

Marine and Coastal Access Bill Briefing¹

House of Lords, Second Reading

15 December 2008

Wildlife and Countryside Link² (Link) is delighted at the recent publication of the Marine and Coastal Access Bill and welcomes many of the proposals it contains. However, we strongly believe that a number of improvements still need to be made to ensure that the Bill is fit for purpose to deliver its aims and objectives.

- 1. Marine Conservation Zones (MCZs) should be identified using scientific criteria alone as part of an ecologically coherent network, and have clear management requirements**
 - Remove c114 (7) which makes reference to socio-economics in the designation process.
 - Include reference to an 'ecologically coherent network of sites, which will include highly protected sites' (as proposed in the Government's Command Paper).
 - Include a requirement for the Statutory Conservation Bodies (SCBs) to define conservation objectives prior to, and produce management schemes following designation of all MCZs.
 - Increase the scope of the general offence to cover intentional *and/or* reckless damage *and/or* disturbance and remove the general offence loophole specifically for sea fishing (c137).

- 2. The Marine Management Organisation (MMO) should be a leading body for the delivery of sustainable development of UK seas**
 - Strengthen the general objective of the MMO so that it is responsible for 'furthering' not just 'making a contribution towards' sustainable development (c2).
 - The MMO should be responsible for all reserved marine licensing functions. However, if the Infrastructure Planning Commission (IPC) retains certain functions, the MMO must be a statutory advisor to the IPC, and all decisions must be made in accordance with the Marine Policy Statement (MPS) and marine plans.

- 3. Marine planning should be comprehensive and joined up**
 - Include a duty to produce and adopt marine plans covering the whole of UK waters.
 - Include a provision to allow marine plan authorities to plan jointly e.g. Irish Sea.

- 4. Licensing should be based on all the information available and robust consultation**
 - All exempt activities should be recorded to ensure that cumulative effects can be monitored and to inform future planning.
 - There should be a general requirement to consult on all licences, particularly with relevant 'experts' and to take into account their advice
 - We seek reassurance that there are strong environmental safeguards.

- 5. Strengthen the marine environmental duties on Government and Inshore Fisheries and Conservation Authorities (IFC Authorities)**
 - Government's duties under the Sea Fisheries (Wildlife Conservation) Act 1992 and Section 5A of the Sea Fish (Conservation) Act 1967 should be strengthened.
 - Include a duty on the IFC Authorities to further the conservation of coastal and marine fauna and flora, and give Welsh Ministers the same duties as the IFC Authorities.

¹ This briefing deals specifically with Parts 1 – 7 of the Bill.

² Wildlife and Countryside Link (Link) is a coalition of the UK's major environmental organisations working together for the conservation and protection of wildlife, the countryside and the marine environment.

1. **MCZs should be identified using scientific criteria alone as part of an ecologically coherent network, and have clear management requirements.** MCZs are the primary measures in the Bill for delivering marine nature conservation. We strongly believe that sites should be identified using scientific criteria alone as is the case for protected areas on land and all Natura 2000 (European) sites. As clause 114 is currently drafted, socio-economic factors could override national and international conservation priorities and hinder site designation. Clauses 113 and 119 must also be clarified to ensure there is a duty to designate both individual MCZs *and* an ecologically coherent network of MCZs and European Marine Sites. We believe that the SCBs should be responsible for defining an MCZ's conservation objectives prior to designation. The SCBs must also produce Management Schemes for all MCZs following designation to make clear the responsibilities of public bodies in relation to sites. Whilst we welcome the inclusion of a general offence for MCZs, its scope must be increased to cover intentional *and/or* reckless damage *and/or* disturbance as is the case for SSSIs on land. In addition, the general offence loophole specifically for fishing activities must be removed.
2. **The MMO should be a leading body for the delivery of sustainable development of UK seas.** The general objective of the MMO must be more positive and proactive. There should also be more detail about the considerations that must be taken into account when 'furthering' sustainable development. The explanatory notes should refer to the UK Sustainable Development Strategy. While our preference has always been for the MMO (an independent body with marine expertise) to be the licensing body for all reserved marine licensing functions rather than the IPC (a primarily terrestrial-focussed body), if the IPC retains these functions, the MMO must be a statutory advisor to the IPC. There must also be a requirement for the IPC to make its marine and coastal decisions in accordance with the MPS and marine plans.
3. **Marine planning should be comprehensive and joined up.** We believe there should be a duty to produce and adopt marine plans covering the whole of UK waters as, without this, the Bill risks resulting in only a handful of local marine plans being developed. There must also be a provision allowing marine plan authorities to plan jointly. Joined-up marine planning and management at the Regional Seas scale is the best way to deliver an ecosystem-based approach to management. More detailed 'nested plans' will be needed where there is more intensive use of the sea.
4. **Licensing should be based on all the information available and robust consultation.** A record of all marine activities in the register (c98) is required if decision makers are to be in possession of the full facts and cumulative effects properly considered during marine planning. There should be a general requirement to consult on all licence applications and also a requirement for all relevant 'experts' to be consulted and their advice taken account of. This would ensure that the SCBs are consulted where applications impact on their area of responsibility. We seek reassurance that there are strong environmental safeguards and action taken when harm not just 'serious-harm' occurs.
5. **Strengthen the marine environmental duties on Government and IFC Authorities.** The Bill should strengthen the Government's duties under the Sea Fisheries (Wildlife Conservation) Act 1992 and Section 5A of the Sea Fish (Conservation) Act 1967. The IFC Authorities also need a strong duty to further the conservation of coastal and marine fauna and flora to signal a significant change of culture from the existing Sea Fisheries Committees. In addition, Welsh Ministers must be given the same duties as IFC Authorities to ensure they can use their new powers effectively.

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