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## **JOINT NATURE CONSERVATION COMMITTEE**

### **IRISH SEA PILOT**

#### **Paper by Malcolm Vincent**

1. The Irish Sea Pilot was undertaken as part of 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.
2. The objectives of the Pilot were to:
  - i. test a framework for marine nature conservation which had been proposed to the Review of Marine Nature Conservation Working Group by English Nature and supported by the UK statutory nature conservation agencies and JNCC;
  - ii. test ways of integrating marine nature conservation into key sectors in order to make an effective contribution to sustainable development on a regional basis;
  - iii. determine the potential of existing regulatory mechanisms for delivering effective marine nature conservation and identifying any gaps;
  - iv. recommend measures to fill the gaps identified.
3. The framework to be tested was based on the undertaking of marine nature conservation at a range of scales, including:
  - i. at the *Wider Sea* scale - essentially the North-east Atlantic or even wider in terms of international policy development;
  - ii. at the *Regional Sea* scale - regional seas are medium-scale ecosystems and represent the appropriate ecosystem scale for integrated marine management at a broad scale;
  - iii. at the scale of *Marine Landscapes* - marine landscapes are small scale ecosystems or medium-sized habitats and are a suitable scale to contribute to strategic planning at the regional level;
  - iv. at the scale of *nationally-important areas* - these are the equivalent to protected sites;

- v. at the scale of *nationally-important habitats and species* requiring specific action to ensure their conservation - these are equivalent to BAP priority habitats and species.
4. On 1 May 2002, the Secretary of State for the Environment, Food and Rural Affairs announced that the Government would undertake the Pilot. On 21 May 2002, Defra and JNCC signed a Service Level Agreement whereby JNCC agreed to undertake the Pilot on Defra's behalf. Defra made available funds of £397,200 to cover the costs of the Pilot; subsequently a further £37,800 was provided by other partners to enable additional work to be carried out, and JNCC contributed previously-planned work of relevance to the Pilot worth £34,400.
5. The Pilot commenced on 21 May 2002 and was completed in March 2004, to budget and to time. The work was carried out primarily by a small project team based at English Nature's Kendal Office, led by Dr Steve Atkins of SNH, supported by Chris Lumb of English Nature, with considerable support also being provided by JNCC's permanent marine staff, both in Peterborough and Aberdeen.
6. The Irish Sea was selected for the Pilot 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 the Republic of Ireland, thus testing the international aspect of managing a Regional Sea. In the event, both Governments of the Isle of Man and of the Republic of Ireland participated in the Pilot.
7. The work of the Pilot was overseen by a Steering Group chaired by Defra and comprising representatives of the Government of Ireland, the Government of the Isle of Man, the devolved administrations, relevant statutory agencies, representatives of the fishing industry and of other industries, and the conservation NGOs. For the country agencies, the Countryside Council for Wales (acting also for JNCC), and the Environment and Heritage Service, were represented on the Steering Group.
8. The role of the JNCC was to carry out the work specified for the Pilot and produce a report to Defra and the Steering Group on the outcomes of that work. These conclusions will then be considered by the Review of Marine Nature Conservation Working Group for inclusion within its Report to Government. This Report will cover not only the work of the Irish Sea Pilot, but also other work commissioned by Defra or undertaken by two subgroups established by the Working Groups. One of these subgroups considered Legislative Mechanisms, the other Information Provision.
9. The Review of Marine Nature Conservation's Working Group will consider, on 11 March 2004, a first draft of its Report to Government and will discuss general issues of content and structure. It is likely that the Report will go through several drafts before it is agreed by the Working Group. It is expected that Government will carry out an extensive consultation on this Report during the latter part of 2004.
10. As regards the Irish Sea Pilot report, Defra has determined that it be disseminated as a contract report for information and future use, recognising that the conclusions set out in the report are not necessarily those of the Government, the organisations

represented on the Steering Group or the Joint Committee. This dissemination, independent of the Review of Marine Nature Conservation's own Report, was considered necessary also because it dealt with issues relevant also to Ireland and the Isle of Man (i.e. it was not solely a UK report).

11. The main conclusions of the Irish Sea Pilot report are contained in the Executive Summary which is given at Annex 1.
12. The Irish Sea Pilot Report has been formally submitted to Defra to comply with contractual and budgetary obligations, and will be circulated to the Joint Committee shortly.
13. The Joint Committee is invited to **discuss** the issues raised in the Executive Summary and Recommendations for the purpose of providing guidance as to key recommendations they would like to see reflected in the Report of the Review of Marine Nature Conservation's Working Group.

## ANNEX 1

### EXECUTIVE SUMMARY

1. *Introduction.* The purpose of the Irish Sea Pilot was to help develop a strategy for marine nature conservation that could be applied to all UK waters and the adjacent waters of the North-East Atlantic. The work fulfils a commitment made by the UK Government in May 2002, at the launch of *Safeguarding our Seas*, and was funded primarily by Defra with contributions from other partners.
  
2. A proposed framework for marine nature conservation, developed as part of Defra's Review of Marine Nature Conservation, envisaged the need to take action at a range of scales. These scales were i) the Wider Sea ii) the Regional Sea iii) Marine Landscapes and iv) nationally-important habitats and species. The proposed framework anticipated that a range of measures would be needed to conserve marine biodiversity including protected areas, spatial planning and other measures. The Pilot tested the practicality and potential method of operation of the proposed framework and the additional measures needed to put it into effect. It makes 64 recommendations. The work and its main findings are summarised below.
  
3. *Data and Information.* The appropriate management of the marine environment is dependent on adequate information and data. While intertidal and near-coast biological information was found to be satisfactory, data were sparse for most offshore localities to a degree which would constrain good decision-making. Furthermore, some survey data were not available to the Pilot; either because they were held in an inappropriate format or because the data owner declined to release it. The principal conclusions are:
  - a national marine information system should be established to which marine data should be contributed using agreed data standards;
  - all marine data collected with public funds, and environmental data collected by the private sector for the purpose of complying with a regulatory procedure, should be placed in the public domain within specified timescales;
  - improved co-ordination of data collection and research activities needs to be achieved, and there should be a greater degree of collaboration between survey organisations.
  
4. *The Wider Sea.* The seas make an important contribution to the economy and quality of life of the United Kingdom through their contribution to a wide range of sectoral activities. The regulation of many of these activities is determined or influenced by UN Conventions and by European Union legislation. The principal conclusions are:
  - there is a need to ensure that international policy and legislation supports, and does not frustrate, the achievement of the strategic goals set for the marine environment;
  - human activity should be managed effectively at the national level to achieve the maintenance, or restoration, of good ecological conditions, and the conservation and sustainable use of the marine environment;
  - a national system of co-ordinated environmental monitoring, together with the monitoring of human activities, should be implemented.

5. *Regional Sea.* The boundaries of the Regional Sea can be determined initially in terms of biogeography modified as necessary to accommodate the practicalities of human activity management. They provide an appropriate scale at which to map and describe biodiversity and at which to manage human activities within the marine environment. The principal conclusions are:
  - a system of biogeographical Regional Seas should be developed for the North-East Atlantic;
  - these Regional Seas, modified as necessary to facilitate human activity management, should be considered as a basis for marine strategic planning and management;
  - 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.
6. *Marine Landscapes.* The Pilot tested the concept of 'Marine Landscapes' which is based on using geophysical and hydrographical data to identify habitat types in the absence of biological data. If reliable, such an approach would enable management measures for offshore areas to be developed with confidence in the absence of biological data, which is very expensive to obtain in offshore areas. The Pilot successfully applied this approach to the Irish Sea, identifying and mapping 18 coastal and seabed marine landscape types, and 4 water column marine landscape types. The principal conclusions are:
  - the marine landscape approach should be adopted as a key element for marine nature conservation, and utilised in spatial planning and the marine environment;
  - a list of internationally-agreed marine landscapes for the North-East Atlantic should be developed, and work to map these marine landscapes in these waters should be undertaken in collaboration with other countries.
7. *Nationally-important marine features.* The Pilot tested a draft set of criteria for the identification of nationally-important marine landscapes, habitats and species. The principal conclusions are:
  - the criteria, somewhat modified in the light of experience gained in the testing, could be adopted by the UK for the identification of nationally-important marine landscapes, habitats and species;
  - further work should be undertaken to determine which marine nationally-important features would benefit from specific Action Plans, and a unified process (incorporating the work undertaken under the UK Biodiversity Action Plan) should be operated.
8. *Nationally-important marine areas.* The Pilot investigated the concept of ecologically-coherent networks of important marine areas as envisaged under the EC Habitats Directive and under OSPAR, tested draft criteria for the identification of important marine areas, and investigated a range of methods to develop a network of areas for the Irish Sea. The principal conclusions are:
  - the identification and appropriate management of an ecologically-coherent network of important marine areas is a crucial element of the framework for

marine nature conservation;

- such a network, using the principles identified in the Report should, be identified at the Regional Sea level. The test criteria, slightly modified, are appropriate for the identification of areas within these Regional Sea networks;
  - appropriate measures should be taken to manage areas within the network, including, for selected examples of the main habitat types, measures which will ensure that the areas develop and sustain the full range of biodiversity characteristic of those habitats.
9. The Pilot also investigated means of identifying and conserving important marine geological and geomorphological areas, an aspect previously little considered in the UK or internationally.
10. *Conservation objectives.* The Pilot built on the vision and strategic goals set out in *Safeguarding our Seas* to develop a generic series of high level conservation objectives and operational objectives applicable to national waters. The principal conclusions are:
- the conservation objectives identified should be integrated into a single, unified, set of national strategic goals and objectives for the marine environment and its sustainable development;
  - a process should be established to identify and set appropriate targets for each operational conservation objective which are consistent with the strategic goals and with achieving international and national commitments.
11. *Measures required.* The Pilot investigated the requirement to manage the Regional Sea to achieve the conservation objectives at the various scales of the proposed framework for marine nature conservation, and related these to current measures and legislation operating in, and relevant to, the marine environment. The principal conclusions are:
- a statutory process of marine spatial planning involving national planning guidelines, strategic plans at the Regional Sea scale, and more detailed local plans should be introduced;
  - additional legislation is needed to ensure that an ecologically-coherent network of nationally-important areas can be established and conserved;
  - 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;
  - national legislation should be introduced to control and reduce the killing, injury and disturbance of cetaceans and certain other vulnerable species, as a result of fishing and other activities;
  - fisheries decisions and activities should be brought within the scope of Strategic Environmental Assessment, and also within the scope of plans and programmes in relevant European Union legislation;
  - adequate conservation measures for non-quota commercial species should be developed at national and European levels. The Community action plan to reduce discarding should be implemented in full.

12. *Enforcement and Governance.* The Pilot reviewed existing enforcement measures and governance systems as they affect marine nature conservation. The principal conclusions are:
- the primary responsibility for the enforcement of marine nature conservation should be made explicit;
  - the authority(ies) responsible for enforcing marine nature conservation should have, or have access to, the requisite powers and the necessary vessels and other resources necessary to carry out the enforcement effectively. Effective collaborative, and co-ordination arrangements for enforcement agencies operating in the marine environment should be put in place.
  - a Cabinet committee or other cross-departmental authority should be established to take overall responsibility for strategic planning in the marine environment.
13. *Marine nature conservation framework and follow-up work.* From the experience gained during the project, the Pilot has revised the proposed Marine Nature Conservation Framework. The attached report provides a specification for applying the framework to other Regional Seas, and identifies further work in relation to the Irish Sea. Finally, the Pilot identified the work needed to develop a national marine strategic and spatial planning system. The principal conclusions are:
- the revised marine nature conservation framework set out in the report be adopted for the UK and promoted with other countries in the North-East Atlantic;
  - resources should be sought from relevant national jurisdictions and statutory agencies, and from the European Union, to complete the work to apply the marine nature conservation framework to the Irish Sea, and to develop detailed proposals for a comprehensive marine strategic and spatial planning framework following a trial of initial proposals on the Irish Sea.
14. *International working.* While the foregoing conclusions are intended to apply directly to the United Kingdom, one of the main conclusions of the Pilot was the importance of working closely with international Government partners and stakeholders. This will be crucial in the effective future management of the national seas and adjacent waters.