



Marine and Coastal Access Act Newsletter

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Marine and Coastal Access Act receives Royal Assent

The Marine and Coastal Access Act was warmly welcomed by all sides when it received Royal Assent and finally entered the statute books on 12 November 2009. The Prime Minister, Gordon Brown, said: "This historic, ground-breaking legislation fulfils the Government's 2005 commitment to introduce a new framework for

managing the demands we put on our seas, improve marine conservation, and open up access for the public to the English coast. I would like to thank all of you who have dedicated so much time and energy to producing this excellent Act and look forward to your help in implementing it."



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The Secretary of State for Environment, Food and Rural Affairs, Hilary Benn, said: "Our waters are some of the busiest in the world. The new marine planning system will ensure we make space in our seas for all its users and protect our underwater wildlife so that it will flourish in the years to come. Our island has a beautiful coastline that we should all be able to enjoy.

The coastal path will allow everyone to access our coast and experience its beauty as well as providing a boost to regional economies through increased tourism."

Throughout the Parliamentary process in both Houses, Ministers and the Department have been widely praised for their handling of the Bill. During one of the final debates in the House of Commons, Nick Herbert MP, the Conservative spokesman said "The Bill is the product of a constructive legislative process that represents the kind of productive debate and discussion of which, too often, there is rather too little in politics today. We have a better Bill as a result, and I look forward, as I am sure many others do,

to celebrating its inclusion on the statute book". Lord Greaves during the final debate in the House of Lords said: "It was valuable that we had, in my view, the best Bill team that I have ever seen in the nine or ten years that I have been in this House".

In the last few days, many have commented on the length of time it has taken to finally reach this stage and have reflected on their own roles in ensuring that the Act truly is the groundbreaking piece of legislation that we and so many people hoped to achieve. David Norman, WWF's Director of Campaigns in welcoming the Act said: "This is a pivotal moment for UK conservation efforts and it shows what can be achieved through tireless campaigning. This long-awaited piece of legislation has the potential to really make a difference to thousands of species."

Indeed, the proposal for a Bill to enable the effective planning and management of our marine environment has a long history. It has been developing since 2002 when the findings

of a series of reviews and reports, from the Marine Stewardship report in 2002 to the "Seas of Change" Government response in 2003, suggested that a new approach to managing all marine activities was needed and legislation would be required to implement it. Following the Government's 2005 commitment for a Marine Act, we held a series of consultations, meetings and workshops with a wide range of interested parties before publishing a consultation document in 2006. This set out the areas being considered for a Marine Bill and sought views on the strategic direction we should take. In 2007 we published our White Paper "A Sea Change" setting out our proposals for a Marine Bill. We received over 8,000 responses from a wide range of organisations, individuals, and campaign groups, 82% of which stated their support for the Bill. The draft Marine Bill was published in April 2008 and went through pre-legislative scrutiny and further public consultation. The Marine and Coastal Access Bill was finally introduced into the House of Lords in December 2008 and the rest, as they say, is history.

Some organisations have, of course, been campaigning for many years, in some cases decades. The Ramblers Association, for example, has campaigned for coastal access since the organisation was founded in 1935. Its CEO, Tom Franklin, in welcoming the news that the Act had received Royal Assent said: "This landmark Act will be a victory for everyone who walks". The fact that the Bill has had such support from all Parties, environmental groups, industry and the general public has been instrumental in ensuring that the Act that we have today is a truly ground-breaking piece of legislation which will stand the test of time.

IMPLEMENTATION NEWS

Marine Management Organisation

The launch of the Marine Management Organisation (MMO) is planned for April 2010 and preparatory work is well underway to ensure that the new organisation will be ready to go.

The Marine and Fisheries Agency (MFA), which will be subsumed by the MMO when it launches in April, is moving its HQ from London to Newcastle. This will become the MMO HQ. The MFA is currently recruiting new members of staff for its HQ to replace those not relocating. The first two groups of new recruits have already completed training in London and are now working in Newcastle. More new staff will begin work over the coming months leading up to the launch, complementing the experienced staff around the coast.



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On gaining Royal Assent, Christopher Parry, the Chair Designate of the MMO, said: "This is a ground-breaking Act, and I am looking forward to leading the UK Government's new principal marine authority. I am very pleased with the progress being made in anticipation of our establishment in April 2010 and am excited that the MMO will have its headquarters on Tyneside, an area rich in marine heritage, expertise and interests."

Marine Planning

The Government is committed to preparing and adopting marine plans for the English inshore and offshore regions. Before the Marine Management Organisation can begin planning, the Government needs to identify the appropriate boundaries to divide the regions into plan areas. A consultation paper was issued on 17 November (www.defra.gov.uk/corporate/consult/marine-plan/index.htm) setting out our initial proposals for dividing the English inshore and offshore regions into a series of marine plan areas and the considerations which the Government will give the MMO to guide them in developing their planning programme. The consultation will close on 16 February 2010.

Marine Policy Statement

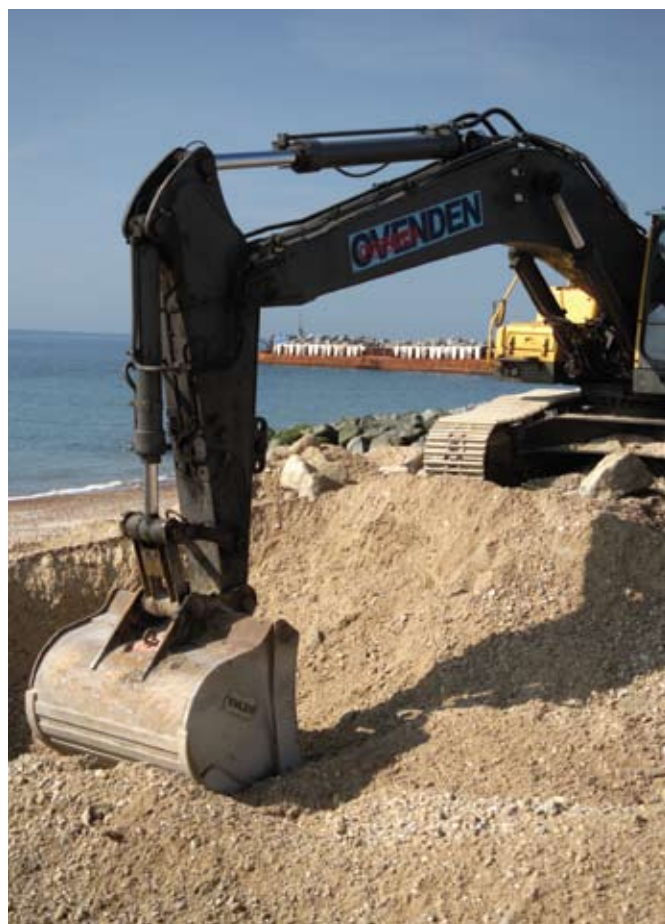
Work is progressing on the preparation of the Marine Policy Statement. Further workshops on the Marine Policy Statement, involving a wide range of marine stakeholders, will be held at the Dove Marine Laboratories, Cullercoats, North Shields, Tyne and Wear (27 November) and at the Cunard Building in Liverpool (4 December), with a further event expected in the South of England in mid December.

There are still some places available at these events and we invite those who would like to attend to write to mps@defra.gsi.gov.uk.

Marine Licensing

The marine licensing team is continuing to develop the secondary legislation which will set out in more detail how the new marine licensing system will work.

A series of successful workshops were held with a range of marine stakeholders during September on some key elements of the new licensing system and the team will continue to develop proposals in discussion with marine users and industries with an aim for the new regime to come into force in early 2011.



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Coastal Access

Work has now started on implementing the coastal access provisions within Part 9 of the Act. The two main issues over the next months will be the CROW Act section 3A Order and Natural England's scheme. A consultation paper on the proposals for the section 3A Order – which will amend the CROW Act as it will apply to coastal land – was issued on 8 September 2009. The consultation closes on 1 December 2009 after which the responses will be analysed and an Order laid before Parliament. The Order has to be approved by an affirmative resolution in both the House of Commons and the House of Lords.

Under the Act, Natural England is required to prepare a scheme setting out its approach in

discharging its coastal access duty. Natural England issued a consultation paper on its Scheme on 12 November 2009. The consultation closes on 4 February 2010 after which the responses will be analysed and the scheme submitted to the Secretary of State for his approval.

The Government has announced that the first section of the new right of access will be opened on a 20km stretch of the English coast between Weymouth – which is the Olympic sailing venue – and Lulworth Cove in time for the 2012 Olympics. Natural England will be working closely with the local authority – Dorset County Council – to ensure delivery of the first stretch of new access.



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Marine Nature Conservation

Work to implement the nature conservation provisions of the Act is already well under way. Natural England and the Joint Nature Conservation Committee have set up four regional projects around the English coast as part of the process for identifying Marine Conservation Zones and contributing to an ecologically coherent network of marine protected areas. We would like sea users to work with the regional projects to help identify marine conservation zones and their conservation objectives and to provide information for impact assessments. If you have not already done so, we would encourage you to contact the relevant regional project managers as follows:

Finding Sanctuary (South-west): Tom Hooper
tom.hooper@southwestfoodanddrink.com

Irish Sea Project: Rowan Byrne
r.byrne@envirolinknorthwest.co.uk

Eastern Channel Project: Sue Wells
susan.wells@kent.gov.uk

North Sea Project: Joanna Redhead
Joanna@yhsg.co.uk

In April 2009 we published a consultation on the draft strategy for Marine Protected Areas (MPAs) "Delivering Marine Conservation Zones and European Sites". When finished, this document will be part of the suite of policy and guidance documents supporting implementation of the Act. The aim of the consultation was to seek views on the draft MPA strategy and on the four Defra draft MCZ guidance documents. The summary of responses to this consultation was published on 19 October 2009 (www.defra.gov.uk/corporate/consult/marine-conservation-zones/index.htm) and also includes the key messages and recommendations from the two MPA Strategy Workshops held in the summer. We are considering how best to revise the draft MPA Strategy and Defra Guidance Notes in light of the results of both the public consultation and the Defra workshops.

Freshwater Fisheries

The Environment Agency, which is tasked with regulating fisheries through licences, must issue licences to all who apply. However, there are some fisheries that can seriously impact stocks or the aquatic environment and therefore should be subject to tighter controls. The new Marine and Coastal Access Act 2009 gives Ministers the power to decide which fisheries should be licensed and which should require an authorisation. Defra has now launched a consultation (www.defra.gov.uk/corporate/consult/fisheries-netandtrap/letter.htm) on proposals to restrict net and trap licences to certain salmon and trout fisheries, and to require that all other fisheries, including those for eels, smelt, lamprey, Chinese Mitten Crab and any new fishery, seek an authorisation. The consultation will close on 5th February 2009.

Defra will also be launching a consultation this year on a new scheme, using powers in the

Marine and Coastal Access Act 2009, to control the release, removal and keeping of live fish. The introduction of fish, whether native or alien, into inland waters can be detrimental to local and/or national biodiversity. It is therefore important that such harmful introductions are minimised, whilst allowing low-risk introductions beneficial to angling to take place with fewer constraints. The objective of the new scheme is to reduce burdens to industry of the current system and to better protect local fisheries and biodiversity.

Inshore Fisheries Conservation Authorities

On the 11 November 2009 the inaugural Inshore Fisheries and Conservation Authorities (IFCAs) Conference was held. The purpose of the conference was to build a common and shared understanding of the central role IFCAs will play in delivering sustainable management of inshore fishing and the marine environment as proposed by the Marine and Coastal Access



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Act. Delegates who attended the conference included all current SFC staff, SFC chairmen and vice-chairmen, local authority representatives from the future IFC Districts; representatives from the future Marine Management Organisation, Environment Agency, Natural England, the Welsh Assembly Government, Marine Scotland and Defra. The IFCA Conference was opened by Huw Irranca-Davies Minister for the Marine and Natural Environment; and the programme continued with presentations on the future of inshore fisheries management; delivering the vision for IFCA; local authorities' role in supporting IFCA; Marine Protected Areas and presentations from IFCA's key delivery partners – Marine Management Organisation, Environment Agency and Natural England. The day closed with a workshop on IFCA objectives to deliver the IFCA vision and success criteria.

The day was a great success and in addition to providing information on the various IFCA implementation workstreams, forthcoming consultations and actions, the day provided a

valuable opportunity for delegates to meet, network and share ideas for the future.

At present work on the implementation of IFCA is on track. We have recently published our consultation on the interim arrangements for North West England inshore fisheries management following Welsh Assembly Government's decision to take inshore fisheries management 'in-house' from April 2010. This consultation closes on the 21 January 2010, if you wish to find out more information please visit the Defra website: www.defra.gov.uk/corporate/consult/fisheries-northwest/index.htm. Further, we shall be consulting on the IFC District orders in the new year, these orders shall layout the proposed IFC District landward and seaward boundaries and the proposed structure of the IFCA committees.

If you would like to find out more about IFCA please contact the IFCA Implementation team at IFCA.contact@defra.gsi.gov.uk or visit the Defra website: www.defra.gov.uk/foodfarm/fisheries/marine/fishman/ifca.htm

Where can you get more information?

The Bill completed Report and Third Reading stages in the House of Commons on 27 October 2009. The Bill then returned to the House of Lords for consideration of the amendments made in the Commons on 11 November 2009. As both Houses agreed to the content of the Bill, it was able to proceed for Royal Assent on 12 November. Transcripts of all of the debates from both Houses are available on Defra's website.

See: www.defra.gov.uk/environment/marine/legislation/index.htm

The Act has now been published and is available from the Office of Public Sector Information (www.opsi.gov.uk/acts/act16-11) as are the accompanying Explanatory Notes.

Please see the Defra website for future information on implementation of the Marine and Coastal Access Act at www.defra.gov.uk/environment/marine/legislation/index.htm