MPAs in England: context and challenges

• Differences between MPAs under EU and UK jurisdiction
• Existing and potential MPA coverage in England
• Future challenges for implementing MPAs

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Paper on which much of this presentation based

www.mesma.org
Marine SACs - Habitats Directive

- Total 102
- 5% UK sea area
- Not ecologically coherent

Integration into fisheries management under EU & UK policies is a priority that is currently being addressed

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

http://www.jncc.gov.uk/page-1445
Marine SPAs under Birds Directive

but managed under Habitats Directive

107 with marine component

only 3 entirely marine

Concentrated in estuaries and coastal areas

http://jncc.defra.gov.uk/page-4559
Much guidance on reconciling conservation of SACs/SPAs with development

- Provisions of Article 6, assessing plans or projects
- Further guidance on Article 6(4), including for priority habitats/species
- EMSs in estuaries and coastal zones
- Integrating biodiversity and nature into port development
- Wind energy developments and Natura 2000
- Non-energy mineral extraction and Natura 2000
- Introducing fisheries measures for marine Natura 2000 sites

Article 6 Habitats Directive

Will plan/project affect **integrity** of SAC/SPA? **No ✓**

If **yes**, are there **alternative sites** for the plan/project? **Yes ✓**

If **no**, should the plan/project go ahead for ‘**imperative reasons of overriding public interest**’ (IROPI)? **No X**

If **yes**, impacts must be **mitigated** and **compensation measures** for impacted species/habitat should be undertaken to ensure protection of overall coherence of **Natura 2000**

If SAC hosts a priority species/habitat, IROPI confined to **health/safety issues or wider environmental benefits**, or other reasons subject to the EC’s opinion
SACs and SPAs are under EC jurisdiction

Article 17:
6 yearly status reporting of *Natura 2000* sites (SPAs and SACs) - sites in favourable condition? **First full assessment due 2013**

European Environment Agency figures indicate that only **10% of designated marine habitats and 2% marine species are in favourable condition.**

Will the next reporting round lead to more infraction proceedings and referrals to the European Court of Justice?
MPAs of national importance
- under member state jurisdiction
- but also fulfil more general commitment under EC Marine Strategy Framework Directive (2008)

Good Environmental Status by 2020 (Article 1)
“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”

11 Descriptors

Measures to achieve GES shall be in place by 2016 (Article 5(2)) and shall include coherent and representative networks of marine protected areas Article 13(4)
MPAs of national importance: Marine Conservation Zones
127 recommended MCZs: 15% of English marine area

SACs and SPAs: 13% of English marine area (23% of territorial waters)

Total MPAs excl. overlaps potentially: 27% of English marine area (34% of territorial waters)
Structure of the England MCZ design process

DEFRA

NE-JNCC

National Stakeholder Group

Science Advisory Panel

Steering Group

Regional Stakeholder Group

Regional Project Team

FIG

NE-JNCC staff

LGs

Marine Act

Steering Group

Regional

Stakeholder Group

Science Advisory Panel

DEFRA

National

Stakeholder
Group
Structure of the England MCZ design process

- Steering Group
- Regional Stakeholder Group
- Science Advisory Panel
- DEFRA
- National Stakeholder Group
- Marine Act
- NE-JNCC
- Regional Project Team
- Steering Group
- Regional Stakeholder Group
- NE-JNCC staff
- FIG
- LGs
National sectoral groups now dominating MCZ process, considering and in some cases challenging the recommendations developed by wider stakeholder groups.
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?

MCZs to be designated in ‘tranches’. Will this fulfil MSFD obligations for ecologically coherent and representative network of MPAs?

If not, will EC/European Court of Justice intervene?
Only 10% of designated marine habitats are in favourable condition across Europe.

Will next year’s SAC reporting round lead to more infraction proceedings and referrals to the European Court of Justice?

Will the UK be in line for these?

Currently emerging policy reforms for proactively restricting fishing in marine SACs/SPAs on a precautionary basis - Will infraction proceedings be avoided by these reforms?
Is the UK really ‘**gold plating**’ the Habitats Directive, placing ‘ridiculous costs on British businesses’?

Is there a **two-track approach** to implementing the Habitats Directive?

... given that we are still developing policies for effectively protecting marine SACs from the impacts of fishing,

... whilst port developments, etc have had to go through Article 6 procedures since 1994?
Will MCZs impose significant additional restrictions on development?

If not, 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?

Thank you – any questions?