

## **Wildlife & Countryside Link response to Marine Management Organisation's Draft South Marine Plan Consultation, January 2017**

### **Introduction**

Wildlife and Countryside Link (Link) brings together 46 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK. This response is supported by the following eleven members of Link:

- ClientEarth
- Friends of the Earth England
- Institute of Fisheries Management
- Marine Conservation Society
- MARINELife
- ORCA
- RSPB
- Whale and Dolphin Conservation
- Wildfowl and Wetlands Trust
- The Wildlife Trusts
- WWF-UK

Link welcomes the draft South Marine Plan and the considerable work that has gone in to it by the MMO. We are pleased to see this adding to the East Marine Plan and gradually meeting the UK's commitment under the Marine and Coastal Access Act 2009 for Marine Plans around England and Wales by 2021.

Link's Marine Working Group has campaigned for Marine Planning and the Marine Act and written technical documents on what is needed to deliver Marine Planning since 2002. Link members have taken an active part in stakeholder discussions to inform this plan. We have attended national stakeholder focus group meetings, attended South Marine Plan workshops and provided input to the various consultations.

The South Marine Plan area is distinctive in being heavily used by all the main marine industries bar energy. Most of the estuaries and harbours are at full capacity with regard to recreation, both moorings and marinas. The Solent provides the UK's busiest port and the Eastern Channel is an important area for aggregates dredging. England's key fishing port is in the region and the region has some of the most heavily used shipping lanes in the world.

Link's Marine Working Group members are all involved in the South Plan area to varying degrees. Activities include managing nature reserves, co-ordinating volunteers in undertaking surveys of habitats by divers, bird counts, beach cleans and working with Government to deliver a well managed Marine Protected Area network. Many of our activities help provide social and economic benefits particularly for recreation and tourism as well as protection of the environment.

## Key issues & observations

### Overall

Link is pleased that the South Plan Marine Objectives and Policies are to a large extent an improvement on those of the East plan and we recognise the direction of travel for marine planning in England to date. We also welcome particular policies, in particular the extra level of support for coastal ecosystem services, mobile species and areas that have been identified but not yet designated as Marine Protected Areas.

However, we are disappointed that the environment remains below other objectives of the South Marine Plan (for instance as implied by the wording of Paragraph 2). It is our view that when maintaining and restoring, where possible, the environment, the ecosystem services provided should be at the heart of ecosystem based planning. We are concerned that if all the South Plan's development policies and objectives were met it would actually detract from, and may undermine, various national and international policy commitments, such as:

- The UK vision for the marine environment: 'clean, healthy, safe, productive and biologically diverse oceans and seas'.
- The UK Government's High Level Marine Objectives, in particular the objective to live within environmental limits and apply the precautionary principle consistently.
- The UK's Sustainable Development principles which state: "The goal of living within environmental limits and a just society will be achieved by means of a sustainable economy, good governance, and sound science"  
<http://sd.defra.gov.uk/what/principles/><sup>1</sup>.
- The Habitats Directive, Birds Directive and Marine Strategy Framework Directive.

The plan also separates out the three pillars of sustainable development, in a plan area currently suffering from the already intense levels of development and environmental pressures. The consequence of this is that various aspects of this vision could be seen to contradict each other, rather than being integrative and based on recognition of the benefits of a healthy environment that are raised in the core issues.

Finally, while we recognise the need to make the Plan shorter and more readable, much of the valuable narrative behind the policies is unlikely to be read in practice as it is in a technical annex. More emphasis should be placed within the main document that this material must also be read by both decision makers and applicants, and that the Marine Information System should be the default portal for all those with an interest in the Plan.

### The South Plan Area

Link is concerned that there is no mention of the state of the marine environment in the South Marine Plan. While we appreciate the detail on the activities and environment are in the South Plan Analytical Report and Sustainability Appraisal we believe that the South

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<sup>1</sup> <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

Plan itself should still devote at least one page to describing the state of the environment and make reference to Charting Progress and other studies.

JNCC/Defra's 3<sup>rd</sup> report to the European Commission on the status of its Annex I habitats <http://jncc.defra.gov.uk/page-6392> in line with Article 17 of the Habitats Directive reveals that sadly the overall status for most intertidal habitats is bad and deteriorating:

- Spartina swards (*Spartinion maritimae*): status bad and deteriorating
- Mudflats and sandflats not covered by seawater at low tide: overall status bad and deteriorating
- Atlantic Salt Meadows - overall status bad and deteriorating
- Large shallow inlets and bays - overall status bad and deteriorating

Many fisheries are still fished at levels above Maximum Sustainable Yield. Seabass is of particular concern with scientists recommending that there be a zero catch for this species. Additionally, the Marine Protected Area network is gradually being completed but it is behind schedule both for designation and management.

### **The vision**

This is an improvement on previous versions – we welcome the more integrated strategic approach.

### **The objectives and policies**

Overall, Link is pleased to see some environmental objectives and policies but we are concerned that the South Marine Plan is still largely development focussed and not sufficiently forward looking. While there are some good policies on the environment it is not clear whether these will translate into actions to ensure development is sustainable and does not adversely affect the environment. We wish to raise these specific points:

- We are pleased to see that MSFD is much better integrated into the South Marine Plan than it was the East.
- We strongly welcome a policy to help protect non-designated habitats and species.
- We strongly welcome the objective on marine ecosystems, habitats and species.
- We are concerned that the majority of policies seem to be to protect or promote development and growth and has the potential to lead to adverse affects on Marine Protected Areas and the wider marine environment.
- We are concerned that the MMO has taken the terminology which is meant to protect habitats such as “no adverse affect” and “mitigation” and is instead using it to protect industry interests
- It would be helpful if somewhere in the plan it was made clear what a “proposal” is and that it does not include Marine Protected Areas.
- We are concerned that there is no explicit reference to the Habitats or Birds Directives, or the protections that they provide for European Marine Sites. There is only a single reference to the need for proposals to refer to any Habitats Regulations Assessment that has been undertaken, and to the need for proposals to clearly explain why they meet the ‘imperative reasons of overriding public interest’ test

contained in Article 6, where relevant. This is clearly weighted towards development. While Objective 10 is focussed on MPAs there is no clear policy relating to compliance with the Habitats or Birds Directives. In particular, there is no reference to the legal tests set out by Article 6 of the Habitats Directive and the need to avoid adverse effects on the integrity of European Marine Sites.

- In this context, we are also concerned that there is no mention in the Plan of the precautionary approach for the protection of habitats and species in line with relevant legislation. We also request that the text that refers to basing decisions on “a sound evidence base as far as possible” should be changed to “best available evidence” as the former gives too much discretion to decision-makers and risks not being compliant with the precautionary principle.
- Given the location of the plan, and the requirements of MSFD, it would be useful to clarify how the plan will interact with the French planning system.
- We welcome paragraph 20 and its clarification that no sector is either more or less important.
- The Plan makes welcome reference to the ecosystem services associated with intertidal habitats, but no detail is provide on the critical importance of these areas as fish nurseries
- Many of the original objectives were much more sustainable in nature and are now much more heavily development lead – we list a few from the original South Plan objective consultation below:

**7: To support vibrant, sustainable communities through maintaining and increasing the health, well-being, enjoyment and other social benefits of ecosystem goods and services, seascape and designated landscapes.**

**9: To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities, habitats and species of importance to the South marine plan areas.**

**10: To protect and where possible enhance the ecosystem goods and services that support existing or the growth of economically productive activities**

## **Cumulative impacts**

There is no generic cumulative impact policy in this plan. This was in a previous draft but was removed, bar a passing reference and now only relates to mobile species but not habitats. Cumulative impact should encompass more than disturbance pressure to mobile species. There was also a policy on cumulative impacts in the East Plan.

MMO may be trying to integrate cumulative impacts into wider planning, but this needs to be more overt and at present cumulative impacts remain a key gap in the Marine Plan determining its effect on the South Plan Area.

## **Mapping**

The Spatial maps are still based on technical opportunity of resource and do not consider environmental constraints – again deferring environmental considerations down to project

level. This is not consistent in our view with the ecosystem approach to planning as required by the Maritime Spatial Planning Directive and the UK Marine Policy Statement.

While there is one map with MCZs these are hidden by the other activities and need to be in their own map along with European Marine Sites which seem to be missing.

### **Plan scrutiny**

We believe that it is essential that all plans undergo an examination in a public hearing of some kind so that evidence can be brought to bear on policy development. Therefore, the plans should be subject to Independent Investigation as standard practice, rather than the MMO recommending if they need one or not to the Minister. In Scotland they have a parliamentary session to debate the plan so some independent scrutiny does occur. An independent investigation would add valuable expertise and experience to plan implementation.

**Wildlife & Countryside Link Marine Working Group  
January, 2017**