



**2017 Consultation on the proposed amendments to the
boundaries of Braemar Pockmarks and Scanner Pockmark
Special Areas of Conservation**

Post-Consultation Report



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*Cover photo illustrates methane derived authigenic carbonate (MDAC) protruding from sediment with a colourful anemone (*Urticina felina*) and ling (*Molva molva*) at the Braemar Pockmarks SAC © JNCC/Cefas.

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Advice to Government

Summary

2017 Consultation on the proposed amendments to the boundaries of Braemar Pockmarks and Scanner Pockmark Special Areas of Conservation

The Joint Nature Conservation Committee (JNCC) conducted a public consultation between 25th August and 17th November 2017 on behalf of Marine Scotland and the Secretary of State regarding proposed amendments to the site boundaries of two Special Areas of Conservation (SAC) located within Scottish offshore waters; Braemar Pockmarks SAC and Scanner Pockmark SAC. The present report describes the consultation, the responses received and JNCC's proposed actions. A summary of our recommendations is set out below.

There were two responses to the consultation, with one respondent supporting the proposed amendment to the site boundaries and the other neither supporting or opposing. The consultation has not resulted in any change to the scientific evidence base supporting the proposed boundary amendment to either Braemar Pockmarks or Scanner Pockmark SAC. Consequently, JNCC's overall recommendation to amend the boundaries remains unchanged following the consultation.

JNCC confirms its previous advice to Scottish Government that the proposed boundary amendment for Braemar Pockmarks SAC and Scanner Pockmark SAC should be submitted to the European Commission (EC) as a formal update to the sites.

1. Introduction

Braemar Pockmarks candidate SAC (cSAC) and Scanner Pockmark cSAC were submitted to the European Commission (EC) in 2008 for the protection of the Annex I habitat 'Submarine structures made by leaking gases' and were both subsequently adopted as 'Sites of Community Importance' (SCIs) by the European Union in 2009. The Joint Nature Conservation Committee (JNCC) is responsible for advising the UK government and the Devolved Administrations on Special Areas of Conservation (SAC) in UK offshore waters. Additional data gathered through survey prompted JNCC to advise that the boundary of the current SACs should be amended to better reflect the more recent evidence on the presence and extent of the Annex I feature. JNCC ran a public consultation between August and November 2017 on proposed boundary amendments to both sites (see Figure 1).

This document provides Marine Scotland and the Secretary of State with JNCC's final recommendations to amend the site boundaries of Braemar Pockmarks SAC and Scanner Pockmark SAC following the formal consultation process.

Two responses to the consultation were received, both of which were received through the online SmartSurvey,

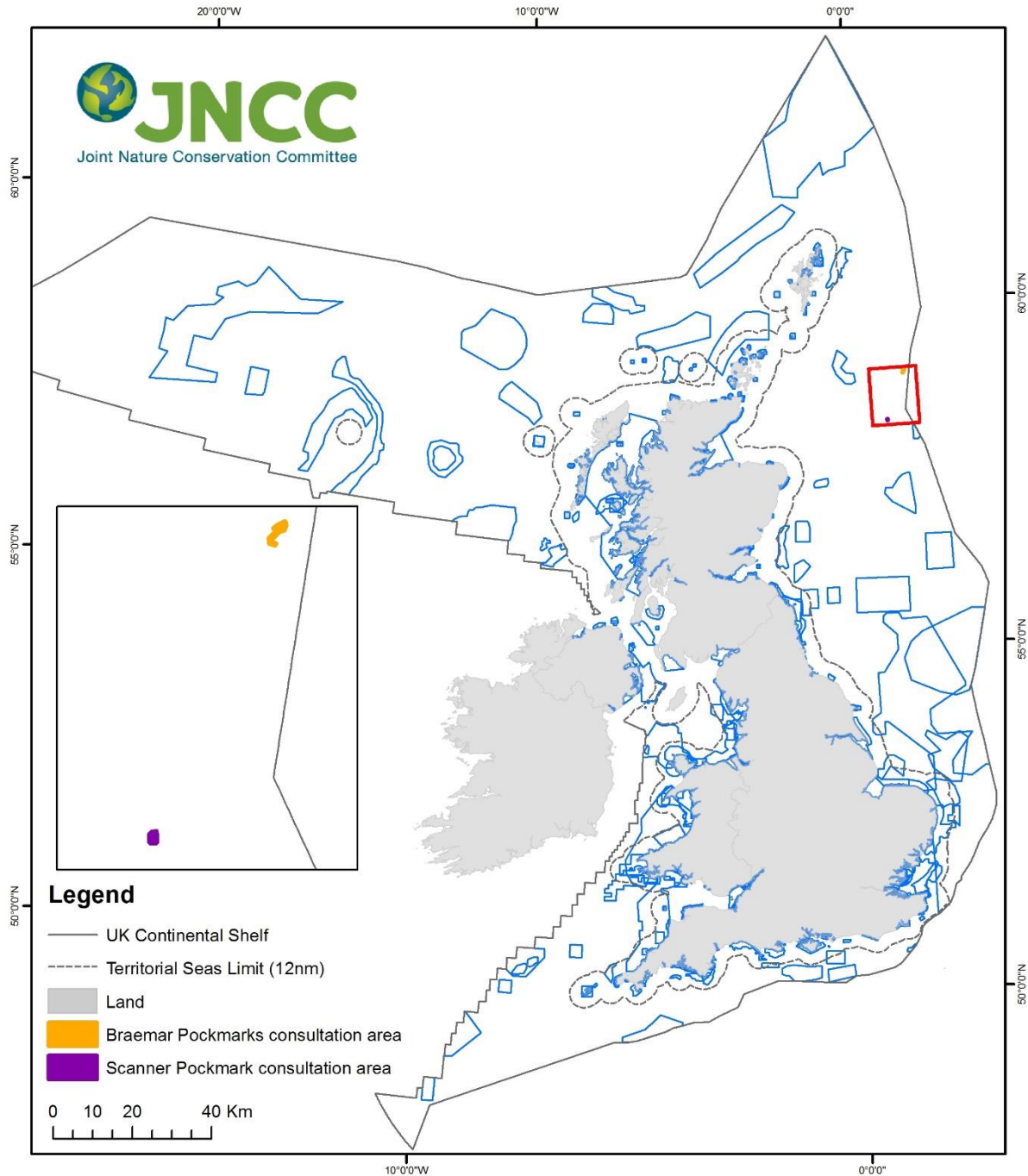
2. Purpose of the consultation and how it was carried out

2.1 The purpose of the consultation

The public consultation sought the views of all interested parties on the proposed amendments to the boundaries of Braemar Pockmarks SAC and Scanner Pockmark SAC. It also provided an opportunity to submit any additional scientific data for the sites that would support or challenge the proposed amendments to the site boundaries.

2.2 How the consultation was carried out

The consultation period for both sites was undertaken between 25th August and 17th November 2017 (midnight). Notification of the consultation was sent to 56 stakeholders on 25th August 2017 at the time of the launch of the consultation and publication of associated consultation documentation. A reminder was issued 2 weeks before the end of the consultation. Information on the launch of the consultation was also advertised on the [JNCC website homepage](#) and the [Braemar Pockmarks](#) and [Scanner Pockmark](#) Site Information Centres, and notice of the draft revised conservation advice packages on the [conservation advice landing page](#). It was possible to respond to the consultation online using an electronic form called Smartsurvey, via post or via email.



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Figure 1. The location of designated Marine Protected Areas in the UK and the two areas of focus for the consultation: Braemar Pockmarks SAC and Scanner Pockmark SAC

2.3 Consultation documentation and supporting information

Consultation documents were made available on the JNCC website for the duration of the consultation.

The following two consultation documents cover both Braemar Pockmarks SAC and Scanner Pockmark:

- [Consultation summary document](#) for the two sites (including information on how to respond); and
- [Frequently Asked Questions](#).

The following consultation documents were available for each of the two sites:

- SAC boundary amendment document for both [Braemar Pockmarks](#) and [Scanner Pockmark](#) – a summary of the underpinning evidence and proposed changes;
- Revised SAC selection assessment document for both [Braemar Pockmarks](#) and [Scanner Pockmark](#) – a revision of JNCC’s formal advice to Government reflecting the updated scientific understanding of the feature;
- Pre-impact assessment screening and record document for both [Braemar Pockmarks](#) and [Scanner Pockmark](#) – JNCC’s assessment of socio-economic information;
- Draft Conservation Objectives and Advice on Operations for both [Braemar Pockmarks](#) and [Scanner Pockmark](#) – JNCC’s detailed conservation advice; and
- Advice on Operations workbooks for both [Braemar Pockmarks](#) and [Scanner Pockmark](#) – site-specific information about the pressures associated with marine activities which can occur in or near the site and feature sensitivity to these.

A GIS shapefile of the proposed amendments to site boundaries was also available on request by contacting the JNCC Marine Protected Sites Team at OffshoreMPAs@jncc.gov.uk.

2.4 Process for post-consultation report and advice to Government

This post-consultation report has been reviewed and signed off in accordance with JNCC’s internal Evidence QA policy. After internal review by senior specialists and the programme lead, the report was reviewed by the non-executive, independent Joint Committee MPA Sub Group. The group provides independent scientific advice and scrutiny to the Joint Committee, and comprises independent specialists drawn from wider academic, NGO, public and private sector communities. Their review does not consider the data underlying the advice, rather its interpretation and use to formulate advice. All comments were logged together with subsequent actions to ensure a full audit of changes is available. Once complete, the MPA Sub Group commends the final version to the Joint Committee for their endorsement as JNCC’s formal advice to Marine Scotland and the Secretary of State. Figure 2 sets out the main steps followed in this consultation and review process.



Figure 2. The main steps followed by JNCC in the preparation of formal advice to Marine Scotland and the Secretary of State

3. Consultation responses

JNCC received responses to the consultation through the dedicated SmartSurvey online. The survey questions were as follows for each site, with possible responses of Yes, No, Undecided and Not relevant:

1) Do you support the suggested amendment to the boundary for Braemar Pockmarks/Scanner Pockmark Special Area of Conservation?
2) Do you agree that the <u>scientific evidence</u> presented justifies the amendment to the boundary of Braemar Pockmarks/Scanner Pockmark Special Area of Conservation?
3) Do you have any information additional to that included in the consultation documentation about the extent of Annex I habitats within the amended site boundary that you would like to share with JNCC?
4) Are there any other significant activities at the site that the Impact Assessment screening or Conservation Objectives and Advice on Operations has not identified?
5) Are there any other aspects of the IA screening on which you would like to comment or where you are able to provide further information?

The UK Chamber of Shipping supported the proposed boundary amendment for both Braemar Pockmarks and Scanner Pockmark and agreed that the scientific evidence presented justifies the amendments to the boundaries. Their activity is considered highly unlikely to be damaging to the feature due to its distance offshore and therefore low likelihood of anchorage. They did

not have any additional information and commented that the level of commercial shipping in the area was reported correctly.

The second response received was from a Government department who expressed neutral opinions about the proposed boundary amendments for both sites, but did provide some comments regarding the information presented in accompanying the consultation documentation. These comments and subsequent actions are summarised in Annex A.

4. Conclusion and final recommendations

Respondents to the public consultation either supported, or found it not relevant to support, the proposal to amend the boundaries of Braemar Pockmarks SAC and Scanner Pockmark SAC. The additional information submitted was fully considered by JNCC, but does not change the scientific evidence base for the site. However, certain comments have been addressed through clarification of statements within the site documentation. JNCC's overall recommendation to amend the boundary remains unchanged following the consultation.

The updated SAC Selection Assessment Documents and Conservation Objectives and Advice on Operations published as part of this consultation will now be considered as JNCC's formal scientific advice.

JNCC confirms its advice to UK Government that the proposed amendment to the boundaries of Braemar Pockmarks SAC and Scanner Pockmark SAC should be submitted to the European Commission as a formal change to the sites.

ANNEX A

Theme	Summary comment	Action
Selection Criteria	The consultation document and supporting evidence did not clarify how the selection criteria have been met when the interest feature has not actually been confirmed in all cases ('potential').	Further clarification has been provided through the revised feature SACO and Selection Assessment Documents. We have clarified the consideration of both verified and potential records as qualifying feature and have explained the justification for these methods.
Impact Assessment	It is implied in the IA that there is no consideration of economic impact on future extraction activities.	Additional future activity has been taken into account, detailed under overview of activities (licensable activities) and estimate of maximum impact. Developers would need to consider undertaking an assessment anyway for further extraction/decommissioning work as the site is already in place however the larger boundary may incur additional cost which is reflected in the IA Screening document. Most costs are already associated with the original site boundary and therefore are not included.
Additional Stakeholder	Specific stakeholders should be contacted for detailed comment on how proposals may affect their business interests and for any relevant survey data they would be able to share.	Stakeholders were contacted as part of the consultation as well as those with a coordination role who would have contacted and coordinated responses from the relevant parties.
Conservation Advice	The summarised conservation objective was considered confusing and unclear that there are different objectives for the individual components.	This has been addressed in the format of the complete conservation advice package which will be published following the consultation.

Impact Assessment
Given the unconfirmed nature of the Annex I habitat, it is likely that bespoke surveys could be required for any activities (including decommissioning) to further delineate/determine the Annex I habitat. If this was the case, it is considered that the cost additional survey work necessary is under-estimated.

There is no expectation for a developer to verify potential records of MDAC - JNCC would instead advise on a precautionary basis to consider that the feature is present (both verified and potential should be considered feature, which has been clarified in the consultation documentation) and appropriate mitigation should be applied.

Impact Assessment
Costs for licensable activities do not appear to take account of public expenditure involved in permitting activities and there is no cost attributed to monitoring and enforcement. Although they will not be high enough to trigger an impact assessment, there will still be cost associated.

This cost is already associated with the original site boundary and therefore there is negligible additional cost to the public for the boundary amendment.

Advice on Operations
The added value is still somewhat limited in comparison to a bespoke assessment by a developer in any case. However, it could help guide those developers less experienced in such assessments to focus on and address the key aspects.

Agreed that Advice on Operations matrix is limited in capabilities. It is the starting point for developers considering the likely impacts of proposed operations that can then be used in the context of more case-specific knowledge.