



Rother District Council
Town Hall
London Road
Bexhill-on-Sea
East Sussex
TN39 3JX

22/07/2024

Dear Sir/Madam,

MMO Marine Planning and Marine Licensing response to Draft Rother Local Plan 2020-2040

Thank you for giving us the opportunity to comment on your Draft Rother Local Plan 2020-2040.

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.

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 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.

Summary notes

Please see below suggested policies from the South Inshore and Offshore Marine Plan that we believe are most relevant to the Draft Rother Local Plan 2020-2040.

These suggested policies have been identified based on the activities and content within the document entitled above. They are provided only as a recommendation, and we would suggest your own interpretation of the South Marine Plan is completed:

- **Co-existence S-CO-1:** Proposals will minimise their use of space and consider opportunities for co-existence with other activities.
- **Defence S-DEF-1:** Proposals in or affecting Ministry of Defence Areas should only be authorised with agreement from the Ministry of Defence.
- **Oil and Gas S-OG-1:** Proposals in areas where a licence for oil and gas has been granted or formally applied for should not be authorised unless it is demonstrated that the other development or activity is compatible with the oil and gas activity.
- **Tidal Energy S-TIDE-1:** Proposals in areas under seabed agreement for tidal energy generation should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Ports and Shipping S-PS-1:** Proposals that may have a significant adverse impact upon current activity and future opportunity for expansion of port and harbour activities should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding

- **Aggregates S-AGG-1:** Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the other development or activity is compatible with aggregate extraction.
- **Aggregates S-AGG-2:** Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction.
- **Aggregates S-AGG-3:** Proposals in areas where high potential aggregate resource occurs should demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts on aggregate extraction, d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Dredging and Disposal S-DD-1:** Proposals within or adjacent to licenced dredging and disposal areas should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on licenced dredging and disposal areas
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Aquaculture S-AQ-1:** Proposals for sustainable aquaculture in identified areas of potential sustainable aquaculture production will be supported. Proposals in existing or within potential sustainable aquaculture production areas must demonstrate consideration of and compatibility with sustainable aquaculture production. Where compatibility is not possible, proposals must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on sustainable aquaculture
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Infrastructure S-INF-1:** Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported.
- **Ports and Shipping S-PS-2:** Proposals that require static sea surface infrastructure or that significantly reduce under- keel clearance must not be authorised within International Maritime Organization routeing systems unless there are exceptional circumstances.
- **Ports and Shipping S-PS-3:** Proposals that require static sea surface infrastructure or that significantly reduce under- keel clearance which encroach upon high density navigation routes, or that pose a risk to the viability of passenger ferry services, must not be authorised unless there are exceptional circumstances.

- **Cables S-CAB-1:** Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant. Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures.
- **Cables S-CAB-2:** Proposals that have a significant adverse impact on new and existing landfall sites for subsea cables (telecoms, power and interconnectors) should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Aquaculture S-AQ-2:** Proposals that enable the provision of infrastructure for sustainable fisheries and aquaculture and related industries will be supported.
- **Renewables S-REN-1:** Proposals that support the development of supply chains associated with the deployment of renewable energy will be supported.
- **Aggregates S-AGG-4:** Where proposals require marine aggregates as part of their construction, preference should be given to using marine aggregates sourced from the south marine plan areas. If this is not appropriate, proposals should state why.
- **Fishing S-FISH-1:** Proposals that support the diversification of a sustainable fishing industry and or enhance fishing industry resilience to the effects of climate change should be supported.
- **Tourism and Recreation S-TR-1:** Proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported.
- **Employment S-EMP-1:** Proposals that develop skills related to marine activities, particularly in line with local skills strategies, will be supported.
- **Employment S-EMP-2:** Proposals resulting in a net increase to marine related employment will be supported, particularly where they are in line with the skills available in and adjacent to the south marine plan areas.
- **Social S-SOC-1:** Proposals that enhance or promote social benefits will be supported. Proposals must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts which result in the displacement of other existing or authorised (but yet to be implemented) activities that generate social benefits.
- **Tourism and Recreation S-TR-2:** Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise

- c) mitigate significant adverse impacts on tourism and recreation activities.
- **Fishing S-FISH-2:** Proposals that may have significant adverse impacts on access to, or within, sustainable fishing or aquaculture sites must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts
 - d) if it is not possible to mitigate the significant adverse impacts, proposals should state the case for proceeding.
- **Fishing S-FISH-3:** Proposals that enhance access to, or within sustainable fishing or aquaculture sites should be supported.
- **Access S-ACC-1:** Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on public access.
- **Access S-ACC-2:** Proposals demonstrating enhanced public access to and within the marine area will be supported.
- **Climate Change S-CC-1:** Proposals must consider their contribution to greenhouse gas emissions arising from unintended consequences on other activities. Where such consequences are likely to result in increased greenhouse gas emissions, proposals should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate unintended consequences on other activities.
- **Climate Change S-CC-2:** Proposals should demonstrate for the lifetime of the proposal that:
 - 1) they are resilient to the effects of climate change
 - 2) they will not have a significant adverse impact upon climate change adaptation measures elsewhere.
 In respect of 2) proposals should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate the significant adverse impacts upon these climate change adaptation measures.
- **Climate Change S-CC-3:** Proposals in the south marine plan area and adjacent marine plan areas that are likely to have a significant adverse impact on coastal change should not be supported.
- **Climate Change S-CC-4:** Proposals that may have a significant adverse impact on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise

- c) mitigate significant adverse impacts.
- **Heritage S-HER-1:** Proposals that may compromise or harm elements contributing to the significance of heritage assets should demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate compromise or harm. If it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh the compromise or harm to the heritage asset.
- **Seascape S-SCP-1:** Proposals that may have a significant adverse impact upon the seascape of an area should only be supported if they demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts upon the seascape of an area
 - d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **Marine Protected Areas S-MPA-1:** Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported. Proposals that may have adverse impacts on the objectives of marine protected areas and the ecological coherence of the marine protected area network must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate adverse impacts, with due regard given to statutory advice on an ecologically coherent network.
- **Marine Protected Areas S-MPA-2:** Proposals that enhance a marine protected area's ability to adapt to climate change and so enhance the resilience of the marine protected area network will be supported. Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate adverse impacts.
- **Marine Protected Areas S-MPA-3:** Where statutory advice states that a marine protected area site condition is deteriorating, or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered
- **Marine Protected Areas S-MPA-4:** Until the ecological coherence of the marine protected area network is confirmed¹³, proposals should demonstrate that they will, in order of preference:
 - a) avoid

- b) minimise
- c) mitigate adverse impacts on features¹⁴ that may be required to complete the network
- d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.

- **Non-Indigenous Species S-NIS-1:** Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts on the marine area that would arise through the introduction and transport of non-indigenous species, particularly when:
 - 1) moving equipment, boats or livestock (for example fish and shellfish) from one water body to another
 - 2) introducing structures suitable for settlement of non-indigenous species, or the spread of invasive non-indigenous species known to exist in the area.
- **Marine Litter S-ML-1:** Public authorities should ensure adequate provision for and removal of beach and marine litter on amenity beaches.
- **Marine Litter S-ML-2:** The introduction of litter as a result of proposals should be avoided or minimised where practicable and activities that help reduce marine litter will be supported.
- **Underwater Noise S-UWN-1:** Proposals generating impulsive sound, must contribute data to the UK Marine Noise Registry as per any currently agreed requirements. Public authorities must take account of any currently agreed targets under the UK Marine Strategy part one descriptor 11.
- **Underwater Noise S-UWN-2:** Proposals that generate impulsive sound and/or ambient noise must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on highly mobile species
 - d) if it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding.
- **Water Quality S-WQ-1:** Proposals that may have significant adverse impacts upon water environment, including upon habitats and species that can be of benefit to water quality must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts.
- **Water Quality S-WQ-2:** Activities that can deliver an improvement to water environment, or enhance habitats and species which can be of benefit to water quality should be supported.
- **Biodiversity S-BIO-1:** Proposals that may have significant adverse impacts on natural habitat and species adaptation, migration and connectivity must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise

- c) mitigate significant adverse impacts.
- **Biodiversity S-BIO-2:** Proposals that incorporate features that enhance or facilitate natural habitat and species adaptation, migration and connectivity will be supported.
- **Biodiversity S-BIO-3:** Proposals that enhance coastal habitats where important in their own right and/or for ecosystem functioning and provision of goods and services will be supported. Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of goods and services and demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate for net loss of coastal habitat.
- **Biodiversity S-BIO-4:** Proposals that enhance the distribution and net extent of priority habitats should be supported. Proposals must demonstrate that they will avoid reducing the distribution and net extent of priority habitats.
- **Displacement S-DIST-1:** Proposals, including in relation to tourism and recreational activities, within and adjacent to the south marine plan areas must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant cumulative adverse physical disturbance or displacement impacts on highly mobile species.
- **Fishing S-FISH-4:** Proposals that enhance essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported. Proposals must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impact on essential fish habitat, including, spawning, nursery, feeding grounds and migration routes.
- **Fish Habitat - Herring S-FISH-4-HER:** Proposals will consider herring spawning mitigation in the area highlighted on Figure 26 (in the technical annex) during the period 01 November to the last day of February annually
- **Dredging and Disposal S-DD-2:** Proposals must identify, where possible, alternative opportunities to minimise the use of dredged waste disposal sites by pursuing reuse opportunities through matching of spoil to suitable sites.

Further points to note

Within your Draft Rother Local Plan 2020-2040, there is a brief mention of the Marine Management Organisation in paragraph 1.20 but no mention of the relevant [South Inshore and Offshore Marine Plan](#) or the Marine Policy Statement. 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. Highlighting the [South Inshore and Offshore Marine Plan](#) within your plan would show you have regard to the marine plans.

Additionally, in paragraph 1.20 it is stated that “relevant policies, plans and programmes which may impact on the Local Plan have been taken into account and assessed through the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Scoping Report”. However, there is no mention of the [South Inshore and Offshore Marine Plan](#) in this report. It is recommended that the [South Inshore and Offshore Marine Plan](#) is included in the Sustainability Appraisal/Strategic Environmental Assessment Scoping Report, for instance, in Section 6. Climate, Flooding and Coastal Change.

If you believe you may have the need for Marine Licences, please ensure that the coastal concordat is mentioned. 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.”*

The [South East Inshore and Offshore Marine Plan](#), and the [South West Inshore and Offshore Marine Plan](#) were both adopted in 2021, which cover the adjacent areas. Please ensure correct reference to the South East, South, and South West marine plan areas where included.

If your council have not previously attended a Marine Plan Implementation Session, I would suggest re-visiting the material in our recorded [webinar](#). Please let me know if you have any questions regarding implementation of the marine plan.

As previously stated, these are recommendations and we suggest that your own interpretation of the South Marine Plans is completed. We would also recommend you consult the following references for further information:

[South Inshore and Offshore Marine Plan](#) and [Explore Marine Plans](#).

Yours sincerely,



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