

Wildlife and Countryside Link response to Defra's draft statutory guidance on Sustainable Development for the Marine Management Organisation (MMO) December 2009

Introduction

Wildlife and Countryside Link (Link) is a coalition of the UK's major voluntary organisations concerned with the conservation, enjoyment and protection of wildlife, the countryside and the marine environment. Taken together, our members have the support of over 8 million people in the UK.

This response is supported by the following 7 member organisations:

- International Fund for Animal Welfare
- Marine Conservation Society
- Royal Society for the Protection of Birds
- Whale and Dolphin Conservation Society
- The Wildlife Trusts
- WWF- UK
- Zoological Society of London

Link welcomes the publication of Defra's draft statutory guidance on Sustainable Development for the Marine Management Organisation (MMO). The request for comments however, only offers us a very short timeframe for response at a very busy time of year. We would have appreciated more time to comment on this draft guidance but we recognise the tight timeframe for establishment of the MMO. **Due to the short timescale, the comments presented here are only our initial thoughts and we look forward to commenting further on the guidance early in 2010.**

Link's position on the MMO's Sustainable Development Purpose - summary

Link welcomes the establishment of the MMO under the Marine and Coastal Access Act 2009¹ and acknowledges that it is a key step towards delivering the Government's vision for 'clean, healthy, safe, productive and biologically diverse seas and oceans' by bringing together the delivery of marine management functions in one organisation and forging strong links between its activities.

Link believes that, as a leading delivery body in the marine environment, the MMO should provide a strong steer for the sustainable development of the marine environment, based on the ecosystem approach.

¹ Hereafter referred to as the 'Marine Act'

Link comments on the draft Statutory guidance on Sustainable Development for the MMO

Introduction

Throughout this document there is a strong emphasis on the Marine Policy Statement (MPS). As the content and detail of the MPS is uncertain – and the process of development is unclear, it is worrying that this draft MMO guidance document relies so heavily on the MPS for guidance and direction. Link believes that clear detail of the MMO's sustainable development objective should be set out now and not deferred to the MPS.

Sustainable Development

The draft guidance includes the following statement:

"The five principles have been adopted as the High Level Marine Objectives, published by the UK administrations in 2009. These are:

- **achieving a sustainable marine economy;**
- **ensuring a strong, healthy and just society;**
- **living within environmental limits;**
- **promoting good governance; and**
- **using sound science responsibly."**

Link agrees that these are the five principles, however we are concerned that listing them in this fashion changes the emphasis from what the UK Sustainable Development Strategy says which is: "We want to achieve our goals of living within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance and sound science". **This statement puts environmental limits and a just society at the forefront as the key objectives and suggests that the other principles will be used to deliver them. Link suggests that this needs to be reflected in the guidance.**

Consistent and co-ordinated approach

Despite being a core objective of the MMO under the Marine Act, there is little explanation of how the MMO will achieve a consistent and co-ordinated approach, in particular with devolved administrations. Ministers have publicly stated plans to create Memoranda of Understanding (MoUs) and concordats between administrations, but this document does not go into any detail on the content of these, or their timetable for delivery. For example, on page 7, the title **working in partnership – EU and international** should also include devolved administrations and the subsequent paragraph should refer to the MoUs that will exist between devolved administrations.

Biodiversity

Throughout the document, there is considerable emphasis on infrastructure development (e.g. paragraph 2.8), and little reference to meeting biodiversity targets or

Good Environmental Status, as required by the Marine Strategy Framework Directive. Link believes that this document needs to contain more detail on how the MMO will contribute towards the UK's biodiversity and conservation obligations and should be included in the main part of the document ('Role of the Marine Management Organisation') and not referred to under 'Other relevant principles'. This will be an important element of the MMO making decisions that meet the sustainable development principle of "living within environmental limits".

Adaptation to climate change

There is no explicit reference to the need to mitigate and adapt to climate change impacts, only to reach climate change targets. For example, in paragraph 2.8 it states that 'The MMO will need to engage with other regulators and delivery bodies in order to influence and/or contribute to ongoing initiatives such as plans to meet climate change targets'. Defra have confirmed that climate change mitigation and adaptation principles will be in the MPS, but Link believes that this also needs to be firmly embedded in the MMO guidance.

The role of the MMO

The role of the MMO is not defined explicitly within this document and could be further clarified. For example, in section 2.5 it states that the public: "... will expect the MMO to have the necessary skills and expertise to use science and evidence in its decision making, and to be held to account as to how it is discharging its duty". However, we believe this could be further elaborated to include the expectation that the MMO will be an expert body, ensuring its staff and commissioners have necessary skills and knowledge, that decisions are based on the best available science and evidence and that it is held accountable for how it discharges its duties.

Paragraph 1.2 states "The combination of marine functions delivered by the MMO", but Link believes that the full range of marine functions needs to be defined within the document. The MMO should be forward-looking and strategic in outlook from the beginning, rather than as in paragraph 2.6 "Over time this will enable the MMO to move away from a case by case consideration of individual projects and impacts to a more forward-looking and strategic approach".

In paragraph 2.6, Link is concerned with the statement "In every decision the MMO takes it should take account of sustainable development within the context of that decision". Instead we would suggest that the MMO needs to assess how any activity meets the principles of sustainable development.

The end sentence of paragraph 2.7 is rather long and confusing: "Importantly though the sum of the MMO's decisions should ensure that the MMO is making a real contribution to achieving sustainable development in the marine area and in the wider context". Instead of this, we believe that this should state: where it is not possible in individual cases for the decision to be equally balanced across all five principles of sustainable development, then the MMO should strive to ensure that the sum of the MMO's decision ensures that the MMO is making a real contribution to achieving sustainable development in the marine area and in the wider context.

The draft document does not clarify the level of expertise necessary on the MMO board. Defra's response to this was that the guidance is not prescriptive and it will be for the MMO Board to decide the skills and expertise required to fulfil its remit. In paragraph 3.3

There is no explanation of how the MMO is accountable or to whom the MMO should report and how.

Stakeholder involvement

Link believes that the document does not present an inclusive list of stakeholders, particularly in paragraphs 2.4, 2.5 and 2.8. The draft guidance does not mention engagement with other types of stakeholders and the general public and is restrictive within the sectors that are mentioned (e.g. only mentions wind farms and not other types of marine renewable technology).

Other relevant principles

Link welcomes the inclusion of all the other relevant principles in the document. Our comments relate again to the MMO's role and the oversight given to mentioning some stakeholders. For example, the title **working in partnership – with other regulators** should also encompass other bodies who do not have a regulatory role but play an important part in management e.g. Severn Estuary Partnership and other coastal partnerships.

Under **working in partnership - Infrastructure Planning Commission** it is not made clear what the MMO's role will be under the Planning Act. We would like greater clarity on the role as statutory consultee for NPS's, statutory consultee to applications and as an interested party for examination. We feel that further guidance is needed to explain in more detail the relationship between the IPC and MMO. This has been identified by stakeholders as a particularly complex area and we feel the detail of the relationship must be made explicit.

Under **evidence based decision making** it is stated that "The evidence to which the MMO should have regard when making decisions includes socio-economic information, monitoring data, predictive modelling studies and other research material". This statement needs to be consistent with what the Act says under the general objective that the MMO should have regard to and not focus on socio-economic data when the general objective states that evidence should be social, economic and environmental.

Under the heading **use of sound science** it is stated that "The MMO will be able to call upon the advice and assistance of its Chief Scientific Adviser and Scientific Advisory Committee and should make full use of this resource while developing its capability to act as an intelligent client". Link is unclear as to what is meant by client i.e. for whom or what?

Conclusion

While Link welcomes the publication of the draft guidance on sustainable development for the MMO, and the opportunity to comment on this, we would like to see the document revised and improved. In particular, we believe that the document could be more specific without just relying on the MPS to contain all the detail. The MPS will not be adopted for two years but the MMO will be required to make decisions and guide development from April 2010. It is therefore vital that the guidance is detailed enough to allow the MMO to fulfil its role. The language used in this guidance should be strengthened to provide a more robust and effective framework for the MMO to operate within.

In essence, Link is unsure how this guidance is actually meant to practically help the MMO deliver sustainable development. It is our view that the document does not clearly set out guidance on what should be considered in individual decisions and it does not fully explain what types of evidence or considerations may be relevant for considering each of the five principles of sustainable development. It is our view that the MMO would benefit from more detailed and practical guidance.

**Wildlife and Countryside Link
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