



RTPI

mediation of space · making of place

Royal Town Planning Institute
41 Botolph Lane
London EC3R 8DL
Tel +44(0)20 7929 9494
Fax +44(0)20 7929 9490

Email online@rtpi.org.uk
Website: www.rtpi.org.uk

Registered Charity Numbers
England 262865
Scotland SC 037841

Patron HRH The Prince of Wales KG KT PC GCB

08 October 2010

DEFRA Marine Planning Team
Area 2C
Nobel House
17 Smith Square
London
SW1P 3JR

Email response sent to: England: mps@defra.gsi.gov.uk, marine.planning@defra.gsi.gov.uk
Northern Ireland: marineteam@doeni.gov.uk Scotland: marineconsultation@scotland.gsi.gov.uk
Wales: marine@wales.gsi.gov.uk,

Dear Sir/Madam,

Response to:

- **Marine Policy Statement: A draft for consultation**
- **Consultation on a Marine Planning System for England**
- **Second Consultation on Secondary Legislation under the Marine and Coastal Access Act: Part 4 Marine Licensing**

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners. The Institute seeks to advance the science and art of spatial planning for the benefit of the public.

The RTPI is strongly committed to a new vision for planning, which should be spatial, integrative, embracing the wider environment as distinct from urban or terrestrial space alone. This vision has strongly supported the reform of the terrestrial planning systems of England and the devolved administrations of the United Kingdom.

The RTPI considers that the practice of spatial planning can offer much benefit to our society when we use, develop and manage the marine environment. Although the traditional core activities of the Institute have been supportive of terrestrial practice, there is within the membership a considerable body of UK and international experience in the field of marine planning. To support the development of the Marine Bill, the RTPI set up its own Marine Spatial Planning Interest Group, chaired by Jed Griffiths, a Past President of the Institute. In the period leading up to the adoption of

the Marine and Coastal Act 2009, the Interest Group had a considerable role in advising the Government in formulating its policies which are now embodied in the Act. Much of the RTPI vision for marine planning is now incorporated into the legislation.

In July 2010, the Institute was consulted by the Department for the Environment, Farming and Rural Affairs (DEFRA) on three policy documents. The Institute's detailed responses to each of these reports are appended to this note as follows:

Appendix A: UK Marine Policy Statement: A draft for consultation

Appendix B: Consultation on a Marine Planning System for England.

Appendix C Second Consultation on Secondary Legislation under the Marine and Coastal Access Act: Part 4 Marine Licensing

The RTPI remains strongly committed to the development of a marine spatial planning system for the UK and the devolved administrations. Over the years, it has provided much support and advice to DEFRA and other marine-based organisations in the development of the system and in the drafting of the reports listed above. A similar dialogue has been established with the Marine Management Organisation (MMO) since its formation in April 2010.

The Institute welcomes this opportunity to comment on these three important reports which mark an important stage in the process. Previously, the RTPI has commended DEFRA for the step-by-step approach to consultation in the development of the system. As a result, the UK Marine Policy Statement is much more integrated than the previous draft.

The appendices contain the details of the RTPI response to the three documents, this response has been formed by drawing together member's expertise from the Marine Spatial Planning Interest Group. In overall terms, the policy content addresses the concerns which were raised by the Institute in its comments on the UK Marine Policy Statement in the spring of 2010.

The RTPI Water and Marine Spatial Planning Interest Group would be happy to discuss this submission or offer assistance in developing future marine policies and guidance. If you require further assistance, or have any queries relating to the enclosed or require clarification of any points made, please contact Jas Mahil, Senior Planning Policy Officer for England on 020 7929 9466 or email england.policy@rtpi.org.uk.

Yours faithfully,



Matt Thomson
Head of Policy and Practice
Enc.

APPENDIX A

UK MARINE POLICY STATEMENT: A DRAFT FOR CONSULTATION Response by the Royal Town Planning Institute

General Comments

The Institute generally welcomes the revisions to the draft Marine Planning Statement (MPS) since the previous consultation draft. Some concerns remain, however, and the details are set out in the answers to the questions below. There is an issue about the order of content and the implied importance of some topics. Chapter 2 outlines the vision for the UK marine area and sets out the strategic environmental, social, and economic considerations, in which case it should end at paragraph 2.6, because the subsequent paragraphs are concerned with more detailed issues. These would be better dealt with in Chapter 3, which describes the policy objectives for each of the key activities.

There is a final general point, which has been made in previous responses. The RTPI still believes that the MPS fails to give any clear strategic policy direction which would give consistency to marine planning decision-making throughout the UK. In relation to most topic areas, it identifies impacts and issues for consideration, but does not clarify UK Government policy. In this respect, the MPS is less helpful to decision-makers than it could be, and fails its ambition to ensure that marine resources are used in a sustainable manner (as described in the introduction to Chapter 3)

Questions

Q1. Does chapter 1 clearly explain the scope and purpose of the MPS and how it interacts with existing and emerging planning systems?

In the main, the Institute is satisfied that Chapter 1 clearly and succinctly explains the role of the MPS and how it interacts with existing and emerging planning systems. It is complemented by the Introduction, which now describes a much more coherent structure to the MPS, clearly setting out its scope and the framework it will provide for the first generation of Marine Plans.

In particular, the need for integration with terrestrial planning, highlighted by the Institute in its previous response, has been set out at the outset (section 1.3). This is to be welcomed, as is the recognition (section 1.2) that cross-border planning will be essential for activities which extend across national or marine plan area boundaries. It is not clear, however, how cross-border consistency will be achieved.

There is no proposed mechanism for cross-border planning. The RTPI would strongly recommend joint working, supervised by joint committees. These could have delegated powers, enabling progress in plan-making, although separate adoption processes would be needed.

The Institute believes that this may be more problematic in Wales, where marine planning powers have been devolved to the Welsh Assembly Government. There is little clarity in the MPS as to how the powers would be applied in Wales, coupled to a concern that there may not be sufficient

resources for marine planning, and a lack of priority. In addition, the forthcoming cuts in local authority expenditure will probably mean that resources for marine planning will not be adequate at the local level. There is a danger, therefore, that marine plans may not be fully integrated with Local Development Plans in coastal planning authorities.

Although there is a welcome recognition of the need to integrate with terrestrial planning, there is no clarification as to how this would be achieved. Here the RTPI would recommend partnership working between local authorities and the marine planning bodies and mutual recognition of plans. This requires thought being given to a combined marine/terrestrial planning framework in which terrestrial, coastal and marine plans are identified and their relationship clarified.

The Institute is pleased to note the continuing support in the MPS for the principles of sustainable development in marine planning. The thorough analysis on the Appraisal of Sustainability (AoS) has led to the formulation of an MPS which will deliver sustainable development effectively, with protection for the areas of key conservation significance.

Q2. Does chapter 2 clearly state the vision and how it will be achieved? Are the high level principles and environmental, social and economic considerations to be taken into account in marine planning clearly expressed?

The simplified structure of the MPS does seem to some extent to have eradicated the confusing overlap between issues and topics which was in the previous draft. Thus, the first part of Chapter 2 clearly and simply expresses the vision for the UK marine environment, and how it can be achieved through marine planning. The highlighting of the high level objectives in Box 1 strengthens the overall message.

From paragraph 2.7 onwards, however, the more detailed topics would be more appropriately considered in Chapter 3. The comments on these passages are listed below.

The RTPI welcomes the recognition that climate change will be an important issue for marine plans to consider. In the Institute's view climate change is the most significant factor to be considered by planning in the longer term. The MPS would benefit if section 2.10 were to be moved forward in the document, and more clearly coupled to consideration of the marine environment, marine ecology and biodiversity. This would indicate a much more positive approach to tackling climate change "head on", rather than merely addressing the issues.

The Institute generally supports the range of issues and considerations listed in Chapter 2. Nevertheless, it is felt that insufficient attention is paid to the effects of leisure and tourism on the marine environment, and society and economy. This should be outlined in a separate section within the chapter (revised Chapter 3)

The Institute welcomes the prominence given in section 2.7 on marine ecology and biodiversity. Nevertheless, the clear aim should be to reverse biodiversity loss, the words "if possible" should be omitted from the first bullet point.

Coastal change and flooding will be increasingly significant issues and the summary in section 2.11 is welcome. It is understood that Coastal Change Management Areas are applicable only in England.

In summary, the chapter does express very clearly the range of high level issues and considerations to be addressed in marine planning. Compared to the draft MPS, the new version benefits from bringing these high level matters forward in the document, but the more detailed topics should follow in Chapter 3. It would be useful, however, for a summary section to be inserted at the end of the chapter, drawing together the high level issues and expressing the priority areas to be tackled by the first series of marine plans. This would also help to give a clear link between Chapter 2 and a revised Chapter 3.

Q3. Does chapter 3 provide a clear statement of policy objectives for the marine environment? Are the key impacts, pressures and issues for consideration in marine planning appropriately identified?

As expressed above, the Institute strongly supports the re-structuring of the MPS. Thus, it is felt that Chapter 3 does generally contain a clear statement of the policy objectives for the marine environment, subject to the qualifications set out in response to Chapter 2.

The Institute welcomes the prominence given to Marine Protected Areas at the beginning of Chapter 3 (section 3.1). The consideration of international sites, an issue highlighted by the RTPi in its earlier response, has now been addressed in Chapter 3.

Energy production is a significant issue in marine planning, and the detailed discussion of the various technologies and the potential impacts is to be welcomed. Renewable energy is linked to climate change and it is felt that there should be incorporation of the points made in section 2.10. Development of off-shore wind-power is proceeding apace, and there are a number of issues that will need to be addressed in Marine Plans.

Ports and shipping are important elements of the UK infrastructure, and are highlighted in section 3.4. Nevertheless, it is considered that the potential impacts are under-played in the MPS, for instance the effects of marine litter and waste which is generated by shipping.

Section 3.11 on tourism and recreation is to be welcomed but the discussion of issues and impacts is poorly developed. There is no mention, for example, of sea-bathing and beach recreation, which can have a considerable impact on the marine environment in parts of the coast. In this area, there will be particular need for terrestrial and marine authorities to work closely together.

As with Chapter 2, the RTPi considers that a summary section is necessary - in order to pull together the main issues and highlight those which should be prioritised in Marine Plans. The document ends rather abruptly in its current form and should offer some sort of consistent policy direction to the devolved administrations.

Q4. Do you agree with the findings of the AoS?

The Institute largely agrees with the findings of the AoS. In terms of its temporal scope, the lifespan of 20 years is acceptable. The Appraisal process, however, is iterative and is coupled to the processes of monitoring and review. This should be brought out in the summary of the scoping in Section 3.1 and cross-referenced to Chapter 7 of the Non-Technical Summary.

Q5. Do you think there are any areas which have not been reflected properly in the MPS?

The MPS is extremely comprehensive in its coverage. Tourism and recreation (see above) is under-played in the MPS. It should be included in Chapter 2 and considered in more depth in Chapter 3.

Q6. Do you have any comments on any aspect of the MPS not covered by the previous questions?

There are no comments

Q7. Do you have any comments on the HRA?

The Institute has no comments

Q8. Do you have any comments on the EqIA screening?

There are no comments.

APPENDIX B

CONSULTATION ON A MARINE PLANNING SYSTEM FOR ENGLAND Response by the Royal Town Planning Institute

Consultation Questions

Q1. Do you agree that we have identified and captured within Chapter 1 all of the benefits of marine planning?

The RTPI welcomes this draft framework for a marine planning system for England. A number of issues were raised by the Institute in its response to the draft UK Marine Policy Statement in the spring of 2010. Most of these have been addressed successfully in the report and the Institute wishes to extend its full support to DEFRA for its development of a system which will provide comprehensive guidance to the MMO and all other decision-makers. An outline of the proposed marine planning system is very clearly set out in the Introduction. This is an important component of the document as a whole – an updated version of this should be retained in the final publication.

The purpose is further elaborated in Chapter 1 and covers all the main issues which the RTPI have raised in past discussions. In paragraph 1.9, however, there may need to be some change to the text to reflect the Government's proposals to abolish the Infrastructure Planning Commission by 2012. The new arrangements for national infrastructure planning will include a greater element of parliamentary scrutiny. This will need to be considered against the role of the MMO and Marine Plans.

The RTPI believes that Chapter 1 does set out in a comprehensive manner the benefits of marine planning, both direct and indirect. It is noted that paragraph 1.13 cites the role of the Sustainability Appraisal, whereas the draft UK Marine Policy Statement refers to an Appraisal of Sustainability (AoS). It is to be hoped that the latter will be discarded – the Sustainability Appraisal has been a feature of the terrestrial development plan system for almost 20 years. To introduce another term would undoubtedly cause confusion.

Q2. Have we set out and appropriately considered in Chapter 2 and elsewhere the elements required before marine planning can begin?

The RTPI welcomes the comprehensive description of the context for marine planning as set out in Chapter 2. Inclusion of the European Obligations in the box on page 5 does to some extent address the criticism by the Institute in the previous MPS comments about the lack of an international framework for marine planning. Similarly, the box on marine nature conservation sets out the European context for these issues, which are at the very heart of the rationale for the system.

More thought needs to be given in the document, however, to the process by which marine, coastal and terrestrial plans are integrated. The RTPI believes that this can only be achieved through partnership working between the MMO and others, particularly coastal local authorities to establish a policy framework that would incorporate plans of all types – including LDF/marine plans/ICZM/SMP/WBMP.

MCZ designation will be in advance of Marine Plans, but designated sites should be incorporated into plans and reviewed at a suitable time. The MCZ designation should not preclude consideration of sites in terms of other policies or for other potential uses.

The RTPI welcomes the definition of the 11 marine plan areas, as described in paragraphs 2.21 – 2.27 and Figure 2. These now seem to reflect more accurately both the ecological and administrative characteristics. The Institute believes that joint inshore/offshore development of plans (as proposed in the North West) would prove to be the best option in most locations and welcomes the fact that the document and the revised boundaries allow for that possibility. The Institute looks forward to seeing the selection of the first two plan areas, and is willing to assist in the dissemination process, on a regional basis.

As stated above and in previous responses, it will be important for the MMO to seek integration with other plans and policies. This relationship should be elaborated in paragraphs 2.4 – 2.9. It should be noted, however, that the Wales Spatial Plan (paragraph 2.5) is not part of the development plan system, although it can carry considerable weight in decision-making.

Working across international borders, both within and outside the British Isles, should be subject to joint arrangements. For example, there is no consideration of Scottish cross-border relationships in paragraph 2.5. Within the UK, the RTPI would recommend joint plan teams supervised by joint committees with delegated powers to enable rapid and effective plan progress. This must recognise that independent plan adoption will occur in each administration. Complete harmonisation of plans (paragraph 2.8) can never be achieved, but planners must always consider the relationships between a plan area and its neighbours and keep these under review.

In the section on the geographical scope of marine planning, the roles and responsibilities of the Welsh Assembly Government for marine planning are not specified. This omission should be corrected.

The importance of an evidence-based system is set out in 2.28 – 2.35 and is to be welcomed. On the experience of terrestrial planning, however, the RTPI would recommend that the MMO does not attempt a comprehensive capture of data for the first round of plan. These will inevitably be revised in the short term as experience of plan-making develops. There are many existing sources of data. In this respect, the coastal local authorities in England will be of immense assistance in the provision of survey information and intelligence, much of which will have been used in support of LDF preparation. In addition, in monitoring great care needs to be taken to ensure that not only data that is readily measurable is collected, but also intelligence that describes the influence of the plans on stakeholder decision-making. This will also help to ensure that there is a clear understanding of the extent to which the data can be integrated and attributed to the impact of marine policy.

The Strategic Scoping Exercise (paragraphs 2.35 – 2.43) will be of considerable importance in the development of a data base for marine planning. It is understood that, at the time of writing, the MMO had commenced the process, which is supported by the RTPI. It is understood that this process will consist of a dossier of known relevant material in relation to the chosen plan areas, also with an interpretation of the MPS and other relevant policies (e.g. NPS/PPS) as it applies to the marine plan areas. We would recommend early engagement with stakeholders and establishing a process which clarifies the purposes, scope and stages of production to ensure a

degree of “buy in” from relevant bodies to this important precursor to plan-making.

The order and timetable for plan production is clearly a matter for MMO decision with ministerial approval and many of the appropriate considerations for making this judgement have been put forward. On the basis of its experience, the RTPi would recommend that two key factors are considered. First, a strong local presence of the plan-making team would be necessary to engage effectively with local communities. Second, because the first plans will establish working methods, protocols and procedures, they should not be undertaken in areas confronted with highly complex issues or where joint working is seen as being desirable on advance of joint working arrangements having been put in place.

Q3. Does the proposed structure and content for Marine Plans provide appropriate clarity to enable the MMO to create effective Marine Plans in England (Chapter 3)?

The proposed structure and content of Marine Plans, as set out in Chapter 3, does provide a very clear basis for the MMO to produce effective marine policies. The decision structure, summarised in Figure 3, does provide best practice on terrestrial development plans, from vision to implementation and monitoring.

The structure and content of marine plans, as described in Figure 4 and paragraphs 3.7 – 3.9, also reflect the key elements of the terrestrial system. The Institute questions, however, whether Marine Plans need to be more than a single document, as suggested in paragraph 3.11. Experience with the LDF, which is a portfolio of documents, suggests that this system can cause some delay in the production of plans, which sometimes can be disproportionate to the benefits of having separate documents. Accordingly, the Institute recommends that Marine Plans can comprise a single document where appropriate. In areas of complexity, there is always the possibility to prepare an inset plan, or a development brief.

The Institute supports the clear emphasis on implementation and the proposal for an Implementation Plan. In addition, the Institute supports the setting up of a monitoring system and a regular process of monitoring. The Monitoring document should be separate from the Marine Plan, and produced on an annual basis, as with the LDF system on land. A systematic process, using targets and indicators, will contribute much to the longer term review of Marine Plans. It is acknowledged, in paragraph 3.59, that not everything can be measured. The process should also embrace intelligence.

An important factor will be the use of plan policies by the licensing and enforcement teams. The RTPi advocates developing strong working relationships between plan-makers and these teams, at the plan preparation stage and beyond. This would embrace training for both teams, consultation with the licensing/enforcement officers on matters of policy development and on-going liaison on licensing applications.

In particular, is the overall approach to planning recommended and outlined in paragraphs 3.7 to 3.9 appropriate?

Notwithstanding the above comments, the overall approach suggested in paragraphs 3.7 – 3.9 is supported by the Institute.

Q4. In Chapter 4, have we covered all steps to draft Marine Plans?

The process described in Chapter 4 is comprehensive and sets out all the necessary steps in plan production. The diagram in Figure 4 (should be 5) is particularly helpful, but there should be further consideration as to how the various stages should be undertaken.

The Statement of Public Participation and stages of stakeholder engagement are both crucial and will be new to many stakeholders. We would recommend liaison with our colleagues in Planning Aid who have expertise in this area and have advised both central and local government on their approach to policy and plan-making. There is clearly much to be gained from contact with local authorities, local strategic partnerships, and the new LEPs in relevant areas – before plan-making commences.

In the steps towards identifying the preferred scenario, the document should make it clear that it has been chosen not only through the Sustainability Appraisal, but also via the involvement of stakeholders and communities. This should build on the approach suggested in paragraphs 4.12 – 4.15 and above.

In generating alternative strategies in each plan area, the use of scenarios is advocated. The RTPPI would recommend that a consistent set of parameters is used to generate scenarios in all plan areas, although the analysis of implications will not be the same in all regions.

The Institute strongly supports the independent investigation of Marine Plans prior to formal adoption. The description of the process (paragraphs 4.44 – 4.48), however, is too loose. It is not clear whether the investigator's report would be binding and the extent to which MMO planners would be able to amend a plan. The adoption process is not set out clearly. We would advocate the use of the Planning Inspectorate to strengthen this section – early liaison and training would be required between the MMO and PINS.

Q5. Are the roles and responsibilities of key stakeholders clear in Chapter 5?

The roles and responsibilities of the public and other stakeholders are well set out in Chapter 5. The Statement of Public Participation mirrors the approach in the LDF process, which ensures that the planning authority systematically identifies the individuals and groups who are the key to the plan-preparation process. Table 2 sets out the stages of involvement in a clear and concise manner. The section (from paragraph 5.21) setting out the roles of government regulators and planning organisations is particularly useful. Under the Environment Agency, there could also be consideration of the role of Drainage Boards in coastal areas. The role of port authorities is not mentioned and should be included. Paragraphs 5.40 – 5.43 will need to reflect the changing role of the IPC.

The Institute is concerned that the demise of Regional Spatial Strategies and various regional bodies will have some effect on the marine planning process. In particular, the role of sea-dredged sand and gravel will have an important effect on some coastal areas. The contribution that these sources make to regional aggregates production has been determined by Regional Aggregates Working Parties, the future of which is uncertain.

Q6. In Chapter 6, is it clear how the marine planning system interacts with plans and

processes on land?

The scope of Chapter 6 is especially welcome to the RTPI, who have consistently pressed the need to develop a clear and complimentary relationship between terrestrial and marine planning systems. The duty of compatibility in the Act is clear.

More could be done in this chapter to clarify matters. It is strong in aspirations, but less clear on how integration will actually be achieved. Effective integration will depend on:

- Strong partnership working across the coastal divide for which protocols will need to be developed (possibly in the context of the first round of plan-preparation.
- Establishing a clear hierarchy of plans and their functions (both statutory and non-statutory). This will require setting out a marine/terrestrial planning framework and a separate study should be commissioned to establish this.
- The commitment of DEFRA and CLG to an integrated planning approach.

Q7. In Chapter 7, is the approach to decision-making both during and after the adoption of Marine Plans clear?

Chapter 7 is less well developed than the other parts of the report. In particular, the section on enforcement needs to be expanded, especially with regards to the relationship between the MMO enforcement regime and that of the terrestrial local authority. In the latter, the organisation of enforcement and the resources allocated is discretionary. In the Marine system, there should be a much clearer commitment to developing a system which is properly resourced.

Impact Assessment Questions

Q1. Do you have any comments or additional evidence to improve the Impact Assessment?

There are no additional comments.

Q2. In particular, if you carry out or represent activities that fall within the scope of marine planning, are you able to provide a view of how the proposed planning system is likely to impact those activities and are you able to provide an indication of the scale of such impacts?

The main impact will be on the local planning authorities in coastal locations, who will need to find the additional resources to engage with the MMO and the emerging marine planning system. This will occur in a period of severe cuts in local authority expenditure.

Education and training will be essential. The Institute will need to ensure that more accredited degree courses will embrace marine planning, in order to develop the skills base necessary for the future. In addition, there needs to be a programme of conferences, workshops and seminars for practitioners.

APPENDIX C

SECOND CONSULTATION ON SECONDARY LEGISLATION UNDER THE MARINE AND COASTAL ACCESS ACT: PART 4 MARINE LICENSING Response by the Royal Town Planning Institute

General Comment

The RTPI welcomes this document and supports its purposes. It is essential for the effective introduction of marine planning that licensing and enforcement decisions should be made in accordance with marine plan policies.

Q1. Do you agree that the average cost to undertake an Environmental Assessment or Appropriate Assessment is £50,000?

The RTPI disagrees. Advice from practitioners in the EPP Network suggests that the average cost of an EIA is significantly more than £50,000. It will be more again for a marine-based EIA.

Q2. Do you agree that by front-loading much of the work on applications, savings could be made to the length of time that the MMO takes to determine a licence?

Both the current Government and its predecessor have placed emphasis on front-loading and pre-application discussions. The Institute supports these processes, and agrees that substantial savings could be made to the length of time taken to determine a licence application. The advice on the pre-application process, set out in paragraphs 5.4 – 5.18 is well-drafted. Proposals for web-based guidance and support add value to the system as a whole.

We agree that applications should be determined on the basis of community and stakeholder consultation and sound evidence, bearing in mind the policies contained in marine plans and related documents. The Institute is opposed to charging for pre-submission consultation.

Q3. What monetary value would you place on being able to obtain your marine licence sooner?

Not applicable.

Q4. Do you agree with the overall costs and savings identified in the Impact Assessment? If not, why not?

The Institute agrees with the general costs and savings shown in the Impact Assessment.

Q5. Do you agree with the proposals outlined above for a pre-application service? Is there anything else that you think would provide extra support to potential applicants during this stage?

Yes – this has proved to be of substantial benefit to both applicants and local authorities in the

terrestrial system (see Question 2 above). We would re-iterate that we would oppose charging for such services. Experience in the terrestrial system shows that charging for pre-application advice discourages potential applicants, leading to difficulties and delays in the processing of applications.

Some consideration should be given to a “one stop” service where the terrestrial and marine systems overlap, and both a planning application and a marine licence are required. Processing of both applications, by the LPA and the MMO, could be linked, with an agreement on which organisation takes the lead. Planning permission and marine licence could be issued simultaneously.

Q6. Do you agree with the proposals outlined above for the marine licence application process? Is there anything else that you think would provide extra support to applicants during this stage?

The RTPI wishes to support these proposals which mirror best practice in the processing of planning applications.

Q7. Do you foresee any difficulties with our proposed approach for updating and repealing existing EIA Regulations and updating Conservation Regulations?

There will always be difficulties, but the proposed approach seems to have anticipated most of the potential problems and pitfalls. The RTPI notes the points made in paragraph 5.42.

Q8. Do you foresee any difficulties with this approach?

No. It is sensible to merge application processes where appropriate.

Q9. Do you think that the intended approach is appropriate? If not, why not?

Yes, but we would recommend that licensing of all oil and gas-related activities should also be delegated to the MMO in order to provide a “one stop shop” for licensing and ensure a consistency of service. It would be helpful to developers to advertise the charges for licensing as soon as possible to enable them to budget accurately for the process.

Q10. Do you agree that eight weeks is sufficient time for an applicant to lodge an appeal?

Yes – subject to the flexibility provided in Table (a) and paragraph 6.17.

Q11. Do you agree with this approach?

This seems fair and is similar to the provisions of the planning appeal procedures.

Q12. Do you agree with the proposed time limits within the appeals process?

The RTPI agrees with the time limits as set out in the consultation but would recommend that there should be consultation with PINS on this matter. There would also be a need for rapid training for PINS inspectors, not only in licensing procedures, but also in marine planning generally.

Q13. Are there waste management activities other than ship breaking that are better regulated under the Environmental Permitting Regulations than under marine licensing?

The RTPi is unaware of any other activities.

Q14. Have we correctly identified the cases where an exemption (subject to MMO approval) for emergency action is needed?

Yes.

Q15. We welcome your views on the proposed exemptions, in particular:

(a) Do you agree with the proposed exemption as drafted?

Yes

(b) Are there any other activities that we have not included that you feel should be included?

No.

Q16. Will the draft Regulations provide the right level of detail on the Public Register? If not, what information should be added or removed from the requirements?

Yes – this seems to have picked up on the experiences of the terrestrial system.