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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Welsh Assembly Government

Consultation Document

Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales

Date of issue: Wednesday 16 February 2011

Action required: Responses by 11 May 2011

Overview

The key purpose of this consultation is to seek views on the way in which the Welsh Assembly Government intends developing marine planning in Wales in line with its powers and responsibilities under the Marine & Coastal Act 2009.

The 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.

How to respond

Replies to this consultation should be submitted by **Monday 11 May 2011** at the latest in one of the following ways:

By e-mail:

marine@wales.gsi.gov.uk

By post:

By completing the response form at the back of this document and sending it to:

Marine Policy Branch
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Contact Details

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Data Protection

How the views and information you give us will be used.

Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.

The Welsh Assembly Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Assembly Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Foreword

The Marine and Coastal Access Act 2009 introduces a new era in the management of the Welsh Marine area, providing for a much stronger joined-up approach to managing our seas. Central to this approach will be a robust and proactive marine planning system, allowing us to manage more effectively the competing demands that are placed on our marine environment.

Sustainable development, the organising principle of the Welsh Assembly Government, will be at the heart of our approach to managing our seas. By taking a balanced approach to resource use and protection, we will seek to deliver sustainable economic growth from our marine based industries whilst safeguarding our marine and coastal environment for use by future generations.



The consultation seeks your views on our approach to marine planning in Wales. Our aim is 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. We also want your views on how we should plan at a 'sub-national' or more local level, and how best to engage with the public, especially local communities,

I hope you will respond fully and freely to this consultation. This is the start of an important journey, which we want to make as inclusive as possible. Your views are therefore vital in shaping our approach.

A handwritten signature in black ink that reads "Jane Davidson". The signature is written in a cursive style with a large initial 'J'.

Jane Davidson
Minister for Environment, Sustainability & Housing
Welsh Assembly Government

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Summary

The Marine and Coastal Access Act 2009 (the Act) sets out the statutory basis for a new plan-led system for marine activities throughout the UK. Welsh Ministers are the Planning Authority for the Welsh inshore and the Welsh offshore areas.

The key purpose of this consultation is to seek views on the way in which the Welsh Assembly Government intends developing marine planning in Wales in line with its powers and responsibilities under the Marine & Coastal Act 2009 (the Act).

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.

In summary this consultation seeks to

- map key existing and planned economic, environmental and social features, resources and activities in Welsh seas and establish the need to take them all into account in developing marine plans
- set out our overall vision for achieving sustainable development in Welsh seas
- emphasise our commitment to make marine and terrestrial planning as joined up as possible and seek views on the challenges to achievement
- provide the background to marine planning in Wales
- explain the relationship between the UK Marine Policy Statement and Welsh marine plans
- set out the constitutional and administrative arrangements that will apply
- propose national plans and approaches to sub-national planning
- outline the cross-border planning relationships
- commit to full public engagement and consultation and set out the key principles we will follow to achieve this
- outline next steps

INTRODUCTION

Purpose of consultation

1. The key purpose of this consultation is to seek views on the way in which the Welsh Assembly Government intends developing marine planning in Wales in line with its powers and responsibilities under the Marine & Coastal Act 2009 (the Act).
2. We, along with the rest of the UK, will be breaking new ground in taking this forward. It could be argued that no coherent, comprehensive system of statutory marine planning currently exists here, or else where in the world, which takes such an holistic, ecosystem based approach to help achieve sustainable development in the marine environment. The Welsh Assembly Government does have considerable experience in taking an integrated approach to planning and delivery. We will, in particular, be able to learn from our development of terrestrial spatial planning, as well as other relevant Welsh Assembly Government policies and strategies which are underpinned by this integrated approach.

Scope of the consultation

3. Although we have consulted informally on many of the key principles and issues, this is the first formal consultation that we are undertaking on marine planning in Wales. Accordingly, it concentrates on how we should frame our approach to marine planning in Wales and the key issues that we need to take into account when we start drawing up the marine plans themselves.
4. The 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. For the definition and an illustration of the Welsh inshore and offshore areas, referred to throughout this consultation as “the Welsh marine area”, please refer to paragraphs 65 and 66 and Figure 1. It should be noted that the Act requires separate plans for the inshore and offshore areas and does not allow for a single marine national plan for all Welsh waters. However we will plan for the inshore and offshore jointly.
5. The extent of our marine area is comparatively large compared with our land mass, and this is reflected in its importance to Wales and the UK - in terms of economic, environmental and social value and the complexity of its features, activities and their relationships. We therefore believe that we need to have overarching all-Wales plans in order to maximise sustainable development in our marine area.
6. 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. For more information on sub-national planning, please refer to paragraphs 118 -122.
7. The consultation does not distinguish between policy priorities. To do so would be premature as we need first to agree our approach to planning and

the associated challenges, before we start preparing marine plans. Policy priorities will be developed as an integral part of the first marine plans themselves bearing in mind that, as with terrestrial planning, marine planning will evolve. The first marine plans will set as many key policy directions as possible in terms of spatial planning but recognise that they will be developed further as our understanding of our needs and the evidence base progresses and improves.

8. We intend Welsh marine plans, whether inshore or offshore, to cover the period up to 2030, but we will also look beyond this period as appropriate¹. In accordance with section 61 of the Act, they will be subject to ongoing review after adoption, together with regular reporting, including laying reports before the National Assembly for Wales.

9. In summary, this consultation seeks to

- map key existing and planned economic, environmental and social features, resources and activities in Welsh seas and establish the need to take them all into account in developing marine plans
- set out our overall vision for achieving sustainable development in Welsh seas
- emphasise our commitment to make marine and terrestrial planning as joined up as possible and seek views on the challenges to achievement
- provide the background to marine planning in Wales
- explain the relationship between the UK Marine Policy Statement and Welsh marine plans
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- propose national plans and approaches to sub-national planning
- outline the cross-border planning relationships
- commit to full public engagement and consultation and set out the key principles we will follow to achieve this
- outline next steps

10. The overall engagement and consultation process for adopting the first marine plans will be a phased and iterative process; this consultation, as stated above, is the start of the formal consultation process and has itself been informed by considerable pre-consultation engagement - for example the planning workshops held at the Wales Coastal & Maritime Partnership (WCMP) conference last year.

11. A Marine Planning Group, under the auspices of the WCMP, has also been established to inform the process, including the drafting of this consultation document. See paragraph 93 for further details on the group.

¹ This is not specified in the Act but is an assumption based on good practice in terrestrial planning

THE IMPORTANCE OF OUR MARINE AREA

12. Welsh seas provide a range of ecosystem goods and services², leisure and recreation, cultural and spiritual experiences, climate change regulation, air and water quality. We know that people see the marine and coastal environment as intrinsically important, for its habitats and species, seascape and landscape features, its beauty, heritage and 'sense of place'.

13. Taken together, our marine and coastal areas represent hugely important economic, environmental and social assets. 60% of the population of Wales lives and works on the coast, with all our major cities and many important towns also located here. Our marine environment supports an important communications and transport network and our ports are vital for international trade; our waters support valuable fishing activity and aquaculture developments and aggregates extraction that feeds local construction projects. Our marine area also supports the development of renewable and non-renewable energy installations to help deliver our climate change strategy, low carbon energy and green jobs policies. Our marine environment area also provides tourism and recreation opportunities (the two are usually interlinked) contributing £2.5bn per year to the Welsh economy³. Furthermore, some 32% and 70% respectively of the Welsh inshore area and coastline is designated (under European Union Directives and UK law) for its environmental quality and its outstanding beauty and heritage contributes to culture and well being. Flood management activities also feature along our coastal areas

14. However these key assets are under a range of pressures. We need to find ways of achieving sustainable development whilst safeguarding precious environmental and heritage features and ecosystems, and adapting to the anticipated impacts of climate change. Our approach to marine planning aims to maximise benefits for a range of stakeholders and to support creative, 'win:win' solutions wherever possible.

MARINE FEATURES, RESOURCES AND ACTIVITIES

15. Marine planning in Wales will reflect the area, scale and type of activities that take place in our marine area. Densely used areas will need more detailed plans that seek out synergies and best practice, while other areas might need less detailed plans. It will therefore be important to know the needs of different users and the scale and characteristics of the ecosystem.

16. The annexed maps provide an example of the range and complexity of the features, resources and activities which make up the ecosystem goods and services in Welsh seas and which we will take into account in developing marine plans.

² Defined as 'Ecosystem services are the outputs of ecosystems from which people derive benefits including goods and services' (e.g. food and water purification, which can be valued economically) and other values (e.g. spiritual experiences, which have a non-economic value), Source: <http://uknea.unep-wcmc.org/>

³ 'Valuing our Environment – Economic Impact of the Coastal and Marine Environment of Wales', www.nationaltrust.org.uk

17. Neither the maps nor the headings below are meant to be exhaustive and they will change as new developments – whether economic, environmental or social - emerge.

Defence and National Security

18. The marine and coastal environment is essential to the MoD (including HM Armed Forces and the Royal Fleet Auxiliary) in maintaining the operational capability required to achieve UK national security.

Energy Infrastructure

19. The marine environment will continue to make a major contribution to the provision of our sustainable energy supply and distribution. This includes a growing contribution from the deployment of renewable energy technologies, both offshore wind and wave/tidal devices, in response to the challenges of tackling climate change and increasing our energy security and securing our offshore energy objectives as set out within “A Low Carbon Revolution”⁴.

Fisheries & Aquaculture

20. Fisheries, including aquaculture, provide the economic and social heart of a number of communities around the coasts of Wales, where the fishing industry is the major employer, and also contributes to the rural economy via recreational angling tourism. Commercial fishing can also be important in attracting visitors to coastal areas in Wales, as it is viewed as part of the whole coastal tourism experience, thereby boosting the local economy. The Wales Fisheries Strategy sets out the need to ‘support the development of viable and sustainable fisheries in Wales as an integral part of coherent policies for safeguarding the environment’⁵

Heritage

21. The historic environment of coastal and marine areas represents a unique aspect of our cultural heritage. In addition to their inherent cultural value, many heritage assets also contribute to the delivery of significant socio-economic and environmental benefits, including sustaining tourism and supporting regeneration. However, they are finite and non-renewable and are subject to decay and the threat of destruction from both human and natural causes. *The Welsh Historic Environment Strategic Statement*⁶ sets out our overarching policy for the historic environment, including marine.

Marine Aggregates

22. Marine sand and gravel makes a crucial contribution to meeting the demand for construction aggregate materials, essential for the development of our built environment. Total sand and gravel sales in Wales were 1.668 million

⁴<http://wales.gov.uk/topics/environmentcountryside/energy/renewable/policy/lowcarbonrevolution/?lang=en>

⁵ Welsh Fisheries Strategy 2008, <http://wales.gov.uk/strategy/strategies/walesfisheriesstrategy/walesfisheriesstratjuly08.pdf?lang=en>

⁶ <http://wales.gov.uk/topics/cultureandsport/publications/strategic/?lang=en>

tonnes in 2009, of which marine dredged sand represented 0.873 million tonnes. Approximately 50% of all the sand and gravel in Wales comes from marine sources. South Wales in particular is highly dependent on marine-dredged sand which meets more than 80% of the demand⁷.

23. There are often no practicable alternative sources to marine aggregate for the maintenance of coastal defences required for climate change adaptation. Marine aggregates also support energy security and economic development through provision of fill for major coastal infrastructure projects.

Marine ecology and biodiversity, including Marine Protected Areas (MPAs)

24. We are committed to promoting a halting and, if possible, a reversal of biodiversity loss with species and habitats operating as a part of healthy, functioning ecosystems. We are also committed to promoting the general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies.

25. Although by no means the only mechanism, we see MPAs as an integral tool in achieving such outcomes for ecology and biodiversity. Wales is committed to contributing to an ecologically coherent UK network of MPAs by 2012. The network will comprise existing MPAs as well as new sites. It will be made up of both national (in particular Marine Conservation Zones and Sites of Scientific Special Interest) and European designations (Special Areas of Conservation (designated under the Habitats Directive), and Special Protection Areas (as classified under the Wild Birds Directive)).

26. In terms of Marine Conservation Zones (MCZs), we are looking initially to use this new designation power under the Act to designate a small number of highly protected sites in the Welsh inshore area in order to aid the resilience and recovery of natural ecosystem functioning and improve our understanding of the effects of a high level of protection. For further information, please visit: <http://wales.gov.uk/topics/environmentcountryside/consmanagement/marinefisheries/conservation/protected/conservationzones/?lang=en>

27. The UK network of MPAs will be a key tool in contributing to achieving Good Environmental Status (GES) under the Marine Strategy Framework Directive, and particularly in ensuring biodiversity is protected, conserved and where appropriate recovered, and loss of biodiversity halted. In marine planning, we will take account of MPAs, their conservation objectives, and the management arrangements associated with them.

Ports and shipping

28. Ports and shipping play an important role in the activities taking place within the Welsh marine environment. They are an essential part of our economy providing the major conduit for imports and exports. Ports also

⁷ Annual Minerals Raised Inquiry report for 2009, produced by the Office for the National Statistics for DCLG and DBIS (Business Monitor PA1007)

provide key transport infrastructure between land and sea. Ports and shipping are both critical to the effective movement of cargo and people, both domestically and in the context of the global economy.

Protected Landscapes

29. More than half of the Welsh Coast is designated either as a National Park or as an Area of Outstanding Natural Beauty. Their management plans, a statutory requirement, set out what is special about each area and what needs to be done to conserve those qualities. We will have regard to relevant management plans when preparing our marine plans. We also have extensive lengths of coast that have been designated as Heritage Coast, on account of their outstanding landscape and undeveloped nature. Much of what is special about these areas is down to their relationship with the marine environment and we will take them into account in preparing marine plans.

Telecommunications cabling

30. Submarine cables are part of the backbone of the world's information and international telecommunications infrastructure, which are both socially and economically crucial to the UK. The transatlantic cables landing in the UK, including Wales, carry more than 70% of Europe's internet traffic and provide many services for our local communities, major utilities and industries.

Tourism and recreation

31. Many local seaside communities and businesses in Wales rely on the marine environment for their livelihoods and regeneration. Good access to the coastline, to attractive and well maintained beaches, seashore and clean bathing water quality are an integral part of tourism and the sea can provide a variety of recreational opportunities including sailing, diving, sea angling and surfing as well as wildlife experiences. A well-managed and healthy marine environment is therefore essential to attract visitors to our coasts and this aspect should be encouraged and taken account of in marine planning. The Welsh Assembly Government's Coastal Tourism Strategy (a key national action within the Wales Spatial Plan) sets out a common strategy for developing the tourism potential of the coastline in a sustainable way whilst responding to the needs of growth markets⁸.

Waste water Treatment & Disposal

32. We are committed to maintaining and developing a policy and regulatory system which provides modern, high quality water and sewerage services. The collection, treatment and disposal of waste water from housing, agriculture and industry, the effective drainage of storm water and runoff to the sea, and mitigating the effects of diffuse pollution are key components of these services. An important aim is ensuring that infrastructure is in place and maintained for necessary disposal activity to be carried out in compliance with EU legislative requirements. Sewerage infrastructure and drainage is also essential in providing for economic and social development, and for reducing the risk of flooding in urban areas.

⁸ <http://wales.gov.uk/docs/drah/publications/Tourism/090612coastaleng.pdf>

Question 1

- Are there any other key features, resources or activities in Welsh seas that we need to take account of?

OUR VISION FOR MARINE PLANNING IN WALES

33. The purpose of marine planning under the Act is to help achieve sustainable development in the marine area. Sustainable development is already the central organising principle of the Welsh Assembly Government and is enshrined in the Government of Wales Act 2006. Our vision for marine planning in Wales should therefore reflect our overarching vision for sustainable development as set out in our Sustainable Development Plan⁹.

34. The Welsh Assembly Government's vision for the Welsh marine environment is also set out in the *Environment Strategy for Wales*¹⁰.

'The marine environment will be valued by all, understood and respected for what it contains and provides. Our seas will be clean, support vibrant economies and healthy and functioning ecosystems that are biologically diverse, productive and resilient, while being sensitively used and responsibly managed'.

35. As set out in '**Our Seas – a Shared Resource**' (2009)¹¹ we are committed to the UK vision for 'clean, healthy, safe, productive and biologically diverse oceans and seas' and the **high level marine objectives** for achieving this vision, which set out the broad outcomes for the UK marine area, and reflect the principles for sustainable development. The objectives are set out below.

⁹ <http://wales.gov.uk/topics/sustainabledevelopment/publications/onewalesoneplanet/?lang=en>

¹⁰ <http://wales.gov.uk/docs/desh/publications/060517environmentstrategyen.pdf>

¹¹ <http://www.defra.gov.uk/environment/marine/documents/ourseas-2009update.pdf>,

THE UK HIGH LEVEL MARINE OBJECTIVES

Achieving a sustainable marine economy

- Infrastructure is in place to support and promote safe, profitable and efficient marine businesses.
- The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.
- Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.
- Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace.

Ensuring a strong, healthy and just society

- People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly.
- The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.
- The coast, seas, oceans and their resources are safe to use.
- The marine environment plays an important role in mitigating climate change.
- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community.
- Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the UK and its interests.

Living within environmental limits

- Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.
- Our oceans support viable populations of representative, rare, vulnerable, and valued species.

Promoting good governance

- All those who have a stake in the marine environment have an input into associated decision-making.
- Marine, land and water management mechanisms are responsive and work effectively together, for example through integrated coastal zone management and river basin management plans.
- Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries.
- Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.
- The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance.

Using sound science responsibly

- Our understanding of the marine environment continues to develop through new scientific and socioeconomic research and data collection.
- Sound evidence and monitoring underpins effective marine management and policy development.
- The precautionary principle is applied consistently in accordance with the UK Government and devolved administrations' sustainable development policy.

The key principles that we will adopt

36. To underpin the implementation of our overall vision and objectives, we will adopt the following key principles, which are based on the UNESCO Marine Spatial Planning Guide: http://www.unesco-ioc-marinesp.be/msp_guide

- Ecosystem-based, using an integrated approach to achieving sustainable development
- Integrated, across sectors and agencies, and among levels of government
- Spatially based
- Temporally based where appropriate i.e. operating at different times
- Adaptive, capable of learning from experience but also providing as much certainty as possible for decision makers and other users.
- Strategic and anticipatory, focused on the long-term
- Participatory, with stakeholders actively involved in the process

37. Marine planning is a process that depends on the clear definition of objectives, which in turn should be based on long-term perspectives and ultimately stem from political priorities.

38. We will be transparent about the objectives we set and make sure there is a clear, predictable and stable decision making process.

39. We are committed to bringing stakeholders on board and to helping them understand each other's expectations and trust the process. In turn, we will expect stakeholders to take responsibility and participate actively.

Learning from other planning systems

40. We will aim to learn lessons from marine planning systems overseas – in particular Australia, Belgium, Canada, Germany, the Netherlands and the USA – as well as statutory marine planning as it develops throughout the rest of the UK. We will also look at the experiences of UK marine planning pilot projects.

The Welsh Language

41. A key Welsh Assembly Government goal is to see the Welsh language thrive. Welsh is widely spoken in many coastal communities. However, as is recognised in our draft Welsh Language Strategy – *A living language, a language for living*¹² – the language is in a fragile state in such communities because of a range of socio-economic factors. In developing marine plans, we will be committed to taking full account of their likely impacts on the identity of these Welsh speaking communities.

42. We will take into account all these principles, approaches and experiences in preparing our marine plans.

¹² <http://wales.gov.uk/docs/drah/consultation/20101213alivinglanguageeng.pdf>

What you can expect to see in Welsh Marine Plans

43. In order to help achieve sustainable development in our marine area, we need to clear about what we mean by marine planning.

44. To achieve a more coherent and co-ordinated approach to the management of the Welsh marine area, plans will need to provide a clear direction for all decision-makers by setting objectives and determining policies for the area.

45. Plans will need to provide as much certainty as possible for people who are interested in the Welsh marine area – whether from an economic, environmental or social perspective; the general public, private, public or voluntary sector – recognising that this will be an incremental process. Plans will need to look forward to how the Welsh marine area is likely to change naturally, as well as how human activity might promote or mitigate the effects of these changes.

46. Therefore our marine plans, over time, will interpret and present the Welsh Assembly Government's key policies and objectives for Welsh marine area into a clear, spatial and locally relevant expression of policy, implementation and delivery including temporal aspects as appropriate. This process of interpretation will use the UK wide Marine Policy Statement (See paragraph 69) as the overarching framework and will be heavily informed by the available evidence base (see paragraph 107).

INTEGRATION BETWEEN MARINE AND TERRESTRIAL PLANNING REGIMES

47. Activities taking place on land and in the sea can have impacts on both terrestrial and marine environments. The Welsh coast and estuaries are highly valued environments, as well as economic and social assets. We are committed to ensuring that coastal areas, and the activities taking place within them, are managed in an integrated and holistic way in line with the principles of Integrated Coastal Zone Management (ICZM)¹³.

48. We already have an ICZM Strategy – *Making the Most of Wales' Coast*¹⁴ a key element of the marine planning process in Wales will be to use this strategy and focus on specific actions that are needed to achieve integration in practice. This will include taking into account the research that the WCMP conducted regarding ICZM indicators in Wales¹⁵.

<http://www.walescoastalpartnership.org.uk/information-resources>

¹³ <http://ec.europa.eu/environment/iczm/overview.htm>

¹⁴

<http://wales.gov.uk/topics/environmentcountryside/consmanagement/marinefisheries/iczm/welshstrategy/?lang=en>

¹⁵ <http://www.walescoastalpartnership.org.uk/information-resources>

49. Marine plans will extend to the mean high water mark, while local authority and National Park boundaries extend to the low water mark. This means marine plans will physically overlap with terrestrial plans for the majority of local authorities in Wales because they have coastlines. This overlap will be used to ensure that marine and land planning will address the whole of the marine and terrestrial environments respectively, and not be restricted by an artificial boundary at the coast.

50. Even where local authority areas do not have a coastline, there might still be an important relationship with a coastal area.

51. Marine planning will lead the process of integration, both through the legislative provisions of the Act, and the processes and mechanisms for development and implementation of marine plans, with particular focus on inshore marine areas. Marine plans in Wales will sit alongside and interact with existing planning regimes in Wales and cross-border areas in England.

52. In Wales and England, consents for nationally significant infrastructure projects, including the larger offshore renewable energy and port developments, need to be determined in accordance with the Planning Act 2008. We will have regard to any relevant National Policy Statement in developing marine plans.

53. We intend achieving integration through

- consistency between marine and terrestrial policy documents and guidance. Terrestrial planning policy and development plan documents already include policies addressing coastal and estuarine planning. Marine policy guidance and plans will seek to complement rather than replace these, recognising that both systems may adapt and evolve over time.
- liaison between respective responsible authorities for terrestrial planning, including in plan development, implementation and review stages. This will help ensure, for example, that developments in the marine environment are supported by the appropriate infrastructure on land and reflected in terrestrial development plans, and vice versa.
- sharing the evidence base and data where relevant and appropriate so as to achieve consistency in the data used in plan making and decisions.

Question 2

- **Are there other ways in which integration could be improved?**

BACKGROUND TO STATUTORY MARINE PLANNING IN WALES

54. The UK marine area generally is becoming increasingly crowded. The Welsh marine area is no exception. Indeed we think it is a particularly pressing issue for us. Our marine area is relatively small compared to the breadth and depth of the demands on it and we are also flanked by two major estuaries.

55. Sustainable development in the marine area is our aim and we continually need to integrate what can be the competing demands of the three pillars of sustainable development – economic, environmental and social.

56. It has long been recognised at an international, European and domestic level that, instead of reacting separately to each individual project or activity that takes place at sea, decision making needs to be joined up and strategic in order to achieve sustainable development.

57. The marine area needs to be planned according to a clearly set out vision, policies, objectives and spatially preferred scenarios in order to conserve and enhance its value. This includes the goods and services it provides, its biodiversity, seascapes, and heritage assets.

58. Our approach to marine planning will in particular help us provide greater coherence and certainty in making licensing and consents decision.

59. A well-designed, statutory marine planning system offers the best way of achieving this and its development is now enshrined in the Marine & Coastal Access Act 2009.

The Marine and Coastal Access Act 2009

60. The Marine and Coastal Access Act 2009 (the Act) – together with Scottish and Northern Ireland legislation - sets out/will set out the statutory basis for a new plan-led systems for marine activities throughout the UK. The UK Marine Policy Statement (MPS) provides a framework for these marine planning systems and their resultant marine plans.

61. The MPS and marine plans will provide for greater coherence in policy, and a forward-looking, proactive and spatial planning approach to the management of the marine area, its resources, and the activities and interactions that take place within it.

62. The role of marine plans in setting direction has been reflected in the Act as any authorisation and enforcement decisions affecting the UK marine area taken by the marine plan authorities and other public authorities must be in accordance with Marine Plans and the MPS¹⁶ unless relevant considerations indicate otherwise. Where such decisions are not taken in accordance with marine policy documents the public authority must state its reasons¹⁷. In

¹⁶ Section 58(4) of the Marine & Coastal Access Act 2009.

¹⁷ Section 58(2) of the Marine & Coastal Access Act 2009.

addition any other decisions that may affect the UK marine area taken by such bodies must be made with regard to these marine policy documents.

63. By adopting the MPS we can plan for the Welsh offshore and inshore waters in relation to retained functions. Once developed these plans need to be approved by the Secretary of State, unless the inshore plan does not relate to retained functions. The Act divides UK waters into marine regions with an inshore (0-12 nautical miles) and offshore region (12 - c.200 nautical miles) under each of the four Administrations (England, Northern Ireland, Scotland and Wales).

64. The Act refers to 'marine plan authorities' (see table below) who are responsible for planning in each region with the exception of the Scottish and Northern Ireland inshore waters which will be covered by separate legislation.

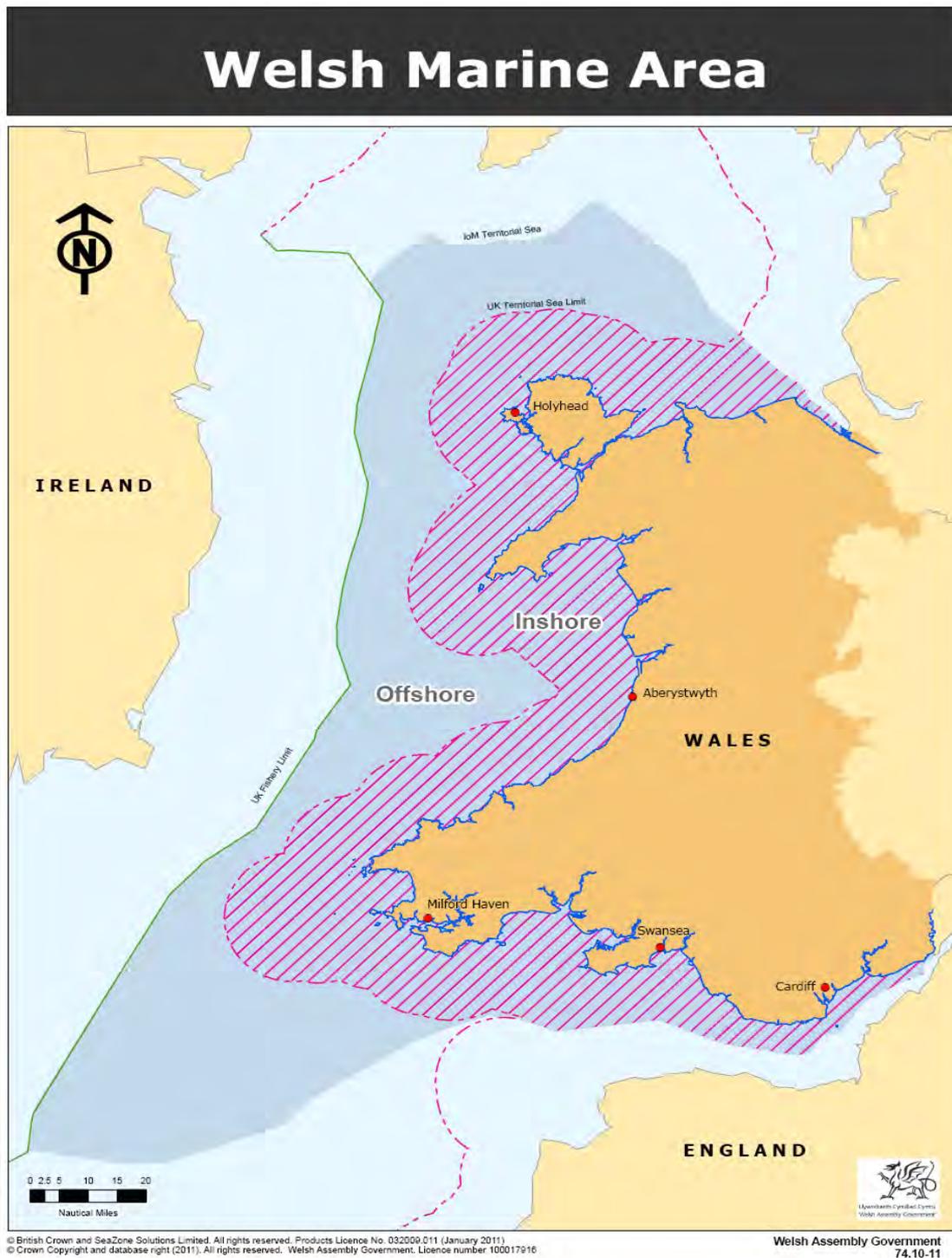
	Responsible marine plan authority	
Region	Inshore (0-12 nautical miles)	Offshore (12-200 nautical miles)
Wales	Welsh Ministers (with the agreement of Secretary of State if the plan affects non-devolved matters)	Welsh Ministers (with agreement of Secretary of State)
England	Secretary of State (the Marine Management Organisation is responsible for developing the plans)	Secretary of State (the Marine Management Organisation is responsible for developing the plans)
Northern Ireland	(Separate legislation)	Department of the Environment in Northern Ireland (with agreement of Secretary of State)
Scotland	(Separate legislation)	Scottish Ministers (with the agreement of Secretary of State)

65. The Welsh inshore region covers the marine area that, starting from the high water spring tide mark, extends out to 12 nautical miles from the Welsh coast, or to the median line if the distance between the Welsh coast and other countries' coasts is less than 12 nautical miles e.g. in the Severn Estuary.

66. The Welsh offshore region covers the marine area that extends beyond the 12 nautical miles described above to the median line i.e. the equidistant line between the Welsh coast and other countries' coasts up to a maximum of 200 nautical miles. Figure 1 illustrates the Welsh marine planning area.

67. Marine plans will set out how the MPS will be implemented in specific areas. They will, over time, provide detailed policy and spatial guidance for an area and help ensure that decisions within a plan area contribute to delivery of UK, national and any area specific policy objectives, as well as considering temporal aspects when appropriate.

Figure: 1



The Marine Policy Statement (MPS)

68. The MPS is the framework for preparing marine plans throughout the UK marine area and taking decisions affecting the marine environment in order to contribute to the achievement of sustainable development in the United Kingdom marine area.

69. The UK Administrations (Welsh Assembly Government, UK Government, Scottish Government, and Northern Ireland Executive) are working towards joint adoption of the MPS by March 2011.

70. The draft version of the MPS which has undergone formal public consultation can be accessed via this link:
<http://www.defra.gov.uk/environment/marine/legislation/mps-qa.htm>

71. On adoption of the MPS, the Act places a duty on marine plan authorities to seek to ensure that marine plans are prepared for all parts of regions where the MPS governs marine planning. Any marine plan must conform with any adopted MPS, unless relevant consideration indicate otherwise.

72. The MPS will facilitate and support the formulation of marine plans by the UK marine plan authorities, ensuring that marine resources are used in a sustainable way in line with the high level marine objectives.

73. The MPS does not provide specific guidance on every activity which will take place in, or otherwise affect, UK waters. The MPS provides a framework for development of marine plans to ensure necessary consistency in policy goals, principles and considerations that must be taken into account, including in decision making. It identifies those activities to which a degree of priority is expected to be given in marine planning, but does not state, and is not intended to imply, which activities should be prioritised over any others. The MPS also sets the direction for marine licensing and other relevant authorisation systems.

74. Relative priorities will be determined through the marine planning process itself, taking into account a wide range of factors alongside UK policy objectives and the specific characteristic of the marine plan areas.

75. The Welsh Ministers, as the marine planning authority for the Welsh marine area under the Act, will develop marine plans in accordance with the MPS.

The effect of the MPS and marine plans on public authorities

76. The Act requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area, including Wales, to do so *in accordance* with the MPS unless relevant considerations indicate otherwise. Where such decisions are not taken in accordance with marine policy documents the public authority must state its reasons¹⁸. Once adopted, marine plans will have the same effect as the MPS on authorisation or enforcement decisions in the UK marine area, including the requirements and conditions attached to authorisations and the enforcement action that will be taken to ensure compliance. Where the decision is not taken in accordance with the MPS and relevant marine plans, the public authority must state its reasons. Public authorities taking decisions that affect or might affect the UK

¹⁸ Section 58(2) of the Marine & Coastal Access Act 2009.

marine area which are not authorisation or enforcement decisions (for example decisions about what representations they should make as a consultee or about what action they should carry out themselves) must *have regard* to the MPS and relevant marine plans.

77. Throughout the development and implementation of marine plans there will be a process in which they emerge as drafts providing evidence and information.

78. Once a consultation draft¹⁹ of the marine plan for an area has been published, it forms a relevant consideration to be taken into account in informing authorisation and enforcement decisions made by public authorities in connection with activities that affect or might affect the marine area.

The role of the draft MPS

79. The MPS is scheduled for adoption before April 2011. Until the adoption of the MPS, public authorities should have regard to the draft MPS in taking any decisions that affect or might affect the Welsh marine area.

The role of the MPS before plans are adopted for the Welsh marine area

80. As set out above, all public authorities must act in accordance with, or have regard to, the MPS in relation to decisions affecting the UK marine area. Marine plans will be developed in accordance with the MPS. The first marine plans for the Welsh marine area are scheduled for adoption in 2012/13.

81. Before Welsh marine plans are adopted, decisions by public authorities affecting the UK marine area should

- be made in accordance with the policies set out in the MPS and draw on the detailed information and advice of that document, unless relevant considerations indicate otherwise
- take into account the relevant policy objectives of draft Welsh marine plans
- be in accordance with the objectives for the achievement of other relevant marine plans and have regard to their impacts on the achievement of objectives of draft marine plans, where relevant

THE PROCESS FOR DEVELOPING MARINE PLANS IN THE WELSH MARINE AREA

82. The statutory process is largely set out in Schedule 6 to the Act.

Key steps

83. These are the key steps for the Welsh Assembly Government

- before preparing a marine plan for our marine area, we will notify our intention to plan to the Secretary of State and any other marine plan

¹⁹ As defined in paragraph 11(1) of schedule 6 to the Marine and Coastal Access Act 2009.

authority or statutory planning authority whose area adjoins or is adjacent to our marine area

- before preparing a marine plan, we will prepare and publish a Statement of Public Participation (SPP) which will define the marine plan area by means of a map and set out how we intend to engage with stakeholders
- before adopting a marine plan, we will go out to formal consultation on the draft
- once consultation responses have been received we will consider and make recommendations to the Secretary of State as to whether an independent investigation is required on any aspects of the draft marine plan
- before adopting a marine plan, we will take into account all representations made on the consultation draft, any recommendations made by any independent investigator, the reasons given by any such person for any such recommendations, and any other matters that we consider relevant.
- once we have published the marine plan it will be formally 'adopted'²⁰.
- alongside the marine plan we will publish statements detailing any modifications that have been made to the proposals published in the consultation draft and the reasons for those modification²¹
- we will publish any marine plan once it is adopted
- we will then review and report on any adopted plans in line with section 61 of the Act

84. In accordance with Schedule 6, we will also take all reasonable steps when developing a marine plan to ensure that it is compatible with the marine plan for any related marine plan area – for example cross border areas like the Severn and Dee - with relevant Local Development Plans in Wales (and their equivalent in England) and the Wales Spatial Plan.

Statutory and Formal Appraisals and Assessments

85. In accordance with the Act, we will carry out a Sustainability Appraisal (SA) on what policies we propose to include in our marine plans and publish a SA report when we issue the consultation drafts of the plans. The SA process will incorporate a Strategic Environmental Assessment required under the SEA Directive and Regulations²². It will consider social and economic issues as well as the potential environmental impacts required by the Directive. This ensures coverage of a wide range of sustainability issues.

²⁰ A marine plan may be so adopted only by, or with the agreement of, the Secretary of State, unless it is an inshore plan and does not relate to retained functions.

²¹ If any recommendations made by any independent person appointed under paragraph 13 have not been implemented in the marine plan, the reasons why those recommendations have not been implemented will also need to be stated. .

²² Directive **2001/42/EC** on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), transposed by the Environmental Assessment of Plans and Programmes Regulations 2004.

86. A Habitats Regulations Assessment (including Appropriate Assessments) and an Equalities Impact Assessment will also be carried out where appropriate, as well as a socio-economic impact assessment.

87. We will also consider whether to appoint an independent person to investigate the proposals in the consultation drafts and, if appointed, have regard to their recommendations.

Governance Arrangements

Lead responsibility for marine planning

88. The Welsh Assembly Government is responsible for preparing and adopting marine plans in the Welsh marine area. The Marine Team, which is part of the Department of Environment and Sustainability within the Welsh Assembly Government, will lead on preparing the Welsh marine plans, drawing on relevant expertise and advice from within the rest of the Welsh Assembly Government and external organisations.

Project Management

89. In order to plan on the basis of sound and clear governance arrangements, we intend developing marine plans on a formal project management basis. The structure will consist of a Steering Group, Evidence Group and Stakeholder Group as illustrated in figure 2.

90. Steering Group – Welsh Assembly Government chaired and led, this group will provide the overall direction for the project and ensure the delivery of project aims, objectives, outcomes and milestones.

91. Marine Evidence Group – this group will look at the evidence map, gaps and priorities and make recommendations on any new evidence priorities. The scope of the group will extend to economic, environmental and social evidence. The group will have close links with the evidence work-stream that has been set up to support the Natural Environment Framework²³, as well as other economic, environmental and social research programmes.

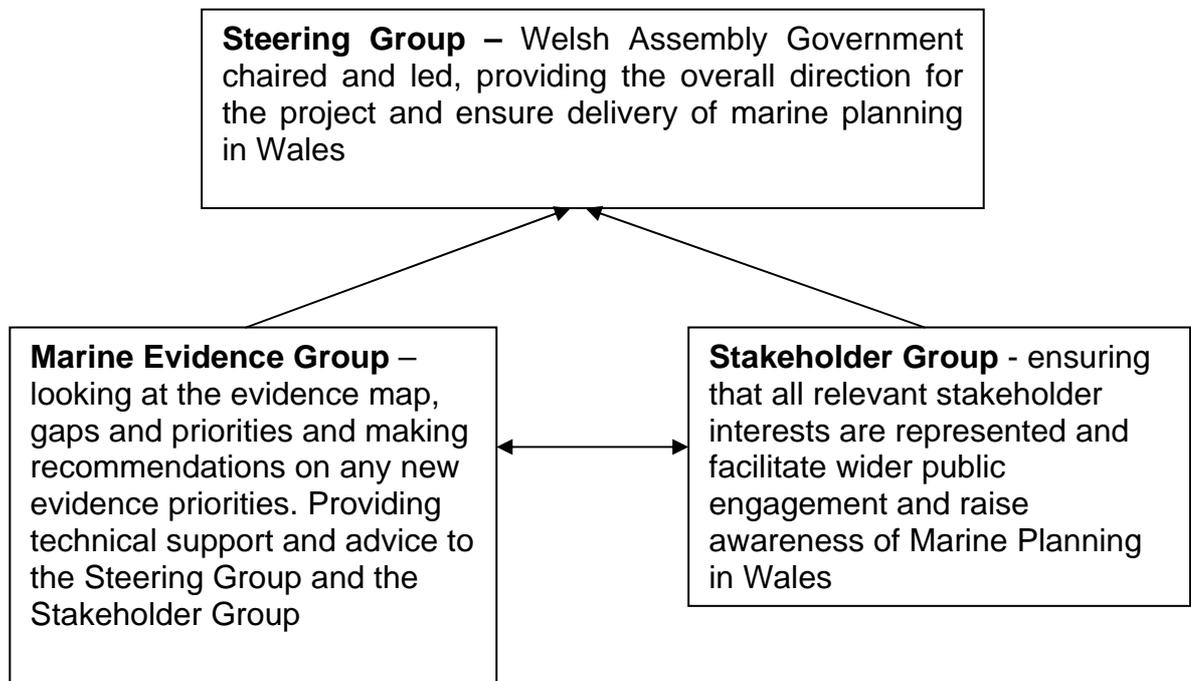
92. Stakeholder Group - the role of this group will be to ensure that all relevant stakeholder interests are represented in order to inform the marine planning process and to raise awareness of the project.

93. A **Marine Planning Group** has already been set up under the auspices of the Wales Coastal & Maritime Partnership (WCMP) to help inform this consultation document and then progress to inform the preparation Welsh marine plans. The intention is for this group to become the Stakeholder Group. The Marine Planning Group comprises a number of WCMP partners and other organisations. If you are interested in the Marine Planning Group, please contact WCMP at :wcmp@wales.gsi.gov.uk

²³ <http://wales.gov.uk/docs/desh/consultation/101007livingwalesen.pdf>

94. The membership of the above groups is likely to evolve and diversify, depending on the approach to sub-national planning and the area being planned for. However we intend to keep a core national grouping to oversee the marine planning process in Wales to enhance consistency of approach.

FIGURE 2 – Marine Planning Governance Structure



Question 3

- **What sectors do you think need to be included in the governance arrangements?**

The Welsh Ministers and Cabinet

95. Welsh Marine Plans will need to be approved by the Welsh Ministers before they are adopted. The intention is that plans will be submitted to the Welsh Assembly Government Cabinet for approval.

The National Assembly for Wales

96. There is no legal requirement for marine plans to be approved by the National Assembly for Wales before being adopted and having effect. It will be a matter for the National Assembly to decide whether to scrutinise and debate marine plans. The successive reports that the Welsh Ministers need to publish with regards to the implementation of Welsh marine plans will need to be laid before the Assembly every 6 years in accordance with section 61 of the Act.

The UK Government

97. Any marine plan prepared under the Act which covers the Welsh offshore marine area must have the agreement of the UK Government to have effect. Any marine plan prepared under the Act which covers the Welsh inshore area and includes provision relating to reserved matters must also have UK Government agreement.

WHERE MARINE PLANNING FITS

98. There will be a multi-tiered policy dimension to marine planning in Wales, as outlined in Figure 3.

European and international obligations and commitments

99. A number of European laws and international conventions place requirements and obligations on the management of the marine area, including, in particular order:

- the Strategic Environmental Assessment (SEA) Directive
- the OSPAR²⁴ and UNCLOS²⁵ Conventions
- the Espoo Convention on Environmental Impact Assessments (EIAs) in a trans-boundary context and the associated Protocol on Strategic Environmental Assessment (Kiev, 2003; “SEA Protocol”) of the United Nations Economic Commission for Europe
- the International Maritime Organisation’s regulatory framework including the International Convention for Prevention of Pollution from Ships (MARPOL 73/78)
- The Water Framework Directive
- Marine Strategy Framework Directive
- 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol)
- The European Union’s Common Fisheries Policy which is designed to manage fisheries in a way which protects the wider marine environment
- the European Landscape Convention (the Florence Convention), which includes marine areas
- UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001
- UNECE Convention on Long-Range Transboundary Air Pollution 1979;
- Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

²⁴ OSPAR is the mechanism by which the UK and fourteen other Governments of the western coasts and catchments of Europe, together with the European Union, cooperate to protect the marine environment of the North-East Atlantic.

²⁵ United Nations Convention on the Law of the Sea.

- Council Directive 79/409/EEC on the conservation of wild birds
- Council Directive 2009/28/EC on renewable energy
- Council Directive 2000/59/EC on ship-generated waste;
- Council Directives 76/160/EEC and 2006/7/EC on Bathing Waters
- Council Directive 2005/33/EC on the sulphur content of marine fuels
- Council Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants; and
- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters 1998 (Aarhus Convention) (implemented through the Environmental Information Regulations 2004).

100. Two key Directives are the Marine Strategy Framework Directive and the Water Framework Directive.

The **Marine Strategy Framework Directive (MSFD)** requires each Member State to put in place measures to achieve Good Environmental Status in its marine waters by 2020. **The Water Framework Directive (WFD)** requires the UK to achieve good chemical and ecological status in inland and coastal waters by 2015.

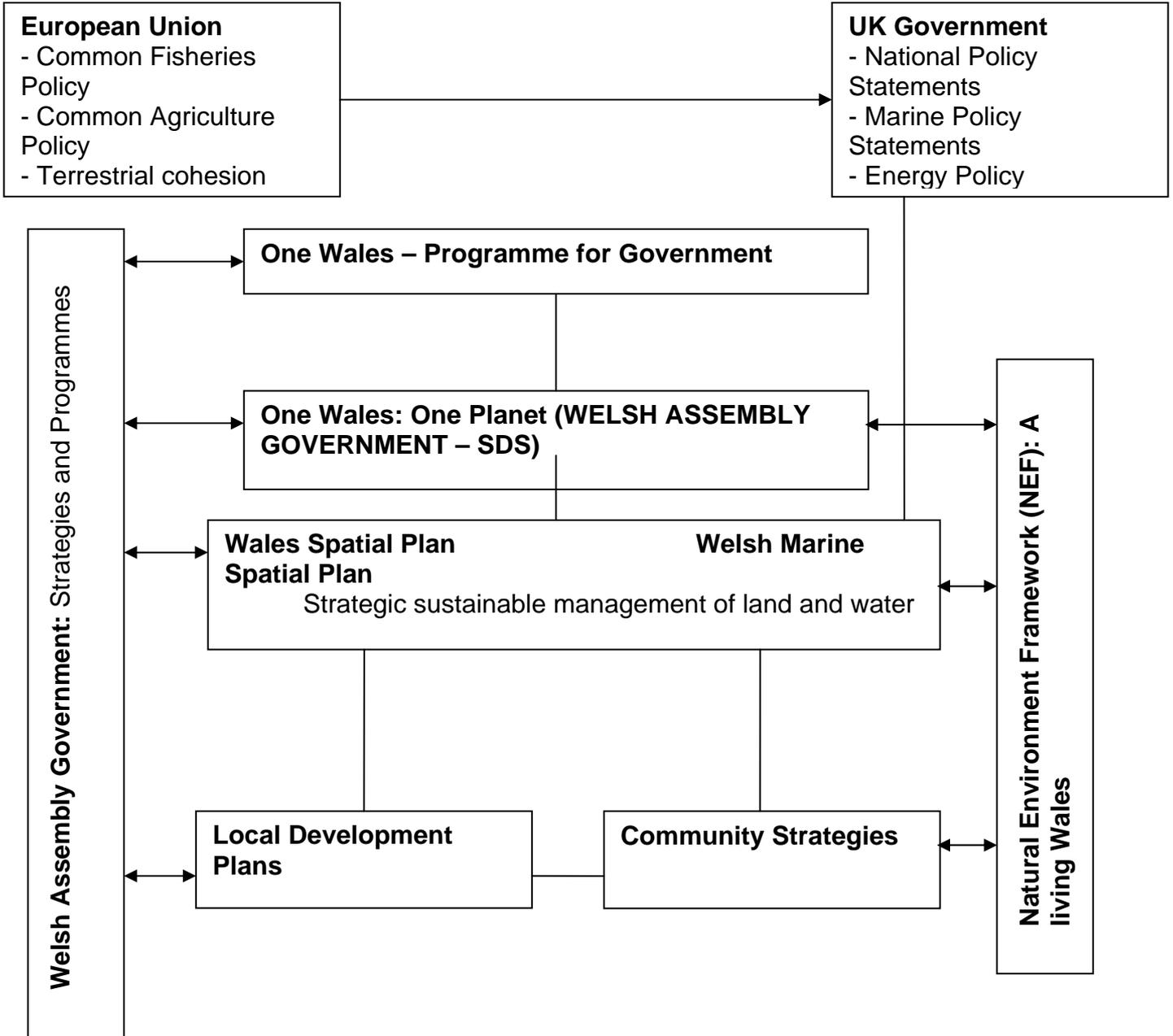
Both coastal and transitional water bodies as defined by the WFD will be included in marine plan areas. Any measures required under the WFD to achieve good ecological and chemical status in these water bodies are set out in the respective statutory River Basin Management Plans published by the Environment Agency. WFD coastal water bodies, which extend out to 1 nautical mile beyond the baseline from which territorial waters are measured, are also covered by the MSFD in terms of those elements of Good Environmental Status not already covered by the WFD (this includes marine litter, noise and certain aspects of biodiversity). The measures required to achieve Good Environmental Status will be set out in the UK's programme of measures for the MSFD which has to be developed by December 2015.

We want to make sure that the way in which these two Directives are implemented in the Welsh marine area is clear and that marine users may easily understand the measures that they put in place. Welsh marine plans will play an important role here by drawing all the different requirements together and helping to explain to decision makers and marine users how any spatial and temporal measures associated with the two Directives can be implemented.

Marine plans will be one of the tools to help us meet our obligations under these Directives. They will shape activities within the marine area so that the Directive goals, as well as other relevant pieces of EC legislation, can be achieved effectively in Wales and the UK. We will develop marine plan policies with this in mind.

We will try to ensure that the monitoring arrangements for marine plans are aligned with other monitoring requirements in the marine and coastal area, particularly the monitoring requirements for Good Environmental Status under the MSFD.

FIGURE 3: WALES POLICY ARCHITECTURE



Welsh plans, policies and strategies

101. As well as those outlined in the Marine Policy Statement, and the European and international obligations and commitments above, there are numerous plans, policies and strategies at the all-Wales, regional and local levels that will be of relevance to marine planning in Wales. These include

- Wales Spatial Plan and Spatial Plan Update - Welsh Assembly Government.
- Local Development Plans .
- *Protecting Welsh Seas* – draft strategy for Marine Protected Areas (MPAs) in Wales (strategy setting out how Welsh Assembly Government intends to use marine protected areas to protect and improve Welsh seas and ecosystems) – Welsh Assembly Government.
- *Making the most of Wales' Coast* – ICZM strategy and progress reports Welsh Assembly Government – a management framework to promote and facilitate more integrated and partnership working at the coast - Welsh Assembly Government.
- Coastal Tourism Strategy, Visit Wales – a strategy for the development of coastal tourism in Wales to provide spatial guidance on the allocation of funds to support coastal tourism. (The development of a Coastal Tourism Strategy was a key action set out in the Wales Spatial Plan) - Welsh Assembly Government.
- One Wales: One Planet – the Sustainable Development Scheme for Wales - Welsh Assembly Government.
- The Welsh Assembly Government Economic Renewal Programme (ERP)
- Cruise Wales – prepared by the Cruise Wales Partnership and Visit Wales – a study setting out the current cruise industry in Wales, the business case for a more proactive approach to attracting cruise ships to Wales and an action plan to achieve this - Welsh Assembly Government
- One Wales: Connecting the Nation – The Wales Transport Strategy. This document supersedes the Transport Framework for Wales - Welsh Assembly Government
- Wales Fisheries Strategy and Implementation Plan Welsh Assembly Government.
- A Low Carbon Revolution – the Welsh Assembly Government Energy Policy Statement - Welsh Assembly Government.
- Planning Policy Wales and Technical Advice Notes, specifically TAN 14 on Coastal Planning, and TAN 15 on Development and Flood Risk - Welsh Assembly Government.

- Interim Marine Aggregates Dredging Policy (IMADP) – Welsh Assembly Government.
- Relevant Shoreline Management Plans (SMPs. SMPs are non-statutory plans that advise on how the shoreline should change in the long term.
- Marine Conservation Zones Project Wales – Welsh Assembly Government
- European Designated Sites - Regulation 33²⁶ advice for European protected sites developed by the Countryside Council for Wales for relevant authorities on the conservation objectives of the site and operations / activities that may impact on the site
- Relevant Management Plans of Areas of Outstanding National Beauty and National Parks. Many of these in Wales have a coastal dimension and are subject to statutory management plans
- The Welsh Historic Environment Strategic Statement (Welsh Assembly Government)
- The Round 3 Offshore Wind farm programme which seeks to deliver 25GW of renewable energy to the UK by 2020.

102. The above is not an exhaustive list but is meant to cover the key Welsh plans, policies and strategies, which will continue to evolve. As new ones emerge, these will also be taken into account. .

Natural Environment Framework

103. A key Welsh strategy which is currently under development is the Natural Environment Framework (NEF). This will have a stronger focus on sustainable land and marine management in Wales and it will adopt an ecosystems approach.

104. The recent NEF consultation - ***A Living Wales – a new framework for our environment, our countryside and our seas*** -

<http://wales.gov.uk/docs/desh/consultation/101007livingwalesen.pdf> - sets out the principles against which we will together develop this new approach and invites input to help to design how the new approach will be made operational.

105. The final outcome of the work in 2011-12 will be a clear set of national priorities, backed up by institutional and regulatory changes and integrated local delivery mechanisms. The NEF will inform marine planning in Wales as it develops, promoting an integrated approach to sustainable development across Wales.

²⁶ <http://www.ccw.gov.uk/landscape--wildlife/managing-land-and-sea/marine-policies/policy--legislation--guidance/regulation-33-advice.aspx?lang=en>

Question 4: What other key Welsh documents do you think need to be taken into account and why?

EVIDENCE

106. All good planning, on land or at sea, depends upon a robust evidence base and Welsh marine plans will be based on appropriate information and data in order to contribute to the achievement of sustainable development and mediate more effectively between marine stakeholders.

107. The evidence base is the collection of economic, environmental and social information and data that will feed into the marine planning system. The components of the evidence base will be many and varied, including (but not limited to)

- Charting Progress 2²⁷
- technical studies, such as those supporting the development of the Welsh Assembly Government's Marine Renewable Energy Strategic Framework (MRESF)
- sensitivity studies, such as the Seascape Assessment²⁸.
- spatial datasets (for GIS use)
- maps
- policy statements
- policy guidance
- stakeholder knowledge
- statutory and non-statutory plans
- monitoring and survey reports, for example relating to Welsh marine protected areas, fisheries and marine licences
- scientific evidence
- research initiatives
- UK National Ecosystem Assessment²⁹

²⁷ <http://chartingprogress.defra.gov.uk/>

²⁸ CCW assessment of the character and special qualities of Welsh seascapes. This includes their comparative sensitivity to offshore development. This study presents the first detailed assessment of the character of Wales's seascapes. It was carried out at a regional scale, producing 50 regional seascape units to cover the whole of Wales

²⁹ The UK National Ecosystem Assessment (UK NEA) is the first analysis of the UK's natural environment in terms of the benefits it provides to society and continuing economic prosperity. Part of the Living With Environmental Change (LWEC) initiative, the UK NEA - which commenced in mid-2009 - will be reporting in early 2011

108. A great deal of the evidence base is already in existence - for example information held by central government, statutory agencies – such as the Environment Agency Wales and the Countryside Council for Wales, local planning authorities, research councils, Higher Education Institutions, CEFAS, the Crown Estate, marine laboratories, industry, environmental organisations, and so on. Its development and synthesis is also already being looked at on a UK level to support implementation of the Marine Framework Directive for example.

109. We are committed to working with partners throughout the UK and beyond to overcome challenges in accessing data from specific sources – for example industry where it is commercially sensitive - and in standardising and quality assuring data and combining data sets.

110. These challenges are already being looked at a UK level as part of the work of the Marine Science Co-ordinating Committee which is tasked with steering the implementation of the UK's Marine Science Strategy³⁰. We will need to identify whether there are Wales specific issues. We will also engage with DEFRA and articulate Welsh needs so that they may be taken account of in the various research programmes managed by DEFRA on an England and Wales basis.

111. We will seek to work in partnership with organisations such as the Marine Environment and Data Information Network (MEDIN)³¹, utilising shared data and evidence resources, as well as sharing best practice with partner organisations

112. There is already an agreement in principle to mutual data sharing amongst the UK Administrations and statutory agencies, including the Marine Management Organisation. We are working with these partners to have this enshrined in formal concordats and working agreements.

113. The evidence base is crucial. However marine planning cannot wait for an all encompassing 'perfect' evidence base. Evidence helps limit but does not eliminate uncertainty and the evidence base will evolve as new evidence continues to emerge.

114. Where evidence is inconclusive, we will make all reasonable efforts to fill evidence needs as part of the process of developing and implementing marine plans - for example by commissioning new studies or seeking out untapped sources of information. However, we will need to be mindful of capacity and resource challenges, and in the first instance assess the significance of the evidence gaps, including at what scale they exist, before commissioning new studies. Where there is uncertainty, we will proceed on the basis of applying precaution within an overall risk-based approach and will

³⁰ <http://www.defra.gov.uk/environment/marine/documents/science/mscc/mscc-strategy.pdf>

³¹ MEDIN is a partnership of UK organisations committed to improving access to marine data. Partners are both public and private sector

in particular look to use adaptive management techniques. This will apply equally to the protection of the natural marine environment, impacts on society and impacts on economic prosperity.

Question 5

- **Do you think that there are currently any significant information or data requirements that we need to have in order to plan for the Welsh marine area?**

Question 6

- **Could you help fill them, and how?**

MARINE PLAN AREAS - NATIONAL AND SUBNATIONAL PLANNING IN WALES

National Planning

115. Marine planning in Wales needs to set out and support strategic objectives for the marine area and land on an all-Wales basis. The Welsh Ministers consider that the best way of achieving this level of coherence is through marine planning on a national basis. The feedback we have received from informal consultation, including the marine planning workshops run at the WCMP conference in 2010 and the Marine Planning Group supports this approach.

116. We therefore intend developing a national marine plan for the Welsh inshore area and a national plan for the Welsh offshore area.

The Requirement for an Inshore Plan and an Offshore Plan

117. Under the Act, marine plans are made within a marine region, either inshore or offshore. However, where appropriate, adjacent plans in the inshore and offshore regions can be developed at the same time through a single process that produces two plans. We intend to plan for both the Welsh inshore area and the Welsh offshore area at the same time through a single process in order to achieve integration. However, and especially to begin with, the level and detail of planning between the inshore and offshore will differ due to the different level and nature of the features, resources and activities and the evidence base. As well as knowing a lot more about our inshore area, it is far more 'busy' and complicated compared to our offshore. Therefore for initial plans, we both can and need to have more detailed planning for our inshore area.

Sub-National Planning

118. We consider that there might also be a need to plan on a more regional or local level, especially for our inshore area, and have already sought views on potential approaches, including at the planning workshops held at the WCMP conference last year.

119. The report from the WCMP workshops sets out the approaches discussed and what was regarded as their strengths and weaknesses. Please visit the WCMP website for the report:

<http://www.walescoastalpartnership.org.uk/information-resources>

120. Planning at a more regional or local level would need to be embedded within the national plans i.e. we cannot legally have separate regional or local marine plans but we can plan for regions or localities in more detail and embed this level of detailed planning within the national plans. The intention is that the national plans will be adopted before any detailed sub-national planning is developed but that the processes and timings will overlap. We will need to make amendments to the adopted national plans in due course to reflect more detailed planning at the regional or local level.

121. We recognise that the content of the Welsh national marine plans as they progress might result in a need to consult further on sub-national marine planning in Wales. However, we are interested in having your initial opinions regarding the approach to sub-national marine planning in Wales.

122. Three distinct approaches have emerged

- **Regional planning for all of the Welsh marine area.**
- **Regional planning for some of the Welsh marine area.**
- **Local planning for ‘activity hotspots’.**

Question 7

- **Do you think we need to plan on a more sub-national level?**

Question 8

- **If you do, what approach would you like us to take to sub-national marine planning and why?**

Question 9

- **Are there different approaches that we could take?**

CROSS BORDER RELATIONSHIPS

123. Under the Act we are legally obliged to take all reasonable steps to ensure that Welsh marine plans are compatible with the marine plan for any marine plan area (whether or not within our marine planning region) which is related to that area. We must also take all reasonable steps to secure that any marine plan for a marine plan area in its marine planning region is compatible with the relevant Planning Act plan for any area in England, Wales

or Scotland which is related to the marine plan area. The same applies to the other UK Administrations.

124. We cannot legally have a joint plan with England on either of our two shared marine borders (Severn and the Dee) but we are committed to planning as jointly as possible with the MMO for these areas and to use cross-border stakeholder groups to support joint planning. We will look to establish formal working arrangements to take this forward – for example by means of a concordat. We are already working on a marine planning concordat with Defra, as the lead UK Government department, which will set out the framework for administrative co-operation and management of the marine area.

125. We will engage and consult with Northern Ireland, the Republic of Ireland and the Isle of Man to reflect the relationships within the Irish and Celtic Seas. We see the British-Irish Council³² as the key mechanism for taking this forward.

126. We will also engage and consult with any other country that might be affected by our proposals.

Question 10

- **Are there other countries or authorities that we need to have close or formal relationships with?**

ENGAGEMENT AND CONSULTATION

Approach

127. Engagement and consultation is a two way process. To be successful, it depends on both the persons/body doing the consulting and those being consulted taking the time to invest in the process.

128. We are committed to engaging fully and in a timely manner with stakeholders throughout Wales and beyond, including communities on the coast, industry, environmental groups and anyone who has a substantive interest in the Welsh marine area. We already have longstanding relationships with a range of stakeholder interests through the Wales Coastal and Maritime Partnership (WCMP) and more local fora such as the Severn Estuary Partnership and the Pembrokeshire Coastal Forum, who are themselves members of the WCMP.

129. We will continue to build on these existing relationships to help inform marine planning in Wales – for example we have already set up a Marine

³² The British-Irish Council (BIC) was established under the British-Irish Agreement 1998 to 'promote the harmonious and mutually beneficial development of relationships among the peoples of the United Kingdom and Ireland'. It is made up of representatives of the British and Irish Governments, of the devolved administrations/institutions in Northern Ireland, Scotland, Wales, the Isle of Man, Guernsey and Jersey

Planning Group under the auspices of the WCMP - and look to forge new ones. We need to reach out beyond our existing stakeholder relationships to engage more widely with people in local communities, for example through community councils. This will be a challenge; people tend to be more engaged when single issues are involved whereas the purpose of marine planning is to look at the whole in order to achieve sustainable development, which can be a difficult concept to get across.

130. We will want to use and support existing local fora as much as practicable to achieve the widest possible community engagement. We will also seek to facilitate the establishment of additional multi-issue local coastal fora where there are currently geographical gaps – for example in West and North Wales.

Question 11

- **Do you agree with this approach?**

Question 12

- **How do you think we can make best use of existing coastal partnerships?**

Question 13

- **How else can we reach the public?**

Statement of Public Participation

131. In accordance with the Act, before we start developing our marine plans we will prepare and publish a Statement of Public Participation (SPP). The aim of the SPP is to set out the detail of our intentions early on, so that stakeholders can plan ahead for their involvement. The SPP is an iterative process and can be updated as the planning process evolves.

132. We intend to prepare and publish our SPP following the end of this consultation and before we start preparing marine plans. This is because although the SPP will reflect the key principles above, it needs to be informed by the response to this consultation and decisions made in the light of that response – such as how to plan on a sub-national basis. However these are the key things that we will do in the SPP

- identify the areas for which the plans are being prepared
- set out how and when representations on the plans can be made
- provide the timetable for preparing and adopting plans (we aim to adopt both of the first national plans by 2012/13 and will set out the key milestones leading up to this in the SPP)

POST- CONSULTATION – NEXT STEPS

133. We will consider all comments received as a result of this consultation, and publish a summary of the feedback and the Welsh Assembly Government's response on our website.

134. In the meantime, and without prejudice to decisions taken in the light of responses received to this consultation, we will set up the marine planning project and the governance groups, recognising that they might change as a result of consultation.