



House of Commons  
Environment, Food and Rural  
Affairs Committee

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# Marine Mammals: Government Response to the Committee's Sixth Report

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**Sixth Special Report of  
Session 2022–23**

*Ordered by the House of Commons  
to be printed 24 October 2023*

## The Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and associated public bodies

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# Sixth Special Report

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The Environment, Food and Rural Affairs Committee published its Sixth Report of Session 2022–23, [Protecting Marine Mammals in the UK and Abroad](#) (HC 697), on 28 June 2023. The Government response was received on 19 October 2023 and is appended below.

## Appendix: Government Response

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### Introduction

The government thanks the Environment, Food and Rural Affairs Committee for its report, “Protecting Marine Mammals in the UK and Abroad”, for which we provide our responses to its recommendations below.

Effective protection and management of the marine environment is one of the biggest environmental challenges. We agree with the Committee that marine mammals play an important role in supporting wider ecosystem health and global biodiversity. Marine mammals face a range of challenges regarding population numbers and welfare, and the UK government is committed to tackling these.

The government’s 25 Year Environment plan sets out our ambition to secure clean, healthy, productive and biologically diverse seas and oceans by 2042. In February 2023 we published the Environmental Improvement Plan, which sets out how we plan to enhance nature in our marine and coastal environments and includes targeted actions and commitments to restore and manage cetacean and seal species.

We are already taking significant actions to address the threats facing marine mammals, including publishing the UK-wide Marine Wildlife Bycatch Mitigation Initiative (BMI) in August 2022, which sets out high level ambitions for tackling bycatch. We are also working to enhance protection through marine protected areas, ambitious fisheries policies, investment in research and development and international engagement.

### Threats to Marine Mammals – recommendations on the EPPS and research

The government agrees with the Committee on the importance of applying the precautionary principle when developing policy and prioritising marine mammal protection where appropriate.

The legal duty to have due regard to the Environmental Principles Policy Statement (EPPS) when making policy comes into force on 1 November 2023. In advance of this, policy makers across Government will be considering how to apply the statement during relevant policy development.

The UK is also a contracting party to a number of international multilateral environmental agreements (MEAs). In the case of OSPAR, the Convention contains a version of the precautionary principle in Article 2(a)[1], which as a party to the Convention the UK must apply.

We will continue to consider how best we can apply this approach, alongside other principles in the EPPS, within policy development in view of the threats to marine mammals and evidence gaps.

Defra already funds significant research on disease in marine mammals, including monitoring and investigation of the causes of death of stranded marine mammals. This includes the Cetacean Stranding Investigation Programme (CSIP), which now includes seals, which tests for a range of potential diseases associated with the animal. Defra are also funding British Divers Marine Life Rescue (BDMLR) and Teesside University to investigate the cause and prevalence of cases of a condition referred to as ‘mouth rot’ in harbour seal pups. In addition, the UK Government have funded the Sea Mammal Research Unit (SMRU) to investigate the causes of decline in harbour seals in the Southeast of England, including seal health and disease.

The APHA Disease of Wildlife Scheme, in conjunction with a network of collaborators from across the country, undertakes surveillance for new and emerging diseases in seals.

## **Monitoring – recommendations on funding for new technological solutions**

There is already significant investment from the UK Government in technological solutions to marine mammal monitoring, including through Defra’s £40m marine Natural Capital and Ecosystem Assessment (mNCEA) programme. The programme includes investment in technology innovation, improved data collection and monitoring outcomes. Relevant projects include those developing autonomous vessels to remotely collect visual and acoustic data, bespoke AI software to identify cetacean vocalisations, environmental DNA (eDNA) analyses to identify marine species, and digital aerial surveys to generate population estimates. Year 1 of the programme also completed a marine mammal evidence review to identify potential future monitoring methods. Defra will continue to explore opportunities for the development and application of innovation in marine mammal monitoring, including through the mNCEA programme; as such, we do not consider it necessary to establish a further fund.

Defra has also taken action to ramp up existing marine mammal monitoring. For example, by increasing the frequency of Small Cetacean Abundance in European Waters and the North Sea (SCANS) surveys from 10 years to 6 years, expanding the scope of existing bycatch mitigation and monitoring work through Clean Catch 2 (due to commence Autumn 2023), and securing a 10-year contract for the Cetacean Stranding Investigation Programme (CSIP). Security and stability in funding for long-term programmes ensures these programmes can gather the evidence required to deliver on assessment and reporting needs and drive forward long-term progress. Monitoring innovation is also being developed through the Defra-funded Insight360 (i360) research consortium, which aims to streamline electronic monitoring of bycatch through AI and voice recognition. Defra are also consulting on proposals to expand the use of remote electronic monitoring (REM) in English waters. The data collected using REM could include monitoring of marine mammals, but it will not be limited to this.

## UK Policy and Legislative Framework – Schedule 5 addition, new legislation, conservation strategy for dolphins and porpoises, HPMAs

We are still considering JNCC's extensive submission on the 7th Quinquennial Review (QQR 7) of Schedule 5 (protected wild animals) and Schedule 8 (protected wild plants) as required by Section 24(1) of the Wildlife and Countryside Act 1981 (WCA 1981). In the meantime, Defra have been working to raise awareness of the impact that disturbance can have on marine wildlife, including seals. Together with the Seal Alliance, Defra launched a Government-backed campaign in 2021, '[Give Seals Space](#)'. As part of this campaign, Defra provided funding for signs to be put up on the banks of the Thames in early 2023 to further raise awareness of the impact of disturbance on seals and the importance of keeping dogs under close control.

More recently, Defra published the [Marine and coastal wildlife code for England](#) in May this year. This provides advice and guidance to help people visit the coast responsibly and minimise disturbance to marine wildlife.

We do not expect to introduce bespoke primary legislation regarding marine mammals given the extent of legislation and international conventions which already exist. Nor do we anticipate further legislative work regarding the transit of cetacean products, recognising the volume of such product as a proportion of overall products in and out of UK ports is very small, and we are unlikely to secure legislative time.

The Dolphin and Porpoise Conservation Strategy is being led by the Scottish Government in partnership with the UK Government and other Devolved Administrations. While we acknowledge the recommendation to drive forward action on developing the DPCS, sufficient time is required to fully consider the outcomes of the consultation and update the strategy in light of new developments. This includes any consideration of the species included, potential targets and routes for implementation. The DPCS will be progressed in the coming months, and as this is a UK-wide strategy, we will work closely together and hope to publish in 2024.

On HPMAs, we remain committed to considering further sites in 2023, as announced in February, and support the need for ongoing engagement with the fishing industry and other stakeholders. Development work for the consideration of future sites is underway, building on the feedback gathered during the previous process. We are already taking action to ensure we have the tools required for effective monitoring and enforcement of HPMAs. Baseline surveys for the newly designated HPMAs are expected to begin this year. We are also developing criteria to evaluate HPMAs from an ecological, social and economic perspective, including natural capital approaches. There is already an MMO compliance strategy in place to inform monitoring and enforcement for all MMO management measures and licensable activities, including for HPMAs. This will inform a tailored HPMAs enforcement strategy by spring 2024.

### Bycatch – mandatory monitoring and UK action plan

We acknowledge the potential benefits of using remote electronic monitoring technologies to enhance data collection on fishing activity at sea, including the monitoring of bycatch. We have recently consulted on remote electronic monitoring

[<https://consult.defra.gov.uk/marine-and-fisheries/remote-electronic-monitoring/>]. We are considering the responses to this consultation and will respond formally in due course.

In August 2022, the UK Government and Devolved Administrations published the UK-wide Marine Wildlife Bycatch Mitigation Initiative (BMI), which sets out high level ambitions for tackling bycatch, some of which are already in progress. Each fisheries policy authority is responsible for setting out how they will take action on bycatch, for example through implementation plans. It will be for each fisheries policy authority to set time-bound targets, where appropriate, within their area of competence and so we disagree with the recommendation to produce an action plan with UK-wide targets. To make further progress on implementation of the BMI, we will develop an England-specific work plan in 2024 detailing more specific actions on how we will reduce bycatch.

We will also continue to progress existing action to address the objectives set out in the BMI. For example, trialling new technology to enhance bycatch monitoring and mitigation in high-risk fleets through Clean Catch UK (CCUK), the scope of which will expand through Clean Catch 2, which will commence in Autumn 2023. We will continue to fund innovation through the i360 consortium and Defra is also developing 6 frontrunner Fisheries Management Plans (FMPs), which we have recently consulted on. These consider bycatch mitigation and recommendations for actions at an FMP-level and provide the mechanism for stakeholders to feed into all operational aspects of a fishery. We are also committed to working internationally to share best practice and lessons learned on bycatch, including through the IWC, OSPAR, ASCOBANS, and RFMOs.

## **The UK on the International Stage – protected areas, marine mammal hunting, FTAs**

The government welcomes the suggestion for enhancing action on protected areas in UK waters but does not agree to the Committee's proposed timeline.

Activity within MPAs in English waters is regulated through the planning and marine licensing regimes to avoid damage to protected features where possible. Nearly 60% of MPAs already have byelaws in place to protect sensitive habitats and species from damaging fishing activities alone. The Marine Management Organisation and Inshore Fisheries and Conservation Authorities are committed to delivering our Environmental Improvement Plan commitments, alongside our statutory target to have 70% of MPA protected features in favourable condition by 2042 with the remaining features in recovering condition. The marine commitments and target will be accomplished by assessing the remaining MPAs and, where necessary, implementing management measures by the end of 2024. This will include any necessary measures for highly-mobile species such as harbour porpoise. This timescale will allow the necessary evidence to be gathered and public consultations to take place to ensure affected stakeholders have opportunity to make representations.

As noted in the government's response to recommendation 8, management of the current HPMAAs may have limited direct impact for marine mammals but may have indirect positive impacts. Immediately from designation of the first three HPMAAs in English waters, all duties under the Marine and Coastal Access Act 2009 (MCAA) came into effect including general duty on public authorities to carry out their functions in the manner that they consider best furthers—or least hinders—the conservation objectives set for the HPMAAs, and offences regarding damage to protected features. The MMO opened a formal

consultation on specific management measures for fishing activities within the recently designated HPMAs in August 2023 and will work to progress further management measures as necessary for non-licensed activities.

Along with site-specific guidance that is already available online from NE and JNCC, many tools are already in place for the effective management of HPMAs, with fisheries byelaws and further guidance documents for public authorities expected to be in place by spring 2024.

On hunting, we actively raise the issues of marine mammal welfare at a bilateral level with countries who still engage in hunting.

More generally, the UK Government remains committed to promoting high animal welfare standards nationally and internationally. We consider the full range of mechanisms available to us, including at international fora such as the World Organisation for Animal Health (WOAH) and the WTO.

On free trade agreements, we disagree with the recommendation regarding a specific commitment to marine mammal conservation. All trade deals are different, reflecting consideration of a wide range of policy priorities and are tailored to the relationships and markets of the countries involved.

The UK is committed to upholding our high environmental and animal welfare standards and seeking opportunities to promote high animal welfare standards and conservation internationally.