

A SEA CHANGE - A MARINE BILL WHITE PAPER MARCH 2007

THE RESPONSE TO CONSULTATION OF THE HUMBER ADVISORY GROUP

Introduction

The Humber Advisory Group (HAG) welcomes the opportunity to comment on the Defra Marine Bill White Paper. Please note that these comments do not represent any one organisation or individual point of view. They are submitted purely to share the working experience that the Humber Advisory Group has from living and working in a coastal location and providing input into the sustainable management of a nationally important marine area.

The group was established in 2001 to advise and support the Humber Estuary Relevant Authorities Group (HERAG) in the development, and now implementation, of the Humber Estuary Management Scheme, which was produced by a partnership of 34 relevant authorities to fulfil the obligations of Regulation 34 of the Habitats Regulations 1994. The group comprises members from business, agriculture, local communities, environmental organisations, recreation and sporting interest, economic development and academia.

HAG's main role is to provide specialist advice to organisations with statutory powers (HERAG) for the ongoing sustainable management of the Humber Estuary European Marine Site. HERAG includes representatives from local authorities, Natural England, Environment Agency, sea fisheries committees, water companies, internal drainage boards, MoD and port and navigation authorities.

The Humber has the UK's largest complex of ports, as well as a large number of heavy industries on its banks. The estuary drains an area the equivalent to a fifth of the area of England and provides the largest single output of fresh water from the UK into the North Sea. Over 900km² of the land around the estuary is less than 5m above sea level as a result of centuries of land claim for high grade agricultural land, urban development and ports and industry. Flood defences are necessary around most of the estuary's floodplain where thousands of people live and work. The Environment Agency has a comprehensive, long-term Flood Risk Management Strategy (Planning for the Rising Tides) for investment in sustainable flood defences to protect people and property.

The Humber Estuary is a European Marine Site on account of its wildlife designations – Site of Special Scientific Interest (SSSI), Special Protection Area for Birds (SPA), Ramsar Site and proposed Special Area for Conservation (SAC).

General Comments

HAG welcomes the intent and aims of the Marine Bill and its key features of:

- Sustainable development;
- Protecting the marine environment whilst accepting the role of the seas in economic activity;
- Marine spatial planning, to play a more strategic approach to accounting for all activities and resources;
- Streamlining the regulatory regimes and processes for licensing development activities in the marine environment.

HAG supports the intent to streamline and simplify the process for the consenting of activities in the marine environment. Especially within the ICZM strategy where there is danger of adding unnecessary confusion to existing plans and policies.

In general, we support the findings and recommendations of the reviews that have been made to compile this consultation paper. We also recognise that in order to achieve the government's vision for the marine environment a concerted effort over a long period of time will be required, and if the current momentum and commitment to change is lost or loses support, the Marine Bill will not succeed in what it sets out to do. Careful consideration must be given when applying the 'Ecosystem approach' to ensure it does not become a tool which adds complexity but rather helps to simplify planning and management. It must be clear as to what the concept means and how it will be applied in practice. The Marine Bill should be designed in a way that takes a holistic view of the UK's marine environment, gives equal consideration to the coastal, inter-tidal and inshore and offshore marine sectors and provides a strong foundation from which to effectively improve management and protection.

HAG agrees that the tools that are currently available to plan for and manage human activities in the marine environment are inadequate. There is most definitely the need and support for new legislation to both streamline and strengthen existing mechanisms and to introduce new measures to address the areas in which there are currently obvious gaps.

The idea of a single framework of marine spatial planning is supported, incorporating the ideas of ICZM to enable important estuarine areas like the Humber Estuary to be fully included by the new legislation.

Comments on specific sections of the white paper.

Section 6 - Marine Nature Conservation

Overlapping sites

6.87 We want to make sure that all relevant bodies can work together to ensure that areas where overlap exists are managed in an integrated manner to deliver the maximum conservation benefits. It may be useful in such cases for these relevant bodies to work together to specify in a management scheme how different objectives relate.

– **Agreed, providing existing management schemes are acknowledged, strengthened by the process and incorporated into the system.**

Management Schemes

6.89 Some MCZs may be located in areas where a lot of activity takes place, managed by a number of bodies. The decisions of the different bodies might impact on the sites objectives individually or in combination. In such circumstances, there may be benefits in establishing a management scheme for a site or a combination of sites.

The Humber Management Scheme was adopted in 2005 and covers the following activities; fisheries, flood defence and land drainage; industry water and waste management, (including abstractions and discharges) land use, recreation and tourism, science and education, shipping and navigation (including maintenance dredging) and ministry of defence activities. The scheme was produced by a partnership of 34 relevant authorities that continues to meet regularly, produce an annual report and liaise with the Humber Advisory Group - stakeholder group for the estuary. The management scheme for the Humber Estuary European Marine Site is funded through voluntary contributions from the relevant authorities and there is difficulty in gaining continuity and securing longevity for the project if one or more

organisation withdraws unilaterally. Experience has shown that if a project officer is not in post or lost and not replaced, the initiative loses momentum.

Control of unregulated activities

6.129 We wish to ensure that we can control activities that have a significant impact on the achievement of MCZ objectives or on the conservation status of important marine species. Licensing and fisheries controls already address the most significant impacts but there are a number of unregulated activities that have the potential to cause damage.

This point is supported by HAG and understood through its own involvement in the monitoring of activities within the Humber Management Scheme. In the case of the Humber Estuary there have been and continue to be regular reports of unauthorised activities taking place along the intertidal zone which cause disturbance to wildlife and damage designated habitats. These activities are difficult to police and obviously require a formal system in place to be properly addressed.

6.130 Studies for Defra by the Institute of Estuarine and Coastal Studies of Hull University assessed activities considered to have adverse conservation impacts in terms of the risk they present:

- High – bait digging / collection, water-based recreation and unlicensed commercial fishing activities;
- Medium – unlicensed dredging, wildlife watching / ecotourism, recreational fishing, land-based recreation; and
- Low – diving, military activities, hovercraft, education and research, low flying aircraft.

Agreed from first hand experience! Most of the activities listed are within the Humber Management Scheme Action Plan and monitored by HAG. Many of them are included within the Codes of Conduct (please find a copy enclosed for your reference) produced by HAG and HERAG for the Humber Estuary. Unauthorised motor vehicle use (quad bikes) has been noted as a recurring problem along the estuary also.

6.131 These activities are usually very localised and vary significantly in their potential impacts. Impacts arising from such activities are therefore most appropriately dealt with at the local level where the most relevant knowledge and expertise can be brought to bear.

HAG agrees with this point, however it should be noted that on a large site like the Humber Estuary, many of these unregulated activities are not (or not efficiently) dealt with at the local level due to the absence of a system to ensure ‘the most relevant knowledge’ is passed on to the organisations with the powers to deal with the issues. A key part of HAG’s role is to monitor the activities as set out in the Action Plan within the Humber Management Scheme. The majority of these activities are within the recreation and tourism sector and represent the activities that the relevant authorities do not have direct control over. HAG’s members report on each of the activities to the group and keep a record of the frequency and effects of them on the site. These reports can then be used when compiling of the annual report to provide valuable information that may not otherwise be available.

Role of voluntary measures

6.141 Many recreational activities are overseen by clubs that have introduced voluntary mechanisms such as codes of conduct to manage impacts. These have often proved successful and in view of this efforts should always be made to make the best use of voluntary measures before introducing by-laws. Where it can be demonstrated that there are still significant impacts or risks of impacts despite the presence of voluntary measures, or those voluntary measures are unlikely to be effective, by-laws should be considered.

Codes of conduct were produced for the largely unregulated recreation and sporting activities (water and airborne recreation); walking, dog walking and horse riding; bird watching; angling and bait digging; motorised recreation; wildfowling and field & study groups. HAG had a major role in producing the codes and over 2000 copies have been distributed to schools, visitor centres and the general public. HAG is involved in their ongoing promotion whilst helping to monitor their implementation.

Police liaison

HAG has contacted the Humberside and Lincolnshire Police forces to contribute to their meetings and discussions on unauthorised activities. Specifically, quad bikes and low flying helicopters, which have become an increasing problem in certain areas around the estuary. There is a partnership in place with Lincolnshire Police and Natural England to combat the problem which has shown to be successful in deterring the activity. However, it has become apparent that more resources are needed to be able to fully police the problem and a formal system needs to be developed which allows reports to be passed to the appropriate person to be dealt with. Better communication between police forces is needed to roll out schemes regionally.

6.167 The MMO would develop a clear working relationship with the Police, who would also retain their ability to enforce wildlife crime in the marine area.

Supported, however the police can only enforce wildlife crime if they have the resources to allocate an officer to the job. HAG would like to see more emphasis put on combating wildlife crime within police forces and formal partnerships formed with environmental organisations to address specific crimes in specific areas. At present, there is a designated wildlife crime officer in post for Lincolnshire Police Force but not in Humberside. HAG would like to see a designated officer for Humberside Police rather than it being allocated as a voluntary role and has been active in trying to change this. Due to lack of resources within police forces, wildlife crime is of low priority and as a result, there is not the manpower available to gather the evidence needed to successfully prosecute. Greater partnership working between Lincolnshire and Humberside forces is needed to effectively police estuary wide issues.

Section 2 - Integration between land and sea.

HAG provided a response to the Defra consultation on ICZM in September 2006 and while we support the essential objectives for the management of the coastal zone, we would see ICZM being about the holistic, sustainable management – environment, society and local and regional economy – not just environmental sustainability.

Conclusion

Overall, HAG believes that Defra have identified, and are consulting on, an appropriate and comprehensive list of policy areas that require legislative change. We are particularly supportive of the open, inclusive and transparent way in which Defra have developed their ideas and feel that positive steps are being taken to really address the way in which the marine environment can best be managed for the future of everyone. We will continue to follow the progress of the Marine Bill and endeavour to contribute whenever opportunity arises.

The Humber Estuary is arguably one of the most complex sites in the UK in terms of number of stakeholders, and competition of interest and we would be more than happy to share our

experience in regards to the management of such a site. If further information is required on the Humber Management Scheme, HAG or HERAG, please contact:

Kat Sanders – Project Officer
The Humber Management Scheme
Waters' Edge Visitor Centre,
Malkiln Road
Barton upon Humber
North Lincolnshire
DN18 5JR

kat.sanders@humberinca.co.uk www.humberems.co.uk

This consultation response was prepared on behalf of The Humber Advisory Group by:

Kat Sanders – Humber Project Officer

Its content was approved by HAG members at their meeting held Wednesday 30th May.