

An aerial photograph of the ocean with white-capped waves breaking. A large teal rectangular box is overlaid on the left and center of the image, containing text.

Research Briefing
**Marine spatial planning -
a research note**

Author: **Rachel Prior and Nia Seaton**
Date: **May 2016**



National Assembly for Wales
Research Service

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

Author: **Rachel Prior and Nia Seaton**

Date: **May 2016**

Paper Number: **16-024**

**Printed by the National Assembly for Wales Commission,
Cardiff Bay, Cardiff, CF99 1NA.**

**Promoted by the National Assembly for Wales Commission, Cardiff Bay,
Cardiff, CF99 1NA**

Contact Us

**Research Service
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
Cardiff
CF99 1NA**

 : 0300 200 6328

 : Nia.Seaton@Assembly.Wales

 : Assembly.Wales/InBrief

 : [@SeneddResearch](https://twitter.com/SeneddResearch)

 : Assembly.Wales/Research

© National Assembly for Wales Commission Copyright 2016

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the National Assembly for Wales Commission and the title of the document specified.

Research Briefing

Marine spatial planning - a research note

The *Marine and Coastal Access Act 2009* establishes a new system for planning in the UK seas. Marine spatial planning sets a framework to guide activities in both inshore and offshore areas. The aim of the planning process is to provide clarity to stakeholders on the areas where different activities are likely to be consented and to resolve as far as possible on a spatial basis, conflicting uses of the sea. This research briefing provides an introduction to marine spatial planning and outlines the current state of progress across the UK countries.



Marine Spatial Planning

Introduction

The **Marine and Coastal Access Act 2009** (hereafter, the Marine Act) establishes a new system for planning in the UK seas. Marine spatial planning sets a framework to guide activities in both the inshore and offshore areas. The aim of the planning process is to provide clarity to stakeholders on the areas where different activities are likely to be consented and to resolve as far as possible on a spatial basis, conflicting uses of the sea. This research briefing provides an introduction to marine spatial planning and outlines the current state of progress across the UK countries.

The Marine Planning Process

The Marine Act sets out a specific process for marine planning which requires the UK Secretary of State to work jointly with devolved administrations, as far as possible, to adopt a **Marine Policy Statement**.

The Statement sets out the high level objectives for the UK marine environment and a framework under which marine plans should be developed. Different administrations are then responsible for developing plans to deliver the high level objectives in the Statement.

- The UK Government has responsibility for the English inshore and offshore regions;
- The Welsh Government has responsibility for the Welsh inshore and offshore regions;
- The Scottish Government has responsibility under the Marine Act for the Scottish offshore region but has introduced its own marine act to cover its inshore region.
- The Northern Ireland Executive has responsibility under the Marine Act for the Northern Ireland offshore region but has introduced its own marine act to cover its inshore region.

Once plans are adopted public authorities taking enforcement, consenting and licensing decision that will affect the marine environment are required to take decisions in line with the relevant marine plan or in the absence of a marine plan the Marine Policy Statement.

The UK Marine Policy Statement

The UK Government and the devolved administrations adopted a **joint Marine Policy Statement** in March 2011. This set out the long term strategy for managing sustainable development in the UK marine area. The Marine Policy Statement sets out a shared vision for all of the UK administrations in having “*clean, healthy, safe, productive and biologically diverse oceans and seas*”. The Policy Statement includes a number of high level objectives for UK seas group under five headings:

- Achieving a sustainable marine economy;
- Ensuring a strong, healthy and just society;
- Living within environmental limits;
- Promoting good governance; and
- Using sound science responsibly.

Marine Plans

The Marine Act places a duty on the UK Government and devolved administrations to develop Marine Plans for all areas covered by the **Marine Policy Statement**.

Marine plans set out in detail how the high-level objectives of the Marine Policy Statement will be delivered locally and provide guidance on how the marine activities and resources in the areas will be managed. The plans provide spatial guidance setting out where consent for different activities is most likely to be given. Plans need to be evidence based and provide stakeholders with as much certainty as possible whilst recognising that they will need to adapt overtime to respond to the changing environment. The drafting of plans is also expected to take into account the potential cumulative impacts of different activities.

When developing marine plans the relevant governments must publish Statements of Public Participation (SPP) which set out how stakeholders can get involved in the development of the plans and how representations on the plans can be made. The SPP is a legal requirement under the Marine Act and must be published prior to the start of the marine planning process.

Timetable for Marine Planning in Wales

On 16 February 2011 the Welsh Government issued a consultation on a **proposed approach to marine planning**. The 2011 consultation document stated that the Welsh Government hoped to adopt a Welsh National Marine Plan by the end of 2012-13. The Welsh Government **subsequently announced** that it aimed to have an initial version of its marine plan in place by 2015. However, whilst an initial draft of the plan was published in November 2015 then plan is not now expected to be adopted before the end of 2016- early 2017.

Welsh National Marine Plan – Initial Draft

The draft Plan's aim is for Welsh seas to be clean, healthy, safe, productive and biologically diverse by 2036. It outlines a vision for the future of the Welsh inshore and offshore marine area by 2036 which is that:

- Through an ecosystem based approach, Welsh seas are healthy and resilient and support a sustainable and thriving economy;
- That continued access to and enjoyment of the marine environment is improving health and wellbeing;
- Blue growth is creating more jobs and wealth; and, is helping coastal communities become more resilient, prosperous and equitable with a vibrant culture; and
- The Welsh marine area is making a contribution to energy security and climate change emissions targets through the responsible deployment of low carbon technologies.

The draft lists a number of policy areas with detailed policy recommendations for decision-makers within each. The policies are divided into two sections. General cross-cutting policies are applicable across all of the Welsh marine environment and maritime economy.

More specific sector policies apply primarily to specific economic activities that involve the marine environment, including the aggregates industry, aquaculture, defence, energy (both conventional and renewable sources), fisheries, ports and shipping, subsea cabling, and tourism and recreation.

Each sector policy includes information on the context, current governance, key interactions with other industries, future, and climate change impact of the activity in question.

The draft of the Plan states that all those wishing to develop projects or proposals for the marine environment should take account of the policies in the Plan when submitting applications and proposals and that all decision-making authorities should make reference to the policies when making assessments and decisions. It states that the cross-cutting and sectoral policies included in the final plan should be treated as planning policy.

The initial draft also sets out how the National Marine Plan will fit with existing plans and policies, the goals contained in the Well-being of Future Generations Act 2015 and the principles of sustainable natural resources management enshrined in the Environment (Wales) Act 2016.

Before a Plan can be adopted the Welsh Government will need to seek consent from the relevant Secretary of State in the UK Government for any aspects of the plan that could impact upon non-devolved areas of responsibility such as large scale marine renewable projects.

Once the plan is adopted the Welsh Government will be required to update the Assembly on progress with its implementation at least once every six years.

Development of Marine Plans across the UK

England

In England, the UK Government has delegated its marine planning functions to the Marine Management Organisation (MMO). The MMO is a non-departmental public body. The MMO is responsible for **the development of Marine Plans in the inshore and offshore region**. Eleven marine plan areas have been established around the coast of England and each area will be covered by a marine plan with a long-term (20 year) view of activities. Plans are being developed on a rolling basis for the different areas with the aim of having complete coverage for the English inshore and offshore regions by 2021. One the plans have been adopted they **will be reviewed every 3 years**.

The East Inshore and East Offshore Marine Plan areas were the first two Marine Plan areas to be selected in England. Following a period of preparation, consultation and review the final plans for these areas in June 2014, and updated to include an overview of the consultation in December 2015.

The **South Inshore and South Offshore areas** are the third and fourth areas in England to be selected for marine planning. The MMO expects **to release a first draft of** the marine plans for the South areas for consultation some time in winter 2015 to 2016.

There will need to be cross-border co-operation between the MMO and Welsh Government for the development of plans in areas such as the Dee Estuary and Severn Estuary.

Scotland

In Scotland the **Marine Scotland Act 2010** created a new spatial planning framework for the inshore marine area in Scotland and the Scottish Government has responsibility under the UK Marine Act for planning in the offshore area. Following a period of planning and consultation Scotland's **National Marine Plan was published** in March 2015. The plan sets out the Scottish Government's policies for both the inshore and offshore areas.

The **Marine Scotland Act 2010** also gave the Scottish Government the power to create Scottish Marine regions. These regions will be responsible for delivery of the National Plan policies at the local

level. The regional plans will only cover the inshore area. **11 Scottish marine regions** have been established. A Marine Planning Partnership will be established for each region to develop regional marine plans. The **partnership will be comprised of** someone nominated by the Scottish Ministers, as well as one or more public authorities and/or stakeholders. Local pilot projects to test different aspects of marine management and planning have been conducted as part of the Scottish Sustainable Marine Environment Initiative (SSMEI). The first regional plans to be developed will cover the Clyde and the Shetland Isles.

Northern Ireland

Northern Ireland adopted the **Marine Act (Northern Ireland) 2013** in September 2013. The Act contains provisions that allow the Northern Ireland Executive to adopt a marine spatial planning framework for the inshore region. As for Scotland, the Northern Ireland Executive has responsibility under the UK Marine Act for planning in the offshore region.

The Marine Plan for Northern Ireland is currently being prepared by the Department of the Environment (DOE) Marine Plan Team. During February and March 2012, DOE notified relevant authorities of its intention to commence work on the Marine Plan for Northern Ireland. The Department **stated in January 2016** that it hoped to consult on a draft plan by the end of March 2016 but **is awaiting the completion** of work on the Sustainability Appraisal that will accompany the draft plan.

The Maritime Spatial Planning Directive

In July 2014 the **Maritime Spatial Planning Directive** was adopted by the European Union's (EU) institutions. The Directive sets a common framework for marine spatial planning across the EU and requires all Member States to have maritime plans in place by the 31 March 2021. Member States must review these plans at least every 10 years. The Directive gives Member States discretion to decide on their own objectives for their plans but sets out some minimum criteria that Member States should follow. These include: adopting an ecosystems approach; giving equal consideration to environmental, social and economic impacts; ensuring the involvement of stakeholders; using the best available data and ensuring cross-border cooperation. Further information can be found in the **Research Service summary (PDF 265KB)** of the Directive.

All the marine plans being developed in the UK have been developed in accordance with the requirements of the Directive.

Key Sources

Marine and Coastal Access Act 2009

Marine (Scotland) Act 2010

Marine Act (Northern Ireland) 2013

Department of the Environment, Northern Ireland Executive, **Marine Plan stakeholder newsletter**, January 2016

Department of the Environment, Northern Ireland Executive, **Marine Plan Northern Ireland**, (webpage).

HM Government, Northern Ireland Executive, Scottish Government, Welsh Government, **UK Marine Policy Statement (PDF 958KB)**, 2011

Scottish Government, **National Marine Plan Online**, (webpage).

Scottish Government, **Regional Planning**, (webpage).

UK Government, **Marine planning in England**, (website).

UK Government, **East inshore and East offshore marine plan areas**, (webpage).

UK Government, **South inshore and South offshore marine plan areas**, (webpage).

Welsh Government, **The Welsh National Marine Plan**, (website).

Welsh Government, **Welsh National Marine Plan-initial draft** (PDF 8.2MB), November 2015