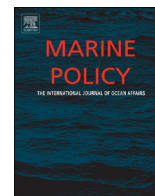




ELSEVIER

Contents lists available at ScienceDirect

Marine Policy

journal homepage: www.elsevier.com/locate/marpol

From stormy seas to the doldrums: The challenges of navigating towards an ecologically coherent marine protected area network through England's Marine Conservation Zone process

Louise M. Lieberknecht^{a,b,*}, Peter J.S. Jones^a

^a Department of Geography, University College London, Pearson Building, Gower Street, London WC1E 6BT, United Kingdom

^b Independent Consultant, Spain

ARTICLE INFO

Article history:

Received 16 April 2016

Received in revised form

18 May 2016

Accepted 18 May 2016

Keywords:

Marine Conservation Zones

Marine protected areas

Marine spatial planning

Stakeholder participation

ABSTRACT

There is an on-going process to establish Marine Conservation Zones (MCZs) in England, to form part of a coherent and representative network of marine protected areas under national and EU legislation. From 2009 to 2011, the MCZ process included strong participatory elements. Four regional multi-sector stakeholder groups developed MCZ recommendations collaboratively, in line with ecological guidance provided by the Government's nature conservation advisers. This guidance was based on Government policy principles, including that MCZs should be designated based on 'best available evidence'. This paper analyses the multi-dimensional conflicts that emerged within the stakeholder group in south-west England, which were magnified by uncertainty about future MCZ management. In September 2011, after working through these conflicts through trade-offs and negotiations, the stakeholder groups jointly recommended 127 MCZs to Government. The process subsequently shifted to a top-down approach, with further stakeholder engagement limited to bilateral consultation. There was a concurrent shift in policy, from a broad-scale network-level focus towards single-feature conservation. A lengthy series of evidence reviews concluded that the existing evidence at the time was insufficient to progress with the designation of most sites, marking a clear departure from the policy principle of proceeding with the designation of a representative network based on 'best available evidence', and effectively undermining the work carried out by stakeholder groups. Though MCZ designation was originally timetabled for 2012, in November 2013 just 27 of the recommended 127 MCZs were designated in a first tranche. At the time, no clear timetable was in place for subsequent tranches.

© 2016 Elsevier Ltd. All rights reserved.

1. Introduction

1.1. Background and focus of this paper

This paper analyses the on-going process to establish Marine Conservation Zones (MCZs) in England, under the Marine and Coastal Access Act 2009¹ (the Marine Act). The Marine Act places a duty on the Secretary of State for the Environment (the UK's environment minister) to designate MCZs in English waters.² The legislation requires MCZs to complement sites designated under pre-existing legislation, (e.g. marine *Natura 2000* sites under the EU Habitats³ and Birds⁴ Directives), in order to form a network of

* Corresponding author at: Independent Consultant, Spain.

E-mail address: louisemarie.lieb@gmail.com (L.M. Lieberknecht).

¹ Marine and Coastal Access Act 2009.

<http://www.legislation.gov.uk/ukpga/2009/23/contents> (accessed 30/10/2013).

² Section 116 of the Marine and Coastal Access Act 2009: "Marine Conservation Zones":

"(1) The appropriate authority may by order designate any area falling within subsection (2) as a marine conservation zone (an "MCZ"). [...].

(2) An area falls within this subsection if—

(a) it is an area of the sea within the seaward limits of the territorial sea adjacent to the United Kingdom;

(b) it is an area of the sea within the limits of the exclusive economic zone;

(c) it is an area of the sea bed or subsoil within the limits of the UK sector of the continental shelf (so far as not falling within an area mentioned in paragraph (b)).

(3) But an area does not fall within subsection (2) if it is in—

(a) the Scottish inshore region, or

(b) the Northern Ireland inshore region. [...]

(5) For the purposes of this Chapter the appropriate authority is—

(a) in relation to an area in Wales, the Welsh Ministers;

(b) in relation to an area in the Scottish offshore region, the Scottish Ministers;

(c) in any other case, the Secretary of State. [...]."

³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:01992L0043-20070101:EN:NOT> (accessed 30/10/2013).

⁴ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (amended from Directive 79/409/EEC).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0056:EN:NOT> (accessed 30/10/2013).

marine protected areas (MPAs) that fully represents the range of marine features present in national waters.⁵

The EU Habitats and Birds Directives specify individual features (species and habitats) that qualify for protection – MCZs, on the other hand, can be designated for any marine feature.⁶ The Marine Act thereby provides the legal underpinning for a network that is truly representative of the full range of flora and fauna on England's continental shelf, in compliance with article 13 (4) of the EU Marine Strategy Framework Directive (MSFD), which requires Member States to establish 'coherent and representative' MPA networks by 2016.⁷

In 2010, Defra (the national environment ministry) made a wider policy commitment 'to develop an ecologically coherent and well-managed network of Marine Protected Areas (MPAs) that is well understood and supported by sea-users and other stakeholders' [1]. At the time, they defined 'ecological coherence' based on seven principles, first announced in a written Ministerial Statement on MCZs,⁸ and subsequently written into ministry-level policy guidance [1]. The seven principles included representativity (in line with the requirements of the Marine Act and MSFD), and the principle that site selection would proceed based on the best available evidence (and not be delayed by gaps in scientific knowledge).

This paper focuses on the time period between 2009 and April 2013. For the first part of that time period (2009 to September 2011), four separate MCZ projects operated in four English regions. This paper focuses on Finding Sanctuary, the south-west regional project (although the basic similarities between the four projects, and their shared national context, mean that the findings are relevant to the English MCZ process as a whole). For the time period from late 2011 to April 2013, the paper focuses on the centrally-run national MCZ process, highlighting changes in the governance

approach following the end of the regional projects, and the consequences of these changes.

1.2. Sources and research methods

University College London is an independent observer of the MCZ process, though the first author previously worked as Finding Sanctuary's MPA planner. Her first-hand experience of Finding Sanctuary is complemented by the second author's independent observations of 24 of the regional project's stakeholder meetings. In order to understand stakeholder perspectives on the process after their participation ended in 2011, semi-structured interviews were conducted with 23 former Finding Sanctuary stakeholder group members in June and July 2012 [2]. Interviewees spanned the spectrum of sectors and interest groups.

In addition to the direct observations and interviews, a detailed document analysis was carried out. This covered Finding Sanctuary's 29 regional stakeholder meeting reports, 3 progress reports, and the final report [3], as well as grey literature relating to the national process – legislation and policy documents, advice from nature conservation bodies, official newsletters, news items, Government websites, and public consultation documents. These sources are fully catalogued in [2], whilst citations in this paper are limited to key documents. This research followed the governance analysis approach and structure developed as part of the MESMA project [4].

2. Case study process and governance

Fig. 1 illustrates key institutions and their roles within England's MCZ process. Under the Marine Act, the UK's environment minister holds decision-making power over site designation, but must ensure that the requirements of section 123 of the Marine Act are met. The environment ministry (Defra) defines broad MCZ policy, and has overall responsibility for MCZ planning.

The ministry is supported by two statutory nature conservation bodies (SNCBs), Natural England and the Joint Nature Conservation Committee (JNCC), who provide marine conservation advice for the areas within and beyond territorial waters, respectively. The SNCBs hold no decision-making power, but have a statutory role to advise Defra on the appropriate number, location, and conservation objectives of MCZs, in line with legal and policy objectives.

Regulatory authorities (primarily, the Marine Management Organisation or MMO, and the Inshore Fisheries and Conservation Authorities or IFCA) have the legal responsibility to implement management measures within MCZs, e.g. byelaws to limit specific human activities, in order to ensure that MCZ conservation objectives are met. In the MCZ process, management measures are not determined prior to site designation. Instead, the regulatory authorities will take management decisions on a case-by-case basis, following the designation of the sites. The SNCBs have a role to advise regulatory authorities on anthropogenic impacts that may impede the achievement of conservation objectives, but have no power to define management measures.

One key exception is that in sites beyond 6 nautical miles, any restrictions on fishing activity have to be implemented through the EU Common Fisheries Policy, adding a significant degree of complication and uncertainty. In the EU, biodiversity conservation is the responsibility of individual member states, but fisheries management falls under the exclusive jurisdiction of the EU, causing tensions which were discussed in relation to *Natura 2000* sites by [5].

The roles and responsibilities within the MCZ process essentially mirror England's marine *Natura 2000* process. However, in the latter, the SNCBs develop site proposals through a fully top-down process, based solely on scientific criteria and scientific

⁵ Section 123 of the Marine and Coastal Access Act 2009: "Creation of network of conservation sites":

"(1) In order to contribute to the achievement of the objective in subsection (2), the appropriate authority must designate MCZs under section 116.

(2) The objective is that the MCZs designated by the appropriate authority, taken together with any other MCZs designated under section 116 and any relevant conservation sites in the UK marine area, form a network which satisfies the conditions in subsection (3).

(3) The conditions are—

(a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area;

(b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area;

(c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site. [...]."

⁶ Section 117 of the Marine and Coastal Access Act 2009: "Grounds for designation of MCZs":

"(1) The appropriate authority may make an order under Section 116 if it thinks that it is desirable to do so for the purpose of conserving—

(a) marine flora or fauna;

(b) marine habitats or types of marine habitat;

(c) features of geological or geomorphological interest. [...]."

⁷ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), Article 13 (4):

"4. Programmes of measures established pursuant to this Article shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties."

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0056:EN:NOT> (accessed 30/10/2013).

⁸ Written Ministerial Statement by Huw Irranca-Davies - The creation of a network of Marine Protected Areas, 2010. <http://webarchive.nationalarchives.gov.uk/20100401103043/http://www.defra.gov.uk/corporate/about/who/ministers/statements/hid100311.htm> (accessed 30/10/2013).

Download English Version:

<https://daneshyari.com/en/article/7489106>

Download Persian Version:

<https://daneshyari.com/article/7489106>

[Daneshyari.com](https://daneshyari.com)