



Towards Solent Marine Planning (SoMaP) Project

Marine Planning Report: A Review of Current Progress

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1. Introduction

The Towards Solent Marine Planning (SoMaP) project, initiated by the Solent Forum, is being taken forward through collaborative working between various organisations with an interest in the Solent marine environment. Under the Marine and Coastal Access Act, which received Royal Assent on 12th November 2009, the new Marine Management Organisation (MMO) will establish marine plans for English inshore and English offshore marine regions, commencing 2010. The Towards SoMaP project aims to achieve only the first steps of the marine planning process, where it seeks to examine different sectoral planning policies within the Solent to help inform the MMO and those with an interest in the potential development of a marine plan. The Towards SoMaP project is one of the three key stakeholder projects being developed throughout England at present from which the Department of Environment, Food and Rural Affairs (Defra) hope to gain valuable experience to contribute towards future guidance which they will produce for the MMO on the development of marine plans.

The '*Marine Planning Report: A Review of Current Progress*' forms a communication tool which endeavours to inform stakeholders and those with an interest in the marine environment about emerging initiatives of marine planning which will be implemented in the English inshore and offshore waters by the MMO.

2. What is Marine Planning?

Marine planning can be described as:

“An integrated, policy-based approach to the regulation, management and protection of the marine environment including the allocation of space, that addresses the multiple, cumulative and potentially conflicting uses of the sea and thereby facilitates sustainable development”¹

Marine planning is a process which enables the sustainable exploitation of marine resources to be managed in a strategic manner. It will create a framework to facilitate the efficient use of marine space and resources by endorsing consistent and evidence-based decision-making. In the long-term, it is the process of planning and continuous management within that framework that will be more significant than the plan itself.

Defra have outlined that:

“The introduction of marine planning will enable the Government to set a clear direction for managing our seas, clarify objectives and priorities, and direct decision-makers, users and stakeholders to a more strategic and efficient approach towards the sustainable development and protection of marine resources”²

The implementation of marine planning as a tool for achieving sustainable development within the marine environment has been endorsed by the Commission of the European Communities, who published the '*Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU*'³. The Commission have outlined the key principles from the current practice of marine planning throughout Europe, which include:

1. *Utilise marine planning according to area and type of activity*

- Area of a marine plan should be dependent on the type and intensity of activities, with more prescriptive plans for areas with dense utilisation or high vulnerability.
 - Three dimensions of marine plans: seabed, water column and surface.
 - Time may also factor as a major dimension, as compatibility of uses can vary over time.
2. *Define clear objectives*
 - Using clear objectives a marine plan should manage existing activities and guide future development.
 - The objectives should allow negotiation where conflicting sectoral interests exist.
 3. *The marine planning process must be transparent*
 - The process, including documents and procedures, must be easily understandable to the general public.
 4. *Stakeholder participation*
 - Involve all stakeholders from an early stage to achieve ownership of the plan and support for implementation.
 5. *Co-ordination and cross-border co-operation*
 - Co-ordination between national authorities can simplify decision making.
 - Co-operation across borders is essential for coherence and consistency of plans across political boundaries.
 6. *Simplify decision processes*
 - Develop a co-ordinating administrative body
 - Speed up licensing and permit procedures for the benefit of all marine users.
 7. *Ensuring a statutory status for marine plans*
 - Marine planning needs to be legally binding for it to be effective.
 8. *Monitoring and evaluation as part of the process*
 - To adapt to the ever changing marine environment the planning process must be flexible to react to changes and allow plans to be revised as necessary.
 9. *Integration with terrestrial planning*
 - As the coastal zone is the “hinge” between the marine and terrestrial development, it is important to have co-ordination between marine and terrestrial planning.
 10. *A strong data and knowledge base*
 - Marine planning should be based on the best available data and knowledge.
 - Marine plans should evolve with improved knowledge.³

Marine planning in England, as outlined in the Marine and Coastal Access Act 2009, will be developed to incorporate each of the above principles to ensure the effectiveness of the process in safeguarding our marine environment.

3. Aims and Objectives of Marine Planning

The main objective of marine planning is to balance sectoral interests and achieve sustainable use of marine resources in accordance with the principles of sustainable development. Defra envisage that marine planning should aim to:

- Move beyond a reactive approach of licensing individual developments, towards a pro-active and strategic approach that considers the needs of the whole ecosystem;

- Inform people about the marine area by consolidating and presenting clear and authoritative information about the area and the resources and activities within it;
- Offer certainty about Government policy intentions and guide developers about where they are likely to be able to carry out activities, and whether conditions or restrictions may be placed on what they do;
- Improve integration of marine objectives, policies and plans at different planning levels;
- Provide an opportunity for user organisations and coastal communities to have a real say in what happens at sea and what our priorities should be in the future; it will give a clear focal point for that debate, and bring different interests together;
- Generate confidence about decisions we make in the marine area; the Marine Policy Statement and marine plans will clearly set out the policies which regulators will need to deliver through their decisions; developers will know that decisions are based on sound evidence, clearly thought out policy and stakeholder consensus;
- Achieve consistency in the way licensing decisions are made and create a more transparent decision-making framework for developers.²

4. Marine Plan System

The marine plan system will progress the development of marine plans in a two stage approach, consisting of:

- A UK-wide Marine Policy Statement (MPS)
- A series of marine plans (following adoption of the MPS)

UK Marine Policy Statement

The MPS will set out policies and objectives for the marine environment and how it should be managed, in order to contribute to the achievement of sustainable development of the UK marine area. It will bring together the marine aspects of existing policies for different sectors and will articulate how they relate to each other. The MPS will provide the framework under which marine plans will be developed and set direction for marine licensing decisions where marine plans don't exist yet. Work has begun on the development of the MPS, which will be informed by the UK High Level Marine Objectives (HLMO's). The HLMO's, published in April 2009, are designed to provide a comprehensive set of outcomes which will drive UK Government and Devolved Administrations' marine policies in a coherent and consistent way. The objectives have been articulated within the context of the UK's five sustainable development principles:



Achieving a sustainable marine economy

- Infrastructure is in place to support and promote safe, profitable and efficient marine business.
- The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future
- Marine business are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.
- Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace.⁴

Ensuring a strong, healthy and just society

- People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly.

- The use of the marine environment is benefitting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.
- The coast, seas, oceans and their resources are safe to use.
- The marine environment plays an important role in mitigating climate change.
- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community.
- Use of the marine environment will recognise, and integrate with, defence priorities, including strengthening of international peace and stability and the defence of the UK and its interests.⁴

Living within environmental limits

- Biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted.
- Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.
- Our oceans support viable populations of representative, rare, vulnerable, and valued species.⁴

Promoting good governance

- All those who have a stake in the marine environment have an input into associated decision-making.
- Marine, land and water management mechanisms are responsive and work effectively together, for example, through integrated coastal zone management and river basin management plans.
- Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries.
- Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.
- The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance.⁴

Using sound science responsibly

- Our understanding of the marine environment continues to develop through new scientific and socio-economic research and data collection.
- Sound evidence and monitoring underpins effective marine management and policy development.
- The precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations' sustainable development policy.⁴

In the long-term, It is anticipated that the HLMO's will develop effective, integrated and strategic management of human activities in the marine environment to secure long-term benefits for the whole of society, whilst its rich natural and cultural heritage are better protected, therefore delivering sustainable development in the marine area and the wider context. It is the vision and objectives of the HLMO's that will be built upon to develop the policies and objectives within the forthcoming MPS.

The MPS will have legal status when it has been published in draft, later in 2010. Hence, the government has published a 'Pre-consultation on the Draft Marine Policy Statement: A paper for discussion' report to enable input prior to the draft MPS being published. The MPS, as detailed in the discussion paper, will be structured into the following chapters:

1. Purpose & scope
2. High level policy context & objectives
3. Key considerations for marine planning
4. Key considerations for decision making on individual activities⁸

It is anticipated that the MPS will be finalised and adopted by the UK Government and devolved administrations by spring 2011, to enable the development of marine plans from April 2011 onwards.

Marine Plan Authorities

Marine plans throughout the UK will be developed and implemented by the relevant Marine Plan Authority (Figure 1).

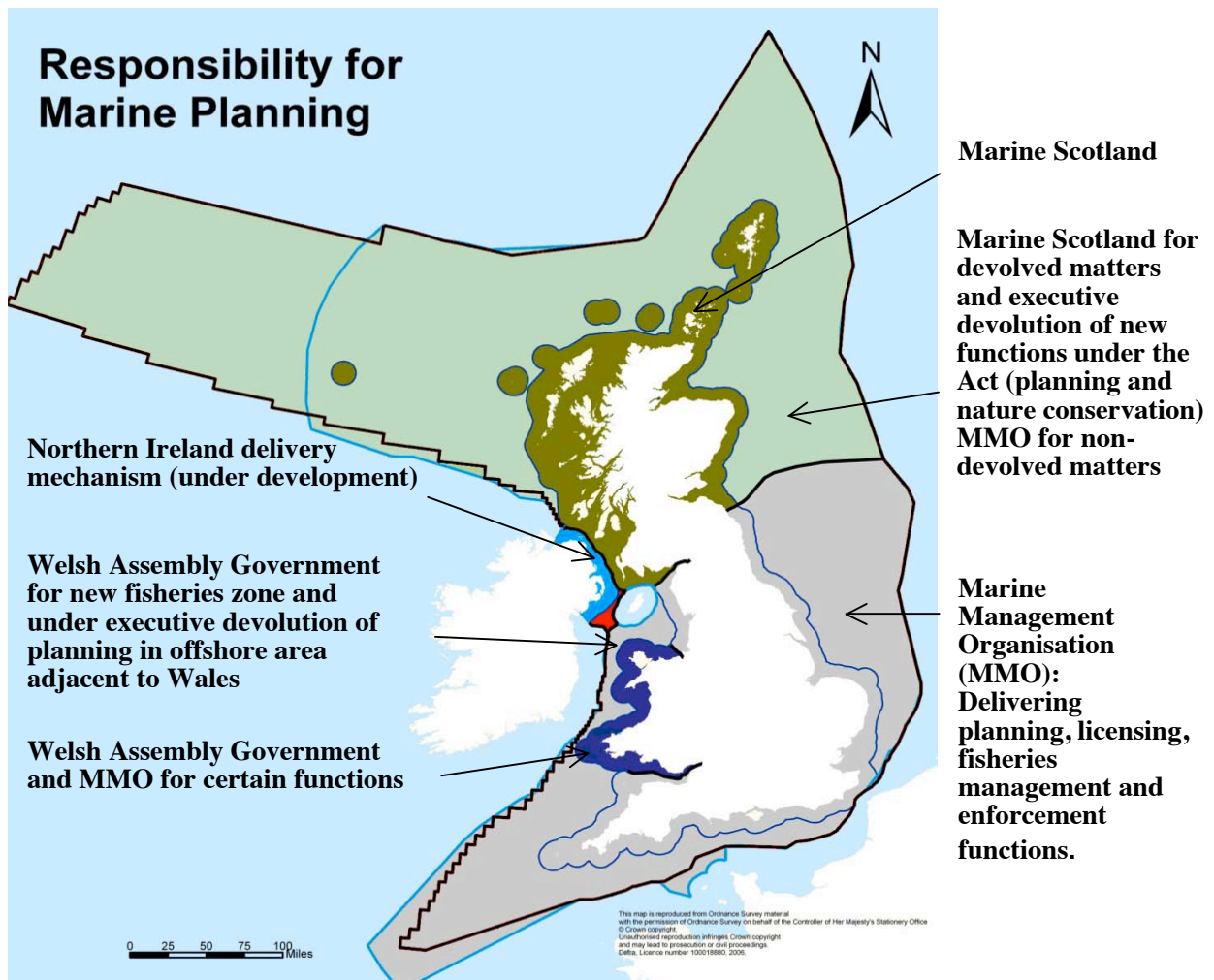


Figure 1: Marine Plan Authorities⁵

The MMO (an executive Non-Departmental Government Body, independent of individual Government Departments) will be delegated by the Secretary of State as the Marine Plan Authority for the English inshore and offshore waters. In addition to

marine planning functions, the MMO will regulate most marine activities, including sea fisheries, and hold a range of licensing responsibilities, on behalf of the UK Government (in areas where the MMO functions are exercisable). The MMO will be vested on 1st April 2010. Tyneside has been selected as the location for the MMO headquarters.

Marine Plan Areas

The proposed marine plan areas have been identified and were subject to public consultation which ended earlier this year. A total of twelve proposed areas have been identified; seven marine plan areas in the English inshore, four in the English offshore and one marine plan area in the Northwest combining the inshore and offshore areas⁶ (Figure 2).



Figure 2: Proposed Marine Plan Areas⁶

The proposed marine plan areas arose through consideration of a number of factors which were then validated against a series of specific criteria⁶. The proposed marine plan areas of interest locally to the users of the Solent include the South Inshore Central and South Offshore which are illustrated in more detail in figures 3 and 4.

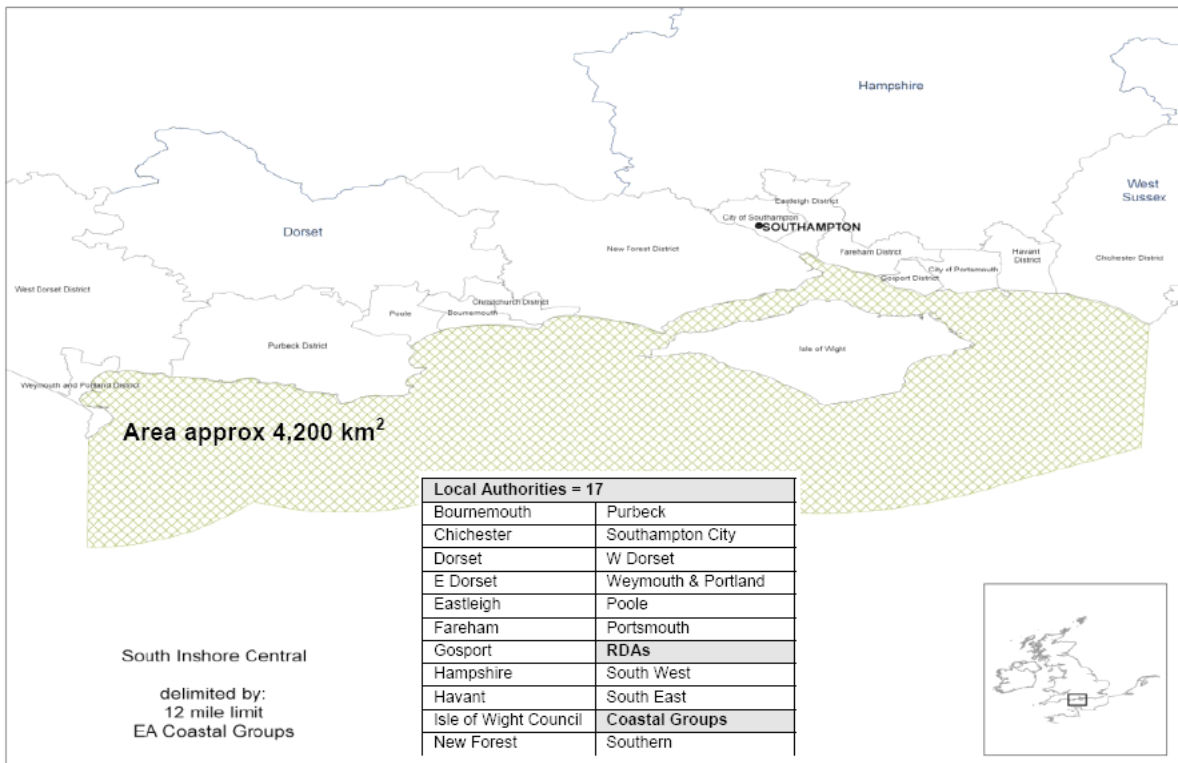


Figure 3: South Inshore Central proposed marine plan area⁶

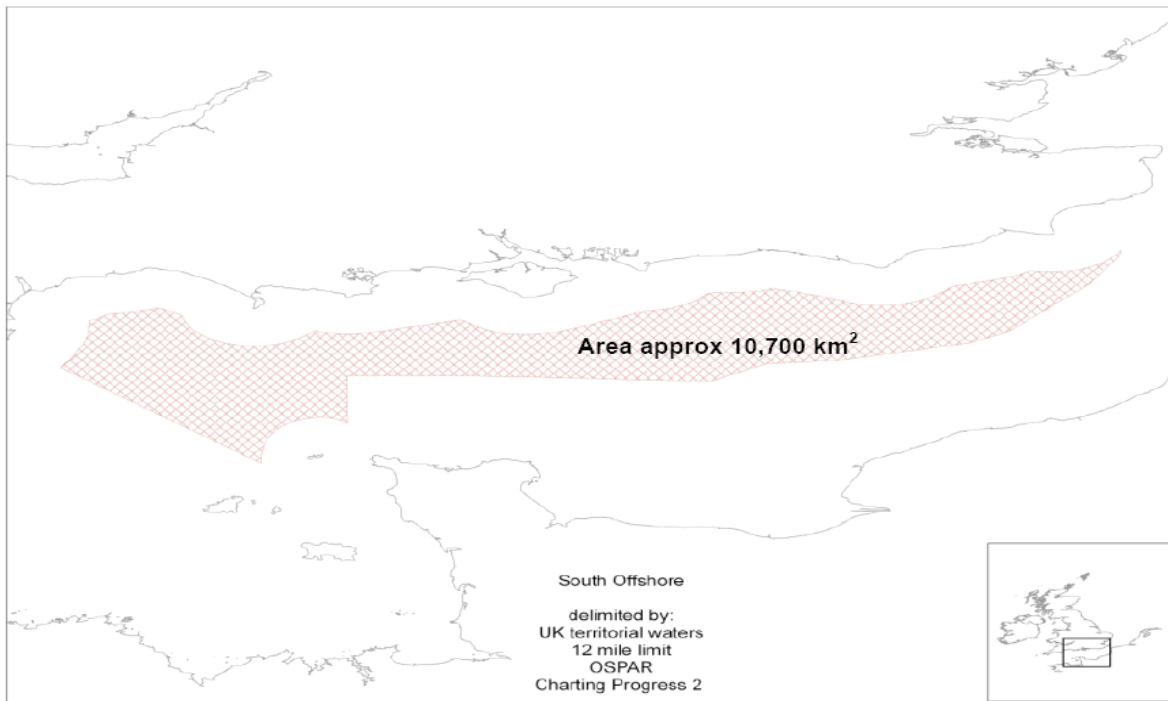


Figure 4: South Offshore proposed marine plan area⁶

It is intended that the MMO will develop the plans incrementally with preparation of the first plans in the areas where it is determined through a set of priority criteria that early planning will be most beneficial. Defra have outlined the proposed considerations affecting the order of planning within the consultation on the marine plan areas, although these may be refined by the MMO. The proposed priority criteria include:

- ✓ Resources available within the MMO
- ✓ External considerations: is the time right?

- Other planning programmes
- Cross-border integration
- Other marine plans being developed by the MMO
- Terrestrial plans
- Data availability & quality
- ✓ Local factors: is it the right area?
 - Existing sustainability
 - Complexity & intensity of activity
 - Ongoing/proposed developments & programmes
 - Marine Conservation Zones & other Marine Protected Area designations
 - Nationally significant infrastructure projects
 - Preparedness of the area
- ✓ Existing informal management arrangements
- ✓ Relative weight of considerations
 - Contributing to achievement of sustainable development – main priority
 - Other considerations – less priority⁶

The final marine plan boundaries will be determined by the MMO later in 2010. It is proposed that two marine plans will be started concurrently every two years, with each plan taking approximately 24 to 30 months to develop; however it may be possible to accelerate this over time⁶.

The MMO will be able to plan from the area covered by mean high water spring tide out to the furthest limits of either the continental shelf or the Renewable Economic Zone which will overlap Local Authority jurisdiction for terrestrial planning (Figure 5).

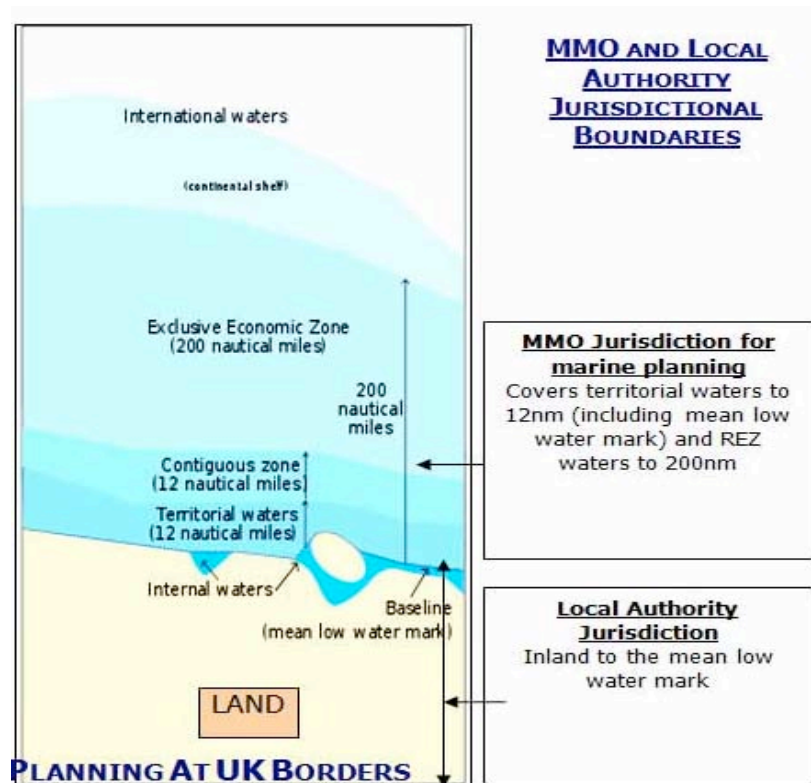


Figure 5: MMO and Local Authority Planning Jurisdiction²

The Renewable Economic Zone (REZ) will be adjusted to the Exclusive Economic Zone as declared within the Bill

It is envisaged that the marine planning proposals will support the process of integration in coastal areas to integrate management of the seas with land at the coast,

which together with other elements of the Marine and Coastal Access Act will make a significant contribution towards Integrated Coastal Zone Management.

Marine Planning Process

The marine planning process has been broadly defined by Defra, who will refine and develop their thinking further to provide more in depth guidance to the MMO preceding the preparation of the first marine plan. Following development of the MPS, the MMO will develop the marine plans as outlined in Figure 6.

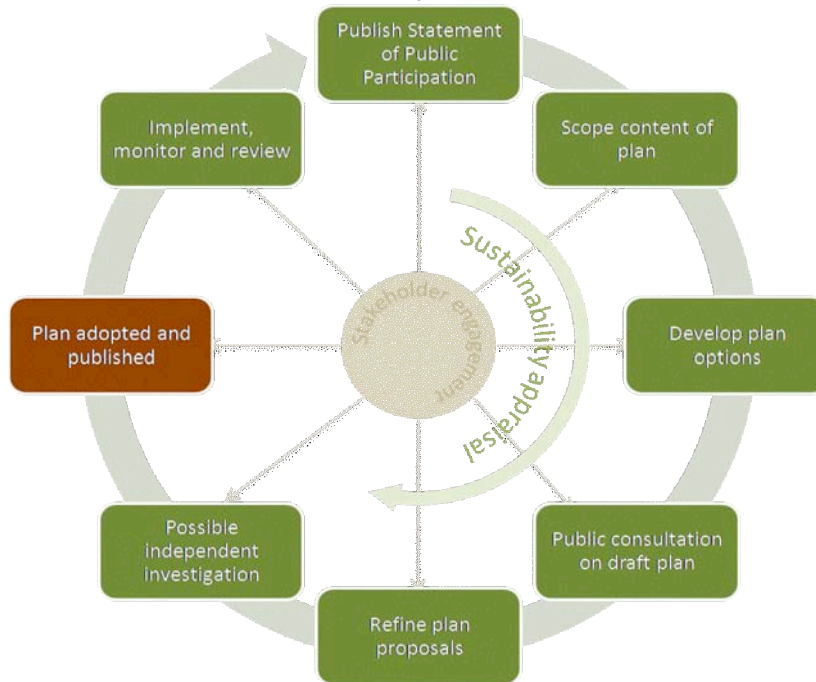


Figure 6: Marine Planning Process²

Stage 1: Publish Statement of Public Participation²

The aim of the Statement of Public Participation (SPP) is to report at an early stage the MMO's intentions to enable stakeholders to plan ahead for their involvement with the process. To prepare the SPP, the MMO will need to establish relationships with stakeholders with a direct interest in planning for each marine plan area. The MMO will use existing stakeholder engagement mechanisms, such as Coastal Partnerships, where appropriate.

Stage 2: Scope Content of the Plan²

Scoping will involve a spatial assessment of the marine plan area to define its size, physical and natural characteristics, activities taking place, and other factors relevant to the plan. In more detail the process is expected to identify for each area:

- Legislative drivers and obligations, drawing from those in the MPS
- European or national policies such as those outlined in the MPS and national policy statements
- Sectoral policies drawing from those in the MPS
- Local or regional plans in place
- Current and emerging threats to ecosystem health
- Predicted climate change impacts in the plan area
- Emerging technologies/uses for the marine plan area, drawing from the MPS
- Any new information needed for the development of the plan
- Designations, obligations and activities which exist in the plan area

- Relationships between the plan and other plans, both terrestrial and coastal/marine

The data can be used to undertake an analysis of the interaction of activities within the selected marine area, addressing the current situation and scenarios of future development. The analysis can be utilised by the planning team to develop a picture of the type of proposals which can be outlined in the plan. It is anticipated that data will be presented through a series of maps that identify all activities and resources which highlight where activities are or are not compatible with each other, either spatially or temporally (Figures 7 & 8).

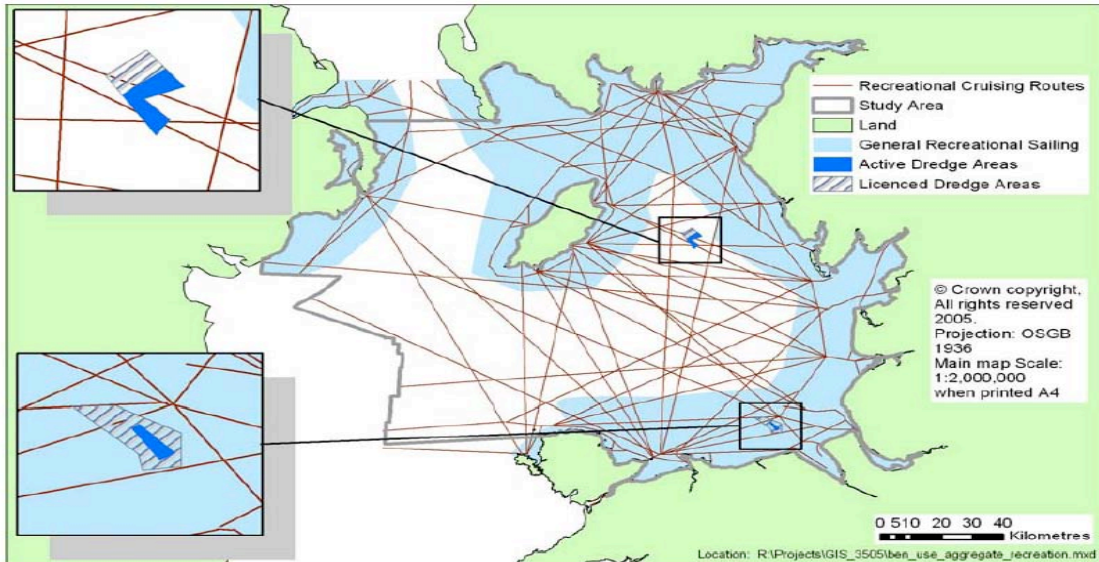


Figure 7: Irish Sea Pilot Project – map illustrating aggregate extraction activities, recreational sailing areas and recreational cruising routes¹

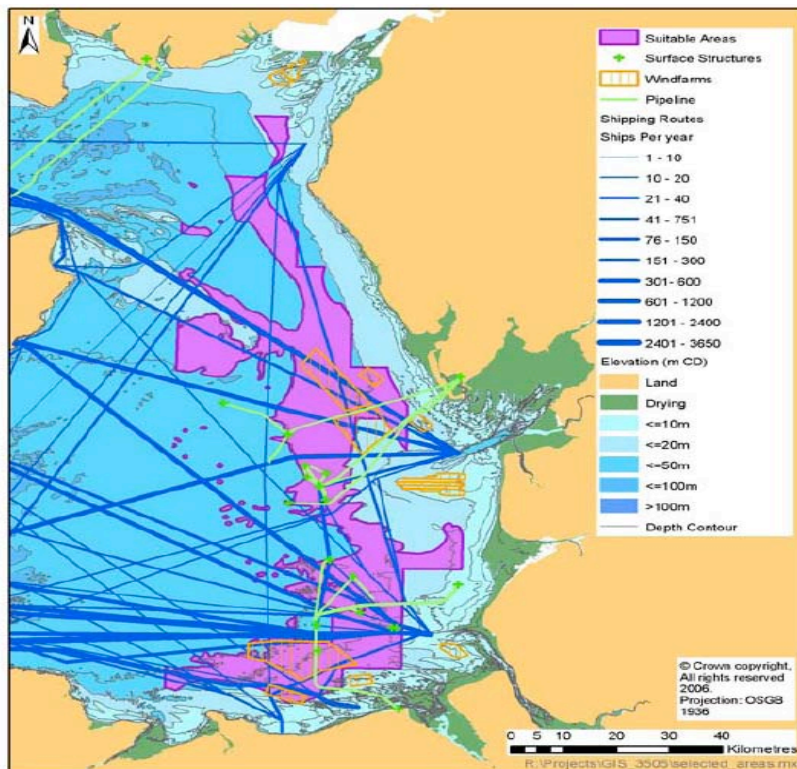


Figure 8: Irish Sea Pilot Project – map illustrating potentially exploitable area for offshore wind farm development with additional sectoral constraints overlaid¹

Stage 3: Develop Plan Options²

The plan options must take account of existing plans and reflect government policies and legislation. At this stage it might be necessary to consider developing local plan variations to address local/regional needs. Planners may introduce various planning tools/spatial options, such as zoning methods to outline the options for utilisation of marine resources within the plan area. This part of the process is expected to be largely influenced by stakeholder input.

A Sustainability Appraisal/Strategic Environmental Assessment (SEA) will need to be developed in conjunction with the development of the plan options to assess the sustainability of each option being considered for inclusion and their likely environmental, social and economic effects. An Appropriate Assessment may be required if plan options are likely to affect areas designated under the Habitats or Birds Directives.

Stage 4: Public Consultation on Draft Marine Plan²

Full public consultation will take place for each draft marine plan.

Stage 5: Refine Plan Proposals²

Consultation responses will be reviewed with consultee proposals put forward compared with existing commitments, obligations, government policy and legislation including the MPS and national policy statement (as identified in Stage 2) before they can be taken forward for inclusion in the plan.

Stage 6: Possible Independent Investigation²

The Bill requires the Secretary of State to consider whether there is a need to appoint an independent person to investigate the proposals contained in the draft and to report on them to resolve issues arising after public consultation. It is possible that some elements of the independent scrutiny will be similar to the Examination in Public that takes place for land planning. The independent investigation process is likely to include one or more public hearings, inviting stakeholders to give written and oral evidence on issues raised with the plan. There is no requirement in the legislation for an automatic inquiry for every plan.

Stage 7: Plan Adopted and Published²

Plans will be effective when they have been adopted by the Secretary of State and published. It will be possible to appeal against a plan after it has been adopted if it is believed that the procedural requirements were not adhered to during development or the MMO has somehow exceeded its powers. However, it is anticipated that avoidance of appeal can be achieved through integration and transparency throughout development of each marine plan.

Stage 8: Implement, Monitor and Review²

Plan implementation will correlate closely with the licensing responsibilities which the MMO will hold. The MMO will be required to report every 3 years on whether the plans are achieving their objectives. Amendments and replacement of current marine plans must follow the same procedure as outlined for the initial plan preparation. Changes in knowledge, policy and the utilisation of the marine environment may prompt amendments or replacement of a marine plan; however the extent of the review will largely be determined by the significance of the factors.

Marine Plan Structure

“A marine plan interprets and presents the Government’s key policies and objectives for UK waters, as applied from the MPS, into a clear, spatial and locally-relevant expression of policy, implementation and delivery at the level of the marine plan area.”⁷

The marine plans will consist of a number of linked documents (Figure 9), as is the case with most terrestrial plans.

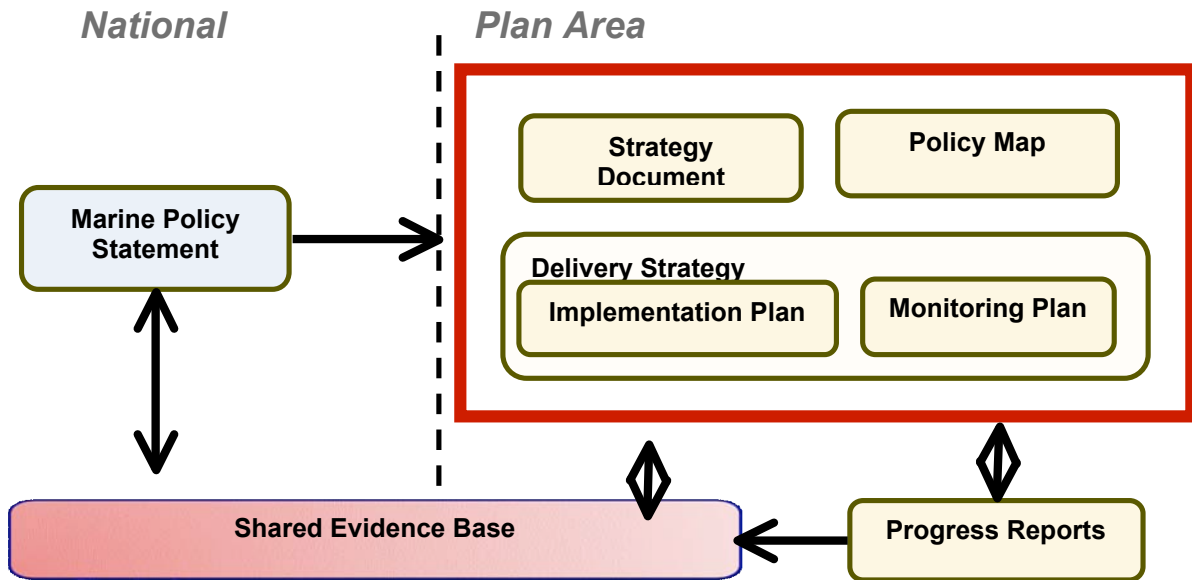


Figure 9: Marine planning system and marine plan structure⁷

They will address the three spatial elements of the marine plan area: surface of the water, the entire water column and the seabed (including any activity beneath the seabed). They will also provide a temporal element to reflect any human activities and natural processes which occur on a seasonal cycle, but these will be clearly outlined within the plan. Marine plans will cover a minimum twenty-year period from when they are formally adopted, but will also look beyond this timeframe where appropriate. Each plan will be subject to review on a three-year cycle during that period, when revision or replacement will be considered.

The ‘Strategy Document’ will detail the policies for the marine plan area, including objectives for achieving those policies to guide all stakeholders involved in the marine planning process. The ‘Policy Map’ will illustrate the spatial and temporal extent of the policies outlined in the strategy document, thus making it a key tool in future licensing decisions in the area. The ‘Delivery Framework’ will be a statement of measures potentially applying to the marine plan area, including regulatory and investment activities, that can assist with the delivery of the policies outlined in the strategy document. Hence, the ‘Strategy Document’ is the central document within a marine plan as all other documents relate to its content.

5. Marine Planning Implications

How the marine planning process affects you or your organisation depends on your role, responsibility and interaction with the marine environment. Figure 10 illustrates the potential level in the process in which the relevant stakeholders could engage with the development of marine plans.

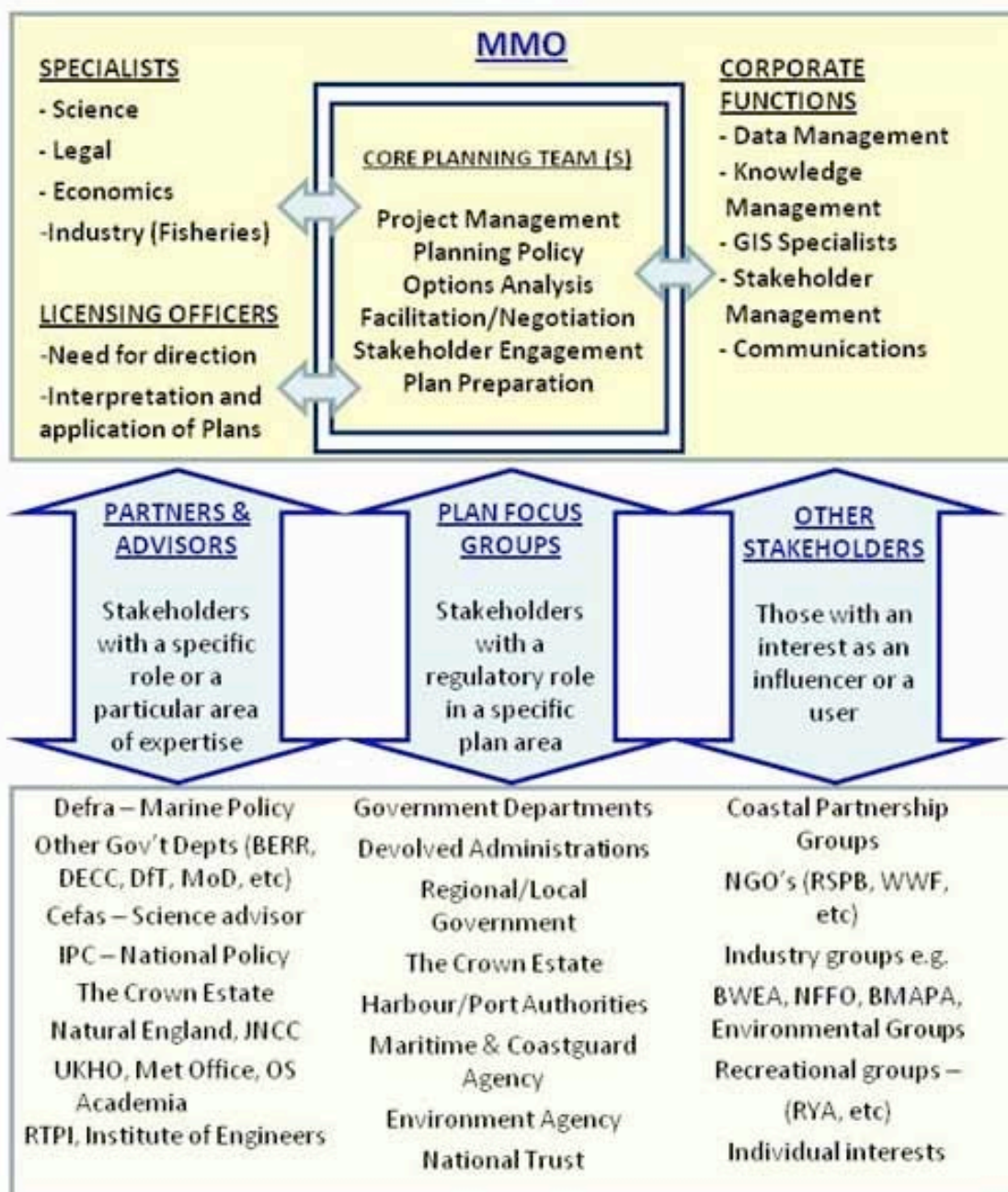


Figure 10: Stakeholder engagement with the marine planning process²

How is marine planning likely to affect you and your organisation?

Clarification of the implications of a marine plan (where they will exist), on the various organisations with a use or interest in the marine environment should occur as the marine planning process matures. Table 1 attempts to convey a brief picture of the potential implications which could arise as the developments of marine plans slowly become a reality in the management of our marine environment.

Table 1: Potential implications of Marine Planning for Stakeholders

Organisation	Potential Implications of Marine Planning
Regulatory Bodies	
Natural England	<p>Overlap of existing suite of marine, intertidal and terrestrial designations, including Sites of Special Scientific Interest (SSSIs), Ramsar, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Designation of new Marine Protected Areas to cover existing suite of designations as well as new Marine Conservation Zones, currently being designated.</p> <p>The designation of new Marine Conservation Zones within marine plans may heighten restrictions on marine activities.</p>
Environment Agency	<p>Overlap with the Environment Agency's current statutory responsibilities including flood risk management, environmental activities and regulation of the marine, intertidal and terrestrial environment.</p> <p>Formalisation of activities and strategies, such as Catchment Flood Management Plans, River Basin Management Plans, Shoreline Management Plans, Coastal Management Strategies and Biodiversity Action Plans</p>
Coastal Local Authorities	<p>Overlap with terrestrial boundaries between the mean low water mark and mean high water mark, requiring interaction with various sectors including:</p> <ul style="list-style-type: none"> • Planning (forward planning & development control) • Nature Conservation • Heritage & Archaeology • Landscape & Seascape • Recreation & Tourism • Transport • Coastal Flood & Erosion Risk Management
Harbour/Port Authorities	<p>Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining, including:</p> <ul style="list-style-type: none"> • Port/Harbour expansion & redevelopment • Shipping movements • Previously unregulated waters • Discharges • Dredging (maintenance & capital) • Realignment of shipping channels

Organisation	Potential Implications of Marine Planning
Industries	
Marine Industries	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining on sites along the coast for the location of marine based industry.
Marine Aggregate Dredging	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining on dredging activities, including: <ul style="list-style-type: none"> • Future dredge sites • Future exploration sites • Discharges • Marine Deposits • Aggregate landing sites
Fisheries	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining with the potential for: <ul style="list-style-type: none"> • greater recognition of fishery designations • restrictions on fishing activity, particularly with the introduction of Marine Conservation Zones
Renewables	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining with the potential for: <ul style="list-style-type: none"> • greater certainty of suitable sites for the development of the renewable industry • greater restrictions outside the allocated areas
Oil & Gas	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining including: <ul style="list-style-type: none"> • greater certainty of allocated sites for the development of the oil & gas industry • greater restrictions outside the allocated areas, including future exploration sites
Ferry Operators	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining, including: <ul style="list-style-type: none"> • Location of future services • Vessel size, movements, routes & speeds, particularly with the introduction of Marine Conservation Zones
Water Utility Providers	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining, including: <ul style="list-style-type: none"> • Wastewater discharges • Location of future services

Organisation	Potential Implications of Marine Planning
Recreational	
Marinas	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining, including: <ul style="list-style-type: none"> • Expansion of moorings • Marina/boating activity, particularly in relation to vessel movements with the introduction of Marine Conservation Zones
Boating Clubs	
Water/Coast Based Recreation	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining, including: <ul style="list-style-type: none"> • All water/coast based recreation including recreational fishing, water skiing, jet skiing, kite-surfing, surfing etc • Growth of existing water/coast based recreation • Growth of 'new' water/coast based recreation
Heritage	Additional formalisation of activities/consents, which may lead to greater restriction and/or improved understanding and streamlining with the potential for: <ul style="list-style-type: none"> • Achieving greater protection of existing marine heritage & archaeological sites • Securing the integrity of future sites
Other Interests	
Non-Government Organisations (NGO's)	Potential for: <ul style="list-style-type: none"> • Influencing the short & long-term policies on how to address the environmental issues that are important
Coastal Partnerships	Potential for: <ul style="list-style-type: none"> • Influencing the priorities for the future of the marine environment - share your expert opinion and experience • Future research opportunities
Academic/Research	
Consultants	
Parish Councils	Potential for: <ul style="list-style-type: none"> • Influencing the priorities for the future of the marine environment - voice your views on what happens at sea and how it affects you
Landowners	
Communities	
General Public (Individual interests)	

Why become involved with the process?

Involvement with the marine planning process, when marine plans will be developed, enables you and your organisation to voice your views on the management of the marine environment and to influence the outcomes of the options within the marine plan. The Marine and Coastal Access Act places an obligation on all public authorities to have regard to the MPS and marine plans (once adopted), and more strongly, to act

in accordance with them when making licensing and related decisions. Hence, the repercussions of marine plans will not only sit with public authorities but all those who have a use or interest in the marine environment.

6. Do you want to know more about Marine Planning?

- Marine Management Organisation (Still under construction)
<http://www.marinemanagement.org.uk/>
- Marine & Fisheries Agency – includes updates on development of the MMO, Marine Planning and relevant research projects
<http://www.mfa.gov.uk/mmo/index.htm>
- Department for Environment, Food & Rural Affairs (Defra)
<http://www.defra.gov.uk/environment/marine/index.htm>
- Consultation on marine plan areas within the English Inshore and English Offshore Marine Regions
<http://www.defra.gov.uk/corporate/consult/marine-plan/index.htm>
- Statement of Public Participation for the UK Marine Policy Statement
<http://www.defra.gov.uk/environment/marine/documents/legislation/ukpolicy-publicpart.pdf>
- Pre-consultation on the Draft UK Marine Policy Statement: A paper for discussion
<http://www.defra.gov.uk/environment/marine/documents/legislation/mps-discussion.pdf>