

Dated

4th February

2011

MEMORANDUM OF UNDERSTANDING between the Marine Management Organisation (MMO) of Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH and The Crown Estate Commissioners, of 16 New Burlington Place, London W1S 2HX (The Crown Estate)

1. Aim and purpose of the Memorandum

This Memorandum records the understanding of the MMO and The Crown Estate in respect of their common objectives relating to the development of the seabed. It sets out a framework to encourage cooperation and coordination between the parties in relation to the sustainable development of the seabed and rights managed by The Crown Estate, based on active engagement, shared information and effective marine planning and management by the parties.

- 1.1. This Memorandum recites the responsibilities of the parties and establishes the general principles for their cooperation.
- 1.2. This Memorandum shall be effective from the date of this document and it is intended to be updated annually and as practice changes.
- 1.3. The MMO and The Crown Estate 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. The MMO was established by section 1 of the Marine and Coastal Access Act 2009. 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 a high 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, 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 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. The Crown Estate

- 2.2.1. The Crown Estate is a body corporate established by the Crown Estate Act 1961 and charged by Parliament with responsibility for managing the property interests belonging to the Sovereign as part of the hereditary possessions of the Crown. The Marine Estate is one of the four constituent estates which make up the property interests managed by The Crown Estate on behalf of Her Majesty the Queen.
- 2.2.2. The Marine Estate includes virtually the entire United Kingdom seabed out to the 12 nautical mile territorial limit, as well as the rights vested in the Crown to explore and utilise natural resources of the UK Continental Shelf which extends to 200 miles from the coast, including the rights under the Energy Act 2004 (in respect of the generation of renewable energy on the continental shelf within the Renewable Energy Zone) and the rights under the Energy Act 2008 (in respect of the right to lease undersea storage of gas and carbon dioxide).
- 2.2.3. The statutory duty of The Crown Estate is to maintain and enhance the land and property rights under its management while having regard to the requirements of good management.
- 2.2.4. The Crown Estate looks to have positive working relationships with Government, devolved administrations, local authorities, seabed users and developers, environmental groups and other stakeholders and interest groups whose activities take place in the Marine Estate.

3. Principles of working together

- 3.1. The MMO and The Crown Estate each recognise the independent remit of the other party and the requirement for each party to exercise its own discretion in all decision making, but will aim to:
 - collaborate and cooperate where appropriate in the achievement of their shared and respective objectives in the marine environment.
 - work closely together and engage in open discussion in areas of mutual interest (for example, in relation to marine spatial planning and data management) to achieve their respective objectives in contributing to the sustainable development of the marine environment
 - operate in a transparent way while undertaking their responsibilities.
 - involve and work with each other in areas of shared interest or concern, with other relevant delivery partners included, where appropriate and agreed.

- keep each other informed of any data, research, collected information or other work or development that is reasonably likely to influence the decisions or activities of either party, taking account of their respective obligations under the Data Protection Act 1998 and subject to any intellectual property or confidentiality restrictions placed on the parties.
- explore further opportunities to develop shared working practices and reduce duplication of effort. Where such opportunities are identified, the specific terms on which the parties will share working practices will be negotiated and agreed outside the terms of this Memorandum.
- where possible (taking into account confidentiality and other obligations owed to third parties) notify each other of significant public or policy announcements in advance of those announcements being made
- deliver consistent and coordinated messages when working together on projects and when working with Government, delivery partners and the public.

4. Data Management

- 4.1. 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 other 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, but both parties recognise the other party's independence and absolute discretion in relation to the disclosure of any information pursuant to these statutory requirements.
- 4.2. Data exchanged under this Memorandum cannot be used for commercial or regulatory purposes without the prior agreement of the party supplying the data. When it is agreed that exchanged data could be used for commercial or regulatory purposes, the basis on which the data will be used (including the financial and copyright terms) will be negotiated and agreed outside the terms of this Memorandum.

5. Review and appraisal of the Memorandum

- 5.1. In addition to ad hoc meetings as business dictates, the MMO and The Crown Estate will also meet at least annually (these meetings may be via video conferencing) ("the Annual Meeting") to review the shared wider strategic context of the environment in which they operate and explore opportunities for the improvement of joint working practices.

5.2. This Memorandum will be reviewed:

(a) at the Annual Meeting, and

(b) whenever substantial changes occur to the policies, external relationships and structures of the parties concerned

and any amendments to this Memorandum consequent upon those reviews will be incorporated into it by the parties by mutual agreement.

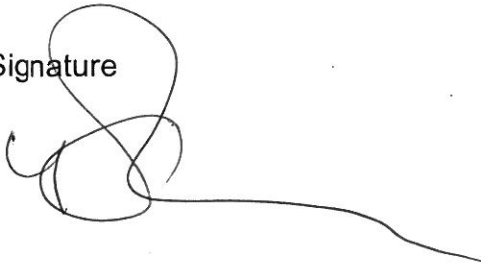
6. Primary Contacts

6.1. The MMO and The Crown Estate will each nominate a primary contact. These primary contacts will be responsible for encouraging a fluent and (where the commercial interests of the parties allow) transparent relationship between the MMO and The Crown Estate, resolving difficulties and monitoring the smooth operation of this Memorandum.

7. Signatories

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

Signature

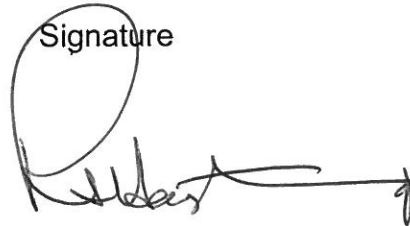


James Cross

Acting Chief Executive

Marine Management Organisation

Signature



Rob Hastings

Director of Marine Estates

The Crown Estate