



Marine Protected Areas (Bottom Trawling) Bill [HL]

HL Bill 33 of 2022–23

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The [Marine Protected Areas \(Bottom Trawling\) Bill \[HL\]](#) is a private member's bill by Lord Randall of Uxbridge (Conservative). The bill received first reading on 16 June 2022 having been introduced in the House of Lords on his behalf by Baroness Jones of Moulsecoomb (Green Party). A date for the bill's second reading has yet to be confirmed.

The bill would require the secretary of state to make provision in regulations “to regulate and limit” the use of bottom trawling in marine protected areas, including a general prohibition on bottom trawling with the possibility for exceptions to support small-scale fisheries in areas where the practice would not cause serious environmental damage. Bottom trawling is a fishing practice that involves the use of weighted nets dragged across the seabed. Marine protected areas (MPAs) are designated by the secretary of state for environment, food and rural affairs, with the aim of achieving long-term conservation. Each MPA protects specific features, for example a specific species or different habitat types. Concern has been expressed that bottom trawling is damaging to marine ecosystems. However, the government has argued that restricting the practice based on individual MPAs is a better approach than a blanket ban.

I. Why has the bill been introduced?

Lord Randall has argued that the practice of ‘bottom-trawling’ is highly destructive to the seafloor and causes environmental damage through both being very fuel-intensive and by disturbing carbon stores in the seabed. He has provided the following explanation for why the bill has been introduced:

The UK has designated 38% of its waters as marine protected areas. However, many of these do not live up to their name. Just 5% of the UK's marine protected areas prohibit bottom-trawling, a highly destructive fishing practice involving the dragging of heavy weighted nets across the seafloor. Bottom-trawling has contributed significantly to the overfishing of UK stocks, has an enormous discard rate, and causes substantial damage to crucial seabed habitats. It is also an extremely fuel-intensive fishing method and one which releases further emissions through its disturbance of seabed carbon stores. The potential for marine ecosystem recovery through protection is vast. Biodiversity has been found to be up to 21% higher, and total biomass up to 600% higher, in fully protected areas versus surrounding waters. The bill would ban the practice of bottom-trawling in marine protected areas to ensure those designations live up to their name and their potential in properly protecting marine life and carbon stores.

The bill is similar to a private member's bill introduced by Chris Grayling (Conservative MP for Epsom and Ewell) in the House of Commons in the 2021–22 session. That bill fell before its second reading.¹

¹ [Marine Protected Areas \(Bottom Trawling\) Bill](#), Bill 263 of session 2021–22.

2. Marine protected areas

England

The Joint Nature Conservation Committee (JNCC) has stated that there are many definitions for MPAs but they are broadly defined as:

[A] clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.²

There are 178 MPAs in English waters, which covers 51% of inshore and 37% of offshore waters.³ The Marine Management Organisation (MMO) leads on the assessment and management of fishing in MPAs in English waters six nautical miles offshore from the coast. Inshore, within six nautical miles, the Inshore Fisheries and Conservation Authorities (IFCAs) lead on these. MPAs are designated by the secretary of state for environment, food and rural affairs following public consultation and analysis by the JNCC and Natural England (NE).

There are different types of MPA, which include:⁴

- **Special areas of conservation (SACs):** Designated to protect habitats and species of European importance.
- **Special protection areas (SPAs):** Classified to protect bird species of European importance and regularly occurring migratory birds.
- **Marine conservation zones (MCZs) and nature conservation marine protected areas:** Designated to protect nationally important species, habitats, ecological processes and features of geological/geomorphological importance.
- **Sites of special scientific interest (SSSIs) / areas of special scientific interest (ASSIs):** Designated to protect any area of special interest for its flora, fauna, geological or physiographical features. These are coastal (and terrestrial) designations with some sites protecting marine features. ASSIs are designated in Northern Ireland, which are equivalent to SSSIs in England, Scotland and Wales.
- **Ramsar sites:** Wetlands of international importance designated under the Ramsar Convention. These are coastal (and terrestrial) designations with some sites protecting marine features.

Each MPA protects specific features, for example a specific species or different habitat types.⁵ The government is currently consulting on five candidate 'highly protected marine areas' (HPMAs). The government has said that these would have "the highest level of protection in English waters" and

² Joint Nature Conservation Committee, '[About marine protected areas](#)', accessed 12 August 2022. The JNCC is a public body that advises the UK government and devolved administrations on UK and international nature conservation (Joint Nature Conservation Committee, '[Who we are](#)', accessed 12 August 2022).

³ Marine Management Organisation, '[Managing fishing in marine protected areas](#)', 14 May 2022.

⁴ Joint Nature Conservation Committee, '[About marine protected areas](#)', accessed 12 August 2022.

⁵ House of Commons, '[Written question: Marine protected areas: Fisheries](#)', 20 July 2022, 34903.

would take a “whole site approach”. Piloting HPMAAs was part of the government’s response to the Benyon Review, which was established to consider how HPMAAs could be introduced.⁶ The consultation includes two inshore areas and three offshore ones.⁷ The consultation closes on 28 September 2022.⁸

On different fishing methods, the government has said 98 MPAs in English inshore waters have byelaws in place to protect sensitive features from fishing activities that could damage them.⁹ Four offshore byelaws have now also been established. The government has stated that byelaws are established based on evidence and that assessments aim to avoid “unnecessary restrictions” on fishing. However, the government intend to have protection in all offshore MPAs by 2024:

Byelaws are developed using an evidence-led process to determine what measures are required to protect sites. Site by site assessments are carried out to tailor management measures and to avoid unnecessary restrictions on fishing. Only fishing activities which could damage the protected features of an MPA require management, such as trawling on the seabed. We aim to have protection in place for all our offshore MPAs by 2024.¹⁰

Marine conservation byelaws in English waters are made by the MMO:

[The] MMO has the power to make byelaws within 0–200 nautical miles (nm). For the management of fishing activities, MMO leads on management between 6–200 nm, with the Inshore Fisheries and Conservation Authorities (IFCAs) leading in the 0–6 nm area. MMO also leads on non-licensable activities from 0–12 nm.¹¹

Byelaws can prohibit or restrict a range of activities including the speed of vessels, specific activities in certain parts of the site and “anything that interferes with the seabed or damages or disturbs any object in the sea”. MMO byelaws apply to everyone “regardless of nationality, including EU member states that hold fishing access rights in the site or its specified areas”. The process for making byelaws, including the steps taken by the MMO in making assessments on different activities, is set out further on its website.¹² A call for evidence by the MMO on the impact of fishing using bottom towed gear “on certain designated features” of 13 MPAs closed on 10 July 2022.¹³

Scotland, Wales and Northern Ireland

Scotland, Wales and Northern Ireland also maintain MPA networks. Scotland’s MPA network covers

⁶ Benyon Review, ‘[Highly Protected Marine Areas \(HPMAAs\) review 2019](#)’, June 2020; and Department for Environment, Food and Rural Affairs, ‘[Government response to the highly protected marine areas \(HPMAAs\) review](#)’, 8 June 2021.

⁷ Department for Environment, Food and Rural Affairs, ‘[Highly protected marine areas \(HPMAAs\)](#)’, 6 July 2022.

⁸ Department for Environment, Food and Rural Affairs, ‘[Consultation on highly protected marine areas \(HPMAAs\)](#)’, accessed 12 August 2022.

⁹ House of Commons, ‘[Written question: Marine protected areas: Fisheries](#)’, 20 July 2022, 34903.

¹⁰ House of Commons, ‘[Written question: Marine protected areas: Fisheries](#)’, 20 July 2022, 34903.

¹¹ Marine Management Organisation, ‘[Understand marine conservation byelaws](#)’, updated 14 May 2022.

¹² Marine Management Organisation, ‘[Understand marine conservation byelaws](#)’, updated 14 May 2022.

¹³ Marine Management Organisation, ‘[Call for evidence: MMO assessment of fishing activity impacts in marine protected areas—Stage 2](#)’, accessed 12 August 2022.

approximately 37% of its seas and consists of different sites, including 231 sites for nature conservation.¹⁴ Wales has 139 MPAs that cover 69% of its inshore waters (up to 12 nautical miles).¹⁵ Northern Ireland's MPA network consists of 48 MPAs covering 38% of its inshore region.¹⁶

3. What would the bill do?

Clause 1(1) of the bill would require the secretary of state to make provision in regulations “to regulate and limit” the use of bottom trawling in marine protected areas.

Under clause 1(3) of the bill, marine protected areas are defined as marine conservation zones or marine protected areas under section 116 of the Marine and Coastal Access Act 2009. Bottom trawling is defined as “fishing by dragging heavy weighted nets across the sea floor using bottom towed fishing gear”. Bottom towed fishing gear would mean:

[A]ny trawls, seines, dredges or similar gear, including trawls towed on or very close to the sea bed, which are actively moved in the water by one or more fishing vessels or by any other mechanised system and in which any part of the gear is designed and rigged to operate on, and be in contact with, the seabed.¹⁷

Clause 1(2) sets out what the regulations must do and what they may do, including that they must prohibit bottom trawling in marine protected areas which were so designated in full or in part to protect the seabed or a seabed feature. The regulations:

- (a) must prohibit bottom trawling in any marine protected areas, designated in full or part to protect the seabed or a seabed feature;
- (b) may make exceptions to that prohibition to support small-scale fisheries and small boat fishing from UK ports in areas where bottom trawling would not cause serious environmental damage;
- (c) may make associated provision about licensing and enforcement;
- (d) may confer responsibilities and powers on the Marine Management Organisation;
- (e) may create criminal offences punishable with a fine in respect of failures to comply with the regulations.¹⁸

Clause 2 makes provision on the regulation making power in clause 1 and requires the secretary of state to consult with the Scottish ministers, Welsh ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, and the Marine Management Organisation before laying draft regulations before Parliament. Clause 2(3) would require the secretary of state to lay a draft of the regulations made under clause 1 within a year of the bill being passed.

¹⁴ Scottish Government, '[Marine environment: Marine protected areas \(MPAs\)](#)', accessed 12 August 2022. This website provides further information about Scotland's MPAs.

¹⁵ Welsh Government, '[Marine protected areas](#)', 19 November 2021. This website provides further information about Wales' MPAs.

¹⁶ Northern Ireland Department of Agriculture, Environment and Rural Affairs, '[Marine protected areas](#)', accessed 12 August 2022. This website provides further information about Northern Ireland's MPAs.

¹⁷ Clause 1(3).

¹⁸ Clause 1(2).

The bill would come into force on the day in which it was passed and would extend to England and Wales, Scotland and Northern Ireland.

4. Westminster Hall debate: Bottom trawling in marine protected areas, June 2022

Speaking in a debate on bottom trawling in MPAs, Chris Grayling set out why he believed that the provisions of his private member's bill were necessary. The bill would also have instituted a ban on bottom trawling in MPAs. It was very similar in its provisions to Lord Randall's bill. Chris Grayling said that Lord Randall had "taken my bill from last year, improved it and tabled it again this year, and I wish him well with progress on it".¹⁹

Mr Grayling argued that the current system where bottom trawling was banned in some parts of an MPA but not others caused problems in determining whether boats were sticking to unprotected areas:

Not all of the protected areas are uniform in their underwater terrain. There are areas where there are reefs of great sensitivity surrounded by areas of sand on the seabed. That is just the reality of MPAs. The Marine Management Organisation, which is implementing the bans, seems not to be taking a uniform approach to all the protected areas. In some, it is deciding to ban bottom trawling in part of the MPA but not all of it. Effectively, it is saying, "You've got sandy seabeds, and they are not affected at all." I can understand, in theory, the logic behind that. The argument has been made to me by some in the fishing community, but I ask the minister to think carefully about this.

First, it is going to be incredibly difficult to police. Who will be monitoring the movements of a trawler to establish whether it has approached or gone over the top of a protected reef?²⁰

He stated that "segmenting an area should be the exception, not the rule" and that "the whole MPA should mean the whole MPA".²¹

Chris Grayling also argued that "our marine protected areas do not offer a lot of protection at all, particularly for our seabeds".²² He said that not enough MPAs restricted the practice of bottom trawling and that damage to the seabed was being accrued over time:

Ninety-four per cent of our MPAs permit bottom trawling; only 6% do not. That, in my view, means that they really are not properly marine protected areas at all. There is an urgency about the need for change. We cannot go on like this, because the more time passes, the more damage is done and the more ecology is lost. We have 372 marine protected areas, including coastal and offshore areas, which represent around 38% of UK waters. However, most are not in good condition and have suffered significant habitat degradation. Bottom trawling is a key part, if not the key part, of the problem, with that scalping of the sea floor destroying habitats all

¹⁹ [HC Hansard, 28 June 2022, col 40WH.](#)

²⁰ [HC Hansard, 28 June 2022, col 42WH.](#)

²¹ [HC Hansard, 28 June 2022, col 43WH.](#)

²² [HC Hansard, 28 June 2022, col 40WH.](#)

around our coastal waters.²³

Mr Grayling also expressed concern that damage to kelp and seagrass also damaged the seabed's ability to store carbon.

Referring to comments made by other members on the impact to livelihoods of fishers, Chris Grayling argued that the issue was larger boats:

The hon member for Strangford (Jim Shannon) is absolutely right that we have to be mindful of the livelihoods of those who work on smaller fishing boats and in the ports around the UK. My bill was not about getting rid of all of that. History shows that many ports are home to people who are good at managing their fisheries. It is the large boats that we need to deal with, and the minister has made a good start with the initiation of a ban in four of the protected areas, including Dogger Bank. Well done to her for that step in the right direction.²⁴

Responding to the debate for the government, Victoria Prentice, minister for farming, fisheries and food, said that bottom trawling was banned in 102 out of 178 MPAs.²⁵ She stated that there were 98 inshore MPAs with byelaws to protect sensitive habits and species from bottom trawling.²⁶ On 13 June 2022, byelaws banning bottom trawling in four offshore MPAs came into force, including the Dogger Bank special area of conservation.²⁷

Ms Prentice said a blanket ban on bottom trawling had “all the appeal of simplicity” but “not all MPAs are designated to protect features that are affected by bottom trawling”. She said that the MMO and IFCA were making assessments informed by scientific advice and then making byelaws designed for each area. The government recognised that this “detailed approach” took more time than a “blanket ban” but she argued it was “worth it to avoid unnecessary impacts on our fishing industry”.²⁸ Victoria Prentice said that the government was also “pressing on” with protecting offshore areas with “byelaws to protect four of our most sensitive offshore areas, including Dogger Bank”, put in place on 13 June 2022.²⁹ She said that the protection of offshore MPAs was not possible whilst the UK was a member of the EU:

Before the end of the transition period, we really were restrained in implementing management measures in offshore MPAs because of vetoes imposed by other EU states that fished there.³⁰

²³ [HC Hansard, 28 June 2022, cols 40–1WH.](#)

²⁴ [HC Hansard, 28 June 2022, col 42WH.](#)

²⁵ [HC Hansard, 28 June 2022, col 44WH.](#)

²⁶ [HC Hansard, 28 June 2022, col 45WH.](#)

²⁷ Marine Management Organisation, '[Government continues its plans for nature recovery in our seas](#)', 13 June 2022.

²⁸ [HC Hansard, 28 June 2022, col 45WH.](#)

²⁹ [HC Hansard, 28 June 2022, col 46WH.](#) See also: Marine Management Organisation, '[Government continues its plans for nature recovery in our seas](#)', 13 June 2022.

³⁰ [HC Hansard, 28 June 2022, col 45WH.](#)

The minister said it was essential that MPAs were protected but the government was aware of growing “spatial tensions” between different users of the marine environment:

We know that designating the MPAs is only part of the story. As my right hon. friend the member for Epsom and Ewell said, it is essential that they are properly protected; otherwise, they can do no good at all. We also recognise that there are growing spatial tensions between industries such as fishing, dredging, oil and gas and the renewable energies sector, alongside the very real need to conserve and enhance our marine environment.³¹

Ms Prentice said that 45% of the value of the fish landed in the UK came from bottom trawling, including cod, plaice and scallops.³² She argued it was “therefore important that we work with the fishing sector as we begin progressively to reduce the adverse effects of these types of fishing methods”.³³ The minister said that the government believed that the environmental effects of bottom trawling needed to be balanced against the economic impacts:

As ever, we have to find the balance between actions that we know are not great for the environment and the economic benefit to and protection of coastal communities and the processing that is so valuable to so many of those communities.³⁴

5. Read more

- Marine Management Organisation, ‘[Government uses Brexit freedoms to protect our seas](#)’, 13 April 2022; and ‘[Government continues its plans for nature recovery in our seas](#)’, 13 June 2022
- Marine Conservation Society, ‘[Stop bottom trawling in UK’s protected waters](#)’, accessed 12 August 2022
- BBC News, ‘[Greenpeace cleared of environmental breaches over trawling protest](#)’, 7 February 2022

³¹ [HC Hansard, 28 June 2022, col 44WH.](#)

³² [HC Hansard, 28 June 2022, col 45WH.](#)

³³ [HC Hansard, 28 June 2022, col 45WH.](#)

³⁴ [HC Hansard, 28 June 2022, col 45WH.](#)

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