



## Wildlife and Countryside Link Briefing

### Protecting important sites for mobile marine species through the Marine and Coastal Access Act

May 2010

#### **Introduction**

Wildlife and Countryside Link (Link) brings together the UK's leading voluntary organisations united by their common interest in the conservation and enjoyment of wildlife, the countryside and the marine environment. Taken together our members have the support of over 8 million people in the UK<sup>1</sup>.

Link was at the forefront of the campaign for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas. We were therefore delighted at the introduction last year of the Marine and Coastal Access Act. We are now working to ensure the swift and effective implementation of the provisions of the Act.

#### **MCZs and mobile marine species**

Link strongly welcomes the requirement in the Act to designate Marine Conservation Zones (MCZs) as part of an ecologically coherent UK network of Marine Protected Areas (MPAs). However, we are extremely concerned that our important mobile marine species will not be given the protection they require through MCZs.

Nearly all mobile species are currently not included as features for which MCZs should be selected in NE/JNCC's draft ecological network guidance to the regional MCZ projects. This is despite reference to designating sites for mobile species in Defra's draft MCZ Guidance Note 1. The draft Scottish MPA Guidance also lists several mobile species as priority features for consideration in MPA selection. Unless mobile species, including highly mobile species, are listed clearly in the ecological guidance, we fear it is unlikely that the regional MCZ projects will recommend these species as protected features, or indeed locate MCZs so as to meet the species' conservation needs.

While we recognise that seabirds, seals and cetaceans require protection through the designation of SPAs and SACs under the Birds and Habitats Directives (as part of the Natura 2000 network), in many cases sites have not yet been designated for these species (see overleaf for more detail). We are therefore concerned that seabirds, seals and cetaceans could fall into the 'gap' between the Natura 2000 process and the MCZ process. Furthermore, designating European sites alone will not be sufficient to fulfil the protection requirements for these species as it will not protect *nationally* important sites. Therefore additional sites - MCZs - should be designated for the protection of these

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<sup>1</sup> This briefing is supported by the following Link members: Campaign Whale, International Fund for Animal Welfare, Marine Conservation Society, Royal Society for the Protection of Birds, Shark Trust, The Wildlife Trusts, Whale and Dolphin Conservation Society, WWF – UK.

mobile species, thereby significantly contributing to the UK wide ecologically coherent network of MPAs.

While the guidance does state that the features of conservation importance listed are not "*a finite list on which MCZs can be designated*", we believe that, in the challenging environment of the regional projects it will be difficult, if not impossible, to get agreement across all the stakeholders involved to designate sites for 'optional' features (i.e. those not included specifically in the guidance).

The omission of mobile species from the ecological guidance could effectively leave most of these species without any direct increase in protection resulting from the Act. Without additional protection provided by MCZs, these species will surely suffer further declines. **We therefore strongly believe that this should be rectified before the final version of the ecological guidance is approved and issued to the regional MCZ projects.**

### **Examples of mobile marine species requiring protection through MCZs**

#### Seabirds

Nationally important concentrations of seabirds at sea will not be protected by the Natura 2000 network. This includes concentrations of non-breeding seabirds e.g. wintering populations, as well as important maintenance and foraging areas at sea for seabirds breeding at nationally important protected colonies on land. Our nationally and internationally important seabird breeding colonies on land are protected under national (as SSSIs) and international (as SPAs) legislation. There is an obligation to protect the marine areas that support these land-based colonies e.g. maintenance and foraging areas. Those areas that are important for the continued survival of the internationally important seabird breeding colonies must eventually be protected as part of the marine SPA network – but the marine SPA network will not cover those marine areas that support the nationally important, SSSI breeding seabird colonies. Instead, the MCZ mechanism should be used to protect these areas<sup>2</sup>.

#### Cetaceans

Despite a wealth of relevant scientific research, as well as monitoring and assessment of the UK's cetacean species, there are so far only a handful of SACs designated for the bottlenose dolphin. The harbour porpoise is as yet completely unprotected even though a number of sites have been proposed<sup>3</sup>. There are locations known to be important for cetaceans that, if protected as MCZs, could make a valuable contribution to the protection of these species<sup>2,4,5,6,7</sup>. If these supposedly protected species continue to be failed by both the national and international legislation to protect marine wildlife, they could end up being amongst the least protected wildlife in England's seas.

#### Seals

Whilst the guidance makes reference to common seals, there is no reference to the Annex II listed grey seal. We believe that both should be included as mobile species within the guidance. The UK has 45% of the global population of grey seals and 30% of common seals, yet neither are adequately protected. A number of reports have demonstrated that seals regularly use the same haul – out sites and visit the same foraging grounds<sup>8,9</sup>. Such sites would make obvious candidates for MCZs, protecting important life history stages.

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<sup>2</sup> The RSPB's 2008 report "Safeguarding our Seabirds" illustrates the wide distribution of these vulnerable colonies.

<sup>3</sup> Evans, P.G.H. & Wang, J. (2002) Re-examination of Distribution Data for the Harbour Porpoise around Wales and the UK with a view to Site Selection for this Species. Sea Watch Foundation, Oxford.

<sup>4</sup> The South West Dolphin Report (2007) A joint publication by the Marine Connection & The Wildlife Trusts

<sup>5</sup> E.C.M. Parsons, J. Clark, A. Ross & M.P. Simmonds, WDCS (2007). The Conservation of British Cetaceans: A Review of the Threats and Protection Afforded to Whales, Dolphins and Porpoises in UK Waters.

<sup>6</sup> Selection criteria for Marine Protected Areas for Cetaceans (2008) ECS Special Edition Newsletter, No. 48 (Ed. Evans, P.G.H.) Proceedings for the ECS/ASCOBANS/ACCOBAMS workshop.

<sup>7</sup> Baines, M.E., Evans, P.G.H. (2009) Atlas of the Marine Mammals of Wales. CCW Monitoring report 68. 84 pages.

<sup>8</sup> Chesworth, J. C. and Leggett, V. L. (2010). Solent Seal Tagging Project Summary Report. Wildlife Trusts' South East Marine Programme, Hampshire and Isle of Wight Wildlife Trust, Hampshire

### Sharks and rays

The basking shark is another species that we believe should be included in the MCZ guidance. Basking shark hotspots have been identified around England that would greatly benefit from protection through MCZs<sup>10</sup> and Scotland<sup>11</sup>. The arguments we have heard against including such species as features for which MCZs should be selected (that other protection mechanisms are available and adequate, that MPAs are not an appropriate management tool, and that insufficient data exist to identify important sites for these species) are invalid. For example, there are predictable locations of basking sharks in waters around the southwest peninsula of the UK from Spring to Autumn. Link therefore believes that this species should be considered for MCZ designation, to manage threats to the species such as fisheries by-catch and collision with boat traffic.

Though there are many skate and ray species that are considered to be threatened or endangered (e.g. identified by the BAP or in recent quinquennial reviews of the Wildlife and Countryside Act 1981), only the undulate ray is currently listed as a mobile species in the ecological guidance. Skates and rays are not highly migratory relative to many other mobile species, and hotspots for these species in UK seas should be considered in the MCZ designation process.

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<sup>9</sup>Scientific Advice on Matters Related to the Management of Seal Populations (2009), SCOS

<sup>10</sup> Basking shark hotspots in the UK: Results from The Wildlife Trusts' basking shark survey (2008), The Wildlife Trusts

<sup>11</sup> Scottish Natural Heritage (2009) Basking Shark Hotspots on the West Coast of Scotland: Key sites, threats and implications for conservation of the species. Commissioned Report 339.