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MMO Reference: DCO/2019/00004
Planning Inspectorate Reference: EN010109

20 February 2023

Dear Sir/Madam,

Planning Act 2008, Proposed Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP).

Deadline 1 Submission

This document comprises the Marine Management Organisation's (MMO) Deadline 1 response in respect to the above Development Consent Order (DCO) Application. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.

Yours Faithfully


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1 Responses to Relevant Representations

1.1 The MMO has reviewed the Relevant Representation submitted on the 14 November 2022 and has no comments on the representations made at this stage. The MMO will continue to monitor comments and reserves the right to provide comments for future deadlines if appropriate.

1.1.1 Natural England RR-063

The MMO note comments made by Natural England within their Relevant Representation regarding Habitats Regulation Assessment matters. The MMO defer comments to NE, however, the MMO will have regard to any concerns raised regarding impacts to protected sites.

1.1.2 Maritime and Coastguard Agency RR-054

The MMO note the Maritime and Coastguard Agency's comments regarding maritime navigation and safety and agree with their concerns.

2 Responses to the Examining Authority's First Written Questions (WQ1)

2.1 The MMO note that the ExA has directed several of the questions to the MMO either as part of a group or as the sole recipient. The MMO has reviewed these questions and offers the following response:

2.1.1 **Q1.1.1.2** *Marine Plans. Provide a document setting out relevant East Inshore and East Offshore policies and marine plans that apply to the Proposed Development.*

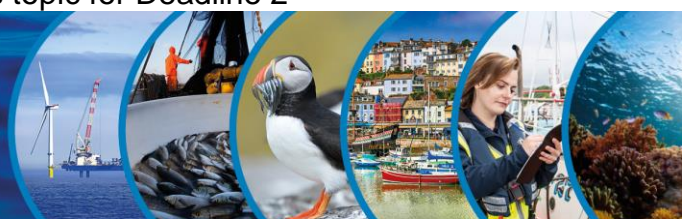
The MMO has attached as an annex to the Deadline 1 response a copy of all relevant policies for the East Inshore and East Offshore marine plans, these plans are all applicable to the proposed development.

2.1.2 **Q1.3.1.1** *Intertidal and Subtidal areas. Are you content with the Applicant's assessment of the adverse effects of the use of long HDD to bring the export cables ashore at landfall [APP-094]? Explain with reasons.*

The MMO have agree on the Applicants assessment, providing there is no access to the intertidal area by machinery and vehicles during the installation works. The MMO agree with the Environment Agency's comments within their Relevant Representation (RR-032) that the employment of Horizontal Directional Drilling will avoid flood risk impacts.

2.1.3 **Q1.3.1.9** *Micro-Siting and Chalk Features. Are both the MMO and NE content that the use of micro-siting can avoid adverse impacts to Annex I / UK BAP priority habitat *S. spinulosa* reefs and the UK BAP priority habitat 'peat and clay exposures with piddocks.'*

The MMO intends to provide comments on this topic for Deadline 2



2.1.4 Q1.3.2.2 Micro-siting and Chalk Features

Are both the MMO and NE content that the use of micro-siting can avoid adverse impacts to chalk features within the MCZ.

The MMO consider the micro-siting of infrastructure to avoid sensitive chalk habitat within the MCZ appropriate, however, defer to Natural England as the Statutory Nature Conservation Body on the potential for adverse impacts.

2.1.5 Q1.3.4.1 Measures of Equivalent Environmental Benefit (MEEB). The Applicant has proposed planting of oyster beds with the Marine Conservation Zone (MCZ) as a MEEB [APP-084]. In this respect:

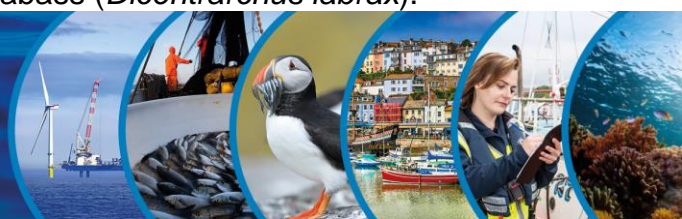
- a) *Of the options set out in Table 7-1 [APP-083], do you agree with the Applicant's assessment of the feasibility of providing other MEEB?*
- b) *If the answer to (a) is no, set out what options are available or preferred instead of oyster bed planting?*
- c) *Would the planting of a 1ha oyster bed in itself have ramifications for the composition and quality of the MCZ or would it be a superficial surface element unlikely to upset the balance of the conservation objectives?*
- d) *Would the oyster bed (not currently within the MCZ) attract different fish, prey and predator species to the area?*
- e) *Would the oyster bed, directly or indirectly, support the food resource for foraging birds?*
- f) *What is the likelihood of success of oyster beds establishing in the locality and what confidence can the ExA place upon this MEEB in recommending to the SoS BEIS about discharging their obligations under the MCA?*

The MMO have reviewed table 7.1 from the Applicants In-Principle Measures of Equivalent Environmental Benefit Plan (APP-083). It is noted that the Applicants preferred measures to carry forward are for the planting of native oyster beds, either within or outside of the designated Cromer Shoal Chalk Bed (CSCB) Marine Conservation Zone (MCZ). Backup options including the removal of anthropogenic features and the designation of features in a different location. The MMO have the following comments in regard to the EXA's questions:

a) The MMO agree with the Applicant preferred option and agree that proposals which involve reducing the impact of fishing by potting on the features of the MCZ should not be carried forward.

With regard to the removal of anthropogenic features that present negative effects to the marine environment, the MMO recommend that if this option is carried forward outside of the CSCB then an assessment would need to be made to evaluate the benefits against the cost of removal. An example of this would be the removal of cables and windfarm infrastructure that may have already been colonised by marine flora and fauna, provide more benefit than cost to fish and/or benthic faunal populations that may have become reliant on this 'artificial' structure/habitat over the years since its installation.

Additionally, artificial structures such as wrecks are often an integral part of small-scale and inshore fleets fishing grounds, as they host and attract many species of commercially valuable fin-fish such as Atlantic pollack (*Pollachius pollachius*), Atlantic cod (*Gadus morhua*) and European seabass (*Dicentrarchus labrax*).



Therefore, the removal of such structures could result in a reduction in catches by inshore and artisanal fishers due to the loss of artificial habitats that support and attract fish, and which represent valuable fishing grounds/habitats

The MMO recommend that if this option is progressed further then the Eastern Inshore Fisheries Conservation Authority (EIFCA) and local commercial fisheries representatives are consulted on the matter of potential permanent loss to fishing grounds and/or habitats and the impacts this may have for the small-scale and inshore fleets.

With regards to points (b) – (e), the MMO defer to Natural England. The MMO consider that for point (f) that it is difficult to comment on the likelihood of success of the proposed MEEB, however, note that the applicant would commission an appropriate organisation with experience and expertise in this field.

- 2.1.6 **Q1.3.4.3 MEEB and Sandeels.** *Sandeels are considered an important part of the food resource for bird species, including kittiwakes and sandwich terns [APP-069].*
- a) *Could sandeel habitat be artificially formed and sustained in the MCZ?*
 - b) *If so, would that area be afforded protection from the fishing industry due to the designation?*

With regard to part (a) The planting of oyster beds in offshore areas may result in a permanent loss of benthic habitat that may serve as a spawning and nursery ground habitat and/or a foraging habitat for fin-fish species such as herring and sandeel. If this option is carried through the MMO would expect to be provided with further details such as the locations of any proposed oyster beds in order to fully determine the impacts of potential permanent habitat change to fish ecology within the area. The MMO recommend the Applicant makes use of additional evidence from studies on the potential impacts of oyster bed/reef planting to help identify the likely changes to the habitat and the changes in the composition of species at the site. If the oyster bed MEEB is designated outside of the CSCB MCZ, the MMO recommend that monitoring of the oyster bed/reef structure should be put in place prior to planting to monitor any impacts. However, if the oyster bed MEEB is to be designated within the CSCB MCZ the MMO defer to Natural England on this matter.

With regard to part (b) the MMO will provide a response to this at the next Deadline.

- 2.1.7 **Q1.3.4.4 Condition Assessment for the Marine Conservation Zone.** *In the absence of any official condition assessment, what assumptions can be made with regards to the condition and quality of the MCZ [APP-084] and the desirability for its conservation?*

The MMO consider NE as the Statutory Nature Conservation Body would be better suited to answer this question, and as such defer to NE in this instance.



2.1.8 **Q1.3.4.5** *Marine Conservation Zone position statement. Confirm, in a simple tabular format, whether you are content with the Applicant's assessment of effects, mitigation, MEEB and conclusions regarding the Marine Conservation Zone, or if more work is required. Suggested table headings: Species / Agree methodology (Y/N) / Agree assessment of effects (Y/N) / mitigation suitable (Y/N) / MEEB suitable (Y/N) agree conclusions (Y/N) The table produced will also be requested for the final deadline in the Examination to provide a summary of where outstanding issues, if any, remain. This may form part of the statement of common ground.*

The MMO consider NE as the Statutory Nature Conservation Body would be better suited to answer this question, and as such defer to NE in this instance.

2.1.9 **Q1.11.3.2** *Article 5 – Benefit of Order. MMO, elaborate on the risk that you have identified [RR-053] with regards to collaboration between two different asset holders working in the same area if transfer of benefits were to happen? MMO, provide proposed drafting for a collaboration condition, identifying a relevant precedence. Would the procedure set out in Article 5 be applicable in full if, for example, DEL decided to step down as an undertaker of its own project and transfer the rights to develop DEP to SEL? Following on from the discussion at ISH1 [EV-013] [EV-017]:*

The MMOs initial concern regarding the collaboration of SEL and DEL was in relation to the responsibility for post consent submissions and how non-compliance action would be taken. The MMO alongside the Applicant are currently reviewing collaboration conditions used for previous projects, such as Norfolk Boreas, East Anglia Two, and Hornsea Two. While the condition wording for this project will be bespoke due to the unique scenario situation presented by the SEP DEP development, the MMO expect the collaboration condition wording to follow a similar structure to those mentioned above. The MMO will review the condition wording further alongside the submission of an updated DML and will provide further comment on this at future deadlines.

2.1.10 **Q1.11.6.1** *Timeframes for determinations. a) MMO, concern has been raised regarding a four-month lead-in period for review and decisions from the MMO on detailed submissions. Set out what periods for consultation would be reasonably achievable, and in line with other made OWF DCOs.*

As noted in the MMO's Relevant Representation (RR-053) the MMO has recommended a minimum of 6 months to review any post-consent documentation. This position has been echoed in recent Offshore Wind Farm (OWF) examinations such as the Hornsea Four OWF (RR-020), and East Anglia One North OWF (RR-052). The MMO's position throughout examination for both projects was that four months was not sufficient time to review complex documentation and that six months was more appropriate.

The MMO believe the timescales for both submission of documents and any determination timescales needs to be six months and not four months. The MMO believe that a four month pre-construction submission date is unrealistic and even



counterproductive, as the pre-construction sign off process is not always straight forward.

The MMO has made it clear on their reasoning for this request. Due to:

- the nature of the detailed documents,
- the size of the wind farms coming forward; and
- the possibility that substandard final documents are provided to the MMO

could lead to multiple amendments required by an applicant which in turn leads to multiple rounds of consultations. The four month timescale could not account for these additional rounds of consultation and queries with an applicant.

The MMO believes by giving the MMO and its consultees 6 months as a matter of course for determination, there is more time to reach a conclusion, and less risk of any need for extension or delay. The MMO will always make any determination as soon as is reasonably practicable in any event, and if it is able to determine the application to discharge a condition more quickly then it will do so.

As noted in our Relevant Representation [RR-053], the four month timescale was deemed appropriate for round 1 developments, which were smaller, closer to shore and with fewer complex environmental concerns. The documents in question require in depth analysis by both MMO staff and statutory consultees and as such, there needs to be as much time as practically possible to allow this process to take place.

For example, the timescale of one in depth plan (such as SNS SIP) could potentially follow this path:

- a) Up to 4 weeks to acknowledge and review the document within the MMO.
- b) Up to 6 weeks for external consultation with stakeholders on this documentation.
- c) Up to 4 weeks once consultation is closed to allow for the MMO to review the responses and possibly ask for additional information from the Applicant. At this stage the MMO and the Applicant could be in discussion to agree on an approach to the responses.
- d) Up to four weeks to allow for the Applicant to undertake any actions resulting from any MMO request for further information. Depending on the level of detail, and Applicant resources, this could represent a further significant time period.
- e) Once actions are completed and information is returned to the MMO, the MMO could need to undertake new consultations.

It is noted from the above that, even if the discharge of documentation were to follow the current estimated timescales, and no further communication was required from the Applicant (which is highly unlikely) the current estimated turnaround equates to 18 weeks, which is longer than the 16 weeks suggested by the Applicant. It should also be noted that the above timescale applies to only one document, when in reality, the number of in-depth discharge requirements could far exceed 30 in total.



2.1.11 **Q1.11.6.2** *Outline Offshore Operation and Maintenance Plan. The ExA are concerned regarding the ‘amber’ items highlighted within the Relevant Representation [RR-053], particularly that additional licences may be required “if proposed works exceed those assessed within the ES or described within the DCO.” What is the likelihood / probability of the works falling outside of the scope of the DCO or causing greater effects than assessed as the worst-case scenario in the ES?*

The MMO query if this question was intended for the MMOs review. The MMOs Relevant Representation [RR-053] did not refer to the Outline Offshore Operation and Maintenance Plan. However, it is noted that the ‘amber’ items highlighted relate to where the applicant has highlighted additional marine licences may be required for the installation of scour protection or cable protection during operation in areas where those were not installed during construction. The applicant has stated that ‘Up to 59,500m² of external cable protection outwith the CSCB MCZ has been assessed in the ES. Unless the area of external cable protection installed exceeds this or a period of ten years has elapsed since the completion of construction then no additional marine licence is required.’

The MMO is of the understanding that this estimated area is a conservative estimate, and that further external cable protection should not be required. The MMO reiterate the point that if the amount of cable protection required exceeds that which is assessed within the ES, then an additional marine licence would be required to assess the additional impacts. The MMO defers to the applicant to comment on the likelihood of the works falling outside of the scope of the DCO.

2.1.12 **Q1.12.2.3** *Herring Spawning and Underwater Noise. Would a seasonal piling restriction to mitigate underwater noise and vibration effects on herring be an effective form of mitigation and, if so, is there any evidence to help define an appropriate and informed exclusion period for such works?*

The MMO consider seasonal restrictions are effective mitigation against underwater noise and vibration effects on sensitive mobile receptors such as herring. The MMO aim to provide a comprehensive answer to the ExA’s question for Deadline 2.

2.1.13 **Q1.12.2.5** *Recreational Activity. It is known that recreational boat trips take place from Blakeney to view seals along the North Norfolk Coast. What would the impacts be on recreational boat trips from the Proposed Development? Would there be a cumulative effect upon seals arising from construction/ maintenance vessels for the Proposed Development and the continued recreational tourist boat trips?*

The MMO are currently reviewing the potential impacts on recreational boating from the proposed development and cumulative impact on local seal populations. It is the MMO’s intention to provide a response for Deadline 2.



2.1.14 **Q1.12.2.6** *Marine Mammals Position Statement. Confirm, in a simple tabular format, whether you are content with the Applicant's assessment of effects, mitigation and conclusions regarding harbour porpoise, minke whale, white-beaked dolphin, grey seal and harbour seal, or if more work is required. Suggested table headings: Species / Agree methodology (Y/N) / Agree assessment of effects (Y/N) / mitigation suitable (Y/N) / agree conclusions (Y/N) The table produced will also be requested for the final deadline in the Examination to provide a summary of where outstanding issues, if any, remain.*

With regard to the Marine Mammals Position Statement, it is the MMO's intention to provide a response for Deadline 2.

2.1.15 **Q1.14.1.1.** *Controlling in-combination impacts on the integrity of the Southern North Sea SAC. What level of confidence does the MMO have that the proposed Southern North Sea SAC site integrity plan for this project, when considered alongside controls in Marine Licence conditions attached to other projects that might affect the harbour porpoise interest feature in-combination, would provide it with sufficient control over the timing and nature of noisy activities across the various projects to ensure that the relevant in-combination disturbance impact thresholds would not be breached? In the event that a number of noisy activities from various concurrent projects became likely, would it be the MMO's intention to use these controls to ensure that no threshold was breached, and, if so, how?*

The site integrity plan (SIP) process was set out following the Review of Consents (RoC), which concluded that in order to manage noise impacts to the Southern North Sea Special Area of Conservation (SNS SAC) several projects were required to submit a Site Integrity Plan (SIP) to the MMO. The impacted projects had conditions imposed on the Deemed Marine Licenses (DMLs) by the MMO.

For this Project the Applicant has included a SIP condition required by the RoC. As stipulated by the condition 14 of both Schedule 10 and 11, and condition 13 of both Schedule 12 and 13, no noisy activities permitted under the DML can take place prior to the SIP being approved by the MMO.

The MMO assesses the impacts set out within the SIP in line with the Joint Nature Conservation Committee (JNCC) guidance once submitted alongside other projects emitting noise. We utilise the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) SNS SAC Tracker which contains noise threshold data for all projects proposed to be undertaken within the SNS SAC for each season every year. This ensures all projects are taken into account when discharging the SIP condition. This is a key part of our determination process and helps us manage affects to the harbour porpoise. This tracker is updated by regulators regularly and will include any updated noise impact information or any mitigation that is used by other projects.

For marine licences we have a number of conditions that can be included to provide further clarity or enable collaboration between developers. This includes a "Coordination" condition, which stipulates that developers must work together to manage their activities to avoid undertaking certain types of activities at the same



time, and a programme of works condition can also be required prior to the works beginning to have full review of activities taking place. In addition to the above the MMO can include conditions that stop activity at certain periods or stop work when other works are being undertaken or include any required mitigation for all or some of the activities. A notification of completion of works condition can also be included which will inform regulators when activities have completed which can potentially allow other activities to take place for the remainder of the season.

For SIP documents the MMO requires these to include an “In-Combination Management section” within the SIP and the MMO can request to include any or all of the above conditions or any additional conditions that may be required at the time. Although not set out formally within the DML this section is still enforceable as it forms part of a discharged document that the Applicant must adhere to, to be compliant. If this section is not included then the MMO may not be able to discharge the SIP document until satisfied all information is provided.

2.1.16 Q1.14.1.3 RIAA, Screening and Outstanding Matters. *Are the screening matrices in the RIAA [APP-059] acceptable or do further features/ sites need to be included? An explanation, with evidence as appropriate, as to whether you agree or disagree with the conclusions stated in paragraphs 105 and 106 of the RIAA presented by the Applicant. Provide an update on benthic SACs and whether the concerns raised in respect of the DOW have been addressed sufficiently by the Applicant either in advance of the Proposed Development being submitted or through the ES and HRA Reports [APP-059, Table 7-1].*

The MMO is currently reviewing the Report to Inform Appropriate Assessment and will provide comments for Deadline 2

2.1.17 Q1.14.1.21 Marine Recovery Fund. *The Applicant has set out compensatory measures for those species/ features identified as where an AEoI cannot be ruled out. The Applicant has stated however, that it may not implement such compensatory measures if the ‘Marine Recovery Fund’ (or equivalent) is introduced by the Government.*

a) Is it appropriate for the Applicant to substitute in a contribution towards a strategic compensation fund as opposed to proactively implementing its own proposed package of physical and proactive compensatory measures (bearing in mind the fund does not yet exist)?

b) Would there be any guarantees that the contribution to the fund would be directed specifically towards compensating for the adverse effects of the Proposed Development on sandwich terns and kittiwakes?

c) From what you know of the fund, is it purely to be directed to whatever project the Government allocates as needing attention rather than project specific?

The MMO encourage that applicants proactively undertake compensatory measures where required. The MMO would like to highlight concerns around the reliance on a fund and mechanism that does not exist. There is no certainty in the implementation of the fund, or that the applicant will be able to rely on it fully for compensatory measures required by the project. The MMO is currently unaware if



there is any guarantee that contribution to the fund would be specifically directed towards the compensation of kittiwakes or sandwich terns. Until the fund is formally introduced by the Government and the distribution criteria of those funds is formally agreed by all parties concerned, then the MMO would recommend the applicants proactively implement their own proposed package of physical and proactive compensatory measures.

3 Statement of Common Ground

- 3.1 On the 11 January 2023 the MMO received a draft Statement of Common Ground (SoCG) from the applicant. The draft SoCG has been reviewed by the MMO and discussions on outstanding issues are still ongoing with the applicant. The MMO are hopeful that the majority of these issues can be sufficiently resolved during the examination process, and will continually work with the applicant to finalise the SoCG.

4 Confirmation of wish to attend and speak at the Hearings

Confirmation of wish to attend and speak at the Hearings 22-24 and 29-31 March 2023, including details of topics of discussion Any other information requested by the Examining Authority under Rule 17 of the Examination Rules

The MMO can confirm that we do not wish to attend or speak at the hearings 22-24 and 29-31 March 2023.



5 Annex 1 - Relevant Marine Plan Policies

East Marine Plans	Policy Text	Policy Aim/Rationale
Policy AGG3	<p>Within defined areas of high potential aggregate resource, proposals should demonstrate in order of preference:</p> <p>a) that they will not, prevent aggregate extraction</p> <p>b) how, if there are adverse impacts on aggregate extraction, they will minimise these</p> <p>c) how, if the adverse impacts cannot be minimised, they will be mitigated</p> <p>d) the case for proceeding with the application if it is not possible to minimise or mitigate the adverse impacts</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>Policy AGG3 applies MPS 3.5.6, taking account of the regional and national importance of the East Marine Plan Areas for marine aggregate supply and of the spatially discrete areas in which commercially viable deposits of sand and gravel are found. The policy is intended to enable public authorities to consider how proposals for marine development and activities within areas of high potential aggregate resource, as defined by British Geological Survey, may impact the ability to access commercially viable marine sand and gravel resources in the future. The policy does not apply to other activities that are already licensed including where those activities may exclude new aggregate extraction, e.g. protected cable corridors and existing aggregate licence areas. The requirement under d) is to provide information for consideration by the relevant public authority. <u>It does not indicate that approval of the proposal will follow by default.</u></p> <p>Ways in which applicants may satisfy a) include providing data that shows the area does not contain aggregates or providing evidence that their operation will be compatible with extraction activity. Circumstances under which b) might be satisfied could include showing that the footprint of the proposal relative to the available aggregate in that location is de minimis. Circumstances under which c) might be satisfied could include moving the proposal from a more to less favourable area for aggregates, or proposing that prior extraction of aggregates before development is feasible. See East Plans paras: 403-409.</p>
Policy AQ1	<p>Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference:</p> <p>a) that they will avoid adverse impacts on future aquaculture development by altering the sea bed or water column in ways which would cause adverse impacts to aquaculture productivity or potential</p> <p>b) how, if there are adverse impacts on aquaculture development, they can be minimised</p> <p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>Policy AQ1 is an enabling policy for aquaculture, which seeks to protect opportunities for aquaculture, as they are identified through research and evaluation. The Marine Policy Statement (3.9.6 and 3.9.7) highlights the potential benefits of aquaculture, in existing areas, and aspirations for sustainable growth of the industry in possible future locations. Policy AQ1 does not preclude other developments or activities, including current aquaculture. Rather, it applies the intent of the national policy to ensure consideration is given to how other proposals may impact access to and use of areas suitable for future aquaculture development. The policy requires any proposals to demonstrate, using best evidence available, where adverse impacts to aquaculture activities may occur and how these impacts can be avoided. Where avoidance is not possible an explanation as to why the impacts cannot be overcome and possible minimisation, or mitigation, measures should be provided, allowing decision-makers to assess (as part of the application process) the adverse impacts to aquaculture posed by the development. The requirement under d) is to provide information for consideration by the relevant public authority. <u>It does not indicate that approval of a proposal will follow by default.</u> See East Plan paras: 455-462.</p>
Policy BIO1	<p>Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).</p>	<p>This policy applies to both the inshore and offshore plan areas.</p> <p>This plan policy is intended to ensure that all current publicly available evidence relating to biodiversity interest in the East marine plan areas is taken account of by the relevant public authority in the appropriate manner with advice from the Statutory Nature Conservation Bodies. It is important to note that the absence of evidence does not equate to the absence of features that are sensitive or of conservation concern; additional proposal specific evidence may be required. BIO1 also helps to ensure that commitments within the current legislative regime to biodiversity beyond designated sites are clearly understood by stakeholders. See East Plan paras: 213-216.</p>
Policy BIO2	<p>Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.</p>	<p>This policy applies to both the inshore and offshore plan areas.</p> <p>This policy adds value by providing a clear direction to public authorities that they should show a preference for proposals that enhance benefits to marine ecology, biodiversity and geological conservation. Such benefits may include the enhancement of resilience of ecosystems (for example to the effects of climate change), and the provision of ecosystem services such as flood protection and water filtration. 'Where appropriate' includes where it is reasonable to expect such features to be included that are consistent with or do not compromise (whether to do with technical constraints, cost or other reasons) the primary purpose for which the development is proposed. Identifying positive impacts of a proposal does not negate the need to assess negative impacts in line with whatever legislation or assessment requirements apply. Enhancement is not a substitute for avoidance, protection or mitigation measures. See East Plan paras: 217-219.</p>

<p>Policy CAB1</p>	<p>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.</p>	<p>This policy applies to both inshore and offshore plan areas. Links to policy GOV1, DD1, PS2, TR2.</p> <p>This policy aims to ensure sub-sea cables are properly protected from damage and do not cause a safety issue for vessels, particularly in navigation channels. Burial of cables increases opportunities for co-location and co-existence with other activities. Public authorities should look to ensure that adverse impacts upon cable operations are in the first instance avoided. Where this is not possible, such impacts should be minimised through any mitigation proposals. Mitigation proposals will vary with cable type and purpose, as does any applicable legislation, including any environmental constraints. See East Plan paras: 417-422.</p>
<p>Policy CC1</p>	<p>Proposals should take account of:</p> <ul style="list-style-type: none"> • how they may be impacted upon by, and respond to, climate change over their lifetime and • how they may impact upon any climate change adaptation measures elsewhere during their lifetime <p>Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>The policy aim is that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. The MPS (2.6.7.5) sets out that decision-makers and proposers of marine and coastal developments should take account of climate change projections and ensure that the design and operation of a given marine activity and/or proposed management measure (such as a marine protected area designation) are ‘adaptation-proofed’ as much as is possible to increase their resilience to the effects of climate change such as coastal change and flooding. This policy gives effect to the MPS high level principles for decision-making related to the need to account for the potential impacts of climate change adaptation. Additional considerations are the need to take into account other relevant projects, programmes and plans, and of other relevant matters. See East Plan paras: 236-240.</p>
<p>Policy CC2</p>	<p>Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>The focus of this policy is on those projects that are subject to the requirements of the Environmental Impact Assessment Directive. However, smaller-scale projects may have significant emissions considerations too, for example in relation to co-location of other activities; identification and need for assessment of such projects should be at the discretion of the decision-maker.</p> <p>The approach taken by this policy to reducing emissions of greenhouse gases should account for the following in relation to the minimising and mitigating steps:</p> <ul style="list-style-type: none"> • emissions directly related to the activity proposed (including greenhouse gases directly associated with construction, operation and/or decommissioning where appropriate) • emissions indirectly related to the activity proposed (for example, increased journey length for vessels arising from development) • impact the activity may have on measures already in place as part of reducing greenhouse gas emissions (for example, carbon offsetting measures or incorporation of renewable energy generation) <p>See East Plans paras: 241-244.</p>
<p>Policy CCS1</p>	<p>Within defined areas of potential carbon dioxide storage,(mapped in figure 17)proposals should demonstrate in order of preference:</p> <ol style="list-style-type: none"> a) that they will not prevent carbon dioxide storage b) how, if there are adverse impacts on carbon dioxide storage, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts 	<p>This policy applies to both inshore and offshore plan areas.</p> <p>The East marine plan areas represent a significant proportion of England’s storage potential for Carbon Capture and Storage. The policy aims to help ensure that sufficient storage sites are available for Carbon Capture and Storage over the long-term in view of the large number of such sites, on a national and international scale.</p> <p>Ways in which applicants may satisfy a) include providing data that shows the area is not a suitable storage site or providing evidence that their operation will be compatible with storage activity. Circumstances under which b) might be satisfied could include showing that the footprint of the proposal relative to the storage footprint on the seabed is insignificant. Circumstances under which c) might be satisfied could include moving the proposal from a more to less favourable area for Carbon Capture and Storage, or proposing co-ordination that can avoid any conflict, e.g. storage can take place before a new development or vice-versa. Circumstances under which d) might be satisfied could include demonstrating the importance of the proposal to meet other objectives or relevant departmental policies in the marine plans or other material considerations. <u>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.</u> See East Plan paras: 328-336.</p>

<p>Policy DD1</p>	<p>Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference</p> <p>a) that they will not adversely impact dredging and disposal activities</p> <p>b) how, if there are adverse impacts on dredging and disposal, they will minimise these</p> <p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	<p>This policy applies to the inshore plan area only.</p> <p>This plan policy aims to protect dredging and disposal activities, in or adjacent to licensed dredging and disposal areas, against other new proposals, e.g. cables or built infrastructure, that would compromise the continued access to ports and harbours for the shipping industry. It aims to clarify the application process for decision-makers and licence applicants, for early intervention, in dealing with issues or conflicts which may arise during the application process. The requirement under d) is to provide information for consideration by the relevant public authorities. <u>It does not indicate that approval of the proposal will follow by default.</u> See East Plan paras: 380-384.</p>
<p>Policy EC1</p>	<p>Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.</p>	<p>Policy applies to both inshore and offshore plan areas. Links to policy SOC1.</p> <p>This policy is intended to promote more than the most economically beneficial developments and activities. It is also about gaining economic benefit from all developments and activities. Therefore where one project provides more economic benefit than a project of the same type, then the former should be supported. This should be the case unless there are other compelling reasons not to support the more economically beneficial project. See East Plan paras: 113-121.</p>
<p>Policy EC2</p>	<p>Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.</p>	<p>Policy applies to both inshore and offshore plan areas. Links to policy SOC1.</p> <p>This policy is intended to promote more than solely the most economically beneficial developments and activities. It is also about gaining employment benefit from all developments and activities. Therefore, where one project provides more employment benefit than a project of the same type, then the former should be supported. Unless there are other compelling reasons not to do so, for example it has greater negative social or environmental impacts. This policy should apply to all decisions relating to new proposals, be they for continuation of existing activity or relating to new activity. See East Plan paras: 122-127.</p>
<p>Policy EC3</p>	<p>Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.</p>	<p>Policy applies to both inshore and offshore plan areas and should be used in conjunction with policies WIND1 and WIND2.</p> <p>Optimising the location and methods of deploying offshore wind farms as well as other developments and activities that may affect their delivery, will help minimise the adverse effects on both marine users and the environment. Its main role however, is to make the link between ambitions for economic development and job creation, thereby adding value by highlighting the importance of the East marine plan areas to achieving national policy for economic growth and renewable energy projects. This is more geographically specific than national policy. See East Plan paras: 128-133.</p>
<p>Policy ECO1</p>	<p>Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.</p>	<p>This policy applies to both the inshore and offshore plan areas. Links to policy GOV3.</p> <p>The policy supports the aim of integration across and between different plans, including terrestrial local plans, in referring to the impacts of marine activities on the terrestrial, as well as marine ecosystems and vice-versa. It also draws attention to, and reinforces, the role of authorities in and adjoining the East marine plan areas to work together to identify and manage cumulative impacts, including through other relevant plans or programmes, such as River Basin Plans. This policy should be used alongside existing processes such as Environmental Impact Assessment and Strategic Environmental Assessments which also consider cumulative effects. These processes consider the need to avoid, minimise or mitigate impacts caused by cumulative effects, and this also is reflected in the principles of the National Planning Policy Framework and the Marine Policy Statement (2.6.1.3) on conserving and enhancing the natural environment. See East Plan paras: 196-199 and also para 188.</p>
<p>Policy ECO2</p>	<p>The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.</p>	<p>This policy applies to both the inshore and offshore plan areas.</p> <p>Risks are likely to be identified and addressed through existing mechanisms, such as environmental assessment, navigational risk assessment, safety measures and contingency plans. It is essential that potential indirect effects are fully considered in practice. Public authorities may need to liaise with those with expertise and/or a remit relevant to the policy in making their decisions, and determining unacceptable levels of risk, in addition to consultation of guidance and existing regulations, such as the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended), and the Conservation of Habitats and Species Regulations 2010. See East Plan paras: 200-204.</p>

<p>Policy FISH1</p>	<p>Within areas of fishing activity, proposals should demonstrate in order of preference:</p> <p>a) that they will not prevent fishing activities on, or access to, fishing grounds</p> <p>b) how, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them</p> <p>c) how, if the adverse impacts cannot be minimised, they will be mitigated</p> <p>d) the case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts</p>	<p>This policy applies to both inshore and offshore plan areas. Note: 'fishing activity' refers to licensed, commercial fisheries only (para 423 of the East Plan). Link to policy GOV2, GOV3.</p> <p>This plan policy supports fishing activity by avoiding adverse impacts resulting from development and activities in the East marine plan areas. The policy focuses on access to fishing grounds. The requirement under d) in policy FISH1 is to provide information for consideration by the relevant public authority. <u>It does not indicate that approval of the proposal will follow by default.</u> See East Plan paras: 437-441.</p>
<p>Policy FISH2</p>	<p>Proposals should demonstrate, in order of preference:</p> <p>a) that they will not have an adverse impact upon spawning and nursery areas and any associated habitat</p> <p>b) how, if there are adverse impacts upon the spawning and nursery areas and any associated habitat, they will minimise them</p> <p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with their proposals if it is not possible to minimise or mitigate the adverse impacts</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>The aim of this policy is to support the recovery of fish stocks by offering protection against adverse impacts to spawning areas from development or activity. Public authorities will need to ensure that supporting information is submitted, proportionate to any proposal, illustrating any potential impacts (this may include consultation to identify issues at scoping stage) and suggested measures to minimise or mitigate them. The requirement under d) is to provide information for consideration by the relevant public authority. <u>It does not indicate that approval of the proposal will follow by default.</u> See East Plan paras: 442-446.</p>
<p>Policy GOV1</p>	<p>Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.</p>	<p>This policy applies to both inshore and offshore plan areas. Links to policy GOV1 and the Coastal Concordat.</p> <p>Public authorities must assess the potential positive and negative impacts, on both the marine and terrestrial environments, of development proposals in a collective and cumulative manner (e.g. the effects of a cable landfall on flood defences, unstable cliffs, landscape and seascape). 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. See East Plan paras: 259-263.</p>
<p>Policy GOV2</p>	<p>Opportunities for co-existence should be maximised wherever possible.</p>	<p>This policy applies to both inshore and offshore plan areas. It can be linked to proposals under CCS1 and CCS2.</p> <p>The key aim of this policy 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. Marine plans should identify areas of constraint and locations where a range of activities may be accommodated. This reduces real and potential conflict, maximises compatibility between marine activities and encourages co-existence of multiple users. The policy ensures coexistence is considered. 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. See East Plan paras: 264-268.</p>
<p>Policy GOV3</p>	<p>Proposals should demonstrate in order of preference:</p> <p>a) that they will avoid displacement of other existing or authorised (but yet to be implemented) activities</p> <p>b) how, if there are adverse impacts resulting in displacement by the proposal, they will minimise them</p> <p>c) how, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against or</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement</p>	<p>This policy applies to both inshore and offshore plan areas. Links to GOV2, SOC2, SOC3, AGG3, TIDE1, PS3, CCS1, DD1, FISH1 and 2, AQ1, TR1 and TR2.</p> <p>Over-development of an area through high levels of co-existence can lead to displacement of certain activities, especially fishing. GOV3 aims to ensure GOV2 is implemented proportionally. The policy aim is to facilitate decisions and effective management measures that avoid, minimise or mitigate negative economic, social and environmental impacts. Please note the requirement under d) is to provide information for consideration by the relevant public authorities. <u>It does not indicate that approval of a proposal will follow by default.</u> See East Plan paras: 269-273.</p>

<p>Policy MPA1</p>	<p>Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>Plan policy MPA1 adds value to existing policy by clarifying the need for public authorities to not only consider impacts on individual sites, but also impacts on the overall ecological coherence of the Marine Protected Area network. This policy also indicates that this should be done at a strategic level rather than at a project level which is more relevant to individual Marine Protected Areas, and is addressed through assessments such as Environmental Impact Assessments. For example it would be anticipated that factors to be taken into account will be considered in regional environmental assessments, Strategic Environmental Assessments or in assessments and measures brought forward in support of the Marine Strategy Framework Directive. See East Plan paras: 227-229.</p>
<p>Policy OG1</p>	<p>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.</p>	<p>This policy applies to both onshore and offshore plan areas.</p> <p>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, (e.g. subsea manifolds) and consultation requirements for areas up to nine nautical miles 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. 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.</p>
<p>Policy OG2</p>	<p>Proposals for new oil and gas activity should be supported over proposals for other development.</p>	<p>This policy applies to both inshore and offshore plan areas.</p> <p>The policy aim is to afford protection of potential sites to prevent incompatible activities taking place. In identified resource areas, oil and gas proposals will be supported over all other proposals. This policy is spatially specific and takes account of the relative importance of gas production in the East marine plan areas to the United Kingdom. See East Plans paras: 295-299.</p>
<p>Policy PS2</p>	<p>Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (see figure 18) should not be authorised unless there are exceptional circumstances. Proposals should:</p> <ul style="list-style-type: none"> a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact b) anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows and c) account for impacts upon navigation in-combination with other existing and proposed activities 	<p>This policy applies to both the inshore and offshore plan areas.</p> <p>This policy aims to protect important navigation routes for navigational purposes. PS2 provides additional detail to the Marine Policy Statement (3.4.7) on the importance of minimising negative impacts on shipping activity, protecting the economic interests of ports and shipping and the United Kingdom economy overall, and affording protection to the areas used by high intensities of traffic (Marine Policy Statement 3.4.2). Exceptional circumstances could include NSIP's. See East Plan paras: 357-366.</p>
<p>Policy PS3</p>	<p>Proposals should demonstrate, in order of preference:</p> <ul style="list-style-type: none"> a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this c) how, if the interference cannot be minimised, it will be mitigated d) the case for proceeding if it is not possible to minimise or mitigate the interference 	<p>This policy applies to the inshore plan area only.</p> <p>This policy gives effect to the need to minimise negative impacts on shipping activity, freedom of navigation and navigational safety, as well as protecting the efficiency and resilience of continuing port operations, and further port development and complements the NPS for ports. This policy is not intended to influence factors related to competition between ports and should not result in consideration related to competition being factored in to decision-making on the basis of these marine plans. This policy applies to proposals that may alter the prevailing characteristics in Statutory Harbour Authority areas but may apply more widely, so active identification of ports and harbours that may be affected by proposals is encouraged. The requirement under d) to provide information for consideration by the relevant public authority <u>does not indicate that approval of the proposal will follow by default</u>. See East Plan paras: 367-373.</p>

Policy SOC1	Proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.	Policy applies to both inshore and offshore plan areas. Links to policy SOC3, FISH1. SOC1 provides more detail and prescription than the Marine Policy Statement for considering the benefits for health and social well-being and coastal and marine access in decisions. Development and other activities that bring positive benefits to society (through maintaining the coastal environment, and access to it, in order to promote health and well-being) will be supported (including in preference to any alternatives subject to other plan policies). See paragraph 139 of the East Plan for examples of initiatives which could be supported through this policy. See East Plan paras: 137-140.
Policy SOC2	Proposals that may affect heritage assets should demonstrate, in order of preference: a) that they will not compromise or harm elements which contribute to the significance of the heritage asset b) how, if there is compromise or harm to a heritage asset, this will be minimised c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or d) the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset	Policy applies to both inshore and offshore plan areas and is specific to heritage assets. National Policy Statement EN-1 should also be considered when addressing visual impact on heritage assets in relation to wind energy development. The aim of this policy is to ensure that existing marine and coastal heritage assets are protected from proposals that may have a detrimental impact upon them. It ensures that all heritage assets (whether formally designated or not), are considered in the decision-making process. The requirement under d) is to provide information for consideration by the relevant public authorities. <u>It does not indicate that approval of the proposal will follow by default.</u> Please note the absence of any official designation for such assets does not necessarily indicate lower significance and MMO Licensing should consider them subject to the same policy principles as designated heritage assets. As heritage assets have cultural and social values and can be a driver for economic growth, this policy ensures that marine plans, proposals and management measures that conserve heritage assets, are supported in recognition of their value to society. See East Plan paras: 146-152.
Policy SOC3	Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference: a) that they will not adversely impact the terrestrial and marine character of an area b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	This policy applies to both the inshore and offshore plan areas and is specific to landscape (seascape) character. This policy adds value to what is described in the Marine Policy Statement by ensuring that the character of specific areas is considered not only in the development of marine plans, but also in all decisions, such as on proposals for development, activities or management measures. This policy adds clarity to existing national policy by identifying where character areas and key elements exist within the East Inshore and East Offshore Plan areas. Decisions should aim to minimise or mitigate possible detrimental effects within the East marine plan areas. The requirement under d) is to provide information for consideration by the relevant public authorities. It does not indicate that approval of the proposal will follow by default. In determining proposals, MMO Licensing will take account of a range of relevant considerations including compliance with legislation and regulations. In determining an area's character, public authorities, such as those determining an application, should consult with relevant bodies including Natural England and English Heritage advisors as well as local authorities. See East Plan paras: 175-180.
Policy TR1	Proposals for development should demonstrate that during construction and operation, in order of preference: a) they will not adversely impact tourism and recreation activities b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	This policy applies for both inshore and offshore plan areas. This policy recognises the importance of tourism and recreation in the East Inshore and East Offshore Marine Plan Areas and seeks to minimise adverse impacts of development on tourism and recreation. This mirrors the terrestrial planning system which provides detailed, local considerations that need to be addressed when planning a new development. This policy will generally be delivered through the EIA process. The requirement under d) is to provide information for consideration by the relevant public authority. <u>It does not indicate that approval of the proposal will follow by default.</u> see East Plan paras: 470-475.
Policy TR2	Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference: a) that they will not adversely impact on recreational boating routes b) how, if there are adverse impacts on recreational boating routes, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	This policy applies to both inshore and offshore plan areas. Links to policy PS1, PS2, PS3. The Marine Policy Statement (3.11.1 and 3.11.6) emphasises the estimated economic contribution of recreational boating to the United Kingdom economy as well as highlighting the indirect benefits for coastal towns. Static objects can pose a risk to vessels and may include objects both on and under the water as well as on the seabed. They could also restrict navigation routes for recreational boating. This policy adds clarification to the Marine Policy Statement through highlighting the benefits of early engagement and aims to ensure that any development takes account of the recognised boating areas and most used cruising routes for recreational craft in the East marine plan areas. The requirement under d) is to provide information for consideration by the relevant public authority. <u>It should not be taken in any way or of itself to indicate that approval of the proposal will follow by default.</u> See East Plan paras: 476-485.

<p>Policy TR3</p>	<p>Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East marine plan areas should be supported.</p>	<p>This policy applies to both inshore and offshore plan areas. Links to the Coastal Concordat.</p> <p>The aim of this policy is to promote and support terrestrial planning authority ambitions to deliver sustainable T&R related benefits to the landward side of the East Marine Plans. The Marine Policy Statement (2.3.1.5 and 3.11.1) states that ‘marine plans 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 uses.’ The Marine Policy Statement recognises the changes made by seaside towns to attract visitors all year round, although some marine activities are restricted by weather and many families only visit during school holidays. See East Plan paras: 486-490.</p>
<p>Policy WIND1</p>	<p>Developments requiring authorisation, that are in or could affect sites held under a lease or an agreement for lease that has been granted by The Crown Estate for development of an Offshore Wind Farm, should not be authorised unless</p> <ul style="list-style-type: none"> a) they can clearly demonstrate that they will not compromise the construction, operation, maintenance, or decommissioning of the Offshore Wind Farm b) the lease/agreement for lease has been surrendered back to The Crown Estate and not been re-tendered c) the lease/agreement for lease has been terminated by the Secretary of State d) in other exceptional circumstances 	<p>This policy applies to both inshore and offshore plan areas.</p> <p>This policy is spatial and covers lease areas granted by The Crown Estate, and demonstration sites. The policy aims to protect sites identified by TCE from sterilisation by other uses until such time as the site is no longer used, or liable to be reused in the future. 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. See East Plans paras: 305-309.</p>