

## RESPONSE TO DEFRA CONSULTATION

### A SEA CHANGE – A MARINE BILL WHITE PAPER

#### 1.0 Summary

1.1 We welcome the Marine Bill White Paper and look for swift progress to a Marine Bill as part of Government's commitment to better management of the marine environment.

1.2 The environment must be central to decision making for the marine area.

1.3 Marine planning is essential but any overlaps in planning systems should not be over-bureaucratic or weaken existing planning regimes.

- We support integrated management across the land-sea boundary and for marine planning to be as effective as possible. However, planning should not be over laden with confusing overlaps. For those operating in the coastal zone the proposed overlap between marine and land based plans will mean that they have to comply with two sets of spatial plans. This overlap could create confusion with two administrations having legal planning responsibilities in the same area. It is therefore essential that Government set out more clearly how this overlap will be managed and how it will use the process of Integrated Coastal Zone Management (ICZM). We look forward to working with Defra on case studies which will establish how marine planning can work in practice on the coast and in estuaries and we will continue our work with the Welsh Assembly Government on marine planning in Welsh waters.

1.4 Water Framework Directive (WFD) requirements need to be considered in all Marine Bill workstreams. The Marine Management Organisation should have a legal duty to further delivery of the WFD.

- The requirements of the WFD aims and objectives must be included in marine licenses so that conditions for protecting or ensuring 'good status' are included. The new licensing system will be a main contributor to achieving WFD objectives in transitional and coastal waters, and will be part of the 'basic measures'" of the WFD.

**1.5 Streamlining marine licensing should not be at the cost of important environmental safeguards.**

- We are pleased that the White Paper does not include the Water Resources Act 1991 in its proposals for streamlining marine licenses. Changes to marine licensing must not jeopardise our statutory responsibility for managing flood risk on the coast.
- Marine legislation must clearly identify where an Environmental Permit (EP) and a Marine Licence is needed.
- Where waste activities take place below Mean Low Water Springs (MLWS), but the process is mainly land based, activities should be regulated by the terrestrial system (EP).

**1.6 We support the introduction of Marine Conservation Zones and want to be able to officially nominate the designation of these to the statutory nature conservation organisations.**

**1.7 We believe we are best placed to be the fisheries manager in all estuaries.**

- We welcome proposals to modernise Sea Fisheries Committees. However we believe that management of fisheries in estuaries should follow a different, but more effective, model. We want to extend our role of managing sea fisheries to include all estuaries. By doing this we can:
  - take integrated approaches across inshore and freshwater fisheries;
  - focus management in these zones on protection and enhancement of fish spawning and nursery areas, migratory fisheries, wildlife and recreational opportunity;
  - support the achievement of WFD aims and objectives;
  - avoid duplication and make best use of public resources.
- We want continued responsibility for migratory fisheries and to extend this to shad, lampreys and smelt to six nautical miles.
- Outside estuaries we believe Sea Fisheries Committees should be modernised. We welcome the opportunity to contribute to these new fora. Our membership of these committees must not prejudice our role as independent advisor and champion of the environment.

**1.8 We would like greater clarification on how the proposals will be implemented in Wales. The Marine Bill might be one of the earliest opportunities for the Assembly to exercise its new powers under Part 3 of the Government of Wales Act 2006.**

## Workstream specific comments

### 2.0 Marine Planning

- **We fully support the introduction of marine plans and we believe that marine planning should be statutory.**
- **Marine planning should not be over-bureaucratic. Overlaps with existing planning systems need to be clarified. We look forward to working with Defra on how marine planning can work on the English coast and will continue our work with the Welsh Assembly Government on marine planning in Welsh waters.**
- **Plans should include all uses and reinforce and complement the UK's national and international commitments, such as the Water Framework Directive.**

#### The planning policy statement

- 2.1 We support the creation of a single marine policy statement applying to all UK waters. This should create a framework for an ecosystem approach<sup>1</sup> to managing UK seas across administrative boundaries.
- 2.2 A shared marine planning policy statement will be a valuable tool in managing marine resources. However, it is not clear from the White Paper who will 'own' the Policy Statement, whether it will be owned by one Government department or shared across Government. It is not clear what the role of Ministers will be in drawing up the statement, and how the views of the devolved administrations will be taken into account. We wish for further clarity on these points but recommend a process where a single department takes the lead but which has sign up across Government.
- 2.3 Marine planning policy will reconcile competing policies as far as possible and decide on priorities. There will be difficult choices to be made and these should not be to the detriment of maintaining a healthy ecosystem which is already under strain<sup>2</sup>. There is good evidence of adverse change in many parts of the marine ecosystem<sup>3</sup>. We would like clarity on how this process will work. Advice from and consultation with organisations like ourselves will, as stated in section 4.29, be important elements of the process. It will not always be possible to strike a balance between opposing pressures as suggested. When prioritising decisions, the environment must not be the loser to economic development. Marine plans must be subject to suitable scrutiny, through a Strategic Environmental Assessment or its equivalent, to ensure they take a balanced approach.

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<sup>1</sup> Convention on Biological Diversity (2000). Ecosystem approach. Nairobi 15-26/5/2000 pp103-110

<sup>2</sup> Department for Environment, Food and Rural Affairs (2005), Charting Progress – An Integrated Assessment of the State of UK Seas. PB 9911. Defra publication, London.

<sup>3</sup> Environment Agency (2005) The state of the marine Environment of England and Wales. EA publication, Bristol, pp3-4

- 2.4 The Planning White Paper (May 2007) proposes that an Infrastructure Planning Commission (IPC) will make decisions in line with the marine policy statement. It is important that major decisions are not taken outside the marine planning framework. The Commission needs clear operating rules, including the ability to assess alternatives to proposed developments. Its decisions must be transparent and subject to appropriate environmental assessment. We will submit our full views on the IPC in our response to the recent Planning White Paper and will raise any issues where it relates to the Marine Bill and marine management.

### **Delivery timescale**

- 2.5 Section 4.29 states that the UK wide planning policy statement will be prepared, adopted by Ministers and published within two years. The policy statement needs to be agreed before the next tier of plans is prepared.
- 2.6 The timetable assumes that a formal SEA of the policy statement will not be required (4.29). We believe an SEA will be required, and the timetable should allow for this.
- 2.7 The proposal for the phased approach to planning, as set out in section 4.48, is a sensible way forward, but we suggest that more than one plan be delivered at a time. Problems may occur if major estuaries, for example, are not planned as a whole and consist of a number of plans that are developed on different timescales.
- 2.8 We are pleased that the plans will be reviewed on a six-yearly timescale, this is a sensible approach as it fits with the WFD and the proposed European Marine Strategy Directive timescale.

### **Planning process**

- 2.9 We support the need for the marine planning system to be as open and transparent as possible and that 'early and broad consultation' will form an important part of that process. To ensure transparency and confidence in the preparation of a plan, we want a process that benefits from the experience of land based plans and uses best practice.
- 2.10 Progress with marine plans should be monitored. We are pleased that the UK Marine Monitoring and Assessment Strategy (UKMMAS) will play a key role in marine planning and the monitoring of its progress. As a contributor to the strategy we recognise the importance of getting the best value from marine data.

## **Consultation of plans**

2.11 We want our consultee role within marine planning to mirror that of the current land based spatial planning system. We play an active role in land based spatial planning<sup>4</sup> and would like similar arrangements to be established for consultation on marine planning. As marine licensing will be the major tool in delivering marine planning, we also should be statutory consultees on marine licensing decisions.

## **Estuaries**

2.12 The White Paper does not establish the extent of marine planning in estuaries. There are a number of options for this boundary. The decision on which of these should be taken forward depends on what flexibility exists to have different boundaries for marine planning and marine licensing. Also, it depends on an assessment of the value of having marine planning driven a long way up estuaries, where another layer of planning could add confusion and complexity.

2.13 Our preferred option is for transitional waters, as defined under the WFD, to act as the boundary for marine planning in estuaries. However, if licensing and planning could be separated we believe an option to draw the limits of marine planning much further towards the mouth of estuaries deserves further investigation

2.14 The WFD defines transitional waters as ‘bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows’. As this limit is the EC definition, it is possible that any European Directive on marine planning will look to have the same estuarine limits as the WFD.

2.15 The WFD method is hierarchical, defining the Freshwater Limit (FWL) as: at a physical barrier (e.g. a weir); if there is no physical barrier then by the chloride content; and if there is no physical barrier and no appropriate data then the mean high-water mark as given as Normal Tidal Limit in Ordnance Survey 10K maps.

2.16 Under this definition transitional waters would not be significantly different from high water mark in most estuaries. However, some estuaries, such as on the tidal River Trent which flows into the Humber estuary, would see a larger change and this could have implications for marine licensing which goes to MHWS if current FEPA rules are to continue (Figure 1).

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<sup>4</sup> Under the land based spatial planning system we are a consultee in the plan making process (Regional Spatial Strategies and Local Development Frameworks), and under the Town and Country Planning (General Development Procedure) Order 1995. We are statutory consultee for a number of land based development types, or development in particular locations, such as within Flood Zones. We are also a consultation body under the EIA regulations (The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999).

- 2.17 Another option would be for the limit of marine planning in estuaries to go to Mean High Water Springs (MHWS). This would have the benefit of keeping the limits of licensing and planning at the same point. But, as with WFD transitional waters limit, this boundary could draw marine planning into areas where the influence of the sea is small compared to land pressures (Figure 2).
- 2.18 A further option would be to draw the limits of marine planning much further towards the mouth of estuaries. In this model, marine licensing under FEPA inland of the estuary boundary could be undertaken by existing land based regulators. This model has the benefit of keeping marine planning and licensing focussed on the coast rather than in estuaries.
- 2.19 Finally, there is the option to take a pragmatic view to enable planning to the most sensible location following a similar framework to the Shoreline Management Plan (SMP) process, where a guidance table is produced to establish the limit for planning.

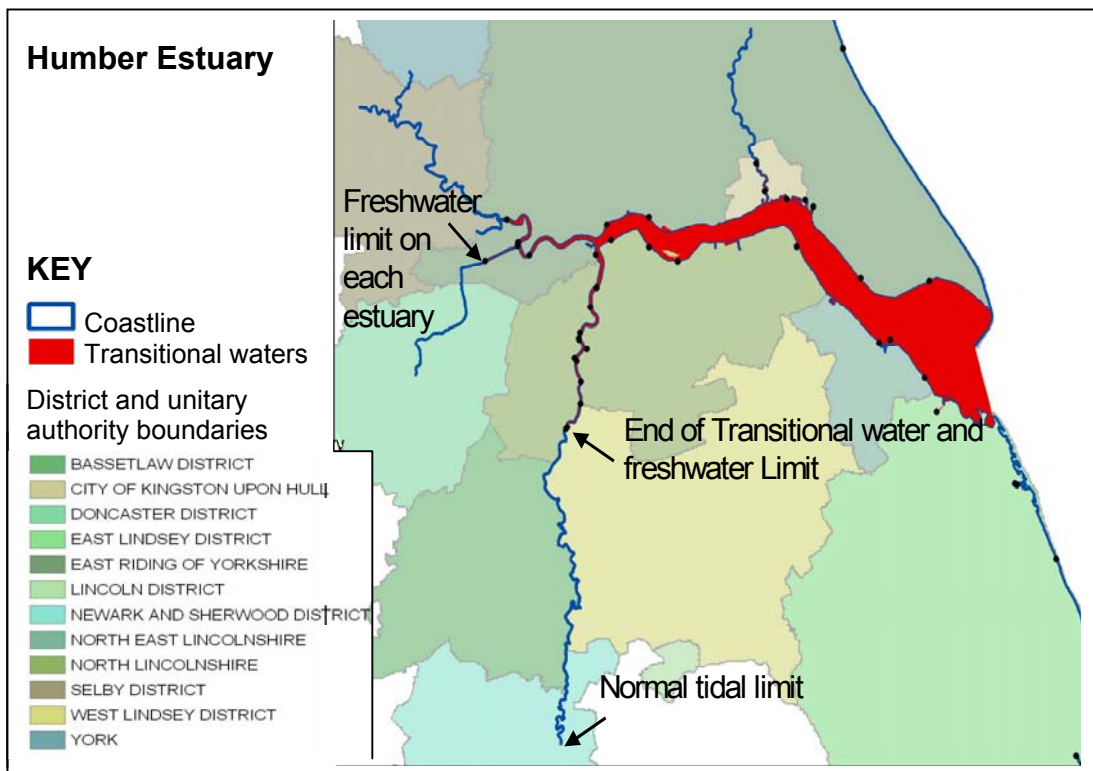


Figure 1. The Humber estuary – illustrating the extent of the current tidal and WFD transitional water limits

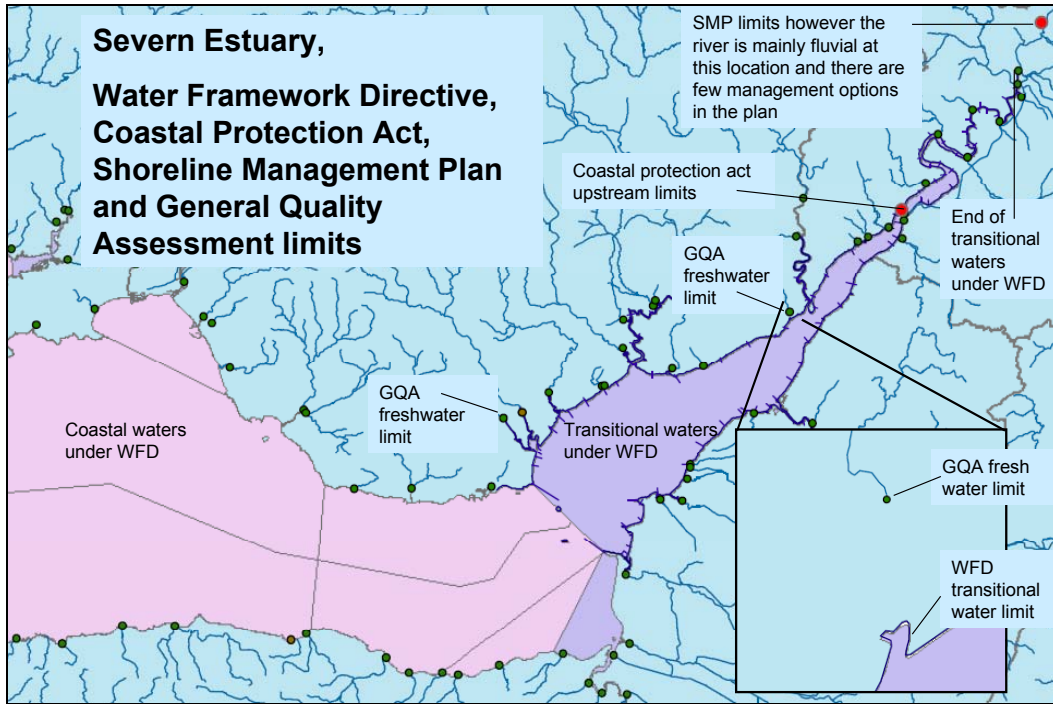


Figure 2. Severn Estuary and limits within the estuary

### Overlapping spatial plans

2.20 The White Paper proposes that marine planning will extend to MHWS. This overlaps with land based planning which extends to Mean Low Water Mark. This overlap between marine planning at the coastline with land use planning has the potential to cause confusion amongst users and regulators, as well as the potential to complicate planning. While we support integrated management across the land-sea boundary and for marine planning to be as effective as possible there must not be confusion over which planning regimes prevails, Figure 3 shows the current and anticipated overlaps in plans on the coast.

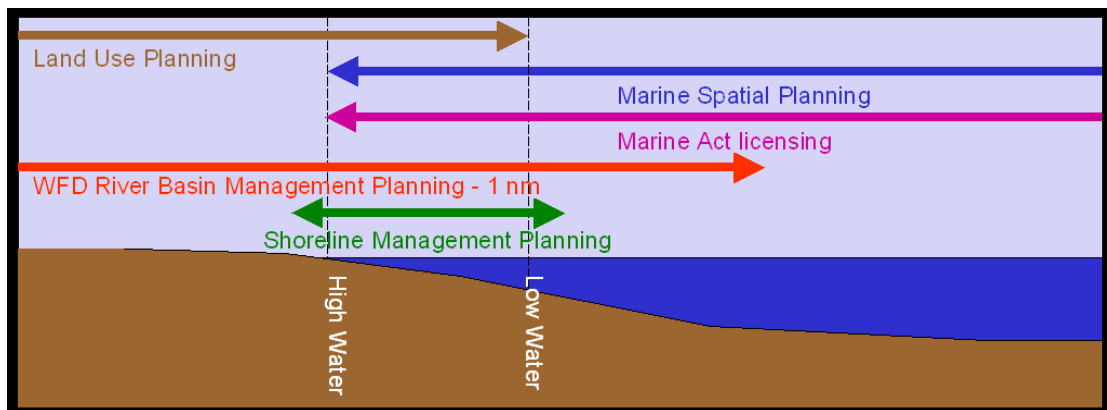


Figure 3. Overlaps at the coast

2.20 For those operating in this coastal zone, the overlap between marine plans and land spatial plans will mean that they have to comply with

two sets of spatial plans. We need clear guidance to aid integration of plans at the coast that:

- Provides clarity on which plan takes precedence and which planning authority would lead on specific tasks
- Gives guidance on how decisions are made and who makes them
- Illustrates how the plans will interact, particularly for works and activities that span the coast

2.21 We want all land-based planning controls that currently exist to low water to remain subsequent to the introduction of the Marine Bill.

2.22 This is one of the proposals in the White Paper that needs further work. We look forward to developing case studies with Defra on how this overlap can be managed to give clarity to how this can work in practice.

### **Overlap with existing plans**

2.23 Climate change means that planning for coastal protection is more important now than ever before<sup>5</sup>. Shoreline Management Plans (SMP) are a critical part of the planning to protect our coastline and the communities that live there from sea level rise. Because of their importance we seek greater clarity on how SMP will inform and be supported by marine planning. Currently they do not have statutory status. In the past the impact of SMPs on local planning decisions has not been as significant as we would wish. We want future plans to have a greater impact. This will have a particular importance in the future given sea level rise as a result of climate change and our proposed Strategic Coastal Overview (in England) under 'Making Space for Water'.

2.24 WFD River Basin Management plans are statutory. We are pleased to see the section on integration considers the inclusion of WFD requirements in the policy statement. What is unclear is how the staged process will enable more integration and how we can ensure that the WFD objectives are not watered down when the plans that are being integrated have different purposes and objectives. Adequate consultation will be very important to ensure marine planning is aligned with the objectives for individual water bodies. These marine plans, their implementation mechanisms and appraisal processes should build upon the outputs from WFD implementation. If not, the UK could face risk of infraction.

2.25 It is important that marine plans have a mechanism to allow management of conflicting interests. This is particularly important to ensure the implementation of WFD, and that other amenity and economic objectives are balanced in a fair way<sup>6</sup>.

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<sup>5</sup> Environment Agency (2005) The state of the marine Environment of England and Wales. EA publication, Bristol, pp10-11

<sup>6</sup> Environment Agency (2006) The Water Framework Directive and Planning: Initial Advice to Planning Authorities in England and Wales. EA publications, Bristol.

### **Coastal planning steering groups**

2.26 Collaborative working to assist the planning process is something we support and we consider this essential to producing balanced plans. This will facilitate effective consultation with the key delivery organisations in the coastal zone at the beginning of the process. We believe there is much to be gained through working collaboratively at the start of the planning process as opposed to simply being a consultee to the finished product. There should be a similar procedure for interaction with the planning process in England and Wales; depending on planning scale, this could be through existing partnerships, for example, the Wales Coastal and Maritime Partnership (WCMP).

### **Binding marine plans**

2.27 The White Paper states that the decision-maker can act in a flexible way and depart from a plan if a relevant consideration indicates that another course of action is most appropriate. We want to see impact on coastal flooding listed as a relevant consideration.

2.28 We are pleased that the White Paper states that marine plans will have the strongest influence over decision making in the marine environment. We want the binding nature of the plans to apply to all UK waters.

2.29 Legislation for marine planning should make use of existing legal planning language when formulating the Bill text. For example, the word “material” has already been thoroughly tested in the courts and the application of this term to decision making is clear. If another word, such as “primary” is used, then there is the risk that the interpretation of its meaning would be blurred.

### **Cross border planning**

2.30 We support the proposal to enable different administrations to prepare plans jointly across administrative boundaries, as this will be especially important for managing estuaries like the Severn or the Dee. Planning at the England / Wales and Scotland / England boundary will need to be complementary to prevent mismatched systems emerging. WFD's integrated River Basin Management Plans would be a useful model to use<sup>7&8</sup>. The White Paper states that planning jointly is not the only solution. It would be useful to have further information on how the links between two adjoining plans will be made to ensure the best, least bureaucratic, sensible planning system is created.

2.31 The Wales Coastal and Maritime Partnership has recently provided advice and options to the Welsh Assembly Government on practical aspects of marine planning for Wales and certain governance

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<sup>7</sup> SEPA and Environment Agency (2006). River Basin Planning Framework for the Solway Tweed River Basin District. SEPA, Dumfries pp23-28.

<sup>8</sup> SEPA and Environment Agency (2006). Solway Tweed River Basin Planning: A Plan of Action consultation. SEPA, , Dumfries Pp6-12.

arrangements. The Environment Agency supports this advice as a member of the project group that produced the report.

### 3.0 Licensing in the marine area

- **We want an integrated license system to streamline the current arrangements**
- **The rationalisation process should not be at the expense of critical environmental safeguards, and the precautionary principle should apply when making licensing decisions.**

#### Licensing process

- 3.1 The new process for licensing, as described in sections 5.23 onwards, is an improvement to the current FEPA and CPA procedure. The new tools for making a decision in public, and clear advertisement and consultation are welcome; the lack of mechanism by which an applicant can appeal against a decision is questionable.
- 3.2 We want to be a statutory consultee to marine licensing. We are pleased that in section 5.42 the process for statutory consultation is clearly stated and that we are included as a 'body with a particular interest in an application'. Our consultee status role should match our interaction with the land planning system<sup>9</sup> where we are consulted on all activities relevant to our role; in addition we have an enhanced statutory consultee role through PPS 25<sup>10</sup>.
- 3.3 The requirements of the WFD objectives must be included in marine licenses so that conditions protecting or ensuring good status are included. Marine licence decisions should not cause harm to the environment. The new licensing system should be the main contributor to achieving WFD objectives in transitional and coastal waters, and will be part of the "basic measures" of the WFD. All licences should be granted in accordance with WFD objectives where they fall within the zone covered by river basin management plans.
- 3.4 The River Basin Planning Guidance produced by Defra and Welsh Assembly Government states that *"the EA doesn't have the same regulatory responsibilities in transitional and coastal waters, and a much higher proportion of measures to achieve WFD will be*

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<sup>9</sup> Note that Town and Country Planning (General Development Procedure) Order 1995 (Statutory Instrument 1995/419), came into force on 1 January 2007. *'The Direction requires a local planning authority to notify the Secretary of State of any application for major development in a flood risk area (as defined in the Direction), where it is minded to grant permission, against advice on flood risk grounds from the Environment Agency.'*

<sup>10</sup> Our PPS 25 statutory consultee role clarifies our role. Where the EA has sustained an objection (after re-consultation) to a major application (10 houses or more, or 1000sq metres or more for non-residential) on flood risk grounds yet the Local Planning Authority is minded to grant permission, the Flooding Direction now requires the LPA to automatically refer the application to the Government Office (GO). If GO decides to refer decision to Secretary of State i.e. 'call-in', this is likely to be a public inquiry.

*implemented by others.”* It mentions the Marine Bill as one of the key ways of achieving the objectives.

### **Exemptions**

3.5 Section 5.51 looks to make exemptions to licensing through taking a risk based approach. There needs to be consideration of cumulative impacts when implementing ‘lighter touch’ licensing. A project, which appears to be having a low impact, may in fact be having a significant cumulative impact on the environment. It is important that decisions on exemptions are not taken without developing guidance with us and other regulatory agencies and stakeholders. Activities may be regarded as having little impact at a particular time, but the MMO should retain the right to review them and impose licences if the impacts become apparent.

### **Removal of Land Drainage Act powers**

3.6 We are pleased that our Water Resources Act 1991 (WRA) powers and powers under its byelaws are unaffected by proposals to streamline marine licenses. Within tidal and coastal waters we consent most third party works under the WRA and regional byelaws made under it. Removing these permitting powers could leave us responsible for maintaining sustainable flood risk management without the powers to undertake that responsibility. This could significantly impair our ability to deliver the proposed Strategic Overview across the whole of the coastal area.

3.7 Where works are covered by a Marine Act licence or local navigational controls, it is proposed that these works will not need consent under the Land Drainage Act 1991 (LDA) (Para 5.109). These consents rarely apply to estuaries and coastal waters.

#### **CASE STUDY – WRA byelaw control and dredging**

‘How our consenting and enforcement powers protected the integrity of the Thames Tidal Defences from third party works including dredging.’

If a future Marine Act were to deprive us of WRA byelaw control below the MHWS we would be unable to take direct enforcement action to prevent a major failure of the London’s flood defences. The protection of boroughs adjacent to the Thames, which are all at risk of tidal flooding, would fall to the Port of London Authority and/or the MMO. Within the main river section of the Thames currently we license several hundred consents per annum mainly under the WRA and WRA byelaws to protect the estuary’s flood risk assets and consequently the infrastructure and public beyond them. These assets run for 344km, include barriers such as the Thames Barrier, and have an approximate value of £6 billion. They protect the length of the estuary including parts of the London underground, sewer systems, a number of large hospitals, power, gas, telephone and vital data services. The cost of a major flood in London due to the failure of our defences could possibly top £30 billion without counting the cost in human suffering and potential loss of life.

London Underground wanted to carry out some works near the river. As a condition of our byelaw consent we required dredging to be no closer than 25 metres from the tidal defences, in order to protect their structural integrity and the riverbed to be made good as part of the works.

During the works London Underground's contractor dredged too close to the river wall in breach of our consent. To prevent instability to the flood defence wall from tidal action and wave wash it was imperative that the foreshore was reinstated immediately. We were able to achieve this using our enforcement powers.

### **Dredging**

3.8 We support the intention to establish a comprehensive system to regulate all forms of dredging, including those techniques, such as hydrodynamic and plough dredging, that are currently not regulated. This will benefit the achievement of WFD objectives as these activities can impact on the attainment of 'Good Status'.

### **Harbours legislation**

3.9 While we recognise that local decision making can benefit local management, we are concerned that where the port / navigational authority has sole control for permitting dredging works, their commercial interests could conflict with environmental management. We want to ensure that decisions are 'future proof' and that there are sound environmental safeguards in place. A party other than the port / navigational authority, for example the MMO, must assess the environmental impact of harbour works to ensure an integrated sustainable assessment of the impact on biodiversity and coastal management. This would include assessing the impact on WFD objectives.

### **Developing a waste licensing framework**

3.10 The proposals for marine licensing must clearly identify when a Marine License is needed as opposed to an Environmental Permit (EP). Where waste activities take place below Mean Low Water Springs (MLWS), but the process is mainly land based, activities should be regulated by the terrestrial system. The EP/marine licensing overlap is covered in two sections of the White Paper<sup>11</sup>.

3.11 The distinction between the licensing regimes for any recovery or disposal activity within territorial waters should be based on specific activities. The Environmental Permitting Regulations would deal with ship or structure dismantling and storage pending recovery/disposal.

3.12 Marine licensing should include provisions to require decommissioning of a site to give cradle to grave permitting. At the point when a structure is removed from the seabed to be decommissioned on land in England or Wales, it should fall under the Environmental Permitting Regulations. This will ensure that we can regulate the activity effectively to reduce landfill waste and increase material reuse.

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<sup>11</sup> In section 5.15 of the White Paper it states that there should be no duplication between EP and marine licensing controls and 5.109 it states that where a project has obtained a license through the marine licensing system or navigational controls it will not be subject to EP.

- 3.13 Activity currently licensed through FEPA should remain intact and transposed into the Marine Bill license. Environmental Permitting Regulations would then re-transpose existing environmental permitting Directives to existing limits leaving the Marine Bill to decide whether to change such limits in due course. Subject to this, the Environmental Permitting Regulations would recreate the existing boundary for waste permissible activities between FEPA and Part II EPA on the beach between the Spring High and Low water marks.
- 3.14 We are working with Defra to clarify this overlap both within the draft Environmental Permitting Regulations and through the Marine Bill and its Regulations.

#### **CASE STUDY – THE GHOST SHIPS**

In 2003, four redundant US Naval ships, arrived in Hartlepool. In order to be allowed to dismantle the ships, Able UK Ltd needed permissions from seven separate organisations. OS maps showed the MLWS as being around the perimeter of the dock the ships were moored in, questioning if the dock was part of the sea or land. This ambiguity is a problem as it removes the need for a Waste Management License (WML) even though the materials to be dismantled are recovered at on shore facilities. WML applies to the deposit of waste above MLWS. We want marine legislation to require that waste deposited on land would be managed from the landward side through EP. This should also include future waste streams, such as decommissioning of offshore renewable energy installations.

#### **Licences that are phased/programmed**

- 3.15 We are pleased to see that there will be a process to allow licences to be granted over a number of years as part of the same project. This will allow us to apply once for a licence for our works in relation to flood risk management schemes, which will save public time and money. It is important that changing environmental circumstances are built into the process to allow alterations to the licence if new evidence states that it is no longer sustainable or more environmentally damaging than first thought.

#### **Carbon Capture and Storage (CCS)**

- 3.16 The Marine Bill could be a regulatory vehicle for the regulation of CCS. We consider that CCS is a waste activity and should be dealt best by the waste legislation framework.
- 3.17 We are the Competent Authority for the PPC Regulations in England and Wales, and a planning consultee on environmental issues. We want to have a statutory role in permitting CCS activities where they take place onshore or in coastal waters both under an interim UK regulatory framework, and in the longer term. It is vital that clarity is achieved as soon as possible over the nature and boundaries of our regulatory role and the division of regulatory responsibilities between the Regulator of offshore activities and ourselves, regardless of which legislative vehicle is chosen. There is a need for organisations to build knowledge and capacity to ensure that they can effectively manage the

local environmental risks of the early projects. This will help give the public confidence in the technology and minimise investor risk.

### **The licensing process in Wales**

3.18 The White Paper states the *"core of licensing will be similar, if not identical, across the UK"* (para 5.7). Welsh Ministers are "considering delivery options for their devolved licensing functions" (para 5.121). A commitment is made that the MMO will consult us on relevant licensing decisions in England – we want the same commitment from the Welsh Assembly Government.

## **4.0 Marine Nature Conservation**

- **We support the introduction of Marine Conservation Zones (MCZ)**
- **Wider nature conservation protection and enhancement should be addressed through planning and licensing**
- **Better protection for species and habitats is needed**
- **We want a halt to the decline in marine biodiversity<sup>12</sup> & <sup>13</sup> and an enhancement to marine ecosystems in the future.**

### **Marine Conservation Zones (MCZs)**

4.1 We support the proposals for a statutory framework of marine protected areas, including a network of nationally important areas for marine biodiversity purposes. MCZs should be a key part of marine plans and provide protection for nationally important species and habitats, as European protected sites have not been able to given their limited scope. As the White Paper RIA highlights *"there is clear evidence to show that biodiversity is in decline and that many marine ecosystem components are deteriorating"*.

4.2 Ecological criteria for the sites should be developed to help set clear management objectives that inform planning and licensing decisions.

4.3 The process needs to ensure that new arrangements avoid the problems inherent with the current Marine Nature Reserve (MNR) process. We support the repeal of MNR legislation but existing MNRs established under Wildlife and Countryside Act 1981 (WCA) should still receive full and effective protection until designated under the Marine Act to ensure protection in the interim. There must not be a gap between legal regimes.

### **Designation process**

4.4 The White Paper proposes ministerial sign off for designation of MCZs. This approach could lead to an overly political and slow designation

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<sup>12</sup> Covey, R. and Laffoley, D.d'A. (2002). Maritime State of Nature Report for England: getting onto an even keel. English Nature publication, Peterborough.

<sup>13</sup> Chris Frid & Odette Paramor (2006). Marine Biodiversity – The rationale for intervention. A study building the evidence base for the Marine Bill on behalf of Defra. Defra publication, London.

process. We believe the designation process for protected areas on land offers the best model for designation of MCZs at sea. Under this model, statutory conservation agencies in England and Wales designate areas requiring protection. The designation is confirmed by their Board, who assess concerns and objections.

### **Site selection**

- 4.5 Sites should be selected through the statutory nature conservation agencies, with the selection and total number of MCZs based on science alone. The statement that the MCZs will cover as small an area as necessary is misleading, as the network will need to be as large as required in order to effectively protect the full range of rare, threatened and representative species and habitats.
- 4.6 Given our fisheries protection role, we want to be able to nominate sites for designation to the statutory nature conservation organisations. It is important that spawning and nursery areas for fish are considered as part of the designation criteria. Our ongoing study of fish populations in estuaries clearly demonstrates that many marine fish species use saltmarsh as nursery grounds. Only protecting marine fish at sea would meet with limited success.
- 4.7 There are a number of pressing targets for the designation of marine conservation sites, these include the OSPAR target to establish an ecologically coherent network of Marine Protected Areas by 2010. There are also the ambitious targets set out in the White Paper to have made substantial progress by 2012 and establish a complete network of MCZs by 2020. Therefore, the process of designation needs to start promptly and have suitable levels of resources devoted to it to allow it to proceed quickly. The designation and marine planning processes will have to inform each other and at times run in parallel. We would like further clarity on how Government will ensure that measures are in place to begin MCZ implementation immediately and also to meet the 2020 milestone.

### **Site management**

- 4.8 We believe that the licensing of activities will be a major contribution to protecting MCZ. A review of existing licenses will also help reduce existing pressures. We have considerable experience of running a review of licenses as part of our delivery of Habitats Directive sites and would be happy to share our experience.
- 4.9 We support the use of byelaws to control activities that could damage MCZ. The White Paper proposes that the MMO should be responsible for byelaws. We believe the byelaw making powers should sit with the statutory conservation organisation, thus equipping them with the mechanism to maintain the biodiversity of MCZ. Any prohibition of activities must be based on potential conflict between those activities and the conservation objectives for the site.

- 4.10 The site's condition status should be monitored by the statutory nature conservation organisations. The MMO and/or Welsh Assembly Government should have enforcement powers to protect these sites. Any support that we provide to this enforcement would need to be sustained with additional resources. Our recent boat review has shown that there is potential capacity in the existing fleet of marine vessels.
- 4.11 We support the package of measures to enforce and manage the nature conservation interests proposed by the White Paper. We would like to make sure they are compatible in UK waters. We also support the introduction of 'stop orders' as an emergency measure to regulate new, unregulated threats until more formal regulation (e.g. through byelaws) are introduced<sup>14</sup>.
- 4.12 There should be a duty of care imposed on competent authorities involved in these sites<sup>15</sup> and on individual users (see section 6.97)<sup>16</sup>.

### **Seaward boundary of SSSI**

- 4.13 We agree the seaward boundary of SSSIs (see section 6.93) needs to be clarified and to include the entire intertidal zone and we suggest coverage to the lowest astronomical tide. We support the application of MCZ above MHWS in particular circumstances.

### **Non-statutory conservation areas**

- 4.14 Marine nature conservation is more than the designation of MCZ. The marine planning and licensing system must be informed by areas of conservation interest such as county wildlife sites located in estuaries. Again this would mirror the land-based approach to nature conservation.

### **Species protection**

- 4.15 We are concerned that the protection of mobile species may not be achieved under proposals within the White Paper. We request further clarity on the proposed measures (section 6.107). Until then we consider the most effective protection would be to extend the geographic area of the application of Part I of the Wildlife and Countryside Act (WCA), and include more marine species within the schedules.

### **Ecosystem conservation**

- 4.16 European marine sites, MCZs and species protection measures cannot deliver marine biodiversity objectives alone. The marine biodiversity objectives need to be a material consideration for marine planning and

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<sup>14</sup> Stop orders existed for SSSIs in England and Wales until S 29 of the WCA was repealed by the CRoW Act. This management tool was retained in the Nature Conservation (Scotland) Act and exists for Natura 2000 sites.

<sup>15</sup> S 11 of the Countryside Act 1968 requires public bodies to exercise their functions having regard to the conservation of natural beauty and amenity of the countryside whilst S 28G of the WCA requires public bodies to exercise their functions to further the conservation and enhancement of SSSIs.

<sup>16</sup> The aim should be to avoid intentional acts of damage and reckless acts should also be penalised see S 28P(6) & S 6A of the WCA (as amended by the NERC Act).

when determining licences. Some of the objectives, which will be included, are already statutory e.g. WFD. Marine objectives need to hold a similar sort of weight as PPS9<sup>17</sup> and the draft revised TAN5 within the land planning system. When considering proposals, the MMO should seek to enhance the environment as part of license proposals<sup>18</sup>. The aim of marine license decisions should be to avoid harm to conservation interests. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then the licence should be refused (see PPS Key Principle vi).

- 4.17 Licensing bodies should also have clear duties placed on them through the Bill to further Nature Conservation. This would be similar to the duties placed on us through section 7 of the Environment Act and section 40 of the NERC 2006 and is delivered through our licenses.

## **5.0 Modernising marine fisheries management**

- **We support the aims in the White Paper to make inshore fisheries management clearer and less complex, to improve funding arrangements and enhance regulatory and enforcement powers.**
- **We propose that estuaries should be recognised as special areas for sea fisheries management and that the Environment Agency should be the manager in all estuaries. To carry out this role:**
  - **We will need sufficient funding to deliver our responsibilities in these waters effectively;**
  - **We will need powers consistent with Sea Fisheries Committees;**
  - **We will establish alternative arrangements for engaging and consulting stakeholders to those in the White Paper.**
- **We are concerned that charging proposals are seen to be transparent and equitable between user groups.**
- **If the Government introduces licensing for recreational sea angling, we are well placed to manage licence sales.**
- **We want continued responsibility for migratory fisheries and to have this extended to shads, lampreys and smelt to six nautical miles. We hope that appropriate opportunities to support improvements to inland fisheries legislation will be taken forward in marine legislation.**
- **Given our fisheries protection role, we want to be able to nominate Marine Conservation Zones to the statutory nature conservation organisations.**

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<sup>17</sup> PPS9 Key Principle iii) 'Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity...'

<sup>18</sup> PPS9 Key Principle ii) 'Plan policies and planning decisions should aim to **maintain, and enhance, restore or add** to biodiversity and geological conservation interests...'

## **Sea Fisheries Committees**

- 5.1 We support the measures proposed to improve the capacity of Sea Fisheries Committees (SFC) to deliver ecosystem-based management within inshore fisheries subject to our comments in the Estuaries sub-section below (paragraphs 5.7-5.16).
- 5.2 We support the proposed new statutory purpose and duties for SFC. The Environment Agency is subject to an overarching duty to make a contribution towards attaining the objective of achieving sustainable development and we are subject to ministerial guidance in doing that (Section 4 Environment Act 1995). We believe that the SFC should be subject to such a duty and similar guidance as it would add clarity to the purposes of SFC and allow for future influence through modifications of such guidance.
- 5.3 The proposed adjustment and standardisation of the constitution of committees is welcome. It is important that committees are supported to be fully effective in having regard to the breadth of environmental considerations, having a conservation focus and engaging all, including recreational interests, in making their decisions on fisheries management.
- 5.4 We welcome our confirmed seat in each SFC. Our experience is that much can be achieved by acting co-operatively with others. However, being part of a SFC cannot prejudice our duty to act as an independent advisor and a champion of the environment.
- 5.5 In our role as competent authority for the delivery of the WFD in inshore waters to one nautical mile we need effective influence over management decisions being taken in this area. It is also important that we co-ordinate effectively with the SFC for our management of migratory fisheries to six nautical miles. Therefore, we want to be a statutory consultee for SFC decisions, particularly on byelaws.
- 5.6 We question the proposal for the new name for SFC ('Coastal Waters Committees'). Our understanding is that their prime purpose will remain management and regulation of inshore fisheries although taking the broader environment more fully into account. The proposed title is suggestive of a role that cuts substantially across the roles of others, including ourselves (e.g. WFD, migratory fisheries, recreation, coastal defences, water quality etc). We suggest an alternative, 'Sustainable Inshore Fisheries Committees (or Authorities)' (SIFC or SIFA).

## **Estuaries**

- 5.7 Although we support the new arrangements for SFC in coastal areas, we propose a different model for estuaries.
- 5.8 We propose that estuaries are separated out from the area of inshore fisheries and that the Environment Agency delivers a management regime for all estuaries that (within the principles of sustainable development) focuses on:

- Protection and enhancement of fish spawning and nursery areas;
  - Protection of migratory fisheries (diadromous species and mobile freshwater and sea fish);
  - sustainable fisheries management
  - Promotion of recreational (angling and other) opportunities;
  - Conservation and enhancement of wildlife;
  - Achievement of standards under the WFD;
  - Efficient management and regulation.
- 5.9 This would build on our existing experience of delivering sea fisheries in 60% of estuaries in England and Wales. By extending our current responsibilities we would:
- take integrated approaches across inshore and freshwater fisheries;
  - focus management in these zones on protection and enhancement of fish spawning and nursery areas, migratory fisheries, wildlife and recreational opportunity;
  - enforce licensing (of anglers and others as appropriate) in these areas;
  - support achievement of Water Framework Directive (WFD) aims; and
  - avoid duplication and make best use of public resources.
- 5.10 Our rationale for proposing that estuaries be treated differently is:
- 5.11 Estuaries are the most productive and yet fragile marine ecosystems. As our knowledge improves, it becomes clearer how critical they can be for biodiversity and fisheries. In countries with more advanced basic science, this is reflected in much more sensitive management regimes than exist in the UK<sup>19</sup>. EU “best practice” pioneering work for WFD is now producing an improved UK picture, allowing us to be more confident in working towards more informed sustainable management.
- 5.12 Estuaries play a major role at the land/sea interface<sup>20</sup>. They act as prime migration corridors, spawning sites and nursery grounds for many species, some of which are conserved, for example salmon and shads.
- 5.13 Intertidal mudflats, shingle bars, reed-beds and salt-marshes represent the most important and productive parts of estuarine ecosystems<sup>21</sup>,

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<sup>19</sup> Hemingway K. & Elliott M. (2002) In: (M. Elliott & K.L. Hemingway (eds) *Fishes in Estuaries*. Oxford: Blackwell Science, pp. 410-509.; Boesch D. & Turner R. (1997). Dependence of fishery species on saltmarshes: the role of food and refuge. *Estuaries* 7, 460-468.; Bell F.W. (1997). The economic valuation of saltwater marsh supporting marine recreational fisheries in the southeastern United States. *Ecological Economics*. 21, 243-254.

<sup>20</sup> Hemingway K. & Elliott M. (2002) In: (M. Elliott & K.L. Hemingway (eds) *Fishes in Estuaries*. Oxford: Blackwell Science, pp. 410-509. ; Colclough S.R., Gray G., Bark A. & Knights B. (2002). Fish and fisheries of the tidal Thames: Management of the modern resource, research aims and future pressures. *Journal of Fish Biology* 61 (Suppl. A), 64-73.

<sup>21</sup> Colclough S., Fonseca L., Astley T., Thomas K. & Watts W. (2005). Fish utilisation of managed realignments. *Fisheries Management and Ecology*. 12, 351-360.; Shenker J.M. & Dean J.M. (1979). Larval and juvenile fishes in saltmarshes. *Estuaries* 2, 154-163.

acting as the preferred nursery grounds for very early life stages of species such as bass, herring, flounder and sole.

- 5.14 Fisheries management in estuaries is moving towards conservation. Salmon, eel, shad, lamprey and smelt all currently need extra protection and depend on gaining safe passage through estuaries. Studies on the Forth<sup>22</sup> have estimated that two thirds of *in situ* fish production has been lost through land-claim and sea defence work over the past 200 years. Protection and expansion of marginal nursery habitat need to be built into wider management regimes. As new habitats are created and protection improves, with the resulting increase in carrying capacity, the importance of estuaries as nurseries will grow.
- 5.15 On most estuaries in England and Wales, the main fisheries benefits derive from their migratory fisheries, recreational sea angling and/or their role as nursery areas. These functions extend throughout the estuary. The rising importance of angling and nursery areas is particularly marked on large recovering urban estuaries such as the Humber, Tyne, Thames, Medway, Wear and Tees. Shellfish exploitation tends to be restricted to the seaward end of estuaries. Most commercial finfish exploitation, where it exists, operates in the middle & lower reaches.
- 5.16 The Review of Marine Fisheries and Environmental Enforcement (2004, Annex 5.15) noted there was an arguable case for closing estuaries to commercial exploitation on the grounds set out above.

**CASE STUDY: Why estuaries are special**

Inshore fisheries - the Thames Estuary

The Thames estuary supports a very diverse fishery. Detailed local WFD fish surveys inform fisheries management, water quality, flood risk management and planning regimes.

Whilst conditions have yet to consistently achieve the level needed to sustain a growth in the stock, salmon and migratory trout pass through the estuary. Nets in the outer estuary are known to take salmon and trout whilst fishing for other species.

The estuary supports a commercial fishery for eels below Tower Bridge. Sea and river lamprey now spawn in the freshwater reaches and the twaite shad is common downstream of Canvey in Essex. Sole spawning on the Thames extends from Erith to Canvey in April/May. Smelt spawning extends from Wandsworth to Chelsea in March/April.

The juvenile bass nursery in the Thames extends from Canvey to Richmond and the sole nursery from Greenwich to Canvey, both by the late summer. Cefas have described the estuary as the largest new bass nursery and the largest sole nursery on the East coast today.

Recreational sea angling has become a major interest in the estuary. Anglers fish for bass, flounder, mullet, sole and cod from Thamesmead to Gravesend. Anglers are becoming an ever more diverse community and increasingly contributing to the local economy.

<sup>22</sup> McLusky D.S., Bryant D.M. & Elliott M. (1992). The impact of land-claim on macrobenthos, fish and shorebirds on the Forth estuary, eastern Scotland. *Aquatic Conservation: Marine and Freshwater Ecosystems* 2, 211-222.

We are the SFC on the Thames and use the Thames Estuary Partnership to help facilitated discussion. Through the SFC a voluntary trawling ban has been established above Mucking. This helps protect valuable spawning and nursery areas and allows better access for angling. The consensus achieved means high levels of commitment and low enforcement costs.

The regimes agreed in parts of the estuary may be seen as representing multi-functional marine protected areas.

### **Governance arrangements for estuaries**

- 5.17 We recognise that separate management committees (constituted as proposed for SFC) for all estuaries would not be practical. However, by building on our current regional advisory committee arrangements we could secure good local stakeholder engagement for continuing our work in estuaries.
- 5.18 Our costs for taking on this formal role could be met through an extension to the arrangements for our freshwater fisheries funding – Grant in Aid from Government, supplemented by payments from users.
- 5.19 Similarly, to deliver this role in estuaries, we would need powers consistent with the new style SFC. This would help us deliver our WFD, fisheries and other environmental obligations and objectives.

### **Several and Regulating Orders**

- 5.20 We support the proposals to enhance the flexibility and ease of use of these tools. We have contributed to the working group developing the English Shellfish Strategy.
- 5.21 The effect of the Orders is to establish the commercial rights to shellfisheries, and associated licence requirements for their protection and use. They place duties on shell-fishermen and obligations on the regulator to protect the commercial activity. To reach the necessary standards for shellfisheries (Food Hygiene Class A, or Shellfish Waters Guideline microbiological standard) for many waters would require very considerable and potentially unsupportable levels of expenditure by the water industry and agricultural sectors. The Governments, with our advice, will be faced with difficult decisions about which waters to promote and which ones to reject as shellfisheries. This may be an issue to be addressed under the new marine planning arrangements proposed by the White Paper.

### **Recreational Sea Angling**

- 5.22 Several recent reports<sup>23</sup> have demonstrated the increasing value of recreational sea angling (RSA) to society and the economy. We support Defra's recent initiatives to engage more strongly with this

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<sup>23</sup> Drew Associates (2004). Research into the economic contribution of sea angling in England & Wales. Drew Associates for Defra. ; Nautilus Consultants (2002). Study into inland and sea fisheries in Wales. Nautilus Consultants for Welsh Assembly Government. ; Pawson M.G., Tingley D., Padda G. & Glenn H. EU Contract Fish/2004/011 – Sport fisheries (marine recreational fisheries) in the EU (in press).

sector and we have contributed to the working group developing the England RSA Strategy.

- 5.23 The White Paper focuses strongly on the licensing of RSA. This has advantages including giving the sector a means for greater influence ('pay = say') and of providing further financial support to fisheries management. We support the user pays principle. We also recognise that transparency and equity are important features of any user pays scheme. It is of concern that the White Paper appears to suggest an early commitment to a RSA licence but no similar commitment to charging commercial fisheries. This should be addressed.
- 5.24 It will also be important that those subject to any new user pays scheme are able to see early benefit. Our proposals for a special management arrangement in estuaries could include opportunity to offer such benefit.
- 5.25 Subject to adequate resource, we are ready to offer an extension to our current management of licensing for freshwater angling to provide for RSA licensing if it proceeds.

#### **Enforcement and control of commercial fishing**

- 5.26 We support the proposed changes. New powers and tools delivered under the White Paper proposals should be available to all regulators so that mutual co-operation and support can be most effective.
- 5.27 Arrangements should be in place so that any one management body can contract the services of another to undertake enforcement or other function where this may reduce duplication and increase efficiency.

#### **Charging the fishing industry**

- 5.28 We believe that it is appropriate for users to contribute to the costs of managing and regulating the fishery. We agree that there should be the facility to charge commercial fishermen for licences. However, as explained in 5.23, we are concerned that the White Paper appears to suggest a will to charge recreational users that is not matched by a similar commitment in relation to the commercial sector. For many years, the Environment Agency has levied a duty for both recreational angling and for commercial (salmon and eel) fishing, including in estuaries and coastal waters. We seek to recover our costs, or at least a contribution to our costs of regulating and managing the fisheries as directed by our Financial Memorandum.
- 5.29 Others have noted (c.f. debate in the House, 19 Apr 2007: Column 532) that marine fishing licences that are currently distributed without charge, are subsequently traded between fishermen and obtain a significant value. This undermines the argument that fishing businesses cannot sustain any realistic charge for such licences.

### **Fisheries legislation**

5.30 The White Paper proposes that the introduction of new, up-dated and consolidated legislation will allow repeal or tidying up of a range of extant fisheries laws. We agree that this is a proper ambition, consistent with principles of better regulation.

5.31 We are working with Defra on proposals for new freshwater fisheries legislation. One element that we seek is the extension of our jurisdiction relating to salmon, migratory trout and eel to also include the other key migratory species, the shads, lamprey and smelt. The Marine Bill could promote the legal framework for this and, potentially for other improvements we want for fisheries laws.

### **Cross border fisheries management**

5.32 It is not yet clear what arrangements are proposed in Wales for managing inshore fisheries. We will continue to work with the Welsh Assembly Government on arrangements for modernising the management of inshore fisheries in Wales and the development of the All Wales Fisheries Strategy. We hope that in cross border areas effective arrangements can be put in place. The Dee estuary case study (below) demonstrates issues that may arise.

#### **Case Study – Cross border fisheries management**

As political boundaries do not follow physical landscape boundaries there are cases where a landscape feature can have different byelaws in place on each side of the political boundary. The Dee Estuary is an example of this with differences in Shrimp and Bass fishing on the Welsh and English sides of the Dee.

When fishing for Shrimp in the Dee Estuary there are variations in the Shrimp Fishing Net Orders for England and Wales. The Welsh Orders prohibit the use of mesh between 16 and 31 mm, where as on the English side British vessels are exempt from this requirement. In addition British vessels under an aggregate beam width, or net headline length of 8 metres or less are exempt from the need for a “separator trawl or sorting grid” on nets. No such exemptions exist for Welsh vessels on the Welsh side.

The wording of the “Net Orders” also varies between England and Wales, the English Statutory Instrument provides an exemption to situations where “no sea fish have been caught”. The Welsh Statutory Instrument provides exemption in situations where “no fish have been retained on board the boat”.

Byelaws relating to legal size of Sea Bass in the Dee Estuary are also different. In Wales, Sea Bass from the Dee must measure 41cm in length, where as the English size limit for Bass caught in the Dee is 36cm.

## **6.0 A Marine Management Organisation**

- **We support the creation of an organisation that will be the champion for the marine environment.**

- **We believe the MMO should have strong legal duties to protect the environment. It should have a clear duty to further delivery of the WFD.**
- **It is essential that we are involved in further work to develop the remit of the MMO in England and the arrangements for a delivery mechanism in Wales, given our interests in marine and coastal management.**

### **Legal Responsibilities**

- 6.1 The White Paper proposes that the MMO and its equivalent should contribute to the sustainable development of the UK seas.
- 6.2 To support this core purpose it is important that the MMO has the strongest possible environmental duties<sup>24</sup>. Given its licensing and planning duties for coastal waters, it should have a clear duty to further delivery of the Water Framework Directive.

### **Our relationship with the MMO**

- 6.3 We will need to work closely with the MMO on a number of fronts:
- On marine planning we will provide the MMO with much of the material it needs to create marine plans. This includes River Basin Management Plans and Shoreline Management Plans. As the Governments strategic advisors and the delivery agency for flood risk on the coast, we expect the MMO to actively seek our advice on coastal defence issues to integrate into the MSP process. The interplay between MSP and strategic coastal defence planning is underplayed in the White Paper.
  - On licensing we will need to work closely with the MMO to co-ordinate marine and land based licensing. As explained earlier in our response, the MMO will need to sign post to applicants when land based permitting is required.
- 6.4 We can help the MMO and Welsh Assembly Government by providing them with our experience in implementing modern regulation. The MMO and Welsh Assembly Government will also be a consultee to our work, such as when we permit a discharge consent. It is important that we have a streamlined way of working with each other.

### **Collaborative Working**

- 6.5 Given the geographical and functional overlap between our work and that of the MMO, there will be potential to develop collaborative programmes. These could be in the areas of:
- Enforcement
  - Data sharing and monitoring.
- 6.6 We would like to further explore the proposals for cross warranting and any enforcement support that we might be able to provide; this would of course need to consider any resource implications. The decisions of the MMO must be based on sound science using best available data.

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<sup>24</sup> Such as those in NERC 2006 section 40 and Environment Act 1995 section 7.

We are pleased to see the proposals to implement a system for managing data. Common standards for data collection and management should be put in place and identified gaps in data need to be addressed. Mechanisms should also be agreed for those holding marine data to make it available. Where data is currently not available, the precautionary principle should be applied to decision-making.

### **Delivery of marine management in Wales**

6.7 It is not yet certain what delivery arrangements the Welsh Assembly Government will put in place for marine management. There is a clear need for close liaison with the MMO in UK waters and whatever arrangements are made. Cohesive working, particularly in cross border catchments/estuaries, and complementary regulation and enforcement is desirable.

### **Further information**

Further information or background to this response can be obtained from David Tudor, Marine Policy Manager.

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## **Appendix**

### **Our Role**

We play an important role in protecting and enhancing the coastal environment of England and Wales, and we make an important contribution towards achieving sustainable development through our work. Our responsibilities include regulating activities in controlled waters, which include coastal waters out to three nautical miles (for control of land based discharges and pollution control purposes including managing and prosecuting pollution incidents); establishing and enforcing environmental standards; compliance monitoring; and reporting on the state of the environment. We also have a duty to promote the conservation of wildlife and habitats dependent on the aquatic environment and the recreational use of inland and coastal waters.

We have statutory responsibilities for the management of migratory fish to six nautical miles and we manage sea fisheries in approximately 60% of estuaries.

We are charged by Government to deliver Flood Risk Management (FRM) in an integrated and sustainable way both inland and on the coast. In England, under Defra's new FRM strategy, 'Making Space for Water' (MSFW), we may be charged with taking a national strategic overview to co-ordinate the activities of all organisations with a role in coastal management. As an environmental regulator we already have a number of in-house specialists enabling us to deliver our far ranging duties to consider impacts on, for example, fisheries, biodiversity, landscape, contaminated land and water quality.

We are the competent authority for a number of EC Directives, including Water Framework Directive, Bathing Waters Directive, Shellfish Waters Directive, Nitrates Directive and the Urban Waste Water Treatment Directive in England and Wales. We are also a competent authority for the Habitats Directive.