



GREENPEACE



Marine
Conservation
Society



WDCS
Whale and Dolphin Conservation Society



Marine and Coastal Access Bill - House of Lords

Voting Preferences

May 2009

The organisations listed above are all members of Wildlife and Countryside Link's Marine Task Force¹, which has been campaigning for several years for the legislative tools to deliver improvements in marine conservation and management. We have been closely engaged in the Marine & Coastal Access Bill process from the outset.

Should any of the issues listed below come to a vote during Report Stage in the House of Lords, Link would welcome your support.

1. Marine Conservation Zones (MCZs)

- An unequivocal duty to designate *both* individual MCZs *and* a network of sites (c119).
- Reference to an 'ecologically coherent' network of sites, which will include 'highly protected sites' (c119).

2. The Marine Management Organisation (MMO)

- The MMO as a statutory advisor to the Infrastructure Planning Commission (IPC) (c24).

3. Inshore Fisheries and Conservation Authorities (IFC Authorities)

- A duty on the IFC Authorities to further the conservation of coastal and marine fauna and flora (c149).

For further information and more detailed Link briefings on the issues above, please contact **Joanna Butler at Link on 0207 820 8600 (joanna@wcl.org.uk)**.



¹ Wildlife and Countryside 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.

Priority amendments for Report Stage

Link is pleased that the Marine & Coastal Access Bill generated such thorough debate at Committee Stage in the House of Lords. We are encouraged that concerns regarding conservation are being addressed and that reassurances have been put in Hansard. However, there are still a number of key amendments that we are keen to have raised at Report Stage to ensure that the Bill is fit for purpose.

1. Marine Conservation Zones (MCZs) should be identified using scientific criteria alone as part of an ecologically coherent network, and should be well protected

- Remove c114 (7) which makes reference to socio-economic factors affecting decisions during the designation process.
- Include an unequivocal duty to designate *both* individual MCZs *and* a network of sites (c119).
- Include reference to an 'ecologically coherent' network of sites, which will include 'highly protected sites' (c119).
- Increase the scope of the general offence to cover intentional *and/or* reckless damage (c136) and remove or restrict 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

- Our preference would be to include a duty on the MMO to 'further' sustainable development. However, the Government has proposed an alternative (subclause 1A and 1B to Clause 2), which we acknowledge is weaker.
- Make the MMO a statutory advisor to the Infrastructure Planning Commission (IPC) (c24).

3. Thorough appraisal of sustainability of the Marine Policy Statement (MPS)

- Welcome Government's proposed amendment requiring a Sustainability Appraisal of MPS to be carried out (Schedule 5).

4. Licensing should be based on all the information available and robust consultation

- Include greater controls when exempting activities from requiring a marine licence (c71).
- Ensure all exempt activities are recorded to ensure that cumulative effects can be monitored and to inform future planning (c98).

5. Strengthen the marine environmental duties on Inshore Fisheries and Conservation Authorities (IFC Authorities)

- Include a duty on the IFC Authorities to further the conservation of coastal and marine fauna and flora (c149).

- 1. MCZs should be identified using scientific criteria alone as part of an ecologically coherent network and should be well protected.** MCZs are the primary measure in the Bill for delivering marine nature conservation. We therefore strongly believe that sites should be identified using scientific criteria alone. As currently drafted, socio-economic factors could override national and international conservation priorities and hinder site designation. We are gravely concerned by the amendment proposed during Committee to change “may” to “must” in c114 (7) as this amendment would cripple the MCZ provisions in the Bill. We also believe that there must be an unequivocal duty to designate *both* individual MCZs *and* a network of sites and would support a re-drafting of clause 119 to ensure this. We would also like a commitment to an ‘ecologically coherent’ network and reference to ‘connectivity’ between sites on the face of the Bill. Furthermore, we would like to see c119 refer to the fact that the network of MCZs should include highly protected sites. The scope of the general offence for MCZs must be increased to cover intentional *and/or* ‘reckless’ damage as is the case for SSSIs on land. The general offence loophole specifically for fishing activities should also be removed or, at the very least, restricted.
- 2. The MMO should be a leading body for the delivery of sustainable development of UK seas.** We believe that the general objective of the MMO should be more positive and proactive. While our preferred view would be for the MMO to be responsible for ‘furthering’ sustainable development, Government has proposed an alternative (new subclauses 1A and 1B to Clause 2), which we note is weaker than our proposal. While our preference has always been for the MMO to be the licensing body for all reserved marine projects rather than the IPC, we acknowledge considerable resistance to this given the freshness of the Planning Act. Therefore, if the IPC must retain jurisdiction in the marine environment, the MMO must be a statutory *advisor* to the IPC on all marine and coastal projects.
- 3. Thorough appraisal of sustainability of the Marine Policy Statement (MPS).** We called for there to be a requirement on the face of the Bill to carry out a sustainability appraisal of the MPS. We therefore welcome and support the Government’s proposed amendment (Schedule 5, paragraph 6A).
- 4. Licensing should be based on all the information available and environmental safeguards must be in place for exemptions.** We are concerned that the Bill currently provides no environmental safeguards, controls or checks in relation to exemptions (c71) e.g. none of the requirements used when determining applications (c66) are included for determining exemptions. We also believe that at the very least, it should be compulsory for the licensing authority to be notified every time an exempted activity is carried out, and for this information to be included in the proposed “*register of licensing information*” (c98) if decision makers are to be in possession of the full facts and cumulative effects properly considered during marine planning.
- 5. Strengthen the marine environmental duties on IFC Authorities.** It is vital that the IFC Authorities are given a strong conservation duty which will signal a significant change of culture from the existing Sea Fisheries Committees. We would like to see the duty in c149 expanded to include a requirement to further the conservation of coastal and marine flora and fauna. This additional duty would benefit both fisheries and conservation interests, as a healthy marine environment is essential to safeguard the future of any fishery.

For further information and more detailed Link briefings on the issues and proposed amendments above, please contact **Joanna Butler at Link on 0207 820 8600 (joanna@wcl.org.uk)**.