



Marine Bill Consultation Team  
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**BY EMAIL**

## **CONSULTATION ON A UK MARINE BILL RESPONSE OF THE MARINE INFORMATION ALLIANCE**

Dear Sir or Madam,

Please find attached the response to the UK Marine Bill consultation from the Marine Information Alliance (MIA).

The Marine Information Alliance is a publicly and privately funded initiative of the Institute of Marine Engineering, Science and Technology (IMarEST), an international professional membership body and learned society for all marine professionals.

The mission of the MIA is to enhance cooperation between public, private and academic organisations in support of integrated and sustained marine observation, monitoring and forecasting. Through collective involvement and partnership the Alliance seeks to foster societal benefit, foster commercial enterprise and support long term business sustainability.

The response of the Marine Information Alliance is supplementary and complimentary to the response of the IMarEST which represents a broader remit.

Yours Faithfully,

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## **MIA RESPONSE TO THE UK MARINE BILL CONSULTATION**

The Marine Information Alliance (MIA) has reviewed the UK Marine Bill consultation document in terms of its potential impacts on marine information collection, dissemination and application in both a UK and an international context.

### **LARGER ISSUES OUTSIDE OF THE SCOPE OF THE SPECIFIC QUESTIONS POSED IN THE DOCUMENT**

1) The issue of devolved administrations remains a concern. The bill attempts to offer integrated solutions for all the UK's administrations but can not mandate them. An agreed approach between all the UK's administrations would have made the proposed bill more coherent and increased the probability that the final version would be workable and significant in its impact. Unless this issue is addressed before the Bill is implemented it is unlikely that it will be able to make the positive impact around the UK's seas that is intended.

The consultation document refers to the Marine Data and Information Partnership (MDIP) on 7 occasions as being the body to coordinate and improve availability of marine data and information. However, whereas MDIP is an initiative that encompasses the devolved administrations the planned marine bill does not. A clarification of MDIP's role in the context of the bill will as such be required.

2) It is of concern that the UK Bill precedes the outcome of the European Maritime Policy consultation. Consequently, there is scope for negatory should the EU requirements differ substantially from the Marine Bill. To allay these concerns it would be helpful to understand the intended timetable for the interaction between national and EU legislation. For example, amongst other things the EC maritime policy proposes the potential setting up of a European Marine Observation and Data Network and states that such a network would require the EU to take legislative, institutional and financial steps. The UK must ensure that progress made in the Marine Bill is in line with changes taking place at a European level.

The wider national, regional and global requirements for marine data must also be considered alongside European directives and initiatives, such as INSPIRES and GMES which will impact on how data is collected and made available.

## MARINE SPATIAL PLANNING

### **Q1. Is it appropriate for the UK Government to consider creating a new system of Marine Spatial Planning?**

Yes it is appropriate to consider MSP. MSP underpins most of the proposed content in the bill from licensing to provision of Marine Protected Areas. However, large questions arise over the proposed cost of MSP and who fund.

It is appropriate from a marine information perspective, as it could encourage/support a more coherent and consistent requirement for access to marine information.

### **Q3. Do you have any views on the broad objectives of marine spatial planning laid out above?**

8.33 Item d) is a sensible objective which is to be welcomed if it can be achieved. While the approach may be more cost effective, it should not be envisaged as less costly. More coherent (in time, space, parameters and quality) data sets will be required to support more consistent marine spatial planning processes and decisions. Furthermore, the barriers to making commercially collected, project specific data more widely available in a consistent and useable form should not be underestimated.

### **Q4. What are your views on MSP as a context or framework for decision making?**

A MSP which provides a base for decision making is an important aim. However it is thought that perhaps the bill is premature until there is:

- a) Agreement between UK administrations on the fundamentals underpinning the Bill.
- b) Sufficient evidence collected to determine the present state of the environment and assess current (and future) uses. This is currently being undertaken under the Marine Data Information Program, however, this program is not consistently funded and the two-year program is being undertaken in agencies and academia on an as and when basis
- c) An evaluation of the costs applied. It is believed the current costs as stated in the RIA are unrealistic. Simple consideration of the number of people required to support MSP, and their market rates of pay supports this argument.
- d) An understanding of the direction, if not the full implications of the EC Maritime Policy/EU Marine Strategy.

The greater transparency in decision making noted in 8.37c is likely to expose the present lack of sufficient data to make decisions on a consistent and coherent basis. If this leads to better data and thus better decisions, it is to be welcomed. If the present data availability



drives the decision making process, this has the potential to lead to poor decisions, based on poor understanding of the marine system.

**Q5. To what extent, if at all, should plans be binding on decision makes and decision making?**

We believe the plan should be non-binding at this point but with an option to become binding in the future. The current challenge on making a plan which is binding is the lack of availability of data and a founding on sound science.

**Q6. Do you have any views on the broad underlying principles for MSP?**

We would question how MSP will be integrated with management for European seas? The current proposal is poorly framed with respect to Europe.

**Q7. 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?**

The adequacy of data to support decisions at the planning stage seems likely to be crucial. If the data are not adequate, it is likely both that regulators will have to deal with more disputes, disagreements and challenges, and that an increased burden will fall on businesses (possibly at planning stage, certainly at licensing stage) in endeavouring to collate information to ensure decisions are scientifically and technically sound. Thereafter (or in areas where adequate data already exist), the extent to which the regulatory burden will be reduced will also be a function of the extent to which the consenting process is also rationalised, the practical effectiveness of a MMO, etc.

As licensing is binding it needs to be established how much a non binding MSP would influence the process.

It is not clear in the stated underlying principles who would be responsible for collecting and maintaining the data required to support decisions. There seems some sense in making it the same as the planning body – but will this be competent and sufficiently well funded to carry out this task?

**Q8. Do you have any views on the geographical application of any new system of MSP?**

As there will clearly be a significant overlap between Marine Spatial Plans and the marine area covered by the Water Framework Directive's river basin management plans (RBMP), and given that an objective of MSP is to reduce rather than increase the regulatory burden, it would seem to be prudent for MSP to take on delivery of WFD objectives in the areas of geographical overlap. Ensuring compatibility with the (geographical) scope of the anticipated Marine Strategy Directive (MSD) also needs to be considered.

Much understanding of broad marine ecosystem, weather and climate related issues comes from an understanding of regional and/or global marine/atmospheric processes. This in turn

requires the long term support and maintenance of regional and global data collection and management systems, supported by complex modelling capability. Thus, although the marine Bill has a UK focus in terms of regulation, the wider regional and international requirements for data should also be recognised.

**Q15. What are your views on the scale, location and possible boundaries of the areas used for spatial plans?**

Existing Regional Seas boundaries should be used as far as possible. Further inshore, there may also be some key administrative (e.g. port authority areas of jurisdiction) and/or process (e.g. coastal cell) boundaries which, if they can be used in the MSP process could greatly assist aspects of practical implementation

Spatial plans cannot be too small as the sea is a dynamic environment, areas of sea cannot be separated easily. Different user areas overlay with some activities taking place on scales of square miles and some on scales of hundred square miles.

See also response to Q8.

**Q16. Do you think that Marine Spatial Planning should apply in the same way in all parts of UK waters?**

In some coastal areas and in some of the better studied estuaries, there may be sufficient existing knowledge and understanding to prepare plans to an appropriate level of detail. Indeed, data are more likely to exist in cases where there are existing conflicts or sensitivities. In other areas, particularly offshore, where there are fewer existing data, a higher level plan (or strategy) may be more supportable. In the first instance, therefore, there may be justification for different applications - focussing on addressing critical issues in sensitive areas whilst allowing more time for data to be collected in others

In order to fund a success Marine Spatial Plan there needs to be fundamental changes to legislation and policy across all the devolved administrations.

**Q19. 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?**

International marine data standards (for archiving and searching) are emerging (e.g. Marine XML, INSPIRE) and should be integrated into marine spatial planning process in order to achieve a consistent data set for decision making.

Increasing potential for the use of satellite data for marine monitoring should be recognised.

**Q20. What are your views on data and information availability in relation to marine spatial planning?**

The lack of available data to construct a plan is of great concern and there seems to be little cohesion between what we are aiming for in a plan and what we can realistically achieve (cost wise)

Data and information availability are likely to be crucial to the success of MSP: see our response to questions 5, 7, and 16. Of particular concern is the breadth of coverage of data. Much data collection in the marine environment is undertaken by would-be developers at and around a specified site. Without much more extensive data collection, it is difficult to determine whether information collected in such situations is typical of, or different to, the wider marine environment. This can lead to sites where certain species, habitats and/or resources are identified being labelled as 'special' when, in fact, they may simply be representative of the wider area: it is just that the breadth of data necessary to demonstrate this does not yet exist.

In areas covered by the WFD, some useful data might be collected post-2006 as the monitoring required under this Directive commences.

Ideally, data and information should be collected regularly and consistently and made freely available to all those requiring access to it. This requires significant and ongoing funding of adequate data collection and management processes. Ongoing data archiving and maintenance is a critical aspect to this in order to make available long term records which can support the understanding of climate and climate changes.

#### **Q21. What are your views on the plan making process?**

The process should be inclusive (i.e. involving all stakeholders). Full account must be taken of data issues (see response to question 20)

A non departmental group would need to look after the plan. It should be an advisory body and not a planning authority.

#### **Q22. How should conflicting demands on marine space be addressed in the development of spatial plans?**

Using sound science where sound science requires inter alia sound data and typically, long term coherent data sets.

#### **Q24. What are your views on the process of developing maps or charts as part of the marine spatial planning process?**

It is difficult to see how MSP outcomes could be effectively communicated without using maps, charts, etc.

It should also not be forgotten that maps covering the land and charts covering the sea are based upon different data. This is true to such an extent that a point on one can not be transferred to the other without considering the difference in data.

**Q25. 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?**

At plan level, sustainability appraisal (as used in land-use/spatial plans) rather than SEA arguably offers a balanced way of ensuring that environmental, social and economic factors are all taken into account.

Sustainability (technical and financial) of data and information networks to deliver the information required by the process should also be considered.

**Q26. In what ways could Government ensure that marine spatial planning would be open, transparent and inclusive?**

Achieving the correct balance between dealing sensitively with commercial confidentialities and encouraging openness and dialogue involving all parties; ensuring that no single interest has primacy. The evidence based approach is essential to planning to counteract the in built prejudices about the sea.

As noted in several points above – good quality, consistent and reliable data are essential to the whole process.

**Q28. What are your views on establishing a forum or scrutiny process to test the soundness of the plans?**

MSPs, to succeed, must be scientifically and technically sound. Agreement on how to deal with uncertainty must be reached. An expert forum or scrutiny process is likely to be essential if all parties are to have confidence in the planning process and its outcomes.

**Q29. Do you have any views on the implementation, monitoring and review of plans?**

Any marine spatial plan should be a flexible instrument. Effective monitoring and review will be vital if lessons are to be learned in this often poorly understood environment. Given the concerns about the adequacy of data expressed above, flexibility and the need for adaptive management of the marine environment (whether with regard to climate change or new developments) will be essential to effective marine spatial planning. Such flexibility needs to be informed by effective monitoring and review.

## LICENSING

Changes in the licensing regime provide an opportunity for the process of data collection and analysis in regard to providing EIA's to be influenced. Could it be a condition of license that data and information collected in the process of application be made available to the relevant body (An MDIP DAC for example?) before a licence is granted?

## MMO

**Q77. Have we correctly identified the functions that are 'core' to deciding whether to create an MMO?**

It is the believe of the MIA that an MMO should manage data and information and if possible MSP however we do not believe a single MMO as yet could manage licensing unless the terms of the bill are strengthened.

The MMO should also assist with sustainable development

**Q78 Are there other functions that are 'core' to deciding whether to create an MMO?**

Data collection or at least some control of funding for data collection should also be core to the MMO, to ensure sufficient data exist to meet MSP requirements.

**Q80. Do you consider that CEFAS should remain outside an MMO, if established?**

Yes, both because there have already been conflicts between CEFAS' role as advisor and its commercial consultancy function, and because of the need for consistency with advice on other aspects notably coastal and marine processes, where no equivalent to CEFAS exists, and nature conservation, on which the MMO should also seek advice.

**Q82. Are there other marine organisations that we should be considering merging into an MMO?**

MMO may conflict /overlap with some Environment Agency functions and this will need to be addressed.

It is largely thought that an MMO should be independent so there should be no conflicts between other departments.