

Environmental Audit Committee

Oral evidence: Marine Protection Areas Revisited, HC 597

Tuesday 31 January 2017

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[Watch the meeting](#)

Members present: Mary Creagh (Chair); Caroline Lucas; John Mc Nally; Kerry McCarthy; Scott Mann; Dr Matthew Offord, Joan Ryan

Questions 142 - 253

Witnesses

I: John Tuckett, Chief Executive Officer, Marine Management Organisation, Dr Stephen Bolt, Chief Executive Officer, Association of Inshore Fisheries and Conservation Authorities, and Dr Jon Davies, MPA Programme Leader, Joint Nature Conservation Committee.

II: Dr Thérèse Coffey, Parliamentary Under-Secretary of State for Environment and Rural Life Opportunities, Department for Environment, Food and Rural Affairs, the Rt Hon Baroness Anelay of St Johns, Minister of State for Foreign and Commonwealth Affairs, Foreign and Commonwealth Office, Dr Gemma Harper, Deputy Director for Marine and Chief Social Scientist, Defra, and Jane Rumble, Head of Polar Regions, FCO.

Written evidence from witnesses:

- [Association of Inshore Fisheries and Conservation Authorities](#)
- [DEFRA](#)

Examination of witnesses

Witnesses: John Tuckett, Dr Stephen Bolt and Dr Jon Davies.

Q142 **Chair:** It is my pleasure this morning to welcome Dr Stephen Bolt, Chief Executive Officer of the Association of Inshore Fisheries and Conservation Authorities, John Tuckett, Chief Executive of the Marine Management Organisation, and Dr Jon Davies, MPA Programme Leader at the Joint Nature Conservation Committee. Thank you all very much for being with us here today. This is the final session of our inquiry into marine protected areas.

I would like to start off with you if I may, Dr Davies. You held a workshop in November 2016 to discuss the site options for the third tranche of MCZs. Do you have any plans to hold any other consultations before you submit your advice to Defra?

Dr Davies: Good morning. We have already arranged a webinar, which we have invited stakeholders to join. That is in a couple of weeks' time. Since the workshop in November, we have worked through the information provided, we have updated the options that we presented in November and we are now going back to present that information to the stakeholders, ahead of submitting our advice to Defra.

Q143 **Chair:** When do you anticipate submitting that advice?

Dr Davies: The deadline we have for providing the advice is at the end of February.

Q144 **Chair:** Okay. When is the webinar taking place?

Dr Davies: I should remember the date. I think it is in two weeks' time.

Q145 **Chair:** Have you any more consultations planned for after February or not?

Dr Davies: Not specifically. In our work, JNCC has regular engagement with the different stakeholders, usually on a bilateral basis. We have made it very clear to the stakeholder groups that we are very happy to talk to any of them if they have specific interests, and we have had informal conversations with a number of the different groups on specific topics over the time. Bear in mind that JNCC's role is very specifically for offshore waters, so the stakeholders that we are engaging with are a combination of both UK stakeholders and international stakeholders.

Q146 **Chair:** Okay, and which international stakeholders have you engaged with?

Dr Davies: Specifically, the offshore fishing industry are the group that have most interest in the areas—

Q147 **Chair:** Other nation states?



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Dr Davies: We do not specifically engage with the Governments. That role lies with Defra.

Q148 **Chair:** Okay. You designated tranche 2 in January 2016 but you waited until November to conduct your stakeholder workshop in tranche 3. Why were the consultations left so late in the process?

Dr Davies: JNCC's role, as you understand, is to provide scientific advice to Defra, so we engage with stakeholders in a way of gathering scientific information to help with providing that advice. Through last summer we have a parallel work stream that is working on providing advice to Defra on the management of offshore fisheries, particularly gaining measures for the MPAs under the common fisheries policy. There were a series of workshops as part of that, so we do engage with stakeholders during that period. In particular, we did not want to go out to discuss the options for the next tranche until we had also completed our analysis of the progress with the network under tranche 2, so that we would have an indication of the range of sites that we may need to offer to Defra under tranche 3. We only completed that work into the autumn.

Q149 **Chair:** Okay, thank you. In our last session, stakeholders expressed concern, and we have had some challenges ourselves, about the information about MPAs being fragmented and overly technical. There are different maps, things do not talk to each other, it is very scientific and quite difficult, and there are large amounts of information. They highlighted the need for summaries and précis in order to make consultation more accessible. Are there any plans to include site summaries as part of this tranche 3 consultation?

Dr Davies: The work we presented to the stakeholder workshop included site summaries.

Q150 **Chair:** For every site?

Dr Davies: For the site options that we were discussing at the workshop, yes. In previous consultations, site summaries have been prepared for all the sites.

Q151 **Chair:** How many site summaries out of the total were you discussing at the workshop?

Dr Davies: At that workshop we were talking specifically about potential for new site options. These were areas that had not previously been discussed with the stakeholders in which there were four of them because that was the extent of the apparent shortfall at the moment in the network. We were discussing those four options. The remaining sites in the offshore waters are the recommended sites from the regional stakeholder projects and those are options on the table for Defra to choose from. They were discussed at length during the stakeholder projects.

Q152 **Chair:** How many of them are there? It does not matter if you cannot



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remember. It is not a test; you can write to us.

Dr Davies: It is of the order of about 18 sites in offshore waters in particular.

Q153 **Chair:** Are these the ones that have been discussed since the beginning?

Dr Davies: They are. That is correct.

Q154 **Chair:** So there has been extensive discussion about them?

Dr Davies: Yes, the sites were originally put forward by the stakeholders during the regional projects, of which you will have seen the very well trumpeted numbers. Through the tranches, those sites have been picked up incrementally and now those ones that have yet to be designated are still on the table and remain from those projects.

Q155 **Chair:** Okay. Stakeholders have repeatedly emphasised that there is a lack of certainty over likely management measures and that that creates opposition among groups who might otherwise support designation. What obstacles have prevented you from providing stakeholders with that management information?

Dr Davies: For JNCC, we are not involved directly in delivering the actual management measures required on the sites. We can only provide information on the likely human activities and the pressures they create that may affect the features on the sites. We have made that information publicly available as we have gone along. For example, in our most recent workshop, we gave an indication of those particular pressures that are likely to have an effect on the features, and that would be the advice we would be giving to the regulators. How the regulators then choose to take that advice and manage the sites, of course, is a separate process.

Q156 **Chair:** Do you think that that division between the advice and the management has potentially held back some of the designations? Some of these sites have been discussed for the last six or seven years, haven't they?

Dr Davies: I think it is always fair to say that some of the areas have a high socioeconomic value and they are widely used by stakeholders. Of course, it is not surprising that there are very difficult conversations to have in terms of designations of areas where those activities may affect the sites. As we have progressed over the period—it has been a very challenging programme—it has been more straightforward to take forward areas that are less challenging, early doors, and then we come to a point where we have to have the difficult conversations for the remaining sites.

Q157 **Chair:** We are at that point now, aren't we?

Dr Davies: We have been for the last eight years. We have been working on offshore MPAs for eight years and we have always had difficult conversations with sites, the European sites as well as the national sites all around the UK.



Chair: Okay. Thank you very much, Dr Davies.

Q158 **Scott Mann:** My questions are for Dr Bolt. I sat on Cornwall's IFCA for a period of time and I am aware of the challenges of patrolling quite a big area, so my questions are all specifically around resource. In your written submission, you expressed concern about the size and complexity of the network. I was wondering whether you have had to make any compromises in terms of enforcement because of those challenges.

Dr Bolt: When the IFCA's were put in place in 2011, there was provision made through the new burdens funding to assist the IFCA's in their new duties above and beyond those of the Sea Fisheries Committees. As you are aware, we are currently funded two-thirds from local government and one-third from Defra, so we have this interesting tension between local and national delivery.

It is true to say that since that came in place the revised approach on European marine sites has increased our resource requirements substantially to put in place the well managed network in this first round by the end of 2016, beginning of 2017. The result of that is that we think we have spent somewhere between a third and two-thirds—I know that is a wide range—of our budget on marine protected area work with 1,300 appropriate assessments carried out. That has put a strain on the IFCA resources. We are very small operationally and it has led to a change in priorities. There are some things that we would have liked to have been able to complete by now, as IFCA's, that we have had to put on the back burner. We have been able to continue to carry out our enforcement duties while putting in place appropriate management measures for the marine protected areas, but it has been quite a struggle, that is fair to say.

Q159 **Scott Mann:** You mentioned that two-thirds of your funding comes through local government. I would like to explore that a little bit further. Have there been any local authorities that have withheld funding from you?

Dr Bolt: Yes. Part of one of the statutory requirements of the IFCA's is every four years the Secretary of State has to put a report to Parliament, and the last one was put in in 2015. That is a public domain document and at the back of that there is appendix A, which details all of the funding that has gone from Defra to the individual funding authorities and how much those funding authorities have paid the IFCA's. There are three IFCA's that have not received the full amount of the new burdens funding, which is not ring-fenced. Two of them are relatively minor amounts, almost certainly withheld for administration purposes. The bone of contention is in Devon and Severn, where the Severn Estuary funding authorities have withheld a level of that funding and do not put in any core funding at all. But that is public information and that takes you to the 2014/15 financial year and very little has changed in the financial years since then.



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Q160 **Scott Mann:** There are all sorts of pressures on local government budgets for specific things. I wonder whether you think you should be funded specifically through Defra or whether you think that there might well be some third-party finance that could be sourced, particularly through marine science and R&D budgets.

Dr Bolt: I think that with everything going on at the moment, one of our biggest concerns is to have some degree of sustainable funding into the future. We have some degree of commitment for new burdens until 2020, but we are obviously working very closely with the MMO on joint collaboration working and who does what in the nought to six and the six to 12. If our responsibilities change or go forward, then we would have to have a look at that funding model as to the split between local government funding and national funding and also some degree of commitment beyond then so we can plan and have a sustainable funding stream. Putting in place the relevant management measures—and by my accounts we have something in the region of 70 new management measures going in place across the piece, including voluntary measures—is not the end. It is the beginning of the process. We now have to enforce. We have to make sure that that well managed network in our area is properly enforced and properly taken forward.

Q161 **Scott Mann:** Okay. Do you think there is any part that third parties could play in that specifically?

Dr Bolt: It is certainly an area we need to be looking at. There are obviously issues with regard to third parties funding statutory regulators, but there are areas like you have mentioned, science and research and so on, where we are already forming partnerships with academic institutions as well. That is certainly an area going forward.

Q162 **Scott Mann:** Fantastic. My final question is: do you think Defra is taking into account your resource challenges?

Dr Bolt: Resources are always an issue. As in my written submission, they have put forward various bits of monies to assist us. We got a one-off payment of £300,000 to assist us with the revised approach—but that only works out at £30,000 per IFCA, which is relatively small amounts—and with some capital funding, which helps us with the science. So we have capability of doing some local work to look at where the features are, look at the status. Natural England have the statutory duty to monitor in our area, but obviously, because we are there—we have over 30 vessels available, some of which are bespoke for research, most of them for enforcement—we have a local capability to enhance that as well.

Q163 **Chair:** Can I come back to the five local authorities and the Devon and Severn IFCA? They withheld £313,000 between 2011 and 2016. That is almost 50% of the IFCA's 2016-17 budget of £697,000. That is clearly—

Dr Bolt: But that is only their contribution. The Devon funding authority are funding more than that, aren't they? Devon is one of the funding authorities, not one of the ones that is withholding, so their total



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budget—I will get annex A. I can only go to 2014-15. Devon and Severn is 701, isn't it? I calculated that over the four years about £79,000 had been withheld.

Q164 **Chair:** Our calculation, according to figure 1 of that document, is that the new burdens funding retained by the Severn councils over the life of the Devon and Severn IFCA is £313,000 in total and that has been withheld by Bristol, Gloucestershire, North Somerset, Somerset and South Gloucestershire.

Dr Bolt: Only a proportion of that is being withheld, isn't it? What I do not have here is how much of the money that they are giving the IFCA is new burdens money and whether they are doing any core funding. I only have the total amount that they are providing and that is—

Q165 **Chair:** Okay. Well, perhaps we can have an exchange of letters and clarify that for the Committee. I think that would be helpful. What were the two other IFCAs where you said there was funding withheld?

Dr Bolt: Yes, north-west and north-east there is minor amounts, but it is not very much.

Q166 **Chair:** Fine, thank you, that is helpful. The initial new burdens costs were calculated around £5 million, but then you were allocated £3 million. What was the reduction for and what has been the impact?

Dr Bolt: This was put forward in the impact assessment when the Sea Fisheries Committees were converted into IFCAs. I have been provided with that and I have put an element of that. I cannot help. I do not know the answer in terms of why that was reduced to £3 million. Presumably from funding restraints at the time, but that was back in 2010.

Q167 **Chair:** What has the impact of that reduction been?

Dr Bolt: It is the same with all of the regulators. We can always do with more resources. It would have meant that we perhaps would not have had to reprioritise as much as we have had to do in order to deliver the marine protected areas, but well over half of the work we have done on marine protected areas is as a result of the revised approach—so nothing to do with MCZs—which would not have been taken into account in that impact assessment because that came after we were put in place.

Chair: Okay. Thank you, Dr Bolt, I appreciate that clarification.

Q168 **Dr Matthew Offord:** I want to continue with this theme of funding, because I am aware the MMO has had a reduction in its budget almost to half, so it is down to £17 million. What areas have you had to make cuts in? Significantly, how are you going to continue with enforcement and protection of existing MPAs and also those that come in the third tranche?

John Tuckett: It is perfectly true that the MMO's budget started off at about £32 million and it is now down to £17 million. The most significant part of that has been a reduction in our aerial, surface and satellite surveillance contract, which has gone from £10.1 million down to £1.8



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million, which I know has been presented to this Committee in evidence beforehand. The vast bulk of that reduction has taken effect in reduction in what we contract with the Royal Navy for, where there has been a reduction of £6 million, from about £7.6 million in 2011-12 down to £1.6 million now.

However, as far as marine protected areas are concerned, our approach is one of gathering intelligence, assessing the risk and then working with partners to take the necessary action. In that sense, our intelligence comes from monitoring, as far as fishing vessels are concerned, the VMS system—the vessel monitoring system—which all over-12-metre vessels have to have by law. We monitor that electronically 24/7 and that has not been affected in any way by those budget cuts I have just referred to.

Secondly, our intelligence comes from our local coastal offices, working with IFCA partners locally, Natural England colleagues, members of the general public, to build up an intelligence picture. What we have done within the head office of the MMO is we have expanded our conservation and enforcement team by 15% over the last two years, and last year we recruited 16 brand new marine officers to supplement our coastal teams. In fact, the effort that we are putting into marine protected areas monitoring and surveillance has not been affected by those budget cuts and, if anything, it has gone slightly up rather than gone down.

The other point I would like to make about that reduction in budget of the Royal Navy contract is that the Royal Navy contract is predominantly there for the surveillance of fishermen to see they are in compliance with the control rates associated with the common fisheries policy, which is a rather different animal from protection of marine protected areas. The Royal Navy OPVs are very useful to us in assessing whether fishermen are complying with—

Chair: What are OPVs?

John Tuckett: Offshore patrol vessels.

Chair: Thank you. Hansard needs to know and we do.

John Tuckett: The offshore patrol vessels are incredibly useful to us in carrying out inspections of fishing vessels to ensure they are complying with common fisheries policy regulations, and that is their prime task. If they can help in overall surveillance of MPAs, they do, but it is not their prime tasking mechanism.

The final point is that in 2011-12 we were contracting with the Navy on a 24-hour-day basis. We have gone away from that. We have moved to a much more flexible system where we contract with them for a total number of hours, which gives them flexibility, it gives us flexibility. We can task them much more readily as and when intelligence arises. We also benefit from this because the average is about nine hours a day when they are on task. When they are off task they are still in the area



and there is a deterrent effect. The fishermen are not aware what tasking the Royal Navy ship is on at any moment in time, and we benefit from that deterrent effect for free. Looking at the figures for this year, we will get about 500 days' presence of the Royal Navy in fishing areas in support of our fishing activities, which is about 80% of what we had four or five years ago but we are only paying 20% of the cost. I suggest that what we are showing here is we have had a very good value for money exercise and we are now getting much better value and a much more flexible and effective way of using the Royal Navy than we have had before. It is that that is much more of a story rather than our surveillance capacity has diminished to nothing.

Q169 Dr Matthew Offord: Excellent. In your annual report as well this year you say that you are also seeking to make up the shortfall with external sources of finance, and at the same time seeking to reduce the regulatory burden. How can you enforce protection and monitoring in the MPAs if you do both of those? Where is that source of funding coming from?

John Tuckett: Where the source of funding is coming from is predominantly the fees and charges associated with our marine licensing work. We are the licensee for anyone who wants to operate within the sea space from about the high-water mark down and we licence the vast majority of activities in the sea space. By Treasury and Government rules this is now a chargeable activity and we are working towards getting full cost recovery on that so that can supplement our income, if you like, from grant-in-aid or reduce the need for grant-in-aid from Defra. We are working very hard to perfect that, as indeed many other bodies are.

We reduce the regulatory burden, hopefully, by coming up with licensing processes that are more efficient and do not take up so much of the applicant's time. We are always looking for ways in which we can cut down the process and make it quicker and easier for the applicant so that they are not charged as much.

Q170 Dr Matthew Offord: I understand that you receive about £2.2 million from the EU for fisheries enforcement, data collection and monies from the European Fisheries Fund. How will Britain's exit from the EU affect that funding and how are you going to replace it, or the work that it pays for?

John Tuckett: That is a very good question. There are ongoing discussions with Defra at the moment. I know Defra are very active in this area, exploring with the Treasury what might be the options and how this might impact. You are absolutely right, there is a large amount of money that the fishing industry generally benefits from through the European Maritime and Fisheries Fund, which we administer. The benefit of it is to the fishing industry predominantly, though it is also used for compliance and enforcement activities. I am looking forward with great interest to see how the discussions on Brexit proceed and where we will go because clearly if that money were just to disappear out of the system totally that would have a major impact.



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As I think my colleagues have alluded to, the enforcement and management effort we will all need for MPAs looking forward, once we get tranche 3 in place and once we get the full suite of management measures for the offshore areas approved and agreed, is something I can only see going up rather than coming down.

Dr Matthew Offord: Thank you.

Q171 **Chair:** If there is £1 million for fisheries enforcement, what would the consequences of losing that £1 million be? What would have to stop or change?

John Tuckett: I take it that when you refer to the £1 million—

Chair: From the EU.

John Tuckett: Are we talking about enforcement of fisheries in respect of MPAs?

Q172 **Chair:** I am talking about the £995,000 that you receive from the EU for fisheries enforcement and if that disappears. Clearly, there will be some crossover, won't there? You will not say, "Today I am looking at fisheries enforcement and tomorrow the boat is going to go out and check on the MPAs". Or do you? That seems to be what you are saying. The Navy is out there.

John Tuckett: The Navy is out there.

Chair: The halo effect is that people do not know what the Navy is doing, so they behave themselves.

John Tuckett: We hope.

Q173 **Chair:** It is a bit like a police officer when you are in your car. They might be going in for a pizza but you still obey the speed limit. My question is: what would be the impact of losing that? That is a significant amount of your funding if you are down to £17 million, isn't it?

John Tuckett: The money that you refer to is used for enforcement against the common fisheries policy and the control regs associated with the CFP. It is not money that we would recognise as being designated for MPA protection or MPA monitoring. As I said, our main monitoring mechanism for marine protected areas is looking at the vehicle monitoring system, the VMS data, and intelligence gathered by our people locally. That is our prime spur to, "Do we have an issue with an MPA? Do we need to take action?" It is not Royal Navy patrol vessels or any other vessel sitting in an MPA waiting for something possibly to happen.

Q174 **Chair:** Yes, understood. On the £420,000 from the EU for data collection, what activities has that supported?

John Tuckett: Under the control regs associated with the common fisheries policy, there is a lot of data required about catch volumes that



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fishing vessels take and sales notes reflecting how the catch is landed and where it is sold on to. There is a huge data collection activity associated with meeting the European requirements for audit purposes so that we have a full trace of what is happening to a fish from the moment it is caught to the moment it is landed to the moment it is sold. That is an area where we have not always been particularly strong and this money is helping us be more compliant with European regulations, which at the moment we have to.

Q175 **Dr Matthew Offord:** It is smart that you say “more compliant”. Are you compliant or not?

John Tuckett: We are as compliant as we can be but there is always room for manoeuvre, and I am sure you will appreciate that auditors always find something that they comment on and ask you to do more work on.

Q176 **Chair:** You gave a very good explanation about the Royal Navy. You talked also about the reduction in your satellite monitoring. Can you just describe what the consequences of that have been, please?

John Tuckett: Satellite surveillance is one of those emerging new technologies. We are very involved with Cefas in the Overseas Territories. I know the Committee is looking at this later. Now, in the Overseas Territories satellite surveillance of fishing vessels and fishing activity can be a very effective tool. We are working with Catapult actively in looking at that and seeing how relevant it could be within a UK environment. The challenge in a UK environment is that obviously we tend to have a lot more of a cloud base, which can preclude visual imagery. Electronic imagery of AIS signals—

Q177 **Chair:** What is an AIS?

John Tuckett: I cannot remember the exact way to say it. It is an identification signal that all ships at sea have. It differs from a VMS signal in that an AIS signal can be switched off. If a ship wants to do something illegal, it can just switch off its AIS. It then becomes invisible to any satellite that is monitoring it. Equally, a good monitoring system will detect that there is an AIS signal and then, bingo, it is gone. That in itself triggers, perhaps, an alert that someone is possibly trying to do something illegal.

Q178 **Chair:** You have reduced your satellite investment. What were you doing with the satellite technology in the UK before?

John Tuckett: Not very much.

Q179 **Chair:** Things have developed in the last, say, five years, have they?

John Tuckett: Yes.

Q180 **Chair:** We are now using it in the Overseas Territories but not in UK waters?



John Tuckett: Not in anything like an extensive look in the UK, no. What I am looking for is the experience we can gain from the Overseas Territories. We can bring that learning back into a UK environment and see whether we can use more satellite surveillance as a routine measure.

Q181 **Chair:** Do you think that would reduce the amount of money that we would spend on the Royal Navy because you can do it through the software?

John Tuckett: No, there will always be a place for at-sea vessels for both monitoring and enforcement. In some enforcement cases you need to have people on the spot at the place in time to catch the infringement, whatever it may be. There will always be a place for that kind.

As we see the way forward, it is much more about better co-ordination between all the parties who have seagoing vessels, whether they are IFCAs, the Royal Navy, the Border Force, or anyone who has a seagoing element. What we are working actively towards with partners is getting a much more co-ordinated approach to how those vessels can be used to best effect. The system we have at the moment is a bit fragmented with each unit, Government Department or agency operating in silos. The work we have done with the IFCAs has been pioneering in looking at how we can get a much more co-ordinated approach.

Chair: Thank you, Mr Tuckett.

Q182 **Caroline Lucas:** During the course of the inquiry that we have had so far, it has become apparent that sites already designated as MPAs are being called by some people “paper parks”. In other words, they are allowing damaging activities to continue. What are you doing to address those criticisms?

John Tuckett: As I said earlier, we are very much intelligence-led. If people have intelligence about any infringement of an MPA that comes within our jurisdiction, or indeed the IFCAs’ jurisdiction, we are very much encouraging that they come and tell us about it. At the moment, for the MPAs that the MMO is responsible for—these are the ones between six and 12 miles out from the coast—we are not getting a huge lot of intelligence that suggests there is non-compliance. In fact, the number of incidents that we have investigated is remarkably small. It suggests to us that the degree of compliance with MPAs at the moment is not that bad. Now, Stephen Bolt may well talk about the IFCAs’ experience in the nought to six area. I am talking about what happens in the area we are interested in, the six to 12.

To the NGOs who say that they are paper parks and there is lots going on, I would just urge them to please come to us, tell us and give us the information. At the moment, we are not getting it.

Q183 **Caroline Lucas:** Thanks. Maybe before Dr Bolt replies I can give you a flavour of some of the evidence we have received. For example, Professor Roberts said, “At the moment we are building a world-class network of



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paper parks. There is virtually no management in them and there is very low ambition for management. The most damaging activities continue in most marine conservation zones". One of the examples, of course, is the potential development in the Manacles. I wonder what you would say about that.

Dr Bolt: First, I would say that I do not recognise that. The IFCAs have assessed all of the European marine sites and all of the tranche 1 MCZs with the SNCB, Natural England, and either we have put in place appropriate management or they are going through the system. There are quite a few bylaws that are currently going through the system for the Secretary of State's sign-off.

The difference with some of the NGOs, I would say, is that our duty is to further the conservation objectives. If a feature is in favourable condition, the conservation objective is maintained and we have a sustainable fishery in that area. It is inappropriate for us to stop and deprive somebody of their livelihood when that fishing activity—say potting or something like that—is not having an impact on the marine protected area.

Q184 **Caroline Lucas:** Would you challenge the idea, for example, that the development in the Manacles MCZ is not undermining the designation there?

Dr Bolt: I cannot give you chapter and verse on individual MCZs.

Caroline Lucas: It is quite a big one.

Dr Bolt: We will have assessed the appropriateness of the work that is going forward. I am aware that there are some issues around some of the sites, but the bottom line is that we make sure that where it is appropriate we will prohibit bottom-towed gear. We have somewhere in the region of 3,000 square kilometres of closure of bottom-towed gear. In some places, we will continue to allow activity. In some cases, we believe that monitoring and prevention of deterioration of the condition of the site is appropriate. We would take action if a nomadic fleet suddenly decided to descend on an MCZ.

Q185 **Caroline Lucas:** There seems to be a big gap between what you are telling us and the evidence we have received from a number of different organisations, not just NGOs like the Wildlife Trust. For example, I have mentioned the Manacles but we are also being told that there are others that are at risk of development, including the Goodwin Sands from aggregate dredging, the Cromer Shoals from cable installation, Allonby Bay from a tidal lagoon, and the list goes on.

Dr Bolt: With the Manacles as well, the IFCAs are responsible for the fisheries management. I will refer you to John, who would like to come in on aggregate, which we do not have anything to do with.

Q186 **Caroline Lucas:** One of the questions I want to ask you is about co-



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ordination. That leads me on to my next question in just a second, but maybe we should go to Mr John Tuckett.

John Tuckett: All the ones you have just mentioned are activities that need a marine licence. It does not matter where in the seas we are. It is the MMO who issues the marine licence.

Q187 **Caroline Lucas:** It is your fault?

John Tuckett: No, not my fault, I hope. We have developed a marine licensing process that very quickly will identify where there is a potential impact on an MPA, whatever shape or form that MPA takes. There will be a rigorous assessment of the impact and discussions between the applicant who has applied for the licence, NGOs and statutory advisers. We will do all we can to find a way through to grant a licence with conditions that protect the environmental features of the MPA and allow the activity to go ahead.

Q188 **Caroline Lucas:** You do not recognise the criticism from many people who have given us evidence that the way you are striking that balance is not in favour of conservation?

John Tuckett: It is not a question of being not in favour or in favour of conservation.

Caroline Lucas: Okay, but it is allowing things like dredging, which many people would say is having a negative impact and undermining the very designation of that area.

John Tuckett: If, in a particular example, dredging were to damage a particular feature of an MPA, we would take that very seriously indeed. We would take the advice of the special national conservation bodies such as Natural England and keep that advice very much in mind when coming to a decision as to whether or not to license. If we can find a way through, we will. If I can give an example, the aggregates industry is an excellent industry where they work very closely with us and with the conservation bodies to determine conditions that we can put on an aggregate extraction that protect the feature either spatially, saying, "You can only do it in this particular area or in this particular lane," or by time, saying, "You only extract at this particular time of the year" because of, for example, the spawning features of some environmental species.

Q189 **Caroline Lucas:** Can I move on? We have a couple more questions. I wanted to explore this issue. We have heard that there is a disparity between protection inside the six nautical miles and that outside the six nautical miles, with the IFCAs exceeding the MMO in terms of its progress in implementing management measures. I wonder what you think causes that disparity and what might be done to close it.

John Tuckett: To start with, in one sense the IFCAs have something like 90-plus MPAs within their total area, within the six-mile area. The MMO is responsible for 12. There is a huge difference between the number of



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MPAs that are being managed by the IFCAs and the MMO. This is on fisheries because, as Dr Bolt has indicated, the IFCAs' responsibility is for fisheries management within that zone. Whether that number is one cause of the difference I do not know.

Dr Bolt: The IFCAs were given the target of putting appropriate management measures in all European marine sites and tranche 1 MCZs by the end of this year. They have worked flat out to do just that, as I said, putting in place somewhere in the region of 70 management measures, of which about 40 are bylaws. There is a whole raft of different measures to put in place. In some cases, appropriate management is just monitoring and ensuring no deterioration, in which case we will not have put a bylaw in place. We also have somewhere in the region of 25 legacy bylaws that afford some degree of protection to all the different MPAs. We were not starting from scratch in the first place.

We have a unique model in our decision-making process in that through the committee structure we are able to engage with local fishermen, local industry and local NGOs. In many cases we are able to come up with a solution that is satisfactory to most. We have done it on this feature-based process, by which we will look at the type of activity. We did a risk assessment with the SNCB, Natural England, to make sure we put in place the highest risk ones. That is what resulted in 3,000 square kilometres of closed areas. Over 40% of our seas are covered by some degree of marine protected area in the nought to six. It has been a huge step change in marine conservation in the inshore zone. There is no question about that. I am very keen to promote that and not to be put on the back foot by paper parks.

Q190 **Caroline Lucas:** No. We are saying that you are doing better than the MMOs. How can we get them to close the gap?

John Tuckett: No one is doing better than anyone else in this. We work with the IFCAs.

Q191 **Caroline Lucas:** Progress is being made more swiftly in some areas than others.

John Tuckett: I am not sure quite what that refers to. All I can say is that we work very closely with the IFCAs. We quality assure all their bylaws. In terms of the MPAs that we are responsible for, we have management measures in and bylaws where that is appropriate. We are dealing with a much lower number of MPAs than the IFCAs are.

Dr Bolt: Also, the IFCAs in the nought to six do not deal with other member states. We do not have grandfather rights in our areas and that does simplify things to some degree.

Caroline Lucas: Fair point.

John Tuckett: In the six to 12 there are historic rights for foreign vessels to come in. That would not necessarily preclude voluntary



measures but it makes voluntary measures, for example, much more difficult to negotiate than when you are only dealing with your own nation.

Q192 Caroline Lucas: My last question is that you have all been stressing how much you do work together, increased co-ordination and so on and so forth, but the interlocking responsibilities of so many different organisations—Natural England, the MMC, the IFCA and the MMO—are incredibly complex. Why do they have to be so complex, those interlocking responsibilities, and do management structures have to be so fragmented? Is there not something structural that could be done to address that?

John Tuckett: It is a very interesting question. If you were starting again from a blank sheet of paper, would you end up where we are now? The answer is probably not. It is probably an accident of historical fate. Various organisations were put in place and then gradual evolution happened and it has evolved.

Dare I say it, looking ahead to the future and what comes after Brexit, when we are out of the EU there could be an opportunity for looking at a lot of this again in terms of how to set up a system within a UK-only legislative framework that could get rid of some of the complexities. I would agree with you that from a management point of view it is a complex system. You have heard from stakeholders that they perceive it as being somewhat cumbersome and lacking clarity. As people who have to make it work on a day to day basis, we do the best we possibly can. We recognise this is the system we have and just hope that in the future there may be opportunities to get greater simplification.

Dr Davies: Certainly, as science advisers, we are working beyond 12 miles. Particularly in that area it becomes legislatively more challenging because you are talking about international agreements. Certainly, for example, with fisheries management, it is done through the EU at common fisheries policy level. While we as UK advisers are able to advise across all of the administrations, it is very difficult for us as a nation to deal with these issues because of the international nature of the regulations.

I would echo my colleagues here. Currently, there are systems in place that allow us to collaborate very effectively to deliver the best management we can within the context of the arrangements we have.

Dr Bolt: I would back up what Jon and John have both said. The only thing I would say is that in simplifying things I would not want to see the IFCA model, which is quite unique in its engagement with the local communities and so on, lost in the simplification. It is a model that is looked at very enviously by a number of other areas in terms of its local engagement.



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I did refer to our report and I have a few hard copies of this if anybody wants to look at it. There are details of the first four or five years of IFCAs. It is not perfect but largely it has been a great success and it has been a good way of engaging with local communities. With things like tranche 3 MCZs, there will be difficult decisions to be made. I would not want to lose that in oversimplification. Simplification has a lot of things going for it but I would hate to lose that model.

Caroline Lucas: Sure. Thank you.

Q193 **Chair:** Can I just come back on this Goodwin Sands thing and ask what the MMO is doing to protect Goodwin Sands before its designation? The feature there, as I understand it, is the gravel. You cannot take out the gravel because the feature will not be there. Is that licence under active consideration by the MMO at the moment?

John Tuckett: We have received a licence from Dover Harbour Board. They are doing some more surveying work to present us with further evidence. My understanding is that work will not take place until April. Then we will meet with Dover Harbour Board to consider the further evidence that they have gathered during that trial that they are conducting.

Q194 **Chair:** Will you consult with the JNCC, who have said that it is absolutely essential to not have dredging in that site if we are going to reach ecological coherence of the network?

John Tuckett: We will consult with all the statutory advisers on the nature of the application and where it is going to go.

Dr Davies: Can I just make a comment? In that specific site, I think the point we would wish to make is that there would be gravel within sites within that region. It is important to emphasise what John said earlier: that the British gravel association have done a lot of work looking at aggregate extraction. Often a surface layer of gravel is extracted, leaving behind a layer of the same material underneath. Research has shown that quite often there is quite rapid recovery into those habitats. I do not know Goodwin Sands because it is not within the inshore waters that we would be advising on, but certainly in many cases the removal of the surface layer does not necessarily have a long-term effect on the nature of the site.

Q195 **Chair:** Thank you. That is helpful. In terms of the MMO and the licensing, how many licence applications do you have a year and how many would be refused? Could you maybe write to us with that information?

John Tuckett: I can certainly write to you. Our aim, if we possibly can, is not to refuse any licences. What we do with anyone who is considering a licence is encourage them to go through what we call a pre-app phase where we discuss with them informally any issues that may be arising out of the licence. We do charge for that service, but what we find is that it is very cost effective because it can identify any issues and if there are



irreconcilable issues then it stops. The applicant then has the choice whether or not to put in a formal licence application. If it is at the stage of a formal licence application, hopefully by the pre-app phase we have ironed out all the issues that may arise.

Q196 Chair: Thank you. Dr Davies, we have heard that large areas of MCZs might remain unprotected because we have this features-based approach, whereas other countries like Australia and America have gone for broad-scale habitat and whole ecosystems approaches to MPA regimes. Can you explain why the UK has this features-based approach that seems to look at features rather than the whole ecosystem?

Dr Davies: There are two points to make. The list of features that we are designating MCZs for includes all of the broad habitat types. All of the general representative habitats in the sea are part of that designation process. Many of the sites, certainly in MCZs and the national MPAs and the same with the Scottish sites, while we identify the specific individual features that may be present within the site, all of the features in the site are part of the protection. Effectively, 100% of the site is included within the designation.

On the historical side of the features approach, without going into the ins and outs of it, it largely comes from a species-based terrestrial model. We are very familiar with trying to protect rare species or unusual things and there is that element to it. That has been carried forward into the marine environment, particularly through things like the European Habitats Directive. It is also easier from a public awareness perspective to tell people about features within a site rather than necessarily saying, "We are trying to protect that piece of the sea." People always ask what is there, and if you want to know what is there you need to know what the features are. It is important that the take-home message is that, particularly for many of the national sites that we now have, while we go down a features approach, we are talking about all of the features within the site boundary as part of the site protection.

Q197 Chair: Do the fish count as part of that?

Dr Davies: In certain instances, yes, particularly where the fish are an integral part of the seabed. In many of the sites we do not necessarily deal with the water column part of it, above the site. Management of what are called pelagic fisheries there is a very different matter. Certainly, when we are talking about the features themselves, the broad-scale habitat, we are talking about all of the biology that is associated with that habitat. That includes the mobile things that move around on or just above it, as well as the animals that are attached to it or within it, depending on the type of habitat that it is.

Chair: Brilliant.

John Tuckett: If I can just add, Chair, in general context it is worth perhaps reflecting that the waters around England are among the most crowded of anywhere in the world in terms of who wants to do things



within those waters, whether it is shipping, fishing, recreation, development or coexisting with the environment. We do have some of the most densely populated waters anywhere in the world, particularly around the east coast, the south-east coast, through the Channel and into the south-west approaches. It is how we get the coexistence of marine protected areas with all those other activities that gives us as a country one of the biggest challenges in marine management terms, more so than any others. The Overseas Territories, by complete contrast, have huge swathes of ocean that are effectively empty of activity apart from maybe one particular area that is being protected.

Chair: Thank you very much for explaining that and thank you for being with us this morning. I appreciate it. The session is closed.

Examination of witnesses

Witnesses: Dr Thérèse Coffey, the Rt Hon Baroness Anelay of St Johns, Dr Gemma Harper and Jane Rumble.

Q198 **Chair:** Thank you for attending, Minister and colleagues. I think this is our first ever all-female panel, certainly while I have been chairing this Committee. Defra gets a prize for that. It is my pleasure to welcome Jane Rumble, Head of Polar Regions at the FCO, Baroness Anelay of St Johns and Thérèse Coffey, the Ministers, and Gemma Harper, who is Deputy Director for Marine and the Chief Social Scientist at Defra. Thank you all very much for being with us today. This is our final session in our marine protected areas inquiry.

I would like to kick off with a topical question, we could call it, about the EU referendum and what changes you think the result will have on the UK's ability to make unilateral management decisions on the management of our MPAs after Britain leaves the EU. One for you, Minister, I think.

Dr Coffey: First of all, thank you for inviting me along. It is a great pleasure to be here. I am delighted to be here, alongside my fellow Minister.

In regards to leaving the European Union, the overriding principle is that we intend to continue very much as usual. In terms of the overriding convention for all these marine areas, large parts of it are connected to the Bern Convention. It is through that and through the European Union regulations that we have that we continue with a number of aspects and ways that we designate our marine protected areas. I anticipate that we will continue to have management measures in exactly the same way. I do not see any reason why leaving the European Union should make any difference to that.

Q199 **Chair:** A lot of the network currently designated is SPA. That is not underpinned by domestic legislation. What will happen to those special



protected areas?

Dr Coffey: As the Prime Minister set out, it is our intention to bring existing laws that we have today into the UK law. It is my expectation that SPAs will continue to be specially designated sites.

Q200 **Chair:** We have had evidence on this from the RSPB that said that on land the most common measure would be that a European site would be underpinned by UK legislation, so it ought to be designated an SSSI, but in the vast majority of cases at sea that is not the case. You have the European protection but you have no domestic legislation underpinning those sites. How will those sites be protected when we leave?

Dr Coffey: As of yet—Dr Harper can help with this—I do not think we have made any final decisions. There are elements of the MCZs. I recognise there is a different regime there, but we are not quite at that level of detail yet. Nevertheless, we are not intending to try to remove any designations or any protections.

Dr Harper: Absolutely right. The key message for marine environmental protection, like all environmental protection following EU exit, is that it will not be weakened. It will either be maintained or enhanced. We will roll over the marine protections as part of the Great Repeal Bill and then we will consider options for the future in terms of how we manage and designate marine protected areas using UK legislation.

Q201 **Chair:** What would you say to the Marine Conservation Society, who have advised us against amending the Habitats Regulations, which could be one method that you would choose to do this? They say, “These directives will need to be embedded in law through the Great Repeal Act. We strongly advise against any attempts to amend the Habitats Regulations under the guise of ‘improving it’, as we fear this will lead to watering down key objectives, in particular Article 6, which is critical to their conservation”?

Dr Coffey: Consistently, we have said it is our intention to have a better environment. That is true on land, in the air and in marine. There is no hesitation and I would not say that we are trying to remove designation or reduce protection.

Q202 **Chair:** How will we monitor these sites? At the moment, monitoring these European sites is our responsibility and we report back to the European Union on that. Will we report back to anybody?

Dr Coffey: The European Union, in effect, feeds into the Council of Europe Emerald Network. That is my understanding. We are still part of that Council of Europe. As I say, we have not gone into this level of detail yet, but in my expectation it would be through that mechanism.

Dr Harper: If I may add, there are requirements under the Marine and Coastal Access Act to report on MPAs and there are also requirements under OSPAR, our regional convention for the seas, to provide



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assessment of progress towards an ecologically coherent network. Both domestically and internationally, we will continue to report.

Q203 **Chair:** OSPAR is political reporting, though. It is not underpinned by a judicial process, is it? If we were to go back to OSPAR and say, "It has all gone bad," they will just say, "That's a shame," will they not? There is no real ability to enforce rights in the way that Greenpeace did when they took the Government to court and made sure that marine protected areas went out to the 200-mile limit rather than the six-mile limit that the Government wanted.

Dr Harper: OSPAR is still subject to international conventions. Clearly, we are trying to reach agreement with OSPAR contracting parties on the environmental status of our seas. It is a commitment that the UK has made as a party to OSPAR and it is one that will become increasingly important as we exit the EU.

Chair: Thank you.

Dr Coffey: I hope the Committee recognises that the United Kingdom is one of the leading players in marine conservation. In fact, one of our challenges will be to make sure that other aspects of the European Union do not slide backwards.

Chair: We have a question on that.

Q204 **Dr Matthew Offord:** I just wanted to clarify and maybe gently push the Department in some way to say that the marine conservation zones, special protection areas and special areas of conservation all have different criteria for designation and management. Will you take this as an opportunity to harmonise both the management and designation of these different sites?

Dr Coffey: As I have articulated about the future of the environment after the referendum in a prior session, our key focus, especially on the environment, is operability on day one. That is our main focus for the next few years. Once we leave the European Union, it will then be a decision for Parliament to initiate. We are not at that stage yet. MACA came in under the last Labour Government with the designations it had there, but we are continuing to use them and grow the Blue Belt. At this moment in time, it is not an activity of work that we are undertaking.

Q205 **Chair:** What accountability arrangements does Defra plan to put in place to replace the current arrangements?

Dr Coffey: We need to investigate more about the elements of the Council of Europe and Dr Harper might say a bit about that but, as I have articulated before, Government are accountable to Parliament, especially through this Committee, and ultimately to the people. Of course, there will be the ongoing elements of keeping with the law and legal processes that are open.

Q206 **Chair:** What actions are you taking at the moment with other EU



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member states to get management measures in place for marine protected areas, both inside and outside our exclusive economic zone?

Dr Coffey: It might help if Dr Harper says a bit more on this.

Dr Harper: I am happy to. For offshore MPAs there is an intensive period of engagement and consultation with respective member states. As required under the common fisheries policy article, we will be making recommendations, following a formal consultation, to the European Commission once we have agreed on those management measures. Obviously, the opportunity of exit gives us more flexibility in how we decide our management measures in our offshore marine areas.

Q207 **Chair:** How do you intend to ensure that there is no paralysis in getting effective management measures in place while we are undertaking the process of leaving? This will all have to be negotiated with other member states, will it not?

Dr Coffey: Explain a bit more about that?

Chair: At the moment we co-ordinate through a mechanism—the Council of Ministers, which you attend in Brussels regularly—the management measures for fishing rights. Some of those fishing fleets will have rights whether or not we are inside or outside the European Union. How do you intend to police those fishing vessels once we have left?

Dr Coffey: The Fisheries Minister is developing a Green Paper, which I hope will be available shortly, which may include some elements of that. It would probably be premature for me to speak on his behalf.

Q208 **Chair:** When are you expecting the Green Paper?

Dr Coffey: I am hoping it will be soon.

Q209 **Chair:** Fine. The Minister is still working through the common fisheries policy to get restrictions for UK MPAs beyond six nautical miles, is that correct?

Dr Coffey: I am afraid I am not intensely involved with the work the Fisheries Minister is doing on that. There is co-ordination. He tends to look after elements that involve the management of fish specifically.

Q210 **Chair:** Could you ask him to write to us setting out what work he is doing through the CFP to get the restrictions? We are about to have the next round of MPZs and they will be beyond six nautical miles. We have had the regulators in but we would like to hear what action is being taken at a political level so that we do not just have two years of paralysis.

Dr Harper: If I may add, we are working with our fisheries colleagues in Defra to ensure that any proposals that are under consideration for the Green Paper do address the need for fisheries management measures to support marine protected areas.

Chair: Thank you.



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Q211 Kerry McCarthy: To continue on the ecologically coherent network, you have designated 50 zones. Do you accept that the third tranche is going to need to be considerably larger than the first two if we are to get anywhere near a coherent network?

Dr Coffey: There is an element of preconsultation that has gone on. We still have to go to consultation and have that discussion and decision. If you want me to say we are going to have 127 by the end of the third tranche, I do not know that I can say that to you.

Q212 Kerry McCarthy: Was there not a considerable amount of consultation done before we embarked even on the first tranche, let alone the second tranche? Since 2011 the Government have invested £15 million into scientific research and survey work to build on the evidence base. Are you saying that there is still not enough information available? Consultation has been going on as well as the evidence gathering.

Dr Coffey: In particular, the JNCC and NE tend to provide scientific advice. You will be aware that there are socioeconomic impacts that can be considered as part of that. We will consider the responses with that. That is on the basis of working together to make the decisions on the final tranche. We are intending to try to complete that Blue Belt to which we referred, which is not just about MCZs. It is about all the other different elements of the marine network that we have at the moment, the latest special area conservation order we have just sent to the European Commission to complete for the harbour porpoise and things like that. It is not just about MCZs.

Q213 Kerry McCarthy: We have heard world-leading marine biologists tell us that we have one of the best marine evidence bases in the world. The consultation, as I say, has been going on rather a long time. Are you not just trying to find excuses not to go ahead with a significant third tranche?

Dr Coffey: I am not trying to find excuses, I am trying to explain the processes and how we go through it. The RYO gave evidence to you recently that it is about looking at all the users as well. That is the basis of the Act under which marine conservation zones are designated. I will be honest, Kerry, I think you were a member of the Labour Party and an MP when that went through the House and that is what was voted through.

Q214 Kerry McCarthy: The Labour Party supported 127 marine protected areas and this Government have been making very slow progress on that, as I have just said. We have only got as far as 50. I appreciate that you are determined to be vague about the exact number, but do you accept that the ambition needs to be significantly higher than what we have so far?

Dr Coffey: It will be more than what we have, of course, but I cannot say at the moment because we have not been through that stage of the process.



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Dr Harper: In the first tranche we designated the first 27, where we had that best available evidence. In the second tranche, we were really keen to fill the biggest gaps in the ecologically coherent network. The third tranche, as you would anticipate, has some of the trickier sites that we need to consult on, but we must complete the ecologically coherent network through filling the gaps in that network, whether it is through marine conservation zones in the third tranche or, as the Minister has said, through SACs or possibly further SPAs.

The consideration is going to be what gaps currently remain, where we are taking advice of a statutory nature from conservation bodies. Can we fill those gaps with the remaining sites, which are not just of the 127, they are proposed new sites where there is new evidence? There are potential sites for highly mobile species and there are potentially new features in current sites, so there are a whole range of potential new designations and we need to consider the social and economic factors, too.

Q215 **Kerry McCarthy:** When do you think you will be ready to announce the third tranche?

Dr Coffey: We are hoping to put them out for consultation later this year.

Q216 **Kerry McCarthy:** Does that mean in the next few months or by the end of 2017?

Dr Coffey: I think by the summer, but—

Dr Harper: Not consultation for the summer; we are going through the process of taking advice from Natural England and JNCC. There will be discussion with the Minister in light of the social and economic evidence, which will come from Defra and external peer review, then we will go into a process of formal consultation. We originally anticipated in 2018 and we are still aiming for that. There is a chance it could slip into 2019 as we reprioritise resources to consider the important EU exit questions associated with designation and management.

Q217 **John Mc Nally:** If I may, I am going to move you on to devolution. During our inquiry, some of the respondents, including Wildlife Trust and Wildlife Countrywide Link, highlighted the need to ensure that the Government co-ordinate effectively with the devolved Administrations in order to achieve a coherent network. Could you explain what you are doing to ensure co-ordination with the devolved Governments? As you know, England, Scotland, Northern Ireland and Wales all have different criteria for designating marine protected areas, so can you tell us how you are working to ensure that we have this joined-up and ecologically coherent network?

Dr Coffey: This largely happens at an official level and we have the national steering group, which is where the discussion goes on.



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Obviously, you are from Scotland and they are making really good progress. But that is how it works at an official level, largely.

Dr Harper: At official level we have a good day-to-day working relationship with our devolved colleagues, for example, on harbour porpoise and other issues relating to the marine environment. We need to work closely together because as a member of OSPAR—we are a member of OSPAR as the UK—there may be devolved variation in terms of local issues associated with designation. But we all are striving to meet the principles set out by OSPAR for an ecologically coherent network and that is what we will continue to do. We are looking at governance as we go forward with devolution and ensuring that we have those conversations while respecting the powers and responsibilities of the devolved Governments.

Q218 **John Mc Nally:** As you know, fish and highly mobile species such as whales, dolphins and seabirds are not restricted to territorial waters or territorial boundaries. With that in mind, can you explain, to take it a wee bit further, how you are working with partners in the Republic of Ireland, Spain, France or other EU countries to ensure that they have this joined-up ecological network throughout the region of the North Atlantic OSPAR area?

Dr Coffey: I will be honest, I do not know the detail of that, of how we link up with places like Spain and similar. I am just aware of the arrangements that we have at a national level.

John Mc Nally: It is a very important area. I think it is an extremely important area to know where we are going on this now.

Dr Coffey: Perhaps Dr Harper could add something to it.

Dr Harper: Scotland has made very good progress on highly mobile species. As we said, we are considering highly mobile species potentially for tranche 3. We already have designation for a couple and, as the Minister said, the new SACs for harbour porpoise. The importance of working closely with our European partners is significantly about where we can share the evidence base about what works. While we were able to gather new evidence that supports designation of SACs for harbour porpoise, there is also a growing evidence base about other management measures, mitigation of by-catch, for example, plus licensing of protected species. We will work and continue to work with both European and OSPAR partners to share the evidence base on what works most effectively for highly mobile species conservation. In some cases, where the evidence supports it, that might be spatial designation; in other areas, it will be management measures.

Q219 **Chair:** Is there any reason why the Fisheries Minister could not be with us? Is this his particular area or is it a hybrid area?

Dr Coffey: I have overall responsibility for marine environment and the Fisheries Minister does quite a lot of focus on elements of the actual



fishing fleet and how that works in that regard, but Dr Harper has a good knowledge across both.

Q220 **Chair:** Okay, thanks for clarifying. We heard some evidence that the FCO was really showing Defra up in the scale of its ambition in relation to designating marine protected areas. I wondered if Baroness Anelay would like to take some credit for that.

Baroness Anelay: What I would like to do is take credit for the way in which the UK is determined to lead the world. It is not just this Government but previous Governments that have looked at that. We are in the first year of a four-year programme of expanding the Blue Belt. As the Committee will be aware, last year Pitcairn joined the marine protected area band, as did St Helena, but overall we are on target to meet our pledge that by 2020 we will have MPAs, or something akin to that, across the Overseas Territories. In particular we are looking at expanding marine protected areas to an area of 4 million square kilometres.

That is really to the credit not just of the Government either; it is the way in which we work with the Overseas Territories Governments, who have responsibility for implementing legislation. I also particularly value the work we do with NGOs and charities, because they not only bring a challenge and a freshness, as they always do, but they have brought crucial funding and also accountability.

Q221 **Scott Mann:** My question is about communication and public engagement. I think if you went out and asked people about Areas of Outstanding Natural Beauty, they would probably know what that was. If you went out in the public now in London or in Cornwall and asked them about MPAs, I am not sure they would have that same cut-through. Do you accept that you have not maybe communicated and raised awareness enough in terms of what marine protected areas do?

Baroness Anelay: I think there is always more one can do. With regard to the specific project of being able to make sure that we are not only leading the world and continue to do so, we need to be able to be better at projecting what it means, because if you are in the UK, you can go and visit an Area of Outstanding Natural Beauty and connect with it. A marine protected area can be quite distant, unless you are travelling through, for example, the Caribbean, when you may visit it, but not realise that that is what you are seeing. Therefore, I agree, we can do far more to project that. I know that already our delivery partners and Cefas are working on a way in which we can better communicate with the public, but frankly, in this first year of rolling out the Blue Belt commitment, what we have done is to work very closely with the Overseas Territories themselves and with the delivery partners locally, the NGOs. That has been our focus. Last night I hope members of the Committee were able to see the Anguilla programme on BBC Two. There are ways in which we can work with the media better to project what MPAs really mean to people in this country and around the world.



Q222 Scott Mann: We repeatedly hear that the costs of MPAs are being communicated to stakeholders. Can you tell me what you are doing in terms of measuring the benefits of MPAs and how you have a grip on those benefits, what your targets are, what you are looking for and how you are measuring those and whether there are any third parties that you can join up with, universities and suchlike, to analyse the data that could come out?

Baroness Anelay: Yes, if I have a policy answer first and then I will invite my colleague perhaps to give some more of the detail. I am very much aware that one of the criticisms that is brought by those who are sceptical about the benefit of MPAs is that it is so difficult to measure the benefit. I certainly have seen the benefit up close and personal, visiting, for example, the Central Caribbean Marine Institute on Little Cayman, where you can see the work that is physically being done, first of all to regenerate bleached coral. There is a coral nursery, so you can see that. But how you measure that then across its benefit worldwide and what it might bear and benefit for the Great Barrier Reef—which I visited as a tourist, I confess, and one worries about the impact of tourism—how you can then extrapolate the measurable impact in seeing a scientific experiment to the wider impact across the world, it is difficult to measure it. But when one explains it to individuals, then they realise why for future generations it is crucial we do that, including of course CCMI, the work they are doing in dealing with invasive lionfish, which will have a dramatically damaging effect across the whole Caribbean if we are not able to reverse that. Difficult to measure, but absolutely important value. I wonder if my colleague can give a bit more scientific answer.

Jane Rumble: The question you have asked is part of the Blue Belt programme for the Overseas Territories and we have two delivery partners that we are working with. The Marine Management Organisation is going to help us with surveillance and enforcement and we already have some initial indications of not a considerable amount but some illegal fishing in our waters, so that is a direct economic impact, because that fish is accruing to people that should not be taking it.

We are also asking Cefas, as the other delivery partner, to help us with monitoring. That will be local monitoring in respect of what impact it has on local fish stocks, corals, et cetera, but we are also trying to encourage the NGO community to work with us to see whether we can use our very large-scale MPAs around the Overseas Territories to identify oceanographic benefits more broadly, like are they better havens for coping against ocean acidification or from climate change impacts or better drawdown of carbon and what they mean. It is difficult to answer your question directly in the Overseas Territories because we do not necessarily have the scientific baseline that we would like at this stage, so that is part of it, to identify what is there and, therefore, what the threats and what the protection is.

Q223 Scott Mann: I would be interested, Jane, if you have any thoughts about



whether there might be some R&D budget from some of our big scientific pharmaceutical companies that might be looking to try to benefit from what might be in there that they could use as a product.

Jane Rumble: Potentially. That is a little bit patchy, but the British Indian Ocean Territory, for example, has attracted a significant amount of scientific interest since its designation as a marine protected area. We have already significant scientific activity undertaken by the British Antarctic Survey around the MPA in South Georgia and the Sandwich Islands and in the British Antarctic Territory, so we would expect scientific interest to increase.

The pharmaceutical investment is difficult to say. There is some interest in species at the edge of their life. In Antarctica, for example, you have species that can exhibit better tolerance of freezing, a longer lifespan, regrow their tentacles, et cetera, so there has been some interest in it, but I could not put a figure on it at this stage.

Q224 **Scott Mann:** This is a broader question. There was a study conducted by Plymouth University that found weaknesses in the impact assessments and the economic figures. Instead of just looking at the cold, hard economics, I am wondering whether maybe in the same way that natural capital is being looked at as a feasible, quantifiable thing on the land, the same could be applied to the sea.

Dr Harper: We are working really closely with the Natural Capital Committee, which is advising the Government on their 25-year plan for the environment. It connects two parts of your question, so one of the themes is connecting people with nature, and we have heard about some of the challenges of doing that beyond the coastline out into the deep sea, and secondly, linking that to how we best value the marine assets that we have. Certainly, all impact assessments will strive to put a monetary value on those marine assets so we can understand the costs and benefits and make informed policy choices for Ministers. Where we trade in the market, clearly we have market prices. Where we do not trade in the market, we can use economic measures and techniques to estimate the market value of those goods and services from the marine environment, so we do our best to try to put a monetary value on those assets.

We also work with academic institutes like the European Centre for the Environment and Human Health, where they are looking at the broader wellbeing benefits of the natural environment—so-called blue space and green space. Again, you might be able to monetise some of those benefits, but there are going to be experiences that people have of being out in the natural world, including the marine environment, which are difficult to monetise or even quantify. Therefore, the challenge for the best possible impact assessment is to take all those forms of evidence, monetary evidence, quantitative non-monetary evidence and qualitative evidence, to have a true assessment of the costs and benefits of different policy options.



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Baroness Anelay: The environment project carried by Defra has an impact on the Overseas Territories, so perhaps after the Minister has spoken, I might ask my colleague to mention how it affects the OTTs.

Dr Coffey: I was just going to add that one of the key tasks of the Natural Capital Committee this year is to develop much easier, more straightforward tools, for a much wider audience to use. When you eventually do see the Green Paper for the environment, which I hope will be very soon, you will see that is one of our key goals, about helping everybody be better informed on making decisions on natural capital.

Coming back to what you see about AONB versus the MCZ or the MPA, you can see an AONB in front of you; you cannot see necessarily what is under there, but I dare say people still quibble about what is the real value of a bat. Of course bats are magnificent creatures that need to be protected, but some other people see them as something else. The same could be said of some of the creatures we try to protect in our marine habitats: some of them are gorgeous and then others are an interesting part of nature.

Jane Rumble: The JNCC is also extending some of the natural capital projects out to the Overseas Territories, particularly the Caribbean and the South Atlantic, to look at how you consider natural capital and decision making, including planning, and how you might quantify it for the Overseas Territories as well.

Q225 **Chair:** Some of the communications issues were identified in our 2014 report. If I can press the Minister on why we are still hearing concerns about this from our witnesses, the failure to communicate to the public about what the Government are doing has been a constant problem. Don't you think a picture or an image or a film says 1,000 words? Why has there not been any real communication strategy around this Blue Belt domestically in the UK?

Dr Coffey: I think it is an interesting idea about video or something like that. I will reflect on that.

Q226 **Chair:** You could do a viral one, couldn't you? Disney and Pixar have made millions out of selling kids "Finding Nemo" and "Finding Dory" and maybe we need to find the basking sharks of the North Sea or whatever it is.

Dr Coffey: It is interesting you say that. One of the early visits I did, because I used to work at the BBC, was to the Natural History Unit, where I got a very sneak preview of clips of parts of their "Blue Planet II". I said this at a Defra town hall and with civil servants: the BBC are brilliant at telling stories and I encouraged the BBC to help us think about how we can explain some of these more challenging aspects of the things that you just don't see every day and are quite difficult to access. I will reflect more carefully on that.

Q227 **Chair:** Thank you. What is the communication strategy for this tranche,



which is likely to be the most difficult and most contentious site options? Is there a communication strategy?

Dr Coffey: We are not quite there yet and you are right to say some of them will be difficult and some of them will be strongly challenged. I am expecting to have local engagement area by area to cover wider than the people who have already been involved in the scientific side of the pre-consultation. Gemma, do you want to add a bit more on that?

Dr Harper: We are early on in the process, but yes, picking up the point of the video, I understand both Natural England and JNCC are developing new ways, video infographics, to translate what is sometimes quite technical scientific information for a wider audience, not just informed stakeholders. All evidence and information will be published before we go to formal consultation on tranche 3.

Q228 **Chair:** Why are you not liaising with the tourism industry? Millions of people visit our coasts every year to have a cream tea or a trip out to go fishing or scuba diving or whatever. Are you not missing a trick here? Have you not missed a trick over the last six years in terms of not working even with local tourism businesses to say, "This is what is down here. This is what we are protecting"? You might be able to go out scuba diving for it if you want to, but at least know that it is here, because that is a USP for British seaside coastal businesses, is it not?

Dr Coffey: We are looking at pioneer projects connected with the 25-year environment plan, but I will just take a bit of a step back. Scott is a coastal MP, I am a coastal MP. I am not sure if anybody else is. I recognise businesses use the coast. One of the big challenges, and I saw this as a constituency MP, is about getting over that level of trust, about what people do today and not being able to do it in the future. That is what a lot of this boils down to. Now, whether it is representations from fishermen—that they don't understand why this is being done, it is going to ruin their livelihood, et cetera—to other activities, the thing I heard as a constituency MP a few years ago, "We can do that for now, but what if we want to grow that activity?" "Oh well, that depends." It is that element of building trust in the organisations.

I would like to think that Natural England in particular have come some distance along that journey in the last few years, but a lot of it is that, that people already know the protection today, but with the MCZs it is slightly less clear until we have seen good examples of it coming through, which we are starting to see with management measures. That is where some of the concerns have been expressed, but that is all about gentle but positive relationship building with the local stakeholders.

Q229 **Dr Matthew Offord:** Baroness Anelay, you mentioned Little Cayman. Have you visited Little Cayman?

Baroness Anelay: I have.

Q230 **Dr Matthew Offord:** Excellent. Perhaps we can have a conversation



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later. Thank you. You also mentioned Anguilla and mentioned the programme last night, which unfortunately I have not had the opportunity to see yet, but I have had long discussions with the Government in Anguilla and they told me that a lot of MPAs and the plans and other things are imposed upon them. It is very much a top-down process, we have been told. What actions is your Department taking to engage more fully with the Overseas Territories? That is something that I have heard from other countries as well.

Baroness Anelay: There was an initial reaction after the publication of all the parties' manifestos back in 2010 from the Overseas Territories. They felt that all of us, all the political parties here, were making decisions for them. The reality is, of course, that we can explain and encourage and hope that people will come up to the best standards and give them the opportunity to do that, but any legislation has to be implemented by the Overseas Territories themselves. Constitutionally, we cannot force it upon them, but we can show the benefits of doing that.

How do we do that? My way of doing that is by ensuring that I can meet as often as I can those who need reassurance. Therefore, last summer, when I was appointed in July as the Minister for the Overseas Territories, I started a series of meetings with, for example, the Chief Minister of Anguilla and other premiers in the Overseas Territories that built up towards the Joint Ministerial Council in November. Officials liaised with all the Overseas Territories about the shape of the agenda, so the way the agenda was designed for the Joint Ministerial Council was far more interactive, I think.

As a result of the changes that we expect with regard to the UK deciding to leave the European Union, I was able to institute a special meeting, which will take place next week in London, for the Overseas Territories to discuss specifically the impact of leaving the European Union upon them and to consult them about their views. It is a continuous process. For me, that means going also to the Territories themselves to learn what they have done so far, to learn what the particular needs of their own economies may be and how they can, in fact, be improved by biodiversity and by making advances in sustainable development in the marine areas, because each of them is different. That is what makes them so fascinating but also means they need more time than perhaps they feel they have had in the past.

Q231 Dr Matthew Offord: I am not always trying to get the Minister to go overseas, but it would be useful if the Department did visit the Territories. When we undertook our "Sustainability in the Overseas Territories" report, there was a blanket ban on Defra visiting the Overseas Territories, so it would be useful perhaps if we could follow Baroness Anelay's example on that.

You mentioned consultation. We have evidence to this inquiry that particularly Gibraltar has said there has been very limited consultation between the United Kingdom Government and the Gibraltar Government.



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That is quite concerning, because there is a marine protected area there and it has joint sovereignty between Spain and Gibraltar as well. First, the lack of consultation with Gibraltar and, secondly, how are you encouraging these countries to engage more in decisions about MPAs?

Baroness Anelay: If I may first address the main issue you raised then, that of Gibraltar, which is in a special constitutional position because, of course, it was immediately affected by the decision of the British public on 23 June. Here I will have to speak on behalf of my colleague, Sir Alan Duncan, because although I am Minister for the Overseas Territories, it is with the exception of the Sovereign Base Areas—British Antarctic Territory, the Falklands, South Georgia and the South Sandwich Islands and Gibraltar being in that clutch.

Gibraltar does have a special Joint Ministerial Council that meets specifically to discuss the implications of Brexit itself, but they do have, similar to other Overseas Territories, engagement with officials about their needs and also with regard to their wishes. For example, the Barcelona Convention and the work that we did with them on that was a matter of consultation and working with them. So there is access. If they feel there has not been enough, I will certainly look at that to find out just what level of engagement there has been and how that can be improved.

I am looking forward to their attendance as an observer at the Overseas Territories EU meeting next week, but they have their separate meetings chaired by Robin Walker and Alan Duncan does attend those. I will certainly look into it.

Q232 **Dr Matthew Offord:** It is the belief of some, including myself, that marine protected areas have wide social, economic and tourism benefits. How are you communicating that to overseas Governments?

Baroness Anelay: In terms of looking at what part tourism plays in their economy, how it can be maximised, when you look at some of the successes in perhaps nearby islands, but also some of the disadvantages to the environment, for example, Anguilla naturally wants to extend its tourism throughput. It wants to have a better airport, where more than private jets can land, and it would like to have a jetty that can receive cruise ships. I remember the very wise words of the Premier of Grand Cayman at the JMC, who said, "Be careful what you wish for." It is a case of engaging individually with the various territories to see what their own needs are and how they can maximise the benefit of their economy from tourism without damaging the very environment that people want to go and see. It is the old tough problem.

Q233 **Dr Matthew Offord:** You are talking about the ferry dock in Grand Cayman. Yes, indeed, I am certainly aware of that. I just wanted to ask a second, Minister. In our previous reports, we have looked at consultation for the second tranche of the MCZs and we made recommendations about that. The Department hasn't seemed to have provided stakeholders with



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the draft management plans that we recommended. Why is that?

Dr Coffey: I thought we had done draft management plans.

Dr Harper: If I can answer, we have had discussions with those stakeholders most likely to be affected, local fishermen, so stakeholders who will be affected by potential tranche 3 sites are already engaged in discussions with the Department and with Natural England and JNCC. We need to progress, we need to move on at pace to designate, so we do not want to delay by focusing on management measures prematurely, because management measures are subject to formal consultation, either locally or on the offshore sites with relevant member states. I do understand the desire for information about detailed management plans and information at point of consultation before designation, but it is more pragmatic and efficient to do it post-consultation and post-designation.

Q234 **Dr Matthew Offord:** That is quite worrying, because the level of uncertainty is more likely to bring not only resentment but also opposition to any proposals in the future. That is more of a comment rather than a question. Another criticism of the draft management plans has been that they are overtly technical. What is the Department doing to make it more user-friendly?

Dr Harper: I refer back to the point about Natural England and JNCC working hard to translate that technical scientific advice into something that is much more user-friendly, testing that out with web platforms, infographics and video.

Q235 **Chair:** We have some pretty damning evidence about this issue and we have taken evidence just before you where JNCC said, "It is not our job to look at the management issues. It is the MMO's job." There is a clear issue here that has been identified, which is this issue around what this will mean. People rightly want to know "for my business" and the lack of any indication—"One body deals with the science, the other body deals with the regulation, but we are not going to tell you what it means"—means that everybody is against it. It is like a recipe for planning objections, isn't it, because you think, "I am not going to be able to do my business. I will object to it. I am not going to be able to go out and drop anchor here, so I will object to it"? Isn't this a recipe for objections?

Dr Coffey: I will make sure we go back carefully through the evidence just to identify the people who still feel that they have their direct livelihood threatened, that they do not feel that there is adequate conversation already happened. But as I articulated before, we are not going to get full support come what may for all these zones and I do not think we should be naive enough to think that is going to be the case anyway.

Q236 **Chair:** We had the Royal Yachting Association give us evidence, talking about the lessons from Northern Ireland, where the Department for the Environment was very open about their intentions in the run-up to the formal consultation. Stakeholders were aware of which sites would be



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proposed prior to consultation and what the likely management would be, and the Welsh Government's revised approach is also a good example from which to learn. Are you aware of what the devolved Administrations are doing on this and do you not think there is something to learn from them?

Dr Coffey: It is quite interesting, because other witnesses have criticised the Welsh Government about their process of designating MCZs.

Chair: I am talking about the revised process.

Dr Coffey: But in terms of the RYA, my Department and Natural England have had a series of meetings with the RYA on prospective sites, in particular I think the ones around the Isle of Wight and the ones in Dorset, so I am slightly surprised to hear that they don't feel that they have had those conversations. The local engagement for other areas is being done by Natural England. We are very conscious in particular of the sailing off the coast of Dorset and around the islands.

Q237 **Chair:** Yes. Emma Barton was here a couple of weeks ago and told us, "The information in the consultation was quite poor in terms of assessing what the management might be" so she clearly doesn't feel that the management part of the designation is being communicated. Obviously, they are one of your key stakeholders.

Dr Coffey: It is fair to say we are trying to focus on what we think are going to be the more controversial sites with our upfront stakeholder engagement. As Kerry indicated earlier, there were some difficult sites that were parked, I think is the best way of saying it, from tranche 1. That is where we have focused a lot of effort.

Chair: This has come out across the piece, not just from people that stand to lose, but also people like the Wildlife Trust, who say, "This engagement has not happened". This was a very clear recommendation from the Committee's 2014 report to have these draft management plans. We will move on.

Q238 **Joan Ryan:** Minister, there has been much evidence given to the Committee or many witnesses who have stressed the importance of implementing reference areas. I wondered why you decided to remove reference areas from consideration for designation in the first two tranches of MCZs and, therefore, what plans you have to include reference areas in the third tranche of MCZs.

Dr Coffey: Previous Ministers made that decision and I saw no reason to change it for tranche 3, but Dr Harper will probably have more of the history.

Dr Harper: The evidence for reference areas in previous tranches have been very small areas that probably were not going to be viable. The Department has been in receipt of a report from Cefas that we are currently considering for options for reference areas. You are right to say they are not being included in tranche 3, because we want to progress



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with the gaps in the ecologically coherent network. I can understand the case for reference areas. The argument is that you would not know how you have progressed in terms of conservation objectives unless you have something to compare to.

I think there is a question about whether you can have that genuine comparability and whether other forms of data can help us assess our progress against those conservation objectives that wouldn't prevent other social and economic uses of those areas. We are trying, through our conservation of the marine environment, not to stop activity but to manage it in a way that enables us to achieve those conservation objectives and realise social and economic benefits. There might be other areas, for example, around wrecks, we might be able to look at for reference area type information, but the Department is still considering the advice from Cefas.

Q239 Joan Ryan: Of the 127 recommended MCZs, 65 contain reference areas and that represented 2% of the combined area of the recommended MCZs, so we were not talking about a great deal in that analysis. We have had evidence from Professor Wynn, who said genuine reference areas are absolutely essential, not just from a scientific point of view but from a conservation point of view, and others who have expressed the same view about highly protected areas, no-take areas. I am interested in your view. What you seem to be expressing seems somewhat dismissive of the view that many other experts hold about the importance of the reference areas.

Dr Harper: Certainly not dismissive. If you are trying to demonstrate purely conservation objectives, then that might be the route that you choose to take, but the Government are committed both to marine conservation and sustainable use of the sea by sea users. To achieve that balance of environmental, social and economic benefits, reference areas aren't going to enable us to do that most efficiently. We might want to look at other forms of gathering data that help us understand how far we have progressed.

Q240 Joan Ryan: How do you explain the absence of reference areas in non-devolved UK waters when the Government have established extensive highly protected MPAs and no-take zones within MPAs in the UK Overseas Territories? Why is there such a disparity then in the Government's approach?

Dr Coffey: I think we do have parts of MPAs within the United Kingdom—our area, as it were—where we do have those kind of no-take measures, but it will vary by area and it is not every MPA in the Blue Belt has done that.

Baroness Anelay: Perhaps we can add some details on that. Certainly, I took very loosely as MPAs, which is dangerous to do anyway, particularly in front of this Committee, but that is because in the Overseas Territories some are inhabited permanently, some are not, and some had MPAs



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introduced as a result of the fact they are administered directly by the UK, in the sense that they do not have a permanent population. Others are now going through the process of having an MPA, but not necessarily a no-take MPA.

There are examples obviously: in Ascension Island, there is going to be roughly half the marine area designated as an MPA, but on an evidence-based system. It is a case of making sure that we can assist the Overseas Territories to move forwards. Sometimes I might talk to somebody about a marine protected area when it is an area that not only is not no-take, but is also going to have a sustainability emphasis in it, but may not be something in nature that we see around Pitcairn. I will ask my colleague to give a more scientific answer than that.

Jane Rumble: To be honest, I think you have covered it. The key thing is the sort of scale of complexity of the Overseas Territories up to the UK in respect of who lives there, how many different users you have of the marine environment, therefore, how many different stakeholders you need to take into account, what existing fishing activity there is, how much science you know about it. It is very patchy, so if you start from somewhere like South Georgia and the South Sandwich Islands, there are only two users of the marine environment outside all the seals and whales, which is the tourism industry and the fishing industry. The consultation with those on the marine protected area there is not entirely straightforward, but it is relatively easier than when you start to get to the inhabited.

When you get to the Caribbean, you have a very large community comparatively to some of the other Overseas Territories, so a great deal more activity in respect of users of the marine environment. I think that gives the difference between where we are able to go in the Overseas Territories. Also in respect of the remoteness, what existing fishing activity there was and then the challenges that Defra have in respect of the UK, where there is a significant population, significant users of the sea, significant consumers of the fish, et cetera.

Q241 **Joan Ryan:** There has been concern, hasn't there, that some of the reference areas were not the best areas to choose.

Dr Coffey: I recognise that some people wanted them in and were not happy when we did not put them in.

Q242 **Joan Ryan:** But if we do not have any reference areas, then how do we assess how well the network is performing under different levels of protection? Aren't we just comparing sites that are degraded to different degrees rather than having the ability to compare sites that have had the human impact removed?

Dr Coffey: Dr Harper just whispered in my ear, but I didn't hear it.

Dr Harper: We have not made a decision yet. We are looking at the options presented by the Cefas paper, which would include having



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reference areas and considering them against, as I said, the requirements for sustainable use of the seas.

Q243 **Chair:** Minister, you just said that you decided not to include reference areas in the third tranche, so can we have clarification?

Dr Harper: They are not included in tranche 3, but we haven't made a decision about whether to or where to have reference areas in future.

Q244 **Chair:** So you have made a decision not to include reference areas—

Dr Coffey: In this tranche 3.

Chair: —in this tranche 3. Dr Harper, you said, "We don't have the scientific evidence," but all the academics that we spoke to said that we have loads of science, because it is done in lots of other places, including in our Overseas Territories, where we know that you get an increase in biomass, the amount of plants and animals there and the density of animals found. That is replicated across the world. There is only one ocean and it is just wrapped around and we just control different bits of it. What science are you waiting for before you go for these reference areas?

Dr Harper: Just to clarify, I referred to not having viable proposals for tranche 1 and tranche 2. We do have the Cefas report, which covers the most recent science. As you say, there is a growing evidence base in relation to the conservation objectives for MPAs and using reference areas. That again has to be weighed up against the social and economic uses of the sea that would be prevented from having those reference areas.

Q245 **Chair:** But what the Minister has said is that regardless of what Cefas says and regardless of what the evidence says, there isn't going to be reference areas in tranche 3. Is that correct?

Dr Harper: Not in tranche 3.

Q246 **John Mc Nally:** Could I just move you on to the funding and resources part of the inquiry? Funding for both the MMO and the IFCA's has decreased during the course of this Parliament and, of course, we are hearing about the expansion of the network and the need to improve the surveillance and the enforcement mechanisms. What compromises will the management organisations have to make to accommodate these funding reductions?

Dr Coffey: Defra as a whole has to live within its means and the financial envelope that we have set out as a Government, but I am very conscious that we need to make sure that people keep to their statutory duties. We do see the MMO taking up these activities, doing enforcement measures and there have been prosecutions. I think Defra has also taken certain things in-house and that is more of an admin side, back end, so there is an element of saving some money there. Then the MMO themselves have taken a risk-based approach to management, recognising that in order to



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meet their financial budgets they do that. I think you should rest assured it is not a case of just stopping doing any work. There is still plenty of work going on by the MMO.

Q247 John Mc Nally: It is still clear that there is a lack of funding and it has been a major barrier to effectively monitoring and enforcing MPAs in the UK OTs. What are we doing to address this issue in particular? I know that we are getting close to our time limit, but I would also like to hear from you about the alternative funding sources to the United Kingdom Overseas Territories—for example, the Heritage Lottery Fund. I think we are all quite keen to hear on that subject how it could effectively help fund these.

Baroness Anelay: May I begin with that and refer to the very important issue, too, of where funding does come from our work with charities and NGOs and work that has been valuable to this country? First of all, with regard to the lottery itself and the Heritage Lottery Fund, the legal position is that it is only people who live in the UK who can gain access to the awards, unless you are an NGO based in the UK. There are occasions when you can then use that funding in an Overseas Territory, but that is a very narrow opportunity. Certainly, as I have been to Overseas Territories and met the leaders here, they have, with one voice, raised their concern about the Heritage Lottery Fund making any award to the Overseas Territories a very low priority. They have asked me to see if we can encourage the Heritage Lottery Fund to change their priorities. That is difficult because, of course, it is an arm's length organisation.

Q248 John Mc Nally: What do you mean "encourage"? Can you expand that a wee bit more?

Baroness Anelay: The difficulty is that legally they are an arm's length body and, therefore, the Government cannot direct, and should not direct, because that is the benefit of having an arm's length body: they make up their own policy decisions. What we can do is to make it possible for the Overseas Territories to present their views and do so through me as well to show what benefit there could be to the individual Overseas Territories. But again, they are individual Overseas Territories with a different focus on what is right for them.

More widely, though, there is the issue that has been referred to as well by my colleague and that is the matter of how we can monitor, have surveillance using up-to-date technology of breaches of MPAs. That is one part of the work that we can do as the UK to hold people to account. Technology such as that provided by Pew or Blue Marine can provide the opportunity for us to see where there are incursions that may be suspicious that are unregulated and unreported or illegal. It does not help us with the next stage, which is holding those people to account through a legal system. That is where clearly, as the UK, we would be trying to support the Overseas Territories to bring people to account and particularly take note of that when, for example, they may be awarding fishing licences as well.



Q249 **John Mc Nally:** If you are successful, to use your term, in encouraging the Heritage Lottery Fund to come in, that funding will be in addition to the funding, without a doubt it would not be to replace, so they end up with the same amount of funding. Can you guarantee that would not happen?

Baroness Anelay: I can never guarantee anything in this world, let alone that I am going to be a Minister in two seconds' time.

John Mc Nally: I am waiting for a guarantee.

Baroness Anelay: Certainly, what I would say is it is not a policy plan that it should. If there were to be a successful bid by any overseas territory to the Heritage Lottery Fund, it would not be my intention as a Minister that that would replace current funding that is available. What we are trying to do is to maximise the availability of funds to the Overseas Territories, but not just from external factors, by having a better system of accounting and tax systems and public service within the Overseas Territories, including, for example, having a public accounts committee to hold Administrations to account. That small—it would be small—pot of funding that would be for standalone projects cannot solve the whole problem. It is a tiny part of it.

Q250 **John Mc Nally:** I will do one more question. Now we are going to lose funding from the EU, BEST funding, and we are at risk following the UK's departure from the EU. Again, do the Government intend to replace this funding after we leave the EU? We are now hearing that they are going through some difficulties here, so could you get that answer to that question?

Baroness Anelay: I mentioned very briefly earlier the fact that next week we are having a consultation, a Joint Ministerial Council consultation, specifically on EU matters, which will focus on what happens post-BEST, post the issue of BEST. Looking at the work we have been doing with the Treasury, we are going to look at all the funding streams as a whole. I want to listen to the Overseas Territories first anyway before I make any pronouncements, because that is the nature of consultation.

I am very concerned to ensure that each of them is able to meet their reasonable needs and in a way that isn't dictated by the UK, but that where they have depended upon the BEST funding in the past that that dependence should be fed into the wider negotiations in leaving the European Union. There are other funding streams that they would lose as well, other issues, for example, about access to the European market, depending upon what the negotiations may be. I am not going to second-guess—it is more than my life is worth to second-guess—what the negotiations will be because I want, without trying to use the word "best" too often, the best outcome for the whole of the United Kingdom and the Overseas Territories.

Q251 **Chair:** We have had some very critical evidence from the Government of



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Gibraltar, criticising the UK Government for being less than enthusiastic in facilitating, for example, Gibraltar joining regional environment agreements to allow co-operation with neighbouring countries. Obviously, that will become very important when our EU membership ends. At the moment these are international agreements, so Gibraltar has to act via the UK agreement. What are the Government going to do to facilitate Gibraltar's request to join international agreements and also to take a strong line in terms of dealing with infringements by Spain in territorial waters?

Baroness Anelay: May I deal first with the territorial waters aspect and then look at the wider issue, to which I briefly referred earlier about international agreements? First of all, the matter of sovereignty over the territorial waters for us is a certainty. We consider that whatever actions Spain has taken with regard to listing special sites, that doesn't in any way reduce our authority over Gibraltar territorial waters and, therefore, incursions that take place are dealt with at a diplomatic level by way of complaint and trying to ensure that they are not repeated. I am very much aware that there are occasions when there are incursions and, therefore, it is an ongoing matter. We would want to ensure that when we have left the European Union that that is part of the discussion about the defence anyway of the UK. Currently, we are very much confident of our sovereignty over those areas and that is just a matter of disagreement with the Government of Spain.

With regard to broader issues of international agreements, my understanding is we certainly have been assisting Gibraltar in being able to accede to those. The Barcelona Convention was one where I believe we worked with them over 2015. It got to the point where Gibraltar had done everything that they needed to do, they satisfied all the prerequisites of being able to join, but we were advised by the administration for the Convention that there was no time—time had run out. That is why they were not able to accede. It is an ongoing matter, but we had assisted them. If there are other agreements that Gibraltar feels that the assistance from the UK has been wanting, then happily I will look at that, but I am only aware of that one occasion when we made progress but were stymied by the Convention itself.

Q252 **Chair:** When the UK leaves, obviously the special areas of conservation and the special protection areas, the way that they were designated, Gibraltar had to do it through the UK Government. The UK Government delayed. Spain made a designation and because of the UK Government's delay, the Spanish designations stand in the eyes of the EU, as do the later UK/Gibraltar ones, which came in afterwards. When we leave, those UK/Gibraltar designations will fall, won't they?

Baroness Anelay: First of all, I will give a direct answer. We do not expect that. That is not our view, but—

Q253 **Chair:** What is your view? What is your alternative view?



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Baroness Anelay: The Government are going to respond to this Committee's report, which I believe was published in December last year, and the Committee formed a view in line exactly with what you have just said. I understand that our response is going to say, "We expect that our sovereignty remains, that the listing by the Spanish Government has no impact upon our sovereignty". I am aware, of course, that at the time it was a procedural matter, I think, that meant that the ECJ decided that the listing could operate, but I will see if my colleagues have anything further to add.

Jane Rumble: Not on Gibraltar.

Dr Coffey: Certainly, as I say, I know that the Government response to this Committee's report will be coming.

Chair: "The Future of the Environment after Leaving the EU" report? Yes. We will look forward to seeing that and reading it. Thank you very much indeed. Thank you for coming, Minister, particularly with your bad throat.