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Integrated Coastal Zone Management and the Planning System in England

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Integrated Coastal Zone Management and the Planning System in England

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Part A Planning and the coast 1992 – 2004

A.1 Introduction

- A.1.1 The objectives of the study are set out in the Appendix. Essentially, it is a study of the planning system over the last 12 years, or so, in respect of town and country planning at the coast and an analysis of how new legislation and policy changes could improve Integrated Coastal Zone Management (ICZM). The town and country planning system as operated during the period 1992 to 2004 is referred to in this report as the “town and country planning system”; the new system, post the Planning and Compulsory Purchase Act 2004, is referred to as the “new spatial planning system”. When referring to both systems, or to planning generally, the “planning system” is used.
- A.1.2 It has been a desk-based study drawing on published literature and discussion, but the nature of the project inevitably means that the report is substantially based on the empirical knowledge and professional views of the author. There are innumerable ways of describing the town and country planning system and the new spatial planning system. The report concentrates on what the author considers to be relevant to the project (ICZM). It is not intended to be a comprehensive analysis. Different planners will hold different views, not only about the operation of the town and country planning system but also about the operation of the new spatial planning system. Many planners believe that there are fundamental tensions between the Government objectives of speeding up the plan making process and engaging more stakeholders that may make them jointly unachievable
- A.1.3 Whilst the focus of the project has been on the English planning system and practice, the author has drawn on his experience of the planning system in Ireland, Northern Ireland, Scotland and Wales.

A.2 Integrated Coastal Zone Management

- A.2.1 The European Union adopted its Recommendation on implementing Integrated Coastal Zone Management (ICZM) in Europe on 30 May 2002¹. ICZM is intended to create a framework to facilitate the integration of activities of all those involved in the **development, management and use** [emphasis added] of the coastal zone. It aims to establish sustainable levels of economic and social activity in coastal areas while protecting the environment. The Recommendation commends Member States to undertake a ‘stocktake’ of legislation, institutions and stakeholders in the coastal zone and to develop national strategies to deliver ICZM. It highlights the principles of ICZM as follows:

- taking a long term view;
- a broad holistic approach;
- adaptive management;
- working with natural processes;

¹ European Commission (2002) *The Communication from the European Commission and the Council of the European Parliament on Integrated Coastal Zone Management: a strategy for Europe*

- support and involvement of relevant administrative bodies;
- use of a combination of instruments;
- participatory planning;
- reflecting local characteristics.

A.2.2 In addition to the statutory town and country planning system, which controls **development**, there are two particularly important systems contributing to the **management** of the coast, namely Shoreline Management Plans and Coastal Habitat Management Plans. These are, however, non-statutory.

Shoreline management plans

A.2.3 Shoreline Management Plans are intended to help to implement the Government's flood and coastal defence strategy published in 1993 (MAFF 1993). They are prepared on the presumption that natural coastal processes should not be disrupted, except where life or important natural or man-made assets are at risk. The first plans covering the whole of the coastline of England and Wales were completed in 1999. They provide the basis for a holistic, sustainable approach to coastal defence planning over the next 50 years.

Coastal habitat management plans

A.2.4 Coastal Habitat Management Plans are part of an initiative developed through the European Union LIFE project *Living with the Sea* undertaken jointly by English Nature, the Natural Environment Research Council, the Environment Agency and the Department for Environment, Food and Rural Affairs. The Plans identify likely losses and gains in wildlife habitats, on changing coastlines, over the next 30 - 100 years, the flood and coastal defence works that need to be undertaken to maintain protected habitats, and the new habitats that will need to be created to offset losses. The Plans also include strategic habitat monitoring programmes to map future changes. The actions will be delivered through Shoreline Management Plans and flood and coastal defence strategies and schemes.

A.3 Outline of the town and country planning system

Purpose

A.3.1 The town and country planning system in England is based on legislation and principles established in the mid 1940s, and which came into operation on 1 July 1948 (Anon 1947). It was intended to help the post-war rebuilding of Britain's towns and cities and was brought forward as part of a package of radical social and environmental reforms, other examples of which include the establishment of National Parks, National Nature Reserves and Sites of Special Scientific Interest (Anon 1949).

A.3.2 The principal purpose of the town and country planning system in England is to regulate the development and changes of use of land in the public interest "*Good planning is a positive and proactive process, operating in the public interest, through a system of plan preparation and control over the development and use of land.*" (Office of the Deputy Prime Minister, 2005, para 2)

Definition and scope

A.3.3 To understand the town and country planning system, it is essential to understand the statutory definition of "development" (Anon 1990 S.55). This is divided into:

- a) operations - building, engineering, mining and other operations which have a physical manifestation and alter the land: a wall or building is built; or a track or pipe-line is laid; or minerals are extracted; and
- b) material changes of **use** - not necessarily involving physical operations but changes in the use of land or buildings, (which will usually, but may not always, result in a change in the **activities** taking place there), that are material to planning considerations.

A.3.4 Of relevance to ICZM, and despite the title of "Town and Country Planning", in practice the majority of land use planning activity relates to urban areas. Development in the countryside has generally, and increasingly, been constrained by policy but in any event, the use of land for the two most extensive land uses in England - agriculture and forestry - has always been excluded from the legal definition of "development" (Anon 1990 S.55(2)(e)). Thus, Local Planning Authorities have had no control over the **use** of land for agriculture or forestry (including afforestation), only for **operations**, such as building or engineering operations, related to agriculture and forestry.

A.3.5 One of the key characteristics of ICZM is its comprehensive approach to **development, management and use (activities)** in the coastal zone. Thus, it is particularly pertinent here to emphasise that the town and country planning system has had little or no control over the ongoing **management** of land, only its **development** including **changes** of use but not ongoing uses already established. Generally speaking, once a development has been completed in terms of its construction or establishment, the way in which the land is subsequently managed is not normally a planning matter.

A.3.6 Moreover, the town and country planning system does not directly control all development. Indeed, some of the most important coastal developments in the form of major infrastructure projects are determined at national level by Ministers through regulatory regimes for power stations (including on shore and off-shore wind farms) and electricity power-lines, oil and gas installations and pipe-lines, railways and bridges and most harbour or port developments (Anon 1962, 1964, 1989, 1992). The Crown was also exempt from the town and country planning system (Anon 1990 Part XIII) including for example, military development and land use.

Jurisdiction

A.3.7 The town and country planning system operates only above Mean Low Water Mark (Department of Environment 1992 para 1.6), even if the jurisdiction of a local authority extends seaward. Thus, for example in an estuary, the local authority "boundary", for some purposes, may well be down the middle of the estuary, equally sharing the sub-tidal area with the local authority on the opposite shore, but planning

jurisdiction is not so extensive and terminates at Mean Low Water Mark. Given that Crown Estate ownership and most marine regulatory controls, for example, Food and Environment Protection Act licences (Anon 1985), start at Mean High Water Mark, there is duplication of terrestrial planning and marine regulation over the inter-tidal area.

Operation

A.3.8 Since 1948 the planning system has had two fundamental elements: firstly, a system for producing “development plans” and secondly, a system of implementing them through “development control”. The nature and scope of the development plans and development control mechanisms have changed and tended to become more comprehensive and complex over the years, but the town and country planning system and the new spatial planning system continue to be founded on the basis of development plans and development control.

A.3.9 Essentially, the town and country planning system that came into force on 1 July 1948 imposed a prohibition on new development, as defined by the Act and with a few exceptions, unless it had the benefit of planning permission. It comprised a statutory power for local planning authorities to draw up development plans and charged them with the responsibility of determining the applications for planning permission, having regard to the provisions of any development plan. Planning permission was granted either generally by a "Development Order" made by the relevant Minister or on an application to the local planning authority. That principle remains today. Ministers were given concurrent and default powers but, in contrast to the regulatory regimes in the marine environment, which are almost exclusively controlled by central Government, the town and country planning system is administered predominantly by local government.

Government influence

A.3.10 Nevertheless, the Government is a major, and occasionally dominating, influence on the planning system because of the considerable volume of national policy and guidance with which local development plans and development control decisions should generally comply. The main purposes of Government guidance are to provide consistency between the 400+ local planning authorities with planning functions in England, guidance on how to implement planning legislation and to steer decisions, policies and proposals in directions compatible with Government policy. The volume and scope of Government guidance has grown fairly consistently over the years as a result of a continuous process of local planning authorities wanting more of a steer on particular issues and Government wanting to exert more policy influence over decisions.

A.3.11 None of the guidance has a statutory basis but it is a material consideration in preparing development plans and deciding planning applications. The possibility of Government recovering jurisdiction over a development plan or planning application or issuing directions to a local planning authority is ever present. It has the effect of encouraging local planning authorities to follow Government policy and guidance. It is particularly influential when the First Secretary of State, or an Inspector on his

behalf, is determining an appeal or application when, as might be expected, the Minister's policies will be applied.

A.3.12 Government guidance in England under the town and country planning system took four forms:

- a) Planning Policy Guidance Notes of which there are 25, giving statements of Government policy;
- b) Mineral Planning Guidance Notes of which there are 15, giving policy and guidance on mineral planning (there is also a Marine Minerals Guidance Note);
- c) Circulars generally dealing with advice on administrative and procedural matters; and
- d) Regional Planning Guidance for each of the eight Government Office regions plus London.

Regional planning

A.3.13 Regional Planning Guidance was first produced in the mid 1980's and has been reviewed regularly since. It has been drafted by various regional fora but always adapted, and adopted, by the Secretary of State. Thus, although the constituent local authorities of each region had a major hand in drafting the Regional Planning Guidance Notes, ultimately central Government determined the final guidance in them. The Regional Planning Guidance process, especially its influence on difficult and controversial issues, such as the level and distribution of housing to be accommodated in structure plans, has caused tensions between Government and local planning authorities. Regional Planning Guidance Notes had no statutory basis but were a material consideration in the making of development plans and planning decisions. Each Regional Planning Guidance Note review tended to produce more comprehensive guidance and a stronger spatial dimension to the policies.

Development plans

A.3.14 The town and country planning system is a plan-led system, relying on section 54A of the Town and Country Planning Act 1990 that requires all planning decisions to be made in accordance with the development plan unless "material considerations" indicate otherwise (S.38 of the Planning and Compulsory Purchase Act 2004 reiterates this legal requirement). The development plan system operating since 1992 was established in 1968 and comprised a two tier system with:

- a) Structure Plans which formed the strategic policy framework and indicated, on a key diagram, the general location and distribution of development at county-wide level; **and**
- b) Local Plans which provided a detailed policy framework, with specific proposals in the form of development allocations, land use zones and designations constraining development, all on an ordnance survey base map; **or**

- c) in London and the former Metropolitan areas the Borough Councils were required to produce a single Unitary Development Plan for their area. Unitary Development Plans comprise the strategic element in Part I, equivalent to the structure plan, and the local plan element in Part II.

Development control

- A.3.15 The development control system is the process of deciding applications for planning permission, Listed Building, Conservation Area, Tree Preservation Order and Advertisement consents (amongst others), this is the primary way in which the development plan is implemented. In other words, the development plan tends to be implemented by reactive development control, rather than by proactive initiation of development by local planning authorities, which is quite rare. The weight attached to the development plan, together with high land values where development is likely to be permitted, tends to mean that allocations of areas for new development are brought forward through the development control system, by developers and landowners, quite quickly.
- A.3.16 Development control has been characterised by an increasingly complex body of legislation imposing generally more detailed and rigorous control (changes relaxing development control have been outweighed over the years, by changes that increase it). Reflecting the fact that the 1947 Act denied people the right to develop land in their interests, as opposed to the public interest, the system is endowed with rights of appeal for landowners and developers who are aggrieved by planning decisions of local planning authorities restricting or denying their development aspirations.
- A.3.17 Relevant to the objectives of ICZM, the town and country planning system is also founded on the expectation that if permission to carry out development is to be refused, the planning authority (local planning authority, Inspector or Secretary of State) must be able to show that the development is not in accordance with the development plan or, if it is, that other material considerations indicate that it would be harmful to the public interest and it should be refused. (S.54A Town and Country Planning Act 1990 and S.38 Planning and Compulsory Purchase Act 2004). It would not normally be sufficient merely to assert possible harm, as if the precautionary principle applied.
- A.3.18 In practice, almost all appeals to the First Secretary of State are delegated for decision to an Inspector employed by the Planning Inspectorate. When a planning application is called in, a planning Inspector is appointed to hold a public inquiry and report the case to the First Secretary of State with a recommendation as to the decision that should be made.

Public participation and influence

- A.3.19 Planning decisions can have important direct and indirect effects on people, as individuals and communities, both beneficially and adversely. People regard planning decisions as important and seek to influence them. Transparency, openness and accountability have been important characteristics of the town and country planning system, but the degree of public involvement seems to be a reflection of the degree to

which planning decisions are perceived by the public to have the potential to affect them locally. Although the town and country planning system has been held to be consistent with the Human Rights Act 1998, the Government continues to look for ways of increasing public engagement in the planning system but, paradoxically, it is almost certainly the extensive processes of public consultation that have slowed the preparation and adoption of development plans and the expeditious determination of planning applications which have driven the Government to introduce many of the changes in the 2004 Act.

A.4 Planning and the coast 1992 Planning Policy Guidance Note 20

A.4.1 It is in the light of the above analysis that the importance of Planning Policy Guidance Note 20 (DoE 1992) can be appreciated. Planning Policy Guidance Notes were essentially introduced on an as needed basis, to enable Government to express policy and give practical guidance to local planning authorities in respect of important policy areas. Notably Planning Policy Guidance Note 20 is one of only four "spatial" Notes². Apart from the general introductory Note 1, now renamed and reissued as a Planning Policy Statement (ODPM 2005), most other Planning Policy Guidance Notes address sectoral topics such as housing (DETR 2000) or business development (DoE 1992a) or they address subject areas such as pollution (DoE 1994) or conservation of nature (DoE 1994a) or the historic environment (DoE 1994b). It can be assumed therefore, that Government acknowledged that the coast needed to be addressed as a distinct area or zone with particular planning issues.

A.4.2 Similarly Scotland's National Planning Policy Guideline 13 "Coastal Planning" (SEDD 1997) is one of only three spatial National Planning Policy Guidelines (NPPGs)/ Scottish Planning Policy documents (SPPs)³ (out of 20 extant NPPGs/SPPs). It urged planning authorities in Scotland to classify the coast into three types developed, undeveloped and isolated coasts and provided further guidance on how to do that (SEDD1998).

A.4.3 Evidence of the factors that led to the coast being distinguished as a zone that needed special treatment can be found in the introduction of Planning Policy Guidance Note 20.

“The coast is an important national resource. A range of economic and social activities require coastal locations, and certain natural and historic landscapes and habitats are particular to coastal areas. Concerns about rising sea levels and the need for development to be sustainable are focusing increased attention on the special value of the coast.” (DoE, 1992 para 1.1).

A.4.4 As Planning Policy Guidance Note 20 predated the ICZM initiative, there is no mention of the imperative of ICZM being driven from Europe. Rather it is a

² The four spatial PPGs being: PPG 2 Green Belts; PPG 6 Town Centres (and Retail Development); PPG 7 The Countryside and PPG 20 the Coast.

³ The three spatial NPPGs are: NPPG 8 Town Centres and Retailing; NPPG 13 Coastal Planning and NPPG 15 Rural Development

“domestic” recognition of the problems of the coastal zone, a finite resource of acknowledged value under sporadic but locally intense development pressure, vulnerable to the effects of development and which itself can have serious consequences for development that is not located appropriately.

A.4.5 The limitations of the town and country planning system, in terms of planning and managing the coast, caused by the demarcation of Mean Low Water Mark as the extent of planning jurisdiction is clear from Planning Policy Guidance Note 20. It defines the “coastal zone” as follows:

“The coastal zone extends seaward and landward of the coastline. Its limits are determined by the geographical extent of coastal natural processes and human activities related to the coast.

For planning purposes, however, as a general rule the limit of the coastal zone in the seaward direction is mean low water mark. Above mean low water mark, local planning authorities have powers to control the development and use of land under the Town and Country Planning Act 1990.

Local planning authorities will need to consider how best to define the coastal zone for their areas. This should be based on local circumstances and the key coast-related planning issues to be covered in their planning policies. It could include areas affected by offshore and near-shore natural processes, such as areas of potential tidal flooding and erosion; enclosed tidal waters, such as estuaries and surrounding areas of land; and areas which are directly visible from the coast. The inland limit of the zone will depend on the extent of direct maritime influences and coast-related activities. In some places, the coastal zone may be relatively narrow, such as where there are cliffs. Elsewhere, particularly where there are substantial areas of low-lying land and inter-tidal areas, it will be much wider.” (DoE 1992 paras 1.5-1.7)

A.4.6 Planning Policy Guidance Note 20 emphasises the importance of coastal designations, especially the 44 Heritage Coasts which occupy about 1500km (about one-third) of the open coast of England and Wales. The objectives of Heritage Coasts were defined as:

“The main objectives of Heritage Coasts, as updated in 1991 and endorsed by the Secretary of State, are:

- to conserve, protect and enhance the natural beauty of the coasts, including their terrestrial, littoral and marine flora and fauna, and their heritage features of architectural, historical and archaeological interest;
- to facilitate and enhance their enjoyment, understanding and appreciation by the public by improving and extending opportunities for recreational, educational, sporting and tourist activities that draw on, and are consistent with the conservation of their natural beauty and the protection of their heritage features;

- to maintain, and improve where necessary, the environmental health of inshore waters affecting heritage coasts and their beaches through appropriate works and management measures; and
- to take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts, through promoting sustainable forms of social and economic development, which in themselves conserve and enhance natural beauty and heritage features.” (DoE 1992 para 1.17)

A.5 Review of legislative and policy changes 1992 – 2004

Introduction

A.5.1 Legislative and policy changes are introduced for one or more of three reasons. The change is required by a court decision indicating a deficiency or discrepancy in the law; a requirement of an international obligation such as an European Union Directive; or a change in, or extension of, policy by the Government. Court decisions have been, and still are very influential in the interpretation and application of planning law. Thus, legislative change in the planning system can be driven as much by the need to adapt the law in response to court decisions as to achieve political objectives. Changes in Government policy can also sometimes be the result of court decisions. Other changes to the planning system have been introduced to comply with the requirements of Directives from the European Union or other international obligations.

General and gradual trends and changes in policy

A.5.2 Between 1997 and 2003 the Government sought to further integrate planning and transport, promote the idea of wider spatial planning strategies, and raised the profile of regional planning. The later round of draft Regional Planning Guidance Notes has begun to reflect the Government's aspirations to achieve a series of more integrated regional spatial strategies embracing conventional land use planning issues together with transport and wider socio-economic and environmental issues prepared and adopted by Regional Planning Bodies.

A.5.3 Since the Rio conference of 1992 and the first UK Sustainable Development Strategy (Anon 1990), the concept and principles of "sustainable development" have penetrated the planning system and become embedded in all plan making activity as a general aspiration, eventually leading to the statutory purpose of planning being defined in S.39 of the Planning and Compulsory Purchase Act 2004. Encouraged by the 'Local Agenda 21' process, also flowing from the Rio conference, local policy frameworks increasingly claimed to be underpinned by sustainable development, although it has not always been transparently incorporated into detailed policies and proposals in development plans.

A.5.4 There has also been an important shift in policy approach to planning over the last few years from one of "predict and provide" to one of "plan, monitor, manage and review". Under the former approach, forecasts of development requirements tended to be

unconstrained and maximised to ensure there was no limit to the amount of land available to meet market demands for housing, industry, retailing, mineral extraction etc. “Plan, monitor, manage and review” is a more measured approach to land availability, which reflects environmental constraints and the principles of sustainable development. There is an increasing tendency in regional and local plans to more explicitly adopt a precautionary approach and to at least try to manage demand and assess development and / or environmental capacity, though these techniques are in their infancy.

A.5.5 The period 1992 to 2004 also saw an increasing awareness of the need to address the causes and implications of climate change through the planning system, including rising sea level and increased flood risk at the coast. This will be evident from the subject material of the policy changes listed below.

Specific changes in or additions to policy relevant to ICZM

1993	<i>Coastal Planning and Management</i> National Coasts and Estuaries Advisory Group (and Local Authority Associations) Report and Guide on how Local Authorities were tackling the issues affecting the coastal zone and providing practical solutions through coastal planning and management.
1993 Sept	<i>Strategy for Flood and Coastal Defences in England and Wales</i> Ministry of Agriculture, Fisheries and Food and the Welsh Office, a new approach to defences to be steered by the production of Shoreline Management Plans see paragraph A2.3 above.
1993 Oct	<i>Development Below Low Water Mark A Review of Regulation in England and Wales</i> Department of the Environment and Welsh Office.
1994	<i>Planning and Pollution Control</i> Planning Policy Guidance Note 23 Department of the Environment.
1994 Oct	<i>Nature Conservation</i> Planning Policy Guidance Note 9 Department of the Environment.
1994 Jan	<i>Biodiversity the UK Action Plan</i> White Paper delivering the first UK wide Biodiversity Action Plan Department of the Environment.
1995 May	<i>Shoreline Management Plans A guide for coastal defence authorities</i> Ministry of Agriculture, Fisheries and Food, English Nature, National Rivers Authority and others.
1995 Nov	<i>Policy Guidelines for the Coast</i> Department of the Environment
1998 July	<i>A New Deal for Transport: Better for Everyone</i> : White Paper on the Future of Transport.
1999 May	European Community <i>European Spatial Development Perspective</i> .
1999 May	<i>A Better Quality of Life - A Strategy for Sustainable Development in the UK</i>
1999 Dec	<i>Quality of Life Counts Indicators of Sustainable Development for the UK – a Baseline Assessment</i> .
1999 Dec	<i>Flood and Coastal Defence Project Appraisal Guidance Economic Appraisal</i> Ministry of Agriculture, Fisheries and Food.
2000 Feb	Guidance on Preparing Regional Sustainable Development Frameworks.
2000	<i>Local Quality of Life Counts – A Handbook for a Menu of Local Indicators for Sustainable Development</i> .
2000 Nov	<i>Modern Ports a UK Policy</i> Department of Transport.

2001	<i>Water Resources for the Future – A Strategy for England and Wales</i> The Environment Agency.
2001 July	<i>Development and Flood Risk Planning Policy Guidance Note 25.</i>
2002	<i>Safeguarding Our Seas A Strategy for the Conservation and Sustainable Development of our Marine Environment</i> Department for Environment, Food and Rural Affairs, Scottish Executive and Welsh Assembly Government
2002 Aug	<i>Guidance on the Extraction by Dredging of Sand Gravel and Other Minerals from the English Sea Bed.</i> Marine Minerals Guidance Note 1 (MMG 1).
2002 Aug	2002 Oct <i>Working with the Grain of Nature – A Biodiversity Strategy for England</i> Department for Environment, Food and Rural Affairs.
2003 Feb	<i>Building Knowledge for a Changing Climate.</i>
2003 Feb	Energy White Paper: <i>Our Energy Future – Creating a Low Carbon Economy.</i>
2003 Oct	Influential Conference, London, <i>Spatial Planning in the Coastal Environment: Next Steps to Action.</i>
2004 Jan	OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, Workshop on <i>Spatial Planning in the North Sea.</i>
2004 Feb	<i>Community Involvement in Planning: The Government’s Objectives.</i>
2004 Feb	<i>Creating Sustainable Communities</i> Draft Planning Policy Statement 1 Office of the Deputy Prime Minister.
2004 June	<i>A Development Plan for Marine Aggregate Extraction in England - A Scoping Study</i> Office of the Deputy Prime Minister.
2004 July	<i>Sustainable Development in Rural Areas</i> Office of the Deputy Prime Minister, Planning Policy Statement 7.
2004 Aug	<i>Renewable Energy</i> Office of the Deputy Prime Minister, Planning Policy Statement 22.
2004 Sept	<i>The Planning Response to Climate Change: Advice on Better Practice</i> Office of the Deputy Prime Minister.
2004 Oct	<i>Making space for water - developing a new Government strategy for flood and coastal erosion risk management in England</i> Department for Environment, Food and Rural Affairs.
2005 Feb	<i>Delivering Sustainable Development</i> Final Planning Policy Statement 1 Office of the Deputy Prime Minister.

Principal changes in law relevant to ICZM

1994	The Habitats Regulations introduced to transpose the requirements of the Birds and Habitats Directives into planning and related processes (subsequently amended).
1999	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations introduced to enhance the scope and implementation of project Environmental Impact Assessment in England and Wales to meet the requirements of the upgraded European Commission's Environmental Impact Assessment Directive of 1997.
2000	Countryside and Rights of Way Act 2000 improving protection and management of Sites of Special Scientific Interest and increasing duties on all public bodies to conserve and enhance the special interest features of Sites of Special Scientific

- Interest and setting out more stringent consultation requirements for them, including planning authorities
- 2003 The Water Environment (Water Framework Directive) (England and Wales) Regulations require all inland and coastal waters to reach a defined “good status” by 2015, by establishing a river basin district planning structure within which demanding environmental objectives will be set including ecological targets for surface water.
- 2003 In Scotland it is worth noting that the Water Environment and Water Services (Scotland) Act 2003 empowers the Scottish Ministers to extend planning jurisdiction to control aquaculture developments in inshore waters out to one nautical mile and the Scottish Executive is currently consulting on the nature and scope of the secondary legislation required to implement the change.
- 2004 The Environmental Assessment of Plans and Programmes (England and Wales) Regulations implements in England the European Commission's Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and requires strategic environmental assessment for all Regional Spatial Strategies and all Development Plan Documents (which are explained below).

A.6 A case study The East Riding of Yorkshire

Introduction

- A.6.1 The East Riding of Yorkshire Coast was selected as the case study because the author was already aware of coastal planning initiatives in the area being ahead of the normal coastal planning systems in operation in local authorities in England. It is considered to be amongst the most advanced planning authorities in terms of integrating planning and coastal management issues within its area. The East Riding of Yorkshire Council (formerly the Holderness District Council and East Yorkshire Borough Council) has engaged positively in coastal planning issues for many years. It has worked with English Nature (and others) to explore innovative solutions to problems generated by a rapidly eroding coastline of high amenity and nature conservation value and commissioned special projects for innovative solutions to land use planning issues. It produced one of the first ICZM Plans in England.
- A.6.2 The East Riding coast stretches from the chalk headland at Flamborough with its important landscape and wildlife designations, through the Holderness plain, subject to some of the highest rates of coastal erosion in North West Europe, to the Humber estuary. The seaside towns of Bridlington, Hornsea, and Withernsea are the main settlements, while numerous smaller settlements lie along its length.
- A.6.3 Figure 1 at the end of this report, shows the extent of the coastal zone. The boundaries of this having been set through consultation. Generally it mirrors fairly closely the extent of the coastal zone identified in the Local Plans (see below), and includes areas with a maritime influence or relationship with the coast. This includes much of the Holderness Plain at the south of the area, including the reclaimed land at Sunk Island. The inland boundary is set by existing highway infrastructure, natural drainage

profiles and settlements. The seaward boundary (not shown on Figure 1) includes near-shore waters. The Coastal Zone boundaries are subject to review in future Development Plans and reviews of the ICZM Plan.

The East Riding Integrated Coastal Zone Management Plan 2002

- A.6.4 This Integrated Coastal Zone Management Plan was intended to go much further than other plans that have relevance to the coast and bring all decision makers together to resolve issues ensuring integration between existing policies and plans. It recognises that many different organisations and agencies can make a difference to the long-term management of the zone and aims to gain commitment from these to a common vision.
- A.6.5 It recognised that existing plans and strategies are already relevant to the coastal zone. It was intended to ensure that all existing plans with a relevance to the coast are integrated. A great deal of consultation had been undertaken as part of the development of the Community Plan, East Riding of Yorkshire's Local Agenda 21 plan and the Rural Strategy. Similarly the Estuary Shoreline Management Plan provided a strategic approach to flood defence on the Humber and was taken into account. The Development Plan (comprising the Structure Plan and two Local Plans) had also been taken into account. In terms of economic development the Regional Economic Strategy reflected the particular needs of the coast. The Regeneration Partnerships in the coastal towns also had their own strategies which act as the focus for activities aimed at economic regeneration of the coast, which had been in economic decline. A management scheme for the Flamborough Head European Marine Site had been signed by ten relevant authorities.
- A.6.6 The relationship between this plan and the coastal Shoreline Management Plan is crucial. It is important to recognise that the Shoreline Management Plan (which is the responsibility of the Humber Estuary Coastal Authorities group), and its reviews, will remain the coastal defence plan for the coastal cell in which the East Riding coastline is situated. The ICZM Plan lays out policies for managing all aspects of the coastal zone. It will also inform the review of the Shoreline Management Plan, which started in 2002.
- A.6.7 The ICZM Plan will also inform the Local Plan review, in terms of developing specific policies for land use planning in the coastal zone. It was acknowledged that some areas would benefit from the development of Supplementary Planning Guidance to reflect changes in coastal policy since the Local Plans we produced.

ICZM plan process

- A.6.8 The first stage of the ICZM process was to form a steering group of key stakeholders representing tourism, agriculture, industry, statutory agencies and town and parish Councils. The first Steering Group meeting took place on 13 October 2000, followed by three more meetings held on 20 November 2000, 15 December 2000 and 7 February 2001. The meetings were assisted by an independent facilitator. The aim was to gain consensus on how the process was to be managed.

A.6.9 The second stage involved consultation with organisations, groups and individuals through themed workshops. These were for Parish/Town Councils, Fisheries, Environment/ Conservation, Fisheries/Marine, and the Tourism/Private sector. 330 invitations were sent out to all interested parties to attend a workshop and to put their view forward on issues and concerns relating to the coastal area. A 35% return was received with a 25% take up of attendance at the various workshops.

A.6.10 The results of the workshops and the issues raised through them informed the production of a Scoping Report – *“Towards a Sustainable Coast”*. This was produced in August 2001 and was subject to wide public consultation. The task of turning the prioritised issues and themes into realistic and achievable actions was aided by the work of several “topic groups”. The resulting Consultation draft was produced in December 2001 and this was circulated for further consultation. This final ICZM Plan was the end result.

The ICZM plan themes

A.6.11 The themes addressed in the ICZM Plan were as follows:

- Involving and implementing
- Managing coastal change
- Transport
- Tourism, leisure and recreation
- Fisheries
- Environmental quality
- Archaeology
- Land use planning
- Nature conservation and the environment
- Energy generation
- Rural and agricultural issues
- Business and industry

A.6.12 These represent a mixture of:

- A] land uses or activities - such as tourism, leisure, recreation and fisheries;
- B] issues such as transport and environmental quality; and
- C] mechanisms for planning and management, such as land use planning and nature conservation

A.6.13 The themes also represent a mixture of those that:

- A] are directly related to or controlled by the town and country planning system such as development for tourism, leisure, recreation, energy generation, business and industry;
- B] are indirectly related to the town and country planning system, such as transport, environmental quality, archaeology and nature conservation; and
- C] are not within the scope or influence of the town and country planning system, eg agricultural management of land and fisheries.

A.6.14 Given that these are the key themes for the ICZM Plan generated by the consultation process, it follows that the town and country planning system can only be a partial mechanism for implementation. Other plans and strategies need to be incorporated to achieve implementation.

A.6.15 For each theme a general account of the present situation is presented along with examples of current action that relates to it, either locally or nationally. Each section includes policy aims agreed with partners. Actions relating to each of these are assembled in the Action Plan, which forms Appendix 1 of the ICZM Plan. However, the ICZM Plan is weaker on links with adjacent coastal areas, tending to focus on the East Riding area in a national and, to a lesser extent, regional policy context. Links and inter-actions between this coastal zone and others are not well developed.

The planning context and integration in the ICZMP

A.6.16 A new structure plan (the East Riding and Hull Joint Structure Plan) and a single local plan for the East Riding Council are currently under preparation. However, at the time of the preparation of the ICZM Plan, there were three elements to the development plan in the Borough namely:

- A] the Humberside Structure Plan;
- B] the East Yorkshire Borough-Wide Local Plan; and
- C] the Holderness District-Wide Local Plan.

A.6.17 These were prepared in the context of, amongst many other policies, Planning Policy Guidance Note 20, Regional Planning Guidance Note for Yorkshire and Humberside, the Yorkshire and Humberside Regional Economic Strategy, a draft Local Biodiversity Action Plan (with Species and Habitat Action Plans) for the East Riding or Yorkshire (1999), the East Riding of Yorkshire's Local Agenda 21 Plan, the East Riding of Yorkshire Rural Strategy and ongoing preparation of the East Riding of Yorkshire Community Plan and Humber Estuary Shoreline Management Plan.

A.6.18 The two local plans in existence at the time of the ICZM Plan were drafted during the preparation of the Shoreline Management Plan and refer to the need to follow a precautionary approach until the Shoreline Management Plan is produced. This highlights the inevitable issue of the sequence in which plans are produced. Structure and Local Plans had to respond to changes in the Planning Policy Guidance Notes and Regional Planning Guidance and were subject to review. Local Development Frameworks will need to respond to changes in Planning Policy Statements, the Regional Spatial Strategy and sub-regional strategies and they will be subject to regular review. Any ICZM plan and other plans such as Coastal Habitat or Estuary or Shoreline Management Plans will need to be meshed with the emerging policies and proposals of revised development plans whilst also being consistent with adopted plans (Recommendation 12).

A.6.19 It is inevitable that plans will be produced in sequence; there is probably no ideal sequence of plan production. It is therefore important that any non-statutory initiatives such as ICZM Plans are kept under review and can be adapted reasonably easily to reflect changes in policies in statutory plans. (Recommendation 11)

A.6.20 Looking at the influence of the policy cascade, (and not reiterating the policy approaches of Planning Policy Guidance Note 20 set out above) the following commentary explains the content of the Regional Planning Guidance, and illustrates how the Local Plans directly reflect that policy lead and apply it in more detail in a way that is relevant to the East Riding coast.

Regional planning guidance

A.6.21 The Yorkshire and Humber Regional Planning Guidance was published in October 2001. It identifies much of the region's coastline as being undeveloped and of environmental value. Development that requires a coastal location should be situated within areas of developed coast and away from those parts of landscape and nature conservation interest. Proposals likely to strengthen the economic viability of coastal settlements or regenerate coastal resorts will be acceptable provided they are well located in relation to existing built up areas and will not unduly affect the local environment. The locational principles include support for proposals for the development of the local economy of coastal towns in a sustainable manner, with particular regard to the needs of tourism, relating to the needs of coastal communities.

A.6.22 Regional regeneration priority areas are established, which include, as a second priority, the more deprived parts of the older industrial areas and the remote rural and coastal areas. Targeting of funding and the encouragement of mobile investment are expected within the priority areas. A clear emphasis is placed on Urban Renaissance and on existing city and town centres as the main focus for shopping, cultural, social, leisure and business services.

A.6.23 The Regional Planning Guidance also seeks to ensure that due regard is given to the importance of tourism to the regional economy and its potential to assist economic and environmental regeneration. The need for a sustainable and environmentally responsible approach to the region's coastline is set out, with an emphasis on an integrated approach to the protection of coasts and estuaries. As much of the coastal zone, especially around the estuary, is an Indicative Flood Plain, the issue of flooding and development is an important aspect of the Regional Planning Guidance.

East Yorkshire Borough-wide local plan

A.6.24 The general objectives in relation to planning in the coastal zone are consistent with the principles of ICZM and are:

- to recognise the long term nature and importance of physical processes affecting the coastline and their significance to the coastal cell;
- to ensure that essential development is adequately sited to be protected from anticipated rates of coastal erosion;
- to safeguard the character of the landscape and protect nature conservation interests;
- to promote public enjoyment and appreciation of the coastal zone.

A.6.25 Consistent with the ICZM principle of reflecting local character, the area is divided into 4 sub-zones. These are:

- Flamborough Headland
- Bridlington sea front
- Wilthorpe
- Holderness Plain

A.6.26 Development within the coastal zone is subject to the same planning restrictions and policies as other areas covered by the Local Plan. Policies relating to the protection of landscape and restrictions on development in the open countryside are particularly relevant. However, the special nature of the coast is such that several policies were developed specifically for the coastal zone. The more important of these are listed below.

- Policy CZ1 – The Flamborough Headland Heritage Coast
- Policy CZ3 – Sea defences on the Holderness Plain
- Policy CZ4 – New caravan sites in the Coastal Zone
- Policy CZ6 – Replacement caravan sites on the Holderness Plain
- Policy CZ8 – Wind turbine development in the coastal zone

A.6.27 The justification for these additional policies relate to the impact of development (in terms of visual intrusion) on the coast as well as the dynamic nature of the coast. The general aim of the coastal zone policies is to reduce the dominance and visual intrusion of caravan sites. While it should be noted that the policy CZ6 relating to “roll back” refers only to caravan sites and not to domestic dwellings or other forms of development it is also stated that:

“until comprehensive measures for the protection and management of the coastal cell are agreed, the Local Plan embodies a principle of “managed retreat”, or setting back the line of defence, to allow the coastline to form its own natural defence to the sea. To assist implementation of the principle the Local Plan policies and allocations will enable the relocation of property and businesses at risk”.

Where relocation sites are proposed, it is preferable that they are situated away from the most sensitive parts of the landscape.

Holderness district-wide local plan

A.6.28 The general emphasis of planning policy for the area covered by the former Holderness Borough Council is much the same as that above in that the area is in the main undeveloped open countryside and as such policy 57 of the Humberside Structure Plan applies. This states that *“residential development in the open countryside will not normally be permitted except where it is essential for the purposes of agriculture or forestry”.*

A.6.29 One important difference between the plans regards the issue of enabling “roll back”, there being no policy within the Holderness plan in this respect.

A.6.30 The plan states that in situations where existing concentrations of development or natural resources are threatened by coastal erosion the Council may allow defence works to be constructed. The emphasis is on ensuring that such protection is

technically, environmentally and economically sound and minimises the impact on natural physical processes.

A.6.31 Whilst development in the coastal zone is subject to the same policies as for the rest of the district, the following is a general additional policy applying to the coastal zone:

Env 5 The council will only approve development proposals in the Holderness coastal zone which are not likely during the life expectancy of the development to:

1. *lead to a requirement to construct new or to extend or enhance existing coastal protection or flood defences;*
2. *interfere significantly with natural coastal or estuarine processes;*
3. *increase the risk of flooding and coastal erosion on site or elsewhere;*
4. *be affected by the risk of coastal erosion within the development's estimated lifespan;*
5. *conflict with nature conservation policies of this plan;*
6. *preclude reasonably practical options to conserve or enhance important habitats by managed retreat or soft engineering techniques.*

Small scale extensions to existing development will be permitted providing the whole development meets the life expectancy criterion.

A.6.32 Within the general framework the following categories of coastline have been defined:

- Developed coast
- Undeveloped coast
- Conserved coast
- Estuary

A.6.33 Each has a separate policy in the plan, for example over 90% of the Holderness coast is undeveloped. The principal factors determining the siting of new development in the undeveloped coast are coastal erosion and flooding. To protect development from erosion the emphasis is on restricting development.

A.6.34 The area defined as conserved coast refers to the Spurn Heritage Coast area where the policy seeks to restrict development in order to safeguard the unique landscape and environmental features.

A.6.35 The Estuarine area is also considered important and inappropriate development should be constrained.

The ICZM plan planning policies

A.6.36 The ICZM Plan includes the following policies relating to land use planning:

LAI To ensure that development in the coastal zone is of an appropriate nature, scale and siting and, subject to compliance with planning policies, development that meets the social and economic needs of the coastal zone while ensuring protection of the environment, is encouraged.

LA2 To ensure that the development plan review properly considers the need for clear and consistent policies to enable re-location of infrastructure and property at risk from erosion, where appropriate.

LA3 To ensure that the landscape qualities of the coastal zone are protected, particularly with regard to the Heritage Coasts and the undeveloped coastal area.

A.6.37 Finally, the ICZM Plan includes a commitment to monitoring and annual review and to a report on progress. The emphasis is on "*all organisations and individuals who are committed to the aims of a sustainable coastal zone to work together to ensure our goals are met.*" Thus, the effective implementation of the ICZM Plan will flow largely from the application of its policies by all stakeholders. The Action Plan details what needs to be done in respect of each theme, by whom, and by when, mostly over the period 2002 - 2004, with some references to 2005 - 2006 and some ongoing commitments.

Effectiveness of the ICZM plan for planning

A.6.38 Overall, this ICZM Plan performs well against the following principles of IZCM:

- a broad holistic approach;
- adaptive management;
- working with natural processes;
- support and involvement of relevant administrative bodies;
- use of a combination of instruments;
- participatory planning;
- reflecting local characteristics.

A.6.39 It integrates the town and country planning system into the ICZM Plan well. This may, in part, be a result of the ICZM Plan being a product of the Sustainable Development Unit of the Council (within a wider Planning Department). The plan is weaker on the integration of this coastal zone's management with that of adjacent coastal zones.

Part B The new spatial planning system

B.1 Purpose and principles

B.1.1 S.39 of the Planning and Compulsory Purchase Act 2004 defines, for the first time, the statutory purpose of planning to be the exercise of all planning functions “*with the objective of contributing to the achievement of sustainable development*”.

B.1.2 Planning Policy Statement 1 (ODPM 2005) sets out six Key Principles of national planning policy, which may be summarised as:

- Integrating and *achieving environmental, social and economic objectives* of sustainable development together, over time, sometimes referred to as “win-win-win” solutions;
- *To contribute to global sustainability* by addressing the causes and potential impacts of climate change;
- Adopting a *spatial planning* approach at the heart of sustainable development;
- *High quality, inclusive design* over the whole lifespan of development and rejecting designs that fail to improve the character and quality of an area;
- *Inclusive access* breaking down unnecessary barriers and exclusions for whole community benefit; and
- *Community involvement* in all aspects of planning.

Definition and scope

B.1.3 Spatial planning is defined in Planning Policy Statement 11 Glossary (ODPM 2004) as going beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. That will include policies that can impact on land use, for example by influencing the demands on or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.

B.1.4 There is perhaps a danger of assuming, therefore, that local planning authorities and Regional Planning Bodies have not been collating and integrating non-planning policies with planning policies in the preparation of their Regional Planning Guidance and structure and local plans. This would be wrong. It is clear from reading any Regional Planning Guidance or development plan, that planners have been taking account of other plans and strategies and other factors affecting the spatial distribution of the development that they are addressing in the plans. However, they have been constrained in the past in the extent to which they could refer to those other policy frameworks because they were required to limit the policies and their supporting justifications to matters that were directly relevant to the use and development of land as prescribed in the town and country planning system.

B.1.5 It is interesting to note therefore, that whilst the new Regional Spatial Strategy and Local Development Frameworks (described below and in Figure 2) are intended to cover spatial planning issues beyond the town and country planning system, development plan documents must still identify other means of implementation that may be required for its policies and no change has been made to extend the scope of the development control system.

Jurisdiction

B.1.6 The Planning and Compulsory Purchase Act 2004 does not change the jurisdiction of planning at the coast. It does, however, end Crown immunity from the planning system, (with a few exceptions, unimportant in this context). However, a shadow process of consultation with planning authorities, since 1984, meant that most Crown development was subject to planning consideration if not formal control.

Operation

B.1.7 The basic operation of the planning system, by planning authorities each with a duty to make plans (albeit in a new framework described below) and determine planning applications in accordance with the plans (unless material considerations indicate otherwise) remains unchanged.

Government influence

B.1.8 The Government is currently reviewing and re-issuing guidance in the form of new Planning Policy Statements to replace the suite of Planning Policy Guidance Notes, where necessary accompanied by new Circulars and Good Practice Guides. The purpose is to more clearly distinguish the nature of the guidance and to reduce the volume of Government policy. By removing general guidance and commentary from the Planning Policy Statement, some may be shorter than the equivalent Planning Policy Guidance Notes, although they will not necessarily contain less policy. Mineral Planning Guidance will be replaced by Mineral Policy Statements. All concurrent and default powers have been retained in the legislation. The power to issue directions to planning authorities in respect of plans and planning applications remains in place. The overall degree of influence of central Government is likely to remain broadly the same.

Regional planning

B.1.9 A considerably upgraded regional planning system is introduced by the Planning and Compulsory Purchase Act 2004. It expands the scope of regional planning policy to embrace the spatial dimensions of other regional strategies (for example Regional Economic or Housing Strategies). It also makes the new Regional Spatial Strategies, which will replace the existing Regional Planning Guidance, part of the statutory development plan (in the meaning of S.38 of the Act) with which development must accord and with which all local planning documents must be consistent.

Development plans

- B.1.10 Structure plans will be abandoned but Regional Planning Bodies may produce sub-regional strategies. Unitary Development Plans and Local Plans will be replaced by local Development Plan Documents, which will form part of a suite of documents in a Local Development Framework. Figure 1.1 in Planning Policy Statement 12 (ODPM 2004a) illustrates the content of the Local Development Framework, including the Local Development Documents which, with the Regional Spatial Strategy, will form the development plan within the meaning of S.38 of the 2004 Act. Figure 2 attached to this report also shows the content of the Local Development Framework and illustrates the changes between the previous system under the Town and Country Planning Act 1990 and the new spatial planning system under the Planning and Compulsory Purchase Act 2004.
- B.1.11 The Local Development Framework will also contain a Local Development Scheme, which is the project management plan for the production of the Local Development Framework, most have already been submitted to the respective Government Offices. Other new elements of the Local Development Framework are the Annual Monitoring Report and the Statement of Community Involvement. The latter is relevant to the ICZM principle of participatory planning and will be subject to independent examination. It will set out in detail how the planning authorities will improve community engagement.
- B.1.12 The Annual Monitoring Report is potentially a useful contribution to ICZM, because:
- a) It could be the main mechanism by which the integration of planning policies with other policies can be monitored,
 - b) It could link the monitoring of the effects of the local development documents on the environment (required by the Strategic Environmental Assessment process (Anon 2004a) with the monitoring of other local environmental change.
- B.1.13 Local Development Frameworks must include an adopted Proposals Map and may include Area Action Plans where more detailed planning guidance is required in areas of particular change. Supplementary Planning Documents will replace Supplementary Planning Guidance but will remain outside the scope of the statutory development plan. It will be part of the Local Development Framework and subject to independent examination. Supplementary Planning Documents would be relevant to coastal planning and management issues (Recommendation 10).

Development control

- B.1.14 Whilst the Planning and Compulsory Purchase Act 2004, and related statutory instruments, incorporate a range of measures intended to improve the efficiency of the development control process, none are so fundamental in nature as to significantly affect the planning system's ability to deliver the principles of ICZM either positively or negatively. The two most innovative and potentially valuable new development control provisions are "planning contributions" and the power of planning authorities to create "Local Development Orders".

- B.1.15 Planning contributions have potential for coastal planning. They are intended to extend and complement the system of negotiating planning obligations under S.106 of the Town and Country Planning Act 1990. It will be possible for planning authorities to specify in Local Development Documents the contributions towards services, infrastructure and facilities that all or differing types of development should provide, together with the ways in which the benefits may be provided. Whilst the competition for the financial and other proceeds of planning contributions will be high, environmental conservation and enhancement, and better planning and management of the coastal zone, could be part of the benefit. It is too early to judge the full potential of planning contributions, but coastal planning authorities could look to them as a way of achieving some ICZM objectives, which are related to the effects of development. This is especially so where development on or close to the coast increases temporal and spatial pressures for tourism, sport and recreation or increases the need for environmental conservation, enhancement and management.
- B.1.16 Indeed, there is the potential for degraded coastal areas to be restored or regenerated with planning contributions from landward developments. This would appear to be consistent with the principles of ICZM relating to a broad holistic approach, adaptive management and use of a combination of instruments.
- B.1.17 Together with Simplified Planning Zones previously available under the Town and Country Planning Act 1990 Local Development Orders are to be incorporated into a planning authority's Local Development Framework. These enable a general planning permission to be granted for certain types of development on the coast (and / or elsewhere) so removing the need for a planning application to be made, effectively an extension of permitted development rights. It is too early to gauge the extent to which the power to make Local Development Orders may be exercised by local planning authorities, particularly bearing in mind the priorities they face in producing a new generation of plans.

Public participation and influence

- B.1.18 Every planning authority must produce a Statement of Community Involvement as part of their Local Development Framework. It will be subject to independent examination and reviewed regularly for its effectiveness. It is intended to improve community involvement, in line with one of the key principles of national planning policy. Where a planning authority may be engaged in coastal planning or management initiatives, the Statement of Community Involvement should include the ways in which the planning authority proposes to engage the initiative and stakeholders in coastal issues. The Statement of Community Involvement should set out innovative proposals for improving community involvement in planning, from setting the vision to decisions on planning applications.

Part C Conclusions

C.1 Delivering ICZM through the Town and Country Planning System

C.1.1 The brief overview of the town and country planning system in Part A above, indicates that whilst, since 1992, coastal planning has been recognised as a significant issue, and both central and local government have sought to develop policies and some solutions (such as Shoreline Management Plans) that help to overcome the problems, there remain a number of serious constraints to effective coastal zone management and planning under that system. This section discusses the past and potential delivery of ICZM principles through the town and country planning system in England, as modified by the new spatial planning system of the Planning and Compulsory Purchase Act 2004.

Taking a long-term view

C.1.2 The town and country planning system has been increasingly effective at taking a long-term view, with plans and strategies usually looking forward over timescales of 10 to 20+ years and never less than 5 years. It is acknowledged there is scope for longer-term visions, now encouraged in the new Regional Spatial Strategies. In as much as it contributes to ICZM, the new spatial planning system is likely to deliver the long-term view envisaged by the ICZM principles without any need to change planning law or policy.

A broad holistic approach

C.1.3 This is one of the weakest areas of the town and country planning system, in terms of ICZM principles. However, the reason for the weakness lies in the purpose and scope that has been defined for the planning system historically, not in the way that it has operated within the legal parameters set for it. Local planning authorities have had no control over the use of land for agriculture or forestry, two of the most extensive land uses in the coastal zone. The town and country planning system has had little or no control over the ongoing “management” of land, only its “development” and cannot, therefore, help to resolve conflicts in the coastal zone arising from the ongoing use and management of the land or sea. In any event, the town and country planning system only operates down to Mean Low Water Mark and is not therefore well designed to address coastal issues that inevitably cross any artificial demarcations on the coast.

C.1.4 Furthermore, the town and country planning system does not directly control all development on the coast, and the most important infrastructure projects are determined at national level by Ministers, outside the town and country planning system. The Crown has been but is no longer exempt from the planning system and is a major user of coastal land (eg military uses). In essence, the planning system has been an incomplete planning and regulatory mechanism for, and only for, the landward part of the coastal zone. It was not intended to resolve coastal management issues. Similarly the absence of comprehensive, integrated, cross-sectoral plans and the centralised and sectoral regulatory systems for the sea are not a good fit for a

broader holistic approach. This weakness has been one of the main drivers of the demand for a marine spatial planning system.

Adaptive management

- C.1.5 The contemporary plan, monitor, manage and review approach to planning is more likely to deliver adaptive management than the “predict and provide” approach of the past. The change is a useful lesson to be learned in establishing any ICZM procedures (Recommendation 6). The biggest constraint to adaptive management is the lack of control over ongoing management of many activities in the coastal zone. Planning and other regulatory systems have been founded on the control of development and other changes, not the management of ongoing activities; generally, these have been subject to change by agreement, such as management agreements. Managing activities has been characterised by a reactive, non-statutory, voluntary approach where changes to environmental and activity management have been achieved only by consensus and agreement. Inevitably some changes have not been achieved as a result. Thus, if ICZM is to achieve all its objectives, it is likely that some form of control over ongoing activities on the coast will be inevitable. This is not so much a matter of adapting existing management regimes as the potentially controversial introduction of new or further regulation over management of the environment and activities. (Recommendation 3)
- C.1.6 The duplication of terrestrial planning and marine regulation over the inter-tidal area creates unnecessary complexity, uncertainty and inefficiency. It militates against adaptive management because it requires two systems to adapt rather than one. The overlap appears to be historical rather than intentional or particularly useful and impedes the planning system’s ability to contribute to the principles of ICZM. (Recommendation 4)

Working with natural processes

- C.1.7 Planning Policy Guidance Note 20 para 1.3 emphasises the dynamic nature of the coast:
- “The coastline is dynamic and shaped by powerful natural processes. It is varied in its topography, including cliffs, estuarine marshes and mudflats, coastal lowlands and sand dune systems. Each is subject to its individual set of natural processes and has its own special qualities as an environmental, economic and recreational resource.” (DoE 1992 para 1.3)
- C.1.8 Local planning authorities generally have adapted to policy changes at Government level to work more closely with natural coastal processes. They have been engaged in, and sometimes leaders of, Estuary Management and Shoreline Management Plans. They have adopted flood and coastal defence policies in development plans. Working with natural processes is inherently consistent with the wider principles of sustainable development now embedded in the new spatial planning system. There is no fundamental impediment to the planning system working with natural coastal processes, indeed the planning system should positively help to deliver this ICZM principle, without any change to planning law, so long as the Government maintains its present policy stance of supporting sustainable solutions and resisting unsustainable

engineering solutions that would adversely affect the coastal processes.
(Recommendation 5)

Support and involvement of relevant administrative bodies

- C.1.9 As local planning authorities, and the bodies responsible for a wide range of other statutory duties and functions in the coastal zone, local authorities have generally shown themselves to be willing, proactive and often the leading bodies in the administration of coastal initiatives and in tackling coastal issues. Their local focus, wide remit and public accountability (locally elected representatives) empowers local authorities and increases the respect held by other bodies operating in the coastal zone, many of which are centralised, single-issue, single-sector organisations often with weaker lines of accountability.
- C.1.10 There is a long track record of planning authorities (that is local authorities through their planning departments / officers) getting involved in and supporting coastal initiatives. So long as ICZM is seen to be effective and worthwhile, and to lead to positive outcomes, planning authorities can be expected to engage with it. Planning authorities are not generally resistant to changes in planning procedures at sea and / or on the coast, though they can be cautious where additional resources may be required. Estuary Management, Shoreline Management and European Marine Site Management Plans are all examples of planning authorities working together and joining with others, often in a proactive way to resolve coastal issues. The Government's concept of a more integrated, better connected spatial planning system is conducive to achieving this principle of ICZM. In as much as it contributes to ICZM, the planning system should positively help to deliver this ICZM principle, without any change to planning law or Government policy, subject to local authorities being offered or empowered to acquire the necessary financial resources where significant extra cost may be involved.

Use of a combination of instruments

- C.1.11 Whatever permutations of a new marine spatial planning system there may be, no one is considering a single planning system for land and sea, that is, the extension of the terrestrial planning system to the marine environment (or vice versa). It follows that there will be two planning systems with an interface at the coast. It equally follows that it will be necessary to combine the instruments of planning and management from the terrestrial and marine systems. ICZM could well be the mechanism to achieve that combination in England. In as much as it contributes to ICZM, the planning system can be combined into it and should positively help to deliver this ICZM principle, without any change to planning law or Government policy, but the effectiveness of the combination between the terrestrial and marine spatial planning systems will depend, to a large extent on the new provisions for marine spatial planning.

Participatory planning

- C.1.12 The planning system has a strong record of trying to achieve better public involvement. Participation has probably been more limited by the ability and / or willingness of the public to engage, rather than the willingness or even resources

available for the planning system to engage them. However, there are persistent problems with engaging minority and other harder to reach communities.

C.1.13 The recent extension of Planning Aid⁴ is a contribution to this, along with the development of new participative techniques. Historically, it has been difficult to involve the public in regional and strategic planning, the combination of more general policies and non-site, or even area specific, proposals means that people not only find it more difficult to make a meaningful contribution but they also find the subject matter less interesting and relevant to their lives. The public becomes more interested in local plans, especially through community and interest groups; but most of all it engages when affected by a specific proposal perceived to have adverse effects on the area. Then the public will work hard to respond to planning applications. However, even here, the voice of the articulate may be prevailing. Thus, if ICZM is to be taken forward as a strategic rather than local initiative, it will be more difficult to achieve the principle of participatory planning. It is unknown whether coastal communities or interest groups are more or less likely to seek participation in planning when invited.

C.1.14 The new spatial planning system will be well equipped to enable participation in planning, it will be likely to make a significant contribution to this principle of ICZM without any further changes in law or policy. Sufficient research and operational effort is likely to be expended to encourage the engagement of coastal communities and interests, and the general public, in coastal planning issues. What is less certain is the effectiveness at any level, other than the local or site or project specific level, of the methods available for participation in planning. Some coastal (maritime) interests have not been used to being involved, or having the opportunity to be involved, in planning processes and decisions; they may even be reluctant or suspicious about joining in the planning process. They may be harder to engage than land based communities and interests that have more experience of this. Generally, the planning system is likely to play as large a part in encouraging and securing better participation in planning as any element of ICZM; but that is not to say that there are not difficulties in securing real participation in coastal planning decisions, especially at a strategic level and in respect of some activities.

Reflecting local characteristics

C.1.15 Designations for landscape, the built environment and nature conservation have been part of the town and country planning system for over 50 years. They relate to what is regarded as the best quality areas, those least spoiled or least affected by change and the more natural. Such areas tend to be the more characteristic of their region or locality. Consequently, to that extent, planning has long played an important role in conserving local characteristics. It is also a system that is most effective at the local level, again enabling local planning authorities to develop policies

C.1.16 Additionally, the town and country planning system has been ready to adopt the countryside character approach, recognising the value of Natural Areas and Landscape Character Assessment as well as initiatives such as Conservation Area appraisals, which have been established longer. More recently, local planning authorities have

⁴ Planning Aid is a service that is low cost or free at point of delivery, operated by Chartered Town Planners under the auspices of the Royal Town Planning Institute, to help individuals and communities that may not otherwise be able to acquire the services of a qualified planning adviser.

been exploring the ways in which they can incorporate Local Biodiversity Action Plans, for example, through the adoption of Supplementary Planning Guidance and Supplementary Planning Documents. However, it should be appreciated that planning can generally only adopt particular elements of these initiatives; those that have a spatial dimension and which affect or are affected by the development and use of land.

- C.1.17 Classifying the coast can also contribute to the reflection of local characteristics but could now be adapted to better fit the increasing use of landscape character assessment and the incorporation of LBAP targets and priorities and Natural Area information into Local Development Frameworks (Recommendation 9).
- C.1.18 The spatial planning system is well placed to deliver the ICZM principle of reflecting local characteristics and, especially with support, guidance and reminders from the relevant statutory agencies, is likely to continue to incorporate elements from Local Biodiversity Action Plans, Natural Areas, Landscape Character Assessments and Conservation Area Appraisal. This would be strengthened by the inclusion of a criterion relating to the conservation and enhancement of local distinctiveness in strategic environmental and sustainability appraisals (Recommendation 8). Coastal Habitat Management Plans should be seen as a potentially important delivery path linking coastal development planning frameworks with the other components of ICZM.

C.2 Planning Policy Guidance Note 20 revisited

- C.2.1 In light of the above analysis of ICZM and the planning system, a revised Planning Policy Statement 20 could consider the following issues.
- C.2.2 As Planning Policy Guidance Note 20 pre-dated ICZM any review could utilise the ICZM recommendations and use them as a framework for revised coastal policy.
- C.2.3 Planning Policy Guidance Note 20 acknowledges the dynamic nature of the coast and the threats of climate change but this could be extended and a firmer policy basis could be incorporated to help local planning authorities resist inappropriate coastal development, paras 2.9 and 2.14, for example, are a weak expression of policy in light of climate change considerations. A more precise and stringent policy test is required for what development is appropriate on the coast (that is, development for which a coastal location is not merely desirable but is essential). The test needs to be applied more rigorously and consistently by local planning authorities.
- C.2.4 Planning Policy Guidance Note 20 places great emphasis on designations. Consistently with other Government policy, it indicates that greatest weight should be attached to international designations, then national and then local designations in planning decisions. This hierarchy could be updated and cross-referenced to the revised Planning Policy Statement 9 in terms of nature conservation.
- C.2.5 The introductory parts of Planning Policy Guidance Note 20 refer to about 30% of the coast being developed, implying that this is of low conservation interest compared to the designated coasts. It tends to imply that the 2000 km of designated coast is “conserved” especially Heritage Coast which is seen as a key coastal planning tool. It is not clear, however, that in practice some of the developed coast is of high

conservation value and is designated. Equally, many parts of the designated coast are subject to high levels of development pressure or they are the preferred location for many large infrastructure projects. Designated coast is under similar pressure to undesignated undeveloped coast with the deterrent factor only operating in respect of development in National Parks or Green Belt and for types of development that do not require a coastal location or which need not be located in designated coast (see particularly para 2.6 Planning Policy Guidance Note 20).

- C.2.6 The importance of cumulative effects, arising from a number of small developments, and “off-site”, indirect effects need to be reiterated and extended (Planning Policy Guidance Note 20 para 2.5).
- C.2.7 The adverse effects that can arise from land claim from the sea by “reclamation” of intertidal and subtidal areas needs to be raised and such projects firmly discouraged.
- C.2.8 A revised Planning Policy Statement 20 would need to include policy reference to renewable energy developments on-shore (coastal terrestrial wind farms), off-shore (maritime wind farms) and at or close to the shoreline (wave and tidal energy schemes) linked to the policies in Planning Policy Statement 22 Renewable Energy.
- C.2.9 A revised Planning Policy Statement 20 may need to emphasise that in-shore aquaculture developments can have important effects on the landscape, seascape, water quality and nature conservation, and that their land-based infrastructure can have implications for traffic generation and local amenity. The existing Planning Policy Guidance Note 20 refers only to the effects of land-based development on fisheries and shellfisheries as a consideration (eg paras 1.8 and 2.7).
- C.2.10 A revised Planning Policy Statement 20 may need to emphasise the need for a precautionary approach to be used in more planning decisions in the future. Planning Policy Guidance Note 20 makes only one reference to the precautionary principle at para 2.16 and not at all in respect of flooding.
- C.2.11 The reference to managed realignment as a coastal defence option should be upgraded to indicate that it will be the preferred option in an increasing number of cases, especially in the light of the content of Shoreline Management Plans. Shoreline Management Plans themselves need to be referred to in the policy of a new Planning Policy Statement 20 to make clear the need for their full integration into Regional Spatial Strategies and Local Development Frameworks.
- C.2.12 The reference to Environmental Impact Assessment at paras 2.20-2.21 needs to be either updated or deleted, bearing in mind the requirement for EIA is a matter of law rather than policy.
- C.2.13 One of the notable contrasts between Planning Policy Guidance Note 20 (1992) and Planning Policy Statement 9 (draft 2004) is the emphasis in the latter on the enhancement of biodiversity as well as the need for conservation. Planning Policy Guidance Note 20 refers to policies for improving the environment in a more general (largely urban) context at paras 2.22-2.25. The contrast is similar to that between Planning Policy Guidance Note 9 (1994) and Planning Policy Statement 9 (draft 2004)

and reflects the evolution of Government thinking and commitment to the Biodiversity Action Planning process.

C.2.14 A revised Planning Policy Statement 20 may need to review whether continuing to classify the coast into “undeveloped conserved, undeveloped, developed and despoiled” coasts (see para 2.1-2.2 Planning Policy Guidance Note 20) has been practical and helpful and whether it has led to distinct differences in policy approaches in development plans. An alternative may be a fresh approach to coastal planning building on the techniques of countryside character and defining what is locally distinctive, in terms of the landscape, wildlife, geology, land form, natural processes, built development and historic land use and how these relate to the sea and landward areas. This would have the potential to provide a more effective, practical and useful classification or characterisation that would be consistent with sustainable development and ICZM.

C.2.15 A reiteration and extension would be useful of the policy indicating where particular considerations should take precedence. For example, where an irreconcilable conflict arises between on the one hand conservation and enhancement of the natural beauty and amenity and on the other hand, land uses in National Parks, AONB and Heritage Coasts, the conservation and enhancement of the natural beauty should take precedence. Specified land uses could include recreation, tourism, mineral extraction, energy generation and waste water and sewage treatment and disposal. Sites of Special Scientific Interest could be added to the areas where this policy should be applied, given the better protection and management of Sites of Special Scientific Interest in the revised Wildlife and Countryside Act 1981 and the definition of natural beauty and amenity including flora, fauna, geological and physiographical features. This would be consistent with other Government policies and the principles of Sustainable Development and ICZM.

C.2.16 In the context of ICZM, the Government could expand on the kinds of management measures considered to be appropriate and how conflicts between tourism, recreation and coastal sports and environmental conservation should be “balanced and reconciled” as referred to in para 3.4 of Planning Policy Guidance Note 20. Local planning authorities may have developed useful techniques that could assist. (Recommendation 7)

Key Principles that could be incorporated into a revised Planning Policy Statement 20

C.2.17 These may include:

- 1) The need for an evidence base to more clearly identify areas:
 - (a) of coast where developments may potentially conflict with each other in terms of their interaction and/or competition for coastal space; and
 - (b) where development pressures may conflict with conservation and other environmental objectives; and
 - (c) where social, economic and environmental objectives can be achieved together, for example by the improvement of degraded coastal areas, removal of dereliction and contamination and the regeneration of depressed coastal economies and disadvantaged coastal communities.

This would be instead of relevant parts of the information listed in paras 4.5-4.6 of Planning Policy Guidance Note 20 whilst retaining the other items in the list.

- 2) The need for risk minimisation in terms of flooding, erosion, instability and pollution and the application of the precautionary principle in terms of the effects of development on the coastal environment and the potential effects of coastal processes and the sea on development.
- 3) Coastal development and management should be based on the principles of sustainable development and, given the high sensitivity of the coastal environment and the finite nature of the coastal resource, particular emphasis should be placed on the conservation of the natural and historic heritage.
- 4) Development not requiring a coastal location should not be permitted on the coast, unless it can demonstrate an overriding positive benefit in terms of environmental improvement or economic or social regeneration of coastal communities. A more precise and stringent policy test is required for what development is appropriate on the coast and the test needs to be applied more rigorously and consistently by local planning authorities.
- 5) Land uses that are already located on, and need, a coastal location should not dispose of, or use their coastal land for other purposes.
- 6) Reclamation of intertidal and subtidal areas should be a last-resort method of developing coastal land and accommodating development needs on the coast.
- 7) Local Development Frameworks should address the issues of coastal squeeze and coastal erosion and include policies designed to protect and where possible enlarge sensitive coastal habitats and to protect coastal built development and infrastructure only in accordance with an agreed Shoreline Management Plan (or equivalent).

C.3 Conclusions

- C.3.1 There is now widespread support for progress towards a marine spatial planning system to complement that of the land use planning system. It is also widely recognised that the terrestrial planning system will not work well at sea, at least without very substantial adaptation. Whilst some planners consider that ICZM is sufficient in itself, because beyond say three nautical miles the existing regulatory mechanisms for the marine environment are sufficient to deal with the issues and pressures, most planners and planning organisations are calling for a more complete marine spatial planning system
- C.3.2 Consequently, there are likely to be two spatial planning systems operating in parallel with their interface in the coastal zone. The two systems will focus on and will be designed to address their respective geographic areas – land and sea. The coast will be common to each system and will raise different issues to those addressed by the planning systems elsewhere, but the coast does not merit or justify a third system of planning, no one has seriously suggested that as an option. What will be required is a

robust and effective mechanism to coordinate, integrate and connect the terrestrial and marine spatial planning systems. ICZM has the potential to fulfil that role, but as a non-statutory policy and procedural framework, not unlike former initiatives for Shoreline Management Plans, Estuary Management Plans etc but with a more holistic and inclusive approach, perhaps like that of the European Marine Site Management Plans (it is accepted that although participation in the production of the management plan is voluntary, the mechanisms for drawing up these management plans does have a statutory basis and implementation by relevant authorities is obligatory).

C.3.3 ICZM has the potential to fulfil the role of coordinating, integrating and connecting the terrestrial and marine spatial planning systems. Conversely the new spatial planning system can contribute substantially to ICZM, and more than the town and country planning system has been able to in the past. In particular:

- a) Government guidance in Planning Policy Statements (especially a revised PPS 20) provides a mechanism for integrating policy for the coast across all sectors and for providing the overall statement of planning principles for the land and the sea and how ICZM should be the way in which the terrestrial and marine planning systems are connected to mutual benefit.
- b) A revised Planning Policy Statement 20 is the appropriate vehicle for Government to redefine the policy test that development needing a coastal location must meet and require its rigorous and consistent application in the interests of sustainable development, in accordance with the objectives of ICZM and Section 39 of the Planning and Compulsory Purchase Act 2004.
- c) The wider remit and wider spatial dimensions of Regional Spatial Strategies and sub regional strategies should facilitate the coordination and integration of local ICZM plans and provide a clear policy framework for coastal planning and management and competition between activities for the coastal resource, temporally and spatially at regional level.
- d) Regional Spatial Strategies should identify at a strategic level, those areas and lengths of coastline that are appropriate for development, where landward development (including that which may be located in non-coastal planning authority areas) can contribute to coastal regeneration and environmental improvement and the coastal areas where, if conflict arises, conservation should prevail over economic and social interests.
- e) Local Development Documents (especially the Core Strategies of coastal planning authorities) should provide a clear policy framework for coastal planning and management and competition between activities for the coastal resource, temporally and spatially at local level.
- f) Local Development Schemes should show how each planning authority's Local Development Framework integrates and merges coastal issues with other planning authorities and should include provision for an ICZM Plan that, together with the Community Strategy and the Local Development Documents will deliver the objectives and principles of ICZM.

- g) Local Development Documents should include clear descriptions of how Planning Contributions will help the objectives of ICZM and the scale and nature of contributions needed for coastal regeneration, environmental improvement and enhanced coastal management.
- h) Annual Monitoring Reports should integrate monitoring of planning policies with other monitoring regimes and link the monitoring of the effects of the local development documents on the environment with the monitoring of other local environmental change.
- i) Statements of Community Involvement should include the ways in which the planning authority proposes to engage stakeholders in coastal issues and set out innovative proposals for improving community involvement in coastal planning and management.
- j) Local planning authorities should consider how Local Development Orders and Simplified Planning Zones could help to achieve or accelerate economic regeneration, social inclusion and environmental improvement in degraded coastal areas and disadvantaged coastal communities
- k) Strategic Environmental Assessments and Sustainability Appraisals should include coastal objectives and criteria wherever relevant that reflect the ICZM principles and objectives.
- l) Supplementary Planning Documents have the potential to contribute significantly to coastal planning and management owing to their flexible and potentially detailed nature and their ability to be prepared and adopted more easily as coastal needs evolve.
- m) Area Action Plans are a potentially important tool for more positive and proactive coastal planning, especially where coastal areas are under heavy development pressure, or there are competing and conflicting coastal land uses and where socio-economic regeneration, environmental improvement and natural heritage conservation require urgent and detailed attention.
- n) Proposals Maps should define the coastal zone and the spatial extent of coastal and related policies.

C.4 Recommendations

- C.4.1 Recommendation 1 ICZM has the potential to fulfil the role of coordinating, integrating and connecting the terrestrial and marine spatial planning systems. The new spatial planning system can contribute substantially to ICZM, as explained in the conclusions above.
- C.4.2 Recommendation 2 ICZM is likely to be a non-statutory policy and procedural framework, but if necessary could be given a partial statutory basis, for example with duties on all public bodies on the coast to contribute to the process and carry out their functions so as to implement its principles.

- C.4.3 Recommendation 3 Given that a key characteristic of ICZM is the integration of development, management and use (activities) on the coast, if all relevant activities on the coast are to be managed in an integrated way, it is likely that some additional forms of control over ongoing activities and environmental management will need to be introduced.
- C.4.4 Recommendation 4 The duplication of terrestrial planning and marine regulation over the inter-tidal area should be terminated and the two regulatory and planning systems should have a common boundary, probably Mean High Water Mark or Highest Astronomic Tide.
- C.4.5 Recommendation 5 The Government should maintain current policies that support sustainable coastal and flood defence solutions, resist (or require special justification for) hard engineering solutions that would impede natural processes and generally promote the conservation and where necessary and possible the restoration of natural coastal processes.
- C.4.6 Recommendation 6 ICZM should adopt the plan, monitor, manage and review (not the predict and provide) approach to planning and management on the coast which may require mechanisms such as demand management as well as a more precautionary approach to environmental capacity and limits of acceptable change.
- C.4.7 Recommendation 7 The Government could commission research to investigate how coastal planning authorities have reconciled or otherwise resolved conflicts on the coast between environmental conservation and tourism, sport, recreation and other leisure uses.
- C.4.8 Recommendation 8 A criterion relating to the conservation and enhancement of local distinctiveness should be included wherever possible in the strategic environmental and sustainability appraisal of coastal plans and programmes.
- C.4.9 Recommendation 9 Classifying the coast may or may not have been a useful policy tool but should be adapted to better fit the increasing use of landscape character assessment and the incorporation of Local Biodiversity Action Plan targets and priorities and Natural Area information into Local Development Frameworks.
- C.4.10 Recommendation 10 Consideration should be given to how Supplementary Planning Documents may help to deliver ICZM objectives.
- C.4.11 Recommendation 11 Plans that flow from non-statutory initiatives such as ICZM need to be flexible and kept under review so that they can be adapted reasonably easily to reflect changes in policies in statutory plans and the hierarchy of national and regional planning policy.
- C.4.12 Recommendation 12 Consideration needs to be given, perhaps in a revised Planning Policy Statement 20 as to how ICZM plans may best be produced and adopted in the sequence of preparing and adopting Regional Spatial Strategies and Local Development Documents. Any ICZM plan and other plans such as Coastal Habitat, Estuary or Shoreline Management Plans will need to be meshed with the emerging

policies and proposals of revised development plans whilst also being consistent with adopted plans.

References

- ANON. 1947. The Town and Country Planning Act.
- ANON. 1949. The National Parks and Access to the Countryside Act.
- ANON. 1962. The Pipe-lines Act.
- ANON. 1964. The Harbours Act.
- ANON. 1968. The Town and Country Planning Act.
- ANON. 1981. The Wildlife and Countryside Act.
- ANON. 1985. Food and Environment Protection Act.
- ANON. 1989. The Electricity Act.
- ANON. 1990. The Town and Country Planning Act.
- ANON. 1992. The Transport and Works Act.
- ANON. 1994. The Conservation (Natural Habitats &c) Regulations.
- COASTNET. 2003. *Spatial Planning in the Coastal and Marine Environment: Next Steps to Action*. Briefing papers for delegates Coastnet Conference 1st October 2003.
- COUNCIL OF THE EUROPEAN COMMUNITY. 1992. Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora adopted 21 May 1992.
- DEPARTMENT OF THE ENVIRONMENT. 1984. Circular 18/84. *Crown Land and Crown Development*
- DEPARTMENT OF THE ENVIRONMENT. 1992. *Planning Policy Guidance Note 20. Planning and the Coast*.
- DEPARTMENT OF THE ENVIRONMENT. 1992a. *Planning Policy Guidance Note 4. Industrial and Commercial Development and Small Firms*.
- DEPARTMENT OF THE ENVIRONMENT. 1994. *Planning Policy Guidance Note 23. Planning and Pollution Control*.
- DEPARTMENT OF THE ENVIRONMENT. 1994a. *Planning Policy Guidance Note 9. Nature Conservation*
- DEPARTMENT OF THE ENVIRONMENT. 1994b. *Planning Policy Guidance Note 15. Planning and the Historic Environment*

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS. 1997. *Planning Policy Guidance Note 1. General Policies and Principles.*

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS. 2000. *Planning Policy Guidance Note 3. Housing.*

EUROPEAN COMMISSION. 1999. *European Spatial Development Perspective (ESDP), Towards balanced and sustainable development of the territory of the European Union.* Agreed at the Informal Council of Ministers responsible for spatial planning Potsdam, May 1999

MAFF & WELSH OFFICE. 1993. *Strategy for Flood and Coastal Defences in England and Wales.*

OFFICE OF THE DEPUTY PRIME MINISTER. 2005. *Planning Policy Statement 1. Planning for Sustainable Development.* London: ODPM.

OFFICE OF THE DEPUTY PRIME MINISTER. 2004. *Planning Policy Statement 11. Regional Spatial Strategies.* London: ODPM.

OFFICE OF THE DEPUTY PRIME MINISTER. 2004a. *Planning Policy Statement 12. Local Development Frameworks.* ODPM London

UK GOVERNMENT. 1994. *Sustainable Development The UK Strategy, Command 2426.* London: HMSO.

SCOTTISH EXECUTIVE DEVELOPMENT DEPARTMENT. 1997. *National Planning Policy Guideline 13.* Edinburgh: Coastal Planning, Scottish Executive.

SCOTTISH EXECUTIVE DEVELOPMENT DEPARTMENT. 1998. *Planning Advice Note (PAN) 53. Classifying the Coast for Planning Purposes.* Edinburgh: Scottish Executive.

Appendix 1

Objectives of the Study

English Nature wishes to commission a research report on how the current reforms to the land use planning system might complement and inform its developing agenda⁵ for the recovery, conservation and sustainable use of our coasts and seas.

We would like the report to appraise the extent to which the new spatial planning system, as introduced by the Planning and Compulsory Purchase Act 2004, might offer a better means of achieving the objectives of Integrated Coastal Zone Management⁶ and providing the statutory footing and geographical scope to promote Shoreline Management Plans and Coastal Habitat Management Plans.

In addition to a spatial planning approach, the other two key aims of the new planning system are sustainable development and closer community engagement. The report will touch on how these key tenets of the new planning system might influence policy and governance in our coastal environment.

The research should outline the key legislative and policy developments that have occurred since Planning Policy Guidance 20 on Coastal Planning was published by Government in September 1992. It should go on to scope the main changes that a revision to Planning Policy Guidance Note 20 should embrace.

It should then examine the key features of the new land use planning system, in particular the new system of Regional Spatial Strategies and Local Development Frameworks (as set out in the recently published final versions of Planning Policy Statement 11 and Planning Policy Statement 12), to evaluate the degree to which this offers means of better managing our dynamic coastal environment in a sustainable way.

The report should go on to look at a particular coastal cell with which the consultants are familiar and critically evaluate how well existing planning policies support the objectives of the other coastal plans, such as the Shoreline Management Plan, Coastal Defence Strategy or a Coastal Habitat Management Plan.

English Nature would expect the final report to provide some conclusions and recommendations for further areas of research or for discussion with Government and other agencies.

⁵ English Nature. 2004. Our coasts and sea - A 21st century agenda for their recovery, conservation and sustainable use' Consultation draft.

⁶ The 8 principles of ICZM have been identified as 1. a broad perspective, 2. a long-term perspective, 3. adaptive management, 4. local specificity, 5. working with natural processes, 6. involving all parties concerned, 7. support of relevant administrative bodies, 8 using a combination of instruments (ICZM in the UK: A Stocktake –Atkins 200?)



Figure 1. Area covered by the East Riding ICZM Plan

Tier	Town and Country Planning Act 1990		Planning and Compulsory Purchase Act 2004			
	Statutory Development Plan	Non-statutory	Statutory Development Plan	Non-statutory	Notes	
National		Planning Policy Guidance Notes (PPGs) & Mineral Planning Guidance (MPGs)		Planning Policy Statements (PPS) and Mineral Policy Statements (MPS)		
Regional		Regional Planning Guidance (RPGs)	Regional Spatial Strategies and London Spatial Strategy			
Strategic	Structure Plans Unitary Development Plans Part 1		Sub-Regional Strategies			
Local	Local Plans & Unitary Development Plans Part 2		Development Plan Documents (DPDs)		Core Strategy, Site Specific Allocations, Topic LDDs, Area Action Plans, and Adopted Proposals Map	
	National Park Local Plans		NP Development Plan Documents			
	Mineral and Waste Local Plans		M&W Development Plan Document			
				Local Development Schem		The Local Development Framework
				Statement of Community Involvement		
	SPZs			SPZs and LDOs		
				Annual Monitoring Report		
	Supplementary Planning Guidance (SPG)		Supplementary Planning Documents (SPD)			
	Site Development Briefs		Statements of Development Principles Master Plans			

Figure 2. Summary Table: Comparison between the town and country planning policy frameworks before and after the Planning and Compulsory Purchase Act 2004



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Top left: Radio tracking a hare on Pawlett Hams, Somerset.

Paul Glendell/English Nature 23,020

Middle left: Identifying moths caught in a moth trap at Ham Wall NNR, Somerset.

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Bottom left: Using a home-made moth trap.

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Main: Co₂ experiment at Roudsea Wood and Mosses NNR, Lancashire.

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