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The Rt Hon Steve Reed OBE MP
Secretary of State for Environment, Food and Rural Affairs
Seacole Building
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By email only

15 August 2025

Dear Secretary of State

Response to the updated UK Marine Strategy Part One Consultation

We welcome the publication of the proposed third update to the UK Marine Strategy ('UKMS') Part One assessment, setting out progress towards achieving Good Environmental Status ('GES') of marine waters.

Achieving GES is not just a legal obligation but is a critical outcome for the government's commitment to protecting the marine environment, as you set out to Parliament in June this year. Progress towards GES has not, however, been commensurate with the scale of the challenge, and trends indicate a continued deterioration in the health of UK seas.

An effective update to the Part One assessment is a vital tool for delivering GES. A sufficiently comprehensive understanding of the state of the marine environment, underpinned by a robust evidence base and assessment methodology, is a prerequisite of effective management. We appreciate you are hampered at the moment by the sparsity of reliable evidence.

In our response to the consultation (attached to this letter), we have identified shortcomings in the updated Part One that, in our view, should not be a feature of an assessment of such importance. We consider these can and should be rectified, so the final assessment can drive the management of UK seas to deliver commitments for environmental protection.

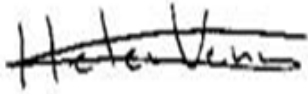
The issues are not insurmountable. In our view, the government should develop a final version of Part One that incorporates a clear, structured methodology with consistently documented assessment criteria, rationale and evidence sources. This should be supported by reintroducing overall trend summaries for each descriptor. A more coherent approach to managing data limitations and uncertainty is needed, alongside improved alignment with existing datasets.

To drive tangible progress over the next UKMS cycle to 2030, the updated Part One should include SMART targets (Specific, Measurable, Achievable, Relevant and Time-bound), with justifications clearly aligned to policy objectives. The proposed targets are not SMART at the moment and such targets are inherently less capable of driving the improvement you wish to see.

The updated Part One is an opportunity for government to establish the tone, rigour and transparency that should underpin all similar environmental assessments, in both the marine context and beyond.

We hope that our response is helpful in supporting government to deliver positive outcomes for the marine environment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Venn', with a horizontal line drawn across the middle of the signature.

Helen Venn

Chief Regulatory Officer

Cc

UK Marine Strategy Team

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Response to Marine Strategy Part One: UK updated assessment and Good Environmental Status consultation

15 August 2025

This document presents the Office for Environmental Protection's views on the proposed third update to the UK Marine Strategy ('UKMS') Part One assessment produced pursuant to regulation 10(2) of the Marine Strategy Regulations 2010 (the 'MSR').

Our submission provides high-level views on the sufficiency of the assessment and the associated targets and indicators. We have taken a strategic approach and looked at the assessment as a whole, rather than providing detailed scientific and technical input on individual targets and indicators, which others will be able to contribute to more directly.

This response is distinct from our ongoing investigation into a suspected failure by the Secretary of State to take the necessary measures to achieve or maintain GES of marine waters by 31 December 2020.¹ The investigation focusses on the duty to have achieved GES by the statutory deadline and the ongoing duty to achieve it as soon as possible. The Part One assessment is intended to provide an assessment of the state of the UK marine environment since 2019 and look forward to the next UKMS cycle.

We provide details of shortcomings we have identified in the updated Part One that we believe should not be present in an assessment of such importance. We also provide suggestions on changes that could be considered in developing a final assessment, which will drive tangible progress over the next UKMS cycle to 2030. In setting out our views and recommendations, we intend that our response will support the government to deliver the outcome of achieving GES as soon as possible.

Insufficient methodological transparency and consistency

The updated Part One does not provide sufficient detail on the underlying assessment framework. There is a lack of consistency and transparency across the assessment. We have also found inconsistencies in how findings are presented when compared with previous assessments.

For example, the analysis of the predominant pressures is significantly less substantive than that in the 2019 Part One. This analysis is a legal requirement² and should be a core aspect

¹ OEP, 'OEP launches investigation into a suspected failure by Defra to take the necessary measures to achieve Good Environmental Status (GES) of marine waters' (8 January 2025) Available at <https://www.theoep.org.uk/news/oep-launches-investigation-suspected-failure-defra-take-necessary-measures-achieve-good> accessed 22 July 2025.

² Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (the 'Marine Strategy Framework Directive' or 'MSFD'), Article 8(1)(b) implemented domestically through the MSR, regulation 10(1).

of the assessment. The use of a visual summary assessment to demonstrate the overall direction of trends for each descriptor has also been removed in the updated Part One.

Inconsistencies inhibit understanding of overall progress made over the previous UKMS cycle (2012-2018).

The lack of transparency makes it challenging to understand how ratings were assigned for each descriptor and limits ability to scrutinise and validate the assessments.

In our view, the final UKMS Part One should include a structured and transparent methodology, ensuring that assessment criteria, rationale and evidence sources are consistently documented and clearly communicated. We also consider that the final version of Part One should reintroduce the overall trend summary assessment for each descriptor to provide greater transparency.

There is inconsistency and a lack of clarity in descriptor level ratings.

In some cases (Benthic habitats - D1, D6, Cetaceans - D1, D4, Birds - D1, D4, Contaminants - D8, Marine Litter - D10), a 'one out all out' approach appears to have been applied in aggregating indicator assessments up to descriptor level GES ratings. In these cases, if the thresholds are not met for at least one component indicator, or good data are not consistently available, the overall descriptor is defined as having not met GES.

Alternative approaches have been taken in other cases where descriptors have been rated overall as 'uncertain' despite indicators having not met their respective thresholds (Pelagic Habitats - D1, D4), or as 'met' despite most indicators being assessed as only 'partially met' (Eutrophication - D5).

A third approach is applied to the hydrographic conditions descriptor, which is defined as having met GES, despite no formal assessment having been carried out and no thresholds agreed. Instead, the rationale is based on an unsubstantiated assumption that all UK marine plans are in place (when DAERA consulted on a Draft Marine plan in 2018, but a final plan has not been published), that extant plans provide assurance that hydrographical conditions are being considered, and that the current regulatory regime is sufficiently robust to ensure that relevant impacts are mitigated.

There are inconsistencies in assessments at the indicator level.

A marine litter indicator uses a less ambitious threshold within the UKMS framework than that applied to the same indicator by OSPAR. The floating litter indicator - measured via plastic particles in fulmar stomachs - requires demonstration of a "downward trend" with no defined threshold and is therefore considered to be 'met' despite the indicator exceeding the OSPAR threshold. There is no explanation provided for this discrepancy.

For the Benthic Habitats (D1, D6) the 'extent of physical disturbance to benthic habitats from mobile bottom contacting gears' indicator, the threshold has been redefined since the previous Part One to a less ambitious level.

For other indicators where thresholds have not been established, some, such as Underwater Noise D11 and Non-Indigenous species D4, are assessed as 'uncertain'. Others, such as Benthic Habitats - D1, D6, are 'not used', and Commercial Fish and Shellfish - D3 is

assessed as having partially met GES, despite there being no threshold for non-quota stocks. In each case, there is no explanation provided for the adoption of these alternative approaches within the updated Part One.

There is inconsistent use of terminology across the updated Part One.

Various terms to describe GES status are used that are not defined in the assessment framework, such as 'largely met' (Eutrophication - D5) and 'not good' (Pelagic Habitats - D1, D4 and Cetaceans - D1, D4). Similarly, there are three terms applied to the amber colour coding ('uncertain', 'partial' and 'mixed'), with limited information provided to clarify the distinctions between them.

Inconsistent approach to handling uncertainty and data paucity

The quality and quantity of data and evidence referenced across the updated Part One is insufficient in many cases. Regrettably, the state of evidence for some descriptors (Benthic Habitats - D1, D6, Non-Indigenous Species - D2, Contaminants in Fish and Shellfish - D9) has deteriorated since the 2019 Part One assessment.

The observed data gaps can be attributed to three factors: a lack of assessment thresholds (Benthic Habitats - D1, D6 Non-Indigenous Species - D2, Commercial Fish and Shellfish - D3, Underwater Noise - D11), a lack of data collection (Benthic Habitats - D1, D6, Contaminants in Seafood - D9), and the decision to omit assessment or rely on historical data (Birds - D1, D4, Hydrographic Conditions - D7).

For several descriptors and indicators, the updated Part One refers to the lack of sufficient monitoring, data or broader evidence precluding a full assessment.

You no doubt appreciate that this monitoring deficit limits the UK's ability to develop and prioritise actions to improve the marine environment, and to set a comprehensive suite of targets for the next UKMS cycle. Targeted improvements in monitoring, modelling and reporting are urgently needed to close these gaps, and we urge action now to address the issue. Well-structured and targeted monitoring programmes now could prevent further deterioration in data quality, as has already been seen in the context of the Benthic indicators.

The update to Part Two of the UKMS, which is due next year, should in our view clearly outline actions to close data gaps, including those affected by time lags. This will ensure a more robust and forward-looking evidence base for setting and tracking environmental targets.

As things stand, we consider that the updated Part One should apply a more consistent approach to handling data limitations and uncertainty in both the analysis and narrative assessment. There appears to be scope for better alignment with existing data sources. For instance, while finfish are already monitored, the available data were considered "not suitable". This suggests that improved coordination could readily resolve such issues. Similarly, leveraging developer data from the environmental assessment process could enhance coverage, where feasible for relevant descriptors.

Lack of assessment thresholds

A continued lack of defined thresholds (Benthic Habitats - D1, D6, Non-Indigenous Species - D2, Commercial Fish and Shellfish - D3, Underwater Noise - D11) highlights the ongoing delays in developing and operationalising indicators. These issues are often identified as arising due to a lack of data. Such gaps will continue to limit the ability to measure progress and should be rectified as soon as practicable. This is especially important for descriptors such as Underwater Noise where indicators for both anthropogenic impulsive and continuous noise are showing upward trends of increasing levels of both types of noise.

Lack of data

It is reasonable that new indicators will need to be developed or introduced in response to emerging pressures and evolving evidence, and some data gaps are to be expected as a result. We commend government for highlighting areas of data paucity and where measures to address these gaps are being developed. Commitments to improved data collection measures are included for Non-Indigenous Species - D2; Commercial Fish and Shellfish - D3; Contaminants in Seafood - D9; and Underwater noise - D11.

However, the continued lack of data for established indicators (Birds - D1, D4, and Underwater Noise - D11) undermines both descriptor level and overall GES assessment. For the Benthic habitats descriptor, the number of areas in which component indicators could be assessed has decreased since the 2019 Part One assessment due to a reduction in monitoring.

This issue is further evidenced in some indicators for the Birds and Cetaceans descriptors – the assessments for which are based on data from 2015 and 2016. These data predate even the 2019 assessment, and so do not provide a current, representative picture, particularly considering the more recent emergence of key pressures, such as avian influenza.

This will be a contributing factor to the reduced certainty in assessments across multiple descriptors.

Decision to omit assessment or rely on historical data

The updated Part One contains “no formal assessment” for the Hydrographical Conditions descriptor. Rather it asserts that, based on the same premise presented in the 2019 assessment, GES has been met. The updated Part One does not explain how this decision to not complete a fresh assessment for this descriptor, nor to include an assessment within the next cycle, is consistent with relevant legal requirements.³

Approach to developing targets

A central function of the updated Part One is to establish the targets that will guide action over the next statutory cycle. However, we are concerned that the process undertaken to define these targets lacks the rigour needed to ensure they will drive effective action towards achieving GES. Our analysis has determined that none of the overarching or criteria targets proposed within the updated Part One are entirely SMART (Specific, Measurable,

³ MSFD, Article 8 implemented domestically through MSR, regulation 10. MSR, regulation 10(2) requires periodic review and update of the initial assessment.

Achievable, Relevant, and Time-bound). While some examples are better than others, most lack specificity and none is timebound.

We note that relevant legislation⁴ sets out an indicative list of characteristics which must be taken into account in the setting of environmental targets. These characteristics include, for instance, that targets should be formulated with “specification of the resources needed for the achievement of targets”; “a timescale for their achievement”, and specification of what is to be achieved “in terms of measurable properties”.⁵ The updated Part One, however, does not demonstrate whether, or the extent to which, the Secretary of State has taken into account these characteristics in the setting of the updated targets.

The lack of a comprehensive approach to their development means the target suite for the next UKMS cycle risks being aspirational rather than actionable. In their current form, they are unlikely to provide a robust framework for governing and ultimately improving the health of the UK’s marine environment. The absence of quantifiable benchmarks and time-bound commitments will make it challenging to assess progress, allocate resources effectively (both within Defra and across government more broadly), or hold responsible authorities to account.

We consider there is both an opportunity and need to strengthen the targets and ensure greater transparency in their definition, supported by clear justification and alignment with policy goals.

Conclusion

If the concerns we have set out are addressed, the Part One assessment should provide an accurate insight into the state of the UK’s seas and progress made towards achieving the targets set for GES. This should provide a strong foundation for the UK government and devolved authorities to build on and inform a comprehensive suite of refreshed targets to help secure GES as soon as possible. In doing so, an updated Part One should help drive real improvements in the health of the marine environment.

⁴ MSFD, Article 10(1) implemented domestically by MSR, regulation 12.

⁵ Indicative characteristics are set out within Annex IV MSFD.