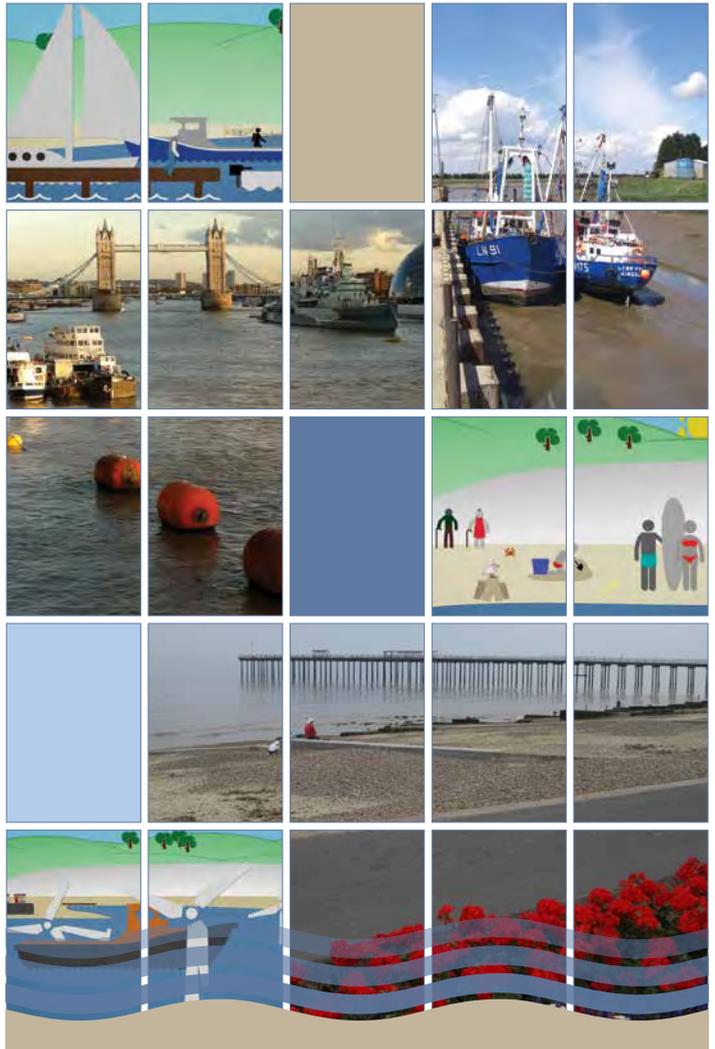




Marine Planning: A Guide for Local Authority Planners





Marine Planning: A Guide for Local Authority Planners

Contents

Why do I need to know about marine planning?	4
Statutory basis of marine planning	5
How does the marine planning system compare to the land-use planning system?	5
Why is the integration of marine and land-use plans so important?	7
How are marine and land-use plans integrated in practice?	8
How are we working together on coastal development?	8
How do the National Planning Policy Framework (NPPF) and the Marine Policy Statement (MPS) compare to each other?	9
What is the structure of the marine plans?	9
How are marine plans similar to land-use plans, such as core strategies and local plans?	10
What other similarities exist between marine and land-use plans?	11
How is evidence used to produce marine plans and land-use plans?	12
Will the marine plans change over time?	13
If we are not a coastal authority or one with a watercourse that is tidal, do we need to pay any attention to the Marine Policy Statement (MPS) or marine plans?	14
How to contact us	15





Marine Planning: A Guide for Local Authority Planners

Why do I need to know about marine planning?

There are many local planning authorities in England that are directly affected by marine planning or that directly affect the marine area. This includes coastal authorities and some local authorities which, although not immediately adjacent to the coast, have estuaries and tidal waters within their area. It also includes land-locked authorities through infrastructure links, for example. All need to act on their responsibilities in relation to marine planning.

Marine Planning has responsibility for planning to the mean high water mark with land-use planning to the mean low water mark, meaning a shared responsibility for the Marine Management Organisation (MMO) and public authorities planning in

this intertidal zone. This includes the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide.

This booklet compares land-use planning and marine planning, and describes the production of the first marine plans for the East Inshore and Offshore areas. It is intended to assist land-use planners in their understanding of marine planning and the important links across the land – sea interface.

The land-use planning system has been in existence for over 60 years. The governance arrangements and evidence base are well developed and understood, and the public and industry are aware of its existence and requirements. This is not yet the case with marine planning and there is a need to inform and guide those



with an interest in, or legal obligations towards England's marine area, about the background to marine planning and its objectives.

Statutory basis of marine planning

Through the Marine and Coastal Access Act 2009, the UK Government introduced a number of measures to deliver its vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. These measures include providing for the introduction of a marine planning system. The Secretary of State for Environment, Food and Rural Affairs is the marine plan authority for England's marine area but has delegated a number of functions in respect of marine planning in England to the MMO.

The Marine Policy Statement was adopted by all UK administrations following publication in March 2011.

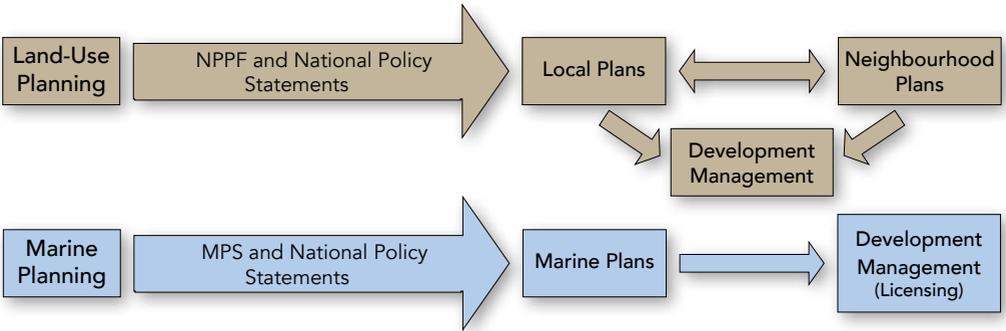
It built upon the shared UK-wide High level Marine Objectives published in 2009, and provides the policy framework for the preparation of marine plans, establishing how decisions affecting the marine area should be made in order to enable sustainable development. All marine plans must be in conformity with the MPS unless relevant considerations indicate otherwise. The MPS also provides an overview and summary of national policy relevant to marine planning and decision-making in the marine areas: in the absence of marine plans the MPS acts as the relevant marine document which local authorities must take into account and a Government commitment that all marine plans should be in place by 2022¹.

Q. How does the marine planning system compare to the land-use planning system?

A. Both planning systems are driven by a need to ensure that, rather than reacting to individual projects/activities, or looking in isolation at sectoral developments, decisions and future implications are made strategically, shaping the area according to a clearly set out vision, policies and objectives. Both systems also have a presumption in favour of sustainable development and are based upon a set of high level objectives and a framework of national policies, which inform planning at the area specific level as follows:

¹Defra, A Sea Change. A Marine Bill White Paper, 2007.

Land-Use and Marine Planning systems in practice



Both the land use and marine planning systems need to recognise key economic activities that fall outside of their respective remits but which are significantly affected by decisions they may make. In the marine area such activities include shipping and commercial fishing and their requirements for suitable supporting infrastructure.

Some objectives are also similar, such as building a strong, competitive economy, promoting sustainable transport, meeting the challenge of climate change, conserving and enhancing the natural and the historic environments, and facilitating the sustainable use of minerals.

The key differences are:

- The area covered by the marine plans is much larger than that for local development frameworks. The area covered by the East Inshore and Offshore plans, for example, equates to over 40% of England's land area.
- Ownership rights and population density means that planning and development on the land is more likely to be contentious. This difference is reflected in the mandatory 'Examinations in Public' that exist in the land-use planning system in contrast to the 'Independent Investigations' which are only instigated if issues remain unresolved after public consultation.
- In the marine area, specific space allocation is less of a requirement as it is on land as more than one structure or activity can take place in the same location due to the transient/temporal nature of marine activities² and the nature of the marine area (surface, water column and seabed).
- Some activities are also transient and temporary and unregulated by the marine planning system directly, i.e. fishing, recreation and shipping. The marine planning system though aims to manage the marine area holistically and provides benefits for these sectors where appropriate.

- Marine plans cover not only development within the marine area but activities too, such as fishing and shipping. Land-use plans are primarily concerned with development and/or protection of land.
- The limitations in the amount, consistency and quality of evidence

available for the marine area lags behind that which exists on land, limiting the degree of detail within policies in some cases.

- In the marine area there are no specific targets set for various activities as would be the case on land, e.g. for housing allocations.

Q. Why is the integration of marine and land-use plans so important?

A. One of the key benefits that can be derived from the emergence of the marine planning system is the opportunity to integrate planning on land with that in the marine area (and vice-versa). This is built into the legislation which underpins marine planning. The MCAA ensures that the MMO must take all reasonable steps to secure that marine plans are compatible with the development plans in the land-use planning system³. In addition there is also a requirement when preparing a marine plan to have regard to any other plan prepared by a public or local authority in connection with the management or use of the sea or coast, or of marine or coastal resources in the area in, adjoining or adjacent to the marine plan area⁴. The intent of these inclusions in the MCAA was to aid this integration.



³Paragraph 3 of Schedule 6 to the Marine and Coastal Access Act 2009.

⁴Paragraph 9(h) of Schedule 6 to the Marine and Coastal Access Act 2009.

A. The opportunity for integration was realised in the development of the East and South plan areas which included an assessment of the marine relevance of all existing local development frameworks and local plans. This exercise identified where local authorities have policies which recognise the importance of the marine area in meeting their objectives and confirmed areas for attention or development in their future revision and development.

In practical terms, all activities undertaken in the marine areas need land based infrastructure, whether it be to land and process catch from fishing vessels, sand and gravel from aggregate dredgers, oil and gas, or passengers and vehicles from cargo ferries. Without land based infrastructure our ability to benefit from marine activities would be extremely limited, so too would be the very existence of some local communities and their ability to derive social and economic benefits from them. What may appear to have little impact on the marine area and those who use it such as quayside areas and nearby buildings, can have a significant influence on the viability of certain sectors within or adjacent to ports, harbours and on tidal waterways.

In addition, the Localism Act 2011 places certain obligations on all public authorities and bodies to work together. S.110 of the Localism Act 'requires that councils and public bodies engage constructively, actively and on an ongoing basis to develop strategic policies'. This will require ongoing dialogue between all affected parties to ensure effective marine and land-use plans.

In terms of marine licensing and development management applications, the MMO continues to work with public authorities on applications which require consideration because of their marine relevance and similarly, the MMO works with other public authorities in decision-making on applications which have a land based element or which overlap at the mean high water mark.

Q. How are marine and land-use plans integrated in practice?

A. A new agreement improving co-ordination of the consenting process for coastal development in England was launched in November 2013.

The coastal concordat sets out key principles which marine regulators and advisors and estuarine/coastal planning authorities will follow when working together to enable coastal development in England. These principles include reducing unnecessary regulatory duplication, providing better sign-posting, streamlining assessments and increasing transparency and consistency of advice.

The agreement aims to improve co-ordination between regulators and has been adopted by the Department for Environment, Food and Rural Affairs, the Marine Management Organisation (MMO), the Environment Agency, Natural England, the Department for Transport, the Department for Communities and Local Government, the Local Government Association's Coastal Special Interest Group, representing authorities in estuarine and coastal areas, and National Parks England.

For more information, see:
www.gov.uk/government/publications/a-coastal-concordat-for-england

Q. How are we working together on coastal development?

Q. How do the National Planning Policy Framework (NPPF) and the Marine Policy Statement (MPS) compare to each other?

A. Both documents set the stage for planning through high level objectives and national policies associated with each objective. The land-use planning system plans for town centres, high quality and well designed homes, healthy communities, business development and job creation, and managing the wider countryside. Meeting these objectives requires the specific allocation of space and this is a major fundamental difference between the two planning systems. At sea specific space allocation is less of a requirement as more than one structure or activity can take place in the same location.

In the marine area there are no specific local or regional targets set for various activities as would be the case on land, e.g. for housing allocations.

Indeed, one of the principles for marine planning is co-location wherever appropriate, to maximise the sustainable use of the area. Many of the policies in marine plans though have a 'spatial expression' in that there are only certain areas within which certain activities can take place due to resource availability, or there are activities that are clearly not compatible such as defence (firing ranges and exercise areas) and recreation or shipping.

Q. What is the structure of the marine plans?

A. Like land-use plans, marine plans consist of a main strategy document and supporting documents, including a sustainability appraisal⁵ and a monitoring and implementation plan. The marine planning strategy document contains a plan area specific vision consistent with the UK governments overall vision for 'clean, healthy, safe, productive biologically diverse oceans and seas'. This vision sets the tone for the plan area objectives which address the key issues in the East Plan areas and sets the expected outcomes over the next 20 years.

Themed and sector specific policies support the delivery of the marine plan objectives and it is these policies that will inform decision making in respect to any new licensable activity or development which comes forward for approval. These policies must also be considered by decision-makers on land due to their potential impact on the marine area and the potential impacts of any marine development on land. These policies are in the main, strategic, some criteria based and few spatially specific.

⁵The SA process is based on that of the Strategic Environmental Assessment Directive and Regulations, but it covers social and economic effects of marine plans alongside the predominantly environmental topics in the Directive. The SA incorporates other assessments including Habitats Regulations Assessments (HRA).

Q. How are marine plans similar to land-use plans, such as core strategies and local plans?

A. Marine plans and land-use plans are enshrined in primary legislation (the Marine and Coastal Access Act and the Planning Acts). They are both evidence based, set out a vision, policies and objectives and must remain consistent with national policy. Marine plans must be consistent with the Marine Policy Statement (MPS) and fully reflect the requirements of the MPS at a local level. Land-use plans must be consistent with and fully reflect the National Planning Policy Framework (NPPF).

Marine plans not only conform with the MPS, but also need to be in accordance with other UK national policy including the Planning Act 2008, National Planning Policy Framework (NPPF), National Policy Statements (NPSs) such as those for ports and energy and the procedures for consents of nationally significant infrastructure projects. Relevant provisions in the NPPF (etc) were identified and formed policy drivers for the East Marine Plans.

The Localism Act places a duty to cooperate on the MMO and other public authorities. It requires local authorities and other public bodies to work together on planning issues: "to reflect genuine shared interests and opportunities to make common cause". Additional obligations may be placed on regulatory and other public authorities including the MMO, with the requirement to consider the Localism Act in formulating marine plans and any subsequent revisions.



Q. What other similarities exist between marine and land-use plans?

A. In addition, the MMO are statutory consultees⁶ for local authority plans during their preparation and also in determining applications through the development management process, if the application is considered to be of marine relevance.

Both marine and land-use planning include stakeholder participation and have a legal requirement to prepare a statement of how people can get involved in plan-making throughout plan production. Both are subject to a sustainability appraisal. Marine plans seek to make the most of the available space in the marine area for a number of competing areas of activity respecting the environment and any socio-economic impacts that may arise as a direct result of any decisions made. They also support a holistic approach to development and activities in the marine area similar to the way that land-use plans have influenced decision making through the development management system. To this end, like core strategies and local plans, marine plans include a vision, policies, objectives and specific policies relevant to their respective plan area/s to guide decision makers and those seeking to undertake activities or development.

The essence and principles of both systems are the same, in that supporting sustainable development and activities is at the heart of marine and land-use planning.



⁶As set out in the Localism Act 2011.



How is evidence used to produce marine plans and land-use plans?

Evidence in marine planning

A. Some policies in the marine plans may have a definitive spatial element, such as certain aggregate dredging areas or areas suitable for offshore wind farm development, together with certain policies which don't have a definitive spatial coverage. Within the marine areas, some places have been the subject of extremely detailed investigations, such as oil and gas exploration sites, potential areas for aggregate extraction and both existing and proposed renewable energy sites. These locations lie adjacent to areas with little or no detailed information. Therefore challenges arise in producing marine plans that add value with differing coverage, scale and detail of evidence, particularly if they are not to appear as a "patchwork" of pockets of very detailed information within an area of sparse evidence. Developing the marine evidence base to a high degree of detail is going to take considerable time to achieve.

Evidence in land-use planning

By contrast, the evidence base for the land-use planning system has evolved over many years and follows a regular form of approach feeding into the development of local plans. Some of this evidence is very detailed, for example housing requirements and allocation, retail frontage policies and employment land requirements. The grain of this information is fairly consistent from one local planning authority area to another and benefits from an established and mature methodology.

Limitations of evidence in marine planning

These first marine plans are bringing together many sources of evidence gathered over varying timescales and at differing levels of detail. As a result, because of these limitations, it is not possible to produce sound deliverable spatial policies for all of the marine area. Land-use plans are predominantly spatial because of the extensive evidence base supporting land use allocations, intensity of use and activities and the well-developed understanding we have about how human activity impacts on the natural and built environment, on land. The marine plan areas are very dynamic both in terms of activities and geography. Some activities and features are transient such as fishing, shipping and recreational uses, with some physical features mobile, such as sandbanks, shingle spits and mud flats.

Q. Will the marine plans change over time?

A. As marine planning progresses, our understanding of each plan area will develop. The 11 marine plan areas will eventually all have marine plans prepared for them. Direction given in the plans can only be made where sufficient sound evidence exists to inform each plan's specific objectives and policies. As the marine planning evidence base grows, some policies in the plan in turn are likely to become more spatially specific.

Like the land-use planning system, change in the marine planning system will be driven through technology, market forces and environmental enhancement and protection is continuous. For example, longer term climate change agendas should be supporting a move away from fossil based energy production taking place on land and in our seas. More generally, there is an ever increasing competition for space as a result of increasing developments and activities. In the marine areas this brings new challenges to ensure that existing activities can continue with the least amount of disturbance.

The marine plans will be subject to monitoring, with a requirement in the MCAA to monitor every three years, and review the plans every six years. This will ensure the policies and objectives in the plans are effective.



Q. If we are not a coastal authority, do we need to read the Marine Policy Statement or marine plans?

A. There is no distinction made within the MCAA between public authorities that have a coastal area of responsibility or tidal watercourse/s and those who do not. S58 (1) of the Act requires that 'A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise'. An authorisation or decision is further defined under S58 (3). Even local authorities that are far from the sea can affect and be affected by the marine area e.g. developments on land can affect rivers which eventually discharge into the sea. All public authorities therefore need to be aware of the MPS and adhere to the requirements of S.58 of the Act.

The Planning Advisory Service (PAS) has updated the soundness self-assessment, which forms part of the local plans checklist, to include the Marine Policy Statement (MPS). This will ensure local authorities developing or revising local plans conduct a self-assessment which takes into account soundness and legal requirements arising from the MCAA.



To contact the Marine Planning Team:

Email: planning@marinemanagement.org.uk

Phone: 0191 3762790

Write to us at: Lancaster House, Hampshire Court,
Newcastle Business Park, Newcastle NE4 7YH.

To sign up to receive our newsletter, email

planning@marinemanagement.org.uk

Follow us @The_MM0 and join in the #marineplanning
conversation.

We have produced a short animation to explain marine
planning:

www.marinemanagement.org.uk/marineplanning/about



Marine
Management
Organisation