



January 2009

## Parliamentary Briefing

# Marine and Coastal Access Bill Amendment

### Statement of Public Participation (SPP)

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 for a number of years.

Paragraphs 4-6 of Schedule 5 deal with the Statement of Public Participation (SPP) for the development of the MPS, and paragraphs 5-7 of Schedule 6 deal with the SPP for the development of marine plans. Our comments below apply equally to both SPPs. Overall, we welcome the production of a Statement of Public Participation but we believe that our proposed amendments below will strengthen the process of involving the public in preparing the MPS and marine plans.

#### (i) SPP detail and minimum requirements

As drafted, the Marine & Coastal Access Bill very much leaves open the details of the public participation process to the discretion of the relevant authorities, i.e. under Sch5, para 5(2); and Sch6, para 6(2). While we recognise that flexibility can be desirable, the UK is under an obligation to make specific provision for public participation in respect of environmental plans, programmes and policies in accordance with the requirements of the second pillar (public participation in environmental decision-making) of the United Nations Economic Commission for Europe (UNECE) Aarhus Convention, which it ratified in February 2005. In particular, Articles 6-8 of the Convention includes the following requirements:

- reasonable time-frames for different phases, allowing sufficient time for informing the public and for the public to prepare and participate effectively during the environmental decision-making;
- early public participation, when all options are open and effective public participation can take place; and
- due account to be taken of the outcome of public participation.

We also believe that an obligation to produce guidance on minimum requirements for public involvement would also be desirable to ensure that there are at least minimum standards and consistency on every occasion an MPS or marine plan is prepared or revised.

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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.

(ii) Public meetings information included in SPP

Given the significance of the marine planning system and the MPS in particular, public meetings on the consultation drafts should be obligatory. At the very least there should be a requirement to hold public meetings where third party representations request it. Therefore, the SPP should always include information on public meetings and the rights of third parties to request one (see Sch5, para5(3)).

(iii) Objections to the SPP

Finally, there is no provision for "*interested persons*" to object to the SPP if they believe the process of developing the MPS and the involvement of stakeholders and the public is in some way unfair, biased or exclusive.

## Annex – Amendments

### Marine & Coastal Access Bill

House of Lords Committee Stage, January 2009

#### (i) SPP detail and minimum requirements

<b>Clause</b>	<b>Schedule 5, paragraph 4 Statement of public participation</b>
<b>Amendment</b>	Page 226, line 38: at end insert new sub-paragraph  “(2A) The relevant authorities must prepare an SPP in accordance with the requirements of international law and previously agreed and published guidance for public participation in the development of marine policy documents.”
<b>Clause</b>	<b>Schedule 6, paragraph 5 Statement of public participation</b>
<b>Amendment</b>	Page 231, line 40: at end insert new sub-paragraph  “(2A) A marine plan authority must prepare an SPP in accordance with the requirements of international law and previously agreed and published guidance for public participation in the development of marine policy documents.”

#### (ii) Public meetings information included in SPP

<b>Clause</b>	<b>Schedule 5, paragraph 5 Further provision about the content of an SPP</b>
<b>Amendment</b>	Page 227, line 17: leave out “may” and insert “shall”  Page 227, line 18: at end insert: “including information on the requirement to hold a public meeting following representation from interests persons”
<b>Clause</b>	<b>Schedule 6, paragraph 6 Further provision about the content of an SPP</b>
<b>Amendment</b>	Page 232, line 29: leave out “may” and insert “shall”  Page 232, line 30: at end insert: “including information on the requirement to hold a public meeting following representation from interests persons”

(iii) Objections to the SPP

<b>Clause</b>	<b>Schedule 5, paragraph 6 Review and revision of an SPP</b>
<b>Amendment</b>	Page 227, line 29: at end insert new sub-paragraph  “(2A) In considering the need to revise the SPP, the relevant authorities must consider any representations from interested persons regarding the SPP itself.”
<b>Clause</b>	<b>Schedule 6, paragraph 7 Review and revision of the SPP</b>
<b>Amendment</b>	Page 232, line 43: at end insert new sub-paragraph  “(2A) In considering the need to revise the SPP, the marine plan authority must consider any representations from interested persons regarding the SPP itself.”