

From: SM-MMO-Consultations (MMO) <>
Sent: 28 July 2022
To: Elliott Hale
Subject: Consultation response- PLEASE READ

Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

Marine Management Organisation Functions

The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the Coastal Concordat. This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of Marine and Coastal Access Act (MCAA) 2009 all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK Marine Policy Statement. This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local

authorities may also wish to refer to our online guidance and the Planning Advisory Service: soundness self-assessment checklist. We have also produced a guidance note aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our gov.uk page.

See this map on our website to locate the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our Explore Marine Plans online digital service.

The adoption of the North East, North West, South East, and South West Marine Plans in 2021 follows the adoption of the East Marine Plans in 2014 and the South Marine Plans in 2018. All marine plans for English waters are a material consideration for public authorities with decisionmaking functions and provide a framework for integrated plan-led management.

Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a marine licence in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our marine licensing guide for local planning authorities for more detailed information. We have produced a guidance note (worked example) on the decision-making process under S58(1) of MCAA, which decisionmakers may find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.

Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the Planning and Compulsory Purchase Act 2004. Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.

- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The Marine Policy Statement (MPS), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The National Planning Policy Framework (NPPF), which sets out policies for national (England) construction mineral supply.
- The minerals planning practice guidance which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The national and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on 0208 0265 325.