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Sent: 20 August 2021 11:41
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Cc: SM-MMO-Consultations (MMO) <Consultations.MMO@marinemanagement.org.uk>
Subject: Public Consultation: Tendring District Local Plan Section 2 Proposed Main Modifications

Dear Sir/Madam,

Many thanks for giving us the opportunity to respond to the Schedule of Proposed Main Modifications.

Please find attached our response letter. The first page contains general marine planning information and legal responsibilities. Pages two to six briefly details specific consideration for the Local Plan.

In addition to this, if you would like further information on the South East Marine Plans, I would be happy to provide a meeting covering general information on marine planning, monitoring and implementation of the south east marine plans, tools for implementation and an update on the development of marine plans in England.

Please do not hesitate to get in touch if you have any questions.

Kind regards,

Lucinda

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20/08/21

Dear Sir/Madam,

MMO Marine Planning and Marine Licensing response to Schedule of Proposed Main Modifications

Thank you for giving us the opportunity to comment on the Local Plan. The comments provided within this letter refer to the document entitled Schedule of Proposed Main Modifications.

As the marine planning authority for England, the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent the Marine Plan boundaries extend up to the level of the mean high water spring tides mark (which includes the tidal extent of any rivers), there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the document stated above, the [South East Marine Plan](#) is of relevance. The draft plan was published for public consultation on 14th January 2020, at which point it became material for consideration. The South East Marine Plan was adopted June 2021, alongside the North East, North West, and South West. The South East Marine Plans cover the area from Landguard Point in Felixstowe to Samphire Hoe near Dover, including the tidal extent of any rivers within this area.

All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access



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Act 2009 and any relevant adopted Marine Plan, in this case the [South East Marine Plan](#), or the [UK Marine Policy Statement](#) (MPS) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#), [Explore Marine Plans](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

Marine Licensing

The Marine and Coastal Access Act 2009 states that a marine licence is required for certain activities carried out within the [UK marine area](#).

The MMO is responsible for [marine licensing](#) in English waters and for Northern Ireland offshore waters.

The marine licensing team are responsible for consenting and regulating any activity that occurs “below mean high water springs” level that would require a marine licence. These activities can range from mooring private jetties to nuclear power plants and offshore windfarms.

Summary notes

Please see below suggested policies from the South East Inshore Marine Plans that we feel are most relevant to your local plan.

These suggested policies have been identified based on the activities and content within the document entitled above. They are provided only as a recommendation and we would suggest your own interpretation of the South East Marine Plans is completed:

- **SE-INF-1:** Proposals for appropriate marine infrastructure which facilitates land-based activities, or land-based infrastructure which facilitates marine activities (including the diversification or regeneration of sustainable marine industries), should be supported.
- **SE-INF-2:** (1) Proposals for alternative development at existing safeguarded landing facilities will not be supported.
(2) Proposals adjacent and opposite existing safeguarded landing facilities must demonstrate that they avoid significant adverse impacts on existing safeguarded landing facilities.
(3) Proposals for alternative development at existing landing facilities (excluding safeguarded sites) should not be supported unless that facility is no longer viable or capable of being made viable for waterborne transport.
(4) Proposals adjacent and opposite existing landing facilities (excluding safeguarded sites) that may have significant adverse impacts on the landing facilities should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate - adverse impacts so they are no longer significant.

- **SE-AQ-1:** Proposals within existing or potential strategic areas of sustainable aquaculture production must demonstrate consideration of and compatibility with sustainable aquaculture production. Where compatibility is not possible, proposals that may have significant adverse impacts on sustainable aquaculture production must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate

- adverse impacts on sustainable aquaculture production so they are no longer significant.

If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.

- **SE-AQ-2:** Proposals enabling the provision of infrastructure for sustainable aquaculture and related industries will be supported.
- **SE-REN-1:** Proposals that enable the provision of renewable energy technologies and associated supply chains, will be supported.
- **SE-REN-2:** 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
- **SE-REN-3:** Proposals for the installation of infrastructure to generate offshore renewable energy, inside areas of identified potential and subject to relevant assessments, will be supported
- **SE-HER-1:** Proposals that demonstrate they will conserve and enhance the significance of heritage assets will be supported.
Where proposals may cause harm to the significance of heritage assets, proponents must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate

- any harm to the significance of heritage assets.

If it is not possible to mitigate, then public benefits for proceeding with the proposal must outweigh the harm to the significance of heritage assets.
- **SE-EMP-1:** Proposals that result in a net increase in marine-related employment will be supported, particularly where they meet one or more of the following:
 - 1) are aligned with local skills strategies and support the skills available
 - 2) create a diversity of opportunities
 - 3) create employment in locations identified as the most deprived
 - 4) implement new technologies - in, and adjacent to, the south east marine plan area.
- **SE-CC-1:** Proposals that conserve, restore or enhance habitats that provide flood defence or carbon sequestration will be supported.

Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate

- adverse impacts so they are no longer significant

d) compensate for significant adverse impacts that cannot be mitigated

- **SE-CC-2:** Proposals in the south east marine plan area should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change.

- **SE-CC-3:** Proposals in the south east marine plan area, and adjacent marine plan areas, that are likely to have significant adverse impacts on coastal change, or on climate change adaptation measures inside and outside of the proposed project areas, should only be supported if they can demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate

- adverse impacts so they are no longer significant

- **SE-WQ-1:** Proposals that protect, enhance and restore water quality will be supported.

Proposals that cause deterioration of water quality must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate

- deterioration of water quality in the marine environment

- **SE-ACC-1:** Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, including the provision of services for tourism and recreation activities, will be supported.

Proposals that may have significant adverse impacts on public access should demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate

- adverse impacts so they are no longer significant.

- **SE-TR-1:** Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported.

Proposals that may have significant adverse impacts on tourism and recreation activities must demonstrate that they will, in order of preference:

- a) avoid

- b) minimise
 - c) mitigate
 - adverse impacts so they are no longer significant.
 - **SE-MPA-1:** Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.
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.
- **SE-MPA-2:**
Proposals that enhance a marine protected area's ability to adapt to climate change, enhancing the resilience of the marine protected area network, will be supported.
Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change, and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate- adverse impacts.
- **SE-MPA-3:** Where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.
- **SE-MPA-4:** Proposals that may have significant adverse impacts on designated geodiversity must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate- adverse impacts so they are no longer significant.
- **SE-BIO-1:** Proposals that enhance the distribution of priority habitats and priority species will be supported.
Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate- adverse impacts so they are no longer significant
- d) compensate for significant adverse impacts that cannot be mitigated.

- **SE-BIO-2:** Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration, will be supported.
Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration, must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate - adverse impacts so they are no longer significant
 - d) compensate for significant adverse impacts that cannot be mitigated
- **SE-BIO-3:** Proposals that conserve, restore or enhance coastal habitats, where important in their own right and/or for ecosystem functioning and provision of ecosystem services, will be supported.
Proposals must take account of the space required for coastal habitats, where important in their own right and/or for ecosystem functioning and provision of ecosystem services, and demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate
 - d) compensate for - net habitat loss.
- **SE-DIST-1:** Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate
 - adverse impacts so they are no longer significant.

Further points to note

We would also recommend you mention the adopted [South East Marine Plan](#).

The [East Inshore and East Offshore Marine Plans](#) were adopted in 2014, and the [South Inshore and Offshore Marine Plan](#) was adopted in 2018, which cover the adjacent areas. Please ensure correct reference to the South East, South, and East marine plan areas where included.

A South East Marine Plan Implementation Training session was held in March 2021. This provided an introduction to marine planning, and I would suggest re-visiting the material in our recorded [webinar](#) which supported the Consultation of the South East Marine Plan. Please let me know if you have any questions regarding implementation of the marine plan.

As previously stated, these are recommendations and we suggest that your own interpretation of the South East Marine Plan is completed. We would also recommend you consult the following references for further information:

[South East Marine Plan](#) and [Explore Marine Plans](#).

Yours sincerely,

Lucinda Robinson

Marine Planning Officer (South East)

