

PRE-CONSULTATION ON THE DRAFT UK MARINE POLICY STATEMENT: A PAPER FOR DISCUSSION

The Joint Links response

May 2010

The Joint Links (Wildlife and Countryside Link (WCL)¹, Scottish Environment LINK (SEL)², Wales Environment Link (WEL)³, and the Northern Ireland Marine Task Force (NIMTF)⁴) work together to achieve better protection for marine wildlife and effective management of all UK seas. Each is a coalition of environmental voluntary organisations, united by their common interest in the conservation and enjoyment of wildlife, the countryside and the marine environment. The Joint Links welcome the opportunity to comment on the pre-consultation discussion paper on the draft UK Marine Policy Statement ('the Draft MPS'). The Joint Links and its members have long called for the introduction of a marine planning system to allow for a strategic view to be taken on the use of marine space and resources, increase certainty, reduce conflicts and ensure space for marine biodiversity.

Following requests at the Defra MPS workshop in March 2010 for detailed comments and where possible make suggestions for changes and additions to the document, we have produced a detailed response to the discussion document.

Summary

The Joint Links welcome the broad approach to public involvement in the marine planning process, and as a consequence we welcome the early opportunity that a 'pre-consultation' draft of the MPS provides for engaging stakeholders and getting their feedback.

The primary concerns of the Joint Links are:

- The structure of the Draft MPS is repetitive, confusing and inconsistent, thus detracting from the policy content and detail.
- We are concerned with the treatment of marine conservation and marine protected areas as a sector, which fails to recognise the fundamental importance of the condition of the marine environment to all human activities that occur within it. Rather, as a cross cutting theme, conservation and protection of the marine environment should be treated as the underpinning/overarching goal, if sustainable development of the UK Marine Area is to be achieved.

¹ This response is supported by the following members of Wildlife and Countryside Link: Buglife – The Invertebrate Conservation Trust, Butterfly Conservation, Campaign for National Parks, Campaign to Protect Rural England, Council for British Archaeology, International Fund for Animal Welfare, Mammal Society, Marine Conservation Society, Open Spaces Society, Plantlife International, Shark Trust, Royal Society for the Protection of Birds, Wildfowl & Wetlands Trust, The Wildlife Trusts, Whale and Dolphin Conservation Society and WWF – UK.

² This response is supported by the following members of Scottish Environment LINK: Hebridean Whale and Dolphin Trust, Marine Conservation Society, RSPB Scotland, Scottish Wildlife Trust, National Trust for Scotland, Whale and Dolphin Conservation Society and WWF-Scotland.

³ This response is supported by the following members of Wales Environment Link: Marine Conservation Society, RSPB-Cymru, Wildlife Trust Wales and WWF-Cymru.

⁴ This response is supported by the following members of the Northern Ireland Marine Task Force: Friends of the Earth Northern Ireland, Irish Whale and Dolphin Group, Northern Ireland Environment Link, Royal Society for the Protection of Birds, Ulster Wildlife Trust, Wildfowl & Wetlands Trust and WWF – Northern Ireland.

- The ecosystem-based approach and the principles of sustainable development must be at the heart of the MPS and marine planning system. In our view, the Draft MPS in its current form does not sufficiently embrace and integrate these.
- The Draft MPS does not set any strategic policy prioritisation, steer or direction for marine plan authorities or marine decision-makers. The focus on impacts misses the opportunity for marine spatial planning to be used to effectively identify, assess and manage conflicts and compatibilities. As a consequence, it is not comprehensive enough to guide sustainable use within the planning system, and particularly where marine plans have yet to be developed.
- Sectoral policies must be integrated and set within a marine planning context – there needs to be clear translation of existing policies into relevant marine planning policy. This current Draft MPS could be categorised as a type of development control document, which does nothing more than provide a list of existing legislative and regulatory requirements and a ‘wish list’ for expansion of certain activities within the marine environment. There is no information on how these sectors should be integrated, how opportunities will be utilised, such as identifying compatibilities or possibilities for co-existence of uses, or how government will manage development to halt biodiversity loss.
- There is no indication of how the Government intends the marine planning system to respond to new environmental challenges or new activities that might arise in the future. The planning system must have sufficient flexibility, or opportunities for review, to be capable of taking into account and adapting to new challenges and opportunities if and when they occur.

In response to the consultation on the draft Marine Plan Areas within the English Inshore and English Offshore Regions, WCL commented that the consultation highlighted the need for a strong and focussed MPS. WCL expressed the view that the MPS will be critical for effective planning at all levels, particularly in areas where no effective marine plan exists at the time decisions are made in relation to marine licensing and regulating sea users. The MPS must contain specific spatial planning objectives and establish policy direction in order to ensure that marine plans are effective and consistent with national aspirations. The Joint Links agree with these points and wish to reiterate them here, as we do not believe that the Draft MPS in its current form achieves these aspirations.

Response to consultation questions

Q1. Does the document contain a clear statement of policy objectives applicable at the UK level for the marine environment? Are there any policy objectives that should be added, for clarity?

While the Joint Links welcome the inclusion of a summary of relevant UK marine-related policies, we are disappointed that it is in effect just a list of existing, primarily sectoral, policies and policy objectives. The Draft MPS does not articulate how the policies interact and integrate, where potential conflicts may arise which will need to be addressed through marine planning, or how these policies translate into a marine planning context.

Ecosystem-based Approach

We welcome and strongly support the initial reference to taking a holistic and ecosystem-based approach to marine planning (pg.iii and para 1.4; and para 3.6 for marine plans). We strongly agree with the widely held view that the ecosystem-based approach is a tool to achieve sustainable development and is an important element of effective marine spatial

planning. However, despite being declared as the basis of the MPS, the ecosystem-based approach is only mentioned in passing. If the MPS is to guide marine plan authorities, the Marine Management Organisation (MMO) and the marine planning and decision-making bodies in the Devolved Administrations in contributing to the achievement of sustainable development in the marine area, then this document must elaborate on how an ecosystem-based approach is to be delivered through the marine planning process. We therefore feel that it would be beneficial to define in the document what is meant by the term 'ecosystem (based) approach', in practical terms with respect to implementing marine planning, and suggest that the UNESCO guide on Marine Spatial Planning⁵ would be helpful in this process.

To support the delivery of an ecosystem-based approach, we believe that it would be useful for the MPS to cross-reference between the MPS and the associated Appraisal of Sustainability (incorporating SEA) which will be providing guidance on the most environmentally-friendly planning policy scenarios. It would also be helpful to highlight that the Marine Strategy Framework Directive places a legal obligation on all Member States to “*apply an ecosystem-based approach to the management of human activities*” (Art1(3)).

Sustainable Development and the HLMOs

The Joint Links support the use of sustainable development principles and the High Level Marine Objectives (HLMOs) set out in Figure 1 in marine planning and in assessing proposed activities. However, the MPS fails to provide information on what these objectives mean with regards to marine planning and the integration of the development of each sector with conservation and social objectives.

The joint UK Sustainable Development Strategy (UK SDS), *Securing the Future* (2005) introduced the five guiding principles to be used to achieve sustainable development, with a more explicit focus on environmental limits. These principles are to be used to form the basis for any UK or Devolved Administration policy⁶, and have been used to form the joint UK HLMOs. For a policy to be sustainable, it must respect all five principles. However, it is clear within the UK SDS that the “*goals*” of sustainable development are:

“living within environmental limits and [achieving] a just society, and we will do it by means of a sustainable economy, good governance, and sound science”.

This approach to achieving sustainable development is represented in the UK SDS by a diagram that places the principles of living within environmental limits and achieving a just society at the top with arrows coming to them from the other three principles. It is also recognised within the UK SDS that there will be some policies which will need to place more emphasis on some principles than others. It is our view that the application of the five principles and hence, the HLMOs within the MPS and marine planning should be in the same manner as intended by the UK SDS, and be represented in the MPS by the diagram from the UK SDS.

We support the view that without a sound, healthy and functioning marine ecosystem, many marine ecosystem goods and services beneficial to society and the economy will be lost. It is clear, therefore, that to achieve the UK’s marine vision, sustainable development of the

⁵ ‘Marine Spatial Planning: A Step by Step Approach towards Ecosystem-based Management’, Intergovernmental Oceanographic Commission, Manual and Guides No. 53, ICAM Dossier No. 6

⁶ Reiteration of the five guiding principles throughout the UK’s four political Administrations: the UK shared framework for sustainable development, *One future - different paths*; *One Wales: One Planet; Choosing our future: Scotland’s sustainable development strategy*; *Sustainable Development Strategy for Northern Ireland*.

marine area and delivery of an ecosystem-based approach, living within environmental limits must be an overarching principle that cuts across all sectoral policies within the MPS.

MPS Aims

The wording of the aims presented in paragraph 1.3 of the Draft MPS were queried at Defra's MPS workshop (25 March 2010), and stakeholders were informed that the aims were re-worked HLMOs. We consequently welcomed the further statement at Defra's workshop that the aims can be revisited if it was felt that they are not fit for purpose.

We do not believe that the aims in paragraph 1.3 are an accurate reflection of the HLMOs. For example, there is no reference in this paragraph to living within environmental limits. It is our view that achieving the UK HLMOs should be the overriding aim of the MPS and the marine planning system. The UK Government and the Devolved Administrations intend that the HLMOs will "*underpin the development of an integrated Marine Policy Statement by Administrations which will provide a means to achieve these objectives in practice*"⁷, i.e. the marine planning system should deliver the HLMO outcomes. Therefore, while the aim of the marine planning system must be to deliver sustainable development and an ecosystem-based approach, we recommend that the primary aim of the MPS under paragraph 1.3 should be:

- To provide a framework for the achievement of the UK High Level Marine Objectives.

In addition, we recommend that paragraph 1.3 should reiterate the aims for a marine planning system taken from the MMO's website⁸ (and which are very similar to the UK Administrations' joint aim, set out on pg.iii (Outline Impact Assessment)).

- "to set a clear direction for managing our seas;
- to clarify objectives and priorities;
- to direct decision-makers, users and stakeholders to a more strategic and efficient approach towards the sustainable development and protection of marine resources."

Operational/practical objectives for the marine planning system and MPS

We believe that the MPS lacks practical guidance with respect to how the marine planning system (including the MPS) is to contribute to achieving the outcomes set out in the HLMOs, sustainable development and an ecosystem based approach. To fill this gap, it would be useful for the four Administrations to consider using or adapting the broad objectives for marine spatial planning set out in paragraph 8.33 of the UK Government's 2006 *Marine Bill* consultation document (see below) to clarify the overall approach in Paragraph 1.4. These objectives were largely supported by stakeholders who responded to the 2006 consultation, including WCL and the associated bodies in Wales, Scotland and Northern Ireland.

The broad objectives in paragraph 8.33 of the 2006 *Marine Bill* consultation document were based on the outcomes of various reviews, including the Marine Spatial Planning Pilot Project for the Irish Sea undertaken by Defra, and were as follows:

"Marine spatial planning will:

⁷ From the joint UK HLMOs report – *Our seas - a shared resource: High level marine objectives* (April 2009).

⁸ <http://www.marinemanagement.org.uk/marineplanning/aims.htm>

- a. clearly articulate UK Government policy for the marine area and the activities that take place there, and improve the integration of our marine objectives, in order to provide a co-ordinated and consistent driver for sea-users and managers;
- b. achieve a fair balance between economic, social, cultural and environmental needs in the marine area, in line with wider joint Government sustainable development policies;
- c. adopt a strategic, plan-led approach to managing marine activities, which would enable more efficient decision making, offering benefits to marine regulators, developers and users. To balance these benefits with the administrative and financial burden of establishing such an approach;
- d. adopt a more strategic and efficient, and therefore cost-effective approach to information gathering, reducing the burden and duplication of effort between individual sectors and, where possible, individual projects which may collate information separately and to encourage greater data availability than at present;
- e. take note of existing marine uses, including commercial and recreational shipping areas, fisheries and oil and gas infrastructure, alongside the location of important natural resources or heritage sites;
- f. provide the context within which to consider and plan the future development of marine activities or emerging technologies;
- g. create a more efficient use of the available marine space, to strike a better, more considered balance between inevitably competing pressures, to consider the co-location of compatible activities in certain areas, and to highlight where one activity might prevent another taking place in a particular area;
- h. enable a better understanding of the cumulative effects of different types of activities, both on the ecosystem and each other;
- i. provide reassurance to marine users and developers, that their interests will be considered in the planning process alongside all others, and therefore particularly in relation to smaller or more flexible industries and other activities, that their needs would not be overlooked in favour of larger-scale activity;
- j. provide operators and other stakeholders with new opportunities to influence the formation of public policy. To provide individual activities and developments which are consistent with the plan with a better defence against prospective challenges than the current system does, since the plan would have been agreed in consultation with a wide range of stakeholders.”

While WCL largely supported the 2006 marine spatial planning objectives, we did make some specific comments that are still valid and we wish to reiterate here. Firstly, Objective (b) referred to achieving a “*fair balance*” between economic, social and environmental needs in the marine area. It was our view then, as now, that sustainability can not be achieved through attempts to ‘strike a balance’, and it is more appropriate to refer to *integration* of economic, social and environmental objectives, particularly as integration is one of the aims of the MPS and marine planning. The difference is that ‘balancing’ environmental, social and economic factors is nothing more than proceeding with ‘business as usual’. On the other hand, ‘integration’ references strong sustainability where it is recognised that ultimately all economic and social activity is dependent on the natural environment, its resources and ecosystem services that it provides.

Secondly, the broad objectives in the 2006 consultation document failed to specifically refer to securing protection and recovery of marine biodiversity and ecosystems. To this end, WCL suggested (and still supports) adding the proposed objectives put forward by the Statutory Nature Conservation Organisations’ MSP (marine spatial planning) Inter-agency group, which are as follows:

- to provide a strategic, integrated and forward-looking framework for all uses of the sea to help achieve sustainable development, taking account of environmental as well as social and economic objectives;
- to apply an ecosystem approach to the regulation and management of development and activities in the marine environment by safeguarding ecological processes and overall resilience, to ensure the environment has the capacity to support social and economic benefits (including those benefits derived directly from ecosystems);
- to allocate space in a rational manner which avoids or minimises conflicts of interest and, where possible, maximises synergy between sectors; and
- to identify, safeguard, or where necessary and appropriate, recover or restore important components of coastal and marine ecosystems, including natural heritage, cultural heritage and nature conservation resources.

Finally, a further additional objective could be added to this list. In suggesting that the aims in paragraph 1.3 should be replaced with those that we recommend above, the third aim in paragraph 1.3, linked to the need to tackle climate change effects would be lost, and as a consequence should be included in this list of objectives instead. However, we recommend editing it slightly, to the following:

*“enable the UK’s move towards a low-carbon economy, **and support management to mitigate the causes and adapt to the effects of climate change and ocean acidification**”*

replacing “in order to” with “and support management to” (see bold) to ensure that as well as renewable energy development, the equally important role of natural ecosystem services and resilient healthy seas in climate change mitigation and adaptation is included in marine planning as a viable response to tackling climate change impacts.

Existing Overarching or Strategic Marine Objectives

There are a number of existing overarching marine objectives that need to be re-articulated here to set the context for the MPS and what it should be aiming to deliver. The HLMOs, *Our Seas - Shared Resource* (2009) report, made it clear that the “*high level marine objectives do not replace previously articulated policies or goals, nor do they represent any change in or re-prioritisation of Government objectives.*” While not all objectives can be actually added into the MPS itself, those that are considered as ‘overarching’ or ‘strategic’, particularly those that are UK-wide objectives, should be included.

The existing strategic joint UK marine objectives that should be included in the MPS, under the following hierarchy, are:

1. The Marine Vision, *Safeguarding Our Seas* (2002) – this should be the entire marine vision, including the commitment to “*putting an ecosystem approach at the heart of our strategy, to reconcile conservation objectives and individual needs*” and the references to “*pursuing policies that promote sustainable development, integrated management, stakeholder involvement, robust science and the precautionary principle.*”
2. The joint UK Sustainable Development Strategy, *Securing the Future* (2005), particularly:
 - The overarching ‘goal’ of the UK SDS is: “*to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.*”

- The five guiding principles are: “*We want to achieve our goals of living within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance, and sound science*” (i.e. preferably presented in the correct diagrammatic format/order as in the UK SDS).
- 3. The joint UK High Level Marine Objectives, *Our Seas - a Shared Resource* (2009) – i.e. the agreed HLMOs (in the correct order, see above) rather than the re-worded HLMOs presented in para 1.3 (MPS Aims) which reinterpret the agreed HLMOs, but which do not accurately reflect them.
- 4. The Strategic Goals for the Marine Environment, *The Government’s response to its Seas of Change consultation* (2004) – to help deliver the joint UK vision for the marine environment.
- 5. The Strategic Goals for Marine Nature Conservation, *Safeguarding Sea Life* (2005) – the joint UK response to the Review of Marine Nature Conservation. As joint ‘strategic’ conservation objectives, we believe they should be included in the MPS.

Specific Objectives in the Draft MPS:

(a) Marine Conservation Policy Objectives

The Joint Links do not believe that the marine environment and marine conservation should be treated as a sector. This is not consistent with the UNESCO guide on Marine Spatial Planning where human activities and the marine environment, and conflicts between them, are clearly distinguished and the sector-led approach is discouraged. In our view, the need to ensure a sustainable marine environment and not go beyond the environmental limits of the seas is crucial to achieving sustainable development. As such, a healthy, functioning marine ecosystem that continues to deliver marine goods and services and the protection of marine ecosystems and biodiversity should be a cross-cutting objective or priority principle rather than a sectoral objective.

With respect to marine conservation objectives, sitting within the context of the marine vision and the strategic marine objectives (see above), the jointly adopted UK strategic goals for marine nature conservation set out in *Safeguarding Sea Life* (2005) need to be included in the MPS.

We support the policy objectives for marine conservation (para 2.5), which include protecting, conserving, recovery and halting the loss of biodiversity, including a specific reference to a “*no net loss*” approach to biodiversity which we welcome. The normal statements about recognising the economic, ecosystem service and social value of biodiversity are included, but we particularly welcome the reference to the intrinsic value of the marine environment. We also welcome the acknowledgement that marine biodiversity is subject to pressures and that there have already been declines.

The description of the policy context mentions existing environmental legislation (e.g. the Habitats and Birds Directives, Marine Strategy Framework Directive, Water Framework Directive, etc.) which we welcome, and refers to Marine Protected Areas (MPAs). It states that the latter will be a key tool in ensuring that biodiversity is protected, conserved and recovered in the marine area. This all seems reasonable though we are concerned that there is a high reliance on MPAs to conserve and recover marine biodiversity. Government, through the MPS, must recognise that the entire marine environment and its functioning ecosystems need protection, within which an ecologically coherent network of MPAs form an integral part. However, as we know from terrestrial habitats, a site-based conservation approach on its own is not enough to achieve the marine vision or the objectives of an ecosystem-based approach and sustainable development. The MPS would benefit significantly from the adoption of the Scottish Government ‘3-pillar approach’ to marine

nature conservation (protected sites, protected species and wider seas measures, including marine planning)⁹. Even if not adopted as a UK-wide approach, reference to its use in Scottish waters should be made in the MPS.

(b) Other Policy Objectives

The remainder of Chapter 2 focuses on the main marine sectors e.g. defence, energy infrastructure, oil and gas exploration, wind power, ports, recreation, etc. The wording for some of these is similar to that contained in the energy and ports NPSs (National Policy Statements under the Planning Act 2008) with details provided of why activities are important (e.g. citing their contribution to low carbon economy, economic development, national security, etc.). It is generally not clear what the actual planning objectives are for the purpose of the Draft MPS.

We have been advised that Defra does not intend to use the MPS to specify which human activities will take priority. However, there is an implicit tone that suggests that planning should allow or encourage certain activities and in many cases accommodate more in more places. For example:

- energy infrastructure (para 2.14) *“marine plans should identify areas where different renewable technologies will be encouraged”*;
- offshore oil and gas exploration and production (para 2.16) *“Maximising the production of UK oil and gas is therefore a priority in the UK’s energy supply strategy to ensure security of energy supply”*;
- gas infrastructure (para 2.19) *“the UK needs a diverse mix of gas storage and supply infrastructure... Marine planning will need to ensure that these requirements are accommodated”*;
- marine aggregates (para 2.30) *“The extraction of marine dredged sand and gravel should continue ... consistent with the principles of sustainable development and ... relevant guidance”*; and
- telecoms cabling (para 2.32) *“the importance of telecommunication cabling should be recognised in developing marine plans”*.

As with the NPSs, the problem with this approach is that justifying a need for an activity in a national context does not necessarily justify it in any location. Expressions of unlimited or unquantified need are not helpful in a planning context when decisions about individual applications actually need to be made. The policy should be trying to quantify, and if appropriate place reasonable limits on, what is actually needed and how fulfilment of this need could be managed through spatial planning. As with the NPS, the underlying premise is of a pure ‘market-led’ approach to planning and assessment of need without any strategic direction or vision for how development that is needed can occur sustainably and where. Further, if there are policy priorities for development of certain human activities within the marine environment, the MPS needs to be honest and transparent about these in order to allow for effective spatial planning, including identifying real and potential conflicts and the options for managing them. This all goes to highlight how vague and hence inadequate many of the Governments’ policies are for providing strategic policy steer.

⁹ From the ‘Scottish’ Ministerial Statement by Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment (12 March 2010), thus meeting the requirements of s123(6) of the UK Marine & Coastal Access Act 2009 regarding MPAs (as they will be called in Scotland):- *“MPA networks are a key part of the Scottish Government’s strategy for marine nature conservation. The strategy will be delivered through a 3 pillar approach, recognising the value of (i) protected sites, (ii) protected species and (iii) wider policies and initiatives that contribute to our conservation aims. MPA networks, in combination with the new marine planning framework, are also an important part of our wider strategy for managing Scotland’s seas, which aims to integrate conservation and other marine activities in pursuing a vision for a ‘clean healthy, safe, productive and biologically diverse oceans and seas’.*”. See: <http://www.scotland.gov.uk/Resource/Doc/295194/0096931.pdf>

Finally, we would caution that many parts of the marine environment are already damaged, biodiversity is already in decline and there are increasing pressures on marine ecosystems and resources (see para 2.5). This means that, even under current conditions, UK seas are not being used sustainably. As a consequence, Government and decision-makers will need to consider carefully how sustainable development will be achieved and maintained alongside a desire for growth in many industry sectors.

We have the following comments on particular statements within Chapter 2:

Energy Infrastructure Development

- Para 2.10 – We support the statement that the UK’s energy security is to be achieved “*while protecting the environment*”.
- Para 2.11 – We welcome the inclusion of the EU renewable energy target for 2020. However, it is not clear what the statement “*much of this renewable energy will come from **marine sources***” (our emphasis) actually covers. Considering that the wave and tidal energy industry is in its infancy and unlikely to be a major contributor to the 2020 targets, it seems that the reference is largely to offshore wind. If this is the case, then this reference to ‘marine sources’ needs to be clearly explained.
- Para 2.13 – We disagree with the statement that there are “*no overriding environmental reasons to prevent the achievement of our current assessed plans for offshore [energy] if mitigation measures are implemented to prevent, reduce and offset any significant adverse effects.*” Many of the studies were carried out at a strategic level, or are still continuing, and consequently, there should be an explicit admission that there are acknowledged data deficiencies and uncertainties in many areas of marine knowledge.

Tidal range, tidal stream and wave

- Para 2.21 – it would be useful to make reference to adaptive management in this paragraph. The references to specific sites such as Pembrokeshire and Anglesey raise questions regarding locational information in the MPS. They are very specific sites and appear to be the only locational information given in the MPS. The MPS should contain or provide a route to finding strategic level locational information where it exists, i.e. especially where there are locational constraints on certain activities including wave and tidal power, oil and gas deposits and aggregates. However, we would caution against highlighting a specific site in the MPS as has been done in this particular case unless it is clear that they are areas of search rather than sites ‘ring-fenced’ via the MPS for the activity in question. It must be noted that the project Environmental Impact Assessments (EIAs) could uncover unacceptable conflicts or environmental impacts that would prohibit future consents.
- It would be useful to include the references from which the anticipated figures for contributions of wave and tidal energy to UK energy supply are taken.
- The paragraph appears to presume that wave and tidal technology will be proven and become feasible before 2020 and, therefore, marine planning should be used to identify suitable sites for development. Whilst we share the Government’s and the industry’s optimism in this regard and agree that emerging technologies and activities should be considered within the marine planning process, we believe that the full policy context should be represented. This includes:
 - within the UK, the continued development of the Marine Energy Action Plan and the ongoing second Offshore Energy Strategic Environmental Assessment (OESEA2) which will lead into a plan for delivery of wave and tidal energy;
 - within Northern Ireland, the completion of the Offshore Wind and Marine Renewable Energy SEA and plan; and

- within Scotland, a potential review and update of the Marine Renewables SEA.
- It seems to us presumptuous to state that “*Demonstration deployments will carefully manage the potential environmental impacts...*”, particularly when there are a number of uncertainties in relation to deployment of wave and tidal devices as well the impacts that will arise. We suggest that the last sentence requires re-wording to take into account the uncertainties and requirements for monitoring.

Ports and shipping

- Para 2.28 – there should be more emphasis on the guidance available to encourage beneficial use of dredged material.

Marine aggregates

- Para 2.30 – what about other minerals? We suggest that there should be reference to the sustainability of sediment cells to avoid the need for increasingly costly coastal protection works.

Telecommunications cabling

- Para 2.32 – we would like clarity on the source of the statement that installation of submarine cables is “*internationally recognised and classification as zero or very low impact*”

Fisheries

- Paras 2.33-2.35 – should include greater priority on the recovery of fish stocks.

Climate change adaptation

- Para 2.40 – There should be specific reference to the removal of additional pressures on marine habitats/species, i.e. a healthy, functioning marine environment is more resilient to climate change pressures, therefore provides better climate change adaptation. An ecologically coherent network of MPAs is recognised as one measure to deliver a healthier, more resilient marine ecosystem, which in turn will support continued natural mitigation and adaptation ecosystem services.

Tourism and recreation

- Para 2.43 – coastal access is not included: rights to access and more activities need to be acknowledged.

Q2. Is any further information required at the UK level to support marine planning?

The Draft MPS does not provide any information with respect to data and information in marine planning. The following are the Joint Links’ main concerns with respect to data and knowledge:

- Plans need to be based on best available scientific data and include historical data to avoid shifting baselines.
- Reference should be made to the UK Marine Science Strategy.
- There is no framework for better cross-sector data collection or commitment to systematic surveys of the marine environment. Improving and coordinating data collection systems, as well as filling data gaps to ensure that marine plans are based on the best available evidence is vitally important.
- There is reference to making effective use of existing data (e.g. para 3.6 and para 4.1), but more comprehensive data is desperately needed for the marine environment to fill the data gaps.

- Better integration and sharing of data will provide a more solid basis for marine planning.
- However, there is no detail on which potential evidence/data sources to use or how they will be set up. For example, the para 3.3 states that marine plans should be based on a “*sound evidence base*”, but does not define this except to say that the level of detail will vary between activities and areas.
- Need a framework for sharing data between planning authorities and guidance on data storage etc.
- Where data does not exist, the precautionary principle (which is included within the principle of sustainable development to use sound science responsibly) must be used. This is particularly important as much marine development will come ahead of more comprehensive data on the marine environment.
- Finally, it is not clear how the MPS will deal with unknowns, i.e. how will it support adaptive management or how new/novel activities will be integrated in the future.

Whilst we feel that these issues should be addressed within the MPS on a more strategic level, it may be beneficial to produce more detailed guidance on the integration of marine and terrestrial planning and how marine plan authorities will work with stakeholders and the public. Paragraph 1.15 (Chapter 1) does not refer to working with stakeholders (only responsible authorities) which is crucial to achieving integration and informing the development of marine plans. It is important that this is covered at the UK level to ensure effective cross-border and cross-boundary collaboration.

Q3. Does Chapter 3 set out the key high-level considerations that need to be taken into account when developing marine plans? Are the most significant impacts and pressures identified?

While we welcome the high-level considerations regarding nature conservation, including the ecosystem approach and cumulative effects, mentioned in Chapter 3, the high degree of repetition between Chapters 2, 3 and 4 makes the Draft MPS difficult to read and therefore distracts from the important detail. Providing all the information *per* sector in the same place, e.g. the policy, the objectives, the considerations (including legal requirements and international commitments) and the impacts, would make understanding each sector easier to follow. We would like to suggest a different structure for the MPS. For instance, following on from Chapter 1, which sets the purpose and scope of the MPS, we suggest a chapter on the marine environment. This chapter should include information on the relevant baseline information and conditions, explain the ecosystem approach, the policy context and objectives (including conservation measures as well as climate change impacts, mitigation and adaptation), relevant environmental legislation, and how these are to be considered in marine planning and decision making (including the consideration of cumulative effects). Finally, a chapter for human activities, again including all the relevant baseline information and conditions, policy context and objectives, legal obligations, and how these are to be considered in marine planning and decision making. In our view, such an approach would avoid repetition of information and provide greater clarity and ease of reference for each relevant consideration.

In addition, there should be more consistency in sector headings for greater clarity and broader coverage of issues within each sector. For example, ports and shipping could sit within a transport section which would also cover coastal developments that may affect the marine environment (e.g. bridges, agricultural reclamation, coastal protection works). The existing chapter does not cover navigation as a ‘common’ resource for all water users which it should, either here or within the tourism and recreation section(s). Another example would be that the waste water treatment and disposal section(s) do not include any reference to marine litter or water abstraction. The heritage sections do not consistently cover seascape

(e.g. its omission from para 3.21 but inclusion in para 3.50). Tourism and recreation sections are far too brief for the significance of user activity and should include access.

Some of the advice in the ‘issues for consideration’ sections and on consideration of impacts and benefits seems to suggest greater focus on specific proposals than actual strategic direction for what policies/provisions should be included within marine plans. This implies that the marine plan authorities may be considering specific detail of proposed projects within an area and these may be specified within the marine plans. We would welcome clarification on whether this is the intention or whether marine plans will adopt a more zonal, and therefore more strategic, approach. By way of example:

- Para 3.22 – *“development should aim to avoid significant harm”*;
- Para 3.24 – *“The marine plan authority should ensure that wildlife species enjoying statutory protection... are protected from the adverse effects of development...”*;
- Para 3.25 – *“The marine plan authority should ensure that appropriate weight is attached to designated sites...”*;
- Para 3.32 – *“They should consider how effects of noise on wildlife can be mitigated and minimised...”*;
- Para 3.38 – *“The marine plan authority should not accept material harm to or removal of significance in relation to a heritage asset...”*;
- Para 3.47 – *“Marine plan authorities should be satisfied that activities and developments will be resilient to flooding... should not consider development which may affect areas at high risk and probability of coastal change...”*.

We agree that these are important issues which need to be considered at both the marine planning and decision making stages, but in different ways. The current wording of Chapter 3 is more geared towards considerations which should be taken into account as part of determining an application for a marine licence. The MPS should also be providing advice and guidance to marine plan authorities on how to address these types of considerations within their marine plans, in particular in determining the policies, provisions, zones/siting criteria and development restrictions which are to go within a plan, and ensuring that legislative requirements are met.

We believe that the strong focus on impacts within both Chapters 3 and 4 misses the point of spatial planning and perhaps several important steps identified by the UNESCO guidance, including:

- defining and analysing existing conditions, by identifying and assessing possible conflicts and compatibilities among human uses and between the environment and human uses; and
- defining and analysing future conditions, by considering alternative trend, use and management scenarios to identify a preferred scenario and, therefore, a preferred plan.

Whilst these are steps to be followed in developing a marine plan, we believe that the MPS should be giving guidance to marine plan authorities on these steps and how they should be carried out within the UK.

High Level Approach to Marine Planning Considerations

Whilst it is accepted that this is a ‘high-level’ document, there are no benchmarks set and very limited specific guidance on issues such as what might constitute a “*sound evidence base*” or how social, economic and environmental costs and benefits can be assessed and

weighed against each other by marine plan authorities. This lack of specific guidance means that a wide range of interpretations could be applied. The considerations in Chapter 3 are generally rather vague (except for reiterating existing legislation) and do not offer much that is new or would not be covered by existing regulations – they are not interpreted to guide a marine planning system that will deliver an ecosystem-based approach and sustainable development.

Para 3.3 – We agree with the statement that marine planning should reflect and address as far as possible all activities occurring in and placing demands on the marine environment. This should be made clearer throughout the MPS.

Para 3.4 – we assume that this statement should read that the aim of marine plans is to ensure sustainable development of the marine area **through** “*protecting and enhancing the environment*”. Assuming that ‘through’ is added to this statement, we welcome it.

Para 3.4; para 3.19; para 3.22 – management of impacts needs to follow a recognised hierarchy of ‘avoid → reduce → compensate’ (from the IEEM Ecological Impact Assessment Guidelines). Currently Chapter 3 (and Chapter 4, e.g. para 4.1, bullet 9) focus primarily on mitigation rather than avoiding the impact in the first place. Para 3.22 and para 3.19 do elaborate somewhat on this hierarchy but miss out the ‘reduce’ step. The general principle should be to avoid all harm.

Para 3.6, bullet 1 – we fully support the clear statement that development of marine plans must be consistent with UK and EU legislation and international commitments.

Para 3.6, bullet 3; para 3.11 – we welcome the positive identification of public representations as a source of information to inform the development of Marine Plans. The MPS should also, however, elaborate on the need for an inclusive approach, i.e. participative planning as opposed to formal consultation and suggest appropriate mechanisms to achieve this.

Para 3.6, bullet 5 – as well as horizon scanning for future demands, marine planning will also need to consider current and future conflicts and how they are to be addressed and managed.

Para 3.6, bullet 5 – we fully support a marine planning system, i.e. MPS and marine plans, based on an ecosystem approach.

Para 3.8 – The way this is worded suggests that Government believes activities can be sustainable if they have economic **or** social **or** environmental benefits. The use of the word ‘or’ continues the thinking that environmental, social and economic factors need to be balanced and, therefore, trade offs between them become acceptable. There should be clear reference that a benefit in one factor does not necessarily make the activity sustainable – for example, a project which has significant economic benefit but significant adverse environmental impacts is not automatically sustainable and the environmental impacts cannot simply be traded for economic benefits. There must be clearer guidance on how the marine planning authorities are to consider and integrate policy objectives for the environment, society **and** the economy. Para 3.9 – Marine plan authorities will also need to consider the existing environmental benefits of the area as well as the social and economic benefits of the proposed development.

Para 3.10 – adverse impacts on the marine environment should include impacts on the structure and functioning of marine ecosystems; while the social effects should include effects on human health and well-being.

Para 3.11; para 3.13 – SEA will also need to consider the benefits and impacts of alternative MPS and marine plan scenarios to ensure that the most environmentally-friendly option is used. We welcome the reiteration of the requirement to consider cumulative impacts. We consider it would be beneficial when referring to SEA and Habitats Regulation Assessment to include a reference to all EU and UK guidance on such assessments.

Para 3.12 – welcome the reference to the need to consider the cumulative and in-combination effects of activities, however, guidance will need to be provided.

Para 3.12: Unclear how environmental, social and economic activities will be integrated.

Para 3.15 – this incorrectly states that an SEA and Habitats Regulation Assessment (HRA) form part of an Appraisal of Sustainability (AoS). Whilst it may be that an AoS is undertaken so that it incorporates SEA and complies with the SEA Directive, this is not the same for the HRA which is a completely different and separate assessment. We suggest that this paragraph needs to be amended to reflect this.

Marine Ecology and Conservation Considerations

Again, even for a ‘high-level’ document this section is vague and mainly reiterates existing legislative controls (mainly from the Habitat Regulations). The Joint Links are strong supporters of an ecologically coherent network of MPAs as a tool to deliver protection for marine biodiversity and we welcome the information on MPAs included in these sections. However, we also recognise that MPAs will not thrive in seas that are otherwise overexploited, i.e. where human activities are not managed sustainably. Therefore, MPAs cannot be treated in isolation or as the only tool for environmental protection (note reference above in response to Q1 to the Scottish ‘3-pillar approach’ to marine nature conservation which encompasses, “(i) protected sites, (ii) protected species and (iii) wider policies and initiatives that contribute to our conservation aims”). This is particularly pertinent given the inadequacy for inclusion of highly mobile species under the (draft) MCZ Guidance on ecological coherence of the MPA network, therefore, the use of a range of tools (consents, bylaws, etc) for the protection and conservation of such species within the marine plans and wider environment is essential.

One of the roles of marine planning is to ensure that decision-making integrates environmental concerns, makes space for biodiversity and is based on a good understanding of carrying capacity with MPAs providing a tool to support biodiversity. To achieve sustainable development in the marine area, there must be a clear statement in the MPS that we must live within our environmental limits. However, as it stands the only specific guidance that would be available to marine plan authorities with respect to biodiversity issues is that contained in existing legislation and regulations, which although incredibly important and useful, does mean that the MPS is adding nothing new in terms of a strategic or plan-led approach.

Para 3.20 – the UK’s biodiversity strategy as set out in this paragraph is inadequate. We believe that the jointly agreed UK marine nature conservation objectives (i.e. those in *Safeguarding Sea Life*, 2005) must be used here as they give a more rounded and complete view of the UK’s marine conservation strategy.

Para 3.21 – One concern is that the MPS states that the objective of avoiding impacts to biodiversity should be “*viewed in the context of the challenge of climate change*”. Such an unqualified statement could result in significant adverse impacts to biodiversity. It suggests that activities in inappropriate locations could be consented on the basis that their adverse impacts are less than the future adverse impacts of climate change. Furthermore, it does not consider the climate change mitigation and adaptation benefits derived from a healthy functioning marine ecosystem thus contradicting the climate change issues for consideration in para 3.42, bullet 1. While we strongly support measures to tackle the challenge of climate change, we believe that the right solutions need to be sited in the correct locations.

Para 3.22 – The general principle should be to avoid **all** harm not just “*significant harm*”. Furthermore, it needs to be clearly stated that in some cases, the potential damage is considered too great and/or compensation is not possible and as a result, the activity will not be licensed.

Para 3.23 – optimising the integration of policy outcomes (i.e. building-in beneficial biodiversity features) should only take place where ecologically appropriate.

Para 3.27 – while the “*most important sites for biodiversity are those identified through European Directives*”, it should be clarified that there is a hierarchy of legal importance for site designations, otherwise this paragraph appears to indicate that other protected sites are not important at all. We welcome reiteration of the policy commitment to treating possible SPAs (pSPAs) in the same way as those that are designated, which is the legal position for pSACs.

Para 3.28 – this paragraph underplays marine planning authorities’ responsibilities with respect to MCZs. Paragraph 80 of the recently published, *The [UK] Government’s strategy for contributing to the delivery of a UK network of marine protected areas* (March 2010), states that there is:

“a duty on every public authority to exercise its functions (so far as is consistent with their proper exercise) so as to best further the conservation objectives stated for the MCZ (or if that is not possible, to least hinder the achievement of the conservation objectives).”

And goes on to state that “[t]his duty will be included in the Marine Policy Statement.” This paragraph therefore, needs to be edited if this duty is to be represented accurately in the Draft MPS.

Para 3.29 – the legislation is correctly entitled the Wildlife & Countryside Act 1981. Reference should also be made to the need to ensure the conservation objectives of the SSSIs are met.

Other/Sectoral Considerations

Para 3.30 – We welcome this section on noise, but pile driving should be explicitly mentioned as one of the most intense noise sources in the marine environment, as verified by recent research¹⁰.

Para 3.32 – while there is strong support for assessing cumulative impacts of noise, that assessment must meet the targets set under the EU MSFD GES descriptor on noise, not just be balanced against profit.

Para 3.42, bullet 2 – we strongly support helping the marine environment adapt and be resilient to the effects of climate change. While we agree that there should be sufficient flexibility built into marine plans to deal with climate change, we are concerned that there is an assumption that the only option is to de-select a site should a protected feature disappear or move as the result of climate change effects. Other options that need to be fully considered first include: alternative management measures that deliver better protection under the new climatic conditions; build-up the resilience of the feature to allow it adapt to climate change; ensure that site boundaries are designated big enough to accommodate some climate-related shift; boundaries should be moved to ‘follow’ the altered distribution of the feature; and finally, where a site is de-designated, an alternative site for that feature should be selected to take its place.

Paras 3.50-3.53 – we welcome the commentary on landscape and seascape. Paragraph 3.52 should also include a mention of tranquillity mapping and data, used increasingly in the management of nationally designated landscapes, as an important component of ‘existing character and quality’. More widely, the MPS will need to give clearer guidance on the how landscape and seascape, and in particular, the legal duty to have regard to the purposes of nationally designated landscapes (para 3.53) will be integrated into the MPS to achieve sustainable development.

¹⁰ Mueller-Blenkle C, McGregor PK, Gill AB, Andersson MH, Metcalfe J, Bendall V, Sigra P, Wood DT & Thomsen F (2010) *Effects of pile-driving noise on the behaviour of marine fish*. COWRIE Ref: Fish 06-08, Technical Report 31st March 2010.

Q4. Does Chapter 4 set out the appropriate considerations for decision making for the marine area? Does it provide guidance on the factors to consider for specific activities in reaching decisions?

Chapter 4 is little more than a reiteration of the considerations that are current legal requirements, in the simplest terms. It does not provide guidance to those planners or decision-makers on how the marine planning system is to help the process. Clarification of what is legally required is helpful, but marine planning should go further and provide policy guidance and greater steer for decision-making. At present the draft MPS does little more than reaffirming the *status quo* in marine decision-making.

Considerations for specific proposals for activities or use

Para 4.1 sets out the principles that need to be taken into account by decision-makers. Joint Links has the following comments on these principles:

- Bullet 4 – As well as taking account of other relevant projects, programmes, plans and national policies and guidance, decisions should be conducted in a manner that is inclusive, involving stakeholders in the decision-making process with reference to non-statutory guidance where available.
- Bullet 5 – it is unclear why the term ‘liaison’ is used in reference to terrestrial planning authorities and other regulators, yet ‘consultation’ is used in reference to statutory advisors. We strongly recommend that decision makers adopt open, transparent, inclusive and participatory consultation procedures with all relevant authorities, advisors, stakeholders and the public in order to enable truly informed decision making;
- Bullet 7 – refers to taking a risk-based approach to allow for uncertainty, however, the precautionary approach should also be referenced here, particularly as it is the legal requirement and included within the sustainable development principle of using sound science responsibly.
- Bullet 8 – while we welcome the reference to protected sites and sites of significance, we again stress that the marine environment and its protection must be considered at the wider level too, e.g. at the scale of ecosystems and living within environmental limits, etc. Therefore, impacts will need to be considered and avoided at that level if environmental sustainability is to be achieved.
- Bullet 9 – again there is an inappropriate emphasis on mitigation rather than the hierarchy of ‘avoid → reduce → compensate’ recommended in impact assessment guidelines.
- Para 4.2 – the inclusion of the multiple and cumulative impacts of specific proposals should be one of the principles

Issues for specific activities and uses

Para 4.5-4.8 defence and national security – there is no ‘potential impacts’ section for defence, yet there is for every other marine user that is detailed after it. Defence utilises massive areas of the marine environment and some potential impacts are well documented. These should be included.

Para 4.15 oil and gas potential impacts – there are cumulative impacts from pipeline installation particularly if considered along the entire length of the pipeline and the various sensitivities of the habitats encountered on its route.

Para 4.16 tidal stream does not have to be limited to ‘*inshore around headlands and in sounds*’; therefore, remove the wording in brackets.

- Para 4.18 renewable energy potential impacts – should acknowledge that fishing effort displaced by the physical presence of renewable developments may be concentrated into other areas, possibly even MPAs creating new/additional impacts.
- Para 4.20 renewable energy potential impacts – while there is a brief outline of potential impacts on birds, marine mammals and fish, there is little mention of potential direct impacts, e.g. from construction, on sensitive marine habitats (except the mention of possible scouring effects).
- Para 4.21 should recognise potential alteration of river, coastal and marine geomorphology. Mitigation methods for impacts ‘should’ (not ‘may’) be supported by detailed monitoring programmes.
- Para 4.29 appears to encourage more generation of fossil fuel energy generation because we have the opportunity for CCS, a position we do not support. The first sentence should be re-worded to avoid the use of the word ‘enabling’.
- Para 4.30 CCS potential impacts – this section needs to acknowledge the “*significant local impacts and interference with other users of the area*” that could arise where salt caverns are used for storage (see para 4.15).
- Para 4.31-4.32 Issues for consideration for energy infrastructure – marine planners and decision-makers must also take into consideration the benefits of avoiding damage to habitats and ecosystems that deliver ‘free’ climate change mitigation and adaptation measures, such as CO2 sequestration by seaweeds, seagrass beds and corals, etc.
- Para 4.37 port development – does this include marinas? If not, it should.
- Para 4.39 port development potential impacts – while mentioned under marine dredging for example (para 4.47) there is no mention of antifoulants here.
- Paras 4.56-4.57 marine aggregates – While we recognise that more detailed guidance on marine aggregate extraction is set out in Marine Minerals Guidance Notes, we are concerned that the policy on aggregate extraction is based on market demand rather than environmental capacity and cumulative effects. This is just one example of a number of Government policies that are based solely on meeting market demand. The Joint Links believe, however, that the MPS should determine the most sustainable level of exploitation for the marine environment based primarily upon scientifically-derived environmental limits.
- Para 4.59 aquaculture potential impacts – contrary to the statement that finfish aquaculture can alleviate pressures on wild fish stocks, this section must clearly acknowledge the pressures that aquaculture fish feeds can place on wild stocks, other marine wildlife and ecosystems. Most feeds for finfish aquaculture industry are still heavily reliant on wild capture fisheries. This has to be addressed and should be recognised here.
- Para 4.63 fisheries – we welcome the joint UK view that “*the overall aim of reformed CFP should be to attain ecological sustainability through a CFP designed to optimise the wealth generation potential of marine fish resources.*”

Q5. Does the document provide an appropriate overarching framework for the development of marine plans and decision-making in the UK marine area?

The Joint Links are seriously concerned because in our view, the Draft MPS does not provide “*an appropriate overarching framework for the development of marine plans and decision-making in the UK marine area*”. Marine planning should lead to more coherent and consistent decision-making and, despite containing useful information, this document does not deliver the policy guidance to enable this. Whilst it is a high-level document, the considerations for development of marine plans are vague and do not provide firm guidance on key issues such as what constitutes a sound evidence base, what is an acceptable level of impact or how conflicting costs and benefits should be assessed by marine planning authorities. As it stands, it does little more than reiterate in a single document existing legislative provisions and why, in the government’s view, more activities that have the potential to impact the marine environment are needed. While highlighting relevant

legislation is important and useful, it is not providing a strategic or plan-led approach. Consequently, it does not meet the UK Administrations' aim, set out on pg.iii (Outline Impact Assessment) that the MPS should deliver "*benefits like clarity and transparency of decision making leading to more consistent decisions in the marine area*".

The Joint Links' concerns include:

- There is no prioritisation, strategic direction or steer in the Draft MPS.
- There is too much duplication and description, making it difficult if not impossible to tell where the policy lies or if there is an overarching policy. The policies need to be clear and accessible. As a consequence, it is not comprehensive enough to govern sustainable use, particularly in the absence of marine plans.
- The policies that are set out (see Chapter 2) are not interpreted in the context of marine planning.
- There is a focus on individual sectors with no information on how these should be integrated, how opportunities will be utilised such as identifying compatibilities or the possibilities for co-existence of uses.
- There is also no consideration of new activities that might come on stream in future – the planning system must be capable of taking these into account as they arise.
- We do not consider that Marine Conservation and Protection is a sector. A healthy, well functioning marine environment should underpin *all* marine activities.
- There is little or no information on integration across borders, particularly the national borders with Scotland, Wales and Northern Ireland; or across the land-sea boundary.
- It must be clear that the legal requirements under international legislation must be met by the marine planning system.
- There should be a framework set out for reviewing the process, setting out timelines for reviewing the MPS and when this would be consulted on.

MPS overarching approach

Paragraph 1.4 sets out the overarching approach to the MPS. However, we believe that it could be expanded as there are a number of important additions to that list. We believe that the overarching approach for marine planning and the MPS should focus on delivering sustainable development, environmental protection, forward planning, integration and assessment of cumulative impacts to achieve sustainable use of the sea. This approach then provides the context for delivering the aims in paragraph 1.3.

Additions to the overall approach to marine planning presented in paragraph 1.4 should be expanded to include:

- to develop a holistic approach towards managing and protecting the marine environment and its biological, social and economic resources;
- to provide a mechanism for looking at and harmonising the full range of objectives and priorities for the different marine resources and sectoral uses, so helping to achieve the UK Government's sustainable development objectives.¹¹

However, we would note that the approach set out in the Draft MPS document requires further development and the addition of the detail we recommend in our response before it delivers this approach.

¹¹ From the marine spatial planning objectives in the *Initial Marine Bill Regulatory Impact Assessment (RIA)*, Annex 5A, paragraph 2.1(a), accompanying the 2006 *Marine Bill* Consultation Document.

Policy Priority

While it was stated at Defra's MPS workshop (25 March 2010) that the MPS does not set out policy priorities, the document does contain some implicit references within the text to priorities. Therefore, these should be included explicitly, at least in reflecting what actually happens in practice and government policy preferences. There does not necessarily need to be rigid policy priorities as flexibility and project or location specific issues will need to be considered in preparing marine plans and making decisions. However, the draft MPS does currently lack any clear direction or steer from Government in relation to identifying and managing competing or conflicting policies as well as compatible ones. Marine planners and decision-makers will need some form of steer if the MPS is going to be a useful document. Therefore, all references to priorities in Chapter 2 either need to be removed or alternatively drawn out to create a more explicit statement of policy priorities (e.g. including a flow-diagram, or a table setting out tiers of priority relevance) in the MPS.

Irrespective of whether the current implicit policy priorities are made explicit or removed, there needs to be greater steer from the MPS to aid decision-making, particularly in dealing with conflicts, either included in the MPS or in associated guidance. If the latter, reference will need to be made to the relevant guidance in the MPS and it will need to be available for consultation at the same time as the draft MPS.

The Joint Links believe that ensuring a sustainably managed marine environment and living within environmental limits, along with achieving a just society are cross-cutting issues that should be given priority, arguably top priority, if the UK Governments are to achieve the marine vision, the HLMOs and deliver sustainable development of the marine area.

At Defra's March 2010 MPS workshop, attendees were asked whether the draft MPS had got the "*balance between 'green' [environmental] issues and socio-economic issues right*". Our response is that the focus should be on ensuring that the right policies and objectives are included to provide the right steer to decision-makers, if the MPS is to contribute to the achievement of sustainable development rather than 'balancing' stakeholders' views. Secondly, the MPS and marine planning should be looking to integrate, rather than balance, environmental, social and economic issues at sea if sustainable development is to be achieved.

Q6. Is any additional information required at UK level?

See response to Q2 above.

Outline Impact Assessment

Section 5: Option 2 question (a) – What benefits do you foresee from having a coherent policy framework with an MPS in place?

- The Joint Links welcome the proposed benefits and the aspirations set out in the outline Impact Assessment. However, as currently drafted, it is our view that the Draft MPS will not deliver these benefits.
- The MPS should highlight gaps in Government policy, policy conflicts and policy that does not give a strong planning steer. This gives Government the opportunity/option to revise the relevant policies to remove gaps or weaknesses in national policy.

Section 5: Option 2 question (b) – Do you foresee any costs arising from having a coherent policy framework with an MPS in place?

- While admittedly difficult to quantify, the outline Impact Assessment should provide greater detail on the time involved in consultation on the MPS. Stakeholder involvement in the MPS consultation is crucial if a participative approach to planning is to be developed. This should be recognised in the Impact Assessment as it carries a cost in terms of time input for governments, the MMO and other regulators, the public and other interested stakeholders, as well as industry.