

Wildlife & Countryside Link is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas

Wildlife and
Countryside



Marine Bill Parliamentary Bulletin

Legislating for the marine environment

Date: April 2008

Wildlife and Countryside Link (Link) is a coalition of the UK's major voluntary organisations working together for the conservation and protection of wildlife, the countryside and the marine environment. The UK's marine environment is extraordinarily rich in wildlife, but it is poorly protected compared to our terrestrial wildlife. Our seas are under increasing pressure as we see marine activities proliferate, energy demands increase and climate change disturbance to the entire marine ecosystem.

Link has been campaigning for several years for the introduction of a UK Marine Bill, which will bring coherence and clarity to the current plethora of marine legislation governing our seas and protection for our marine species and habitats. The draft Marine Bill is launched and introduced into Parliament on 3rd April 2008. Pre-legislative scrutiny will then take place from April until July and a full Marine Bill is expected to go to Parliament later this year, possibly in November.

A Marine Act was a 2005 election manifesto commitment and it must be delivered before the next election.

This is the fifth in Link's series of bulletins for parliamentarians on the Marine Bill, and gives our views on the need for a joined-up approach between the Marine Bill and the other bills currently passing through Parliament impacting the marine environment.

The introduction of a Marine Bill is now long overdue. The 2007 Marine Bill White Paper stated that a Marine Bill was needed "to establish a modern, transparent, efficient and effective legislative framework that enables improved decision-making and minimises bureaucracy by consolidating the complex, disparate and diverse body of marine regulation into a clearer regulatory framework that will resolve overlaps and inconsistencies, aid clarity and improve compliance."¹ With increasing pressure on our seas, the health of our marine wildlife in decline and the entire marine ecosystem threatened by climate change, we require effective and strong legislation. A number of recent announcements indicate the UK Government's plans to increase the use of our seas in future.

Recent developments

2007

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| 14 November | Climate Change Bill is introduced into the House of Lords for its first reading. |
| 27 November | Planning Bill is read for the first time in the House of Commons and the Climate Change Bill receives a second reading. |
| 10 December | Planning Bill is read for a second time. |
| 11 December | Climate Change Bill goes before a Committee of the whole House. |

2008

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| 8 January | Planning Bill goes before Public Bill Committee. |
| 10 January | Energy Bill enters the House of Commons for its first reading. |
| 22 January | Energy Bill receives a second reading. |
| 5 February | Energy Bill goes before Public Bill Committee. |
| 25 February | Climate Change Bill enters Report stage. |
| 31 March | Climate Change Bill receives a third reading. |
| 3 April | Draft Marine Bill is launched and introduced into Parliament. |

The Marine Bill must not be seen in isolation. The Climate Change Bill, the Energy Bill and the Planning Bill all have serious implications for the use of our seas. Link is calling for a comprehensive and consistent approach to be taken with regard to all legislation impacting the marine environment. The Marine Bill must sit alongside and complement these other crucial bills that are currently passing through Parliament. We are concerned about the priority given to a number of other bills while the Marine Bill has yet to be introduced. The fact that, after years of delay, the Marine Bill has not yet been delivered should not be a cause for neglecting the marine impacts of these other bills.

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UK Climate Change Bill

Over the last twelve months, climate change has risen to the top of the political agenda and the Government has responded by introducing a Climate Change Bill. Climate change is already having a profound effect on the marine ecosystem, for example, rising sea temperatures, increasing acidity, sea level rise and more frequent storm surges, which may also be catastrophic in the long-term for marine and coastal life.

We urgently need a UK Marine Bill to restore and protect the health and resilience of our seas so that they can adapt to these pressures. Healthier seas are themselves a key factor in mitigating climate change impacts – the oceans' phytoplankton is estimated to absorb about half of the CO₂ generated by humans. Thus, we strongly believe that climate change makes the protection of marine biodiversity even more critical. Marine Protected Areas, and Highly Protected Marine Reserves in particular, are a vital tool in enabling marine biodiversity to adapt geographically as the environment changes and ensuring that it is more resilient to the impacts of climate change. The Marine Bill must therefore provide for the designation of an ecologically coherent network of these sites.

To help achieve our renewable energy targets set out in the Climate Change Bill, we also need an integrated marine spatial planning system within the Marine Bill to enable the development of marine renewables in a sustainable way (linked to Planning Bill, below).

To ensure that our seas can help us achieve our ambitious climate change targets while ensuring a healthy marine environment, we need a draft Marine Bill now and a full Bill by November this year.

UK Planning Bill

The UK Planning Bill introduces a new system for approving major infrastructure projects of national significance, replacing current regimes under several pieces of legislation and streamlining planning decisions. The Planning Bill currently proposes that consent for offshore wind farms generating over 100MW of electricity and larger ports should be determined by the Infrastructure Planning Commission (IPC).

However, the Marine Bill White Paper proposed a new marine planning system to deliver an integrated, ecosystem-based approach. The Marine Bill White Paper envisioned that marine planning would be delivered by the Marine Management Organisation (MMO) which would be a "centre of marine expertise, provide a consistent and unified approach, deliver improved coordination of information and data."² Marine planning will be crucial in improving the management of all activities at sea and has the potential to reduce the conflict between sea users. Therefore, in the interests of having a single coherent marine planning system, Link believes that planning for all marine activities including renewables and ports should be determined by the expert marine body, the MMO, and not the IPC. According to the White Paper, "establishing the MMO will improve consistency through bringing together, in one body, functions which are currently spread between different organisations."³ Delegating certain functions to the IPC undermines the power and function of the MMO. At the very least, the MMO should be a statutory consultee in the planning process for large-scale marine renewables and ports, and the IPC must follow the guiding principles of marine planning policy statements. **Link is calling for the Government to publish the draft Marine Bill now and a full Bill by November this year and to set out the exact functions and a clear timetable for the introduction of the MMO. Responsibility for marine renewables and ports should lie with the Secretary of State until the MMO is established.**

UK Energy Bill

Climate change, CO₂ reduction, clean and secure energy are all critical issues in today's changing world. Following the Government's Energy Review 2006 and the Energy White Paper 2007, the Energy Bill has now been introduced into Parliament. The Energy Bill sets out the regulatory framework to allow the development of renewable energy and carbon capture and storage.

As many of these new developments will be situated or take place offshore, we believe that a strategic approach to licensing for offshore renewable energy and carbon capture and storage must be taken to ensure that development and environmental protection do not come

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into conflict. Therefore, licensing decisions must be taken within the context of marine planning. A truly integrated marine planning system should cover all activities at sea. The Marine Bill White Paper acknowledges that “at present at least four different Whitehall departments, each with its own set of priorities, performance targets and cultures, carry out licensing of marine activities for England alone. While departments make every effort to work together on marine licensing, this inevitably exacerbates the tensions set up by the legislative structures and tends to hinder efficient service delivery.”⁴ The Marine Bill White Paper states that the Marine Management Organisation should deal with a range of functions (including marine planning, licensing and enforcement) to provide a holistic approach. **Link is calling for the Government to publish a draft Marine Bill now and a full Marine Bill by November this year to establish an effective marine planning and licensing regime that can support the delivery of energy developments while ensuring a healthy marine environment. Responsibility for marine licensing should lie with the Secretary of State until the MMO is established.**

Conclusion

We urgently need a Marine Bill to close the gap between the protection of wildlife on land and at sea, and to bring coherence to the planning and management of the many activities happening in the marine environment and ensure that decisions are taken in a sustainable manner. A healthy and properly managed marine environment is also vital in our fight to tackle climate change. Link campaigned for a Marine Bill to be included in the 2007 Queen’s speech, so that it could be introduced alongside the Climate Change Bill, the Planning Bill and the Energy Bill, thus ensuring a joined-up approach. We still need a Marine Bill to be introduced as soon as possible.

With the rapid passing of these bills through Parliament in the absence of a strong Marine Bill, the UK Government risks undermining its own aim of a coherent and strategic approach to managing activities at sea – through a reformed licensing regime delivered by the Marine Management Organisation, making decisions within the framework of a marine planning system. Link is calling for MPs to ensure that the Climate Change Bill, the Planning Bill and the Energy Bill take into account their marine impacts, and do not act as a barrier to the effective proposals in and the timely delivery of a Marine Act.

For more information on Link’s Marine Bill campaign, please contact **Joanna Butler at Link on 020 7820 8600 (joanna@wcl.org.uk)**. You can also find out more about our Marine Bill campaign at www.wcl.org.uk

Notes

- 1 p11, Consultation on a Marine Bill White Paper, “A Sea Change”, March 2007.
- 2 p125, Consultation on a Marine Bill White Paper, “A Sea Change”, March 2007.
- 3 p48, Consultation on a Marine Bill White Paper, “A Sea Change”, March 2007.
- 4 p61, Consultation on a Marine Bill White Paper, “A Sea Change”, March 2007.

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