



MEMORANDUM OF UNDERSTANDING between the Marine Management Organisation (MMO) Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH and Natural England 1 East Parade, Sheffield, S1 2ET

1. Aim and purpose of the Memorandum

This Memorandum agrees a coordinated approach to achieving a sustainable marine area through the conservation and enhancement, management and regulation of our seas and oceans, based on active engagement, shared information and effective collaboration by the MMO and Natural England.

- 1.1. This Memorandum establishes the responsibilities of the parties and the general principles for their cooperation.
- 1.2. This Memorandum shall be effective from the date of its execution and shall continue until either side decides that it is no longer needed.
- 1.3. The MMO and Natural England agree that this Memorandum is not legally binding between them and does not create any legal rights or obligations. It is a statement of their shared intention to work together in a spirit of co-operation.

2. Roles and functions of the signatories

2.1. *Marine Management Organisation (MMO)*

- 2.1.1. Her Majesty's Government envisages the MMO as a professional and proactive marine manager, trusted by all stakeholders to make a significant contribution to the sustainable development of the marine area. The MMO will set the standard in the UK and internationally for planning in the marine and coastal environment, in order to balance conservation, energy, socio-economic and resource needs.
- 2.1.2. The MMO will make decisions on the majority of marine developments and, where it is not the decision-making body, it will be a key adviser on marine issues, thereby bringing consistency to the decision-making process. As the Government's principal regulator, as well as its delivery body, for English territorial waters and UK offshore marine areas (for those matters that are not devolved), the MMO will deliver functions on behalf of a number of Government Departments. It will also take forward

the policy interests of Government Departments through its role in developing marine plans.

2.2. Natural England

2.2.1. Natural England is a non-departmental public body established under the Natural Environment and Rural Communities Act 2006 (NERC Act). It is charged with the responsibility to ensure that England's unique natural environment, including its flora and fauna, land and seascapes, geology and soils, are protected and improved. Natural England's general purpose as outlined under section 2 of the NERC Act is to *'ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development'*.

2.2.2. Section 311 of the Marine and Coastal Access Act 2009 (the 'Marine Act') amended Section 1 of the NERC Act to clarify that, in relation to the geographical extent of Natural England's functions, those functions are exercisable *'in relation to England including, where the context requires, the territorial sea adjacent to England'*.

2.2.3. As the Government's statutory nature conservation adviser in the inshore marine area around England out to 12 nautical miles, Natural England gives advice on the marine environment under its general purpose (sections 2 & 4 of the NERC Act), and on Marine Conservation Zones specifically under Part 5, Chapter 1 of the Marine Act. In respect of European Marine Sites, Natural England is the appropriate nature conservation body under the Conservation of Habitats and Species Regulations 2010.

2.2.4. Through adherence to this Memorandum the MMO and Natural England will work closely together in areas of mutual interest. A list of the working arrangements and activities which underpin this effective collaboration are detailed in the Annex.

3. Principles of working together

3.1. The MMO and Natural England will work closely based on common principles:

- The MMO and Natural England each recognise the independence and remit of the other party, but will seek to collaborate and cooperate in the achievement of their shared and respective objectives in the marine environment.
- Both organisations will operate transparently while undertaking their responsibilities.
- Both organisations will involve and work with each other in areas of shared interest or concern, with other relevant delivery partners included

where the MMO and Natural England both agree that this would be appropriate.

- The parties will use reasonable endeavours to keep each other informed of any data, research, collected information or other work or development that might influence the decisions or activities of either party, to the fullest extent possible, taking account of their respective obligations under the law.

3.2. Through the observation of this Memorandum, all parts of the MMO and Natural England will ensure, so far as possible, that their respective responsibilities are discharged consistently in keeping with these common principles.

3.3. Nothing in this Memorandum shall fetter the statutory rights, powers and duties of either the MMO or Natural England or require either of the parties to act in any way inconsistently with its statutory duties.

4. Methods of joint working

4.1. The MMO and Natural England will explore further opportunities to collaborate, expand shared working and secure efficiencies. This process will wherever possible be enhanced by exchanging information, collaborating on research, data and evidence gathering at national and local levels, sharing environmental issues and intelligence and pooling expertise and resources.

4.2. The relationship will thrive on a policy of transparency and “no surprises” based on pre-notification of mutually agreed significant public or policy announcements relating to the marine environment.

4.3. Subject to clause 4.2, the MMO and Natural England will endeavour to agree consistent and coordinated messages when working with Government, delivery partners and the public.

4.4. The MMO and Natural England will generate and maintain a powerful joint voice for the marine environment through collaborative influencing.

5. Data Management

5.1. Each party will provide information in its possession that may be reasonably requested by the other, subject to necessary confidentiality constraints, safeguards and statutory rules on disclosure. The parties will, in line with Freedom of Information Act 2000 ‘provisions on information provided in confidence’ and the Environmental Information Regulations 2004, contact the originating party with regard to any requests for information it holds, but did not collect, and which it is aware is confidential in nature. Each party will consult the other party about any significant disclosure of received information it proposes to make to a third party.

- 5.2. External publication of any information generated in the use of exchanged data will require the other party's approval, which will not be unreasonably withheld. All Intellectual Property Rights belong to their owners. No rights are transferred or assigned as a result of this Memorandum.
- 5.3. Data exchanged under this Memorandum cannot be used for commercial purposes without the prior agreement of the party supplying the data. When it is agreed that exchanged data could be used for commercial purposes, financial and copyright terms will be negotiated and agreed outside the terms of this Memorandum.
- 5.4. The exchange of data and confidential information will be the subject of a separate data sharing agreement between the parties.

6. Access to Information Requests

- 6.1. The Parties each acknowledge that the other Party is subject to the requirements of the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR") and the Parties shall each assist and co-operate with each other as necessary to comply with the requirements of that legislation.
- 6.2. In responding to a request for information, the Party receiving the request will use its reasonable endeavours to consult with the other Party. Notwithstanding this the Parties acknowledge that they may each disclose information without consultation, or following consultation with the other Party having taken its views into account.
- 6.3. The Parties shall provide all necessary assistance as reasonably requested to enable each other to respond to a request for information within the time for compliance.
- 6.4. Both Parties acknowledge that any statutory and other constraints on the exchange of information will be fully respected, including the requirements of the Data Protection Act 1998 and the Human Rights Act 1998.

7. Continuous Improvement

The MMO and Natural England will commit to twice yearly meetings (these may be via video conferencing) to review the shared wider strategic context of the environment in which they operate and actively explore opportunities for the improvement of joint working practices.

8. Review and appraisal of the Memorandum

This Memorandum is jointly owned by the MMO and Natural England and will be reviewed annually, (i.e. by March 31 each year), and whenever substantial changes occur to the policies, external relationships and management arrangements of the

parties concerned. Any changes to this Memorandum will only be effective if set out in writing and signed by both parties.

9. Primary Contacts

The MMO and Natural England will each nominate a lead contact. These primary contacts will be responsible for maintaining a fluent, transparent relationship between the MMO and Natural England, resolving difficulties and monitoring the smooth operation of the Memorandum.

10. Signatories

The parties agree to the terms set out in this Memorandum.

Signed on behalf of Natural England:

Signed on behalf of MMO:



Name:

Helen Phillips

Name: **James Cross**

Position:

Chief Executive

Position: **Acting Chief Executive**

Date:

17. 1. 2011

Date: **25/11/2010**

Annex to the Memorandum of Understanding between Natural England (NE) and the Marine Management Organisation (MMO)

Working Arrangements May 2012

NE email: lydia.barnes@naturalengland.org.uk

MMO email: <firstname.secondname>@marinemanagement.org.uk

Lead contacts: Lydia Barnes, Principal Adviser Marine Communications (NE), Nicholas Greenwood, Stakeholder Network Manager (MMO)

Work Area	Activity	Output	Timescale/Status	NE contact	MMO contact
1. Marine Spatial Planning	NE input to development of the Marine Planning Process.	MMO supported and marine planning is well informed.	2009 onwards	Ginny Swaile Senior Specialist Marine Planning Advice	Paul Gilliland Marine Planning Development Manager
	Production of Marine Plans MMO to produce marine plans with stakeholder input. NE to supply data and other evidence under the data sharing agreement.	Marine planning is efficient and effective and contributes to implementation of MSFD.	2011 onwards	Ginny Swaile Senior Specialist Marine Planning Advice	Paul Gilliland Marine Planning Development Manager
	Production of Sustainability Appraisal: NE to contribute comments and advice as part of role on advisory group. NE to provide advice and comments as appropriate in their capacity as statutory consultee.	Sustainability Appraisals are informed on nature conservation issues within JNCCs expertise/remit	2011 onwards	Ginny Swaile Senior Specialist Marine Planning Advice	Chris Maxwell Sustainability Appraisal Manager
	NE input and advice to future plan areas, e.g. provision of links to stakeholder networks and- information from local stakeholder forums and activities that may be relevant to planning	Demand led contact on an issues basis. Infrequent, but useful when required.	2010 onwards	N North sea – Mike Quigley S North sea – Tom Manning Eastern channel – Tim Hall Southern Reg Seas - tbc Irish Sea – Jim Robinson South West – Andrew Burns	Martyn Youell Senior Marine Planner

Work Area	Activity	Output	Timescale/Status	NE contact	MMO contact
2. Marine Species Wildlife Licensing	NE and MMO to share information and to provide advice within 15 days to each other on a case by case basis on individual wildlife licence applications until such time as general advice on certain species and/or activities can be provided to the MMO (to satisfy Regulation 53(12) of the Habitats Regulations 2010).	MMO make informed decisions on licenses	1 April 2010 onwards	Matt Heydon, Principal Specialist Wildlife Licensing.	Victoria Metheringham Senior Wildlife Licensing and Byelaws Officer (conservation@marinemanagement.org.uk)
	NE and MMO to inform each other if they issue or makes changes to a licence that can be used in the geographical area that is normally the responsibility of the other as the competent licensing authority	MMO kept informed of any changes to relevant general licences	1 April 2010 onwards		
	NE and MMO to provide each other with expert advice within 15 days, if required, in relation to enforcement of and infringements of wildlife licensing regulations and wildlife offences.	MMO informed and supported in enforcement of licence conditions.	Ongoing		
3. Marine Protected Areas (MCZs and Natura 2000)	Designation of new MPAs NE to submit Conservation Objectives, advice and vulnerability assessment of designated sites.	Recommendations made by NE on the boundaries for the new sites and impact assessments submitted to Defra for Cabinet Committee clearance.	2010	MPAs – Mark Duffy, Principal Specialist Fisheries and Conservation Advice Jan Lupton, Environmental Specialist Marine Operations	Victoria Metheringham Senior Wildlife Licensing and Byelaws Officer (conservation@marinemanagement.org.uk)
	MMO to provide information on MMO processes, management measures, costs, activity levels and enforcement for impact assessments as required prior to Cabinet Committee clearance.				
	MMO to sit on the MCZ Regional Steering Groups and to provide data to the groups as appropriate.	Development and implementation of management measures for MPAs, including byelaws - MMO to review conservation objectives, vulnerability	All Marine Natura 2000 sites have effective management measures in place	Ongoing	

Work Area	Activity	Output	Timescale/Status	NE contact	MMO contact
	assessment and advice from NE for the new sites, once designated. Informed by such evidence, MMO will deliver the management measures (including byelaws) in within their remit dialogue with NE, and when necessary will take part in discussions to co-ordinate with other public authorities setting site management measures.				
	Review of Consents for new MPAs - MMO to indicate which consents (including marine licenses) may need to be reviewed in light of new and existing MPAs and conduct appropriate assessments based on advice from NE.	Existing marine consents are reviewed as soon as reasonably practicable	2011 onwards	MPAs – Mark Duffy, Principal Specialist Fisheries and Conservation Advice	Andy Kerrigan, Head of Licensing Support, Tier 1 and Tier 2 Licensing
	Joint appraisal - (feedback loop) of management measures and changes to consents above.	Ongoing management is efficient and effective	2012 onwards		
	NE to provide MMO with advice on request specific matters relating to enforcement and effectiveness of management measures.	Effective enforcement of site management measures	Ongoing following designation		
4. Marine Strategy Framework Directive	Coordinate delivery roles and responsibilities with relation to MSFD implementation; providing input to the development and implementation of MSFD. Natural England currently on reduced level of engagement due to resource issues.	MSFD delivery is joined up and consistent with other areas such as MPA management measures.	2009-2015	Roger Covey Principal Specialist Sustainable Use	Ceri Morgan - Head of Stakeholder Relations and Strategic Development
5. Marine Consents & Licensing	NE advice on to MMO on marine licenses and consents with individual cases dealt with by case officers on either side through agreed pathways and in line with best practice casework guidance.	NE is consulted on relevant licenses and provide timely advice to allow MMO to process marine license applications in an	Ongoing	Ginny Swaile	Andy Kerrigan, Head of Tier 1 and Tier 2 Licensing Shaun Nicolson, Head of Major Infrastructure Projects and Development

Work Area	Activity	Output	Timescale/Status	NE contact	MMO contact	
	Development of best practice casework guidance between NE and MMO to ensure efficient and effective consultation on marine licensing.	informed manner.	Dec 2011	Ginny Swaile		
	Development of working arrangements for fast tracking of tier 1 license applications.					
	Strategic issues on thematic areas relating to licensing are dealt with by the following NE contacts:					
	Aggregates	Charlotte Johnson Senior Specialist Aggregates				
	Renewables	Victoria Copley Senior Specialist Renewables				
	Nuclear	Kevan Cook, Specialist, Pollution, Oil and Gas				
	Ports, Shipping and Harbour Orders	Nikki Hiorns Senior Specialist Ports				
Oil and Gas, and Carbon Capture and Storage	Kevan Cook, Specialist, Pollution, Oil and Gas					
6. Marine Pollution Response	<p>NE to advise MMO on use of OSTPs within 30 mins of a request for advice being made, in the case of an emergency, in line with the MMO marine pollution contingency plan.</p> <p>NE to provide MMO with general advice on broader issues relating to the use of OSTP regulation and nature conservation inside of 12nm in English waters or where use outside the 12nm limit might impact habitats or species within the 12nm limit.</p>	MMO provides informed decisions and advice for marine pollution response	Ongoing/Good.	Kevan Cook	Neil Wellum Head of Marine Conservation and Enforcement	

Work Area	Activity	Output	Timescale/Status	NE contact	MMO contact
7. Environmental damage regulations	NE to give MMO advice in accordance with the Environmental Damage Regulations MOU	Effective delivery of the provisions of the Environmental Damage (Prevention & Remediation) Regulations 2009	Ongoing. Separate EDR MoU in place.	Phil Eckersley	Neil Wellum Head of Marine Conservation and Enforcement
8. Evidence, monitoring and data management	NE and MMO to share evidence and data that may be relevant to the other party - informing each other on new data sets and developing data agreement if necessary, while channelling this through their data and evidence units to ensure coordination Develop opportunities for joint data and evidence acquisition or commissioning, as well as maximising efficiency of monitoring efforts.	Effective sharing of data and evidence, and development of joint opportunities to ensure link-up and cost-effectiveness on data and evidence collection, storage, analysis and use	Ongoing	Jen Ashworth, Principal Environmental Specialist Evidence	Patricia Almada-Villela, Head of Head of Evidence, Data and Knowledge Management
9. Fisheries	Work collaboratively with inshore fisheries and conservation through representation on the IFCAs, by implementing any local joint action plans with the IFCAs, and by regularly reviewing strategic issues in the national strategic liaison group.	Effective collaboration and support within the IFCAs	April 2011	Robbie Fisher, Senior Adviser for Fisheries	Angus Radford, Acting Head of Marine Compliance and Fisheries Management
	MMO to consult NE on Mussel seed licensing	MMO makes informed decisions on mussel seed licensing	Ongoing	Helen Stevens	Hubert Gieschen Vessel Licensing Manager
10. Strategic development and futures	Development and implementation of decision making processes - MMO to consult with NE when developing MMO decision making processes to looking at how we take into account and deliver on current policy developments. Coordination and collaboration on futures research through Defra's Centre for Environmental Risk and Futures (e.g. Marine planning future scenarios).	Exchange experience on decision making and streamlined planning of delivery of future policy developments	2012 onwards	Angela Moffat Head of Profession	Ceri Morgan, Head of Stakeholder Relations and Strategic Development.

Work Area	Activity	Output	Timescale/Status	NE contact	MMO contact
11. External Affairs	Regular catch ups to develop opportunities for streamlined engagement with external stakeholders. Quartely meeting for idea and intelligence sharing. Coordinate, choreographed delivery programmes of stakeholder engagement to reduce the engagement burden on stakeholders – develop SFG and sector meetings. Share information of stakeholder activity through Defra events calendar and other joint activity calendars (such as the joint MCZ/MMO calendar) and catch up calls.	Streamlined MMO and NE approaches to stakeholder engagement and communications.	Ongoing- examples: Quarterly catch ups. Coordination on engagement for marine planning and MCZ process – weekly updates or calls.	Lydia Barnes Principal Adviser: Marine Communications	Ceri Morgan Head of Stakeholder Relations and Strategic Development
	Regular catch ups on media opportunities – press office activities and notification of key external announcements and communications of shared interest. Explore the setting up of a speech writing network, sharing intelligence and best practice	Streamlined MMO and NE external announcements and communications	Ongoing	Michelle Hawkins - National Press Officer	Rachel Forster Senior Media Officer
12. Managing MMO-NE relations	Ensuring positive, coordinated and accountable working relations through: <ul style="list-style-type: none"> • Quarterly catch-ups between Directors • Annual catch ups between Chairs • Annual CEO meeting • Annual review of MOU (including Annex) and catch-up on changes to contacts in Annex semi-annually • Quarterly exchange of organisational charts 	Strengthened collaboration and positive working relations, ensuring a joined-up and cost-effective approach.		Lydia Barnes Principal Adviser Marine Communication	Ceri Morgan Head of Stakeholder Relations and Strategic Development