
From: SM-MMO-Consultations (MMO)
Sent: 25 March 2021 08:31
To: Planning Policy
Subject: RE: A new local plan for East Devon - Consultation response - PLEASE READ
Categories: Forwarded

Here is the MMOs standard response for consultations.

Thank you for including the MMO in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

Marine Management Organisation Functions

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

All public authorities taking decisions that affect or might affect the UK marine area must have regard to section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) and the UK Marine Policy

Statement, unless relevant considerations indicate otherwise. This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#). We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#).

See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

[The East Inshore and Offshore marine plans](#) were adopted on the 2 April 2014, becoming a statutory consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe.

[The South Inshore and Offshore marine plans](#) were adopted on the 17 July 2018, becoming a statutory consideration for public authorities with decision making functions. The South Inshore and Offshore Marine Plans cover the coast and seas from Folkestone to the River Dart in Devon.

The [draft North East Inshore and Offshore marine plans](#) were published on the 14 January 2020, becoming a material consideration for public authorities with decision-making functions. The North East Inshore and Offshore marine plans cover the coast and seas from Flamborough Head to the Scottish border.

The [draft North West Inshore and Offshore marine plans](#) were published on the 14 January 2020, becoming a material consideration for public authorities with decision-making functions. The North West Inshore and Offshore marine plans cover the coast and seas from the Solway Firth border with Scotland to the River Dee border with Wales.

The [draft South East Inshore marine plan](#) was published on the 14 January 2020, becoming a material consideration for public authorities with decision-making functions. The South East Marine plan covers the coast and seas from Felixstowe in Suffolk to near Folkestone in Kent. This is the only English Marine Plan that doesn't have an offshore plan area due to the close boundary with the French marine area.

The [draft South West Inshore and Offshore marine plans](#) were published on the 14 January 2020, becoming a material for consideration for public authorities with decision making functions. The South West Inshore and Offshore marine plans cover the coast and seas from the River Severn border with Wales to the River Dart in Devon.

Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a

substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers will find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.

Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a ‘development plan’ under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England’s (and the UK’s) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.
- [The minerals planning practice guidance](#) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- [The national and regional guidelines for aggregates provision in England 2005-2020](#) predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on 0208 0265 325.