



1 Introduction

The initial establishment of the Natura 2000 network of protected areas, ie the selection and designation of sites, is a major and ongoing task. However, it is the management of the sites that is ultimately important.

The overall objective of site management will be to secure 'favourable conservation status' of the relevant habitats and species. This does not mean that sites will be closed off to social and economic activities, simply that they will need to be carried out sensitively. In many ways, therefore, Natura 2000 provides a framework for the long-term sustainable development of an area.

The following text sets out the requirements for managing the Special Areas of Conservation (SAC) and Special Protection Areas (SPA) that make up the Natura 2000 network. It covers provisions in the habitats and birds Directives, as well as UK legislation and guidance developed by the Commission.

2 Legal Requirements – Site Management

The main provisions concerning the protection and management of Natura 2000 sites are set

out in Article 6 of the habitats Directive. This requires that Member States establish '*the necessary conservation measures*' to protect sites. These measures may involve the use of site-specific management plans or be integrated within a broader development plan. The measures should be underpinned with appropriate statutory, administrative or contractual measures.

All of these measures should correspond to the ecological requirements of the habitats and/or species, and contribute to the overall aim of the habitats Directive: to '*maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status*'.

It will be up to the relevant management bodies to decide on a site-by-site basis whether a management plan is in fact needed. The UK government has taken the view that for all European marine Natura 2000 sites, whether SACs or SPAs, a management plan is normally appropriate. Where SACs and SPAs overlap, a single management plan for the entire area is to be established, taking all conservation needs into consideration.

The overall aim of the habitats Directive is to 'maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable conservation status'.

3 Setting up Management Plans

According to Defra guidance, management plans should assess and address all foreseen activities, and outline the various measures to be taken in support of the conservation objectives of the site. Marine management plans should be developed on the basis of:

- i) co-operation between all relevant authorities exercising powers or functions locally;
- ii) a set of conservation objectives, corresponding with the ecological requirements of the interest features that the site has been designated to maintain;
- iii) advice from the relevant nature conservation agencies; and
- iv) a review of existing patterns of use, their impacts and existing regulatory frameworks.

UK roles and responsibilities

While ultimate responsibility for ensuring overall compliance with the Directives lies with the UK government, management responsibilities are shared between various bodies operating at the local and national level.

Each authority exercising local powers or functions is required to apply these in a way which secures compliance with the Directives. Thus, no single statutory body has the overall responsibility for achieving appropriate management; rather each must contribute to the process in so far as it can. At the same time, there is no *requirement* for authorities to take any actions outside their statutory functions.

Coherent management of individual sites is to be achieved by management groups. In addition, management decisions will often be underpinned by advice from local interests, user organisations and other stakeholders (the advisory group). The following provides more detailed information on the roles of the different groups.

The management group

The management group comprises all relevant authorities with statutory responsibilities in and around the site. It manages all activities considered to have a negative impact on site 'integrity', in line with the management plan. In practice, the group may consist of a range of bodies, including Sea Fisheries Committees (**Box 1**).

By and large, it is expected that all relevant bodies will wish to participate in the management group. In case of undue delays or disagreement about the set up of a management group, the relevant Minister may intervene. The Minister can also give direction regarding the content and timetable of the management plan.

Box 1: Relevant Authorities Potentially Represented in Local Management Groups

General:

County Councils

District Council

Borough Council

City Councils

Environment Agency/Scottish Environment Protection Agency

Conservation agencies:

Countryside Council for Wales,

English Nature,

Scottish Natural Heritage

National Park Authorities

National Trust

Port Authorities

Sea Fisheries Committees (England and Wales)

Maritime and Coastguard Agency

Water Management Bodies

Lighthouse Services

Representatives from local advisory or partnership bodies, or other interest groups, may also be invited to join the management group, usually in an advisory/observer capacity. In addition, representatives from Defra, SEERAD, Welsh Assembly or DARD would normally be part of the advisory group.

In their roles as regulators of fishing activities, any one of the following organisations have responsibilities in the site management with regards to fishing: the Sea Fisheries Committees (England and Wales); the Environment Agency (England and Wales) – acts as SFC upstream of SFC tidal limits; the Northern Ireland Environment and Heritage Service (EHS); the Department for Environment, Food and Rural Affairs (Defra); the Scottish Executive Environment and Rural Affairs Department (SEERAD); the National Assembly for Wales; the Department for Agriculture and Rural Development (DARD) in Northern Ireland and the Department of Culture, Arts and Leisure (DCAL) in Northern Ireland.

The involvement of these bodies in site management is dependent on the location of the site, the habitats and species present, and the activities that affect them.

Lead organisation – in most cases, one organisation will take responsibility for the overall co-ordination of the management group. Any member of the group may become the lead organisation. If there is disagreement in the group, the relevant Minister can step in and select a lead organisation. At present, only one UK site management group is led by a SFC – the North Eastern Sea Fisheries Committee.

Advisory group - a non-statutory advisory group may be established to support the work of the management group. It may include representatives from national departments (eg SEERAD or Defra), NGOs and other local interest and user groups, such as the fishermen's associations, as well as any other 'member of the public'.

4 The Management Plan

Site-specific conservation objectives form the basis for site management and monitoring. The



objectives are generally proposed by the relevant nature conservation agency (ie the Countryside Council for Wales, English Nature, Scottish Natural Heritage or DARD in Northern Ireland), and then discussed and agreed in the management group. The advice is provided regardless of whether the agency is a member of the management group.

Evaluating existing operations and their potential impacts

The nature conservation agencies are required to advise the management group on operations, which could damage the interest features of the site (Regulation 33 advice). Any such operation should generally only be carried out in accordance with a management agreement. If a nature conservation body believes that an operation is carried out to the detriment of the site, it may use its powers to issue a 'stop order'.

Existing operations will be evaluated against the site's conservation objectives and against the existing regulatory framework, including any activities under voluntary agreements and unregulated activity. The assessment has to consider all activities with a potentially negative impact, including those taking place outside the site itself. If the evaluation of existing operations indicates that some activities are inconsistent with the site objectives, measures will have to be taken to alleviate their impact. This may include the use of voluntary and/or regulatory measures to change fishing practices, for example.

When an area has been designated in the *terrestrial* environment, UK policy has been to re-assess all existing licences and operations,

Any operation that may damage the site should only be carried out in accordance with a management agreement.

such as discharge licences, with a potential impact on the Natura 2000 site.

Developing the management plan

According to Defra, a good management plan should clearly identify and document:

- the conservation features for which a site has been designated;
- the natural and man-made forces that influence the site's conservation status; and
- its conservation objectives.

More importantly perhaps, it should contain a description of all organisational and/or decision-making structures relevant to the site, as well as the following.

A **management strategy** for achieving the site objectives. The management group, in close consultation with the advisory group (if existing), should develop a strategy for meeting the conservation objectives. It should be responsive to changing circumstances in and around the site. As a consequence, site management, including the way in which relevant authorities such as SFCs exercise their functions, may have to be revised.

An **action plan** should summarise the management measures to be taken in support of site conservation, indicating the timeframe and responsible authority for each measure. Under certain circumstances, the endorsement of the status quo may be adequate to prevent site deterioration. In another situation, it may be better to establish a voluntary agreement or code of conduct. Regulatory measures will not always be required.

In addition to management measures, the action plan should also be responsive to a lack of public awareness and support. Consequently, activities such as training, education and promotion will often need to be incorporated into the plan.

A monitoring scheme and a framework for assessment – the habitats Directive also requires monitoring of ecological factors, such as species distribution and site integrity, in as much as it is deemed relevant to the favourable conservation status of designated sites. The monitoring scheme will generally involve tracking of human activities, and their impacts on the favourable conservation status of the features of the site.

In principle, monitoring will be undertaken by the relevant nature conservation agency, although others can be asked to participate on a voluntary basis in the patrolling of sites and/or provision of certain information. This may involve keeping records of species sightings, mapping habitats and reporting pollution incidents. In the Sound of Arisaig SAC in Scotland, for instance, commercial divers harvesting shellfish are encouraged to participate in the build-up and maintenance of a species database.

Once a management plan has been agreed, it provides the framework for the measures taken by the relevant authorities in support of site conservation. Each member of the management group, including Sea Fisheries Committees, should subsequently take forward measures falling within their remit. The management plan should ideally take the form of a published document.

5 Management in Practice

Measures taken in support of the conservation of marine sites are likely to include:

- restrictive measures** – limiting or prohibiting access and use (eg by-law regulation);
- maintenance activities** – aimed at maintaining the status quo with regards to ecological and

- management criteria (eg maintenance of the hydrologic characteristics of coastal lagoons);
- iii) **restorative measures** – aimed at facilitating the recovery of habitats and species; and
 - iv) **monitoring and enforcement measures** – aimed at assessing site integrity, as well as observing and improving compliance with regards to the management of the site.

On land, site management measures can often be targeted specifically at the maintenance of semi-natural habitats and/or the proactive restoration of destroyed habitats. Because of their more 'boundless' character, this is unlikely to be an effective approach in the marine environment.

Marine sites are therefore likely to require less maintenance and restoration measures, and more restrictive regulation. As regards fishing activity, management measures are most likely to include regulation of access, gear type specifications, as well as restrictions on landing and catch sizes. But Sea Fisheries Committees may not only play an important role in this. In addition, it may be feasible to extend their role to include data provision and monitoring under the habitats Directive.

Overall, site management should have regard to the economic, social and cultural requirements, as well as the regional and local characteristics of the area. The aim should be not only to minimise conflicts between conservation needs and local interests, but also to do so without interfering unnecessarily with local communities. Indeed, there are many opportunities for site management and socio-economic interests to be mutually reinforcing. Achieving a good balance is critical.

Moreover, the Directive implicitly requires Member States to bring about a shift towards sustainable practices in their sectoral policies, for example in fisheries policy, in order to

Overall, site management should have regard to the economic, social and cultural requirements, as well as the regional and local characteristics of the area.

reduce their overall impact on the favourable conservation status of habitats and species. In terms of good practice, two important concepts frame the fisheries management debate: integrated fisheries management and the ecosystem-based approach. (see **Box 2**). A move towards more integrated thinking in fisheries management should help to promote more sustainable resource use, and thus reduce the impact of fishing on habitats and species. Both concepts should help to facilitate better site management, supporting the aims and objectives of Natura 2000.

Box 2: Fisheries Management Concepts

The concept of *integrated fisheries management* is largely based on the perception that the apparent failure to manage certain fisheries, notably the whitefish fisheries, has been caused by a narrow framing of management objectives, notably for stock sustainability. Integrated fisheries management thus champions a less sector-driven approach, relying on a range of management objectives, including those of a biological, ecological, economic, social, cultural and administrative nature.

One means by which integrated fisheries management could be pursued is by using an ecosystem approach to stock management. The ecosystem-based approach in fisheries management promotes a change away from the conventional single target species management approach. It is based on the assumption that the sustainability of commercial fish stocks, as any other living marine resource, depends on a diverse, productive and healthy marine ecosystem.

Public participation

Involving interest groups and the general public in the management of the marine environment is – as anywhere – good practice. It is also essential in order to gain the support of those that are directly involved with and affected by

the every day management of marine resources. As described above, the management of marine Natura 2000 sites in the UK already provides for joint management responsibilities between all relevant statutory actors in the marine environment, taking the advice of other interest and user groups into account. In exercising their functions, the members of the management group should seek to engage in an open debate, using all forms of publicity and awareness raising tools, about different management options. Sea Fisheries Committees and other groups can help to support a stakeholder approach, by bringing all their experience and knowledge of local conditions to the table.

6 Ways of Managing Fishing Activities

The regulatory framework

In addition to the EU Regulations under the Common Fisheries Policy, inshore fisheries activities in the UK are generally managed using a combination of licences, statutory instruments, by-laws and orders (see **Table 1**). Fishing licences are issued (per vessel in this case) by the relevant Ministry, as are statutory instruments. Orders and by-laws, on the other hand, are adopted jointly by fishery Ministers, SFCs (in England and Wales) and the Environment Agency.

By-laws and statutory instruments constitute the most widely used means to regulate inshore fishing activities in the UK, despite frequent criticism of it being a piecemeal, fragmented and time consuming approach. Under the current system, by-laws and, in the case of shellfish fisheries, orders are the most likely instruments for implementing Natura 2000 site management, although changes may result from ongoing/recent reviews of the inshore fishing sector (see below).

Voluntary agreements

Voluntary agreements and codes of conduct also have an important role to play. The benefit of voluntary arrangements generally is that they are more flexible, and can be tailored to the needs of individuals or groups of operators, without necessarily compromising the end result. In addition, they are more likely to have the support of the involved parties, hopefully ensuring better compliance.

Importantly, they can also be quicker to establish than many of the regulatory alternatives, and therefore offer important short term remedies.

For instance, in the Sound of Arisaig European Marine Site in Scotland, the management strategy for the site is based on a voluntary agreement between the statutory agencies that will oversee implementation and the local communities that use the area.

From no-take zones to buffer zones

The ecology and the type of activities that take place at a particular site will determine the nature and scope of the management measures. A common concept in site management, and one that is of some value in the marine environment, is 'zoning'.

The spatial distribution of interest features within a site may be mapped with reference to known landmarks or seascape features.

This will allow activities to be managed according to spatial reference points, enabling managers to identify the appropriate management for different zones. As regards fishing, for instance, certain highly sensitive areas may be designated *no-take zones*, permanently or temporarily closed to fishing, while surrounding *buffer zones* may be open to fishing under certain restrictions.



Table 1: Regulatory Instruments for Environmental Management of Inshore Fisheries

Licences	Ministers, in granting a fishing vessel licence, can apply conditions that do not relate directly to fishing but to the wider marine environment. They can, for instance, limit the time a vessel may spend at sea. To date, however, UK licence restrictions have not been used to regulate the wider environmental impacts of fishing.
Statutory Instruments	<p>Ministers have powers to issue statutory instruments to:</p> <ul style="list-style-type: none"> • impose size limits on the landing size of fish; • regulate the use of nets and other fishing gear; • license fishing boats; • restrict fishing for sea fish; and • prohibit landing of sea fish caught in certain areas. <p>These restrictions can be put in place for a specified or unlimited period of time in order to manage fish stocks or protect the marine environment. Measures cannot conflict with EU rules and must not discriminate against foreign vessels.</p>
By-laws	<p>Inshore fishing activities are primarily regulated through by-laws, which in England and Wales are issued by local Sea Fisheries Committees. The primary function of the by-laws is to ensure a responsible and rational exploitation of resources, not least by protecting target stocks from overexploitation and their habitats from damage. Since 1995, by-laws may also be introduced solely for environmental purposes, defined as:</p> <ul style="list-style-type: none"> i) conserving or enhancing the natural beauty or amenity of marine or coastal areas [...]; and/or ii) conserving flora and fauna which are dependent on, or associated with a marine or coastal environment. <p>By-laws thus constitute one of the most likely instruments for implementing Natura 2000 site management in the marine environment.</p>
Regulating and several orders (apply to shellfish fisheries)	<p>The Secretary of State for Environment, Food and Rural Affairs, the National Assembly of Wales and Scottish Ministers all have the power to make orders conferring for up to 60 years:</p> <ul style="list-style-type: none"> i) the right of ‘several fishery’ for shellfish (ie exclusive fishing rights); or ii) the right to regulate a fishery (ie the right to manage it and license fishermen). <p>The SFCs and others can apply for orders to manage local shellfish fisheries.</p>
The shellfish licensing scheme	<p>In 2004, new restrictions on fishing for crabs and/or lobsters using pots or nets have come into force, introducing a shellfish entitlement for vessels of all sizes. For licensed fishing vessels, which do not qualify for a shellfish entitlement, a limit of five lobsters or crawfish and 25 crabs per day will be set on the quantities that may be landed. All licence holders will have to submit a monthly return of effort and catch. These will be statistically sampled by Defra to develop the data that will be needed when the scheme moves into its control phase.</p>

In yet other areas there may not be any restrictions at all.

The management plan for the Sound of Arisaig SAC contains such a zonal approach. Fishing activities with an impact on the local sublittoral sandbanks are regulated through zoning, with no fishing within a critical zone at 0-20 metres depth, a buffer zone at 20-25 metres depth where certain fishing activities should not take place, and an open sea area where there are no restrictions.

Buffer zones with restrictions on how to fish are often used to prevent smothering of sensitive habitats, such as reefs, by suspended sediment.

7 Monitoring and Enforcement

In principle, the relevant marine authorities are responsible for monitoring enforcement of and compliance with measures within their remit. The policing of all sea fisheries (including shellfish, salmon and migratory trout) in the UK is undertaken by sea fisheries officers (see **Box 3**).

Box 3: Enforcement and Control

Sea fisheries officers usually operate under the control of the following authorities:

England & Wales

Sea Fisheries Inspectorate in England and Wales (0-200 nm)

Sea Fisheries Committees, independently of the Sea Fisheries Inspectorate (0-6 nm)

Environment Agency for *migratory fisheries* and upstream from SFCs limits (0-6 nm)

Scotland

Scottish Fisheries Protection Agency (SFPA), except where Regulating Orders have been established (0-200nm)

Scottish District Salmon Fishery Board's appointed water bailiffs for *salmonid fisheries* (0-3 nm)

Northern Ireland

Northern Ireland Sea Fisheries Inspectorate – including some salmon fisheries

Foyle Fisheries Commission (restricted)

Northern Ireland Fisheries Conservancy Board (FCB) – *salmonid fisheries*

Enforcement techniques range from voluntary or self-enforced arrangements, such as local reef closures enforced by the Lyme Bay fishers in Devon, to statutory enforcement by fisheries officers. Controls may be carried out by sea-going fisheries protection vessels, or by shore-based inspections at port.

In certain areas in Scotland, Marine Rangers are employed to undertake some monitoring and implementation, and to act on behalf of the site management group as necessary. This type of arrangement is also being used in other countries, such as Australia.

While currently all fishing vessels under 18 metres in length – 15 metres from January 2005 - are not subject to mandatory satellite vessel monitoring systems (VMS), their application could be extended to smaller vessels for the enforcement of no-take zones. Similarly, the use of on-board observers is likely to increase, particularly in relation to gears and fisheries associated with bycatch problems.

Enforcement techniques range from voluntary or self-enforced arrangements, such as local reef closures, to statutory enforcement by fisheries officers.

8 Future Developments

Review of the UK inshore sector

The system of by-law regulation – currently the most prominent inshore fisheries management option - has been criticised because of the time it can take to secure protection. The system is thus thought to fail the criteria of precaution, flexibility and prevention – all of which are

essential building blocks of good marine management. One possibility to speed up the process is to introduce powers to issue temporary emergency by-laws. This would enable regulating bodies to respond immediately to threats to the marine environment caused by fishing and other activities.

The role of by-laws, as well as SFCs, has been reassessed as part of the ongoing review of the marine fisheries and enforcement arrangement in England and Wales. The inshore fisheries sector in Scotland is also under review.

The reviews should lead to a system that better reflects marine management needs and challenges, not least in relation to the habitats Directive. Marine enforcement and other tasks currently undertaken by the Sea Fisheries Inspectorates, Sea Fisheries Committees and other agencies are important aspects, and the reviews are expected to include recommendations on the future organisation and structure of such activities as well as appropriate legal and funding changes.

The establishment of Regional Advisory Councils (RACs) offers an opportunity to strengthen the local dimension of fisheries management, in particular by providing a channel for communicating issues and local conservation needs to EU policy-makers.

Marine spatial planning

An approach which is more reliant on spatial planning could be considered as part of future changes to the functioning of the UK fishing sector. Apart from facilitating public participation, the potential benefits of a spatial and plan-led approach to marine environmental management are that:

- sectoral conflicts can be anticipated and reduced;
- inappropriate and incompatible developments can be identified and controlled;



- cumulative impacts can be anticipated and prevented;
- the potential to restore and protect important environmental and social assets can be identified;
- greater coherence between sites can be created; and
- the ability to take a wider ecosystem-based approach, which links extractive and recreational usage to conservation needs, can be exploited more fully.

Moreover, the use of spatially orientated conservation measures, such as marine protected area networks, is facilitated by the existence of strategic spatial plans.

Financing

For existing and potential Natura 2000-related activities, it is likely that additional funds will be needed to support stakeholder participation in management groups, to assist in the design and implementation of management plans, and to fund assessments of fishing operations.

Some costs associated with fishing and Natura 2000 can already be covered by EU programmes such as FIFG or LIFE - the EU's financial instrument for the environment - although neither is believed to offer a suitably flexible and long-term source of funding. The somewhat challenging and often protracted funding application processes create additional problems in terms of human resources and timing. For the recovery of routine management costs, a new approach will probably be required. Funds could be partly or fully provided by national or EU budgets, but the fishing industry may

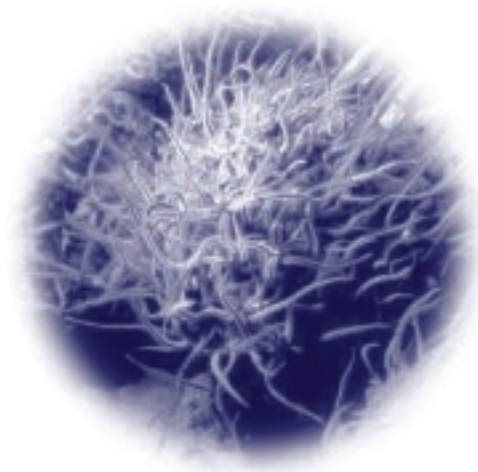
For existing and potential Natura 2000-related activities, additional funds are likely required to support stakeholder participation, assist in the design and implementation of management plans, and to fund the assessment of fishing operations.

increasingly be asked to make some contributions, possibly by attaching fees to private fishing rights or individual fishing

licenses. Alternatively, collective funds could be established based on contributions from individual fishermen.

Summary of Briefing

- The habitats Directive requires Member States to introduce appropriate measures for the management of Natura 2000 sites.
 - In terms of the management of inshore fisheries and the wider impact of fishing on marine ecosystems, this is likely to involve statutory regulations as well as a shift in management approaches.
 - In order to move towards good practice, relevant management bodies should embrace the use of marine management plans (including objectives, strategy and action plans). Co-operation between all statutory authorities with local powers is vital, and public participation and the use of local expertise should be ensured. A combination of regulatory and voluntary measures is needed, and a wider and more strategic approach to marine management would be valuable.
 - In terms of inshore fishing, SFCs and other regional fora, such as RACs, are likely to become increasingly important in implementing the habitats Directive. Their current role is largely to implement and enforce management provisions for fishing, but it could be extended to, for example, data provision and monitoring under the habitats Directive.
-



Information Sources:

DETR (1998) *European Marine Sites in England and Wales – A Guide to the Conservation (Natural Habitats &c.) Regulation 1994 and the Preparation and Application of Management Schemes*

UK Marine SACs project - Managing UK SACs
<http://www.ukmarinesac.org.uk/managing-uk-sacs.htm>

Gubbay, S. and Knapman, PA (1999) *A review of the effects of fishing within UK European Marine Sites*. English Nature
<http://www.english-nature.org.uk/uk-marine/reports/pdfs/natura.pdf>

English Nature – Living with the Sea Project
<http://www.english-nature.org.uk/livingwiththesea/>

For further detail please contact:
Saskia Richartz srichartz@ieeplondon.org.uk
Institute for European Environmental Policy
18 Avenues des Gaulois
B – 1040 Brussels

T +32 (0)2 738 74 77
F +32 (0)2 732 40 04

This Briefing has been prepared as part of IEEP's sustainable fisheries programme, funded by the Esmée Fairbairn Foundation. For more information please see <http://www.ieep.org.uk/>.

This is the fifth in a series of IEEP briefings,¹ examining key provisions of EU nature conservation policy set out in the habitats and birds Directives, and how these relate to the UK inshore fishing sector (ie within 12 nm). It explores the requirements for **management** of marine Natura 2000 sites, the practicalities of setting up and working in a site management group, and the potential role of fishermen and Sea Fisheries Committees.

The habitats and birds Directives have potentially far-reaching implications for various economic sectors, and the fisheries sector is no exception. The purpose of these briefings is to explore the possible consequences for the UK inshore fishing sector. In due course, the briefings will be followed by good practice examples from the UK and other European countries, demonstrating innovative ways of managing fisheries in support of EU nature conservation policy.

¹ published so far are:

1. EU Nature Conservation and the UK Fishing Sector – Overview of Issues
2. Natura 2000 in the marine environment
3. Species Protection and the Inshore Fishing Sector
4. Appropriate Assessment of Activities Affecting European Marine Sites
5. Managing European Marine Sites



Institute for
European
Environmental
Policy

28 Queen Anne's Gate
London
SW1H 9AB

T +44 (0)20 7799 2244
F +44 (0)20 7799 2600

central@ieeplondon.org.uk
www.ieep.org.uk

18 Avenue des Gaulois
B-1040 Brussels
Belgium

T +32 2 738 74 77
F +32 2 732 40 04

Cover photograph: Sea Sponges © Kate Lock
(<http://www.pembrokeshiremarinesac.org.uk/english/episac.htm>)