



RTPI

mediation of space · making of place

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Dear Sir/Madam,

RESPONSE TO THE PRE-CONSULTATION ON DRAFT UK MARINE POLICY STATEMENT: A PAPER FOR DISCUSSION

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) represents over 22,000 spatial planners, existing to advance the science and art of town planning for the benefit of all.

This document responds to the pre-consultation on the Draft UK Marine Policy Statement: A Paper for Discussion (draft MPS). It has been formed drawing on the expertise of members including the Water and Marine Spatial Planning Interest Group of the RTPI Environmental Planning and Protection (EPP) Network, and RTPI Scotland.

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

The RTPI considers that the practice of spatial planning can offer much of benefit to our society when we use, develop and manage the marine environment. Although the traditional core activities of the Institute have related mainly to planning on land, there is within the membership a considerable body of UK and international experience in the field of marine spatial planning. To support the development of the UK Marine Bill, the RTPI set up a Marine Spatial Planning Task

Group (now the Water and Marine Spatial Planning Group), chaired by Jed Griffiths, a past President of the Institute. In the period leading up to the adoption of the Marine and Coastal Act 2009, the group had a substantial role in advising the Government in formulating its policies which are now embodied in the Act. Much of the RTPI vision for marine spatial planning is now incorporated into the provisions of the Act.

The RTPI is strongly committed to the development of a marine spatial planning system for the UK and the devolved administrations, and will continue to provide support and advice to DEFRA and the marine-based organisations which have been set up to deliver the policies in the 2009 Act. We welcome the opportunity to respond to the pre-consultation of the draft MPS, which is an important step on the way to establishing a system which is robust, whilst at the same time respecting the cultural and governmental differences between England and the devolved administrations of the UK.

It is noted that this pre-consultation draft MPS is only a step on the way to the establishment of the marine planning system. Nevertheless, the RTPI commends DEFRA for its commitment to improving the framework, by taking a step by step approach, with eventual adoption of a MPS in early 2011. This will enable the Institute and all other key stakeholders to effectively contribute to the formulation of the MPS. This reflects the very successful processes of participation and consultation which were deployed by DEFRA in the formulation of the UK Marine Bill. The Institute also welcomes the revised Statement of Public Participation which accompanies the pre-consultation draft.

In considering the draft MPS, the response developed by the Institute has been informed by the views of members within the Water and Marine Spatial Planning Group of the EPP Network and by engagement with other stakeholders.

The RTPI is concerned that although the document is a step in the right direction, in many respects it falls short of presenting a fully integrated policy statement. In the Institute's view, there are areas where it could be improved, with more consideration given to:

- the overarching principles to be applied to the consideration of multiple uses within the marine environment;
- how sectoral policies will interrelate;
- the links between the marine and terrestrial systems;
- the emphasis to be given to Integrated Coastal Zone Management;
- issues of governance at all levels, and the development and support of sound science as a basis for decision-making.

In addition, more information is needed on how arrangements for the UK and the devolved administrations will be structured; how communities can be involved at all levels of decision-making, and; how frameworks for monitoring and review can be organised.

The Institute is extremely concerned about whether sufficient levels of skills and resources will be available to deliver the marine policy agenda in the UK. In reviewing the educational resources available, there are few universities which offer accredited courses in marine planning. This is an issue which the Institute intends to address.

These issues are explored further below in relation to the individual questions posed in the draft MPS.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matt Thomson', with a long horizontal flourish extending to the right.

Matt Thomson
Head of Policy and Practice
Enc.

Q1. Does the document contain a clear statement of policy objectives applicable at the UK level for the marine environment? Are there any policy objectives which should be added?

Context

The RTPI recognises the difficulties of compiling a policy statement of this scope and nature, covering the whole of the United Kingdom, whilst at the same time respecting the jurisdictions of the devolved administrations. This is a dilemma familiar to the Institute which itself is organised on a structure of regions, covering the UK and the Republic of Ireland. In responding to the issues which affect spatial planning and the environment, the Institute often is required to formulate its policies and make responses to Governments in a manner which expresses the principles of spatial planning consistently and without prejudice to the processes of local engagement.

In this context, the RTPI recognises the need to structure the document in the proposed manner. The high level policy context and marine objectives set out in Chapter 2 reflect the discussions and consultations between DEFRA and stakeholders, as evidenced in the introduction to the chapter where there is agreement by the UK Government, the Scottish Government, the Welsh Assembly Government, and the Northern Ireland Executive. The Institute is generally supportive of these principles, the objectives set out in Figure 1, and of the UK vision for the marine environment as set out on Page 6.

The RTPI suggests that it would be beneficial for the policy objectives drawn from “Our Seas – a Shared Resource” to include the two paragraphs from that report which precede and explain that these objectives:

“set out the outcomes sought by the UK Government and devolved administrations. Our actions and regulatory structure will support the delivery of these outcomes to achieve sustainability. However, everyone has a responsibility to help secure these outcomes.

The way in which the objectives are presented below does not indicate any priority between objectives or bullet points.”

The above extracts would help to draw attention to the integrated approach being pursued to the higher level marine policy objectives in the MPS. Nevertheless, the Institute would like to emphasise its support for the eco-system approach, and the key principles of sustainable development in the marine environment. In the development of the policy objectives, by sector and activity, it is therefore appropriate to begin the commentary (paragraph 2.5) focusing on marine conservation. Indeed, this point could be strengthened by the insertion of additional text, preceding paragraph 2.5, to demonstrate that the protection of the marine environment and the eco-system approach are at the heart of the MPS.

Generally, the RTPI is supportive of the summary in Chapter 2 as it seeks to deliver a clear and effective overview of the policy framework and the objectives of the UK Government and the devolved administrations. Greater explanation would be useful, however, on the international obligations of the administrations with regard to the protection of the marine environment, rather than confining the reference to the footnote on Page 8. In addition, it would be beneficial for a clear commitment across UK Government Departments to the delivery of these principles and the

provisions of the 2009 Act. For example, there is little reference to the role of National Policy Statements and the Infrastructure Planning Commission (IPC). Where there are proposals for off-shore infrastructure developments in England and Wales, it remains unclear who is the responsible decision-maker – the IPC or the Marine Management Organisation?

Additional Policy Objectives

Whilst it is useful to have the policy objectives set out by sector, some additional emphasis should be given as to how these will inter-relate and how co-ordination of policies will be achieved across the terrestrial and marine planning systems. In addition, the RTPI believes that further consideration could be given to the matters of landscape and seascape and to the integrated management of resource use in mainland coastal and island economies.

Clearer understanding is required in a revised MPS of the interests of communities in marine planning, simply because people live beside the sea, rather than at sea. The issue therefore is not so much “place”, which has come to dominate planning and community engagement on land, but more one of resource management. Spatial issues for coastal communities are more concerned with the land/sea interface and how traditional development plans can accommodate their needs alongside relevant marine plans.

The Institute believes that greater support for Integrated Coastal Zone Management (ICZM) should be adopted to ensure community needs are understood, considered and co-ordinated with strategies to underpin the relationship between terrestrial development plans and marine plans. Conversely, there are major non-place issues concerning the growing problems of finding un-congested, unobstructed, and unpolluted space in the more open reaches of the sea for marine protected areas as well as the resource exploitation and infrastructure which is planned. This is not so much an issue for coastal communities as for national interests who need to engage with the emerging system.

The RTPI suggests that lessons could be learned from the experiences of community engagement in the National Planning Framework 2 for Scotland.

Q2. Is any further information required at the UK level to support marine planning?

The Institute considers that further explanation of international obligations would be beneficial as it would enhance the context for the marine planning systems set out in the draft MPS. In addition, we recommend that closer communication with counterparts in the EU and in particular those with similar marine environments (e.g. Germany, Holland, Belgium, Denmark) would benefit the process, especially with regard to lessons learnt, what can and cannot be done in terms of plan development and implementation, and best practice.

The MPS should also consider the future of the Crown Estate in the marine planning and management system. This point is developed further in the response to question 4 below.

In both the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010, there is a general duty to further the achievement of sustainable development. This will impact on regulatory

decision-making, as well as plan-making. There would appear to be no other regimes where regulatory decisions are subject to sustainable development criteria. It is important that the MPS should contain a framework of guidance for making determinations which comply with this obligation. Further guidance of the operation of the duty of sustainable development in relation to regulatory decisions is required.

We note that in Chapter 2, *Policy objectives by sector/activity*, fisheries and the issue of protecting biodiversity are separated. The RTPi believes that further consideration should be given to the potential benefits of Marine Conservation Zones and Marine Protected Areas to the fisheries industry through the application of tools such as “no take” zones.

Q3. Does Chapter 3 set out the key high-level considerations that need to be taken into account when developing marine plans? Are the most significant impacts and pressures identified?

The Planning Framework

It is important that any marine planning system should complement the terrestrial planning frameworks which have been established in England and the devolved nations. The essential principles of these systems have now been in place for over 60 years, although the systems themselves have recently been subject to extensive reforms. Nevertheless, the essential features remain intact, in particular the plan-led approach, which is at the heart of decision-making, both for national and local government. The Institute welcomes the commitment to the plan-led system, as described in Chapter 3.

The Institute believes that the overall approach to marine plans should be set out more clearly in this chapter, including the relationship between the marine planning hierarchy and its relationship to the terrestrial. The list of points and principles in paragraph 3.6 should be accorded greater weight and developed. In addition, it would be beneficial for the MPS to clarify the structure proposed for marine planning system, by making explicit linkages between the marine planning hierarchy and the corresponding layers of policy-making in England administrations.

The Institute has previously advised DEFRA in this respect, highlighting how this comparison exposes the lack of a National Spatial Planning Framework for England (and the UK as a whole). By contrast, such frameworks are in place for Wales, Scotland and Northern Ireland. This enables the devolved administrations to make clear linkages between the UK marine planning framework and the terrestrial planning systems at the national level. Thus, in Wales, it is understood that the Welsh Assembly Government and Countryside Council for Wales (CCW) intend to deliver a national plan for the marine environment, which will complement the Sustainable Plan for Wales. Similarly, in Scotland, the Scottish Government has approved the Marine (Scotland) Act 2010, which has a clear relationship to the terrestrial Scottish Planning Policy National Planning Framework. In Northern Ireland, similar linkages need to be established. In the view of the Institute, clarity should be sought in Chapter 3 of the Marine Policy Statement to address these issues.

At lower levels in the hierarchy, the MPS should also express in more detail the need for stronger integration between marine plans and their equivalents at both regional and local levels. These will vary according to the differing nature of governmental structures, but there should be more explicit consideration of these relationships. At the English regional level, there is a particular issue about

the need for clear relationships between the newly-established regional responsible authorities and the Marine Management Organisation. This should be addressed in the MPS, but developed in more detail in the Marine Planning Framework, to be prepared by DEFRA in 2010.

More locally, there are a number of key questions about the relationships between coastal local authorities and marine planning authorities in the formulation of marine plans. With regard to plans for inshore areas, the RTPI believes there should be a clear duty for the marine planning authority to consult with coastal local authorities – this should be a reciprocal duty when terrestrial plans are being prepared. In more detailed policies and proposals for sub-areas, there should be clear processes for decision-makers to determine which organisation is the lead authority in the decision-making process. These issues are covered in only one bullet point in paragraph 3.6 of the draft and the RTPI believes these should be expanded in a revised MPS.

Evidence Base

The Institute welcomes the statement, at paragraph 3.3, that Marine Plans should be prepared on a sound evidence base. This is a key principle of UK development plan systems, therefore this point should be developed further in the following text because of the commitment to an ecosystem based approach to marine planning. There are several gaps in information and survey data which need to be filled, not only by the marine planning bodies, but also by other organisations with an interest in the marine environment. The RTPI is concerned that the draft MPS does not provide an adequate steer on this issue, on the nature of the data requirements, the likely sources, or the gaps which need to be addressed. A comprehensive marine planning and environmental data base needs to be established to inform and develop the system of marine spatial planning. In this respect, the RTPI suggests that references to the European Landscape Convention could be made, which includes land, inland water, and marine areas.

Such a system should be based on sound science and on established links with the academic and research community. Where the spatial approach is specifically referred to in the draft MPS (paragraph 3.4), the use of maps for survey data, and for spatial policy option analysis and selection should be positively encouraged. Full use should be made of geographical information systems (GIS) for the mapping of data, which should be easily accessible for all those involved in the marine planning process. Better systems will ensure that the programmes for the establishment of Marine Conservation Zones (England and Wales) and Marine Protected Areas (Scotland) will be delivered, with early protection for sensitive areas of the marine environment. In the absence of data on the marine environment, the precautionary approach should be adopted for decision-making, especially in areas which are likely to be sensitive.

A related issue, which is not developed in the draft MPS, is the need for monitoring and review of plans. This relies on a systematic approach to data collection and intelligence and a clear commitment to a regular review of plans and policies, based on sound evidence and trends based on monitoring. The Institute recommends that some advice should be incorporated into the MPS. It is not sufficient merely to state that the process will be “streamlined where possible, making use of existing data”. There are considerable gaps in our knowledge of the marine environment. A progressive approach to monitoring would ensure that cumulative impacts on the marine environment could be identified. It would also assist in the development of an integrated framework for resource management.

Examination and Scrutiny

The terrestrial planning systems all make provision for public consultation and examination of development plans. Although it is understood that provision for formal examination of marine plans will be brought forward, the MPS should make explicit the requirement on the devolved administrations to ensure that marine plans are subject to a public examination process. In particular this process will ensure that the issue of compatibility with marine plans and terrestrial documents will be thoroughly addressed.

A related issue is the right of appeal against planning decisions. The appeal system is a well-established feature of terrestrial planning. Although provisions are made in the Act, the right of appeal as a basic component of the systems and should be re-affirmed in the MPS.

Q4. Does Chapter 4 set out the appropriate considerations for decision-making for the marine areas? Does it provide guidance on the factors to consider for specific activities in reaching decisions?

Policy Integration

Chapter 4 professes to offer more specific advice to decision-makers who will be bringing forward plans and proposals which affect the marine environment. The purpose of this chapter is understood, but it would be helpful at paragraph 4.1 to cross-refer back to Chapter 3, and give further emphasis to the plan-led approach. This means that decision-making is not first and foremost a scientific proof but a discretionary judgement of the decision-maker. This is a major departure from established marine practice, based on a regulatory framework, and similar to the terrestrial planning systems. It will thus open up new parameters for engagement with the marine planning system.

The RTPI notes that the activities considered are not an exhaustive list, but there may be some other issues which should be included. For example, the role of aviation and its relationship to the marine environment is not mentioned. In some marine areas, there are places where airspace must be protected, either in the interests of national defence or civil aviation. In others, marine interests should prevail and aviation needs to be regulated in the interests of environmental protection, recreation, or navigation.

In addition, the RTPI believe that some of the topics are under-developed, in particular, tourism and recreation receives minimal attention. The section on shipping and port development tends to accept the need for large-scale port development, which the RTPI highlighted as a significant issue in responding to the recent National Planning Statement on Ports. Greater attention needs to be given to the effects on the UK network of fixed shipping lanes, as these are essential capital assets with special locational significance for all future developments. Patterns of usage and intensity have implications for the marine area generally.

The setting out of potential impacts and issues for consideration under each topic is helpful. Nevertheless, there are some omissions. For example, under Aggregates, the role of the Crown Estates, who control the sea bed, is not mentioned. This is a key issue in determining the future pattern and supply of marine-dredged aggregates. Similar views might be appropriate to the discussion on fishing, particularly in terms of the protection and harvesting of species which dwell

on the sea bed.

Q5. Does the document provide an appropriate overarching framework for the development of marine plans and decision-making in the UK marine area?

The draft MPS would benefit from providing more details on the links between the UK policy framework and arrangements for marine by the devolved administrations. The Scottish Government jurisdiction for planning beyond the 12-mile limit off Scotland is dependent on agreement to the MPS by all administrations. A UK consensus on the MPS is vital for Scotland. It should be noted, however, that whilst this will allow one national marine plan to be prepared for Scotland, it will be brought forward under two different statutory regimes - for the inshore Scottish Marine Area and for the off-shore UK Marine Area. It seems that this explains why there has been an attempt by both governments to retain some consistency in the two systems. There are some inconsistencies between the respective terrestrial planning systems with which marine planning and management systems will need to interface. These need to be explained and guidance provided accordingly.

The statutory Scottish marine planning system includes marine regions within the umbrella of the National Marine Plan for Scotland. This will be a significant focus of opportunity for community and wider stakeholder engagement in both plan-making and in certain aspects of regulation. This role is less clear for the discretionary regional units recently proposed by DEFRA and the MMO for English and Welsh waters. In areas such as the Solway Firth, where is a well-established informal framework for collaboration across the national boundary, this dichotomy in both statutory regimes and local empowerment must not prevent effective engagement in the production of a single plan for the area. Further attention may therefore be required for arrangements to be made in cross-border areas.

The MPS might also point towards how the respective administrations will approach the production of procedural rules or guidance. Compared to the terrestrial planning systems, there will be less secondary legislation to drive the operation of the marine system. Here the planning authorities will be agencies of government and there will be need for consistency across national borders.

Q6. Is any additional information required at UK level?

The Institute considers that in Scotland there is need for more information on dispute resolution arrangements, between the devolved planning administration and the UK Government over reserved functions.

Impact Assessment

Q7. What benefits do you see from having a coherent policy framework provided by a MPS? Do you foresee any costs arising from having a MPS in place?

Skills and Resources

The discussion document raises a number of issues regarding skills and resources for marine planning. The Institute is extremely concerned about whether sufficient levels of skills will be available to deliver the marine policy agenda in the UK. In reviewing the educational resources

available, there are few universities which offer accredited courses in marine planning. This is an issue which the Institute intends to address, but will require resourcing.

There is a wider issue of the lack of skills and resources in terrestrial local authorities and other public sector organisations. Certainly, local authority planning departments are ill-equipped to respond adequately to the new wave of marine plans and consultations which will result from the new legislation. There will be need for effective continuing professional development for both marine and terrestrial planners. In an era of forthcoming public sector cuts, this is an issue which will need to be addressed by the Government and the devolved administrations. Funds will be necessary to recruit staff, for administrative support, and for the training of staff and local authority Councillors.

Ends