

The Association of Inshore Fisheries and Conservation Authorities

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Chair: Tony Tomlinson MBE
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By email only to; naturegreenpaper@defra.gov.uk

RE: Nature recovery green paper: protected sites and species

The Association of Inshore Fisheries and Conservation Authorities (AIFCA) welcomes the opportunity to respond to the Department for Environment, Food and Rural Affairs' (Defra) public consultation on the "Nature recovery green paper: protected sites and species". In this document we summarise our key issues.

The AIFCA is the national body that represents the ten IFCAs in England. IFCAs are committees or joint committees of local government. The IFCAs have duties and powers conferred by the Marine and Coastal Access Act, 2009.

s.153(1) and (2) of the 2009 Act says

1)The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.

(2) In performing its duty under subsection (1), the authority for an IFC district must—

(a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,

(b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,

(c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and

(d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

s. 154 (1) of the act says that;

(1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.

Since the IFCAs were formed in 2011 they have transformed the way inshore fisheries are managed in accordance with these and other duties. The IFCAs have enabled local decision making and ensured local accountability. The IFCA structures are systems of co-management which attempt to reconcile often competing interests in our marine space. Defra's Marine

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Pioneer programme highlighted IFCA's as the ideal framework for regional co-management of fisheries, with local decision making and accountability¹

Inshore fisheries are diverse; the majority of the commercial fishing fleet is under 10m in length and will fish within the nearshore waters, and the majority of recreational activity will be in the areas managed by IFCA's.

We welcome the government's ambition for a more resilient natural environment as part of its commitment to leave the environment in a better state. We support the intent to improve nature's protection and enhancement and to better enable its recovery. Nature recovery is central to the IFCA's Vision to lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.

The IFCA's are well placed to enable nature's recovery given their local delivery, co-management, regulatory and science and evidence roles. Strong support from other government departments and organisations along with partnership working will also be crucial for successful delivery of these ambitions. The IFCA's work with local communities, through local delivery frameworks, has shown that we can significantly increase the protection on the coastal environment, while also delivering other multiple benefits for society. This will continue to be a vital principle for how IFCA's fulfil their role in future.

Reform of the Marine Protected Area Network.

The consultation asks; what degree of reform for the marine protected area network do we need to meet our biodiversity objectives and commitments? The option to continue to manage existing site designations (SACs, SPAs, and MCZs) similarly, streamlining our approach by to refer to them all as Marine Protected Areas (MPAs) has merit.

In the ten years since the IFCA's were formed, the IFCA's have delivered significant improvements in the way our marine environment is managed and protected². The IFCA's have delivered this through their local initiatives, through partnerships with central government and its agencies, as well as with local government and local communities. The key role of local government in delivering marine conservation policy is significant. We should welcome further dialogue to enable nature's recovery given our local delivery, co-management, regulatory and science and evidence roles.

The body of policy, statutory law and case has provided a framework through which the IFCA's have delivered their duties to deliver significant advances in marine conservation. The value of collaboration between policy and delivery partnerships; as exemplified through the [Revised](#)

¹ <https://www.gov.uk/government/publications/marine-pioneer>

² <http://www.association-ifca.org.uk/marine-protected-areas#:~:text=IFCA's%20are%20at%20the%20forefront,as%20a%20Marine%20Protected%20Area.>



[approach to the management of commercial fisheries in European Marine Sites: overarching policy and delivery](#) provides useful lessons. This type of collaborative approach could usefully be extended to the MPA network generally.

The governments revised approach to the management of commercial fisheries within European Marine sites (ibid) demonstrates how, with improved authoritative guidance, a more efficient and consistent approach to the application of HRAs may be achieved. Where there is a need for greater certainty and consistency for practitioners, it can be achieved by improved authoritative guidance.

We agree with the conclusions reached by Tyldesley and Chapman (2022)³ that “Improved guidance could deliver significant improvements in understanding in areas such as a) the need for and scope of an in-combination assessment; b) adopting the conclusions of other assessments in order to expedite the process; c) how to apply the integrity test and d) how the derogation provisions can be used, which, in the absence of feasible alternative solutions, allow for potentially damaging plans and projects to nevertheless go ahead where there are imperative reasons of over-riding public interest with compensatory measures being secured.”

We are also keen to draw attention to the distinction in law and practice between the management of on-going ‘activities’ and ‘plans and projects’ i.e. those which are consented and require review prior to permissions are granted. We welcome further dialogue on how we could reform the management of MPAs in the context of wider policy initiatives such as through the delivery of the Fisheries Act 2020 and the associated Fisheries Management Plans.

Area and species-based protections, so as to deliver both nature recovery and enable sustainable use, will likely always exist along a continuum; from strict protection to sustainable use. There will always be tensions here. Highly restrictive management of habitats and species exists within the existing MPA network, the introduction of the option in the consultation to ‘a tiered approach emulating the approach taken in the marine area for HPMA and MPAs, consolidating existing protected site designations and the creation of highly protected sites’ is therefore something of a false dichotomy. Whilst the current HPMA pilot process will provide useful lessons in the development of further types of marine protection under the umbrella of the MPA terminology, there is further policy and delivery work yet to be undertaken, before the success, as measured by their outcomes can be understood.

The proposal to reform the current feature-based approach requires greater detailed analysis. In our experience the supporting site-based information which is all compiled and presented around the qualifying features within sites, and the assessment of their condition is itself often limited. The legal and evidential tests necessary so as to develop a system where scientific judgement (within the confines of the limits on available information) could play a greater role,

³ Tyldesley, D. and Chapman, C., 2022. Looking further at the proposals. The Habitats Regulations Assessment Journal. Supplement April 2022. DTA Publications. Available online:
<https://drive.google.com/file/d/1FGm93fO3rMst38yy7z5PAoJtyhwY4SHJ/view> Accessed 11/05/2022.



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and one which moves away from a feature-based approach to site designation; this will require very significant investment if the inherent tensions faced by regulators are to be effectively managed and the objectives of the paper are to be achieved. Evidence plans have been widely used to inform HRA work for Nationally Significant Infrastructure Projects. There is significant scope for their wider use to address some of these evidence challenges.

We agree that the terminology used in marine protection has acted, in certain circumstances in the wider community, as a challenge; and can be seen as a barrier to the wider understanding within local communities of marine protection, and moreover the delivery of marine recovery. The progress made in coastal areas has been somewhat masked by these wider delivery challenges.

There are however approaches that can be taken to address these challenges, these include; a pivot from a focus and preoccupation with designation and identification of features to focus on interpretation on the outcomes sought by the protections through local delivery. This includes investment in compliance and enforcement.

One of the most significant challenges has been that the progress made by the local delivery of the IFCAs, working through their delivery partnerships, has not been fully realised in all areas because delivery of existing policy has not been achieved elsewhere (i.e. outside of 6nm. and the wider protection of the marine environment in the context of activities other than fishing⁴); reorganising the nomenclature can be helpful, however the central pre-occupation of delivering the designation necessary to achieve a network of MPAs needs to rapidly shift to a focus on resourcing and supporting local implementation. The IFCA model demonstrates in our coastal waters what can be achieved at the local level; with the support and coordination at a national scale.

The paper sets out the need for reform of the Habitats Regulations, and proposed changes are high level and generic in nature with further detail as to what, specifically, changes may be necessary. The IFCAs have extensive experience in this area and would welcome further dialogue. In particular we welcome dialogue on the ability of our busy coastal waters to absorb the associated impacts of development in the offshore areas. At a site level and on a case-by-case basis, the precautionary nature of the legal tests enshrined within the Habitats Regulations creates a tension between the protection of designated sites for nature conservation and the environmental effects of growth and development. There is a need for greater coordination and for site level management plans.

To summarise our thinking in this area of marine protection we conclude that there is a need for a greater emphasis on local delivery mechanisms. The IFCAs are a proven way of delivery

⁴ Noting the significant recent advances in these areas; still challenges remain i.e. shellfish beds can and do provide valuable eco-system services, but their value is not fully integrated into water quality improvement programmes.

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and are well placed to enable nature's recovery given our local delivery, co-management, regulatory and science and evidence roles.

Delivering for nature through public bodies (Chapter 6.1)

We agree with the green paper that Defra's other Arm's Length Bodies (ALBs) provide vital services to communities and businesses across the country while protecting and enhancing our environment. We also agree that now the UK has left the EU it is right to consider how best to deliver the government's long-term targets and commitments to protect and restore the environment, while developing the capability to respond to new and emerging challenges. And we agree too that if we are to reverse nature's decline, we need to change how we think and act.

Co-management, collaboration and local delivery are essential. There is good evidence that much of what the IFCAs deliver is working: the fact that our regulation is effectively protecting much of our environment despite limits on our powers and resources.

Coastal Local Authorities fund the IFCAs. These local authorities, where new burdens were placed upon by the Marine and Coastal Act (2009), received support from central government, by way of New Burdens funding. This annual grant to the funding local authorities, represents about a third of the IFCAs income. This grant has remained static since 2011. To put that into its wider context; funding local authorities are facing extreme funding pressures. Councils are making exceptionally difficult decisions about where they spend their money, against a raft of legal responsibilities. The support for the vast majority of the IFCAs, by their funding councils has been ongoing, against the backdrop of these pressures.

Inflation has significantly eroded the value of the grant received by Defra. The duties of the IFCAs have increased considerably since inception. Importantly, the grant was anyway around 50% of what the 2009 Act says was needed. We have also lost access to the EMFF control and enforcement funds that previously funded many IFCA vessels.

Today we face future new duties (fisheries management plans, highly protected marine areas to name a few). The IFCA model of local accountability, decision making and dialogue and engagement is, arguably the best in the world; this model can deliver, but it requires proper resourcing. Our achievements have been very significant, and we recognise with proper funding we can do more to demonstrate these benefits.

We remain committed to co-management, developing sustainable fisheries, delivering conservation and supporting fisheries communities, in all their forms through collaboration and effective compliance. We are innovative in our thinking and outlook, with creative partnerships at the heart of what we do. Today however several IFCAs are reaching crisis point and without better investment it is unclear how several IFCAs will, in the short term, be able to meet all their legal duties, let alone unleash the full potential that a world class fisheries management and conservation system will deliver.



We are pleased to see the government recognise the importance of mechanisms to enable environmental regulators and public bodies to recover more of the cost of regulation in line with the polluter pays principle. Whilst we agree that effective cost recovery will lead to better services and better outcomes for the environment; small scale inshore fisheries are often not well placed to bear these costs. Whilst the Fisheries Act sets out to address some of the inequities of wider fisheries management policies (such as access to fisheries resources for low impact coastal fisheries); the benefits of inshore regulation are, in many cases externalised. We will continue to work with Defra and other government departments to improve environmental outcomes through the most effective and appropriate cost recovery provisions.

Some adaptations of the existing Regulations and better resourcing of restoration and enhancement of sites would also help to deliver recovery targets. Sufficient provision for management and nature recovery already exists, it is the resources that are required for implementation, not new necessary legal provisions that are needed.

Protecting wildlife sites – on land and at sea (Chapter 3)

Successful nature recovery in our coastal waters will be dependent on positive actions across a significant proportion of the hinterland, not just nationally prioritised protected areas. Spatial prioritisation, the provision and interpretation of evidence, monitoring and evaluation and partnership working will all need to be properly resourced.

The progress made through catchment partnerships could helpfully be extended to our coastal waters and we welcome the opportunity to work through, amongst other initiatives, the Marine Natural Capital Ecosystems Assessment to that end.

Delivering 30 by 30 (Chapter 4)

We believe that more needs to be done to secure lasting sustainable nature recovery and improvement outside of the core of protected sites. Currently the benefits to coastal fisheries by the protections afforded our inshore waters by the IFCAs, are not fully accrued in these areas, due to the absence of management of certain activities in the areas outside of 6nm. For example, the lack of management of highly efficient and industrialised fisheries, such as fly seiners, who operate in the 6-12nm area alongside inshore fishing vessels, causes tension in coastal communities, undermining the inshore management system.

The IFCAs have demonstrated how, as the paper sets out, the Government can put byelaws in place to ensure all England's MPAs are effectively protected. However, byelaws don't necessarily equal protection, and additional resources are required to ensure monitoring and compliance. This conclusion is supported by Defra's Marine Pioneer programme (ibid), which stated: "Currently, the legislation to designate and manage MPAs is prescriptive and feature based. The drive to designate sites to meet percentage cover targets and create the footprint of an ecologically coherent network has not generated the same focus or adequate funding for essential monitoring, evaluation and management to ensure MPAs are having the required



and beneficial ecological and social outcomes. Further work on this is required. [...] Currently there is insufficient funding to meet the needs of effective MPA management, and what is available doesn't support strategic long-term planning across the network. Work conducted through the Marine Pioneer analysed current spending on the marine environment in North Devon, it found that spend on MPA management measures is limited to irregular site monitoring and support for some management groups, with inadequate support to meet their potential"

Ensuring effective species protection and their habitats (Chapter 5)

Making space for nature and species should also be part of the considerations for the species protection and licencing review and modernisation. A more joined up approach is especially important for species recovery to enable the movement and migration of species. We suggest more recognition of the value of connectivity in the landscape to support species movement and migration, which is even more important now given the challenges of climate change.

MPAs are intricately connected to wider sea areas which also require management to protect natural capital assets. Inshore waters are important for aquaculture and policies and practice to grow this sector are in place.

An ecologically coherent network of MPAs has the potential to support ecosystem service provision across much wider sea areas. Just as effective management in areas outside the boundary of MPAs, such as fish nursery areas and plankton hotspots, will support the natural capital assets inside an MPA. The system of protection needs to account for complex food web dynamics, diverse life cycle phases, and locations that affect, for example, commercial fisheries.

In conclusion

The AIFCA welcomes the opportunity to comment on the Green Paper. It is the beginning of an important debate on how we approach to protection and recovery of the environment. We welcome the opportunity to work with Defra and partners to deliver the ambition and support coastal communities.

Yours sincerely

Robert Clark

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