Response from the Marine Biological Association

1. The Marine Biological Association (MBA) is a Learned Society established in 1884. The MBA has about 1000 members and runs The Laboratory in Plymouth where approximately 60 staff work. MBA members have been at the forefront of providing scientific information to support marine environment protection, management and education and much of the scientific information that underpins decision-making about environmental protection has come from work undertaken at the Laboratory.

2. The MBA is a founder member of the Plymouth Marine Sciences Partnership, a federation of seven partners based in Plymouth all of whom tackle different aspects of marine science and technology research and training in a complementary way.

General comments

3. The MBA supports the aims of the MSFD and looks forward to engaging in the process of determining GES for UK waters.

4. Paragraph 1.23 (page 10) of the Consultation raises particular concerns. It appears that activities covered by the separate Common Fisheries Policy (CFP) could result in GES not being achieved in certain areas, especially as fishing pressure has been identified in numerous studies and assessments as a key pressure on the marine environment. Although the European Commission would have to “propose appropriate action to the Council and Parliament” if this occurred, it is important that work to ensure that the CFP supports the objectives of the MSFD begins as soon as possible (rather than waiting for an assessment in 2020) i.e. the reformed CFP in 2012 should clearly support the objectives of the MSFD.
Consultation questions

5. Paragraph 1.20: View on the advantages and disadvantages of a single UK Marine Strategy as opposed to separate strategies covering the UK portions of the Celtic and Greater North Seas.

- The MBA would strongly support the idea of having a single strategy. This is important for the reasons stated in 1.19 of the consultation document i.e. it would be consistent with the development of a single UK Marine Policy Statement and confirm the importance of having boundaries that are ecological rather than administrative.

- Having a single strategy would also be consistent with other assessment exercises such as Charting Progress, which although using sub-regions, has been undertaken at a UK level. Information from Charting Progress 2 (CP2) is being drawn out at a national level anyway (there will be a State of Seas report from Scotland and Northern Ireland and England although Wales have not yet committed to doing a separate report). The decision to make the initial CP2 assessment at a UK level was based on clear scientific principles, recognising that the UK coast and seas are interconnected and utilising sub-regions based on good ecological / biogeographical criteria. This reasoning should be carried forward to support the idea of a single strategy to achieve GES for UK waters.

6. Paragraph 2.1: View on how the proposed division of responsibilities between the different competent authorities, as set out in the draft regulations, can best be made to work, and also on whether there are any obligations arising from the Directive which have been overlooked and need to be assigned to a competent authority.

No comments.

7. Paragraph 2.2: View on whether the regulations set out adequate safeguards to achieve the level of coordination needed to deliver a coherent strategy, whilst protecting the respective Devolution Settlements.

- Although the plans for the division of responsibilities looks reasonable, it is unclear what happens where cooperation fails and of the balance between costs/socioeconomics and meeting GES. Examples are given in 2.3 (ii) of the Secretary of State needing to obtain consent for measures that would affect Scottish fisheries or to restrict Oil and Gas exploration in order to protect Marine Ecosystems in Scotland. In both cases socioeconomic/cost factors could be invoked by one party to continue with an activity. A strong commitment to GES as an overriding factor is required from all parties to avoid this.

8. Paragraph 2.7: View on the draft regulations as a whole.

- Regulation 10 (p18) states that “It is not the case that achievement of GES “trumps” other, legitimate uses of the sea – the Directive requires a balanced and
proportionate approach". It would be useful to have a clearer definition of what this "balanced and proportionate approach" is as leaving it undefined appears to provide a "get out clause" for public bodies who do not wish to comply with the directive for other reasons. It would also be useful to know who will decide what a "balanced and proportionate approach" is.

9. Paragraph 3.7 (P25) states the publication date of Charting progress 2 as May 2010. This needs to be amended for future consultations to July 2010.

10. Paragraph 3.15. (page 27) It may be worth mentioning the MSCC work in future consultations as the MSCC strategy will be formally launched in February 2010 and has a strong focus on supporting long-term observations that will be crucial for MSFD monitoring.

11. Paragraph 3.16. (page 27) There is no mention here of long-term research based observations such as those undertaken by the Natural Environment Research Council (NERC) or those coordinated via the Marine Environmental Change Network (MECN). These time-series will also be important in addition to the more statutory type monitoring undertaken on behalf of the government and devolved administrations.

12. Paragraph 3.25 (Page 29). Utilising the Marine Planning process created by the UK Marine and Coastal Access Act, the Scottish Marine Bill and the proposed Northern Ireland Marine Bill, is useful and re-emphasises the importance of making sure there is consistency in deciding on Marine Planning Areas, GES sub-regions and CP2 regions (see comment 5).

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