

## Rewilding Law Group

### *Rewilding the Sea: the Solent Seascape Project*



*Photo: Louise MacCallum (gulls taking off from a grassy island)*

Thanks to everyone who joined us on 13 May 2025 to discuss rewilding the sea through the [Solent Seascape Project](#), and particular thanks to our speaker [Louise MacCallum](#). Below is a recap of what we discussed with some useful links. Louise's presentation is available [here](#).

Relationship Building	
<i>Connecting and knowledge-sharing</i>	<p>We spent the first 30 minutes in breakout groups so members could meet, exchange and <b>build our community of rewilding lawyers and practitioners</b>. This time we talked about who we are, and how we are connected to the sea. If you would like an introduction to anyone you met, let us know.</p> <p>You'll find more information on rewilding law at Lifescape's <a href="#">Rewilding Law Hub</a> which we created in partnership with <a href="#">Rewilding Europe</a> and <a href="#">Rewilding Britain</a>.</p>

## Background – Rewilding the Sea

<p><i>Setting the scene – ocean restoration and the Solent</i></p>	<p>The topic of discussion was rewilding the sea, and the case of the <a href="#">Solent Seascape Project</a> in the south of England, which is the first seascape-scale restoration project of its kind in the UK.</p> <p>The Solent, one of the most heavily used waterways in the UK, is composed of a complex network of harbours, islands, spits, estuaries and vast sandbanks. These threatened habitats provide refuge to a range of ecologically important and threatened species including the thresher shark and critically endangered European eel, as well as a wintering ground for over 125,000 ducks, geese, and waders. The Solent Seascape Project will reconnect the Solent into a functioning seascape by improving the condition, extent, and connectivity of key marine and coastal habitats using protection and restoration initiatives. This in turn will create habitat for fauna such as nesting seabirds and fish, and allow the area to contribute further to carbon sequestration. This innovative project is one of the first of its kind in the UK to initiate seascape level recovery.</p> <p>Above summary thanks to the <b>Endangered Landscapes &amp; Seascapes Programme</b> <a href="#">here</a>.</p> <p>See more generally Garbutt, A., Underwood, G. J. C., Harley, J., Boskova, K., Hardy, M.J., McGarrigle, A., Millington-Drake, M., Gamble, C., Debney A., zu Ermgassen, P.S.E., and Preston, J. (2024) <b>Seascape Scale Restoration: Restoring our coastal habitats for nature and people</b>. Blue Marine Foundation Report. Available <a href="#">here</a>.</p> <p>Louise and other experts on this topic will also be speaking at the <a href="#">ZSL Seascape Symposium II</a> which will take place in London, <b>4-5 June 2025</b>, bringing together leading experts, practitioners, and policymakers to shape the future seascape restoration – registration closes on 1 June!</p>
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## Speaker – Louise MacCallum

<p><i>About Louise MacCallum, Project Lead of the Solent Seascape Project</i></p>	<p><a href="#">Louise MacCallum</a> is a marine biologist and project lead at the ocean conservation charity, the <a href="#">Blue Marine Foundation</a>. Her role is project leader of the multi-partner Solent Seascape Project.</p> <p>Louise spent her childhood beachcombing along the Pembrokeshire coast. Since studying Marine Biology at the University of Liverpool she has worked on conservation projects in the UK and overseas. Louise has lived on the shores of the Solent for more than a decade and is passionate about restoring its intricate marine habitats.</p>
<p><i>Vision and workstreams of the Solent Seascape Project</i></p>	<p>Funded by the <a href="#">Endangered Landscapes and Seascapes Programme</a>, the project vision is to shift the Solent from a degraded seascape to an expanding, connected and productive ecosystem.</p> <p>The Project is organised under five workstreams:</p>

	<ol style="list-style-type: none"> <li>1. <b>Protection and management of existing habitats</b> – they are co-designing a long-term seascape recovery plan with key stakeholders to better manage the Solent and ensure local buy-in. Learn more about their work in the films they have created: <b>Salt Marsh</b> - <a href="https://youtu.be/OIPMepSmdc0">https://youtu.be/OIPMepSmdc0</a> <b>Oysters</b> - <a href="https://youtu.be/9Tx3B0iZTL0">https://youtu.be/9Tx3B0iZTL0</a> <b>Seabirds</b> - <a href="https://youtu.be/W-xwjD2KMvI">https://youtu.be/W-xwjD2KMvI</a></li> <li>2. <b>Active restoration</b> – restoration is taking place through seagrass planting, native oyster reef creation, salt-marsh rebuilding and creating nesting sites for seabirds. The <a href="#">GIS-based data Explorer</a> will show the best available evidence for the state of nature in the Solent and what activities put it under threat (soon available via the project’s website).</li> <li>3. <b>Scientific monitoring</b> – the project has Europe’s largest marine eDNA programme (looking at the diversity of species and how that might change with restoration), measures carbon sequestration, and makes use of both telemetry and fish surveys to monitor outcomes. This has enabled the project to produce a <a href="#">State of Nature Report</a>.</li> <li>4. <b>Policy and finance</b> – the project actively documents regulatory hurdles and is piloting voluntary “nature-positive” biodiversity credits with Plan Vivo (40% of revenue set aside for long-term monitoring, 60% for local community grants).</li> <li>5. <b>Community engagement</b> – the project is supported by a Marine Champions volunteer scheme and a Grammy-nominated <b>artist-in-residence</b> – <a href="#">Richard Walters</a>. Richard will be creating a five-track EP “Songs from the Solent” featuring the sounds of the Solent coastline, exploring themes of community, nature, history, industry and nostalgia.</li> </ol>
<p><i>Policy and licensing challenges</i></p>	<p>Despite benefitting from a myriad of protections and designations available under law (Ramsar Convention, SSSI, MPA etc), the Solent is still drastically in decline – full details of how and why this is happening ecologically can be found in the detailed <b>State of Nature Report</b> <a href="#">here</a>.</p> <p>Louise described the main legal and policy obstacles to restoration as:</p> <ul style="list-style-type: none"> <li>• <b>Feature-based management</b> – restoration is restricted to areas where historic habitat maps show the feature, even if the habitat has vanished; costly extra surveys are required before any habitat can be restored (e.g. to historical salt-marsh) because it has been succeeded by another habitat (e.g. mud-flat) which benefits a designated feature (such as wading birds). The issue with such feature-based management is that management measures can only be put in place where the features are mapped, which is not always accurate or up-to-date.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Licenses and permits</b> – restoration proposals enter the same “complex project” band as ports and marinas, triggering uncapped fees (e.g. one marine licence cost 27,000 pounds which had to be funded by the charity) as well as lengthy determinations. Multiple parallel consents (marine licence, SSSI assent, Crown Estate lease, planning permission) add to the costs and delays.</li> </ul>
<i>Question for the lawyers</i>	The State of Nature Report has revealed that all those legally protected habitats and species are in drastic decline and will be lost unless action is taken now. A question for the lawyers is therefore: <b>where does responsibility lie when legally protected habitats and species decline and what opportunities are there for legal challenge?</b>
<b>Discussion</b>	
<i>What is Solent Seascope Project doing to overcome policy challenges?</i>	<p>Solent has developed a process to document all the legal and policy barriers that they encounter so that these can be raised with the regulators.</p> <p>Every time a barrier is encountered, the project partner fills in a template setting out the issues. This in turn helps build a series of case studies and evidence which will be put before the regulatory authorities to illustrate the issues being encountered on the ground.</p> <p>Blue Marine Foundation has then organised a series of workshops to present this information and plans to co-create a regulatory road map with the authorities which would help fast-track these processes in order to unlock restoration at scale. Some of this will be difficult to do quickly given that many changes required are at the level of primary legislation.</p>
<i>How do you engage policy-makers in order to catalyse change?</i>	<p>The regulators are well aware that legal and policy barriers are a major issue for restoration. They do have workstreams addressing this, but there is a lack of transparency around that work.</p> <p>Persistence, strong networks and earmarked funding have helped the project engage the regulators. Constant “nipping at their heels”, as well as having experienced staff with good networks helps find in-roads into the relevant government agencies. Regulators already know the system is broken; the offer of organised evidence-gathering and work-shop facilitation helped get the right people around the table to participate.</p> <p>Restoration absolutely needs a licensing process, but it must be streamlined.</p>
<i>Tell us about the biodiversity credits being piloted</i>	The Solent site is one of several trial projects selected by the eNGO, <a href="#">Plan Vivo</a> . Credits will be issued for demonstrable biodiversity uplift produced by restoration. Forty per cent of each sale will finance long-term monitoring; the remaining sixty per cent will flow into a community-grant pot administered by the local council. The credits are a voluntary contribution to positive gain, not an offset for damage elsewhere.

<p><i>Which pressures are actually causing the Solent's habitat and species losses?</i></p>	<p>The pressures are numerous, but to list a few examples:</p> <ul style="list-style-type: none"> <li>• Ground-nesting seabirds are impacted significantly by recreational disturbance – there are 1.5 million local residents, which leaves little space for the birds to nest undisturbed;</li> <li>• native oysters suffer from historic over-extraction, diseases such as the <i>Bonamia</i> parasite and they are also affected by invasive Pacific oysters;</li> <li>• one of the biggest factors inhibiting salt-marsh is dredging for navigation. In a natural system that sediment would not be extracted.</li> <li>• seagrass meadows are scarred by yacht anchors which do decades of damage.</li> <li>• Water quality is a huge issue due to run-off and sewage discharge, which explains why all new developments must absolutely adhere to nutrient neutrality, because it is the nitrates causing our habitats and species to come into poor condition.</li> </ul>
<p><i>Could an ecocide law help?</i></p>	<p>In answer to Louise's question about who is responsible if all current legal protections fail to protect the Solent, a participant brought our attention to the work of the late <a href="#">Polly Higgins</a> and <a href="#">Jojo Mehta</a> on ecocide and asked whether introducing an offence of ecocide into UK law could close the present accountability gap.</p> <p>Such a law would potentially hold to account the industries dredging, dumping or otherwise degrading the Solent's protected habitat. By assigning clear legal responsibility for ongoing species and habitat declines, ecocide might provide a tool that existing conservation rules lack.</p> <p>Those interested in the topic can find out more through <a href="#">Stop Ecocide International</a>, and may be interested in the proposed <a href="#">Ecocide (Prevention) (Scotland) Bill</a> currently under consideration, as well as the work of Polly Higgins and Jojo Mehta, including Polly's book <a href="#">Eradicating Ecocide</a>.</p> <p>Also of relevance may be the <a href="#">Convention on the Protection of the Environment through Criminal law</a>, adopted by the Council of Europe on 14 May 2025, which is expected to enter into force upon ten ratifications, including at least eight by member States of the Council of Europe.</p>
<p><i>What story is most useful to tell to achieve change in the Solent?</i></p>	<p>It is an extra-difficult job communicating the story of the Solent because most people never see underwater habitats. The team combines inspiring visuals and practical advice (e.g., keep dogs off nesting beaches for six weeks) with an unflinching explanation of the crisis. Balancing hope with hard truths is central to Blue Marine's communications strategy.</p>
<p><i>Next call</i></p>	<p>Stay tuned for the next <a href="#">Rewilding Law Group</a> call in September!</p>