Marine Conservation Zones: Consultation on proposals for designation in 2013

rMCZ: Stour & Orwell (BS02)
ABP Port: Ipswich

Q1. Do you agree that this site and specified features should be designated in the first tranche? Please explain and provide evidence to support your views as necessary.

ABP does not support the site as currently proposed. While we support the list of features proposed for inclusion within Tranche 1 we are concerned that the current proposed site boundary does not at all reflect the restricted distribution of the Tranche 1 features. The proposal would be acceptable to us if the site boundary was redrawn tightly around the Tranche 1 features. There are no features identified for protection within both the current proposals and previous proposals that are within or near the port. We therefore suggest as minimum the boundaries are revised to exclude the operational port inline with the existing SPA boundary or further downstream the Orwell, to be better aligned with the features it is intended to protect.

Q.2 Are there any additional features (not recommended by the Regional MCZ Projects) located within this site that should be protected? Please explain and provide evidence to support your views as necessary.

No comments.

Q.3 Do you have any comments on the proposed conservation objective(s)? Please provide evidence to support your comments as necessary.

Where the Conservation Objective (CO) is 'maintain' this should lead to a presumption that no additional measures are required for existing activities unless SNCBs provide clear evidence of significant impacts.

Q.4 Are there any significant reasons for alteration of this site's boundary? Please explain and provide evidence to support your views as necessary.

The Tranche 1 features taken forward for designation are confined to the seaward end of this rMCZ site, however, the site boundary extends to the tidal limit. As such, we suggest that the rMCZ site boundary is inappropriate in relation to the distribution of Tranche 1 features and should be adjusted seaward accordingly. Should features distributed further upstream within the estuary be designated in future rounds, the site boundary could be adjusted upstream at that time.
If the boundary were to remain as currently proposed it would have many implications for the port, for example certain cargo permissions cannot be granted if to be stored within a certain distance of protected sites, which would have serious commercial consequences / limitations for the port.

Q.5 Is there any additional evidence to improve data certainty for features within this site? If yes, please provide evidence.

Not aware of any additional data

Q.6 Are there any additional activities (that may have an impact on the recommended features) occurring within this site that have not been captured within the Impact Assessment? Please provide evidence to support your views.

We do not have information on additional activities. However, the comments below refer to ABP's continuing concerns relating to the assumptions made within the MCZ Impact Assessment (IA).

The Port of Ipswich is dependant on the maintenance of navigational channels downstream of the port. The River Orwell disposal ground is located within rMCZ2 Stour and Orwell and there is potential for interaction with non-Tranche 1 features associated with dispersion of dredging and disposal plumes. This interaction is not considered to be significant (supported by the presence of the features within this rMCZ site, in which maintenance dredging and disposal activity has been undertaken for many decades). and we maintain that the onus should be upon the SNCBs to provide clear evidence that existing activities are having an impact before any action is taken or any requirements are put upon operators. However, if it is determined that additional management measures are required to support achievement of MCZ objectives, this could have significant cost consequences for ABP. There is therefore much uncertainty until the policy approach to such matters and the SNCB's advice on operations is clarified.

Q.7 Do you have any new information on costs to industry not covered in the Impact Assessment, that would be directly attributable to MCZs as opposed to costs stemming from existing regulatory requirements, or evidence that suggests the need for changes to the methodologies or assumptions used in estimating costs (including in relation to fishing displacement)? If yes please provide evidence.

We believe that the IA as currently drafted significantly underestimates the worst-case costs to the Ports industry. The SNCBs advice suggested that many of the potential additional survey, assessment and monitoring costs identified by the ports sector would be incurred anyway, because habitats and species of conservation importance are on the OSPAR or UK BAP lists and thus would require monitoring and assessment irrespective of MCZ designation. On this basis the SNCBs have chosen to ignore most of the potential additional costs identified by the ports sector.

We disagree with this approach as it is not consistent with the available evidence. The level of consideration that is currently given to OSPAR or UKBAP list habitats and species with port-related assessments is currently very minor, particularly when compared to the effort applied to features subject to national or international nature conservation designation. This largely reflects the differing importance attached to the various features in law and in policy. Should habitat and species features of conservation importance be subject to designation within MCZ, the relative importance attached to these features in law and in policy would significantly increase, resulting in enhanced requirements for survey, assessment and monitoring costs. A simple illustration of how the weight attached to conservation features can influence the costs of monitoring and assessment is provided by the Maintenance Dredge Protocol (MDP). This protocol has been introduced to facilitate the licensing of maintenance dredging and disposal applications that have the potential to affect European Marine Sites. There is no equivalent requirement to monitor or assess OSPAR or UKBAP list features.

As such, we remain concerned about the large uncertainties relating to the potential cost impacts, which in our estimation could vary by up to 2 orders of magnitude depending on the

policy approach adopted to MCZ management. Implementation of a less pragmatic management approach may result in a requirement for the following additional studies (with example costs highlighted) and an overall significant cost impact:

For existing Port activities

- Additional costs of compiling MDP documents/implementation of new MDP documents to account for MCZ (c £5,000);
- Additional costs for studies to inform baseline (or equivalent) study where existing information is inadequate in terms of MCZ feature (e.g. additional monitoring of sediment dispersion and habitats to assess impacts, £5,000-£50,000); and
- Cost of additional mitigation measures (e.g. modification of existing sediment management scheme, £50,000-£1million annually).

For new Port developments/activities

- Additional costs associated with compiling EIAs etc (£10,000-£1million per development);
- Cost of additional studies where existing information inadequate in the vicinity of MCZ (e.g. dredged material dispersal studies, £5,000-£10,000 per development/activity);
- Cost of additional mitigation measures (e.g. implementation of sediment management scheme and/or modification to disposal practices, £50,000-£1million annually); and
- Other costs solely due to designation of MCZ (e.g. closure of disposal site/dredge channel/designated anchorage – unknown cost)

Q.8 Do you have any new information that was not available or used in the Impact Assessment to inform or quantify the value the benefits of MCZs?

No additional information.

General Comments

Q.9 You may wish to provide comments on other aspects of this consultation such as evidence requirements, identification and treatment of high risk sites. Where you disagree with the approach taken please provide evidence to support your views.

We feel this is not a worthwhile consultation exercise for Defra to undertake without any indication of what the management measures that might be required by the MCZ designation will be (aside from in the IA – which as above we do not agree with the assumptions of). It creates much uncertainty for all sectors involved and limits those who can support the proposals due to this uncertainly. We do not see why advice on operations could not be drafted to accompany this consultation by Natural England / JNCC - these will ultimately be required and as Defra policy is to treat potential MCZs (i.e. tranche 1 MCZs) as of now as formal designations under the licensing regime this is a major omission in order to enable regulators and applicants to do so.

We are aware that ongoing surveying work has been commissioned for the Stour and Orwell along side this consultation to identify the base-line for additional features included in previous proposals. We think it is gravely misleading to carry out a consultation on only a few features that may ultimately be protected. This will mean some sectors will not know they will ultimately be impacted based on the distribution of the features included in the current proposals. This

consultation should be undertaken when the base-line evidence is complete rather than alongside such evidence gathering work.