



Marine  
Management  
Organisation



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Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
SP10 3AJ

26/03/2024

Dear Sir/Madam,

## **MMO Marine Planning and Marine Licensing response to Test Valley Local Plan Regulation 18 Stage 2 Public Consultation**

Thank you for giving us the opportunity to comment on your Local Plan.

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. You can use our [Explore Marine Plans](#) service to view the extent of the marine plans.

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 Inshore and Offshore Marine Plan](#) is of relevance. The South Marine Plan covers the area from the river Dart in Devon to Folkestone in Kent, 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 Inshore and Offshore Marine Plan](#), and the [UK Marine Policy Statement](#) (MPS) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [Online](#)



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[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.

## **Further points to note:**

You do not refer to the MMO and the Marine Policy Statement in the Local Plan. We would also recommend you mention the [South Marine Plan](#). Under the Marine and Coastal Access Act, any authorisation or enforcement decisions must be made in accordance with the marine plan. Any other decisions which may impact the marine area must have regard to the marine plan.

If you believe you may have the need for Marine Licences, please ensure that the coastal concordat is mentioned here. The [Coastal Concordat](#), requires each council to be signed up by 2021. This is mentioned in the [25 Year Environment Plan](#):

*“The government’s 25 Year Environment Plan includes a commitment for all local authorities with a coastal interest in England to be signed up to the coastal concordat by 2021. The concordat will be periodically reviewed, as was done in 2018 and 2019 to monitor the progress of this commitment.”*

**Page 127:** You refer to the “shoreline management plans” and “coastal areas”. We would also recommend you mention the [South Inshore and Offshore Marine Plan](#) here, showing regard to the marine plans.

There are several themes within the draft plan that fall in line with our South Marine Plan policies. For example, we have policies on Climate Change, Renewable Energy and Water Quality that you could signpost within your Climate Change section. Our Biodiversity, Marine Protected Area and Disturbance policies could fit within the Ecology and Biodiversity section, while our Tourism and Recreation, Social and Access policies are relevant to your Health, Wellbeing and Recreation section. The South Marine Plan also has a Heritage policy that would apply to your Built, Historic and Natural Environment section. These, however, are just suggestions so please make your own interpretation of the South Marine Plan and its policies.

Please let me know if you have any questions regarding implementation of the marine plan.

We would also recommend you consult the following references for further information:  
[South Inshore and Offshore Marine Plan](#) and [Explore Marine Plans](#).

To stay up to date with the latest Marine Planning news, you can sign up to the MMO's marine planning newsletter [here](#).

Yours sincerely,



Charlotte Stadden  
Marine Planning Officer (South)

**Mobile:**

**E-mail:**



## **Marine Management Organisation Functions**

The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

## **Marine Planning and Local Plan development**

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK [Marine Policy Statement](#). This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#). We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#).

See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

The adoption of the [North East](#), [North West](#), [South East](#), and [South West Marine Plans](#) in 2021 follows the adoption of the [East Marine Plans](#) in 2014 and the [South Marine Plans](#) in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.

## **Marine Licensing and consultation requests below MHWS**

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: [REDACTED]

## **Consultation requests for development above MHWS**

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

## **Minerals and Waste Local Plans and Local Aggregate Assessments**

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.

- [The minerals planning practice guidance](#) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- [The national and regional guidelines for aggregates provision in England 2005-2020](#) predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at

or telephone us on