

# **COUNCIL BUSINESS COMMITTEE**

## **North West Marine Plan Consultation**

**5 March 2020**

### **Director of Economic Growth and Regeneration**

#### **PURPOSE OF REPORT**

To inform members of the North West Marine Plan consultation. This has been prepared by the Marine Management Organisation and covers in-shore and off-shore waters off the North West coast stretching from the Solway Firth border with Scotland and the River Dee in Wales.

The Draft Plan is currently out for consultation until the 6<sup>th</sup> April 2020.

On adoption the North West Marine Plan whilst not forming part of the Development Plan for this district will be a key consideration for proposals within the intertidal area, the area between the high and low mean water mark, and for any proposals that have potential to impact on the whole or part of the marine area. This could include land-based proposals which have potential to impact on the marine environment both directly and indirectly.

#### **RECOMMENDATIONS**

- (1) That the comments raised in appendix 1 of the Report are submitted to the Marine Management Organisation as a formal response from the City Council**
- (2) That officers keep Members informed of progress on the preparation and adoption of this document and report back on the next stage of its preparation**

#### **1.0 Introduction**

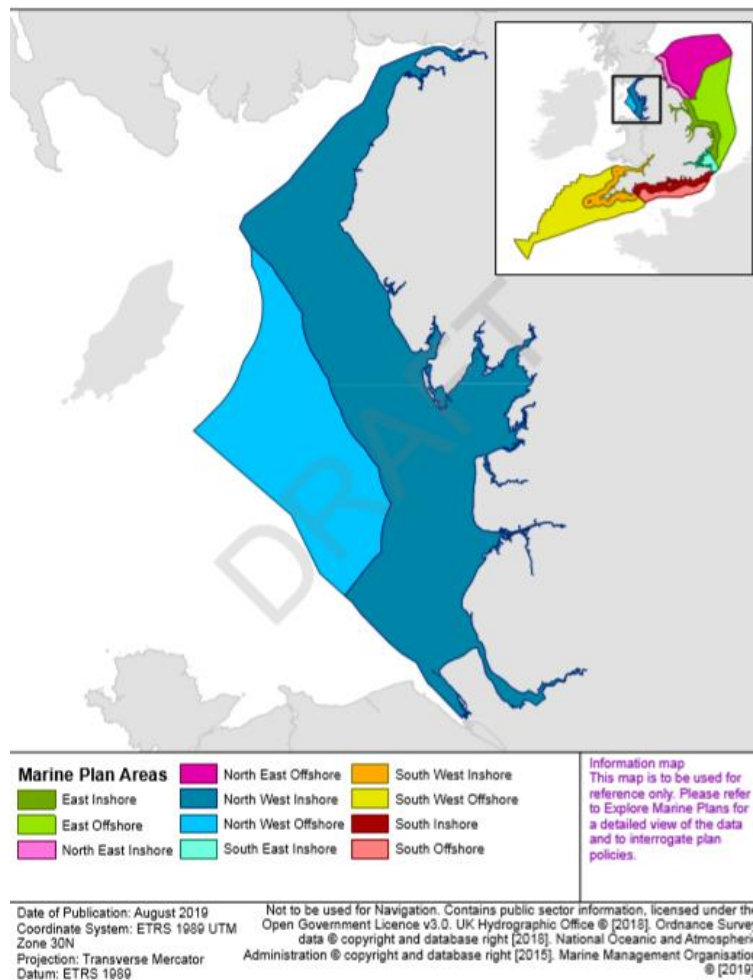
- 1.1 The Marine and Coastal Act (2009) establishes the legal basis for marine planning in the UK. Under this Act UK waters are divided into a series of marine planning regions covering both inshore waters (mean high water springs to 12 nautical miles) and offshore waters (12 nautical miles to approx. 200 nautical miles out to sea). Within these areas the relevant Marine Planning Authority is responsible for the preparation of Marine Plans advising on where activities might take place and the policies that are in place to ensure the area and wider integrity of the marine environment is protected.
- 1.2 A total of 10 marine plans covering all the seas around England are expected to be in place by 2021.
- 1.3 The North West Marine Plan, covering inshore and offshore waters between the Solway Firth border with Scotland and the River Dee in Wales, is currently out to consultation with comments requested by the 6<sup>th</sup> April 2020.

1.4 This report provides an overview of the Marine Plan and describes Officers comments on the consultation document, which subject to this committee’s agreement, will be submitted to the Marine Planning Organisation as Lancaster City Council’s formal response to the consultation.

**2.0 Proposal Details**

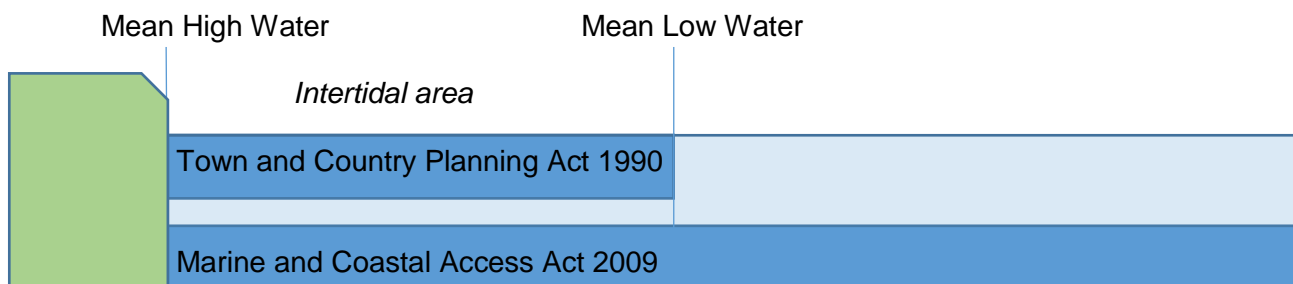
2.1 The North West Marine Plan is currently out for consultation. Covering approximately 4,900 square km of sea the Plan on adoption will provide the policy framework for marine planning across the North West marine area up to 2041 (figure 1).

Figure 1 – North West Marine Plan Area



2.2 As with other marine planning areas across the country the North West Plan covers both in-shore waters (mean high water springs to 12 nautical miles) and offshore waters (12 nautical miles to approx. 200 nautical miles out to sea). This means that there is an area of overlap of planning jurisdiction within the intertidal area, terrestrial planning boundaries extend down to the mean low water (figure 2).

Figure 2 – Marine and terrestrial planning overlap



### *Relationship with land-use planning*

- 2.3 To ensure that decision making is consistent, legislation requires marine plans and development plans to have regard to each other. National planning policy in paragraph 116 of the National Planning Policy Framework (NPPF) requires planning policies and planning decisions to take account of Marine Plans.
- 2.4 Importantly whilst decisions affecting the marine area must be made in accordance with or having regard to the Marine Plan, depending on the nature of the decisions, the Marine Plan does not form part of the Development Plan for a local authority area. The Marine Plan does not replace existing licensing and regulatory practices.
- 2.5 It remains this authority's responsibility to make planning decisions within the area of its jurisdiction. Where such a decision relates to the authorisation of use or enforcement the decision is required to be made in accordance with the Marine Plan unless relevant considerations indicate otherwise (section 58(1) of the Marine and Coastal Act (2009)). It is the responsibility of this authority to make sure that this is achieved. This means implementing and delivering the policies of the Marine Plan unless for example it would be contrary to the delivery of our own Local Plan.
- 2.6 Such decisions could include applications for land-based infrastructure required to support marine activity e.g. new infrastructure at Heysham Port to accommodate off-shore renewable energy or infrastructure required to maintain and support the tourism industry linked to the marine environment. Whilst the Marine Plan would direct the City Council to support such developments this remains a decision for this authority to make.
- 2.7 For decisions not relating to authorisation of uses or enforcement but which could affect the whole or part of any of the UK marine environment the Marine and Coastal Act (2009) (section 58(3)) requires decisions to be made having regard to the Marine Plan.
- 2.8 Moving forward the Council will need to incorporate dialogue and consultation with the Marine Planning Organisation into its existing planning process. This will include ensuring that the Marine Planning Organisation is a consultee for appropriate planning applications and that the Organisation is involved in early engagement on future Local Plan preparation via the duty to co-operate process.

### *The North West Marine Plan*

- 2.9 The North West Marine Plan aims through sustainable, effective and efficient use of the marine plan area to manage the competing priorities between economic growth, environmental conservation and social benefits, while considering the distinctive characteristics of the area.

- 2.10 It recognises the competing uses that the area experiences being home to 6 operational offshore windfarms, 3 major UK ports, the largest expanse of mudflats and sandflats in the UK, a world heritage site at Liverpool, 16 of the UK's protected ship wreck sites, 32 licensed oil and gas blocks, 24 marine protected areas, tourism and recreation opportunities along the coast and home to several internationally designated habitats and species.
- 2.11 Recognising this importance, the North West Marine Plan identifies the following objectives:
1. Infrastructure is in place to support and promote safe, profitable and efficient marine business;
  2. The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunity for all, now and in the future;
  3. Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently;
  4. Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded by the market place;
  5. People appreciate the diversity of the marine environment, its natural and cultural heritage and its resources and can act responsibly;
  6. The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing;
  7. The coast, seas, oceans and their resources are safe to use;
  8. The marine environment plays an important role in mitigating climate change;
  9. There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in the community;
  10. Use of the marine environment will recognise, and integrate with, defence priorities, including strengthening of international peace and stability and the defence of the UK and its interests;
  11. Biodiversity is protected, conserved and, where appropriate, recovered and loss has been halted;
  12. Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems; and
  13. Our oceans support viable populations of representative, rare, vulnerable, and valued species.
- 2.12 The objectives are supported by policies detailing the framework through which proposals should be assessed and decisions affecting the marine environment are made. This includes policies relating to cable installation; aquaculture (the controlled rearing of aquatic shellfish and finfish, the cultivation of aquatic plants and algae and the restocking of wild populations); sea-bed dredging; the protection of oil and gas exploration from below the seabed; the protection of existing ports, harbours and shipping lanes including their future expansion; the provision of renewable energy; the protection of marine heritage (including significant shipwreck sites); the protection of sustainable fishing practices; the promotion of climate change resilience and adaptation; the reduction of marine litter; the protection and enhancement of water quality and the protection and enhancement of marine habitats and species.
- 2.13 Policies relating to the promotion of tourism and recreational opportunities linked to or

impacting on the marine environment will be of particular relevance to this authority especially in relation to the Eden project. The Marine Plan is in general supportive of such proposals stating that proposals which promote or facilitate sustainable tourism and recreational activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported. The policy recognises the numerous tourism opportunities that exist both through land and marine based activities within the region. The need to consult with the Marine Planning Organisation early in the process is highlighted.

- 2.14 The additional policy support in relation to tourism related projects is welcomed and when utilised in conjunction with our own policies and legislation regarding the protection of internationally designated habitats and species will provide a robust framework for the assessment of future proposals.

### 3.0 Details of Consultation

- 3.1 The Draft North West Marine Plan is currently out to consultation with comments requested by the 6<sup>th</sup> April 2020. The full document and accompanying documentation is available to view from the following link <https://www.gov.uk/government/publications/draft-north-west-marine-plan-documents>
- 3.2 On completion of the consultation the Marine Planning Organisation will review the comments and amend the Plan accordingly. Following this it will be submitted for independent investigation with an aim to have the Plan adopted by the 2021 deadline.

### 4.0 Options and Options Analysis (including risk assessment)

|               | <b>Option 1:</b> To formally respond to the Marine Planning Organisation with the comments provided in Appendix 1 of this report.             | <b>Option 2:</b> To formally respond to the County Council with any other comments   | <b>Option 3:</b> To provide no comment to the consultation exercise   |
|---------------|---|--|---|
| Advantages    | That the views and opinions of the City Council are duly considered in the consultation process and preparation of the North West Marine Plan | That the views and opinions of the City Council are duly considered in the consultation process and the preparation of the North West Marine Plan. | No advantages   |
| Disadvantages | That whilst the City Council submit comments there is no guarantee that these comments will be included.                                      | That whilst the City Council submit comments there is no guarantee that these comments will be included.   | That the views/opinions of the City Council will not be taken into account and future opportunity to feed into the process is lost.                 |
| Risks         | The Marine Plan may not be revised in light of the comments received from the City Council.   | The Marine Plan may not be revised in light of comments received from the City Council.  | The Marine Plan may not be revised in light of the comments received from the City Council and future opportunity to feed into the process is lost. |

### 5.0 Officer Preferred Option (and comments)

5.1 Option 1 is the preferred Officer option. This option ensures that the City Council remains part of discussions on the Marine Plan and that future iterations are shaped by its involvement.

## **6.0 Conclusion**

6.1 It is recommended that the response set out in Appendix 1 is submitted to the Marine Planning Organisation as the City Council's formal response to the consultation and that moving forward due consideration is given to any comments provided by the Marine Planning Organisation in the preparation of future Local Plan documents and the determination of planning applications.

### **CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

On adoption the North West Marine Plan will form a key consideration in the determination of planning applications and in the preparation of Local Plan documents. Policies within the Plan aim to ensure the continued protection of the marine environment while at the same time facilitating the opportunities that it provides for economic growth and investment in the region. The document contains appropriate policies to ensure that this is the case and is considered to be consistent with the City Council's own Local Plan and the priorities established in the Corporate Plan.

### **LEGAL IMPLICATIONS**

There are no legal implications arising directly from this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from the recommendations.

### **OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

There are no human resource or information service implications arising from the report.

The North West Marine Plan is supported by a number of documents and maps which together provide a comprehensive and informative framework for making decisions. This includes policy maps and the Explore Marine Plans digital service. Opportunities exist to utilise the evidence and information base provided by the Marine Plan into the Council's own data systems in order to further improve its evidence base.

### **SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no comments.

### **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

Available to view from the following link

<https://www.gov.uk/government/publications/draft-north-west-marine-plan-documents>

Draft North West Inshore and North West Offshore Marine Plan (January 2020)

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**Appendix 1 – Proposed City Council response to the consultation**

The City Council supports the preparation of the North West Inshore and Offshore Marine Plan and welcomes the opportunity provided by the Marine Planning Organisation to comment on this document and the increased awareness it has provided on marine planning issues affecting Morecambe Bay.

The City Council is in general supportive of its content and the direction that it provides for increased co-ordination between land based and marine based planning. Moving forward the City Council would welcome continued dialogue with yourselves to better understand the interrelationships between the two systems in order to ensure that full and proper regard is had to both.

The City Council look forward to working with the Marine Planning Organisation under its duty to cooperate responsibilities through the preparation of the Local Plan and as and when required during the Development Management process.