, between the coast and 12 nautical miles. This gap was particularly obvious for English territorial waters, where most of the existing SACs do not extend far into the marine environment.

In view of this, and with the support of Defra, English Nature is working towards identifying possible additional SACs for certain marine habitats within English territorial waters. As a first step towards this English Nature commissioned the British Geological Survey (BGS) to produce a GIS and database of seabed habitats and features largely based on geological and sediment information held by the BGS (Poulton *et al* 2002). That data has subsequently been refined to identify the distribution of potentially relevant reefs and sandbanks as defined under the Habitats Directive (see Appendix 1).

3. Aim of contract

English Nature is building on the methodology developed by the JNCC, and data they have collated, in relation to English Territorial Waters.

The aim of this contract is assist with refining and completing maps (with appropriate target notes and accompanying descriptive text) to show the distribution of relevant habitats, and to collate relevant biological information to provide a brief description of the biological communities of specific areas from within the mapped distribution. The output will be supported by a collated dataset of geological/habitat and biological information.

Essentially, this will help to move from the present information represented in Appendix 1 and Appendix 2 to the kind of information presented in Johnston *et al* 2002.

4. Objectives

The objectives of this contract are:

1. To validate the distribution of habitat derived from BGS data, amending and augmenting with new information, at an appropriate scale(s).

2. To add information on relevant habitats not identified from the BGS data in the course of relevant data collation.

3. To fill in significant spatial gaps not covered in the BGS data.

4. To produce a revised map showing known areas of Annex I habitat, including relevant target notes and text.

5. To collate biological information relevant to the habitats identified in section 5B below and summarise this in brief descriptions of specific areas of habitat

It should be noted that whilst Objectives 1 to 4 will be partly based on geological information, the greater proportion of time spent in the contract is likely to be spent on collating and drawing on biological information to achieve Objective 5 and in so doing identifying information relevant to achieve Objectives 1 to 4.

The contract will complement the described work already carried out by the JNCC and therefore provide contiguous mapping and descriptive data for Annex I habitats that straddle the 12 nmile boundary.

5. Methods

A. General

The main method to be used will be to identify and review relevant data (both mapped and other types of survey) from a variety of sources (see below), building on the data already brought together for English Nature (Appendices 1 and 2).

As a guide to the approach and methods to be used, the contractor should refer to Johnston *et al* 2002 (particularly in relation to habitat definitions, the process for collating and assessing data, the way in which maps showing the distribution of potential habitat have been derived and examples of the products required under this contract (see sections 2.1-2.3 and figures 2.1-2.20)) and Poulton *et al* 2002.

The maps in Appendix 1 highlight several areas of potential sandbank habitat off the Norfolk coast, the Thames Estuary, Sussex and the North-West, and potential reef habitat in the English Channel and the South West of England (including the Bristol Channel). These areas should be targeted first as the focus for Objective 1.

The survey techniques used by the BGS to collect their data, and the way it is then collated, does not readily identify information on "biogenic" reefs or on two other potentially relevant Annex I habitats, ‘sea caves’ and ‘submarine structures made by leaking gas’. For example seacaves are difficult to distinguish from reefs by the remote survey techniques employed by the BGS. Therefore, in collating and analysing biological and other data, the contractor should be aware of the need to identify these habitats. The degree to which the contractor actively seeks data on these habitats needs to be discussed but, if agreed, this is likely to include interrogating biological data already available to English Nature such as from the Marine Nature Conservation Review (MNCR) or Seasearch. English Nature is already aware of potentially relevant examples of biogenic reef formed by *Sabellaria* off Dorset and off the Wash, and of planned or on-going work to collate information on these. The contractor should draw on, rather than duplicate, such work.

Gaps in existing BGS data occur close inshore where depths were too shallow for survey vessels to access. In fulfilling Objective 3, we would currently draw attention to the areas off north Norfolk, south Kent and Sussex, and the Duddon Estuary. However, in the course of collating relevant data the contractor may advise on other areas worth considering in discussion with the Project Officers.

To fulfil Objective 5, the contractor will summarise collated biological information to provide brief "pen pictures" of relevant areas of habitat (see 2.3 of Johnston *et al* 2002 for examples).

B. Relevant Annex I Habitats

The full definitions and interpretations of *reefs*, *sandbanks, submarine structures made by leaking gases* and *submerged or partially submerged sea caves*, to be used to assist in identifying habitat SACs, are included in Johnston *et al* 2002 (see also Appendix 1 herein). These are summarised below, together with some suggestions of habitat sub-types of potential biological importance, which may be distinguishable from the existing map based interpretations of the geological data.

1.1. Reefs

- Bedrock outcrops: the associated landforms of bedrock reefs are likely to include vertical rock walls, ledges and overhangs, gullies and flat bedrock;
- Stone reef: areas of boulders and cobbles, i.e. areas composed predominantly of particles greater than 64 mm diameter;
- Biogenic reefs: for example, formed by tube-building worms *Sabellaria spinulosa,* or the bivalves *Modiolus modiolus* and *Mytilus edulis.*

The areas of reef shown in Appendix 1 are based on various bedrock categories from the BGS database and pure gravel. The BGS project identified point locations of *Sabellaria spinulosa* but not known locations of *Sabellaria* reef.

1.2. Sandbanks

- Banks of sand at less than 20 m depth (bcd). Particle size according to Wentworth (particles from 0.0625 to 2 mm) and sediments which are predominantly of sand from the modified Folk classification used by BGS. This includes areas of muddy sand which may be colonised by *Zostera marina* and maerl.

The areas of sand shown in Appendix 1 are based on the lower right third of the classification shown in Figure 1 of Poulton *et al* 2002, i.e. gravelly sands, muddy sands and sands, in 20 metres depth bcd. Some of these areas may not constitute the topographic feature 'sandbank'. Equally the BGS database includes a list of topographically defined sandbanks but not all of these are sublittoral and some may comprise mixed sediments (see section 3.2, Poulton *et al* 2002). These sandbanks are shown only by the central point as further work was required to create polygons showing the extent of such features.

1.3. Submerged or partially submerged sea caves

- Caves situated under the sea, i.e. subtidal but not intertidal caves.

There were no recorded occurrences of caves in the BGS project (Poulton *et al* 2002).

1.4. Submarine structures made by leaking gases

- Spectacular complex structures, consisting of rocks, pavements and pillars up to 4m high, formed due to aggregation of sandstone by carbonate cement resulting from microbial oxidation of gas emissions, mainly methane. The formations are interspersed with gas vents that intermittently release gas.

There were no recorded occurrences of such features (referred to as pockmarks and gas seeps) in the BGS project (Poulton *et al* 2002).

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C. Spatial limits

The exercise is restricted to England's Territorial Waters and therefore within 12 nautical miles and within England's borders with Scotland, Wales and Northern Ireland. However, the contractor should take account of information where a feature, e.g. a sandbank, crosses such borders. Equally, the contractor should familiarise themselves with information already collated by JNCC for features which cross the 12 nmile boundary.

The intention is not to revisit the current series of SACs along the coast. However, there may be relevant information on areas close inshore that was not available to the original site identification and selection process. Thus, whilst the emphasis of the exercise is to help identify sites that are not connected to the coast, that does not mean that relevant information for subtidal areas very close to the shore should be ignored.

D. Type of data

Data of interest will include mapped and point source geological and biological. Data collected by a variety of techniques, including remote sensing, grab sampling, photography and dive survey techniques should be considered and analysed.

Whilst the data to be presented will be at a large scale for some habitats, i.e. seacaves, structures made by leaking gases and possibly small areas of biogenic reef, the contractor should avoid refining the distribution of the habitats currently shown in Appendix 1 to a significantly greater level of detail at a large scale. Rather, in relation to the more extensive habitats, the purpose is to improve the information provided at a broadscale. How this might be best achieved will be discussed at the start of the contract.

Details regarding the origin of the data must be provided, i.e. are they original data, inferred data or metadata, and at what scale were they collected or provided.

E. Data Sources

The contractors will advise on and agree a prioritised list of sources to investigate.

i) A number of datasets have already been interrogated in the BGS project (see sections 3.3 and 6, Poulton *et al* 2002) and JNCC-led work. With respect to those listed for the BGS project, several, e.g. MarLIN, MNCR database, have been further developed and populated[41]. The degree to which these should be reviewed will be discussed at the first contract meeting.

ii) The JNCC-led work has accessed a range of data relevant to areas within 12 nmiles that the contractor will be expected to make full use of. Further details will be provided on request and will be discussed in detail at the first contract meeting.

iii) There are likely to be other existing metadata and collations of relevant datasets that the contractor should make full use of to avoid unnecessary data search or duplication. For example, work undertaken for the Irish Sea Pilot project has identified much of the data for the Irish Sea region of England's waters. The BGS is also deriving new and different information from its existing data sets. There may well be other projects that are collating data relevant to this contract that the contractor, in conjunction with English Nature, should identify and make use of. Publications that

[41] English Nature has access to much of these datasets including through "Recorder"

provide a summary overview of areas based on collated data, such as MNCR Area Summaries, JNCC's Coastal Directories series and English Nature's Marine Natural Area profiles (in prep) may also be of use.

iv) Original sources of data are likely to include environmental statements (including for SEA) for a range of sectors such as aggregates, disposal, oil and gas, pipelines/cables, renewable energy, and the water industry. These may include information from agencies such as CEFAS, public bodies and academic research projects.

F. Contacts for data

i) The contractor will need to approach a range of organisations to access relevant data. The list of contacts will be agreed with the contractor at the start of the contract but is likely to include government departments, BGS, UKHO, the Crown Estate, and industry either directly, e.g. Water Companies, or via organisations such as BMAPA and UKOOA. Contact with external partners, and access to data, will be discussed and undertaken in conjunction with English Nature's Project Officer.

ii) Contact with English Nature staff, including Area Teams and the Geographic Information Unit, should be via the Project Officer. JNCC colleagues should also only be contacted through English Nature's Project Officer.

6. Outputs

The main outputs from the contract will be as follows.

A. Maps - Annotated colour maps in electronic and paper format

i) Areas of specified habitat types and sub-types should be plotted and presented as polygons using *MapInfo* building on the maps already derived and included in Appendix 1. Maps will be produced using thematic mapping techniques in *MapInfo*, such that the maps may be re-plotted or manipulated by English Nature after receipt of the data.

ii) Maps should include the coastline, baseline, 12 nmile limit, boundaries with Wales and Scotland, and a scale. The scale at which data should be plotted and maps presented will be discussed at the first contract meeting. The Metoc bathymetry data used in maps in Appendix 1 is at 1:75,000.

ii) Sandbanks should be colour coded yellow, reefs-green, seacaves-magenta and submarine structures - blue. These colour codes must be used consistently throughout the *MapInfo* tables and maps (having been recolourised where necessary). Presentation of habitat sub-types will be discussed further, e.g. solid and stippled green for rocky and stony reefs respectively.

B. GIS

i) GIS Mapinfo data files containing spatial data, cross-referenced with data tables, and *MapInfo* workspaces for printed maps. The files should link to polygons presented in *MapInfo* showing the extent and location of the four specified habitat types. *MapInfo* workspaces and tables of vector data should be provided in WGS84. The GIS and data files will be based on the BGS output as modified subsequently by English Nature, e.g. new digital 12 nmile boundary added; further details can be supplied on request and will be discussed at the first contract meeting.

ii) The attribute data associated with the polygons in GIS should be stored in *MS Access* tables, with a unique identifier for each polygon common between the data sources. The method of inclusion and data structure will follow that produced by Poulton *et al* 2002 but will be discussed further and agreed with English Nature at the first project meeting. If required, a test of the electronic outputs, e.g. tables and attributes, will be undertaken part way through the contract to ensure compatibility and ease of use of electronic outputs.

iii) The data tables should provide information on agreed attributes (see (iv) below) and details (published and unpublished) of the raw data, it's source (e.g. point source, area or trawl line) and a relevant bibliography. The attribute fields should be no more than 180 characters per field and should be discussed and agreed with the JNCC project officer at an early stage of the contract. An example of the suggested data structure should be prepared for the first contract meeting.

iv) Suggested attributes (to be discussed further based on the attributes used in Poulton *et al* 2002 and dependent on the data available) include:

Reefs

- Type of reef, i.e. bedrock, stony, or biogenic
- Bedrock type
- Topography (e.g. pinnacle, boulder field, platform)
- Presence or thickness of sediment veneer
- Dominant species making up each biogenic reef
- Information on biological community or dominant fauna (e.g. encrusting bryophytes, sponges etc.)

Sandbanks

- Topography, e.g. sandy mound, tidal current sandbank (banner banks and alternating ridges, tidal deltas, or open shelf ridges)
- Predominant particle size
- Stability/mobility/longevity
- Information on biological community or dominant fauna

Seacaves

- Bedrock type
- Morphology
- Size
- Information on biological community or dominant fauna

Submarine structures made by leaking gases

- Type of structure

C. Report

i) A report in paper and electronic format (Word) which explains

- the approach and methods used;
- data sources;
- difficulties encountered and solutions derived;
- inaccuracies and gaps in the dataa summary of collated biological information in the form of brief descriptions of relevant areas of habitat.

ii) The report will be provided in draft and final versions. Both will be provided in electronic and paper format.

iii) The format should follow the English Nature's 'guidelines for authors' that will be provided.

D. Ownership of results and Intellectual Property Rights

English Nature accept that the Intellectual Property Rights to the original data will remain with the owner of the data source. However, English Nature will retain copyright of the derived maps and data (further details of conditions will be provided as required). English Nature hope to be able to amend as well as use the output of the contract but this will be discussed further subject to the rights of the owner of the data source.

English Nature intends to supply the Metoc and BGS data used to derive the maps in Appendix 1, and the data in Appendix 2, under Licence from the suppliers.

7. Timescale

There is a great deal of interest and pressure to move forward with identifying potential SACs, therefore the timescale for completion of this work is very tight.

Mid October	Contract let
Late October	Initial contract meeting
Early October	Relevant contacts made
Mid November	Initial map of a region to test compatibility of GIS
Mid December	Initial set of maps and brief progress report/meeting
End January	Revised maps and draft full report
End February	All outputs provided to satisfaction of English Nature

8. Tender details

Within the tender submissions the following information should be provided:

- Costs of the contract including different elements (either by Objective or by different tasks outlined in the Methods);
- Relevant data holders may have various standard data/data retrieval charges. These should be incorporated into the costs for the project as far as possible but may be subject to discussion at the first contract meeting. Such costs should be shown separately. Contractors should indicate relevant data that they already have access to;
- A detailed timetable of how the contractor proposes to complete work and its various stages;
- Proposed methodology and detail of how the data will be collated and interpreted;
- Suggestions for refining the methods, the format of the data tables and attributes.

Technical competence to carry out the work, including previous experience of this type of work, is vital. Experience in setting up and manipulating data for various uses within a GIS and a good understanding of a range of relevant data, collection methods, analysis and storage is important. An understanding of marine habitats and an appreciation of implementation of the Habitats Directive will be valuable. The tender should therefore include the following:

- Details of the staff who will carry out the work, including their qualifications and experience in this field;
- Details of any sub-contractors or partners who will be involved in the project, and a breakdown of responsibility for the work;
- Knowledge of, and access to, existing datasets.

9. Payment

25% of the payment will be made upon receipt of outputs required by mid December 2003 (email copies will be accepted), 50% on receipt of outputs required by mid January 2004 and the balance upon receipt of all outputs required by end February 2004 to the satisfaction of the Project Officers. Payment will be made upon receipt of invoices.

10. Project Management

The Project Officers will be *[names removed]*. An initial contract meeting in Peterborough will be held prior to the commencement of the project to discuss, amongst other things, liaison with external partners. There will also be a mid-term update to the Project Officers on progress and any problems encountered by the contractor.

It is likely that the contract will involve significant liaison with JNCC colleagues and English Nature colleagues in Maritime Team, Geographic Information Unit and Area Teams. All such contact should initially be made through the Project Officer.

11. References

Johnston, C.M., Turnbull, C.G. & Tasker, M.L. 2002. Natura 2000 in UK Offshore Waters: Advice to support implementation of the EC Habitats and Birds Directives in the UK offshore waters. JNCC Scientific Report 325. Joint Nature Conservation Committee, Peterborough. Available at www.jncc.gov.uk/Publications/JNCC325/intro325.htm

Poulton, C.V.L., Philpott, E.J., Bee, E.J., James, J.W.C., Tasong, W.A., Graham, C. & Lawley, R.S. Framework for the identification of sea bed habitats and features within offshore English waters to 12 nautical miles. Report to English Nature, CR/02/134.

12. Appendices (on CD)

Appendix 1

- A3 map showing potential distribution of sandy sediment and reefs relevant to the Habitats Directive
- 5 x A4 maps of particular regions from the A3 map
- Explanatory text to accompany maps

Appendix 2

- Poulton *et al* 2002, main report plus 6 Appendices

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ANNEX D: NATURAL ENGLAND'S SPECIAL TERMS FOR RESEARCH AND DEVELOPMENT SERVICES BY CONTRACTORS

These Special Terms are to be read in conjunction with the General Terms and the Service Order and govern the provision of research and development services by the Contractor to Natural England.

1. CONTRACTORS OBLIGATIONS

1.1 The Contractor shall:

a) commence the performance of the Services promptly after the commencement date of the Contract Period and in accordance with the Timetable;

b) in providing the Services, co-operate fully, and procure that its Staff co-operate fully with Natural England's employees, agents and sub-contractors; and

c) in the event of the Contractor not being able to perform the Services, or any part thereof, immediately inform the Project Officer giving details of the circumstances, reasons and likely duration. Nothing in this clause 1.1(c) shall in any way alter, modify, relieve or in any other way vary the Contractor's obligation to provide the Services.

2. REPORTS AND CONFERENCES

2.1 During the term of the Agreement, representatives of the Contractor will meet with the Project Officer, at times and places mutually agreed upon, to discuss the progress and results, as well as ongoing plans, or changes therein, of the Services to be performed. In addition, an annual report detailing the work of the project, and its expenditure will be submitted to Natural England not more than two months after the end of the financial year.

3. PUBLICATIONS

3.1 Natural England shall be entitled to publish, present or use the methods and results of the Services in any way that it deems appropriate.

3.2 If the Contractor wishes to use, present or publish the methods and results of the Services it shall provide Natural England with a copy of any intended publication for review and comment at least thirty days prior to its submission for publication and or release into the public domain, as the case may be, and Natural England shall have the right to approve or reject all such publications prior to their submission and/or release, such approval not to be unreasonably withheld. If such publication or release is permitted in accordance with this clause the Contractor shall acknowledge Natural England's support in any such publications or presentations containing the results or methods of the Services.

4. RESULTING INTELLECTUAL PROPERTY

Not withstanding clause 7 of the General Terms:

4.1 For the avoidance of doubt all background information and know-how used in connection with the Services shall remain the property of the party introducing the same.

4.2 All rights to Resulting Intellectual Property under the Services shall belong to Natural England.

4.3 The Contractor shall do such further acts and execute such further deeds and documents as Natural England may request from time to time as may be necessary or desirable to ensure that all such rights in Resulting Intellectual Property fully and effectively vest in Natural England and to assist Natural England in applying for and obtaining registered protection for any such rights in the Resulting Intellectual Property.

4.4 The Contractor shall indemnify Natural England against all costs, expenses, losses and damages incurred or suffered by or awarded against Natural England arising from or incurred by reason of any action, claim, proceedings or suit alleging that the use by Natural England, or a licensee or customer of Natural England, of any Resulting Intellectual Property or part thereof created by any member of Staff whether jointly or individually, of the Contractor infringes or constitutes the unauthorised use or disclosure of any Intellectual Property Rights owned by or licensed to, any third party.

5. CONTRACTOR STATUS

5.1 In the performance of all Services hereunder the Contractor shall be deemed to be, and shall be, an independent contractor and nothing in the Agreement shall render it an employee, agent or partner of Natural England.

ANNEX E: PROJECT SPECIFICATION FOR PILOT SURVEY OF REEF HABITAT AROUND EDDYSTONE CARRIED OUT BY SEASTAR SURVEY

FST20-18-025 Specification for Acoustic and Biological Survey of Reef Habitat around the Eddystone Reef, Plymouth.

1.0 Background

English Nature wishes to undertake a survey of the Eddystone Reef area on the South Devon Coast. The purpose of the survey will be to record and characterise reef habitat which may qualify as a Special Area of Conservation (SAC) interest feature as described in the European Habitats Directive.

Recent work commissioned by English Nature and executed by BMT Cordah has collated existing survey information for the English Coast and identified possible areas of reef habitat. This information is drawn mainly from British Geological Survey, Admiralty Charts and other extant survey data. From this study the Eddystone Reef appears to represent a good example of a shallow offshore rocky reef surrounded by a matrix of differing ecological habitats. It is also representative of the Boreal Lusitanean biogeographic province.

The proposed work at Eddystone will take place in three stages. Contractors are invited to bid for stages one and two (survey work outlined here) through this invitation to tender, and it is expected that stage three (a description of ecological structure and ecosystem functionality) will be carried out upon data collected by an appropriate science based contractor.

2.0 Aims

Detailed working methodologies are presented in Section 4.0

The total value of stages one and two (the complete survey work) – will be around £100,000 in value inclusive of VAT and all weather risk. The competitive nature of this bid will be judged as the best possible survey package proposed for the sum of money available. Criteria for assessment of responses are given below in Section 11.

The specific aims of the work are as follows:

Stage One: Characterisation of the physical extent of the reef and surrounding habitats

The aim of the survey is to describe the extent of the reef around the Eddystone Lighthouse, a sub-surface outcrop of rock some 20km south-west of Plymouth Sound (see section 3.0 for exact location). Current information indicates that the reef surrounding the lighthouse is composed of hard, pink granite. The reef is thought to rise to 12-15 meters below the surface from a level area of seabed at 50-60 meters below chart datum. The landscape is thought to be dominated by flat-faced, angular vertical cliffs with overhangs. A key part of the survey will be to describe the matrix of other biological habitat types which occur interspaced with subtidal bedrock extending west of the light. Current information suggests that fine sand, mud, shell and gravel habitats all occur in the area.

Contractors should examine the available data and devise a survey plan. We expect that sidescan sonar will be used to describe seabed type and that simultaneous use of single beam echo

sounder will provide along track bathymetric information. The use of alternative technologies will be considered although AGDS systems (if proposed) will need to be backed up by sidescan. The aim is to provide a general, broadscale overview of the reef area rather than a detailed survey. Consequently detailed coverage / data redundancy may not be required in areas which are expected to be homogenous soft sediment, although a more detailed coverage and data overlap will be required around areas of rocky outcrop.

Stage Two: Description of the Biological Community

This stage of the work programme will provide a characterisation of the richness and diversity of biotopes & species which are supported by the reef feature. Sampling strategies will be informed by the sonar mosaic produced during Stage One and will use different methodologies dependant upon substratum.

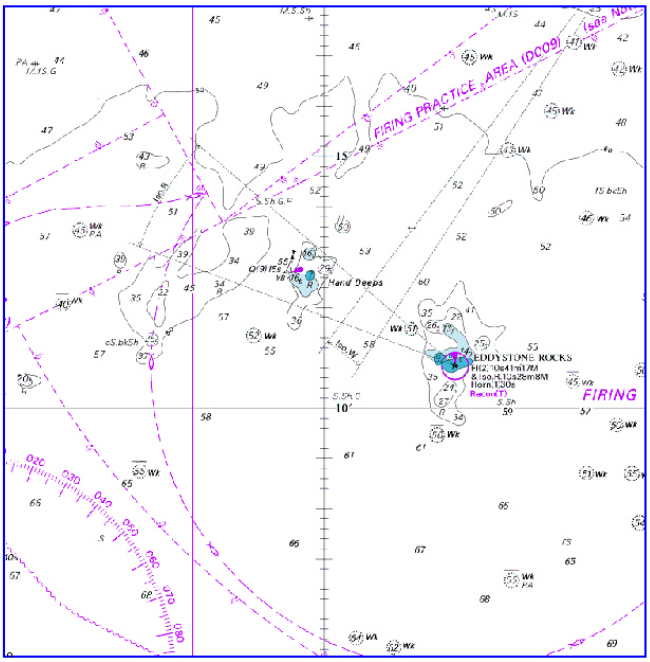
Biotope richness and distribution on hard substratum will be mapped and recorded using drop down video. Species composition of principle biotopes will be recorded using high resolution drop down digital photography.

On soft substratum epifauna will be characterised using a standard 2m beam trawl with 5mm cod end mesh over a distance of 200m. Infauna will be recorded using a series of Day or Hamon grabs on a single replicate grid sample basis. Box corers will also be required to record the deeper burrowing megafauna and the depth of the redox discontinuity. Abundance and distribution of the deeper burrowing megafauna will also be recorded using drop down digital stills photography analysed for burrows / cast formation.

Alternative sampling methodologies will be considered, although the core requirements to record biotope distribution and species composition of key / most heavily represented biotopes will be of high priority.

3.0 Study Location

50° 18' N 4°30' W **50°18' N 4°10' W**



50°4' N 4°30' W **50°4'N 4°10' W**

4.0 Detailed Methodology

Stage One: Characterise Physical Extent of Reef.

The aim of the work is to produce a digital sidescan sonar mosaic of the area around the Eddystone reef with co-located bathymetric information derived from the simultaneous use of single beam echo sounder.

The sidescan mosaic should be used to produce a map of the broad substrate types present, and should pay particular attention to accurately mapping the extent of the hard rock reef. The contractor will be required to state the area (hectares) of rocky reef encountered in the survey area. Other broad habitat types (sand, mud, gravel) should be identified as accurately as possible.

It is unlikely to be feasible to survey the entire area in detail within the stated budget (Section 2). The rocky areas of the survey box will require a comprehensive survey. The outlying or homogenous areas of soft sediment can be surveyed at an increased line spacing and survey track overlap will not be necessary away from the main rock feature. Contractors should state in the bid document how the survey will be tackled so as to record the greatest possible amount of acoustic information and remain within budget.

Contractors are welcome to suggest the use of alternative techniques for aiding seabed classification including AGDS or interferometric sidescan but additional costs arising from the use of such systems must be made clear in the costings schedule (Section 10).

Deployment of sidescan should follow industry standard protocols. Conservation Agency methodology for the deployment and use of sidescan sonar are detailed in the marine monitoring handbook in Procedural Guideline 1.4 downloadable at:
http://www.jncc.gov.uk/page-2430

(Individual protocols are listed at the foot of the web page)

Contractors will be expected to supply, setup, calibrate and operate all necessary equipment and to undertake appropriate Quality Assurance and Control as outlined in the Procedural Guideline.

It is hoped that ground truthing for sidescan sonar can be combined with the grab / video survey to be undertaken during Stage Two.

The survey vessel must be appropriately MCA coded and a copy of the certificate will be faxed to English Nature before work commences.

The mapping datum and projection to be used is WGS84 Lat Long

Stage Two: Description of Biological Community

The map of substrate type compiled in stage one will be used to design a sampling strategy for work in stage two.

Rocky Areas
For areas of rocky reef the richness and distribution of biotopes should be recorded through the use of drop down video. A grid pattern of samples should be established across the reef and enough video obtained at each location in order that the principle biotopes may be recorded.

Conservation Agency guidance on the use of drop down video is given at Procedural Guideline 3.5 of the marine monitoring handbook (download URL given in Section 4)

Within the principle rocky reef biotopes (i.e. those occupying the greatest area) high quality drop down digital stills photographs of the seafloor should be obtained. A minimum of 30 randomly dropped images should be recorded. The camera should be set up so that the area of seafloor photographed is known and that the abundance of the principle species can be counted (mean abundance (e.g. of *Asterias rubens*) and standard deviation per square metre). Mean total number for each principle species should be calculated for the whole reef. Particular attention should be paid to recording abundances of large species as well as the complete range of taxa of differing feeding strategies (filter feeders, scavengers, carnivores etc).

Sediment Areas

Sediment should be classified into zones as far as is practical from the sidescan sonar mosaic. Within each zone (e.g. mud, sand, gravel etc) sediment should be sampled for infauna using:

a) a standard Day grab to quantify macrofaunal abundance
b) a sub-sample should be taken for sediment grain size and organic content from each Day grab.
c) a 0.25m2 box corer and suitable rapid assessment technique to record abundance of large, deep burrowing bioturbating species.
d) In zones where bioturbating activity is likely to be taking place high quality digital stills photographs should be obtained from the seafloor in order to record the abundance of burrows / casts. The camera should be set up so that a known area of seabed is photographed on each occasion. Roughly 30 high quality photographs per zone should be obtained.

Epifauna should be sampled using a standard 2m beam trawl with 5mm cod end. Both fish and invertebrates should be recorded. Roughly 10 trawls per zone should be obtained.

4.0 Data Interpretation and Reporting

Stage One Workpackage – Acoustic Survey

Report to include:

4.1 Comprehensive methodology including systems used and deployment details

4.2 Results and descriptions to include as a minimum A3 or larger hardcopy maps of Survey track lines, contoured bathymetry from single beam echo sounder, sidescan mosaic, sidescan mosaic with overlaid bathymetry, seabed type interpreted from sidescan and bathymetry.

4.3 Sidescan and bathymetric data to be presented as GIS.

Stage Two Workpackage – Biological Characterisation

Report to include:

4.4 Hardcopy and GIS map of habitat zones and sample locations (drop down video, drown down digital stills, day grabs, box cores, beam trawls)

4.5 For each habitat zone a list of biotopes should be recorded and biotope richness contrasted between zones

4.6 Any rare or scarce species recorded through photography, trawling or grabbing should be indicated according to the list given in JNCC Report 240

4.7 Any alien taxa should be recorded against the list complied in Eno et al. (1997)

4.8 For hard rock areas the abundance (per m2) of principle megafauna should be recorded as far as is practical. Typical species to record should include grazing echinoids, asteroids, kelp forests/parks, Mytilus beds, large crustaceans, sponge growths etc.

4.9 Sediment grain size should be analysed from the sub-samples obtained during the Day grab work. Sediment type, median grain size and sorting coefficient should be reported. Sub 63 micron fractionation is not required.

4.10 For Day grab samples the following indices should be calculated and contrasted across habitat zones:

- Species Richness (both the total species per sample, S, and Margalef's index, d)
- Species Evenness (Pielou's Index)
- Diversity (Shannon Wiener H')

5.11 Multivariate statistical methods should be used to distinguish soft sediment habitat zones. In addition to standard cluster and MDS analysis the BIO-ENV routine should be used to distinguish the effects of grain size and depth on community distribution.

5.12 Taxonomic Distinctness should be calculated from the Day grab and Trawl Samples.

5.13 For Box corers and associated drop down digital stills the abundance (per square metre) and diversity of large burrowing fauna should be recorded. Depths of burrows (if found) should be indicated and also depth of redox discontinuity. (Recent research has indicated that bioturbators play a major role in ecosystem nutrient recycling).

5.14 Overall the faunal survey should be set into the context of the historical data which is reported in Southward et al (2005) and the references contained therein (Table 4 and associated text). Particular attention should be paid to the way the community has reacted to pressures from fishing and fluctuating climate over the course of the (intermittent) 100+ year data set. The balance between scavenger taxa and filter feeding taxa should also be described (sensu the work of Rumohr & Kujawski, 2000)

5 Health & Safety

Marine fieldwork is potentially hazardous. Contractors should indicate extent of Health, Safety and Environment policies and a complete risk assessment should be completed before fieldwork commences. Any vessels employed must be fully MCA coded and a copy of the certificate forwarded to English Nature upon contract award.

6 Project Timing

Stage	Description	Date
1	Invitations to tender sent out	Week commencing 9th May
2	Return of tenders	**11.00am Friday 3 June**
3	Tender evaluation & award	Week commencing 6th June
4	Fieldwork mobilisation	June
5	Fieldwork completed and operations report submitted	End August
6	Full write up and GIS	End October

7 Project Management

English Nature (Northminster House, Peterborough) will lead on this project.

The nominated officers will be:

[names removed]

Any queries regarding the tender process

[name removed]

8 Payment Schedule

Payment will be made in two stages. Firstly on completion of all fieldwork and submission of an operations report, and secondly upon completion of full work package including sample analysis, complete report, charts and construction of GIS.

9 Costings & Evaluation Criteria

The overall cost of stages one and two has been indicated in Section 2.0 (this sum is inclusive of weather risk and VAT). A principle evaluation criteria will be the amount of survey work which can be completed for this sum.

Contractors should prepare an outline survey plan indicating how the objectives of both stages will be achieved. A breakdown of costs should be entered into the table below. English Nature is expecting that roughly half the budget will be spent on stage one and the other half on stage two although this allocation is flexible.

	Number of units or days	Costs per Day	Total Cost
Presurvey planning including visit to Northminster House (Peterborough) to discuss survey plan.			
Combined mobilisation and demobilisation of vessel, acoustic survey and biological survey equipment			
Mobilisation and demobilisation of surveyors			
Survey day rate (including all equipment and surveyors and travel and subsistence at English Nature rates)			
Charge for post survey data processing and mosaicing of sonar data			

Charge for interpretation of seafloor photographs, videos, etc			
Charge for macrofaunal enumeration of day grab samples			
Charge for sediment grain size analysis			
Charge for analysis of beam trawl samples			
Charge for biological reporting as described in Section 5			
Charge for construction of GIS inclusive of sonar mosaic, overlain bathymetry, sample locations, links to seafloor photographs and other relevant data			

10 Evaluation Criteria

- Quality of survey package proposed, including number of days survey, proposed line spacing / resolution and size of vessel
- Relevant experience in conducting acoustic and biological surveys
- Clear understanding of the aims of the project, with specific regard to adapting standard biological survey techniques to reporting the aspects of ecological structure and function described in sections 5.8 to 5.13 above
- Ability to complete the work in timescales indicated in Section 6.0
- All tenderers must submit the following: -
    - ❖ Health & Safety Policy
    - ❖ Environmental Policy
    - ❖ Employers Compulsory Liability Insurance
    - ❖ Public Liability Insurance
    - ❖ Details of VAT Registration

11.0 Terms and Conditions

English Nature's PS9 – Research terms and conditions and PS12 travel and subsistence will prevail over this contract.

12.0 References

Eno et al (1995) Non Native marine species in British Waters: a review and directory. Joint Nature Conservation Committee.

H Rumohr and T Kujawski (2000) The impact of trawl fishery on the epifauna of the southern North Sea. ICES Journal of Marine Science 57:1389-1394

WG Sanderson (1996) Rare marine benthic fauna and flora of Great Britain: the development for criteria for assessment. Joint Nature Conservation Committee Report 240.

AJ Southward et al. (2005). Long-term oceanographic and ecological research in the western English Channel. Advances in Marine Biology Vol 47 p 1-105.

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ANNEX F: PROJECT SPECIFICATION FOR DATA ACQUISITION AND SURVEY WORK CARRIED OUT BY ROYAL HASKONING

FST20-18-030 Acquisition of Survey Data and Preparation of Site Briefing Statements for draft Special Areas of Conservation (SAC) in the 0-12 Nautical Mile Zone

1.0 Executive Summary

English Nature has a duty to advise Government on sites which qualify as possible Special Areas of Conservation. The purpose of this contract is to prepare comprehensive site specific briefing statements for new possible SACs in the 0-12 nautical mile zone. Each briefing statement will form the basis of English Nature recommendations to DEFRA on new SACs and will contain detailed information on the location and character of Habitats Directive Annex 1 features (subtidal reefs and sandbanks) within the proposed sites.

Information will be presented on:

1) Habitat mapping compiled from both archived data and new survey work to be commissioned under the terms of this contract. To include location and extent of features and types of biological communities present
2) Application of existing site assessment and selection criteria to the mapped features
3) Statement of principle conservation interests for the features
4) A summary of the underlying depth of evidence associated with the above statements
5) Assessment of the sensitivity, exposure and overall vulnerability of the features and habitats to ongoing human operations
6) Stakeholder mapping to underpin a formal consultation programme should DEFRA proceed with designation.

The areas under consideration represent some of the most outstanding examples of marine natural history around the English coast. As such the statements will be prepared to the highest standards and should reflect the importance of protecting such areas through SAC designation.

2.0 Background to SAC selection

The 1992 Directive on the Conservation of natural habitats and of wild fauna and flora (92/43/EEC), more commonly known as the 'Habitats Directive' was implemented into UK law by the Conservation (Natural Habitats &c.) Regulations 1994. One of the requirements of the Habitats Directive is the selection and subsequent designation of Special Areas of Conservation (SACs) for a range of habitats and species listed in Annexes I and II of the Directive respectively. Of the current SAC series in the seas around England, all sites are inshore and closely associated with the coast.

Implementation of the Habitats Directive was originally restricted to Territorial Waters within the UK. A court judgement in 1999 resulted in the UK being required to implement the Habitats Directive out to 200 nautical miles. The Joint Nature Conservation Committee have therefore been undertaking work in close consultation with English Nature and the other country conservation agencies to identify possible SACs in UK offshore waters between 12 and 200 nautical miles. This JNCC led work is outlined in Johnston and others (2002).

Recent data gathering exercises have indicated widespread existence of possible Annex 1 habitat in offshore waters, and this has highlighted a gap in the SAC site series between the coast and 12 nautical miles. This gap is particularly evident for English Territorial Waters, where the seaward boundary of most of the existing SACs does not extend far out into the marine environment.

In view of this, and with the support of DEFRA, English Nature is working towards identifying possible additional SACs for the two marine Annex 1 habitats (reef and subtidal sandbanks) which occur within English Territorial Waters. As a first step towards this English Nature commissioned the British Geological Survey (BGS) to produce a database of seabed habitats and features largely based on the geological and sediment information held by the BGS. This work was published in Poulton et al. (2002).

In order to progress site identification further, English Nature commissioned BMT Cordah to take the maps provided by Poulton et al. (2002) and refine and complete them. The purpose of this was to show the distribution of relevant habitats, provide summary description of relevant biological information and provide a GIS of collated geological and biological information. This work is reported in BMT Cordah (2005) and is available from the English Nature Enquiry Service in the form of English Nature Research Report Number (ENRR) 659.

English Nature have considered the findings published in ENRR 659 in the context of the site assessment criteria for Annex 1 habitats in the UK laid out in Johnston et al. (2002). This has led to seven areas being selected for further detailed investigation under the terms of the current contract. These areas and the features they contain are set out in Table 1 below.

Table 1

	Name	Features	Marine Natural Area	Comments
1	Outer Wash Sandbanks	1) Subtidal Sandbanks 2) Biogenic Reef (Sabellaria at Area 107)	Southern North Sea	Extensive area of subtidal sandbanks which are highly representative of this marine natural area. Predominance of muddy and gravely sandbanks. Potential conservation of sandy ecosystem structure and functions by allowing join up between the fluvial systems protected by the Wash and NNC SAC and JNCC led offshore North Sea Sandy Mounds draft SAC.
2	Greater Thames Estuary	1) Subtidal Sandbanks 2) Biogenic Reef (*Sabellaria spinulosa*)	Southern North Sea	Extensive subtidal sandbanks which are highly characteristic of this marine natural area. Substantial range of subhabitats including well sorted sand, gravely sand and muddy sand. Existing surveys indicate a highly biodiverse area. Good link up with JNCC areas of search and existing SACs

3	Lyme Bay to Poole Bay	1) Rocky Reef 2) Sandbank (Maerl) 3) Biogenic Reef (Modiolus) 4) Biogenic Reef (Mytilus)	Eastern Channel and South Western Peninsula biogeographic boundary	High concentration of Annex 1 features within discrete geographic area. Recent extensive habitat destruction
4	Salcombe to Yealm and Eddystone	1) Rocky Reef	South Western Peninsula	Extensive rocky reef highly characteristic of this marine natural area. Good depth of evidence from MBA research.
5	Lizard Point	1) Rocky Reef	South Western Peninsula	Extensive rocky reef characteristic of this area. Possibly the best example of highly tide influenced communities in England.
6	Lands End & Cape Bank	1) Rocky Reef	South Western Peninsula	Extensive rocky reef, considerable wave exposure and large tidal influence leading to unique communities
7	Outer Morecambe Bay, Shell Flat and Lune Deep	1) Subtidal Sandbank 1) Boulder Reef	Irish Sea	Good representation of habitat type. Lune Deep provides supports unique reef communities and Shell Flat is a highly biodiverse and productive sandbank.

3.0 Project Structure and Timescale

Each of the seven areas outlined in Table 1 will be considered separately and companies are invited to bid for one, some or all of the areas. Companies with specific experience in particular areas of the country, or with specific experience in particular habitat types should provide this information in support of the areas bid for.

Project work is expected to commence in the early summer of 2006 and be completed by December of 2007 which will allow 18 months for the preparation of the final report. Survey work and archived data collation are expected to be completed during the 2006 field season.

4.0 Deliverables

4.1 General

The overall deliverable will be a detailed report containing descriptions of feature locations and their relevance to Habitats Directive as outlined in detail below. Reports are to be produced to the highest standards and all maps, photographs and figures should be of excellent quality. The reports are expected to be detailed, authoritative and comprehensive accounts of the feature types within an area as well as clearly stating the benefits that a conservation designation would confer on the area.

Data presented in the report should also be presented in MapInfo GIS.

Annex I of the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (as amended by Directive 97/62/EC) lists those habitats of Community Interest whose conservation requires the designation of SACs. The only habitat types listed in Annex I

which occur in the 0-12 nautical mile zone are Reefs and Sandbanks which are slightly covered by seawater all the time. Formal definitions of these features used for purposes of designation are provided in Appendix One.

4.2 Habitat Mapping to include description of the location & extent of features and the types of biological community present.

Data derived from various sources and collated in BMT Cordah and Jones (2005) indicates the occurrence of either Reef or Sandbank interest features within each of the seven areas presented in Table 1. New work will be undertaken through this contract to confirm and map the location & extent of the features. This work will involve both collation of archived survey data and collection of fresh survey data as appropriate. It is expected that some areas (e.g. Area 3 Lyme Bay to Poole Bay) will require very little new survey work as the area is already well studied. However other areas – for example Area 6 around Cape Bank and Lands End are likely to require fresh mapping data to be acquired.

Appendices 3 to 9 provide individual accounts of each of the draft SACs including a statement on the existing survey information which English Nature is aware of.

Many of the areas proposed in Table 1 are too large to survey completely under the terms of this project. Bid responses should consider less intensive methods of habitat mapping which are appropriate to the size of area being considered. Contractors should propose appropriate survey methods using standard techniques such as sidescan, swath, grab sampling, video survey, drop down photography or diving.

Contractors should refine the overall search areas for each site should mapping information indicate that features extend outside the boundaries proposed in appendices 3 to 9.

4.3 Compliance with site selection criteria and additional principles for site selection.

The habitat mapping data acquired under section 4.2 should be assessed for compliance with the site selection criteria and additional principles for selection detailed in Johnston et al (2002).

Definitions of ‘Reef’ and ‘Sandbank’ are outlined in Appendix 1 and detailed in Johnston et al. (2002).

The four site assessment criteria to be applied to Annex 1 habitats are:

- Representativity
- Area of Habitat
- Conservation of structure and function
- Global Assessment

And the additional principles are:

- Priority / non-priority status
- Geographical range
- Special UK Responsibilities
- Multiple interest
- Rarity.

An outline definition of these criteria and principles (intended to be adequate for tendering only) is provided in Appendix 2.

4.4 A statement of the principle conservation interests for the features

Comprehensive description should be provided of the local, regional (see Marine Natural Area profiles) and international importance of the site. Specific attention should be given to the:

i. Underlying geological characteristics of the feature and local topography
ii. Influence of physical processes including wave exposure, tidal regime and tidal excursion, sediment dynamics, temperature, salinity
iii. Local oceanic processes and relevant biogeographic zone

Full ecological descriptions should be provided with specific attention given to:

i. Principle community types present (e.g.algal dominated zones, faunal turfs, burrowing sediment communities etc) and their relationship to the geological, physical and oceanic processes outlined above
ii. The characterisitic species of present in each community type and their distribution
iii. Presence of any scarce or rare species of conservation interest, and presence of any Biodiversity Action Plan habitats or species.
iv. Results of any scientific studies or investigations describing ecological or life history characteristics of biological communities at the site

4.5 A description of the depth of evidence associated with material presented under sections 4.2 and 4.3 above.

Evidence submitted in support of an area being proposed as an SAC is likely to be scruitinized by a variety of interested parties. Since information on the occurrence and characteristics of features in the marine environment is often gained from a variety of sources it is necessary to provide a confidence rating against the accuracy of the data used.

This section should be complied using standard risk assessment techniques, with data sources used for compilation of each part of section 4.2 and 4.3 named and given a confidence rating. New data is likely to be required to back up any statements with a low overall confidence.

The overall aim is to provide unambiguous proof of the applicability of the Habitats Directive selection criteria to the area under investigation.

4.6 Assessment of the sensitivity, exposure and overall vulnerability of the features and habitats to ongoing human operations

Should designation be taken forwards then English Nature will incur a duty under Regulation 33(2)b of The Conservation (Natural Habitats, &c.) Regulations 1994 to advise other relevant authorities as to any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species, for which the site has been identified.

This advice would be used to enable relevant authorities to direct and prioritise their work on the management of activities that pose the greatest potential threat to the favourable condition of the interest features.

In the past development of advice on operations has used a three step process:

i. An assessment of the sensitivity of the interest features or their component sub-features to operations
ii. An assessment of the exposure of each interest feature or their component sub-features to operations; and
iii. A final assessment of the current vulnerability of interest features or their component sub-features to operations.

The sensitivity assessment represents the intolerance of a habitat, community or individual of a species to damage, or death, from an external factor. The Marine Life Information Network (MarLIN) hold extensive information on sensitivity on their website.

The exposure assessment is a measure of how exposed a feature or sub feature is to the effects of a given operation within the survey area. The assessment should be made for the following broad categories of exposure:

i. Physical loss by removal and/or smothering
ii. Physical damage by abrasion and/or selective extraction
iii. Non-physical disturbance from noise or visual presence
iv. Toxic contamination from input of synthetic and/or non-synthetic compounds
v. Non-toxic contamination by organic and/or nutrient enrichment
vi. Biological disturbance from introduction or translocation or spread of non-native species and / or selective extraction of species

The vulnerability assessment represents an integration of both sensitivity and exposure. Only if a feature is both sensitive and exposed is it considered vulnerable.

This approach is required to enable links to be made to human activities and the ecological requirements of habitats and species and also provides a consistent framework to be implemented across the entire sites network.

4.7 Stakeholder Mapping

The selection, designation and protection of European Marine Sites represents a significant undertaking. The principle conservation objective of conserving the nature conservation interest will not be realised without the co-operation and commitment of those who own, live, work or take pleasure in and around the areas. To enable the activities of local individuals and enterprises and of statutory uses of marine areas to be sustained, together with the conservation of habitats and species, it is essential to promote understanding between all relevant bodies.

Sensitive, step by step consultation is important to encourage co-operation and commitment to the protection of European marine sites. If designation of the areas under consideration is taken forwards English Nature and DEFRA will consult on a wide range of interests. The issues raised during the consultation process are thoroughly considered and, if possible, resolved before candidate SACS are submitted to the European Commission.

Stakeholder analysis is the process of identifying and deciding how to involve stakeholders in the consultation and participation process. The identification of stakeholders should be based on analysing the issues involved in the designation process and understanding who is or will be affected by them. In stakeholder analysis it is important to ensure both that all points of view are represented and that no particular point of view is allowed to dominate.

Stakeholder interests should by presented by sector (e.g. ports & shipping, offshore renewables, fisheries, hydrocarbons, aggregates, recreation etc etc). Key organisations should be identified, alongside their function and an indication of the degree to which they represent the overall interests of their sector. Principle contacts should be indicated where possible. A list of relevant authorities (those statutory public bodies or offices exercising legislative powers that can be applied to a marine area within or adjacent to the proposed site) should also be compiled.

5.0 Project Management

Any queries regarding the project should be directed to the nominated officers: -

[names removed]

Any queries regarding the tender process are to be directed to: -

[name removed]

6.0 Payment Schedule

Payment will be made in stages related to appropriate contract milestones. For any fieldwork undertaken, payment will be made on production of a field operations log and final habitat maps. A clear schedule will defined with the successful contractor at the initial project meeting.

7.0 Evaluation Criteria

- Quality of proposal and relevance to underpinning of designation process
- Relevant experience in undertaking similar projects
- Capability / capacity to carry work programme through to completion
- Value for money
- Understanding of requirement
- Ability and willingness to work collaboratively
- Performance Management Systems
- Expertise of key project members

8.0 Other requirements

- Environmental policy
- Health & Safety policy
- Public liability insurance
- Professional indemnity insurance
- Employers compulsory liability insurance
- Referees – 3 required (Current English Nature staff cannot be used)
- Last full 2 years trading accounts (inc profit/loss analysis and balance sheet)

9.0 Terms and Conditions

English Nature's PS9 – Research terms and conditions and PS12 travel and subsistence will prevail over this contract.

9.0 References

BMT Cordah Ltd and L Jones (2005) Identification of marine habitats relevant to Special Areas of Conservation. English Nature Research Report Number 659

Johnston CM, Turbull CG and ML Tasker (2002) Natura 2000 in UK Offshore Waters: Advice to support the implementation of the EC Habitats and Birds Directives in UK Offshore Waters. JNCC report number 325.

Poulton CVL, Philpott SL, Bee EJ, James JWC, Tasong WA, Graham C and RS Lawley (2002) Framework for the identification of seabed habitats and features within offshore English waters to 12 nautical miles. Coastal Geology and Global Change Programme. Commissioned Report CR/02.134. British Geological Survey.

Appendix One

Definition of Sandbank

The interpretation manual of the European Habitats defines sandbanks as 'sublittoral sandbanks, permanently submerged. Water depth is seldom more than 20m below chart datum….' . At a national level this definition has been refined further: 'This habitat comprises a range of sandy sediments. In terms of Wentworth's classification it includes all types of sand (particle size range 0.0625-2mm). In terms of Folk's classification used for BGS geological maps, this habitat may include all sands, muddy sands and gravely sands and some forms of sandy gravels (i.e. all sandy sediments in the lower right quartile of the modified Folk triangle used by BGS).'

The full definition is outlined in Johnston et al 2002.

Definition of Reef

The interpretation manual of the European Habitats defines reefs as 'submarine, or exposed at low tide, rocky substrates and biogenic concretions, which arise from the seafloor in the sublittoral zone but may extend into the littoral zone where there is an uninterrupted zonation of animal and plant communities. These reefs generally support a zonation of benthic communities of algae and animal species including concretions, encrustations and corallogenic concretions'. At the UK national level the definition has been futher interpreted 'Bedrock, boulders and cobbles (cobbles generally >64mm diameter) including those comprised of soft rock such as chalk. Biogenic concretions, i.e. aggregations of a species of form a hard substratum thus enabling an epibiotic community to develop. Biogenic reef-forming species include *Serpula vermicularis, Sabellaria* spp*, Lophelia pertusa, Mytilus edulis* and *Modiolus modiolus*.

The full definition is outlined in Johnston et al 2002

Appendix Two

Site Assessment Criteria and Additional Principles

A comprehensive account of site assessment criteria is presented in Johnston et al 2002. The following is an abridged account intended to allow companies to bid for the work outlined in this tender.

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Site assessment criteria (Annex I Habitats	Reference
Representativity	Annex III Stage 1A(a); Article 1e; Conclusions of 1994 Atlantic biogeographical Region Meeting (para.4)
Area of Habitat (Relative Surface)	Annex III Stage 1A(b); Article 1e; Conclusions of 1994 Atlantic biogeographical Region Meeting (para.4)
Conservation of structure and functions	Annex III Stage 1A(c); Article 1e
Global Assessment	Annex III Stage 1A(d)
Additional Principles	
Priority/non-priority status	Article 1d; Annex III Stage 1D; Conclusions of the 1994 Atlantic Biogeographical Regional Meeting (para. 3).
Geographical Range	Articles 1e and 3.1
Special UK Responsibilities	Article 3.2; Conclusions of the 1994 Atlantic Biogeographical Meeting (para. 6)
Multiple Interest	Annex III Stage 2.2(d); Conclusions of the 1994 Atlantic Biogeographical Meeting (para. 2)
Rarity	Conclusions of the 1994 Atlantic Biogeographical Meeting (para. 5)

- Representativity

This covers the degree of representativity of the natural habitat type on the site. Member states should take account of the best examples in extent and quality of the main habitat type which is characteristic of the member state and its main variants having regard to geographic range. This criterion is a measure of how typical a site is for a particular habitat. Johnston et al. (2002) indicates that the full range of reefs (rock, boulder, biogenic) and sandbanks (muddy sands, gravely sands, active sandbanks, relic sandbanks) should be covered in the site series.

- Area of Habitat

The area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory.

This criterion covers the ratio of habitat type within sites to the area of habitat outside of sites.

- Conservation of structure and function

This includes degree of conservation of structure, degree of conservation of function and restoration possibilities. Sites selected (and their boundaries) should reflect the structure and function requirements of the particular habitat type.

- Global Assessment

This has been recognised as the 'global assessment of the value of the site for conservation of the natural habitat type concerned'. It should be used to assess the previous three criteria in an integrated way and to take into account the different weights they may have for the habitat under consideration.

- Priority / non-priority status

This means habitat types in danger of disappearance, which are present on the territory referred to in Article 2 and for the conservation of which the community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2.

- Geographical range

Favourable conservation status is dependant on the maintenance of the geographical range of the habitat type of species. The terrestrial and inshore site series has been chosen to reflect its distribution in the UK. However habitat types vary in their distribution offshore, with a greater occurrence of sandbanks in the southern north sea and a concentration of reefs in the south west approaches.

- Special UK Responsibilities

The UK does not have special responsibility within the EU for Reef or Sandbank. Although large areas of these habitats are found in UK territory they also occur over large areas of territories of other member states.

- Multiple interest

'Acknowledging that outstanding single interest sites in terms of quality, extent or range make an important contribution to the Natura network, special emphasis will be given to identifying and delimiting sites containing complexes of interests on Annexes I and II as valuable ecological functional units'

- Rarity.

'Acknowledging that sites containing Annex 1 habitat types at the centre of their range make an important contribution to Natura 2000, Member States will take responsibility for proposing sites that contain habitats and species that are particularly rare in that member state, with a view to preserving the range'

Specific habitats can be considered to be rare if they cover less than 1000 ha or because there is a significant representation of the habitat type at three or fewer sites.

Appendix Three

Area 1 – Outer Wash Sandbanks

In contrast to the other areas listed in Appendices 4-9 English Nature and the Joint Nature Conservation Committee wish to undertake a detailed desk based review of the entire sandbank feature in this regional sea. The desk based review is expected to provide strategic direction for the choice of any additional sandbank SACs in the area from the coast out to the median line.

Several areas are already selected as either SACs or draft SACs. These are:

- The Wash and North Norfolk SAC (shaded pink on the above diagram)
- Dogger Bank
- North Norfolk Sandbanks (which comprises Leman, Ower, Inner, Well, Broken, Swarte and Indefatigable banks)

However a number of additional areas also fit the site selection criteria for sandbanks:

- Haddock Bank
- Haisborough Sands
- Newarp Banks
- Dowsing
- North Sea Sandy Mounds (centre location is 53,40°N, 0.97°E (approx), and the radius is around 20/25km)
- Any further sandy areas

The purpose of the review is to indicate which of the additional areas mentioned above would bring added value to the current and draft SAC network (i.e. Wash, Dogger and North Norfolk Sandbanks) in this area. The review will make specific recommendations as to which, if any, of the additional areas should be progressed to SAC status.

The reviewers are expected to make use of archived data when compiling information on sandbank diversity. Biological (including habitat and sub-habitat types) as well as morphological differences should be reviewed. The site selection criteria listed in Appendix 2 should be used to assess which of the additional areas to propose for the SAC network.

If lack of data prevents adequate assessment of the character of any of the additional areas there will be opportunity to collect fresh data under the terms of this contract during summer 2007. However a desk study summarising current knowledge should be completed by February 2007.

Appendix Four

Area 2 – Greater Thames Estuary

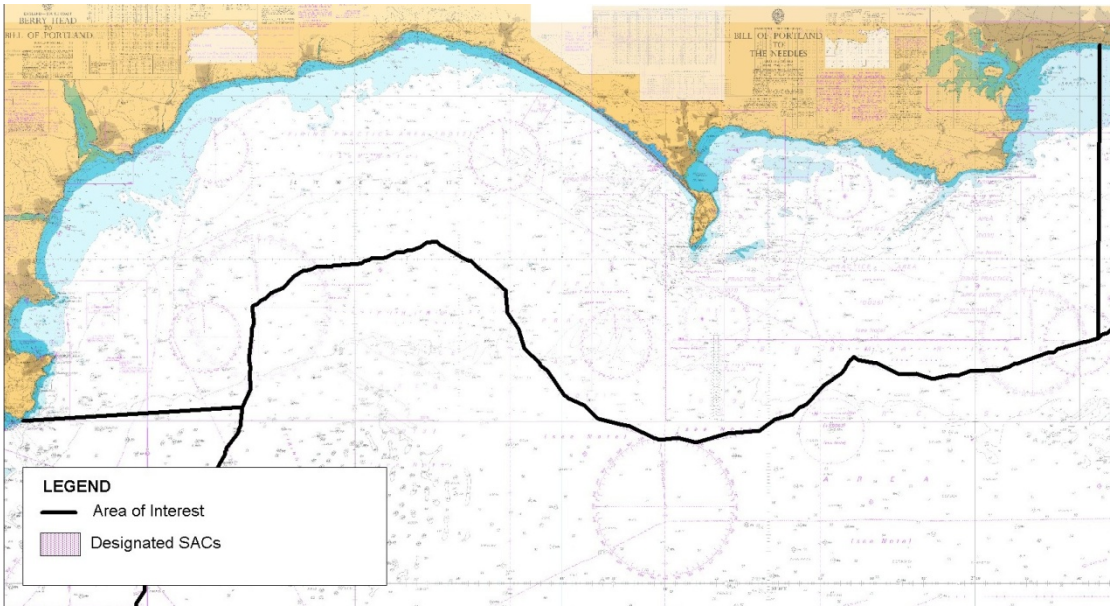
The survey area includes all shallow sandbanks in the Greater Thames Estuary area, including those beyond the 12 nautical mile limit.

English Nature hold survey data collected during 2005 for the area enclosed by the green dashed line in the above illustration and this will be made available to assist in the completion of this contract

Additionally further information for this area is available in archived records and from various offshore renewable developments. The successful contractor will be tasked with obtaining data from external sources where possible.

Appendix Five

Area 3 – Lyme Bay to Poole Bay



Substantial amounts of survey data already exist for this area and are mainly held by the Wildlife Trusts. Priority should be given to obtaining and interpreting existing data for this area rather than collecting fresh information.

Appendix Six

Area 4 – Salcombe to Yealm and Eddystone

English Nature carried out a survey of the area around Eddystone Rock and Hands Deep (indicated by the green dashed box) in 2005 and the results of this survey will be made available for the completion of the current Workpackage.

Proposals for this area should link the reef feature already designated as SAC within Plymouth Sound with 1) The area of rocky reef extending offshore from the coast between Salcombe and Yealm and 2) The area of rocky reef around Eddystone and Hands Deep.

Other archived data is available from this area through scientific and fishery based surveys. The contractor will be tasked with obtaining this data in support of the site briefing statement.

Appendix Seven

Area 5 – Lizard Point

Admiralty charts and work done by the British Geological Survey have identified extensive rocky reef, within the Area of interest outlined above, which is highly characteristic of the South Western Peninsula.

These rocky reefs are potentially the best example of highly tide influenced communities in England, but very little survey work has been carried out in the area.

The area of interest will therefore need to be surveyed. A proposed boundary for the SAC should also be determined as part of the report based on the information obtained from the survey work.

Appendix Eight

Area 6 – Lands End and Cape Bank

Admiralty charts and work done by the British Geological Survey have identified extensive rocky reef, within the Area of interest outlined above, which is highly characteristic of the South Western Peninsula.

Considerable wave exposed rocky reefs, which are also influenced by large tidal currents have lead to very unique plant and animal communities in this area of interest, however very little survey work has been carried out in the area.

The area of interest will therefore need to be surveyed. A proposed boundary for the SAC should also be provided from the information obtained from the survey work.

Appendix Nine

Area 7 – Outer Morecambe Bay, Shell Flat and Lune Deep

The main areas of interest within the above survey box are Shell Flats as representative of sandbank feature and Lune Deep representative of subtidal reef.

Datasets exist for Shell Flat which were generated in connection with offshore renewables work. The contractor will be asked to obtain these if possible so as to support the site briefing statement.

Other archived data exist for both Shell Flat and Lune Deep and the contractor will need to obtain these.

Fresh survey work may however be necessary for some areas within the box.

ANNEX G: OVERVIEW OF THE CONSULTATON PROCESS

First formal consultation (November 2009 – February 2010) and submission of final recommendations to Defra (August 2010)

1. Following a four month period of informal consultation (starting in July 2009)[42], a formal public consultation was launched jointly with JNCC and CCW on 27 November 2009 and ran until 26 February 2010. Consultees were asked whether they agreed (or not) with the scientific case supporting the designation of the following possible SACs (pSACs) and proposed SPAs, and whether there were any other pertinent data that should be reviewed.

   Possible SACs

   Inshore and offshore
   - Haisborough Hammond and Winterton (off Norfolk – proposed jointly with JNCC)
   - Inner Dowsing, Race Bank and North Ridge (off Norfolk – proposed jointly with JNCC)

   Inshore
   - Margate and Long Sands (Thames Estuary)
   - Poole Bay to Lyme Bay (Dorset and Devon coast)
   - Prawle Point to Plymouth Sound and Eddystone (Devon coast)
   - Lizard Point (Cornwall)
   - Land's End and Cape Bank (Cornwall)
   - Shell Flat and Lune Deep (Morecambe Bay)

   Offshore
   - Bassurelle sandbank (Dover Strait – proposed by JNCC)
   - North West Rockall Bank (off Western Scotland – proposed by JNCC)

   Proposed SPAs

   - Liverpool Bay/BAe Lerpwl (inshore waters in England and Wales – proposed jointly with CCW)
   - Outer Thames Estuary (inshore and offshore waters in England – proposed jointly with JNCC)

2. A total of 677 responses was received to the consultation. This included 58 specific responses on the Poole Bay to Lyme Bay pSAC and 31 specific responses on the Prawle Point to Plymouth Sound and Eddystone pSAC. A significant amount of new

[42] In December 2008, Natural England requested approval from Defra to commence informal consultation. However, due to concerns by some other Government Departments about the need for fuller dialogue with key stakeholders such as the renewables industry, informal dialogue on these sites did not start until July 2009.

data was acquired and considered by an Evidence Panel following public consultation. Of particular note were the outputs of a major project called the DORset Integrated Seabed Study (DORIS). This project mapped the seabed in the Portland to Studland area (a significant area of the Lyme Bay to Poole Bay pSAC). This new information was of significantly better quality than information used to make original proposals collated through the Royal Haskoning contract.

3. Following preliminary assessments of new data pertinent to the three sites subject to this case study review, Natural England's Evidence Panel organised meetings with external partners to provide a view on initial deliberations.

4. A meeting was organised with Royal Haskoning on 10 March 2010 outline the scope and nature of the new scientific information, and to seek views on the proposed changes to their original recommendations. Royal Haskoning acknowledged that the newly acquired data were of a higher quality than those available to make initial proposals, and supported the revisions that the Evidence Panel proposed.

5. Representatives of the Evidence Panel also met with the DORIS project team on 20 May 2010. The aim of this meeting was for the DORIS project team to review Natural England's analysis of the new data, including a new map of reef in the Studland to Portland area. The DORIS project team agreed with the Evidence Panel's interpretation of the data and identification of reef, and that more time should be taken in order to properly utilise all relevant data to accurately map the reef features. Using additional datasets provided through the formal consultation and additional data provided by the Dorset Wildlife Trust from Seasearch[43], the reef map was further refined and a draft pSAC boundary was drawn up for the Studland to Portland area.

6. Recommended changes to Poole Bay to Lyme Bay and Prawle Point to Plymouth Sound and Eddystone were provided to Natural England's Executive Board in May 2010 and are summarised in Table 1 below. The Executive Board approved these final recommendations for submission to Defra in June 2010.

7. Final SADs for Lyme Bay and Torbay and Prawle Point to Plymouth Sound and Eddystone were submitted to Defra on 21 June 2010 and published on the Natural England website on 20 August 2010. The draft pSAC boundary for Studland to Portland was presented to the Executive Board in August 2010, and approved for submission to Defra for formal consultation. .

Further formal consultation (August 2010-November 2010) and submission of remaining sites to Defra

8. Natural England also prepared a Prawle Point to Start Point dSAC addendum to the Prawle Point to Plymouth and Eddystone cSAC SAD and this was published for a re-consultation on 20 August 2010. The consultation finished on 12 November 2010.

[43] Seasearch is a project for which facilitates the collection of environmental information (species and habitat recording) by volunteer divers around the UK.

9. There were 19 responses to the consultation, but no new evidence or scientific information came to light for the Evidence Panel to review. Natural England's Executive Board considered the final recommendation for the Prawle Point to Start Point pSAC[44] in March 2011. In May, Prawle Point to Start Point pSAC was signed off by a sub-group of Natural England's Board and Executive Directors and on 1 June, it was forwarded to Defra as Natural England's recommendation for designation.

[44] It is being recommended that this site is added on to Prawle Point to Plymouth Sound and Eddystone cSAC as it lies adjacent to it, and the site renamed Start Point to Plymouth Sound and Eddystone.

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ANNEX H: LIST OF KEY CONSULTATION DOCUMENTATION EXAMINED

Published material

Natural England, Joint Nature Conservation Committee (JNCC) and Countryside Council for Wales (2009). Consultation on marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and offshore Waters around the UK. http://www.naturalengland.org.uk/ourwork/marine/sacconsultation/default.aspx

Natural England, JNCC and Countryside Council for Wales (2009). Consultation on marine Special Areas of Conservation (SACs) Special Protection Areas (SPAs) in English, Welsh and offshore Waters around the UK. Frequently Asked Questions. November 2009.

Natural England, JNCC and Countryside Council for Wales (2009). Consultation on marine Special Areas of Conservation (SACs) Special Protection Areas (SPAs) in English, Welsh and offshore Waters around the UK. Frequently Asked Question – Fisheries Supplement. November 2009.

Natural England (2010). Inshore Special Area of Conservation (SAC): Lyme Bay and Torbay. SAC Selection Assessment Document. Version 2.5, 6 August 2010. http://www.naturalengland.org.uk/Images/LBT-sad_tcm6-21650.pdf

Natural England (2010). Inshore Special Area of Conservation (SAC): Prawle Point to Plymouth Sound & Eddystone. SAC Selection Assessment Document. Version 2.4, 6 August 2010. http://www.naturalengland.org.uk/Images/PPPSE-sad_tcm6-21656.pdf

Natural England, JNCC and Countryside Council for Wales (2010). *Report of the 2000-2010 consultation on 12 marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and offshore waters around the UK*. Natural England, 20 August 2010. http://www.naturalengland.org.uk/Images/consultation-summary_tcm6-21708.pdf

Internal Natural England guidance and other documents

Impact Assessment for Proposed N2K Marine Sites. Stakeholder Identification and Analysis Guidance for Natural England staff working on specific sites. Prepared by ABPmer and Natural England, 25 February 2009. (**Annex I**)

N2K National Stakeholder Action Plan, 16 July 2009

Stakeholder Engagement Plan for South West SAC sites (Formal Consultation), 2009

Responding to the formal consultation. Guidance for staff in Natural England, undated. (**Annex L**)

Natural England note to staff on the types of evidence that may be submitted for formal consultation, undated. (**Annex K**)

N2K Response Summary Poole Bay to Lyme Bay, undated

N2K Response Summary Prawle Point to Plymouth Sound & Eddystone, undated

Panel Prawle Point to Plymouth Sound and Eddystone pSAC. Proposed changes to the site boundary. Summary. Evidence Panel summary document, 26 March 2010.

Poole Bay to Lyme Bay pSAC. Proposed changes to the site boundary. Summary. Evidence Panel summary document, 13 April 2010. (**Annex M**)

Natural England Executive Board. Marine Natura 2000 – Special Areas of Conservation and Special Protection Areas – site recommendations for designation, 7 June 2010

Natural England Executive Board. Supplementary paper – Marine Natura 2000 – Special Areas of Conservation and Special Protection Areas – site recommendations for designation, 7 June 2010

New Marine Sites. Natura 2000. Poole Bay to Lyme Bay pSAC Summary of Responses to Formal Consulation. Summary of responses to formal consultation prepared for a sub-group of the Natural England Board and Executive Directors, June 2010. (**Annex N**)

New Marine Sites Natura 2000 Prawle Point to Plymouth Sound and Eddystone pSAC Summary of Responses to Formal Consulation. Summary of responses to formal consultation prepared for a sub-group of the Natural England Board and Executive Directors, June 2010. (**Annex N**)

Lessons learnt from new Marine Special Areas of Conservation and Special Protection Areas Designation Project in English, Welsh and offshore waters around the UK, 2010. Internal lessons – Natural England, March 2011. (**Annex J**)

Review of process, evidence and advice relating to the selection of candidate marine Special Areas of Conservation – Information required for the independent review group. Natural England, March 2011.

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ANNEX I: STAKEHOLDER IDENTIFICATION AND ANALYSIS GUIDANCE FOR NATURAL ENGLAND STAFF

Impact Assessment for Proposed N2K Marine Sites

Stakeholder Identification and Analysis Guidance for Natural England staff working on specific sites

Prepared by ABPmer and Natural England

25 Feb 2009

Introduction

Economics for the Environment Consultancy (eftec), ABPmer and independents have been contracted to prepare an Impact Assessment (IA) for the proposed Natura 2000 marine sites. As part of that contract, ABPmer have also been contracted to develop a database within which to record stakeholder details and the communications that take place in relation to the IA and longer-term public consultation on site management plans. The identification and analysis of stakeholders affected by these proposals therefore is part of both the initial IA process and public consultation. Feedback and advice from Natural England is necessary to inform the stakeholder analysis.

There are 3 key stages as follows:

1. Stakeholder Identification
2. Stakeholder analysis
3. Engagement Plan

Stakeholder identification and analysis systematically identifies which stakeholders we should be engaging with and it is used to inform decisions about how that engagement should take place. The engagement plan is the key tool to help deliver the communication and discussion with stakeholders.

This guidance covers stages 1 and 2 and outlines the tasks you are asked to complete.

1. Stakeholder identification

We have developed lists of stakeholders at a) a national level (that have an interest in many or all of the sites) and b) for the each of the proposed sites, drawing on resources that we had access to (including the lists of stakeholders identified as part of the searches for the proposed sites). Following the guidance below, could you please check the lists of stakeholders for the site that you are working on and add any that are missing.

2. Stakeholder analysis

Please complete the stakeholder analysis appropriate to your sites and region following the guidance below (either individually or with colleagues).

After you have made your input, the list of contacts and their contact details will be imported from the spreadsheet into the stakeholder database so the information will already have been entered when you start to use it. You will be able to edit people's contact details at a later stage and add new contacts if you wish to do so.

3. Based on the information above Natural England and the consultants will draft a **stakeholder engagement plan** which you will have an opportunity to provide further feedback and advice on.

Very important: please note that Excel will automatically track your changes. If you have Microsoft Office/Excel 2007, please save the file as an older version, as we do not have this, and would not want files to be corrupted.

We have inserted splits into the spreadsheet, please feel free to remove these; also feel free to hide columns as necessary (especially for task 2).

The contractors that conducted the searches identified stakeholders according to regions rather than specific sites; consequently the lists of stakeholders are currently the same for the following sites:

- 'Wash' refers to both Haisborough and Inner Dowsing,
- 'Thames' refers to Margate & Longsands and the Thames SPA,
- 'PoolePlym' refers to Pool Bay to Lyme Bay and Prawle Point to Eddystone,
- 'CapeLizard' refers to Lands End & Cape Bank and Lizard Point,
- 'Liverpool Bay' refers Shell Flat & Lune Deep and the Liverpool Bay SPA..

Each region has been assigned an individual worksheet as named above; national stakeholders that have an interest in many or all of the proposed sites are listed on the 'national' worksheet. The appropriate worksheet can be selected using the tabs at the bottom left of your screen.

1. Stakeholder identification

Please undertake the following actions, and use the '***notes on stakeholder identification***' column (Column M) to flag/explain any issues to us, if you feel this is necessary:

A) Check the stakeholders listed in the worksheets relevant to the sites that you are working on and add at the bottom any other people, businesses or organisations that have an interest in the site that you think are missing from the list. Stakeholders are listed alphabetically by organisation, but can easily be grouped according to their sector of operation (See Annex 1).

- If you think a stakeholder should not be involved in the consultation process **please do not delete this stakeholder**, but use the stakeholder analysis to describe why (see below on how to record the stakeholder interest areas and level of importance).
- If you add a new stakeholder, please insert a new row at the bottom of the sheet, and provide as many details as feasible, giving contact name and email address as a minimum. If there is more than one contact per stakeholder organisation, please use a separate row for each contact.
- There will only be stakeholders with an interest in one or two sites on the worksheet relevant to your site. These include regional staff from government departments and agencies. Please note that national stakeholders with an interest in most or all sites have been entered on the 'national' worksheet. If you think that a missing contact might be on the national spreadsheet, please check whether they are there. If a regional **named contact** has wrongly been placed on the national spreadsheet, please copy that row into the spreadsheet for your site and, indicate that it should be deleted from the national spreadsheet and explain why (in the 'notes' column in the national spreadsheet).

B) Check the name of the contact provided (if provided):

- If no contact name is provided, please enter an appropriate contact, and relevant contact details if you can easily do so;
- If a contact is provided who is no longer with the organisation, please replace with his/her successor, and relevant contact details;
- Where more than one contact is provided for the same organisation, please indicate the preferred contact in the 'notes on stakeholder identification' column.
- If you know of a more appropriate contact than the ones listed, please create a new row for this alternative contact, and indicate in the 'notes on stakeholder identification' column that this is the preferred contact.

C) Check the category of the stakeholders, to see whether you agree with the categorisation. If you don't, please enter a more appropriate one. If at all possible, please follow the categories we have suggested; a table of these can be found in Annex 1.

Please note that during the stakeholder analysis (see below), there will be an option of indicating whether or not a stakeholder should be engaged, how he/she should be engaged, and at what level/tier (see below).

NB: columns AA to AE contain background information on the stakeholders, some of which are not shown for the purposes of this exercise; however, you might be interested in column AA – '***Background'*,** as this contains information provided by the consultants who identified the stakeholders as part of the searches for the sites during the first half of 2008. Furthermore, columns AD and AE ('***Duplicate in other worksheet' & 'Organisation also in other worksheet'***) indicate whether or not either the same contact is also in another regional worksheet, or whether or not the same organisation can also be found on another worksheet.

2. Stakeholder analysis

The stakeholder analysis consists of several steps:

- stakeholder interest/concern and mind mapping (with respect to the designation in general);
- stakeholder engagement importance rating (this forms the core of the stakeholder analysis for this process),
- various smaller tasks, including likelihood of engagement, preferred mode of communication and preferred tier of engagement.

These tasks are explained in detail below.

A) First, we would like you to mind map on your own or with your colleagues what interests the stakeholder organisation has in the designation of the proposed site (in Columns N to Q – '*Interest Mind Mapping'*), choosing from the following options:

- Scientific Evidence (i.e. providing data)
- Impact Assessment (i.e. effects of the proposed site and likely management measures on their activities)
- Mitigation & Adaptation (i.e. the development of measures that help address the effects of the proposed site on their activities)
- Site management (i.e. the application and enforcement of measures)

Please use an 'X' to mark the appropriate cells to record the stakeholder's concerns and interests regarding the site. Examples of some assessments are given in Table 1 below.

Table 1: Example assessment of Interest Mind Mapping

Example Stakeholder	Scientific Evidence	Impact Assessment	Mitigation & Adaptation	Site Management
South West Producers Organisation		X	X	X
Sennen Cove Slipway Committee				X
SWRDA		X	X	
Devon Wildlife Trust	X		X	X

B) Secondly, using the categories (A-E) in Tables 2 and 3 below, please assess the importance of engaging with the respective stakeholders according to:

a) the degree of impact from the proposals on their activities, and
b) the level of influence that they have over the proposal to designate the site.

The level of influence is a combination of how representative the organisation is of the sector (i.e. does it cover all stakeholders in the category?) and how regularly they engage in consultation processes (e.g. do they place a significant pressure on decision making processes through regular engagement?).

When making this assessment please consider all of the stakeholder's interests and concerns regarding designation and management of the site as identified above in A. That is, consider their interest in the scientific evidence, impact assessment, adaptation and mitigation, and site management.

Table 2. Matrix of stakeholder engagement importance

		Impact of designation on stakeholder (i.e. effects on activities)				
		Very high/ significant effects	Fairly high/ considerable effects	Moderate (effects)	Low/ limited effects	None/ no effects
Influence and representativeness of stakeholder	Very Influential	A		C		E
	Fairly Influential					
	Somewhat Influential	B		D		E
	Barely Influential					
	Not at all	B	C	C	D	E

Categories A, B and C are the key stakeholders to engage with. A description and the implications of each category are summarised in Table 3 below.

Table 3. Summary definitions of Stakeholder Engagement Importance ratings

Very important

↓

Not important at all

- **A** stands for 'extremely important' that this stakeholder is engaged with as they are highly impacted by the designation and are also very influential and vocal; for example, their organisation represents a large proportion of a highly impacted stakeholder group. This implies that a good working relationship needs to be established with this stakeholder.
- **B** stands for 'very important' that this stakeholder is engaged with as they are highly impacted by the decision, but their organisation is not highly influential/representative (e.g. they might only represent a few stakeholders from his stakeholder group – e.g. a representative of a local Fishermen's Association).
- **C** stands for 'fairly important' that this stakeholder is engaged with as the designation only has moderate/limited effects on their organisation, but they are very influential over the decision to designate the site.
- **D** stands for 'fairly unimportant' that this stakeholder is engaged with as the designation only has moderate/limited effects on their organisation and their organisation is not very influential/representative (e.g. an individual fisherman).
- **E** stands for 'not important at all' – this would be interpreted as 'no need to engage' but consider revising if necessary.

Please enter your assessment from A to E in Column R ('***Stakeholder engagement importance'***). Please do this for every organisation and every individual who is not part of an organisation in the worksheet for the site. If you feel that you do not know enough to do the analysis, leave the cell blank (but please attempt to fill it in for every stakeholder).

Note: that a stakeholder with a low level of influence might be encouraged to sign up to a more active organisation that represents a wider range of similarly affected stakeholders. Please indicate any such notes in column Z.

C) Please mark Column S ('*Tick if engagement unlikely'*) if you think the stakeholder is unlikely to engage in the process. Please use an 'x' to mark the appropriate cells. Please use the '*Issues to flag*' column (Column T) to explain why you think it is unlikely, but also to flag any issues that you think it would be useful to raise concerning the stakeholder. For example, these could be a problematic relationship or the potential for resources to restrict the stakeholder's level of engagement.

D) Please indicate Natural England's preferred mode of communication for each stakeholder, that is, how you think it would be preferable for Natural England to communicate with the stakeholder: by phone, email, post, or in a meeting, or any combination of these. For example, some stakeholders may not be able to travel far so may prefer email or phone communication. Please use an 'x' to mark the appropriate cells in Columns U to X ('*NE preferred mode of communication*').
E) Please indicate the proposed tier of engagement (in Column Y – '*Proposed tier of engagement*'). The current content of the column is largely derived from contractors' searches for

the proposed sites. Where two sites are listed, this suggests that the stakeholder should be engaged for both sites; please check this and change it if you think that the stakeholder has interest in only one of the sites, or for another site that has not been specified. Please specify 'none' if you think that the stakeholder has an interest in none of the sites.

Where the column is blank, please indicate which site the stakeholder has an interest in, or specify none if you think the stakeholder has no interest in any of the sites. Please do not leave any of these cells blank for the site that you are working on**: this information is required so that you will be able to call up all of the stakeholders that have an interest in a specific site on the web-based database.**

This information will also help inform development of the Stakeholder Engagement Plan for each site (which you will be asked to make further input to in due course).

F) Please identify national stakeholders (with an interest in many or all of the sites) that you think it is important to engage with for the site you are working on and check that they are listed and have been analysed correctly in the worksheet that is labelled 'national'. Eftec and ABPmer have conducted a preliminary analysis based on their knowledge. When making your assessment please consider all of the stakeholder's interests and concerns regarding designation and management of the sites (the scientific evidence, impact assessment, adaptation and mitigation, and site management). If your assessment of their importance differs from that in the spreadsheet, please enter it in to Column R of the 'national' worksheet. If your assessment of their interest in the site differs from that in the spreadsheet, please enter it in columns N to Q. We have set up the spreadsheet so that any changes will be tracked/visible to us.

G) Please check that eftec/ABPmer's assessment of the importance of engaging with other national stakeholders is correct for your site. You may find it easier to do this by listing the stakeholders according to the importance of engagement identified by eftec/ABPmer. To do this left click on the drop-down arrow (the small grey box with a black arrow) in the bottom right hand corner of cell R1 (at the top of the 'stakeholder engagement importance' column). From the top of this list choose the 'Sort Ascending' option. The lines will then be in descending order of priority for engagement. If your assessment differs from that in the spreadsheet, please enter it in to Column R of the 'national' worksheet. If in the process you identify that the assessment of the stakeholder's interest in the site is incorrect for your site, please edit what has been entered in columns N to Q. Please use the '*Notes on stakeholder analysis'* column (Column Z) to explain any issues to us, if necessary.

Annex 1: Stakeholder sector categories

In the spreadsheets, the stakeholders are grouped alphabetically by organisation. However, they can easily be listed by sector category if that is a preferred way of looking at them. To do this left click on the drop-down arrow (the small grey box with a black arrow) in the bottom right hand corner of cell B1 (at the top of the 'category' column). From the top of this list choose the 'Sort Ascending' option. The lines will then be ordered alphabetically according to the following categories:

COMMERCIAL

Commercial: Aggregates
Commercial: Cables
Commercial: Commercial Fishing
Commercial: Construction Industry
Commercial: General Industry
Commercial: Nuclear
Commercial: Oil and Gas
Commercial: Renewables
Commercial: Tourism
Commercial: Utilities

CONSERVATION/INFORMATION

Conservation/Information: Coastal Partnerships and Fora
Conservation/Information: Conservation and Wildlife
Conservation/Information: Education
Conservation/Information: Record Centres
Conservation/Information: Research and Consultancy

RECREATION

Recreation: Aviation
Recreation: Bird Watching
Recreation: Diving
Recreation: Leisure Craft
Recreation: Fishing

POLITICAL/OTHER

Political/Other: Defence
Political/Other: Landowner
Political/Other: Local Authority
Political/Other: Other Political
Political/Other: Regulator

ANNEX J: NATURAL ENGLAND'S LESSONS LEARNT EXERCISE

Lessons learnt from new Marine Special Areas of Conservation and Special Protection Areas Designation Project in English, Welsh and offshore waters around the UK

2010

Internal lessons - Natural England

Collated by [name removed], N2K Project Manager with substantive input from the project team.

	Lesson learnt	**What recommendations would you make i.e. how might it be done in future projects?**
	Central co-ordination and project management	
1	A central project manager is required from the start of the project. This project began in 2002/03 and for many years staff had extreme difficulty securing adequate resources for the task of collecting evidence (through contract) and defining boundaries. The current Project Manager joined the team in February 2009. From around 2005 until this time project management was carried out by the group of staff involved in the work (at the expense of making specialist input to other work). Morale in the central team especially was very low and there was insufficient impetus to get the team through the task ahead.	Appoint a project manager with sufficient skills and who can make the necessary time input from the planning stage of a project.
2	There were inadequate resources at the various stages in this project – this is a common theme through this document and detail is provided below. In summary, more resources were needed initially for the evidence gathering from 2002 to 2008, and then during the consultation phase for project management support, national stakeholder relations and for the impact assessments. Around 20 members of staff had a critical part in the project, this was not enough. Overall around 50 members of staff were involved in the project to some extent.	A core team of 25-30 people is a realistic estimate of the resource required to manage and deliver a large scale consultation in the marine environment. Many more have a peripheral role.
3	The project management task, especially at the consultation phase proved too large for one person. Because of difficulties around recruitment six different people were provided as support through the consultation stage. Whilst all their contributions were invaluable, the ongoing staff changes resulted in a lack of stability in support for both the project manager and the team.	For a project of this size, allow for a dedicated project support officer for the duration of the project.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
4	Joint recommendation of sites with JNCC and CCW involved considerable extra input in managing work on the site designations and the IAs. The timetable for the work needed to factor in sufficient time for JNCC and CCW sign off processes (and addressing feedback provided). Eighteen months for the consultation and designation process on this package of 10 sites was not enough for all the processes, plus contingency. The processes include informal dialogue, drafting IAs, receiving government clearance for consultation, carrying out the consultation, finalising documentation, making final recommendations and receiving clearance to submit the sites to Europe.	Provide sufficient time and resources to enable the additional work that arises when sites are jointly recommended with other agencies. Allow up to two years from the planning of informal dialogue to submission of the sites to Europe.
5	Senior managers did not immediately recognise the need for dedicated site level advisers. Recruitment was delayed significantly. Demand for input was not dropped in the absence of site leads; existing staff in regional teams were required to make the necessary inputs in addition to existing heavy workloads.	Recruit site leads in a timely manner such that briefed staff are in place to make the required inputs when they are sought.
6	In the early phases of the work, many specialists were unaware of the inputs that they going to be asked to contribute and made these inputs in addition to existing heavy workloads.	Develop a clear specification of the inputs sought from specialists, including the amount and timing of inputs and seek this through appropriate channels.
8	The N2K fortnightly telecalls worked well throughout the consultation and designation phase and have been well attended. They have been a good mechanism for keeping everyone up to date.	This approach to communication with dispersed teams is now recognised practice. Short notes after every call are valued.
9	The stakeholder database proved a good way of sharing communications across Natural England and JNCC. In the absence of other colleagues undertaking the work, project management for delivery of the database was provided by the economist (at the expense of making specialist input to other work). Regional staff especially have been very conscientious at uploading communications onto it so that it is a good record for the project. Unfortunately not all staff (across all three organisations) did take the time to become familiar with it, despite reminders and encouragement, which reduced its usefulness as a way of sharing formal consultation responses. Scope for on line submission of consultation responses that would have enabled automated entry into the data base was not recognised in time to bid for human resources to oversee it, or budget. Some parts of Defra were reluctant to receive the	Appoint a Senior Responsible Owner for the database (with the necessary systems/process skills) from the planning stage of a project. Recognise the scope for online submission of consultation responses and initiate delivery adequately in advance. This could save significant staff time involved in entering responses into the database, although may have a programme cost. Establish a mechanism that can be used to share large files with Government stakeholders.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
	large files for the IAs via email. Facility for sharing the final IAs was established via the stakeholder database (which was running on line).	
10	There was no identified resource made available at the start of the project for national stakeholder engagement. This was carried out by the project manager, with the support of sector specialists and the Marine Director on a risk-based approach. There was insufficient engagement with key Government departments at an early stage.	Planning for a project on a similar scale should allow for a level of national stakeholder engagement, say 0.5FTE. Relationships are now more established with key Government departments but should be maintained especially through dialogue on impact assessments.
11	The mail out of over 1000 national and regional stakeholders was complex to co-ordinate although largely successful. Both Natural England and JNCC have had problems with emails being received.	A process of random checking that emails have been received is necessary for large mail outs.
12	Efficient communication at key points in the timetable enabled already stretched colleagues to participate in the necessary discussions without unduly compromising the time they had available to make their inputs to the work.	Timetable the agenda for project meetings so that colleagues contribute to necessary discussions but are not involved in discussions that they do not need to be party to. Communicate the necessary information (but not redundant information) to colleagues succinctly and clearly by email, enabling them to keep up to date without overloading them with information.
13	Lack of Natural England control over corporate targets for the marine N2K work impacted on the staff morale and delivery of other work. This was because Defra ultimately controlled the timetable, not Natural England.	The issue of tight timetabling and additional late demands from Defra has been discussed with them. Natural England needs to make every effort possible to ensure that the timetable for delivery agreed with Defra is realistic with available resources. Agree a joint project plan.
14	We were slow to release information into the public domain especially in the early stages. Regional staff in particular wanted to provide more information to stakeholders.	We will be open and transparent in all our processes. We will publish relevant scientific source material for SAD/departmental briefs and final recommendations on the website.
	Site recommendations and Evidence Panels	
15	The quality of record management has varied across the lifespan of the project despite staff following processes that were considered best practice at the time, and using the technology and record management systems that were available.	Natural England needs to review its standards and guidance on their application to ways of working, allow sufficient resource within a project to implement them, and look to provide more efficient record management systems. Any system that is introduced should have regard to any guidance or codes of practice produced by Defra's Chief Scientist and the recommendations of the CSA cSAC case study review.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
16	One adviser was responsible for all the three contracts on the 8 SACs during the data gathering phase (2002-2007), which in retrospect was a big demand. The briefs could have been tighter and the co-ordination between the three contractors could have been stronger.	The briefs for the contractors should be tighter and there should be active co-ordination between the three contractors. When employing contractors to undertake research they should be asked to comply with any standard Natural England operating procedures. If appropriate reference may also be made to Defra's chief Scientists code of practice and the recommendations of the CSA cSAC case study review.
17	Quality of contractor out puts should be thoroughly checked to ensure they can be adequately defended.	Thorough QA required by the appropriate staff which is then checked at senior level if necessary.
18	Dedicated GI support was only provided in the last year of the project.	A dedicated GI specialist is required from the stage of drawing up boundaries, for a project of this scale. GI support is also required for the IAs.
19	Before and after the consultation, late agreement on and revision of site boundaries and conservation objectives constrained work on the impact assessments. There is a tension between designating sites that are based on the best (and most recent) scientific evidence and enabling work on IAs to proceed (which requires agreement on the boundary and site conservation objective). Where sites are overlapping, the IA for each needs to reflect details of the overlapping site; work on one is constrained if the necessary information (boundary and conservation objective) has not been agreed on the other.	Recognise that IAs are a critical component of the designation process that cannot proceed without key inputs and sufficient time to do the work. Because of the time it takes to do the work for the IAs, boundaries and conservation objectives should ideally be agreed before the work can proceed. Recognise that additional time is required to change the IAs if site boundaries or conservation objectives are revised.
20	Production of the draft conservation objectives and advice on operations was not part of the original project plan although they were required to inform consultation on the sites (following the precedent set by the JNCC). Delayed delivery constrained work on the impact assessments (revision of the conservation objective requires revision of the IA). Staffs completed the draft conservation objectives on top of their other work and as a result were subject to extreme pressure.	A timetable for work on the conservation objectives and advice on operations needs to be developed that is consistent with the IA process. Information on human activities in the site in the IA would usefully inform the advice on operations and vice versa (so the information in both is consistent).
21	Information on the specific aspects of human activities that could impact on interest features in the sites was required for the IAs (to inform development of the hypothetical management measures). This was included in an appendix in the IA.	For purposes of the IA this information should have been provided at an early stage in the advice on operations.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
22	An SAC Evidence Panel was set up to assess the consultation responses from an early stage and dedicated time was put aside to review the formal consultation responses at the end of the consultation. The work of the panel was also prioritised to this and nothing else at this time. This proved a successful way of ensuring the resource was available and the tight delivery schedule could be met. However, perhaps partly because of the tight delivery schedule and also because of the scale of the project, many regional staff felt that they were not sufficiently involved.	Continue to set up Evidence Panels for future designation projects, but where feasible involve regional staff from the outset.
23	There was a large amount of work for the Evidence Panel to get through in a short time.	Rigorous QA is critical to a project of this size and time should be allowed in the project plan for this exercise and sufficient resources employed to carry out the QA.
24	The SPA panel had to work slightly differently, through dedicated telecalls, given the dispersed nature of the team (which included JNCC colleagues in Aberdeen and CCW colleagues in Bangor). As there were only two SPAs the process was slightly easier to manage and regional staff were involved on the calls.	This model worked where there were only 2 SPAs to assess, however dedicated time should be put aside over several weeks as for the SAC Evidence Panel above, where a large number of sites are being consulted on.
25	As JNCC are the lead organisation for the collation of data of SPAs, Natural England needed to refer stakeholder questions to them both during and after the formal consultation and indeed following the announcement.	Natural England to highlight to JNCC the continued resource requirement beyond data collection and boundary setting in terms of provision of support to the project.
26	The N2K project manager, Evidence team delivery leader and Director Marine worked closely together to ensure team level sign off on the site boundaries. Quick-turn around at this stage was critical to smooth delivery. The same attention was given to the internal sign off of the IAs.	Future Directors to be aware of the critical role that they play in keeping the project on track at the sign off stages.
27	The Executive Board and Chair scrutinised all the documentation intensely. Specialists were called in to answer the questions raised as part of the scrutiny.	It is recommended that a full team of project Director, project manager, and evidence specialists should be fielded at Executive Board meetings for large scale projects, and that contingency is allowed for in the planning to resolve issues raised by the Board.
28	Specific procedures for marine international sites are not set out on the NFSoD.	Ensure sign off procedures are set out in the NFSoD.
29	As projects of this size are likely to result in freedom of information requests and there will be a considerable amount of information available an audit trail should be set up from the planning stage of the project (in this	Maintain an accessible, comprehensive audit trail, with a responsible owner – for example the project manager during the project and a member of the marine team

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
	case in 2002 or before) and maintained.	following the end of the project. The mechanism for storing information must be able to withstand office closures, organisations mergers and changes in structure.
	Impact assessments	
	Approach adopted:	
30	The 'ask' to carry out impact assessments came in 2008, which was considerably into the overall project life cycle. NE spent considerable time discussing with Defra whether to undertake IAs for the marine N2K sites. Some believe this could have been more constructively spent in planning, securing resources and starting the work. Colleagues continued to question why NE undertakes IAs for N2K sites throughout the process, concerned that it makes NE more open to criticism that socio-economic factors have been taken into account in site selection. Also, there were risks that the IAs could pre-empt due consenting process by making certain assumptions needed to estimate costs. It is noted that the ecological advice required to inform the IAs would need to be provided by NE whichever organisation undertook the IAs. It is for NE to make government aware of the social and economic implications of what it is recommending.	Increase awareness amongst staff in NE that NE is responsible for undertaking IAs for designations that it recommends to government. NE keeps an audit trail that makes it clear that socio-economic factors have not been considered in selecting sites or delineating site boundaries. Make it clear in the IAs that they do not pre-empt Review of Consents and Appropriate Assessment.
31	The importance of impact assessments was not adequately recognised throughout the consultation process and this risked jeopardising sign off of the final recommendations by Government.	The project plan should include the work on IAs as an integral component.
32	In general, colleagues did not view NE's production of the IAs positively and did not enjoy making input to the IAs. This was partly because IAs cannot inform the site recommendations and the reasons discussed above. Also little thanks and positive feedback was provided other than from those directly involved in work on the IAs.	If colleagues are asked to undertake work on the IAs, the importance of the work needs to be recognised by NE and measures put in place to make it a positive experience.
32	Production of the IAs was initially contracted out because this was the approach adopted by the JNCC (for sites which involve far fewer stakeholders than inshore sites). It was believed NE did not have experience in undertaking IAs and it lacked the necessary staff resource. The contractors significantly under-estimated the work involved, and did not deliver on time or to a sufficient standard. It transpired that much of the expertise required to undertake the IAs was held by sector specialists in NE. For these reasons revision of the IAs following consultation was largely brought in	Undertake IAs in house Ensure IAs are accurate, transparent and detailed. The wording of them is critical to sign off and stakeholder relations.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
	house	
33	Stakeholders were frustrated that they had not had the opportunity to make input to the consultation IA or to discuss the hypothetical management measures used for the IAs. Collection of data from stakeholders only through the consultation and informal dialogue as planned postponed substantial work on the IAs until after the consultation when little time was available. It resulted in consultation IAs that were poorly informed (which antagonised stakeholders) and increased risks to the MCZ project. Many consultation responses did not provide the specific information that was needed to inform the IAs (because it was not sought through dialogue). The opportunity to develop better understanding of how developers adapt their proposals to reduce impacts on the features was missed.	Collection of information from stakeholders is a critical component of production of the IAs for consultation. This process is time consuming but pays off long term. A more uniform methodology for analysis i.e. social science research techniques, may have allowed a more consistent and meaningful use of important qualitative data and would have enriched the IAs.
34	The IAs were too long and the sizes of the files for the consultation IAs were too large, making it difficult for people to transfer the files when making input to the work and increasing the risk of the files becoming corrupted. The length of the documents substantially increased the input required from all involved in reviewing and editing the documents. Production of an IA for each site added considerably to the work involved. Stakeholders said that the IAs were too long, wordy, technical and unclear.	The main body of the IA should not exceed 30 pages (as specified in government guidance), with supporting information in appendices. Put maps in a separate file to reduce size of the text file that people are editing. If a tranche of related sites are being designated at once produce one IA for all of the sites. Use language in IA that can be understood by the target audience (government and stakeholders).
35	Feedback from a panel of government economists indicated that the purpose of an IA needs to be clearly stated in the summary sheet and Evidence Base. Stakeholders indicated that they did not understand why IAs had been produced for the sites and why they were being asked to comment on them.	If alternative options are not investigated and the purpose of the IA is not to inform the decision to designate this needs to be clearly explained in the summary sheet, evidence base and in discussions with stakeholders.
36	Feedback from Defra's economists indicated that the values presented in the IA Evidence Base and summary sheet should be real values (not discounted). At their request, copies of a spreadsheet that clearly set out how the present value for the costs to each sector had been calculated was included in an appendix.	Use real values (not discounted) in the IA Evidence Base and summary sheet (apart from where specified otherwise). Include copy of the spreadsheet described here.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
37	Defra's and DECC's economists indicated that a 20 year time frame should be used for marine protected areas, not 10 years (time frame specified in IA guidance).	Use 20 year time frame.
38	Describing the scenarios used for the analysis in the IA as minimum and maximum was unhelpful. This nomenclature was adopted by the contractors.	It would be clearer and less misleading if the scenarios were described as low effect (on interest features) and high effect (or low cost and high cost).
39	Incomplete information was provided in the draft consultation IAs initially supplied by the contractors for sector specialists to comment on. As a result specialists commented on the drafts IAs twice. Delays in delivery of drafts for comment made it difficult for reviewers to plan their work.	Endeavour to achieve efficient input by people reviewing the IAs by ensuring that all necessary information and assumptions are in draft IAs supplied for comment. Through appropriate planning endeavour to achieve timely delivery of drafts for comment.
40	Fisheries stakeholders were confused as to why NE was specifying hypothetical management measures in the IAs when it is the competent authority that will specify these. They assumed that the measures used in the IAs will be those used for the sites despite the caveats provided in the IAs. Site leads found it easier to discuss issues concerning the IAs with fisheries stakeholders face to face. Fisheries stakeholders questioned why the IAs did not consider alternative management measures. Much of the information provided by fishers in consultation responses could not be used by NE to revise the IAs.	A summary of the information that fishers are being asked to comment on would usefully be provided to accompany the consultation IA. In consulting on the IA it is important that Natural England identifies exactly what information can usefully be sought from fishers through the consultation and how it will be used in revision of the IAs. Consideration should be given for future sites as to whether to draw up realistic management measures for the IA. There are issues with this (Management measures are developed by the MMO and IFCAs and not Natural England, JNCC or CCW) and the timetable would need to be significantly extended to allow more engagement with stakeholders.
	Timetabling of the IAs	
41	Insufficient time was allowed to undertake the revisions to the final IAs requested by Defra's economists when they commented on the consultation IAs and that were identified by NE prior to consultation.	Whilst the IAs are out for consultation identify how necessary revisions that have already been identified will be undertaken; undertake them if possible.
42	Completion of the new information sought for the new IA summary pages that were introduced during the consultation added significantly to the work required to revise the final IAs. Revisions to the IA summary pages are ongoing (another revised template has since been introduced).	Allow time for work involved in employing a revised IA template in the time required to revise the IAs following consultation.
43	Review of the final IAs generated significant revisions that were required. Various lessons were learned about what should be presented in IAs and how it should be presented.	Time needs to be factored in to allow for significant revision of IAs following sign off by NE, Defra marine biodiversity, Defra's economists.
44	There was a feeling that Natural England did not actively manage Defra Marine Biodiversity's ask for	The pressures put on staff as a result of these late minute asks have been

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
	production of the IAs and its revisions to the timetable and approach adopted (start of informal dialogue delayed beyond the date when information could be collected to inform the consultation IAs). The staff undertaking the work found that they were expected to work to whatever was specified by Defra Marine Biodiversity regardless of whether it was reasonable. The marine N2K project manager endeavoured to negotiate compromises in delivery deadlines with Defra Marine Biodiversity but with little success. See below for an example.	discussed with Defra, which accepts this feedback. Defra are proactively developing a more joined up approach to project planning for the reconsultation sites.
45	Defra marine biodiversity requested additional outputs concerning the IAs late in the process, one with only three days' notice. Despite repeated requests it did not inform Natural England of the latest date when the IAs were actually required in order the achieve Cabinet Committee clearance before summer recess.	As above this has been discussed with Defra and it is hoped that a more joined up approach to project planning will reduce the likelihood of such issues in the future (although unforeseen 'asks' may still arise).
	Staff resource:	
46	The demands of work on the consultation IAs far exceeded anticipated input because NE was not aware of the significant input that would be required from sector specialists to the IAs (having not undertaken IAs previously) and because of the failure of the contractors to deliver outputs of sufficient standard. The inputs required to edit the IAs and undertake economic analysis exceeded available staff resource and staff struggled to make the necessary inputs. The large number of consultation responses received concerning the IAs (because information had not been collected from stakeholders prior to the consultation) added to the demands on already stretched staff. Work on the IAs was only completed thanks to the dedication of specialists and significant input provided by marine advisers.	Recognise the amount of work involved in undertaking IAs by the various people who need to make input and the amount of time the IA process takes. Production of maps of overlap with human activities is an essential initial input to work on the IAs. This is followed by coordinated input needed from a number of specialists. The economic analysis cannot proceed until this input has been made. Calculations and text then need to be checked for errors and inconsistencies.
47	One economist in NE managed work on the IAs, coordinated inputs and made the economic input that was required. The work involved was excessive for one person and was ineffective use of the time of an economist. An economist is required to provide input to the economic analysis in the IA but not to produce the IA itself. In government the IA is produced by the policy lead with advice from economists. There is not a specialist in recreation in NE; input on this and other issues raised by stakeholders was addressed, with advice from colleagues, by the person managing the IA work.	Production of IAs is managed and the editing of IAs coordinated by a single person who is an effective project manager, skilled in producing documents for lay audiences and compiling and editing input and revisions provided by multiple contributors. They do not need to have ecological or economic expertise or knowledge of the site.
48	It was important that the team that revised the consultation IAs was the same team that developed the consultation IAs. They knew how the analysis had been undertaken, the data used, their source, the scope for improving on these, the consistencies that were required in assessing the impacts on sectors and	Use the same team throughout for work on an IA.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
	the nuances in policy messages.	
49	The work would have benefitted from more group discussion by those involved (for example about develop generic ranges of hypothetical management measures for features in the sites and revision of the IAs to reflect consultation responses). This was hampered by the poor reliability of video-conferencing facilities, poor quality of headsets supplied for teleconferencing, and restrictions on travel to internal meetings. Sector specialists felt that would have benefited from training in IAs and that they were making *ad hoc* decisions about the content and quality of material included in the IAs.	Enable group discussion by those working on the IAs where this would benefit the work or how they feel about it. Provide colleagues making input to the IAs with training in IAs, guidance on the content and quality of material required.
50	Allow sufficient time for colleagues to comment on the IAs (at least two weeks) and advise them of the timetable well in advance so they can include it in their planning. Seek comment from sector specialists and economists on final drafts in case errors have crept in during editing (pointing them towards the specific sections of the documents that they would usefully comment on).	Factor these in to the resources and time table for work on the IAs.
	Information resources:	
51	The template developed by Roger Covey provided a valuable tool for site leads to make input to the initial IAs. It set out a framework for the logic to use in making initial assessments of potential impacts of the sites on human activities.	Adopt and adapt as appropriate the template, which has been developed further by Rebecca Clark to provide a self explanatory tool.
52	Despite early submission of a request, delivery of data by the MFA was delayed.	If information is required from the MMO submit a clear request as early as possible.
53	Assessment of the costs to businesses drew heavily on the costs assessed for the IA for the network of MCZs under the Marine Bill. These data are now out of date. Sector specialists felt that they were expected to estimate and commented on the costs to industry in the IAs but did not have the knowledge to do so.	With involvement of sector specialists collect the required data on costs to businesses using data from stakeholders, through workshops where this is most appropriate. If appropriate, report these data in a separate document that can be referred to in the IAs. Establish greater clarity about the input to IAs that colleagues are asked to make
54	Because the typical species that will be protected in each of the sites have not yet been identified it was difficult to identify and defend management measures that will be needed to protect them. Stakeholders were confused by use of hypothetical management measures targeted at species in the IA when they anticipated that measures would be targeted only at habitat features.	Establish with as much clarity as possible the typical species that are likely to be protected in the sites. Clearly explain in the IA why management is required for typical species and specify which measures aim to protect typical species.
55	The way in which impacts on fisheries was assessed in the IAs was subject to considerable criticism. The focus in the IA should be on the impact on GVA.	Ongoing dialogue between NE and Defra economists about how the impacts on fisheries can be better assessed and access to data.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
56	Defra's senior economist has indicated that he would like future IAs to provide a better assessment and presentation of the benefits of the sites.	Compile into usable format available evidence on (a) the environmental benefits and (b) the economic benefits of marine N2K sites.
57	Stakeholders said that the IAs did not adequately reflect the costs of delays to the consenting processes and impact on investor confidence concerning future projects that can arise from designations.	With input from NE's economist and sector specialists, resolve how these issues should be addressed.
	Liaison with others:	
58	Early discussions between NE's economist and Defra's economists established the options that need to be considered in the IA. Defra's economists thanked NE for the way in which it kept them informed about progress in work on the IAs and revisions to the timetable enabling them to make plan their inputs.	Early and ongoing discussions about work on the IAs between NE's economist / IA manager (as appropriate) and Defra's economists.
59	Early feedback from Defra's economists helped enable delivery of IAs that were judged to be sufficient by Defra's economists. However, Defra's economists did not provide timely feedback on the consultation IA that was sent to them for early comment.	If an IA on a tranche of sites is being produced, seek early feedback on a draft to check that Defra's economists are content with the approach that is being adopted. Secure agreement on the dates when feedback will be provided to help ensure delivery of feedback.
60	Ongoing liaison with economists in Defra, DECC and DCLG and policy leads in Defra marine biodiversity and Defra fisheries enabled production of IAs that they were content with.	Invite these parties to comment on final drafts of the IAs, allowing sufficient time to make necessary revisions.
61	Defra's senior economist expressed disappointment that costs and benefits are not considered in selection of marine N2K sites.	Inform economists (including senior economists and the chief economist) about the legal requirements pertaining to the designation process and the fact that legally socio-economic factors and cost/benefits cannot be taken account of in the designation process. It is a purely scientific assessment.
	Consultation with stakeholders and processing consultation responses:	
62	Some stakeholders believed that the underpinning evidence for the site was not readily available, for example through the website.	Underlying evidence to be made available where possible and make clear up front on website that requests for complex data (where it cannot be loaded on the website) can be made directly to the project team.
63	A form was made available on the website during the consultation, to guide stakeholders towards providing the type of response that would be helpful to inform the site recommendations and IAs. This approach was not particularly successful, partly because of technical issues and partly because of apathy towards using forms.	If the budget is available, setting up an on line method of submitting responses would be more effective – see no (9).
64	Someone familiar with the IAs needed to review all consultation responses at the earliest stage possible to identify the aspects of the IAs that each could inform. This was used to provide sector specialists with a list of the responses they needed to review to inform revision of the IAs. Stakeholders did not	Provide the necessary time and resource to enable this.

	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
	identify the sectors that they provided information on with sufficient accuracy to enable use of this alone.	
65	Criteria were established by the sector specialists to identify information submitted in consultation responses that was and was not used to revise the IAs. Assessment of these criteria was logged for each response. Sector specialists would have appreciated advice in selection of these criteria.	Establish agreed criteria to identify information in consultation responses that is used / not used to revise IAs. This will help ensure consistency and provide reassurance to sector specialists.
66	Some sector specialists feel that it is important that we reply to stakeholders who supplied information concerning the IAs in consultation responses and that when doing so we indicate whether the information was used and if not why not. The latter would enable stakeholders to learn about the information that they would usefully supply in responses. However, some regional advisers advised not to go back to stakeholders as it would antagonise those further who had submitted their views but not anything that could be used in the IAs. In the end in this project advisers were asked to contact regional stakeholders where they thought it would be useful, but it was left to individual officers' judgement. Individual contact was not made with national stakeholders; they were invited to contact us if they wanted feedback and they had sight of the consultation report.	Providing feedback on an individual basis proved not to be manageable in this project. These issues should be weighed up and considered for future projects.
	Regional engagement	
67	Stakeholder welcome early dialogue and basic information about the sites should be made available in the public domain as soon as possible.	Regional engagement is critical to the success of the project and lead advisers should be appointed before the start of the consultation or informal dialogue for each site.
68	Regional marine advisers are establishing a sound knowledge base on local fisheries issues. This should be utilised effectively both within Natural England and within partner bodies e.g. Defra.	Use the regional adviser resource especially for advising on fisheries but also other sectors.
69	It is important that fishermen feel that their responses and views have been considered. This is essential to future relationships for the development of management measures.	Embed stakeholder account management at national and area team levels, and ensure consistent advice from lead advisers to fisheries and other sectors.
70	Open meetings were a very successful way of engaging with the sector. In the future Parish Councils may be able to help with advertising these.	Open meetings are cheap to run utilise these as a mechanism for reaching local communities where appropriate.
71	Simplified material should be provided where possible at the local level	Regional staff produced their own leaflets etc for stakeholders, as the official documentation was not written in easily understandable 'lay' terms, This requirement should be considered at an early stage.
72	Theoretical fishery management measures should be discussed at the earliest opportunity to allay misconceptions and fears.	This caused significant confusion and unnecessary tension between stakeholders and regional staff. If national

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	Lesson learnt	What recommendations would you make i.e. how might it be done in future projects?
		teams had consulted regions during the process of identifying management scenarios, some of the confusion could have been prevented. Some regional marine staff have experience of MPA management planning work outside of the UK, which could have been utilised.
73	Due to the number of organisations talking about MPAs (e.g. Natural England, the MCZ projects, MCS, Wildlife trusts) many fishermen feel threatened from all sides. Trust is built up by taking time to understand issues locally.	Perhaps unavoidable due to the timing of projects and statutory deadlines.
74	Relationships would be improved by making clear our current knowledge on the condition of the sites and a clear process for the development of management measures, including stakeholder engagement.	Processes should be identified and formalised prior to the start of the process. Current knowledge was often poor, which did not reflect a positive image of NE to stakeholders. However, resolving this will depend on the money available for monitoring and research in the future.

March 2011.

ANNEX K: NATURAL ENGLAND NOTE TO STAFF ON THE TYPES OF EVIDENCE THAT MAY BE SUBMITTED FOR FORMAL CONSULTATION

Side scan sonar or Olex. Olex clarity and relilability of the signal can improve with subsequent passes of the same ground, so more passes of the same ground the better. One Olex pass on its own may not be enough evidence, but would be worth submitting in case other comes to light that supports it.

Photos/videos, if from a towed video that also shows the latitude and longitude. If not present, unlikely to be useable.

Any previous reports and surveys, additional to those already used by Natural England and JNCC (in the contractor output reports)

Track plots or anecdotal evidence unlikely to be used to challenge the science for boundary selection. Track plots could be used to show the level of member activity in an area.

ANNEX L: NATURAL ENGLAND GUIDANCE FOR STAFF ON 'RESPONDING TO THE FORMAL CONSULATION'

Responding to the formal consultation
Guidance for staff in Natural England

Introduction
This guidance note sets out the process for assessing responses to the formal consultation to N2K. There are a number of staff involved and this process aims to minimise email traffic whilst ensuring that everybody who needs to see the responses is able to do so.

The Consultation document and website requests formal consultation responses to be sent to the national email box Natura2000.consultation@naturalengland.org.uk. However, responses may also be submitted to regional email boxes as these are also on the website.

Where will responses be held?

Responses are to be held centrally in two locations:

a) On a OneNote log[45], which is accessible to all staff onenote://file:/N:/Customer%20Enquiry%20Tracker/Customer%20Service%20Enquiries. We are using this system because it is becoming standardised within Natural England for the logging of all correspondence with external customers. It is easy to use and attachments can be added directly into the log sheet. It is quick to open from a link in your Favourites and does not require of any password. It also saves automatically when you leave the system, and unlike excel, can be used by any number of people at one time.
b) The stakeholder database. Functionality is being added to the database so that we can enter formal consultation responses on a separate page. There will be a series of tick boxes and fields which will enable us to pull off the information we will need for future analysis and reports. The database will be built in January and staff will be invited to take part in testing.

Who is responsible for logging responses?

Any member of staff who receives a consultation response should log it immediately on OneNote (and in due course, on the stakeholder database) and acknowledge it.

We are expecting the majority of responses to be received by the national team, and are therefore not expecting this task to be onerous for regional staff. If, however, regional staff do receive more responses than you have time to log, please pass them to the Natura2000.consultation@naturalengland.org.uk mailbox.

What do I do next?

Please see Figure 1 – Logging Formal Consultation Responses. Essentially, you need to notify *[names removed]* according to the nature of the response.

[45] If this opens at the beginning of the notebook, go to the RSA tab then choose N2K down the right hand side

What acknowledgement is required?

We should comply with Natural England's Customer Service standards, see http://www.naturalengland.org.uk/about_us/whatwedo/ourpromise.aspx.

This requires us to normally send a 'full' response within 10 working days. As we are not able to do this please send an acknowledgement immediately (see Annex 1). You may tweak slightly if you wish, but it is important to explain what we are going to do next and the timeline, to meet the requirements of the Standards. You may send this by email if possible or alternatively by letter if only a postal address is known.

Are we required to provide any follow up for stakeholders?

The extent of the follow up required will depend on the nature of the response, and our existing relationship with the stakeholder. You are likely to need to follow up progress or points of clarification with key stakeholders as part of the engagement process. Follow up with stakeholders who have provided hard evidence is likely to be dealt with on a case by case basis.

What about responses that come to Natural England on offshore or joint sites?

Responses for offshore sites should be sent directly to *[name removed]* without logging on OneNote. JNCC will add their own responses to the stakeholder database.

For the joint sites, please again use Figure 1 and the first point of contact listed will ensure that JNCC/CCW are informed.

How will the response be dealt with?

The response will be analysed in different ways according to whether it is hard data/sufficient to inform the final site recommendations or impact assessments, or whether it is of a more general nature which better contributes to our wider knowledge of the sites and stakeholder views. See Figure 2.

What is the role of regional staff?

Regional leads will be invited to participate in Evidence Panels relating to their sites. You will also play a key role in agreeing the response/recommendation to more general formal consultation submissions. You will be asked to lead on this in some circumstances and to help compile the audit trail leading to the final recommendations. You will also have a role in advising on and reviewing impact assessments; some of the information submitted by stakeholders on these is likely also to be useful in informing future management measures, which will be led at the regional level.

When will stakeholders see the outcomes of the consultation and our final recommendations?

We will produce a consultation summary report by mid June 2010, which will explain how we carried out the consultation and the numbers and nature of responses.

We will also produce a Site Summary report, which will set out our final recommendations. This is required for Cabinet Committee in June 2010, for Government sign off, and will be published

following approval late Summer 2010. The full list of documentation that we need to produce is explained here (*link to be inserted once on n drive, meantime sent with this note*)

Annex 1 – text for acknowledging emails

Dear xx

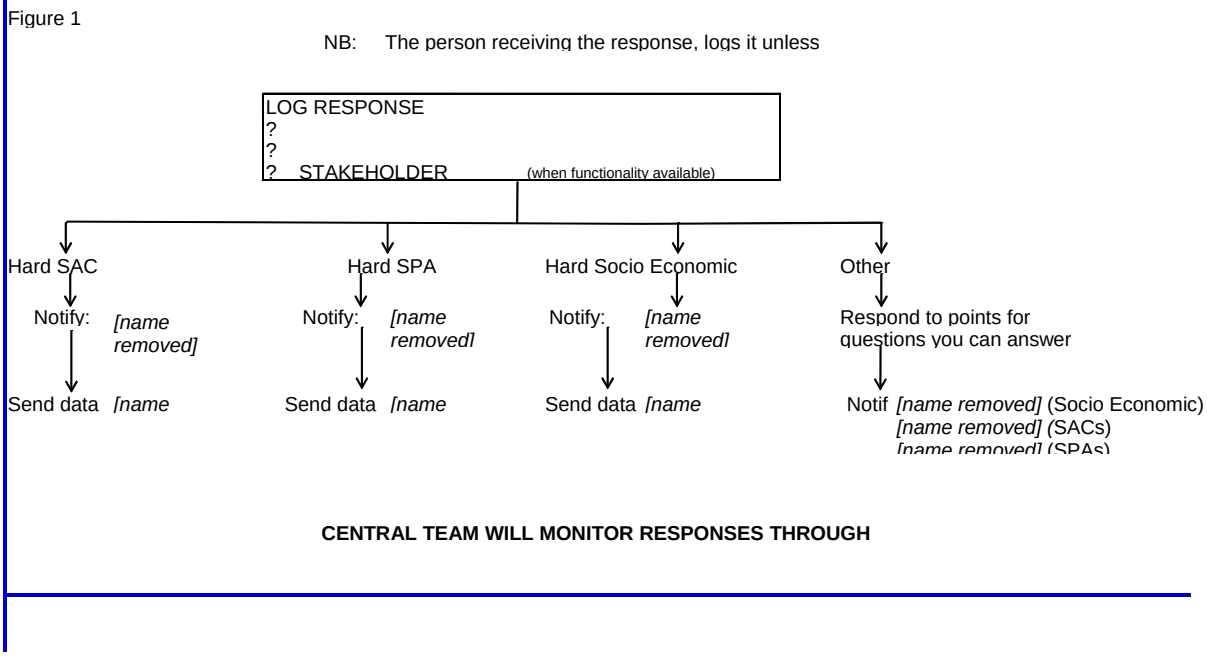
Thank you for your response to the formal consultation on new Marine Sites Natura 2000.

I have passed this on to the relevant officers for their attention. Natural England will assess the information, along with other feedback received, from now until March/April 2010, before reporting on the results of the consultation and making the final recommendations to Government in June 2010.

In the meantime, if we have any queries we will get back to you.

Normal Signature and address of your office

Figure 1



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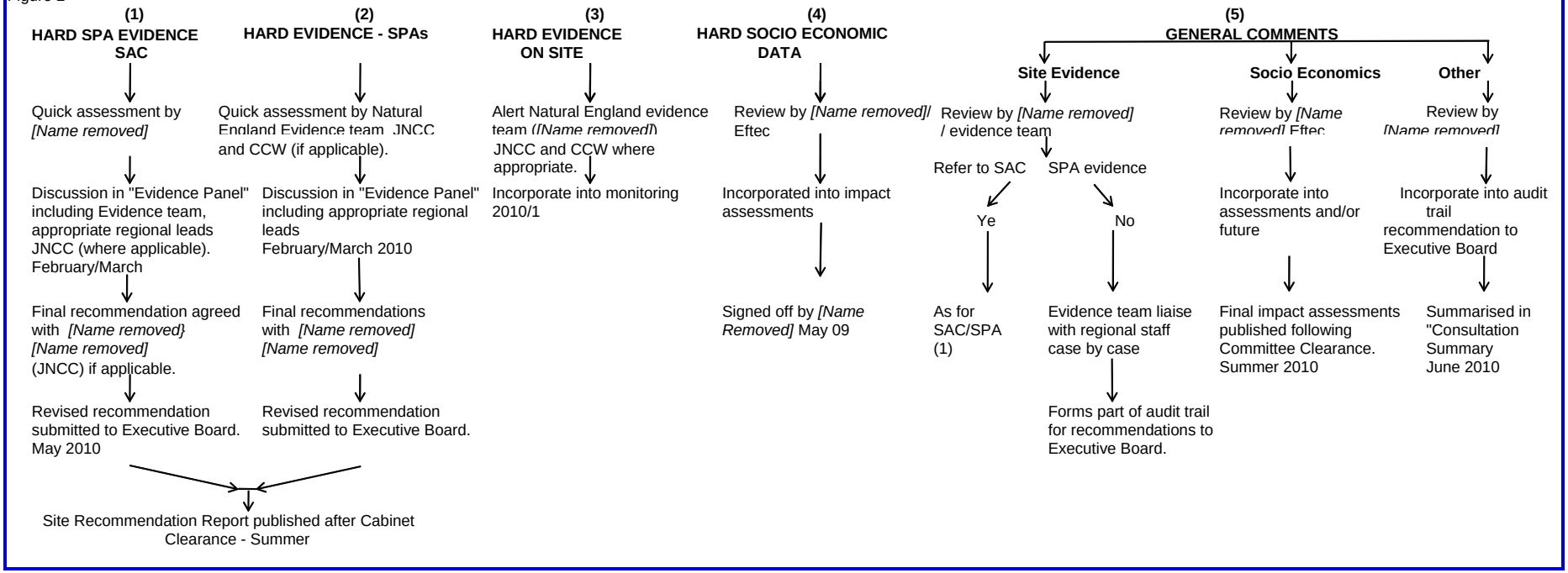
HOW NATURAL ENGLAND WILL DEAL WITH RESPONSES

Figure 2



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ANNEX M: EVIDENCE PANEL SUMMARY DOCUMENT SETTING OUT PROPOSED CHANGES TO POOLE BAY TO LYME BAY pSAC

Poole Bay to Lyme Bay pSAC
Proposed Changes to the site boundary
Summary

Background
This site provoked a lot of interest during the consultation period. The site was designated for its reef and seacave features and the main issues highlighted through consultation were as follows:

Number	Issue	Respondent / Evidence
1	A low proportion of feature to non feature in the Lyme Bay area	Several consultees. No Evidence/Science put forward.
2	Boundaries not being drawn tight enough around features (particular focus on the Torbay area).	Devon Sea Fisheries Committee / OLEX data covering areas inshore of Torbay
3	Omission of the "Ridge" Reef in Torbay	Dominic Flint / Seasearch records
4	Areas off Balaclava Bay (Portland) misinterpreted as "reef"	Portland Harbour Authority and Portland Gas storage / Multibeam Survey and ground truthing data.
5	Omission of Sea caves	Torbay Coast and Countryside Trust / Report on sea cave surveys attached.
6	Reef features incorrectly identified in areas from Studland to Portland.	Dorset WT / DORIS: Dorset Integrated Seabed Study

Analysis and outcomes

Below is a brief description of the analysis undertaken and final recommendations. Please refer to final maps for information on previous (SAD) and revised feature maps and boundaries.
N:\Evidence\Science Development & Delivery\Marine, Coastal & Freshwater\Marine Protected Areas\0-12 SACs\Evidence Panel\Poole Bay to Lyme Bay

1. A low proportion of feature to non feature

More recent boundary guidance has been issued by JNCC since original Selection Assessment Document (SAD) maps were drawn by Natural England consultants (Natural England 2009). To this end, a revised boundary has been proposed.

The outcome was that boundaries are now generally tighter around mapped features. For instance, although there is no new evidence to revise mapped reef in the Lyme Bay area, application of the JNCC guidance has resulted in slight changes to the pSAC boundary.

2. Boundaries not being drawn tight enough ie including non- Annex 1 habitat around the Torbay area.

The Devon Sea Fishery Committee provided data (Devon SFC 2010) from shellfish surveys and OLEX to challenge the drawing of boundaries on 3 areas: S and W off mouth of the Dart;

Dartmouth around Scabbacombe Head; and Berry Head. Evidence was provided to confirm areas which were not reef, but were within the pSAC boundary. This information, along with an application of the latest guidance on boundary setting (see above) was used to revise the boundaries.

The outcome was that site boundaries in the Torbay part of this site have been mapped more tightly around confirmed reef.

3. Omission of the "Ridge" Reef in Torbay

A map showing Seasearch records confirming the presence of reefs known locally as "The Ridge was reviewed (ref 2010). The presence of these reefs was not included in the SAD, and were found to occur marginally outside the boundary.

The outcome of this analysis was to incorporate this reef and redraw the boundary accordingly.

4. Areas off Balaclava Bay (Portland) misinterpreted as "reef".

Studies undertaken for the Portland Gas Storage Environmental Impact Assessment (EIA) including geophysical data (sidescan and bathymetry), benthic sampling, water quality and fisheries in the vicinity of Balaclava Bay were made available to Natural England. In addition, the Portland Harbour Authority commissioned specialist advice to review the available data and information provided in the SAD (PHA 2010). Both reports indicated that the area in the vicinity of Balaclava Bay is predominately soft sediment and not considered as biogenic/geogenic reef. The PHA 2010 report also highlighted an extensive study of the seabed in an area East of Lyme Bay to Poole Bay known as the DORIS project (DORset Integrated Seabed Study). This is discussed in more detail below.

5. Omission of sea caves

Natural England was provided with a report (Proctor 2009) which identified sea caves (The Maidencombe sea caves and Neptunes Catacombs) which were located marginally to the north of the current Watcombe SAC boundary. Both caves had extensive infralittoral habitats.

Following a review of this report, the boundary was increased to incorporate the sea caves to the North extending 1.45km)

6. Reef features incorrectly identified in areas

A number of consultees alerted Natural England to new information being generated by the DORIS project (see 4 above). This is a collaborative project between Dorset Wildlife Trust, the Maritime and Coastguard Agency (MCA), the Channel Coastal Observatory (CCO) and the National Oceanographic Centre, Southampton (NOCS). The project has mapped the extent and distribution of seabed features in an area East of Lyme Bay to Poole Bay. The results include high resolution multibeam sonar survey down, followed by "ground-truthing" with divers, grabs, and cameras, to inform the resident biology. Surveys were completed in 2009 and represents a much better quality of information than was available at the time of developing the SAD. The WT released GIS data from the project which has allowed us to remap the reef and make decisions on its quality.

The outcome of the analysis was that reef can be more accurately mapped in the Studland Bay to Portland area. The reef feature was shown to be more extensive than originally presented, and the quality of the reef was such that the boundary would be extended to incorporate it. The EP noted a risk associated with finalising the site on the basis of this analysis. Although we have interpreted the bathymetry and biological data available, there are a number of other scientists (including

geologists and ecologists from WT, UKHO, CCO, and NOCS) who are also processing this data and will publish its findings through the DORIS project. We need to ensure that our interpretations are in line with this larger group of scientists.

Final recommendation

The Evidence Panel has re-analysed the reef and seacave features of Lyme Bay to Poole Bay pSAC using more accurate and recently acquired data than was available for the original SAD. This has resulted in the following changes:

- General review of the boundary around features (including the Lyme Bay area) ensuring that appropriate margins are included around the Annex I features;
- Inclusion of the Mackerel Cove sea cave in the Dartmouth to Watcombe area, and slight extension of boundary to incorporate this;
- Redrawing of the reef feature from Studland Bay to Portland area (including Balaclava Bay).

The revisions outlined above improve the accuracy of the information, however significant amounts of data are still being processed (by others) in the Studland to Portland area.

The Evidence Panel recommends that:

- Small changes in the Dartmouth to Watcombe area of the pSAC, be accepted and incorporated into Natural England's final advice package.

- Small changes (boundary tightening) in the Lyme Bay area of the pSAC be accepted and incorporated into Natural England's final advice package.

- More discussion should be held with scientists leading on interpreting the results from the DORIS project to ensure that Natural England's assessment (resulting in significant changes to the Studland Bay to Portland area) are agreed and validated.

References:

Proctor. 2009. THE COASTAL CAVES OF TORBAY. Report to Torbay Coast and Countryside Trust and Natural England
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NATURAL ENGLAND. 2009. Inshore Special Area of Conservation (SAC):
Lyme Bay to Poole Bay pSAC Selection Assessment Document.
Portland Harbour Authority. 2010. Consultation response to the proposed Poole Bay to Lyme bay Reefs Special Area of Conservation.
Portland Gas Storage Limited. 2010. Consultation response to the proposed Poole Bay to Lyme bay Reefs Special Area of Conservation.
Portland Gas Storage Environmental Impact Assessment (EIA). YEAR?.
Dorset Wildlife Trust. 2010. Consultation response to the Lyme Bay to Poole Bay dSAC consultation.
DORIS: DORset Integrated Seabed Study. Identifying Dorset's Important Marine Conservation Features. 2010.
http://www.dorsetwildlifetrust.org.uk/mapping_the_seabed_doris.html

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ANNEX N: SUMMARY OF RESPONSES TO FORMAL CONSULTATION PREPARED FOR A SUBGROUP OF THE NATURAL ENGLAND BOARD AND EXECUTIVE DIRECTORS, JUNE 2010

NEW MARINE SITES NATURA 2000

POOLE BAY TO LYME BAY pSAC

SUMMARY OF RESPONSES TO FORMAL CONSULTATION

Total number of responses	**58**
Number accepting scientific basis	12
Number partly accepting scientific basis	17
Number rejecting scientific basis	15
No comment on scientific basis	14

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS ACCEPTING SCIENTIFIC BASIS FOR SITE			
1	Brixham Sea Angling Club	Accepts scientific basis. Provides information about degradation of habitats. Information on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
2	Devon SeaSearch	Accepts scientific basis and supports the creation of SACs. Submitted up to date Seasearch dives on the Torbay ridges.	This data was used in the drawing of revised boundaries.
3	West Lulworth Parish Council	Accepts scientific basis. Would support pSAC provided it does not adversely affect tourism, the local fishermen, anglers, or boat-users.	Natural England can only make recommendations based on scientific evidence. Local management schemes will be set up to ensure that there is as little impact as possible on sea users, whilst meeting site conservation objectives.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
4	The Chamber of Shipping	Accepts scientific basis. Provides comments on impact assessment (IA).	No comment required. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
5	Offshore Shellfish Ltd	Accepts scientific basis. Queries if the aim is to return the site to a specific historical point in time, as conditions are constantly changing. Provides comments on impact assessment (IA).	The site will be maintained or restored according to its conservation objectives, which will be finalised following designation. This will be clarified with the stakeholder when we next meet or write to them. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
6	Oakford Oysters Ltd	Accepts scientific basis. Survey work by Envision is superficial and lack of clear management measures means it is difficult to comment constructively.	The site has been remapped using recent data and the Poole Bay to Lyme Bay pSAC has been split into two sites. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. Management measures will be drawn up in conjunction with the industry following designation.
7	Swanage Town Council	Accepts geographic area is defined by reefs. Little space between Eneco Round 3 windfarm (West Isle of Wight) and pSAC for fishing activities. Major concerns in the fishing community are deterring capital investment.	Socio-economic impacts cannot be taken into account in finalising the site recommendations although they are reflected in the impact assessments.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
8	Poole Harbour Commissioners	Accepts scientific basis for site. Has EIA for the deepening of the Poole Harbour approach. Previous survey work superficial. Provides comments on impact assessment (IA).	The site has been remapped using recent data. The Poole Bay to Lyme Bay pSAC has been split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
9	Mr D Sales	Accepts scientific basis. Comments on signs of habitat repair and would welcome further extension of the area.	No comment required.
10	Devon Wildlife Trust	Accepts scientific basis and supports designation of site.	No comment required.
11	The Wildlife Trusts	Supports designation of sites and will continue to press for further areas and features to be protected	No comment required.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
12	Royal Society for the Protection of Birds (RSPB)	Accepts and supports scientific basis although there are concerns that the possible SAC boundaries may not, in all cases, be adequate to protect integrity of features. Provides comments on impact assessment (IA).	Analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. The Poole Bay to Lyme Bay pSAC is being split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. JNCC boundary guidelines have been applied; these recommend a margin of four times the water depth, around the features. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
STAKEHOLDERS PARTLY ACCEPTING SCIENTIFIC BASIS FOR SITE			
13	Dominic Flint	Accepts scientific basis in part. From personal knowledge and Seasearch dives there is an omission in the reef layer known as the Ridge. Expects to see a boundary extension. Concerns about Seagrass not being included as a feature.	Information on the presence of reef known as the “Ridge” was reviewed and subsequently the boundary was extended to incorporate this additional reef. Seagrass does not fall into the definition of Annex 1 feature and has therefore not been specifically listed for this site.
14	Torbay Coast and Countryside Trust	Accepts scientific basis in part but believes some reefs, sea caves and seagrass have been omitted.	Data has been provided which shows that there are more sea caves than previously mapped. These sea caves have now been included in the site boundaries. Seagrass does not fall into the definition of Annex 1 feature and has therefore not been specifically listed for this site.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
15	South West Water	Supports designations but seeks assurance that the boundaries accurately reflect the location of features.	Analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. The Poole Bay to Lyme Bay pSAC is being split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. JNCC boundary guidelines have been applied; these recommend a margin of four times the water depth, around the features.
16	South Devon Area of Outstanding Natural Beauty (South Devon ANOB)	Welcomes in principle proposals to designate. Does not accept scientific basis in full. Boundary should be re-visited as areas are not protecting certain species (eel grass beds, seals, basking sharks etc).	As described in a number of the comments above (for example no 15) the boundary has been reviewed using a range of sources of data and new boundaries are being recommended. We are not designating for seals at the present time. However JNCC are undertaking a review to obtain more information on seal populations. It is not possible to protect the other species listed through this type of MPA, but it may be possible to do so in the future, through MCZs.
17	Devon Sea Fisheries Committee	Supports designation. Does not accept science. Has concerns regarding the size and suggests boundaries could be drawn tighter to features.	As described in a number of the comments above (for example no 15) the boundary has been reviewed using a range of sources of data and information and new boundaries are being drawn up and recommended.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
18	Dorset Wildlife Trust	Welcomes and supports the proposals. Main contribution is to provide new data which was passed to the Evidence team.	The Poole Bay to Lyme Bay pSAC has been split into two sites Lyme Bay and Torbay pSAC and Studland to Portland dSAC (which is the section to the east of Portland). Dorset Integrated Seabed Study (DORIS) data has been received from Dorset Wildlife Trust and is being used to form the basis of the new recommendations for the Studland to Portland dSAC.
19	Devon County Council	Designation supported in principle. They felt unable to express a view on accuracy of data but sufficient concern expressed by Devon Sea Fisheries Committee to support re-examination of boundaries. Provides comments on impact assessment (IA).	Analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. The Poole Bay to Lyme Bay pSAC is being split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. JNCC boundary guidelines have been applied; these recommend a margin of four times the water depth, around the features. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
20	Torbay Council	Accepts scientific basis in part. Torbay Harbour Master would like to ensure harbours in Brixham, Paignton and Torquay are excluded as there is no scientific evidence they contain reefs or sea caves. Comments on draft Conservation Objectives and Advice on Operations.	The response was reviewed and agreed with. The new boundary excludes these harbours from the site. These comments will be considered when finalising the Conservation Objectives and Advice on Operations, later this year.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
21	Torbay Harbour Authority	Accepts scientific basis part. Torbay Harbour master would like to ensure harbours in Brixham, Paignton and Torquay are excluded as there is no scientific evidence they contain reefs or sea caves. Comments on draft Conservation Objectives and Advice on Operations.	As (20) above. These comments will be considered when finalising the Conservation Objectives and Advice on Operations, later this year.
22	Marine Institute of the University of Plymouth on behalf of the Plymouth Marine Science Partnership	Accepts scientific basis but feels there is a range of data sources that have not been included, with specific reference to biogenic reefs. Gives reference to websites. Provides comments on impact assessment (IA).	New data sources include more recent Seasearch surveys, which have been used to help inform SADs and future baseline assessments. The area of biogenic reef is outside the 12nm limit and is some distance from the site. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
23	Portland Gas Storage	Agrees with scientific basis on the whole with exception around Balaclava Bay. Evidence of mussel reef could include as biogenic reef. Provides comments on impact assessment (IA).	We requested and received the data around Balaclava Bay, which is in the Studland to Portland section, and used this to help re-draw the boundary in this area. Very useful new data. The Studland-Portland part of Poole-Bay Lyme Bay dSAC will be recommended as a new site once all known data for this area has been fully analysed. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
24	The Crown Estate	Supportive of reefs and caves in area but believes some areas within the boundary do not contain reef. Provides comments on impact assessment (IA).	Analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. The Poole Bay to Lyme Bay pSAC is being split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
25	Southern Sea Fisheries District Committee	Accepts scientific basis but feels there is strong case for inclusion of reef at far eastern end of Lyme Bay. Provides comments on impact assessment (IA).	Boundaries have been re-drawn to follow more closely the reef areas. However the additional reef suggested for inclusion has not been brought into the boundary, as it is deemed to be of lesser quality in the original surveys by Haskoning and lies outside the main area of the site. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
26	Dorset County Council	Accepts scientific basis for site and has additional bathymetric information and will shortly have benthic habitat maps. Provides comments on impact assessment (IA).	This refers to the Dorset Integrated Seabed Study (DORIS) data which has been received from Dorset Wildlife Trust and is being used to form the basis of the new recommendations for the Studland to Portland dSAC. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
27	South Coast Fishermen's Council	Two responses - Agrees in part with scientific basis for site, areas of softer sand/mud on periphery of the site. Does not accept scientific basis for site. Believes boundaries are too large and questions reef and sea cave existence off Studland. Provides comments on impact assessment (IA).	As in (24) above analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately, although there is still sediment included in the boundary between reef features. In light of new, high quality evidence from the DORIS project (see 18 above) we are reviewing the boundaries for Studland to Portland and will recommend a further site for consultation. No sea caves are included off Studland IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
28	National Trust Devon and Cornwall region and Wessex region	Welcomes proposals for designation. Accepts science in part. Believes that boundaries are drawn very tightly around features. Specifically this site excludes *Sabellaria* off Orcombe Point, which should be included.	Boundaries have been re-drawn using JNCC guidance. No evidence was provided on *Sabellaria* species off Orcombe Point. If evidence comes to light, we would consider review for further consultation although it is not easily added because Orcombe Point is not within the boundary of the recommended final site.
29	Marine Conservation Society	Agrees with scientific basis for site and provides further evidence. Considers that the SACs should be more extensive.	Recent Seasearch data has been made available and will help inform the baseline assessments of sites. No specific recommendation was made by the MCS on which further areas they wish to see included.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS REJECTING SCIENTIFIC BASIS FOR SITE			
30	Brixham Sea Farms Ltd	Does not accept scientific basis for site. As very little otter or beam trawling takes place, damage is minimal. Concerns about loss of jobs.	Natural England can only make recommendations based on scientific evidence. Management measures will be drawn up in conjunction with the industry following designation, aiming to ensure as little impact as possible on sea users, whilst meeting site conservation objectives.
31	Portland Harbour Authority	Does not agree with scientific basis for site. Detailed scientific based report submitted.	Analysis of data and reports obtained through the consultation has enabled us to draft boundaries and features more accurately. We will consult on the Studland to Portland part (which is the section of Poole Bay to Lyme Bay pSAC that lies to the east of Portland, and is the area of Portland Harbour Authority's interest) again.
32	Dorset Handline Fishermen's Association	Does not accept scientific basis for site. Challenges location of reef area. Comments on impact assessment (IA) and voices concerns for future livelihoods	As in (6) above, the site has been remapped using recent data and the Poole Bay to Lyme Bay pSAC has been split into two sites. We are confident that the final maps we are presenting for Lyme Bay and Torbay pSAC accurately reflect the location of features in Lyme Bay, ie to the west of Portland. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
33	Weymouth & Portland Licensed Fishermen's & Boatmen's Association	Does not accept scientific basis. Concerned at source of information and inaccuracies. Does not understand science and logic behind proposals but feels substantial areas of reef are omitted and encloses charts. Shamble Bank contains broken shale not reef.	This response referred to the part of the site which lies to the east of Portland. In light of new, high quality evidence from the DORIS project (see 18 above) we are reviewing the boundaries for this area (Studland to Portland dSAC) and will recommend a further site for consultation. We agree that the Shambles is not reef. This area lies to the east of Portland and as set out in the paragraph above will be subject to further consultation.
34	Bournemouth Borough Council, Leisure Services	Does not accept scientific basis. Would like to see the Ironstone 'reefs' located due south of Hengistbury Head (Christchurch Harbour) included.	The reefs are boulder reefs of low extent, and some distance from the rest of the site.
35	Mr K Vickers	Does not accept scientific basis. Letter stating too many organisations under guise of Seeking Sanctuary trying to control environment. Concerns for future livelihoods in area.	We will reply to the consultee once boundaries are confirmed.
36	Mr D Miller	Does not accept scientific basis for site. Asks Minister to disallow the pSAC.	We will reply to the consultee once boundaries are confirmed.
37	Andy McLeod	Does not accept scientific basis. Submitted map indicating area of pSAC used by mobile gear vessels as a refuge from bad weather claiming area is mud not reef.	Analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. The Poole Bay to Lyme Bay pSAC is being split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
38	Mudeford & District Fishermen's Association Ltd	Does not accept scientific basis. Believes the areas are too large and cannot be justified. Area off Studland has no reef or sea cave.	As in (38) above analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. The Poole Bay to Lyme Bay pSAC is being split into two sites. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again. JNCC boundary guidelines have been applied; these recommend a margin of four times the water depth, around the features. No sea caves are included off Studland.
39	Swanage Fishermen's Association	Does not accept scientific basis. Disputes reef existence to the west of the area and that fixed gear fishing damages seabed.	As in (38) above analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately. We are confident about the data underpinning the final maps we are presenting for Lyme Bay and Torbay pSAC. We will consult on the Studland to Portland part of the site (which is the section to the east of Portland) again.
40	South Western Fish Producers Organisation Ltd	Does not accept scientific basis. Large areas of softer sand/gravels and mud included in area. Strong evidence that natural forces impact on the area. Attached a map. Provides comments on impact assessment (IA).	As in (38) above analysis of data obtained through the consultation has enabled us to draft boundaries and features more accurately, although there is still sediment included in the boundary between reef features. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
41	Mr N E Miller	Does not accept scientific basis. Refers to waste pipes and outfalls of Caesium, urges SoS to disregard until radiobiological survey has been implemented. Second letter stating rudimentary mapping and not scientifically based. Strongly urges Minister to disregard.	Natural England can only make recommendations based on scientific evidence. These points are not reasons to delay designation. Natural England has replied to Mr Miller regarding his concerns.
42	Brighton & Newhaven Fish Sales	Does not accept scientific basis because not in need of protection and suggests site selection should be stakeholder led. Mainly concerned that the proposals are biased against fishermen. Comments on management measures. Provides comments on impact assessment (IA).	Natural England can only make recommendations based on scientific evidence and stakeholder's socio-economic information cannot be taken into consideration. The aim of the pSAC is to protect the reef interest feature by restricting <u>any</u> activity that may damage the reefs, not just certain fishing methods. Management measures will be drawn up in conjunction with the industry following designation, aiming to ensure as little impact as possible on sea users, whilst meeting site conservation objectives. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
43	George Congdon	Accepts in part scientific basis. Questions existence of reef; claims mostly mud and gravel. Provides comments on impact assessment (IA).	As above, site boundaries have been revisited. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
44	Mr L J Miller	Does not accept scientific basis. Believes Natural England fails to grasp fundamental natural sciences that cause the proposed SAC to remain largely lifeless.	We will reply to the consultee once boundaries are confirmed.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS SUBMITTING NO COMMENTS ON SCIENTIFIC BASIS			
45	The Royal Yachting Association	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
46	Simon Goldsack Cllr - Purbeck District Council	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
47	Barry Quinn - West Purbeck Ward District Councillor	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
48	Purbeck District Council – Steve Dring	Requests that socio-economic impacts are considered before designating sites.	Natural England can only make recommendations based on scientific evidence. Local management schemes will be set up to ensure that there is as little impact as possible on sea users, whilst meeting site conservation objectives.
49	Environment Agency	Comments on draft Conservation Objectives and Water Framework Directive obligations. Provides comments on impact assessment (IA).	Comments will be considered when the Conservation Objectives are finalised later this year. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
50	Cove Fish (Local Fishmongers)	Concerned for future of fishing and local businesses relying on it.	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
51	English Heritage	Comments only on impact assessment (IA) with several specific comments about wrecks, cultural factors, sea caves.	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
52	Mr J Miller	Concerns that management will affect his livelihood.	Management measures will be drawn up in conjunction with the industry following designation, aiming to ensure as little impact as possible on sea users, whilst meeting site conservation objectives.
53	Rame Peninsula Fishermen's Association	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
54	West Lulworth Village History Group	Letter stating fishermen fish sustainably, static fishermen are deterrent to trawlers. Concerns for loss of heritage.	Management measures will be drawn up in conjunction with the industry following designation, aiming to ensure as little impact as possible on sea users, whilst meeting site conservation objectives.
55	Portsmouth Water	No comments to make as the site falls outside their supply area.	No comment required.
56	South West of England Regional Development Agency	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
57	Wessex Water	Impact assessment (IA) does not contain any costs which may be incurred by the Water Industry. Raises concerns about future management.	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations. Management measures will be drawn up in conjunction with the industry following designation, aiming to ensure as little impact as possible on sea users, whilst meeting site conservation objectives.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
58	Nick Atkinson	Visual amenity needs to be protected. Mr Atkinson is opposed to the building of Wind Turbines along this section of the coast as they threaten bird migration and would like to see rare species such as sea horses and corals included.	Visual amenity is not taken into account when designating SACs. Corals are species that are associated with the reef habitat.

NEW MARINE SITES NATURA 2000

PRAWLE POINT TO PLYMOUTH SOUND AND EDDYSTONE pSAC

SUMMARY OF RESPONSES TO FORMAL CONSULTATION

Total number of responses	**31**
Number accepting scientific basis	10
Number partly accepting scientific basis	5
Number rejecting scientific basis	7
No comment on scientific basis	9

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS ACCEPTING SCIENTIFIC BASIS FOR SITE			
1	Devon SeaSearch	Accepts scientific basis and supports the creation of SACs. Submitted Seasearch Plymouth Drop off Survey 2006-2009 report in support of site condition.	Survey report to be fed into condition monitoring work programme for 2010.
2	The Wildlife Trusts	Supports designation of site and will continue to press for further areas and features to be protected	No comment required.
3	Cornwall Sea Fisheries Committee	Accepts scientific basis. Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
4	Devon Wildlife Trust	Accepts scientific basis and provides further evidence in the form of SeaSearch survey data.	This data was already in our possession.
5	Marine Institute of the University of Plymouth on behalf of the Plymouth Marine Science Partnership	Accepts scientific basis. Study underway of shell-gravel area west of Eddystone since July 2008 - data can be made available via the Institute. Provides comments on impact assessment (IA).	This data is not directly relevant to the reef and therefore we have not asked to view it. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
6	South West Water	Supports the designation but would like reassurance that the boundaries accurately reflect the location of features.	Analysis of recent Seazone data (not available at the time the consultation boundaries were drawn) has enabled us to reassess the reef features and we are now confident that the mapping is correct.
7	Blackpool & Start Estate (Stratton & Holbrow)	Accepts scientific evidence but would like to see it extended to include all of Start Point. Provides comments on impact assessment (IA).	We recommend that the site is extended to Start Point, and that this proposal is consulted on further. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
8	Western Power Distribution	Accepts basis on which areas have been designated and welcomes creation of SACs	No comment required.
9	Royal Society for the Protection of Birds (RSPB)	Accepts and supports scientific basis although there are concerns that the possible SAC boundaries may not, in all cases, be adequate to protect integrity of features. Provides comments on impact assessment (IA).	Analysis of the recent Seazone data as described in (6) above has enabled us to draft boundaries and features more accurately. JNCC boundary guidelines have been applied which recommend a margin of four times the water depth around the features. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
10	The Chamber of Shipping	Agrees with scientific basis but has made several detailed points to address relating to the draft Conservation Objectives. Provides comments on impact assessment (IA).	Comments on the Conservation Objectives will be considered when finalising them later this year. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
STAKEHOLDERS PARTLY ACCEPTING SCIENTIFIC BASIS FOR SITE			
11	Plymouth Fishermen's Association	Accepts scientific basis in part. Believes areas should be redefined with industry input. Feels site has been trawled for many years and areas protected by local bylaws have been omitted. Provides comments on impact assessment (IA).	The boundaries can only take into account scientific evidence. However, a pilot project is being run with stakeholders to develop a suite of potentially suitable management measures. Natural England is working with competent and relevant authorities and with considerable input from the commercial fishing industry on this project. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
12	Marine Conservation Society	Agrees with scientific basis site in part and provides further evidence. Considers that the SACs should be more extensive to encompass larger proportion of Annex 1 reef habitats.	Natural England has used the Seasearch survey results provided by the MCS to help inform our revised recommendations.
13	National Trust (Devon & Cornwall Region and Wessex Region)	Welcomes proposals for designation. Accepts scientific case in part. Concerned that boundary is drawn very tightly around features, giving little scope for future climate change. Excludes Prawle Point – Start Point section of reef. Comments on future management measures. Comments on awareness raising and socio-economic impacts on local communities	Analysis of the recent Seazone data as described in (6) above has enabled us to draft boundaries and features more accurately. JNCC boundary guidelines have been applied which recommend a margin of four times the water depth around the features. We are recommending that the section between Prawle Point and Start Point is put forward for further consultation. No final decisions have been made on management of the site. Natural England will liaise with stakeholders over appropriate management measures. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
14	Devon County Council	Designation supported in principle. They felt unable to express a view on accuracy of data but sufficient concern was expressed by Devon Sea Fisheries Committee to support re-examination of boundaries. Provides comments on impact assessment (IA).	As above, boundaries have been re-examined and re-drawn. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
15	South Devon Area of Outstanding Natural Beauty (South Devon AONB)	Does not accept science but welcomes in principle proposals to designate. Boundary should be re-visited. Refers to reef at the mouth of the River Erme which should be included. Areas are not protecting certain species (eel grass beds, seals, basking sharks etc).	The new boundary goes further into the mouth of the River Erme than the old boundary, and now encompasses the whole area of reef shown by the new Seazone data. We are not designating for seals at the present time. However JNCC are undertaking a review to obtain more information on seal populations. It is not possible to protect the other species listed through this type of MPA, but it may be possible to do so in the future, through MCZs.
STAKEHOLDERS REJECTING SCIENTIFIC BASIS FOR SITE			
16	Devon Sea Fisheries Committee	Supports designation. Does not accept science. Has concerns regarding the size and suggests boundaries could be drawn tighter to features. Detailed scientific response and OLEX data submitted. Provides comments on impact assessment (IA).	We agreed that the boundaries could be drawn more tightly drawn around the features and this is being considered in the final recommendation. The OLEX data was used to complement the definition of reef feature. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
17	South West Fish Producers Organisation Ltd and South West Inshore Fisheries Association Ltd	Does not accept scientific evidence. Accepts existence of features but believes there are large areas of sand and gravel. Images submitted. Provides comments on impact assessment (IA).	Areas of sediment have been taken out of the final recommendation although around the Eddystone Rock especially there are still areas of sediment included to maintain integrity of the site. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
18	South Devon & Channel Fishermen's Ltd	Accepts the scientific basis in part. Boundaries include large areas of flat sand. Provides comments on impact assessment (IA).	Areas of sediment have been taken out of the final recommendation although around the Eddystone Rock especially there are still areas of sediment included to maintain integrity of the site. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
19	Cornish Fish Producers Organisation	Does not accept scientific basis for site. Believes the proposed boundaries include over 60% of habitats that do not qualify under the selection criteria. Provides comments on impact assessment (IA).	Areas of sediment have been taken out of the final recommendation although around the Eddystone Rock especially there are still areas of sediment included to maintain integrity of the site. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
20	Looe Fishermen's Protection Association (1)	Does not accept scientific basis for site no explanation given. Provides comments on impact assessment (IA).	No comment required. IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
21	Mr Martyn Oates	Does not accept science. Submitted map with comments that he would like to see the boundary changed.	We agreed that the boundaries could be drawn more tightly around the features and this is being considered in the final recommendation.
22	Mr Andy McLeod	Does not accept science. Submitted map with comments that he would like to see the reef areas drawn more accurately, and the eastern limit of the SAC extended to follow the boundaries of the inshore potting agreement.	We are recommending that the site be extended to include the reefs between Prawle Point and Start Point, with the new boundary including more of the area already covered by the Inshore Potting Agreement, but not following exactly the same boundaries. Given the scale of the proposed extension and subsequent possible impact on stakeholders, this part of the site will be consulted on again.
STAKEHOLDERS SUBMITTING NO COMMENTS ON SCIENTIFIC BASIS			
23	Cornwall Council - Port of Truro	Unable to comment on scientific case for site (does not have relevant expertise)	No comment required.
24	English Heritage	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
25	Looe Fishermen's Protection Association (2)	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
26	Looe Fishermen's Protection Association (3)	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
27	The Royal Yachting Association	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.

	CONSULTEE	REPRESENTATION	OUR COMMENTS
28	Mr R Mountjoy	Concerned about impact on recreational fishing.	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
29	South West of England Regional Development Agency	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
30	Angling Trust	Provides comments on impact assessment (IA).	IA comments have been considered in drafting the final impact assessment documentation; they have not been used to inform the scientific recommendations.
31	Duchy of Cornwall	Confusion over who should be the competent authority on Duchy land.	Natural England is taking forward discussions with Duchy of Cornwall on this issue.

ANNEX O: LIST OF ACRONYMS AND TERMS

AONB	Area of Outstanding Natural Beauty
CCW	Countryside Council for Wales
DORIS	DORset Integrated Seabed Study
EN	English Nature
FAQ	Frequently Asked Question
GIS	Geographical Information System
IA	Impact Assessment
JNCC	Joint Nature Conservation Committee
MCZ	Marine Conservation Zone
MESH	Mapping European Seabed Habitats
NE	Natural England
N2K	Natura 2000
OLEX	A system for navigation, fishery plotting and ocean mapping, developed and manufactured by the Norwegian company Olex AS.
PQQ	Pre-Qualification Questionnaire
SAC (d/p)	Special Area of Conservation (draft SAC/possible SAC)
SAD	Selection Assessment Document
SPA	Special Protection Area
TAP	Technical Advisory Panel