

Principles of Marine Net Gain consultation response

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Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 65 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline. This response is supported by the following Link member organisations:

- Buglife
- Institute of Fisheries Management
- The National Trust
- ORCA
- RSPB
- The Wildlife Trusts
- Whale and Dolphin Conservation

In response to the consultation on the principles of Marine Net Gain (MNG), Wildlife and Countryside Link have compiled a list of the key priorities which must form the basis of a successful MNG system:

- **MNG should assess impacts on species as well as habitats**

By nature, the marine environment is highly dynamic and interconnected. As such, focussing only on habitats may not benefit all species, particularly those which are highly mobile, such as seabirds, cetaceans, or other marine fauna. To truly deliver gains for all marine ecosystems, a wider approach will therefore be needed; one that takes into account the specific needs of these species and targets them for intervention. For this reason, we welcome the fact that the consultation proposes that MNG will measure impacts on habitats and species (**Principle 1**).

- **Government leadership is crucial to the effective implementation of MNG**

Active restoration in the marine environment is extremely complex and limited, particularly in an offshore context. In most cases, the only proven method to enable ecosystem restoration is through the removal of pressures caused by industrial processes.¹ However, the removal of pressures will require Government's leadership and steer to reform these processes. As such, the only way for MNG to truly deliver for marine biodiversity will be through a combination of Government-led strategic pressure removal initiatives (enabled by private funding) alongside more traditional site based restoration projects.

¹<https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5b6ce7ee9&appId=PPGMS>

- **MNG must take a nature first approach**

The consultation document does not limit MNG to biodiversity net gain, which would focus only on the biodiversity benefits of interventions. Instead, it proposes to take an Environmental Net Gain approach, considering the wider benefits provided by marine ecosystems' restoration.

Though an Environmental Net Gain approach in the marine environment may present some benefits (i.e. increased consideration of marine ecosystems' role in mitigating for climate change), keeping a nature first approach to net gain is essential. Defra must make it clear that biodiversity gains should always be prioritised, and that biodiversity can never be traded off for other ecosystem services, otherwise these secondary benefits risk diluting the mechanism.

Principle 2 states that broadening the range of benefits that MNG recognises could help tackle the fact that 'our knowledge of the marine environment is limited when compared to the terrestrial and intertidal environments'. Lack of data available to industry should in no way enable the roll out of measures with limited proven benefits to nature but delivering wider ecosystem services. However, this does support one of the key principles needing to be embedded in a MNG system: it will need to be enabled by Government leadership, supplying the appropriate data and steer to allow for appropriate interventions, in turn supported by private funding.

- **Gains have to be ecologically coherent and secured in time**

Habitats and species targeted for restoration will need to be relevant to the development or developments contributing to the net gain project where appropriate, or alternatively fall within an ecologically coherent strategic approach. In practice, this means that the principle of 'like for better' should be applied, and the interventions thus based on ecological coherence depending on the impacts and the biodiversity priority needs. This notion is of particular importance in the marine environment, where active restoration is complex and costly: the interventions must not be chosen based on ease of creation.

Furthermore, following the undertaking of a net gain project, its benefits must be secured in time to ensure they fully deliver for marine ecosystems. Projects will therefore need to be accompanied by monitoring and management measures following their inception phase. This will be of paramount importance, particularly in the first years of implementation of a new MNG system, so best practices and interventions can be learnt from and contribute to the improvement and development of new innovative net gain projects.

- **MNG need to rely on proven interventions, without hindering innovation in the first stages**

For an intervention to lead to net gain, it will need to leave the marine environment in a measurably better state than before, using pre-defined metrics. As such, a new MNG system will need to prioritise, where relevant, proven interventions with measurable gains for targeted ecosystems and their processes. However, as mentioned, active restoration in the marine environment, and particularly in an offshore context, is greatly limited, and thus a level of innovation will be necessary to develop new interventions suitable for a range of

habitats and species. This will need to be strictly regulated and safeguards put in place to ensure lessons learnt are being recorded, best practices shared, and that this leads to an effective statutory net gain system fully up and running to be rolled out within the next 5 years.

- **The framework delivered to implement MNG will need to be based on transparency and traceability**

Whether it is the Marine Recovery Fund as suggested in the consultation that is mandated to manage MNG contributions, or another structure, it will need to be developed following strict principles of transparency and traceability. Indeed, these principles are at the basis of a successful MNG system, so there can be scrutiny on industry fundings and the projects they are contributing towards, ensuring ecological coherence and consistency. Any structure in place will need to be accompanied by regional delivery groups enabling site-based intervention and supporting local expertise.

- **MNG needs to be mandatory for all developments and include a range of activities, such as fisheries**

A MNG system will need to be applied consistently to all developments, and as such requires a mandatory approach. However, besides from the list provided in the consultation of licensing regimes where MNG requirements should be introduced, a wider application of these principles must be considered.

Indeed, some of the most impactful sectors to the marine environment are undertaking what can be classed as ‘activities’, and as such would be excluded under the proposed regime from a MNG system whilst being some of the most important levers for change.

This is the case of the fishing industry, a sector for which impacts on the marine environment have been well researched and documented throughout the last 30 years,²³⁴ and which has been identified by the Office for Environmental Protection (OEP) as ‘needing urgent action’ to tackle overfishing and the destruction of the seabed from mobile fishing gear⁵. Indeed, from unsustainable practices leading to the decline of key fish species, to affecting key marine habitats and ecosystems through the use of damaging fishing gear or the accidental capture of non-targeted species, including endangered seabirds and cetaceans, the impacts are, and have been, numerous and at a vast scale.

As a result of increasing offshore development, fisheries may also be displaced to vulnerable areas, cumulating pressure on already degraded ecosystems and potentially increasing interactions and competitions with seabirds and wildlife which in many cases will also be suffering from displacement from these same offshore developments.

² https://www.researchgate.net/publication/248812391_Environmental_effects_of_marine_fishing

³ <https://www.sciencedirect.com/science/article/abs/pii/S0964569198000374>

⁴ https://www.researchgate.net/publication/265158587_The_effects_of_fishing_on_non-target_species_and_ecosystem_structure_and_function

⁵ <https://www.theoep.org.uk/report/taking-stock-protecting-restoring-and-improving-environment-england>

Finally, the sector is one of the most economically significant in the marine area, certainly more so than marine aggregates or ports⁶ which are rightfully proposed to be included in this MNG system. Thus, the exclusion of this industry would leave a gaping hole in the wider management of our seas, excluding a key stakeholder and potential contributor from our visions for healthy seas.

We propose as such that MNG could be embedded in the newly established marine spatial prioritisation programme, which aims to develop a holistic and strategic vision for our seas by 2050, and which will need to include all activities and developments to succeed in its task. Doing so will also help to consider wider incidental environmental impacts, including displacement and cumulative effects. The programme, with its holistic mandate, could look into fishing quotas allocation, fleet capacity as well as fishing sites, to assess the scale and level of impacts and as such the level of net gain needed.

Though the entirety of the fishing sector may not be suited to become contributors to a MNG system at this stage, embedding activities such as fisheries to a MNG system would present many opportunities for net gain interventions. Indeed, it could support measures to upgrade fishing gear types to those which are less environmentally damaging, rolling out mitigation and monitoring measures for bycatch (such as Remote Electronic Monitoring and adapted gear, as has been done successfully in several countries⁷), and could even assist the industry in transitioning to more climate smart practices⁸. Overall, this could greatly help the sector to transition to practices which reflect the seriousness of the nature and climate crisis. We note that including fisheries in MNG is supported by the OEP.⁹

- **MNG must consider the impact of Marine Licence Applications**

We are concerned that there is a lack of consideration of cumulative impacts from multiple small-scale developments that do not individually cross the threshold for MNG. The problem of cumulative impacts is exemplified by recreational boating and moorings, which are likely to fall out of scope for Net Gain requirements, whereas larger projects such as marinas do not. Given the number of individual moorings that are placed in some areas, there is potential for a cumulative impact similar to a marina.

Review of Marine Licence Applications (MLAs) indicates that there are a number which include activities such as coastal defence maintenance, operational/maintenance dredging/disposal, moorings placement, pontoon/piling placement, anchor points (e.g. aquaculture, floating/ sub-surface arrays), etc, which cause individual small-scale habitat loss, but may fall out of scope of MNG proposals, without consideration of the overall cumulative habitat loss of multiple applications. For example, if one mooring licence is out of scope, so will the 99 others surrounding it if these are single independent MLA applications.

The Government should consider whether the MLA process could record an annual figure for habitat loss and establish a means for "cumulative net gain" to counter small-scale losses

⁶ <https://www.sciencedirect.com/science/article/pii/S0308597X19307390>

⁷ <https://www.sciencedirect.com/science/article/abs/pii/S0006320720309733>

⁸ https://www.rspb.org.uk/globalassets/downloads/policy-briefings/climate_smart_fisheries_report_2021.pdf

⁹ <https://www.theoep.org.uk/report/oep-response-principles-marine-net-gain-consultation>

over a wide area e.g. habitat restoration at one site resourced by a precept on the MLA charge for licences at multiple sites.

Wildlife and Countryside Link is the largest environment and wildlife coalition in England, bringing together 65 organisations to use their strong joint voice for the protection of nature. For more information contact Link's Marine Policy Officer Matthew Dawson e:matthew@wcl.org.uk