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Marine Spatial Planning Section
Department of Housing, Planning and Local Government
Newtown Road
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**Our ref:** 4608/06/SCH

Stephen Hull
Director

12 December 2018

**By Email**

Dear Sir/Madam

**National Marine Planning Framework – Baseline Report**

I am responding on behalf of ABPmer to the public consultation on NMPF Baseline Report. ABPmer is a UK-based marine consultancy with more than a decade of experience of marine planning in the UK and Europe. We have been extensively involved in marine planning and sectoral marine planning in England, Wales, Scotland and Northern Ireland. Through this involvement we have an in-depth understanding of the challenges of marine plan development, implementation and monitoring. We are currently supporting the Marine Institute to collate spatial data and evidence in support of the National Marine Planning Framework. Through this work we have a good understanding of the context in which DHPLG is working. We have also undertaken work for the European Commission to review aspects of marine planning across Europe.

We have set out below observations on some of the consultation questions drawing on our experiences elsewhere. We would be happy to discuss any of these matters with the Marine Spatial Planning Section if that would be helpful.

**Q3. Marine Plan Objectives**

We generally endorse the broad high-level objectives proposed. While the objectives reference Good Environmental Status under the MSFD (which includes establishment of an MPA network), we wonder whether there should be a more explicit statement in relation to MPAs and the need for better site-based marine nature conservation, particularly in the light of continued declines in marine biodiversity. Further consideration might also be given to marine nature conservation outside of MPAs, for example, in relation to OSPAR priority habitats and species. We also wonder whether there should be an objective that acknowledges the desirability, where possible, of restoring marine ecosystems, on which many important human benefits depend.

Experiences in the UK indicate that a key challenge is in applying some of these high level objectives in the development of marine plans. This has particularly proved to be the case in relation to the 'ecosystem-based approach' and 'realising the potential of marine resources'.

There are various definitions for and sets of principles relating to an 'ecosystem-based approach'. Key aspects of all of these definitions and principles include the integration of economic, social and

environmental factors and integration across activities, taking a long-term view, involving stakeholders, respecting environmental limits and adaptive management.

All of the marine planning processes that we have worked with have struggled to achieve meaningful integration either across activities or across economic, social and environmental dimensions. A key challenge for sectoral integration is that many marine activities continue to be planned sectorally (oil and gas exploration and development, offshore renewables development, Marine Protected Areas). While the outputs form these sectoral plans may be subject to environmental and socio-economic appraisal processes, the outputs form such exercises tend to be adopted uncritically within marine plans, particularly where the sectoral marine plan owners are different from the marine plan makers. There can be good reasons why sectoral planning is necessary, for example, due to timing of development needs arising, but if sectoral integration is to be achieved, stronger mechanisms are likely to be required to break down institutional barriers.

We note that paras 15.26 and 15.27 of the consultation indicate that DHPLG will be commencing a parallel process to formally identify any requirement for additional MPAs. It is likely that this will be of significant interest to many stakeholders and that the nature of proposals for designation and management of MPAs will form an important part of stakeholders' consideration of the overall acceptability of the NMPF. We wonder whether the separation of marine planning and MPA planning might not create problems in gaining sign-off of the NMPF (assuming this precedes decisions on MPA designation and management), although we recognise that the time scales for the NMPF may necessitate this.

Integration across economic, social and environmental factors remains challenging owing to the limitations of available evidence and the sensitivity of making trade-offs. Marine Scotland has developed clear methodologies for undertaking Sustainability Appraisals of marine and sectoral marine plans based on a combination of:

- Strategic Environmental Assessment
- Appropriate assessment under the Habitats and Wild Birds Directive
- Socio-economic assessment; and
- Public consultation and engagement.

This approach has been successfully applied to MPA planning and sectoral planning for offshore renewables as well as to the national marine plan. These processes are well supported by Scottish marine stakeholders. Other UK devolved administrations have generally used weaker forms of appraisal which limit their value.

Scientific understanding of environmental limits is incomplete, particularly when considering population consequences for mobile species such as fish, birds and marine mammals. This has been a cause of various legal challenges and project failures in the UK, for example, Docking Shoal OWF was refused consent owing to uncertainties concerning impacts to tern populations. The RSPB was also involved in a high profile legal challenge (won by Scottish government on appeal) concerning cumulative effects of three OWF on the Scottish east coast.

While HOOW has an aspiration to achieve significant blue growth, the high levels of scientific certainty demanded of decision-makers, particularly by the Birds & Habitats Directives, and the relative paucity of scientific evidence can make it difficult to promote blue growth policies within marine plans. For example, the draft Wales National Marine Plan included a number of policies for Strategic Resource Areas (SRA) as priority development areas for offshore wave and tidal stream development, tidal lagoon development and aquaculture development. Although these policies were not prescriptive and did not create a presumption in favour of development, they were heavily criticised by environmental NGOs on the grounds that Welsh Government had provided inadequate evidence to support the policies, particularly in relation to compliance with the Habitats Directive. This has led to delay in the adoption

of the Plan and a watering down of the SRA policies. In contrast the Northern Ireland marine plan included little if any spatially explicit policy and was criticised by stakeholders for failing to provide any spatial clarity.

In Scotland, the national Marine Plan included aspirational objectives for expansion of the finfish aquaculture sector. Since plan adoption, there has been increasing criticism of this aspiration in the face of uncertainty about fin fish aquaculture impacts, particularly in relation to the spread of disease and parasites, the impact of escapes on wild gene pool and release of persistent pollutants. The uncertainties concerning these impacts has created a strong lobby against fish farm expansion on the grounds that the impacts of such expansion are unknown and could exceed environmental limits.

**Q4. Level of Policy Prescription**

We acknowledge the tension between high-level non-spatial policy approaches and more prescriptive spatial policies. Our examples above in relation to Wales and Northern Ireland are relevant here. While regional plans for England and the Scottish national Marine Plan have included more explicit spatial policies for some sectoral activities (oil and gas, offshore renewables, marine aggregates) such specificity has nearly always[1] relied on information contained within pre-existing sectoral plans or leasing rounds. This is because the high level of effort required to develop and gain stakeholder acceptance of spatial policies for these important marine activities and the limited time generally available to develop marine plans. In the context of the NMPF, the current lack of identified zones for fixed-bottom offshore wind development is likely to be a key challenge for DHPLG. The absence of such zones within the NMPF could delay development and increase the risk of legal challenge to some of the currently identified projects. However, as demonstrated by experiences in Wales, if the evidence underpinning spatial policies is weak, this may also lead to stakeholder challenge and delays in plan adoption.

Perhaps the ideal would be for DHPLG to work with stakeholders as part of the NMPF process to identify broad areas that are physically suitable for fixed-bottom offshore wind development with a commitment to further strategic spatial planning and assessment of these zones prior to granting of leases. In some respects, this could be similar to the Zonal Appraisal Process applied to UK Round 3 OWF projects. There are several existing methodologies used in the UK to support identification of potential OWF development zones, including The Crown Estate's MaRS tool and Marine Scotland's offshore wind planning tool.

A wider consideration is the ease with which plan policies can be applied within licensing and wider decision-making processes. Where policies are high-level, they are less deterministic in decision-making processes and there is a risk that marine plans fail to add any significant value in decision-making. However, more prescriptive policies that are not well thought through can also be problematic with the risk of legal challenge at project level.

Overall, our experiences indicate that prescription in plans can only proceed at the pace at which stakeholders are comfortable and where there is sufficient supporting evidence. Rather than taking a view *a priori* concerning how to progress the plan, it may be better to consider which policies might benefit from greater definition and focus on these in terms of building consensus and supporting evidence.

**Q5. Alignment with the NPF**

All marine activities have a land dependency. Integration across the land-sea interface is therefore very important. Experiences in the UK have highlighted challenges in engaging local authorities around

[1] English regional marine plans have also variously developed spatial policies in relation to important shipping routes, areas of potential aquaculture opportunity and areas for beneficial use of dredged sediments.

marine planning and this has lead to weaknesses in identifying requirements for and providing land-based infrastructure and facilities to support marine activity. A strong focus on engaging local authorities through the plan-making process will be important in identifying blue-growth opportunities and facilitating social and economic benefit, although such detail might more appropriately be the focus of sub-national plans if these are to be produced.

**Q8. Infrastructure Investment**

If Ireland is to capture the economic and social benefits of offshore renewable energy development it will need to ensure that its port facilities can support both construction and O&M activity. Experience in the UK indicates that retention of economic benefits may be very small where there is limited capacity to support construction activity. Conversely, projects such as Siemens offshore wind turbine manufacturing facility in Hull have delivered very significant local economic and social benefits. While it is unclear whether the scale of offshore wind ambition in Ireland would be sufficient to attract a turbine manufacturing facility, there is good potential for Ireland to provide other construction elements such as foundations, towers, blades, cables etc.

**Q9. Environmental Assessment**

Most SEAs and AAs of UK marine plans have made a limited contribution to informing plan development and have largely been box ticking exercises. This has been because most of the marine plans contain few new spatially explicit policies and thus there is little if anything to assess. Should the NMPF include more explicit spatial policies the SEA and AA could be more meaningful. There is good experience in Scotland of using these processes to effectively shape sectoral marine plans in Scotland and to manage their implementation.

**Q10. Plan Hierarchy**

We think there is useful scope for establishing subsidiary marine plans. These could be either local/regional plans for locations that require them or sectoral marine plans. Formally incorporating sectoral marine plans as part of a plan hierarchy could give them added weight.

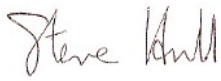
**Q12. Plan Implementation**

Scotland and England have taken very different paths in implementing marine plans. In England a considerable effort has been expended in seeking to develop indicators against which to assess plan effectiveness. However, because the marine plan policies largely signpost existing policies, the actual impact of the plans is likely to be very small. It is thus very challenging to develop meaningful indicators that can assess the specific contribution of marine plans. In Scotland a very different approach has been taken, largely based on stakeholder perception.

While there are some seemingly obvious metrics such as the proportion of licensing decisions taken in accordance with marine plan policies, where the plan policies are not explicit, such metrics can be fairly meaningless.

In Wales, NRW has been considering how developers might demonstrate compliance with plan policies as part of their development applications and how this can be done in a proportionate manner.

Yours sincerely
for ABPmer



**Stephen Hull**
**Director**