

# *Coastal Futures*

## **Towards a Marine Bill** *Realising the Opportunity*

**Conference 25<sup>th</sup> October, 2005**  
**SOAS, London**

### **Chairmen**

**Joan Edwards**    **Wildlife & Countryside Link &**  
**The Wildlife Trusts**

**Chris Mills**     **Environment Agency**

**Mark Duffy**    **English Nature**

### **With support from:**

- **ABP mer**
- **Environment Agency**
- **Wildlife & Countryside Link**
- **English Nature**

## Introduction

Over the last 3 or 4 years there have been a plethora of high level policy consultations concerning a wide range of issues covering the coastal and marine environment; many of these issues have been unresolved for many years. The Government announced at the January 2005 Coastal Futures conference that it was considering a draft Marine Bill. The commitment to this appeared in the Labour Party Manifesto in April 2005 as follows, *“Through a Marine Act, we will introduce a new framework for the seas, based on marine spatial planning, that balances conservation, energy and resource needs. To obtain best value from different uses of our valuable marine resources, we must maintain and protect the ecosystems on which they depend.”* The Marine Bill proposals also received support from the other two main political parties.

Such a measure is long overdue and indeed the opportunity for changes to marine and coastal legislation only occurs every decade or so. This bill represents a considerable opportunity for the marine constituency to achieve wide ranging changes that deliver the Governments’ commitments to sustainable development by securing important changes and efficiencies for industry, enhancing environmental protection and benefits for society who use and depend upon the coastal and marine environment. In furthering sustainable development the bill should also provide greater integration in the way we manage our coastal and marine activities.

*The aim of this meeting* is to provide a forum for the marine and coastal constituency to explore opportunities provided by the draft marine bill *as whole*. In particular it will highlight those themes that are likely to be included in the bill and how thinking on these is being developed by Government along with the views of key stakeholders. The event will cover the context and process involved with the draft bill and the key themes that it could cover including:

- Marine spatial planning
- Improvements to coastal management – including how issues arising from the EU Recommendation on ICZM might be taken forward
- The consents process including the revision of The Food and Environment Protection Act (FEPA) and the Coast Protection Act (CPA)
- The implications for fisheries management following the completion of the Government review *Net Benefits*
- The implications for marine nature conservation including marine protected areas
- The issues surrounding a possible Marine Management Organisation and its functions
- Other issues that might be considered and the inter-actions between those highlighted above

**Supporting activities, networks and consultations** The meeting will also seek to highlight the wide range of work including consultations [e.g. on MSP, consents] and projects [marine ecosystem objectives] that are being run in conjunction with these themes in the lead up to the bill.

### **The objectives of the conference are:**

- To highlight the opportunity for constructive change provided by the marine bill
- To make the coastal and marine constituency aware of the scope of the draft marine bill as a whole and the elements which are involved and to enable involvement by stakeholders
- To raise and help scope the important questions stakeholders have about the content and process relating to the draft marine bill
- To look at other issues that might arise and the possible inter-connections between themes
- To provide a briefing on the marine bill and its associated work streams

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

**Programme**

Each of the main topic sessions of 40 mins will comprise 15 mins [2 x 7 mins or 3 x 5 mins presentation slots] and 25 questions and answers from the audience

9.00 - 9.45 Registration and refreshments

Session 1: Chair **Joan Edwards** Wildlife & Countryside Link (Link) and The Wildlife Trusts

9.45 **Welcome Joan Edwards**

9.50 **Introduction - The Marine Bill - Realising the opportunity**  
**Dave Bench** Defra

10.05 **Marine spatial planning**  
**Robert Canning** Defra  
**Steve Hull** ABP mer

10.45 **Improved coastal management – ICZM**  
**Pamela Whaley** Defra  
**Brian Shipman** Cornwall County Council  
& LGA SIG  
**Steven Worrall** Environment Agency

11.25 **Consents**  
**Karen Morgan** Defra  
**Peter Barham** ABP

12.05 Sandwich buffet and refreshments

Session 2 Chair: **Chris Mills** Environment Agency

12.45 **Fisheries management**  
**Colin Penny** Defra  
**Euan Dunn** RSPB & Link  
**Daniel Suddaby** English Nature

13.25 **Marine Nature Conservation, including Marine Protected Areas**  
**Ian Barratt**, EWD, Defra  
**Chris Butler-Stroud** WDCS & Link

14.05 Sweets and refreshments

Session 3 Chair: **Mark Duffy** English Nature

14.45 **A Marine Management Organisation**  
**Gillian Underwood** Defra  
**Daniel Owen** Fenner's Chambers

15.25 **Additional points and interactions between subjects**  
Facilitated by **Sue Gubbay & Mark Duffy**

16.10 Closing Remarks

16.15 Refreshments

## The Marine Bill – Realising the opportunity

### Dave Bench

Head of Marine Legislation Division, Defra, 3-8 Whitehall Place, London, SW1A 2HH  
Tel No: 0207 270 8670 E-mail: MarineLegislationDivision@defra.gsi.gov.uk

### Where do we want to get to?

- Clean, healthy, safe, productive and biologically diverse oceans and seas
- Framework to regulate marine activities that ensures sustainable use and protection of our marine resources

### What are we trying to tackle?

- Managing the conflicting demands for development, recreation, aggregates, shipping, energy and fishing whilst ensuring that marine conservation objectives are achieved
- Pressure from Parliament and stakeholders, and recommendations from a series of reviews, for new legislation to improve the framework within which we develop and protect the marine and coastal environment

### Commitments

- Government manifesto commitment to a Marine Bill to introduce a new framework based on marine spatial planning, that balances conservation, energy and resource needs, to obtain best value from different uses of our valuable marine resources by maintaining and protecting the ecosystems on which they depend
- Commitment to publish a draft Marine Bill by November 2006
- Marine Bill introduced later in this Parliament

### How will Marine Bill balance commercial interests against conservation goals?

- Sustainable development will be the defining principle for the policy framework of the Marine Bill
- Our aim is for the Bill to introduce a better system for managing marine resources, so that we can simplify the consents process, whilst ensuring that we manage potential conflicts between uses of the sea and deliver our sustainability objectives

### UK or England only?

- We want an integrated system but some functions are reserved for the UK Government whilst others are devolved to national administrations
- We are working with the National Assembly for Wales, the Scottish Executive and the Northern Ireland Executive. Where they have responsibility for the management of their territorial waters it will be for the devolved administrations to determine the need to bring forward any new legislation

### What could the Marine Bill do?

- Statutory system for marine spatial planning
- Streamline some of the regulatory regimes for development consents
- Possible new marine management organisation
- Framework for protection of important marine areas, species and habitats including criteria for conserving marine ecosystems
- Revised inshore fisheries management measures

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

**What happens next?**

- Consultation package issued in the next few months
- Stakeholder events during consultation period
- Draft Bill probably published in October 2006 and subject to public consultation
- Introduction later in this Parliament following pre-legislative scrutiny and subject to availability of Parliamentary time

**Summary**

- Marine Bill provides an opportunity to fundamentally change the framework for managing human activity in the marine environment
- Overarching theme will be the commitment to delivery of sustainable development
- Effective stakeholder engagement will be crucial to realising the opportunity

## Marine Spatial Planning

### Robert Canning

Marine & Waterways Division, Defra, 3-8 Whitehall Place, London, SW1A 2HH  
Tel No: 0207 7270 8707 E-mail: [Robert.canning@Defra.gsi.gov.uk](mailto:Robert.canning@Defra.gsi.gov.uk)

### What is marine spatial planning?

- EU/International policies and objectives
- National & regional policies/objectives
  - Marine Environment/Ecosystem
  - Sectoral uses
  - Spatial information GIS
- Integration
  - Plan policies
  - Allocations/maps
  - Targets/Indicators

### Benefits of marine spatial planning

- Integrated management – a holistic approach to managing the marine environment
- Proactive and forward-looking – more informed decision-making
- Greater certainty – a mechanism for avoiding, minimising or resolving potential conflict
- A framework for a modern consenting regime

### Developing the policy

- Pilot project in the Irish Sea to examine options for developing, implementing and managing a marine spatial plan
- Forthcoming discussion paper on how a marine spatial planning system might operate, drawing on the emerging conclusions of the Irish Sea Pilot

### Irish Sea pilot project

- Review of evidence and literature
- Simulated regional plan, including RIA
- [www.abpmer.co.uk/mspp](http://www.abpmer.co.uk/mspp)

### Practical issues being examined

- Information and data availability/quality
- The boundary and scale of the plan
- Managing the land-sea interface
- How to ensure that all sectors are included
- The time horizon of the plan
- What's included and what's excluded in plan zones

### Questions for discussion

- Does marine spatial planning require a statutory basis?
- Which body should be the planning authority?
- What arrangements should apply for scrutiny, approval, review and revision of plans?
- How can policy priorities best be included in the plan?

## UK MARINE SPATIAL PLANNING PILOT STUDY

### Stephen Hull

ABP Marine Environmental Research, Suite B, Waterside House, Town Quay, Southampton,  
SO14 2AQ

Tel No: 023 8071 1840 E-mail [shull@abpmer.co.uk](mailto:shull@abpmer.co.uk)

### 1. Background

In December 2004, the Department for Environment, Food and Rural Affairs (Defra) commissioned a consortium comprising ABP Marine Environmental Research (ABPmer), Terence O'Rourke, Risk & Policy Analysts, Geotek, Hartley Anderson and Coastal Management for Sustainability to research options for developing, implementing and managing marine spatial planning in UK coastal and offshore waters. The study completes at the end of November 2005.

The UK Government recognises the benefits of a plan-led approach and is in favour of implementing marine spatial planning, if practicable. Marine spatial planning is being proposed by Defra as one of the elements of the Marine Bill. There are a number of drivers for the development of marine spatial planning in the UK, in particular, Government commitments made at OSPAR, the World Summit on Sustainable Development and the likely requirements of the EU Marine Thematic Strategy/ Marine Framework Directive

### 2. The Project

The current study has two main objectives. Firstly, to obtain a better understanding and appreciation of available evidence and experiences to date in the field of spatial planning and its relevance and applicability to UK marine and coastal waters. Secondly, and more importantly, the project has been undertaking a pilot project covering part of the Irish Sea to determine the feasibility and practicality of developing and applying a marine spatial plan.

The project has looked at possible options for marine spatial planning and the development of a marine spatial planning and management process. It has not considered in detail issues of governance, for example, which body should be responsible for its implementation. Such issues are being taken forward by Defra separately, as part of the development of the Marine Bill. For the purposes of the pilot project, the consortium assumed that the plan would be statutory, co-ordinated by a Marine Agency.

The study has been overseen by a Project Management Group, chaired by Defra and including key government interests. In recognition of the importance of involving wider stakeholders in the project, an MSPP Advisory Group was also established comprising a wide range of government, environmental, heritage and industry stakeholders with an interest in marine spatial planning .

The project has included 3 stakeholder workshops (April , June and September) together with a number of separate meetings with sectoral interests, Government Agencies and NGOs.

A project website and discussion forum have been established - see [www.abpmer.co.uk/mspp](http://www.abpmer.co.uk/mspp)

### 3. Project Outputs

The programme of work has comprised a number of elements:

- a review of available literature, evidence and experiences on how marine spatial planning and related initiatives have been developed and applied at the national level and overseas, together with more detailed consideration of those experiences and ideas that are most relevant to UK waters;
- the development of a possible process for marine spatial planning and management

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

- a pilot project that simulated the development of a marine spatial plan for part of the Irish Sea;
- an exploration of the relationship between regional MSPs and related marine plans;
- preparation of an initial Regulatory Impact Assessment (RIA);
- a final report making recommendations on how marine spatial planning might be developed and applied, including how practical issues can best be addressed

**The majority of these outputs are already available on the project website.**

Some of the practical considerations that the project has sought to address include:

- the availability and quality of data needed to prepare spatial plans;
- how different stakeholders should be involved in plan preparation;
- the geographic scale of the plans;
- how zones to provide for different type of human activity and/or nature and heritage conservation can be identified and designated;
- links to other planning mechanisms in the coastal zone;
- how cumulative effects might be addressed;
- how potential conflicts can be resolved;
- how and when the plan should be reviewed (eg to reflect changes in human use of the marine environment or in the light of new data);
- arrangements for monitoring and enforcement of plans;
- how regulation of marine development and activities might be simplified.

#### **4. Benefits of Marine Spatial Planning**

Compared to the current sectoral approaches to marine management, marine spatial planning offers a number of significant potential benefits:

- Integration of sectoral economic and social objectives with environmental objectives within the plan area. This is fundamental to achieving sustainable development and to support delivery of the ecosystem approach;
- Integration of economic and social objectives between different sectors within the plan area. This provides an important means of delivering Government policy priorities and avoiding/minimising conflicts;
- Integrated forward planning and allocation of sea space;
- A framework for integrated management of the marine environment through objective and target setting, progress monitoring and adaptive management;
- Scope for simplification of the current consenting process for certain developments;
- Administrative benefits through better availability of information and early conflict resolution/avoidance.

#### **Draft Regional Plan and The Three Scenarios**

[http://mspp.abpmer.co.uk/mspp/draft\\_plan.asp](http://mspp.abpmer.co.uk/mspp/draft_plan.asp)

#### **Marine Spatial Planning and Related Plans**

[http://mspp.abpmer.co.uk/mspp/docs/mspp\\_related\\_plans.pdf](http://mspp.abpmer.co.uk/mspp/docs/mspp_related_plans.pdf)

#### **Revised Towards Marine Spatial Planning and Management (Planning and Management Framework)**

[http://mspp.abpmer.co.uk/mspp/docs/mspp\\_plan\\_framework\\_revised.pdf](http://mspp.abpmer.co.uk/mspp/docs/mspp_plan_framework_revised.pdf)

## ICZM & the Marine Bill - the local authority perspective

### Brian Shipman

Cornwall County Council & Local Government Association LGA Coastal Special Interest Group  
Transport & Environmental Department, County Hall, Truro, Cornwall, TR1 3AY  
Tel No: 01872 322608 Fax No: 01872 323808 E-mail: [bshipman@cornwall.gov.uk](mailto:bshipman@cornwall.gov.uk)

The proposed Marine Act and ICZM Strategies together represent an historic opportunity to secure the sustainable use and exploitation of the UK's coastal and marine environment.

Local authorities are fully committed to this goal, and seek a full and proper recognition of their important role in achieving it.

The LGA's Coastal Strategy '*On the Edge*' provides the vision:

*"... to establish improved governance, management and community well being and ensure that the UK has the best managed coast in Europe."*

### Local authorities and the marine environment - what we do:

There are over 100 non-metropolitan coastal local authorities in England & Wales representing in the order of 1 in 4 of the population, considerably more if you include our major cities. Functions:

#### Coast Protection

- Spatial Planning
  - Transport planning
  - Emergency Planning
  - Recreation & safety
  - Ports and Harbours
  - Regeneration & tourism
  - Sea Fisheries
  - Permitting and bye laws
  - Marine biodiversity & cultural heritage
  - Education & public awareness
  - Representing the coastal community
  - Coastal land owners
  - and others
- Local Authorities have taken the lead role in the partnerships that have been delivering coastal zone management in many parts of the UK and with Europe. We are best placed to take this work to a new level in terms of both quality and consistency.

But we urgently need an effective national policy for the coast and marine areas.

### Key principles:

- Recognise land/sea interrelationship of effects and impacts
- Ensure consistency and compatibility between the spatial planning of the marine and terrestrial environment
- Create the capacity to deliver through skills, information, knowledge and finance
- Enshrine transparency and democratic accountability in decision making – the debate currently led by big government, big developers and big NGO's with little interest in accountability
- Empower and oblige the key partners to deliver the sustainable development of the marine environment
- Establish financial and legal means of sustaining local partnerships for the planning and management of specific coastal and inshore waters

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

**Six key issues that we consider require further discussion:**

1. Statutory marine spatial planning will need to be fully integrated with terrestrial spatial planning.
2. Priority coastal and marine areas of national, regional and local importance need to be identified,
3. Duties and powers for local authorities and relevant bodies to promote integrated management and planning will be required
4. The option of extended local authority jurisdiction into inshore waters needs to be seriously considered.
5. A 5-year RTD plan for marine research and technology
6. An 'amphibious' lead foresight agency to support sustainable coastal and marine

**The Challenge: the "2030" Test**

Will we seize the moment? Will this be a landmark piece of legislation worthy of a maritime nation - one our successors will thank us for 25 years from now? Or will it be just a re-arrangement of the regulatory deckchairs?

**References:**

[www.coastalsig.lga.gov.uk](http://www.coastalsig.lga.gov.uk)

[bshipman@cornwall.gov.uk](mailto:bshipman@cornwall.gov.uk)

## Integrated Coastal Zone Management & the Marine Bill

### Stephen Worrall

Environment Agency, 2 Middleton Cottages, Henny Street, Great Henny, Sudbury, Suffolk,  
CO10 7LS

E-mail: [Stephen.worrall@environment-agency.gov.uk](mailto:Stephen.worrall@environment-agency.gov.uk)

The Coastal Zone, those few miles either side of the high water mark, is one of the most naturally dynamic and intensively used areas of our land and sea. One in three people in England and Wales live within 10km of the coast, and it's where 40% of our businesses are based. The coastal zone is also where our terrestrial and marine management regimes meet one another. It's an area that is vital to our economy, important to people, and difficult to manage. **Integrated Coastal Zone Management (ICZM)** is a concept that has emerged as a response to these challenges, both here in the UK and in many other countries.

While detailed definitions vary, everyone can agree that ICZM should improve the links between how we manage our activities on land with their effects on the sea, and vice-versa. It should also provide the link between the different management regimes for land and sea, by ensuring that any new **marine spatial planning system** works in harmony with the existing land use planning system.

The Environment Agency work on the **Water Framework Directive** will help to improve one aspect of links between management of land and sea, by providing integrated management of the water environment from the source of our rivers, through our estuaries, and up to 1nm offshore. This work, along with the existing coastal **partnerships** and fora around the country, could provide firm foundations for an **ICZM framework** that links together statutory regimes with voluntary contributions to promote sustainable development and efficient management of our coastal zone.

Recently the Environment Agency have set out their approach to the marine environment in a strategy which can be downloaded from:

[www.environment-agency.gov.uk/marine](http://www.environment-agency.gov.uk/marine)

## Marine Development Consents

### Karen Morgan

Defra Marine & Waterways, Marine & Waterways Division, 3-8 Whitehall Place, London,  
SW1A 2HH E-mail: [karen.morgan@defra.gsi.gov.uk](mailto:karen.morgan@defra.gsi.gov.uk)

#### The current system

Activities in the marine environment are controlled;

- for different policy reasons
- in different ways
- by different legal regimes
- by different organisations, Government Departments and the Devolved Administrations

#### What controls exist?

**Food and Environment Protection Act 1985 (FEPA)** *deposits of articles or substances at sea (thus protecting the marine environment from pollution)*

**Coast Protection Act 1949 (CPA)** *activities on, under or over the seashore and sea-bed which may affect navigation*

**Petroleum Act 1998** *construction and operations in connection with the exploitation of oil and gas, construction and operation of submarine pipelines*

**Telecommunications Act 1984** and **Communications Act 2003** *submarine communications cables*

**Electricity Act 1989** and the **Energy Act 2004** *electricity generating capacity and transmission of electricity*

**Harbours Act 1964** *development or redevelopment of a port or harbour*

**Transport and Works Act 1992** *major infrastructure projects*

**Water Industry and Water Resources Acts 1991** *certain works by water and sewerage undertakers*

**Protection of Wrecks Act 1979** and the **Military Remains Act 1986** *for certain wrecks and remains*

**Crown Estate licence** for mineral extraction through dredging of the sea bed

#### Issues to be addressed

- Current system is complex, costly and at times confusing
- There is a need for clear statutory provisions
- Applications require several different consents
- Duplications and gaps in the current system
- Can the system respond quickly to change, including new obligations from EU legislation? (E.g. Water Framework Directive, Strategic Environmental Assessment)

#### What are we aiming for?

- Streamlined, effective and modern system
- Ability to deliver objectives for the marine environment
- Better regulation – minimise the burden on business and regulators
- Improved speed, quality and accountability of decision-making
- Maximum benefit from the links with Marine Spatial Planning

#### Possible options for improvement

When the public consultation is issued:

- Consolidate environmental and navigational regimes (FEPA and CPA) which account for more than 90% of consents applied for
- Bring a number of regimes together into an integrated, holistic system, requiring a single application and licence for each activity.
- Retain and simplify the current system of separate consents for different sectors, and incorporate environmental and navigational concerns into each.

## Consents and Regulatory Aspects

### Peter Barham

Environment Manager, Associated British Ports, 150 Holborn, London, EC1N 2LR  
Tel No: 0207 430 1177 Fax No: 0207 430 1384 E-mail: [pbarham@abports.co.uk](mailto:pbarham@abports.co.uk)

It is clear from the messages put out by Government regarding the Marine Bill that it creates real opportunities for better regulation. This is very welcome if there is a chance to improve consenting systems that are in place at the moment and introduce a much more holistic planning approach to the marine environment. It is universally agreed that there is a common understanding that the current system is too complicated and too piecemeal – a view shared by both users and conservation bodies alike. Some of the major frustrations with the existing regimes is that there is too much uncertainty, too much inconsistency of approach from the differing statutory bodies and too little clarity on what the law requires. The Bill therefore has the opportunity to address these issues and has the chance to offer a single route into and out of statutory environmental advice and management. What is absolutely fundamental is that users and developers must play a considerable role in helping regulators to develop greater effectiveness and efficiency in preparing regulations to achieve this

It is also important however, to recognise that where regulatory systems are known to work, where they have been streamlined and where the developers are comfortable with them they should remain unaltered, particularly if the regulatory view is that these streamlined routes do indeed meet their regulatory requirements. Evidence from different sectors already shows that regulatory balance can be achieved and in addition to preserving these, there needs to be an assessment of why these approaches are successful and whether there are principles within them that could be adopted elsewhere

As information about the Bill refers to the establishment of a marine management organisation it will be clearly important that its role in delivering any statutory consenting or licensing will need to be clearly established. There should either be a sectoral approach to regulation with the Marine Management Organisation (MMO) acting in an advisory capacity only or the MMO will need to take on the responsibility of existing bodies if it is to take over specific consenting and regulatory duties. There can be little or no value in simply creating another body with some of the responsibilities of existing regulators.

A lot of effort was put into the original Penny Brookes Review of consents and this experience should be used in drafting the Marine Bill. Consequently, there is considerable scope for regulators and developers/users to work together to address those regulatory areas where concern still exists. It should be stressed that developers and users are not looking for a reduction in the environmental protection afforded by the legislation, but that, as pointed out above, there are significant opportunities for improving the administration of the legislation

Alongside the opportunities to develop more effective regulation, there also should be more properly managed approaches to regulation – with consistent elements of scoping, assessment, regulation, decommissioning etc. Many of the current issues associated with regulation stem from the fact that there are no guidance notes on how to achieve the necessary approvals in ways which are cost effective, and meet the needs of the user/developer and of the environment. Once again, therefore there are enormous opportunities for developers and sea-users to work with regulators to achieve this. The current development of the maintenance dredging protocol is a very good example of the approach we should be developing together.

**Proportional regulation** There also needs to be a greater linkage between scale of development and scale of regulation, which should also be linked to the environmental risks associated with proposed developments and activities. This is often stated as a common goal by both developers and regulators but as yet there are almost no guidelines to ensure that it happens in reality.

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

Therefore there is the need for close working to help develop these. These guidelines should include well defined process stages and time scales – with Government working to help reduce the overall burden on sea-use and development sector. There also needs to be greater clarity with regard to decision making with developers and users able to have a better understanding of the decision making process used by regulators and how this information can be used to facilitate applications.

Finally there needs to be much more clarity about the strategic and specific objectives of sustainable development which should also be the major objective of the Bill This of course should be a major objective of the marine Bill – determining what it is we should all be delivering so that the objectives can be built into plans and projects in the marine and coastal environments and recognised as such.

## Inshore Fisheries Management: Fit for Purpose

### **Daniel Suddaby**

Inshore Fisheries Advisor, Maritime Team, English Nature, Northminster House, Peterborough, PE1 1UA  
Tel No: 01733 455229 E-mail: daniel.suddaby@english-nature.org.uk

### **Dr Euan Dunn**

Head of Marine Policy, RSPB, The Lodge, Sandy, Beds, SG19 2DL  
Tel No: 01767 680551 E-mail: euan.dunn@rspb.org.uk

### **Colin Penny**

Sea Fisheries, Conservation Division, Defra, 6A Whitehall Place, London, SW1A 2HH  
Tel No: 020 7270 8298 E-mail: Colin.E.Penny@Defra.gsi.gov.uk

Inshore waters around the UK coast contain some of the most valuable fisheries and fragile ecosystems. Fishing effort in this sector has rapidly increased and has a tremendous potential for development, yet effective integration of the management of fisheries and marine nature conservation management to ensure sustainability has yet to be fully realised. The Marine Bill offers the ideal opportunity for our inshore waters to deliver a fisheries management system that is sustainable; profitable; supports strong local communities; and, is managed effectively as an integral part of coherent policies for the marine environment.

The current system suffers from

- (i) complex management structures not equipped or resourced to meet growing pressures and fulfil a wider stewardship remit;
- (ii) outdated primary legislation; and
- (iii) regulatory measures that do not adequately serve the needs of sustainable fisheries or environmental protection.

This has led both to degradation of the ecosystem as well as lost potential for the fishing industry due to unsustainable practices.

A new legislative framework is required that addresses these existing weaknesses, gaps and inadequacies and allows both current and new management practices to deliver sustainable fisheries and healthy ecosystems. This framework needs to clarify the aims and objectives of the inshore fisheries managers (including the need to adopt a proactive, precautionary, ecosystem based approach) while strengthening their capacity, powers and provide enhanced funding arrangements.

2004/2005 have been exceptionally busy years for the publication of official reports and stakeholder meetings with a direct bearing on fisheries and/or the marine environment. The Sustainable Fisheries Programme was set up in response to the report from the Prime Minister's Strategy Unit: "Net Benefits: a Sustainable and profitable future for UK fishing".

A subgroup known as the "the inshore fisheries working group" was tasked to look specifically at the inshore fisheries in England, and to provide a report to the Minister that takes forward both the "Bradley" report and the "Net Benefits" report. The English Inshore Fisheries Working Group reported to the Minister in April 2005. The options put forward by this group have yet to be decided on and a large amount of work still remains if we are to have the Marine Bill deliver inshore fisheries management which can address the dual challenges of sustainable fisheries and marine nature conservation.

ASFC 2000. A report on the role of the Sea Fisheries Committees in the management and regulation of the coastal waters

CCW. 2003. Countryside Council for Wales' Sea Fisheries Policy. July 2003.

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

Coffey, C. 2005. Managing Europe's Inshore Fisheries: Harnessing the European Fisheries Fund. RSPB, Sandy, UK. [<http://www.rspb.org.uk/policy/marine/fisheries/index.asp>]

Coffey, C. and Dwyer, J. 2000. Managing EC Inshore Fisheries – Time for Change, RSPB, Sandy, UK.

Defra, 2004. Review of Marine Fisheries and Environmental Enforcement Arrangements (the Bradley Review) [www.defra.gov.uk/corporate/consult/fish-env/consultation.pdf](http://www.defra.gov.uk/corporate/consult/fish-env/consultation.pdf)

Prime Minister's Strategy Unit, 2004. Net Benefits: a sustainable and profitable future for UK fishing. [www.strategy.gov.uk/downloads/su/fish/pdf/NetBenefits.pdf](http://www.strategy.gov.uk/downloads/su/fish/pdf/NetBenefits.pdf)

Defra, 2005. [Securing the benefits: the joint UK response to the Prime Minister's Strategy Unit Net Benefits report on the future of the fishing industry in the UK](http://www.defra.gov.uk/fish/sea/pdf/securingbenefits.pdf) [www.defra.gov.uk/fish/sea/pdf/securingbenefits.pdf](http://www.defra.gov.uk/fish/sea/pdf/securingbenefits.pdf)

Defra, 2005. [Charting a New Course](http://www.defra.gov.uk/fish/charting/newcourse.pdf)

Sustainable Fisheries Programme, 2005. Minutes of these meetings are available.

Symes, D. 2002. Inshore Fisheries Management in England and Wales: Facing up to the Challenges of the 21<sup>st</sup> Century. English Nature Research Report No.448

TWT. 2001. The Future of Inshore Fisheries: a discussion document, The Wildlife Trusts

WCL, 2005. The Future Management of the Inshore Fisheries in England

## Marine Nature Conservation

### Ian Barrett

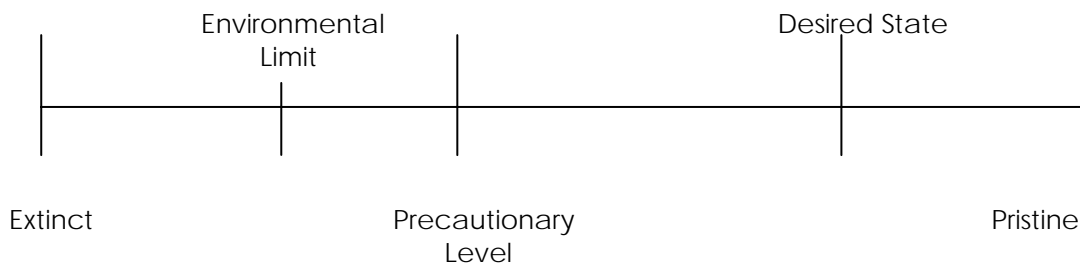
European Wildlife Division, Defra, Tollgate House, Houlton Street, Bristol, BS2 9DJ  
Tel No: 0117 372 8169 Fax No: 0117 372 8182 E-mail: [ian.barrett@defra.gsi.gov.uk](mailto:ian.barrett@defra.gsi.gov.uk)

**NB This set of bullets was prepared for the Defra Marine Bill Forum meeting different material will be used for the Oct 25<sup>th</sup> conference**

### Goals

- Healthy, functioning and resilient marine ecosystems
- Halt the decline in marine biodiversity

### Marine Ecosystem Objectives



- Identify main components of ecosystems
- Identify environmental limits
- Describe desired state of ecosystem components

### Marine Ecosystem Objectives – Application

- Individual activities
- Strategic planning
- Non-consented activities
- Localised impacts
- Emergencies

### Marine Protected Areas

Considering:

A flexible mechanism for the designation and management of marine protected areas, which can underpin national, regional and European sites, from areas of minimal restriction through to highly protected marine reserves

### Species

- What threats to species in UK waters do we want to address?
- What is the best way of doing this? – legislation, information, co-operation
- How does this fit with existing legislation? – reckless/deliberate killing/disturbance

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

- Do we want to rationalise and strengthen the current arrangements for enforcement of marine biodiversity legislation throughout our waters?
- What role might the proposed marine agency play?

**Consolidation**

- Do we want the same legal basis for marine nature conservation from the coast out to 200nm?
- What happens with existing legislation?
- Offshore Marine Regs?

## The Marine Bill and Marine Protected Areas

### Wildlife and Countryside Link

The UK is working towards the development of a network of Marine Protected Areas (MPAs) for biodiversity conservation and sustainable use to meet its international obligations. MPA designation in the UK is currently focussed at a European level i.e. the introduction of marine Natura 2000 sites. These sites are to be complemented with additional international/ regional level MPA designations under OSPAR, although legislation allowing the introduction of the latter is currently lacking. National level MPA designations, established under the Wildlife and Countryside Act (1981) remain limited with the designation of only three Marine Nature Reserves (MNRs) in the last 20 years. The Review of Marine Nature Conservation (RMNC) (1999-2004) recognised the limitations of the existing legislation used to designate and manage MNRs. Consequently there remains a need for comprehensive and robust legislation to identify, designate and manage both OSPAR MPAs and nationally important marine sites. Link believes that a representative network of MPAs to protect nationally important areas, habitats and species could significantly contribute to UK commitments under OSPAR. It is acknowledged that there will inevitably be some spatial overlap between designation types. However, the marine site protection framework must be as straightforward and streamlined as is practical.

**Wildlife and Countryside Link (Link) believes that the Marine Bill provides a critical opportunity to provide for the designation of a representative network of nationally important marine sites (NIMS), which must include a suite of Highly Protected Marine Reserves (HPMRs).**

This paper is supported by the following organisations

Buglife - the invertebrate conservation organisation, Council for British Archeology, Marine connection, Marine Conservation Society, RSPB, The Shark Trust, WDCS, WWT, The Wildlife Trusts, WWF and the Zoological Society of London.

For more information on Link's marine campaign, or to obtain a full copy of the link policy paper "The Marine Bill and Marine Protected Areas", please log on to our website at [www.wcl.org.uk](http://www.wcl.org.uk).

## Marine Management Organisation

### Gillian Underwood

Marine Legislation Division, Defra, 3-8 Whitehall Place, London, SW1A 2HH  
E-mail: [Gillian.underwood@defra.gsi.gov.uk](mailto:Gillian.underwood@defra.gsi.gov.uk)

### Why create an MMO?

- "A single marine management agency could provide:
  - an opportunity to join up a variety of functions and ensure that they were considered in the round
  - a valuable focus for marine activity"*Defra's Review of Marine Fisheries and Environmental Enforcement 'The Bradley report' (March 2004)*
- "The Government should consider whether a co-ordinating agency should be established to ensure that the links are made between all the many activities that may affect the marine environment"  
*DEFRA – 6<sup>th</sup> report of Session 2003/04 – Marine Environment (March 2004)*
- "The ..... Government ..... should consider integrating fisheries management tasks inside a marine environment agency responsible for broader managements tasks ....."  
*Prime Minister's Strategy Unit report – 'Net Benefits: a sustainable and profitable future for UK Fishing:- (March 2004)*

### What roles/functions might an MMO have?

- Planning?
- Consenting?
- Enforcement?
- Holding data & information?
- Gathering data – research?
- Other roles?

### Interactions with other bodies

- Statutory advisors
- Coastal forums
- Estuary partnerships
- Government Departments
- Devolved Administrations
- International bodies

### Form/Status of an MMO?

- Executive Agency?
- Non-departmental public body (NDPB)?
- Funding mechanisms?

Further information: [www.defra.gov.uk](http://www.defra.gov.uk) or [Marinelegislationdivision@defra.gsi.gov.uk](mailto:Marinelegislationdivision@defra.gsi.gov.uk)

## Marine Management Organisation

### Daniel Owen

Barrister, Fenner's Chambers, 3 Madingley Road, Cambridge, CB3 0EE

Tel No: 01223 368761 E-mail: daniel.owen@fennerschambers.co.uk/daniel\_toothfish@yahoo.com

This presentation will address the potential functions and form of a marine management organisation (MMO) under the Marine Bill.

### Functions

Regarding **functions**, the presentation will raise some fundamental questions about the role of a MMO.

Where should the balance lie between an advisory role, a co-ordinating role and a decision-making role?

Amongst other functions, should a MMO incorporate functions regarding merchant shipping?

Should it have an enforcement role, and could it be used to make more efficient use of existing enforcement resources (including vessels and aircraft)?

Should it be accompanied by a system of administrative appeal from its decisions?

### Form

Regarding **form**, the presentation will illustrate the broad categories of body set out in the government's classification of public bodies, for example:

- non-ministerial department;
- executive agency;
- executive non-departmental public body;
- advisory non-departmental public body;
- internal advisory committee;
- cross-departmental body.

More information on the government's classification of public bodies can be found at:

[http://www.civilservice.gov.uk/the\\_future\\_of\\_the\\_civil\\_service/agencies\\_and\\_public\\_bodies/guidance\\_for\\_departments/index.asp](http://www.civilservice.gov.uk/the_future_of_the_civil_service/agencies_and_public_bodies/guidance_for_departments/index.asp)

For example, a Cabinet Office guide entitled *Classification of Public Bodies: Guidance for Departments* (August 2005) can be found at:

[http://www.civilservice.gov.uk/the\\_future\\_of\\_the\\_civil\\_service/agencies\\_and\\_public\\_bodies/publications/pdf/classification\\_guidance\\_aug05.pdf](http://www.civilservice.gov.uk/the_future_of_the_civil_service/agencies_and_public_bodies/publications/pdf/classification_guidance_aug05.pdf)

## Additional points and interactions between subjects

### Sue Gubbay

Consultant, 4 Bamford Cottages, Upton Bishop, Herefordshire, HR9 7TT  
Tel No: 01989 780705 Fax No: 01989 780412 E-mail: sgubbay@mayhill.wyenet.co.uk

### Mark Duffy

English Nature, Northminster House, Peterborough, PE1 1UA Tel No: 01733 455232  
Fax No: 01733 568834  
E-mail: mark.duffy@english-nature.org.uk

Text by Bob Earl

There may well be a variety of issues that emerge which are currently not covered by the work streams. Two examples, Sustainable Development and information are important and cut across all the work streams that have been described.

### Sustainable Development - the influence of high level principles

Sustainable Development is the cornerstone of the Government's policy in the marine environment. The Government's position on this has recently (March 2005) been clarified in terms of 5 key statements; these relate to all the Government's work not just marine.

*'Securing the future – delivering UK sustainable development strategy' provides the framework for the delivery of sustainable development across the UK, including the Devolved Administrations. Within the UK, sustainable development will be pursued in an integrated way that delivers a sustainable, innovative and productive economy that delivers high levels of employment; and a just society that promotes social inclusion, sustainable communities and personal wellbeing. This will be done in ways that protect and enhance the physical and natural environment, and use resources and energy as efficiently as possible. Five guiding principles have been identified to support achievement of sustainable development:*

- *Living within Environmental Limits – respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations;*
- *Ensuring a Strong Healthy and Just Society – meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating opportunities for all;*
- *Achieving a Sustainable Economy – building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised;*
- *Promoting good Governance – actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity;*
- *Using Sound Science Responsibly – ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.*

How the Marine Bill deals with Sustainable Development will be important ... three of many issues:

- The Bill in its coverage of MSP and Consenting is clearly not just an environmental issue.
- The economic and social dimensions are critical to the way we utilise the marine environment.
- The way people interpret the practical implementation of Sustainable Development often use the concepts of integration and holism. Both of these ideas are at the core of what is being proposed.

Coastal Futures Towards a Marine Bill – Realising the Opportunity  
25<sup>th</sup> October, 2005, SOAS, London

The need for clear objectives in social, economic and environmental aspects of the Bill may need to be explored.

The ecosystem approach is also a key principle which will need to be incorporated into the bill but clearly explained to stakeholders. At present there is some confusion of terminology.

The European Marine Strategy will almost certainly reinforce the need for the influence of high level principles such as Sustainable Development to guide the development of the Marine Bill.

### **Information**

Information is another major cross cutting theme; a few examples that demonstrate this:

- Marine Spatial Planning will require powerful computer based systems to support the decision making process, e.g. GIS systems with hundreds of layers.
- MMO – will one of the functions of the MMO be to act as a key co-ordinator / manager of the enormous efforts that are now going into collecting and managing our marine information resources.
- Consenting requires an effective information base upon which to make decisions. Currently developers and consultants spend considerable resources trying to access existing information – can this process be made more effective?
- Marine resources whether one is trying to protect fisheries or wider biodiversity information is at the core of the efforts to manage these resources. Who and how will this be taken forward in any new regime?

### **Inter-actions between work streams**

As will become very apparent during the debate on the 25<sup>th</sup> it doesn't take long before a variety of interactions between the work-streams emerge. A few examples but there are lots more:

- Who will undertake MSP? – '*who will be the planning authority?*' – is a key question – will this be the Marine Management Organisation?
- In a new consenting regime would it be one of the functions of the Marine Management Organisation to undertake this work?

## Marine Bill Forum Report

On September 26<sup>th</sup> Defra hosted a Marine Bill Forum and the report of comments from facilitated breakout sessions can be accessed from the **report on the website**

"Marine Legislation Division (MLD)" [MarineLegislationDivision@DEFRA.GSI.GOV.UK](mailto:MarineLegislationDivision@DEFRA.GSI.GOV.UK)>

The record of discussions from the Marine Bill Forum on 26 September is now available from the Defra website, at this link:  
[http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/here](http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/here.htm).htm.

If you have any comments on the report, development of the Bill or any other Marine Bill related issues please send them to:

Email: [MarineLegislationDivision@defra.gsi.gov.uk](mailto:MarineLegislationDivision@defra.gsi.gov.uk)

Post: Marine Legislation Division  
Area 2E  
Department for Environment, Food and Rural Affairs  
3-8 Whitehall Place  
London SW1A 2HH

The next step towards the draft Bill being published is to undertake a public consultation. The next event in the 'Forum' series will be planned around the public consultation. Further details of will be available in the next few months.

In the meantime we will be adding to the information available on our website ([http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/index](http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/index.htm).htm).

Friday, October 14, 2005

## **Wildlife and Countryside Link have produced a number of papers which you may find useful**

These papers can also be found on Link's website at

**Link Marine Bill Bulletin - Issue 1: A Future for our Seas – What the Marine Bill must contain**

- [http://www.wcl.org.uk/downloads/2005/Link\\_Marine\\_Bill\\_Bulletin-Issue1.pdf](http://www.wcl.org.uk/downloads/2005/Link_Marine_Bill_Bulletin-Issue1.pdf)

**Link Marine Bill Bulletin - Issue 2: Biodiversity Protection and Conservation in the Marine Environment**

- [http://www.wcl.org.uk/downloads/2005/Link\\_Marine\\_Bill\\_Bulletin-Issue2.pdf](http://www.wcl.org.uk/downloads/2005/Link_Marine_Bill_Bulletin-Issue2.pdf)

**Link Marine Bill Working Paper - The Marine Bill and Marine Protected Areas**

- [http://www.wcl.org.uk/downloads/2005/WCL\\_Marine\\_Protected\\_Areas\\_26Aug05\\_Final.pdf](http://www.wcl.org.uk/downloads/2005/WCL_Marine_Protected_Areas_26Aug05_Final.pdf)

**Link Marine Bill Working Paper - Marine Spatial Planning: Question Time**

- [http://www.wcl.org.uk/downloads/2005/WCL\\_MSP\\_Question\\_Time\\_14Sept05\\_final.pdf](http://www.wcl.org.uk/downloads/2005/WCL_MSP_Question_Time_14Sept05_final.pdf)

**The Future Management of the Inshore Fisheries in England -**

[http://www.wcl.org.uk/downloads/2005/WCL07\\_Fisheries\\_WP2\\_13Sept\\_final.pdf](http://www.wcl.org.uk/downloads/2005/WCL07_Fisheries_WP2_13Sept_final.pdf)

## **Delegate notes at the meeting**

The full delegate notes at the meeting will also include :

- The Cardiff summary of marine reviews
- Slides from the Marine Spatial Planning Pilot study
- The delegate list