

SAP Response to Balanced Seas draft Final Recommendations

1. Overview

- 1.1. The Report is extremely well written and presented. Despite major changes required due to new data sets and the revised gap analysis, the Regional Project has produced a comprehensive and very accessible description of the Balanced Seas ecological network. The information is lucid, well explained and logically organised to show how this network meets the ENG criteria. While there is still work to be done to identify conservation objectives and reach consensus on the outstanding Reference Areas (RAs), it is the view of the SAP that the Balanced Seas team and the stakeholders involved in the project are to be congratulated on what is a significant achievement, with a very large amount of work systematically assembled, and a virtually complete network covering the whole Balanced Seas region.
- 1.2. The SAP noted the very substantial size of the report (326 pp) which reflected both the number of pMCZs identified in the Balanced Seas Region (31) and the detail of each of the site-level reports.
- 1.3. The SAP was particularly pleased to see that Reference Areas had been identified, though we note that Regional Stakeholder Group (RSG) support for these is still caveated. We also note that some, as yet outstanding, Reference Areas are essential to meet the ENG criteria. The SAP comments on the general lack of viability of RAs offered by the RSGs are contained in section 4.
- 1.4. If the final network of MPAs, MCZs and Reference Areas as described in the draft final report were accepted (with a few outstanding issues needed to be addressed, see below), then the Balanced Seas project will have produced a network that, in the view of the SAP, meets most of the ENG criteria, and is scientifically supported.
- 1.5. The SAP was informed that the stakeholder meetings have been very constructive, and that despite outstanding issues, progress has been positive.
- 1.6. The SAP notes that the boundaries of some sites have been extended to take account of conservation/science stakeholders' concerns with particular regard to biodiversity features especially and that is to be commended.
- 1.7. The SAP also notes that there is scope to work towards some of the lower adequacy targets for broadscale habitats given the inclusion of substantial new sea bed data that can be treated with greater levels of confidence.

2. Detailed comments

- 2.1. **Representativity:** The ENG targets for representativity are generally met. Balanced Seas has two biogeographic regions, and the network covers both of these for the vast majority of broadscale habitats, Habitat and Species FOCI. In some instances, where the representativity targets have not been met, this is because of the lack of suitable habitat in a particular biogeographic region, or a single occurrence of a FOCI in the whole Balanced Seas region. However, there are some broadscale habitats that do occur in both the Southern North Sea and English Eastern Channel Regional seas but are not yet included in the network (shown in Table 4). The report indicates how this might be remedied and the SAP encourages the Regional Project and RSG to adopt this approach.
- 2.2. **Replication:** ENG targets have been met for all possible broadscale habitats and FOCI. In the single case of a missed broadscale habitat target (A4.3), this is due to only one site being located in the project area. Where habitat and species FOCI have been missed, reasons why it has not been possible to meet targets are indicated. All FOCI that exist

- within the region are replicated. The SAP supports the stance taken by BS with respect to occasional or serendipitous seahorse records.
- 2.3. **Adequacy:** analysis suggests that the targets are met at between the minimum and maximum levels. The SAP is content that where the new REC data provides higher confidence in the data describing some of the broadscale habitats that have very substantial coverage within the Balanced Seas area, the adequacy levels could be closer to the minimum targets if necessary. This still conforms with our previous advice about taking a precautionary approach to such targets. It is the view of the SAP that provision of better data allows for a reduction in size of the precautionary 'window'.
 - 2.4. **Viability:** Site-level reports map the size and dimensions of each pMCZ and reference to viability guidance is clearly being made. Some sites do not meet ENG viability criteria but are bounded habitats (estuaries, inlets) and are as such naturally constrained. All but two sites fulfil the viability criteria. The SAP notes the decisions with respect to dMCZ 28 'Utopia', and accepts that this site would appear to be a suitable MCZ, despite its small size.
 - 2.5. **Connectivity:** is met for all BSH at 40km and 80 km distances. Discussions with Finding Sanctuary and Net Gain to review connectivity across the boundaries with these regional projects are recommended and the outcome should be recorded in the Final Recommendations. The results of any relevant discussions with French and Belgian authorities which contribute to an understanding of connectivity between protected broadscale habitats across the median line should be recorded too.
 - 2.6. **Conservation objectives:** These are included in the site descriptions and in a useful summary. However, they are not yet agreed by the RSG and many of the features are held at 'maintain' pending further information of pressures that may require a 'recover' objective. Clearly this is a very important final piece of work that needs to be resolved. It is difficult to assess the overall ecological coherence of the proposed network until the conservation objectives are finalised and agreed.
 - 2.7. **Reference Areas.** At the moment, 39 out of 45 required Reference Areas have been identified by the Regional Project team. Many of these still require detailed discussion by the RSG. For some broadscale habitats, the area of habitat within the Balanced Seas project area is not enough to meet viability criteria of the ENG. Table 11, although very clearly presented, implies that if a broadscale habitat is in 5 x 5km reference area, then it is viable. But this is not a valid interpretation of the viability principle. If it was, a perverse but logical outcome (though not necessarily achievable in reality) would be a single 5 x 5 km square RA containing *all* broadscale habitats. The SAP sets out its understanding of the viability of reference areas in section 4 and comments further on individual sites in section 5. For A1.1. , A1.3 and A5.3, those areas of broadscale habitats in the Balanced Seas area should be considered for Reference Areas if they are the only potential sites.
 - 2.8. **Best Available Evidence:** Balanced Seas are to be commended for accepting the challenge of using the high quality English Channel Synthesis Regional Environmental Characterisation (REC) Data underwritten by the Marine Aggregate Levy Sustainability Fund. This created a substantial amount of additional work but has certainly resulted in use of the best available habitat data. To ensure that the quality of evidence underpinning decisions is not in doubt, it is important to ensure that data traceability is maintained.
 - 2.9. **Areas of Additional Ecological Importance:** The SAP were pleased to see that a new Marxan Analysis had been done using the available ecological data to identify the locations of revised Broad Areas of Interest (BAI), following the addition of new data and the development of the final network. This is a step towards identifying dMCZ and

Reference Areas on the basis of the best sites of habitats, species, which is the primary goal of the ENG. The SAP are aware that this is contentious, and will have consequences for particular stakeholders, but it is the scientifically valid approach to identifying the best possible areas for MCZ designation.

- 2.10. **Scientific value for research and monitoring:** There is no evidence to suggest that dMCZs or Reference Areas have been chosen to maximise their utility for scientific research or to ease monitoring. Nevertheless if the network design principles are followed through to designation and a full set of viable Reference Areas is chosen and implemented a valuable research resource will be created.
- 2.11. **MCZ boundaries:** The choice of dMCZ and Reference Area boundaries appears to have followed ENG guidance. However, it is not clear how far guideline 25, relating to incorporation of margins to protect enclosed features, has been followed. That could be included in the site notes with advantage.
- 2.12. **Geological and geomorphological features of interest:** Nine Geological Conservation Review (GCR) sites and two geomorphological features are listed in the ENG for potential incorporation into the Balanced Seas MCZ network. Four features have been identified as requiring Conservation Objectives in various dMCZs. Work is continuing to determine whether these can be protected by an MCZ, as well as on their more precise boundaries, though this is proving to be difficult due to the lack of data.
- 2.13. Balanced Seas are congratulated on targets met but we have concerns that some of the highest ranking sites for biodiversity or special features might not go forward as Reference Areas, and might be being replaced by sites that are not contended by fishing or other interest groups. As noted in section 4, we believe that all Regional Projects have significantly failed to meet the requirement that the average size of reference areas should be between 10 and 20km in diameter.

3. Recommendations for Actions by Balanced Seas

- 3.1. The RSG is encouraged to accept the proposals for pMCZs described in the draft Final Recommendations submitted by Balanced Seas, which the SAP believes will meet the design principles of the ENG.
- 3.2. The RSG is urged to agree a harmonised set of Conservation Objectives for the MCZs.
- 3.3. The RSG is urged to agree the Reference Areas following the SAP scientific advice for these.
- 3.4. Balanced Seas is asked to ensure that the actions described in paragraphs 2.5, 2.8, 2.11, 4.1, and throughout section 5 are considered and taken as appropriate.
- 3.5. The SNCBs are asked to complete the action described in paragraph 4.10.

4. General comments– addressed to all Regional Projects, the SNCBs and Defra

- 4.1. The SAP seeks confirmation that the draft MPA network has been designed to include all of the best areas for biodiversity in the d/pMCZ and Reference Areas, and where these were considered and rejected an explanation of why that was so - as set out in Government Expectations Note 1.
- 4.2. The SAP believes that to date Regional Projects and their RSGs have failed to meet important requirements of the ENG to identify a set of viable RAs. This is very regrettable given their importance in providing (a) the maximum feasible protection for flora and fauna that are rare, threatened or representative of UK biodiversity, and (b) sound scientific benchmarks for the future management of the MPA network. The criteria for

viability of broadscale habitats and FOCI are set out in section 4.5 of the ENG - guidelines 9 and 10. Guideline 16 in section 4.7 indicates that these criteria are to be applied to reference areas.

- 4.3. Regional Projects and their RSGs have interpreted guideline 9 as implying that 5x5 km (=25 km²) is the target area for a broadscale habitat reference area away from the coast. It is not. The **minimum** acceptable diameter of 5 km for a single RA implies a minimum viable area of 20 km² and the goal is to achieve an **average** diameter of between 10 and 20 km, i.e. an average area of the broadscale habitat RAs within a region of between 80 and 310 km². Given that recommended individual reference areas for intertidal and near shore broadscale habitats are being recommended with areas of or less than 0.25 km², the present collection of potential or draft reference areas will fall substantially short of the average size target in all regions – perhaps by an order of magnitude. This compromises the scientific basis of the network of highly protected areas.
- 4.4. Matters have been compounded by the way the sensible advice of the SNCBs that RAs can contain more than one broadscale habitat has been followed. An RA of 5x5 km cannot accommodate more than one viable broadscale habitat occupying 20 km². We and the SNCBs have advised that small sites can make a useful contribution to MCZs and RAs in particular circumstances but we are deeply disappointed that this pragmatism has not been matched by recommendations for some large RAs containing viable amounts of a several broadscale habitats to achieve an average size that meets – or even approaches - the target set in the ENG. Finding Sanctuary and ISCZ have each identified one larger pRA (150 and 300 km² respectively) but this merely demonstrates that it is possible to do so. We accept that it is probably too late to make good this shortfall now but believe that the problem will have to be revisited in the future to meet ENG guideline 16.
- 4.5. Conservation Objectives (COs) give cause for concern as they are all either ‘maintain’ or ‘recover’ based on the (putative, assumed, predicted) impacts of activities on a particular habitat type. Most of the COs are to ‘maintain’ although no evidence is adduced by any of the Projects to demonstrate that such sites are in favourable status despite the large number of users/uses in their regions.
- 4.6. The logic of setting an objective that an area has to be managed to recover, when in fact there is no evidence that it (the particular site and/or feature) is in a degraded state, is flawed. A manager faced with this is going to be required to put in recovery measures based on only an assumption that there has been damage. When will he/she know that an area has recovered or will it be assumed that if the pressures are removed then the area will be as it should? It is acknowledged that the COs are all preliminary at present but this aspect needs addressing by the SNCBs and to be explained to stakeholders.
- 4.7. To what degree have certain activities influenced site selection? For instance, activities with management implications (beam-trawling, otter trawling, scallop dredging, beach replenishment, coastal protection) have led to COs for ‘recover’ – are these the only activities which require management (aggregate extraction is not included) or have all the sites been chosen to exclude activities such as aggregate extraction, with a buffer, on principle irrespective of their ecological benefit? The matrices for the CO giving the sensitivity of areas and the confidence in the assessment are very valuable but the implications of this need to be considered further, for example an area of high sensitivity but low confidence will may be discounted and management concentrates on areas that are high for both – this is not a precautionary approach.
- 4.8. All the Regional Projects need to consider the implications of the term ‘recover’ as a CO – does this presume to remove pressure, return to ‘normal’, define according to a reference area or reference status. Following WFD discussions, the areas with which sites are compared can be deemed in good condition either through the absence of pressures

(which is easy to determine) or the presence of a good ecology (which is costly to determine). However, it is emphasised that unless there are well-defended arguments for indicating that a site needs to recover from pressures or to a pre-defined state then there will be challenges from user groups.

- 4.9. Notwithstanding the advice we provided in Annex 1 to our response to the 3rd iteration reports on AAEI some Regional Projects continue to bring forward proposals to designate p/dMCZs for birds and cetaceans without cases to do so, or vulnerability assessments or conservation objectives or indications of possible management measures. IS CZ have promised to bring forward a case for the black guillemot *Cephus grylle* in their Final Recommendations which we look forward to seeing. The SNCBs are the formal source of guidance on these matters. We can help by offering advice to augment this from a scientific viewpoint. Rather than repeat that earlier advice and its implications (which remain extant), in Annex 1 to this response we provide a 'How to Guide' to help in assembling a suitable case. There should be no difficulty in setting out vulnerability assessments where habitats are the subject of designation, but we are unable to provide general advice on the preparation of such assessments where the highly mobile species itself is viewed as vulnerable. Section 3 of the 'Guide' suggests the issues that need to be addressed **before** a vulnerability assessment is provided in that case.
- 4.10. The SAP understands that the Regional Projects have been advised that only tide-swept channels where the velocity of currents exceeds 7 knots are to be considered for identification of FOCI habitats. The effect of this advice is that there are no locations that qualify as 'Tide-swept channels' in any of the Regions. A rescue operation by the SNCBs is needed. This should take account of the existing BAP description.

5. Site Specific Issues

- 5.1. We note the suggestion that the Bembridge Ledges and Southdown locations for *Padina pavonica* count as two replicates, though they both reside within dMCZ 22. However, such a suggestion is contrary to the ENG. Replication is partly designed to ensure locations separated by distance are brought into the marine network, such that a local extinction event would not eliminate a FOCI species from the network. The SAP feel that other sites in the network should be considered for designation for *Padina* to ensure the ENG criteria are met
- 5.2. The site-level descriptions are clearly laid out, with good maps of broadscale habitats, FOCI and other features. Two sites have been identified by local stakeholders as possible MCZs, though they do not necessarily fit exactly the ENG criteria (viability principal). These sites, Kingmere (dMCZ 16) and South West Rocks (BAI27) support important species for the Region in addition to ENG FOCI, and there does appear to be good survey data to support the claims of importance for these sites. Although the issues raised transcend the purely scientific, the SAP is content to endorse the suggestion contained on page 38 of the Draft Final Recommendations concerning the South West Rocks. A form of voluntary agreement by the fishing sector to avoid damaging the rocks and their immediate environment, coupled with a monitoring programme, would seem to offer a proportionate solution. The fact that this proposal has the support of the Sussex IFCA is a material fact.
- 5.3. **Reference Areas.** The total area of the 21 draft sites recommended as Reference Areas in Balanced Seas is 100.31 km², with an average size of 4.78 km². Given that the 3 offshore Reference Areas contribute 74.5 km² of this total, it is evident that the remaining 18 inshore dRAs are in general, very small. Such values fall far short of the ENG recommendations (see Section 4 above), and the SAP note that not all of these draft RA

- have strong RSG support, so might not be finalised. This shortfall for Reference Areas compromises the scientific basis of the network of highly protected areas
- 5.4. dRA1 Colne Point. It is well placed with respect to the adjacent (terrestrial) Essex Wildlife Trust Nature Reserve of Colne Point. Clearly this site does not meet the ENG viability targets for the 3 broadscale habitats mentioned in sections 5 or 6 of the description (A2.2, A2.3, A2.4) and this is recognised. This site does support extensive beds of the non-native *Crassostrea gigas*, which are impacting on the Blue Mussel bed on the identified soft sediments. The single record of *Ostrea edulis* located within A2.4. is probably erroneous, as *Ostrea* is only found on the very lowest intertidal levels at this location. It should be deleted from the list of features protected by this RA. There is a 10+ year data set held by the University of Essex for benthic infauna (including Bamboo worms, rare for S. North Sea) for the lowest intertidal mussel beds 1 km the east of the present boundary (Seawick), as well as some survey work on this site. Extension of the site eastwards would link that scientific data with this potential Reference Area (see ENG recommendations).
 - 5.5. dRA2 Oyster mid channel. The local work with the oyster fishing industry and the local Wildlife Trust is to be commended. However, the obvious question is why, given that there are no records for oysters in this location, and that the location “would not be in conflict with....harvesting...that takes place in this area), is it deemed suitable as a Reference Area for *Ostrea edulis* ?
 - 5.6. dRA3 Holehaven Creek. Though suggested as a Reference Area for subtidal mud A5.3, most of this broadscale habitat lies outside of the boundary shown on the maps. To include a larger area of A5.3, and thus approach the broadscale habitat viability criteria, consideration should be given to extending the boundary southward.
 - 5.7. dRA4 Westgate Promontory. This site is identified as important for *Haliclystus auricula* (one of two sites), but also contains a good range of other broadscale habitats. However these are not of sufficient area to meet ENG viability criteria (from the map it is less than 500 m in linear dimension along the shoreline?). Can the boundaries be extended along the shore to encompass more of the littoral chalk habitat?
 - 5.8. dRA5 Turner Contemporary. Needed for *Lucernariopsis cruxmelitensis*, but there are issues with its suitability for broadscale habitat designation. However, the local group appears in favour.
 - 5.9. dRA6 Goodwin Knoll. This is at the minimum size(5 x 5 km) recommended for a broadscale habitat reference area, but the individual broadscale habitats within the site are at less than the ENG recommendation for viability. There do not appear to be any significant FOCI data associated with this site, though the SAP note the comment that Environment Agency data indicate it is a good area for biodiversity. Can evidence be provided that this is a ‘good’ example of the relevant broadscale habitats identified?
 - 5.10. dRA7 South Foreland Lighthouse. To protect intertidal and littoral and subtidal chalk. What are the constraints of making this reference area at least 500 m in width, and/or extending it along the coast to encompass more of the subtidal chalk FOCI, given its location within a broader dMCZ?
 - 5.11. dRA8 Hythe flats. This would appear an important area for sea pens and burrowing megafauna and mud habitats in deep water. Given the larger area of dMCZ within which this is located, and the need for boundary areas / buffer zones to protect such a site from the potential extractive activities that do occur, and may be permitted within the dMCZ, the size and positioning of the RA seems incongruous. The SAP notes the comment that the boundary has been drawn “to avoid areas of netting, trawling and potting, and fits the ‘management areas’ suggested by the inshore trawling fleet representative”. A

- reference area in this location is justified, but its location and boundaries should be identified to meet the scientific needs of a reference area (see earlier advice).
- 5.12. dRA9 Seaford Head. A narrow linear reference area for rocky and littoral communities. Is there scope to widening the boundary seaward, given the statement that potters and netters operate further offshore here?
 - 5.13. dRA10 Dolphin Head. An (almost) 5 x 5 km region identified for broadscale habitat protection. New data gives higher confidence that these habitats are present at this location. Boundaries could be adjusted to encompass more of each individual broadscale habitat to reach viability targets for the habitats, not the RA as a whole.
 - 5.14. dRA11 Pagham Harbour. A well described and bounded location, important for some key species FOCI within the Balanced Seas area.
 - 5.15. dRA12 Mixon Hole. This is a small, specialised reference area, known by recreational divers, and identified for its peat and clay exposures. The boundary as proposed is convoluted, and could be improved along ENG guidelines, incorporating a buffer zone.
 - 5.16. dRA13. North Utopia. Given the specialised nature of this site, and the important fragile sponge and anthozoan communities that live here, this RA appears significant. Given the very low number of such sites in the Balanced Seas region, and the relatively small size of this site, what is the justification for not making the whole reef a reference area, which would, given the precautionary principle, provide greater resilience to any local pressures?
 - 5.17. dRA14 Wight-Barfleur. Despite being offshore, this is only the minimum size for a Reference Area and its location appears justified by the statement 'in an area of lower fishing activity for the UK fleet' rather than on evidence of the quality of the broadscale habitats in this region. Though the whole RA is at the minimum area, the areas of the broadscale habitats enclosed do not meet their viability targets. The ENG makes it clear that offshore reference areas should be larger than the minimum stated.
 - 5.18. dRA15 Bembridge Ledges. Important for *Pavonia* (species FOCI). The Reference Area as shown on the map does not include any substantial area of seagrass beds, even though this is listed as a feature to be protected. Nor are there *Ostrea* records, though they are also listed. Perhaps some boundary adjustments can deal with these issues.
 - 5.19. dRA16. Wooton Old Mill Pond. A saline lagoon above MHW, identified as an important site for tentacled lagoon worm. Seems a clear case, but probably protected by existing designations.
 - 5.20. dRA17 Osborne House. Primarily identified for seagrass beds, but would also benefit associated fauna, even if not listed. Given the private nature of the site, with presumably few conflicting stakeholders/users, could not a more ambitious area be considered?
 - 5.21. dRA18 St Catherine's Point West. Another coastal RA, with a good mix of rock habitats. There seems to be some concern expressed about the quality of these habitats, and this again raised the issues of site selection for reference areas highlighted in the main text of the SAP response.
 - 5.22. dRA19 Newtown Harbour. An existing, National Trust site that has a range of habitats, but it is admitted that these are not necessarily the best examples in the region. Similar to some of the other estuarine dRA, their boundary is drawn at the mouth, despite BSH and FOCI relevant to the dRA within close proximity. So this is a small RA, though clearly (given the ownership) it could probably be well managed. Is there a past history or monitoring that would help support the case for a RA here? Are there reasons why is this site is not considered to support some of the best examples?
 - 5.23. dRA20. Stalked Jellyfish. A site selected for its important species FOCI, and also containing subtidal chalk. Is the assumption that within this region, a viable population of

Lucemariopsis camanulata exists? Can the boundary be extended southward to the shore to create a more easily managed space?

- 5.24. dRA21 Culver Spit. A site with recently confirmed records of common maerl, and considered suitable for both species of seahorse. Further data is needed here. Perhaps the distribution of the maerl should also be verified before the shape and area of the RA is established? The actual area currently identified is at the minimum for a FOCI.

Annex 1

How-To guide: to help make the case for protecting locations that benefit highly mobile species, within the ENG guidelines.

Working from the top down to make the case from the bottom up:

- 1) What does the mobile species eat?
 - a) If for example the answer is a prey species that doesn't move much i.e. mussels or invertebrates (or even small bodied fish, or juvenile fish) that live on / within kelp beds, etc. Then it is a simple case of protecting the habitats which gives rise to mussel and/or kelp beds, etc.
 - b) If the prey of the mobile species also moves around a lot, then one has to ask 2 more questions,
 - i) What does the prey eat - and if that happens to be a sessile or easily defined seabed habitat then repeat 1) (i.e. for top predator such as the Black Guillemots whose prey includes benthic invertebrate with clear habitat preferences and sandeels which require specific sand/gravel grain size and bottom current speed for their habitat and don't move far from this habitat while feeding (Van der kooij et al 2008) OR
 - ii) If the prey of the prey also moves around a lot then one has to ask the following question
- 2) Are there specific characteristics of locations where the top predator is repeatedly seen foraging i.e. where prey is more available, easier to catch for some physical reason? Specific characteristics can be
 - a) Frontal regions, where there is a rapid change in horizontal or vertical gradient of temperature. This is a habitat captured as an Area of Additional Ecological Importance (AAEI) in this case P. Miller's thermal fronts, and can be defined spatially as the locations where the ratio of the depth of the water column divided by the mean monthly speed of the tide is approximately 2.7 - 2.9 (Simpson and Hunter 1974, Sharples 2008). Mobile species such as basking sharks are known to target this type of habitat for foraging (Sims et al 2000).
 - b) Areas with high primary productivity either at the surface as would be found in locations in 2 a) or sub surface productive areas that are most likely caused by internal wave mixing over bumpy topography (Scott et al 2008) which can be defined in space by variation in depth of bottom features (again areas of AAEI such as banks and troughs).
 - c) Areas with high tidal speeds (> 2 m/s) are also known to attract many top predators for feeding (i.e. Black Guillemots which also generally forage close (< 5 km) to nest sites and Harbour porpoise are now well documented at using particular < 1 km² sites for repeated foraging (Pierpoint 2008)). As the reasons for high tidal high speeds are predictable and mostly topographically driven these areas can be easily defined spatially.
- 3) Then it is necessary to specify the features that will be designated at the site and their conservation objectives. In the case of 1 (a) and 1 (b)i it is straightforward to designate the habitats that enable the prey to flourish and, given that the mobile species is successfully exploiting these locations, it is likely that the conservation objective will be to maintain the habitats, unless they are under moderate or high pressure from some other activity. In the case of 2, the ENG requires the spatially defined AAEI to be used to preferentially select MCZs that deliver against the network design principles of Representativity, Replication, Viability, Adequacy and Connectivity for broadscale habitats or the listed FOCI.

In principle it is possible to protect highly mobile species by making the case to expand the list of such FOCI beyond the bony fish identified in Table 4 of the ENG. The methodology for doing so is reviewed in Annex 2 of the ENG where it is concluded (Box 1, p75) that the case will depend on:

- Knowledge of the species ecology and behaviour and in particular whether the species has localised distribution, exhibits site fidelity or aggregates at some point in its life cycle;
- whether applicable and useable spatial data exist to provide the necessary evidence;
- whether MCZs are the most appropriate tool to deliver conservation benefits.

As explained above there are many reasons to suppose that site based protection may be appropriate, although systematically gathered spatial evidence to support clear identification and prioritisation of sites is not readily available. However the key consideration is likely to be whether conservation benefits are likely to be delivered by MCZs or mechanisms such as bylaws, codes of practice and technological developments that reduce the pressures to which the species is vulnerable.

No such cases have been seen by the SAP to date.

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