

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 15 JUNE 2006

RESPONSE ON THE CONSULTATION FOR A MARINE BILL

Report by: Stephen Trotter, Director of Conservation and Enhancement

Summary:

The UK Government has published a consultation document with proposals for a Marine Bill. A number of these proposals are of relevance to the coastal fringe of the New Forest National Park and the Solent. This report suggests how the Authority might respond to the consultation.

Resources:

None

Other major considerations:

None.

Recommendations:

That the Authority approves the draft comments outlined in this report and Annex 2 as the basis for a response to the Department for the Environment, Food and Rural Affairs on their consultation on a Marine Bill.

Papers:

NFNPA 99/06: Cover paper
NFNPA 99/06: Annex 1: Summary of the Marine Bill proposals
Annex 2: Planning in the marine area

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1 Background

- 1.1 The UK Government has published a 312 page consultation document that makes proposals for a new Marine Bill. It aims to introduce a new framework for the seas, based on marine spatial planning that balances conservation, energy and resource needs. The document asks 141 specific questions of consultees.
- 1.2 A number of organisations from a wide range of sectors and interests have been pressing for comprehensive new legislation for the nation's coastal and marine areas for many years. The Bill is likely to be the most significant piece of legislation to affect marine (and coastal) waters for decades and probably represents a once-in-a-generation opportunity to improve the management of the marine environment of the UK.
- 1.3 The consultation opened on 29 March 2006 and closes on 23 June 2006. There may be a further period of consultation prior to production of a draft Bill in the Autumn, following analysis of the responses from this initial consultation. However, as a result of delays in starting this initial consultation, it is likely that production of the draft Bill will be delayed beyond October of 2006 meaning that it is unlikely to go to Parliament before the start of the third session in late 2007.
- 1.4 Although the likely impact of the Bill on the New Forest National Park will be largely indirect rather than direct, there are a number of implications to consider, particularly in relation to the future planning and management of the coast and inshore waters of the Solent.
- 1.5 This report is in three parts:
 - The main report offers some general responses from a New Forest perspective for consideration
 - **Annex 1** provides a summary of the most important and relevant aspects of the consultation document. A full copy can be viewed on the Department for the Environment, Food and Rural Affairs (Defra) website:
http://www.defra.gov.uk/corporate/consult/marine_bill/index.htm
 - **Annex 2** sets out the suggested detailed response from the Authority.

2 Why do we need a Marine Bill?

- 2.1 The current arrangements for managing marine activities, protecting marine wildlife and the marine environment are complex, confusing and can be costly for all involved. Unlike the situation on land, the marine environment lacks a strategic and comprehensive forward planning system.
- 2.2 Policies and decisions are developed and taken on a sectoral basis, and the inadequacies of the current system have become apparent as the range and intensity of activities increase, and the deterioration of marine biodiversity accelerates. New activities, changes in technology and a deepening understanding of the seas around us and the way we affect them have also exposed limitations in the present system.
- 2.3 Recent reports and reviews suggest that as the pressures on our seas increase and change, we do not have all the tools required to reconcile and integrate conservation goals with the economic and social demands placed on the marine environment.

3 General comments

- 3.1 The following paragraphs sets out the Authority's proposed general response to the consultation.
- 3.2 The opportunity to comment on what promises to be a landmark piece of legislation is welcomed. Defra's Marine Bill team is to be congratulated on presenting such complex and inter-related issues and proposals so comprehensively and clearly.
- 3.3 The Authority agrees the need for a new Marine Bill and welcomes the Government's intention to introduce legislation. We generally support the purposes and principles set out in the document. The Authority particularly supports the proposal to place environmental sustainability and quality at the heart of the Bill through 'marine ecosystem objectives' (good ecological status) to reverse the reported declines in marine biodiversity and quality.
- 3.4 The Authority supports the proposal to introduce statutory marine spatial planning at various hierarchical levels e.g. at the regional (i.e. for the south east) and sub-regional levels (i.e. for the Solent). However the issue of how this would relate to the terrestrial planning system is critical and needs further consideration. There is an opportunity for the Bill to integrate management across the land-sea boundary on a statutory basis though there are unfortunately no detailed proposals to address the issues at the moment. The principles are embedded in the consultation document but need to be developed and included in a Bill.
- 3.5 The Authority agrees with the proposal to simplify and integrate the overly complex and confusing marine licensing regime by developing a

streamlined single system. However, other consents overlap with these, particularly around the intertidal and coastal zone, and could also be included - with provision for local implementation.

- 3.6 The Authority strongly supports the proposals to create a suite of marine protected areas.
- 3.7 The Authority supports the creation of a marine management organisation (MMO) to deliver better management of UK waters in the open marine environment. However, the details of how this body would interact with existing local planning authorities and local communities are critical for coastal areas and would need to be clarified. We propose that there should be a greater role, in some areas, for local authorities with a coastal fringe, in planning for the better conservation and sustainable management / integration of the wide range of activities in near shore waters (perhaps say out to 1 mile – to mirror the Environment Agency’s river basin management plans under the Water Framework Directive). Local Authorities are well placed to extend their role. They are already established, often with excellent consultative processes and collaborative relationships with their stakeholders and a good understanding of local needs. This would be in keeping with the Government’s commitment to local accountability, local delivery and the principle of taking decisions as close as possible to where their impact will be felt. Another model that might be considered would be to add the MMO role to an existing organisation’s remit.
- 3.8 The Marine Bill and MMO should take a holistic approach and address marine fisheries issues and renewable energy developments. These are currently not covered. Detailed proposals for how the ‘polluter pays’ and precautionary principle could be developed in the marine environment need to be addressed further in the Bill. Enforcement issues are also not specifically addressed.

4 Specific Comments

Marine spatial planning (MSP)

- 4.1 The New Forest National Park Authority supports the introduction of marine spatial planning at a number of levels. We believe that this will only be effective if it has a statutory basis, covers all of the uses of the sea and is adequately resourced by the Government to support the gathering of data and the use of GIS and other data systems.
- 4.2 It will be important for marine spatial planning at the regional and sub-regional levels to operate within a clear national policy framework. This could be provided by the proposed strategic marine planning policy statement. There ought to be a statutory requirement to develop the statement through consultation with a wide range of stakeholders, including local authorities, and it should include clear policy statements

from relevant sectors such as national ports policy, marine aggregate policy.

- 4.3 Marine spatial planning proposals would seem to apply primarily at the regional level, as piloted by Defra in the Irish Sea. As a National Park with a very sensitive coastline of nationally important landscape quality and internationally important nature conservation interests, the New Forest National Park Authority as the local planning authority would wish to be a statutory consultee on the development of the relevant marine spatial planning.
- 4.4 The Authority strongly believes that the ecosystem-based approach to marine spatial planning applies equally at the sub-regional level in areas like the Solent, where there is intensive use by a range of activities in a heavily designated environment. As a National Park, the Authority would want to be closely involved in the development of any marine spatial planning for the Solent - as a key partner.
 - Clearly the New Forest coast and Solent, which is one of the most intensively used and extensively designated areas of inshore waters in the UK, is an obvious candidate for the application of marine spatial planning at sub-regional level. This raises many important issues, such as who would lead production of a possible sub-regional marine spatial planning, who would fund it, what status it would have, etc.
- 4.5 The Marine Bill must clarify the powers and duties of relevant authorities with regard to marine spatial planning. If it is considered appropriate and necessary for a sub-region like the Solent, the relevant authorities must be empowered to produce a marine spatial planning, and perhaps ought to have a duty to do so. It is unlikely that the relevant authorities would have sufficient resources to fund marine spatial planning, and so provision should be made for the Government to provide grant aid to deliver the process, perhaps through the MMO.
- 4.6 One of the main issues to be resolved is how marine spatial planning will be integrated with other planning systems, particularly the new land-based spatial planning system but also shoreline management plans (with the second round about to commence) and river basin management plans (for assisting implementation of the Water Framework Directive). The Bill must address issues such as overlapping systems of planning and regulation and minimise the profusion of plans where possible. There needs to be a system for resolving potential conflicts between the terrestrial and marine environments – between the MMO and local authorities.
- 4.7 It would seem that the most appropriate landward boundary for marine spatial planning would be the high water mark, providing the overlap with the land-based planning system presents no major problems. Consideration ought to be given to the inclusion of shoreline management plans in the process because if the boundary of marine spatial planning is high water mark, it would include most flood and

coastal defences and other issues related to managed realignment and shoreline change.

- 4.8 It would seem appropriate for the Marine Bill to require those responsible for marine spatial planning to take into account fully the policies and/or proposals of other plans, for example, any adjacent national park management plans and minerals and waste plans.
- 4.9 One of the suggested core functions for an MMO is marine spatial planning. However, it is unclear what its role would be at sub-regional level, where it would seem to be a distant organisation lacking local accountability. Local authorities would be well placed to undertake this role at the sub-regional level and many already have a high level of expertise in this area through work in coastal partnerships, management schemes for European Marine Sites and other work. They would also be well placed to consider the overlap between terrestrial and marine planning that would be present should the marine spatial planning boundary be high water mark.

5 Licensing marine activities

- 5.1 The Authority supports Option 4 for an integrated 'one-stop' regime that brings all types of consents and licences for which Government Departments are responsible together into a single system. Consideration should also be given to improving the integration of consents for which other authorities and agencies are responsible (e.g. local and harbour authorities).
- 5.2 The energy sectors should not be able to opt out of the proposed integrated licensing regime.

6 Improving nature conservation

- 6.1 The New Forest National Park Authority welcomes the proposals for providing better conservation of marine biodiversity. We agree that a system of marine protected areas is needed within the context of better management of activities in the wider sea - based on the ecosystem approach that underpins marine spatial planning. Marine spatial plans should be used to protect geological/geomorphological and historic/archaeological features as well as nature conservation interests. A flexible system would be the best approach though this must include areas with high degrees of protection. Sites must reflect a combination of the most representative areas as well as the most biodiverse with concentrations of rare species. The bill also needs to recognise that the starting point for improving nature conservation is that many of our seas have been degraded by a range of activities and are in need of restoration. We agree that actions should be based on marine ecosystem objectives. These should be statutory and translated into management objectives.

- 6.2 The Government might also consider the idea of introducing Marine National Parks and powers to extend the planning powers of terrestrial National Parks to cover adjacent marine environments where their quality and recreational importance is of sufficient importance to justify a higher level of landscape protection.
- 6.3 The Bill should place a statutory duty on all public bodies to further marine ecosystem objectives in the way they carry out their functions
- 6.4 It is important that the Bill allows flexibility to respond to natural changes and for dealing with the planning and management problems caused by the fixed boundaries of designated sites in the highly dynamic coastal and marine environment.
- 6.5 There is a problem of a lack of information comprehensively to designate sites so the MMO will need to be resourced to undertake this survey requirement.
- 6.6 The Government should consider additional protection for important species e.g. a statutory code of conduct for potentially damaging operations.

7 Marine Management Organisation (MMO)

- 7.1 The Authority supports the creation of an MMO to provide a more integrated and coordinated approach to coastal and marine management.
- 7.2 We agree that its core functions should be the delivery of marine spatial planning and an integrated licensing regime.
- 7.3 In terms of non-core functions, it would seem sensible to include support and guidance functions for Integrated Coastal Zone Management; coordination of data and information; marine research on behalf of the Government; and possibly enforcement functions associated with marine licences including those for aggregates extraction. Natura 2000 functions and marine heritage advisory role are probably best left with Natural England/JNCC and English Heritage. Whilst the case is made for including the Marine Fishery Agency and Centre for Environment, Fisheries and Aquacultural Science in a new MMO, the reasons for excluding the Maritime and Coastguard Agency are not clear.
- 7.4 As well as acting nationally, it is proposed that the MMO will have a role at regional and sub-regional levels. The delivery of these roles should be locally based in line with the Government's commitment to local delivery and accountability. However establishing a new organisation with local presence would be expensive and these functions might perhaps be better delivered by adequately resourced local authorities.

- 7.5 The likely operational relationship between an MMO and existing authorities and agencies needs to be clarified in the Bill. A new national, regional and sub-regional administrative structure needs to be fully justified for the marine environment so that it does not become an ineffective additional layer of bureaucracy.

8 Integrated Coastal Zone Management

- 8.1 One concern for the Authority is the absence of detailed proposals to achieve better and more integrated management of the coastal and intertidal zone. One of the issues for authorities and agencies around the Solent is where the landward boundary for marine protected areas would be (high or low water mark, or the limits of local authority jurisdiction), and what degree of overlap there would be with Sites of Special Scientific Interest (SSSIs). There is a suggestion that the Bill will be used clearly to define the seaward boundary of SSSIs.
- 8.2 The New Forest National Park Authority believes that many issues can only be addressed effectively through coastal partnerships like the Solent Forum (of which it is a committed member). Coastal partnerships like the Solent Forum, and those formed at estuary and harbour level, have proved their worth in many ways, e.g. by improving communication and decision making, resolving conflicts, raising awareness and coordinating joint projects and initiatives. In spite of their undoubted value, these partnerships survive precariously and a disproportionate amount of staff time is spent seeking funding to maintain their existence. The Authority would recommend that these partnerships are given a better statutory footing and the resources to continue their important work.
- 8.3 The inclusion of Integrated Coastal Zone Management mechanisms like the Solent Forum as a theme would be a means of overcoming the split between the planning and management of land and sea – ‘the coastal squeeze of planning policy’. The consultation document recognises that spatial planning has the potential to help achieve some of the aims of the national Integrated Coastal Zone Management strategies. It proposes a system of marine spatial planning system to adjoin the land-based system, but fails to recognise the vital importance of Integrated Coastal Zone Management partnerships in providing integration across the land-sea divide. The Bill should provide the basis for a secure, sustainable future for coastal partnerships by including a duty on all relevant and competent authorities and agencies, with a statutory interest in the coast and inshore waters, to participate in and implement Integrated Coastal Zone Management in coastal waters of national and regional importance (such as the Solent).
- 8.4 The responsibility and statutory power for coordinating this activity should rest with a nominated local authority within the area. This proposal is based on the successful precedent set for the management of Areas of Outstanding Natural Beauty. Core funding could be provided

by Government, channelled through the MMO or other national agency linked to deliverables, such as the preparation and implementation of management plans. This would free core staff to get on with the job and avoid the distracting annual search for funding.

- 8.5 As the marine spatial planning system develops, it is probable that there will be a demand, if not a statutory obligation, to produce marine spatial plans for the Solent. It is likely that the Authority would wish to play a significant part in the process in order to ensure that its many and varied interests are fully taken into account. There would therefore be resource implications for the Authority which would need to be considered.

Recommendations

That the Authority approves the draft comments outlined in this report and Annex 2 as the basis for a response to the Department for Environment, Food and Rural Affairs on their consultation on a Marine Bill.

Summary of the Marine Bill Proposals

1 Background

- 1.1 The UK Government is committed to bring forward proposals for a Marine Bill that aims to introduce a new framework for the seas, based on marine spatial planning that balances conservation, energy and resource needs. The Bill is likely to be the most significant piece of legislation to affect marine (and coastal) waters for decades.
- 1.2 The 312 page consultation document sets out the main reasons why the UK Government thinks that new legislation is required. It outlines the background to and the proposed contents of the Bill, summarising its main components and how they are expected to fit together. No final decisions have apparently been made on what might eventually be included in the Bill. This consultation therefore invites the views of anyone with an interest and forms a significant part of the process of shaping the scope and content of the Government's final policy proposals.

2 Timetable

- 2.1 The consultation period is open between 29 March 2006 and 23 June 2006. There may be a further period of consultation prior to production of a draft Bill in the Autumn, following analysis of the responses from this initial consultation. However, as a result of delays in starting this initial consultation it is likely that production of a draft bill will be delayed beyond October of 2006 meaning that a Bill is unlikely to go to Parliament before the start of the third session in late 2007.

3 Purpose and underlying principles

- 3.1 The Bill intends to help create a 'fit-for-purpose' framework founded on the principles of good regulation and modern government. Its purpose will be to improve the delivery of policies relating to marine activities operating in coastal and offshore waters and to marine natural resource protection, in particular by providing an integrated approach to sustainable management, enhancement and use of the marine natural environment for the benefit of current and future generations. It aims to deliver economic, social and environmental objectives in a modernised, rational and more effective way. It will also help to discharge national obligations under international and European law.
- 3.2 The Government's strategic goals for the marine environment are to:

- conserve and enhance the overall quality of our seas, their natural processes and their biodiversity;
- use marine resources in a sustainable and environmentally sensitive manner and achieve optimum environmental, social and economic benefit from the marine environment;
- promote environmentally sustainable use of natural resources to ensure long-term economic benefits and sustainable employment;
- increase our understanding of the marine environment, natural processes and our cultural marine heritage and the impact that human activities have upon them;
- promote public awareness, understanding and appreciation of the value of the marine environment and seek active public participation in the development of new policies.

3.3 A set of principles define the overarching approach to achieving the UK's goal for sustainable development:

- living within environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance;
- using sound science responsibly;
- the precautionary principle and polluter-pays principle.

3.4 The Government believes that a holistic ecosystem approach therefore lies at the heart of the strategy. This means putting the emphasis on a marine management framework that enables the management of human activities and conflicting objectives in a way that maintains the health of ecosystems, and human well-being, for the benefit of current and future generations. This includes living within our environmental limits and puts the emphasis on a much more integrated approach to policy development. The need to strike a balance and take a rounded view is heightened in the marine area, where many activities are occurring together and competing for the same space.

3.5 The UK Government's objective is to reduce bureaucracy, whilst also ensuring that cumulative effects and impacts on other activities are taken into account and that wildlife and the environment is adequately protected. This balance between means and ends is an important one: an important part of our proposals is to ensure that, where regulation of some sort is necessary, it should be "good" regulation. Any new system should therefore adhere to the principles of good regulation which are that it should be:

- **Proportionate:** regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny
- **Consistent:** government rules and standards must be joined up and implemented fairly

- **Transparent:** regulators should be open, and keep regulations simple and user friendly
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

4 Context

- 4.1 The proposals in the Marine Bill will apply to all UK waters out to 200 miles including the internal waters such as estuaries and harbours. From 0 – 12 miles, the devolved national administrations are able to develop their own legislation but from 12 – 200 miles powers are reserved to the UK Government.
- 4.2 The Bill also must address a number of international and European obligations, in particular the OSPAR Convention and EU Directives (eg Birds, Habitats, Water Framework, Strategic Environmental Assessment) but also non-statutory agreements on integrated coastal zone management, climate change, etc.

5 The main proposals

- 5.1 The UK Government is developing policy for the Bill in five significant areas. None of these stand alone, there are close and complex links between them all.

Managing marine fisheries

- 5.2 The consultation does not make any specific proposals or invite responses on managing marine fisheries but sets out a number of general areas where changes to existing primary legislation or new legislation may be required to deliver Government commitments to strengthen the way it manages fisheries and develops fisheries policy. These include modernising inshore fisheries management arrangements; a more active approach to managing recreational and hobby fishing activities around the coast of England; the need to update or strengthen our wider enforcement powers; and charging for the costs of managing marine fisheries. As policy is developed in these areas over the coming months the Government will consult stakeholders, including where it aims to take powers in the Bill.

Planning in the marine area

- 5.3 The consultation proposes the creation of a new system of marine spatial planning to enable a more rational organisation of the use of marine space and the interactions between its uses. It is proposed that the system should take account of all sectors and activities and ensure an integrated approach at the land-sea interface. The objective is to enable efficient, forward-looking and holistic decision-making, delivering sustainable development and supporting an ecosystem approach. An agreed plan should provide a firm basis for rational and

consistent decisions on licence applications, and allow users of the sea to make future decisions with greater knowledge and confidence.

- 5.4 Marine spatial planning is “expected to be the principal function of the Bill”. Marine spatial planning would provide the framework for the marine licensing system considered later in the document.
- 5.5 The Government’s current view is that terrestrial planning controls should continue to apply to the mean Low Water Mark regardless of the extent of the application of a new marine spatial planning system, possible overlaps need further consideration.
- 5.6 Marine spatial planning has the potential to operate at different spatial levels: national, regional and sub-regional. The paper indicates that, at the national level, there would be a ‘strategic marine planning policy statement’ and accompanying guidance, though it is not clear who would prepare or approve it. This might include policy statements for different sectors. The main level at which marine spatial planning would apply would be regional. The Government has sponsored a pilot marine spatial planning in the Irish Sea, and this concludes that the approach is most appropriate for ‘regional seas’. Although the consultation document says nothing about the division of UK marine waters into regional seas, recent work by the Joint Nature Conservation Committee (JNCC) to divide the UK into regional seas, based on bio-geographical data, suggests that the New Forest coast and the Solent would fall within the ‘Eastern English Channel’. The document outlines how the production of a national marine planning policy paper and regional marine spatial plans could be the responsibility of a possible new marine management organisation, operating at a national level.
- 5.7 The document also proposes that “where appropriate or necessary, sub-regional or local plans could be produced. This level of plan would more likely be required in heavily used or congested areas, or in areas of high conflict, where a more detailed plan might be beneficial”.
- 5.8 The consultation document puts forward a number of options for marine spatial plans, and invites comments and an indication of preferred option:
 - (i) Do nothing.
 - (ii) Information only – draw marine data and information into a single system for use by developers and decision makers as an evidence base or information tool.
 - (iii) Non-binding plan – would include the collation of marine data and information, accompanied by the setting of marine objectives and priorities. Spatial plans would indicate where, and to what extent, different areas of sea space would be best or worst suited to different purposes and uses. However, there would be no statutory requirement for decision-making authorities to implement the plan.

- (iv) Binding plan, as (iii) above, but would have a statutory requirement for decision makers to act in accordance with the plans.

Licensing marine activities

5.9 The consultation paper fully recognises the shortcomings of the current system and proposes a number of possible options for simplifying and streamlining the UK Government's regulation of marine activities, to help ensure sustainable development. The aim is to reduce the risk and costs to businesses. Even within the defined scope, it is evident that a number of types of consent or licence could be rationalised, affecting four Government Departments:

- (i) Defra – Food and Environment Protection Act (FEPA) 1985 (construction and disposal in the sea)
- (ii) Department for Transport – Coast Protection Act (CPA)1949 (impact of works on navigation); Harbours Act 1964 (port and harbour works); Transport and Works Act 1992 (major infrastructure projects)
- (iii) Department for Trade and Industry – Electricity Act 1989 (off-shore electricity generation); Telecommunications Act 1984 (sub-sea cables)
- (iv) Office of the Deputy Prime Minister – 'Government view' on marine minerals extraction.

5.10 Three alternatives in addition to no change are considered – merging the two principal licensing systems which consider cross-cutting environmental and navigational issues; simplifying the licensing processes within each sector; or creating a single, integrated licensing system for all marine activities.

5.11 However, it is clear that the scope of the improvements likely to emerge through the Bill will be limited to “the principal marine controls that are currently the responsibility of central government departments”. Consequently it does not address controls that are under the remit of other regulators, such as local and harbour authorities and the Environment Agency.

5.12 There are obvious links here with the proposals for marine spatial planning and the marine management organisation.

Improving marine nature conservation

5.13 The Government's Review of Marine Nature Conservation in 2004, showed significant declines in marine biodiversity around the UK coasts and highlighted failings in the current system for nature conservation in the marine environment. It argued that new legislation was required to underpin effective protection of marine habitats and species and management of activities that were giving cause for

concern (eg recreational craft). The consultation puts forward relevant proposals within five main policy areas:

(a) Marine ecosystem objectives

5.14 The proposals recommend the case for a system of planning and management based on an ecosystem approach based on the development of 'marine ecosystem objectives'. It outlines three possible options for these objectives:

- Policy guidance – requiring objectives to be a material consideration.
- Changes to marine management regimes – objectives to be part of licensing requirements, Environment Impact Assessments.
- Statutory duty requiring all public bodies to take account of objectives in the way they fulfil their functions. This would give legal force to the consideration of objectives and enable public bodies to be legally challenged if they failed to consider them adequately.

(b) Marine protected areas

5.15 The Government proposes to introduce a mechanism for the designation and protection of areas through UK marine waters, which could either sit alongside legislation on Marine Nature Reserves (which are widely seen as being unsuccessful) or replace them. The mechanism could be used to protect geological/geomorphological features, seascapes, spawning and nursery areas and historic sites as well as nature conservation features. This could include a flexible range of sites from areas of minimal restriction through to highly protected marine reserves.

5.16 The importance of suitable site selection criteria is recognised, and it is possible they would include socio-economic as well as environmental considerations. The mobile nature of the coastal and marine environments is also recognised, as are the problems caused by fixed site boundaries, and so there is a suggestion that flexibility be built into site designation to enable adaptation to changes in site features.

5.17 The paper also acknowledges that site designations will not be sufficient in themselves, and that mechanisms for wider marine management might be needed, for example through licensing or fisheries management regimes.

(c) Species and conservation measures

5.18 The proposals intend to protect marine species that are vulnerable to human impacts and three options are included:

- maintain current coverage in territorial waters
- extend species protection legislation to UK waters if it could be justified on the basis of threat and
- repeal existing species protection legislation if a combination of European species protection, voluntary and sectoral approaches, protected areas and wider maritime management were considered to provide sufficient protection for marine species, so as to make criminal offences for damage to species disproportionate to the conservation benefits.

(d) Control of unlicensed activities

5.19 There are some activities in the marine area that are neither regulated by domestic management regimes nor international bodies and conventions. This section of the consultation is looking at what measures might be required to control these impacts. This might be done through the introduction of new bye-law making powers. Consideration is being given to whether these should be tied to protected areas or available for wider application.

(e) Enforcement

5.20 The consultation considers the measures required to ensure that marine nature conservation legislation is properly enforced in UK waters. Consideration is being given to:

- whether enforcement authorities have the powers and function required to enforce nature conservation measures and whether new legislation is required
- whether enforcement functions can be rationalised by improving coordination of existing structures or whether legislative change is required;
- how any new measures might operate across country boundaries.

The potential for a new marine management organisation

5.21 The consultation outlines a proposal to create a new Marine Management Organisation (MMO). This would deliver some of the new activities introduced by a Marine Bill and could also help join up the management of marine activities in different sectors. The focus is on the marine environment and specifically excludes local authority functions. No decision has yet been taken on whether such a body should be established or the status it would have. Any MMO would need to operate according to the principles of sustainable development. The consultation maps the range of possible functions that could be undertaken by an MMO, if one were established.

5.22 Potential functions of the MMO are divided into core and non-core activities. Two core functions are suggested:

- (i) marine spatial planning – the MMO could have responsibility for collation of data, mapping, Strategic Environmental Assessment, consultation, monitoring and review; and
- (ii) delivery of an integrated licensing regime – the operation of a coordinated licensing system.

5.23 The paper outlines how Government will need to consider which existing marine organisations could be included in an MMO and it suggests that the new Marine Fishery Agency is the most likely candidate, although others are also listed.

5.24 Non-core functions under consideration for an MMO include: marine protected areas, Natura 2000 sites (identification; consultation; possibly designation), management of recreational fisheries, enforcement of nature conservation measures, enforcement of marine licences and minerals extraction licences, marine research and monitoring, coordination of data collection, Integrated Coastal Zone Management support and guidance, EU Marine Strategy Directive (forthcoming) – implementation and some Maritime and Coastguard Agency activities.

5.25 The document states that the current functions of statutory nature conservation bodies (such as Natural England) and of English Heritage would remain unchanged.

5.26 The importance of the interface between any new marine regime and the terrestrial regimes is recognised, as is the need for any MMO to work closely with relevant land-based bodies such as local authorities.

Regulatory Impact Assessment

5.27 Each of these themes also has an accompanying Regulatory Impact Assessment (RIA) as an annex which provides an initial assessment of the social, economic and environmental impacts (risks, costs and benefits) of each proposal.

Steve Trotter would like to thank Alan Inder of Hampshire County Council and colleagues in the Solent Forum partnership and Wildlife Trusts for assistance in preparing these documents.

Planning in the marine area

1. Is it appropriate for the UK Government to consider creating a new system of marine spatial planning?

Yes, very much so. The development of a system for Marine Spatial Planning is essential if the objectives of integrated and sustainable marine (and coastal) management are to be achieved.

2. If so, should Government consider statutory provisions within the Marine Bill in order to implement a new system of marine spatial planning, or should alternative methods be considered?

Yes, the Marine Bill would seem to be the appropriate vehicle for such provisions and they should be statutory.

3. Do you have any views on the broad objectives of marine spatial planning laid out above?

Fairly comprehensive but one element is missing: the linkage and integration with terrestrial planning mechanisms and processes. Marine Spatial Planning must reflect the priorities of adjoining coastal areas.

4. What are your views on marine spatial planning as a context or framework for decision-making?

Marine Spatial Planning is very important as a means of collating and receiving information and delivering relevant and informal decisions.

5. To what extent, if at all, should plans be 'binding' on decision-makers and decision-making? (See the initial Regulatory Impact Assessment at Annex 5A for further information.)

Marine spatial plans should be binding. The issue of expense and increased regulatory burden (Annex 5A) are noted as are of the costs of a non binding plan (option 3). From the analysis in 5A the decision, in terms of cost/benefit appears to be between an information gathering exercise (option 2) or a binding (plan option 4). Option 2 would not deliver the desired integration or holistic approach. There is also the question of the costs of the existing fragmented decision making process both in terms of inefficiency and poorly informed and low quality decisions.

6. Do you have any views on the broad underlying principles for marine spatial planning, as laid out above?

No

7. Do you have any views on the potential increase or reduction of regulatory burden on Government or business, at either the planning stage or during subsequent licensing stages, as the result of a system of marine spatial planning?

See response to Q5.

8. Do you have any views on the geographical application of any new system of marine spatial planning?

The continuation of terrestrial planning controls applying to mean high water mark is supported as is the coverage of marine spatial planning to mean low water springs. Whilst this overlap may be seen as a complication it is likely to contribute to the compatibility of planning processes on the coast and would help to address the differing marine and terrestrial issues.

9. Do you have any views on ways in which regulatory efficiency could be improved in the intertidal zone, if a new system of marine spatial planning were created? (See also paragraphs 8.98 to 8.101)

It will be necessary to ensure that the planning systems reflect each other and that there is clear demarcation of function and decision making.

10. Is this overall approach, involving a strategic marine planning policy statement, followed by spatial plans, appropriate?

Yes

11. Are there particular aspects of, or experience gained from the terrestrial or any other planning system, which should be considered when developing a marine planning system?

Yes, the consultation processes and involvement of local stakeholders in local decision-making.

12. Do you have any views on the elements of a strategic marine planning policy framework statement laid out in this section?

Under point e. and g. Marine Planning Policy must reflect terrestrial landscape designations to ensure that development is appropriate in marine areas adjoining National Parks, AONBs and Heritage Coasts. A wide range of criteria need to be considered from the terrestrial environment perspective including landscape assessments.

13. Do you have any views on the way in which a strategic marine planning policy framework statement should be developed and the timeframe it should cover?

No

14. What are your views on the nature and role of the planning body which would undertake the development of spatial plans?

A neutral body such as a MMO would be the best option in the truly marine environment. It might be appropriate for other existing agencies to be amalgamated to form the MMO and/or the functions be passed to an existing organisation – so integrating across the land-sea boundary.

15. What are your views on the scale, location and possible boundaries of the areas used for spatial plans?

As an internationally recognised approach Regional Areas seem an appropriate scale but the process must allow for finer scale local or sub regional planning where appropriate. They must be based on sensible functional ecological units irrespective of political and national boundaries – which will in itself place additional coordination responsibilities on an MMO.

For example – one plan would be appropriate for the Irish Sea and would necessitate partnership working across international boundaries. At the Solent scale it would require coordination across a number of local authorities and relevant local organisations. The scale depends on what is most appropriate for each situation.

16. Do you think that Marine Spatial Planning should apply in the same way in all parts of UK waters?

Sub Regional planning may not be appropriate for all areas covered by a Regional Plan but it will be essential for local areas comprising or adjoining sensitive areas such as National Parks – or more complex areas.

17. What are your views on the need for planning at sub-regional or local level?

There may be a need for sub-regional and/or local planning in complex areas or those where there is greater pressure e.g. the Solent would be an ideal candidate for a sub-regional plan.

18. What are your views on the activities, developments and resources within the marine area, which might be considered within spatial plans?

The list seems comprehensive but needs to be kept open for future change and development.

19. Are there any anticipated future types of marine use, or technological advances, which you think the UK Government should consider when developing the strategic marine planning policy statement or in the marine spatial plans?

Not as yet but the impacts of new developments should be kept under review by the MMO as and when it emerges.

20. What are your views on data and information availability in relation to marine spatial planning?

As recognised in 8.77 there is a need for improved access to records and data to inform decisions. Current availability is fragmented and will result in inefficiency and possibly poor decision making. There is a need for additional survey information and better understanding of marine ecosystems to support the designation of marine protected areas.

21. What are your views on the plan making process?

The planning process must take account of policies and designations on adjoining terrestrial areas. It should be based on full consultation with appropriate local communities and stakeholders. The use of preferred areas for certain activities may be helpful.

22. How should conflicting demands on marine space be addressed in the development of spatial plans?

The process of developing the marine spatial planning should be based on consensus building techniques and collaboration between stakeholders to minimise conflict. The system for final decision-making in the event of unresolved disputes should be agreed at the start of the process and be

based on the precautionary principle and delivering Marine Ecosystem Objectives.

23. What are your views on the allocation of 'preferred areas' for certain activities, future development or protection of resources?

This would seem to be an appropriate approach to potentially conflicting uses.

24. What are your views on the process of developing maps or charts as part of the marine spatial planning process?

An effective mapping process for Marine Planning is essential to allow the rapid assessment of data and constraints, ie by using mapping layers of appropriate scale, and to provide a means of expressing the plan visually eg by showing the distribution of various preferred areas and policies. - though care has to be taken in the appropriate use of GIS to reflect reality.

25. Do you have any views on the need to consider the sustainability and environmental impacts of spatial plans, including the use of SEA in the process?

Yes, this is essential.

26. In what ways could Government ensure that marine spatial planning would be open, transparent and inclusive?

If a binding plan is proposed then a process similar to that used on land would be appropriate with similar safeguards of appeals etc. As part of this process the rights of individuals and organisations would be addressed (as in Q 27) and a process of scrutiny (Q 28) established. With a non binding plan the issues in Q 27 and 28 are much less relevant although transparency and inclusivity would still be a key requirement in plan development.

27. What are your views on the way in which the rights of individuals or organisations may be affected by the planning process?

See response to Q 26

28. What are your views on establishing a forum or scrutiny process to test the soundness of the plans?

Good idea.

29. Do you have any views on the implementation, monitoring and review of plans?

A review period of 5 years would seem appropriate, in line with terrestrial planning review.

30. Do you have views on how the duration of time for which plans should apply and how often plans should be formally reviewed or modified outside of such reviews?

A review period of 5 years would seem appropriate, in line with terrestrial planning review.

31. Do you have any views on how UK Government can ensure marine spatial planning works effectively with other planning systems, particularly in

the coastal zone, in order to achieve the aim of integrated coastal zone management?

The requirements set out under a – d would address the key elements for integration. The proposal that ICZM should be embedded in Marine Planning proposals is welcomed.

32. Do you have any views on whether it is appropriate to use the Marine Bill to simplify and streamline the licensing system for marine activities?

Yes it is appropriate.

33. Are there any particular emerging trends, new technologies or novel types of activity, which any future licensing system should address?

Cannot comment.

34. Do you have any views on the inclusion or exclusion of certain regimes from the scope of the proposed licensing reforms in this consultation?

The consent regimes of harbour authorities and local authorities should be included.

35. Do you have any views on improvements that might be made to the process and administrative aspects of marine licensing, which UK Government could consider throughout the development of proposals for the draft Marine Bill?

No

36. How can we ensure that the draft Marine Bill reduces regulatory burdens within Government and on business, within the licensing system?

Cannot comment.

37. Are the objectives for a reformed licensing system laid out above sensible?

Yes

38. Are there any other key principles that should be considered as part of any changes to the regulatory system?

Cannot comment.

39. Are these appropriate options to consider in this consultation? Are there alternatives to, or variations on the above options, which should be considered? (The initial Regulatory Impact Assessment in Annex 5B which accompanies this section of the consultation invites your views on the costs and benefits of the proposed options)

Cannot comment.

40. What are your views on the advantages or disadvantages of the 'Do Nothing' option?

Cannot comment.

41. *Would Option 1 address the objectives and key underlying principles for an updated licensing system, as set out in paragraphs 9.38 to 9.43 of this consultation document?*

Cannot comment.

42. *What are your views on the advantages or disadvantages of Option 2, to 'merge the environmental and navigational controls'?*

Cannot comment.

43. *Would Option 2 address the objectives and key underlying principles for an updated licensing system, as set out in paragraphs 9.38 to 9.43 of this consultation document?*

Cannot comment.

44. *What are your views on the advantages or disadvantages of Option 3, a simplified sectoral regime?*

Cannot comment.

45. *Would Option 3 address the objectives and key underlying principles for an updated licensing system, as set out in paragraphs 9.38 to 9.43 of this consultation document?*

Cannot comment.

46. *What are your views on the advantages or disadvantages of Option 4, an integrated regime?*

Cannot comment.

47. *Would Option 4 address the objectives and key underlying principles for an updated licensing system, as set out in paragraphs 9.38 to 9.43 of this consultation document?*

Cannot comment.

48. *Do you have any views on the storage of natural gas in sub-seabed geological structures and the provision of facilities to unload gas that has been transported by ship?*

Cannot comment.

49. *Do you have any views on the proposal to create a fit-for-purpose licensing proposals for the storage of natural gas that has been transported from elsewhere, in sub-seabed geological structures?*

Cannot comment.

50. *Do you have any views on the capture and subsequent storage of carbon dioxide in naturally occurring sub-seabed geological structures to alleviate the effects and impacts of climate change and ocean acidification?*

Cannot comment.

51. *Do you have any views on the creation of fit-for-purpose licensing provisions for the capture and storage of carbon dioxide in naturally occurring sub-seabed geological structures?*

Cannot comment.

Section 10 – Improving marine nature conservation

52. *Which marine management regimes or processes should include the consideration of marine ecosystem objectives?*

All of them.

53. *Should the consideration of objectives be required through policy guidance, changes to management regimes or a statutory duty?*

A statutory duty, as with National Park purposes, would be the most effective mechanism.

54. *Do you agree that a new mechanism for the designation of protected areas should be introduced in the Marine Bill?*

Yes

55. *Should the new mechanism complement or replace legislation on Marine Nature Reserves?*

The current Marine Nature Reserve legislation is flawed and does not provide the mechanism needed. Replacing the legislation would be a clearer and simpler process.

56. *Which of the purposes listed should the new mechanism cover? Are there any others that should be considered?*

They should all be included in the new mechanism. The inclusion of intangible qualities such as tranquillity should also be considered.

57. *What are your views on site protection measures being used to protect interests other than those for which a site is primarily designated?*

The protection of wider interests should be regarded as a benefit in reducing dual designations, improving clarity and advancing ICZM.

58. *Do you agree that, where options exist, a range of factors including social and economic considerations should be taken into account in choosing between sites?*

Whilst acknowledging that this consultation refers to ‘improving marine nature conservation’ it is considered that it is wrong to ignore other environmental factors such as cultural heritage and seascapes and that these should also be part of the criteria when considering designations.

Socio economic issues should be considered as part of designation but the impression should not be given that designation rules out any socio economic activity. Unless proven damaging, economic and other human activity can be sustainably compatible with a protected status. In regard to this, designation can provide an asset for the local community rather than a restriction.

59. Should we include provision for altering site boundaries, or de-designation of sites? Under what circumstances?

With a dynamic environment and our limited understanding of its functioning, flexibility in establishing boundaries of protected areas is essential.

60. Do you agree that different marine nature conservation sites will need to have different levels of objectives?

Yes

61. What are your views on a flexible site mechanism where levels of protection can be altered to meet site needs and objectives?

A single designation with a flexible range of protective measures would have many advantages; however there would be a risk of confusion and misunderstanding by the wider public if a highly protected site were to have the same designation as one with limited or seasonal restrictions. It may therefore be better to go for a hybrid system with a limited number of designations with flexibility of protective measures within them.

62. What are your views on whether marine protected areas should directly control activities managed at the national level, or provide protection through wider marine management mechanisms? What would be required to make each approach effective?

It would appear likely that elements of both direct and indirect protection would be required. Indirect protection would be adequate for licenced activities or those carried out by public bodies (as part of a duty) but would not cover unlicenced private activity which would require a process of prohibition to be effective. For indirect protection to be effective, an integrated planning, licensing monitoring process will be essential. Direct protection will require adequate public awareness. Both direct and indirect protection will require appropriate enforcement mechanisms.

63. Are there any other mechanisms that we should consider introducing for site protection? Should we introduce a requirement for an appropriate assessment to be carried out where activities are likely to cause significant damage to a site?

Appropriate environmental impact assessment is now established in terrestrial planning processes and would be essential in Marine Protected Areas if such designation is to be successful.

64. Do you consider that the seaward boundary of SSSIs should be clarified?

65. Which option would you prefer for the interface between the two regimes? What are the key considerations?

66. What do you consider are the best options for the landward boundary for marine protected areas and the seaward boundary for SSSIs and why?

Question 64 - 66

The issue of overlapping or non-overlapping boundaries is about the integration of policy and protection between designations rather than geographical area. Overlap may encourage closer integration and is therefore the favoured option. Flexibility for all designations is essential.

Section 10.70 – 10.75 concentrates solely on Nature conservation and interactions with SSSI's. Section 10.54 reflects the potential of a wider purpose for MPA's including seascapes and cultural heritage. We consider that these elements should be recognised in the identification of MPA's and that designation should provide appropriate measures to protect such elements.

67. Are there threats to the conservation of marine species in the offshore area or elsewhere that are not addressed by existing measures and controls? Please give examples.

Cannot comment.

68. Which option for species protection in the Marine Bill would be most compatible with the principles described in section 4? Are there any other options that should be considered?

Cannot comment.

69. Do you consider that unlicensed activities currently threaten the conservation of marine ecosystems and biodiversity? If so which activities are of most concern and why?

There is no doubt that some unlicensed activities can threaten marine ecosystems. These include intertidal shell fish collection. Also under threat are other elements of the marine environment such as cultural heritage (through diving) and tranquillity (through recreational craft).

Again this section ignores the possibility of developing a comprehensive approach to protecting the marine environment by concentrating solely on biodiversity.

70. What are your views on the introduction of byelaw-making powers for the control of unlicensed activities?

This is related to our answer to Q 62. Direct protection will be needed for unlicensed activity in MPA's either as part of the designation process or through development of local Bylaws. For MPA's the restriction of activity as part of the designation process would be a simpler approach.

71. Are there alternative regulatory approaches to the control of such activities that we should consider?

See answer to Q 70.

72. Should any powers to control unlicensed activities be related to marine protected areas, or capable of wider application?

Possibly but there would need to be careful consideration as to the reasons for these additional powers outside MPAs. The provision of such powers would have to be based on known issues or risks.

73. What do you think are the most important improvements that the Government could make to the prevention of marine nature conservation offences and the enforcement of relevant legislation?

Tighter monitoring and enforcement – defining responsibilities clearly – codes of practice and raising awareness and understanding of the issues of concern.

74. What are your views on which organisations should (or should not) carry out different stages of marine nature conservation functions arising from the Marine Bill to ensure that the principles in section 4 and those in paragraphs 11.16-11.25 are delivered?

It is clear that the range of expertise, community engagement and competence required for delivery of improved marine nature conservation does not exist within one organisation. A devolved administration will therefore have to work in active partnership with other marine and terrestrial organisations. The National Park Authorities have a strong track record of delivering across environmental, social and economic considerations and of partnerships and collaborative working. As bodies fully funded by Defra with a strong statutory conservation remit and as local planning Authorities, NPAs would expect to play a significant role in both the Marine Spatial Planning process and in the conservation of the Marine Environment on the coastlines that are within their boundaries. We consider that there may be a case for NPA's to provide the delivery function for MPA's that adjoin their areas.

75. Do decisions on which organisations fulfil which roles affect any of your answers on other questions in this consultation document? If so, how?

No. The key issue is that whichever organisation fulfils whichever role they need to be inclusive and recognise the need for integration between organisations and consumer objectives.

76. Do you consider that any changes to functions, powers or duties of delivery organisations are needed to facilitate the implementation of nature conservation legislation in the Marine Bill?

Yes, this is fundamental to the provision of joined up and effective marine conservation.

Section 11 The potential for a Marine Management Organisation

77. Have we correctly identified the functions that are 'core' to deciding whether to create an MMO?

Marine Spatial Planning and Integrated Licensing are appropriate as core functions if combined with a requirement to provide a central point for access to marine monitoring and research data. There would have to be good links with the enforcement agency if it was a separate body.

78. *Are there other functions that you consider 'core' to an MMO? Why?*
The coordination of Marine Monitoring and research data by the MMO will be necessary to inform licensing and planning decisions.

79. *Do you consider that the Marine Fisheries Agency should be merged into an MMO, if established?*
Cannot comment.

80. *Do you consider that CEFAS should remain outside an MMO, if established?*
Cannot comment.

81. *Have we identified the right marine organisations for potential inclusion in an MMO?*
Cannot comment.

82. *Are there other marine organisations that we should be considering merging into an MMO?*
Cannot comment.

83. *Do you wish to make any points to be included in our consideration of whether individual non-core functions should be delivered by an MMO?*
As in our response to Q 74 we consider that NPAs and AONBs should have a role in the Management of MPAs and where they adjoin their areas.

84. *Do you agree that we should exclude the potential transfer of statutory (marine) nature conservation advisory roles to the MMO from further consideration?*
Yes

85. *Are there any other 'non-core' functions that we should be considering for inclusion in an MMO?*
Cannot comment.

86. *Are there functions that you consider incompatible – i.e. they should not be undertaken in combination – whether by an MMO or another body?*
Cannot comment.

87. *Are there functions that you consider should be grouped together – i.e. undertaken within the same organisation? If so, should this be the MMO or not?*
Cannot comment.

88. *Do you have views on the most appropriate status for an MMO?*
Cannot comment.

89. *Do you have views on the nature of the relationship that an MMO would need with other bodies?*
As a basis for the relationship of an MMO with other bodies a strong culture of partnership working and commitment to integration will be necessary.

90. *Do you have any further information that would assist us in developing the RIA?*

Cannot comment.

91. *Are there any other comments you want to make regarding the potential creation of an MMO?*

Cannot comment.

Annex 5A – Initial Regulatory Impact Assessment – Marine spatial planning

92. *Do you have any views on the risks associated with the current control system?*

Cannot comment.

93. *Do you have any evidence that either supports or contradicts the risks of the current system as laid out above? We would welcome additional examples, quantified where possible.*

Cannot comment.

94. *Do you have any examples of where conflicts have arisen between different marine activities, developments or resources? We would appreciate information about the costs incurred in any such situation.*

Cannot comment.

95. *Do you have any examples or information regarding the costs to business of applying for licences that are later refused?*

Cannot comment.

96. *Do you have any views on the risks or unintended consequences of any of the proposed options for a system of marine spatial planning?*

Cannot comment.

97. *Do you have any views on the potential benefits of any of the proposed options for a system of marine spatial planning? We would welcome quantified information where possible.*

Cannot comment.

98. *Do you have any views on how these options might offer benefits to the system for licensing marine activities? We would welcome quantified information where possible.*

Cannot comment.

99. *Do you have any views on the potential costs of collating existing available information about the marine environment or collecting additional information?*

Cannot comment.

100. Do you have any information about the costs of existing planning systems which may be broadly useful or indicative in considering a new system?

Cannot comment.

101. Do you have any views on the potential costs of any of the proposed options for a system of marine spatial planning? We would welcome quantified information, where possible.

Cannot comment.

102. Do you have any views on the potential impacts of any of the proposed options for a system of marine spatial planning on SMEs? We would welcome information, quantified where possible.

Cannot comment.

103. Do you have any views on issues relating to competition regarding any of the proposed options for a system of marine spatial planning?

Cannot comment.

104. Do you have any views on issues relating to enforcement, sanctions or monitoring regarding any of the proposed options for a system of marine spatial planning?

Cannot comment.

Annex 5B Initial Regulatory Impact Assessment – Proposals for reform of marine licensing

105. Do you have any general information about the costs of the current licensing system?

Cannot comment.

106. In particular, do you have any specific evidence in relation to the applications process within the current licensing system, as follows:

Cannot comment.

a. Have you had to obtain one or more licences or consents for a particular project, development or activity? If so, what costs did you incur as a result of the application process, and how long did it take?

Cannot comment.

b. Does the length or speed of the application process have significant cost implications for you?

Cannot comment.

c. Have you undertaken or been involved in an advertising process in relation to a project, development or activity, either as a business or other participant? If so could you provide examples of the length of this process, and the costs that you incurred?

Cannot comment.

d. Have you been involved in preparing an Environmental Impact Assessment for a project, development or activity, either as a business or other participant? If so could you provide examples and explain the costs that you incurred?

Cannot comment.

107. Do you have any specific examples of the compensation / mitigation aspects of the current licensing system? Can you provide evidence of how complex it was, and costs you incurred?

Cannot comment.

108. Do you have any views on the risks associated with the current licensing system? Evidence which supports or contradicts the risks laid out above or additional examples, quantified where possible, would be very useful.

Cannot comment.

109. Do you have any specific information with regard to the risks associated with the current system, as follows

Cannot comment.

a. Have you ever felt that you have been treated inconsistently as a result of the separation of different marine licensing regimes and the regulators responsible for them? If so please could you outline the situation that caused this treatment.

Cannot comment.

b. Are there any instances where you believe the current marine licensing system was unable to take relevant environmental, social or cultural factors into account during decision making? If so could you provide examples, and quantify the environmental, social or cultural costs or disbenefits that resulted.

Cannot comment.

c. Have you, or anyone you are aware of, been discouraged from investing in an area as a result of the complexity of the current marine licensing system?

Cannot comment.

d. Do you believe that an excessive regulatory or administrative burden has been placed on you, or someone you know, as a result of duplication in marine licensing legislation or systems, or the need to obtain more than one licence for a particular project? If so, could you place an estimate on the excessive cost placed on your business on an annual basis.

Cannot comment.

e. Has the current marine licensing system inhibited or threatened to inhibit your use of new technologies or types of marine activity? If so could you explain the cause and estimate the cost to your business.

Cannot comment.

f. As an individual or business, do you believe that there is any lack of transparency or certainty within the current marine licensing system, which

has adversely affected you in any way? If so could you provide examples of where this has occurred, and estimate the cost to your business.
Cannot comment.

g. As a participant in the licensing system or other interested party, are there instances where you believe a lack of transparency or certainty within the current marine licensing system, has meant that you were adversely affected by a decision in relation to a particular development or activity? If so, could you provide examples of where this has occurred and estimate the economic, environmental or personal cost that was incurred.
Cannot comment.

110. Do you have any views on the risks or unintended consequences of any of the proposed options for a reformed licensing regime?
Cannot comment.

111. Do you have any views on the compliance with or enforcement of any of the proposed options for a reformed licensing regime?
Cannot comment.

112. Are there any other sectors or groups which would be affected by a reformed licensing regime?
Cannot comment.

113. Do you have any views on the potential benefits of any of the proposed options for reform of the licensing regime? We would welcome information as to the potential benefits, quantified where possible.
Cannot comment.

114. Do you have any views on the potential costs of any of the proposed options for reform of the licensing regime? We would welcome information as to the potential costs, quantified where possible.
Cannot comment.

115. Do you have any views on the potential impacts on SMEs of any of these options for reform of the licensing regime? We would appreciate information about the possible impacts, quantified where possible.
Cannot comment.

116. Do you have any views on competition issues relating to any of the proposed options for reform of the licensing regime? We would appreciate information about the possible effects on competition, quantified where possible.
Cannot comment.

117. Do you have any views on issues relating to enforcement or sanctions regarding any of the proposed options for reform of the licensing regime?
Cannot comment.

Annex 5C Initial Regulatory Impact Assessment – Improving marine nature conservation

118. What costs would business or others incur if further deterioration in marine ecosystems or significant losses in biodiversity were to occur? Please provide quantified examples where possible.

Cannot comment.

119. What are the benefits for businesses and others associated with improvements in the state of marine biodiversity? Please give quantified examples where possible.

Cannot comment.

120. Would businesses benefit from clearer guidance on what needs to be taken into account in environmental impact assessments?

Cannot comment.

121. What are the financial costs and benefits for businesses and others associated with certainty or uncertainty over what restrictions Government might place on development or other licences (for ecological reasons)? Please give examples.

Cannot comment.

122. To what extent do businesses currently take account of the Government's ecological objectives (such as biodiversity action plan targets) in environmental impact assessments? Please give examples.

Cannot comment.

123. What costs are involved in considering ecological objectives (such as biodiversity action plan targets) in environmental impact assessments? Please give quantified examples where possible.

Cannot comment.

124. To what extent could the costs involved in considering ecological objectives be reduced through the introduction of clearer, more coherent and accessible Government objectives and the provision of more information, data and guidance (as proposed in this consultation document)?

Cannot comment.

125. What are the costs of modifying, mitigating or compensating for development proposals, fisheries, leisure or other activities to help meet ecological objectives? Please give quantified examples where possible.

Cannot comment.

126. How far would businesses be willing to modify activities to help deliver a non-statutory set of marine ecosystem objectives? What level of take-up of measures to deliver non-statutory ecosystem objectives would you anticipate across marine industries?

Cannot comment.

127. *Would there be other costs associated with the implementation of marine ecosystem objectives which should be taken into account? Please give quantified examples where possible.*

Cannot comment.

128. *How would you value the benefits to business and others in improvements in the state of marine biodiversity in marine protected areas?*

Cannot comment.

129. *What are the costs of modifying, mitigating or compensating for development proposals, fisheries, leisure or other activities to help conserve protected areas? Please give quantified examples where possible.*

Cannot comment.

130. *What are the costs of agreeing and implementing voluntary protected areas?*

Cannot comment.

131. *To what extent would businesses be prepared to modify activities to avoid causing significant damage to voluntary marine protected areas? What level of take-up of voluntary site conservation measures would you anticipate across marine industries?*

Cannot comment.

132. *How would you value the benefits to business and others of an improvement in the state of marine biodiversity in offshore sea areas (beyond 12nm from the coast)?*

Cannot comment.

133. *What are the costs of agreeing and implementing voluntary or sectoral measures for the protection of important marine species? Please give quantified examples where possible.*

Cannot comment.

134. *To what extent would businesses be prepared to implement voluntary measures such as codes of conduct for the protection of important marine species? What level of take-up would you anticipate across marine industries?*

Cannot comment.

135. *What would the costs and benefits be to businesses and others of modifying currently unlicensed activities to prevent significant impacts on biodiversity? Please give quantified examples where possible.*

Cannot comment.

136. *What are the costs of agreeing and implementing voluntary controls on unlicensed activities such as whale-watching codes?*

Cannot comment.

137. *What level of take-up would you expect to see of voluntary measures designed to prevent unlicensed activities from having significant impacts on*

marine biodiversity, such as voluntary restrictions on recreational activities in sensitive areas / seasons?

Cannot comment.

138. Would small businesses expect any of the nature conservation proposals in this consultation paper to impact specifically or disproportionately on your business? Please include an assessment of the financial and other impacts on your business sector.

Cannot comment.

139. Would any of the nature conservation proposals in this consultation paper be likely to affect the competitiveness of your business or sector? Please complete the competition filter test and include an assessment of the financial and other impacts on your business sector.

Cannot comment.

140. What costs would be entailed in the effective enforcement of the proposals in this consultation document? Please include an analysis of any cost estimates provided.

Cannot comment.

141. To what extent do you think there is scope for more efficient use of existing enforcement resources? Please give examples.

Cannot comment.