



House of Commons
Environment, Food and Rural
Affairs Committee

**The Marine Policy
Statement**

Second Report of Session 2010–11

*Report, together with formal minutes, oral and
written evidence*

*Ordered by the House of Commons
to be printed 25 January 2011*

Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

Current membership

Miss Anne McIntosh (Conservative, Thirsk and Malton) (Chair)
Tom Blenkinsop (Labour, Middlesbrough South and East Cleveland)
Thomas Docherty (Labour, Dunfermline and West Fife)
Richard Drax (Conservative, South Dorset)
Bill Esterson (Labour, Sefton Central)
George Eustice (Conservative, Camborne and Redruth)
Barry Gardiner (Labour, Brent North)
Mrs Mary Glendon (Labour, North Tyneside)
Neil Parish (Conservative, Tiverton and Honiton)
Dan Rogerson (Liberal Democrat, North Cornwall)
Amber Rudd (Conservative, Hastings and Rye)

Mr David Anderson (Labour, Blaydon) was also a member of the Committee during this inquiry.

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the Internet via www.parliament.uk.

Publications

The reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at

www.parliament.uk/efracom

Committee staff

The current staff of the Committee are Richard Cooke (Clerk), Lucy Johnson (Second Clerk), Sarah Coe (Committee Specialist—Environment), Rebecca Ross (Committee Specialist—Agriculture), Clare Genis (Senior Committee Assistant), Jim Lawford and Mandy Sullivan (Committee Assistants) and Hannah Pearce (Media Officer).

Contacts

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1 Introduction

1. The Marine and Coastal Access Act 2009 introduced a marine planning system for UK waters for the first time. The first step in the implementation of marine planning is the production of a Marine Policy Statement (MPS) in which, according to the Act, policy authorities will “state general policies of theirs [...] for contributing to the achievement of sustainable development in the UK marine area”.¹
2. A draft Marine Policy Statement was published jointly by the Government and the devolved Administrations on 22 July 2010 and a formal public consultation on the draft ran from 22 July until 13 October 2010. Defra has indicated that the intention is for the MPS to be jointly adopted by March 2011.²
3. Although only the first stage in the implementation of marine planning, the MPS is nonetheless a key document which will influence development in the UK’s marine area for years to come. The Joint Committee which scrutinised the Marine and Coastal Access Bill recommended that the draft MPS be subject to Parliamentary scrutiny³ and this recommendation was incorporated into the Act.⁴ Following the end of the consultation period we launched an inquiry into the MPS on 25 October 2010.
4. Our terms of reference mirrored the questions posed in Defra’s consultation on the draft MPS.⁵ Consequently, we did not invite written submissions, but we received and carefully considered the responses received by Defra in the course of its consultation. We held one oral evidence session on 24 November 2010, during which we took evidence from Richard Benyon MP, Defra Parliamentary Under-Secretary of State for Natural Environment and Fisheries.
5. The inquiry was focused upon the MPS itself. However, perhaps inevitably, in the course of our inquiry we touched upon some broader issues concerning planning in the marine environment.

1 *Marine and Coastal Access Act 2009*, section 44

2 Ev 14

3 *Joint Committee on the Draft Marine Bill, Report and formal minutes*, HL Paper 159-I, HC 552-I, para 77

4 *Marine and Coastal Access Act*, Schedule 5, para 10

5 Full terms of reference for the inquiry are available on the Committee’s website at www.parliament.uk

2 Background to the Marine Policy Statement and Marine Planning

Marine Policy Statement

6. At present, development in the UK's marine area is carried out on an ad hoc, consent-led basis, with individual licensing decisions taken as and when required. Defra argues that this system "is inconsistent and fails to fully consider the cumulative impact of decisions taken on the environment. It is also considered to be a burden to both regulators and industry and can act as a barrier to economic growth."⁶ The marine planning system introduced under the Marine and Coastal Access Act 2009 is intended to promote a more strategic, long-term approach to marine development.

7. The Marine Policy Statement will provide the overarching policy framework for planning in the UK's marine area. Individual regional Marine Plans will sit underneath the MPS and will provide detailed policy and spatial guidance relevant for each plan area.

8. The draft MPS sets out the role of the MPS within the marine planning system and the way that it is intended to interact with existing planning regimes, the vision for the UK marine area, the high level approach to marine planning (including the High Level Marine Objectives) and the general principles for decision making. The draft MPS also includes the policy objectives for the key activities taking place in the marine environment (for example fisheries, tourism, shipping and energy production) and their associated pressures and impacts. Defra has explained that it has not sought comments on the policy objectives themselves as they "reflect existing policies developed through separate consultation processes".⁷ The draft MPS is accompanied by an Appraisal of Sustainability (incorporating a Strategic Environmental Assessment), a Habitats Regulations Assessment, an Equality Impact Assessment Screening Report and an Impact Assessment.

Marine Planning

9. The Marine and Coastal Access Act 2009 divides UK waters into marine regions with an inshore and offshore region under each of the four Administrations. Responsibility for planning in each region belongs to 'Marine plan authorities' (with the exception of the Scottish and Northern Ireland inshore waters which are or will be covered by separate legislation). Table 1 shows the responsible marine plan authorities for each region.

6 Ev 12

7 *UK Marine Policy Statement: A draft for consultation*, p 5, Defra, July 2010, www.defra.gov.uk

Table 1: Responsible marine plan authorities in the UK⁸

Region	Responsible marine plan authority	
	Inshore (0-12 nautical miles)	Offshore (12-200 nautical miles)
England	Secretary of State	Secretary of State
Wales	Welsh Ministers (with the agreement of Secretary of State if the plan affects non-devolved matters)	Welsh Ministers (with agreement of Secretary of State)
Northern Ireland	(To be made under Separate legislation)	Department of the Environment in Northern Ireland (with agreement of Secretary of State)
Scotland	Marine (Scotland) Act 2010)	Scottish Ministers (with the agreement of Secretary of State)

10. In England the Marine Management Organisation (MMO) will be responsible for producing marine plans for English waters. Defra has carried out a separate consultation on a marine planning system for England which was conducted in parallel to the consultation on the MPS.⁹ The consultation document provides guidance for the MMO on how marine planning will be implemented in England.

11. Defra provided further details about how it is envisaged that this will work in practice in its written evidence:

The Secretary of State is the marine plan authority for English inshore and offshore regions, but the development of Marine Plans in these regions has been delegated to the MMO. The Secretary of State must agree each Plan at the consultation stage and before it can be finally adopted. Decisions must then be taken in accordance with the plan by all public authorities, or reasons given why not.”¹⁰

12. The MMO has announced that planning in the first two Marine Plan areas (East inshore and East offshore) will begin in April 2011¹¹. It is expected that these plans will take about 2 years to produce, with full marine plan coverage expected to be achieved by 2021.¹²

Figure 1 shows England’s marine plan areas.

8 Ev 13

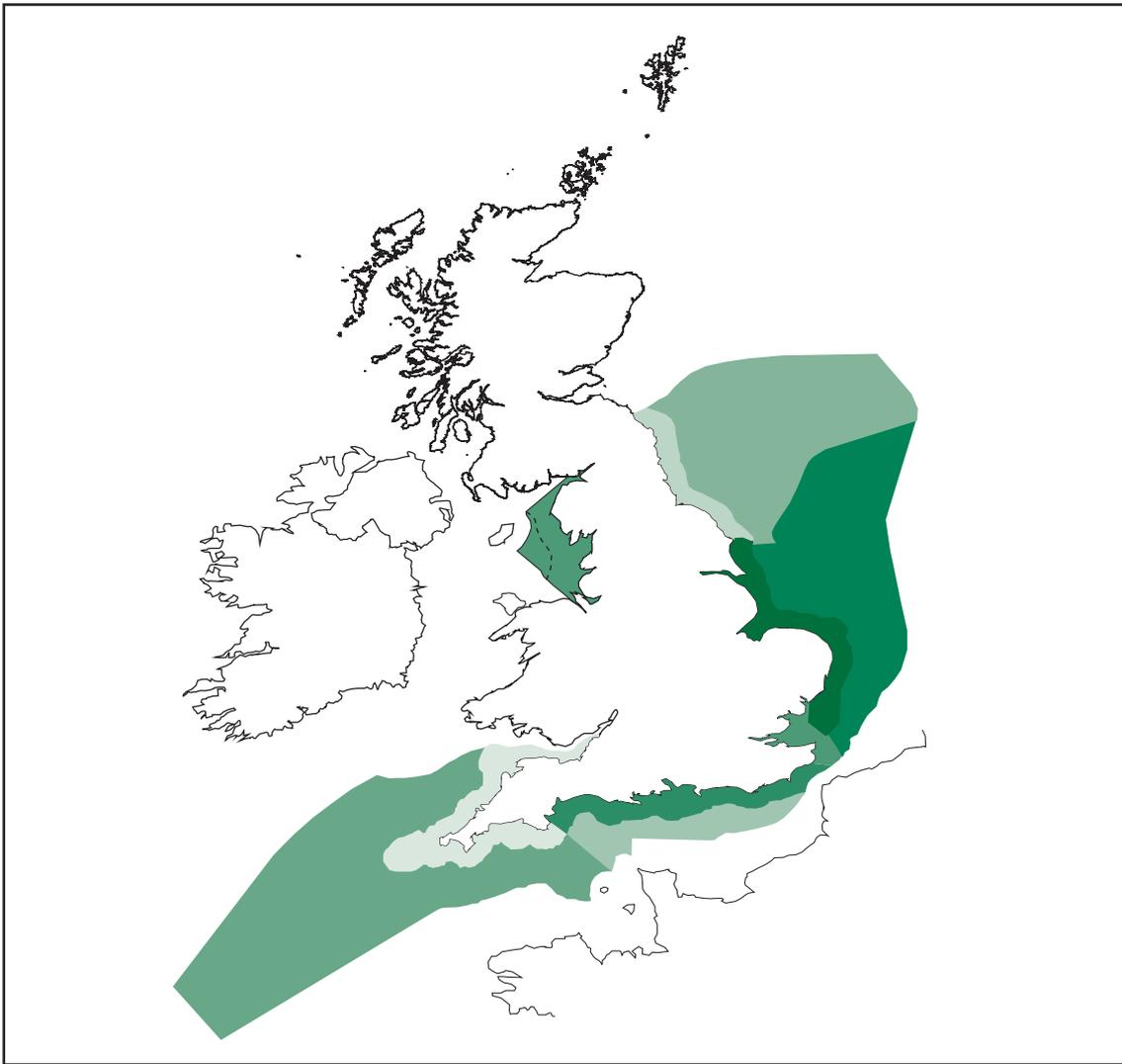
9 *Consultation on a marine planning system for England*, Defra consultation paper, July 2010, www.defra.gov.uk

10 Ev 13

11 www.marinemanagement.org.uk/marineplanning

12 www.marinemanagement.org.uk/marineplanning

Figure 1: Marine plan areas for England¹³



The North West area is shown as a single colour divided by a dashed line to reflect the recommendation that the two Plans here be prepared under a single process.

3 Commentary

13. We welcome the production of the UK's first Marine Policy Statement and the implementation of a marine planning system for the UK. The UK is fortunate to enjoy a biologically diverse marine area supporting industries which are essential to our economic and social prosperity. It is right that the Government pursue the goal of a plan-led, strategic approach to development in the marine area, which makes the best possible use of the UK's marine area whilst ensuring that any development is sustainable.

14. We observe that responses to Defra's consultation were also overwhelmingly in favour of the MPS. Defra officials told the Committee during the oral evidence session that they had not encountered any individual or organisation which objected to the introduction of the MPS in principle.¹⁴

15. Having introduced a system which has the benefit of apparently universal support, it is crucial that Defra ensures that implementation of the Marine Policy Statement is not jeopardised or delayed by insufficient funding. Marine planning in England will be carried out by the Marine Management Organisation (MMO), a relatively new organisation which came into existence in April 2010. Given the MMO's key role in implementation of the MPS in England, we welcomed the Minister's commitment that "it will be resourced to carry out that important work".¹⁵

16. Defra's business plan, published on 8 November 2010, announced cuts of £30 million to the marine budget.¹⁶ On 20 December the Department published its allocations to Arms Length Bodies for the 2010–2015 Spending Review Period. Funding to the MMO is to be cut from £30.9 million in 2010–11 to £24.4 million in 2014–15.¹⁷ We recognise that the MMO must share the burden of reduced spending, but we would be concerned were the cuts to result in any delay to the implementation of the MPS and the creation of marine plans.

17. The Committee welcomes the production of the Marine Policy Statement as the first step in the implementation of marine planning in the UK. We were pleased that the Minister recognised during oral evidence that the Marine Management Organisation (MMO) must be properly funded to carry out its work in implementing the MPS and developing marine plans for English waters. We note the subsequently announced cuts to the MMO's budget with concern.

18. We expect the Government in its response to this report to set out in detail the calculations and assumptions on which it bases its conclusion that the allocated funding will be sufficient. In particular we request that the Government make clear whether it expects any delay in the implementation of the MPS and development of marine plans as a result of the reduction in funding.

14 Q13

15 Q15

16 *Business Plan 2011–2015*, Defra, November 2010, www.defra.gov.uk.

17 Defra's Arms' length bodies allocations, www.defra.gov.uk

Review of the MPS

19. The Marine and Coastal Access Act 2009 provides that the MPS will be reviewed as and when the relevant policy authorities (the Secretary of State in conjunction with the devolved authorities) consider it appropriate to do so.¹⁸ The draft MPS expands on the circumstances that may trigger a review, but it does not set out any specific timescales:

When considering whether to review the MPS, the policy authorities will take account of whether there has been a significant change in the evidence underpinning the policies set out in the MPS, whether relevant new policies have been introduced that need to be reflected in the MPS, and whether the policy objectives in the MPS need to be amended. This process will also be informed by monitoring and implementation of the marine planning system.¹⁹

20. Defra explained in oral evidence that it, along with the devolved Administrations, had agreed to take a flexible approach to review of the MPS, with reviews taking place “roughly” every five years, but emphasised that “we would do it when appropriate [...] rather than constraining ourselves with an arbitrary deadline.”²⁰

21. Defra provided further details of the review process and in particular the effect that any amendment of the MPS following a review would have on existing marine plans:

Should a review of the MPS be required the existing MPS could stand, until withdrawn by the Secretary of State. This means that while revisions were being made, and a new MPS drafted, the ‘standing MPS’ would apply for any Marine Plans under development and any decisions being made. However, if appropriate those revisions could be a relevant consideration in the development of those Marine Plans or when making any individual development decision. Whatever happens we are committed to ensuring that the process is as clear and transparent as possible for developers and all those involved in marine planning and consenting.²¹

22. It was acknowledged by the Minister during oral evidence that amendments to the MPS and consequently to marine plans would impose costs.²² In Defra’s written evidence, it was explained that “The intention is not to burden decision makers and marine users with review after review, but to create a pragmatic system where the MPS will be reviewed only when appropriate to do so.”²³

23. It is important that the MPS remains relevant and up-to-date if it is effectively to guide decision makers in the future, and significant changes to the evidence on which it is based must be reflected in the contents of the MPS. At the same time, we would caution against unnecessary and costly reviews which would result in uncertainty for decision makers and industry. Defra must ensure that an appropriate balance is struck

18 *Marine and Coastal Access Act*, para 46

19 *UK Marine Policy Statement: A draft for consultation*, p 18, Defra, July 2010, www.defra.gov.uk

20 Q 55

21 Ev 15

22 Q 58

23 Ev 15

between these concerns so that public confidence in the marine planning system is not undermined. Defra should monitor the implementation of the MPS and marine planning, including consulting with local interested parties.

Scope of the MPS

24. The Marine and Coastal Access Bill placed no obligation on policy authorities to create a joint MPS covering all UK waters. The Joint Committee which scrutinised the draft Bill was concerned by the prospect of two or more separate MPSs for the UK's marine area:

We believe it is essential that an MPS has the active support and approval of all of the devolved administrations, just as it is equally important that the UK Government participates in the Scottish proposals. We regard the production of an agreed Marine Policy Statement that has consensus across the devolved administrations, including Scotland, as an imperative, and consider that the designation of machinery to achieve this if at all possible should be placed on the face of the Bill.²⁴

25. In the event, the draft MPS has been agreed with each of the UK's devolved Administrations and has been published as a joint document covering all UK waters. The Minister believed that this would give "a degree of coherence" to the planning system.²⁵ The draft MPS explains that the UK Administrations will be expected to co-ordinate when planning for activities which extend across national or Marine Plan area boundaries, sharing evidence and deciding on timings of the development of marine plans.²⁶

26. A consequence of the joint approach is that the MPS does not provide detailed policy or practical guidance, as its contents must be applicable across the different policy and planning frameworks in the devolved Administrations. Defra acknowledged that this approach has impacted on the level of detail that can be provided in the draft MPS:

The draft MPS has been developed to strike a careful balance in ensuring that it provides the necessary level of detail to provide certainty and clarity of approach, while respecting those aspects of policy making that are devolved.²⁷

27. We share the view of the Joint Committee that examined the draft Marine and Coastal Access Bill that it would be undesirable for more than one MPS to be operational in UK waters, and we commend Defra and the devolved Administrations for their efforts to agree a UK-wide document which will bring a more coherent approach to planning in the UK marine environment. We note that this approach has, though, brought its own attendant difficulties by limiting the amount of detailed policy and practical guidance that is provided in the draft MPS.

24 *Joint Committee on the Draft Marine Bill, Report and formal minutes*, HL Paper 159-I, HC 552-I, para 91.

25 Q 34

26 *UK Marine Policy Statement: A draft for consultation*, p22

27 Ev 12

Interaction with the terrestrial planning regime

28. A recurrent criticism in the consultation responses was the lack of detail provided on how marine planning would interact with the terrestrial planning regime. Colchester Borough Council commented that “the current consultation draft lacks detailed information about how the two systems will work together [...] the current situation is likely to result in confusion and duplication, unless arrangements are put in place to properly integrate and streamline the two systems”.²⁸

29. It is of course desirable that terrestrial and marine developments complement each other. As the Minister acknowledged, “There are very few [marine] activities that will not impact a terrestrial planning authority”.²⁹ There will also be a physical overlap between the marine and terrestrial planning areas: Marine Plans extend up to the level of mean high water spring tides while local authority boundaries generally extend to mean low water spring tides.

30. Defra is of the view that guidance on how this interaction will work in practice should not be provided in the MPS. Instead, Defra’s parallel consultation document on marine planning in England has a chapter devoted to terrestrial planning and links between terrestrial and marine planning authorities. This approach is largely due to the different planning regimes across the devolved Administrations:

The crucial thing is that the roles of local authorities work differently in terms of the planning process within each of the UK administrations, so to go into institutional administrative processes in the MPS would not be necessary to ensure consistency at UK level.³⁰

31. Another issue mentioned by consultees was the impact of the introduction of the Localism Bill. In his evidence to us, the Minister appeared confident that changes to the terrestrial planning process contained in the Bill would not impact negatively on the production of Marine Plans:

I do not see that the change to the planning process or any elements of the Decentralisation and Localism Bill will cause any problems; if anything, it will allow local people to have more say.³¹

32. We note the concerns raised by consultees regarding the level of detailed guidance on the interaction between terrestrial and marine planning. We welcome the progress that Defra has made on this issue through the parallel consultation on marine planning in England. Changes to the terrestrial planning landscape introduced by the Localism Bill must be properly taken into account before the guidance is finalised.

28 *HM Government Draft UK Marine Policy Statement—Colchester Borough Council response, (13 October 2010)*

29 Q 44

30 Q 46

31 Q 51

Content of the MPS

Level of Guidance

33. One of the most frequent criticisms of the draft which was identified in consultation responses was the level of guidance which the MPS provides. Many consultees felt that the MPS did not go far enough in providing guidance on how conflicts between different policy objectives should be resolved, for example by prioritising the key activities listed in the draft MPS. The Joint Links (an umbrella organisation for voluntary environmental organisations across the UK) commented that “the aspirational nature of the MPS, which only includes high-level policy statements and objectives to allow for UK-wide application, creates a gap between the MPS and marine plans and decision-making.”³² Similarly, the National Trust voiced concern that “the content continues to lack purpose and goes little further than recounting the aspirations for marine planning set out in the High Level Marine Objectives”, and attributed this in part to the “UK-wide concordat” which prevents the draft MPS from “setting specific spatial planning objectives and establishing clear policy direction”.³³

34. Defra made clear in its written evidence that the MPS is not intended to prioritise any one activity in the marine area over another, and that the intention is that this level of detail will be provided in individual marine plans:

The Marine Policy Statement therefore provides clarity, as it identifies activities to which a degree of priority is expected to be attached and general policy direction at a UK level. However, it does not say which activities should take priority over another, or provide a “flow chart” for decision making, as this needs to be determined by each administration when considering specific areas in the marine planning process. Priorities are dependent on local considerations such as resource availability, geography, spatial restrictions, density of complimenting/ conflicting activities etc.³⁴

35. This approach reflects the fact that the draft MPS is a joint document across the UK Administrations, each of which may make different policy decisions about priorities for marine development.

36. It is understandable that consultees are concerned that the MPS does not provide much in the way of practical guidance. This is a particularly pertinent issue in England, where full marine plan coverage is not expected until 2021, with the MPS expected to be the source of guidance in the interim period.

37. The RSPB³⁵ and the National Trust³⁶ proposed that this issue be addressed by the introduction of some form of national plan to sit between the MPS and regional marine

32 *UK Marine Policy Statement: A draft for consultation —The Joint Links response* (13 October 2010)

33 *UK Marine Policy Statement: A draft for consultation: A submission by the National Trust to the Defra Consultation* (October 2010)

34 Ev 12

35 *UK Marine Policy Statement: A draft for consultation: Consultation comments from the RSPB* (13 October 2010)

36 *Submission by the National Trust to the Defra Consultation*

plans. However, the Minister suggested that the creation of a national plan for England would “create an extra tier of activity, which I want to avoid”.³⁷

38. Defra’s decision not to prioritise any one activity over any other in the MPS reflects both the devolved situation, and the Department’s belief that decisions about priorities are best taken at a local level and informed by relevant local considerations and evidence. However, we were struck by the sustained criticism of this approach in the consultation responses, and it is clearly a matter of concern. Given the absence of detailed guidance about policy priorities in the draft MPS, it is essential that sufficient clarity is provided in individual marine plans.

39. We recommend that Defra keeps this approach under review as marine plans are developed, and reconsiders whether a national plan for England would be appropriate once the first marine plans have been completed in the East inshore and East offshore regions.

European obligations

40. The UK is subject to several relevant EC Directives which govern management of the UK’s marine and coastal environment. These include the Marine Strategy Framework Directive,³⁸ Water Framework Directive,³⁹ Habitats Directive⁴⁰ and Wild Birds Directive.⁴¹ The MPS makes reference to these Directives as relevant considerations that marine plan authorities must take into account when developing marine plans.⁴²

41. The Marine Conservation Society suggested in its consultation response that adoption of the draft MPS as it stands could lead to contravention of these Directives:

Whilst the MPS lists the relevant EC Directives and international obligations within them it does not provide insufficient information [sic] on how the UK will achieve both them and our industry objectives. In a number of places the MPS and the associated AoS [Appraisal of Sustainability] indicate that the industry objectives should take precedence. The Directives sometimes seem to be considered more as something to work through or around [...] This could lead to possible systemic failure by the UK to meet the requirements of these Directives.⁴³

The Minister assured us that he was satisfied that this was not the case:

There is no inference in this whatsoever that somehow this is a shortcut process or puts us as a country in any way at risk of falling foul of those directives. We know

37 Q 41

38 Directive 2008/56/EC

39 Directive 2000/60/EC

40 Directive 2006/105/EC

41 Directive 2009/147/EC

42 *UK Marine Policy Statement: A draft for consultation*, p 31, Defra, July 2010, www.defra.gov.uk

43 *Draft UK Marine Policy Statement consultation: Marine Conservation Society response* (October 2010)

that that involves a very great cost, and we would not want to do it anyway because we want to be seen as good stewards.⁴⁴

42. We note the concerns raised that the MPS could be at odds with the UK's obligations under relevant European Directives. The Minister has assured us that this is not the case. We recommend that Defra and the MMO consider carefully the interaction between the UK's existing obligations and the MPS and marine plans to ensure that they are consistent with the Directives.

Fisheries

43. The draft MPS sets out the key activities that take place in the marine area and details the pressures and impacts associated with each of them. Examples of these activities include shipping, tourism, dredging and energy production, as well as fisheries. As explained above, the draft MPS does not seek to prioritise any one of these activities over any other, but we explored the position of fisheries in oral evidence. The Minister told us that he is confident that implementation of the MPS will not have an adverse effect on fishing communities:

It is one of the only socio-economic activities that has been given the precise guidance through this document that the impact on fisheries must be treated as a major consideration, so it is right up there as a really important issue. It would go contrary to all our policies not just on fisheries but on the whole concept of food security and other issues if we tried to create a framework that made life yet harder for an industry that has found it extremely tough to exist in recent years.⁴⁵

44. We welcome the Minister's assurance that the fishing industry will not be adversely affected by implementation of the MPS, and we will look to see that this is borne out in the development of marine plans. We believe that sustainable and productive fisheries are key to UK interests and we are likely to return to this issue as proposals for reform of the Common Fisheries Policy are developed further in 2011.

44 Q 67

45 Q 25

4 Conclusion

45. The MPS is a high level document which has been agreed by all of the UK Administrations. Whilst understanding the benefits of this joint approach, we note that the consequent lack of detailed guidance provided in the MPS has been criticised by consultees. Defra must ensure that individual marine plans provide the detailed policy and practical guidance that is missing from the MPS.

46. Defra has announced cuts to the funding of the Marine Management Organisation, which will be responsible for marine planning in England. It must ensure that these cuts do not impact negatively on implementation of the MPS and marine planning, particularly as the length of time that it will take to achieve full marine plan coverage under current proposals is already a matter of concern.

Conclusions and recommendations

Commentary

1. The Committee welcomes the production of the Marine Policy Statement as the first step in the implementation of marine planning in the UK. We were pleased that the Minister recognised during oral evidence that the Marine Management Organisation (MMO) must be properly funded to carry out its work in implementing the MPS and developing marine plans for English waters. We note the subsequently announced cuts to the MMO's budget with concern. (Paragraph 17)
2. We expect the Government in its response to this report to set out in detail the calculations and assumptions on which it bases its conclusion that the allocated funding will be sufficient. In particular we request that the Government make clear whether it expects any delay in the implementation of the MPS and development of marine plans as a result of the reduction in funding. (Paragraph 18)

Review of the MPS

3. It is important that the MPS remains relevant and up-to-date if it is effectively to guide decision makers in the future, and significant changes to the evidence on which it is based must be reflected in the contents of the MPS. At the same time, we would caution against unnecessary and costly reviews which would result in uncertainty for decision makers and industry. Defra must ensure that an appropriate balance is struck between these concerns so that public confidence in the marine planning system is not undermined. Defra should monitor the implementation of the MPS and marine planning, including consulting with local interested parties. (Paragraph 23)

Scope of the MPS

4. We share the view of the Joint Committee that examined the draft Marine and Coastal Access Bill that it would be undesirable for more than one MPS to be operational in UK waters, and we commend Defra and the devolved Administrations for their efforts to agree a UK-wide document which will bring a more coherent approach to planning in the UK marine environment. We note that this approach has, though, brought its own attendant difficulties by limiting the amount of detailed policy and practical guidance that is provided in the draft MPS. (Paragraph 27)

Interaction with the terrestrial planning regime

5. We note the concerns raised by consultees regarding the level of detailed guidance on the interaction between terrestrial and marine planning. We welcome the progress that Defra has made on this issue through the parallel consultation on marine planning in England. Changes to the terrestrial planning landscape

introduced by the Localism Bill must be properly taken into account before the guidance is finalised. (Paragraph 32)

Level of guidance

6. Defra's decision not to prioritise any one activity over any other in the MPS reflects both the devolved situation, and the Department's belief that decisions about priorities are best taken at a local level and informed by relevant local considerations and evidence. However, we were struck by the sustained criticism of this approach in the consultation responses, and it is clearly a matter of concern. Given the absence of detailed guidance about policy priorities in the draft MPS, it is essential that sufficient clarity is provided in individual marine plans. (Paragraph 38)
7. We recommend that Defra keeps this approach under review as marine plans are developed, and reconsiders whether a national plan for England would be appropriate once the first marine plans have been completed in the East inshore and East offshore regions. (Paragraph 39)

European obligations

8. We note the concerns raised that the MPS could be at odds with the UK's obligations under relevant European Directives. The Minister has assured us that this is not the case. We recommend that Defra and the MMO consider carefully the interaction between the UK's existing obligations and the MPS and marine plans to ensure that they are consistent with the Directives. (Paragraph 42)

Fisheries

9. We welcome the Minister's assurance that the fishing industry will not be adversely affected by implementation of the MPS, and we will look to see that this is borne out in the development of marine plans. We believe that sustainable and productive fisheries are key to UK interests and we are likely to return to this issue as proposals for reform of the Common Fisheries Policy are developed further in 2011. (Paragraph 44)

Formal minutes

Tuesday 25 January 2011

Members present:

Miss Anne McIntosh, in the Chair

Thomas Docherty
George Eustice

Mrs Mary Glendon
Neil Parish

Draft Report (The Marine Policy Statement), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 46 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair do make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Wednesday 26 January at 2.30 pm

Witnesses

Wednesday 24 November 2010

Page

Richard Benyon MP, Parliamentary Under-Secretary of State for Natural Environment and Fisheries, **David Dawson**, Director of Marine and Fisheries and **Amy Holmes**, Head of Marine Policy Statement and Marine Planning Policy, Department for Environment, Food and Rural Affairs

Ev 1

Printed written evidence

Department for Environment, Food and Rural Affairs

Evs 12, 13, 15

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–11

First Report	Future Flood and Water Management Legislation	HC 522
First Special Report	The National Forest: Government response to the Committee's Fourth Report of Session 2009–11	HC 400
Second Special Report	Dairy Farmers of Britain: Government response to the Committee's Fifth Report of Session 2009–10	HC 401

Oral evidence

Taken before the Environment, Food and Rural Affairs Committee on Wednesday 24 November 2010

Members present:

Miss Anne McIntosh (Chair)

Tom Blenkinsop
Thomas Docherty
Richard Drax
George Eustice

Mrs Mary Glendon
Neil Parish
Dan Rogerson
Amber Rudd

Examination of Witnesses

Witnesses: **Richard Benyon MP**, Parliamentary Under-Secretary of State for Natural Environment and Fisheries, **David Dawson**, Director of Marine and Fisheries, and **Amy Holmes**, Head of Marine Policy Statement and Marine Planning Policy, Department for Environment, Food and Rural Affairs, gave evidence.

Q1 Chair: Minister, I formally welcome you to the Committee. For the record, would you like to introduce those who accompany you this afternoon?

Richard Benyon: Thank you, Chairman. Shall I also just set the context?

Q2 Chair: No, we do not need that unless colleagues have a burning desire.

Richard Benyon: I know of your readiness to get out of the chocks on these questions, but in case you wanted me to I had prepared a few thoughts. I will instead introduce David Dawson, Director of Marine and Fisheries at Defra, and Amy Holmes, lead official on the Marine Policy Statement and Marine Planning Policy at Defra.

Q3 Chair: You are all very welcome. My initial questions may allow you to give some of your statement. Could you explain the nature of the Marine Policy Statement (MPS) and how it differs from the other national policy statements on which we will be consulted, such as the Waste Water Policy Statement?

Richard Benyon: This is a real departure from what has happened up until now. This is an attempt under the Marine and Coastal Access Act, which was supported by all sides of the House and had a huge impetus of support from interested parties around our coasts and around the country, to try to set a clear policy framework from which marine planning will develop. As things stand, there is a consent-led process in planning. We want to provide structure and order through a Marine Policy Statement that is the UK framework from which marine planning will come in certain areas around our coasts. Why is that different from the other policy statements? It is because it is entirely new. There is no local authority out on the seas. There is no planning system that exists in the same way we are used to on terrestrial planning issues. This is a bold attempt to create order in a planning process where little or no order exists at the moment.

Q4 Chair: Can you give us an idea of how you decided which activities would be covered and which would be covered elsewhere?

Richard Benyon: The third part of the policy statement sets out the activities that we consider to be part of that process. It does not set them out in any sense of priority. It just sets out that these are the activities that we consider important to be considered as part of a planning process and in terms of how we view different areas of the marine environment and how they can be planned for in a co-ordinated fashion.

Q5 Chair: Can you say a word about the respective roles of yourself as Minister and the Marine Management Organisation (MMO)?

Richard Benyon: The important point here is that we are keeping a sense of democratic accountability, because at the end of the day the Marine Policy Statement and Marine Plans have to be signed off by the Secretary of State. The devolved Governments will produce their plans and we will leave that to them entirely, but ultimately they will be signed off by the Secretary of State for the UK Government. There will be that important democratic accountability. The MMO will be the Government body that implements this in England. We want to make sure that as it takes on its licensing functions in April next year, it also prepares to take on the marine planning process as that develops in the coming years. Despite the fact it is a draft document at this stage, we are already starting that process in the east of England and I am very happy to discuss further details of this as a planning area. There will be two defined areas of the plan, an inshore and offshore element, and it is really important that the Marine Management Organisation is the body in charge of licensing and a co-ordinating champion for our seas—those were the words we used during passage of the Bill—and in the driving seat in terms of delivery of this policy.

Q6 Chair: We notice that there is no Minister's name on the document. We did not know whether that was an oversight or a new departure.

Richard Benyon: I can assure the Committee that we feel a great sense of ownership and affection for this document. If it was missing a signature, that was an omission, but I am not sure I have seen Ministers' signatures on other ones. It will certainly be owned

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by the Department and will be a national Government responsibility.

Q7 Chair: Are you doing environmental impact assessments for each plan? Have you done an umbrella one? What form will the assessment take?

Richard Benyon: The policy will have an overall Strategic Environmental Assessment.

Q8 Chair: But that is different from an environmental impact assessment.

Richard Benyon: Yes. It is not called “environment impact assessment” in here.

Amy Holmes: The MPS has an Appraisal of Sustainability that encompasses the Strategic Environmental Assessment. Each Marine Plan will have a sustainability assessment that will encompass a Strategic Environmental Assessment.

Q9 Chair: But will you do an environmental impact assessment separately?

Amy Holmes: Each project and licence will have an environmental impact assessment beneath that, so those tiers will be in place.

Q10 Dan Rogerson: Since the passing of the Act and leading up to this, to get things in place what have been the principal obstacles you have had to overcome to bring this forward?

Richard Benyon: I think it has been done in reasonable haste. In fairness to the previous Government, the ink was barely dry on Royal Assent to the Act a year ago when the process of developing it began. The first draft was available in March.

Q11 Dan Rogerson: I did not seek to imply that you had been tardy, but in that time what obstacles have you had to deal with? It was not accusation of delay.

Richard Benyon: I understand that. I am just trying to think of the main objective. We wanted to make sure it was comprehensive and that we had consulted at every stage. I think I can speak for my predecessor in this. He clearly consulted me when I was in the shadow role. I think we both agreed that what we were talking about was empowering people to have a strategic view about how the seas were managed. This could not come from a Whitehall desk; it had to involve everybody. There was an extensive consultation process then and I believe now. Does my colleague want to outline how we have consulted people?

Amy Holmes: During the passage of the Bill there was an extensive consultation process on what people thought a marine policy statement should look like. That ran particularly once the Statement of Public Participation was published so everyone knew where the engagement processes would take place. We had a series of workshops in the build-up to March last year that prepared the pre-consultation version and then had specific stakeholder workshops on it. About 80 stakeholders participated in discussions on the pre-consultation version. That led to the version in front of you, which is the actual consultation version, and again we had extensive workshops. The challenge has been to use all of that evidence and all those voices

to create a document that represents those views and is brand new. No one has ever produced something of this type, and we could not have done it without that stakeholder process.

Richard Benyon: I suppose the main answer to your question is that, because it was new, the greatest obstacle was our desire to make sure that its scope was right and it would not add regulatory burdens, and I think we have achieved that.

Q12 Dan Rogerson: You mentioned consultation as a significant part of what you have been doing. To come back to the challenges, are you confident that you were able to reach down and attract the attention of people who may well be affected to ensure they were aware of what was going on? In all consultations, the challenge is to make sure people are engaged and do not come along after it has been published and say it is terrible. Are you confident you have done that?

Richard Benyon: It is important to recognise that this will affect a great many people. We may be talking about activities that will happen miles off our coastline but also about activities that will have a great effect on people in terms of the viability of their coastal communities, the marine environment that they see from their homes and the impact that can have on their lives, whether through coastal erosion or developments that they mind about. We have at all stages tried to keep people and local communities in mind. Obviously, as with all these processes, those activities will slip into people’s wider consciousness only when applications are made for whatever activity it is and those applications have an impact on their livelihoods. At this stage, I do not think it is being talked about in the pubs of your constituency or mine, but it is nevertheless a really important piece of work that will affect a lot of people.

Q13 George Eustice: You said you had consulted a lot of different stakeholders. Were any of them actively hostile to the very notion of an MPS? Were the fishing communities worried that it might cause them problems or additional obstacles?

Amy Holmes: I am just thinking back over my extensive regional tours. I cannot think of a single hostile reaction from an individual, certainly not any organisation, to the prospect of marine planning. There may be but I have not spoken to them.

Q14 Amber Rudd: So, when you consulted, nobody was against it; they all said, “Yes, let’s have this”?

Richard Benyon: I think people recognise that it is a much better system. At the moment, the first time people get involved in a process that affects them in the marine environment, or that they mind about, is at application stage when it is coming down the track. This gives them an opportunity to influence it at a much earlier stage. That is not to say the public consciousness will be ramped up to that degree at the early stage; that will continue to happen at application stage, but this allows people to say that now at least they know that there may be a predisposition for this activity in their area or that activity in that area. They can be involved in the process of arriving at that. They

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know that it has the look of being scrutinised for sustainability and environmental impact at every stage and that there are specific activities that the policy will seek to protect, some of them of particular interest to your constituents.

Q15 Tom Blenkinsop: Defra's memorandum to the Committee for the recent oral evidence session on the Comprehensive Spending Review states that the marine budget would be cut by £30 million and that would be achieved by reducing the scope of work in non-essential areas, consolidation and greater efficiency.¹ Defra has not yet provided any further details about how these savings will be achieved, and it is unclear what the implications of the cuts will be for the implementation of the MPS and marine planning more generally. Can you comment on that?

Richard Benyon: I wish I could give you precise details about how, for example, the funding of the MMO will be affected, but we recognise that this is a new organisation. It is taking on more responsibilities in April and it will be taking on further responsibilities as this policy is taken on board and the planning process develops. I hope I can give you the assurance that it will be resourced to carry out that important work and that the marine department itself, which carries out a whole range of different activities, will bear its part of the savings in the Department but it will continue to be able to provide its frontline service.

Q16 Tom Blenkinsop: Do you agree that details would be more accurate and provide greater confidence than assurances?

Richard Benyon: I entirely concede that for your comfort as to whether my assertion is correct you will require more details of funding, and I will be happy to provide you with that detail when we have firmed up the budget.

Q17 Tom Blenkinsop: Do you have any idea when those details will become available?

David Dawson: I do not think we know yet, but it will be within weeks.

Q18 Tom Blenkinsop: The MMO has outlined a timetable for the development of the Marine Plans in England which would see two Marine Plans being developed every two to two-and-a-half years, with the final plans due for adoption in 2021. Do you accept that this may not be realistic if funding to the MMO is cut?

Richard Benyon: Of course, 2021 is way beyond the end of the spending review period and so in the process of negotiations for the next period, we will have to see how we are doing against that target. I hope we will learn lessons from the initial planning area in the east of England and the other ones that we will roll out in the early years that will allow us to move at a faster pace as we get a greater understanding of the process. I cannot say where we will be on that, but I absolutely concede that in order

to make it work, it must be properly resourced. I want to make sure that it is and I am sure you will hold me to account if it is not.

Q19 Thomas Docherty: As a point of clarification—I apologise if it is available somewhere and I cannot find it—how much have you budgeted to produce the first plan for the eastern region?

Amy Holmes: The figures are estimates and are being developed by the MMO at the moment. The MMO was funded in order to deliver it for the current financial period. I have to dig out the table because it splits into different areas. The estimate for preparing all of the first Marine Plans is £8.2 million.

Q20 Thomas Docherty: Is that £8.2 million times 10 or £8.2 million for all 10?

Amy Holmes: For all 10. Obviously, there are monitoring and implementation costs on top of the preparation costs.

Q21 Thomas Docherty: Minister, it is my understanding that when this was first being consulted on in 2009—I appreciate that it was before your time—the proposal was to have a marine planning statement for Scotland separate from the rest of the United Kingdom. Can you explain what brought about a change of thinking on that and why we therefore have a single UK plan?

Richard Benyon: It may be before my time, but David may want to answer that.

David Dawson: Before the Bill passed through Parliament, we had long discussions with the Scottish Executive on the basis that clearly it would be desirable for developers and everybody else if we took a consistent approach across the United Kingdom. Within that, clearly, there are certain development policies that have been devolved, rightly, to the devolved administrations. What we tried to achieve and was eventually put into the Bill Parliament passed was that the Marine Policy Statement itself is a UK document and provides consistency across the UK as a whole but leaves Scottish Ministers as the planning authority in their waters subject, as the Minister said, to the Secretary of State approving the plan that they produce.

Q22 Neil Parish: In order to have a careful balance between what is happening with the devolved administrations and yourselves, the National Trust has said that you have not got enough policy detail and there is not enough planning for marine control and the like. How do you answer that question?

Richard Benyon: I would be interested to talk it through with the National Trust. I do not think it is necessarily true. Are they saying there is a problem with the devolved administrations?

Q23 Neil Parish: They are saying that because you have had to water down your proposals, it is clear “that this shortcoming will hinder the development of marine planning, with particularly detrimental consequences in England.” So, they are saying that the impact is stronger in Wales, Scotland and Northern Ireland.

¹ The uncorrected transcript from this evidence session held on 15 November 2010 can be found on the Committee's website at www.parliament.uk/efracom

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Richard Benyon: There has been no watering down of the proposals at all. This is what was envisaged in the Act, this is what we discussed exhaustively in Committee and this takes forward that framework. What will differ between Scotland and England is that Scotland will have one marine planning area and England will have several. It will have many because the coastline involves lots more activities and more people who live close to the different parts of the English coast. It is a very different environment. In that context, it will be slightly different. Scotland has many miles of coastline, some fairly sparsely populated. I think it is right that we have the planning areas that we do. The ambition in this document is right and the ability to develop plans from it has a clear process to it. The MMO will be able to do that in consultation at all stages with key parties. I hope we can satisfy any criticisms that might exist about the ambition that existed, how it is being delivered and the ability to draw from that framework in the policy document a planning process that works and gives certainty. We are trying to give certainty where uncertainty exists.

Q24 Neil Parish: This document refers only briefly to fisheries. How do you work with fisheries when you as Minister will negotiate common fisheries policy detail at European level? How do you then involve the devolved authorities, and who makes the final decision in Wales and Scotland on fishery policy?

Richard Benyon: That will not differ from what I was doing this morning when I had a teleconference with devolved Ministers about our approach to negotiations next week in Brussels and next month in the important December round. That framework will still exist, including our working relationships at both official and ministerial level, where we seem to be able to talk about this as partners in a grown-up and determined way to do the best for our fishery communities. On page 59 of the statement it says: "Marine plan authorities should consider the potential socio-economic impacts of other developments on fishing activity, as well as potential environmental impacts."² It goes on to talk about the effect of displacement of fishing activity. One of our important concerns is the requirement for fishermen to relocate to other fishing grounds because of activities. A lot of fishermen are concerned about the sense of being squeezed in the seas at the moment. We want this process to give them a sense of empowerment—no more than that, actual empowerment—so that, rather than having developments thrust upon them and being able to object to them only at the application stage, they can deal with it earlier through a proper strategic process.

Q25 Neil Parish: I welcome this part on fishing, but when I look at it there is a page and a half on fishing and the document is 191 pages long. Do you feel that fishing and fisheries have been sufficiently covered in this document? It seems rather sparse.

Richard Benyon: It is one of the only socio-economic activities that has been given the precise guidance

through this document that the impact on fisheries must be treated as a major consideration, so it is right up there as a really important issue. It would go contrary to all our policies not just on fisheries but on the whole concept of food security and other issues if we tried to create a framework that made life yet harder for an industry that has found it extremely tough to exist in recent years. I hope we have given it enough weight in this. Perhaps Amy can say how it compares with other activities.

Amy Holmes: Perhaps I may refer you also to page 30. Paragraph 2.5 talks about socio-economic considerations and the importance of employment on the coastline and makes specific reference to employment in long-established industries such as fishing. Therefore, recognition of fisheries is part of the wider considerations that form the framework in which Marine Plans must be developed. Under "Issues for consideration", the section goes on to talk about the importance of vibrant coastal communities, so the whole socio-economic importance of our coastal communities is referred to in both the framework and also specifically in fisheries.

Q26 Chair: If we can separate out two things, you are talking here about the licensing of activities, are you not?

Richard Benyon: No. With respect, we are talking about the weight that this document gives to fishing activities, and from this will come lots of different applications through plans for marine energy or aggregates removal. These might involve very important fishing grounds and we are very keen that this document should give a clear steer to the marine planning process that the fishing communities and the jobs they support should be considered.

Q27 Thomas Docherty: A few moments ago, you said that Scotland had a very sparsely populated coastline and not a great deal of activity. As a Scottish coastal MP, I suggest to you that is not so.

Richard Benyon: I can see the headlines now. That was not what I was saying. As a Scottish MP, you will know that I was trying to articulate, obviously very badly, that the Scottish coastline is very different from large parts of the British coastline. There are lots of activities. The Scottish Government have decided they want one marine planning area and that is a request I respect. The reason we have decided to have many more is that we feel our marine coastline is complicated and crowded. Certainly, there is no shortage of activity in Scotland. If I gave any indication to encourage yet more headlines as a result of my evidence to the Committee, I withdraw them.

David Dawson: In areas where there is intensive activity on the Scottish coast, the Scottish Government will probably want to have local plans, but they did not want the more sparsely populated areas to be ignored altogether even though they probably didn't justify a plan by themselves. A whole Scotland plan was a way of making sure all those areas were covered as well.

Q28 Amber Rudd: Going back to your comment about page 59 of the document, which refers to

² The Marine Policy Statement can be found at www.defra.gov.uk/corporate/consult/marine-policy

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fisheries and the fact that in some communities they employ up to a fifth, I am not quite clear how you think these proposals will help the fishing communities. I know you have made a lot of effort to try to support and protect them, but specifically how do you think this is good for local fishing communities?

Richard Benyon: On page 59, it says “Issues for consideration” and specifically lays out that “Marine plan authorities should consider the potential socio-economic impacts of other developments on fishing activity”—precisely mentioning that as an industry—“as well as potential environmental impact.” It goes on to talk about the fact that developments could result in the displacement of fishing activities. We know about increasing fuel costs and that fishermen just cannot go anywhere. Large parts of the sea are not suitable for fishing; there is no point in being there because there are no fish. They want to go where the fish are. This process has to take their needs into consideration. I do not say there will not be conflict; there will be a degree of conflict in marine planning, as there has been in terrestrial planning, but we wanted to give weight to this and require marine planners to consider the impact they had on an industry that we think is important.

Q29 Chair: Can I pursue fishing for one moment? You rather quaintly say—I think we would all agree—that “the view of the UK Administrations is that the overall aim of the reformed Common Fisheries Policy (CFP) should be to attain ecological sustainability,” and so on. But that is not entirely within our gift because we have to go through a process of negotiation. What noises do you hear from other European Union member states that they will agree?

Richard Benyon: We are driving a radical reform of the Common Fisheries Policy.

Q30 Chair: Will it cover discards?

Richard Benyon: Yes, it will, and we do not have to wait until 2012 to start affecting discards. We want to see a very different and more locally based, less top-down and less centralised common fisheries policy. One of the reasons, besides the basic commonsense that that involves, is that we are surrounded by seas that contain mixed fisheries. The quota system is a very bad way to manage fisheries at the moment and that is what leads to the horrendous level of discards, which is an affront to you, to me and to the consumer and perhaps even more of an affront to fishermen because they actually have to do it. They are throwing away large quantities of perfectly edible fish and, in a hungry world, that is a national disgrace. We want to change it. The people who are helping to drive this are fishing communities and fishermen themselves. We want to see a radical reform of the CFP. I understand that may be a subject wider than the precise Marine Policy Statement, but if we want to have a fishing industry, it is important that consideration is given to it in this document. We have to see a change in the means by which we manage our fisheries.

Q31 Chair: You mentioned the potential impact of fish stocks moving to alternative fishing grounds. I understand there is already evidence that a lot of the fish stocks are moving out of the areas currently under the CFP. Will you be able to look at that before 2012–13?

Richard Benyon: We recognise that the sea is a fast-moving—I was going to say “fluid”—ecosystem. A number of issues cause great concern, not least acidification. The movement of certain stocks into other countries’ waters and theirs into ours is a constant negotiating point, whether it is in the EU-Norway talks or our own concerns about, for example, cod, which apparently are moving north. With climate change undoubtedly affecting our seas, we need to be able to adapt to it and that requires a faster, simpler management system that enables us to make changes to effect that. Sometimes the basis of a lot of the data we use goes back to systems that existed in the 1970s and it is in desperate need of reform.

Q32 Chair: We may miss the fishing boat if we wait until 2012–13.

Richard Benyon: We are constantly seeking to improve the way we manage it within the system, but I think the big opportunity comes with the ability to change it. How successful we will be depends on the relationships we build with other countries. I think fisheries will remain an EU competence, but we want a much more decentralised system where fishermen are more trusted to be part of the solution rather than considered to be the problem. We can reverse the burden of proof and they can police themselves to a great degree, because it is in their interests to see that their sons and grandsons are able to go into the industry.

Q33 Neil Parish: I welcome your comments on discards. May I encourage you to go further and ban discards completely? It is a huge issue.

Richard Benyon: Norway banned discards. I want to be in a position where we have zero discards; I have no lesser ambition than that. What we have seen with catch quotas in the North Sea is that you can achieve this through proper management systems and control mechanisms, which initially are not particularly popular but, like CCTV, have been accepted by the industry. What is happening not far from your part of the world is the 50–50 project in Brixham. These are things we are doing now. I would dearly like to see an end to discards, but that will not occur until we see either a radical change of the quota system or an end to it. In a mixed fishery, you will get discards particularly as you reduce the quota available to certain fishing communities. There is no more important issue that we have to deal with. It now has a head of steam in the public consciousness, rightly so. Woe betide any politician who defends a system that makes this acceptable in any way. It is not.

Q34 George Eustice: To go back to the MPS, you talked earlier about the importance of having all the devolved administrations on board and how it strengthened it, but the statement also makes it very easy for them to leave; they just have to give notice

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and they can quit. What do you think would be the consequences for the rest of the scheme if that happened? Do you think more should have been done to make it harder for them to abandon it?

Richard Benyon: I cannot see what incentive they would have to withdraw from it, besides perhaps a political one. I do not see an incentive for any devolved Government to exclude itself from a process that offers coherence. What we are talking about are the seas from the north of Shetland to the south west of England. This gives a degree of coherence. The first thing is that the incentive is there. What the process will be for any devolved Government to withdraw from it in future, I am not sure. Obviously, that would have an impact on our ability to operate a coherent marine planning system.

David Dawson: If they withdraw from the Marine Policy Statement, they lose the opportunity to be the planning authority, so there is quite a strong incentive for everybody to be part of the process. In drawing up the Marine Policy Statement, there has been a high degree of co-operation with all the devolved administrations at both official and political level. At the moment it appears that they see very strong advantage in having a co-ordinated UK approach within which they get the new right to be planning authorities in their parts of UK waters.

Q35 George Eustice: But did they insist on having this easy get-out because they had some doubts or concerns about how it might work in practice?

David Dawson: It was not because they had any concerns. You describe it as an easy get-out, and in a sense I suppose it is in that anybody can choose to withdraw. As I say, there is quite a penalty in that you then cease to be the planning authority. I do not think they saw it as an easy get-out but they did see that in a world where there is real devolution there needed to be the option of a get-out.

Q36 Richard Drax: Have you considered a formal resolution process in the event someone does go?

David Dawson: If someone were to decide they wished to go, there would be formal consultation to see whether there was a grievance or an issue that could be resolved between the administrations. If they then decided that they wanted to withdraw in any case, the Marine Policy Statement would remain valid in other parts of UK waters. Therefore, the Marine Policy Statement does not fall if one or two of the devolved administrations were to decide to pull out of it.

Q37 Amber Rudd: You have made it clear that the statement is to provide guidance. Do you think it goes far enough? I understand some people criticised it as being merely aspirational. Do you think it should have some harder edges to it?

Richard Benyon: I think the only way it could have had harder edges would be if it started to prioritise one activity against another. Notwithstanding our recent discussion about fishing, if the Marine Policy Statement did any more than list the activities that could or should be considered as part of the planning process, it would then stray into the actual planning

area itself, so it does not set one above the other. That may have been a criticism put forward by people with a particular interest. Some activities in the sea have very powerful lobbying organisations that support them and they will always want them to be given greater sway in the process than others. What we have to provide is a framework from which a fair and open planning system can be created and in which everybody who needs to be involved in that process can be. Sometimes there are those who at the moment lack the power they need to get their voice heard because they are up against big organisations with powerful lobbying and lots of money behind them. We want to try to create a system that supports those people. If that results in criticism, it is criticism I am prepared to take. The proof will be in the planning process itself and that will require Defra and myself to keep a very close eye on it, and I am sure you will do so as well.

Q38 Mrs Mary Glendon: Minister, the timetable for the roll-out of the plans has already been alluded to, so some areas will not have a marine plan for at least 10 years. Does the MPS provide enough of a steer for decision makers in the interim period?

Richard Benyon: Those areas will continue to operate in the way they do now, which is not perfect. That is why we are making these changes. I hope that we will be able to find a way to speed up the roll-out of those plans. I cannot say we will beat that target, but as we see how it is working in the initial two, we can understand the problems, have a greater understanding of the resource requirements and perhaps get to where we want to sooner. There is no alternative. Until we have a plan in place, the current application and consent-led system will prevail.

Q39 Mrs Mary Glendon: The Government response to the pre-legislative scrutiny and public consultation on the Marine and Coastal Access Bill stated that guidance would be provided to decision makers on transitional arrangements while Marine Plans are being prepared, so what progress has been made on transitional arrangements?

Amy Holmes: Alongside the Marine Policy Statement on 21 July, we published a consultation on the marine planning system for England, which included a chapter on transitional arrangements and guidance on how that would work in the decision-making process, so within England that remit has been met. It will be refined as a result of the consultation process, but it is out there.

Q40 Chair: Before we leave that, if you had published more detailed guidance, would you have had to consult upon it, in which case might you have amended the guidance in that light?

Richard Benyon: We are über-consulters in Defra, but I do not know whether we would have had to.

Amy Holmes: On the consultation on marine planning, it covers a lot of issues such as roles and responsibilities, the stages of the marine planning process, involvement within it and links with terrestrial planning. The purpose was to make sure there was a clear basis of understanding and hand that

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over to the MMO so that, should they see fit, they can use it as a basis to develop anything that is specifically required, for example for local authorities, but that was its main purpose.

Q41 Neil Parish: In Scotland, there is a national marine plan that sits between the Marine Policy Statement and regional Marine Plans. Are you considering a national plan for England?

Richard Benyon: No. I hope I am getting this right. We are considering a series of plans. The initial one in the east of England goes from approximately the Thames estuary up to beyond the Wash. There is a coastal plan that will have to interact with the shoreline management plans, which is a big issue in every area but particularly there with coastal erosion, and there is a further plan for the offshore beyond 12 nautical miles. That is the context. I think it would clutter our thinking to have to create another one. I can understand why they have done it in Scotland, but it would create an extra tier of activity, which I want to avoid.

Q42 Neil Parish: So, basically you will have beefed-up regional plans?

Richard Benyon: Yes; precisely that.

Q43 Neil Parish: Local planning authorities clearly have concerns that, while the MPS acknowledges a need for liaison and consistency between the marine and terrestrial planning regimes, it does not provide any guidance on how this will work in practice. Can you give us a bit more detail?

Richard Benyon: They will have to interact. Obviously, there is a difference between terrestrial and marine planning. The devolved aspects will be different. On certain issues such as marine energy anything over 100 megawatts will be dealt with by the Infrastructure Planning Commission (IPC) and, when that goes, by what is currently referred to as the major infrastructure planning unit. The difference between that and the IPC is that that will have a degree of democratic accountability. But the MMO are required to involve communities, particularly local planning authorities, in the development of these Marine Plans. In some cases, they will be very actively involved, particularly on issues that will have an impact on, for example, coastal erosion.

Q44 Neil Parish: Could it be more explicit on how the MPS will help decision makers to come to their decision through the planning process?

Amy Holmes: The planning process will be in place and that will set the framework. All the considerations are spelt out in chapter 2. Within that, there will be specific decisions within chapter 3 and any key considerations associated with that activity. The crucial thing that will always matter is the specific area being looked at, both its geographical features and nature of the sea, and also the views of the coastal community involved. At that level, those factors play into decision making and the MPS ensures there is consistency in that approach at UK level.

Richard Benyon: Let me give some examples that might explain it better. There are very few activities

that will not impact a terrestrial planning authority. For example, whatever the size of a marine energy activity, it has to be plugged in, to use a technical expression, to the grid. If it is a dredging activity or disposal of dredged materials, that comes from a port. The economic viability of that port depends upon being able to dredge and, therefore, where they place that must be done on a cost-effective basis for that company. I have seen for myself the perception of local communities that major port activity and construction out in the sea have had an impact on houses in terms of coastal erosion. What has happened in that community is that it is now shouting about it. What this process should allow them to do is flag up concerns much earlier through a prescribed planning process to say that they want the developer to be able to convince them now that that activity will not have the effect they fear it could have. That empowers people in a way they are not empowered at the moment.

Q45 Neil Parish: It is good to empower people to be able to get a reaction from the company, but it is also necessary for the company to be able to find a way through the planning system. We are trying to simplify the whole process of Government. Are you happy that this will simplify rather than complicate matters further?

Richard Benyon: This process reduces burdens of various sorts on industry, so it is simpler. At the moment, because of the rather arbitrary way marine planning is done, industry has to go through various processes because the clarity that comes from planning is not in place. Therefore, through this system we will create a virtuous circle, which means the developer has certainty and clarity and is able to go through a process that is rigorous but more straightforward. The person on whom that might have an impact is empowered to become involved in that process in a clearer and more coherent way. I hope that what we achieve here is a virtuous circle.

Neil Parish: I look forward to it working in practice, Minister.

Q46 Chair: I want to pick up that point. There is a potential for conflict, in the sense that the MPS is responsible up to high water mark; local authorities are responsible to low water springs. Two of your respondents, Colchester Borough Council and Devon County Council, said greater clarity was needed. Are you satisfied there is sufficient clarity about what liaison there should be? Neil Parish made a point about the company. Local authorities need to be clear what their role is. I see Amy Holmes nodding. Are you satisfied there is sufficient clarity and no scope for conflict?

Richard Benyon: I will ask Amy to give the detail, but I think it is right there should be overlap. One cannot think of a particular line, whether it is high or low water mark, cliff edge or wherever, because it is a question of the impact that the planning application will have on the terrestrial community as well as the terrestrial environment, and vice versa. The Environment Agency is another area that will need to be considered. It is specifically mentioned here that

they have to be consulted because they deal with estuarial environmental issues; with flood and coastal erosion matters and with a range of other uses that will interact. They even own ports; Rye is one of three ports they own. That factor has to be brought into consideration.

Amy Holmes: The consultation on marine planning in England had a chapter devoted to terrestrial planning and links with it and the roles of local authorities, including that of the Environment Agency. The crucial thing is that the roles of local authorities work differently in terms of the planning process within each of the UK administrations, so to go into institutional administrative processes in the MPS would not be necessary to ensure consistency at UK level, which is why we produced this guidance. Terrestrial planning reforms are obviously taking place. Some 7,000 pages worth of guidance to terrestrial planning authorities are being removed and replaced with the National Planning Policy Framework. We are working with CLG on what it may be appropriate to say about marine planning within that, which is the guidance to terrestrial planning authorities on their role. Ultimately, it is up to local authorities to what degree they want to become involved in the marine planning process, but obviously we will encourage them to do so as much as possible because it will be important in delivering the objectives for their coastal communities. But it is down to the local authorities and so it will vary within each region, which is why it is so important that the MMO engages with those local authorities through the statement for public participation, makes those relationships and builds the process going forward.

Q47 Tom Blenkinsop: I wonder how this will interact potentially with the new Local Enterprise Partnerships (LEPs). If there were a bid for a new wharf or a large potential industrial investment how would that work?

Amy Holmes: LEPs would be an excellent way for coastal authorities to engage in the marine planning process to make sure their strategic interests are fed into planning, should they wish to take that forward. In terms of a major development, even if it is on the coast obviously there will be associated consents within marine planning and, so working with the MMO to streamline that process and make sure it is built in, would be really important.

Q48 Tom Blenkinsop: But 40% of the country does not have LEP networks, so how would that affect the balance of legislation?

Richard Benyon: That process is being rolled out. Do you have a specific example?

Q49 Tom Blenkinsop: Would some sort of code of practice or network connections have to be worked out with different areas, as some areas will have LEPs and some will not?

Richard Benyon: The local authority will have a clear strategic economic role to develop features like that. I am trying to think of an example.

Q50 Tom Blenkinsop: Do you see what I mean? You will have varying combinations across the areas.

Amy Holmes: That is why it would be difficult to spell it out in the Marine Policy Statement because it needs to take account of those local priorities and variability, but the crucial thing is those local authorities working with the MMO.

Q51 Mrs Mary Glendon: The Decentralisation and Localism Bill is imminent and if enacted would significantly change the terrestrial planning regime. Does the MPS require future-proofing to ensure it will remain relevant if these proposed changes take place?

Richard Benyon: I do not think that the changes to the planning process will have any impact on this, but the planning authority will still be required to interact with the Marine Plans wherever they occur, so I do not see that the change to the planning process or any elements of the Decentralisation and Localism Bill will cause any problems; if anything, it will allow local people to have more say in the environment. I am trying to think of the circumstances where perhaps a coastal community—rather like Mr Blenkinsop's point—is constructing a wharf to improve the economic activity in an area. That is something which, if anything, should be able to proceed in a clearer and less bureaucratic way through changes that we are making to the planning process. That will have to interact with the marine licensing process in the same way as before. I do not see a problem.

Q52 Mrs Mary Glendon: Should it be made explicit or do you think that to make it implicit is enough?

Richard Benyon: I think it should be explicit in the Marine Plans how they interact with coastal communities and the coastal environment, and that is very clear in here. I think it should come from that direction. We give a very clear view in this that that should happen. I cannot see that any changes proposed will have an impact on that.

Q53 Tom Blenkinsop: What will be the relative weight of the national policy statements in the MPS? Will the MMO be able to veto the proposed development of a nationally significant infrastructure project in the marine environment if it is in conflict with the MPS or marine plan?

Richard Benyon: The answer is yes.

David Dawson: The MMO is a statutory consultee on those large infrastructure projects and consideration of those large projects must have due regard to the Marine Policy Statement. The decision on whether an infrastructure project should go ahead in those circumstances will be for the Secretary of State for Communities and Local Government.

Q54 Tom Blenkinsop: That brings me to my previous question about LEPs. Say I had a port that wanted to do extra dredging to make it deeper to take cape vessels.³ Would the MMO have the ability to veto that if it did not meet MPS requirements?

³ A cape, or capesize, vessel is a category of bulk carrier that is too large for the Suez and Panama Canals and has to sail round the Cape of Good Hope and Cape Horn to deliver its cargo.

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Richard Benyon: Do you mean if there was an environmental consideration? Advice would be taken from organisations like Natural England on the impact it would have if it was subject to a particular designation. They would give advice in the very narrow confines that they are required to give advice in order that we comply with the directives that created that environmental condition. If it is a major infrastructure project it can be overridden, just as it can be on land with a major project such as a power station. A plan can be overridden because it is a national infrastructure project, and that is why we are trying to create a difference.

Q55 Richard Drax: In your view how often should the MPS be reviewed, because it does not say in the draft?

Amy Holmes: We agreed with the devolved administrations that we would not specify a time limit. It would probably be roughly five years, but we would do it when appropriate. It may be we want to review it when we have introduced the first Marine Plans, or when evidence comes to light as those plans are being monitored, or when the Marine Strategy Framework Directive and monitoring arrangements associated with that are online. Rather than constraining ourselves with an arbitrary deadline, we wanted to have the flexibility to do it when appropriate.⁴

Q56 Richard Drax: As regards any amendments you make, what implications would that have for the original MPS?

Amy Holmes: A newly adopted MPS would have to go through the same consultation process as the current one, so with scrutiny, but the current one could stand until it was withdrawn, if that makes sense.

Q57 Richard Drax: I understand. That would have a cost implication, would it not? How would you balance that with potentially causing utter confusion in the areas where you are trying to create clarity?

Amy Holmes: There could be a cost to Government in terms of reproducing one, yes.

Q58 Richard Drax: There would be costs?

Amy Holmes: To Government, yes.

Richard Benyon: To go through the consultation process and make sure that the changes we proposed were considered would have a cost, yes.

Q59 Richard Drax: What about the impact on Marine Plans, not MPS?

Richard Benyon: Of a change?

Q60 Richard Drax: Of any amendments made.

Richard Benyon: Changes to plans?

Q61 Richard Drax: Yes.

Richard Benyon: Those would be much more localised issues. There would be a cost but I cannot see it being massive.

Q62 Richard Drax: The cost is part of it, but what impact would it have?

Richard Benyon: If there was to be a change to a marine plan that would create an impact on the fishing industry, as we have just discussed, it would be important to consult upon it and that any changes were agreed. Do we have a timescale for Marine Plans that coincides with the statement?

Amy Holmes: Each marine plan would take two years and needs to be reviewed every three years, so you can see the possible timescale in which it would take place if there were a review of the MPS. At any time, a marine plan can take a decision outside of the MPS if it is a relevant consideration, so if something comes to light that is inappropriate in the MPS in, say, eight years' time, a marine plan can implement something that is out of step with it as long as it explains why. You can see that there can be a process of making sure that happens as policy evolves in the revised MPS.

Q63 Richard Drax: For clarity, if we have this review of the MPS every five years potentially—

Amy Holmes: An arbitrary figure, yes.

Q64 Richard Drax: If amendments need to be made and there are effects, say, on Marine Plans, will those changes be implemented in that five-year period or will you wait for a longer period so everything goes along in a coherent order, if that makes any sense?

Amy Holmes: You would try and instil a coherent order, because a plan would have to be agreed every three years anyway, so any review required could be picked up at that three-year checkpoint.

Richard Drax: The point I am making is this: if the MPS is changed and amendments are made at the five-year point, that could have implications for a lot of things, including Marine Plans. I am assuming that there will then be a full consultation exercise again, at a cost before the new MPS and any amendments to Marine Plans are adopted? Is that correct?

Richard Benyon: Yes.

Q65 Chair: Minister, obviously we are signed up to a rather alarming number of European obligations: the Marine Strategy Framework Directive; the Water Framework Directive; the Habitats Directive; and the Wild Birds Directive. In particular, the Marine Strategy Framework Directive ties us down to good environmental status and so on. I understand the Marine Conservation Society has suggested that by adopting the Marine Policy Statement in its present form the UK could be accused of breaching its EU directive obligations. Is that a fair comment?

Richard Benyon: This statement and the appraisal of sustainability were very closely examined by the Commission. They told us they thought it was very well written and robust, so I hope that concerns on the part of any organisation will be allayed by that. It has a very clear driver towards sustainability and that is implicit throughout the document.

Q66 Chair: Mr Blenkinsop referred to the construction of a wharf, and your idea was about someone proposing a port. They would already be covered by these directives, would they not? I

⁴ Ev [insert page number when known]

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remember that the port of Felixstowe appeared to fall heavily into that. What is the new element in the MPS in that regard?

Richard Benyon: Of course, this will not change our obligations under a variety of directives, many of which you listed. We have to build compliance with those into our marine planning system. In parallel to that process, we are implementing another aspect of the Marine and Coastal Access Act, which is the roll out of what we hope will be a world-leading network of marine conservation zones currently being progressed through four projects. They are operating with varying degrees of timeliness towards a 2012 target. All those factors, along with other requirements under other legislation, whether they are Ramsar sites⁵ or special areas of conservation under the Habitats Directive, will have to be developed within the planning process.

Q67 Chair: So, you do not believe that the MPS needs to be amended but is very clear in its present form that the legal obligations set out under the directive would take precedence over any industrial development?

Richard Benyon: Will take precedence?

Chair: The legal obligations set out in those directives would have priority and would have to be obeyed.

Richard Benyon: They will have to be obeyed, absolutely. There is no inference in this whatsoever that somehow this is a shortcut process or puts us as a country in any way at risk of falling foul of those directives. We know that that involves a very great cost, and we would not want to do it anyway because we want to be seen as good stewards.

Q68 Chair: The Joint Nature Conservation Committee suggested that the MPS should refer to the Marine Strategy Framework as “the framework in which marine planning should take place and be ultimately governed by”. Do you agree with that?

David Dawson: I am not sure whether they are referring again to the Marine Strategy Framework Directive.

Chair: Yes, they are.

David Dawson: Pages 32 and 33 of the Marine Policy Statement restate the key objectives of the Marine Strategy Framework Directive. Our view is that the Marine Policy Statement and marine planning will be a means to achieve the objectives of the Directive and therefore should not clash with it. Clearly, there is a possibility that the Directive will be amended or implemented in more detail over time, in which case we might need to revisit the Marine Policy Statement to pick up those changes.

Q69 Chair: That is very helpful. Just for my own information, is good environmental status very similar to what is set out in the Water Framework Directive?

David Dawson: It is similar in principle. Good environmental status is broken down across about a dozen descriptors, so it applies to litter, marine

ecology and the state of fish stocks. Currently, we are negotiating in Europe over exactly what the targets should be for each of those descriptors. I am pleased to say that is happening in quite a devolved way where member states currently have quite a lot of power.

Q70 Chair: So, there could be some subsidiarity?

David Dawson: Yes.

Chair: That is excellent. Thank you very much, Mr Dawson.

Q71 Mrs Mary Glendon: I come back to the Decentralisation and Localism Bill but this time in relation to accountability. The Bill introduced by the Government is supposed to make the terrestrial planning process more accountable to local communities and democratically elected Ministers. How will you ensure that decision making in the marine environment is similarly accountable to local communities?

Richard Benyon: In three ways: first to local communities, through the very clear direction this gives on involving and integrating Marine Plans with terrestrial plans and the planning process. Secondly, this has to be signed off by the Secretary of State. She and I can be held to account for it in Parliament. Thirdly, for national infrastructure projects that can impact on communities, democratic accountability will be improved because in a similar way the Secretary of State will have to approve those. Therefore, we are providing three ways in which there will be greater accountability.

With the rather unco-ordinated and consent-led process we have at the moment, the first local communities hear of a development about which they may have concerns is when applications are made. They then have to gear themselves up, raise funds and do activities that we all see in our constituencies through the planning process. Under this, they will have a heads-up; they will be able to see clearly what is being proposed for the marine environment and how it will impact upon them, and they will have the chance to be involved in it. That is why I think this had cross-party support as it went through as part of the Marine and Coastal Access Act. I think it will be seen to be a real advantage for local people and local communities, as much as it will be seen to have an advantage for socio-economic activities.

Q72 Mrs Mary Glendon: Should the MPS direct that local government organisations must be named as mandatory consultees in the production of the marine plan?

Richard Benyon: Whether or not it says they are mandatory consultees—I do not know whether it uses those words—it says clearly that their plans should be integrated, and you cannot integrate a plan with a local authority unless you are consulting with it and are actively involved in its development. We can give that assurance. It will be impossible to create a marine plan without involving the local authority; it just will not happen, particularly in the development of shoreline management plans which are of great importance in large parts of the country where coastal erosion is an issue.

⁵ Ramsar sites are wetlands of international importance designated under the Convention on Wetlands, Ramsar, Iran, 1971.

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Q73 Mrs Mary Glendon: You are confirming that they will have that say? It is a very important part of it.

Richard Benyon: Yes.

George Eustice: When it comes to certain uses of the marine environment, clearly there are some like dredging where there is a huge amount of data and research out there about its impacts. There are other new areas like marine energy, such as wave power, where it is very much an unknown quantity. What are you doing to try to plug those gaps? Clearly, it is much easier to write a policy statement for dredging than it is for wave power. Is there research in other areas and how do we access it?

Richard Benyon: Our evidence base is improving all the time. Mapping of the seabed and understanding what is going on higher up the water column is improving. This will assist a whole range of people who will be concerned about development of our marine environment. What I want to ensure is that, first, we protect the development of that evidence base and our science strategy in Defra is supporting that. We have a great understanding of some of the things we talked about earlier such as acidification. These are areas where funding has been secured to protect those sorts of activities. As we get a better idea about what is on the seabed it will make the planning process and the development of plans even more straightforward. As Mr Drax said, those plans will have to change as there is greater understanding. I would like to be in a position now where we have a fully mapped seabed, certainly of our inshore waters. Centre for Environment, Fisheries and Aquaculture Science (CEFAS) and other organisations are doing great work in getting there. Organisations such as FisherMap⁶ in your part of the world use data held in the heads of fishermen who know exactly what is there. That is now being recorded and is a vital component in the process of rolling out marine conservation zones, for example, and will also be integral to marine planning activities.

Q74 Tom Blenkinsop: For clarification, when we asked about mandatory consultees you referred to local government organisations. What about LEPs?

Richard Benyon: Again, it would be impossible to have a coastal LEP that was not somehow integrated into the marine planning process. I am not sure whether we have the wording in here, as this was originally prepared before LEPs were thought up.

Q75 Tom Blenkinsop: I will give you an example. There is a nuclear power station at Hartlepool, which is part of a LEP in the Tees Valley. If there were potential further development of nuclear power on that brownfield site and one of the local authorities disagreed with that, for whatever reason, but was a member of that LEP, who would take primacy in that as a mandatory consultee?

Amy Holmes: Just to address exactly what you say, there are no mandatory consultees to make sure that all interested parties have a voice in the process. There are no statutory consultees because it is open to everybody to get involved in the process and have that voice.

Q76 Chair: Perhaps I may put a positive side to it. Minister, I should like to invite you at some stage to see Coble Landing in Filey. I represent the wonderful coastal town and area of Filey and I would love you all to see Coble Landing. I know that many of the activities that come within the MPS relate to recreation, tourism and yachting. Will there be scope for local authorities and others to seek to develop those activities in a positive way to try to regenerate coastal towns like Filey?

Richard Benyon: Yes—like Filey, Weymouth, Hastings. Where do I finish? It will be a vital component in developing our coastal communities' strategy. Funnily enough, in planning for today we were thinking about Weymouth, not Filey, but it brings us to the same point. Weymouth is to host part of the Olympics and that creates a difficulty for some elements of the local fishing community. Mr Drax has been very assiduous on behalf of his constituents in raising it with me. I am doing my best to support them. There is no doubt that in those circumstances the Olympics and greater leisure activities in constituencies such as yours will be a fantastic income earner for those communities, but we have to recognise that one can have an impact on the other. At the moment in a slightly laissez-faire planning system that is consent-led—perhaps the word “anarchic” is rather strong—these activities can be expanded and can have a major impact on a community. What we want to do is develop industries in concert and co-operation with each other. That is why the leisure pound can have a huge impact on these communities. I think that activities such as fishing are integral to tourism. When you lose one, very often you lose the other, but what must stop, if it exists, is the idea that somehow this can all be planned from my desk, a desk in DCLG or something like that. These are local issues and that is why in some cases a plan must be very local; in certain other areas perhaps they must have a larger strategic role, but the quick answer to your question is yes.

Q77 Chair: Minister, in demonstrating that we are championing the seas, we thank you and your team for being with us today. We would like to invite you to have an early discussion with us in March or April of next year on where we are with the common fisheries policy. Thank you for your generosity in being here with us today. We look forward to seeing you at the next available opportunity.

Richard Benyon: I greatly welcome that. Thank you very much.

⁶ FisherMap is an online system of recording fishermen's use of the seas.

Written evidence

Written submission from the Department for Environment, Food and Rural Affairs)

THE DRAFT UK MARINE POLICY STATEMENT

BACKGROUND

1. The Coalition programme for Government includes taking forward the Marine and Coastal Access Act 2009. The Act provides for the introduction of marine planning. The current system for management of our seas is considered to be inconsistent and fails to fully consider the cumulative impact of decisions taken on the environment. It is also considered to be a burden to both regulators and industry and can act as a barrier to economic growth. The marine planning system is the means to rectify this and its introduction is eagerly anticipated by stakeholders; the first step in implementation is the introduction of the UK **Marine Policy Statement** (MPS).

2. The MPS will be the framework to inform decision making for the marine area and to provide consistency across the UK in the development of Marine Plans and licensing regimes. The MPS is defined by the requirements placed on it in the Marine Act with the overall aim of contributing to the achievement of sustainable development. The MPS therefore covers a wide range of activities and sectors from renewable energy and oil and gas to nature conservation, fishing, recreation and tourism. It sets the policy context and direction in each of these areas and the considerations that must be given to each activity in the development of Marine Plans or when licensing decisions are taken.

3. The aim of the MPS is to ensure a consistent approach to policy goals in the marine environment and a consistent approach to marine planning at the UK level. In achieving this aim, it also needs to reflect the devolved nature of many aspects of marine policy and the devolved nature of the institutions that will be delivering marine planning.

4. The Marine Policy Statement therefore provides clarity, as it identifies activities to which a degree of priority is expected to be attached and general policy direction at a UK level. However, it does not say which activities should take priority over another, or provide a “flow chart” for decision making, as this needs to be determined by each administration when considering specific areas in the marine planning process. Priorities are dependent on local considerations such as resource availability, geography, spatial restrictions, density of complimenting/conflicting activities etc. In order to inform the development of the first Marine Plans the MPS should be adopted by March 2011.

DEVOLVED ADMINISTRATIONS

5. The MPS is UK wide and has been developed jointly with officials in the Devolved Administrations. The MPS is of key importance to each Devolved Administration; they can plan without adopting the MPS, but without it they cannot plan in their offshore area nor can they plan inshore for retained functions. The draft MPS has been developed to strike a careful balance in ensuring that it provides the necessary level of detail to provide certainty and clarity of approach, while respecting those aspects of policy making that are devolved.

LINKS WITH TERRESTRIAL PLANNING

6. Each Marine Plan will need to be developed with the full engagement of national, regional, sub-regional and local interested parties and be integrated with terrestrial planning. This means that for the first time local coastal communities can be fully involved in steering the management and use of their marine resources, ensuring economic growth and delivery of their own needs.

7. There are links between the MPS and the National Policy Statements, which apply in England and Wales. The Planning Act (2008) sets the threshold for nationally significant infrastructure projects. These include key infrastructure projects in the marine area such as energy projects with a generating capacity of more than 100MW in English waters, and ports over a certain capacity. Until the Localism Bill receives Royal Assent decisions on these projects rests with the Infrastructure Planning Commission (IPC) once the relevant National Policy Statement is designated, but they must also have regard to the MPS and Marine Plans in any decision they make. Where appropriate, references and links are made between the MPS and any relevant NPS. Decisions regarding all other projects that affect or may affect the marine area must be made in accordance with the MPS.

8. However there are clear differences between the MPS and the range of National Policy Statements (NPS). The MPS is significantly broader in scope covering the key sectors and activities in the marine environment in a single document, ranging in scale from wind farms to recreational activity. The MPS is also at the UK level and therefore has to reflect and be relevant to all the different organisations, processes and geographical features that affect or may affect the UK marine area—making it at a higher strategic level than any NPS.

MPS SUPPORTING DOCUMENTS

9. The MPS was developed alongside an Appraisal of Sustainability (AoS), which included a Strategic Environmental Assessment (SEA). The AoS assessed economic, social and environmental factors, in order to ensure that the aim of sustainable development is achieved. Alongside this there was a Habitats Regulations Assessment and an Equalities Impact Assessment screening report. The MPS is also accompanied by an Impact Assessment (IA) at the UK level. A fuller IA is being produced on the implementation of the marine planning system in England.

STAKEHOLDER ENGAGEMENT

10. Stakeholders are keen to see the introduction of the marine planning system and the MPS. A Statement of Public Participation, drawn up under the Act, has informed an ongoing process of stakeholder engagement throughout the UK. In addition to a series of regional and national stakeholder workshops that have been held throughout the development of the MPS a discussion paper on an early draft of the MPS was issued in March 2010 allowing stakeholders to directly inform its development. Their views received over 8 weeks informed the current draft MPS. Further comments made during the recent consultation that closed on 13 October are now being considered and will inform the final MPS.

MPS AND MARINE PLANNING IN ENGLAND

11. In order to provide context to the MPS and explain how it will be delivered in practice in England, a consultation has just closed on the marine planning system. The consultation will establish a baseline of understanding of the system amongst stakeholders, and relevant delivery organisations from which further guidance can be developed if needed by the Marine Management Organisation (MMO).

12. The Secretary of State is the marine plan authority for English inshore and offshore regions, but the development of Marine Plans in these regions has been delegated to the MMO. The Secretary of State must agree each Plan at the consultation stage and before it can be finally adopted. Decisions must then be taken in accordance with the plan by all public authorities, or reasons given why not. The MMO is due to begin planning in the first two (East inshore and East offshore) of ten Marine Plan areas when the MPS is adopted March 2011. It is expected that these plans will take about two years to produce.

November 2010

Further written submission from Department for Environment, Food and Rural Affairs

DEVOLUTION

As a result of the Devolution Settlement in 1989 and the subsequent legislation (Scotland Act 1998, Government of Wales Act 1998, and Northern Ireland Act 1998) the responsibility for terrestrial planning was devolved to each UK Administration.

The Marine and Coastal Access Act 2009 divides UK waters into marine regions with an inshore (0–12 nautical miles) and offshore region (12—c.200 nautical miles) under each of the four Administrations (England, Northern Ireland, Scotland and Wales).

“Marine plan authorities” are responsible for planning in each region, under the Marine and Coastal Access Act 2009, with the exception of the Scottish and Northern Ireland inshore waters which are or will be covered by separate legislation.

RESPONSIBLE MARINE PLAN AUTHORITY

Region	Inshore (0–12 nautical miles)	Offshore (12–200 nautical miles)
England	Secretary of State	Secretary of State
Wales	Welsh Ministers (with the agreement of Secretary of State if the plan affects non-devolved matters)	Welsh Ministers (with agreement of Secretary of State)
Northern Ireland	(To be made under Separate legislation)	Department of the Environment in Northern Ireland (with agreement of Secretary of State)
Scotland	Marine (Scotland) Act 2010)	Scottish Ministers (with the agreement of Secretary of State)

MARINE PLANNING FUNCTIONS DEVOLVED IN THE UK'S INSHORE AND OFFSHORE
REGIONS—AND CHANGES INTRODUCED BY THE MARINE AND COASTAL ACCESS ACT 2009

<i>Administration</i>	<i>Inshore 0–12nm</i>	<i>Offshore 12–200 nm or median line</i>	<i>Additional devolved functions under the Act</i>	<i>Retained by UK Government</i>
Scotland	Yes (for devolved functions)	No	Executive devolution of planning for devolved functions in the offshore region, subject to the Secretary of State's consent. Can also plan for retained functions in both regions if signed up to the MPS and if Secretary of State has agreed.	Defence Shipping, Oil and gas exploration and exploitation EU and International relations
Wales	Yes (for devolved functions)	No	Executive devolution of new marine planning in the offshore regions for devolved functions, subject to the Secretary of State's consent. Can also plan for retained functions in both regions if signed up to the MPS and with the agreement of the Secretary of State	Defence Shipping Oil and gas exploration and exploitation EU and International relations
Northern Ireland	Yes (for devolved functions)	No	A form of executive devolution of new marine planning in the offshore region for devolved and retained functions, after signing up to the MPS and with the agreement of the Secretary of State	Defence Shipping Oil and gas exploration and exploitation EU and International relations

By adopting the Marine Policy Statement (MPS) the Devolved Administrations will be able to plan holistically for their inshore and offshore regions, including for retained functions. These plans will need to be agreed by the Secretary of State.

Whilst the aim is for all UK Administrations to jointly adopt the MPS by March 2011 it is possible for the MPS to be adopted by some Devolved Administrations but not others. It must be adopted by the Secretary of State. If a Devolved Administration does not adopt the final MPS, the validity of the MPS adopted by the other Administration/Administrations will not be affected.

If an Administration were to withdraw from the MPS this would not affect the continuing validity or effect of their agreed marine plan that had been prepared in conformity with the MPS, until a revised MPS was adopted. If the Secretary of State withdraws the MPS, it ceases to have effect.

The MPS is UK wide. It has been developed jointly with the Devolved Administrations in order to provide a clear framework for decision making in the UK marine area that also respects those aspects of policy making that are devolved. The UK Administrations are committed to the co-ordination of marine planning across administrative boundaries, and a number of administrative safeguards are in place to ensure effective cross border planning, including schedule 6 of the Marine and Coastal Access Act (which places a duty on marine plan authorities to take all reasonable steps to ensure compatibility between plans); concordats between Administrations; a shared UK wide evidence base and data sharing between the MMO and Devolved Partners.

NATIONAL POLICY STATEMENTS AND THE INFRASTRUCTURE PLANNING COMMISSION

Under the Planning Act (2008) several National Policy Statements (NPS) are being produced for key infrastructure sectors (energy, transport and water and waste) in England and, in some cases, Wales. These will provide the strategic framework for the Infrastructure Planning Commission (IPC) to use when examining and determining applications for major infrastructure developments of national significance.

Whereas there are different NPSs for different sectors, there is only one MPS which covers a wide range of activities and sectors within one document. Whereas NPSs are only applicable to England and, in some cases, Wales, the MPS covers the entire UK marine area. The Marine Policy Statement has been drafted to be consistent with National Policy Statements.

Under the Planning Act 2008 decisions by the IPC on nationally significant infrastructure projects must be made in accordance with the relevant National Policy Statements while having regard to the MPS or relevant Marine Plan. In England the Marine Management Organisation (MMO) is a statutory consultee under this regime, and will therefore be consulted on any large infrastructure project applications which could impact on the UK Marine area.

Guidance has been produced and published on the relationship between IPC and MMO at: <http://www.defra.gov.uk/environment/marine/documents/legislation/mmo-ipc.pdf>

The Coalition Government has proposed to abolish the IPC and transfer the decision-making on these types of projects from the IPC to Ministers, who are democratically accountable. These changes will be introduced through the Localism Bill. Until legislation changes the IPC will remain and will continue to work with the MMO on nationally significant projects which may affect the marine area.

It is proposed that the Major Infrastructure Planning Unit takes over the function of the IPC, but as part of the Planning Inspectorate and reporting to the Secretary of State. The intention is for the same work arrangements to continue between the MMO and this new unit when it is in place.

November 2010

Supplementary written evidence submitted by the Department for Environment, Food and Rural Affairs

I would like to thank the EFRA Committee for holding the hearing on the Marine Policy Statement (MPS) on 24 November 2010 and I look forward to receiving your report in due course. I thought it would be useful to follow up with additional clarification and information on a couple of points.

The first is on the review processes for the MPS and Marine Plans themselves. The Marine and Coastal Access Act 2009 states that the MPS will be reviewed when considered appropriate by the Secretary of State, in conjunction with the devolved authorities, which have adopted the MPS. The MPS has been written to be future-proof, so that it should stand the test of time. However, circumstances may arise that make revision appropriate, for example, if, through the development of Marine Plans, the evidence base underpinning the MPS is subject to significant change, or if new policies are introduced that need to be reflected in the MPS. The Act does not set out a specific time period for review, we have therefore indicated in the MPS factors which would be taken into account when determining whether a review is appropriate.

All Marine Plans must be made in accordance with the MPS unless relevant considerations indicate otherwise, in which case the public authority must state its reasons. Should a review of the MPS be required the existing MPS could stand, until withdrawn by the Secretary of State. This means that while revisions were being made, and a new MPS drafted, the 'standing MPS' would apply for any Marine Plans under development and any decisions being made. However, if appropriate those revisions could be a relevant consideration in the development of those Marine Plans or when making any individual development decision. Whatever happens we are committed to ensuring that the process is as clear and transparent as possible for developers and all those involved in marine planning and consenting.

A review of the MPS would also not trigger a wholesale review of existing Marine Plans. In accordance with the Marine and Coastal Access Act, a report on the review of a Marine Plan must be published every three years. Following this, the marine plan authority must consider whether the Marine Plan needs to be amended or reviewed. At this point, any changes resulting from the adoption of a new MPS could be incorporated into a revised Marine Plan.

I hope that this has clarified the issue. When the MPS is reviewed, this will be done openly and transparently. The intention is not to burden decision makers and marine users with review upon review, but to create a pragmatic system whereby the MPS will be reviewed only when appropriate to do so.

I also thought for completeness that it would be useful to provide you with the full break down of the expected costs of marine planning in England covering preparation, implementation, monitoring and review. These figures cover a 20 year period and are taken from the initial Impact Assessment which was consulted and is currently being refined as a result.

December 2010

MARINE PLANNING SYSTEM IMPACT ASSESSMENT (2010)—BASED ON A 20 YEAR ASSESSMENT PERIOD

<i>COSTS (£m)</i>		<i>Total Transition (Constant Price) Years</i>	<i>Average Annual (excl. Transition) (Constant Price)</i>	<i>Total Cost (Present Value)</i>
Low	N/A	10	N/A	N/A
High	N/A		N/A	N/A
Best Estimate	40.2		1.0	42.3

Description and scale of key monetised costs by “main affected groups”

Costs to MMO, initially for preparing plans and funding Sustainability Appraisal and independent investigation of plans, and on an ongoing basis for reviewing and amending plans. Costs to Industry, Local Authorities and Primary Consultees of providing input to plan preparation and amending plans on an ongoing basis. Training costs to MMO, industry and Local Authorities.

Other key non-monetised costs by “main affected groups”

None identified.

TRANSITION COSTS IN CONSTANT PRICES, £M

	<i>Government</i>	<i>Industry</i>	<i>TOTALS 20 YR</i>
Plan Preparation & training	20.0	0.8	20.8
Independent investigation of Plans	7.0	0	7.0
Costs for Sustainability Appraisals	12.4	0	12.4
Total	39.4	0.8	40.2

ONGOING COSTS IN CONSTANT PRICES, £M

	<i>Government</i>	<i>Industry</i>	<i>TOTALS 20 YR</i>
Plan Preparation for amendments	8.2	0.8	9.0
Independent investigation of amendments	1.1	0	1.1
Sustainability Appraisals of amendments	2.0	0	2.0
Total	11.3	0.8	12.1

PRESENT VALUE OF COSTS, £M

	<i>Government</i>	<i>Industry</i>	<i>TOTALS</i>
TOTAL (20 yr NPV)	41.1	1.2	42.3

<i>BENEFITS (£m)</i>		<i>Total Transition (Constant Price) Years</i>	<i>Average Annual (excl. Transition) (Constant Price)</i>	<i>Total Benefit (Present Value)</i>
Low	N/A	N/A	29	N/A
High	N/A		379	N/A
Best Estimate	N/A		204	See below

Description and scale of key monetised benefits by “main affected groups”

Economic benefits of reduced transaction costs, including costs of conflict, legal costs, search costs and administration costs, and of accelerated investment. An EU report estimated these for 2020 and 2030. The estimates reported above are for 2020 as that is halfway through the assessment period. Further work is being done to validate these exploratory estimates and assess the profile of benefits throughout the assessment period: for these reasons a total figure is not provided for now

Other key non-monetised benefits by “main affected groups”

Improved investment climate, leading to economic growth. Reduced pressures on ecosystems from marine activities and the goods and services they provide and potential localised social and economic benefits. Further work is in progress as part of the IA consultation.

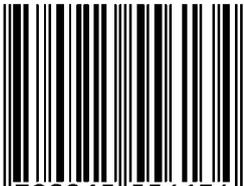
Key assumptions/sensitivities/risks Discount rate (%)

3.5

On costs the main assumption is that previous experience of terrestrial planning and of the Marine Spatial Planning project in the Irish Sea provides a reasonable guide to costs for developing and administering marine plans.

On benefits, an NPV is not presented in this version as more work is required to validate and extend the assessment of benefits. The current assumption is that overall marine planning will result in a 1% reduced in transaction costs for those sectors facing conflicts. Without further validation this is exploratory.

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