



**GREENPEACE**



February 2009

## Parliamentary Briefing

# Marine and Coastal Access Bill Amendment

### Socio-economic considerations and the designation of Marine Conservation Zones (Clause 114)

The organisations listed above are all members of Wildlife and Countryside Link's Marine Task Force<sup>1</sup>, 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

The purpose of this amendment to Clause 114 is to ensure that the selection and designation of Marine Conservation Zones is based solely on scientific conservation criteria.

MCZs are the primary measure in the Bill for delivering marine nature conservation. The organisations listed above believe that socio-economic considerations should not be taken into account during the selection and designation of MCZs.

We are gravely concerned by amendment 106E on Clause 114(7): *Page 69, line 2, leave out "may" and insert "must"*. By requiring the consideration of economic and social factors, this amendment would cripple the MCZ provisions in the Bill. Weakened in this way, the Bill would be incapable of delivering much-needed conservation and recovery of marine ecosystems – without which all attempts to achieve sustainable development in the marine area would be futile.

In the Lords' Second Reading of the Bill on 15 December 2008, the Minister stated that *"the UK has one of the richest marine environments in the world, with more than 8,000 species, from tiny plankton to minke whales, recorded in our seas. Protecting the sea must therefore be a high priority."* It is important that this prioritisation is reflected in the MCZ provisions in the Bill.

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<sup>1</sup> 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.

It is unarguable that socio-economic pressures are a major contributor to the current clear need to protect the marine environment. Clause 114(7) of the Bill allows such factors to be taken into account when designating MCZs – leading to the risk of the very factors that cause the damage preventing its repair. If amended to ‘must’ – requiring socio-economic factors to be considered - this risk would become a certainty. The design of the network of MCZs must be scientific and rigorous.

Our view is supported by evidence from a previous attempt to create marine protected areas in the UK. The designation of Marine Nature Reserves under the Wildlife and Countryside Act (1981) largely failed, with only three small sites designated in more than 25 years. A critical factor in this failure was the consideration of socio-economic factors, which enabled scientific advice to be overwhelmed by other considerations. Proposals for Marine Nature Reserves stalled or were shelved in the face of what amounted to an opponent’s right of veto. If the Bill were to be enacted in its current form or as amended to require socio-economic factors to be considered, experience suggests that the proposed network of MCZs would comprise only sites to which there was no opposition – the ‘leftovers’ after all socio-economic interests were appeased. This would *not* constitute an ecologically coherent network and would *not* achieve the conservation and recovery of marine ecosystems that is necessary.

There is no legal obligation (either domestic, European or international) to take socio-economic matters into account when making decisions about conservation, provided that those likely to be affected have the opportunity to state their case in a proper way<sup>2</sup>. The Bill provides such opportunities in clauses 116 and 117, and judicial review will always remain available to those who feel prejudiced by the designation of an MCZ. Moreover, socio-economic factors are not taken into account in the selection and designation of SSSIs on land, and may not be taken into account in selection and designation of Natura 2000 sites. We therefore believe it crucial that socio-economic factors should *not* be taken into account in deciding how best to protect the marine environment.

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<sup>2</sup> Legal advice on this matter, provided to Wildlife and Countryside Link, is available on request.

## **Annex – Amendments**

### **Marine & Coastal Access Bill**

**House of Lords Committee Stage, February 2009**

<b>Clause</b>	<b>Clause 114 – Grounds for designation of MCZs</b>
<b>Amendment</b>	Page 69, line 1: Leave out subsection (7).