



September 2009

Parliamentary Briefing Marine and Coastal Access Bill Amendment

Highly protected sites (Clause 123)

The organisations listed above have been closely engaged in the Marine & Coastal Access Bill process from the outset. We are also members of Wildlife and Countryside Link's Marine Task Force, which has been campaigning for several years for the legislative tools to deliver improvements in marine conservation and management.

Background

The purpose of this amendment to Clause 123 is to ensure that there is an explicit requirement for the network of marine protected areas to include some highly protected sites. Highly protected sites will be a vital tool in ensuring that the network of sites delivered can provide adequate protection for the marine environment. We believe that without an explicit reference in the legislation, it will be much harder, if not impossible, to secure a high level of protection wherever it is required.

Highly protected sites (often called marine reserves or highly protected marine reserves) are sites from which all damaging or extractive activities (e.g. fishing and dredging) are excluded. As well as protecting vulnerable, rare or threatened features, highly protected sites might also be created to give the highest level of protection to the best examples of representative habitats, or to enable damaged or degraded features to recover fully. Such sites also act as important scientific benchmarks, allowing comparison of highly protected sites – effectively developing under 'natural' conditions – with sites where protection levels allow a wider variety of human uses to continue. Such comparisons will be essential for understanding the marine environment, gauging the impacts of human activities (including climate change impacts) on marine biodiversity and measuring progress towards sustainable management of the marine area.

The Joint Committee recognised the importance of highly protected sites in its report on the Draft Marine Bill. In response to the Committee's recommendations, the Government made a commitment to include such sites in the network. The Command Paper of September 2008 stated, at paragraph 3.4.1:

"We therefore propose to confer a duty on the Secretary of State and the Welsh Ministers to designate MCZs in order to contribute to an ecologically coherent network of sites which will include highly protected sites."

In spite of this commitment, there is no mention of highly protected sites on the face of the Bill. Furthermore, despite numerous statements by Ministers during the debates on the Bill, these assurances are not reflected in associated documentation supporting the implementation of the marine nature conservation part of the Bill. For example, the Government's draft MPA Strategy¹ and draft guidance notes² neglect to express a firm commitment to highly protected sites. Neither do these documents adequately discuss the benefits of highly protected sites in achieving conservation objectives and as part of an ecologically coherent network. As these documents are an expression of the Government's intentions as to how the legislation is implemented they should, as a minimum, reflect the assurances that Ministers have given on the floor of the House.

As currently drafted, the Bill provides a flexible mechanism whereby the level of protection can be tailored to fit the conservation objectives of the site. We support this approach and we recognise that – in theory, at least – the Bill appears capable of delivering highly protected sites within this flexible mechanism. However, we are extremely concerned that unless the Bill contains an explicit commitment to highly protected sites, in practice it will be extremely difficult to secure a high level of protection wherever it is required. This view is based on our experience with European marine sites and Marine Nature Reserves in UK waters, where the statutory nature conservation bodies have struggled to apply adequate levels of protection, due to weak legislation and strong stakeholder opposition. In spite of years of concerted effort by the statutory nature conservation bodies and NGOs, highly protected sites still comprise less than 0.001% of the UK's sea area. The inability to secure high protection within marine protected areas has led to significant and serious damage to important habitats and wildlife.

Government has stated that the Bill is capable of delivering highly protected sites. However, while we welcome these assurances, the weakness of the accompanying strategy and guidance – which fail to express a firm intent to deliver highly protected sites - leaves us very concerned. The best way to address this lack of clarity is to include a clear statutory commitment on the face of the Bill to creating highly protected sites as part of an ecologically coherent network.

Link is not calling for a two-tier system

Government's main argument against referring to highly protected sites in the Bill is that it would result in a two-tier system comprising 1) highly protected sites and 2) other Marine Conservation Zones with less strict protection. We disagree that this would be the case, and we are not calling for (nor would we support) a two-tier system. We fully support Government's proposal of a continuum of protection levels stretching from minimal restrictions at one end to full or high protection at the other. We are merely calling for a commitment *via* a reference on the face of the Bill to deliver sites at the highly protected end of the continuum. We believe this is necessary to ensure that such sites can be delivered in practice. The annex below includes an amendment to provide a commitment to highly protected sites.

¹ Delivering Marine Conservation Zones and European Marine Sites. A draft strategy for marine protected areas. Defra. April 2009.

² Draft guidance on selection and designation of Marine Conservation Zones (Note 1). Defra. May 2009.

Annex – Amendments
Marine & Coastal Access Bill
House of Commons Report Stage, September 2009

Clause 123 – Creation of network of conservation sites

Amendment

Page 82, line 18:

Insert new subsection to 123(3) as follows:

“d) that the network includes highly protected sites.”

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