

SC(3) MB-P12

Sustainability Committee

Inquiry Into The Marine Bill

Response from the Worldwide Fund for Nature

WWF-UK Marine & Coastal Access Bill Briefing

Joint Planning across Marine Planning Regions

WWF supports the briefing and proposed amendment to clause 49 of the Marine and Coastal Access Bill submitted by the Wildlife and Countryside Link, which proposes the addition of a clause to state that nothing prohibits the preparation of joint plans by marine plan authorities between marine planning regions. However, WWF believes that the provisions of the Bill should be conducive to encouraging joint planning between adjoining marine planning authorities in cross-border areas, as well as between marine and terrestrial planning authorities within a marine planning region. As there will undoubtedly be marine areas that cross administrative boundaries, we consider it important that the Bill facilitates the adoption of an ecosystem based management approach, with joint plans prepared on an ecosystem basis instead of administrative boundaries.

WWF wishes to propose amendments to strengthen the provisions of the Bill and the opportunities it presents for joint planning. We recognise that imposing a positive obligation or duty upon marine planning authorities to prepare a joint plan may give rise to administrative difficulties, particularly in relation to devolved administrations. For this reason, we suggest that rather than a duty for joint plans to be prepared, additional provisions could be inserted into the Bill to *enable* marine planning authorities to *facilitate* joint planning where possible and desirable.

Paragraph 3 of Schedule 6 to the Marine and Coastal Access Bill currently places a positive obligation upon marine planning authorities to seek compatibility of marine plans where they apply to related marine plan areas, regardless of whether or not they are within the same marine planning region. There is also an obligation to seek compatibility with terrestrial plans where necessary. WWF supports the introduction of such obligations within the Bill and believes that these will assist with enabling consistent planning across marine planning regions and between the marine and terrestrial environments. However, there remains a risk that planning authorities may work on two separate plans for an area where it would make more sense to work together on one plan (e.g. for an estuary).

Highways Law provides an example of where two authorities can agree the management of an area crossing their administrative boundaries. A statutory power enables highway authorities to enter into an agreement permitting each other to exercise specified functions over parts of a



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highway located outside their boundary. Normally, this power is utilised where a highway is intersected by an administrative boundary and the agreement enables the highway to be maintained in a consistent and coordinated manner. WWF submits that a similar enabling provision could be inserted into the Marine and Coastal Access Bill to enable marine planning authorities to enter into an agreement for joint planning of a marine area which crosses marine planning regions.

WWF recognises that it may not always be possible for the suggested agreement provisions to be utilised. For this reason, we believe that additional provisions can be inserted into the Bill to *encourage* greater cooperation and coordination between marine planning authorities. In particular, the requirement for compatible plans contained in Schedule 6 should be supported by strengthened consultation provisions which enable greater coordination between the relevant planning authorities while preparing and implementing the plans.

The amendments that we propose will seek a requirement for a marine planning authority drafting a marine plan to consult with other “*related planning authorities*” for areas “*related to*” the marine plan area, as these terms are defined within Schedule 6. Upon being consulted, the related planning authorities should then be given the opportunity to make recommendations on the content, application and implementation of the marine plan, where the marine plan would affect the exercising of their functions in the related area. The marine plan authority drafting the marine plan must take into account these recommendations and, where it has not followed them, provide a written report detailing the rationale. WWF considers that these amendments will enable all relevant authorities to be involved at an early stage of the development of a marine plan, encourage joint plans where possible or consistency between plans which relate to an area that crosses either marine planning regions or marine and terrestrial jurisdictions.

Annex – Amendments

Marine and Coastal Access Bill
 House of Lords Committee Stage, January 2009

(1) Power for marine plan authorities to enter into agreement for joint planning

Clause	Schedule 6 Marine plans: preparation and adoption
<p>Amendment</p>	<p>Page 231, line 22 at end insert new paragraph</p> <p>“5A Agreements between marine plan authorities for joint planning</p> <p>(1) Subject to the provisions of this paragraph, marine plan authorities may enter into agreements with each other for or in relation to the exercise of functions in respect of marine plan areas that are related to one another within their marine planning regions.</p> <p>(2) An agreement under this section may provide, in relation to a marine plan area specified in the agreement, being a marine plan area for which one of the parties to the agreement are the marine plan authority, for the exercise of specified functions by:</p> <p>(a) one of the marine plan authorities party to the agreement even where the marine plan area is not within that authority’s marine planning region;</p> <p>(b) an agreed public body under delegation by both marine plan authorities in accordance with section 53;</p> <p>(c) any other body with expertise and experience in championing sustainable development and managing the marine environment.</p> <p>(3) In respect of an agreement where sub-paragraph (2)(c) applies, the body to be authorised to exercise specified functions must also be party to the agreement.</p> <p>(4) Expenses incurred in pursuance of an agreement made under this paragraph shall be borne by the parties to the agreement in such proportions as may be determined by the agreement.”</p>

(2) Consultation between marine plan authorities and local planning authorities

Clause	Schedule 6 Marine Plans: preparation and adoption
Amendment	Page 230, line 22 at end insert new sub-paragraph “(2A) Such notice under sub-paragraph (1) must invite the related planning authorities to submit representations and make recommendations about the matters to be included in the proposed marine plan and give reasons for any recommendations.”
Amendment	Page 232, line 16 at end delete “.” and insert “, and (c) the related planning authorities.”
Amendment	Page 232, line 32 delete sub-paragraphs (a) and (b) and insert “(a) representations and recommendations by the related planning authorities, in response to an invitation under paragraph 1(2A), about the matters to be included in the proposed marine plan, (b) representations, in response to the invitation issued under paragraph 5(5), about the matters to be included in the proposed marine plan, and (c) representations and recommendations under paragraph 12 about the consultation draft.”
Amendment	Page 232, line 38 after “representations” insert “and recommendations”
Amendment	Page 232, line 39 after “representations” insert “and recommendations”
Amendment	Page 233, line 40 after “representations” insert “and recommendations” and delete “invitation” and insert “invitations”
Amendment	Page 233, line 41 after “to” insert “sub-paragraph (2A) of paragraph 1 and”

Amendment	Page 234, line 33 after “ <i>Representations</i> ” insert “ <i>and recommendations</i> ”
Amendment	Page 234, line 34 at end insert new sub-paragraph “(1A) The related planning authorities may make recommendations on the consultation draft about the proposals to be included in the marine plan, giving reasons for the recommendations.”
Amendment	Page 234, line 35 after “representations” insert “and recommendations”
Amendment	Page 234, line 36 after “representations” insert “or recommendations”
Amendment	Page 236, line 11 after “by” insert “the related planning authorities under paragraph 12(1A) or”