



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 1

#### THE MARINE MANAGEMENT ORGANISATION

### CHAPTER 4

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Applications for development consent*

#### **23 MMO's role in relation to applications for development consent**

- (1) The Planning Act 2008 (c. 29) is amended as set out in subsections (2) to (6).
- (2) In section 42 (duty to consult about proposed applications for orders granting development consent)—
  - (a) the existing provision is renumbered as subsection (1);
  - (b) in that subsection, after paragraph (a) insert—
    - “(aa) the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2),”;
  - (c) after subsection (1) insert—
    - “(2) The areas are—
      - (a) waters in or adjacent to England up to the seaward limits of the territorial sea;
      - (b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;

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**Changes to legislation:** *Marine and Coastal Access Act 2009, Section 23 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;
  - (d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.”
- (3) In consequence of the amendments made by subsection (2) of this section—
  - (a) the heading to section 43 becomes “Local authorities for purposes of section 42(1)(b)”, and
  - (b) the heading to section 44 becomes “Categories for purposes of section 42(1)(d)”.
- (4) In section 55 (acceptance of applications), in subsection (5), in the definition of “local authority consultee”—
  - (a) for “section 42(b)” substitute “ section 42(1)(b) ”;
  - (b) for “section 42(c)” substitute “ section 42(1)(c) ”.
- (5) In section 56 (duty to notify persons of accepted applications)—
  - (a) in subsection (2), after paragraph (a) insert—
    - “(aa) the Marine Management Organisation, in any case where the development for which the application seeks development consent would involve the carrying on of any activity in one or more of the areas specified in subsection (2A),”;
  - (b) after subsection (2) insert—
    - “(2A) The areas are—
      - (a) waters in or adjacent to England up to the seaward limits of the territorial sea;
      - (b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;
      - (c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;
      - (d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.”
- (6) In section 102 (definition of “interested party” etc)—
  - (a) in subsection (1), after paragraph (b) insert—
    - “(ba) the person is the Marine Management Organisation and the development for which the application seeks development consent would involve the carrying on of any activity in one or more of the areas specified in subsection (1A),”;
  - (b) after subsection (1) insert—
    - “(1A) The areas are—
      - (a) waters in or adjacent to England up to the seaward limits of the territorial sea;

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- (b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;
  - (c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;
  - (d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.”
- (7) The Secretary of State must give guidance to the MMO as to the kind of representations which may be made by the MMO under—
- (a) Chapter 2 of Part 5 of the Planning Act 2008 (c. 29) (pre-application procedure), or
  - (b) Part 6 of that Act (deciding applications for orders granting development consent).

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**Commencement Information**

**II** S. 23 in force at 1.4.2010 by S.I. 2010/298, art. 2, **Sch. para. 6**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)