

Guidance to Inshore Fisheries and Conservation Authorities on their contribution to the achievement of sustainable development

This guidance is given in accordance with section 153 (4) of the Marine and Coastal Access Act 2009

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1. Introduction

1.1 This statutory, best practice guidance is addressed to the Inshore Fisheries and Conservation Authorities (IFCAs). It sets out Defra's view of the role of IFCAs and the principles they should follow in fulfilling their duty to make a contribution to achieving sustainable development, in accordance with section 153 of the Marine and Coastal Access (MCA) Act 2009.

1.2 The MCA Act provides measures to reform inshore fisheries management and increase the protection of the marine environment by replacing Sea Fisheries Committees (SFCs) with IFCAs. IFCAs are responsible for the sustainable management of inshore sea fisheries resources out to six nautical miles and their duties include:

- Seeking to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way;
- Seeking to balance the social and economic benefits of exploiting sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation;
- Seeking to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district
- Seeking to further the conservation objectives of Marine Conservation Zones and
- Taking any other steps which, in the IFCA's opinion, are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development

1.3 The Secretary of State is required to give IFCAs guidance on how they can make a contribution to the achievement of sustainable development. This guidance has been developed after taking into consideration IFCAs' functions and resources and is issued after consultation with IFCAs and other interested organisations and individuals. IFCAs must have regard to this guidance in carrying out their functions.

1.4 This is one of several documents¹ that offer best practice guidance to IFCAs. These documents will be reviewed regularly and, if necessary, reissued in the light of any changes in marine management or other Government policy.

¹ Best practice guidance to IFCAs is at: <http://ww2.defra.gov.uk/environment/marine/ww0/ifca/>

2. What is sustainable development and how does it fit within the marine environment?

- 2.1 The past 20 years have seen a growing realisation that the current model of development is unsustainable and that we are living beyond our means. From the loss of biodiversity - through actions such as felling rainforests or over-fishing - to the negative effect our consumption patterns are having on the environment and the climate, our way of life is placing an increasing burden on the planet. This increasing stress on resources and environmental systems such as water, land and air cannot go on forever, especially as the world's population continues to increase.
- 2.2 The goal of sustainable development is to enable people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.
- 2.3 The Coalition Government is committed to sustainable development and to becoming the greenest Government ever: we need to protect the environment for future generations, make our economy more environmentally sustainable, and improve our quality of life and well-being. The UK Government, Scottish Executive, Welsh Assembly Government and the Northern Ireland Administration agreed a set of principles that are the basis for sustainable development policy in the UK². For a policy or intervention to be sustainable, it must respect all five principles: to live within environmental limits and achieve a just society, we need to have a sustainable economy, good governance, and use sound science. These five principles have been adapted for the marine area as the 'High Level Marine Objectives', adopted and published by the UK administrations (see Box 1).

The Marine Policy Statement and Marine Plans

- 2.4 One of the ways in which the high level marine objectives are being delivered is through the Marine and Coastal Access Act 2009 and, in particular, the Marine Policy Statement³ and Marine Plans. The Marine Policy Statement sets out in one document the shared policies and objectives of the UK Government, Scottish Government, Welsh Assembly Government and Northern Ireland Executive that will contribute to the achievement of sustainable development in the UK marine area.

² <http://www.defra.gov.uk/sustainable/government/what/principles.htm>

³ <http://ww2.defra.gov.uk/environment/marine/protect/planning>

2.5 The Marine Policy Statement is the framework for preparing Marine Plans and taking decisions affecting the marine environment to ensure that marine resources are used in a sustainable way, and thereby;

- Promote sustainable economic development;
- Enable the UK's move towards a low-carbon economy to mitigate the causes and adapt to the effects of climate change and ocean acidification;
- Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems, and protects marine habitats, species and our most important heritage assets;
- Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

2.6 The Marine Policy Statement and Marine Plans form a new plan-led system for marine activities. They will provide for a forward-looking, consistent, proactive and spatial planning approach to the management of the marine area, its resources and the activities and interactions that take place within it. Marine Plans will set out how the Marine Policy Statement will be implemented in specific areas. They will provide detailed policy and spatial guidance for an area and help ensure that decisions within a plan area contribute to delivery of UK, national and any area-specific policy objectives, including sustainable development.

2.7 As public authorities, and as outlined in Section 58 of the MCA Act, IFCA's must act in accordance with the Marine Policy Statement and Marine Plans when making decisions on enforcement or authorisation that might affect the UK marine area. They must also have regard to these policy documents when taking other decisions on the management of their Districts. IFCA's will input to the development of Marine Plans within their Districts, as necessary, and in so doing, will be contributing to sustainable development within the marine area.

Box 1. High level marine objectives: the shared UK principles of sustainable development for the marine environment

(<http://www.defra.gov.uk/environment/marine/documents/ourseas-2009update.pdf>)

Achieving a sustainable marine economy

- Infrastructure is in place to support and promote safe, profitable and efficient marine businesses
- The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future
- Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently
- Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace.

Ensuring a strong, healthy and just society

- People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly.
- The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.
- The coast, seas, oceans and their resources are safe to use.
- The marine environment plays an important role in mitigating climate change.
- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community.
- Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the UK and its interests.

Living within environmental limits

- Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.
- Our oceans support viable populations of representative, rare, vulnerable, and valued species.

Promoting good governance

- All those who have a stake in the marine environment have an input into associated decision-making.
- Marine, land and water management mechanisms are responsive and work effectively together, for example through integrated coastal zone management and river basin management plans.
- Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries.
- Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.
- The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance.

Using sound science responsibly

- Our understanding of the marine environment continues to develop through new scientific and socio-economic research and data collection.
- Sound evidence and monitoring underpins effective marine management and policy development.
- The precautionary principle is applied consistently in accordance with the UK Government and devolved administrations' sustainable development policy.

3. The role of Inshore Fisheries and Conservation Authorities

3.1 The establishment of 10 IFCAs under the MCA Act 2009 is a key step towards delivering the Government's vision of '**clean, healthy, safe, productive and biologically diverse oceans and seas**'⁴ by enabling sustainable management of inshore sea fisheries resources at the local level. The vision for IFCAs is that they will "*lead, champion and manage a sustainable marine environment and inshore fisheries within their Districts, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry*". Therefore, sustainable development principles must be embedded in all IFCAs' activities and the approach they take to decision making.

3.2 IFCAs work through the guidance of committees whose balanced membership reflects their districts' economic, social and environmental needs and gives them local democratic input and accountability. IFCAs have the right level of representation from the communities they serve to be able to make effective decisions on the sustainable management of sea fisheries resources within their districts. They have the backing of constituent local authorities and provide the strategic direction to ensure the long-term sustainability of the marine environment in and around their Districts.

3.3 The IFCAs have an agreed national vision, which sets out their overall aim in sustainably managing the inshore marine environment to achieve the intentions of the MCA Act and wider UK and EU marine legislation. They also have success criteria that, along with the corresponding high-level objectives for achieving them, outline what will be expected of IFCAs in reaching that vision. The vision, success criteria and high-level objectives for IFCAs⁵ were all developed with sustainable development in mind. So if IFCAs are meeting their objectives and success criteria, they are also contributing to the achievement of sustainable development. IFCAs should outline progress towards achievement of their objectives in their annual reports⁶. The Secretary of State will report to Parliament on the conduct and operation of IFCAs every four years.

3.4 IFCAs must have regard to the high level marine objectives, Marine Policy Statement and Marine Plans when considering how best to integrate economic, environmental, and social considerations in their decision-making. Any decision will need to be made in an explicit and transparent way, making

⁴ From Natural Environment White Paper discussion document: www.defra.gov.uk/environment/natural/documents/newp-discussion-260710.pdf

⁵ Guidance to IFCAs on evaluation and monitoring and measuring performance is at:

<http://ww2.defra.gov.uk/environment/marine/ww2/ifca/>

⁶ Guidance to IFCAs on annual planning and reporting is at: <http://ww2.defra.gov.uk/environment/marine/ww2/ifca/>

clear the contribution to the achievement of sustainable development in the marine area and in the broader context.

3.5 Wherever possible, IFCAs should seek to accommodate multiple uses of the marine area and consider the possibilities for co-existence. Where uses/activities are not compatible with each other, or will potentially have adverse impacts on the environment, IFCAs will need to decide which use has priority in the given circumstances and the likely risks. The Marine Policy Statement, Marine Plans and associated guidance will help decision makers to balance economic, environmental and social needs.

4. Sustainable development in practice

4.1 As well as the existing policies and strategies relating to the marine area that are expressed in the Marine Policy Statement, IFCAs will need to have regard to a number of widely accepted principles when exercising their functions in order to contribute to sustainable development:

4.2 ***Evidence-based decision making***: sound evidence, monitoring and evaluation underpin effective and sustainable marine management and the use of sound science is one of the five principles of sustainable development (and, therefore, also of the high level marine objectives). In pursuing an evidence-based approach to their decision-making, IFCAs must seek to ensure that their decisions can be justified objectively and take account of all relevant facts and matters – both socio-economic and environmental - which are within their own knowledge or which they are reasonably able to acquire. IFCAs should make full use of their in-house scientific and technical expertise, to assist with evidence-based decision making and making best use of the research and advice that are available from other relevant bodies (see ‘Working in Partnership’ below).

4.2.1 *Use of sound science and the precautionary principle*. In reaching impartial decisions based on the best available evidence, IFCAs should take a risk-based approach that allows for uncertainty. IFCAs should use sound science responsibly in line with UK sustainable development policy, which includes consistently applying the precautionary principle – where there are threats of serious or irreversible damage, lack of full scientific certainty is not to be used as a reason to postpone proportionate and cost-effective measures to prevent environmental degradation.

4.2.2 *Impact assessments*. When making decisions, IFCAs should also assess and take into account the potential positive and negative impacts of any proposals or interventions (which may be economic, environmental and/or social), including the multiple and cumulative

impacts of proposals when viewed with other projects and activities. In line with best practice, IFCA should regularly monitor and evaluate the impact of implementing their decisions and feed back the result of that monitoring into the decision-making cycle. IFCA should ensure that such decisions meet statutory requirements under UK and EU legislation and are consistent with the UK's obligations under international law.

4.2.3 *Facilitating information and data sharing.* IFCA will benefit from the accumulated expertise of key partner organisations, such as the Marine Management Organisation, the Environment Agency, Natural England and the Centre for Environment, Fisheries and Aquaculture Science (Cefas). Where appropriate, IFCA will need to enter into agreements or memoranda of understanding with organisations holding relevant data in order to facilitate data sharing. An IFCA should seek to share knowledge, data and expertise with other IFCA and external partners to draw on their collective expertise to enable IFCA to develop as organisations and to enhance their contribution to the sustainable development of the marine area.

4.2.4 Defra has provided separate, more detailed guidance to IFCA on evidence-based marine management⁷, monitoring and evaluation⁸ and the use of impact assessments as part of byelaw-making⁹. Further guidance and a 'toolkit' on preparing impact assessments are also available from the Department of Business, Innovation and Skills¹⁰.

4.3 ***Marine conservation and managing marine protected areas:*** the protection and conservation of biodiversity is one of the key principles of sustainable development and the marine high level objectives. As well as the MCA Act, IFCA are bound by other legislation to have regard to the conservation of marine fauna and flora and endeavour to achieve a balance between that consideration and others as part of their sustainable management of inshore sea fisheries resources. For example, IFCA have a legal obligation to ensure that they exercise their functions which are relevant to marine conservation to comply with the requirements of the Habitats Directive¹¹. IFCA should proactively manage inshore sea fisheries resources to ensure that activities support the conservation objectives of marine

⁷ Guidance to IFCA on evidence-based marine management is at <http://ww2.defra.gov.uk/environment/marine/ww/ifca/>

⁸ Guidance to IFCA on evaluation and monitoring and measuring performance is at: <http://ww2.defra.gov.uk/environment/marine/ww/ifca/>

⁹ Guidance to IFCA on byelaw-making is at: <http://ww2.defra.gov.uk/environment/marine/ww/ifca/>

¹⁰ <http://www.bis.gov.uk/Policies/better-regulation/policy/scrutinising-new-regulations/preparing-impact-assessments>

¹¹ Regulation 9 (3) of the conservation of Habitats and Species Regulations SI 490/2101

protected areas, such as European Marine Sites¹², Marine Conservation Zones¹³, Sites of Special Scientific Interest¹⁴ and Ramsar sites¹⁵. The full scope of IFCA's duties will depend on the conservation objectives set for a particular marine protected area. Defra has provided separate, detailed guidance on Marine Conservation Zones¹⁶, including to public authorities (such as IFCA's), as to their duties in this area.

4.4 Sustainable management of fisheries: Possible options which IFCA's could follow to achieve the sustainable management of inshore fisheries are through initiatives such as Strategic Environmental Assessments¹⁷ or through sustainable fishery certification schemes. Such initiatives have sustainable development principles at their core. IFCA's could use the principles behind such initiatives to target the management of 'at-risk' sea fisheries resources within their Districts to help develop short-term and long-term sustainable management plans.

4.5 Good regulation: In order to work towards the sustainable development principle of good governance, IFCA's should have risk-based, effective and well-targeted regulation and enforcement. This regulation and enforcement should improve outcomes without imposing unnecessary burdens on those being regulated and thereby contribute to sustainable marine management. IFCA's should have regard to the Better Regulation Executive's five principles of good regulation: that regulatory activity should be transparent, accountable, proportionate, consistent and targeted¹⁸. Whilst complying with EU regulatory requirements, IFCA's should ensure that they are efficient and effective in their application of regulation and their enforcement activity should be proportionate to achievement of the regulatory outcomes. Defra has provided IFCA's with an enforcement framework and guidance to assist them in meeting their statutory obligations in this area¹⁹.

4.6 Organisational culture: Sustainable development should be at the heart of the work of each IFCA and should be obvious in the organisational culture and its people; over and above the sustainable management of sea fisheries resources, IFCA's should seek to contribute to sustainable development by

¹² European Marine Sites include Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas for Birds (SPAs) designated under the Wild Birds Directive.

¹³ The Marine and Coastal Access Act 2009 created a new type of Marine Protected Area (MPA), called a Marine Conservation Zone (MCZ). MCZs will protect nationally important marine wildlife, habitats, geology and geomorphology. MCZs, together with other types of MPA, will deliver the Government's aim for an 'ecologically coherent network of Marine Protected Areas'.

¹⁴ A Site of Special Scientific Interest (SSSI) is a conservation designation denoting a protected area in the United Kingdom. In England, SSSIs are designated by Natural England and include sites in marine and estuarine areas.

¹⁵ Ramsar sites are wetlands of international importance as classified under the Ramsar Convention, an international treaty for the conservation and sustainable utilisation of wetlands of which the UK is a contracting party

¹⁶ <http://ww2.defra.gov.uk/environment/marine/protect/mcz/>

¹⁷ See EU Directive 2001/42/EC (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:197:0030:0037:EN:PDF>)

¹⁸ <http://www.bis.gov.uk/bre>

¹⁹ Guidance to IFCA's on risk-based enforcement is at: <http://ww2.defra.gov.uk/environment/marine/ww2/ifca/>

considering the impact of their staff behaviour and organisational culture, and the resources they use. IFCA should consider how they can make their organisations more sustainable when administering their functions by, for example, reducing fuel consumption, encouraging train travel and car sharing, using office resources such as electricity, gas, water and office consumables more efficiently, reducing office waste and increasing recycling. These kinds of actions have the added benefit of cutting costs and providing better value for money. A number of organisations provide help and advice to local authorities and small organisations like IFCA on becoming more sustainable, including the Carbon Trust²⁰ and Business Link²¹.

4.7 Working in partnership: Section 174 of the MCA Act places a duty on an IFCA to cooperate with its neighbouring IFCA and other public authorities that are involved with regulation or enforcement in the sea within its District, in order to (among other benefits) ensure efficient cross-border working and maximise efficiencies. Over and above this regulatory requirement, IFCA should work in partnership with a range of other organisations, not only to achieve their own outcomes but to assist others to achieve theirs, and together contribute to the achievement of sustainable development. This can potentially be achieved through the following:

4.7.1 *IFCA membership:* In line with sustainable development principles, the membership of IFCA has been set up to achieve a better balance of membership that reflects the economic, social and environmental needs of that IFCA and some members are appointed according to the relevant expertise they will bring to the committee. This helps to ensure that, on balance, each IFCA has the right level of representation and knowledge across all the relevant sectors. Furthermore, each IFCA includes representatives from the Marine Management Organisation, the Environment Agency and Natural England, all of whom are key managers, regulators and conservators within the marine environment and have a role in promoting sustainable development. IFCA should take advantage of the individual experts within their membership, who can help with making evidence-based decisions on sustainable management.

4.7.2 *Memoranda of Understanding:* It will be essential for IFCA to understand the respective roles and responsibilities of the other relevant bodies working in the marine area and to develop a close working relationship with them in order to compliment, and not duplicate, each other's activities. This will be particularly important in cross-border areas, or transitional/intertidal zones such as

²⁰ <http://www.carbontrust.co.uk/cut-carbon-reduce-costs/reduce/public-sector/local-authorities/pages/default.aspx>

²¹ <http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1079068363>

estuaries, where IFCAs and other relevant bodies such as the Marine Management Organisation and the Environment Agency will need to agree how to tackle issues together and assist each other in achieving their respective objectives. Where appropriate, IFCAs should enter into agreements with the other bodies, setting out the principles and ways of working agreed between them that will support and facilitate their respective business operations and stakeholder relationships.

- 4.7.3 *Stakeholder engagement:* One of the principles of the high level marine objectives is that all those who have a stake in the marine environment have an input into associated decision-making. IFCAs activities will bring them into contact with a wide range of stakeholders including those representing the ports, shipping, fishing and renewable energy industries, as well as the recreation and leisure sectors and those with an interest in conservation. They will all look to IFCAs to be professional and proactive marine managers, focused on delivering the Government's vision of clean, healthy, safe, productive and biologically diverse seas, acting openly and transparently to deliver a coordinated approach to modern marine management and making a real contribution to sustainable development. IFCAs should develop a good understanding of their key stakeholders and, in addition to engagement through their membership, should ensure that those key stakeholders are aware of the work of IFCAs and have an opportunity to input to any decisions that will affect them.
- 4.7.4 *National focus:* As well as developing distinct local policies, IFCAs will also operate within, and contribute to, a national framework for managing the marine environment. IFCAs should ensure that they are aware of national Government policies that might affect them and their role in sustainable development, and are able to influence the development of those policies, where necessary.