

2nd Marine and Coastal Policy Forum, 2014

# Progress, challenges and prospects for MPAs in the UK

Peter Jones

[P.J.Jones@ucl.ac.uk](mailto:P.J.Jones@ucl.ac.uk)

<http://www.geog.ucl.ac.uk/~pjones>

# International MPA Targets

*World Summit on Sustainable Development*

Establishment of representative networks of MPAs by 2012

*IUCN Vth World Parks Congress*

20-30% of each marine habitat designated as no-take MPA by 2012

*Convention on Biological Diversity*

**Effectively** and equitably managed, ecologically representative and well connected systems of MPAs covering 10% of our seas by 2020

OSPAR Commission (NE Atlantic)

Ecologically coherent network of MPAs be in place by 2016, aligned with similar Marine Strategy Framework Directive target for Europe

Currently 5.7% of global marine area under national jurisdiction is MPAs, 1.4% is not-take MPA, but 85% of this down to just 8 large remote MPAs

# MPAs in Europe under Habitats and Birds Directives

SACs and SPAs under EC jurisdiction

4% of the area of EU seas covered by SACs/SPAs,  
another 2% being nationally important MPAs  
(compared with 18% of EU land area covered)

[European Environment Agency figures](#) for 2001-2006 indicate that **only 10% of marine SAC habitats and 3% designated marine species are in favourable condition across EU**

6 yearly status reporting of *Natura 2000* sites (SPAs and SACs) - in favourable condition? **First full assessment due 2014**

**Will the next reporting round lead to more infraction proceedings and referrals to the European Court of Justice?**

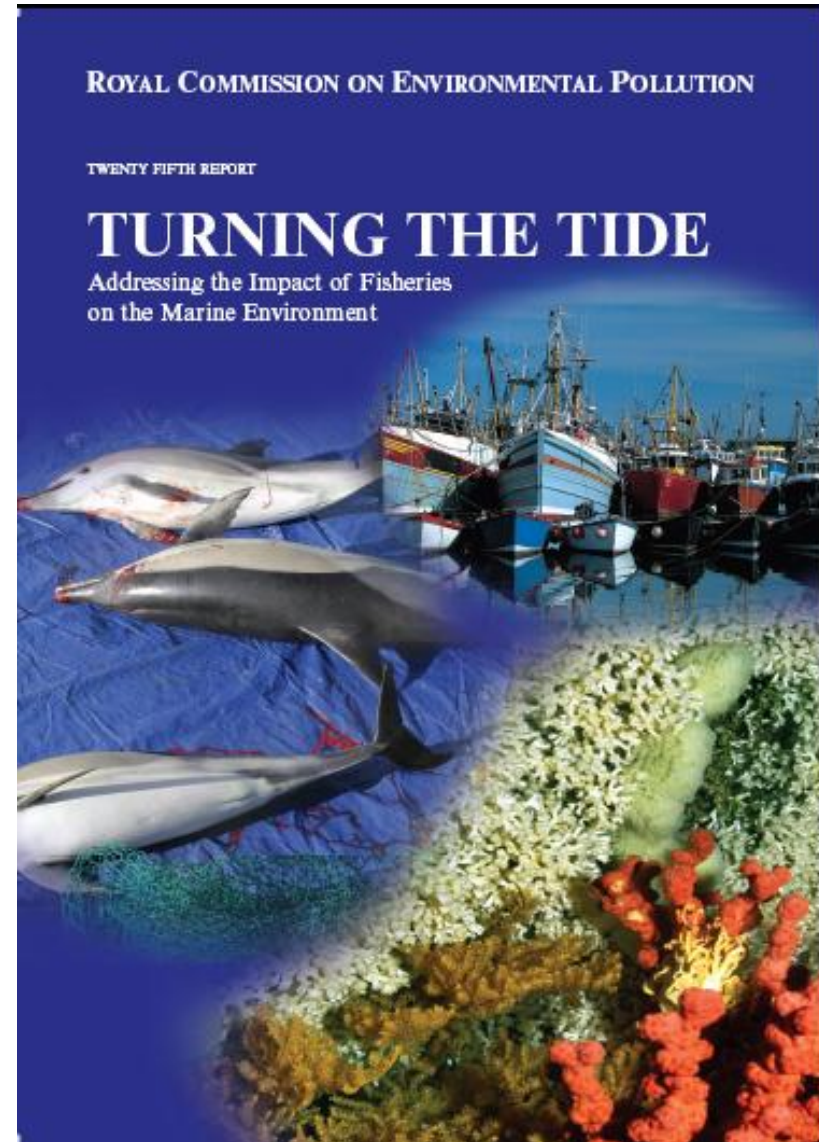
## United Kingdom

**“It is clear that the complexity of marine ecosystems is being reduced [by fishing impacts], and with the change from complex food webs to simple food webs, resilience in the marine ecosystem is also being lost”**

(RCEP 5.36 2004)

Designate 30% of UK’s fisheries zone as **no-take marine protected area (NTMPAs)**, forming an ecologically coherent network

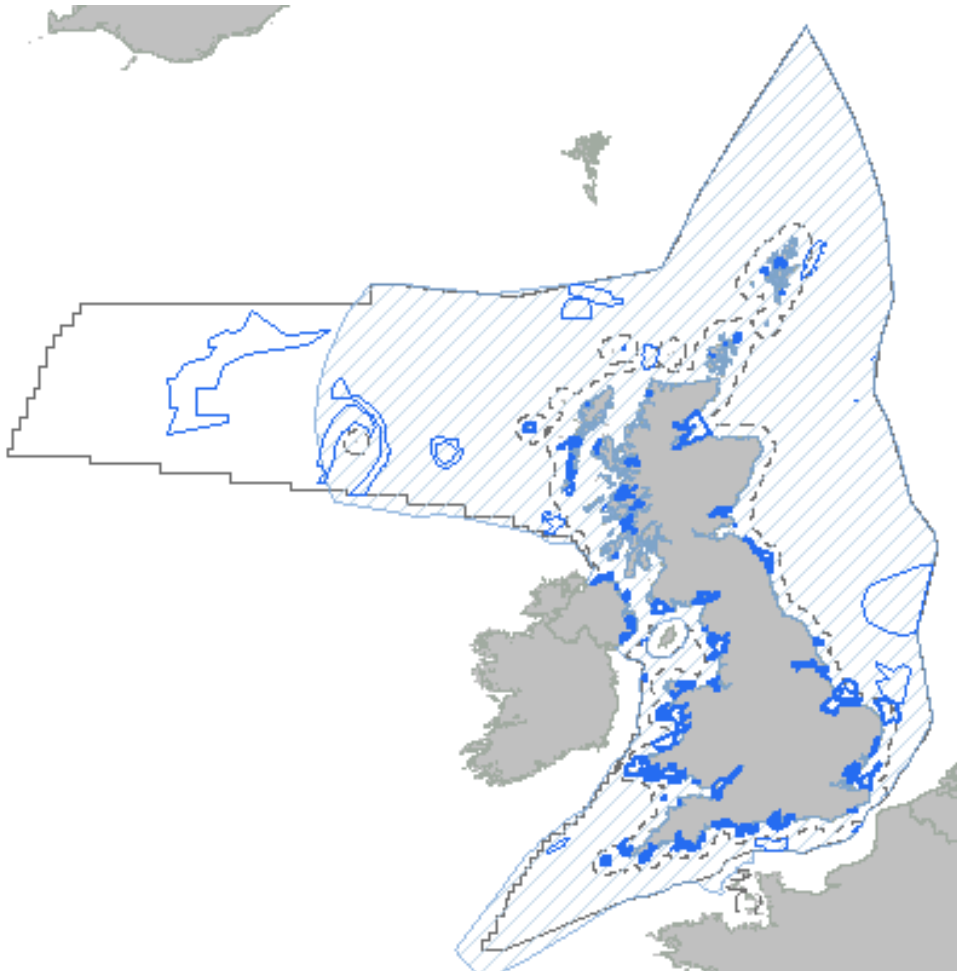
## RCEP Report (Dec 2004)



# MPAs of European Importance in UK: European Marine Sites (EMSs)

## Marine SACs - Habitats Directive

- Total now 108
- 88 inside 12nm
- 7.6% UK sea area
- Not ecologically coherent (but may be under OSPAR)?



### *HD Marine Features*

Sandbanks

Estuaries

Intertidal mud/sand flats

Lagoons

Large shallow inlets and bays

Reefs

Sea caves

Grey seal

Common seal

Bottlenose dolphin

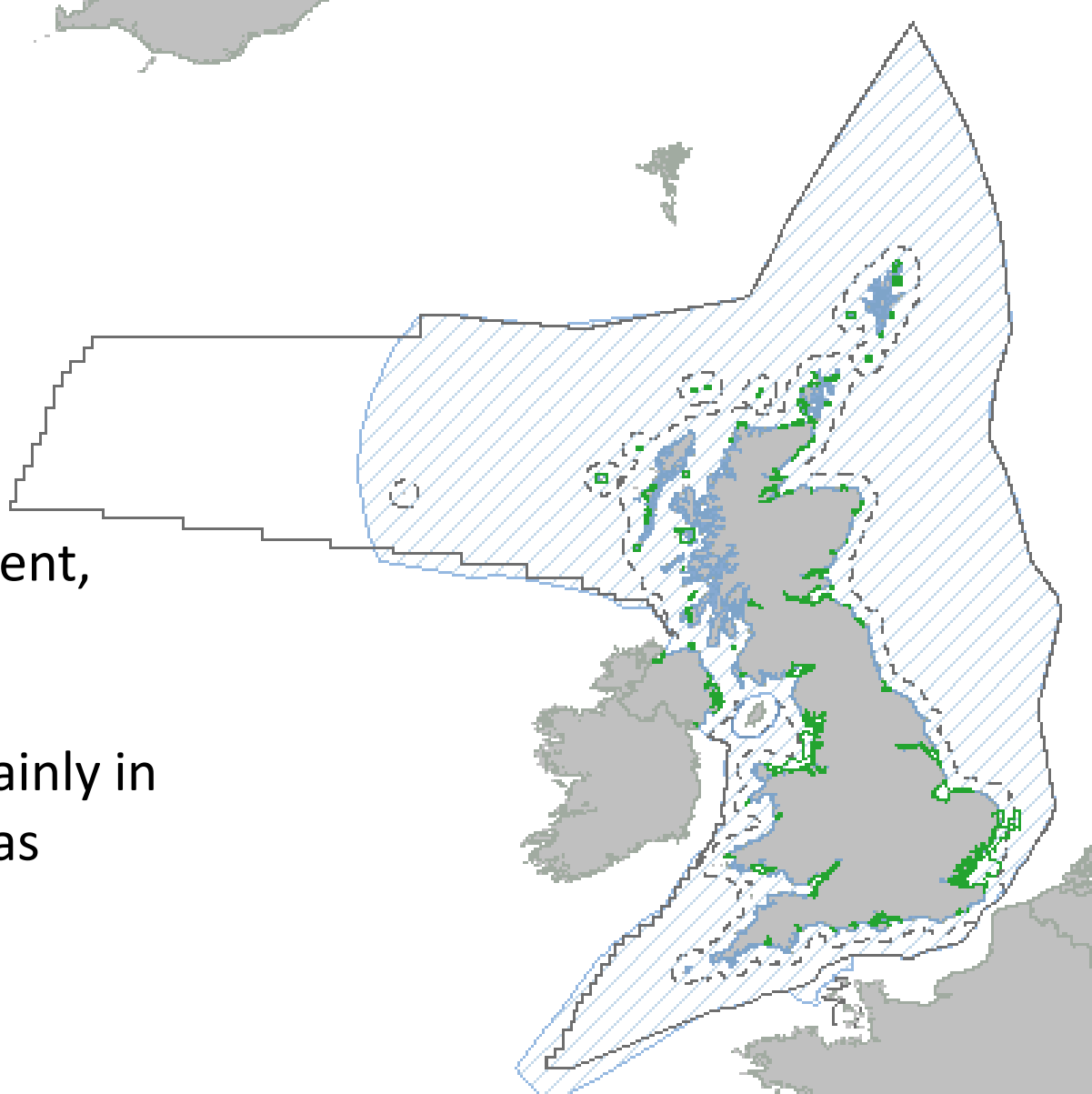
Otters

# Marine SPAs under Birds Directive

but managed under  
Habitats Directive

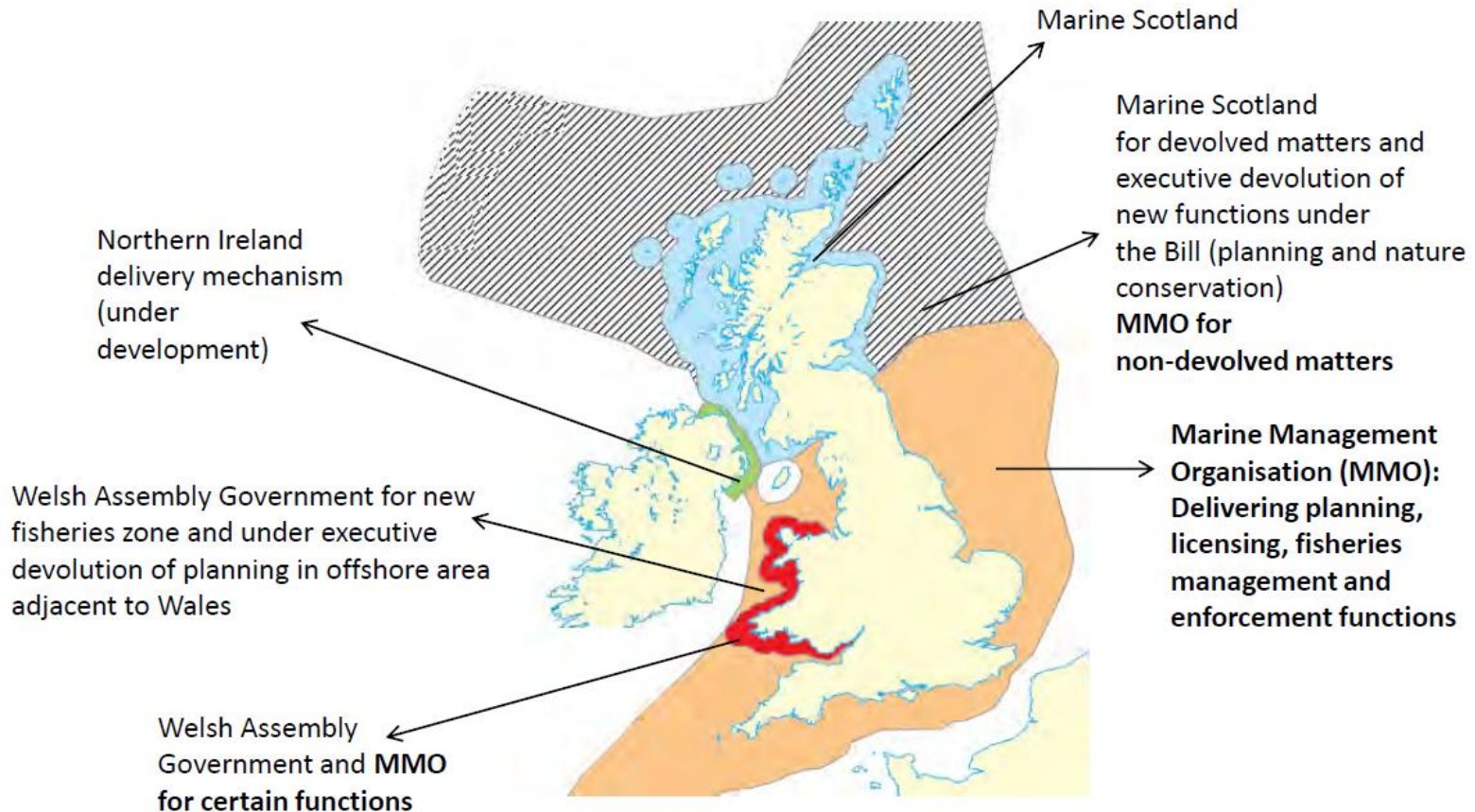
108 with marine component,  
only 3 entirely marine

Concentrated inshore, mainly in  
estuaries and coastal areas



# England

SACs and SPAs cover 13% of the total English marine area;  
23% of inshore territorial waters (within 12nm)



**Common Fisheries Policy (CFP) has been a major problem in effectively managing MPAs beyond 12nm of NE Atlantic countries**

Only **two** CFP restrictions to protect SACs (Darwin Mounds, Macaronesian Isles), along with **two** temporary restrictions & **one** compensatory restriction, out of **thousands** of marine SACs (Qiu and Jones [2013](#))

Reformed CFP includes provisions for proactively restricting fishing in MPAs under Article 12: **will this be effective given member states still have to propose and justify?**

**Effective implementation of HD under CFP in European seas has a long way to go!**



## Fisheries management to protect European Marine Sites (EMSs) out to 6nm is by inshore authorities

Was devolved to Sea Fisheries Committees (SFCs), and some were quite effective, *eg* recovery of shellfisheries in the Wash EMS, but some were less so *eg*

Solent EMS – minister had to introduce stop order to protect sea grass beds from demersal trawling and suction dredging

Fal & Helford SAC – restrictions to restrict demersal trawling on maerl beds eventually introduced by SFC under pressure from DEFRA

Similar saga for Strangford Lough, where complaints & referrals from Ulster Wildlife Trust to EC about condition of horse mussel reefs led to threat of large fines from ECJ (£8m + £10,000s per day) and eventual ban in 2013 on all fishing in central zone of the Lough

**: Piecemeal, ad hoc and reactive approach,**

Not consistent with the requirements of the HD,  
particularly requirements to maintain the condition and  
integrity of sites +

All measures should be precautionary under Article 191 of  
the Lisbon Treaty: all policies on the environment “shall be  
based on the **precautionary principle**” including the  
principle “that **preventive action** should be taken”

Lack of effective management one of the key reasons why  
proportion of habitats in UK marine SACs in favourable  
condition has declined from 5% in 2007 to **3% in 2013** ([EEA](#))

**Inshore Fisheries and Conservation Authorities** (IFCAs, ten for England) have had most responsibilities for management of fisheries out to 6nm devolved to them (Marine Act 2009)

MMO has duties from 6-12nm under partial derogation of CFP

All fisheries beyond 12nm directly managed under CFP

DEFRA/MMO instigated a '[revised approach](#)' in 2012 in the face of a Client Earth/Marine Conservation Society threat to refer the lack of proactive precautionary protection for EMSs to the EC/ECJ

*i.e. 20 years after the Habitats Directive, 10 years after the Wadden Sea clarification that fishing is a plan/project!*

# 'THE MATRIX'

```
04717437 04784100 18147550 87294100 04717437 04784100 18147550 87294
18234104 18246621 64099413 78786621 18234104 18246621 64099413 78786
99959939 99919806 81388662 45449806 99959939 99919806 81388662 45449
44348858 44399045 45267550 54859045 44348858 44399045 45267550 54859
99100744 99188411 91059406 80548411 99100744 99188411 91059406 80548
88461965 88448990 83516144 28768990 88461965 88448990 83516144 28768
60823002 35309420 60823002 02112300 91863530 60804942 60823530 35309
15532610 64538901 15532610 11514206 72956453 15568890 15536453 64538
54901541 59167819 54901541 66665165 52745916 54955781 54905916 59167
44418194 48354748 44418194 55551611 97964835 44445474 44414835 48354
49947664 90249847 49947664 11134546 88549024 49981984 49949024 90249
98894459 66198494 98894459 44226665 55966619 98846849 98896619 66198
84489518 85680089 84489518 65015551 09658568 84418008 84488568 85680
76578164 44544248 76578164 51551113 17244454 76564424 76574454 44544
45484351 69768110 45484351 10163342 68166976 45429811 45486976 69768
61596016 55457664 61596016 62655227 52685545 61538766 61595545 55457
26305545 41939556 26305545 80514555 01444193 26324955 26304193 41939
18410661 93819014 18410661 51452119 56269381 18446901 18419381 93819
74868883 72008839 74868883 4846164 187200 74895883 74867200 72008
39754441 61647711 39754441 94846164 846164 39785771 39756164 61647
08949493 59569438 08949493 48464088 72155956 08971943 08945956 59569
04898885 46448950 04898885 87816644 11944644 04840895 04894644 46448
16484143 68904831 16484143 14165565 46886890 16496483 16486890 68904
95176165 84836454 95176165 39552151 65048483 95185645 95178483 84836
80445054 79475046 80445054 28242517 52997947 80444504 80447947 79475
41905019 96141593 41905019 17161073 21889614 41969159 41909614 96141
93844168 85395180 93844168 54256662 99578539 93858518 93848539 85395
04789657 41004372 04789657 18147550 87294100 04717437 04784100 18147
18248544 66211044 18248544 64099413 78786621 18234104 18246621 64099
99914199 98069395 99914199 81388662 45449806 99959939 99919806 81388
44399868 90458587 44399868 45267550 54859045 44348858 44399045 45267
99188484 84117449 99188484 91059406 80548411 99100744 99188411 91059
88445975 89909650 88445975 83516144 28768990 88461965 88448990 83516
60823002 35309420 60823002 02112300 91863530 60804942 60823530 35309
15532610 64538901 15532610 11514206 72956453 15568890 15536453 64538
54901541 59167819 54901541 66665165 52745916 54955781 54905916 59167
44418194 48354748 44418194 55551611 97964835 44445474 44414835 48354
49947664 90249847 49947664 11134546 88549024 49981984 49949024 90249
98894459 66198494 98894459 44226665 55966619 98846849 98896619 66198
```

SYSTEM FAILURE

ARAB



All IFCA's are implementing byelaws to protect **red** features in EMSs. Byelaws to protect **amber** and **green** features must be in place by end of 2016

If fishermen want to resume a fishing activity in an EMS that has been restricted under the revised approach, they must go through the appropriate assessment procedure (Art 61-63 UK Regs) to **zone** the fishing activity, usually requiring iVMS

But how will need for **precautionary approach** focused on **site integrity** be reconciled with DEFRA's requirement for an **evidence-based approach**, particularly as **uncertainty increases** as assessments proceed from **red** to **amber** to **green**?

Revised Approach is **very significant** as will, at last, require protection of EMSs, covering 13% of England's marine area (23% of inshore seas)

Only occurred after NGO threat to resort to top-down legal measures  
– **lack of political will for MPAs in UK is still a major challenge**

**Remains to be seen whether CFP reforms will be sufficient and will be implemented to better protect marine SACs/SPAs beyond 12 nm**

**Influence of 'green' MEPs under the new co-decision process is proving significant and is certainly improving the prospects**

## **MPAs of national importance**

- under member state jurisdiction
- but also fulfil more general commitment under EC **Marine Strategy Framework Directive**

## **Good Environmental Status by 2020**

“Ecologically diverse and dynamic oceans and seas which are clean, healthy and productive.., and the use of the marine environment is at a level that is sustainable”

Measures to achieve GES shall be in place by 2016 and **shall include coherent and representative networks of marine protected areas**



# What is an 'ecologically coherent network'?

It is whatever it is defined as ... a **tautology** (Jones and Carpenter [2009](#))

*eg* Inshore MPAs that are up to 250 km apart could be considered to constitute a coherent network under [OSPAR criteria](#)

**'network'** = more than sum of its parts (SACs + SPAs + MCZs + SSSIs)

Principles of **systematic conservation planning** of MPA networks:

- Representativity (protect a bit of everything)
- Viability, adequacy (size, coverage, protection levels)
- Replication (risk management)
- Ecological connectivity

**Broad scale / whole ecosystem focus**

**Need to accept data gaps / uncertainty: use best available evidence**

# MARINE RESERVES NOW

THE MARINE CONSERVATION SOCIETY (MCS) IS THE UK CHARITY DEDICATED TO THE PROTECTION OF THE MARINE ENVIRONMENT AND ITS WILDLIFE

[www.mcsuk.org](http://www.mcsuk.org)

Registered Charity Number: 1034005



Campaign in run up to the Marine Bill



Some MPAs in ecologically coherent network must be no-take as foundation of EBM



The Government's vision is for:  
**clean, healthy, safe, productive and  
biologically diverse oceans and seas**

**Section 123:** Duty to establish marine protected area (MPA) **network that represents the range of features present in the UK marine area**

**Section 117:** Each MCZ designation order must state

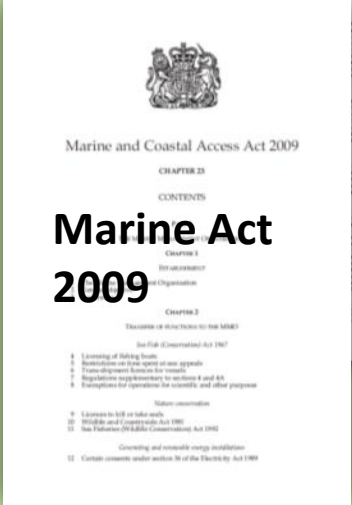
- the **protected feature(s)**
- **conservation objectives for the MCZ**



Marine and Coastal Access Act 2009

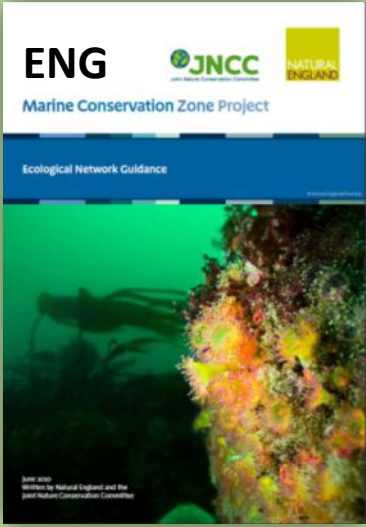
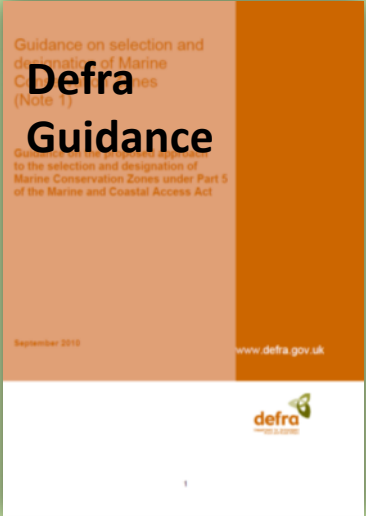


**'coherent, representative MPA network'**



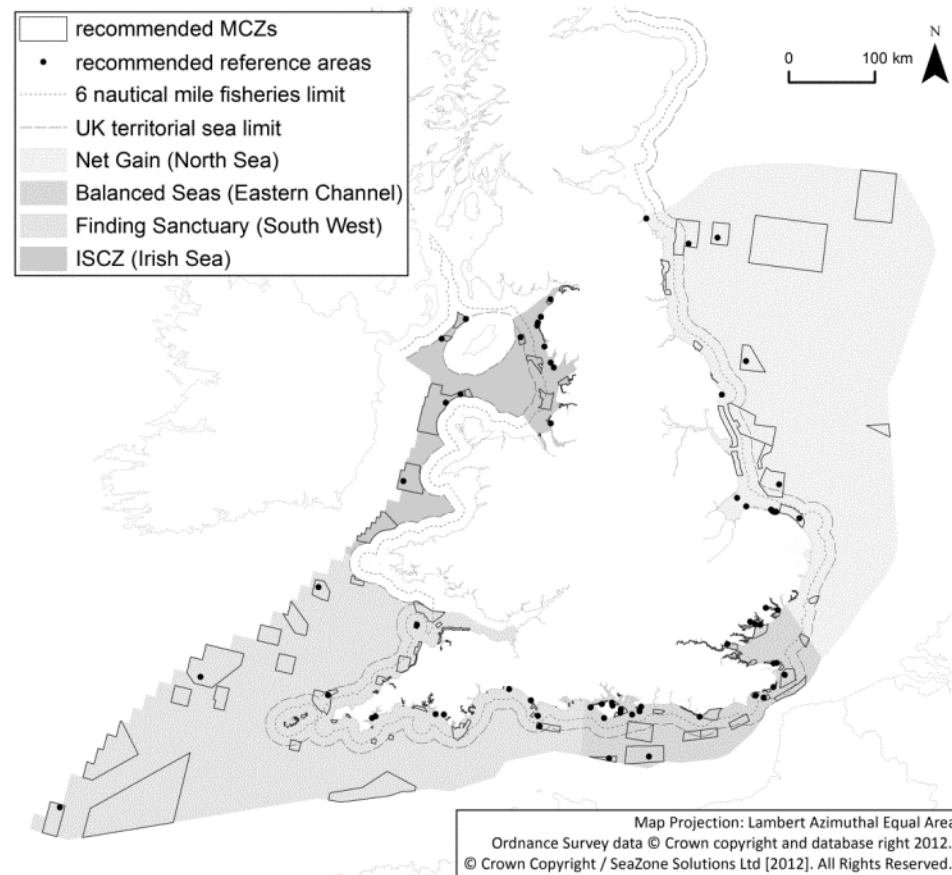
**March 2010 Ministerial Statement**

**7 principles:**  
Representativity  
Replication  
Adequacy  
Viability  
Connectivity  
Protection  
Best available evidence  
*Includes no-take reference areas*



**127 recommended MCZs:  
15% of English marine area**

**Total MPA coverage  
potentially:  
27% of English marine area  
(34% of territorial waters)**



Jones 2013, [Open Access](#)

# Structure of the England MCZ design process

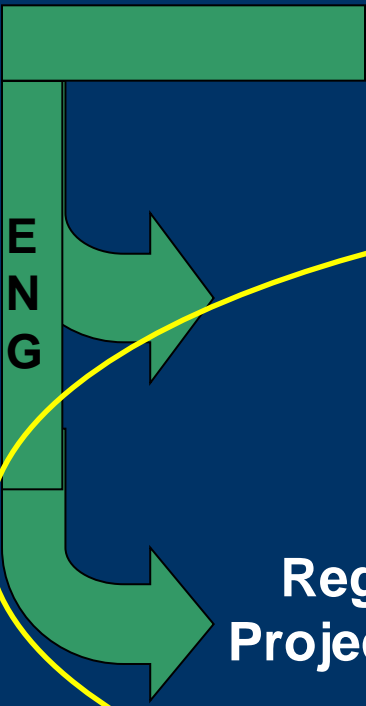
**Marine Act**



**DEFRA**

**NE-JNCC**

**National Stakeholder Group**



**Science Advisory Panel**

**Regional Project Team**

**Steering Group**

**NE-JNCC staff**

**Fishing Industry Groups**

**Regional Stakeholder Group**

**Local Groups**



## The initial approach in the MCZ process

- Focused on designing **network** in line with Ecological Network Guidance (ENG)
- Assessed contribution of existing MPAs : EMSs
- Used broad-scale habitats (surrogates) to design **network configuration**

### ➔ Progress towards ecologically coherent network

- **Flexibility** in ENG allowed meaningful stakeholder role: *science-guided approach*, through open, transparent and accountable processes
- Total cost of regional stakeholder process ~£10 million

# Structure of the England MCZ design process

Marine Act



DEFRA

NE-JNCC

National Stakeholder Group

Science Advisory Panel

Regional Project Team

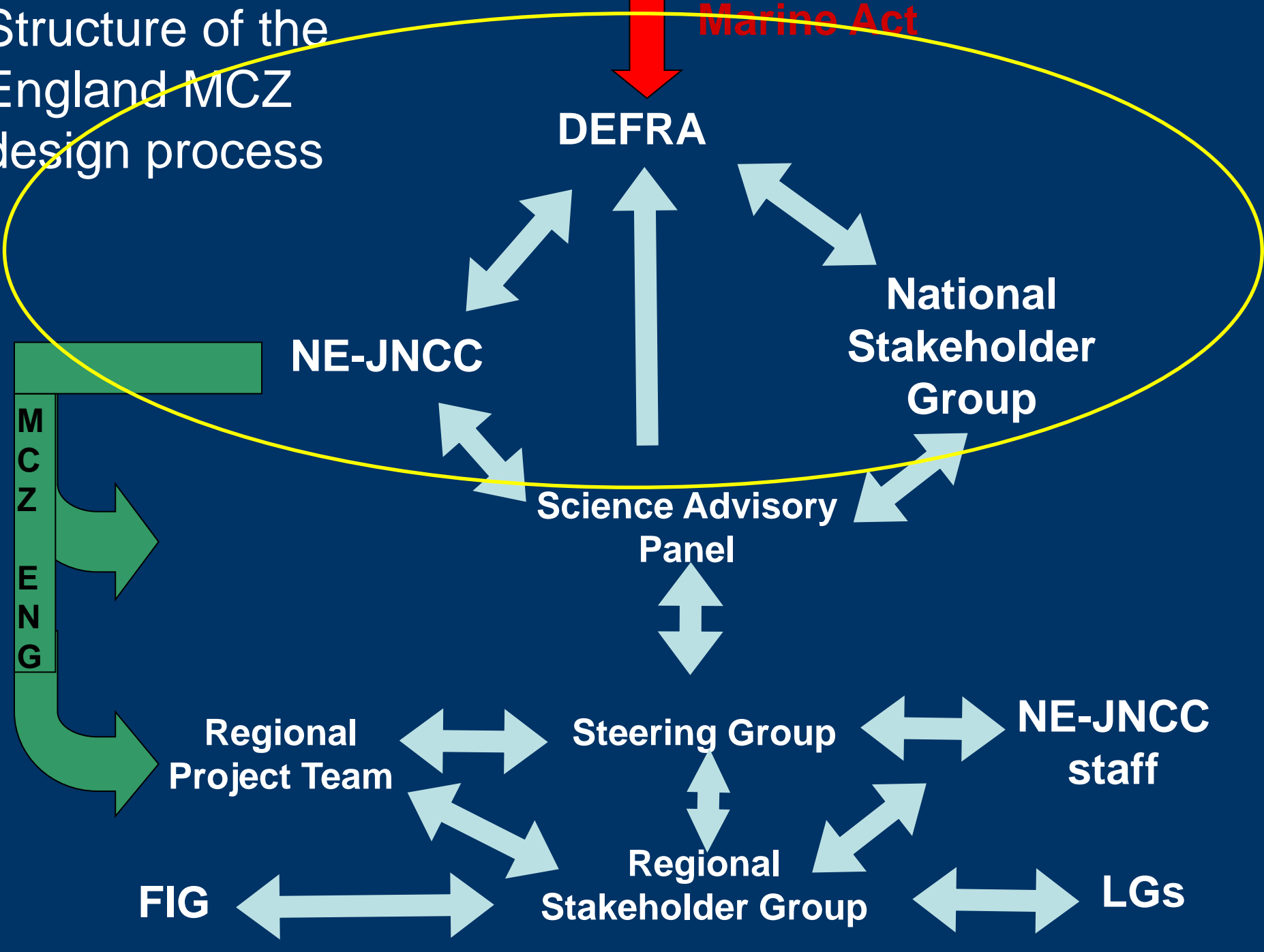
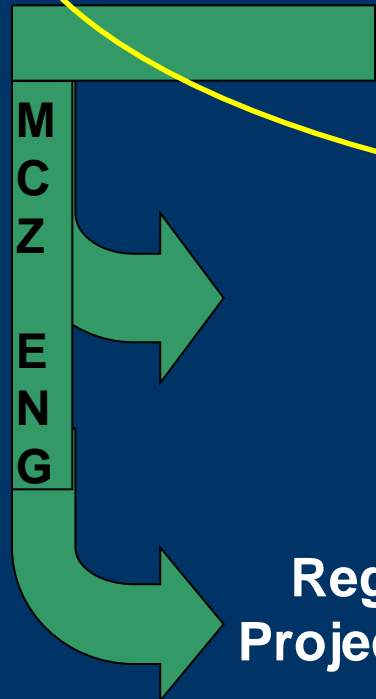
Steering Group

NE-JNCC staff

FIG

Regional Stakeholder Group

LGs



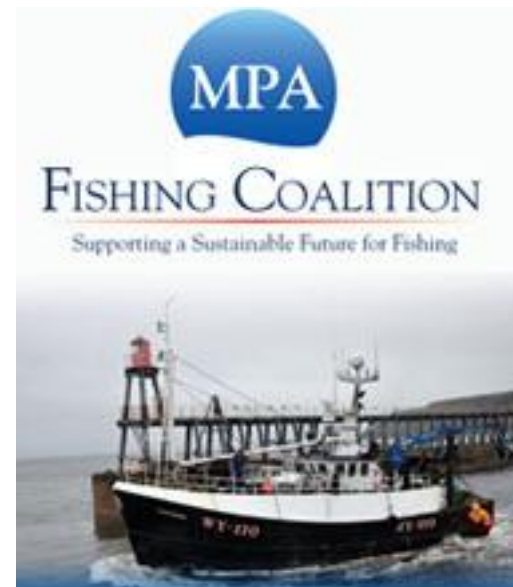




**Later in process, the approach shifted fundamentally:**

- Conservation objectives for individual features, *none* for each MCZ (breaches M&CA A 117?), *none* for network: **fragmented and reductive approach**
- Deconstruction of network into constituent parts, **including DEFRA 'disowning' the ENG**
- **Loss of wider stakeholder buy-in**
- Prescriptive, inflexible, bureaucratic, & inaccessible process
- A further ~£10 million allocated to MCZ surveys to gather evidence

**National sectoral groups dominated later MCZ process, in some cases challenging the recommendations developed by wider stakeholder groups**



**MPA**  
**FISHING COALITION**  
Supporting a Sustainable Future for Fishing

“ We are determined that this will not be some kind of marine highland clearance, with fishermen callously evicted from their traditional fishing grounds ”  
Davy Hill, NFFO Chairman



British  
Ports  
Association



Seabed User  
& DEVELOPER GROUP



Oil & Gas UK



**renewableUK**  
The voice of wind & marine energy



**bmapa** **mpa**  
essential materials  
sustainable solutions



British Marine  
Federation

**Fishing Coalition very influential.**

**Raised important justice issues**

Theirs is the sector that suffers economic and 'way of life' impacts

Other sectors, particularly renewables, having a greater influence *eg* resistance to 'co-location'

MPAs in UK waters beyond 6nm will lead to **discriminatory** restrictions on UK vessels, whilst vessels from other EU countries will not be restricted under the CFP



GREENPEACE UK



Influence of environmental NGOs: 'bloody greens!'

**Displacement** of fishermen from MCZs will lead to wider ecological impacts that will outweigh the benefits if MCZs, as well as upsetting customary agreements

**Not sufficient evidence to designate MCZs given these issues and concerns**



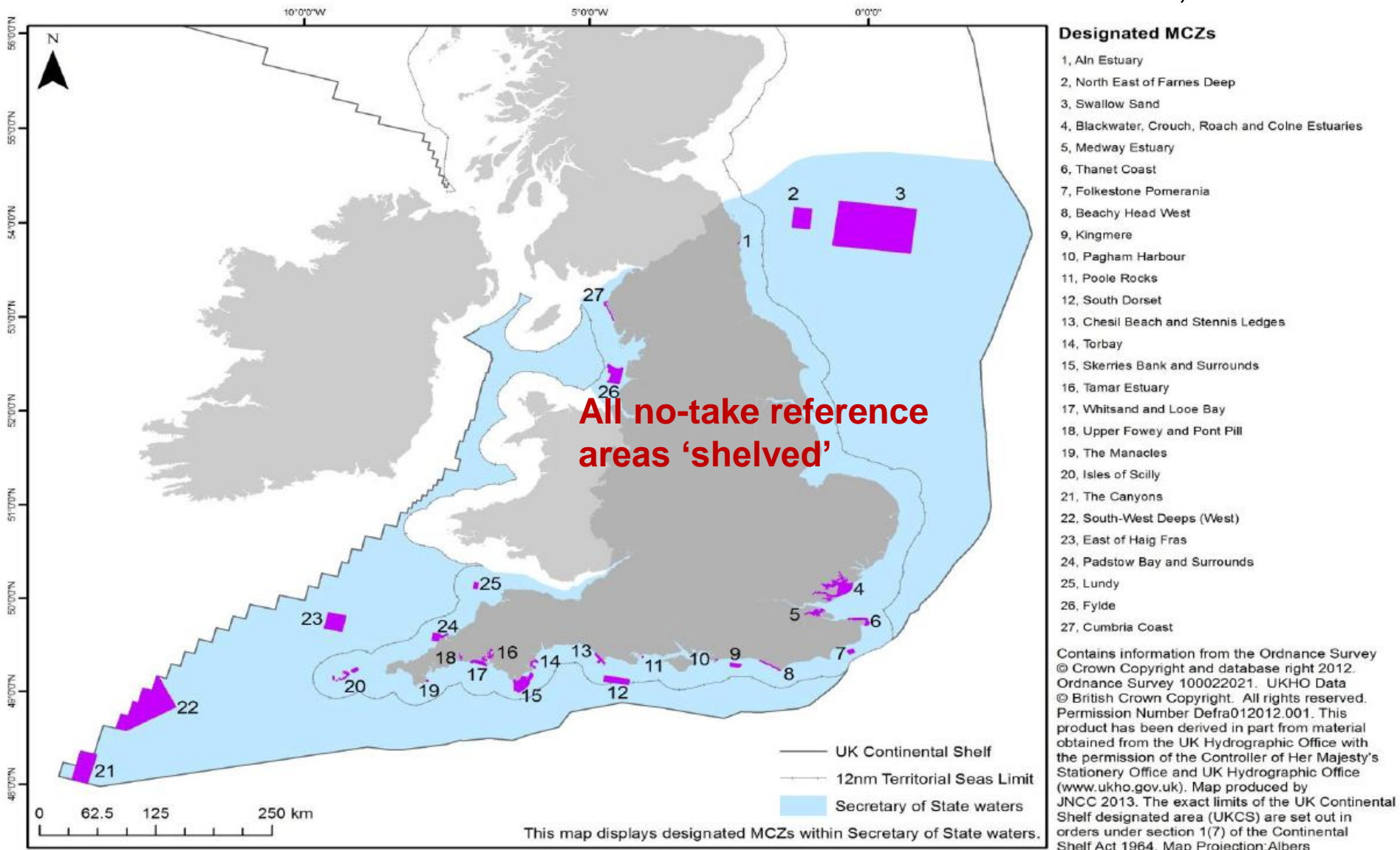
**'most banal  
campaign'  
Richard Benyon**



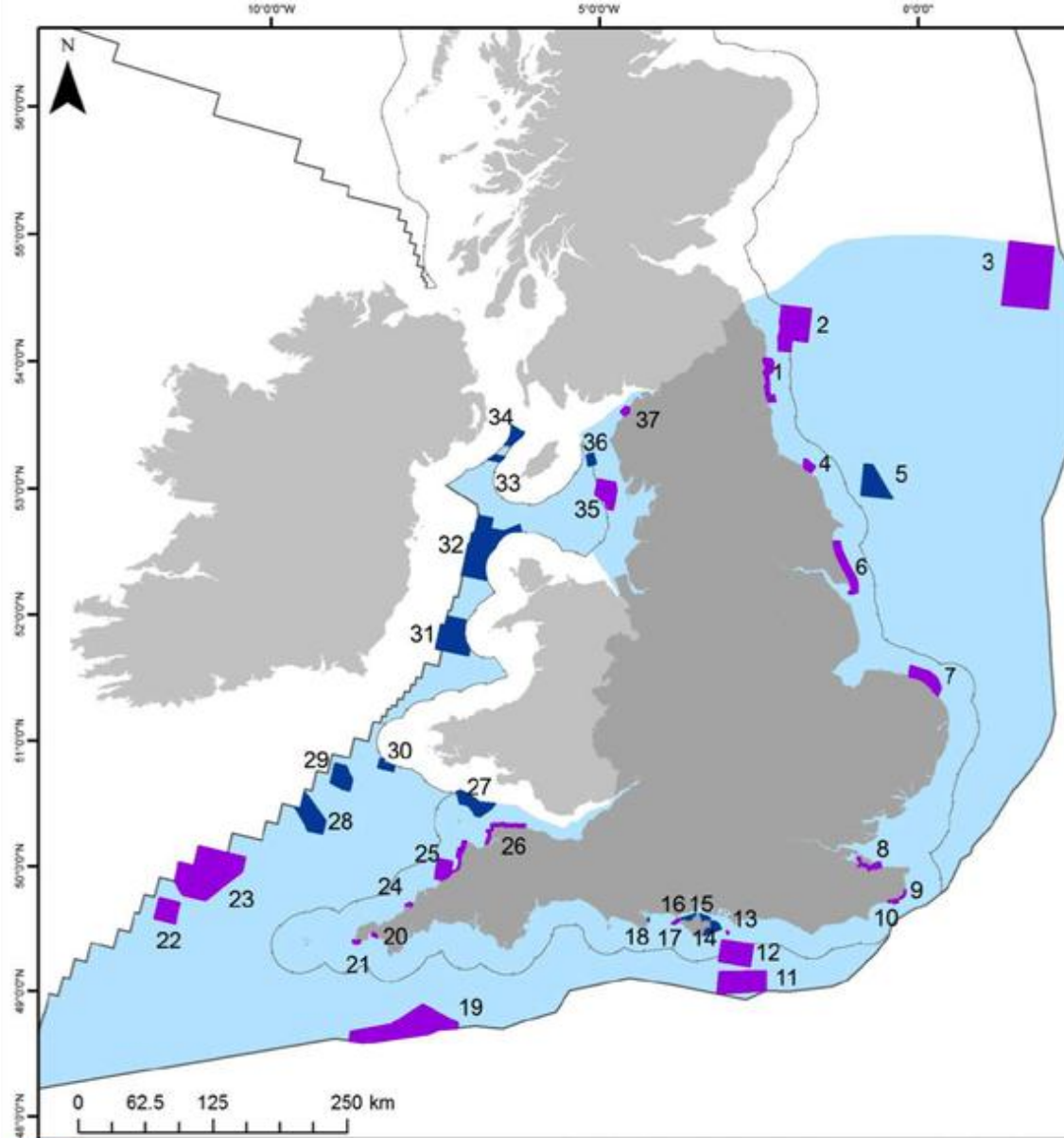
February 2013, march calling for all 127 recommended MCZs to be designated

# First tranche of 127 MCZs

November 2013  
9,664 km<sup>2</sup>



Basically the recommended MCZs that had least economic impacts and most evidence. Very narrowly defined features, excludes important conservation features in some MCZs



- rMCZs for Tranche Two consultation
- rMCZs advised for Tranche Two but not included for consultation
- 12nm Territorial Seas Limit
- UK Continental Shelf
- Secretary of State waters

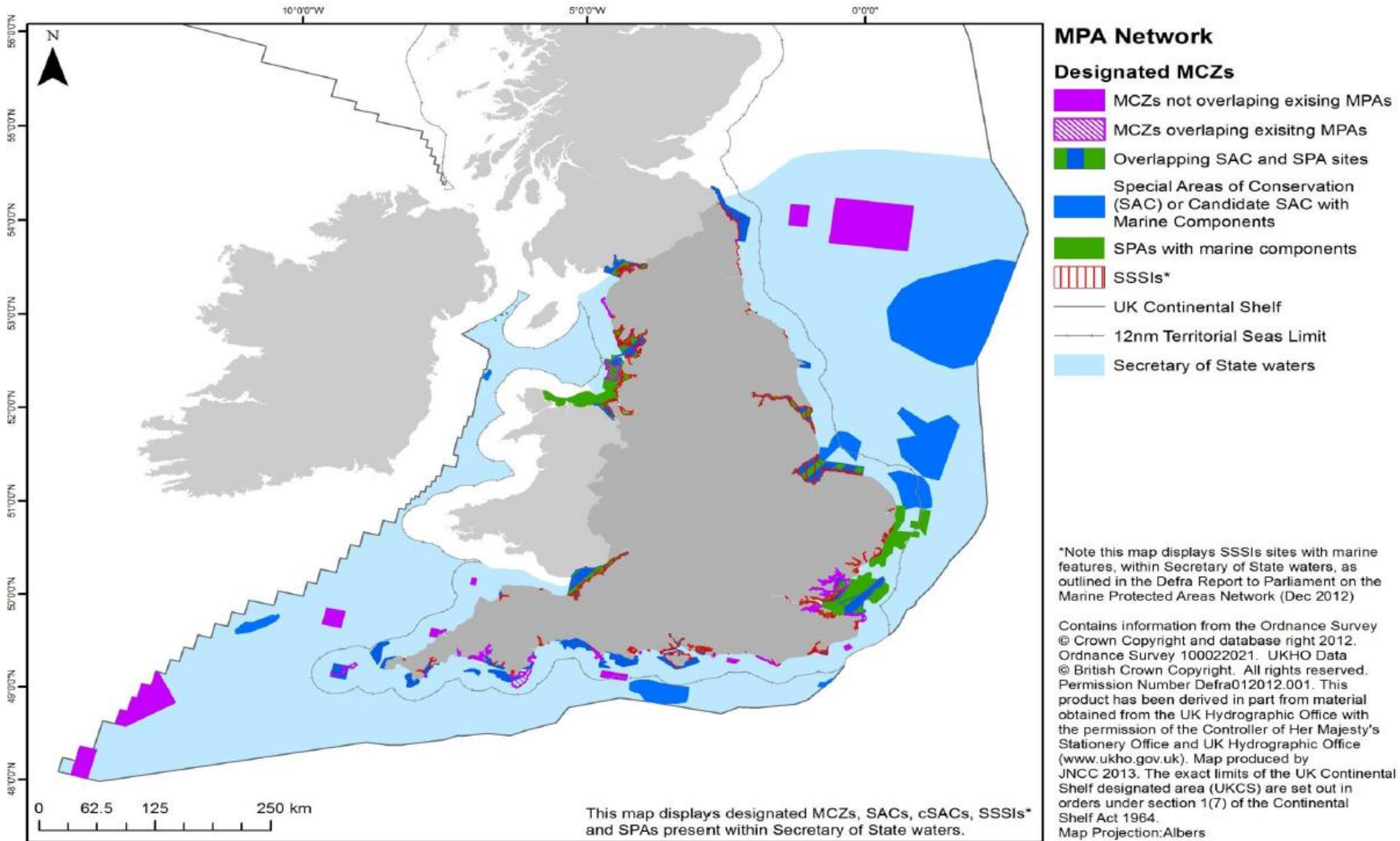
Contains information from the Ordnance Survey © Crown Copyright and database right 2012. Ordnance Survey 100022021. UKHO Data © British Crown Copyright. All rights reserved. Permission Number Defra012012.001. This product has been derived in part from material obtained from the UK Hydrographic Office with the permission of the Controller of Her Majesty's Stationery Office and UK Hydrographic Office (www.ukho.gov.uk). Map produced by JNCC 2014. The exact limits of the UK Continental Shelf designated area (UKCS) are set out in orders under section 1(7) of the Continental Shelf Act 1964. Map Projection: Albers

2<sup>nd</sup> tranche of 23 MCZs (10,810 km<sup>2</sup>) consulted on [Feb-April 2015](#) (3<sup>rd</sup> tranche due in 2016)

14 proposed MCZs that were considered for inclusion in this tranche were dropped due to concerns about potential costs and lack of evidence for conservation benefits: **evidence requirement imbalance?**

Based partly on 'gap analysis' (<80 km) including EMSs and target that at least 10% of each broad-scale habitat type (BSH) represented in MPAs

[Petition](#) re Studland Bay [Wildlife Trusts'](#) MCZs [campaign](#)



Nearly 25% of English territorial waters covered by MPAs (EMSs + 27 MCZs)

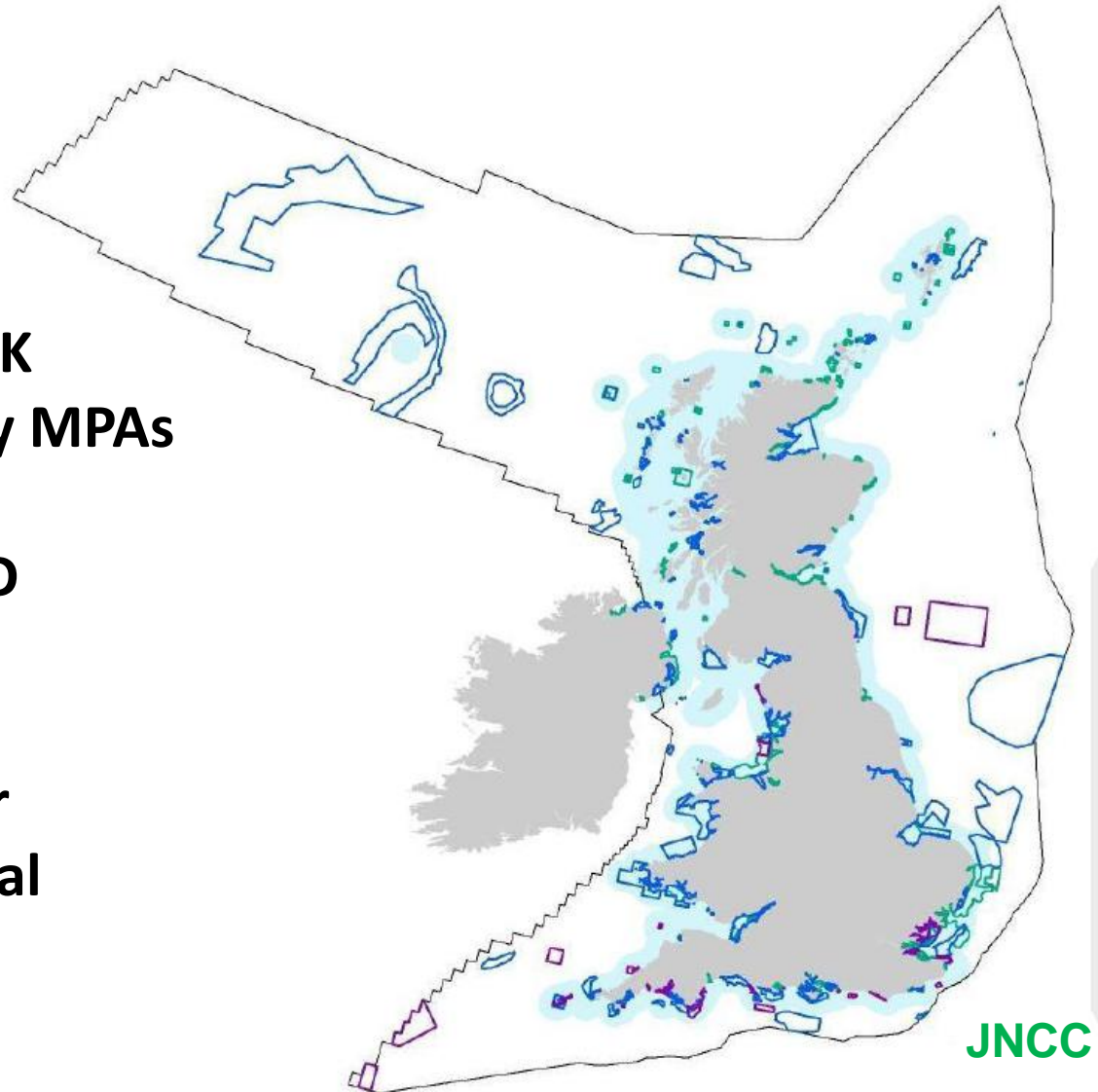


# Progress towards a network

**More than 9% of total UK sea area now covered by MPAs**

**So 10% target under CBD & OSPAR nearly met?**

**UK MPA coverage higher than EU and international average coverage: 6%**



Loss of stakeholder '**ownership**' of MCZs, as their recommendations are eroded - implications?

Shift from 'best available evidence' to 'evidence-based approach' – does this reflect a **lack of political will** to designate national MPAs?

Will MCZ 'tranches' fulfil **MSFD obligations** for **ecologically coherent** and **representative network** of MPAs by 2016?

If not, will EC/European Court of Justice intervene?

Will MCZs impose significant additional restrictions on fishing activities and developments?

Will restrictions be voluntary or regulatory?

If MCZs are not effectively protected, will EC/European Court of Justice intervene under the Marine Strategy Framework Directive?

Is *uncertainty* over where MCZs *might* be and what restrictions MCZs *might* entail a bigger issue than the restrictions themselves for some industries?

**EMSs still the best prospect for MPAs in UK, as obligations to EC overcome lack of political will at a national level?**

**However, will EMSs beyond 12nm be protected under the reformed CFP? EC presents obstacles as well as obligations!**

**Challenges of gaining agreement on CFP restrictions under partial derogation 6-12nm?**

**Will the 'revised approach' protect EMSs inside 12nm, particularly as the process progresses from red risk features to amber features, over which there is more uncertainty.....**

**2013 - 97% of UK marine SAC habitats in unfavourable condition**



Our seas, our future — moving towards a new understanding



"Whether looking at species or marine habitats, less than 20 % (often much lower) of all biodiversity features (i.e. species, habitats and ecosystems) are considered as being in Good Environmental Status" across EU ([EEA, 2014](#))

**Urgent need to improve cover and **effectiveness** of MPAs, as well as broader measures under CFP and MSFD, if GES to be achieved by 2020**



much lower) of all biodiversity features (i.e. species, habitats and ecosystems) are considered as being in Good Environmental Status” across EU (EEA, 2014)

**Urgent need to improve cover and effectiveness of MPAs, as well as broader measures under CFP and MSFD, if GES to be achieved by 2020**