



RTPI

mediation of space · making of place

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22nd January 2010

Emma Beckles
Marine Strategy Framework Directive team
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Area 2D Nobel House
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Email response sent to: MSFDTeam@defra.gsi.gov.uk (England) msfd@scotland.gsi.gov.uk (Scotland)
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Dear Sir/Madam,

RESPONSE TO CONSULTATION PAPER: Consultation on the Marine Strategy Framework Directive: Putting in place the legal framework for implementation

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public.

This document responds to the *Consultation on the Marine Strategy Framework Directive: Putting in place the legal framework for implementation*.

This response has been formed drawing on the expertise of members including the Water and Marine Spatial Planning Interest Group of the RTPI Environmental Planning and Protection Network.

The RTPI welcomes both the Marine Strategy Framework Directive (MSFD) and the moves being made towards its transposition in the UK. We believe that this policy development will provide a real opportunity to move towards a more holistic approach to management of the UK sea area and in ensuring a consistent approach to delivery of good environmental status (GES) throughout UK waters.

To strengthen the policy framework, we suggest that the final version contain 'aims and objectives' at the outset, and that these aims and objectives are referred to throughout the text. This would provide clarity to the discussion and interpretation of the regulation and guidance. It would also frame the development of measures and targets

Paragraph 1.20: It is our view that a single UK Marine Strategy is an acceptable option as long as the distinction between two Marine Sub-regions (Celtic Seas and the Greater North Sea) is clearly made within that strategy and the differing management issues which apply to both are acknowledged. For example a single UK Marine Strategy will need to differentiate between each Marine Sub-region in terms of the information used, the initial and subsequent assessments of the status of the marine environment, the determination of GES targets, and the indicators and POMs

required to achieve GES, etc.

Paragraph 1.24: We welcome the special reference in the Directive to spatial protection measures, i.e. Marine Protected Areas (MPAs). However, we believe that the contribution that sites designated under the EU Birds and Habitats Directives will also make towards achieving GES under this measure should also be included, particularly as an ecologically coherent network in the UK will be comprised of sites designated under both European and national legislation. However, we are concerned that the protracted timetable proposed for the development and enactment of marine legislation in Northern Ireland will mean that nationally important sites (i.e. MCZs or equivalent) may not be designated in Northern Ireland's territorial waters within the deadline set in the Directive.

We note that under regulation 15(4), there is a duty on each UK competent authority to publish information on marine protected areas in the relevant part of their marine strategy area by the end of 2013. By the definition in the Directive, this does not solely relate to designation under the EC Birds and Habitats Directives, but extends to a coherent network of nationally representative sites under the forthcoming Northern Ireland Marine Bill. This should be clarified in either the regulation or the associated guidance, stating how Northern Ireland is going to achieve this.

Paragraph 2.1: It is acknowledged that there are institutional reasons for Northern Ireland Ministers not being specified as the competent authority in Northern Ireland (unlike Scotland and Wales, whose Ministers are their respective competent authorities). In this instance, the competent authority in Northern Ireland is the Department of the Environment, but as the Descriptors for GES relate to management areas that are outside the DOE's control (for example fisheries management), all departments in Northern Ireland that have a marine remit should be competent authorities in the transposition regulation (and not just placed with general duties under regulation 4). A suggestion would be that instead of the competent authority being "the Department of Environment in Northern Ireland", it could instead be "the Northern Ireland Departments", or individually named. Without this approach, the regulation will be difficult to implement and for Northern Ireland to adhere to.

Paragraph 2.5 Whilst we acknowledge that the draft Regulations do not aim to set out the detail of what GES means for UK seas, the issue of GES as a target or driver is not raised explicitly in the consultation document but we feel it is worth a mention. In our view, GES is a target that has to be met, i.e. GES has to be achieved or maintained by 2020 at the latest (Art1(1)), and only where the criteria under the exceptions (Art8) are met should Member States be allowed to not achieve or maintain GES. We would query the proposal by the UK Government and Devolved Administrations that GES is only a driver. This approach could result in minimal positive action, which while beneficial, could be taken as meeting the requirements of the Directive but GES never actually being achieved. We do not believe that this is the intention of the Directive, particularly as even the exceptions (Art14(4)) state that GES must not be permanently compromised.

We are concerned that the consultation document and supporting information focuses almost exclusively on the potential costs and economic impacts of the Regulations, almost to the exclusion of the actual aim of the Directive to achieve GES. There is little focus on or explanation about the benefits that the Directive is intended to deliver for the marine environment across Europe's seas. The MSFD itself states that "this Directive should, *inter alia*, promote the integration of environmental considerations into all relevant policy areas and deliver the environmental pillar of the future maritime policy for the European Union".

Additionally, while we acknowledge that in practice the delivery of GES should not be prohibitively expensive, we believe that the focus by the UK Government and Devolved Administrations in this document on minimising the costs of GES and an incomplete reference in Regulation 16 to the full set of caveats is misleading and implies an approach somewhat lacking in ambition to deliver real change in the marine environment. The tone of this document is at odds with the intentions which Governments/Administrations have stated in relation to protection of the marine environment under the Marine & Coastal Access Act, the Marine (Scotland) Bill and the proposed Northern Ireland Marine Bill.

Paragraph 3.4: We welcome the support for regional cooperation and coordination, particularly through OSPAR. However, we would highlight that the UK Government and Devolved Administrations are not currently implementing all the existing EcoQOs for the North Sea. We believe that the opportunity should be taken to start implementing them immediately.

If you require any further assistance, please contact Rebecca Coates, Planning Policy Officer on 020 7929 9466 or email england.policy@rtpi.org.uk.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matt Thomson', with a long horizontal flourish extending to the right.

Matt Thomson
Acting Director Policy and Partnerships