

## CONSULTATION ON 'OUR SEAS – A SHARED RESOURCE'

**A joint response from Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and the Northern Ireland Marine Task Force**

**SEPTEMBER 2008**

The Wildlife and Countryside Link Marine Task Force<sup>1</sup>, the Scottish Environment LINK Marine Task Force<sup>2</sup>, the Wales Environment Link Marine Working Group<sup>3</sup> and the Northern Ireland Marine Task Force<sup>4</sup> work together to achieve better protection for marine wildlife and effective management of all UK seas. Each is a coalition of environmental voluntary organisations, united by their common interest in the conservation and enjoyment of wildlife, the countryside and the marine environment.

We welcome the latest consultation on the high level Marine Objectives (HLMOs). We are pleased to have had the opportunity to provide comments to Defra on earlier versions and believe that the HLMOs set out in the current consultation document vastly improve upon those presented to stakeholders in previous drafts.

We are very pleased that the UK Government, Northern Ireland Executive and Welsh Assembly Government (WAG) have worked together in developing these HLMOs and that this consultation document has been issued jointly by the three Administrations. However, we are deeply concerned that the Scottish Government is not currently involved in this process, though through their consultation "*Sustainable Seas for All*"<sup>5</sup> on a Scottish Marine Bill they are seeking stakeholders' views on these HLMOs. We believe that shared HLMOs, which in turn will inform a UK-wide Marine Policy Statement (MPS), are essential to secure coherent marine management, and we urge all four Administrations to work together to take this forward. To this end, we urge the Scottish Government to participate in this joint process with the other UK Administrations. We understand WAG intends to add Welsh-specific objectives to the HLMOs and look forward to the opportunity to comment on these in the future.

We welcome the process of stakeholder engagement, the positive progress that has been made in developing the HLMOs and their aspirational nature and long-term view. However, we strongly believe that improvements must still be made in order to ensure that the final objectives provide a strong steer for the recovery, protection and sustainable development of all UK seas. In particular, we believe that there must be

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<sup>1</sup> This response is supported by the following members of the Wildlife and Countryside Link Marine Task Force: Buglife – The Invertebrate Conservation Trust, International Fund for Animal Welfare, Marine Conservation Society, Royal Society for the Protection of Birds (RSPB), The Ramblers' Association, The Wildlife Trusts, Whale and Dolphin Conservation Society and WWF-UK.

<sup>2</sup> Scottish Environment Link Marine Task Force includes the following member organisations: Hebridean Whale and Dolphin Trust, Marine Conservation Society, RSPB Scotland, Scottish Wildlife Trust, National Trust for Scotland, Whale and Dolphin Conservation Society and WWF-Scotland.

<sup>3</sup> Wales Environment Link Marine Working Group includes the following member organisations: Marine Conservation Society, RSPB–Cymru, The National Trust, Wildlife Trusts Wales and WWF–Cymru.

<sup>4</sup> Northern Ireland Marine Task Force includes the following member organisations: Friends of the Earth Northern Ireland, Northern Ireland Environment Link, RSPB, The National Trust, Ulster Wildlife Trust, Wildfowl and Wetlands Trust and WWF–Northern Ireland.

<sup>5</sup> Scottish Government 2008. *Sustainable Seas for All: A consultation on Scotland's first marine bill* – pg. 35 Box 2.4 and Annex B.

much greater recognition of the fact that a healthy marine environment provides many goods and services for the marine economy and society as a whole.

We believe that the key purpose of Marine Objectives must be to ensure that together the UK Marine Bill as implemented by the UK Government and WAG, and the Scottish Marine Bill and parallel Northern Irish legislation deliver sustainable management according to the five guiding principles of sustainable development as set out in the UK's Sustainable Development Strategy (UKSDS)<sup>6</sup>, jointly agreed by the UK and Devolved Administrations. Critically, this must enable the recovery of marine ecosystems to full health, diversity, resilience and productivity, meeting the twenty year Vision and the joint UK target of '*clean, safe, healthy, productive and biodiverse oceans and seas*'. We believe that targets and measures of ecosystem health are vital if the marine planning and management delivered by new marine legislation are to achieve this ecosystem recovery.

We welcome the statement that the new objectives do not replace the existing jointly agreed, UK-wide strategic goals for the marine environment<sup>7</sup> and the jointly agreed, UK-wide strategic goals for marine nature conservation<sup>8</sup>. We consider it important that this is reiterated in the MPS, and suggest that it would be helpful to cross-reference the existing strategic goals with the new HLMOs and possibly present them in some form of diagram. We also welcome and support the Scottish Government's commitment to develop a set of Marine Ecosystem Objectives (MEOs) as '*a mechanism for setting out what the management of Scotland's coasts and seas is aiming to achieve; outlining strategic goals for the marine environment and translating the principles of an ecosystem based approach into practice*'<sup>9</sup>. We would like to see all four UK Administrations developing measurable objectives against which to evaluate and direct the performance of new marine legislation and management measures in delivering the significant conservation and recovery of marine ecosystems specified in the twenty year UK Marine Vision.

We are pleased that many of our previous comments have been taken on board and included in the text of the current consultation document. However, there are still several points of concern that we believe need to be addressed and we therefore reiterate these here under the respective headings of the consultation document:

### **Overarching comment**

- We believe that there is a risk of misinterpretation of the phrase 'delivering/achieving sustainable marine development' (pages 2, 3 & 6) and therefore believe that this should be worded 'delivering/achieving sustainable development of the marine environment/area'. Changing to the latter wording would ensure that this document is consistent with other Government policy documents, and clarifies that it refers to 'sustainable development' as defined in the UKSDS.

### **What success would look like...**

- We strongly believe that there should be explicit reference to recovered biodiversity in this section as we do not consider the current state of marine biodiversity to represent a baseline for a healthy ecosystem, especially where human activity has resulted in adverse changes to marine life and continues to do so.

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<sup>6</sup> HM Government 2005. The UK Government Sustainable Development Strategy

<sup>7</sup> HM Government 2004. The Government's response to its Seas of Change consultation.

<sup>8</sup> Defra 2005. Safeguarding Sea Life: The Joint UK Response to the Review of Marine Nature Conservation.

<sup>9</sup> Scottish Government 2008. Sustainable Seas for All: A consultation on Scotland's first marine bill – pg. 35 Box 2.4 and Annex B.

### **Marine Objectives – Living within environmental limits**

- We welcome the reference to recovery of biodiversity in the first bullet point under this objective. However, we strongly believe that “*where appropriate*” should be removed from this statement. If this view is rejected and a caveat is considered absolutely necessary, it must be made clear that it refers only to recovery (as per the Marine Strategy Framework Directive (MSFD) [Art 1 (2)(a)]). We would also like clarification on why the term “*where appropriate*” has been used rather than “*where practicable*” as is used in the MSFD.
- Whilst the ‘What success would look like’ section states that “*representative, rare, vulnerable and valued*” species and habitats will be protected, the third bullet of the ‘Living within environmental limits’ objective does not include ‘representative’ species. We strongly believe that ‘representative’ should also be included here so that it reads “*Our oceans support viable populations of representative, rare, vulnerable, and valued species*”.
- Marine Protected Areas (MPAs) will be the primary mechanism in the UK Marine Bill for ensuring that biodiversity is protected and conserved. We are therefore pleased that reference to these sites has been included in the ‘What success would look like’ section. However, as MPAs are such a crucial component of the marine management framework, we strongly believe that a further bullet point should be included under the ‘Living within environmental limits’ objective, stating “*A comprehensive, ecologically coherent network of well-managed (including representative) Marine Protected Areas has been designated providing the necessary level of protection to restore our marine environment*”.

### **Marine Objectives – Promoting good governance**

- We believe that the last bullet point of this objective would benefit from the inclusion of ‘and natural’ at the end of the sentence so that it reads “*The use of the marine environment is spatially planned and based on an ecosystems approach which takes account of climate change and recognises the protection needs of individual historic and natural assets*”.

We would also like to raise the following additional comments on each of the sections below:

### **What success would look like...**

- We are concerned by the inference that conflicts between activities and the impacts of developments on the environment will only be ‘taken into account’ and hence potentially ignored (paragraph 4). The conflicts between, and the environmental impacts of, activities in the marine environment must be “*properly assessed prior to consent being granted and managed effectively and consistently*” to ensure that only sustainable developments are consented.
- We feel that the reference to pollutants, contaminants and toxins should be strengthened by using similar wording to that used in the MSFD [Art1(2)(b)], in particular adding the reference to ‘phasing out pollution’ (our underlining below): “*prevent and reduce inputs in the marine environment, with a view to phasing out pollution, so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea*”.
- We are concerned by the statement “*Underwater noise will be restricted to acceptable levels; and litter will be disposed of in ways which do not harm the marine environment*”. We are particularly concerned about how ‘acceptable’ will be judged. We suggest re-wording this statement to strengthen it, again using similar wording to that used in the MSFD, so that it reads: “*Underwater noise will*

*be minimised to a level so as to ensure that there are no significant impacts or risks to marine biodiversity; and litter disposed of responsibly so that there is no harm to the marine environment”.*

- We are concerned by the suggestion in the last paragraph of this section that sustainable development is only about securing long-term benefits for society rather than all five of the sustainable development principles. We refer again to the wording in the UKSDS – “*for a policy to be sustainable, it must respect all five of these principles*”<sup>10</sup> and recommend changing the last paragraph to reflect it, as follows (underlined text is taken directly from the UKSDS<sup>11</sup>):  
*“In the long term, management of human activities in the marine environment will be such as to secure our goals of living within environmental limits and a just society, and we will do this by means of a sustainable economy, good governance and sound science, thereby delivering sustainable development.”*

### **Marine objectives**

- We believe it would be worth re-iterating on page 4 (as per page 2) that while the five sustainable development principles are separated out for simplicity in this document, to achieve truly sustainable development they need to be integrated in decision-making.

### **Marine objectives - Promoting good governance**

- In order for marine management to encompass an ecosystem-based approach and ensure sustainable development in the marine environment it must follow ecological rather than political boundaries as per the biogeographical Regional Seas defined by JNCC<sup>12</sup>. To this end, we support a joint marine planning approach at the regional seas scale, requiring the four UK Administrations to work together to produce joint marine plans. We welcome the reference to the ecosystems approach in bullet point 5 of this objective. However, we believe that bullet point 3 of the same objective should be amended so that it reads “*Marine management in the UK takes account of different management systems that are in place because of administrative or political boundaries, but is not restricted by such boundaries, and takes account of transboundary and international issues*”.

### **What we mean by:**

- We are concerned by the definition of the ecosystems approach in this section. It is a considerable deviation from the Convention on Biological Diversity (CBD) definition. The definition in the consultation document appears to only include two of the three CBD ecosystem approach elements (i.e. ‘sustainable use’ and ‘equitable sharing of benefits’) while the ‘conservation’ element is not mentioned. We strongly suggest that the definition is re-worded so that it reads “*The ecosystems approach has been defined in various ways, but the core of the approach lies in integrating and managing the range of demands placed on the natural environment in such a way that the environment (including biodiversity) is conserved (and allowed to recover), so that it can indefinitely support essential ecosystem services and provide benefits for all*”.
- The ‘Ecosystem goods and services’ definition currently only refers to goods, but not any services, such as regulating climate/weather and absorbing CO<sub>2</sub> from the atmosphere, etc that the marine system delivers.
- We believe that a definition of ‘Biodiversity’ should be included in this section so that it is clear that this term includes all species, habitats and genetic diversity.

<sup>10</sup> UK Sustainable Development Strategy, Guiding Principles, pg.17, para1.

<sup>11</sup> UK Sustainable Development Strategy, Guiding Principles, pg.17, para1.

<sup>12</sup> Defra 2004. Review of Marine Nature Conservation Working Group Report to Government, July 2004.

We believe that, if improved, the HLMOs could provide a strong steer for the achievement of true sustainable development of the marine environment, including the recovery of, and strong protection for, marine biodiversity. We now look forward to the next step in seeing how the Marine Objectives will be delivered. This is particularly important as it is in making these objectives operational that we will be able to judge whether the UK Government, WAG and Northern Ireland Executive are achieving the joint vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. Again, we urge the Scottish Government to participate in this joint process with the other UK Administrations.