



June 2009

## Parliamentary Briefing House of Commons Committee

# Marine and Coastal Access Bill Amendment

### Furthering Sustainable Development (Clause 2)

The organisations listed above are closely engaged in the Marine and Coastal Access Bill. We are also members of Wildlife and Countryside Link's Marine Task Force<sup>1</sup>, 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.

#### Background

We welcome the inclusion of sustainable development in the MMO's general objective (Clause 2) but believe that, to achieve sustainable development in the UK marine area and properly reflect existing Government policy, the overarching statutory duty on the MMO to deliver sustainable development must be more positive and proactive. Although we acknowledge that there were some concessions made in the House of Lords, we still believe the duty is not strong enough.

The UK Sustainable Development Strategy (2005) refers to a general statutory duty on all, or the most important public bodies to not just contribute to, but to "*promote*", sustainable development. We believe that it is crucial to grant the MMO with a sufficiently robust objective to "*further*" the sustainable development of our seas to ensure it operates effectively now and in the future.

The current general objective or duty of the MMO to "*contribute to the achievement of sustainable development*" should therefore be changed to "*further sustainable development*" in clause 2. There should also be an amendment to Schedule 1 to place a duty on the MMO to include detail in its annual report on how it has taken steps to further sustainable development.

Sustainable development is also referred to in Clauses 44 and 51 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.

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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.

We welcome the obligation put on the Secretary of State in clause 2(4) to give guidance to the MMO as to the manner in which the MMO is to seek to secure that its contribution to the achievement of sustainable development is made. We will be looking to ensure that it refers to the five principles of sustainable development – which seek to integrate and deliver nature conservation and a just society by means of a sustainable economy, good governance, and sound science – which are outlined in the UK Sustainable Development Strategy. We will also be seeking further assurances that the interpretation of sustainable development in the MMO’s remit refers to:

- An ecosystem-based approach to the management of human activities;
- Application of the precautionary principle to the MMO’s decision-making processes.
- Ensuring that the collective pressure of activities in the marine environment is kept within levels compatible with the achievement of Good Environmental Status under the Marine Strategy Framework Directive.

However, a commitment to give guidance on how the MMO will contribute to sustainable development, is not enough to ensure the MMO will champion sustainable development with a strong remit for leadership. It is of critical importance that the Bill is amended so that the duty to “*further sustainable development*” is stated within the primary legislation in clause 2 and the corresponding sections of the Bill – outlined in the following Annex.

***For further information please contact:***

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## Annex – Amendments

### Marine & Coastal Access Bill

<b>Clause</b>	<b>Clause 2</b>
<b>Amendment</b>	<p><b>Sub-clause (1) page 2, line 7,</b> At end leave out ‘making a contribution to the achievement of’, and insert ‘taking reasonable steps, consistent with the proper exercise of its functions to further’</p> <p><b>Sub clause (4) page 2, line 26:</b> Leave out ‘contribution to the achievement of’, and insert ‘furthering of’</p>
<b>Clause</b>	<b>Schedule 1, Paragraph 26 Annual report</b>
<b>Amendment</b>	Page 241, line 19: At end insert ‘and how it has taken steps to deliver its general objective, in particular to further sustainable development’
<b>Clause</b>	<b>Clause 44 (1) (a) Marine policy statement</b>
<b>Amendment</b>	<p>Page 40, line 9:</p> <p>Leave out ‘contributing to the achievement of’, and insert ‘furthering’</p>
<b>Clause</b>	<b>Clause 51 (3) (b) Marine plans for marine plan areas</b>
<b>Amendment</b>	<p>Page 40, line 9:</p> <p>After ‘states the authority’s policies (however expressed) for an in connection with’ insert ‘the furthering of’ sustainable development of the area</p>