

Briefing

Marine and Coastal Access Bill

The Wildlife Trusts are delighted that this Bill is now making its passage through Parliament and welcome all-party support for the measure. We have been campaigning for many years for comprehensive legislation to deliver better protection for our seas and we hope we will look back on this Bill as a major milestone in years to come.

Around the UK we have one of the most biologically productive marine areas on earth, and our seas are extraordinarily rich in wildlife. Yet there is increasing pressure for offshore activities, including renewable energy, and we must be mindful of the impacts of climate change. This Bill is the key opportunity to ensure that our seas are managed and protected in a more strategic and sustainable way.

The Bill will set up a Marine Management Organisation (MMO) - the lead body delivering sustainable development of UK seas with responsibility for marine planning. The Bill will also establish Marine Conservation Zones (MCZs) to conserve marine wildlife. However, there are some weaknesses we would like to see addressed to ensure the Bill is effective. These include:

- **Requiring MCZs (some of which should be highly protected) to be identified using scientific criteria alone**, and as part of an ecologically coherent network.
- **Strengthening the MMO's sustainable development duty** and ensuring it has a duty to produce and adopt marine plans for the whole of UK waters.
- **Incorporating climate change considerations – adaptation and mitigation - into the MMO's decision-making.**
- **Strengthening the role of the MMO in the Independent Planning Commission's consideration of offshore developments** - the new planning regime should not undermine marine spatial planning.

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Key facts and quotes

- **'Sustainable development aims to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.'**
UK Government Sustainable Development Strategy, 2005
- The Wildlife Trusts are working on projects which will act as pre-cursors to marine spatial planning off the coast of Devon and Dorset.
- Our seas naturally take up around 30–50% of CO₂ emissions each year.
- **'The effects of climate change and the increasing use of the sea by many competing interests mean we must look after our marine areas for future generations'**
Rt Hon Hilary Benn MP, December 2008

Questions and answers

Why are scientific criteria so important in the designation of MCZs?

On land, designated sites are identified using scientific criteria alone. The same principle should apply at sea. Clause 114 suggests that economic and social consequences may be taken into account. This is a significant weakness and risks jeopardising the designation process.

Learning from the history of legislation that has now worked, we argue that the Secretary of State should have a duty to designate an ecologically coherent network of MCZs, including highly protected sites. This was recommended by the Joint Committee that scrutinised the draft Bill.

The general offence for damaging MCZs is welcome. However, we would urge that the offence applies to ‘reckless’, as well as intentional acts, and to ‘disturbance’ as well as damage. This would mirror the protection offered to Sites of Special Scientific Interest on land. The loophole for fishing activities should be closed.

Why is climate change important?

As climate change grows in significance in planning decisions on land, so it should at sea. Our seas provide important services to us, including taking up significant quantities of CO₂ and regulating our climate. Marine ecosystems need to be healthy for this. Activities at sea could both contribute to carbon emissions and limit the ecosystem’s ability to adapt to climate change. This Bill provides an opportunity to require the MMO to take climate change into account.

How can the provisions for marine planning be strengthened?

The Bill should include a duty on the MMO to produce marine plans that cover the whole of UK waters. There should also be a provision for marine plan authorities to plan jointly across regional seas such as the Irish Sea.

Why should the MMO have a strong sustainable development duty?

Sustainable development principles apply to the marine as well as the terrestrial environment. It is a core principle of planning on land. We believe this should apply to the MMO as well. Clause 2 gives the MMO a duty of making ‘a contribution to the achievement of sustainable development’. This should be strengthened to ‘to further sustainable development’ which implies a more proactive approach.

Why is the relationship between the MMO and the IPC important?

We are concerned that the arrangements under the new Planning Act might undermine the planning provisions in this Bill. The IPC, a land focused organisation, will be taking decisions about offshore developments such as wind farms. The expertise on the marine environment will lie in the MMO rather than the IPC. It is therefore important - if the principles of this Bill are not to be completely undermined for large infrastructure projects - for the MMO to be, at the very least, a statutory advisor to the IPC. The IPC should also be required to make its decisions on offshore developments according to the Marine Policy Statement and marine plans.

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The Wildlife Trusts. There are 47 local Wildlife Trusts across the whole of the UK, the Isle of Man and Alderney. We are working for an environment rich in wildlife for everyone. With 765,000 members, we are the largest UK voluntary organisation dedicated to conserving the full range of the UK’s habitats and species, whether they be in the countryside, in cities or at sea. 150,000 of our members belong to our junior branch, Wildlife Watch. We manage 2,256 nature reserves covering more than 90,000 hectares; we stand up for wildlife; we inspire people about the natural world and we foster sustainable living. www.wildlife.trusts.org

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