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AN OVERVIEW OF  
MARINE  
PROTECTED AREAS  
IN THE UK

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## INTRODUCTION TO MARINE PROTECTED AREAS

Marine Protected Areas (MPAs) have been defined by the International Union for the Conservation of Nature as;

*“Any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment”*

There are many different types of MPA with the management arrangements ranging from multiple-use to strict protection within “no-take zones” or “Highly Protected Marine Reserves”. They include examples of all the different categories of protected areas defined by IUCN<sup>1</sup> (Table 1) and reflect the varied objectives of MPAs.

**Table 1. IUCN Protected area categories**

Category	Management Objectives
I	Protected area managed mainly for science or wilderness protection (I(a) Strict Nature Reserves and I(b) Wilderness Areas).
II	Protected area managed mainly for ecosystem protection and recreation (National Park).
III	Protected area managed mainly for conservation of specific natural features (Natural Monument).
IV	Protected area managed mainly for conservation through management intervention
V	Protected area managed mainly for landscape/seascape conservation and recreation (Protected Landscape/Seascape)
VI	Protected area managed mainly for the sustainable use of natural ecosystems (Managed Resource Protected Area).

Although usually considered to be areas designated for conservation of biodiversity, there are also other types of MPAs. They include fisheries reserves or “boxes” where there may be seasonal closures or gear restrictions as part of a management regime for commercial fisheries, areas of archaeological interest, military exercise areas, and safety zones around marine structures (such as oil platforms and offshore wind turbines) where access is restricted and which act as *de facto* reserves. This briefing is concerned with MPAs where the conservation of biodiversity is the principle reason for establishment.

A global review carried out in the mid 1990’s listed just over 1,100 MPAs but they are estimated to cover less than half a percent of the world’s oceans with only approximately 0.001% strictly protected as “no take zones”.

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<sup>1</sup> IUCN (1994) Guidelines for Protected Area Management Categories. IUCN, Gland, Switzerland

The world's first MPA was probably the Fort Jefferson National Monument in Florida which covered 18,850ha of sea and 35ha of coastal land. Although the site was designated in 1935, the main impetus for MPAs came much later. The World Congress on National Parks in 1962 was one of the first international conservation meetings to give the subject special attention and a follow up meeting in 1982, called for the incorporation of marine, coastal and freshwater sites into the worldwide network of protected areas.

Most MPAs are adjacent or close to coasts. This is because, in contrast to offshore areas, the coastal zone is usually under greater pressure from human activities, the environment and its wildlife is often better known, and management issues such as enforcement are seen as more feasible. The majority are designated in territorial seas but there are also MPAs in Exclusive Economic Zones and a number of very large MPAs such as the Florida Keys National Marine Sanctuary and the Great Barrier Reef Marine Park which include territorial waters and EEZ.

Until recently, there was little or no consideration of the value and feasibility of establishing MPAs on the High Seas. The situation is changing however, with IUCN members adopting a resolution at the World Conservation Congress in 2000, for IUCN to explore an appropriate range of tools including High Seas MPAs, "with the objective of implementing effective protection, restoration and sustainable use of biodiversity and ecosystem processes on the High Seas" including the development of a 'High Seas MPA Action Plan'. The Oslo & Paris Commission (OSPAR) has also instituted a programme for the identification and establishment of MPAs in the North East Atlantic which includes the High Seas area. Discussions are under way in fora such as these about the locations that might benefit from MPA status, and initiatives are being promoted through the UN and other bodies to clarify the legal position of High Seas MPAs.

MPAs have a wide range of potential benefits to biodiversity depending on the management measures that are introduced. They can:

- Protect and manage substantial examples of marine and estuarine systems to ensure their long-term viability and to maintain genetic diversity
- Protect depleted, threatened, rare or endangered species and populations and, in particular, preserve habitats considered critical for the survival of such species
- Protect and manage areas of significance to the life cycles of economically important species
- Prevent outside activities from detrimentally affecting the marine protected area
- Provide for the continued welfare of people affected by the creation of MPAs
- Preserve, protect and manage historical and cultural sites and natural aesthetic values of marine and estuarine areas
- Facilitate the interpretation of marine and estuarine systems for the purposes of conservation, education and tourism
- Accommodate, with appropriate management regimes a broad spectrum of human activities compatible with the primary goal in marine and estuarine settings

- Provide for research and training, and for monitoring the environmental effects of human activities including the direct and indirect effects of development and adjacent land-use practices.<sup>2</sup>

Regardless of these potential benefits, it is also widely accepted that MPAs are just one of a number of useful tools for the conservation of biodiversity. They may also have a wider role, for example in helping achieve objectives sought by other interests such as fisheries, tourism, recreation, and scientific research.

MPAs usually attract considerable public attention, interest and controversy because they affect how people use the designated area. For this reason, their establishment and management can be a challenging task. However, the impact on users is also their greatest potential strength, because MPAs will only benefit marine biodiversity with the support and enthusiasm of those who are affected by them.

## CURRENT POLICY AND LEGAL CONTEXT

The UK position on Marine Protected Areas is being driven by international, European and national initiatives, policies and programmes.

### International

At an international level work stemming from the Convention on Biological Diversity (CBD) and the Oslo & Paris Commission (OSPAR) are a major influence on national MPA programmes.

The CBD has marine and coastal protected areas as one of its themes and has taken on board the goal adopted at the 2002 World Summit on Sustainable Development to establish representative networks of protected areas in the maritime environment by 2012.

The 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) came into force in 1998. Annex V of the Convention (on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area) gives the OSPAR Commission a duty to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species of habitats. In 2003 the OSPAR Commission adopted a Recommendation on a network of MPAs. A target date of 2010 has been set to achieve “an ecologically coherent network of well managed marine protected areas”. This is linked to an agreement made by Environment Ministers at the 5<sup>th</sup> North Sea Conference to establish such a network of MPAs by 2010.

A number of other international initiatives have given international recognition to existing MPAs. They include the Ramsar Convention under which sites can be designated as “Wetlands of International Importance”, protected areas established under the World Heritage Convention

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<sup>2</sup> Objectives of a global representative system of MPAs as adopted by the 17<sup>th</sup> General Assembly of IUCN. In; Gubbay (Ed), 1995 Marine Protected Areas. Principles & techniques for management. Chapman & Hall. Conservation Biology Series.

(World Heritage Sites) and the UNESCO Man & Biosphere Programme (Biosphere Reserves). All three types of protected area include marine examples.

#### Europe

At a European level the EU Habitats and Species Directive (92/43/EEC) has had a major influence on the UK MPA programme. The Directive requires the establishment of protected areas (Special Areas of Conservation – SACs) for a number of listed habitats and species, in areas of sea under the jurisdiction of Member States (i.e. out to the 200nm limit). These locations, together with Special Protection Areas (SPAs), designated under the EU Directive on the Conservation of Wild Birds, make up the *Natura 2000* network of protected areas throughout the European Union. European Commission is due to agree guidance on *Natura 2000* sites in the marine environment.

#### UK

Interest in the establishment of MPAs in the UK started to develop in the 1970's. At that time there was no statutory mechanism for their designation or formal approach within government. A number of locations were declared “voluntary marine reserves” through the initiative and actions of local users.

This situation changed with the 1981 Wildlife & Countryside provisions for the establishment of Marine Nature Reserves (MNRs). These were sites to be managed for the purpose of:

- (a) conserving marine flora or fauna or geological or physiographical features of special interest in the area
- (b) Providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of geological and physiographical features of special interest in the area.

There was very limited progress in designated MPAs using this legislation and, in practice, interest in setting up MNRs has been overtaken by events as effort is now directed at establishing the *Natura 2000* network of protected areas (including marine areas) because of the requirements of the EU Habitats & Birds Directives.

In 2001, efforts were made to introduce a Private Member's Bill on the protection of the marine environment<sup>3</sup>, which included measures for the establishment of a network of nationally important locations as MPAs. The Bill was unsuccessful, falling in the Lords, but during the various debates the Government made a commitment to look at the issue in more detail.

In 2004, the House of Commons Environment, Food & Rural Affairs Committee<sup>4</sup> examined Government policy on the protection of the marine environment. In relation to habitat and species protection, the Committee urged the Government to begin immediate work with the Commission to ensure that the Habitats Directive covers all the necessary species and habitats,

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<sup>3</sup> Marine Wildlife Conservation Bill

<sup>4</sup> HMSO (2004) House of Commons Environment, Food & Rural Affairs Committee. Marine Environment. Sixth Report of Session 2003-2004. HC 76.

to strengthen protection of the marine environment and to ensure that conflicts between the demands of the Directive and the Common Fisheries Policy are resolved as a matter of urgency.

The failure to create a network of MNRs using the 1981 Wildlife & Countryside Act (i.e. only 3 sites in more than 20 years) has been recognised by government and in 1999 a working group (the Review of Marine Nature Conservation (RMNC)) was set up to evaluate the success of previous statutory and voluntary conservation measures, identify examples of best practices and barriers to success, and put forward proposals to improve marine nature conservation. In relation to MPAs, The RMNC published its recommendations in July 2004, and in relation to MPAs includes the following:

*“Government should identify areas important for marine biodiversity and geodiversity in UK waters and those requiring priority conservation action. Management measures should be identified for important marine areas as considered appropriate. “*

and

*“an ecologically coherent and representative network of marine protected areas should be identified and established, and appropriate and proportionate measures applied to ensure their conservation needs are met.”*

Government response to these recommendations is pending .

Current UK policy on MPAs is set out in the Marine Stewardship Report<sup>5</sup> which supports the establishment of MPAs and includes commitments:

(a) to build on marine protection afforded in territorial waters under the Habitats and Birds Directives by applying these Directives out to the limit of jurisdiction of UK waters

and

(b) to identify and designate relevant areas of the UK’s seas as areas of marine protection belonging to a network of well-managed sites by 2010

The UK legislation which provides the statutory basis for these different types of MPAs and supporting policy guidance is listed in Table 2.

**Table 2. Key legislation and policy guidance on MPAs in the UK.**

Key UK legislation & policy guidance for MPAs set up for biodiversity conservation
The Wildlife & Countryside Act, 1981
The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. No.170.
The Conservation (Natural Habitats &c) Regulations 1994
The Conservation (Natural Habitats &c) Regulations (Northern Ireland) 1995
The Offshore Petroleum Activities (Conservation of Habitats) Regulations, 2001

<sup>5</sup> DEFRA (2002) Safeguarding Our Seas. A strategy for the conservation and sustainable development of our marine environment.















