

THE MARINE WHITE PAPER: A SEA CHANGE FOR MARINE PLANNING

A consultation response from
the Royal Town Planning Institute (RTPI)



RTPI

mediation of space · making of place

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1. Introduction

Whilst at 168 pages, the marine white paper is a very substantial document, this is relatively brief response. This is not because the white paper proposals are not significant. Indeed, the RTPI recognises that the proposals set out in the white paper will, if implemented, amount to a change as substantial for the marine environment as was brought about on land by the passage of the Town and Country Planning Act 1947.

This response is limited in scope in large part because:

- the RTPI used the 2006 Marine Bill consultation to formulate its own policy position, much of which it sees reflected in the white paper; and hence
- the RTPI broadly supports the proposals set out in the white paper and commends DEFRA and the government on the vision, rigour and commitment that has led to their development.

The RTPI considers its marine policy statement issued in response to the 2006 Marine Bill consultation still provides valuable advice and guidance on the development of the proposed marine planning system, notwithstanding that the white paper has significantly clarified the direction of proposed reforms. That policy statement can be accessed online at:

- <http://www.rtpi.org.uk/download/209/pol20060630.pdf>

The RTPI has a considerable body of UK based and international experience in the emerging field of marine spatial planning. It has its own Marine Spatial Planning Task Group. This is a multidisciplinary body of 33 senior planners and other professionals, representing public, private, and consultancy interests in the marine environment, with experience ranging from port development and minerals extraction to marine nature conservation.

Starting from a standpoint of strong support, the Marine Spatial Planning Task Group held a workshop around the white paper proposals on 8 May 2007 and the comments agreed there, offered in the spirit of optimising the proposed reforms, form the body of this paper. The comments largely address sections 4 (planning) and 5 (licensing) of the white paper.

That workshop also considered the marine elements of the heritage protection white paper, and comments on the relationships between the two white papers are also provided, in the interests of developing a simple, harmonious marine planning system, in which heritage considerations are fully integrated.

Members of the taskgroup have participated in a number of conversations and conferences with DEFRA officials and stand ready to continue practical dialogue and assistance to support the implementation of the white paper.

2. Optimising Marine Spatial Planning

Summary

The RTPI broadly supports the reform proposals in the marine white paper and the shape of the proposed marine planning system.

Key issues for further consideration prior to the introduction of legislation will be:

- *to ensure that the marine planning system is a spatial planning system;*
 - *to provide for a flexible, continuously improved and electronically delivered UK marine planning policy framework;*
 - *to provide for a unified marine plan making and licensing arrangement for Scotland, by way of an intergovernmental agreement on the seas; and*
 - *to provide enabling powers for marine plan making and license determination functions for sub-regions to be delegated to partnerships including terrestrial and environmental agencies, included devolved nation, region and local government and bodies such as the environment agency.*
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This section generally refers to section 4 of the white paper.

Marine planning is spatial planning

The Marine Spatial Planning Task Group remarked on the absence of the term 'spatial' from descriptions of the planning system proposed to be created. Whilst it does not wish to engage a semantic debate, it noted the growing agreement in the practice of terrestrial planning that 'spatial planning' can be distinguished from other modes of planning practice. In the terrestrial context, spatial planning has been characterised in the following terms.

Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the use and development of land with other policies and programmes which influence the nature of places and how they function.¹

The planning system described in the white paper is a spatial planning system for the marine environment. It seeks to integrate information on the diverse range and nature of the marine environment to identify the particular nature of marine regions and sub-regions: places. It seeks to form policies that apply to the use and development of the sea bed and water column in these places. It seeks to manage activities and relate decision making about multiple activities closely related in space to each other. It should retain the express ambition of performing the integrating, space and place based tasks that are undertaken by spatial planning. Its processes and techniques should continue to develop and evolve from those of spatial planning. It should not mistakenly be taken to emerge from planning process and techniques that predate spatial planning.

¹ Planning Policy Statement 1

The objectives of marine planning

The objectives of marine planning set out in paragraph 4.10 of the white paper are broadly supported. The only concern expressed by task group members was in respect of the sixth bullet point, which calls for a planning system to:

make more efficient use of available marine space, striking a considered balance between competing pressures, and consider how activities can in some instances be located in the same area for mutual benefit.

Whilst it is agreed that the system should seek a more efficient use of available marine space and consider how activities can in some instances be located in the same area for mutual benefit, it may not always be possible to strike a considered balance between competing pressures. There will be some instances in which competing pressures cannot be balanced, and a prioritising decision will have to be taken, based upon an integrated consideration of the relevant planning policy considerations. The system should acknowledge this.

The Marine Spatial Planning Task Group commented that the achievement of the 'sustainable development' of our marine environment should be an objective, as distinct from simply 'sustainability'. The former concept is to be preferred as an active concept, conceiving of beneficial environmental change and the delivery of social and economic benefits.

The shape of the proposed system

The RTPI strongly welcomes the white paper proposals for a marine planning system based on:

- a clear UK marine planning policy framework, agreed between ministers, departments and agencies; and
- a network of marine plans, informed by policy and guidance.

A UK marine planning policy framework

The challenge of forming a UK marine planning policy framework by agreement between the UK government, its departments and agencies with marine interests and the governments of the devolved nations and their departments and agencies with marine interests should not be underestimated. However, in setting such an optimistic goal in paragraphs 4-12 to 4-16, the white paper holds out the hope for truly integrated form of planning policy. The RTPI will monitor its development with great interest, not least for the potential that it may hold for the development of terrestrial policy. If it can be achieved, such an approach is in principle to be preferred over current terrestrial means of expressing national planning policy for England, Wales, Scotland and Northern Ireland, where Planning Policy Statements and their equivalent are bulky, static documents, too closely rooted in a single government department. It also offers the substantial advantage of expressing UK policy, a tier of policy currently absent from the terrestrial planning system.

The Marine Spatial Planning Task Group remarked that whilst the making of such a policy framework was complex and would take time, DEFRA should not necessarily view it as a body of policy that needs to be 'complete' before it can be deployed to inform and improve decision making. Nor necessarily do all aspects of the policy have to be completed at the same time or to the same level of detail. Further, the policy framework could have an electronic life, expressly designed for web access from its outset and hence capable of ready and economic improvement as time goes by. Such a policy would be continuously improved and dynamic –

responding to our changing state of knowledge about the marine environment and demands upon it.

There are clearly interests in the certainty of this policy framework that suggest that it should not be 'continuously improved' too often or in a capricious manner. However, these considerations need to be offset by the great benefits that such a policy model offers, that of the availability of policy material from the point of inception and the capacity to respond to significant knowledge gaps in and uncertainty about the marine environment.

A network of marine plans

Marine plans require to be considered in respect of English waters and waters where devolved administrations have interests, as the plan making mechanisms will differ. The division of responsibilities indicated in Figure 2 at page 26 of the white paper are broadly supported, subject to clarifying comments below.

UK and English waters

Subject to remarks about Scotland below, the RTPI supports the proposals for a Marine Management Organisation (MMO) for UK waters outside the devolved nations 12 nautical mile limits. It supports the concept of guidance being issued to frame the duties of the MMO. Such guidance will also provide a mechanism for government to express any policy directions that might need to be specific to these waters, that are not already expressed in the UK marine planning policy framework.

Within England, waters within the 12 nautical mile limit lack a 'home government' jurisdiction equivalent to that of Wales or Northern Ireland. Whilst legislative simplicity and the lack of terrestrial planning authority powers suggest that the UK MMO should be responsible for these inshore waters, they nevertheless raise a number of issues:

- they are close to large terrestrial populations;
- they tend to be the location for potential conflict between the demands of marine and terrestrial uses;
- they are the areas in which land based communities will consider themselves to have the most legitimate interests;
- they are the marine planning areas in which plans of the most detail and sophistication are likely to be needed; and
- they are the areas where marine plans are most likely to need to take account of land based planning processes including spatial planning, river basin planning under the Water Framework Directive, coastal cell and integrated coastal zone management, and vice versa.

These considerations can be addressed by a proposed new method of working in partnership between terrestrial and marine planning organisations, and the possible provision of enabling powers to delegate the plan making or licensing role from the MMO, in the Marine Bill. These issues are addressed further below.

Devolved administrations

Scottish waters pose a substantial devolution challenge to the marine planning process. The nature of the devolution settlement and the legislative competence of the Scottish Parliament are such that it is not possible to strike a simple boundary at 12 nautical miles and subject all waters beyond that limit to UK jurisdiction. Scotland is also different from England, Wales or Northern Ireland in that the competence of terrestrial planning authorities has already been

enabled to extend into the inshore marine environment for the purposes of setting policy and managing aquaculture proposals.

The RTPI has a strong preference for a clear, simple and broadly unified planning accountability in all Scottish waters and considers that there should be a Scottish MMO or equivalent, recognising that this will require Scottish legislation to be established. It will also require either UK legislation adjusting the terms of Scottish devolution, or, more simply and less contentiously, an inter-governmental agreement between England and Scotland to bring this about. This latter solution would most closely reflect the joint responsibility proposed in Figure 2. It would offer the benefit to stakeholders of a simple relationship of marine plans and licensing controls.

That being said, the RTPI is expressly not calling for the repeal of the marine powers recently provided to Scottish terrestrial planning authorities. In a deeply indented coastline, there is much to be said for terrestrial authorities managing close inshore aquaculture which, when all is said and done, is as likely to have onshore as marine effects. However, as is explored below, the RTPI again considers that a flexible enabling and partnership based capacity to vary and agree the distribution of marine plan making and licensing powers would benefit Scotland, just as it would benefit the UK MMO in English waters.

The RTPI supports the proposals that Wales and Northern Ireland be responsible for arrangements within 12 nautical miles. The sea is a dynamic environment. Uses, resources, habitats, projects and effects can easily transcend the 12 nautical mile limit. There will again be a practical need for the Wales and Northern Ireland arrangements within the 12 nautical mile limit to be subject to variation by agreement to bring about practical policy and licensing arrangements between these jurisdictions and the UK MMO.

***The boundaries of marine planning:
a hard boundary, a soft boundary or partnership approaches?***

The white paper proposed mean high water springs (MHWS) as the uppermost boundary of the marine planning system, a proposal that would lead to overlap with terrestrial planning systems' jurisdictions.

The application of such a boundary as a simple rule is already difficult to envisage in Scotland, where terrestrial planning authorities have acquired powers over some offshore activities. As a matter of practicality, such a definition is also likely to impact on a significant number of terrestrially attached foreshore uses, with a resultant and arguably unnecessary duplication in controls.

One means to resolve such issues would be to avoid the statement of a hard and fast boundary provision in the Marine Bill. Instead, the Bill could contain a general enabling power for the MMO or another body delegated by or in partnership with it, or appointed by the relevant Minister, to prepare plans for areas as designated by the Minister.

In designating plan areas, endorsing agreements or partnerships or appointing an alternative planning body to the MMO, the Minister would take account of issues driving boundary choice, which could include the form and uses of the coastline and estuarine waters.

It would not then be impossible in principle for a marine plan to extend in part to the littoral area, above MHWS, but if taking such a step, the terrestrial planning authority for such an area

would have to be involved. It is possible to foresee circumstances, typically in complex estuarine waters, where (say) a partnership of two terrestrial local planning authorities and the Environment Agency (in respect of planning under the Water Framework Directive) might be appointed to act as the marine planning authority under such an arrangement, the jurisdiction for which would then be joint, under both marine and terrestrial planning legislation. If this was the case, it would be anticipated that the plan document would form for example part of the terrestrial development plan, ranging from a Regional Spatial Strategy variation to a Local Development Document in the Local Development Framework. It would take an equal place in the marine plan framework. Detailed advice about overseas case studies of such legislative arrangements in practice can be provided on request.

It is argued that such flexible and enabling approaches are easy to formulate in legislation and also have the benefit of enabling the effective recognition of terrestrial community interests in marine planning, in areas that are important for terrestrially based uses such as intensive recreation, port or energy infrastructure.

These approaches should be related to the role of steering groups as discussed from paragraph 4.102 in the white paper.

If such a flexible approach to boundaries cannot be supported, the RTPI would return to the basic position adopted in its June 2006 Marine Policy Statement, namely that the division between the terrestrial and marine systems should be at the current boundary of the town and country planning system: Mean Low Water (MLWMOST) for England, Wales and Northern Ireland. The current Scottish position should prevail in Scotland.

ICZM

The Marine Spatial Planning Task Group spent considerable time debating the merits of a number of possible approaches to integrated coastal zone management (ICZM). There was general agreement about the merits of integrated planning approaches that bridge the coastal zone from marine to littoral, enabling the holistic consideration of issues such as coastal defence or retreat. Whilst a significant body of members supported the concept of placing ICZM onto a statutory footing also, the majority view favoured the approach taken in the white paper, namely to have two broadly terrestrial and broadly marine statutory systems and to avoid the complication of a third tier of statutory plan-making.

That being said, the approach taken above to the provision of enabling powers for the delegation of plan-making would support the preparation of statutory plans that could include the entire coastal zone, if this were warranted and agreed between relevant statutory plan making interests.

The period of plans and plan reviews

The RTPI supports the proposal that plans should have a long time horizon, addressing periods of at least 25 years.

Cycles of review will be necessary within such long horizons, to ensure that plans do not become out of date. 6 year reviews are a reasonable discipline. That being said, all review should rely on a performance-based monitoring of plan policies. In relatively simple or remote marine regions, with limited use pressures, it may well be that plans or policies within plans do not need to be changed across more than one review cycle. Conversely, in intensively used areas such as estuaries, plans are much less likely to be static. The best means to respond to

these issues will be to support the concept of the targeted plan amendment, rather than reviews resulting in the automatic wholesale replacement of a plan document.

It could also be open to a proponent wishing to undertake a particular use or development that may be contrary to policy, to use best available data, monitoring, management and mitigation techniques to demonstrate an ability for their proposed use or development to be accommodated, by promoting a plan amendment.

Plan making processes

The RTPI broadly endorses the plan making process for marine plans as set out in the white paper.

In respect of marine aggregates, the RTPI notes the close relationship between marine aggregates winning and the provisions in terrestrial minerals plans, as co-ordinated by Regional Aggregates Working Parties (RAWPs). There should be a formal expectation of liaison between a marine plan making body and the RAWP for any terrestrial region routinely in receipt of minerals from the marine plan region. There is also a strong argument that Marine Aggregates Working Parties should be set up for some marine plan areas, particularly where extractive uses are established and the plan is likely to make significant ongoing provision for extraction.

Plan content, appraisal and soundness

The RTPI broadly endorses the proposals for plan content, appraisal and soundness set out in the white paper. It notes that it considers that such plans would be subject to the European Directive on Strategic Environmental Assessment and hence will need to be made subject to a sustainability appraisal process.

Community involvement

The types of communities that become involved, and the degree to which they become involved in plan making will vary according to location, particularly in respect of proximity to significant land-based populations. That being said, there should be general capacity for any member of the public to make submissions on plan issues, options and final draft plan documents.

Examination

The RTPI welcomes the suggestion that plans might be publicly examined. As on land, it suggests that unresolved issues raised during community involvement should be considered during the examination process. Parties should not have an absolute right to appear at an examination, which should remain focussed, timely and proportional to the issues at stake. That being said, the presumption should be that where a party has interests in the marine environment that would be directly adversely affected by a plan policy or proposal, or by an objection to a plan policy or proposal that is otherwise proposed to be considered in the examination, that party should be invited to attend the examination.

Examinations should be conducted by appropriately qualified persons, independent of the plan making body.

3. Links with Licensing

Summary

The principle of 'one proposal, one license' is strongly supported, and this extent, the RTPI considers that there should be an end goal of harmonising all marine licensing and consenting under a single regime.

The RTPI considers that it will be important to further link the plan making and licensing functions in the marine white paper.

- *Marine plans can be linked to effective de-regulation and implementation, by enabling them to define baskets of use and development types that are deemed to be licensed in particular waters, subject to compliance with plan policy and standard monitoring provisions.*
- *There should be means of appeal against adverse licensing decisions by immediately interested stakeholders.*
- *There may be an argument for compensation for the revocation of a license for a previously lawful use or development, although this should not be applied as a universal principle.*

This section relates marine planning to the marine licensing proposals discussed in Part 5 of the white paper.

One proposal: one license

The RTPI strongly endorses the principle of 'one proposal, one license' as significantly simplifying and reducing regulatory and compliance processes and costs in the marine environment.

One licensing regime

The RTPI appreciates the pragmatic need for DEFRA to commence its examination of marine licensing from the positions established by existing legislation. It will not be possible to immediately harmonise all licensing regimes. That being said, the RTPI considers that DEFRA should establish as a long term goal, to be achieved through dialogue with other government departments and agencies, that there should be an eventual harmonisation of all licensing into a single 'marine use and development license', with a single statutory head of power under marine legislation.

The interests of current licensing legislation, departments and agencies would be preserved in the policy making process within marine plans.

Linkages between plan-making, license de-regulation and planning agreements

One issue raised in the RTPI Marine Policy Statement of June 2006 that has not been addressed in the white paper, is the capacity for the marine plan to act as policy based deregulatory instrument.

UK planning systems are characterised by defining a set of general permitted use and development rights (set out in General Permitted Development Orders (GPDOs) and Use Classes Orders (UCOs)). These orders make clear that, as a matter of generic principle, planning permission (equivalent to license consent) is not required for certain, largely minor developments or changes of use broadly characterised as benign in effect.

Although little used, the English terrestrial planning system also includes a power for local planning authorities to make use of Local Development Orders (LDOs) where considerably more specific suites of permitted development rights can be applied to geographically specific areas. Locally prepared Article 4 Directions can be used to remove generic rights provided under the General Permitted Development Order.

Overseas practice has much refined and developed techniques of drafting what amount to standardised Local Development Orders than can be applied to places, to secure the implementation of policy objectives set in strategic plans, whilst reducing or removing regulatory burdens and costs.

As described in Recommendation F and Table 1 of the RTPI Marine Policy Statement of 2006², it is possible to envisage marine plans containing zones applied to particular sea areas that serve policy objectives derived from the strategic provisions of the marine plan, in which certain baskets of marine uses or developments are deemed to be licensed, as long as relevant performance conditions or monitoring requirements set out in the zone document are met.

Similarly, terrestrial practice in planning, environmental impact assessment and environmental management has developed the concept of the management plan and agreement (in England potentially made under section 106 of the Town and Country Planning Act), whereby a proponent can enter into a specific agreement to prevent the need to apply for successive similar permits for a foreseeable medium to long term workstream, again on the basis that relevant performance conditions or monitoring requirements are met.

The capacity for such approaches to reduce the burdens on business, simplifying, clarifying and cost controlling the licensing process whilst still delivering high quality social, economic and environmental outcomes should not be overlooked.

The RTPI can appreciate that DEFRA has maintained the distinctions between the plan making and licensing aspects of its proposals as it has, in an attempt to maintain the strategic focus of the plan making function. It will be important to ensure that marine planning does not become a 'control-driven' exercise. Quite rightly, it should remain strategy led and policy based. However, by neglecting to consider the degree to which concepts such as permitted use or development rights, local development orders and planning agreements can integrate plan making and licensing to substantial de-regulatory effect, DEFRA has failed to take a very valuable opportunity to simplify marine licensing in a way that is oriented towards the positive implementation of marine plans.

License appeals

Members of the Marine Spatial Planning Task Group observed that proponents submitting applications for licenses, whose applications are refused, not determined or made subject to

² See pages 11 to 13 of that document: <http://www.rtpi.org.uk/download/209/pol20060630.pdf>

conditions, should have a capacity to appeal to an independent person for a resolution of their concerns. The independent person should be required to have regard to the provisions of the UK marine planning policy framework and the marine plan in force.

Revocation and compensation

Some members of the Marine Spatial Planning Task Group expressed the view that compensation should be payable where a license for an otherwise lawful and ongoing use of the sea bed or water column is revoked.

Whilst this idea is founded strongly on concepts of individual rights and justice, the RTPI does not on balance consider that it should be accepted as a universal principle. Pragmatically, the universal acceptance of such a concept would have potentially profound resource implications for marine planning and could inhibit otherwise prudent decision making.

There may be an argument for a limited right of compensation, in circumstances where a license is revoked, notwithstanding that plan policies support the principle of the use or development and that no significant social, economic or environmental harm can be demonstrated on the evidence that could not otherwise have been remedied by mitigating actions. In such circumstances the RTPI considers that there should be a right of appeal against license revocation and the independent person hearing the appeal could have a power to make a compensatory award in circumstances where s/he agrees that revocation was not justified on ground of plan policy and/or harm.

4. Links with Marine Heritage Protection

Summary

The RTPI notes linkages between the marine and the heritage white papers. It calls for the maximum integration between marine planning and licensing and marine heritage designation and management processes.

The section considers links between the marine and heritage white papers. The commentary below is summarised from a joint response to the heritage white paper prepared by the RTPI and the Institute of Historic Buildings Conservation (IHBC). It summarises issues with a most direct bearing on the implementation of the marine white paper and its proposals.

Heritage policies should be contained in marine plans

Heritage should fall within the 'one proposal: one license' principle

The RTPI takes the view that heritage policies and proposals for the marine environment should be found in marine plans. Similarly, it supports the overarching principle of 'one proposal: one license', and the following comments are tendered with a view to obtaining as close harmony as possible between marine planning, licensing and heritage designation and management systems in the marine environment.

Supported proposals

The RTPI supports the following components of the heritage white paper that bear on the marine environment:

- The commitment to review and broaden the extent of protectable marine heritage.
- The proposal to develop criteria that reflect the presence of significance and value to nations other than those within the UK, given the long use and global significance of UK seaways.
- The establishment of a UK-wide basis for a marine heritage protection system, recognising the devolved nations interests in administration.
- The proposal to continue broad stakeholder engagement in applications to list marine assets.
- The proposal for interim protection of potentially listable marine assets.
- The proposal to designate a zone surrounding a listed asset, within which marine activities would be licensed, with the scope of licensing depending on the nature and significance of the asset. However, this proposal demonstrates the likely intimate relationship between the listing and marine licensing and consent regime, suggesting that a UK and or Scottish Marine Management Organisation (MMO) would be a strong candidate to define the scope of any licensing requirements for and determining license applications over listed places.
- The proposal for site management agreements to stand in stead of the need for repeated license applications for ongoing marine uses.
- The Receiver of Wreck should be placed under a statutory obligation to report potential marine heritage assets to the relevant authorities.

Conditionally supported proposals

Conditional support was expressed for the following proposals:

- The white paper proposes to ensure that changes to the marine heritage protection system are 'consistent and compatible with any proposed changes to the wider marine management framework that may be brought forward through a Marine Bill, and wider changes to the heritage protection system on land'. Whilst such an ambition is superficially laudable, it would be preferable if it went beyond consistency and compatibility to full integration. An ideal marine planning system would be the place where a marine historic asset is recorded, where policies and decisions about its management are made and where the effects of competing or damaging marine uses are also considered. Above all, the concept of a stream of marine heritage policies and consent requirements that are not shown on a marine plan and comprised within the operation of the marine planning system should be avoided.
- The proposed new statutory selection criterion of "special archaeological or historic interest" should be expanded to include architectural, marine architectural and other cultural interest.
- The proposal not to include a grading system for marine assets is justifiable, but only on the basis that a systemic database recording the nature and significance of each listed asset is kept, to support an evaluation of the significance the asset and the effects of works upon it that will have to be undertaken through the marine planning system when proposals are made that could affect its site.
- On the basis that there is a clear justification for the delegation of designation decisions about land based assets to national heritage agencies, the justification for the retention of Ministerial designation for marine assets is not well made. It may be that the distinction lies in the raised likelihood of decision having to take into account factors bearing on the national or defence interests, or international relations, but if this is the case, it should be made clear. There remains a strong argument that terrestrial heritage agencies or an MMO should be the designating authority.
- The arguable need for a mandatory provision for reporting of wreck/salvage discoveries and the disturbance of potential historic sites should be kept under close review. To the extent compatible with international obligations and the law on salvage, means of ensuring that marine assets are disclosed and evaluated for protection should be developed. Without such means, many marine assets will continue to be effectively 'mined' by salvage undertakings without any consideration being given to the public interest impact of this.

Proposal not supported

The following proposal was not supported:

- Marine assets should not be recorded on the same register as terrestrial assets. Scope should be retained for the marine asset register to develop in different ways and to hold and record different information to that current considered to be appropriate on land. An MMO might be a valuable custodian of a new unified marine asset register, as it will be the primary user of the data held in the register.

5. Conclusions and Recommendations

The RTPI broadly supports the reform proposals in the marine white paper and the shape of the proposed marine planning system.

Key issues for further consideration prior to the introduction of legislation will be:

- to ensure that the marine planning system is a spatial planning system;
- to provide for a flexible, continuously improved and electronically delivered UK marine planning policy framework;
- to provide for a unified marine plan making and licensing arrangement for Scotland, by way of an intergovernmental agreement on the seas; and
- to provide enabling powers for marine plan making and license determination functions for sub-regions to be delegated to partnerships including terrestrial and environmental agencies, included devolved nation, region and local government and bodies such as the environment agency.

The principle of 'one proposal, one license' is strongly supported, and this extent, the RTPI considers that there should be an end goal of harmonising all marine licensing and consenting under a single regime.

The RTPI considers that it will be important to further link the plan making and licensing functions in the marine white paper.

- Marine plans can be linked to effective de-regulation and implementation, by enabling them to define baskets of use and development types that are deemed to be licensed in particular waters, subject to compliance with plan policy and standard monitoring provisions.
- There should be means of appeal against adverse licensing decisions by immediately interested stakeholders.
- There may be an argument for compensation for the revocation of a license for a previously lawful use or development, although this should not be applied as a universal principle.

The RTPI notes linkages between the marine and the heritage white papers. It calls for the maximum integration between marine planning and licensing and marine heritage designation and management processes.

Recommendations

DEFRA is recommended to proceed with the proposals as generally outlined in the white paper, subject to refinements of detail to address the issues outlined above.

DEFRA is recommended to liaise further with DCMS to seek the best possible convergence between the marine heritage proposals and the marine planning and licensing systems.