EXECUTIVE SUMMARY

1. The Marine Management Organisation was formed in April 2010. As part of its remit a number of previous licensing systems were integrated into a new Marine License regime, covering all tidal waters up to the mean high water mark.

2. However the terrestrial Planning system retains jurisdiction down to the low water mark. Accordingly, developments involving the intertidal zone now involve a number of regulators, routinely Marine Licensing and Planning Permission, very often involving the Environment Agency and Natural England and potentially a wide range of others, according to the particular circumstances. This has lead to widespread concerns for such projects, as being subject to ‘regulatory overload’, with the resulting cost and time involved.

3. Under the government’s ‘Red Tape Challenge’ this situation was identified by the BIS department, who promoted a ‘Coastal Concordat’ between the major regulators involved, with a view to integrating and simplifying the processes involved for applicants, via cooperation and joint working by the regulators. That has now been signed by the Departments and bodies involved, which include the LGA Coastal Special Interest group representing Local Planning Authorities. It was formally launched on 11th November 2013 by the Business Minister, Michael Fallon.

4. This report recommends that Waveney District Council accept an invitation to adopt the Concordat, as an ‘Early Adopter’, with an involvement in shaping the processes for its operation in the future.

Is the report Open or Exempt? | Open
---|---
Wards Affected: | All Wards in the District
Cabinet Member: | Councillor David Ritchie
| Cabinet Member for Planning & Rural Affairs
Supporting Officer: | Philip Ridley
| Head of Planning & Coastal Management
| 01394 444432
| philip.ridley@suffolkcoastal.gov.uk
1 INTRODUCTION

1.1 As part of the Government’s Red Tape Challenge, a piece of work has been undertaken, led by the Department for Environment, Food and Rural Affairs (DEFRA), to review the consenting regimes and the interaction between the various regulators, including the relevant local planning authority, for consenting development proposals in the coastal zone, to help deliver sustainable growth. They proposed the development of a Coastal Concordat, an agreement between the main regulatory bodies for co-ordinating the consenting process for coastal development in England.

1.2 See Appendix B for a short list of potentially required consents and requirements for coastal projects. Those listed are relatively common, in various permutations. (A very much longer list could be constructed regarding a wide variety of less common and very particular regulations.)

1.3 DEFRA were charged to conduct a process with the regulators to develop the Concordat, and accordingly set up a drafting group for that purpose in February 2013.

1.4 The other signatories are the Department for Business, Innovation and Skills (BIS), Department of Communities and Local Government (DCLG), Department of Transport (DfT), Marine Management Organisation (MMO), Environment Agency (EA), Natural England (NE), the National Parks Association and the Local Government Association (LGA). The LGA representative was Councillor Andy Smith in his role as Chairman of the Coastal Special Interest Group (LGA SIG) supported by Philip Ridley in his role as Head of Planning and Coastal management but also in his role as the representative of the Planning Officers Society (a national organisation of leading planners in the public sector).

1.5 The work has now been completed by the group, the Concordat was well received and signed off by the Cabinet Office and formally launched by Business Minister Michael Fallon on 11th November 2013.

2 THE COASTAL CONCORDAT

2.1 The Concordat, attached as Appendix A to this report, sets out key principles for co-ordinating the consenting process for coastal development in England. These principles have been developed by representatives of organisations who are directly involved and offers benefits to applicants, regulators and advisors by reducing unnecessary regulatory duplication, providing better sign-posting, streamlining assessments and increasing transparency and consistency of advice. Once adopted, the Concordat approach can apply to any applications for coastal development in the coastal zone, except those where co-ordination mechanisms are already in place e.g. via Development Consent Orders under the Planning Act 2008.

2.2 It provides a framework within which the separate processes for the consenting of coastal developments can be better coordinated and therefore speeded up to ensure earlier delivery, with reduced costs for both developers and the regulators.

2.3 The concordat is based on five high level principles:-

1) applicants seeking approval should be provided with a single point of entry into the regulatory system for consenting coastal development, guiding them to the organisations responsible for the range of consents, permissions and licences that may be required for their development.

2) Regulators should agree a single lead authority for coordinating the requirements of Environmental Impact Assessment (EIA) Directive or Habitats Regulations Assessments (HRA)

3) Where opportunities for dispensing or deferring regulatory responsibilities are legally possible and appropriate, they should be taken

4) Where possible, at the pre-application stage, competent authorities and statutory advisors should agree the likely environmental and habitats assessments evidence requirements of all authorities at all stages of the consenting process
5) Where possible regulators and statutory advisors should each provide coordinated advice to applicants from across their respective organisations

3 HOW WILL THIS WORK IN PRACTICE

3.1 In practice the Concordat means that there will be a joint approach between any Local Planning Authority who has agreed to work under the Concordat and the MMO, EA, NE, and the DIT where relevant (ports applications) for all applications for development that are in the inter-tidal zone and hence have both terrestrial and marine aspects. Via the Single Point of Entry concept this means that the applicant should be fully aware of all the regulatory requirements that they must meet at the outset of their project, and that these requirements can be either be met at the same time or parallel tracked during the determination process. This way of working will not change any of the statutory responsibilities of any regulator or advisor, but it should constitute a “no surprises” approach to regulation at the coast, which in turn should ensure that any application is determined as quickly as possible.

3.2 Prime local examples recently were the redevelopment of the Pier at Felixstowe and the Felixstowe South Reconfiguration (FSR) at the Port within the Suffolk Coastal District, which each illustrated the current difficulties in both of understanding all the necessary consents and licenses and the delays that may ensue. The applicant’s agent for the Pier proposal was unaware of all the marine consent/licensing requirements such that that development was initially still no further forward, having had planning consent issued. Suffolk Coastal District Council stepped in via the Felixstowe Futures team to assist the applicant in that instance. The potential flooding and bridge issues in and around Lake Lothing will also be matters that can be better addressed via this Concordat.

3.3 To ensure the principles of the Concordat actually work in practice, and can therefore be promoted as being best practice, DEFRA are seeking to use a number of different Local Planning Authorities as “Early Adopters” to trial the system and develop the necessary processes. This work will cover a range of developments in terms of their type and scale. This will allow the Council to play a formative role in this process with the other regulators, notably EA and NE.

3.4 The Council previously expressed an interest in being an Early Adopter, prior to the launch and publication of the Concordat. Accordingly, it is now proposed that Waveney District Council accepts DEFRA’s invitation and formally adopts the Concordat.

3.5 It is also expected that In addition the Concordat will be promoted through the Suffolk Coast Forum, to developers via our Economic Development team, through our various partnerships and in other contexts where relevant.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

4.1 The Concordat is a welcome initiative which will benefit the efficient delivery of growth. It is acknowledged that the direction for ensuring the principles work for each potential development will be likely to rest with the local planning authority. This will increase the work of our Planning Team at the outset of discussions. However it will also result in efficiency savings during the consideration of proposals as all the relevant regulatory bodies will have agreed the issues to be considered such that when the application is made it should be more complete resulting in a more streamlined process.

5 CONCLUSION

5.1 The delivery of this Concordat is to be welcomed and demonstrates again that the work of this Council, together with Suffolk Coastal, is at the forefront of emerging thinking at a national level. For this district, with its coast and estuaries, the benefits of having this Concordat in place are clear and being an Early Adopter will enable the council to guide the approach and to test the effectiveness thereof.
**RECOMMENDATIONS**

1. That Cabinet welcomes the publication of the Coastal Concordat and the benefits it will bring to managing development more effectively in the Coastal Zone

2. That Cabinet supports the Council adopting the Coastal Concordat as the method of working with other regulators regarding Planning Permission and other consents in respect of developments in the inter-tidal zone

3. That Cabinet supports the Council acting with others as an Early Adopter to progress the development of processes between coastal regulators in line with the Concordat principles

**APPENDICES**

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**BACKGROUND PAPERS - None.**