

A Future for our Seas

Wildlife and Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas. Achieving these improvements will require coordinated action at UK level and by the devolved administrations. This paper has been developed in consultation with colleagues in sister Link organisations – Wales Environment Link, Scottish Environment LINK, and Northern Ireland Environment Link – who will be calling for specific changes to improve the devolved management of the marine environment.

What future do we want for our marine environment?

Our precious marine species and habitats and maritime archaeology are in decline, and no adequate system of protection and management exists. Reform and updating of marine conservation law must start by encapsulating the goals and aspirations that society wants it to achieve through a stated objective for marine conservation.

What is needed?

Current nature conservation legislation tends to establish various components aimed at conserving biodiversity (eg species protection and site designation measures). However, the legislation itself does not express any summary of how the conservation system as a whole should work, and why – ie there is no stated objective. Furthermore, marine conservation is increasingly criticised because the job which society now wants it to do is much more exacting than its legal foundations are equipped to support. The much-needed reform and updating of marine conservation law must start by encapsulating society's goals and aspirations for it. This also makes political sense – by setting an overarching vision Government will more easily be able to determine what building blocks are needed to achieve that vision.

Why is reforming the law important?

Statutory purposes exist in a range of environmental legislation. For example, the purpose of the EU 'Habitats' Directive is "*to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora*". The 'Habitats' Directive also includes a specific purpose for the Natura 2000 designated site network – "*to enable natural habitat types... to be maintained or, where appropriate, restored at a favourable conservation status*". However, at present there is no statutory purpose for marine conservation in the UK.

The relationship between a statutory purpose for marine conservation and competent authorities' responsibilities also needs to be defined (that is, how competent authorities should respond with respect to the purpose). The 1994 'Habitats' Regulations provide a simple example of how this can be achieved, stating that "*any competent authority having functions relevant to marine conservation shall exercise those functions so as to secure compliance with the requirements of the Habitats Directive*".

In addition, legislation must define when it will be appropriate to override marine nature conservation interests – eg for reasons of national security – and what happens when





this is the case (eg a requirement to minimise damage, restore any damage caused and compensate for any damage that cannot be restored).

How can the law help?

New and reformed marine conservation legislation, at UK and devolved country levels, should:

- Enshrine a general purpose of marine nature and heritage conservation in statute;
- Place a more specific purpose on networks of nationally important marine wildlife areas and underwater cultural heritage sites;
- Give a general duty of care to all competent marine authorities to further the statutory purpose;
- Define the circumstances when the statutory purpose may be overridden and what the consequences of doing so are; and
- Provide appropriate definitions, such as 'conservation', 'public interest', 'wildlife' and 'cultural heritage'.

For more information

To receive further copies of this or other Link marine briefings, or for further information on any of the issues raised, please contact Annie Smith at Wildlife and Countryside Link: 020 7820 8600 / annie.smith@wcl.org.uk.

The following Link marine briefings are also available:

- *Act before it's too late;*
- *The right governance of our seas;*
- *Protecting our nationally important marine wildlife sites;*
- *Better protection for marine wildlife;* and
- *A planning system for our seas.*

To receive information on Scottish Environment LINK's parallel campaign for marine reform, please contact Calum Duncan on 0131 2266360 / scotland@mcsuk.org.