



Marine
Management
Organisation

Common Issues with Marine Plan Policy Assessments



...ambitious for our seas and coasts

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Introduction

The hypothetical examples in this document outline how marine plans may be used in the context of section 58(1) of the Marine and Coastal Access Act 2009 whereby all authorisation decisions must be made in accordance with the appropriate marine policy documents. The examples will use the [South Inshore and Offshore Marine Plan](#) (hereafter referred to as “the South Marine Plan”) as its appropriate marine policy document. However, the approach described can be applied to any marine plan and plan area. It is aimed at plan users (applicants and decision-makers) and complements the guidance provided in the marine plan documents¹ and other published [MMO guidance on Using Marine Plans](#).

The following information considers a marine licence application, but the issues detailed for the Marine Plan Policy Assessments (MPPA) completed in support are applicable to any authorisation under s58(1) of the Marine and Coastal Access Act 2009 (eg applications to Local Planning Authorities for planning consents).

UK Marine Policy Statement and Marine Plans

The [UK Marine Policy Statement](#) (MPS) provides the policy framework for the marine planning system. It provides the context for Marine plans. Marine plans, where they exist, put into practice the objectives for the marine environment that are identified in the MPS alongside the [National Planning Policy Framework](#) (NPPF) and the [Localism Act 2011](#).

A marine plan:

- sets out priorities and directions for future development within the plan area
- informs sustainable use of marine resources
- helps marine users understand the best locations for their activities, including where new developments may be appropriate

A marine plan also provides guidance on activities to promote or avoid for some locations. They could also support an activity that is important to applicants.

Each marine plan contains policies that guide those who use and regulate the marine area to encourage sustainable development while considering the environment, economy and society.

¹ Implementation advice is found in chapter 3 of the South Marine Plan, chapter 4 and paragraphs 47-49 of the [East Marine Plan](#), and chapter 3 of the [North East](#), [South East](#), [South West](#) and [North West](#) Marine Plans.

Marine plans apply only in their area, but if a proposed activity may affect the plan area, this should be acknowledged and considered in the application and decision-making.

Marine Plan Policy Assessment

Relevant policies are displayed within the marine plan policy section of the marine licence application form.

A policy reference for each relevant policy is displayed along with the policy text. Applicants must complete the Marine Plan Policy Assessment (MPPA) and explain how they have considered the specific policy listed.

For a high quality MPPA the explanation should include whether applicants consider the project to be in accordance with the policy aim, including any policy hierarchy (avoid, minimise, mitigate, or case for proceeding), and if so how. If the proposal is not in accordance with the policy applicants should explain why not and include any consideration they believe MMO should take into account when assessing the application.

If applicants wish to direct the MMO to supporting information relevant to their consideration of the specific policy (eg Habitats Regulation Assessment, Shadow Habitats Regulation Assessment, Environmental Assessment, consultations with other relevant authorities such as harbour authorities or how it may be linked to national policy such as the Marine Policy Statement or other National Policy Statement), they may do so by clearly signposting to the relevant section(s) of the appropriate document(s). Applicants **must** still provide a summary setting out your policy considerations.

If applicants fail to provide the appropriate level of Information, or misinterpret the policy, the application will be rejected and returned to the applicant for additional MPPA information.

Example Marine Plan Policy Assessment Issues

The examples below illustrate the three main issues with MPPAs, submitted in support of the licence application, that would require it to be returned to the applicant for further work:

1. **Example 1 – No Information:** the applicant has provided no information to support their MPPA assertions on compliance with marine plan policies

2. **Example 2 - Insufficient signposting to supporting documentation:** the applicant references a document supporting the application, but fails to provide sufficient outline detail within the MPPA
3. **Example 3 - Misinterpretation of policy intent:** the MPPA is not relevant to the policy due to a misinterpretation of its intent

In all three cases, the applications have been rejected and returned due to inadequate MPPA. Example guidance has been provided to help the applicants improve the MPPA when resubmitting their application.

Example 1: No Information

Aggregates: S-AGG-4

Where proposals require marine aggregates as part of their construction, preference should be given to using marine aggregates sourced from the south marine plan areas. If this is not appropriate, proposals should state why.

Provide an explanation on how you have considered this policy.

Box 1: Rejected Example Response

Not Applicable

Issues:

The applicant has not demonstrated any consideration of the policy, including no demonstration that they will avoid, minimise or mitigate significantly adverse effects. In fact, the applicant states that this policy does not apply to these works, but has not provided any evidence to demonstrate how or why. This policy is applicable as it has been scoped into the Marine Plan Policy Assessment Tool, therefore the applicant should state why it is not relevant to the proposal.

Box 2: Best Practice Example Response

The proposal is a coastal defence scheme which is large in scale and will result in a positive impact on marine-related employment in the South Marine Plan Area. Construction activities will take approximately 18 months to complete, thus providing numerous employment opportunities during this time. The proposal will help achieve Objective 4 of the South Marine Plan: To support marine activities that increase or enhance employment opportunities at all skills levels among the workforce of coastal communities, particularly where they support existing or developing industries within the south marine plan areas.

Example 2: Insufficient signposting to supporting documentation

Biodiversity: S-BIO-1

Proposals that may have significant adverse impacts on natural habitat and species adaptation, migration and connectivity must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate significant adverse impacts

Provide an explanation on how you have considered this policy.

Box 3: Rejected Example Response

The scheme will not have a significant adverse effect on the natural habitat or species - please see the Ecological Impact Assessment Report for further information.

Issues:

The applicant has stated that the works will have no significant adverse effects on habitats and species and is therefore compliant with the policy. However, rather than providing any form of support materials or context to evidence this, they have chosen to signpost to a report which is likely to be found within their application.

In order for this to be accepted, the applicant should provide further detail within the MPPA response box, outlining how the proposal will not have a significant effect on the natural habitat or species. The applicant should then signpost clearly to the relevant sections of the supporting document to provide further context.

Box 4: Best Practice Example Response

The proposal is a coastal defence scheme and is taking place within private grounds and will not impact natural habitats or species, particularly when taking into account the mitigation measures that are integral to the scheme and detailed in the Ecological Impact Assessment Report (EclA) Chapter 5: Impact Mitigation.

Mitigation measures have been incorporated to avoid adverse impacts on marine habitats and species. Further information is available in the Marine Ecology and Ornithology sections of the EclA report and section 6 and 7 of the habitat regulation assessment. The proposal is in accordance with S-BIO-1.

The proposal will help achieve South Marine Plan Objective 12: To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to

coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species.

Example 3: Misinterpretation of policy intent

Disturbance: S-DIST-1

Proposals, including in relation to tourism and recreational activities, within and adjacent to the south marine plan areas must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate significant cumulative adverse physical disturbance or displacement impacts on highly mobile species

Provide an explanation on how you have considered this policy.

Box 5: Rejected Example Response

The proposal will have no impacts on tourism and recreational activities as the works will be taking place in a private area, where no tourism or recreation is located. The nearest recreational activities take place over 2km from the work site.

Issues:

The applicant has stated that the works will have no significant effect on tourism and recreation and is therefore compliant with the policy. This is not directly providing evidence that the proposal is compliant with the policy and should be rejected.

In order to be accepted, this answer should demonstrate how the works will avoid, minimise or mitigate disturbance to or displacement of highly mobile marine species – this has not been provided by the applicant in the example as their response is incorrectly limited to tourism and recreation.

Box 6: Best Practice Example Response

The proposal is a coastal defence scheme and is taking place within an area which is not frequented by highly mobile species. Piling activities associated with the Project are occurring in a small number of areas and will not generate large volumes of suspended sediments – this will remain localised. Furthermore, due to the enclosed nature of the harbour and low tidal range, the effect of increased sediment concentrations is expected to be limited to approximately 5 km. Dispersion processes will act to dilute the small proportion of fine sediment carried in suspension to this point where the concentration of particulate matter and deposition on the seabed would be negligible.

The proposal is considered to be in accordance with S-DIST-1

The proposal helps deliver South Marine Plan Objective 12: To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species.