

Link response to consultation on the Third Tranche of Marine Conservation Zones

July 2018

Wildlife and Countryside Link (Link) brings together 48 environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. Link is the biggest coalition of environmental and animal protection organisations in England. Our members practice and advocate environmentally sensitive land and sea management and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together we have the support of over eight million people in the UK and manage over 800 miles of coastline.

This response has been prepared and supported by the following organisations:

- The Wildlife Trusts
- RSPB
- Marine Conservation Society
- National Trust
- Whale and Dolphin Conservation
- Wildfowl and Wetlands Trust
- WWF

This response is also supported by the following organisations:

- Arocha
- Buglife
- International Fund for Animal Welfare
- Institute of Fisheries Management
- ORCA
- MARINELife
- Shark Trust
- Zoological Society of London

This submission includes responses to questions 1, 7, 10, and 11. For more detailed responses, please see individual submissions from the members stated above.

Q1. Do you agree that this site and specified features should be designated? Please explain and provide evidence to support your views.

Link welcomes the proposals for a further 41 Marine Conservation Zones (MCZs) in Secretary of State waters and supports the designation of all the sites that are being put forward. If successfully designated and effectively managed, these MCZs will make a significant contribution to the network of Marine

Protected Areas (MPAs) around the UK and help to achieve Good Environmental Status under the UK Marine Strategy. This will enable the UK to meet international obligations as well as providing a foundation for the recovery of habitats and species. We are grateful for the significant work by JNCC and Natural England in providing the scientific advice to support these proposals.

We further welcome the Government's renewed commitment to the delivery of an ecologically coherent network of MPAs around the UK, based on the 25 Year Environment Plan (25YEP) and following OSPAR principles. These principles include: a full range of features; representativity of habitats and species; connectivity and ecological linkages between sites; resilience through replication of protected sites; and effective management of activities to reduce impacts.

Following the designation of the first two tranches of MCZs a number of sites, originally proposed by the Regional Projects, were left on the table. We welcomed the JNCC gap analysis published in 2016 that identified that all sites were required, plus some additional ones in order to meet ecological coherence, and also welcomed Natural England's 2017 advice.

While members of Link will individually be responding to sites, as a group we would like to make the following comments:

- We are pleased that many of the recommendations in Natural England's advice on sites is in the consultation (22 of the 27 Regional Project rMCZs; 4 of the 8 recommended new sites) and support all of these, although we regret the omission of the other sites which we consider necessary to fully complete the network;
- We support and welcome the inclusion of the many estuaries, given their importance as fishery spawning and nursery areas, and we welcome the extension of the boundaries of some of these (e.g. Dart Estuary, Devon-Avon Estuary) to include coastal marshes and saline reedbeds;
- As Goodwin Sands features are unique, we are particularly pleased to see it recommended for designation.
- We support the addition of sites beyond those proposed by the original stakeholder recommendations, such as the South West approaches to the Bristol Channel and Purbeck Coast, as this shows that efforts are being made to ensure adequate representation of habitats in the network.
- We support the designation of Berwick to St Mary's for eider duck (and we welcome the approach taken for this site, as it will connect many existing MPAs and provide a broader framework of overall protection and management) and the addition of the razor bill as a feature to the existing Cumbria Coast MCZ.
- We welcome the inclusion of some mobile species, seabream and smelt, as features in both new and existing MCZs
- We welcome the inclusion of a number of offshore sites but we would like reassurance that these sites will be well managed in the future. We would particularly like to support the development of Defra's whole site approach, and discuss future application to these sites.

This tranche will make a significant contribution towards completing the network, recognising however, that gaps still exist in this network that need to be filled at a later stage.

Q7. Do you agree that the additional features proposed should be added to the existing MCZs? Please explain and provide evidence to support your views as necessary.

We welcome the additional features proposed for 12 existing MCZ sites. As well as helping to complete the ecological network, these amendments demonstrate the potential for adjusting the protection of MCZs as further evidence becomes available. We are particularly pleased to see the addition of several features to Dover to Deal MCZ, East of Haig Fras MCZ and the Isles of Scilly MCZ.

Q10. You may wish to provide comments on any other aspects of the consultation proposals. Where you disagree with the proposed approach, please provide evidence where possible to support your views.

We applaud the additional elements mentioned in the consultation document and look forward to seeing measures to ensure these are implemented effectively, notably:

- **your commitment to manage fish stocks sustainably** – we support this commitment but would stress that in order to achieve it we must ensure that we fish below, not at, Maximum Sustainable Yield. We welcome the commitment to end the wasteful discarding of fish.
- **the establishment of marine plans around our coast to help achieve efficient management of competing uses of our seas while safeguarding the environment** – these should take an ecosystems based approach, ensuring that all activities, including fisheries, are incorporated in future assessments.
- **an improved system for marine licensing** – this should provide a clearer, swifter and more consistent regulatory process, pointing to opportunities to improve the current approach, which would benefit both the economy and the environment.
- **specific protection for important marine species** – for example, some fish species. Though in response to this question, we also mention in further detail the need for identification and further designation of sites for additional species and in doing so recognise the role that spatial protection measures can make alongside additional threats and specific action.
- Here, we would also highlight the benefits that could be gained by **reconnecting people with the marine environment**. All too often we forget that we are an island nation, where protecting our seas and marine wildlife have significant benefits for all society.

Further sites and transparency

Despite the contribution these sites will make, Link believe additional sites and features are still required to complete the network. We welcome the recognition in the consultation that future designation may be required to fill the gaps, along with the opportunity to suggest further sites.

Additionally one of the OSPAR principles is that the sites are well managed. Although there has been some progress here, there is still much to be done especially around the impact of fisheries on offshore areas.

An important gap is deep-sea mud in the Irish Sea and English Channel. The disproportionate depth representativity of the designated and recommended mud sites mean that it is very unlikely that the network will meet requirements set in the Marine and Coastal Access Act to represent the 'range of flora and fauna in UK waters' or within OSPAR to represent the range of species, habitats and ecological processes in the area. We are aware that concerns have been expressed over the possible economic impacts of some deep-water mud site proposals. We welcome the additional mud habitat which would be protected by Queenie Corner, the site put forward by the fishing industry, and support its designation, but we do not feel that it provides an adequate replacement for other sites that were recommended for this feature. While a similar size to the sites originally proposed by Regional Project stakeholders, Queenie Corner lies in shallower water so cannot replace the deep-water mud habitats of, for example, Slieve na Griddle, and is home to a different set of infaunal species. Considering Slieve na Griddle and Mud Hole for future designation would help fill the ecological gap for all mud habitats in the Irish sea, bringing the total area closer to the minimum representation (15%) as set out in the regional project Ecological Network Guidance and the 20% recommended by the OSPAR Commission.

There is also a worrying lack of highly mobile species within the network. The Regional MCZ projects identified sites suitable for the protection of cetaceans and other highly mobile species. The MCZ project Scientific Advisory Panel provided advice that the species and habitats which can be used in identifying and designating MCZs should not be limited entirely to the Broad Scale Habitats (BSH) and Features of Conservation Importance (FOCI) named in the Ecological Network Guidance (ENG), especially for areas suitable for key lifecycle stages of all species, not just those listed as FOCI in the ENG. JNCC and Natural England further supported the inclusion of some mobile species as non-ENG features of MCZs.

With this in mind, we are concerned and disappointed by the minimal inclusion of other sites with seabird features. The RSPB put forward a number of sites to protect common guillemot at other locations in the UK and we are surprised that no single designation, or amendment was proposed anywhere in England despite strongly supporting advice from JNCC and NE. We are also disappointed that no sites were proposed for black-necked grebe, a species which lacks any protection under existing European law and would have greatly benefited from designation within an MCZ. For both species this is a missed opportunity to add these features to either existing MCZs, or to new sites proposed in T3, for example, adding black-necked grebe to the Studland Bay MCZ or common guillemot to the Cumbria Coast MCZ. As advised by JNCC and Natural England, inclusion of these features would 'make a significant contribution to delivery of a representative and replicated suite of sites that would afford protection to these species at sea in the breeding season in England'¹¹.

¹¹ Natural England Joint Publication JP026 , Marine Conservation Zones Scientific advice on proposed MCZs for highly mobile species: Tranche 3 pre-consultation advice overview report, 2018

We are also disappointed that no sites have been proposed for cetaceans, in the form of new sites or as additional features in existing sites. For example, we were disappointed that The Wildlife Trusts and MARINELife's proposal for Lyme Bay Deeps to protect white-beaked dolphins has not been taken forward. Future changes in fishing activity and a resurgence of interest in oil and gas or proposals for offshore wind developments in Lyme Bay would have implications for the conservation of this species. As well as 'future-proofing' against possible change, designation of Lyme Bay Deeps could provide a huge opportunity to engage with the wider public and improve the economies of local coastal communities through eco-tourism. Further to this, advice applied to recommendations made in the 2012 Defra funded report 'MB0114: Contribution of Marine Protected Areas to protecting highly mobile species in English waters' regarding the recognition of white-beaked dolphin as a feature in the Farnes East MCZ has not been taken forward. Finally, we would like to see the reinstatement of harbour porpoise within Bideford to Foreland MCZ which had been dropped after Tranche 1 consultation. These sites, and others, could usefully demonstrate the wider benefits of marine conservation designations.

Furthermore, it is unclear why the extension around St Bees Head in the Cumbria Coast MCZ only includes a single feature. The site, based on the advice provided by JNCC and NE alongside the RPSBs proposal, represented an opportunity to protect one of the UK's largest common guillemot colonies. In addition to the MCZ process, designating Special Protected Areas (SPAs) for seabirds and seabirds is also required. Since the 2001 SPA review (Stroud et al. 2001)², there are still significant gaps in the delivery of the SPA network in the marine environment. The best sites for mobile species must be protected without further delays.

In steering the network of marine protected areas in Secretary of State waters towards a greater likelihood of ecological coherence, the objective of the third tranche should have been to select those sites that will provide the greatest potential contribution to the MPA network. Prioritisation should not just be about quantity i.e. greatest proportion of habitats protected, or numbers of Features of Conservation Importance replicated; selections should aim to ensure that the network is balanced across biogeographical regions and depth profiles to provide greater levels of probability that biodiversity is represented – priority should be given to filling those gaps in the network. We would welcome further discussion with you about the gaps that remain and how we fill them.

Management of MPAs

Ecological coherence of the network relies on more than just designation of sites. Each MCZ must be well-managed, and features protected from potentially damaging activities. In future, this could include a whole site approach and we would welcome further discussion with Defra regarding the plans to manage sites in this way, as stated in the 25YEP. We have always argued for a holistic approach to the management of all MPAs. Indeed, evidence from research carried out in the area covered by the Start Point Inshore Potting Agreement, Port Erin on the Isle of Man, The South Arran MPA and Lyme Bay SAC demonstrates how the whole-site approach benefits sites by providing wider ecosystem benefits (e.g.

² http://jncc.defra.gov.uk/PDF/UKSPAVol_1.pdf

fish/scallop nursery habitat, brood stock protection and enhancement). With this in mind, we would welcome any opportunity for early involvement in discussions on how such an approach could be developed.

While there has been progress in the assessment of fisheries impacts, we have concerns about the management of sites in the face of uncertainty around the impacts of fishing activities, especially in sediment habitats. We are also aware of an ongoing uncertainty around responsibility for assessing and managing the impact of shellfish farms and private fisheries on MCZs.

The consultation document refers to the management of MPAs in offshore waters (12-200nm). Fisheries measures in these sites are currently put in place through the Common Fisheries Policy and are often weakened and are currently delayed in their conservation benefits and implementation because of the need for agreement with other member states. Therefore, it is imperative that the government effectively manages the offshore MPAs after Brexit.

Maintenance or recovery of features?

We welcome that several of the sites put forward have an objective of recovery, requiring active intervention. In the context of delivering recovery of marine habitats and species, however, Link continues to have grave concerns about the assumption of a static baseline in the absence of MCZ designation and the implications of this assumption when applied to the setting of conservation objectives and the development of management by regulators.

As previously discussed in [our response](#) to the consultation on the second tranche of MCZs we strongly disagree with Defra's assumption, highlighted in the Impact Assessment (IA), that the baseline in the case of the 'do nothing' option is static. There is much evidence of historic decline in both marine species and habitats and that, in the absence of action, this decline will continue (e.g. Charting Progress II; Halpern et al, Science, 2008³). We are therefore, disappointed to see that this assumption continues to form the basis of the current IA's (section 5.3 and 7.3).

As a result, the General Management Approach (GMA) for all features should be set to 'recover' to ensure that management of features to halt their decline is put in place. To continue using GMA of 'maintain' risks further damage to habitats and species before condition monitoring highlights decline, making subsequent recovery that much more difficult.

The wider context

Well-managed MPAs are only one part of the bigger marine conservation picture and we welcome reference to the 25YEP in the consultation document. This places MPAs in the context of wider measures required to achieve and maintain good environmental status (whose definitions, targets and

³ <http://science.sciencemag.org/content/319/5865/948>

indicators in a revised UK Marine Strategy will need to reflect the ambition of the 25YEP to enhance ecosystems), including sustainable management of fisheries and marine planning. Better integration of marine conservation, fisheries management and development is vital, along with the recognition that all activities need to be carried out within environmental limits. This integration also needs to be implemented across UK waters.

Furthermore, we have ongoing concerns about the absence of MCZs, originally put forward by stakeholders, in the Welsh Offshore waters. Originally part of Secretary of State waters and included in the regional stakeholder projects, these sites are important for meeting habitat targets within the network. We look forward to hearing more from the Welsh Government about their plans for designating these important sites and hope that Defra will be able to offer encouragement in the context of meeting international obligations at a UK level.

Marine Conservation Zones are effective at protecting inter tidal habitats such as Estuaries. However, further work is needed to ensure better linkages between the marine planning process and MCZs. The current English Marine Plan process offers no evident link between the new marine planning process and its terrestrial equivalent, nor is there recognition of the overlap between requirements under the UK Marine Strategy and the Water Framework Directive (WFD). MCZs cannot link land and sea alone, other marine legislation is required to ensure the strongest protections possible.

Consultation process

Whilst recognising that the fact sheets for each site must necessarily be brief, in many cases they lack sufficiently clear and comprehensible information that would enable stakeholders to comment usefully on the recommendations. Some of our member organisations have received a number of requests for clarification on particular sites.

Q11. Do you have any new evidence that would help establish whether the added ecological benefits of Highly Protected Marine Areas, beyond those of other MPAs, would outweigh the added costs to sea users and for enforcement?

We welcome the publication in 2017 of the report on Highly Protected Marine Areas (HPMAs) prepared by the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), as well as some of its key findings such as the increased conservation benefits of HPMAs, their low conservation risks and the recommendations for ecological criteria for their designation, especially the proposed focus on fewer, larger HPMAs. However, research on HPMAs is a rapidly evolving field and we note that the most recent cited literature in the review dates from 2014. The global evidence for the ecological benefits of HPMAs is growing rapidly and would need further analysis in any exercise to balance benefits of HPMAs against

costs to sea users and for enforcement. Roberts et al. (2017)⁴, for example, discuss the ways in which HMPAs can provide benefits in relation to climate change.

Link believes that HPMAs have a vital part to play, alongside existing and proposed designations, in the establishment of an ecologically coherent MPA network. We are therefore pleased that the topic has both been subject to high level discussions and is framed within this consultation itself. The body of scientific evidence showing the ecological benefits of highly protected MPAs is already extensive, strong and clearly established, and we do not feel new evidence is needed that justifies an expansion of such sites in English (and UK) waters. This evidence is for example, stated in Cefas's report for Defra⁵, as well as comprehensively summarised in Brander et al (2015)⁶, Beeton (2015)⁷, Edgar et al. (2014)⁸, Dahlgren (2014)⁹ and Russ et al. (2015)¹⁰ and over 100 peer reviewed studies of New Zealand's marine reserves¹¹ (as summarised in Willis (2013)¹²) We believe that HMPAs can inform the bar against which the rest of the network is judged and are important also as reference points for other processes including marine planning. If designated and monitored appropriately, HPMAs offer a way of testing the assumptions made in managing the whole MPA network, in addition to providing space for nature in themselves.

The CEFAS review highlights the challenges of assessing the benefits of HPMAs. Many of the benefits in multi-use MPAs accrue from increasing the value of 'direct use' activities. We believe that the benefits that HPMAs can deliver at a network level are overlooked, benefits which significantly strengthen the case for designation. We also believe that some of the other more ambivalent findings of the review, including the uncertainty in magnitude and timing of any socio-economic benefits, arise from too close a focus on site level delivery.

The consultation states that "The [Cefas] review also concluded that such [highly protected] sites needed substantial stakeholder support to be successful", yet this should not be used as an excuse not to deliver such sites, when their benefits have not been demonstrated due to the pitifully tiny set of existing sites. It should be emphasised that all three highly protected sites in the UK have extensive public and stakeholder support by local communities, including the Lamlash Bay site actually proposed by local stakeholders, which has increased as the benefits of the designation have materialised. Public support in general for strong marine conservation in the UK and elsewhere is also consistently high (Hawkins et al., 2016¹³, Lotze et al., 2017¹⁴), yet is rarely taken into account. Evidence elsewhere also shows that support

⁴ Roberts et al. (2017). Marine reserves can mitigate and promote adaptation to climate change. *Proceedings of the National Academy of Sciences*.

⁵ file:///C:/Users/cecily.spelling/Downloads/14186_MB0139_FinalReport_20160802_2018March%20(1).pdf

⁶ http://assets.wnf.nl/downloads/mpa_rapport_volledig.pdf

⁷ [http://www.environment.gov.au/system/files/pages/23061bf8-df19-4b74-b867-](http://www.environment.gov.au/system/files/pages/23061bf8-df19-4b74-b867-5a57ccbc5c8b/files/cmrrreviewexpertsscientificpanelreportfinal.pdf)

[5a57ccbc5c8b/files/cmrrreviewexpertsscientificpanelreportfinal.pdf](http://www.environment.gov.au/system/files/pages/23061bf8-df19-4b74-b867-5a57ccbc5c8b/files/cmrrreviewexpertsscientificpanelreportfinal.pdf)

⁸ <https://www.nature.com/articles/nature13022>

⁹ https://appliedecology.cals.ncsu.edu/absci/wp-content/uploads/Review-of-the-Benefits-of-No-Take-Zones_Final.pdf

¹⁰ https://www.researchgate.net/publication/278010491_Long-term_no-take_marine_reserve_and_benthic_habitat_effects_on_coral_reef_fishes

¹¹ <https://www.giz.de/en/downloads/giz2017-en-cabo-pulmo-policy.pdf>

¹² <https://www.doc.govt.nz/Documents/science-and-technical/drds340entire.pdf>

¹³ http://eprints.whiterose.ac.uk/102826/1/Hawkins_et_al_2016.pdf

¹⁴ http://jenniferoleary.weebly.com/uploads/6/7/0/2/6702754/lotze_et_al_2017.pdf

for these sites among user's increases over time as sites become established if they are clearly enforced and communicated.

Defra's approach to HPMAs

Link has some concerns regarding Defra's approach to HPMAs as laid out in the consultation document and reflected in the CEFAS review. We have some issues with the focus on conservation objectives and the consequent definition of HPMAs as:

'...MPAs where conservation objectives require that the site and its component features and processes are maintained at the upper end of favourable condition.'

We do not agree with this approach or this definition. We do not see 'favourable condition' as a spectrum with an upper and lower end. All MPAs should be achieving and maintaining 'favourable condition', making this definition meaningless. HPMAs should be MPAs where as much human influence as possible is excluded, whilst recognising that some global scale influences, such as climate change or ocean acidification, will be impossible to exclude as these will lead to a wider range of benefits at both network and site level.

We disagree with the view expressed in the consultation document that lessons learnt in the Regional MCZ projects suggest that stakeholder support for HPMAs is unlikely. While not underestimating the challenges of gaining such support, our experience in the four Regional MCZ projects was that difficulties in gaining consensus on reference areas arose as much from a lack of clarity and guidance on the criteria for selection as outright opposition to their existence. Indeed discussions with some local stakeholders in recent months have shown support for their implementation.

For example, it was not clear to stakeholders whether they should be choosing sites that were already relatively pristine, that showed the greatest scope for recovery or where there were the highest activity levels so that effects could be seen most clearly. Although challenging, a purpose-designed process for engaging stakeholders in discussion, together with strong and clear top-down guidance, would be able to address many of the issues that stood in the way of identifying reference areas in the regional MCZ projects.

Finally, we note the comment that the CEFAS review found that it was not able to gain a clear understanding of the economic costs of designating. It is our understanding that it was assessing the benefits rather than the costs that the study found to be the main challenge. We seek clarification that this is merely a typing error.

HPMAs – the future

We believe that we are making many assumptions in assessing and managing activities in the current network of MPAs. There is uncertainty around how we assess favourable condition in some habitats,

around the impact of different human activities and what degree of management is required to reduce human pressures. We thus believe that the designation of HPMA, where as many human influences are removed as possible would allow us to test these assumptions.

Designation of HPMA will allow us to assess the favourable condition of habitats once recovery has been achieved as well as acting as a benchmark against which the effectiveness of management across the network can be measured.

We recognise that HPMA are not being proposed for designation in the current consultation and agree with that decision. However, we look forward to early discussion of sites as proposals are put forward, as well as discussion on the wider issue of HPMA designation in general, as we believe these to be a crucial element of network completion.