

1. MARINE NATURE CONSERVATION AND SUSTAINABLE DEVELOPMENT

1. The Irish Sea Pilot was undertaken to help develop a framework for marine nature conservation within a wider strategy for sustainable development in the marine environment. Such a framework would need to operate at a range of scales, from global to local, including at the scale of the biogeographic ecosystem (the 'Regional Sea'). Regional Seas in the north-east Atlantic area normally include waters within the jurisdiction of several countries. For this reason, it is hoped that the Irish Sea Pilot will be of interest and value to other countries. The policy context and background to the Pilot are summarised below.
2. On 1 May 2002, the Secretary of State for the Environment, Food & Rural Affairs launched the United Kingdom Government's Report *Safeguarding our Seas: A strategy for the conservation and sustainable development of our marine environment* (Defra, 2002a). The Report aimed to address the United Kingdom's international and European Union commitments to the conservation and sustainable development of the marine environment based on an ecosystem approach.
3. One of the important components of the developing strategy initiated through the publication of *Safeguarding our Seas* was the need to develop a framework for marine nature conservation set in the context of sustainable development. Such a framework would incorporate international obligations for nature conservation, particularly those arising from the UK's membership of the European Union, and contribute to delivery of the EU's marine thematic strategy.
4. During 2000, a draft framework for marine nature conservation was proposed by English Nature, and supported by the UK statutory nature conservation agencies and the Joint Nature Conservation Committee (Laffoley *et al.*, 2000). The geographical scope of the draft framework extended from high water mark out to the limits of UK jurisdiction. For the seabed, this is the area designated in accordance with the Continental Shelf Act, 1964, and, for the water column, the area included within British fishery limits.
5. The proposed framework for marine nature conservation was one which could, with any necessary amendment and their agreement, be extended to the marine environment of neighbouring countries. It is summarised below.

Draft Framework for Marine Nature Conservation

6. The draft framework for marine nature conservation had four main elements. These were:
 - i. *The Wider Sea*

The Wider Sea includes all seabed and overlying waters under UK jurisdiction, together with those of adjacent waters. Issues such as pollution, water quality, wide-ranging marine species and environmental change, would be addressed at this level;
 - ii. *Regional/subRegional Seas*

Regional Seas were to be ecologically meaningful subdivisions of the Wider Sea. Such medium-scale marine ecosystems were envisaged as the appropriate scale within which to map and describe biodiversity, identify conservation priorities, and manage human activities in accordance with sustainable development principles;
 - iii. *Marine landscapes*

Within each Regional Sea, geophysical and hydrographical data would be used to map the main types of 'marine landscapes' present, their constituent biological communities would be identified or predicted, and their sensitivity to a range of human activities assessed. The degree to which human activity needed to be managed in order to conserve each of the various marine landscapes could then be assessed and any necessary management put in place. Some marine landscape types might require a strict level of protection, others less so;

iv. Habitats and species

Habitats and species which were both nationally-important and also potentially sensitive to human activities would be the subject of special measures (in addition to those required under European legislation for habitats and species of international importance). Such measures would be likely to include the identification of areas within which potentially-damaging human activities would be strictly regulated.

At the Regional Sea level, it was expected that the conservation requirements of marine landscapes, habitats and species could be addressed, at least in part, through a system of human activity zoning and spatial planning.

The Review of Marine Nature Conservation

7. The background to the development of the draft framework for marine nature conservation was the Review of Marine Nature Conservation which was established in 1999 in fulfilment of the UK Government's pledge to accompany the strengthening of protection for terrestrial wildlife sites with an examination of the effectiveness of nature conservation in the marine environment, including intertidal and coastal waters. The Review was conducted initially by officials of the former Department of the Environment, Transport and the Regions, and subsequently of the Department for Environment, Food & Rural Affairs (Defra), supported by a Working Group drawing upon a wide range of interests.
8. While recognising that the draft framework could well prove extremely valuable for marine nature conservation, the Review of Marine Nature Conservation Working Group acknowledged that it was largely untried in practice, and considered that it should be trialled through a Pilot to determine whether it could be implemented or whether it needed to be modified. It would be important in such a trial to balance nature conservation needs with those of the wide variety of human activities that occur in the marine environment.
9. In March 2001, the Working Group published an Interim Report (Defra, 2001) in which it set out a number of recommendations for further work. One of these recommendations was that: 'Based on the work of the [UK nature conservation] agencies and JNCC, and in consultation with other marine regulators and users, the Regional Seas approach should be tested through a pilot, at the regional sea scale, which could demonstrate the application of the regional seas/marine landscapes concept and examine how far the conservation management needed within the pilot area could be delivered through existing systems. The pilot may well need further work, on which the agencies and the Working Group could advise, to explore the possibilities in detail. It should ensure that it involved all relevant interests and trial the best means to secure their on-going involvement at this scale. The outcomes of the pilot would be recommendations as to a refined framework for marine nature conservation in UK waters, and the legislative and administrative actions that were needed to implement it' (Paragraph 147 iii of the Interim Report).
10. The Interim Report made a number of other recommendations which were highly relevant to the proposed Pilot. These included:
 - i. 'There is a need to draw together the identification of those habitats, sites and species which are nationally-important and which justify conservation action.' (Paragraph 147 ii);
 - ii. 'they [JNCC and country nature conservation agencies] should investigate the development of a comprehensive UK marine landscape classification and propose marine landscapes targeted for conservation action.' (Paragraph 147 v);
 - iii. 'An exercise should be mounted by Government which seeks to identify best practice in marine enforcement both here and abroad, including both methods now available in this area, and common approaches in relation to regulators' relationships to sea users.' (Paragraph 147 viii);

- iv. 'Government should give consideration to whether any changes in the governance of marine issues might need to follow from action to implement the conclusions of this Report, for example to ensure that the devolved administrations are properly engaged in marine matters and to address those matters where the UK's competence is shared.' (Paragraph 147 ix).
- 11. During 2001, the Working Group developed a detailed costed specification for work proposed under the Pilot, which also aimed to support and trial aspects of the work specified in paragraph 10 above. The Working Group recommended that the Pilot be undertaken on the Irish Sea because it was of appropriate scale, was relatively well-documented, and because all the UK administrations and relevant agencies would be able to participate in the work. Potentially, and with their agreement, it would also be possible to involve other Governments, namely the Governments of the Isle of Man and of the Republic of Ireland, thus testing the international aspect of managing a Regional Sea.
- 12. On 1 May 2002, the Secretary of State for the Environment, Food and Rural Affairs announced the Government's intention to proceed with the Pilot scheme recommended in the Interim Report.
- 13. On 21 May 2002, Defra and the Joint Nature Conservation Committee (JNCC) signed a Service Level Agreement which authorised JNCC to undertake the work set out in the specification for the Pilot agreed by the Review of Marine Nature Conservation Working Group. This agreement enabled JNCC to incur expenditure and enter into contractual arrangements, including the employment of staff, for that purpose. Work effectively commenced on the Pilot on 21 May 2002 and was scheduled to be concluded within 21 months.