



Department for  
Business, Energy  
& Industrial Strategy

# GUIDANCE NOTE FOR OPERATORS – OFFSHORE OIL AND GAS SECTOR

## Update on Marine Planning in the UK

August 2018

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## 1. Background

1.0 This guidance note is intended to provide a general update to the offshore oil and gas sector (which includes gas storage and offloading, and carbon capture and storage) on the marine planning process throughout the UK, including the current status of the development of marine plans for England, Scotland, Wales and Northern Ireland. It also aims to provide specific advice with regard to the consideration that should be given to the adopted marine plans within any applications containing an environmental impact assessment submitted to the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED), of the Department for Business, Energy and Industrial Strategy (BEIS), relating to proposals to be undertaken within an adopted marine plan area or where the proposals are likely to affect an adopted marine plan area. All subsequent references to the Department should be read as BEIS OPRED and any references to the oil and gas sector or operators, should be read as including offshore gas storage and unloading, and carbon capture and storage.

1.1 The UK government introduced a number of measures via the Marine and Coastal Access Act 2009 (MCAA), to deliver its vision of "clean, healthy, safe, productive and biologically diverse oceans and seas" for the whole of the UK. These measures included the introduction of a marine planning system, comprising the UK Marine Policy Statement (MPS) which was adopted by the UK Government and the devolved administrations in March 2011 and the production of marine plans. Marine plans seek to provide greater coherence of policy and a forward-looking, proactive and spatial approach to the management of the marine area, its resources and the activities and interactions that take place within it, to ensure a sustainable future for our seas. The marine plans contribute to the implementation of the EU Maritime Spatial Planning Directive 89/2014, which requires marine plans to be completed by 31 March 2021.

1.2 Marine planning is currently being developed via regional plans in England, whilst the Devolved Administrations of Wales, Scotland and Northern Ireland are currently developing national plans. Scotland's National Marine Plan will also be supplemented by eleven regional marine plans.

1.3 The MCAA places a duty on marine plan authorities to keep any plans that have been adopted under review, and within three years of the date of adoption of a plan they must prepare and publish a report of that review. Following publication of the report the marine plan authority is required to decide whether or not the marine plan needs to be amended or replaced. Successive reports are required to be published within three years of the date of publication of the previous report.

1.4 Marine plan authorities must additionally publish a report detailing any marine plans they have prepared and adopted, their intentions for their amendment, and their intentions for the preparation and adoption of further marine plans. The first report has to be published within six years of the MCAA provisions coming into force, with successive reports required at intervals of not more than

six years from the previous report, up until 1 January 2030. All such reports must be laid before the appropriate legislature, i.e. Parliament, Scottish Parliament, National Assembly for Wales or the Northern Ireland Assembly, as appropriate.

## 2. Marine Planning England

2.0 MCAA established the Marine Management Organisation (MMO) and granted the MMO delegated responsibility to prepare plans for English waters. It is proposed to develop a total of eleven regional marine plans covering all of England's seas by 2021, namely the East Inshore and Offshore Marine Plans, South Inshore and Offshore Marine Plans, North East Inshore and Offshore Marine Plans, North West Inshore and Offshore Marine Plans, South West Inshore and Offshore Marine Plans and the South East Inshore Marine Plan. A map of these areas can be viewed at: -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325688/marine\\_plan\\_areas.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325688/marine_plan_areas.pdf).

2.1 The marine plans are regional scale strategic plans with a long-term (20 years) view of potential activities, which do not seek to address site or project-specific details. The MMO have developed the Marine Information System (MIS) which is an online resource which includes an interactive map and the appropriate marine policy documents for all of England's marine plan areas, to allow easy identification of the most relevant policies: -

<http://mis.marinemanagement.org.uk/>

### 2.2 East Inshore and Offshore Marine Plan

2.2.0 The East inshore and East Offshore Marine Plan Areas are covered by a single document, the East Marine Plan which was the first of the English plans to be developed and was adopted in April 2014. Further information in relation to the East Marine Plan can be found at:-

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/312496/east-plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf).

2.2.1 As required by the MCAA, a three year progress report on the implementation of the East marine plan was published by DEFRA on 31 March 2018. Further details of the review and report can be found at: -

<https://www.gov.uk/government/publications/marine-planning-east-marine-plans-three-year-progress-report>.

## 2.3 South Inshore and Offshore Marine Plan

2.3.0 A marine plan is required for both the south inshore and the south offshore marine plan areas; however, these are contained in a single document known as the South Marine Plan. The South Marine Plan was adopted in July 2018 and is the second English marine plan to be adopted. Further information in relation to the South Marine Plan can be found at: -

<https://www.gov.uk/government/collections/south-marine-plans>

## 2.4 North East Inshore and Offshore, North West Inshore and Offshore, South West Inshore and Offshore and South East Inshore Plans

2.4.0 These remaining seven marine plan areas are being progressed concurrently, and they will set out how the UK Marine Policy Statement will be implemented in each marine plan area. These Plans are currently under development, with public consultation on the draft plans anticipated for autumn 2019 and all plans scheduled to be in place by March 2021.

## 3. Scotland

3.0 Marine planning in Scotland is being developed by means of a national scale strategic plan, Scotland's National Marine Plan and subsequently by local, regional marine plans. Information and all relevant documentation is available at:

<http://www.gov.scot/marineplanonline>.

3.1 The Scottish Government has developed the National Marine Plan Interactive (NMPi), which is an online interactive planning tool which includes a wide range of data layers and provides links to information from Scotland's Marine Atlas and the National Marine Plan:

<http://www.gov.scot/Topics/marine/seamanagement/nmpihome>.

NMPi is an evolving system and when new data sets, statistics and other information become available they are added to the interactive map (Scottish Government Website – National Marine Plan Interactive (NMPi)).

## 3.2 Scotland's National Marine Plan

3.2.0 The National Marine Plan comprises of two plans made under two separate pieces of legislation, marine planning matters in Scotland's inshore waters are governed under the Marine (Scotland) Act 2010, an Act of the Scottish Parliament, and in its offshore waters under the MCAA, an Act of the UK Parliament. Scotland's National Marine Plan (SNMP) covers the management of both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). It also applies to the exercise of both reserved and devolved functions.

3.2.1 The SNMP was adopted on 27 March 2015 and was the first national marine plan to be published in the United Kingdom. Further information on the SNMP, including a map of the SNMP area, can be found using the following link: -

<http://www.gov.scot/Resource/0046/00465865.pdf>

3.2.2. The Scottish Government undertook a review to assess the implementation and effectiveness of the SNMP and in accordance with the Scottish and UK legislation a report was submitted to the Scottish Parliament in March 2018. Scottish Ministers will determine whether to replace or amend the Plan, following consideration of the review report.

### 3.3 Scottish Marine Regions

3.3.0 Eleven [Scottish Marine Regions](#) have been created by the Scottish Marine Regions Order 2015, which came into effect on the 13 May 2015 and identified the boundaries and co-ordinates of the eleven marine regions of Argyll, Clyde, Forth and Tay, Moray Firth, North Coast, North East, Outer Hebrides, Orkney Islands, Shetland Isles, Solway and West Highlands. These marine regions cover sea areas extending out to 12nm and a map is available online at: -

<http://www.gov.scot/Resource/0047/00476907.pdf>.

3.3.1 Regional marine plans are currently being developed by [Marine Planning Partnerships](#) for each region, allowing more local ownership and decision making about specific issues within their area. The [Clyde](#) and [Shetland Isles](#) will be the first regions to take forward regional marine planning (Scottish Government Website – Regional Planning).

3.3.2 A pilot marine spatial plan – the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) has been developed by a working group consisting of Marine Scotland, Orkney Islands Council and Highland Council. The PFOW MSP has been endorsed by Orkney Islands Council and Highland Council and received ministerial approval on 16 March 2016. It is a non-statutory Plan and will serve to inform the preparation of future regional marine plans and the governance arrangements that could underpin Marine Planning Partnerships (Scottish Government Website – Regional Planning).

## 4. Wales

4.0 Marine planning in Wales is being developed by means of a national scale strategic plan, the Welsh National Marine Plan (WNMP).

## 4.1 Welsh National Marine Plan

4.1.0 Welsh Ministers are the Marine Plan Authority for Welsh inshore and offshore areas and Wales intends to produce a single national marine plan covering both inshore waters (out to 12 nautical miles) and offshore waters (beyond 12 nautical miles).

4.1.1 The WNMP will require the approval of Welsh Government Ministers and for certain non-devolved matters the Secretary of State at the Department for Environment, Food and Rural Affairs (Defra). Public consultation on the draft WNMP was conducted between the 7 December and 29 March 2018 and the Welsh Government is currently reviewing the consultation responses. Adoption of the plan anticipated early to mid-2019. Further information on the WNMP, including a map of the Welsh Marine Plan Area, can be found at:-

<http://gov.wales/docs/dra/p/publications/151130-welsh-national-marine-plan-initial-draft-november-2015-en.pdf>.

4.1.2 The Welsh Government has developed a marine planning portal, an interactive planning tool which includes online maps showing the distribution of human activities and natural resources in Welsh waters and is available using the following link: -

<http://lle.gov.wales/apps/marineportal/#lat=52.5145&lon=-3.9111&z=8>.

## 5. Northern Ireland

5.0 The Department of Agriculture, Environment and Rural Affairs (DAERA) is responsible for preparing marine plans in Northern Ireland and is currently developing marine plans for both the inshore and offshore regions, which will be published as a single document – the Marine Plan for Northern Ireland. Marine planning in Northern Ireland's offshore region (beyond 12 nautical miles) are governed under MCAA, whilst marine planning in Northern Ireland's inshore region (0-12 nautical miles) is governed under the Marine Act (Northern Ireland) 2013.

### 5.1 Marine Plan for Northern Ireland

5.1.0 The draft Marine Plan for Northern Ireland was published for public consultation in April 2018 and the Department is reviewing the consultation responses. Approval for the plan will be required from both the Northern Ireland Executive and the Secretary of State for Environment, Food and Rural Affairs. Further information in relation to the Marine Plan for Northern Ireland can be found at: -

<https://www.daera-ni.gov.uk/articles/marine-plan-northern-ireland>

5.1.1 In fulfilment of reporting requirements under MCAA and the Marine Act (Northern Ireland) 2013, a report setting out the progress of the marine plan process in Northern Ireland, covering the period 2009 to 2015 was published in October 2015 and laid before the Northern Ireland Assembly.

## **6. Consideration of Marine Plans in Applications**

6.0 Following the adoption of the East Inshore and Offshore Marine Plans in April 2014, the Department issued guidance to operators highlighting the adoption of the East Marine Plans and the requirement for operators to give due consideration to the plans in their environmental submissions.

6.1 During 2016 the Department undertook a review of the implementation of the marine plan provisions by operators undertaking activities within the East Marine Plan areas, across the range of application types submitted to BEIS OPRED. It was evident from the sample of applications reviewed, that there was mixed level of knowledge and recognition of the East Marine Plans amongst operators. Some applications did not recognise the plans at all, some gave a perfunctory acknowledgement and some plans provided a robust assessment of the proposed operations in the context of the relevant plan policies. The Department therefore decided that it should provide a further update to operators on the current status of the development of the marine plans in the UK and the expectations for applications relating to projects situated within marine plan areas.

6.2 Section 58 of the MCAA requires that all public authorities take authorisation or enforcement decisions in accordance with marine plans, unless relevant considerations indicate otherwise. Therefore, an application for a proposal to be undertaken within an area which is covered by an adopted marine plan (or adjacent if the potential impacts of the proposed activity are likely to have an effect within the marine plan area) must include relevant information to inform the Department's decision. An application for a proposal to be undertaken within the Welsh or Northern Ireland Marine Plan areas should acknowledge that the draft plans have been formally consulted upon, but the Department would not expect detailed consideration of the plan policies until the plans have been adopted.

6.3 Consideration of the relevant marine plan should be in parallel with the existing application requirements, including Environmental Impact Assessment and Habitats Regulations Assessments. A number of plan policies may be relevant to the proposal including general or sector specific policies and they should be addressed in the application in a proportionate manner depending on the size and complexity of the proposed activity and the relationship to the policy. In many cases, there will be no impact of the policy.

6.4 Although decisions in relation to proposals within the pilot Pentland Firth and Orkney Waters Marine Spatial Plan are not required to be made in accordance with the plan, the Department



considers the plan to be a key guidance document until the relevant regional marine plans are approved and relevant policies within the pilot PFOW MSP area should be referenced in applications. Once the regional marine plans for Orkney Islands and the North Coast are in place they will supersede the pilot PFOW MSP and the Department and other public authorities will be required to make decisions in accordance with the national and regional plans. Applications in this area are likely to be limited to geological surveys until further licensing rounds are undertaken by the Oil and Gas Authority (OGA), as the area currently only includes unlicensed blocks.

6.5 The Department has amended the UK Oil Portal Environmental Tracking System (PETS) to require operators to confirm whether their proposed operations are within an area covered by an adopted marine plan; to confirm the name of the relevant marine plan area (from a drop down list of approved plans); and to confirm whether the proposed operations are in accordance with the relevant marine plan policies and/or objectives.

6.6 In addition to the PETS questions, it is expected that, where relevant, the operator will provide further information within the environmental impact assessment submitted in support of the proposals, detailing the policies that are relevant to the proposed activities, and whether the proposals accord with those policies, or alternatively providing a table indicating where the relevant policies are addressed within the document.

6.7 Operators should be aware that if consideration is not given to the relevant marine plan it may delay the approval of an application.

6.8 Further details of relevant marine plans, policies and objectives or progress on the relevant plans for England, Scotland, Wales and Northern Ireland respectively can be found at:

<https://www.gov.uk/government/collections/marine-planning-in-england>

<https://www.gov.uk/government/publications/east-inshore-and-east-offshore-marine-plans>

<https://www.gov.uk/government/publications/marine-planning-east-marine-plans-three-year-progress-report>

<https://www.gov.uk/government/collections/south-marine-plans#the-south-marine-plans-documents>

<https://www.gov.uk/government/collections/south-west-marine-plan>

<https://www.gov.uk/government/collections/south-east-marine-plan>

<https://www.gov.uk/government/collections/north-west-marine-plan>

<https://www.gov.uk/government/collections/north-east-marine-plan>

<http://www.gov.scot/Topics/marine/seamanagement>

<https://beta.gov.wales/draft-welsh-national-marine-plan>

<https://www.daera-ni.gov.uk/articles/marine-plan-northern-ireland>

## 7. References

Department for Agriculture, Food and Rural Affairs – (DAERA -Northern Ireland) – Marine Plan for Northern Ireland: <https://www.daera-ni.gov.uk/articles/marine-plan-northern-ireland> [accessed 14.09.2016]

Department of Environment, Food and Rural Affairs (DEFRA) (April 2014), East Inshore and Offshore Marine Plan:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/312496/east-plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf)

Marine Management Organisation (MMO) – Marine Information System:  
<http://mis.marinemanagement.org.uk/> [accessed 14.09.2016]

Scottish Government Website – Marine Planning:  
<http://www.gov.scot/Topics/marine/seamanagement> [accessed 14.09.2016]

Scottish Government Website - National Marine Plan Interactive (NMPi) – (last updated 16.10.2015): <http://www.gov.scot/Topics/marine/seamanagement/nmpihome> [accessed 14.09.2016]

Scottish Government Website – Regional Planning:  
<http://www.gov.scot/Topics/marine/seamanagement/regional> [accessed 14.09.2016]

Welsh Government Website – Draft National Marine Plan November 2015:  
<http://gov.wales/docs/drah/publications/151130-welsh-national-marine-plan-initial-draft-november-2015-en.pdf>

Welsh Marine Planning portal: <http://lle.gov.wales/apps/marineportal/#lat=52.5145&lon=-3.9111&z=8> [accessed 14.09.2016]



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