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03/06/2024

Dear Sir/Madam,

MMO Marine Planning and Marine Licensing response to Draft Canterbury District Local Plan to 2040

Thank you for giving us the opportunity to comment on the Canterbury District Local Plan. The comments provided within this letter refer to the document entitled Draft Canterbury District Local Plan to 2040.

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 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 Act 2009 and any relevant adopted Marine Plan, in this case the [South East Marine Plan](#),



ENVIRONMENT
ISO 14001
CERTIFIED



QUALITY
ISO 9001
CERTIFIED



INVESTORS
IN PEOPLE

Bronze

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 Plan 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 Plan is completed:

- **SE-INF-1:** Appropriate land-based infrastructure which facilitates marine activity (and vice versa) 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) should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on existing landing facilities
- **SE-CO-1:** Proposals that optimise the use of space and incorporate opportunities for co-existence and co-operation with existing activities will be supported. Where potential conflicts with existing activities are likely (including displacement) proposals must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on existing activities (including displacement)

- d) if it is not possible to mitigate significant adverse impacts on existing activities (including displacement), proposals should state the case for proceeding.
- **SE-AGG-1:** Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the other development or activity is compatible with aggregate extraction.
 - **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 must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on sustainable aquaculture production
 - d) 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-CAB-2:** Proposals demonstrating compatibility with existing landfall sites and incorporating measures to enable development of future landfall opportunities should be supported. 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.
 - **SE-CAB-3:** Where seeking to locate close to existing sub-sea cables, proposals should demonstrate compatibility with ongoing function, maintenance and decommissioning activities of the cable.
 - **SE-DD-1:** In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.
 - **SE-DD-2:** Proposals that cause significant adverse impacts on licensed disposal areas should not be supported. Proposals that cannot avoid such impacts must, in order of preference:
 - a) minimise
 - b) mitigate
 - c) if it is not possible to mitigate the significant adverse impacts, proposals must state the case for proceeding.
 - **SE-DD-3:** Proposals for the disposal of dredged material must demonstrate that they have been assessed against the waste hierarchy. Where there is the need to identify new dredge disposal sites, proposals should be supported which are subject to best practice and guidance.

- **SE-PS-1:** Only proposals demonstrating compatibility with current activity and future opportunity for sustainable expansion of port and harbour activities will be supported. Proposals that may have a significant adverse impact upon current activity and future opportunity for expansion of port and harbour activities must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **SE-PS-4:** Proposals promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport will be supported where appropriate.
- **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-HER-1:** Proposals that demonstrate they will conserve and enhance elements contributing to the significance of heritage assets will be supported. Proposals unable to conserve and enhance elements contributing to the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate harm to those elements contributing to the significance of heritage assets
 - d) 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-SCP-1:** Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate
 - d) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area. Where possible, proposals should demonstrate that they have considered how highly the seascapes and landscapes of an area is valued, its quality, and the areas potential for change. In addition, the scale and design of the proposal should

be compatible with its surroundings, and not have a significant adverse impact on the seascapes and landscapes of an area.

- **SE-FISH-1:** Proposals supporting a sustainable fishing industry, including the industry's diversification, should be supported.
- **SE-FISH-2:** Proposals that enhance access for fishing activities should be supported. Proposals that may have significant adverse impacts on access for fishing activities must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate the significant adverse impacts, proposals should state the case for proceeding.
- **SE-FISH-3:** Proposals enhancing essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported. If proposals cannot enhance essential fish habitat, they must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impact on essential fish habitat, including spawning, nursery and feeding grounds, and migration routes.
- **SE-EMP-1:** Proposals that result in a net increase to marine related employment will be supported, particularly where they meet one or more of the following:
 - i) create employment in areas identified as the most deprived, or
 - ii) support and are aligned with local skills strategies and the skills available in and adjacent to the south east inshore marine plan area, or
 - iii) create a diversity of opportunities, or
 - iv) implement new technologies.
- **SE-CC-1:** Proposals which 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 significant adverse impacts, or, as a last resort,
 - d) compensate and deliver environmental net gains in line with and where required in current legislation.
- **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-AIR-1:** Proposals must assess their direct and indirect impacts upon air quality and emissions of greenhouse gases and air pollutants. Where proposals are likely to result in air pollution or increased greenhouse gas emissions, they must demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate air pollution and or greenhouse gas emissions in line with current national and local air quality objectives and legal requirements.
- **SE-ML-1:** Public authorities must make adequate provision for the prevention, re-use, recycling and disposal of waste to reduce and prevent marine litter. Public authorities should aspire to undertake measures to remove marine litter within their jurisdiction.
- **SE-ML-2:** Proposals that facilitate waste re-use or recycling to reduce or remove marine litter will be supported. Proposals that could potentially increase the amount of marine litter in the marine plan area, must include measures to:
 - a) avoid
 - b) minimise
 - c) mitigate waste entering the marine environment.
- **SE-WQ-1:** Proposals that 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, and also demonstrate the future provision of services for tourism and recreation activities, will be supported. Where appropriate and inclusive enhanced public access cannot be provided, proposals should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on public access.
- **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. Where proposals may have a significant adverse impact on tourism and recreation activities they must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate that impact.
- **SE-SOC-1:** Those bringing forward proposals are encouraged to consider and enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal.
- **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-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
 - d) compensate for significant adverse impacts.
 - **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 significant adverse impacts
 - d) compensate for significant adverse impacts.
 - **SE-BIO-3:** 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. 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 and deliver environmental net gain.
 - **SE-INNS-1:** Proposals that reduce the risk of introduction and/or spread of invasive non-native species should be supported. Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species, particularly when:
 - 1) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another
 - 2) introducing structures suitable for settlement of invasive non-native species, or the spread of invasive non-native species known to exist in the area.
 - **SE-INNS-2:** Public authorities with functions to manage activities that could potentially introduce, transport or spread invasive non-native species should implement adequate biosecurity measures to avoid or minimise the risk of introducing, transporting or spreading invasive non-native species.
 - **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 significant adverse impacts.

Further points to note

We welcome the mention of the South East Marine Plan in the Introduction and Consultation section of the Draft Local Plan. Alongside this, you could refer to the South East Marine Plan remit which ranges from Mean High Water Springs (MHWS) or the tidal limit out to the territorial limit. This remit covers both the marine area and tidal rivers, and extends up to MHWS where there is an overlap with terrestrial planning. We would also recommend a reference to the requirement of a marine licence for certain activities carried out within the UK marine area.

Within the mention of your policies we would recommend reference to the marine/coastal/intertidal element of the policy area, particularly where both terrestrial and marine habitats have the potential to be impacted by the policy.

Many of your district wide strategic policies align with south east marine plan policy suggestions given above. These include but are not limited to:

- Policy DS7 - Infrastructure delivery
- Policy DS8 - Business and employment areas
- Policy DS11 - Tourism development
- Policy DS12 - Rural economy
- Policy DS16 - Air quality
- Policy DS17 - Habitats of international importance
- Policy DS18 - Habitats and landscapes of national importance
- Policy DS19 - Habitats, landscapes and sites of local importance
- Policy DS21 - Supporting biodiversity recovery
- Policy DS25 - Renewable energy and carbon sequestration
- Policy DS26 - Historic environment and archaeology
- Policy DM16 - Water pollution

We would recommend you use the south east marine plan policies as evidence to support your local plan policies above. This would add additional evidence to your plan policies and ensure alignment with the South East Marine Plan.

Within the Draft Canterbury District Transport Strategy we would welcome mention of the South East Marine Plan where the coast is referenced.

Canterbury Open Space Assessment Report

Page 64 Part 12 Coastal Areas: the South East Marine Plan could be mentioned here along with the SE-SCP-1 policy.

CCC Draft Air Quality Action Plan 2024

Page 13 Section 3.2 Planning and Policy Context: the South East Marine Plan could be mentioned here along with the SE-AIR-1 policy.

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.

I believe your council did attend a Marine Plan Implementation Training session in November 2022. 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,



Marie Canny
Marine Planning Officer (South East)

