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Response to the DEFRA's consultation document on a Marine Bill

My members found the consultation very heavy going, using as it did terminology without a glossary explanation of the meaning of words selected, questions which were felt not to be directly related to the needs, and written in a highly administrative form of 'Whitehallsese'. We have thus responded briefly to some of the questions posed on the matter at hand, and have tended to ignore those where it was felt that the administration was better equipped to decide and deal with matters enabling function and implementation.

On the whole we find ourselves in full agreement with the points placed by the Marine Conservation Society and by our MARINET coordinator Mr. Stephen Eades in his submission to you.

In addition, we have further concerns from our group based in East Anglia, these being mainly that of coastal erosion, hence loss of beach amenity, tourist attraction, coastal housing, the impact of spawning bed dredging causing the demise of the fishing and associate industries and the flooding hazard to much of Norfolk because of the undermining of sea defences, dune protection, sand cliffs and offshore sandbanks.

To save much unnecessary repetition, our main concerns are to be found on our MARINET website under www.marinet.org.uk/mreserves/ecosystem.html and under www.marinet.org.uk/mreserves/laymansguide.html

Our evidence on the damage being done to our marine and coastal environment is located at www.marinet.org.uk/mad/madbrieft.html
www.marinet.org.uk/mad/disappearingcoastline.html
www.marinet.org.uk/mad/nseasurges.html
www.marinet.org.uk/coastaldefences/canute.html and ...
www.marinet.org.uk/mad/scientificstudies.html

Here is a listing of those selected points addressed, giving page number and title or question number.

P4, Licensing marine activities

It must be kept in mind that some marine activities are mutually exclusive, e.g. conservation of fish stocks and dredging of the coarse grit spawning banks. The needs of the ecosystem need to be prioritised.

P5, xii. Sustainable Development must be paramount, and applied to existing and ongoing non-sustainable exploitive activities.

P9, 3.4 Your aim “to reduce the complexity and overlap in existing licensing regimes in order to reduce costs and burdens on business” is of little consequence when compared to the ongoing rape of the marine environment. It may be that further complexity is required in order to save our seas from damaging exploitation and terminal decline.

P10, 3.9 In similar vein, your objective to “facilitate economic growth” is incompatible with sustainability. The current exploitation is already evidenced as seriously damaging.

P12, 4.4e “Using sound science responsibly” must include **all** international scientific findings and not limited to that research expressed in EIA’s by those selected by, appointed by and rewarded by the dredgers themselves. Further, independent second opinions must be made available in cases of dispute.

P21, 6.19, a, b, c and d These are essential components, currently lacking.

P27 Managing Marine fisheries The emphasis of damage seems to be directed toward fishing, when in most cases fishing is the victim rather than the cause. More emphasis needs to be placed on toxic waste dumping and its assimilation into the food chain, into pathogen placement by non-tertiary treated sewage and by the habitat and spawning bed destruction caused by commercial scale aggregate dredging.

P28, 7.21 etc Consideration of the role of deep sea fishing is needed.

P32 Q1 ‘Spatial Planning’ needs to be defined. Assuming it to be specific users for specific areas, e.g. those mutually currently conflicting in a single area, it is essential. But thoughts need to be given to the provision of a ‘no-mans land’ between designated areas, i.e. an area beyond a habitat protected zone and a dredging zone so as to ensure that the silt washed overboard by the dredger does not smother any adjacent protected zone. Some two miles minimum is required.

Further, interlinking corridors must be provided between protected sites in order to allow migration and interchange of species in the same way as ‘green corridors’ by the use of hedges on land sites, so as not to isolate species. (note the UK’s non-connecting short stretches of cycle lanes, which provide the mileage demanded but defeat the objective).

P38, 8.33 e As above. Not immediately 'alongside the location'

P39, Q3. Yes – the omission of the greatest threat, aggregate dredging, which has been omitted.

P41, Q4. Spatial Planning (as I understand it) is essential.

P.41 Q5. Plans and resulting regulations must be binding and mandatory. Reliance upon self-regulation will not prove effective, as in recent environmental history.

P43, Q7 I have no concern whatsoever of any increase of regulatory burden. The environment and long term sustainability must be paramount. Business costs will be reflected as either viable or as a cessation of the damaging activity, which is what my membership wish to see.

P45 8.55 The current impact upon land (shorelines) is already considerable and cannot be left out of the equation.

P48 Q13. The time frame and introduction are urgent, already too late to stop ongoing destruction of the marine and coastal environment.

P52 8.76 a to m Many of these 'key marine resources' are mutually exclusive, and must be isolated to specific non-impacting area.

P55 Q24 The development of accurate mapping is vital and a prior essential.

P.57 Q28 A scrutiny process would be most advisable, probably essential.

P60 Q32 Although urgent, it is nevertheless essential that any legislation is rushed through that would emasculate the bill in both function and acceptability.

P64/65 9.20 Now that at last Britain is reducing the use of exhausted quarries for waste dumping, a viable case is made for inland quarries for aggregate production. With the approaching summer drought situation the emptied pits, usually by rivers, can be employed as new reservoirs. They will further supply new needed wildlife and recreational sites. The long term environmental improvement should attenuate much of the present reaction toward inland gravel sites, at the same time assisting the protection of our fishstocks and coastline from the ravages of offshore aggregate extraction.

P55 9.24 Consideration of military requirement must be secondary to that of marine conservation, the loss of which is a far greater threat to life and security than any military use attenuation. A further point are 'sound weapons' which undoubtedly cause much damage particularly to cetaceans. Thus, 'sound proof' areas must be considered.

P.67 c Warmer water from power station coolants and the chlorine based anti-fouling compounds entering the marine environment are an undoubted hazard to marine life forms. Anti fouling paints such as Tri-butyl-tin are a further major hazard.

The tritium release from nuclear power stations and the radioactive dumping from Sellofield contribute to the danger. Attention must be given to cease these.

P68 f. The system of licensing through The Crown Estate and the government are far too cosy. Both The Crown Estate and the government gain considerable income from the process. A system of independent assessment is needed, which must be statutory.

P.68 9 Electromagnetic shielding must be employed for submarine power cables in the light of the likely magnetic field navigation of fish, particularly cartilaginous species.

P69/70 I Tertiary treatment for all marine outfalls is required, and a factual assessment of the quality of the receiving water.

P74 Q36 See **P9, 3.4** and **P10 3.9**

P76 9.42 a Please apply the ‘Polluter Pays’ principle.

P77 Q38 As above, please apply the ‘Polluter Pays’ principle.

P79 Q40 In no way can you afford a ‘Do Nothing’ option. The situation is already serious, and further degrading.

P80 Q42 Such a merge would appear to be essential.

P83 9.71 Indeed, the delivering regulatory authority will need to demonstrate a far more neutral focus than we have seen up to now.

P84 9.75 b This current means of ‘controlling’ minerals dredging, as aforesaid, must be changed as a matter of extreme urgency.

P85 Q46 It entirely depends upon the priorities demanded and enacted in damaging operations which mutually exclude each other.

P86 Q48 We are concerned, mainly on the proviso that no environmental impact is produced and that more energy to implement the strategy may be used than in current practice.

P87 Q50 & 51 If this proves viable, valuable objective, but first it is more important to address the increasing acidity of our seas and the plankton reduction, both of which have a major role in reducing CO2 levels. If the ecology of the oceans can be attended to by minimising the physical impact and the input of toxins, a far greater CO2 sink will be provided by natural means.

P89 10.5 a would be better worded as “halt **and reverse** the decline of biodiversity”

P89 10.8 “thinking on how we might introduce marine nature conservation” is far better seen as “thinking on how we **must** introduce marine nature conservation”

P90 10.16 Offshore Aggregate Dredging kills vast amount of small fish fry and other sea life, which if performed by a fisherman would surely result in a severe penalty. Section 9 of the Act must be made to apply to this industry.

P91 10.16 Military test ranges, oil and gas prospecting must be included here, as the considerable explosions created do much damage to wildlife.

P92 10.22 Aggregate dredging of fish spawning beds, habitats, feeding grounds and refuges needs consideration here, as does commercial sand eel capture for fertilizer.

P95 10.40 Add 'c' "Take measures to cease unsustainable operations"

P97 Q53 A Statutory duty is essential

P99 10.54 Add to list "(i) coastal shorelines, cliffs, dunes and salt marshes".

P100 Q54 Yes

P100 Q55 Complement

P100 Q56 All areas, including the coastline, and taking heed of socio-economic implications.

P100 Q57 Agreed for a wider remit.

P101 Q58 Yes (see above)

P101 Q59 Yes, under all circumstances where damage has been evidenced, in the hope of eventual restoration.

P102 Q60 Yes.

P102 Q61 This entirely depends upon species.

P102 10.67 b To 'public bodies' add 'private bodies'.

P103 Q 63 Yes – an independent assessment, with, if necessary, a second opinion.

P103 10.72 Perhaps you should! There is much interdependence.

P103 10.73 Please consider using the highest surge tide point, and that this is advancing rapidly with Global Warming, so requiring regular adjustment.

P104 Q64 Yes. See above.

P104 Q66 See above P103 10.73

P106 10.78 a "best available scientific information from non-partisan bodies in an international context" would be meaningful and avoid the current paradox.

P107 10.81 c Please ensure consulting the fishermen, who know and understand these things, who's wisdom and knowledge has up to now been ignored or dismissed.

P109 Q67 Yes – an inadequacy of environmental assessment, controls and implementation with regards to offshore aggregate dredging

P109 Q68 Requirement for all factors and potential impacts to be taken into account in EIAs, impartial investigation, and for consideration of the precautionary principle where evidence of proven damage is absent due to a lack of investigation or awareness.

P110 Q72 ALL activities with potentially damaging consequences need control. All new ventures should require prior investigation before implementation.

P112 Q73 By adequate policing and enforcement

P112 10.108 a Add 'from independent bodies'.

P113 10110 Coastguard, Coastwatch, CEEFAS Patrol and reporting from aware, experienced and responsible individuals.

P113 10.114 Their expertise in certain areas, particularly coastal and marine concerns, are seen to be questionable.

P115 Q74 Independence from government direct funding is needed to ensure impartiality when dealing with enterprises such as marine aggregate dredging from which both The Crown Estate and the Treasury make considerable income.

P123 Q77 Yes

P123 Q 78 Yes. Involvement and discussion with NGO's, shoreline communities and Fishermens organisations.

P125 Q80 No. CEEFAS are an integral component.

P125 Q82 Yes. The Marine Conservation Society, MARINET, Greenpeace and the North Sea Action Group. Most Marine NGOs in fact.

P126 11.50 Well worth consideration

P126 11.52 Approved !

P126 11.53 Excellent!

P127 11.54 & 11.55 Both good news.

P128 11.61 Good idea

P128 11.62 We would consider this to be advisable.

P128 Q84 No.

P129 Q85 Yes. 'Labelling' of fishing nets to permit identification of source.

P129 Q87 Yes

P130 11.73 Who would pay for environmental protection?

P131 Q91 The content and questions in this consultation seem more concerned with the administration than with the vital role of reversing the rapid declining state of our marine ecosystem and environment. We feel it is the job of government to widely seek advice from those best able to provide it, and our job to offer our concerns and suggestions in the hope that it is implemented.

The NSAG and MARINET recommend to the RCEP a network of Marine Reserves covering at least 30% of UK seas within the 200 nautical mile limit, with interlinking 'corridors' These Marine Reserves would essentially be "non-extractive" areas, not necessarily an absolute ban on all extractive activity, whether fish, oil, gas or aggregate, but a presumption in favour of biodiversity protection and against extraction.

Extractive activities could be permitted in such Marine Reserves (e.g. renewable energy and any other activity) if that activity could conclusively prove that its presence would not damage the integrity of the Reserve in any way, taking into account the precautionary principle.

We feel that by establishing a network of integrated and linked Marine Reserves on this scale marine biodiversity and fisheries would be assured long-term protection, thus enabling, thus enabling biodiversity and fish stocks to recover. As the recovery progressed, this restoration would trickle down to rejuvenate adjacent areas not afforded with such protection.

The serious decline of the UK marine environment in the past twenty years is a combination of the dominance of short-sighted sectoral interests based upon instant profitability at the expense of sustainability, and the failure of successive Governments to show any real political will to lead and resolve the problems, due to their dependence upon political funding from such monetarist interests.

This has all come about whilst English Nature should have controlled nature conservation, the Sea Fishery Committees inshore fishing, the Local Authorities supposed to undertake "integrated coastal management", whilst various Government Departments control their own unique patch (e.g. DTI with oil and gas, DEFRA with fisheries, ODPM with marine aggregates, etc. etc. It is thus essential that a single authoritative Marine Bill evolves with teeth and immune from dispersed sectoral and singular financial exploitive interests currently dictating the situation.

The government needs to create a 'Ministry for the Sea' to take charge of the current debacle, and to act as a single authority to balance the conflicting demands. A well constituted Marine Bill presents this opportunity.

With thanks for providing this opportunity for input, yours sincerely,

Pat Gowen

MARINET & NSAG