

Recommendations

- R1 The Government should promote the 'Regional Seas' approach and the framework for marine nature conservation with the European Commission, OSPAR and countries bordering on the north-east Atlantic.
- R2 A standard electronic marine and coastal map/chart base should be established, extending seamlessly across the coastline, which can be used at a range of scales from the Regional Sea (1:1,000,000 or less) to local level (1:10,000 or greater). Consideration should be given to a strategic funding mechanism to enable the necessary harmonisation.
- R3 A national marine information network should be established, based on harmonisation rather than integration. There is likely to be a key role for a number of institutions and bodies having the capability of managing data in the long-term, and providing public access to it, each managing and providing access to specific datasets to common standards. Data standards should be developed, where possible jointly with the other countries bordering Regional Seas and with the European Union, in order to facilitate the establishment and operation of this system. A mechanism to co-ordinate this will need to be established.
- R4 All marine data collected with public funds, or as a consequence of Government or Public agency contracts, should be held electronically to agreed formats and standards and placed in the public domain within specified timescales. These data should be contributed to a national marine information system once established. Public funds made available to universities, research institutes or other organisations should be subject to these conditions.
- R5 Environmental data collected by the private sector for the purpose of complying with a regulatory procedure (e.g. for Environmental Impact Assessment) should be collected to agreed formats and placed in the public domain within specified timescales.
- R6 Improved co-ordination of data collection activities needs to be achieved, including in relation to research activities, in order better to meet the needs of society and to make the most efficient use of available resources. This should include much clearer identification of the specific data collection responsibilities of public bodies. In the UK, Defra should take the lead in developing improved co-ordination, including in relation to liaising with neighbouring countries. A greater degree of collaboration between survey organisations should be promoted and encouraged.
- R7 Information on the sources, availability, extent and attributes of datasets (comprehensive metadata) for the marine environment needs to be easily and widely accessible.
- R8 To achieve successful application of the ecosystem approach, international and national policy and legislation should support, and not frustrate, the achievement of strategic goals for the marine environment. Incentives and subsidies which encourage or support unsustainable impacts on ecosystems should be avoided. For example, and in particular, efforts should continue to mitigate the adverse effects of EU fishing incentives and replace them by incentives which promote the restoration of fish

stocks, support responsible fishing practice, and encourage the diversification into other, sustainable, uses of the marine environment.

- R9 Action to co-ordinate and rationalise marine environmental monitoring, and the monitoring of human impacts on the environment, should be completed and extended. Monitoring programmes need to address the requirement to assess the state of our seas. Co-ordination of monitoring with adjacent countries through *inter alia* the development of agreed standards and of data sharing should also be pursued.
- R10 A system of biogeographical Regional Seas should be developed for the north-east Atlantic by the relevant countries in conjunction with the EU and OSPAR. A good starting point would be the system suggested for UK waters.
- R11 The biogeographical Regional Seas referred to in R10 should be considered as a basis for strategic planning and management of national and adjacent waters. It may be desirable to combine some biogeographic regional sea areas into larger areas which are administratively better suited for such strategic planning and management.
- R12 Consideration should be given to the establishment of fora at the Regional Sea level to improve co-ordination and collaboration in management planning, data collection, survey and research.
- R13 The biogeographic Regional Seas can be used to guide the selection of Special Areas of Conservation under the EC Habitats Directive, and the prospective marine protected areas selected under OSPAR Annex V, to ensure the necessary representation of geographical and ecological variation in the development of ecologically-coherent site networks.
- R14 The marine landscape approach should be adopted as a key element for marine nature conservation and utilised in the spatial planning and management of the marine environment. The approach should take account of broadscale marine habitat information, as this information becomes available over time. In coastal and estuarine waters the approach should seek to complement that taken under the Water Framework Directive (in relation to typology and reference conditions) at a more detailed level.
- R15 A list of internationally-agreed marine landscapes for the north-east Atlantic should be developed. It is suggested that the list identified for the Irish Sea be expanded to include landscapes not found in the Irish Sea and further refined as necessary. Work to complete the mapping of these marine landscapes in the north-east Atlantic should be undertaken in collaboration with other countries.
- R16 The methodology for sensitivity and vulnerability of marine landscapes should be further developed and refined, having due regard to relevant standards being developed in relation to the Water Framework Directive. It should be recognised that for purposes of local spatial planning, these assessments should be enhanced using the additional biological information which is available in inshore and coastal environments.
- R17 The criteria for the identification of nationally-important marine features, as modified and shown in Appendix 4, should be adopted by the UK subject to any refinement

that may be needed following further discussion with other countries through EU and OSPAR. The upper and lower ends of the range of nationally-important features should be marine landscapes and species respectively, but the scale at which habitats are selected should be left to judgement in the light of relevant circumstances.

- R18 Further work should be carried out to determine which nationally-important features may require specific Action Plans. A single national process, including work undertaken under the UK Biodiversity Action Plan in relation to marine features, should be operated in the identification of nationally-important features and of the action needed to meet their conservation requirements.
- R19 An ecologically-coherent network of nationally-important areas for the Regional Sea should be identified using the criteria set out in Appendix 5, and the principles set out in this Report. Proportionate and relevant measures should be taken to protect these areas from harm as a result of human activities.
- R20 In the selection of nationally-important areas, for those marine landscapes where there are sufficient data available, representativity and biodiversity criteria should be applied and 'best examples' identified. Using best available information, areas qualifying under critical area or nationally-important features criteria should be identified as far as possible.
- R21 For data-poor (normally offshore) areas, GIS data should be collated to allow a broadscale scoring of areas against the naturalness and biodiversity criteria. A marine landscape classification is necessary to use as a surrogate for more detailed ecological data. Marxan can then be used to complete the identification of a full set of nationally-important areas within the Regional Sea. This process should take into consideration best available information on naturalness and typicalness, the distribution of records of nationally-important marine features, patterns of biological diversity, and the distribution of marine landscapes.
- R22 Nationally-important areas for geology and geomorphology in the marine environment should be identified from present knowledge, and measures taken to conserve them which are proportionate and relevant to likely threats from human activities.
- R23 To the extent practicable, conservation measures taken should be integrated with those taken for the conservation of biological diversity.
- R24 Data, information and materials relating to nationally-important earth science sites should be made widely accessible.
- R25 The national strategic goals, objectives and targets for the marine environment should form the basis for policy guidance and strategic planning for the marine environment and its sustainable development.
- R26 The conservation objectives should be integrated into a single, unified set of national strategic goals and objectives for the marine environment and its sustainable development.

- R27 A process should be established to identify and set appropriate targets for each operational conservation objective which are consistent with achieving international and national commitments and strategic goals, including implementation of the ecosystem approach.
- R28 The government should identify which of the conservation objectives and targets should be incorporated for use in the national marine monitoring programme.
- R29 Effective mechanisms are needed to implement marine spatial planning out to 200n miles. Mechanisms should include:
- i. the introduction of marine spatial planning as a statutory process involving national planning guidelines, strategic plans at Regional Sea level and more detailed local plans;
 - ii. marine spatial planning should cover development and other sectoral activities both current and proposed;
 - iii. marine spatial planning should adopt an ecosystem approach and seek to implement conservation and other sustainable development objectives;
 - iv. placing duties on public bodies to carry out their functions in accordance with the principles of sustainable development and to further the achievement of the conservation objectives included in the plans;
 - v. consensus should be built internationally to develop effective planning and management policies at the Regional Sea scale.
- R30 The seaward limit of Sites of Special Scientific Interest and Areas of Special Scientific Interest should be defined in law.
- R31 Additional legislation is needed to ensure that an ecologically-coherent network of nationally-important areas can be established and conserved. This legislation should require that such a network be established and should set out the procedures for doing so. These should be as simple and straightforward as practicable and seek to replace or complement, rather than overlap, existing legislation.
- R32 The legislation referred to in R31 should include provision for the preparation of a single management scheme for each area to ensure the conservation objectives for the area are met. The legislation should identify the organisation responsible for co-ordinating the development of the scheme, and a duty should be placed on the relevant regulatory authorities to carry out their functions in accordance with the scheme. Where a site crosses jurisdictions, a management scheme should be developed jointly by the relevant countries.
- R33 The legislation referred to in R31 should provide for the effective regulation of potentially damaging activities which could affect the area adversely.
- R34 The European Commission should clarify the means of achieving the effective regulation of fishing in nationally-important areas, including European marine sites, beyond 6n miles, and address the need for the appropriate assessment of CFP decisions and compliance with management schemes.

- R35 National legislation should make it an offence to kill, injure or take any species listed for such protection without the need to show intent. A defence should be provided in relation to acts incidental to otherwise lawful operations but this defence should be removed if available technical measures to reduce such incidental impacts are not taken.
- R36 The requirement for the Secretary of State and other relevant Ministers to list species and habitats requiring recovery measures to be taken for their conservation, and to promote such measures, should be applied to all national waters.
- R37 Controls over the introduction of marine non-native species should include measures to provide for adequate containment, enforcement and the eradication of problem non-native species.
- R38 The provisions in the Habitats Directive relating to surveillance of habitats and species of Community importance, and in relation to regulating the exploitation of Annex V species, should be transposed into national legislation.
- R39 The application of the Strategic Environmental Assessment Directive to fisheries and marine transboundary issues should be clarified. The publication of detailed guidance designed for marine plans or programmes is required.
- R40 Agreement with the fishing industry should be sought on how fisheries activities should be defined in plan or programme terms and on the adoption of a policy to undertake Strategic Environmental Assessment of fisheries.
- R41 Monitoring of the implementation of plans or programmes should be made a duty in the Strategic Environmental Assessment regulations to assess the accuracy of environmental changes predicted by the Strategic Environmental Assessment process and to ensure that unexpected impacts have not occurred.
- R42 A statutory approach to surface water quality should be applied to the whole marine environment. A framework could be based on extension of aspects of the approach required by the Water Framework Directive such as measures of ecological quality, the status and quality of water bodies, and the use of objectives.
- R43 Closer integration of fishing industry and nature conservation objectives should be developed, including by using an ecologically-coherent network of protected areas to support fisheries management.
- R44 Small scale, funded, trials of protected areas including no-take zones should be set up at the Regional Sea scale with the involvement of the fishing industry. The results of trials established on fish numbers and population health should be monitored to assess the costs and potential benefits of protected areas and no-take zone management mechanisms.
- R45 Regional Advisory Councils should be established, at the appropriate scale to enable effective stakeholder involvement. The Councils should have a combined fisheries management and environmental remit and should be empowered to test Regional Sea scale fisheries management options developed through cross-sectoral partnership working. A Regional Advisory Council should be established for the Irish Sea.

- R46 Adequate conservation measures for non-quota commercial species should be prepared at national and European levels, including the identification of protected areas and the setting of safe biological limits to maintain an ecologically-sustainable fishery for each stock.
- R47 Proposals for national legislation and a CFP regulation requiring the use of pingers to protect cetaceans from bycatch should be enacted, monitored and enforced. Further measures to limit by-catch of undersize target species and non-target species should be developed and resources for enforcement should be increased to ensure the regulations are effective.
- R48 The Community action plan to reduce discarding should be implemented in full, including within the Irish Sea, to promote the restoration of damaged stocks.
- R49 The national management of fisheries within the 6-12n mile zone should be strengthened under new legislation, as is now permitted by the Common Fisheries Policy, to provide enhanced national control of such fisheries to address local and regional needs. Additional powers and resources to implement new management approaches and improve the enforcement of regulations should be provided. International co-ordination to develop shared objectives for such management should be carried out at the Regional Sea scale.
- R50 Integrated planning and management strategies for mariculture should be prepared throughout the UK which take account of all impacts such as on fisheries, nature conservation and water quality.
- R51 Measures to implement Marine Environment High Risk Areas should be brought to a rapid conclusion, and incorporated within the wider MARPOL Particularly Sensitive Sea Area for Western Europe.
- R52 The accidental introduction of non-native species by ships, such as via hull fouling, should be researched and options for control developed.
- R53 Voluntary partnership, or local bylaw, approaches to regulation of small motorised craft should be developed with users. A national, consolidated code of conduct should be established to prevent disturbance of marine wildlife from noise generated by motorised craft.
- R54 The responsibility for the enforcement of marine nature conservation legislation should be made explicit. That responsibility may be different in intertidal and nearshore situations from that further offshore.
- R55 The authority(ies) responsible for enforcing marine nature conservation should have, or should have ready access to, the requisite powers of stop, search, seizure and arrest, and the necessary vessels, equipment and other resources necessary to carry out that enforcement effectively.
- R56 Where a number of different organisations are involved in carrying out marine nature conservation enforcement, new, probably statutory, collaboration, co-ordination and training measures should be developed and put in place.

- R57 A co-ordinated national system for recording offences, incidents and prosecutions in relation to marine nature conservation should be put in place.
- R58 A detailed investigation should be undertaken to consider the level of enforcement action necessary to implement existing and proposed new marine nature conservation legislation, what vessels, equipment and other resources are required to carry out that enforcement, and which organisation(s) should have the enforcement responsibility away from near coast situations. While the Pilot defers a recommendation on enforcement responsibilities pending the current Defra review on marine fisheries enforcement arrangements, it suggests that nature conservation enforcement away from near shore locations may best be undertaken by those undertaking the enforcement of fisheries legislation.
- R59 A Cabinet committee or other cross-departmental authority be established to take overall responsibility for strategic planning in the marine environment and to develop the necessary links with other countries to ensure complementary working at the Regional Sea scale.
- R60 In the UK, Defra should take the lead in developing strategic plans for the Regional Seas in full consultation with other UK Government Departments and devolved administrations, and in liaison with relevant other countries.
- R61 To the extent practicable, fisheries, mariculture, marine pollution and nature conservation should come within the policy oversight of a single Government Department.
- R62 Following completion of the various reviews being undertaken by Government on regulatory procedures and on enforcement in the marine environment, any necessary adjustment be made to existing responsibilities.
- R63 It is recommended that the marine nature conservation framework as set out under paragraphs 447 to 452 of this Report be adopted for use in the UK and promoted with other countries in the north-east Atlantic area.
- R64 Resources should be sought from the relevant national jurisdictions and statutory agencies, and from the European Union, to complete the work identified in this report in relation to the marine nature conservation framework for the Irish Sea, and to develop detailed proposals for a comprehensive marine spatial planning framework following a trial of initial proposals on the Irish Sea.