
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Environmental Targets (Marine Protected Areas) Regulations 2022

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environmental Targets (Marine Protected Areas) Regulations 2022 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales but apply in relation to England only (as defined in regulation 2).

Interpretation

2. In these Regulations—

“the 2021 Act” means the Environment Act 2021;

“England” includes—

- (a) the English inshore region, and
- (b) the English offshore region,

within the meaning of the Marine and Coastal Access Act 2009⁽¹⁾;

“the nature conservation bodies” means Natural England⁽²⁾ and the Joint Nature Conservation Committee⁽³⁾;

“protected feature” means a marine habitat or type of marine habitat, a species or assemblage of species of marine flora or fauna or a feature or assemblage of geological or geomorphological interest specified in the second column of the Schedule in relation to a relevant marine protected area;

“relevant marine protected area” (or “relevant MPA”) means—

- (a) a marine conservation zone (“MCZ”) designated by an order made under section 116(1) of the Marine and Coastal Access Act 2009 (“MCZ designation order”) specified in the first column of the Schedule;
- (b) a special area of conservation (“SAC”) within the meaning of regulation 3(1) of the Conservation of Habitats and Species Regulations 2017⁽⁴⁾ specified in the first column of the Schedule;
- (c) a special protection area (“SPA”) classified—

(1) 2009 c. 23: see section 322 (interpretation) for the definitions of “English inshore region” and “English offshore region”.

(2) Natural England was established by section 1(1) of the Natural Environment and Rural Communities Act 2006 (c. 16).

(3) The Joint Nature Conservation Committee was established by section 128(4) of the Environmental Protection Act 1990 (c. 43) and subsequently reconstituted by section 31 of, and Schedule 4 to, the Natural Environment and Rural Communities Act 2006.

(4) S.I. 2017/1012, amended by S.I. 2019/579; there are other amending instruments but none is relevant. S.I. 2019/579 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

- (i) pursuant to Article 4(1) or (2) of Council Directive [79/409/EEC](#) on the conservation of wild birds⁽⁵⁾ or [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds⁽⁶⁾,
- (ii) under regulation 15 of the Conservation of Habitats and Species Regulations 2017, or
- (iii) under regulation 12 of the Conservation of Offshore Marine Habitats and Species Regulations 2017⁽⁷⁾,

specified in the first column of the Schedule;

but does not include any part of an MCZ, SAC or SPA which is situated outside England.

Environmental target for condition of protected features in relevant MPAs

3.—(1) This regulation specifies a target in accordance with section 1(1) of the 2021 Act in respect of the condition of protected features in relevant MPAs.

(2) The target is that before the end of 31st December 2042—

- (a) the number of protected features which are in favourable condition within all relevant MPAs is not less than 70% of the total number of all protected features within relevant MPAs; and
- (b) all other protected features within relevant MPAs are in recovering condition.

(3) In paragraph (2)—

(a) “favourable condition”—

(i) with respect to a protected feature in an MCZ, means—

- (aa) that the feature, and its supporting habitat where this is included as part of its conservation objective in the relevant MCZ designation order specified in the fourth column of the Schedule, is in favourable condition within the meaning stated for that feature type in that MCZ designation order, or
- (bb) where the protected feature is black seabream (*Spondyliosoma cantharus*) that the population (whether temporary or otherwise) is free of disturbance of a kind specified for that feature in the relevant MCZ designation order specified in the fourth column of the Schedule and its spawning habitat is in favourable condition within the meaning stated in that MCZ designation order;

(ii) with respect to a protected feature in an SAC which is a marine habitat or type of marine habitat, means that—

- (aa) its extent and distribution is stable or increasing, and
- (bb) the structures and functions, and natural supporting processes on which it relies, are such as to ensure that it remains in a condition which is healthy and not deteriorating;

(iii) with respect to a protected feature in an SAC which is a species of marine fauna or flora, means that—

- (aa) the quality and quantity and distribution of its supporting habitat, the quality of the natural supporting processes on which it relies, the availability of prey and the composition of its population in terms of distribution and size are

⁽⁵⁾ OJ No. L103, 25.4.1979, p.1: Council Directive [79/409/EEC](#) was repealed by [Directive 2009/147/EC](#).

⁽⁶⁾ OJ No. L 20, 26.1.2010, p.7, as last amended by Regulation (EU)2019/1010, OJ No. L 170, 25.6.2019, p.115.

⁽⁷⁾ [S.I. 2017/1013](#), amended by [S.I. 2019/579](#); there are other amending instruments but none is relevant.

such as to ensure that the population is maintained in numbers which enable it to thrive, and

(bb) where the protected feature is grey seal (*Phoca vitulina*), harbour porpoise (*Phocoena phocoena*), or harbour seal (*Halichoerus grypus*) it is free of human disturbance of a kind likely to have a significant effect on its use of the site;

(iv) with respect to a protected feature in an SPA, means that—

(aa) the extent and distribution of its supporting habitat is stable or increasing,

(bb) the structures, functions and quality of its supporting habitat including its natural supporting processes are such as to ensure that its supporting habitat remains in a condition which is healthy and not deteriorating,

(cc) the distribution and size of its population (whether temporary or otherwise) are such as to ensure that it is maintained in numbers which enable it to thrive, and

(dd) its population (whether temporary or otherwise) is free of human disturbance of a kind likely to have a significant effect on the survival of its members, or their ability to breed or rear their young.

(b) “recovering condition” with respect to a protected feature in a relevant MPA means that the feature is not in favourable condition but the measures necessary to remove or manage all relevant impacts on that feature have been implemented.

(4) For the purpose of paragraph (3)(a)(iii)(aa) and paragraph (3)(a)(iv)(cc), any temporary reduction in numbers is to be disregarded if the population is sufficiently thriving and resilient to enable its recovery.

(5) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraph (3)(a), any alteration to that feature brought about entirely by natural processes is to be disregarded.

(6) In paragraph (3)(b), a “relevant impact” is an impact which—

(a) adversely affects the feature,

(b) arises from human activities specific to the relevant MPA or its vicinity, and

(c) taking into account any measures which have already been implemented, if it were not removed or managed would prevent the feature from ever being in favourable condition within the meaning of paragraph (3)(a),

but a relevant impact does not include the presence of an invasive non-native species in the relevant MPA or its vicinity if the species is present to such an extent that it would not be reasonably practicable to implement measures to try to remove or manage any adverse impact its presence is placing on the protected feature.

Requirement to provide advice to the Secretary of State

4. The nature conservation bodies must, on request, provide the Secretary of State with such advice as the Secretary of State considers is reasonably required to perform the Secretary of State’s functions under Part 1 of the 2021 Act (Environmental Governance) in relation to the target set by regulation 3(2).

Reporting date

5. For the purpose of section 6(1) of the 2021 Act, the reporting date for the target set by regulation 3(2) is 31st January 2044.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Environmental Targets (Marine Protected Areas) Regulations 2023 No. 94

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs