

The Marine Bill White paper

Dave Bench (DB), head of Marine Legislation Division, Defra

Questions following David's presentation on The Marine Bill white Paper:

1. Jamie Evans, Devon County Council

Q1. Regarding the proposal for a new MMO, would this take account of existing partnerships and arrangements and in 'Agenda A' would it take a 'bottom up' approach as well as a 'top down' approach?

Q2 . Regarding the proposal for licensing sea angling , what benefits would there be? It appears at first glance to be quite beauracracic considering most fish takes would be small. Many people are 'one-off' sea anglers and enforcement could be difficult considering length of coastline.

A1. Defra are trying to look at what the appropriate level is for decision-making and how to get the maximum participation in plan preparation of different people who will be affected by the plans . Much of discussion in workshops today will be about this

A2. Sea Angling proposals came out of a recommendation from a report 'Net Benefits' completed a few years ago from a No10 strategy unit. He is not sure if it is the right approach to take which is why they are consulting on it at the moment. No proposal at the moment to introduce it. Defra want feedback from the consultation to see if people think it is a good idea or not. He doesn't think it will be introduced in near future due to different political opinions around the UK regarding this. With sea angling, in the short term, he doesn't think it will be affected in this bill. Depending on response, if it is kept in the bill it would be as a 'hook' to pick up on later. If some kind of charging system was set up it would be re-invested into sport of sea angling, it wouldn't be a tax.

2. Humphrey Temperley (HT), Councillor, Devon County Council

Q. How much does the proposed Bill match the requirements made in Laurence Mee's presentation at the beginning of the day about what Devon needs from the Bill.

A. He thinks that the Bill matches these requirements quite a lot, although there is more to do now in terms of articulating exactly what this will mean in practise. Much of what has been done so far has been at quite a high level and has been focusing downwards, however we are now at the stage where defra have narrowed down the options, there is the broad framework proposed and now we need to talk to you about exactly how this will work, whether it is right. Now at the point of discussing these to see how we can make this work by working together. We don't want to just create some layers of beurocracy that aren't going to be effective.

Q. HT has the LGAs draft response to the marine bill, it speaks on behalf of 500 authorities who's view is that you aren't meeting their requirements.

A. HT couldn't comment on the report as hasn't seen yet, but hopes that when the report comes to him, it does represent the views of 500 authorities as in the past he has been disappointed with the LGAs approach to gathering responses from local authorities and ensuring we get sufficient information back. He hopes defra are getting the information they have been asking for.

Q I have been asked to present it next Tuesday, if I send you a copy of the draft, perhaps you would like to comment on it over the weekend?

A.If you send me it, I can think about it.

3. Ray Humphreys, Dart Estuary partnership

Q. On the theme of 'joined-up governments', if we look at the White paper, we find there are a number of organisations are out with that, for example DTI is not part of the party, the oil and gas sector will not be involved in the marine bill to the full extend and the crown estate have exemptions.

A. Doesn't agree. We are not changing the legislation on which the crown estate is based or the oil and gas licensing regimes but all the organisation mentioned are involved in marine planning and will all have a relationship with the MMO.

Q. Thinks even if they are involved, in terms of producing a new scenario there is no change for crown estate, DTI, no change for SEFAs(?), no change for the MCA. The Welsh Assembly have also said they do not want an MMO and there can be one for England but not Wales. In this context, couldn't central government have been more forceful in having a more joined up approach?

A Doesn't agree it's not joined up. Crown estate is on part of the steering group for the Marine Bill programme and so does have input into the proposals bill as does DTI and many other government departments aswell as the devolved administrations. The way in which the devolved administrations approach this is a function of devolution, they can take their own decisions about *how* they want to implement proposals, they still have to implement them and they will still have the same policy objectives and vision statement as these have been agreed by everyone and they are all signed up to these proposals. The bill is about bringing together everyone's interests and finding a way forward that everyone is happy with. Central government would have had received criticisms if hadn't allowed people to take local decisions. The bill needs to have some consistency at a UK level but also allow people to take local decisions to suit their particular circumstances.

4 Keith Bower, Devon Sea Fisheries Committee

Q. Within the MMO, which bit of the legislation takes primacy when consider licensing, fisheries, energy production and nature conservation and what mechanism would be available for appeal.

A. No one part of the legislation takes primacy in any particular respect, each piece of legislation will have a set of rules which apply in different circumstances. If these rules conflict in any given scenario, it's up to the responsible authority involved to resolve this.

In general terms, we are attempting to set up in a planning system for the marine area, a system which allows us to think strategically and look ahead about what the issues are to all the relevant parties. It's not about which part of the legislation takes primacy but more about allowing everyone to participate in the preparation of the plans and the decisions about what should take priority. Decisions subsequently taken then have to be made according to plans. There will be appeal processes built into the different regimes.

5. Kevin Mowat (KM), Director of Marine Services, Torbay

KM supports introduction of a 'rod licence' as he thinks this will be a useful tool for dealing with conflict in the marine environment on a daily basis.

Q. His question is on the Marine plans and their scale. Will the plans be regional, sub-regional or local? If they are too big they could lack focus.

A. This is being thought about very carefully at them moment. If the area is too large then the plans will not be focused. Some areas need to have more detailed plans than others. It might be possible to have a broader plan with smaller details within but how is being discussed. The general idea is to produce a flexible framework that allows appropriate level of detail from what the plan is trying to achieve and how we go about this is being discussed at the moment.