Drivers and Pressures affecting the Achievement of Good Environmental Status at Sea: Office for Environmental Protection Call for Evidence Response

Wildlife and Countryside Link, Scottish Environment Link, Wales Environment Link and the Northern Ireland Marine Task Force are voluntary coalitions of environmental organisations working together as Environment Links UK (ELUK) to achieve better protection for marine wildlife and effective management of all UK seas.

We welcome the opportunity to respond to the OEP Call for Evidence on the pressures and drivers which are preventing achieving Good Environmental Status (GES) in UK waters, building on our previous response to the Marine Strategy Part Three: UK Programme of Measures (2021). We urge the Government to publish the Marine Strategy Part Three immediately and revoke those proposed exceptions to the Plan of Action which will allow certain GES indicators to not be met. The longer we wait for this document, and the implementation of its measures, the further we are from achieving GES across our seas.

Due to the lack of political will within the current Government, and an absence of clear implementation timelines, the UK is not on course to meet GES of UK seas by 2024. Therefore, many of the measures previously proposed by ELUK in 2021 remain pertinent today. We urge the Government to implement the wide-ranging, cost-effective and politically popular measures outlined in this response which are supported across the environment sector. If a UK Marine Strategy provides a real plan of action and implementation to tackle threats to marine life, the next round of GES assessment should find more than 4 out of 15 indicators for healthy seas achieved. We do not have another five years to wait.

We hope that information detailed in this response can support the OEP in scrutinising the Government's policy plans and environmental targets to ensure our seas have flourishing biodiversity, support expanding renewable infrastructure and provide sustainable employment for coastal communities. With better understanding of the pressures and drivers preventing the achievement of GES, the Government can find and implement an effective route to tackling them.

There are many drivers and pressures outlined in this response which indicate why the UK is not achieving GES in its waters. We have identified three main drivers which the OEP should prioritise in their review, each which have a **direct** impact on the health of the marine environment in the short, medium and long term. We have chosen to prioritise these drivers due to the scale and variation of pressures they cause, although we would also like to note the role climate change is having on our changing seas; driving rising temperatures, extreme weather events, ocean acidification and blue carbon degradation which is irreversibly altering our precious habitats and species.

- **Poor management of the MPA network** and a complete lack of action on a strategic Marine Spatial Plan and/or Marine Spatial Prioritisation underpins our ability to achieve GES at sea. In 2021, OSPAR's assessment of the MPA network highlighted the limited progress the UK MPA network had made to meet its objective of becoming ecologically coherent. As it stands, a maximum of only 8% of English seas offer effective protection for nature against the most

damaging forms of fishing activity, and 56% of features they are trying to protect are assessed as being in unfavourable condition. Without a whole systems approach, with accompanying management and monitoring plans, offshore developments, fisheries, and pollutants will continue to degrade marine habitats and drive poor health across the network and beyond.

- **Offshore energy production** including oil and gas exploration and extraction, offshore wind development and Carbon Capture, usage, and storage (CCUS) are having significant cumulative effects on the health of our seas, including MPAs. Increasingly, offshore energy projects and their associated infrastructure are being approved for construction inside MPA boundaries, which is leading to further degradation. Without a more strategic approach to site designation, with proper application of the mitigation hierarchy, with ecologically robust compensation proposals, the impact of offshore energy production will be irreversible.

- **Unsustainable fishing practices** are significantly impacting the ecological coherence of the MPA network. By continuing to allow bottom trawling across the MPA network the Government is not only facilitating the destruction of irreplaceable marine habitats but knowingly allowing sequestered carbon to be released into the atmosphere. On top of this the Government continues to agree unsuitable TACs with neighbouring countries, setting MSY well above scientific advice. Bycatch of sensitive protected species and monitoring issues are also preventing GES being achieved.

We have also identified two further drivers causing the greatest **indirect** impact on achieving GES across our sea.

- **Cumulative impacts and in-combination effects** are missing throughout the UK Marine Strategy, the 2019 GES Government Assessment, and the OEP's Call for Evidence. While the marine environment might withstand the effects of a singular driver and associated pressure, cumulatively or in-combination with other drivers will prevent securing GES across all indicators.
- **Lack of adequate prioritisation by the UK Government** of policies related to the marine environment, including a reduction in funding and resources across Defra, its statutory advisors and regulators. The Government has failed to deliver basic strategy documents including the UKMS Part 3 and have been unable to turn framing documents such as Joint Fisheries Statement and Bycatch Mitigation Initiative, into concrete, deliverable action plans.

Unless these matters are urgently addressed, the UK Government will not deliver GES across its waters and will fail to meet national and international commitments to reverse biodiversity decline and address climate change for the benefit of marine ecosystems and future generations.

SECTION 1: What are the key drivers and pressures affecting the achievement of GES in UK marine waters?

Our responses to Section 1 are split into GES indicators. We have grouped indicators where appropriate.

Cetaceans, Seals (D1, D4)

Unsustainable fishing practices are one of the key drivers preventing the achievement of GES for cetaceans and seals. This can be seen through several key pressures:

- **Bycatch**, caused largely by out-of-date, unsustainable fishing gear which causes thousands of cetacean deaths per year. Although the exact number of marine mammals caught is unknown (due to a lack of mandatory monitoring), [1]Sea Mammal Research Unit on behalf of Defra's UK Bycatch Monitoring Programme Report for 2019 reported 833 harbour porpoise, 278 common dolphins, 488 seals. 85% of UK seal bycatch occurs in the SW in ICES area VII. For each species, most of this bycatch occurred in tangle/trammel nets followed by gill nets. Globally, gill nets are recognised as the highest risk fishing gear which cause serious harm to harbour porpoises wherever they are used.[2] High risk fisheries using gillnets operating in the Celtic seas, SW and SE England, and offshore of Shetland threaten harbour porpoise, common dolphin, bottlenose dolphin, and seal populations. Creels operating in Scotland, NE and SW England pose a risk to large cetaceans such as minke whales and humpback whales. Furthermore, vertical opening trawling, pelagic trawling and gill net operations carried out by European vessels in the Bay of Biscay were found to have high rates of bycatch, specifically common dolphins. In Scottish waters, bycatch of minke whales and humpback whales is causing significant population impacts.

- **Entanglements of cetaceans and seals** are seen frequently across the UK fishing fleet. Our understanding of the issue of bycatch in UK waters is impacted by the lack of mandatory remote monitoring and poor levels of voluntary reporting by fishers; specific data on this issue is sparse, limiting the Government's ability to provide targeted interventions. However, in evidence given to the Efra Marine Mammals Enquiry, the Seal Research Trust (SRT) found a single fisher reported six entangled seals in a single gill net tier and one offshore trawler observer witnessed 38 bycaught seals in a single haul. The Seal Research Trust published data on seal entanglement in 2012 showing 65% of seals have severe injuries and 60% had trailing material with significantly reduced survivorship for entangled seals. SRT have collected ongoing detailed data in the SW UK since 2011 showing entangled seals continue to make up between 2% and 4% of all seals observed during this time with up to 134 different photo identified individual seals in a single year and up to 23 different seals observed in a single survey at one sensitive seal site.
- **Recreational Disturbance is a major and ongoing welfare issue** all around the UK for seals and other marine wildlife. For example, seals in Cornwall were disturbed 68% of the time people were present and people were present in 65% of intervals surveyed during effort based

systematic surveying. In peak season, seals were disturbed as frequently as every 14 to 62 minutes across the 4 survey sites. Most disturbance was caused by tripper boats, RIBs and air-based causes, whilst the most serious disturbance was caused by paddle sports and swimmers. Ongoing data 2011 to 2022 by SRT shows serious level 3 disturbance continues to increase year on year and worryingly this appears to mirror the pattern of seal deaths recorded by the Cornwall Wildlife Trust Marine Strandings Network.

Offshore energy production through both oil and gas and the expansion of offshore wind is the second key driver preventing the achievement of GES for marine mammals. This can be seen through several key pressures:

- **Underwater noise caused by geoseismic surveying**, particularly for oil and gas exploration activities, and the detonation of unexploded ordnance in the North Sea. Impact can be seen most acutely to breeding harbour porpoise in the Southern North Sea SAC where offshore energy development has been mainly concentrated to date. We support the preferential use of low-ordnance detonation when licensing these activities, and support the use of proven noise abatement techniques to remain inside set underwater noise thresholds.

- **Underwater noise** is also **caused by piling driving for the foundations of** individual wind turbines. Currently, the UK is on course to breach its own legally binding noise thresholds in 2024. If proper noise mitigation is not put in place, it will cause an immediate halt to all construction activity until a safe noise level is reached. We strongly support Defra's work into a suitable noise decibel limit for offshore wind construction and deployment of proven noise abatement technologies, to ensure the UK remains within its legally binding noise thresholds and the risk of harm to marine life is reduced. Increased risk to cetaceans will be in the Southern North Sea SAC and the Bristol Channel SAC where significant levels of offshore wind deployment is scheduled.

- **Chemical pollution** from toxic pollutants, including persistent organic pollutants (such as PCB's) and chronic and acute pollutants from oil and gas extraction can cause direct harm to cetaceans and seal populations. Moreover, research is underway at the University of Bristol to monitor the impact of certain paint types used on offshore energy infrastructure and its impact on marine mammals and fish populations. If conclusive, it hopes to steer the industry away from paints which are chemically pollutive to more sustainable alternatives. Persistent organic pollutants tend to accumulate through the food chain, resulting in the highest levels in cetaceans and seals, which can impact reproductive capabilities and immune systems. Orca, harbour porpoises, bottlenose dolphins and seals around the UK have been found to have toxic chemical burdens which exceed toxic thresholds, compromising the health of individuals and populations and increasing vulnerability to other human pressures. The Scottish west coast orca community will likely become extinct due to the extreme toxic chemical burdens (PCBs) in the coming decade and populations have been almost entirely lost from the North Sea.

Finally, we see that plastic pollution is another key driver preventing the achievement of GES for marine mammals due to ingestion and/or entanglement. Entanglement in marine debris/ litter such as Abandoned, Lost or otherwise Discarded Fishing Gear (ALDFG) can inhibit the movement of individuals, compromising their energetic budget and ability to feed and breathe, as well as resulting in chronic or acute wounds or gastric obstructions from ingesting debris, This is an example of where

a single driver may not prevent achieving GES but in-combination could cause the collapse of cetacean and seal populations in UK waters.

Birds, (D1, D4)

The UK Environment Links support the drivers and pressures preventing the achievement of GES in UK marine waters for birds as outlined in the RSPB response.

Seabirds are considered indicators of marine ecosystem health and play a crucial role in marine ecosystems, yet nearly half of all seabird species globally (47%) exhibit declining population trends. The top three threats affecting seabirds globally are **invasive alien species, bycatch** in **fisheries**, and **climate change/severe weather**. Together these threats affect two-thirds of seabird species around the world.

The OSPAR Quality Status Report 2023, also **noted that declining prey availability**, largely resulting from fishing pressure and climate change, is a key driver of seabird populations in UK waters. It is clear effort is required in response to these threats to change the outlook for seabirds in the UK, but to date, very little action has been taken across the four administrations.

Fish, (D1, D4) & Commercial Fish (D3)

Unsustainable fishing practices are the key driver in preventing the achievement of GES for fish and commercial fish. This can be seen through several key pressures:

1. **Continued bottom trawling in MPAs** - while the 13 byelaws to restrict bottom-towed fishing gear in MPAs with protected reef features is welcomed, they do not adequately cover the whole area of the MPA or the whole MPA network. The Government has also just issued over 1,000 EU fishing vessel licences for UK waters in 2024 with no restriction for bottom trawling practices.
2. **Overfishing as a result of TACs** negotiated in December 2023 - which set quotas exceeding ICES advice, leading to overfishing. In 2023, only 40% of the TACs for the UK's main fish stocks were set in line with ICES advice with 57% set higher than scientific advice, according to the government's own advisers, the Centre for Environment, Fisheries and Aquaculture Science. Oceana's report *Taking Stock,* found 34% of stocks were being overfished and only 45% are sustainably fished. Of the 'top 10' stocks on which the UK fishing industry relies, half are overfished, or their stock size is at a critically low level.
3. **Insufficient monitoring** (e.g. lack of implementation of REM with cameras) leaves the fishing industry unable to effectively understand the impact of their own practices. This also means enforcement agencies are unable to document catch numbers and account for any anomalies.

In Northern Ireland, the picture for fisheries looks slightly better. In January 2022, bottom trawling was banned in nine MPAs. However, significant work still needs to be undertaken to ensure sites are monitored for species recovery and the ban is properly enforced.[3]

Offshore energy production is also a key driver in preventing the achievement of GES for fish and commercial fish. Largely, this is due to the loss of habitat and disturbance in spawning/feeding grounds causing populations to breed at a lower rate and in waters which are less suitable. Moreover, without

a UK wide Marine Spatial Plan, fishers are being slowly squeezed out of the seascape. This results in the unmanaged displacement of fishing activity and causes fishers to use unsustainable fishing practices, outside of regulated waters to reach their catchable amounts. Without effective Fisheries Management Plans in place, the industry will continue to overexploit the declining fish stocks they rely on, pushing our already decimated seas to collapse.

Benthic Habitats, (D1, D4, D6)

Unsustainable fisheries are the most significant driver to preventing the achievement of GES for benthic habitats and are driving biodiversity loss globally. This is illustrated through a single pressure, **bottom trawling, in offshore MPAs.** In 2022, 89,894 hours of bottom trawling fishing was carried out inside UK offshore MPAs protected for benthic features, causing significant damage to marine ecosystems. As part of their new Fisheries Management Plans, Defra had committed to the introduction of byelaws to protect all offshore MPAs from bottom trawling by the end of 2024. However, only 17 MPAs have been protected against bottom trawling to date; the 13 byelaws announced on the 31st January do not cover the whole MPA leaving huge areas of protected habitat exposed. The MMO has committed to a consultation on byelaws for the remaining English offshore MPAs (including their bottom sediment habitats) in spring 2024, with byelaws designated by the end of the year. However, in contrast to demonstrated best practice, it seems that rather than take a 'whole site approach' to protection of these sites, the focus is only on protected features.

In Northern Ireland, the picture for benthic habitats looks slightly better. In January 2022, bottom trawling was banned in nine MPAs. However, significant work still needs to be undertaken to ensure sites are monitored for species recovery and the ban is properly enforced.[4] Outside of bottom trawling, the practice of '**scallop dredging' is also occurring across the MPA network** in Northern Ireland. This practice is highly damaging to the seabed and not banned in all MPAs with sensitive, designated features. There is particular concern over the Outer Belfast Lough Marine Conservation Zone which has been designated to protect Ocean Quahog. Recent evidence from sonar scans shows dredging has occurred at high intensity within this MCZ and likely to have removed a large proportion of population and/or caused damage to shells and body.[5]
An expansion in offshore energy production is one of the most significant drivers preventing the achievement of GES for benthic habitats.[6] This can be seen through several key pressures.

- **Offshore oil and gas exploration and extraction** is expected to increase as the Government increases the licensing capacity of the North Sea Transition Authority through its Offshore Petroleum Licensing Bill. Currently, offshore oil and gas exploration and extraction will continue to be licenced in MPAs protected for benthic features without discretion. Analysis by Uplift shows that in the latest offshore oil and gas licensing round 140 352, or well over a third of the nearly 900 locations being offered for development, fall within or overlap with designated MPAs. 166 of the sites are fully within a protected zone.[7] This is despite international practice in Marine Protected Area management clearly stating that oil and gas extraction and other forms of offshore mining are incompatible with effective MPAs.
- **Offshore wind development** (included turbines and associated infrastructure) are being licenced in MPAs designated for benthic features. Compensation or Measures of Equivalent Environmental Benefit (MEEB) for benthic features is extremely difficult to identify and is subject to significant costs and uncertainties. Following the mitigation hierarchy through avoidance and minimising impact is essential. There is indication of a move away from placing turbines within offshore MPAs designated for benthic features (e.g. Round 5). However the

majority of offshore wind projects currently within the pipeline has sighted some form of turbine infrastructure and/or cabling requirements within an inshore, intertidal or offshore MPA designated for benthic features.

- **Offshore energy production** is expected to fall under the **Marine Coastal Access Act exemption of 'outweighing public benefit**,' meaning there is a potential legal loophole for development to take place in Highly Protected Marine Areas. This means the areas which were designed to offer the highest protection to the marine environment at sea may be depleted even further.

Further drivers which are preventing benthic habitats from rebuilding are driven by **dredging, particularly for ports and aggregates extraction**. In December 2023, the Department for Levelling Up, Housing and Communities and the Department for Business and Trade published a Freeport and Investment Zone Strategy to in part accommodate the expansion in port capacity required by the renewables industry. However, environmental assessments for this proposed expansion were not undertaken. If dredging is going to be undertaken in large quantities, proper Strategic Environmental Assessments should be undertaken, with each site required to complete an Environmental Impact Assessments and/or Habitats Regulations Assessment to ensure proper avoidance, mitigation and compensation measures are put in place.

INNS, D2

Invasive non-native species (INNS) are animals, plants or other organisms, including pathogens, that have been introduced to places where they do not occur naturally, through deliberate or accidental human actions, causing negative environmental, social and/or economic impacts in those areas. Most non-native species are harmless but around 10-15% spread and become invasive by harming wildlife and the environment. INNS are **one of the top five drivers of biodiversity loss** and **species extinction worldwide**, implicated in 58% of the 247 global animal extinctions where the cause of extinction is known. The International Maritime Organization has identified INNS as one of the four greatest threats to the world's oceans.

Invasive species cost the UK economy at least £2 billion each year, with numbers of marine invasive species having more than doubled since 1999. This has significant implications on native biodiversity in UK waters, making them a key driver in achieving GES across the indicators. This can be highlighted through a number of pressures.

- **International trade** is the most significant pathway for the movement and introduction of INNS globally, with the globalisation of trade facilitating the rapidly increasing the rates of dispersal, introduction and establishment of invasive species. Once introduced and established, invasive species are difficult to control or eradicate, particularly in the marine environment. Preventing the spread of invasive species must be considered the priority, and all parties must respond to detections with urgent and coordinated responses.
- **The exotic pets & aquarium trade** is a driver of invasive marine species introductions to the UK. Pet escapes or purposeful release can infect native populations with diseases, and reduce native populations if established through predation or outcompeting them for food.
- **Commercial aquaculture** has also been linked to an increase in INNs. In Northern Ireland, the expansion in the Pacific Oyster populations has caused increases in the virus specifically targeting large biomass yields.[8] It has the potential to eradicate native species such as blue

mussels and native oysters. Northern Ireland is looking into phase out the species, as is currently in discussion in Cornwall.[9]

- **The creation of freeports** have also been identified as a driver of increased INNS, attributed to the accelerated introduction and early establishment of INNS. In 2019 the Environmental Audit Committee wrote that the establishment of freeports will add a significant new burden and risk over and above the 'background' INNS problems. This is due to the proposed relaxations of the customs process, which weaken the UK's ecological barrier and extend environmental risk beyond the geographic location of the freeport itself. This is further complicated by the changing scale and movement of people and goods across our borders in the wake of Brexit - non European species are twice as likely to become invasive once established, compared to European species.With increased funding for the NNS Inspectorate which reflects the risk that invasive species pose to the economy, each freeport should have their own inspector to ensure that biosecurity standards are maintained.
- **Ballast water discharge from ships** is one of the largest pathways for the introduction and spread of aquatic invasive species, likely responsible for the introduction of the Chinese mitten crab. Approximately 12 billion tonnes of ballast water transport an estimated 15,000 species annually, including bacteria, microbes, small invertebrates, eggs, cysts and larvae of various species. The transferred species may survive to establish a reproductive population in the host environment, becoming invasive, out-competing native species and multiplying into pest proportions. As new trade routes and ports open the risk of introduction increases. Under current legislation there is no obligation or responsibility placed on ports to monitor the ballast water compliance of vessels on an ongoing basis. The degree to which ports require information relating to ballast water management is a decision for the port.
- Similarly, **hull fouling** plays a significant role in global introductions as studies have even shown that hull fouling can even have twice the number of INNS compared to ballast water.
- **Boaters, fishers and recreational water users** must always follow the check, clean dry principle to reduce the chances of spreading species between waterways.

Without a significant increase in spending on INNS protection and a reduced reliance on imports, it will continue to drive biodiversity loss across UK seas and worldwide.

<u>Contaminants (D8), D9 Contaminants in seafood (D9)</u>

Contaminants, including chemical pollution, are one of the key drivers of the current biodiversity crisis and inaction from the Government across the board has meant a failure to achieve GES for this indicator. The most significant pressures driving contaminants in the marine environment are:

- Under the umbrella of chemical pollution, **pollution of persistent chemicals is a particular concern** that needs addressing urgently as the burden of these chemicals on the environment, wildlife and human health is growing. Of particular concern is the mixture effect of chemicals. Some chemical mixtures have already been shown to have synergistic or additive effects in the marine environment. For example, tyre particles contain a cocktail of chemicals. Additives such as 6PPD can cause acute mortality in some species including coho salmon, brook and rainbow trout. Other chemicals present in tyres harm microalgae and mussels. Polycyclic Aromatic Hydrocarbons (PAHs) in tyres have long been known to negatively impact aquatic animals. The latest data from the UK Water Industry Research Chemical Investigation Programme have shown that trends in benzo(a)pyrene, a particular PAH, have increased during their investigations. In addition to the impacts of individual chemicals and chemical

groups, there is also concern around the impact arising from mixtures of multiple chemicals, the cocktail effect. Chemical pollution is completely transboundary, there is evidence of the persistent chemical pollutants, PFAS, trapped in arctic sea ice, miles from any production or use of those chemicals. Chemical pollution has also been reported in the Mariana trench, with the persistent chemicals PCBs and PBDEs found there.

- **Untreated sewage sludge** caused by a lack of regulation in the agricultural sector. Over 87% of biosolids produced by water companies in the UK are applied to agricultural land, which can cause illness in humans and eventually ends up in the oceans causing harm to marine life. There needs to be better integration of the voluntary Biosolids Assurance Scheme and guidance on using sewage sludge in agriculture in England in law, drawing on the precautionary approach to prevent the further accumulation of unregulated soil contaminants such as microplastics and PFAS. For example, there are currently a number of instances where there are no restrictions on spreading treated and untreated sludge. OBJ OBJ OBJ The Government should set stronger limits on when farmers can use sludge, threshold limits for emerging contaminants and microplastics and a targeted phase out and eventual ban of land application of contaminated industrial organic fertiliser products like biosolids (sewage sludge) until proven to be clean and safe resources. There also needs to be substantial investment in the testing and monitoring of emerging organic contaminants and microplastics in sewage sludge destined for farmland, as well as other land uses.
- **Microplastics and PFAS are currently at their highest levels ever recorded in the ocean** and can cause particular problems in the contamination of seafood. While the health implications for ingesting microplastics and PFAS are still not completely understood, the WHO have raised concerns and called for more research to be conducted on the effects on human health. In the marine environment, chemical contaminants that are associated with microplastics, act as carriers for pollutants and form 'toxic pulls' for marine wildlife.

<u>D10 - Marine litter</u>

Litter found in the marine environment is rarely caused by disposal at sea but rather has been littered on land and reached the sea via inland waterways. Therefore policies which tackle terrestrial litter are essential to reducing the problem of litter at sea. The main driver of marine pollution are:

- **Lack of adequate prioritisation by the UK Government** to deliver its suite of Collection and Packaging Reforms, particularly its Deposit Return Scheme (DRS). Figures from Reloop suggest that DRS can reduce the pollution of litter from plastic drink containers by up to 90%.

In 2023, the Marine Conservation Society Scotland, found that abandoned, lost or otherwise discarded fishing gear (ALDFG) accounted for about 64% of litter found on Scottish Islands. The updated European Port Reception Facilities Directive (EU/2019/883, amending Directive 2010/65/EU and repealing Directive 2000/59/EC) introduced indirect fees, removing the motivation for ships to dispose of their waste, including fishing gear, at sea. It ensures the right to deliver waste onshore. As the UK was no longer an EU Member at the time by which the new PRF Directive was supposed to be transposed into national law (summer 2021), it was not required to do this. Consequently, current UK legislation is based on pre-2019 legislation which does not provide sufficient incentives to return fishing gear to shore for collection and treatment; the result is that discharges of waste at sea still occur, with negative impacts on marine wildlife and achievement of GES.

<u>Underwater noise, (D11)</u>

Offshore energy production through both oil and gas and the expansion of offshore wind is a key driver preventing the achievement of GES for underwater noise. This can be seen through several pressures and is a significant concern given the UK Government's commitment to produce 50GW of energy from offshore wind by 2030, with up to 5GW coming from floating offshore wind[1]. Whilst this commitment is welcomed to address the climate crisis, it is essential that these developments do not undermine efforts to conserve and restore the marine environment and achieve GES.

Research demonstrates that noise from construction using pile driving can drive cetaceans out of an area, cause injury and mask communication leading to changes in breeding, feeding and habitat use. There is an evidence gap around the cumulative effects of offshore wind (especially from construction), the impacts of other foundation types (especially from floating offshore wind), operational turbine noise (which is becoming more of a concern due to increase in turbine size), and effectiveness of mitigation measures. There needs to be a shift away from activities that produce high levels of noise, and a commitment to setting noise levels limitations and using proven mitigation measures, as has been the approach taken in Germany, for example. Geoseismic surveying and detonation of unexploded ordnance, used in both O&G exploration and extraction and offshore wind developments is a driving factor in the creation of loud, impulsive underwater noise which is harmful to marine life through displacement, disturbance and physical injury, impacting invertebrates, larvae, juvenile fish and eggs as well as fish and marine mammals, . Similarly, noise associated with the construction of offshore wind farms (through the installation of piled turbine foundations and other associated infrastructure) is preventing GES in being achieved. The in-combination impact of these pressures is going to lead to a breach in the current noise thresholds in the Southern North Sea SAC in the summer of 2024.

Another key driver to the production of harmful and increasing underwater noise pollution is the **shipping industry** which has been steadily increasing in UK waters over the last 30 years. Continuous shipping noise can be seen most dominating the ocean soundscape and is found most acutely in the North Sea and the English Channel. Defra recently undertook some research on the impact of continuous shipping noise on marine mammals, particularly in marine protected areas but the results have not yet been published. If, as has been demonstrated elsewhere, this is found to be significant, we would urge immediate action; . Alone, continuous underwater noise from shipping will not prevent this GES indicator from being met but in-combination with noise from offshore energy expansion it will.

On the west coast of Scotland, **Acoustic Deterrent Devices (ADDs)** used as seal scarers by the aquaculture industry have been shown to constitute a regionally significant and chronic source of underwater noise, which likely has widespread negative consequences, including disturbance and displacement for porpoises across the region. Compliance with the licensing process of the use of ADDs in aquaculture in Scotland has now improved following an investigation by Environmental Standards Scotland, but the potential for serious harm is highlighted as is the need for continued effective regulation of this potentially chronic source of noise pollution.

The final driver to underwater noise is the **Ministry of Defence and its associated operations**. Underwater noise linked to military operations and tests (high intensity sonar) is a well-reported source of mass-strandings of cetaceans. To take one example in the UK, strandings of deep diving Cuvier's beaked whales and northern bottlenose whales occurred on the west coast of Scotland in unprecedented numbers in 2018, in an area in which the Royal Navy was operating.

1. **How should drivers and pressures be prioritised? For example, by the scale of impact. What evidence supports any such prioritisation?**

We have identified three main drivers which the OEP should prioritise in their review, each which have a **direct** impact on the health of the marine environment in the short, medium and long term. We have chosen to prioritise these drivers due to the scale and variation of pressures they cause, although we would also like to note the need to adapt to and mitigate for climate change is having on our changing seas; driving rising temperatures, extreme weather events, ocean acidification and blue carbon degradation which is irreversibly altering our precious habitats and species.

- **Poor management of the MPA network** underpinned by a complete lack of action on a strategic Marine Spatial Plan and/or Marine Spatial Prioritisation is preventing our ability to achieve GES at sea. In 2021, OSPAR's assessment of the MPA network highlighted the limited progress the UK MPA network had made to meet its objective of becoming ecologically coherent. As it stands, a maximum of only 8% of English seas offer effective protection for nature from the most damaging forms of fishing, and 56% of features they are trying to protect are assessed as being in unfavourable condition. Without a whole systems approach, with accompanying management and monitoring plans, offshore developments, fisheries and pollutants will continue to degrade marine habitats and drive poor health across the network and beyond.

- **Offshore energy production** including oil and gas exploration and extraction, offshore wind development and Carbon Capture, usage and storage (CCUS) are having significant cumulative effects on the health of our seas, including MPAs. Increasingly, offshore energy projects and their associated infrastructure are being approved for construction inside MPA boundaries, which is leading to further degradation. Without a more strategic approach to site designation, with proper application of the mitigation hierarchy, with ecologically robust compensation proposals, the impact of offshore energy production will be irreversible.

- **Unsustainable fishing practices, sensitive species bycatch, poor fisheries monitoring and reporting (fishing effort, discards and bycatch)** are causing significant impact to the ecological coherence of the MPA network and our wider seas. By continuing to allow damaging fishing methods such as bottom trawling (as well as other damaging activities) in some of the most vulnerable areas of the sea the Government is not only facilitating the destruction of irreplaceable marine habitats and species but knowingly allowing sequestered carbon to be released into the atmosphere. On top of this the Government continues to agree unsuitable TACs with neighbouring countries, setting MSY well above scientific advice. Bycatch of sensitive protected species and monitoring issues are also preventing GES being achieved.

We have also identified two further priority drivers causing the greatest **indirect** impact on achieving GES across our sea.

- **Cumulative impacts and in-combination effects** are missing throughout the UK Marine Strategy, the 2019 GES Government Assessment, and the OEP's Call for Evidence. While the marine environment might withstand the effects of a singular driver and associated pressure, cumulatively or in-combination with other drivers will prevent securing GES across all indicators.

- **Lack of adequate prioritisation by the UK Governmen**t of policies related to the marine environment, including a reduction in funding and resources across Defra, its statutory advisors and regulators. The Government has failed to deliver basic strategy documents including the UKMS Part 3 and have been unable to turn framing documents such as Joint Fisheries Statement and Bycatch Mitigation Initiative, into concrete, deliverable action plans.

Unless these matters are urgently addressed, the UK Government will not deliver GES across its waters and will fail to meet national and international commitments to reverse biodiversity decline and address climate change for the benefit of marine ecosystems and future generations.
Other drivers and pressures which we consider to be of high priority are:

- Climate change
- Pollution e.g., marine litter, chemical
- Industrial extraction e.g., aggregates, mineral extraction, shellfish extraction
- Invasive species (particularly in NI).
- Shipping
- MOD activity

b. Over what period (short <5yrs, medium 5-15yrs, long term 15+yrs) and spatial area do these pressures and drivers have their effect?

Please find an assessment of the temporal and spatial effect of each measure.

Driver	Pressure	Temporal effect	Spatial area of affect
Offshore energy production: offshore wind	Construction Operation Decommissioning Pollution	During construction and operation impacts on the benthic habitats are generally permanent. There is often no way to avoid, mitigate or compensate for the damage caused to these habitats. During construction and operation impacts on bird species can be for the whole lifecycle of a project (~25 years). Displacement and/or disturbance of a species can last as long as the site is in situ. Permanent damage to populations can occur if collision risk is high and left unmitigated/uncompensated. During construction and operation impacts on marine mammals can be for the duration of a project's life cycle (~25 years). Excessive underwater noise causes cetacean displacement and can affect	The Crown Estate has jurisdiction over the amount of seabed available to lease for OW development and can technically put up for auction any amount of seabed. Current Defra modelling shows that the North East and the South West will be most impacted by OW expansion. However, development scale and size of fixed place offshores wind is restricted by water depth, conditions for electricity production, onshore energy transmission capacity, and availability in the supply chain.

		feeding, breeding/nursery grounds and resting areas. The effect of decommissioning is temporally unique. Placing OW infrastructure into the marine environment can damage certain habitats/species but can also create hotspots of biodiversity for others. The impact of removing OW infrastructure (which may support new ecosystems) has yet to be assessed by the Government's Statutory Nature Conservation Bodies, although advice currently leans towards removal.	
Offshore energy production Oil & Gas	Exploration Extraction Decommissioning Pollution	O&G exploration and extraction has an irreversible impact on the marine environment and the impacts of burning fossil fuels on the climate cannot be overstated? understanded. The pollutive impacts of the industry on marine life are generally long term e.g., chronic pollution from oil and produced water, acute impacts from oil spills, including from toxic volatile components, coating of benthic and coastal habitats, impacts of oiling on seabirds (thermal, toxic, smothering) suffocating birds which cannot be replaced. The effect of decommissioning is temporally unique. Placing O&G platforms into the marine environment can damage certain habitats/species but can also create hotspots of biodiversity for others. The impact of removing O&G infrastructure (which may support new ecosystems) has yet to be settled by the Government's Statutory Nature Conservation Bodies, although advice currently leans towards removal.	The Government currently has tabled an Offshore Petroleum Licensing Bill which will allow the NSTA to run yearly licensing auctions. This will expand the spatial effect of offshore oil and gas production on the marine environment. Licences can be granted wherever there is evidence that O&G can feasibly be extracted. Unlike OW, O&G is not restricted to storage or transmission, as over 90% is sold on international energy markets and exported outside UK jurisdiction.

Damaging/unsustainable fisheries	Bottom trawling Bycatch Entanglement Overfishing Forage fish	Impact of bottom trawling is often permanent, some recovery can occur if supported by proper management measures. Entanglement can cause acute and/ or chronic injury / death to individual marine wildlife. Bycatch significantly reduces populations of certain marine mammals which can cause irreversible impact to the whole marine ecosystem. Overfishing has a significant impact on the livelihoods of fishers, as a collapse of commercial fish stocks means the industry will no longer be viable. Impacts of overfishing on forage fish (which are the prey of larger predators including commercial fish, seabirds and marine mammals) has long term impacts.	A maximum of only 8% of English seas are protected from bottom-towed fishing gears, so the effect of bottom trawling is across almost all of the MPA network. Similarly, entanglement, bycatch and overfishing can be found across UK waters and is not specific to a particular location.
Climate Change	Disrupted weather Temperature rising Ocean Acidification Shifts in Prey availability and distribution	Inpredictability of the impact of climate change means it cannot be bound to specific timeframes. We can already see the impact of disrupted weather patterns e.g., breeding times, migratory patterns etc. Ocean temperature rising will happen in slower time and the impacts will be 10-15 years. Similarly, with ocean acidification, while we know it is already happening, impacts will not be felt for another 10-15 years. Impact to prey availability is already being felt and will be in the short, medium & long term.	Spatial impact of climate change will be felt globally, including across the marine environment within the UK EEZ.
Pollution	Noise Chemical Plastic Agricultural	Short, medium and long term impacts. The impact of pollution on marine species and habitats differs depending on the type and scale of the pollutant. Underwater noise tends to affect marine mammals during the fact, although sustained	Spatial impact of marine pollution will be felt across the marine environment within the UK EEZ. There are no boundaries to pollution which moves across the ocean according to currents, tides etc.

		noise can affect the prey species, individual mammal development, breeding & migratory patterns in the long term. Chemical and plastic pollution affects birds & marine mammals to differing degrees. Entanglement in marine debris	
Aggregate extraction	Construction Free port expansion	Much of the impact of aggregate extraction on benthic habitat is irreversible. However, the more that is extracted the more long term the impact will be as the marine environment will have less chance to recover. Temporal impact of free port expansion is most likely in the next 10-20 years. Once construction is complete, impacts will be reduced.	The effects of this driver will be felt most actually around the newly proposed freeports, which are predominantly around the North West costaline. Dredging aggregates for construction purposes happens predominantly off the coast of the North East of the UK, impacts will be felt most acutely here.
Shipping	Noise pollution Disturbance Ship strikes Pollution from emissions (eg GHG),	Underwater noise and disturbance from shipping will continue as long as shipping is present in the marine environment. Impacts will be felt from now and will rapidly increase (as shipping capacity/densities increases) over the short, medium and long term.	Impacts from shipping can arise from shipping operating outside the UK EEZ. Underwater noise corridors, which are significantly impacted by continuous shipping noise, are located in the North East, Bristol Channel and English channel.
MOD activities	Military sonar Unexploded ordnance Radar	Impacts will be felt as and when MOD carry out activity. Without appropriate mitigation in place the in-combination effects will increase significantly over time.	Impact from underwater noise caused by MOD activities occurs mainly in the North Sea. north and west coast of Scotland All MOD activity is conducted within the UK EEZ.
Invasive species	International trade, creation of freeports, Windsor Framework in Northern Ireland causing inconsistent SPS regime.	Brexit has exacerbated the impact of invasive species on the UK and effects on the marine environment will continue to increase as we become increasingly reliant on imported food.	Trade of goods is by nature international & facilitates the rapidly increasing the rates of dispersal, introduction and establishment of invasive species.

c. **How many of these drivers and pressures are transboundary?**

Please find an assessment of the transboundary nature of the drivers and pressures below, with a brief description of how they cross nationally recognised borders.

Driver	Pressures	Transboundary	Brief outline
Offshore energy production - offshore wind	Construction Operation Decommissioning Pollution	YES	Transmission cables & interconnectors can be transboundary e.g., National Grid's recently completed North Sea Link runs from the UK to Denmark. Within the UK, cables and grid connections can cross Scottish/Welsh/English borders, each which has a differing devolved settlement and jurisdiction over energy production, transmission and the marine environment. Any pollution caused can cross boundaries (such as impulsive noise from pile driving, continuous noise from vessel support etc)).
Offshore energy production - Oil & Gas	Exploration Extraction Decommissioning Pollution	YES/NO	North Sea Transition Authority can only authorise O&G licences within the UK EEZ, so O&G exploration and extraction presides within UK boundaries. However, O&G extracted in the UK is sold on the global marketplace and the impacts of burning fossil fuels can be felt across the globe. Similarly, pollution caused by oil spills can transport across national boundaries. Seismic survey noise may propagate significant distances across national boundaries
Damaging/unsustainable fisheries	Bottom trawling Bycatch Entanglement Overfishing Forage fish	YES	There are no national boundaries for fish populations so drivers/pressures on species and commercially sensitive stocks can be found anywhere. Overfishing in UK waters can impact fisheries in other countries (e.g. Norway) and visa versa. However, UK fishers can only operate in EU waters under certain quotas which means their impact is limited to that agreed under the TCA.
Climate Change	Disrupted weather Temperature rising Ocean Acidification Prey availability	YES	The effects of climate change by nature are transboundary. Greenhouse gas emissions from every country contribute to global increases in the outlined pressures.
Pollution	Noise Chemical Plastic Agricultural	YES	Impacts of plastics, chemicals, noise, light etc can have an effect on the marine environment outside the UK EEZ. This is because each of these pressures travel across the marine environment which itself does not have transnational boundaries

Industrial extraction	Aggregates Minerals	NO	Extraction of aggregates and/or minerals is only licenced by the UK Government within the UK EEZ. Therefore, damage to benthic habitats can only occur on the seabed within the UK EEZ. Extracting resources from the UK seabed may inadvertently have transboundary consequences, as it could increase extraction overseas due to an increase in demand.
Shipping	Noise pollution Disturbance Vessel strikes Emissions of GHG and other pollutants INNS	YES	Impacts from shipping can arise from shipping operating outside the UK EEZ.
MOD activities	Geo Seismic surveys, unexploded ordnance, MOD training activities, TRIDENT Military sonar tests	YES	Impact from underwater noise caused by MOD activities may propagate across international boundaries and outside of UK waters. While most MOD activity is conducted within the UK EEZ, the UK does operate internationally.
Invasive Species	International trade, creation of freeports, Windsor Framework in Northern Ireland causing inconsistent SPS regime.	YES	Trade of goods is by nature international & facilitates the rapidly increasing the rates of dispersal, introduction and establishment of invasive species.

SECTION 2: What actions are needed to deliver GES in UK marine waters?

Our responses to Section 2 are split into GES indicators. We have grouped indicators where appropriate.

<u>Cetaceans, Seals (D1/D4)</u>

On 31st October 2023, the Government released its response to the Efra Committee enquiry into marine mammals. Unfortunately, the Government did not accept most of the enquiries' recommendations and we urge the Government to look again at the measures outlined below.

- We strongly endorse the JNCC's recommendation that **seals be added to the list of species in Schedule 5 of the Wildlife and Countryside Act** to protect them from reckless disturbance, and wish to see this implemented as soon as practicable.

- We support the Committee's recommendation that the Government introduces **mandatory bycatch monitoring**, but that this is phased over several years, with smaller vessels being given extra time and, where necessary, financial support to meet their obligations.

- We support the **implementation of an action plan to roll out REM** for (a) the over-10m fleet within 2 years and (b) the under-10m fleet on a phased basis according to environmental and social criteria and subject to public consultation. We would like to see the immediate publication of the Government response to Defra's recent consultation on REM which they publicly announced would be released by the end of January 2024.

- In accordance with the Fisheries Act Ecosystem Objective which outlines that 'bycatch of sensitive species is minimised and, where possible, eliminated,' alternative measures to address cetacean bycatch should include restricting the use of high risk gear, lower impact alternative gears, closed areas or closed seasons to enable achievement of legal requirements for action on bycatch reduction, especially in high seal fishery interaction areas such as in ICES subarea VII where bycatch totals have been estimated to be high in previous assessments. Measures to eliminate ALDFG should also be considered, such as recycling schemes to allow fishermen to dispose of unwanted gear in harbour.

- We recommend that Defra and the devolved administrations create BMI implementation plans for England, Wales, Scotland and NI **with SMART targets to significantly bring down bycatch numbers**. These targets should be developed in consultation with scientists, NGOs and the fishing industry and include consideration of risk factors such as location, gear type and species. Where possible, SMART targets should be used to improve data collection (coverage and transparency), test, roll out and mandate use of mitigation measures. **Action should begin in the high-risk fleets cited by our witnesses as soon as practicable, and at the very latest be in place by June 2024.**

- We recommend expanding the expert investigation of marine mammal strandings (as is undertaken by Cetacean Stranding Investigation Programme (CSIP)) in England and Wales to assist with determining the cause of national, regional and local declines. It is crucial to include postmortems of stranded individuals throughout the UK.

- We recommend that the Government **accelerates action in relation to protected areas in UK waters.** All designated MPAs for cetaceans have proper site-based management plans in place by the end of 2024. We have outlined underwater noise specific measures to help support GES for marine mammals in our comments for Descriptor 11 on Underwater noise.

<u>D1/D4 - Birds</u>

The UK Environment Link supports the proposed plan to achieve GES in UK marine waters for birds outlined in the RSPB response. We wanted to draw attention to their key tasks.

- Deliver Seabird Conservation Strategies across the four administrations by the end of 2024.
- Introduce effective measures to eliminate and monitor seabird deaths from bycatch in fishing gear.
- Protect marine birds on land and at sea through effective and appropriate site designation and management.
- Adopt a Nature Positive Planning approach to offshore wind that front loads action for nature.
- Fully and publicly acknowledge that Highly Pathogenic Avian Influenza (HPAI) is a major threat to wildlife and adopt comprehensive national response plans in each country for wild birds.
- Developing and funding a rolling programme of island restoration and biosecurity legacy.
- Expand protected sites in Welsh waters.

<u>D1/D4 - Fish & D3 - Commercial Fish</u>

<u>Fishing Vessel Licences and MPAs</u>

We are deeply concerned by the continued licensing of bottom trawling in offshore MPAs. Rather than simply issuing a condition on all fishing vessel licences to prohibit trawling and dredging in MPAs, the government has taken a site-by-site approach to considering protections which is causing significant delays to the workstream. There should also be restrictions to protect against the reallocation of fishing efforts to high-risk bycatch gear, specifically increased use of set nets, if bottom trawling is prohibited. The process of managing fishing in offshore MPAs around England has been split into four stages:

- **Stage 1** – byelaws have been introduced to ban trawling within just **four** frontrunner MPAs, including Dogger Bank.
- **Stage 2** – consultation in 2023 of byelaws prohibiting trawling within 13 MPAS designated for their reef features. Government announcement of these byelaws on the 31st Janurary, although they do not restrict destructive activity across the whole site.
- **Stage 3 –** In spring 2024 we are expecting a further consultation on proposed measures for the majority of England's remaining offshore MPAs (and a similar process simultaneously in Scotland). In Northern Ireland, DAREA has announced a review of the MPA Strategy Review is also expected this year, although issues around staffing capacity are preventing a date for release being announced.
    - We will continue to push the UK Government to publish measures which will ensure protection from damaging fishing methods in all offshore MPAs by Autumn 2024. Following the outcomes of the monitoring period, we would then expect to see proposals from the UK Government on the restriction and management of bottom trawling across the entire marine protected area network.
- **Stage 4 –** the UK Government has recently launched a Call for Evidence regarding potential measures for **5** sites which are designated either to protect harbour porpoise or seabirds.
    - We support the swift consultation and implementation of management measures for these sites once the Call for Evidence has closed.

More recently, the government has issued 1,416 EU fishing vessel licences for 2024 that once again will permit EU fishers, as well as UK fishers, to continue to undertake bottom trawling in offshore MPAs. We strongly call on Defra to carry a condition prohibiting bottom trawling across those sites to prevent contravention of several laws including (1) the Offshore Marine Habitats and Species Regulations 2017 (including failure to first undertake an Appropriate Assessment); (2) the Marine and Coastal Access Act, 2009 and Marine (Scotland) Act, 2010; (3) the Marine Strategy Regulations 2010 (breach of regulation 4 and failure to comply with the statutory guidance provided in the Marine Strategy Part One (Updated in 2019); (4) the Fisheries Act 2020 (breach of section 1).

TACs

We are concerned that the lack of improvement in the number of UK-EU TACs set in line with the independent scientific advice provided by the International Council for the Exploration of the Sea (ICES) demonstrates a lack of willingness to take the action necessary to achieve sustainable fisheries and end overfishing. To achieve that ambition, catch limits should be set well below ICES advice for maximum catches, to take account of ecosystem needs and the need for resilience in the face of mounting pressures such as climate change. Similarly, we support the introduction of a sustainability criteria for negotiations with EU and other countries, helping to avoid another "mackerel wars" scenario where continuing disagreements between the EU, Norway, Iceland, Russia, Greenland and the Faroe Islands on the size of catches and quotas led to catches set at 35% above the levels recommended by scientists in 2015.

Sustainable fisheries management is a cornerstone of the UK Fisheries Act, as well as the EU-UK Trade and Cooperation Agreement and the EU's Common Fisheries Policy. Numerous international agreements, including the United Nations Fish Stocks Agreement, the Convention on Biodiversity and UN Sustainable Development Goal 14, all required fishing sustainably by 2020, a deadline missed both by the EU and the UK. We remain concerned that the decisions taken by the EU and the UK behind closed doors in the latest negotiations are directly at odds with your public commitments and legal obligations. We request that the remaining fishing opportunities negotiated this Spring are in keeping with the government's sustainability ambitions. Furthermore, we call on the government to develop and publish a comprehensive timebound strategy setting out how it will achieve its obligations to end overfishing across UK waters.

Remote Electronic Monitoring

Remote Electronic Monitoring (REM) with cameras is one of the most cost-effective tools fisheries managers have for delivering reliable fisheries data and for making informed management decisions. Use should be widely incentivised, and where required subsidised, to support uptake across the sector.

Remote Electronic Monitoring with cameras (REM) should be introduced for (a) the over-10m fleet within 2 years and (b) the under-10m fleet on a phased basis according to environmental and social criteria and subject to public consultation. Uptake with the under 10m fleet should be incentivised with clear proposals and timings towards mandatory deadlines. An early adoption scheme should be considered to incentivise uptake.

There is a need for fully documented catch reporting that can only be fully achieved through REM with cameras. In addition, section 25(3) of the Fisheries Act, states that fisheries authorities are required to "seek to incentivise (a) the use of selective gears" when distributing quotas. REM with cameras can be used as an effective tool to achieve this objective by improving catch accounting. REM with cameras could also incentivise more sustainable practices, enabling fishers to demonstrate improved selectivity to gain greater access to fisheries through enhance quota allocations in line with FMSY and supporting the delivery of ecosystem-based fisheries management.

In addition, eradicating illegality and unreported discards in the supply chain is of utmost importance for UK businesses as part of basic due diligence.

Fisheries Management Plans:

Fisheries Management Plans (FMPs) should be introduced for all commercially exploited stocks beyond the proposed 43 FMPs with priority given to depleted and data deficient stocks. FMPs should include:

- An accurate (where possible) description of the nature of the fishery including; target stock/s in scope, current stock status, spatial coverage, current fishing methods, impacts (to habitats, ecosystems and other species) of the fishing activities and existing and proposed management measures.
- Clear binding targets and desirable management outcomes to:
    - restore/maintain the target stocks at Maximum Sustainable Yield (MSY);
    - minimise bycatch;
    - avoid/minimise habitat impacts;
    - maximise economic and social benefit, and
    - meet all 8 Fisheries Objectives as required by the UK Fisheries Act (2020) and the Joint Fisheries Statement (2022);

- Clear description or pathway on how the objectives of the FMP will implement ecosystem-based approach to deliver the relevant Good Environmental Status (GES) Indicators under the UK Marine Strategy.
- Outline clear management options – both short and long term with associated timelines and review periods – that will aim to meet the FMP objectives by a realistic, but ambitious date.
- Ensure the standardised implementation of the Precautionary Approach across all FMP's which applies not only to the target species but also to the habitats, bycatch and associated sensitive marine species as defined in the UK Fisheries Act (2020) and the EU-UK Trade and Cooperations Agreement (TCA).
- Establish SMART (Specific, Measurable, Achievable, Relevant and Time-bound) monitoring performance indicators and trigger references to prompt immediate reviews where an FMP is not making planned progress.
- Objectives for monitoring, control and surveillance efforts within the fishery including the adoption of Remote Electronic Monitoring (REM) with cameras as an effective solution towards fully documented fisheries.

In Northern Ireland, currently three FMPs are underway. This covers Inshore covering Crabs, Lobsters, King & Queen Scallops and Periwinkles, Irish Sea Pelagic - Herring (Links with England, Wales & IoM), Irish Sea Demersal - Cod, Haddock, Nephrops, Whiting, Sole, etc (Links with England, Wales & IoM).

We support the swift implementation of these measures to ensure an ecologically coherent network in the **whole** of the UK EEZ.

Financial Assistance and a Just Transition Plan

Financial assistance is needed to modernise the fishing industry towards sustainable fishing. Focussing on better monitoring and data collection and harnessing innovative technologies to aid monitoring and help fishers transition towards less damaging gear and increased species selectivities, and overall, lower impact practices. Financial assistance and a just transition plan for fisheries in offshore energy production spaces, supporting better monitoring, more environmentally, friendly gear.

D1/D4/D6 - Benthic Habitats

Fishing:

We call on the Government to extend the 13 byelaws banning bottom trawling in MPAs designated for their reef features **across the whole MPA site** and immediately review bottom trawling practices across the whole MPA network**.** The Government should place also restrictions through a condition on the 1,000+ EU as well as 1,000 + UK fishing vessel licences in 2024 in UK waters which currently do not have any restrictions for bottom trawling practices in MPAs.
We would like to see the consultation on proposed management measures for the majority of England's remaining offshore MPAs and will continue to push the Government to publish measures which will ensure protection from damaging fishing methods in all offshore MPAs by Autumn 2024. Following the outcomes of the monitoring period, we would then expect to see proposals from the UK Government on the restriction and management of bottom trawling across the entire marine protected area network.

MPAs/HPMAs:

We recommend that the Government **accelerates action in relation to protected areas in UK waters**, such that all such designated areas, including HPMAs, have up-to-date management plans or management measures in place by the end of 2024. Any plans should take a 'whole site approach' to protection, rather the "feature based approach" (which leaves big gaps in protection) to ensure 30% of UK seas are properly protected in MPAs by 2030.

We support the Government's plans for **an ambitious timetable for the designation of additional HPMAs** urge continued focus to on developing details of an effective **monitoring and enforcement strategy by the end of 2024.** In addition to the delivery of new HPMAs, we would like to see updates to the HPMA Guidance for Public Authorities to close the legislative loophole which could see the licensing of destructive activities within HPMAs if the need 'outweighs the public benefit.' Any exemptions should not be the responsibility of the MMO but the Defra SoS, who should be required to sign off any exemptions within HPMAs. Within current monitoring plans for HPMAs, there should be a review of the effectiveness of using the MCAA legislation to designate them.

Offshore energy production:

We would like to see the Government commit to working with the Crown Estate to ensure that no future seabed leasing rounds for offshore wind are within offshore MPAs with designated features for benthic features.

To reduce impact on MPAs designated features for benthic features in the inshore and intertidal areas, we call for the implementation of the Offshore Wind Environmental Standards to ensure developers have appropriately screened out all alternative cabling routes and propose the maximise avoidance, reduction and mitigation options. We would also like to see the immediate publication of the suite of strategic compensatory measures and the Defra SoS given a formal role in signing off compensation measures for each project to ensure they meet the requirements under the Habitat Regulations Assessments and deliver ecologically robust outcomes for the marine environment.
We would like to see the immediate publication of the findings of the Offshore Transmission Network Review which is working to strategically allocate grid connections for offshore energy production to sites with least environmental and social impact. This work needs to be fed into the Strategic Spatial Energy Plan (SSEP) which is currently being set up within the Department for Energy Security and Net Zero.

An immediate acceptance of the amendment to the Offshore Petroleum Licencing Bill to scope out all offshore MPAs designated for the benthic features from the North Sea Transition Authority licensing rounds.

<u>INNS, (D2)</u>

A stronger, more strategic, and adequately resourced and funded approach to biosecurity is needed in order to effectively manage and prevent invasive non-native species from arriving and establishing themselves in the UK. Preventing invasive species arriving on our shores is both more effective and efficient than attempting to manage or eradicate them once they have arrived.

We suggest that the biosecurity budget should be tripled to £3 million and a further £3 million should also be provided to the invasive species inspectorate who would prevent INNS transmitting through the ports. This investment would reduce the number of new establishments by 50-67% and provide a return of investment of £23 for every £1 spent.

The Government should immediately commit to a date for the Seabird Conservation Strategies, including the inclusion of biosecurity measures. Without a national strategy seabirds will not be protected from biosecurity risks such as avian flu which is critical to achieving GES of seabird features on island SPAs[10]. The strategy should include measures to:

- Build resilience in vulnerable populations through recovery and conservation measures. This includes avoiding damaging development at sea and reduction of seabirds killed in bycatch
- Effective monitoring, surveillance, research and reporting systems in place to build real-time understanding of the virus and its progress in wild birds.
- A new approach to poultry farming – intensive units that house thousands of hens and other domestic birds in barns are known to exacerbate the problem of contagious diseases, by providing ideal conditions for emerging pathogens to develop, which can then spread to wild birds.

Finally, to tackle INNS at source we support a Government commitment to include stronger biosecurity measures for marine wildlife in the SPS chapters of UK Free Trade Agreements. This follows the historic animal welfare chapter in the UK-Australian Free Trade Agreement which put animal welfare and protection at the heart of trade agreement negotiations.

D8 - Contaminants/D9 Contaminants in seafood

Overall, reducing the burden of chemical pollutants on the environment needs to be a priority for the Government and there are actions that can be undertaken immediately to help reduce the burden of chemical pollution. Wildlife and Countryside Link collaborated across the eNGO sector on our **12 Key Asks for the UK Chemicals Strategy**. These included phasing out the most hazardous chemicals from all consumer uses that aren't essential to society; adopting grouping approaches to groups of similar chemicals; addressing the cocktail effect; and developing a fit for purpose monitoring and alert system. In addition, we have also recently published a **PFAS Action Plan** that we believe needs to be taken to transition towards a PFAS free economy and better protect humans and the environment from their impacts. The UK Government committed to publishing the Chemicals Strategy by the end of 2023, but it is yet to be released. We call for its immediate release and an accompanying timetable of legislation.

As the GES is currently defined it is incapable of truly assessing the state of chemical contaminants in the environment. GES is assessed on a very narrow range of generally legacy chemicals and is therefore not representative of the actual impact of chemical pollution on the marine environment. One particular aspect which is not included is persistent chemicals. Once produced, they build up in the marine environment and their effects can be felt for generations. Therefore, **monitoring of persistent chemicals must be a priority** in order to prevent future impacts. In the latest round of the Marine Strategy monitoring, the current issues caused by legacy persistent chemicals were highlighted. However, monitoring will only help us understand the problem. To prevent it from getting worse, strict restrictions and regulatory actions needs to be implemented as outlined above and in our **12 Key Asks for the UK Chemicals Strategy** and **PFAS Action Plan.**

Additional concern has been raised on the human health risks of nano-sized plastics (<150µm), and consideration should be given to developing monitoring protocols and measures under this descriptor. Microplastics now constitute one of the biggest contaminates in the marine environment, particularly in relation to seafood. While monitoring is useful, again, once these toxic plastics have entered the environment, they can not be removed. Research to better understand the impact microplastics have in food is desperately needed. The WHO have raised concerns and we would strongly echo their call for more research to be conducted on the effects of microplastics on human health from seafood. From this work, strict regulations need to be put in place to prevent seafood reaching the point of unsafe levels of contamination.[11] This will prevent microplastics and chemical contaminants reaching the marine environment and finding their way into our bodies.

D10 - Marine litter

To achieve GES for Marine Litter the Government should commit to:

- Delivering as its Collection and Packaging Reforms, specifically its Deposit Return Scheme which remains undelivered nearly 7 years after it was announced. It must commit to its

delivery in 2025 to prevent thousands of tonnes of plastic litter entering the waterways and marine environment.

- To ensure we are able to understand and tackle the threat of microplastics to the marine environment, the Government must establish new monitoring regimes for macro-,micro- and nano-plastics across all pathways including terrestrial, freshwater and marine.
- While some bans (or market restrictions) have been implemented in the UK on the most commonly littered plastic items, it must go further to start to address a wider range of littered plastic and non-plastic items. The EU Single Use Plastic Directive covers around 50% of the marine litter found on beaches and the UK Government must ensure at a minimum it is emulating its European counterparts.
- Alongside DRS and single-use plastic bans, the UK Government must include terrestrial litter in producer EPR payments to ensure that the collection and disposal of the most commonly littered items becomes the responsibility of those who produce the litter. At a minimum, the Government must reconsider litter payments from the organisations which produce the highest quantity of littered items to ensure they are prevented from entering our waterways and marine environment.
- While the Extended Producer Responsibility for Fishing and Aquaculture gear is welcome, for this to be relevant to achieving GES by 2024, it would need immediate implementation after consultation and to be extremely robust. In addition, we would like to see stronger measures on lost fishing gear (ALDFG) reporting (which is currently up for discussion at the International Maritime Organization) and fishing gear marking (FAO guidelines were adopted in 2018 but remain voluntary in nature so we would welcome a clear plan for the UK to not only transpose them into national policy but also make them mandatory).
- Defra negotiators to the High Ambition Coalition for Plastics and the Global Plastics Treaty must be given a mandate to ensure renewed focus on reuse, alongside recycling. This will ensure that plastic is prevented from entering the wastestream in the first place and we strive towards a more circular economy.

<u>Underwater noise, (D11)</u>

We have identified several measures the Government could implement to achieve GES for underwater noise.

1. A decibel limit for all offshore wind construction should be implemented through the Offshore Wind Environmental Standards workstream to lower underwater noise and ensure it does not exceed the UKs own noise thresholds in the Southern North Sea SAC in 2024. We would recommend an approach similar to that adopted in Germany in 2013, where noise limits have been used to manage underwater noise. This approach requires constant sound exposure levels (SEL) to be less than 160 dB re 1 µPa at 750m (single peaks up to 190 dB re 1 µPa at 750m) from the noise source within the German EEZ. No piling is allowed within harbour porpoise SACs and an adverse effect on a site is to be presumed if at 10% or more of the area of the site is located within the disturbance radius.

2. Require monitoring and evaluation of proposed MOD noise mitigation options in the upcoming HPMAs Guidance for Public authorities. This will ensure proposed measures are reducing noise and protecting those marine mammals affected by it. Avoid using high intensity sonar in all areas of importance to cetaceans, deep diving species including beaked & sperm whales which are known to be particularly vulnerable.

3. Sound limits should be placed on all impulsive noise generating activities so that impacts on sensitive species are minimised. In particular, harbour porpoise SACs should be protected from activities generating very loud impulsive noise, including pile driving and seismic surveys.

4. The IMO Guidelines for ship quieting should be promoted and applied for all shipping. This should include adopting the recommendations found in Defra's Continuous Underwater Noise Study, which found that nearly every MPA is polluted in some way by continuous noise. This should include the IMO recommendation to identify the noisiest vessels that would most benefit from quieting technologies and mandating noise reduction techniques, such as vessel speed limits in certain locations etc. This could be incentivised by offering reduced port fees for compliant ships[12].

5. A UK-wide strategy should be drafted and implemented to ensure noise reduction technology is implemented around our quickly expanding ports. Again this could be incentivised by reducing fees on leaseholds for port expansion or guaranteed fast-track status in the planning system.

6. Ongoing review and monitoring of the licensing and enforcement of the use of Acoustic Deterrent Devices (ADDs) for mitigation which has led to disturbance and displacement for porpoises on the west coast of Scotland. Following the environmental standards Scotland Case in 2021, ADDs should not be licenced unless they have been shown to be effective for their stated purpose and to have no negative impacts on other species.

SECTION 3: What are the barriers and opportunities to address pressures and drivers through these actions?

Barriers to addressing pressure and drivers through these actions:

We understand the barriers preventing Good Environmental Status across all indicators to be synonymous. We have briefly outlined specific issues associated with each barrier but we believe that a **lack of political will**, caused by declining public awareness of the value of a healthy marine environment and **a lack of funding** which flows directly from the lack of political will are the two main barriers to addressing these drivers and pressures.

The most significant barrier to addressing these drivers and pressures is the **short legislative timetable**, caused by the **upcoming general election**. Currently, it is due to be held in Autumn 2024. This gives the Government 6 months (taking into account summer recess and the pre-election period) to enact its final legislative priorities. These priorities are most likely to be for policies which are popular with its voter base, most of which do not include measures to improve GES across the marine environment. Once a new Government has been formed there will be an opportunity to reset policy priorities. If we are able to link achieving GES with the new Government's political agenda e.g., growth opportunities, expansion of green industries and well-being we might gain a greater amount of political will to carry through some of these measures.

Following on from a lack of political will, is **a subsequent lack of funding** to deliver Government commitments which will deliver GES. Without sufficient political will, the SoS for Defra will be unable to secure appropriate funding from the Treasury to ensure the necessary measures are carried out. Until the public are aware of the value of a healthy marine environment and feel a connection with nature, it will not hold as great an economic value. This lack of funding is exacerbated by a **perceived lack of economic benefit a healthy marine environment has**. In the UK, the fishing industry accounts for approximately 0.3% of GDP and so while important in terms of cultural heritage, it does not significantly contribute to the current economic focus on growth. Therefore, the Treasury will not view policies to improve the marine environment as essential and will not allocate Defra a larger budget in the spending review.

A **recruitment freeze across the civil service** and **its statutory nature conservation bodies** (and other statutory consultees) has caused significant loss of expertise across the sector. Without vacancies becoming available to staff who are ready for promotion, many change policy professions within the civil service or choose to leave the public sector altogether. This means that their subject matter expertise and institutional knowledge leaves with them. A **freeze in public sector pay across the civil service** and **its statutory nature conservation bodies** have also meant a significant amount of expertise has left the sector since 2019. Natural England has some of the lowest paid workers across the civil service getting paid almost a third less than staff in central government for a role at the same level. Combined, these factors are a significant barrier in addressing the drivers and pressures preventing the achievement of Good Environmental Status.

A final barrier is that **nature is not a sector or industry** and therefore does not have the same lobbying power as people led, profit seeking organisations such as the oil and gas industry, offshore wind industry, etc. This means that the interests of nature are often overridden in favour of people focused policies which will be influential to the success of a political party. The 'nature sector' is reliant on people lobbying 'on its behalf' which means it inherently has less influence over politicians. Using a marine Natural Capital and Ecosystem Assessment (mNCEA) approach to nature recovery will support politicians viewing the marine environment as an industry with an economic value which should be politically and economically supported.

As a result of these barriers, there is currently **no coherent cross-government approach** to the **energy transition**, **marine restoration,** and the **future of the fishing industry**. Without a joined up, cross-government strategy delivered through the Cabinet Office, with corresponding delivery units in the outlying departments, we will not see the progress we need to achieve GES across all indicators.

Opportunities to addressing pressure and drivers through these actions:

Despite these barriers, the Government (current and incoming) have many opportunities to address the pressures and drivers to achieving GES across all indicators.

In December 2023, the Government published their response to the Defra consultation on the principles of **Marine Net Gain**. This policy, which seeks to mimic the recently mandated Biodiversity Net Gain requirement for terrestrial infrastructure projects, could be transformative in the marine environment. Using legislation in the Environment Act, the Government could require all infrastructure projects to contribute to nature restoration projects, either strategically or on a project-by-project basis. A 20% Marine Net Gain requirement, for example, would see a huge increase in investment into the delivery of biodiversity projects at sea, filling the current gap in investor funding in this sector. This would substantially support the UK achieving GES status across all indicators and support funding projects where political will and Government funding is lacking.

Marine Spatial Planning and/or **Marine Spatial Prioritisation** in combination with appropriate terrestrial planning, would offer huge opportunities to achieve GES across all indicators. Through a coordinated, cross-government approach to the **energy transition**, **marine restoration** and the **future of the fishing industry,** we could begin to deliver huge economic and social benefits across the UK. A lack of marine spatial planning and prioritisation is causing uncertainty amongst commercial industries which could otherwise be delivering infrastructure projects to help secure net zero, deliver Marine Net Gain for nature and support good jobs across the country. By unlocking the potential of the sea, in the right way, we could see huge wins for nature and the economy alike.

Another opportunity to overcome the pressure and drivers to achieve GES is through the delivery of the current Government commitment to **manage fishing in all MPAs by 2024** and the **designation of new HPMA sites.** We know management of our seas through well structured byelaws, licensing and enforcement can protect our marine environment. MPAs and HPMAs give certainty to sea users, minimise the impact of unsustainable fishing practices and ensure development is located at the right place, avoiding our most precious marine habitats.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

For questions or further information please contact:
Cassie Rist, Senior Policy and Advocacy Advisor, Wildlife and Countryside Link E: cassie@wcl.org.uk
Wildlife & Countryside Link, Vox Studios, 1 – 45 Durham Street, Vauxhall, London, SE11 5JH
www.wcl.org.uk

The following organisations have inputted into this Call for Evidence.

Scottish Environment LINK

Northern Ireland Marine Task Force

Cyswllt Amgylchedd Cymru | Wales Environment Link

Wildlife and Countryside LINK

RSPB

The Wildlife Trusts

Cornwall Wildlife Trust

Institute of Fisheries Management

ORCA Looking out for Whales and Dolphins

PTES Technical Guidelines

ANGLING TRUST

HUMANE SOCIETY INTERNATIONAL

OCEANA

SEAL Research Trust

Cornwall SEAL Group Research Trust

WWF

REWILDING BRITAIN

Fidra

MARINE CONSERVATION SOCIETY

WDC WHALE AND DOLPHIN CONSERVATION