

A Future for our Seas

Wildlife and Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas. Achieving these improvements will require coordinated action at UK level and by the devolved administrations. This paper has been developed in consultation with colleagues in sister Link organisations – Wales Environment Link, Scottish Environment LINK, and Northern Ireland Environment Link – who will be calling for specific changes to improve the devolved management of the marine environment.

A planning system for our seas

The present sectoral approach to managing activities at sea results in conflict between sea-users and leaves us unable to assess how the activities work in combination to impact upon our declining marine biodiversity and cultural heritage. This system cannot deliver an ecosystem-based approach to marine management. Forward-looking spatial plans of our seas would allow potentially damaging activities or developments to be strategically managed, to better protect marine wildlife and cultural heritage while at the same time creating greater certainty about where, when and how developments or other marine activities could proceed.

What is needed?

A marine spatial planning system – a planning system for the sea – to enable strategic and integrated plan-led management of sea use at the UK, national, regional and even local levels. Marine spatial planning must be multi-use planning, and the spatial plan areas should not be confined to geo-political boundaries, but based on marine ecosystems or other meaningful geographical units. A “regional sea” approach, such as that being tested through the Defra-led Review of Marine Nature Conservation (RMNC) Irish Sea Pilot Study, may be the most appropriate for marine spatial planning, and will require both a UK-wide and national marine policy as well as marine legislation. The role of sub-regional marine spatial plans for intensively used areas such as estuaries should also be considered.

Why is reforming the law important?

The RMNC’s interim report (2001) recognised that “*below low water mark there is no equivalent to the Town and Country Planning system of development control that brings together much of the regulation over a wide range of activities in a common framework. (Nor is there any regulator who carries the breadth of duties and powers possessed by local authorities on land.) The management and consenting regimes for activities potentially damaging to the marine environment are largely sectoral and environmental considerations are predominantly incidental to the main purposes and powers of the bodies which operate them.*”

The current terrestrial ‘plan-led system’ was introduced in 1991 through the Planning and Compensation Act, and effective spatial planning is now widely supported as an essential tool for managing the development and use of land. In many respects, ‘planning’ in the marine environment today resembles terrestrial planning prior to the



Act. There is no clearly articulated spatial vision, no plan-led approach and, consequently, a lack of certainty for marine developers and sea users.

There are scores of reasons why a marine planning system is needed and supported by government bodies, industry and NGOs alike. Here are some of the main ones:

- To promote open and transparent governance of our seas, ie a planning process that is clearer, more accountable and more participative;
- To contribute towards delivery of sustainable development objectives in the marine environment;
- To enable a strategic overview of developments in the coastal and marine environment;
- To enable government, industry and conservationists to work together to identify suitable locations for development and activities and to identify sites where important assets need to be safeguarded and where conservation should take precedence;
- To inform industry of appropriate development sites and enable it to undertake more effective forward planning;
- To integrate the interests of different stakeholders, such as fishing interests and offshore renewable energy, and enable strategic conflict resolution, eg at a regional, rather than project, level;
- To enable an integrated, cross-sectoral Strategic Environmental Assessment (SEA) of all uses at the 'regional seas' level rather than the current sectoral SEA approach;
- To help assess the cumulative and in-combination effects of projects, plans and policies;
- To plan for the increasing number and scale of developments in the marine environment eg offshore renewable energy – the sectoral approach is no longer an option;
- To allow industry to manage its risk by increasing certainty in respect of development proposals;
- To provide cost savings to Government and industry through efficient use of collated data;
- To utilise existing data to best effect, identify gaps, initiate essential strategic survey and research work and ensure that management decisions are based on sound science; and
- To implement national and international objectives on marine spatial planning, the ecosystem approach and mapping, for example:
 - The 5th North Sea Conference Bergen Declaration, March 2002, which proposes marine spatial planning using a regional seas approach;
 - The OSPAR Commission, June 2003, at which Parties agreed to include marine spatial planning in the Biodiversity Committee's work programme;
 - The Marine Stewardship Report, *Safeguarding our Seas* (Defra 2002) states that the UK Government "...will explore the role of spatial planning for the marine environment ..." ¹

How can the law help?

We need new legislation to provide a statutory framework for delivering a spatial planning system at sea, just as the 1991 Planning and Compensation Act provided for a plan-led approach on land. This framework should place a duty on government to ensure that a marine spatial plan (or plans) is produced. The plan (or plans) should have statutory underpinning, meet international commitments and set out the Government's objectives for the marine environment and for managing activities and developments. The plan(s) should also contain all necessary explanatory matter, including a statement about the use and management of important sites and a reasoned justification of the general policies and recommendations of the plan(s).

¹ Defra 2002 *Safeguarding our Seas – A Strategy for the Conservation and Sustainable Development of our Marine Environment*. Paragraph 3.19

Other necessary components of marine planning legislation would include:

- Identification of the plan making-body or individual;
- Definition of all duties and powers associated with marine spatial plans for the Secretary of State, government departments, agencies and other marine competent authorities;
- Definition of plan boundaries;
- A requirement for the provision of all necessary guidance, including details of all legislation affecting activities in the plan area – eg site and species protection legislation;
- Definitions of the criteria which would be used to assess proposals within a plan area;
- A requirement for public consultation on all marine spatial plans;
- A requirement for the collection of all data needed to draw up marine spatial plans, and provisions to ensure the sharing of these data; and
- A requirement for the plans to be regularly reviewed.

Sustainable management of the marine environment must be plan-led not demand-led.

For more information

To receive further copies of this or other Link marine briefings, or for further information on any of the issues raised, please contact Annie Smith at Wildlife and Countryside Link: 020 7820 8600 / annie.smith@wcl.org.uk.

Marine Spatial Planning for the UK (Nov 2002), a discussion paper developed by Wildlife and Countryside Link with Scottish Environment LINK, Wales Environment Link and Northern Ireland Environment Link, which can be accessed through the Link website, www.wcl.org.uk.

The following Link marine briefings are also available:

- *Act before it's too late;*
- *The right governance of our seas;*
- *What future do we want for our marine environment?;*
- *Protecting our nationally important marine wildlife sites;* and
- *Better protection for marine wildlife.*

To receive information on Scottish Environment LINK's parallel campaign for marine reform, please contact Calum Duncan on 0131 2266360 / scotland@mcsuk.org.