

<b>Scottish MPA Project Management Options Paper</b>
<b>CENTRAL FLADEN NATURE CONSERVATION MARINE PROTECTED AREA</b>
JULY 2014

JNCC developed the present paper to support discussions with stakeholders about the management of activities within this Nature Conservation Marine Protected Area (MPA). The paper should only be considered a starting point for discussions around the ongoing process of developing any management necessary to deliver the conservation objectives of the designated features; the process will continue after site designation.

The paper does not attempt to cover all possible future activities and does not consider likely cumulative effects that could result from different types of activities being carried out within the MPA. However, it does consider a range of activities and developments considered to be taking place within the MPA at the point of writing, and focuses on where we considered there could be a risk of the protected features not achieving their conservation objectives.

The following documents provide further information about the protected features in terms of confidence in the evidence base and assessment of the MPA against the MPA Selection Guidelines and should be read alongside this Management Options Paper:

- Site Summary Document
- Data Confidence Assessment
- Detailed assessment against the MPA Selection Guidelines

The documents are all available at: [www.jncc.defra.gov.uk/page-6476](http://www.jncc.defra.gov.uk/page-6476)

<b>Document Distribution List and Version Control</b>				
<b>Format</b>	<b>Version</b>	<b>Issue date</b>	<b>Version development and review</b>	<b>Issued to</b>
Electronic	1.0	10/05/2013	Internal drafting and review of pre-version 1.0 drafts by JNCC SMPA team, Offshore Industry Advisors, Fisheries Advisors and Marine Scotland prior to release to MPA Sub Group	MPA Sub Group
Electronic	1.3	21/05/2013	Preparation for release to Marine Scotland Science	Marine Scotland Science
Electronic	1.5	22/05/2013	Review of documents to take account of MPA Sub Group comments and release to Marine Scotland	Marine Scotland
Electronic	2.0	24/07/2013	Review of document to take account of Marine Scotland Science and Marine Scotland comments.	Marine Scotland
Electronic	3.0	24/07/2013	Revision to take account of editorial review and Grade 7 review prior to release of document for public consultation.	Uploaded to JNCC website
Electronic	4.0	07/07/2014	Document update to align with designation status and revise text in response to consultation responses	Delivery to Marine Scotland to support MPA designation and upload to JNCC website

## DEVELOPMENT OF MANAGEMENT OPTIONS FOR THE CENTRAL FLADEN MPA

### 1 Management Options Summary

This section summarises JNCC's management options for the Central Fladen MPA. The options are being considered in order to eliminate or manage the risk of not meeting the conservation objective to conserve the protected features within the MPA. For more detail on these options, please read the full Management Options Paper below. Discussions between sea users, scientists and managers will be needed to inform the development of subsequent management measures.

Activity	Management options
<b>Fishing activity:</b> <b>Bottom contacting mobile gear</b> (e.g. otter trawling and demersal seine netting)	<p><b>No additional management:</b> There is a significant risk of not achieving the conservation objective for the <b>burrowed mud</b> feature.</p> <p><b>Reduce/limit pressures:</b> This option would reduce, but not entirely eliminate, the risk of not achieving the conservation objective for the <b>burrowed mud</b> feature. Appropriate management for burrowed mud could include closure of a proportion of the site to damaging gears. Restrictions could be permanent in some cases or temporary/adaptive in others. Restrictions may be proposed for the more sensitive areas such as those supporting the tall sea pen component, and a reduction of effort may also be required to minimise the risk of not achieving the conservation objective for the remaining burrowed mud feature. The location of areas to be covered by management restrictions would be decided in consultation with fishers.</p> <p><b>Remove/avoid pressures:</b> This option would reduce the risk of not achieving the conservation objective for <b>burrowed mud</b> to the lowest possible level.</p>
<b>Fishing activity:</b> <b>Bottom contacting static gear</b> (e.g. set netting)	<p><b>No additional management:</b> This option is considered to be sufficient for bottom contacting static gear to achieve the conservation objectives for <b>burrowed mud</b>. However, if static gear fishing activities were to increase or monitoring showed evidence of detrimental effects, it may be necessary to apply limits in the future.</p>
<b>Oil and gas activity:</b>	<p>The potential impacts of oil and gas activity and/or developments on the protected features within the MPA will be assessed through the existing EIA process on a case-by-case basis. Early dialogue with DECC and JNCC would help identify and resolve any issues at an early stage.</p>
<b>Telecommunication cables:</b>	<p>Early discussions with the operator would be welcomed for all plans relating to telecommunication cables within the MPA, including installation, maintenance and removal. It is recommended that a voluntary EIA is undertaken to support plans for any new cable installation to assess the impacts of the associated activities on the protected features present.</p>

## 2 Introduction

The Central Fladen Marine Protected Area (MPA) lies within the Fladen Grounds, a large area of mud in the northern North Sea (see Map 1). The MPA has been proposed for the sea pen and burrowing megafauna and tall seapen components of the burrowed mud feature. Found in the south-west of the MPA, the nationally uncommon tall seapen can grow to 2 metres in height. The total area of the Central Fladen MPA is approximately 925 km<sup>2</sup>.

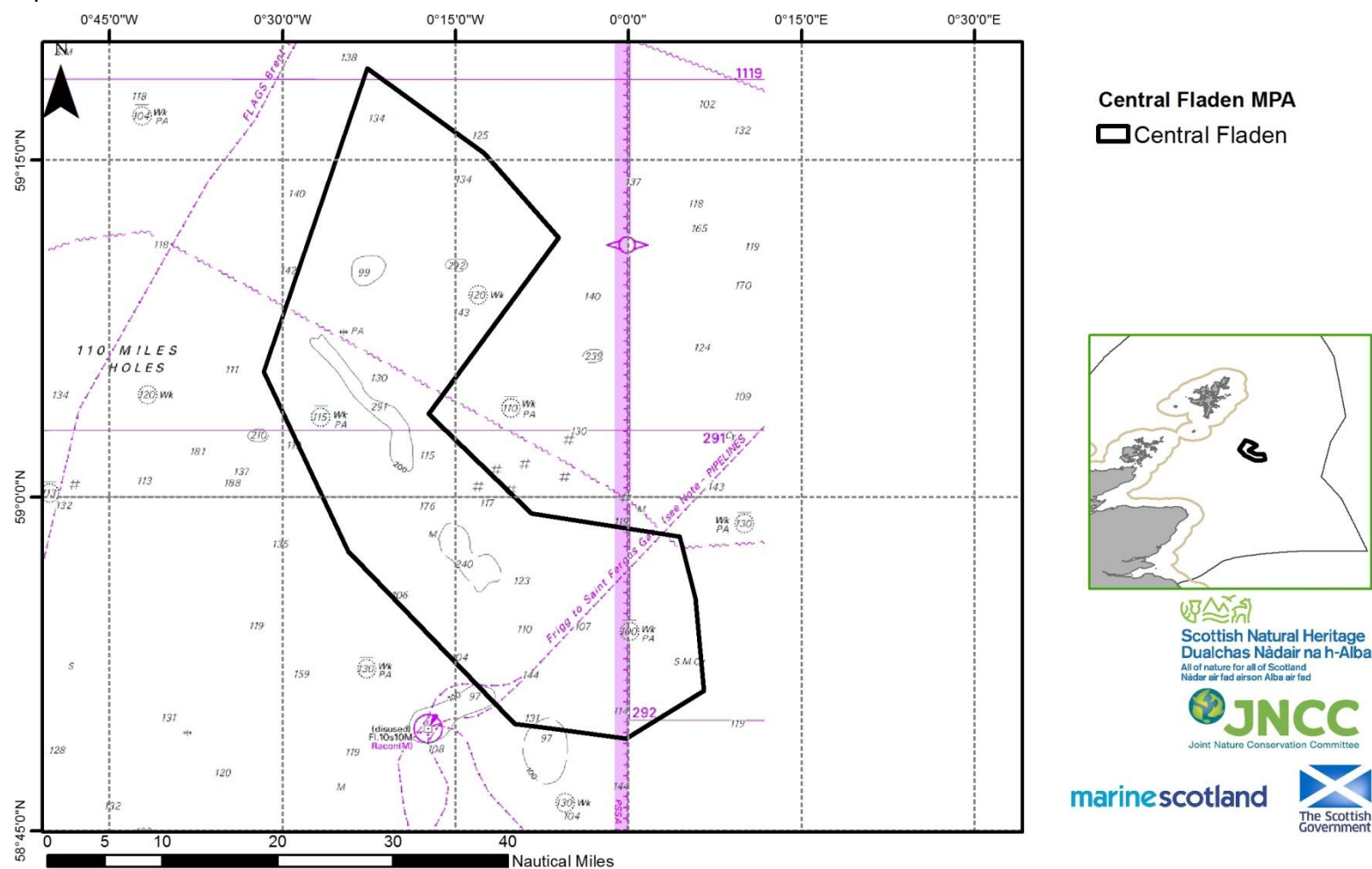
Further details on the MPA can be found in the Central Fladen Site Summary Document available at [www.jncc.defra.gov.uk/page-6476](http://www.jncc.defra.gov.uk/page-6476)

The most valuable fishery overlapping the MPA is the bottom trawl *Nephrops* fishery, which is particularly concentrated on the central and southern parts of the MPA. A mixed whitefish fishery is associated with the *Nephrops* fishery. A less intensive Scottish seine (fly shooting) fishery also occurs, targeting haddock and associated whitefish. Several other activities take place within the Central Fladen MPA, for example, a telecommunications cable and an oil and gas pipeline currently cross through the site. The south-east of the MPA overlaps with license blocks identified by the Department of Energy and Climate Change (DECC) and so may be subject to oil and gas development in the future.

This present document has been produced to provide background information on the development of management for the Central Fladen MPA, and will be used to support stakeholder discussions.

The document describes the known location and extent of protected features and our current knowledge of where activities take place within the MPA. It also presents the management options for each of those activities that are considered capable of achieving the conservation objectives for the protected features. The document supports those with an interest in the area to input into the development of appropriate management measures that will ensure the Central Fladen MPA makes a genuine and long-lasting contribution to the protection of Scotland's marine environment.

Map 1 Location of the Central Fladen MPA



### 3 Roles

JNCC provides conservation advice to Scottish Government on how it might be possible to achieve the conservation objectives for the protected features in each MPA. JNCC's advice includes possible management options for controlling human activities in the Central Fladen MPA.

Marine Scotland lead the discussions on developing appropriate management with stakeholders, taking account of JNCC's and others' advice, identify the preferred management options and develop specific management measures with relevant authorities. Marine Scotland is responsible for making recommendations to Scottish Ministers on these management measures and any review of site management in the future. Scottish Ministers will decide whether to implement these measures. It is expected that licensed activities taking place within, or nearby, the MPA will continue to be managed through the existing licensing system. For MPAs in offshore waters, the expectation is that the Common Fisheries Policy process that is already in place for delivering any fisheries management requirements for Special Areas of Conservation will be followed.

Stakeholders can provide additional evidence to support the development of management measures including local knowledge of the environment and of activities. Discussions with stakeholders will be one way of highlighting the implications of any management measures to JNCC, Scottish Government, and other regulators. This input will contribute to the development of well-designed and effective management measures.

### 4 Protected features and conservation objectives

The Central Fladen MPA has been designated as part of a network of Nature Conservation MPAs which are being established to help conserve a range of Scotland's important marine habitats, wildlife, geology and landforms. The Central Fladen MPA has been designated for the following protected features, as shown in map 2:

- Burrowed mud (sea pen and burrowing megafauna component, and the tall sea pen component)
- Geodiversity features – sub-glacial tunnel valley\*

\* The tunnel valley geodiversity feature is considered to have a low sensitivity to the pressures associated with marine activities taking place within the MPA<sup>1</sup>. As such, there is not considered to be a significant risk to the feature achieving its conservation objective and so the feature has not been considered further in the context of the management options presented below.

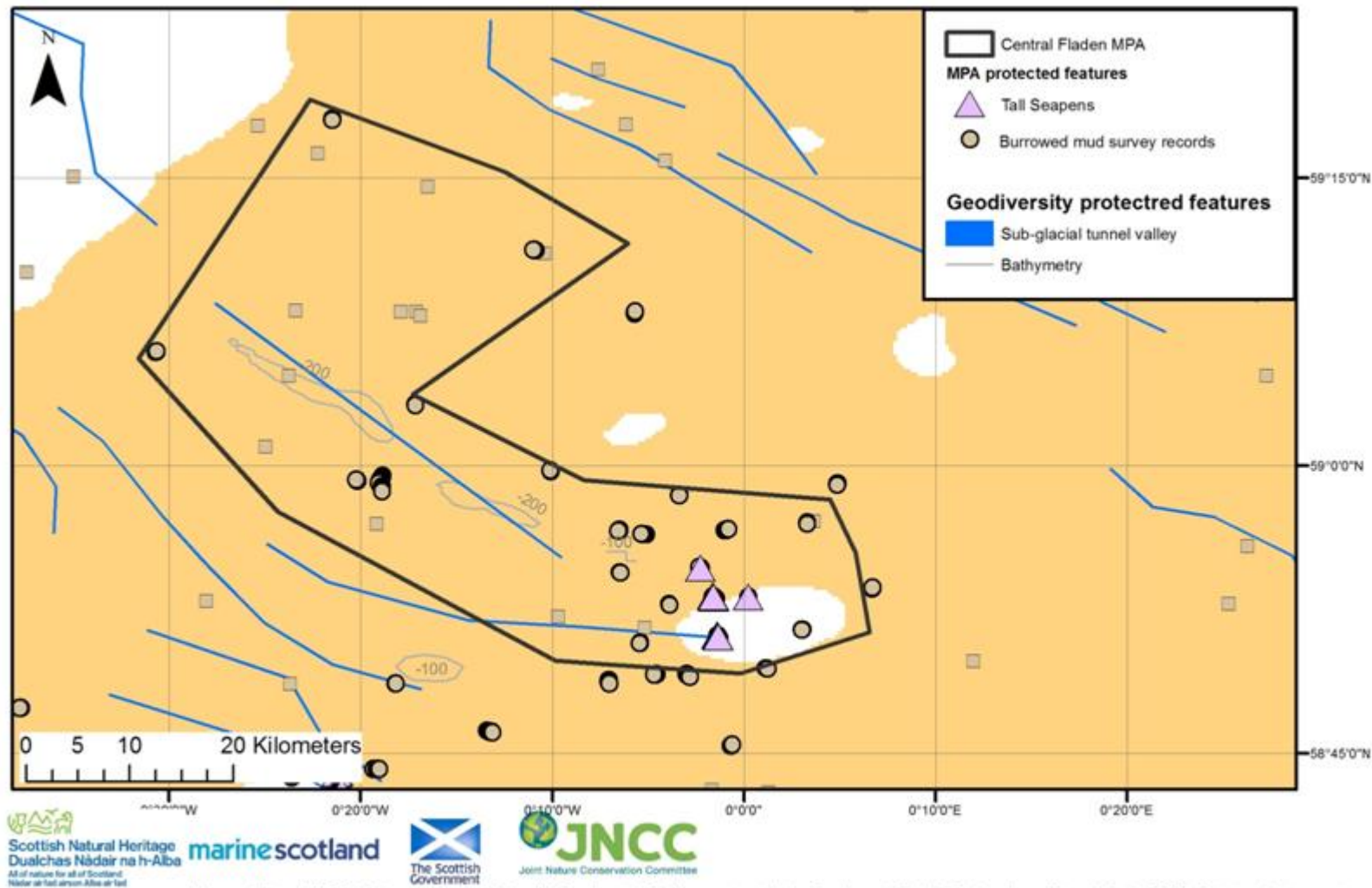
Conservation objectives set out the desired quality of the protected features within each MPA. JNCC recommend that the conservation objectives for the protected features within the Central Fladen MPA are 'conserve' for all features. The condition of the features has not been verified by direct evidence of ecological condition so the uncertainty of the feature condition is noted alongside the objective (feature condition uncertain).

Improved evidence on the condition of these features collected as part of the six-year reporting cycle required under the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009, or through provision of other evidence, may result in modifications to JNCC's recommendations for management to achieve the features' conservation objectives.

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<sup>1</sup> Brooks, A.J., (2013). Assessing the sensitivity of geodiversity features in Scotland's seas to pressures associated with human activities. *Scottish Natural Heritage Commissioned Report No. 590*.

Map 2 The known distribution of protected features within the Central Fladen MPA



Map displayed in geographic coordinates WGS84. The exact limits of the UK Continental Shelf are set out in the Continental Shelf (Designation of Areas) Order 2013, Statutory Instrument 2013/3162 (© Crown Copyright). Landmass Ordnance Survey © Crown Copyright and database right 2011. All rights reserved. Scotland (Adjacent waters) Updated by the Law of the Sea Division, United Kingdom Hydrographic Office October 2005. Bathymetry © GEBCO, 2011. Biological data from Geodatabase of Marine features in Scotland (GeMSv4) © Crown copyright. MPA and geodiversity features © JNCC and SNH 2014. All rights reserved.

## 5 Overview of activities

Table 1 below lists the activities which are known to take place within or close to the Central Fladen MPA. Further discussions with those who use the area will continue to improve our understanding of these activities (e.g. distribution and intensity etc).

Those activities to which the protected features are sensitive are explored in detail in the next section. Activities to which the protected features are not thought to be sensitive (i.e. any interaction between the activity and the protected features is considered to be minimal) will not be considered further within this document. Any future change in the activities listed in Table 1, or the introduction of other activities not identified within the table would need to be considered on a case-by-case basis to establish the appropriate management actions.

**Table 1:** Overview of existing activities believed to take place within or close to the Central Fladen MPA

Activities considered capable of affecting the protected features	Activities <i>not</i> considered capable of affecting the protected features
<p>Fishing activities:</p> <ul style="list-style-type: none"> <li>- Demersal seine netting</li> <li>- Demersal otter trawling</li> <li>- Set netting</li> </ul> <p>Licensed activities:</p> <ul style="list-style-type: none"> <li>- Oil and gas industry developments, including pipelines, and their ongoing use and maintenance.</li> </ul> <p>Telecommunication cables</p>	<p>Shipping</p> <ul style="list-style-type: none"> <li>• Commercial shipping</li> </ul> <p>Fishing activities*</p> <ul style="list-style-type: none"> <li>• Pelagic fishing</li> </ul>

\*Only the specific examples of the activity listed have been excluded, rather than the broad activity types.

## 6 Development of management options

JNCC developed management options for each MPA where we consider that some form of active management intervention may be necessary to achieve the conservation objective for each protected feature. We adopted a risk-based approach to identify appropriate management options, i.e. our advice is focused where we believe there is a risk to not achieving the conservation objective for the protected features. To do this, we have used existing data and information on protected features and relevant activities, and also our understanding of the relationships between the protected features and activities. JNCC expect on-going discussions with stakeholders during the development of any management actions.

Our management options focus on the activities that cause a pressure to which a protected feature is sensitive. Pressures can be physical (e.g. abrasion of the seabed), chemical or biological. Different activities may cause the same pressure, e.g. fishing using bottom gears and aggregate dredging both cause surface abrasion which can damage the seabed although the scale and intensity of the pressure can vary between activities. Thus, the protected features of a MPA are considered sensitive to activities that could adversely affect their conservation value, especially if they are unable or are very slow to recover from damage.

The Features Assessment Sensitivity Tool ([FeAST](#)) reflects our current understanding of the interactions between activities, pressures and features and supports the first steps of the assessment of risk to the features not achieving their conservation objectives in the MPAs. The tool highlights that activities can give rise to a range of pressures, to which the protected features of the MPA may be sensitive. The online tool provides more detailed information including the evidence that has been used in developing these recommendations.

Risks to not achieving the conservation objectives have been identified where there is an overlap between protected features and activities associated with any pressures to which the features are sensitive. We have recommended management options to manage this risk. Specific details of the recommended management options for each activity are provided in the following sections. The overlap between different ongoing activities and/or planned developments and the protected features is described and where appropriate, mapped. The text focuses on interactions in terms of physical overlap but the assessment of risk in the future should also take account of the intensity and frequency of the activities occurring within, or nearby, the MPA.

JNCC identify the following three management options:

- no additional management required
- management to reduce/limit pressures
- management to remove/avoid pressures

All of the management options provided are based on the best available evidence of existing activities taking place within the MPA. The options do not preclude the introduction of a management measure in the future for new activities, or where an existing activity occurs at an increased intensity.

## **7 Management options**

Management options have been considered by activity, please click on the activities below to be directed to the relevant section:

### **Fishing Activity**

Mobile bottom contact gear

- Demersal seine netting
- Otter trawling

Static bottom contact gear

- Set netting

### **Licensed activities**

- Oil and gas activity

### **Telecommunication cables**

#### **7.1. Fishing activity**

JNCC has evaluated management options to manage the risk of not achieving the conservation objectives for the protected features of the Central Fladen MPA. A gradient of management options have been considered to reduce exposure to pressures, these have been described under three potential management option categories below. Protected features may require a combination of these options to ensure that they achieve their conservation objective.

**a) No additional management**

**b) Additional management to reduce/limit pressures** – where fisheries managers may wish to consider a range of measures that could be used to reduce the risk to features by reducing fishing pressure or preventing its increase to unacceptably high levels. These could include:

- Area restrictions (e.g. permanently closing some or the entire extent of the feature)
- Temporal restrictions (e.g. closing parts of the extent of the feature on a rotational basis)
- Seasonal restrictions
- Gear restrictions (e.g. restriction on the use of more damaging gears)

Ideally, any measures would generally apply only to the part of the site where the feature is present. However, there may be circumstances in which it could be desirable to extend management measures beyond the known area of feature distribution, for example, where conditions are suitable for a feature to exist but there are insufficient data to confirm its presence.

**c) Additional management to remove/avoid pressures** – where fishing activities known to adversely affect the feature would be excluded and prevented from occurring in the future. Such exclusion would generally apply only to the part of the site where the feature is present, unless it was necessary to apply to the whole MPA.

The likely effects on the feature condition and the risk to the conservation objectives were assessed using the evidence described in the [JNCC/SNH MPA fisheries management guidance](#).

An estimation of >15m fishing activity taking place within the region of the MPA was derived from Vessel Monitoring System (VMS) data, with an average 2 hourly ping rate. VMS data for UK vessels were linked to skipper logbook information, which was used to determine the fishing gear being employed for each ping. For non-UK registered vessels where logbook information was not available, information on fishing gear employed was obtained from the 'primary gear' listed on the EU vessel register. All data were filtered using a simple speed rule of between 1 and 6 knots to indicate fishing activity for all gear types. Between 2006 and 2009, generalised values for intensity of effort were estimated by aggregating VMS data to a 0.05 x 0.05 decimal degree grid (approximately 5km<sup>2</sup>). This gridding method has the advantage of enabling the quantification of effort at a discrete spatial scale (hours per unit area (grid resolution) per year), however, it precludes analysis of patterns of activity below the pre-defined resolution of the grid. As a result, individual "pings" were analysed for the period 2009 to 2011. To ensure anonymity of the data source, discrete VMS ping data is presented only in instances where it would not compromise the anonymity of an individual vessel (i.e. there are multiple vessels operating in the same area).

### 7.1.1. Fishing activity: Mobile bottom contact gear

#### Otter trawling

Over-15m otter trawling by UK registered vessels takes place across a large area of the MPA, as shown in map 3 (maximum effort of 827 hours in a single grid between 2006 and 2009). However, based on VMS ping data from 2009-2011 it is clear that effort is largely concentrated away from the glacial tunnel valley feature running in a south-west to north-east direction through the middle of the MPA, and also away from much of the south-west of the site. There is also evidence of significant effort from Danish otter trawling vessels (maximum effort of 131 hours in a single grid between 2006 and 2009) that appear to display similar effort patterns to the UK fleet. This is likely to be a result of both fleets fishing for *Nephrops* in the area.

#### Demersal seine netting

There is evidence of an over-15m Scottish seine net fishery active in the MPA, as shown in Map 4. The fishery is almost exclusively a UK fishery (maximum effort of 124 hours in a single grid between 2006 and 2009) that includes activity across most of the MPA, with the exception of the region around the glacial tunnel valley. The greatest intensity effort is concentrated in the south-west of the MPA.

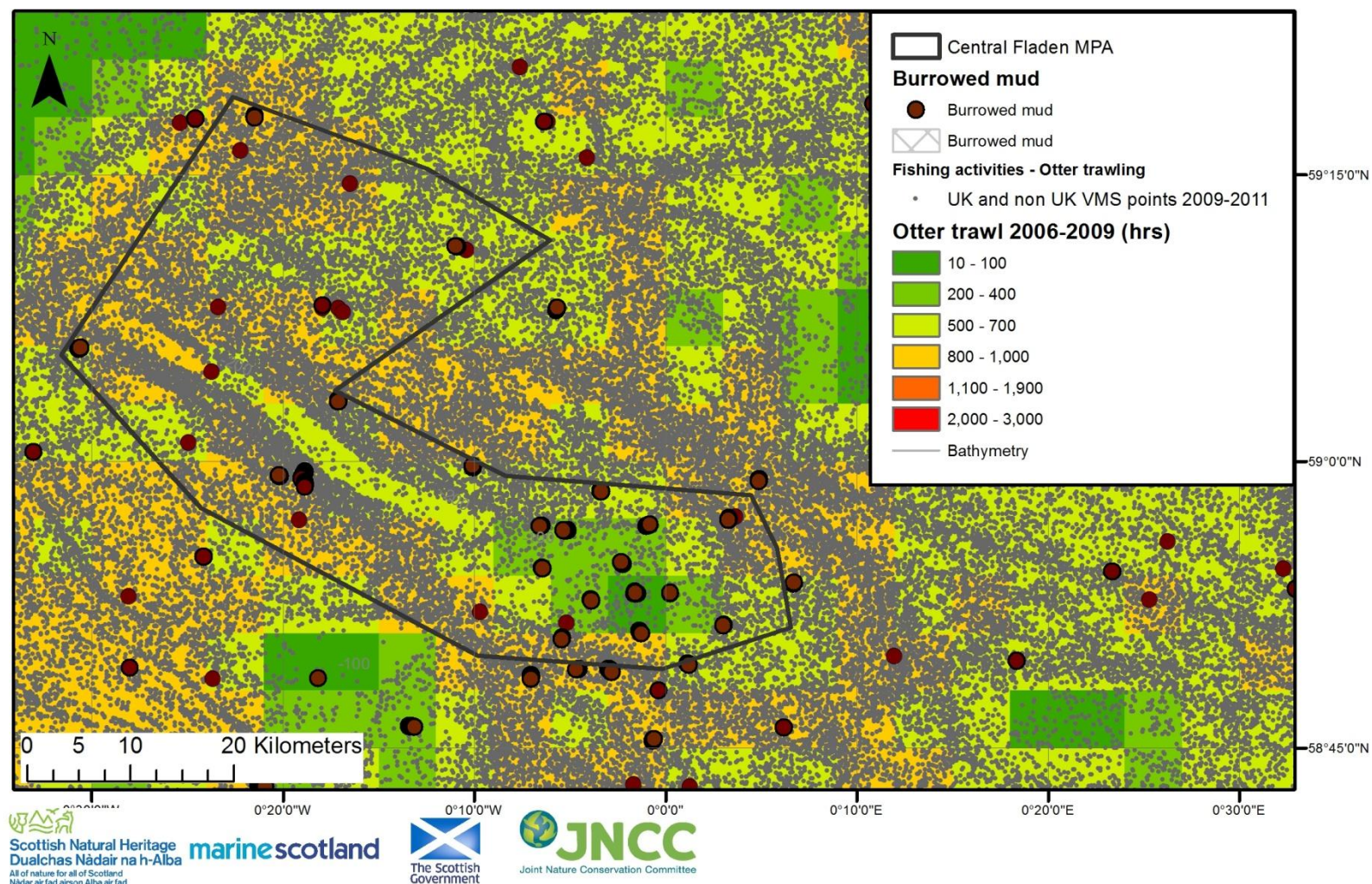
**Management options**  
**Bottom contacting**  
**mobile gear** (e.g. otter trawling and demersal seine netting)

**No additional management:** There is a significant risk of not achieving the conservation objective for the **burrowed mud** feature.

**Reduce/limit pressures:** This option would reduce, but not entirely eliminate, the risk of not achieving the conservation objective for the **burrowed mud** feature. Appropriate management for burrowed mud could include closure of a proportion of the site to damaging gears. Restrictions could be permanent in some cases or temporary/adaptive in others. Restrictions may be proposed for the more sensitive areas such as those supporting the tall sea pen component, and a reduction of effort may also be required to minimise the risk of not achieving the conservation objective for the remaining burrowed mud feature. The location of areas to be covered by management restrictions would be decided in consultation with fishers.

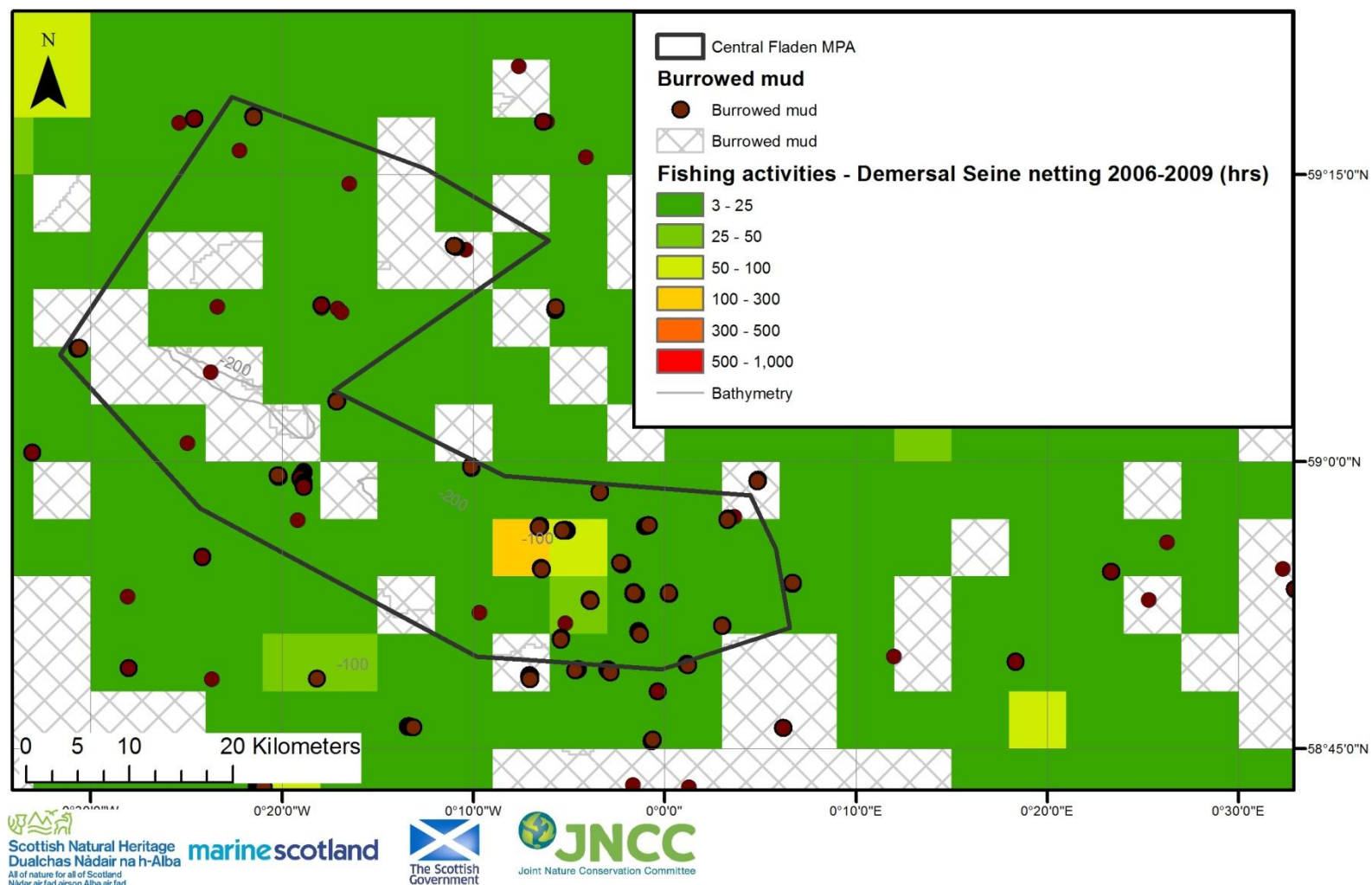
**Remove/avoid pressures:** This option would reduce the risk of not achieving the conservation objective for **burrowed mud** to the lowest possible level.

Map 3: Location of otter trawling activity in relation to protected features



Map displayed in geographic coordinates WGS84. The exact limits of the UK Continental Shelf are set out in the Continental Shelf (Designation of Areas) Order 2013, Statutory Instrument 2013/3162 (© Crown Copyright). Landmass Ordnance Survey © Crown Copyright and database right 2011. All rights reserved. Scotland (Adjacent waters) Updated by the Law of the Sea Division, United Kingdom Hydrographic Office October 2005. Bathymetry © GEBCO, 2011. Biological data from Geodatabase of Marine features in Scotland (GeMSv4) © Crown copyright. MPA © JNCC and SNH 2014. Fishing raster data © DEFRA 2010. Fishing point data © MS 2012. All rights reserved.

Map 4: Location of demersal seine netting activity in relation to protected features



Map displayed in geographic coordinates WGS84. The exact limits of the UK Continental Shelf are set out in the Continental Shelf (Designation of Areas) Order 2013, Statutory Instrument 2013/3162 (© Crown Copyright). Landmass Ordnance Survey © Crown Copyright and database right 2011. All rights reserved. Scotland (Adjacent waters) Updated by the Law of the Sea Division, United Kingdom Hydrographic Office October 2005. Bathymetry © GEBCO, 2011. Biological data from Geodatabase of Marine features in Scotland (GeMSv4) © Crown copyright. MPA © JNCC and SNH 2014. Fishing raster data © DEFRA 2010. All rights reserved.

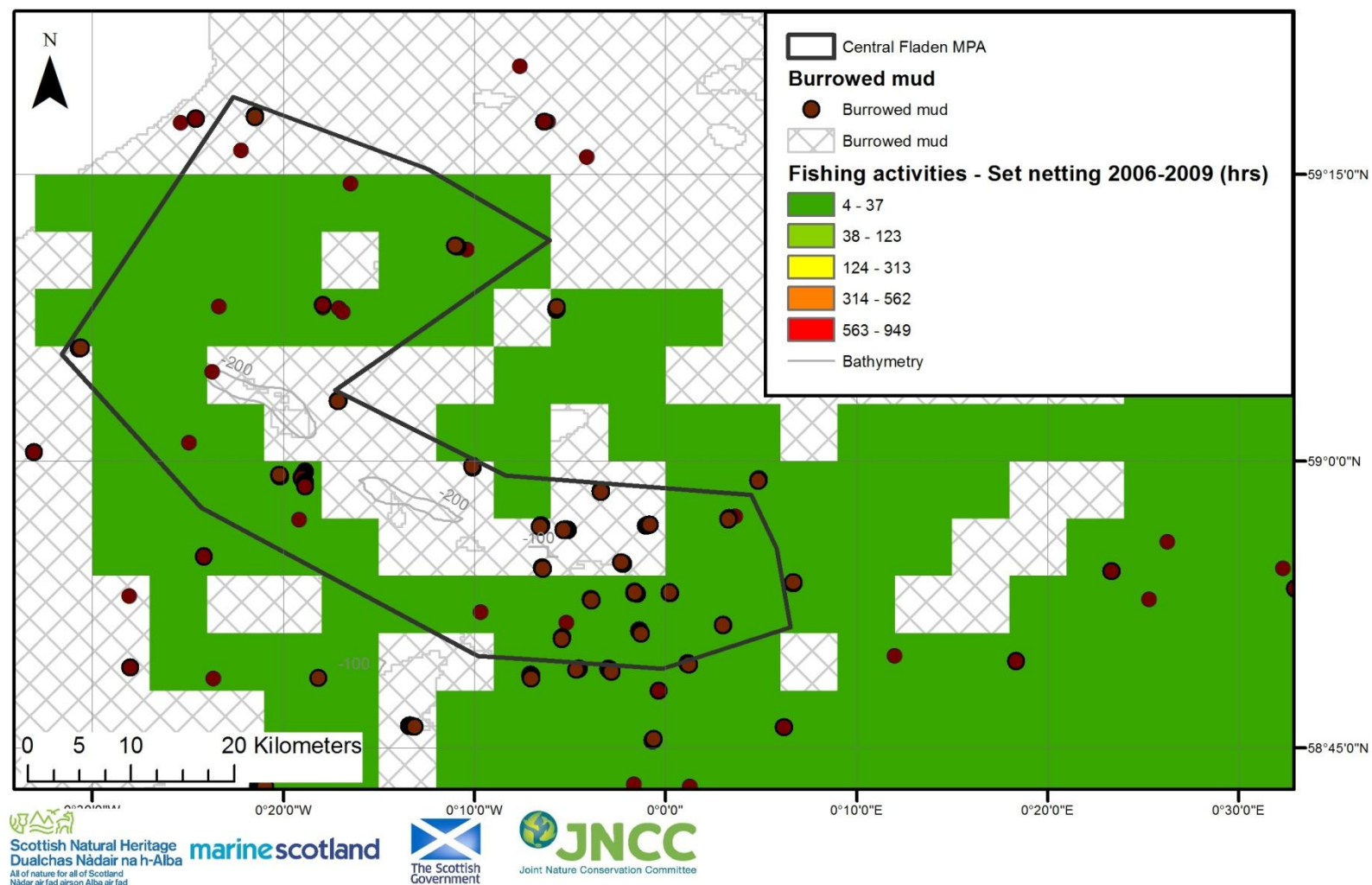
### 7.1.2. Static gear

#### Set netting

There is evidence of low intensity over-15m Danish set netting in the Central Fladen MPA, as shown in Map 5 (maximum effort of 19 hours in a single grid between 2006 and 2009). Activity occurs across much of the MPA in a distribution very similar to that of the *Nephrops* otter trawl fishery. It is unclear whether this activity is real or is a result of a gear class misidentification within the EU vessel register, and will need clarification prior to further work.

<b>Management options</b>	<b>No additional management:</b> This option is considered to be sufficient for bottom contacting static gear to achieve the conservation objectives for <b>burrowed mud</b> . However, if static gear fishing activities were to increase or monitoring showed evidence of detrimental effects, it may be necessary to apply limits in the future.
<b>Bottom contacting static gear</b> (e.g. set netting)	

Map 5: Map showing location of set netting in relation to protected features



Map displayed in geographic coordinates WGS84. The exact limits of the UK Continental Shelf are set out in the Continental Shelf (Designation of Areas) Order 2013, Statutory Instrument 2013/3162 (© Crown Copyright). Landmass Ordnance Survey © Crown Copyright and database right 2011. All rights reserved. Scotland (Adjacent waters) Updated by the Law of the Sea Division, United Kingdom Hydrographic Office October 2005. Bathymetry © GEBCO, 2011. Biological data from Geodatabase of Marine features in Scotland (GeMSv4) © Crown copyright. MPA © JNCC and SNH 2014. Fishing raster data © DEFRA 2010. All rights reserved.

## 7.2. Licensed Activities

Currently only one oil and gas pipeline crosses through the MPA, as shown in Map 6. In addition, the south-eastern area of the MPA overlaps with license blocks identified by the Department of Energy and Climate Change (DECC) and so may be subject to further oil and gas development in the future.

The Department of Energy and Climate Change (DECC), as the regulator for oil and gas activity in the UK, would be responsible for making the decision as to whether a proposed activity and/or development is capable of affecting (other than insignificantly)<sup>2</sup> the protected features of a Nature Conservation MPA.

For those activities and/or developments that DECC considers require an EIA, JNCC is willing to engage at an early stage with DECC and the operator to discuss the specific details of the proposed operation and/or development and offer advice on any potential effects. In so doing, JNCC will make reference to information on the sensitivity of the protected features to proposed activities and/or developments that is publicly available through 'FEAST' – The FEatures, Activities, Sensitivities Tool (Marine Scotland, 2013).

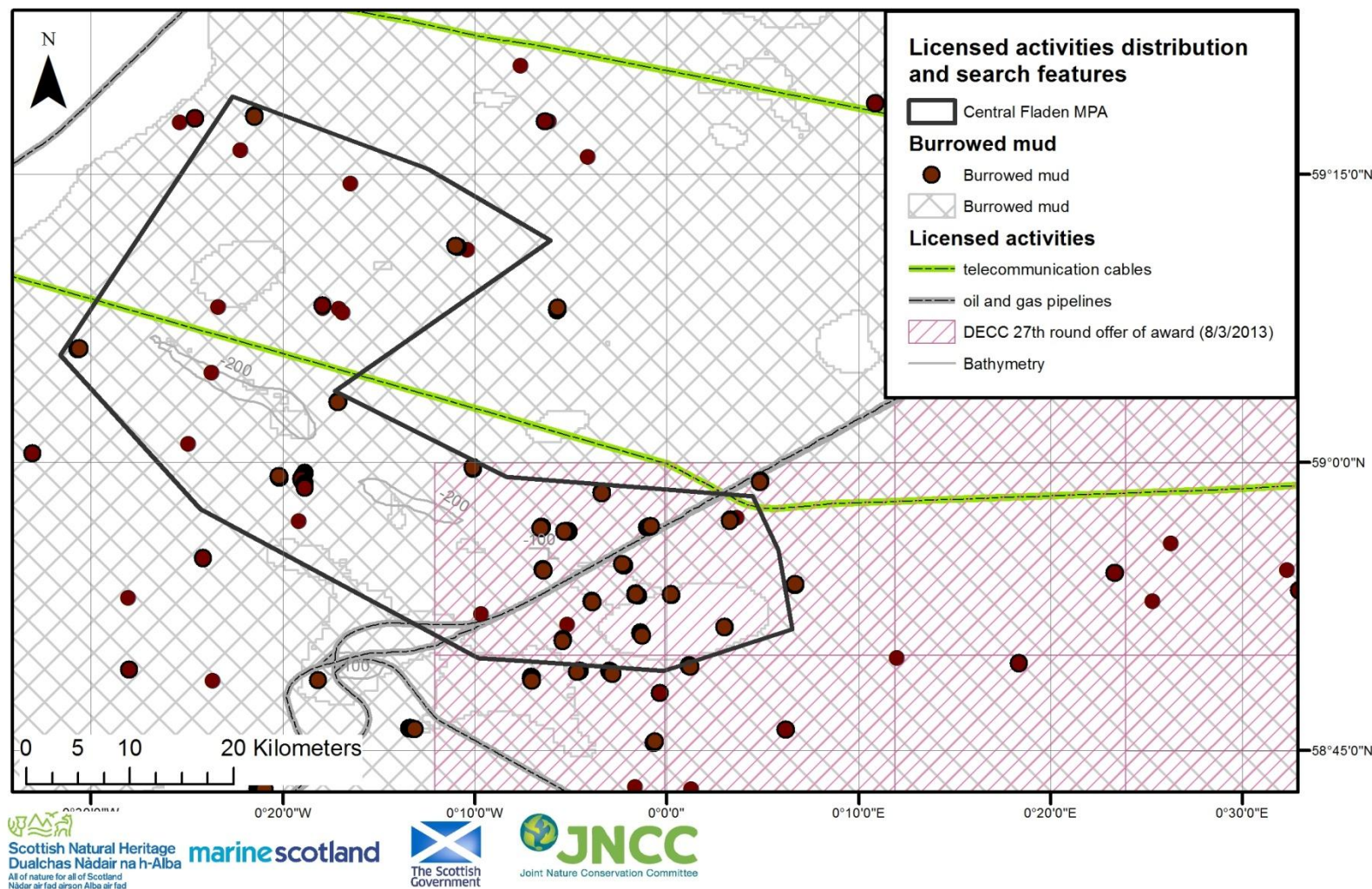
JNCC will consider the nature, scale, timing and duration of activities in providing advice. Early engagement will facilitate discussions on the information required to advise on any possible implications to the protected features achieving their conservation objectives. If JNCC identify a potentially significant effect, mitigation measures may be advised. Any such advice provided as part of the licensing process will need to be site and operation specific. On this basis, the information JNCC provides as part of the (present) Management Options Paper is necessarily generic and therefore indicative.

Further information on the regulatory framework concerning oil and gas activity within Nature Conservation MPAs is included in the [MPA Management Handbook](#).

<b>Management options</b> <b>Licensed activities:</b> (e.g. oil and gas activity, pipelines)	The potential impacts of oil and gas activity and/or developments on the protected features within the MPA will be assessed through the existing EIA process on a case-by-case basis. Early dialogue with DECC and JNCC would help identify and resolve any issues at an early stage.
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<sup>2</sup> Reference to 'affecting the status of (other than insignificantly)' relates to the requirements on public authorities set out in the UK and Scottish Marine Acts (Sections 125 and 82 respectively) in relation to licensed activities taking place within MPAs.

Map 6: Location of licensed activities and telecommunication cables in relation to protected features



### 7.3. Telecommunication cables

In Scotland's offshore waters, telecommunications cables are not subject to assessment under the EIA regulations (2009) and therefore do not, in general, go through the marine licensing process. As such, it is not possible to develop specific management options for unlicensed activities such as cables. Instead, discussions with operators would be welcomed at the earliest opportunity regarding plans for new cable installations, or for the maintenance or removal of existing cables.

<b>Management options Telecommunication activity:</b>	Early discussions between JNCC and the operator would be welcomed for all plans relating to telecommunication cables within the MPA, including installation, maintenance and removal. It is recommended that a voluntary EIA is undertaken to support plans for any new cable installation to assess the impacts of the associated activities on the protected features present.
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## 8 Conclusions and further recommendations

Marine Scotland will be responsible for making recommendations to Scottish Ministers on any management measures that may be required for the designated features to achieve their conservation objectives. These measures will be developed through discussion with stakeholders following MPA designation. Any statutory measures will be subject to consultation and the processes normally required by the legislation will be utilised. Where fisheries management measures are necessary and the Nature Conservation MPA is located where Scottish Ministers do not have exclusive competence, then the intention is that an application will be made for measures using the mechanisms of the Common Fisheries Policy. This process will include consultation on the measures at the EU level.

## 9 Further information

The following documents are available for background information:

- SNH and JNCC MPA network advice (December 2012) – [www.jncc.defra.gov.uk/page-5510](http://www.jncc.defra.gov.uk/page-5510)
- The MPA Management Handbook - [www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/engagement/ManagementHandbook](http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/engagement/ManagementHandbook)
- FEatures Activities Sensitivity Tool (FeAST) - [www.marine.scotland.gov.uk/FEAST/Index.aspx](http://www.marine.scotland.gov.uk/FEAST/Index.aspx)
- JNCC and SNH Fisheries Management Guidance – [www.jncc.defra.gov.uk/page-6498](http://www.jncc.defra.gov.uk/page-6498)

The following documents about the Central Fladen MPA are also available at [www.jncc.defra.gov.uk/page-6476](http://www.jncc.defra.gov.uk/page-6476):

- Site summary
- Data confidence assessment
- Detailed assessment against the MPA Selection Guidelines.