



House of Commons  
Environmental Audit  
Committee

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# **Marine protected areas**

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**First Report of Session 2014-15**





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to the report*

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## Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

All publications of the Committee (including press notices) and further details can be found on the Committee's web pages at [www.parliament.uk/eacom](http://www.parliament.uk/eacom)

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## Summary

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In November 2013 the Government designated 27 Marine Conservation Zones (MCZs)—well short of the 127 sites recommended by the project groups it had set up. This slow pace has been disappointing and suggests a lack of Government commitment to this initiative.

The MCZ selections so far have been criticised from all sides, for lacking environmental protection ambition and for gaps in the biodiversity covered, but also for the potential harm they could cause to business and leisure activities. At this stage it is difficult to assess whether such gaps and uncertainties will be a consistent feature of the programme, or whether a difficulty in collecting evidence of a standard that meets the Government's requirements has skewed the initial selections.

The Government will consult on a second tranche of MCZs in early 2015, with sites designated at the end of that year. To demonstrate to all sides that it is committed to the environmental protection of our seas, it should front-load the selection of further MCZs so that more fall in that next tranche of designations. It should follow an environmental precautionary principle approach to designations, based if need be on 'best available' data rather than the fuller 'robust' data that it has sought so far.

The Government has not set out a strategy for the management of the MCZs, or explained the enforcement measures which will be applied. The Marine Management Organisation (MMO) will only have control plans in place for its part of the first tranche of these in 2016. The Government must immediately set out management plans for individual MCZs, and an overarching strategy for MCZ management which facilitates voluntary arrangements where these would not undermine or weaken the MCZs' objectives.

The Government should identify a clear lead agency to drive effective co-ordination of protected areas. The MMO might be given that role, but if so the Government will need to ensure that the organisation's planning and resources would allow it to discharge that responsibility effectively. The Government should provide its assessment of the budget and resources that the MMO will make available to manage the MCZs, and how any efficiencies will affect the level of MCZ management and enforcement that the organisation will be able to provide.



# 1 Introduction

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1. Human activities, such as fishing and aggregate extraction, have caused significant damage to marine habitats and species. It has been estimated that 15 of the world's 17 large fisheries “either have collapsed or are on the brink of collapse”.<sup>1</sup> Marine Protected Areas (MPAs) have been introduced in an attempt to help protect that marine environment. The Government has committed itself to developing a UK-wide well-managed and ecologically coherent network of MPAs, which would include more than 25% of English waters by 2016.<sup>2</sup> This is “one strand” of the Government's programme “to protect and enhance the marine environment” while supporting sustainable use of its resources to achieve its vision of “clean, healthy, safe, productive and biologically diverse oceans and seas”.<sup>3</sup> MPAs are also intended to meet international commitments, including the Convention on Biological Diversity, and contribute to achieving the Good Environmental Status required by the Marine Strategy Framework Directive. There are also MPAs designated under European legislation: Special Areas of Conservation protect specific marine habitats and species, and Special Protected Areas protect birds.

2. Defra is responsible for English inshore waters and for offshore waters around England, Wales and Northern Ireland. It is also responsible for Marine Conservation Zones (MCZs)—a type of MPA—in those areas. These have had a long period of development. The Government in the previous Parliament published a Draft Marine Bill in April 2008 which provided a framework for establishing MCZs. It was scrutinised by a Joint Committee in 2008,<sup>4</sup> and the measures were subsequently enacted through the Marine and Coastal Access Act 2009.<sup>5</sup> The Act requires that MCZs be designated in such a way as to form a network that, with other UK MPAs, contributes to the conservation of the UK marine environment. The habitats and species protected by the network, the Act states, must represent the range present in the wider UK marine area, and reflect the fact that the conservation of a feature may require the designation of more than one site.<sup>6</sup> The Act also states that, unlike for other MPAs, “economic or social consequences” may be considered during the selection and designation of MCZs.<sup>7</sup>

3. Four regional project groups were formed in 2009 to recommend MCZ locations and boundaries. These groups comprised organisations and individuals representing marine sectors—including fishing, marine renewable energy and conservation—and government advisory bodies. The process was set up by Natural England, who advise the Government on marine nature conservation in inshore waters, and by the Joint Nature Conservation Committee for offshore waters (together, these bodies comprise the Statutory Nature

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1 HC Deb 8 May 2014, [col 170](#)

2 Defra ([MPA 0027](#)), paras 2 and 52

3 *Ibid*, para 1

4 Joint Committee on the Draft Marine Bill, [Draft Marine Bill](#), HC (2008-09) 552-1

5 Marine and Coastal Access Act 2009, [s116 et seq](#)

6 *Ibid*, [section 123](#)

7 *Ibid*, [section 117](#)

Conservation Bodies).<sup>8</sup> Other bodies are responsible for managing and regulating MCZs: the Inshore Fisheries and Conservation Authorities within six nautical miles, and the Marine Management Organisation beyond that.<sup>9</sup>

4. In 2011, the project groups recommended MCZs for 127 sites, covering 15% of the waters under Defra's jurisdiction.<sup>10</sup> The Statutory Nature Conservation Bodies scrutinised the evidence base for these MCZ proposals and concluded in July 2012 that the 127 sites represented "good progress" towards the achievement of an ecologically coherent network.<sup>11</sup> Defra published a public consultation document at the end of 2012 which identified 31 MCZs for possible designation in 2013.<sup>12</sup>

5. Subsequently, in July 2013, the Government said that it would not take forward all of the 127 originally recommended MCZs at that stage because of concerns about the evidence supporting their designation.<sup>13</sup> In November 2013, the Government designated 27 MCZs.<sup>14</sup> The designation Orders for the initial 27 MCZs confer duties on public authorities to carry out their functions in such a way as to further or, if this is not possible, to least hinder the achievement of the conservation objectives of the sites. The Government plans to designate two more tranches of MCZs over the next two years. Consultation on the first of these is expected in early 2015 with designation of sites by the end of 2015. A third tranche is expected to follow a year later. In February 2014, Defra issued an *Update* on progress with MCZs,<sup>15</sup> which listed 37 sites which might be suitable candidates for the second tranche.

## Our inquiry

6. We called in our January 2014 report on *Sustainability in the UK Overseas Territories* for designation of marine protected areas in several of those Territories;<sup>16</sup> a call that was repeated in a Westminster Hall debate on the issue in May 2014.<sup>17</sup> We noted in the Report that the Aichi Biodiversity Targets require that by 2020 at least 10% of coastal and marine areas should be "conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas". We called on the Government to declare new Marine Protected Areas around the Pitcairn Islands, Tristan da Cunha and South Georgia and the South Sandwich Islands; a move which would make a

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8 JNCC, [The Marine Conservation Zone Project](#)

9 Q144

10 JNCC and Natural England, [JNCC and Natural England's Advice to Defra on recommended Marine Conservation Zones](#) (July 2012), Summary p4

11 Ibid, Summary p7

12 Defra, [Marine Conservation Zones: Consultation on proposals for designation in 2013](#)

13 Defra, [Marine Conservation Zones: Consultation on proposals for designation in 2013: Summary of Responses](#) (July 2013), para 30

14 Defra, [Marine Conservation Zones Designation](#) (November 2013)

15 Defra, [Marine Conservation Zones: February 2014 update](#).

16 Environmental Audit Committee, Tenth Report of Session 2013-14, [Sustainability in the UK Overseas Territories](#), HC 332, paras 43-48

17 HC Deb 8 May 2014, [col 170](#)

significant contribution to protecting the biodiversity of the World's oceans.<sup>18</sup> Urgent action on this important matter is now imperative. Marine Protected Areas for key Overseas Territories should be declared before the end of the current Parliament.

7. In this inquiry we have examined the situation in UK waters, where MCZs have been introduced after a protracted period (paragraph 2). As we noted in our recent report on *Well-being*,<sup>19</sup> the Natural Capital Committee has identified evidence gaps “which make it difficult to assess the overall status and trends for natural assets”,<sup>20</sup> including in the marine area around the UK which it assessed to have the worst ‘data quality’ of eight natural asset ‘domains’.<sup>21</sup> In April 2013, the Science and Technology Committee’s report on *Marine Science* criticised the Government for increasing the level of evidence required before MCZs could be designated.<sup>22</sup> The Committee also concluded that a “lack of clarity on management measures creates uncertainty” and urged the Government to “produce a clear statement on how management measures [for the MCZs] will be decided” along with “a clear timetable showing when these will be discussed”.<sup>23</sup> We have followed up the work of the Science and Technology Committee. We have examined in particular:

- the issues surrounding the creation of a network of Marine Conservation Zones, including the difficulties in gathering evidence and in balancing environmental and socio-economic interests (Part 2); and
- how to achieve effective management, supervision and enforcement of the Zones, and the need for an effective strategic approach to the overall development of the network of Zones (Part 3).

8. We took oral evidence from 12 witnesses, including the Defra Minister George Eustice MP and representatives of scientific institutions, environmental groups, marine industries and leisure users. We are grateful to everyone who gave evidence.

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18 Environmental Audit Committee, Tenth Report of Session 2013-14, [Sustainability in the UK Overseas Territories](#), HC 332, paras 43-48

19 Environmental Audit Committee, Fifteenth Report of Session 2013-14, [Well-being](#), HC 59

20 Natural Capital Committee, [The state of natural capital: Restoring our natural assets](#) (March 2014), p20

21 Ibid, pp75-76

22 Science and Technology Committee, Ninth Report of Session 2012-13, [Marine Science](#). HC 727, para 23

23 Ibid, para 28

## 2 Creating a network of Marine Protected Areas

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### Environmental factors

9. The Government’s aim is to achieve “good environmental status in our seas by 2020, as required under the EU Marine Strategy Framework Directive”.<sup>24</sup> All UK Administrations have committed themselves to contributing to an ecologically coherent network of Marine Protected Areas in the North East Atlantic. A number of our witnesses told us, however, that the MCZs so far designated do not represent a coherent network. Marinet Marine Community Network believed that the Government’s refusal to accept the full “authoritatively agreed list” of 127 sites, and instead to “cherry pick just a few sites”, undermined the whole process.<sup>25</sup> Other witnesses variously criticised the ambition implicit in the selections, the absence of ‘reference areas’ barring human activity, inadequate coverage of ‘mobile species’ and insufficient consideration of the seabed ‘subsurface’.

10. The Marine Reserves Coalition, for example, was concerned about a lack of ambition in developing the network:

... we suggest that simply ‘maintaining’ features in their current state is not ambitious enough and that the conservation objective of all MCZs should be set to ‘recover’. This is particularly important in the context of UK marine ecosystems, many of which are in a degraded condition.<sup>26</sup>

Wildlife and Countryside Link told us that:

One of the difficulties we had when talking to the Defra economists was this whole issue of recovery. We basically said to them that much of the sea is degraded; if you make it a Marine Protected Area and you manage it correctly, it should start to recover. They argued that it is not degraded.<sup>27</sup>

The Marine Biological Association called for a precautionary approach to designation of protected sites to ensure that key features are not lost. The aim should be to “recover and restore habitats, not just maintain the status quo”.<sup>28</sup>

11. Some witnesses said that the network of MCZs would only be complete if it included areas with high levels of protection from the human impacts of extraction and disturbance. Removing such impacts could allow a site to return to its ‘reference condition’—the state that would exist if there were no human intervention. Of the 127 originally recommended MCZs, 65 contained ‘reference areas’, but represented less than 2% of the area of the

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24 Defra ([MPA 0027](#)), para 1

25 Marinet Marine Community Network ([MPA 0045](#))

26 Marine Reserves Coalition ([MPA 0018](#)), para 7

27 Q29

28 Marine Biological Association ([MPA 0026](#)), para 30



recommended MCZs. None of the MCZs announced in November 2013 contained any reference areas, which the Marine Biological Association described as “a serious oversight”.<sup>29</sup> There were very few areas, they told us, where scientists could investigate “fundamental marine processes and how these processes operate naturally” without the impact of humans, and to understand the “stability of habitats and species”.<sup>30</sup> The Countryside Alliance, on the other hand, welcomed the Government’s decision, taken on advice from the Statutory Nature Conservation Bodies, not to proceed with reference areas in the first tranche of MCZs:

The proposal ... was a grave source of concern to wildfowlers and anglers, as well as others in coastal areas, given that MCZs and the associated Reference Areas could be applied to areas above the mean low water mark and terrestrial habitats.<sup>31</sup>

12. A number of witnesses urged that ‘mobile species’ be given specific protection in MCZs. Wildlife and Countryside Link were disappointed that species such as seabirds, cetaceans, basking sharks and fish had not been comprehensively covered by MCZs so far, and asserted that “where such species were found to be features of recommended MCZs, they were removed prior to the Tranche 1 consultation”.<sup>32</sup> WWF wanted examples of all stages of lifecycles of mobile and migratory species to be encompassed by the network: “spawning and nursery grounds, foraging and rafting areas, and breeding/pupping/nesting areas”.<sup>33</sup> Similar views were expressed by Whale and Dolphin Conservation<sup>34</sup> and Marinelifelife, who wanted White-beaked Dolphin to be a conservation feature of the second tranche of MCZs.<sup>35</sup>

13. George Eustice MP, Parliamentary Under-Secretary of State for Marine Environment at Defra, told us that MCZs should protect permanent features, seabed features and habitats, and that “the way that the [Special Areas of Conservation] and the [Special Protected Areas] work, the European marine sites lend themselves better to protecting some of those mobile species”.<sup>36</sup> Professor Ian Boyd, Chief Scientific Adviser at Defra, believed that:

The most effective interventions are things like bycatch reduction in fisheries and those sorts of things. It is continuous monitoring of marine activities to make sure they are not negatively affecting some of these mobile species.<sup>37</sup>

We look at such monitoring and management issues in Part 3.

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29 Marine Biological Association ([MPA 0026](#)), para 24

30 Ibid.

31 Countryside Alliance ([MPA0032](#)), para 9

32 Wildlife and Countryside Link ([MPA0011](#)), para 6.2

33 WWF-UK ([MPA0017](#)), para 4.3

34 Whale and Dolphin Conservation ([MPA0004](#))

35 MARINELife ([MPA0035](#)), para 5

36 Q166

37 Ibid

14. The Geological Society highlighted another item on the list of features that witnesses thought were insufficiently covered. They argued that too little attention had been paid to the seabed subsurface, which:

plays an active role in environmental processes, providing key resources and services, and supporting others. It is fundamental to a holistic understanding of the environment and so its inclusion when identifying marine protected areas is essential if the health of ecosystems and the wider environment are to be effectively protected.<sup>38</sup>

## Social or economic factors

15. The Marine and Coastal Access Act 2009 allows Ministers to take account of the economic or social consequences of designation in selecting MCZs.<sup>39</sup> In some cases, such factors could support the designation of a Zone if, for example, that provided opportunities for leisure businesses. The Government is funding projects on valuing improvements in ecosystem services in the marine environment and is “continually collating existing studies as they become available to improve the social and economic evidence base”.<sup>40</sup> Professor Boyd noted the work of the Natural Capital Committee in trying to quantify such benefits, which we have examined in our recent report on *Well-being*.<sup>41</sup> “From a scientific perspective”, he told us, “we are still at a relatively early stage of being able to properly cost those benefits in, but they almost certainly do exist”.<sup>42</sup>

16. But taking account of the disparate and sometimes conflicting interests of the environment, business and leisure has presented challenges for the MCZ programme. The evidence base for economic or social considerations is still not well developed. Several of our witnesses highlighted a shortage of quantitative information on possible socio-economic benefits of MCZ designation. The Government acknowledged that:

There is a significant gap in the economic evidence base regarding benefits of designation. While it is possible to describe the broad ecosystem benefits qualitatively, little evidence exists to enable more detailed quantification.<sup>43</sup>

17. The statutory provision which allows socio-economic considerations to be taken into account has made the process of designating MCZs a contested one. Wildlife and Countryside Link called for improvements to the Impact Assessments for site designations. The Assessment for the first tranche of sites calculated the costs for industry, they told us, but “made little attempt” to assess the benefits of protection, such as “recreation, sense of

38 The Geological Society ([MPA0028](#)), para 4

39 [Marine and Coastal Access Act 2009, Section 117: Explanatory Notes](#)

40 Defra ([MPA0027](#)), para 34

41 Environmental Audit Committee, Fifteenth Report of Session 2013-14, [Well-being](#), HC 59

42 Q136

43 Defra ([MPA0027](#)), para 34

well-being, capture and storage of carbon, nutrient cycling, processing of wastes, and the fundamental role of a healthy ecosystem in producing seafood”.<sup>44</sup>

18. On the other hand, a range of commercial interests explained how their operations might be affected by the establishment of MCZs. The British Ports Association, for example, were concerned that it might be possible to include new features for protection within an MCZ, or change a conservation objective from ‘maintain’ to ‘recover’, without consultation.<sup>45</sup> Some witnesses worried that an extended and uncertain MCZ process could blight economic development. The Port of Tilbury was concerned that there was:

no costed impact analysis of the potential economic impact of MCZ designation on the Thames ... Uncertainty around the designation of a Thames MCZ will increasingly become a factor in the decision making process around investment plans.<sup>46</sup>

The Major Ports Group told us that, with many possible future designations for previously recommendations MCZs, there was “a situation of considerable uncertainty for ports, particularly for those who are planning development”.<sup>47</sup> The Port of London believed that “the evidence base for designations is unduly skewed towards locations of economic activity, as these marine environments are the best and most surveyed.”<sup>48</sup> The Major Ports Group wanted the Government to review potential MCZ sites which might present a blight risk “and drop any proposed designations which would add relatively little net ecological benefit”.<sup>49</sup>

19. Witnesses connected to leisure pursuits also had concerns. The Royal Yachting Association told us that “up to a point we are reasonably comfortable with the way that recreational boating interests were taken into account” in the first tranche of MCZs, but pointed out that “most of the areas that were of primary concern to recreational boaters were not included”.<sup>50</sup> They warned that “Until we know what, if any, activities are going to be restricted or prohibited within that Zone it is quite difficult for us and our members to work out whether they are in favour or not”.<sup>51</sup> The British Association for Shooting and Conservation also had concerns:

It is vitally important that the small businesses that depend on recreational activities like shooting, fishing and water sports are not compromised by regulations that prevent these activities taking place. Government should

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44 Wildlife and Countryside Link ([MPA0011](#)), para 5.3

45 British Ports Association ([MPA006](#))

46 Port of Tilbury ([MPA005](#)), para 18

47 UK Major Ports Group ([MPA0015](#)), para 5

48 Port of London Authority ([MPA0019](#))

49 UK Major Ports Group ([MPA0015](#)), para 5

50 Q75

51 Ibid

ensure that the regulation of activities in MCZs reflects the requirements of the Red Tape Challenge and the Regulators' Code.<sup>52</sup>

20. Some suggested that conflict between economic and environmental interests was not inevitable in the MCZ process. Marinet Marine Community Network argued for widespread adoption of the principle of “co-location”, which it defined as the linking of geographical areas of commercial activity with conservation objectives.<sup>53</sup> They gave as an example the potential designation of shipping lanes, which “permit little other commercial activity for safety reasons”, as MCZs.<sup>54</sup>

## Consultation on MCZs

21. Considering together the environmental, business and leisure interests of MCZs in the regional project groups presented challenges. George Eustice acknowledged that in the project groups that considered the first tranche of MCZs there were some “divisions between different interest groups, ... there was a period when I think there was quite a bit of tension between the NGOs on the one side and the fishing industry and the ports groups on the other”.<sup>55</sup> But, he told us, when the designations were announced in November 2013 “there was an outbreak of consensus”.<sup>56</sup>

22. That was not the impression many of our witnesses gave. The Marine Biological Association was dissatisfied with the consultation process, telling the Science and Technology Committee that scientists on the ‘Finding Sanctuary’ project group had been a “very, very small part of that whole process” and had had “some frustration with the fishing industry and other commercial sectors, that they more or less made up most of that stakeholder group”.<sup>57</sup>

23. Others had the opposite concern; that the Government had not listened sufficiently to commercial users of the seas. The quality of Government engagement with industry during the first tranche of the MCZ process was criticised by an aggregates trade body, who told us that there had been no “significant engagement with industry” to determine what additional evidence might be available across potential sites once the regional project groups had made their recommendations.<sup>58</sup> They called on the Government to ensure that “future site selection and designation processes look to engage more closely with marine industry interests”.<sup>59</sup> Similar comments were made by the Port of London Authority,<sup>60</sup> the Major Ports Group<sup>61</sup> and the National Federation of Fishermen's Organisations.<sup>62</sup> The

52 British Association for Shooting and Conservation ([MPA002](#))

53 Marinet Marine Community Network ([MPA0045](#))

54 Ibid

55 Q139

56 Ibid

57 Science and Technology Committee, Ninth Report of session 2012-13, [Marine science](#), HC 727, Q220

58 British Marine Aggregate Producers' Association ([MPA0007](#)), para 22

59 Ibid, para 23

60 Port of London Authority ([MPA0019](#))

61 UK Major Ports Group ([MPA0015](#)), para 2

National Federation of Fishermen's Organisations was concerned that the process of designating the MCZs was being rushed, with a timeframe which "constitutes a huge challenge that risks undermining an appropriate evidence approach, leading to blunt decisions and to unintended consequences that could undermine stakeholder buy-in to measures".<sup>63</sup> They identified a need to "engage stakeholders" on the next tranches of MCZs.<sup>64</sup>

**24. Communicating the facts about Marine Conservation Zones to the general public, and engaging with all those with an interest in marine matters, should be an important part of the process of the programme's implementation.** The recent Royal Mail initiative to issue stamps on 'unsustainable fish' demonstrates possible innovative approaches for awareness raising.<sup>65</sup> **The evidence we have received suggests that the Government has not yet got its communications right, with a risk that there could continue to be resistance from those who might otherwise support the programme. The Government should put in place engagement and communications plans for the MCZ programme, before consulting on the next tranche of MCZs in 2015, to ensure that it is more widely understood and accepted.**

## Gathering the evidence

25. It is not clear whether the gaps in the consultation process and in the MCZs designated are a result of a process which has produced so far only a limited number of MCZs because of the way that evidence has been used to select them. Professor Ian Boyd of Defra outlined some of the difficulties caused by the uncertainty over scientific evidence:

Marine models were used to try to understand where the best sites were for best habitats. Those are just simply models and for some of them we went and looked in those areas and did not find the features that the models suggested within some of those 127 sites. Under those circumstances, there is absolutely no point in designating those as sites.<sup>66</sup>

The Government told us that it was "vital that there is an adequate evidence base for each individual site to ensure that we have successful, well-managed MCZs".<sup>67</sup> The Minister told us in March 2014 that:

In the last four years we have spent around £10 million developing the evidence base, looking at the most promising of the initial 127 sites that came through. We plan to spend another £2 million in the forthcoming year.<sup>68</sup>

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62 National Federation of Fishermen's Organisations ([MPA0024](#)), para 3

63 Ibid

64 Ibid, para 5

65 "Royal Mail launches new special stamps to highlight threat to UK fisheries", Royal Mail, [press release](#), 5 June 2014

66 Q121

67 Defra ([MPA0027](#)), para 30

The National Oceanography Centre highlighted a need for a "sufficiently robust scientific evidence base" for the designation of sites.<sup>69</sup> If one site were to be rejected on appeal because of a lack of evidence, they suggested that that would put "the whole network at risk of legal challenge, and [add] several years to the timescale for deployment".<sup>70</sup>

26. The Government told us that "the seabed and habitat data collection programmes for MCZs have significantly increased the proportion of English/UK seabed that has been mapped in detail".<sup>71</sup> Nevertheless, no comprehensive survey of the UK seafloor has been commissioned, and there are few bathymetric maps of the proposed MCZ areas showing the seafloor terrain.<sup>72</sup> The Institute of Fisheries Management believed that the poor quality of data made available during the first phase of the designation process risked undermining the credibility of MCZs:

Inconsistencies in the provision and use of data were evident in the four regional MCZ projects. This led inevitably to dissatisfaction and disengagement in some quarters. Work across the globe has demonstrated that MPAs can only work with trust and consequential inclusive and positive engagement. That trust cannot be developed if the stakeholders have no faith in the data presented or how it has been used.<sup>73</sup>

They considered, for example, that there was "a significant level of mis-identification of fish samples for Water Framework Directive and related survey programmes".<sup>74</sup>

27. The North Sea Marine Cluster argued that the Government should "launch a comprehensive phased seabed mapping exercise to bridge the evidence gaps caused by the present sparse knowledge of marine habitats".<sup>75</sup> The Institute of Fisheries Management called for monitoring and interpretation of data to be conducted by "qualified individuals/organisations, following recognised quality standards and professional certification processes",<sup>76</sup> and wanted:

a centralised data repository system, where all data is held, analysed and audited to the same standards. This will ensure a consistent evaluation process across the entire MCZ network.<sup>77</sup>

28. Others took a different view, believing that applying the precautionary principle to protection of the marine environment should entail designating MCZs on the "best

68 Q130

69 National Oceanography Centre ([MPA0020](#)), para 2

70 Ibid

71 Defra ([MPA0027](#)), para 31

72 National Oceanography Centre ([MPA0020](#)), para 3

73 Institute of Fisheries Management ([MPA0012](#)), para 3

74 Ibid, para 4

75 North Sea Marine Cluster ([MPA0010](#))

76 Institute of Fisheries Management ([MPA0012](#)), para 4

77 Ibid, para 2

available evidence” of environmental vulnerability. Wildlife and Countryside Link pointed to the practical difficulties of science at sea:

Defra said in 2010 that everything should be based on best available information, and that is a very practical approach to the marine environment because you cannot have exact science in the marine environment.<sup>78</sup>

In March 2010 the Government had committed itself to making MCZ designations on the “best available evidence”,<sup>79</sup> and its guidance in September 2010 stated that “lack of full scientific certainty should not be a reason for postponing proportionate decisions on site selection”.<sup>80</sup> The regional project groups (paragraph 3) therefore used the “best available evidence” as the basis for selecting sites.<sup>81</sup> Subsequently, however, Government advisory bodies<sup>82</sup> indicated that whilst site *recommendations* would be based on the “best available” data, *designations* would require higher levels of evidence, and Ministers stated that MCZs would now require an “adequate” or “adequately robust” evidence base.<sup>83</sup>

29. The Marine Conservation Society believed that asking for such a standard of evidence set “an unnecessary and unrealistic goal, with limitless costs”,<sup>84</sup> at a time when the declining condition of the seas made the “costs of inaction” too great.<sup>85</sup> The Marine Reserves Coalition warned against “any delay in the progression of [MPA] sites due to lack of data on extent and condition” which was “likely to have negative consequences for marine biodiversity”.<sup>86</sup> The National Federation of Fishermen’s Organisations, on the other hand, argued against the application of the ‘best available evidence’ test in designating MCZs. Without “appropriate levels of evidence”, they told us, it would be impossible “to effectively inform likely management measures that should be applied at a site”.<sup>87</sup>

30. In its April 2013 report on *Marine Science*, the Science and Technology Committee concluded that the Government “appears to have moved the goalposts” for evidence requirements during the selection process and recommended that the Government should adhere to a standard of ‘best information currently available’.<sup>88</sup> The Government’s response in June 2013 was that:

78 Q34

79 Defra, [The Government’s strategy for contributing to the delivery of a UK network of marine protected areas](#) (March 2010), para 44

80 Defra, [Guidance on selection and designation of Marine Conservation Zones \(Note 1\)](#) (September 2010), p 8

81 Natural England, [Marine Conservation Zone Project: Identifying Marine Conservation Zones: a quick reference guide](#), p 6

82 For example, the Marine Protected Area Science Advisory Panel.

83 HC Deb 15 November 2011, [col 36WS](#)

84 Marine Conservation Society ([MPA0025](#)), para 1.3

85 Ibid

86 Marine Reserves Coalition ([MPA0018](#)), para 17

87 National Federation of Fishermen’s Organisations ([MPA0024](#)), para 10

88 Science and Technology Committee, Ninth Report of session 2012-13, [Marine science](#), HC 727, para 23

... there are instances when [best available evidence] is not sufficient to proceed with designation. The Committee notes the poor state of marine seabed mapping which led to the Regional MCZ Projects relying on modelled information about presence and/or extent of habitats and species leading to significant uncertainties around this information. Results from some of the seabed surveys have confirmed these uncertainties.

The Government is also concerned that the best available data might be anecdotal reports of presence of a habitat or a sighting of a particular species. Given these uncertainties, the Government considers that an adequate evidence base is necessary to support decisions that may have socio-economic impacts and effects on people's livelihoods and result in enforcement and monitoring costs that fall on the tax payer.<sup>89</sup>

31. The Minister, George Eustice, told us in April 2014 that the decision to seek "robust" evidence was based on advice from the Science Advisory Panel of independent experts which had raised doubts about the strength of the evidence for some of the 127 sites originally recommended.<sup>90</sup> He told us "I would not say we have moved the goalposts in any way; it is just that we had a clearer evidence base having done that more methodical approach."<sup>91</sup>

**32. The slow pace at which Marine Conservation Zones have so far been designated has been disappointing and suggests a lack of Government commitment to this initiative. The designation of 27 sites in 2013 and the prospect of only another 37 at the end of 2015 (paragraph 5) represent an unambitious programme, after a total of 127 sites had been recommended by experts and stakeholders. To be credible and attract support from all quarters, the Government needs to be able to demonstrate that the choice of sites strikes an appropriate balance between environmental, business and leisure interests. The selections so far, however, have been criticised from all sides. From an environmental protection perspective, they betray a lack of ambition and there are gaps in the level and types of biodiversity covered. But there are also concerns about potential harm to business and leisure activities.**

33. It is difficult to assess whether such gaps and uncertainties will be a consistent feature of the programme, or whether a difficulty in collecting evidence of a standard that meets the Government's requirements has skewed and limited the initial selections. The Government, as the Science and Technology Committee has previously concluded, has unhelpfully moved the goalposts by increasing the standard of evidence it requires to designate MCZs.

***34. The Government should seek to apply the lessons from the consultation process for the first tranche of MCZs (paragraphs 21–24) and bring forward and extend the mapping***

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89 Science and Technology Committee, Second Special Report of session 2012-13, [Marine science: Government response](#), HC 443, p5

90 Defra, [Science advisory panel assessment of the marine conservation zone regional project final recommendations](#) (November 2011)

91 Q126



*and research work needed to underpin the next rounds. That further research will help the Government demonstrate that it is taking on board any consequences for business and leisure users. Ultimately, however, it should follow a precautionary principle approach to designations to protect our threatened marine biodiversity, based, if need be, on the 'best available' data. To demonstrate to all sides that it is committed to the environmental protection of our seas, the Government should seek to front-load the selection of further MCZs so that more fall in the second, rather than third, tranche of designations. The Government's planned second tranche of 37 sites is insufficient, and a significantly higher target should be set.*

### 3 Managing Marine Conservation Zones

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35. Designating MCZs is an important contribution to conservation, but the benefits it will bring will be limited unless they are also effectively managed. The Marine Biological Association told us that “the issue of determining management is vital as it relates to the fundamental issue of what we mean by a ‘protected site’.”<sup>92</sup> Without enforcement, the National Oceanography Centre told us, MCZs are likely to be “ineffective”.<sup>93</sup> Oil and Gas UK warned that:

without knowledge of management measures it is not possible to make an assessment of the actual economic effect of designation ... Developers need to understand potential risks to their business both at the time of making investment decisions and in managing existing operations.<sup>94</sup>

The Minister explained that one of the reasons for designating MCZs in tranches, rather than in one go, was to ensure that appropriate management measures were in place:

We felt it would be better to do it in stages so that the [Inshore Fisheries and Conservation Authorities], who will be leading on a lot of this work, particularly the inshore ones, have time to put in place meaningful management measures and to work closely with stakeholders, local fishermen and NGOs locally to make sure they get those management measures absolutely right.<sup>95</sup>

36. There was a widespread view that the Government had not yet provided enough information about MCZ management measures. The North Sea Marine Cluster noted that a local plan for an MCZ “does not have to be a long, complicated document but it should set out what the aims are, what the conservation objectives are, how that site is going to be managed, who is going to be responsible for what, what happens if things do not go to plan, where the money is coming from and so on, so everybody is clear about what is going to happen”.<sup>96</sup> The Crown Estate noted that the equivalent Scottish consultation set out management options for that country’s Marine Protected Areas.<sup>97</sup>

37. Witnesses from all sides called for the UK Government to move more quickly to provide more management details, both for the existing 27 sites and for the subsequent tranches. The consultation on the first tranche of MCZs in 2013 was undertaken “without the benefit of knowing the management measures that will be attached to individual MCZs” and, Subsea Cables UK told us, “there is still uncertainty about this”.<sup>98</sup> The Royal

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92 Marine Biological Association ([MPA 0026](#)), para 1

93 National Oceanography Centre ([MPA0020](#)), para 6

94 Oil and Gas UK ([MPA0016](#)), para 13

95 Q120

96 Q85

97 The Crown Estate ([MPA0013](#)), para 3

98 Subsea Cables UK ([MPA0038](#)), para 3

Yachting Association gave us an example of how lack of information left it unsure about whether the MCZs would be helpful to its members:

Newtown Creek on the north coast of the Isle of Wight would be in the Cowes to Yarmouth marine conservation zone. It is a beautiful place to go and anchor and spend the night. Being a marine conservation zone would probably be a wonderful thing provided you are not prohibited from anchoring in it, because that is part of the reason for going there.<sup>99</sup>

38. RSPB believed such uncertainty could undermine confidence in the MCZ designation process. They found it “very disappointing” that a lot of the recreational sectors “were very lukewarm about these sites because they were not sure what it would mean for them”.<sup>100</sup> The Marine Biological Association thought that a lack of information from Government on MCZ management measures “allows interest groups to quote statistics and draw inferences without actual information, which is not good in the long run for a stakeholder led process”.<sup>101</sup> Wildlife and Countryside Link made similar points.<sup>102</sup> In words that echoed the comments of the Science and Technology Committee in April 2013, the Crown Estate observed that “lack of clarity on the management measures for each of the MCZs/MPAs can contribute to uncertainty”.<sup>103</sup>

**39. We are disappointed that the Government has not set out the management and enforcement measures which will be applied to the Marine Conservation Zones. Part of the Government’s rationale for its phased approach to developing the network of MCZs was to provide time to put management measures in place, but with the first tranche of MCZs now operational there is still no information available on how they will be managed or policed. The Government must immediately set out its strategy for managing the existing MCZs, and include site management details for the second tranche of MCZs at the start of their consultation process in early 2015.**

## Voluntary or regulated management?

40. The Marine Management Organisation (MMO) is the Government’s principal marine regulator for English waters, with “significant” conservation, marine planning and licensing responsibilities under the Marine and Coastal Access Act 2009.<sup>104</sup> Inshore Fisheries and Conservation Authorities also have responsibilities for managing inshore waters (paragraph 3). The Act provided both types of organisation with enforcement powers for regulating activities in Marine Protected Areas,<sup>105</sup> and the MMO and Inshore Fisheries and Conservation Authorities are currently considering what management approaches are required for each site to achieve the conservation objectives. The

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99 Q82

100 Q23

101 Marine Biological Association ([MPA 0026](#)), para 9

102 Wildlife and Countryside Link ([MPA0011](#)), para 2.1

103 Crown Estate ([MPA0013](#)), p4

104 Defra ([MPA0027](#)), para 15

105 Ibid

Government told us that where intelligence suggests non-compliance or a risk of non-compliance with a management measure, the MCZ would be “subject to enhanced scrutiny using available surface and remote surveillance assets. This may include Navy fisheries protection vessel presence, aerial surveillance or joint operations with other UK agencies.”<sup>106</sup> Other public authorities also have protection duties, including the Environment Agency (for coastal and estuarine management) and the Department for Energy and Climate Change (for oil and gas licensing).<sup>107</sup>

41. These diverse and overlapping responsibilities make planning for enforcement more challenging, as we discuss below. Voluntary bodies are also potentially part of the spectrum of organisations with a role in the management of MCZs. Their involvement, favoured by several of our witnesses, raises the issue of the scope for using voluntary management arrangements in the MCZs. The National Federation of Fishermen’s Organisations believed that such voluntary approaches:

obviated the need for overly burdensome regulation, and can minimise the costs to business through the introduction of choice and in transitioning to a new management regime.<sup>108</sup>

The British Ports Association noted that some “voluntary MCZs” had been in operation for ten years, and “although these would not necessarily be compliant with the legislation, these could be used as the basis for future management and we would hope that in such circumstances only a light touch is needed”.<sup>109</sup> The Institute of Fisheries Management highlighted the example of “a voluntary trawling ban above Gravesend [which] was agreed upon between the Environment Agency (then the local sea fisheries power) and 50 local fishermen, in 1998”.<sup>110</sup>

42. The Blue Marine Foundation described its project in Lyme Bay, a European marine protection site. The project showed that “regulation on its own does not make for a successful marine protected area, ... [and] co-management on the ground can achieve an even better result”.<sup>111</sup> In Lyme Bay, the protected area is still fished, but:

the fish and shellfish that comes from them, provided it is caught according to the agreed management measures for the site, offers greater reassurance to retailers and to consumers themselves that it is from a sustainably managed source.<sup>112</sup>

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106 Defra ([MPA0027](#)), paras 24 and 25

107 Ibid, para 17

108 National Federation of Fishermen’s Organisations ([MPA0024](#)), para 7

109 British Ports Association ([MPA006](#))

110 Institute of Fisheries Management ([MPA0012](#)), para 9. The ban was not formalised as a local sea fisheries byelaw until 2009.

111 Blue Marine Foundation ([MPA0022](#))

112 Ibid

The Foundation raised the prospect of a certification scheme for seafood caught from such sites, with catches marketed as coming from a sustainable source.<sup>113</sup> The Marine Conservation Society highlighted how new technology could help with compliance and enforcement:

In the Devon [Inshore Fisheries and Conservation Authority] area, for example, vessels are now being required to have vessel monitoring systems, VMS, and that means that once they are prohibited from going in certain areas, prohibited from going in Marine Protected Areas, then the local [Inshore Fisheries and Conservation Authority] can get a text message telling them if a vessel has gone into that Marine Protected Area illegally. Management is much improved and it is really quite cost-effective and quite cheap for vessels to have this system.<sup>114</sup>

43. Wildlife and Countryside Link emphasised the value of collaboration on MCZ management: “When it comes to managing Marine Conservation Zones, we need fishermen and other industry to be part of the process, because they are the eyes and the ears at sea.”<sup>115</sup> However, they also “strongly endorsed the need for statutory underpinning to management mechanisms”, because they had “serious concerns” about the efficacy and value for money of purely voluntary management measures.<sup>116</sup> Link wanted the Government to consider methods such as the byelaws that are being brought in to manage European Marine Sites. The Marine Biological Association believed that “Gentleman’s agreements are unlikely to work but may be seen as a necessary compromise, at least at first.”<sup>117</sup>

**44. The management of Marine Conservation Zones needs an underpinning of enforceable statutory regulation. But compliance with the protections planned for the MCZs is likely to be greater where voluntary agreements have also been introduced. Many organisations have been involved in marine environmental protection, and have built up expertise and commitment that regulators should not overlook. When the Government and regulators determine the management arrangements for existing and future MCZs (paragraph 39), they should seek to facilitate voluntary agreements where these would not undermine or weaken the particular MCZ’s objectives, while making it clear that they will use statutory enforcement where and when necessary.**

## Strategy and co-ordination

45. The uncertainty about the management of the MCZs and about the appropriate scope for a voluntary sector role are reflected in a similar picture of uncertainty and overlapping responsibilities for planning. The North Sea Marine Cluster told us that:

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113 Blue Marine Foundation ([MPA0022](#))

114 Q35

115 Q8

116 Wildlife and Countryside Link ([MPA0011](#)), para 3.3

117 Marine Biological Association ([MPA\\_0026](#)), para 13

It is noticeable that the Defra written evidence makes only passing reference to marine planning and that the MCZ (February 2014) update does not mention it at all. At present the MCZ process and marine planning appear to be running as separated and largely unrelated programmes, whereas they should be much closer integrated.<sup>118</sup>

They called for “a more comprehensive Marine Protected Areas management strategy, of which individual management plans would form part”, with “firm timelines” for developing a management plan for each MCZ.<sup>119</sup> The National Federation of Fishermen’s Organisations believed that had the MCZ network been identified through an effective marine planning system, it could have more effectively addressed the issue of the displacement of activity from protected zones to neighbouring sites.<sup>120</sup> In the Irish Sea, with its “multiple planning jurisdictions”, a more coherent approach would be especially useful.<sup>121</sup>

46. Defra, Natural England, the MMO and the other regulators are “currently reviewing possible frameworks to facilitate improved processes for co-ordinating and reporting on actions required, and being implemented to achieve conservation objectives for Marine Protected Areas”.<sup>122</sup> To help ensure that the features and sites at highest environmental risk are addressed first, Natural England and the MMO have developed a risk prioritisation matrix.<sup>123</sup> Defra pointed out that plans were “in the early stages of development, with an aim to introduce new arrangements later in 2014”.<sup>124</sup> The North Sea Marine Cluster believed that central co-ordination of MCZs—by the MMO acting as “lead authority”—is required because of the number of bodies involved, the complexity of responsibilities, and the need to share best practice to ensure conservation outcomes are met.<sup>125</sup> George Eustice told us that, rather than giving rise to a new body, this was likely to result in “some kind of memorandum of understanding to make things work”.<sup>126</sup>

47. The MMO is responsible for preparing marine plans for English inshore and offshore waters in accordance with the Marine Policy Statement.<sup>127</sup> The Chief Executive of the MMO described in March 2014 his work in producing management plans for the MCZs and other protected areas:

Our ambition is that all of England’s marine protected areas—the European marine sites and tranche-1 of the marine conservation zones—will each have a fairly detailed control plan, a management measure. It is during the process

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118 North Sea Marine Cluster ([MPA0036](#)), para 16

119 Ibid, para 3

120 National Federation of Fishermen’s Organisations ([MPA0024](#)), para 15

121 Ibid, para 17

122 Defra ([MPA 0027](#)), para 28

123 Ibid, para 20

124 Ibid, para 28

125 North Sea Marine Cluster ([MPA0010](#))

126 Q156

127 Marine Management Organisation, ‘[About marine planning](#)’, accessed May 2014

of creating that control plan that the details and being in full engagement with industry, with the stakeholders, will begin. Our ambition is that all of those marine protected areas, that is the 88 European marine sites and the 27 tranche-1 MCZ sites, will have a control plan in place and executed by 2016.<sup>128</sup>

And he expressed confidence that the MCZ plans were on schedule:

We are doing a rapid piece of assessment on the tranche-1 MCZ designations, pulling together the intelligence that we have. The plan is that over the next eight to 10 weeks—very nearly there—these two intelligence pieces will be brought together and we will start moving towards a narrative of singular MPA management of strategic control. That is phase-1 and that is pretty much on track.<sup>129</sup>

48. Because marine nature conservation policy is devolved, part of Defra's planning challenge is having to co-ordinate with the work of the devolved administrations. Although each Administration is following the 'OSPAR principles' for designing MPA networks,<sup>130</sup> "each has interpreted these differently and is taking a different approach to identifying marine protected areas under national legislation".<sup>131</sup> There are MCZs for England, Wales and Northern Ireland, but nature conservation Marine Protected Areas for Scotland. Wildlife and Countryside Link emphasised the need for "strong co-ordination" to ensure that the combined UK network is ecologically coherent.<sup>132</sup> Professor Ian Boyd of Defra believed that the current arrangements would produce that co-ordination:

From a purely administrative and governance perspective, we have the joint policy statement between Scotland and the rest of the UK particularly for the offshore region. What that does is essentially join the two together so we have total visibility across both activities. It should not result in a difference of approach between the two different sea areas.<sup>133</sup>

49. The European Commission is responsible for bringing Marine Protected Areas into force at the request of member states. Co-operation between the MMO and similar bodies from other EU countries is therefore necessary for managing MCZs more than 12 nautical miles offshore.<sup>134</sup> Where other EU states fish in Marine Protected Area waters beyond the six nautical mile limits:

particular procedures need to be followed under the Common Fisheries Policy. These include holding discussions with relevant EU member states

128 Q100

129 Q101

130 Defra ([MPA 0027](#)), para 3. OSPAR is the mechanism by which fifteen Governments of the western coasts and catchments of Europe, together with the European Union, cooperate with the aim of protecting the marine environment of the North-East Atlantic.

131 Defra ([MPA 0027](#)), para 3

132 Wildlife and Countryside Link ([MPA0011](#)), para 1.2

133 Q150

134 Defra ([MPA0027](#)), para 21

which have historic fishing rights in the 6–12nm zone and/or fishing interests in the 12–200nm zone to develop management proposals for the MPAs. There are also requirements to discuss management proposals regionally with stakeholders.<sup>135</sup>

Defra plans to submit details of management measures for existing offshore MCZ sites to the EU by the end of 2014–15, “with the aim of having the management measures in place as soon as possible thereafter”.<sup>136</sup> The Minister felt that recent improvements in the governance of fisheries in the EU would facilitate the agreement of those MCZs that required European co-ordination:

The key change ... is the move to regional decision making. The RACs, the regional advisory committees, and the member states that have a shared interest in a fishery are going to agree the approach in each of those individual sections of the water. Naturally, it is easier to get agreement between two or three countries that have a shared interest in one water than it would be at an EU level with 28 member states squabbling.<sup>137</sup>

**50. With a range of organisations involved in marine protected areas and Marine Conservation Zones around the UK, a clear lead agency is needed to drive effective co-ordination in the areas for which Defra is responsible, reflecting a strategy for the development and management of MCZs. The Government and the Marine Management Organisation have failed to set out such a strategy or to explain in any detail the measures that will be taken to manage individual Zones. The first tranche of MCZs were designated in November 2013, but the MMO will only have ‘control plans’ in place for those it is responsible for in 2016.**

*51. The Government needs to move quickly to reassure key stakeholders that it has a credible strategy for management of the Marine Conservation Zones. Full management plans for all 27 existing MCZs should be published at the latest by November 2014—the first anniversary of their designation. Substantial draft management plans for each of the next tranche of MCZs should be part of the consultation on that tranche when it is launched in early 2015.*

*52. The Government should also identify a body with a clear lead role for strategy and co-ordination on the MCZs. The MMO might be given that role, but if so the Government will need to ensure that the organisation’s plans and resources, which we discuss below, would allow it to discharge that responsibility effectively.*

## Funding for managing the MCZs

53. Some of our witnesses raised concerns about the financial burden of policing MCZs at a time of constrained budgets. The Marine Reserves Coalition worried that budget cuts at

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135 Ibid

136 Ibid

137 Q151



Defra would affect the level of funding for its agencies for the monitoring, management and enforcement of MCZs.<sup>138</sup> The North Sea Marine Cluster considered that "funding the identification, declaration and management of MPAs is always going to be a difficult issue, especially in the current economic climate".<sup>139</sup> The National Oceanography Centre told us that unless "the people that are going to be implementing the management measures, such as [Inshore Fisheries and Conservation Authorities] and MMO, ... have sustained resource, it is going to be very difficult for them to do that job effectively".<sup>140</sup> They highlighted the high cost of crewed enforcement vessels, but also the savings offered by new technologies for remote and unmanned monitoring.<sup>141</sup> The North Sea Marine Cluster urged the Government to provide "greater transparency about how competing needs will be reconciled", which they said should feature in a marine protected area strategic management plan.<sup>142</sup>

54. The MMO's work on MCZs coincides with a number of other challenges for the organisation, including dealing with the Landings Obligation under a reformed Common Fisheries Policy, and delivering Good Environmental Status under the Marine Strategy Framework Directive in 2015. The National Federation of Fishermen's Organisations saw in a January 2014 MMO publication about marine nature conservation byelaws a suggestion that "stakeholder engagement [by the MMO] will be achieved potentially via website, social media and drop-in sessions", which it thought indicated that the Organisation had "insufficient resources to manage stakeholder engagement in a meaningful way".<sup>143</sup>

55. The North Sea Marine Cluster concluded that a "lack of published performance data makes it difficult to judge the impact of the sharp reduction in the MMO's budget for marine protection".<sup>144</sup> We questioned the MMO chief executive, James Cross, about his budget for MCZ work. He told us that such tasks had not been undertaken at the expense of other areas of the organisation's responsibilities. Over the four-year period from 2010, he said, the MMO's grant-in-aid will have been reduced from £32 million to £22 million.<sup>145</sup> The budget specifically for protecting the environment will have gone down from £13 million in 2012-13 to less than £8 million in 2015-16.<sup>146</sup> However the chief executive told us that:

What we have done is genuinely focused on better commercial acumen, being creative, being innovative, sweating some genuine efficiencies out of

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138 Marine Reserves Coalition ([MPA 0018](#)), para 13

139 North Sea Marine Cluster ([MPA0036](#)), para 17

140 Q73

141 National Oceanography Centre ([MPA0020](#)), para 6

142 North Sea Marine Cluster ([MPA0036](#)), para 17

143 National Federation of Fishermen's Organisations ([MPA0034](#)), para 8

144 North Sea Marine Cluster ([MPA0036](#)), para 17

145 Q114

146 Marine Management Organisation, [Corporate Plan 2013-2016](#), p24

our organisation. Although we have reduced our funding envelope, we have not cut.<sup>147</sup>

After James Cross's oral evidence, our attention was drawn to the minutes of the MMO Board Meeting of 29 January 2014 (published in April 2014) in which he was quoted as saying:

while the budget was within planning parameters, once the settlement fell below the £24 million mark there were inevitably areas where there was a need to reprioritise and despite efforts to the contrary, there may be areas where performance levels would fall.<sup>148</sup>

56. George Eustice told us that he did not think that the demands of the MCZs would mean that the MMO would neglect other areas of work, partly because many of the MCZs were in inshore waters, on which the Inshore Fisheries and Conservation Authorities would take the lead.<sup>149</sup> The Minister told us that the Government had made available £3 million of "new burdens money" to help those Authorities.<sup>150</sup>

**57. Like any organisation facing reducing budgets, the Marine Management Organisation is examining its priorities and working methods. With increased responsibilities over the next few years arising from the implementation and extension of the MCZ programme, however, there is a risk that this area of activity might be insufficiently addressed. With continuing uncertainty about how the MCZs will be managed (paragraph 39) and a lack of an overall strategy (paragraph 50), the MMO is currently unable to demonstrate that it will have the resources available to ensure marine protection in the MCZs.**

**58. *In its response to this report, the Government should provide its assessment of the budget and resources that the Marine Management Organisation will make available to manage the MCZs, what level of efficiency improvements are implicit in any reduction in that budget or resources, and how such efficiencies will affect the level of MCZ management and enforcement that the MMO will be able to provide.***

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147 Q113

148 Terri Portmann ([MPA0043](#))

149 Q161

150 Q142

## Conclusions

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1. Communicating the facts about Marine Conservation Zones to the general public, and engaging with all those with an interest in marine matters, should be an important part of the process of the programme's implementation. .... The evidence we have received suggests that the Government has not yet got its communications right, with a risk that there could continue to be resistance from those who might otherwise support the programme. (Paragraph 24)
2. The slow pace at which Marine Conservation Zones have so far been designated has been disappointing and suggests a lack of Government commitment to this initiative. The designation of 27 sites in 2013 and the prospect of only another 37 at the end of 2015 represent an unambitious programme, after a total of 127 sites had been recommended by experts and stakeholders. To be credible and attract support from all quarters, the Government needs to be able to demonstrate that the choice of sites strikes an appropriate balance between environmental, business and leisure interests. The selections so far, however, have been criticised from all sides. From an environmental protection perspective, they betray a lack of ambition and there are gaps in the level and types of biodiversity covered. But there are also concerns about potential harm to business and leisure activities. (Paragraph 32)
3. It is difficult to assess whether such gaps and uncertainties will be a consistent feature of the programme, or whether a difficulty in collecting evidence of a standard that meets the Government's requirements has skewed and limited the initial selections. The Government, as the Science and Technology Committee has previously concluded, has unhelpfully moved the goalposts by increasing the standard of evidence it requires to designate MCZs. (Paragraph 33)
4. We are disappointed that the Government has not set out the management and enforcement measures which will be applied to the Marine Conservation Zones. Part of the Government's rationale for its phased approach to developing the network of MCZs was to provide time to put management measures in place, but with the first tranche of MCZs now operational there is still no information available on how they will be managed or policed. (Paragraph 39)
5. The management of Marine Conservation Zones needs an underpinning of enforceable statutory regulation. But compliance with the protections planned for the MCZs is likely to be greater where voluntary agreements have also been introduced. Many organisations have been involved in marine environmental protection, and have built up expertise and commitment that regulators should not overlook. (Paragraph 44)
6. With a range of organisations involved in marine protected areas and around the UK, a clear lead agency is needed to drive effective co-ordination in the areas for which Defra is responsible, reflecting a strategy for the development and management of MCZs. The Government and the Marine Management Organisation have failed to set out such a strategy or to explain in any detail the measures that will be taken to manage individual Zones. The first tranche of MCZs were designated in

November 2013, but the MMO will only have 'control plans' in place for those it is responsible for in 2016. (Paragraph 50)

7. Like any organisation facing reducing budgets, the Marine Management Organisation is examining its priorities and working methods. With increased responsibilities over the next few years arising from the implementation and extension of the MCZ programme, however, there is a risk that this area of activity might be insufficiently addressed. With continuing uncertainty about how the MCZs will be managed and a lack of an overall strategy, the MMO is currently unable to demonstrate that it will have the resources available to ensure marine protection in the MCZs. (Paragraph 57)

## Recommendations

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8. The Government should put in place engagement and communications plans for the MCZ programme, before consulting on the next tranche of MCZs in 2015, to ensure that it is more widely understood and accepted. (Paragraph 24)
9. The Government should seek to apply the lessons from the consultation process for the first tranche of MCZs and bring forward and extend the mapping and research work needed to underpin the next rounds. That further research will help the Government demonstrate that it is taking on board any consequences for business and leisure users. Ultimately, however, it should follow a precautionary principle approach to designations to protect our threatened marine biodiversity, based, if need be, on the 'best available' data. To demonstrate to all sides that it is committed to the environmental protection of our seas, the Government should seek to front-load the selection of further MCZs so that more all in the second, rather than in the third, tranche of designations. The Government's planned second tranche of 37 sites is insufficient, and a significantly higher target should be set. (Paragraph 34)
10. The Government must immediately set out its strategy for managing the existing MCZs, and include site management details for the second tranche of MCZs at the start of their consultation process in early 2015. (Paragraph 39)
11. When the Government and regulators determine the management arrangements for existing and future MCZs, they should seek to facilitate voluntary agreements where these would not undermine or weaken the particular MCZ's objectives, while making it clear that they will use statutory enforcement where and when necessary. (Paragraph 44)
12. The Government needs to move quickly to reassure key stakeholders that it has a credible strategy for management of the Marine Conservation Zones. Full management plans for all 27 existing MCZs should be published at the latest by November 2014—the first anniversary of their designation. Substantial draft management plans for each of the next tranche of MCZs should be part of the consultation on that tranche when it is launched in early 2015. (Paragraph 51)
13. The Government should also identify a body with a clear lead role for strategy and co-ordination on the MCZs. The MMO might be given that role, but if so the Government will need to ensure that the organisation's plans and resources ... would allow it to discharge that responsibility effectively. (Paragraph 52)
14. In its response to this report, the Government should provide its assessment of the budget and resources that the Marine Management Organisation will make available to manage the MCZs, what level of efficiency improvements are implicit in any reduction in that budget or resources, and how such efficiencies will affect the level of MCZ management and enforcement that the MMO will be able to provide. (Paragraph 58)

# Formal Minutes

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**Wednesday 11 June 2014**

Members present:

Joan Walley, in the Chair

Peter Aldous  
Katy Clark  
Caroline Lucas

Mrs Caroline Spelman  
Simon Wright

Draft Report (*Marine protected areas*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 58 read agreed to.

Summary agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House.

[Adjourned till Wednesday 18 June at 2.00 pm

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at [www.parliament.uk/eacom](http://www.parliament.uk/eacom).

### Wednesday 5 February 2014

*Question number*

**Joan Edwards**, Head of Living Seas, Wildlife Trusts & Chair, Wildlife and Countryside Link's Marine Working Group; **Tom Hooper**, Head of Marine Policy, Royal Society for the Protection of Birds, and **Melissa Moore**, Senior Policy Officer, Marine Conservation Society.

[Q1-48](#)

**Dr Russell Wynn**, Head, Marine Geoscience, National Oceanography Centre; **Dr Matt Frost**, Deputy Director, Marine Biology Association; and **Dr Steve Widdicombe**, Head of Science, Marine Life Support System, Plymouth Marine Laboratory.

[Q49-73](#)

### Wednesday 5 March 2014

**Rodney Anderson**, Adviser, North Sea Marine Cluster; **Dale Rodmell**, Assistant Chief Executive, National Federation of Fishermen's Organisations; and **Gus Lewis**, Legal and Government Affairs Manager, Royal Yachting Association.

[Q74-99](#)

**James Cross**, Chief Executive Officer, Marine Management Organisation.

[Q100-119](#)

### Wednesday 2 April 2014

**George Eustice MP**, Parliamentary Under-Secretary of State for Farming, Food and Marine Environment, DEFRA, and **Professor Ian Boyd**, Chief Scientific Adviser, DEFRA.

[Q120-166](#)

## Published written evidence

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The following written evidence was received and can be viewed on the Committee's inquiry web page at [www.parliament.uk/eacom](http://www.parliament.uk/eacom). MPA numbers are generated by the evidence processing system and so may not be complete.

- 1 Rebekah Butler ([MPA001](#))
- 2 British Association for Shooting and Conservation ([MPA002](#))
- 3 Renewable UK ([MPA003](#))
- 4 Whale and Dolphin Conservation ([MPA004](#))
- 5 Freshwater UK on behalf of The Port of Tilbury ([MPA005](#))
- 6 British Ports Association ([MPA006](#))
- 7 British Marine Aggregate Producers Association ([MPA007](#))
- 8 Seabed User and Developer Group ([MPA008](#); [MPA039](#))
- 9 North Sea Marine Cluster ([MPA010](#))
- 10 Wildlife and Countryside Link ([MPA011](#); [MPA0033](#))
- 11 Institute of Fishermen's Management ([MPA012](#))
- 12 The Crown Estate ([MPA013](#))
- 13 UK Major Ports Group ([MPA015](#); [MPA029](#))
- 14 Oil Gas UK ([MPA016](#))
- 15 WWF-UK ([MPA017](#))
- 16 Marine Reserves Coalition ([MPA018](#))
- 17 Port of London Authority ([MPA019](#))
- 18 National Oceanography Centre ([MPA020](#))
- 19 The Blue Marine Foundation ([MPA022](#))
- 20 National Federation of Fishermen's Organisations ([MPA024](#); [MPA034](#))
- 21 Marine Conservation Society ([MPA026](#))
- 22 Defra ([MPA027](#))
- 23 The Geological Society ([MPA028](#))
- 24 Countryside Alliance ([MPA032](#))
- 25 Marinelife ([MPA035](#))
- 26 North Sea Marine Cluster ([MPS036](#))
- 27 Subsea Cables ([MPA038](#))
- 28 Stop Dumping in Whitsand Bay ([MPA041](#))
- 29 Terri Portman ([MPA043](#); [MPA044](#))
- 30 Marinet Marine Community Network ([MPA045](#))



# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the Committee's website at [www.parliament.uk/eacom](http://www.parliament.uk/eacom).

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2013–14

First Report	Embedding sustainable development: an update	HC 202 (HC 633)
Second Report	Outcomes of the UN Rio+20 Earth Summit	HC 200 (HC 633)
Third Report	Transport and the accessibility to public services	HC 201 (HC 632)
Fourth Report	Protecting the Arctic: The Government response	HC 333
Fifth Report	Progress on Carbon Budgets	HC 60 (HC 928)
Sixth Report	Biodiversity offsetting	HC 750 (HC 1195)
Seventh Report	Sustainability in BIS	HC 613 (HC 1069)
Eight Report	Codes for Sustainable Homes and the Housing Standards Review	HC 192 (HC 8830)
Ninth Report	Energy subsidies	HC 61 (HC 1103)
Tenth Report	Sustainability in the UK Overseas Territories	HC 332 (HC 1167)
Eleventh Report	Plastic bags	HC 861 (HC 239)
Twelfth Report	Green Finance	HC 191
Thirteenth Report	HS2 and the environment	HC 1076 (HC 216)
Fourteenth Report	Invasive non-native species	HC 61
Fifteenth Report	Well-being	HC 59

## Session 2012–13

First Report	The St Martin-in-the-Fields seminar on the Rio+20 agenda	HC 75
Second Report	Protecting the Arctic	HC 171 (HC 858)
Third Report	Wildlife Crime	HC 140 (HC 1061)
Fourth Report	Autumn Statement 2012: environmental issues	HC 328 (HC 1087)
Fifth Report	Measuring well-being and sustainable development: Sustainable Development Indicators	HC 667 (HC 139)
Sixth Report	Energy Intensive Industries Compensation Scheme	HC 669 (Cm 8618)
Seventh Report	Pollinators and Pesticides	

## Session 2010–12

First Report	Embedding sustainable development across Government, after the Secretary of State's announcement on the future of the Sustainable Development Commission	HC 504 (HC 877)
Second Report	The Green Investment Bank	HC 505 (HC 1437)

Third Report	Sustainable Development in the Localism Bill	HC 799 (HC 1481)
Fourth Report	Embedding sustainable development: the Government's response	HC 877
Fifth Report	The impact of UK overseas aid on environmental protection and climate change adaptation and mitigation	HC 710 (HC 1500)
Sixth Report	Budget 2011 and environmental taxes	HC 878 (HC 1527)
Seventh Report	Carbon Budgets	HC 1080 (HC 1720)
Eighth Report	Preparations for the Rio +20 Summit	HC 1026 (HC 1737)
Ninth Report	Air Quality a follow up Report	HC 1024 (HC 1820)
Tenth Report	Solar Power Feed-in Tariffs (Joint with the Energy and Climate Change Committee)	HC 1605 (HC 1858)
Eleventh Report	Sustainable Food	HC 879 (HC 567)
Twelfth Report	A Green Economy	HC 1025 (HC 568)