

The developing programme for MPAs

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2010 is the International Year of Biodiversity, and nowhere is an international focus on the natural world needed more than in our oceans.

The Marine and Coastal Access Act provides a once in a lifetime opportunity to find sustainable ways to manage England's seas.

The new Act is long overdue and will bring about much needed, if sometimes difficult change. It introduces a legal framework for marine spatial planning, the Marine Management Organisation (MMO) and Inshore Fisheries and Conservation Authorities (IFCAs), and places a duty on Ministers to designate Marine Conservation Zones (MCZs).

MCZs are a new approach to marine protection and will contribute towards establishing a representative network of ecologically coherent and well-managed Marine Protected Areas (MPAs) by 2012.

The MPA network will comprise existing and proposed Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the Habitats and Birds Directives (Natura 2000), Ramsar sites and SSSIs in estuarine and coastal waters, and MCZs – one network, five designations.

Creation of the MPA network will contribute to achieving Good Environmental Status (GES) required by the Marine Strategy Framework Directive (MSFD), and the UK Government's commitments under the OSPAR Convention on the protection of the marine environment in the North East Atlantic, the World Summit on Sustainable Development (WSSD) and the Convention on Biological Diversity (CBD).

On 12 January 2010, Lundy Island became England's first MCZ because the Marine and Coastal Access Act repealed the clauses in the Wildlife and Countryside Act 1981 which gave Lundy Marine Nature Reserve (MNR) status, and provides for any area designated as a MNR immediately before the commencement date (12 January 2010) to be treated as an MCZ on and after that date.

Whilst this is a cause for celebration, it's also a reminder that good legislation is worth little without political will to implement it – the Wildlife and Countryside Act delivered only one English MNR in thirty years. Existing MPAs cover less than 10% of English waters, and most of this area lacks effective management measures.

We need to learn from this experience, and international good practice, which suggests that MPAs work best when developed in partnership with sea users and everyone else with an interest in the sea.

Stakeholder engagement

At both national and regional levels Natural England has been working hard to get this right. For example, our East of England marine advisors have now met and talked to 50% of the commercial fishers in their region.

I've been meeting fishers, processors and others around the country whose livelihoods depend on the sea, and listening to their needs, concerns and aspirations. Since May last year, this odyssey has taken me from Newlyn to North Shields, Barrow, Whitehaven, Bridlington and Whitby.

Our discussions have been open, honest, and sometimes heated, but we have begun to surface the fishing industry's big issues. To summarise:

- They are **confused** about different types of MPA, related processes and timelines;
- They think that MPA means No Take Zone (NTZ), and they do not **understand** why all this is happening now;
- They **distrust the MPA consultation processes** and think their views will not be represented;
- They are **worried for their livelihoods** and **under pressure** from offshore renewables and marine aggregates, as well as MPAs, which they believe will close more fishing grounds and lead to displacement elsewhere;
- They are **fearful** that Defra's Sustainable Access to Inshore Fisheries (SAIF) project and Common Fisheries Policy (CFP) reform will create more change and uncertainty for their industry;
- They perceive Natural England as an **anti-fishing, bureaucratic** organisation ("Nasty Nature"), but they appreciate that we're out there listening, learning, sharing, clarifying and trying not to do too much telling.

These are tough messages and mean we must do more to engage fishers in both designation of new MPAs and the development of management measures to protect their conservation features.

We've also been meeting the offshore renewables and marine aggregates industries, recreational sea anglers and other sea users to explain what we're doing, why now and how they can get involved with the selection of MPAs.

Natura 2000

Since 2008, Natural England has been undertaking a strategic risk assessment of all activities within existing marine Natura 2000 sites to identify management required to ensure that site features are maintained or restored to favourable condition. Defra has established a project to respond to our risk assessment and this will result in implementation plans for management measures later this year.

Last November, Natural England, the Joint Nature Conservation Committee (JNCC) and the Countryside Council for Wales (CCW) launched a formal consultation on 10 possible marine SACs and 2 potential SPAs in English, Welsh and offshore waters around the UK – you'll find details of the sites on the websites:

Natural England (for inshore and joint sites):

<http://www.naturalengland.org.uk/ourwork/marine/sacconsultation/default.aspx>; or

JNCC for offshore sites: <http://www.jncc.gov.uk/marineconsult>.

The purpose of this consultation, which ends on 26 February, is to seek the view of all interested parties on:

- The scientific case for the designation of the new SACs and SPAs; and
- The assessment of the likely economic and social impact of the designation of each site.

The Habitats and Birds Directives do not permit social or economic considerations to influence the choice of sites or their boundaries. The UK Government must identify the sites and boundaries based only on the presence of qualifying habitats and bird populations specified in the Directives. The information in the impact assessments will be used to inform the design of any management measures.

Designation of these new marine Natura 2000 sites will extend protection to 24% of England's inshore waters.

MCZs

Unlike Natura 2000 sites, the location and boundaries of MCZs will be designed in collaboration with stakeholders through four regional projects:

- Balanced Seas (south-east)
- Finding Sanctuary (south-west)
- Net Gain (North Sea)

- Irish Sea Conservation Zones (Irish Sea)

Each project has a stakeholder group made up of representatives of sea users and interested parties, which will recommend MCZs in their area.

We also want to capture input, advice and experience at a national level, bearing in mind that some stakeholders will have difficulty engaging with the four regional projects, and that devolved administrations have different approaches to developing a UK-wide MPA network. So a national stakeholder forum is being set up by the JNCC to address these issues. It will not be an alternative forum for network design – that remains the function of the regional projects. Despite this stakeholder-led process, it's been reported that Natural England and JNCC already have a secret map with MCZs plotted on it. **We do not.**

We are actively encouraging stakeholders to influence where MCZs will be located. But the time to act and bring your data and information to the table is now - the data collation stage of the project will close in October this year.

Boycotting meetings, like the fishermen of Boston and King's Lynn, and withholding information are not the way forward.

Communication is key – we firmly believe that dialogue and effective stakeholder engagement will resolve many issues well before sites are recommended for designation.

Science Advisory Panel and the Ecological Network Guidance

Last December, Ministers appointed a Science Advisory Panel (SAP), which held its first meeting on 19 January. Its members include acknowledged experts in MPA design and management, estuarine, coastal and fisheries science, benthos, marine algae, plankton and life cycle development in the water column. Their role is to help the regional stakeholder groups develop their MCZ network recommendations, and ensure that the Ecological Network Guidance (ENG) is interpreted appropriately.

The ENG is being written by Natural England and JNCC and will set out the network design principles and criteria for MCZ selection. A near final draft will be shared with stakeholders in April, before publication in June. This timeline will allow completion of research to inform what the guidance will say on adequacy and viability, inclusion of new material on resilience to climate change, external scientific peer review, and a clear policy framework from Government.

So what happens next?

By 12 March 2010, the Minister must make a statement about the principles and other matters that the Government intends to follow when contributing to a network of MPAs in English waters, and offshore waters adjacent to England and Wales. This statement fulfils the obligation set out in section 123 (6) of the Marine and Coastal Access Act. Natural England would like it to provide more clarity on the overall objectives of the MPA network and make specific reference to recovery.

The Ministerial Statement, related Defra guidance, the Marine Policy Statement and the transposing regulations for the MSFD will set the scene for progress in 2010/11 and beyond. It's going to be a busy year with three clear priorities:

1. Existing Natura 2000 sites – Natural England and Defra will begin to implement management measures with the relevant authorities¹.
2. New Natura 2000 sites – following consultation, Natural England and JNCC will make final site recommendations to Defra in June to enable UK Government to submit sites to the European Commission by the end of October. We will also extend the risk assessment process to these new sites, begin to identify management measures, and initiate baseline monitoring.

¹ The MMO, Environment Agency, Sea Fisheries Committees (SFCs) and, from April 2011, the new Inshore Fisheries and Conservation Authorities (IFCAs).

3. MCZs – the four regional projects will complete their second MCZ network iterations by December 2010.

We won't know where MCZs may be designated and how their boundaries will relate to those of other MPAs until the regional projects have made final recommendations by June 2011 and Natural England and the JNCC have given advice to Ministers. Defra will then draft designation orders, carry out a formal public consultation in early 2012, consult across government, and Ministers will decide which sites to designate and complete MCZ designations by December 2012.

It's possible that MCZs may overlap with Natura 2000 sites to protect different habitats or species, and that management measures may be required to protect both Natura 2000 and MCZ features within the same area. Some uncertainty is therefore inevitable until all the site designations and definition of management measures required to meet the sites' conservation objectives are complete.

Levels of protection

Ministers have confirmed that the level of protection applied to MCZs will be determined by their individual conservation objectives. Levels of protection will therefore vary across the network and may do so within sites as well. There will be sites where the conservation objectives will require high levels of protection and exclusion of all damaging activities (i.e. marine reserves or NTZs). These sites may be selected as reference areas, contain rare, threatened and vulnerable habitats and species that are geographically restricted, or contribute to the recovery of biodiversity or ecological processes.

Scientific evidence from case studies around the world² shows that marine reserves usually boost the abundance, diversity and size of marine species living within their borders; and they may increase resilience against human pressures and climate change.

Evidence about the increases in size and number of lobsters in the Lundy NTZ³ is well known, but not unique. A study of 19 reserves in the European side of the Mediterranean found 15 times more large commercial fish species in reserves than outside⁴. Size and age matter - the larger the NTZ the higher the density of fish found inside than outside, and the older the reserve the higher the positive benefits for commercial fish species and species richness.

Closer to home, Norway has 4 experimental lobster reserves that were nominated by local fishers in 2006, and as at Lundy the size of lobsters has increased rapidly⁵.

Natural England will collate and communicate the evidence on the benefits of marine reserves in a European context, and publish a report later this year.

The concept of highly protected reserves is not new – we've had National Nature Reserves on land for 60 years.

Management measures

Where there is clear evidence that fishing or other sea uses are threatening achievement of an MPA's conservation objectives, the relevant authorities will need to take action, and be

² Partnership for Interdisciplinary Studies of Coastal Oceans. 2007. *The Science of Marine Reserves* (2nd Edition, International Version). www.piscoweb.org.

³ Miles Hoskin, Elizabeth von Carlshausen, Christopher Davis. In press. Rapid Population Level Responses to the Closure of a Lobster Fishery via a No-Take Zone. *Ecological Applications*.

⁴ Claudet J, Osenberg CW, Benedetti-Cecchi L, Domenici P, García-Charton J-A, Pérez-Ruzafa Á, Badalamenti F, Bayle-Sempere J, Brito A, Bulleri F, Culioli J-M, Dimech M, Falcón JM, Guala I, Milazzo M, Sánchez-Meca J, Somerfield PJ, Stobart B, Vandeperre F, Valle C, Planes S. 2008. Marine reserves: Size and age do matter. *Ecology Letters* 11: 481-489.

⁵ *Alf Ring Kleiven*, Even Moland, Jan Atle Knutsen, Esben M. Olsen, Halvor Knutsen (2009) Lobster protection in Marine Protected Areas. 2nd International Conference on Progress in Marine Conservation in Europe. 2-6 November 2009. BfN.

equipped and willing to do so – a good start for the MMO and successful transition from Sea Fisheries Committees (SFCs) to IFCAs will be crucial.

Fisheries management measures can be introduced through national regulations within 6 nm, and through CFP measures beyond 6 nm – there is no need to delay action until after reform of the CFP – but this will be difficult and take time.

For example, bottom trawling and dredging may be restricted, if not prohibited, within MPAs where there is a risk that they may be deployed on rare or fragile, biogenic habitat (wherever possible, this higher level of protection should be confined to the area of fragile habitat). Fixed or static gear, such as gill netting, potting and bottom set-netting, will need to be considered on a case-by-case basis to determine if these fishing methods are having an adverse effect on an MPA's conservation objectives.

We must guard against a process that requires inordinate evidence gathering (e.g. as for Lyme Bay) at disproportionate cost before agreeing management measures, or we will have MPAs on paper and in name only.

Looking ahead at our longer term challenges

While celebrating the landmark success of the Marine and Coastal Access Act, we know that our work has only just begun. Five priorities for action, identified by experts from around the world at last month's international MPA conference, bear repetition here today:

- **Act on best available evidence**, be bold in establishing MPA networks, and adapt them as we learn more. We will never have perfect science nor do we have the luxury of time and resources to fill in all the gaps – the marine environment needs better protection both to safeguard marine wildlife and provide a future for those whose livelihoods depend upon it.
- **Engage stakeholders in design of management measures**, as well as site selection. That's why Natural England will undertake a pilot project in one of the new SACs to define management measures in collaboration with regulators and fishermen.
- **Remember MPAs are not a panacea** – we must apply the right levels of protection and management measures to specific features within MPAs, and ensure that the wider marine environment is in good health;
- **Integrate policy and delivery**, using all available tools and measures within a clear legal framework from local to EU levels - like many others, Natural England supports radical reform of the CFP and better integration with EU environment policy (e.g. the Habitats and Birds Directives and MFSD); and we must avoid tradeoffs between offshore renewables and MPAs – experience shows we can have both if we locate them in the right places, and there may be biodiversity benefits of co-location⁶.
- **Look beyond protecting what we have, beware of shifting baselines⁷ and focus on recovery** – we're learning more about the degraded marine environment we've inherited and future generations won't thank us if we fail to **restore the habitats and species of our seas**.

⁶ Inger et al, 2009, Marine renewable energy: potential benefits to biodiversity? An urgent call for research, *Journal of Applied Ecology*

⁷ "When baselines shift, each generation subconsciously views as "natural" the environment they remember from their youth. They compare subsequent changes against this "baseline", masking the true extent of environmental degradation". Professor Callum Roberts. 2007. *The Unnatural History of the Sea*. Island Press.