



*for a living planet*

**WWF-UK**

Panda House, Weyside  
Park  
Godalming, Surrey, GU7  
1XR  
tel: +44 (0)1483 426444  
fax: +44 (0)1483 426409  
info@wwf.org.uk  
[www.wwf.org.uk](http://www.wwf.org.uk)

## Parliamentary briefing – UK Marine Bill

---

### **SUMMARY AND KEY ASKS**

- WWF welcomes the Government's response to the Parliamentary scrutiny of the draft UK Marine Bill, and the Prime Minister's inclusion of a bill in the draft legislative programme for 2008/9. We are calling for the introduction of a full bill immediately after the Queen's Speech on 3 December.
- Although WWF welcomed the draft bill, we do not believe that the bill was sufficiently robust to ensure protection of our marine habitats and species and to deliver truly sustainable development across UK seas.
- WWF welcomes Defra's commitment in their Command Paper 'Taking the Marine Bill Forward' to include a statutory duty on the Secretary of State and Welsh Ministers to designate a network of Marine Conservation Zones
- We believe that considerable strengthening is needed to ensure a seamless approach between Westminster and devolved. As well as cooperation and integration across borders, WWF is calling for greater emphasis on coordination between delivery bodies to ensure a strategic, ecosystem-based approach.
- WWF believes there should be a statutory commitment to sustainable development on the face of the bill. A bill that incorporates an ecosystem-based approach, underpinned by the precautionary principle, is crucial for the delivery of sustainable development. WWF emphasises that sustainable management of the seas needs to encompass climate change, its impacts, adaptation and mitigation.

### **In particular, the bill should:**

- Include a statutory duty on the Marine Management Organisation (MMO) to lead the delivery of sustainable development, and for sustainable development to be defined on the face of the bill.
- The Marine Policy Statement should be applicable to all UK waters to help deliver sustainable development in the marine environment.
- Include a statutory requirement on marine plan authorities to prepare marine plans for all marine areas
- Include a statutory duty on the Secretary of State and Welsh Ministers to produce a management plan for each Marine Conservation Zone (MCZ).
- The MMO should be responsible for ensuring a strategic approach to inshore fisheries, by managing Inshore Fisheries and Conservation Authorities (IFCAs)



President: HRH Princess Alexandra,  
the Hon Lady Ogilvy KG, GCVO  
Chair: Ed Smith  
Chief Executive: David Nussbaum

WWF-UK charity registered in England  
number 1081247 and in Scotland number  
SC039593 and a company limited by  
guarantee registered in England number  
4016725.  
VAT number 733 761821  
Printed on recycled paper

## **BACKGROUND**

In May 2008, Gordon Brown pledged to introduce a UK Marine Bill in the draft legislative programme for 2008/9. WWF looks forward to the introduction of a bill following the Queen's speech on 3 December.

WWF welcomed the publication in April 2008 of a draft Marine Bill for Parliamentary scrutiny. However, we felt that the bill needed considerable strengthening. WWF supports the conclusion of the Joint Committee on the Draft Marine Bill that it 'is essential that the Bill should provide greater certainty regarding how and when its provisions will be implemented, and must contain more and stronger statutory duties to safeguard the effective execution of its proposals'<sup>1</sup>. We also fully support the assertion that 'for successful implementation of the Marine Bill, co-operation across Whitehall, across the UK administrations and with Europe will be essential.'<sup>2</sup>

### **1. A STRONGER MARINE MANAGEMENT ORGANISATION (MMO)**

**1.1 It is important that the bill defines the MMO's responsibility as leading the delivery of sustainable development (based on an ecosystem approach) for UK seas. We also believe a definition of 'sustainable development' should be written on the face of the bill.** Defra intends the MMO to be the 'Government's primary delivery body in the marine area.'<sup>3</sup> WWF believes that the limitations to the MMO's responsibilities – oil and gas, offshore generating stations of over 100MW, major port infrastructure, carbon capture and storage and shipping - compromise its ability to deliver truly sustainable development.

**1.2 WWF believes that the MMO should have a strategic overview of marine activities through its planning, licensing and enforcement functions. WWF believes that the MMO must take responsibility for all marine projects and that decisions must have regard to the relevant marine plan.** The Government aims to draw up Memoranda of Understanding between the MMO and other key regulators and public bodies (such as the IPC). We do not believe that this is sufficient. In particular, allowing the IPC to be the primary decision-maker for offshore Nationally Significant Infrastructure Projects runs counter to the Government's stated aim of reducing complexity in the marine environment through marine spatial planning. The MMO should, at the very least, be a statutory consultee to the IPC on decisions with high impact on the marine environment.

**1.3 The bill should include a statutory duty on the MMO to coordinate and integrate activities with Welsh Ministers and its equivalent bodies in Scotland and Northern Ireland.**

**1.4 The bill should confer a power on the MMO to issue conservation orders outside Marine Conservation Zones,** to ensure protection and management of biodiversity throughout the whole marine area.

### **2. BETTER PLANNING THROUGHOUT UK SEAS**

**2.1 There should be a joint commitment between all four administrations to the Marine Policy Statement.** In particular, the bill should ensure integration between the MPS and the Scottish Marine Ecological Objectives.

---

<sup>1</sup> Joint Committee on the draft marine bill, p93

<sup>2</sup> Ibid.

<sup>3</sup> Government Command Paper 'Taking forward the Marine Bill – 3.3.14

- 2.2 The MPS and marine plans should be subject to Strategic Environment Assessment (SEA).** We are of the view that all National Policy Statements should undergo SEA to ensure environmental considerations are properly considered at a strategic level. We also believe the MPS objective for sustainable development should be strengthened.
- 2.3 Marine plan authorities should be under obligation to ‘make every attempt to’ ensure that marine plans are developed on an ecosystem basis, and should be coherent and coordinated across borders and between land and sea.** Powers should also be provided for marine plan authorities to produce shared marine plans across borders.
- 2.4 There should be a requirement for marine plans to be developed for the entire UK marine area.** As developments and activities in the marine environment increase and expand further offshore, the bill must ensure that it cover new developments so as to deliver an ecosystem-based approach. We recognise that plans for offshore areas are likely to be simpler than those for nearshore waters or heavy-use areas.
- 3. A WELL-MANAGED NETWORK OF MARINE CONSERVATION ZONES (MCZ)**
- 3.1 WWF welcomes Defra’s commitment to including a statutory duty on the Secretary of State and Welsh Ministers to designate a network of Marine Conservation Zones**
- 3.2 The bill must include a statutory duty on the Secretary of State and Welsh Ministers to produce management plans for each MCZ.** Management plans are crucial to mapping out the conservation objectives and requirements of a particular site, while monitoring is necessary to ensure the quality of the site is being maintained or where appropriate improved. Management plans should be produced for each MCZ to ensure long-term investment in conservation objectives and accountability in their delivery; and to develop and implement (in association with other bodies) monitoring programmes. MCZs otherwise risk being little more than lines on a map (so-called ‘Paper Parks’), that fail to deliver conservation goals.
- 3.3 We believe that public bodies should be required to consult the statutory nature conservation bodies (SNCBs) when exercising their functions – including consenting to any development that might affect an MCZ.** We also believe that public authorities should be required to take account of any advice received from the SNCBs. This is because the SNCBs will have limited powers for the management and delivery of conservation objectives for MCZs and will have to rely on other public bodies, which will have a duty to exercise their functions in ways which further the conservation objectives set for MCZs.
- 3.4 Provisions must be included to allow enforcement of nature conservation legislation** and provisions of the draft Marine Bill restrict the powers of marine enforcement officers when enforcing certain legislation relating to nature conservation and the marine licensing regime to the territorial waters adjacent to England and the offshore area excluding the offshore area adjacent to Scotland. Clarification is needed as to who will be responsible for enforcing nature conservation and marine licensing in the offshore area adjacent to Scotland, without the responsibility being allocated to an appropriate body / officers, any Marine Conservation Zones (MCZs) designated in the offshore area adjacent to Scotland will not be able to be protected
- 3.5 The clause that includes socio-economic considerations in the designation process should be removed from the bill.** WWF believes that the integrity of an ecologically representative MCZ network is paramount and identification of potential sites for designation must be based on scientific criteria. It is important to recognise that a poor decision on one site may undermine the integrity of the whole network. Any evaluation of socio-economic

interests should involve assessment of Total Economic Value, which measures not just the direct use values of an ecosystem, but rather the sum of all benefits obtained from it.<sup>4</sup>

#### **4 COHERENT LICENSING**

**4.1 The bill should include a requirement for all licensing decisions to be in line with the relevant marine plan.**

**4.2 There should be a minimum requirement to notify the MMO (or appropriate planning authority) of all exempt activities** and ensure that these activities are in line with the marine plan. In the absence of a marine plan, exemptions should not be allowed. WWF is concerned that allowing too many exemptions may compromise the MMO's ability to ensure sustainable management of the marine environment. In particular, the cumulative, indirect and synergistic effects of exempt activities must not undermine the marine plan or the sustainability of the seas and marine wildlife.

#### **5 A STRATEGIC APPROACH TO INSHORE FISHERIES**

**5.1 The MMO should be responsible for ensuring a strategic approach to inshore fisheries and enforcement**, to achieve an ecosystem-based approach to fisheries management. The bill should contain a requirement for the MMO to take responsibility for managing IFCAs and ensuring they adopt a strategic and coordinated approach and work to an agreed set of minimum standards.

**5.2 It is important that the bill contains provisions ensuring seamless integration of approaches across borders.** As fisheries have a considerable impact on the marine environment, it is important that throughout the bill fisheries management is consistent across the UK. A particular concern is the exclusion of Northern Irish fisheries and whether the necessary powers will be conferred to the Welsh Assembly Government.

#### **6 DEVOLVED**

In the Command Paper, 'Taking the Marine Bill Forward', the Government stated that they have worked 'very closely with the devolved administrations throughout the process of developing our policies for the planning system set out in the draft bill and we aim to continue this close cooperation as our proposals are put into operation.'

WWF were very disappointed to learn that the draft Marine Bill did not foresee Scottish participation in the development of a Marine Policy Statement. WWF-UK would question how the implementation of European and international marine policy will be possible through the development of the MPS with no involvement of the Scottish Government. Not only are the waters that fall within Scotland's responsibility a component of regional seas that need to be managed in an integrated manner in order to deliver international commitments for the marine environment, but the Scottish Government also lead on some aspects of marine policy in offshore waters. We anticipate the publication of a Scottish Marine Bill in Spring 2009, and urge officials and Ministers of all four countries to work together to ensure coherence across borders.

#### **REFERENCE:**

<b>Name:</b>	Eva Groeneveld
<b>Email:</b>	<a href="mailto:egroeneveld@wwf.org.uk">egroeneveld@wwf.org.uk</a>
<b>Phone:</b>	Office: 01483 412374 / Mobile: 07766 150944
<b>Date:</b>	October 2008

---

<sup>4</sup> Millennium Ecosystem Assessment (2005) Ecosystem and Human Well-Being, World Resources Institute, Washington D.C