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Summary of responses to the Consultation on a draft Strategy for Marine Protected Areas (MPAs) 'Delivering Marine Conservation Zones and European Sites'. 20th April to 13th July 2009

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<http://www.defra.gov.uk/corporate/consult/marine-conservation-zones/index.htm>

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Introduction and Background

Over the next 10 years, the UK Government, together with the Devolved Administrations, is committed to delivering an ecologically coherent network of Marine Protected Areas (MPAs) around territorial waters of the UK.

The MPA network will help to deliver the UK's global and European commitments to marine conservation including helping to provide the right level of protection for our valuable marine habitats and species.

On 20 April 2009 Defra published a consultation on the draft strategy for Marine Protected Areas (MPAs) 'Delivering Marine Conservation Zones and European Sites'. The draft strategy set out Defra's emerging vision and framework for the Marine Protected Areas network. Consultation closed on 13 July 2009. The aim of the consultation was to seek views on the draft MPA strategy and on the four Defra draft MCZ guidance documents.

The draft strategy covers the area where the Secretary of State for Environment, Food and Rural Affairs currently has jurisdiction; this includes the territorial waters adjacent to England, and the offshore waters adjacent to England, Wales and Northern Ireland. The draft strategy does not cover the Scottish offshore region. This is because the Marine and Coastal Access Bill will make the Scottish Ministers responsible for the designation of MCZs in the Scottish offshore region, and (as mentioned in the draft strategy) the UK Government also plans to executive devolve most of the Secretary of State's functions under the Habitats and Birds Directives.

The draft strategy formed the first part of a three stage process as outlined below:

- Public consultation on the draft MPA strategy
- Publication of four revised Defra draft MCZ guidance documents
- Development of new statutory nature conservation advisors' technical and governance guidance

On 30th and 31st July Defra held an MPA Strategy Workshop for stakeholders to engage in the process and help us decide how to best develop the MPA Strategy and Defra's four Guidance Notes. The key messages and recommendations from those workshops are included in this summary.

A total of 75 responses were received during the consultation period. A list of respondents to the consultation can be found at Annex A.

The Defra Resource Centre can supply copies of the full consultation responses to telephone or email requests (020 7238 6575 or email defra.library@defra.gsi.gov.uk). Wherever possible, personal callers should

give the library 24 hours notice of their requirements. An administrative charge will be made to cover photocopying and postage.

Method of Analysis

The methodology consisted of two main activities:

- Collection and collation of the responses
- Thematic analysis of each response

In order for the responses to be analysed thoroughly and objectively, they were firstly entered into a database using a consistent format. Once all of the responses were entered into the database, in-depth analysis was conducted on each response. The responses were analysed in a thematic manner, which involved assessing each response and highlighting keywords or phrases which reflected common themes being raised by respondents. The relevant keywords and phrases were then compiled to provide a summary of the consultation responses.

The results of this analysis were then sorted by sector (Commercial, Conservation Agencies, Official Bodies, Expert / Academic, Environmental Non-Government Organisations and Members of the Public) to consider the strongest common themes.

The following tables present the number of responses received, categorised by sector and sub-sector.

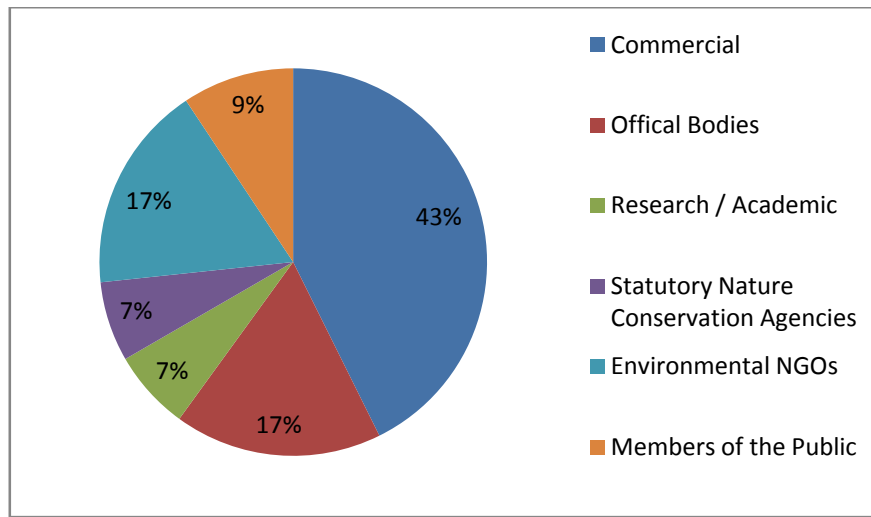
Table 1: Responses by Sector

Sector	Number of Respondents
Commercial	32
Official Bodies	13
Research / Academic	5
Statutory Nature Conservation Agencies	5
Environmental NGOs	13
Members of the Public	7
Total Number of Unique Responses	75

Table 2: Responses by sector and sub-sector

Sector	Sub-Sector	Number of responses
Commercial	Fishing sector	9
	Renewable / Energy	12
	Ports Groups	4
	Leisure Industry	3
	Consultancy Firms	2
	Aggregate Industry	2
Official Bodies	Government Bodies	4
	Local Authorities	6
	Sea Fisheries Committees	3
Research / Academic	Universities / Academic bodies	5
Statutory Nature Conservation Agencies	Statutory Nature Conservation Agencies	5
Environmental NGOs	Environmental NGOs	13
Members of the public	Members of the Public	7

Chart 1: Pie chart showing the percentages of total responses



Key Messages

A number of key messages were identified in the consultation responses which have been listed below.

- **The timescale identified in the MPA Strategy to build the network is very challenging.**
- **A clearer explanation of the role of socio-economic factors in selecting MCZs is required.**
- **Socio-economic factors should not undermine the development of an ecologically coherent network of Marine Protected Areas.**
- **More information in the Strategy and MCZ Guidance is needed regarding the management and enforcement of the network.**
- **The Strategy and MCZ Guidance needs to better reflect the UK position and where possible a unified approach across the Devolved Administrations should be described.**
- **The science used should be the best available.**
- **Displacement of fishing effort needs to be carefully considered.**
- **MCZ Regional projects must ensure all sea users with an interest are engaged throughout the selection process.**
- **There is a need for data sharing amongst all sea users involved in the selection of MCZs.**
- **The MPA Strategy and MCZ Guidance need to better explain how climate change and conservation objectives will be delivered simultaneously.**
- **The Strategy and MCZ Guidance need to provide clarity regarding the level of protection for sites and how this will be delivered.**

Summary of thematic responses

Consultation responses were analysed in a thematic manner, this involved focusing on identifiable themes and patterns within the responses and drawing out comments under those themes. Consultation responses as analysed by thematic content are shown below. Some specifically relate to the MPA Strategy and Guidance documents and some relate more broadly to Defra's MPA policy.

MPA network timescale and future development

- The timescale proposed (2012) is very challenging given the scale of the project;
- It should be clear that 2012 should not be the cut-off date beyond which all work on the MPA network should cease. There should remain the possibility of reshaping the network as new information and data becomes available;
- Selection and designation of sites should be completed by 2012 in line with international commitments. The focus beyond 2012 should be on ensuring that the individual sites and the network as a whole are well managed;
- There may not be time for authoritative studies on socio-economic impacts to be completed in the timescales indicated;
- MPA Network Objectives should be included in the strategy.

Socio-economic factors in selecting MCZs

- Socio-economic factors should be considered from a wide range of stakeholders;
- Socio-economic factors should not be brought into the equation at the site designation stage, they should be considered at a later stage of the process only;
- Stakeholder engagement and transparency need to remain high on the agenda in order to build trust with stakeholders;
- Socio-economic factors should not be given equal weighting to scientific evidence in the ongoing designation and management of the ecologically coherent network of MPAs.

Protection Levels for Sites

- There was stakeholder support both for and against the establishment of 'no take' zones within MCZs;
- Respondents recommended that the 2020 vision should include a significant network of Highly Protected Marine Reserves, covering not less than 30% of each UK representative network;
- For an MPA network to work effectively and meet its ecosystem wide objectives, it was suggested it will be necessary to have substantial areas set aside as No Take, No Go zones, for lengthy but not necessarily permanent, periods;
- Concern over the stated presumption that no particular activity will be restricted within MCZs as this will make some conservation objectives difficult to achieve.

Join up at UK and International level

- For a truly meaningful MPA network, it will be necessary to consider the network bioregional context irrespective of any political boundaries, including international boundaries;
- A lack of UK co-ordination could lead to failure to achieve an ecologically coherent MPA network;
- It was suggested a separate body be established that acts as the liaising body between UK Administrations;
- Greater collaboration between UK Government and Devolved Administrations is required in order to deliver an ecologically coherent network of Marine Protected Areas (MPAs) at the UK level;
- Examples of good practice should be sought from other EU countries at the earliest possible stage of consultation in the context of the Common Fisheries Policy.

The MCZ regional projects

- The engagement of sea users within the regional projects should remain a key part of the MCZ selection process;

- The regional projects should have access to good advice on socio-economic aspects at the designation stage and socio-economic factors should not be treated as an 'add on' late in the process;
- The regional projects will need national network conservation targets to provide a remit to work towards;
- Early buy-in from Other Government Departments is critical to the success of the MCZ regional projects;
- The Defra and conservation agency MCZ guidance should be clear and transparent regarding the process by which the statutory agencies will be required to give their advice on the regional project recommendations to Government;
- Decisions made by the regional projects should be evidence-based;
- The method by which difficult decisions will be reached should be clearly set out from the beginning of the process, including rights to challenge and appeal;
- The 'bottom up' approach means that the regional projects are reliant upon a wide range of stakeholders with very different, and often competing, interests to effectively engage with one another. Clear guidance and support on reaching consensus is required therefore;
- Activity restrictions should be on a case-by-case and site-by-site basis;
- The regional projects must share data amongst other stakeholders involved in the process of selecting sites;
- Concerns that this regional process will be driven primarily by local input with the possibility that poor quality data will be used to make decisions. This places considerable risk on effective implementation;
- As the regional projects are to be stakeholder led, it is important that there is sufficient strategic oversight to ensure that each delivers a consistent and appropriate output in accordance with the overarching strategy;
- Further detail is required on how the contingency would be implemented in the event that Natural England and JNCC do not deem the networks to have satisfied the MCZ network objectives;
- Trust and understanding will need to be developed in order for the stakeholder-led MCZ process to work effectively.

Science and the Science Advisory Panel (SAP)

- There is a lack of information as only 15% of the seabed is mapped with any degree or precision. As a result there is a lack of adequate information on which to base the selection of one MPA over another;
- The science being used may not be the best available, only the best given the available budget;
- Evidence-based data and science should be used when designating sites;
- Seabird and socio-economic specialists should be included on the Science Advisory Panel in order to advice on how to define areas to protect seabird sites.

Management and Enforcement

- Good buy-in from stakeholders will deliver more effective enforcement;
- More detail regarding levels of site protection and management would be welcomed in the Strategy and Guidance notes;
- It was suggested that MCZ statutory closures are likely to be easier to enforce compared with voluntary closures where the rules are agreed by local stakeholders and regulated by the local community;
- There may be discrimination against UK fleet in terms of enforcement due to historical rights and measures under the Common Fisheries Policy;
- More detail is required regarding the way in which Conservation Orders and Fisheries Regulation will be used to protect biodiversity etc;
- The costs of management and enforcement of MCZs need to be considered in selecting sites;
- Penalties should be set so that where the rules are knowingly breached severe financial penalties may be served;
- Once selected, sites should be efficiently and effectively monitored in order to reassess their designation if necessary.

Outputs from the MPA Strategy Workshops 30th & 31st July

As part of the consultation, Defra held a workshop on the 30th and 31st July in which sea users were invited to provide input and commentary to help us to shape both the MPA Strategy and Defra's draft Guidance Note 1 on 'Selection and Designation of Marine Conservation Zones'. The key messages and recommendations from the workshops are summarised below.

The key messages at the workshops were as follows:

- The timescale on which to build the MPA network is too ambitious;
- Consistent stakeholder participation and engagement required throughout the MPA process;
- Stakeholder buy-in is essential for self regulation;
- Joined up Government with early and regular engagement with Other Government Departments is required;
- The UK should work in conjunction with other nations in order to avoid discriminated against UK vessels;
- Maximise data sharing between the Regional Projects;
- Measures will need to be put in place to protect MCZ's from fishing activities beyond 6 nautical miles;
- Socio-economic factors should not undermine the development of an ecologically coherent network of Marine Protected Areas;
- Transparency is required in order to build trust with stakeholders;
- Management options should be outlined early on in the process;
- Evidence based decision making;
- Displaced effort could lead to fish stock collapse outside MPA's;
- Open stakeholder participation within the Regional Projects;
- Communication should be effective, time-bound and include feedback;
- The design of the network is important;
- Displacement of fishing effort could cause conflict;
- The Science Advisory Panel needs both scientific and socio-economic representation;
- The science used should be the best available;
- The inshore Fisheries Conservation Authorities may not have sufficient resources to manage the network;
- A review process is required post designation;
- Early agreement of objectives;
- Decisiveness is required in order to make progress;
- Support for voluntary management initiatives;
- There is a need for a National Stakeholder group to join up the four regional projects;
- Getting the MPA designation process right will be crucial to the success of the UK's security of energy supply and climate change targets.

Recommendations at the workshop to improve the draft strategy were as follows:

- Provide greater clarity on highly protected sites and descriptions of the benefits of sites;
- There should be another stage between designation and management, perhaps an implementation stage?
- Provide more information regarding management and enforcement of the network;
- Secondary legislation needs to be incorporated into the timeframe / timeline in the strategy;
- Provide greater detail on the review process of MCZ's;
- Make it clear that the network will not be undermined by socioeconomics;
- Use less apologetic language with regard to nature conservation.
- Make it clear that climate change is a threat to conservation of the marine environment and that energy generated from renewable energy provides a long term solution.

What Happens Next

We are now considering how best to revise the draft MPA Strategy and Defra Guidance notes in light of the results of both the public consultation and the Defra workshops. We will consider the key messages and issues raised as well as specific amendments suggested by respondees and the workshop attendees.

We plan to publish the Strategy following Royal Assent of the Marine and Coastal Access Bill and subsequent publication of the Ministerial statement to Parliament that sets out how the nature conservation clauses of the Act will be implemented. This is likely to be in Spring 2010.

Defra with the Welsh Assembly Government will publish a final consolidated version of guidance to accompany Part 5 of the Marine and Coastal Access Bill. This will consist of current draft guidance notes 1 to 4 that explain how it is intended the powers and duties contained in Part 5 of the Bill will be used in order to designate and protect Marine Conservation Zones (MCZs). This guidance will be made available in Spring 2010, again following the Ministerial statement to Parliament.

Annex A – List of respondents to the consultation

Angling Trust
Associated British Ports
British Ecological Society
British Marine Federation
British Ports Association
British Marine Aggregate Producers Association
British Trust for Ornithology
British Wind Energy Association (BWEA)
Carbon Capture & Storage Association
Centrica Energy
Cornwall County Council
Crown Estate
Department of Energy and Climate Change (DECC)
Devon County Council
East Sussex County Council
Eastern Sea Fisheries Joint Committee
EDF Energy
Environment Agency
Eon UK
English Heritage
Halcrow Group Ltd
Hampshire County Council
Health and Safety Executive
Institute for Archaeologists
Institute of Historic Building Conservation (IHBC)
Joint Nature Conservation Committee (JNCC)
Kent and Essex Sea Fisheries Committee
Kent County Council
KIMO UK
Leach Fishing Enterprises
Llyn Fishermans Association
Major Ports Group
Marine Biological Association
Marine Conservation Society
Marine Environmental Data and Information Network (MEDIN)
Marine Institute University of Plymouth
National Grid
National Oceanography Centre
National Trust
Natural England
National Federation of Fishermen's Organisations (NFFO)
Northumberland Sea Fisheries Committee
Oil and Gas UK

Plantlife International
Plymouth Marine Laboratory
Port of London Authority
7 Private individuals
Renewable Energy Association (REA)
Renewable Energy Systems Limited
Royal Haskoning UK Ltd
Royal Society for the Protection of Birds (RSPB)
RWE npower
Royal Yachting Association (RYA)
Scottish and Southern Energy PLC
Scottish Fishermans Federation
Seabed User and Development Group
Seafish
Shellfish Association of Great Britain
Solent Forum
Solent Protection Society
South West Regional Developments Agency
Sustainable Energy UK
Sustainable Fishing Solutions Ltd
Thorpe Bay Fisheries
University of Leicester
Whale and Dolphin Conservation Society
Wildlife and Countryside Link
Wildlife Trusts
World Wildlife Fund UK (WWF UK)