Marine
Management
Organisation

Outline of the East Inshore and Offshore Marine Plan Implementation and Monitoring Approach

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Chapter 1 Introduction

This document outlines the approach to marine plan implementation and monitoring highlighting the implications of the Marine and Coastal Access Act 2009 (MCAA) for the Marine Management Organisation (MMO) and other decision makers responsible for authorisation or enforcement decisions in the marine area. The MMO have developed principles (in line with Better Regulation principles) and mechanisms that will underpin the implementation and monitoring of these marine plans - enabling the effective delivery of plan-led decision making for public authorities across the East marine plan areas. Building on these principles, the next step in the implementation and monitoring process is the production of the Implementation and Monitoring Plan, which will be issued in summer 2014.

1.1 What are the legal requirements for implementation, monitoring and review

It is a legal duty under Section 58 (1) MCAA for all public authorities taking authorisation or enforcement decisions to make them in accordance with the appropriate marine policy documents. In the East plan areas these are the East Inshore and East Offshore marine plans and the Marine Policy Statement (MPS) unless relevant considerations indicate otherwise.

Section 58 (2) of MCAA states that where an authorisation or enforcement decision is not taken in accordance with the appropriate marine policy documents, a public authority must state its reasons for doing so.

Public authorities taking decisions that are not concerned with authorisation or enforcement but which might affect the marine area – for example, decisions about what representations they should make as a consultee or in the preparation of terrestrial plans – must have regard to the MPS and marine plans as stated in Section 58 (3) of MCAA. To support local authorities in meeting this requirement the Planning Advisory Service (PAS) has updated the Soundness Toolkit, which provides guidance on preparing or revising local plans, to include obligations under MCAA, the MPS and marine plans as they are adopted.

The MMO has also produced a guide for terrestrial planners which explains the marine planning process and requirements under MCAA and the MPS.

One exception in relation to authorisation and enforcement decisions (as stated in section 58 (5) MCAA) is decisions on applications for development consent for Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008. In these cases the public authority making such decisions – the relevant Secretary of State – must have regard to marine policy documents (marine plans and the MPS). The relevant National Policy Statement (NPS) carries greater weight so their application must be determined in accordance with the NPS with regards to the marine plans. Examples of NSIPs could be a major port development or an offshore wind farm over 100MW.

The role of monitoring and periodical reporting on the implementation of the marine plans is a legal requirement under Section 61 of MCAA delegated by the Secretary of State to the MMO who has a duty to report as follows:

- at intervals not more than three years after each marine plan is adopted on the effects of policies, the effectiveness of those policies in securing plan objectives and the progress towards achieving any objectives set out for that region in a marine plan and the MPS. After this report is published the MMO must decide whether or not to amend or replace the marine plan.

- the first report must be prepared before the expiration of the period of three years beginning with the date the plan was adopted

- at intervals of no more than six years until 1 January 2030 on any marine plans it has prepared and adopted, its intentions for their amendment and its intentions for the preparation and adoption of further marine plans. The first report must be prepared before November 2015: the expiration of the period of six years beginning with the date of the ascent of MCAA

- Each of the three and six yearly reports must be submitted to Defra and laid before Parliament.

1.2 Possibility of early review of the East Marine Plans

The monitoring and review of the East marine plans is essential in ensuring that they remain fit for purpose and take account of any new/evolving influences where appropriate. As these are the first marine plans, learning through implementing them may lead to review and amendment of the plans sooner than assumed in the Analysis of the East Inshore and Offshore Marine Plans document. Equally, if there are significant changes to the evidence base supporting the East marine plans, or there are other relevant considerations that have arisen since the plans were adopted such as new legislation, the MMO may need to recommend to government an earlier review. The scope of such review and amendment will depend on the issues raised and available resources.

1.3 The Implementation and Monitoring Plan (IMP) for the East Marine Plans

The IMP will communicate guidance to public authorities and stakeholders in a clear and transparent way on how and when the marine plan policies and objectives should be applied. It will also provide more detailed information on how the effectiveness of plans will be monitored (including indicators used and the origin of existing and new data sources).

1.4 The principles for implementation and monitoring

The East marine plans will be delivered through existing regulatory and other decision-making mechanisms, including those intended for the management of existing and future assets and activities. In doing so, the relevant public authorities, including the MMO, will adhere to the better regulation principles and act in a way

that is proportionate, accountable, consistent, transparent and targeted. It is anticipated that there will be greater awareness of marine planning through the introduction of the Coastal Concordat, supporting the integration of terrestrial and marine plans.

Guided by these implementation and monitoring principles it is suggested, with specific reference to marine plans, that:

- activity should be limited to that necessary to fulfil regulatory objectives, be targeted via a risk-based approach (ie high-risk areas may require more monitoring and support).
- monitoring must be focussed on that which the MMO are required in legislation to monitor and be informed by the understanding that: (i) monitoring policies directly might not capture the full impact of the marine plans; and (ii) it may not be possible to monitor all aspects of the marine plans with the same level of confidence
- existing mechanisms and data should be utilised in all cases. It must be clear that activity should translate into progress being made towards achieving the objectives of the MPS
- it should be clear what the marine plans are seeking to achieve, what success looks like, the role and identity of those involved, and how delivery is being monitored
- where evidence is insufficient, inconclusive or uncertain, public authorities will need to apply precaution within an overall risk-based approach[1], in accordance with the sustainable development policies of the UK Administrations. This will apply equally to the protection of the natural marine environment, impacts on society and on economic prosperity.
- a proportionate level of strategic and detailed assessment should be considered in decision-making, determined by the complexity, scale and sensitivity of the project or activity
- where the opportunity arises and resource allows, the MMO should work with other parties effectively in a manner consistent with the duty placed upon them under MCAA

Chapter 2 Implementation

2.1 How should marine plans be implemented?

The MMO has developed an implementation strategy to aid the delivery of plan led decision making across the marine area, which includes (but is not limited to):

- implementation within the MMO
- the role of decision makers
- implementation in relation to applicants and advisors

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[1] This means that if the risks from an activity are uncertain, preventative measures may be required if there is concern that human activities may harm human health, living resources and marine ecosystems or interfere with other legitimate uses of the sea or have other social and economic impacts. This would need to be considered based on risk.

2.1.1 Implementation within the MMO

The MMO needs to implement the marine plans across differing decision-making functions. It has undertaken an assessment of the degree to which existing processes and systems address the plan policies and how these can be adapted in a proportionate way to ensure consistent application of the marine plans. This has resulted in teams putting mechanisms in place for their staff (eg a programme of training and production of desk notes) to aid marine plan-led decision making. As a result, the MMO is in a position to apply the plans to decision-making once the East marine plans are adopted by the Secretary of State.

In addition, throughout the process the marine planning team developed and delivered a programme of awareness raising sessions across all teams within the MMO. This achieved an understanding of the marine planning process, and the draft marine plans, and gave staff within the organisation an understanding of how the marine plans will be implemented through the decisions they make.

2.1.2 The role of decision makers

An adopted marine plan will primarily be implemented through decisions made by public authorities as stated in section 58 (1) of MCAA. The MMO recognise the need to share with decision-makers what implementation of a draft plan means for them, in order to deliver effective plan-led decision making. As part of this workstream, three decision maker's workshops were held on the 10, 11, 12 September 2013 in Hull, Peterborough and London.

The aims of the workshop were to share the MMO's approach to implementation and monitoring of the marine plans, discuss how decision makers may assess the marine plans in their decision making and identify actions and next steps with a view to establishing an implementation and monitoring plan.

The outputs of the workshops can be found in the [Decision Makers' Workshops Summary Report](). The report highlighted the appetite for further support for public authorities on how to implement marine plans. This engagement began in 2014 with the Environment Agency (EA), holding a bespoke marine plan policy analysis session. The session discussed decisions made by the EA, how the marine plan policies can be applied to those decisions and what system and process changes may be needed by the EA for their staff to assess the policies in their decision making. The MMO highlighted the processes and mechanisms being applied across the MMO as an approach for marine plan implementation for the EA to consider within their organisation. The MMO continue to work with the EA and other public authorities and government departments to highlight the requirements of section 58 MCAA and to help deliver effective plan-led decision making across the marine area. Ultimately, individual public authorities are best placed to determine how they will apply the marine plans in relation to their remit and expertise in accordance with their statutory obligations. As a regulator, the MMO will provide advice across all of its teams including:

- planning
- licensing

- conservation and Enforcement
- business relations
- fisheries management and effort control

This will include responding and contributing to consultations run by other public authorities.

2.1.3 Implementation for applicants and advisors

In addition to public authorities making their decisions in accordance with MCAA, there is a requirement for decision makers to advise applicants, agents and advisors of the obligations placed upon them as a result of an adopted marine plan. Public authorities, through their engagement with applicants, will be able to advise on the level of information they will be expected to provide within an application.

Marine plans are designed to improve and streamline the regulatory processes for applicants while increasing certainty of investment for developers. Therefore decision makers may be able to amend their existing approach to processes disseminating this to applicants, highlighting the benefits of:

- consideration of marine plan policies at the pre-application stage

- the need for consideration of the plans as a whole, as it is likely that several plan policies will be pertinent to any proposal

- incorporation of marine plan policy assessment using existing assessments currently completed by applicants, (one example of this is the supporting assessments and evidence provided for relevant applications under The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

Public authorities will also require consultees and advisors to consider the marine plan policies when providing advice on proposals relaying this to applicants when direct engagement takes place.

The East marine plans apply to a spatially prescribed area (from Flamborough Head to Felixstowe extending from the mean high water springs mark out to the Renewable Energy Zone (REZ)). **It should be noted, however, that any decision outside this area that may have an effect on the East marine plan areas must comply with section 58 (3) of MCAA as stated in paragraph 1.1 of this document.** This should be acknowledged in any proposal, and the East marine plans cited as appropriate, for consideration in the decision-making process. Where no marine plans are in place the MPS remains a determining factor for authorisation and enforcement decisions.

2.2 What guidance is available to support implementation?

In order to support implementation of the East marine plans the following documents and tools are available for decision makers and interested parties:

Implementation and Monitoring Plan - available from summer 2014.

Marine information System (MIS) -   the system will display the East Inshore and Offshore marine plan policies and provide high level information for plan users on how to consider the marine plans during application and decision-making processes.

Marine Planning Portal - the portal allows users to appraise the marine planning evidence base we are using to develop marine plans, and submit comments on the evidence we are using.

Planning Advisory Service Soundness Toolkit - the toolkit provides guidance on preparing or revising local plans to include obligations under the MCAA, MPS and individual marine plans as they are adopted.

MMO publication on marine planning for local authorities - the document compares land-use and marine planning; assisting land-use planners in their understanding of the important links across the land-to-sea interface.

Chapter 3 Monitoring

3.1 What should be monitored

The development of the monitoring approach has been informed by the Government's Magenta Book, the Marine Policy Statement and Defra's marine planning description document. Case studies from marine and terrestrial statutory and non-statutory plans have also been considered, along with stakeholder feedback from MMO led decision-maker workshops held in 2013. The MMO has also commissioned advice on the monitoring framework and in particular on measuring social outcomes.

The monitoring approach has two main components; the first, to monitor the process of plan implementation (process monitoring) and the second to monitor the effects of the plans themselves (effect monitoring). While process monitoring alone cannot determine whether plan policy has been effective, it can give us useful insight into why a policy did or did not work.

3.1.1 Monitoring the implementation of marine plans

An important element of monitoring involves evaluating whether a plan has been implemented effectively. Such 'process monitoring' will help the MMO to understand, among other things:

- whether the plans are being implemented as intended and if not, why not

- what is working well

- public awareness of the plans

- whether existing policies need to be refined or new policies created in the future.

A wide range of qualitative and quantitative data collection and analysis techniques will be useful for process monitoring, such as the annual MMO Customer Survey, periodical returns from public authorities and Key Performance Indicators (KPIs). For example, the MMO will monitor the number of times plan policies are cited by applicants in the licensing process or the effects of implementation on application process time (as a key benefit of marine planning is to streamline applications).

In the early stages after plan adoption, process monitoring may help us to iron out any initial implementation difficulties. The MMO will work with public authorities to determine what effective implementation looks like and to address any issues as they arise.

3.1.2 Monitoring the effect of marine plans

A starting point for evaluating the effect of marine plans is to define relationships between High Level Marine Objectives, plan objectives, plan policies, actions taken to implement policies, the effects of the plans and the resulting wider social, environmental or economic outcomes. Such outcomes will mostly be focussed on the objectives in the plans, such as improving employment rates, or health and wellbeing. It is important to recognise however that there are a number of other drivers that may influence change. Therefore it will sometimes be challenging, or even impossible to assess how an outcome (such as a higher rate of employment) can be attributed solely to the East Marine Plans. Where it is not possible to measure specific attribution, the MMO will explore the contribution that marine plans have made to an outcome (this is explored further in section 3.3).

An indicator-based approach will be used to measure these outcomes where practical. In order to minimise duplication of effort, marine plan monitoring will draw primarily on work undertaken through other existing monitoring programmes, or data that can be readily generated by the MMO. Such indicators will provide some insight into the contribution of marine plan policies to the high level MPS objectives, therefore allowing monitoring of marine planning in general (ie the cumulative effect of all marine plans).

By ensuring as far as is practical that any outcomes are linked back to actions, policies, plan objectives and ultimately High Level Marine Objectives, we can ensure that any future plans or plan iterations fit within the same overall monitoring framework. There will be a number of indicators that are 'core' to all plans through the framework, and some that will be bespoke to each individual plan.

3.1.3 Monitoring requirements of the Sustainability Appraisal Report (SA) and Habitat Regulations Assessment (HRA)

The SA Report and HRA have particular requirements that need to be met through monitoring. These documents along with the Analysis of the East Inshore and Offshore Marine Plans contain useful information to contribute to plan monitoring

such as baselines against which outcomes can be monitored. For example, some of the policies in the East marine plans overlap with the aims of the HRA process (eg BIO1 which emphasises the need to attach the appropriate weight to take account of habitats and species that are protected or of conservation concern). Monitoring of these policies can also fulfil the requirements of HRA 'Iterative Plan Review' which will assess whether the assumptions made in the HRA regarding 'likely significant effects' are true.

These documents also contain a number of predicted future effects (or assumptions) which must be monitored for their accuracy (eg have these predicted impacts been either realised or mitigated for), and revised as appropriate. As monitoring information on outcomes is gathered, such information can inform future iterations of both the marine plans and these supporting documents to improve the assumptions on which they are based.

3.2 Other considerations

As well as monitoring the implementation and effectiveness of the plans, there are some other key considerations such as monitoring the context in which the plans operate and the assumptions they are based on. This will involve a review to check that the policies and objectives in the plans conform with other high level policy drivers (such as the NPPF). This exercise should not require any additional work as it is already undertaken within the plan development cycle (eg through products such as the Strategic Scoping Review (SSR) and SA).

Monitoring will also assess the plan making process more generally, for example the number of stakeholders consulted during plan development, or the number of evidence projects commissioned to support marine planning. Stakeholder evaluation will play an important role in doing this effectively.

3.3 How will we undertake the evaluation

The MMO has identified a number of steps below that need to be undertaken for successful evaluation:

Consulting other decision-makers - the MMO will consult with other decision-makers in order to assist the development of the monitoring approach and to create buy-in and ownership of the Implementation and Monitoring Plan. Decision makers will also be consulted with to determine what indicators will be the most useful and informative. This is likely to involve some small focus group sessions where participants can offer their views.

Defining pathways to reflect a 'theory of change' - it is important to understand the pathways through which each element of a plan and the activities associated with it, contribute to sustainable development. One way of doing this is through the development of a logic model. This is a tool to highlight the links between:

> a) **Inputs** (such as the implementation of plan policies (decision making) and resources including money, time, people and skills)

b) **Activities** (the actions that arise as a result of the Plans being implemented)
c) **Outputs** (the products or benefits that the actions will deliver)
d) **Outcomes** (how the outputs will affect the wider social, economic, environmental and governance characteristics of the East marine plan areas)
e) **Effects** (the outcome change that Marine Plans contribute to or can be attributed to). The MMO will continue to develop and test the efficacy of such models working with others as necessary.

Identifying useful indicators -with stakeholder assistance, indicators will be identified for their suitability that are (where possible) easy to interpret, readily measurable, cost effective, sound, grounded in scientific theory, sensitive to change, responsive and specific.

Determining what evidence is already available - there are a number of monitoring programmes in place to measure variables such as health, wellbeing, employment and environmental change. The MMO will undertake an assessment to determine which requirements for plan monitoring can be met through existing programmes of work. This will avoid duplication of effort and will draw on these sources of evidence where possible. Where an appropriate monitoring programme is not already in place, the MMO may seek other sources of information (eg Office of National Statistics) to help fill these gaps.

Establishing a baseline - once indicators have been selected, the next step will be to collect baseline data as a threshold against which to measure progress. It is important to acknowledge that baselines are dynamic and will therefore be subject to change over time. Measuring a change from a baseline may involve measuring a deviation from a particular trend, as well as any movement from the baseline itself.

Some baseline data will already be available through both existing monitoring programmes (including Key Performance Indicators in the MMO) and data collected for the East Plan Analysis of Impacts and Sustainability Appraisal Reports. Where baselines are not currently available, data collection will commence as soon as possible, however it may take time to collect sufficient data to establish an adequate baseline.

Data management -as data is gathered, attention will be paid to its storage, management, accessibility, analysis, synthesis and interpretation. Consideration will also be given to adequate quality assurance and adhering to MEDIN metadata standards.

The information gathered from these actions will contribute to the development of the final Implementation and Monitoring Plan, ensuring it is a robust and transparent document informed by decision makers. The final Implementation and Monitoring Plan is due to be published in summer 2014.