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Interface between Marine and Terrestrial Planning - Workshop Notes:

Russell Gadbury (MMO)

- What is marine planning?
 - In essence it's your world (terrestrial planners) in our world (marine), it is not fundamentally different.
- MMO is not there to tell you how to run your business or what to do, but to facilitate sustainable development offshore.
- MMO was set up in 2010 to support delivery of the UK government's marine policy statement (MPS)
- Non-departmental public body, with powers under the Marine and Coastal Act 2009 –
 - Brings together key marine decision-making powers and delivery mechanisms – this linkage is very important.
- When you look at sponsors you will notice similarities – lead sponsor is DEFRA, but look also DCLG, MoD, DECC etc – similar players that terrestrial planners already work with.
- Aim is to contribute and support the delivery of sustainable development – Act makes this clear, which is backed up by the MPS.
- MMO – take the MPS and boil it down to the local level.
- Must have a common form evidence base – evidence must underpin the decision making process.

Stakeholders and licensees:

- Working together with stakeholders – it is not bottom-up, but nor is it truly top-down. Much more in the middle and working closely with stakeholders.
- Working with licensing colleagues and past experiences, MMO is aware that the join up needs to exist between planning policy and development management. If this breaks down delivery becomes extremely difficult.
- Stakeholder engagement is at the centre of developing the planning process – the MMO are making a big point of this.

Why do we need Marine Planning?

- Becoming busier in our seas – lots of new activities (e.g. new marine renewable energy) and the need to protect the environment.
- Brings it all together – Defra and UNESCO define as a *strategic plan for regulating, managing and protecting the marine environment that addresses the multiple, cumulative and potentially conflicting uses of the sea*

Change in the licensing landscape:

- Licensing regime – equivalent to terrestrial development or management control system.
- Many changes have been put in place this year –
 - In April this year, the old licensing regime, has been revised – into a more streamlined licensing system, which is far more customer focused – lesson to learn.

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- From cradle to grave assessing applications - how they're implemented and operated throughout their life and monitored, and how do we remove them.
- Scale and cost.
- New to licensing is an appeal system.
- Need to have enforcement.

How does this fit with the MPS and plans?

- There is not a full marine plan in existence – so there is not a complete reference point. However the MPS is already a legally binding document which is being interpreted and filtered into the licensing process.
- Marine plans will then complement and assist in the process as they develop over the next 10 years.

Where is the cross over and inter-relation with terrestrial planning?

- Overlap of activity and clear similarities – they operate up to the high water mark, which can be a considerable way inland.
- Must be realistic about where is the value that you can bring to the terrestrial environment many many miles from the coast.
 - Identify gaps
 - Need for dialogue
 - Address buffers that offshore developers hit as they come onshore

When planner not a planner?

- MMO planning team does not deal with licensing applications – they are planners, not licensing officers.
- However, they work closely with licensing colleagues.
- Policy and implementation.
- Sustainability appraisal – parallel process, with checks and balances.
- Planning has been done before, but not like this – need to appraise and learn as this process develops.

Output and product:

- Not too dissimilar to an LDF or local plan – GIS based mapping, large amount of information coming in.
- Have an effective delivery framework and monitoring procedures – are you meeting the aspirations that you set out to meet.

Benefits:

- Cohesion between coastal, estuarine and terrestrial plans are essential.
- Progressive mapping so can see what is happening, without unnecessary costs.
- Strategic approach – nothing new. 1987 terrestrial planning framework talked about the integration of socio-economics and environmental objectives.
- Involving stakeholders early on.

- Need and recognise the issue of cumulative effects.

Why did they come to East inshore and offshore first and go for something so big?

- Government wants to seek the maximum benefit from marine planning.
- The area supports a number of very important industries and sectors.
- Tackle a number of areas which are affected by deprivation.
- Greatest number of proposed marine protected areas
- Had partners ready to take forward marine planning – French less so, but the Belgium and Dutch are ready to forge ahead.

Marine relevance to terrestrial planning:

- Doing this alongside a lot of existing plans.
- MMO are assessing local plans for elements of “marine relevance” – using the MPS they are asking have you got certain areas within your plans that the MMO should be taking notice of and integrating the marine plans.
 - Eg – North Norfolk, in the un-develop coast, development would only be supported if it is not significantly detrimental to the overall coastal character – LDF policy.
 - Translating this to the marine environment – in the MPS there is a section on seascape, and it says cultural, historical and archaeological impacts of the coastal areas aids with the terrestrial planning authorities and should consider these – important inter-linking.

Impacts of climate change:

- The coastal and marine environment is constantly changing.
- Industry sectors are adapting – energy
 - Do you install energy production and facilities onshore or offshore – what are the pros and cons.
- Impacts of development – Northumberland coast was blighted by the mining industry decades ago, now it’s been cleaned up. So have to be mindful of excessive offshore development for the sake of the terrestrial environment.
- Offshore renewables are providing new economic development in coastal areas with fabrication and testing facilities in ports, warehouses and inshore plants.
- Major changes along the coast for communities.
 - Changes in local industries – fishing, imports and exports, shipping

Marine Planning Portal:

- Mitigation tool to allow stakeholders to engage with the planning process.
- Can view existing data on the evidence base.
- Can comment on the data – improve data sets and information
- New functionality will be applied between now and October
 - Will be able to comment on the planning options when draft plans are produced
- Will also be able to view the decision making ‘order-tray’ – transparency, allowing you to see where the information comes from and how it was gathered.

Evidence and resource

- Currently under way with the 'Strategic Scoping Exercise' – all England look at the spatial distribution of resources which was finalised the week after the workshop.
- This includes a section on future activities
- Are activities equally distributed – MMO know they are not, but seeking the evidence to underpin it.
 - Are some areas more important than others? – some areas are more important for shipping, others for recreation, fishing, oil and gas, renewables.
- How limited are the resources – it's not limitless!
- How constrained are the activities
- This will be boiled down into a series of area summaries – South West, North East etc etc
- Allows comparison between the regions and what is happening where – identifies which areas are busiest and under pressure.
- Gives us an analysis of future opportunities for each sector – very difficult! Advises stakeholders to have a look at the SSE, extremely tough to look 2 years into the future, let alone the life-cycle of a plan (20 years).
 - What are the challenges going forward
 - What are the concerns
 - What do you need
 - BUT need evidence to support the decision and process

Socio-economics Study

- Understand the impacts of marine planning on socio-economics on coastal communities.
 - A lot has been done on the environment, BUT very LITTLE has been done on the socio-economics
- Looking to provide expert advice on socio-economics and find synergies between marine and existing land based plans.
 - Wanting to supplement on what is already there – not want to re-write the rule book.
- MMO have Hosted and invited stakeholders to take part in a number of workshops – aimed at planning officer, development officers
- Recently 2 workshops in Norwich
- Presented the typologies to coastal communities – were we right with thinking, where there any suggestions, challenged consultants on outcomes, striped apart local areas is this typology right.
- Doing further work with local authorities – looking for something specific for elected members late in the year.
- Sustainability appraisal is in train – sharing information between appraisal teams.
- Baseline evidence is the key, underpins everything.

Land planning and relationship with the MMO:

- Have to work together

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- PPS – many issues critical to spatial planning don't respect local planning authority boundaries.
- Localism bill – quite clear direction of travel – e.g. a duty to cooperate.

Next steps:

- Evidence gathering is ongoing
- Officers on the ground in the region
- Strategic scoping exercise – starting point for discussion, not a silver bullet
- Sustainability appraisal continues
- Workshop for Elected members event in September, possible location in Peterborough.
- Connectivity is important, trying to spread events around

Discussion:

The following non-attributable questions and comments were made in discussion

- Do MMO have any powers to protect the land-sea interface – it is very fluid, in East Anglia a number of areas have been reclaimed from the sea and land is being lost to the sea. Have to realise that the 'High-water' mark is no longer a fixed boundary?
- Main point of reference for all planning on the land-sea interface is conformity with the MPS, unless there are good reasons to go in another direction - People need to be aware of that obligation.
- Another consideration is that the plans for East inshore and East Offshore will impact on other areas – for example Tyneside is almost parallel with the northern edge of the East Offshore area and there may be impacts on economic development in Tyneside area.
- One of the challenges is having the 20 year vision within marine plans – people think it should be longer than that, should be 70 years, then take greater account of climate change and hopefully have more flexibility, but would have anything concrete ready to work with. For example MMO have been talking to ports about growth in coastal shipping traffic, something in sustainability terms makes far more sense to move goods around, but this is an example of where it is difficult to predict and model.
- What is the marine plan equivalent for a section 106?
- The benefit of the impact from the marine to the terrestrial is very difficult – large number of people can't see where benefit from marine development and marine activity accrues to them – where in a terrestrial context, the link is more apparent.

Jim Claydon –

What is there in the current terrestrial planning system that has relevance to marine planning?

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- Regional and spatial planning have some reference to marine/coastal planning, tourism etc
- LDF's have a relevance to coastal areas and coastal regeneration
- Coastal designation – conservation or settlement
- Major proposals in coastal areas
- Coastal access – actually a terrestrial planning issue, but effects the coast

Coasts

- A lot going on, but few statutory plans, but is progressing
- Emerging national policy, but is delayed due to current government
- Emerging set of marine plans – 10 – 11 on the list is a long way off
- Importance of land-sea interface

Despite uncertain there is the opportunity build on knowledge base and opportunity to develop initiatives with a broad approach.

Localism Bill

- Loss of housing
- Renewable energy, marine minerals and regional transport plans will all be impacted and have to be considered under new localism approach.
- Can anticipate that through the localism bill there will be new types of neighbourhood plans, how much will these include marine and coastal – how many more consultations will the MMO be involved in, trying to draw compatibility between marine plans and neighbourhood plans in coastal communities.
- Anticipate that mayors and LEP will have a strategic planning role and they must be engaged in marine planning -
- Duty to cooperate is part of this mechanism, to fill a strategic planning vacuum as a result of the loss of RSS's.

Marine

- Marine planning is a good example of spatial planning – integrated, cross-sectoral, cross-boundary and hierarchal.
- Marine Policy Statement works across all sectors and is unique within government in its approach.
- Will be a hierarchy, with different levels of detail depending on need and incorporate already established designations, including the marine protected areas, which is already being worked on.
- Licensing – will be integrated within the MMO and planners (Jim Claydon) would be in favour of licensing being included in the marine plan – as with the idea of localism it is important that licensing and planning are closely aligned in the MMO and future marine plans.
- Data – evidence base is essential and is seriously lacking in the marine environment.
- Marine planning is happening is now, ever since the MMO was set up, planning has been progressing. Planning is that ongoing decision making process effecting the marine area, so

even the absence of any marine plan, the Marine Policy Statement sits the guidance document for the whole of the UK and gives us the background to marine planning.

Infrastructure Planning:

- National infrastructure plan was introduced early on and beginning to see a national policy framework, however Jim does not consider this to be fully integrated into the whole planning system and does not consider them to be explicitly spatial – Jim is convinced that the planning policy framework says anything about marine planning and is completely “a-spatial”.
- National Policy Statement is going to be very important to us as they are going to cover policy which are going to cover both terrestrial and marine planning, without recognising the coast as any significant barrier – it just happens to be there.
- Important to understand where this sits with local planning – it has been said that the national policy statement and national infrastructure plans is unrelated to town and country planning. Jim feels this is completely wrong as the NPS are material considerations to development planning.
- Local authorities have an incredibly important role to play in the infrastructure planning process – they advise on consultations, negotiate s106, submit local impact reports, monitor and enforce.

Marine Planning - ongoing initiatives:

- The world does not stand still and LA are getting their retaliation in first - **Coastal Change Pathfinders** – 15 CCP authorities, supported by £11 million budget released in 2009. Working with local communities the objective is to road test new and innovative approaches to planning and preparing for coastal change.
- **Cornwall Maritime Strategy** – attempts to address what planning is in place to support future planning activity in relation to both marine and terrestrial approaches. This is still out to consultation, but what Cornwall are attempting to do is “put all their ducks” in a row before marine planning comes along, so everyone knows what they want out of the marine plan and how a marine plan will play into their strategic planning.
- **C-Scope** – Pioneering marine planning in the South-West

What are the lessons we need to bare in mind?

- Like terrestrial planning, marine plans will take longer than you think.
- We don't often get the full coverage and broad-brush strategic documents are more easier to agree.
- Opposition tends to focus on local issues.
- Early participation works well

Comparisons:

- There are similarities in process.

BUT there are stark differences:

- Planning in a different 3D medium
- Lack of clear boundaries
- Simplified ownership pattern
- Multiple use is the norm
- Lack of resident interest
- Large scale plans and limited hierarchy
- Licensing not directly comparable with dc (?)
- Need for cross-border coordination
- One planning authority

Stakeholder and community engagement:

- NPS will be subject to stakeholder and community consultation.
- NSIPs – “duty to consult” on promoters and to produce Statements of Comm. Consultation (SoCC) & Consultation Report.
- LDF & Development Management – public consultation requirements.
- Marine Plans require statements of public consultation & active engagement.
- Public consultation on marine licensing proposals and reps on appeals.
- MMO will need to collaborate (with Las & others) in producing marine plans.
- Opportunity to integrate marine and terrestrial participation processes.
- There must be a simpler way of doing stakeholder and community engagement, which takes some of the pressure off coastal communities, which are going to be inundated otherwise. Adding a layer of neighbourhood planning to that as well during consultation, we have to rationalise it.

The Need for integration:

- Need to integrate 3 systems – terrestrial planning, local planning and infrastructure planning. Traditionally planned separately.
- Becoming increasingly obvious and important of the inter-relationship between the terrestrial and marine systems – a need for an ecosystems approach to be at the heart of this.

Series attempts to describe how these relationships work –

- David Tyldesley – submitted a proposal to the JNCC on the first Irish Sea Pilot on marine conservation. He looked at the matching hierarchies of the marine and terrestrial planning policy instruments.
 - Most importantly recognised the importance of complementary and linkage between the terrestrial and marine planning system.
 - The analysis recognised the division in governments at the different levels.
- Irish Sea Spatial Planning – produced a hierarchical scheme trying to put marine plans and other marine plans already in existence, within a hierarchy. Compared with a terrestrial plan there are similarities at the regional, local and coastal level.
 - The Irish Sea Pilot envisaged a development plan scheme (or framework) for marine planning similar to the development plan documents in England.

- It would consist of a hierarchy of statutory and non-statutory plans and incorporate those plans produced for related purposes such as Shoreline Management Plans, ICZM, River Basin Management Plans.
- Such a hierarchy would have a terrestrial equivalent in Regional Spatial Strategies, core strategies, Area Action Plans and supplementary plans.
- There would be an obligation to ensure consistency across plan boundaries.
- Marine and coastal planning systems and terrestrial planning systems need to be brought together – DEFRA attempted to do this in 2008: **A Strategy for Promoting an Integrated Approach to the Management of Coastal Areas in England**
 - The national framework for coastal integration
 - It is a credible attempt to translate, in diagrammatic form, the intersection of a variety of programmes, governance arrangements, planning and management documents produced by different agencies in isolation.
 - Is there a better way to ensure integration of process and outcome.
- **Wales policy Architecture - Sustainable Development for Welsh Seas – Our Approach to Marine Planning Wales:**
 - Much simpler approach
 - Move towards a much more integrated approach to the coastal planning issues highlighted.
 - A conscious attempt to indicate equivalence and hierarchical relationships among different levels and sectors of planning.

Conclude:

- There are opportunities to pioneer new projects like Cornwall and Dorset
- Attempt to take forward the integration of coastal management
- MMO will have to work with effective coastal partnerships – can't plan the marine without engaging with lots of organisations.
- Need to try and rationalise with what is going on with community engagement, otherwise the proliferation of those activities will be too great.
- It is possible to think that through marine planning the integration with terrestrial planning we can lead to better environments and better opportunities, which is at the heart of what we are trying to do.
 - Peoples lives, not about producing plans.

Peter Warner:

An insight into how a local planning authority sees the relationship between terrestrial planning and marine planning.

- 6 – 7 years ago Peter's saw the interface between marine and terrestrial planning – ports on the right, which has its own rights under governmental order, and the local planning authority, land on the left – straight forward.
- Today the interface is not just at the ports, it's along the coastal strip – we are approaching a new form of planning, marine planning, and for most it's a learning curve and experience.
- Complication and confusion over boundaries between different local authorities and the MMO, which will create headaches for developers.
 - EG - Who is responsible for local reefs? Are they the local authority or part of the marine environment? The low water mark goes around them, but do they constitute as a criteria for the MMO.
 - Beach Tea Stall – Who does he apply to? Local Authority, MMO for a license, environment agency and may have to complete a EIA and Flood risk assessment.

The Nightmare: Greens Wharf, Great Yarmouth:

- Derelict
- It's had proposals for transfer of waste and aggregates.
- But you have:
 - Great Yarmouth Borough Council – local planning authority
 - Broad's Authority – Planning and Navigational authority
 - Port Authority
- All will contribute as consultees either in the policy making or licensing – in total there are 6 or 7 organisations, which will have to be dealt with during an application for this site and going into the river.

How do we make life easier?

The planning issues:

- Erosion – moving boundaries, how do you overcome coastal erosion and geomorphology; they need protocols in place.
- Legacy structures – along the coast old structures moving towards the sea. Currently the responsibility of the local authority, but over time this may become the MMO's ?
- Coastal defence – who has the final say?
- Coastal roll-back – moving back of settlements, who takes control of the process.
- Issues of the port and tourist interface.
- Port expansion – in Great Yarmouth there is a lot of land which doesn't actually require planning permission, because its governed by the outer harbour act – this allows for controlled development of the outer harbour. Also controlled by part 17 of the planning Act

which allows for development to carry on, but diminishes the responsibility of local authority.

Biggest Challenge for planning interface:

- Don't want planners coming along and embroiling developers in bureaucracy – understand the role of planners, but they want a clear regime. Don't want to get tangled in planning regs, completing EIAs – this costs. They want a fully licensed site, which they can develop and is ready to go.
- How do you solve the interface between local authority and MMO if they don't agree – Secretary of State might intervene, but doesn't solve any long issue – need to have a smooth way through for the developer, whilst being acceptable to the local community.
- Who's responsible for the decommissioning of rigs and conducting EIAs.

Aggregates:

- Balance between offshore and onshore
- In Norfolk there is a need for more sand and gravel to come out of the sea. But this is opposed by coastal communities who are concerned about the impact on their environment.

Committed Development

- Construction works of the our-harbour – doesn't need planning permission, but does need a marine license. How do we deal with the interface? Port authority doesn't need to tell planning authority – requires planning authority and MMO to develop protocol .

Robert Upton – Marine Planning and the Planning Act 2008

Scale of the Challenge:

- Energy is by far the largest sector in terms of number of planning applications currently under review.
 - Offshore wind is hugely significant – the theoretical implications if all the projects were to be approved would mean that offshore wind generate 30.5 GW of electricity, double the volume that nuclear would contribute if all its projects were to go ahead.

Planning Act 2008:

- New language has been used.
 - *Planning Act 2008. New, novel and different. Everybody says its different, in some respects it is different. When it was drafted the Lord draftsman took particular concern to use different language. So, where as the Town and Country Planning, talks for example about “material considerations” in the Planning Act 2008 its “important and relevant”. Whether something which proved a “material consideration” is going to be both “important and relevant” will actually have to be seen. But around tese interesting points to come out as we are going to work through.”*
- Premise that the issues around the case, need should be settled through the National Policy Statement.
 - Energy suit has been laid before Parliament – 2011
 - Ports is expecting another draft in autumn 2011
- More or less ‘Single Consents’ regime
- Heavily front loaded
- Statutory time table once examination starts
- Inquisitorial process
- Openness policy

Decentralisation and Localism Bill

- IPC abolished
- 2008 Act regime largely unchanged
- Parliamentary approval of NPSs
- Secretary of State decisions in all cases
- Reduced risk of successful Judicial Review challenge

Pre-application work for developers

- Principle of ‘Total Application’ – No Shocks, No Surprises
- Pre-application is absolutely driven by developers

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- Significant community engagement
- Requires Environmental Statement, Statement of Community Consultation.
- Requires a complete Draft Development Consent Order – different from section 36, which could be a one page application.
- Limited scope for amending applications once they have been submitted.

The role of local authority

- Are statutory consultees
- May wish to consider Performance Agreements
- Have to be consulted on comment on adequacy of community consultation
- They have the power and are invited to produce a Local Impact report
- Have responsibility for discharge of requirements (where similar to planning conditions) on land
- Enforcement

Integrating marine and terrestrial planning under PA2008:

- As far as the PA2008 is concerned whether it's on land or sea is not in itself interesting. What we are dealing with is nationally significant infrastructure – you'd think they are only big projects, generally speaking this is correct, they are only dealing with offshore wind farms if they are over 100 MW. However, 2 electricity pylons carrying a voltage rate of 132 KW is also something that comes to the IPC.
- NSIPs can have land and sea components – any offshore wind farm will have to get power to land somewhere, which generally involves a large substation (the size of a football field).
- Harbour Orders – expecting the Hinkley application to come in sometime this year.
- The decision maker must decide in accordance with the NPS, but with provisos – eg s. 104
- Decision policy maker must have regard to the Marine Policy Statement/appropriate Marine Plan.
 - There is a sort of a hierarchy here – marine factors are scoped in.

IPC and MMO:

- They are developing a working relationship.
- IPC have recently produced IPC advice note 11 – which talks about relationships with other authorities and will shortly have the specific annex which deals with the working relationship between the IPC and MMO.
- Anybody working with NSIP out at sea needs early involvement with the MMO – they are the expert body and statutory consultee.
- Applicant must decide whether to seek deemed consent for Marine Licences (s.120) and to include Harbour Order in draft DCO (s. 145)
- Any marine license will be enforced by MMO except for Wales.

Some key considerations:

- Rochdale envelope – 'worst case' and cumulative impacts
- Habitats Directive is out there – significant number of SACs and SPAs in marine areas

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- New MCZs
- Associated Development – issues to do with onshore substation development and access
- Exclusions for Wales – eg no ports, no associated development

Espoo Convention:

- Deals with trans-boundary effects – a lot of the offshore wind projects may well have a lot of issues with trans-boundary effects.
 - The Premise - any large offshore wind project or nuclear site, will have trans-boundary effects unless the applicants can prove that they don't.
- Triggered by Reg. 24 of IPC EIA Regs (SI2009/2263) if development is likely to have significant effects on environment of another state.
- Or if not another state makes that request.
- The same test of 'likely' as in Waddenzee case
- Impacts can include fishing rights, involving multiple states and navigation routes.
- The IPC will screen applications for likely significant effects on the environment of another EEA state
- Advice Note to issue shortly.

Conclusion:

This is complex. One thing the IPC does is to issue advice and make all our transactions public. One thing they say to all applicants is if you've got trade secrets, keep them to yourself because anything you tell the IPC it will go on the website – "it's the rule they follow".

Discussion.

The following non-attributable questions and comments were made in discussion.

- Concern raised over risk of "rationalising" process – this might remove or dilute the need of public consultation.
- Some local elected representatives are open to changes on the localism bill but they feel neglected by planners and feel shut out of the process, despite being well informed. It was noted that electoral representatives of planning committees often had very different views to the planners..
- An example was offered from one district that will not have an LDF, but they are preparing their own local plan using the evidence they already have and are examining how this might be combined into a model Planning Performance Agreement (PPA)
- One delegate noted that it was not clear who are the "constituents" at sea – is it, for example "the maritime user" whoever that may be? Up until now the coastal zone has been planned on a terrestrial model. But the opportunity for marine planning is to consider the land-sea interface from a maritime perspective.

In response, the following comments were made:

- Changes to planning, whether new marine planning, localism or the IPC are not intended to dilute public consultation, quite the opposite. But they are designed to make life a little

easier for the person in the street. For example rather than ask stakeholder what they would like to see in a neighbourhood plan, local authority core strategy, inshore plan, offshore marine plan – maybe we can ask the question once and solicit answers which helps with each of those questions, instead of asking the same question 4 or 5 times. This way public consultees aren't going to get worn down by it, builds trust amongst stakeholder that planners are taking a joined up approach.

- The MMO specifically commented that they see stakeholder engagement, particularly the role of local expertise and knowledge as fundamental to marine plan making.
- One delegate mentioned the potential role of Local Strategic Partnerships that can draw together that primary information. These have been successful in some areas by engaging groups which are hard to reach. However there is often a lack of funding for LSPs so Local Economic Partnership might now have an important role in this process .
- Very aware of stakeholder fatigue and are in line with what Jim was saying about rationalising the process to make it easier and engage more of the public and local communities.
- Recognise the wealth of local knowledge.

Jed Griffiths

Introduced the afternoon session and gave background on the RTPI's engagement in the development of Marine Planning and the Marine and Coastal Access Act. The key focus is on the join between the marine and terrestrial environments.

Richard Hill: BT and UK Cable Protection Committee

- Significant offshore assets, carrying the majority of telecommunications and international electricity traffic.
- Going back 10 years – the main focus of UKCPC was fisherman. Released different types of information, including cable awareness charts for the UK and plotting information which can be installed directly into their charts.

Marine Spatial Planning:

- As an existing stakeholder they are seeing an increase in pressure from other sectors, some of which they are still trying to understand.
- New technologies are the big push at the moment, but very little is known about them and how it's all going to work.
- Space is required – for existing assets and for new assets.
- MMO talks about looking into the future and trying to develop flexible plans.
- Difficult to predict what will happen in telecommunications in 20 years – cloud computing, personal entertainment systems – all could drive up telecoms traffic, which will have to be transported around the world somehow - the majority through cables.
- **The marine environment is very different from the terrestrial environment (all developers acknowledged this).**
 - Multifaceted – operations exist above, on, in and under the sea
 - Everything is always moving – currents, seabed
 - As a result elements of safety must always be prioritised, margins for error need to be built into the plans that we generate.
 - Plans need flexibility, which is really space.
- Planning needs a different, but aligned approach.
- Working with other stakeholders at the moment about operating at sea.
- What are the priorities – SAFETY is always the priority. The Captain is always in charge.
- Spatial impact between the sectors are often unknown, undefined and very difficult to define.
- Variation between different cases, so generating generic rules you can apply is very difficult.
- Engaging with the renewables sector at the moment to generate guideline documents with some basic rules, but it is very hard.
- Mistakes are being made and need to take a precautionary approach and should share those mistakes and lessons with others so we don't repeat ourselves.
- **Early Engagement avoids conflict.**

Conclusion:

- Predicting the future is really difficult.

- Expansion of communications networks will be required to meet increasing demand and new technologies.
- What will happen with the internet?
- Energy market – how do you adapt to use renewable energy effectively in the grid, so power connections will become key.

Space for future expansion must be included in marine spatial planning, which will be challenging. Future expansion will mean new infrastructure coming ashore – flexibility in marine plans and with terrestrial planners is fundamental.

UKCPC would like to see Marine Spatial Planning:

- Take a strategic and long term approach
- Provide protection for existing stakeholders
- Provide provision for new stakeholders
- Space for the future – unknowns, unknowns
- Work with each other to engage between different sectors and develop strategies and guidelines.
- UKCPC are acting as a central focus point to reach their members to aid communication process. Applies to regulators, local communities etc....

Kim Gauld-Clark: Forewind:

- Round 3 sites were subject to SEA:
 - Required the 2009 SEA Directive
 - Crucially considers the environmental implications of the draft plan programme of the licensing offshore oil and gas storage, releasing offshore wind.
 - Includes considerations for the implications for alternative for the planned programme.
 - And potential spatial interactions with other users of the sea.
- A lot of thought and consideration was given to these plans. The SEA process has also given developers a significant amount of information and data about the site areas.
- The regime for offshore infrastructure projects only considers anything over 100MW generating capacity – qualifies as an NSIP.
- According to the PA2008 the IPC is the decision maker to those schemes and the IPC must terminate planning applications in accordance with the National Policy Statements.
- However, the IPC must have regard to the Marine Policy Statement and any Marine Plans.
- The IPC should refer to other stakeholders and interested activities that are important to its decisions – from an offshore wind perspective this will include onshore development and planning applications.

The Dogger Bank will account for 10% of the UK's energy demand, taking into account variations in wind speed.

Sea-land Interface:

- Unclear about where the grid connection points are going to be, so they had to draw up a large cable corridor and envelope accounting for a large spatial area.
- National grid are tasked with deciding how they are going to accommodate 13GW, just from the Forewind zone.
- The National Grid are responsible for all the offshore wind round 3 zones – a major challenge. Forewind have no control over this and have applied for connections of various different capacities.
- If a connection point is acceptable to Forewind, they will accept it and they will go through the process of determining landfall locations, precise onshore cable routes and substation locations.
- Onshore development will require close consultation with local planning authorities and consideration of planning documents.

Offshore Wind Development:

- The zone is far too big to develop all in one go. So the Bank is being split into tranches and developed in stages.
- Initial development was based on desk based data, which was later supported by site specific met-mast data – published through the zonal characterisation document.
 - Included information on telecoms cables, subsea structures, international designation sites (very large SAC site over the Dogger Bank).
 - Extensive survey work was carried out – geophysics, ecological etc...
- Strategic Plan is with the MMO which illustrates the layout of the site.
- Habitat sites have been identified and further data will clarify exactly the different types of habitats within the zones – allow for more accurate planning.

Interacting with other Activities:

- Shipping densities taken into account through mapping – Dogger Bank was designed so as not to interfere with the shipping routes (commercial shipping). Engaging with shipping companies to avoid conflict and how to better design the bank to allow shipping to proceed, without compromising H&S.
- Fishing – not all fishing activities can be accommodated – Seine-Netting, which requires a net being lowered from the surface and hanging in the water column, which moves around using up huge amounts of space (creates the flower patterns Kim mentioned). Trawling can be accommodated, on the other hand.
- Extensive marine mammal surveys.
- Selected cable routes for the first zone, connection site is just north of Hull – huge amount of work has gone into selecting the route, with specific reference to different land forms. A lot of work is going into selecting the substation location and onshore infrastructure which is requiring significant engagement with stakeholders and the local community.
- 2011 – ornithological surveys are continuing, so are geophysical surveys on cabling routes for tranche 1.

Where to site individual projects within the sites:

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- It was a shock to find shallow gas – illustrates the importance of geophysical surveys. Less flexibility of where to site turbines. The point here is that flexibility is required as new data and evidence emerges.
- Ecology is critical – SAC site, drawing up results.
- Negotiations with fishing and shipping to determine location and design
- Archaeologists are involved
- Subsea structures – oil and gas
- Aggregates.
- H&S – helicopters like straight lines
- Cumulative effects is a big issue – other round 3 zones and with other users. Lots of consultation with different sectors.
- Working with the MMO to develop Marine Spatial Plans.

John Bowles: A Track Record of Dealing with Interface

- Ports have been at the front line of the marine and land interface for many years, particularly over the last 10 years.
- The more territorial we are the difficulties arise – need to work together.

Multi-use

- Provide support base for offshore renewable.
- Obviously containers.
- Offshore industries.
- Infrastructure provider
- Difficult to get businesses to look two years ahead.

Felixstowe and Harwich:

- 3,000 employed – 32,000 within the Haven Gateway
- £2.275 m wage bill a week - £1.1 billion a year

Development:

- Significant reclamation project to extend port capacity.
- Haven at Felixstowe is an SPA, has heritage assets, conservations areas, scheduled wrecks, important benthic community with highly protected species.
- Large project to fill in Bathside Bay – major dredging operation
- Needed to provide an area for environmental compensation and numerous applications were submitted:
 - Town & Country Planning Act 1990:
 - Construction and operation of a container port
 - Construction of small boat harbour in the vicinity of Gas House Creek
 - Creation of compensatory intertidal habitats on land to the south east of Foulton Hall

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- Planning (listed buildings and conservation areas) Act 1990 – listed building consent for partial demolition of pier attached to Grade II listed train ferry gantry structure at Gas House Creek.
- Parkeston Quay Act 1983 – tidal works comprising the construction of a quay wall and reclamation of intertidal area Bathside Bay
- Coast Protection Act 1949 – proposed managed realignment at Little Oakley, near Harwich.
- Harbours Act 1964 – The Harwich Parkeston Quay harbour Revision Order
- Consents were required:
 - Applications: 8 made between 27th March 2001 – 17th April 2003
 - Inquiry: 20th April – 21st October 2004, sat for 35 days
 - Over 800 documents submitted to inquiry
 - Over 600 letters from residents and local organisations
 - Inspectors report 23rd March 2005
 - Permissions letter – 29th March 2006
 - Permission Period – 10 years (2016), HRO 10 years from 2010.
- Process of consent took about 5 years and circa £6.9 million, to date c. £10 million.

Changes Ahead... Ports are Dynamic Environments:

- Ports will continue to be a strategically important to our trade, imports and exports
- Changing to international commerce – if customers and users want to use bigger ships then ports have to adapt accordingly.
- Infrastructure develops – railways, roads and now distribution outlets.
- Many ports started for different reasons – Thames port was initially developed as a construction base for the Euro Tunnel, it was then converted to a container port.
- 150 ships on order which are 8-10,000 TEUs plus. Vast vessels
- Increasing size of cranes.
- Ports are dynamic, constantly changing:
 - Land/terrestrial based issues
 - Stakeholder and local community relationships
 - Marine issues and relationships

Planning:

- Recognised how important it was to engage early
- Understand what consents were required
- Who was the best party to make the decision – avoid being territorial.
- Who were the influencers and not the decision makers
- Clear policy priorities set out in MPAs, MPS
- Clear consenting requirements
- Competent authorities – not everyone has all the capabilities in organisations – find who can provide the best service
- Accurate screening and scoping – baseline info is important, but avoid being too descriptive.

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- Takes time to build relationships and difficult to define consultees and engagement schemes in the middle of the ocean – similar to an urban regeneration project, where you don't have any real resident population.
- Understanding what is required and clear communication about what is happening – they need to buy into it.
- Define key authorities in the decision process – DECC, DEFRA etc etc...

Future

- Gone have the Regional Spatial Strategies – so supportive in the east of England
- Replaced by Marine plans – hope the east inshore plan will take some location specific calls and deal with local issues. Have to stand by the ports.
- LEPs are really important setting economic priorities – need to get their act together to input into the Marine plans, especially in the east.
- Hierarchy:
 - Port Master Plan will feed into Local Plan core strategy, and vice versa. It will also have implications on local site applications. All of these will take address from Marine Plan and at the top sits the MPS.

Discussion.

The following non-attributable questions and comments were made in discussion

There was a question about the difficulty of modelling future demands and the need for both flexibility, uncertainty and evidence to inform plan making. This would be important to both marine plan making and changes to terrestrial planning. The following points were made:

Sectors need to engage early and make the MMO aware of what you want to do – make a more accurate plan now and you avoid any later conflict.

Trust is important. Different sectors plan on different time horizons and there are many commercial sensitivities within and between sectors. There can be a process of dialogue to identify future demands in a way that has regard to commercial sensitivities. However, any discussion on future demand and drivers needs to be based on some evidence – marine plans cannot be built on just gut reaction and aspiration only.

In relation to sectors, these need to be considered on a number of levels. They are both independent and separate commercial entities making a living from the sea, but also sectors that are of strategic significance to the whole UK economy – sub-sea communication cables, off-shore energy, port, fishing to support food security.

There needs to be realistic expectation for the first plan – a number of people commented that the first round of plans will not be perfect or even ambitious. But they will offer a baseline for 2nd and 3rd generation plans that will be much more progressive and looking to the future.

A key benefit of marine planning will be to anticipate and learn mistakes of the past on conflict between marine commercial users.

Interface is not just a jurisdictional issue between the MMO, IPC, local authorities etc – what about an ecosystem or bioregional approach?

One delegate raised the issue of potential gaps between LDFs and Marine plans – both in terms of coverage but also that marine plans will develop before some LDFs. The MMO noted that this was a risk that can be managed. It would not be possible to wait for every LDF before marine plans can be finalised. The MMO will take on board LDF and other local plans at every stage- they are actively speaking to a number of authorities and are identifying areas with relevance to the Marine Policy Statement.

Another delegate agreed with the MMO's approach – ongoing dialogue with local authorities and planners is key. The most difficult are of dialogue is often with the private sector – a lot of commercial in confidence out there. There is a need to build trust between the local authority and private sector, who are sceptical of local authorities and regard them as "a sieve where information can drip through"

It was noted that there is a tendency for an adversarial attitude and battling between public stakeholders developers and planners. A key issue that unites all sectors and stakeholders at sea is safety – this has led to a tradition of rule and approaches that cuts across sectors and is consensual – there may be things that can be learnt from this.

Many developers share a common concern that marine plans will be overly prescriptive and that they will have new regulations/management measures imposed on them. There was also concern that there is a general lack of appreciation about how very different the marine environment is – it is a very challenging and dynamic environment in which to operate.

With regard to links between marine development and terrestrial development – marine plans needed to link closely to National Policy Statement and other major infrastructure plans – e.g onshore development such as the national grid, ports and national networks needed to enable off-shore development. It was noted that the National Policy statements offered some certainty in this respect, but some delegates challenged the usefulness of documents such as the National Infrastructure plan as not offering sufficient vision or clarity.

It was noted that Wales and Scotland are developing an additional 'national' tier of plans – this would enable better join-up on future priorities for land infrastructure with their marine plans. It was more difficult to do this in England because government departments in Whitehall often operate in silos.

Agreement of a UK wide MPS was a great achievement – agreement across Administrations as well as departments. There may be difficulties achieving such a consensus at a plan and project level.

One delegate asked where the point of integration is between coastal communities and marine activity. It was suggested that the beach is key point of commonality between coastal community

and what happens at sea. Other delegates suggested that it was not as simple as this with complex relationships over boundaries and authority over different sectors and types of activity and how these impact on the surrounding community.

The links between the IPC and marine planning, particularly the extent to which the IPC had to take note of the marine plan, was raised. Does 'having regard to' have enough bite? Isn't the IPC more powerful? There were a number of points made:

- Planners work within a system that is subjective that does allow considerations to come into play before a decision is made – so to say “have regard” is more palatable.
- If we chose to go to another system, for example a strict zonal system, this will be inflexible – different ball game and will not allow for flexibility.
- Right to be flexible – job of the marine plan is not to say where the priorities lie, but to try and help people understand the various considerations that come into making decisions.

It was noted that international legislation – such as the UNCLOS take some issues out of the hands of national governments.

- The issue of cost and benefits to local communities was raised – most of the costs of developments (e.g. noise, traffic, disruption) will hit the local communities – the benefits are harder to identify. How will the evidence base help inform this? It was also noted that some resources e.g. aggregates and shipping lanes were located due to natural characteristics, therefore there was real choice in development location decisions. There are examples of local issues to do with volume of connection points and cabling which pose the a political question on “how much can a local community absorb, even if it's of national significance” How do planners deal with this and mediate between the interests and avoid entrenched positions – on occasion you have to say “no more”. It was noted that there is a 'bigger picture' in ensuring that marine development can more directly support local communities.
- The timing and phasing of consenting will be important – for example where a consent has been given offshore there's no consent in place onshore to accommodate it. This can cause delay and has done in a number of high profile cases (e.g. substations) The reference to essential onshore infrastructure in the MPS as well as new IPC consenting regime should help deliver this.

Group discussions

There was a short workshop session, where delegates divided into four groups to discuss and identify the top three issues to be considered in relation to the interface between terrestrial and marine planning.

The groups fed back the following points:

Group 1

East Anglia to be seen as a gateway to the world, rather than the end of the line:

- If you want to realise socio-economic objectives in a marine plan area you need the national infrastructure on land (e.g. strategic corridors). Marine Plans and NPSs need to link
- Make sure funding is aligned – i.e. if marine planning is to enable and support sustainable development of the marine environment then funding needs to support project on land (e.g. infrastructure) that will help unlock thios.
- A big focus of today is learning from good terrestrial planning practice. We need to make sure we learn from the terrestrial system and take onboard those procedures and practices which work and don't work – learn from mistakes.
 - Colleagues were encouraged to learn from the MMO that marine plans were proportionate, not over prescriptive and light touch – see this as being important for making this interface work.
- Call for greater clarity on the hierarchy between the various interface authorities –Peter Warner's presentation demonstrated the complexity. Is there a simple map which show "who do we go to and where's the starting point?"

Group 2:

- The issue of ensuring community gain for coastal areas was dependents on good interface between planning systems. How can this work to benefit local communities.
- Continue to improve communications between different sectors, both public and private.
- Maintain RSS's – the point really is about having some form of strategic continuity.

Group 3:

- Some form of protocol for the interactions between marine and terrestrial planning – a code of practice and diagram.
- Whether the rationalisation of consultation process is actually feasible/possible with all the varying timescales of the plans being prepared.
- Question of compatibility between marine and terrestrial and the realism of what can actually be achieved – especially at a time when terrestrial planning is being dismantled and marine planning is being established.

Group 4:

- MMO is quoting best practice nationally and internationally could this information be fed back to terrestrial planners.
- National frameworks that are being developed could in fact include relevant marine issues – obviously this depends on the local authority and the issues that are present.
 - Do they have all the information to allow local planners to do this?
- Whether the interaction between marine and terrestrial planning could help with the challenges of adaptation, which are already stretching terrestrial planning, could the joining up with marine planning help with issues to do with not just new development, but existing development which are being affected by coastal change. Could marine planning help with finding some form of transitional planned way of dealing with that, which is absent at the moment.

Chairman's summary of afternoon session.

- No such thing as public and private sector in his view of planning, we must all work together if we are to achieve our aims and objectives.
- Resolve issues of complexity
- The need to improve the process of consultation
- The theme of integration – whatever happens out there has an impact on land, so there needs to be better coordination and integration, a connection needs to be made.

WILL BLAKE

Marine Planning