

Report to: **Hub Committee**

Date: **15<sup>th</sup> September 2020**

Title: **Signing up to the Coastal Concordat**

Portfolio Area: **Cllr Mott**  
**Lead Member for Environment**

Wards Affected: **Bere Ferrers**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **After call in**

Author: **Rob Sekula** Role: **Senior Specialist – Natural Resources and Green Infrastructure**

Contact: **01822 813701/email: [rob.sekula@swdevon.gov.uk](mailto:rob.sekula@swdevon.gov.uk)**

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**Recommendation: that the Hub Committee**

1. Agrees to sign up to the Coastal Concordat with immediate effect

**1. Executive summary**

- 1.1 The Coastal Concordat is an agreement between the main regulatory bodies and coastal Local Planning Authorities, providing a framework within which the separate processes for the consenting of coastal developments in England can be better coordinated. The Concordat offers benefits to applicants, regulators and advisors alike by reducing unnecessary regulatory duplication, providing better sign-posting, streamlining assessments and increasing transparency and consistency of advice.
- 1.2 The Department for Environment, Food and Rural Affairs (Defra) contacted the Borough Council inviting it to sign up to the Concordat, and to assist them with meeting the commitment in the Government's 25 Year Environment Plan for all Local Authorities with a coastal interest in England to be signed up by 2021.

## 2. Background

- 2.1 The original Coastal Concordat for England dated 11 November 2013 was an agreement between the Department for Environment, Food and Rural Affairs, the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government (MHCLG)), the Department for Transport, the Marine Management Organisation, the Environment Agency, Natural England and the Local Government Association Coastal Special Interest Group. Whilst signed by these Government Departments and advisory bodies, there was limited sign up from Local Planning Authorities.
- 2.2 Following periodic reviews in 2018 and 2019 by representatives of the above departments and bodies of the effectiveness of the Concordat with a view to updating the agreement, the principles of the Concordat were clarified.
- 2.3 The Government's 25 Year Environment Plan ([A Green Future: Our 25 Year Plan to Improve the Environment](#)) states (p107): *"We will continue to implement a marine licensing regulatory regime that supports sustainable development while protecting the natural capital and wellbeing of the marine environment and all local authorities with a coastal interest will be signed up to the Coastal Concordat by 2021"*.
- 2.4 Following completion of the 2019 review and to meet the timescale committed to in the 25 Year Environment Plan, in 2020 Defra contacted Local Authorities with a coastal interest to encourage them to sign up to the new Concordat. Within the South West, Plymouth City, Cornwall and Dorset Councils are known to have signed up to the Concordat, and North Devon have resolved to do so.
- 2.5 The Concordat applies to the consenting of coastal developments in England where several bodies have a regulatory function, and is designed to form the basis of agreements between the main regulatory bodies and coastal Local Planning Authorities. It provides a framework within which the separate processes for the consenting of coastal developments in England can be better coordinated.
- 2.6 The Concordat is based on five high level principles, as set out below:
  - Applicants seeking regulatory approval should be provided with a **first point of entry** into the regulatory system for consenting coastal development, guiding them to the organisations responsible for the range of consents, permissions and licences which may be required for their development
  - Regulators should agree a single lead authority for coordinating the requirements of Environmental Impact Assessments or Habitats Regulations Assessments
  - Where opportunities for dispensing or deferring regulatory responsibilities are legally possible and appropriate, they should be taken.

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

### **3. Outcomes/outputs**

- 3.1 The benefits of working under the principles of the Concordat for applicants and regulators include:
- Upfront signposting for the applicant
  - Reduced duplication of evidence requirements
  - Streamlined regulatory processes (one body may take a lead on Environmental Impact Assessment, Habitats Regulations Assessment, and/or Marine Conservation Zone Assessments).
  - Transparency and consistency of advice
  - Time and cost savings for regulators, authorities and applicants
  - Meets the commitment in the 25 Year Environment Plan
- 3.2 In practice, if a planning application was screened in as a Concordat project (if it was terrestrial with elements on or below the Mean High Water Mark (MHW), and requiring multiple consents), the Council would have an advisory role as the 'first point of entry,' with an officer signposting the applicant to other Concordat bodies and highlighting at this early stage that they may need to secure a consent, licence or permission from them.
- 3.3 The applicant would then contact the other regulatory bodies to find out about the regulatory regime for which they are responsible and it would remain the responsibility of the applicant to obtain all necessary consents.
- 3.4 The most appropriate body would initiate a discussion between relevant Concordat adopters covering (where required):
- a. Timescales, roles, contact details
  - b. Potential lead authorities for EIA/HRA/MCZ if applicable
  - c. Opportunities to dispense with/defer regulatory responsibilities
  - d. Common evidence requirements
  - e. Arrangements for communication of the outcome of the discussion with the application

### **4. Options available and consideration of risk**

- 4.1 Signing the Concordat does not remove any of the statutory responsibilities or duties of the Council or relinquish any powers, but it does set up a mechanism by which the production of evidence supporting decision-making can be streamlined, and in some cases it will be appropriate to appoint a lead authority to coordinate relevant assessment processes and parallel tracking of assessments is recommended. This will lead to some limited efficiencies for the Council.

- 4.2 There will be a small number of planning applications which will trigger use of the Coastal Concordat and accordingly the efficiency savings will be minimal to the Council. There is no apparent disadvantage or detriment to the Council, and the principles of the Concordat are sensible and would assist with a better passage through the regulatory system for applicants.
- 4.3 There is no financial cost to signing the Concordat, or additional resource implication. Some basic training will be given to officers validating planning applications as well as a document signposting other regulatory bodies.
- 4.4 It is anticipated that when the Local Validation List is next revised, a requirement for a Coastal Development Statement will be introduced (consistent with the approach of Plymouth City Council) whereby developments around or below the MHWM will need to submit basic information about the proposal, location (with respect to the MHWM), and which (if any) other regulatory bodies they have contacted. This will assist the Council's validating officers with their initial assessment in relation to the Coastal Concordat at validation.

## 5. Proposed Way Forward

- 5.1 It is proposed that the Council should sign up to the Coastal Concordat. If Hub agrees then an officer will write to Defra to confirm that the Borough Council has adopted the Coastal Concordat and will be working under its principles.
- 5.2 In advance of signing up the Concordat, Council officers will provide basic training about the principles and requirements of working under the Concordat (and the regulatory functions of other bodies) to planning application validating officers. Officers will prepare signposting information that can be sent by validating officers to applicants/developers. Officers will also ensure that the requirement for a Coastal Development Statement is included in the Council's forthcoming updated Local Validation List.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Concordat does not remove any of the statutory responsibilities or duties of the Council or relinquish any of its powers.</p> <p>The Concordat relates to the functions below which are undertaken by the Council:</p> <ul style="list-style-type: none"> <li>- Planning applications (Town and Country Planning Act 1990)</li> <li>- Habitats Regulations Assessment (Habitats Regulations, 2017)</li> <li>- Environmental Impact Assessment (EIA Regulations, 2017)</li> </ul>

		<p>- Marine Coastal Zone Assessment (Marine and Coastal Access Act, 2009)</p> <p>The Council has a duty to monitor and review its use of resources in order to ensure value for money, deliver efficiencies and ensure transparency in its operations.</p>
Financial implications to include reference to value for money		There is no financial cost to signing the Concordat, or additional resource implication.
Risk		<p>The Government has committed within the 25 Year Environment Plan to all coastal Local Authorities signing up to the Coastal Concordat by 2021. The implications of not signing up are not known.</p> <p>The main apparent implication of not signing up to the Concordat is that planning applicants/developers would not benefit from the efficiencies and streamlining when dealing with the Council (and other regulatory bodies).</p> <p>The Council may receive some negative press or contact if it does not sign up. It would also not be in the spirit of partnership working with other regulatory bodies (e.g. Natural England, the Environment Agency, and the Marine Management Organisation).</p>
Supporting Corporate Strategy		Signing the Concordat is consistent with the Corporate Priorities for the Environment (protecting, conserving and enhancing our natural environment) and the Council (delivering efficient and effective services).
Climate Change - Carbon / Biodiversity Impact		<p>There are no direct impacts, however it is noted that the Concordat will make evidence gathering related to the natural environment (and impacts upon it) consistent across the regulatory functions.</p> <p>This may be beneficial in enabling timely and robust assessments (with respect to EIA, HRA and the MCZ).</p>
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		None directly arising from this report
Safeguarding		None directly arising from this report

Community Safety, Crime and Disorder		None directly arising from this report
Health, Safety and Wellbeing		None directly arising from this report
Other implications		None directly arising from this report

**Supporting Information**

**Appendices:**

None

**Background Papers:**

None

**Approval and clearance of report**

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed/sign off	<b>Yes</b>
SLT Rep briefed/sign off	<b>Yes</b>
Relevant Heads of Practice sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>
Accessibility checked	<b>Yes</b>