

Draft North East, North West, South East and South West Marine Plans Consultation 2020 Webinars: South East 13/2/2020

Thank you for participating in our webinar on 13 February 2020 on the current statutory consultation on the Draft South East Marine Plan.

A [recording of the webinar](#) is now available for viewing.

Thank you for your support for marine planning. We look forward to receiving your representations on one or more of the draft marine plans.

Questions and answer session (including number of likes)

The following responses are provided for the Q&A session that was held within the webinar and for those questions that were not able to be answered due to time constraints.

1. Are there MMO definitions for environmental net gain and natural capital to give guidance on how this policy be implemented? There wasn't previously. (9)

The MMO is committed to delivering the principles set out in Defra's 25 Year Environment Plan, including the aims to embed environmental net gain and natural capital principles in development. Marine net environmental gain and marine natural capital are emerging areas of work. The MMO is working closely with Defra to ensure marine plans develop alongside and are aligned with current government guidance and approaches. Marine plans have a 20 year horizon so while the government's approaches and guidance are developed, we have included 'holding' policies in the draft North East, draft North West, draft South East, draft South West Marine Plans that ask plan users to address net gain and natural capital, but acknowledge that these policies can only be applied as and when guidance is available and that the way the policies apply over time may change.

2. What will cause an Independent Investigation of the draft marine plan to take place and is it the role of the Planning Inspectorate to conduct an investigation? (6)

An Independent Investigation of a marine plan will only take place if there are unresolved issues arising from the public consultation and will only address those unresolved elements. An Independent Investigation would aim to be completed within six months of the public consultation on a draft marine plan. Further information can be found in [A brief guide to independent investigation of marine plans](#), produced by the Planning Inspectorate.

3. Will the MMO request 'call in' if a Local Authority makes a decision that is not in accordance with a marine plan? (5)

No, the MMO does not have an enforcement role with regards to Local Authority decisions.

4. In summary what does the Plan itself say? (4)

The draft South East Marine Plan, which delivers legislation and cross-governmental policy priorities in a sub-regional context, ensuring the needs and aspirations of the marine plan area are reflected. The draft South East Marine Plan document is 57 pages long and sets out the context and content in a clear manner. Policies are presented within an economic, social and environmental framework, helping to deliver the high level marine objectives set out in the [UK Marine Policy Statement](#).

A brief summary is, that the draft South East Marine Plan:

- provides a strategic approach to decision-making, considering future use and providing a clear approach to managing resources, activities and interaction within the south east inshore marine plan area
- reduces burden, providing developers with greater clarity on where to invest, encouraging public authorities and plan users to communicate earlier in the process
- enables projects to move more quickly from concept to consent, reducing the number of inappropriate or unfeasible proposals, saving time and resources
- applies and clarifies national policy and existing measures, taking account of the issues, opportunities, and characteristics of the South East Marine Plan area
- addresses potential cumulative effects and impacts from the many and increasing pressures
- takes an ecosystem approach and reflects the benefit of clean and health seas and natural capital to provide ecosystem goods and services
- complements current measures where appropriate
- takes all reasonable steps to make sure compatibility with any related relevant development plans (or their equivalent), and having regard to other plans, is in line with principles of Integrated Coastal Zone Management, addressing the importance of land-sea interactions
- contributes to the UK Marine Strategy
- is based on sound evidence as far as possible, is informed by consultation with stakeholders and makes use of available data and existing management measures where appropriate.

5. What is the distance inland, above tidal limits and HWM, that the plans need to be accounted for in land management decisions and river basin management? (4)

The integration of land-use and marine planning systems is critical. The economic, environmental and social benefits from the marine area can only be realised with supporting development on land (and vice versa).

The marine planning system has been designed to support and work alongside the land-use planning system. It is a requirement of the [Marine and Coastal Access Act 2009](#) that the MMO must take all reasonable steps to ensure marine plans are compatible with land-use plans. The Act also makes no distinction between public authorities with a coastal area of responsibility and those which do not. Even public authorities that are far away from the sea can affect, and be affected by, the marine area (for example a land-based development that affects a river may eventually discharge into the sea). The Act

encourages both systems to support each other and enable greater success in implementation.

Compliance with the [Marine and Coastal Access Act 2009](#) is primarily a matter for each relevant organisation to determine, as the [Marine and Coastal Access Act 2009](#) does not mandate a public body to be responsible for monitoring and enforcing compliance. In the event of a challenge to their decision-making, the individual organisation(s) concerned are the responsible party or parties. Whilst delivering the marine plans on behalf of the government, the MMO does not hold responsibility for ensuring their use / application. The use of plans in decision-making may form part of a challenge to a particular decision through the challenge process relevant to any particular decision-making process.

Therefore, it is not for the MMO to give a prescribed distance above tidal limits that are typically case specific.

6. How have the South and East Marine Plans worked since adoption – any lessons learned that is [sic] being taken forward in the SE Plan? (4)

Marine planning is an evolving process. The East Marine Plans were the first ever UK Marine Plans and the lessons learnt through that process were used to develop the South Marine Plan process, which followed. These lessons included policy development and refinement.

Marine Plans must be reported on to Parliament no less than every three years following adoption. The report uses detailed monitoring information about the context, process and outcomes of the marine plan. The East Marine Plan was adopted in 2014 and the MMO laid the first Three-Year Report before Parliament in 2017. At that time it was too early to recommend any changes from the monitoring data, particularly given time lags in some of the data. The second Three-Year Report for the East Marine Plans will be laid before Parliament at the end of March 2020. The first Three-Year Report for the South Marine Plan will be prepared and laid before Parliament by July 2021.

All of the lessons from the process and implementation of both the South and East Marine Plans have been built into the development of the draft South East Marine Plan. Some examples include:

- introducing implementation training earlier in the development of a marine plan
- developing a digital mapping system to enable dynamic data to be used to apply marine plan policies
- working with stakeholders to understand the specific issues for the marine plan to address
- improving details within policy supporting text
- improving the evidence base to improve the spatial representation of policies, where appropriate

7. Will the Marine Plans (once approved) be reviewed and updated over time? (3)

The [Marine and Coastal Access Act 2009](#) Section 61(1) sets out a duty to prepare and publish, and lay before parliament, a copy of, a report on the following matters (as set out in the [Marine and Coastal Access Act 2009](#) 61(3)):

- a) the effects of policies in the marine plan;

- b) the effectiveness of those policies in securing the objectives for which the marine plan was prepared and adopted are met;
- c) the progress being made towards securing those objectives;
- d) if the Marine Policy Statement governs marine planning for the marine plan authority's region, the progress being made towards securing that the objectives for which the Marine Policy Statement was prepared and adopted are met in that region.

Reporting must occur at intervals of not more than three years from the date of marine plan adoption. From this report the marine plan authority must decide whether or not to amend or replace the marine plan. Under Section 61(1)(c) a report must also be produced, at intervals of not more than six years, identifying any marine plans that have been adopted, any intention to amend adopted plans and the planned adoption of further plans.

Once prepared these reports will be laid before parliament on behalf of the Secretary of State by the Department of Environment, Food and Rural Affairs.

Activities in relation to monitoring and reporting duties under the [Marine and Coastal Access Act 2009](#) Section 61 must also be carried out in such a way as to fulfil duties under Section 54 that specifies a duty to keep relevant matters under review.

8. MMO has circulated monitoring surveys, how does this influence plans? How do surveys fit with the overall process? What kinds of things are you finding out from it? [Edited] (3)

At the time of the webinar (and until the 28th February 2020) the MMO has released monitoring surveys for users of the adopted South and East Marine Plans. The survey responses feed into the monitoring approach for each marine plan and ultimately the data is used to inform the Report which is laid before Parliament (see previous answer) and informs whether a plan should be amended or replaced.

9. How do I respond to the consultation without using the online tool? (3)

Citizen Space, the Government's online consultation tool, has been designed specifically to receive comments on the draft North East, North West, South East and South West Marine Plans. As such it is by far the most effective way for you to have your say. The risk with submitting comments in another format is that they may not link to the consultation questions that we are asking and therefore there is a danger that we might misinterpret your comments.

If you really feel it necessary to respond in another format or are having accessibility issues then please get in touch to discuss your requirements planning@marinemanagement.org.uk.

10. Are there considerations within this or other plans that encourage colocation of activities (as opposed to coexistence)? e.g. windfarms / aquaculture, etc. (3)

Yes, the Draft South East Marine Plan has a specific policy on 'co-existence', which (within the detailed policy supporting text) includes co-location where appropriate. The

plan policy recognises that some activities can co-exist in the same space (including co-locate). There are also several policies that require proposals to be compatible with other activities and co-location is one way that this can be achieved. The issue of space is highly relevant for the south east inshore marine plan area as it is a small and very busy plan area.

11. Will The Crown Estate's seabed leasing decisions be subject to Marine Plan policy? (2)

The Crown Estate must have regard to marine policy documents in decision-making as a public authority under the [Marine and Coastal Access Act 2009](#). For more details about The Crown Estate's role in marine planning, please see their website [here](#) (note that the website is external to the MMO).

12. Will there be any more implementation training sessions for the plans that are already in place (e.g. East Marine Plan)? (1)

Yes. The current programme of implementation training is focused on the four draft Marine Plans because they have just become material considerations in decision-making. We have coastal planners based in the east and south marine plan areas who will deliver implementation training as required. Contact planning@marinemanagement.org.uk to arrange a session with the most relevant coastal planner.

13. Can we get a copy of the slides? (1)

Yes. The webinar has now been published and a pdf of the slides has been circulated to participants.