Marine Management Organisation

External Decision Making and Implementation Mapping of Marine Plans (MMO1155)

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Appendix

Appendix A: Online survey for decision makers in order to assess understanding, implementation, and usage or marine plans and plan policies and inform process maps.

Acronyms

APHA	Animal and Plant Health Agency
BEIS	Business, Energy and Industrial Strategy
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CFP	Common Fisheries Policy
CFMP	Catchment Flood Management Plan
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COLREG	The International Regulations for Preventing Collisions at Sea
DCMS	Department for Digital, Culture, Media and Sport
DECC	Department for Energy and Climate Change
Defra	Department for Environment Food and Rural Affairs
DfT	Department For Transport
DIO	Defence Infrastructure Organisation
EA	Environment Agency
EC	European Commission
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EMS	European Marine Sites
EPS	European Protected Species
EU	European Union
FCRM	Flood and Coastal Risk Management
GIA	Geographic Information System
HE	Historic England
HRA	Habitats Regulations Assessment
IFCA	Inshore Fisheries and Conservation Agency
IMM	Integrated Marine Management
JNCC	Joint Nature Conservation Committee
KRA	Key Resource Areas
LEP	Local Enterprise Partnership
LGA	Local Government Authority
LPA	Local Planning Authority
MAIB	Marine Accident Investigation Branch
MARPOL	The International Convention for the Prevention of Pollution from Ships
MCA	Maritime and Coastguard Agency
MCAA	Marine and Coastal Access Act 2009
MCZ	Marine Conservation Zones
MHCLG	Ministry of Housing Community and Local Government
MLC	Maritime Labour Convention
MMO	Marine Management Organisation
MOD	Ministry of Defence
MP	Marine Plans
MPA	Marine Protected Area
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive
MSP	Marine Spatial Planning
NE	Natural England
NDPB	Non-Departmental Public Body
NSIP	Nationally Significant Infrastructure Project

OGA	Oil and Gas Authority
ONS	Office of National Statistics
OPRED	Offshore Petroleum Regulator for Environment and Decommissioning
OSPAR	The Convention for the Protection of the Marine Environment of the North-East Atlantic
PAS	Planning Advisory Service
PINS	Planning Inspectorate
RBMP	River Basin Management Plan
RFCC	Regional Flood and Coastal Committee
RPC	Regulatory Policy Committee
SOLAS	The International Convention for the Safety of Life at Sea
SMP	Shoreline Management Plan
STCW	The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
TCE	The Crown Estate
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
UN	United Nations
WFD	Water Framework Directive

1 Introduction

This project started in late 2017 and was carried out in response to feedback from stakeholders involved in England's marine planning process, particularly those engaged through Marine Management Organisation (MMO) led work on implementation. This feedback identified that it would be useful to undertake a review of Marine and Coastal Access Act 2009 (MCAA) requirements for the purposes of identifying parties that may have an interest in plan use, relevant decisions, and provide suggestions as to how marine plans may be used in decision-making. This report sets out project findings by way of articulating an understanding of marine plan use in England, for the purposes of supporting discussion on this topic and furthering understanding in this field. This report should not be viewed as stand-alone guidance and it is, ultimately, for individual public authorities to determine the role of marine plans in their work. If a public authority is in any doubt in terms of determining the role of marine plans in their work they should take their own legal advice as appropriate.

1.1 Objectives

The main objective of the project is to develop the MMO's understanding of those organisations that use the marine plans in their decision making.

The overall objective will be met by delivering the following requirements:

- Confirm the decision-making parties in England's plan areas;
- Confirm relevant decision-making processes;
- Investigate compliance with marine plans by using the outcomes from the previous objectives;
- Investigate effective implementation of marine plans by multiple parties using the outcomes from the previous objectives; and
- Recommend a proposed approach to engaging parties in joint-working within the timeline of marine plan development and during plan implementation.

By delivering these requirements, it will enable the MMO to further develop collaborative ways of working as the basis for implementation of marine plans in England.

1.2 Background

The MCAA introduced a marine planning system for the UK which will lead to more strategic and efficient management of our marine area and marine resources. This commitment has been reinforced in the Government's 25 Year Environment Plan (Defra, 2018a).

Through the marine planning process, there will be six marine plans covering 11 areas across the waters of England. They will provide a strategic approach to management of the marine area, with sustainable development as the key focus. The first marine plan, covering the east inshore and offshore marine areas was adopted in 2014, followed by the south inshore and offshore marine plans in 2018. Plans covering the remaining

marine plan areas in England's seas - the North East, North West, South West and South East - will be delivered by 2021.

The Secretary of State delegated the production of marine plans to the MMO with the Marine Policy Statement (MPS) (Defra, 2011) being the overarching policy framework for producing area-specific marine plans. This project is looking at how marine plans, once adopted, can provide benefit for decision makers. In setting out to understand how benefit can be realised, it is first important to review and understand the implications of provisions in the MCAA that set out the responsibility of decision makers in relation to marine plan use. Section 58 of the MCAA sets out the key provisions around this responsibility, as below.

1) A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.
2) If a public authority takes an authorisation or enforcement decision otherwise than in accordance with the appropriate marine policy documents, the public authority must state its reasons.
3) A public authority must have regard to the appropriate marine policy documents in taking any decision—
   a) which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area, but
   b) which is not an authorisation or enforcement decision.
4) An "authorisation or enforcement decision" is any of the following—
   a) the determination of any application (whenever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the UK marine area,
   b) any decision relating to any conditions of such an authorisation,
   c) any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed),
   d) any decision relating to the enforcement of any such authorisation or any such conditions,
   e) any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within paragraph (a), but does not include any decision on an application for an order granting development consent under the Planning Act 2008 (c. 29) (in relation to which subsection (3) has effect accordingly).
5) In section 104(2) of the Planning Act 2008 (matters to which Panel or Council must have regard in deciding application for order granting development consent) after paragraph (a) insert—
   "(aa)the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;".
6) In this section—
   "act" includes omission;
   "appropriate marine policy document" is to be read in accordance with section 59;
   "authorisation" means any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.

These provisions set out that any decision made by a public authority which could affect the marine area, either in whole or any part, must either be in accordance with, or have regard to, the appropriate marine policy documents, including marine plans, unless relevant considerations indicate otherwise. To interpret this provision one must first determine what constitutes a public authority, and what decisions could affect the whole or any part of the UK marine area.

Operational management decisions aside, it is relatively straightforward to make the judgement that any government policy decision that has a marine or maritime element to it has the capability to affect the marine area. Whether it is a strategic policy document like the 25 year Environment Plan (Defra, 2018a), the Maritime Growth Study (MMO, 2015c), the Clean Growth Strategy (BEIS, 2017a), a more direct policy decision like the setting of indicators and targets for the EU Marine Strategy Framework Directive[1], or determination of how much of our marine area needs to be included in an ecologically coherent network of Marine Protected Areas (MPAs), good policy is put in place to affect the world we live in.

Although Government's public body guidance (Cabinet Office, 2016) states that "*A 'public body' is a formally established organisation that is (at least in part) publicly funded to deliver a public or government service, though not as a ministerial department*", the MCAA refers to decisions by public authorities. If the MCAA was referring to public bodies, it would be reasonable to assume that, legally at least, any decision that is taken wholly by a ministerial department, and which does not require any further decision making by any other public body (e.g. executive agency, non-departmental public body (NDPB), local authority etc.) could be taken without having regard to the marine plan. However, as defined in section 322 of the MCAA a 'public authority' means any of the following:

(a) a Minister of the Crown;
(b) a public body;
(c) a public office holder;

and a 'public body' includes –
(a) a government department;
(b) a Northern Ireland department;
(c) a local authority;
(d) a local planning authority;
(e) a statutory undertaker

Therefore, as public bodies are incorporated into the definition of public authorities, such decisions do have to have regard to the appropriate marine policy documents, for example the marine plans. Further guidance on who is defined as a public body is also available on the government website and in the Public bodies 2017 report published by the Cabinet Office. In addition, the Government provides a list of "Departments, agencies and public bodies", and it is worth noting that this list includes bodies such as The Crown Estate. Considering such bodies as public authorities is in line with references made in the Marine Policy Statement, for example page 4 provides a high level description of the

[1] Directive 2008/56/EC on establishing a framework for community action in the field of marine environmental policy

bodies that the requirements of the MCAA applies to. In terms of public office holders, it is worth noting that these are not covered within the scope of this report.

Notwithstanding the above, the decisions that are taken wholly by ministerial departments with no input from other public bodies are fairly few. The mechanisms of government are such that the majority of delivery is delegated downwards and therefore not considering a marine plan in ministerial decision making, or departmental policy making, would cause a large disconnect in delivery once delegated to a public body.

As the MPS is "*the framework for preparing Marine Plans and taking decisions affecting the marine environment*", Government Departments, in making policy decisions, could be disregarding the most pertinent information available to them if they disregarded marine plans that had been prepared within this framework. The aim of the MPS is, after all, to provide "greater coherence in policy and a forward-looking, proactive and spatial planning approach to the management of the marine area."

Marine plans, whilst they have a strong element of local policy making, also strongly reflect national policy making, and delivery, and, therefore, could be a very effective tool for developing departmental policy. As such, we have included government departments in this report as bodies that should have regard to the marine plans in their decision making.

2 Mapping of decision makers

This section provides national policy analysis based on a mapping exercise undertaken to identify public authorities whose decision making should be taking account of, or have regard to, marine plans in England. The jurisdiction of most of these authorities that are considered public bodies can be found on the MMO's Marine Information System (MMO, 2015b).

The tables included in this section should not be considered as a complete list of public authorities or decisions. The content of the tables have been formed on the basis of research, engagement, and of best endeavours within the scope of the project. These are not exhaustive and, as such, material should be viewed as examples. Insomuch as the tables below are not an exhaustive list of what may be considered within the scope of S.58, for organisations and/or decisions not listed it should not be assumed that they are outside the scope of S.58 by virtue of not appearing in the tables.

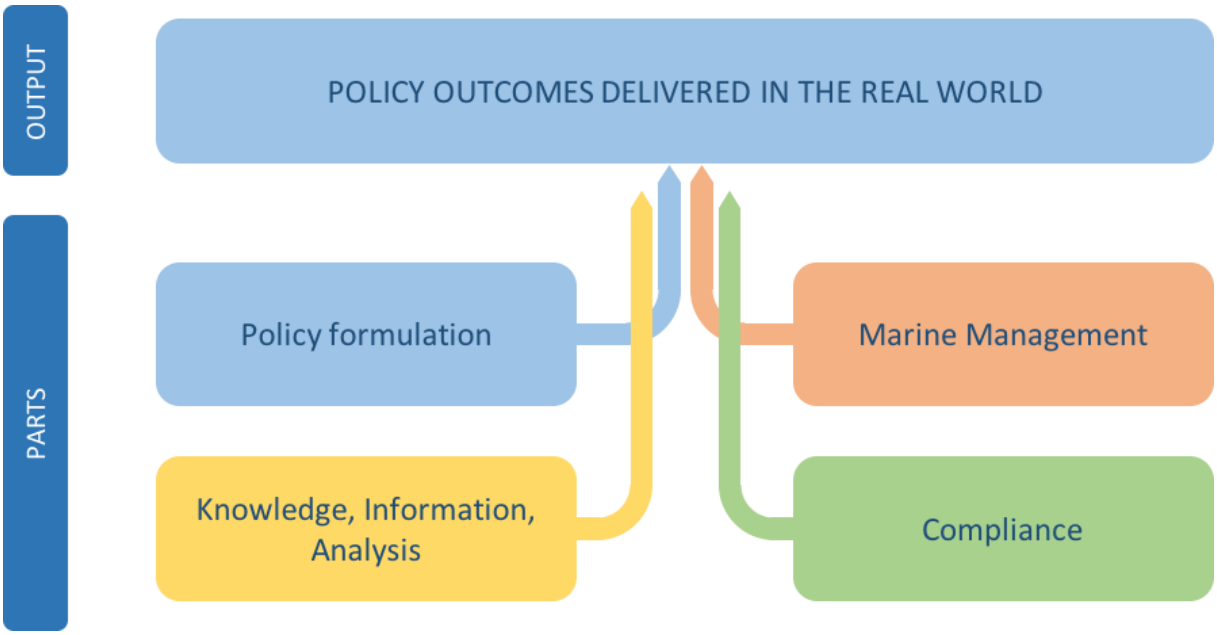
This analysis was done within a framework of Integrated Marine Management (IMM), which is used to describe the effective governance, regulation and management of our marine space. IMM can be described as an organisational system with functional and effective interfaces whose output is the successful delivery of governmental marine policy outcomes. The behaviour of the system should be underpinned by the ecosystem approach (Medcalf *et al*., 2012) and the parts are:

- **Policy development** – an activity for identifying issues and formulating governmental policy outcomes to address those issues.
- **Marine Management** – this is part of the policy delivery process and covers any management activity such as planning, permitting, or licensing of marine activities,

and any statutory advice regarding those processes or any other direct management activity in pursuit of a policy outcome.

- **Compliance** – this is part of the delivery process and covers any activity associated with ensuring compliance and enforcement in pursuit of policy outcomes.
- **Knowledge, information and analysis** - this includes evidence, statistics, monitoring of natural and human environment, and data and economics to support decision making in the other parts.

Figure 2.1 Integrated Marine Management System



Within the requirement of the MCAA to consider marine plans, most authorisation or enforcement decisions are encompassed by marine management or compliance. Other decisions affecting the marine area could sit within any of these four parts.

Using this framework of IMM, and the experience of the project team, initial mapping analysis was undertaken that covered twenty policy areas relevant to English marine plans across seven UK government departments that are delivered by twenty-seven different public bodies. This number of delivery bodies will increase significantly if individual Local Planning Authorities (LPAs) and Local Enterprise Partnerships (LEPs) are counted separately. For the purposes of this initial strategic mapping, LPAs and LEPs were counted as generic categories rather than listing all individual authorities at the sub-national level.

The following sections set out:

- Relevant policy areas, outcomes and roles for decision makers. It should be noted that this is not an exhaustive list.
- Relevant policy areas, legislation and roles for all other decisions affecting the marine area. It should be noted that it is not possible to provide an exhaustive list of primary and secondary legislation in these tables. Instead, reference has been made to the most relevant primary legislation, which is often that enabling the decision making. In general, reference to secondary legislation or regulation has not been included, although it was considered in the analysis. For the most up to date legislation surrounding a particular process, please refer to www.legislation.gov.uk.
- Whether each decision is made under either section 58(1) or 58(3) of the MCAA as previously defined.

2.1 Government Departments

The analysis identified seven UK government departments who have policy areas that are relevant to the English marine plans. A summary of these policy areas by government department is set out below. It should also be noted that some government departments have decision making responsibilities that sit within the core department and have not been delegated to an executive agency or non-departmental public body. Examples of this include the designation of marine protected areas, decision making on nationally significant infrastructure projects or the management of immigration and customs. Where this is the case, it has been highlighted in tables setting out delivery responsibilities, separately from departmental policy responsibilities.

Reflecting the difference between formulating and publishing policy as distinct from making decisions related to policy, where a government department has no responsibility for delivering decision making in a particular policy area this has not been included in any of the tables under that government department but has been picked up with the relevant delivery body. For government departments, marine plans will be most frequently used in relation to decisions (a) made by delivery bodies relevant to a department's policy area and (b) made in exercising retained departmental delivery responsibilities.

2.1.1 Department for Environment, Food and Rural Affairs

The Department for Environment, Food and Rural Affairs (Defra) has eight policy areas relevant to English marine plans. The table below sets out these policy areas, the national policy outcomes, and roles.

Table 1 Defra policy responsibilities

Policy area	Outcomes	Role
Marine biodiversity	Ecologically coherent network of MPAs by 2020	Designating MPA network, setting direction for management and engaging on policy with EU and UN
Sustainable use of marine resources	Marine plans in place by 2021 Establishment of a proportionate system of marine licensing	Approving statutory marine plans
Marine Pollution	Meeting our international obligations under the London Protocol on dumping, the OSPAR Convention and EU legislation	Setting future policy direction and guidance for marine pollution management including in relation to international agreements
Protecting threatened marine species	Complying with CITES Banning people from catching or killing certain species, and seeking ways to avoid their accidental capture in fisheries	Ensuring UK compliance with commitments to CITES and to EU Habitats and Birds Directives
Improving the marine environment	Meet targets for a healthy marine environment by 2020 as set in the MSFD	Directing UK commitments to the MSFD and for engagement with EU on the interpretation and implementation of the MSFD
Fisheries management	Implementing the CFP Improving the way, we manage fisheries Sustainable growth in the English aquaculture industry	Fisheries policy and engagement with EU on the CFP, including negotiation of fishing quota
Flooding and coastal change	Manage the risks of flooding Fund flood and coastal erosion risk management Deal with flood emergencies Make sure people get a fair deal with flood insurance	Directing policy, legislation, funding and emergency response for flood risk planning
Water quality	Improve the quality of our open waters, also known as ‘water-bodies’. These include rivers, streams, lakes, estuaries, coastal waters and groundwater.	Directing UK commitments to the WFD and for engagement with the EU on the interpretation and implementation of the WFD

Within these policy areas, Defra are also responsible for the management decisions as set out in Table 2.

Table 2 Defra delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Protected Area Designation	Marine Biodiversity	Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 EC Habitats and Birds Directives OSPAR Convention Convention on Biological Diversity	Defra make decisions on designating Marine Protected Areas, either as Marine Conservation Zones under the MCAA, or as European Marine Sites under the Habitats Regulations and EC Habitats and Birds Directives. Once designated, these sites are handed over to the MMO and IFCAs for management	s58.3
Nationally Significant Infrastructure Consenting	Flooding and Coastal Change Water Quality	Planning Act 2008 Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010	Defra make decisions on nationally significant infrastructure projects in the environment sector, which could include flood and coastal defence, or water infrastructure	s58.3
Marine Licensing	Sustainable Use of Marine Resources	Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 Marine Works (EIA) Regulations 2017 OSPAR Convention	Defra make decisions on marine licensing applications that have been called in	s58.1

2.1.2 Department for Business, Energy and Industrial Strategy

The Department for Business, Business, Energy and Industrial Strategy (BEIS) has four policy areas relevant to English marine plans. The table below sets out these policy areas, the national policy outcomes, and roles.

Table 3 BEIS policy responsibilities

Policy area	Outcomes	Role
Oil and gas production and extraction	Regulate and license energy industries to: • make sure all environmental impacts are assessed and managed • make work sites and working conditions as safe as possible • keep the industries competitive to promote further development • make sure the supply chain is contributing to the economy by paying licence fees and taxes	BEIS develop oil and gas policy
Planning and consents for national energy infrastructure (renewables, nuclear, coal, gas and biomass)	Regulate and license energy industries to: • make sure all environmental impacts are assessed and managed • make work sites and working conditions as safe as possible	BEIS direct national energy infrastructure policy
Clean Electricity	The delivery of the Clean Growth Strategy In the context of the UK's legal requirements under the Climate Change Act, the UK's approach to reducing emissions has 2 guiding objectives: • To meet our domestic commitments at the lowest possible net cost to UK taxpayers, consumers and businesses; and, • To maximise the social and economic benefits for the UK from this transition. In order to meet these objectives, the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible	BEIS direct Clean Energy infrastructure policy
Sustainable use of marine resources	Marine plans in place by 2021	BEIS advise on the development of statutory marine plans

Within these policy areas, BEIS are also responsible for management decisions as set out in Table 4.

Table 4 BEIS delivery responsibilities

Decision making regime	Policy Area	Legislation	Role	MCAA
Environmental regulation of exploration and production Decommissioning of oil and gas structures	Oil and gas production and extraction	Petroleum Act 1998 The Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999 The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended) Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 OSPAR Convention The Energy Act 2008	The Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) is a division of BEIS that makes decisions on the environmental regulation of oil and gas exploration, production and decommissioning	s58.1
National Infrastructure Consenting	Planning and consents for national energy infrastructure (renewables, nuclear, coal, gas and biomass)	Planning Act 2008 Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007	The National Infrastructure Consenting Unit is a division of BEIS that make decisions on recommendations to the Secretary of State in relation to electricity generating installations	s58.3

2.1.3 Department for Transport

The Department for Transport (DfT) has three policy areas particularly relevant to English marine plans. The table below sets out these policy areas, the national policy outcomes, and roles.

Table 5 DfT policy responsibilities

Policy area	Outcomes	Role
Maritime Safety and Environment	Improve maritime security and safety, including search and rescue capabilities	DfT develop maritime safety and environment policy
Maritime Commerce and Infrastructure	Encourage commercial development by ports Help the maritime sector to grow	DfT direct maritime commerce and infrastructure, maritime security and resilience, maritime growth and maritime trade
Sustainable use of marine resources	Marine plans in place by 2021	DfT advise on the development of statutory marine plans

Within these policy areas, DfT are also responsible for management decisions as set out in Table 6.

Table 6 DfT delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Nationally significant infrastructure consenting	Maritime Commerce and Infrastructure	Planning Act 2008 Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007	The Secretary of State for Transport makes decisions on nationally significant infrastructure projects in the transport sector, which could include ports, coastal rail lines and motorways	s58.3
Marine Accidents	Maritime Safety and Environment	Merchant Shipping (Accident Reporting and Investigation) Regulations 2012	The Marine Accident and Investigation Branch (MAIB) are an independent unit within DfT that makes decisions on investigations and the publishing of reports to determine the causes of accidents at sea, increasing awareness of how marine accidents happen and improving national and international co-operation in marine accident investigations	s58.3

2.1.4 Ministry for Housing, Communities and Local Government

The Ministry for Housing Communities and Local Government (MHCLG) has four policy areas relevant to English marine plans. The table below sets out policy areas, national policy outcomes, and roles.

Table 7 MHCLG policy responsibilities

Policy area	Outcomes	Role
Decentralisation and Growth	The delivery of City Deals and Growth Deals An economy not dependent on a narrow range of industry sectors, driven by private sector growth, with business opportunities evenly balanced across the country and between industries. A reduction in burdens for businesses, particularly in terms of lower tax levels, planning and other administrative burdens.	Developing policy relating to decentralisation and growth and for the establishment of Local Enterprise Partnerships and Enterprise Zones. BEIS are also involved in this policy area
Economic Development in Coastal and Seaside Areas	Investment in coastal cities, towns and villages to help their economies to grow and to support them to reduce unemployment and deprivation	Developing policy on economic development in coastal and seaside areas
Planning System	Provide a National Planning Policy Framework Simplify planning guidance Reform the infrastructure planning process Local development plans in place in all local planning authorities	MHCLG direct policy on the national planning system
Sustainable use of marine resources	Marine plans in place by 2021	MHCLG advise on the development of statutory marine plans

Within these policy areas, MHCLG are also responsible for management decisions as set out in Table 8.

Table 8 MHCLG delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Devolution to the regions, unlocking growth in cities and Local Growth white paper	Decentralisation and Growth	Localism Act 2011 Cities and Local Government Devolution Act 2016	MHCLG Directorate of Decentralisation and Growth makes decisions on city deals, growth deals and LEP delivery. The Cities Policy Unit supports delivery of city deals.	s58.3
Local Plan Development and Planning Development Control	Planning system	Town and Country Planning Act 1990 Conservation of Habitats and Species Regulations 2010 Town and Country Planning (EIA) Regulations 2017	MHCLG makes decisions on local planning decisions that have been called in	s58.1

2.1.5 Department for Digital, Culture, Media and Sport

The Department for Digital, Culture, Media and Sport (DCMS) has three policy areas relevant to English marine plans. The table below sets out these policy areas, the national policy outcomes, and roles.

Table 9 DCMS policy responsibilities

Policy area	Outcomes	Role
Marine and Coastal Heritage	Protection and conservation of England's historic environment for the benefit of present and future generations, and for helping people access and enjoy these 'heritage assets' Protection of shipwreck sites of archaeological, historical or artistic importance by giving them protected wreck site status	DCMS develop policy on marine and coastal heritage
Tourism	Strengthening co-ordination and collaboration in the tourism landscape Improving skills by boosting apprenticeships and attracting more people to careers in tourism Examine the scope for deregulation Making it easier for visitors to explore by rail, bus and coach	DCMS develop policy on tourism but multiple government departments invest in this policy area, e.g. Defra, Home Office, MHCLG and DfT
Sustainable use of marine resources	Marine plans in place by 2021	DCMS advise on the development of statutory marine plans

2.1.6 Ministry of Defence

The Ministry of Defence (MOD) has three policy areas relevant to English marine plans. The table below sets out these policy areas, the national policy outcomes, and roles.

Table 10 MOD policy responsibilities

Policy area	Outcomes	Role
Maritime Defence	Preventing conflict Providing security at sea Maintaining a state of readiness to fight Protecting UK economy	MOD develop policy on maritime defence
Marine and Coastal Heritage	Protection of military remains	MOD develop policy on the protection of military remains
Sustainable use of marine resources	Marine plans in place by 2021	MOD advise on the development of statutory marine plans

Within these policy areas, MOD are also responsible for management decisions as set out in Table 11.

Table 11 MOD delivery responsibilities

Decision making regime	Policy Area	Legislation	Role	MCAA
Protection of military remains	Marine and Coastal Heritage	Protection of Military Remains Act 1986	MOD makes decisions on designating protected places and controlled sites, and for controlling access to them	s58.1

2.1.7 Home Office

The Home Office has two policy areas relevant to English marine plans. The table below sets out these policy areas, the high level outcomes, and roles.

Table 12 Home Office policy responsibilities

Policy area	Outcomes	Role
Immigration and Borders	To simplify and improve immigration policy and law and policy to make sure the UK has an internationally competitive visa system and an efficient and effective enforcement operation. To secure the border and promote national prosperity by facilitating the legitimate movement of individuals and goods, whilst preventing those that would cause harm from entering the UK.	Home Office develops policy on Immigration and Borders
Sustainable use of marine resources	Marine plans in place by 2021	Home Office advise on the development of statutory marine plans

Within these policy areas, the Home Office are also responsible for management decisions through Border Force as set out in Table 13. Border Force is a law enforcement command within the Home Office. This secures the UK border by carrying out immigration and customs controls for people and goods entering the UK.

Table 13 Home Office delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Customs / Immigration controls	Immigration and Borders	Immigration Act 1971 Borders, Citizenship and Immigration Act 2009 UK Borders Act 2007	Border Force makes decisions on managing customs and immigration	s58.3

2.2 Agencies and other Public Bodies

2.2.1 Marine Management Organisation

The Marine Management Organisation (MMO) license, regulate and plan marine activities in the seas around England so that they are carried out in a sustainable way. The MMO is an executive non-departmental public body, sponsored by Defra.

Table 14 MMO delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Conservation Management	Marine Biodiversity	Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 EU Habitats and Birds Directives OSPAR Convention Convention on Biological Diversity	MMO makes decisions on stewardship of MPAs >6nm, including management plans and making byelaws MMO makes decisions on enforcement in waters >6 nm	s58.3 s58.3
Marine licensing	Sustainable use of marine resources Marine pollution Improving the marine environment Flooding and coastal change Water quality Clean Growth Maritime Commerce and Infrastructure Marine and Coastal Heritage	Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 Marine Works (EIA) Regulations 2017 Electricity Act 1989 Marine Strategy Regulations 2010 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 OSPAR Convention EU Habitats and Birds Directives EU Water Framework Directive EU Marine Strategy Framework Directive	MMO makes decisions on marine licensing MMO makes decisions on enforcement of marine licensing	s58.1 s58.1

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Planning	Sustainable use of marine resources All other policy areas	Marine and Coastal Access Act 2009 EU MSP Directive	MMO makes decisions on preparing and monitoring marine plans	s58.3
European Protected Species Licensing	Protecting threatened marine species	Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 EU Habitats and Birds Directives	MMO makes decisions on EPS licensing MMO makes decisions on enforcement of EPS licensing	s58.1 s58.1
Fishing vessel licensing	Fisheries management	Marine and Coastal Access Act 2009 Sea Fisheries (Conservation) Act 1967 Sea Fisheries (Shellfish) Act 1967 Fishing regulations in the Government Blue Book (MMO, 2015a)	MMO makes decisions on fishing vessel licensing >6nm MMO makes decisions on enforcement of fishing vessel licensing	s58.1 s58.1
Quota and effort management	Fisheries management	Marine and Coastal Access Act 2009 Sea Fisheries (Conservation) Act 1967 Sea Fisheries (Shellfish) Act 1967 Legislation under the Common Fisheries Policy	MMO makes decisions on quota management >6nm (s.58.1) MMO makes decisions on enforcement of quota management	s58.1 s58.1
Fisheries byelaws	Fisheries management	Marine and Coastal Access Act 2009 Sea Fisheries (Conservation) Act 1967 Sea Fisheries (Shellfish) Act 1967	MMO makes decisions on fisheries byelaws >6nm MMO makes decisions on enforcement of fisheries byelaws	s58.1 s58.1
European Maritime and Fisheries Fund	Marine Biodiversity Sustainable use of marine resources Improving the marine env. Fisheries Management	Marine and Coastal Access Act 2009 REGULATION (EU) No 508/2014	MMO makes decisions on authorising funding applications in England MMO is UK Management Authority	s58.3 s58.3
National infrastructure consenting	See PINS	See PINS	MMO advises PINS on marine matters MMO makes decisions on enforcement of deemed marine licence	s58.3 s58.1

Decision making regime	Policy area	Legislation	Role	MCAA
Pollution prevention and response	See MCA	See MCA Marine and Coastal Access Act 2009 Marine Licensing (Exempted Activities) Order 2011	MMO makes decisions on the use of oil spill dispersants	s58.1
Harbour Orders	Maritime Commerce and Infrastructure	Harbours Act 2003	MMO makes decisions on empowerment or revision of Harbour Authority powers	s58.1
Local Plan development Planning Development Control	Planning System	Town and Country Planning Act 1990 Conservation of Habitats and Species Regulations 2010 Town and Country Planning (EIA) Regulations 2017	MMO advise local planning authorities below mean high water springs	s58.3

2.2.2 Inshore Fisheries and Conservation Authorities

Inshore Fisheries and Conservation Authorities (IFCAs) are either committees or joint committees of the local authorities that fall within an Inshore Fisheries and Conservation district. They are tasked with the sustainable management of inshore sea fisheries resources in their local area. They are made up of representatives from the constituent local authorities (who provide funding for the IFCA) along with people from across the different sectors that use or are knowledgeable about the inshore marine area, such as commercial and recreational fishermen, environmental groups and marine researchers, many of which offer their time voluntarily.

Table 15 IFCA delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Conservation Management	Marine Biodiversity	Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 EU Habitats and Birds Directives OSPAR Convention Convention on Biological Diversity	IFCAs make decisions on stewardship of MPAs <6nm, including management plans and making byelaws IFCAs issue permits and make decisions on enforcement in waters <6 nm	s58.1 s58.1
Marine Licensing	See MMO	See MMO	IFCAs advise MMO on marine licence applications <6nm	s58.3
Quota and effort management	Fisheries management	Marine and Coastal Access Act 2009 Sea Fisheries (Conservation) Act 1967 Sea Fisheries (Shellfish) Act 1967	IFCA makes decisions on sea fisheries resources <6nm	s58.1
Fisheries byelaws	Fisheries management	Marine and Coastal Access Act 2009 Sea Fisheries (Conservation) Act 1967 Sea Fisheries (Shellfish) Act 1967	IFCAs make decisions on fisheries byelaws <6nm	s58.1

2.2.3 Seafish

Seafish is an NDPB set up by the Fisheries Act 1981 to improve efficiency and raise standards across the seafood industry. They are funded by a levy on the first sale of seafood products in the UK, including imported seafood in accordance with the 1981 Fisheries Act. They operate at arm's length from their joint sponsors, the four Fisheries Administrations.

Table 16 Seafish delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Responsible Fishing	Fisheries Management	Fisheries Act 1981	Seafish advises industry partners to make informed and responsible decisions	s58.3
Safety and training	Fisheries Management	Fisheries Act 1981	Seafish advises industry partners to make informed and responsible decisions	s58.3
Responsible Fishing Ports	Fisheries Management	Fisheries Act 1981	Seafish advises industry partners to make informed and responsible decisions	s58.3
Fisheries Management	Fisheries Management	Fisheries Act 1981	Seafish provides advice for informing the legislative process; providing information and advice on issues relating to product integrity, social responsibility and animal welfare; key industry performance information and the economic analysis and advice relied upon by industry.	s58.3

2.2.4 Planning Inspectorate

The Planning Inspectorate (PINS) deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework in England and Wales. The Planning Inspectorate is an executive agency, sponsored by the Ministry of Housing, Communities and Local Government, and the Welsh Government.

Table 17 PINS delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
National Infrastructure Planning	Flooding and Coastal Change Water Quality Planning and consents for national energy infrastructure (renewables, nuclear, coal, gas and biomass) Maritime Commerce and Infrastructure	Planning Act 2008 Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 Marine Strategy Regulations 2010 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 OSPAR Convention EU Habitats and Birds Directives EU Water Framework Directive EU Marine Strategy Framework Directive	PINS makes decisions on recommendations to Secretary of State on national infrastructure applications	s58.3
Local Plan development	Planning System Flooding and coastal change Water quality Maritime commerce and infrastructure Decentralisation and growth Economic development in coastal and seaside areas Tourism Marine and Coastal Heritage	Town and Country Planning Act 1990	PINS inspectors lead the examination in public process related to Local Authority plans prior to their adoption, making recommendations for necessary changes. PINS also make decisions on ensuring the Planning Advisory Service soundness checklist is adhered to when making soundness decisions at the examination in public stage of local development plan adoption.	s58.3

2.2.5 Natural England

Natural England (NE) are the government's adviser for the natural environment in England out to 12 nm, helping to protect England's nature and landscapes for people to enjoy, and for the services they provide. Natural England is an executive non-departmental public body, sponsored by Defra.

Table 18 Natural England delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Protected Area Designation	Marine Biodiversity	Marine and Coastal Access Act 2009 Conservation of Habitats and Species Regulations 2010 Offshore Marine Conservation Regulations 2007 EU Habitats and Birds Directives OSPAR Convention Convention on Biological Diversity	NE advises Defra on designation of Marine Protected Areas <12nm	s58.3
Marine Conservation Management	See MMO / IFCA	See MMO / IFCA	NE advises MMO and IFCA's on management of Marine Protected Areas <12 nm NE responsible for monitoring MPAs <12 nm	s58.3 s58.3
Marine Licensing	See MMO	See MMO	NE advises MMO on marine licensing <12 nm	s58.3
European Protected Species Licensing	See MMO	See MMO	NE advises MMO on EPS Licensing	s58.3
Marine Planning	See MMO	See MMO	NE advises MMO on marine planning <12 nm	s58.3
Fisheries byelaws	See MMO / IFCA	See MMO / IFCA	NE advises MMO on fisheries byelaws for marine environmental purposes <12 nm	s58.3
Environmental Permitting	See EA	See EA	NE advises EA on environmental permitting	s58.3
Shoreline Management Planning	See EA	n/a	NE advises EA and LPAs on the development and approval of SMPs	s58.3
Regional Flood Risk Management Plans	See Local Flood Authorities	See Local Flood Authorities	NE advises Local Flood Authorities on the development of CFMPs	s58.3

Decision making regime	Policy area	Legislation	Role	MCAA
River Basin Management Planning	See EA	See EA	NE advises EA on the development and delivery of RBMPs	s58.3
Environmental regulation of oil and gas exploration, production and decommissioning	See EA	See BEIS	NE advises BEIS (OPRED) on the environmental regulation of oil and gas exploration, production and decommissioning <12 nm	s58.3
National infrastructure consenting	See PINS	See PINS	NE advises PINS and Secretary of State on national infrastructure consenting <12 nm	s58.3
Crown Estate leasing	See TCE	See TCE	NE advises TCE on the development of leasing rounds for renewable energy and marine aggregates <12 nm	s58.3
Local Plan development Planning Development Control	See LPA	See LPA	NE advises LPA on local plan development and plan development control	s58.3
Harbour Authority consenting regimes	See Harbour Authority	See Harbour Authority	NE advises Harbour Authorities on consent decisions	s58.3
Marine Conservation Management	Marine Biodiversity	Wildlife and Countryside Act 1981 (amended 1985) Countryside and Rights of Way Act 2000 Water Resources Act 1991	NE consents activity within Sites of Special Scientific Interest (SSSIs) <12 nm	s.58.1

2.2.6 Joint Nature Conservation Committee

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to the government and devolved administrations on UK and international nature conservation. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems. In marine it operates from 12 nm to the EEZ limit. JNCC is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs.

Table 19 JNCC delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Protected Area Designation	See Defra	See Defra	JNCC advises Defra on designation of MPAs >12nm	s58.3
Marine Conservation Management	See MMO	See MMO	JNCC advises MMO on management of Marine Protected Areas >12 nm	s58.3
European Protected Species Licensing	See MMO	See MMO	JNCC advises MMO on EPS Licensing	s58.3
Marine Licensing	See MMO	See MMO	JNCC advises MMO on marine licensing >12 nm	s58.3
Marine Planning	See MMO	See MMO	JNCC advises MMO on marine planning >12 nm	s58.3
Fisheries byelaws	See MMO	See MMO	JNCC advises MMO on fisheries byelaws for marine environmental purposes >12 nm	s58.3
Environmental regulation of oil and gas exploration, production and decommissioning	See BEIS	See BEIS	JNCC advises BEIS (OPRED) on the environmental regulation of oil and gas exploration, production and decommissioning >12 nm	s58.3
National infrastructure consenting	See PINS	See MMO	JNCC advises PINS and Secretary of State on national infrastructure consenting >12 nm	s58.3
Crown Estate leasing	See TCE	See TCE	JNCC advises TCE on the development of leasing rounds for renewables and marine aggregates >12 nm	s58.3

2.2.7 Centre for Environment, Fisheries and Aquaculture Science

The Centre for Environment, Fisheries and Aquaculture Science (Cefas) collects, manages and interprets data on the aquatic environment, biodiversity and fisheries. Cefas is an executive agency, sponsored by the Department for Environment, Food & Rural Affairs.

Table 20 Cefas delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Protected Area Designation	See Defra	See Defra	Cefas advises Defra on MPA designation	s58.3
Marine Conservation Management	See MMO	See MMO	Cefas advises MMO on MPA management	s58.3
Marine licensing	See MMO	See MMO	Cefas advises MMO on marine licensing	s58.3
Quota and effort management	See MMO	See MMO	Cefas advises MMO and Defra on quota and effort management	s58.3
Fisheries byelaws	See MMO	See MMO	Cefas advises MMO on fisheries byelaws	s58.3
Fish, shellfish or crustacean farm authorisation	Fisheries management	Aquatic Animal Health (England & Wales) Regulations 2009 Alien and Locally Absent Species in Aquaculture (England & Wales) Regs 2011	The Fish Health Inspectorate within Cefas make decisions on authorising aquaculture production businesses	s58.1
Environmental regulation of oil and gas exploration, production and decommissioning	See BEIS	See BEIS	Cefas advises BEIS (OPRED) on the environmental regulation of oil and gas exploration, production and decommissioning	s58.3
National infrastructure consenting	See PINS	See PINS	Cefas advises MMO on national infrastructure consenting	s58.3
Pollution prevention and response	See MCA	See MCA	Cefas advises MCA on pollution prevention and response	s58.3

2.2.8 The Crown Estate

The Crown Estate (TCE) is an independent commercial business, created by an Act of Parliament, with a diverse portfolio of UK buildings, shoreline, seabed, forestry, agriculture and common land. The business generates valuable revenue for the government and over the last 10 years has contributed £2.6 billion to the Consolidated Fund. The Crown Estate works with HM Treasury.

Table 21 TCE delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Crown Estate leasing	Sustainable use of marine resources Clean Energy	Crown Estate Act 1961	TCE make decisions on the development of leasing rounds for renewable energy and marine aggregates TCE make decisions on issuing leases for developers to operate on the seabed of the UK EEZ	s58.3 s58.1
Seabed Survey Licence	Sustainable use of marine resources Clean Energy	Crown Estate Act 1961	TCE make decisions on providing permission to access the seabed/foreshore that they manage	s58.1
Marine Small Works Consent	See marine licensing	Crown Estate Act 1961	TCE make decisions on permission for activities taking place on or under the seabed / foreshore that they manage	s58.1
Marine licensing	See MMO	See MMO	TCE advise MMO on marine licensing	s58.3
Marine planning	See MMO	See MMO	TCE advise MMO on marine planning	s58.3
Nationally Significant Infrastructure Consenting	See PINS	See PINS	TCE advise PINS on national infrastructure consenting	s58.3

2.2.9 Maritime and Coastguard Agency

The Maritime and Coastguard Agency (MCA) work to prevent the loss of life on the coast and at sea. They produce legislation and guidance on maritime matters and provide certification to seafarers. MCA is an executive agency, sponsored by DfT.

Table 22 MCA delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine licensing	See MMO	See MMO	MCA advise MMO on marine licensing	s58.3
Marine planning	See MMO	See MMO	MCA advise MMO on marine planning	s58.3
National infrastructure consenting	See PINS	See PINS	MCA advise PINS on national infrastructure consenting	s58.3
Environmental regulation of oil and gas exploration, production and decommissioning	See BEIS	See BEIS	MCA advise BEIS (OPRED) on the environmental regulation of oil and gas exploration, production and decommissioning	s58.3
Port Marine Safety Code	Maritime Safety and Environment	Merchant Shipping Act 2006 and all resulting regulations Marine Safety Act 2003 Safety of Life at Sea (SOLAS), 1974, and Protocol, 1988 International Regulations for Preventing Collisions at Sea (COLREGs) 1972	MCA make decisions on whether Harbour Authorities are compliant with the code	s58.1
Ship survey and inspection	Maritime Safety and Environment	Merchant Shipping Act 2006 and all resulting regulations Marine Safety Act 2003 Harbours Act 2003 Safety of Life at Sea (SOLAS), 1974, and Protocol, 1988 Maritime Labour Convention (MLC), 2006 Load Lines 1966, and Protocol of 1988	MCA make decisions on enforcing standards on ship safety through their survey and inspection regime	s58.1
Emergency response	Maritime Safety and Environment	Merchant Shipping Act 2006 and all resulting regulations	MCA makes decisions as lead authority and Category 1 responder for maritime emergencies under the Civil Contingencies Act 2004	s58.3

Decision making regime	Policy area	Legislation	Role	MCAA
		Safety of Life at Sea (SOLAS), 1974, and Protocol, 1988 International Regulations for Preventing Collisions at Sea (COLREGs) 1972 The International Convention on Maritime Search and Rescue, 1979 Civil Contingencies Act 2004		
Seafarers safety	Maritime Safety and Environment	Merchant Shipping Act 2006 and all resulting regulations Standards of training, certification and watch keeping for Seafarers 1978 (STCW)	MCA make decisions on enforcing standards on seafarer health, safety and welfare through their survey and inspection regime	s58.1
Pollution prevention and response	Maritime Safety and Environment	Merchant Shipping Act 2006 and all resulting regulations Prevention of Pollution from Ships (MARPOL), 1973, and Protocol, 1978	MCA make decisions on enforcing standards on pollution prevention and response through their survey and inspection regime & providing a pollution prevention and response capability	s58.1

2.2.10 Environment Agency

The Environment Agency (EA) work to create better places for people and wildlife and support sustainable development. EA is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs.

Table 23 Environment Agency delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine Licensing	See MMO	See MMO	EA advise MMO on marine licensing <1 nm	s58.3
Marine planning	See MMO	See MMO	EA advise MMO on marine planning <1nm	s58.3
Environmental Permitting	Flooding and Coastal Change Water quality	Environment Act 1995 Environmental Permitting Regulations 2016	EA makes decisions on permitting flood and coastal defence works and water discharges	s58.1
Shoreline Management Planning	Flooding and Coastal Change	n/a	EA make decisions on the delivery of SMPs	s58.3
Regional Flood Risk Management Planning	Flooding and Coastal Change	The Flood Risk Regulations 2009 Flood and Water Management Act 2010 EU Floods Directive	EA advise Local Flood Authorities on the development of CFMPs	s58.3
River Basin Management Planning	Water Quality	Water Environment (WFD) (England and Wales) Regulations 2017 EU Water Framework Directive	EA make decisions on the delivery of RBMPs and associated programmes of measures	s58.3
National infrastructure consenting	See PINS	See PINS	EA advise PINS on national infrastructure consenting	s58.3
Environmental regulation of exploration and production	See BEIS	See BEIS	EA advise BEIS on the environmental regulation of oil and gas exploration, production and decommissioning <1nm	s58.3
Local Plan development Planning Development Control	See LPA	See LPA	EA advise LPA on local plan development and plan development control	s58.3

2.2.11 Local Planning Authorities

A local planning authority (LPA) is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the United Kingdom. LPAs are given direction and funding by MHCLG but are run by locally elected representatives.

Table 24 LPA delivery responsibilities

Decision making regime	Policy area	Legislation	Role	
Marine licensing	See MMO	See MMO	LPAs advise MMO on marine licensing and duty to comply with the Coastal Concordat	s58.3
Marine planning	See MMO	See MMO	LPAs advise MMO under duty to cooperate in the development of marine plans	s58.3
Shoreline Management Planning	See EA	n/a	LPAs make decisions on the delivery of SMPs with EA	s58.3
Regional Flood Risk Management Plans	See Local Flood Authorities	See Local Flood Authorities	LPAs make decisions on establishing Local Flood Authorities to develop CFMPs	s58.3
River Basin Management Planning	See EA	See EA	LPAs make decisions on developing RBMPs with EA	s58.3
Local Plan development	Planning System Flooding and coastal change Water quality Maritime commerce and infrastructure Decentralisation and growth Economic development in coastal and seaside areas Tourism Marine and Coastal Heritage	Town and Country Planning Act 1990 Conservation of Habitats and Species Regulations 2010 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 Planning (listed building and conservation areas) Act 1990 Ancient Monuments and Archaeological Areas Act 1979 OSPAR Convention EU Habitats and Birds Directives EU Water Framework Directive	LPAs make decisions on the development of local plans	s58.3

Decision making regime	Policy area	Legislation	Role	
Planning Development Control	See above	See above plus Town and Country Planning (EIA) Regulations 2017	LPAs make decisions on planning permission in line with the local plan LPAs make decisions on enforcement of local plans	s58.1 s58.1
Nationally Significant Infrastructure Consenting	See PINS	Planning Act 2008	LPAs provide advice to PINS on national infrastructure consenting	s58.3
Devolution to the regions	Decentralisation and Growth	Localism Act 2011 Cities and Local Government Devolution Act 2016	LPAs responsible for making decisions on which city deals and growth deals to put forward to government	s58.3

2.2.12 Local Flood Authorities

Lead Local Flood Authorities (LFAs, unitary authorities or county councils) are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets.

Table 25 Local Flood Authorities delivery responsibilities

Decision making regime	Policy area	Legislation	Role	
Regional Flood Risk Management Planning	Flooding and Coastal Change	The Flood Risk Regulations 2009 Flood and Water Management Act 2010 EU Floods Directive	LFAs make decisions to develop and deliver CFMPs with the EA	s58.3

2.2.13 Regional Flood and Coastal Committees

Each Regional Flood & Coastal Committee (RFCC) is a committee established by the Environment Agency under the Flood & Water Management Act 2010. The Environment Agency must consult with RFCCs about flood and coastal risk management (FCRM) work in their region and take their comments into consideration. RFCCs approve the annual programme of FCRM work in their region and set the local levy that funds FCRM activities within the region that are a local priority.

Table 26 Regional Flood and Coastal Committee delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Regional Flood Risk Management Planning	Flooding and Coastal Change	The Flood Risk Regulations 2009 Flood and Water Management Act 2010 EU Floods Directive	RFCCs advise EA on flood and coastal risk management work in their region	s58.3

2.2.14 Historic England

Historic England (HE) is the government's statutory adviser on the historic environment, championing historic places and helping people to understand, value and care for them. HE is an executive non-departmental public body, sponsored by the Department for Digital, Culture, Media & Sport.

Table 27 Historic England delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Marine licensing	See MMO	See MMO	HE provides advice to MMO on marine licensing	s58.3
Marine planning	See MMO	See MMO	HE provides advice to MMO on marine planning	s58.3
National infrastructure consenting	See PINS	See PINS	HE provides advice to PINS on national infrastructure consenting	s58.3
Protected wreck licensing	Marine and coastal heritage	Protection of Wrecks Act 1973 Convention on the Protection of the Underwater Cultural Heritage 2001	HE make decisions on designating historic wrecks and controlling access to them (s.58.1)	S58.1
Protection of military remains	Marine and coastal heritage	Protection of Military Remains Act 1986 Convention on the Protection of the Underwater Cultural Heritage 2001	HE provides advice to MOD designating protected places and controlled sites, and for controlling access to them	s58.3

2.2.15 Oil and Gas Authority

The Oil and Gas Authority's (OGA) role is to regulate, influence and promote the UK oil and gas industry in order to maximise the economic recovery of the UK's oil and gas resources. The OGA is an executive agency of BEIS.

Table 28 OGA delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Exploration licensing	Oil and Gas Production and Extraction	Petroleum Act 1998 Energy Act 2016 Conservation of Habitats and Species Regulations 2010 Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001	OGA make decisions on licensing oil and gas exploration	s58.1
Production licensing	Oil and Gas Production and Extraction	Petroleum Act 1998 Energy Act 2016 Conservation of Habitats and Species Regulations 2010 Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001	OGA make decisions on licensing oil and gas production	s58.1

2.2.16 Harbour Authorities

Competent Harbour Authorities in the United Kingdom are those harbour authorities that have been given statutory powers relating to the provision of pilotage in their waters.

Table 29 Harbour Authorities delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Port Marine Safety Code	Maritime Safety and Environment	Merchant Shipping Act 2006 and all resulting regulations Marine Safety Act 2003 Safety of Life at Sea (SOLAS) 1974, and Protocol, 1988 International Regulations for Preventing Collisions at Sea (COLREGs) 1972	Harbour Authorities are responsible for complying with the Port Marine Safety Code	s58.3
Harbour Authority consenting regimes	Maritime Commerce and Infrastructure	Various harbour acts	Harbour Authorities make decisions in relation to local harbour acts	s58.1
Marine Licensing	See MMO	See MMO	Harbour Authorities provide advice to MMO on marine licensing	s58.3

2.2.17 Animal and Plant Health Agency

The Animal and Plant Health Agency (APHA) work to safeguard animal and plant health for the benefit of people, the environment and the economy. APHA is an executive agency, sponsored by Defra, the Welsh Government and The Scottish Government.

Table 30 APHA delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
CITES Licensing	Protecting threatened marine species	Control of Trade in Endangered Species 2009	APHA make decisions on CITES licensing	s58.1

2.2.18 Local Enterprise Partnerships

Local Enterprise Partnerships (LEPs) are locally-owned partnerships between local authorities and businesses. They play a central role in deciding local economic priorities and undertaking activities to drive economic growth and create local jobs.

Table 31 LEP delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Devolution to the regions	Decentralisation and Growth	Localism Act 2011 Cities and Local Government Devolution Act 2016	LEPs make decision on LEP delivery and enterprise zones	s58.3

2.2.19 Big Lottery Fund

The Big Lottery Fund gives grants to organisations in the UK to help improve their communities. The money awarded comes from the UK National Lottery.

Table 32 Big Lottery Fund delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Coastal Communities Fund	Economic Development in Coastal and Seaside Areas	n/a	Big Lottery Fund make decisions on Coastal Communities Fund on behalf of MHCLG	s58.3

2.2.20 Visit England

As the national tourism agency – a non-departmental public body funded by DCMS - VisitEngland plays a unique role in building England's tourism product, raising Britain's profile worldwide, increasing the volume and value of tourism exports, and developing England's visitor economy.

Table 33 Visit England delivery responsibilities

DM regime	Policy area	Legislation	Role	MCAA
Tourism Action Plan	Tourism	n/a	Visit England make decisions on administering Discover England fund	s58.3

2.2.21 UKHO

The United Kingdom Hydrographic Office (UKHO) collects and supplies hydrographic and geospatial data for the Royal Navy and merchant shipping, to protect lives at sea. Working with other national hydrographic offices, they set and raise global standards of hydrography, cartography and navigation. UKHO is an executive agency, sponsored by the Ministry of Defence.

Table 34 UKHO delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Accuracy of hydrographic data	Maritime Safety and Environment	n/a	UKHO collects and supplies hydrographic and geospatial data for the Royal Navy and merchant shipping, to protect lives at sea	s58.3

2.2.22 Office of National Statistics

The Office for National Statistics (ONS) is the UK's largest independent producer of official statistics and the recognised national statistical institute of the UK. It is responsible for collecting and publishing statistics related to the economy, population and society at national, regional and local levels. It plays a leading role in national and international good practice in the production of official statistics. ONS works with the UK Statistics Authority.

Table 35 ONS delivery responsibilities

Decision making regime	Policy area	Legislation	Role	MCAA
Maritime Growth Strategy	Maritime Commerce and Infrastructure	n/a	ONS provide data and analysis to DfT to support Maritime Growth and trade policy	s58.3
Measures of national and regional growth	Decentralisation and Growth	n/a	ONS provides analysis on national and regional growth indicators	s58.3
Tourism Action Plan	Tourism	n/a	ONS provides data and analysis on the tourism industry	s58.3

2.3 Summary of Findings

This analysis has identified seven government departments and 22 public bodies. As set out in section 1.1, government departments should be using the marine plans to guide their policy development process when it relates to marine or maritime policy.

An overview of the government departments and public bodies involved in management decision making is set out in Table 36. It should be noted that there are some bodies that are not included below. For expediency, the Defence Infrastructure Organisation (DIO) has been included within the MOD, as they are an operational part of the MOD. Additionally, the Coal Authority has not been included as they were not believed to have any significant decisions of relevance to the marine planning process.

Table 36: Decision-making departments and bodies in the UK

Name	Decision Maker	Adviser	Total
MMO	10	2	12
Natural England		15	15
IFCA	3	1	4
PINS	1		1
BEIS	2		2
JNCC		9	9
MCA	6	4	10
Environment Agency	4	5	9
LPA	6	3	9
DCMS	2	1	3
Defra	3		3
Cefas	1	8	9
Crown Estate	3	3	6
Historic England	2	3	5
Harbour Authorities	2	1	3
OGA	2		2
LEP	1		1
LFA	1		1
RFCC	1		1
DfT	2		2
MHCLG	2		2
Seafish		4	4
MOD	1		1
Home Office	1		1
Big Lottery Fund	1		1
VisitEngland	1		1
UKHO		1	1
ONS		3	3
APHA	1		1
Totals	59	63	122

A count has been made of the decision-making regimes each of these organisations are involved in, either as a decision maker or adviser, that should consider the marine plans. Table 36 shows the ranking of these bodies using total number of regimes they are involved in, and an expert assessment of the importance of those regimes. For example, PINS are only involved in one decision-making regime, which is national infrastructure consenting, but this is of the highest national importance; similarly, Cefas are involved in nine regimes, but only one where they are the decision maker and not a scientific adviser.

3 Stakeholder engagement

3.1 Questionnaire development

Options for capturing decision maker's knowledge and opinions of marine plans were discussed with the MMO Marine Planning Team. It was decided that an online survey would be the best option as it provided the ability to reach a wide audience, gave participants time to consider their answers, gave participants the option of when to respond within a three-week window, ensured consistency and hence comparable questioning, and ensured that the captured responses accurately reflected the respondents' views.

The survey questionnaire was designed on the online survey software 'SurveyMonkey'. This software was chosen because of the online interface, options for question types, and analysis tools that it offered. It is also one of the most common online survey services and so it was likely that some of the decision makers would have been familiar with the format. In the case of those questioned who were advisers rather than decision-makers, the questions were adapted to cover advisory functions.

The range of questions were designed to capture information in respect of the following themes:

- Individual respondent – role, grade, time in job role – intended to inform subsequent data analysis and implementation mapping
- Respondent's organisation – spatial extent of decision-making authority (location, scale, distance from coast)
- Marine sectors of relevance
- Role in decision-making, including any joint decision-making
- Relevant legislation and policy outcomes to the respondent
- Awareness of existing marine plans and plan policies
- How marine plans and policies are used in decision-making
- Intentions to use marine plans and policies in the future
- Preferred format and function for capture of decision-making responsibilities and processes
- Preferred method to communicate the availability and function of the process map

The online survey was sent to a list of specific decision makers and advisers, identified by the project team and the MMO, and was live from 24 November to 22 December 2017. Further emails were sent by MMO on the 14 and 18 December 2017 in order to remind invitees about the deadline.

The full questionnaire is presented in PDF format in Appendix A.

3.2 Survey responses

The total number of completed questionnaire responses totalled 18. A total of 28 of the 50 invited participants responded to the online survey within the specific timeframe. Of these, a further nine skipped the questions and failed to fill in any

information. In addition, four respondents filled out the initial questions in relation to job role and the boundaries of their organisation's responsibilities but failed to submit any further information.

A series of follow-up telephone interviews were conducted during January, in order to capture responses from the main decision-maker and advisers based upon lessons learned from responses to the online survey. The questions asked during the telephone interview varied slightly from those in the online survey, insofar as the nature of a phone call allowed for follow-up questions and often more detailed answers were captured.

3.3 Demographic of respondents

Not all respondents answered all the online survey questions, hence the totals for sub-sections vary.

Of the 18 respondents, a total number of 15 represented organisations whose responsibility was national, as illustrated in Table 37. A total number of three respondents represented organisations whose responsibility was regional or local, as illustrated in Table 38**.**

All regional or local authorities who did respond primarily have responsibilities on the East coast of England, and therefore operate within the remit of the adopted East Marine Plans. The use of the marine plans in decision-making processes will differ between organisations, depending on their decision-making role and geographic boundaries of their organisation's responsibilities. Therefore, emphasis on national organisations within this report should be noted, along with the focus on the East coast region represented within regional and local organisations. Whilst findings could be extrapolated from the regions surveyed to other regions, each region is likely to have specific baselines and issues linked to the marine plan areas. As such, they should be interpreted with caution when inferring between plan areas. Where findings are replicated across plan areas then findings can be extrapolated to a national level with more confidence.

Ten respondents worked within specific marine sectors, where 8 did not (worked with all marine sectors (defence) – environment, UK Government, nature conservation or regional areas eg Humber LEP).

Of the respondents, 10 said they work in the environmental sector, 9 in energy, fishing and aquaculture and pipelines, followed by 8 in aggregates, cables, coastal development, dredging and disposal, and ports and shipping. Other sectors represented included tourism and recreation, coastal defence, economic, social and cultural and defence.

Of the respondents, 15 are involved in policy development, 14 in management, 9 in enforcement and 13 in knowledge, as defined in chapter 2.

Table 37 Metadata on respondent national organisations

Organisation	Number of Respondents	Relevant Marine Sectors	Role in Decision Making
Department for Transport	1	Non-specific	Policy development
The Crown Estate	1	Aggregates; Cables; Coastal Defence; Coastal Development; Dredging and Disposal; Economic; Energy; Aquaculture; Pipelines; Ports and Shipping	Management
Ministry of Defence	1	Non-specific	Management; Policy development
Joint Nature Conservation Committee	2	Aggregates; Cables; Defence; Dredging and Disposal; Energy; Environment; Fishing and Aquaculture; Pipelines	Knowledge; Management; Policy development
Natural England	2	Aggregates; Cables; Coastal Defence; Coastal Development; Dredging and Disposal; Energy; Environment; Fishing and Aquaculture; Pipelines; Ports and Shipping; Social and Cultural (including Heritage); Tourism and Recreation	Enforcement; Knowledge; Management; Policy Development
Department for Business, Energy and Industrial Strategy	2	Energy	Enforcement; Knowledge; Management; Policy development
UK Hydrographic Office	1	Aggregates; Cables; Coastal Defence; Coastal Development; Defence; Dredging and Disposal; Economic; Energy; Environment; Fishing and Aquaculture; Pipelines; Ports and Shipping; Social and Cultural (including Heritage); Tourism and Recreation; Navigational Safety	Knowledge; Policy development
Maritime Coastguard Agency	2	Aggregates; Cables; Coastal Development; Dredging and Disposal; Energy; Environment; Pipelines; Ports and Shipping; Counter Pollution and Navigational Safety	Enforcement; Knowledge; Management; Policy development
Defence Infrastructure Organisation	1	Aggregates; Cables; Coastal Defence; Coastal Development; Defence; Dredging and Disposal; Economic; Energy; Environment; Fishing and Aquaculture; Pipelines; Ports and Shipping; Social and Cultural (including Heritage); Tourism and Recreation	Enforcement; Management; Policy development
Historic England	1	Non-specific	Enforcement; Knowledge; Management
Environment Agency	1	Coastal Development; Dredging and Disposal; Economic; Environment; Fishing and Aquaculture; Pipelines; Ports and Shipping; Tourism and Recreation; Coastal Defence; Water Quality Conservation of Protected Areas	Enforcement; Knowledge; Management; Policy development

Table 38 Metadata on respondent regional organisations

Organisation	Number of Respondents	Relevant Marine Sectors	Role in Decision Making
Eastern Inshore Fisheries Conservation Authority	1	Environment; Fishing and Aquaculture; Tourism and Recreation	Enforcement; Knowledge; Management; Policy development
Broads Authority	1	Coastal Defence; Coastal Development; Dredging and Disposal; Environment; Ports and Shipping; Social and Cultural (including Heritage); Tourism and Recreation; Planning	Enforcement; Knowledge; Management; Policy development
Humber Local Enterprise Partnership	1	Aggregates; Cables; Coastal Development; Economic; Energy; Environment; Fishing and Aquaculture; Pipelines; Ports and Shipping; Social and Cultural (including Heritage); Tourism and Recreation	Knowledge; Management; Policy development

3.4 Awareness of marine plans

Almost all the respondents were aware of the existing adopted or (at the time of the survey) draft marine plans (92%) and plan policies (85%) for the East and South. One respondent was unaware of the existing marine plans and related plan policies as they were new to their job role so had not yet been exposed to marine plans. This respondent was from an adviser rather than a decision maker and worked within the Marine Protected Areas and Marine Licensing policy areas.

A few respondents from advisory organisations such as NE and JNCC were unaware of the existing marine plan policies. However, other respondents from within the same organisations were aware of marine plans and plan policies. In general, national staff were more aware of the Plans than individual regional casework staff. As such, it was assumed that there was some organisational awareness of marine plans and plan policies at an appropriate level, even if this was not currently shared amongst all employees.

All organisations stated that they considered marine plans during some stage of their decision-making process, although this varied between organisations. As such, all organisations that were contacted believed that they were compliant with their responsibilities with regards to marine plans.

Most respondents stated that they consider marine plans throughout the decision-making process. This included the EA, HE, MOD, NE, and TCE. A number of organisations consider the marine plans at specific points during their decision-making process. BEIS signpost to the relevant Plans during scoping or early consultation with operators and then consider them during their review and prior to making a decision. The Eastern IFCA considers the East Marine Plans during strategic planning, whilst the Broads Authority assess the East Marine Plans against emerging Local Plan Policies. Organisations who stated they consider the marine plans during their initial development and planning, but do not consider them further in decision-making include JNCC, the MCA and DfT.

4 Decision-making processes

Analysis of the policy landscape identified seven government departments and 22 public bodies that should be using the marine plans in some way in their decision making. Each of these organisations will have their own decision-making processes, case management systems and methods for evaluating success. The level of information surrounding the process of how these decisions are made varies greatly, from detailed process maps (PMs), eg marine licensing, to limited written guidance. Similarly, different organisations determining the same types of decision use different processes and / or make decisions differently.

When assessing how marine plans can inform decision making, and similarly how decision making can inform marine plans, generic PMs have been developed, as there is so much commonality between different decision making processes. These processes have been developed to provide guidance to both the MMO and individual decision makers on when the marine plans could be used in the decision-making process, and similarly when the decision-making process could inform the development and monitoring of marine plans.

Beyond particular decision-making processes, it is worth noting that marine plans may be used to strengthen the rationale behind any particular proposal, policy or plan. Conversely, emerging plans or policies can be supported by marine plans as they emerge or are revised.

Seven generic decision-making processes have been mapped, as set out below.

- Consenting and permitting - this covers processes such as marine licensing, environmental permitting, planning permission, oil and gas permitting, environmental impact assessment and Habitats Regulations Assessment
- Funding decisions - this covers decision making around applications for funding such as European Maritime and Fisheries Fund, Coastal Communities and Visit England funding
- Management measures - this covers the development and delivery of management measures, both voluntary and statutory, such as MPA management measures and fisheries byelaws
- Policy making - this covers policy making within government departments and includes both regulatory / deregulatory and non-regulatory policy making
- Nature Conservation Designation - this covers the process of designating sites for nature conservation purposes such as Natura 2000 sites or Marine Conservation Zones
- Fisheries Management – this covers decisions on fishing vessel licensing and related enforcement, decisions on fisheries byelaws and decisions on authorising aquaculture production businesses
- Marine Resource Strategic Management - this covers the strategic decision making around marine resource management, such as oil and gas leasing, offshore wind leasing and aggregate exploration and option areas

The PMs are provided on the following pages and are also available as digital MS Visio files. The PMs consist of three columns; the first set out the stage of a process, the second identifies the generic parties involved and the third sets out actions

relevant bodies take and opportunities where parties can use marine plans to inform their decisions, where monitoring evidence can be gathered, and where appropriate demonstrate evidence of compliance.

Figure 4.1 Consenting and permitting process

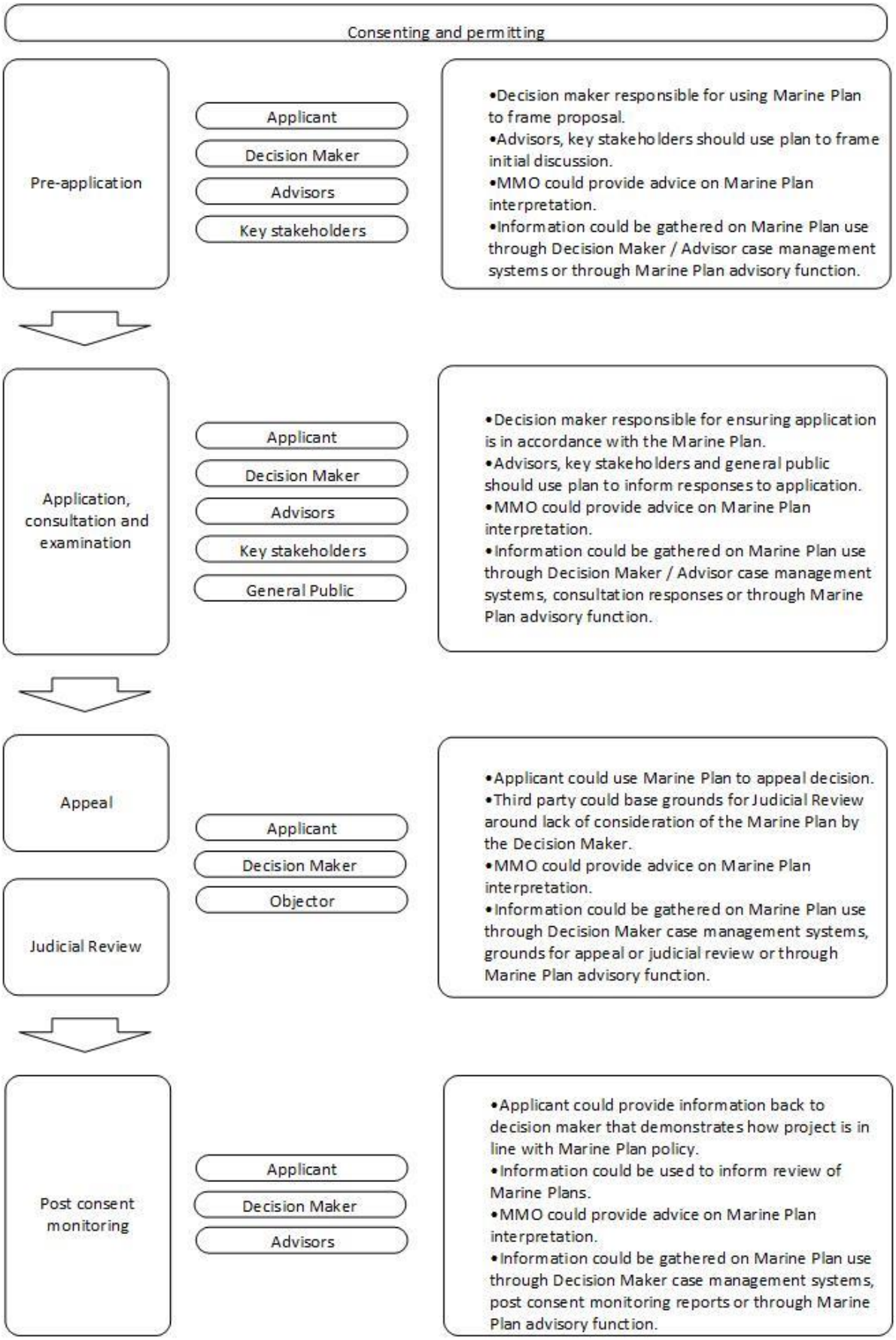


Figure 4.2 Funding process

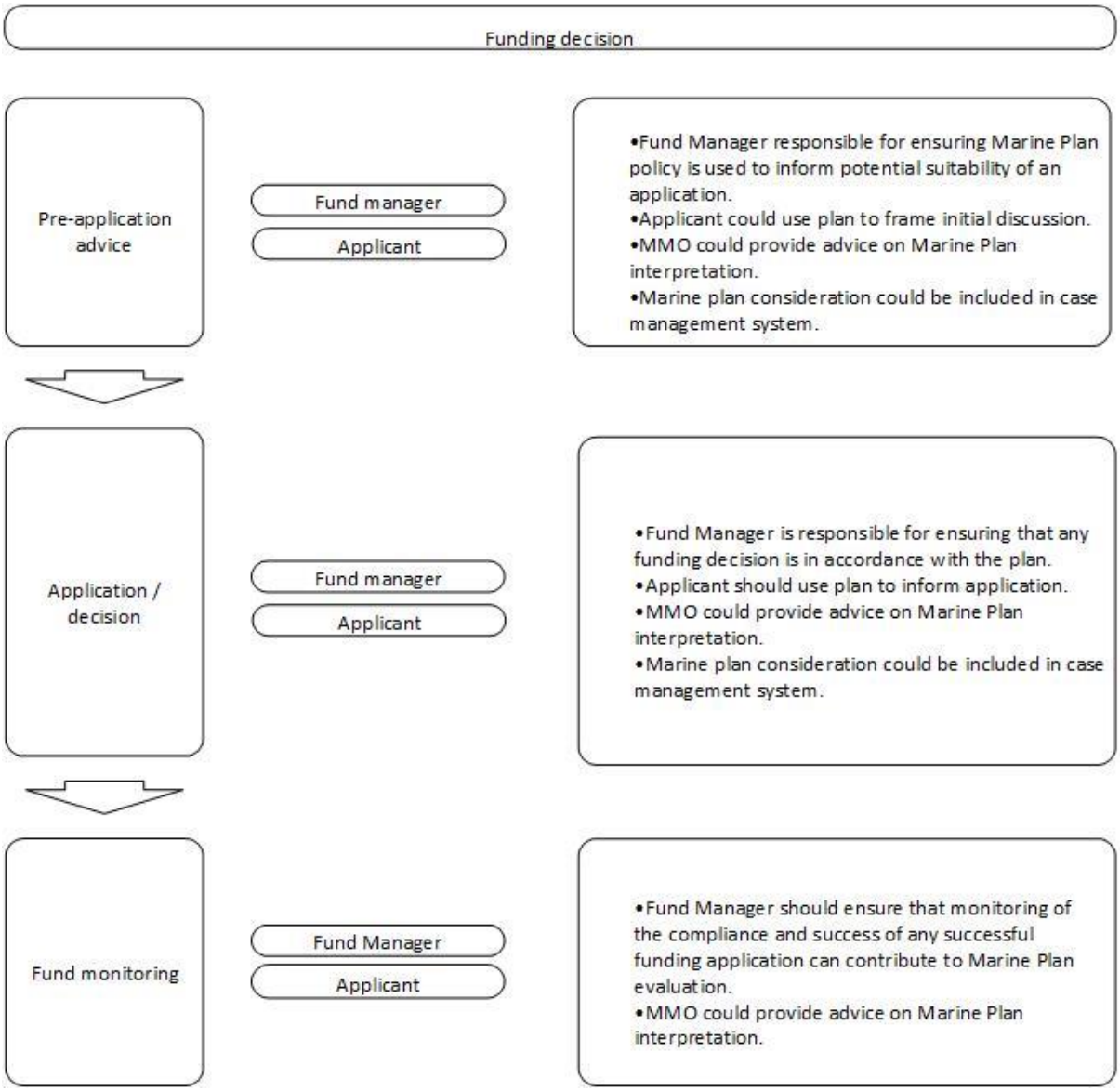


Figure 4.3 Management measure process

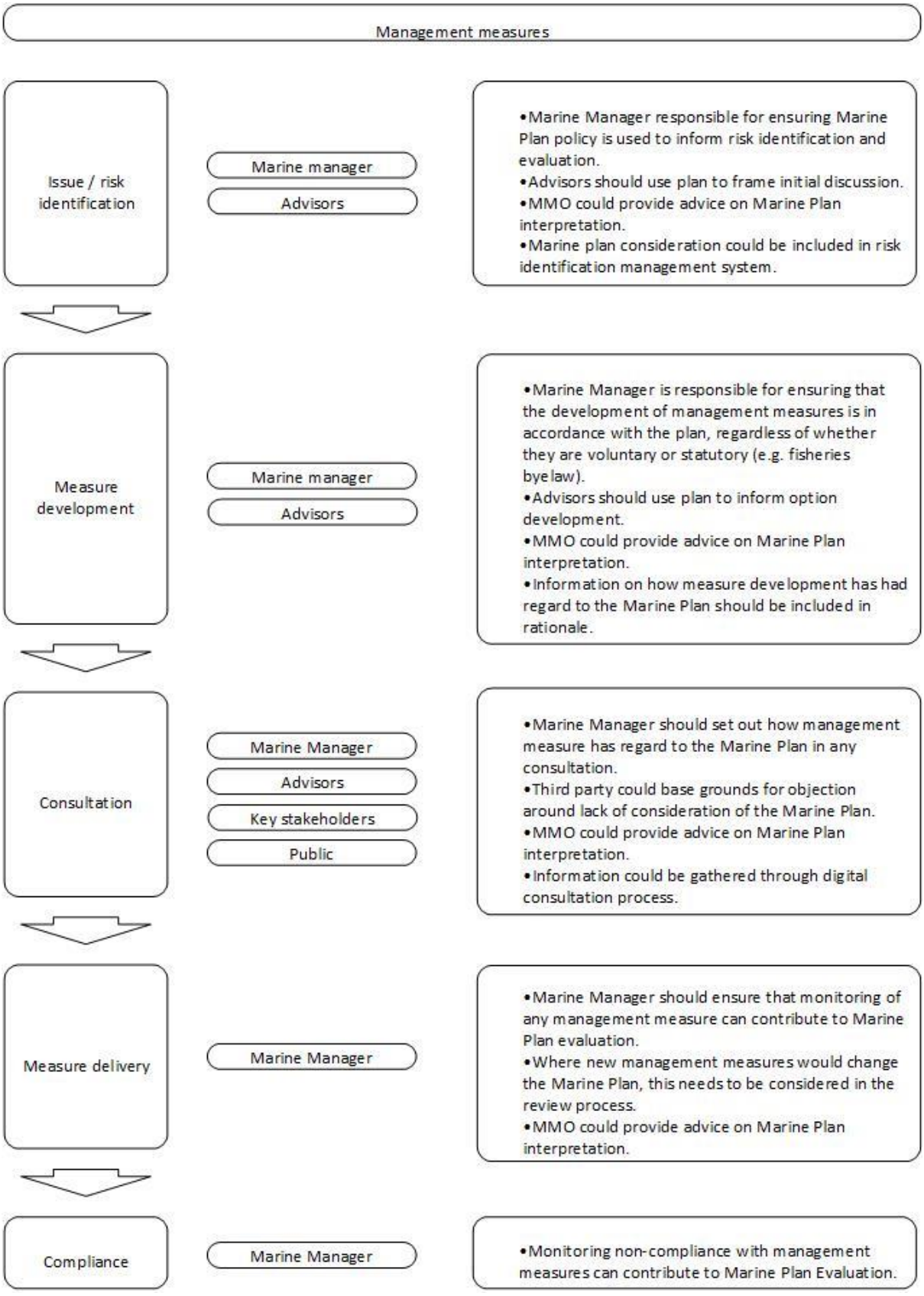


Figure 4.4 Policy making process

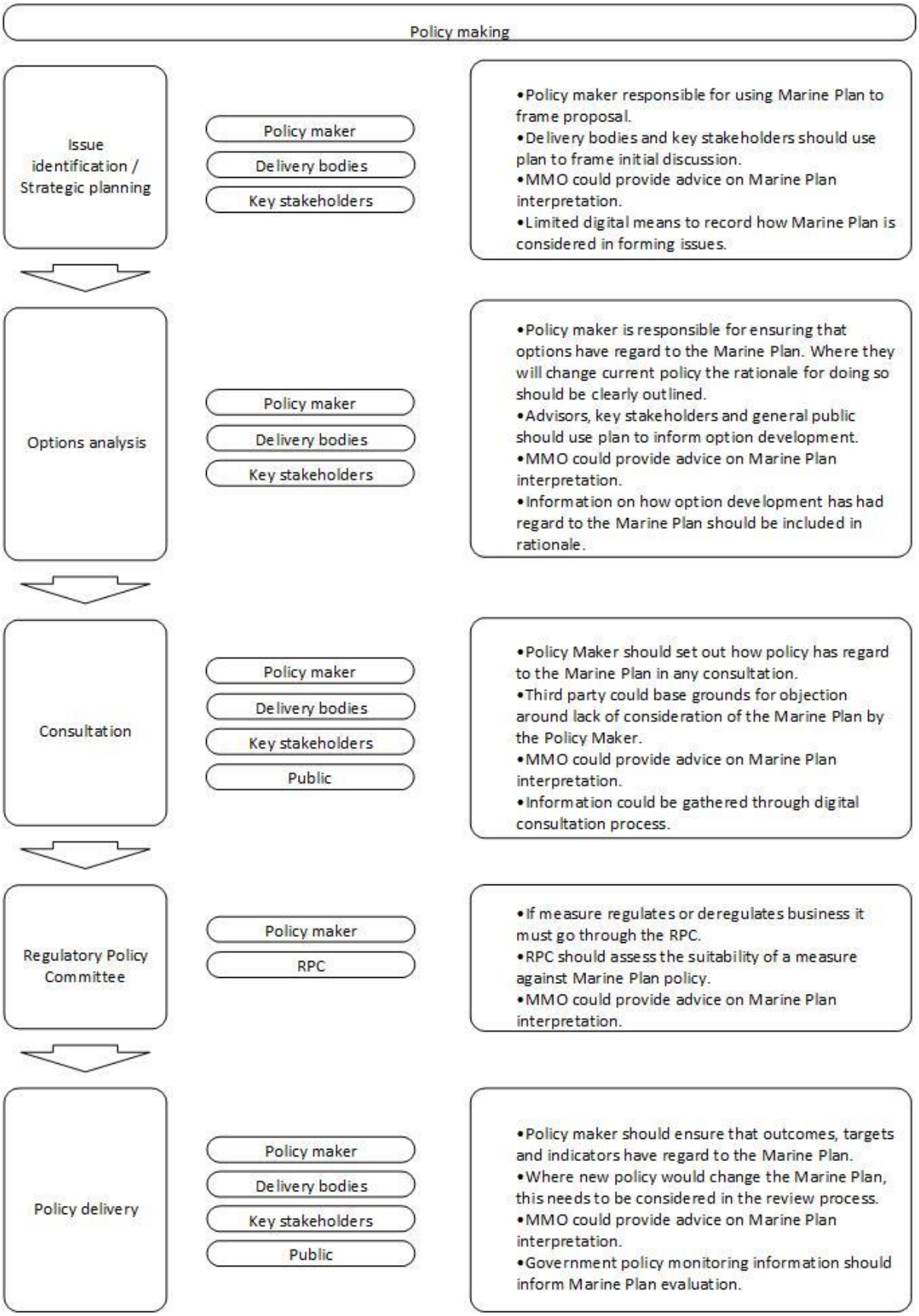


Figure 4.5 Designation process

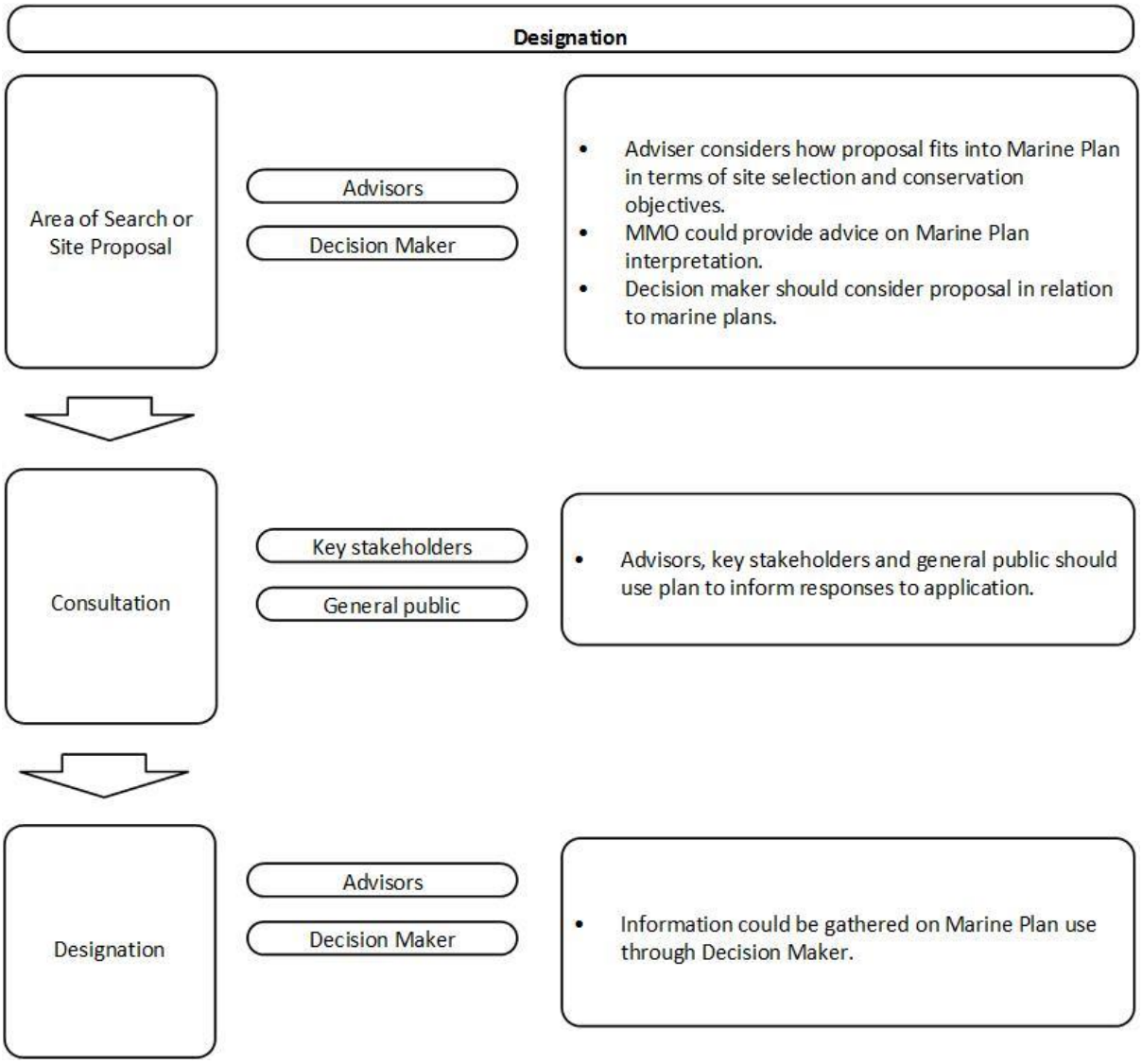


Figure 4.6 Fisheries Management Measures process

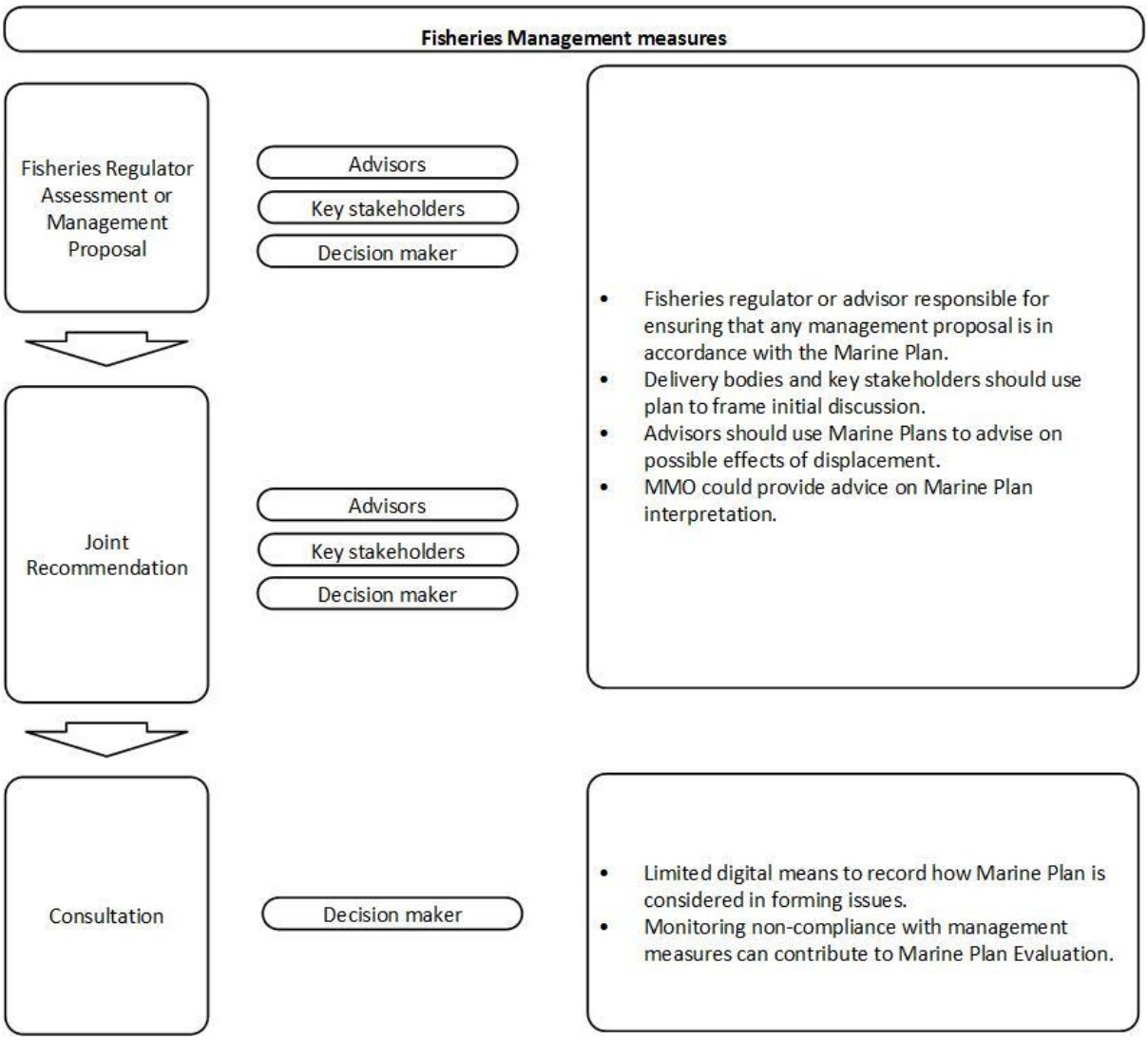
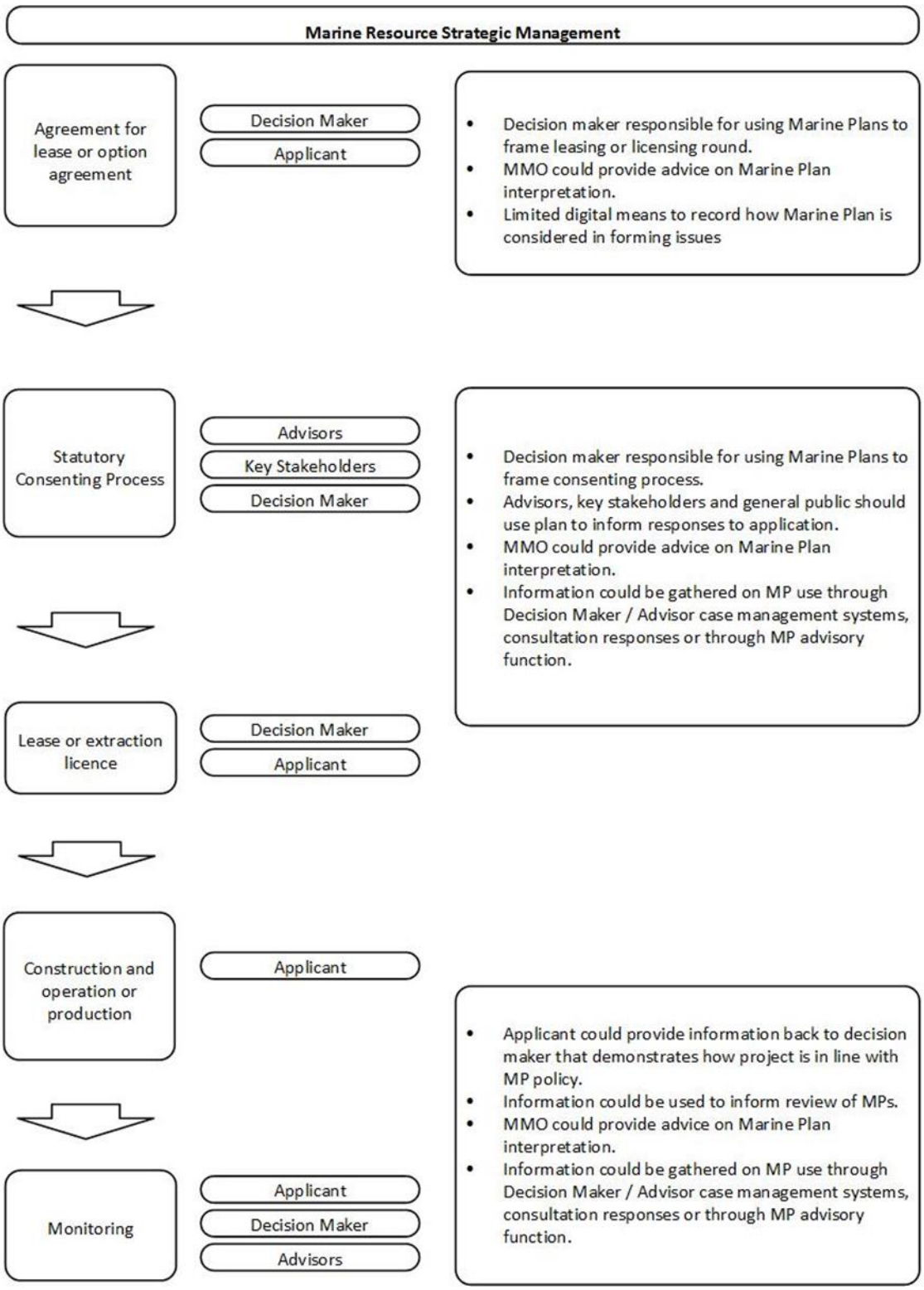


Figure 4.7 Marine Resource Management process



5 Compliance with marine plans

Compliance with the MCAA in relation to the use of marine plans or marine policy documents is primarily a matter for each organisation identified within this study to determine, as the MCAA 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.

Benefit can be gained from looking across organisations, and the MMO can provide valuable advice on this basis to all relevant organisations to assist in their own compliance. This in turn will increase the benefit and impact of marine plans, which is in the interest of all relevant organisations, not least the MMO.

5.1 When to consider marine plans

As part of the online survey, decision makers and advisers were asked at which point they considered it appropriate to consider marine plans and marine plan policies.

Of the respondents, Natural England and the Environment Agency thought it was most appropriate to consider marine plans throughout all of their processes. One of the respondents was a decision-maker who worked in multiple decision-making regimes, including licensing, planning, permitting, and development of local plans. The other respondent was an adviser who also worked in multiple decision-making regimes.

Four of the respondents considered the initial stage of any decision-making process to be the right process stage to consider marine plans. A further respondent considered strategic planning to be the most appropriate stage. Four of the respondents were decision makers who worked in licensing, planning, national infrastructure consenting and development of local plans, but also maritime safety and environment that is not covered by the generic PMs.

A further two respondents referred to specific stages in decision-making processes, which can be summarised as scoping and consultation stages, primarily made in the regulation and licensing of energy industries.

A number of respondents failed to provide an answer to this question that could be interpreted.

Ground-truthing using the online survey demonstrates that the general PMs are broadly accurate in terms of how and where decision makers and advisers currently use marine plans, with little changes having to be made following consultation.

What could be perhaps improved, is the support from MMO at the earliest opportunity in the processes set out in section 4, with regards to the interpretation of

marine plans and marine plan policies. Also, consultees could make better use of the marine plans to inform their consultation responses.

5.2 How to use marine plans

As part of the online survey, decision makers were asked how marine plans are used currently in decision making.

Responses were very specific to each decision-making process and no general conclusions could be drawn, other than that the marine plans are supporting a diverse range of decisions made across the policy landscape. A summary of some of the most informative responses is given below in relation to a range of policy regimes:

- Marine plans are utilised in the development of local strategic documents (e.g. whilst developing Strategic Economic Plans) (Humber LEP);
- Marine plans are used to support and enhance partnership working including advice to decision makers (Environment Agency);
- Marine plans are used to support operational decisions when considering counter pollution or salvage operations during an emergency (MCA);
- Marine plans are reviewed when making decisions about award of seabed rights (TCE);
- Marine plans are used to safeguard defence activity in the area and are used in planning defence activity (MOD);
- Marine plan policies are referred to in advice to decision makers on the natural environment (Natural England);
- Marine plan policies are referred to in provision of advice for marine licence decisions/NSIP consultations; There is an awareness of MP policies when making decisions in relation to fisheries management/conservation (Eastern IFCA); and
- Operators are required to demonstrate that they have considered the relevant Marine plans in the preparation of any licence applications (BEIS).

5.3 Risks to decision makers

Sections 58 (1), (3) and (5) of the MCAA relate to decisions affected by marine policy documents. The language is similar to Section 54A of the Town and Country Planning Act 1990 where there is a provision to make a decision “in accordance” with the development plan. This provision generated a lot of case law that may be relevant to the determination of whether a public body is compliant with the relevant provisions of the MCAA. Further work on this matter, such as doctrinal legal analysis, could be undertaken by a legal professional to form the basis of further guidance.

The respondents to the online survey were all aware of the marine plans and the overwhelming majority were considering them in their decision making. However, this is not an accurate reflection of the whole policy landscape as it is thought that decision makers were less likely to respond if they were not aware or not compliant with the marine plans.

Based upon the ground-truthing of the PMs with the evidence from the online surveys, the existing marine plans and marine plan policies are either at too high a level or are too new to reliably prove compliance or non-compliance at this stage.

It is recommended that the monitoring opportunities identified within the PMs generated as part of this project are used to start gathering evidence in order to assess compliance in the future and identify, and support, those decision makers who have more work to do.

Based upon the information gathered via the online survey and during interviews with decision-makers and advisers, there is currently a low perceived level of risk of not using the marine plans. From feedback, this is thought to be because the existing plans and plan policies are not yet at a detailed enough level to affect casework or regional advice in practice. Particularly for national organisations, knowledge of marine plans is currently at a strategic level and few casework officers or regional advisers use the plans on the ground. Due to an absence of visible monitoring and enforcement, there is also a lack of awareness that organisations are being judged on compliance.

Another risk of not using marine plans is in how it might impact on processes and decision-making. There are efficiency savings that could be made by ensuring that decision-makers, advisers, applicants and stakeholders are aware of marine plans and relevant plan policies so they have a common understanding. This is because the information is available for all marine users to see, enabling decision makers to identify in advance any issues or policies that might be relevant to a specific process as well as put in place partnership approaches where necessary.

As the marine plans evolve and become more applied and specific to casework and regional advice and planning, then the risk of not using them is expected to increase. This is because a lot of the effort that has gone into data-gathering to inform the marine plans might be unnecessarily duplicated, but also because specific policies might be missed at an early stage, leading to greater costs later on. As the policies become more exact, it will also be simpler to judge individual cases of non-compliance and hence the risk of challenge increases.

6 Implementation of marine plans by Multiple Parties

Task 3.4 aimed to investigate effective implementation of marine plans by multiple parties. Using the outcomes from the previous objectives the project looked to:

i. Identify opportunities for marine plans to be used in a streamlined way where decision-making involves multiple parties; and
ii. Identify opportunities where marine plans could be applied through coordinated decision making processes to effectively manage potential issues between several marine space uses.

This part of the project is intended as a source of information to frame discussion, including between the MMO and decision makers using marine plans, on how to use marine plans. The development of an example that demonstrates use of marine plans by multiple parties is intended to identify opportunities for more efficient and coordinated decision making. An overview of three separate areas of decision making where multiple parties are involved has been prepared.

The following case studies include information on the decision making processes in question; some of the challenges faced in coordinating decision making; lessons learned for the future; opportunities for the marine plans to contribute to coordinated decision making; and some lessons for decision making practice more widely. The three areas explored were:

- Decision making under the Coastal Concordat for England (Defra, 2014a);
- Offshore wind leasing[2]; and
- MPA management in England under the National MPA Steering Group.

In order to inform this report, professional experience of the project team was drawn upon, alongside interviews with the MMO leads in these areas from Marine Licensing, Marine Planning and Marine Conservation respectively.

6.1 Coastal Concordat

6.1.1 Overview

The Coastal Concordat was developed as part of a drive within central government to achieve more efficient, coordinated regulation, before marine planning in England had fully developed. In autumn 2012, the Better Regulation Executive of the Department for Business Innovation and Skills conducted a Focus on Enforcement review of enforcement as it affects coastal projects and investments (BEIS, 2013). One of the main conclusions of this review was that businesses found it difficult to understand and deal with overlaps between regulators.

In consultation with the MMO and other relevant regulators, Defra published an action plan responding to the review's findings. The action plan included a commitment for Defra to lead on rapid agreement and conclusion of a marine / coastal development Concordat, to include MMO, EA, NE, DfT and the Local Government Association (LGA). The aim was that it should, among other things, provide applicants with a single point of entry spanning all of the regulatory systems.

[2] https://www.thecrownestate.co.uk/energy-minerals-and-infrastructure/offshore-wind-energy/working-with-us/potential-new-leasing/

The Concordat was published in 2013 then updated in 2014. It provides a framework to better co-ordinate the separate processes of consenting coastal developments in England. It offers benefits to applicants, regulators and advisers by reducing unnecessary regulatory duplication, providing better sign-posting, streamlining assessments and increasing transparency and consistency of advice.

The Concordat approach can be applied to any applications for individual projects, if they:

- span the intertidal area in estuaries and on the coast; and
- require multiple consents including both a marine licence and a planning permission from the local planning authority.

It will not apply to projects that:

- are solely terrestrial;
- already have co-ordination mechanisms in place e.g. National Significant Infrastructure projects; and
- an authority has already started the application process or has already made a decision e.g. if the LPA are already out to consultation/advertising and/or planning permission has already been granted.

The intention was that the Concordat would help local authorities to work more effectively with other regulators and advisers involved in coastal development. The aim is that implementation of the Concordat should generate long-term efficiency savings for regulators, advisers and applicants alike as a result of improved coordination.

6.1.2 Implementation

The Coastal Concordat has been in place since 2013. During that time 13 LPAs have signed up to be signatories. There are more than 50 LPAs with a coastal remit. Between 2016 to mid-2018, the MMO processed 41 cases using the Coastal Concordat. Out of those cases only 11 were subject to EIA, and the rest were non-EIA marine licensing cases that required planning permission. There is only one mention of marine planning within the Coastal Concordat or the accompanying implementation document (Defra, 2014b).

In January 2018, Defra included a commitment in the Government's 25 year Environment Plan that '*all local authorities with a coastal interest will be signed up to the Coastal Concordat by 2021*'. To accompany this aim, a guidance document for LPAs on marine licensing was produced (MMO, 2017).

6.1.3 Challenges

From the initial inception of the Concordat it was recognised within Defra and the MMO that successful implementation would be dependent upon realising objectives such as:

1) Making all relevant stakeholders aware of the Concordat, its implications and benefits;
2) Encouraging take-up by Local Planning Authorities;
3) Building capacity within Defra delivery bodies to implement Concordat principles;
4) Establishing common processes to assess projects; and

5) Monitoring and reviewing progress.

The key challenge with fully implementing the Concordat lies in awareness and understanding of LPAs with regards to what the Concordat is in place for, and what the benefits are of working within its framework. This lack of awareness about the existence of the Concordat also extends to regional case officers working within NE and the EA, although to a lesser degree.

The issue with awareness is not unusual, and can be explained by looking at the relative priorities of these organisations when faced with terrestrial vs. marine case work. Within LPAs, EA and NE to a lesser degree, there is much more of a focus on terrestrial planning and permitting than marine, which is natural as the majority of their responsibilities lie on land. In comparison, they may have less than 5% of their workload that is coastal or marine, and therefore an initiative like the Concordat has much less priority for them.

There have also been more specific implementation challenges around aligning different decision making processes, particularly marine licensing and planning permission. Whilst these processes are, at a high level, very similar, there are differences in both timescales and decision making process (e.g. the MMO has no equivalent of an LPA Planning Committee) that make complete coordination at a practical level difficult at times.

The Marine Licensing team in the MMO is currently undertaking work to see whether the Coastal Concordat could be linked from the MHCLG's planning portal[3], which was established by Government to provide an entry point into online planning information and allow planning applications to be submitted online in England and Wales.

6.1.4 Opportunities

There is commonality between the aims of the Concordat and marine plans in relation to providing consistency and coordination in decision-making. There is a risk, particularly at the coast, that marine plans are applied in full by all decision makers in relation to a given project that requires multiple consents. There is opportunity to avoid duplication by determining who is responsible for ensuring the a particular part of the plan is complied with across the consents in a project.

Whilst the Concordat doesn't aim to manage potential issues between marine space users, it does aim to simplify the decision making process for authorities that are having to take decisions in accordance with the marine plan. It therefore offers the opportunity to coordinate application of the plan by multiple parties that ensures the benefits of marine plans are realised through a range of consents.

Marine planning presents several opportunities for improvement of Concordat implementation both in plan development and implementation. In summary these are:

- Develop plan policy with use in Coastal Concordat decisions in mind
- Education and awareness raising
- Enhancements of future joint working and consistency of advice

[3] https://www.planningportal.co.uk

Plan policy

To avoid duplication, the Coastal Concordat is not mentioned within a plan policy in either the East Marine Plans or the South Marine Plan. However, supporting text accompanying policy in the East Marine Plans or the South Marine Plan does refer to the Coastal Concordat.

East Marine Plans: Alongside the following plan policy.

- **Policy GOV1** Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.

The South Marine Plan Technical Annex (MMO, 2018b), as well as the associated policy considerations within the plan, references the Concordat as a means of assisting in the delivery of the following plan policies.

- **Policy S-INF-1** Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported.
- **Policy S-CAB-2** Proposals that have a significant adverse impact on new and existing landfall sites for subsea cables (telecoms, power and interconnectors) should demonstrate that they will, in order of preference:
    a) avoid
    b) minimise
    c) mitigate significant adverse impacts
    d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding

In lieu of MHCLG issuing guidance to LPAs that requires LPAs to sign up to the Concordat, and more recently the 25 year environment plan, the marine plans could have a governance policy that is more explicit. This would place a requirement within the policy for decision makers to use the Concordat where appropriate. Having this requirement will undoubtedly raise much greater awareness with LPAs than having reference within the supporting text.

Education and awareness

It is often said that the plan development process can be as important as plan implementation and nowhere is this truer than in the education and awareness of decision makers who will be using the plan. There is an important opportunity to raise the issue of coordination of decision making at the coast through ongoing engagement on the development of marine plans (e.g. plan development workshops), and in doing so to raise awareness of the Coastal Concordat. The MMO together with the Local Government Association Coastal Special Interest Group have been advocates of the Concordat through the development of marine plans during stakeholder engagement.

Improvements in future joint working and consistency of advice

Alongside the potential for having plan policy relating specifically to the Coastal Concordat, some of the existing challenges of coordinating decision making, even within the Concordat process, should be alleviated by the introduction of marine plans. A consistent evidence base, and a common conceptual understanding of the framework within which decision making is taking place will make it easier for decision makers to work in a more coordinated way.

One of the main lessons to learn from the implementation of the Concordat is that achieving coordination at the coast is difficult, mainly because there are few direct ways to engage with all the coastal LPAs. When contrasted with the arrangement with other NDPBs or executive agencies, where there is always a national decision making function that can direct regional engagement, the complexity in securing agreement with more than 50 additional independent bodies (the coastal LPAs) becomes a much more onerous task, albeit one that has great rewards if carried out effectively.

Case Study

The following example of the Coastal Concordat in practice is based on the Coastal Concordat implementation document, p8 (Defra, 2014b).

Applicant A approaches the MMO with a proposal for a marina at the mouth of an estuary adjacent to a Marine Protected Area. The marina consists of a number of berths below Mean High Water Springs, and a small clubhouse on some brownfield land connected to the jetties by a walkway over the flood defence. The MMO screens this in as a Concordat project, and, assuming the role of the single point of contact, ensures the applicant is aware that they will need to speak to EA and NE, as well as the LPA.

The MMO initiates a telecom/meeting of the four organisations to discuss the project and discuss whether it may require an EIA and an HRA. If it does, they decide that as the Town & Country Planning EIA regulations do not enable the LPA to formally defer to the MMO, the MMO should be appointed administrative lead for coordinating EIA, and that the MMO should also coordinate any potential HRA requirements.

The group identify that the applicant may need to speak to the Crown Estate and the Harbour Authority for the estuary. The EA decides to retain their ability to issue a Flood Defence Consent due to the potential impact on the flood defence.

The group decide that the MMO will contact the applicant to explain their discussion and encourage them to begin discussions with the LPA, MMO, NE and EA in order to continue the pre-application process. This discussion should be framed by both the local terrestrial plan, and the relevant marine plan policy and will confirm the need for EIA and/or HRA, identify any common evidence requirements (e.g. for the EIA for MMO & the LPA, the Flood Defence Consent for the EA and the Wildlife Licence for NE/MMO) and ensure that any disparity with plan policy, either terrestrial or marine, is identified. The applicant completes their environmental assessments and proceeds with their applications in parallel.

6.2 Offshore wind resource planning

6.2.1 Overview

Round 3

The Government is committed to a rapid increase in offshore wind deployment in order to maintain a secure energy supply, tackle climate change, meet its renewable energy targets for 2020 and beyond, and deliver green jobs for the UK. Offshore windfarms are being developed on a large scale as part of a programme called Round 3, which started at the end of 2009 (TCE, 2014).

Decisions on where to place offshore windfarms in Round 3 were made in two stages. The first stage was a national, or strategic, selection of large areas of UK seabed which were deemed suitable for developing offshore windfarms - the Round 3 zones. DECC (the Department for Energy and Climate Change) completed Offshore Energy Strategic Environmental Assessments in 2009 and 2011. These assessments concluded that up to 33GW of offshore wind development could take place within the UK Renewable Energy Zone and English and Welsh Territorial Waters up to a depth of 60m, as long as some areas were avoided (e.g. shipping lanes) and that projects included any necessary mitigation measures to reduce likely significant adverse impacts on the environment and other users of the sea.

TCE, which grants leases for the use of the UK seabed for offshore renewable energy construction, designed the Round 3 zones. In 2009 TCE ran a competitive tender process, and awarded these Round 3 zones to different offshore wind developers.

The second stage in the process of deciding where to locate offshore windfarms within the Round 3 zones is the responsibility of the offshore wind developer who has the rights for the zone. This was the zone and project planning stage. Offshore wind developers could look for windfarm projects within the boundary of their Round 3 zone based on survey work and studies to help them understand the most appropriate locations. When they have made the decision on the best location for a project, they then took that project forward for application under the National Infrastructure Planning process[4].

Future leasing round

In November 2017, The Crown Estate announced that they would be working with the offshore wind sector and stakeholders over the course of 2018 to consider making new seabed rights available to offshore wind developers (TCE, 2017) following the Government's backing for offshore wind in the Clean Growth Strategy, and the 2017 'Contracts for Difference' auction which demonstrated significant cost reduction.

Prior to this announcement, TCE had been working with BEIS (previously DECC) on a long term aspiration to have future leasing rounds based upon the appetite of

[4] https://infrastructure.planninginspectorate.gov.uk/

industry for more opportunity. MMO and TCE had been working together since 2016 towards a common goal of creating more certainty around opportunities for offshore wind. The Crown Estate previously developed a data layer of key resource areas (KRA) for offshore wind, based largely around technical constraints. The MMO initiated work to refine the KRA's by applying various hard and soft resource planning constraints such as water depth, wind speed, biodiversity, or other licensed activities. The intention was that TCE would use this data layer to inform their work on areas of opportunity for a future leasing round, thereby placing their leasing process firmly within the marine plan development process.

During this time, BEIS were undertaking a market review with industry to inform future policy development. This work was done separately from the work that MMO and TCE had been undertaking, but there was engagement between these policy development and marine delivery workstreams.

The Clean Growth Strategy, which was published in October 2017, provided a clear policy signal on the Government's commitment to offshore wind as set out below:

- We will work with industry as they develop an ambitious Sector Deal for offshore wind. Provided costs continue to fall, this could result in 10GW of new capacity built in the 2020s; and
- We will also consider whether there could be opportunities for additional offshore wind deployment in the 2020s, if this is cost-effective and deliverable.

These ambitious policy outcomes enabled TCE to announce that they were planning a future leasing round, and that this future leasing round would be based around information within the developing marine plans. In summary, TCE are using the marine plan to frame their decision making; MMO are producing a key resource layer for offshore wind; and TCE will look to refine that layer in their leasing opportunity process.

6.2.2 Challenges

The Round 3 process was one, much like marine planning in England, where the responsible bodies were developing new processes and techniques at the same time as applying them. Following review of this process it has been recognised that the decision making process around spatial zones could be improved for example by incorporating more consideration of a wider and more diverse range of soft and hard constraints beyond those technical constraints arising from engineering requirements. The ability to incorporate such matters at the time of the round 3 process was limited in part due to the fact that marine planning was not in place, and therefore much of the data that is now taken for granted around issues such as biodiversity, shipping and visual impact or seascape, was not available to be considered. The result of this was that Zones 7, 8 and 9 (Bristol Channel, West of Isle of Wight and Irish Sea respectively) could not be developed, mainly due to issues such as visual impact that were only recognised during the development application stage.

In terms of marine planning, the round 3 areas became integrated into the marine planning process as very large areas that had preferred development rights already granted within them. This meant that the marine plan policy associated with them in the East Marine Plans (WIND1 and WIND2) became much more about safeguarding

these rights, although it should be noted that policies are not considered in isolation and that the plan policies as a whole are considered.

Round 3 site identification and leasing was largely completed before marine plan development in England started, indeed much of the technology and approaches to using data, both in terms of manipulation and management, were pioneered during Round 3. In hindsight, what is apparent is that the Round 3 process could have done more to encourage coordinated decision making between the policy owner (BEIS formerly DECC), the landowner (TCE), the marine planning authority (MMO), the authority responsible for dealing with national infrastructure planning applications (PINS) and the authority responsible for ensuring compliance with the final consent (MMO). The extent to which this would have been possible was limited due to the fact that the MMO were, at the time, a new NDPB and had yet to establish their functions or relationships with either DECC or the TCE.

The upcoming leasing round has responded to the need for more cooperation and the engagement between the different parties both in policy and management has improved (TCE, 2017). However, there is still work that could be done to enhance incorporation of marine plans, both emerging and established, into the decision making around strategic national policy to support offshore wind.

6.2.3 Opportunities

The process for the new leasing round has opened up a number of opportunities in the following areas:

- Marine plan policy making to support decision making;
- Alignment between marine plan areas and devolved administrations; and
- Marine plan informing national policy.

Marine plan policy

The process that the new leasing round is undertaking incorporates MMO identification of areas of technical opportunity that is being undertaken as part of the marine plan development process; TCE is then using these to identify areas for lease, reflecting the marine planning development process; the MMO will then incorporate these areas for lease within a spatial marine plan policy. This allows for the development of plan policy that is both targeted for the offshore wind industry and allows for deconfliction of sea space with other sea users at a very early stage.

It is possible that the marine plan policy could signal to offshore wind developers areas that have been identified in the plan where they may want to go first, both for a lease from TCE or a proposal for licensing consent, and that offshore wind will be prioritised in these areas. However, in response to industry concerns that the R3 process was too constricting, offshore wind is not excluded from the rest of the marine area should industry feel that another location is more promising for development. In this way, the marine plan can work alongside TCE leasing process to encourage co-existence and coordination of decision making.

This clarity of both plan policy and spatial delineation will provide support to offshore wind developers in the NSIP process, as going inside one of TCE areas gives

additional weight alongside the more generic national policy statements (EN-1 and EN-3).

Developing policy and resource planning at a national level and then incorporating it into regional marine plans as they are developed, allows for much greater alignment and integration within England's marine area as a whole. Similarly, as TCE are responsible for the seabed in Wales, the resource mapping work also includes the Welsh marine area. This allows integration and alignment across national administrations.

National policy

Both the development of marine plans and TCE resource planning have been influenced by the production of the Clean Growth Strategy (BEIS, 2017a), Industrial Strategy (BEIS, 2017b), 25 Year Environment Plan (Defra, 2018a), and the Clean Air Strategy (Defra, 2018b). There is an opportunity with the future development of an Offshore Wind Sector Deal, established under the auspices of the Industrial Strategy (2017b) by organisations like the Offshore Wind Industry Council, for further benefit from marine plans to be realised as part of policy delivery, with the marine plans playing a central role in forming this sector deal. This sector deal is currently in development.

6.3 Marine Protected Areas

6.3.1 Overview

The designation and management of Marine Protected Areas (MPA) in England involved multiple decision making bodies, all of which sit within the Defra Group. Defra are responsible for the decision making on site designation, working with advice from NE (<12 nm) and JNCC (>12 nm). The authorities then responsible for management of those sites are the EA(<1 nm), IFCAs (<6 nm), the MMO (>6 nm to 12nm), Defra (12 to 200nm). The MMO take a lead role within the 12-200nm area, leading negotiations on required management measures. There is a real need, therefore for coordination in decision making at both the designation and management phases.

Designation

There are two designation processes, one for European Marine Sites (EMS) and one for Marine Conservation Zones (MCZ), although in practice they are treated very similarly. The current process broadly has the following stages in it:

1. Baseline assessment of the current state of the marine area;
2. Identification of sensitive features that need protection to meet outcomes for ecologically coherent network;
3. Impact assessment of the effects of designation on other sea users;
4. Designation of site.

This process is currently ongoing for the third tranche (T3) of MCZ sites in England. The work is being undertaken almost exclusively by Defra, NE and JNCC, albeit with engagement with the MMO marine licensing and marine conservation teams during the impact assessment stage. It is not believed that the marine plans, either those in

development or those that have been adopted, have been significantly used to influence site selection.

It is not unusual that the MPA designation process has, as its primary focus, the protection of sensitive habitats and species rather than alignment and coordination with the marine plan and consideration of other sea users. MPA designation is always, to a greater or lesser degree, going to be an interventionist process, as MPA management inevitably imposes measures on other sea users for the benefit of environmental protection, and must have this environmental protection as its overriding priority. This is reflected in the legislation that enables MPA designation, in both The Conservation of Habitats and Species Regulations (2017) and the MCAA, which purposefully allow for little other consideration than the protection of habitats and species.

6.3.2 Management

Management measures for MPAs are realised through several measures which include:

- Consenting processes such as marine licensing (MMO), environmental permitting (EA), oil and gas permitting (OPRED), TCE leasing;
- Voluntary measures with sectoral interests such as inshore fisheries, leisure boating or recreational fishing (MMO, IFCA, EA);
- Byelaws inside the 12 nm limit to control fisheries activity (MMO, IFCA); and
- Measures implemented through the Common Fisheries Policy outside the 12 nm limit to control fisheries activity (MMO).

Coordination of activity through consenting processes is well established through formal procedures that require consultation with statutory nature conservation bodies. This is often done on an application specific basis and is driven by the need for an applicant to carry out an activity. This is reactive management on the part of the public authority, rather than proactive management of an ongoing activity.

Coordination of proactive management, which includes measures that are voluntary, byelaws or those implemented through the CFP, is done through two mechanisms. There is very good informal working between the relevant bodies that has developed over many years and is based upon a good understanding of each bodies role in MPA management. This informal working is undertaken between case officers in the MMO, IFCAs, NE and JNCC as part of their business as usual.

In addition to this informal working, there is an MPA Group that has recently been established. This group is an evolution of the Fisheries in European Marine Sites Implementation Group (Defra, 2012), and has recently broadened its focus to include fisheries management in MPAs; management measures for mobile species; and management of activities that are a risk to protected areas.

The MPA group is chaired by Defra and includes representatives from those marine stakeholders with a direct interest in MPA management from both within and outside government. It includes the MMO, NE, JNCC, Defra, and NGOs such as WWF.

6.3.3 Challenges

The main challenges in MPA management lie in ensuring a coordinated approach. This starts in ensuring that the designation process is recognising risks to a chosen management approach, and then continues through the different management decision making processes as set out above.

Designation

MPA designation is by its nature an interventionist process, as discussed. This means that there needs to be a clear understanding between all parties inside and outside government of the management issues that any designation may create. In essence, a new MPA creates a new series of hard and soft planning constraints that other sea users have to accommodate. The national policy choice in this case is that MPAs must go ahead, and other users must therefore adapt to them.

An understanding of the marine environment and a clear idea of what must be protected is core to the designation process. To ensure conservation objectives are met in practice designation must also be informed by an understanding of (a) what designation will do to other sea users in terms of hard and soft constraints and (b) the likely management measures that can be deployed in support of designation.

Designation and development of management measures is not an easy task, as stakeholder expectations differ greatly between those who strongly support MPAs and those who are opposed to them. Alongside the need to manage stakeholder relationships and expectations in developing designations and management measures, bringing about the necessary changes to long established practices for non-commercial reasons in areas that are newly designated represents a significant challenge.

Management

There is a large overlap in the jurisdictions of authorities involved in MPA management, particularly those involved in non-consent driven management. MPAs rarely sit neatly within administrative boundaries resulting in an increased likelihood that authorities will have to take coordinated action with regards to management measures. This applies across both authorisation and enforcement decisions as well as advice supporting these decisions. This coordination is largely in place but creates an additional administrative burden to ensure that there isn't a governance gap.

Almost the opposite is true for consent driven management. Each sector, be it offshore wind, coastal development, port development, aggregate extraction or oil and gas, is controlled through a consenting regime that is focused on their sector and is often in different organisations. Even within the marine licensing team of the MMO, there are sub teams that deal with these sectors individually. This provides the opportunity for similar activities to be managed differently, or at least for the proportionality, enabling consent conditions to be set at different levels for different industries. Often any disparity in management approach between two sites is accentuated by stakeholder expectations (eg if an approach is taken in one location,

a stakeholder may assume that this should be the exact case for all locations), or due to a lack of coordination within the decision making bodies.

Differences in management approaches between sites, or between two types of activity become even more apparent on occasions where activities regulated through the formal consenting process are compared with activities that are managed through the voluntary measure or byelaw process.

6.3.4 Opportunities

Opportunities for marine planning to improve coordination, both in designation and management, lie largely in the potential to increase understanding of the activities of other sea users, and how these may be impacted by the intervention of MPA designation and management measures.

Designation

Currently, neither the development of marine plans, nor the implementation of those which are in place, features largely in the designation process. This is mainly due to the legislative process which must be followed during designation, but opportunity does exist for an improved understanding of the evidence and issues surrounding other sea users by improved engagement with the marine plans and the marine planning team in the MMO.

Similarly, if those responsible for designation feel that the way a designation is delivered could be improved or supported by marine plan policy, then there is the opportunity to engage with marine plan development to do so. Current policies that support the delivery of an ecologically coherent network of MPA's in the East is MPA1 and in the South is MPA1, MPA 2, MPA3 and MPA4.

There is a high possibility that future sites may need to come forward for designation. When this occurs, there may be advantages in delivering this designation process through the marine planning process, much as the future leasing rounds for offshore wind are being delivered. This does not mean that there needs to be significant compromise regarding environmental protection, as the marine plan authority has the ability to determine the relative prioritisation between sectors. However, undertaking MPA designation as part of the marine planning process, which would be a significant change from the existing approach of delivering MPA management and marine plans, could have significant advantages in terms of having national control over a regional delivery process.

Management

Marine planning provides benefits in terms of signposting those responsible for making and abiding by management decisions to relevant decision makers in what is a relatively complex landscape. MPAs are already included within marine plans as spatial constraints which should improve consistency of decision making, however, management arrangements are largely dealt with at a level which the marine plan is unable to influence. Where the marine plan can add benefit in management decisions is providing a consistence baseline for the existence of other activities within the plan area.

7 Recommend a proposed approach to engaging parties in joint-working within the timeline of marine plan development and during plan implementation

Based upon the findings of this study, the following section presents an advisory engagement strategy (Task 3.5) for MMO to work with the decision-making parties identified in Task 3.1.

From the findings of the online survey and in interviews with decision-makers and advisers, the engagement strategy has been split into three main parts:

1. Closer engagement with Government departments and advisers;
2. Clear communication of consenting and permitting processes in terms of the part marine plans should play; and
3. Decision-making bodies that haven't been engaged via this study or where there has been limited communication to date.

Where relevant, the strategy has been informed by the Estuary Strategies and associated Action Plans, including the Humber and Exe. These are examples of other complex multi-party decision-making systems with engagement strategies that can be considered good practice.

Part 1. Closer engagement with Government departments and advisers

The analysis identified seven UK government departments who have policy areas that are relevant to the English marine plans:

- Department for Business, Energy and Industrial Strategy (BEIS);
- Department for Digital, Culture, Media and Sport (DCMS);
- Department for the Environment, Food and Rural Affairs (Defra);
- Department for Transport (DfT);
- Ministry for Housing Communities and Local Government (MHCLG);
- Ministry of Defence (MOD); and
- Home Office.

Between them, these seven departments make a total of eleven management decisions, covering thirteen major policy areas of relevance to marine plans, including:

- Clean Electricity;
- Decentralisation and Growth;
- Economic Development in Coastal and Seaside Areas;
- Marine and Coastal Heritage;
- Marine Licensing;
- Marine Protected Area Designation;
- Maritime Commerce and Infrastructure;
- Maritime Safety and Environment;

- Nationally Significant Infrastructure Consenting;
- Oil and Gas Production and Extraction;
- Planning and Consents for National Energy Infrastructure (renewables, nuclear, coal, gas and biomass);
- Planning System; and
- Tourism.

As such, it is essential that as part of any engagement strategy these departments are engaged directly and as a priority by MMO in order to work together on implementation of the plans to influence how decisions are made. This could be done most efficiently through a series of targeted workshops grouped in terms of policy area themes. A workshop may be able to attract more decision-makers simultaneously compared to telecalls or webinars. Through a workshop, decision-makers will feel more involved, there will be networking opportunities, and they will be able to hear the feedback and concerns of other organisations. Policy area themes could be clustered in a similar way to the seven generic decision-making processes:

- Consenting and permitting;
- Fisheries management;
- Funding decisions;
- Management measures;
- Marine resource strategic management;
- Nature conservation designation; and
- Policy making.

It is recommended that three workshops are held at points during the marine plan process for each policy theme in order to:

1. Present and discuss the vision for implementation of the plans: highlight values and any important concerns in relation to the policy area;
2. Agree a way forward for implementation of the plans in relation to specific decision-making processes: agree a set of high level objectives against the values and from which to judge success. Each workshop could also be used to produce a catalogue of individual PMs under the generic ones produced for this project for context, and
3. Following implementation, review the actions agreed and assess whether they were appropriate, achievable, measurable and clearly written.

In many instances, the decision-making parties are advised or supported by public bodies. Based upon consideration of the individual PMs it will be necessary to also engage directly with some of these organisations further to the existing arrangements for engagement as part of the plan development and implementation process (eg NE and JNCC in relation to Marine Protected Area Designation as well as Defra). For some advisers, such as NE, knowledge of marine plans within the organisations can be largely restricted to strategic or national team members rather than regional staff or casework advisers. In such instances, MMO could either host webinars in order to raise awareness or produce training materials in order that internal training courses can be run. This would be most valuable for regional staff who deal with casework, but could also be useful for national staff to ensure

consistent use within organisations. This would constitute an evolution of current work by the MMO to engage marine plan users on implementation at local and national scales.

It is thought that the best level of engagement for these workshops is that of deputy director or a programme leader responsible for overseeing decisions, together with an officer who is involved in making the individual decisions, for each decision-making party. This is so that in terms of implementation there is an awareness of how marine plans are being used strategically, but also so that there are participants who are able to comment on how plans and plan policies will actually influence decisions being made. The senior representative may also be able to comment on how decision making processes could be changed to incorporate marine plans and make them more effective.

As part of the second workshop a set of objectives would be defined that describes what success and failure looks like for:

1. Marine plan implementation (including influencing decision-making processes); and
2. Involvement in marine plan development.

Without pre-judging the outcomes of the workshops, this could consist of monitoring decisions in relation to consideration of marine plans and, in particular, where plans or more likely plan policies have altered or modified decisions. Feedback of monitoring outcomes would ensure that any plan development would build on lessons learned from use by key Government Departments. This information could also enhance MMO marine plan monitoring efforts (where success measures add to indicators already identified for monitoring).

If workshops cannot be delivered, perhaps due to a lack of resources or stakeholder availability, then webinars could perform a similar function, but without the opportunity to gauge participation and gain valuable feedback. Another option would be to make better use of existing groups where these decision-making bodies are brought together. This would also help by reducing the potential for engagement fatigue in decision makers and minimise the draw on capacity from these decision-making bodies.

Objective	Action	Delivery partner	Timescale	Priority H/M/L
Closer engagement with Government departments and advisers	A series of workshops to engage on all stages of marine plan development (vision, implementation and monitoring). Possible webinars to support dissemination of knowledge within decision-making bodies.	BEIS, DCMS, Defra, DfT, MHCLG, MOD and the Home Office	2019	H

Part 2: Clear communication of consenting and permitting processes in relation to marine plans

Decision makers who replied to the online survey overwhelmingly stated a preference for being engaged via email (92%) in relation to implementation of marine plans and there was a preference towards plans and plan policies being communicated via interactive PMs such as iPDF (85%). This could take the form of PM with opportunities to use plans and plan polies clearly identified. Other favoured alternatives in terms of supporting tools were a data layer within the Marine Information System (54%), a PDF report (31%), or a database of plan information (31%).

The iPDF format has the advantage of being readable by anyone with a copy of Abode Reader of Acrobat which are widely used and also in retaining some of the functionality of some more bespoke visual packages but without the need for specialist software training.

Other than emails, the favoured methods of communication were briefings via existing networks or groups (50%) and webpages (e.g. relevant sections of the MMO's webpage) (50%). Only 8.3% of respondents wanted methods conveyed via social media.

In terms of the types of information and tools that the decision-makers identified to support their implementation of marine plans, the majority of those that responded were after some form of spatially mapped output of plan areas showing the extent of plan policies and any "safeguarding policies" (eg protected sites) in terms of heritage or environment. All of these respondents worked within the regime of marine licensing, if not exclusively. Many working with marine licensing casework rely heavily on GIS and spatial interactions in order to visualize extent, management, and identify any potential conflicts between users. One respondent asked for the ability to link spatial data through to their own web-mapping system, though this is likely to be difficult knowing the different systems that are currently in use it may be more feasible to develop functionality to export certain layers that could then be imported to other systems.

Other information that was requested has been summarised and presented as part of this project, including:

- Summaries of decision-making processes; and
- Information on who is responsible for what in terms of decision-making and marine plans and policies.

In addition, one respondent asked for a spatial map of responsibility and function of decision-makers in order to identify overlaps. As part of this work, we explored implementation of marine plans by multiple parties and, as part of the online survey, gathered information on spatial jurisdiction of decision makers. Spatially mapping decision-making regions was outside the scope of this study, but the information gathered as part of the process could be used to produce such maps. This is likely to be a complicated process and maps would need to be produced for each policy area that a decision maker works in (i.e. not just one map per decision-maker).

Success of this part of the communication strategy would be via use of the supplied information and tools such as PMs (plan implementation) and through feedback by end users (decision-makers and advisers) (plan development and monitoring).

Objective	Actions	Delivery partner	Timescale	Priority H/M/L
Clear communication of consenting and permitting processes in relation to marine plans	Regular updates via email, existing networks and MMO webpages; support tools in form of spatial information on marine plans and policies through iPDF or data layers in MIS; and spatial maps of DM responsibilities.	BEIS, Defra, DfT, PINS, NE, JNCC, Cefas, TCE, MCA, EA, LPA, HE, and Harbour Authorities	2019	M

Part 3: Decision-making bodies that haven't been engaged via this study or where there has been limited communication to date

Throughout the study there was an awareness of a possible selection bias in the organisations that were engaged and those that responded. This was actively addressed in the online survey by identifying all organisations that had a decision-making responsibility and who were all contacted via email or telephone. However, it was clear that most of the decision-makers and advisers who actually responded to the survey were already engaged or looking to be engaged. In particular, the UKHO were keen to have more involvement in the ongoing development of plans and felt they had a lot to offer in terms of spatial data. This may be because organisations who were less aware of marine plans felt that they were going to be judged harshly if they responded in such a way, but it does highlight the difficulty in ensuring all decision-makers are equally engaged and none are left behind during development and implementation of the plans.

It is suggested that any gaps in engagement are initially identified by the key decision-making bodies that didn't respond to this study in any form:

- Defra;
- MHCLG;
- Planning Inspectorate;
- Cefas;
- Local Flood Authorities;
- Regional Flood and Coastal Communities;
- Harbour Authorities (e.g. Port of London); and
- Local Enterprise Partnerships (e.g. Humber LEP).

All of these organisations have a decision-making responsibility, but some are also advisers in relation to other regimes.

Secondly, and as a lower priority, those organisations who were engaged during this study, but some of whose functions weren't represented or where only a single representative organisation should be identified:

- Natural England (see Table 18);
- JNCC (see Table 19);
- IFCA (see Table 16);
- The Crown Estate (see Table 21); and
- LPAs (other than the Broads Authority).

Lastly, those decision-making and advisory organisations who weren't prioritised as part of this process should be identified, such as:

- APHA;
- Big Lottery Fund
- Visit England; and
- Office of National Statistics.

It is recommended that, as these organisations have not consistently responded to communication via email or webpage, then an effort needs to be made to contact them via telephone or to arrange a face-to-face meeting in the case of key decision-makers. Defra, Cefas and others may be contacted through the approach set out in Parts (1) and (2) of the strategy.

The focus of this part of the strategy is in communicating implementation of marine plans and marine plan policies and in seeking honest feedback as to why these decision-makers haven't been engaged to this point. This feedback will be key in developing the engagement strategy in the future.

Once these decision-makers are sufficiently engaged then they could use the webinar resources developed as part of Part 1 in order to disseminate information within their organisations.

Objective	Actions	Delivery partner	Timescale	Priority H/M/L
Engage with DM bodies that haven't been engaged via this study or where there has been limited communication to date	Identify lists of organisations to contact as priority; contact via telephone or face-to-face meeting to inform of implementation of marine plans; provide webinar resources and other material developed under Parts 1 and 2.	To include Defra, MHCLG, PINS, Cefas, Local Flood Authorities, Regional Flood and Coastal Communities, Harbour Authorities and LEPs.	2019	M

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