

Coastal Futures 2019

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## Environmental Net Gain

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# Environmental Net Gain

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- ❑ Marine biodiversity continues to decline
- ❑ There is a policy and legislative gap that limits marine managers' ability to reverse this decline
- ❑ The 25 year Environment Plan promotes 'Environmental Net Gain' as a key concept to address this gap
- ❑ How might this work in the marine environment and what might we need to do make this happen?



See Defra consultation on Net Gain:

<https://consult.defra.gov.uk/land-use/net-gain/>

# What is Environmental Net Gain?



## Definition:

Development that leaves the environment in a better state than before

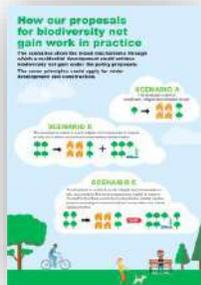
- Incorporates Biodiversity Net Gain
- Includes wider aspects of the environment



Revised National Planning Policy Framework requires the terrestrial planning system to achieve BNG

ENG consultation

ENG mandatory within land use planning system?

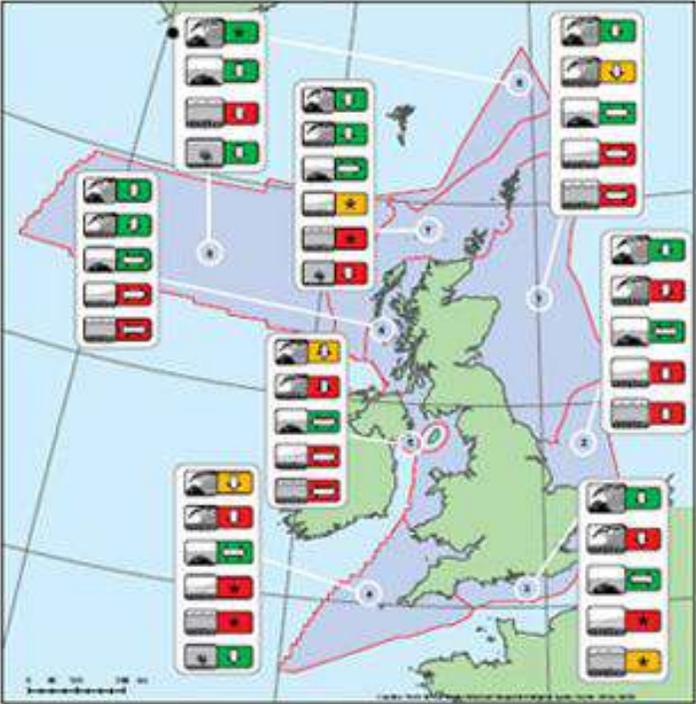


Biodiversity offsetting metric (Defra metric v2.0) and offsetting principles

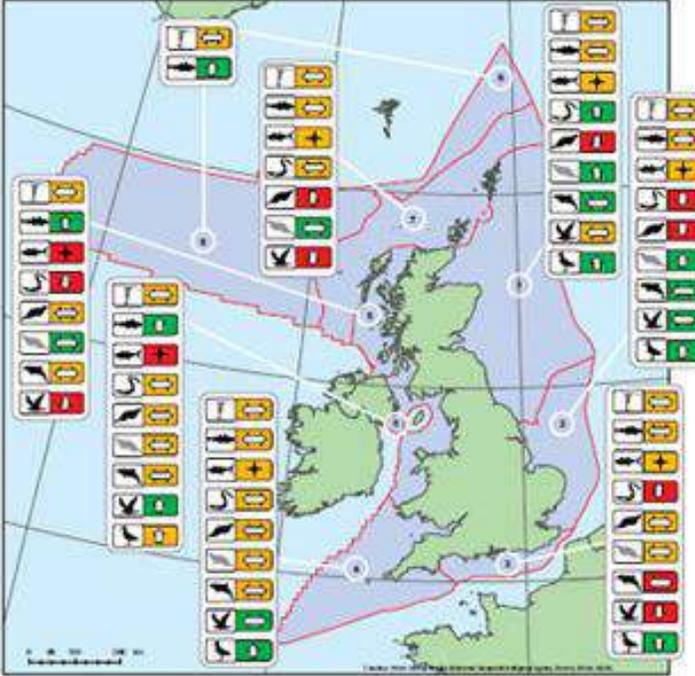
>S106 agreements to facilitate delivery

# 2010 Charting Progress 2

## Healthy and Biologically Diverse Seas - Habitats

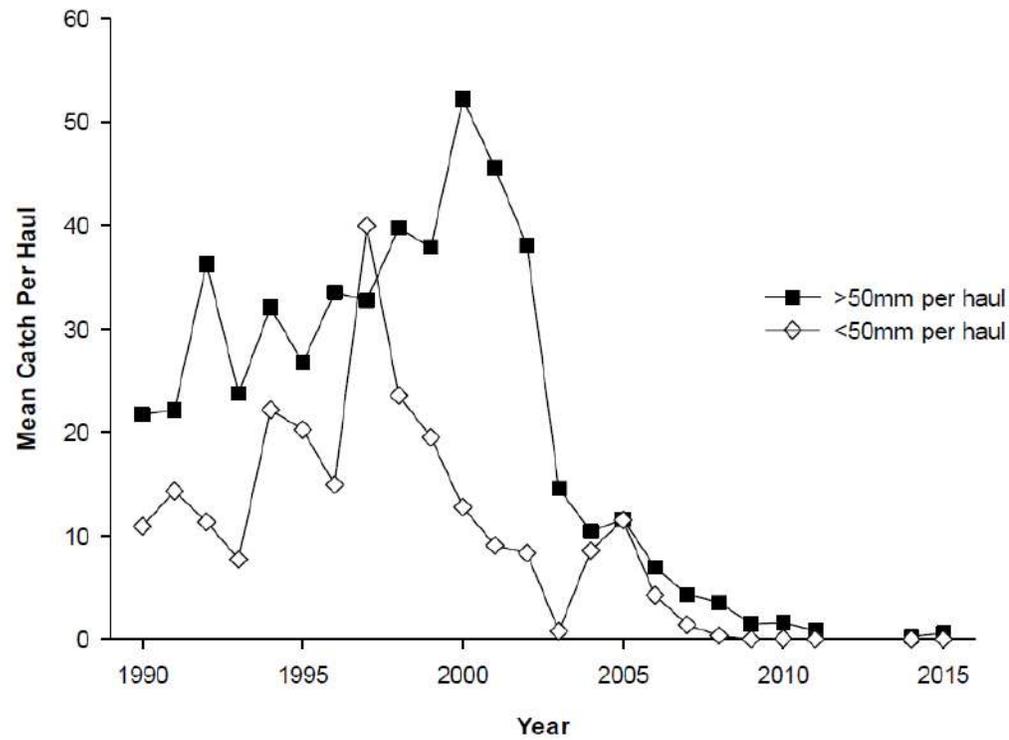


## Healthy and Biologically Diverse Seas - Species



## Solent Oyster Stock Assessment

Long-term trends in catch rates of large ( $\geq 50\text{mm}$ ) and small ( $< 50\text{mm}$ ) oysters at Bramble Bank.



# Why are we in this mess?

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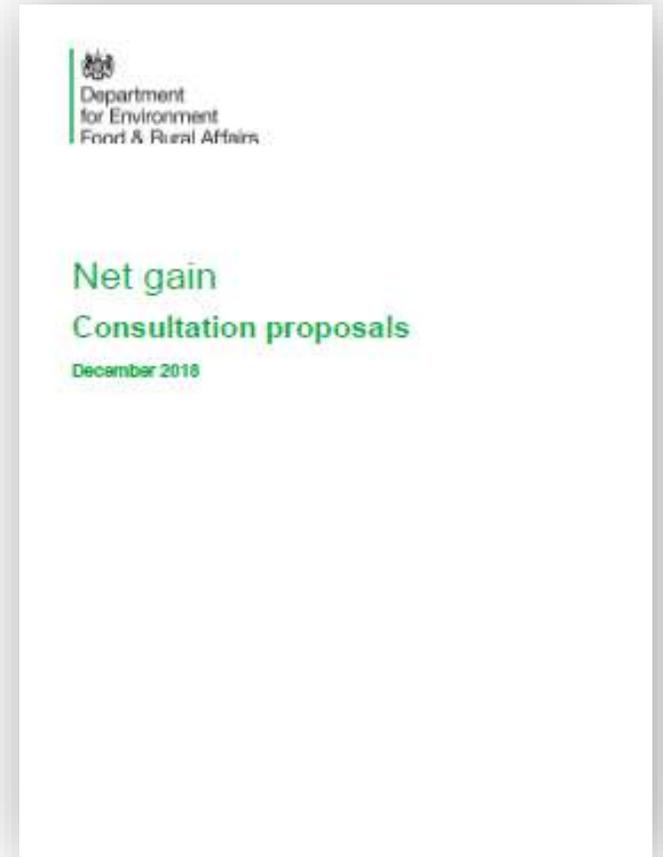
- ❑ Reasons for marine biodiversity decline are many and varied:
  - ❑ Population growth
  - ❑ Climate change
  - ❑ Inadequate management of human activity pressures
    - ❑ Environmental protection policies
    - ❑ Marine licensing
    - ❑ Management of fisheries
  - ❑ Limited restoration policies, effort and funding
- ❑ Existing policies are failing the marine environment
- ❑ Marine ENG is therefore worth exploring

# 25 Year Environment Plan – Marine Commitments



- ❑ **Reversing the loss of marine biodiversity** and, where practicable, **restoring** it.
- ❑ **Increasing the proportion of protected and well-managed seas**, and **better managing existing protected sites**.
- ❑ Making sure **populations of key species are sustainable** with appropriate age structures.
- ❑ **Ensuring seafloor habitats are productive and sufficiently extensive** to support healthy, sustainable ecosystems.

*'While marine planning and licensing policy and nationally significant infrastructure projects are not in scope of this consultation, **we are considering how to best support and mainstream the net gain approaches** that many infrastructure and marine projects are already taking. For marine planning and licensing, **we will evaluate the actions that projects are already taking to address their environmental impacts and consider how best to implement net gain in the marine context**.'*



# Existing Marine Policy/Legislation Relevant to Net Gain

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- ❑ Lots of policy aspiration for halting/reversing biodiversity decline (Marine Policy Statement, 25 Year EP etc)
- ❑ Habitats & Birds Directives and Marine & Coastal Access Act s126 provisions
- ❑ S41 NERC Act priority habitats/ Biodiversity 2020; S6 & 7 Wales (Environment Act); Priority Marine Features provisions in Scotland
- ❑ But...
  - ❑ Policy aspiration for Net Gain lacks statutory footing
  - ❑ Existing measures seek to offset significant impacts rather than deliver net gain
  - ❑ No requirement for 'activities' to offset damage (e.g. fishing, recreation)
  - ❑ Lack of strategic approach to marine habitat restoration/ enhancement
- ❑ So marine biodiversity continues to experience decline ...
- ❑ This is not OK

# Scope of Marine ENG vs Terrestrial ENG

- ❑ Marine environment is an open system with ecosystems significantly controlled by prevailing physical processes operating at broad scales
  - ❑ ⇒ more strategic approach warranted – working with natural processes
- ❑ Activity regulated by marine licensing system is just one source of pressure out of many. Fishing? Land-based sources?
  - ❑ ⇒ more holistic approach warranted in line with polluter pays principle
- ❑ Great majority of estuaries and inshore coastal areas already designated as Natura sites and/or national MPAs
  - ❑ ⇒ Requirements of Birds & Habitats Directives and MCAA will take precedence – more limited scope to apply ENG in marine environment?

# Towards a Possible Framework for Marine ENG

- ❑ Legal underpinning
- ❑ An accounting system
- ❑ Improving scientific understanding
- ❑ A clear delivery mechanism
- ❑ Social acceptance



Welwick Managed Realignment Scheme

- ❑ Clear legal duty to achieve ENG
  - ❑ Just within marine licensing?
  - ❑ Or through delivery of wider statutory functions?
- ❑ Would give substance to proposed national Environmental Improvement Plan (Defra Principles Consultation)
- ❑ ENG applied in context of mitigation hierarchy etc
- ❑ Additional to existing legal obligations in our existing paradigm (Birds & Habitats Directives, MCAA, s41 NERC Act etc)



Wallasea Managed Realignments

- ❑ Defra Metric 2.0 is not perfect but we need to start somewhere
- ❑ Marine metric
  - ❑ Habitat led?
  - ❑ Marine species?
  - ❑ Recognise that some features are effectively irreplaceable
  - ❑ Innovative thinking needed to incorporate non-development pressures

- ❑ We need to keep learning by doing
- ❑ Good understanding of some interventions:  
e.g. habitat management, fish/shellfish stock management, bird measures
- ❑ Limited experience of species measures in UK:  
e.g. seagrass, oysters, marine mammals, biogenic habitats



- ❑ Strategic approach warranted?
  - ❑ Regional/local priorities (e.g. IPENS, MMO, EA RHCP)
  - ❑ Co-ordination/governance (e.g. within marine planning? WFD planning?)
  - ❑ Options for discharging obligations (option to pay another body to deliver?)
  - ❑ Limited scope given other drivers (Birds & Habitats Directives, MCAA)?
- ❑ Need sufficient legal basis for delivery mechanism (e.g. s106 agreement) and funding (green taxes)



**Chowder Ness Managed Realignment Scheme**

- ❑ The sea is a public asset and should be managed in the public interest
- ❑ Users of this public asset should not cause net damage to the asset (Natural Capital accounting)
- ❑ There needs to be greater social acceptance of these concepts which will be critical to achievement of the 25 Year Environment Plan



**Medmerry Managed Realignment Scheme**

- ❑ Doing nothing is not an option.
- ❑ Restoration is difficult but achievable for many important habitats and species
- ❑ A marine ENG policy could contribute to this (but it's a crowded pitch)
- ❑ Such a policy might sensibly:
  - ❑ Recognise the distinctive characteristics of our marine environment and the pressures affecting it
  - ❑ Put in place a clear legal framework supported by an accounting system and suitable delivery mechanisms
  - ❑ Recognise the ongoing need to develop scientific evidence and to increase social acceptance

# Thank you for your attention

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