



Marine
Conservation
Society



February 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

Sustainable Development Purpose

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

Background

Sustainable Development

The organisations above believe that the Marine Management Organisation (MMO) should provide a strong steer for the sustainable development of the marine environment, based on an ecosystem approach. While we welcome the inclusion of sustainable development in the MMO's general objective (Clause 2), we believe that, to achieve sustainable development in the UK marine area and properly reflect existing Government policy, the statutory duty to sustainable development must be more positive and proactive.

In the 2005 UK Sustainable Development Strategy 'Securing the Future', the Government refers to the role of the public sector as a "leading exponent of sustainable development". This indicates that the Government considers that a general statutory duty on all, or the most important public bodies to not just contribute to, but to *promote*, sustainable development, can lead to clearer responsibilities and improved delivery of our sustainable development goals.

According to the Government, the Marine Management Organisation (MMO) will be the 'strategic delivery body' in the marine area. We therefore believe that it is crucial to grant it with a sufficiently robust objective to further the sustainable development of our seas. This amendment is in line with recommendation 12 of the Joint Committee on the Draft Marine Bill, which suggested that 'these [duties] include a duty to further sustainable development and we suggest that this be based on the ecosystem approach to managing the marine environment'.

The amendment to Schedule 1 also places a duty on the MMO to include detail on how it has taken steps to further sustainable development in its annual report.

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.

Sustainable development is also referred to in Clause 42 and 49 of the Bill in reference to the marine policy statement and marine plans. These amendments seek consistency between the MMO, the marine policy statement and the marine plans with regard to the objective to further sustainable development.

The Bill does not define sustainable development, which in our view, creates unnecessary uncertainty for stakeholders. The intention of the amendment to Clause 312(1) is to place a specific reference on the face of the Bill to the UK Sustainable Development Strategy (UKSDS), or any future equivalent policy document. The UKSDS sets out Government's approach to sustainable development – which seeks to integrate and deliver nature conservation and a just society by means of a sustainable economy, good governance, and sound science. This is also in accordance with recommendation 13 of the Joint Committee on the Draft Marine Bill.

Ecosystem Approach

The origin of the ecosystem approach dates back to the agreement of the Convention on Biological Diversity in 1992 at the Rio Earth Summit. It is therefore important that the Bill's definition also includes a specific reference to an ecosystem approach. Chapter 5 of the UK Sustainable Development also refers to 'taking account of natural systems as a whole through the use of an ecosystem approach'.

The Marine and Coastal Access Bill will be a vehicle to implement many of the provisions of the Marine Strategy Framework Directive, whose aim is "to achieve or maintain Good Environmental Status in the marine environment" by 2020. To deliver this commitment, Member States are required to develop measures to "apply an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of Good Environmental Status."

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Annex – Amendments

Marine & Coastal Access Bill House of Lords Committee Stage, February 2009

Clause	Clause 2 General objective
Amendment	Page 2, line 7: Leave out ‘making a contribution to the achievement of’, and insert ‘taking reasonable steps, consistent with the proper exercise of its functions to further’ Page 2, line 23: Leave out ‘contribution to the achievement of’, and insert ‘furthering of’
Clause	Schedule 1, Paragraph 25 Annual report
Amendment	Page 217, line 10: At end insert ‘and how it has taken steps to deliver its general objective, in particular to further sustainable development’
Clause	Clause 42 Marine policy statements
Amendment	Page 21, line 33: Leave out ‘contributing to the achievement of’, and insert ‘furthering’
Clause	Clause 49 Marine plans for marine plan areas
Amendment	Page 24, line 35: After ‘states the authority’s policies (however expressed) for an in connection with’ insert ‘the furthering of’ sustainable development of the area
Clause	Clause 312 Interpretation
Amendment	Page 207, line 23: Insert ‘ “sustainable development” has the same meaning as in the currently agreed UK Government policy position on sustainable development, whether in the form of a document, guidance, statement, definition or other, and includes the adoption of an ecosystem approach ’