

## Marine Bill

### Key Issues

Our coasts and seas have shaped the history of our nations. They are vital to our economy, health and well-being. While some aspects of coastal management have improved, such as reduction in pollution from sewage, other impacts such as climate change, coastal erosion and habitat loss are becoming an increasing threat to the marine environment and those that depend on it. We know for example that:

- 100 hectares of our saltmarshes are estimated to be lost to development and rising sea levels each year.
- Only 38% of our commercial fish stocks are being harvested sustainably and increased pressure from offshore development is damaging marine ecosystems.

Current management arrangements are complex, confusing and uncoordinated. As a result, the combined impacts of different activities are not being addressed and damage is being done to the marine environment and its diverse wildlife.

The UK Government recognises the vulnerability of our seas and coast and is introducing a Marine Bill. The Bill provides a strategic and joined-up approach to managing the many different uses of the marine environment through a new framework of marine planning. To deliver the Governments' vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas', the Bill will need to put in place new important environmental safeguards and ensure an integrated approach to planning, regulation and biodiversity across land and sea.

### Our role

The Environment Agency has a major role in the sustainable management of estuaries and coastal waters around England and Wales. We:-

- have a strategic overview of flood risk management and coastal erosion;
- control polluting discharges to estuaries and inland coastal areas (out to 3 nautical miles) and look after the quality of our bathing waters;
- manage stocks of salmon, sea trout and eels to 6 nautical miles, and currently regulate sea fisheries in a large number of estuaries;
- protect and enhance biodiversity and promote recreation;
- are Competent Authority for several EU Directives, including the Water Framework Directive (WFD) that sets new ecological objectives for inland waters, estuaries and coastal waters (to one nautical mile) and we monitor and report on the quality of our estuaries and coastal waters.

We work closely with the governments of England and Wales on marine issues and have contributed our ideas on the forthcoming marine legislation through responding to their consultations and working together.

We have published a Marine Strategy that sets out what we are doing to protect the marine environment, and presents our vision for the future. We are working to deliver our Marine Strategy with other regulators, businesses and coastal communities.

### **Solutions - we call for:**

- We welcome the Government's commitment to introduce legislation to protect our seas. We want to see the Marine Bill introduced within this parliament.
- We support the introduction of marine planning. We believe marine plans should be developed for the whole marine area and be underpinned by a marine policy statement with clear objectives. Where plans abut administrative boundaries or overlap with other planning systems, the marine planning authorities should collaborate to ensure that these plans are complementary. Any overlaps in the marine and land planning systems should not be over-bureaucratic and the existing land based planning regimes must not be weakened.
- The Marine Management Organisation (MMO) in England will be one of the most important regulators in the marine environment and must ensure that marine plans at the coast support, and marine licence decisions comply with, requirements of the Water Framework Directive (WFD). Welsh Assembly Government (WAG) will have similar responsibilities for delivering devolved functions of the Marine Bill in Wales. Both the MMO and WAG should have clear responsibilities and objectives to support delivery of the WFD and achieve good ecological status (or in the case of modified water bodies, good ecological potential) in transitional and coastal waters.
- Changes to marine licensing must not jeopardise our statutory responsibility for managing flood risk at the coast. For this reason, we need to have the choice to disapply our flood risk consenting powers under the Water Resources Act 1991 and its byelaws on a case by case basis, depending on whether conditions can be addressed through a marine licence or not.
- For waste activities that span the intertidal zone, we want clarity about which licensing regime applies as this is currently ambiguous for certain activities. Where waste activities have aspects that take place below Mean Low Water Springs (MLWS), but the process is mainly land based (e.g. ship breaking), these should be regulated through a permit under the Environmental Permitting Regulations 2007. However infill activities that start below low water and extend above Mean High Water Spring should be regulated through a marine licence.
- We support the introduction of Marine Conservation Zones (MCZ). We want to be able to nominate important areas of the marine environment as MCZs to the Secretary of State or Welsh Ministers who will have a duty to designate.
- We welcome proposals to modernise Sea Fisheries Committees (SFC) in England and Wales, that will deliver high quality and professional management of inshore fisheries. This should include effective monitoring of stocks, fisheries and users, effective regulation and enforcement and inclusion of relevant interests in management processes.
- We want practical working arrangements between us and the new Inshore Fisheries and Conservation Authorities (IFCAs), particularly with respect to estuaries. We would like to see the establishment of a boundary within each

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estuary, downstream of which the IFCA manages sea fisheries and upstream of which we take responsibility for all fish species.

- We welcome plans to extend our fisheries duties to smelt and lampreys, but are disappointed that the opportunity has not been taken to extend these to shad. The continued split regulation of migratory fisheries is unsatisfactory. However, we are pleased that Government has retained the option to transfer responsibility at a later date.
- We support the measures to modernise certain aspects of the current migratory and freshwater fisheries legislation. In particular, we support the power to licence fishing for a wider range of species; limit fishing effort for eel and other species; and to make emergency byelaws in response to unforeseeable pressures.
- We work with Welsh Assembly Government to clarify how the proposals will be implemented in Wales and how effective management arrangements are to be achieved where estuaries and coastal waters straddle national boundaries.
- We support plans to increase public access to the coast in England. New access corridors must take account of flood risk management and coastal erosion issues. For this reason, we need to be fully consulted on the establishment of routes.

### Background

In December 2004 the UK Government announced its commitment to a Marine Bill that will introduce a better, more integrated way of managing the marine environment. The intention is to protect UK's marine natural assets and simplify law.

In 2005, the UK Government made a commitment in its election manifesto to introduce in this Parliament, 'a new framework for the seas, based on marine spatial planning, that balances conservation, energy and resource needs'. A Marine Bill has cross party support.

In March 2007, Defra consulted on their Marine Bill White Paper and in April 2008 on a draft Marine Bill which has since undergone pre-legislative scrutiny and further consultation.

### Key facts

- Climate change is altering marine habitats (sea surface layers have become more acidic by about 0.1pH units).
- Coastal erosion, flood risk, and habitat loss are all increasing (the coast is eroding at more than 25% of monitored sites in England and Wales).
- Stocks of marine and migratory fish are low. The number of elvers returning to England and Wales has declined by 70% since the early 1980s (in Europe, this decline is >95%). Salmon stocks were classed as 'at risk' in 43% of principal salmon rivers in 2006.
- Modern fishing methods may damage seabed habitats.
- One in three people live near the sea and the coast is a popular and growing destination for holidaymakers.

*E-mail us for further information at [marine@environment-agency.gov.uk](mailto:marine@environment-agency.gov.uk)*

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