



OPPORTUNITIES AND CONCERNS AS SEEN BY THE RYA 16 DECEMBER 2005

1 The Royal Yachting Association

The Royal Yachting Association (RYA) is the national body for all forms of recreational boating, under power and sail, on inland and tidal waters, with 100,000 personal members, 1500 affiliated clubs (which in turn have over 400,000 members), and over 1600 recognised Training Centres. The RYA represents the interests of an estimated 2 million participants who annually take part in recreational boating around the UK. We represent the following activities:

- Yacht Cruising
- Motor Cruising
- Yacht and Dinghy Racing
- Sportsboats and Ribs
- Powerboat Racing
- Windsurfing

We are the recognised national authority on training people on the safe use of all recreational craft from windsurfers, small dinghies and power boats up to ocean going yachts; over 150,000 training courses a year are delivered in the UK under RYA auspices. RYA courses are now taken as the template for training in many other countries throughout the world, and in the UK form the basis for the small craft training of lifeboat crews, police officers and the Royal Navy.

2 Summary of opportunities and concerns as seen by the RYA

In summary the RYA would support a Marine Bill that:

1. Provided a consistent approach throughout the UK
2. Incorporated the principles of sustainable development and recognised the important contribution of recreational boating to sustainable development
3. A coordinated strategic approach amongst Government departments to planning in the marine environment
4. Developed a consenting regime, which was transparent, streamlined and justifiable in its charges.
5. Recognition of existing activities whether consented or not
6. Exclusion of areas or activities based on sound scientific evidence of need and that are enforceable
7. Stakeholder consultation that recognises the capacity for inclusion in the consultation process
8. Continued involvement of RYA in consents that affect navigational interests
9. Provision of adequate information to users and stakeholders
10. Use of voluntary arrangements and educational initiatives before implementation of restrictive legislation is imposed

And would oppose a Bill that attempts to introduce:

1. Exclusion of recreational interests from Marine Spatial Planning and marine consultations
2. An unfair and disproportionate consents process for small marine businesses and organisations and volunteer run clubs.
3. Imposing the Sandford principle which is not consistent with the principles of sustainable development
4. A national boat registration scheme
5. Unenforceable and unclear legislation

3 Structure of our comments

In this paper, we have tried to cover a variety of issues that may arise and be of interest or concern to the RYA. We have structured these into the following sections:

- 4 RYA involvement in the development of a Marine Bill
- 5 UK wide or devolved?
- 6 Core principles
- 7 Marine Management Organisation
- 8 Marine spatial planning
- 9 Consenting arrangements for marine and coastal developments
- 10 Nationally important marine protected areas
- 11 Information provision
- 12 Stakeholder engagement
- 13 Other issues
- 14 Further information

ANNEX A: Comments on the Draft Marine Spatial Plan for the Irish Sea

4 RYA involvement in the development of a Marine Bill

RYA has been an active member of the Review of Marine Nature Conservation (RMNC) working group and sub groups on information provision and legislative mechanisms and looks forward to continuing this involvement and working alongside other stakeholders and the marine bill team in the delivery of a draft Marine Bill.

The drafting of such a significant piece of legislation should not be rushed and it is hoped that sufficient time and resources are assigned to the process.

As a member of the RMNC working group, RYA endorsed the recommendations of the group and supports the move towards better management of the marine environment. This paper has been developed to highlight both the opportunities and concerns of the RYA in terms of how development and subsequent implementation of new marine legislation will impact upon the recreational boating community.

5 UK wide or devolved

RYA is a membership organisation who policy is set by Committees with regional groups representing the interests of members regionally. Through this structure, RYA has excellent regional and national links, including in the devolved administrations. RYA will continue to liaise directly with Defra and the devolved administrations as necessary in the development and implementation of new legislation.

However, in terms of any policies relevant to the users, recreational boating is an activity where enthusiasts travel extensively throughout the UK and there is a need to ensure some consistency for coastal and marine policy targeted at the sector to avoid confusion amongst users.

6 Core principles

RYA's Planning and Environmental strategy 'Boating for Life' was published in 2004 and provides a framework for action to promote the sustainable use of inland and marine waters for recreational boating. The guiding principles have been developed to ensure consistency with the principles of sustainable development outlined in all Government reports including the marine stewardship reports.

RYA's guiding principles for its environmental and planning work are:

- Promotion of recreational boating opportunities for all
- Promote the sustainable use of the coastal zone and inland waters

RYA has shown its commitment towards promoting sustainable development of boating and boating facilities through a series of high profile projects and publications¹ (all available on the RYA website www.rya.org.uk)

In addition RYA have illustrated their commitment to ensuring users are aware and more responsible for their actions through the development of the Green Blue project. Through a partnership with the British Marine Federation, the overall aim of this initiative is to promote the sustainable use of coastal and inland waters by watersports participants and the sustainable operation and development of the recreational marine industry.

The RYA supports the principles of sustainable development and welcomes the inclusion of this within the new Bill.

7 Marine Management Organisation

The potential for developing a Marine Management Organisation to take on wider role of marine management and role in implementing marine spatial planning has been discussed.

We are concerned that an additional Organisation could result in adding to the already complex management of the marine environment. However we see there are a number of roles such an Agency could have:

1. Strategic role, facilitating the development of a marine spatial plan/s and ensuring consistency across all marine plans – including River Basin Management developed under the Water Framework Directive where overlapping jurisdiction for marine areas is likely
2. Act as a central coordination point for streamlining marine consents
3. Ensure coordination between Government departments that are involved in management of the marine environment and that they take account of a Marine Spatial plan or marine policies

8 Marine spatial planning

Uncertainty still arises as to how marine spatial planning will be implemented in practice and there is a need to consider in detail the findings and comments on the Marine Spatial Planning Pilot (MSPP) and assess how it will work in practice. We have submitted detailed comments on the Draft Marine Spatial Plan for the Irish Sea (see Annex A)

The consultation report for the MSPP identified a number of key elements within a spatial framework that would be outlined with a marine spatial plan:

¹ Boating For Life – RYA Planning and Environmental Strategy for Recreational Boating
Environmental Code of Practice produced in partnership with BMF and the Environment Agency
Managing Personal Watercraft (RYA/BMF)
Planning Guide for Recreational Boating (RYA/BMF)

8.1 Locations of existing activities

It is anticipated that these uses will continue to the extent that they do not compromise achievement of environmental/ecosystem objectives and targets. One of the principles of the Habitats Directive has been that sites are generally assumed to be in good condition against the background of current levels of activity. There may be certain habitats where activities such as anchoring may be seen as damaging the site features. If these activities were to be regulated we would expect alternatives, such as moorings, to be provided. The RYA has developed a **UK Atlas of Recreational Boating**² that identified existing cruising routes, racing and general sailing areas as well as mapping the coastal location of clubs, training centres, marinas and anchorages. Whilst we recognise the difficulties that were outlined by the MSPSP scenarios and have been addressed in our response, we would expect the information in the Atlas to form an integral part of the Marine Spatial Planning process.

8.2 Safeguarding all types of marine resources

In addition to environmental resources, the draft plan refers to marine resources and routes e.g., shipping routes. The RYA UK Coastal Atlas of Recreational Boating should be used as a resource for the marine spatial planning process and used to ensure important areas in terms of amenity as well as safety are protected for recreational boating.

8.3 Exclusion areas

Concern has been expressed amongst RYA members regarding the potential for exclusion areas for recreational boating. The potential for such an exclusion area raises a number of issues.

- Consideration must be given to the public right of navigation and the right of innocent passage through tidal waters as set out in international law under the International Law of the Sea.
- Information provision to recreational boaters of the presence of an exclusion zone
- Direct link between offshore activity and onshore infrastructure and facilities and the need for access to facilities for waste, fuel, maintenance and storage/berthing.
- Consideration must also be given to safety implications and the need for flexibility given certain weather/vessel conditions.
- If it is shown that anchoring has a detrimental impact upon specific habitats, RYA would support the provision of no anchorage sites where mooring facilities are provided. Depending on the level of service provided, we would not expect this to be at additional cost to the user.

8.4 Scale of the plans

It is likely that a hierarchy of plans will be required to achieve sustainable management of the marine environment. The Irish Sea Pilot recommends a series of mechanisms required to provide the necessary framework, which includes:

- National planning guidelines
- Strategic plans at the Regional Sea scale
- More detailed local plans

RYA would support an approach that included sector specific guidance at a National level developed in consultation with stakeholders that provides a framework for management at a local level that is flexible enough to take account of all economic, social and environmental requirements.

² The UK Atlas of Recreational Boating is available from the RYA. Email: Susie.tomson@rya.org.uk

8.5 Consultation for marine spatial planning

Any zoning or management plans should be developed in full consultation with users. The marine environment differs from the land in that users generally come from further a-field. The development of the plan must require an inclusive stakeholder strategy.

9 Consenting arrangements for marine and coastal developments

RYA represents recreational boating interests and as such navigation is a non consented activity, however we also represent sailing clubs and training centres and closely with our colleagues at the British Marine Federation who represent many of the facility providers.

There are several issues of concern regarding the consenting process:

9.1 Cost

Many clubs are run by volunteers and their income is entirely from individual subscriptions. They are not commercial operations and as such are highly affected by high costs of applying for consents. Any cost recovery mechanism needs to fully reflect the situation of the applicant and the service level provided. It is important that we are able to sustain a wide variety of clubs and facilities to ensure the availability of recreational boating remains affordable and therefore accessible to all.

9.2 Transparency

RYA would support the establishment of a simplified and transparent system with a single point of contact for consents.

9.3 Revision of the Coast Protection Act and the Food and Environmental protection Act Consents

The CPA consent has proved a vital mechanism to the RYA in ensuring that proposed developments take account of navigational safety issues. As a result the RYA is currently consulted on all applications requiring CPA consent. Any revisions of consents should ensure that navigational issues are taken into account in a similar manner and that the RYA's continued involvement in any consenting arrangement that affects the interests of recreational boating and navigation is maintained.

10 Nationally important marine protected areas

RYA is aware that not all sites of national importance are protected through the European Habitats Directive SAC's and SPA's. As a result there may be a need to designate additional sites of national importance. This is also a requirement under our international obligations of the OSPAR convention. It is not clear at this stage whether a further level of designated sites will be recommended as nationally important.

Our concern for additional layers of legislation is that without sufficient information, this may well present considerable confusion to the users. In addition, marine protected areas will only be successful with the support from the user community. Any designation should initially be identified by scientific information and then additionally through stakeholder consultation and involvement. The boating community may also be able to play a valuable role in the enforcement of these areas.

We would appreciate further justification for the need for additional designations and an indication of the species and habitats thought to need such a level of protection.

10.1 Highly protected areas

The series of current and proposed Natura 2000 sites designated at a European level have been designated against a background of current activity and promoted as not being 'no go' areas and only where conflicts arise that can not be resolved through management options should activities be restricted. Although we recognise that certain activities such as

anchoring can impact on sensitive habitats, we advocate positive management building on lessons learnt through management of Natura 2000 sites and encourage careful consideration of the role of any national sites.

We recognise the need to conserve vulnerable habitats and species but promote an education rather than legislation approach. Fostering an appreciation of the marine environment in all users will ensure a long term commitment to sustainable use. We would oppose unenforceable and unnecessary legislation. However, we would support legislation that is enforceable and based on sound scientific evidence clearly demonstrating the need.

11 Information provision

RYA led in the establishment of an educational working group, sub group to the RMNC to consider information provision as part of the RMNC. This was driven by concerns that failure to provide information to sea users regarding environmental constraints and sensitivities could undermine environmental legislation and place sea users in a difficult position, especially where powers exist to prosecute any offences. It is our belief that through adequate information provision a great deal of environmental protection can be achieved.

The report to the RMNC working group made a number of recommendations but further consideration is required to address this issue. Resources need to be integrated within the budget to allow for consideration of information provision into the public domain in a manner that is accessible to all users including recreational boaters.

12 Stakeholder engagement

The process of stakeholder involvement has been key to the findings of the RMNC. It is through consultation with a wide range of stakeholders that a balanced and realistic set of objectives has been recommended to Government. RYA would encourage the continuation of the working group throughout the process of drafting the new legislation to ensure the findings of the review and all stakeholders are taken into consideration.

In terms of implementing the Bill, RYA endorse the development of a communications strategy alongside the development of any spatial plans or management plans similar to the requirements under the new Planning system on land.

13 Other issues

13.1 Sandford principle

RYA would not support the inclusion of the Sandford Principle, as this will in some cases negate the need to work in partnership with users to resolve any conflicts. Positive management is required to ensure acceptance and engagement of the process. Precautionary principle is enshrined in the Government policy on environment and assumed that this will be written into the bill, however we believe the precautionary principle should not be seen as an option where scientific evidence is available or possible. Allocation should be provided for the provision of research grants, and regional priorities developed to guide future management.

13.2 Voluntary arrangements

Voluntary partnerships or local byelaw approaches to regulation of recreational boating should be developed with users. Codes of conduct should be established if required to prevent disturbance of marine wildlife from noise generated by motorised craft.

RYA has been involved in helping to develop successful partnerships for the management of personal watercraft throughout the UK where use is considered an issue. Such schemes were a success because they were a collaborative approach with the users. RYA were also active in developing a guide for local authorities which considered all the possible management options. Through working in partnership with the governing body, it is possible

to obtain a balance and we can provide many examples where involvement with local clubs has led to sustainable activity.

13.3 Boat registration

The issue of registration of boats has been raised on a number of occasions. Registration of boats was seen as a potential solution to enable effective enforcement. Boat registration has been considered and dismissed in the past due to large set up costs and issues of funding. RYA agree that such a system would be too costly and prove an administrative burden.

RYA support local registration schemes, for example those initiated by individual harbour authorities but would oppose a national scheme. Local schemes can be valuable for dissemination of information from a legitimate source such as a Harbour or local authority.

13.4 Unenforceable and unclear legislation

Consideration should be given to the public right of navigation in all tidal waters. The new Bill must comply with all International obligations for example those under UNCLOS and IMO and ensure consistency amongst regulations for National stakeholders and those entering UK waters.

The Countryside Rights of Way Act 2000 sought to address the issue of disturbance of cetaceans and sharks, with a clause created to make an offence of reckless disturbance. Whilst the RYA would not endorse any reckless behaviour by recreational boaters and would support appropriate legislation that adequately addresses the issue, together with a positive approach to management through voluntary codes of conduct and wider promotion of schemes such as WiSe we have been keen to ensure clarity on the use of 'disturbs' in the marine environment. Whilst on land it is clear when you disturb a birds nest or badger's den, it is less clear as to where exactly the dolphin resides and when they are coming to pay along side a boat as is often the case.

Clarification was given regarding the development of the CROW Act and is reproduced below:

Baroness Farrington of Ribblesdale, Lords Hansard Oct 16 2000 col 845:- "I should like to reassure the noble Lord, Lord Greenway, and all those involved in responsible sailing and yachting interests that accidental disturbance of these species will not be an offence; nor will the ordinary navigation of a vessel. If a cetacean seeks out a vessel to ride its waves, the vessel would not be acting in an irresponsible or reckless manner, and would not be committing an offence. Conversely, if the cetacean changes its course and is followed by the vessel and every time the cetacean alters course the vessel follows it, then this activity may be seen as causing disturbance."

The inclusion of such clauses needs to be well thought out in terms of enforcement and how it would be implemented in practice.

14 Further information

Should you require further information please contact:

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ANNEX A: Comments on the Draft Marine Spatial Plan for the Irish Sea



RYA comments on Irish Sea Draft Regional Plan

16th October 2005

The following document is the response from the Royal Yachting Association to the recently published Irish Sea Draft Regional Plan and accompanying documents circulated prior to the Marine Spatial Planning Pilot Workshop on 29th September, at which a representative from the RYA was present. We have responded, outlining the specific points the RYA feel are important regarding the Marine Spatial Planning Pilot (MSPP).

For further information or discussion, please contact Susie Tomson, RYA Planning and Environmental Advisor on Susie.tomson@rya.org.uk or 02380 604222.

The Royal Yachting Association

The Royal Yachting Association (RYA) is the national body for all forms of recreational boating, under power and sail, on inland and tidal waters, with 100,000 personal members, 1500 affiliated clubs (which have in turn 400,000 members), and over 1600 recognised Training Centres. The RYA represents the interests of an estimated 2 million participants who annually take part in recreational boating around the UK. We represent the following activities:

- Yacht Cruising
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- Yacht and Dinghy racing
- Sports boats and ribs
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The RYA Environment and Planning Core Principles

The RYA's Planning and Environment strategy 'Boating for Life' was published in 2004 and provides a framework for action to promote the sustainable use of inland and marine waters for recreational Boating. The guiding principles have been developed to ensure consistency with the principles of sustainable development outlines in all Government reports including the marine stewardship reports.

The RYA's guiding principles for its environmental and planning work are:

- Promotion of recreational boating opportunities for all
- To promote the sustainable use of the coastal zone and inland waters

The RYA has shown its commitment to promoting sustainable development of boating and the associated facilities through a series of high profile projects and publications³.

The RYA supports the principles of sustainable development and welcomes the emphasis that is placed on this within the MSPP.

Irish Sea Draft Regional Plan

MSPP Section 1.5.4 – UK/National Strategies and Policies

The RYA would like to draw attention to the heading ‘Sectoral Policies’. This section lays out a wide variety of sectoral policies related to the management of human activities in the marine environment including fisheries, shipping and ports. However there is no mention of any policies concerning recreation and sport which, given the levels of participation around the UK coast, should be an integral part of any marine spatial plan. The RYA therefore advises that ‘Recreation and Sport’ is added to the existing list shown in the document, with a reference to the Department of Culture Media and Sport (DCMS).

MSPP Section 1.7 – Responsibilities

This section draws attention to the development of a Marine Agency at the heart of the marine spatial plan, coordinating with a wide range of stakeholders. The RYA is concerned that an additional Agency could result in adding to the already complex management of the marine environment. However we see there are a number of roles such an agency could have:

1. A Strategic Role – This would involve facilitating the development of marine spatial plans and therefore establishing consistency across all marine plans. This would include plans such as the Water Framework Directive where overlapping jurisdictions for marine areas are likely.
2. Streamlining and coordinating all marine consents – This would again lead to consistency for organisations involved with the coastal and marine environment, in turn establishing clarification for all stakeholders involved with and affected by future development and protection of the marine environment.

We are also concerned that the development of a ‘Stakeholder Advisory Group’ would lead to a capacity issue amongst the parties involved. With the Water Framework Directive liaison groups and other such sub groups being established in the near future it may be that the stakeholder’s ability to attend all the meetings will be compromised due to the sheer number of meetings and workshops. The RYA would like to ensure that even if such a group were to be set up, consultation would have to include all recognised user groups, perhaps via telephone consultation, even if they were unable to attend specific meetings.

MSPP Section 2.1 – Core Principles

At this juncture the RYA would like to draw your attention to their commitment to sustainable development and ensuring users are aware and more responsible for their actions through the new environmental initiative called the ‘Green Blue Project’. Through a partnership with the British Marine Federation, the overall aim of this scheme is to promote the sustainable use of coastal and inland waters by watersports participants and the sustainable operation and development of the recreational marine industry.

³ Boating for Life – RYA Planning and Environmental Strategy
Environmental Code of Practice – produced in partnership with the BMF and Environment Agency
Managing Personal Watercraft (RYA/BMF)
Planning Guide for Recreational Boating (RYA/BMF)

The aims and objectives of the Green Blue project are echoed in the Government's goals for the marine environment and are laid out in two of the five points listed in this section:

- To use marine resources in a sustainable and ecologically sensitive manner
- To promote public awareness, understanding and appreciation of the value of the marine environment.

The RYA would also like to point out that as the governing body for all forms of recreational boating, it is not considered that social objectives for the marine environment are less readily defined than on land, as is suggested within this section. It should be noted at this point that the wide use and enjoyment of the sea by the general public is an important social (as well as economic) factor to consider within marine spatial planning.

MSPP Section 3.3 – Future Zoning Plan

Regarding the future renewable energy developments in the Irish Sea it is explained that considerable sea space could be required for further offshore development of wind farms and tidal stream generators to achieve the Government's ambitious policies for renewable energy generation. The RYA are concerned that large areas of the sea are being developed for offshore renewable energy before all the other alternatives on land have been considered. The RYA appreciates that if the appropriate research were to be carried out and no suitable alternatives found then the sea is a viable location for development. However, it appears that this is not currently happening and due to the wide spread local opposition towards renewable energy generators on land, the sea is being exploited. The RYA fears that future intense development of the sea now threatens to compromise numerous other existing activities on the water.

MSPP Figure 5 – Illustrative Future Use Zoning Plan and Scenarios

Below this plan the MSPP claims that the preferred areas have been identified on the basis of four criteria, one of which is '*Locations of existing uses and other future uses*'. However, the RYA would like draw attention to the location of the potential tidal stream generator off the north coast of Anglesey. This is an important area for recreational boating, where the introduction of tidal turbines would lead to a serious conflict of interests and threaten recreational boating in the area.

Scenario 1: Tidal Stream Energy – It has been explained in detail at the Workshop on 29th September and within the document how potential locations were 'sieved out' as unsuitable due to the presence of other existing uses, such as shipping and wreck sites. The MSPP then goes on to state that the process of overlaying constraints continued with the inclusion of thirteen additional sectors, one of which is labelled as '*Marine Recreation (part)*'. However on the following page (14) we are told that '*With regard to the marine recreation sector, some aspects were excluded in the initial mapping exercise, specifically General Recreational Sailing Areas, Recreational Cruising Routes, and RYA Racing Areas.*'

The MSPP states that only 'some' aspects of the marine recreation sector have been left out of the process. However, the three aspects listed above, the most important of which is the Recreational Cruising Routes, are the only sets of on water data provided by the RYA for the MSPP. Therefore, the RYA's interests appear to have been excluded all together. We accept that all interests cannot be taken into consideration all of the time and certainly RYA sailing areas and racing areas are large, non specific sites. However, a great deal of time and research has gone into mapping individual cruising routes which are important passages for recreational boating and should certainly be included in the planning process.

The RYA has carried out a detailed mapping process for the whole of the UK and produced a UK Atlas of recreational boating. The information provided has been utilised in the existing offshore wind farm developments and we would expect this information to be likewise utilised

in Marine Spatial Planning. Copies of the Atlas are available from the RYA, contact Susie.tomson@rya.org.uk.

The RYA are aware that these scenarios are only speculative at present but we would like to make clear at this point that an exclusion of our interests would not be acceptable if the MSPP and Scenarios were to be put into practice. The RYA have been heavily involved in the consultation process for offshore wind farm sites and are happy to meet with developers to discuss the conflicts of interest and possible alternatives and compromises, but for recreational boating interests to be totally excluded from the MSP would be impractical and raises a number of key concerns. These issues are listed below and focus on the proposed site off the north coast of Anglesey:

- A. **The issue of safety at sea** – If the tidal turbines were to be developed in the nearshore zone off the coast of Anglesey there would undoubtedly be exclusion zones established around these areas, preventing recreational craft from navigating through and within the nearshore zone. This would mean that navigation between the south and Liverpool Bay, the Isle of Man and Scotland would be impaired and recreational craft would have to enter the shipping lane to the north of the proposed tidal stream energy site. This will certainly lead to shared concerns from the recreational boating and commercial shipping sectors over the safety issues raised when small recreational craft enter major shipping lanes. The RYA would like to ask the question ‘where are recreational craft expected to go?’ In this situation there appear to be few viable alternatives.
- B. **The issue of UNCLOS and the right to innocent passage** – As mentioned in the MSPP section 1.5.2, International Strategies and Policies, ‘*the United Nations Convention on the Law of the Sea (UNCLOS) provides an overarching framework for the marine environment.*’ Looking at the UNCLOS, the RYA have identified Section 3 as relevant to recreational craft and would like to draw your attention to Article 17 – Right of innocent passage. This states: ‘**Subject to this convention, ships of all states, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea**’ Therefore under UNCLOS, the prevention of navigation through an area due to lack of consideration for recreational craft in a planning process, would not be feasible.
- C. **The issue of sustainable development** – At the workshop on 29th September there was a strong emphasis on the importance of sustainable development with regard to the MSPP and the Marine Bill. In addition, as laid out in the MSPP, section 1.5.4, under the title *UK Sustainable Development Strategy*, there are a number of principles that have been recognized to support the achievement of sustainable development. Two such principles are titled ‘Ensuring a Strong, Healthy and Just Society’ and ‘Achieving a Sustainable Economy’. The RYA feels that by excluding recreational craft from the north coast of Anglesey for the development of tidal turbines, sustainable development cannot be achieved. Not only will the enjoyment for people sailing in the area be compromised, but local tourism and coastal communities, that rely upon the many visiting yachts each year to sustain their economy, will suffer. For example there are two major marinas in close proximity to the proposed site - Holyhead Marina on Anglesey with 130 berths and Conwy Marina just to the south of the development site with 500 berths. There are 40 sailing clubs in the surrounding area, at which the most popular activities are recorded as yacht racing and yacht cruising. The reality is that if people cannot sail freely to, from and around the Anglesey area then the number of visitors by boat and otherwise will decrease with obvious consequences on the local economy and society.

With regards to the other sites, particularly to the north on the Scottish coast, the level of recreational sailing is less, the surrounding constraints are fewer and the RYA suggest that these are more viable sites for tidal stream energy in the future, providing full consultation is achieved.

Regarding Scenarios 2 and 3, the RYA noted that the interests of recreational boating have also been omitted from the planning process and the above comments remain consistent for these two scenarios. However, aggregate extraction is a more temporary development and we accept that there would be times that we could navigate around temporary exclusion sites. The recreational boating community already adapt to navigate around offshore wind farm sites during the construction phase. In Scenario 3: Marine Protected Areas, it states that it has taken consideration of Scenario 1 and 2, so therefore excludes recreational interests.

MSPP Section 4.4 – Renewable Energy

With regards to the Energy Act, it is the RYA's understanding that the ability to extinguish the public right of navigation only applies to the area of sea that each actual installation covers, leaving the waters between the structures free for navigation. Safety zones around offshore renewable sites can be established on the basis of the results following a comprehensive risk assessment that is now guided by a Methodology established under the DfT/ DTI research programme. However, it should be noted that the two up and running wind farm sites do not have such zones and the public rights of navigation remains.

The MSPP are correct in explaining that there were seven offshore wind farms proposed under the 1st licensing round but incorrect in stating that to at only one, North Hoyle, has been constructed. As well as North Hoyle, Scroby Sands off the east coast has been completed and the Kentish Flats development has the turbine bases in place which are awaiting the blades to go on.

Policy ER4 Renewable Energy - The RYA feel that there should be a slight amendment to the wording in bullet point 3 '*Satisfactory resolution of potential conflicts with shipping, commercial military radar, fisheries or other site specific interests.*' The RYA would like navigational issues within the MSPP to cover recreational craft as well as commercial shipping and therefore we advise that the word '*shipping*' is replaced with '**commercial and recreational navigation**'.

This policy also explains that '*No new offshore wind farm development should be licensed within an established exclusion zone extending up to 8-13km from the coast.*' The RYA would question whether this will apply to other renewables, such as tidal and wave energy, or if this is simply for the amenity issues regarding the visual impact of wind turbines.

MSPP Section 7.2 – Recreation and Leisure

With regards to the statement '*...a few activities are undertaken in offshore waters, for example deep sea fishing and yachting*', the RYA suggests that the word '*yachting*' is replaced with '**Recreation Boating**'.

The MSPP suggests that it is for the Marine Spatial Planning Policy to manage such activity as recreational boating. However the RYA feel due to the international collision regulations recreational boat users are self-managing and the activity does not need further organization.

The RYA would also like to draw attention to the Government agenda for Health and Well-being and suggest that recreation is recognised as a valuable social resource for sustainable development. This runs parallel with the economic value tourism and the leisure industry have on coastal communities.

Policy TRL3 Recreation and Leisure – The RYA would suggest that, as well as focusing on development of further recreational and leisure facilities for the local marine environment, emphasis should be put on the importance of safeguarding existing facilities. There should be a combined effort by the MSPP and sectors involved to prevent loss of current facilities and activities in the marine and coastal zone. It should be noted that the MSPP and the Marine Bill must try not to focus entirely on future development and acknowledge that we already operate within these areas and identify the best way to continue to utilize them.

The RYA welcomes the statement '*Coastal waters necessary for such development/activity should be safeguarded against development/activity which would prejudice the use of such waters for tourism and/or recreational purposes.*' The RYA would like to expand on this and highlight the issues that are important to their members and the wider boating community:

- There are a certain number of cruising routes which we would expect to be safeguarded due to their importance for recreational craft, such as routes to and from marinas, harbours, slipways and anchorages.
- It is important that routes used by recreational craft are kept separate to commercial shipping routes as the two sectors navigate the seas in very different ways. It is also a matter of safety at sea that the two sectors navigational routes are kept separate and that their individual needs are acknowledged.
- It is important to note that some developments which could include exclusion zones would result in recreational craft travelling further distances. The need to avoid certain areas and take longer routes as a result raises issues such as increased fuel consumption for powered vessels, safety when bad weather is forecast and entering shipping lanes due to no other alternatives.
- It is important for safety issues that routes into safe harbours of refuge are left clear for recreational craft as. Any numbers of problems can occur unexpectedly, such as a dramatic decrease in visibility due to fog, the on set of storms and accidents on board, which could lead to the need for a change of course and shelter to be taken either in a harbour or anchorage.

The RYA would finally like to draw attention to the Marine Guidance Note (MGN) 275. This is an existing Government policy which states that all marine development must take recreational navigation into consideration.