

**Natural England and Joint Nature Conservation Committee Marine  
Conservation Zone Project draft Ecological Network Guidance to the Regional  
Stakeholder Groups on Identifying Marine Conservation Zones**

**Comments by Wildlife and Countryside Link  
April 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 the natural and historic environment. Taken together our members have the support of over 8 million people in the UK. These comments are supported by the following 6 Link members:

- International Fund for Animal Welfare
- Marine Conservation Society
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Whale and Dolphin Conservation Society
- WWF-UK

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.

Link's main priority is the protection of marine wildlife through the designation of an ecologically coherent, representative and well-managed network of Marine Protected Areas (MPAs); including areas that are afforded the highest level of protection. Besides its primary purpose of biodiversity conservation and recovery, we believe this network of sites will also contribute to broader objectives, such as improving our understanding of the marine environment, and building resilience against cumulative impacts including those from climate change.

Link therefore welcomes the draft version of this guidance and the chance to read and comment on it, and we look forward to the full and final version of this guidance being published in June. We would like to be kept informed of the publication of the final version of the guidance.

**Comments on the guidance content**

**The need for detailed, ambitious guidance and targets for the regional projects**  
Detailed guidance on how to identify and select Marine Conservation Zones (MCZs), using the principles of ecological coherence is essential for the success of the regional projects. Stakeholders involved in these projects must be given a very clear and consistent steer on how to go about selecting potential MCZs within their region, so as to contribute to an ecologically coherent network of UK MPAs. In order for the four regional MPA networks to be ecologically coherent in their own right – and for them to contribute to the ecological coherence of the UK MPA network overall – the approach to MCZ selection must be standardised across the four regional projects;

and the aims of the MPA network, both in terms of biodiversity protection and broader objectives, must be made very clear for all stakeholders from the outset.

Experience from some of the early regional MCZ project stakeholder meetings has shown that not all stakeholders are engaging with the intention of contributing to the selection of the most effective MCZ network. In the current climate, the stakeholder-driven process seems likely to seek the path of least resistance, with terms in the Guidance such as '*minimum*' and '*at least*' interpreted as fixed targets rather than the lower boundary of a broad target. This will mean, for example, that regional Project Teams will have a hard job to increase broad-scale habitat representation in the final proposed network beyond the minimum percentages specified in the Guidance – whereas a truly precautionary approach would dictate selection of a network that satisfied the higher end of the percentage range given by the Guidance. Given these practical implications of applying the percentage targets provided by the Guidance, Link queries whether the targets given in Table 5 (pages 34-35) are sufficiently ambitious.

### **The principles of ecological coherence and additional guidelines**

Link is pleased to see that the Ecological Network Guidance includes a comprehensive treatment of the seven principles of ecological coherence. However, although the Guidance does contain welcome elaboration of these principles, we still have concerns in particular relating to the first principle ('representativity'). The detail provided for this principle has a limited scope covering only "*all major habitat types*". Link believes that the Guidance should go further than this, and should seek to conserve representative samples of all biodiversity (including all species and habitats, as well as genetic, population, community and ecosystem biodiversity), across their full geographic range. For further detail on this point and on others relating to the treatment of the principles of ecological coherence, please refer to Link's Parliamentary briefing (views on the Ministerial Statement) from 16 March 2010 (Annex 1), and also to separate, individual responses to the Guidance from the various Link member organisations.

Link welcomes the inclusion of guidelines on further considerations beyond the seven principles of ecological coherence - and in particular the guidelines on including areas of additional ecological importance in the network. We strongly support the inclusion of guidelines for selecting areas such as spawning, nursery and foraging grounds for more mobile species. However, the Guidance must be very clear that these further considerations and associated guidelines are of equal standing to the seven design principles relating to ecological coherence, and are not secondary, optional considerations.

Furthermore, it would be useful for the Guidance to make clear in Section 5.2 (pages 49-50) that areas of additional ecological importance should not just be designated to cover the mobile species highlighted in Table 4 (page 29) of species features of conservation importance (FOCI), but rather all mobile species. This point is made clearly in Box 1, page 68, but should also be highlighted in section 5.2 to avoid any confusion. Should mobile species continue to be excluded from the list of FOCI, the designation of areas of additional ecological importance would at least capture areas important for mobile species (such as the basking shark) that are currently left out of the list, and therefore we welcome the mechanism for designating such areas as MCZs for such species, albeit indirectly. However, it must be made very clear to the regional projects and their stakeholders exactly what these guidelines refer to, and the range of species that can and should be covered under this guideline.

**The concept of resilience**

While recognising that resilience is addressed in the Background Chapter (Section 1.3.2) Link believes that greater consideration and guidance should be offered on ensuring that the network to be developed is resilient, and increases resilience of the wider marine environment. Currently, the Guidance simply refers to notes on replication, connectivity, viability, and protection. It also refers to the fact that MPA networks that represent (and replicate) all habitat types across their geographical range are more resilient, however the premise of the Guidance is also that not all habitat types will be represented throughout the network (only broad-scale habitat types). The Guidance also refers to the importance of ensuring adequate protection of biological variation across habitats and species, and genetic variation within species, but very many species are not included or encompassed by the Guidance and genetic variation is not addressed at all. Greater clarity is required on how the regional projects should go about ensuring that their proposed MCZ network is resilient, and contributes positively to the resilience of the regional marine environment as a whole.

**Failure to identify mobile species FOCI**

Link was very disappointed to see that nearly all mobile species have been excluded from the lists of species FOCI for which MCZs should be sought. We fear that this will lead to an under-representation of our important mobile species in the resulting MCZs. This is particularly worrying as specific species protection measures proposed early on in the Marine Bill process were eventually not included in the Marine and Coastal Access Act, the rationale from Defra being that the needs of all marine species would be covered by the MPA network. We are alarmed, therefore, to find that this guidance does not include mobile species on the list of FOCI, which will inevitably mean that the network will not include sites for the majority of mobile species. This effectively leaves most mobile species without any direct increase in protection resulting from the Act. We would like to see this rectified before the final version of this ecological guidance is released.

As we outlined in the attached recent letter to David Dawson (Defra, Head of Marine and Fisheries Programmes) we fear that unless mobile species are listed clearly in the ecological guidance as features for which sites should be selected, it is unlikely that the regional MCZ projects will recommend these important species as protected site features, or locate MCZs so as to meet their conservation needs. While the guidance does state that the features of conservation importance listed are not "*a finite list on which MCZs can be designated*" (page 31), 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).

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 (for example, there are no SACs for harbour porpoise – and SPAs do not yet cover the marine foraging and maintenance areas for seabirds). 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.

Link also queries the inclusion of only one elasmobranch species (the undulate ray) in the list of mobile species FOCI (page 29). We believe that the arguments we have heard against including such species as FOCI (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 from Spring to Autumn, and 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 Biodiversity Action Plan or in recent quinquennial reviews of the Wildlife and Countryside Act 1981), only the undulate ray is listed as a mobile species FOCI. 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. The list of mobile species FOCI should be expanded to include these species, and others (e.g. fish species such as sandeels that play such a vital part in marine ecosystems).

### **Site protection and site conservation objectives**

Link fully supports the references to the inclusion of highly protected MCZs, and the need for scientific reference sites within the network. The detail given here on the purpose and drafting of site conservation objectives is very welcome, and we look forward to seeing further detail on this subject in forthcoming, additional guidance or advice from JNCC and NE on this specific issue.

Link has long campaigned for the inclusion of highly protected sites in the UK MPA network, and we welcome the information provided on the inclusion of such highly protected or reference areas. We wholeheartedly support the statements made in the Guidance on the benefits of understanding reference conditions, and how this can be used to inform wider environmental assessment and management. We are in favour of the minimum target provided for the designation of reference areas, but believe that it should be clearly articulated to stakeholders that ideally more sites should be (or should include components) that are highly protected. Link also feels strongly that this guideline should not be limited to habitats.

Link also welcomes the detail provided in Section 4.7 (pages 43-45) on site protection, including the treatment of site conservation objectives. We are pleased to see the clarification that site conservation objectives will determine the protection levels required to support "*favourable condition*" of all MCZ features - including recovery to favourable condition where this is necessary. In particular we believe that the inclusion of footnotes 35 and 37 (pages 44-45) is very useful, as they provide an acknowledgement of the long-term and continuing, slow degradation of the marine environment, and the importance of factoring this in when making judgements about setting site conservation objectives and the need for recovery at any particular site.

However, Link was disappointed to see the reference to 'Good environmental status', under the Marine Strategy Framework Directive (MSFD) included as a minimum standard in Guideline 13 on site conservation objectives (4.7.3, page 43). The concept of 'Good environmental status' should be more appropriately applied at the wider seas level, rather than at the level of individual MPAs.

Link also feels that Annex 5 (Section 7.5, pg 93-94) would benefit from stronger wording on the need for recovery, akin to the wording used in Section 4.7. At present, while Annex 5 explains that the aim of a conservation objective can either be to maintain or recover a feature, it does not make it explicitly clear that recovery might be necessary for a wide range of sites, and not just where recent damage is immediately obvious, as it is necessary to account also for possible past degradation of the site /environment.

**Further detail required for clarity**

There are a few further points within the Guidance where Link believes that more detailed information would be useful. In particular, we would like to see further detail provided on the proposed process for de-designation of MCZs and altering site boundaries in the future if conditions and features change. We feel that the Guidance should also offer more detail on the relationship and overlap between European protected areas (SACs and SPAs) and MCZs. Finally, we would welcome more detail on how the Science Advisory Panel should factor in the consideration of biogeographic variation when assessing a proposed network's contribution to the overarching ecologically coherent network of MPAs for the UK (page 23).

**Wildlife and Countryside Link  
April 2010**



## Annex 1



### **Parliamentary Briefing** **Wildlife and Countryside Link's views on the Ministerial Statement** **on the creation of a Network of Marine Protected Areas**

**16 March 2010**

Wildlife and Countryside Link (Link) welcomes the publication of the Ministerial Statement laid in the House on the 11 March 2010.

This Statement forms an important part of the suite of documents that set out the principles that Government expects the four English regional stakeholder projects to follow in selecting sites to be designated to create an ecologically coherent network of MCZs.

*Link believes that the MCZ network must be ecologically coherent, must include highly protected sites, and must be designated based on sound science.*

#### **Link welcomes:**

- The inclusion of the seven principles which underpin the design of the network which are based on the **principles of ecological coherence** discussed within OSPAR. However, it is very important that all of these principles are adhered to in the designation of the network.
- Reiteration of Government's commitment to **including some sites (or parts of sites) in the MCZ network that will be "highly protected"** where "no extractive, depositional or other damaging activities are allowed".
- The imperative for **coordination across the UK** to ensure that the resulting network is ecologically coherent across all devolved countries.

#### **Link has outstanding concerns regarding:**

- A **lack of clarity regarding the primacy of scientific considerations in the MCZ designation process**. The clear commitment that **socio-economic information should only be taken into account as a secondary consideration for MCZ identification and selection, and only when doing so will not compromise the ability to achieve an ecologically coherent network**, is missing from this document. This commitment was made very clearly in the debates during the passage of the Marine and Coastal Access Bill and in the Minister's letter to MPs (of 22 October 2009) that was laid in the House Library. Such ambiguity on this matter is misleading for stakeholders. In particular, it is vital that the relative priority of scientific and socio-economic considerations is made clear to the regional MCZ selection projects and their stakeholders.

- The statement that **conservation objectives will include “maintenance of existing habitats” is not qualified**. This objective is acceptable where such sites are already in favourable condition or conservation status. However, this assumption is not clarified in the Ministerial Statement. Simply aiming to maintain a damaged site in its current condition will not help deliver an ecologically coherent network of MCZs or achieve the UK’s objectives for the marine environment.
- The definitions provided for the first two of the principles underpinning the MPA network design, ‘representativity’ and ‘replication’, which have **a limited scope covering protection for “all the major habitat types” only**. Link believes that the network must be comprehensive i.e. the principles must ensure conservation of representative and replicated samples of all biodiversity (including all species and habitats, as well as genetic, population, community and ecosystem biodiversity), across their full geographic range.
- The missed opportunity to highlight the potential of an ecologically coherent network of MPAs to make an active contribution to climate change mitigation, adaptation and resilience building through for example, restoration and protection of habitats which act as carbon sinks.

### **Next steps:**

While the Ministerial Statement is a high-level statement, we expect the detailed ecological guidance being produced by the Statutory Nature Conservation Bodies for the four regional MCZ projects to be specific enough to ensure a consistent approach to network design and MCZ identification and selection, consequently, limiting the scope for different interpretation of the requirements within each region which could impact on the achievement of an ecologically coherent network.

This briefing is supported by the following organisations:

- Buglife – The Invertebrate Conservation Trust
- International Fund for Animal Welfare
- Marine Conservation Society
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Whale and Dolphin Conservation Society
- WWF – UK



## Annex 2

Wildlife and  
Countryside



*Celebrating 30 years in 2010*

Mr David Dawson  
Director of Marine and Fisheries  
Department for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London  
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11 March 2010

Dear David

### **RE: MCZs – Mobile species and Conservation Objectives**

We are writing to raise our concerns regarding the lack of protection for mobile species through the MCZ designation process and, specifically, the omission of mobile species from the draft ecological guidance for the regional projects. We also have concerns regarding the conservation objectives for MCZs.

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

It is extremely worrying that mobile species are not included in the list of features considered for inclusion in the ecological network design guidance (as evidenced by the list of features supplied to Finding Sanctuary to form the basis of their interim guidance). This is despite reference to designating sites for mobile species in Defra's draft Guidance Note 1. The draft Scottish MPA Guidance (as seen by the Marine Strategy Forum) also lists several mobile species as priority features for consideration in MPA selection. Unless 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. Without additional protection provided by MCZs, these species will surely suffer further declines.

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). However, designating European sites alone will not be sufficient to fulfil the protection requirements for these species entirely. Unless the criteria for the Natura 2000 network of sites are 'stretched' to ensure that the final network includes the *nationally* as well as *internationally* important sites for these species, the Natura 2000 network alone will be insufficient to fully secure the conservation and recovery of these species. Therefore additional sites - MCZs - should be designated for the protection of these mobile species.

For example, 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>1</sup>.

Furthermore, a number of opportunities have been identified (by the undersigned) to include common and grey seals, as well as various cetacean species, as features in several of the proposed new marine Natura sites. To date, these suggestions have been dismissed by Natural England.

We are very concerned that seals and cetaceans could fall between SACs and MCZs. 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>2</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>2,3,4,5,6</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.

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>7</sup>. However, unless basking sharks are listed in the MCZ guidance, we are unlikely to see sites designated for this species.

We therefore feel it is essential that the ecological network design guidance issued to the regional projects contains guidance on how to ensure that the needs of mobile species are covered by the proposed networks of MCZs.

### **MCZ conservation objectives**

We welcome the inclusion of example conservation objectives in Defra's draft MCZ Guidance Note 1 and the reiteration in draft MCZ Guidance Note 2 of the requirement for public authorities to carry out their activities in a manner which furthers (or at least does not hinder) the site conservation objectives. We have long campaigned for such an approach to MCZ management.

We understand that further detail on site conservation objectives will be included in the ecological network design guidance. We hope to see the strongest possible conservation objectives set for each MCZ. To this end, we believe that the minimum standard for a site

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<sup>1</sup> The RSPB's 2008 report "Safeguarding our Seabirds" illustrates the wide distribution of these vulnerable colonies.

<sup>2</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>3</sup> The South West Dolphin Report (2007) A joint publication by the Marine Connection & The Wildlife Trusts

<sup>4</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>5</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>6</sup> Baines, M.E., Evans, P.G.H. (2009) Atlas of the Marine Mammals of Wales. CCW Monitoring report 68. 84 pages.

<sup>7</sup> Basking shark hotspots in the UK: Results from The Wildlife Trusts' basking shark survey (2008), The Wildlife Trusts

conservation objective must be to: maintain a feature 'in favourable condition' (as is the case for SSSIs); maintain a feature 'in favourable conservation status' (the term used for Natura 2000 sites); 'achieve good environmental status (GES)' (the target set out in the EU Marine Strategy Framework Directive); or an equivalent. This will require active management and/or recovery of some sites to allow them to reach favourable condition or conservation status. The Ministerial Statement on the creation of a network of MPAs states that conservation objectives will include "maintenance of existing habitats". This objective is adequate where such sites are already in favourable condition or conservation status. However, this assumption is not clarified in the Ministerial Statement and therefore needs to be spelt out in the guidance. Simply aiming to preserve or maintain a damaged site in its current condition will not help us achieve our marine conservation objectives and targets, including achieving GES.

With this in mind, we would like to reiterate our call for highly protected sites to be included as part of the network. Irrespective of whether they are actually called highly protected or not, we welcome Ministerial commitments that some sites within the network will merit a higher level of protection and that, for those sites, the conservation objective(s) will be for 'recovery', therefore no extractive or damaging activities will be permitted. We eagerly await the forthcoming ecological network design guidance and expect further confirmation and elaboration on both these issues regarding conservation objectives.

We would welcome the opportunity to discuss these matters with you further. Please contact Joanna Butler at Wildlife and Countryside Link on 020 7820 8600 or [joanna@wcl.org.uk](mailto:joanna@wcl.org.uk) to arrange a meeting.

Yours sincerely



Joan Edwards  
Chair, Wildlife and Countryside Link's Marine Legislation Working Group

On behalf of the following organisations:

- Buglife – The Invertebrate Conservation Trust
- Campaign Whale
- International Fund for Animal Welfare
- Marine Conservation Society
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Whale and Dolphin Conservation Society
- WWF - UK

cc. Helen Phillips, Chief Executive, Natural England  
James Marsden, Director of Marine, Natural England



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