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22nd February 2015.

Dear Sir,

A Response to the Defra Consultation on the Second Tranche of MCZ Delivery made by Marinet Ltd. February 24<sup>th</sup> 2015, David Levy, Chair/ Director.

To make the following observations regarding the delivery of the Marine Conservation Zones, Marinet Ltd observes:

The scientific panel recommended 127 sites for urgent delivery. That was before Defra decided in its wisdom to introduce site selection in tranches over an un-specified period of delivery time.

Our first concern has been about the speed of delivery not being in tune with the scientific concern about the decline in habitats and fish stocks. That concern has been ignored. The first tranche of 27 MCZs had no management structure to enforce and administer sound management, and no demonstrable coherence which is required for the foundation of the MCZ Network.

The second tranche of 22 MCZ s has the same deficiency. In particular, what relevance do they have to the original sites, and what is the overall plan for the completed network? Defra has a responsibility to provide evidence that it knows what it is working towards. To date that is not forthcoming.

The Marine and Coastal Access Act 2009 was passed into law on a promise to the NGO world from Government and the Defra Ministry. This promise was a letter in the Library of the House of Commons which the NGOS accepted as a letter of intent. Marinet warned NGOs that this letter had no legal validity. Since that time MCZs, which were to be seen as genuine marine reserves, have in reality no real conservation teeth.

For example:

- Aggregate dredging is allowed in MCZs
- Fishing is allowed in MCZs
- Shipping is allowed over MCZs
- Wind farms are allowed in MCZs

This is not commonly understood by the public, and even by some NGOs. Certainly it is not what is considered as a marine reserve.

In terms of marine reserves, what has been delivered has been primarily a product of the Habitats Directive which should have been delivered a decade ago. This seems to be the time scale that Government works at, a decade behind the promise.

So where can the process go from here?

Defra has lost what credibility it had by delivering a slow, unco-ordinated and what appears to be site by site network without an overall concept of what it is delivering for conservation.

The lack of management structure for the implementation of regeneration of the seas within a MCZ has little definition, and no overall enforcement agency prepared to meet the task.

When considering the replies it gets to this consultation, Defra should demonstrate it has heard the frustrations that many feel towards the process which Defra has been responsible for.

Included in that overall frustration is the fact that – and we lay emphasis on this – the process does not reveal the coherent network which Defra was always talking about during the run up to the Act.

A shortcoming with regard to the delivery of the MCZ network is the failure by Defra to define, in both the short and the long term, what the objectives are with regard to the network.

And when the network is delivered by Defra in the long term, what will be the monitoring regime to assess its outcome?

And in the present time, what monitoring is being done and by whom, and where can one go to view the data?

With the Defra Minister issuing CFP quotas beyond scientific advice, the role of the MCZ has more relevance than ever. The protection of habitats, spawning and nursery grounds are essential to the health of our seas.

MCZs do not do that as a cardinal rule, and so Defra should explain the circumstances where conservation trumps socio-economic concerns.

In principle, virgin sands and gravel should be replaced by recycled products which are available from quarry waste. This does not happen because the licensing agency, the MMO, does not select recycling but just see its job as rubber stamping antiquated industries that do untold damage to sea beds, habitats and spawning and nursery grounds. It's an example of State hooliganism, and this was not what was promised during the formation of the MMO and the M&CA Act.

The lack of NGO involvement in the licensing process, and the failure to implement the original recommendations for the 127 MCZs advanced by the scientific panel and the regional advisory hubs, has centralised decision making, once again.

This has made a farce of consultation, and makes networks like our own prioritise where we expend our energies.

Our current thinking is that Government is out of control, and that the government consultations are nothing other than a process for draining our resources. This leads our thinking towards legal

challenges, and maybe joining forces with other NGOs who have similar thinking. Our network has been a developing legal branch that is gaining membership backing.

Defra would be advised to seriously consider this development.

David Levy  
Marinet Chair/Director