



June 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

Removing the socio-economic requirement from the identification and designation of Marine Conservation Zones (Clause 117(7))

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

Background

The purpose of this amendment to Clause 117 is to ensure that the selection and designation of Marine Conservation Zones is based solely on scientific 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. Socio-economic factors are a major contributor to the current pressing need to protect the marine environment. Clause 117(7) of the Bill would allow 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.

We believe that socio-economic factors should rightly be taken into account at the site *management* stage. However, consideration of these factors during *selection* and *designation* brings a high risk that important sites will not be designated.

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, experience suggests that the proposed network of MCZs would comprise only sites to which there was no opposition – the 'leftovers' after all socioeconomic interests were appeased. This would *not* constitute an ecologically coherent network of marine protected areas and would *not* achieve the intended conservation and recovery of marine ecosystems.

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.

As such, the Bill would *not* be capable of delivering sustainable development in the UK marine area.

There is no legal obligation (either domestic, European or international) to take socio-economic matters into account when making decisions about MCZ designation, provided that those involved have the opportunity to state their case in a proper way. The Bill provides such opportunities 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, and may not be taken into account in selection and designation of Natura 2000 sites. We therefore believe it important that socio-economic factors should *not* be taken into account in deciding how best to protect the marine environment.

A related issue, in Schedule 13, is the proposed addition of a call-in power for the Secretary of State on Natural England's notification and confirmation of subtidal SSSIs and the declaration of subtidal NNRs in England. We support Natural England's view that they should retain sole responsibility for designation of all SSSIs and NNRs in England. We are particularly concerned that the Secretary of State could use the call-in power to bring socio-economics into the site designation decision process for subtidal SSSIs and NNRs. Therefore, not only are we concerned that as the Bill is currently drafted, MCZ designation is compromised by the consideration of socio-economic factors at the designation stage, but also that subtidal SSSI and NNR designation could be compromised in the same way.

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Annex – Amendment

Marine & Coastal Access Bill
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| Clause | Clause 117 – Grounds for designation of MCZs |
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| Amendment | Page 79, line 7: Leave out subsection (7). |