



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 3

MARINE PLANNING

CHAPTER 2

MARINE PLANS

49 Marine planning regions

- (1) The UK marine area comprises the following marine planning regions—
 - (a) the English inshore region;
 - (b) the English offshore region;
 - (c) the Scottish inshore region;
 - (d) the Scottish offshore region;
 - (e) the Welsh inshore region;
 - (f) the Welsh offshore region;
 - (g) the Northern Ireland inshore region;
 - (h) the Northern Ireland offshore region.
- (2) The definitions of those regions can be found in section 322.

50 Marine plan authorities

- (1) There is to be a marine plan authority for each marine planning region other than—
 - (a) the Scottish inshore region;
 - (b) the Northern Ireland inshore region.
- (2) The marine plan authority for each marine planning region is as follows—
 - (a) for the English inshore region, the Secretary of State;
 - (b) for the English offshore region, the Secretary of State;

Status: Point in time view as at 27/07/2021.

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- (c) for the Scottish offshore region, the Scottish Ministers;
- (d) for the Welsh inshore region, the Welsh Ministers;
- (e) for the Welsh offshore region, the Welsh Ministers;
- (f) for the Northern Ireland offshore region, the Department of the Environment in Northern Ireland.

(3) References to a marine plan authority's region are to be construed accordingly.

51 Marine plans for marine plan areas

- (1) A marine plan authority may prepare a marine plan for an area (a “marine plan area”) consisting of the whole or any part of its marine planning region.
- (2) Where an MPS governs marine planning for a marine planning region, the marine plan authority for the region must seek to ensure that every part of the region is within an area for which a marine plan is in effect.
- (3) A “marine plan” is a document which—
 - (a) has been prepared and adopted for a marine plan area by the appropriate marine plan authority in accordance with Schedule 6,
 - (b) states the authority's policies (however expressed) for and in connection with the sustainable development of the area, and
 - (c) states that it is a marine plan prepared and adopted for the purposes of this section.
- (4) For the purposes of this section “the appropriate marine plan authority” in the case of any marine plan area is the marine plan authority in whose region the marine plan area lies.
- (5) A marine plan must identify (by means of a map or otherwise) the marine plan area for which it is a marine plan.
- (6) A marine plan must be in conformity with any MPS which governs marine planning for the marine plan area unless relevant considerations indicate otherwise.
- (7) For the purposes of this Part, an MPS “governs marine planning” for an area if—
 - (a) it has been adopted by the policy authority which is the marine plan authority whose region consists of or includes the area,
 - (b) it has been published in accordance with paragraph 12 of Schedule 5,
 - (c) it has not been replaced or withdrawn, and
 - (d) the policy authority mentioned in paragraph (a) has not withdrawn from it.

As respects paragraphs (c) and (d), see also section 48(8) (effect of withdrawal of, or from, an MPS).
- (8) Unless prepared and adopted by the Secretary of State, a marine plan must state whether it includes provision relating to retained functions (see sections 59 and 60).
- (9) A marine plan may also include statements or information relating to policies contained in the plan.
- (10) If to any extent a policy stated in a marine plan conflicts with any other statement or information in the plan, that conflict must be resolved in favour of the policy.

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- (11) A marine plan comes into effect when it has been published by the marine plan authority that prepared and adopted it in accordance with Schedule 6.

52 Amendment of marine plan

- (1) A marine plan may be amended from time to time by the marine plan authority for the marine planning region in which the marine plan area lies.
- (2) The provisions of this Part that relate to the preparation, adoption, publication and coming into effect of a marine plan also apply in relation to amendments of a marine plan.
- (3) Any reference in this Act to a marine plan includes a reference to a marine plan as amended.

53 Withdrawal of marine plan

- (1) A marine plan may be withdrawn at any time, but only in accordance with the following provisions of this section.
- (2) In this section—
- (a) subsection (3) has effect where a marine plan authority decides to withdraw a marine plan;
 - (b) subsection (4) has effect where the Secretary of State decides to withdraw agreement to a marine plan;
 - (c) subsections (5) and (6) make supplementary provision.
- (3) If a marine plan authority decides to withdraw a marine plan—
- (a) it is to publish notice of the withdrawal of the plan in each appropriate Gazette, and
 - (b) the marine plan is withdrawn as from the date on which the notice is so published.
- (4) If at any time the Secretary of State decides to withdraw agreement previously given under paragraph 15 of Schedule 6 to a marine plan—
- (a) the Secretary of State is to give notice of that decision to the marine plan authority,
 - (b) within 7 days of receiving that notice, the marine plan authority must publish notice of the withdrawal of the marine plan in each appropriate Gazette, and
 - (c) the marine plan is withdrawn as from the date on which the notice is so published.
- (5) Where a marine plan is withdrawn under this section, the marine plan authority must take such further steps as it considers appropriate to secure that the withdrawal of the marine plan is brought to the attention of interested persons.
- (6) In this section—
- “appropriate Gazette” means—
 - (a) the London Gazette, if the marine plan is for a marine plan area in the English inshore region or the Welsh inshore region;
 - (b) in any other case, each of the Gazettes;
 - “the Gazettes” means—

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- (a) the London Gazette;
 - (b) the Edinburgh Gazette; and
 - (c) the Belfast Gazette;
- “interested persons” means—
- (a) any persons appearing to the marine plan authority to be likely to be interested in, or affected by, the withdrawal of the marine plan, and
 - (b) members of the general public.

54 Duty to keep relevant matters under review

- (1) A marine plan authority must keep under review the matters which may be expected to affect the exercise of its functions relating to—
- (a) the identification of areas which are to be marine plan areas, and
 - (b) the preparation, adoption, review, amendment or withdrawal of marine plans for those areas.

The reference in paragraph (b) to review is a reference to the functions of the marine plan authority under section 61.

- (2) The matters include—
- (a) the physical, environmental, social, cultural and economic characteristics of the authority's region and of the living resources which the region supports;
 - (b) the purposes for which any part of the region is used;
 - (c) the communications, energy and transport systems of the region;
 - (d) any other considerations which may be expected to affect those matters.
- (3) The matters also include—
- (a) any changes which could reasonably be expected to occur in relation to any such matter;
 - (b) the effect that any such changes may have in relation to the sustainable development of the region, its natural resources, or the living resources dependent on the region.
- (4) The reference in subsection (2)(a) to the cultural characteristics of the authority's region includes a reference to characteristics of that region which are of a historic or archaeological nature.

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