

From: [Victoria Lane \(Brodies Solicitors\)](#)
To: [Hornsea Project Three](#)
Cc: [Karen Hamilton \(Brodies Solicitors\)](#)
Subject: Spirit Energy ISH 1 Submission - Appendix J [BRO-D.FID4510105]
Date: 14 December 2018 23:42:12
Attachments: [image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[SE ISH 1 - Appendix J - East Inshore and East Offshore Marine Plan \(April 2014\) \(Relevant Extracts\) 44088648_1.PDF](#)

CONFIDENTIAL MESSAGE - INTENDED RECIPIENT ONLY

Please find attached Appendix J

Kind regards

Victoria Lane
Senior Solicitor
Edinburgh, UK
www.brodies.com

Direct Line +44(0) 131 656 0127



IMPORTANT NOTICE: This notice applies to this email and to any other email subsequently sent by anyone at Brodies LLP and appearing in the same chain of email correspondence. References below to "this email" should be read accordingly.

This e-mail and its attachments (if any) are confidential, protected by copyright and may be privileged. If you receive this e-mail in error, notify us immediately by reply e-mail, delete it and do not use, disclose or copy it. Unless we expressly say otherwise in this e-mail, this e-mail does not create, form part of, or vary, any contractual or unilateral obligation.

No liability is accepted for viruses and it is your responsibility to scan attachments (if any). Where this e-mail is unrelated to the business of Brodies LLP, the opinions expressed within this e-mail are the opinions of the sender and do not necessarily constitute those of Brodies LLP. Brodies LLP is a limited liability partnership and responsibility for e-mails related to its business lies with Brodies LLP and not the individual sender. The e-mail system of Brodies LLP is subject to random monitoring. A list of all the members is maintained and may be inspected during office hours at Brodies LLP's registered office.

Privacy: The e-mail system of Brodies LLP is subject to random monitoring. To find out more about how we use your personal information generally, please read our privacy statement. <http://www.brodies.com/privacy-notice>

Brodies LLP (registered no SO300334), Registered Office: 15 Atholl Crescent, Edinburgh, EH3 8HA, Scotland UK.
T 0131 228 3777, F 0131 228 3878, DX Ed10 Edinburgh-1

Also at: 110 Queen Street, Glasgow G1 3BX, Scotland UK T 0141 248 4672, F 0141 221 9270, DX GW11 Glasgow-1; And: Brodies House, 31-33 Union Grove, Aberdeen AB10 6SD, Scotland UK T 01224 392 242, F 01224 392 244, DX AB10 Aberdeen; And: Dingwall Business Park, Dingwall, IV15 9XB, Scotland UK T 01349 860 111, F 01349 860 112; And: Scotland House, Rond-Point Schuman 6, 1040 Brussels, Belgium T +322 282 8301

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

APPENDIX J

EAST INSHORE AND EAST OFFSHORE MARINE PLAN (APRIL 2014) (RELEVANT EXTRACTS)



HM Government

East Inshore and East Offshore Marine Plans



April 2014

This document is available
in large print, audio and
braille on request. Please call
+44 (0)300 123 1032 or email
planning@marinemanagement.org.uk

Published by the

Department for Environment, Food and Rural Affairs
Nobel House, 17 Smith Square
London SW1P 3JR

Publication date: April 2014

© Crown copyright 2014

You may re-use this information (not including logos)
free of charge in any format or medium, under the
terms of the Open Government Licence.

To view this licence, visit
<http://www.nationalarchives.gov.uk/doc/open-government-licence/>
or write to the Information Policy Team,
The National Archives, Kew, London TW9 4DU,
or e-mail: psi@nationalarchives.gsi.gov.uk

Any enquiries regarding this document/publication
should be sent to the Marine Management
Organisation at
planning@marinemanagement.org.uk

This document is also available on the Marine
Management Organisation website: [web link].
http://www.marinemanagement.org.uk/marineplanning/areas/east_plans.htm

PB 414159

Contents

Foreword	4
Chapter 1 Background and Overview	7
Introduction.....	7
The effect of the East Inshore and Offshore Marine Plans	8
National policy context.....	9
Scope of the East Inshore and East Offshore Marine Plans.....	11
The East Inshore and East Offshore Marine Plan Areas	12
The East Inshore Marine Plan Area.....	13
The East Offshore Marine Plan Area	16
Two marine plans, one plan document.....	17
Developing the marine plans	17
Use of evidence in the marine plans.....	18
Overview of structure and supporting documents for the marine plans	20
Using the plans.....	21
Chapter 2 Vision and Objectives	23
The vision for the East marine plan areas in 2034.....	23
Objectives.....	25
Chapter 3 Plan Policies	31
3.1 Introduction.....	31
3.2 Economic.....	40
3.3 Social and Cultural	48

3.4 Environment	61
3.5 Climate Change.....	88
3.6 Governance	93
3.7 Defence	108
3.8 Oil and Gas.....	111
3.9 Offshore Wind Renewable Energy Infrastructure	117
3.10 Tidal Stream and Wave	123
3.11 Carbon Capture and Storage.....	127
3.12 Ports and Shipping	132
3.13 Dredging and Disposal	143
3.14 Aggregates	147
3.15 Subsea Cabling	154
3.16 Fisheries	159
3.17 Aquaculture	170
3.18 Tourism and Recreation	175
Chapter 4 Implementation, Monitoring and Review	184
Implementation.....	184
Monitoring and Review.....	185
Glossary	189

Foreword



The seas surrounding the United Kingdom are vitally important to our nation. Our marine economy is currently worth more than £49 billion a year and has the potential to grow significantly. The marine environment is also home to over 8000 species, including some of the world's most important seabird populations, which we must protect for future generations.

Over the years United Kingdom seas have become increasingly busy, with industries such as oil and gas, wind farms, shipping, aggregates and fishing competing for space with each other and with nature, while the coast is a popular destination for leisure and tourism. In response the [Marine and Coastal Access Act](#) 2009 introduced marine planning to ensure a sustainable future for our seas.

The first step was the adoption of the United Kingdom-wide [Marine Policy Statement](#), which provides the framework for United Kingdom marine plans and for decisions likely to affect the marine area. Marine plans will inform and guide decisions by regulators managing the development of industry in marine and coastal areas, while conserving and enhancing the environment. Alongside the work in England, plans are also being developed in Northern Ireland, Scotland and Wales.

Marine plans will provide certainty and clarity for developers by indicating areas to consider or avoid – saving time and money. Developers will also be able to use the plans to guide their applications, which will help investments become operational more quickly, so that they contribute to the economy earlier. The boundary between land and sea is the focus of many activities and marine planning will help facilitate an integrated and holistic approach to the planning and management of coastal areas; contributing to the economic regeneration and development of local communities.

The adoption of England's first two marine plans, for the East Inshore and East Offshore marine areas, is a significant milestone and the culmination of years of work by Government, industry, voluntary organisations and individuals. These plans, however, are only the beginning. The Government is committed to developing eleven marine plans, covering all of England's seas by 2021.

We have learned many lessons from preparing these first plans and will learn more as we implement them. They will guide the preparation of future plans, which we expect will provide more locally specific and detailed guidance than has been possible to date.

With the publication of the East Inshore and Offshore Marine Plans, England is one of the first countries in the world to introduce such a comprehensive and integrated approach to the management of its marine area, and it is a credit to all involved that we are leading the way in this field.



George Eustice MP
Parliamentary under Secretary of State for Farming, Food and Marine Environment

Chapter 1

Background and Overview

Introduction

1. Through the [Marine and Coastal Access Act](#) 2009,¹ the United Kingdom Government introduced a number of measures to deliver its vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. These measures included providing for the introduction of a marine planning system, establishing the Secretary of State as the marine planning authority for the English Inshore and English Offshore marine planning regions with the power to delegate certain marine planning functions. The Secretary of State delegated these functions to the Marine Management Organisation in April 2010.
2. Marine plans, together with the [Marine Policy Statement](#), underpin this new planning system for England's seas. In 2011 the Department for Environment, Food and Rural Affairs recommended a series of marine plan areas for the English Inshore and Offshore marine regions to the Marine Management Organisation. The boundaries for these areas were identified following stakeholder and other expert input throughout the progress of the Marine Bill, (now the [Marine and Coastal Access Act](#)) and were also subject to a specific consultation in 2010.²
3. These first two marine plans, of a proposed eleven, provide a clear approach to managing the East Inshore and East Offshore areas, their resources, and the activities and interactions that take place within them. They will help ensure the sustainable development of the marine area.³ Sustainable development for marine planning is defined using the [United Kingdom](#)

¹ Marine and Coastal Access Act 2009 (Marine and Coastal Access Act)
http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf

² Department for Environment, Food and Rural Affairs (2010) Consultation on marine plan areas within the English Inshore and English Offshore Marine Regions
<http://webarchive.nationalarchives.gov.uk/20101109165532/http://www.Defra.gov.uk/corporate/consult/marine-plan/index.htm>

³ Marine Policy Statement (2011), 1.1.and 2.1.1 www.gov.uk/government/publications/uk-marine-policy-statement

[Sustainable Development Strategy](#) which sets out five 'guiding principles' of sustainable development.

4. A total of 11 plans will cover the seas around England, giving an area specific expression within the framework of the [Marine Policy Statement](#) (and other national policy). The marine plans do not establish new requirements, but apply or clarify the intent of national policy in the East Inshore and Offshore areas, taking into account the specific characteristics of the plan areas. They will help to reduce the overall regulatory burden on applicants and users, by acting as an enabling mechanism for those seeking to undertake activities or development in the future, and providing more certainty about where activities could best take place. The East Inshore and Offshore Marine Plans should provide developers with greater certainty on where to invest their capital, ensuring that marine projects benefit from the right information at the right time, so they can move as quickly as possible from 'concept to consent'.
5. The [Marine Policy Statement](#) (1.3.5), marine plans and the planning process will contribute to an integrated and holistic approach to the management of marine and coastal areas in line with the principles of Integrated Coastal Zone Management. The Marine Management Organisation has taken all reasonable steps, as required by the [Marine and Coastal Access Act](#), to ensure that the East Inshore Marine Plan is compatible with any related relevant development plans⁴ (or their equivalent). The Marine Management Organisation is also working with public and local authorities responsible for other plans affecting the East Inshore Marine Plan Area⁵. The [Coastal Concordat](#)⁶, an agreement between the Department for Environment, Food and Rural Affairs, the Department for Communities and Local Government, the Department for Transport, the Marine Management Organisation, the Environment Agency, Natural England and the Local Government Association's Coastal Special Interest Group, sets out how regulatory and advisory bodies propose to work with local planning authorities to enable sustainable growth in the coastal zone in support of streamlined consenting and decision-making.

The effect of the East Inshore and Offshore Marine Plans

6. As described above, these marine plans will inform and guide regulation, management, use and protection of the marine plan areas.⁷ The principal means by which the marine plans are applied will be through the decisions made by public authorities.⁸ The [Marine and Coastal Access Act](#) (S58 (1)) requires that all public authorities taking authorisation or enforcement decisions⁹ must do so in accordance with the appropriate marine policy documents (marine plans and the [Marine Policy Statement](#)) unless relevant

⁴ [Marine and Coastal Access Act](#) Sc 6 3(2)

⁵ [Marine and Coastal Access Act](#) Sc 6 9(2)(h)

⁶ A Coastal Concordat for England (2013) <https://www.gov.uk/government/publications/a-coastal-concordat-for-england>

⁷ [Marine and Coastal Access Act](#) S 58(1)

⁸ 'Public Authority' and related terms are defined in section 322(1) of the [Marine and Coastal Access Act](#).

⁹ [Marine and Coastal Access Act](#) S 58(4)(a)

considerations indicate otherwise. Where an authorisation or enforcement decision is not taken in accordance with the appropriate marine policy documents, the public authority must state its reasons.¹⁰

7. Applications for development consent for nationally significant infrastructure projects, including offshore renewable energy installations over 100 Megawatts and larger port developments, must be determined in accordance with the [Planning Act 2008](#). Where a relevant [National Policy Statement](#) has been designated, nationally significant infrastructure project applications must be determined in accordance with the [National Policy Statement](#), subject to certain exceptions, and have regard to the Marine Policy Statement and relevant marine plans.¹¹
8. Public authorities taking decisions other than on authorisation or enforcement matters but which relate to any function capable of affecting the whole or any part of the marine area, (for example representations made as a consultee or in the preparation of terrestrial plans), must have regard to the [Marine Policy Statement](#) and marine plans.¹²
9. The marine plan policies will be implemented by public authorities through existing regulatory and decision-making mechanisms; there are no new burdens in the form of additional mechanisms. The plan-led decision-making framework encourages early dialogue between the authorities and potential applicants, to help remove uncertainty and reduce the resources required. The plan policies should not be read in isolation as more than one policy could apply to any proposal (see paragraph 88).
10. These marine plans came into effect when they were adopted by the Secretary of State and subsequently published. In marine plan areas which do not have adopted marine plans in place, the appropriate marine policy document is the [Marine Policy Statement](#).

National policy context

11. The [Marine Policy Statement](#) was adopted by all United Kingdom Administrations and published in March 2011. It built upon the shared United Kingdom-wide [High Level Marine Objectives](#) published in 2009,¹³ and provides the policy framework for the preparation of marine plans, establishing how decisions affecting the marine area should be made in order to enable sustainable development (see Box 1). The [Marine Policy Statement](#) sets out a high level approach to developing marine plans. The process should be participative, based on an ecosystem approach, and apply precaution within an overall risk based-approach. The [Marine Policy Statement](#) also lists high level principles for decision-making, including that it should be consistent with existing legislation, streamlined where possible, and seek to avoid or mitigate

¹⁰ [Marine and Coastal Access Act](#) S 58(2)

¹¹ [Marine and Coastal Access Act](#) S 58(3) and (4) 'Appropriate marine plan documents' is defined in accordance with [Marine and Coastal Access Act](#) S59

¹² [Marine and Coastal Access Act](#) S 58(3)

¹³ Objectives in Our seas – a shared resource: High Level Marine Objectives <http://archive.defra.gov.uk/environment/marine/documents/ourseas-2009update.pdf>

negative impacts where possible in a proportionate manner and use sound science responsibly.¹⁴

12. All marine plans must conform with the [Marine Policy Statement](#) unless relevant considerations indicate otherwise.¹⁵ The [Marine Policy Statement](#) also provides an overview and summary of national policy relevant to marine planning and decision-making in the marine plan areas, set within the context of European and international policy and commitments. The plans take account of the [Marine Policy Statement](#), and also other United Kingdom national policy including the [Planning Act 2008](#), [National Planning Policy Framework](#),¹⁶ [National Policy Statements](#) such as those for [Ports](#), sources of [energy](#), eg Nuclear Power Generation, and the procedures for nationally significant infrastructure project consents.¹⁷ Relevant provisions in the [National Planning Policy Framework](#) and [National Policy Statement](#) were identified and incorporated into the marine plans as appropriate.

Box 1 Sustainable development and marine planning

The [Marine Policy Statement](#) defines sustainable development in line with the [United Kingdom Sustainable Development Strategy](#) 'Securing the Future' (reiterated in the government's refreshed vision),¹⁸ which sets out five guiding principles of sustainable development:

- Living within the planet's environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly

The [National Planning Policy Framework](#), which has a presumption in favour of sustainable development, reiterates these principles. It also reinforces the government's view of sustainable development and that the planning system in England needs to perform an economic, social and environmental role.¹⁹

13. The [Planning and Compulsory Purchase Act 2004](#) (as amended by the [Localism Act 2011](#)) places a duty to co-operate on the Marine Management Organisation and other public authorities in the preparation of marine plans

¹⁴ Department for Communities and Local Government (2012) [National Planning Policy Framework](#), p.2

¹⁵ [Marine and Coastal Access Act](#) S 51(6)

¹⁶ National Planning Policy Framework <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹⁷ [Planning Act 2008](#), S 14

¹⁸ Refreshed vision from coalition government: <https://www.gov.uk/government/publications/securing-the-future-delivering-uk-sustainable-development-strategy>

¹⁹ [National Planning Policy Framework \(2012\), p2 \(7\)](#)

and local development plans.²⁰ It requires local authorities and other public bodies²¹ to engage constructively, actively and on an ongoing basis.²² That duty applies to the marine plans, to their implementation and any subsequent revisions.

14. These requirements, together with the options for communities to formulate their own Neighbourhood Plans, bring new opportunities for an integrated planning system for land and sea.

Scope of the East Inshore and East Offshore Marine Plans

15. Proposals for development or activities are currently considered on an individual basis by the Marine Management Organisation or other public authority, taking into account views that are raised as part of the consultation process and in accordance with the [Marine Policy Statement](#). Marine planning provides a forward-looking holistic approach to the management of human activities and the use of marine resources, enabling the Marine Management Organisation and others to move away from case-by-case decision-making. Marine plans can also add valuable context when 'imperative reasons of overriding public interest' are being considered for specific projects,²³ such as the need for nationally significant infrastructure.
16. The East Inshore and East Offshore Marine Plans seek to support and complement existing plans wherever appropriate. Signposting is used in these marine plans to point towards relevant information and policies held in other existing plans. This avoids replication of policies and ensures new plan policies and supporting information focus on issues where they can add value. Examples of other plans of relevance include Local Plans and their equivalents such as Local Development Frameworks/Core Strategies, River Basin Management Plans, Shoreline Management Plans, Estuary Management Plans, European Marine Site management schemes, Area of Outstanding Natural Beauty management plans, and the Broads Authority plan. To enable integrated coastal planning, specific attention has been given to assessing the policies in local development frameworks and other plans thereby informing the production of these marine plans.²⁴
17. Gaps in the evidence base (see Objective 11 and paragraph 38 onwards on use of evidence in the marine plans)²⁵ mean that these first marine plans do not include specific spatial or resource allocations for some policies. Instead of

²⁰ Planning and Compulsory Purchase Act 2004, S 33A

²¹ ie a body or person prescribed under S 33A(1)(c) Planning and Compulsory Purchase Act 2004. Prescribed [bodies are currently set out in Regulation 4 of the Town & Country Planning \(Local Planning\) \(England\) Regulations 2012 \(SI 2012/767\)](#).

²² [A Plain English Guide to the Localism Act](#)

²³ Further information on imperative reasons of overriding public interest can be found at <http://www.defra.gov.uk/consult/2012/08/07/habitats-directive-iropi/>

²⁴ Annex 6 of the Evidence and Issues report for the East Marine Plan areas explains how local plans and policies were used to inform the significant issues. A summary of this work is included in the Plan Annex. http://www.marinemangement.org.uk/marineplanning/areas/east_issues.htm

²⁵ Changes resulting from abolition of the mineral policy statement and the introduction of the [National Planning Policy Framework](#)

being prescriptive, such plan policies act as a guide for public authorities to ensure that all relevant considerations are taken into account, no matter what space they occupy.

The East Inshore and East Offshore Marine Plan Areas

18. The East Inshore and East Offshore Marine Plan Areas were announced as the first areas for the preparation of marine plans, with the process commencing in April 2011.
19. The East Inshore Marine Plan Area includes the area of sea stretching from Flamborough Head to Felixstowe, and extends out to the seaward limit of the territorial sea (approximately 12 nautical miles). It also includes
 - any area submerged at mean high water spring tide
 - the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide and
 - waters in any area which is closed (permanently or intermittently) by a lock or other artificial means against the regular action of the tide, but into and from which seawater is caused or permitted to flow (continuously or from time to time)

In some areas there are existing plans or measures already in place that marine planning may complement or support. In practice for some areas, eg in inland tidal waterways, existing plans and measures will be such that marine planning will have little or nothing to add to that established by other existing plans.
20. The East Offshore Marine Plan Area extends from the seaward limit of the territorial sea out to the boundary of the Exclusive Economic Zone.²⁶ This includes maritime borders with the Netherlands, Belgium and France.
21. It should be noted that particular attention was also paid to the plan areas adjacent to the East, the North East and South East marine plan areas, referred to as reporting areas. The reporting areas consist of the wider areas of analysis required for the plan, which includes the broader area outside of the plan area boundaries. A reporting area does not have a defined geographical boundary; rather the area differs depending on the issues being considered.
22. The two East marine plan areas (figure 1) have many features and activities in common. For example, some habitats occur in both areas, certain species use or occur in both the inshore and offshore areas or are dependent on both, (eg seabirds that reside on the coast but forage in offshore areas), and some Marine Protected Areas straddle the boundary between the inshore and offshore. Many activities rely on or take place in both areas, eg the movement of shipping through the offshore area to reach ports along the East coast. Both areas are very busy and contain the majority of planned new activity in the

²⁶ The Exclusive Economic Zone is expected to be declared by the United Nations Convention on the Law of the Sea in spring 2014.

English marine area as a whole. Most of these activities, including offshore wind farms, fishing, carbon capture and storage, cabling and others, require a coordinated approach between the East Inshore and Offshore Marine Plan Areas.

The East Inshore Marine Plan Area

23. The inshore marine plan area²⁷ covers an area of 6,000 square kilometres and its coastline includes exposed sandy beaches, soft glacial till cliffs and seafront towns; such as Bridlington, Great Yarmouth, Hunstanton, Cleethorpes and Skegness, busy with tourism, recreational activities and fisheries. Shallow waters and sandbanks provide important wildlife habitats and spawning grounds for many species and the area is rich in wildlife with many internationally designated sites.
24. The Humber estuary, located in the north of the East Inshore Marine Plan area, hosts the United Kingdom's busiest port cluster, (in 2011²⁸), Grimsby and Immingham, handling 12% of the United Kingdom's traffic, with up to 40,000 ship movements per year. There is a complex mix of industrial, commercial, agricultural and residential uses. The Humber receives large inputs of suspended sediment from the North Sea, the Holderness Coast and from the rivers flowing into the estuary. This material is critical to many of the designated habitats within the estuary such as mudflats and saltmarsh.
25. The port of Felixstowe in Suffolk adjacent to the marine plan areas' southern boundary is the largest container port in the United Kingdom handling through traffic of 1.98 million containers per year.²⁹ The Suffolk Coast is also host to the Sizewell nuclear power plant where a third facility has been proposed for development adjacent to the existing site, aiming to supply low carbon energy for up to 5 million homes,³⁰ with potential to bring social and economic benefits to the area. Development considerations will be taken in line with the [National Policy Statement](#) for Nuclear Power Generation (EN-6).
26. The Wash is England's largest tidal embayment fed by multiple tidal rivers. The landscape is extremely low lying, containing areas of intertidal sand bank, mudflat and saltmarsh which are internationally important for wildlife habitats, migrating waterfowl and shellfish breeding grounds.
27. There are also extensive areas of undeveloped coastline along the East which add to the character of the area such as saltmarsh and lowland heath. A

²⁷ This section describes some characteristics of the plan areas, from the Seascape character assessment see: Natural England (2011) Seascape Characterisation around the English Coast (Marine Plan Areas 3 and 4 and Part of Area 6 Pilot Study) see <http://publications.naturalengland.org.uk/publication/2736726?category=10006>

²⁸ Department for Transport Port Freight Statistics: Provisional Annual 2011 <http://webarchive.nationalarchives.gov.uk/20120926002851/http://www.dft.gov.uk/statistics/releases/port-freight-statistics-2011-annual-provisional/>

²⁹ Department for Transport (2012) Port Freight Annual Statistics 2011

³⁰ EDF Energy - <http://www.edfenergy.com/media-centre/press-news/Sizewell-C-Public-Consultation-Launch.shtml>



Figure 1: East Inshore and Offshore Marine Plan areas and bordering nations

February 2014



- 1 - North East Inshore
- 2 - North East Offshore
- 3 - East Inshore
- 4 - East Offshore
- 5 - South East
- 6 - South Inshore
- 7 - South Offshore

Map produced in ETRS89. Not for navigation. Contains Ordnance Survey and UK Hydrographic Office data © Crown copyright and database right 2013. Marine Management Organisation. All rights reserved. Ordnance Survey Licence number 100049981. VLIZ (2013). Maritime Boundaries Geodatabase, version 7. Available online at <http://www.vliz.be/vmdcdata/marbound>.

wealth of historic landscapes also add to the character of the area. These include listed structures, scheduled monuments and registered historic parks.

28. All of these characteristics and features contribute to the quality of life, culture and economy of communities along the coast and estuaries.
29. In summary the East Inshore Marine Plan Area:³¹
- has 22% of ports (by number) in England, including the Humber's busiest port complex of Grimsby and Immingham, and the large port of Felixstowe, adjacent to the plan area
 - accounts for 40% of the area licensed for aggregate extraction in English waters
 - includes 11% by area of England's Special Areas of Conservation, and 29% of Special Protection Areas
 - has 10% of its area designated as Sites of Special Scientific Interest
 - has important Ramsar sites in the Humber estuary and The Wash
 - includes shell-fishing activity targeting primarily crabs and lobster, occurring all along the coastline, with specialist inshore fisheries for cockles and other molluscs occurring in the Wash
 - Bridlington has the largest shellfish landings of any port in England
 - is the most productive area for aquaculture in England
 - includes leisure boating which is the most popular sector of the marine water sports industry, with many marinas and Royal Yachting Association training and racing areas. These areas are clustered around the Broads in Norfolk and Suffolk coastlines and estuaries and to a lesser extent the estuaries in the Wash and Humber. The inshore area is also used for other recreational activities, such as sea angling
 - has 16 beaches with blue flag status, which can be attributed to high water quality and good management
 - includes a range of communities, both urban and rural, which vary in wealth and opportunities for employment including tourism opportunities in resorts such as Cleethorpes and Great Yarmouth
 - includes some declining traditional industries such as ship building, but also new emerging industries, such as offshore wind energy, offering job opportunities for new and existing businesses that are in a position to diversify
 - has many onshore locations at risk of coastal erosion and flood risk particularly because of the prevailing low lying topography^{32 33}

³¹ Further information on the above can be found in the Evidence and Issues Report http://www.marinemanagement.org.uk/marineplanning/areas/east_issues.htm figures correct as of 2011/12

- has three onshore gas terminals at Easington, Theddlethorpe and Bacton, carrying approximately 48% of gas flowing into the United Kingdom from the United Kingdom Continental shelf
- hosts existing nuclear generating plant near Sizewell, with proposals for a new facility, Sizewell C
- Sizewell C aims to offer 900 jobs linked directly to the completed site, whilst a significant number of other jobs will be generated as a result of companies in the area supporting the development,³⁴ during and post construction
- Has coastal natural protected landscapes onshore, such as the Norfolk Coast Area of Outstanding Natural Beauty, Norfolk and Suffolk Broads and Suffolk Coast and Heaths Areas of Outstanding Natural Beauty

The East Offshore Marine Plan Area

30. The East Offshore Marine Plan Area³⁵ encompasses the marine area from 12 nautical miles out to the Exclusive Economic Zone (the maritime borders with the Netherlands, Belgium and France); a total of approximately 49,000 square kilometres of sea.
31. The area is predominantly open, expansive, shallow water supporting oil and gas platforms and commercial activities such as shipping, aggregate extraction and fishing. Designated shipping routes, cables infrastructure and oil and gas pipelines cross the offshore area linking the United Kingdom mainland with Europe.
32. The area also contains a wealth of archaeological sites and heritage assets. In locations such as the Dogger Bank, the potential exists to discover evidence of prehistoric activity in areas that were once on land. In other locations across the offshore area discoveries of early human remains have been prevalent.
33. The East Offshore Marine Plan Area:³⁶

³² Environment Agency Mapping, Risk of Flooding from Rivers and Sea (<http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=531500.0&y=181500.0&topic=floodmap&ep=map&scale=3&location=London,%20City%20of%20London&lang=en&layerGroups=default&textonly=off>)

³³ Environment Agency Mapping, Risk of Flooding from Rivers and Sea (<http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=531500.0&y=181500.0&topic=floodmap&ep=map&scale=3&location=London,%20City%20of%20London&lang=en&layerGroups=default&textonly=off>)

³⁴ EDF Energy - <http://sizewell.edfenergyconsultation.info/proposal/>

³⁵ This section describes some characteristics of the plan areas, from the Seascape character assessment see: Natural England (2011) Seascape Characterisation around the English Coast (Marine Plan Areas 3 and 4 and Part of Area 6 Pilot Study) see <http://publications.naturalengland.org.uk/publication/2736726?category=10006> footnote 19

³⁶ Further information on the bullets can be found in the Evidence and Issues Report http://www.marinemangement.org.uk/marineplanning/areas/east_key.htm and the Strategic Scoping Report: <http://www.marinemangement.org.uk/marineplanning/key/ssr.htm> figures correct as of 2011/12

- contains 39% of the oil and gas license blocks in England, which are anticipated to continue into the foreseeable future, together with exploration for new oil and gas reserves
- contains 37% or 1.7 Gigawatts of offshore wind energy capacity currently operational or under construction in English waters
- accounts for 27% of the area licensed for aggregate extraction in English waters
- contains 35% of the marine plan area designated as Special Areas of Conservation, including a large Site of Community Importance on the Dogger Bank. One per cent of the marine plan area is designated as Special Protection Area
- includes 56% of the marine plan area defined as a high intensity spawning area for plaice with over 33% high intensity spawning areas for sandeels and whiting, and over 11% high intensity nursery ground for cod (mainly offshore but with some high intensity cod, sole and plaice spawning grounds continuing inshore).³⁷ It is therefore an important area to support fish stocks and sustainable commercial fisheries
- represents the greatest opportunity for Carbon Capture and Storage development across England. This is as a result of the concentration of the majority of the Bunter Sandstone formation aquifers and the existing oil and gas infrastructure, also opportunities for storage in the East Offshore Marine Plan Area (with some in the inshore area)
- has almost 20% of the submarine cables in English waters (second only to the South West areas in volume) with a high traffic value and anticipated further growth
- has some nomadic fishing activity, targeting shellfish within the East Inshore area, the plan area used by local, national and international fishers
- has high levels of shipping traffic passing through the offshore area but also coming into busy ports on the Humber, Felixstowe and other smaller ports

Two marine plans, one plan document

34. The [Marine and Coastal Access Act](#) (S 51(1)) sets out the requirement to produce a marine plan for each marine plan area. To provide a consistent and simple approach to the East Inshore and Offshore Marine Plans, a single document has been produced with distinctions made as to which policies are relevant to the inshore and/or offshore areas.

Developing the marine plans

35. There have been a number of stages in the preparation of these marine plans which have been supported by workshops, meetings and public drop-in sessions. This section summarises our approach and the steps taken to develop the marine plans.

³⁷ http://www.marinemanagement.org.uk/marineplanning/areas/east_issues.htm

36. These stages include:³⁸
- development of a stakeholder participation strategy – Statement of Public Participation
 - evidence collation and analysis (data, information, national and sub-national policies)
 - identification of significant issues
 - development of a draft 20-year vision for the marine plan areas
 - development of draft plan objectives
 - generation of plan options and options analysis
 - production of plan policies and the draft plan document
 - Sustainability Appraisal
 - Habitats Regulation Assessment
 - Analysis of the marine plans
37. Running alongside the plan making process are the Sustainability Appraisal, and the Habitats Regulations Assessment. The Habitats Regulations Assessment ensures the requirements of the [Habitats Directive](#) and the [Birds Directive](#) are not impeded. The Sustainability Appraisal delivers the requirements of the [Strategic Environmental Assessment Directive](#). The Sustainability Appraisal appraises the social, economic and environmental impacts of the marine plans to ensure that sustainable development is at the heart of the plan-making process.

Use of evidence in the marine plans

38. The Marine Management Organisation has been working closely with many partners and stakeholders since the start of the planning process to better understand the activities, resources and ecosystem in the East marine plan areas. The evidence was summarised in the [Evidence and Issues Report](#), which sets out the range of evidence used for marine plan preparation including spatial data, national/sub-national policy, third party research reports/guidance documents, together with specifically commissioned research supporting marine planning.
39. All evidence used in marine plan decision-making has been subject to internal quality assurance processes³⁹ to assess validity, accuracy, timeliness, reliability, relevance and completeness.⁴⁰ Data used for marine planning was also accompanied by Marine Environmental Data and Information Network standard metadata where possible, to ensure its lineage, collection method and limitations were known. By undertaking these processes, the Marine

³⁸ All the relevant documents associated with the stages below can be accessed at: http://www.marinemanagement.org.uk/marineplanning/areas/east_key.htm

³⁹ Where appropriate, ie excluding statutory policy documents and plans

⁴⁰ <http://www.marinemanagement.org.uk/marineplanning/evidence/qa.htm>

Management Organisation can be confident that it is using the best available evidence for marine planning and that any limitations are known and recorded. In order to share the evidence used in developing the East marine plans, the Marine Management Organisation has made available a register of datasets used, and evidence can also be viewed interactively on the [marine planning portal](#).

40. In accordance with [the Marine and Coastal Access Act](#), the draft East marine plans have regard to a wide range of sources of information including existing plans. To contribute to integration between land and sea, there is a duty to ensure all steps have been taken so marine plans are compatible with terrestrial plans developed by local planning authorities. For certain activities such as marine aggregates, this compatibility and influence may extend to terrestrial plans and authorities outside of the marine plan area. By involving planning authorities and other key stakeholders, the Marine Management Organisation has developed a process for assessing sub-national plans, such as Shoreline Management Plans, for any policies with marine relevance that should be considered in the development of the East marine plans. Table 2 below (in section 3.6) provides a summary of findings.
41. The [Marine Policy Statement](#) (2.3.1.2) states that 'marine plans will be based on a sound evidence base, as far as possible' with the [Marine and Coastal Access Act](#) (S 6 (2)) directing specific attention to land based plans. A wide range of plans, including local plans and shoreline management plans were assessed for their relevance to marine planning, local planning authorities and other relevant stakeholders then helped develop a priority list for further consideration. A number of plans and designations however were not considered in detail as part of this process, including those that:
- are better addressed via the [marine planning portal](#), such as sites of Special Scientific Interest or National Nature Reserves (NNRs)
 - were accounted for via other designations and/or would be examined via the sustainability appraisal, such as Ramsar sites within Special Areas of Conservation and Special Protection Areas
 - are national or supranational in coverage and which were examined in the relevant sector policy analysis
 - were not at that point in time part of the planning regime, such as Water Protection Zones
 - were not considered relevant to the marine area, such as historic gardens
 - are outside the plan area, such as burial at sea sites
42. Chapter 2 of the Marine Management's Organisation [Evidence and Issues Report](#) describes what analysis was carried out and how policies in other plans were addressed. These additional plans included Local Transport Plans, Area Action Plans, River Basin Management Plans, Shoreline Management Plans, and Estuary Management Plans. Chapter 2.6 describes in detail the results of River Basin Management Plans and Shoreline Management Plan analysis. Section 2.5 and Annex 6 of the [Evidence and Issues Report](#) provide

further detail on the assessment of sub-national plans and policy. Spatial information related to sub-national plans can also be found on the [marine planning portal](#).

43. The Marine Management Organisation has collated the best available evidence base to support the development of marine plans, and the process has also highlighted some clear gaps in knowledge, such as the identification of opportunities for co-location of structures and activities. Significant evidence gaps are being addressed through the identification of eight priority research areas in the [Strategic Evidence Plan](#) and these can be viewed on the Marine Management's Organisation website as reports are published.⁴¹ The inclusion of Plan Objective 11 'to continue to develop the marine evidence base to support development, monitoring and review of marine planning in the East marine plan areas', highlights that this process will continue throughout the life of the marine plans. As additional evidence evolves it will be incorporated into the implementation, monitoring and review of the East marine plans and the development of future marine plans.
44. The Marine Management Organisation has used best available evidence in the development of marine plans. Where quality assurance processes have highlighted weaknesses in evidence quality, the Marine Management Organisation, informed by stakeholder views, has steered away from prescriptive plan policies. Where evidence is insufficient, inconclusive or uncertain, public authorities will need to apply precaution within an overall risk-based approach,⁴² in accordance with the sustainable development policies of the United Kingdom Administration.⁴³ This will apply equally to the protection of the natural marine environment, impacts on society and on economic prosperity. Decisions made should accord with the better regulation principles⁴⁴ and lead to action that is proportionate, consistent and targeted, delivered through a transparent and accountable process.⁴⁵ A proportionate level of strategic and detailed assessment should be considered in decision-making determined by the complexity, scale and sensitivity of the project or activity.

Overview of structure and supporting documents for the marine plans

45. This document is the main marine plan document also known as the strategy document. It is supported by a number of statutory and non-statutory documents, including:

⁴¹ <http://www.marinemangement.org.uk/evidence/index.htm>

⁴² This means that if the risks from an activity are uncertain preventative measures may be required if there is concern that human activities may harm human health, living resources and marine ecosystems or interfere with other legitimate uses of the sea or have other social and economic impacts. This would need to be considered based on risk.

⁴³ [Marine Policy Statement](#) 2.3.1.2

⁴⁴ HM Treasury (2005) Reducing Administrative Burdens: Effective Inspection and Enforcement. Hampton, P.

⁴⁵ For further information please refer to Chapter 4.

Statutory	Non-statutory
The East Inshore and East Offshore Marine Plans	Analysis of the East marine plans
Statement of Public Participation	Implementation and Monitoring Plan
Sustainability Appraisal and Habitats Regulation Assessment	

Table 1: Statutory and non-statutory documents in support of the marine plans

46. The delivery of the plans is supported by the implementation and monitoring plan. The implementation and monitoring plan sets out how the marine plan policies should be implemented, who contributes to the implementation, what measures or indicators should be used to measure the effectiveness of the policies, and when monitoring will take place.

Using the plans

47. This section provides some suggestions that should help users understand and apply the plans and navigate through the policies, although ultimately it is the responsibility of the user to determine whether and to what extent any particular marine plan policy is relevant to any particular proposal and how accordingly they take account of the marine plans in relation to that proposal. Figure 2 sets out the framework that the marine plans will create. This consists of four parts:
- the vision and objectives of the marine plans
 - the general decision-making framework that the marine plans set out for public authorities – consisting of policies that apply across all sectors and proposals, encouraging public authorities to consider the marine plan policies in their decision-making
 - the spatially defined policies that the marine plans set out – these are the policies that are specific to the marine plan areas and provide sector related direction on considerations for public authorities
 - the requirements set out by the marine plans on how certain activities should be carried out, and in what way, regardless of where they are taking place
48. It is important to note that figure 2 is not a comprehensive guide to all decision-making processes, as such detail is provided independently by the relevant public authority. It aims to aid the reader by quickly signposting those parts of the marine plans that may be directly relevant to their interest.
49. The plan should be read as a whole together with the plan policies rather than each in isolation. It is unlikely that a particular decision will involve a single policy or all policies. Instead it is likely that several plan policies will be pertinent to a decision. It will be for public authorities, working with proponents and others as necessary, to determine which plan policies (and associated maps) apply to a particular decision.

Chapter 2

Vision and Objectives

50. As stated in the [Marine Policy Statement](#), the United Kingdom Government's vision for the marine area is for 'clean, healthy, safe, productive and biologically diverse oceans and seas'. The East Inshore and Offshore Marine Plan Areas will play their part in delivering this high level United Kingdom vision, but marine planning is not the only mechanism for doing so. The vision for the plan areas, covers many of the significant issues while taking into account their distinctive characteristics.

The vision for the East marine plan areas in 2034

By 2034, sustainable, effective and efficient use of the East Inshore and East Offshore Marine Plan Areas has been achieved, leading to economic development while protecting and enhancing the marine and coastal environment, offering local communities new jobs, improved health and well-being. As a result of an integrated approach that respects other sectors and interests, the East marine plan areas are providing a significant contribution, particularly through offshore wind energy projects, to the energy generated in the United Kingdom and to targets on climate change.

How will this look in 2034 if the vision is achieved?

51. By 2034, new infrastructure developments and the improved coordination of existing activities in the East plan areas are providing increased economic and social benefits, to both local communities along the East coast and those in adjacent areas. The approach enables sustainable commercial fishing, shipping, aquaculture, aggregate extraction and other activities to continue or grow, while allowing the development of new business opportunities, ensuring safety at sea and protecting the environment. Essential infrastructure for the onward transportation of goods or energy is in place in along the coast.

64. The [Strategic Evidence Plan](#) sets out our key evidence priorities and is reviewed on a regular basis, taking account of any newly identified evidence gaps. [Strategic Evidence Plan](#) allows for flexibility as specific gaps or issues are identified, with many of the evidence gaps revealed in the East to date also of relevance to other plan areas. This allows for new evidence to be prioritised and commissioned based on necessity and alignment to any key issues as they arise.

Objective 1

To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas.

65. This objective relates to the need to sustainably grow local and national economies through marine activities that lead to the production of goods and services that add value, (ie those that make a significant impact on Gross Value Added locally, nationally and internationally). To reflect the full range of activities already underway and planned in the East marine plan areas, reference is made to the spatial requirements of other sectors. Objective 1 is about both planning and its spatial implications and sustainable development.

Objective 2

To support activities that create employment at all skill levels, taking account of the spatial and other requirements of activities in the East marine plan areas.

66. This objective relates to the need to ensure that local people can access the jobs being created in and adjacent to the East marine plan areas. It is about helping people into work by supporting development and other activities that create jobs at all skills levels, connected to activities in the marine area.

Objective 3

To realise sustainably the potential of renewable energy, particularly offshore wind farms, which is likely to be the most significant transformational economic activity over the next 20 years in the East marine plan areas, helping to achieve the United Kingdom's energy security and carbon reduction objectives.

67. This objective relates to renewable energy, particularly offshore wind energy infrastructure which is predicted to be the fastest-growing marine activity in the East marine plan areas over the next 20 years. It is the activity that has the most potential to offer marine-based economic growth and job creation for people who live along the coast or estuaries of the East of England.
68. The East marine plan areas contain the majority of both Round 2 and Round 3 offshore wind energy sites around English Waters and as such are crucial to delivery of national policy relating to offshore wind. Due to the significant potential for related supply chain activity, offshore wind energy infrastructure

plans should address such issues as set out in the [Marine Policy Statement](#) (2.3.1.5), thereby reducing conflict and maximising compatibility.

Objective 11

To continue to develop the marine evidence base to support implementation, monitoring and review of the East marine plans.

77. This objective aims to ensure a continued drive to develop the evidence base in the East marine plans areas for use in marine plan implementation, monitoring and future marine plan iterations. It is critical that marine plans are based on the best available evidence in accordance with the [Marine Policy Statement](#).
78. The Marine Management Organisation is committed to working with partners to ensure this aim is achieved both through the collation of existing evidence and commissioning of new evidence where necessary. Evidence gathered to support marine planning to date is documented in the East marine plan areas [Evidence and Issues Report](#). As new evidence becomes available, it will be collated by the Marine Management Organisation for use in monitoring and future versions of the East marine plans.
79. Objective 11 highlights the importance of continuing to develop the evidence base beyond the marine plans publication. Objective 11 does not require specific plan policies; rather it is directly supported by the actions below. The actions will be implemented through the delivery of the Marine Management Organisation's [Strategic Evidence Plan](#) as well as through collaboration with other organisations with a duty to, or interest in, developing the marine evidence base as a whole. Their success will be monitored through the Marine Management Organisation's internal management processes, with new evidence incorporated into future marine plans formulation and decision-making as it becomes available.
80. The Marine Management Organisation will:
 - prioritise the commissioning of new evidence to inform marine planning, in line with those areas identified in the [Strategic Evidence Plan](#) and ensure that where possible, all new evidence is made publicly available
 - collaborate with partner organisations to ensure relevant research is utilised to improve our understanding of the activities and resources in the marine plan areas
 - work with partners and stakeholders (both United Kingdom and international) to develop our understanding of how marine activities interact both with one another and the wider marine area
 - support and encourage transparency, openness and removal of barriers to data sharing for all stakeholders generating data in the marine plan areas. Evidence supplied to the Marine Management Organisation to enable regulatory decisions to be taken is currently made available through the Marine Management Organisation's public register, and the Marine

assessment should be considered in decision-making, determined by the complexity, scale and sensitivity of the project or activity. Assessments should consider relevant factors, as determined through consultation with terrestrial planning authorities, and test different options against the objectives of relevant terrestrial and marine plans.

263. Proposals in the marine area that would significantly compromise the delivery of the objectives of terrestrial development plans are unlikely to be approved. Public authorities should also take into account proposals on land that have potential impacts on delivery of marine plan objectives.

Plan policies specific to co-existence

Policy GOV2

Opportunities for co-existence should be maximised wherever possible.

Plan policy applies to both the Inshore and Offshore Marine Plan Areas. In reading this policy, please note the introduction to chapter 3 which explains the scope, application, structure and content of plan policies.

Justification/Explanation

264. A key principle of the [Marine Policy Statement](#) is to promote compatibility and reduce conflict (between activities, and also with the environment) in order to manage the use of space within the marine environment in an efficient and effective manner.¹⁵⁰ It states that 'the marine plan should identify areas of constraint and locations where a range of activities may be accommodated. This will reduce real and potential conflict, maximise compatibility between marine activities and encourage co-existence of multiple users'.¹⁵¹ GOV2 has been developed to clarify the provisions of the [Marine Policy Statement](#) and to provide more detail to ensure co-existence is put into practice.
265. The East Inshore Plan Area and substantial parts of the East Offshore Plan Area are extremely busy and may become more so in the future. For example, the Humber Estuary is designated as a Special Protection Area, a Special Area of Conservation, a Site of Special Scientific Interest and RAMSAR site as well as supporting high density shipping and port activities. Aggregate extraction is concentrated in the East Offshore marine plan area, as well as Round 2 wind farms, fishing activity and oil and gas licence blocks. This is one of the busiest regions within the East marine plan areas. Potential oil and gas production combined with projected wind energy production and aggregate extraction against a backdrop of existing activities makes the Dogger Bank and East Anglian coast areas extremely busy.

¹⁵⁰ [Marine Policy Statement](#) 2.2.1, 2.3.1.5, 3.8.10, 3.9.6, 3.10.5

¹⁵¹ [Marine Policy Statement](#) 2.3.1.5

266. Co-existence (including activities in the same area, but vertically or laterally separated, and co-location in the same space) is particularly pertinent to the busy East marine plan areas. GOV2 will be implemented by the public authorities responsible for authorising development or activities. It is important for all relevant public authorities to ensure that the feasibility of co-existence is taken into account in formulating plans affecting the marine area (including Local Plans, Local Development Frameworks, Shoreline Management Plans and River Basin Management Plans), and when assessing new development and other activities. It is recognised there is a continuing need to better understand the potential social, economic, and environmental effects (positive and negative, direct and indirect, permanent and temporary) and the mechanisms for enabling co-existence to happen (see Objective 11).
267. Co-existence is already considered to some degree for development that would be subject to the requirements of the [Environmental Impact Assessment Directive](#). GOV2 highlights the benefits to proponents, and the environment, of consideration of co-existence by proposals for smaller development (ie that are not subject to [Environmental Impact Assessment Directive](#)), and other decisions (such as on Marine Protected Areas , and Nationally Significant Infrastructure Projects), particularly as the East marine plan areas are so busy with development and other activities. Proposals should demonstrate the extent to which they will co-exist with other existing or authorised (but yet to be implemented) activities and how this will be achieved. A number of users of the marine area have collaborated on good practice guidelines promoting co-existence.¹⁵²
268. In considering the activities of individual sectors, technical feasibility/opportunities and constraints analysis help to identify co-existence opportunities and provide a mechanism to inform decision-making. An example of this co-existence in practice could be the Carbon Capture and Storage sector where cables and pipelines for associated infrastructure could be installed in close proximity, to reduce the impact upon other users of the marine area (see policies CCS1 and CCS2).

¹⁵² For example, Department for Business Enterprise and Regulatory Reform (2014); Fisheries Liaison with Offshore Wind and Wet: Recommendations for Fisheries Liaison, Best Practice Guidance for Offshore Renewables Developers; United Kingdom Cable Protection Committee (now Subsea Cables UK) (2010), Fishing Liaison Guidelines.

Plan policies specific to displacement

Policy GOV3

Proposals should demonstrate in order of preference:

- a) that they will avoid displacement of other existing or authorised (but yet to be implemented) activities¹⁵³
- b) how, if there are adverse impacts resulting in displacement by the proposal, they will minimise them
- c) how, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against or
- d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement

Plan policy applies to both the Inshore and Offshore Marine Plan Areas. In reading this policy, please note the introduction to chapter 3 which explains the scope, application, structure and content of plan policies.

Justification/Explanation

269. Marine planning seeks to manage competing demands, reduce conflict and promote compatibility in the marine area.¹⁵⁴ The converse of co-existence is displacement and the [Marine Policy Statement](#) (3.8.10) has a particular focus on the impacts of displacement of fishing activity and the need to avoid this. Displacement has been highlighted as a significant concern by many users of the East marine plan areas which are already busy (see GOV2) and increasingly so. The need to promote co-existence (GOV2) is essential in minimising or mitigating the negative impacts of displacement.
270. It is recognised there is a continuing need to better understand the potential social, economic, and environmental impacts (positive and negative, direct and indirect, permanent and temporary, as well as cumulative effects) of displacement. The aim is to facilitate decisions and effective management measures that avoid, minimise or mitigate negative impacts. Indirect impacts require consideration in order to minimise any resultant effects on others not directly connected with the proposal that may be put forward. Indirect impacts may include the increased level of competition for marine space from differing fishing fleets seeking to use the same area, with consequential impacts on local ports, tourism, the environment, or recreational users obliged to utilise an area of space that was previously only frequented by shipping. The current focus on cumulative effects is on those affecting the environment. However,

¹⁵³ It may be advisable to consider applications that have been formally submitted to the relevant regulator and are awaiting determination. Such applications would carry less weight than applications that have already been determined and authorised. How much weight is given to any undetermined application will vary on a case-by-case basis

¹⁵⁴ [Marine Policy Statement](#) p4; and Department for the Environment Food and Rural Affairs (2011), A description of the marine planning system for England, paragraph 1.15

achievement of sustainable development will require balanced assessment of environmental, social and economic cumulative effects. The assessment of cumulative effects and mitigation measures must be proportionate and achievable on a practical level.

271. GOV3 has, therefore, been developed to clarify the provisions of the [Marine Policy Statement](#), complement GOV2 and to provide more detail and prescription in regard to displacement. The East marine plans promote consideration of the impacts of displacement not only in plan-making, but also in individual proposals such as Marine Protected Areas. This is to ensure that impacts are minimised, conflicts are reduced and compatibility is maximised. Benefits will be assessed in terms of economic, social and environmental effects. The requirement under d) is to provide information for consideration by the relevant public authorities. It does not indicate that approval of a proposal will follow by default. In determining proposals the public authorities will take account of a range of relevant considerations including compliance with legislation and regulations and [Environmental Impact Assessment](#) where already required.
272. Activities or measures that result in levels of displacement with adverse effects in excess of the benefits gained are unlikely to be supported. A number of other policies require an assessment of the effects of a proposal on certain sectoral activities or identified potential resources (see SOC2, SOC3, AGG3, TIDE1, PS3, CCS1, DD1, FISH1 and 2, AQ1, TR1 and TR2) to be considered as part of the plan-making or decision-making processes.
273. GOV3 will be implemented by the regulatory authorities responsible for authorising developments or activities. Those regulatory authorities will ensure that applicants submit supporting information, proportionate to the development proposed, that would illustrate any potential displacement impacts, (this may include consultation to identify displacement issues at scoping stage which some applicants are currently required to do), and suggested measures to minimise or mitigate them.

3.7 Defence

Context

274. The Ministry of Defence provides military defence and security for the people of the United Kingdom and Overseas Territories.¹⁵⁵ Defence makes a significant socio-economic contribution and, in some coastal locations, the Ministry of Defence is the major employer in the region.¹⁵⁶
275. The [Marine Policy Statement](#) states that 'the construction and operation of offshore marine infrastructure, installations and activities, as well as policies on conservation designations and the health of the wider environment may impact on defence interests in certain areas' and 'Marine activities should not prejudice the interests of defence and national security and the Ministry of

¹⁵⁵ [Marine Policy Statement](#) 3.2.1.

¹⁵⁶ [Marine Policy Statement](#) 3.2.6.

marine plans. This represents a large technical and economic challenge for the industry as a whole. However, the problems are less significant for the gas installations in comparatively shallow waters and the decommissioning of several gas fields in the marine plan areas has already been successfully achieved.¹⁶⁸

288. Around 500 installations in United Kingdom waters are expected to be decommissioned over the next three decades,¹⁶⁹ involving well abandonment and the decommissioning of platforms and subsea infrastructure. It is inevitable that there will be further decommissioning activity in the East marine plan areas over the life of the marine plans, though there may be reuse of some facilities for Carbon Capture and Storage and Gas Storage and Unloading.
289. Offshore oil and gas activity is now well established and subject to strict environmental regulations and considerations. More information can be found under 'existing policies and measures' in the policies relating to Objective 8, and the list of legislation and regulations found on the GOV.UK (Oil and Gas) [webpages](#).

Plan policies

Policy OG1

Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated.

Plan policy applies to both the Inshore and Offshore Marine Plan Areas. In reading this policy, please note the introduction to chapter 3 which explains the scope, application, structure and content of plan policies.

Justification/Explanation

290. Oil and gas production in the East marine plan areas is currently the largest sector in terms of economic output. The spatial footprint of individual developments is relatively small, but there is exclusivity over the area occupied by the infrastructure, including statutory safety zones of 500 metres around platforms and certain subsea infrastructure, (eg subsea manifolds) and consultation requirements for areas up to nine nautical miles¹⁷⁰ around a platform for any activities that may interfere with helicopter approaches (such as wind turbines). The safety zones are in place for the protection of personnel, the infrastructure and other users of the sea. For existing

¹⁶⁸ www.oilandgasuk.co.uk/knowledgecentre/technical_perspective.cfm

¹⁶⁹ [Marine Policy Statement](#) 3.3.10

¹⁷⁰ See Civil Aviation Authority guidance note CAP764 for more details

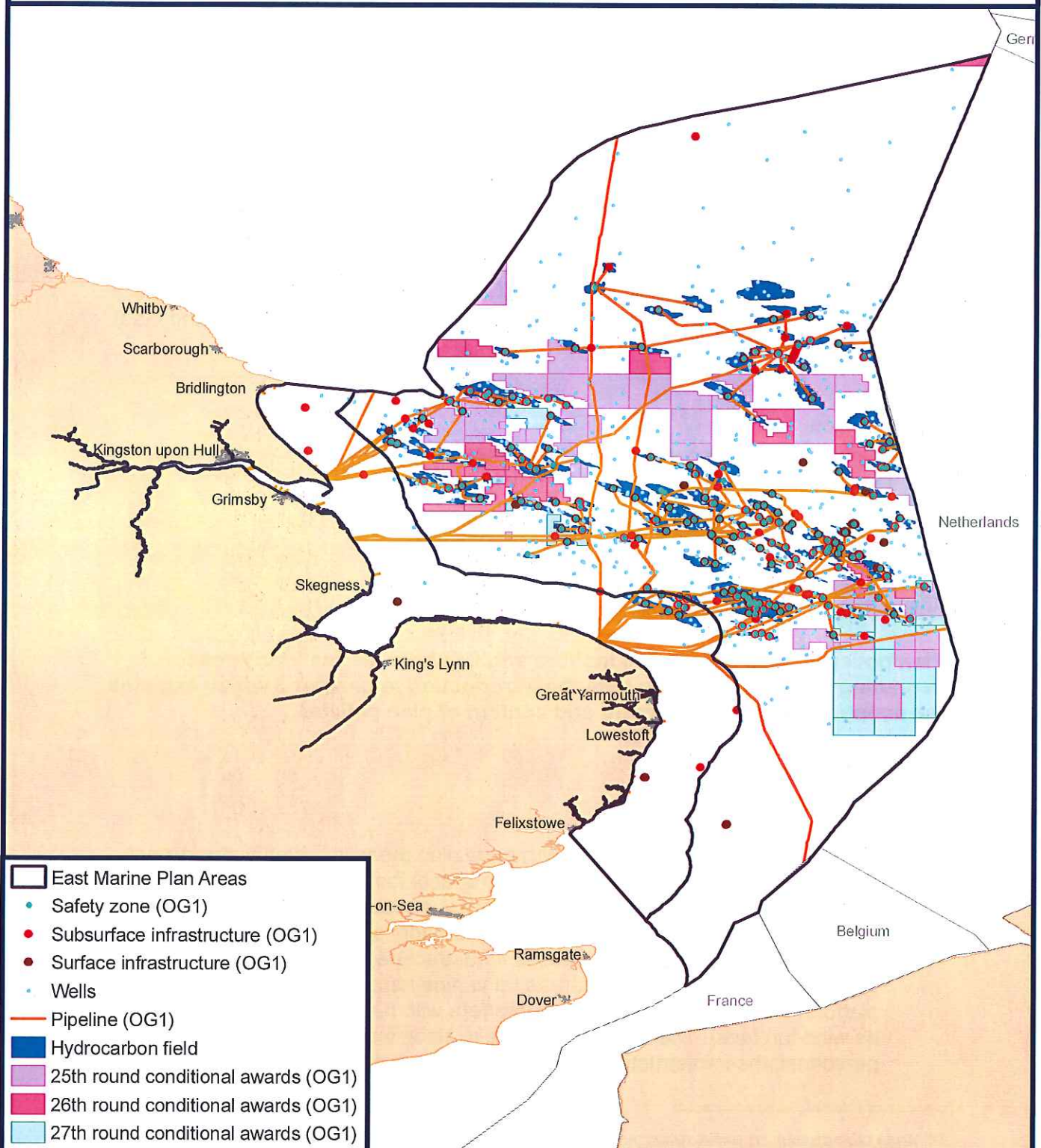


HM Government

Figure 14: Existing oil and gas activity (OG1)

February 2014

POLICY MAP- This map highlights the area where policy OG1 applies. This area may be reviewed as necessary during the life of the Marine Plans. The reader should check for any updates via the link provided in paragraph 102.



Map produced in ETRS89. Not for navigation. Contains Ordnance Survey and UK Hydrographic Office data © Crown copyright and database right 2013. Marine Management Organisation. Ordnance Survey Licence number 100022861. VLIZ (2013). Maritime Boundaries Geodatabase, version 7. Oil and Gas Infrastructure, 3D seismic survey and Hydrocarbon field layers reproduced © UK DEAL. Aquifer structures provided by BGS DEFRA Licence No. 2011/051 British Geological Survey © NERC.

infrastructure the impact of these exclusions is known and accommodated, for example it is factored into windfarm developments through discussion between licence applicants, oil and gas operators and the relevant regulators. For a map of current infrastructure relating to oil and gas, see figure 14. For more information on how maps in the marine plans will be updated and how they should be considered, please see paragraph 102.

291. Plan policy OG1 clarifies that, where existing oil and gas production and infrastructure are in place, the areas should be protected for the activities authorised under the production licence consent until the licence is surrendered, (including completion of any relevant decommissioning activity), or where agreement over co-located use can be negotiated. The policy will be implemented by the public authorities responsible for authorising the oil and gas activities and all other developments, including co-located activities.
292. In some cases, private agreements between oil and gas operators and other users are already in place. These may not be considered determinative in any proposals made in an area of existing oil and gas production activities, though they may be part of the information supporting an application.
293. This policy adds value to existing policy as it gives clarity on how national policy is applied where other activities may want to use the same space. It builds upon national policy, for example, the [Marine Policy Statement](#) (3.3.4): ‘The United Kingdom’s policy objective to maximise economic development of the United Kingdom’s oil and gas resources’ and ‘Maximising the economic recovery of United Kingdom oil and gas resource sustainably is therefore a priority in the United Kingdom’s energy supply and energy security strategies’ (3.3.8). This policy is more specific, as it takes account of the relative importance of gas production in the East marine plan areas to the United Kingdom, reflecting national policy and current practice.
294. The responsibility for implementing policy OG1 will lie with relevant public authorities, including the Marine Management Organisation, working in conjunction with the Department for Energy and Climate Change. Monitoring of the policy effectiveness will be covered by the Department for Energy and Climate Change with assistance from the other public authorities involved.

Policy OG2

Proposals for new oil and gas activity should be supported over proposals for other development.

Plan policy applies to both the Inshore and Offshore Marine Plan Areas. In reading this policy, please note the introduction to chapter 3 which explains the scope, application, structure and content of plan policies.

Justification/Explanation

295. All oil and gas activity is spatially restricted to the areas where the resource is found, or likely to be found. Although some of these are known, the total extent and recoverability of the reserves is not, therefore exploration and appraisal activity is ongoing. This creates uncertainty as to the future location and spatial extent of exploration and potential production activity. Future oil and gas activity has the potential to require access to the same area of seabed as other activities. In most cases, the consequence of this will be insignificant due to the small footprint of oil and gas production infrastructure. In some cases this may not be the case, such as where another user of the sea bed has a lease in place. Where a lease has been agreed for a co-located activity, there may be a requirement for negotiation between parties involved. More detail on how such issues may be resolved between offshore wind and oil and gas can be found elsewhere, for example in the written [ministerial statement](#) made by the Secretary of State for Energy and Climate Change to Parliament on the 12th July 2011.
296. In situations where there is potential conflict between alternative development opportunities, the relevant public authority considering the proposals would be expected to consider any impact on existing proposals or developments in its decision. Public authorities will need to look at the full range of impacts and benefits when making decisions which could affect oil and gas developments, or when considering oil and gas activities that could affect other developments.
297. Oil and gas operators can apply for seaward exploration licences to undertake seismic activity in areas of the United Kingdom Continental Shelf not covered by a seaward production licence and these can be awarded outside of Licensing Rounds. Seaward production licences, to obtain exclusive oil and gas production rights to a defined area of seabed (a block, part-block or combination of blocks) are obtained during regular licensing rounds administered by the Department for Energy and Climate Change. The award of the production licence requires the operator to undertake the work programme specified in the application, which may include drilling a well or wells to determine the hydrocarbon potential. If economic reserves are located, a field development plan must be submitted to the Department for Energy and Climate Change for approval and a Production Consent obtained. The seabed area covered by the production licence will be fairly large, to provide a reasonable chance of locating reserves, but the reserves are likely to be confined to a smaller area and the footprint of the infrastructure needed to produce the resource is small, even including exclusion areas such as safety zones. For a map of current areas offered and licensed for exploration and potential production, please see figure 14. There is a current licensing round underway, Round 28, and the outcome will be added to figure 14 when concluded. For more information on how maps in the marine plans will be updated and how they should be considered, please see paragraph 102.
298. This policy adds value by clarifying the role of public authorities and oil and gas applicants when dealing with potential future conflicts with other users of the marine area. It builds upon national policy, in a manner similar to that for plan policy OG1; see paragraph 293 for more information. This policy is more

specific as it takes account of the relative importance of gas production in the East marine plan areas to the United Kingdom, but it reflects national policy and current practice. It is more specific, because it refers to all developments and also addresses future development in a more explicit way, therefore making national policy clear for public authorities at marine plans level.

299. The responsibility for implementing policy OG1 and OG2 will lie with the Department for Energy and Climate Change working in conjunction with relevant public authorities, including the Marine Management Organisation. Monitoring of the policy effectiveness will be covered by the Department for Energy and Climate Change, as part of their current industry liaison, with assistance from the other public authorities involved.

3.9 Offshore Wind Renewable Energy Infrastructure

Context

300. The United Kingdom is legally committed to delivering 15% of its energy demand from renewable sources by 2020,¹⁷¹ contributing to the government's energy security and decarbonisation objectives, including those required by the [Climate Change Act](#) 2008. The [Electricity Market Reform](#) programme sets out a package which can deliver a range of 8 – 15Gigawatts of offshore wind by 2020, with a clear pathway to around 10Gigawatts with higher levels of deployment possible if costs fall more quickly, providing a significant contribution to the renewable energy target.¹⁷² Strategic issues in relation to the current programme of Offshore Wind Farms are considered by the [Offshore Energy Strategic Environmental Assessment 2](#).
301. The Crown Estate owns almost the entire seabed out to 12 nautical miles,¹⁷³ and has powers to lease areas in the United Kingdom Renewable Energy Zone to generate electricity from wind. It has run a number of offshore wind leasing rounds using its powers under the [Energy Act](#) 2004. Round 1 and 2 were leased in December 2000 and July 2003 respectively with projects situated around the Greater Wash, the Thames Estuary and Liverpool Bay. In 2010 The Crown Estate awarded development rights to four Round 1 and Round 2 sites to extend their geographical areas based on survey data gathered in development of the original project. In total there are some 35 Round 1, Round 2 and extension projects with a total projected installed capacity of just under 10Gigawatts.¹⁷⁴ In 2009 The Crown Estate invited

¹⁷¹ European Union (2009). Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009, The promotion of the use of energy from renewable sources. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0016:0062:EN:PDF>

¹⁷² Department for Energy and Climate Change (2011). Overarching National Policy Statement for Energy EN-1. Available online at: http://webarchive.nationalarchives.gov.uk/+http://www.decc.gov.uk/en/content/cms/meeting_energy/consents_planning/nps_en_infra/nps_en_infra.aspx

¹⁷³ The Crown Estate Act (1961). Available online here: <http://www.legislation.gov.uk/ukpga/Eliz2/9-10/55/contents>

¹⁷⁴ The Crown Estate (periodically updated). Website available here: <http://www.thecrownestate.co.uk/energy/offshore-wind-energy/our-portfolio/>

lease or agreement for lease has been terminated. Examples of where a site may be surrendered back and not re-tendered include the development of oil and gas in part or all of an area covered by this policy (where negotiated in line with policy OG2) whereby some or all of the area may be surrendered.¹⁷⁸ The requirement under d) is to provide information for consideration by the relevant public authority; it does not indicate that approval of the proposal will follow by default. In determining proposals, the public authority will take account of a range of relevant considerations including compliance with legislation and regulations and environmental assessment.

308. The exceptional circumstances include where an Offshore Wind Farm lease holder or agreement for lease holder grants permission for another party to use that area for another (non- Offshore Wind Farm) use.
309. Offshore Wind Farm proposals will still be required to be in compliance with relevant legislation and regulations including habitat regulations assessment, [Environmental Impact Assessment](#) and [National Policy Statements](#). Negotiation with the existing users of the areas covered by WIND1 will remain the responsibility of the lease/agreement for lease holder taking into account GOV2.

Policy WIND2

Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.

This policy applies to both the Inshore and Offshore Marine Plan Areas. In reading this policy, please note the introduction to chapter 3 which explains the scope, application, structure and content of plan policies.

Justification/Explanation

310. As set out above, the [Marine Policy Statement](#) (3.3.19 and relevant policy statements¹⁷⁹) identifies the important contribution to be made by Offshore Wind Farms to energy and carbon reduction objectives. The East marine plan areas are nationally significant in delivering this contribution. The Crown Estate's work to identify the Round 3 zones already takes into account, to some degree, the adverse impacts of Offshore Wind Farm development on the environment and other marine users.¹⁸⁰ Developers are also currently

¹⁷⁸ The Conservation of Habitats and Species Regulations (2010). Available online at: http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi_20100490_en.pdf

¹⁷⁹ Department for Energy and Climate Change (2011). Overarching National Policy Statement for Energy EN-1. Section 3.4.5. Available online at: http://webarchive.nationalarchives.gov.uk/+http://www.decc.gov.uk/en/content/cms/meeting_energy/consents_planning/nps_en_infra/nps_en_infra.aspx

¹⁸⁰ The Crown Estate (2012). Round 3 offshore wind site selection at national and project levels. Available online at: http://www.thecrownestate.co.uk/media/310531/round_3_offshore_wind_site_selection_at_national_and_project_levels.pdf

undertaking a substantial amount of work to fully understand the characteristics of their zones and potential impacts that development may have which will inform Offshore Wind Farm projects being brought forward from Round 3 zones. This policy reflects the work undertaken to date and the significant investment made by all involved parties, including investment by Round 3 developers.

311. This policy will be applied by public authorities to ensure that the large potential for Offshore Wind Farms in the East marine plan areas and the ambitions of government for renewable energy are realised. The condition of this support is reliant on the development of an appropriate [Zone Appraisal Planning](#) process or an equivalent zone level assessment to inform project boundaries brought forward from within the Round 3 zones. Proposals should draw on the findings of these assessments and should demonstrate how other activities and the environment have been taken account of in proposals as well as taking into account GOV2. Offshore Wind Farm proposals will still be required to be in compliance with relevant legislation and regulations including habitat regulations assessment, [Environmental Impact Assessment](#) and [National Policy Statements](#).
312. This policy signals that public authorities will look favourably upon development of Offshore Wind Farms and any supporting projects, including associated infrastructure, inside Round 3 wind farm zones where conditions are met (see figure 15 for locations of the Round 3 wind farm zones).
313. Other policies should be taken into account when applying the support outlined in WIND2. This includes where OG2 is applicable which would take precedence over WIND2. Once an agreement for lease has been granted by The Crown Estate then these areas will be covered by WIND1. This policy enables development of offshore wind in Round 3 wind farm zones in preference to other conflicting activities but does not preclude co-location of Offshore Wind Farms with other activities in accordance with GOV3. The policy will be applied by public authorities determining proposals for non-Offshore Wind Farm developments or activities within Round 3 wind farm zones as well as public authorities that license Offshore Wind Farm and supporting projects brought forward from Round 3 wind farm zones. These authorities should work in conjunction with the offshore wind farm developer, the Department for Energy and Climate Change's Secretary of State (who will determine Offshore Wind Farm proposals over the 100Megawatts threshold)¹⁸¹ and/or the National Infrastructure Directorate.
314. Topics examined under the [Zone Appraisal Planning](#) process should be considered at a zonal level before designating project boundaries or areas for potential development. Any equivalent assessment should consider these factors. The zone level assessment will not negate the need to produce project level assessments.

¹⁸¹ Planning Act 2008 <http://www.legislation.gov.uk/ukpga/2008/29/section/15>

Chapter 4

Implementation, Monitoring and Review

Implementation

491. The marine plans will primarily be applied in practice through public authority decisions. (See chapter 1 'The effect of the East Inshore and Offshore Marine Plans'). Objectives and policies in the marine plans will be delivered through a wide variety of existing regulatory and decision-making mechanisms. Implementation will involve many public authorities, as although the Marine Management Organisation has been delegated the marine planning functions, it is not solely responsible for delivery of the policies in the East marine plans.
492. The plans should be taken as a whole, as it is likely that several plan policies will be pertinent to any decision or situation. It will be for the public authorities, working with the applicants and others, to determine which plans policies are appropriate to a particular decision.
493. Any decisions must be compliant with relevant legislation, regulations and existing policies and measures (see, for example, the [Habitats Directive](#)); the plan policies complement rather than replace such requirements. These relevant considerations may well have a stronger influence on the decision than the marine plan policies (see for example, MPA1).
494. In implementing the plans, the relevant public authorities, including the Marine Management Organisation, will need to apply precaution within an overall risk-based approach,²⁷⁶ in accordance with the sustainable development policies of the United Kingdom Administrations.²⁷⁷ This will apply equally to the

²⁷⁶ This means that if the risks from an activity are uncertain preventative measures may be required if there is concern that human activities may harm human health, living resources and marine ecosystems or interfere with other legitimate uses of the sea or have other social and economic impacts. This would need to be considered based on risk.

²⁷⁷ [Marine Policy Statement](#) 2.3.1.2.

protection of the natural marine environment, impacts on society and impacts on economic prosperity.

495. When decisions are made under the precautionary principle in situations of uncertainty, the uncertainty that is being responded to should be made explicit, as should the precautionary measures that are being taken. This will ensure transparency, and also provide a clear basis for monitoring and feedback to future decision-making and management.
496. The precautionary principle covers those specific circumstances where: scientific evidence is insufficient, inconclusive or uncertain, and there are indications through preliminary objective scientific evaluation that there are reasonable grounds for concern that potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the requirements of protection. Ultimately, the precautionary principle requires a balancing exercise in which the risks of an activity, in the light of imperfect evidence, must be balanced against the need for sustainable development. In having recourse to the precautionary principle, the aim is to identify (and where possible quantify) the plausible risks, reduce uncertainty (to the extent possible) and then employ management measures that are proportionate to the activity in question and the level of plausible risk.
497. Decisions should be made in line with the better regulation principles²⁷⁸ and lead to action that is proportionate, consistent and targeted, delivered through a transparent and accountable process. A proportionate level of strategic and detailed assessment should be considered in decision-making determined by the complexity, scale and sensitivity of the project or activity.
498. To support plan implementation, the Marine Management Organisation has developed an online Marine Information System,²⁷⁹ to display the East Inshore and Offshore marine plan policies and provide some suggestions to help consider the marine plans during application and decision-making processes. The aspiration for the MIS is that once fully functional it will support plan-led management and streamline the consenting process by providing a platform to present marine plans as they are developed, along with links to other relevant plans and existing measures, and information on existing marine developments.

Monitoring and Review

499. The process of monitoring and periodical reporting on the implementation of the marine plans and any need for review is a requirement under the [Marine and Coastal Access Act](#) (S 61). The Marine Management Organisation (under its functions delegated to it by the Secretary of State) has a duty to:
- At intervals not more than three years after each marine plan is adopted, report on the effects of policies, the effectiveness of those policies in securing

²⁷⁸ HM Treasury (2005) Reducing Administrative Burdens: Effective Inspection and Enforcement. Hampton, P.

²⁷⁹ <http://www.marinemanagement.org.uk/MIS>