



## THE RYA'S POSITION ON MARINE PROTECTED AREAS – IDENTIFICATION AND ENFORCEMENT

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### Introduction

The RYA is the national body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA manages the British sailing team and Great Britain was the top sailing nation at the 2000, 2004 and 2008 Olympic Games.

The RYA is recognised by all government offices as being the negotiating body for the activities it represents. The RYA currently has over 100,000 personal members, the majority of whom choose to go afloat for purely recreational non-competitive pleasure on coastal and inland waters. There are an estimated further 500,000 boat owners nationally who are members of over 1,500 RYA affiliated clubs and class associations.

The RYA also sets and maintains an international standard for recreational boat training through a network of over 2,200 RYA Recognised Training Centres in 20 countries. On average, approximately 160,000 people per year complete RYA training courses. RYA training courses form the basis for the small craft training of lifeboat crews, police officers and the Royal Navy and are also adopted as a template for training in many other countries throughout the world.

Research conducted by the RYA, BMF, MCA, RNLI and Sunsail in 2009 showed that there were approximately 3.5 million adult participants in boating related watersports in the UK. The BMF estimates the total turnover of the UK leisure and small commercial marine industry in 2008/9 was £3.16 billion. Of this, the 'value added contribution', which is the principal measure of national economic benefit, was £1.04 billion (33% turnover). The industry employs 34,300 people across 4,200 different businesses.

The RYA is broadly supportive of the UK Government and Devolved Administrations' plans to establish a coherent network of Marine Protected Areas to achieve their shared goal of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. In particular, the RYA welcomes the provisions in both the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 that enable Ministers to take socio-economic factors into account when designating new Marine Protected Areas (Marine Conservation Zones (MCZs) in England and Wales and Marine Protected Areas (MPAs) in Scotland).

The RYA's primary objectives of engaging in the consultation process regarding the development of MPAs/MCZs are to protect the public right of navigation and to ensure, as far as possible, that recreational boating interests are not adversely affected by the designation of such MPAs/MCZs. The 'Additional Guidance for regional MCZ projects on planning for areas where licensed, planned or existing socio-economic activities occur' published in July 2010 states that 'there should be fair treatment of the range of socio-economic interests throughout the planning process'. Although produced for the English MCZ projects, the RYA believes that this approach should be encouraged in all MPA/MCZ planning and understands that effective dialogue between stakeholders and UK Government and Devolved Administrations is essential to facilitate this.

This policy statement sets out the RYA's general position on the identification of proposed new MPAs/MCZs around the UK and the introduction of management measures in those MPAs/MCZs. Much of the content of this policy is in line with the 'Additional Guidance' mentioned above and is intended as a useful starting point for discussions around achieving co-location 'win wins'. The RYA will continue to engage on a national or regional basis as necessary to ensure the interests of recreational boaters are represented at an appropriate level on specific issues.

## The RYA Policy

1. The Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 both provide that, in considering whether it is desirable to designate an area as an MCZ or an MPA, the appropriate authority and the Scottish Ministers (respectively) *may* have regard to any economic or social consequence of doing so. The RYA believes that, other than in exceptional circumstances, the appropriate authority and the Scottish Ministers *should* have regard to the potential economic or social consequences of designating an MCZ or an MPA.
2. The RYA believes that MCZs/MPAs should be no larger than required to protect the habitats and wildlife features which it is intended to protect and that the scientific basis for designating a particular feature for protection should be sound.
3. Protection measures should only be introduced in relation to vessel activity if sound scientific evidence confirms that the protected habitat or wildlife feature and such vessel activity cannot reasonably co-exist in a particular area. Where there is doubt about the extent to which existing or likely future vessel activity might impact on the protected feature, research should be undertaken to inform the decision making process before any protection measures are applied.
4. No protection measures should be put in place unless it has been established that the relevant habitat and/or wildlife feature is present in the area to be protected and that the proposed enforcement regime is likely to be effective in protecting it. Any proposed protection measure restricting vessel activity should be proportionate to the perceived impact of the activity to be restricted and should be confined to the specific parts of an MPA/MCZ where the habitat or wildlife feature the measure is intended to protect is located. There should be no presumption that protection measures should apply uniformly across the whole of an MCZ.
5. The implementation of byelaws or orders to set out protection measures should not be considered until voluntary measures, such as voluntary zones, voluntary policing through clubs and other organisations, and education have been tried and clearly shown to have been unsuccessful.
6. Areas in which protection measures are applied should be clearly identifiable from readily available materials that any vessel skipper might reasonably be expected to have on board e.g. up to date charts, pilot books and/or almanacs. Where an area in which protection measures are applied is not physically marked on the water such as with buoyage, it should be a defence to any offence brought for infringement of the protection measure for a boater to show that they used reasonable endeavours to identify and stay outside the relevant area.

7. The implementation of any protection measure should be subject to regular review and there should be no presumption that protection measures should apply for the lifetime of the MPA/MCZ. Any protection measure restricting a particular activity should only remain in place for as long as it can be demonstrated that the activity and the protected feature cannot reasonably co-exist in the relevant area and that the protection measure remains proportionate to the perceived impact of the activity

In areas where restrictions on anchoring are proposed, the RYA's policy position is that such restrictions:

- should only be introduced if sound scientific evidence confirms that a particular protected feature and vessel anchoring cannot reasonably co-exist in a particular area.
- should be confined to the specific parts of an MCZ/MPA in which anchoring and the protected habitat or wildlife feature cannot reasonably co-exist.
- should not be imposed unless it can be demonstrated that the relevant habitat and/or wildlife feature is present in the area to be protected, and that such a restriction will be effective in protecting it.
- should not be imposed unless it can be demonstrated that such a restriction will be enforceable and enforced.
- should not be imposed unless the area in which it is to be applied is properly marked on navigational charts and/or by physical marking such as buoyage
- should not be imposed unless appropriate alternative facilities or management measures are available or made available in the locality in which the restriction is to be applied.