

East Inshore and East Offshore Marine Plan Areas Evidence and Issues Report 2012



Chapter 1: Introduction and background

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Introduction

1.1 Purpose

This report is a collation and assessment of the evidence and issues for the East Inshore and East Offshore marine plan areas (see Figure 1.1). It serves both the planning process (see Background in 1.2 below) and the linked sustainability appraisal (SA) process (see section 1.3). The information in the report has been drawn together to set out the evidence and identify the issues relevant to these marine plans and to inform the next steps in the process, which is generating objectives and options. The report also meets the requirements for scoping for SA purposes.

A draft version of the report was released for consultation from 24 November 2011 to 10 January 2012 (see 1.5 and 1.6 below). The current version has been amended to reflect appropriate comments received. It is not intended to revise the whole of the report again. Instead, substantial new information, including that known to be coming in the near future, will be provided as addenda to the report. The MMO will continue to consider evidence and views on issues through discussion in the next steps in the planning process while ensuring that there is sufficient stability to enable planning to proceed and plans to be produced. It is clear that further discussion and development is required on some elements of the approach and methods presented, such as the description of futures (end of Chapter 4) and sensitivity analysis (Chapter 5).

A key element of the report and consultation was to draw out the most important issues that are relevant to, amenable to being influenced by, and specifically need to be addressed by marine planning, as opposed to existing measures. There is a clear expectation that marine plans add value to, rather than duplicate, other mechanisms. Some stakeholders were concerned that issues were not refined too far at this stage. As a result, the report contains a range of issues where other measures are signposted. Equally, the full suite of issues encompasses those that might be considered particularly significant to address in the first incarnation of a plan for the East Inshore and Offshore plan areas. Discussion during the next steps in the planning process will clarify those issues to focus on in drafting a plan for formal consultation by the end of 2012.

1.2 Overview and general approach

The section below provides background to marine planning. We are committed to marine plans that are based on the best available evidence. To ensure we are gathering this evidence as widely as possible, we have drawn together the range of relevant evidence but also highlighted issues emerging from the evidence. This should inform any discussion of key issues and the next steps in the planning process helping us to establish a clear vision and objectives for the plan areas. More specifically, it was considered important to pull together and summarise relevant information on behalf of stakeholders, saving them the task of looking at all the contributing material, and beginning to draw out key implications for the East plan

areas. Producing such a report and consulting on it is not a statutory requirement or a formal step in the planning process (although see SA Scoping Report) but we believe that the process and stakeholders have benefited from the adoption of this approach in keeping with stakeholders' views¹, a single report has been produced covering both the East Inshore and East Offshore plan areas together.

The Marine Management Organisation (MMO) has analysed a range of evidence and sources of issues including:

- data and information associated with the East Inshore and East Offshore marine plan areas
- information and issues collated from stakeholders, including responses from the informal consultation
- national plans and policies that influence the management of the marine areas
- local plans and policies that influence the management of the marine areas.

The approach and methods for collating and analysing the range of evidence is outlined in Chapter 2. In line with the Government's Marine Policy Statement (MPS) and high level marine objectives², this report covers all the key activities that take place in the marine area, as well as all the environmental, social and economic considerations that need to be taken into account in marine planning. The resulting outputs are largely presented in Chapter 4. It should be noted that the suggested issues are based both directly on specific points of evidence and indirectly on a reading of the evidence as a whole for that sector and interactions between sectors and between those and sustainability issues. Many of the issues are, therefore, a synthesised view rather than being directly attributable.

The MMO is working with local authorities and other coastal managers and regulators to ensure effective integration between marine plans and others, including terrestrial plans and, in doing so, contribute to achievement of integrated coastal zone management (ICZM)³. This co-operative approach has considered the many existing plans and policies relevant to the East Inshore area and analysed those of most relevance, such as local development frameworks, shoreline management plans and river basin management plans. The MMO will continue to work with interested parties to understand and address the implications for planning and management at the coast.

In order to undertake planning it is necessary to assess the potential future change in relevant sectors based on projecting current trends forward and assessing new demands for marine space taking account of objectives, policies and technical considerations (see Chapter 4 for more detail). The degree to which future development or change can be described or quantified varies greatly between sectors, as does their significance in terms of the relevant amount of change driving future demand for space and the need to assess the effect on other users of space and on the environment. The potential future picture for three such sectors – wind,

¹ Statement of Public Participation

www.marinemangement.org.uk/marineplanning/documents/final_spp.pdf

² Defra 2011 Marine Policy Statement, p11

³ Defra 2011 Marine Policy Statement, p13

aggregates and oil and gas – is described at the end of Chapter 4 to highlight the need for such futures analysis and seek views on the approach and methods outlined. These have been amended in response to the comments received in the consultation but it is clear that they will be subject to further discussion and development.

As well as analysing individual activities, including their spatial footprint, it is important that the evidence base considers the interactions between activities and also interaction between activities and the environment. This report includes analysis of key interactions of relevance to the East Inshore and East Offshore plan areas. The interaction between one sector and another is partly covered in the individual activity sections of Chapter 4 but is also considered across all sectors, such as variations in busyness across the plan areas, current co-location, in Chapter 5. While the potential effects on different elements of the environment is assessed in detail in Chapter 6, the interaction between activities, both individually and collectively, and the environment is explored in more depth in Chapter 5 focussed on pressures potentially affecting seabed habitats. This is a consideration for marine planning to assess and address, given expectations set out in various government documents⁴. However, both the approach in general and the analytical methods specifically are still evolving including in the way that they are applied to marine management. Together with limitations and questions, these are outlined and illustrated by way of two examples in Chapter 5 to stimulate discussion and further development.

1.3 Relationship to sustainability appraisal scoping report

Each marine plan is subject to a sustainability appraisal (SA), including a strategic environmental assessment (SEA) and a Habitats Regulations assessment (HRA). As part of the SA, a scoping report must be produced. As it was clear that much of the evidence that would inform the scoping report significantly overlapped with the evidence required for the production of the marine plans themselves, a decision was made to produce one report that met the needs of both the marine plan production process and the SA process. In particular, it was felt that producing one report would reduce confusion among stakeholders and reduce the number of documents that stakeholders might need to read and comment on. It also ensured efficiency by avoiding duplication in collating and presenting evidence.

The SA scoping report is subject to formal consultation – see section 1.6 and Chapter 3 for further details.

⁴ For example, see the Marine Policy Statement (2.3.1.6, 2.4.3) on the need to consider potential cumulative effects. The Marine Strategy Framework Directive will also be relevant – marine planning will need to take into account any relevant targets, indicators or measures aimed at achieving "good environmental status" under the directive covering a number of descriptors such as those to do with biodiversity, the seabed, generation of noise, and impacts on hydrographical conditions.

1.4 Sources of information

The specific sources of information used in gathering evidence and identifying issues are cited throughout the report. For statements that are based on technical data collection, national policy and sub-national plans and policies, we have sought to reference the appropriate report, plan or policy; for those that are informed by stakeholder engagement, we have tried to indicate the source of views, where possible, for those points that have been made by specific interests rather than generally by a wide range of interests. More detail on these and how they were assessed in general is provided in Chapter 2 (and see also Annex 1 on data layers) and more specifically for some sectors and topics in relevant sections of chapters 4, 5 and 6. It must be made clear that, aside from material and views identified through dialogue with stakeholders and responses to the consultation, the information is largely drawn from existing documents and reports including government policy and strategic publications, existing adopted and draft local plans, and data and information set out in various publications or available through, for example, websites such as the MMO's web portal⁵. Some of the material is drawn from more detailed and in-depth reports and analyses commissioned or produced by the MMO in support of marine planning, such as research on socio-economic issues⁶, detailed collation of plan policies from terrestrial plans. These are accessible directly or through contact details via the MMO website⁷. We need to be careful to avoid duplicating information and descriptive text set out in other reports and projects, such as Charting Progress 2⁸, where it is not essential and instead effectively sign post such information and text.

This report provides a synthesis and assessment of the information drawn from these sources and some interpretation or re-presentation to highlight points of relevance to marine planning and/or to ensure stakeholders are aware of potential issues that may merit their consideration during the planning process.

The report incorporates appropriate evidence and views on issues that came forward as a result of the consultation. Further evidence will emerge during the development of the marine plans. Where we already know this to be the case we have sought to highlight this in the text. We will continue to integrate further evidence as it becomes available while ensuring that there is sufficient stability in the evidence base to enable subsequent steps in the planning process, such as generating options, to progress.

1.5 Consultation

For reasons set out above, the MMO has produced one report that supports both the marine planning and the SA processes. There is no requirement for formal

⁵ <http://planningportal.marinemanagement.org.uk>

⁶ Roger Tym & Partners and OCSI. (2011). The East Marine Plan area: maximising the socio-economic benefits of marine planning. Report for MMO. www.marinemanagement.org.uk/marineplanning/se.htm

⁷ www.marinemanagement.org.uk/marineplanning/evidence.htm

⁸ Defra and UKMMAS, Charting Progress 2, <http://chartingprogress.defra.gov.uk/>

consultation for this stage in the marine planning process, unlike for SA scoping (see section 1.6) but to gain stakeholder feedback and input at this stage, it was considered important to consult on what was a draft Evidence and Emerging Issues Report as a whole alongside the consultation on the SA sections (chapters 3 and 5). Both consultations were open for the same period of time, from 24 November 2011 to 10 January 2012.

For the planning process, specific questions were asked to assist in the structuring of responses, although all comments were welcome:

1. Does the content of the report reflect the most significant current available evidence?
2. Are there any significant additional plans, policies or programmes that need to be considered in the report?
3. Does the content of the report reflect the issues for each sector, for sustainability and for interactions across sectors?
4. Are there any significant issues not considered?
5. In your opinion, what are the top three characteristics of the East marine plan areas which make it unique or distinct?

53 responses (to the report as a whole, including SA components) were received from government, industry, non-governmental organisations, statutory consultees, local authorities and international stakeholders. During the consultation, a series of workshops were held, giving stakeholders the opportunity to reflect on the report with MMO marine planning staff and explore some of the marine planning issues in more detail. Over 145 stakeholders attended the events over the three days within the East Inshore plan area. The stakeholders covered a broad spectrum of backgrounds and sectors with a range of previous experience of marine planning. Throughout the series of workshops, similar themes and issues were covered and we have identified a number of key messages that were highlighted for marine planning (see 2.2).

This has positively contributed to the refinement and revision of this report. We have taken into account all comments made and updated, revised or clarified the evidence wherever appropriate and achievable within the timeframe for delivery of this report. Further information, data, in progress research and reports were also highlighted as a direct result, and it is anticipated that these will inform marine planning both within the East inshore and offshore plan areas and beyond as they are released. It must be noted that some of this research and evidence is not likely to be produced in time for inclusion in the first marine plans but would be available for incorporation in the review and revision process that is to accompany all marine plans in accordance with the requirements of the Marine and Coastal Access Act.

The contribution of stakeholders who have responded or taken part in discussions during the consultation has been extremely valuable in the production and refinement of this report. The effort taken and quality of response across all stakeholders is very much appreciated, and illustrates the willingness of stakeholders to participate in the marine planning process and take an active role in contributing to England's first marine plans.

1.6 Sustainability appraisal consultation

Further to 1.3 above, alongside the informal consultation on the report, we also formally consulted on the SA for the purpose of scoping (chapters 3 and 6). This consultation was open to all stakeholders, as well as the statutory consultees that must be formally consulted for a period of five weeks as required by the SEA Directive⁹.

The sustainability appraisal questions conforming to the requirements of the SEA Directive and which were set out to help structure responses to Chapter 3 and Chapter 5 were:

- a) Is any **significant** environmental or sustainability data missing or misrepresented?
- b) Are there any further **significant** plans, policies and programmes currently not considered in the report?
- c) Are there any additional **significant** problems, opportunities or issues that need to be considered in the development of the plan?

Responses were received from the statutory consultees and members of the SA Advisory Group¹⁰ as well as many other stakeholders. The consultants delivering the SA have worked with the MMO to consider and incorporate comments as appropriate.

Background to marine planning

1.7 Aim and approach

As the seas around England become increasingly crowded, with competing demands on space for marine activities and protection measures, there is a recognised need to adopt an integrated and strategic approach to manage the use of our seas in the most sustainable way.

Through the Marine and Coastal Access Act 2009, the UK Government introduced a number of measures that will help to deliver its vision for the marine area of "clean, healthy, safe, productive and biologically diverse oceans and seas". The act establishes the legal basis for a marine planning system. The Secretary of State delegated the Marine Management Organisation (MMO) as the statutory body to undertake marine planning in England.

The aim of marine planning is to ensure a sustainable future for our coastal and offshore waters through managing the many activities, resources and assets in our marine area. Marine planning creates the framework for decision making that is consistent, evidence-based and secures a sustainable future for the marine area.

⁹ English Heritage, Environment Agency, Joint Nature Conservation Committee, Natural England

¹⁰ www.marinemangement.org.uk/marineplanning/sustainability_appraisal.htm

Through extensive public involvement, it offers everyone with an interest in our seas and coastline the opportunity to have a say in how their marine area is managed. Marine users, including regulators, applicants and interested persons, should find that the system will reduce the regulatory burden on them by giving them more certainty regarding where activities could best take place and speed up the licensing process as a result. Marine users should also feel more confident that decisions made on applications for projects will be robust in the face of challenge, provided they are made in accordance with marine plans. This is because plans will be based on the best available technical and scientific evidence, including early and consistent engagement with stakeholders together with a sustainability appraisal.

For the purposes of marine planning, the English marine area has been divided into 10 marine plan areas (see Figure 1.1) so meaningful plans on a manageable scale can be developed. Inshore marine plan areas extend from the mean high water springs mark out to 12 nautical miles. Offshore plan areas extend from 12 nautical miles to 200 nautical miles or the limit of UK jurisdiction.

The completed set of plans will create a management system covering the whole English area, integrated with terrestrial plans and, where possible, any existing marine plans for bordering countries.



Figure 1.1: Marine plan areas for England¹¹

1.8 Strategic scoping report

The MMO published, in June 2011, the first Strategic Scoping Report (SSR)¹² for England's marine area. The SSR pulls together existing data and information to give a broad view of the marine activities and resources in each of the 10 marine plan areas around England. It presents a national picture so that marine planners can start to plan at the sub-national level and develop a vision, with stakeholders, for each of the plan areas that is indicative of the unique characteristics of the area. In the absence of marine plans, regulators and those with an interest in England's marine area can use the SSR, alongside the Marine Policy Statement (MPS), as a valuable information resource. The level of detail covered by the SSR is not as comprehensive as that at the plan area level covered in this report including, in terms of the SA, environmental topics. Care was taken to avoid duplicating unnecessarily information and descriptive text set out in other documentation partly by effective sign posting of such information and text.

1.9 East Inshore and East Offshore marine plans

The first marine plans in England will cover the East Inshore and East Offshore areas (see Figure 1.1 – areas 3 and 4). The East Inshore plan area includes an area of coastline which stretches from Flamborough Head in the north, down to Felixstowe in the south taking in some 6,000 square kilometres of the marine environment.

The East Offshore plan area includes the marine area from 12 nautical miles to border territorial waters, a total of approximately 49,000 square kilometres of sea. The Netherlands, Belgium and a small part of France border the East Offshore plan area.

The East Inshore and East Offshore plan areas were selected as the first plan areas in England for a number of reasons which include:

- The wide range of marine activities, potential for future sustainable development and its contribution to the national economy.
- Major changes in the footprint of activities, particularly offshore wind energy but also marine protected areas, and potentially extractive industries such as aggregates, that are in progress¹³ and planned for the region.
- Providing an ideal opportunity to address how best to sustainably manage such changes in a way that takes into account the competing uses, concerns of the local coastal community, and environmental interests of the areas; together with

¹¹ See www.marinemanagement.org.uk/marineplanning/documents/marine_plan_areas.pdf for full sized map.

¹² MMO (2011) Strategic scoping report for marine planning in England
www.marinemanagement.org.uk/marineplanning/evidence

¹³ Marine planning will need to incorporate and build on other initiatives that have already generated decisions and/or which are subject to their own statutory processes, such as identification of Round 3 wind farm zones or work towards designating marine conservation zones.

the range of communities, including less well off areas that will benefit from economic confidence in sustainable development.

- The potential for marine plans to contribute to achieving sustainable development in the face of these challenges and changes taking into account existing activities, multiple pressures, the receiving environment and the varying aspirations of different interests.

Marine plans need to integrate with a range of existing strategic plans, including:

- local development frameworks and core strategies
- river basin management plans
- national park and areas of outstanding natural beauty (AONB) plans
- management schemes for European marine sites – marine parts of special areas of conservation (SACs) and special protection areas (SPA)
- shoreline management plans
- estuary management plans.

Rather than duplicate plan information and policies, marine plans will signpost to other plans where appropriate and will only cover the same ground where the marine plans are adding new information or complementary management.

The potential structure of marine plans, and their position within a broader marine planning system, can be seen in Figure 1.2¹⁴.

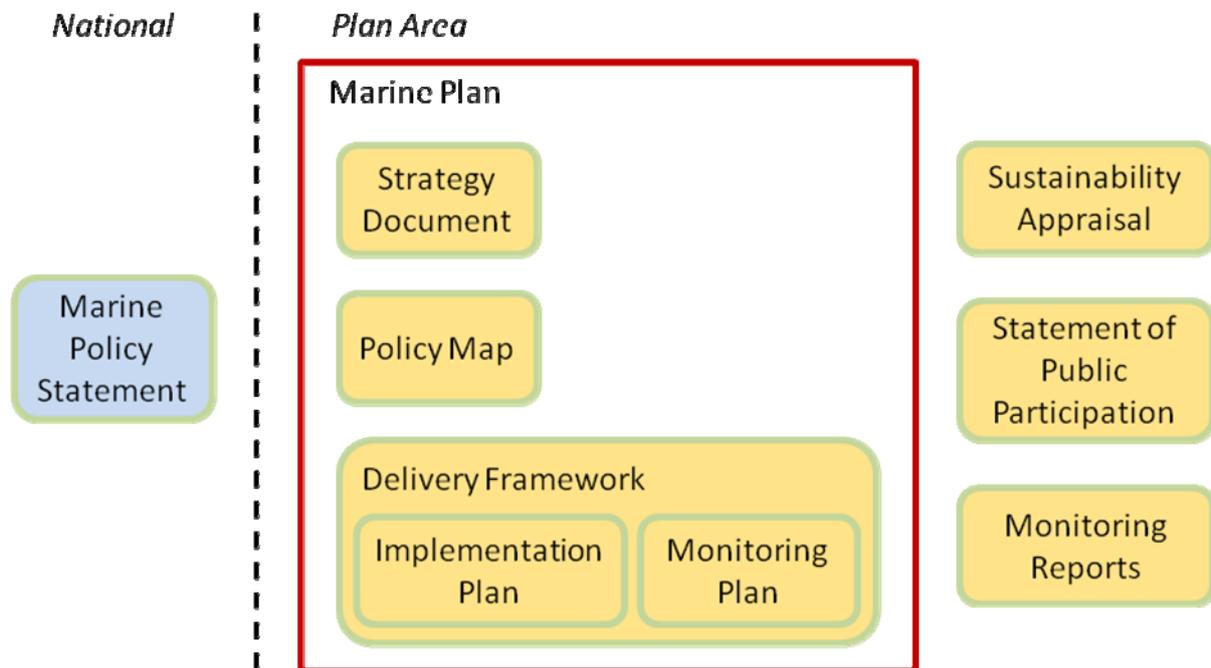


Figure 1.2: Structure of marine plans

¹⁴ From Defra (2011) A description of the marine planning system for England.

1.10 Stakeholder engagement

In line with the requirements of the Marine and Coastal Access Act 2009, the MMO published a Statement of Public Participation (SPP)¹⁵ for the East Inshore and East Offshore marine plan areas in April 2011. The SPP sets out how and when people can become involved in the production of the marine plans. Stakeholders cover all those with an interest in the East area plans and range from those based locally to the countries bordering the East plan areas.

This report is an example of the MMO giving anyone with an interest in the marine areas the opportunity to participate in plan production by commenting on the evidence base that will be used for decision making in the marine plans. This report, along with meetings and workshops with stakeholders including the public, ensures that the MMO receives input on the identification of the issues of relevance to the marine plan areas.

1.11 Process and steps

The basic steps in the planning process are shown in Figure 1.3. The SPP provides details on the different steps and their approximate timings.

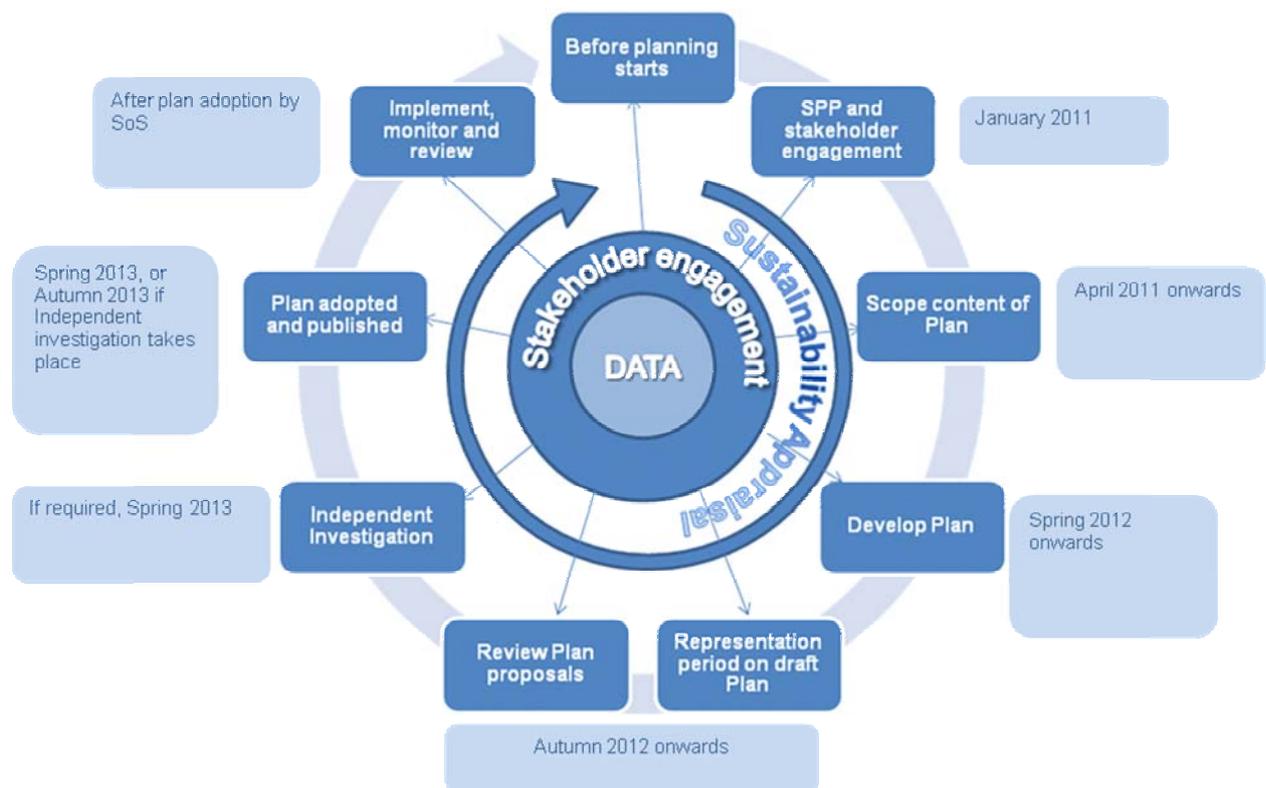


Figure 1.3: Overview of the marine planning process

Based on Figure 1.3 above, the next stages of the planning process include:

¹⁵ Statement of Public Participation
www.marinemanagement.org.uk/marineplanning/documents/final_spp.pdf

- February to April 2011: Objectives generated
- April to May 2011: Options appraisal
- Autumn 2012: Draft marine plan to the Government (including all sponsor departments) for ministerial approval