

Wildlife & Countryside Link is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas

# Marine Bill Bulletin

## A Future for our Seas – Marine Spatial Planning

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**Wildlife & Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas.**

Link believes that we urgently need Marine Spatial Planning (MSP) to deliver an ecosystem-based approach to the management of activities in UK seas and to ensure sustainable use of our precious marine resources. We are therefore pleased at the government's commitment to a Marine Bill to 'introduce a new framework for the seas, based on marine spatial planning' (Labour Party General Election Manifesto);

[http://www.labour.org.uk/fileadmin/manifesto\\_13042005\\_a3/flash/manifesto\\_2005.swf](http://www.labour.org.uk/fileadmin/manifesto_13042005_a3/flash/manifesto_2005.swf).

### **1. Why do we need Marine Spatial Planning – what is wrong with the current approach?**

Our seas are in trouble: biodiversity is declining, fish stocks are dwindling, marine resources such as oil & gas and marine aggregates are diminishing, and climate change is altering the marine environment. Meanwhile pressures for marine resources and development continue to increase. It is no longer tenable to manage marine industries sector by sector, with little regard to other industries or to the pressures placed on the marine ecosystem. Planning decisions should be made with regard to all the activities impacting on them. In the current planning regime, decisions take up unnecessary and costly time and effort, because different sectors and government departments are not 'joined-up' by an integrated planning process.

### **2. What can Marine Spatial Planning offer?**

Link believes that MSP offers numerous benefits for industry, government and marine biodiversity. MSP will provide an overview of environmental impacts and enable potential conflicts between sectors to be identified and resolved at the planning stage, rather than at a later stage when considerable investment has been made for individual proposals. Marine Spatial Plans (MSPs) will guide developers on where applications are more likely to succeed or fail thus increasing certainty and reducing risks for investors. In addition, MSP could facilitate the sustainable development of new technologies, for example wave and tidal energy, by identifying and safeguarding important resource areas for those sectors.

### **3. So will MSP really deliver the integration required to ensure an efficient system and sustainable use?**

Link considers MSP is key to the delivery of a streamlined and efficient planning and consents regime. Joined-up decision-making and consensus-building in the development of Regional MSPs should come about through integrated working by government departments and agencies, with valued input from non-statutory stakeholders. This process should be facilitated by the proposed new Marine Management Organisation, which should be given the necessary statutory powers (see point 7 below). There must be clear lines of responsibility for decision-making, a mechanism for conflict-resolution, and a wholly transparent planning process.

The process of Marine Spatial Planning must ensure the integration of different sectoral policies, taking into account environmental, economic and social factors. In addition nature conservation must be seen as an equal sector with all other users. Hence some areas must be set aside for conservation in the form of Nationally Important Marine Sites, just as others are set aside for shipping lanes or offshore wind.

### **4. To what extent will MSP influence consenting decisions?**

Once in place, Link suggests that the consenting authorities should treat Regional MSPs as primary guidance in assessing proposals. Their decisions should accord with Regional MSPs unless it is decided that key considerations exceptionally dictate otherwise (e.g. discovery of important wildlife habitat, reasons of public health and safety, or reasons of overriding public interest). However, Link also believes that there must be some scope for adaptive management that allows aspects of plans to change as knowledge and understanding increase over time and in different areas: the 'learn by doing' approach. This will necessitate monitoring and assessment of plans against their objectives to identify whether changes are required to enable the objectives to be met. There needs to be a careful balance between improved certainty for developers and the opportunity for adaptation of plans according to new information, changing circumstances and new technologies.

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### 5. How can MSP reduce bureaucracy and lead to cost savings?

As mentioned above, MSPs will allow for early identification of potential conflicts, and therefore a chance to resolve them, between industries (e.g. windfarms and shipping lanes), and between development and important wildlife areas. Developers will be able to predict where proposals will be likely to gain consents with much greater certainty, thus reducing work and costs that currently arise when conflicts are identified at later stages of the planning process.

Surveys, data collation and maps produced for the MSP could be made available to those carrying out EIAs or SEAs and vice versa. This should assist in scoping and reduce the burden of data collection. It will also facilitate a quicker and more reliable consenting process with all available information to hand and understood by decision-makers.

### 6. Will sectoral policies change?

A key role for MSP will be to translate international and national policies into tangible targets at the regional sea scale whilst also integrating sectoral policies. Link believes that MSP provides an opportunity for progressive forward thinking in policy development to ensure sustainable use and to 'climate change-proof' MSP as is now done for all new government policy and legislation. However, MSP itself does not necessitate radical change in sectoral policy.

Planning Policy Statements will be needed to guide management of each marine use in compliance with international and national policy commitments.

### 7. Who will make the plan?

Link believes that the proposed 'Marine Management Organisation (MMO)' should be responsible for and lead implementation of MSP. The MMO should have the authority to ensure co-ordination between all government departments to achieve integrated working on MSPs. It must also facilitate co-operation and conflict resolution between stakeholders through the planning process.

Marine spatial planning must be about 'planning with people' not just 'planning for people'. The MSP Pilot workshops have demonstrated a key benefit of the MSP

process, that of sharing information and expertise between key marine stakeholders including maritime industries and NGOs. Stakeholder involvement in the development of MSPs could be delivered through the setting up of **Stakeholder Advisory Groups** for each regional sea plan.

Once developed, an MSP will need to be placed 'on deposit' for the public and interested organisations to comment. Provision will need to be made for a process such as Examination in Public (EIP) where there are any outstanding objections.

### 8. What can MSP achieve for nature conservation?

MSP is necessary to deliver an ecosystem-based approach to the management of activities in the marine environment. It will enable the cumulative and in-combination impacts of all maritime industry sectors to be considered in the development of forward-looking plans, in the context of Marine Ecosystem Objectives. MSP should enable the conservation and recovery of marine biodiversity to be seen both as legitimate objectives and valid use of marine space and key to the delivery of sustainable development.

Link believes the Marine Bill must provide for the designation of a representative network of nationally important marine sites (NIMS), which must include a suite of Highly Protected Marine Reserves (HPMRs). MSP will be part of the framework that ensures these sites and their conservation objectives are respected. We also look to MSP to provide the framework within which nationally important marine biodiversity in the wider sea (i.e. outside protected sites) can be taken into account properly in assessment and consenting processes.

### 9. Wouldn't Strategic Environmental Assessments be sufficient?

While there are some welcome examples of Strategic Environmental Assessment (SEA) in our marine environment these have a sectoral focus and are not based on comprehensive forward-looking plans. There is a need for comprehensive, multi-sectoral forward planning to realise the full benefits of SEA in identifying the most sustainable outcomes.

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#### 10. What are the tiers of MSP?

Link supports the development of a **national MSP framework**, which should provide a strategic overview of national policies for all sectors.

A **Regional MSP** should be developed for each regional sea, based on biogeographical regions, reflecting the ecosystem approach as proposed by the RMNC and as recently explored in the Pilot MSP for the Irish Sea. MSP should extend from the high water mark to 200nm or the outer limits of UK jurisdiction. The management of most activities in territorial waters (i.e. 0-12 nm) is devolved in Scotland, Northern Ireland and Wales. NGOs in the devolved countries are campaigning for marine legislation in parallel with (and not subsequent to) the Westminster Bill. It is essential that Westminster and the devolved administrations work closely together in developing MSP. This is particularly important as the best management of the ecosystem would be based on biogeographical, rather than political, boundaries.

Link also supports the need for **sub-regional MSPs**, e.g. for estuaries or intensively used inshore areas.

#### FURTHER INFORMATION

Link has written a series of papers on MSP providing our thoughts on the benefits it can bring and the legislation needed to bring it about, as well as considering some of the questions raised by stakeholders throughout the Marine Spatial Planning Pilot. **For these papers or more information on Link's marine campaign please see our website** [http://www.wcl.org.uk/marine\\_campaign.htm](http://www.wcl.org.uk/marine_campaign.htm) **or contact Helen Meech on 020 7820 8600 or [helen.meech@wcl.org.uk](mailto:helen.meech@wcl.org.uk)**

Please note that Link bulletins are working documents and thinking may change over time.