

# Report from the United Kingdom

Implementation of (2002/413/EC)  
Recommendation of the European Parliament  
and of the Council, of 3 May 2002, concerning  
the implementation of Integrated Coastal Zone  
Management in Europe

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## **Report from the United Kingdom**

### **Implementation of (2002/413/EC) Recommendation of the European Parliament and of the Council, of 3 May 2002, concerning the Implementation of Integrated Coastal Zone Management in Europe**

#### **Introduction**

1. A Recommendation concerning the implementation of Integrated Coastal Zone Management (ICZM) was adopted on 30 May 2002. It asked Member States to adopt a strategic approach to the management of their coastal zones, based on a number of principles laid out in the document. It specifically recommended that Member States should conduct a stocktaking exercise of their coastal zone, which should form the basis of a national strategy, or wider coastal strategies.

2. Member States were also encouraged to report to the Commission on their experience of implementing the Recommendation, including, in particular, information on the following:

- a. the results of the national stocktaking exercise;
- b. the strategy or strategies proposed at the national level for implementation of integrated coastal zone management;
- c. a summary of actions taken, or to be taken, to implement the national strategy or strategies;
- d. an evaluation of the expected impact of the strategy or strategies on the status of the coastal zone;
- e. an evaluation of the implementation and application of Community legislation and policies that have an impact on coastal areas.

3. The arrangements for management of the coastal areas throughout the United Kingdom are complex. In 1999, the UK Parliament devolved many powers to new democratic bodies in Scotland, Wales and Northern Ireland. The legal framework created then, has become more elaborate ever since. It is an inevitable part of this continuing process of devolution that, since 1999, each devolved administration has created its own solutions to the shared challenges of sustainable development, and this is an important part of ensuring good practice. The diverse nature of the coastline throughout the different parts of the UK, and the differing terrestrial planning systems mean that tailored solutions are even more important.

4. For these reasons, the different administrations within the UK have by and large taken forward policy on ICZM separately, as described later in this report. Nevertheless there are still common challenges and shared goals in relation to ICZM, on which the administrations are committed to working together. This report therefore brings together the experience to date of the UK as a whole in implementing the Recommendation on ICZM.

## **Results of the national stocktaking exercise**

### *ICZM in the UK: A Stocktake*

5. The Recommendation on ICZM encouraged Member States to conduct a stocktaking exercise to analyse which major actors, laws and institutions influence the management of their coastal zone. In March 2003, the UK Governments commissioned a project to review the current UK framework, and this project reported in March 2004. The findings were based on the views of coastal practitioners in the UK, although reference was also made to the considerable body of existing information gathered through the European Union Demonstration Programme on ICZM, and other surveys and research which had already taken place. The stocktake findings, summarised, were as follows:

#### *The Policy and Decision-Making Framework*

6. Historically, coastal management policies and decisions in the UK have been made with reference to individual sectoral interests such as transport, environment, economic growth, waste management or coastal erosion. This is not fully representative of ICZM principles and aspirations. In the marine areas of the coast in particular, decision-making is largely the responsibility of central Government Departments or Devolved Administrations, thereby largely following a sectoral approach.

7. Coastal management on land is primarily the responsibility of Local Government bodies, whose jurisdiction generally extends to the mean low water mark, with a few exceptions. The introduction of a new terrestrial planning system (since the stocktake) requires the development of new Regional Spatial Strategies and Local Development Frameworks, which are contributing to a more integrated approach. In Scotland, legislation has extended responsibility of Local Government bodies further seaward in relation to aquaculture developments. Harbour Authorities generally have their own powers laid down in a private act of Parliament or in a harbour empowerment or revision order.

8. A number of executive agencies and non-departmental public bodies have varying levels of jurisdiction over the regulation and management of the coast.

#### *Progress in relation to ICZM*

9. Long-term planning for ICZM was perceived as the weakest principle. Although standard practice in the planning of some sectoral marine activities, this is an area where there has been significant difficulty to date. Most, if not all ICZM initiatives have been short term projects rather than being an integral part of an established decision-making and delivery process.

10. A range of other initiatives and actions have taken place to improve the framework for managing coastal activities. Policy has been developed through coastal planning guidance, attempts have been made to resolve conflicts of interest through local estuary plans, practical works such as management realignment projects have tried to deliver a more holistic management on the ground, and wide ownership and appreciation of coastal issues has been sought through much greater consultation with stakeholders at all levels. Considerable effort has however been put

into facilitating and encouraging “involvement of all parties” in coastal planning and management. This principle is now widespread and an integral part of decision making at all levels from local initiatives through to Government consultations on policy direction.

#### *Local Action*

11. Local non-regulatory actions are much closer to an ICZM approach. Many organisations, groups and individuals engage in and influence coastal management in the UK. Their interests may lie in a single issue, such as recreation or fisheries, or they may work in multi-disciplinary partnerships bringing together different interests to resolve conflicts or find common ground. A wide range of projects have been initiated as a result of local groups and interests coming together to tackle specific issues. Examples include the CoCoNet project set up to encourage networking and collaborative work between communities on both sides of the Irish Sea. Many projects have been supported under the EU’s Interreg and related programmes.

12. A number of coastal forums, groups and partnerships have developed around the UK. Their exact remits vary, but almost all of them possess a common purpose of promoting a more integrated approach to local coastal management by facilitating cooperation and resolving conflicts, raising awareness and understanding, and collecting and distributing information. In many cases these forums have been housed within local authorities.

13. Problems faced by some of these initiatives include a lack of involvement of some sectoral interests, ‘consultation fatigue’ as a result of the large number of initiatives, a limited pool of people with the relevant expertise and time, and a lack of consistent or sustainable funding.

#### *Charting Progress: An Integrated Assessment of the State of the UK Seas*

14. In early 2005, the UK Governments published ‘*Charting Progress*’, which was the first integrated assessment of the state of the seas across the whole of the UK Continental Shelf. The general picture that emerged from the evidence used in the report, was mixed. It revealed that the UK seas are productive and support a wide range of fish, mammals, seabirds and other marine life. The open seas are generally not affected by pollution and the levels of monitored contaminants have decreased significantly. The main contamination problems identified are in part due to the legacy of the past and are generally observed at higher levels in industrialised estuaries or areas local to the activity.

15. However, human activity has already resulted in adverse changes to marine life and continues to do so. For example widespread commercial fishing practices threaten many fish stocks by over-exploitation and damage sea floor areas. There is also evidence that the marine ecosystem is being altered by climate change: for example sea temperatures are rising and the distribution of plankton species is changing. These changes pose a real threat to the balance and integrity of the marine ecosystem.

16. The report noted that there is considerable development along much of the UK’s coastal zone, including port development, coastal protection and construction for tourism and recreation purposes. The historical establishment of communities

and infrastructure along the coast has been driven by the need to access the water for economic livelihood. There is growing pressure for renewable energy to be located in the offshore areas and offshore wind farms are already under construction.

17. There are also natural processes occurring which modify the coastal zone. The report evaluated the current levels of coastal erosion, arising mainly as a result of wave attack, the impact of which is being augmented as sea levels rise and climate change increases storm frequency.

## **Strategies for implementation of integrated coastal zone management**

18. A number of strategies have been produced, or are in the process of being developed, which address Integrated Coastal Zone Management.

### *Safeguarding Our Seas: A Strategy for the Conservation and Sustainable Development of Our Marine Environment*

19. The 'Safeguarding Our Seas' Strategy was published in 2002, jointly by the UK Government and the Devolved Administrations. It set out our vision for the marine environment, which was "clean, healthy, safe, productive and biologically diverse oceans and seas". This vision was underpinned by the principles of sustainable development, integrated management, the conservation of biological diversity, robust science, the precautionary principle and stakeholder involvement.

20. The strategy outlined how we are adopting an ecosystem approach to the management of marine activities, to better integrate marine protection objectives with sustainable social and economic goals. It covered the broad spectrum of policies that affect the marine environment, and as well as describing past achievements and progress made, it contained new ideas and initiatives to turn our vision into reality.

21. The report acknowledged that what is best for one stretch of our coastline may not be right for another. It stated our intention to encourage a flexible, discretionary approach to the overall management of coastal areas, that would build on existing administrative structures, so that local authorities, harbour authorities, environmental agencies and other bodies would each retain their statutory responsibilities, but work together at the most appropriate level.

22. To contribute towards achieving these aims, the strategy indicated that we would aim to become more integrated. We would explore the role of marine spatial planning for the marine environment, and to provide a focal point to build on existing seabed mapping for coastal waters around the UK. We also indicated that we would review the regulatory framework affecting development in the coastal area, with a view to simplifying it. These activities are being taken forward through preparation for new primary legislation, which is explained later in this report.

### *Northern Ireland: Towards a strategy on ICZM*

23. The Department of the Environment in Northern Ireland is responsible for leading on the ICZM strategy for Northern Ireland. In devising this strategy, the Department is mindful of the need to adhere to the ICZM principles and have developed over 50 objectives relating to the three pillars of sustainable development (social, economic and environmental) plus several on integration itself. It is hoped that a coastal forum will be created during 2006 to oversee the implementation of the strategy and to take forward coastal issues. It is also intended to develop closer links with colleagues in the Republic of Ireland to look at island wide coastal issues. The Northern Ireland draft strategy has been subject to formal consultation and it is hoped that the document will be finalised in April 2006.

### *Wales: ICZM strategy consultation*

24. The Welsh Assembly Government has prepared a draft strategy on ICZM for Wales, which is intended to help embed ICZM principles into relevant policies and programmes at the all Wales and local levels. If this can be done successfully, the Assembly Government believes that the ICZM process can make a useful contribution to delivery of sustainable development objectives in Wales. As the UK Stocktake exercise revealed, there already a number of good examples of ICZM principles being put into practice in Wales. The draft strategy aims to build on this and to this end, seven key objectives and a range of supporting actions are identified to help take ICZM forward in Wales. The draft strategy has been prepared in conjunction with the Wales Coastal and Maritime Partnership, a grouping of public, business and voluntary sector organisations with a direct interest in the coast of Wales. The draft has been issued for public consultation by the Assembly Government and following this it will be finalised for publication in April/May 2006.

*Scotland: Marine and Coastal Strategy*

25. In the summer of 2004 the Scottish Executive consulted widely on developing a strategy for Scotland's coasts and seas. In September 2005 they published 'Seas the Opportunity', a strategy for the long term sustainability of Scotland's coasts and seas. The strategy drew on the views received as part of the consultation, and also on work done by the Scottish Coastal Forum and Scottish Biodiversity Forum. The strategy laid out a clear vision for the Scottish Coasts and Seas, underpinned by high level objectives and specific action-focused targets. The strategy is being developed and taken forward by a Minister chaired advisory group whose membership includes a wide variety of stakeholders in the marine and coastal environment, including the Scottish Coastal Forum.

*Scotland: Strategy for Scotland's Coasts and Inshore Water*

26. The Strategy for Scotland's coasts and Inshore Waters was produced by the Scottish Coastal Forum and presented as a report to Scottish Ministers. It has been taken forward by the Scottish Executive via the publication of "Seas the Opportunity" in 2005, and the ongoing work of the Advisory Group on Marine and Coastal Strategy (AGMACS).

*England: Towards a strategy on ICZM*

27. There are a number of examples of a strong ICZM approach around the English coastline, but further action could be taken to ensure this approach is embedded into all levels of coastal management.

28. The Department for Environment, Food and Rural Affairs is currently preparing proposals on how ICZM might be promoted throughout England. These proposals will be published shortly for consultation with the public. The proposals will look at how a strategic and integrated approach to coastal management might be achieved more consistently around the coastline, and how the current management systems on land might be harmonised with any new proposals at sea. The development of these proposals are being taken forward in the context of wider work to consider new primary legislative proposals for the marine area.

## **Summary of actions to implement the national strategies**

### Action at UK wide level

29. We are committed to achieving a strategic framework for Integrated Coastal Zone Management, which is based on a common set of guiding principles, which recognises UK wide policy objectives, but which can be applied in a flexible manner according to local needs within each administration.

30. In addition to implementing the individual strategies within England, Scotland, Wales and Northern Ireland, we are also taking action at UK level to achieve the aims of Integrated Coastal Zone Management. We have made the following joint commitments through the *Safeguarding Our Seas* Strategy in 2002:

- We want to develop a new, shared vision for the future of our coastal areas. This is essential for the stewardship of our seas and the success of an ecosystem approach.
- The coastline of the United Kingdom is one of the most diverse in Europe. We must balance the conservation of this vital resource with the economic and social activities that take place there.
- We are encouraging local partnerships to deliver solutions and develop opportunities within the Government's framework of national policies. Integrated coastal management is essential to achieving this.

31. We are also committed to the following objectives, to enable us to take a co-ordinated approach around to ICZM throughout the UK:

- We will aim to embed the principles and aspirations of ICZM in policies and decision-making structures affecting the coastal zone, throughout the United Kingdom.
- We will seek to maintain regular co-ordination between the different administrations within the UK, to achieve an integrated approach to coastal management, whilst respecting individual needs and policies
- We will strive for a co-ordinated and integrated approach to cross-border issues
- We will work together with Ireland and the Crown Dependencies, to share experience and examples of good practice and aim to support practical projects through the EU's Interreg and related programmes.
- We will explore the possibility of sharing information and experience with other EU Member States
- We will continue to maintain a co-ordinated approach towards European Community legislation and international commitments, with relevance to the coastal zone.

### Proposed new legislation

32. The UK Government is committed to bring forward proposals for new primary legislation (a Marine Bill), to introduce a new framework for managing our marine and coastal area, that balances conservation, energy and resource needs. However, the UK government is committed to the devolution process, and it will therefore be for individual administrations to decide whether new legislation is necessary in the areas for which they have competence.

33. The UK's marine area is a vast and important resource, providing us with economic, environmental and cultural benefits. However it is not a limitless resource, and as competition for, and pressure on marine space grows, so does the potential for conflict between different activities. We believe it is essential to ensure a sustainable approach to the way in which we regulate activities and mitigate long term damage.

34. There is already a complex system of legislation and regulation in place to help us manage marine activities and protect the marine environment. However the system has developed in a piecemeal fashion over the years, and changes in technology and a deepening understanding of the seas around us and the way we affect them have exposed some gaps and limitations in this system.

35. The UK Government is in the initial stages of considering this new legislation, however our intention is to create a new, fit for purpose framework for marine management, founded on the principles of sustainable development, good regulation and modern government. It is proposed that the new legislation will address five closely linked areas:

- a. a new system for marine spatial planning, taking account of all sectors and activities and encompassing issues related to the land-sea interface;
- b. streamlining the UK Government's regulatory regimes for considering and licensing certain types of marine activities, simplifying the process while at the same time as delivering our objectives to ensure sustainable development;
- c. new mechanisms for the conservation of marine ecosystems and biodiversity, including protected areas for important species and habitats where existing provisions do not suffice;
- d. new arrangements and institutional structures to allow better, updated management of fisheries and related environmental enforcement;
- e. considering the case for a new marine management organisation and the functions it might take on.

36. It will be essential that we incorporate the principles and aspirations of Integrated Coastal Zone Management throughout all of the elements of the new legislation. Although there is currently no strategic planning system in the UK for the coastal areas, there are a number of different planning mechanisms which address these areas in some way. The UK Government will need to ensure that a sufficiently integrated approach is adopted to harmonising these plans with any new systems created through the new legislation. We will also consider whether it is appropriate to introduce any new specific ICZM provisions in legislation, and if so whether the proposed Marine Bill is the appropriate vehicle through which to do so.

#### Marine Spatial Planning Pilot Project

37. At the end of 2004 the UK's Department for Environment, Food and Rural Affairs commissioned a pilot project in the Irish Sea, to research the options and practicalities for developing, implementing and managing marine spatial planning the UK coastal and offshore waters. The project reported in February 2006. It had two main objectives – firstly, to obtain a better understanding and appreciation of available evidence and experiences to date in the field of spatial planning, and its relevance and applicability to UK marine and coastal waters. Secondly, to undertake

a pilot to determine the feasibility and practicality of developing and applying a marine spatial plan. The pilot represented the first attempt in the UK to develop a simulated marine spatial plan at a regional scale, and to demonstrate how such a plan might play a part in decision-making and ongoing management. The project will be useful to the UK Government, as we develop our proposed new primary legislation in this area.

Action in relation to specific ICZM strategies

38. Each of the UK administrations will take forward action to implement their specific ICZM strategies, once they have been finalised. The aim will be to build ICZM principles into all relevant activities initiated by the UK Governments and their sponsored bodies.

Scotland

39. The Scottish Advisory Group on the Marine and Coastal Strategy (AGMACS) has three main workstreams; Marine Spatial Planning, ICZM, and science & monitoring. The work on ICZM is being led by the Scottish Coastal Forum and, after consideration by government, it is hoped that this will form the basis of a Scottish ICZM strategy. Scottish Ministers are also committed to consider the options and benefits of a system of marine spatial planning in Scottish waters, and the need for new legislation to implement such a system. AGMACS is scheduled to conclude in November 2006 and the work of this group will inform and enable decision making by Scottish ministers on these important issues.

40. In September 2005 the Scottish Sustainable Marine Environment Initiative (SSMEI) was launched. This initiative consists of a number of pilot studies around the Scottish coast whose aim is to trial new ways of managing the coastal and marine environment, including options for marine spatial planning and taking into account the principles of ICZM. One of these pilots involves close collaboration with a local coastal partnership. The pilots are expected to report back in 2007.

## **Evaluation of the expected impact of the strategies on the status of the coastal zone**

41. Each of the UK administrations will review progress against the strategies on ICZM and other related activities on a regular basis, and undertake further action where necessary. Through these strategies we are reviewing the work of the Working Group on Indicators and data, set up by the EU's ICZM expert group, including an ICZM progress indicator, and indicators of sustainable development. We are exploring how indicators might be applied within the different parts of the UK.

## **Evaluation of the implementation and application of Community legislation and policies that have an impact on coastal areas**

### Water Framework Directive

42. The necessary UK legislation required to implement the WFD was in place by 2003. The characterisation of WFD waters (including transitional and coastal waters out to 1 nautical mile in the UK, except in Scotland where it is 3 nautical miles) required by Article 5 was reported to the Commission in March 2005.

43. In December 2005, the UK Department for Environment, Food and Rural Affairs (Defra) and the Welsh Assembly Government jointly published a consultation on River Basin Planning Guidance, which set out the principles and key steps for the river basin planning process. Structures to ensure proper public participation under the WFD have been introduced across the UK in order to help develop draft RBMPs by 2008. These will need to link with existing coastal groups already established and promoting an ICZM approach.

### Bathing Water Directive (76/160/EEC)

44. The objective of the 1976 Bathing Water Directive (76/160/EEC) is to protect public health and the environment from pollution of bathing waters. The current directive sets limits of concentration for a number of chemical and microbiological pollutants (faecal and total coliforms) at major, officially recognised popular natural bathing sites (lakes, coasts and some rivers). Attention now focuses almost entirely on faecal standards, which aim to protect human health from mild gastrointestinal illness.

45. The microbial quality of UK bathing waters has improved significantly in recent years following major investment to tackle sewage discharges in proximity to bathing waters. This has been driven, in part, by the requirements of the Bathing Water Directive. 98% of UK bathing sites now meet the mandatory requirements of the Directive and 79% meet its much tougher guideline standard.

46. Directive 76/160/EEC was updated, in the light of better knowledge of the science and risks of illness from bathing, by Directive 2006/7/EC, which was adopted in early 2006. Member States have until early 2008 to transpose the requirements of this Directive into national law. This has a stronger focus on protecting the health of bathers and on providing them with information on water quality. The new water quality standards it introduces, which should be in use by 2015, describe 4 levels of water quality and are based on only microbiological indicators (intestinal enterococci & E. coli). There are also additional requirements for the dissemination of information to the public, management of bathing waters and public participation.

47. Many of the chemical standards of the old bathing water directive will be incorporated into Water Framework Directive daughter directives.

### Shellfish Waters Directive (79/923/EEC)

48. The EC Shellfish Waters Directive (79/923/EEC), adopted on 30 October 1979, seeks to protect or improve shellfish waters in order to support shellfish life and growth and thus to contribute to the high quality of shellfish products directly edible

by man. The Directive sets a number of physical, chemical and microbiological water quality requirements. Some of these are obligatory limits of concentration (mainly for metals and organic compounds) that designated shellfish waters must comply with, some are guideline limits (mainly faecal microbiological organisms), which designated shellfish waters must endeavour to meet. The Directive will be repealed in 2013 by the EC Water Framework Directive.

49. Defra, in a joint exercise with the Welsh Assembly Government, completed a review of designations in 2004 which led to the designation of 5 new shellfish waters (Total 98) and the extension of 5 existing shellfish water designations in England. Defra issued a Notice and Schedule instructing the Environment Agency to ensure the new designations and extensions meet the requirements of the Directive in April 2004.

50. The Scottish Executive have one hundred and fourteen waters in Scotland currently designated as Shellfish Waters under the Directive. Reviews of the designations were carried out and new waters added in 1998, 2000, 2002, and 2005. Directions are made to the Scottish Environment Protection Agency (SEPA), which together with the Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997 and the Surface Waters (Shellfish)(Scotland) Directions 1997, transpose the Shellfish Waters Directive into Scots Law. SEPA are responsible for the monitoring of the waters and setting up improvement programmes to ensure that the water quality meets the requirements of the Directive.

#### Urban Waste Water Treatment Directive (91/271/EEC)

51. This Directive was adopted by member states in May 1991 and transposed into legislation across the UK by the end of January 1995. Its objective is to protect the environment from the adverse effects of sewage discharges. It sets treatment levels on the basis of sizes of sewage discharges and the sensitivity of waters receiving the discharges.

52. At the end of 2005 in England and Wales primary and secondary treatment was the minimum standard for all freshwater, estuarine and coastal discharges from sewage treatment works serving populations of 2000 or more.

53. In 2002 several estuarine/coastal water bodies, mainly along the south coast of England and in Northern Ireland, were identified as sensitive areas. Work is underway to provide more stringent treatment (than secondary) at relevant works to improve/protect these coastal areas.

54. In Scotland, the transposing regulations for this Directive came into force in 1994, and were subsequently amended in 2003. By the end of 2005, all discharges serving populations of more than 2,000 should have been upgraded to meet secondary treatment standards in fresh and estuarine waters, while in marine waters, discharges for more than 10,000 people are required to do so.

#### The Nitrates Directive (91/676/EEC)

55. The Nitrates Directive is an environmental measure designed to reduce water pollution caused or induced by nitrates from agricultural sources and to prevent such pollution in the future. Member States are required to control pollution by:

- Defining as “Nitrate Vulnerable Zones” (NVZs) all areas of agricultural land which drain to waters that are polluted or likely to be polluted by nitrate.
- Ensuring that farmers comply with an Action Programme of measures to reduce nitrate pollution in NVZs.
- Reviewing NVZ designations and the Action Programme of measures every 4 years. NVZs must be extended and the measures tightened if the objectives of the Directive are not being achieved.

56. “Nitrate Vulnerable Zones” (NVZs) were first established at 8% of England on 17<sup>th</sup> April 1996. A review of NVZ designations increased the area of NVZs to 55% of England from 18<sup>th</sup> October 2002. The Action Programme of measures to be applied within NVZs came into force on 19<sup>th</sup> December 1998 and was extended to cover the new NVZs on 19<sup>th</sup> December 2002. A review of the Action Programme is underway and a consultation will be published shortly, with a view to producing a revised Action Programme in mid 2006. A review of NVZ designations is also underway and the outcome of the review will be known in early 2007.

57. In Scotland, since the beginning of 2003, 14% of the country has been designated as NVZs and action programme measures came into force for these designations on 20 February 2003. The legislation that transposes the Nitrates Directive in Scotland is as follows:

- The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996 –SI no 1564 (S.137)
- The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2000 – SI no 96
- The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002 - SI no 276
- The Designation of Nitrate Vulnerable Zones (Scotland) (no 2) Regulations 2002 - SI no 546
- The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003 – SI no 51
- The Action Programme for Nitrate Vulnerable Zones (Scotland) Amendment Regulations 2003 – SI no 169, and The Guidelines for Farmers in Nitrate Vulnerable Zones.

#### Integrated Pollution Prevention and Control Directive (96/61/EEC)

58 Integrated Pollution Prevention and Control (IPPC) is a system for controlling pollution from certain industrial activities. It features the concept of Best Available Techniques ("BAT"), providing a balance of the cost to the operator against benefits to the environment. The aim of IPPC is to prevent, and where that is not practicable, to reduce to acceptable levels, pollution to air, land and water from industrial activities.

59. Industrial installations must be operated in compliance with a permit containing emission limit values and other conditions based upon the use of BAT and taking into account the technical characteristics and location of the installation and the local environmental conditions. Operators must operate to a permit use the BAT to control pollution from their industrial activities. The Best Available Techniques also aim to IPPC is replacing Integrated Pollution Control (which was established by the

Environmental Protection Act 1990) and is taking effect through the Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended) and very similar Regulations from Scotland, Northern Ireland and in respect of offshore installations. Nearly all the 5,500 IPPC installations are regulated by the Environment Agency, the Scottish Environment Protection Agency or the Northern Ireland Environment and Heritage Service, but local authorities in England and Wales regulate about 500 of these.

#### Environmental Impact Assessment (EIA)

60. The Environmental Impact Assessment (EIA) Directive (85/337/EEC as amended) has been implemented in the UK by a number of sets of legislation. Most of the categories of project which fall within the scope of the Directive are subject to planning permission, for which the implementing EIA legislation is the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293). But there are more than 30 other sets of implementing legislation covering projects which fall outside the planning system, such as those relating to gas pipelines, ports, forestry projects, roads, electricity works and offshore wind farms.

61. The EIA process ensures that, where a project is likely to have significant effects on the environment, those effects are assessed in a systematic way before development consent can be given. Under this process the developer is required to prepare environmental information, which is made available to environmental bodies and the public for comment and, together with any representations made, is taken into account by the relevant competent authority in reaching its decision on consent.

62. For projects listed in Annex I of the Directive EIA is mandatory. These include trading ports and piers for loading and unloading which can take vessels of over 1350 tonnes. For projects listed in Annex II EIA is required only if the competent authority consider there are likely to be significant environmental effects. Annex II projects include harbour and port installations not included in Annex I, and coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works.

63. The European Commission issued a Report to the European Parliament on 23 June 2003 (ref. COM (2003) 334 final) on the Application and Effectiveness of the EIA Directive. This examines how successful the Member States have been in implementing the Directive. It can be viewed on the Commission's website.

#### Strategic Environmental Assessment (SEA)

64. The SEA Directive (2001/42/EC) was implemented in the UK via The Environmental Assessment of Plans and Programmes Regulations 2004 (Statutory Instrument 2004 No.1633) and similar regulations in Northern Ireland, Scotland, and Wales. In addition, the *Environmental Assessment (Scotland) Act 2005* supersedes the Scottish Regulations, except in relation to plans and programmes in Scotland whose first formal preparatory act was on or before 19th February 2006.

65. The SEA Directive applies to plans and programmes whose formal preparation begins after 21 July 2004 and also to those which are already in

preparation by that date but will not be adopted or submitted to a legislative procedure by 21 July 2006. The majority of UK plans and programmes requiring SEA under the Directive are in the spatial planning sector.

66. SEA requires authorities who prepare and/or adopt a plan or programme that is subject to the Directive to prepare a report on its likely significant environmental effects, consult environmental authorities and the public, and take the report and the results of the consultation into account during the preparation process and before the plan or programme is adopted. They must also make information available on the plan or programme as adopted and how the environmental assessment was taken into account.

67. A *Practical Guide to the Strategic Environmental Assessment Directive* (September 2005) was prepared and issued jointly by the administrations responsible for the implementation of the Directive throughout the UK. It provides information on the requirements of the Directive and ways of meeting them. It is relevant to all plans and programmes which fall within the scope of the Directive, but is designed particularly for those for which no specific guidance has been developed. Separate guidance - *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* - builds SEA into the land use and spatial planning system and mandatory Sustainability Appraisal of Regional Spatial Strategies, Development Plan Documents and Supplementary Planning Documents. These are particularly relevant to integrated coastal zone management in England. Sustainability Appraisal covers the full range of social, environmental and economic effects, and tests these against criteria of sustainability.

68. The regulations in Scotland have now been superseded by the Environmental Assessment (Scotland) Act 2005. This Act applies to qualifying strategies, plans and programmes relating solely to all or part of Scotland, whose first formal preparatory act was on or after 20 February 2006.

#### Habitats Directive

69. Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, also known as the 'Habitats Directive', requires EC Member States to introduce a range of measures for the protection of habitats and species listed in its Annexes. Each Member State is required to propose a national list of sites to form a European network of sites of Community importance (SCI). These are finally designated by Member States as Special Areas of Conservation (SAC). There are currently 608 designated SACs in the UK covering 2,504,016 hectares. Full list of SACs can be found via the weblink at the end of this document.

70. The Habitats Directive introduces for the first time for protected areas, the precautionary principle, i.e. that projects can only be permitted to proceed, having ascertained that there will be no adverse effect on the integrity of the site. Projects may still be permitted, but only if it is shown that there are no alternatives, and that there are imperative reasons of overriding public interest. In such cases compensation measures must be taken ensure the overall integrity of the Natura 2000 network. As a consequence of amendments to the Birds Directive, these measures also apply to Special Protection Areas (SPAs).

#### Birds Directive

71. Council Directive 79/409/EEC on the conservation of wild birds, also known as the 'Birds Directive', provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. It sets broad objectives for a wide range of activities designed to protect wild birds, although the precise legal mechanisms for their achievement are at the discretion of each Member State. In the UK, protection mechanisms are implemented through several different statutes.

72. In the UK, 246 Special Protection Areas (SPAs) have been classified covering 1,482,187.46 hectares. There are 79 SPAs in England (including 3 cross-border sites) covering 690,634 hectares (figures correct as of September 2005). A full list of SPAs can be found on the weblink later in this document.

## **Documents attached to this report**

ICZM in the UK: A Stocktake (Atkins, March 2004)

<http://www.defra.gov.uk/environment/water/marine/uk/iczm/index.htm>

Charting Progress: An Integrated Assessment of the State of the UK Seas (Defra, 2005)

<http://www.defra.gov.uk/environment/water/marine/uk/stateofsea/index.htm>

Safeguarding our Seas / Marine Stewardship Report (Defra, 2002)

<http://www.defra.gov.uk/environment/water/marine/uk/stewardship/index.htm>

Seas the Opportunity – A Scottish Marine and Coastal Strategy (2005)

<http://www.scotland.gov.uk/Publications/2005/08/26102543/25444>

A strategy for Scotland's Coasts and Inshore Waters

Produced by the Scottish Coastal Forum and presented as a report to Scottish Ministers. It has been taken forward by the Scottish Executive via the publication of "Seas the Opportunity" in 2005, and the ongoing work of the Advisory Group on Marine and Coastal Strategy (AGMACS)

<http://www.scotland.gov.uk/library5/environment/ssciw-00.asp>

Draft document produced by Northern Ireland for public consultation, to be taken forward as a Northern Ireland Strategy on ICZM

[http://www.doeni.gov.uk/epd/consultation\\_docs/details.asp?docid=3134](http://www.doeni.gov.uk/epd/consultation_docs/details.asp?docid=3134)

Draft document produced by Wales, currently subject to public consultation, which will be taken forward as a Wales Strategy on ICZM in due course

<http://www.countryside.wales.gov.uk/fe/master.asp?n1=366&n2=734&n3=735>

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### **Other Useful Weblinks**

Department for Environment, Food and Rural Affairs

<http://www.defra.gov.uk>

Proposed Marine Bill

<http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/index.htm>

Marine Spatial Planning Pilot Project

<http://www.abpmer.net/mspp/>

Summary of the results of the 2005 survey of the quality of UK bathing waters within the scope of the Bathing Water Directive:

<http://defraweb/environment/water/quality/bathing/pdf/summary-tables2005.pdf>

Scottish results on bathing water directive

<http://www.sepa.org.uk/data/bathingwaters/index.htm>

UK Government website – Water Framework Directive

<http://www.defra.gov.uk/environment/water>

UK Government website - Integrated Pollution Prevention and Control (IPPC)

<http://www.defra.gov.uk/environment/ppc/ippc.htm>

UK information – Habitats Directive

<http://www.jncc.gov.uk/page-1374>

UK information – Birds Directive

<http://www.jncc.gov.uk/page-1400>