

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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.

Your Details

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Type (please select one from the following)	Local Authority				
	Government Agency / Other Public Sector				
	Higher Education / Further Education / School				
	Professional Body				
	Other Interest Group		x		
	Individual				
Are you happy for your details to be published in the summary of responses?		Y	x	N	

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		X	
<p>Comments</p> <p>We welcome the integrated approach being taken by the Welsh Assembly Government to Marine Planning in Wales. We also welcome the recognition enshrined in the Marine and Coastal Access Act and in the UK High Level Marine Objectives that economic as well as social and environmental factors have an essential role in achieving sustainable development in the marine environment.</p> <p>The narrative on the ports and shipping section is good in generic terms, but we feel this could be improved with some Welsh flavour add in. This would also make this section consistent in format to the sections in the part of the document. The report from the Welsh Affairs Committee on Ports in Wales provides a useful overview of the industry in Wales. Details related to the tonnage handled and value to the economy would be useful to capture.</p> <p>We wish to make 2 specific points here:</p> <ol style="list-style-type: none"> 1. There is an important interplay between “ports and shipping” and other activities. For example, land based support elements for both the construction and long term operation of off shore renewable energy schemes are likely to be located in existing ports; Also, a successful fishing industry should have beneficial links with land (port) based fish landings and food processing businesses and should open up potential benefits for local tourism (restaurants etc). 2. Dredging (both capital and maintenance) with the consequential need to make deposits at sea is an important marine activity. Unless it is intended to consider this activity under the general heading of “ports and shipping”, we would suggest that it warrants a discreet heading of its own – particularly in relation to the designation of licensed disposal sites. 			

Integration between marine and terrestrial planning regimes

2	Are there other ways in which integration could be improved?
<p>Comments</p> <p>In submitting port based projects for consenting we are keen to have to have a streamlined system with the smallest number of interfaces. Ideally, we would prefer to submit a single application to a “lead regulator” even though this might entail consultation with other stakeholders as “statutory consultees” as part of that process.</p> <p>In applying that approach, we would hope that the “lead regulator” would be best placed to achieve an overall consistency of decision making in marine planning in Wales (as well as consistency with best practice in decision making in the other parts of the UK). We embrace the concept of “Localism” but would hope that it will operate subject to the overarching monitoring and balancing influence of a lead regulator such as the Assembly Government.</p> <p>We note and support the intention to review marine plans on at least a 3 yearly cycle. We would commend the synchronisation (where possible) of future reviews of terrestrial and marine plans so that they evolve in a mutually consistent way.</p>	

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
<p>Comments</p> <p>ABP is an active member of WCMP and would be happy to continue its involvement as a member of the proposed Stakeholder Group.</p> <p>As regards the proposed Marine Evidence Group, we consider that an effective and well balanced membership of that Group will be critical to the ability of the Assembly Government to deliver a sound evidence based planning system.</p> <p>We anticipate that the Assembly Government will have a need for specialist advice in relation to both the creation of marine plans and the consideration of specific licensing applications. Either as part of the Marine Evidence Group or as a network in its own right, the Assembly Government might consider establishing a “community of experts” with the intention that individuals or organisations within that “community” be available to review evidence proffered in support of a licensing application or as part of the marine planning process.</p> <p>Please see our reply to Q 6 below for a reference to ABPmer.</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
		X	
<p>Comments</p> <p>The section detailing the ‘process for developing marine plans (s82-105)’ clearly sets out the governance arrangements and relevant plans and policies. We would like some clearer guidance as to how marine planning will actually be approached. For example, the document does not clearly identify which documents the planning process will have regard to in developing plans. We think this and the approach should be clearly detailed (it could be in a separate planning guidance if necessary) and include regard for ‘any plans prepared by a public or local authority in connection with the management or use of the sea or the coast, or of marine or coastal resources’ (as included in section 4.42 of the description of marine planning in England).</p> <p>Though the list of documents set out in the Consultation Document is not intended to be exhaustive, it is nevertheless extensive.</p> <p>We think mention should also be made of the Assembly commissioned report by DTZ MDS Transmodal into the “green value” of Welsh ports.</p> <p>Port Master Plans for the 5 South Wales ABP Ports of Swansea, Port Talbot, Barry, Cardiff and Newport, although not required on a mandatory basis by Department for Transport guidelines, may be of value to the marine planning process.</p> <p>We think regard should also be had to the National Ports Policy Statement since port projects in Wales are often likely to need consideration in the wider UK context.</p>			

Evidence

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?
Comments Please see our comments in relation to Q 4 above. Reports and studies which ABP has commissioned (e.g. the 2009 report by the Welsh Economic Research Unit of Cardiff Business School) demonstrate the need for flexibility in assessing future economic demands and the way in which, for example, Welsh ports can meet and support those demands and are able to add value to the wider economic welfare of the regions in which the ports are located. Evidence indicates for example that ABP's South Wales Ports support the equivalent of 17,000 FTE's in the South Wales area. Data and information related to port operations, including but not limited to, shipping routes and numbers, anchorage areas, dredging sites, disposal grounds and port jurisdictional boundaries. This information will provide useful spatial information for the planning process. Future port development plans will also be of interest for planning purposes.	

6	Could you help fill them, and how?
Comments Yes. ABP can provide information related to our ports in South Wales. Also aside from the reports and studies mentioned above, studies by ABPmer, a leading UK marine environmental consultancy, might assist in meeting relevant information or data requirements for the Welsh marine area. Examples of recent (2011) work by ABPmer include:- <ul style="list-style-type: none">- GIS tool for marine conservation zone planning- Habitats Regulations Appraisal (commissioned by Marine Scotland) for offshore wind energy in Scottish Territorial Waters- Environmental Statement for Green Port Hull	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
Comments <p>Yes, subject to consistency with the overall national marine plans for Wales.</p> <p>We believe that it will be essential to plan at a sub-national level since different parts of the Welsh coastal zones (more so the inshore areas than the offshore areas) will have their own characteristics, priorities and requirements.</p> <p>We also support the Assembly Government’s proposal to create marine plans for the inshore and offshore areas of the Welsh Zone simultaneously and agree that such an approach will make for easier and quicker integration of those 2 marine plans. The experience of the MMO in creating the inshore and offshore marine plans for the Eastern area of England at the same time reflects this advantage.</p>	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
Comments <p>We think that your approach should be dictated by and be consistent with the resources available to you in preparing the marine plans. Recognising that your primary statutory duty is to prepare the national plans, we think that you should then concentrate on sub national planning for “activity hotspots” rather than attempt an exercise in sub-national planning in one go.</p> <p>Having the correct resources for this task is important. We would urge you to make sufficient and appropriately skilled marine planners available for this project notwithstanding the current pressures on recruitment in the public sector.</p>	

9

Are there different approaches that we could take?

Comments

We think that you have already sufficiently identified the various permutations.

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
			x
<p>Comments</p> <p>No, though (if you do not already do so) informal knowledge sharing on the process of marine planning with other countries (e.g. USA) might be beneficial. Having said that, there is general recognition that the UK (including the Devolved Administrations) is leading the way in establishing an integrated marine planning system.</p> <p>We support and wholly agree with the approach to shared marine border planning described in paragraphs 124 and 125. This will be particularly important, if, as is likely, the Welsh marine plans will be formulated in advance of the plans for the corresponding English areas.</p>			

Engagement and consultation

11	Do you agree with this approach?
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Comments

Yes. This approach is consistent with the philosophy of Localism but the aim should always be to obtain a balanced view !

12	How do you think we can make best use of existing coastal partnerships?
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Comments

By maintaining a meaningful line of communication with them. The flow of information will almost certainly be in both directions so a successful relationship between the Assembly and the coastal partnerships should allow feedback to Cardiff Bay on the success of the project as well as being a means of promoting awareness of the aims and benefits of marine planning amongst coastal partnership members.

Successful relationships are likely to reap advantages beyond the specific area of marine planning. They should benefit marine licensing, fishery policy and all other aspects of activities in the marine environment.

13	How else can we reach the public?
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Comments

From a business perspective, through meeting with organisations such as the CBI, the Welsh Ports Group, the British Ports Association and the relevant Harbourmaster Associations.

Any other comments

None

Thank you for completing this form.

Sustainable development for Welsh seas: Our approach to marine planning in Wales

WELSH ASSEMBLY GOVERNMENT CONSULTATION ON A NEW MARINE PLANNING SYSTEM

Background

This consultation response on the new marine planning system for Welsh Inshore and Offshore Waters is submitted by the Association for Geographic Information (AGI); the UK national membership body for all with an interest in Geographic Information (GI). It has been prepared by the combined AGI and the Institute for Marine Engineering, Science and Technology (IMarEST) Special Interest Group (SIG) for Marine and Coastal Mapping and Planning.

In responding to the earlier Defra consultation for a new marine planning system, views were canvassed from members of the SIG and during a conference on 'Information Strategies for Marine Planning' held in London on 2 Sep 2010. Those views, and the resulting response to Defra, have been summarised and brought up to date in light of the Welsh consultation document.

Note

It should be noted that the views expressed below relate only to the primary aims of the SIG. These aims are similar to the aims of the Marine Environmental Data and Information Network (MEDIN) and to those of the UK Location Programme (UKLP) i.e. to improve the content, sharing and re-use of (marine) public sector location information. The response does not address other aspects of the consultation document and hence agreement, or otherwise, of these other aspects should not be implied.

General Comment - Evidence Base Management and Access

The planning system consultation document refers to the need for a robust evidence base. The SIG agrees wholeheartedly with this statement. However, whilst the document suggests the types of information that might make up the evidence base, the document lacks detail including specifying how the evidence base will be defined, populated and made accessible to stakeholders. Similarly, adequate descriptions of the rigorous definitions and processes required of an evidence base are missing, as is clarity on the range of evidence required, e.g. from science to consultation and how the various components of the evidence base will be assessed and used.

The SIG believes a strategy and a pan Government framework is required to manage, support and maintain the evidence base. It is essential that the framework provides industry and the public access to the same evidence that is used to support the new planning system and that modern Internet technologies are used to make data discoverable and readily available. Terms and conditions of use of content must not unreasonably limit access and reuse and hence must be consistent with emerging Government policies relating to public data.

The consultation document states that much of the evidence base already exists. Whilst this may be the case in some areas (e.g. geographical and by data type), the SIG contends that there is dearth of information on human activity and that the data that is available is either inaccessible or unstructured. Furthermore, with regard to general mapping, much of the UK Continental Shelf has never been systemically surveyed using modern equipment or, where such data exists, interpreted in a manner to provide, for example, a comprehensive and medium scale (1:50,000) map of seabed geology. A programme of work to address these gaps should be considered. The SIG reiterates its estimation of the value of the data-information-knowledge-evidence hierarchy and argues the data and information and knowledge gaps that exist will significantly affect the quantity and quality of any resultant evidence base.

Other data that might contribute to the evidence base, such as information on licensed developments and activities granted under the present licensing systems, is not easily accessed or only partially available from sources that are maintained for another purpose. The SIG suggests there is an opportunity for the new planning and licensing systems to provide a definitive resource of reference data, which should include details of all current licensed developments or activities granted under existing legislation. As a consequence data held on existing systems may need to be made more open and accessible or be migrated to the new system, before it is used as input (information and knowledge) to the planning system and published more widely as evidence.

Currently, map layers that may be used as part of the evidence base include data processed and compiled for use by the oil and gas industry (DEAL), protection of cables (KISCA) and the production of navigational charts (UKHO). The accuracy, provenance, and hence the legitimacy of much of this data as input to marine planning is in doubt. It is essential that these and other datasets used in the planning process are comprehensive, consistent and definitive, and are made publicly available, preferably under the new open government licence. Again, an evidence base must include provenance and uncertainty, and it is inevitable that 'gaps' will emerge. These may appear significant and detract from the value of the evidence base. The SIG contends, however, that a relatively low starting point for a comprehensive and integrated evidence base is to be expected when it is compiled from a large number of disparate sources each with their own purpose.

The SIG believes that a comprehensive review of sources and content of data, information and knowledge, but primarily data that contribute to the evidence base is required urgently to address these shortfalls and provide the level of understanding and confidence required. These aims parallel those of UK Location Programme (UKLP) and it is recommended that the plan draws upon the principles and resources that are being made available under that programme as input to an overall strategy for marine data. While these aims are being partially addressed by MEDIN (by establishing data archive centres and developing standards), the SIG believes that stronger leadership is required from the centre to give strategic direction and promote pan government cooperation. In other words, leadership from an evidence base requirement will focus and drive the data components and the respective data gathering organisations. This is not new, as each data gathering activity has, of

course, a purpose. The new aspect is the integration and wider use demanded by the evidence base and the policies that require it.

Answers to consultation specific questions:

1. The need to improve the volume and quality of geospatial evidence. Mapping is important but maps may mask the inadequacy of underlying data, data interoperability and cartographic representation that contribute to the production of those maps. The need for expertise in this area may be overlooked due to a generic lack of understanding of its importance to support decision making amongst policy makers and scientists. REF PARA 36
2. Wales should build on its GI Strategy by developing a Marine Spatial Data Infrastructure which stimulates cooperation and collaboration across stakeholders; exchange and sharing of information, easier access and delivery to decision makers. The need for land-sea data interoperability is a necessity for planning across the littoral zone. It is pleasing that Mean High Water (MHW) and Mean Low Water (MLW) are noted explicitly as boundaries, as they are surveyed and depicted by Ordnance Survey, whereas (for England and Wales) MHW (Springs) and MLW (Springs) referred to in the English marine planning system are not. REF PARAS 47-49
3. GI data providers/ publishers should be involved in decision making advising on the most cost effective way of achieving best practise and quality.
4. WAG GI Strategy authored by AGI Cymru. REF PARA 83
5. A data audit of existing data is recommended before planning processes begin. Gaps should be identified and programmes put in place to fill these. Consideration should be given to the setting up of a Public Sector Mapping Agreement (PSMA) for marine data to enable decision making across all of WAG that concerns its marine space. Better quality evidence is needed because Wales is not well served with good marine bathymetry, for example. REF PARA 83; PARA 91.
6. Yes, AGI/ImarEST SIG members can provide marine mapping and DEM. AGI is an extremely diversely represented membership body.
7. Yes, for planning hotspots where local specific requirements are needed (e.g. AONB, Heritage)
8. Yes, for hotspots.
9. None
10. REF PARA 126 Bristol Channel across national maritime boundary appears to be not included.
11. Yes
12. Through greater engagement, communication and collaboration. The scope of coastal fora should be extended to include representation for all stakeholder groups (e.g. like the Dorset Coastal Forum). Use of local expertise
13. Consultations; greater communication; press releases, website development, road shows on key issues.



About the AGI

The Association for Geographic Information (AGI) is the UK national membership body for all with an interest in geographic information (GI). Established in 1989, AGI membership comprises individuals and organisations, including government departments and agencies, local authorities, other national organisations, educational institutions, utilities, commercial software companies and data suppliers. In total over 2000 named members. The mission of the AGI is to *maximise the use of GI for the benefit of the citizen, commerce and good governance*.

The AGI is a member of the UK Location Council and provides the secretariat for the British Standards Institution (BSI) Committee for Geographic Information.

The AGI:

- Provides a focus for the GI community
- Promotes value and benefit of GI
- Represents the GI community to policy makers
- Fosters appropriate GI standards
- Encourages best practice and innovation
- Promotes training, education and continuing professional development (CPD)
- Provides wide ranging and relevant member benefits

About the AGI/IMarEST Marine and Coastal Mapping and Planning Special Interest Group

The Marine and Coastal Mapping and Planning Special Interest Group is jointly run by the Association for Geographic Information (AGI) and the Institute of Marine Engineering, Science and Technology (IMarEST). Its aim is to provide a strong collective professional voice in the UK and wider international marine geographical information community to:

- Influence change and promote the creation and robust management of marine geographical information for the benefit of all members
- Highlight the importance of mapping and planning as a common theme linking marine, terrestrial and cross-sectoral interests.

More information on the SIG can be found on SIG pages of the AGI website or by contacting the SIG's current chair: Dr Mike Osborne on email: mike.osborne@oceanwise.eu.

Disclaimer

As a diverse organization with many interests and viewpoints, the AGI is an important voice to identify the wide range of issues, points and concerns that may arise when public policy consultations take place. This also means that the views expressed in this collective response do not necessarily reflect the views of all AGI members.



This response has been approved by the AGI Council and is submitted on behalf of the AGI by:

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By email: marine@wales.gsi.gov.uk

6 May 2011

Dear Sir / Madam,

Response to Welsh Assembly Government consultation *Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales*.

Thank you for the opportunity to respond to this consultation.

Credentials for making comment

I am a professional marine scientist and conservationist with over 25 years experience of site based implementation of UK marine nature conservation legislation and marine protected area (Marine Nature Reserve and European Marine Site) planning and management. Since such work relies heavily on spatial management this, together with experience across a wide range of other marine sectors (including fisheries, energy, recreation), provides me with a familiarity with and sound understanding of many of the issues relevant to marine spatial planning.

Despite currently working as an EMS officer, I make it explicitly clear that this consultation response is undertaken in my private capacity.

Context

The marine environment is not in very good shape, neither globally nor locally on a UK or Wales scale. This is clearly documented in, for example, the draft 2010 OSPAR Quality Status Report and the UK's Charting Progress 2 report; it is also acknowledged in the very public admission by the Welsh Environment minister of Wales's failure to meet biodiversity targets.

A new EU biodiversity strategy to protect and improve the state of Europe's biodiversity over the next decade published on 3 May acknowledges that biodiversity is in crisis, with species extinctions running at unparalleled rates, and with many ecosystems degraded to the point where they are no longer able to deliver the wide variety of services humanity depends on, noting that this degradation represents enormous social and economic losses. Wales' marine spatial planning must be undertaken within this context, recognising and addressing the fundamental underlying long term issues rather than short-term economic drivers.

The Wales Assembly Government's recent Natural Environmental Framework, *A Living Wales*, both acknowledges the critical importance of the environment to the well being of humanity as a whole and sets out important principles for the future development and direction of Wales' environmental policies. It is vital that Wales' MSP recognises and accommodates the initiatives in *A Living Wales*.

I have commented at length previously on the selection and designation of Marine Conservation Zones under provisions in the Marine & Coastal Access Act; since marine environmental

conservation requirements need to be fully taken into account and accommodated in marine spatial planning, I refer to those earlier comments.

General responses and answers to questions

Overall the general tone of the document poorly reflects Living Wales in that the importance of the environment and ecosystems - intrinsic and societal goods and services – are subtly downplayed with respect to economic and short-term, immediately self-gratifying, societal interests (*eg* heritage, leisure, tourism). The concept of a “well managed” marine environment is identified just once, and then only as a pre-requisite to tourism and recreation provision.

Conflicts of interests and the actual inequity of the three supposedly equal “pillars” of sustainable development are very apparent, not least where the attempts to balance all interests, particularly economic development drivers, mitigates against environmentally sound management.

Many clauses are ambiguous or their wording subtly misleading; the ordering of the environment, economy and society varies throughout the document, creating a risk of subliminally emphasising economic importance by selectively placing it first. The references to sustainable development are ambiguous as to whether maximising development is the priority, or if it is maximising sustainability. The inconsistency in structure in the several lists included in the document is potentially very misleading; it is unclear which are in any order of priority.

Despite the reference to annexed maps that “provide an example of the range and complexity of the features, resources and activities” (para 16), there is actually only one supplementary map which, because of the multiple overlapping data layers and lack of a key, is of no utility.

Question 1 Are there any other key features, resources or activities in Welsh seas that we need to take account of?

None that spring to mind, *but* the document clearly strives very hard to talk up the importance of socio-economic activities at the expense of the environment and its carrying capacity, and there is a need to more honestly and objectively represent the relative importance of the activities that are identified.

Para 13 includes two key issues of concern:

The implied value of fisheries and aquaculture is particularly misleading. The claim that the economic value of Wales’ fisheries is high is a myth and a myth that must be acknowledged. Information provided by the Welsh Assembly’s Statistics Unit demonstrate that the value of commercial fisheries to the Welsh economy is vanishingly small, in both value-added GDP and employment. It is also a minuscule proportion of the food sector (without allowing for the fact that the great majority of the shellfish catch – the bulk of Welsh landings – goes to export, meaning its current contribution to Welsh food security is laughably small). Of the 42,000 jobs in agriculture and fishing in 2008, the statistics state that around 500 were in fishing. The UK Sea Fisheries Statistics 2009 also report ¹ that around half of those in fisheries employment in Wales are part-time.

In 2007 fishing contributed £13m to Wales’ GVA – a value so small as to rate 0.0% in the summary tables on the Statswales pages of the WAG website. In comparison, WAG’s *Safeguarding Welsh Seas* proudly boasted that the Welsh coastal and marine environment:

“supports 92,600 jobs in Wales, contributing £2.5 billion of GDP to the economy of Wales. The stunning environment of the Welsh coast and the proximity of significant population also helps explain the importance of the coastal tourism industry which contributes over £2.5 billion each

¹ Office for National Statistics / MMO 2010

year to the Welsh economy. In 2006, spending associated with an overnight visit to the coast amounted to £648 million”

The value of recreation and tourism alone, much of which is dependent on a healthy and attractive marine and coastal environment, is orders of magnitude greater importance than fishing. The value of healthy ecosystems in gas and nutrient cycling and carbon sequestration is priceless.

I do not quote these figures in an attempt to imply that sea fisheries are worthless to Wales either economically or societally. Nevertheless, the myth of their high value must be challenged and acknowledged by the Assembly government, by both the executive and Ministers, as unfounded.

Secondly, environmental quality and protection reads as if it was almost added as an afterthought. As mentioned above, the inherent value of a healthy marine environment in providing, at the very least, essential ecosystem services of gas and nutrient cycling and carbon sequestration are economically priceless.

Para 15 provides an example of the subliminal messaging mentioned above by apparently prioritising the “needs of different users” ahead of “the scale and characteristics of the ecosystem. It would also have been helpful and less likely to mislead if it had been made clear that the headings for paras 17 – 32 are in alphabetical rather than priority order.

Para 18: easy to overemphasise, but politically very difficult to challenge.

Para 20: very easy to overemphasise and romanticise the social and economic value of fisheries - specifically commercial fisheries; see above. To increase the integrity of this document and MSP it must be put in its true economic context.

Para 21: misleading – Wales’ uniqueness is no greater than any typical country with a varied coast

Para 22: aggregate extraction is, by definition, totally unsustainable.

Para 23: first sentence is an unjustified and almost certainly unsustainable claim. Second sentence refers to a further unsustainable practice with clear negative impact on ecosystems and their goods and services.

Para 24: a welcome commitment but one which necessitates all the activities described being assessed in this context.

Para 25: a pedantic point – the MPA commitment is for a well managed, *ie* effective, network.

Para 26 is utterly misleading. The area of MCZ that might arise from current proposals would contribute vanishingly little to ecosystem functioning. Under these proposals they will be far too few and far too small to deliver any meaningful ecosystem goods or services. The MCZ process is also at the mercy of conflicts of interests within WAG, with economic development and use mitigating against designation of sites, identification of environmentally sound conservation objectives or effective management.

Para 27: again misleading; it reads as if this is a voluntary commitment whereas it is actually a statutory obligation. Nevertheless, a stronger commitment would be that designation of ecologically important MPAs will not be compromised by short-term, self-interested, socio-economic considerations.

Para 28: whilst true, the long-term environmental sustainability of current ports and shipping practices need also be considered.

Para 29: as comment on para 27, misleading, there are statutory duties to have regard for many relevant management plans.

Para 20: it is unclear whether this section considers tourism and recreational use should be encouraged or, as it appears to read, a well managed and healthy marine environment. If the latter, this is welcome but it also applies throughout, not just in the tourism and recreation context. The sustainability of this sector’s growth also needs to be considered and not taken for granted.

Vision for marine planning in Wales

Text box of UK high level marine objectives: these share the same problem with parts of this document, the alphabetical order masks the order of priority. Living within environmental limits is not just a desirable goal - it is essential for a) sustainability and b) human survival; it really needs to be listed first.

Further, the *Living within environmental limits* text as written is too limited and fails to account for, for example, non-renewable resources, water quality and ecosystem functioning.

Para 37 is manifestly incorrect; marine planning must ultimately stem from living within environmental limits.

Question 2: Are there other ways in which integration could be improved?

The text probably adequately covers the ground in a general manner; however, there is no detail as to how the admirable intent will be achieved.

Background to statutory marine planning in Wales

Para 55: reiterate comments above regarding the misleading claim of equality of the three pillars of sustainable development (unless the environment and its limits are respected all else fails) and the order in which they are presented, *ie* putting the economy first gives a subliminal message that it is the most important.

Para 57: whilst the examples provided are clearly not intended to be all-inclusive, omission of such fundamental features as ecosystem functioning and non-renewable resources is, at best, unfortunate.

Question 3 What sectors do you think need to be included in the governance arrangements?

Subject to a caveat as to the meaning of "sector" (as it generally seems to be understood to be synonymous with vested interest rather than institutions charged with environmental management and protection for the greater societal good), given the geographical extent of European Marine Sites, their environmental importance and spatially planned management, EMS representation (additional to CCW) both on stakeholder and evidence groups is critical.

Where marine planning fits

Para 99: the simple typographical error incorrectly stating that the laws and conventions listed are in a particular order is, again at best, unfortunate and is likely to have misled many readers.

Para 100: misleadingly cherry-picks just two Directives as being of particular importance. I suggest that the Habitats and Species Directive is of equal importance, as are several others.

Figure 3 Wales policy architecture

The relationship of the NEF / Living Wales to other WAG policies and where it fits in hierarchy is at best ambiguous and at risk of being undervalued.

Welsh plans, policies and strategies

It appears extraordinary to list the single specific sectoral activity of cruise ships amongst the other far more important and overarching policies etc.

The European Designated Sites Regulation 33 advice clause near the end of the list is part of the Part of Protecting Welsh Seas clause near the start of the list (and, following the 2010 consolidation of the Habitats Regulations, it's actually now Regulation 35 advice).

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

European Marine Site management schemes, for the reasons cited above – the size, location and purpose of EMS, the importance of the Habitats and Species Directive and the potential of EMS to contribute significantly to the delivery of ecosystem goods and services.

Evidence

The clear commitments to the precautionary principle and to adaptive management are welcome.

Para 107: the order of these information sources is potentially misleading. It is neither priority nor alphabetical - what is the order?

There is a tendency for information presented via maps to be treated with an unquestioned reverence; the authority and validity of map based data / information must be rigorously assessed and taken into account.

How will stakeholder knowledge be reviewed and assessed for validity? Stakeholder knowledge may well be valuable and valid but, equally, it may be urban myth, unfounded blind belief or a reflection of ideologically. It cannot and must not be taken at face value without supporting evidence.

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?

It is unclear whether the question asks for a listing of all information / data required for MSP (a massive and unreasonable request), or simply identification of data gaps. Assuming it is the latter, it is impossible to answer without knowing what is held or accessible at present.

However, in addition to the presumably already identified requirement for adequate spatial and quantitative information / data for environmental features, structure and function, and socio economic activity that is fit for the purpose of MSP, specific weak areas I am aware of that need addressing include:

- comprehensive seabed structural and topographical data (eg multibeam acoustic bathymetry);
- better inshore tidal stream data;
- more accurate spatial fishing effort data;
- accurate and honest economic values of economic activity sectors - including long term trends;
- economic and inherent (even if not economically calculable) value of full range of fundamentally important ecosystem services (eg gas and nutrient cycling, carbon sequestration);
- information on intercompatibility between environmental features / structure / function and socio economic activities.

There is a clear need to take full account of information and data that is already held and available, eg from European Marine Sites, Skomer Marine Nature Reserve, West Wales Recreation Audit.

Question 6 Could you help fill them, and how?

Possibly, depending on the specific questions and subject areas.

Marine plan areas - national and subnational planning in Wales

Questions 7 – 9

I understand that these questions have been to an extent been overtaken by time in that the limitations on sub-national planning are now clearer. However, sub-national planning is not required as a specific formal process except for cross boundary areas within and immediately adjacent to cross border estuaries. Although localised issues and 'hotspots' will need to be accommodated it makes more sense and will result in greater consistency for them to be nested within national plans. There *might* be an argument for splitting Wales's marine planning areas north to south *if* the inshore and offshore areas were combined and planned together (which, it is acknowledged, is not legally feasible) but, away from the cross border areas, there are no logically clear natural boundaries at which to make one or more splits

Question 10 Are there other countries or authorities that we need to have close or formal relationships with?

EC member states with fishing access rights

Engagement and consultation

Para 127: Limited time, resources and expertise is available to the community being consulted. This will inevitably restrict engagement from those without specific personal commitment or some means of financial / resource backing, and risks skewing the response towards socio-economic sectors that perceive a threat to their self-interests.

Question 11 Do you agree with this approach?

Not exclusively. The WCMP has very limited resources and capacity and its membership is far from sufficiently inclusive to fulfill the role adequately.

Question 12 How do you think we can make best use of existing coastal partnerships?

Clearly and publicly acknowledge and demonstrate that they are considered important and are supported by Government; ensure they are properly supported and resourced.

Question 13 How else can we reach the public?

Make the issue relevant and accessible. Massively more time and resource is required to achieve this.

Yours sincerely,



Blaise Bullimore

Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd Chairman Dr Jean Rosenfeld
Cyfarwyddwr Director Peter Ogden

Marine Branch,
Welsh Assembly Government
Cathays Park
CARDIFF
CF10 3NQ
May 10th 2011

Dear Sir / Madam

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

1.1 As one of Wales' foremost countryside charities, the Campaign for the Protection of Rural Wales (CPRW) welcomes the opportunity to respond to the current consultation on the proposed approach for the planning of Wales' marine and coastal environment. We are pleased this is happening early in the process of strategic thinking, as this will ensure a more coordinated approach to the future management of Wales's marine environment.

1.2 CPRW has long championed the care and responsible stewardship of all Wales landscapes and seascapes and believes that this new area of work must be undertaken in a manner which furthers the principles of the European Landscape Convention, namely that all landscapes and seascapes matter. We believe it is particularly important that the approach and policies which emerge from the Marine Plan fully recognise the close inter relationship and connectivity of the land and sea across the coastal interface.

1.3 As a primary promoter and co author of the recently published "*Manifesto for Coasts and Seascapes*", we trust that the sentiments and recommendations in that statement provide the broad basis for much of the content of the marine planning agenda. We also fully endorse the response submitted by the Wales Landscape Partnership of which CPRW is a leading member.

Broad principles

1.4 Given our interests in the sustainable stewardship of Wales's marine and coastal areas, we applaud the fact that sustainable development in its own right and in the context of the emerging ecosystems approach being proposed by WAG, are both at the core of the proposed marine planning approach being suggested. We also look forward to the concept and principles of coastal and marine "**Blue infrastructure**" being planned and managed in a manner which integrates with its Green counterpart on land, featuring prominently in the future approach.

Seascapes

1.5 As recognised by others, we also support the need for the value, relevance and role of "Seascapes", including coastal landscapes, and their associated implications to be properly recognised in the emerging work.

1.6 We therefore welcome the reference to the need to conserve and enhance the value of the marine area and WAG's commitment to the vision set out in "*Our Seas – a Shared*

Resource”, in particular to the inclusion within the scope of the marine environment “*its seascapes, its natural and cultural heritage and its resources*”. However, we agree with the concerns expressed in the “*Manifesto*” referred to above, that there is no common understanding of what Seascapes are and in particular the fact that they must be considered as being more than ‘just a view’.

1.7 To ensure that is the case, the meaning and interpretation of seascapes must be clarified early in the proposed marine plan process in Wales. To that end we would therefore commend the following definition of a seascape as contained in the “*Manifesto*” and derived from the European Landscape Convention definition of landscape namely

“an area, as perceived by people, of sea, coastline and land whose character results from the actions and interactions of land with sea by natural and/or human factors”.

1.8 We also contend that seascapes are and should be acknowledged as “*as a key resource in the marine environment and as a framework to underpin a sustainable approach to its planning and management*”. We trust that subsequent documentation will reflect this fact.

2. The relevance of Seascapes to the Marine Planning process

2.1 Given that Wales is exceptionally well blessed with a wide range of spectacular and important coastal areas and seascapes, we believe any future planning approach must recognise the huge range of public goods support services these areas provide and the fundamental contribution our coastal areas make to personal well being and their communities make to our economy and culture. Conservation of the marine environment is not purely about Marine Conservation Areas and HPMCZs

2.2 Retaining the range and quality of the services and benefits our coasts provide and the manner in which the emerging Marine Plans facilitate the continued stewardship of their quality, integrity and resilience, is therefore in our view paramount. Indeed the inter relationship between our marine and coastal assets, including those that give these features their historical and heritage context, is as we have suggested critical to the quality of life which everyone in Wales enjoys.

2.3 We therefore welcome the fact that those Welsh landscapes which have particularly special qualities, namely our protected landscapes, have been recognised amongst the list of resources in the consultation document and that the Management plans for these areas have been similarly included in the list of Welsh plans policies and strategies which guide the thinking on marine planning issues.

2.4 Notwithstanding this, CPRW believes that that seascapes and in particular those amongst these areas which are of national importance, must be recognised as a key national asset and a clear route map developed to demonstrate how they will be conserved through the marine plan process.

2.5 We believe that any future agenda for action in respect of the new Marine Planning Strategy for Wales must therefore:

- give due recognition to all seascapes and coastal landscapes and the role they offer as a framework for the integrated and sustainable planning and management of our marine environment.
- be based on a comprehensive seascape character assessment for each Marine plan area in Wales, which should then be used as the primary means to spatially interpret and plan the use of Wales's entire suite of marine areas.
- develop an agreed methodology which ensures the conservation of nationally important seascapes [including the marine dimension of coastal Protected Landscapes] and thereafter this information guides future marine planning processes.
- create an appropriate policy climate within which the stewardship of Wales's coastal Protected landscapes are actively encouraged to promote and influence the protection of those special qualities which these areas derive from their coastlines, their adjacent marine environments and the associations they have with them.

3. Response to detailed consultation questions

3.1 Given the above context, the remainder of our submissions considers the specific issues included in the Consultation document

3.1.1 Marine features, resources, and activities

Question 1.

Are there any other key features, resources or activities in Welsh seas that need to be taken account of?

3.1.2 As mentioned previously, we believe any subsequent marine planning process should recognise the true value and role that well managed Seascapes and coastal landscapes provide as key resources in the marine environment.

3.1.3 Furthermore we believe that a clear distinction should be made between

- those "**resources and assets**" (the marine ecology/ biodiversity, heritage assets and attributes which create seascapes/coastal landscapes) which combine to create the physical character of the marine environment and the context for its planning.
- those **activities** that take place in the marine environment and interact with these coastal resources to create the need for a strategic approach to the planning and stewardship of them .

3.1.4 The present mixture of activities and resources confuses this important distinction.

3.1.5 We would also suggest that a number of other activities should be included in the catch all lists

- Issues associated with climate change and its implications on the coastal resources and assets, both physical and less tangible.
- The implications of oil and gas exploration/production and carbon capture /storage and any associated landfall issues.

3.1.6 We further believe that this section would benefit from an initial exploratory visioning statement which scopes the future implications for each of these issues and the potential opportunities and spatial tensions which may arise between them.

3.2 Integration between marine and terrestrial planning

Question 2.

Are there other ways in which integration could be improved?

3.2.1 We fully endorse the need for integration as expressed in Para 47 and the means of achieving it as outlined in para 53. However this integrated approach could be further assisted through:

- the production of clear new advice and a refresh of current guidance to Local Planning authorities on critical issues which must be taken into account in any decision making affecting the coast.
- advice to the managers of all coastal landscapes, protected one in particular on how the scope of their existing management plans should be widened to integrate the management of the land and sea.
- advice as to how the management of coastal landscapes should be undertaken to complement and enhance any adjacent European Marine Sites to ensure their future status and improved well being.
- A clearer understanding of the role and objectives of Heritage Coasts especially those which form the landward boundary of European Marine sites of nature conservation importance.

3.2.2 We welcome the desire to integrate the current land based Wales Spatial Plan with its marine equivalent. We further believe that it is important that greater clarity exists as to the extent that both of these strategies will guide or be driven by the emerging National Infrastructure Strategy. We believe the former should be case.

3.3 Question 3.

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

3.3.1 CPRW believes that an inclusive approach to engagement should be promoted and the same mechanisms which are being used to develop the Living Wales approach can usefully be replicated for the marine agenda. CPRW would anticipate featuring in such partnership arrangements.

3.4. Welsh plans, policies and strategies

Question 4.

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

3.4.1 The following documents could usefully be included:

- Wales Environment Strategy and the emerging Living Wales ecosystems statements
- The emerging National Infrastructure Strategy
- CCW's Seascape assessment work

- CCW's acknowledged LANDMAP resource
- The Register of Historic Landscapes
- The existing and evolving management plans for the Dyfi Biosphere site

3.5 Evidence

Question 5

Do you think 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

Can you help fill them and how?

3.5.1 As mentioned previously, CPRW believes that a comprehensive Seascape Character Assessment of the Welsh coast and inshore areas is a crucial information resource and evidence base that should be central to and crucial for the completeness and integrity of the marine plan process.

3.5.2 Such an assessment should embrace all the relevant the natural, cultural/social and perceptual/aesthetic aspects of the coastal and marine environment. We understand that the necessary technical advice on how to undertake such an assessment will soon to be published. We trust that the Assembly as the Marine planning authority will recognise the importance of this work and provide the necessary resources and impetus for the Countryside Council for Wales to develop and apply this technique in Wales.

3.6 Marine Plan areas – National and sub-national planning in Wales

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?

3.6.1 The resolution of this depends to a large degree on the scale and level of detail anticipated for the 'National Plan' and the degree of flexibility it will have to vary the scale and level of detail from place to place according to the issues involved.

3.6.2 There is little doubt that in some areas, there may well be a need for greater detail than others, but this depends on the flexibility of the approach adopted. We believe however if carefully constructed in a manner which allows a cascade of principles to become more refined / detailed as necessary according to local circumstances, the range of detail can be achieved as required. We believe therefore it is preferable if possible to develop the architecture of the national plan in a manner which allows sufficient flexibility for it to be applied at the level ultimately required regionally.

3.7. Cross border relationships

Question 10

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

3.7.1 We believe that all the most important relationships have been identified i.e. with England. It will also be crucial to synchronise the timing of the plan preparation process, the scale and level of detail of the plans and assessments that are undertaken, for example, of seascape character.

3.8 Engagement and consultation

Question 11

Do you agree with this approach?

Question 12

How do you think that we can make the best use of existing partnerships?

Question 13

How else can we reach the public?

3.8.1 In broad terms we endorse the document's intention to engage with stakeholders throughout Wales and beyond, including coastal communities, industry, private sector environmental groups and anyone who has a substantive interest in the Welsh coast and adjoining marine area.

3.8.2 We also agree that the kind of approach shown by the Pembrokeshire Coastal Forum and the Severn Estuary Partnership has considerable relevance in that they both seek to be open, inclusive and explore issues from a neutral starting point by bringing people together to discuss issues of mutual interest.

3.8.3 There are clearly advantages in extending this approach to the rest of the Welsh Coast. However whilst this may be an admirable aspiration it may not be that practical given the timescales required to produce the Marine Plan.

3.8.4 We further recognise that the lengths of coast not currently covered by any Forum tend to be those in the more remote areas, for example Cardigan Bay, where there are likely to be only limited resources in the local community to develop this model. We suggest therefore that there may be two ways in which the approach could be extended.

- Firstly by building on the current networks / partnerships which exist in the coastal Protected landscapes – particularly in North Wales [Snowdonia NP, Llŷn and Anglesey AONBs] -
- Secondly by extending the sphere of operation of the two existing Forums

3.8.5 In both instances the Assembly would need to establish a clear brief for these activities and provide the resources to initiate and support them

4. Conclusion

4.1 CPRW supports the tone and direction of this initial statement. In doing so however we suggest that the issue of Connectivity between land and sea should be more explicitly

articulated. Similarly we believe the role and relevance of Seascapes should feature more prominently in the ultimate planning approach, to provide a seamless and effective means of linking the Assembly's sustainable management obligations with the management of all our natural resources be they on land or sea, and also to provide a mechanism to protect those critical natural assets and resources which exist along and around the Welsh coast line.

4.2 To achieve this we strongly advocate that a concerted effort is made to undertake an audit and Character assessment of the Wales's Seascapes to understand the functional importance of the coast, and identify those parts of it, which should be recognised as "Nationally important seascapes". We believe that CCW should take the lead in undertaking this work as soon as possible.

4.3 We further suggest that the Management Plans for existing coastal Protected Landscapes should form a key part of the Marine Planning process and that they in turn should be required to recognise and make realistic and functional connections with their adjacent marine environments.

4.4 If these and our other suggestions can be achieved, we see no reason why the existing Wales Spatial Plan and the proposed Marine Spatial Plan, should not integrate seamlessly. Doing so would enable the Assembly Government to demonstrate its commitment to the principles of the European Landscape Convention. More importantly the Welsh environment on both land and at sea will be managed in a more sophisticated holistic and better way.

4.5 We therefore trust that our comments prove therefore helpful in achieving this.

4.6 CPRW confirms that its views can be made available to other parties if so required. Likewise should there be any matters which require further clarification, I will gladly do so upon your request. In the meantime, I would be grateful for an acknowledgement of your receipt of these comments and in due course welcome sight of the responses made during this consultation.

Thanking you in anticipation

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Ogden', with a long horizontal flourish extending to the right.

Peter Ogden
Director

Response to Welsh Assembly Government Consultation Document on Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales

Please find below our response from a town planning and local government perspective to the 'Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales' consultation document.

Question 1: Are there any other key features, resources or activities in Welsh seas that we need to take account of?

Flood Defence works

Question 2: Are there other ways in which integration could be improved?

Continue close working between Welsh Assembly Government marine planning and LPA's, encourage further cross border working between LPA's.

Question 3: What sectors do you think need to be included in the governance arrangements?

Welsh Assembly Government steering group, marine evidence group, stakeholders and LPA's

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

LPA Supplementary Planning Guidance may need to be taken into account. For example, the Cardiff SPG on Biodiversity contains detailed information on the biodiversity/nature conservation resource of Cardiff, including designated sites and biodiversity priorities at a local level.

Severn Estuary Strategy (Sep 2000), and Draft Flood and coastal erosion Risk management (WAG, July 2010).

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?

There needs to be a marine plan for whole of Wales, including that of England and Ireland, and ideally local level marine mapping to

highlight localised issues to inform decision making. Data showing cumulative impacts of dredging marine/sand/gravel in Severn Estuary.

Question 6: Could you help fill them, and how?

The information that we have is solely terrestrial plans showing inshore areas that are on the whole covered by European designated sites within Cardiff.

Question 7: Do you think we need to plan on a more sub-national level?

For some areas of Wales there is a need to plan on a sub-national level, but this varies according to marine planning issues.

Question 8: If you do, what approach would you like us to take to sub-national marine planning and why?

Selective sub-national marine planning – not all needs to be covered as a large proportion is preserved against development and encroachment via European designated sites.

Question 9: Are there different approaches that we could take?

No.

Question 10: Are there other countries or authorities that we need to have close or formal relationships with?

Corlan Hafre – new consortium working on Severn Barrage.

Question 11: Do you agree with this approach?

Yes.

Question 12: How do you think we can make best use of existing coastal partnerships?

Involve partnerships throughout the consultation process, regular meetings and opportunity to input their views into marine planning policy to give them a sense of ownership.

Question 13: How else can we reach the public?

Online presences, displays with information geared towards the general public. Encourage participation and ownership through family orientated fun day events.



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

Consultation Response

The following response has been prepared Cardigan Bay Fisherman's Association Ltd on behalf of its members. Cardigan Bay Fisherman's Association Ltd was set up in January 1996 to create and manage sustainable fisheries on the West coast of Wales. The Association's members are commercial fishermen working from ports along the coast of Cardigan Bay, along with selected individuals connected to the local seafood industry. Working closely with conservation groups and government, the Association is leading the way to implement changes in legislation that is both in the interests of the fishermen and the marine environment as a whole.

Question 1: Are there any other key features, resources or activities in Welsh seas that we need to take account of?

There is no reference to oil and gas exploration within the consultation document. Whilst we recognise that there is a focus on decreasing our reliance on fossil fuels and moving towards renewable energy production, there is likely to be demand for oil and gas resources well into the future, certainly until 2030 under the scope of the marine plans. Any oil or gas reserves found within Welsh territorial waters would represent a significant economic asset, and there is likely to be pressure to exploit the resource. Provision should therefore be made within the consultation document and throughout the planning process.

Question 2: Are there other ways in which integration could be improved?

It will be crucial to liaise effectively with local authorities to ensure that the marine plans are effective in guiding local policy. Cardigan Bay Fisherman's Association Ltd is concerned that many WAG strategies and policies are not implemented at the local level by the relevant local authorities, which ultimately weakens the WAG policies and strategies and threatens the stakeholder process which led to their creation. The marine plans will be important overarching policies, and it will be critical that they guide local and regional policy development if they are to be effective.



Cymdeithas Pysgotwyr Bae Ceredigion Cyf. *Cardigan Bay Fisherman's Association Ltd.*

Cadeirydd/Chairman: Mr. Jim Evans

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We have seen through the Marine Conservation Zone projects and stakeholder processes that there is little integration on cross-border issues, which has ultimately left a lack of trust in the process. In order to avoid such issues reoccurring with the Marine Planning process, all relevant parties must be consulted throughout the process, with representation on stakeholder groups for all interested parties, whether that be from England, Scotland and Northern Ireland, or indeed other EU member states which have, for example, fishing rights within Welsh territorial waters and as such will be affected by the Welsh Marine Plans.

Question 3: What sectors do you think need to be included in the governance arrangements?

The governance arrangements must include all interested and relevant stakeholder interests from multinational businesses (e.g. renewable energy projects) to the coastal communities and recreational users (e.g. tourists, holiday home owners). In our opinion the following interests must be represented on the stakeholder group (as a minimum):

- Welsh Assembly Government
- UK government representation
- Devolved government representation (Scotland and Northern Ireland)
- Commercial Fishermen, including UK and relevant EU member states (Ireland, Belgium, France, Netherlands, Spain etc)
- Aquaculture
- Recreational users, including but not limited to, sailors, anglers, divers, surfers, canoeists, fishers (different from angling, for example, subsistence pot/netsmen)
- Aggregate extractors
- Energy companies, including renewable, oil, gas, and nuclear interests
- Environmental interest groups
- Coastal Communities
- Tourism interests
- Shipping, both goods and public transport
- Relevant local authorities
- Relevant statutory bodies, for example Environment Agency Wales, Countryside Council for Wales
- Water companies, relevant for ensuring water quality
- Terrestrial landowners where there will be crossover between marine and terrestrial plans
- Telecommunications



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Many of these groups will also be relevant to the Marine Evidence Group. In other stakeholder engagement processes, many stakeholders have been excluded from the scientific/evidence based groups, however this creates a barrier to engagement, not least because the representative groups are likely to be the ones collecting the data, and without a full understanding of what data is required and how it will be used there is a risk that the data collected will not be fit for purpose.

Anyone using the marine environment, or related terrestrial environments, will be affected in some way by the Marine Plan process and it is important that all interests are effectively represented. Too often sectors or interests are excluded, whether intentionally or not, from the stakeholder engagement process, often because they do not have the resources to have effective representation. All efforts should be made to engage with such groups, whether this is through roadshows during the consultation process or effective advertisements in local press to ensure that all relevant sectors are at least aware of the process.

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

We believe that the Food Strategy for Wales "*Food for Wales, Food from Wales*" and the "*Food Tourism Action Plan*" (2009) should be considered in part when establishing Marine Plans for Welsh waters. Whilst they may not have the most obvious connection to the marine environment, many aspects of food production will impact on the marine environment, whether it be through direct removal of produce through fishing, the production of food through aquaculture, or the interaction between terrestrial and marine environments and the effect of traditional farming activities on these interactions.

The Food Strategy for Wales states that Welsh produce should utilise the messages of sustainability and provenance where appropriate, and Marine Plans will have an important part to play in ensuring that commercial fisheries, aquaculture developments, and to some degree terrestrial agriculture, develop in a sustainable way, protecting the marine environment from negative human impact and ensuring Welsh food security into the future.

The Food Tourism Action Plan is linked closely with other tourism strategies and the Food Strategy for Wales, and as such there will be links between the marine environment and the Food Tourism Action Plan. In order to ensure that there are increasing amounts of seafood available to the local and tourist markets throughout Wales, there will be a need to protect fishing grounds and therefore a need to take account of these policies when developing Marine Plans.



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Question 5: Do you think there are currently any significant information or data requirements that we need to have in order to plan for the Welsh marine area?

There is a significant and worrying lack of data connected to the fishing industry in Wales. There is very little data on which areas are important to fisheries, what the relative importance of these areas is with respect to each other, and with respect to other industries that currently compete or coexist with the fishing industry. Cardigan Bay Fisherman's Association Ltd is aiming to gather information from its membership to establish where fishing effort is distributed throughout Cardigan Bay, however this will be gathered for fisheries management purposes and it will be important to establish whether the information will be suitable to use for the purposes of marine planning. CBFA Ltd is also only resourced to communicate with its membership within the area surrounding Cardigan Bay, which means that there will be large sections of the Welsh fishing industry that will not be covered by this work.

The social importance of fisheries in Wales is poorly understood. The communities around the ports of Cardigan Bay are largely rural and are likely to be reliant on agriculture and tourism for a large part of their income, however for many of the businesses that rely on tourism during the summer months, the fishing industry could represent a lifeline during the quieter winter months, for example, chandleries, gear suppliers, fuel suppliers, metal fabricators. There is a fear that individual businesses will not have the 'economic value' of the large renewable energy or aggregate operations, however on a community economy and social scale they may be far greater in importance. It is important that an effective method of data collection and analysis is established and used to inform the formation of the Welsh Marine Plans.

Question 6: Could you help fill them and how?

As previously stated, CBFA Ltd is preparing to gather information on fishing effort as part of our EFF funded project in order to guide sustainable management of fisheries in Cardigan Bay. This data should be useful in informing the marine planning process which areas are important to fisheries interests. Any further data requirements that are needed could be collected by CBFA Ltd volunteers from the membership, however it will be of the upmost importance that they are fully aware of what data is to be collected and what the data will be used for in order to ensure that the data is relevant.



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CBFA Ltd has good lines of communication with the other fisherman's associations in Wales, and whilst we are not resourced to gather data from the other associations we would be able to liaise with them should they be unable to provide their own representation.

Question 7: Do you think we need to plan on a more sub-national level?

We believe it will be important to plan at a sub-national level at some point in the future, particularly in areas of high use, for example Milford Haven. However, initially it will be important to set out overarching plans that incorporate the numerous Welsh strategies on page 26 and 27 of the consultation document. We consider it crucially important that all relevant policies are taken into account in order to achieve effective and successful marine plans. There is a danger that by developing sub-national plans immediately that some of the relevant policies and strategies may be missed from a given plan. If overarching plans are developed for the inshore and offshore regions which incorporate the appropriate strategies, sub-national plans will then be able to be developed under the guidance of the overarching plans, ensuring that all of the relevant strategies and policies are considered.

Question 8: If you do, what approach would you like us to take to sub-national marine planning and why?

As stated previously, we believe that sub-national planning should follow overarching national plans which provide a framework which ensures that all relevant national and international policies and strategies are taken into account. The governance of the sub-national process should be managed in a similar way to the national plans, with the WAG taking a lead in facilitating the process. At a stakeholder level, and to some degree the marine evidence level, the local coastal partnership could be used as the basis for the group. If a local partnership is not already in existence it may be appropriate to establish one for the purpose of developing the plan and further stakeholder engagement in the future.

Question 9: Are there different approaches that we could take?

Sub-national plans could be developed alongside the national plans or indeed prior to the national plans being developed, however we would consider this putting the cart before the horse. There are already a number of stakeholder processes taking place simultaneously, however logic would dictate that one



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process would finish before another begins so that the overarching policies can guide the sub-servant policies, for example, we are planning Marine Conservation Zones before we have established the national marine plan under which they will be implemented. There is a real and present danger that the MCZ process inadvertently damages the overarching national marine planning process. Another example that we feel requires consideration is that the measures required to achieve Good Environmental Status under the Marine strategy Framework Directive will only be developed by December 2015 (as indicated on page 24 of the consultation document); however the Marine Plan is expected to contribute to the delivery of GES. How is this possible when it will be implemented 2 years prior to the requirements being established?

Question 10: Are there any other countries or authorities that we need to have close or formal relationships with?

It will be important to establish formal relationships with the governments of EU member states which are able to fish in Welsh waters outside of 12nm under the Common Fisheries Policy. It will be particularly important to establish a strong working relationship with the governments of Ireland, France and Belgium as these member states have historic fishing rights between 6nm and 12nm in some Welsh waters. Unfortunately it appears as though these stakeholders have been excluded from initial discussions regarding Marine Conservation Zones in Welsh waters, which is short sighted, as any zones created have to be agreed by the relevant member state in order for it to affect their vessels. This could create a situation where MCZs are created and disadvantage Welsh and other UK users, however it does not affect the EU member states and therefore will not achieve their goal. It is unclear whether a similar situation would occur under marine planning, however we consider these stakeholders to be important in the decision making process and should be consulted effectively from the outset.

Question 11: Do you agree with this approach?

We broadly agree with the approach outlined in the consultation document; however there are concerns over the challenge of communicating with all stakeholders effectively. Many stakeholders will not have representative bodies and as such are unable to engage effectively in the stakeholder process. This is largely true for recreational users, who may not be aware of the consultation process, let alone equipped to respond. It is also true for commercial interests. The commercial fishing associations around the Welsh coast are largely under resourced, and those that have the opportunity to employ staff are limited in their remit to deliver project targets. There is a real danger, indeed it is already assumed, that the interests of large companies connected to aggregate dredging, renewable energy,



Cymdeithas Pysgotwyr Bae Ceredigion Cyf. *Cardigan Bay Fisherman's Association Ltd.*

Cadeirydd/Chairman: Mr. Jim Evans

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telecommunications will be prioritised over the interests of recreational users, fishermen, environmental groups etc, simply because they have greater financial resource and can therefore employ people specifically to engage in such stakeholder processes. It will be important to ensure that under resourced stakeholders are not disadvantaged in this process.

Question 12: How do you think we can make best use of existing coastal partnerships?

The coastal partnerships around Wales provide a source of important data and information that will be extremely valuable in guiding the planning process. The coastal partnerships will also provide an effective way of communicating to a wide range of stakeholders at a local level. However, there are stakeholder interests that are not represented on some of the coastal fora and it will be important to liaise with these organisations and individuals. As stated in the consultation document under item 127, in order to be successful the consultation process is dependent on the persons/body doing the consulting and those being consulted taking the time to invest in the process. Sometimes it is not just a question of time but also of financial resources, a fisherman for example may not be able to take a day off work to travel the length of the country for a 3 hour meeting. It may be more appropriate for the consulting body to reach out to such individuals as outlined below.

Question 13: How else can we reach the public?

One opportunity which we believe would prove successful would be to hold workshops/roadshows around the coastal communities of Wales, particularly during the holiday season so to as engage with tourists. The purpose of these workshops would be for an independent overview of the planning process to be put forward, with details of how different sectors would be advantaged and disadvantaged by the proposals. This will enable individuals to engage in the process and gain firsthand knowledge of what is involved, what is being proposed, and what that means to them. It is then up to them to engage in any consultation process. If indeed stakeholders decide not to attend these workshops/roadshows, it is their choice. If the consulting body has made the provision for engaging with these stakeholders and it has been effectively promoted then we believe that the consulting body will have fulfilled its obligations within the stakeholder process.

Prepared for and on behalf of Cardigan Bay Fisherman's Association Ltd.

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

Our Reference R3-D-CR-001-000000-144

By email only: marine@wales.qsi.gov.uk

11 May 2011

Dear Sir

Consultation Response: Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales 16.2.11 – 11.5.11

Centrica Renewable Investments Limited (CERI) welcomes the opportunity to comment on the above consultation document. Centrica's principle upstream operations include the operation of power generation assets, energy trading, gas production and operation of renewable energy assets. Centrica also supplies energy to residential and business customers in the UK through its retail subsidiaries, British Gas and British Gas Business.

As part of its renewable energy portfolio Centrica currently has interests in six offshore wind farm developments. Three are fully operational (Barrow, Lynn and Inner Dowsing), one is under construction (Lincs) and two are awaiting consent (Race Bank and Docking Shoal).

In addition, as part of The Crown Estate Round 3 programme Centrica was awarded exclusive development rights to the Irish Sea Zone which has a potential capacity of up to 4.2GW. Work is underway to identify wind farm sites within that zone. We are currently part way through a 2 year Zonal Appraisal and Planning process (ZAP) of the Zone whereby we are undertaking a number of surveys and consultation to establish the potential for wind farm development within the Zone. As a result of this process indicative individual wind farm site boundaries will be identified within the Zone and individual proposals for wind farms brought forward for consent. Each proposal will be a Nationally Significant Infrastructure Project as defined by the Planning Act 2008. Applications for Development Consent Orders for the proposals will be made to the Infrastructure Planning Commission/Major Infrastructure Planning Unit under the Planning Act 2008.

Whilst the boundary of the Irish Sea Zone does not fall within the Welsh Marine Area there is potential for cable routes from the wind farm to onshore substations to go through the Welsh Marine Area. Due to the relatively early stages in the development process for the Irish Sea Zone onshore landfall locations and cable routes to shore have not yet been identified. It is important that this is taken into account and addressed in the Welsh marine planning process. Centrica is keen to be actively involved in consultation in relation to marine planning in Wales.

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

We have nothing further to add to this list but it is important that the potential for cabling in relation to future wind farm development be understood and taken into account.

Integration between marine and terrestrial planning regimes: Are there other ways in which integration could be improved?

We welcome and look forward to seeing a clear, consistent, integrated and co-operative approach during the pre-application consultation and subsequent consenting process of nationally significant infrastructure projects, such as our proposed offshore wind farm development of the Irish Sea Zone under Round 3 which may involve elements of both English and Welsh inshore, offshore and onshore areas. We welcome your intentions to achieve integration through liaison between respective authorities for terrestrial planning to ensure developments in the marine environment are supported by the appropriate infrastructure on land and reflected in terrestrial development plans, and vice versa.

The process for developing marine plans in the Welsh marine area: What sectors do you think need to be included in the governance arrangements?

We believe representatives who are actively engaged in the Welsh marine area (inshore or offshore) from all the key activities listed in paragraphs 15 to 32 or who are potentially going to be should be included in the governance arrangements. This is in order to enable understanding and consideration of the various activities, resource and features within the area. In particular we would wish to see representatives from the renewable energy industry actively included and participating in any Steering Group, Evidence Group and in particular, Stakeholder group. Given the diverse expertise and experience of the different types of renewable energy that might be using the Welsh marine area we think it important to have separate representatives from both the offshore wind industry and wave/tidal industries present in order that the technicalities, activities specific to each industry are properly understood and considered including the specific impacts and how they can be managed or mitigated as part of the marine plan making process. These activities include but are not limited to, pre-consent surveys and investigative activity, construction, operational and maintenance activity and monitoring activities.

The representation of the groups should be proportionate to the current and planned users of the Welsh marine area. All groups should be professionally facilitated with clear objectives to enable constructive progression through the drafting of the plan and a balanced approach being taken. In addition any evidence group should be made up of qualified experts in their field, have knowledge of and be familiar with management measures and the implications of the evidence in relation to users of the Welsh marine area.

Centrica would want to be part of any the groups and in particular the stakeholder group.

Q4 Where marine planning fits: What other key Welsh documents do you think need to be taken into account and why?

We note reference has been made in paragraph 52 to National Policy Statements under the Planning Act 2008 relating to Nationally Significant Infrastructure Projects when talking about integration between England and Wales. We think the NPS' should also be listed in this section too as they are intended to cover Wales as well and are an integral part of marine planning considerations and decision making.

We note that the list is not exhaustive and can and will be added to as new documents emerge.

Q5 Evidence: 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?

Q6 Could you help fill them, and how?

It is vital that any marine planning is based on a sound and robust scientific base on data which is accurate and representative. Whilst we acknowledge that not all marine areas will have sufficient evidence base and assumptions might have to be made it is important that those assumptions are representative and realistic. In addition, as has been recognised, any marine plan will have to be sufficiently flexible to enable updating and reviewing as new evidence emerges in order to most accurately reflect the position at any one time in terms of what the plans are trying to protect to achieve Good Environmental Status and enable responsible and sustainable development and use of any marine area. Robust policy must be in place first to enable ongoing review and new evidence to be taken into account. We are pleased to see the key principles set out in paragraph 36 and these need policy in place to support them.

Marine Plan Areas – national and sub-national planning in Wales:

Q7 Do you think we need to plan on a more sub-national level?

It is important the marine plans and terrestrial plans covering inshore and coastal areas are consistent and work together to achieve the aims of overarching national policy on particular areas, for example renewable energy or nature conservation. Onshore elements of offshore wind farms for example must have consistent and integrated policy to enable the overarching objectives and policies governing renewable to be achieved. This is also necessary where onshore cable routes, for example, may involve more than one local planning authority area. We favour an overarching, holistic and strategic approach to marine planning. We can see a need for some local planning for "activity hotspots" or for some of the marine area in Wales but we would want to see further information and thought as to what is proposed. It is also difficult to comment until some initial datasets and information have been published as to particular sensitivities and activity hotspots which might create the need for more focussed planning on a sub-national level.

Q8 If you do, what approach would you like us to take to sub-national marine planning and why

Q9 Are there different approaches we could take?

Cross Border Relationships

Q10 Are there other countries or authorities that we need to have close or formal relationships with?

We strongly support and encourage your commitment to planning as jointly as possible with England and your intention to establish formal working arrangements to take this forward. In addition your intention to engage and consult with Northern Ireland, the Republic of Ireland and the Isle of Man. Development of the Irish Sea Zone requires engagement and consultation with all of these countries and we value and support a consistent and co-operative approach to marine planning amongst them. We welcome the suggestion of cross-border stakeholder groups and welcome the opportunity of being involved and included in that.

Engagement and Consultation

Q11 Do you agree with this approach?

We agree that effective consultation and engagement is vital and we will actively contribute to the process. We welcome any opportunity to be involved in the Marine Planning Group and look forward to seeing updates and transparency on progress and issues being discussed as the plan progresses. Whilst we welcome the setting up of multi-issue local coastal fora to identify and consider concerns and issues stakeholders and members of the public may have we do, however, look forward to seeing further detail as to how this will be managed and how comments and concerns will be captured and addressed. A systematic, efficient and consistent approach will need to be taken to fully engage with but not unreasonably delay progression of the plan. In addition overarching objectives and management of expectations needs to be identified and communicated from the outset. The plan will need to balance its objectives against government policy and objectives in other areas such as renewable energy.

Q12 How do you think we can make best use of existing coastal partnerships?

Existing coastal partnerships could be a starting point for identifying an effective engagement strategy and utilising contacts and representatives for more local consultation and establishing the local coastal fora. In addition the knowledge and experience of existing coastal partnerships will be a valuable resource through the progression of the plan.

Q13 How else can we reach the public?

It is for the Welsh Assembly to decide its consultation strategy and the detail of that. Some suggestions which have probably already been put forward include:

- Having an informed and up to date website is obviously invaluable;
- Notifying people of the plan through free newspapers, radio and advertisement of the website would be useful;
- Posters or leaflets can also be placed at key coastal locations or in users clubs or through industry representatives or industry newsletters.

We welcome the approach to Marine Planning in Wales and look forward to participating in further consultation on it. If you have any queries or require further information on what has been set out in this letter please do not hesitate to contact us: louise.rich@centrica.com.

Yours sincerely,



Louise Rich
Deputy Development Manager – Round 3 Irish Sea Zone

For and on behalf of Centrica Energy Renewable Investments Ltd (CERI)

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name	Ruth Henderson		
Organisation	City and County of Swansea, Planning Services		
Address	Civic Centre Oystermouth Road Swansea SA1 3SN		
E-mail address	ruth.henderson@swansea.gov.uk		
Type (please select one from the following)	Local Authority	√	
	Government Agency / Other Public Sector		
	Higher Education / Further Education / School		
	Professional Body		
	Other Interest Group		
	Individual		
Are you happy for your details to be published in the summary of responses?	Y	√	N

Marine features, resources and activities

	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
1			√
Comments			
No. However attention is drawn to the following documentation on the WAG website: <i>The Welsh Historic Environment: A Celebration; The Welsh Historic Environment Strategic Statement: Headline Action Plan; The Welsh Historic Environment Strategic Statement: Action Plan; and the Heritage Ministers Ambition for the Welsh Historic Environment</i> , which contain very little reference to the marine environment, apart from a brief mention of the 'maritime enhancement project'. It is unclear from this documentation what the purpose and scope of the 'marine enhancement project' is and how it relates to the current consultation.			

Integration between marine and terrestrial planning regimes

2	Are there other ways in which integration could be improved?
Comments	
No. However clarification would be welcome of the weight to be given to marine plans in the development control process should they be contradictory to a development plan (perhaps due to various adoption dates).	

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
Comments Representatives from the sectors mentioned within paragraphs 18-32 of the consultation document.	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
Comments River Basin Management Plans as they include coastal areas adjacent to a river basin district. N.B. Add the Shellfish Water Directive to the list of plans/policies under paragraph 99.			

Evidence

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?
Comments Climate change forecasts and predictions need to be taken into account and wholly integrated within the marine plan.	

6	Could you help fill them, and how?
Comments No.	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level
Comments Regional planning for all of the Welsh marine area would be appropriate.	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
Comments The third option (a national plan and a number of regional plans that, taken together,	

cover all the Welsh inshore and offshore areas), listed within the final paper write up from the Wales Coastal & Maritime Partnership 'The Marine Act: The Way Forward for Wales' Annual Welsh Conference on Marine and Coastal Policy, seems most appropriate.

9	Are there different approaches that we could take?
Comments None other than those listed.	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
			√
Comments None other than those listed.			

Engagement and consultation

11	Do you agree with this approach?
Comments Yes	

12	How do you think we can make best use of existing coastal partnerships?
Comments Ensure they are fully engaged with and fully included throughout the process.	

13	How else can we reach the public?
Comments Using multi-media publicity (local newspapers, tv, websites, social networking sites). Displays/events in localities throughout Wales.	

Any other comments
Any plan should ensure an ecosystem approach is adopted. The two map attachments appear to be the same. Neither has a key.

Thank you for completing this form.



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY • PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Anfonwch eich ateb at/Please reply to: Roger Thomas, Prif Weithredwr/Chief Executive
Cyfeiriad Isod/Address Below
Linell Union/Direct Line: 01248 387146; Ffacs/Fax: 01248 385506
Ebostr/E-mail: n.sanpher@ccw.gov.uk

Ms Julia Williams
Department for Environment, Sustainability & Housing
Welsh Assembly Government
Cathays Park
CARDIFF
CF10 3NQ

11 May 2011

Dear Julia

CONSULTATION ON THE APPROACH TO MARINE PLANNING IN WALES: RESPONSE FROM THE COUNTRYSIDE COUNCIL FOR WALES

Thank you for giving CCW the opportunity to comment on the approach to marine planning in Wales. CCW was created by the Environmental Protection Act 1990 to provide advice on nature conservation, landscape and recreational matters throughout Wales and Welsh waters. In doing so, we champion the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities.

Our comments are also made in the context of our roles under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and as an appropriate statutory conservation body under Section 147 of the Marine and Coastal Access Act 2009.

Overall

Building on the recently adopted Marine Policy Statement, CCW welcomes this consultation on the approach to marine planning in Wales. It is a clear strategic description of WAG's intentions for developing a national planning framework. We believe that the proposed approach provides an important opportunity to articulate and deliver a clear, integrated vision for the Welsh marine area that reflects Welsh policy priorities.

In our response to "[A Living Wales](#)", CCW emphasised the need for an ambitious, integrated and transformatory vision to better manage our natural environment, and advised that the overall outcome of the Natural Environment Framework (NEF) should be to maximise Welsh environmental capital together with economic and social well-being. With this objective in mind, we suggested that this includes the need for the NEF to focus on:



Gofalu am natur Cymru - ar y tir ac yn y môr • Caring for our natural heritage - on land and in the sea

Prif Swyddfa/Headquarters
MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR LL57 2DW; FFÔN/TEL: 01248 385500; FFACS/FAX: 01248 355782
<http://www.ccw.gov.uk>

- **Governance** – recognition across Government of the value of the natural environment and embedded environmental delivery across WAG departments.
- **Integration** – securing the appropriate multifunctional use and management of land and sea in order to deliver optimum levels of a wide range of natural services.
- **Evidence** – including defining and mapping blue infrastructure in a spatial context focussing on both constraints and also opportunities.
- **Restoration** – Provision for large scale restoration on land and at sea, as well as managing adverse impacts through recognition of the functionality of our natural infrastructure, its resilience and its carrying capacity.
- **Awareness and engagement** – transforming awareness of the value of a healthy environment of both the general public and stakeholders.
- **The existing network of Marine Protected Areas** – through recognition of its role, value, importance and contribution to well-being together with the need to continue to invest in the delivery of actions to achieve favourable conservation status of sites.

It is CCW's view that given the strong links between the NEF and MSP in both principle and approach, the overall outcome of maximising environmental capital alongside the above areas of focus should be essential components of Wales's future system of marine planning, which is the key delivery mechanism of Government policy for the marine environment. This focus must also be reflected in the Wales Spatial Plan and the two planning processes need to align.

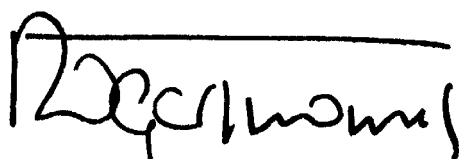
In particular, we consider that appropriate governance arrangements for MSP will be essential in ensuring an integrated and inclusive approach to planning. Our main response to this consultation is therefore based in large part around practical recommendations in relation to integration, while individual consultation questions are answered specifically in Annex 1.

We have also taken the opportunity to highlight the importance of (1) evidence-based planning and decision making, (2) understanding the resources needed to deliver marine planning, and (3) as recognised by the developing NEF, the need for protecting and recovering the wider environment – thinking beyond protected areas.

CCW has a wide range of expertise and evidence and we look forward to working with WAG and others at all stages of the planning process. Significant time and effort has gone into scoping and enabling marine planning across the UK; we now need to implement marine planning in Wales as a matter of urgency.

My staff would be happy to provide additional advice and information in relation to our response and also with respect to CCW's future contribution to marine spatial planning. For further information, please contact Dr John Hamer, Head of Marine Advice (j.hamer@ccw.gov.uk) in the first instance.

Yours sincerely



Roger Thomas
Chief Executive

Enc



CONSULTATION ON THE APPROACH TO MARINE PLANNING IN WALES

RESPONSE FROM THE COUNTRYSIDE COUNCIL FOR WALES

The following are CCW's general comments on the proposed approach to planning as set out in the consultation document '*Sustainable Development of Welsh Seas: Our Approach to Marine Planning in Wales*'. Detailed responses to the consultation questions are provided in Annex 1.

1. Developing an integrated basis for marine planning

- 1.1 CCW welcome the intention to seek to integrate the three pillars of sustainable development, rather than balance them against each other. This recognises that many, if not most, growth-generating activities rely on the sustained provision of a wide range of ecosystem services and the long-term security of these assets is fundamental to sustainable development. Such an integrated multifunctional treatment of marine space is essential to encouraging co-location of activities, whilst recognising and respecting the natural heritage values of our seas and coast and the needs of individual sectors.
- 1.2 In responding to the consultation, therefore, we reflect on what might be appropriate means and mechanisms to achieve integration for a range of aspects of planning. In particular:
 - Integration across government departments and institutions (governance arrangements)
 - Integration across marine plan boundaries (cross-border arrangements)
 - Integration with the Wales Spatial Plan and other policies (the marine/terrestrial interface)
 - Integration of different planning scales (sub-national planning)
 - Integration of planning with related processes

The following sections outline CCW's recommendations for achieving integration.

2. Integration across government departments and institutions (governance arrangements)

- 2.1 Governance in a marine planning context consists of formal and informal mechanisms and institutional arrangements to allow the regulation of resources and use, allocation of activities, and adjudication of disputes. Governance 'sets the stage' for more practical management tools to develop and deliver marine plan policies.
- 2.2 CCW considers that governance arrangements for marine planning should include the mechanisms for three main purposes: **cross-government and wider institutional coordination, stakeholder engagement** and **evidence collation and interpretation**. We therefore welcome the intention to have interconnected groups set up for each of these purposes.
- 2.3 Limited integration between government departments has traditionally manifested itself in sectoral and often overlapping structures and arrangements. In seeking to rationalise and integrate marine management, we consider that MSP must be recognised as the overarching framework for marine management across the Welsh Assembly Government.

- 2.4 The consultation states that WAG's Marine Team within DESH will have responsibility for preparing marine plans, thereby ensuring that the principles and ideas of the Marine Policy Statement are fed down into the marine planning process and that there will be a core marine planning team, which may take advice from specialised expert groups on particular topics.
- 2.5 Importantly, just as the NEF is a cross-cutting framework, it is important that marine planning is not associated with a particular sector or is seen by some as being overly influenced by environmental factors particularly because of the commitment for marine planning being based upon an ecosystems approach. Accountability for delivery of marine plans and the process by which they are developed and adopted by Government is therefore critical in order to meet the needs of all stakeholders. There may be a perceived conflict of interest with the proposals in the consultation document with the same team being responsible for delivery of marine planning, marine nature conservation and marine consents. Further clarity is needed as to how these different (but related) functions will be delivered.
- 2.6 Whilst welcome, we consider that the proposals set out in the consultation document are unlikely to be sufficient in themselves to fulfil the need for horizontal and vertical integration of the full range of government activity of relevance to the planning process. We suggest that further consideration should be given to governance arrangements as marine planning in Wales evolves. More channels for engaging with other government departments, stakeholders and the general public are likely to be needed to fulfil the requirements of good governance (i.e. integrated policies and institutions and public support and ownership).
- 2.7 CCW suggests that in addition to the core planning team within WAG's Marine team, there could be two groups established to integrate expertise and secure appropriate involvement across Government, 1) a strategic steering committee and 2) a practical working group. Our response to Question 3 in Annex 1 provides further detail.
- 2.8 Given the current devolution settlement and range of retained functions, we suggest that further thought will need to be given with respect to the engagement and involvement the MMO as the planning body for England and the relevant UK Government Departments
- 2.9 It is widely agreed that marine planning needs early and full stakeholder engagement that is sustained through all stages of the process. This also reflects the need for a citizen-centred approach to governance set out in the Beecham Review. Evidence from the Great Barrier Reef, for example, shows that the Representative Areas Programme of rezoning succeeded because of the lengths the Great Barrier Reef Marine Park Authority went to engage stakeholders at a local level¹.
- 2.10 Collaborative governance structures, which bring together public authorities with wider stakeholders are also required in addition to a top-down approach. We consider that no one set of structures or mechanisms to achieve this will be applicable to all areas, and should be developed according to the nature and size of the area to be planned (and the intensity of use).
- 2.11 CCW therefore welcomes the proposed stakeholder group, which is intended to be the main focus of stakeholder engagement. We question, however, whether the MSP subgroup of the WCMP will be able to deliver the wider stakeholder engagement and public awareness requirement of planning, given the WCMP's limited resources.

¹ Day, J.C. (2002). Zoning—lessons from the Great Barrier Reef Marine Park. *Ocean & Coastal Management* 45 (2-3), 2002, Pp. 139-156

- 2.12 Effective collaborative governance can lessen the need for reactive regulations or obligations and can ensure that decisions are made with the support and knowledge of those using marine areas. A high degree of ownership of marine planning is desirable as it in turn ensures its long-term support, providing a virtuous circle of support. However, engaging such a range of stakeholders throughout a multi-stage process such as marine planning is very time-consuming and costly, while momentum and support are easy to lose and hard to recover.
- 2.13 The proposals include the establishment of a Marine Evidence Group. Having a fit for purpose evidence base for marine planning is critical. Given the time (and expense) that it can take to gather and analyse marine evidence, alongside WAGs ambitious timescales for delivery of the first marine plan, we suggest that this group is established as a matter of urgency with clear links made to related marine evidence groups and processes. This group will have an important role to play in steering future evidence collection and commissioning suitable evidence products.
- 2.14 It is noted in the consultation that the Marine Evidence Group will be closely linked to the evidence collation for the Natural Environment Framework (NEF). We suggest that greater clarity is needed in terms of how the new group will relate to the various workstreams that have been established to deliver the NEF and also the role of the Wales Environment Research Hub in the context of marine planning.

Integration across marine plan boundaries (cross-border arrangements)

- 2.15 As noted in the consultation, Schedule 6, 3(1) of the Marine and Coastal Access Act (2009) requires marine plan authorities to take all reasonable steps to ensure that the plan is compatible with the marine plan for any marine area which is related to that area. The consultation refers to the establishment of formal working arrangements to ensure joint planning. It is critical for WAG and the MMO to reach a common understanding of the ways in which cross-border integration of planning processes can be secured. Given that WAG intend to start planning imminently and the MMO will soon be considering which English regional plan areas to progress next, early dialogue and clarity for all on this matter is important.

Integration with the Wales Spatial Plan and other policies (the marine/terrestrial interface)

- 2.16 Figure 3 of the consultation document helpfully sets out the Welsh policy architecture and shows that the Marine Spatial Plan and Wales Spatial Plan are related, strategic policy tools for the management of land and water. Taken together, these two key planning processes will enable Wales to plan for its entire area including the offshore zone.
- 2.17 In recognition of the need to closely align the WSP and the MSP, the Marine and Coastal Access Act (2009) requires that the Welsh marine plan is compatible with the WSP. We consider that this is a helpful requirement but that further consideration is needed as to how these two processes relate to each other and can be best aligned both in terms of governance arrangements and more practical issues such as timing of plan revision. A key consideration must be how to bring together related but, at the same time, significantly different processes.
- 2.18 Integrated Coastal Zone Management (ICZM) is an important concept and the MSP and terrestrial planning regime should take full account of the principles of ICZM. The EU is currently considering the need for further action in relation to ICZM and see a close

relationship between ICZM and MSP². In our view, application of the principles of ICZM throughout the planning processes will help to secure ICZM.

Integration of different planning scales (sub-national planning)

- 2.19 CCW notes the amendments to the consultation to reflect the need for any sub-national planning to be embedded within the national planning framework. We consider that this is a necessary and sensible approach, which allows for the integration of national plan policies to more spatially specific locations (Figure 1).

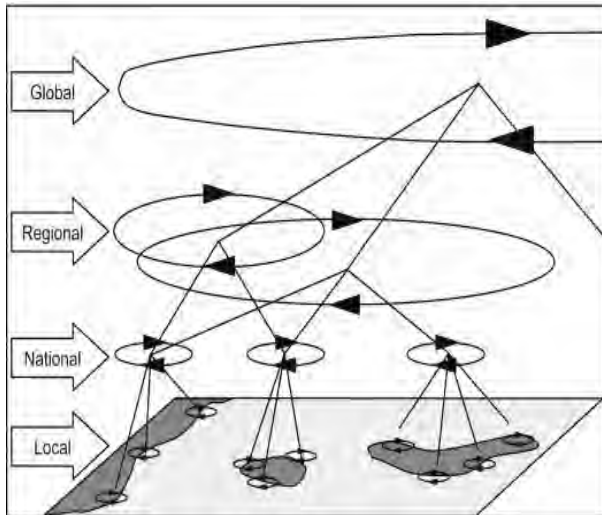


Figure 1. The different scales at which marine governance operates. Taken from Mahon et al. (2009)¹

- 2.20 The level of detail that marine planning provides will have a bearing on the approach to sub-national planning. A prescriptive, or detailed, plan (or set of connected plans) would reflect a greater top-down approach than an indicative plan, which would allow more flexibility at a local level but may lead to ambiguity and conflict. This is closely related to the scale over which the marine plan operates at, and how more detailed sub-national marine plans will be nested in the overall process for particularly sensitive, vulnerable or heavily uses areas (such as the coastal zone).
- 2.21 The nature of sub-national planning will necessarily, therefore, be partly dependent on the level of detail provided by the national marine plans. The more detail is provided at a national level, the less formal coverage of regional plans will be needed and a greater degree of ‘hotspot’ planning can be used. Therefore, it is difficult to provide a clear preference for any sub-national option at this time.
- 2.22 CCW believes that some sort of regional marine planning structure is needed to translate national plan policies to a lower level. This could also allow for greater integration with the Wales Spatial Plan.

Integration of planning and related processes

- 2.23 Marine spatial planning is being introduced at a time when there is an unprecedented level of human activity occurring in our seas and the prospect for this to increase further. Consequently, there are already a number of strategic level planning related processes underway that MSP will need to integrate with. In particular, this includes planning for marine renewable energy developments (Round 3 for offshore wind, Offshore Energy II SEA) and ongoing effort to secure an ecologically coherent network of marine protected

² http://ec.europa.eu/fisheries/partners/consultations/msp/index_en.htm

areas (MPAs). Ideally, planning would be used to deliver government policy in this respect but processes are already underway so marine planning will need to accommodate and mesh with these processes in the first instance.

- 2.24 In terms of nature conservation, work is underway in Wales to identify areas suitable for designation as Marine Conservation Zones that will be afforded a high-level of protection. There is also ongoing work to identify any suitable areas for classification as Special Protection Areas under the Birds Directive. At the same time, the Marine Strategy Framework Directive is being implemented and at a strategic level the NEF is likely to have implications for the way in which the marine environment is planned and managed. There is scope for stakeholder confusion over the planning timescales proposed by WAG given that these areas of work will all be running in parallel. We suggest that further discussion is needed on the potential for integrating these areas of work. In particular, MSP will need to take account of developing thinking on MCZs and SPAs at an early stage and there may be scope for bringing these processes together.

3. Evidence-based planning and decision-making

- 3.1 Successful marine planning is dependent upon a sound evidence-base and CCW welcomes the focus on evidence in the consultation document. CCW has considerable expertise in the collection, collation and synthesis of marine natural heritage evidence. We constantly keep under review evidence needs and priorities and collaborate with others on a partnership basis to maximise the value and use of existing evidence and to target the collection of new evidence.
- 3.2 CCW expects to provide evidence and advice to the planning process and have begun to plan for how we might do this in a structured way. We look forward to discussing this further as a member of the Marine Evidence Group. As a contribution to this work, we intend to produce a Marine Natural Heritage Evidence Directory that will display the wide range of baseline and synthesised spatial evidence that CCW holds and considers to be of value to the planning process.
- 3.3 As the Environment Minister noted at this year's WCMP conference, the reason why evidence should be collected for marine planning is not just to understand and describe the present state of the sea, but also to inform how the marine environment is likely to change in the future, both negatively and positively. This requires a level of interpretation and prediction of evidence, which allows for the analysis of impacts, sensitivities and potential for restoration.
- 3.4 CCW already has considerable expertise in creating 'interpreted' spatial evidence products. This includes assessing the sensitivities of marine habitats and species to fishing and marine 'wet' renewable energy (wave and tidal), and of seascapes to marine renewable developments. As a result, we are able to move beyond simply advising for or against activities, but seek to create a more subtle range of advice, which matches the particular environmental characteristics to impacts of activities. Importantly, focussed synthesised spatial evidence products are more meaningful to planners because they provide a clear context for decision-making. Such evidence therefore enables planners to find pragmatic win-win solutions which can allow marine use at sensible levels.
- 3.5 CCW has considered how we are likely to contribute to the planning process³ and recently our Council agreed the likely scope of our engagement in the planning process. We include

³ Saunders, J, Hull, S.C., Hill, A.H. & Hamer, J.P. 2008. Marine Spatial Planning: Information Needs and Opportunities for the Countryside Council for Wales. CCW Policy Research Report No 08/2.

with this response a summary of how we conceptualise the provision of CCW advice and evidence feeding into the planning process (Annex 2).

- 3.6 Whilst we welcome the focus on evidence needs and gaps as set out in the consultation, it is important that marine planning maintains the momentum provided by the early publication of the Marine Policy Statement and that gaps in the evidence base can be identified and filled as necessary whilst enabling planning to proceed at an appropriate pace. We are pleased, therefore, to see recognition of the need to use adaptive management techniques and apply precaution within a risk-based approach in the consultation. These are essential requirements for using ‘best available’ evidence to make planning decisions. It will be important to recognise that, going forward, MSP will become a significant driver of future marine evidence collection effort.

4. Addressing wider natural heritage needs through marine planning

- 4.1 CCW welcomes the intention to take a holistic, ecosystem-based approach through marine planning to achieve sustainable development. This is in line with the aims of the Natural Environment Framework and additionally will support the delivery of the Marine Strategy Framework Directive. Furthermore, we welcome the commitment to ensuring the essential role of wider biodiversity in quality of life, as also set out in the Marine Policy Statement.
- 4.2 We agree that Marine Protected Areas (MPAs) are not the only tool to achieve ecosystem outcomes. By taking account of environmental sensitivities and vulnerabilities along with cumulative and in-combination effects in the context of ecosystem carrying capacity, marine planning should aim to manage types and levels of human activity in an area by respecting natural limits. Further work will be needed to develop our understanding of ecosystem structure and function, condition and vulnerability and the way in which human impacts act in combination and cumulatively. The UK Marine Science Strategy is relevant in this context⁴.
- 4.3 Marine planning can allocate space in a considered way in order to relieve pressure on the marine environment, by identifying areas of opportunity and constraint and, specifically, identifying areas where there is scope for recovery / restoration. As set out in our response to the NEF, we consider the need to make provision for large scale environmental recovery / restoration as critical. Addressing biodiversity decline through the adoption of an ecosystems approach must be a key policy priority for MSP.
- 4.4 As set out in the Marine Policy Statement ‘When developing Marine Plans, marine plan authorities should consider at a strategic level visual, cultural and archaeological impacts not just for those coastal areas that are particularly important for seascape, but for all coastal areas’. This requires not only our considering the marine settings of ‘protected landscapes’, but in line with the European Landscape Convention, to recognise that all areas matter, each possessing a range of distinctive characteristics and qualities from which cultural benefits and services arise. These benefits and services are important in supporting our economy and quality of life, for example through tourism. CCW were early pioneers in developing methodology to assess seascapes and, more recently, through working with others, we consider that seascape character assessment (SCA) may represent a helpful integrating spatial concept for MSP. We are currently developing technical guidance on SCA.

⁴ <http://archive.defra.gov.uk/environment/marine/documents/science/mscc/mscc-strategy.pdf>

Resource needs for marine spatial planning

- 4.5 Through several submissions during the scrutiny of the developing Marine Bill, CCW raised the issue of capacity to deliver the new requirements of what is now the the Marine and Coastal Access Act (2009) including resources needed to deliver MSP. During the passage of the Marine Bill WAG prepared a Regulatory Impact Assessment which costed the delivery of marine planning and which fed into the Defra RIA. At that formative stage of marine planning, it was estimated that delivery of a marine plan would cost in the region of £3.9 million per plan including assessment and independent evaluation.⁵
- 4.6 The consultation document does not describe the resources that will be available within WAG to deliver marine planning. The resources required to deliver a fit for purpose marine plan for Wales should not be underestimated either for Government or for those who will need to engage in the planning process.
- 4.7 We suggest that a full, costed delivery plan, including costs of collecting the necessary environmental evidence, be completed as a priority to enable WAG and others to understand and prepare for engaging in planning.
- 4.8 The Making the Connections Agenda is of clear relevance to the way in which MSP will need to be delivered in Wales. A collaborative approach to MSP is critical and CCW looks forward to contributing to the process.

⁵ Marine and Coastal Access Act 2009 Impact Assessment: <http://www.defra.gov.uk/environment/marine/mca/>

ANNEX 1: CCW response to ‘Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales’ consultation questions

Q 1. Are there any other key features, resources or activities in Welsh seas that we need to take account of?

The major activities identified in the Marine Policy Statement have also been identified in this consultation. We are pleased to note the inclusion of protected landscapes as a key feature that merits consideration, and the recognition that MPA’s are not the only means of achieving marine conservation through an ecosystems approach.

Coastal defence is a significant activity that could be included in this list. Given predictions of sea-level rise and resultant issue of ‘coastal squeeze’, strategic planning for coastal defence will be critical and as noted in the consultation Shoreline Management Plans will be an important consideration.

In Paragraph 19, sustainable energy supply and distribution, would perhaps read better as energy supply within the context of sustainable development.

Q 2. Are there other ways in which integration could be improved?

The proposals for achieving integration seem appropriate. See our general comments on integration above. In addition:

The advent of marine planning for Wales provides a timely opportunity to review TAN14 (coastal planning guidance). Any revision of TAN14 should address the fact that, as terrestrial plans have no legal duty to have regard to marine plans, the extent to which terrestrial plans reflect marine plans in the coastal zone may need strengthening.

CCW-commissioned report from CoastNet, which examined barriers to integration at the coast with a focus on marine planning, highlighted the fragmented way in which the coast is already managed within local authorities⁶. The planning process should promote a stronger focus on integration of management activities at the coast (for example, between planning and conservation teams).

Integration will be greatly helped if marine and terrestrial plans all adequately reflect the principles of integrated coastal zone management, in particular a commitment to take a holistic, long-term and adaptive approach to planning, which reflects the local characteristics and communities of the area and working with, rather than against, natural processes. The WCMP has previously advised the Minister on indicators for ICZM in Wales – this work may prove helpful in assessing the extent to which planning processes are based upon the principles of ICZM.

Under Paragraph 52 there should be clarity as to whether National Policy Statements governing Nationally Significant Infrastructure Projects (NSIPs) have primacy over marine plans. This is not currently explained in the document, although links are made in Figure 3.

⁶ A Report on Barriers to Integration and Recommendations for Improving Integrated Management at the Coast in Wales, CoastNet, 2010

The Marine and Coastal Access Act (2009) requires that the Welsh marine plan is compatible with the WSP. We consider that this is a helpful requirement. Given that the WSP and MSP sit alongside each other (as set out in Figure 3 of the consultation document), we suggest that greater clarity is needed as to how the planning processes will be aligned over time both in terms of governance arrangements and also practical issues such as timing of plan revisions.

In paragraph 53, we suggest “liaison between respective responsible authorities for terrestrial planning” should say “liaison between respective responsible authorities for terrestrial and marine planning”

Q 3. What sectors do you think need to be included in the governance arrangements?

Broadly, we welcome the establishment of the three groups (steering, evidence and stakeholder) to take forward MSP in Wales, although the consultation does not include details of the Terms of Reference for these groups. Early clarity on the role of the respective groups and mechanisms for interaction and engagement will be important.

In terms of governance of MSP, CCW believes that:

The steering group might be most appropriately set up as a two-tier system, to include (a) a strategic committee that includes representatives from across WAG, in order to bring full accountability of MSP to the appropriate level (and on a par with the Wales Spatial Plan and Natural Environment Framework), and (b) a intra-departmental working group to support the creation of plans themselves.

The **strategic committee** would provide strategic direction on key decisions and (if necessary) relative priorities and dispute resolutions between sectors. Such a committee would also act as a sign to marine stakeholders of the importance of marine planning in Wales. It would provide the strategic steer for marine planning, as well as providing value judgments on outputs developed by the marine planning team. It could also provide guidance on the relationship and priorities between different marine activities by expanding upon the content of the MPS based upon Welsh policy priorities.

Sitting underneath the strategic committee, a more practical **marine planning working group** could assist in the creation and implementation of plans themselves, supporting WAG’s marine team. This option would bring together teams including terrestrial planning, marine fisheries and energy teams. This framework follows the recommendations, among other marine planning systems, of the US Interagency Ocean Policy Task Force.⁷

The proposed **marine evidence group** should include external stakeholders, including statutory agencies such as CCW, which possess a large amount of relevant marine evidence (and knowledge). The group should be chaired by WAG with clear guidance on what information it is likely to require – this should be developed with clarity about why particular evidence is needed and how it will add value to the planning process.

The **stakeholder group** would coordinate the engagement of public and private sector organisations and the general public, as well as provide feedback to WAG on plan policies as they are developed. As it currently is described, however, we consider that the group (i.e. the MSP sub group of the WCMP) would be too small and resource-limited to carry out the full stakeholder requirements of marine planning, although it could act as a good coordinating group for these

⁷ Final Recommendations Of The Interagency Ocean Policy Task Force, July 19, 2010, http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf

activities. For example, it cannot perform the wider proactive engagement, public awareness and education needs of marine planning identified in the consultation.

Clearly, any arrangements would need to fulfil the citizen-centred approach to governance that has been adopted by WAG.

For clarity, we suggest figure 2 is amended so that the arrows that emerge from the steering-group box point in two directions, showing that the steering group feeds into the marine evidence and stakeholder group as well as the other way round.

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

The list of relevant policy documents is extensive. We also welcome the intention to coordinate monitoring of marine plans with MSFD monitoring.

We note that *Making the most of Wales' Coast*, Wales's ICZM strategy, is included as a policy document to be considered. However, ICZM is cross-sectoral and the principles of ICZM should be embedded within planning at all times. We therefore believe it should not be included within such a sectoral list. Indications are that there may be further measures from the European Union on ICZM, which may be linked to marine planning. Embedding ICZM in the MSP and WSP processes is critical.

For clarity, this list would benefit from being ordered into categories; e.g strategic policies (e.g. One Wales: One Planet, the Economic Renewal Strategy, sectoral policies (e.g Wales Fisheries Strategy) and terrestrial policies (e.g local development plans)

Q 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?

Yes.

We suggest that two categories of information are required to plan for the Welsh marine area:

- information relating to the existing condition of the marine area
- information relating to the future condition of the marine area, i.e. data relating to sensitivities and information setting out future trends

There is a huge amount of data and information of potentially relevance to marine planning. It is therefore important that the evidence WAG collects is targeted to its planning needs and objectives, i.e. what evidence will WAG need to define and then meet its integrated objectives?

A wealth of marine data has recently been collated for a number of related processes. It is important to build on these initiatives rather than starting from scratch. In particular, we draw your attention to the data collation and mapping work that has been undertaken by the recent offshore energy SEA's, the WAG Marine Renewable Energy Strategic Framework and the ongoing work to identify areas as suitable Marine Conservation Zones in both Welsh inshore and offshore waters.

We welcome mention in the consultation of a wide range of environmental evidence, including sensitivity assessments. We believe that a focus for evidence should be on the development and use of interpreted evidence, which can address how marine space and resources may change in future, in the process identifying opportunities and constraints. We do not feel it is sufficient to rely on existing descriptions and understanding of designated sites and features and baseline intertidal and subtidal surveys.

CCW possesses a range of evidence which we feel would need to be used by marine planning, for example:

Baseline data

- Designated Site information
 - Boundaries of all protected conservation sites in the marine and coastal environment (up to Mean High Water Springs), including SACs, SPAs, intertidal SSSIs, Skomer MNR and any future Marine Conservation Zone, RAMSAR sites
 - Distribution of the features within these sites which are protected.
- Habitat data
 - Seabed habitat survey data, including both subtidal and intertidal
 - Priority habitats with targets under the Biodiversity Action Plan (BAP) process.
- Species data
 - Data on (in particular) protected and priority species, including marine mammal distributions and sightings and seabird distributions.
 - Data on non-native species

Interpreted evidence

- Fisheries sensitivity mapping (for assessing the sensitivity of habitats to varying fishing types and intensities)
- Tidal and wave energy vulnerability mapping (for assessing the vulnerability of habitats and mobile species to 'wet' renewable energy devices)
- Marine pollution contingency mapping (for assessing the sensitivity of habitats to oil spills)
- Seascape Sensitivity mapping (for assessing the sensitivity of seascapes to renewable energy development). In addition CCW are keen to conduct a wider marine landscape (or seascape) character assessment to identify the qualities of marine landscapes (as perceived by people)

In addition, CCW sees the need for further evidence to feed into the planning process and highlights in particular key evidence needs that we would like WAG to support CCW in developing:

- Subtidal habitat mapping (building on work to date and recognising the need to further improve our baseline evidence)
- Fisheries sensitivity maps for mobile species and a methodology for the assessment of the cumulative effects of fishing gears.
- Integrated Biological/Biodiversity valuation mapping (to assess the relative values of the marine environment in a spatial context)
- Seascape character assessment of all marine and coastal waters (to assess the relative qualities of marine areas, including non-ecological)
- Climate Change vulnerability mapping (to assess the vulnerability of marine habitats and species to climate change impacts)
- Invasive Non-Native Species vulnerability mapping (to assess the vulnerability of areas to invasive species introduction)
- Recovery potential mapping showing the potential for areas to provide for the recovery of particular species and habitats.
- Maps showing the spatial distribution of a wide range of ecosystem services (to assess the relative importance of marine areas for particular services as well as identify areas that are or could be of particular value in providing a wide range of services).

In addition to the above, we refer you to a publication of CCW's marine research listings that includes recommendations of relevance to marine planning⁸: and also a presentation given at the Wales Environment Research Hub MSP evidence workshop on marine evidence needs for marine planning⁹.

It is important to understand that the interpreted assessments rely on robust baseline data, but that they add value to the baseline data by providing context that enable planners to identify sensitivities or vulnerabilities to human interactions.

Finally, whilst CCW possesses extensive marine environmental evidence, the baseline data that we have is far from perfect and the validity of all more developed evidence layers is dependent upon the basic data that is available. It will be important to continue to invest in the collection of baseline data for Welsh seas as well as recognising the need to secure and expand the marine technical expertise that exists in CCW and other organisations across Wales.

CCW welcomes WAG's commitment to adaptive planning. We would like to stress that in order to do this effectively it is essential to set up a process for monitoring the impacts of the marine plan. Experience shows that this is most effectively done as part of the planning process.

Q 6. Could you help fill them, and how?

As above, CCW would expect to provide this information for marine planning, and would be happy to supply them electronically to WAG's GIS team, along with advise as to how they should (or should not) be used for marine planning purposes. CCW would also hope to be a member of the MSP marine evidence group to provide technical support and expertise where needed.

Q 7. Do you think we need to plan on a more sub-national level?

In principle, yes. It is hard to assess the demand for sub-national planning until the detail of the national plans has been agreed, but CCW believes that for certain areas at least, more detail would be needed that could be provided at a scale more local. This will be determined by the current or future intensity of use, the value or threat to the environment, the local distinctiveness and the number/range of stakeholders.

As sub-national planning will be embedded within national plans, it will be crucial that national plan policies are applicable and practical at a regional scale, so there are no conflicts when planning at this more local scale.

Q 8. If you do, what approach would you like us to take to sub-national marine planning and why?

As stated in our main response, it seems premature to express a preference for sub-national planning until the scope of the national plans has been finalised. For example, how much more detailed will the inshore national plan be, in comparison with the national offshore plan? However, CCW sees no reason why, in principle, a mix of regional plans and hotspot planning could not be used.

⁸ <http://www.werh.org/research/documents/CCWMFSGResearchRegister-March2009.pdf>

⁹ http://www.werh.org/documents/MarineActevidenceneeds_Kramsey.pdf

CCW considers that some level of regional planning is required as a minimum at a sub-national level. We would support, for example, a more regional plan approach closer to the coastal zone, while further offshore, where potential conflicts may be more spatially specific and localised, hotspot planning may be more appropriate.

As WAG will also not be the licensing authority in the offshore region, and due to the nature of devolved/non-devolved activities, any approach to offshore sub-national planning should be agreed with the MMO beforehand.

Q 9. Are there different approaches that we could take?

A mix of regional and hotspot planning may be appropriate, with some regional planning representing the minimum likely to be necessary.

Q 10. Are there other countries or authorities that we need to have close or formal relationships with?

We welcome the intention to planning as jointly as possible in the cross-border areas, especially across the Severn and Dee estuaries. The alignment of the MMO's planning of the English areas with the relevant sub-national planning option on the Welsh side will therefore be hugely important and offer an opportunity to plan both at the same time, developing similar planning policies.

CCW also welcomes the recognition of the distinctive characteristics of the Irish Sea and the countries (including the Isle of Man) within and around it. The Irish Sea has unique social, economic and environmental links, and the activities and resources within it, and stakeholders themselves treat the Irish Sea as a single sea area. Therefore, early engagement with Irish partners as they develop marine planning systems will be important.

The British-Irish Council marine subgroup will be an important forum for high-level discussion of key marine issues. This will not be sufficient in itself, however, and there may also need to be arrangements between the planning authorities themselves in between, at a more practical level, as respective marine plans are being developed. It would seem appropriate to explore how European Funding could enable initiative to explore this aspect of multi country, collaborative planning further.

Given their UK-wide role and experience, in particular through stakeholder engagement as part of the recent MCZ projects, the JNCC will have valuable perspective on the engagement of marine stakeholders, particularly international stakeholders.

Q 11. Do you agree with this approach?

CCW support the use of the Wales Coastal Maritime Partnership as a key national mechanism for stakeholder engagement, although we believe that the current MSP subgroup is unable to deliver the wider stakeholder engagement expected by WAG in its current form given capacity and funding constraints.

We welcome therefore the intention to complement this by using existing (or facilitating new) multi-issue coastal fora. The role of these coastal partnerships is essential in delivering local input to marine planning (see answer to Question 12).

Q 12. How do you think we can make best use of existing coastal partnerships?

Existing coastal partnerships have a potentially useful role to play with respect to marine planning, due to their wide network and reach, knowledge and expertise (especially at a subnational level). In cross-border sites, partnerships have an extra importance in facilitating effective cross-border integration. CCW believes that the experience of coastal partnerships should be drawn into marine planning by WAG from an early stage.

However, the resource challenges of even those partnerships in existence already (such as the Severn Estuary Partnership and Pembrokeshire Coastal Forum), let alone the cost of establishing new fora for the majority of the Welsh coast not currently covered by similar partnerships, presents a challenge. Marine planning offers a new role and opportunity for these partnerships, but the activities of coastal partnerships should be resourced effectively for the duration of planning. We consider that the WCMP has a key leadership role to play in advising WAG on the use and development of coastal partnerships. CCW advises caution in moving to establish new partnerships where there are 'gaps'. The focus must always be on securing and enabling 'collaborative advantage' whilst avoiding 'collaborative inertia' when establishing and working in partnership. We suggest that this can best be achieved through clarity of the role of coastal partnerships in the planning process.

Experience has shown that independent establishment (or by WAG as a non-partisan body) of coastal partnerships is important to ensure broad engagement across sectors. CCW's experience of seeking to facilitate the establishment of a coastal initiative in North West Wales shows that while initial interest was high, the perception that it was being led by the environmental sector to the exclusion of others proved a large barrier to success (even though CCW did not intend to lead or chair the group). As with planning generally, it will be important to ensure that partnerships are representative and independent.

Q 13. How else can we reach the public?

There is an opportunity to work with local authorities and various organisations, such as Wales Environment Link (WEL), for wider public education and outreach activities, targeted to particular audiences as necessary. Public awareness and education are undervalued requirements of good planning, and considerable attention has been drawn to it in other countries, such as the United States, both nationally¹⁰ (Ocean Literacy) and at a state level, such as through Florida's strategic marine management plan¹¹, Japan^{12,13} and EU states such as Portugal¹⁴.

We suggest that the experience of the Stakeholders and Citizens Engagement Group (SCEG) as part of the Welsh MCZ project and also that of the English Regional MCZ projects should be captured and reflected in the approach taken for MSP in Wales.

¹⁰ Subcommittee on Integrated Management of Ocean Resources (SIMOR) (2006) [Online]. Implementing the Work Priorities of the Subcommittee on Integrated Management of Ocean Resources (SIMOR) Work Plan. Committee on Ocean Policy. Available at http://ocean.ceq.gov/about/docs/SIMOR_WorkPlan_Final.pdf

¹¹ National Oceanic and Atmospheric Administration (NOAA) (2007) [Online]. Florida Keys National Marine Sanctuary Revised Management Plan. Florida Keys National Marine Sanctuary. Available at http://floridakeys.noaa.gov/pdfs/2007_man_plan.pdf

¹² Cabinet Secretary (2007) [Online]. Basic Act on Ocean Policy (Act no. 33 of April 27 2007), Article 28. Unofficial translation available at <http://www.cas.go.jp/jp/seisaku/hourei/data/BAOP.pdf>

¹³ <http://www.sof.or.jp/en/activities/index2.php>

¹⁴ Ministério da Defesa Nacional (2006). National Ocean Strategy. Portuguese Republic. http://www.emam.mdn.gov.pt/National_Ocean_Strategy_Portugal_en.pdf (Page 21)

Summary

Marine planning will be a strong driver of future research, requiring a variety of evidence to establish both the current characteristics of the marine environment (descriptive) and its potential for future change (predictive). This paper defines the relationships between environmental data, information and knowledge and how they relate to marine planning, followed by a conceptual framework for supplying integrated and targeted environmental advice.

Interpreted evidence in this context can be defined as the analysis of raw data to answer questions for marine planning. It has significant potential to help planners (who may not be scientific experts) find acceptable levels of human use within an ecosystems-based approach to allocating activities. An important consideration for CCW in supplying any interpreted evidence for marine planning will be the communication of uncertainty in a clear and consistent manner.

Introduction

The UK, including Wales, is introducing a system of marine planning for its seas and coasts, which will seek to encourage activities to take place at appropriate locations, intensities and times. By doing so, it is hoped, compatible activities can be co-located, while conflicts between activities and the environment can be anticipated and minimised, leading to sustainable development.

The marine planning process is cyclical (Figure 1). Once the plan area has been chosen, the marine planning authority (in Wales this will be the Welsh Assembly Government) will conduct an assessment of key current and planned resources and activities, before developing a preferred scenario for the future, which best delivers the policy objectives of the UK Marine Policy Statement and devolved priorities. This scenario (the final plan) will be implemented through the licensing process, which requires those granting consents to do so in accordance with the plan. The plan will be reviewed and amended on a regular basis, so that planning reflects the latest trends. Planning is not simply for decision-makers, however, and the intention is that marine plans will provide clarity for sea users and ensure that fewer unsuitable applications for development are made.

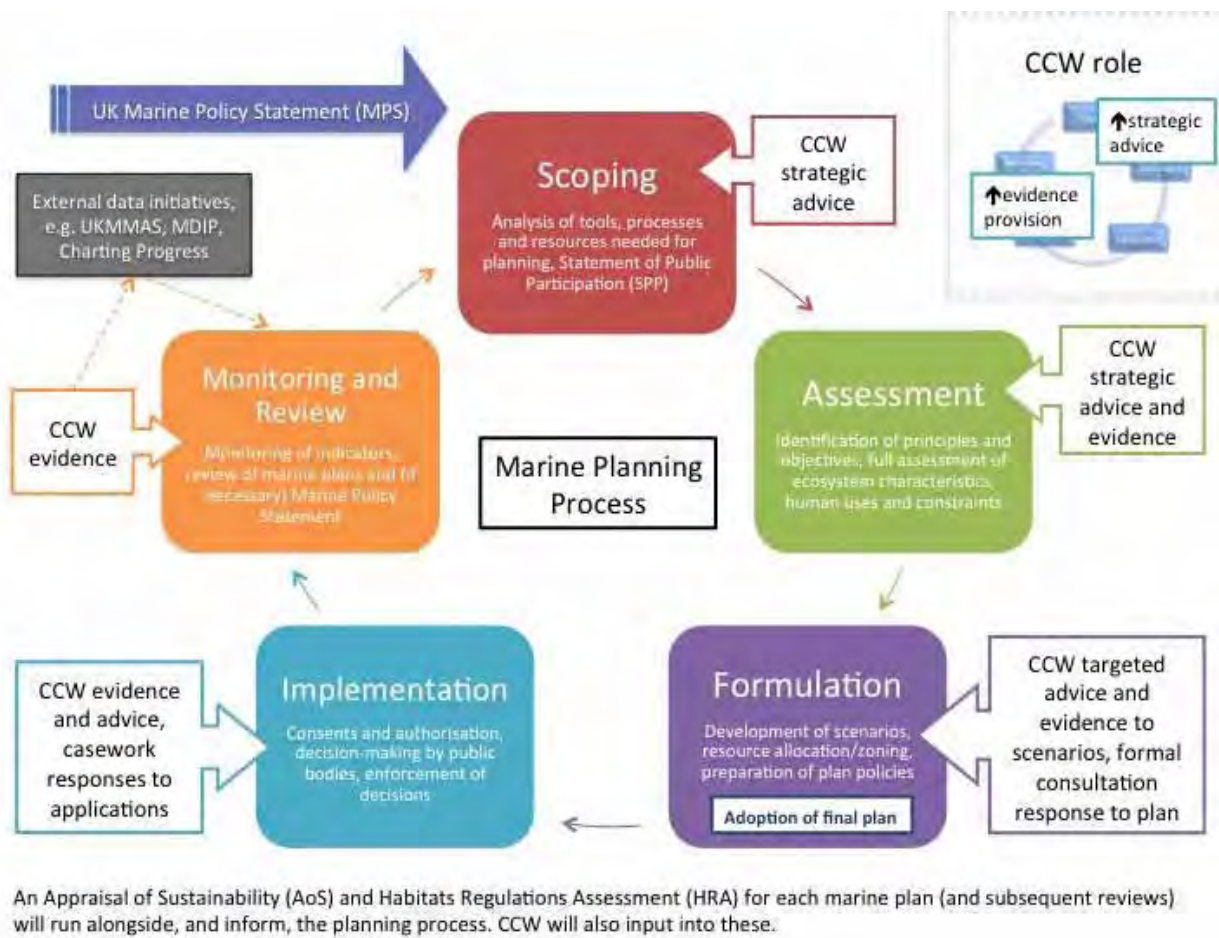


Figure 1. Marine Planning Process, and CCW's involvement as an external advice and evidence provider at each stage. CCW's input into each stage of the planning process is outlined and was endorsed by CCW Council in December 2010.

The determination of the right use(s) of an area will be the judgment of the marine planning authority, taking all relevant considerations into account. Justifying what is 'right' in this context, within a risk-based approach, requires

- **clear principles and objectives**, to underpin and guide the process;
- **a fit for purpose evidence base**, which is robust and can be easily updated;
- **clarity about uncertainty**, as decisions affecting stakeholders will inevitably be made without perfect knowledge of the marine environment;
- **compromise in areas of conflict**, to encourage mutually compatible outcomes.

These requirements link to the interconnected input of policy, science and stakeholder involvement, which together underpin a pragmatic spatial planning process.

Why do we need environmental evidence in planning?

It is generally agreed that marine planning should be based on extensive, accurate and up-to-date information. This principle has been recognised by organisations ranging from UNESCO¹⁵, the European Union¹⁶, the joint UK Governments¹⁷ and the Wales Coastal and Maritime Partnership (WCMP), which is advising WAG on the development of marine planning in Wales.¹⁸

¹⁵ Ehler, C. and Douvère, F. Marine Spatial Planning: a step-by-step approach toward ecosystem-based management.

Intergovernmental Oceanographic Commission and Man and the Biosphere Programme. IOC Manual and Guides No. 53, ICZM Dossier No. 6. Paris:UNESCO. 2009 (English)

¹⁶ European Commission (2008). Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU, COM(2008) 791 final

In particular, planning on an ecosystems basis requires an understanding of the marine environment itself, both its current state and how it is likely to change in future (naturally and as a result of human interactions). As statutory advisor on nature conservation to WAG, who are also marine planning authority for Welsh waters, CCW will be asked to contribute to the evidence base to develop this understanding, and we intend to engage throughout the planning process to ensure the evidence base for planning is as robust as possible. This engagement is set out in CCW's paper to Council (Figure 1, also see Annex 1).

Experience of other relevant marine plans, as well as a 2008 report for CCW on the information needs for MSP¹⁹, indicates that for a baseline assessment, planners seek, *as a minimum*, information on designated sites (boundaries and broad-scale mapping, species and habitat features), locations of other key habitats and species, and seabed habitat information (where possible to provide).

What is 'interpreted evidence' in the context of marine planning?

There is a growing field of science in various disciplines devoted to knowledge management, which seeks to define and manage the learning and knowledge built up in various forms by humans and organisations. For the purposes of this framework it is useful to explore these concepts.

Key are the relationships between data, information, knowledge and understanding. When we talk of supplying evidence for marine planning, which of these are we referring to?

Ackoff (1999) defined learning as the acquisition of data, information, knowledge, understanding and wisdom.²⁰ Some definitions of data, information and knowledge can be found in Table 1.

Table 1. The relationship between data, information, knowledge and understanding, with reference to the marine environment.

Data are basic, unrefined and discrete facts about events or objects and their properties. It is unfiltered information.	<i>Example:</i> there is a mussel bed here
Information is data that has been refined, processed or interpreted so that it has a level of context useful for analysis. It can answer questions beginning with "what", "when", "where" or "how many" that planners are likely to ask.	<i>Example:</i> the mussel bed is in good condition and, consequently, of high conservation value. The mussel bed is, however, sensitive to certain types of benthic disturbance.
Knowledge is the combination of information with the insight, beliefs and communication of people, so that it can be applied. It can answer questions beginning with "how".	<i>Example:</i> how should mussel beds with high conservation value be protected through planning? The most effective method would be...
Understanding is the explanation of "why" in the mind of the user, based on knowledge.	<i>Example:</i> why am I encouraging certain activities to take place away from the mussel bed?

¹⁷ Our Seas: A Shared Resource – UK High Level Marine Objectives, April 2009, UK Governments

¹⁸ WCMP advice to WAG on the practical aspects of MSP, 2007

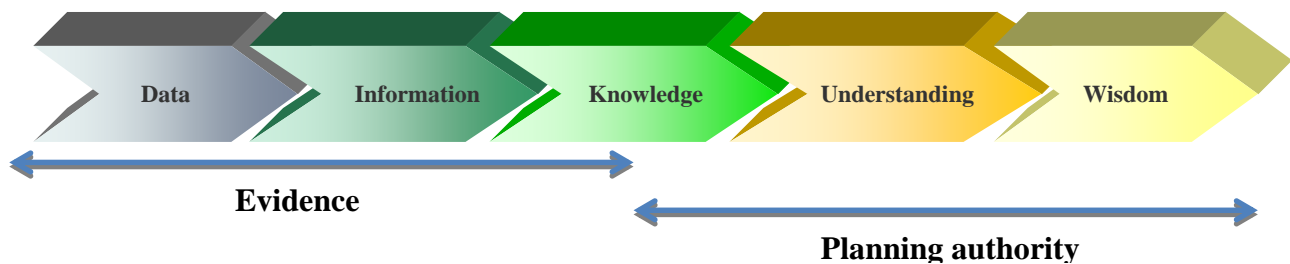
¹⁹ Saunders, J, Hull, S.C., Hill, A. H. & Hamer, J. P. 2008. Marine Spatial Planning: Information Needs and Opportunities for the Countryside Council for Wales. CCW Policy Research Report No. 08/2, 86pp.

²⁰ Ackoff, R..L. (1999), Re-Creating the Corporation: a design of organisations for the 21st Century. Oxford University Press, New York.

Wisdom is the ability to perceive outcomes of proposals based on understanding, and determine the value of these. It is useful for deciding what should be done.

Example: A planning policy that gives a presumption against certain activities within and around mussel beds is the most appropriate solution.

The ability to perceive the outcomes of a proposal (defined as “wisdom” in the above) is the final stage in the process of gathering, interpreting and applying information. In this process CCW and other evidence providers have a clearly defined role which is illustrated in the diagram below; evidence providers will provide information to answer the “what, where and when” questions as well as share knowledge that can help to answer the “how” questions. Marine planners can apply this evidence to inform decisions and establish the likely outcomes of proposals.



It is clear that each stage from data to wisdom builds on the stage before, and that data operates as the basis for information and robust knowledge. In addition it should be noted that:

- Data on its own is insufficient to plan, and a level of interpretation of this data for the planning process is required.
- ‘Evidence’ for marine planning, should consist of baseline data, interpreted information and expert knowledge.
- **Interpreted evidence is the analysis of raw data to answer meaningful questions for marine planning (the ‘information’ in this model)**
- Marine planning is a pragmatic process of making spatial judgments. The policy proposals contained in marine plans will be made by people based on their understanding, rather than GIS systems.
- The further away from raw data, and the closer to marine planning, the greater the level of subjectivity and, potentially, uncertainty.

Why do we need interpreted evidence in marine planning?

As illustrated above, baseline data describe snapshots of the environment as they were taken at points in time. Often these were collected for other purposes prior to the development of planning. As a result, while there is a large amount of potentially relevant raw data, much of it lacks the ‘so-what?’ context for MSP.

For each dataset, suppliers of evidence need to ask both “*what does it say?*” and “*how does it help marine planning?*” Answering these questions requires a level of synthesis on behalf of the evidence supplier, to translate baseline data into practical recommendations for planning. Interpreted information can therefore help to bridge the gap between baseline information and marine planning by seeking to identify and answer in advance questions planners are likely to ask when considering the most appropriate use(s) for a given area.

In particular, interpreted evidence can:

- Help planners identify **values** and **sensitivities** of areas
- Help planners identify **pressures** and **impacts** of activities
- Guide planners to encourage **compatibilities** based on a healthy environment.

This is the language associated with a system of space-based marine planning, which analyses the interactions of activities and the environment.

Developing a framework for interpreted environmental evidence and advice

Interpreted environmental evidence and advice can be wide-ranging and specific to individual interactions, depending on the question being asked. For example, the outputs of assessing the sensitivity of one habitat type to one fishing activity can in itself involve significant effort and resources.

The benefit of a framework for supplying interpreted evidence is providing a formal structure that distinguishes and organises different types of interpreted information, within the context of providing final advice for marine planning. In summary, we can break interpreted evidence into assessing the relative importance of the environment in its present state, followed by assessing the interactions of the environment with human use.

Framework for interpreted environmental evidence for MSP

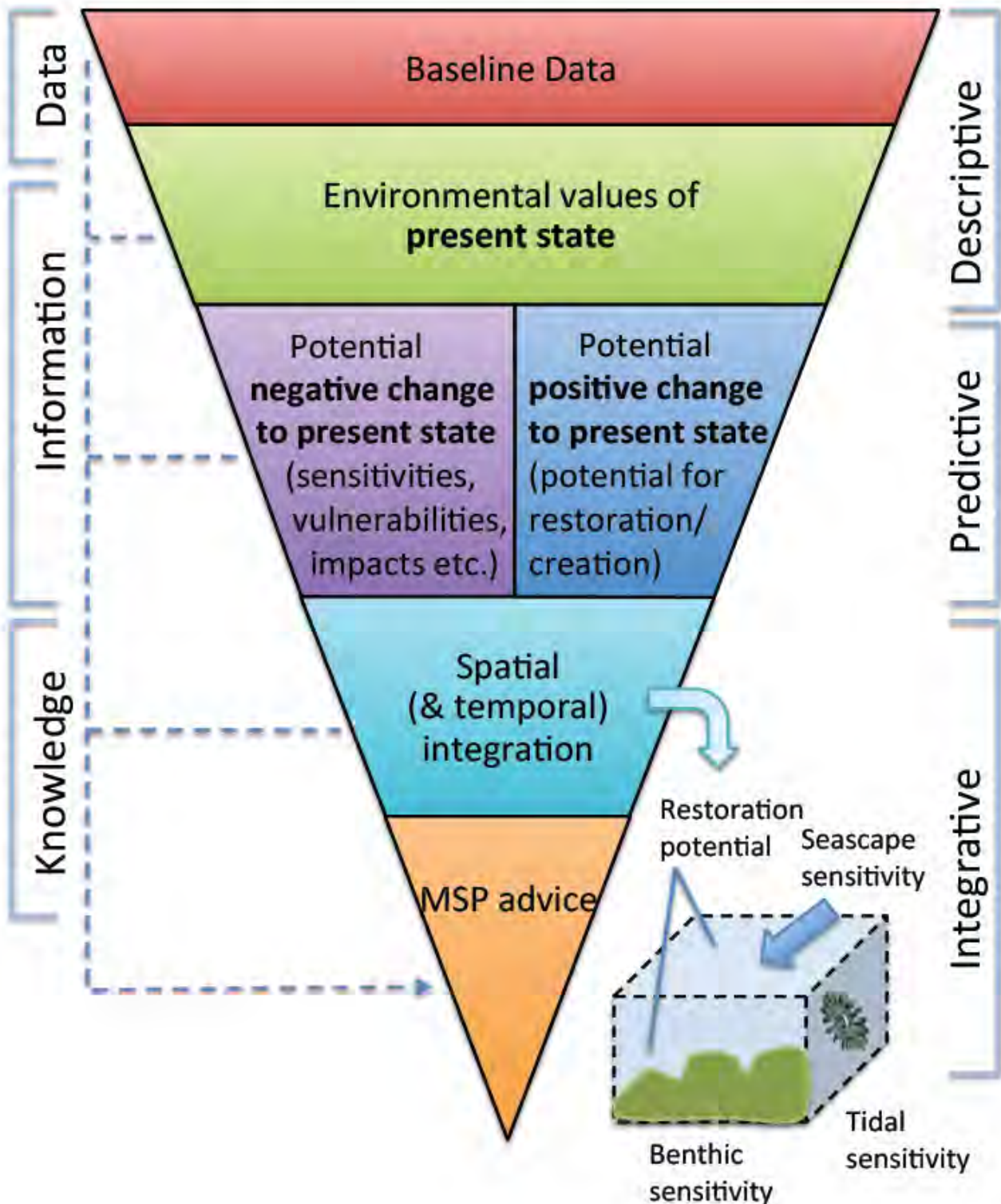


Figure 2. A framework for supplying interpreted environmental evidence for marine planning. Moving down the framework signifies the shift from baseline data to interpreted evidence, both descriptive and predictive. This information in turn requires a certain level of knowledge to be integrated into concise, spatial-led advice for the marine planner.

Basis of the Framework

Within this framework, there are a number of characteristics, as follows:

- Baseline data operate as the basis for all other stages, as demonstrated previously.
- The further down the framework, the more interpretation is used to create or refine advice.
- The further down the framework also, the greater the role of expert judgment and strategic assessment, relative to raw data.
- All steps are important components of the evidence base in their own right, and can inform MSP individually as and when required.
- The flow of advice is not necessarily linear – some interpreted evidence may not require biodiversity valuation, for example. The framework does, however, place these evidence types in context with each other.
- The final advice will be significantly smaller and more targeted than the evidence base on which it is developed.

Stages of the framework

The framework provides a context for different types of environmental evidence, both baseline and interpreted. It does **not** assess the relative importance of different data, or the effort required to gather or interpret it.

Interpretation in this framework has two principal stages: a **descriptive** element (Stage 2), which identifies the values of the present state of the environment, and a **predictive** element (Stage 3), which assesses changes to this present state. This predictive element is then split between assessing possible negative changes (sensitivities) and potential for positive change (restoration or creation).

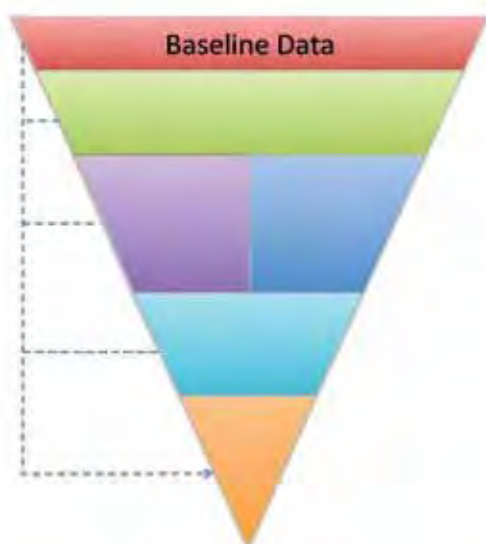
All of this evidence can be supplied in its own right to the MSP process, but an added value is provided by a third stage, called here **spatial integration** (Stage 4). This uses the evidence produced in preceding stages to present a strategic analysis of how this evidence is related on a spatial (and where necessary temporal) basis. By doing so, the interpreted evidence gains a concise top-level context, which can be presented to marine planners.

Moving down this framework therefore represents building on data and information to develop knowledge and understanding, which can be passed onto the marine planning authority.

Stage 1 – Baseline Data

Baseline data acts as the foundation of an evidence-based marine planning system, as well as enabling further interpretation. The main standard baseline data used for much of MSP includes: designated site boundaries, information on protected habitats and species (especially under European Directives), fish and seabird data (such as sightings, spawning/nesting locations and feeding areas) and broad scale subtidal and intertidal habitat maps.

The need for wider ecosystem-based planning, however, requires a certain level of context for this baseline data, especially for areas outside designated sites that may be subject to greater human pressure.

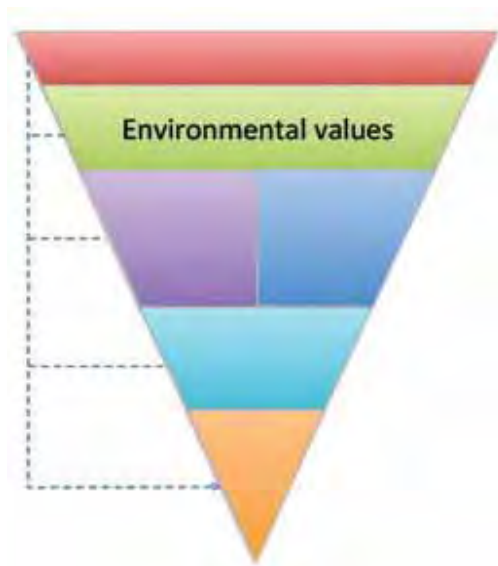


Marine planning suffers – paradoxically - from both a lack of evidence (particularly offshore and outside protected areas) and too much disparate evidence for certain locations, which has been collected for other purposes. Both issues present challenges and requires marine planning to apply the precautionary principle within a risk-based approach (see Box 1).

Stage 2 – Identifying Ecological Values

Identifying what is ecologically or environmentally ‘valuable’ about an area in its *present* state is the first stage of synthesis of raw data. This synthesis is still **descriptive**, as it uses base data to determine the relative environmental importance of current marine space.

Valuation does not relate to human impacts or pressures, so the values are stand-alone. On a spatial basis, however, identifying the relative value of areas can present a guide to future planning decisions. Areas of very high value could for example be managed in such a way that only activities that are compatible with the high nature value are allowed in these areas. Potentially more activities could be guided to locations with low to medium value.



Furthermore, identifying the *features* that make the area valuable, and the main pressures which these features are sensitive to, can also guide future analysis of human impacts. It is likely (but not necessarily so) that areas with high value will have high sensitivity for a given level of activity. It may be the case, however, that activities which exert pressures, which do not adversely impact these key features could actually be encouraged in ecologically valuable areas. This may allow for creative solutions through planning, which may not obviously be visible.

Valuation may be based on criteria, which give a picture of marine species biodiversity (such as rarity or aggregation)²¹, or using a classification of marine landscapes.²² Already-designated sites are likely to have high relative value, but areas outside these areas, with less protection, may also be shown as having value through this process.²³

To date, CCW has interpreted base data in this fashion to identify areas of highest ecological value, which merit or need specific protection measures. These areas, and the features within their boundaries, have consequently been the focus of subsequent monitoring in their designation and management as protected sites.

CCW has consistently advised, however, that it is essential that marine planning considers the conservation needs of the wider environment, above and beyond meeting the basic legal obligations of MPAs. Identifying areas outside protected sites, which may have some form of ecological value, will therefore be particularly useful for effective ecosystem-based marine planning. Experience from other countries, such as Belgium, shows that biological valuation has also been used to identify areas for future protection, integrating the evidence base for marine planning and marine protected areas.²⁴

²¹ Such as biological valuation maps produced for the Belgian North Sea (<http://www.mumm.ac.be>)

²² Such as used by CEFAS in assessing cumulative impacts of activities for MSP (

²³ Conversely, identifying relatively low value areas, in which planners can encourage more damaging activities, can take the pressure off more valuable locations.

²⁴ Deraus S., Verfaillie E., Van Lancker V., Courtens W., Stienen E.W.M., Hostens K., Moulart I., Hillewaert H., Mees J., Deneudt K., Deckers P., Cuvelier D., Vincx M., Degraer S., 2007, *A biological valuation map for the Belgian part of the North Sea: BWZee*,

The values should where possible also make reference to the role ecosystems play in the provision of ecosystem services, which are the benefits people derive from the natural environment. Examples include the provision of food or protection against flooding. These services may be more difficult to quantify and describe spatially, but because of the contribution they make to human well being should be considered as part of a valuation.

The values may differ depending on the scale of the assessment (and the scale of MSP itself). In Wales, for example, there may be a national planning framework with planning at a more local scale embedded within this. Any valuation exercise should identify areas of importance at a scale that is appropriate for these plans. It will also be important to set ecological values in a wider context at the UK level and beyond, and to consider UK regional seas subdivisions.

In addition to purely ecological valuation, CCW, in combination with SNH and Natural England, has recently produced draft guidance on the characterisation of seascapes. If completed, such an assessment would produce spatially-based descriptions of the key qualities of marine (including subsurface) landscapes, including **social** and **cultural** aspects.

Stage 3 (i) – Assessing human interactions (potential for negative change)



MSP manages human interactions, which cumulatively can impact and put pressure on the environment. Determining the relationship between activities and their surroundings requires further interpretation, allowing planners to judge the best use of an area accordingly. This form of interpretation highlights the ability of the environment in its present state to be compatible with different levels of future human use.

In doing so, we are judging aspects of activities with mainly **negative** environmental impacts on specific locations (in other words it assesses the potential for negative change to the present state outlined in Stage 2). Therefore, while assessment focuses on the present, the output of these assessments is **predictive**.

It does not, however, judge the wider impacts of activities themselves, which may be beneficial, as this is the job of planning itself when deciding on the best use of an area.

There is a wide range of assessments of the sensitivity of aspects of the marine environment to human activity, or of the potential impacts of these activities. This may include benthic sensitivity to fishing type, species vulnerability to tidal energy devices or seascape sensitivity to offshore wind, all of which CCW have already undertaken. Many of these provide extremely useful products in their own right and can be used for decision-making outside of marine planning itself. The most useful to MSP should be guided by the policies and objectives of the planning process, as well as the key values of the environment.

Stage 3 (ii) – Assessing the potential for restoration/creation (potential for positive change)

Identifying areas for restoration or for new habitat creation is an example of the type of proactive interpreted evidence that CCW would likely input to the planning process. This perspective is useful as marine planning is an anticipatory process, which seeks to influence the future shape of the way marine areas are used. It seeks to identify the potential for *positive* change to the present state identified in Stage 2.



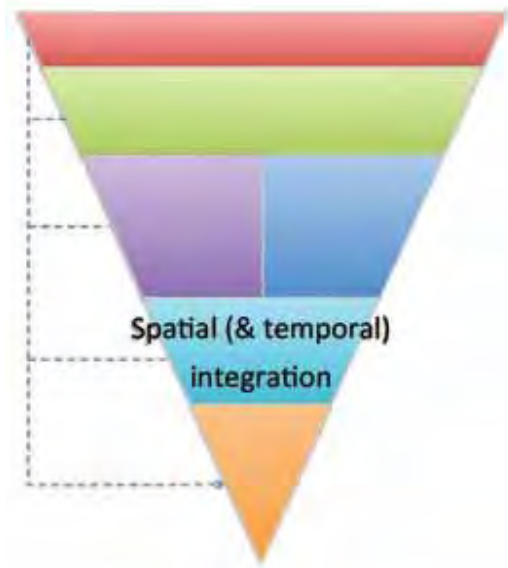
As with Stage 3(i), assessing the potential for positive change is **predictive** as we are assessing future change. Establishing restorative potential can be based upon seeking to increase the values of certain areas, given the ability of these areas to change. These may be areas, which would not currently be considered as “high value” but instead have “high suitability” for particular habitats of species. For example, the identification of habitat with suitable conditions for new oyster beds would relieve pressure on current locations.

There are currently initiatives for coastal habitat creation being taken forward under individual legislative or policy drivers, which CCW is involved with, in association with external partners. For example, there are targets for BAP habitat creation, as well as a National Habitat Creation

Programme for Wales (led by the Environment Agency and with CCW involvement) to coordinate the creation of compensatory coastal habitat to satisfy Habitats Directive and Water Framework Directive requirements. These are not, however, driven by marine planning.

For wider sea use, therefore, the primary method of encouraging environmental restoration or creation in marine areas will be through the policies in marine plans. Hence positive interpreted evidence of this kind is valuable information to influence the development of these plans.

Stage 4 – Spatial integration



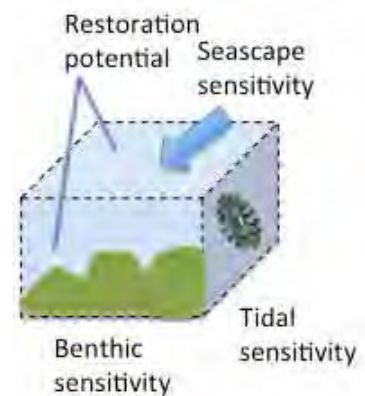
Advice to marine planners, must be concise and clear, even where many types of interpreted evidence are relevant. This stage assesses the interrelationships *between* the various types of synthesised evidence in a strategic, spatial context. It is a move from information to incorporate knowledge, using a further degree of expert judgement and advice.

Bringing together relevant environmental evidence creates an integrated picture of marine space, which highlights both its present state as well as its potential for change. It can also reveal if this evidence potentially conflicts with each other for specific locations.

This integration can occur temporally as well as spatially, where it helps

the MSP process to do so (for example for mobile species or breeding cycles). The nature and detail of this integration will in part be dependent on the scale of planning and the level of evidence available.

Strategic expertise and expert opinion is likely to be as important to developing this integrated picture as technical knowledge of the evidence itself (i.e. as this advice becomes closer to MSP).



Stage 5 – Final Advice



The final stage integrates the advice and evidence gathered during previous stages and translates it into the language of marine planning.

It can and should refer to individual aspects of the preceding stages where more detail is appropriate. Marine planners will not necessarily have a detailed technical knowledge of how the conclusions of interpreted analysis have been reached, and our advice should be given in such a way that this knowledge is not required .

Dealing with and communicating uncertainty

Marine planning is an attempt to bring an undefined future into the present, in order to improve the way the sea is used in future generations. This by its very nature is uncertain. As well as uncertainty about the future, however, there are also clear evidence and knowledge gaps in the present, including many aspects of ecosystem behaviour and response. On a spatial level, many areas of marine planning regions have little scientific data to support further interpretation.

The more interpretative the evidence, i.e. the further down the framework, the greater the potential to increase cumulative uncertainty in the final advice. A further reason for this is clear (although the nature of this increase may not be): we have seen that when moving from data to information and knowledge, a greater degree of human judgment and subjectivity is involved to create final advice.

Such uncertainty in interpreted evidence is inevitable and unavoidable in a world of imperfect data. As a result, handling and articulating uncertainty in marine planning is therefore critical. This is why taking an adaptive risk-based approach is so important, using precaution where uncertainty is highest to manage this risk.

Box 1 - The Precautionary Principle

The precautionary principle is a well-established approach but is often misunderstood. In short, the principle provides a means for decision-makers to manage risk when faced with unacceptably high levels of scientific uncertainty. In practice, this means that if there are reasonable grounds to believe that there is a risk of unacceptable effects, but sufficient scientific evidence is not available for the risks to be understood to such an extent that a decision can be made, measures may be used in advance to avoid the potential adverse effect from taking place.

With respect to marine planning, the approach is embedded in the UK High Level Marine Objectives, which states that, “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing proportionate and cost-effective measures to prevent environmental degradation”. Similarly, the Habitats Directive requires that any plan or project likely to have a significant effect on a European site is only permitted to be carried out after it has been demonstrated that it will not adversely affect the integrity of the site concerned.

The role of expert judgement

Expert judgement is widely used in technical fields such as science. Expert judgement consists of interpretation by qualified individuals that in turn can be used to solve problems or make decisions. In other words, it is the application of wider knowledge to information (see Table 1). It is relevant when other sources, such as definitive baseline assessments and conclusions are unavailable. Furthermore, expert judgement can be used to supplement or provide context to existing evidence if it is sparse, questionable or only indirectly applicable.

CCW staff are often well qualified and generally recognised experts in their field and, given the uncertainty in trying to describe the environment or the impacts of human actions, CCW often relies heavily on expert judgement when providing advice to decision makers. It is therefore important that the extent to which CCW’s advice is based upon definitive scientific evidence and the extent to which it relies upon expert judgement is clearly communicated.

Developing a transparent process to feed interpreted evidence into planning in Wales

The Welsh Assembly Government is the marine planning authority for the Welsh inshore and offshore marine planning regions. It is committed to evidence-based policy development and decision-making as a cornerstone of its sustainable development policy framework, and to marine planning as a specific tool to achieving this. It is therefore essential that policy-makers within WAG are able to draw upon high-quality and robust evidence and advice to enable informed decision-making. This evidence and advice should be provided through an effective advisory process.

This process requires clear and consistent lines of communication between CCW as the evidence supplier and WAG as the marine planning authority, in particular on:

- **The nature and amount of uncertainty in evidence**

As previously discussed, the planning authority will make planning proposals using the best scientific information available at the time, taking account of the uncertainties that exist. These uncertainties must be clearly explained, along with the role of expert judgement, in the evidence CCW supplies to the process.

- **The steps taken to reach any final advice**

It is imperative to be transparent in giving interpreted advice; showing the steps that have been taken to reach it, the baseline data used, setting out any limitations of the data, and the degree of confidence in its accuracy. In many cases, decisions taken by government may be scrutinised and challenged, as may the advice and evidence that underpins the decision. It is established good practice to have inclusive, transparent and auditable policy-development and decision-making processes and this increasingly involves making available the evidence or advice that has been fed into the process.

- **The time and information constraints in developing evidence**

The degree to which CCW's advice can draw upon definitive and robust evidence will often be influenced by the time that has been available to prepare the advice. At times, it may be possible to undertake primary research, extensive literature reviews and to collaborate with other experts to develop comprehensive advice. On other occasions, there may be limited time available for CCW to develop the necessary evidence and the advice that is provided may necessarily be less comprehensive.

- **The level of quality assurance and critical evaluation the evidence has been subject to**

Such evaluation can take different forms and needs to be proportionate to the nature of the advice and its implications.

Conclusions

Interpreted evidence can provide a robust method of answering many of the questions marine planners need to ask when determining planning proposals, thereby bridging the gap between raw data and spatial planning.

This framework provides a direction and context for different types of environmental evidence, all of which may have an individual part to play. It places raw data at the basis of all other information, including identifying relatively valuable areas and the potential of these areas for change. It does not, however, prejudice the time, effort or resources needed to gather or interpret information, which is likely to be an important consideration on CCW's part when commissioning further assessments.

Interpreted evidence has not traditionally been used to extensively inform marine plans to date, with the planning authorities relying on baseline environmental data to inform planning proposals. However, interpreted evidence clearly has the potential to play a large role in planning, recognising that interpreted evidence should only provide advice to *inform* marine planning decisions. It is ultimately marine planners who will use this evidence to make proposals.

As marine planning will take time to establish itself, it will also take time for evidence providers to develop their understanding of the requirements of MSP and the opportunities available. As this happens, marine planning will become a strong driver for identifying future research needs within CCW. In the wider environmental sector, this will require a shift towards highlighting change for environmental improvement, over and above looking after and safeguarding what currently exists. This may require judgements based on best-available information, which may be open to uncertainty and challenge, but if presented transparently and openly, should allow environmental evidence to better reflect the needs of a forward-looking marine planning process, and help to create effective ecosystem-led marine plan proposals.

ANNEX 3: CCW engagement with MSP, as endorsed by CCW Council

Overall: CCW will engage directly with WAG to provide support and advice as marine planning develops in Wales. Internally, all of CCW's work relating directly to marine planning will be co-ordinated through CCW's internal MSP Project Board.

Stage 1 – Scoping

- CCW will engage proactively to supply evidence and advice throughout the planning process, in a format and at a scale and level of detail that can be understood and used by marine planners and integrated into the GIS tool(s) that are adopted by the planning authority.
- CCW will develop effective GIS analysis tools in order to utilise the large raw data resource that is already held by and available to CCW.
- CCW will be an active member of the WCMP MSP working group.
- CCW will work with partners within and beyond Wales to share experience and learning related to marine planning (recognising that it is not CCW's role to engage with stakeholders directly on marine planning on behalf of WAG)
- CCW will continue to support and engage with improved transnational practices to ensure that marine planning is consistent across administrative boundaries in line with the ecosystems approach.
- CCW will continue to participate in an inter-agency group on marine planning (CCW, Natural England, SNH & JNCC), which meets regularly to provide updates on progress, share relevant work and knowledge and develop common messages with respect to our advice.
- CCW will encourage marine planning to create sustainable economic growth *based upon* a healthy and functioning ecosystem (in line with the NEF).

Stage 2 – Assessment

- CCW will continue to provide advice on the principles that should underpin the system of marine planning, in particular with respect to the Ecosystem Approach and Integrated Coastal Zone Management (ICZM).
- CCW will work through the interagency group to scope the value and need for a shared set of natural heritage objectives for marine planning.
- CCW will support WAG by providing advice on the natural heritage outcomes that should be delivered by the marine planning process in Wales. We shall also continue to provide advice to ensure that planning is integrated with existing natural heritage plans, objectives and legal obligations.
- CCW will develop a clear understanding and long-term vision of the relevance, value and application of such GIS-based spatial evidence and tools in the context of policy development, spatial planning and decision-making.

- CCW is currently producing a “Welsh Marine Natural Heritage Evidence Directory”, which showcases our marine data and knowledge. This will include advice on how CCW’s information can add value to the marine planning process. We will share this with WAG and other interested partners.
- CCW will also work with other initiatives, such as MEDIN and UKMMAS, to collect, collate and share marine evidence that can be fed into marine planning processes over time and fill key data gaps.

Stage 3 – Formulation

- CCW will support the development of spatially specific policies by developing targeted and synthesised marine evidence products, such as sensitivity and vulnerability maps, that inform our advice and WAG’s planning and decision-making.
- Where possible, CCW’s evidence and advice will be provided in a spatial context and in a format tailored to the marine planner’s requirements.
- CCW will continue to provide proactive advice to ensure that the marine planning process is integrated with existing natural heritage plans, objectives and legislation. This includes providing advice on the implementation of the MSFD and how marine planning can contribute to achieving ‘Good Environmental Status’.
- CCW will continue to develop our understanding of ecosystem services and how they should be safeguarded and optimised through a marine planning framework.
- CCW, as a statutory consultee in the Sustainability Appraisal (SA) for the Marine Policy Statement, would expect to be similarly involved in the SA for any marine plans in Wales.
- CCW, as a statutory consultee for the HRA process, will respond to any documents during their consultation periods. We will also respond formally to the published draft marine plan at the various consultation stages.

Stage 4 – Implementation

- CCW’s involvement in implementation phase (through marine licensing) will generally be on a case-by-case basis.
- CCW will continue to communicate regularly with energy developers and other offshore and coastal industries to promote wider environmental considerations and work with developers where possible in the pre-application stage on a formal and informal basis to achieve mutually beneficial outcomes.

Stage 5 – Revision

- CCW are likely to be asked to provide a significant proportion of any monitoring for MSP, as well as inputting into any plan reviews (as the planning process begins its second cycle). The detail of these stages remains unclear.

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name	Louise Austin			
Organisation	Dyfed Archaeological Trust			
Address	Shire Hall, Carmarthen Street, Llandeilo, Carmarthenshire, SA196AF			
E-mail address	I.austin@dyfedarchaeology.org.uk			
Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector			
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group			Yes
	Individual			
Are you happy for your details to be published in the summary of responses?	Y		N	
	Yes			

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		X	
<p>Comments</p> <p>The Historic Environment of coastal and marine areas around Wales is variously recorded in the regional Historic Environment Records, National Monuments Record and National Maritime Record. Information and advice on the implications of development on the historic environment and the management of non-designated historic assets is provided by the Regional Welsh Archaeological Trusts. Cadw provides information and advice on designated historic assets.</p> <p>Marine and coastal heritage assets include both maritime as well as terrestrial remains both above and below water. Recent work on geotechnical data from study areas in Liverpool Bay and Bristol Channel by Birmingham University and Dyfed Archaeological Trust has mapped the extent of surviving submerged ancient land surfaces and their potential to preserve buried archaeological remains.</p>			

Integration between marine and terrestrial planning regimes

2

Are there other ways in which integration could be improved?

Comments

The historic environment extends seamlessly from the land to the marine environment. Changes in sea level have resulted in significant prehistoric terrestrial areas becoming submerged by the rising sea. These submerged landscapes contain some of the same types of archaeological evidence as their dry land counterparts, although for some aspects they are likely to be better preserved. Maritime archaeology includes submerged features such as historic wreck sites as well as land based structures, but also sites and structures that straddle the coastal edge, such as harbours and quays, which include both above and below water features.

The Regional Welsh Archaeological Trusts currently provide historic environment information and management advice to Local Planning Authorities to assist in the production of Local Development Plans as well as in relation to individual Development Control casework. The Trusts work in close partnership with Cadw in order to secure a consistent approach, in-line with available guidance and best practice. It is crucial that any marine planning process draws on the same information and professional experience to ensure an integrated approach to the protection and conservation of the historic environment both above and below water.

Recent work has mapped the detail of areas of submerged landscape. GIS datasets from the submerged landscapes study along with information and advice on their use are available from Dyfed Archaeological Trust.

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
Comments <p>The Welsh Archaeological Trusts are currently working with RCAHMW and Cadw to improve understanding of the marine and coastal historic environment. Their professional knowledge alongside the information held within the Regional Historic Environment Records is key to evidence mapping and identifying gaps. They are therefore best placed to provide technical support and advice regarding the historic environment to the steering group and stakeholder group.</p> <p>The majority of Local Authorities in Wales do not have in-house archaeological advisors. It is therefore important that WAG obtains appropriate information and advice on the coastal and marine historic environment from the Regional Welsh Archaeological Trusts to inform the development of Marine Plans for Wales.</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
Comments			

Evidence

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?
----------	--

Comments

The recent West Coast Palaeolandscapes Study has demonstrated the high potential for the survival of significant archaeological remains within deposits forming parts of prehistoric submerged landscapes. Studies have so far only looked at areas of Liverpool Bay and Bristol Channel. There is further archaeological potential which needs to be quantified and qualified around the Welsh Coast.

See:- <http://www.dyfedarchaeology.org.uk/lostlandscapes/index.html>
<http://www.dyfedarchaeology.org.uk/lostlandscapes/manareas.html>

This evidence needs to be combined with an increased understanding through assessment and evaluation of Wales' maritime heritage.

Work is currently being undertaken by RCAHMW to enhance the National Maritime Record and ensure that this is an up to date index of available information on our maritime historic sites and vessels. In particular this work is assessing available data on historic wreck sites. It is vital that this work continues to be developed and is supported to ensure that the record is fit for purpose in informing Welsh Marine Plans.

The land based coastal historic environment (as recorded in the Regional Historic Environment Records) was last systematically surveyed in the late 1980s. This work needs to be updated alongside monitoring of coastal erosion. This work is currently being supported through "Arfordir" a Cadw grant aid and PCNPA funded project designed to identify, monitor and record archaeological and historical sites within the coastal zone that are under threat of erosion from tidal action, and other forms of damage resulting from the effects of visitors and livestock erosion or changes in use. Such work needs to continue to ensure up to date and accurate information on the presence and condition of coastal heritage.

An assessment of historic seascapes, based upon the Historic Landscape Characterisation work previously undertaken by the Welsh Archaeological Trusts on Landscapes of Special Historic Interest in Wales, through grant aid from Cadw, is required to understand and assess the significant elements of historic coastal land and seascapes.

6	Could you help fill them, and how?
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Comments

Detailed information and advice on land based and marine historic environment heritage data is available from the Welsh Archaeological Trusts. Submerged landscapes GIS data

sets, which have been created for the use of marine spatial planners for the development of marine management plans, are available from DAT. See DAT web-site for further information:-

<http://www.dyfedarchaeology.org.uk/lostlandscapes/manareas.html>

Seminars for marine planners and others setting out the results of the West Coast Palaeolandscapes project will be held in spring/summer 2011.

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
Comments It is considered that it would be helpful to be able to define and consider future use of areas based upon their regional significance. A particular region may not include a particular interest/resource which is of national significance but it may include examples of regional importance. The presence of such regionally important resources should influence future regional management.	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
Comments If sub-national marine planning is proposed it should cover all of the Welsh Marine area.	

9	Are there different approaches that we could take?
Comments	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
Comments			

Engagement and consultation

11	Do you agree with this approach?
Comments	

12	How do you think we can make best use of existing coastal partnerships?
Comments	

13	How else can we reach the public?
Comments	

Any other comments

Thank you for completing this form.



ENVIRONMENT AGENCY WALES RESPONSE TO WELSH ASSEMBLY GOVERNMENT CONSULTATION

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

SUMMARY

We are pleased to be given the opportunity to submit our views on the Welsh Assembly Government's Approach to Marine Planning in Wales.

- We support the introduction of marine spatial planning and recognise the important role that Marine Plans will play in meeting the requirements of the Water Framework Directive (WFD) and adaptation to climate change.
- We will continue to work with the Welsh Assembly Government (WAG), Countryside Council for Wales and via the Wales Coastal Maritime Partnership to support further development of the approach to marine spatial planning.
- It is important that the marine and land-use planning systems integrate effectively. Land-use planning contains useful tests for robustness from which the marine planning process could benefit.
- We have commented on the specific questions within the consultation in the annex to this response.

1.0 INTRODUCTION

Environment Agency Wales' (EAW) job is to look after the environment and make Wales a better place. We provide support to meet the objectives within the Welsh Assembly Government's Environment and Integrated Coastal Zone Management Strategies.

We have a major role in the sustainable management of estuaries and coastal waters around England and Wales including;

- controlling polluting discharges up to 3 nautical miles from land-based sources;
- flood risk management activities and coastal erosion;
- management of migratory fisheries (to 6 nautical miles);
- protecting and enhancing biodiversity;
- competent authority for the Water Framework Directive (to 1 nautical mile).

We are also working to ensure England and Wales are able to adapt to the changing climate, particularly the increasing risks of river and coastal flooding and the growing pressures on water availability for both people and the environment.

2.0 GENERAL COMMENTS ON THE APPROACH TO MARINE PLANNING IN WALES

The coast and seas are vital to our economy, health & well-being. We support the introduction of marine spatial planning as it provides the opportunity for a strategic and joined-up approach to managing the many different uses of the marine environment as well as management of upstream activities that can have an impact

on the marine environment. To be effective, we believe that each plan will need to be supported by a robust evidence base. This will enable a consistent approach to marine licensing decisions.

We welcome WAG's commitment to joint planning with the Marine Management Organisation as this will help to address the mix of devolved and non-devolved responsibilities; support shared outcomes and complementary approaches; and ultimately deliver better results for the environment.

To help ensure that River Basin Management Plans and Marine Plans align appropriately, and to support our duty to make decisions in accordance with the Marine Plans we would welcome the opportunity to engage early in the development of Marine Plans. We will continue to advise WAG directly on developing the approach to marine spatial planning and also via the Wales Coastal & Maritime Partnership working group on marine planning.

2.1 Climate change and ecosystem approach

Marine Plans will need to take account of the impacts of climate change. The plans will not only need to consider effects, such as sea level rise, but also recognise the contribution the marine environment can make to tackling its causes, for example as a renewable energy resource. There is a potential for the Wales marine environment to make a significant contribution to the national renewable targets.

We are pleased that WAG will be developing the Marine Plans based on an ecosystem approach. Both the WFD and Marine Strategy Framework Directive (MSFD) are statutory drivers for protecting & enhancing the wider environment, including biodiversity. We welcome this opportunity for the Marine Plans to have a general regard for wildlife, as its protection and enhancement would increase the resilience of marine species overall.

The Strategic Environment Assessment and Habitat Regulations Assessment needs to be started at an early stage in marine planning process and be iterative.

2.2 Integration between marine and terrestrial planning regimes

We are pleased that the consultation acknowledges the important role that Marine Plans will play in meeting the WFD & MSFD requirements. We have worked closely with WAG to ensure that the marine licence decision making process complies with and supports the requirements of the WFD. We will continue to support WAG to help ensure that Marine Plans also contribute to the delivery of WFD outcomes.

We are also pleased that the consultation acknowledges the need to take into account relevant Shoreline Management Plans. The Marine Plans will need to consider future coastal flooding and the risk of storm surge, as well as coastal realignment. It is important that the marine planning system integrates effectively with the existing and well-established land-use planning system and river basin management planning.

We recognise the potential contribution that can be made to renewable energy generation and greenhouse gas reduction targets from the marine environment. Effective use of this resource will require a robust support infrastructure based on local ports. Planning for the development of these support facilities in key locations around Wales could be of real help to this industry and assist the expansion of renewable energy generation.

There are important points of principle established in land use planning policies that Marine Plans would benefit from. For example:

- Development should look to enhance the environment as part of every application even if it is not possible in all situations
- Development should first look to avoid an impact, mitigate impacts as far as possible and then compensate for any remaining impacts.

2.3 The process for developing marine plans in the Welsh marine area

We welcome the inclusion of a formal consultation on the draft Marine Plans. We believe that the process for developing and ensuring the robustness of the Marine Plans could benefit from applying the principles used for examining and ensuring soundness of Local Development Plans (LDPs).

WAG may find it useful to consider prescribing a series of tests that a Marine Plan can be measured against, for example such tests could include; have all the relevant consultation procedures been undertaken?; is it clear how the plan relates to other plans and strategies?; is it clear how cross-boundary issues have been addressed?; and is the evidence used to support the plan robust?

We recognise that marine planning will be an iterative process that will require further development after this first round.

FURTHER INFORMATION

Further information or background to this response can be obtained from
Becky Favager (Marine & Water Framework Directive Team Leader)
Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP
02920 466150
rebecca.favager@environment-agency.gov.uk

ANNEXE: COMMENTS ON SPECIFIC QUESTIONS

Question 1: Are there any other key features, resources or activities in Welsh seas that we need to take account of?

- We are pleased that the consultation acknowledges the need to take into account relevant shoreline management plans. Flood defence and coastal erosion warrant inclusion as a key activity that the marine plans would need to take account.
- The ports and shipping sector have an important role to play in ensuring no deterioration and in helping to meet WFD objectives. This includes, their own activities (e.g. dredging) and the activities of those that use their facilities, e.g. dealing with non-native species in ballast water.
- Within the energy infrastructure feature, oil and gas prospecting/production should also be referenced.
- The consultation highlights fisheries & aquaculture; marine ecology and biodiversity. We can provide evidence from our published work which shows that estuaries and salt-marshes are critically important nurseries for marine fish as well as providing important pathways for migratory fish. Our fragile estuarine habitat should be protected from damage, and this is an important component of the sustainable management of marine and migratory fish.
- Paragraph 27 refers to the network of MPAs as a key tool in contributing to achieving Good Environmental Status under the MSFD: MPAs will also contribute to achieving Good Ecological Status in waters covered by the WFD.

Question 2: Are there other ways in which integration could be improved?

We agree with the points set out on achieving integration and would like to see more detail on how this would work. It is important that public authorities undertake necessary consultation and liaison in a manner that influences their decision making.

The process needs to be flexible so it can be modified if required. Until the process starts, it is difficult to see that all areas are properly integrated. There needs to be a mechanism for dealing with unknowns/gaps that may arise in the future.

Question 3: What sectors do you think need to be included in the governance arrangements?

As with river basin planning, the Marine Plan will need to engage with a wide variety of organisations, stakeholders and individuals. To try and capture a cross-section of interests we created Liaison Panels in each River Basin District. These provide a forum for co-deliverers to discuss and influence the development of River Basin Management Plans and assist with their implementation. The panel works on a representative system, core membership is based around the key organisations that are responsible for implementation, and others who are representative of the public or other sectors. Marine spatial planning should encourage a partnership approach with other relevant agencies and bodies with an interest on the coast and must include opportunities to ensure that 'elected' representatives have recognised all views. We should ensure that the third (voluntary) sector are included. It is also important to ensure Dŵr Cymru/Welsh Water are on board to tackle sewerage infrastructure issues.

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

We are pleased that the consultation recognises that the marine plan must deliver the requirements of the Water Framework Directive. It would be useful if the three relevant River Basin Management Plans (Dee, Western Wales & Severn) were specifically highlighted, as the Marine Plan will need to have regard to each.

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?

We will continue to work with WAG & the MMO to identify and share data and information that we hold.

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?

We are pleased that the whole of the Welsh marine area will be covered by a Marine Plan, however we recognise that the plans do not need to contain the same level of detail in all areas. As Wales's Marine Plans are developed, more will be learned about the planning needs of specific areas and at this point a decision should be made about the next stage of planning. It would seem sensible that any sub-regional planning was focussed on "activity" hotspots and where practical linked into existing groups or fora, e.g. shoreline management groups.

Question 10: Are there other countries or authorities that we need to have close or formal relationships with?

No comment

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?

We support WAG's commitment to engagement and consultation. Our experience indicates that we receive a better response when we proactively engage, rather than using more passive techniques such as using web-based portals. We have found that one of the most effective ways of engaging people is by attending existing group/fora meetings and giving them information of how they personally or as a sector can contribute.

Mark Roberts
G&M Roberts Fishing Ltd
Dalmore
Nefyn
Pwllheli
Gwynedd
LL53 6EB

WAG Marine Policy Branch

Marine Planning Consultation

Dear All

My background – I am a commercial fisherman and have been involved with the sea quite literally all my life and so obviously have a real and vested interest in Marine Conservation and maintaining a sustainable and economically viable fishing industry. Please ask yourselves why would I genuinely not have this interest ? It is in the direct interest of myself, my crew and our families that we have a long term sustainable and healthy fishing industry.

I have tried reading your “Sustainable Development for Welsh seas: Our approach to marine planning in Wales “on numerous occasions, and to be honest with you, I’ve almost lost the will to live on each attempt! It is certainly not user friendly and to expect a contribution from the general or even interested public is asking a lot. I’ve never read so much mind numbing waffle, which appears to have no clear cut plan as to how you are to achieve your goals - so it is very difficult to be able to respond to your consultation positively. In fact I am not convinced you even know yourselves what you are trying to achieve here.

Response –

In my view, the way to achieving the sustainable development of Welsh seas is through effective fisheries management - successful fisheries depend on a healthy well maintained marine environment, both go hand in hand – you are not going to have a healthy marine environment until fisheries are better managed and properly enforced – successful sustainable fisheries must surely equate to healthy seas.

MPA’s, MCZ’s, SAC’s and HPMA’s are not the way forward, these hair-brained schemes are based on new thinking and fashionable emotion and idealism - not long term experience and daily engagement with the marine environment. In my view if introduced these schemes will fail miserably in their goals, fisheries will be displaced from these areas, placing more pressure on the marine environment in other areas which in turn will cause an economic downturn in coastal communities.

All of the seas off the Welsh coast should be properly looked after, not just a few areas, and all areas should be open to fisheries provided there is a sensible management scheme in place to maintain a healthy balance between environmental and economic needs.

It should also be noted that to have a management plan, we need a better understanding of our marine environment, and this can only be achieved by the likes of the Bangor University School of Ocean Science sustainability project where you had credible and objective scientists working closely with the fishing industry. Very much a collaboration as opposed to a dictatorship and certainly the way forward

Please appreciate I mean no offence by what I have written, however, I do feel that by not taking the time prior to this consultation, to visit and hold meetings with coastal communities and fishing associations to explain your intentions – to listen to and hear our views, you might have had a more worthwhile response to your consultation. As things stand, I think an opportunity has been missed - as most of us in the industry do not understand quite what you are trying to achieve here.

Yours sincerely

Mark Roberts

Fv Harmoni MR7

HORIZON

NUCLEAR POWER

May 2011

ENERGY WORKING FOR BRITAIN

A UK company of E.ON and RWE

Welsh Assembly Government Consultation on Sustainable Development for Welsh Seas: Our approach to Marine Planning in Waters

Consultation Response by Horizon Nuclear Power

e.on

RWE
The energy to lead

Introduction

1. Horizon Nuclear Power (Horizon) welcomes the opportunity to respond to the Welsh Assembly Government’s consultation document on “Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales”.
2. Horizon is a joint venture between E.ON UK and RWE npower. We aim to develop, construct and operate around 6GW of new nuclear power station capacity in the UK and to this end we have acquired interests in land at Oldbury in Gloucestershire and Wylfa on Anglesey in Wales. We have also concluded grid connection agreements for both sites.
3. In March 2010 Horizon announced that it would build its first reactor at Wylfa on the Isle of Anglesey given the right market conditions and subject to a final investment decision. This development of a new nuclear power station on Anglesey would clearly interact with the Welsh marine environment and, potentially, it might do so in several different ways. For example, through the construction of cooling water (CW) works (and during operation, the associated impacts arising from abstracting and discharging cooling water) and a Marine Offloading Facility (MOLF) with its associated maritime transport movements.
4. At this stage we have no direct responses to offer to the questions tabled in the consultation document but we would like to continue to be involved (and are therefore herewith registering our interest) in the development of the marine plans for Wales, which could potentially raise significant issues for the development of new electricity generation infrastructure on Anglesey.
5. We do, however, have a number of general comments that we would like to offer and which we hope we will be helpful. These are set out in the paragraphs below.

General Comments

6. Firstly, we welcome the approach of creating a coherent and cohesive approach to the management of the Welsh seas. We agree that an appropriate balance needs to be struck that protects the marine environment while ensuring that Wales benefits from its marine resources and secures the accompanying socio-economic benefits.
7. As an energy company, we welcome the statement of support in paragraph 13 of the consultation document for “the development of renewable and non-renewable energy installations to help deliver our climate change strategy, low carbon energy and green energy policies”. However, paragraph 19, which addresses energy infrastructure, focuses on the development of renewable energy sources in the context of the marine environment.

8. The development of new nuclear power stations in the UK is an accepted part of UK government policy, given the nationally important strategic role they can play in ensuring secure and affordable supplies of sustainable, low carbon electricity. New nuclear build will also provide demonstrably large socio-economic benefits to the Welsh economy on Anglesey and to Wales more generally.
9. Conventional thermal power stations in operation or under construction on the Welsh coast are either contributing or will contribute to ensuring secure energy supplies.
10. It will also be important to remember when considering the socio-economic benefits of new generating facilities, whether in coastal or offshore locations, that they will require transmission grid connections, which may include the option of long distance submarine cables.

Conclusion

11. In conclusion, we welcome the publication of the consultation document and would like to reiterate our desire to continue to be part of the process.

email: emma.rowan@gov.im
Tel: (01624) 686301
Fax: (01624) 686443

Director of Planning & Building Control
Michael Gallagher MRTPI

Date: 11th May 2011

Dear Sir / Madam,

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

Thank you for providing the Isle of Man Government with the opportunity to review and comment on the above document. We found it a useful and interesting consultation document and await the associated outcomes. We would comment as follows.

The document provides the reader with a robust and comprehensive overview of what will be undertaken as part of this project. The Isle of Man Government is satisfied from the information in this document that all international environmental standards and best practice will be adhered to when undertaking and analysing the data obtained within the identified area, and will ensure appropriate mitigation measures are in place to address any concerns identified throughout the Environmental Impact Assessments process. You may already be aware that the Island is outside the EU so is not covered by most European directives. It is expected that the relevant European environmental safeguards and best practice are to be followed.

It is noted that the cumulative effects will be thoroughly investigated. However, of particular concern would be the habitats and species found within Isle of Man waters (particularly those protected under Manx law or identified as threatened or declining by the OSPAR Convention) which may be affected by the proposed developments. Any marine developments within or adjacent to the Isle of Man territorial waters could potentially impact on commercial fisheries in Manx waters so it would be appreciated if updates were provided on any progress being made by the Company Fishing Liaison Officer.

Further information regarding the location and details of Isle of Man conservation sites and protected species (in Manx legislation) within the proposed area can be provided. It is important to be aware that these are at a stage where there could be frequent changes. The Isle of Man is also signed up via the UK to the OSPAR Convention, the Convention on Migratory Species, ASCOBANS and other international conventions.

It is appropriate to emphasise the international importance of the Irish Sea for basking sharks (IUCN red listed, OSPAR priority species). The area to the south west of the Isle of Man is of particular Manx interest but the species ranges widely throughout the waters of the British Isles. Detailed information now exists on the distribution of basking sharks in Manx waters and beyond. In 2009 74% of all British Isles public sightings of basking sharks were reported from the Isle of Man (Marine Conservation Society 2009).

We hope that you will ensure that the use of the proposed site by basking sharks is fully assessed. Recent tagging work by Manx Basking Shark Watch may give additional insight which will assist with this. Your attention is drawn to additional research into cetaceans that has been carried out since 2005 by Manx Whale and Dolphin Watch which has highlighted the importance of Manx waters for Risso's dolphins and other cetaceans.

We would also appreciate if acknowledgement is given to our shipping navigation routes and established infrastructure within the Irish Sea Zone.

Should you require any further information or clarification on any of the above, please do not hesitate to contact me at the address above, by telephone 01624 686301 or by email emma.rowan@gov.im.

Yours sincerely,

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

Emma Rowan
Marine Spatial Planning Project Officer



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Julia Williams
Department for Environment, Sustainability and Housing
Welsh Assembly Government
2nd Floor, Cathays Park
Cardiff
CF10 3NQ

Date: 28th April 2011

SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

Dear Julia,

Thank you for giving the Joint Nature Conservation Committee (JNCC) the opportunity to comment on the approach to marine planning in Wales. The JNCC is the statutory adviser to Government on UK and international nature conservation, and also has responsibility for the provision of nature conservation advice in the offshore area.

Our comments on the consultation document have been included in Annex I to this letter. As the overarching statutory nature conservation body that brings together nature conservation in the UK, we have taken a strategic look at your approach to marine planning in Wales and have provided comments which consider wider UK issues (rather than specific Welsh issues which we believe Countryside Council for Wales (CCW) are better placed to advise on).

JNCC has a wide range of expertise across the organisation that we are keen to feed into the marine planning process, which we regard as a major opportunity to ensure a safer, healthier and more integrated way of delivering sustainable use, based on the services our ecosystem provide. We look forward to working with Welsh Assembly Government (WAG) to ensure that our expertise is fully utilised to ensure that all stages of the marine planning process are delivered with sustainable use in mind.

Yours sincerely

Ollie Payne
(Marine Protected Areas Stakeholder Liaison Officer)

(CC John Hamer – CCW ;
MMO Planning Team)

Annex I – JNCC comments

Overall

JNCC welcomes that WAG has outlined the need to integrate the three pillars of sustainable development in the marine area, rather than try balancing them against each other. JNCC also recognises and supports WAG's intention to take a holistic, ecosystem based approach to marine planning to help achieve sustainable development in the marine environment. An ecosystem based approach is essential to the marine planning process as it will allow the process to secure marine assets that are fundamental to achieving sustainable development.

In our response, we have firstly responded under key headings as we see it and then responded to the individual consultation questions, where appropriate.

Nature Conservation

JNCC is pleased that WAG recognise that the protection of the nature conservation value of the marine environment is not just about designated sites and are encouraging an ecosystem based approach to the marine planning process. There are opportunities in the section on 'Marine ecology and biodiversity' which currently only focuses on Marine Protected Areas (MPAs), to also include the wider marine environment, including European Protected Species, to emphasise their importance within the marine planning process. JNCC also note that Paragraph 25 misses out Ramsar sites which are part of the UK network of Marine Protected Areas.

JNCC are surprised that no mention has been given to Marine Conservation Zones (MCZs) that are being selected through the MCZ Project in English inshore/offshore waters and Welsh offshore waters. Using the best available scientific evidence, MCZs are being selected in order to protect important features identified within the MCZ Project Ecological Network Guidance. A wide variety of stakeholders are involved in the selection of sites in order to try to minimise the socio-economic impacts of the forthcoming network of MCZs. As WAG has devolved responsibility for the production of a marine plan for the offshore environment, JNCC would expect MCZs to be an integral part of the Welsh offshore marine plan. We recognise the policy tensions that are created as a consequence of the MCZ identification timetable lagging slightly behind the marine planning work. It would seem appropriate for the marine plan to have a clear policy to address the interim period prior to MCZs being designated to create a smooth policy transition towards the expected outcome of MCZs in offshore waters that will require clear policies within the marine plan.

Marine Data

The main limit to marine planning is the lack of knowledge and/or data about the natural environment. JNCC is pleased to help in any way that it can to provide as much up to date detailed environmental data or links to the most relevant source. JNCC also has gathered a wide variety of human activities data for the UK through our UK MPA projects work. Where possible, we would be happy to share this data. Where it is not possible to share data, we would be happy to provide advice about human activities, data sources and limitations.

Paragraph 14 highlights that key assets are under a range of pressures and that WAG are keen for there to be a number of 'win-win' situations in the marine planning process. JNCC are keen to share our knowledge and experience of pressures assessment and interactions between different activities within the marine environment through the work undertaken for both the UK MPA projects and for our Monitoring & Surveillance work. We are keen to explore opportunities for

applying some of this knowledge and experience to help maximise the benefits of the marine planning process.

Governance Arrangements

JNCC is pleased that a number of groups are being proposed to be established by the WAG to feed in the marine planning process. JNCC believes that there is a need for more clarity about the terms of reference and membership for each group so that it is clear that all appropriate parties are involved. It is important that any steering group should have adequate cross-WAG department representation to reflect how important marine planning is and how it should cross all aspects of WAG policy development.

JNCC feels more detail needs to be provided about how WAG will work with key planning partners, such as the Marine Management Organisation (MMO), during the planning process particularly due to the licensing arrangements in Wales and recognising that Wales will complete their marine plans before the MMO produce plans for bordering areas. It will be important to ensure that the MMO play an active role in the development of the Welsh marine plans, and vice versa for the development of bordering English marine plans especially if these are produced in between review periods for the Welsh marine plans.

Terrestrial – Marine Planning

JNCC endorses the ecosystem approach suggested throughout the consultation document. While CCW are well placed to advise on nature conservation aspects related to the join up between terrestrial and marine plans, as the co-ordinating body for UK nature conservation, JNCC are keen to see what lessons learnt from the terrestrial planning system can be transferred into the marine planning process. JNCC are also keen to see how the marine-terrestrial plans will join up and whether any plan will take precedence?

JNCC note that 2030 has been suggested as the possible review date for marine plans. JNCC seek confirmation that this has been put forward to join up with the terrestrial planning system, and whether this date has considered other aspects such as joining up review dates with neighbouring marine plans.

Planning Process

JNCC are keen to be fully involved in any discussion about priorities for the Welsh marine environment in order to avoid any delays to the marine planning process through concerns over the impact on the natural environment (particularly Natura 2000 sites).

JNCC note that in Paragraph 15, WAG intend to produce more detailed plans for densely used areas. While we understand that areas which are already subject to a range of 'pressures' would benefit from detailed marine plans, we urge WAG to be cautious with this approach as the scope of marine plans should not be temporarily restricted. By producing more detailed plans for areas which have significant current activity, it is risking limiting those plans to a temporary occasion and not future proofing them. Furthermore areas which are currently not subject to a large number of 'pressures' may well benefit from more detailed plans to encourage certain activities in those areas.

Seascapes

JNCC notes that WAG are exploring seascape issues during the marine planning process. While advising on seascape character is not wholly within JNCC's remit, we are keen to be involved in such discussions and are working with CCW, Natural England and Scottish Natural Heritage in the development of the UK wide Seascape Character Assessment Guidance.

Question 1

As outlined earlier, JNCC believe that this section could have provided more detail on marine ecology and biodiversity outside of MPAs. From the other activities, we note that there is no mention of Carbon Capture and Storage or the development of offshore grid infrastructure.

Question 2

We believe a clear working arrangement concordat with the MMO is necessary in order to ensure that marine plans developed either side of the Wales/England marine border, are produced in partnership and fully integrated.

Question 3

JNCC believes that all sectors should be included within the governance arrangements to ensure that all sectors views are adequately represented.

Question 4

JNCC note that the key supporting documents to the MCZ Project have not been included within the list of relevant plans, policies and strategies. JNCC expects that the outputs from the MCZ Project should play a complete role within the Welsh marine planning process.

Question 5/6

JNCC would be keen to be part of the Marine Evidence Group which is being established and advise whether WAG have any significant information or data gaps which JNCC could help to fill. JNCC are also happy to share knowledge, experience and, wherever possible, data gained through our UK MPA projects work.

Question 7/8/9

JNCC has no opinion on regional planning although would support an approach which aligns closely with the English marine planning system.

Question 10

JNCC believe that due to fishing interests within Welsh waters, in addition to the suggested engagement with Ireland, Northern Ireland and England, countries such as Belgium, France, Scotland and The Netherlands would benefit from engagement in the Welsh marine planning

process. JNCC has developed good relationships with stakeholders from these countries and are happy to provide contact details where appropriate.

Question 11

JNCC agree with the approach outlined by WAG within the consultation document. JNCC notes that more detail on the stakeholder engagement aspect of the planning process will be outlined within the Statement of Public Participation, and we look forward to seeing it.

Question 12

JNCC has no comments on the use of coastal partnerships within the Welsh marine planning process.

Question 13

JNCC recommends that WAG discuss their approach to consulting the general public with Marine Scotland who recently managed to engage a wide variety of stakeholder groups and individuals during their Offshore Wind Energy draft plan consultation.

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name	Bettina Bockelmann-Evans			
Organisation	MAREN PROJECT (Cardiff University Hydro-Environmental Research Centre			
Address	Cardiff School of Engineering Cardiff University Queen's Buildings The Parade CARDIFF CF24 3AA Wales, UK.			
E-mail address	bockelmann-evans@Cardiff.ac.uk			
Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector			
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group		x	
	Individual			
Are you happy for your details to be published in the summary of responses?	Y	x	N	

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		X	
<p>Comments In the case of a potential Cardiff to Western Barrage the category - Energy Infrastructure – would also include Transport Infrastructure as such a construction would be likely to be linked to rail / road networks in some way.</p>			

Integration between marine and terrestrial planning regimes

2	Are there other ways in which integration could be improved?
<p>Comments</p> <p>The identification of clear communication between marine and terrestrial planning, and inter-country strategic plans will be essential for integration.</p> <p>Ensure communication is participatory – two way and continued over the plan creation and consultation period.</p>	

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
<p>Comments</p> <ol style="list-style-type: none">1. Governmental & Crown - Councillors2. Public Sector – Energy & Climate Change departments, planners, civil servants etc3. Research & Specialists – legal, GIS & planning4. Industry – Energy, Transport, Shipping, Manufacturing5. NGOs – Sustainable development, conservation, other key feature reps6. An independent – A facilitator / external contractor to ensure representative participation for all key features <p>Organisations like:</p> <p>WAG Welsh University Academics Regional / District Council members – Welsh and coastal boarders Regional / District planners – Welsh and coastal boarders Crown Estate Conservation & Habitat Protection organisations – e.g. WWF, RSPB Environmental Agency CCW GIS Professionals Legal Consultants – specialised in EU protection status MMO</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
Comments Although there are Welsh documents that could be added to the list to support the plan making – i.e. information source – to be noted in the following section			x

Evidence

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?
<p>Comments</p> <p>Yes – There are a number of research areas in the marine energy sector that should be included:</p> <ul style="list-style-type: none">- MAREN PROJECT – An international research collaboration modelling resource potential, environmental impact, climate change resource impact for case study sites around the Welsh coast – tidal barrage, tidal impoundment, tidal stream, wave and offshore wind – www.marenproject.eu- LCRI MAREN - A Welsh university research collaboration mapping environmental impact, and modelling tidal steam devices in the Severn Estuary – www.lcrimarine.org	

6	Could you help fill them, and how?
<p>Comments</p> <p>Yes,</p> <p>Cardiff University's Hydro-Environmental Research Centre is working on both of these project and can provide input to the following areas:</p> <ul style="list-style-type: none">- HYDRODYNAMIC DATA for the whole of the Welsh coast – can be used for current situation and for future Climate Change Scenarios – this is very useful to understand the marine energy potential of the Welsh coast into the future.- WATER QUALITY DATA- For the whole of the Welsh coast. This is linked to the hydrodynamic model, and gives present and scenario projections.- SEDIMENT LOAD – Work in progress – looking to model the amount of sediment contained in the water column around the Welsh Coast.- HIGH RESOLUTION CASE STUDIES – 50m x 50m resolution hydrodynamic and water quality data for key sites of marine renewable energy potential. Completed and work in progress sites include:<ul style="list-style-type: none">o Cardiff –Western Barrageo Severn Tidal Streamo Bridgewatero Rhyl Tidal Impoundmentso Others are in the planning stages for Ramsey Sound, Llanelli and others <p>The MAREN Project partners are from across the Atlantic Area with expertise in different energy technologies. The project could provide information on:</p> <ul style="list-style-type: none">- HIGH RESOLUTION ENERGY RESOURCE POTENTIAL: Climate Change Scenarios have been used to downscale model the resource potential across the	

Atlantic area including the Welsh Coast.

- **CARBON DIOXIDE REDUCTION POTENTIAL:** Studies looking at key marine energy sites to evaluate the total reduction potential of each device type, taking into consideration a life-cycle analysis
- **WAVE ENERGY STUDIES** – Case study investigation for Welsh Wave sites in high resolution.

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
Comments Yes	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
Comments For key marine energy potential sites a sub national marine planning approach would be beneficial as the resource potential at higher resolutions makes a significant difference.	

9	Are there different approaches that we could take?
Comments You could take a case study approach to integrate into a national plan, as opposed to developing sub national plans around the whole coast line. This would require that a full and thorough consultation is made to identify case studies across all key feature areas.	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
		X	
<p>Comments Yes, the MAREN Project represents France, Spain, Portugal and Ireland marine energy research institutes: Ifemer, IH Cantabria, The Centre for Marine Technology and Engineering (CENTEC) and the National University of Ireland in Galway (representatively). Such a relationship could facilitate trans-national energy relationships and plans.</p>			

Engagement and consultation

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

Comments

MAREN agrees with a two way open consultation process that is active in engaging with stakeholders.

The process must include existing local planning, academic and sector groups.

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

Comments

Linking to sector representative groups in each key feature area would be of benefit to the process. For example in the Marine Energy Sector to include:

- **The Severn Estuary Partnership** - and its membership
- **Marine Energy Pembrokeshire** - and their extensive network

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

Comments

Unbiased communication needs to be coordinated centrally, by the planning board. Events and exhibition of plans across Wales with an effective awareness campaign of such events and exhibitions.

Any other comments

Thank you for completing this form.

Number: WAG11-11409



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

www.cymru.gov.uk

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

For further information contact:

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

Telephone: Cardiff (029) 2082 3331

Email: marine@wales.gsi.gov.uk

Data Protection

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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
- 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

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 Wales¹⁰***.

'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 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.

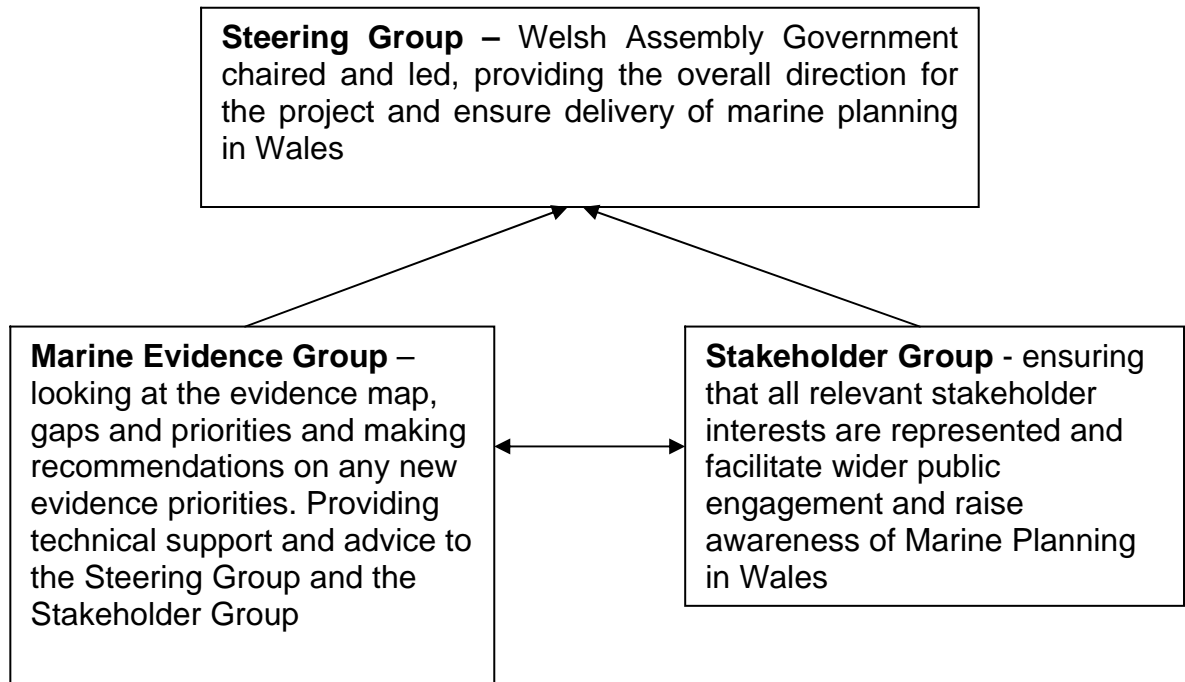
92. Stakeholder Group - the role of this group will be to ensure that all relevant stakeholder interests are represented in order to inform the marine planning process and to raise awareness of the project.

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.

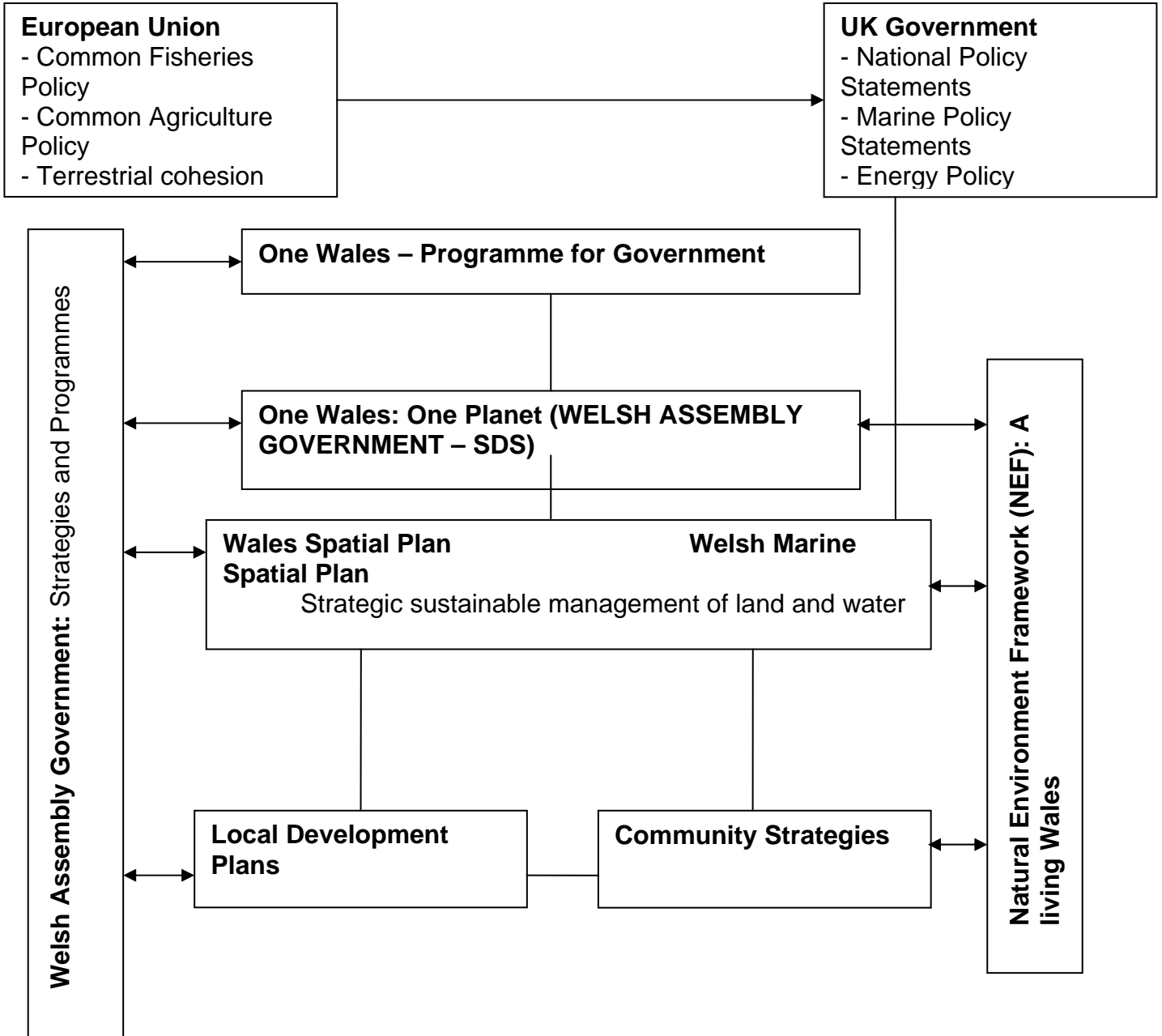
Both coastal and transitional water bodies as defined by the WFD will be included in marine plan areas. Any measures required under the WFD to achieve good ecological and chemical status in these water bodies are set out in the respective statutory River Basin Management Plans published by the Environment 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.



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Your ref: AD/kj/80.2:211.2

Our ref: 13th May 2011

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Submitted by e-mail to marine@wales.gsi.gov.uk

Dear Sirs

Response to WAG Consultation Document: "Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales"

Thank you for the opportunity to comment on the Welsh Marine Planning consultation document.

The attached document constitutes MHPA's response to the Welsh Assembly Government's consultation document, issued on 16 February 2011, and inviting responses by 11 May 2011, and entitled, *Sustainable Development for Welsh Sea: Our Approach to Marine Planning in Wales*.

We provide a generalised response, which is set out in section 2. The Consultation Document includes 13 specific questions, our responses to which are set out in the section 3.

Although one of the major tasks of the consultation is to set out the constitutional and administrative arrangements that will apply to Welsh Marine Planning, in fact only the most superficial indication is provided of the governance structures, with little indication of Group composition and mechanisms that will be required for implementation. A major concern is that there appears to be little specific detail as to where responsibilities will lie (decision making) and what resources will be available within WAG.

These interrelationships and responsibilities within the WAG and the outlined Marine Planning Governance Structure (Steering Group) need to be presented in greater detail.

The practicalities and mechanisms for implementation, particularly the resourcing implications do not seem to have been addressed. It is inevitable that comparisons will be made with the role of MMO in England and similar comparisons drawn regarding staff and other resources (IT, for example) available within WAG.



INVESTOR IN PEOPLE



In summary MHPA envisages that the proposals for the development of an effective Marine Planning system will require a considerable amount of additional work, to create a framework which:

- Genuinely delivers on the principle of sustainable development.
- Does not place Wales in general and Wales' marine industry in particular, at a competitive disadvantage to England, Scotland, Ireland and Europe.
- Ensures that regulatory and planning functions are not duplicated; for example where the MMO or the IPC (and its successor) has jurisdiction this jurisdiction should not be eroded unless and until the relevant law is changed.
- Permit decisions need to be taken robustly and quickly, the biggest source of risk for marine investment being the over-long consenting timetable, and the un-predictability of outcome.

In addition to the attached comments a collective response to the consultation has also been submitted separately on behalf of the Welsh Ports Group, of which MHPA is a member, and which we fully endorse.

Yours faithfully




Alec Don
Chief Executive

Encs

**MHPA response to WAF Consultation Document on
The WAG Approach to Marine Planning in Wales**

1.0 Introduction

1.1 This document constitutes MHPA's response to the Welsh Assembly Government's consultation document, issued on 16 February 2011, and inviting responses by 11 May 2011, and entitled

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

1.2 The Consultation Document includes 13 specific questions. Our responses to the questions are set out in the section 3 of this document.

1.3 We also wish to provide a more generalised response, which is set out in section 2 below.

1.4 In summary MHPA envisages that the proposals for the development of an effective Marine Planning system will require a considerable amount of additional work, to create a framework which

- Genuinely delivers on the principle of sustainable development
- Does not place Wales in general and Wales' marine industry in particular, at a competitive disadvantage to England, Scotland, Ireland and Europe
- Ensures that regulatory and planning functions are not duplicated; for example where the MMO or the IPC (and its successor) has jurisdiction this jurisdiction should not be eroded unless and until the relevant law is changed
- Permit decisions need to be taken robustly and quickly, the biggest source of risk for marine investment being the over-long consenting timetable, and the un-predictability of outcome.

1.5 With this document MHPA, as the third largest port in the UK, and the largest port in Wales, with a key strategic role in the delivery to the UK and Welsh economy of up to a third of the UK's energy requirements, is offering to be involved in working groups and strategic panels charged with developing the detailed WAG approach to Marine Planning in Wales.

2.0 MHPA General Response

- 2.1 Departmental responsibility for the development and management of the Welsh Marine Spatial Plan is not clearly delineated. In answering the questions we assert that the port and energy sectors are the main sectors that will initiate developmental use of the Marine Environment.
- 2.2 Milford Haven and Port Talbot accounted for 82% of Wales based shipping activity and exemplify the close link between ports and employment. The energy sector at Milford Haven alone accounted for over 70% of Welsh national port throughput. Milford Haven has attracted over £2bn of investment in the last 5 years. The Marine Spatial Plan needs to reflect the importance of these sectors, and ensure that the planning environment above all else meets the needs of these sectors. The deep water port zone of Milford Haven is particularly important.
- 2.3 The leading entities in these sectors need to be fully included in the Steering Group, the Marine Evidence Group and the Stakeholder Group and, if invited, MHPA is seeking close involvement in the evolution of the Marine Spatial Plan.
- 2.4 Use of the marine area will be closely linked to and dependent on the sea/land interface. This means ports. Port development proposals will inevitably be the most local expression of any economic proposals in relation to the marine area. The Marine Spatial Plan needs to place a particular and enabling focus on port development.
- 2.5 The consenting process is itself the area of greatest risk and uncertainty for any inward investor or developer. In the case of ports, this will in most cases be a UK national consenting process, whether under the auspices of the MMO or the IPC (and its successor). The Harbour Revision Order and IPC processes are designed to deal with land based aspects of any such development as well as the marine aspects and, unless and until the law is changed, WAG should not seek to dilute or undermine the clarity of the position. However, irrespective of the consenting process the Marine Spatial Plan should create a planning framework that is as supportive of possible of the plans or aspirations for sustainable development projects within the energy and ports sectors, as being probably the best opportunity within the Welsh economic landscape for generating inward investment and additional economic activity.
- 2.6 Departmental responsibility for the Marine Spatial Plan, should be clearly thought through. If assigning responsibility for it to one department or another would unduly tilt the balance away from enabling and towards blocking development, then the outcome would be wholly inconsistent with the principle of sustainable development. In its answers to the specific questions, MHPA sets out arguments in favour of identifying key ports where sustainable development can be achieved, taking account of improving the productivity of entire logistics chains that stretch well beyond the boundaries of the Welsh Marine area, and indeed Wales itself, and identifying modes of development that are likely to have a lower local impact.
- 2.7 The objective of the Welsh Assembly Government generally should be to shorten and simplify the consenting process for major projects, and by this means achieve substantial competitive advantage relative to other jurisdictions. The Dragon and South Hook LNG investments could equally well have happened, not only in an English Port location, but even in a Continental European Port Location, and as a port Milford Haven is in fact in competition

with ports on a worldwide basis. The ease with which a potential inward investor can both get consents, operate and take necessary commercial decisions, is the key differentiator in this international market place. Currently, different licenses and consents have to be obtained from multiple bodies for separate aspects of any project. The practical outcome of this is that each body is effectively taking on itself the role of consenting the entire project, particularly when there is excessive over-interpretation of the principle of considering in-combination effects. At this stage there is a danger that the consenting process becomes one of considering not only the application immediately in hand, but the next two or three potential applications which may not even have been developed much beyond an idea.

- 2.8 An effective Marine Spatial Plan could be of enormous value, by being an instrument for bringing together and replacing large numbers of often contradictory and too narrowly focused policies, and by defining key strategic port locations based on parameters such as depth of water, breadth of opportunity, established and under-utilised distribution links, and clustering of workforce skills.

3.0 MHPA Response to Specific Questions

- 3.1 Question 1: Are there any other key features, resources or activities in Welsh Seas that we need to take account of?

3.1.1 Whilst there is reference in the consultation document to ports, there is no overt reference to shipping lanes. Attached at Appendix A are plans showing

- The marine area falling within MHPA's statutory port limits outlined in red (A1), and within which MHPA has statutory powers to authorise dredging and marine works and such other powers as are necessary for the effective management of a major port.
- The area of deep water within MHPA's port limits (A2) within which major shipping operations are conducted and developments are likely to be brought forward is shaded blue. The landside zone where port linked development is more appropriate and bounded in orange. These areas are of key economic strategic importance to the UK as a whole, and as a source of economic activity and employment within West Wales and beyond.
- The sea areas beyond MHPA's port limits (A3) which are the principle shipping lanes accessing the port and which need to be reserved for shipping use. It is worth noting that these shipping lanes quickly transit into English marine areas, which immediately points to the need for close coordination and cooperation on boundary issues. A development within English waters could block a shipping lane to Milford Haven, affecting the competitiveness of a major part of the Welsh economy.

3.1.2 Milford Haven Port also lies at the centre of a network of fixed energy transportation links, many of which pass under the Haven. Indeed a policy focused on growth in productivity and competitiveness, would be supportive of the more intensive use of Milford Haven's deep water (allowing the use of larger vessels with a lower environmental impact per tonne of cargo moved) and the more intensive use of the bulk liquid berth infrastructure already established in the Haven. There is therefore a strong sustainable development argument for the creation of subsea electricity or gas interconnectors from Milford Haven to

Ireland and North Wales, as well as additional linkages under the Haven.

3.1.3 Land based infrastructure with sections that pass under or over the tidal marine areas include the 400 KVA 5GW capacity electrical grid from Pembroke to the UK's industrial centres, the Mainline Pipeline fuel products pipelines delivering petrol and other products to Birmingham and Manchester without a single road mile, and the gas pipeline feeding the UK gas grid from Wales' 2 LNG terminals, are essentially an integral part of a sustainable energy infrastructure, and are and will continue to be of considerably greater strategic importance than wind or tidal energy.

3.1.4 The handling of energy is integrally dependent on the existence of the port of Milford Haven, and it is impossible to dissociate the port from the industry that is connected to and dependent on it. It is not an exaggeration to say that sustainable development is about port-centric deep water port development. Milford Haven and Port Talbot (and, indeed other less deep ports) are both examples of the link between deep water and major employment. A further resource needing to be protected is the ability of ports to dredge and dispose of dredged material cost effectively. Disposal sites for dredged material therefore should be considered as an immutable resource entirely necessary for the effective functioning of ports.

3.1.5 The Marine Spatial Plan needs to specifically make provision for the development of a new dry bulk biomass berth within Milford Haven (Blackbridge). This facility will enable the transition of the Welsh and UK economy towards renewable biomass fuels away from fossil fuels and is entirely consistent with Sustainable Development criteria.

3.2 Question 2: Are there other ways in which integration could be improved?

3.2.1 The question relates to the integration of marine and terrestrial planning. In many respects the two are in fact inseparable. The purpose of all development activity at sea relates to the impacts that development will have on land, and ports and landfalls are the inevitable interface.

3.2.2 The mechanisms for an integrated approach in relation to larger schemes already exist, in so far as ports and energy installations (above 50MW generation capacity on land) are not devolved issues. Consenting bodies for such larger projects already exist in the form of the MMO (Harbour Revision Orders) and the IPC (and its successor)(large scale infrastructure projects).

3.2.3 Integration is best achieved by not seeking to duplicate, shadow or dilute the roles of these organisations in relation to the consenting process, and ensuring that the marine plans fully allow for the development of infrastructure which would need to be consented by one of these processes.

3.2.4 AN HRO or IPC consent will cover not only the marine aspects, but also the relevant landside/interface parts of the project – the sustainability case will be given full expression in the legally required Environmental Impact Assessment, which will necessarily cover improvements to the distribution network, whether road, rail, pipeline

or electricity grid, and any application will fail that does not represent a coherent package.

- 3.2.5 Outwith the port area defined by an HRO, Wales based consenting bodies will have jurisdiction, and therefore it will clearly be necessary that local plans reflect the priorities set in the regional and Marine Plans. Close coordination will be required.
 - 3.2.6 For the promoters of such a development it is highly beneficial to the chances of a successful sustainable development if there is a single consenting process – this greatly reduces risk, and timescale, and both the Welsh Assembly Government Policy and the Marine Spatial Plan should not be set up in a way to dilute clarity about who the consenting body is or which consents or licenses are required for a given proposal, even if this requires WAG to accept the jurisdiction of non-Welsh consenting authorities.
 - 3.2.7 A key determinant of jurisdiction in relation to a consenting process will be where the project is to take place. It will usually be the case that within an established port or harbour, any marine works which affect a right of way over the water are likely to have to be progressed by means of a Harbour Revision Order. Where no port already exists, a Harbour Empowerment Order is likely to be required. Until the law is explicitly changed to confer decision making powers on different bodies, it is essential existing decision making structures are fully supported, and that the Wales Marine Plan fully reflects the sustainable development opportunities envisaged by nationally significant infrastructure and energy entities.
 - 3.2.8 Paragraph 53 of the consultation document refers exclusively to liaison and integration as between authorities responsible for terrestrial planning. Milford Haven Port is the pre-eminent living example of energy and transport being two inseparable sides of the same coin. Development of a coherent port and energy policy will of itself define where terrestrial, and marine plans under different jurisdictions need to be integrated.
 - 3.2.9 The plans of ports, energy generation, and energy distribution entities need to be fully reflected in the Marine Spatial Plan, and the entities engaged in these sectors need to be fully included in the preparation of the plan from the first draft onwards. The “Sustainable Development” concept is predicated on the notion that any such development plans meet sustainable development criteria which may be set by Wales.
- 3.3 Question 3: What Sectors do you think need to be included in the governance arrangements?
- 3.3.1 In so far as Marine Spatial Planning is about Sustainable Development, the only sectors likely to drive significant development of marine areas are the ports and shipping industries and the energy sector.
 - 3.3.2 These sectors have led to over £2,000,000,000 of investment in Pembrokeshire including new/refurbished berth structures, with a fresh round of investment in refining likely on the completion of the sales of Chevron and Murco.

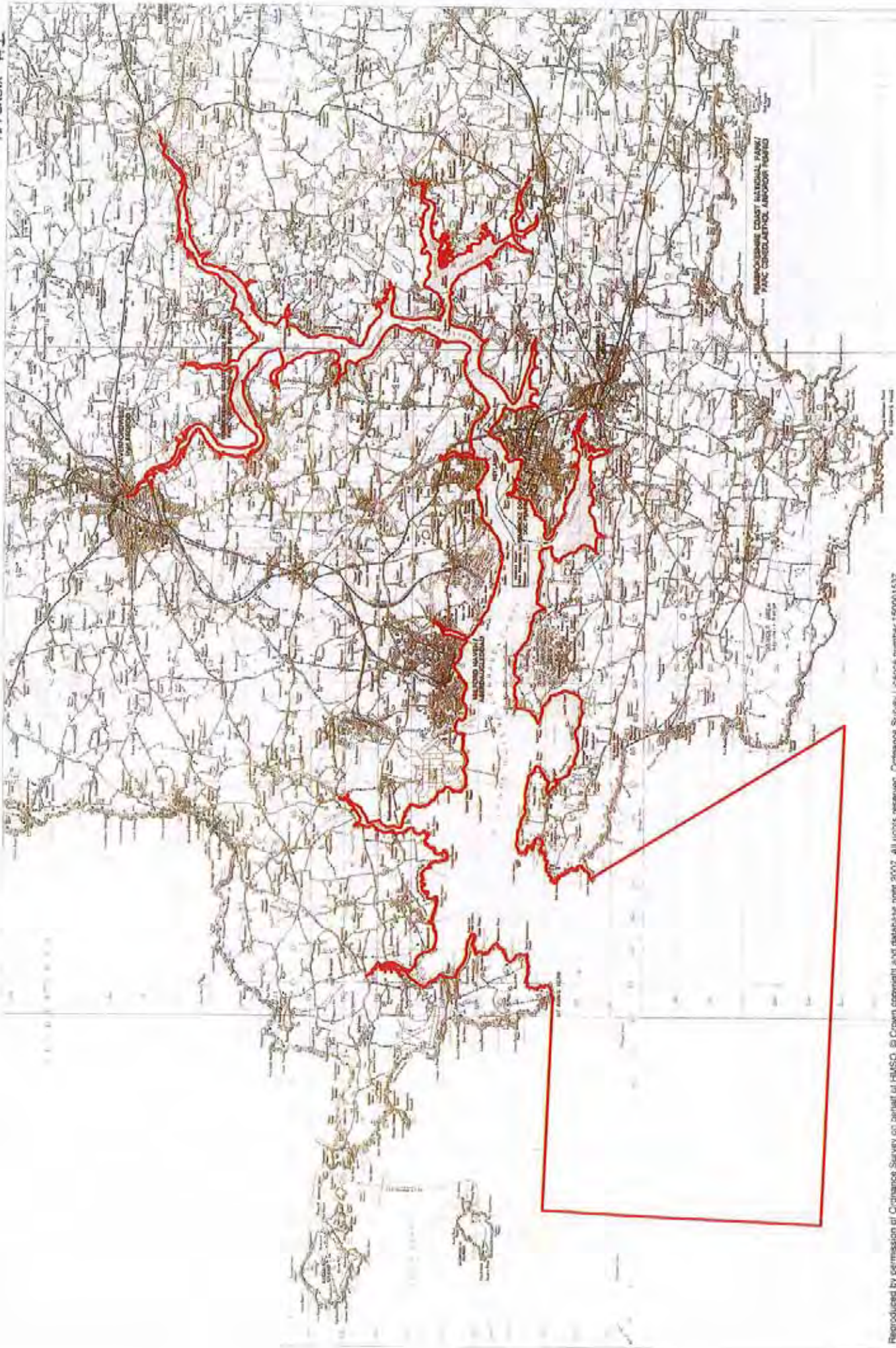
- 3.3.3 All businesses involved in these sectors are about sustainable development, and need to be approached directly and invited to become members of the Steering Group, the Marine Evidence Group and the Stakeholder Group.
 - 3.3.4 The energy and ports sector in Milford Haven employs, directly and indirectly, over 2,000 people in long term high skill jobs, and is a mainstay of the Welsh Economy. More importantly the cost effective and clean energy being handled through Milford Haven, are an essential but unsung part of the competitive effectiveness of Welsh and UK industry.
 - 3.3.5 The local environmental impact of the port's operations must always be seen in the context of the reduced environmental impact of meeting the UK's energy needs from gas and oil fields by being able to ship in Capesize vessels drawing up to 17m of water, and the scale of operation this enables. Efficiency and productivity (resulting in a lower environmental impact for a given level of economic activity and employment) are based upon achieving ever more intensive utilisation of existing infrastructure and skills, and the concentration of activity (a portcentric model of economic development) that allows interlinkages.
 - 3.3.6 For example the new Pembroke Power Station did not require the construction of one additional kilometre of overhead power line, and indeed will only use half of the capacity of the existing cables. It will also draw its gas from Milford Haven's two LNG terminals, increasing the utilisation of already established berths; the heat generated from the Milford Energy Cogen plant adjacent to the Dragon terminal is used in the regassification of LNG from its storage temperature of -160 degrees centigrade - As a result the Milford Energy Cogen plant is possibly the most efficient power station in the UK, operating at approximately 85% efficiency.
 - 3.3.7 The presence of the refineries in Milford Haven has led to the establishment of a strong cluster of high skill engineering businesses. These engineering businesses also compete in international markets for highly technical engineering contracts, and are successful, but would not exist and would not have the opportunity to compete were it not for the refineries, which in turn would not be located in Wales if there was no Milford Haven Port.
 - 3.3.8 Other sectors wishing to undertake commercial activities in the marine area include marine leisure , fishing, cruising, marine aggregates, and tidal and wind energy (a subset of the energy sector). All of these activities have to be port and harbour based. Milford Haven is not only the largest port in Wales, it is three times the size of all other Welsh Ports combined, and is integrally involved in the energy sector, and all other sectors affecting Marine Spatial Planning. MHPA is therefore uniquely positioned to participate in the Steering Group, the Marine Evidence Group and the Stakeholder Group, and would very much like to do so if invited.
- 3.4 Question 4 What other Key Welsh Documents do you think need to be taken into account and why.

- 3.4.1 Port plans and strategies need to be explicitly referred to where they exist, and the major ports should also be consulted in detail whether or not they have published a masterplan or strategy.
- 3.4.2 Major utility and energy companies should also be proactively approached for detailed consultation and input to the Marine Spatial Plan.
- 3.4.3 UK National Policy and plans for the development of marine and energy infrastructure should also be taken into account, and fully reflected in Wales Marine Spatial Plan, particularly given that the major projects will be likely to be consented by UK National bodies as outlined above. This would include the National Ports Policy Statement.
- 3.4.4 The emphasis on Welsh Documents, as distinct from non-Welsh Documents may lead to a policy that is at odds with the extant decision making structure, and which is therefore more likely to fail, which cannot be in the interests of Wales.
- 3.5 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.
 - 3.5.1 The Welsh Assembly Government needs to have data in relation to shipping lanes, (calibrated by depth and port depth where appropriate), and dredge disposal areas. These zones need to be fully preserved to support the industries which rely on them. WAG also needs to map in more detail the strategic linkages between port and infrastructure development and the generation of high skill self sustaining skill clusters, and strength in depth in relation to economic activity.
 - 3.5.2 MHPA has commissioned an employment/economic study of the port of Milford Haven which is expected to be available later in the year. MHPA can also provide detailed GIS information on leisure activity in West Wales.
 - 3.5.3 The Energy Sector Forum is a grouping of the major energy and port entities in Milford Haven and can provide access through its members to a very substantial range of data that may be highly relevant to WAG for the purposes of Marine Spatial Planning.
 - 3.5.4 A Summary of MHPA's business strategy is set out in the Port's annual report to be published shortly. A more detailed development strategy will also be forwarded later in the year. This strategy analyses envisaged market developments, the features of Milford Haven that make it a preferred location for meeting market need, and the type of development that is envisaged given the topography of the Haven.
 - 3.5.5 It should be feasible, in relation to most proposals for economic use of the marine area, to identify likely modes or methods of development that would result. Detailed discussion with the port and energy sectors would enable WAG to identify types of likely infrastructure development for relevant trades and locations, which would in turn provide the basis for a preliminary and in-principle Environmental Assessment.

- 3.6 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?
- 3.6.1 Marine Spatial Planning will only be truly contentious at the locality where the activity “comes ashore”. In this sense the Marine Spatial Plan must identify localities that are suitable for supporting Marine Development, and the national plan must be fully reflected in local plans.
- 3.6.2 It would be highly damaging to Welsh economic development, however, to consider the issue of whether a development is sustainable only by reference to the local impact. In the case of ports, a well conceived port development that enables the use of larger ships and permits redistribution to smaller ports by coaster and inland locations by pipeline or train should be expected to have the effect of leading to lower emission, lower cost distribution of products within a logistics chain that stretches well beyond the port limits.
- 3.6.3 Milford Haven is the hub for an international logistics and value adding chain of economic activity. Fundamentally this is driven by the following characteristics:
- Milford Haven’s all-states-of-tide 17m depth of water permits the use of large bulk liquid and dry bulk vessels, greatly reducing emissions and costs per tonne shipped.
 - Milford Haven is not a locked port – it is accessible straight from the sea reducing transit times, and again further reducing emissions and costs per tonne.
 - Milford Haven has excellent linkages inland via the fuel products pipeline, the gas pipeline, and the high capacity 5GW electricity grid.
 - Availability of rail capacity
 - Close proximity to Atlantic shipping lanes
 - A highly skilled and loyal workforce
- 3.6.4 Milford Haven handles 20% of the UK’s energy requirements, and on a number of occasions over the past year has been supplying up to one third of the UK’s instantaneous gas consumption. It is therefore making a very substantial contribution to the reliability and competitiveness of the UK economy.
- 3.6.5 Despite this, the actual impact on the local environment is negligible: piled jetty structures do not have a significant impact on the movement of fish or water and do not impinge on any of the SSSI areas, and yet completely underpin the economic activity of Pembrokeshire and the extraordinary levels of investment over the last few years.

- 3.6.6 The deep water port at Milford Haven stretches from the Cleddau Bridge through to the entrance to the port at St Anne's head. MHPA would strongly recommend the identification of Milford Haven as a key strategic gateway for deep sea shipping, within whose confines further deep water port development of the type set out in the previously referred to development strategy will conditionally be supported.
 - 3.6.7 The arguments for sustainable development will necessarily need to focus on the benefits to be derived within the entire logistics chain, which will stretch well beyond the confines of the Welsh marine area. This is the nature of infrastructure investment, particularly in relation to ports. The creation of the sea-land interface (berth) is a natural point in any logistics chain where product is handled and often changes hands from producer to receiver. Ports are therefore also the natural locus for the development of value-adding industry without building in environmentally damaging deviation costs, either in relation to shipping or landside distribution.
 - 3.6.8 The determination of a Welsh National Marine Spatial Plan will inevitably need to identify key port zones at the sub-national level and to provide a clear framework that ensures transnational logistics, environmental and cost benefits are fully taken into account when assessing the merits of any particular development plan which may offset particular local impacts.
- 3.7 Question 10: Are there other countries or authorities that we need to have close or formal relationships with?
- 3.7.1 WAG should be at great pains to make major facility owners and operators feel well supported and welcome here in Wales. For example the senior directors of Valero (the incoming owners of the Chevron oil refinery) should be given open access to the highest levels of the Welsh government at an early stage and on a continuous basis, both to give them confidence to invest additional sums and to recognise that they will unequivocally get all the support they need to operate successfully and productively over the long term. The same will be true in relation to the prospective new owners of the Murco refinery.
 - 3.7.2 In some cases, for example Qatar Shipping and South Hook, well founded governmental relationships may also be highly beneficial.
 - 3.7.3 Direct relations with Spain may assist the establishment of coastwise unaccompanied RoRo shipping ferry routes from Pembroke Dock to Spain and Southern France, particularly where this produces funding from the Motorways of the Sea programme.
 - 3.7.4 Direct relations with Ireland should be sought to promote the installation of an electricity or gas interconnector from Pembrokeshire to Southern Ireland. This will improve the productivity of the gas trains feeding LNG into Milford Haven.
- 3.8 Question 11: Do you agree with this approach [engagement and consultation]? Question 12: How do you think we can make use of existing coastal partnerships? Question 13: How else can we reach the public?

- 3.8.1 In paragraph 130 the consultation document asserts that WAG will wish to facilitate additional multi-issue coastal fora where there are currently geographical gaps, for example in North and West Wales. WAG provides limited support for Pembrokeshire Coastal Forum, which has been established for some time, and does excellent work in bringing together Coastal interests for consultation and joint pursuit of sustainable energy projects such as tidal energy. The Pembrokeshire Coastal Forum has the ability to be a focus for such engagement with the public.
- 3.8.2 The best means for engagement with the public are that Assembly Members themselves set out to be clear advocates for sustainable development and investment in infrastructure. The focus of this advocacy should be on simplification of the policy framework, particularly in relation to environmental policies.
- 3.8.3 Paragraph 105 asserts that the final outcome of the Marine Spatial Planning Process will be a clear set of national priorities. This follows a section which enumerates a probably incomplete list of 19 separate types of plans policies and strategies. The challenge of bringing together a site, a plan, customer contracts, and committed finance is challenging enough without imposing the need to hold all these elements in the ring for years whilst attempting to navigate an overly diffuse and complex consenting. There is a significant risk that potential inward investors will consistently consider it easier and therefore more attractive to direct their investment to other jurisdictions. This unwanted outcome is made all the more likely if already established operators experience delays or frustration in daily interactions with regulatory departments or bodies. Wales' reputation as a place that is welcoming to investors and a good place to do business is placed in serious jeopardy by every anecdote (whether justified or not) that is re-told in corporate headquarters around the world of the frustrations experienced within a Welsh subsidiary.
- 3.8.4 The creation of a Wales Marine Spatial Plan provides an opportunity to rationalise this framework and create a clear spatial plan that designates certain key strategic port zones that will be the focus for the sustainable development of the marine area. Communication and consultation with stakeholders will undoubtedly benefit from having a simplified message to communicate.



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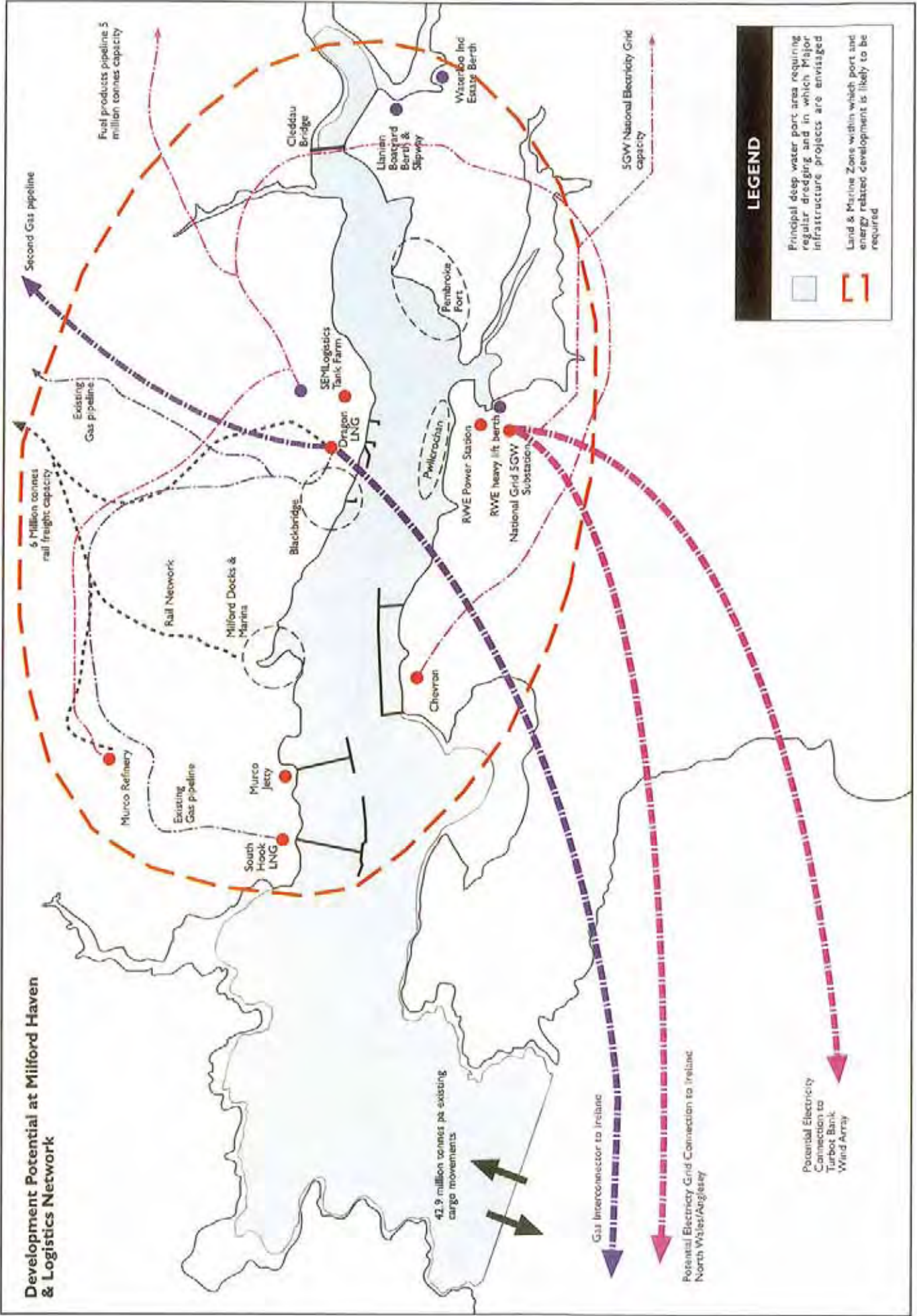
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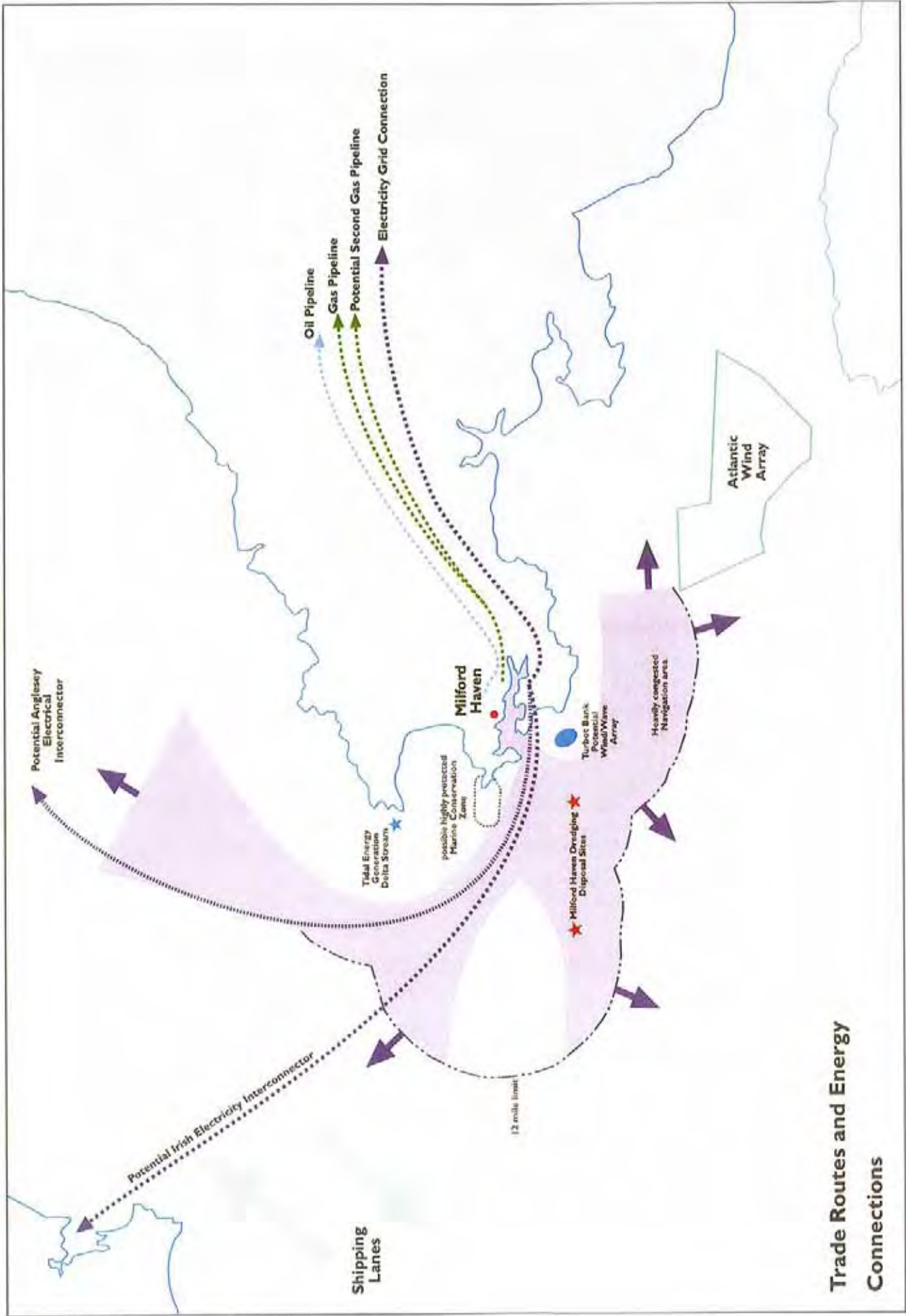
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Date - 12/05/2011

Development Potential at Milford Haven & Logistics Network





Trade Routes and Energy Connections

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name	Robert Shopland-Reed			
Organisation	Defence Infrastructure Organisation (MOD)			
Address	DIO Building 18 Piave Lines Catterick Garrison North Yorkshire DL9 3LR			
E-mail address	robert.shopland-reed@de.mod.uk			
Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector		UK Gov Dept.	
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group			
	Individual			
Are you happy for your details to be published in the summary of responses?	Yes			

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		Yes	
Comments Submarine power cables and submarine pipelines could usefully be included			

Integration between marine and terrestrial planning regimes

2	Are there other ways in which integration could be improved?
Comments No	

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
Comments MOD is a stakeholder in marine development control/licensing of marine energy development - as such it would be appropriate for it to have representation in the stakeholder group identified.	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
<p>Comments None</p>			

Evidence

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?
Comments The evidence list included at para.107 should include statutory consultation zones published under Town & Country Planning Circular 01/03.	

6	Could you help fill them, and how?
Comments No, although UKHO will be able to supply some marine data, it is assumed that the WAG will access these data through DEFRA under the DEFRA network marine data initiative.	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
Comments MOD has no preference in this respect but recognises that the development of management strategies for certain ecosystems/marine habitats or human activities in specific areas might make sub-national/local management strategies appropriate	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
Comments See comments at 7 above	

9	Are there different approaches that we could take?
Comments No	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
Comments			No

Engagement and consultation

11	Do you agree with this approach?
Comments Yes	

12	How do you think we can make best use of existing coastal partnerships?
Comments	

13	How else can we reach the public?
Comments Via organisations groups that use/have an interest in coastal areas.	

Any other comments

General comments.....

1) The identification of defence interests at para.18 seems entirely adequate at this stage – and we don't believe that more detailed descriptions of defence activities are required in this top level document.

2) Paragraphs 47 - 53 The interaction between terrestrial and marine environments is identified as is the need to ensure continuity between policy documents/management plans for both environments. It would be appropriate to place greater emphasise on the overlap of terrestrial management zones not associated with specific socio-economic or environmental coastal management plans/strategies. In the context of MOD onshore safeguarding interests there are a number of statutorily safeguarded land establishments such as aerodromes, explosive stores and technical sites which have designated statutory safeguarding zones (including Byelaw areas associated with ranges) some of which can extend over the marine environment. In addition to terrestrial policies/management strategies it would be appropriate for reference to be made to designated terrestrial management/consultation/byelaw zones extending over the marine area.

3) The UK Hydrographic Office (UKHO) is the MoD agency responsible for producing navigational charts and publications for the whole of the UK including Wales and, as such, is keen to ensure that we have access to relevant and up-to-date data for Welsh waters. UKHO would wish to be registered as a stakeholder (through MOD Marine Planning Coordinator) for any future consultations and would particularly wish to be involved in the development of any GIS record-keeping procedures or marine data collection programmes to ensure that appropriate data is shared in the interests of navigational safety. It may be desirable, in due course, to establish a simple MOU covering collaboration between UKHO and the Wales Assembly Government.

END

Thank you for completing this form.

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

Land and Development Group

Hugh Smith
Consents Officer
Stakeholder & Policy Team
Land and Development
hugh.smith@uk.ngrid.com
Direct tel 0113 2908235
Direct fax
Mobile 07920 278389

11 May 2011

www.nationalgrid.com

Submitted via email
marine@wales.gsi.gov.uk

Dear Alan,

Consultation on Sustainable Development for Welsh Seas: Our Approach to Marine Planning

Consultation response by National Grid

National Grid is pleased to have this opportunity to contribute to the Welsh Assembly Government's consultation on its intention to develop a national plan for the Welsh inshore and offshore areas by 2012/13.

In responding to the consultation document we have provided an overview of National Grid's operations for your information. We have responded to the questions posed and where references are made to the text we have endeavoured to use the paragraph numbers used in the consultation document.

We agree that, given the size of Wales' marine area, national inshore and national offshore marine plans should be developed. We also welcome the intention to develop sub-national marine plans to provide more detail at a 'local' level.

Introduction to National Grid

National Grid is an international electricity and gas company and one of the largest investor-owned energy companies in the world. National Grid plays a vital role in delivering gas and electricity to many millions of people across Great Britain in an efficient, reliable and safe manner.

Through regulated subsidiary companies, National Grid owns the electricity transmission network in England and Wales, operates the electricity transmission system throughout Great Britain, owns and operates the gas transmission network throughout Great Britain and four of the eight gas distribution networks delivering gas to some 11 million homes and businesses.

National Grid's primary duties are to operate, maintain and develop its networks in an economic, efficient and co-ordinated way and to facilitate competition in the supply and generation of

electricity and in the supply of gas. Pursuant to its licences, it is required to provide connection to and use of the transmission and distribution networks in a non-discriminatory and transparent way.

As an electricity transmission system licence holder National Grid also has a duty placed on it under Section 38 and Schedule 9 of the Electricity Act 1989 relating to the preservation of amenity. How National Grid meets this duty is set out in 'National Grid's commitments when undertaking works in the UK: Our stakeholder community and amenity policy'¹. This statement, which is applicable to works on both the regulated electricity and gas transmission system, also incorporates commitments to stakeholder and community engagement.

Through regulated and non-regulated subsidiaries, National Grid also owns and maintains around 20 million domestic and commercial meters, and a number of electricity interconnectors between Great Britain and other European countries.

National Grid has a Liquefied Natural Gas (LNG) importation terminal at the Isle of Grain and the short-range LNG gas storage facilities in Great Britain.

National Grid Carbon Ltd is a non-regulated, independent subsidiary of National Grid, created to develop carbon dioxide transportation infrastructure in the UK. National Grid's expertise in building and running safe and effective pipeline networks could play a critical role in helping the UK to meet its obligation to cut carbon emissions by 20 per cent by 2020 through provision of CO₂ transport services to support deployment of Carbon Capture and Storage (CCS) technology.

In addition National Grid Offshore Ltd has been established as a bidder for subsea electricity transmission assets in the Offshore Transmission licensing arrangements.

National Grid is therefore well-placed to comment upon the options for sub-national level marine planning, and welcomes the opportunity to respond to this consultation.

Question 1: Are there any other key features, resources or activities in Welsh seas that we need to take account of?

National Grid welcomes the inclusion of energy infrastructure as a key 'marine feature, resource and activity'. The consultation document is right to identify renewable energy technologies in the marine environment, all of which will need electricity connections to the terrestrial grid.

Given the intended 20-plus year life span of marine plans, consideration should also be given to CCS technologies which can store CO₂ at suitable locations below the seabed. This technology will make a contribution to the low carbon economy during the proposed plan period.

We are pleased to note that energy security is a consideration. The interconnectivity of the European energy network is increasing, and subsea electricity cables are providing means of moving electricity between countries, including Scotland, Wales, Ireland and the Isle of Man. In the future other sub-sea electricity cables will undoubtedly be developed around the Welsh coast and thought will need to be given to how and where they make landfall along a coastline, 70% of which is designated for its environmental quality (paragraph 13).

Paragraphs 13 and 24-27 identify environmental constraints and protected areas. Paragraph 13 notes that 30% of coastal waters are protected and we understand that a wider network of Marine Protected Areas (MPA) is being developed. Any future marine plans will need to carefully balance the demands of economic development and environmental protection. Consideration should be

¹ <http://www.nationalgrid.com/uk/LandandDevelopment/SC/Responsibilities/>

given to 'gateways' along the coast where infrastructure can approach and make landfall (e.g. electricity and communication cables; gas, oil and CCS pipelines). This has been successfully introduced in German and Dutch marine plans and it provides certainty and geographical focus for developers, whilst being explicit that such development will not be entertained outside of identified corridors. Development corridors and gateways will need to be distributed around the Welsh coastline, to help to spread the associated benefits and impacts of infrastructure.

Question 2: Are there other ways in which integration could be improved?

We agree with the vision for marine planning and the proposed approach, which are sensible. Integration and overlap between marine planning and terrestrial planning should address the aims of Integrated Coastal Zone Management (ICZM).

There will need to be clear integration between the Welsh Marine Plan and those of its neighbours (England, Ireland and the Isle of Man) to ensure that there is a consistency of approach towards infrastructure that passes through multiple jurisdictions.

Clarity will need to be provided with regard to the interface between marine planning and marine licensing, e.g. responsibilities of the Marine Management Organisation (MMO) for issuing harbours orders for non-fisheries harbours in Wales and how it will take advice from the Countryside Council for Wales (CCW).

Question 3: What sectors do you think need to be included in the governance arrangements?

The proposed governance arrangements seem to be similar to those being proposed by the Marine Management Organisation with regard to England's marine plans. We support the proposal that the Stakeholder Group will be formed from interested and relevant parties and that it will have an input into the Marine Evidence Group.

We recommend that as a minimum the following sectors should be included in the stakeholder group:

- energy (generation and transmission)
- communications
- fisheries
- aggregates
- navigation/shipping
- leisure and tourism, and
- ecological/environmental protection.

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

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?

The extensive list set out in paragraphs 101-104 seems to be sensible in terms of documentation.

We recommend that the Offshore Development Information Statement (ODIS) is taken into account. ODIS is published by National Grid Electricity Transmission plc (NGET) acting in its role as National Electricity Transmission System Operator (NETSO) and can be found at <http://www.nationalgrid.com/uk/Electricity/ODIS/CurrentStatement/>

The Statement is produced in accordance with the obligations placed on NGET under Special Licence Condition C4 of its electricity transmission licence. Amongst other things, this condition requires that NGET publishes the ODIS on an annual basis. The Statement provides a wide range of information relating to the possible development of both the offshore and onshore electricity transmission systems and provides a high-level desktop analysis of the various ways in which:

- the offshore transmission network can be developed to interconnect offshore generation with the onshore transmission network; and
- the onshore transmission network can be reinforced to provide the necessary connection and transfer capability to support the connection of offshore transmission networks.

The aim is to identify potential economic and co-ordinated options from this desktop analysis. It is envisaged that the Statement will provide a platform for more detailed analysis and evaluation to be performed regarding the optimisation of offshore transmission development.

The Statement will provide a useful source of information and commentary on possible future offshore transmission developments which will need to be considered within the context of the Welsh marine plans.

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?

National Grid is of the view that Wales needs to plan on a sub-national level, at least inshore. Whilst a national marine plan will give an overview and context, development has local impacts and marine plans will need to provide sufficient policy detail to frame 'local' development. An overarching national marine plan will provide context, but marine planning will generally be delivered at a 'local' level. Local detail will need to be provided to make the plan maps relevant to users, and this can only be achieved at sub-national level.

We agree with the Wales Coastal and Maritime Partnership (WCMP) proposals for three sub-national areas - South West Wales and the Severn Estuary, Pembrokeshire Coast line to

Caernarfon Bay, and North Wales, Ynys Mon and the Dee Estuary. These areas broadly represent areas of geographical activity and connectivity between the marine and terrestrial planning areas.

It is unclear whether more detailed 'hotspot' planning would related to positive or negative hotspots, i.e. environmentally protected areas, or areas where development is encouraged. It is suggested that the physical marine plan maps are consistent in their extent and detail so as to provide continuity across sub-national areas, and to avoid suggestions that plans consciously or unconsciously direct developers towards or away from certain areas.

If 'hotspot' areas are considered necessary, then these could be provided through detailed policies as found in terrestrial plans (e.g. special policy areas, or site-specific policies).

Question 10: Are there other countries or authorities that we need to have close or formal relationships with?

The Germans and Dutch are well-advanced with marine spatial planning in terms of plan-making, having had adopted plans for some years. It may be beneficial to develop links with the relevant government departments as opportunities to learn from other countries' systems, in terms of successes and mistakes.

It would also be useful to develop relationships with the Marine Management Organisation, Marine Scotland, and the Department of the Environment in Northern Ireland in terms of understanding their approaches to marine planning to allow a holistic approach on matters that are trans-national, such as infrastructure development.

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?

We welcome WAG's commitment to engaging fully and in a timely manner with stakeholders. The existing coastal partnerships and fora could be used to facilitate engagement on specific sub-regional issues.

The consultation document is correct in recognising that single issues are often more attractive to people than multi-issue local matters, but local/coastal residents more than most should recognise the interconnectivity of many marine activities and as a result they may be more accommodating of 'conflicting' matters.

Local Planning Authorities undertake a wide range of community and stakeholder consultation as part of their spatial planning remit and should have an extensive and detailed contact list for residents, community groups and user groups along the littoral.

I hope that the above comments are useful and if you have any queries or require any clarification then please do not hesitate to contact me.

Yours sincerely,

Hugh Smith
Consents Officer
Stakeholder & Policy Team
Land & Development
National Grid



1 Executive Summary

- 1.1 We welcome the consultation document 'Sustainable Development for Welsh Seas' and the draft guidance it sets out to inform the development of marine planning in Wales
- 1.2 **Seascape** - we are concerned that seascapes are not highlighted as a key resource in this consultation document in spite of the importance of seascapes as highlighted in the UK Marine Policy Statement.
- 1.3 **Shoreline Management Planning and coastal change** - the document should contain a specific section on shoreline management planning and how it interacts with marine planning.
- 1.4 **Integrated Coastal Zone Management (ICZM)** - there is little evidence to suggest that the ICZM Strategy - *'Making the Most of Wales'* has improved integration between marine and land planning. The ICZM strategy needs to be updated in response to the advent of marine planning. WAG could use the advent of marine planning to position Wales as a world leader in ICZM
- 1.5 **Partnership and public participation** - there are significant sections of the Welsh coast that have no established coastal partnership. For some of these situations it is suggested that coastal landscape and European marine site managers working in collaboration with NGOs may have a key role to play in encouraging participation and stakeholder involvement in marine planning.

2 Introduction

- 2.1 The National Trust is the UK's largest non-governmental landowner. We own more than 220km of coastline in Wales. We are also Europe's largest conservation charity, with a significant responsibility for managing countryside designated for its nature conservation, landscape or heritage interest. Our countryside and open space properties in Wales receive over 4 million visitors every year.
- 2.2 The Trust's experience of coastal and marine planning is based on the following:
 - the Trust's core statutory purposes of conserving and promoting access to the nation's natural and cultural heritage in perpetuity – we are both a steward of special and fragile places for ever, with decisions taken for long term public benefit, and a promoter and facilitator of access to these places.
 - the Trust is a major business, with an annual turnover of £400m derived from enterprises ranging from tourism to catering and including an extensive portfolio of let property. We have significant economic assets on the coast including coastal farms, small harbours, moorings, car parks and visitor facilities and will benefit from the development of an integrated approach to marine planning in Wales.

- the Trust is a developer with a continual programme of upgrading visitor facilities and other amenities including currently the development of a significant new visitor centre on the coast at Aberdaron on the Llyn peninsula
- the Trust is a major voice in public debate at national, regional and local levels, indirectly through the media and directly through interpretation and events at our sites – through our communication we have the potential to reach millions of people and promote greater understanding of the benefits of marine planning.
- the Trust is an authority on coastal land and resource management and use – we have decades of expertise in understanding and managing coastal land and undertaking our conservation work through the ‘careful management of change’

3 Marine Planning in Wales – General Comments

Seascapes

- 3.1 The advent of the marine planning system is very important for the future not only of our marine environment but also our coastal environment.
- 3.2 The seascapes and coastal landscapes of Wales are amongst the finest in the world. It is well known that people care greatly for our coasts and seascapes and see them as part of their national heritage. Access to and use of them is increasingly recognised as being hugely important to the nation’s health and well being; as is the fundamental contribution our coastal communities make to our economy and culture.
- 3.3 The consultation document needs to recognise seascapes as a key resource of the marine and coastal environment. We need to understand the character of the seascapes around the coast of Wales, determine which are of national importance and develop a mechanism within the context of a national marine plan for the Welsh inshore and offshore that affords our finest coasts and seascapes protection.
- 3.4 Guidance currently being developed by CCW (jointly with Natural England and Scottish Natural Heritage) provides the basis for seascape characterisation work for the Welsh coast. WAG should task CCW with completing a comprehensive seascape characterisation to inform the development of marine planning in Wales.
- 3.5 An action plan to recognise, characterise and protect seascapes and coastal landscapes in Wales is set out in the publication ‘a manifesto for coasts and seascapes’ a copy of which is attached to this consultation response.

Shoreline Management Planning

- 3.6 A key feature of the coast and inshore marine area of Wales is it’s vulnerability to coastal change. Although much of the hinterland is characterised by solid geology and steeply rising ground the coastal fringe is frequently formed of soft types of coast comprised of salt marsh, sand dune and low lying estuaries.
- 3.7 Over the past decade the National Trust has undertaken a phased and detailed approach to assessing the implications of sea level rise at our sites through our

Coastal Risk Assessment. The National Trust strongly supports an approach to shoreline management and marine planning that fully recognises the interaction and interdependence of inshore marine and shoreline geomorphology.

- 3.8 The interaction of geomorphological processes at the shoreline is given significant consideration within the Shoreline Management Plan review process currently underway in Wales. The development of guidance to inform marine planning in Wales should take full account of coastal change issues and draw on the findings of and policy options set out in the Welsh Shoreline Management Plans.

Coherence between land planning and marine planning

- 3.9 The ICZM Strategy - Making the Most of Wales' Coast has the potential to be an important building block for ensuring coherence between marine and terrestrial planning, although to date there is little evidence to suggest how integration is currently working or what is being achieved. The ICZM strategy 'Making the Most of Wales' needs to be updated in response to the advent of marine planning.
- 3.10 The advent of marine planning in Wales now provides a unique opportunity to position Wales as a world leader in ICZM
- 3.11 We believe that a long overdue review of TAN14 should be used to compliment this guidance document on the development of marine planning in Wales from the perspective of terrestrial planning.

Partnership and public participation

- 3.12 There are significant sections of the Welsh coast that have no established coastal partnership. In these situations it is difficult to envisage how public participation and stakeholder involvement in marine planning can be nurtured.
- 3.13 In north west Wales it is possible that a collaborative approach to marine planning could be developed under the umbrella of protected landscape and European marine site managers and their governing bodies.

4 Consultation Questions

Q1 Are there any other key features, resources or activities in Welsh seas that we need to take account of?

Seascapes - We welcome the fact that there is reference to seascapes in the recently published "UK Marine Policy Statement".

However we are concerned that seascapes are not highlighted as a key resource in this consultation document.

Seascapes should be recognised as a distinct resource within the marine environment, alongside other resources that are mentioned such as aggregates, energy and marine biodiversity

The *Manifesto for Coasts and Seascapes* attached to this response highlights a number of attributes associated with seascapes, not least the contribution that the coasts and seascapes of Wales make to the economy and culture of our coastal communities. The manifesto sets out a number of clear actions that need to be taken around recognition of seascapes, defining their character and establishing a means to protect them with the context of developing marine planning in Wales.

The Welsh Assembly Government should require CCW to complete a seascape characterisation of the coastal and marine areas of Wales based upon a newly developed seascape characterisation methodology.

Shoreline Management Planning - The current work being undertaken under the review of shoreline management plans in Wales is highlighting the nature and extent of the vulnerability of the coast of Wales to coastal change, particularly in response to climate change induced sea level rise and an increase in coastal erosion and flooding.

The processes that drive coastal change such as the availability of sediment or wind and wave action are overwhelmingly influenced by the marine environment.

The document *Sustainable Development for Welsh Seas* should contain a specific section on shoreline management planning and how it interacts with marine planning.

Q2 Are there other ways in which integration could be improved?

We believe that a long overdue review of TAN14 should be used to compliment this guidance document on the development of marine planning in Wales.

In addition we would encourage WAG to support an integrated approach to management planning for European Marine Sites and coastal protected landscapes where they share common boundaries. Examples of this are emerging, most notably in Northumberland and the document *Coastal Protected Landscapes and Marine Planning* contains a case study of how this has been achieved.

We believe that WAG could incentivise coherence between terrestrial and marine planning through offering planning grants that are conditional on co-operative working and a clear demonstration of how integration is being delivered through plan making processes.

We also suggest that the Assembly Government support training for local authority officers and senior members in marine planning and its integration with terrestrial planning. As practice develops we suggest that the Assembly Government should also facilitate the dissemination of good practice and the sharing of experiences.

Q3 What sectors do you think need to be included in governance arrangements?

The consultation document recognises that more than half the Welsh coast is designated either as National Park, as an Area of Outstanding Natural Beauty or as Heritage Coast.

We believe that coastal protected landscapes and European Marine Site managers and their governing bodies and related non-governmental groups can become a key tool for promoting an integrated approach to sustainable management of our coasts and seas at the advent of marine planning in Wales.

This approach may be of particular benefit on sections of the Welsh coast where no formal coastal partnership exists for example in northwest Wales. In this example it would be of benefit to WAG to explore how they might support collaboration between the coastal protected landscapes of Snowdonia, Llyn and Anglesey to inform the development of marine planning.

Q4 What other Welsh documents do you think need to be taken into account and why?

The World Heritage Site Management Plan for the Castles and Town Walls of Edward I in Gwynedd (Cadw 2004)

The management plan outlines the importance of the coastal locations of these internationally important defences. It also identifies some of the most significant elements of their settings, including marine and coastal views.

The UNESCO World Heritage Convention could be added to the list of international documents at paragraph 99. This sets out international obligations in relation to the identification and protection of World Heritage Sites.

Q5 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?

The lack of seascape character assessment is a serious data gap at present – see answer to Q1 above.

Shoreline Management Plans contain significant data sets that are needed in order to plan for the Welsh marine area

Q6 Could you help fill them and how?

The National Trust would welcome the opportunity to collaborate with WAG and CCW in the development of a seascape character assessment for the Welsh marine area.

Q7 Do you think we need to plan on a more sub-national level?

It will be vital to be able to plan at a sub-national level in busy areas of the marine and coastal area.

Q8 If you do what approach would you like us to take to sub-national marine planning and why?

The level of detail required around for example estuaries that include ports and harbours is likely to be greater than other areas. The National Marine Plan for Wales can include 'Insets' to develop more detail where required – a common and transferable technique frequently adopted in terrestrial planning.

It is important that sub-national marine planning does not distract attention from the delivery of marine planning at the national level. Because of the time and resources that will be needed for the production of detailed sub-national plans, it may be preferable that the initial marine plans for Wales signal the intention that detailed planning will be carried in specific areas rather than waiting until they can contain the detailed plans for these areas. As detailed plans are developed they can be incorporated into the national plan when it is reviewed.

Q9 Are there different approaches that we could take?

See Q8 above

Q10 Are there other countries or authorities that we need to have close or formal relationships with?

WAG will need to work with UK government, Isle of Man Government, the MMO in England, the government of Eire and the European Commission with respect to the Marine Strategy Framework Directive

Formal contact may be required with UNESCO because of the contribution that coastal locations makes to the setting and significance of the Castle and Town Walls of Edward I in Gwynedd World Heritage Site

Q11 Do you agree with this approach?

The National Trust supports the intent captured within the consultation document to encourage stakeholders and communities to engage in marine planning

Q12 How do you think we can make best use of existing coastal partnerships?

The coast of Wales is only partly covered through existing coastal partnerships. We have set out in our answer to Question 3 a specific opportunity that could be explored to fill a significant gap in the coverage of existing coastal partnerships.

Q13 How else can we reach the public?

Public engagement in identifying and prioritising the issues to be addressed in marine planning may most realistically be achieved through the use of focussed market research techniques to supplement an open consultation process. Experience in terrestrial spatial planning suggests that it is difficult to achieve widespread public engagement on strategic planning.

National Trust
10 May 2011

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name				
Organisation	Natural England			
Address				
E-mail address				
Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector	✓		
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group			
	Individual			
Are you happy for your details to be published in the summary of responses?	Y	✓	N	

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		✓	
<p>Comments</p> <p>The broad categories used are consistent with those given in the Marine Policy Statement and can cover all activities and resources.</p> <p>It is not clear whether Carbon Capture and Storage is included within the Energy sector, and it would be helpful to add this for clarity.</p> <p>It is welcome that marine ecology and biodiversity is included as a general consideration, with MPAs being highlighted as just one method of delivery, although it would be useful to see more about the state of the environment more widely. An ecosystem based approach is essential to the success of marine planning and this requires a greater depth of understanding about the physical and chemical processes in our seas as well as the ecology.</p>			

Integration between marine and terrestrial planning regimes

2

Are there other ways in which integration could be improved?

Comments

It would be useful to have more detail on how cross border integration will be achieved. Lessons drawn from other planning initiatives around the world show that this is the aspect of planning that has not been effective in any other process. As the UK is undertaking marine planning under several authorities, in a variety of different ways (national versus regional plans) and over differing timescales, the interaction of these planning processes is key to delivering an holistic and strategic direction for UK waters as a whole. As we embark upon developing the planning process in each country, there is a unique opportunity to link these, both temporally and spatially as well as sharing lessons learned and best practice. This does not preclude each authority bringing its own style and flavour to the process. This is particularly relevant for cross border estuaries (notably the Dee and Severn) where current management is holistic and not constrained by political boundaries.

Integration is also essential away from the coast and in the offshore area. Key transport routes, telecommunication cables and energy pipelines are just a few of the uses that may cross several national boundaries and will rely on join up between plans to provide security for the future.

As well as the terrestrial planning system, there are a number of other plans covering some of the marine area, e.g. estuary management plans, plans for designated sites etc. It would be pertinent to mention how these may be utilised in marine planning.

The process for developing marine plans in the Welsh marine areas

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

Comments

It is essential that all sectors are represented somewhere in the governance arrangements to ensure that the planning process is fair and open. From Natural England's experience in Marine Conservation Zone (MCZ) planning, the number of stakeholders that will be relevant is likely to be very large and this is difficult to manage. For some sectors, e.g. energy, shipping, aggregates, cables there are recognised and accepted industry representatives who can provide a direct and effective link between the planners and the range of operators within the sector. This works well on a stakeholder group as one person can genuinely represent many. However some sectors eg. leisure and tourism, fishing (due to the many types and scales) are not so well defined and are too complex to have one representative. Indeed, there may be the case where geographical representation is required. The MCZ projects addressed this by breaking the stakeholder groups down into regional hubs which was useful in engaging the smaller and/or less coherent sectors and also for involving local communities.

As a minimum, the sectors described in the MPS and in this consultation document should form the core stakeholder group. As described above this may need to be broken down into (or added to) geographic or more detailed sector sub-groups to ensure the process is fully inclusive, whilst ensuring that groups do not become unwieldy.

It is very important that cross border stakeholders are represented from all relevant sectors where these are not already covered by those within the Welsh area. Natural England will provide statutory advice on the potential impacts of the plans on nature conservation interests in the English Inshore marine area and so it would be prudent to involve us as a key partner in the planning process and sustainability appraisal to ensure that this advice is requested and included in a timely fashion.

Again based on MCZ project experience, the quantity of evidence to be evaluated is likely to be very large. The evidence group will therefore need to be diverse and be able to call upon specialist knowledge and interpretation skills when needed. The group could be divided into topics to manage the workload, with a core team having oversight of the evidence base and its application.

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
		✓	
<p>Comments</p> <p>There is no mention of the MCZ project outputs in the documents. The information compiled by the project in and surrounding Wales will hopefully address many of the data gaps for planning.</p>			

Evidence

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?
Comments As above – the MCZ planning process has already reviewed the evidence base for the area. Whilst additional information will be required for planning, the MCZ information will be a great asset to start off with.	

6	Could you help fill them, and how?
Comments	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
<p>Comments</p> <p>We welcome the approach suggested of integrating inshore and offshore planning within one process.</p> <p>The need for sub-national planning will depend on the approach and amount of detail which is applied to the national plans for Wales. Natural England does not have particular view as to how Wales should structure their plans other than to support the best outcome for sustainable use of the seas.</p> <p>Avoiding several tiers of planning policy and plans may be preferable to many sectors, as this will simplify their interaction with the process and also make future consenting decisions less complex. Having enough detail to make the national plans all-encompassing should be possible given the size of the Welsh marine area, avoiding the requirement for further sub-national plans. In this case, the national plans would have to be geographically prescriptive enough to allow decisions to be made at a local level. The Welsh area is similar in size to some of the English plan areas, so taking a similar approach as the MMO in producing a single tier of plans with varying levels of detail will help join up across the borders. For example, inshore areas, such as estuaries and busy coastal ports, could have significantly more detail in the policies (including more prescriptive spatial measures) than offshore areas, within the same plan.</p> <p>Alternatively, if the approach to the Welsh national plans is similar to the Scottish national plan (currently in pre-consultation draft), additional sub-regional planning would be very advantageous, as this high level tier would not be sufficiently detailed to allow more local decision making.</p>	
8	If you do, what approach would you like us to take to sub-national marine planning and why?
<p>Comments</p>	
9	Are there different approaches that we could take?
<p>Comments</p> <p>As outlined above, having a single tier with varying levels of detail could provide a straightforward alternative to having two levels of planning or a very detailed national plan.</p>	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
<p>Comments</p> <p>Engagement with countries slightly farther afield which have a fishing interest in the Welsh area, such as Belgium, France and the Netherlands, would be appropriate. Scotland is another obvious neighbour ; though not directly bordering Welsh waters, there are a number of common interests around the Irish Sea which would favour join up.</p> <p>In addition to the Government and planning authority level integration, engagement with other organisations and groups across the borders would be useful, such as Natural England, English Heritage, Environment Agency, English Local Authorities and coastal management groups. Whilst the British-Irish Council is the formal mechanism for join up, it is unlikely to extend beyond diplomatic relations into the more technical elements of the planning process, so less formal relationships between marine management and planning authorities in each country will be needed on a more day-to-day basis.</p> <p>In addition to the general join up across borders on individual plans, it would be very helpful for the planning authorities in each country to discuss the wider implications of their various plans. Strategic management of the whole UK marine area should be achieved through the implementation of the full suite of plans. An overview of how this cumulatively works towards the UK targets such as those for the development of renewable energy would be a useful check and endorsement of the success of marine planning.</p>			

Engagement and consultation

11	Do you agree with this approach?
<p>Comments</p> <p>Using existing groups and mechanisms is a very sensible approach to begin with as it is a quick way to access large groups of stakeholders who hold much relevant information. Using established organisations and partnerships adds credence to the process as many of these have spent many years building trust and buy-in from their members. Groups like the Severn Estuary Partnership will be key to understanding the issues in complex and busy areas and in ensuring cross border integration.</p> <p>Caution should be applied, however, in assuming these groups are universal and represent the full range of stakeholders. The MCZ process showed that a number of other stakeholders came forward during the projects that had no affiliation with the existing coastal groups. Existing groups can be born out of a single issue and have a membership that reflects this. Many are very geographically specific and some areas will not be covered by any group. Many of the larger industry stakeholders are also not represented, preferring direct engagement .</p>	

12	How do you think we can make best use of existing coastal partnerships?
<p>Comments</p> <p>With all groups and partnerships it is essential that their role in the process is well understood by all, so that it is clear what responsibility they have, who they are representing and when. This can be flexible and may vary depending on the stage of planning and the topic of discussion.</p> <p>The existing coastal partnerships vary in their membership and geographical coverage and will not necessarily provide a uniform service. As stated in question 11 above, however, they have put much resource and time into building relationships and gaining trust and this could be a valuable asset to the planners. The partnerships should be engaged at an early stage to ensure that their capacity and coverage is well understood and used effectively.</p>	

13	How else can we reach the public?
<p>Comments</p> <p>A variety of techniques were used in the MCZ project to target different groups and individuals including:</p> <ul style="list-style-type: none">- Media – local, regional and national newspapers and websites- Email direct to stakeholder lists and via clubs and organisations- Workshops, held in strategic local locations and at different times of day to ensure accessibility – particularly useful for those who want to attend but not on work time	

and for those who cannot take time off or afford to travel far etc.

- One to one conversations – time consuming but very productive if targeted at those individuals who have much to contribute but not through more organised channels.
- Web portal via project websites to gather views and information.

Any other comments

none

Thank you for completing this form.

marine@wales.gsi.gov.uk
Marine Policy Branch
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

Our Reference: NWCF11 – MPWales

11th May 2011

Dear Sir or Madam,

Consultation on Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales – The North West Coastal Forum¹ response

On behalf of the North West Coastal Forum I would like to thank you for the opportunity to comment on this document.

The North West Coastal Forum is a not-for-profit multi-sector partnership which aims to promote and deliver integrated coastal zone management in North West England to secure the long-term sustainability of the region's coastal zone. As such we have a strong interest in the development of marine and coastal policy at national level and how that will be applied at both regional and local level within the North West and adjacent regions including Wales and Scotland.

Please find below a detailed response to the consultation.

If you need further clarification regarding any of the matters raised please do not hesitate to contact me.

Yours faithfully,



Caroline Salthouse
North West Coastal Forum Secretariat

¹ *This response represents the consensus view of the North West Coastal Forum's Management Board but please note that the Marine Management Organisation sit on the Board as observers only and their views are not reflected in the comments below.*

Current members of the North West Coastal Forum are: British Destinations; Cheshire West and Chester Council; Cumbria County Council; English Heritage; Environment Agency; Halton Borough Council; Irish Sea Conservation Zones Project; Keep Britain Tidy; Lancashire County Council; Lancaster City Council; Liverpool City Council; Liverpool Bay Coastal Sub-group; Northern Coastal Sub-group; Peel Ports (Mersey); Natural England; The National Trust; North Western IFCA; PISCES; RSPB; Sefton Borough Council; United Utilities; University of Liverpool; UK Beach Management Forum; Warrington Borough Council, Wirral Borough Council.

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

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Your Details

Name	Caroline Salthouse on behalf of the Management Board of the North West Coastal Forum			
Organisation	North West Coastal Forum			
Address	c/o Sefton Council, Ainsdale Discovery Centre, The Promenade, Shore Road, Ainsdale-on-Sea, Southport PR8 2QB			
E-mail address	caroline.salthouse@sefton.gov.uk			
Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector			
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group			✓
	Individual			
Are you happy for your details to be published in the summary of responses?	Y	✓	N	

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
			✓
Comments Seems to be a comprehensive list of features, resources and activities			

Integration between marine and terrestrial planning regimes

2

Are there other ways in which integration could be improved?

Comments

We note that much is made of the role of the ICZM strategy in helping to achieve integration between marine and terrestrial planning regimes. We welcome the focus given to ICZM at this critical land/sea interface however the strategy - Making the Most of Wales' Coast - was published in March 2007 and while the overarching strategy still holds true much of the text is now out of date, particularly where it references the then in development Marine and Coastal Access Act 2009. In addition the key objectives to take the COAST vision forward and to promote ICZM at the Wales, regional and local levels are stated 'for the next 4 years' implying they have already come to an end. It would be useful to know what has been achieved and what still remains to be done in determining how much this will assist the marine planning process. While we appreciate WCMP has carried out work on ICZM indicators and this information is available separately it could assist those involved in terrestrial and marine planning at sub-regional and local level in particular if 'Making the Most of Wales' Coast' was brought up to date and/or a monitoring report produced.

An important point to raise is the question of which system – terrestrial planning or marine planning – takes precedence if there is discrepancy or even conflict between the two. While all future planning policy on both land and sea must take account of the Marine Policy Statement and policies at the coast should be therefore be complementary, terrestrial planning is not necessarily on the same timeline for revision as marine plans and scale differences may also impact here and so situations could arise whereby there is a discrepancy between the two.

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
<p>Comments</p> <p>All those with a regulatory, enforcement or sector / land management role in both Welsh waters and those immediately adjoining Welsh waters need to have a mechanism whereby they input to the governance arrangements.</p> <p>We welcome in this respect the proposal for a Stakeholder Group and would urge that, where appropriate, cross-border interests are represented on this. The Stakeholder Group should contain representatives from the broadest possible spectrum of stakeholders. It has become clear during the development of proposals for marine conservation zones that this is quite difficult to achieve in reality, with some sectors wanting and needing a voice but struggling to find the appropriate representatives, i.e. those who have all the knowledge across that sector needed, or the time to engage with the process particularly if they are small enterprises. Membership of the Stakeholder Group therefore needs to be flexible, able to adapt to future needs and to accommodate changes in representation as the plan process matures.</p> <p>We also note and welcome the proposal for a Marine Evidence Group as good policy needs to be based on sound science and reliable data. Membership of this group is not specified but again we would urge a flexible approach in the establishment of the group's membership to enable the group to adapt as needed in terms of its ability to assess and review available evidence for marine planning.</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
<p>Comments No comment</p>			

Evidence

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?
Comments No comment	

6	Could you help fill them, and how?
Comments No comment	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
<p>Comments</p> <p>In areas of more intense activity it may well be necessary to plan at a sub-national level.</p> <p>Paragraph 120 of the consultation document indicates that it is not legally possible to have separate regional or local marine plans however it is possible to have separate regional or local marine plans, as long as all these plans when put together give complete coverage of the marine planning region. S.51 of the Marine and Coastal Access Act (Marine plans for marine plan areas) clearly states:</p> <p>(1) A marine plan authority may prepare a marine plan for an area (a “marine plan area”) consisting of the whole or any part of its marine planning region.</p> <p>(2) Where an MPS governs marine planning for a marine planning region, the marine plan authority for the region must seek to ensure that every part of the region is within an area for which a marine plan is in effect.</p> <p>This is an important point because a sub-national approach with separate plans might well be beneficial at the national boundaries. It would enable updates to be done if needed to those local plans e.g. for the Dee and Severn, to align with English plans for the adjacent areas without needing to update the whole Wales Marine Plan. This could be particularly important at the start of the process as the timetables for marine planning and Wales and England are different and the Welsh plans will be in place first in the cross border areas. By the time the English plans are drawn up it may be that new evidence has come to light which could mean that the English plans would not align at the boundary, necessitating an early update to the Welsh plans for the cross border areas. This may not happen but it might be prudent to plan for such an eventuality.</p>	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
<p>Comments</p> <p>The process will already be complex, with 2 plans being developed (inshore and offshore) at the same time. The consultation states in paragraph 120 that planning at a more local level would take place after the national plans are developed and adopted but that these local or regional plans will be embedded within the national plans at a later date, necessitating some planning process overlap. However there is no indicative time frame given for development of the sub-national plans. There is a danger of stakeholder engagement fatigue and consultation fatigue. There is also a danger of stakeholder disengagement through mistrust of the process e.g. suspicion that the overarching national plans agreed initially will be substantially altered to that stakeholder’s disadvantage when more detailed planning takes place further down the line.</p>	

Ideally, to avoid both the above problems, the process for planning should encompass both sub-national and national planning at the same time – in particular re the busier inshore national plan area - however we recognise that with the timescale for development of the 2 national plans this is unlikely to be feasible.

For sub-national plans each sub-national area should have a list of key stakeholders scoped separately from the stakeholder work for the national plan. When meetings with these stakeholders are held these should be in a location appropriate to the area under discussion.

9

Are there different approaches that we could take?

Comments

See comments in 8.

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
		✓	
<p>Comments</p> <p>If countries other than those mentioned in the consultation have activities in Welsh offshore or inshore waters (for example fishing fleets from other EU countries) then those nations may need to have involvement in marine planning which could affect those activities.</p> <p>We welcome the proposal in paragraph 124 to work jointly with MMO and cross-border stakeholders on the Severn, and, particularly for us, the Dee. We would recommend that on the Dee Estuary the English local authorities on the estuary are formally engaged in the plan process – Cheshire West and Chester Council and Wirral Borough Council, together with the Environment Agency, Natural England, English Heritage, North Western IFCA and the Maritime and Coastguard Agency. The North West and North Wales Coastal Group and its sub-group, Liverpool Bay Coastal Sub-group should also be engaged in the process.</p> <p>While not requiring a formal relationship the North West Coastal Forum, the North West of England’s regional coastal partnership, would welcome closer contact and engagement. There is also the Wirral Coastal Partnership. These are the only two coastal partnerships with interests in the Dee Estuary.</p>			

Engagement and consultation

11	Do you agree with this approach?
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Comments

We strongly support the proposal to use and support existing local fora as much as possible for community engagement, and the proposal to establish additional multi-issue local coastal fora where there are geographic gaps such as North Wales. We would urge that where new groups are being created they are focussed on ICZM and have a long-term purpose, not merely be task and finish groups for the development of marine plans, as the broader scope is likely to be of long-term use across a range of policy areas.

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

Comments

Existing coastal partnerships have extensive contact networks, not only their own databases but links in to other networks where information is circulated. They are trusted sources of information They have a wealth of knowledge of people, sectoral issues and data sources, have access to networks of experts used to thinking 'in the round' and providing sound advice on policy issues and the partnership officers are usually skilled at sourcing and circulating information in the right format for a given audience and in organising events, seminars, workshops, etc., and are generally seen as providing neutral forums for sometimes contentious issues to be discussed. Each coastal partnership will have its own strengths and skills. Early engagement with each partnership to explore what services that coastal partnership can provide to the marine planning process is advised. The partnerships will almost certainly need funding to cover this additional work but as they are (usually) non-profit and the knowledge base of each is unique it is likely to be relatively low cost and best value.

Please note also that the North West Coastal Forum does have contacts in Wales and may be prepared to undertake engagement work in North Wales if needed as we already provide the secretariat for the Liverpool Bay Coastal sub-group so do already do some work in North Wales. However we do not claim to have a comprehensive local database for North Wales contacts (unlike the local contact databases held by local coastal partnerships in Wales such as Pembrokeshire and the Severn) as our main focus is the English region.

13	How else can we reach the public?
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Comments

Information in libraries, newspapers, perhaps even radio and TV advertising as this is a significant national issue for Wales and a significant opportunity for public engagement. This may also help with the tight timescale for developing the national plans.

Any other comments

The North West Coastal Forum is a not-for-profit multi-sector partnership which aims to promote and deliver integrated coastal zone management in North West England to secure the long-term sustainability of the region's coastal zone. As such we have a strong interest in the development of marine and coastal policy at national level and how that will be applied at both regional and local level within the North West and adjacent regions including Wales and Scotland.

Although technically our remit covers only the English waters of the North West coast from the Solway Firth to the Dee in reality our interests include both Welsh and Scottish waters in the Dee Estuary, Liverpool Bay and Solway Firth as these areas encompass natural systems which function across administrative boundaries. They also include high levels of economic activity which again may not be constrained by an administrative boundary, so an integrated management approach, including marine planning, should include consideration of this wider geographic area.

Thank you for completing this form.

**Response by Ordnance Survey
to the Welsh Assembly Government Consultation on
*Sustainable Development for Welsh Seas***

1. Background

Ordnance Survey is the national mapping agency of Great Britain. We maintain the definitive geographic framework of Great Britain, as well as capturing and making available a wide range of geographic information. Our Director General and Chief Executive is official advisor to the United Kingdom Government on all aspects of survey, mapping and geographic information. Ordnance Survey is a Government department in its own right with Executive Agency status, and since 1999 has operated as a Trading Fund. Ordnance Survey is accountable to Parliament through Ministers in the Department for Communities and Local Government.

Ordnance Survey's digital database of the surface of Britain is known as the National Geographic Database (NGD). It is from this database that the OS MasterMap[®] product portfolio is produced and, from which, all of our other mapping and digital products and services are derived. The NGD is kept up to date on a daily basis with at least 5 000 changes being added to the database each day. It forms a valuable resource for Scotland and the whole of Great Britain.

Ordnance Survey has long-standing relationships with Public Sector organisations across Wales. The entire public sector in Wales now has access to a wide range of Ordnance Survey mapping products with enhanced data sharing rights through the newly-launched Public Sector Mapping Agreement (further details in Annex A).

As part of our normal data collection activities, our surveyors record and maintain the location of more than 450 million uniquely identified geographic features across Great Britain, representing real-world information down to individual address, street and building level.

2. Response

Ordnance Survey welcomes the opportunity to respond to this consultation paper. We will confine our response to Question 5 of the consultation and an issue related to the data requirements and specification required to effectively plan for the Welsh marine area.

Qu.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?

Paragraph 49 includes a proposal for Marine plans to extend to the Mean High Water mark. Ordnance Survey's large scale data and mapping, which the Welsh Public Sector has access to via the Public Sector Mapping Agreement (see Annex A), includes representation of the Mean High Water (MHW) and the Mean Low Water (MLW) lines in Wales; together with the Normal Tidal Limit (NTL) for tidal rivers. We are unaware of any other organisation having a consistent record of the MHW and MLW lines in Wales and therefore suspect policy makers may seek to use Ordnance Survey's data as its reference for these boundaries.

Ordnance Survey's information on Mean High Water and Mean Low Water was originally collected over an extended period of time, primarily between the 1960's and 1980's, and has since been subject to our normal revision policies using a combination of both photogrammetric and ground survey methods.

As with all dynamic boundaries, tide line change can be difficult to identify. The degree of natural coastal change and associated tide line change is affected by the particular coastal environment, ranging from constantly changing sandbanks to the much slower effects of erosion and deposition on 'harder' coastlines. Man-made changes to tide lines are normally associated with construction projects such as new ferry terminals, sea defences and land reclamation.

Ordnance Survey endeavours to reflect all significant tide line changes in its data but, in practice, our knowledge of such change is incomplete. However, where change is associated with major natural landform change or new and altered man-made structures, tide lines are updated as an integral part of our normal survey activity. We typically undertake 150km of tide line update in Great Britain per year.

As such, although Ordnance Survey has an annual programme of selected tide line revision and endeavours to ensure data recorded is as accurate as possible, policy makers should be aware of possible discrepancies between the depicted and actual position of a tide line, in this case the Mean High Water line, at any given coastal location.

Due to the dynamic nature of the coastline and the potential inconsistencies this can bring about between a mapped tide line and the actual position of the same tide line, policy makers seeking to ensure consistency when defining extents in relation to tide lines, may wish to consider adopting a standard definition of that tide line – for example, Mean High Water as mapped by Ordnance Survey.

In relation to this issue, we also notice that use of the Mean High Water and Mean Low Water lines as intended for Welsh Marine planning appears to be at odds with the recently published UK Marine Policy statement (which can be accessed @ <http://archive.defra.gov.uk/environment/marine/documents/interim2/marine-policy-statement.pdf>). The UK Marine Policy Statement appears to use the definitions from the Marine and Coastal Access Act so marine plan area boundaries will extend up to the level of mean high water spring tides while terrestrial planning boundaries will generally extend to mean low water spring tides. This definition apparently applies to all UK waters.

Ordnance Survey did engage with the Department for the Environment, Food and Rural Affairs (Defra) during the Bill drafting stages and has again since to raise awareness of the fact that, as far as Ordnance Survey is aware, there is no national dataset which shows Mean High Water Springs and Mean Low Water Springs tides for the whole of the UK. As such, whilst we understand why the Welsh Assembly Government intends to use Mean High Water and Mean Low Water lines as the boundaries for its Marine planning and can see the benefits of doing so, we believe it is important that there is consistency in this area.

Ordnance Survey is in the process of engaging with Defra on this matter and would welcome participation from the Welsh Assembly Government in order to ensure that any potential solution meets the requirements of both the UK and Welsh Assembly Governments.

We would be happy to discuss further the points raised in this response.

Appendix A – The Public Sector Mapping Agreement

The Public Sector Mapping Agreement is a new Agreement which provides the entire public sector in England and Wales with access to core geographic data produced by Ordnance Survey. Local and central government organisations, as well as NHS organisations, across England and Wales will now benefit from being part of the same collective agreement. The PSMA includes over 750 existing public sector organisations, with provision for 1,000s more, and will result in significant cost savings for the public sector and greater data sharing.

The new 10-year agreement replaces the previous data contracts in the form of the local government Mapping Services Agreement, the Pan Government Agreement for central government and the Greater London Authority mapping agreement. Current customers of these existing agreements have been able to sign up for the PSMA since February 2011, with more than 75% doing so ahead of the 1 April launch. Many more public sector organisations and groups not covered in existing agreements will be able to sign up and benefit from the PSMA. Potential new members include health bodies, town and parish councils, Welsh Community Councils and UK Search and Rescue organisations.

3. Further information and contact details

Ordnance Survey would be happy to discuss further the points made in our response if required.

The contact for this response is:

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We welcome correspondence
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Marine Policy Branch
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By email: 13th April 2011

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Dear Sir/Madam

SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

Thank you for the opportunity to comment on this consultation. Please find our comments below.

Specific comments

Typo: there are some instances (page 2 and page 3, Para 1) where reference is made to the “Marine and Coastal Act” (i.e. the word “Access” is omitted)

Para 5: Agree, but would add that Wales’ marine area is relatively small compared to the total UK area, which has implications for economies of scale and operational delivery

Paras 15-32: The marine features, resources and activities listed in this section are given in alphabetical order. We suggest instead that in the eventual plans there should be a division here, using (a.) main headings that itemise natural resources and features (i.e. the assets), each with (b.) subheadings listing the factors (including activities) that affect these resources. This would distinguish between the sources of value and the factors/activities affecting that value (including cases where factors affect more than one feature, and the nature of those relationships). Using this more structured approach, other factors would also emerge which are not currently identified (e.g. water column temperatures and acidification arising from climate change - some others are listed below).

We suggest using Welsh marine European Sites Management Schemes to help check that this ‘typology’ of features and factors is complete. The Management Schemes are good examples of integrated management plans, which, if implemented, will make a substantial contribution to the goals of MSP. We would anticipate them to represent subsections of the inshore plan, at least by reference.



Question 1

Para 19: We suggest that this should cross-refer to oil and gas exploration and exploitation. Clarification on how the plans will cross-refer to non-devolved functions would be useful.

Para 20: We suggest this should mention non-commercial fish stocks (which may be impacted as bycatch). As per the suggestion for paras 15-32, “fish/shellfish” would appear both a resource, and “fishing/shellfish harvesting” as an activity (i.e. a factor affecting the resource). Fishing is the single biggest factor, which is also potentially under the control of WAG, affecting sustainable management of the marine environment.

Para 20: We suggest that carbon capture and storage potential and engineering operations like coastal defence and capital/maintenance dredging should be included as factors.

Para 20: Land-based activities e.g. those contributing to diffuse pollution, can also affect the marine environment and accordingly should be included.

Para 21: Explicit reference could also be made to the archaeological resource

Para 40: New Zealand may also show good practice. There may also be cautionary tales to learn from, e.g. from some aspects of Baltic Sea management.

Para 43: Typo (‘be’ is missing)

Paras 49, 51: We welcome the principle of overlap in promoting integration across the intertidal zone, and would suggest that the mechanism of integrating terrestrial and marine planning across this overlap could be clarified.

Question 2

We suggest that the Assembly may like to use the opportunity afforded by MSP to review the WSP process in order that the two can be integrated across the foreshore area. Indeed, we suggest that perhaps what is needed in the fullness of time is effectively a fully integrated parent planning system for natural resource management on land and at sea – and the Natural Environment Framework seems the obvious parent system. Needs and any spatial consequences for development would then naturally emerge.

We are aware of potential issues with integration across the land/sea interface that have in the past arisen from different stages in the planning processes (CPA/FEPA/Electricity Act, T&C Planning). This bi-partite approach can make it impossible for authorities to consider in-combination effects on the marine environment.

Para 53: We suggest that fisheries should be integrated within (a.) the proposals and (b.) operationally within MSP.

Para 91: It is important for this group to maintain independence, credibility and transparency. Wales’ local records centres have key roles to play in terms of records collation and processing.

Question 3

Page 25: Just to note that National Park Management Plans have equivalent status as community strategies within National Park areas.

Para 107: We suggest that the evidence should be associated with the resources, and the factors affecting the resources (please see previous comment on paras 15-32), since without evidence, we cannot know the state of the resources or the intensity/impact of activities.

Para 113: We welcome this sentiment.

Para 114: We agree that precautionary principle is essential and welcome the adaptive management statement - this may also imply variable site boundaries and a much wider and more dynamic series of protection measures. Recognising this will be key to avoiding the constraints that are placed on achieving conservation in the terrestrial environment.

Question 4

Page 27: We believe that Regulation 33 is now superseded by Regulation 36 of the 2010 Regulations.

Question 6

The Recreation Audit for south-west Wales is a unique coastal database which crosses the coast and reaches into the sea, for recreation, which usually starts on the land and covers wide areas of sea this is a very valuable approach and thought should be given to extending it Wales-wide. At the very least the data here gives us a baseline to assess trends from but increasingly it is providing trend and significance information.

[\(http://rawg.gobase.co.uk/\)](http://rawg.gobase.co.uk/)

The management of recreation on land is usually controlled through land ownership systems. The absence of these on the water means that legislative and licensing systems from national government (as opposed to local government because of the need to have a consistent approach across local boundaries) is much more important. When the recreation activity is commercial with the accompanying pressures and intensification, the need for licensing becomes essential – at the moment commercial craft licensing covers only safety issues. There is a need for a system within MSP, at least in sensitive marine areas, to introduce licences with environmental behaviour criteria and ceilings for the number of operators, numbers of trips etc. Monitoring and enforcement of activity on water as opposed to static marine development is a continuing and potentially very expensive problem to solve but a licensing system is an essential step to being able to influence behaviour in sensitive areas inshore.

Question 7

We believe that planning should take place down to the level of detail appropriate to achieving the desired outcomes. For example in some situations a general policy may be sufficient to achieve the desired outcome, whereas in other cases a specific prescription concerning a particular site or development may be required. Ideally, planning will also occur to a level that allows Wales' plan/s to mesh seamlessly with adjacent marine plans. This matching will depend also on the MMO's approach to cross-border issues and on the timing of MMO plans.

Question 9

Another approach would be to take a thematic approach to planning, and allow themes a sub-regional expression. This approach would be based on natural asset/income management including renewable energy/fishery security of supply. This approach would give us more scope to be proactive rather than reactive – it has been expressed as “the approach of looking at the ecosystems we need rather than the ecosystems we have”

(WAG, 2011, “A Living Wales – Progress Report February 2011 Statement of Next Steps and Principles”). The problem with being reactive is that it only admits of incremental change and is usually weighted towards short term commercial interests rather than towards long term social outcomes.

Question 10

There are also timing implications for the process where plans are adjacent.

Question 11

We welcome the statements in para 130.

Question 12

Coastal fora/partnerships would benefit from financial stability through core support and project-specific grant from the Assembly Government. Fora/partnerships will not just be valuable in the initial phases of MSP (e.g. running campaigns and facilitating debate on issues as a neutral party); there will be ongoing requirements as plans are adapted and as projects, monitoring etc are implemented, in consultation with local communities.

The Assembly could also consider inviting coastal partnerships to tender for specific aspects of inshore planning (i.e. themes/sections within the Wales inshore plan).

Coastal fora do not exist for the whole coast of Wales, but the Relevant Authorities Groups and project officers for European Marine Sites could also be financially supported to help fulfil these additional roles. Implementation of SAC management schemes is the only approach which is demonstrably achieving integration of management across the land/sea interface and we suggest that this expertise should be used in the context of MSP.

I hope these comments are of use. Thank you again for the opportunity to comment, and if I can clarify in any way please do not hesitate to contact me.

Yours faithfully

Michel Regelous
Conservation Policy Officer

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Type (please select one from the following)	Local Authority	Yes			
	Government Agency / Other Public Sector				
	Higher Education / Further Education / School				
	Professional Body				
	Other Interest Group				
	Individual				
Are you happy for your details to be published in the summary of responses?		Y	Yes	N	



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WAG CONSULTATION
Sustainable development for Welsh Seas:
Our approach to marine planning in Wales

RESPONSE BY THE PEMBROKESHIRE COASTAL FORUM

1. The PCF appreciates the opportunity to comment on the consultation document.
2. The response has been prepared following a meeting of the Forum's marine planning group. It focuses on the role that the Forum might be able to play in the marine planning process, making use of its ability to bring together a wide range of stakeholders in a neutral forum and to raise awareness of coastal and marine issues amongst the wider community, both of which it has been doing for more than 10 years.

ENGAGEMENT AND CONSULTATION – QUESTIONS 11, 12 & 13

3. In answer to Question 11 the PCF welcomes the approach set out in paragraphs 127 - 130, in particular the intention to build on the work of existing local fora. However, a note of caution is needed with respect to the extent of public consultation that is achievable in the relatively small amount of time available for preparing the plan. The Forum's experience is that it takes considerable time [years] and resources [especially staff] to make a real impact. It will be important, therefore, for WAG to be a lot clearer as to its realistic ambitions for engaging with local communities. It is also important that local fora have a sustainable future not just in relation to the formal process of marine planning.
4. In answer to Question 12 – how can we make best use of existing coastal partnerships? – given their poor funding base, their existing capacity to undertake such a role is likely to be limited, depending on the precise level of engagement with local communities that is desired by WAG. A clear brief, backed up by resources, would need to be offered by WAG as the basis for an agreement for existing local fora to deliver a programme of engagement within their area of operation. The PCF would welcome the opportunity to discuss how this might be achieved.
5. The intention to facilitate the establishment of additional multi-use local coastal fora in West and North Wales is also welcomed. Again, however, a note of caution is needed. As indicated above it takes time and resources to establish the level of activity achieved by the existing fora. It is important to stress that both the Severn Estuary Partnership and our own Forum in Pembrokeshire were established in response to a range of issues and by organisations/people that had the vision to tackle them in an integrated way. Here in Pembrokeshire, for example, the National Park and the Port Authority were key organisations in enabling the Forum to flourish as it has.
6. In looking to fill the gaps in north and west Wales [and in the gap between PCF and the Severn Estuary partnership] it will be important, therefore, to understand why it has not been done before. The absence of

fora may well reflect a lack of issues to be addressed and/or the lack of an organisation [s] or people to drive the development of a Forum.

7. In looking for organisations to fill the gaps it may well be worth looking at:
 - extending the geographical sphere of operation of the two existing fora – assuming resources were made available; and
 - building on the networks and partnership associated with the coastal protected landscapes [Anglesey and Llyn AONBs and Snowdonia National Park] and the European Marine Sites [Cardigan Bay, Pen Llyn & Sarnau, Carmarthen Bay & Estuaries] – all of which are used to bringing together a wide range of stakeholders in their areas.
8. If the gaps were filled it would be important explore how the fora could work together as a means of making the best use of limited resources, for example, through sharing skills and information. PCF would welcome the opportunity to discuss in detail how the gaps might be filled and how the best use is made of resources.
9. PCF has the following comments on the remaining questions:

Question 1 Are there any other key features, resources or activities in Welsh seas that we need to take account of?

9.1. A distinction should be made between resources [natural, biodiversity, landscape/seascape, cultural etc] that make up the marine environment and thus create the context for planning and the activities that take place in that environment. The focus of the marine plan should be addressing the interaction between them and thus the need for policies. Mixing them up as in the list in the consultation is a potential cause for confusion.

Question 2 Are there other ways in which integration could be improved?

9.2. There are a number of ways in which integration could be improved by:

- formally bringing the spatial plan processes on land and sea together
- strengthen integration through Planning advice in TANS
- improving policy guidance to the managers of coastal protected landscapes to underpin management plans addressing those of their special qualities derived from the marine environment and their association with it
- realising the potential benefits of joint governance and management plans for European Marine Sites and adjacent protected landscapes
- revisiting the ICZM strategy to ensure integration really is taking place and that the changed circumstances following the passage of the Marine Act are fully reflected in a revised version
- ensuring that integration is fully adopted within WAG and that marine planning is seen as a process that integrates a whole range of activities across the spectrum of WAG activity
- ensuring that coastal fora have a sustainable resource base that enables them to contribute both to the formal marine plan process and to the wider process of ICZM.

Question 3 What sectors do you think need to be included in the governance arrangements?

9.3. There is a need to engage all sectors. Given their important role in the marine plan process, it will also be important that the coastal fora continue to be involved in the governance arrangements

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

9.4. Nothing to add

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?

9.5 We are very fortunate in Wales to have the unique PCF managed South & West Wales Recreation Audit. This web based interactive digital mapping tool has been developed and refined over the past seven years to meet the needs of coastal practitioners. It provides detailed management information on recreation activities by both site and activity. The project now also contains layers for conservation, rights of way and water quality and is also being developed to incorporate spatially mapped plans and projects within the Pembrokeshire Marine SAC and detail on their relevant consents. The audit has enormous potential for development across the whole Wales coastline and could be the basis for an interactive marine spatial management tool.

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?

9.6. The answer to these 3 questions depends to a large degree on the scale / level of detail [grain] of the 'National Plan' and whether it can be varied from place to place according to the issues involved. There is little doubt that some areas, e.g. Pembrokeshire and the Severn Estuary, may well need greater detail than others, because of they are busy places. It is not immediately obvious as to whether the 'grain' of the national plan can be varied from place to place. In theory it should be possible to do this. If it can, in practice, then the need for separate sub regional plans would seem to be obviated. If it is not possible then it would be necessary to define particular areas where more detailed plans are prepared.

Question 10 Are there other countries or authorities that we need to have close or formal relationships with?

9.7. The working relationship with England across the Dee and the Severn will be crucial, not only in the timing of planning activity but also in terms of the 'grain' of the plan in each country and in terms of the assessments made in each area. A high degree of consistency will be important to avoid confusion.

CONCLUSION

10. 0 In conclusion, the Forum relishes the possibility of playing a significant role in the marine plan process by providing a neutral forum for discussion and by engaging the wider community in the process and looks forward to discussing in detail with WAG as to how this might happen.

The Forum is a partnership of individuals and organisations from the public, private and voluntary sector, who are working together to promote a sustainable approach to the planning, management, use and development of the Pembrokeshire Coastal Zone.

Mae'r fforwm yn bartneriaeth o unigolion a chyrff o'r cyhoedd, y sector breifat a'r sector wirfoddol, sy'n gweithio gyda'i gilydd i hyrwyddo agwedd gynaliadwy i gynllunio, rheolaeth, defnydd a datblygiad Ardal Arfordir Sir Benfro.



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Alan Storer
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Our Ref: OS01-012758

11 May 2011

Dear Alan Storer,

RES-Offshore response to Sustainable Development for Welsh Seas, Our Approach to Marine Planning in Wales

RES is one of the world's leading renewable energy developers working across the globe to develop, construct and operate projects that contribute to our goal of a sustainable future. RES has been an established presence at the forefront of the wind energy industry for over two decades. Our core activity is the development, design, construction, financing and operation of wind farm projects worldwide. With a portfolio of more than 4GW constructed and several thousand megawatts under construction and in development, RES continues to play a leading role in what is now the world's fastest growing energy sector.

RES Offshore has successfully developed projects under both Round 1 and Round 2 and assisted our client, Centrica Energy Renewable Investments Limited, in winning development rights to the Round 3 'Irish Sea' Zone. Furthermore, our senior managers have been involved in more than twenty offshore wind projects. RES is therefore suitably well placed to comment on the Welsh Assembly Government (WAG) approach to marine planning.

General points

This consultation document was very helpful in clearly setting out the aims and objectives of the Welsh Assembly Government for marine planning in the Wales inshore and offshore area. Of particular help was the large number of references to other relevant Welsh policies, as well as related policies at a UK, European and International level. This helped to place the planning process in its' wider policy context.

RES Offshore support the principle of a strategic approach to planning so that the needs of all sea users are included. Where we have raised issues, it is from the perspective of improving the process and trying to add our views on what is required to ensure that the difficult task of considering all the different activities and interests can be done.

Spatial assessments

The UNESCO key principles listed in point 36 are a good set of principles for marine spatial planning. In particular we would approve of the need to learn lessons from experience and the requirement to provide as much certainty as possible to decision makers and sea users. A concern remains as to how spatial considerations are included in the planning process. The need for maps and a spatial perspective is stressed throughout the consultation document and obviously spatial aspects are important, however as UNESCO¹ notes; *“Marine spatial planning is not ocean zoning”*. RES Offshore would have concerns about an approach that was overly-prescriptive in terms of spatially assigning activities.

Overall we support the position put forward by RenewableUK that sensitive features should be mapped, but that renewable energy developers should be allowed to propose a development in all, but the most highly protected areas. The burden of proof is then placed on the developer to demonstrate that the activity can proceed without significant impact, or the inability to mitigate an impact. In this approach, spatial planning takes a role in informing developers of the areas where it is less likely (but not impossible) for planning permission to be granted. WAG should not attempt to zone areas for renewable energy activities. Any zoning will be unable to keep up with advances in technology and mitigation techniques that may become available in the near future.

We recognise the greater need to consider the cumulative and in combination effects of developments and therefore support the zonal process brought forward for Round 3 development and the Strategic Environmental Assessment process that supports project proposals.

Spatial assessment will also struggle to assess features that are mobile, temporary and/or conform to an ecological approach. The maximum level of flexibility should therefore be considered when selecting spatial tools.

Planned Renewable Energy developments

It is perhaps a statement of the obvious to say that consideration of an offshore renewable energy project needs to include its cable route to bring the electricity to the grid system onshore. While the Round 3 zones and other development sites are clearly defined, their cable routes are not described as it is too early to establish where they could be. Spatial planning must be aware that routes will be sought as projects become more developed. It may be tempting to prescribe where cables can and can't go and while there will clearly be features that must be avoided, there are also conditions that are not known until detailed seabed and feature assessments are made. Again flexibility should be employed to allow developers to make a case for one preferred route over another using proven planning tools such as Environmental Impact Assessment (EIA).

The designation of Welsh Marine Conservation Zones is could present a significant barrier to connection of wind farms to the national grid and that consideration of potential cables corridors should be kept in mind when this process is being performed. It is recommended that the conservation objectives, management measures and enforcement criteria for the zones should be set out as early as possible to ensure a clear understanding of the implications of designation for developers.

¹ www.unesco-ioc-marinesp.be/marine_spatial_planning_msp?PHPSESSID=f803a7bd2e4fa692237bff591223a52c

Marine Strategy Framework Directive

RES Offshore would appreciate further information as how marine spatial planning will relate to the Marine Strategy Framework Directive (MSFD). If it is intended that spatial planning is a delivery tool for the measures of the MSFD then the timing appears to be mismatched. Spatial planning will be put in place by 2012/2013 and the measures for achieving Good Environmental Status under the MSFD will be defined by 2016. Is it intended to revise the plans once the MSFD measures are finalised?

Seascape and landscape

The Welsh coast has a great natural and cultural heritage that is enjoyed by the people of Wales and visitors alike. We recognise the great deal of work performed to consider this heritage in the Integrated Coastal Zone Management Strategy and in other plans. When applying terrestrial considerations to marine planning, RES Offshore would recommend cautious and proportionate application of the principles of visual impact. There are agreed methodologies for the assessment of visual impacts and the protection of historic monuments. Public views are wide-ranging and based on personal preferences, we would wish to see that any controls put in place consider the full range of views so as to avoid over-estimating the potential impact of renewable energy developments.

Questions

Question 1

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

RES-Offshore appreciate the reference to plans for renewable energy growth both directly and in reference to the "A Low Carbon Revolution" report. Under section 101 the Round 3 process is also referenced.

Question 2

Are there other ways in which integration could be improved?

Consistency between onshore and offshore policies is the correct goal, however the differences between marine and terrestrial environments needs to also be acknowledged in the process. As the consultation notes the approach to the inshore and offshore marine environments will be different due to variation in the amount of data available and the different parties involved in each. The same will be true for terrestrial compared to marine environments.

Question 3

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

RES Offshore are represented on the Wales Coastal and Maritime Partnership through RenewableUK and would support this partnership becoming the stakeholder group for marine planning. We would expect to continue to be represented on this forum through RenewableUK.

Lessons can be learned from the English and offshore waters MCZ designation process to ensure that the balance between the steering, evidence and stakeholder groups is maintained. RES

Offshore would support WAG producing a first position on planning in dialogue with stakeholders, which is then debated and refined in stakeholder forums. We believe this would be more productive, clearer and more accessible than a process where the production of a first position is delegated to stakeholders.

Question 4:

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

Centrica have published a consultation on the scope of the zonal assessment for the Round 3 Irish Sea Zone. Centrica will produce a Zone Appraisal and Planning document for the Irish Sea Zone in 2012.

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?

Where there are possibilities for the sharing of data by industry then these should be explored. The offshore renewable energy industry is already working with the Marine Environmental and Data Information Network. As acknowledged in the consultation, there will be circumstances where commercial sensitivities limit or delay the sharing of data. Industry will work with regulators to consider further data standardisation.

Question 6

Could you help fill them, and how?

Regular, direct engagement with industry is the best way to identify where supplementary data can be provided.

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?

RES Offshore is not aware of any specific requirements for sub-national planning, though we recognise that communities may see value in this approach. If sub-national plans are adopted there will need to be careful management of the process to ensure national and sub-national processes are working together. WAG should be mindful of 'stakeholder fatigue', where bodies, companies or individuals wish to be represented at national and sub-national levels and may not be able to attend a large number of meetings and consider a large number of documents.

Question 10

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

No comment

Question 11***Do you agree with this approach?***

The success of the planning process is dependent on a clear engagement programme. For parties who may need to be represented on a number of groups, it is important to understand how the large number of fora fit together. RES Offshore is an active member of the trade body, RenewableUK and the offshore renewable industry's concerns are considered by The Crown Estate. The creation of new groups should be justified and their purpose made clear to all stakeholders.

Question 12***How do you think we can make best use of existing coastal partnerships?***

We would support the Wales Coastal and Maritime Partnership as an existing body.

Question 13***How else can we reach the public?***

No comment

We hope that our comments are helpful. RES Offshore believe that Welsh marine planning is an opportunity to improve the way marine activities are governed for the benefit of companies and communities. This does not always necessitate the creation of more regulations, but can be achieved through increasing the visibility and coordination of existing processes. We look forward to engaging further with the process as the policy develops.

Yours sincerely,

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16 May 2011

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

Dear Mr Storer,

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

Thank you for the opportunity to respond to the consultation dated 16 February 2011.

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members.

RICS Wales is supportive of a comprehensive approach to marine planning in Wales and would urge that this consultation be repeated every few years.

Our detailed response to these consultation questions are as follows:

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

One key resource which the coastal areas offer yet which is never adequately valued is the lack of noise and emission pollutions originating from industry / motorised leisure pursuits / transport etc. This relative absence of noise pollution can be viewed as a feature and resource in itself. We also need to take into greater account the environmental, economic and energy value of the sea.

2. Are there other ways in which integration could be improved?

Officials from relevant terrestrial departments could be seconded to Marine Planning so that there is a constant exchange of expertise and knowledge to ensure maximum co-ordination.

3. What sectors do you think need to be included in the governance arrangements?

Pollution control – e.g. Welsh Water and Environment Agency.

Shipping - Some proposals for offshore wind farms (Irish Sea) appear to compromise shipping and are close to existing separation zones. It is not entirely clear how, in the event of adverse weather, the increasing use of sea transport will remain effective in certain locations. That said

we believe that offshore wind power have a clear role to play in the future energy mix for the UK and this is merely about making the best use of this potential.

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

The Wales National Infrastructure Plan when completed may well cover marine renewable energy options which could affect marine planning. Similarly a UK National Infrastructure plan should it emerge may need to be considered for similar reasons. Other documents that we feel should be considered include the Climate Change Strategy 2008, and the One Wales: One Planet document.

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?

1. The impact of noise and sea bed disturbance on cetaceans arising from the installation and operation of offshore renewable energy impacts. See "Marine wind farms and cetaceans" by SJ Dolman; MP Simmonds and S Keith www.wdcs.org.

2. Projections of increasing toxicity from industrial / farm / human effluent arising from reduced river volumes as a consequence of increased summer drought conditions and the impact of this combined with increased temperature including hypoxia related consequences on coastal water quality

3. We also think data requirements for pollution control need to cover the amount of marine effluent, the amount of marine shipping traffic including the amount of tonnage shipped through our seas and information on tidal energy schemes that are being proposed in Wales.

4. Marine planning will also need consistent data, and in 4 dimensions on a much wider variety of potential variables than land. Such data could include temporal tidal information, ecology, coastal issues and shipping. In addition maritime limits at 1, 3, 6 and 12 nautical miles will also have to be kept up to date on an annual basis.

6. Could you help fill them, and how?

Not at present but RICS Wales would like to state its strong willingness to engage going forward.

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

Yes to allow planning to be better adapted to differing local environments.

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

Planning at a localised level needs to be co-ordinated with overall national planning and objectives in order to ensure that

- a) A system of 'marine eco-system offsetting' can be implemented giving enhanced areas of protection for equivalent habitats that have reduced levels of human activity, to compensate for marine related renewable energy installations. So, for example, if a tidal



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generation scheme is installed in one location, tidal races off headlands in adjoining areas should be declared free of all power boating / jet ski activity to facilitate greater use of them by all sea life.

- b) Coastal Water quality is improved in the light of reducing dilutant river volumes as drought conditions become more prevalent

9. Are there different approaches that we could take?

We recommend that a forum of expert stakeholders should be convened to consider the existing approach and alternatives.

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

All of the port authorities in England Ireland Northern Ireland Scotland Isle of Man and Wales which border either the Irish Sea or Bristol Channel and South West Approaches.

Coast Guards.

DEFRA would also be another body where a good relationship may aid planning.

We would also highlight the Crown Estate as an organisation with whom a close working relationship maybe beneficial.

11. Do you agree with this approach?

Yes.

12. How do you think we can make best use of existing coastal partnerships?

By extending them to encompass more tourism and environmental objectives, as well as stakeholders in those areas.

13. How else can we reach the public?

Ensuring effective consultation targeted specifically to include residents of coastal areas; businesses located in coastal areas and visitors to Wales. We would also recommend periodic consultation workshops composed of expert stakeholders to ensure Marine planning remains entirely responsive to prevailing conditions.

Other comments

There needs to be an strong emphasis on 'consistency' in order to ensure that there is:

- Consistency between the land and marine planning frameworks, from evaluation to implementation
- Consistency in geographic data standards (based on internationally recognised standard frameworks such as InSpire), between land, inter tidal and marine environments
- Consistency and support for technical and professional marine and coastal zone education



If you have any queries in respect of this response please do not hesitate to contact me.

Yours sincerely,

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10 MAY 2011



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8th May 2011

Dear Sir/ Madam

**Welsh Assembly Government Consultation on Sustainable Development for Welsh Seas:
Our Approach to Marine Planning in Wales**

We refer to the Welsh Assembly Government's consultation in relation to the above. We set out below our response to the Consultation Paper.

The RYA is the national body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA manages the British sailing team and Great Britain was the top sailing nation at the 2000, 2004 and 2008 Olympic Games.

The Welsh Yachting Association (WYA) is established to promote the sport of sailing, windsurfing and power boating in Wales and acts as the RYA Council for Wales. The WYA represents 85 affiliated member clubs and 64 registered Training Centres together with an estimated 25,000 participants in the sport in Wales. It is grant aided by the Sports Council for Wales and works closely with the National Watersports Centre at Plas Menai.

The RYA and the WYA welcomes this opportunity to comment on the consultation on the WAG's approach to marine planning in Wales.

1. General comments

The RYA and the WYA are supportive of the introduction of a new marine planning system in Wales that will seek to regulate sustainable development in the marine environment in a way that minimises adverse impacts on the environment, human health and legitimate users of the sea.

2. Response to consultation questions.

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

Sections 15 through to 32 cover the main features, resources and activities that need to be considered when formulating a plan for Welsh seas. Whilst we appreciate this section of the consultation document is not meant to be exhaustive we feel that recreational boating may not be truly represented under the proposed headings.

Under the existing structure the only reference to recreational boating is for sailing as 'one of a variety of recreational opportunities' under the heading of 'tourism and recreation'. Sailing is only one form of recreational boating that many people enjoy across Wales and these activities can contribute significantly to the local and national economy. Wales coastal waters provide venues for competitive sailing events at a number of seaside resorts. Cardigan Bay in particular is a favoured location with Pwllheli hosting 3 World Championships in the last three years.

The estimated economic contribution of recreational boating to the UK economy (the value added contribution, the principal measure of national economic benefit) was £1.042 billion in 2009/10 and nearly 35,000 people were employed in this sector. We therefore feel that the role of recreational boating in terms of socio-economic contribution requires more detailed attention in order to fully understand the importance of these activities in Welsh seas.

The social benefits of recreation are more difficult to quantify but are significant nonetheless. As well as the courses offered through training establishments as referred to in the introduction to our letter, recreational boating offers young people in particular an opportunity to develop new skills and embrace a healthy lifestyle whilst learning about the marine environment. Engaging young people through widening participation schemes, such as RYA Onboard gives children and young adults the opportunity to enjoy recreational sailing and encourages them to develop their skills potentially to Olympic standard. Since the launch of RYA Onboard over 250,000 young people have had the opportunity to try sailing/windsurfing, including schools, community and youth groups.

Although paragraph 28 covers the important role of Ports and Shipping we would suggest that it may be beneficial to consider 'Navigation' as a separate feature. Whilst ports and shipping would come under this heading it would allow the inclusion of a much wider range of activities making use of Welsh seas for similar reasons. Activities we would recommend to be included under this feature are commercial and recreational navigation (to cover shipping, passenger transport and all forms of recreational boating), port operations, marine operations, and dredging and disposal activities. Considering all these activities under the heading of 'navigation' would ensure that not only will the interactions between the different sectorial activities be fully understood but also that the cumulative impacts of any planned activity can be thoroughly assessed.

2. Are there any other ways in which integration could be improved?

The process of marine planning is a new undertaking for the WAG and although much experience can be taken from the terrestrial planning system it is important to recognise that the marine environment behaves very differently and planning for it should be approached accordingly. We anticipate that those within WAG responsible for marine planning will receive training to help them with their role and we would recommend that some elements of this

training is made available to terrestrial planners so that the relationships between the two systems are fully understood by all.

The consultation document makes clear that the marine planning system will take the existing terrestrial planning system into account. It is less clear how the terrestrial planning system will have regard to the new Marine Plan in the future. We are concerned that this situation will result in the objectives of the Marine Plan (or at least the achievement of objectives) will be somewhat driven by the position taken in the terrestrial plans. Whilst this may not necessarily represent a disadvantage we have concerns about influences on future investment in the marine and coastal zone should Marine Plan be unduly influenced by decisions based purely on terrestrial factors.

What does not appear to be explained in detail is which planning system will take pre-eminence in the area of overlap between MHWS and MLWS nor how this legislative overlap may/may not affect the process in terms of applying for a marine licence. It would be useful for this issue to be clarified so that sea users can fully understand policy links between the two systems and any implications for their activities.

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

The proposed governance structure for marine planning seems sensible and should ensure input from all relevant interests. We particularly welcome the planned establishment of the 'Stakeholder Group' as it will be essential for sea users to be involved in the development of the marine plan to ensure local and sectorial knowledge can be taken into consideration.

As the WYA is a member of the Wales Coastal and Maritime Partnership and Marine Planning Group we would recommend that the WYA is well placed to represent recreational boating in the Stakeholder Group and provide representation of this important sector. Our answer to question 1 above provides some key facts and figures which illustrate the socio-economic importance of recreational boating in Welsh seas.

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

The seas around the coast of Wales are an important natural asset that underpin the promotion of water-based outdoor recreation. Recreational sailing contributes to a number of WAG policy outcomes related to sustainable development, including health, major events and physical activity. Relevant documents include the WAG Major Events Strategy, Sport Wales' 'A Vision for Sport' and the EA(W)/CCW/SW Water-related Recreation Strategy.

The former Wales Tourist Board study 'Catching the Wave' (2004) provides a wealth of information on the marine recreation infrastructure around the Welsh coast.

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?

In order to ensure that the planning process for Welsh seas considers all activities fully it is essential that all available sectorial data is taken into account. Whilst this data will be relatively simple to obtain for certain sectors (e.g. AIS data for commercial shipping) it will be more

difficult for others. It will be necessary therefore for WAG to seek input from all stakeholders whilst bearing in mind issues of data quality, licence requirements and presentation.

6 Could you help fill them, and how?

The RYA holds a number of data sets which could be useful for WAG in planning for the Welsh marine area.

Each year the RYA, along with the British Marine Federation, Marine and Coastguard Agency and the RNLI, undertake a participation survey in order to establish the level of watersports and coastal leisure activity according to geographical location around the UK. These data include figures for Wales and could be useful in assessing the potential impacts of marine planning on the recreation sector.

In addition to the participation survey, the RYA has also produces the UK Coastal Atlas of Recreational Boating. The Atlas contains maps of recreational cruising routes, racing and sailing areas as well as locations of RYA affiliated clubs, training centres and also marinas (independent) around the UK. The Atlas is freely available electronically as a PDF file and is also available in GIS format for an annual licence fee from the RYA.

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

Some areas around the Welsh coastline are considerably busier than others and for this reason it is likely that sub-national marine planning will be beneficial.

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

The decision on how to take forward sub-national planning should be taken based on an overview of stakeholder opinion. Whilst some locations within the Welsh marine area may not appear to need more detailed planning it is important that the planning process is rolled out consistently across Wales to avoid confusion.

At the very least it would be beneficial to identify the key features and activities in each area and through this process to understand the particular pressures that may be relevant in a given location. This exercise will allow the identification of potential conflicts between different sea users and therefore highlight those areas requiring more detailed sub-national plans.

9 Are there different approaches that we could take?

It is likely that an element of trial and error will be necessary with marine planning and provided some degree of flexibility is built into the process (as appears to be the case) then planning on a regional level can be adapted over time.

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

Not that we are aware of at this time.

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

Not that we are aware of at this time.

11 Do you agree with this approach?

Yes.

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

Coastal partnerships are often an effective platform for communicating with a wide group of stakeholders however membership of these partnerships can often be limited to those organisations with a specific interest in their work or those who wish to exchange knowledge with similar stakeholders. In order for existing coastal partnerships to function as the WAG are hoping for marine planning it is essential that their membership base be expanded so that the widest possible group of stakeholders can be reached.

13 How else can we reach the public?

In order to engage members of the public in subjects such as marine planning it is essential to tailor it to different interest groups so that it is immediately obvious why it is an issue of importance for them. This is often the issue with membership of coastal partnerships as certain organisations fail to identify the benefits of being involved. Working with different sectors to understand why marine planning is of importance to their organisations will ensure WAG has the tools to attract engagement from the widest possible range of stakeholders.

More generally it will be necessary to use all forms of media to attract public focus. Whilst sector specific publications will be important it may also be necessary to make use of more general media sources such as the national press, television and radio to make contact with the general public. In doing so it is essential that the reports are presented as general news items rather than be pitched as more specialist items; this should ensure the widest possible audience is reached.

Please do not hesitate to contact me if you have any questions or queries arising from our response. On behalf of the RYA and the WYA, I would be pleased to be involved in any future consultations or discussions

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Caroline Price', written in a cursive style.

Caroline Price
RYA Planning and Environmental Advisor

Consultation Response

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



Comments from

RSPB Cymru

09 May 2011

Introduction

The RSPB champions the cause of biodiversity conservation within the wider debate on sustainable development. We are the largest wildlife conservation organisation in Europe with over one million members, of which 52,000 live in Wales. We own or manage 142,044 hectares of land for nature conservation on 206 reserves throughout the UK, including coastal land-holdings and reserves in Wales.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including marine, climate change, energy, planning and regional policy, water, trade and agriculture. As well as commenting on terrestrial national planning policy issues, the RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including regional planning, development plans and individual planning applications and proposals. Our involvement with such cases includes responding to applications for projects in the marine and coastal zone, such as harbour development, offshore wind farm development, marine minerals extraction and oil and gas exploitation. The RSPB is not only a consultee, but as a coastal landowner and land manager, it is also an applicant, making planning and licensing applications on its own coastal reserves and estate.

The RSPB has long been a proponent of marine planning. We believe that there is a need for a forward-looking and strategic plan-led approach to the management of the marine area. We support marine planning because as well as delivering benefits for industry and regulators, marine planning should also deliver benefits for the marine environment by ensuring a sustainable future for and use of marine space and resources, while also protecting and supporting a healthy, functioning marine ecosystem and associated biodiversity.

Summary of main points

The RSPB welcomes this consultation on the approach to Marine Planning in Wales. On the whole, we believe that this document is an important step towards a coherent marine planning system. It should be acknowledged that it is a relatively high-level document and the detail has yet to be determined. We provide more detailed comments below, in response to the consultation questions.

The RSPB's main issues:

- There is need for more clarity on the relationship between the marine planning system and nature conservation, with more detail on the potential mechanisms available through the marine plan development process to ensure greater protection for seabirds and other marine species, both within, and out with the MPA network.
- There is very little detail on how the management requirements of MPAs will be integrated within Marine Plans,
- Stakeholder engagement in marine planning must be conducted through processes that are fair, transparent and open to all.

Consultation question responses

Q1. Are there any other key features, resources or activities in Welsh seas that we need to take account of?

The RSPB believes that a marine planning system should ensure a more strategic approach to the use of marine space and resources if we are to achieve sustainable development in the marine area. We also believe that any marine planning system should be based on an ecosystem-based approach to managing human activities, supporting the conservation and recovery of marine wildlife and ensuring environmental limits are respected.

We welcome the section on p.7 on marine ecology and biodiversity, and in particular are pleased to see reference to the Good Environment Status under the MSFD, and the consideration of MPAs within the marine planning process. We would highlight that while MPAs are the key tool in delivering our marine conservation objectives, marine nature conservation is a wider concept than MPAs, covering the health and functioning of the entire marine ecosystem. As a consequence, marine planners must ensure that they fully consider the marine environment when preparing plans and making decisions.

As far as is practically possible, planning should be spatially expressed. The marine environment lends itself very well to a spatial approach because, unlike with the terrestrial environment, there are a very small number of landowners, a relatively small number of development types, and developments are often time-limited.

Where a planning system involves "lines on maps", thought needs to be devoted to how to deal with biodiversity resources which are on the "wrong" side of the line. There will always be situations where there are substantive biodiversity resources outside zones

delineated for their protection by a planning system – a consent system which plans for such resources should be the aim.

In line with the above point, §25 states that MPAs are “by no means the only mechanism” to achieve outcomes for ecology and biodiversity. We are concerned that there is not a section later in the consultation document that explains in more detail how marine plans could be used to deliver direct management for protected/important species and habitats out with MPAs. This is particularly an issue for species such as seabirds, which are subject to temporal variation in distribution, and are poorly catered for within the existing MPA network. In both the offshore and inshore region of the Welsh Marine Area, there are globally important aggregations of seabirds, which are currently not protected by MPAs, and the management measures associated with such sites. The RSPB seeks guidance from WAG on how the marine planning process will use ecological data from the Marine Evidence Group in developing marine plans that deliver protection for seabirds and other marine species and habitats across the entire Welsh Marine Area, and not just within MPAs.

In order to satisfy both the Birds and Habitats Directives and the Marine & Coastal Access Act, it is essential that individual MPAs should be identified, selected and designated based on ecological value (science) and conservation need, (irrespective of the existence or content of a marine plan) and that each MPA should contribute to an ecologically coherent network of protected sites at sea. Significantly, it should be noted that socio-economic factors may not be taken into account in the selection and designation of SPAs and SACs under the European Birds and Habitats Directives. We consider rapid progress in identifying and designating a coherent network of MPAs will facilitate effective marine spatial planning. It is not the role of marine plans to determine where MCZs or other MPAs should or should not be designated. Once identified, MPAs should be included in marine plans and properly taken into account by plan makers and decision makers. This is how the planning system and protected sites co-exist on land.

Detailed comments relating to question 1:

Section	Comment
24 - 27	Marine planning must ensure that marine biodiversity and ecosystems are protected, their resilience is maintained and/or increased and additional pressures are avoided to allow a strong response in light of the current and predicted effects of climate change on the natural environment.
24 - 27	<u>Integrated and sustainable management in the coastal zone</u> Marine plans need to work with existing mechanisms to achieve, or help facilitate, integrated coastal zone management.. There is a need for a more strategic approach to protection and management of habitats and species that transverse the land-sea boundary, e.g. intertidal habitats and mobile species such as seabirds, to meet their ecological needs across that administrative boundary.

Q2. Are there other ways in which integration could be improved?

The RSPB agrees that it is important that the new marine planning system complements adjoining terrestrial plans, such as Local Development Plans and associated Welsh (and cross border) planning policies. It is also valuable for marine plans to assist the delivery of shoreline management plans, following the principles of ICZM. We consider it essential that the approach for marine planning is coordinated with the terrestrial planning system and *vice versa*, with decisions in the terrestrial system reflecting the developing approach to planning in the marine environment.

We are concerned that the focus in §51 and §84 conveys the message that marine plans will strive to be consistent with terrestrial plans irrespective of whether the objectives in terrestrial plans are appropriate at sea. We would like to see the caveat “consideration of terrestrial plans, and compatible development *where appropriate*” added to these sections.

We welcome the inclusion in §53; “recognising that both systems may adapt and evolve over time”, and hope that this refers to the potential for terrestrial plans and policies to adapt in relation to marine planning priorities where appropriate. We also appreciate the reference to the need for marine and terrestrial plans to consider the associated infrastructure developments linked to offshore developments. These, and ancillary developments, are a key area of interaction between the marine and terrestrial built environment.

There are currently no reciprocal obligations on terrestrial planners to ensure compatibility with the marine plans, but we would like to see it taken on board by terrestrial planners under an MoU for example.

The RSPB is pleased that the adjoining inshore and offshore plan areas are to be planned in tandem and developed as if only one plan, thus avoiding the artificial inshore-offshore plan boundary. The added advantage of such an approach is that it reduces stakeholder engagement resources, avoids locational duplication of effort, while ensuring that there is join-up between the offshore, inshore, coastal and terrestrial areas.

Detailed comments relating to question 2:

Section	Comment
49.	We welcome the explanation of where terrestrial/marine plans overlap. While this highlights the physical overlap, it does not explain the approach to handling differences or conflicting statements within the terrestrial and

	marine plans, nor which plan would take priority in the intertidal zone where the two planning systems overlap.
47 – 53	Marine planners must ensure that they consider the marine environment in its entirety when preparing plans and making decisions, including species that exhibit a strong terrestrial/marine interface. Seabirds are a particularly strong example of this life-history trait, and we would welcome further discussion on how marine plans could deliver conservation benefits for internationally important Welsh seabirds colonies in a more holistic approach, that improves upon the currently limited spatial protection afforded to certain species.
84.	This section refers to the Wales Spatial Plan (WSP). It is worth noting that the WSP encountered issues around the use of boundaries, with some difficulty in achieving LPA engagement where multiple WSP regions were relevant for one LPA. This barrier to engagement may be a useful lesson to learn from, when designing an engagement strategy for sub-national marine planning.

Q3. What sectors do you think need to be included in the governance arrangements?

Sustainability Appraisal (SA) process

The RSPB's preferred position is that an SEA on its own would be adequate and a better option than an SA with an SEA embedded within it. We are concerned that the rationale for carrying out an SEA may be lost within the wider SA process. We would like it made clear that the SEA Directive requires the identification, description and evaluation of 'reasonable alternatives', including each alternative's proposed measures *"to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme"* (SEA Directive 2001/42/EC, Annex I, para (g)).

That sequence of prevent, reduce and offset, reflects an important principle of the SEA Directive, in that it seeks to avoid impacts from occurring rather than merely mitigating them. The SEA Directive seeks to *"contribute to more sustainable and effective solutions"* (Recital 5) and its objective is *"to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development ..."* (Article 1). Thus, in the context of the SEA Directive, making plans more sustainable means adopting more environmentally-acceptable solutions, identified through the assessment of alternatives. To support greater clarity, the SA must distinguish those elements which meet the requirements of the SEA Directive, and clearly set out how the outcomes of the SEA have specifically influenced the decisions-made in line with the objectives of the SEA Directive. This is an important step that needs to be included in the plan development stage and any plan revision/finalisation stage.

Before planning starts – Establishing reporting areas

The RSPB would welcome more detail on the proposed method of reporting, which is only briefly mentioned in §8. We would welcome discussion on the expected size of any reporting area, and how to deal with the consideration of temporal as well as spatial implications of planning decisions.

A further action required before planning starts and which should be included under the main stages for the planning process, is the preparation of an environmental overview for each plan area. *Charting Progress 2*, the Strategic Scoping Exercise, and the individual plan scoping and Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) processes will all contribute to the environmental evidence base. In addition, there should also be an explicit commitment to review and update the plan baseline under the plan review process and under the SEA requirements which are being met *via* the SA.

Detailed comments relating to question 3:

<u>Section</u>	<u>Comment</u>
Governance Arrangements	<p><u>Responding to Changing Circumstances:</u> There is a requirement to develop a system for dealing with “departures” from a marine plan – which may include anything which could not have been predicted at the time of plan formulation.</p> <p>This would require clear rationale, and a transparent and defensible means of dealing with the unexpected. Terrestrial planning has a set of regulations for “departures”, in order to attempt to ensure that adverse, or environmentally damaging, decisions are not taken on departures.</p>

Q4. What other key Welsh documents do you think need to be taken into account and why?

Detailed comments relating to question 4:

<u>Section</u>	<u>Comment</u>
p.27, bullet point 4.	Following the review of the habs. Regs (in full) last year, this is now referred to as regulation <u>35</u> advice.

Q5. 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?

Q6. Could you help fill them, and how?

The RSPB supports a Welsh marine planning system that will build on the principles of the UNESCO marine planning guide and the EU's Roadmap on Maritime Spatial Planning and learn from the experience gained through Defra's Marine Spatial Planning Pilot in the Irish Sea. Spatially referenced data on marine species and habitats, plus socio-economic activities, will be critical to developing key policies and actions. The WAG Marine Evidence Group will be able to subsume a number of recently created data sets, not least those associated with the Welsh and English MCZ projects.

We support the establishment of this Marine Evidence Group (§91), as a mechanism to compile and interpret the many marine and coastal data sets. If, as suggested, this group facilitates both the NEF and marine planning processes, care should be taken to ensure that the outputs are appropriate and aligned to both frameworks. The RSPB can offer experience from our involvement in the NEF workstreams, as well as contributing data on seabird distribution in the marine environment. We expect further clarity to emerge in due course about the links between the frameworks. We plan to engage with CCW on their own marine spatial planning evidence group, to help prepare useful spatial tools relating to marine habitats and species, that can be directly compatible with the WAG marine plan development process.

We would like to draw your attention to a number of other areas of data and evidence that could aid Welsh marine planning:

- Information on activities, developments and decisions associated with marine licensing consents;
- Neighbouring English MCZ regional projects; Irish Sea Conservation Zones, and Finding Sanctuary. Including socioeconomic data, and potential MCZ boundaries.
- Additional Ecological Importance data layer, collated by The Wildlife Trusts on behalf of JNCC for all UK waters;
- Marine Renewable Energy Strategic Framework;
- Marine Climate Change Impacts Partnership;
- Data held by the Wales Coastal Monitoring Centre, Gwynedd County Council;
- Research and data being gathered by the Low Carbon Research Institute, particularly on potential marine energy deployment in Wales, and the benthic restrictions on subtidal turbine deployment;
- SEACAMS partnership between Bangor, Swansea and Aberystwyth Universities;
- CCW marine Phase 1 survey data;
- CCW Fisheries Sensitivity mapping;
- RSPB seabird foraging radii maps;
- Welsh Local Records Centres;

- AONB and National Park Management Plans and associated underpinning evidence;
- MMO’s Strategic Scoping Exercise.

Detailed comments relating to question 5:

<u>Section</u>	<u>Comment</u>
‘Evidence’ section	<u>Precautionary approach</u> –the HLMOs refer to the precautionary approach under the ‘sound science’ principle. The RSPB would also like to see an explicit reference to the precautionary approach within the ‘Evidence’ section.

Q7. Do you think we need to plan on a more sub-national level?

Q8. If you do, what approach would you like us to take to sub-national marine planning and why?

Q9. Are there different approaches that we could take?

During the Marine Bill development stage, the RSPB supported a planning structure based on a plan hierarchy where smaller scale, more detailed plans nested within larger scale, more strategic (less detailed) plans at the regional seas scale. The regional seas plans would provide the strategic overview and context for the more detailed plans. We were therefore disappointed when this approach did not make its way into the legislation. Despite the legal constraints, it is still imperative that the Welsh approach to marine planning ensures that adequate detail is contained at the Welsh sub-national level, to enable informed decisions based upon robust spatial evidence.

The approach of embedding regional and local detail within the national plan sounds reasonable, considering the legal limitations in creating separate regional or local marine plans. In response to the three approaches outlined in §122, the RSPB would advocate a similar level of regional planning as in the Wales Spatial Plan (WSP), but with the inclusion of targeted ‘hotspot’ planning detail at the sub-regional level, e.g. focusing on key estuaries. This may result in three regions within the national plan (e.g. North, West and South), with embedded detail around key sites such as Milford Haven, the Severn Estuary, and the Dee Estuary.

If the intension is to the adopt the national plan prior to the development of sub-national detail, then there will have to be some form of commitment/guarantee to ensure that the detailed sub-national planning follows, within the agreed context of the national plan, in a timely manner.

Q10. Are there other countries or authorities that we need to have close or formal relationships with?

The RSPB has repeatedly advocated for communication between Defra and the Devolved Administrations, to ensure input towards the determination of the first English plans. Despite the timeline on selection of neighbouring English regions not fitting perfectly with the development of the Welsh national marine plan, we maintain that decisions regarding joint planning should be made at the earliest opportunity.

We welcome the development of cross-Administration concordats between the UK Government and the Devolved Administrations, and believe that these concordats need to be finalised with some urgency to facilitate cross-border and/or coordinated marine planning.

Whilst we fully support intentions in the consultation to, “use cross-border stakeholder groups to support joint planning” (§124); there needs to be recognition that currently there is only one well established multi-sectoral cross-border group for the Severn Estuary. The RSPB is a member of the Dee Estuary Conservation Group, and while the group does not represent the same breadth of users as other full coastal partnerships, we recommend that it is used as a vehicle for cross-border marine plan development.

Detailed comments relating to question 10:

<u>Section</u>	<u>Comment</u>
<u>99</u>	<u>There should be reference to the Convention on Biological Diversity (CBD) within the list of international commitments.</u>
<u>126</u>	<p><u>European obligations in marine plans</u></p> <p>We welcome the recognition within §100 that the Marine Strategy Framework Directive (MSFD), and the Water Framework Directive (WFD) will be key directives to the marine planning process. There will need to be full marine plan coverage in Welsh (and UK) waters by 2016 at the latest (i.e. the deadline for implementing the programme of measures under the MSFD), if they are to deliver the intended benefits and support the achievement of Good Environmental Status (GES) under the MSFD by 2020. This latter point will need to be included in considerations on the plan preparation timetable.</p> <p>As the MSFD also requires Member States to co-operate in achieving the objective of GES throughout the marine regions stipulated in the Directive, there could be a reference to the MSFD in section 126, as this will be an international co-operation obligation.</p> <p>The Habitats and Birds Directives require measures to be taken to protect species and habitats beyond the boundaries of the Natura 2000 network. In the marine environment these commitments may be delivered to some extent through</p>

	designation of nationally important sites under the Marine Act, although it is clear that this contribution will be limited in Wales, at least in the first phase. Therefore, as discussed earlier, marine planning also has an important role to play to contribute to the protection of species and habitats outwith the site network.
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Q11. Do you agree with this approach?

Q12. How do you think we can make best use of existing coastal partnerships?

Q13. How else can we reach the public?

The tradition of partnership working on marine and coastal issues in Wales creates expectations for future engagement; therefore, we urge WAG to make wise use of the existing partnerships, capacity and knowledge, such as that developed through ICZM and to strengthen these existing links.

The RSPB welcomed the recommendation to set up Marine Planning Advisory Groups in England, but appreciate that a limitation on resources is a challenge to creating a similar network of advisory groups in Wales. We welcome the work undertaken by the existing Marine Planning group, under the auspices of the WCMP. We recognise the Marine Planning governance structure in Figure 2, as similar to the current arrangement within the MCZ Project Wales. We would like to comment in this instance that there is an opportunity for marine planning to learn from and improve upon the public engagement work so far undertaken by the MCZ Project Wales. It is important that the stakeholder group function is not restricted to advising on how to access audiences, but can also provide a meaningful contribution towards the development of engagement plans.

There are concerns as to the capacity of the Stakeholder Group that currently has an advisory role, to facilitate wider public engagement. In light of experiences from both the NEF and the WAG MCZ project, the RSPB would encourage the establishment of a Communication and Engagement Group, to add a valuable contribution towards the proposed Marine Planning Governance Structure (Figure 2). Provided there was ministerial leadership, and a clear strategy, a Communication and Engagement Group could be tasked and resourced with enhancing opportunities for stakeholder and community participation in marine planning in Wales. This will be particularly useful to address the challenging gaps in Wales coastal partnerships, in the North and West.

John Clark
Marine Policy Officer

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

Marine Policy Branch
Welsh Assembly Government
Cathays Park
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Your Details

Name	Roisin Willmott		
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Type (please select one from the following)	Local Authority		
	Government Agency / Other Public Sector		
	Higher Education / Further Education / School		
	Professional Body	x	
	Other Interest Group		
	Individual		
Are you happy for your details to be published in the summary of responses?	Y	x	

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		X	
Comments			
<p>Although it is noted flood risk management activities are mentioned in the introductory paragraph, we feel the inclusion of 'reducing the risk of flooding in urban areas' under the activity 'Waste Water Treatment & Disposal' (34) belies the complexity and importance of this issue. It justifies a listing as a specific activity, to include managed retreat.</p> <p>The Institute supports your inclusion of land use planning activities. Opportunities should not be missed through this initiative to specifically address the strategic links between the marine and land-use planning system, to address the increasing development pressures and conflicting uses. For example, the critical role of ports and shipping to the delivery of offshore renewable generation to meet Assembly Government low carbon energy targets (and the associated benefits in terms of 'green jobs').</p>			

Integration between marine and terrestrial planning regimes

2 Are there other ways in which integration could be improved?

Comments

We would consider the lead of marine planning (51) and the MLW/MHW overlap as inadequate to achieve integration. In order to meet the UK high level marine objectives for good governance, the challenge to integrate plans and policies across the inshore and offshore area should not be understated. Furthermore, in order for marine, land and water management mechanisms to be responsive and work effectively together, we consider reliance on Integrated Coastal Zone Management Plans (ICZM) to form a link between marine, land use and River Basin Management Plans to be insufficient. Being non-statutory, they do not have to be taken into consideration in development proposals and planning applications. Further emphasis should be placed on the multiple, potentially conflicting, activities and pressures between marine and land use planning and the solutions to these challenges.

As with any new policy and approaches we would recommend comprehensive training and support to relevant officers involved, including land use planners dealing with coastal zone management and marine planning issues. It will also be important to draw together the different parties to ensure a common buy-in to the approach adopted and strategy. RTPi Cymru would be willing to support this work area, as it has done for other new planning policy areas introduced by the Assembly Government.

We would welcome inclusion of the Wales Spatial Plan (WSP) *People, Places, Futures* and Planning Policy Wales within this section and note previous interest (referenced by WWF) in extending the WSP from terrestrial planning to cover the Welsh territorial sea.

Further points:

- An update of the current TAN 14 would provide additional support to the integration of coastal and marine management
- Need to actively engage with industries / users of the marine and terrestrial environments, especially when uses can at first glance be seen as incompatible (i.e. renewables and shipping lanes). Again, integrated with land use plans.
- Also need to engage with English neighbours to ensure that there is consistency, continuity and shared objectives.
- Implementation of the Floods and Water Management Act 2010 and the Flood Risk Regulations 2009 requirements lies with Local Flood Authorities, requires close integration with Welsh Ministers responsible for Marine Planning
- Integration with River Basin Management Plans, if these are divided at the sub regional level in Wales in the future (recognised as key in section 100).

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
<p>Comments</p> <p>It is vital that the planning sector and all coastal planning authorities are involved in the governance arrangements. Although the Institute notes that all reasonable steps will be taken to ensure that the marine plan will be compatible with relevant Local Development Plans in Wales (and their equivalent in England) and the Wales Spatial Plan (84) the need for close working arrangements between the Marine Planning Authorities and the land use planning authorities should be emphasised. We advocate joint working and joint decision making process on relevant policies, proposals and environmental assessments that span the overlap between the two planning systems.</p> <p>In addition, all stakeholders (including industry bodies and specific business where appropriate) related to the activities listed in the document pp6-8, in addition to their cross boundary counterparts. We would also recommend the involvement of the scientific / academic community in Wales and cross boundary colleagues, including planning academics.</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
<p>Comments</p> <p>We welcome the inclusion of the Wales Spatial Plan and Local Development Plans. We consider the Rural Development Plan for Wales should also be included – concerning water quality in coastal areas (run off).</p>			

Evidence

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?
Comments - The INSPIRE directive, which concerns standardisation of spatial information, related to information sharing. We would also suggest using data held by the European Wind Agency Association, OSPAR Quality Status Report 2010 and general related socio economic data. - Results from ES work and post construction monitoring at existing offshore wind farms (e.g. North Hoyle and Rhyl Flats) and work prepared for Round 3 sites in due course.	

6	Could you help fill them, and how?
Comments We have no access to data ourselves.	

Marine planning areas – national and sub national planning in Wales Cross border relationships

7	Do you think we need to plan on a more sub-national level?
Comments Yes; planning at the sub-national level would assist particularly in intensively used areas such as the coastal zone and estuaries.	

8	If you do, what approach would you like us to take to sub-national marine planning and why?
<p>Comments</p> <p>We would promote regional planning for all of the Welsh Marine area. Planning for 'some' or 'activity hotspots' makes the supposition that you have a thorough knowledge of the Welsh marine area. Offering higher protection to one area, could lead to pressures on less regulated areas. We also consider that close liaison with neighbours is essential to ensure shared objectives and consistency as an activity hotspot is unlikely to reflect national boundaries e.g. North Wales / Liverpool Bay.</p> <p>Marine Planning Policy should again make certain that coastal planning authorities are closely involved in any development of sub-regional plans, to ensure compatibility and integration with terrestrial policy and plans. Numerous, potentially conflicting issues will need addressing, particularly within the coastal zone and the means for integrated implementation of policy – through local development plans and ICZM and RBMPs.</p>	

9	Are there different approaches that we could take?
<p>Comments</p> <p>We have no comment to make.</p>	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
<p>Comments</p> <p>We would suggest the following: OSPAR – Celtic sea – France; contracting parties to the Bonn convention – oil spills and pollution incidents; and North Devon and Liverpool Bay authorities – in terms of offshore renewable energy.</p>			

Engagement and consultation

11	Do you agree with this approach?
<p>Comments</p> <p>There is nothing that we would disagree with in this inclusive approach.</p> <p>NB we do not consider it to be appropriate for the Assembly Government to set up new partnership groups, who value their independence.</p> <p>It is important to ensure appropriate industries and investors are involved, e.g. Ports and Renewables industry.</p>	

12	How do you think we can make best use of existing coastal partnerships?
<p>Comments</p> <p>We consider that they should be made statutory consultees</p>	

13	How else can we reach the public?
<p>Comments</p> <p>Through bodies with popular membership – e.g. National Trust, RSPB, Surfers Against Sewerage. Planning Aid Wales could also act as a conduit.</p> <p>The media is also important; it is essential that web resources are accessible and easy to use.</p>	

Any other comments

The Royal Town Planning Institute (RTPI) is a membership organisation representing over 23,000 spatial planners; RTPI Cymru represents the interests of almost 1,100 members in Wales. The RTPI exists to advance the science and art of town planning for the benefit of the public.

RTPI Cymru welcomes the opportunity to input into this consultation. The response has been formed following consideration by RTPI Cymru's Policy and Research Forum, which is comprised of a cross section of members from across the profession in Wales, including the public and private sectors and academia.

Thank you for completing this form.

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Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector			
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group			✓
	Individual			
Are you happy for your details to be published in the summary of responses?	Y	✓	N	

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		✓	
<p>Comments</p> <p>We welcome recognition in para 13 of the role Welsh seas will play in supporting both renewable and non-renewable energy schemes. Thermal power plant of several fuel types (nuclear, gas, coal, biomass) will continue to have an extremely important role in the transition to a low carbon economy. When appropriately located and permitted, use of marine waters for direct cooling allows significant thermal efficiency benefits with consequent benefits in terms of reduced carbon emissions, more efficient use of fuel, reduced production of wastes/by-products etc.</p> <p>We strongly believe para 19 should include an explicit (rather than implicit) reference to the continued role of thermal (including nuclear) power plant. Since viable locations for direct water-cooled plant are limited (eg through considerations of access to water, availability of suitable low-lying coastal land, terrestrial planning, access to land, transmission considerations) it is important that marine planning should not preclude the possibility of thermal power developments at such locations without due consideration of all social and economic issues as well as environmental aspects.</p> <p>We support the principle of para 14. A vital role of marine planning will be to provide guidance and a forum to facilitate the continuing and future responsible use of the marine environment in contributing to sustainable development within which energy facilities of all types have a part to play.</p> <p>We welcome the recognition of the importance of certainty in para 45 regarding the future. It is vital to allow the substantial investment in water-dependent energy infrastructure which will be required.</p>			

Integration between marine and terrestrial planning regimes

2

Are there other ways in which integration could be improved?

Comments

In addition to the marine renewables mentioned in para 52, we would anticipate the possibility of thermal plant which contributes to nationally significant energy infrastructure which, although 'terrestrial-based' is nonetheless dependent on marine waters (eg for cooling water, materials transport etc). We support the recognition of importance of integration between terrestrial planning and marine planning for such projects which follow from para 53 and closely linked to them is the need properly to integrate decision making given the myriad of permits required by large infrastructure projects.

It is essential that marine plan policies are not applied on a "blanket" basis to all parts of a marine plan area without due consideration of the consequences. Policies addressing issues in the open sea may be inappropriate and have unintended consequences in tidal rivers, estuaries and harbours. The converse is also true.

Particularly careful integration of marine and terrestrial plan policies is required in relation to estuaries and tidal rivers. Spatial planning is likely to be required on a more detailed level in these areas and in ports and harbours than elsewhere, in order for the marine plan provisions for such areas to serve their intended purpose. Given the detailed co-ordination required between marine plans and terrestrial Local Development Plans in such areas, there is a strong case for detailed marine planning in these areas to be carried out at local level. See our comments on questions 7 to 9 below.

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
Comments <p>Up until now the energy sector has been recognised correctly as an important stakeholder to be included in the governance arrangements. However the interests of offshore renewable energy developers and operators and the developers and operators of onshore thermal power plants (whether nuclear, coal, gas or biomass fuelled) are different. We therefore wish to see representation of the energy sector including both marine renewables and, separately, thermal power plant interests. This would almost certainly involve different people, probably from different organisations, since the issues and interests are very different and few people have the necessary detailed experience and understanding to represent both sets of interests effectively at a practical working level.</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
<p>Comments No comment.</p>			

Evidence

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?
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Comments

The evidence base used for marine planning needs to be balanced between ecological, economic and social data. Paras 107-114 suggest a possible bias towards ecological data.

Relative to other subject matter there appears to be a lack of data listed relating to people's use of the Welsh marine area. Existing uses are fundamental to planning, whether they are "fixed" uses which are based on offshore or coastal installations, or "mobile" uses which do not require any fixed installations. Specific efforts should be made to gather evidence on mobile uses other than commercial fishing.

We welcome the statement in para 114 of the application of a risk-based approach where there is uncertainty. We are wary of excessive use of the precautionary principle. The Marine Strategy Framework Directive is based on the 'ecosystem approach' and there is considerable scientific uncertainty on how to translate its requirements into robust operational tools for practical decision-making. It is not clear how and over what timescales this issue will be resolved. We note and support the activity relating to this discussed in paras 106ff. We anticipate that this will be a challenging aspect of marine planning and permitting for years to come bearing in mind the confidence that will be required for large-scale water-dependent infrastructure investment. Stakeholder knowledge is valuable but knowledge gaps should not necessarily be addressed by stakeholder opinion or aspiration.

Whilst taking a precautionary approach towards permitting development might be appropriate for some, but not all, impacts on the physical and biological environment, it is by no means necessarily appropriate in other respects (such as provision of a safe, secure, robust and affordable mix of energy sources, and the economic viability of coastal communities) which contribute to other pillars of sustainable development.

Para 114 suggests the use of adaptive management techniques to cope with uncertainty. We recognise that judgement will inevitably evolve as knowledge changes. However, we wish to reiterate the importance of promoting confidence in use of the marine environment over the lifetime of a water-dependent energy infrastructure scheme (this may be many decades) so as to encourage investment in such infrastructure. Once a major investment in such infrastructure (eg., a generating station) has been made, the operator has to be confident that it will be permitted to operate without undue restriction for the whole of its technical and economic life.

6	Could you help fill them, and how?
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Comments

No comment

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
<p>Comments</p> <p>This partly depends on the form of the marine plans envisaged. Assuming that marine plans are going to define spatially where marine activities are, or are not, to be permitted, or apply policies to specific areas, then planning on a more detailed spatial scale will be required in and around ports, harbours and tidal waterways. The Menai Strait and the Milford Haven waterway are cases in point but there are undoubtedly others.</p> <p>Other factors informing the decision on whether to plan at a more local level in some areas may be the availability of bodies of local use and environmental data and the existence of specific local stakeholders whose interest is limited to the area in question. For example, in the case of the Milford Haven waterway, the gathering and co-ordination of environmental data of common interest is managed by the Milford Haven Waterway Environmental Surveillance Group (MHWESG), which is chaired by the Harbour Master and on which statutory and local authorities and local industrial interests (including RWE Npower plc in relation to Pembroke Power Station) are represented.</p> <p>Clearly there is a regulatory and stakeholder burden with each level of planning. We recognise that in some areas there may be value in a form of plan at a more restricted geographical extent than the national offshore or inshore regions. However, any such plans should always be consistent with (and not conflict with) any relevant national plans or policies.</p>	

8

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

Comments

We would support the approach of local planning for “activity hotspots”, at least in the Welsh inshore region. A similar approach may be required in parts of the Welsh offshore region but we are not in a position to confirm this.

Creation of limited region plans creates the possibility of inconsistency and ‘re-interpretation’ where stakeholders at the more local level seek to revise the targets/objectives/measures for the local area/region which have been established in the national plan. However the proposed approach of embedding local detail for specific areas in national plans should limit the potential for this to occur.

In the first instance the need for more detail in specific local areas should be established through national planning activities/plans/policies etc.

The scope of local planning activity should be restricted to the detailed location of proposed works within the area in question, the exact definition of the boundaries of areas where specific spatially restricted policies should apply, and detailed local implementation of the measures to achieve objectives established in the national plan.

9

Are there different approaches that we could take?

Comments

No comment

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
<p>Comments Department of Environment and Climate Change Infrastructure Planning Commission (and its successor organisation) Crown Estate</p>			

Engagement and consultation

11	Do you agree with this approach?
<p>Comments</p> <p>Yes, although we would strongly recommend that a wider industry audience is required which include participation from trade association or other bodies. For our industry this may include electricity generators (utilities), the UK Business Council for Sustainable Energy (UKBCSE), Association of Electricity Producers (AEP), Low Carbon Research Institute and Renewable UK.</p> <p>In ensuring the widest possible community engagement to engage on sub-national planning discussion, it is critical for WAG to maintain the need to ensure the public are engaged with meaningful consultation, but also to balance the weight applied to local views when considering plans or projects of national or international importance.</p>	

12

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

Comments

Coastal partnerships will have links with local organisations that may wish to be engaged in the process and therefore may provide additional consultees that benefit the consultation process. Coastal partnerships may have more intrinsic knowledge of the inshore marine environment, compared to the offshore environment.

13

How else can we reach the public?

Comments

While recognising that not everybody has Internet access, it is now so widespread that the majority of the interested public can access documents and information on line. Electronic communications are also the key to engaging with relevant business interests who may not necessarily be based locally or in Wales. This should be fully addressed in the Statement of Public Participation.

Any other comments

We are concerned at the state of the institutional capacity available relating to marine planning in the UK. To date it appears that the marine planning arena is being heavily influenced by ecologists/biologists whose focus is conservation/environmental protection with insufficient profile for 'planners' infrastructure developers etc (ie those interested in striving to strike an appropriate balance across the 4 pillars of sustainable development). A key purpose of marine planning is to facilitate and guide sustainable development in the marine environment. This requires a balance between ecological, economic and social factors at all stages of the planning process.

Thank you for completing this form.

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

By Email

Dear Sir / Madam,

Response to the WAG Consultation Approach to marine Planning in Wales

RWE Npower Renewables Limited welcomes the opportunity to respond to the above consultation. RWE Innogy consolidates the renewables business within the RWE group portfolio across Europe. RWE Innogy operates renewable power plants with a total rated capacity of 2,300 megawatts, with 1100 megawatts under construction (890 megawatts of renewable plant in Wales in operation or under construction).

RWE Npower Renewables Limited (NRL), as the UK subsidiary of RWE Innogy, is one of the UK's leading renewable energy companies; developing, building and operating commercial-scale renewable energy projects across Wales, England and Scotland.

RWE Innogy/RWE npower renewables generation portfolio in Wales

In Wales, NRL operate two offshore wind farms; North Hoyle (60 MW) and Rhyl Flats (90 MW) situated off the north coast, and recently opened a new Operations and Maintenance base at Port of Mostyn, North Wales, to serve our offshore wind farms. NRL has started the construction of a third, Gwynt y Môr Offshore Wind Farm (576 MW), whilst the proposed Atlantic Array offshore wind farm is also currently working towards applying for planning consent in the Bristol Channel.

The company operates six hydroelectric power projects in North Wales, and seven onshore wind farms from Neath in South Wales to Anglesey in the north. NRL, in collaboration with Bristol-based Marine Current Turbines, has recently

[RWE npower renewables](#)

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...

submitted a section 36 application for The Skerries; a demonstration array of tidal stream turbines off the coast of Anglesey, with a potential to generate 5-10MW. NRL also operate three offices in South, Mid and North Wales and have recently established a new Wind Turbine Service Centre, linked to our Operations and Maintenance base at Llanidloes, Mid Wales.

NRL is a sister company to RWE npower, a leading integrated UK energy company with around 6.8 million customer accounts. RWE npower operate the Aberthaw Power Station and two Combined Heat and Power plants at Barry and Bridgend, and are currently constructing a 2000MW CCGT at Pembroke. In all, RWE's installed conventional and renewable energy generation in Wales supplies the equivalent of around one-third of Wales' electricity needs.

General Comments on the consultation report

NRL supports the introduction of a holistic system of marine planning for Wales which will provide a clear framework for policy objectives to be adopted to allow sustainable development and conservation objectives to be developed effectively.

NRL endorses the acknowledgements in the consultation sections 12-14 'Importance of our Marine Area', particularly supporting the development of renewable energy installations to deliver the Welsh Climate Change Strategy; and recognition of the need to adapt to the impacts of climate change, and maximising the benefits to a range of stakeholders to create win:win solutions. We would suggest that such text should also cross-reference EU and global aspirations for a low carbon economy, the Renewable Energy Directive and UK renewable energy and CO₂ reduction targets and also the need to ensure security of supply and human well being in the safe supply of electricity.

The only criticism of this section is that other economic benefits, from areas other than tourism, are not directly referenced in the opening sections (e.g. fishing, aggregates, shipping, renewables contributions to Welsh economy). There is a sense in the text that the slant on the 'importance' of the marine area is in favour of ecology conservation, cultural and recreation features over other marine uses, where as a balance between such uses /features should be the clear objective.

Section 8: There is no suggested outline of the Plan review process or review period identified for the adopted plans (e.g. "reviewed every x years").

Section 36. NRL fully supports these key principles, particularly *“Adaptive, capable of learning from experience but also providing as much certainty as possible for decision makers and other users.”*

Section 44. To achieve a more coherent and co-ordinated approach to marine area management; high level policies need to be set before the plans, not as part of the plan development process (the policy sets out “what” is required where as the plan sets out “how” it will be facilitated).

Section 46. following *“Welsh Assembly Government’s key policies and objectives”* add *“and other relevant national or international policy”*.

Section 58. NRL applauds the need for greater certainty in licensing and consents decisions. One area of concern however, is how plans (e.g. Crown Estates Round 3 Plan) or project proposals already in the consenting system will be considered in light of draft marine plans. The Marine Management Organisation has recently indicated that it won’t set out to invalidate or damage sustainable development proposals already in the consenting process during the adoption process for marine plans, but we also recognise that material considerations must be assessed in the decision making process. NRL requests that the Welsh licensing authorities will provide similar assurances.

Section 62: With regard to the quote *“authorisation and enforcement decisions....taken by marine plan authorities...must be in accordance with marine plans and 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 reasons”*. It is not clear what such considerations may relate to, for example, could it be that there are considerations of overriding national or public interest or even the opposite where local considerations are more relevant?. NRL would add that such reasons must not be unreasonable, must be evidence based and that decisions should be fully accountable.

Sections 70, 71 and 79. Correction – sentences refer to the draft MPS. The UK MPS was adopted in March 2011 and published.

Section 77 and 78. There is an inherent concern that draft plans or indeed consultation responses to such plans could influence the Development Consent Order examination processes for major infrastructure projects and affect certainty of IPC decisions that energy companies rely upon for major investment decisions to take place. Whilst it is recognised that such considerations must be taken into account, this should not be at the extent to cause undue delay or risk to consent decisions.

There does not appear to be a Key that accompanies the maps. There also do not appear to be any offshore wind projects represented on the maps (in plan, under construction, or operational).

Question 1

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

There is no consideration of dredging or disposal at sea activities.

Section 19: There is no mention of the economic contribution from energy infrastructure to the local and regional economy.

Regarding other energy infrastructure, it may be worthwhile to include the future development of subsea cabling associated with renewable energy projects to connect them to the transmission system ashore and also the use of interconnectors between the UK mainland and Republic of Ireland to address security of electricity supply and to improve stability of the electricity market.

Section 21: Heritage. It is notable that wording includes “contribution [of heritage assets] *to the delivery of significant socio-economic and environmental benefits*”, however, this could be equally applied to renewable energy infrastructure (for example) but the text is not reproduced in that section. There is another example in reference to “boosting the local economy” in section 20: Fisheries and Aquaculture. Whilst perfectly valid in their own right, these examples raise the question of consistency in how different marine uses may be perceived by decision makers when compiling the marine plans and subsequently interpreting them. Contribution to socio-economic, environmental and the local economy should be evenly referenced in *all* relevant sections, not just selected areas.

Section 30: Telecommunications cabling. It is interesting to note that such infrastructure is considered as “*both socially and economically crucial for the UK*”; this is also true for energy infrastructure, although the same sentence is not reproduced in that section. We hope that consistency will be the mainstay of the marine plans and not conjecture or opinion directed at some selected marine uses and not others.

Question 2

Are there other ways in which integration could be improved?

NRL supports the main intended integration methods. It may also be worth noting that the marine environment is complex and less well known and therefore is very different to terrestrial planning. As such terrestrial planners may not have full insight into how certain marine uses can be integrated into existing terrestrial planning.

Integration with existing marine plans such as the extant Energy Strategic Environmental Assessment for the UK Marine Area (and similar national assessments or plans) is also suggested here. Notwithstanding this, NRL supports the inclusion in section 52 of the reference to nationally significant infrastructure projects and draft National Policy Statements in developing marine plans.

Question 3

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

Section 93: Wales Coastal and Maritime Partnership/ Marine Planning Partnership: NRL’s main concern is that this group must have sufficient experience, competence and broad representation across interest groups to adequately inform the marine planning process and also has the capability to fairly take account of local, national and international (e.g. climate change) interests and balancing the needs of environmental protection and marine use/economic development in drawing together plans.

All economic development, marine use, planning and environmental SNCBs should be represented in the governance arrangements, plus relevant NGOs.

The representation should be proportional to current and planned uses and not dominated by one marine use sector (as has historically been the case for the some regional groups developing MCZs, for example). It is essential that the Stakeholder Group is professionally facilitated and organised to avoid vociferous individuals dominating proceedings or minuted opinion. How this is organised could be set out in the Statement of Public Participation.

In particular we would wish to see representatives from the renewable energy industry actively included and participating in any Steering Group, Evidence Group and in particular, Stakeholder Group. Given the diverse expertise and experience of the different types of renewable energy that might be using the Welsh marine area we think it important to have separate representatives from both the offshore wind industry and wave/tidal industries present in order that the activities specific to each industry are properly understood and considered including the specific impacts and how they can be managed or mitigated as part of the marine plan making process. Given RWEs presence in Wales (RWE NRL and RWE npower) and contribution to both sustainable development and the economy as a major operator and employer, we would welcome the opportunity to participate more fully in the Steering Group, Marine Planning Group or Marine Evidence Group going forward.

We would suggest that the Steering Group should have representation from the following: electricity industry, Renewable UK, Low Carbon Research Institute, Marine Energy Task Group for Wales and also a representative from The Crown Estate marine team.

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

NRL suggests the following documents :

- Climate Change Strategy for Wales (Oct 2010)
- Ministerial Policy Statement on Marine Energy in Wales (Jul 2009)
- Marine Renewable Energy Strategic Framework (various 2007-10)
- Offshore Energy Strategic Environmental Assessment for UK (2009-11)
- Marine Energy Task Group for Wales (2009) Marine Renewables and their context within the Wales Spatial Plan, Pembrokeshire, the Haven.

- Marine Conservation Zone Finding Sanctuary Iteration Reports and SAP reports.

In addition, NRL strongly recommends that emerging marine technology developments such as wave and tidal power schemes are supported by the planning framework and not materially prejudiced (either in current pre-commercial demonstrator phases or future commercial scale arrays such as the proposed MCT Skerries Tidal project) We also recommend that geographic areas where such resource might be exploited are not sterilised by marine plan policies or objectives.

Consequently, documents such as the following should be considered :

- Sustainable Development Commission (2007) Turning the Tide.
- Cardiff University/WWF (2002) Turning the Tide.
- Welsh Development Agency/PMSS (2006) Wales Marine Energy Site Selection.
- RPS (2010) Marine Renewable Energy Strategic Framework.

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?

In addition the documents mentioned above NRL suggests the following sources:

- ABPmer/Met Office/POL/BERR (2008) Atlas of UK Marine Renewable Energy Resources.
- CCW/ABPmer (2005) Potential Impacts of Marine Energy Developments in Welsh Waters.
- DECC (2011) UK Offshore Energy SEA2 Environmental Report
- DECC (2009) UK Offshore Energy SEA Environmental Report

The following specific RWE linked sources may also be useful (see Q6):

- NWPO (2002) North Hoyle Offshore Wind Farm Environmental Statement
- COWL (2002) Rhyl Flats Offshore Wind Farm Environmental Statement
- NRL (2005) Gwynt y Môr Offshore Wind Farm Environmental Statement

- MCT (2011) Skerries Tidal Array Environmental Statement
- NRL (2003-11) Various F.E.P.A. monitoring reports.

Question 6

Could you help fill them, and how?

NRL has long standing datasets for discrete marine and coastal areas as part several EIA activities for its developments in Welsh marine waters. Environmental monitoring has also taken place as part of the WAG marine licensing regime for the construction and operational phases of our offshore wind farms. All our EIA monitoring reports and FEPA Licence monitoring reports are in the public domain.

In addition, The Crown Estate together with development partners will be producing Zone Appraisal Planning reports and environmental monitoring datasets in due course as part of the Round 3 Offshore Wind Farm development programme.

Question 7

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

Not explicitly, although it is important the marine plans and terrestrial plans covering inshore and coastal areas are consistent and work together to achieve the aims of overarching national policy on particular areas, for example renewable energy or nature conservation. It will be prudent to ensure that different regional contexts are taken into account in setting out specific objectives that take into account local or regional circumstances or where other marine plans for future development require specific consideration.

Accommodating/managing the regional variability of marine uses and resources should be the primary objective of national marine planning. For example, activity hotspots such as important estuaries for port activity, Round 3 Offshore Wind Farm proposals, Marine Protected Areas, terrestrial power stations/offshore transmission assets (that, through necessity, need to be situated close to the coast and existing electricity transmission network). Such emphasis needs to be set out clearly and conflicts identified early.

Question 8

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

See answer above.

Section 15: it is recognised that densely used areas will need more detailed planning, however NRL feels that specific objectives will also need to be set in order to identify particular uses, as well as seeking out synergies and best practice.

This should be considered via the governance processes set out in the consultation document (i.e. the Steering Group, Marine Evidence Group and the Stakeholder Group) although 'issue resolution' terms of reference should be set out and agreed from the outset.

Question 9

Are there different approaches that we could take?

It may be useful to set out sustainability criteria that assess the prominence of a new development to meet the long objectives of the plan. This could be part of a measure that provides issue resolution between opposing marine uses, arbitration processes and distinguishing fact from mis-information or opinion.

Question 10

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

NRL suggests the following authorities/organisations:

- Department of Environment and Climate Change
- Infrastructure Planning Commission (and its successor organisation)
- The Crown Estate
- Republic of Ireland Department of Environment, Heritage and Local Government
- Environment and Heritage Service Northern Ireland
- Isle of Man Department of Food & Agriculture

Question 11

Do you agree with this approach?

Yes, however, NRL suggests that a wider industry audience is required which include participation from trade association or other bodies. For our industry this may include electricity generators (utilities), the UK Business Council for Sustainable Energy (UKBCSE), Association of Electricity Producers (AEP), Low Carbon Research Institute and Renewable UK.

It is critical for WAG to maintain the widest possible community engagement on the discussion of sub-national planning. WAG must ensure the public are engaged with meaningful consultation, giving reasonable weighting to local views when considering plans or projects of national or international importance.

Question 12

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

Coastal partnerships will have links with local organisations that may wish to be engaged in the process, and therefore may provide additional consultees that benefit the consultation process. This should be explained in the SPP to ensure engagement with the appropriate bodies. It is up to WAG to decide how this will be done and consult on its appropriateness, noting that Coastal Partnerships may have more intrinsic knowledge of the inshore marine environment, compared to the offshore environment.

Question 13

How else can we reach the public?

The Statement of Public Participation should set this out. It is up to WAG to decide how this will be done and consult on its appropriateness. NRL would suggest that use of both traditional and internet (email/social networking sites) media channels be included in any campaign.

Yours Sincerely

A handwritten signature in blue ink, appearing to be 'JM', with a stylized flourish at the end.

Mr. Jamie May
UK Offshore Development Delivery Manager
RWE npower renewables
Phone 01793 474230
E-Mail Jamie.May@rwe.com



+

Our Ref:SAH/ML2

Your Ref:

marine@wales.gsi.gov.uk

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

26th April 2011

Dear Colleagues

Consultation on Sustainable development for Welsh seas: Our approach to marine planning in Wales

Introduction

This letter is in response to your consultation above. It is made on behalf of Seafish following discussions with its Marine Environmental Legislation Expert Group. This group consists of cross sector industry representation, as well as country government departments and agencies.

Seafish is a non-departmental public body that provides support to all sectors of the seafood industry. It has no official mandate for involvement in resource or environmental management but has an obvious interest in the outcomes of the management processes. Seafish has a publicly stated commitment to “the sustainable and efficient harvesting of those resources on which the UK seafood industry depends, the protection of marine ecosystems, and the development of marine aquaculture based on sustainable resource utilisation and best environmental practice”.

We have provided answers to many of the questions asked in the consultation document in the second half of this response, but we would like to begin with some general comments.

General Comment

There are several points made in the document which we welcome;

- The intention to plan inshore and offshore areas together, thus ensuring continuity
- Having sustainable development as a key aim
- Recognising that the plans need to provide as much certainty as possible
- Stating an intention to take all reasonable steps to ensure compatibility with neighbouring plans
- Stating an intention to engage fully with industry
- Recognising the need to map activities so that they can be taken into account

In responses to previous consultations on marine planning we have stressed the importance of these things to the industry, and we are pleased to see that they have been included in the Welsh document.

There are however still some things which concern us.

- The intention to learn particularly from the terrestrial system of planning, which we feel will lead to plans being more one dimensional and spatially fixed than is appropriate to the sea
- The fact that there are still no policy priorities. It states in the marine policy statement that priorities will emerge more locally in the planning stages, and still as the process moves on there is no indication of priority. The document recognises the need to provide as much certainty as possible, but how can this be possible without priorities being set?
- The document states the intention for Wales to establish some highly protected marine areas in order to monitor the consequences of these. We feel that with the current lack of accurate scientific data regarding the seas and the difficulty of obtaining meaningful data, any such areas will be of questionable value at this stage.
- Also regarding these highly protected marine areas they appear to be proposed with the purpose of scientific study. If so, it is our opinion that they are not permitted under the Marine and Coastal Access Act
- We welcomed the intention above to engage fully with industry indeed the document states that the stakeholder group to influence the process has already been established. On closer inspection of its membership however we note that fishing has only a single representative (from Cardigan Bay), and aquaculture is not represented at all. We are surprised by this and suggest that this is not sufficient engagement bearing in mind the importance of these industries
- We also believe that planning fishing activity is something which can only be undertaken as a consequence of the rules of the Common Fisheries Policy, and as such, marine planners do not have the right to plan fishing

under the Marine and Coastal Access Act. That distinction has not been made clear in the document

Specific Questions

Question 1

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

Activities of foreign fishing vessels which operate in both the inshore and offshore areas. There is also a need to recognise that sectors such as capture fisheries may need to diversify into other species, and that aquaculture should expand to help ensure food security for the UK.

Question 2

Are there other ways in which integration could be improved?

The UK marine policy statement states that the marine plan authorities should 'seek to embrace the significant opportunities for co-existence of aquaculture and other marine activities in developing Marine Plans'

In order to promote this and other co-existence opportunities we believe there is a need to better align the timescales for this planning process with other marine developments in Wales (eg offshore renewable and marine conservation zones). We believe the different timescales involved will make co-existence much more difficult.

Question 3

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

Industry, specifically fishing and aquaculture, which includes inshore, offshore and foreign fishing interests.

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

The Wales Fisheries Strategy: Implementation Plan 2009 makes several relevant points which we believe ought to be given greater prominence within the current document.

The vision of the Wales Fisheries Strategy is to:

'Support the development of viable and sustainable fisheries in Wales as an integral part of coherent policies for safeguarding the environment'

With regard to aquaculture it recognises the excellent prospects for growth and it's ability to supply high quality protein locally. It also says it wants to sustainably increase shellfish cultivation.

For capture fisheries it stresses the need for a sustainably managed, safe productive and profitable fleet and suggests that it should increase production by diversifying into other species.

It also stresses the importance of the industry to the socio-economics of Wales, how it can contribute positively to the environment and to communities in Wales.

All these points are important and should be recognised within the Welsh marine planning strategy.

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?

There is a need to have much more accurate sea-bed data, coupled with fishing spatial and temporal data.

The recent scallop dredging environmental impact assessment in Cardigan Bay SAC demonstrated what little information we have on the seabed habitats, even in SACs designated to protect particular habitats.

The University of Wales assessment of offshore habitats in Cardigan Bay SAC showed the western part was dominated by gravel habitats and the eastern part of the SAC dominated by sand, thus disputing the SAC reef feature boundary. The assessment also concluded 'that natural processes outweighed the negative effects associated with scallop dredging within this highly dynamic area'.

(Ref: Hinz, H., Scriberras, M., Murray, L.G. Benell J.D. & Kaiser, M.J. (2010) Assessment of offshore habitats in the Cardigan Bay SAC (June 2010 survey). Fisheries & Conservation report No. 14, Bangor University)

Apart from vessels over 15 m (which are equipped with VMS) the spatial and temporal activity of vessels under 15 m has not been accurately mapped. Some mapping has occurred inshore, for example by CCW. However, this data requires quality assurance.

There is also very little data from foreign vessels.

Question 6

Could you help fill them, and how?

Fishermen could provide information on seabed type and the spatial and temporal distribution of fishing. However, trust within the industry for such work is low for a number of reasons. Firstly, communication with fishermen on the MCZ work and marine planning has been poor thus far and principally confined to the odd conference and paper driven consultation. This is not an effective means of communicating with working fishermen. Secondly, the closure of traditional scallop dredging grounds based on data which was not sufficiently robust. Thirdly, fishermen would not want to lose their competitive advantage by revealing their fishing grounds and practices to others. Data collected in confidence, owned and controlled by the industry or a body on behalf of the industry would be more appealing to fishermen.

Question 7

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

The plans need to be flexible to take the dynamic nature of fishing into account. The spatial and temporal nature of fishing, the introduction of new fishing gear and fishing intensity can depend on many factors from year to year, including:

- environmental conditions (the seasonal appearance of commercial species);
- regulations (closures, quotas);
- increase in the population size of target species (such as the rise in inshore scallop stocks);
- market demand;
- new markets (for new and existing species); and
- technological developments (eg electro-fishing in South Wales)

The Welsh inshore fishing fleet is renowned for its versatility, partly due to its limited fishing range and desire to remain operating from home ports and landing places. Inshore industries, such as merchants and processors rely on local supply which in turn supports local communities. The survival of local fisheries, onshore industry and coastal communities will depend on a flexible and well informed planning system.

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?

Question 10

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

A formal working relationship needs to be established with all EU Member States whose vessels operate in the inshore zone (those with historical fishing rights; Belgium, France and Ireland) and offshore zone.

Question 11
Do you agree with this approach?

The marine planning timescale does not synchronise with the timescales for other activities and spatial designations, such as offshore wind farms and MPA networks. As mentioned under Question 2, finding ways for marine activities to co-exist, as encouraged under the UK MPS, will be made even more difficult with misaligned planning timescales for different marine uses.

Question 12
How do you think we can make best use of existing coastal partnerships?

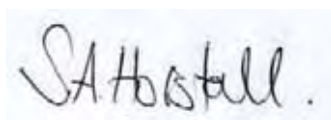
Fishermen's Associations are often overlooked and should be made more use of. In Wales, their members undertake a variety of mobile and static fishing operations which allows the associations to resolve spatial disputes.

Long term informal spatial agreements exist between static gear fishermen (often according to ports/landing places) and between static and mobile gear fishermen, especially inshore. Such spatial agreements need to be captured in the marine planning system to ensure fishermen and their communities are not unfairly disadvantaged.

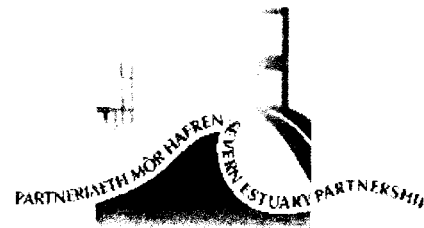
As mentioned under Question 5, fishermen can supply data on fishing activity and seabed type required for effective marine planning. We recommend engaging and empowering the fishermen's associations in data collection, analysis and decision-making. The first task will be to improve communication.

I hope this response is useful, should you have any comments or queries, please do not hesitate to contact me.

Yours sincerely,



S. A. Horsfall
Environmental Consultant



21st April 2011

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

Dear Sir/ Madam,

Consultation on Sustainable development for Welsh Seas: Our approach to marine planning in Wales:

The Severn Estuary Partnership is pleased to have the opportunity to review the Welsh Assembly Government's consultation document *Sustainable Development for Welsh Seas: Our Approach to Marine Planning in Wales* and fully supports the WAG's aim for a robust and productive marine planning system, with sustainable development at the heart of its approach .

Given our partnership remit, our primary interest is in ensuring that all stakeholders are fairly represented, play active roles and are appropriately supported so they can engage in an informed way. We also stress the significance of working jointly in cross-boundary areas and recommend that measures are adopted to ensure the smooth transition of regional plans between adjacent coastal and marine areas in the UK, particularly between South Wales and South West England.

The following section summarises the Severn Estuary Partnership's responses to key questions outlined in the discussion document:

Cross Border Relationships

Given the cross border nature of the Severn Estuary Partnership's area, the integration between the South West Inshore marine plan and Welsh Inshore national plan are of great concern. The Severn Estuary Partnership supports the simultaneous planning of the area by WAG and the Marine Management Organisation (MMO). This should aid the engagement of estuary users and assist in plan compatibility as well as facilitating the delivery of an ecosystems-based and sustainable approach for this important water body.

Whilst we appreciate that it is not legally possible to have a joint plan with England across our shared marine boundary, we encourage a close working partnership between WAG and the MMO, particularly in terms of data sharing, stakeholder engagement and spatial scale / regional detail. The SEP would also recommend detailed early consultation by both WAG and the MMO to agree a common approach.



Marine Plan Areas

The Severn Estuary Partnership recognises the importance of the regional resources of the Severn Estuary and supports the need to plan at a sub-national scale. The Partnership also supports more detailed planning for areas of high activity and potential conflicts. However, SEP suggests that it would be most appropriate if the MMO and WAG plan at compatible regional scales, to aid the compatibility and implementation of marine plans in cross border areas such as the Severn Estuary.

Whilst we appreciate that it is not possible to have separate regional and national plans and, therefore, SEP accepts the need to embed regional plans within the context of a national plan document. SEP would, however, stress the importance of regional planning and seeks clarity of how this will be achieved and over what timescale.¹

Engagement and Consultation

The SEP recognises effective engagement and consultation as key in the marine planning process. Effective stakeholder engagement aids data accuracy, conflict management, integration and, in turn, the implementation of marine plans.

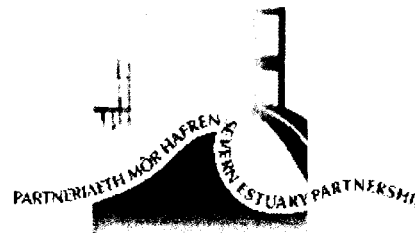
The Partnership welcomes WAG's intention to use and support existing local fora and would encourage further dialogue between SEP and WAG regarding this.

Coastal Partnerships in Wales can offer a neutral and trusted platform to engage with local users, industries, Relevant Authorities and communities. The SEP has over 15 years active experience of engagement in and around the Severn Estuary and is uniquely based to aid consultation across this cross border, multi use estuary. The Partnership has a proven track record, assisting in the development of the Severn River Basin Management Plan, Shoreline Management Plan (II) and Flood Risk Management Strategy.

The Partnership also has a strong working relationship with the Association of Severn Estuary Relevant Authorities (the group responsible for the development of the management scheme for the Severn Estuary European Marine Sites), the Severn Estuary Coastal Group (responsible for the development of the Shoreline Management Plan) and the Bristol Channel Standing Environment Group (responsible for marine pollution incident response in the Bristol Channel). The Partnership also actively engages with Town, Parish and Community Councils around the Estuary, including the 32 Community Councils fronting the Estuary in Wales.

Along with the 13 Local Authorities bordering the Estuary and over 3000 individual contacts representing over 1000 organisations, SEP is well placed to aid effective and efficient communication across the Severn Estuary region, throughout the marine planning process. The Partnership currently engages with numerous local authority planners around the Estuary, with many attending SEP's Joint Advisory Committee meetings and Annual Forum. The Partnerships Management Group is also chaired by George Ashworth, Head of Planning and Enterprise for Monmouthshire County Council. This continued support from terrestrial planners is vital to aid terrestrial and marine integration in the coastal zone.

¹ Will a national plan be completed before regional planning commences, or will both a national and regional plan be developed alongside one another?



The Partnership coordinates a number of interested groups around the estuary ranging from conservation groups, through to flood risk and user groups. It is this coordinated approach that SEP feels would be most effective for reaching and engaging with the wider public at the regional scale. It is possible for such an approach to be developed throughout Wales on a regional scale with national coordination as necessary, however it will be necessary for WAG to define what they want to achieve, who they wish to engage with and at what geospatial scale. It should be noted that SEP has the experience to assist in the design and development of a regional approach across Wales and would welcome further dialogue on this matter.

SEP would also welcome further recognition of the general role and importance of Coastal Partnerships in helping deliver more effective marine planning. In particular, the Partnership would appreciate some commitment of financial support to ensure that it and other partnerships are appropriately resourced to be able to aid the development of marine plans, drawing on their unrivalled local knowledge and key stakeholders' trust.

General Comments

We would like to draw your attention to the 'State of the Severn Estuary Report' which is being developed jointly by the Partnership and the Environment Agency, supported by Interreg IVB IMCORE funding. It is anticipated that this document, which will be launched at the Severn Estuary Forum (September 2011) will include baseline data and references of relevance to marine planning in the area as well as identifying resources at particular risk from climate change. Whilst our previous documents, the Severn Estuary Partnership *Joint Issues Report* (1997) and the *Strategy for the Severn Estuary* (2001) are now somewhat dated, our recent internal and partnership reviews of these documents, suggest that many of the issues and policies are still relevant and form a basis for detailed marine planning in the region.

Finally, the Partnership would like to thank you once again for this opportunity to comment on the consultation and would welcome further dialogue related to the above. We look forward to hearing from you in due course.

Yours sincerely,
On behalf of the Severn Estuary Partnership,

Paul Parker
Severn Estuary Partnership Engagement Officer

Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name	Planning Policy Team			
Organisation	Snowdonia National Park Authority			
Address	National Park Offices Penrhyndeudraeth Gwynedd LL48 6LF			
E-mail address	Gareth.Lloyd@eryri-npa.gov.uk			
Type (please select one from the following)	Local Authority		<input checked="" type="checkbox"/>	
	Government Agency / Other Public Sector		<input type="checkbox"/>	
	Higher Education / Further Education / School		<input type="checkbox"/>	
	Professional Body		<input type="checkbox"/>	
	Other Interest Group		<input type="checkbox"/>	
	Individual		<input type="checkbox"/>	
Are you happy for your details to be published in the summary of responses?	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		✓	
<p>Comments</p> <p>There is a need to fully appreciate the importance of “Seascapes” - the interrelationship of land and sea and the need to protect iconic views across Cardigan Bay to the Llyn peninsula and Pembrokeshire and, on clear days, across to Ireland.</p> <p>Recognition of the intangible aspects of cultural heritage of the Welsh coast and seas in human migrations, trade and cultural exchange along with its role in Welsh literature and mythology e.g. Branwen, Cantre'r Gwaelod.</p> <p>Recognition of the potential for further archaeological discoveries from the study of drowned Mesolithic landscapes.</p> <p>Potential exploration for minerals such as oil, gas and metals. Only marine aggregates are mentioned in this part of the Consultation.</p> <p>Paragraph 18 refers to the MoD in connection with defence and national security. Maritime rescue and fisheries protection should also be mentioned as duties of the armed forces.</p> <p>Sea fisheries are a relatively minor employer in Wales. (Paragraph 20 claims that they are a “major employer” in some communities).</p>			

Integration between marine and terrestrial planning regimes

2	Are there other ways in which integration could be improved?
<p>Comments</p> <p>Marine Plans must take into account adopted terrestrial plans and the policies relating to coastal planning contained therein and afford them appropriate weight in decision- making.</p> <p>ICZM must be promoted more actively.</p> <p>The jurisdiction of the Snowdonia National Park Authority ends at MHWL along most of its coastline leaving Gwynedd Council with responsibility for planning between MLWM and MHWL. This situation could lead to confusion</p> <p>This section of the consultation paper could benefit from some explanation of the EC Common Fisheries Policy and the extent that the Welsh Assembly Government can influence fishing by boats carrying flags of EC nations.</p> <p>Bi-lateral contacts and agreements with governments of the Irish Republic and the Isle of Man could be beneficial.</p>	

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
<p>Comments</p> <p>The Welsh Assembly or its ministers should make decisions, with powers to delegate. That is, a similar system to planning appeals. Stakeholders should have the right to make representations, but not decisions.</p> <p>The importance of including Local Planning Authorities cannot be over-emphasised.</p> <p>There could be roles for eNGOs, recreational bodies, tourism operators particularly in respect to sectoral interests and conflict resolution/avoidance at a more local level.</p>	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
		✓	
<p>Comments</p> <p>Need to be aware of the outcomes of the Irish Sea Marine Aggregates Initiative (IMAGIN) an INTERREG III project.</p>			

Evidence

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?
<p>Comments</p> <p>Information on the extent and intensity of recreational use made of the Welsh coastline.</p> <p>Information on fish discarded without being landed so as not to count for quotas under the Common Fisheries Policy would be useful.</p>	
6	Could you help fill them, and how?
<p>Comments</p> <p>The SNPA does not hold such information.</p>	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?	
Comments The Welsh marine area is not homogenous and different areas are subject to different pressures. Sub-regional planning could take these differences into account.		
8	If you do, what approach would you like us to take to sub-national marine planning and why?	
Comments Of the approaches outlined it would appear to make more sense if there was Regional Planning for all of the Welsh Marine Area but with more local planning for “hotspots” or areas where conflicts between may arise.		
9	Are there different approaches that we could take?	
Comments		

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
			✓
Comments Para.125 correctly identifies those countries/authorities which ought to be consulted.			

Engagement and consultation

11	Do you agree with this approach?	
Comments Yes, building on existing relationships and partnerships to help inform marine planning in Wales is essential.		
12	How do you think we can make best use of existing coastal partnerships?	
Comments		

13	How else can we reach the public?
Comments Media – press TV and internet.	
Any other comments	

Thank you for completing this form.



The British Association for Shooting & Conservation

Alan Storer
Marine Policy Branch
Welsh Assembly Government
Cathays
Cardiff
CF10 3NQ

Glynn Cook
Director
BASC Wales
The Station House, Caersws
Powys. SY17 5HH
glynn.cook@basc.org.uk

By email to marine@wales.gsi.gov.uk

Dear Mr Storer,

Consultation on Sustainable Development for Welsh Seas: Our approach to Marine Planning in Wales.

BASC are pleased to respond to this consultation as a representative body for sporting shooting including coastal wildfowling.

BASC was founded in 1908 as the Wildfowlers' Association of Great Britain and Ireland (WAGBI) and is the UK's largest shooting association. BASC is constituted as an Industrial and Provident Society, with over 130,000 members BASC is the largest representative body for sporting shooting in the UK.

The independent research published in 2006 by PACEC showed that live quarry shooting contributes some £73 million pounds to the Welsh economy per year, with 110,000 participants, providing 2600 full time jobs and an investment of £9.6 million pounds in habitat and wildlife management.

Wildfowling is the pursuit of quarry species (wild duck, geese and waders) for sport with the use of a smooth bore shotgun either on foot or under certain conditions by punt over foreshore. In Wales the foreshore is that part of the seashore which is more often than not covered by the flux and reflux of the four ordinary tides occurring midway between spring and neaps.

The foreshore of Wales is presumed, in the absence of evidence to the contrary, to be vested in Her Majesty by right of her crown so as to form part of the Crown Estate. The Crown Estate owns approximately half of the foreshore in the UK. In addition local authorities or other organisations now control other parts through leases from The Crown Estate which may or may not include the sporting rights.

Wildfowling is a traditional activity in coastal areas. The Birds Directive (1979) fully recognises the legitimacy of hunting of wild birds as a form of sustainable use. Wildfowling is an activity that provides significant social, cultural, economic and environmental benefits in Wales. Wildfowling continues as a sport valued by BASC members and visitors to Wales. Since the Firearms Act 1968 (1997) wildfowling has been carried out on the basis of an agreement between BASC and The Crown Estate, whereby members of BASC would not be prosecuted for armed trespass when carrying shotguns on foreshore over which the sporting rights remain vested in The Crown Estate. This was known as the General Agreement. Whilst this agreement effectively allowed wildfowling to take place on Crown Estate foreshore, it did not permit implementation of management initiatives. The General Agreement came to an end in February 1999.

Since 1994, all known available areas of Crown Estate foreshore in Wales notified as holding wildfowling interests have been subject to a procedure of the Joint Tidal Group working in partnership with BASC, The Crown Estate and Countryside Council for Wales (CCW), to set a timetable to bring these areas under lease agreements.

In Wales there are currently 21 BASC affiliated wildfowling clubs that have a lease agreement with the Crown Estates and management plans approved by the Countryside Council for Wales. Club members play an important and active part in the management and wardening of the coastal inter-tidal areas where wildfowling takes place.

Please do not hesitate to contact me if you wish to clarify any of the above.

Yours sincerely,

A handwritten signature in cursive script that reads "Glynn Cook". The signature is written in a dark ink and is positioned below the text "Yours sincerely,".

GLYNN COOK
Director BASC Wales

**‘Sustainable development for Welsh seas: Our approach to marine
planning in Wales’**
Response from The Crown Estate
May, 2011

General Comments

- The Crown Estate welcomes the opportunity to respond to this consultation and thanks you for the opportunity to provide input. We feel this is an important piece of work that will be of great benefit to the management of the marine environment
- The Crown Estate welcomes the Welsh Assembly Government’s integrated approach to marine planning through consideration of both the inshore and offshore areas jointly, existing planning regimes and policies including integration with terrestrial planning.
- We are the responsible authority for a number of data sets and we would like to explore further ways in which we can work with WAG on this issue to assist in the marine planning process.
- The Crown Estate recommends that all Marine Plans for UK waters in administrative border areas are temporally aligned wherever possible, in line with long-term sustainable development.
- The Crown Estate would like to maintain our involvement in the Welsh marine planning process and would welcome participation in all of the governance structures mentioned in the document.
- The Crown Estate would like additional clarity on the stages and timeframe for the production of the Marine Plan policy documents.
- The benefits of cohesion between terrestrial and marine planning will be a positive outcome of the new planning process
- It is important that there is consistency and clarity with regard to licensing in the absence of marine plans; consenting decisions must be delivered on time and to the appropriate standard even in the absence of plans.
- As a public body with a statutory remit in Welsh waters, we look forward to working with WAG on the asset plans which The Crown Estate has produced in connection with the management or use of the sea or coast, or of marine resources.
- We believe we can play a positive role in marine planning through the expertise we have gained and by using our marine spatial planning tool [MaRS]; we will work closely with the Welsh Assembly Government to provide them with our knowledge, experience and expertise as stewards of the marine environment.

Introduction

The Crown Estate welcomes the publication of the consultation and is grateful for the opportunity to provide these comments. We feel this is an important piece of work that will be of great benefit to the management of the marine environment and

having reviewed the report have outlined areas of suggested change below. ~~This response is informed by The Crown Estate's extensive experience of managing activities within the marine environment and, within its core remit, of balancing economic activity with stewardship of natural resources for future generations to use and enjoy. We are committed to working with government departments, stakeholders and industry in helping to manage the coastal and marine environment. This response builds on our ongoing dialogue with the Welsh Assembly Government and other stakeholders in Wales.~~

The Crown Estate can bring to bear a high level of knowledge and expertise on issues relating to management of the foreshore, the territorial seabed and continental shelf, and we are committed to working with Government and all stakeholders on issues which affect these areas. Our Marine Estate comprises virtually the entire UK seabed out to the 12 nautical mile territorial limit, in addition to the sovereign rights to explore and make use of the natural resources of the UK continental shelf, with the exception of oil, coal and gas. We own over half the foreshore and around half the beds of estuaries and tidal rivers in the United Kingdom. Our expertise includes marine resource management (e.g. marine aggregate extraction, marine renewable energy installations, seabed infrastructure, aquaculture and new activities such as gas storage and carbon capture and storage) and its interplay with other marine activities such as defence, energy, navigation and marine safety. We have a strong understanding of the needs of a broad range of sea users, as commercial partners, customers and stakeholders.

Having reviewed the document, please see below for some specific comments on each section: -

Specific comments

The Crown Estate have a number of objectives laid out in an Act of Parliament, these include benefitting the UK taxpayer by paying the revenue from our assets directly to the Treasury; and, enhancing the value of the estate. The Crown Estate and the Welsh Assembly Government therefore have a shared interest in the wise, long-term management of the marine environment. We are able to act as a trusted advisor and expert on marine matters and our key role in strategic planning of this national resource benefits the UK and its citizens. We understand the commercial drivers in the marine environment as well as the importance of managing the resource sustainably – we take our sustainable development and stewardship role extremely seriously and our interests in these areas follow the grain of government policy.

We raise points here in the context of what is needed before the plans:

- Integration / compatibility with other plans and policies:
 - It is important that WAG has regard to any other type of plan prepared by a public or local authority in connection with the management or use of the sea, the coast, or marine or coastal resource in, adjoining or adjacent to the Marine Plan area
- Definition of geographical scope:
 - The Marine planning system outlined is only for inshore and offshore waters in Wales- The Crown Estate is in the unique position of owning almost all the seabed around the whole of the UK and has an interest in the co-ordination and consistency between each of the planning systems. There is no legal responsibility for different administrations in

the UK to plan jointly or at the same time in areas which cross planning boundaries – we therefore would like to see a commitment to coordinated planning and are willing to assist all Governments in this process.

- Working across borders (national and international)
 - The Crown Estate are in agreement that a co-ordinated approach is needed to manage marine areas across national and international boundaries
- Plan areas to be established:
 - The Crown Estate welcomes the commitment that adjacent plans in the inshore and offshore regions may be developed at the same time through a single process that produces two plans.
 - The Crown Estate will continue to engage closely with WAG on marine plans locations.
- Evidence base developed
 - We are happy to explore information sharing in a positive manner. We believe we can play an even greater role in marine planning through the expertise we have gained and by using our marine spatial planning tool [MaRS]; we will work closely with WAG to provide them with our knowledge, experience and expertise as stewards of the marine environment.
 - The Crown Estate is working to seek the most efficient way to store, generate and access data and would be happy to work with WAG on their methods
- Order and timeline for planning
 - The Crown Estate would like to engage closely with WAG on our current programme of activities and development plans. We would also like to emphasise the importance and benefit of drawing up plans for the inshore and associated offshore region at the same time.
- It is important that there is consistency and clarity with regard to licensing in the absence of marine plans; consenting decisions must be delivered on time and to the appropriate standard even in the absence of plans.

Consultation Questions

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

We believe you have covered the majority of activities.

We appreciate that the maps were not meant to be exhaustive but there are a number of key activities that are not included, these include: Wind farm extensions have not been included; and, there are a range of aggregate licence and option areas which are missing.

We are the responsible authority for a number of data sets and we are happy to continue to provide WAG with up-to-date information to help the marine planning process. We would like to explore further ways in which we can work with WAG on this issue.

2. Are there other ways in which integration could be improved?

~~Para 40 mentions the desire to learn from other planning systems including international systems. The Crown Estate would be interested in participating and assisting the Welsh Assembly Government in information and best practice sharing.~~

Para 53 mentions liaison with responsible authorities for terrestrial planning but it is also important to emphasise liaison with other marine planning authorities, such as the Marine Management Organisation and Marine Scotland and capture the lessons they have learnt through their Marine Plan development.

The Crown Estate welcomes the consideration of terrestrial planning policy with marine planning and is pleased that WAG will seek to identify several ways to integrate these. Marine Plans will physically overlap with terrestrial plans to ensure the whole of the marine and terrestrial environments is considered in an integrated manner and not restricted by an artificial boundary at the coast. The Crown Estate welcomes this approach to land-sea policy integration as many of our business activities have onshore and offshore interactions.

We understand that WAG and marine plans will have regard to any plan which The Crown Estate has produced in connection with the management or use of the sea or coast, or of marine resources. We agree with this position.

3. What sectors do you think need to be included in the governance arrangements?

The Crown Estate would like to be a part of all the governance arrangements mentioned and believe we can add considerable knowledge and information to the process.

With significant experience of marine planning, a remit for the seabed of Wales, and owner of more than half the foreshore of Wales, we believe we can offer a unique knowledge set for the benefit of statutory marine planning in Wales.

The Crown Estate would be happy to provide a list of sectors that have an interest in the marine environment that we liaise with. We have extensive experience of working with marine industries and stakeholders – particularly relevant to Wales are the marine renewable energy sectors and the aggregate industries.

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

No comment.

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?

It is widely recognised that information is suboptimal for many marine interests, particularly for activities or features that are harder to observe or expensive to survey. For example, there is no comprehensive datasets covering marine habitats and mobile species and have traditionally only been observed at irregular survey intervals. Several marine activities including shipping, fishing and leisure have sporadic data availability with some areas well represented and others lacking the detail that is desired to make planning decisions. It is necessary to strike a balance between using the best available evidence in order to facilitate planning and licensing decisions whilst also recognising that there may be opportunities to improve datasets that underpin decisions. The Crown Estate would support a pragmatic approach to data management that makes best use of available data and targets specific areas for collaborative improvement.

6. Could you help fill them, and how?

The Crown Estate has developed a comprehensive database of marine datasets to underpin our asset planning – our Marine Resource System (MaRS). We are happy to share the metadata for these datasets that identifies the source of the originating information. Where licensing conditions permit, we will also be happy to share the actual datasets. We are also very active in trying to improve our baseline information and would welcome the opportunity to collaborate to improve the evidence base in Welsh waters overall the benefit of the Welsh marine sector.

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

The requirement to plan on a sub-national level will depend on the needs of government policy, stakeholders and users of the sea. As the national planning process emerges it will enable Government and others to appreciate if, and where, sub-national plans are appropriate. The Crown Estate is happy to provide the Welsh Assembly Government with information and advice as the process begins.

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

It is not appropriate for The Crown Estate to comment on the form of sub-national planning at this time but we are keen to offer our views and expertise as the planning process in Wales begins.

9. Are there any different approaches that we could take?

See above

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

We believe you have mentioned those countries most relevant to planning in Wales.

The Crown Estate is considered as a public body under the Marine and Coastal Access Act (2009), and the Act states that the matters to which a marine plan authority is to have regard in preparing a marine plan include the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961. Therefore, we look forward to working with WAG on the asset plans which The Crown Estate has produced in connection with the management or use of the sea or coast, or of marine resources.

11. Do you agree with this approach?

Yes, we agree. Also, The Crown Estate would like to recommend that regional and national sectoral fora are also considered. We are involved/facilitate/chair a number of groups (such as the Seabed User and Developer Group, the Round 3 ZDA Developer Forum, the Offshore Wind Developers Forum) and would be happy to discuss liaison with these groups as the Welsh marine planning process develops.

12. How do you think we can make best use of existing coastal partnerships?

No comment

13. How else can we reach the public?

A clear definition of 'public' is needed; The Crown Estate would suggest a variety of engagement methods is needed to engage with a complex mix of interested parties (public and stakeholders) such as exhibitions, workshops, newsletters and transparent consultations processes. The Crown Estate has a number of networks – particularly with offshore industries – and we are happy to help the Welsh Assembly Government with this aspect.

Conclusion

We trust that you will find these comments constructive. We would be very willing to provide additional information on any of the points we have raised above and be very pleased to discuss these matters with you further. We are ready to engage in further discussions on these and other points relevant to our ownership or which our expertise may be brought to bear. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

Contact:

David Tudor
Senior Marine Policy & Planning Manager
The Crown Estate
16 New Burlington Place
London, W1S 2HX
david.tudor@thecrownestate.co.uk

Appendix

The Crown Estate

The diverse portfolio of The Crown Estate comprises marine, rural and urban properties across the whole of the United Kingdom valued in total at over £6 billion (2009 figures). Under the 1961 Crown Estate Act, The Crown Estate is charged with maintaining and enhancing both the value of the property and the revenue from it consistent with the requirements of good management. We are a commercial organisation guided by our core values of commercialism, integrity and stewardship.

The Crown Estate's entire revenue surplus is paid directly to HM Treasury for the benefit of UK citizens; in 2009/10 this amounted to around £210 million.

The Marine Estate

Our marine estate comprises virtually the entire UK seabed out to the 12 nautical mile territorial limit, in addition to the sovereign rights to explore and make use of the natural resources of the UK continental shelf, with the exception of oil, coal and gas. We own over half of the foreshore and around half the beds of estuaries and tidal rivers in the United Kingdom. A wide variety of businesses and organisations conduct economic and conservation activities across our marine estate, with an estimated total value of some £444 million providing almost 890,000 jobs. Over 20% of our coastal estate is leased out to conservation bodies.

The Crown Estate manages its marine assets on a commercial basis, guided by the principles of sustainable development and social responsibility. We take a consistent approach to the management of our activities around the UK, whilst retaining flexibility to take local factors into account whenever necessary. The Crown Estate can bring to bear an unparalleled level of knowledge and expertise on issues relating to management of the foreshore, the territorial seabed and continental shelf. We have a strong understanding of the needs of a broad range of sea users, as commercial partners, customers and stakeholders.

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



9 May 2011

Dear Sirs

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

The Law Society is the representative body of over 140,000 solicitors in England and Wales. The Society negotiates on behalf of the profession and lobbies regulators, governments and others. This consultation response has been prepared by members of the Law Society's Planning & Environmental Law Committee. The Committee comprises 20 practitioners expert in these areas of law from a cross section of the profession, both public and private sectors, and from across the UK nations.

We welcome the consultation on the development of national plans for the Welsh inshore and offshore areas within the context of the recently published UK Marine Policy Statement. The consultation document rightly identifies the importance of the seas surrounding Wales for residents and the economy.

Question 1 Are there any other key features, resources or activities in Welsh seas that we need to take account of?

To the list of headings we would suggest the addition of development (the building of new buildings in coastal areas) and flooding - both the risk of flooding from tidal incursions and the drainage of flood waters from the land into the sea.

Question 2 Are there other ways in which integration could be improved?

Liaison will be necessary between those responsible for marine planning, which in the main will be at the national level, and land use planning which is principally the responsibility of local authorities. We hope that the marine policy guidance will give a clear steer to local planning authorities that they must have regard to marine policy documents in their own development plans and in their exercise of development control.

Question 3 What sectors do you think need to be included in the governance arrangements?

The sectors to be included in the marine planning governance arrangements should reflect the activities identified in paragraphs 18 - 32 of the consultation document - energy providers, agriculture and fisheries, heritage, marine aggregates, ecology and diversity, ports and shipping, protection of the natural environment, tourism and recreation, waste water disposal, flood defence. In addition there should be representatives from local government and from the business community.

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

Minerals Technical Advice Note 1: Aggregates: Minerals Planning Policy Wales in so far as it deals with sand and gravel extraction at sea.

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?

We have no suggestions.

Question 6 Could you help fill them, and how?

No.

Question 7 Do you think we need to plan on a more sub-national level?

Within a country the size of Wales there is an argument that marine planning should be at a national level. However our preference would be for a high level national plan allowing for more detailed sub-national plans. The primary uses of the coastal areas varies across the country which could be better reflected in sub-national plans - the more industrial usage in south Wales as against the more leisure and recreational uses in west and north Wales.

Question 8 If you do, what approach would you like us to take to sub-national marine planning and why?

If sub-national marine planning is adopted there will be a need for liaison between interested stakeholders within each region, principally the local authorities. A possible approach would be for one authority in each region to be identified as the lead marine planning authority for the region. That authority would lead on marine planning policy, while development control in coastal areas would remain the responsibility of individual authorities. This would also mean that planning officer expertise could be located in the lead authority instead of being spread thinly across all of the authorities in the region.

Question 9 Are there different approaches that we could take?

Question 10 Are there other countries or authorities that we need to have close or formal relationships with?

No.

Question 11 Do you agree with this approach?

Yes.

Question 12 How do you think we can make best use of existing coastal partnerships?

Building upon informal liaison arrangements would appear to be a better approach than formal structures.

Question 13 How else can we reach the public?

There does need to be a concerted effort to inform the wider community of the necessity for marine planning in Wales and the benefits thereof. The assembly Government should look at the Marine Management Organisation's strategy for engagement with stakeholders. This involves each board member being designated to take an interest in a specific coastal region. The Assembly Government cannot emulate those arrangements exactly but it should be aware of what the MMO is doing in this respect in case of adverse comparisons being drawn if the Assembly Government becomes seen as remote from stakeholders, especially local ones, notwithstanding Wales being a smaller country.

Yours sincerely

A handwritten signature in blue ink that reads "David Brock". The signature is written in a cursive, flowing style.

David Brock, Chairman



CONSULTATION ON SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

INTRODUCTION

The Welsh Assembly Government has opened a Consultation on Sustainable Development for Welsh Seas: Our approach to marine planning in Wales and has invited comments.

The NFFO is the representative body for fishermen in England, Wales and Northern Ireland. Our member vessels range from 40 metre stern trawlers operating at North Norway and Greenland to small, under 10metre vessels, beach launched and with limited range. The Federation holds seats on the EC Advisory Committee for Fisheries and Aquaculture, and the North Sea, North West Waters, Pelagic and Long Distance regional advisory councils. The NFFO is also a member of Europeche, the European trade federation for the fishing industry.

The NFFO has a number of Welsh members among its constituents and is therefore responding on their behalf to the proposed approach for marine planning in Wales.

GENERAL COMMENTS

As it stands, this is a document about process. It does not attempt – or perhaps pre-empt – what Wales' marine planning priorities are but appears to leave them to evolve from the process. This is a matter of concern to the fishing industry since experience tends to show that when there are competing uses of the marine environment those activities that can point to static boundaries are advantaged. Since the fishing industry in general tends to have flexible boundaries according to the current fishing opportunities it therefore tends to operate at a disadvantage. Setting priorities could help to offset this disadvantage.

Reference is made, 26, to the establishment 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 protection*. The NFFO believes that the establishment of such reference areas is premature in so far as the evidence does not yet exist to designate such areas on a scientific basis.

RESPONSES

Question 1. Are there any other key features, resources or activities in Welsh seas that we need to take account of?

Although reference is made to historic fishing rights in *Wales Fisheries Strategy 2008* no specific mention is made here. They do, however, represent an important – limiting – factor in so far as the management of Welsh waters is concerned.

Question 2. Are there other ways in which integration could be improved?

The NFFO would question the extent to which it would be appropriate to combine marine and terrestrial planning. Although many of the formal processes could be transposed there remains a fundamental difference between the static terrestrial environment and the dynamic marine environment. Ignoring these differences may result in unintended consequences.

Question 3. What sectors do you think need to be included in the governance arrangements?

Obviously the NFFO believes that the commercial fisheries' sectors should be well represented in the Governance arrangements and this means fully recognising the variety of interests within the industry – the inshore and offshore fisheries (employing static and mobile gear) and the various shellfish fisheries, which will all vary by region. It is unrealistic to expect one single representative to represent the Welsh industry.

For this reason the NFFO wishes to reiterate its reservations about the composition of both the Marine Evidence Group and the Stakeholder Group. In addition, it would appreciate greater details being provided on the roles and functioning of these groups.

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

The NFFO is not in a position to comment.

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?

In common with the rest of the United Kingdom, there are significant gaps in our knowledge of the marine environment in Wales. The NFFO was therefore surprised to read, 113., *The evidence base is crucial. However marine planning cannot wait for an all encompassing perfect evidence base.* Whilst there are a number of activity mapping processes under way, there is a lack of such information over any meaningful time frame bearing in mind the dynamic nature of the marine environment – e.g seasonal, climatic, hydrodynamic, etc..

Furthermore, much of the information available on the marine environment is at a very coarse level of resolution with low confidence levels. Such limitations will not disappear overnight but they do indicate the level of caution that should be attached to proceeding on the basis of the existing evidence base.

(This is perhaps one of the most important areas in which terrestrial and marine planning diverge.)

Question 6. Could you help fill them, and how?

It would help if there was not an unrealistic time frame which required decisions to be made regardless of the evidence available. It takes time and effort and money to properly map activities and even more time and money to carry out detailed marine surveys at a worthwhile level of detail.

Question 7. Do you think we need to plan at a more sub-national level?

Whilst the NFFO understands the desire to integrate Inshore and Offshore planning, it believes that the difference in the level of activities in the two areas means there should be provision for regional planning within the national plan. The suggestion at the WCMP workshop to establish three regions would appear reasonable.

Question 8. If you do, what approach would you like us to take to sub-national marine planning and why?

Essentially the question is whether the system should be “top-down” or “bottom-up”. Either the National Marine Plan sets general, high-level, objectives and the regions effectively determine the plan details: or the National Marine Plan determines the criteria and the regions simply implement them.

Question 9. Are there different approaches that we could take?

Since experience generally shows that policies are more successful when the stakeholders are involved in a meaningful way, the NFFO would suggest that, in so far as it is possible, a “bottom-up” approach should be used.

Question 10. Are there other countries or authorities that we need to have close or formal relationships with?

Reference is made earlier in the document to historic rights. Whilst, 126, may be construed as referring to those countries which have historic rights to fish in Welsh waters it would be good to have this spelt out – particularly since those countries with historic rights will have a role to play in the designation, and observation, of MPAs in affected waters. Efforts must be made to include such countries in the process – and not just at the last minute.

Question 11. Do you agree with this approach?

The consultation document refers, 127, to the necessity of people taking *time to invest in the process*. All the time in the world, however, will not be sufficient if no one is really listening and taking on board the comments made by the other participants.

As the NFFO has indicated above, proceeding on a regional basis would appear to offer a more accessible route to stakeholder involvement.

Question 12. How do you think we can make best use of existing coastal partnerships?

The NFFO is not in a position to comment.

Question 13. How else can we reach the public?

The NFFO is not in a position to comment in so far as Wales is concerned. Its own experience with the fishing industry would indicate that using industry, or interest, publications (such as *Fishing News*) has been the most effective way of communicating with the industry.

04/05/2011

The National Federation of Fishermen's Organisations
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Thank you for the opportunity to comment on the W.A.G's consultation document 'Marine Planning in Wales, I have just two comments/observations:

- 1) The emphasis of the consultation is heavily weighed towards protection of conservation and environmental interests with ports and industry being given just cursory mention. This lack of balance in the document may result in the proposals for the Marine Areas not giving due weight to the need for sustainable port development. It should not be overlooked that sustainable port development will form an important role in achieving the Government's goal to address climate change with offshore renewable energy.
- 2) With regards to paragraph 122, the Welsh coastline has some very distinct areas with the north and south coasts' being more industrialized than the west coast. Some **Regional** planning coupled with **Local** planning for 'activity hotspots' such as port areas would seem appropriate to allow regional differences and priorities to be taken into account.

Kind regards,

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9th May 2011

Tidal Energy Limited Response to Consultation (May 2011) Sustainable Development for Welsh Seas: Our approach to Marine Planning in Wales

Tidal Energy Limited (TEL), Wales' leading tidal stream development company, was established to develop DeltaStream; a unique tidal energy electricity generation technology which has significant potential to be deployed around the coastline of Wales.

TEL has been operating in marine renewables for 10 years and has been granted the first tidal energy consents in Wales. These consents were granted by DECC and WAG in March 2011 to construct and operate a single DeltaStream device in Ramsey Sound Pembrokeshire, which is planned to be deployed next year. This project is a significant step in tidal stream development in Wales and TEL will be looking to further its development within Wales following the successful installation and demonstration of its technology. TEL is therefore pleased to have the opportunity to respond to this consultation.

DeltaStream technology has been designed to ensure it is simple, robust and environmentally considerate. Each 1.2MW DeltaStream device has a triangular gravity foundation upon which at each corner of the foundation, a single horizontal axis turbine sits. Each turbine has a 3 bladed, 15m diameter rotor which rotates at relatively slow speeds.

TEL is pleased that the need for renewable energy has been acknowledged and marine renewable energy identified as an important user of the marine environment. However, we feel that the future role of marine renewables has not been significantly expressed. Although the text references the WAG report (March 2010) "A low Carbon Revolution" it must be stressed that the figures in this report are significant to Wales' future energy generation. The report suggests that 4GW of energy could be deliverable via tidal stream and wave technologies by 2025 and the recent publishing of the Marine Renewable Energy Strategic Framework (MRESF) in March 2011, suggests that this figure could be achievable. The MRESF work highlighted that the level of generation (1.5GW – 6GW) from wave and tidal technologies would be dependent on a number of development issues including co location with other industries and environmental issues. This would take a significant area of seabed with specific physical characteristics. TEL trusts that the Planning policy will identify sufficient area to achieve these targets.

With particular reference to *Question 5* TEL's project in Ramsey Sound has been designed to address knowledge gaps, some of which are identified in the results of the MRESF (particularly environmental data). The project will incorporate a significant monitoring programme throughout the duration of its operation.

The evidence resulting from our investigation will assist in the determination of the acceptable level of installed capacity particularly with regard to ensuring the conservation status of marine mammals. As such, the higher levels of electricity generation from Welsh waters could be achievable and in turn the marine renewables industry could contribute significantly to the Welsh Economy and should be recognised within the planning of the marine environment.

TEL is pleased that this plan highlights the importance of integrating marine and terrestrial plans. As developers of projects that require consultation with regulators and advisors in both

the marine and terrestrial environments TEL would encourage the integration of planning of these two systems. One particular aspect of integration essential for the planning of marine renewables is the grid connection. It is important to ensure that marine renewable deployment is carried out in areas that can be satisfactorily connected to the grid.

As already suggested marine renewables have the potential in the coming decade to contribute significantly to the marine environment and the economy of Wales. TEL supports the governance arrangements that are being proposed by WAG in this plan, and would like to be considered as a member of the stakeholder group. TEL also suggests that a renewable trade organisation such as Renewable UK or Renewable Energy Association be included in the Marine Evidence Group or at least the Stakeholder Group to represent the interests of the Marine Renewable Industry.

TEL welcomes the approach to develop inshore and offshore plans simultaneously but would also welcome regional planning for so called "hot spot" areas where there is significant overlap between activities. Marine renewable development around the Welsh coastline is intermittent in comparison to other activities such as shipping which occur on much larger scales and TEL would support regional plans in activity hot spot areas especially where marine renewable resource exists.

Yours Sincerely,

Sara Thomas

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

10th May 2011

Wales Environment Link (WEL) is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

Wales Environment Link values the opportunity to take part in this important consultation. This response has been jointly developed by WEL's Marine Working Group and its Planning Working Group.

WEL believes that marine spatial planning is an important activity for government to be leading on; as such we fully support WAG's transition to strategic long-term planning and management of the Welsh marine environment. WEL believes that the new system of marine planning, a central feature of the Marine and Coastal Access Act, 2009, offers a significant opportunity for Wales to positively reorganise marine management to the benefit of both the health of the marine environment and Welsh marine industries. As development pressures on the marine environment grow, coupled with the potential for conflict and competition for space and resources, uncoordinated and unsustainable human use threatens marine biodiversity. With the swift and effective introduction of marine planning, the next few years could be remembered as the most important period in the history for the protection and management of the Welsh marine environment.

WEL considers that in light of the experience gained by its members during the development of the Marine Bill, and their experience of land use planning – from the Wales Spatial Plan to Local Development Plans, WEL can play an important role in the journey towards both the formulation and implementation of marine planning in Wales.

The UK Marine Policy Statement is a vital component of a robust marine planning system and has provided a guiding framework for marine plans. However, the development of national marine plans for the Welsh inshore and offshore areas, that provide a clear sense of strategic priorities and objectives to achieve policy priorities, is

critical. A plan-led system is a unique opportunity for WAG to articulate an integrated vision for the Welsh marine area.

We are pleased to see recognition by WAG of the potential for a Welsh marine planning system to contribute towards achieving sustainable development for Wales. It will be important that the promising nature of marine planning is not misused as a guise for unsustainable economic growth in the marine environment. A sustainable approach to the use of marine resources and space, whilst protecting valuable marine features, habitats and species, requires an ecosystem-based approach to management and recognition of the need to live within environment limits. Furthermore, we believe that 'integrating' the goals of the three pillars of sustainable development – economic, environmental and social, is more appropriate than 'balancing', as expressed in the consultation's foreword. Cross-party support and cross-portfolio engagement will be essential to integrating sectoral policy objectives and realising true sustainable development.

QUESTION 1: WELSH MARINE ENVIRONMENT: KEY FEATURES, RESOURCES AND ACTIVITIES

Whilst the current list of key features, resources and activities listed in the consultation are useful, it is unclear how they interrelate and will be utilised to support decision making. In light of this uncertainty we would encourage further explanation and clarity on the function of this section in the document. At present this list could be regarded as either general background or as key decision making considerations for the marine planning process, for example, as with Chapter 2 of the UK Marine Policy Statement. As the consultation is on the approach to marine planning and is not a marine plan per se, issues of prioritisation and compatibility of these features will not be commented upon and we feel that an alphabetical order would be most appropriate. However, we suggest that in the eventual plans there could be a more structured approach to provide guidance on how the various sectors, activities and resources are to be valued and managed in order to achieve sustainable development. It will be particularly important to do so when clarifying matters concerning non-devolved functions. An inventory of current levels of use and sectoral forecasts should be undertaken to inform an assessment of possible conflicts and compatibilities between human uses and the environment.

There is a minor error in Para 13; WAG's Marine Conservation Site Selection Guidance 2011 states that 36%, not 32%, of the Welsh inshore is designated as a Marine Protected Areas (MPAs).

The document's discussion of the importance of the Welsh marine environment (Para's 12-13) places less emphasis on some of the important management challenges that are currently being faced, in particular deteriorating marine biodiversity. Whilst addressed later in Para 24, we feel that it would be pertinent for this to also be referred to in Para 12, to highlight that in order for the marine environment to provide a range of ecosystem goods and services, there must be healthy and resilient ecosystems underpinning it. It is widely acknowledged that well-designed and well-managed networks of MPAs can help increase the resilience of the marine environment. MPAs will be a critical component of MSP in Wales, if we are to ensure the health of our seas today and for the future. As such we support WAG's commitment in Para 24 to addressing declining biodiversity and degradation, improving protection and facilitating

recovery of the Welsh marine environment. MPAs are vital in securing long-lasting sustainable solutions to protecting marine life at all levels. Para 24 states that there are other tools that can be used to halt the loss of marine biodiversity; we would welcome greater description of the mechanisms that are available to WAG to do so. There needs to be further explanation as to how the marine planning system will be used to this effect, for example, the role of marine planning within the protection and management of important populations of mobile species. Para 27 states that marine planning will take account of MPAs, however, we feel that this should be reworded to reflect that marine planning plays an essential and active role in this process and should accommodate, integrate and uphold an ecologically coherent network of MPAs within the spatial planning process. Furthermore, marine plans could act as an important mechanism to distribute and communicate the importance of MPA conservation objectives and management measures. In doing so, project proponents should be expected to take note of MPAs and their associated management measures and restrictions.

We feel that Para's 13-14 could go much further towards explaining spatial relationships in the Welsh marine environment, including the land-sea interface and in particular its connectivity, for example diffuse pollution from land-based activities. The 3-dimensional spatial nature of the marine environment, as demonstrated by the Maritime Activity Map, means that it often accommodates more than one use or activity at a time; creating the potential for both congestion and contention, as well as the possibility of beneficial co-location and mutual benefits. Furthermore, the marine environment is vulnerable to cumulative and in-combination impacts. Marine planning, due to its strategic and cross-sectoral approach, can help develop spatial scenarios that avoid or mitigate these pressures and impacts both today and for the future, as well as identifying opportunities for delivery of multiple benefits. Planning for non-use of areas can by default create biodiversity benefits. Areas where either limited or no activity can occur could be utilised flexibly to provide recovery areas or take account of temporally shifting areas of importance for species. Stewardship of the marine environment cannot be achieved solely through designations; it should reflect a broader range of issues which relate to the need to maintain the quality and diversity of the important functional relationship which exists between the land and sea.

As climate change is a key pressure on the Welsh coastal and marine environment; we strongly support the need to understand the impacts and effects of climate change and the need to maintain a healthy marine environment. As part of this managing coastal change, sea level rise and increased storminess will be increasingly important. The Severn Estuary Climate Change Research Advisory Group and Cardiff University's Interreg IVB IMCORE project has undertaken research into these issues for the Severn Estuary and has produced a number of outputs¹ that should be given consideration. Furthermore, the Marine Climate Change Impacts Partnership² and associated annual report cards and special topic papers are a valuable source of information concerning how climate change is affecting our seas. Given both the need to act on climate change and the potential for marine planning to aid recovery of the marine environment, we feel that climate change and in particular adaptation, should be given greater consideration in the document and warrants its own paragraph within this section of the consultation.

¹ Available from: <http://www.severnestuary.net/sep/imcore/index.html>

² Available from: <http://www.mccip.org.uk/>

Energy Infrastructure – Whilst we recognise the challenges of tackling climate change and the role of renewables within this; the marine renewable energy sector needs to be developed in a sustainable way, whilst minimising harm to marine biodiversity, and the integrity of all the natural and historic dimensions of the environment. In particular, options for utilisation of low-impact technologies should be explored. There is potential for conflict if specific measures are taken to deliver sectoral policy objectives in isolation and not within the sustainable development framework established by the marine planning process.

Fisheries and Aquaculture – as management measures regarding fisheries are governed by the Common Fisheries Policy; this important EU legislation should be referred to. This section would benefit from a brief explanation of fisheries control within the constituent parts of Welsh waters and implications for management decisions within the Welsh Fishing Zone, particularly for foreign vessels within the 6-12nm zone and beyond.

Coastal Protected Landscapes/ Seascapes - The connectivity of land and sea is critical both in terms of planning and the delivery of all forms of stewardship. Recognising the role and relevance of Coastal Seascapes as critical elements of this blend is therefore crucial. A comprehensive seascape assessment of all the Welsh inshore area is therefore an important pre-requisite to this important area of work. Some account should also be given to those beaches and rural coastal areas that are awarded either: Blue Flags, Green Coast Awards, Seaside Awards Resort or Seaside Awards Rural.

Waste Water Treatment and Disposal –It is important to consider how problems created on land that end up in the marine environment are to be dealt with e.g. litter, which is explained in more detail in the comments on the policy context below. Furthermore, there should be recognition that marine litter is a growing threat to the marine and coastal environment.

QUESTION 2: INTEGRATION BETWEEN MARINE AND TERRESTRIAL PLANNING SYSTEMS

WEL believes that marine planning should be integrated with existing plans, be they terrestrial land use plans, non-statutory ICZM plans, River Basin Management Plans and Shoreline Management Plans. The consultation states it is for marine planning to lead the process of integration, using the legislation in the Marine Act and other mechanisms. We support the contention that marine planning can provide leadership, however integrating planning policy contained within a plethora of a terrestrial plans is a huge task for the marine planning authority in Wales (i.e. WAG), particularly given that many terrestrial policies are likely to have developed without consideration of the special nature of the coast and the marine environment. Furthermore, research by Cardiff University³ has shown that within the Severn Estuary area, Local Planning Authority planning policy addressing coastal and estuarine issues has declined notably within the new-style emerging planning policy documents (e.g. Local Development Plans and Local Development Frameworks). There is a risk, therefore, that where terrestrial plans do not contain coastal / estuarine policies as suggested in Para 53,

3 Dodds, W. (2010) *Severn Estuary Planning Review: Phase Two Report Planning for Climate Change Adaptation at the Coast*. May 2010. A report submitted to the Interreg IVB IMCORE Project.
Available from:http://www.severnestuary.net/sep/imcore/imcore_corporate.html

this gap creates an additional barrier when marine planning seeks to engage with the terrestrial planning system.

WEL is concerned that the duty for marine plans to take all reasonable steps to ensure that planning in the marine environment is compatible with terrestrial plans, may result in instances where marine plans are forced to implement objectives which are not appropriate at sea. Instead, we feel that it would be more fitting for marine plans to take terrestrial plan objectives into account "where appropriate". In light of there being no reciprocal obligations for terrestrial planners to ensure compatibility with marine plans, marine planning would benefit from public bodies having stronger obligations to take heed of both the UK MPS and marine plans. For example, this could be achieved via Planning Policy Wales or some form of Memorandum of Understanding with local government, the Countryside Council for Wales, National Park Authorities and statutory bodies such as Environment Agency Wales. Given the complexity shown in Figure 3, WEL welcomes consideration by WAG for Planning Policy Wales to be refreshed in light of the Marine and Coastal Access Act, 2009. Furthermore a revision of TAN 14 Coastal Planning could provide guidance for decision makers, in particular Local Planning Authorities, to raise awareness of marine planning and provide advice on the integration of marine planning within their existing remits.

We would welcome further explanation as to how the overlap between terrestrial and marine plans will be used, "to ensure that marine and land planning will address the whole of the marine and terrestrial environments respectively" (Para 49), Further detail would be welcome on what mechanisms or guidance will be utilised or developed to facilitate this. Relying on this overlap between plans will not ensure that different planning authorities work together; as such more detail is needed in this section.

We support references to the Welsh Integrated Coastal Zone Management Strategy, in particular that the actions within this strategy will be used, "to achieve integration in practice" (Para 48). However, we feel that to date there has been limited progress towards delivery and implementation of the Welsh ICZM strategy, particularly the key objective on policy integration that has not yet come to fruition. Therefore, it would seem prudent to address these legacy issues, as ICZM in Wales in its current guise may not provide the springboard for delivering the highly sought after 'policy integration' referred to.

As stated previously the development of national plans which provide a plan-led system to deliver certainty for sea users is critical; as such we fully support the sentiments within Para 45. In light of current experiences concerning the Wales Spatial Plan, it is clear that where spatial planning is conducted from a more 'softer-edge' approach, it can lack the materiality needed to be effective at addressing complex and conflicting planning issues. It is of fundamental importance that marine planning should not avoid tackling difficult decisions and delivers certainty for all users of the plan, both developers and stakeholders alike.

Whilst there are clear differences between marine and terrestrial planning systems, for example with regard to systems of ownership and development rights, the spatial nature of marine planning is not radically different from terrestrial planning. Land use planning has been considered broadly the most successful where it has reconciled differing land uses and development in the public interest and enhanced the wellbeing of communities. This common feature, the public interest, underpinned by sustainable development, should be a core aspect of the Welsh marine planning system in light of

the public nature of the marine environment. As such we have concerns about the statement in the consultation that marine planning is a process that will, “ultimately stem from political priorities” (Para 37). WEL acknowledges political drivers, however marine planning should not be vulnerable to sector focused, short-term and unsustainable decision making. A noted criticism of land use planning⁴ has been political interference, as such marine planning should seek to avoid such parallels and frustrations with the traditional terrestrial planning system. The sustainable development agenda within marine planning, i.e. integrating the three pillars of economic, environmental and social, should be the primary driver and not attempting to trade these off against each other to deliver sectoral objectives in isolation.

COMMENTS ON: WHERE MARINE PLANNING FITS (POLICY CONTEXT)

We support WAGs commitment to the UK’s vision for ‘clean, healthy, safe, productive and biologically diverse oceans and sea’ and reference to the High Level Marine Objectives (Para 35). To ensure that ‘living within environmental limits’ is achieved, there will need to be guidance as to how to avoid living beyond the carrying capacity of the marine environment. Given historic and ongoing declines in marine biodiversity, and the pressures faced by the marine environment, this should involve targets for conservation and recovery of marine biodiversity and ecosystems.

We would welcome further consideration in the document to wider European frameworks, such as the EU Integrated Maritime Policy and the EU Floods Directive. We strongly support linkages made in the consultation between Welsh marine plans and the Marine Strategy Framework Directive, particularly the potential for marine planning to contribute to achieving Good Environmental Status (GES). We would welcome greater detail in the document regarding the relationship between this directive and national Welsh marine plans, given that these will cover the period up to 2030 and will provide tools to assist the delivery of this important piece of European legislation. WEL look forward to being consulted by WAG on the development of measures to achieve GES for Welsh waters by 2020.

For marine planning to be effective at avoiding and reducing conflicts and making a significant contribution to achieving sustainable development of Welsh seas; participation across WAG departments is imperative. In order to successfully achieve this, we suggest that there needs to be full buy-in across WAG and that marine planning needs to be embedded across all WAG Ministerial portfolios. We would hope the Steering Group shown in Figure 2 will facilitate this process.

WEL feels that that it will be important for there to be a robust reporting framework for Welsh marine plans, given the timeframe covered by the plans (i.e. 2030). Whilst we note the reporting processes stated in Para 96, WEL will be calling for frequent and transparent monitoring and appraisal by WAG and will call upon the National Assembly for Wales, if necessary, to scrutinise and debate marine planning in Wales.

We would like to see reference to the Convention on Biological Diversity within the list of European and international obligations and commitments (Para 99); given the role of marine planning as a mechanism to secure appropriate protection for marine biodiversity and delivering an ecosystem approach.

⁴ Lloyd, G. (2006) Planning and interest in the modern world.
Available from: <http://www.rtpi.org.uk/download/574/Planning-and-the-Public-Interest-text.pdf>

The list of Welsh plans, policies and strategies (Para 101) omits WAGs 'Waste Strategy 2009 – 2050: Towards Zero Waste'. Given the linkage between waste on land and at sea, i.e. land-based activities are currently estimated to be the largest source of marine litter, this is a policy area that should be considered in the development of national marine plans. This may be achieved by making links with the Assembly's Zero Waste Strategy and the development of a special "Sectoral" Marine Waste plan or strategy. Furthermore, we feel there is potential for the spatial mapping aspect of marine planning to collate and understand the distribution (e.g. hotspots) and density of litter sources. Litter could provide a useful indicator that can supplement other monitoring supporting marine planning. The list in Para 101 would also benefit from inclusion of other important emerging WAG policy, in particular the National Infrastructure Plan. It will be the interpretation and integration of these documents within the marine planning process that will be critical. As such we call strongly for consideration to be given to how marine planning can best be used to facilitate coherence and integration.

As the English regional MCZ projects commenced prior to the Welsh marine planning process, it is of concern to WEL that the potential MCZs emerging from the Irish Sea Conservation Zone project could be perceived as pre-empting marine planning in the Welsh offshore area. Effective dialogue and engagement between WAG and the regional projects on how these sites may fit within the Welsh offshore marine plan is important to ensure that any potential policy conflicts or management implications are resolved prior to recommendation to the Science Advisory Panel, and final site designation.

COMMENTS ON QUESTIONS 5 & 6: EVIDENCE BASE

WEL concurs that a good marine planning system should be firmly based upon a robust evidence base. Spatially referenced data and information about human activities, such as socio-economics, and data on biological and ecological areas will be critical to developing key policies and actions. WEL support the UNESCO Marine Spatial Planning Guide⁵ that states, "...data should be up-to-date, objective, reliable, relevant and comparable" (pg.49).

We support the establishment of a WAG Marine Evidence Group (Para 91), as it will be critical for the vast array of marine and coastal data sets to be pulled together and interpreted effectively to inform marine planning. If this group facilitates both the NEF and marine planning processes, care will need to be taken to ensure that the outputs are appropriate and aligned to these quite different frameworks. It must also be noted that the data management efforts by this group will be as important as the data itself, and that the group must be transparent in its decision making.

We would like to draw your attention to a number of other areas of data and evidence that could aid Welsh marine planning:

- Information on activities, developments and decisions associated with marine licensing consents;

⁵ Ehler, C. and Douvère, F. (2009) *Marine Spatial Planning A Step-by-Step Approach toward Ecosystem-based management*. Intergovernmental Oceanographic Commission and Man and Biosphere Programme. IOC Manual and Guides NO.53, ICAM Dossier No.6. Paris: UNESCO.2009 Available from: http://www.unesco-ioc-marinesp.be/mssp_guide.

- Socio-economic data associated with both WAG's hpMCZ project and the Irish Sea Conservation Zone project;
- Additional Ecological Importance data layer, processed by the Wildlife Trusts on behalf of JNCC for the English MCZ regional projects, that has been sent to CCW;
- Marine Climate Change Impacts Partnership;
- Data held by the Wales Coastal Monitoring Centre, Gwynedd County Council;
- Research and data being gathered by the Low Carbon Research Institute, particularly its marine energy section being led from Swansea University;
- SEACAMS partnership between Bangor, Swansea and Aberystwyth Universities;
- OREIN knowledge exchange project (University of Wales Trinity Saint David, Bangor University, Swansea Metropolitan University and Pembrokeshire College) examining offshore renewable energy impacts upon cultural heritage;
- CCW marine Phase 1 survey data;
- CCW Fisheries Sensitivity mapping;
- RSPB seabird foraging radii data;
- Data held by Welsh Local Records Centres;
- AONB and National Park Management Plans and associated underpinning evidence;
- Cadw World Heritage Site Management Plan, Castle and Town Walls of Edward I in Gwynedd;
- NE/SNH/CCE Seascape Character Assessment Draft Paper;
- MMO's Strategic Scoping Exercise.

WEL would like to highlight concerns over a number of data gaps that exist:

- A comprehensive national Seascape character assessment;
- Marine energy impacts of construction and installation;
- Marine litter and waste (including hotspots for marine litter);
- Archaeological sites and submerged landscapes within coastal and sub-tidal areas especially in areas which have not been subjected to detailed survey;
- Spatial distribution and intensity of commercial fishing sector, both from Welsh vessels and foreign fleets fishing in Welsh offshore waters;
- Spatial distribution and intensity of recreational activity and tourism, and its perceived compatibility with the marine and coastal environment;
- Valuation of ecosystem goods and services provided by the marine environment.

Recognition of the current limitations in our knowledge base requires investment and the development of technical capacity in Wales. We agree with the sentiments in Para 113, that marine planning cannot wait for a complete evidence base before it commences. However, we feel that the process would benefit from a road map to determine how long-standing gaps and emerging areas of uncertainty will be coordinated and resolved. We agree with proposals to, 'apply precaution within an overall risk-based approach' (Para 114), as a way of addressing an incomplete evidence base. The Marine Management Organisation's consultation on marine planning system for England (July 2010), sets out their intended Delivery Framework including a Monitoring Plan, and feel there may be advantages to establishing a similar document in Wales. To avoid exceeding environmental limits or damaging the marine environment, the precautionary principle should be consistently applied where there is uncertainty in order to protect the marine environment. Whilst we support adaptive

management, there are clear requirements under the EU Habitats and Birds Directives, for plans to be subject to a Habitat Regulations Assessment (HRA). We endorse Para 86's proposals for a HRA, socio-economic impact assessment and others in assessments, as appropriate.

COMMENTS ON SECTION: MARINE PLAN AREAS

Marine plans that are based on sustainable development must prioritise and have a clear objective to ensure that environmental considerations are not compromised and provide a clear steer and certainty to sea users and stakeholders.

Focussed sub-national planning effort to address a need for a more prescriptive planning is welcomed where it will have the greatest impact on achieving sustainable development. This needs to be underpinned by a comprehensive robust evidence gathering stage to enable decisions to be made on the complexity and location of high intensity hotspots and other sub-national planning priorities. Marine planning offers government the ability to look ahead to forecast and visualise spatial scenarios. Marine planning authorities need to anticipate sectoral growth and development pressure and determine how to avoid conflict and competition for space and resources through their plan objectives. It will be important to communicate the decision making associated with the selection of sub-national areas in a transparent manner.

WEL is supportive of sub-national planning being embedded within the national marine plans. It is felt that this approach will address historical issues with local plans and coastal strategies in particular, which have previously been regarded as peripheral to political processes and not adequately resourced or effectively implemented. Having sub-national plans contained within national marine plans allows these policies to be mainstreamed and afforded the necessary merit and consideration by decision makers. A key lesson learnt by WEL members with regard to the Wales Spatial Plan is the vulnerability of the national plan being neglected in favour of more regionalised and prescriptive planning if these become the focus of activity. Therefore, the relationship between the national inshore and offshore plans and sub-regional planning must be strong enough to circumvent this issue. A robust national monitoring and reporting framework would also help.

WEL would like to advise that 'fuzzy' boundaries, as utilised by the Wales Spatial Plan Area Strategies, generate confusion and uncertainty for stakeholders as to which area to engage with. WEL recommend that when WAG consider sub-national planning for the inshore area, they should not be dictated to by existing local government boundaries, and that consideration should be given as to how best to clarify with LPAs which areas they fall within. In addition, WEL would encourage dialogue between WAG's Marine Branch and Fisheries Unit in relation to the boundaries of the Welsh Inshore Fisheries Groups and how these will link with sub-national marine planning.

COMMENTS ON SECTION: CROSS BORDER RELATIONSHIPS

A key aim of marine planning should be to implement the ecosystem approach. As such political and administrative boundaries need to be overcome to manage ecosystem as a whole. There appears to be widespread acceptance as to the need for

cross-border working with respect to marine planning. However, the situation is made complex due to our shared borders, i.e. within the Severn and Dee estuaries where more than one planning authority will be preparing marine plans. Therefore, a coordinated and integrated approach to marine planning is made difficult at these sites; clear rules of engagement for cross-border working are advocated to address this. Whilst we are pleased to note that WAG is looking to establish a marine planning concordat to formalise this process, there needs to be recognition of the successful work done over the last ten years facilitated by the Severn Estuary Partnership and the Dee Estuary Forum⁶. Whilst we fully support intentions in the consultation to, “use cross-border stakeholder groups to support joint planning” (Para 124), we are concerned about the certainty of these intentions and the potential to lose the strong cross-border working and integrated management ethos as marine plan areas for England and Wales create further divisions across our estuaries. WEL are further concerned that political aspirations and associated priorities of Whitehall departments may in particular cases be divergent with WAG and potentially negatively impact upon the delivery of Welsh marine plans.

WEL are calling for the timetabling of the next tranche of MMO English marine plan areas that border Wales to be done in parallel with sub-national Welsh marine plan development. Consideration should be given to the scheduling in adjacent planning regions to avoid reactive management on the part of either administration, for example, if it is the case that the next tranche of English marine plans to be developed after the East inshore and offshore are not the North West or South West inshore.

COMMENTS ON QUESTION 11: ENGAGEMENT AND CONSULTATION

With respect to stakeholder engagement and consultation, the UK is a contracting Party to the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the “Aarhus Convention”). Having ratified the Convention in February 2005, the UK is expected to apply the provisions of Article 6 of the Convention to public participation in decisions on specific activities, which we believe would include stakeholder involvement in the marine planning process. For this reason, we would expect to see reference to the Aarhus Convention within this section of the consultation.

Para 128 states that WAG are, “...committed to engaging fully and in a timely manner with stakeholders throughout Wales and beyond...”. We would hope that such statements and sentiment will be supported in both the short term and the long term with the necessary mechanisms and resources to do so. We would particularly welcome recognition in Para 125 of the need to engage with international stakeholders who use Welsh waters, for example, foreign fishing fleets.

The tradition of partnership working on marine and coastal issues in Wales creates expectations for future engagement. We, therefore, urge WAG to make wise use of the existing partnerships, capacity and knowledge, such as that developed in ICZM and to strengthen these existing links to facilitate stakeholder engagement. However, marine planning will, for many, be a new paradigm. Interest and enthusiasm in this emerging area of work should be capitalised upon and not underestimated; this is a positive opportunity to engage with the wider public on marine issues. There are concerns as to the capacity of the Stakeholder Group that currently has an important advisory role, to

⁶ The Dee Estuary Strategy became moribund several years ago.

facilitate wider public engagement. In light of experiences from both the NEF and the WAG MCZ project, WEL believes that a Communication and Engagement Group could be a valuable addition to the proposed Marine Planning Governance Structure (Figure 2). This group, if managed effectively with clearly defined outputs and guided by national leadership, could be tasked and resourced with enhancing opportunities for stakeholder and community participation in marine planning in Wales using a wide spectrum of activities and media.

The need to engage a wider audience with limited or no knowledge of the marine environment could be aided by the use of new partnerships with influential people, for example business leaders or politicians that may generate interest in the marine planning process. Where new partnerships are established, with clear Terms of Reference, the composition needs to be comprehensive and all sectors represented. Marine champions who are committed to engaging communities, delivering presentations and discussions in their areas may also prove useful. Social media and the use of market research techniques such as focus groups and citizen panels are other avenues to be considered. It is recognised that marine heritage stories can be a useful way of engaging the public and business with marine issues.

WEL feel there is considerable scope to learn from the terrestrial planning system that for decades has been engaging communities in the shaping of land-use plans. Linked to this are the partnership platforms and mechanisms used by LPAs to coordinate and integrate various functions in partnership with third sector organisations, for example, Local Service Boards. An additional area to potentially be explored is experiences of the Relevant Authorities associated with the Welsh European Marine Sites Relevant Authority Groups, where existing, that have the potential to represent a wide membership focused upon marine management.

A transferable learning from the Scottish Sustainable Marine Environment Initiative's⁷ local spatial planning pilots and WWF's PISCES project⁸, is not to underestimate the time taken to engage with stakeholders in order to secure buy-in. Experience shows that planning requires early and effective stakeholder engagement; this need to be structured to ensure involvement and expectations are managed throughout the process. The risks associated with stakeholder fatigue and vulnerability to diminishing interest when involved in several similar engagement processes should be recognised by WAG in light of concurrent marine planning and marine conservation projects and consultations. WEL would support streamlining wherever possible, but this needs to be managed carefully to prevent mixed messaging.

The Statement of Public Participation (SPP) associated with the national marine plans will be critical. The SPP should meet the requirements of the Aarhus Convention and include principles of engagement and when and how stakeholders can engage, reflecting the differences between stakeholder groupings. WEL feels that in light of its membership and expertise, there is scope for WEL to assist in this aspect and contribute to the overall stakeholder engagement process. As such we would welcome further dialogue with WAG on this matter.

⁷ Scottish Sustainable Marine Environment Initiative's Project Evaluation. March 2010. Marine Scotland
Available from: <http://www.scotland.gov.uk/Topics/marine/seamanagement/regional/SSMEI/reports/ssmeipilot>
⁸ <http://www.projectpisc.es.eu/>

The following WEL members support this document:

Campaign for National Parks

Campaign for the Protection of Rural Wales

Council for British Archaeology Wales Cymru

Keep Wales Tidy

Marine Conservation Society

RSPB Cymru

Wildlife Trusts Wales

WWF Cymru

Ymddiriedolaeth Genedlaethol / National Trust

Wales Environment Link unites voluntary bodies whose primary aims include the conservation, protection or quiet enjoyment of landscape, wildlife or amenity in Wales
Mae Cyswilt Amgylchedd Cymru yn uno cyrff gwirfoddol sydd â'u hamcanion pennaf yn cynnwys cadwraeth, gwarchodaeth neu fwynhad tawel o dirlun, bywyd gwylt ac amwynder yng Nghymru
Reg. Charity No: 1022675 Rhif Elusen Gofrestredig: 1022675

Marine Branch
Welsh Assembly Government
Cathays Park
CARDIFF
CF10 3NQ

May 10th 2011

Dear Sir / Madam

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

1. Introduction

1.1 The Wales Landscape Partnership (WLP) welcomes the opportunity to contribute to the development of the proposed planning approach for Wales's marine and coastal environment. We believe that if sensibly structured and applied consistently, significant opportunities exist to implement a long overdue and integrated approach to the planning and management of Wales's rich and diverse range of marine resources.

1.2 Although not a statutory consultee, the Wales Landscape Partnership is a loose Alliance of organisations and individuals, with a deep concern for the future well being and sensitive stewardship of Wales's diverse range of landscapes and seascapes. This Partnership exists to promote and provide informed advice about the special relevance and benefits that sensibly managed landscapes and seascapes provide so that life and public well being in 21st century Wales can be enhanced.

1.3 Our response draws upon the recently published "*Manifesto for Coasts and Seascapes*", the principles of which individuals in WLP assisted in drafting. (A copy is attached). The Manifesto was based upon the work of the Coastal and Marine Working Group of Europarc Atlantic Isles, in particular the report of a workshop on coastal protected landscapes and the marine planning system held last May [a copy of which is also attached]. It also draws upon the outcomes of recent discussions with professionals with a particular interest in seascapes and landscapes.



2. Broad principles

2.1 Given our interest in the sustainable stewardship of Wales's marine and coastal areas, we are pleased to see that sustainable development is at the heart of the proposed marine planning approach. We are also pleased to note the key principles [set out in paragraph 36] which will underpin the proposed plan's process, especially that it should be *"ecosystem based, using an integrated approach to achieving sustainable development"*.

2.2 In this context we strongly advocate and assume that there will be a clear cross reference to the "A Living Wales" approach, which is equally applicable to the marine area as it is to the land mass of Wales. We would further suggest that the concept of **"Blue infrastructure"** is introduced into the statement to complement its land based comparator "Green infrastructure".

3. Seascapes

3.1 WLP's particular interest lies in the overall concept, value, relevance and role of "Seascapes", including coastal landscapes. We are particularly anxious to ensure that the emerging marine planning process recognises and fully addresses this concept and its associated implications.

3.2 We welcome both the reference in paragraph 57 of the consultation document to the need to conserve and enhance the value of the marine area, including *"the goods and services it provides, its biodiversity, seascapes and heritage assets"*; and WAG's commitment to the vision set out in *"Our Seas – a Shared Resource"*, in particular to the inclusion within the scope of the marine environment *"its seascapes, its natural and cultural heritage and its resources"*.

3.3 However, we share the concerns expressed in the *"Manifesto"* referred to above, that there is no common understanding of what Seascapes are and, in particular, that they tend to be seen as 'just the view'. This is evident in the Marine Policy Statement [Para 2.6.5.1] which states that references to seascape *"should be taken as meaning landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other"*. It is also evident from the MPS that seascapes are treated very much as one particular aspect of the marine environment to be looked at separately from marine ecology / biodiversity and their historic and cultural context and relevance.

3.4 We believe that the meaning and interpretation of the concept of seascapes needs to be clarified right from the start of the marine plan process in Wales. To that end we would commend adoption of the definition of a seascape contained in the *"Manifesto"* which is derived from the European Landscape Convention definition of landscape namely:



“an area, as perceived by people, of sea, coastline and land whose character results from the actions and interactions of land with sea by natural and/or human factors”.

3.5 We would further commend the approach being taken in the *“Guidance on Seascape Character assessment in England, Scotland and Wales”* currently being prepared by the Countryside Council for Wales, Natural England and Scottish Natural Heritage. The diagram below from the Guidance illustrates the all embracing nature of seascapes as envisaged in the definition above.

3.6 Starting with people and place it shows how seascapes have three key and inter related dimensions – natural [including flora and fauna], perceptual / aesthetic and cultural / social – an amalgam of much more than just the view.



3.7 In the context of the broad principles for marine planning in Wales – sustainability and the ecosystem approach – it is clear that, as set out in the *“Manifesto”*, seascapes should be seen *“as a key resource in the marine environment and as a framework to underpin a sustainable approach to its planning and management”*. We are therefore disappointed that they are not recognised as such in the consultation document and that prominence is given to just one dimension – biodiversity. We would urge that in any future documents describing the planning process and during the process itself this broad view of seascapes is adopted.



4. The relevance of Seascapes to the Marine Planning process

4.1 As the Marine Planning consultation document makes clear, Wales is exceptionally well blessed with a wide range of coastal areas and seascapes, the quality of which are undeniable high. (Witness the recent National Geographic poll which put Pembrokeshire amongst the top 10 destinations in the world.) Not only is 70% of the coast recognised as being internationally important because of its quality and character, our coastal landscapes have been recognised nationally through designation as AONBs [3] or National Park [2] and much of our coastal waters have been designated as European Marine Sites.

4.2 However, the special qualities of these areas include more than just their scenic beauty. They provide a huge range of public goods and many of our essential life support services. It is also well known that people care passionately for coastal areas and their spectacular landscapes and see them as part of Wales's national heritage. Similarly access to and use of these area is increasingly being promoted and recognised as being hugely important to the nation's health and well being; as is the fundamental contribution our coastal communities make to our economy and culture.

4.3 The retention of the quality and integrity of the services and the benefits our coast and marine areas provide ultimately relies on the condition of those natural resources which create the variety of seascapes for which Wales is renowned. The manner in which the emerging Marine Plans facilitate the continued stewardship of these assets is therefore paramount. Indeed the inter relationship between these assets, including those that give these features their historical and heritage context is critical to the quality of life which everyone in Wales enjoys.

4.4 We, therefore, welcome the fact that those Welsh landscapes which have particularly special qualities, namely our protected landscapes, have been recognised amongst the list of resources in the consultation document and that the Management plans for these areas have been similarly included in the list of Welsh plans policies and strategies which guide the thinking on marine planning issues.

4.5 Notwithstanding this, the Wales Landscape Partnership shares the concerns expressed in the "Manifesto" that seascapes in their entirety must be recognised as a key national resource in the emerging agenda for the marine environment and that a clear indication of how they might be conserved through the marine plan process is developed.

4.6 We concur, in particular, with the view that there appears to be:

- no full assessment of the character and distinctiveness of coasts and seascapes;



- no established approach for defining the significance / sensitivity of their character or for identifying those which are of national importance;
- no clear Routemap to chart how these nationally important assets would be looked after once they have been identified.

4.7 We believe that key elements of any agenda for action in respect of the new Marine Planning Strategy for Wales should be that:

- Due recognition is given to the importance of seascapes and coastal landscapes and the role they should provide as the logical framework for an integrated and sustainable approach to the planning and management of our marine environment.
- A comprehensive seascape character assessment is completed for each marine plan area in Wales, thus providing a coherent means to interpret spatially and plan the use of Wales's entire suite of marine areas in the future.
- An agreed methodology should be developed to recognise and secure the conservation of nationally important seascapes [including the marine dimension of coastal Protected Landscapes] and the outcomes of this approach thereafter become an accepted and integral component of the marine plan process.
- An appropriate policy climate should be created within which those responsible for the stewardship of Wales's coastal protected landscapes are actively encouraged and enabled, through the focus of their respective management plans and their involvement in the marine planning process, to promote and influence the protection of those special qualities which these areas derive from their coastlines, their adjacent marine environments and the associations they have with them.

5. Response to detailed consultation questions

Given this commentary, we now reflect in detail on the specific issues included in the Consultation document and which of these we consider to be crucial in the context of a successful marine plan process

5.1 Marine features, resources, and activities

Question 1.

Are there any other key features, resources or activities in Welsh seas that need to be taken account of?

5.1.2 As mentioned previously, we believe that the document and any subsequent marine planning process should recognise the true value and beneficial role that well



managed Seascapes and coastal landscapes provide as key resources in the marine environment.

5.1.3 Furthermore we suggest that a distinction should be made in this section between:

- the spectrum of tangible “**resources and assets**” (the marine ecology/ biodiversity, heritage assets and attributes which create seascapes/coastal landscapes) and combine to create and underpin the profile of the marine environment and the context for planning
- the **activities** that take place in the marine environment and interact in various ways with “coastal resources” and create the need for a strategic approach to the integration of thinking, planning and action.

The present mixture of activities and resources serves to somewhat screen and confuse this important distinction.

5.1.4 We would also suggest that a number of other activities should be considered in these two catch all lists:

- the consequences of climate change on natural coastal erosion and man induced coastal protection responses be they engineering or ecological
- the implications of oil and gas exploration/production and carbon capture /storage and any associated landfill issues.

5.1.5 We would further suggest that this section would helpfully benefit from an initial exploratory visioning statement which scopes the future implications for each of these themes and the potential opportunities and tensions which may arise between them.

5.2 Integration between marine and terrestrial planning

Question 2.

Are there other ways in which integration could be improved?

5.2.1 We fully endorse the need for integration as expressed in Para 47 and the means of achieving it as outlined in para 53. However, this integrated approach could be further assisted in a more proactive and formal manner by WAG recognising the need for:

- the production of clear planning advice and guidance to Local Planning authorities, in a form of a selection of TAN style statements comparable to the current range which exist for land based planning / decision making.
- improved policy guidance and encouragement to the managers of coastal protected landscapes on the enhanced role of their management plans and in particular encouragement to the relevant coastal authorities to address in policy and delivery terms their relationship / association with the adjacent marine environment.



- the management of coastal protected landscapes to be undertaken in a manner which complements that of adjacent European Marine Sites, through revised approaches which ensure common governance and joint management planning.
- the status and objectives of Heritage coasts to be given greater importance and their aims to be better linked to their adjacent marine environments

5.2.2 We would also suggest that there is a need to revisit the current ICZM Strategy for Wales, prepared before the passage of the Marine Act, to assess the degree to which integration is already being achieved and to ensure that there is a realistic integration of purposes between its approaches and the new circumstances associated with the emerging marine planning scenario.

5.2.3 We welcome the recognition that there is a critical need to marry the current Wales Spatial Plan for the land area of Wales and its marine equivalent. We further believe that it is important that greater clarity exists as to the extent both of these strategies will guide the emerging National Infrastructure Strategy or be led by it. We believe the former should be case.

5.3 Question 3.

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

5.3.1 WLP recognises that it will be paramount to ensure that those closely involved with landscape and seascape issues have an input to the plan process alongside groups involved with nature conservation and the historic environment. The work that the Wales Landscape Partnership has already initiated in this respect to bring together an informal Group of public and voluntary sector organisations to consider coastal issues, should be helpful in this respect.

5.3.2 Given the extent of protected landscapes around the Welsh coast and the particular role that those responsible for them have for marine issues affecting them, we believe it is important that these interests, together with those of the relevant third sector organisations, are represented as a group. The Wales Landscape Partnership would be pleased to continue to facilitate these discussions between these bodies, in order to contribute effectively to the marine planning process.

5.4 Welsh plans, policies and strategies

Question 4.

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

5.4.1 We suggest that the following key documents need to be added to the list in the consultation document:



- Wales Environment Strategy and the emerging ‘Living Wales’ ecosystems statements
- The emerging National Infrastructure Strategy
- CCW’s Seascape assessment work
- CCW’s acknowledged LANDMAP resource
- The Register of Historic Landscapes
- All relevant Local landscape characterisation studies such as those that already exist for Pembrokeshire, Gower, Llŷn/Gwynedd and Anglesey
- The existing and evolving management plans for World Heritage site and the Dyfi Biosphere site
- CADW’s Historic Town character assessments
- Historic seascape characterisations undertaken by RCHMW
- Studies of coastal features by archaeological trusts

5.5 Evidence

Question 5

Do you think 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

Can you help fill them and how?

5.5.1 As mentioned previously, WLP believes that one crucial information resource and evidence base that should be central and crucial to the completeness of the marine plan process is a comprehensive Seascape Character Assessment of the Welsh coast and inshore areas. This we believe should build on the work already undertaken by CCW on the potential visual impact of marine developments.

5.5.2 Such an assessment should, in our view, embrace the natural, cultural/social and perceptual/aesthetic dimensions of the marine area and ultimately provide a useful framework for segmenting the marine environment into more manageable units. By so doing the coastlines and marine areas of Wales could be better interpreted spatially and the impact of any future activities or change considered and planned for in a more appropriate, consistent and confident manner.

5.5.3 We understand that the necessary technical advice on how to undertake such an assessment will be published shortly, under the guidance of the Countryside Council for Wales Natural England and Scottish Natural Heritage. We also understand that the approach is being piloted as part of the Marine plan process in eastern England. Once the guidance is completed and the results of the pilot are known, Wales should be in a good position to benefit from the experience.

5.5.4 We trust that the Assembly, as the Marine planning authority, will recognise the importance of this work and provide the necessary resources and impetus for the



Countryside Council for Wales to develop and apply seascape character assessment to the Welsh circumstances.

5.5.5 To ensure that this process is credible, we believe that stakeholder involvement, in particular that of coastal Local Authorities, National Park Authorities, the managers of AONBs and Heritage Coasts and others involved with the conservation of the natural environment and the cultural/historic environment, is paramount. WLP would willingly contribute to this work in whatever way is practical and be prepared to help bring together those stakeholders with an interest in Seascapes to ensure a common understanding of what such an assessment could achieve and the resources that would be needed to undertake it.

5.6 Marine Plan areas – National and sub-national planning in Wales

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?

5.6.1 We consider that the resolution of this issue of whether or not there should be sub-regional planning depends to a large degree on the scale and level of detail [the grain] anticipated for the 'National Plan' and the degree of flexibility it will have to vary the 'grain' from place to place according to the issues involved.

5.6.2 There is little doubt that in some areas, e.g. Pembrokeshire and the Severn Estuary, because of their particular position and the range of issues affecting them, there may well be a need for greater detail in the marine plan than in other areas. However, it is not immediately obvious to us as to whether or not the marine plan can be varied in scale / level of detail from place to place. We believe that it should be possible to do this. If it is, then the need for separate sub regional plans would seem to be obviated. If it is not possible then it would be necessary to define particular areas where more detailed plans are prepared. The areas defined in the seascape character assessment would be of use in this context by providing the framework for this flexible approach.

5.6.3 We also consider that there should be a mechanism to accredit the statutory management plans required for coastal protected landscapes as part of the marine plan. In this way the fact that they overlap the marine plan between high and low water mark and address the wider marine environment from which they draw many of their special qualities would be recognised. It would also reflect the Assembly's desire to see local approaches reflecting the principles of compatibility and coherence.



5.6.4 Similar circumstances arise in the context of the Management plans of European Marine Sites. In some instances they adjoin / overlap with the management plans for coastal protected landscapes. It is important that their plans are integrated effectively if their respective objectives are to be achieved. We would contend, therefore, that there is much to be gained from the preparation of joint management plans where circumstances such as these occur. As with the management plans for protected landscape their plans should also be accredited as part of the marine plan.

5.7 Cross border relationships

Question 10

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

5.7.1 We believe that all the most important relationships have been identified i.e. with England. It will also be crucial to synchronise the timing of the plan preparation process, the scale and level of detail of the plans and assessments that are undertaken, for example, of seascape character.

5.8 Engagement and consultation

Question 11

Do you agree with this approach?

Question 12

How do you think that we can make the best use of existing partnerships

Question 13

How else can we reach the public?

5.8.1 In broad terms we endorse the document's intention to engage with stakeholders throughout Wales and beyond, including coastal communities, industry, environmental groups and anyone who has a substantive interest in the Welsh coast and adjoining marine area.

5.8.2 We agree that the kind of approach shown by the Pembrokeshire Coastal Forum and the Severn Estuary Partnership has considerable relevance in that they both seek to be open, inclusive and explore issues from a neutral starting point by bringing people together to discuss issues and to raise awareness.

5.8.3 We recognise, however, that the success and effectiveness of these Fora is the result of hard work building trust and commitment over a number of years with limited resources. Notwithstanding this, any additional tasks asked of them will need a clear justification, an adequate brief and the necessary resources to enable them to undertake the task.

5.8.4 There are clearly advantages in extending this approach to the rest of the Welsh Coast. However, whilst this may be an admirable aspiration, it may not be that



practical given the short timescales required to produce the marine plan and the time it takes to develop an effective partnership from scratch.

5.8.5 We further recognise that the lengths of Wales's coastline not currently covered by a Forum tend to be those in the more remote and less congested areas, for example Cardigan Bay, where there are likely to be only limited resources in the local community to develop this model. We suggest, therefore, that there may be two ways in which the approach could be extended.

- firstly by building on the current networks / partnerships which exist in the coastal Protected landscapes – particularly in North Wales [Snowdonia NP, Llŷn and Anglesey AONBs]
- secondly by extending the sphere of operation of the two existing Forums.

5.8.6 In both instances the Assembly would need to establish a clear brief for these activities and provide the resources to initiate and support them

6. Conclusion

6.1 The Wales Landscape Partnership supports the overall approach and direction of this initial statement. In doing so however we suggest that the issue of connectivity between land and sea should be more explicitly articulated.

6.2 We are of the view that the role and relevance of Seascapes should feature more prominently in the ultimate planning approach to be adopted. Not only would we suggest that seascapes concept provide a seamless and effective means of linking the Assembly's sustainable management obligations with the management of all our natural resources be they on land or sea, but it also provides a mechanism to protect those critical natural assets and resources which exist along and around the Welsh coast line.

6.3 To achieve this we believe that significantly more effort needs to be directed towards understanding the significance of the range Wales's Seascapes. We strongly advocate that a concerted effort is made by WAG, through CCW, to undertake an audit and character assessment of the Wales's Seascapes not only to assess their functional importance, but also to identify those parts of it, which should be recognised as "Nationally important seascapes". Our existing Coastal Protected Landscapes and any relevant extension of them seawards, must be recognised as key part of these "nationally important seascapes". We believe that CCW should take the lead in undertaking this work as soon as possible.

6.4 We would further suggest that the Management Plans for existing coastal Protected Landscapes should form a key part of the Marine Planning process and that they in turn should be required to recognise and make realistic and functional



connections with their adjacent marine environments. Doing so will enable coastal Protected Landscapes to engage with the managers of adjacent Marine conservation areas [SACs & MCZs] to secure integrated management approaches which link land and sea rather, than separating them.

6.5 If this can be achieved we see no reason why the existing Wales Spatial Plan and the proposed Marine Spatial Plan, should not integrate seamlessly.

6.6 If the Assembly Government achieves this, it will demonstrate its commitment to the principles of the European Landscape Convention. More importantly the Welsh environment on both land and at sea will be managed in a more sophisticated holistic and better way.

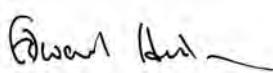
6.7 In offering these perspectives the Wales Landscape Partnership would very much welcome further and early opportunities to discuss in more detail the issues we have outlined in this response.

6.8 Similarly we look forward to being able to continue working with the relevant officials in the Welsh Assembly Government and its partners to make our ambitious and this exciting agenda for the marine environment around Wales a reality.

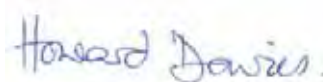
Yours faithfully



Peter Ogden
Wales Landscape Partnership



Edward Holdaway



Howard Davies
National Association for AONBs



Consultation Response Form: SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

We would welcome your views on the *marine planning in Wales* consultation document. Responses should be provided in writing using the questions set out below. These questions have been taken from the *marine planning in Wales* document, and refer to the text of the strategy. Please expand the comment boxes as necessary.

Responses can be e-mailed to marine@wales.gsi.gov.uk or sent to:

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

The closing date for responses is 11 May 2012.

<http://www.wales.gov.uk/consultations>

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.

Your Details

Name	David Whitehead			
Organisation	Welsh Ports Group			
Address	12 Carthusian Street London EC1M 6EZ			
E-mail address	david.whitehead@britishports.org.uk			
Type (please select one from the following)	Local Authority			
	Government Agency / Other Public Sector			
	Higher Education / Further Education / School			
	Professional Body			
	Other Interest Group			X
	Individual			
Are you happy for your details to be published in the summary of responses?	Y			

Marine features, resources and activities

1	Are there any other key features, resources or activities in Welsh seas that we need to take account of?	Y	N
		X	
<p>Comments</p> <p>The section on ports should make a reference to the wider contribution of the ports industry to the Welsh economy. We suggest: “Not only do they handle freight and passengers, they also provide vital support to other industries such as tourism and fishing. Welsh ports are nationally significant in the energy sector, most recently in their support for offshore renewables. They are also vital to Welsh manufacturing, particularly steel making. The influence of ports therefore on the Welsh economy is widespread and substantial.”</p>			

Integration between marine and terrestrial planning regimes

2	Are there other ways in which integration could be improved?
<p>Comments</p> <p>We see the introduction of marine planning as a significant opportunity to better integrate the marine and terrestrial planning regimes. Ports are connecting points between sea and land and port developments need to be complemented by the right road and rail connections to the rest of Wales and the UK. This is reflected in the consultation document. We very much support the statement that marine developments need to be supported by “the appropriate infrastructure on land and reflected in terrestrial development plans”. It is possible that a new organisation, or new arrangements of some kind, will need to be created to ensure integration; the Welsh Ports Group is very willing to take part in this process.</p>	

The process for developing marine plans in the Welsh marine areas

3	What sectors do you think need to be included in the governance arrangements?
Comments The sectors identified in paras 15-32 will all need to be included in the governance arrangements, presumably through membership of the stakeholder group.	

Where marine planning fits

4	What other key Welsh documents do you think need to be taken into account and why?	Y	N
<p>Comments</p> <p>Marine planning has to be carried out in the context of the UK National Marine Plan. The UK National Plan places a strong emphasis on the need to sustain coastal businesses and this will need to be reflected in the Welsh plan. Also of strong relevance will be the forthcoming National Ports Policy Statement which will not only set out the policy background for ports, but also contain forecasts for growth expressed in increases in unitised and bulk trade. This will provide important information to planners in dealing with development proposals, enabling them to put a proposal into the framework of the national need for more capacity. The existence of such a framework is a totally new development. We look to marine planning to produce, as the consultation document itself says in para 58, greater coherence and certainty in making licensing and consents decisions. For the first time, the combination of marine plans, a UK Marine Policy Statement and a National Ports Policy Statement provide real opportunities for a clearer context for port investment and development with early warning of any potential conflicts which might then be resolved at an early stage.</p>			

Evidence

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?
Comments It is generally accepted that in contrast to data available for land planning, there is not an equivalent amount of data for the marine area. We would expect that one of the results of marine planning will be the collection of considerable amounts of new data. Only once this data is available can reasoned judgements be made about the contents of the plans.	

6	Could you help fill them, and how?
Comments Ports will themselves have collected data for various purposes, including development applications and environmental management purposes. We would always be open to making this data available for marine planning purposes.	

Marine planning areas – national and sub national planning in Wales

Cross border relationships

7	Do you think we need to plan on a more sub-national level?
Comments We believe it is too soon to answer this and the national plans need to be agreed first. This is an issue where the stakeholder group might have a role. Generally, we would be cautious about the production of additional plans bearing in mind the resources and time that might be required, but there may be areas, particularly of more intense activity, which could be susceptible to a more detailed plan. There must always be sufficient resources to ensure that the various parts of the planning regime (which will also include, for example, EU Directives on water and marine environment quality) operate efficiently. We comment further below.	
8	If you do, what approach would you like us to take to sub-national marine planning and why?
Comments Not applicable.	
9	Are there different approaches that we could take?
Comments Not applicable.	

Cross border relationships

10	Are there other countries or authorities that we need to have close or formal relationships with?	Y	N
		X	
<p>Comments</p> <p>Cross border issues are extremely important and there needs to be close liaison not only with the adjacent English plans, but also with plans being promoted in Ireland and in the Irish Sea. We note that the Marine and Coastal Access Act requires this. We therefore support the use of a marine planning concordat as referred to in para 124 and the process of engagement and consultation as set out in para 125. So far as England is concerned, the entire approach to marine planning and its link with better delivery of the planning regime generally should be taken forward in similar ways. Ports are in strong competition with each other and marine planning should not be used as an opportunity to favour, beyond any natural advantages, any particular port or sector. The process in England is a little further ahead in that the Public Statement of Participation for the East of England marine plan has already been published and we would expect that any lessons learnt from the process there would inform the preparation of Welsh plans.</p>			

Engagement and consultation

11	Do you agree with this approach?
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Comments

We agree that extensive consultation is the key to successful marine planning. Although it is commendable that it is intended to reach so many groups, their representations will ultimately have to be put in the context of the UK Marine Plan which is clear about priorities. One of the challenges will be dealing with a huge range of views; there should be clarity about the policy and legislative framework within which marine plans will need to operate.

12	How do you think we can make best use of existing coastal partnerships?
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Comments

Existing coastal partnerships will have a role to play, but will of course have mainly been formed and operated without the guidance of the Marine and Coastal Access Act, the UK Marine Policy Statement or the Ports National Policy Statement. Again, as we highlighted in the answer to Q11 above, the “rules for engagement” of consultation in the context of marine planning should be absolutely clear. Only in this way can planners deal with what could be a considerable amount of comment and opinion.

13	How else can we reach the public?
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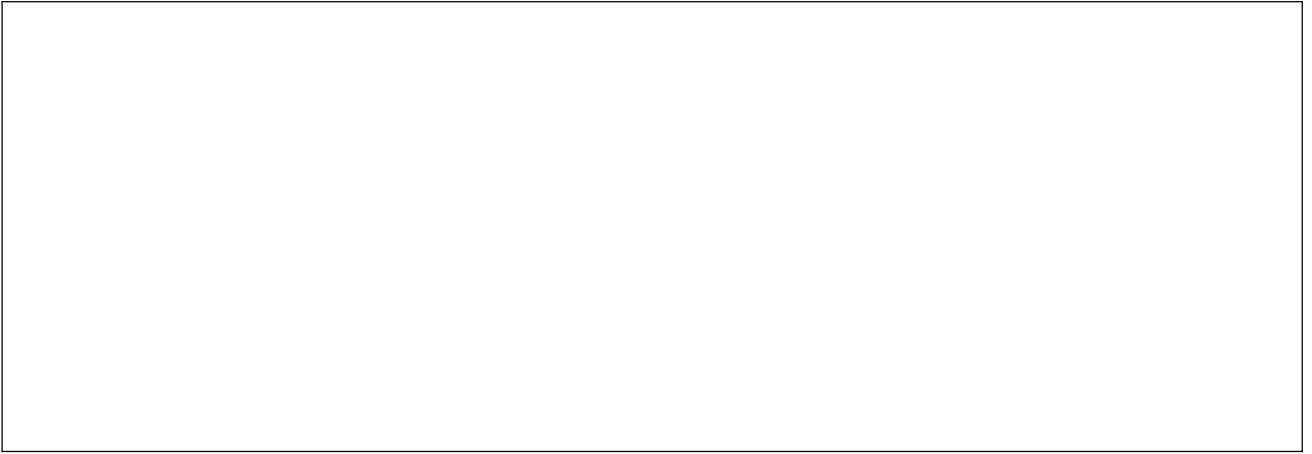
Comments

We have no other suggestions.

Any other comments

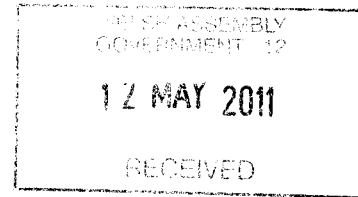
We mentioned in our answer to Q4 that marine planning represents a real opportunity. The Welsh Ports Group is on record as supporting the principles of the Marine and Coastal Access Act, the UK Marine Policy Statement and marine planning itself. The opportunity is the chance to create a planning system which is speedier, more efficient and more transparent. We are concerned about the resources available to the Marine Consents Unit in Cardiff which, in many ways, will have to duplicate the resources of the MMO. The fact that responsibilities will be split between the MMO, which will deal with Harbour Revision Orders most of which are closely tied in with licensing consents, and Cardiff seems inconsistent with the themes of integration which run throughout the consultation paper. It is pointless, in our view, to have an elaborate marine plan without it resulting in significant improvements to the ability of the planning system to deliver.

In the meantime, we look forward to co-operating with the Welsh Assembly Government in participating in the drawing up of marine plans.



Thank you for completing this form.

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



Date: 9th May 2011

Dear Sir or Madam,

**CONSULTATION DOCUMENT “SUSTAINABLE DEVELOPMENT FOR WELSH SEAS:
OUR APPROACH TO MARINE PLANNING IN WALES”**

Thank you for the opportunity to comment on the Welsh Assembly Government’s proposed approach to developing marine plans in Wales using its powers under the Marine and Coastal Access Act 2009.

These comments are submitted by Dŵr Cymru Welsh Water, which is owned by Glas Cymru, a single purpose, not-for-profit company with no shareholders. We are a statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. All of the Welsh coastline is within our supply area. We provide essential public services to our customers by supplying their drinking water and then carrying away and dealing with wastewater. In this way, we make a major contribution to public health, economic development and to the protection of the Welsh environment.

Generally we think that the approach you outline in your consultation paper looks sensible and appropriate for Wales. It seeks to put sustainable development at its core and has explicit links with the Welsh Assembly Government’s “*A Living Wales*” agenda.

We agree that the two overarching marine plans – for the Welsh inshore and offshore regions respectively – should be developed in tandem to maximise integration.

We also recognise that the success of the marine plans for the Welsh marine area will, in many ways, depend on how the European and other international commitments (listed at paragraph 99 of your consultation) are implemented.

Paragraph 32 specifically refers to the treatment and disposal of waste water. We are generally content with this part of the consultation paper, to the extent that it applies to our industry. Dŵr Cymru is keen to do its fair share toward the protection and improvement of the Welsh marine environment, including the ecosystems it supports.



Glas Cymru Cyfyngedig

We welcome correspondence
in Welsh and English.

Byddwn yn croeso i gyswllt yn
y Gymraeg neu yn yr Ewraig.

However, pollution control should be applied more even-handedly, so we would like the Welsh Assembly Government to use its marine plans to ensure that other sectors reduce their impacts on estuarial and coastal water quality - for example, we would like to see more action to reduce diffuse pollution from agriculture (**question 1** of your consultation paper refers).

We are pleased that paragraph 32 acknowledges the “essential” nature of the sewerage and drainage services we provide. We feel that Dŵr Cymru could make a useful contribution to the Governance arrangements outlined in the consultation paper as we are best placed to advise on the implications of any marine planning proposals on our infrastructure (**question 3**).

Question 4 asks respondents to identify other key Welsh documents that should be taken into account. The annex to this letter lists our suggestions, plus some possible additions to the list of relevant international obligations (pages 22-23 of the consultation document refer).

The text on page 24 describing the European Water Framework Directive (WFD) is misleading in some ways. Although Article 4 of the Directive requires that good status should generally be achieved by 2015, it acknowledges that for some water bodies this might not be possible. The three River Basin Management Plans (RBMPs) covering Wales fall well short of delivering good status in all water bodies by 2015. However, by the end of the WFD’s third and final planning cycle (in 2027) all water bodies – including transitional and coastal waters – must achieve good status (unless alternative objectives have been set). As a result, the RBMPs prepared for future WFD planning cycles are likely to become increasingly ambitious. It follows that even if the Environment Agency is not requiring improvement to a particular activity under its current RBMPs, it may well do so in future RBMPs.

We very much welcome the recognition you give to the need for “a robust evidence base” (paragraph 106) and your commitment to work with partners (paragraph 109). Dŵr Cymru believes that there may be opportunities for a more integrated monitoring programme in Wales that takes account not just of the efforts and needs of the regulators but also of regulated bodies such as water companies. We stand ready to discuss with you the information that we hold and possible collaborative approaches to monitoring in the future (**questions 5 and 6**).

We accept the need for the precautionary principle where evidence is unavailable or uncertain (paragraph 114). However, the danger is that a lack of monitoring and investigation can lead to over-precautionary consents or conservation objectives being set, requiring unjustified capital investment by the private sector. We hope that the Welsh Assembly Government will do its best to ensure that the “resource challenges” limiting the public sector’s ability to improve the evidence base will not result in an unfair burden being transferred to the private sector in Wales.

Suggested additions to the list of European and international obligations and commitments (pages 22-23 of the consultation paper)

Council Directive 91/271/EEC on urban waste water treatment (which sets minimum treatment standards for significant discharges of effluent, including into estuaries and coastal waters)

Council Directive 2006/113/EC on the quality required of shellfish waters

EU Food Hygiene Regulations (852 / 853 / 854) prescribe the quality of commercially harvested shellfish intended for human consumption (and effectively replaced Council Directive 91/492/EEC on Shellfish Hygiene).

Suggested additions to the list of Welsh plans, policies and strategies (pages 26-27 of the consultation paper)

Environment Strategy for Wales - Welsh Assembly Government

Capturing the Potential: A Green Jobs Strategy for Wales - Welsh Assembly Government

Climate Change Strategy for Wales - Welsh Assembly Government

Strategic Policy Position Statement on Water 2011 - Welsh Assembly Government

Social and Environmental Guidance to Ofwat issued under section 2A of the Water Industry Act 1991 (as amended by section 40 of the Water Act 2003) - Welsh Assembly Government

Water Framework Directive River Basin Management Plans for the Dee, Severn and Western Wales River Basins – Environment Agency, approved by the Welsh Ministers

This is a particular issue in sites designated under the Habitats Directive: unlike the Water Framework and Marine Strategy Framework Directives, it does not allow less stringent objectives to be set if the costs of schemes are disproportionate. There may be a case for targeting public funding toward gathering evidence at such sites to ensure that conservation objectives are robust, rather than over (or under) precautionary.

Compliance with overly precautionary consents/objectives inevitably results in higher increases in our customers' bills than necessary. They can also unnecessarily stifle economic development in some areas, which is at odds with the spirit of the consultation paper. We hope that the commitment (on page 10) to apply the precautionary principle in accordance with your sustainable development policy will ensure that wider economic and social issues are fully taken into account.

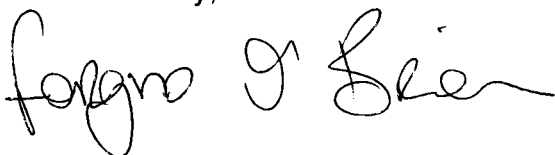
Questions 7 - 9 refer to sub-national plans. Whilst in principle we have no very strong views about this, the focus for the time being should solely be on the national (inshore and offshore) marine plans for Wales. There is a danger that if the Welsh Assembly Government now commits itself to preparing sub-national plans, decisions on any contentious issues raised in the context of the national plans will be set aside pending the completion of the relevant sub-national plan. This would create uncertainty about future policy which, in turn, could hamper our ability to plan future investment and risks causing inefficient (or even unnecessary) capital and operational costs.

Questions 11 – 13 explore issues around making the best use of existing local fora. Dŵr Cymru is on a number of Relevant Authority Groups (RAGs) for European marine protected sites and some partnerships (such as the Severn Estuary Partnership). These Groups – which should have an important role to play in terms of public engagement and fisheries protection for example - are struggling to cope with budget cuts and the loss of fishery expertise following the Welsh Sea Fisheries Committees being subsumed into the Assembly Government. We hope that the Assembly Government will recognise the role of the RAGs and consider how best to integrate them into your proposals for future marine planning and protection. As well as providing greater leadership, this would avoid duplication of effort etc.

I would be happy to discuss with you in more detail any of the points raised if that would be helpful.

A copy of this letter goes to your Water Policy Branch colleagues.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Fergus O'Brien', written in a cursive style.

Fergus O'Brien
Coastal Waters Manager
Dŵr Cymru Welsh Water



WWF *for a living planet*

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SUSTAINABLE DEVELOPMENT FOR WELSH SEAS: OUR APPROACH TO MARINE PLANNING IN WALES

WWF Cymru Consultation Response
11th May 2011

INTRODUCTION

WWF Cymru welcomes the Welsh Assembly Government's consultation on their approach to marine planning in Wales. We have been involved in advocating the need for improved marine planning and management for over a decade through our extensive work on the Marine Bill. As such we are pleased to see marine planning, a central component of the Marine and Coastal Access Act 2009, coming into fruition in Wales. WWF Cymru would like to continue its support and engagement with WAG during this important journey from sectoral-based management to strategic forward-looking sustainable development of Welsh seas, through a robust marine planning framework.

WWF regards marine planning as an essential activity to be taken forward by the Welsh Assembly Government (WAG) in partnership with stakeholders. We believe that the proposed approach provides an important opportunity to articulate and deliver a clear, integrated vision for Welsh seas that reflects Welsh priority priorities. Welsh seas face increasing pressure from the expansion of marine industries, whilst simultaneously experiencing declining marine biodiversity and climate change impacts. It is clear that traditional management approaches have been insufficient to address human impacts on the marine environment. Furthermore, management efforts focused upon specific sectors, species or habitats have not halted biodiversity losses.

As such, we welcome recognition within the consultation document of the need for an ecosystems approach. This provides for a more holistic view of management that considers not only species or habitats but the whole range of interactions among organisms and physical processes, with humans and their activities and needs recognised as an integral component of the ecosystem. The Ecosystem Approach entails a paradigm shift from individual species to ecosystems, from a short-term to a long-term perspective, from a focus on single organisms to one that recognises that humans are an integral component of many ecosystems, and from static or linear management to adaptive management.



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Llywydd: HRH Princess Alexandra, the Hon Lady Ogilvy KG, GCVO

Cadeirydd: Ed Smith

Prif Weithredwr: David Nussbaum

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President: HRH Princess Alexandra, the Hon Lady Ogilvy KG, GCVO

Chair: Ed Smith

Chief Executive: David Nussbaum

Research undertaken¹ by WWF and a number of NGOs has identified clear lessons to be learnt concerning marine management and the evolving international practice in relation to marine spatial planning. Key recommendations that are applicable to the Welsh context include the need for marine planning to be plan-led with strong national political leadership; to be ecosystem-based; effectively integrated with land-use planning systems; co-ordinated across administrative boundaries; and with effective stakeholder input.

This response should be read in conjunction with the response from Wales Environment Link (WEL), which WWF led on behalf of the Marine Working Group and Planning Working Group. As such, we fully endorse the views expressed in the WEL consultation response. This response addresses a number of additional issues not covered in the WEL response and we would welcome the opportunity to meet with WAG to elaborate further on the issues raised.

We particularly welcome in the consultation document:

1. Reference to UNESCO's Marine Spatial Planning Guide and the key principles that WAG will adopt to underpin the implementation of the new marine planning framework in Wales (Para 36).
2. Commitment to marine plans in Wales providing strategic direction and certainty for the Welsh marine area (Para 45) and delivering clear spatial and locally relevant expression of policy (Para 46). The need for a spatial plan-led approach to marine management will be critical to reconciling conflict for space and resources, living within environmental limits and achieving sustainable development of Welsh seas.
3. Statements concerning WAG's commitment to engaging, "stakeholders throughout Wales and beyond", fully in the marine planning process (Para 128). Given our position within the Irish Sea and wider Celtic Sea, engagement with stakeholders across both our land-sea and offshore boundaries will be critical to marine planning that recognises marine ecosystems. We support commitments to the use of cross-border stakeholder groups to support joint planning and the development of a marine planning concordat with Defra (Para 124).
4. Establishment of a WAG Marine Evidence Group (Figure 2) as a positive step towards addressing the need for a robust marine evidence base, readily accessible to decision makers. WWF believes a sound and transparent evidence base must provide the foundation for marine planning if it is to be embraced by stakeholders.

KEY POINTS AND PRIORITIES

Sustainable development and 'sustainable economic growth' should be defined and interpreted according to the principles set out in the UK Sustainable Development Strategy, 2005. We are concerned by the range of definitions of sustainable development that appear within the consultation, for example with the consultation's Foreword and again in Para 55. WWF supports the definition provided in Para 55, "we continually need to integrate what can

¹ Sellars, D. (2010) Mobilising the Marine Act Implementing Marine Spatial Planning in the UK: Lessons learned from international case studies. WWF-UK, Marine Conservation Society, RSPB and the Wildlife Trusts. Available from: http://www.wwf.org.uk/wwf_articles.cfm?unewsid=3676

be the competing demands of the three pillars of sustainable development – economic, environmental and social”. WWF believes that the term ‘integrating’ is more appropriate than ‘balancing’ or ‘trading’ the three pillars against each other for the benefit of isolated sectoral growth or economic development. Whilst we recognise that policy priorities and political considerations are important in influencing decision-making, we are concerned that the top-down political priorities referred to in Para 37 from which marine planning perspectives and objectives will ultimately stem, may be a barrier to providing consistent and transparent direction towards achievement of sustainable development in Welsh seas.

INTEGRATION BETWEEN MARINE AND TERRESTRIAL PLANNING SYSTEMS (Question 2)

We are concerned that too much emphasis is placed on the ‘physical overlap’ between the marine and terrestrial planning systems as a means to achieve integration (Para 49). Greater consideration needs to be given to how the two systems of planning will work together and WWF look forward to contributing to this discussion. The proposals set out in Para 53 regarding liaison between planning authorities, raises questions as to how coastal Local Planning Authorities will be engaged in the formulation of marine plans. It is clear that there are numerous plans, policies and strategies at national (Welsh), regional and local levels that may be of relevance to coastal and marine planning. However, we would question the assumption that, “terrestrial planning policy and development plan documents already include policies addressing coastal and estuarine planning” (Para 53). Research undertaken by Atkins² for WWF Cymru revealed that the majority of existing policy statements in Wales, even those contained in documents specifically focussed on the coast (e.g. Wales Coastal Tourism Strategy, TAN 14 Coastal Planning and the Wales ICZM Strategy), contain few statements that are directed towards the coastal and marine area that would clearly complement marine plans.

We support references to the Welsh ICZM Strategy and in particular that, “...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” (Para 47). A number of the key objectives and actions within this strategy support and complement marine planning principles, for example, integrated planning, policy integration, sound evidence base and cross-border working. For those involved in supporting the development of this strategy and simultaneously helping raise awareness of ICZM in Wales, it is disheartening to note that delivery of this strategy has, to a certain extent, staggered to a halt despite an initial positive period of momentum and progress. This is particularly frustrating given that a key objective of this document included provisions for annual monitoring on implementation progress, and for the strategy to be refreshed in 2010.

Marine planning should seek to learn from this experience, recognising that marine planning’s statutory and sustainable development basis affords it greater consideration by decision makers and stakeholders alike; thus addressing the voluntary status and weakness of many ICZM initiatives. Implementation requires the same level of priority and support as that directed to the development phase. Continuing political momentum for marine planning and support for implementation and enforcement must be evident across all WAG portfolios. We would highlight step 9 of the UNESCO Guide to Marine Spatial Planning that requires

² Atkins (2010) *Production of advice on the relevance of existing plans, policies and strategies and their delivery mechanisms for marine planning*. Report prepared by Atkins on behalf of WWF Cymru. November 2010.

information on periodic monitoring of the marine plans' performance to be reported to all interested parties. These tasks should form the basis of an adaptive approach to marine planning as plans are sequentially developed and implemented. There are also efficiencies to be achieved in aligning monitoring arrangements with other monitoring requirements, particularly those associated with implementation of the EU Marine Strategy Framework Directive.

WHERE MARINE PLANNING FITS (POLICY CONTEXT)

Marine planning is clearly linked to the delivery of the Natural Environment Framework (NEF) and, as such, should share common principles, including the adoption of an ecosystem approach, which recognises environmental limits and the impacts of climate change, and taking precaution where appropriate (within risk-based decision-making). In our response to the consultation on the NEF, *A Living Wales*, WWF welcomed recognition of the need to take a truly integrated approach to the management of our environment which reflects the complexity of the way in which environmental systems interact, the value of the services they provide to society, the pressures posed by our changing climate, and the limits of natural capacity.

To be effective, marine planning cannot exist as a stand-alone framework and needs to be integrated with other relevant WAG policies, including the Sustainable Development Scheme, Natural Environment Framework, Environment Strategy, Wales Fisheries Strategy and the Wales Integrated Coastal Zone Management Strategy, amongst others. We welcome the inclusion of Figure 3 that illustrates the hierarchy and multi-tiered policy landscape in Wales, and the clear relationship shown between the terrestrial planning system at the national level with marine plans. WWF would support greater cohesion between these two planning frameworks. The Marine Act requires that the Welsh marine plan is compatible with the Wales Spatial Plan. Given the apparent uncertainty surrounding the future of the Wales Spatial Plan, WWF see this as a positive opportunity to align and potentially integrate these strands of work.

OTHER RELEVANT WELSH DOCUMENTS (Question 4)

We would like to see the emerging National Infrastructure Plan illustrated in Figure 3. Furthermore, we would welcome clarity on the relationship between the development of marine plans and the recently reformed marine licensing system in Wales. WWF believes an effective marine licensing system, like a strong development control process within terrestrial planning, needs to be informed by robust strategic marine policy priorities and guidance. Marine licensing should interpret national policy and act as a strong sustainable development gatekeeper for Welsh seas.

EVIDENCE BASE (Questions 5 & 6)

It is crucial to sustainable development, and good governance, that policy is based on sound evidence. It is also crucial to ensure respect for government that they are seen to be basing their decisions on expertise and sound knowledge and not on any partisan, self-serving reasons. Ensuring that the evidence for policy decisions and any advice based on this from

bodies of experts, such as the Countryside Council for Wales or Environment Agency Wales, is transparent and publicly available is a key area. Consideration should be given to structures which will enable this body of sound advice.

Considerable attention has been directed towards the health of our seas and the wide range of services they provide. For example, OSPAR Quality Status Reports 2010³ represent ten years of monitoring and assessment of the North East Atlantic; as such we would recommend these technical reports and associated management actions relating to Region III Celtic Seas. WWF welcomes the reference in Para 106 to the need for a robust evidence base to inform good planning and is pleased to note the establishment of a Marine Evidence Group by WAG, and an agreement amongst the UK administrations to mutual data sharing.

WWF also recognises Charting Progress 2 (CP2) and its 2005 predecessor as being important assessments of UK waters. The Wildlife and Countryside Link (WCL), of which WWF-UK is a member, have however recently commissioned research to address a number of perceived concerns regarding the accuracy of messaging within the portfolio of summary briefings associated with CP2. Preliminary findings indicate that, based on an initial assessment of CP2, a number of important messages are not being reflected accurately throughout the suite of documents (i.e. from the feeder reports to the main CP2 report, to the Government commentary and associated media). Indeed there appears to be a notable number of misleading areas of commentary that fail to adequately reflect the findings of the feeder reports.

In light of these emerging findings, WWF would urge WAG and other administrations to utilise the four underpinning technical feeder reports associated with Charting Progress 2, and caution against use of the higher level summary documents (i.e. Charting Progress 2 Report, Charting Progress 2 Overview and Government Commentary). The evidence and weight of concern in the feeder reports concerning the need for improved management of activities known to be having a detrimental impact upon either species or habitats must be addressed and acted upon. WWF is concerned that if, as expected, CP2 will be used to inform policy decision on the future management of UK seas and form the foundation of the initial assessment required by the EU Marine Strategy Framework Directive, decision making may not be based upon a sound understanding of the evidence relating to the current health of UK seas. We will provide a copy of the report commissioned by WCL when available.

The Charting Progress reports recognise that the development of assessment criteria is at different stages for the different marine components. Some are well developed and have been used with confidence for years, while others are still in development. In several cases we continue to rely upon expert judgement. Currently there are significant limitations in information availability, particularly in relation to the evaluation of non-use benefits and the quantification of impacts of human activities. Consequently, there is much still to do to provide a truly clear picture of the overall status of our seas as well as the condition of specific components of the marine environment. However, much information is readily available to populate the marine planning framework which can usefully inform decision-making.

The increasing use of impact assessment as part of policy development across Government is improving the information base on the economic and social values generated by human

³ Available from: <http://qsr2010.ospar.org/en/index.html>

activity as well as their environmental costs and benefits. The adoption of an ecosystem goods and services approach to valuation is developing through initiatives such as the National Ecosystem Assessment and the work of TEEB (The Economics of Ecosystems and Biodiversity)⁴ has been assessing the global economic benefits of ecosystems and biodiversity and the economic case for investment in natural capital. Such information is likely to be increasingly influential in informing policy choices and can make a substantial contribution to marine planning. It is therefore sensible that WAG's Marine Evidence Group utilises and builds upon these existing initiatives, particularly TEEB.

Building on the National Ecosystem Assessment, there is a need for further publicly funded research to advance knowledge and skills in this area, including:

- Understanding dependencies between ecosystem services and biodiversity;
- Developing tools to better measure and extrapolate service provision to facilitate more robust monitoring of state and trends in services provision;
- Developing tools for transferring estimates of service provision to alternative locations or times;
- Continuing to define environmental limits and how they can be integrated into policies and decision-making;
- Incorporating non-monetary and long-term value into decision making;
- Primary research on the economic value of some ecosystem goods and services and on understanding the non-use and option values of the marine environment;
- Systematically embed sustainable development in decision-making by providing institutional protection to the interests of future generations; and
- Ensure the marine planning system delivers sustainable development.

WWF would encourage the production of a baseline report or 'State of the Environment' report for Welsh seas either within the Strategic Environment Assessment or Sustainability Assessment process or as a key component of the early planning stages. In order to monitor progress towards achieving sustainable development, a baseline or datum point on the current condition of the Welsh coastal and marine environment is required. This will become increasingly important given the need to deliver assessments concerning achieving Good Environmental Status under the EU Marine Strategy Framework Directive.

Marine environmental research is an expensive endeavour and, in times of economic austerity, there are significant pressures on the availability of resources for further deployment. Thus, there is a significant challenge to the broad science community to deliver robust yet cost-effective ways of assessing the quality of the marine environment, which will involve innovation in the way the work is carried out and a broad partnership across society.

Managing Risk

With respect to sustaining a risk-based approach, adoption of a precautionary approach is a key principle of the Ecosystem Approach and should have an explicit focus in the marine planning guidance when addressing scientific uncertainty. Marine ecosystems are complex and dynamic, and they change seasonally and in the longer-term. However, little is known about their complexity and how they respond to human interventions over time. Their interconnections lead to potentially significant transboundary effects. Consequently,

⁴ <http://www.teebweb.org/>

ecosystem resilience and human impact (including reversibility) are difficult to forecast and hard to distinguish from natural changes.

In such circumstances a precautionary approach is advisable. This approach is embedded in the UNCED Declaration (Principle 15), which states that “the precautionary approach should be widely applied and that, where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.

MARINE PLAN AREAS (Questions 7, 8 & 9)

WWF supports sub-national planning in Welsh waters where more area specific planning is required because of the level and complexity of activity. Marine planning should be at a scale that enables local involvement in their development and builds upon existing engagement mechanisms. Public engagement and buy-in is crucial to the success of marine plans, so planning must take place on a scale that is meaningful to stakeholders. To inform the approach to sub-national marine planning, consideration needs to be given to identifying ‘activity hotspots’ or areas where more detailed planning should take place. This needs to be underpinned by a comprehensive robust evidence stage to enable decisions to be made on the complexity and location of high intensity hotspots and other sub-national planning priorities.

CROSS-BORDER RELATIONSHIPS (Question 10)

Whilst recognising local specificity, a coordinated and consistent approach to marine planning between UK administrations is vital. As such we welcome commitment to cross border working and development of a formal marine planning concordat with Defra (Para 124). We feel that further guidance is needed on the principles of integrated management to facilitate cross-border planning, with reference to the mechanisms available to facilitate the process. The series of ‘Across the Waters’ reports⁵ commissioned by WWF-UK in 2009 illustrate a number of issues concerning cross-border working, including the benefits associated with collaborative planning. We are concerned about the development of marine plans for the Severn and the Dee Estuaries by WAG and the MMO occurring at different times. WWF is calling for the timetabling of the next tranche of MMO marine plans areas to be either the North West or South West inshore, to coincide with WAG’s intention to start planning imminently. WWF encourage early dialogue between WAG and the MMO to resolve this issue.

We would welcome inclusion in Para 125 of engagement with international stakeholders that use Welsh waters, particularly, foreign fishing vessels with historic rights.

⁵ Available from: http://www.wwf.org.uk/what_we_do/safeguarding_the_natural_world/oceans/

ENGAGEMENT AND CONSULTATION (Questions 11, 12 & 13)

Improved partnership working through collaboration and coordination will be a vital component of integrated marine management. Recognising recent research by CoastNet⁶, marine planning ought to address historical cultural issues associated with poor collaborative working. As such we recommend utilisation of existing stakeholder engagement mechanisms to support the marine planning process, as highlighted in Para 130. WWF believes that coastal partnerships could provide important services to aspects of marine planning in Wales. As is widely recognised however, there are parts of Wales that are not currently covered by such fora. This may not be a reflection of a lack of interest in the management of the coastal and marine environment; rather, it may relate to issues associated with the need for clear drivers for change or working collaboratively. The establishment of new coastal partnership structures would firstly require justification that a new partnership is needed, strong political drivers and leadership for establishing it, supported by the necessary resources. An outcome focussed approach with clear benefits of creating such a grouping, would need to be clearly mapped against tangible processes, such as the concurrent WAG marine planning or marine conservation projects.

Given the need for effective and timely engagement and the demands upon stakeholders' time, WWF Cymru suggests streamlining by WAGs of their outreach and engagement processes for the marine planning and marine conservation zones projects. However, This should however be sensitively managed; as there will be mixed audiences for these projects, including actively engaged Welsh coastal and marine stakeholders as well as those unfamiliar with this policy context.

WWF supports the role of the WCMP sub-group in its current advisory capacity. Broadening its remit to, "facilitate wider public engagement and raise awareness of Marine Planning in Wales" (Figure 2) may require further consideration of the membership and resources of the group to deliver this revised scope, particularly in relation to sub-national planning development. We question whether the WCMP sub-group is best positioned to deliver this wider public engagement role given the WCMP's limited resources.

WWF would be happy to discuss this response and provide additional information both in relation to the response and our future contribution to marine planning development. We look forward to working with WAG and other stakeholders through the WCMP marine planning Advisory Group.

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⁶ CoastNet (2010) *A Report on Barriers to Integration and Recommendations for Improving Integrated Management at the Coast in Wales*. Report prepared for the Countryside Council for Wales. October 2010.