



Marine and Coastal Access Bill Newsletter

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Marine and Coastal Access Bill enters next stage in Parliamentary process

The Marine and Coastal Access Bill completed its passage through the House of Lords when it received its Third Reading on 8 June and was introduced into the House of Commons on 9 June. Huw Irranca-Davies MP, Minister for Marine and the Natural Environment, will now lead on taking the Bill through the House of Commons, supported by Ann McKechin MP, Parliamentary Under Secretary of State at the Scotland Office. The Bill spent almost six months in the House of Lords, with seventeen sessions of debate. Over 1,000 amendments were debated. All parties agree the Bill leaves the chamber in an improved state.

The Bill is scheduled for a Second Reading debate in the House of Commons on 23 June, after which it

will enter Committee stage to be debated and possibly further amended. When the Committee stage ends the Bill will be reported to the House and again, amendments may be made before the Bill receives a Third Reading. If the Bill is amended in the House of Commons, it will go back to the House of Lords for consideration of the amendments made. Once both Houses agree to the content of the Bill, it may proceed to Royal Assent. Given the time the Bill has taken to complete its passage through the House of Lords, we no longer expect the Bill to complete all Parliamentary stages in time for Royal Assent before the Summer Recess and are working on the basis that it will receive Royal Assent in the Autumn.



What happened in the House of Lords?

During the Bill's passage through the House of Lords, peers identified a number of issues of particular interest to them and pressed for amendments in a number of areas across the Bill. Amongst the issues which were the subject of detailed debate and scrutiny by peers were: heritage protection, the role of local authorities, cross-border co-operation, the role and functions of the Marine Management Organisation (MMO), marine science and a right of appeal for landowners affected by the coastal access provisions.

The Government listened to the concerns raised by peers and reacted positively with a series of amendments to the Bill. Amongst the key changes we have made are the following:

- Strengthened the MMO's sustainable development duty by introducing a new power which allows the MMO to take any action which it considers necessary for furthering any social, economic or environmental purpose, within its overarching duty to contribute to the achievement of sustainable development in the marine area; and introduced a new duty on the Secretary of State to issue guidance to the MMO, which must be laid before both Houses of Parliament for 40 days before it is formally issued.
- Amended the Planning Act 2008, via the Marine and Coastal Access Bill, so that the MMO's role as statutory consultee to the Infrastructure Planning Commission is reflected in primary legislation;
- Requiring the MMO to appoint a Chief Scientific Adviser to advise the Board;
- Clarified the process for legislative scrutiny of the draft Marine Policy Statement;

- Introduced a new obligation on marine plan authorities to report to Parliament every six years until 2030 on how they have used their marine planning powers;
- Licensing authorities will have a statutory duty to notify the relevant local authority of an application to carry out an activity in (or partly in) the local authority's jurisdiction;
- Clarified the duty to designate marine conservation zones;
- Broadened the general offence to include reckless, as well as deliberate, damage of marine conservation zones;
- Included a requirement for Ministers to state the principles on which they will exercise the duty to contribute to a network;
- Introduced an objections procedure allowing a person with a relevant interest in affected land to have an objection to Natural England's coastal access proposals referred to an appointed person.

This package of amendments was positively received by peers. In the Third Reading debate, Lord Taylor of Holbeach, the opposition spokesman in the Lords, acknowledged that the Government had "responded to our debates and listened to our concerns. The Bill is so successful because they have been prepared to listen and, more to the point, to act. They and the Bill Team will be delivering the Bill in much better shape than it was when it arrived."

The Bill, as amended by the Lords, has been reprinted for its introduction into the House of Commons. Details on how to obtain a copy of the Bill are available at the end of this newsletter.

Cefas Endeavour in London

For two days in April, visitors to the Pool of London saw an extra ship moored up alongside HMS *Belfast*. She was the RV *Cefas Endeavour*, the Government's marine research vessel. Based in Lowestoft, the *Cefas Endeavour* is a sophisticated, purpose-built ocean-going research vessel that undertakes estuarine, shelf seas and deep-water environmental, oceanographic and fisheries surveys. Built in 2003, she is able to deploy a wide range of commercial and experimental static and towed gear and is fitted out with laboratory facilities, extensive electronics, sonar equipment and data networks.

She was in London as part of Defra's work to explain the provisions of the Marine and Coastal Access Bill. Cefas hosted a reception for peers, MPs and other VIP guests aboard HMS *Belfast*. The evening included a guided tour of the *Cefas Endeavour* during which Cefas staff demonstrated aspects of the scientific research work they are engaged in, such as using redesigning nets to avoid fish discards, seabed mapping, improving water and shellfish quality, and monitoring the marine environment using SmartBuoys and other autonomous devices.

In particular the objective was to help Parliamentarians understand the inter-relationship between Defra, Cefas and the soon to be created Marine Management Organisation.

As highlighted during debates in the House of Lords, our marine science must be high quality and credible so that Government Departments, international organisations, our stakeholders and the public can have confidence in it. Defra supports Cefas, its executive agency, to deliver much of the research evidence needed for policy development, both nationally and internationally. We also work with a wide

range of other centres of scientific expertise including universities and national and international organisations.

We have published a new brochure, 'Defra's Role in Marine Science', which explains in more detail what we do and how we do it, and this has been published on our website at: <http://www.defra.gov.uk/marine/pdf/science/defra-role.pdf>.

Implementation News

Marine Protected Areas – Protecting our seas

While the Marine and Coastal Access Bill is moving through the Parliamentary process, work on implementation of the Bill's provisions continues. Defra has recently published for public consultation a draft document on Marine Protected Areas entitled *Delivering Marine Conservation Zones and European Marine Sites: A draft strategy for marine protected areas*. It sets out what we need to do over the next 10 years to deliver the Government's commitment to build an ecologically coherent network of Marine Protected Areas (MPAs). This draft strategy sets out our proposed vision and framework for marine protected areas in territorial waters adjacent to England and UK offshore waters. It will allow anyone with an interest in marine conservation to understand why we are creating an MPA network and how we intend to deliver it. The draft strategy has been published on the Defra website for public consultation, with a closing date of 13 July 2009.

The draft strategy sets out how existing obligations for marine protected areas under European Directives together with Marine Conservation Zones (MCZs) under the Marine and Coastal Access Bill and other designated sites will deliver an ecologically coherent network by 2012.

What we are aiming to do is to recover and protect the richness of our marine environment and wildlife through the development of a strong, ecologically coherent and well managed network of marine protected areas, that is well understood and supported by all sea users, by 2012.

Parliamentarians were also shown a copy of a second revised publication, *Draft Guidance on the Selection and Designation of Marine Conservation Zones*. This sets out how we envisage the provisions in Part 5 of the Marine and Coastal Access Bill will be used to designate MCZs and to contribute to the establishment of an ecologically coherent network of well managed marine protected areas. This is also available on the Defra website.

Marine Policy Statement

Work has now started on development of the UK Marine Policy Statement. This will be informed by the UK high level marine objectives which were published on 20 April 2009. The objectives can be accessed at: www.defra.gov.uk/marine/environment/policy.htm A workshop was held on 13 May 2009 at the Innovation Centre, Reading to seek views

of stakeholders from a wide range of sectors on policy issues relating to development of the Marine Policy Statement. The event was attended by English and Welsh stakeholders and further workshops are expected to be held during the year. Details will be made available on the Defra website.

Marine Licensing

Defra is intending to launch a public consultation exercise shortly on early thinking for a revised marine licence application process, an appeal mechanism for licensing decisions, and an approach to making decisions on licensing exemptions. Details will be made available on the Defra website.

How can you stay involved?

You could listen to debates on the Bill which will be broadcast, visit the public gallery or attend Committee sessions, which are open to the public. You could write to your local MP and join in any discussions on the Bill through national or local interest groups. You can email questions to the Bill Team at: MarineBillTeam@defra.gsi.gov.uk or write to the Marine Bill Team, Defra, Area 2C, Nobel House, 17 Smith Square, London, SW1P 3JR.

Where can you get more information?

You can check the progress of the Bill at:

www.parliament.uk/business/bills_and_legislation.cfm

We'll be keeping our website up to date with details of our current and planned policy work to make sure that everyone with an interest in the Bill has access to the most up-to-date information including the text of the Bill, as introduced into the House of Commons, and the revised Impact Assessment.

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

Further information on the work of Cefas (Centre for Environment, Fisheries and Aquaculture Science) can be found on their website.

Weblink: <http://www.cefas.co.uk/default.aspx>