

Planning in the Solent – Sept 2017 update in italics

Policy Developments

1. The Society considers that with the development of the EU Marine Strategy, integrated coastal zone management (ICZM) and the Marine Bill there is a clear trend, both nationally and internationally towards coordinated policy-making for marine areas. If the Marine Bill is enacted in the next Parliamentary session it is probable that some form of statutory integrated marine planning will soon be introduced. How such a requirement is implemented in busy areas with internationally important recreational and environmental resources, such as the Solent, will be critical to its acceptance and operation to the satisfaction of all stakeholders.
2. As a conservation group with long experience of and interest in the Solent as a whole, we have tried to look constructively at this issue. We previously proposed that the Western Solent should form a marine national park and we further considered the issue in the light of the responses to our earlier consultation document and research work commissioned by the Society.
3. Marine Spatial Planning (MSP) will almost certainly be required in the Solent as a whole. As we understand it, MSP, working within national strategic guidelines, would set objectives and policies for the whole and specific parts of the area, covering activities above and below the surface up to Mean High Water Springs, and is likely to be followed where necessary by management schemes. All public bodies involved in the marine area and the immediate shoreline would need to contribute to the process, for which the leadership of a national Marine Management Organisation (MMO) is proposed in the Bill. We think that the Solent, being a busy stretch of water with environmental, economic and recreational resources of national and international value and a great variety of pressures, may well be selected by Government for a pilot study.
4. ***The marine bill became the Marine and Coastal Access Act and gained assent in 2009. This Act requires Marine Licences to be obtained for all work below MHWS and normally out to the 12 mile limit.***
5. ***MMO did come into existence as the lead public body and is the body preparing the Marine Spatial Plans of which there will be 11 around the coast of England.***
6. ***The Solent was not selected for a pilot study (too difficult perhaps?) - the first MSP was for the South East.***

How might MSP be arranged in the Solent?

7. The Society considers that it would require a strategic and proactive approach, for which the necessary wide range of expertise and data

would not be fully available in any single organisation in the area. The process must be inclusive and transparent, giving opportunity for stakeholder views to be involved at all the main stages. One option would be for the proposed MMO to have the role alone, subject to local consultation, but being concerned primarily with national and international perspectives and not having a strong local connection, this 'top down' approach would not work well in an area with the detailed local problems of the Solent. Furthermore it is clear from the Policy Paper to the Marine Bill that setting up the MMO might take a considerable time. Another option might be for the Solent Forum to do the job, but the Forum's size and essentially advisory (rather than executive) role may render it unsuited for the difficult policy decisions that will almost certainly be required for individual parts of the area. These might include, for example, the relative priority to be given to conservation, recreational uses, shipping routes, economic development and the relation with hinterland planning, fisheries,, minerals, and administrative matters such as the future extent of harbour authority areas.

8. A third option might be for the process to be administered by a specific partnership of Local Authorities and Harbour Authorities, in association with the MMO, other official agencies and major private and voluntary groups. Local and Harbour Authorities have the advantage of being statutory bodies with detailed knowledge of the area, strong local connections, and a role that is well understood..
9. One particular problem affecting how MSP is administered in the area is that the East Solent, with Southampton Water, differs considerably from the West Solent. It is relatively urbanised, has very intense recreational pressures, and is the principal approach for large container ships, tankers and cruise liners and, for Portsmouth Harbour, large naval vessels. Furthermore its open waters are largely within the areas of two major Harbour Authorities (ABP and QHM).
10. By comparison, the West Solent, while sharing with the East Solent a range of wildlife sites of international value, has a more continuous assembly of them. It has a more relaxed atmosphere for recreational sailing and coastal enjoyment, being within a nationally recognised landscape and seascape setting: the Isle of Wight Area of Outstanding Natural Beauty and, on the mainland, the New Forest National Park. It also contains sensitive shellfish resources.
11. In administrative terms, however, it does not have the East Solent's comprehensive harbour authority coverage, despite having as wide a range of problems which are intensified by the fragile nature of its setting and ecological value. Because its Harbour Authorities and other management bodies are very separate and most do not cover the open sea, management of the West Solent is fragmented and uncoordinated. Furthermore, as with the East Solent, numerous public authorities and agencies have responsibilities in the area (some fifteen in the West Solent itself). These complications would make it difficult to coordinate planning and management there and to give the West Solent a "voice" in ensuring that MSP is finely balanced over the Solent area as a whole.

12. ***In the end the Solent was given no special status and falls under the South Marine Plan, an area extending from Gravesend in Kent to the River Dart.***
13. ***Within the plan the Solent is a small part but identified as 'complex'.***
14. ***All Public Bodies are charged with a duty to co-operate with each other, including MMO, in the implementation of the Plan.***
15. ***Not all harbour authorities are 'public bodies' eg ABP in Southampton. Queen's Harbour Master at Portsmouth is, however, a public body as under MOD. MOD is exempt from the Act in certain circumstances.***

Is there a need for coordination in the use of the West Solent?

16. We believe that there is a strong case for this, arising primarily from the Marine Bill. There are various ways in which co-ordination in the West Solent might be achieved, and we have given much thought to possible forms of organisation. After considering the advantages and disadvantages of designation as a marine national park or marine conservation area, and having taken soundings on these and other possibilities, our preference would be for a non-statutory body to be set up in the form of a partnership of public and other interests, ie a joint committee. We reckon that this could consist of about twenty organisations including Local Authorities, the New Forest National Park Authority, Harbour Authorities, Statutory Agencies, RYA and major voluntary sector organisations, truly representative of the local, regional and national context of the area, including its economic importance. The additional cost of what would be a minor commitment (perhaps one designated staff member, whole or part time, with inputs from key staff in some of these organisations) would thus be shared amongst several public bodies that could probably provide much of the necessary expertise collectively.
17. Prime amongst the terms of reference of this body would be a mandate to oversee, in consultation with those responsible for the East Solent, the development of marine spatial planning aims, policies and zoning for the area, and to formulate, within this, a programme. Research, eg into the impacts of pressures of all kinds, would also be an important role. It would be a consensus-building organisation, and would have informal advice as necessary from consultation with stakeholders who are not directly represented on the joint committee. A possible scheme is set out in the Annex to this paper.
18. Cost and staff-sharing partnerships of this kind have worked well in the management of the 41 Areas of Outstanding Natural Beauty (AONBs) in England and Wales, and a few of these have now become statutory Conservation Boards. Indeed, we can foresee the possibility that a statutory body like the Chichester Harbour Conservancy might ultimately be developed by the partnership, having planning, harbour management and conservation roles and based, essentially, in local democracy. The

need for this might become particularly important if the West Solent were ultimately to be designated as a Marine Conservation Area in accordance with powers in the Marine Bill, as its implementation may involve specific statutory processes.

19. We imagine that the implications of MSP for the Solent are already being studied by Local Authorities, Harbour Authorities and Government Departments and Agencies, possibly also by recreational, wildlife, shipping and business interests, individually and through the Solent Forum. So we commend this approach to them for further consideration
20. In doing so, we emphasise that we do not see any need for additional legal constraints or regulation, nor extensive monitoring. Apart from the possibility of a significant oil spill, there is no serious conflict between recreation and shipping in the West Solent. So far as wildlife conservation is concerned, the Solent European Marine Sites Management Scheme (SEMS, published in 2004) has identified areas of risk and has set guidelines for specific areas that do not cover the West Solent as a whole. Voluntary codes of practice, of which there is much successful experience in the Solent generally, could be developed further as the need arises. Furthermore we do not see a risk of undue financial burden on individual local organisations if the partnership approach that we advocate is adopted.
21. We would welcome views on the suggestions in this report.
22. ***The way in which the Marine Plan is to be implemented and enforced has been a concern of SPS since the draft was published and dates back to the thoughts expressed in 2008.***
23. ***There have been at least two public consultations over the last two years and the final version of the South Marine Plan, which we have yet to see, is expected to become adopted any time soon.***
24. ***The area of the Marine Plan deliberately overlaps the responsibility of coastal local authorities, including National Parks, so each must take account of both terrestrial and marine policies in determining applications for planning permission or marine licences.***
25. ***There is no distinction between the Western Solent and any other area in terms of management.***
26. ***In the first instance Marine Licence applications go to the MMO who have the power to determine them in consultation with both the public, coastal public authorities and specialist Government departments such as the Environment Agency and Natural England. SPS understands that it would be hard but not impossible for MMO to ignore objections from a coastal Public Body.***

- 27. The MMO system of cataloguing and advertising applications over such a wide area is less well developed than most land based planning authorities and will no doubt improve over time.**
- 28. Solent Forum has declined any direct involvement even as a disseminator of information on applications for Marine Licences.**
- 29. SPS has therefore taken on the task at present of identifying applications in the Solent and trying to publicise them more widely.**
- 30. Given the difficulty of trying to co-ordinate responses when responsibility can be shared among a number of public bodies means there is a continuing role for an independent organisation such as SPS to ensure that the many good policies in the Plan are applied properly and fairly.**

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