

Quick guide

Marine Policy Statement

January 2011

1. Introduction

As set out in the *Safeguarding Our Seas*¹ report, which was published in 2002, the UK's vision for the marine environment is for 'clean, healthy, safe, productive and biologically diverse oceans and seas'. The *Marine and Coastal Access Act 2009*² (hereafter the Act) produces a new framework for the seas, based on marine spatial planning, that aims to balance conservation, energy and resource needs. The Act was the result of several years of consultation including two White Papers, in 2006 and 2007, and a draft Bill in 2008. It received Royal Assent on 12 November 2009.

The Act enables the Secretary of State jointly with the devolved administrations to produce a Marine Policy Statement (MPS) for the UK marine area which sets out the high level policy objectives, based on the high level marine objectives published in April 2009, for achieving sustainable development of the UK seas.

The UK Administrations are working towards joint adoption of the MPS, which will apply to all UK waters. The UK Administrations undertook joint pre-consultation on the MPS between March and May 2010, by way of a discussion paper³, and in July 2010 published the *UK Marine Policy Statement: A draft for consultation*⁴ and supporting documents⁵. The consultation closed on 13 October 2010 and responses to the consultation were published on 30 November 2010⁶.

2. What is the Marine Policy Statement?

The MPS will be the first part of the new system of marine planning being introduced around the UK. **The Act provides that the MPS will set out the policy framework for the seas at UK level and Marine Plans⁷ will be developed to set out how the MPS will be implemented in specific areas.** The MPS will also set the direction for marine

¹ Defra, *Safeguarding Our Seas*, 2002

² *Marine and Coastal Access Act 2009*, (chapter 23)

³ Defra, *Pre-Consultation on the Draft UK Marine Policy Statement: A paper for discussion*, March 2010

⁴ Defra, *UK Marine Policy Statement: A draft for consultation*, July 2010

⁵ Defra, Consultations, *Marine Policy Statement*, website [accessed 9 December 2010]

⁶ Defra, *An initial summary of responses to The UK Marine Policy Statement: A draft for consultation*, November 2010

⁷ Responsibility for creating these Marine Plans is given to the marine planning authorities created by the Act, which for Wales' inshore and offshore waters is the Welsh Government.

licensing and other relevant authorisation systems.

The MPS will aim to:

- Promote sustainable economic development;
- Enable the UK's move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification, and adapt to their effects;
- Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and the most important heritage assets;
- Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

The overarching approach is to:

- Achieve integration between different objectives;
- Recognise that the demand for use of the seas, and the resulting pressures on them, will continue to increase;
- Manage competing demands on the marine area, taking an ecosystem-based approach⁸;
- Enable the co-existence of compatible activities wherever possible;
- Integrate with terrestrial planning.⁹

3. How will Marine Plans relate to the Marine Policy Statement?

Marine Plans will formulate and present outcomes for the marine plan area which are consistent with the MPS and will be supported and informed by evidence specific to the marine plan area. Marine Plans will reflect and address, so far as possible, the range of activities occurring in, and placing demand on, the areas included in the plan as well as setting out how potentially competing activities will be managed. They will also identify which areas are suitable for certain activities by setting out the environmental sensitivity of the different areas and seeking to balance environmental, economic and social interests in conformity with the objectives of the MPS.

As well as complying with the objectives of the MPS, Marine Plans will take into account the wide range of legislative provisions at the international and national level, including the *Marine Strategy Framework Directive*, *Water Framework Directive*, *Habitats Directive* and the *Wild Birds Directive*.

Marine Plans are required to be living documents that take account of new developments

⁸ An ecosystem based approach to the management of human activities means an approach which ensures that the collective pressure of human activities is kept within the levels compatible with the achievement of good environmental status, that does not compromise the capacity of marine ecosystems to respond to human-induced changes, and that enables the sustainable use of marine goods and services.

⁹ Defra, [*UK Marine Policy Statement: A draft for consultation*](#), July 2010

so that the cumulative impacts of developments and activities can be monitored.¹⁰

4. How will Marine Protected Areas relate to the Marine Policy Statement?

In accordance with the OSPAR Convention¹¹ UK Administrations are committed to halting the loss of marine biodiversity and restoring it so far as feasible in order to protect the economic, social and intrinsic value of the marine environment. This will be achieved through the integration of conservation objectives into marine planning and decision making. **The UK Administrations are committed to delivering an ecologically coherent network of Marine Protected Areas (MPAs) by 2012.** This MPA network will comprise of existing MPAs as well as new sites, **including the designation of Marine Conservation Zones (MCZs).**¹²

According to the Act, marine planners and decision makers should consider how developments will impact on the aim to halt biodiversity loss and also take account of the legal obligations relating to MPAs, their conservation objectives, and their management arrangements.

In deciding to designate MCZs, the appropriate authorities are required under the Act to have regard to the MPS. **In Wales the designation of these sites is being taken forward by the Welsh Government *Marine Conservation Zone Project Wales*.**

5. What is the scope of the Marine Policy Statement?

The Act requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the MPS and relevant Marine Plans unless relevant considerations indicate otherwise. This includes the conditions attached to authorisations, and the enforcement action that will be taken to ensure compliance.

Where the decision is not taken in accordance with the MPS and relevant Marine Plans, the public authority must state its reasons. Public authorities taking other decisions that affect or might affect the UK marine area must also have regard to the MPS and relevant Marine Plans.

The MPS will also sit alongside and interact with existing planning regimes, including town and country planning and the development consent order regime for nationally significant infrastructure projects (NSIPs) to ensure integration of marine and terrestrial planning.

The MPS will remain in place until it is withdrawn, amended or replaced. It will be reviewed as and when the relevant policy authorities consider it appropriate to do so.

¹⁰ Defra, [*UK Marine Policy Statement: A draft for consultation*](#), July 2010

¹¹ The OSPAR Convention is the current legal instrument guiding international cooperation on the protection of the marine environment of the North-East Atlantic.

¹² Wales has several types of Marine Protected Areas giving different levels of protection: European marine sites (Special Protection Areas (SPA) and Special Areas of Conservation (SAC)); Sites of Special Scientific Interest (SSSI) with intertidal and subtidal features; Ramsar sites with marine components; Marine Nature Reserves; and Marine Conservation Zones.

6. What is the Statement of Public Participation?

In developing both a MPS and Marine Plans the marine planning authorities in question are required to publish a Statement of Public Participation which sets out in detail when and how any interested parties can make representations about the plan. The *Statement for Public Participation for the UK Marine Policy Statement*¹³ was first published in December 2009.

In the case of the MPS the Act states that a MPS cannot be adopted until it has been laid before the relevant legislature for consultation. **In Wales, the Welsh Government was required to lay a draft of the MPS before the National Assembly for Wales and if the Assembly makes any recommendations on the draft the Welsh Government must publish a response to those recommendations.**

On 21 September 2010 the draft MPS was laid before the National Assembly for Wales. The period allocated by the Welsh Ministers for scrutiny of the consultation draft is 12 sitting weeks from the date the document was laid.

The draft MPS will be amended in light of comments following scrutiny and consultation and will then be circulated for agreement by the UK Administrations. It is envisaged that the final **Marine Policy Statement will be published by Spring 2011.**

7. Further information

For further information on aspects of the Marine Policy Statement, please contact **Victoria Paris** (victoria.paris@wales.gov.uk), Members' Research Service.

For further information on the topics below, double click on the links.

- Welsh Government website on [Marine Planning](#)
- UK Government website on [The Marine Planning System](#)
- Environment, Food and Rural Affairs Committee's oral evidence session on the [Marine Policy Statement](#)
- Welsh Government website on [The Marine Conservation Zone Project Wales](#)

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¹³ Defra, [Statement for Public Participation for the UK Marine Policy Statement](#), December 2009