

## SCHEDULES

### SCHEDULE 6

Section 51

#### MARINE PLANS: PREPARATION AND ADOPTION

##### *Marine plan authority to notify related planning authorities of decision to prepare plan*

- 1 (1) A marine plan authority which decides to prepare a marine plan for a marine plan area must, before beginning to prepare the plan, give notice of its intention to do so to each of the related planning authorities.
- (2) The “related planning authorities” are—
- (a) the Secretary of State (unless the Secretary of State is the marine plan authority);
  - (b) any marine plan authority whose marine planning region adjoins or is adjacent to the marine plan area;
  - (c) if the Scottish inshore region adjoins or is adjacent to the marine plan area, the Scottish Ministers;
  - (d) any local planning authority whose area adjoins or is adjacent to the marine plan area;
  - (e) any responsible regional authorities whose region adjoins or is adjacent to the marine plan area.
- (3) In this paragraph—
- “local planning authority” means an authority which is—
    - (a) a local planning authority for the purposes of Part 2 of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#) (see section 37 of that Act), or
    - (b) a planning authority for the purposes of the [Town and Country Planning \(Scotland\) Act 1997 \(c. 8\)](#) (see section 1 of that Act);
  - “responsible regional authorities” has the same meaning as in Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy).

##### *Secretary of State to be kept informed of authority’s intentions as to certain matters*

- 2 (1) This paragraph applies in any case where a marine plan authority gives notice to the Secretary of State under paragraph 1(2)(a).
- (2) The notice must state whether the marine plan authority proposes to include in the plan provision relating to retained functions (see sections 59 and 60).
- (3) The notice must state whether the marine plan authority proposes so to prepare the marine plan that it will not be in conformity with any MPS which governs marine planning for the marine plan area.

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- (4) The marine plan authority must keep the Secretary of State informed (by giving further notices) of any changes that may from time to time occur in its intentions with respect to any of the matters mentioned in sub-paragraph (2) or (3).

*Marine plans to be compatible with certain other marine plans and Planning Act plans*

- 3 (1) In preparing or amending a marine plan for a marine plan area in its region, a marine plan authority must take all reasonable steps to secure that the plan is compatible with the marine plan for any marine plan area (whether or not within its marine planning region) which is related to that area.
- (2) The marine plan authority for—
- (a) the English inshore region, or
  - (b) the Welsh inshore region,
- must also take all reasonable steps to secure that any marine plan for a marine plan area in its marine planning region is compatible with the relevant Planning Act plan for any area in England, Wales or Scotland which is related to the marine plan area.
- (3) For the purposes of this paragraph, one area is “related to” another if one or more of the following conditions is met—
- (a) the one area adjoins or is adjacent to the other;
  - (b) the one area lies wholly or partly within the other;
  - (c) the whole or any part of the one area affects or is affected by the whole or any part of the other.
- (4) In the case of an area in England or Scotland, the “relevant Planning Act plan” is the development plan.
- (5) In the case of an area in Wales, each of the following is a “relevant Planning Act plan”—
- (a) the development plan;
  - (b) the Wales Spatial Plan.
- (6) In this paragraph—
- “development plan”—
- (a) in the case of an area in England or Wales, is to be read in accordance with section 38(2) to (4) of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#);
  - (b) in the case of an area in Scotland, is to be read in accordance with section 24 of the [Town and Country Planning \(Scotland\) Act 1997 \(c. 8\)](#);
- “the Wales Spatial Plan” means the Wales Spatial Plan under section 60 of the [Planning and Compulsory Purchase Act 2004](#).

*Consultation in Northern Ireland*

- 4 (1) In the case of a marine plan for a marine plan area in the Northern Ireland offshore region, the marine plan authority must consult the relevant Northern Ireland departments—
- (a) during the preparation of the consultation draft under paragraph 11, and

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- (b) during the settling of the text of the plan for adoption and publication under paragraph 15.
- (2) For the purposes of this paragraph the relevant Northern Ireland departments are those Northern Ireland departments which have functions in relation to the whole or any part of the UK marine area.

#### *Statement of public participation*

- 5
- (1) Before preparing a marine plan for any marine plan area, a marine plan authority must prepare and publish a statement of public participation (an “SPP”).
  - (2) An SPP is a statement of the policies settled by the marine plan authority for or in connection with the involvement of interested persons in the preparation of the proposed marine plan.
  - (3) An SPP must identify (by means of a map or otherwise) the area for which the marine plan is being prepared.
  - (4) If the marine plan authority proposes to include provision relating to retained functions, the SPP—
    - (a) must state that that is the case, and
    - (b) may be published only with the agreement of the Secretary of State.
  - (5) An SPP must invite the making of representations in accordance with the SPP as to matters to be included in the proposed marine plan.
  - (6) The marine plan authority must publish the SPP in a way calculated to bring it to the attention of interested persons.
  - (7) The marine plan authority must take all reasonable steps to comply with the SPP.
  - (8) In this paragraph “interested persons” means—
    - (a) any persons appearing to the marine plan authority to be likely to be interested in, or affected by, policies proposed to be included in the marine plan, and
    - (b) members of the general public.

#### *Further provision about the content of an SPP*

- 6
- (1) An SPP must include a proposed timetable.
  - (2) The proposed timetable must include such provision as the marine plan authority considers reasonable for each of the following—
    - (a) the preparation and publication of the consultation draft under paragraph 11 (including the carrying out of the sustainability appraisal under paragraph 10);
    - (b) the making of representations about the consultation draft;
    - (c) the consideration of representations under paragraph 12 and the settling of the text of the marine plan for adoption and publication under paragraph 15;
    - (d) the adoption and publication of the marine plan under that paragraph.
  - (3) An SPP may include provision for or in connection with the holding of public meetings about the consultation draft.

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- (4) An SPP must include provision about the making of—
  - (a) representations, in response to the invitation issued under paragraph 5(5), about the matters to be included in the proposed marine plan, and
  - (b) representations under paragraph 12 about the consultation draft.
- (5) The provision to be made under sub-paragraph (4) includes provision about—
  - (a) the manner in which representations may be made, and
  - (b) the time within which representations must be made.

#### *Review and revision of the SPP*

- 7 (1) The marine plan authority must keep the SPP under review.
- (2) If at any time the marine plan authority considers it necessary or expedient to revise the SPP, it must do so.
- (3) The marine plan authority must revise the SPP if—
  - (a) it proposes to include in the marine plan provision relating to retained functions, and
  - (b) the SPP does not already include a statement that that is the case.
- (4) Where the marine plan authority revises the SPP, it must publish the SPP as revised.
- (5) In any case where the SPP is required to be revised by virtue of sub-paragraph (3), the revised SPP may be published only with the agreement of the Secretary of State.
- (6) Any reference in this Schedule to an SPP includes a reference to an SPP as revised.

#### *Advice and assistance*

- 8 (1) In connection with the preparation of a marine plan, or of any proposals for a marine plan, the marine plan authority may seek advice or assistance from any body or person in relation to any matter in which that body or person has particular expertise.
- (2) The steps that a marine plan authority may take for the purpose of facilitating the involvement of interested persons in—
  - (a) the development of proposals for inclusion in a proposed marine plan, or
  - (b) consultation in connection with such proposals,
 include the convening of groups of persons for such purposes, and in such manner, as the marine plan authority considers appropriate.
- (3) In this paragraph “interested persons” has the same meaning as in paragraph 5.

#### *Matters to which a marine plan authority is to have regard in preparing a marine plan*

- 9 (1) The matters to which a marine plan authority is to have regard in preparing a marine plan include each of the matters in sub-paragraph (2).
- (2) Those matters are—
  - (a) the requirement under section 51(6) for a marine plan to be in conformity with any MPS which governs marine planning for the marine plan area, unless relevant considerations indicate otherwise,

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- (b) the duties imposed by paragraph 3(1) and (2) with respect to securing compatibility with marine plans or Planning Act plans for areas which are related to the marine plan area,
- (c) the effect which any proposal for inclusion in the plan is likely to have on any area which is related to the marine plan area;
- (d) the results of the review required by section 54,
- (e) the SPP,
- (f) any representations made in response to the invitation issued pursuant to subparagraph (5) of paragraph 5,
- (g) any advice received under paragraph 8(1),
- (h) any plan (not falling within paragraph 3(1) or (2)) prepared by a public or local authority in connection with the management or use of the sea or the coast, or of marine or coastal resources, in the marine plan area or in any adjoining or adjacent area in England or Wales, Scotland or Northern Ireland,
- (i) the powers and duties of the Crown Estate Commissioners under the [Crown Estate Act 1961 \(c. 55\)](#),

and such other matters as the marine plan authority considers relevant.

- (3) For the purposes of this paragraph, one area is related to another if one or more of the following conditions is met—
- (a) the one area adjoins or is adjacent to the other;
  - (b) the one area lies wholly or partly within the other;
  - (c) the whole or any part of the one area affects or is affected by the whole or any part of the other.

#### *Sustainability appraisal*

- 10 (1) A marine plan authority preparing a marine plan must carry out an appraisal of the sustainability of its proposals for inclusion in the plan.
- (2) The authority may proceed with those proposals only if it considers that the results of the appraisal indicate that it is appropriate to do so.
- (3) The marine plan authority must publish a report of the results of the appraisal.
- (4) The report is to be published when the marine plan authority publishes the consultation draft under paragraph 11.

#### *Preparation and publication of a consultation draft*

- 11 (1) A marine plan authority preparing a marine plan must publish a draft containing its proposals for inclusion in the plan (the “consultation draft”).
- (2) If the draft includes provision relating to retained functions, it may be published only with the agreement of the Secretary of State.
- (3) The marine plan authority must publish the consultation draft in such manner as it considers appropriate.
- (4) The marine plan authority must also take such steps as it considers appropriate to secure that the proposals contained in the consultation draft are brought to the attention of interested persons.

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- (5) In this paragraph “interested persons” has the same meaning as in paragraph 5.

*Representations about the consultation draft*

- 12 (1) Any person may make representations about the consultation draft.
- (2) Any such representations are to be made in accordance with the SPP.
- (3) If any representations are made about the consultation draft, the marine plan authority must consider them in the course of settling the text of the marine plan for adoption and publication under paragraph 15.

*Independent investigation*

- 13 (1) A marine plan authority which has published a consultation draft in accordance with paragraph 11 must consider appointing an independent person to investigate the proposals contained in that draft and to report on them.
- (2) In deciding whether to appoint such a person, the marine plan authority must have regard to—
- (a) any representations received about the matters to be included in the proposed marine plan, in response to the invitation issued pursuant to paragraph 5(5),
  - (b) any representations received about the proposals published in the consultation draft,
  - (c) the extent to which matters raised by representations falling within paragraph (b) have not been resolved,
- and such other matters as the marine plan authority considers relevant.
- (3) Any person so appointed must—
- (a) make recommendations, and
  - (b) give reasons for the recommendations.
- (4) The marine plan authority must publish the recommendations and the reasons given for them.

*Matters to which marine plan authority to have regard in settling text for adoption etc*

- 14 A marine plan authority settling the text of a marine plan for adoption and publication under paragraph 15 must have regard to—
- (a) any recommendations made by any person appointed under paragraph 13,
  - (b) the reasons given by any such person for any such recommendations,
- and any other matters that the marine plan authority considers relevant.

*Adoption and publication of a marine plan*

- 15 (1) A marine plan is “adopted” by a marine plan authority when the authority has decided to publish the plan (and “adopt” and related expressions are to be read accordingly).
- (2) A marine plan may be so adopted only by, or with the agreement of, the Secretary of State.
- (3) Sub-paragraph (2) does not apply in the case of a marine plan for the Welsh inshore region if the plan does not include provision relating to retained functions.

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- (4) The conferral on a devolved authority by this Part of functions whose exercise is subject to the agreement of the Secretary of State under sub-paragraph (2) does not affect any functions, or the exercise of any functions, of the devolved authority apart from this Part (whenever conferred or imposed).
- (5) In sub-paragraph (4) “devolved authority” means—
- (a) the Scottish Ministers;
  - (b) the Welsh Ministers;
  - (c) the Department of the Environment in Northern Ireland.
- (6) The marine plan which a marine plan authority decides to publish may be—
- (a) the same as the proposals published in the consultation draft, or
  - (b) those proposals with such modifications as the marine plan authority thinks fit.
- (7) A marine plan authority which adopts a marine plan must publish the plan as soon as reasonably practicable after its adoption, together with statements of each of the following—
- (a) any modifications that have been made to the proposals published in the consultation draft,
  - (b) the reasons for those modifications,
  - (c) if any recommendations made by any independent person appointed under paragraph 13 have not been implemented in the marine plan, the reasons why those recommendations have not been implemented.