



Marine and Coastal Access Bill Briefing

House of Commons, Committee Stage

June 2009

Wildlife and Countryside Link¹ (Link) is delighted that the Marine and Coastal Access Bill has reached Committee Stage in the House of Commons. We are pleased that a number of improvements have been made to the Bill in the Lords. In particular, we welcome that the scope of the general offence has been expanded to cover reckless as well as deliberate damage. We also welcome and are assured by the statements made by the Minister that Marine Conservation Zones will be designated as part of an 'ecologically coherent network' of sites. However, we strongly believe that a number of improvements still need to be made to ensure that the Bill is fit for purpose to deliver its aims and objectives.

- 1. Marine Conservation Zones (MCZs) should be identified using scientific criteria alone to contribute to an ecologically coherent network of sites, and should be well protected**
 - Remove reference to socio-economics factors affecting the identification of MCZs during the designation process (c117(7)).
 - Include a reference to 'highly protected sites' in the legislation (c123).
 - Increase the scope of the general offence to cover 'disturbance' (c140).
 - Remove the general offence loophole specifically for sea fishing (c141).
- 2. The Marine Management Organisation (MMO) should be a leading body for the delivery of sustainable development of UK seas**
 - Strengthen the general objective of the MMO so that it is responsible for 'furthering' sustainable development (c2).
 - Strengthen the MMO's advisory role in relation to the IPC's decisions on projects which are in or likely to have an impact upon the marine area (c23).
 - We seek assurances regarding cross-border working between the UK Government and Devolved Administrations through a requirement to produce a jointly agreed concordat(s).
- 3. Marine planning should be comprehensive**
 - Retain the requirement on marine plan authorities to seek to ensure comprehensive plan coverage throughout UK waters where a Marine Policy Statement is in effect by supporting the Government's proposed amendment to c51(2).
- 4. The Inshore Fisheries and Conservation Authority (IFCA) duty should be strengthened and equivalent duties given to Welsh Ministers**
 - Include a duty on the IFCAs to further the conservation of coastal and marine fauna and flora (c153).
 - Give Welsh Ministers duties to secure sustainable fisheries.
- 5. There should be greater consultation on the setting of the coastal route and coastal margin**
 - We seek assurances regarding consultation with user groups and conservation bodies on the setting of the coastal route and coastal margin.

¹ Wildlife and Countryside Link (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.

- 1. MCZs should be identified using scientific criteria alone to contribute to an ecologically coherent network, and should be well protected.** MCZs are the primary measures in the Bill for delivering marine nature conservation. We therefore strongly believe that sites should be identified using scientific criteria alone as is the case for SSSIs on land and all Natura 2000 (European) sites. As currently drafted, the Bill could allow socio-economic factors to override national and international conservation priorities and hinder site designation. We do not want to repeat the legislative weaknesses of the 1981 Wildlife and Countryside Act, which has resulted in only three Marine Nature Reserves being designated in nearly 30 years. We also believe that there should be reference to 'highly protected sites' in the Bill as part of delivering an ecologically coherent network. In addition, we believe that the scope of the general offence must be increased to cover 'disturbance' as well as 'damage' as is the case for SSSIs. The general offence loophole specifically for sea fishing activities must also be removed.
- 2. The MMO should be a leading body for the delivery of sustainable development of UK seas.** The general objective of the MMO must be more positive and proactive. Despite some movement on this in the Lords, we still believe that the MMO should be responsible for 'furthering' rather than just 'making a contribution towards' sustainable development. While our preference has always been for the MMO to be the licensing body for all reserved marine projects rather than the IPC, we acknowledge considerable resistance to this given the freshness of the Planning Act 2008. Therefore, the advice of the MMO, the body with a particular marine planning role, must be sought by the IPC and that advice taken into account when making a decision on applications which are in or are likely to have an impact upon the marine area. This role is stronger than that of a statutory consultee or statutory party, and more akin to the role given to Local Authorities in the Planning Act. We also seek assurances that there will be consistency and coordination between the MMO and Devolved Administrations. We believe that at the very least there should be a commitment to developing a joint concordat or concordats with each Devolved Administration, which sets out how they will work together to implement important aspects of the Bill, particularly in cross-border areas. This is important to ensure an ecosystem based approach to marine resource management.
- 3. Marine planning should be comprehensive.** We welcome the inclusion of the requirement to seek to ensure comprehensive plan coverage throughout UK waters where an MPS is in effect. We would urge MPs to retain this requirement and support the Government's proposed amendment to clause 51(2). This clause was in addition to the welcome inclusion of a new duty on plan authorities to report to their legislature on planning progress (c61).
- 4. The Inshore Fisheries and Conservation Authority (IFCA) duty should be strengthened and equivalent duties given to Welsh Ministers.** The new IFCAs should be organisations that manage fisheries in a sustainable way through the integration of environmental considerations into management decisions. Therefore, we believe that the IFCA duty should be strengthened to include a requirement to further the conservation of coastal and marine fauna and flora. This duty would benefit both the fisheries and conservation interests as a healthy marine environment is essential to safeguard the future of any fishery. In addition, as there will be no IFCAs in Wales, duties towards sustainable fisheries should be placed on Welsh Ministers to provide the same standard of certainty and accountability for Wales as for England.
- 5. Greater consultation on the setting of the coastal route and coastal margin.** Reports produced by Natural England will propose the setting of the English coastal route and coastal margin after consultation with landowners, occupiers of land, local authorities and other Government bodies. However, Part 9 of the Bill does not require Natural England to consult with recreational user groups, conservation bodies and other local interest groups. We seek assurances that this will be addressed in the forthcoming secondary legislation and guidance.

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