

By: Nick Chard, Cabinet Member for Environment, Highways & Waste

To: Environment, Highways & Waste Policy Overview & Scrutiny Committee – 4 November 2010

Subject: Briefing on the Marine & Coastal Access Act 2009 and Marine Conservation Zones

Classification: Unrestricted

Summary:

This paper provides a brief overview of the 2009 Marine and Coastal Access Act and its new provisions. The Act aims to ensure clean, healthy, safe, productive and biologically diverse oceans and seas, through a number of new management measures and the establishment of a Marine Management Organisation. One such measure is the creation of a network of ecologically coherent Marine Protected Areas, which will be enhanced by the designation of new Marine Conservation Zones. The Balanced Seas Project is identifying sites off Kent's coast for recommendation as Marine Conservation Zones.

1. Introduction to Marine & Coastal Access Act 2009

1.1 The Marine and Coastal Access Act (the Act) received Royal Assent on 12th November 2009. Its purpose is to ensure clean, healthy, safe, productive and biologically diverse oceans and seas, by putting in place better systems for delivering sustainable development of marine and coastal environment.

1.2 The Marine Management Organisation (MMO) has been established to promote this vision and is given powers under the Act. This executive, non-departmental public body incorporates the Marine and Fisheries Agency and also includes marine-related powers and specific functions previously associated with the Department of Energy and Climate Change and the Department for Transport.

1.3 The MMO has a wide range of responsibilities, overseeing the implementation of measures introduced by the Act:

- **New marine planning system**, designed to integrate social requirements, economic potential and environmental considerations. Consultation on the marine policy statement, which will provide the overarching policy framework, is currently underway.
- **New marine licensing regime**, that will result in better, more consistent licensing decisions delivered more efficiently by a system that is proportionate and easier to understand and to use. This new system is also currently being consulted on.
- **Creation of a network of marine protected areas** (including marine conservation zones) designed to preserve vulnerable habitats and species in UK marine waters (the remainder of this paper will focus on this work).
- Strengthening of fisheries and environmental management arrangements and **replacement of the Sea Fisheries Committees with Inshore Fisheries and**

Conservation Authorities (IFCAs). Kent's inshore fisheries will be covered by the Kent and Essex IFCA - Kent County Council will have three members on the IFCA Committee.

- **Improved environmental data and information**, including sea bed mapping and developing an internationally recognised centre of excellence for marine information.
- **Creation of a continuous signed and managed public access route around the English coast.** Natural England is leading on this part of the Act and in March 2010 they published their Coastal Access Scheme, which sets out the approach to be taken in implementing coastal access. Kent has been chosen to be one of five lead authorities, confirmed in writing 8th October, and has been asked to develop the first stretch from Dover to Ramsgate. The Countryside Access Service is in discussion with Natural England to see how best this can be taken forward. The scale and implications of how best to deliver the route will be the subject of a future report to POSC.

2. Marine Conservation Zones

2.1 The Marine and Coastal Access Act enables the creation of a new type of Marine Protected Area, called a Marine Conservation Zone (MCZ). The purpose of the MCZ is to protect nationally important marine wildlife, geology and geomorphology. The sites will be selected to protect not just the rare and threatened but to conserve the full range of marine wildlife and hence contribute to sustaining and enhancing our marine biodiversity resource.

2.2 The management measures applied to MCZs will be decided on a site-by-site basis and will depend on the level of protection most appropriate to the species or habitats that the site has been designated for. It is anticipated that for many MCZs most activities will remain permitted, although some restrictions may be put in place (for example seasonal).

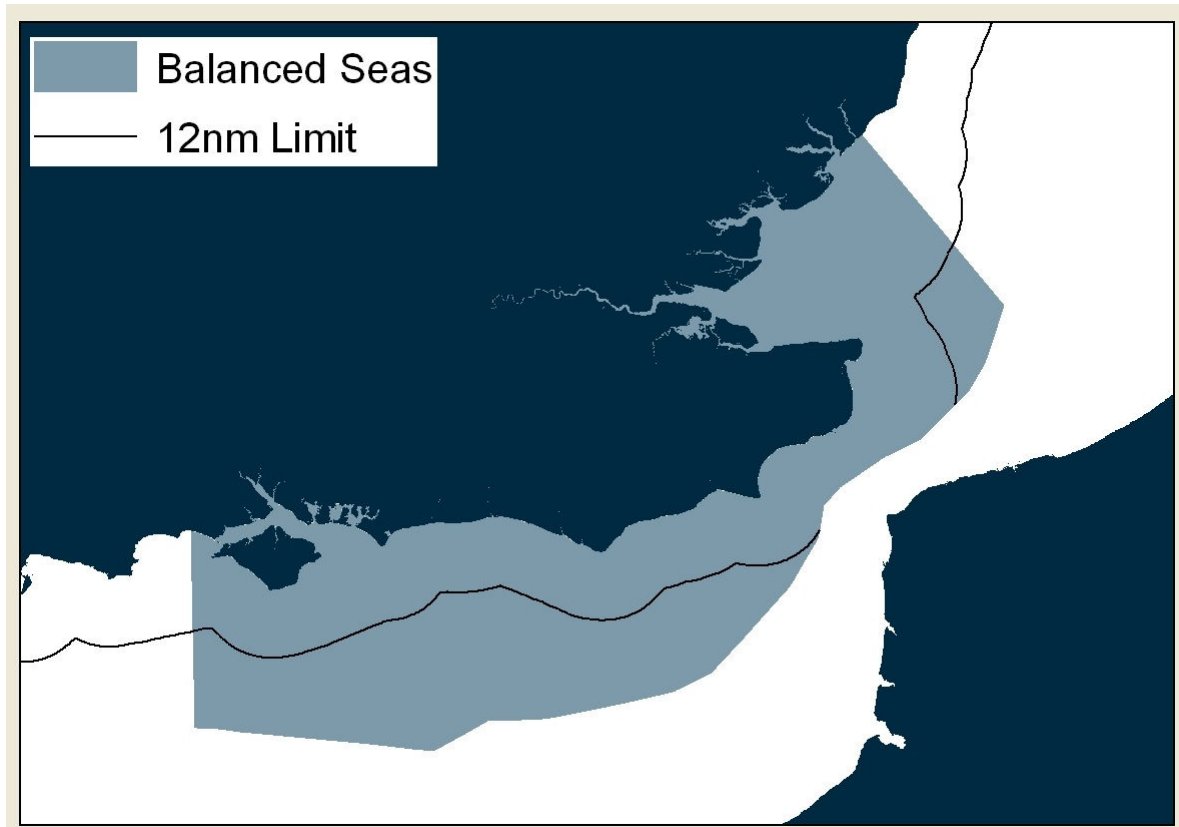
2.3 MCZs, together with other types of Marine Protected Areas (such as Special Areas of Conservation and Special Protected Areas), will deliver the Government's aim for an ecologically coherent network of Marine Protected Areas. This collection of areas will work together to provide more benefits than an individual area could on its own. Selection of the sites is guided by a statutory selection criteria, outlined by the Ecological Network Guidance, which sets out the conservation principles and targets for the MPA network.

2.4 Identification of the MCZs is being overseen by four Regional Projects, who are working with sea users and interest groups to identify the sites. This sites will be submitted to Government early summer 2011 as recommendations for designation. Following submission from all regional projects, the proposed sites will be collated to form a network which will be consulted on late 2011/early 2012. The actual designation of Marine Conservation Sites will take place in 2012.

2.5 Kent's coastal and marine waters are covered by the south east seas regional project, Balanced Seas.

3. Balanced Seas Project

3.1 The Balanced Seas project is overseeing the identification of sites to be recommended as MCZs for the seas between the Suffolk/Essex border and Hampshire/Dorset border, including the Thames Estuary and the Solent and out to the median line with France (as illustrated by map below).



3.2 The Balanced Seas project is overseen by a Project Board, attended by Natural England, Joint Nature Conservation Committee, University of Kent (project host) and Kent County Council (Chair of Board).

3.3 The Balanced Seas Regional Stakeholder Group (RSG) is responsible for recommending the boundaries and conservation objectives for MCZs in the south-east. The RSG has wide cross-sectoral representation, including commercial fishing, tourism, recreational sea angling, diving, nature conservation interests, enforcement and renewable energy. Non-UK stakeholders are also represented when and where appropriate. The local authorities of the project areas are represented on the RSG by the LGA Coastal Issues Special Interest Group Chairman. All elected members of the region should have received a briefing from Balanced Seas.

3.4 In addition to the RSG, a more localised perspective is provided by three Local Groups who act as advisory bodies. Kent County Council is represented on these Groups through the Kent Coastal Officer. Scientific support comes from the national Science Advisory Panel (SAP), which ensures that all four regional MCZ projects meet the requirements of the Ecological Network Guidance.

3.5 The decisions are based not only on the location of habitats and species but also on how the sea is used for both commercial and recreational purposes. By

considering all aspects it is intended that the impact of the MCZs to stakeholders will be minimised, whilst realising the benefits to our marine environment.

3.6 Key dates for the project are:

- June 2010 – submission of first report to the SAP (provided broad areas of interest that met the broad-scale habitats and other criteria of the Ecological Network Guidance; no specific MCZ sites were identified at this stage).
- June 2010 to May 2011 - project will build on this initial assessment, developing several iterations that will eventually lead to the identification of proposed MCZ sites.
- June 2011 – submission of recommended MCZ sites.

3.7 Because of time constraints, it is expected that the recommended sites will not include proposals for management measures and regulation of activities. How these measures will be determined, and when, is still unclear.

4. Conclusions

4.1 The Marine and Coastal Access Act provides a new and better coordinated approach to managing our coastal and marine waters and thereby securing a healthier and more bio-diverse future for our seas. Many elements of the Act are still in their infancy and it remains to be seen how they are implemented and the effect they will have.

4.2 The conservation of the marine environment, through the identification of a network of Marine Protected Areas, is already underway and the County Council is engaging at the local level to ensure all local considerations (socio, economic and environmental) are included in the identification of the recommended Marine Conservation Zones. There is still the crucial question of how these MCZs will be managed and therefore work is still to be done to minimise the impact on water users whilst realising the conservation targets these designations have been put in place to achieve.

5. Recommendations

1. POSC to receive subsequent report on Coastal Access elements of Marine Act.
2. POSC to advise if they wish to receive subsequent paper detailing recommendations for Marine Conservation Zones from Balanced Seas Project.

6. Background documents

- For more information on the Marine and Coastal Act 2009, see <http://www.defra.gov.uk/environment/marine/legislation/mcaa/index.htm>
- For more information on the Balanced Seas Project and the MCZ identification process, see www.balancedseas.org

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