



Amendments to the Marine and Coastal Access Bill.

April 2009.

In the light of the discussion of Part 5, Chapter 1, in the Committee Stage of the House of Lords, we have drafted the following revised list of amendments. We believe this revision reflects the priorities and arguments made clear in the Committee Stage, and offers the basis for voting amendments at the Report Stage. The areas where we believe amendment is warranted are described below. We then follow this with the specific wording of proposed amendments.

- 1. Highly Protected Marine Reserves** : we believe that this need has been identified in the Committee Stage, and therefore propose their inclusion in Section 113, and their definition in Section 114 (1) and Section 114 (2).
- 2. Scientific criteria in the designation of MCZs** : we believe that there is a necessity for the inclusion of scientific criteria in the process of the identification of MCZs and, as the Marine Bill does not contain this provision at present, that this amendment be included in Section 114 (7).
- 3. The Network of MCZs must have ecological coherence** : we believe it is widely agreed that the network of MCZs must have ecological coherence. This is not currently specified in the Marine Bill, and therefore we propose an amendment to Section 119 (2).
- 4. The Network must balance economic, social and environmental uses** : we believe that debate in the Committee Stage has identified the need for a network that recognises social and economic imperatives, but ensures that they are balanced with conservation imperatives. In other words, that there is a network of MCZs which conforms with the current economic, social and environmental definition of sustainability.

We also believe that central to the debate about the function of the network is the question of its size, and that the network must be of sufficient size in order to deliver its purpose. We recognise that Parliament does not want to place a figure on the size of the network, therefore we have used the phraseology “sufficiently extensive”, and linked this to the provision of a network which exists to “enable economic and social uses of the sea to be environmentally sustainable”.

The wording of this amendment thus permits us to stipulate the need for a sufficiently sized network whilst, at the same time, ensuring that it is a network where the full range of social and economic uses are allowed to operate on the condition they are consistent with environmental considerations. In short, an extensive network that meets all the criteria of sustainability.

We therefore propose an amendment to Section 119 (3) which makes this provision within the legislation. This can be achieved either by amending the wording to Section 119 (3) (a), or by writing a new subsection 119 (3) (d). We would welcome views as to which is preferential.

- 5. The Network must have an initial starting date** : We believe that, due to commitments under EU and international law, the legislation must recognise the need for an initial network of MCZs by a specific date. This ensures the establishment of a nascent network in accord with our legal obligations, and allows for the development of the network within a future time framework without having to resort to the specification of that future framework within the Marine Bill. We therefore propose an amendment to Section 119 (4) based on our established OSPAR commitment of 2012.

Proposed Amendments.

Note: Amendments are indicated in **bold**.

Highly Protected Marine Reserves.

Section 113.

113 (1) : The appropriate authority may by order designate any area falling within subsection (2) as a marine conservation zone (an “MCZ”) **or as a highly protected marine conservation zone.**

Section 114.

114 (1) : The appropriate authority may make an order under section 113 if it thinks that it is desirable to do so for the protection of conserving –

- (a) marine flora or fauna;
- (b) marine habitats or types of marine habitat;
- (c) features of geological or geomorphological interest;
- (d) the marine ecosystem as a whole;**
- (e) or, in order to exclude all extractive and damaging activities.**

114 (2) : The order must state –

- (a) the protected feature or features;
- (b) the conservation objectives for the MCZ;
- (c) that the MCZ is a highly protected MCZ whenever the conservation objectives of the MCZ require the exclusion of all extractive and damaging activities;**
- (d) that the MCZ is a highly protected MCZ whenever the conservation objectives of the MCZ require the protection of the marine ecosystem as a whole.**

Scientific criteria in the designation of MCZs.

Section 114.

114 (7) : In considering whether it is desirable to designate an area as an MCZ, the appropriate authority **must have regard to selection criteria which are scientifically based and** may have regard to any economic and social consequences of doing so.

The Network of MCZs must have ecological coherence.

Section 119.

119 (2) : The objective is that the MCZs designated by the appropriate authority, taken together with any other MCZs designated under section 113 and any European marine sites that have been established in the UK marine area, form an **ecologically coherent** network which satisfies the conditions in subsection (3).

The Network must balance economic, social and environmental uses.

Section 119.

Either:

- 119 (3) The conditions are –
- (a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area **and is sufficiently extensive to enable economic and social uses of the sea to be environmentally sustainable.**
 - (b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area;
 - (c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site;

Or

- 119 (3) The conditions are –
- (a) that the network contributes to the conservation or improvement of the marine environment in the UK marine area;
 - (b) that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area;
 - (c) that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site;
 - (d) that the network is sufficiently extensive to enable economic and social uses of the sea to be environmentally sustainable.**

The Network must have an initial starting date.

Section 119.

119 (4) In exercising the power conferred by section 113 so as to comply with the duty imposed by subsection (1) above, the appropriate authority must have regard to any obligations under EU or international law that relate to the conservation or improvement of the marine environment, **and establish an initial ecologically coherent network by 2012.**