

Defra: Highly Protected Marine Areas – Call for Evidence questions (October 2019)

Summary - Seeking views on whether and how to introduce Highly Protected Marine Areas (HPMAs) in English inshore and offshore waters and Northern Irish offshore waters

Completed by: Christopher Pater (25/10/2019)

Question 1: Would you like your response to be confidential?

- Yes
- No

Question 1a: If you answered yes to this question please give your reason.

About you

Question 2: Are you responding to this call for evidence on behalf of an organisation or as an individual?

- on behalf of an organisation;
- as an individual;
- don't know;
- prefer not to say

Question 2a: If responding on behalf of an organisation:

- i. Which organisation(s) are you responding on behalf of? *Historic England*
- ii. What is the position you hold at the organisation(s)? *Head of Marine Planning*

Question 2b: If responding as an individual, which of the following best describes your current employment status? Tick all that apply. *N/A*

- Full-time paid work or self-employment (30+ hours per week);
- Part-time paid work or self-employment (under 30 hours per week);
- Retired In education Unemployed (Seeking work);
- Not in paid employment (not seeking work)

Question 2c: If employed or retired, briefly describe the main business activity of your company /organisation? If you are self-employed, or looking for work, please indicate what type of work you do? *Historic England is the Government's advisor on all aspects of the historic environment in England. Historic England's general powers under section 33 of the National Heritage Act 1983 were extended (via the National Heritage Act 2002) to modify our functions to include securing the preservation of monuments in, on, or under the seabed within the seaward limits of the UK Territorial Sea adjacent to England. We also provide our advice in recognition*

of the English marine plan areas (inshore and offshore) as defined by the Marine and Coastal Access Act 2009 and the UK Marine Policy Statement.

Question 3: How old are you? Please tick one of the boxes below.

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75+
- Prefer not to say

Question 4: What is your gender? Please tick one of the boxes below.

- Male;
- Female;
- Other
- Prefer not to say

Question 5: Which region of the UK do you live in? Please tick one of the boxes below.

- East Midlands
- East of England
- London
- North East
- North West
- South East
- South West
- West Midlands
- Yorkshire & the Humber
- Scotland
- Wales
- Northern Ireland
- Don't know/prefer not to say

Question 6: Which of the following best describes where you live? Please tick one of the boxes below.

- Urban — coastal
- Urban — non coastal
- Rural — coastal

- ~~Rural – non-coastal~~
- Don't know/prefer not to say

Part 1: HPMAs aims, opportunities and challenges

Question 7: To what extent do you agree with the following reasons for introducing HPMAs? Scale response used: 'strongly disagree'; 'disagree'; 'slightly disagree'; 'neither agree nor disagree'; 'slightly agree'; 'agree'; and 'strongly agree'

- to provide marine areas a chance to return to as natural a state as possible;
RESPONSE – 'neither agree nor disagree' (This would seem to be a very general reason i.e. how is 'natural' defined past, present and/or future)?
- to provide a reliable measure of what recovery could look like if all damaging human activities were removed;
RESPONSE – 'neither agree nor disagree' (This would seem to be more of a research question, in which case a time-limited project could be established with test locations subject to 'high protection' measures together with suitable control location(s)).
- to act as no take zones, allowing commercially fished species to recover and for these benefits to spill outside of the protected area;
RESPONSE – 'neither agree nor disagree' (This seems to be a reason to serve a specific purpose and for a particular marine sectorial interest, therefore any such 'highly protected' area must be relevant to the commercial species in question and we must therefore defer to the appropriate experts).
- to better protect sensitive and/or ecologically important species and habitats
RESPONSE – 'agree' (this is a valid reason why action is taken to protect particular locations as demonstrated by government policy and associated legislation – national and international)
- to look after our seas as part of our duty as stewards of the natural environment
RESPONSE – 'slightly agree' (It is noticeable that the broader perspective of delivering sustainable management of all aspects of our shared marine environment seems to have been lost from the very clear and helpful narrative provided within the UK Government and Devolved Administrations' High Level Marine Objectives (published 2009) inclusive of the objectives for 'Ensuring a strong, healthy and just society' and 'Promoting good governance' and the continuation provided by UK Marine Policy Statement (published 2011) e.g. section 2.6.6 (Historic Environment).

- to better prevent or lessen the effects of climate change, for example to protect habitats that can capture carbon or protect species that are vulnerable to a warming ocean;
RESPONSE – ‘agree’ (This seems more research orientated as a reason for establishing a highly protected marine area. In reference to the topic of climate change, we also encourage you to give attention to the UK Marine Science Strategy 2015-2025 and matters identified as relevant to responding to climate change and its interaction with the marine environment, inclusive of past sea-level change on submerged archaeology to shed light on future changes.)
- to preserve and increase opportunities for nature-based tourism;
RESPONSE – ‘neither agree nor disagree’ (This is a very particular reason which would seem to be a component benefit of establishment of ‘highly protected’ marine areas rather than a specific reason for introduction. The practicalities of delivering a possible benefit identifiable as ‘nature-based tourism’ might also lead to identification of areas that best serves that market rather than locations (inshore and offshore) that, might for other entirely valid purposes, be suitable for establishment of marine protected areas).
- to support or improve opportunities for cultural, spiritual, educational and/or recreational activities; and
RESPONSE – ‘agree’ (By the very identification of such diverse interests it would seem that open access to shared marine space with common goals of sustainable utilisation and enjoyment should be the primary objective. We are also aware that Natural Capital is a tool used in decision-making and that it is inclusive of the concept of ‘cultural services’. We therefore hope that very close attention will be given to how existing measures might be adapted or expanded to include maritime activities and interests and how local programmes might be best placed to take the lead.)
- other – please specify
RESPONSE – ‘To support wide public interest and enjoyment of the marine environment for all the interests it contains or have yet to be discovered.’ (The requirement for a highly protected marine area requires a clearly defined evidence base and therefore the effectiveness of monitoring programmes for all type of existing ‘marine protected areas’ must be considered (i.e. inclusive of statutory measures provided through the Protection of Wrecks Act 1973 and Protection of Military Remains Act 1986 whereby access is subject to approval by Secretary of State) and are associated programme of assessment ‘Heritage at Risk’ (<https://historicengland.org.uk/advice/heritage->

at-risk/). We therefore hope that following such an approach would also continue to demonstrate an integrated and collaborative approach that best serves all interests, it is hoped that the use of 'highly protected' areas could then be designed and planned either as part of existing designations or as a unique spatial and/or possibly temporal measure.)

Question 8: Do you have any experience or examples relevant to the UK where you believe HPMA's or similar have been effective or ineffective? Please provide any relevant evidence.

RESPONSE – We are aware of the action taken to establish a 'no-take-zone' through a Devon Sea Fisheries byelaw within the former Lundy Marine Nature Reserve, now Marine Conservation Zone (MCZ) and also Special Area of Conservation. It would therefore seem that in consideration of the multiple and overlapping formal conservation measures that occur here, that it might be possible to describe this location as a 'highly protected marine area'. We add that within these nature conservation designations are three historic shipwreck sites: Iona II (designated under Protection of Wrecks Act 1973 in 1989); Gull Rock wreck (designated under Protection of Wrecks Act 1973 in 1990); and HMS Montagu (designated under the Ancient Monuments and Archaeological Areas Act 1979 in 2019). We have also contributed to the Lundy Island Marine Management plan revisions and therefore we would certainly hope that in terms of how different conservation interests are present and respected every effort is made by all to be as effective as possible.

Question 9: Do you see any challenges to the introduction of HPMA's? If so, how could these challenges be addressed? Please provide any relevant evidence.

RESPONSE – It would be hoped that the experience gained from many years of delivering programmes of marine protected area designation that a thoughtful and well-designed approach would be taken to consult stakeholders and thereby make decisions about the format of any system of highly protected areas and how they might be introduced.

Question 10: What is your opinion of the evidence for HPMA's? Where is more evidence required?

RESPONSE – No comment offered as scrutiny of evidence should come from established HPMA experts.

Question 11: The UK already has a network of MPAs that includes Marine Conservation Zones (MCZs). How could HPMA's complement and enhance the current designations in English inshore and offshore waters and Northern Irish offshore waters?

RESPONSE – The comments that we offer here are exclusively for areas subject to English administration only. In the first instance, very careful thought must be given to HPMA's that 'complement and enhance' and therefore if this initiative is looking to establish yet another type of designation. The example of Lundy marine conservation must be examined given how multiple interests and activities are accommodated and what management and planning measures are used.

Part 2: HPMA site selection

Question 12: What evidence and factors should be considered when selecting sites for HPMA's and who should be engaged in the process?

RESPONSE – The Marine and Coastal Access Act 2009 in section 117(7) it states that when designating a MCZ the designating authority may have regard to economic and social consequences and section 117(8) specifies that the term "social" includes "any sites in that area (including any sites comprising, or comprising the remains of, any vessel, aircraft or marine installation) which are of historic or archaeological interest." We therefore hope that effort put into generating 'evidence and factors' which are likely to focus on habitats, species, geology and geomorphology conservation objectives should also take this opportunity to consider wider conservation benefits and generate a narrative to build and maintain support among stakeholders – national and local. Perhaps it should be the case that particular effort is made to embrace all component parts that contribute to overall public interest and enjoyment in visiting a particular location.

Question 13: Are there any locations where it would be particularly beneficial: (i) for a location to become an HPMA or (ii) an existing or part of an existing MPA to become an HPMA? Please could you state these in the box below and provide any relevant evidence.

RESPONSE – We don't offer any particular locations as historic and archaeological sites are widely distributed. The locations of archaeological sites, buildings, monuments and places – known as heritage assets (see UK Marine Policy Statement for full definition), whether they are designated or not, often occur in locations where people have been looking. It is therefore apparent that any (new) HPMA location might also be the location of presently known and unknown heritage assets.

Part 3: Future implementation and management of HPMA's

Question 14: What would be the most appropriate way of managing and monitoring HPMA's? How do you think this could fit alongside existing marine management?

RESPONSE – Lessons must be learnt from all the programmes used to deliver marine nature conservation and fisheries management, so any concept of HPMA management must be linked to defined roles within regulatory authorities, but equally important that meaning is given again to the High Level Marine Objectives and the responsibilities that we all share.

Part 4: Your past experience of the Marine Protected Areas (MPA) identification, designation, and management process.

In this section, we are keen to hear from people who have had any involvement in the identification, designation or management of MPAs. Whilst this Review is considering HPMA in relation to areas of English inshore and offshore waters and Northern Ireland offshore waters, we are interested in learning from experience of MPAs from across the UK. This information will help to inform the process for considering implementation of any potential future HPMA.

Question 15: Have you been involved in the identification, designation or management of MPAs in the UK previously?

- Yes
- ~~No~~
- ~~Don't know~~
- ~~Prefer not to answer~~

Question 15a: If yes, we would like to learn from your experience of being involved in MPA identification, designation and management. Please could you provide information on:

- the name of the MPA(s) and your role and involvement
RESPONSE – Lundy. We are a consultee for the Lundy Marine Management Plan
- what worked well?
RESPONSE – The management plan is prepared by the Landmark Trust for Natural England and we are pleased that we have been part of the Lundy Management Forum, so that consideration can be given to a very wide range of stakeholder interests in the effective management of Lundy.
- what could be improved?
RESPONSE – The present pattern of engagement works, but there is always a differentiation between nature conservation and its associated interested parties and others. The particular requirements of legislation are important and necessitate division of effort to secure delivery and enforcement. However, having an overarching explanation and narrative about why we have so many interests requiring specific measures, such as the

establishment of a no-take-zone, could help to draw the whole together and thereby help to build and maintain public support.

Question 16: How has stakeholder and local knowledge been included in previous processes to introduce MPAs (inshore or offshore)? Please can you comment on whether and how this knowledge can better be integrated in future processes associated with HPMAs?

RESPONSE – We have no comment to offer as this question appears to be directed to Statutory Nature Conservation Bodies that have the primary responsibility regarding action to introduce MPAs.

Part 5 Any other comments

Question 17: Are there any other comments you would like to make in regard to HPMAs?

RESPONSE – We are aware that the original MCZ programme of identifying sites which was led by four regional English marine area projects did include the concept of ‘reference areas’. It is therefore requested that this initiative clearly explains if the idea of ‘HMPAs’ is a return to the idea of ‘reference areas’ with any delivery through the designated network of MCZs.

In reference to MCZs, under Section 125(2) Historic England must exercise its functions in the way that it considers the stated conservation objectives of an MCZ are best furthered or (if this is not possible) least hindered. If it considers that the exercise of its functions might significantly hinder MCZ conservation objectives, then Historic England must inform Natural England (Section 125(3)). It is also acknowledged that section 125 sets out “duties of public authorities” whereby relevant public bodies must exercise their functions in a manner that best furthers the conservation objectives of a MCZ or least hinders the achievement of those objectives. Furthermore, section 126 also states that where a public authority has a function to determine an application for an activity that is capable of affecting (other than insignificantly) the protected features of a MCZ that body must notify the appropriate statutory nature conservation body. In reference to these duties we commissioned a study, completed in 2017, which examined the types of archaeological activities that might occur within MCZ and compatibility with MCZ objectives; we therefore have supplied a copy of that report for your information with this response.