

# Cynllun Morol Cenedlaethol Cymru

## Welsh National Marine Plan

- a perspective on marine planning

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# Aims of marine planning?

What do we wish (marine) planning to achieve at a time when interest in the marine area has never been so high?

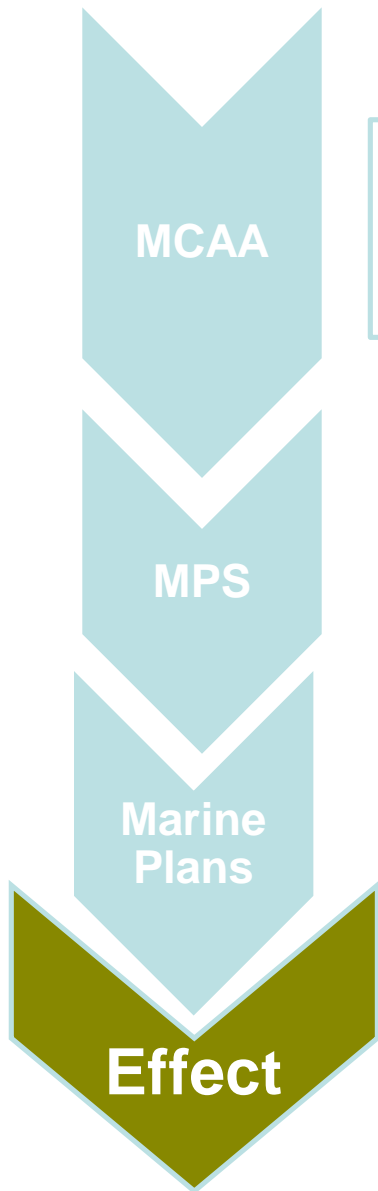
- The best activities / things
- To happen more easily
- at the best places
- In a more co-ordinated way (clear, joined up policies)

Simple? - But there is a lot to that. 😊

i.e moving away from essentially a “first come, first served” basis - to a more forward and future looking, more systematic use of marine space.

Land planning commenced in 1947, and has developed since. We are at a start of a journey.....

# Legislative basis for marine planning



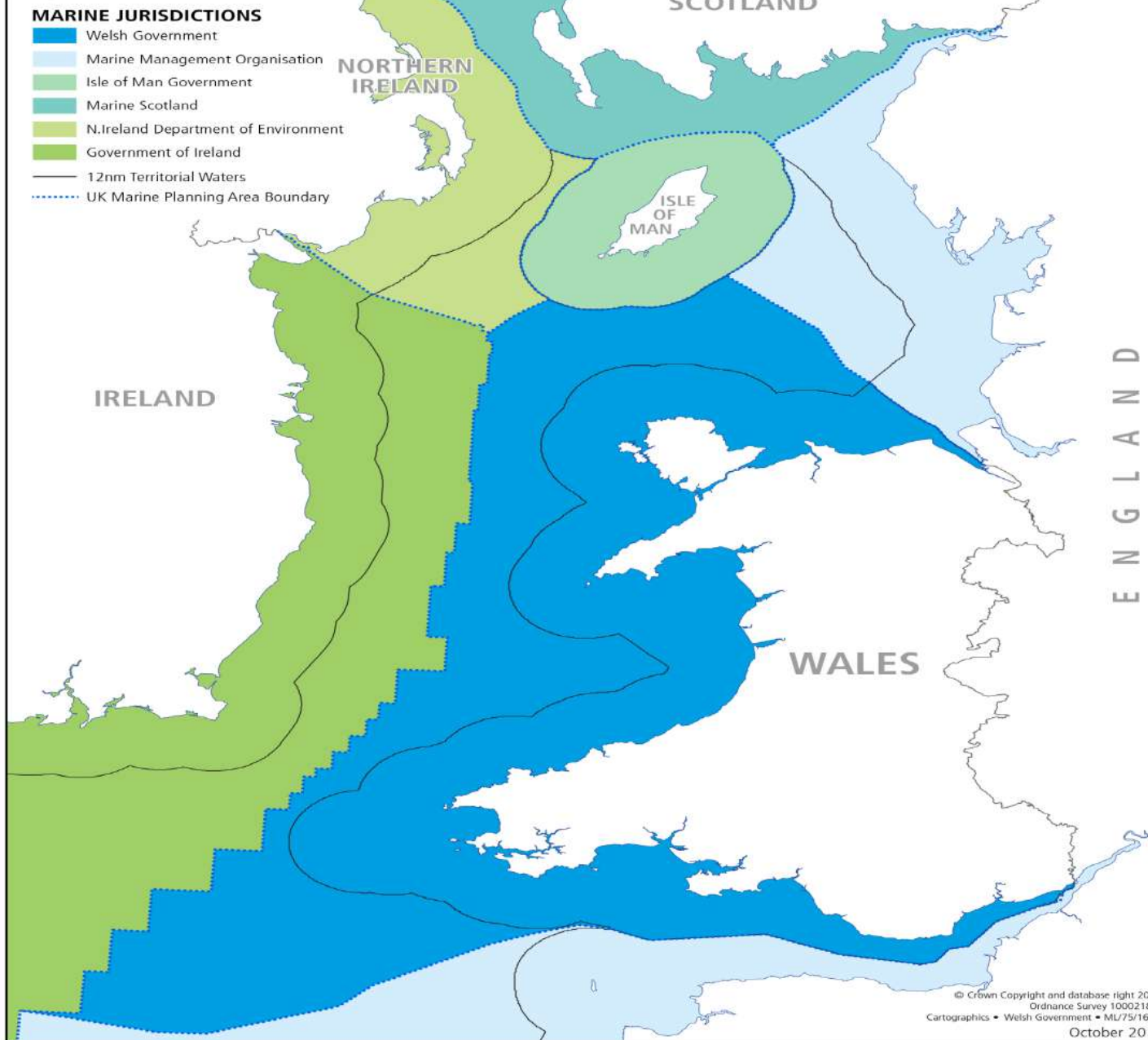
- Marine and Coastal Access Act (2009) provides legislative basis for a marine planning system

- Marine Policy Statement (2011) (UK SofS) is the framework for marine plans and taking decisions
- **Sets the direction for marine licensing and other relevant authorisation systems. In the absence of Marine Plans, decisions and enforcement must be undertaken in line with the MPS**

- The Welsh National Marine Plan will translate the MPS into detailed policy and spatial guidance for the Welsh Marine Plan area to guide and direct decision-making

Relevant public authorities must take account of the plan (in various ways, with exceptions) when making decisions (MCAA s58)

# Irish Sea Marine Jurisdictions and UK Marine Planning Area Boundaries





Well-being of Future Generations (Wales) Act

Sustainable Development Principle

### Well-being of Future Generations Act – Goals

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

A globally responsible Wales

### Environment (Wales) Act – Natural Resource Policy

#### High Level Marine Objectives – Marine Policy Statement

Achieving a sustainable marine economy



Ensuring a strong, healthy and just society



Living within environmental limits



Promoting good governance



Using sound science responsibly



#### Welsh National Marine Plan (WNMP) – Vision

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

Through access to, understanding of and enjoyment of the marine environment and maritime cultural heritage, health and well-being are improving

Through 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

Through the responsible deployment of low carbon technologies, the Welsh marine area is making a strong contribution to energy security and climate change emissions targets

The vision is supported by 13 strategic plan objectives that guide general and sector policies.

### Environment (Wales) Act – Sustainable Management of Natural Resources

Manage adaptively, by planning, monitoring and reviewing action

Consider the appropriate spatial scale for action

Promote and engage in collaboration and cooperation

Take account of all relevant evidence and gather evidence in respect of uncertainties

Take account of the benefits and intrinsic value of natural resources and ecosystems

Take account of the short, medium and long-term consequences of actions

Take account of the resilience of ecosystems

Long term



Prevention



Integration



Collaboration



Involvement





# WNMP – Sector policies

Sector Policies are set out for the diverse types of activity that occur in our seas, including:



Aggregates



Aquaculture



Defence



Dredging & disposal



Fisheries



Renewable energy



Oil & gas



Ports & shipping



Subsea cabling



Surface waste water



Tourism & recreation

- **‘Supporting’** - to encourage sustainable growth via general support, or within areas with good potential
- **‘Safeguarding’ (SAF) policies** - to help ensure each sector considers each others needs and do not compromise areas of importance; to encourages co-existence etc

SAF-01a = authorisations; SAF-01 b = activities; **SAF\_02 Safeguarding future Strategic Resource Areas (SRAs)**

# Safeguarding Policies overview

## Safeguarding existing activity

- SAF\_01a: Proposals likely to have significant adverse impacts upon an established activity covered **by a formal application or authorisation** must demonstrate how they will address compatibility issues with that activity.

Proposals *unable to demonstrate adequate compatibility* must present a case for the proposal to progress under exceptional circumstances.

- SAF\_01b: Proposals likely to have significant adverse impacts upon an **established activity not subject to a formal authorisation** must demonstrate how they will address compatibility issues with that activity.

Proposals *unable to demonstrate adequate compatibility* must present a clear and convincing case for proceeding.

*Compatibility* should be demonstrated through, in order of preference:

- o Avoiding adverse impacts on those activities, and/or
- o Minimising adverse impacts where these cannot be avoided; and/or
- o Mitigating adverse impacts where they cannot be minimised.

## Safeguarding *future* activity

**-SAF\_02 Safeguarding Strategic Resource Areas (SRAs) in the future** as per SAF-01b => clear and convincing case for proceeding.

# WNMP - General Policies

## 25 GENERAL POLICIES

... to be taken into account in all decisions where relevant.....

- **GEN\_01:** Presumption in favour of the **sustainable development** of the plan area.. to contribute to **Wales' well-being goals.**
- **GEN\_02:** Relevant public authorities should take a **proportionate, risk-based approach.....**
- **Econ x2 :** Blue Growth, sustainable economic growth, co-existence
- **Social x 11:** access, well-being & communities, historical, minimise pollution, language, historic, land/seascape, flooding, climate, Fish habitat etc;
- **Environment x7 :** resilience, marine ecosystems, MPAs; bio-security; litter; noise & air / water quality
- **Governance x2:** eg cumulative effects, cross-border; and
- **Science x1:** sound evidence, risk based, proportionate, precautionary (where appropriate) & adaptive management.





# Relevant Public Authorities (RPA) and their duties

Takes effect through **decisions by public authorities (MCAA s.58)**

- **S.58(1) - Authorisation or enforcement decisions** *which affects or might affect the whole or any part of the UK marine area* **must be taken “in accordance with”** unless relevant considerations indicate otherwise. However .... **S.58(2) Decisions not in accordance with...** public authority **must state reasons.**
- **S.58(3) -** Public authority must **“have regard”** to **marine policy documents** in taking **any decision** relating to the *exercise of functions capable of affecting the whole or any part of the UK marine area.*

**MCAA s.322** “public authority” is: a Minister of the Crown, a public body\* (*\*Government department, a Local Authority, a Local planning authority, a statutory undertaker*), a public office holder.

# Marine Planning Delivery (1)

## “Guidance” – Direction of travel

- **Implementation Guidance (IG)** – Guidance to decision makers on policy interactions and on implementing the plan
- **Ministerial Statements (MS)** – Overall policy direction eg Renewable energy targets? Oil & gas
- **Marine Planning Notice (MPN)** eg guidance on policy eg spatial policy - introducing SRAs, dealing with sector overlaps, land sea interaction etc
- **(Marine) Planning Officer letters (MPoL)** ie guidance to decision makers from WG marine plan authority

## Monitoring and Reporting

- **“Review report”** - The MCAA requires marine plan authorities to keep under review, and report on at least every **3 years**, the **effects** of **policies** in their plan and their **effectiveness** at securing the plan **objectives**.
- **“Intentions Report”** The MCAA requires plan authorities to consider the **need to amend** the plan **every 6 years** from its date of introduction. Monitoring and review will allow WG to determine the **impact and effectiveness** of the plan, ensure the plan policies are still **fit for purpose** and whether any **amendments** are required to help address any new issues that have arisen.

# Marine Planning Delivery (2)

## Supporting material

- WNMP Exec summary
- Marine Planning Portal (Mapped data with policies)
- Website (Policies with a map)
- Wales Marine Evidence Report (WMER) - refreshed
- Monitoring & Reporting Framework

## And in development:

- Governance report
- Value of Welsh Seas
- Ecosystem interactions
- SMMNR- EFF funded project on marine evidence to support initial development sectors (aggregates, aquaculture, wave & tidal stream energy)
- Further work to support potential SRAs (sector Strategic Resource Areas)
- Case studies & cross border working

# Aims & benefits of marine planning

Positive planning = Maximise appropriate outputs and value from our marine area:

- Spatial
- Safeguard important areas - including future areas of sector interest (SRAs)
- Support (appropriate) developments
- Provides certainty to developers
- Make processes streamlined (help not hinder) – proportionate approaches.
- Makes the most of opportunities for coexistence
- Minimises conflicts
- Provides for good sector-sector join up
- Actions should be evidence based - collection of tailored evidence to meet our needs
- Provides for good cross-border join up.
- The plan should be guiding and enabling.



# Some perspectives (PERSONAL views)

There may be some common thoughts here with other marine policy thinking:

- Planning does not introduce anything new (same bodies, same functions... just a duty to have regard etc to marine plan)
- We are on a journey. Consultant: Not how good or far you have initially progressed, but that you have started .....
- The process of discussing and developing the plan is probably as important, if not more important, than the text and workings of the plan itself. Policy Silo thinking....

# Some perspectives (PERSONAL views)

We have adopted “consultation – max” on the WNMP - But are all the better for it. Thanks!

- We might not all be able to agree; but hearing all the diverse views is a very important part of the policy and plan development process
- Some good further thought to consider in future drafts e.g. Coastal protection “sector”; whether the “environment” be considered as a sector might give rise to better weighting / inclusion; perhaps incorporating natural capital & net gain concepts.
- The plan should not be a burden but should openly identify policy intent; define best outcomes; point to areas of high competition but equally also identify areas of least resistance.
- How to make the plan practically responsive? Has fixed term review through laborious statutory MCAA process – yet policy and statute can be fast moving... (have built in Ministerial statements / MPN / IG and guidance mechanisms- *but will this work?*)
- Cross border integration - challenging. Especially ICZM – the “Holy Grail”

# Some perspectives (PERSONAL views)

## Use of Evidence and evidence gaps

- What are current baselines? Social & economic data; location and intensity of activities (Fishery - T&R – fish spawning etc); sector / sector interactions or sector / environment;
- The WNMP is informing the nascent marine evidence strategy in prioritising the filling of gaps.
- What to do in the absence of evidence? Where is the Balance of risk?
- How much does society want an outcome (eg carbon neutrality for instance)
- Plan monitoring - indicators – attributing change to the marine plan?
- Plan versus project level HRA assessment. A6(4) IROPI? Acceptable / meaningful compensation. (tidal lagoons - O/S wind...)

# Conclusions:

- Wide consultation / discussions with all stakeholders have informed the development of the first marine plan for Wales.
- WNMP is an integrated planning and policy delivery mechanism.
- Marine Planning is not a solution to all marine management ills – it is a guidance tool and which provides a focus to areas we need to look at or find solutions.
- Proportionate, refined and joined up decision making and which reflects risk (is actively developing)
- Management and actions which are more spatially specific.
- With better join up
- Emphasising cumulative benefits – avoiding (unforeseen) impacts.
- “Learning by doing” (*the plan is not to sit on the shelf!*).



# Conclusions:

- But some way to go yet. Focus is having policies and initial WNMP which are fit for purpose, have meaningful effect and are implemented now. But with a clear view as to the future (e.g. SRAs).
- Overall : Must deliver sustainable outcomes with maximum ease / minimum burden
- Marine planning , Wellbeing Future generations act and SMNR (eg Area statements) are all new
- Some aspects will take time to develop eg socio-economic considerations
- Wales is very well positioned: Regional scale, SMNR / WfG goals define SD, Good stakeholder buy-in, working closely with NRW (policy & permitting).
- The WNMP will reinforce and inform marine licensing

Time will tell if we get: **“The best things more easily in the best places”**