

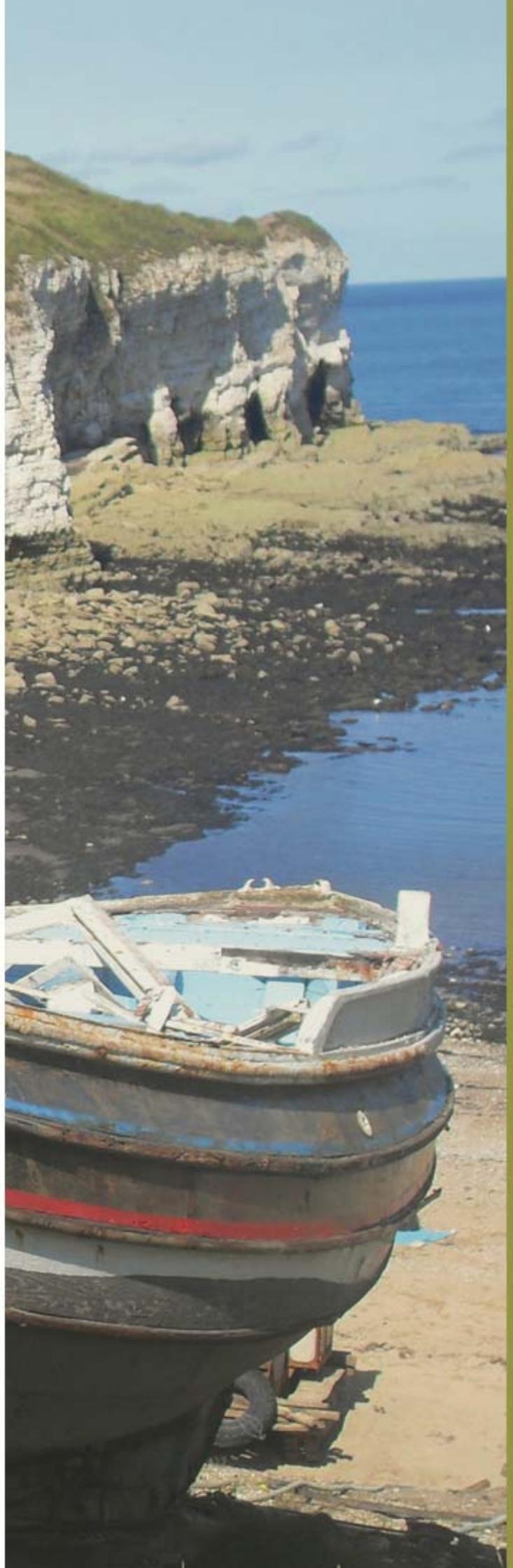


# Marine Management Organisation

## Marine Planning Decision Makers' Workshops

### Summary report

December 2013



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Marine Management Organisation  
Lancaster House  
Hampshire Court  
Newcastle upon Tyne  
NE4 7YH

Tel: 0300 123 1032  
Email: [info@marinemanagement.org.uk](mailto:info@marinemanagement.org.uk)  
Website: [www.marinemanagement.org.uk](http://www.marinemanagement.org.uk)

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## 1. Introduction

In July 2013 England's first draft marine plans in the East Inshore and East Offshore plan areas were issued for consultation. In line with the Marine and Coastal Access Act 2009 (MCAA), the Marine Management Organisation (MMO) and authorities making authorisation or enforcement decisions in the East marine plan areas will be required to be in accordance with an adopted marine plan, implementing it through their decision making. Public authorities exercising functions that are not authorisation or enforcement activities but are capable of affecting a marine plan area must have regard to an adopted plan.

To identify how public authorities and the authorisation and enforcement decisions they make may be affected as a result of an adopted marine plan, the MMO organised a series of three decision maker workshops in September 2013. The aim of the workshops was to:

- update decision makers on the marine planning process to date and discuss the MMO's approach to implementation
- share experience of making decisions using plans and related monitoring
- discuss implementing and monitoring marine plans in non-MMO decision making
- identify actions and next steps with a view to establishing an implementation and monitoring plan for the East marine plans

This report summarises outputs of the workshops and highlights actions and next steps for implementation and monitoring of an adopted marine plan.

### 1.1 Summary of workshop outputs

The outputs from the discussions held at the workshops have been analysed by the MMO. This analysis suggests that public authorities attending the workshops now:

- have a better idea of the need to establish what monitoring data is collated by public authorities and how this can filter into the marine planning monitoring process
- have a greater understanding of the content of the draft marine plans
- are beginning to identify what process changes are required within their organisation to enable consideration of marine plans in decision making
- understand how public authorities may interact with monitoring of the marine plans
- have an improved understanding of the responsibility they have to take account of an adopted marine plan in decision making
- recognise the possible need for further engagement which may be required with the MMO on how to implement marine plans

### 1.2 Background

The reason for convening the decision makers' workshops comes from the production of the marine plans in the East inshore and offshore areas and the delivery of the MCAA.

Section 58 (1) of the MCAA states that public authorities must take any authorisation or enforcement decision in line with the appropriate marine policy documents, unless

relevant considerations indicate otherwise. This includes applications for any activity that affects the marine area (such as planning consent).

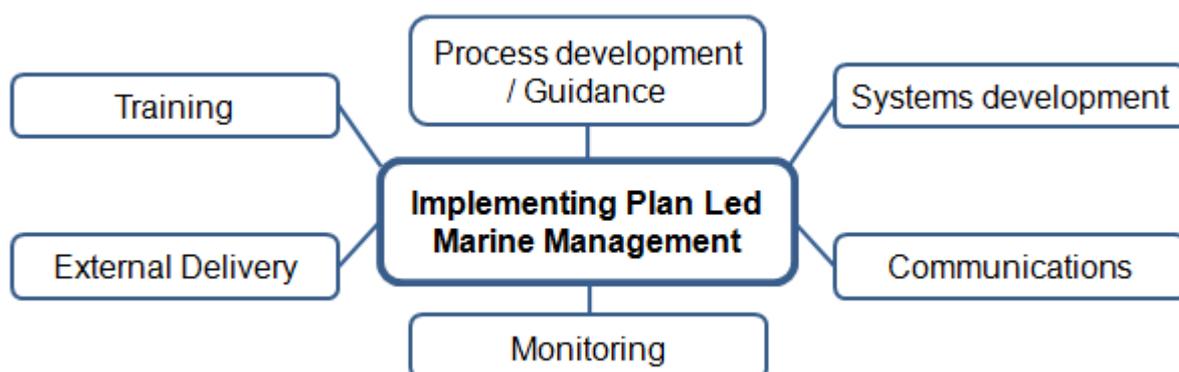
For any other decisions, including authorisations made under the Planning Act 2008, such as nationally significant infrastructure projects (NSIPs), public authorities must have regard to the appropriate marine policy documents. Marine plans are an appropriate marine policy document after completion of consultation and their adoption by the Secretary of State and subsequent publication. In the interim, the Marine Policy Statement is the appropriate marine policy document in the determination of applications. However, draft marine plans, their policies and accompanying text, can be taken into account as relevant considerations.

Section 61 of the MCAA highlights the requirement for monitoring of and reporting on implementation of the marine plans. For as long as the marine plan is in effect, it is important to continually review the:

- effects of the policies in the marine plan
- effectiveness of the marine plan policies in achieving the marine plan objectives
- progress being made to achieving the marine plan objectives
- progress being made towards meeting Marine Policy Statement high-level marine objectives in the area for which the plan has been adopted

In light of the requirements of the MCAA and the developed draft marine plan, the MMO developed a plan-led management programme (PLMP). An important aim for the PLMP is to identify internally where and how the marine plan will be incorporated into MMO's decision making in all its functions. Works streams were developed with mechanisms and structures put in place to enable plan-led decision making.

**Figure 1: MMO Plan-led management programme structure**



One of the working strands defined in the PLMP structure is external delivery. As part of this work stream it was identified that external implementation – and what this means for public authorities – should be defined to enable effective implementation of the marine plans across the marine area and external to MMO.

The decision makers' workshops marked an important step in the external implementation process, engaging authorities that will need to use the plan to inform their decisions to identify where specific further engagement will be needed and to begin shaping an implementation and monitoring plan.

## 2. Workshop summary

The decision maker's workshops were held in 3 locations: Hull, Peterborough and London. These were selected to create opportunities that were accessible for the wide range of sub-national and national marine stakeholders.

**Table 1: Decision makers' workshop locations**

Hull	Peterborough	London
The Deep Tower Street Hull Yorkshire	Park Inn by Radisson Peterborough Telephone House Wentworth Street Peterborough Cambridgeshire	St Albans Conference Centre Leigh Place Baldwins Gardens London

There were 60 attendees across the 3 locations which included:

### National bodies

- Department for Communities and Local Government (DCLG)
- Department of Energy and Climate Change (DECC)
- Department for Environment, Food and Rural Affairs (Defra)
- Environment Agency (EA) – national and regional attendees
- The Crown Estate (TCE)
- The Planning Inspectorate (PINS)

### East marine plan area specific public authorities

- County councils
- Inshore fisheries and conservation authorities (IFCA)
- Local authorities (LA)
- Port authorities

### Statutory nature conservation bodies

- Joint Nature Conservation Committee (JNCC)
- Natural England (NE)

Within the workshops, the sessions delivered to attendees were split into three interactive breakout themes. The questions asked were:

1. Consideration and monitoring of existing plans in decision making
  - What decisions do public authorities make?
  - How do decisions take existing plans into consideration?
  - How are decisions monitored in light of existing plans?
2. Consideration and evaluation of marine plans in decision making
  - What is your initial assessment of the east draft plan policies?
  - How should plan policies be assessed in decision making?
  - What processes may consider marine plans?

3. Implementation and monitoring action planning
  - What actions do decision makers need to take to implement marine plans?
  - Are there other organisations that the MMO should be engaging with on implementation and monitoring?
  - What would be the best mechanism for working with decision makers on implementation post-plan adoption?
  - How might implementation and monitoring plans be developed?

The attendees were split into groups to discuss the themes and discussions were noted by an MMO facilitator designated to each group.

### 3. Recommendations

Within the workshops there were a number of valuable suggestions made by attendees on how the MMO can support public authorities to implement marine plans into decision making and these are listed below as recommendations.

MMO will offer support and advice wherever possible for the suggested decision makers recommendations, but it is for each public authority to decide how best to implement an adopted marine plan through their decision making within their own organisations, so as to reflect compliance with the requirements of the [MCAA](#)<sup>1</sup>. The requirements of site-specific applications mean that some of the recommendations proposed at the workshops are inappropriate to take forward.

#### 3.1 Suggested recommendations for decision makers

Informed by the workshops and MMO's work to date, the following suggestions are worthy of consideration by public authorities in support of implementation of marine plan-led decision making.

- Consider standalone marine planning focussed training or workshops internally with the use of professional bodies, such as Royal Town Planning Institute.
- Continue to engage and meet with the MMO on the progress of marine plan implementation and monitoring.
- Define what weight should be afforded to plan policies in the context of wider planning decision factors, using MMO information of how they have approached this consideration.
- Develop implementation and action plans. This should identify key deliverers of policies and raise awareness of the need to consider marine plans, including non-planning decisions that have an impact on the plan area.
- Ensure MMO are added to the statutory consultation lists for plans produced and applications that affect the marine area.
- Establish organisation-specific quick guides supporting implementation of marine plans into decision making, based upon officer experience of using plans, and implementing MMO briefs across public authority organisations where appropriate.
- Have a central point of contact for marine issues (such as email inboxes such as [planning@marinemanagement.org.uk](mailto:planning@marinemanagement.org.uk)). MMO contacts to be updated and

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<sup>1</sup> [www.legislation.gov.uk/ukpga/2009/23/section/58](http://www.legislation.gov.uk/ukpga/2009/23/section/58)

circulated to all public authorities to ensure consistent and effective points of contact are reached.

- Increase familiarity with the marine plans to identify efficiencies in terms of delivering the marine plans alongside already established plans, policies and approaches.
- Incorporate recording mechanisms into existing systems to feed into monitoring of marine plans. Update internal decision-making systems (appropriate, proportionate, and auditable systems and databases, to support decision making and minimise legal challenge).
- Produce and put in place a communications strategy to ensure applicants are informed of the value in considering marine plans in their applications and indicate at what stage of the application process marine plan discussions should take place – such as pre-application submission.
- Review and carry out an internal skills audit to identify dedicated resource specialising in marine plan-led decision making.
- Perform an assessment of how many planning applications received have a marine element to them to assess resource implications.

### **3.2 Recommendations for the MMO**

The following recommendations are for the MMO to incorporate into their external delivery plans supporting public authorities in making decisions in accordance with the marine plan.

- Clarify using MMO website how the MMO works with others to meet its duty to co-operate.
- Continue to raise awareness of marine plan implementation and monitoring via existing forums and groups (such as Royal Town Planning Institute and planning officer events).
- Define implementation and monitoring engagement plan with specific decision maker organisations.
- Define MMO's advisory role, such as involvement with public authority application meetings.
- Distribute MMO marine planning contacts to public authorities for marine plan implementation and monitoring.
- Engage with industry and applicants on what marine plan implementation and monitoring means for them.
- MMO gathering information at a local level to inform the local perspective on implementing and monitoring of marine plans.
- Regular implementation and monitoring progress updates with public authorities.
- Work with those where the plan is a consideration (must have regard to the marine plans), to identify appropriate implementation and monitoring measures. Parties may include PINS and Government departments in relation to their work on NSIPs.

### **3.3 Recommendations for MMO post-plan adoption**

The following recommendations will be carried over into ongoing development informed by decision makers informed by the post-plan adoption.

- Implementation to continue post-adoption with lessons learned sessions on decision making.
- Ensure continued proactive engagement with public authorities post-plan adoption.
- Circulate updates on implementation and monitoring using communication mechanisms, such as MMO marine planning newsletter and website.

## **4. Implementation and monitoring plan**

The implementation and monitoring plan will detail how the MMO intends to implement marine plans internally, and what support it may offer to external public authorities, as well as setting out a monitoring framework to enable the success of the marine plans to be evaluated.

The implementation and monitoring plan will be developed incorporating (where possible) the outputs and recommended actions from the public authorities who attended the decision makers' workshops.

### **4.1 Next steps**

The next steps for implementation and monitoring are to:

- contact other organisations not in attendance at the workshops so that they can be involved with implementation and monitoring plan development
- formulate a strategy of continued engagement for marine plan implementation for individual public authority groups
- engage with the variety of authority types that will need to use the marine plan in their work
- produce the implementation and monitoring plan to accompany the adopted marine plan

## **Appendix: Verbatim workshop records**

The discussions from the decision makers' workshops were documented during the sessions at Hull, Peterborough and London. The workshop records are a verbatim record (where possible) of the discussions.

The annex of discussions are substantial documents and are available on request from [planning@marinemanagement.org.uk](mailto:planning@marinemanagement.org.uk)