



Research Briefing **Marine Spatial Planning**

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Research Briefing
Marine Spatial Planning



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Introduction

Despite a land-use planning system being in place for 70 years, a strategic, spatial and plan-led approach to managing the UK's marine environment has been absent. The ***Marine and Coastal Access Act 2009*** (hereafter, the Marine Act) establishes a statutory system for planning in the UK's seas.

In response to ever increasing demands on space and marine resources and the need to deliver marine biodiversity commitments alongside aspirations for economic growth, many countries globally have begun to develop regimes for marine spatial planning. It continues to grow in importance as a new paradigm for a more integrated and systematic management approach to marine areas.

In the UK, marine spatial planning as a management approach, sets out a framework to guide activities in the short and long term, in both the inshore area (high water spring tide mark out to 12 nautical miles) and the offshore area (12 nautical miles out 200 nautical miles or the median line with other countries). In doing so, it should deliver sustainable development outcomes for the economy, environment and society. A central aim of the planning process is to provide clarity to marine users and 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 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. They should, for example, apply the Ecosystem Approach which is defined under the Marine Strategy Framework Directive (Article 1(3)):

...ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Other requirements include giving equal consideration to environmental, social and economic impacts; ensuring the involvement of stakeholders; using the best available data and ensuring cross-border cooperation. All the marine plans being developed in the UK have to be developed in accordance with the requirements of the Directive. Further information on this Directive can be found in a ***Research Service publication (PDF 265KB)***.

The UK Marine Policy Statement

The Marine Act sets out a specific process for marine planning which requires the UK Secretary of State for Environment, Food and Rural Affairs (Defra) to work jointly with devolved administrations, as far as possible, to adopt a joint UK-wide Marine Policy Statement.

A [UK Marine Policy Statement \(MPS\) \(PDF 959KB\)](#) was adopted in March 2011. It sets out the long term strategy for managing sustainable development in the UK marine area. It does this by providing principles for decision making and setting out policy objectives for key activities such as ports and shipping, energy, fisheries and marine aggregates.

It is intended to facilitate the development of marine plans in conformity with the MPS and in line with the UK's vision for "*clean, healthy, safe, productive and biologically diverse oceans and seas*". It also sets out the five [UK-wide High Level Marine Objectives \(PDF 843KB\)](#):

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

In the absence of a marine plan, public authorities when making decisions affecting the marine environment should refer to the MPS.

The marine planning process

There are four marine planning authorities that cover the UK's marine planning regions:

- The UK Government (Secretary for State, Defra) has responsibility for the English inshore and offshore regions (this has been delegated from Defra to the Marine Management Organisation);
- The Welsh Government (the Welsh Ministers) has responsibility for the Welsh inshore and offshore regions;
- The Scottish Government (the Scottish Ministers) has responsibility under the Marine Act for the Scottish offshore region but in 2010 introduced its own [Marine Act](#) to cover its inshore region; and
- The Northern Ireland Executive has responsibility under the Marine Act for the Northern Ireland offshore region but in 2013 introduced its own [Marine Act](#) to cover its inshore region.

Marine plans set out in detail how the policy framework in the MPS will be delivered locally and provide guidance on how the marine activities and resources in the areas will be managed. The plans provide area-based spatial guidance setting out where consent for different activities is most likely to be given. Under the Marine Act, plans need to be evidence-based and provide stakeholders with as much certainty as possible, whilst recognising that they will need to adapt over time 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 marine planning authority must publish Statements of Public Participation (SPP). These documents set out how stakeholders can get involved in the development of the plan and how representations 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.

Once marine plans are adopted, public authorities taking enforcement, consenting and licensing decisions that will affect the marine environment are required to do so in line with the relevant marine plan. The Marine Act places a duty on the marine planning authority to keep under review a number of matters, such as, the efficacy of the plan's policies in securing the plan's objectives. Furthermore, the marine planning authority must periodically report on the monitoring and implementation of the plan, with a report to be published between 3 and 6 years from the expiration of the plan.

The relationship between marine plans and land-use planning under the Marine Act, sees a shared overlap in the intertidal zone. Marine planning applies up to the mean high water mark, this includes the coast, estuaries and tidal waters (up to the tidal reaches at mean high water spring tide). Land-use planning extends down to the mean low water mark. Both systems have a presumption in favour of sustainable development. In light of the interrelationship between the two regimes, there is a need for coastal Local Authorities to integrate planning activity on land with that in the marine area and vice-versa. The MMO has produced a marine planning [guide for Local Authorities](#).

Marine planning in Wales

The Welsh marine area consists of approximately 15,000 km² of sea and 2,120 km of coastline. The Welsh Marine Planning Area comprises the inshore and the offshore region. These can be seen in Figure 1. The Welsh Government has produced an [animation](#) that explains marine planning in Wales.

In addition to being in conformity with the UK MPS, for example, supporting the sustainable development of Welsh seas, a marine plan for Wales will need to be consistent with the Welsh Government's objectives and legal obligations. These include those associated with the ways of working and well-being goals under the *Well-being of Future Generations (Wales) Act 2015* and Sustainable Management of Natural Resources (SMNR) under *Environment (Wales) Act 2016*. Furthermore, the plan should be ecosystem based in accordance with the EU Marine Strategy Framework Directive and the EU Maritime Spatial Planning Directive.

Responsibility for the regulation of activities in Welsh waters is divided between the Welsh and UK Governments depending on whether the matter is devolved or non-devolved. As such before a marine plan can be adopted, the Welsh Ministers will need to seek consent from the Secretary of State for Environment and Rural Affairs for any aspects of the plan that could impact upon non-devolved areas of responsibility. 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.

The establishment of a marine planning framework for Wales will enable a shift in marine licensing to become plan-led. Marine licensing for the Welsh inshore region is a devolved matter with responsibility delegated by the Welsh Ministers to [Natural Resources Wales](#). These powers are being extended under the *Wales Act 2017* to include the offshore region.

On 16 February 2011, the Welsh Government issued a [consultation](#) on a proposed approach to marine planning covering national and sub-national planning. This stated that the Welsh Government hoped to adopt a Welsh National Marine Plan (WNMP) by the end of 2012-13. An initial draft was issued in [November 2015 \(PDF 8.2MB\)](#). In January 2017, an [updated SPP](#) stated the Government's intention to have a draft plan ready for consultation within the year.

On 7 December 2017 the Welsh Government launched a 16 week [consultation](#) on the WNMP under Schedule 6 of the Marine Act. The WNMP sets out the Welsh Government's policy for a 20 year period for the sustainable development of the Welsh marine planning area for both the inshore and offshore regions.

The consultation document, in addition to presenting a vision for Welsh seas, sets out 25 general cross-cutting policies, arranged according to the 5 UK High Level Marine Objectives, along with 11 individual sector policies and their associated sector objectives. The sectors can be seen in Figure 2 below.

Sector policies may be either 'supporting' and/or 'safeguarding'. The consultation states that a supporting policy "encourages ongoing sector activity". A safeguarding policy is to "promote compatibility and prevent unnecessary adverse impacts on other users and uses of the marine environment". A number of the sectors are accompanied by policy maps, with some supported by Strategic Resource Areas (SRAs). These are areas considered to be "areas of good opportunity for future use over the plan period and beyond".

Prior to the plan being issued for consultation, the Welsh Government's Marine Planning Stakeholder Reference Group, that contains representation such as environmental NGOs and industry, inputted its views.

Supporting the marine planning process is the [Wales Marine Evidence Report](#) (2015) and the Welsh Government's spatial evidence base, the [Wales marine planning portal](#). The portal holds a large number of GIS data layers that provide information such as, the location of cables and pipelines, protected areas and fishing satellite data. These maps can be publically viewed and added to by those holding data sets, thus allowing the Welsh Government to develop and adapt to the evidence base as it grows.

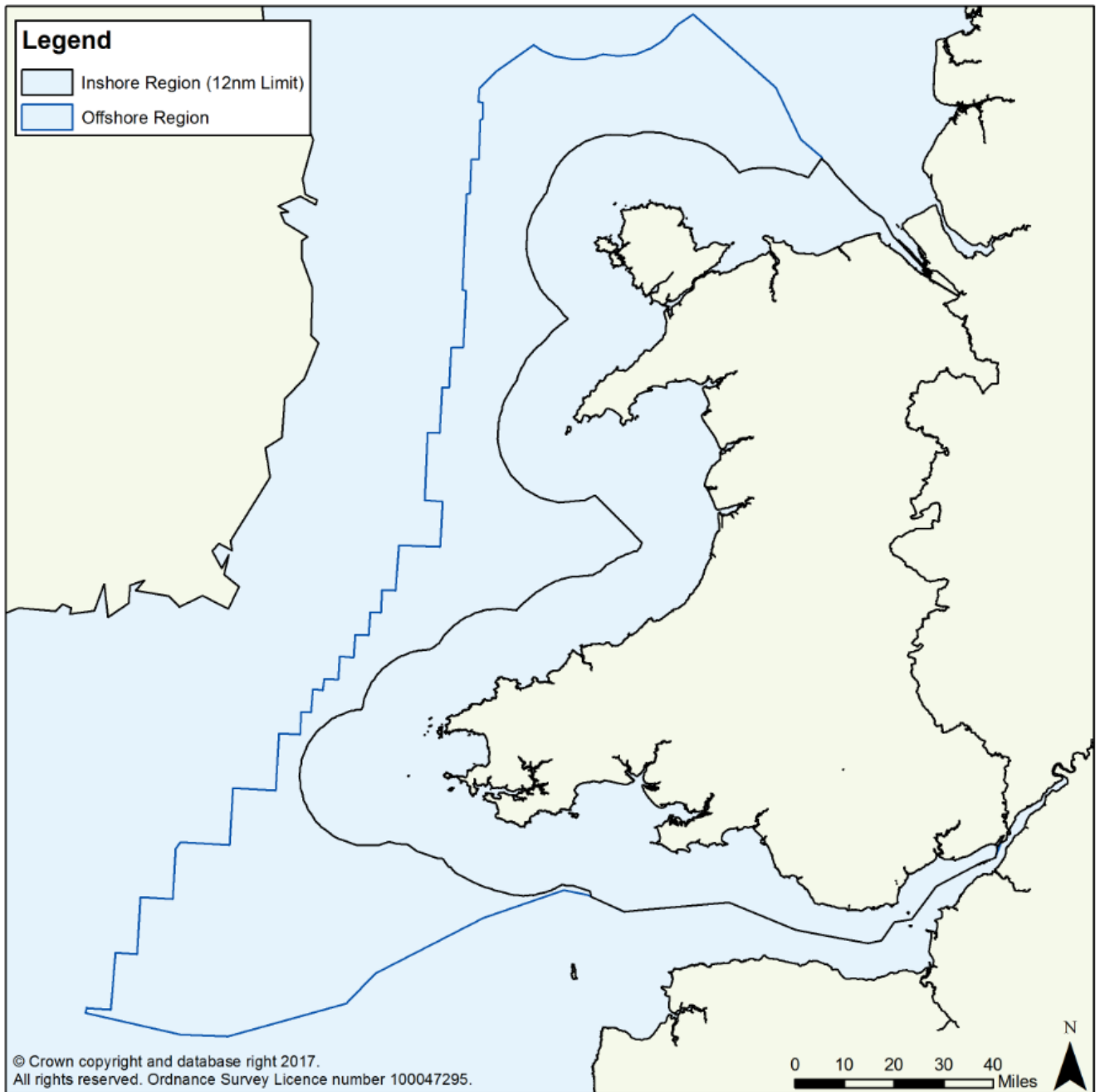


Figure 1: Welsh Marine Planning Area

[Source: National Assembly for Wales Research Service]



Figure 2: Sectors covered by the Wales National Marine Plan

[Source: Welsh Government, [Marine Planning for Welsh Seas](#)]

Development of marine plans across the UK and Ireland

England

In England, the UK Government (Defra) 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 sequentially for the different areas, with the aim of having complete coverage for the English inshore and offshore regions by 2021. Once 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. The East Marine Plans were **published** on 2 April 2014 and **reviewed** in 2017. The **South Inshore and South Offshore areas** were the third and fourth areas in England to be selected, with a **SPP published** April 2013. A combined public consultation was issued in November 2016; with final plans anticipated 2017.

In 2016, the MMO announced a change from their rolling programme of marine plan development, by indicating that it will be developing plans for the four remaining areas simultaneously. Engagement for these areas, the North East, South East, South West and North West, has commenced with the intention to have marine plans in place by 2021.

There will need to be cross-border jurisdictional co-operation between the MMO, the Welsh Government and others for the development of plans in areas such as the Dee Estuary and Severn Estuary. These cross-border areas are covered by the MMO's North West and South West marine plan areas, respectively.

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 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.

Prior to Scotland's legislation, local pilot projects to test different aspects of marine management and planning were conducted as part of the **Scottish Sustainable Marine Environment Initiative (SSMEI)**. 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 comprise a 'Delegate' (this can be an individual or a group) appointed by the Scottish Ministers, as well as one or more public authorities and/or stakeholders. The first regional plans to be developed will cover the Clyde and the Shetland Isles. Ministerial Directions and Delegates for these areas were **published** in March 2017.

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](#) (covering both the inshore and offshore region) is currently being prepared by the Department of the Agriculture, Environment and Rural Affairs (DAERA). In February 2012, relevant authorities were notified of the Department's intention to commence work on the Marine Plan for Northern Ireland. To date there have been three reviews of the [SPP](#). Changes within central and local government have seen the timetable slip for publication of the draft Marine Plan public consultation. The plan's associated Sustainability Appraisal and Habitats Regulations Assessment (HRA) Screening are due to be finalised shortly.

Ireland

The [Harnessing Our Ocean Wealth – Integrated Marine Plan for Ireland \(PDF 2.05 MB\)](#) was published in 2012. It contains the following vision:

Our ocean wealth will be a key element of our economic recovery and sustainable growth, generating benefits for all our citizens, supported by coherent policy, planning and regulation, and managed in an integrated manner.

In addition to three high-level goals (thriving maritime economy; healthy ecosystems and engagement with the sea), are eight enablers with 39 associated actions. The plan contains two key targets:

- Target 2020: Increase the turnover from our ocean economy to exceed €6.4bn; and
- Target 2030: Double the value of our ocean wealth to 2.4% of GDP.

A cross-governmental delivery and implementation model was established to mainstream the plan within government. This sees overall responsibility for the plan sitting with the Marine Coordination Group (MCG) that includes senior representatives from the departments with marine responsibilities, and the Minister for Agriculture, Food and the Marine. The model includes annual reviews, focused task forces, efforts to improve cross-government communication and engagement, with individual departments implementing relevant policy and strategy programmes.

Key sources

[Marine and Coastal Access Act 2009](#)

[Marine \(Scotland\) Act 2010](#)

[Marine Act \(Northern Ireland\) 2013](#)

HM Government, Northern Ireland Executive, Scottish Government, Welsh Government, [UK Marine Policy Statement \(PDF 958KB\)](#), 2011

UK High Level Marine Objectives, as contained in the 2009 [Our seas- a shared resource \(PDF 843KB\)](#)

UK Government, [Marine planning in England](#)

Welsh Government, [Marine planning in Wales](#)

Marine Management Organisation, [Marine Planning: A Guide for Local Authority Planners \(PDF 8MB\)](#), April 2016

Scottish Government, [National Marine Plan](#)

Scottish Government, Regional Marine Planning

Department of Agriculture, Environment and Rural Affairs, Northern Ireland Executive, Marine Plan Northern Ireland

UNESCO Marine Spatial Planning, A Step-by-Step Approach toward Ecosystem-based Management