



Marine Management Organisation

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Our ref: ID 222

12th March 2021

Dear the Planning Policy team,

MMO Marine Planning and Marine Licensing response to 'A new local plan for East Devon'.

Thank you for giving us the opportunity to comment on the Local Plan. The comments provided within this letter refer to the document entitled 'East Devon Local Plan 2021-2040: Issues and Options Consultation January 2021(Regulation 18).

As the marine planning authority for England, the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent the Marine Plan boundaries extend up to the level of the mean high water spring tides mark (which includes the tidal extent of any rivers), there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the document stated above, the [South Inshore and East Offshore Marine Plan](#) is of relevance. The South Marine Plan covers the area from the river Dart in Devon to Folkestone in Kent, including the tidal extent of any rivers within this area.

All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act 2009 and any relevant adopted Marine Plan, in this case the [South Inshore and East Offshore Marine Plan](#), or the [UK Marine Policy Statement](#) (MPS) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [Online](#)



[Guidance, Explore Marine Plans](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

Marine Licensing

The Marine and Coastal Access Act 2009 states that a marine licence is required for certain activities carried out within the [UK marine area](#).

The MMO is responsible for marine licensing in English waters and for Northern Ireland offshore waters.

The marine licensing team are responsible for consenting and regulating any activity that occurs “below mean high water springs” level that would require a marine licence. These activities can range from mooring private jetties to nuclear power plants and offshore windfarms.

Summary notes

Please see below suggested policies from the South Inshore and Offshore Marine Plan that we believe are most relevant to your local plan.

These suggested policies have been identified based on the activities and content within the document entitled above. They are provided only as a recommendation and we would suggest your own interpretation of the South Marine Plan is completed:

- **Co-existence S-CO-1:** Proposals will minimise their use of space and consider opportunities for co-existence with other activities.
- **Infrastructure S-INF-1:** Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported.
- **Cables S-CAB-1:** Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant. Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures.
- **Cables S-CAB-2:** Proposals that have a significant adverse impact on new and existing landfall sites for subsea cables (telecoms, power and interconnectors) should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Renewables S-REN-1:** Proposals that support the development of supply chains associated with the deployment of renewable energy will be supported.
- **Tourism and Recreation S-TR-1:** Proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported.

- **Employment S-EMP-1:** Proposals that develop skills related to marine activities, particularly in line with local skills strategies, will be supported.
- **Employment S-EMP-2:** Proposals resulting in a net increase to marine related employment will be supported, particularly where they are in line with the skills available in and adjacent to the south marine plan areas.
- **Social S-SOC-1:** Proposals that enhance or promote social benefits will be supported. Proposals must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts which result in the displacement of other existing or authorised (but yet to be implemented) activities that generate social benefits.
- **Tourism and Recreation S-TR-2:** Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on tourism and recreation activities.
- **Access S-ACC-1:** Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on public access.
- **Access S-ACC-2:** Proposals demonstrating enhanced public access to and within the marine area will be supported.
- **Climate Change S-CC-1:** Proposals must consider their contribution to greenhouse gas emissions arising from unintended consequences on other activities. Where such consequences are likely to result in increased greenhouse gas emissions, proposals should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate unintended consequences on other activities.
- **Climate Change S-CC-2:** Proposals should demonstrate for the lifetime of the proposal that:
 - 1) they are resilient to the effects of climate change
 - 2) they will not have a significant adverse impact upon climate change adaptation measures elsewhere.
 In respect of 2) proposals should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate the significant adverse impacts upon these climate change adaptation measures.

- **Climate Change S-CC-3:** Proposals in the south marine plan area and adjacent marine plan areas that are likely to have a significant adverse impact on coastal change should not be supported.
- **Climate Change S-CC-4:** Proposals that may have a significant adverse impact on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts.
- **Heritage S-HER-1:** Proposals that may compromise or harm elements contributing to the significance of heritage assets should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate compromise or harm. If it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh the compromise or harm to the heritage asset.
- **Seascape S-SCP-1:** Proposals that may have a significant adverse impact upon the seascape of an area should only be supported if they demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts upon the seascape of an area
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Marine Protected Areas S-MPA-1:** Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported. Proposals that may have adverse impacts on the objectives of marine protected areas and the ecological coherence of the marine protected area network must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate adverse impacts, with due regard given to statutory advice on an ecologically coherent network.
- **Marine Protected Areas S-MPA-2:** Proposals that enhance a marine protected area's ability to adapt to climate change and so enhance the resilience of the marine protected area network will be supported. Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate adverse impacts.

- **Marine Protected Areas S-MPA-3:** Where statutory advice states that a marine protected area site condition is deteriorating, or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered
- **Marine Protected Areas S-MPA-4:** Until the ecological coherence of the marine protected area network is confirmed¹³, proposals should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate adverse impacts on features¹⁴ that may be required to complete the network
 - d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.
- **Marine Litter S-ML-1:** Public authorities should ensure adequate provision for and removal of beach and marine litter on amenity beaches.
- **Marine Litter S-ML-2:** The introduction of litter as a result of proposals should be avoided or minimised where practicable and activities that help reduce marine litter will be supported.
- **Water Quality S-WQ-1:** Proposals that may have significant adverse impacts upon water environment, including upon habitats and species that can be of benefit to water quality must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts.
- **Water Quality S-WQ-2:** Activities that can deliver an improvement to water environment, or enhance habitats and species which can be of benefit to water quality should be supported.
- **Biodiversity S-BIO-1:** Proposals that may have significant adverse impacts on natural habitat and species adaptation, migration and connectivity must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts.
- **Biodiversity S-BIO-2:** Proposals that incorporate features that enhance or facilitate natural habitat and species adaptation, migration and connectivity will be supported.
- **Biodiversity S-BIO-3:** Proposals that enhance coastal habitats where important in their own right and/or for ecosystem functioning and provision of goods and services will be supported. Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of goods and services and demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise

- c) mitigate for net loss of coastal habitat.
- **Biodiversity S-BIO-4:** Proposals that enhance the distribution and net extent of priority habitats should be supported. Proposals must demonstrate that they will avoid reducing the distribution and net extent of priority habitats.
 - **Displacement S-DIST-1:** Proposals, including in relation to tourism and recreational activities, within and adjacent to the south marine plan areas must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant cumulative adverse physical disturbance or displacement impacts on highly mobile species.

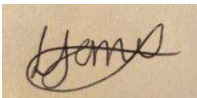
Further points to note

Page 35, Objective 8: You refer to the protection and enhancement of the outstanding natural environment, support an increase in biodiversity and the coastline. We would recommend you mention the [South Inshore and East Offshore Marine Plan](#) here.

As previously stated, these are recommendations and we suggest that your own interpretation of the South Marine Plans is completed. We would also recommend you consult the following references for further information:

[South Inshore and East Offshore Marine Plan](#) and [Explore Marine Plans](#).

Yours sincerely,



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