



HM Government

South East Inshore Marine Plan

June 2021



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Cover photo: Dover Harbour, Kent

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South East Inshore Marine Plan

1 The South East Marine Plan

1.1 Background and overall aims

1. The South East Marine Plan has been prepared for the purposes of Section 51 of the [Marine and Coastal Access Act 2009](#), and has been agreed and adopted by the Secretary of State for Environment, Food and Rural Affairs for the purposes of Section 51. This plan covers the south east inshore marine plan area shown in Figure 1. There is no offshore marine plan area in the south east. The South East Marine Plan document is supported by a [Technical Annex](#), which includes further detail on policy implementation and must be read alongside the South East Marine Plan to inform policy implementation and the development of proposals¹.
2. The South East Marine Plan introduces a strategic approach to planning within the English inshore waters between Felixstowe in Suffolk, and west of Dover in Kent. It provides a clear, evidence-based approach to inform decision-making by marine users and regulators on where, when, or how activities might take place within the south east inshore marine plan area.
3. The Plan applies national policies in a local context, ensuring the needs and aspirations of the marine plan area are reflected by considering plan area level issues and supporting evidence. To achieve this, the Plan has been developed on behalf of government in consultation with stakeholders and in collaboration across government departments.
4. The Plan should enable activities to move more quickly from concept to consent by identifying sectors and, where possible, appropriate spatial areas suitable for investment, encouraging earlier and clearer communication between proponents and regulatory decision-makers, and by early identification of proposals that are inappropriate or unfeasible.
5. Implementation of the Plan's policies through more informed decision-making will help to ensure that the management of different and potentially competing activities contributes to the achievement of sustainable development and optimal use of the marine area's natural capital. Policies encourage enhancement and provide protection for vulnerable habitats and species, maintenance of natural defences against climate change and flooding, and will improve the well-being of coastal communities and support a strong marine economy.

¹ [The South East Marine Plan Technical Annex](#)

1.2 Introduction

6. The South East Marine Plan will help to enhance and protect the marine environment and achieve sustainable economic growth while respecting local communities both within and adjacent to the marine plan area. Policies are presented within an economic, social and environmental framework, helping to deliver the high level marine objectives set out in the [UK Marine Policy Statement](#)². Other relevant government priorities are also supported through marine plan policies such as those set out in [A Green Future: Our 25 Year Plan to Improve the Environment](#), the [Clean Growth Strategy](#), [UK Marine Strategy](#) and sustainable development³ of the marine area.
7. The Plan is an enabling mechanism, providing greater certainty about where new activities can best take place, and assisting marine users in determining preferred locations. Specifically, the South East Marine Plan:
 - enables efficient use of space, highlighting the need and opportunities for co-existence in areas with high concentrations of activity, or where the geography of the area does not allow alternatives
 - enables communication and negotiation where co-existence is an option, so impacts can be avoided, minimised and/or mitigated. In some cases where impacts cannot be mitigated but where proposals will bring other benefits, the Plan enables these to be considered in the decision-making process
 - gives greater certainty around current activity by providing real-time data through the [Explore Marine Plans](#) digital service
 - provides appropriate safeguarding for areas of future resource potential where there is sufficient evidence and consents have been secured
 - allows flexibility where evidence is limited so proponents and decision-makers are able to apply their knowledge and experience
 - supports the development of proposals by:
 - setting out non-spatial requirements that apply to proposals regardless of their specific location, such as how an activity or development is undertaken
 - identifying how proposals can support the vision and objectives of the south east marine plan area to improve the chances of success in the decision-making process
 - providing context for when ‘imperative reasons of overriding public interest’ are being considered⁴, such as the need for nationally significant infrastructure
 - increasing awareness of which other relevant legislation, guidance and existing measures should or must be taken into consideration

² HM Government, [Marine Policy Statement](#) (2011)

³ As defined in the UK [Sustainable Development Strategy](#)

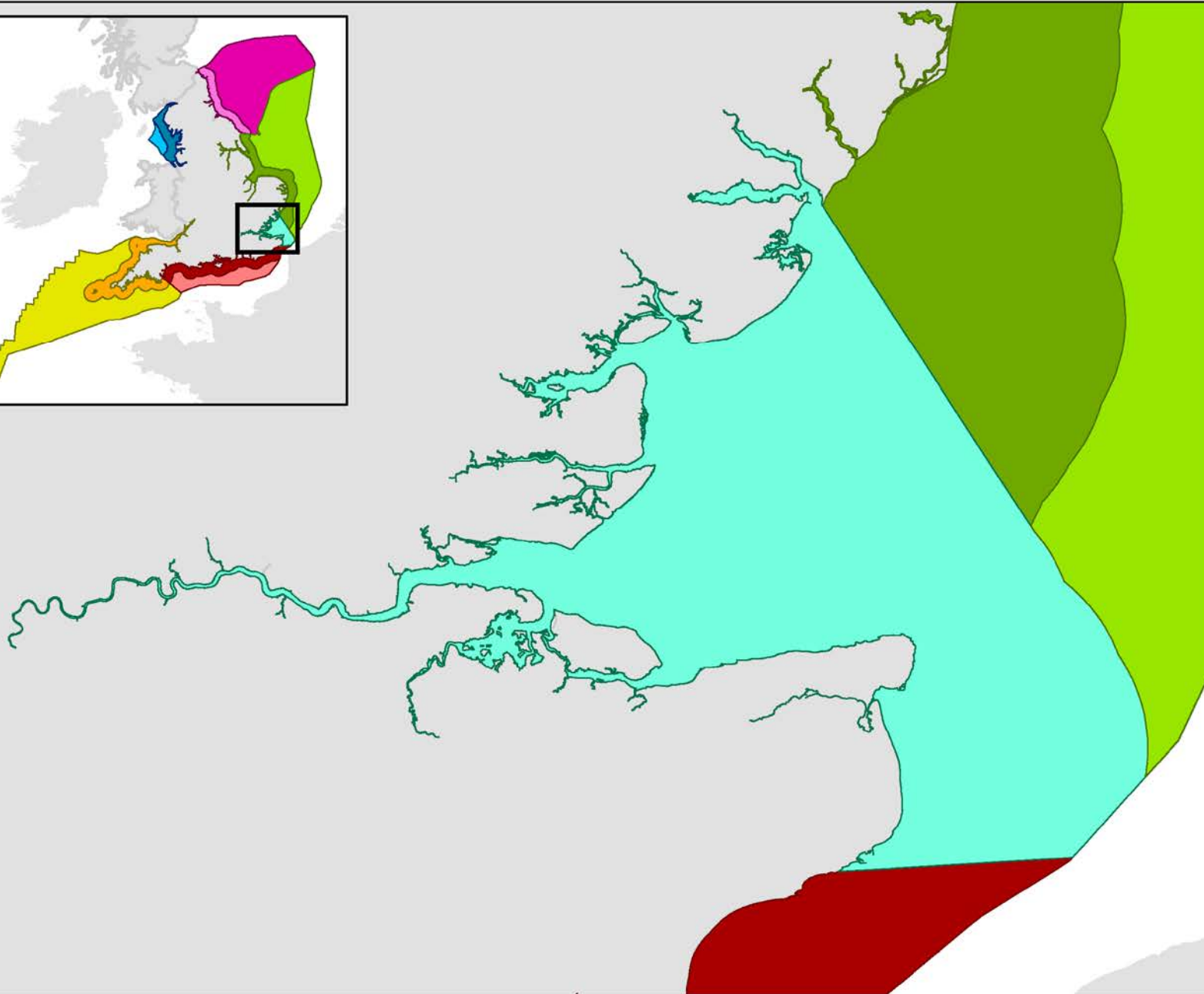
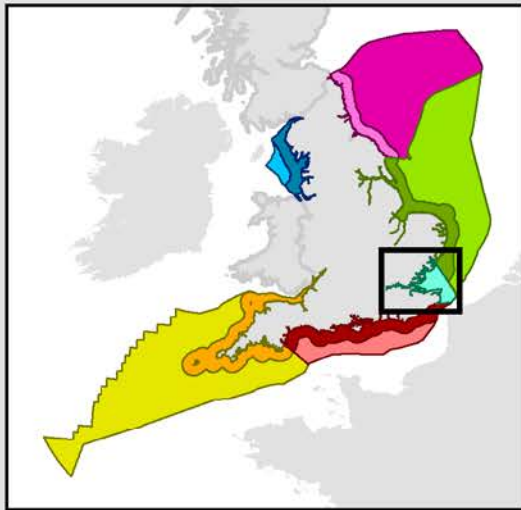
⁴ Considerations of overriding public interest defined in Section 64 of [The Conservation of Habitats and Species Regulations 2017](#) and Section 29 of [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#), both of which are amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

- reiterating the importance of other relevant project-level regulation and assessment within the decision-making process
8. Section 1 of the Plan provides background information. Section 2 includes the Plan's vision, objectives and policies, Section 3 provides guidance for those using and implementing the Plan and Section 4 includes a description of how monitoring and reporting of the Plan's implementation and the effectiveness of the Plan's policies will be carried out.



Figure 1 | South East Inshore Marine Plan Area

Information map
This map is to be used for reference only. Please refer to Explore Marine Plans for a detailed view of the data and to interrogate plan policies.



Marine Plan Areas

- East Inshore
- East Offshore
- North East Inshore
- North East Offshore
- North West Inshore
- North West Offshore
- South East Inshore
- South West Inshore
- South West Offshore
- South Inshore
- South Offshore

Date: August 2020
Coordinate System: ETRS 1989 UTM Zone 30N
Projection: Transverse Mercator
Datum: ETRS 1989

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Local Authorities



One third of the south east inshore marine plan area is protected by the **2,924km²** Outer Thames Special Protected Area



Home to around **125** fish species and over **400** invertebrates



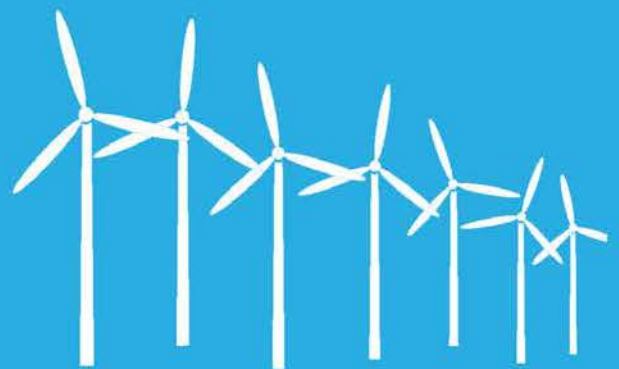
Over **800 sq/km** military practice and exercise areas

12



Of the **54** protected wreck sites in England

7



Operational Offshore wind farms: Generating more than **1.2GW**

1.3 The south east inshore marine plan area

9. The south east inshore marine plan area stretches from Felixstowe in Suffolk to west of Dover in Kent, covering approximately 1,400km of coastline and taking in a total of approximately 3,900km² of sea. The French marine area, east marine plan areas and the south inshore marine plan area border the south east inshore marine plan area. The south east inshore marine plan area includes:
- the area from mean high water spring tide to 12nm
 - any area submerged at mean high water spring tide
 - the waters of any estuary, river or channel so far as the tide flows at mean high water spring tide
 - waters in any area that is closed (permanently or intermittently) by a lock or other artificial means against the regular action of the tide, but into and from which seawater is caused or permitted to flow (continuously or occasionally)
10. There are 42 local authorities (including three unitary authorities) within the south east inshore marine plan area. The resulting overlap and complexity of governance arrangements is a particular feature and challenge for the south east inshore marine plan area.
11. The south east inshore marine plan area is an important area for a variety of interests, with many important activities competing for a small amount of space. This includes shipping activity of international significance and important shipping lanes to Europe that lie in close proximity to offshore wind installations. The south east inshore marine plan area is home to the highest number of ports and harbours in England, contributing the greatest amount of gross value added to the national economy of all the English marine plan areas from ports and shipping. These include the Port of London, with high volumes of traffic, Felixstowe, the UK's largest container port and Dover, the UK's busiest ferry port and top port for roll-on/roll-off freight⁵. Associated activities such as dredging of ports, harbours and approaches are essential to ensure safety of navigation, ensuring the viability of ports and harbours, along with the ability to compete in the global maritime sector.
12. Marine aggregate extraction is important locally, with half of all aggregates used in construction in London being from marine sources. Fishing activity is at a lower intensity in the south east inshore marine plan area than in some other English marine plan areas. However, there are a significant number of smaller fishing vessels operating out of ports such as Ramsgate and West Mersea, which rely on access to associated fishing grounds. Aquaculture is a locally important activity in the south east inshore marine plan area, particularly for shellfish species.
13. Tourism and recreation both play an important role in the economy of the south east. London and the River Thames are significant areas for tourism and recreation activities, with the coastlines of Suffolk, Essex and Kent with traditional seaside towns also being vital. Boating activity is a prevalent recreational activity throughout the marine plan area, with over 140 recognised recreational Royal Yachting

⁵ [Marine Planning: Strategic Scoping Report \(2014\)](#)

Association cruising routes. There are a high number of marinas and mooring facilities in the vast majority of the estuaries in the south east inshore marine plan area.

14. A diverse range of habitats and species are found within the south east inshore marine plan area. For example, the River Thames and the estuaries in Essex, Kent and Suffolk support significant assemblages of waterfowl and breeding birds, such as the avocet and the dark-bellied brent goose. In addition, the Thanet coast contains the longest continuous subtidal chalk seabed in the UK and is the only site to protect the stalked jellyfish. Within the plan area, there are a large number of sites designated for environmental protection, which have a large spatial extent. For example, the Outer Thames Special Protected Area covers approximately one-third of the south east inshore marine plan area.
15. The south east marine plan area hosts four UNESCO World Heritage Sites (Royal Botanic Gardens in Kew, Palace of Westminster, Tower of London and Maritime Greenwich), three Areas of Outstanding Natural Beauty (Dedham Vale, Kent Downs, and Suffolk Coast and Heaths), and the Dover-Folkestone Heritage Coast to the south of the plan area.

1.4 Legal and policy context

16. Marine plans are prepared under the policy framework provided by the [UK Marine Policy Statement](#); together they underpin the marine planning system for England. The [UK Marine Policy Statement](#) builds on the shared UK-wide [high level marine objectives](#) and provides an overview of the relevant national policy, including the [National Planning Policy Framework](#) and associated [National Policy Statements](#).
17. The South East Marine Plan is developed in accordance with the requirements set out under the [Marine and Coastal Access Act 2009](#) and [UK Marine Policy Statement](#) requirements.
18. During the development of the South East Marine Plan, all reasonable steps were taken to ensure that the South East Marine Plan is compatible with marine plans for areas related to the south east marine plan area⁶, including the English [South Marine Plan](#) and the English [East Marine Plan](#). All reasonable steps were also taken to ensure that the South East Marine Plan is compatible with any related relevant development plans⁷ (or their equivalent). Public and local authorities responsible for other plans affecting the south east marine plan area⁸, for example river basin management plans, have been engaged throughout the development of the South East Marine Plan. Further details can be found in Appendix 2 of the South East Marine Plan [Technical Annex](#).
19. The Plan also takes account of the duty to co-operate with public authorities⁹ in the preparation of relevant plans (under the [Planning and Compulsory Purchase Act](#)

⁶ HM Government [Marine and Coastal Access Act 2009](#) Schedule 6 3(1)

⁷ HM Government [Marine and Coastal Access Act 2009](#) Schedule 6 3(2)

⁸ HM Government [Marine and Coastal Access Act 2009](#) Schedule 6 9(2)(h)

⁹ Prescribed bodies are currently set out in Regulation 4 of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (SI 2012/767)

[2004](#) Section 33A, as amended by the [Localism Act 2011](#)). The duty to co-operate requires local authorities and other public bodies to engage constructively, actively and on an ongoing basis¹⁰. That duty applies to the marine plans, their implementation and any subsequent revisions.

20. There is also a duty placed on all relevant authorities to have regard to the purposes for which National Parks and Areas of Outstanding Natural Beauty are designated (under the [National Parks and Access to the Countryside Act 1949](#) Section 11A and the [Countryside and Rights of Way Act 2000](#) Section 85, respectively).
21. As a result of the above, the South East Marine Plan:
 - provides a strategic approach to decision-making, considering future use and providing a clear approach to managing resources, activities and interactions within the south east marine plan area
 - reduces burden, providing proponents with greater clarity on where to invest, encouraging public authorities and plan users to communicate earlier in the process
 - enables projects to move more quickly from concept to consent, reducing the number of inappropriate or unfeasible proposals, saving time and resources
 - applies and clarifies national policy and existing measures, taking account of the issues, opportunities, and characteristics of the south east marine plan area; marine plans do not establish new requirements
 - helps to address potential cumulative and in-combination effects of impacts from the many and increasing pressures
 - takes an ecosystem approach and reflects the benefit of clean and healthy seas and natural capital to provide ecosystem goods and services
 - complements existing regulatory and management measures
 - takes all reasonable steps to ensure compatibility with any related relevant development plans¹¹ (or their equivalent), and having regard to other plans¹², is in line with the principles of Integrated Coastal Zone Management, addressing the importance of land-sea interactions
 - contributes to the [Marine Strategy](#)¹³, supporting the achievement of Good Environmental Status
 - is based on sound evidence as far as possible¹⁴

¹⁰ [A Plain English Guide to the Localism Act](#)

¹¹ HM Government [Marine and Coastal Access Act 2009](#) Schedule 6 3(2)

¹² [Technical Annex](#) Appendix 2. Note, further to the requirement to ensure compatibility with any marine plan related to the plan area ([Marine and Coastal Access Act 2009](#) Schedule 6 3(1)) there are two marine plans that border the south east inshore marine plan area: [East Inshore and Offshore Marine Plans](#) and [South Inshore and Offshore Marine Plan](#). In addition, the French marine area also borders the south east inshore marine plan area.

¹³ The [Technical Annex](#) sets out the detail of the UK Marine Strategy and how the Plan will contribute to delivery.

¹⁴ Where evidence is inconclusive, decision-makers should make reasonable efforts to fill evidence gaps but will need to apply precaution within an overall risk-based approach in accordance with the sustainable development policies of the UK Administrations.

- is informed by consultation with stakeholders and makes use of available data and existing management measures where appropriate
22. The South East Marine Plan applies legislation and policies across government in a sub-regional context, ensuring that the needs and aspirations of the marine plan area are reflected. The South East Marine Plan is the result of a long process to examine available evidence, identify local priorities and meet stakeholder expectations in the context of current national policy. It represents the most up-to-date thinking on emerging concepts and developing legislation. The statutory reporting cycle for marine plans, at a frequency of no more than three years, provides opportunity for the Plan to be reviewed and amended.

1.5 Overview of plan development and supporting documents

23. Stakeholders and government officials across all relevant departments, including those relating to retained functions, eg defence, local and other authorities, and representatives of bordering nations whose authorities were notified of the intention to prepare the marine plan (see Table 6 in the [Technical Annex](#)), and have been central to the development of the Plan. All stages of preparing the South East Marine Plan have been supported by ongoing formal and informal public engagement. Details of the engagement approach and activities are set out in the [Statement of Public Participation](#). The South East Marine Plan was developed iteratively in nine-month development blocks followed by three months of engagement. Material produced through the iterations in preparation of the Plan can be found in the South East Marine Plan [core development documents](#).
24. The policies within the South East Marine Plan have been written to enable their use in decision-making throughout the lifetime of the South East Marine Plan. The policies are supported by a variety of evidence and data that will improve and be added to over the lifetime of the South East Marine Plan, ensuring that the policies continue to be suitable in the future; the evidence and data are updated frequently (see [Section 3.4](#)). In addition, the South East Marine Plan is subject to monitoring and periodical reporting as set out in the [Marine and Coastal Access Act 2009](#) Section 61(1) (see [Section 4.1](#)).
25. Assessments undertaken as part of the South East Marine Plan's preparation are the:
- [Sustainability Appraisal](#), as required by the [Marine and Coastal Access Act 2009](#) (Schedule 6, paragraph 10), appraises the social, economic and environmental impacts of the South East Marine Plan and makes sure sustainable development is at the heart of the plan-making process

- [Habitats Regulations Assessment](#) fulfils the requirements of [The Conservation of Habitats and Species Regulations 2017](#)¹⁵ and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#)¹⁶

¹⁵ As amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

¹⁶ As amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

2 Vision, objectives and policies

2.1 Vision

The vision for the south east marine plan area in 2041

The south east marine plan area is distinctive for being a substantial maritime gateway to the world with locally and nationally important ports that are thriving. Prosperous ports, together with associated industries and shipping sectors, are contributing to the long-term economic growth and prosperity of the UK and south east coastal communities. The tidal rivers in the south east have been optimised for short sea shipping. The Tidal Thames facilitates more sustainable passenger and freight transport than before with improved access, infrastructure, local employment and air quality, benefitting the Greater Thames area.

The valuable cultural heritage, environmental assets and seascape of the densely populated areas of the south east are more appreciated and resilient than ever before, including to the impacts of climate change and coastal change. The important role that marine and estuarine environments and their biodiversity play in mitigating climate change is realised. A profitable, sustainable fisheries sector is thriving in the south east.

Decisions made in the south east marine plan area apply an ecosystem approach and natural capital framework. The environment is in a better state than before, and Good Environmental Status is achieved. Biodiversity is conserved, enhanced and restored through applying well-established principles of biodiversity gain and delivery of a well-managed, ecologically coherent network of marine protected areas. The South East Marine Plan promotes good governance and has solved challenges and conflicts in the crowded marine plan area through enabling plan-led decisions, taking account of cumulative effects and coordinating the co-existence of activities. Awareness of the marine plan and connectivity with the large number of consenting regimes and local planning authorities is high, especially in the densely populated London and Greater Thames Estuary area.

26. The vision for the south east inshore marine plan area in 2041 reflects the challenges and opportunities that exist in the plan area. The vision was developed through stakeholder engagement, taking account of the approach to drafting plans, national policy and the evidence base. Detail on how the south east inshore marine plan area will look as a result of the vision being achieved can be found in the [Technical Annex](#).

2.2 Objectives

27. The vision for the South East Marine Plan will be achieved through the marine plan objectives (Table 1). The Plan objectives reflect engagement with stakeholders throughout the planning process and reflects government priorities applied at the local level. As a result of stakeholder feedback, together with experience and lessons from the development of earlier marine plans, it was concluded that relevant high level marine objectives set out in the [UK Marine Policy Statement](#) would be appropriate to use as the objectives for the South East Marine Plan. The generic

high level marine objectives are made specific to the vision for the South East Marine Plan by the evidence and issues that describe opportunities and challenges in the south east inshore marine plan area over the next 20 years ([marine planning issues and evidence database](#)). As a result, the high level marine objectives, underpinned by the evidence, issues and policies specific to the south east inshore plan area, form the plan objectives listed in Table 1.

28. High level marine objectives relevant to the South East Marine Plan are those that would be delivered mainly through plan policies. Therefore, the plan objectives are based on the economic, social and environmental high level marine objectives. The high level marine objectives that are to do with process, or are largely delivered through other mechanisms, such as plan development or implementation of marine plans as a whole¹⁷, are not appropriate to use as plan objectives. Instead, these can be considered as supporting objectives for the plan. The [Technical Annex](#) provides more information on the plan objectives and supporting objectives.
29. Plan objectives are cross-cutting rather than topic- or sector-specific. The order of the objectives does not reflect their priority or weighting. Instead, it reflects the order in which the objectives appear as high level marine objectives in the [UK Marine Policy Statement](#). Economic, social and environmental objectives must be considered equally alongside one another. Plan objectives should be applied in an integrated way, although not every objective will apply to every situation and in every location.
30. For detail on the objectives see Table 1 of the [Technical Annex](#), which outlines the relevance and importance of each plan objective to the south east inshore marine plan area. Details on the contribution of policies to each objective can be found in Table 2 of the [Technical Annex](#). The [Technical Annex](#) also includes relevant references to existing legislation, guidance and best practice, which may aid implementation of the plan objectives through informing decision-making and the development of proposals.

¹⁷ For example, objective 17 “Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation” will be achieved through the development and implementation of marine planning as a whole rather than specific policies

Table 1: Objectives of the South East Marine Plan

Achieving a sustainable marine economy	
1	Infrastructure is in place to support and promote safe, profitable and efficient marine businesses.
2	The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.
3	Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.
4	Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the market place.
Ensuring a strong, healthy and just society	
5	People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and can act responsibly.
6	The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.
7	The coast, seas, oceans and their resources are safe to use.
8	The marine environment plays an important role in mitigating climate change.
9	There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community.
10	Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the United Kingdom and its interests.
Living within environmental limits	
11	Biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted.
12	Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.
13	Our oceans support viable populations of representative, rare, vulnerable, and valued species.

2.3 Policies

31. Policies contained in the South East Marine Plan support delivery of the plan objectives to achieve the vision and address issues (challenges and opportunities) identified in the [south east inshore marine plan area](#). Where a plan objective cannot be achieved through existing legislation, new policies have been put in place. The resulting marine plan policies must be complied with in line with requirements under the [Marine and Coastal Access Act 2009](#) Section 58. The policies may also clarify existing requirements or make them relevant to the plan area.
32. Policies cover a wide range of topics, including activities and uses, economic, social and environmental considerations, and cross-cutting issues such as integration of decision-making on land and at sea. Table 2 shows the relationship between the marine plan policies and the plan objectives. Each policy has a unique reference code, for example SE-BIO-1. Policy aims are provided in Table 2 to explain how the policies guide decisions and support the application of plan objectives. Related policies are presented alongside each other in the [Technical Annex](#) with shared supporting text, where appropriate, to avoid duplication, for example SE-AQ-1 and SE-AQ-2.
33. While some policies apply across the whole of the south east inshore marine plan area, other policies apply only to specific areas. Plan policies and relevant supporting information have been expressed spatially where possible. Maps are presented in the [Technical Annex](#) and on the [Explore Marine Plans](#) digital service, together with guidance on use of the latest data and information.
34. The [Technical Annex](#) forms part of the South East Marine Plan and must be read alongside this main plan document. The [Technical Annex](#) provides more detail on what each policy covers, why it is important, and where and how the policy will be implemented. Unless stated otherwise in the [Technical Annex](#), policies apply all year round. The [Technical Annex](#) also provides guidance on use of the latest data and information to support the application of policies. Policies are written in such a way as to accommodate updates to the evidence that supports implementation. The [Explore Marine Plans](#) digital service should also be used alongside this plan. Relevant data holders and regulatory authorities (as under existing requirements) should also be consulted to make sure the most up-to-date evidence is used, and to understand where evidence gaps may exist.
35. Individual marine plan policies must not be read in isolation. The marine plan must be read as a whole, taking all plan policies together. It is unlikely that a particular decision will involve only one policy or all policies. Instead, several plan policies are likely to be pertinent to a decision. Decision-makers, working with proponents and others as necessary, are to determine which plan policies (and associated maps) apply to a particular decision, and which policies can be screened out. Given the range of activities in the marine plan area, the variety of proposal types that a plan policy may apply to, and the individual circumstances of each proposal, the South East Marine Plan does not cross-reference to other relevant plan policies. The relevance of one policy to a particular decision does not automatically trigger another plan policy. The relevance of policies must be determined based on the individual

circumstances of each proposal. While policies are not cross-referenced at the decision-making level, groups of policies that support the achievement of plan objectives can be found in Table 4 of the [Technical Annex](#).

Table 2: Policies of the South East Marine Plan

The page numbers identify the location in the South East Marine Plan Technical Annex where the policy is described in detail

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
Infrastructure	SE-INF-1	Proposals for appropriate marine infrastructure which facilitates land-based activities, or land-based infrastructure which facilitates marine activities (including the diversification or regeneration of sustainable marine industries), should be supported.	Many marine activities in the south east and adjacent marine plan areas are reliant on land-based infrastructure. Similarly, activities on land may also be reliant on marine infrastructure. Supporting infrastructure development, diversification and regeneration will provide socio-economic benefits and support marine businesses, including those that are land-based. SE-INF-1 supports the integration of the marine and terrestrial systems. It does so by encouraging proposals (and other measures) that maintain or improve existing, or provide new, sustainable marine or land-based infrastructure that facilitates activity in the other system.	1	34
	SE-INF-2	<p>(1) Proposals for alternative development at existing safeguarded landing facilities will not be supported.</p> <p>(2) Proposals adjacent and opposite existing safeguarded landing facilities must demonstrate that they avoid significant adverse impacts on existing safeguarded landing facilities.</p> <p>(3) Proposals for alternative development at existing landing facilities (excluding safeguarded sites) should not be supported unless that facility is no longer viable or capable of being made viable for waterborne transport.</p> <p>(4) Proposals adjacent and opposite existing landing facilities (excluding safeguarded sites) that may have significant adverse impacts on the</p>	Landing facilities in the south east inshore marine plan area, especially on the Thames, are critical for enabling industries, including shipping, tourism, recreation and leisure, construction, aggregates and waste. Wharves along the Tidal Thames land more than half of all English landings of marine sand and gravel. Through protecting landing facilities, while identifying the difference in safeguarding, SE-INF-2 mirrors similar provisions in terrestrial planning and supports the continued operation of these vital existing landing facilities.	1	34

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
		<p>landing facilities should demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>			
Co-existence	SE-CO-1	<p>Proposals that optimise the use of space and incorporate opportunities for co-existence and co-operation with existing activities will be supported.</p> <p>Proposals that may have significant adverse impacts on, or displace, existing activities must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> <p>If it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding.</p>	<p>Space within the small and busy south east inshore marine plan area is limited. To realise sustainable social, environmental and economic benefits, it is therefore important to plan for and make efficient use of the space. SE-CO-1 encourages proposals to be spatially planned, take account of existing activities, and promote co-existence. The policy ensures new proposals seek to avoid creating conflicts and to minimise their footprint, or optimise it where it may not be feasible to minimise.</p>	2, 4, 6, 8, 9, 10, 11, 12, 13	46
Aggregates	SE-AGG-1	<p>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 proposal is compatible with aggregate extraction.</p>	<p>SE-AGG-1 safeguards marine aggregate licence areas from other activities, unless it is demonstrated that the other activities are compatible with marine aggregate extraction. This enables continuity of supply of construction aggregate and supports local and national objectives and economies.</p>	2, 3	53

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
	SE-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 proposal is compatible with aggregate extraction.	SE-AGG-2 safeguards marine aggregate Exploration and Option Agreement areas to enable the aggregate industry to explore defined areas in order to identify commercially viable aggregate resources. Proposals will only be supported if they are compatible with marine aggregate extraction. This enables future supply of construction aggregate and supports local and national objectives and economies.	2, 3	53
	SE-AGG-3	Proposals in areas of high potential aggregate resource that may have significant adverse impacts on future aggregate extraction should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - significant adverse impacts on future aggregate extraction so they are no longer significant. If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.	SE-AGG-3 ensures that proposals consider areas of high potential aggregate resource, as defined by the British Geological Survey. It ensures that any impacts on access to commercially viable marine sand and gravel resources in the future are managed, enabling secure access to sufficient supply of aggregate resources.	2, 3	53
Aquaculture	SE-AQ-1	Proposals within existing or potential strategic areas of sustainable aquaculture production must demonstrate consideration of and compatibility with sustainable aquaculture production. Where compatibility is not possible, proposals that may have significant adverse impacts on sustainable aquaculture production must demonstrate that they will, in order of preference: a) avoid	The policy recognises that aquaculture is an important industry with the potential to grow, contributing to food supply and security. SE-AQ-1 seeks to protect both existing aquaculture operations as well as potential future opportunities for aquaculture, within spatially defined strategic areas of sustainable aquaculture production. These strategic areas have been spatially defined for species of commercial importance by considering	2, 4	61

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		<p>b) minimise c) mitigate - adverse impacts on sustainable aquaculture production so they are no longer significant.</p> <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p>	<p>environmental factors, technical constraints, and planning constraints or other users of the sea.</p> <p>The policy does not prevent non-aquaculture developments or activities; it supports sustainable aquaculture production by spatially defining areas where all proposals are required to demonstrate consideration of and compatibility with sustainable aquaculture. If this cannot be achieved, the policy stipulates proposals that may have significant adverse impacts on sustainable aquaculture should follow the steps in the mitigation hierarchy through avoiding, minimising or mitigating these impacts, before being allowed to proceed if the regulator agrees with the applicant's overriding justification. While protecting opportunities for sustainable aquaculture production, the policy makes allowances for both non-significant adverse impacts on aquaculture, and significant adverse impacts that are outweighed by the benefits of the proposal.</p>		
	SE-AQ-2	Proposals enabling the provision of infrastructure for sustainable aquaculture and related industries will be supported.	SE-AQ-2 aims to tackle barriers to aquaculture by encouraging the provision, maintenance and development of marine and land infrastructure to support sustainable aquaculture and related industries. This policy supports sustainable aquaculture projects by encouraging the direct development of infrastructure, as well as supporting connectivity between marine operations and land infrastructure, which will ensure that opportunities for aquaculture are realised. Due to the overlap between some shoreside aquaculture and fisheries infrastructure, SE-AQ-2 supports the integration of	1, 2	61

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			aquaculture with the fishing industry through the sharing of infrastructure and the diversification of fishers. This policy will also benefit employment and the development of skills in coastal communities.		
Cables	SE-CAB-1	<p>Preference should be given to proposals for cable installation where the method of protection is burial.</p> <p>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.</p>	Subsea cabling is important to the growth and sustainability of telecommunications, offshore wind farms and electricity transmission. SE-CAB-1 supports and encourages cable burial where possible to meet the needs of the sector while enabling co-existence with other users of the south east inshore marine plan area.	3, 4	73
	SE-CAB-2	<p>Proposals demonstrating compatibility with existing landfall sites and incorporating measures to enable development of future landfall opportunities should be supported. Where this is not possible proposals will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate</p> <p>- adverse impacts on existing and potential future landfall sites so they are no longer significant.</p> <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p>	Subsea cabling is important to the growth and sustainability of telecommunications, offshore wind farms and electricity transmission. Existing and potential future landfall sites for subsea cables are not currently protected from other proposals and uses, which may prevent these sites from being used as cable landfall locations. SE-CAB-2 seeks to avoid the loss of existing and potential future landfall sites and supports all proposals that consider the requirement for future cable landfall opportunities, ensuring that socially and economically vital cable activities can continue.	1, 3	73
	SE-CAB-3	Where seeking to locate close to existing subsea cables, proposals should demonstrate compatibility with ongoing function, maintenance and decommissioning activities relating to the cable.	SE-CAB-3 protects the ongoing function, maintenance and decommissioning of subsea cables, up to the point of landfall.	3, 4	73

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<i>Dredging and disposal</i>	SE-DD-1	In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.	Dredge areas and the area surrounding these that are required for dredge activity to take place may be adversely impacted by new proposals, such as those that negatively impact the ability to access or egress from these sites. SE-DD-1 ensures continued safe access by vessels to ports and harbours over the lifetime of the South East Marine Plan. This policy discourages proposals that would cause significant adverse impacts on dredge activities, such as the need for related vessels to navigate to and from authorised dredge areas.	2	82
	SE-DD-2	<p>Proposals that cause significant adverse impacts on licensed disposal sites should not be supported.</p> <p>Proposals that may have significant adverse impacts on licensed disposal sites must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> <p>If it is not possible to mitigate the significant adverse impacts, proposals must state the case for proceeding.</p>	<p>Disposal sites, and the surrounding areas that are required for the disposal activity to take place may be adversely impacted by new proposals that negatively impact the ability to access or egress from these sites. SE-DD-2 ensures that disposal sites are not compromised, reducing the need to designate new disposal sites that are not intended for alternative use and so reducing environmental impacts. This policy discourages proposals that would cause significant adverse impacts on disposal activities, such as the need for vessels to navigate safely to and from disposal sites.</p> <p>Preserving licensed disposal sites, including where sites are being used for alternative use, will enable and facilitate the growth of ports and harbours within the south east inshore marine plan area. Over the 20-year life span of the Plan, this may become more prevalent in the developing economic climate.</p>	2	82

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	SE-DD-3	Proposals for the disposal of dredged material must demonstrate that they have been assessed against the waste hierarchy. Where there is the need to identify new dredge disposal sites, including alternative use sites, proposals should be supported if they conform to best practice and guidance.	As a result of dredging activity, disposal of dredge material is often required, whether this is direct disposal as a last resort in the waste hierarchy or deposit of material for alternative uses. This policy ensures that proposals have considered all steps within the waste hierarchy prior to the disposal of dredge material as a last resort. The establishment of new disposal sites which are for alternative use should be supported. The establishment of new dredge disposal sites as a last resort in the waste hierarchy should only be explored after previous levels within the waste hierarchy have been considered, and the potential to utilise open, disused or closed sites has been fully investigated and discounted. In some cases, designated disposals sites cannot be used, for example where sediment size does not match or there are particular constraints.	2	82

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Oil and gas	SE-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.	<p>The potential to extract oil and gas is important to the UK's energy supply. However, oil and gas exploration and production (within existing licence areas) may require access to the same area of seabed as other sector proposals. This policy protects the supply of oil and gas by safeguarding areas where there are existing licences. However, this does not sterilise areas for other activities as proposals that demonstrate compatibility with oil and gas activities may be supported.</p> <p>The policy gives clarity on dealing with potential future conflicts with other users who may want to use the same space as oil and gas extraction activities by supporting co-existence opportunities for different users of the south east marine plan area. This supports the UK in meeting its energy and security objectives, as activities that may impact or sterilise areas that may be used for potential oil and gas extraction would hinder the fulfilment of the objectives of the UK Marine Policy Statement and the UK's energy objectives.</p>	2, 3	95

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	SE-OG-2	Proposals within areas of geological oil and gas extraction potential demonstrating compatibility with future extraction activity will be supported.	<p>Maximising the economic recovery of oil and gas resources may require access to discoveries of deposits that have not yet been developed. However, other proposals may require access to the same area of seabed as these resources and, therefore, to future potential oil and gas production. This policy safeguards areas identified as having geological potential for future oil and gas extraction by ensuring that proposals have regard to future oil and gas activity prior to gaining support.</p> <p>The policy gives clarity on dealing with potential future conflicts with other users who may want to use the same space as oil and gas extraction activities by supporting co-existence opportunities for different users of the south east marine plan area. This supports the UK in meeting its energy and security objectives, as activities that may impact or sterilise areas that may be used for potential oil and gas extraction would hinder the fulfilment of the objectives of the UK Marine Policy Statement and the UK's energy objectives.</p>	2, 3	95
<i>Ports, harbours and shipping</i>	SE-PS-1	<p>In line with the National Policy Statement for Ports, sustainable port and harbour development should be supported.</p> <p>Only proposals demonstrating compatibility with current port and harbour activities will be supported.</p> <p>Proposals within statutory harbour authority areas or their approaches that detrimentally and materially affect safety of navigation, or the</p>	<p>Ports and harbours are essential to realise economic and social benefits for the south east inshore marine plan area and the UK. SE-PS-1 makes sure that proposals do not restrict current port and harbour activity or future growth, enabling long-term strategic decisions and supporting competitive and efficient port and shipping operations.</p> <p>SE-PS-1 provides clarity on how the economic interests and statutory duties of ports and harbours should be protected and makes sure new</p>	1, 2, 3	102

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		<p>compliance by statutory harbour authorities with the Open Port Duty or the Port Marine Safety Code, will not be authorised unless there are exceptional circumstances.</p> <p>Proposals that may have a significant adverse impact upon future opportunity for sustainable expansion of port and harbour activities, must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p>	<p>development does not restrict current activities, future growth or compliance with the Port Marine Safety Code. This policy protects the efficiency and resilience of continuing port operations, and further port development (UK Marine Policy Statement, Section 3.4.7). The sustainable development of ports (increase in shipping activity) is supported by the UK Marine Policy Statement (Section 3.4.10). This policy also complements and supports the National Policy Statement for Ports, setting provisions for port growth in the context of the management and development of other activities. Policy SE-PS-1 supports the government policy for ports (National Policy Statement for Ports). It is recognised that although not all ports are able or wish to grow physically, there will remain a need to be commercially viable through adaptation, change, and diversification. Also recognised is the need to ensure safe navigation both within and in the approaches to ports, at present and in the future. Harbour masters are recognised experts in navigational safety within their jurisdictional areas. Accordingly, the policy recognises that their views regarding how proposals affect safety of navigation, the Open Port Duty and compliance with the Port Marine Safety Code should be sought and given significant weight.</p> <p>SE-PS-1 confirms that proposals that compromise these important duties should not be authorised unless there are exceptional circumstances. Authorisation of proposals that impact upon compliance with these core duties are expected to</p>		

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			be exceedingly rare. This policy supports continued port maintenance and repairs, diversification and other sustainable port development that contribute to long-term economic growth and prosperity.		
	SE-PS-2	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance must not be authorised within or encroaching upon International Maritime Organization routeing systems unless there are exceptional circumstances.	<p>Within the south east inshore marine plan area, there are International Maritime Organization routeing systems that are essential for shipping activity, freedom of navigation and navigational safety. SE-PS-2 confirms that proposals that compromise these important navigation routes should not be authorised. SE-PS-2 enables and supports safe, profitable and efficient marine businesses.</p> <p>SE-PS-2 specifies that developments should not be authorised where the use of International Maritime Organization routeing systems may be compromised. Authorisation of proposals that impact on the use of International Maritime Organization routeing systems are very rare.</p>	1, 2	102
	SE-PS-3	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance which encroaches upon high density navigation routes, strategically important navigation routes, or that pose a risk to the viability of passenger services, must not be authorised unless there are exceptional circumstances.	The south east inshore marine plan area is very busy with respect to high-density navigation routes, strategically important navigation routes and passenger services. SE-PS-3 confirms that proposals that pose a risk to safe navigation or the viability of these routes and services should not be authorised. SE-PS-3 aims to protect these routes and services by enabling and promoting safe, profitable and efficient marine businesses.	1, 2	102

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			<p>SE-PS-3 focuses on minimising negative impacts on shipping activity, protecting the economic interests of ports, harbours, shipping and the UK economy overall, and affording protection to the areas used by high intensities of traffic (UK Marine Policy Statement, Section 3.4.2). It also gives effect to provisions in the National Planning Policy Framework (Section 37), which aims to encourage sustainable transport.</p>		
	SE-PS-4	<p>Proposals promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport will be supported where appropriate.</p>	<p>Short sea shipping provides a sustainable alternative for the transport of goods. SE-PS-4 aims to support sustainable coastal or short sea shipping where appropriate as an alternative to road, rail or air methods, lowering carbon dioxide emissions and reducing road congestion. Bulk volumes are moved quickly with a reduction in administrative burden and increased efficiency through economies of scale. Short sea routes also allow the transshipment of cargo from large vessels landing into major European ports to the UK (and through direct movements of smaller bulk materials), reducing costs, improving reliability and allowing smaller ports to expand through the establishment of increased numbers of short sea shipping routes where suitable.</p> <p>Policy SE-PS-4 supports the government policy for ports (National Policy Statement for Ports, Section 3.1.4, Section 3.3.5 and Section 3.4.14). The short sea shipping market is expected to grow over the lifetime of the marine plan, providing a flexible and specialised service. There are, however, several</p>	3	102

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			factors to consider in what is a price-sensitive market. In particular, the relatively lower costs of road transport, time constraints on delivery of goods and the availability of government subsidies.		
Renewables	SE-REN-1	Proposals that enable the provision of renewable energy technologies and associated supply chains, will be supported.	<p>Supply chains play an important role in developing technology, reducing the associated costs of infrastructure and realising the economic and social benefits of renewable energy to the UK economy. SE-REN-1 recognises the importance of the supply chain within the lifecycle of renewable energy projects. SE-REN-1 enables public authorities to support proposals that will reduce costs, ensuring that businesses are operating competitively and with a long-term strategy. Developing a strong supply chain will not only support domestic installation of offshore wind but could contribute to establishing a successful export market, particularly in relation to the emerging floating offshore wind industry.</p> <p>The Offshore Wind Sector Deal outlines a commitment to increase UK supply chain content to 60% by 2030. This policy supports proposals that indicate how they will draw on and develop the UK supply chain as part of their development.</p>	2, 3, 8	118
	SE-REN-2	Proposals for new activity within areas held under a lease or an agreement for lease for renewable energy generation should not be authorised, unless it is demonstrated that the proposed development or activity will not reduce the ability to construct, operate or decommission the existing or planned energy generation project.	Renewable energy technologies contribute to the diversification and decarbonisation of the electricity grid. SE-REN-2 protects areas identified for energy developments from other activities that could affect the sites' ability to generate energy. It enables the development of safe, profitable and efficient marine businesses.	2, 3, 8	118

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	SE-REN-3	Proposals for the installation of infrastructure to generate offshore renewable energy, inside areas of identified potential and subject to relevant assessments, will be supported.	<p>Offshore wind is the current favoured offshore renewable energy generating technology in the UK. The 'offshore wind high potential future development areas' layer highlights areas of least constraint for fixed foundation offshore wind energy generation and indicates potential future areas for leasing. This dataset reflects the latest understanding of areas with high potential, incorporating the original technical constraints analysis (see the "Resource and Constraints Assessment Methodology Report" available on the Marine Data Exchange). SE-REN-3 supports the identification of future leasing rounds and provides a level of certainty for other activities as to where future development may occur. Figure 14 identifies the portion of the plan area that has a high potential for the future development of offshore wind.</p> <p>SE-REN-3 is in place to facilitate the identification of sites for future offshore renewable energy development. Spatial areas for all technology types will be updated, as required, based on improved understanding of constraints and technical advancements in new technology. Proponents and decision-makers should refer to Explore Marine Plans for the most up-to-date data.</p>	2, 3, 8	118

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<i>Heritage assets</i>	SE-HER-1	<p>Proposals that demonstrate they will conserve and enhance the significance of heritage assets will be supported.</p> <p>Where proposals may cause harm to the significance of heritage assets, proponents must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <p>- any harm to the significance of heritage assets.</p> <p>If it is not possible to mitigate, then public benefits for proceeding with the proposal must outweigh the harm to the significance of heritage assets.</p>	<p>This policy aims to conserve and enhance marine and coastal heritage assets by considering the potential for harm to their significance. This consideration will not be limited to designated assets and extends to those non-designated assets that are, or have the potential to become, significant. The policy will ensure that assets are considered in the decision-making process and will make provisions for those assets that are discovered during developments.</p>	5, 6, 9	130
<i>Seascape and landscape</i>	SE-SCP-1	<p>Proposals should ensure they are compatible with their surroundings and should not have a significant adverse impact on the character and visual resource of the seascape and landscape of the area.</p> <p>The location, scale and design of proposals should take account of the character, quality and distinctiveness of the seascape and landscape.</p> <p>Proposals that may have a significant adverse impact on the seascape and landscape of the area should demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise 	<p>The aim of the policy is to manage significant adverse impacts on the seascape and landscape of the south east marine plan area. It will make sure that an area's value, quality and its capacity to accommodate change is considered and that the scale and design of a proposal is compatible with its surroundings. The policy's primary aim is to make provisions for those areas of seascape without statutory designation. The policy also supports those areas with existing statutory designation, such as National Parks, Areas of Outstanding Natural Beauty and World Heritage Sites. Defined heritage coasts are also supported although they do not hold statutory designation.</p>	5, 9	138

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		<p>c) mitigate - adverse impacts so they are no longer significant.</p> <p>If it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascape and landscape of the area.</p> <p>Proposals within or relatively close to nationally designated areas should have regard to the specific statutory purposes of the designated area. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty.</p>			
<i>Fisheries</i>	SE-FISH-1	Proposals that support a sustainable fishing industry, including the industry's diversification, should be supported.	Commercial fisheries can be affected by changes to fish abundance, growth, distribution or behaviour. SE-FISH-1 supports long-term strategic proposals that enable the fishing industry to diversify or build in resilience to manage climate change risks and maximise opportunities for sustainable use of marine resources.	3, 4	149

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	SE-FISH-2	<p>Proposals that enhance access for fishing activities should be supported.</p> <p>Proposals that may have significant adverse impacts on access for fishing activities must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p>	<p>A sustainable fishing industry provides benefits to coastal communities and contributes to UK food security. Fisheries activities are restricted in where and when they can operate, making the access to these activities vulnerable. SE-FISH-2 supports enhanced access for sustainable fishing activities and seeks to limit significant adverse impacts from other marine activities on access for fishing activities, enabling continued sustainable marine resource use and generating prosperous, resilient and cohesive coastal communities. This policy covers not only fishing activity, but also the transit routes to and from sites and any berthing/beaching or landing/loading points.</p>	2, 9	149
	SE-FISH-3	<p>Proposals that enhance essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported.</p> <p>Proposals that may have significant adverse impacts on essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes, must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>	<p>Sustainable fish populations rely upon specific habitats throughout their life. SE-FISH-3 recognises that the protection of habitats and the services they provide can enhance fish populations, supporting the long-term existence of the fisheries and contributing to Good Environmental Status, as detailed in the Marine Strategy Part One: UK updated assessment and Good Environmental Status. SE-FISH-3 encourages and supports proposals that deliver biodiversity gain for essential fish habitats. SE-FISH-3 enables sustainable use of marine resources within environmental limits, alongside productive fisheries, by requiring proposals to avoid impacts on essential fish habitats or, if avoidance of impacts is not possible, to manage impacts on essential fish habitats.</p>	11, 12, 13	149

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<i>Employment</i>	SE-EMP-1	<p>Proposals that result in a net increase in marine-related employment will be supported, particularly where they meet one or more of the following:</p> <ol style="list-style-type: none"> 1) are aligned with local skills strategies and support the skills available 2) create a diversity of opportunities 3) create employment in locations identified as the most deprived 4) implement new technologies <p>- in, and adjacent to, the south east marine plan area.</p>	<p>The creation and maintenance of quality jobs is a key component to delivering sustainable economic growth and for ensuring that everyone is able to access its associated opportunities (Employment and Skills Strategies in England, United Kingdom).</p> <p>SE-EMP-1 supports existing national policies and strategies (eg UK Marine Policy Statement and the UK's Industrial Strategy: building a Britain fit for the future) by encouraging decision-makers and proponents to deliver additional employment benefits from proposals, particularly those benefits associated with the listed policy criteria.</p> <p>SE-EMP-1 seeks to maximise sustainable economic activity, prosperity and opportunities for all, both now and in to the future.</p>	2, 4	171

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<i>Climate change</i>	SE-CC-1	<p>Proposals that conserve, restore or enhance habitats that provide flood defence or carbon sequestration will be supported.</p> <p>Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant d) compensate for significant adverse impacts that cannot be mitigated.</p>	<p>Proposals that conserve, restore or enhance habitats that provide flood defence or carbon sequestration will be supported. Habitats that provide flood defence and carbon sequestration contribute to natural resilience for coastal communities that are vulnerable to coastal erosion and change. SE-CC-1 requires proposals to manage impacts, enabling these important habitats to continue to provide this valuable service. Proposals that cannot avoid, minimise and mitigate or, as a last resort, compensate for significant adverse impacts, will not be supported.</p>	6, 8, 11, 12	177
	SE-CC-2	<p>Proposals in the south east marine plan area should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change.</p>	<p>The effects of climate change are wide-ranging and can include sea level rise, coastal flooding and rising sea temperatures. SE-CC-2 adds provision to enable enhanced resilience of developments, activities and ecosystems within the south east inshore marine plan area to the effects of climate change and coastal change.</p>	3, 6	177

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	SE-CC-3	<p>Proposals in the south east marine plan area, and adjacent marine plan areas, that are likely to have significant adverse impacts on coastal change, or on climate change adaptation measures inside and outside of the proposed project areas, should only be supported if they can demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>	<p>Large areas of the south east inshore marine plan area coastline are subject to or vulnerable to change. SE-CC-3 ensures proposals do not exacerbate coastal change, enabling communities to be more resilient and better able to adapt to coastal erosion and flood risk where identified. SE-CC-3 also supports proposals that do not compromise existing adaptation measures, which will enable an improvement in the resilience of coastal communities to coastal erosion and flood risk. Proposals that cannot avoid, minimise and mitigate significant adverse impacts will not be supported.</p>	3, 6, 11, 12	177
<i>Carbon capture usage and storage</i>	SE-CCUS-1	<p>Decommissioning programmes for oil and gas facilities should demonstrate that they have considered the potential for re-use of infrastructure.</p>	<p>The re-use of existing oil and gas infrastructure may bring cost savings for carbon capture, storage and usage projects. Re-using oil and gas infrastructure for carbon capture, usage and storage may also potentially benefit existing owners and operators of these oil and gas assets through maximising the economic life of their asset, as well as offering wider benefits supporting decarbonisation of the UK economy. This policy encourages the consideration of infrastructure re-use by oil and gas operators prior to decommissioning. The policy notes that re-use of infrastructure may not be a viable or realistic option; the aim is for the potential to be considered.</p>	2, 3	190

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<i>Air quality and emissions</i>	SE-AIR-1	<p>Proposals must assess their direct and indirect impacts upon local air quality and emissions of greenhouse gases.</p> <p>Proposals that are likely to result in increased air pollution or increased emissions of greenhouse gases must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate</p> <p>- air pollution and/or greenhouse gas emissions in line with current national and local air quality objectives and legal requirements.</p>	<p>Clean air is essential for life, health, the environment and the economy. Air pollution and greenhouse gas emissions must be reduced to protect health, habitats and species and reduce the impacts of climate change. SE-AIR-1 ensures that proposals consider and address where they may cause direct or indirect air pollution or greenhouse gas emissions and manage these accordingly.</p> <p>Proposals that cannot avoid, minimise or mitigate air pollution and or greenhouse gas emissions in line with current national or local air quality objectives and legal requirements must not be supported.</p>	3, 7	195
<i>Marine litter</i>	SE-ML-1	<p>Public authorities must make adequate provision for the prevention, re-use, recycling and disposal of waste to reduce and prevent marine litter.</p> <p>Public authorities should aspire to undertake measures to remove marine litter within their jurisdiction.</p>	<p>Litter at sea often originates on land. Increase in development, access, recreation and tourism in the south east inshore marine plan area may result in increased litter, and an adverse impact on the environment on which these activities rely. Preventing marine litter through effective waste management is vital. Addressing marine litter along the coastline and riverine contributions is an important step towards dealing with this problem.</p>	7, 11	204

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	SE-ML-2	<p>Proposals that facilitate waste re-use or recycling to reduce or remove marine litter will be supported.</p> <p>Proposals that could potentially increase the amount of marine litter in the marine plan area must include measures to, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - waste entering the marine environment.</p>	<p>The south east inshore marine plan area is a busy and highly populated area. An increase in housing developments, visitors and coastal and marine development could lead to an increase in litter.</p> <p>SE-ML-2 makes sure proposals avoid, minimise or mitigate waste entering the marine environment and encourages support for improvements in waste management and removal of marine litter, during construction and over the lifetime of the development. Proposals that cannot avoid, minimise or mitigate waste entering the marine environment will not be supported.</p>	7, 11	204
Water quality	SE-WQ-1	<p>Proposals that protect, enhance and restore water quality will be supported.</p> <p>Proposals that cause deterioration of water quality must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - deterioration of water quality in the marine environment.</p>	<p>Much of the economic and cultural prosperity of the south east marine plan area is reliant on water quality. Activities can place stress on water bodies such that, in parts of the south east marine plan area, water quality requires improvement. SE-WQ-1 supports activities with a primary objective to protect, enhance and restore water quality.</p> <p>SE-WQ-1 also manages activities that may cause deterioration of water quality by ensuring that adverse impacts from proposals must be avoided, minimised and mitigated. With the exception of the derogations identified in Section 17 and 19 of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, there should be no residual adverse impacts on inshore water bodies. From one nautical mile out to the outer limit of the UK Exclusive Economic Zone there</p>	7, 11	213

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			should be no adverse impacts on water quality in line with The Marine Strategy Regulations 2010 ¹⁸ .		
Access	SE-ACC-1	<p>Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, including the provision of services for tourism and recreation activities, will be supported.</p> <p>Proposals that may have significant adverse impacts on public access should demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>	<p>The provision of appropriate public access is essential for realising the economic, environmental, and social benefits associated with the growth of sustainable tourism and recreation within the south east marine plan area. SE-ACC-1 supports proposals for appropriate enhanced and inclusive public access to, and within, the marine area, including those providing services for tourism and recreation activities.</p> <p>SE-ACC-1 also provides clarity on how public access should be protected, and ensures that proposals do not have a significant adverse impact on existing public access. Where proposals cannot avoid, minimise or mitigate significant adverse impacts to public access, they should not be supported.</p> <p>While SE-ACC-1 supports and protects public access to the marine area, in some circumstances, access restrictions may be required. Where they are incompatible with existing or proposed access restrictions, proposals for the provision of new public access should not be supported.</p>	6, 9	225
Tourism and recreation	SE-TR-1	Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported.	Tourism and recreation provide numerous economic and social benefits to coastal communities and visitors to the south east inshore marine plan area. There is considerable scope to expand recreational	6, 9	232

¹⁸ As amended by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#), [The Marine Environment \(Amendment\) \(EU Exit\) Regulations 2018](#) and [The Environment \(Legislative Functions from Directives\) \(EU Exit\) Regulations 2019](#)

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
		<p>Proposals that may have significant adverse impacts on tourism and recreation activities must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. 	<p>activities to meet the needs of the region’s increasing population. This policy aims to support growth in the tourism and recreation industry through promotion of sustainable development at appropriate locations. It also encourages diversification of activities – for example, through extension of operating seasons or development of alternative uses for facilities – to create additional employment opportunities, while reducing adverse impacts on natural resources and heritage assets.</p> <p>Intense development pressures at coastal locations in the south east marine plan area could be detrimental to tourism and recreation assets. SE-TR-1 aims to minimise these issues and reduce stakeholder conflict. The policy addresses the potential impact of proposals on existing tourism and recreation use, or future potential activities; those proposals that cannot avoid, minimise and mitigate significant adverse impacts on tourism and recreation activities are unlikely to be supported.</p>		
Social benefits	SE-SOC-1	Those bringing forward proposals should consider and demonstrate how their development shall enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal.	SE-SOC-1 seeks to increase the general knowledge, understanding, appreciation and enjoyment by people of the many values provided by the marine environment through encouraging proposals that incorporate these factors.	5, 6, 9	241

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
<i>Defence</i>	SE-DEF-1	Proposals in or affecting Ministry of Defence areas should only be authorised with agreement from the Ministry of Defence.	There are a high number of defence activities and estates in the south east inshore marine plan area. Marine infrastructure can affect their continuity or future use. SE-DEF-1 aims to avoid conflict between defence activities and new proposals within the south east inshore marine plan area. This policy will ensure defence interests are not hindered.	10	247
<i>Marine protected areas</i>	SE-MPA-1	<p>Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.</p> <p>Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate</p> <p>- adverse impacts, with due regard given to statutory advice on an ecologically coherent network.</p>	<p>Marine protected areas in the south east inshore marine plan area make a significant contribution towards the UK's network of ecologically coherent marine protected areas. SE-MPA-1 encourages and supports proposals for activities that further the conservation objectives of marine protected areas. SE-MPA-1 also ensures proposals take account of adverse impacts on individual sites and the overall network, protecting important habitats, species and geological features, and enabling the successful and continued management of these sites.</p> <p>Proposals that cannot avoid, minimise or mitigate adverse impacts should not be supported.</p>	11, 12, 13	252
	SE-MPA-2	<p>Proposals that enhance a marine protected area's ability to adapt to climate change, enhancing the resilience of the marine protected area network, will be supported.</p> <p>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,</p>	The effects of climate change on habitats and species poses a challenge to designated marine protected area sites in the south east inshore marine plan area. SE-MPA-2 ensures proposals account for adverse impacts on each impacted individual marine protected area's ability to adapt to climate change, improving resilience and working towards a well-managed marine protected area network.	11, 12, 13	252

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
		<p>must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <p>- adverse impacts.</p>	Proposals that cannot avoid, minimise or mitigate adverse impacts should not be supported.		
	SE-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.	Anthropogenic activities such as the burning of fossil fuels, deforestation, farming and methane release from animal farming have serious adverse impacts on the climate. These impacts include, but are not limited to, increased ocean acidity, temperature shifts, and increased storm activity. Climate change may result in marine protected area feature migration and/or feature displacement due to shifts in ranges of habitats and species. SE-MPA-3 ensures flexibility by supporting boundary changes to improve the resilience of the marine protected area network. SE-MPA-3 enables adaptive management to help mitigate the loss of features within sites, and support adaptation to climate change.	11, 12, 13	252

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
	SE-MPA-4	<p>Proposals that may have significant adverse impacts on designated geodiversity must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>	<p>Geodiversity in the south east inshore marine plan area has formed over billions of years. With natural change happening slowly over a long timescales, geodiversity is particularly vulnerable to human impacts. SE-MPA-4 makes sure proposals account for significant adverse impacts on designated geodiversity, protecting important geological and geomorphological features that underlie and determine the character of our landscape and seascape.</p> <p>Proposals that cannot avoid, minimise or mitigate significant adverse impacts should not be supported.</p>	11	252
Biodiversity	SE-BIO-1	<p>Proposals that enhance the distribution of priority habitats and priority species will be supported.</p> <p>Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant d) compensate for significant adverse impacts that cannot be mitigated.</p>	<p>Maintaining the distribution of priority habitats and priority species in the south east marine plan area is important as it reduces habitat fragmentation, species isolation, and supports strong, biodiverse communities which in turn provide ecosystem services. SE-BIO-1 encourages and supports proposals that enhance the distribution of priority habitats and priority species. SE-BIO-1 seeks to maintain the distribution of priority habitats and priority species through the management of significant adverse impacts. Proposals that cannot, avoid, minimise and mitigate or, as a last resort, compensate for significant adverse impacts will not be supported.</p>	11, 12, 13	276
	SE-BIO-2	<p>Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration, will be supported.</p>	<p>Competition for space, increased levels of development, and predicted effects of climate change can affect the connectivity, adaptive ability and migration of habitats and species in the south east marine plan area. SE-BIO-2 supports and</p>	11, 12, 13	276

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
		<p>Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration, must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant d) compensate for significant adverse impacts that cannot be mitigated. 	<p>encourages proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration. SE-BIO-2 requires proposals to manage negative effects which may significantly adversely impact the functioning of healthy, resilient and adaptable marine ecosystems. Proposals that cannot avoid, minimise and mitigate or, as a last resort, compensate for significant adverse impacts, will not be supported.</p>		
	SE-BIO-3	<p>Proposals that conserve, restore or enhance coastal habitats, where important in their own right and/or for ecosystem functioning and provision of ecosystem services, will be supported.</p> <p>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 ecosystem services, and demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate d) compensate for <ul style="list-style-type: none"> - net habitat loss. 	<p>In the south east marine plan area, there are numerous important coastal habitats. Increased competition for space in and around these coastal habitats in the south east marine plan area has resulted in coastal squeeze, a process where habitats have decreasing space between rigid coastal structures and rising sea level or coastal erosion. SE-BIO-3 encourages and supports proposals that deliver biodiversity gain by conserving, enhancing or restoring coastal habitats. SE-BIO-3 also requires proposals to manage net habitat loss as a result of coastal squeeze to support the functioning of healthy and resilient coastal and intertidal ecosystems. Proposals that cannot avoid, minimise and mitigate or, as a last resort, compensate for net habitat loss, will not be supported.</p>	8, 11, 12, 13	276

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
<i>Invasive non-native species</i>	SE-INNS-1	<p>Proposals that reduce the risk of introduction and/or spread of invasive non-native species should be supported.</p> <p>Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species, particularly when:</p> <p>1) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another</p> <p>2) introducing structures suitable for settlement of invasive non-native species, or the spread of invasive non-native species known to exist in the area.</p>	<p>The south east inshore marine plan area is particularly busy and, as a result, there is a high risk of introducing or spreading invasive non-native species which may damage the marine area and harm populations of native flora and fauna. SE-INNS-1 aims to avoid or minimise damage to the marine area from the introduction or transport of invasive non-native species. Proposals that do not put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species will not be supported. SE-INNS-1 also aims to support those projects that attempt to reduce the risk and/or introduction of invasive non-native species, such as eradication projects.</p>	7, 11, 12, 13	298
	SE-INNS-2	<p>Public authorities with functions to manage activities that could potentially introduce, transport or spread invasive non-native species should implement adequate biosecurity measures to avoid or minimise the risk of introducing, transporting or spreading invasive non-native species.</p>	<p>SE-INNS-2 aims to avoid or minimise the introduction and spread of marine invasive non-native species by encouraging public authorities with relevant functions throughout the south east to implement adequate biosecurity measures, increase awareness of invasive non-native species and provide suitable guidance to help reduce their adverse impacts on the marine environment, which could include the eradication of existing invasive species.</p>	7, 11, 12, 13	298

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
<i>Disturbance</i>	SE-DIST-1	<p>Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate</p> <p>- adverse impacts so they are no longer significant.</p>	Disturbance and displacement from activities, including those that do not require authorisation such as tourism and recreation, can cause declines in some highly mobile species. SE-DIST-1 reduces the effects of disturbance and displacement by requiring proposals to manage impacts, highlighting good practice and encouraging strategic management of unauthorised activities. SE-DIST-1 enables people to appreciate marine biodiversity and act responsibly to protect and recover populations of rare, vulnerable and valued species. Proposals that cannot avoid, minimise and mitigate significant adverse impacts will not be supported.	11, 12, 13	308
<i>Underwater noise</i>	SE-UWN-1	Proposals that result in the generation of 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 Marine Strategy Part One Descriptor 11.	Impulsive sounds can have an adverse effect on marine life and human enjoyment of marine areas. SE-UWN-1 supports the established noise registry to determine baselines, levels of impulsive sound and management options through the recording and assessment of the distribution and timing of impulsive sound sources in the marine environment. This will enable effective marine management and protection of biodiversity or viable populations of species.	13	314
	SE-UWN-2	<p>Proposals that result in the generation of impulsive or non-impulsive noise must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate</p> <p>- adverse impacts on highly mobile species so they are no longer significant.</p>	Underwater noise levels have increased with marine space use. Noise can affect highly mobile species, including causing chronic stress and death at higher intensities. SE-UWN-2 supports management of underwater noise, requiring proposals to take appropriate noise reduction actions. SE-UWN-2 enables clear and proportionate regulation to make sure marine activity respects environmental limits and protects biodiversity.	11, 13	314

Topic	Policy code	Policy text	Policy aim	Plan objectives	Page
		If it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding.			
Cumulative effects	SE-CE-1	<p>Proposals which may have adverse cumulative effects with other existing, authorised, or reasonably foreseeable proposals must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse cumulative and/or in-combination effects so they are no longer significant.</p>	While cumulative effects are considered in relevant assessments and decision-making, the increasing use of the marine area reinforces the need to consider and address cumulative effects of both terrestrial and maritime projects, in line with the aims set out in the UK Marine Policy Statement . In conjunction with and in support of other relevant south east marine plan policies, this policy is intended to ensure relevant effects, including those that may seem less significant in their own right, are taken account of and addressed. In doing so, the policy will help to ensure that the cumulative effect on the wider environment of the south east inshore marine plan area and other relevant receptors are effectively managed.	2, 3, 4, 6 11, 12, 13	321
Cross-border co-operation	SE-CBC-1	<p>Proposals must consider cross-border impacts throughout the lifetime of the proposed activity.</p> <p>Proposals that impact upon one or more marine plan areas or terrestrial environments must show evidence of the relevant public authorities (including other countries) being consulted and responses considered.</p>	SE-CBC-1 requires a considered approach to enhance cross-border co-operation between the terrestrial and marine planning systems in the south east inshore marine plan area, the bordering English east and south marine plan areas and the neighbouring jurisdiction of France.	1–13 (all plan objectives)	327

3 Using and implementing the South East Marine Plan

36. This section provides guidance on how to use and implement the South East Marine Plan. Public authorities will need to consider the South East Marine Plan where relevant. Proponents, those developing a proposal, and third parties such as advisers should consider the South East Marine Plan where relevant. It is the responsibility of the user to determine whether, and to what extent, the policies are relevant, and to apply them to a proposal in the context of their own processes and current practice.

3.1 Specific plan policy considerations

37. The marine plan policies affect different types of decision, including not only 'authorisations', such as those similar to plan-based permitting, but also those that are not 'authorisation' decisions and are capable of affecting the marine area. As such, the term 'proposals' is used where appropriate in the Plan policies to encompass the range of activities that could require a decision. This includes those that have no formal 'application' process as well as those that do. Plan policies can, therefore, apply to new developments, uses, management measures and other activities and, in the review of existing activities, authorisations or measures.
38. The South East Marine Plan addresses overall and specific issues of the south east marine plan area. Issues are described as either challenges or opportunities within the marine plan area. As the issues vary in impact and priority, the policy text has been written to reflect this. Public authorities and proponents should note whether a policy uses 'must/will' or 'should'. 'Must' or 'will' provide strong direction and greater certainty. 'Should' is used where greater flexibility is required, for example in relation to proportionality. This is consistent with the language used in the [UK Marine Policy Statement](#).
39. In some plan policies, eg SE-WQ-1, the mitigation hierarchy forms the second part of a policy, with the first part of the policy providing support to proposals that deliver positive impacts for the subject matter of the policy. Proposals will need to comply with the policy as a whole. In some cases, complying with the first part of the policy may negate the need to consider the second part of the policy, but such a determination will be case-specific.
40. Many of the terms used in the policies are defined or explained in the supporting text for each policy, aided by a glossary in the [Technical Annex](#). Information about net gain is included below in Box 1.

Box 1: Net gain

As set out in [A Green Future: Our 25 Year Plan to Improve the Environment](#), government has committed to leave the environment in a measurably better state. Management of the marine area, including through marine planning, will support the achievement of this commitment.

New thinking is developing on balancing growing demands in the marine area while meeting environmental commitments. One new concept is 'net gain', which seeks to ensure that those benefiting from use of the marine area make a measurable net positive contribution to the marine environment. Net gain would be delivered in addition to commitments already in place under existing environmental legislation, e.g. derogations.

Government has committed to the development of net gain under the 25 Year Environment Plan, and biodiversity net gain in land-based (terrestrial) situations has been developed to the mean low water mark (intertidal).

Work to consider how net gain might be delivered in the marine area is in progress but not sufficiently well advanced to include in this marine plan at this time.

3.2 Mitigation hierarchy

41. More than half of the policies in the South East Marine Plan include a so-called 'mitigation hierarchy'. Such policies require proposals to demonstrate that they will (a) avoid, (b) minimise and (c) mitigate adverse impacts on other marine users or environmental receptors to the level required by the policy. A small number of policies include a provision that allows proposals to (d) compensate for impacts that cannot be avoided, minimised and mitigated. Note, whether the (d) compensation provision is included or not, a plan policy does not change or remove existing provision for derogations set out in primary legislation. In around a third of the mitigation hierarchy policies, the (a)-(c) or (a)-(d) criteria are followed by a provision that allows proposals to 'state the case for proceeding' if they demonstrate they are unable to meet the criteria of the policy.
42. Around a third of the mitigation hierarchy policies require 'all' adverse impacts to be managed, while the remainder require only 'significant' adverse impacts to be managed. Variation in the content of the policies, ie whether the policy ends with (c), (d) or 'state the case for proceeding', together with differences in the level of adverse impacts that the policy aims to manage, ie 'all' versus 'significant', reflects the different legal, policy and evidence context for the subject matter of each policy. Generally, the policies with steps (a)-(c) will have more robust evidence or data supporting them, combined with stronger levels of protective legislation, policy and stakeholder support. Policies with steps (a)-(d), or a provision to state the case for proceeding, have a greater degree of flexibility in their application. Together with a distinction between 'significant' and 'all' adverse impacts, different variants of the mitigation hierarchy will deliver different protection outcomes when applied to a proposal. Users of the Plan should be aware of this variation in implementing the policies, informed by detailed considerations set out in supporting text for each policy in the [Technical Annex](#).

43. Irrespective of any variation, the mitigation hierarchy must be applied in the order in which it is set out. Proposals must first demonstrate they have a) avoided adverse impacts to the level required by the policy (all adverse impacts versus significant adverse impacts) before proceeding to demonstrate how they will (b) minimise the remaining impacts. Only then should proposals demonstrate how the remaining impacts will be (c) mitigated to the level required by the policy. Where provision for (d) compensation is included, this option should only be considered if proposals demonstrate that the requirements of (a)-(c) cannot be met. Broad definitions explaining the difference between avoid, minimise, mitigate and compensate are provided in Table 3, and examples are provided in the [Technical Annex](#) under the relevant policies. Proposals that include compensation measures will not automatically receive approval. Proposals, including their compensation measures, must meet the requirements of relevant legislation, including, but not limited to, [The Conservation of Habitats and Species Regulations 2017](#)¹⁹ and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#)²⁰. Where a proposal may result in adverse effects on the integrity of sites protected by [The Conservation of Habitats and Species Regulations 2017](#)²¹ and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#)²², the derogation route must be carried out in accordance with the requirements of the aforementioned regulations in order to be approved.
44. Where a mitigation hierarchy is followed by a provision to state the case for proceeding, the case should only be considered once the proposal has demonstrated why it is unable to meet the requirements of (a)-(c), or (a)-(d) where (d) is an option. Proposals will not receive approval by default for including this information. Decision-makers will take all relevant considerations into account on a case-by-case basis to determine if the case for proceeding outweighs adverse impacts that cannot be addressed in steps (a)-(c) or (a)-(d). Relevant considerations may include statutory reasons, other policies in the South East Marine Plan, and other material considerations such as other plans.
45. Policies will apply to a broad range of proposals, and an individual policy might cover a variety of components; for example, a policy that requires the management of significant adverse impacts on coastal habitat will apply to many types of habitat, with varying degrees of sensitivity and legal protection depending on its type and location. ‘Significant’ adverse impacts are not described definitively at the policy level, although examples are provided where appropriate and for guidance only. Decision-makers will take all relevant considerations into account, including best available evidence, to determine on a case-by-case basis whether the proposal will

¹⁹ As amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

²⁰ As amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

²¹ As amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

²² As amended by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

result in significant adverse impacts and to what level the impacts must be managed to ensure they are no longer significant.

Table 3: Broad definitions of terms in the mitigation hierarchy

Mitigation hierarchy requirement	Application
Avoid	To prevent the impact by removing the source. Proposals are designed so that adverse impacts are no longer received by the receptor. Proposals must attempt to avoid before moving to the minimise stage.
Minimise	To reduce severity to the smallest possible amount or degree by altering the intensity of the source. Proposals are designed so that adverse impacts received by the receptor, before mitigation is applied, are reduced to the smallest possible amount or degree. Proposals must attempt to minimise before moving to the mitigation stage ²³ .
Mitigate	To reduce how an adverse impact (after it has been minimised at source) is experienced by the receptor without altering it at the source. Proposals must attempt to mitigate before moving to the compensate stage, where applicable.
Compensate	To provide an act in return for causing adverse impacts. Proposals include measures to balance against the adverse impacts caused.

3.3 General considerations for public authorities in applying the Plan to decisions

46. The scope of decisions affected by marine plans means that the South East Marine Plan is potentially relevant to a wider range of public authorities²⁴ – more than may usually be the case for land-based plans. All public authorities are responsible for applying the South East Marine Plan through the decisions that they make using existing regulatory and decision-making processes. There are no new mechanisms. [Better Regulation](#) principles should be adhered to when implementing the South East Marine Plan.
47. Marine plans apply in different ways depending on whether the matter under consideration is an authorisation or enforcement decision under Section 58(1) of the [Marine and Coastal Access Act 2009](#) or, under Section 58(3), a decision that relates to the exercise of any function capable of affecting the whole or any part of the UK marine area, but which is not an authorisation or enforcement decision. In broad

²³ In some legislation, for example [The Conservation of Habitats and Species Regulations 2017](#), minimise is considered a form of mitigation, and the policy hierarchy does not remove the statutory processes set out in primary legislation

²⁴ For further information on public authorities, see [Marine and Coastal Access Act 2009 Section 322 \(1\)](#). See also [Implementation Mapping](#) for information, although it is ultimately for individual public authorities to determine the role of marine plans in their work

terms, an authorisation or enforcement decision is the determination of any application for authorisation to do any act that affects or might affect the UK marine area²⁵.

48. Public authorities must make decisions that fall under Section 58(1) 'in accordance' with the South East Marine Plan unless relevant considerations indicate otherwise. For decisions that fall under Section 58(3), public authorities 'must have regard' to the South East Marine Plan. It is for public authorities to establish all relevant considerations in relation to Section 58(1) as appropriate. Relevant material considerations would include local plans.
49. In respect of local authority decision-making, development plan policies are a material consideration in the determination of an application for planning permission. Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see Section 70(2) of the [Town and Country Planning Act 1990](#) and Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) – these provisions also apply to appeals)²⁶.
50. While marine plans and the [UK Marine Policy Statement](#) are material considerations in decision-making, it is important to note that a marine plan is not to be construed as a development plan under the [Planning and Compulsory Purchase Act 2004](#). Local plans may be a more relevant consideration than the marine plan in certain decision-making activities, for example housing should be regarded as a material consideration, as appropriate.
51. How the Plan informs the decision-making process is the responsibility of the relevant public authority. For example, the relevant public authority will determine if and how proposals meet the high level marine objectives, plan vision, and all relevant policies, with proponents considering the plan policies in developing their proposal and its submission.
52. Decisions must be compliant with relevant legislation, regulations and existing policies and measures, such as [Environmental Impact Assessment](#) through relevant regulations, including [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)²⁷, [The Marine Works \(EIA\) Regulations 2007](#) and [The Infrastructure Planning \(Environmental Impact Assessment\) Regulations 2017](#), as well as [Guidance Notes on the Offshore Petroleum Production and Pipelines \(Assessment of Environmental Effects\) Regulations 1999](#). The south east marine plan policies complement rather than replace these requirements, which may have a stronger influence on decisions. For example, the designation and management of marine protected areas must be made in accordance with the relevant legislation and policy underpinning them. In such cases, the marine plan policies help public

²⁵ See Section 58(4) of the [Marine and Coastal Access Act 2009](#) for details including exclusions.

²⁶ For further information on what constitutes a development plan, its role and application in local authority decision-making, see [The Planning and Compulsory Purchase Act 2004 Section 38](#).

²⁷ As amended by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018](#) and [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020](#)

authorities to understand the effect on or interaction with other interests. This may subsequently inform or alter the decision to be made.

53. This plan forms part of the relevant policy framework that will guide public authority decision-making in the south east inshore marine plan area. Decisions made in relation to Nationally Significant Infrastructure Projects fall under Section 58(3) of the [Marine and Coastal Access Act 2009](#). As such, the public authority (Secretary of State) making such decisions ‘must have regard’ to the South East Marine Plan alongside any relevant [National Policy Statements](#) or other relevant considerations.

3.4 How to use the Plan in the application and decision-making process

54. While public authorities will apply the South East Marine Plan to decisions they take, those introducing proposals that require the decision, sometimes in the form of an application for an authorisation, will need to have relevant regard to the Plan. To maximise benefits, the South East Marine Plan should be used throughout the development of proposals and in all stages of decision-making in line with current best practice. In taking a proportionate approach to applying policies, consideration should be given to the scale, complexity and impact of a proposal. Policies may provide support for a specific sector and can also help to identify potential challenges and offer direction on how to address them. One example is through negotiation and consultation. The South East Marine Plan can also help to ensure that submissions are informed by a knowledge of other activities occurring or proposed in any given area of interest. Making use of marine plans at the early stages of an application, prior to submission, can help to ensure an efficient decision-making process.
55. Those introducing proposals or making applications can use the South East Marine Plan and supporting tools (including the [Explore Marine Plans](#) digital service, described in Section 3.5) in proposal development and design, including refining the preferred proposal location. Further guidance structured around each stage of the application and decision-making process that users of the Plan go through is provided in Sections 3.6 to 3.9. Minimum requirements for submissions and determinations are set out in Section 3.8, with further material and guidance provided in Section 3.9, including:
- pre-application discussions and consultation
 - proposal development and design
 - formal submission and determination by the public authority

3.5 Explore Marine Plans – a digital marine planning service

56. The [Explore Marine Plans](#) digital service provides an online, interactive resource for viewing marine planning policies, evidence, and supporting information. It allows users to consider multiple sources of information at a resolution relevant to their interest. Proponents and public authorities are encouraged to:
- view other known activities, interests, and marine licences that may complement or conflict with a proposal to avoid, minimise or mitigate adverse impacts where possible, prior to the submission of a proposal

- identify appropriate parties with whom to discuss the proposal, for example, regarding areas of future offshore wind potential
- identify where the proposal contributes to economic, social and environmental considerations within the South East Marine Plan within any formal application
- use the policy checking tool to see:
 - which plan policies may apply to the proposal, and view the [Technical Annex](#) to identify how to meet policy-specific requirements
 - which plan policies from adjacent English marine plan areas may apply for decisions across plan area boundaries. The east and south marine plan areas are adjacent to the south east inshore marine plan area

57. In Table 4, similar types of policy are grouped together to provide a suggested walk-through for the [Explore Marine Plans](#) policy checking tool. Where policies deliver both enhancement and protection and therefore have two elements, the policy has been categorised in Table 4 based on the element that is likely to be applied most often. Box 1 in the South East Marine Plan [Technical Annex](#) provides more detailed information regarding map types. Data for the maps is updated regularly on the system.

Table 4: Policy walk-through

Walk-through step	Relevant policy codes
<p>Check the policies that are relevant to all proposals and apply across the whole of the inshore plan area.</p> <p>These are likely to apply to you and set out considerations or points to be aware of.</p>	<p>SE-ACC-1 SE-AIR-1 SE-CBC-1 SE-CC-2, SE-CC-3 SE-CO-1 SE-INF-2 SE-INNS-1, SE-INNS-2 SE-ML-1 SE-MPA-1, SE-MPA-4 SE-SOC-1 SE-UWN-1, SE-UWN-2</p>
<p>Check definitive policies that show a clear preference for certain activities in certain locations. These provide support for the relevant activities and preclude other activities or require them to be compatible.</p>	<p>SE-AGG-1, SE-AGG-2 SE-DD-1, SE-DD-2 SE-DEF-1 SE-PS-1, SE-PS-2, SE-PS-3 SE-REN-2</p>
<p>Check the policies that support existing use of the marine area. While these policies do not preclude other activities, they require proposals to work through a number of steps to reduce impacts on existing activities to enable co-existence and manage conflicts.</p>	<p>SE-BIO-1, SE-BIO-2, SE-BIO-3 SE-CAB-2 SE-CE-1 SE-DD-3 SE-DIST-1 SE-FISH-2, SE-FISH-3 SE-HER-1 SE-ML-2 SE-MPA-2 SE-OG-1 SE-SCP-1 SE-WQ-1</p>
<p>Check the policies that safeguard areas for future development by certain sectors. These may support your sector or require you to work through a number of steps to prevent affecting future activity if you wish to go there.</p>	<p>SE-AGG-3 SE-AQ-1 SE-CAB-3 SE-OG-2 SE-REN-1</p>
<p>Check for policies that directly support certain sectors, support diversification, skills enhancement or employment across all activities.</p>	<p>SE-AQ-2 SE-CCUS-1 SE-EMP-1 SE-FISH-1 SE-INF-1 SE-PS-4 SE-TR-1 SE-REN-3</p>
<p>Check for policies that support preferred methods and approaches including best practice, and support identification of the best way to successfully achieve a proposal.</p>	<p>SE-CAB-1 SE-CC-1 SE-MPA-3</p>

3.6 Pre-application

58. Early engagement between proponents, agents, third parties and public authorities is encouraged. Pre-application engagement can help remove uncertainty, support efficient decision-making and reduce the resources required. Pre-application engagement is likely to be most beneficial in larger or more complex proposals.
59. As an example, the Marine Management Organisation is the licensing authority for a range of development activities in England. Advice is provided by the Marine Management Organisation on the marine licence application process, and can be obtained on request through the online [Marine Case Management System](#).
60. Consideration of the South East Marine Plan and its [Technical Annex](#), alongside the [UK Marine Policy Statement](#), is recommended at the earliest stage. The South East Marine Plan will help:
- assess the viability of a proposal, helping to identify the best locations and discount those that are unviable, saving time and money
 - identify other activities and developments that may influence or be influenced by a proposal
 - identify relevant parties for discussions or consultation, such as potential partners in the case of co-locating/co-existing activities
 - clarify the appropriateness of information that needs to be provided and inform the level of assessment to be undertaken
 - identify policies relevant to the proposal, how they apply and the potential to contribute to the achievement of the Plan vision and the high level marine objectives
61. During pre-application discussion, public authorities should:
- encourage proponents to use the South East Marine Plan and [UK Marine Policy Statement](#) to understand and demonstrate how the proposal contributes to the south east marine plan vision and objectives
 - encourage use and submission of any evidence²⁸ used to demonstrate how relevant policies have been met within the proposal, proportionate to the scale, complexity and potential impact of the proposal and including evidence and discussions/consultation with appropriate parties, such as Marine Management Organisation, The Crown Estate, Department for Business, Energy and Industrial Strategy, The Ministry of Defence, and other border nations, where relevant
 - encourage explanation as to why the proposal should proceed in the event of a conflict with the South East Marine Plan

3.7 Proposal development and design

62. The South East Marine Plan assists in proposal development and design, including refining the preferred proposal location. Policies may provide support for a specific

²⁸ [Marine and Coastal Access Act 2009](#) Part 4 Section 67, paragraphs 4 and 5

sector and can also help to identify potential challenges and offer direction as to how to address them.

3.8 Proposal submission and determination

63. The minimum requirements a proposal should include are:

- the proposal location
- what is proposed
- when and how it is to be undertaken (methodology, materials, etc)
- why the proposal is being undertaken
- how the proposal contributes to the achievement of the high level marine objectives, the south east marine plan vision and policies (and/or the [UK Marine Policy Statement](#) where appropriate)
- reference to any relevant assessments, such as Habitats Regulations Assessments or Environmental Impact Assessments (as appropriate), to help demonstrate how the proposal addresses plan policies

64. Public authorities should:

- assess the proposal's contributions to the achievement of the high level marine objectives and the south east marine plan vision and policies
- evidence how the proposal and decision taken addresses the South East Marine Plan in support of compliance with the [Marine and Coastal Access Act 2009](#) Section 58, for example through data recording systems used as part of the public authority's own processes to illustrate relevant policies and case officer assessments
- request additional relevant information before proceeding with a decision where it is judged that a proposal has not provided the required information to make an informed assessment

3.9 Further material and guidance

65. The following additional plan-related material may be useful in providing wider context to marine plans and marine planning:

- [marine planning issues and evidence database](#) – a central part of marine plan development that can be used to view and appraise the issues raised and evidence used for marine planning
- **evidence reports** – [marine evidence and data](#) required for the work of the Marine Management Organisation, including marine planning, are systematically acquired and managed. The Marine Management Organisation makes sure that data and evidence are publicly available where possible, which is interpreted to a high standard for use in its decision-making
- **core development documents** – a [chronological list of documents](#) produced in the development of the South East Marine Plan, including iteration engagement and feedback documents
- **assessments** – of the South East Marine Plan, including the [Sustainability Appraisal](#) and [Habitats Regulations Assessment](#)

4 Monitoring and reporting

4.1 Approach to monitoring

66. The [North East, North West, South East and South West Marine Plans Approach to Monitoring](#) describes how the South East Marine Plan will be monitored, and will be supported by an Annex of Indicators that will set out indicator descriptions.
67. The Marine Management Organisation's approach to monitoring is informed by [The Magenta Book](#).

4.2 Reporting

68. The [Marine and Coastal Access Act 2009](#) Section 61(1) sets out a duty to prepare and publish, and lay before parliament, a copy of a report on the following matters (as set out in the [Marine and Coastal Access Act 2009](#) section 61(3)):
- (a) the effects of policies in the marine plan;
 - (b) the effectiveness of those policies in securing that the objectives for which the marine plan was prepared and adopted are met;
 - (c) the progress being made towards securing those objectives;
 - (d) if a [Marine Policy Statement](#) governs marine planning for the marine plan authority's region, the progress being made towards securing that the objectives for which the Marine Policy Statement was prepared and adopted are met in that region.
69. Reporting must occur at intervals of not more than three years from the date of marine plan adoption. From this report, the marine plan authority must decide whether or not to amend or replace the marine plan. Under Section 61(1)(c), a report must also be produced at intervals of not more than six years, identifying any marine plans that have been adopted, any intention to amend adopted plans and the planned adoption of further plans.
70. The report is prepared on Behalf of and agreed by Secretary of State at the Department of Environment, Food and Rural Affairs. Once agreed the reports are laid before Parliament.
71. Activities in relation to monitoring and reporting duties under the [Marine and Coastal Access Act 2009](#) Section 61 must also be carried out in such a way as to fulfil duties under Section 54, which specifies a duty to keep relevant matters under review.