



June 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 Force¹, 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 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.

Highly protected sites (often called marine reserves or highly protected marine reserves) are sites from which all potentially damaging activities are excluded. In particular, all extractive activities such as fishing and dredging would need to be 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 examples of representative habitats, and to enable damaged or degraded features to recover fully. Highly protected sites will 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 and measuring progress towards sustainable management of the marine area.

The Joint Committee recognised the importance of highly protected sites. 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 para 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.

¹ Wildlife and Countryside Link is a coalition of the UK's major environmental organisations working together for the conservation and protection of wildlife, the countryside and the marine environment.

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 – on paper, 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. 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 other marine protected areas has led to significant and serious damage to important habitats and wildlife.

Government has made reference to highly protected sites in recently published draft policy documents^{2,3} and has stated that the Bill is capable of delivering highly protected sites. We welcome these assurances but feel that they are no substitute for a clear statutory commitment on the face of the Bill to creating some highly protected sites as part of an ecologically coherent network.

Would this amendment create 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 would not 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 protection at the other. We are merely calling for a commitment in 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.

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² Delivering Marine Conservation Zones and European Marine Sites. A draft strategy for marine protected areas. Defra. April 2009.

³ Draft guidance on selection and designation of Marine Conservation Zones (Note 1). Defra. May 2009.

Annex – Amendments

Marine & Coastal Access Bill

House of Commons Committee Stage, June 2009

Clause	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.”