



GREENPEACE



## Marine and Coastal Access Bill Briefing House of Commons, Report Stage October 2009

Wildlife and Countryside Link<sup>1</sup> (Link) is delighted that the UK Marine and Coastal Access Bill is nearing the end of its passage through Parliament and we look forward to Royal Assent in the very near future.

We welcome the improvements that have been made to the Bill in both Houses of Parliament so far. However, there are still a few key improvements that we strongly believe should be made to the nature conservation section of the Bill before it finally becomes law. The new Act must be as strong and effective as possible to ensure that it delivers much-needed benefits for the UK's spectacular array of marine wildlife.

### Stronger nature conservation measures

1. Qualify subclause 117(7) so that it is clear that **MCZ designation** is based firmly on scientific criteria, with socio-economic considerations only a secondary, optional factor in the designation process. (Amendment no. 1 in the Order Paper).
2. Include a reference to '**highly protected sites**' in the legislation (c123) (Amendment no. 2 in the Order Paper).
3. Remove the **general offence loophole** specifically for sea fishing (c141).

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<sup>1</sup> 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.

## **We ask you to support the following issues at Report Stage:**

1. Qualify clause 117(7) so that it is clear that **MCZ designation** is based firmly on scientific criteria, with socio-economic considerations only a secondary, optional factor in the designation process

MCZs are the primary measure in the Bill for delivering marine nature conservation. We therefore strongly believe that site designation should be based firmly on scientific criteria.

We believe that subclause 117(7) must at least be qualified so that it is clear that ecological factors are the primary consideration in the designation of MCZs. Socio-economic considerations should be optional, secondary factors, which may only taken into account if in doing so this does not compromise the ability to create an ecologically coherent network of sites. Socioeconomics should not be considered for sites designated to protect rare and/or threatened features and there should be a presumption for these sites to be included in the network.

2. Include a reference to '**highly protected sites**' in the legislation (c123)

We also believe that there should be a reference on the face of the Bill to the inclusion of 'highly protected sites' in the marine protected area network. Highly protected sites will be a vital tool in ensuring that the network of sites can provide adequate protection for the marine environment. Without an explicit reference in the legislation, it will be much harder, if not impossible, to secure a high level of protection wherever it is required.

We do not believe that this would create a two-tier system comprising 1) highly protected sites and 2) other MCZs with less strict protection. We are not calling for (nor would we support) this. We fully support Government's proposal of a continuum of protection levels stretching from minimal restrictions at one end to full or high protection at the other. We are merely calling for a commitment *via* a reference on the face of the Bill to deliver sites at the highly protected end of the continuum. We believe this is necessary to ensure that such sites can be delivered in practice.

3. Remove the **general offence loophole** specifically for sea fishing (c141)

We strongly oppose the general offence loophole specifically for sea fishing activities. In many instances it is fishing that has created the parlous situation that needs rectifying by this Bill. We recognise the difficulties with removing this clause altogether in waters beyond 12nm that fall under the jurisdiction of the Common Fisheries Policy (CFP) and would not want to encourage any inconsistency in how UK vessels are treated in comparison with other European vessels in these waters. This is something that must be dealt with through the forthcoming reform of the CFP, if not before. However, the defence can and should be removed in waters fished only by UK vessels, which fall under complete UK jurisdiction i.e. the 0-6nm zone and in parts of the 6-12nm zone where there are no historic European fishing rights.

We recognise that sites within 6nm can be protected from any damaging or potentially damaging fishing activity using IFCA byelaws (and out to 12nm by MCZ byelaws enacted by the MMO). We would welcome assurances from Government that these byelaws can and should be made proactively on a precautionary basis, to prevent damaging activities from impacting sites. However, we still believe that the general offence to intentional or reckless damage caused by fishing activities should apply in waters fished only by UK vessels.

