



February 2009

Parliamentary Briefing

Marine and Coastal Access Bill Amendment

Conservation objectives and management plans for Marine Conservation Zones (Clause 114)

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

Background

The purpose of this amendment (consisting of an amendment to Clause 114 and the insertion of a new clause) is to ensure that the appropriate statutory conservation body is required to produce conservation objectives and a management plan for each Marine Conservation Zone.

Conservation objectives

The organisations listed above believe that the conservation objectives for an MCZ, defining what is to be achieved by designating the site, are a pivotal element of the MCZ provisions in the Bill. According to clause 114 (2), an order under clause 113 to designate an MCZ must state the conservation objectives for the MCZ.

The conservation objectives are intended to guide management of activities so as to protect the MCZ features. Public bodies are subject to a general duty (clause 122 (2)) to exercise their functions in the manner which "*best furthers the conservation objectives stated for the MCZ*" or, where this is not possible, in the manner which "*least hinders the achievement of those objectives*". Under clause 150, the Inshore Fisheries and Conservation Authorities "*must seek to ensure that the conservation objectives of any MCZ in the district are furthered.*"

As such, the conservation objectives are critical to the implementation and management of MCZs and, for this reason, it is essential that the body tasked with

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.

producing them has the necessary expertise. We believe that the appropriate statutory conservation body is the body best placed to do this, and should be placed under a duty in this respect.

Management plan

Post-designation, it is essential that that the conservation objectives are used to develop a management plan for each MCZ. The management plan will translate the conservation objectives into clear management guidelines, making it much easier for public bodies and other organisations and individuals to understand the management requirements and the implications with regard to their own functions and activities. Furthermore, the management plan will facilitate monitoring of the status of the site and reporting against the delivery of the conservation objectives. The level of detail required in the management plan should be left to the discretion of the statutory conservation body and will be dependent on the level of protection needed, the features to be protected and the range of activities requiring management.

We believe that the Bill should include a duty on the appropriate statutory conservation body to produce a management plan as soon as reasonably practicable after designation. This must be without prejudice to the ability of the statutory conservation bodies to provide advice and guidance at any time under clause 123.

The annex below includes a new clause creating a duty to produce a management plan, together with amendments to clauses 114 to incorporate the management plan provisions.

Recovery of the marine environment

We welcome the statement in 114(6) that reference to conserving “a thing” (i.e. a feature listed under 114(1) or the marine environment, as referred to in clause 119) includes reference to assisting in its conservation and enabling or facilitating its recovery. However, we feel that the reference to “increase” is rather ambiguous. It would be unhelpful and even irresponsible to attempt to increase conservation of “a thing” beyond natural recovery.

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Annex – Amendments

Marine & Coastal Access Bill House of Lords Committee Stage, February 2009

Clause	Clause 114 – Grounds for designation of MCZs
Amendment	<p>Page 68, line 28: At end insert “, provided by the appropriate statutory conservation body. “</p> <p>Page 68, line 28: At end insert “(c) a statement of the appropriate authority's views about the management of the MCZ.”</p>

Clause	New clause
Amendment	<p>Page 71, line 14.</p> <p>Insert new clause:</p> <p>“() Management plans</p> <p>(1) As soon as practicable following designation, the appropriate statutory conservation body shall publish a management plan for each MCZ, which is in conformity with the statement of views on management of the MCZ published within the order made under section 113 and taking into account any representations made during consultation on the order in accordance with section 116.”</p>