

NATURE RECOVERY GREEN PAPER: PROTECTED SITES AND SPECIES

Response from Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA)

D&S IFCA is fully supportive of the response made on behalf of all the IFCA's by the Association of Inshore Fisheries and Conservation Authorities (AIFCA). D&S IFCA wishes to add a few further comments and supporting responses to that in this submission.

7.1 Introductory questions

1. What is your correspondence address? Please provide an email address or telephone number unless unable to. If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

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2. Would you like your response to be confidential? Please see the confidentiality and data protection section at the end of this document.

- Yes

- **No**

- If ticked 'Yes', please state why

3. Please tell us in what capacity you are responding to the consultation by selecting from the following:

- Individual
- Research organisation
- Sector trade body or membership organisation
- Ecologist
- Academic
- Planning consultant
- Developer or builder
- Local Authority
- **Public body**
- Non-governmental organisation
- Farmer
- Landowner
- Other (please state)

4. If responding on behalf of an organisation, please provide the name of the organisation you are responding for.

Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA)

5. Please indicate your specific areas of interest in responding to this consultation:

- 30 by 30
- Protected sites
- **Habitats Regulations assessment**
- Trees and forests
- **Species**
- Green finance
- **Marine: protected sites**
- **Marine: 30 by 30**
- **Arm's length bodies**
- **Cost recovery**
- **Environmental impact assessment**
- **Other (please specify):**

Marine Conservation Zone Assessments

6. Please indicate which location your response relates to, selecting from the following:

- United Kingdom
- **England**
- Northern Ireland
- Scotland
- Wales
- Other (please state, where)

Substantive Consultation Questions

General comments

D&S IFCA welcomes the opportunity to comment in the green paper through this consultation. We have a general concern that there is lack of analysis and detail information which makes it difficult to answer some of the consultation questions without further understanding and evidence on what the changes may look like once implemented. D&S IFCA has introduced effective management measures to protect features of SAC, SPA and MCZ through thorough assessments of impacts of commercial fishing on designated features and as such these measures and the protection afforded should not be lost through any reform process. It is important that the work of the IFCA is recognised and used to help inform the reform and the roll out of further management measures and byelaws to be introduced across the whole of the marine area in particular in offshore MPAs.

D&S IFCA reiterates what has been said in the AIFCA response relating to need for adequate funding to implement any reform and outcomes of such a reform. As the AIFCA has stated:

‘Coastal Local Authorities fund the IFCA. These local authorities, where there when new burdens placed upon by the Marine and Coastal Act (2009), received some support from central government, by way of New Burdens funding. This annual grant to the funding local authorities, represents about a third of the IFCA 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 IFCA, by their funding councils has been ongoing, against the backdrop of these pressures.

Inflation has however significantly eroded the value of the grant received by Defra. The duties of the IFCA 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’.

As with all IFCA, D&S IFCA is committed to developing sustainable fisheries whilst protecting the marine environment and does this through the introduction of appropriate management measures. Defra’s Marine Pioneer programme highlighted IFCA as the ideal framework for regional co-management of fisheries, with local decision making and accountability.

Effective compliance of these measures is integral to marine protection – designation alone does not mean protection. The importance of effective compliance to support the delivery of benefits from MPAs is often overlooked. Without high compliance the benefits of MPAs are rapidly reduced and data would suggest that effective management is not being achieved at present. The use of technologies onboard fishing vessels must be accelerated so that we have the necessary tools to effectively monitor activities. These same technologies can also provide much needed fisheries and environmental data. This paper sets out that Government is prepared to spend considerable amounts of money in achieving its stated aims. This is the opportunity to consider how that money is spent and supporting fishers to adopt these technologies and ongoing cost should be part of those considerations.

D&S IFCA has been innovative in its use of inshore vessel monitoring, partly due to the requirement to be as cost effective due to limited resources but also due to the recognition the remote electronic monitoring is most effective way to monitor activities. This will be of real importance as more byelaws are introduced in the offshore MPAs.

Protected sites: a new consolidated approach

7. What degree of reform do we need to ensure a simpler and more ecologically coherent network of terrestrial protected sites?

We would be particularly interested in your views of how we can have a coherent, effective and well-understood system of protections, as well as supporting the delivery of our legal binding species abundance target and other potential long-term targets. Please tick the option you prefer and explain your answer in the free text box.

- Option 1: Reform including a tiered approach emulating the approach taken in the marine area for HPMAAs and MPAs, consolidating existing protected site designations and the creation of highly protected sites
- Option 2: Lighter touch reform including streamlining existing site designations (SACs, SPAs, and SSSIs)
- Option 3: Amalgamation into a single type of designation with a scale of protections
- Other • No reform • Do not know

No comment

8. What degree of reform for the marine protected area network do we need to meet our biodiversity objectives and commitments? Please tick the option you prefer and briefly explain your preference and what benefits or risks it may have in the free text box.

- Option 1: Reform including a tiered approach consolidating existing protected site designations and the creation of highly protected sites.
- Option 2: Continuing to manage existing site designations (SACs, SPAs, and MCZs) similarly, streamlining our approach by to refer to them all as Marine Protected Areas (MPAs).
- Option 3: Amalgamation into a single type of designation with a scale of protections.
- Other • No reform • Do not know

D&S IFCA recognises the need for reform to meet biodiversity objectives and commitments, but the information presented in the Green Paper is not sufficient to give a clear steer on which option would work best. D&S IFCA supports the response of the AIFCA. Option 1 and 2 would provide a more simplified and clearer understanding of the marine designations much clearer picture to all stakeholder on the designation of sites and be consistent nationally. If a combined approach to reform was introduced, it could provide a simplification to the existing system but would require the retention of the benefits of the existing system – many of which have been through the introduction of restrictive management measures introduced by the IFCAs. It would be beneficial to consolidate existing designations under one umbrella so MPAs can be managed as whole ecosystems. However currently the roll out of HPMAAs and how policy will be developed to aid the implementation of management has not yet been described, and therefore it is difficult to understand the outcome of these designations

and how success will be, as well as hard constraints such as marine developments. As mentioned under 6 above designation does not equal protection and adequate resourcing is vital to ensure effective enforcement and compliance of HPMAs.

D&S IFCA believes that a more detailed description of all these options and how they could be implemented and delivered is essential.

9. Do you agree that there should be a single process for terrestrial designation?

We would be particularly interested in your views on how this might best be done for example, should decisions be vested in the appropriate authority [ministers] on the advice of its nature conservation bodies? Please tick the option you prefer and explain your answer in the free text box.

Yes • No • Unsure

No comment

10. Should we reform the current feature-based approach to site selection and management to also allow for more dynamic ecological processes? We would be particularly interested in your views of how our sites can be made more resilient to climate and other natural changes and can encompass wider purposes such as carbon sequestration. Briefly explain your answer in the free text box.

Yes, for both terrestrial and marine sites • Yes, for terrestrial sites only • Yes, for marine sites only • No, neither for marine not terrestrial sites • Unsure

A feature-based approach to management has been implemented by the IFCA's under Defra's Revised Approach to Commercial fishing activities in SACs and SPAs and similar in MCZs. Any move away from this approach would require much more information on how this would work in MPAs where management is currently in place. Currently the site-based information is not always sufficient including the evidence of feature distribution and condition and such evidence is essential for the introduction of appropriate management measures. To move to a site-based system – or in effect a 'Whole Site Approach', perhaps through the implementation of Site Improvement Plans, need further discussion and transparency to all regulators and how this should be implemented will need further discussions. The current management introduced by D&S IFCA through the feature-based approach has involved a high level of resourcing and stakeholder engagement. Any reform of this system would require significant investment and financial resourcing of the IFCA's to ensure effective management and real protection of the sites.

Defra's Marine Pioneer programme stated that "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. 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."

11. How do we promote nature recovery beyond designated protected sites?

In the marine environment better understanding of the natural processes and functions to promote nature recovery is required. Increased research and evidence gathering is required to fulfil this. With sufficient funding to allow more detailed research to understand marine natural resources will in turn supports the Natural Capital Approach. Defra's Marine Pioneer demonstrated that IFCA's are well placed through local delivery mechanism, research, enforcement, and community engagement to support nature recovery in the marine environment.

12. Do you see a potential role for additional designations? Please provide detail in the free text box.

• Yes • No • **Unsure**

Additional designation would depend on the rationale for their roll out. It would be better to focus on current sites and ensure effective monitoring and enforcement as well as more detailed site information on habitat and species distribution and condition.

Under Section 4.1.1 there is information on Other Effective Area-Based Conservation Measures (OECMs). Is this something that is being considered in the marine environment? It states in the paper that 'OECMs would not be designated as protected under the relevant national legislation but sustained governance and management would be in place to deliver the conservation of biodiversity.' More information is required on what this means and how such sites could be delivered, implemented, and managed.

Protected sites: site management and protection

13. Do you agree we should pursue the potential areas for reforms on assessments and consents?

Yes_ • No – keep as it is • No – reform but not these areas or additional areas (please state why)

D&S IFCA currently undertakes HRAs and MCZ assessments on the interactions of commercial fishing gear on designated feature of the MPAs. These processes have worked well for IFCA's and there is a great deal of expertise on these assessments in inshore waters. Any reform to the systems in place requires more information to understanding the potential changes and how all the lessons learnt, and local knowledge can feed into it. In addition to this, a better understanding on how any reform would apply to licensed marine activities and also to other sectors such as recreational fishing. The AIFCA's response highlights how developments and changes in fishing practises and management offshore could potentially impact inshore activities any reform in assessments and licensing will need to take into account unintended consequences. One area where such assessments are not currently undertaken nationally are those around increased fishing opportunities – e.g., through uplifts in fishing quotas. Such quota uplifts can have knock on impacts in and outside of MPAs and on other stocks and threatened and endangered species and the reform could incorporate assessments of these increased opportunities.

14. Should action be taken to address legacy consents? If 'Yes', we would particularly welcome your views on how this might be done in a cost-effective and fair way explaining your answers in the free text box.

• **Yes** • No • Unsure

Yes – Legacy consents should be considered and reviewed in any reform of assessments.

15. Should we move to this more outcomes-focused approach to site management? Please tick the option you prefer and briefly explain your preference and what benefits it may have in the free text box.

• Yes, using Site Improvement Plans • Yes, but building on Site Improvement Plans to offer a holistic site outcome plan • No • Other • Unsure

It is unclear from the Green Paper what site improvement plans would like look in the marine environment and whether they would incorporate the 'whole site approach' to protecting sites and managing fishing activities. More detail is needed.

16. Do you have suggestions for how regulation 9 requirements should be reformed to support delivery of England's 2030 species target or other long-term biodiversity targets and to improve our natural environment? Please set out your answer briefly explaining what benefits it may have in the free text box.

• Yes • No • Unsure

17. Do you have suggestions for how processes under Regulation 6 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 and sections 125 to 127 of the Marine and Coastal Access Act 2009 together could better deliver outcomes for the MPA network?

Please explain your answer, these regulations are shared with devolved administrations, and therefore careful consideration will be given to any potential effects on these duties, with full evaluation following this consultation.

• Yes • No • Other • Unsure

18. Do you have suggestions for improving the EIA scope and process for the Defra EIA regimes? We would particularly welcome your views on how they can more effectively help to reduce the environmental pressures outlined in chapters 3 and 4, deliver the objectives in the Environment Act, and facilitate sustainable development. Please tick all regimes that apply and explain your answer in the free text box.

• Yes – Marine Works EIA regime • Yes – Forestry EIA regime • Yes – Agriculture EIA regime • Yes – Land Drainage EIA regime • Yes – Water Resources EIA regime • No • Unsure

Q18 refers to the EIA regimes as listed in the green paper. Potentially an additional regime could be added to this which was mentioned above under Q.13, which is changes or uplift in fishing quotas. Currently there does not appear to be requirement of the MMO to undertake an impact assessment when uplifts in quota are distributed to commercial fishers. An example of the impact of this has been seen in Lyme Bay where an uplift in sole quota in 7e has caused a large increase in netters in and around the Lyme Bay and Torbay SAC. Such an increase in activity should be assessed as to the possible impact on other fish/shellfish stocks and the environmental impact on features/habitats of the MPA of the increase in netting and also on bycatch pr endangered, threatened, and protected species.

19. What are your views on our proposal to establish priority areas for afforestation?

No comment

30 by 30

20. What are your views on our proposed criteria to achieving our 30 by 30 commitment? We are keen to hear views on the proposed approach for assessing Protected Areas set out under 4.1 and suggestions for areas of land we should consider as OECMs in England under section 4.1.0

21. What are your views on our proposal to reform forestry governance and strengthen protections for the Nation's Forests? We are keen to hear views on any additional powers and statutory duties we should consider that would help to deliver on the benefits of woodland beyond timber production.

No comment

22. What are your views on our proposal to adjust forestry permanency requirements for certain project types?

No comment

30 by 30: UK Marine Strategy

23. Do you agree with the proposed changes to the UK Marine Strategy (UKMS) delivery programme, and if not, what other changes would you make to streamline the reporting of UKMS?

Please explain whether you agree with these changes and provide reasoning. If required, please outline any additional proposed changes that will help us achieve the stated goals. When you respond please highlight your experience and make us aware of any evidence you can share that supports your view.

Yes • No • Unsure

The changes would help to embed the UKMS into marine management at a regional and local level. Further consideration might include review research and evidence outputs not only from academic institutes but from those regulators that have a research arm such as IFCA's. This could help feed into monitoring programmes and assessments of GES. It would be useful to have an understanding of how assessments would determine what management measures have been effective and results published.

24. Do you support the approach set out to split the high-level Good Environmental Status (GES) target into individual descriptor level GES targets?

• Yes • No • Unsure

Protecting Species

25. Do you agree we should pursue the potential areas for reforms for species?

• Yes • No – keep as it is • No – reform but not these areas or additional areas (please state, why)

26. Based on your knowledge and experience please can you tick the criteria below that you think we should use to determine what level of protection a species should be given?

You can tick more than one box.

• Threat of local or national extinction • Welfare of wild animals • Controls in trade • *Importance to the ecosystem (a species that has a disproportionate beneficial effect on an ecosystem and if they are not present the ecosystem will be in danger of collapse).* • *Promoting recovery (a species with a low*

or declining population, which may not yet have a threatened conservation status, but could be protected to support recovery and increased distribution). • Importance to genetic biodiversity (endemic species or sub-species within England that are important for the wider genetic diversity of the species). • Management requirements (a species where management is required for public health, to protect agriculture, commercial interests and to protect habitats) • Socio-economic importance (a species that could be protected to benefit people and communities, for example, to promote tourism) • To support efforts to reintroduce species or rewild habitats. • Unsure • Other – please state why

27. What proposals should we look at to improve our current licensing regime? When you respond please state what you think is not working under the current licensing regime, which principles you think should be brought out in any new regime. Please highlight your experience, as well as making us aware of any evidence you can share that supports your view.

28. What proposals do you think would make our enforcement toolkit more effective at combatting wildlife offences? When you respond please highlight your experience, as well as making us aware of any evidence you can share that supports your view.

Delivering for nature through public bodies

29. What are the most important functions and duties delivered by Defra group ALBs to support our long-term environmental goals?

IFCAs' role in local delivery of positive outputs for nature recovery is paramount. IFCA duties help deliver co-management and collaboration as well as protecting the marine environment and managing inshore fisheries. Management measures introduced inside 6nm to protect habitats and species is working, and enforcement is key to ensure continued delivery for nature. Effective enforcement, as mentioned previously, requires sufficient funding and the use of REM and other innovative methods for monitoring compliance and data gathering.

30. Where are there overlaps, duplication or boundary issues between ALBs, or between ALBs and government? How could these be addressed?

The disparity between measures inside and outside the 6nm boundary has always caused concern with the fishing industry. Most management measures inside the 6nm are more restrictive but result in better fisheries sustainability and environmental protection.

31. What are the benefits and risks of bringing all environmental regulation into a single body?

There is a great deal of expertise in the IFCAs relating to environment regulation and assessment but also incorporates local accountability. It is not clear from the green paper whether IFCAs are included in ALBs and what a single body would look like or what function it would have.

32. What are the opportunities for consolidating environmental delivery functions into a single body? Which programmes and activities would this include?

Cost recovery

33. Please provide your views on how more effective cost recovery for regulation would affect: a) environmental protections b) businesses.

The AIFCA response has covered this question well. The main concern is with the ability of the small inshore fleet to take on the burden of full cost recovery.

34. What is the most efficient way of ensuring businesses and regulated persons pay an appropriate share of the cost of regulation

No comment

Financing nature recovery

35. What mechanisms should government explore to incentivise the private sector to shift towards nature-positive operations and investment?

No comment

36. What level of regulation is needed to incentivise private investment in nature while ensuring additionality and environmental integrity?

No comment

What else should government be doing to facilitate the development of a market framework that provides investors, farmers and land managers, regulators and the public with confidence in the quality of privately financed nature projects?

No comment

37. What financial impact do you think the proposals set out in this green paper would have either on business (For example, landowners) or government?

Please let us know if you feel these proposals would have a significant impact on your business area, or if you think they would have an impact on public funds. For example, this could be about costs or if you think certain proposals would have a positive financial impact or create opportunities.

Please tell us in what way you think these impacts would come about, which proposals would drive that change, and try to evidence any financial estimations of costs or benefits.

No comment

END