Marine Conservation Zones: Consultation on proposals for designation in 2013

rMCZ: Tamar (FS27)
ABP Port: Plymouth

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.

We support the list of features proposed for inclusion within Tranche 1 (Native oyster and European eel).

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.

No comments.

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.

We do not have concerns regarding the proposed boundaries in relation to the non-Tranche 1 feature distribution, however, we have continuing concerns relating to port related activities – please see responses to Q6 and Q7.

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 rMCZFS27 Tamar Estuaries site Tranche 1 features includes the migratory fish feature European Eel which may potentially be sensitive to construction (e.g. piling noise) and dredging activity on passage past Millbay docks. Our concern relates to the continuing uncertainty regarding the MCZ management process and subsequent cost implications (discussed further in Q7). 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 the management process places an onus on port operators rather than the SNCBs to demonstrate with a high level of scientific certainty that they are not having a significant effect on such features, this could result in potentially significant cost impacts. Furthermore, if the SNCBs advise that they cannot be certain that there is an absence of any impact, this could jeopardise current and future port activities requiring maintenance dredging and/or construction with a

potentially major impact on 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. 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 document to account for MCZ (c. £6,750 - £20,000);
- Additional costs for studies to inform baseline (or equivalent) study where existing information is inadequate in terms of MCZ feature (e.g. additional fish survey work to inform the MDP baseline £10,000-£100,000); 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. additional monitoring of construction works to protect fish £50,000-£500,000 per development);
- Cost of additional mitigation measures (e.g. mitigation of percussive piling with regard to fish, up to £1million per development); and
- Other costs solely due to designation of MCZ (e.g. future blight of port development associated with MCZ designation – 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.

See covering letter.