

Wildlife & Countryside Link is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas

Marine Bill Bulletin

A Future for our Seas –The Marine Bill and Marine Protected Areas

Bulletin No: 4 Date: 14 November 2005

Wildlife and Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas. Link believes that the Marine Bill offers a critical opportunity to provide for the designation of a representative network of Nationally Important Marine Sites (NIMS), which must include a suite of Highly Protected Marine Reserves (HPMRs).

A note on terminology

A number of terms are in use for different types of protected sites in the sea. In this bulletin, 'marine protected area (MPA)' is used as a general term that encompasses all of the various designations discussed.

Over the past 20 years, successive Government reviews have identified the need to address shortfalls in marine nature conservation legislation. The recent Review of Marine Nature Conservation (RMNC), which reported to Government in July 2004, concluded that the current system is not capable of addressing marine nature conservation needs. It highlighted the failure to apply an ecosystem approach, which is core to the marine stewardship process. The RMNC Working Group recommended that 'an ecologically-coherent and representative network of marine protected areas should be identified and established, and appropriate and proportionate measures applied to ensure their conservation needs are met'.

There is increasing evidence that the populations of significant numbers of marine species are in decline and that large areas of marine habitats have been degraded or destroyed (e.g. Covey, R & Laffoley, DA (2002) Maritime State of Nature Report for England; Defra (2005) Charting Progress – an integrated assessment of the state of UK seas). Such changes threaten to alter marine ecosystems to the extent that not only will wildlife be permanently lost but economic wealth and social well-being may be damaged. Consequently, there is heightened interest in the conservation of the marine environment as illustrated by the development of programmes and measures within a number of global (e.g. Convention on Biological Diversity, World Summit on Sustainable Development) and regional (e.g. OSPAR Convention for the Protection of the Marine Environment of the North East Atlantic) conventions.

Link believes that a network of Nationally Important Marine Sites (NIMS) is needed to help deliver conservation and recovery of the UK's marine biodiversity. **This network must be representative of the range of habitats and species in UK waters and must include a suite of Highly Protected Marine Reserves (HPMRs).** Link believes that HPMRs, within which any damaging and/or harmful activities (notably extractive activities) are excluded, are essential to underpin the conservation and recovery of biodiversity and ecosystem processes.

Progress to date

Marine Nature Reserves (MNRs): Only three MNRs have been established under the Wildlife and Countryside Act 1981 and the Government has recognised that this approach has not been successful (SSSI – Better Protection and Management. A DETR Consultation document, September 1998).

Marine Natura 2000 sites: The designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in UK waters is not yet complete. However, the role these sites can play in the conservation and recovery of our marine biodiversity and ecosystems, while important, is limited due to the fact that the legislation only applies to a small sub-set of marine habitats and species. In addition, Natura 2000 sites can only be designated for features considered to be important at the EU level, omitting some areas or features that are important for biodiversity in the national context.

OSPAR commitment: As a Contracting Party to OSPAR the UK is committed to designate a network of MPAs by 2010 to protect, conserve and restore biodiversity and ecological processes in the OSPAR maritime area. Defra has confirmed that the Marine Bill will be used to provide the necessary legislation to fulfill this commitment.

Link has previously expressed concern that, in spite of this, the Marine Bill may neglect the needs of nationally important marine biodiversity by focusing only on that which is considered internationally important. We therefore welcome Defra's recent statements (e.g. to the recent Marine Biodiversity Stakeholders meeting and the Coastal Futures conference on the Marine Bill) that the Marine Bill will provide for NIMS (MPAs to contribute to the conservation of habitats and species of national importance) that include both representative and threatened and declining species and habitats.

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Why we need Highly Protected Marine Reserves

MPAs are crucial not only to support the conservation of marine biodiversity and ecosystems but also to allow their recovery where damage or degradation has already occurred. Link does not believe that the traditional approach to managing designated sites (that of allowing multiple activities and attempting to manage each one in line with the sites' conservation objectives) will, alone, be sufficient to achieve this. Hence, we advocate that HPMRs, in which all potentially damaging activities are excluded, are required to underpin the maintenance and recovery of biodiversity and ecosystem processes, and to increase their resilience in the context of environmental change particularly climate change.

We also believe that HPMRs offer a number of additional important benefits:

- Scientific reference areas: HPMRs could help us to understand better both the effects of climate change and the impacts of human activities on marine ecosystems;
- Areas for intrinsic human enjoyment and awareness;
- Research and education opportunities;
- Protection of important maritime archaeology and cultural heritage;
- Potential benefits to fisheries management;
- Reinforcement of the management objectives of larger marine sites, including Natura 2000 sites: introducing HPMRs within sites where the management protocol allows for sustainable use could help these sites to meet their conservation objectives. We believe this approach is consistent with the objectives of the Habitats Directive.

We urge that the benefits of HPMRs be considered in the context of an ecologically coherent network of MPAs as well as in terms of local benefits that may be offered by individual HPMRs.

MPA networks

Recent work completed under the OSPAR process and through the Irish Sea Pilot (Vincent, MA, Atkins, SM, Lumb, CM, Golding, N, Lieberknecht, LM, Webster, M (2004). Marine Nature Conservation and Sustainable Development – The Irish Sea Pilot. Report to Defra by the Joint Nature Conservation Committee), for example,

has confirmed the need for an ecologically coherent network of MPAs.

Within such networks MPAs should be mutually supporting i.e. populations of species in one area should be capable of supporting, and be supported by, populations in other areas, and all features should be represented at a number of sites. Representative examples of all the broad marine habitat types should be included as well as areas with exceptional biodiversity, rare, threatened or declining species, and aggregations of mobile species. Some flexibility over the locations of the representative MPAs (rather than HPMRs) will be appropriate, taking into account the needs of other marine sectors, in the context of marine spatial planning.

What must new legislation provide?

Some legislation already exists for the protection of marine areas but this is not sufficient to meet the needs of adequately protecting/preserving our nationally important marine biodiversity. Link believes that new legislation is needed to establish and manage Nationally Important Marine Sites (NIMS). The following key elements are required of new legislation to protect marine sites:

- The **purpose(s)** for which MPAs, including HPMRs, may be designated and for which the overall MPA network is required i.e. to protect the full range of biodiversity in the UK in an ecologically coherent way, to protect ecological processes and to facilitate recovery of biodiversity and ecological processes.
- **Duties** upon the relevant nature conservation agency/ies to **select and designate sites** according to site selection criteria and the process for stakeholder consultation about proposed sites.
- **Duties** upon the relevant nature conservation agency/ies to provide **advice on damaging activities**, to develop **conservation objectives** and to produce **management plans** once sites have been designated, including survey and monitoring requirements.
- **General duties and powers** on all competent authorities to exercise their functions in a way that is compatible with the site objectives; to work together to further the conservation and recovery of designated sites; to develop best practice and to take action to manage sites appropriately.

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- Details of **offences and penalties** in relation to marine sites and relevant **enforcement arrangements**.
- A **timetable** for the identification, consultation and designation processes, that sets a schedule with deadlines for completion of the network, but allows for additional sites to be proposed and designated after the deadlines.

Regarding the management of activities within MPAs we believe it is necessary to review and amend the existing mechanisms and legislation (such as consents and byelaw making powers), which are currently available to competent authorities to carry out their functions and duties, in order to ensure delivery of the sites' conservation objectives. Furthermore, all activities with the potential to impact the integrity of MPAs should be adequately covered.

Geographical application

The Marine Bill should provide for NIMS and HPMRs from 12nm to the outer limit of UK jurisdiction (usually 200nm) and within English territorial waters (0-12nm). The Scottish, Welsh and Northern Irish administrations all have responsibility for nature conservation out to 12nm and NGOs in the devolved countries are campaigning for marine protected areas in their waters, with similar legislative commitments from the devolved administrations, in parallel with, not subsequent to, the Westminster bill. Scottish NGOs are also calling for the Coastal and Marine National Park proposed by the Scottish Executive to include core protection areas for natural heritage, including landscape features and marine biodiversity. The Government will need to work closely with all the constituent parts of the UK as it frames the Marine Bill.

Conclusions

The Marine Bill provides a unique opportunity to put in place systems to protect marine biodiversity in the context of an ecosystem-based approach to the management of activities at sea. MPAs are a key component of the toolkit for marine nature conservation, as recognised through the RMNC. We look to the Government to provide for the identification, designation and management of a **representative network of Nationally Important Marine Sites, including a suite of Highly Protected Marine Reserves**, through introduction of the Marine Bill.