

Parliamentary Briefing - Westminster Hall debate 02/05/2023 Marine Protected Areas

Summary

- Our seas are degraded, suffering from overfishing, pollution and the impacts of development. The Marine Protected Area (MPA) network, which should be safeguarding our precious marine life, often fails to prevent even the most destructive activities such as bottom trawling.
- To address this, the Government must deliver vital new protections for MPAs, most importantly through ensuring that the whole area of each MPA is protected from damaging fishing activity by 2024.
- Further, the MPA network must be strengthened by the addition of new 'Highly Protected Marine Areas' (HPMAs) which will allow our seas to fully recover and provide a benchmark against which the rest of the network can be assessed.
- Almost three-quarters (73%) of Britons say ocean wildlife needs more protection, so it is vital that our MPAs are all providing the gold standard level of protection which the public would expect.
- On the international stage, the UK played a key role in securing the UN High Seas Treaty, which provides a pathway for the creation of MPAs – including highly protected areas – in areas beyond national jurisdiction. The UK must now be among the first countries to ratify the Treaty and submit ambitious MPA proposals in the High Seas.

Background

To address the climate and nature crises, the Government is committed to protecting and managing 30% of land and sea for nature by 2030. However, although 40% of English waters are designated as MPAs, only a maximum of 8% of English seas are effectively protected for nature according to Wildlife and Countryside Link's latest analysis.¹ Poor monitoring makes it impossible for us to adequately assess nature's recovery in MPAs, so even our 8% figure could be much lower.

The importance of stronger marine protections has been highlighted in the recent ecological collapses in the North East of England's seas, where the highly degraded nature of the marine environment meant that additional stresses caused die offs of entire populations of crabs and lobsters; devastating both nature and the local fishing sector.²

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https://www.wcl.org.uk/assets/uploads/img/files/WCL_2022_Progress_Report_on_30x30_in_England.pdf

² <https://www.newscientist.com/article/2355786-crab-deaths-on-uk-coast-may-be-caused-by-unknown-disease-finds-report/>

Healthy seas produce oxygen and absorb heat and carbon dioxide, perform vital functions in stabilising the Earth's climate, and are vital for the sequestration and storage of carbon.³ Effective MPAs will enhance marine biodiversity and boost fish biomass (causing the 'spillover' of marine life to adjacent areas), improving resilience to changing conditions, as well as supporting sustainable livelihoods and recreational activities.

There is strong public demand for enhancing the protections afforded by MPAs. Polling for Wildlife and Countryside Link found that almost three-quarters (73%) of Britons say ocean wildlife needs more protection, with just 11% believing that marine life is protected the right amount.⁴

The Government must deliver stronger protections against damaging activities in MPAs

At present, MPAs are designed to protect specific features within them; rare or vulnerable marine habitats and species such as UK cold-water coral reefs and fan mussels.⁵ Currently, in our degraded seas, only 44% of these features have been assessed as being in a favourable condition. The Government's new legally binding marine target requires this to increase to at least 70% by the end of 2042.⁶ The primary means of achieving this is the Government's current programme to restrict damaging fishing activity in England's offshore MPAs by 2024.⁷ This is a hugely welcome initiative, however for it to be a success there are a number of issues which Ministers must address:

1. **Delivery of the programme on schedule.** Of England's 40 offshore MPAs, only 4 have so far seen new protections introduced. For these first sites, the process of implementation was particularly slow, with consultation beginning in February 2021 but protections not delivered until June 2022. With 36 sites still requiring strong new protections, Ministers must ensure that the pace of activity is stepped up if they are to meet the 2024 deadline for protecting the entire network of offshore MPAs.
2. **Avoiding 'paper parks' by protecting the whole area of MPAs.** A central concern is that large parts of MPAs will remain unprotected, as most fishing restrictions only apply to locations where protected features have been mapped within the MPA. This means that parts of MPAs around features are still effectively 'paper parks' with no protection.⁸ While the public expectation of an MPA is that it fully restricts damaging activities like bottom trawling, Ministers continue to push back on protecting the

³ See

https://www.wcl.org.uk/docs/assets/uploads/Tackling_climate_change_through_ocean_protection_WCL.pdf

⁴ <https://www.wcl.org.uk/brits-say-better-protection-for-ocean-needed.asp>

⁵ See JNCC's explainer for more information <https://jncc.gov.uk/our-work/what-is-protected-in-mpas/>

⁶ [https://hansard.parliament.uk/lords/2023-01-24/debates/BE258E23-1CA7-4607-804B-FD42A0EC3DEE/EnvironmentalTargets\(MarineProtectedAreas\)Regulations2022#:~:text=The%20regulations%20create%20a%20legally,the%20recovery%20of%20protected%20features.](https://hansard.parliament.uk/lords/2023-01-24/debates/BE258E23-1CA7-4607-804B-FD42A0EC3DEE/EnvironmentalTargets(MarineProtectedAreas)Regulations2022#:~:text=The%20regulations%20create%20a%20legally,the%20recovery%20of%20protected%20features.)

⁷ This programme is being delivered by the Marine Management Organisation

<https://www.gov.uk/government/publications/managing-fisheries-in-marine-protection-areas-call-for-evidence>

⁸ For more, including a map demonstrating this problem, see <https://www.wcl.org.uk/he-government-must-go-for-gold-in-defending-our-marine-protected-areas.asp>

whole site, arguing that “only fishing activities which could damage the protected features of an MPA require management”.⁹ This approach fails to recognise that many species are not limited to the exact location of the mapped features of a site and their health depends on the state of wider processes, marine habitats and species across an MPA. The most effective way to protect MPAs is to deliver a 'Whole Site Approach' which closes the full area of a site to damaging fishing; it's vital that this is adopted for the current programme.¹⁰

3. **Monitoring and management.** Management and enforcement bodies need greater resources to deliver their work. Ministers' commitments to marine recovery and 30x30 cannot be delivered on the cheap, as an effective system requires investment in monitoring systems, analysis and enforcement. This includes spending on monitoring planes, boats, visual observations, and onshore analysts to assess the data and undertake enforcement action. Crucially, we also need **mandatory Remote Electronic Monitoring (REM) with cameras** on vessels, which has been shown to be a cost-effective way to ensure compliance with the rules and improve data collection.¹¹
4. **Displacement of activity.** The Government has accepted that their programme of action across MPAs could “lead to displacement of fishing activities to sensitive habitats elsewhere in English seas”. If fishing activity simply intensifies outside MPAs, we're concerned about the harm to protected wildlife species through bycatch (the death of marine life from accidental capture by fisheries) and the threat this poses to the achievement of Good Environmental Status across our seas. This is against a backdrop of increasing demand for use of the sea, most notably with the Government's welcome target to deliver 50GW of offshore wind by 2030. There is no clear plan for managing current and future activities across our seas and new protections cannot be implemented in isolation if they are to contribute to the wider recovery of our marine biodiversity. We therefore need reformed marine planning, with marine spatial prioritisation deciding what activities should occur where in our seas.

The Government must deliver vital new Highly Protected Marine Areas

Highly Protected Marine Areas (HPMAs) are the Government's flagship reform for improving the marine environment. Indeed, in its recent Environmental Improvement Plan, the Government highlighted its ambition to “create Highly Protected Marine Areas to allow sites to fully recover” as one of the “key policies that will deliver our apex biodiversity target”.¹²

⁹ <https://questions-statements.parliament.uk/written-questions/detail/2022-10-10/59184>

¹⁰ See <https://www.wcl.org.uk/he-government-must-go-for-gold-in-defending-our-marine-protected-areas.asp>

¹¹ See https://www.wwf.org.uk/sites/default/files/2017-10/Remote%20Electronic%20Monitoring%20in%20UK%20Fisheries%20Management_WWF.pdf
REM can assist in data collection on bycatch rates and mitigation methods.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133967/environmental-improvement-plan-2023.pdf

The environment sector has strongly supported HPMA's throughout their development,¹³ with thousands of supporters backing the plans for these new marine sanctuaries.¹⁴

Defra Minister Lord Richard Benyon concluded in his 2020 HPMA review that they “are an essential component of the Marine Protected Areas network, and Government should introduce them”.¹⁵ HPMA's would go further than existing MPAs, which safeguard specific features within their boundaries, by taking a ‘whole site approach’ and by only permitting activities which have very little or no impact within them, such as vessel transit, kayaking and scuba diving.

However, nearly four years on from the start of the Benyon Review not a single site has yet been designated. While three sites are set for designation before 6th July, this is a hugely disappointing drop in ambition (representing less than 0.5% of our seas) and falls short of the five pilot sites deemed the ‘bare minimum’ by Lord Benyon in his final report.

Ministers must deliver on their commitment to “explore additional sites this year”¹⁶ and should assess how the programme can better deliver on its goals and avoid repeating past mistakes. For the next round of sites we recommend that Ministers:

1. **Bring forward more sites to consultation.** It is inevitable that new, potentially unforeseen concerns will arise about sites during the consultation process. Therefore it is unclear why, of the 30 potential HPMA sites identified by Natural England and JNCC based on ecological criteria, only 5 sites were put forward for consultation last year - the bare minimum recommended by the Benyon Review to pilot HPMA's.¹⁷
2. **Funding for a just transition.** The funding suggested by the Government for fishers affected by proposed HPMA's has been inadequate. While only a small number of fishers were due to be impacted, and in the longer term HPMA's should help a flourishing sustainable fishing sector through the spillover effect, these local concerns dominated media coverage. On land, the Government has set out how farmers could receive up to £100,000 to leave the industry in a managed way.¹⁸ However, with HPMA's, the Government has been unable to offer more than small amounts of adaption and mitigation funding through the Fisheries and Seafood Scheme.
3. **A plan for HPMA's and the wider MPA network.** With the Government commitment to protect English offshore MPAs; the commitment to meeting Good Environmental Status in our seas; and the welcome commitment for the development of 50GW of offshore wind by 2030, we clearly need a plan for how numerous HPMA's fit into a

¹³ <https://www.wcl.org.uk/the-government-must-deliver-action-on-new-highly-protected-marine-areas-in-2021.asp>

¹⁴ <https://www.wildlifetrusts.org/protect-our-seas>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/890484/hpma-review-final-report.pdf

¹⁶ <https://questions-statements.parliament.uk/written-questions/detail/2023-03-06/158891>

¹⁷ The review called for pilot sites to have a geographic spread covering nearshore, inshore and offshore areas and different regional seas.

¹⁸ <https://www.gov.uk/government/news/government-commits-to-support-farmers-who-wish-to-leave-the-industry>

wider vision for our seas. Putting an exciting, ambitious vision in place will also help bring stakeholders on board and allow early consideration and management of future challenges, rather than reactively responding to opposition.

With a maximum of 8% of England's waters currently effectively protected for nature, it is vital that HPMA's are rolled-out at pace. This requires support for new sites as part of a wider connected network of properly managed MPAs which can deliver in fulfilling the UK's marine 30x30 ambition (with HPMA's covering an absolute minimum of 10% of our seas¹⁹) over the coming months and years.

Protecting marine life beyond the domestic MPA network:

Sandeel fishing:

- The Government is considering banning sandeel fishing in English waters in the North Sea, using new powers on fishing licence variations to protect the environment. Sandeels are an important food source for some of our most precious seabirds, as well as other keystone marine species such as harbour porpoise and minke whales.²⁰ We urge the Government to follow through on these plans which have strong public support; indeed 138,347 people have already signed a Greenpeace petition on this issue.²¹ This would set a good precedent to ban destructive fishing methods in all of our marine protected areas by tweaking fishing licences. The Government could use licensing powers to restrict destructive fishing vessels - including supertrawlers, bottom trawlers and fly shooters.

Global Ocean Treaty:

- In March 2023, the UK played a key role in concluding negotiations on the UN Agreement on Biodiversity Beyond National Jurisdiction - a Global Ocean Treaty. The treaty provides a pathway for the creation of MPAs – including highly protected areas – in areas beyond national jurisdiction. It is a critical tool available for Governments to deliver the 30x30 target that was agreed at the 15th meeting of the parties to the Convention on Biological Diversity.
- Time is short to protect at least 30% of the global ocean by 2030. Formal adoption of the Treaty in June, followed by ratification from at least 60 states must follow without delay, and the UK Government should be one of the first to ratify - to signal that the UK is serious about ocean protection and global environmental leadership.
- Countries need to begin drawing up proposals for high seas ocean sanctuaries to bring to the first Conference of Parties of the Treaty. For example, the Sargasso sea is an area of global ecological importance and would be an ideal first ocean sanctuary under the Treaty. The UK should urgently champion an MPA proposal here. This would

¹⁹ https://www.wcl.org.uk/docs/assets/uploads/Link_HPMA_consultation_response.pdf

²⁰ See <https://action.greenpeace.org.uk/save-uk-seabirds?source=EM&subsource=OCFIREPEEM11YI>

²¹ Petition numbers correct as of 27/04/23 <https://action.greenpeace.org.uk/save-uk-seabirds?source=EM&subsource=OCFIREPEEM11YI>



maintain momentum and encourage other countries to also put in ambitious MPA proposals.