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The Chief Planning Officer
Local Planning Authorities in England

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Marine planning and licensing systems

I write to draw your attention to the commencement of the new statutory marine planning and licensing systems this spring. The new systems will be of particular interest to local authorities with coastal and estuarine boundaries as Marine Plans will extend up to the level of mean high water spring tides which in some areas will bring Marine Plan boundaries into estuaries. However, even if your local authority is land locked, the introduction of these new systems will be of interest.

The Coalition programme includes taking forward the Marine and Coastal Access Act 2009 (Marine Act). The Act provides for the introduction of new marine planning, and licensing systems. The planning and licensing functions apply from the mean high water mark and beyond and in England will principally be delivered by the Marine Management Organisation (MMO) located in Newcastle upon Tyne. Devolved Administrations will be responsible for marine planning and licensing where they have responsibilities.

I have attached some further information at Annex A.

Please address any queries to Eamon Mythen at DCLG in the first instance
(Eamon.Mythen@communities.gsi.gov.uk)

A handwritten signature in black ink, appearing to read "Steve Quartermain", with a long horizontal line extending to the right.

STEVE QUARTERMAIN
Chief Planner

Annex A

Next steps in implementing the marine planning and licensing systems

1.0 Following adoption of the UK Marine Policy Statement (MPS) on Friday 18 March there is a requirement that all authorisation and enforcement decisions by public authorities that may affect the marine environment must be in accordance with it, unless relevant considerations indicate otherwise. Reasons must be given if such decisions are not made in accordance with it. Other types of decisions that may affect the marine area must have regard to the MPS. Once marine plans are in effect, the same duty will apply in respect of relevant marine plans.

2.0 From 19 April 2011, by virtue of changes being made to the Town and Country (EIA) Regulations, it will be a requirement for Local Planning Authorities to consult the Marine Management Organisation (MMO) in relation to environmental impact assessments on terrestrial projects which may impact on the marine environment where the MMO has responsibility.

3.0 The MMO will begin their rolling programme of marine planning in April 2011 beginning in the East of England (East inshore and East offshore marine plans). It will be working with local planning authorities to ensure that marine plans take account of all relevant plans, and integrate with existing terrestrial planning regimes.

4.0 From 6 April 2011 the new marine licensing system will commence under the Marine and Coastal Access Act 2009 replacing the FEPA and CPA consenting regimes. A marine licensing will be needed for certain marine activities (construction, dredging, removals). There will be changes to exempt activities (works that will not need a licence); enforcement tools, and a new appeal right for applicants. As part of this change, the amended Marine Works (EIA) Regulations will apply requirements to activities requiring marine licences (including minerals extraction). Marine Minerals Regulations are repealed.

5.0 From 6 April 2011 statutory notification of an application for a marine licence by licensing authority to relevant local planning authorities will be required.

For further detailed information please refer to.

Refer to the UK Marine Policy Statement (MPS) and for further information on marine planning and marine licensing at: www.defra.gov.uk

Also refer to the Marine Management Organisation's (MMO) website for further information: <http://www.marinemanagement.org.uk/>.