

**MARINE LICENSING TO PROTECT SPECIES AND HABITATS
IN UK ESTUARINE AND MARINE WATERS**



Fan shell or fan mussel (*Atrina fragilis*) on the shore at Salcombe.

Atrina fragilis is one of the rarest molluscs in the UK. It can grow up to 30 cm long.

Aquatronics Ltd and Marine Bio-images discovered a new subtidal location for a specimen in the Salcombe estuary. The one pictured above is in the intertidal. This species is protected under the Wildlife and Countryside Act (WCA) and there is a Biodiversity Action Plan (BAP) for *Atrina fragilis*.

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BIODIVERSITY ACTION PLANS (BAPs) & HABITAT ACTION PLANS (HAPs)

The UK Biodiversity Action Plan (UK BAP) was published in 1994, as the UK's response to the Convention on Biological Diversity (CBD), which the UK signed up to in 1992 (Rio Convention). The Rio Convention required a significant reduction in the loss of biodiversity.

The UK was the first country to produce a national biodiversity action plan. The UK BAP gave detailed plans for conservation of our natural resources. Action plans for the most threatened species and habitats were formulated to aid recovery. National reports, produced every 3 – 5 years, showed how the UK was progressing towards the significant reduction of biodiversity loss.

The UK BAP website was created by the Joint Nature Conservation Committee (JNCC) in 2001. The website provided information on the BAP process, news and updates, and hosted relevant documents. In March 2011, as part of the UK government's review of websites, the UK BAP site was 'closed', and the core content was migrated into the JNCC website. All of the content from the original UK BAP website has been archived by The National Archives (UK BAP copy March 2011).

The Joint Nature Conservation Committee produced BAPs for the following Priority Marine/Maritime Habitats and associated Species:

- Maritime cliff and slopes
- Coastal sand dunes
- Machair
- Coastal vegetated shingle
- Littoral and sub-littoral chalk
- *Sabellaria alveolata* reefs
- *Sabellaria spinulosa* reefs
- Coastal saltmarsh
- Mudflats
- Sheltered muddy gravels
- Tidal rapids
- *Modiolus modiolus* beds
- Seagrass beds
- Maerl beds
- Saline lagoons (plus annex with eight species statements)
- Mud habitats in deep water (plus annex with two species statements)
- Serpulid reefs
- Sublittoral sands and gravels
- *Lophelia pertusa* reefs

Detailed information on each BAP is available on the JNCC website at <http://jncc.defra.gov.uk/page-5718>

Aquatonics Ltd has considerable experience in assessing whether UK Priority Habitats and species are likely to be present within the development area or nearby. Where necessary we

undertake surveys to define the extent of priority habitats and species. We will apply for licences with the MMO or other national bodies as and when required.

Devolution in 1998 led to each of the four countries in the UK (England, Scotland, Wales and Northern Ireland) developing their own strategy for biodiversity and the environment. BAPs and Habitat Action Plans (HAPs) are now being developed by the country agencies:

England	Natural England (NE)
Wales	Wales Biodiversity Partnership (WBP)
Scotland	Scottish Natural Heritage (SNH)
Northern Ireland	Northern Ireland Environment Agency (NIEA)

Various documents show the development of policy in the UK in the light of devolution and developments since the Rio Convention. In 2007 the report 'Conserving Biodiversity – the UK Approach' showed the approach jointly adopted by the devolved administrations and the UK government. This document reflected the new initiatives for conservation action since the UK BAP was created, including the 2001 EU Gothenberg agreement to halt the loss of biodiversity by 2010, and the findings of the Millennium Ecosystem Assessment (2005).

In July 2012 a report 'UK Post-2010 Biodiversity Framework' updated the UK BAP. It reflects a change in strategic thinking following the publication of the CBD's 'Strategic Plan for Biodiversity 2011–2020' and its 20 'Aichi targets', at Nagoya, Japan in October 2010 (<http://www.cbd.int/sp/targets/>) and the launch of the new EU Biodiversity Strategy (EUBS) in May 2011. The framework demonstrates how the work of the four countries and the UK contributes to achieving the 'Aichi targets', and identifies the activities required to complement the country biodiversity strategies in achieving the targets.

UK BAP PRIORITY MARINE SPECIES

There are 87 priority marine species in the UK BAP. Some of these are quite well known to the general public, for example native oyster (*Ostrea edulis*) loggerhead turtle, common skate, cod, plaice, mackerel, whiting, common seal, harbour porpoise and bottle-nosed dolphin. The split between the various taxonomic groups is shown in Table 1.

Table 1. Taxonomic Breakdown of Priority Marine Species

Group	Common names	Number of species
Sea mammals	Seals, porpoises, dolphins and whales	21
Turtles	Leatherback turtle and loggerhead turtle	2
Cartilaginous fish	Skates, rays, dogfish, sharks	15
Invertebrates	Animals without backbones, including molluscs, crustaceans, tunicates, sea fans and hydroids	20
Algae	Seaweeds including calcareous reds (maerl)	8
Total		87

APPLYING FOR A LICENCE IN ENGLAND

A wildlife licence can be issued by the relevant body (the Marine Management Organisation (MMO) in England) to authorise what would otherwise be an offence in the marine environment under the nature conservation legislation. However, the activity needs to meet certain purposes and the MMO need to be sure there is no satisfactory alternative. For example, a licence would be required to disturb certain species (e.g. marine mammals) during construction of harbours, dredging or construction of wind farms. A licence may also be required to carry out scientific surveys in sensitive locations.

The MMO web site (<http://www.marinemanagement.org.uk/protecting/wildlife/index.htm>) states that the relevant legislation that applies is:

- [The Offshore Marine Conservation \(Natural Habitats, &c.\) Regulations 2007](#)
- [The Offshore Marine Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2009](#)
- [The Offshore Marine Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2010](#)
- [The Conservation of Habitats and Species Regulations 2010](#)
- [The Wildlife and Countryside Act 1981 \(as amended\)](#)
- [The Wildlife and Countryside Act 1981 \(Variation of Schedules 5 and 8\) \(England and Wales\) Order 2011](#)
- [The Conservation of Seals Act 1970](#)
- [The Conservation of Seals \(England\) Order 1999.](#)

How to get a licence from the MMO

An applicant will need to provide details on the activity they wish to carry out, what species will be affected and for what purpose they wish to apply for a licence.

The MMO provide an informal screening exercise for applicants to assess:

- whether or not they need to apply for a licence
- which is the appropriate form
- what information the MMO need in order to consider an application.

You can also apply online on the MMO website, or Aquatonics Ltd can assist you in this process. After registration on the MMO web site it is a relatively straightforward process to complete the forms online.