

BRITISH MARINE FEDERATION BRIEFING: MARINE AND COASTAL ACCESS BILL – COMMONS 2ND READING

The British Marine Federation (BMF) is the trade association for the UK leisure marine industry. Our 1,500 members provide the boats, marine equipment, facilities and services that enable nearly 4 million people to enjoy boating and water sports on the coast and inland waterways of our country. Our membership is overwhelmingly comprised of companies who are small and medium sized enterprises. Total turnover of the UK leisure and small commercial marine industry is almost £3 billion for the last financial year - an increase of around 6.5 per cent from 2005/6. Export revenue is in excess of £1 billion. There are almost 35,700 employees across the industry in the UK, and around 4,300 businesses operating in the UK leisure & small commercial marine market.



The BMF welcomes the introduction of the Marine and Coastal Access Bill to the House of Commons. This is one of the most important pieces of legislation to impact the leisure marine sector in recent years and will shape the whole environment in which people enjoy boating activities. We take a particular interest in the parts of the Bill that relate to maintenance dredging, sustainable development, recreational boat users and coastal access.

This briefing provides information on these issues and summarises our key calls to action on the final page. For further information on the issues covered, or on the BMF's wider position on the Marine and Coastal Access (M&CA) Bill, please contact Howard Pridding, Executive Director, at hpridding@britishmarine.co.uk or on 01784 223638.

Maintenance Dredging

Maintenance dredging is the removal of accumulated sediments from harbour channels and berths to ensure a safe depth of water for navigational purposes and the removal of sediment to restore an adequate flow of water to mitigate risk of flooding or protect a sensitive habitat.



Dredging is an issue of vital importance to coastal marine businesses. Regular maintenance dredging is essential for the ongoing viability of coastal marinas and boatyards. These small firms consider the current licensing regime to be bureaucratic, costly and time consuming.

In the Draft Marine Bill, the explanatory notes stated that low risk dredging activities, such as maintenance dredging, would become exempt under the new Bill. Although the M&CA Bill allows the removal of licensable marine activities from Clause 63 subsection (1), there is still no definitive statement of intent to exempt such forms of dredging after they become licensable, 12 months from the Bill gaining Royal Assent.

The BMF wholeheartedly supports the principle of exempting vital dredging activities from licensing. This would be a positive regulatory reform measure that will remove a significant cost and bureaucratic burden from coastal businesses, the vast majority of which are small and medium sized enterprises.

We believe that the Bill should be strengthened to ensure that all low-risk maintenance dredging, vital to marinas, is explicitly exempt from licensing.

The BMF has raised its concerns over maintenance dredging during the Bill's passage through the House of Lords and we have entered into an ongoing dialogue with the Government on this issue.

Although the Government has promised to consult, the BMF seeks a formal public commitment that all low risk maintenance dredging will be exempt from licensing.

Marine Conservation Zones (MCZs)

The BMF supports the development of MCZs, if they are designated using sound scientific evidence and take full account of the socio-economic impact they could have on local communities. Before being able to offer its full support for the current proposals the BMF would like to see more detail on the ways in which MCZs will affect existing users and developers of the marine area.

There is currently no detail on where MCZs will be established or on how many there could be. The Government has amended the Bill during the Lords stages with measures aimed at ensuring the zones form a joined up network and it is thought that up to 30% of the UK coast could be designated. DEFRA is due to issue a three month formal consultation on the issue; however the passage of the Marine and Coastal Access Bill offers the chance to strike the right balance now between protecting the environment and respecting the rights of sea users.

Sustainable Development

When carrying out a sustainability appraisal for a marine plan, the BMF believes that social, economic and environmental effects must have an equal weighting. This is the accepted definition of sustainable development used by the UK Government. The principles of sustainable development are fundamental in the proposed Marine Policy Statement and Marine Plans as outlined in The BMF believes that the designation of an MCZ 'must' take account of economic, social and environmental aspects, rather than it being an optional 'may' as in the current definition.



Lord Taylor moved an amendment to this effect in the House of Lords which was not passed. During the debate in the House of Lords on the issue, Lord Hunt, for the Government, claimed that the Bill "...reflects the Government's view that there are important socio-economic activities that take place within the marine environment, and may do so in the future, which have to be taken into account".

However, he went on to state that there will be cases where conservation will carry the greatest weight in informing a decision:

"...there will be cases when the need for conservation will carry the greatest weight, but we should take decisions in the knowledge of what the impacts are likely to be. That is why in implementing the Bill, Ministers will expect an impact assessment to accompany each proposal for designation. There will be cases when there will be other options, when the conservation constraints are fewer, and it will be sensible to take account of socio-economic considerations in deciding where a site or group of sites should be designated".

The BMF does not believe this constitutes a firm enough commitment to include socio-economic factors in the designation process and calls for the Bill to be strengthened. Greater reassurance is needed for marine businesses so they can be confident that their voice will be heard under the new arrangements.

Recreational Craft

The BMF is concerned that the Bill in its current format gives the Marine Management Organisation powers to restrict entry, movement, speed and anchoring within MCZs. If an MCZ is designated in a coastal zone where these restrictions might apply, businesses such as marinas, boatyards and ports could find their activities severely restricted.

The BMF believes that the Bill in its current format includes provisions that restrict the rights of recreational users to operate within MCZs. We would like the Government to agree to a voluntary consultative approach on these limitations reflecting the principles behind other initiatives such as voluntary industry environmental programmes. The current proposals, however, appear to rely on the possible imposition of local bye-laws. An approach that incorporates an element of local consultation on the establishment of zones would be a better way of ensuring compliance and support from the boating community, rather than the heavy handed measures set out in the Bill. The BMF would welcome a commitment from the Government to seek the views of sea users before granting a blanket power to implement bye-laws.



The Green Blue initiative shows how a voluntary approach can be beneficial. The BMF, in partnership with the Royal Yachting Association (RYA), supports the Green Blue, an environmental initiative that aims to educate and manage the activities of recreational boaters on a voluntary basis. This self-regulation has been successful in minimising the impact of recreational boating on the environment – with boaters following an Environmental Code of Conduct covering issues such as where to anchor and avoiding marine wildlife. The Environment Agency supports the Green Blue and has praised the consensual approach to managing the environment that has resulted from its implementation. The BMF would like to see such an approach applied to navigation in MCZs instead of the current measures that appear proscriptive.

(for further info see <http://www.thegreenblue.org.uk/>)



The Green Blue
Making the environment second nature

Coastal Path



The establishment of a coastal route around the UK is welcomed by the BMF as it could boost tourism in coastal regions and lead to greater user participation in boating activities. However, the BMF believes that diversions around commercial developments are essential due to concerns over health and safety and security at these sites. The Government has accepted in debates in the House of Lords that sites such as marinas and boatyards operate heavy machinery which could pose a health and safety risk and also frequently contain high value equipment that could be put at risk through unfettered access.

We believe the Government is incorrect in stating that such sites will be exempt from the path provisions under the Countryside Rights of Way Act (CROW) Act. The CROW Act contains

provisions for excepted land that includes 'buildings and their curtilage', but this definition does not appear to cover marine businesses such as marinas and boatyards.

There has been a loose commitment from the Government to consult on the issue following the passage of the Bill in the House of Lords should marine businesses be affected, however the BMF believes there is a pressing concern to address it now through the legislative phase. Not only could the current provisions impact negatively on existing structures, but they could also hinder future development of marine businesses across large sections of coastal Britain.

The BMF is awaiting further clarification on the term 'curtilage' and whether this will cover marine businesses like marinas and boatyards. We also seek assurance from the Government that the current provisions in the Bill will not impact negatively on the development of marinas and boatyards in the future.

If the Government is unable to provide an assurance that marine businesses and boating facilities are not included as 'excepted land' then, using powers set in the Marine and Coastal Access Bill, the BMF believes that the Countryside Rights of Way (CROW) Act could be amended to include "Land used for the purposes of recreational boating facilities (including Marinas, Boatyards and Clubs)" under its provision in Schedule 1. This would ensure that, in law, marine businesses can have the confidence to continue operating in a safe and secure environment whilst also benefiting from the overall gains of the establishment of the coastal path.

Summary of Calls

- **The BMF seeks reassurance that all maintenance dredging will be excluded from licensing requirements following the passage of the Marine and Coastal Access Bill. Currently, the wording of the Bill remains ambiguous and needs strengthening.**
- **A voluntary approach to the restriction of movement and the activities of leisure marine vessels within MCZs, in line with current environment industry initiatives, would be preferable to heavy handed byelaws.**
- **When designating Marine Conservation Zones, economic and social consequences must be given equal weighting with environmental considerations. This would put the provisions in line with current definitions of sustainable development.**
- **Marinas and coastal businesses must be granted an exemption from the proposed coastal path and diversions established around them. Allowing members of the public unfettered access would raise health and safety and security concerns at these types of premises. It may also hinder future developments.**
- **The BMF seeks further clarification on the term 'curtilage' and whether this will cover marine businesses.**

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