

The Welsh National Marine Plan

Research Briefing

February 2020



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National Assembly for Wales
Senedd Research

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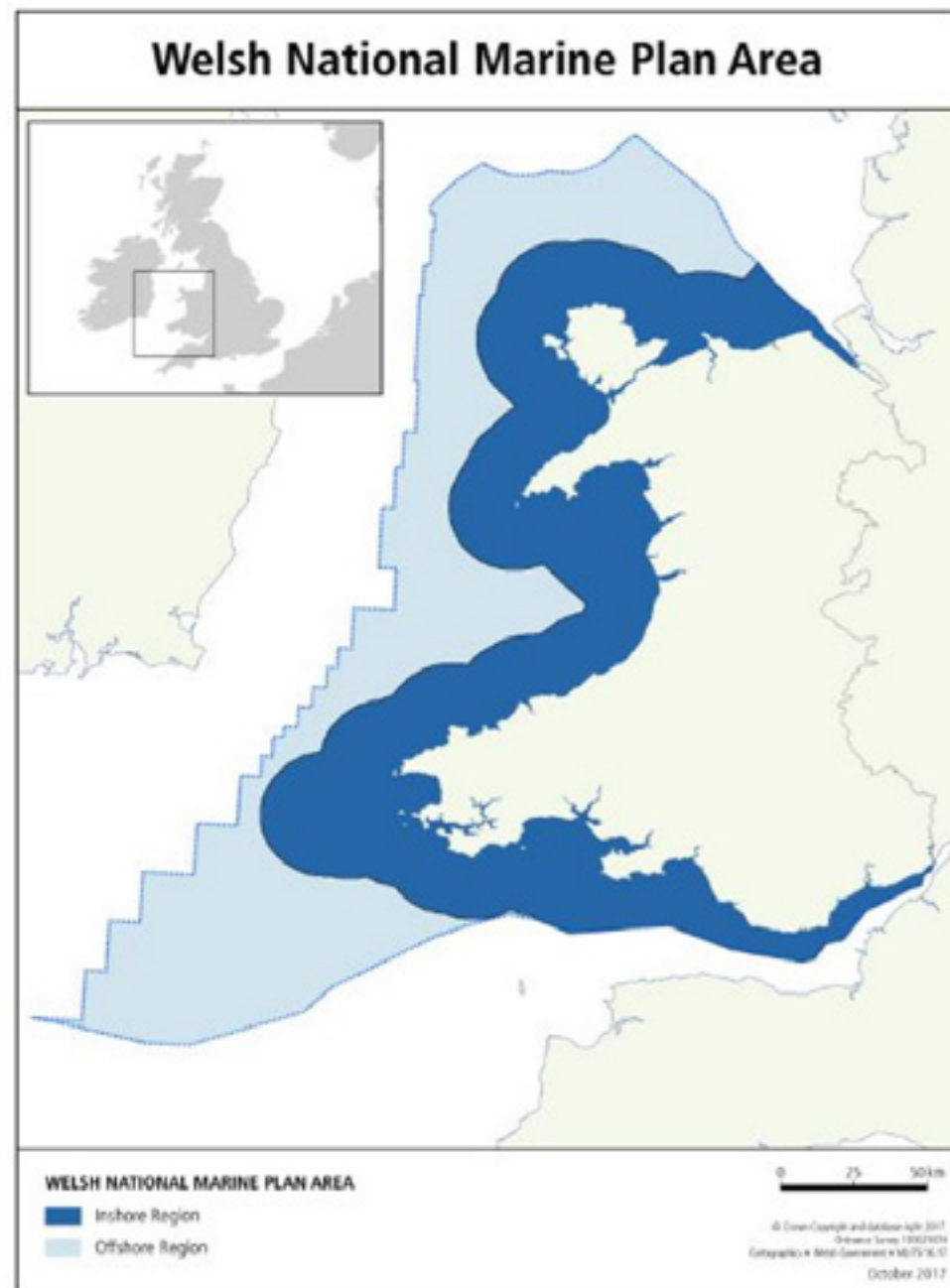
1. Summary

This research briefing gives an overview of the first **Welsh National Marine Plan** (WNMP), published on 12 November 2019. It describes how the WNMP developed and outlines the intended purpose and policies of the WNMP.

2. What is the Welsh National Marine Plan?

The Welsh National Marine Plan (WNMP) states the Welsh Government’s policies for, and in connection with, the sustainable development of the marine plan area. This area comprises an inshore and offshore region, which consists of approximately 32,000 km² of sea and 2,120 km of coastline (figure 1).

Figure 1. Welsh National Marine Plan Area



Source: Draft Welsh National Marine Plan

Announcing the publication of the **adopted WNMP** on 12 November 2019, the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM said:

...the plan puts into place more robust requirements on developers and public authorities, giving Welsh Government a stronger basis for determining and licensing activities in accordance with our values.

Section 6 of this briefing outlines some of the expected uses of the WNMP.

2.1. A brief legislative background

The following is a brief summary of some of the legislative requirements of relevance to the WNMP

2.1.a Marine and Coastal Access Act

The **Marine and Coastal Access Act 2009** (MCAA) establishes a system for marine planning in UK seas. The MCAA states that the Welsh Ministers are the marine plan authority for the Welsh inshore and offshore regions. However, the management of activities in Welsh waters is split between devolved functions and functions retained by the UK Government. The WNMP was therefore adopted with the agreement of the UK Secretary of State for Environment, Food and Rural Affairs, as required by the MCAA.

Appendix I of the WNMP provides a summary of the requirements of the MCAA, as it relates to the plan.

UK Marine Policy Statement

The MCAA makes provisions for the preparation and adoption of Marine Policy Statements. The **UK Marine Policy Statement (MPS)** was adopted by the UK and devolved governments in March 2011. It provides the framework for preparing marine plans in the UK and provides the high level policy context for marine planning.

The MPS is intended to facilitate the development of marine plans in line with the UK’s vision for “clean, healthy, safe, productive and biologically diverse oceans and seas”. It sets out five UK-wide **High Level Marine Objectives**:

- Achieving a sustainable marine economy;
- Ensuring a strong, healthy and just society;
- Living within environmental limits;

- Promoting good governance; and
- Using sound science responsibly.

2.1.b Welsh Acts

Well-being of Future Generations (Wales) Act

The **Well-being of Future Generations (Wales) Act 2015** (WFG Act) places a duty on public bodies to carry out sustainable development aimed at achieving seven well-being goals for Wales.

In the WFG Act, “sustainable development” means:

the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

The WFG Act states that:

any reference to a public body doing something “in accordance with the sustainable development principle” means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Section 5 of the Act provides further detail on what a public body must take into account in order to act in this manner.

The well-being goals, defined in **section 4** of the Act, are:

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh language; and
- A globally responsible Wales.

Environment (Wales) Act

The **Environment (Wales) Act 2016** places a duty on public authorities to:

... seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

The Act also introduces the Sustainable Management of Natural Resources (SMNR), which means:

- Using natural resources in a way and at a rate that promotes achievement of the objective of SMNR;
- Taking other action that promotes achievement of that objective; and
- Not taking action that hinders achievement of that objective.

The Act defines the objective of SMNR as:

The objective is to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing—

- (a) meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and
- (b) contribute to the achievement of the well-being goals in section 4 of the **Well-being of Future Generations (Wales) Act 2015 (anaw 2)**.

Section 4 of the Act introduces nine principles to help guide and underpin the way SMNR should be interpreted. **Section 5** of the Act re-aligns **Natural Resources Wales** (NRW)’s general purpose to pursue SMNR in relation to Wales and apply the principles of SMNR.

Section 5 of this briefing summarises the findings of an assessment, which considered the contribution of the WNMP to the well-being goals and SMNR objective.

2.1.c EU Directives

The WNMP was developed whilst the UK was an European Union (EU) Member State. As such, it was required to be developed in line with EU Directives.

In July 2014 the **Maritime Spatial Planning Directive** was adopted by the EU. The Directive sets a common framework for marine spatial planning across the EU and requires all Member States to have maritime plans in place by the 31 March 2021.

The **Maritime Spatial Planning Directive 2014** and the **EU Marine Strategy Framework Directive 2008** (MSFD Directive) also require a marine plan to be ecosystem-based.

The **Marine Strategy Regulations 2010**, which implement the MSFD Directive in UK law, require an ecosystem-based approach to the management of human activities within the marine strategy area (defined under **part 1** of the regulations). These regulations define an ecosystem-based approach as an approach which:

- Ensures that the collective pressure of human activities within the marine strategy area is kept within levels compatible with the achievement of good environmental status; and
- Does not compromise the capacity of marine ecosystems to respond to human-induced changes.

3. How has marine planning developed in Wales?

3.1. Development of the draft WNMP

In 2011, the Welsh Government ran a consultation on “**Sustainable development for Welsh seas: our approach to marine planning in Wales**”, which stated:

This consultation sets out our intention to develop a national plan for the Welsh inshore area and a national plan for the Welsh offshore area and adopt them by 2012/13. The consultation also sets out options for, and asks questions on, how we should plan on a sub-national level in order to embed more detail in the national plans.

On **19 August 2014**, the Welsh Government conducted a further 12-week consultation on a proposed structure, vision and objectives of the WNMP. Whilst this consultation is no longer available on the Welsh Government’s website, the Welsh Government’s **Statement of Public Participation** (SPP) states that the consultation:

...included the proposed Scope of the Sustainability Appraisal. At the same time, we made available for comment the draft report of the Strategic Scoping Exercise (SSE) and an early version of the Marine Planning Evidence Portal.

According to the **SPP**, in November 2015 an initial draft of the plan was shared with stakeholders and was supported by public engagement workshops.

The Welsh Government also published its **Wales Marine Evidence Report** in 2015. It stated:

This evidence base presented here will be used to inform the development of the Welsh National Marine Plan and will be maintained and updated as marine planning in Wales develops.

An **update** to this report was published in January 2020.

On 7 December 2017, the Welsh Government launched a **consultation** on the draft WNMP and a number of supporting documents. These included a Habitats Regulations Assessment (HRA), a Sustainability Assessment (SA) and a review of the interim marine aggregate dredging policy. The **Wales Marine Planning Portal** was also publicised as a tool for marine planning.

3.2. Consultation responses to the draft WNMP

There were 86 responses to the consultation on the draft WNMP. The Welsh Government's **summary of responses** highlighted several key themes in the responses, suggesting a need to:

- Equitably balance environmental, social and economic interests;
- Refine the concept of Strategic Resource Areas (SRAs)¹ and the evidence base to support them;
- Ensure a transparent and joined-up approach to cross-border management;
- Use evidence in decision making;
- Reduce the plan's length and improve clarity;
- Work with stakeholders further to develop monitoring, evaluation and reporting approaches;
- Refine and update the Wales Marine Planning Portal; and
- Review the SA and HRA and consider any changes required in the final plan.

The **summary of changes** document published alongside the adopted WNMP also presented a summary of the consultation responses in similar themes, including:

- Plan structure (e.g. length and complexity);
- Sustainable Development (e.g. clearer application of the requirements of the *Environment Act (Wales) 2016*);
- Concerns over SRAs;
- Concerns over the policy support for large-scale lagoon development;
- The importance of cross-border management; and
- Requests for further clarity on provisions for monitoring and reporting achievement against the WNMP's objectives.

3.3. National Assembly for Wales scrutiny

During the Fourth Assembly, two Committees (the **Environment and Sustainability Committee** and the **Enterprise and Business Committee**) called on the Welsh Government to afford greater priority to developing a marine plan. Both Committees saw such a plan as the best way of ensuring that Wales protects its natural environment but also maximises the potential of its maritime economy.

¹ SRAs are further described in section 4.3. of this briefing

Given the importance of the plan's contents, the Environment and Sustainability Committee's **legacy report** suggested that Members of the Fifth Assembly may want to scrutinise both progress towards adopting a plan and implementation of that plan.

The **Climate Change, Environment and Rural Affairs (CCERA) Committee** took **evidence** on marine planning on 1 February 2018 and held a stakeholder workshop to discuss the draft WNMP on 14 March 2018. In April 2018 the Committee made **13 recommendations** on the draft WNMP, which the Welsh Government **responded** to in June 2018.

The National Assembly for Wales **debated** the draft WNMP on 9 January 2018.

3.4. Engagement following consultation

Following the consultation on the draft plan, the Welsh Government **met** with stakeholders including the **Marine Planning Stakeholder Reference Group**. A **marine planning newsletter** for stakeholders was also created by the Welsh Government.

3.5. Publication of the WNMP

The Minister for Environment, Energy and Rural Affairs made an oral statement **announcing** the publication of the **adopted WNMP** on the 12 November 2019.

4. What is the content of the WNMP and associated documents?

The WNMP comprises four key components:

- A vision;
- Plan objectives;
- General policies; and
- Sector policies.

4.1. Vision

The WNMP's vision seeks to support the **UK's shared vision for the marine environment** and is that:

Welsh seas are clean, healthy, safe, productive and biologically diverse through:

- ◊ An ecosystem approach, natural resources are sustainably managed and our seas are healthy and resilient, supporting a sustainable and thriving economy;
- ◊ Access to, understanding of and enjoyment of the marine environment and maritime cultural heritage, health and well-being are improving;
- ◊ Blue Growth more jobs and wealth are being created and are helping coastal communities become more resilient, prosperous and equitable with a vibrant culture; and
- ◊ The responsible deployment of low carbon technologies, the Welsh marine area is making a strong contribution to energy security and climate change emissions targets.

4.2. Plan objectives

The WNMP includes 13 objectives, arranged according to the five **UK high-level marine objectives**, with one overarching plan objective.

The overarching plan objective is to:

...support the sustainable development of the Welsh marine area by contributing across Wales' well-being goals, supporting the Sustainable Management of Natural Resources (SMNR) through decision making and by taking account of the cumulative effects of all uses of the marine environment.

Table 3 of the WNMP outlines which of the policies in the Plan are intended to give effect to each of the objectives.

4.3. Plan policies

There are two types of policies in the WNMP; general and sector policies. The WNMP states:

...both the general policies and the sector policies should be applied, unless associated policy narrative or supplementary planning documents...indicate otherwise.

Whilst the policies in the WNMP are accompanied by background narrative, the significance of the policies themselves is emphasised. The WNMP states that:

...if to any extent a policy stated in this plan conflicts with any other statement or information in the plan, that conflict must be resolved in favour of the policy.

4.3.a General policies

The general policies in the WNMP are designed to work with the sector policies to support sustainable development. The general policies included in the plan relate to topics such as sustainable economic growth, the wellbeing of coastal communities, living within environmental limits and governance.

4.3.b Sector policies

The plan includes policies for the following sectors:

- Aggregates;
- Aquaculture;
- Defence;
- Dredging and Disposal;
- Energy – Low Carbon;
- Energy – Oil and Gas;
- Fisheries;
- Ports and Shipping;
- Subsea Cabling;
- Surface Water & Wastewater Treatment & Disposal (SWW); and
- Tourism and Recreation.

Sector objectives are included alongside the sector policies. The WNMP states that these are intended to “articulate the desired future state for that sector and provide context for sector policies”.

Sector policies in the WNMP include supporting policies (to support the sustainable development of a sector) and safeguarding policies (to protect certain sectors’ interests from adverse impacts from other activities).

Sector supporting policies

The WNMP describes sector supporting policies as largely following a common framework, which comprises:

- Support for proposals which contribute to the sustainable development of the sector where consistent with policies and objectives of this Plan; and
- Encouraging collaboration and strategic evidence collation in order to better understand future opportunities and potential for sustainable development.

Sector safeguarding policy

The WNMP describes sector safeguarding policies as seeking to protect:

- Consented activity e.g. aggregates, subsea cables or energy infrastructure;
- Established (not consented activity) e.g. fisheries or tourism and recreation; and
- Areas of future opportunity (which may be defined through SRAs).

4.4. Statements of Public Participation

Schedule 5 of the MCAA requires the relevant marine planning authority to publish Statements of Public Participation (SPP), prior to the start of the marine planning process. These set out how stakeholders can become involved in the development of the plan and how representations can be made to the Welsh Government.

The Welsh Government **consulted on and published** its first SPP in 2014. It also published an updated **Statement of public participation for the Welsh National Marine Plan** in 2018.

4.5. Sustainability Appraisal

As required by **Schedule 6** of the MCAA 2009, the Welsh Government has carried out a Sustainability Appraisal (SA) to assess the likely effects of the policies contained in the WNMP on sustainable development criteria. The SA document states:

Sustainability Appraisal (SA) is a form of assessment that considers the social, economic and environmental effects of a plan or programme in the context of sustainable development... In meeting its requirement to undertake an SA of the WNMP, the Welsh Government must also address the requirements of the **European Union Directive 2001/42/EC on the Assessment of Certain Plans and Programmes on the Environment**, more commonly known as the Strategic Environmental Assessment (SEA) Directive.

The Welsh Government’s SA for the WNMP incorporated an assessment designed to also comply with the SEA Directive. The **SA** was published alongside the draft WNMP. Following the publication of the adopted WNMP, a **SA Addendum** was published which includes details of the assessment of changes made to the WNMP from its draft form. A **SA post-adoption statement** was also published in accordance with the SEA Directive. This summarises:

- How environmental considerations have been integrated into the WNMP;
- How the SA report and the opinions expressed during consultations have been taken into account;
- The reasons for choosing the WNMP as published, in the light of the other reasonable alternatives dealt with²; and
- The measures decided concerning monitoring.

4.6. Habitats Regulations Assessment

In accordance with the **Conservation of Habitats and Species Regulations 2017** (‘the Habitats Regulations’), the Welsh Government has completed a HRA to determine whether the WNMP is likely to have a significant effect (alone, or in-combination with other plans) on any European designated nature conservation site.

A **report presenting the HRA** of the draft WNMP was published alongside the draft plan. An updated **HRA report**, which reflected the changes to the draft WNMP, was published alongside the adopted plan.

² The **SEA Directive** requires the identification, description and evaluation of “the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”.

5. How does the adopted WNMP differ to the draft plan?

5.1. Summary of changes

The Welsh Government published a **summary of the changes** made to the WNMP following the consultation on the draft version. The summary details stakeholder comments received during the consultation and the resulting changes, if any, made to the WNMP.

The **SA Addendum**, published alongside the adopted WNMP, highlights changes made to the wording of policies from the draft plan in track changes and categorises the changes made to the plan as (emphasis added):

- ◆ **Structural changes:** for example, reducing the length and complexity of the plan by restructuring the Draft WNMP and removing/transferring some of the material to other documents such as Implementation Guidance and Marine Planning Notices (MPNs), which may be produced in the future;
- ◆ **Policy amendments:** for example, revisions to the policies of the Draft WNMP including the combining of policies, changes to policy wording, the deletion of policies and the inclusion of additional policies;
- ◆ **Deletion of Strategic Resource Areas (SRAs):** the removal of SRAs from within the plan and deferral to their future consideration under individual MPNs, and focusing the role of SRAs on safeguarding possible future resource use, rather than supporting new activity; and
- ◆ **Supporting text amendments:** for example, revisions to the introductory sections of the plan and amendments to the policy implementation guidance.

5.2. Sector safeguarding policies

A notable change to the draft WNMP relates to the sector policies. The **summary of changes** document highlights that, “safeguarding policy has been streamlined by replacing individual sector safeguarding policies (for sectors other than Defence) with Common Safeguarding Policy”. Thus, there are fewer safeguarding sector policies in the adopted WNMP.

5.3. Strategic Resource Areas

The draft WNMP introduced SRAs, which are areas spatially defined on maps within the draft plan. The draft WNMP described SRAs as being:

...used to allocate space and focus future use. These are areas of good opportunity for future use by a particular sector over the plan period and beyond. SRAs lie within the related Resource Area. SRA's have been identified at a broad scale, local issues and constraints that relate to the general policies that have a spatial dimension will be taken into account when considering individual proposals.

The **summary of changes** document highlights that SRAs were a key theme within the consultation responses to the draft WNMP:

Respondents welcomed the intent of providing spatial direction in the draft WNMP however, some concerns were raised regarding a number of aspects in relation to SRAs, including:

- ◆ A lack of clarity on the purpose of and role of SRAs in decision making;
- ◆ That proposed SRAs support sector growth while not yet being underpinned by comprehensive evidence on environmental constraints;
- ◆ That there are some inconsistencies in the methodology for and approach to identifying and defining proposed SRA boundaries; and
- ◆ That there should be opportunity for appropriate stakeholder engagement to support the identification and development of SRAs.

Spatial SRAs have not been included in the adopted WNMP. However, the WNMP states that “SRAs will be introduced or amended via [Marine Planning Notices] MPNs”. The WNMP describes MPNs as supplementary planning documents, which will:

...provide guidance for implementation of Plan policies or development in specific areas. MPNs do not introduce new policy but assist in the interpretation or application of policy. MPNs will be subject to consultation.

Whilst SRAs are not included in the WNMP, they are referenced in policy ‘SAF_02’ in the adopted WNMP (emphasis added):

SAF_02: Safeguarding strategic resources

Proposals which may have significant adverse impacts upon the prospects of any sector covered by this plan to engage in sustainable future strategic resource use (**of resources identified by an SRA**) must demonstrate how they will address compatibility issues with that potential resource use.

Proposals unable to demonstrate adequate compatibility must present a clear and convincing case for proceeding. Compatibility should be demonstrated through, in order of preference:

- ◆ Avoiding significant adverse impacts on this potential strategic resource use, and/or
- ◆ Minimising significant adverse impacts where these cannot be avoided; and/or

◇ Mitigating significant adverse impacts where they cannot be minimised

The WNMP provides further detail on how an SRA should be introduced and identified. For example, it specifies that where the marine planning authority proposes to introduce an SRA it should consult upon the proposal. The WNMP also states that the marine planning authority should “identify environmental constraints and opportunities relevant to the SRA”. It also states that MPNs are a relevant consideration in determinations under **section 58** of the MCAA, which states that:

A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.

5.4. Oil and gas sector policy

The adopted WNMP included a new sub-policy on oil and gas, which was not included in the draft. This highlighted policy differences between the Welsh and UK Governments.

Policy ‘O&G_01a’ of the adopted WNMP, which applies to offshore and inshore areas (subject to UK Government national policy), predominantly supports the development of oil and gas activities. The policy is (emphasis added):

Proposals that **maximise** the economic recovery of oil and gas sustainably **will be supported** where they comply with the objectives of this plan, and fully meet the environmental safeguards contained within the statutory processes of awarding production licences and subsequent activity-specific approvals. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.

The new sub-policy ‘O&G_01b’, which relates to areas where competence is devolved to Wales, is less supportive of oil and gas activities (emphasis added):

Welsh Government policy is to **avoid the continued extraction** of fossil fuels in **intertidal areas and estuaries and coastal inlet waters** that fall within the **Welsh onshore licence area**. Applications for new petroleum licenses in these areas **should not be supported, unless required for mine safety or scientific purposes**. Proposals for the development and extraction of oil and gas in these areas with land based elements must provide robust and credible evidence to demonstrate how they conform to the Planning Policy Wales Energy Hierarchy for Planning, including how they make a necessary contribution towards decarbonising the energy system.

5.4.a Ministerial statement

The oil and gas sector policies were a key feature of the **oral statement** made by the Minister for Environment, Energy and Rural Affairs in November. Announcing the publication of the plan the Minister said:

The plan also includes references to UK Government policy where matters are reserved to UK Government. Inevitably, there are areas in which there is a contrast between Welsh Government and UK Government policy. One such area is in relation to the extraction of oil and gas. Welsh Government policy is designed to avoid further extraction and consumption of fossil fuels within all areas for which we have responsibility...

In our plan, we’ve also included details of the UK Government policy, insofar as it applies to the seas surrounding Wales. Their policy is to maximise fossil fuel extraction in the offshore areas surrounding Wales. The contrast between the policy of Welsh Government and UK Government could not be more stark. For the avoidance of any doubt, I would like to place on record the view of Welsh Government that any policy to encourage the continued extraction of fossil fuels is a policy we would emphatically reject.

5.5. Tidal lagoon policy

The **summary of changes** document highlights the policy on tidal lagoon development as a key theme within the consultation responses to the draft WNMP:

While supportive of policy to encourage low carbon energy, respondents expressed significant concern at draft WNMP policy on tidal lagoons and its support for large-scale lagoon development alongside the HRA findings that it could not be concluded that such policy would not result in adverse effects on the integrity of European Site(s). Respondents also noted that such development is likely to result in impacts and cumulative effects extending across national, marine planning and land/sea borders and felt that the draft WNMP should address these issues more clearly...

The **HRA** that was published alongside the draft WNMP stated that “the plan level HRA was unable to conclude that policy ‘ELC_01’ as it relates to tidal lagoons was not likely to have a significant effect upon European sites”. As a consequence, a detailed **Appropriate Assessment (AA)** was carried out with respect to the part of the ‘ELC_01’ policy relating to tidal lagoons. The findings of the AA are included within the **HRA publication**.

The AA found that at the plan level, it was not possible to rule out an adverse effect on the integrity of those sites supporting migratory fish, intertidal habitats and intertidal habitats that may support feeding and / or roosting of birds. The

conclusion of this was that if the policy was to be taken forward in its current form, the Welsh Government would need to consider the merit and applicability of applying the Article 6(4) of the **Habitats Directive** imperative reasons of overriding public interest (IROPI) process. The HRA publication explains:

Where, upon assessment, it cannot be excluded on the basis of objective information that the policy supporting tidal lagoons in SRAs in the draft WNMP will have a significant adverse effect upon European Sites, then either the plan or policy must be amended or (if appropriate) the plan be taken forwards under derogation procedures afforded by Article 6(4).

The **summary of changes** document highlights that the tidal lagoon policy in the adopted plan has been reviewed:

...in conjunction with key stakeholders and NRW and has been refined to focus on a stepwise approach to supporting the sector, including a strategic, evidence-based approach to allow for greater understanding of future opportunities.

As a result of the revisions, the revised policy relating to tidal lagoons is no longer being brought forward under IROPI. The **HRA document** published alongside the adopted WNMP highlights that, following assessments of the new policies, it is now considered that:

...the measures within the WNMP together with the availability and means of ensuring project-level mitigation will ensure that there will be no adverse effect on the integrity of any European sites, alone or in combination, as a result of the plan's implementation.

5.6. Changes to the Sustainability Assessment

Following revisions to the draft WNMP, the changes were reviewed and, where deemed appropriate, assessed as part of the ongoing SA. The findings are presented in a **SA Addendum**.

Significant effects of the *changes* made to the plan include (but are not limited to):

- The inclusion of an additional objective relating to coastal tourism and recreation (objective 5), which could result in “potential tensions between the aspiration for blue growth and the need to protect and enhance the marine environment”;
- Revisions to policy ‘SOC_06’ (designated landscapes) to include specific reference to potential impacts on designated landscapes, a mitigation hierarchy and opportunities for the enhancement of designated landscapes. This change:

strengthens the policy in terms of the positive effects on biodiversity... heritage...and tourism and recreation...which are now considered to be a significant positive effect; however, there has not been any consequential change to the overall cumulative effects of this section

- Changes to aggregates, aquaculture, oil and gas and ports and shipping sector policies assessed as having significant positive effects on the economy as they “support the growth of the respective sectors, providing greater certainty to developers to encourage future investment”; and
- A significant negative effect identified for the revised policy ‘ELC_01’ (previously a broader policy on low carbon energy production but now specific to wind energy generation). This effect was identified due to the potential for offshore wind energy developments to have adverse impacts on landscape/seascape and visual amenity.

Additional likely impacts of the WNMP policies are summarised in section 4 of the **SA Addendum**.

6. How does the WNMP contribute to the aims of the WFG and Environment (Wales) Acts?

Section 4 (and table 3.7) of the SA Addendum describe the likely contribution of the WNMP to the well-being goals (as defined in the **WFG Act**) and the objective of SMNR (as defined in the **Environment (Wales) Act 2016**). This was assessed by mapping the well-being goals and SMNR objective to the SA criteria and informed by the appraisal of the general cross-cutting policies and sector policies against the SA criteria. A judgement was then made regarding whether, and the extent to which, the WNMP would support or detract from the achievement of each well-being goal (and by extension, the SMNR objective). The SA Addendum states:

Table 3.7 demonstrates that the revised Draft [now adopted] WNMP policies are likely to make a significant positive contribution to the achievement of the seven well-being goals for Wales, supporting the objective for SMNR...Development and use of the marine area will unavoidably require the use of natural resources and could result in some adverse environmental effects that would need to be considered carefully in the context of the well-being goal 'A resilient Wales'. However, the general cross-cutting policies...seek to avoid, minimise or mitigate significant adverse effects associated with new development or activity and will help to ensure the sustainable management of natural resources.

The Environment (Wales) Act 2016 introduces a number of principles that underpin the achievement of SMNR. These principles, which are to be applied equally, have guided the development of the revised Draft WNMP. It is outside the scope of this SA to consider exactly how the plan has been developed in accordance with these principles and it is recommended that the Welsh Government gives further consideration with regard to how best to ensure and demonstrate the integration of SMNR principles in the process of plan development and future marine spatial planning decisions.

7. How should the WNMP be used?

7.1. Public authority decision making

The WNMP is an appropriate marine policy document for the purpose of the MCAA. As such, a public authority must take any authorisation or enforcement decision **in accordance** with the WNMP (and any other “appropriate marine policy documents”) unless relevant considerations indicate otherwise.

An authorisation or enforcement decision is **defined** in the MCAA as:

- (a) the determination of any application (whenever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the UK marine area,
 - (b) any decision relating to any conditions of such an authorisation,
 - (c) any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed),
 - (d) any decision relating to the enforcement of any such authorisation or any such conditions,
 - (e) any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within paragraph (a),
- but does not include any decision on an application for an order granting development consent under the Planning Act 2008 (c. 29) (in relation to which subsection (3) has effect accordingly).

Subsection 3 of the MCAA requires public authorities to **have regard** to the WNMP in making *any other* decision which relate to the exercise of any function capable of affecting the whole or any part of the UK marine area.

7.2. Integration with other planning regimes

The WNMP states that marine planning requires the “integration of marine plans both with adjacent marine plans and adjacent terrestrial plans, to minimise the risk of decisions in one area having adverse impacts in another”. It also describes the legal requirements to do so under the MCAA:

The MCAA requires that marine plan authorities must take all reasonable steps to ensure that the marine plan is compatible with plans in the land-use planning system. There is also a requirement when preparing a marine plan to have regard to any other plan prepared by a public or local authority.

The WNMP highlights the Dee and Severn estuaries as being cross-boundary areas where there is a particular need to ensure the WNMP operates smoothly across administrative borders. It also explains that:

Any decision with the potential to affect the Plan area, including those related to terrestrial activities, should be taken in accordance with this Plan unless relevant considerations indicate otherwise or with regard to this Plan... If the decision has the potential to also affect another marine plan area then it should be taken in accordance with, or with regard to, other relevant marine plan(s), as applicable.

A “**frequently asked questions**” online publication by the Welsh Government states that:

The WNMP will sit alongside and interact with existing planning regimes and will be consistent with strategic priorities set out in the National Development Framework on land. The WNMP area will physically overlap with terrestrial planning Local Development Plan boundaries to ensure marine and terrestrial planning work together... Local Authority jurisdiction is from the mean low water mark landwards so the two planning regimes overlap.

The Welsh Government has published an **infographic** intended to show how the WNMP works alongside the draft **National Development Framework** (NDF) on land. An **explanatory paper** has also been prepared to assist readers of the draft NDF in understanding the relationship between the draft NDF and the WNMP and the approach taken to ports policy. On 12 November 2019, the Minister for Environment, Energy and Rural Affairs was asked in **Plenary** about links between the NDF and the WNMP. She agreed to speak to the Minister for Housing and Local Government about cross-referencing the two documents.

7.3. Implementation

The Welsh Government has produced a **timeline** which shows the anticipated developments for marine planning in Wales. These include “awareness raising and training and the delivery of best practice” until 2021. It also highlights an ongoing associated project, the **Sustainable Management of Marine Natural Resources Project**, which is expected to be completed in 2021. The Welsh Government’s **overview of the WNMP** also highlights that looking ahead:

The plan makes provision for publication of Marine Planning Notices and identification of Strategic Resource Areas (SRAs). SRAs will safeguard areas with natural resources of particular importance to a sector (e.g. tidal energy, wave energy, sand for construction etc); and will be within wider resource areas of relevance to that sector.

In **Plenary** on 12 November 2019, the Minister for Environment, Energy and Rural Affairs said:

Now that we have published and adopted the Welsh national marine plan, our efforts will focus on implementation. A marine planning decision makers group has been formed and detailed supplementary guidance is being finalised in collaboration with stakeholders. We have now released an updated version of our Wales marine planning portal, providing freely accessible and interactive online evidence maps.

As the evidence base develops we will continuously refine the plan and how it applies to specific activities and specific regions of Wales.

On 20 January 2020, the Welsh Government published a **monitoring and reporting framework** on the WNMP. This document outlines the approach that the Welsh Government will take to develop indicators for monitoring the implementation of the WNMP. It states that it “represents the first step in the process of developing an approach to monitoring and reporting on the WNMP... leading to publishing the first monitoring report in 2022”.

7.3.a Marine Area Statement

In March 2020, **NRW** is due to publish a **Marine Area Statement**. This will be one of seven Area Statements that will cover **different areas** of Wales. NRW is required to produce Area Statements under the **Environment (Wales) Act 2016**. The Act states that each Area Statement must:

- ◊ (a) explain why a statement has been prepared for the area, by reference to—
 - ◊ (i) the natural resources in the area,
 - ◊ (ii) the benefits which the natural resources provide, and
 - ◊ (iii) the priorities, risks and opportunities for the sustainable management of natural resources which need to be addressed;
- ◊ (b) explain how the principles of sustainable management of natural resources have been applied in preparing the statement;
- ◊ (c) state how NRW proposes to address the priorities, risks and opportunities, and how it proposes to apply the principles of sustainable management of natural resources in doing so;
- ◊ (d) specify the public bodies which NRW considers may assist in addressing the priorities, risks and opportunities.

Whilst the Area Statement will only **relate to the inshore region** of Wales, NRW’s Marine Area Statement **website** says “supporting implementation of the Welsh National Marine Plan” will be a key theme within it.

7.4. Reviewing and reporting

Under **section 61** of the MCAA, the Welsh Ministers have a duty to keep the following matters under review for so long as the WNMP is in effect:

- The effects of the policies in the marine plan;
- The effectiveness of those policies in securing that the objectives for which the marine plan was prepared and adopted are met;
- The progress being made towards securing those objectives; and
- The progress being made towards securing that the objectives, for which the Marine Policy Statement was prepared and adopted, are met in that region.

There is also a **duty** under the MCAA to prepare and publish, and lay a copy before the National Assembly for Wales, of a report on those matters. This must be done at intervals of not more than 3 years. Furthermore, there is an additional **duty** on the Welsh Ministers to prepare, and lay before the Assembly, a report on

- Any marine plans it has prepared and adopted;
- Its intentions for their amendment; and
- Its intentions for the preparation and adoption of any further marine plans.

This must be produced and laid at intervals of not more than 6 years.

7.5. Amendment or withdrawal of the WNMP

The WNMP states that the plan takes a:

...20-year view whilst recognising that certain activities may need to be planned for beyond this period and others are likely to change significantly during this Plan's lifetime.

The MCAA **allows** for amendment of the WNMP:

A marine plan may be amended from time to time by the marine plan authority for the marine planning region in which the marine plan area lies.

A marine plan can also be withdrawn at any time but this must be done in accordance with provisions of the MCAA (**section 53**).

7.6. Sustainability Appraisal recommendations

During the SA process, a number of recommendations were developed which the Welsh Government could consider during the review of the WNMP or in preparation of future marine plans. These were presented in the **SA Addendum** and include:

- Resolving uncertainties with respect to the probability of effects occurring and their magnitude, through a programme of further research;
- Using evidence on capacity to identify targets;
- Providing supplementary locational guidance;
- Reviewing policy effectiveness; and
- Giving further consideration to how best to ensure and demonstrate the integration of the **SMNR principles** and Wales' **well-being goals** in the process of marine planning.

8. Key Sources

8.1. Welsh Government

- **Marine Planning** webpage;
- **Adopted WNMP**;
- WNMP **summary of changes** since the consultation;
- WNMP **overview**;
- **Sustainability Appraisal**, including the Sustainability Appraisal Addendum and Sustainability Appraisal post-adoption Statement;
- **Statement of Public Participation**;
- WNMP **frequently asked questions**;
- WNMP **quick reference guide**; and
- **Draft Welsh National Marine Plan**.

8.2. National Assembly for Wales

- The Climate Change, Environment and Rural Affairs Committee's **recommendations** on the draft WNMP; and
- The oral statement **announcing** the publication of the adopted WNMP in plenary.

8.3. Other sources

- Senedd Research blog: **Managing Welsh Seas: The Welsh National Marine Plan**,
- Senedd Research blog: **A marine plan for Wales**, June 2016; and
- Senedd Research briefing: **Marine Spatial Planning**, December 2017.