

Response to the MMO's Draft Marine Plans consultation.

30 April 2020

Headline questions for all Draft Marine Plan Consultations

About you:

1. Would you like your response to be confidential?

No

2. What is your name?

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4. Are you responding as an individual or on behalf of an organisation

Organisation

Organisation name (if applicable)

Energy UK with additional input from RenewableUK on defence.

Please describe your interest or the interests of your organisation. (max 100 words)

Energy UK is the trade association for the energy industry with over 100 members spanning every aspect of the energy sector – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

We represent the diverse nature of the UK's energy industry with our members delivering almost all (90%) of both the UK's power generation and energy supply for over 27 million UK homes as well as businesses.

The energy industry invests over £13.1bn annually, delivers around £85.6bn in economic activity through its supply chain and interaction with other sectors, and supports over 764,000 jobs in every corner of the country.

Response to consultation questions

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Draft North West Inshore and Offshore Marine Plan Consultation

Background

1. Do the Draft North West Inshore and Offshore Marine Plans provide adequate background information on the marine planning process and the north west inshore and offshore marine plan areas?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

Vision

1. The Draft North West Inshore and Offshore Marine Plans provide a 20-year vision for the north west inshore and offshore marine plan areas. Do you support the Draft North West Inshore and Offshore Marine Plans' vision statement?

The vision for the north west inshore and offshore marine plan areas in 2041

The north west marine plan areas are distinctive for the growth and variety of industries including energy generation, ports, aggregate extraction and tourism. The sustainable growth in marine infrastructure is facilitating access to the sea throughout the region. Sustainable coastal tourism is flourishing, with local centres such as Blackpool, the Lake District and Liverpool acting as catalysts for further regional development of recreation and tourism opportunities up and down the coast. The quality of the natural environment provides a safe haven for birds and other species located in the exceptional protected habitats across the plan areas. Effective environmental management between sectors provides the area with resilience

to the impacts of climate change. Effective transboundary cooperation with partners across the Irish Sea, and more locally, has created marine plan areas which are benefitting from a wide variety of cross-border activities.

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

The Vision Statement of all the Marine Plans should be updated to recognise that “the generation and transfer of renewable energy in the marine plan area to support the delivery of the UK Net Zero targets and contribute to efforts to tackle climate change”

The final Plan should set out clearly the potential socio-economic benefits of the expansion of renewable energy, in particular offshore wind, on a local, regional and national level. This includes the direct economic benefits of the development itself (i.e. capital investment and revenue from electricity generation) and the number of jobs this will create. The Plan should also recognise the knock-on effects of increased business for local port and harbours, as well as considering the wider economic benefits to the UK of a sustainable and secure, low carbon energy supply.

The final Plan should also make reference to the UK Offshore Wind Sector Deal target to deliver 30GW of offshore wind by 2030, which has been further strengthened, by the Queen’s Speech in December 2019, to target 40GW by 2030.

Policies: Infrastructure

1. Do you support policy NW-INF-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Currently the policy refers to marine activities with the text mentioning facilities for waste handling, waste water and sewage. In general, the Plan could be read as only supporting a limited number of marine activities. As an example, the energy sector is limited to wind and other renewables, interconnectors and in some areas nuclear when estuarine and coastal combustion plant are also users of the marine environment. With the current wording and focus of the plan policies, there is the potential for authorities to prioritise some sectors over other users. The wording could clarify that the policy applies to *all* marine activities. This would provide flexibility as new marine activities are developed. Examples of new and potentially increasing activities that are not represented in the Plan are hydrogen production, which can help provide a path to Net Zero, and desalination projects which can provide public water supplies as traditional resources are stretched due to climate change and population growth.

We believe Unexploded Ordnance (UXO) needs to be taken into account within marine planning to ensure that the safety aspects of activities in the marine environment are recognised. For example, UXO clearance marine licence applications will need to undergo a marine planning assessment because it is imperative to many development projects that it is safe to carry out activities in the marine environment. The explosive threat from UXO is primarily a health and safety at work and a public safety issue, therefore, it is sometimes necessary for safety reasons to remove UXO once discovered. Through the marine licensing process, it is possible to put into place appropriate and reasonable measures intended to help mitigate and minimise the impact on marine mammals. If marine licenses are not granted for such activities then this will result in the discovery of UXO being classed as an

'emergency incident' and the Ministry of Defence may be called in. During such cases, no environmental mitigations will be put into place and the UXO will be disposed of by any means necessary. Therefore, it is in the interests of the Marine Plan policy to support UXO clearance operations through a pragmatic approach to marine licensing, thus ensuring that the environment is adequately protected, while simultaneously prioritising the safety of the workforce and public.

- North East
- South East
- South West

2. Do you support policy NW-INF-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.1 (Infrastructure)? Please include any comments or revised text in the box below:

We note that there is limited reference to nuclear power stations in the Marine Plans, although we assume the Plans have taken into consideration the Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Nuclear Power Generation (EN-6). It is important that new and existing nuclear power stations are taken into account in Marine Plan policies (general, social and environmental) because they are a key element of the UK's binding commitment to achieve net zero emissions by 2050. Therefore, we would recommend explicit mention of support for nuclear infrastructure.

We would like to propose the following suggested wording: "Proposals for new nuclear power stations inside areas of identified potential will be supported".

- North East
- South East
- South West

Policies: Co-existence

1. Do you support policy NW-CO-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Co-existence and co-operation are supported where appropriate; however, the purpose of planning is to make decisions as to what activities are appropriate in what areas. This will not always allow for co-

existence, e.g. aggregates and fishing or renewable energy development. The remainder of the policy regarding avoid, minimise, etc is inappropriate as it is overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in overly long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included, as an alternative, based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

- North East
- South East
- South West

2. Do you support policy NW-CO-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

We do not agree with paragraphs 80-81 and 90-91. The criteria are inappropriate as they are overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in overly long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

Also of concern is the reference in paragraph 91 that *“It is essential that proposals are in compliance with all policies in the marine plan”*. There will be cases where proposals cannot be in compliance with all policies in the plan. Where this is the case the proposals should show how they meet the plan objectives (noting that not all objectives may be compatible with each other).

- North East
- South East
- South West

3. Do you have any other comments on Section 5.2 (Co-existence)?

Please include any comments or revised text in the box below:

- North East
- South East
- South West

Policies: Aggregates

1. Do you support policy NW-AGG-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Aggregates extraction area applications or sites may lapse, extraction may not be economically viable or part of the area could be developed for other industries subject to agreement with the leaseholder. In such circumstances it must be possible for other developments to be located within aggregates areas. The policy and aim should be amended to allow for this.

- North East
- South East
- South West

2. Do you support policy NW-AGG-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

As stated in our response to Policy NW-AGG-1, aggregates extraction area applications or sites may lapse, extraction may not be economically viable or part of the area could be developed for other industries subject to agreement with the leaseholder. In such circumstances it must be possible for other developments to be located within aggregates areas. The implementation text should be amended to allow for this.

- North East
- South East
- South West

3. Do you support policy NW-AGG-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

As set out in the response to Policy NW-AGG-1 Aggregates in relation to aggregates areas, Exploration or Option Agreements extraction area applications or sites may lapse, extraction may not be economically viable or part of the area could be developed for other industries subject to agreement with the leaseholder. In such circumstances it must be possible for other developments to be located within aggregates Exploration or Option Agreement areas. The policy and aim should be amended to allow for this.

- North East
- South East
- South West

4. Do you support policy NW-AGG-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Paragraphs 113 and 117 are not supported as they do not give enough scope for alternative development to be supported where this is more appropriate. Paragraphs 116 and 120 are welcomed

given that they state that exploration or option rights are relinquished as they fall outside the scope of the policy however, they should go further and allow alternative developments where appropriate. In particular, aggregate extraction may not be economically viable, or part of the area could be developed for other industries subject to agreement with the leaseholder.

- North East
- South East
- South West

5. Do you support policy NW-AGG-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The Areas of Future Technical Opportunity for Marine Aggregates (the “high potential aggregate resource” shown in Figure 4) covers a large proportion of the NW plan area. As noted in previous responses to, e.g. Policy NW-CO-1, we are not in agreement with the avoid/minimise/mitigate hierarchy as this approach is too simplistic and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in overly long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*.

The policy aim should not be to avoid all areas of high potential aggregate resource but to ensure there is sufficient resource available over the plan period for future aggregate extraction needs to be met. Alternative developments within areas of high potential for aggregates extraction should be supported where the need for such development can be shown.

- North East
- South East
- South West

6. Do you support policy NW-AGG-3 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

The implementation text should be amended to reflect the comments we have submitted on Policy NW-AGG-3

- North East
- South East
- South West

7. Do you have any other comments on Section 5.3 (Aggregates)?

No further comments.

- North East

- South East
- South West

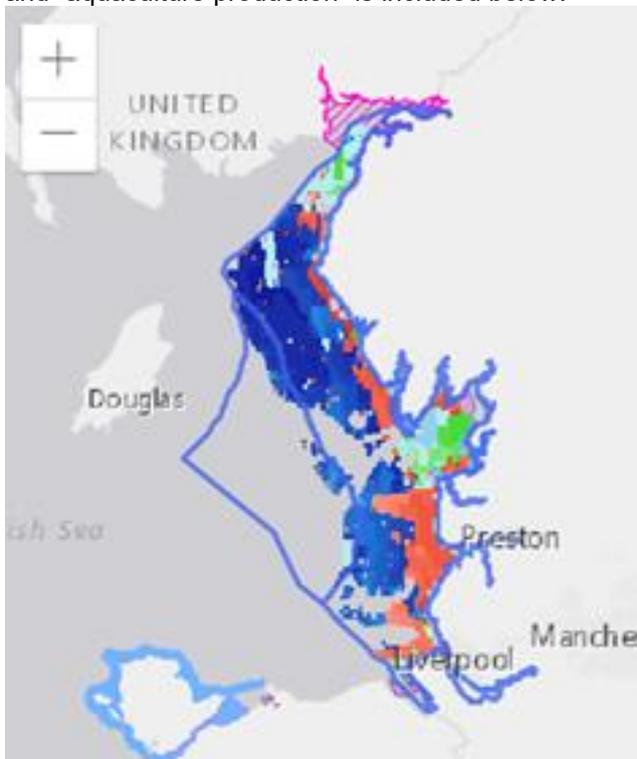
Policies: Aquaculture

1. Do you support policy NW-AQ-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We are concerned that areas classed as having existing or potential strategic areas of sustainable aquaculture extend over much of the NW plan area and, as it stands, it would be hard, if not impossible, to avoid for other developments. Taken together with the preference to avoid/minimise/mitigate this could make it unnecessarily onerous for developers to justify locations selected for proposals. An example screenshot of areas classed as “aquaculture areas of potential” and “aquaculture production” is included below:



Source: <https://explore-marine-plans.marineservices.org.uk/> (accessed 25/03/2020)

The remainder of the policy regarding avoid, minimise, etc is inappropriate as it is overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in overly long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

- North East
- South East
- South West

2. Do you support policy NW-AQ-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

As stated in our response to NW-AQ-1, we have concerns over how certain elements of the policy will be implemented, particularly in relation to the simplicity of the avoid/minimise/mitigate. The inclusion of text stating “*Given the uncertainty that applies to the location of future aquaculture developments, NW-AQ-1 makes allowance for the possibility of other, competing developments to proceed under particular circumstances*” in paragraph 152 is welcomed although the avoid/minimise/mitigate should be removed and replaced with “*reasonable measures to avoid or reduce significant adverse impacts where identified*”

- North East
- South East
- South West

3. Do you support policy NW-AQ-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

4. Do you support policy NW-AQ-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

5. Do you have any other comments on Section 5.4 (Aquaculture)?

No further comment.

- North East
- South East
- South West

Policies: Cables**1. Do you support policy NW-CAB-1 and its aim?**

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

While we understand the need for cables to be laid with due consideration to other users and the wider environment, we disagree with the stated preference for cable burial when other protection measures may be more appropriate to a specific project. Instead, each project should be treated on its merits and we request that this policy is replaced with a broad requirement on applicants to put in place “appropriate measures” designed to avoid or mitigate significant adverse impacts. Suggested policy text is included below:

“Proposals for cable installation should set out the cable protection measures which will be utilised, the reasons for selection of the protection measures and their potential impacts on other sea users and the wider environment.”

- North East
- South East
- South West

2. Do you support policy NW-CAB-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Clause 180 should be deleted.

Clause 181 should be amended to read *“Applicants should set out proposed protection measures”*.

Clause 182 should be amended to read: *“Protection measures may include cable burial, rock armour or other various types of cable protection.”*

Clauses 183-185 are broadly supported.

Clause 186 should be deleted.

Clause 187 should be amended to read *“Decision-makers should take account of proposed protection measures”*.

- North East
- South East
- South West

3. Do you support policy NW-CAB-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The following text should be deleted from the policy:

“Where this is not possible proposals will, in order of preference:

a) avoid

b) minimise

c) mitigate significant adverse impacts on new and existing landfall sites

d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.”

While it is noted that this approach has been developed from that used in the Marine Plan for the South of England, we believe that the above criteria are inappropriate as they are overly simplistic in

terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in overly long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

- North East
- South East
- South West

4. Do you support policy NW-CAB-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Paragraphs 193, 194 and 199 should be deleted. The criteria are inappropriate as they are overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in overly long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*.

The section in paragraph 201 which reads “• evidence that all other possible avoidance, minimisation and mitigation has been considered” should be deleted due to the oversimplistic approach referred to above.

- North East
- South East
- South West

5. Do you support policy NW-CAB-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

6. Do you support policy NW-CAB-3 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

7. Do you have any other comments on Section 5.5 (Cables)?

Paragraph 170. Reference should be made to offshore wind farms generally coming under the Nationally Significant Infrastructure Project (NSIP) regime of the Planning Act 2008 rather than through marine licensing but that certain activities carried out ancillary to an offshore wind farm will likely need marine licenses.

Paragraph 173. Interconnectors and offshore wind farms are not generally co-dependant as implied by this clause. Offshore wind farms are connected to the UK transmission network through export cables run by Offshore Transmission Owners (OFTOs). Interconnectors are electrical cables connecting the transmission networks of different countries or regions.

- North East
- South East
- South West

Policies: Dredging and disposal**1. Do you support policy NW-DD-1 and its aim?**

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The identification of seabed areas for leasing as offshore windfarms is directed by The Crown Estate and considers the needs of all sea users when determining whether a site would be suitable for development, including dredging interests. The routing of the export cable(s) is under the control of individual developers and is a complex and detailed EIA process including mapped constraints assessment, stakeholder consultation, and risk assessment to design the best possible route and avoid accidental damage to the cable(s). Through these two processes, windfarms and associated infrastructure avoid areas that are routinely dredged to maintain safe access and egress from ports and harbours and results in no significant impact in EIA terms. Therefore, we would disagree that 'Dredge areas, and the area surrounding these that are required for dredge activity to take place, are often affected by new proposals, including cables or built infrastructure, that negatively impact the ability to access or egress from these sites.'

Maintenance dredging is often undertaken to remove sediment adjacent to cooling water intakes, required to support the continuous abstraction of seawater for cooling water processes and, therefore, the safe operation of existing nuclear power stations. Nuclear power stations provide important socio-economic benefits to local communities. It is therefore not in the public interest for proposals to compromise the ability to undertake authorised maintenance dredging at existing nuclear power stations now or in the future.

- North East
- South East
- South West

2. Do you support policy NW-DD-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Maintenance dredging is often undertaken to remove sediment adjacent to cooling water intakes, required to support the continuous abstraction of seawater for cooling water processes and, therefore, the safe operation of existing nuclear power stations. Nuclear power stations provide important socio-economic benefits to local communities. It is therefore not in the public interest for proposals to compromise the ability to undertake authorised maintenance dredging at existing nuclear power stations now or in the future.

- North East
- South East
- South West

3. Do you support policy NW-DD-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Similar to NW-DD-1, the overall intent of the Policy is agreeable with the controls outlined practiced by offshore wind EIA as standard. However, the wording used to introduce the table is not recognised and cannot be supported: ‘Disposal areas, and the areas surrounding these that are required for the disposal activity to take place, are often impacted on by new proposals, including cables or built infrastructure, that negatively impact the ability to access or egress from these sites.’

- North East
- South East
- South West

4. Do you support policy NW-DD-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Where there are no viable alternative uses for dredged material, dredge arisings tend to require disposal at sea at licensed disposal sites. Continued use of these disposal sites is important for the maintenance of existing nuclear power stations where dredging is required to remove sediment adjacent to cooling water intakes. Nuclear power stations provide important socio-economic benefits to local communities. It is therefore not in the public interest for proposals to compromise the ability to undertake authorised maintenance dredging at existing nuclear power stations now or in the future.

- North East
- South East

South West

5. Do you support policy NW-DD-3 and its aim?

- Yes
 Yes, subject to changes
 No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Offshore windfarm developers recognise that this policy may have impacts on the assessment, licensing, consent and eventual construction and operation of offshore windfarms and their infrastructure. Developers consider the best environmental option currently practised through EIA of offshore windfarms as avoidance and reduction, and where applicable the re-use of won material as ballast in gravity base foundations. Where seabed preparation is unavoidable and there is no immediate re-use option in gravity base foundations, the next preference is for disposal within the project boundaries to maintain the natural conditions that a habitat may be dependent upon. We would ask that the MMO clarifies that this ongoing position of onsite disposal is supported in policy DD-3, as this position requires windfarm and cable sites to be designated as a project disposal site.

- North East
 South East
 South West

6. Do you support policy NW-DD-3 implementation text?

- Yes
 Yes, subject to changes
 No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

In respect of concerns outlined in the Policy intent for offshore wind developers, the implementation text would benefit from clarification that on-site disposal may be the preferred option to maintain the habitats that depend upon them, and that dredged material won from a windfarm site and used elsewhere for other means may result in a greater environmental impact.

- North East
 South East
 South West

7. Do you have any other comments on Section 5.6 (Dredging and disposal)?

There is concern that the policy and implementation text as written could see developers being responsible for assessing items that are not material to the EIA if requested to identify all impacts as written in DD-1. There is also ambiguity in DD-2 and DD-3 over the ability for individual EIA to conclude that the best environmental option is disposal at site, and a lack of recognition that transport for use offsite presents impacts that could be material to the EIA of an NSIP project and also deliver new effects to the HRA of a project that may not have been an issue e.g. use of site won material in a shoreline management plan or managed realignment project within an SAC, and which could have considerable marine licence implications.

“Other types of dredging activity include clearance dredging which is the removal of silt from outfalls or culverts” (paragraph 217; page 67). We would suggest that the text includes reference to ‘areas adjacent to power station cooling water intakes’.

- North East

- South East
- South West

Policies: Oil and gas

1. Do you support policy NW-OG-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The Policy states that '*Licensed Oil and gas blocks should be safeguarded...*' The term 'safeguarded' is not defined, and this is of concern to offshore wind farm developers given the extensive spatial overlap that applies in certain areas between licensed O&G Blocks and a significant proportion of offshore wind farm Agreement for Lease areas (this comment applies equally to OG-2). Furthermore, there doesn't appear to be a reciprocal safeguarding provision that applies to offshore wind farm Agreement for Lease areas, or Lease areas, within the WIND-1 Policy statement.

It would be helpful if the Policy differentiated between the varying levels maturity applicable to O&G Licenses, for example Exploration Licenses vs. Production Licenses. Many O&G Exploration License areas remain dormant for long periods and are subsequently relinquished. The safeguarding of planned O&G activities, that may remain spatially undefined for many years, and that may not be developed, could present a significant and potentially unnecessary barrier to the deployment of offshore wind.

Given the extensive spatial overlap between O&G License Blocks and offshore wind Agreement for Lease and Lease areas, offshore wind farm developers should be added to the list of interested parties identified in the Policy (this comment applies equally to OG-2).

- North East
- South East
- South West

2. Do you support policy NW-OG-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you support policy NW-OG-2 and its aim?

- Yes

- Yes, subject to changes
 No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Offshore wind developers will continue to apply good practice through negotiation with The Crown Estate and the MMO. It would be uneconomic to consider the avoidance or application of hard infrastructure and development rules based on geological probability of future development for Oil and Gas during the EIA of a project that may be at the detriment of the windfarm proposed. However, these matters would continue to be dealt with during the commercial negotiation of windfarm leases with The Crown Estate. At the present time, no lease would be offered by The Crown Estate that did not offer some level of protection for potential Oil and Gas development.

- North East
 South East
 South West

4. Do you support policy NW-OG-2 implementation text?

- Yes
 Yes, subject to changes
 No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
 South East
 South West

5. Do you have any other comments on Section 5.7 (Oil and gas)?

The Marine Plan, as set out, may find it difficult to balance potential conflicts of support for Oil and Gas whilst outlining potential restrictions, checks and exclusions to offshore wind and other industries which arguably deliver fewer negative environmental effects. Currently, the Marine Plan does not balance the wider environmental effects from Oil and Gas extraction. The Marine Plan would benefit from setting this out to better achieve that balance and to provide guidance to Oil and Gas developers on steps it can take to measure/reduce its environmental effects.

- North East
 South East
 South West

Policies: Ports, harbours and shipping

1. Do you support policy NW-PS-1 and its aim?

- Yes
 Yes, subject to changes
 No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

While we support the need to protect current port infrastructure and enable future opportunities for post development and expansion in the region, we do not feel that the current proposal, to 'avoid, minimise, mitigate or state the case for proceeding', is appropriate as it is overly simplistic.

Instead, we would welcome an alternative approach, as taken in policy NE-NIS-1, which places a clear and proportionate set of requirements on applicants to put in place “*appropriate measures*” designed to avoid or minimise significant adverse impacts.

- North East
- South East
- South West

2. Do you support policy NW-PS-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:
Offshore windfarm developers have a proven track record of applying the mitigation hierarchy in EIA and will continue to apply this by taking into account avoidance, layout design and mitigation through route alignment. It is critical that shipping route re-alignment is not removed as an option to progress Nationally Significant Infrastructure Projects in those cases where avoidance and site design options are exhausted. The option of route re-alignment is not one that is undertaken lightly, and is underpinned by data, consultation, navigational risk assessment and social economic impact assessment.

- North East
- South East
- South West

3. Do you support policy NW-PS-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

4. Do you support policy NW-PS-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:
The Policy states that infrastructure that poses a risk to the viability of passenger services must not be authorised. Additional definition is required around the term ‘passenger services’. Small-scale and/or short-term passenger services should not present an unnecessary barrier to the deployment of offshore wind. It is also of note that small passage deviations can pose a theoretical risk to the viability of marginal passenger services. Small theoretical risks should not present an unnecessary

barrier to the deployment of offshore wind. Overall, the wording of this Policy could be helpfully updated based on an acknowledgement that, in some cases, a balance may need to be struck that is in the overall national interest. This could be supported by beneficial guidance to implementing authorities to provide consistent and proportionate responses to infrastructure development proposals.

It is worth noting in the policy implementation text that non-IMO designated navigation routes are not fixed. For a number of reasons, navigation routes will vary in both position and traffic density over time. A particular navigation route that might be identified as a constraint during the planning-phase of an offshore windfarm could become redundant by the time that development would be due to progress into the offshore construction-phase.

- North East
- South East
- South West

5. Do you support policy NW-PS-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The Policy states that infrastructure that poses a risk to the viability of passenger services must not be authorised. Additional definition is required around the term 'passenger services'. Small-scale and/or short-term passenger services should not present an unnecessary barrier to the deployment of offshore wind. It is also of note that small passage deviations can pose a theoretical risk to the viability of marginal passenger services. Small theoretical risks should not present an unnecessary barrier to the deployment of offshore wind. Overall, the wording of this Policy could be helpfully updated based on an acknowledgement that, in some cases, a balance may need to be struck that is in the overall national interest. This could be supported by beneficial guidance to implementing authorities to provide consistent and proportionate responses to infrastructure development proposals.

It is worth noting in the policy implementation text that non-IMO designated navigation routes are not fixed. For a number of reasons, navigation routes will vary in both position and traffic density over time. A particular navigation route that might be identified as a constraint during the planning-phase of an offshore windfarm could become redundant by the time that development would be due to progress into the offshore construction-phase.

- North East
- South East
- South West

6. Do you support policy NW-PS-3 implementation text?

- Yes
- Yes, subject to changes

No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

7. Do you support policy NW-PS-4 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Under NW-PS-4 there is no mention of project-specific cargos. These are key to ensure that large bulky items can be delivered by sea as close to their end use point as possible, in line with Department for Transport requirements. Infrastructures, such as beach landing facilities, are needed to support this key government policy.

The draft Marine Plans also make no policy statement regarding Aids to Navigation, such as buoys and beacons, which are required to mark safe routes and hazards to navigation. Therefore, we would like to see positive support for project-specific cargos and aids to navigation mentioned in the Marine Plans.

- North East
- South East
- South West

8. Do you support policy NW-PS-4 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

9. Do you have any other comments on Section 5.8 (Ports, harbours and shipping)?

- North East
- South East
- South West

Policies: Renewables

1. Do you support policy NW-REN-1 and its aim?

- Yes
- Yes, subject to changes

No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We would like to highlight that the draft Marine Plans do not include reference to nuclear power. The UK has a binding legal commitment to achieve net zero emissions, in which nuclear and renewable energy are key elements. Therefore, the Draft Marine Plans should recognise the need for both.

The overarching National Policy Statement for Energy (NPS EN-1) emphasises the role for nuclear power in decarbonising UK electricity and this should be reflected in the Plans.

Therefore, we would like to propose the following suggested wording: *“Proposals for new nuclear power stations inside areas of identified potential will be supported”*.

- North East
- South East
- South West

2. Do you support policy NW-REN-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you support policy NW-REN-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The REN-2 policy states that *“Proposals for new activity within areas held under a lease or an agreement for lease for renewable energy generation should not be authorised, unless it is demonstrated that the proposed development or activity will not reduce the ability to construct, operate or decommission the existing or planned energy generation project”*. Neither of these statements correlate with the OG-1 and OG-2 policies which state that *“Licensed Oil and gas blocks should be safeguarded”* and that *“The policy safeguards areas of geological potential”* respectively. It would be helpful if the respective Policies could be updated with some text explaining why different approaches have been taken.

- North East
- South East
- South West

4. Do you support policy NW-REN-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

5. Do you support policy NW-WIND-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

It is unclear how this policy relates the ongoing Round 4 leasing process being managed by The Crown Estate – significant work and expertise is being focussed on identifying the most suitable areas for offshore wind though this leasing cycle based on analysis of resource and sophisticated analysis of LCOE and consenting risk. Industry would welcome clarity on the relationship between the marine plan and offshore wind leasing.

There is currently a lack of clarity as to what information will be used to compile the ‘preferred areas’ map referred to within policies REN-1, REN-2 and WIND-2. We understand that these preferred areas will show areas leased or proposed for lease by The Crown Estate. We are content with this approach provided the plan will be updated in light of TCE’s future proposals for leasing rounds over the plans 20year period. We would however have concerns if any other spatial planning approach is being proposed.

8.1 Based on the contents of the adopted Marine Plans for the South and East of England, it is understood that the ‘preferred areas’, currently referred to in policies REN-1, REN-2 and WIND-2 as ‘Fig. XXX’, relate solely to areas identified in the Crown Estate’s Leasing Rounds (past leasing rounds include Rounds 1, 2 and 3, Extension projects and the current Round 4 leasing round). This should be made explicit in the text with additional clarification added about future leasing rounds within the plan policy period and that other offshore wind development such as demonstration projects are supported.

Should there be any intention to use any alternative or additional methods of identifying preferred areas, we ask that the MMO engage pro-actively and an early stage with the offshore wind development industry

We welcome the support for wind energy in the Draft Marine Plans, however, we would like to emphasise that the Plans need to enable the maximising of current potential of wind power, while also enabling the future potential of ***floating*** offshore wind.

- North East
- South East
- South West

6. Do you support policy NW-WIND-1 implementation text?

- Yes
- Yes, subject to changes

No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

7. Do you have any other comments on Section 5.9 (Renewables)?

The Vision Statement of all the Marine Plans should be updated to recognise that the “the generation and transfer of renewable energy in the marine plan area to support the delivery of the UK Net Zero targets and contribute to efforts to tackle climate change”

The final plan should set out clearly the potential socio-economic benefits of the expansion of renewable energy in particularly offshore wind on a local, regional and national level. This includes the direct economic benefits of the development itself (i.e. capital investment and revenue from electricity generation) and the number of jobs this will create, but the plan should also recognise the knock-on effects of increased business for local port and harbours, etc. The plan should also consider the wider economic benefits to the UK of a sustainable and secure, low carbon energy supply.

The final plan should also make reference to the UK Offshore Wind Sector Deal target to deliver 30GW of offshore wind by 2030, which has been further strengthened by the recent Queen’s Speech to target 40GW by 2030.

The final Marine Plans should make specific reference to the UK’s National Policy Statements (NPS) and these should be built in as fundamental objectives of the marine plan. Given that Nationally Significant Infrastructure Projects (NSIPs), including offshore wind farms, will be determined in accordance with NPSs, their objectives must be fully embedded within marine plans.

The effective co-location of different uses of the sea will be a key issue in the successful implementation of marine planning and the integration of different interests within the marine environment. Therefore, it is vital that the ongoing consultation considers how co-location will be dealt with within finalised marine plans. The finalised plans must address any remaining uncertainties by identifying, in detail and in consultation with stakeholders, which sectors may be suitable for co-location and at what appropriate type and scale.

The final plans should identify renewables objectives at marine plan level, spatially where possible, but should not delimit ‘no-go’ areas for development. EIAs are the appropriate vehicle for identifying potential constraints and mitigations at project level.

Marine planning must be based on the best available evidence. There is a lack of baseline data for many aspects of the marine environment, but we cannot allow over-use of the precautionary principle, or assume that data-rich areas have more environmental issues simply because these are comparatively well documented.

- North East
- South East
- South West

Policies: Heritage assets

1. Do you support policy NW-HER-1 and its aim?

- Yes
 Yes, subject to changes
 No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The policy wording outlined in the order of preference, avoid/minimise/mitigate, outlines how renewable developers currently assess cultural heritage and archaeology in the offshore environment. In regards to the final option “*if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.*” for artefacts this can only occur very late on in the process during construction where unexpected finds are recovered (which geophysical surveys were insufficient to determine) and where there are strict limitations on red line boundaries that prevent the project practicing avoidance of the assets. Perhaps greater flexibility on red line boundaries post-consent would be a better approach than the final option where it is not possible to mitigate impacts.

Whilst windfarm developments have a strong case for being presumed for consent in the public interest, the decision to prepare an overriding public interest case to justify harm to any asset, habitat or species is not, and should not, be taken lightly where there are alternative solutions available – such as flexible approaches to micro-siting routeing.

- North East
 South East
 South West

2. Do you support policy NW-HER-1 implementation text?

- Yes
 Yes, subject to changes
 No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
 South East
 South West

3. Do you have any other comments on Section 5.10 (Heritage assets)?

- North East
 South East
 South West

Policies: Seascape and landscape

1. Do you support policy NW-SCP-1 and its aim?

- Yes
 Yes, subject to changes
 No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The policy wording regarding avoid, minimise, etc is inappropriate as it is overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in over long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

In particular, the need to avoid significant adverse impacts on seascape needs further definition around what value to place on different seascapes. We suggest that an assessment of seascape impacts is generally carried out in offshore wind farm assessments however, given that the addition of infrastructure represents a change not an adverse impact, further guidance around this point is required.

During the plan period it is likely that existing nearshore offshore wind farms may be decommissioned and/or repowered. With the advances in wind turbine technology and increase in size it is possible that repowering of nearshore offshore wind farms may be more visible than existing wind farms. Consideration of how this is to be assessed should be included in the plan, including an acknowledgement that an increase in offshore wind farms is critical to meet climate change goals.

- North East
- South East
- South West

2. Do you support policy NW-SCP-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

The policy implementation text, coupled with the existing Vision text which omits the importance of offshore wind in delivering the UK’s Net Zero Strategy, presents a difficult situation for developers who may be required to justify how their proposal meets the objectives and Vision of the Marine Plan.

Whilst windfarm developments have a strong case for being presumed for consent in the public interest, the decision to prepare an overriding public interest case to justify harm to any asset, habitat or species is not and should not be taken lightly, especially in the marine environment which has a long dynamic history of changing seascapes around the English coastline from Napoleonic and World War II coastal defences, through to oil and gas developments, and now offshore wind.

Figure 18 Visual Resource Mapping would benefit from differentiation between seascape visible from designated landscapes and seascapes visible from other, non-designated, land.

- North East
- South East
- South West

3. Do you have any other comments on Section 5.11 (Seascape and landscape)?

Existing nuclear power stations will, at some point, come to the end of their energy generating lifespan and will require decommissioning. Associated works, including the potential for new buildings and outfalls (among other facilities), will be required to support the decommissioning process. These are likely to result in minor changes to the seascape and landscape compared to the existing industrial setting, but it should be recognised that the decommissioning works will be unavoidable.

- North East
- South East
- South West

Policies: Fisheries**1. Do you support policy NW-FISH-1 and its aim?**

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

2. Do you support policy NW-FISH-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

The Policy implementation text does not make adequate reference to determining how fishing can be shown to be sustainable through the lifetime of the Marine Plan, which bodies determine this, and which stakeholders would be consulted. The focus of the policy appears to be on a commercial then social basis rather than following a sustainability model. For example, the reliance upon fish as a food resource for internationally important seabird colonies around the English coastline, many of which are seeing population decline, is not mentioned in this policy, nor is bycatch for seabirds or marine mammals. It would be beneficial for the policy to consider these environmental aspects and how they can be incorporated into the Marine Plan.

- North East
- South East
- South West

3. Do you support policy NW-FISH-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The policy may conflict with Policy FISH-1 on sustainable fishing versus Policy FISH-2 aim of increasing access to fishing grounds.

In particular for those seabird colonies where seabird population reductions are already a concern for statutory nature conservation agencies and non-governmental organisations, which suggest overfishing and changing practices regarding fishing discards have, and continue to have, very real impacts. By extension these concerns impact upon renewable developers whose assessments must consider these changes now and into the future, which risk non-consent of nationally significant infrastructure projects. It would therefore be wrong to pursue this policy without recognising the impacts of perceived over-fishing currently. It would also be beneficial for the Marine Plan to consider the potential for management measures such as staged closures of grounds to stabilise stocks or of

no-take zones nearby internationally important seabird colonies or that are shown to support breeding populations at these colonies.

Different commercial fishing techniques also present a risk of bycatch on marine mammals and birds, and of damaging protected seabed reef habitats – features which offshore windfarms environmental assessments are required to avoid, mitigate and potentially prove an overriding public interest if there is a risk of damage to them. A balanced approach for commercial fishing would be beneficial that can meet the criteria applied to other industries including avoidance and mitigation.

Current practice in the UK is to design windfarms and cable infrastructure that enable fishing to continue at current grounds, but sound judgement is needed in order to arbitrate on the potential for disagreement where conflicting data and arguments may be proposed as both fishing and energy supply are in the national interest. With the foreseen deployment of floating offshore wind, whether coexistence between these arrays and fisheries is possible, will need to be carefully considered.

Finally, including climate adaptation in the Marine Plan is a positive step, however attempting to assess future effects on access to fishing grounds which may or may not yield commercially viable fishing stocks would introduce significant uncertainty (and may not be possible) and could result in projects being refused or becoming economically not viable on the presumption that something may happen. This approach does not seem well thought out.

- North East
- South East
- South West

4. Do you support policy NW-FISH-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:
Please see above

- North East
- South East
- South West

5. Do you support policy NW-FISH-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The following text should be deleted from the policy:

“Where this is not possible proposals will, in order of preference:

- a) avoid*
- b) minimise*
- c) mitigate significant adverse impacts on new and existing landfall sites*
- d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.”*

As noted in other draft policy responses we believe that the above criteria are inappropriate as they are overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has

resulted in over long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

It is noted that some infrastructure may not be compatible with access to fisheries, particularly where seabed infrastructure is required. These should be assessed on their impacts on a case by case basis.

- North East
- South East
- South West

6. Do you support policy NW-FISH-3 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Generally the policy implementation text is appropriate but it would be beneficial to consider the positive contribution of offshore windfarm structures in providing additional habitat for fish and shellfish species and the level of protection afforded immediate to structures which can prevent certain types of fishing and therefore allow a safe haven for species to accumulate and replenish stocks outside of the immediate windfarm structures. This positive outcome has been reported in The Netherlands and may prove an interest area for the MMO and its stakeholders to consider.

- North East
- South East
- South West

7. Do you have any other comments on Section 5.12 (Fisheries)?

The Policies and implementation text relating to commercial fishing do not seem to be in balance with the requirements of other industries with respect to environmental protection or sustainability. This is a gap area which must be considered in light of evidence which shows the impact of fishing on key bird species and potentially on marine mammals through bycatch, and in light of ongoing requirements for the renewables industry to consider impacts on small patches of disconnected reef habit. The Marine Plan must consider these aspects to avoid the renewables industry being required to mitigate and compensate for impacts it is not driving, and for these costs to be ultimately borne by elevated power prices for consumers.

- North East
- South East
- South West

Policies: Employment

1. Do you support policy NW-EMP-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We would welcome clear policy justification provided through reference to the Marine Policy Statement, and the specific reference to para. 2.4.3 which states that:

“Marine based activities can provide opportunities for employment in long established industries ... and [in] new and developing industries such as the renewable energy sector and associated offshore electricity transmission. This employment provides wide and long term benefits for both national and local economies.”

We would also support the inclusion of explicit acknowledgement that this approach supports government aspirations such as those set out in the Clean Growth Strategy, Industrial Strategy, Education and Employment Strategy and the Offshore Wind Sector Deal.”

- North East
- South East
- South West

2. Do you support policy NW-EMP-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.13 (Employment)?

It should be recognised that existing nuclear power stations will, at some point, come to the end of their energy generating lifespan and will require decommissioning. The level of employed during different phases of such developments may change and thus not necessarily provide a net increase over time, despite still providing socio-economic benefits to local communities.

- North East
- South East
- South West

Policies: Climate change resilience and adaptation

1. Do you support policy NW-CC-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We welcome the ambition of the MMO to include net gain in the Climate Change Policy of the Plans. However, net gain is still in the process of being developed for practical application. As a result, the application of the net gain concept should not be mandatory at this stage. Future developments in net gain should be monitored and then considered in the next review of Marine Plans.

Given this developmental status of net gain, we would recommend changing the criteria for assessing the policy compliance of a proposal from

“...[applicants] *must demonstrate that they will, in order of preference:*

- a) *avoid,*
- b) *minimise,*
- c) *mitigate significant adverse impacts*
- d) *compensate and deliver environmental net gains in line with and where required in current legislation and policy”*

to

“...[applicants] *must demonstrate that they will put in place appropriate measures, in order of preference:*

- a) *avoid,*
- b) *minimise,*
- c) *mitigate significant adverse impacts’*

The “appropriate measures” should be reasonably practicable and a decision on any application in the plan area should consider the positive and negative social, environmental and economic effects of the application. This will enable fair planning decisions while meeting objectives 6 & 8 of the Marine Plans.

In order to achieve objective 8, we would like to see favourable support for projects using the marine environment that will serve to mitigate climate change, for example nuclear power generation, which will provide reliable firm low carbon power.

- North East
- South East
- South West

2. Do you support policy NW-CC-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you support policy NW-CC-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Existing nuclear power stations will, at some point, come to the end of their energy generating lifespan and will require decommissioning. Associated works, including the potential for new buildings and outfalls (among other facilities), will be required to support the decommissioning process. This new infrastructure may have a long asset life. While such infrastructure is built in accordance with

Environment Agency guidance on resilience, the lifetime of the project may exceed the time period for which guidance is available.

We suggest that the policy wording is adjusted as follows: “Proposals the north west marine plan areas should demonstrate conformance with guidance on resilience and adaptation to climate change”.

- North East
- South East
- South West

4. Do you support policy NW-CC-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

We do not feel that the current proposal, to ‘avoid, minimise, mitigate’, is appropriate as it is overly simplistic. Instead, we would welcome an alternative approach, as taken in policy NE-NIS-1, which places a clear and proportionate set of requirements on applicants to put in place “*appropriate measures*” designed to avoid or minimise significant adverse impacts.

- North East
- South East
- South West

5. Do you support policy NW-CC-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

It would be useful if coastal change and adaptation measures were defined to improve clarity.

- North East
- South East
- South West

6. Do you support policy NW-CC-3 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

All hard structures at the coast have the potential to affect coastal change to some extent. The question thus becomes one of significance of the change. It would be helpful if the supporting text could clarify that local changes in flows, or erosion and deposition, or localised coastal squeeze, would not generally be considered significant. We would welcome improved clarity on what classes as an impact on coastal change and if the Plans are going to give precedence to adaptation measures over mitigation activities.

- North East
- South East
- South West

7. Do you have any other comments on Section 5.14 (Climate change resilience and adaptation)?

- North East
- South East
- South West

Policies: Carbon capture usage and storage

1. Do you support policy NW-CCUS-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

This policy also exists in the Draft North East and Draft South East Marine Plans. Please tick the appropriate box below if your response also applies to these Draft Marine Plans:

- North East
- South East

2. Do you support policy NW-CCUS-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East

3. Do you support policy NW-CCUS-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East

4. Do you support policy NW-CCUS-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

North East

5. Do you have any other comments on Section 5.15 (Carbon capture usage and storage)?

North East

South East

Policies: Air quality

1. Do you support policy NW-AIR-1 and its aim?

Yes

Yes, subject to changes

No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

North East

South East

South West

2. Do you support policy NW-AIR-1 implementation text?

Yes

Yes, subject to changes

No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Consideration should be given to remove the following wording from the policy given its negative connotation (Clause 657 NW policy):

"For example, a proposal seeking to generate renewable energy might find a suitable location between the coast and fishing grounds. Construction may affect fishing activity causing vessels to navigate around the development, resulting in an increase in fuel consumption and associated emissions. This would negate some of the benefit of the proposal in terms of low carbon energy generation, as well as affecting the economic viability of the fishing operation".

Given the applicability of the policy intention to other sectors and industries, the preference is not to single out renewable energy.

The policy would benefit in acknowledging the role that renewables play in decarbonisation of the power sector and the benefit of reduction of greenhouse gas emissions.

North East

South East

South West

3. Do you have any other comments on Section 5.16 (Air quality)?

North East

South East

South West

Policies: Marine litter

1. Do you support policy NW-ML-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

2. Do you support policy NW-ML-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you support policy NW-ML-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

4. Do you support policy NW-ML-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

5. Do you have any other comments on Section 5.17 (Marine litter)?

It is noted that existing nuclear power stations contribute to the removal of relatively small quantities of marine litter during abstraction of seawater for cooling water processes.

- North East
- South East
- South West

Policies: Water quality

1. Do you support policy NW-WQ-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The use of wording in the policy to prevent deterioration should tie up with the Water Framework Directive as presumably this is where the term 'deterioration' has been taken from and there is a wider approach to what constitutes deterioration in an individual water body within the Directive.

- North East
- South East
- South West

2. Do you support policy NW-WQ-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.18 (Water quality)?

- North East
- South East
- South West

Policies: Access

1. Do you support policy NW-ACC-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

As noted in other draft policy responses, we consider the policy wording criteria of avoid, minimise, mitigate etc to be inappropriate as it is overly simplistic in terms of the policy assessment process,

and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in over long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

- North East
- South East
- South West

2. Do you support policy NW-ACC-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.19 (Access)?

- North East
- South East
- South West

Policies: Tourism and recreation

1. Do you support policy NW-TR-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

As noted in other draft policy responses, we consider the policy wording criteria of avoid, minimise, mitigate etc to be inappropriate as it is overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in over long and repetitive policies. We suggest instead introductory text in the objectives section of the Marine Plan is included as an alternative based on the policy wording of NW-INNS-1 but applicable to all policies. Suggested wording for such text is as follows: *“Proposals must put in place reasonable measures to avoid or reduce significant adverse impacts where identified”*

- North East
- South East
- South West

2. Do you support policy NW-TR-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.20 (Tourism and recreation)?

- North East
- South East
- South West

Policies: Knowledge, understanding, appreciation and enjoyment

1. Do you support policy NW-SOC-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

2. Do you support policy NW-SOC-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.21 (Knowledge, understanding, appreciation and enjoyment)?

- North East
- South East

South West

Policies: Defence

1. Do you support policy NW-DEF-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Industry does not entirely support policy NW-DEF-1, as although defence is recognised as a significant consideration within the Marine Plans, this must be balanced with considerations such as the UK’s net zero targets. As demonstrated through workstreams such as the Aviation Management Board and joint Air Defence taskforce (*see overview*), the MOD should be encouraged to collaborate with wider industries and interests to establish effective coexistence of maritime activities, both defence and non-defence. Industry suggests that policy wording is changed to read ‘*Proposals in or affecting Ministry of Defence areas should only be authorised with agreement from the Ministry of Defence, having worked collaboratively with proposers to identify and implement options to minimise any compromise to Defence activities*’.

Furthermore, it is unclear to what extent this policy applies to Ministry of Defence radar concerns, (radar is mentioned under the description of ‘What is defence?’), however, areas of Ministry of Defence radar coverage are not mentioned under the description of ‘Where is defence in the XX plan areas?’). We recommend that the Plan explicitly lists what areas of Defence areas of interest are covered by the Plan, and those that are not listed are not subject to the Plans.

- North East
- South East
- South West

2. Do you support policy NW-DEF-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- **Proponents** – ‘*The Ministry of Defence should be consulted in all circumstance to verify whether defence interests will be affected and make sure that national defence capabilities and interests are not compromised*’;

Text should be reviewed and amended, to both demonstrate and support a need for proactive engagement between key elements of the UK’s National Infrastructure. Whilst acknowledging defence issues in the offshore environment, the approach which will enable delivery of the UK’s Net Zero targets will need to be one which seeks potential mitigations that enable co-existence of defence and energy industries. Such an approach would be consistent with the current approach supported by the Department for Business, Energy and Industrial Strategy (BEIS) and The Crown Estate.

- North East
- South East
- South West

3. Do you have any other comments on Section 5.22 (Defence)?

Wording under the Defence Policy and implementation text would both seem to imply that a Ministry of Defence objection forestalls any proposal. In the absence of any encouragement or process for relevant stakeholders, including defence and energy to take and cooperative and collaborative

approach to determine the feasibility of mitigation to defence objections, there is the risk that the Ministry of Defence can assume that they have a protected position without the need to engage in seeking opportunities to find solutions which bring benefit to the wider UK economy. Without removing these implications, or assumptions, the unintended consequence of this wording is that a barrier to delivery of UK Net Zero targets are created, without recourse to rather seek practical and feasible solutions to cooperative coexistence.

Industry supports the text under “Decision-makers” (“Decision-makers should ensure that the Ministry of Defence has been consulted in all circumstances to verify whether defence interests will be affected and make sure that national defence capabilities and interests are not compromised”) subject to changes with the policy wording as suggested above.

- North East
- South East
- South West

Policies: Marine protected areas

1. Do you support policy NW-MPA-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The policy restates the process under the Habitat Regulations but without the derogation component. The policy could be updated to allow for derogation which would allow for compensation in Natura 2000 sites which is part of the existing legislation.

“Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate adverse impacts, with due regard given to statutory advice on an ecologically coherent network.”

In order to provide an improved reflection of the management of MPAs, we would suggest re-wording as “likely significant adverse effect” instead of “may have adverse impacts”, so this better reflects the assessment process.

We would also suggest adding a further step (order of preference) as follows: “d) offset impacts in accordance with relevant legislation”. The provisions for compensatory measures under the Birds and Habitats Directives and measures of equivalent ecological value under the Marine and Coastal Access Act 2009 are important sustainable development provisions, which recognise that in exceptional cases, the balance of sustainable development may necessitate damaging development within MPAs. Given that a primary objective of marine planning is sustainable development, it is important that policies reflect this.

- North East
- South East
- South West

2. Do you support policy NW-MPA-1 implementation text?

- Yes

Yes, subject to changes

No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

The policy text and other policies could be updated to include the following intent -

Proposals that cannot avoid, minimise and mitigate adverse impacts will not be supported *unless of overriding public interest (following the derogation route within the existing legislation)*

Additionally, it is unclear if new fishing activities fall under the Marine Plan definition of ‘proposal’? It is currently unclear how fishing activity be in any way controlled or curtailed under the Marine Plan process and, if so, how?

Key marine spatial planning activities seem to be missing from the marine plans for fishing. Given the deterioration at sites where fishing has been identified as the main pressure/threat, there should be some mechanism within the policy for management of fisheries activities. We would recommend consideration of zoning or other measures within the plan in areas which are considered degraded. Additionally, industry would like to see support for regular monitoring of MPA’s to ensure best available evidence is gathered to inform decision making processes.

“Proposals that cannot avoid, minimise and mitigate adverse impacts will not be supported. This policy does not remove the provisions for derogations that are present in primary legislation and regulations” (paragraph 946). We suggest these last two sentences of the paragraph should be replaced with “Proposals that cannot avoid, minimise and mitigate adverse impacts will only be approved if appropriate offsetting measures are implemented in accordance with legal requirements”.

“Where minimising and mitigating impacts are not possible, particularly for habitat loss, avoidance is the preferred option (paragraph 948). We suggest this paragraph is removed given ‘a) avoid’ is the preferred option in all instances.

“New and evolving advice will not be applied retrospectively to activities that have already been consented” (paragraph 953). We suggest this last sentence of the paragraph is removed – this is a matter for nature conservation policy as opposed to marine plan policy.

“This policy does not remove the provisions for derogations that are present in primary legislation and regulations” (paragraph 954). We suggest this paragraph is removed.

North East

South East

South West

3. Do you support policy NW-MPA-2 and its aim?

Yes

Yes, subject to changes

No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We suggest adding a further step as follows: “d) offset impacts in accordance with relevant legislation”. The provisions for compensatory measures under the Birds and Habitats Directives and measures of equivalent ecological value under the Marine and Coastal Access Act 2009 are important sustainable development provisions, which recognise that in exceptional cases, the balance of sustainable development may necessitate damaging development within MPAs. Given that a primary objective of marine planning is sustainable development, it is important that policies reflect this.

- North East
- South East
- South West

4. Do you support policy NW-MPA-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

“Proposals that may have adverse impacts on the ability of a marine protected area to adapt to the effects of climate change must demonstrate that they will, in order of preference, avoid, minimise or mitigate these impacts” (paragraph 970). Suggest the first sentence of this paragraph is amended to include “...they will, in order of preference, avoid, minimise, mitigate or offset these impacts”.

“This policy does not remove the provisions for derogations that are present in primary legislation and regulations” (paragraph 975). Suggest this paragraph is removed.

“Where proposals cannot avoid, minimise or mitigate adverse impact but are in the public interest, they must state the case for proceeding with details of how compensation of equal environmental benefit will be achieved (paragraph 976)”. Suggest this paragraph is removed.

- North East
- South East
- South West

5. Do you support policy NW-MPA-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

6. Do you support policy NW-MPA-3 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

7. Do you support policy NW-MPA-4 and its aim?

- Yes

- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

As a protected feature is avoided protection under the Habitat Regulations, is this policy (and MPA-1) a duplication of the existing legislation?

- North East
- South East
- South West

8. Do you support policy NW-MPA-4 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

9. Do you have any other comments on Section 5.23 (Marine protected areas)?

- North East
- South East
- South West

Policies: Biodiversity

1. Do you support policy NW-BIO-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

2. Do you support policy NW-BIO-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

“Compensation will be considered on a case-by-case basis by decision-makers for significant adverse impacts that cannot be avoided, minimised or mitigated” (paragraph 1053). Suggest sentence to start as follows: “Compensation will be considered on a case-by-case basis by decision-makers in a proportionate manner...”.

“Decision-makers will support proposals that enhance the distribution of priority habitats and priority species in the north west marine plan areas where it complies with other policies in this plan and relevant legislation” (paragraph 1057). Suggest this sentence is followed by: “Decision-makers should apply this policy proportionately”. These suggested changes are to ensure proposal requirements are proportionate and in line with better regulation principles.

- North East
- South East
- South West

3. Do you support policy NW-BIO-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

4. Do you support policy NW-BIO-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below: “Decision-makers should apply this policy proportionally on proposals that will interact with native species or habitat adaptation or connectivity or native species migration” (paragraph 1074). Suggest amending ‘proportionally’ to ‘proportionately’.

- North East
- South East
- South West

5. Do you support policy NW-BIO-3 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We refer to the statement:-

“Proposals that deliver environmental net gain for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported”.

We welcome the MMO’s recognition of net gain in this context; however, the concept is still in the process of being developed for practical application. Therefore, we consider that net gain should not

be mandatory at this stage and it is important that the policy makes this clear, while supporting proposals that do include net gain.

- North East
- South East
- South West

6. Do you support policy NW-BIO-3 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Referring to paragraph 1087 and 1092, we welcome the MMO's recognition of net gain in this context; however, the concept is still in the process of being developed for practical application. Therefore, we consider that net gain should not be mandatory at this stage and it is important that the policy makes this clear, while supporting proposals that do include net gain. We recommend amending paragraph 1087 and 1092 to make it clear that net gain is not mandatory.

- North East
- South East
- South West

7. Do you have any other comments on Section 5.24 (Biodiversity)?

We recognise that net gain is a valid approach in some circumstances, but it should not be mandatory, and the marine plan guidance should acknowledge the early stage in the practical application of this concept.

- North East
- South East
- South West

Policies: Net gain and natural capital

1. Do you support policy NW-NG-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Industry welcomes the MMO's positive ambition to include net gain and natural capital in the Draft Marine Plans. However, this is an evolving area, and certainly not one that is fully developed or widely consulted upon. Therefore, it should not be mandatory and the marine plan guidance should acknowledge the early stage in the practical application of this concept

- North East
- South East
- South West

2. Do you support policy NW-NG-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

Similar to our response above, net gain is still in the early development stages of its practical application; therefore, it should not be mandatory within the Marine Plans.

- North East
- South East
- South West

3. Do you have any other comments on Section 5.25 (Net gain and natural capital)?

In relation to the text provided in paragraph 1102, we note that the Common International Classification of Ecosystem Services (CICES) framework is increasingly being used and advocated in the UK, for example, the Joint Nature Conservation Committee (JNCC) and Environment Agency. It is a broader framework than the UK National Ecosystem Approach and thus more suited to marine planning.

- North East
- South East
- South West

Policies: Invasive non-native species**1. Do you support policy NW-INNS-1 and its aim?**

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

2. Do you support policy NW-INNS-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

We recognise the management of risk associated with INNS, but a proportionate requirement for biosecurity plans should be incorporated to the implementation of this policy. There is good guidance available about how to prepare biosecurity plans.

- North East

- South East
- South West

3. Do you support policy NW-INNS-2 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

4. Do you support policy NW-INNS-2 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

5. Do you have any other comments on Section 5.26 (Invasive non-native species)?

- North East
- South East
- South West

Policies: Disturbance

1. Do you support policy NW-DIST-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Suggest adding further criterion (order of preference) as follows: "d) compensate".

- North East
- South East
- South West

2. Do you support policy NW-DIST-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

The implementation text should also recognise the potential need to compensate for impacts.

- North East
- South East
- South West

3. Do you have any other comments on Section 5.27 (Disturbance)?

- North East
- South East
- South West

Policies: Underwater noise

1. Do you support policy NW-UWN-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

The draft Marine Plans do not consider underwater noise from standard marine operations such as, diving, anchoring, manoeuvring etc. We appreciate that these do not require a marine licence, however, they are very much part of operations including marine construction which does require a marine licence. Therefore, we would like to see specific reference to activities that do not need a marine license, yet create underwater noise, and are part of marine construction to understand if they are acceptable under policy.

- North East
- South East
- South West

2. Do you support policy NW-UWN-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you support policy NW-UWN-2 and its aim?

- Yes

- Yes, subject to changes
 No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

In relation to our comments on UXO and noting that the explosive threat from UXO is primarily a public safety issue, at-sea in-situ disposal of UXO and the noise associated with this activity is unavoidable. As such it is not considered possible to avoid, minimise, mitigate noise impacts resulting from UXO detonation. It is recommended that proposals for UXO disposal should not have to demonstrate that they will, in order of preference avoid, minimise, mitigate impacts. Further, the case for proceeding will always be safety based, therefore UXO disposal should be exempt from this policy.

“Proposals that result in the generation of impulsive or non-impulsive noise must demonstrate that they will, in order of preference...” We suggest the text is amended to “Proposals that result in the generation of significant levels of impulsive or non-impulsive noise...”. This is to ensure a proportionate requirement for assessment.

As noted in other draft policy responses, we consider the policy wording criteria of avoid, minimise, mitigate etc to be inappropriate as it is overly simplistic in terms of the policy assessment process, and unduly restrictive from the perspective of decision-making outcomes. Similar text is included in many other policies and has resulted in over long and repetitive policies.

Current practice is to mitigate for offshore wind farms through MMMPs in line with SNCB guidance. If developers were to accept that avoidance comes first, where would they be able to build fixed based wind farms that require piling. Piling is a temporary effect and needs to be considered in this context along with the need for renewable energy’s contribution to climate change mitigation. Each application should be considered on its merits.

We also note that gravity base foundations and drilling also sit above piling mitigation in the policy wording. This may make many offshore wind farms uneconomic.

- North East
 South East
 South West

4. Do you support policy NW-UWN-2 implementation text?

- Yes
 Yes, subject to changes
 No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
 South East
 South West

5. Do you have any other comments on Section 5.28 (Underwater noise)?

- North East
 South East

South West

Policies: Cumulative effects

1. Do you support policy NW-CE-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

Suggest adding further order of preference as follows: “d) compensate”.

- North East
- South East
- South West

2. Do you support policy NW-CE-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

The implementation text should recognise the potential need to provide compensatory or offsetting measures where there are significant residual cumulative effects.

- North East
- South East
- South West

3. Do you have any other comments on Section 5.29 (Cumulative effects)?

Even small-scale proposals could induce a tipping point where cumulative effects become critically detrimental” (paragraph 1257). Suggest this last sentence of the paragraph is removed. We think this is very unlikely to occur in practice. Proportionate regulation requires that regulators make pragmatic judgements about the relative significance of pressures and focus on the larger pressures.

- North East
- South East
- South West

Policies: Cross-border co-operation

1. Do you support policy NW-CBC-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

We welcome the cross-border co-operation policy and its aim. However, the policy text needs to address how the SW marine plan objectives and decision-making will take into account the cross-boundary planning objectives with the following:

- Welsh marine planning objectives
- Terrestrial and local planning objectives
- Other English inshore and offshore planning objectives

We are pleased to see that the NW Marine Plan intends to work closely with these other planning areas. However, we recommend improved clarity from the MMO regarding how they intend to achieve this in practice and provide more detail than putting the responsibility back onto the developer to 'consult' with all relevant bodies in the Plan. In order to aid the MMO in providing greater clarity around cross-border co-operation, we propose the following questions that should be addressed in the Plan:

- Where developments cross boundaries and the footprint extends to both on land and different marine planning areas, how will decision-making take place so that the position of other on land local and regional planning does not contradict the position of the marine environment?
- How will proposals throughout inter-connected regions be consulted upon, assessed and managed where there may be competing priorities and differing objectives? Developers are not the appropriate stakeholder to navigate these potentially competing regulatory priorities across borders. Therefore, we would recommend that the Competent Authorities involved should work together to ensure there is a consistent and fair approach, without placing unreasonable burden on the developer to manage this interaction.
- Considering there are no 'hard' boundaries in the marine environment and there is higher connectivity to surrounding areas, how will this be incorporated into the marine planning space?

- North East
- South East
- South West

2. Do you support policy NW-CBC-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the 'How will this policy be implemented' text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- North East
- South East
- South West

3. Do you have any other comments on Section 5.30 (Cross-border co-operation)?

- North East
- South East

South West**Objectives**

1. By reference to the sections on objectives, and particularly Table 1 of the Technical Annex, do you agree that the relevant high-level marine objectives are appropriate to use as the marine plan objectives for the North West Inshore and Offshore Marine Plans?

- Yes
 Yes, subject to changes
 No

Please state the reason for your answer including any comments and proposed objectives in the box below:

2. Do you agree that the marine plan objectives, as set out in the sections on objectives and particularly Table 1 of the Technical Annex, will lead to the achievement of the Draft North West Inshore and Offshore Marine Plan Vision Statement (Section 2.1 of the Draft Marine Plans)?

- Yes
 Yes, subject to changes
 No

Please state the reason for your answer including any comments and proposed objectives in the box below:

Industry welcomes the support the Marine Plan objectives give to renewable energies including wind, wave and tidal, which are specifically listed within respective Policy texts and attributed to objectives 2,3 and 8.

In addition to listing renewables, nuclear should also be included and attributed to objectives 2,3 and 8 because of the important contribution new nuclear power will provide towards a sustainable energy generation mix and reduction in greenhouse gas emissions, which directly relates to objective 2. The specific nuclear-safety controls applied to nuclear generation enable nuclear power to meet the effective risk management criteria of objective 3. Lastly, new nuclear energy will play a significant role in the decarbonisation of the UK and mitigation of climate change as the UK transitions to a low carbon economy and replaces fossil fuels in the energy mix.

The UK has a binding legal commitment to achieve net zero emissions by 2050, of which nuclear and renewable energy are key elements. Therefore, the Draft Marine Plans should recognise the need for both.

The overarching National Policy Statement for Energy (NPS EN-1) emphasises the role for nuclear power in decarbonising UK electricity and this should be reflected in the Plans.

Therefore, we would like to propose the following suggested wording in the policy text: "Proposals for new nuclear power stations inside areas of identified potential will be supported".

- North East
 South East
 South West

Applying the Plan as a whole

1. Do you consider Section 3 of the Draft North West Inshore and Offshore Marine Plans provide adequate information about using and implementing the Marine Plans once adopted?

- Yes
 Yes, subject to changes
 No

Please state the reason for your answer including any comments or revised text in the box below:

We refer to the statement: “Better Regulation principles should be adhered to when implementing the North West Marine Plan” (paragraph 41). This single reference to ‘Better Regulation’ fails to give sufficient prominence to the importance of better regulation principles in marine plan implementation and we suggest further clarification is provided.

2. Do you agree that all relevant policies together form a coherent package supporting decisions which will generally involve a number of policies?

- Yes
 Yes, subject to changes
 No

Please state the reason for your answer including any comments or revised text in the box below:

We believe there is a lack of clarity on how the marine planning issues and evidence database has been incorporated into the marine planning process. Most importantly, there appears to be incomplete evidence presented in the technical evidence log, which could have the potential to impact fair and accurate decision-making.

Our understanding is that the evidence database is what the MMO intend to use to assist their decision-making in the following ways:

- The Marine Management Organisation marine evidence and data register includes evidence reports that support the work of the organisation, including marine planning. These reports may also support the implementation of policies.
- The Marine planning issues and evidence database holds information about the issues raised for the south west marine plan areas and the evidence used for marine planning. Issues include challenges and opportunities that occur at a spatial and temporal scale appropriate for a marine planning response. Evidence used for marine plan preparation included spatial data (presented on the Explore Marine Plans digital service), third party research reports/guidance documents, specifically commissioned research and national/sub-national policy.

In order to provide improved evidence in the technical evidence log and ensure accurate decision-making, we would like to see the following questions clarified:

- Where has evidence been recorded? It is important to ensure that this is checked and clearly understood where assumptions and/or biases may lie.
- How will/could this evidence base be used in the future?
- Will the evidence base be updated or reviewed?
- What are the references for the evidence?

In particular, we would like to highlight that no evidence references are provided in the “Issues database: common issues addressed by draft policies”¹. In addition, we have concerns with the

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876580/Issues_database_-_common_issues_draft_policies_1_.csv/preview

accuracy of the evidence provided in the database relating to some key topics in relation to energy developments and power station intakes:-

- 1016: “96% of British eel population (European eel) inhabit the Severn Estuary. Species is critically endangered. Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”
- 1064: “96% of British eels (European eel) inhabit the Severn Estuary and are a critically endangered species. Under threat from habitat loss and fatalities through ingress into pumping systems” and
- 664: “the development of Hinkley Point C has raised concerns around coastal protection requirements because of the risk of erosion, which may then have an impact on other marine users”.

Firstly, with respect to the statement;

“96% of British eels (European eel) inhabit the Severn Estuary and are a critically endangered species”.

Based on the evidence in the ICES Working Group report WGEEL (2019)² and the DEFRA Report to the European Commission in line with Article 9 of the Eel Regulation 1100/2007 - Implementation of UK Eel Management Plans (June, 2015)³, this statement is incorrect. We recognise that the Severn Estuary is an important zone for eels and this should be reflected in the Marine Plan; however, it is important to use the correct statistics if this point is considered necessary to include. We suggest this statement is removed, unless the MMO can provide a reference to the evidence of this statement to show it is correct.

Secondly, with reference to the statements:-

“Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”, and;

“the development of Hinkley Point C has raised concerns around coastal protection requirements because of the risk of erosion, which may then have an impact on other marine users”,

We consider that it is not appropriate to make a reference to a specific project in an overarching Marine Plan, so the reference to Hinkley Point C should be removed. Our reasons are:-

- as a point of principle, given the strategic nature of Marine Plans, it is not appropriate to highlight specific developments,
- extensive measures have been incorporated in the Hinkley Point C power station design to ensure there is no significant impact on eels or other marine fauna,
- according to the ICES Working Group report WGEEL (2019)⁴, fishing is the biggest source of anthropogenic mortality (not water pumps) and,
- stakeholders were satisfied in the Hinkley Point C DCO application that the station would not cause any significant erosion issues and approved monitoring plans have been implemented to demonstrate the robustness of the assessments.

Therefore, these references are not fair or reasonable and should be removed.

²

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

³

<http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=19736>

⁴

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

3. Do you agree in applying the Plan as a whole that the policies will collectively achieve the sustainable development, objectives and vision for the north west inshore and offshore marine plan areas?

- Yes
 Yes, subject to changes
 No

Please state the reason for your answer including any comments or revised text in the box below:

Other comments

1. Do you have any other comments about the Draft North West Inshore and Offshore Marine Plans?

We note that despite previous comments, the Plans limit the consideration of electricity and energy generation to renewables and (in some areas) nuclear. This ignores the beneficial use combustion plant make of marine and estuarine waters and the contribution that such stations make in providing good employment opportunities.

The absence of the full spectrum of electricity generation being represented, including combustion, is puzzling because each plan references the National Policy Statement for Energy Infrastructure which includes existing and new combustion plant as part of the transition to a low carbon economy.

In addition, the Plans include Policies for carbon capture and usage and storage (CCUS) infrastructure. The inclusion of estuarine and coastal combustion plant, which are potentially important users of CCUS, would allow a more holistic approach to CCUS planning to be taken.

A concern is that marine users not included explicitly within the Plan Policies will be disadvantaged compared to those that are. The plan policies also need to be flexible enough to accommodate developments in marine activities, examples of possible new or growing activities are hydrogen productions and desalination projects.

- North East
 South East
 South West

2. Do you have any other comments about the Draft North West Inshore and Offshore Marine Plan Technical Annex?

- North East
 South East
 South West

Draft Sustainability Appraisal

1. Do you have any comments on the findings of the Sustainability Appraisal for the Draft North West Inshore and Offshore Marine Plans?

- Yes
 No

Please state the reason for your answer including any comments or revised text in the box below:

Consultee Feedback on the Online Survey

1. Overall, how satisfied are you with our online consultation tool?

- Very satisfied

- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied
- Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.

Given the breadth of consultation documentation, industry understands that finding an appropriate feedback system must be challenging. While we appreciated the presence of the tick boxes for respondents to denote where a response to a policy under one region's marine plan corresponded to the same policy in a different region's marine plan, the linked nature of questions across the different regional draft marine plans were still difficult to have overview of. A more streamlined and user-friendly system would have made feedback easier for respondents.

Industry appreciates that a spreadsheet of the online questions has been put into circulation, however as this was not released at the start of the consultation period it has proved challenging navigating the various documents and questions.

A downloadable form in word document format and a more integrated online system would allow for more efficient provision of feedback. This is especially key for respondents who are collating different views such as trade bodies, where a word document of all questions for every marine plan would make the process of circulating a response for comments, much easier when trying to put forward a submission on behalf of several different member companies.

2. Do you agree that the MMO has taken all reasonable steps to engage with people or groups with an interest in marine planning in the north west as outlined in the approved Statement of Public Participation?

- Strongly Agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly Disagree

Please provide any comments including suggestions in the box below.

Please see Energy UK's cover letter, sent to support feedback listed under the set questions.

Draft North East Inshore and Offshore Marine Plan Consultation

Background

1. Do the Draft North East Inshore and Offshore Marine Plans provide adequate background information on the marine planning process and the north east inshore and offshore marine plan areas?

- Yes
- Yes, subject to changes

No

Please state the reason for your answer including any comments or revised text in the box below:

Vision

1. The Draft North East Inshore and Offshore Marine Plans provide a 20-year vision for the North East inshore and offshore marine plan areas. Do you support the Draft North East Inshore and Offshore Marine Plans' vision statement?

The vision for the north east inshore and offshore marine plan areas in 2041

The north east marine plan areas have made effective and sustainable use of the space and resources available, taking account of the distinctive characteristics of the areas. A sustainable marine economy has been achieved, benefiting both large industries and small businesses. Increases in local employment have improved the retention of talented and trained employees within marine industries. Infrastructure is in place to support both existing and emerging sectors allowing for a diverse marine economy, making use of renewable energy and carbon capture usage and storage opportunities.

Pristine sandy beaches, together with rich cultural heritage and biologically diverse seas support a growing tourism and recreation sector, increasing the health and well-being of residents and visitors. Coastal communities are resilient and have adapted to coastal change, whilst the role of the marine environment in climate change mitigation is being realised. The industrial heritage of the Durham Coast, and rivers Tyne, Tees and Wear continues to provide a range of opportunities that contribute towards the cohesion of local communities.

The environment of the north east marine plan areas has been effectively protected, conserved and where appropriate restored. Emerging environmental issues such as underwater noise and marine litter have been effectively addressed. The principle of 'environmental net gain' is well established, with developments leaving the natural environment in a measurably better state than beforehand. A long established ecologically coherent network of marine protected areas, alongside coastal designations, continues to provide sanctuary for birds and sea life across the north east marine plan areas.

Sustainable development is plan-led and transboundary effects are considered effectively through effective communication across regional, national and international borders.

- Yes
 Yes, subject to changes
 No

Please state the reason for your answer including any comments or revised text in the box below:

We refer to the statement in the Plan:-

"The principle of 'environmental net gain' is well established with developments leaving the natural environment in a measurably better state than beforehand" (vision statement; page 14).

While we recognise its increasing profile, given the current uncertainties associated with the implementation of biodiversity/environmental net gain, in our view it is too early to include such a definitive statement. We note that net gain is not incorporated within the vision statement for the other three draft Marine Plan areas that are currently being consulted upon. We welcome the MMO's

recognition of net gain in the vision; however, the concept is still in the process of being developed for practical application. Therefore, we recommend that net gain is instead described as:-

“The principle of ‘environmental net gain’ is evolving and increasing in application, with developments leaving the natural environment in a measurably better state than beforehand”

We suggest that further commentary on net gain is deferred to the next review of the Marine Plans, when there will be an opportunity to include a common and consistent statement on the concept across all the Marine Plans. We consider that net gain should not be mandatory at this stage.

Policies: Defence

1. Do you support policy NE-DEF-1 and its aim?

- Yes
- Yes, subject to changes
- No

Referring specifically to the policy and/or its aim (please see Table 2 of the Draft Marine Plan), please make any comments or suggestions for revised text in the box below:

- North West
- South East
- South West

2. Do you support policy NE-DEF-1 implementation text?

- Yes
- Yes, subject to changes
- No

Referring specifically to the ‘How will this policy be implemented’ text and related maps in the Technical Annex, please make any comments or suggestions for revised text in the box below:

- **Section 933 (NE)** – ‘If the Ministry of Defence objects to a proposal the development or activity will not be authorised’.

Section 933 (NE) should be deleted as no such equivalent veto is afforded to the MOD in any of the other 3 Draft Plans. MOD objections to a proposal should undergo a thorough review by relevant stakeholders to determine if mitigation measures can be developed and deployed for proposal by projects, and changes made at a more strategic or regional level.

See also answer to NW Plan.

- North West
- South East
- South West

3. Do you have any other comments on Section 5.22 (Defence)?

- North West
- South East
- South West

Applying the Plan as a whole

1. Do you consider Section 3 of the Draft North East Inshore and Offshore Marine Plans provide adequate information about using and implementing the Marine Plans once adopted?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

2. Do you agree that all relevant policies together form a coherent package supporting decisions which will generally involve a number of policies?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

We believe there is a lack of clarity on how the marine planning issues and evidence database has been incorporated into the marine planning process. Most importantly, there appears to be incomplete evidence presented in the technical evidence log, which could have the potential to impact fair and accurate decision-making.

Our understanding is the evidence database is what the MMO intend to use to assist in their decision-making in the following ways:

- The Marine Management Organisation marine evidence and data register includes evidence reports that support the work of the organisation, including marine planning. These reports may also support the implementation of policies.
- The Marine planning issues and evidence database holds information about the issues raised for the south west marine plan areas and the evidence used for marine planning. Issues include challenges and opportunities that occur at a spatial and temporal scale appropriate for a marine planning response. Evidence used for marine plan preparation included spatial data (presented on the Explore Marine Plans digital service), third party research reports/guidance documents, specifically commissioned research and national/sub-national policy.

In order to provide improved evidence in the technical evidence log and ensure accurate decision-making, we would like to see the following questions clarified:

- Where has evidence been recorded? It is important to ensure that this is checked and clearly understood where assumptions and/or biases may lie.
- How will/could this evidence base be used in the future?
- Will the evidence base be updated or reviewed?
- What are the references for the evidence?

In particular, we would like to highlight that no evidence references are provided in the “Issues database: common issues addressed by draft policies”⁵. In addition, we have concerns with the accuracy of the evidence provided in the database relating to some key topics in relation to energy developments and power station intakes:-

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876580/Issues_database_-_common_issues_draft_policies_1_.csv/preview

- 1016: “96% of British eel population (European eel) inhabit the Severn Estuary. Species is critically endangered. Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”,
- 1064: “96% of British eels (European eel) inhabit the Severn Estuary and are a critically endangered species. Under threat from habitat loss and fatalities through ingress into pumping systems” and
- 664: “the development of Hinkley Point C has raised concerns around coastal protection requirements because of the risk of erosion, which may then have an impact on other marine users”.

Firstly, with respect to the statement;

“96% of British eels (European eel) inhabit the Severn Estuary and are a critically endangered species”.

Based on the evidence in the ICES Working Group report WGEEL (2019)⁶ and the DEFRA Report to the European Commission in line with Article 9 of the Eel Regulation 1100/2007 - Implementation of UK Eel Management Plans (June, 2015)⁷, this statement is incorrect. We recognise that the Severn Estuary is an important zone for eels and this should be reflected in the Marine Plan; however, it is important to use the correct statistics if this point is considered necessary to include. We suggest this statement is removed, unless the MMO can provide a reference to the evidence of this statement to show it is correct.

Secondly, with reference to the statements:-

“Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”, and;

“the development of Hinkley Point C has raised concerns around coastal protection requirements because of the risk of erosion, which may then have an impact on other marine users”,

we consider that it is not appropriate to make a reference to a specific project in an overarching Marine Plan, so the reference to Hinkley Point C should be removed. Our reasons are:-

- as a point of principle, given the strategic nature of Marine Plans, it is not appropriate to highlight specific developments,
- extensive measures have been incorporated in the Hinkley Point C power station design to ensure there is no significant impact on eels or other marine fauna,
- according to the ICES Working Group report WGEEL (2019)⁸, fishing is the biggest source of anthropogenic mortality (not water pumps) and,
- stakeholders were satisfied in the Hinkley Point C DCO application that the station would not cause any significant erosion issues and approved monitoring plans have been implemented to demonstrate the robustness of the assessments.

Therefore, these references are not fair or reasonable and should be removed.

3. Do you agree in applying the Plan as a whole that the policies will collectively achieve the sustainable development, objectives and vision for the north east inshore and offshore marine plan areas?

Guidance

⁶

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

⁷ <http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=19736>

⁸

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

Other comments

1. Do you have any other comments about the Draft North East Inshore and Offshore Marine Plans?

(See NW Marine Plan)

- North West
- South East
- South West

2. Do you have any other comments about the Draft North East Inshore and Offshore Marine Plan Technical Annex?

- North West
- South East
- South West

Consultee Feedback on the Online Survey

1. Overall, how satisfied are you with our online consultation tool?

- Very satisfied
- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied
- Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.

(See NW Marine Plan)

- North West
- South East
- South West

2. Do you agree that the MMO has taken all reasonable steps to engage with people or groups with an interest in marine planning in the north east as outlined in the approved Statement of Public Participation?

- Strongly Agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly Disagree

Please provide any comments including suggestions in the box below.

(See NW Marine Plan)

- North West
- South East
- South West

Draft South West Inshore and Offshore Marine Plan Consultation

Background

1. Do the Draft South West Inshore and Offshore Marine Plans provide adequate background information on the marine planning process and the south west inshore and offshore marine plan areas?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

Vision

1. The Draft South West Inshore and Offshore Marine Plans provide a 20-year vision for the south west inshore and offshore marine plan areas. Do you support the Draft South West Inshore and Offshore Marine Plans' vision statement?

The vision for the south west inshore and offshore marine plan areas in 2041

As England's Ocean Peninsula the south west marine plan areas are sustainably developed and thriving based on their unique nature and close links to the maritime area in terms of economy, society, environment and governance. Across the region fishing, tourism, port development and harbour regeneration, with the associated safeguarded or new infrastructure, support a strong and diversified maritime economy which encourages economic growth and employment. Emerging and innovative renewable energy opportunities have been realised in relevant locations throughout the south west marine plan areas.

Community wellbeing, cohesion and recognition of natural and cultural heritage is enhanced by increased sustainable access to the marine area. Management along the coast and in estuaries has enhanced resilience to climate change, such as in the protection and use of saltmarsh in the Severn Estuary. The region's close economic and social ties to defence on the south Devon coast continue to be supported.

Authorities and relevant organisations are working together to successfully apply an ecosystem approach to protect and enhance the diverse and characteristic natural environment and ecological communities of the region. Transboundary effects are considered effectively through close liaison across regional, national and international borders.

- Yes
- Yes, subject to changes

No

Please state the reason for your answer including any comments or revised text in the box below:

The Vision Statement of all the Marine Plans should be updated to recognise that the “the generation and transfer of renewable energy in the marine plan area to support the delivery of the UK Net Zero targets and contribute to efforts to tackle climate change”

The final plan should set out clearly the potential socio-economic benefits of the expansion of renewable energy in particularly offshore wind on a local, regional and national level. This include the direct economic benefits of the development itself (i.e. capital investment and revenue from electricity generation) and the number of jobs this will create, but the plan should also recognise the knock-on effects of increased business for local port and harbours, etc. The plan should also consider the wider economic benefits to the UK of a sustainable and secure, low carbon energy supply.

The final plan should also make reference to the UK Offshore Wind Sector Deal target to deliver 30GW of offshore wind by 2030, which has been further strengthen by the December 2019 Queen’s Speech to target 40GW by 2030.

We have a number of recommendations for additions and clarifications in the vision statement as follows.

Clarity on Marine Planning interaction with Development Planning Consents:

Industry welcomes the 20-year vision statement, however, we feel that there could be more clarity on how Marine Planning fits in with the National Infrastructure Planning process (under the Planning Act 2008), particularly for developments which already have Development Consent Order (DCO) approval. For example, some Nationally Significant Infrastructure Project (NSIP) developments will have a number of requirements, commitments and ongoing conditions to satisfy in the marine area. These may require additional consent or approval from the MMO through the marine licensing process, in addition to the DCO process. This is a specific area that requires more clarity in the Plans, particularly how this would be managed under the DCO process in combination with the Marine Planning objectives. We would recommend improved clarity in this area because it is important to avoid duplication or contradiction between local planning, DCO and Marine Planning.

In order to provide clarity, the following questions should be answered in the Plans:

- Where there is a potential conflict between the DCO process and the Marine Planning objectives, how would this be managed or resolved and who will have final approval in such cases; the Planning Inspectorate or the MMO?
- Will Marine Planning require additional assessments to be completed, or will the assessments completed under the DCO process be sufficient?

Following this, we would support the implementation of a holistic and consistent approach to minimise further complications in an already complex planning process.

Reference to the low carbon role of nuclear power:

The United Kingdom and the devolved administrations are committed to reduce greenhouse gas emissions and the United Kingdom has a legally binding commitment to achieve net zero emissions by 2050. Both nuclear and renewable energy will play a key role in the transition to net zero and the Marine Plans should explicitly recognise the need for both.

We welcome the recognition of the role of renewable energy in the Marine Plan vision: “emerging and innovative renewable energy opportunities have been realised in relevant locations throughout the south west marine plan areas”.

However, the overarching National Policy Statement for Energy (NPS EN-1) emphasises the role for nuclear power in decarbonising UK electricity and this policy objective should also be reflected in the Plans. We consider that the above sentence should be amended in the Marine Plan Vision to “emerging and innovative renewable energy *and nuclear power* opportunities have been realised in relevant locations throughout all the Marine Plan areas”.

Applying the Plan as a whole

1. Do you consider Section 3 of the Draft South West Inshore and Offshore Marine Plans provide adequate information about using and implementing the Marine Plans once adopted?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

2. Do you agree that all relevant policies together form a coherent package supporting decisions which will generally involve a number of policies?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

We believe there is a lack of clarity on how the marine planning issues and evidence database has been incorporated into the marine planning process. Most importantly, there appears to be incomplete evidence presented in the technical evidence log, which could have the potential to impact fair and accurate decision-making.

Our understanding is the evidence database is what the MMO intend to use to assist in their decision-making in the following ways:

- The Marine Management Organisation marine evidence and data register includes evidence reports that support the work of the organisation, including marine planning. These reports may also support the implementation of policies.
- The Marine planning issues and evidence database holds information about the issues raised for the south west marine plan areas and the evidence used for marine planning. Issues include challenges and opportunities that occur at a spatial and temporal scale appropriate for a marine planning response. Evidence used for marine plan preparation included spatial data (presented on the Explore Marine Plans digital service), third party research reports/guidance documents, specifically commissioned research and national/sub-national policy.

In order to provide improved evidence in the technical evidence log and ensure accurate decision-making, we would like to see the following questions clarified:

- Where has evidence been recorded? It is important to ensure that this is checked and clearly understood where assumptions and/or biases may lie.
- How will/could this evidence base be used in the future?

- Will the evidence base be updated or reviewed?
- What are the references for the evidence?

In particular, we would like to highlight that no evidence references are provided in the “Issues database: common issues addressed by draft policies”⁹. In addition, we have concerns with the accuracy of the evidence provided in the database relating to some key topics in relation to energy developments and power station intakes:-

- 1016: “96% of British eel population (European eel) inhabit the Severn Estuary. Species is critically endangered. Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”,
- 1064: “96% of British eels (European eel) inhabit the Severn Estuary and are a critically endangered species. Under threat from habitat loss and fatalities through ingress into pumping systems” and
- 664: “the development of Hinkley Point C has raised concerns around coastal protection requirements because of the risk of erosion, which may then have an impact on other marine users”.

Firstly, with respect to the statement;

“96% of British eels (European eel) inhabit the Severn Estuary and are a critically endangered species”.

Based on the evidence in the ICES Working Group report WGEEL (2019)¹⁰ and the DEFRA Report to the European Commission in line with Article 9 of the Eel Regulation 1100/2007 - Implementation of UK Eel Management Plans (June, 2015)¹¹, this statement is incorrect. We recognise that the Severn Estuary is an important zone for eels and this should be reflected in the Marine Plan; however, it is important to use the correct statistics if this point is considered necessary to include. We suggest this statement is removed, unless the MMO can provide a reference to the evidence of this statement to show it is correct.

Secondly, with reference to the statements:-

“Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”, and;

“the development of Hinkley Point C has raised concerns around coastal protection requirements because of the risk of erosion, which may then have an impact on other marine users”,

we consider that it is not appropriate to make a reference to a specific project in an overarching Marine Plan, so the reference to Hinkley Point C should be removed. Our reasons are:-

- as a point of principle, given the strategic nature of Marine Plans, it is not appropriate to highlight specific developments,
- extensive measures have been incorporated in the Hinkley Point C power station design to ensure there is no significant impact on eels or other marine fauna,
- according to the ICES Working Group report WGEEL (2019)¹², fishing is the biggest source of anthropogenic mortality (not water pumps) and,

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876580/Issues_database_-_common_issues_draft_policies_1_csv/preview

¹⁰

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

¹¹ <http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=19736>

¹²

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

- stakeholders were satisfied in the Hinkley Point C DCO application that the station would not cause any significant erosion issues and approved monitoring plans have been implemented to demonstrate the robustness of the assessments.

Therefore, these references are not fair or reasonable and should be removed.

3. Do you agree in applying the Plan as a whole that the policies will collectively achieve the sustainable development, objectives and vision for the north west inshore and offshore marine plan areas?

Guidance

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

Other comments

1. Do you have any other comments about the Draft South West Inshore and Offshore Marine Plans?

(See NW Marine Plan)

- North East
- South East
- North West

2. Do you have any other comments about the Draft South West Inshore and Offshore Marine Plan Technical Annex?

- North East
- South East
- North West

Draft Sustainability Appraisal

1. Do you have any comments on the findings of the Sustainability Appraisal for the Draft South West Inshore and Offshore Marine Plans?

- Yes
- No

Please state the reason for your answer including any comments or revised text in the box below:

Consultee Feedback on the Online Survey

1. Overall, how satisfied are you with our online consultation tool?

- Very satisfied
- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied
- Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.

(See NW Marine Plan)

- North East
- South East
- North West

2. Do you agree that the MMO has taken all reasonable steps to engage with people or groups with an interest in marine planning in the north west as outlined in the approved Statement of Public Participation?

- Strongly Agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly Disagree

Please provide any comments including suggestions in the box below.

Draft South East Inshore Marine Plan Consultation

Applying the Plan as a whole

1. Do you consider Section 3 of the Draft South East Inshore Marine Plans provide adequate information about using and implementing the Marine Plans once adopted?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

2. Do you agree that all relevant policies together form a coherent package supporting decisions which will generally involve a number of policies?

- Yes
- Yes, subject to changes
- No

Please state the reason for your answer including any comments or revised text in the box below:

We believe there is a lack of clarity on how the marine planning issues and evidence database has been incorporated into the marine planning process. Most importantly, there appears to be incomplete evidence presented in the technical evidence log, which could have the potential to impact fair and accurate decision-making.

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¹⁴

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425

¹⁵ <http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=19736>

“Damage to stock through habitat loss and fatalities induced by water pumps (Hinkley Point future water intake issue)”, and;

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- stakeholders were satisfied in the Hinkley Point C DCO application that the station would not cause any significant erosion issues and approved monitoring plans have been implemented to demonstrate the robustness of the assessments.

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For further information, please contact:

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¹⁶

http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/Fisheries%20Resources%20Steering%20Group/2019/WGEEL/CRs_2019.pdf#page=425