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Rt Hon Tessa Jowell MP
House of Commons
London
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10th August 2009

From the Secretary of State
The Rt Hon Hilary Benn MP

Dear Tessa,

Thank you for your letter of 28 July on behalf of a number of your constituents about the Marine and Coastal Access Bill.

I am pleased to learn of your constituents' interest in the Bill and share the view that we need to look after our marine environment. The UK is a world leader in many aspects of marine management and protection and as our seas are some of the busiest in the world, demands on their resources are increasing. With so much going on at sea and around our coastline, there is a real need to create a more effective framework to ensure that we can make the best sustainable use of our marine resources. The Marine and Coastal Access Bill will help us do that. It will be the first of its kind in the world. No other country has attempted such a strategic approach to the enormously complex issue of marine management.

The Bill places a clear duty on ministers to exercise their power to designate MCZs to contribute to the establishment of an ecologically coherent network of sites. We intend, therefore, to designate MCZs for rare and threatened habitats and species, as well as for those, which are representative of the biodiversity found in our seas. In addition, we are including a duty in the Bill which will require Ministers to report to Parliament in 2012 (and every six years thereafter) on the progress which has been made towards establishing an ecologically coherent network. We fully intend to have an ecologically coherent network of sites in place by 2012, but we have decided not to include a deadline for its delivery on the face of the Bill. We consider that this would create an artificial endpoint, creating an impression that no more work needed to be done after the deadline. In reality we think that any network is likely to evolve after 2012, for example as a result of changing pressures to the marine environment from climate change.

"killing taking, destruction, molestation or disturbance of animals or plants of any description in the MCZ".

Byelaws will be drafted to deal with the specific threats that each MCZ faces, and will often be a more effective means of protecting a site than the general offence. Activities that are likely to cause disturbance will vary from site to site according to the protected features.

The penalty for contravening a byelaw is a maximum £5,000 compared with the general offence's unlimited fine in a Crown court. However, this reflects the nature of the likely offences and the fact that disturbance is likely, by its very nature, to be temporary.

Disturbance is therefore different in character from the type of intentional or reckless damage that we consider merits the introduction of a general offence. Disturbance might be caused, for example, by people straying too close to a group of animals through innocent curiosity or as part of an organised wildlife watching trip, or perhaps through using machinery which emits a loud noise. A single act of disturbance is unlikely to have a long term impact. A targeted control of activities, and a lesser penalty therefore seem appropriate.

*My regards,
Huw*

Minister, DEFRA

P.P.

HILARY BENN