

## Consultation response form

### Consultation on the draft Welsh National Marine Plan (WNMP)

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**Consultation questions** (When commenting please be as specific as possible by referring to paragraph numbers , and support any statements made. This will allow us to accurately reflect your views when making changes).

<b>Q1. Do you agree with the WNMP vision and objectives? If not how can these be improved?</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	
<p>Natural Resources Wales welcomes this consultation on the first Welsh National Marine Plan. We agree with the 20 year vision, which sets out, in the context of the wider vision for UK Seas, the range of important considerations and priorities for Welsh waters. We consider that this vision, which supports the need to take a long term approach to managing our seas, provides useful clarity at a time of some uncertainty and change as we approach withdrawal from the European Union.</p> <p>The Objectives further clarify and give direction to this vision. In particular,</p> <ul style="list-style-type: none"><li>• We welcome the reference in Objectives 9 and 10 to both protect <u>and enhance</u> marine biodiversity and ecosystem resilience</li><li>• We welcome the objective to support the achievement of Good Environmental Status, recognising that this term also incorporates the achievement of Good Ecological Status of coastal and estuarine water bodies under the Water Framework Directive</li></ul>	

- We note that Objective 3 sets out the need to maximise the opportunity to sustainably develop marine renewable energy resources. We seek clarity that in doing so, this indicates an increased level of priority for this sector in the plan over others?

The sectoral chapters in the plan also contain sector objectives. We seek clarity over whether the over-arching objectives have primacy over the sectoral objectives, particularly in light of para 58, which emphasises the role of the plan objectives in the event of policy conflicts within an individual decision making process.

We note that reference to sustainability is made in several but not all the sector objectives (for example, it is not mentioned in the aggregates or aquaculture objectives). We recommend that all sector objectives include a reference to sustainability in the context of and to ensure alignment with the first over-arching plan objective 'Support the Sustainable Development of the Welsh marine area....').

We suggest that the Energy Low Carbon Objective could be expanded to include contribution to decarbonisation targets.

<b>Q2. Do you agree that the draft plan, its objectives and policies provide a framework for sustainable development of the Welsh marine plan area? If not, how can they be amended or improved?</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	
<p><b>Natural Resources Wales strongly support the framework set out by this first plan and consider its policies cover the breadth of considerations necessary to support Sustainable Development of our seas in line with the requirements set out in the Marine and Coastal Access Act and UK Marine Policy Statement.</b> Annex 1 of the draft is helpful in setting out how marine planning can support and take account of a range of existing and new drivers, including Integrated Coastal Zone Management (ICZM) principles, the principles of SMNR set out in the Environment (Wales) Act and the Well-Being Goals set out in the Well-Being of Future Generations Act (Wales).</p> <p>The purpose of the first marine plan should be to provide a clear <u>framework</u> that sets out the direction of travel and intention for the sustainable use of Welsh seas. We are aware that work has already been undertaken to make the draft more concise but consider the current draft remains too long, and would benefit from being pared back to the key framework elements i.e.</p> <ul style="list-style-type: none"> <li>• Vision and Objectives</li> <li>• Guidance on how to use the plan</li> <li>• The plan policies (general and sectoral) with supporting narrative/guidance clarifying policy intent</li> </ul> <p>The current draft contains a range of additional information, particularly within the sector chapters, that includes policy context for planning; some evidence requirements; annex 1; information on some ecological interactions and some climate change issues. Whilst we agree these are important considerations, we suggest much of this information is better developed and held outside of the main plan document itself. There are also some inconsistencies – for example, the draft identifies evidence gaps relating to sectors but not to any of the general policy areas. <b>We would like to see a clear Evidence Strategy and Action Plan developed alongside the plan that sets priority evidence needs for planning and drives activity (including addressing resourcing requirements) to address these priorities.</b></p> <p><b>We acknowledge that developing an integrated, proportionate and evidence based system of planning for our seas represents a significant challenge and will need to develop iteratively over time.</b> In summary, we advise that a range of products, evidence, tools and processes need to sit around the plan itself to support decision-making in line with plan policies and objectives. These supporting products must be driven by the plan, but sit outside the plan document itself, enabling:</p> <p>a) A more streamlined and user-friendly plan document</p>	

b) Flexibility in the process to develop and adapt detailed implementation guidance, in line with plan policies, as we begin to put the plan to practise in decision-making

<b>Q3. Do you agree that the WNMP provides clear information and guidance to support decision making? If not, how can it be improved?</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	
<p>NRW acknowledge our significant role in supporting implementation of this plan, through our regulatory and advisory roles. <b>In the longer term, taking an integrated plan led approach will provide greater clarity to sea users and decision-makers. Nevertheless, implementing decision-making under a new marine planning framework will inevitably increase the requirements on the regulatory process in the short term.</b> Applicants are likely to need to provide additional information and evidence to support compliance with individual plan policies, which, given the cost recovery nature of many Permitting regimes, including Marine Licensing, may result in an increase in application cost. The information to support the application will need to be assessed by the decision maker through consultation with relevant experts, and may therefore increase time spent by NRW to provide advice under the relevant policies. We recognise that we will have a role in supporting the development of additional evidence and guidance to support implementation of marine plan policies. <b>We therefore welcome the support we have had from Welsh Government to support relevant marine planning work to date, and emphasise the need for this to continue as we move into implementation.</b></p> <p>We consider that, for most of the plan policies, there is some useful guidance within the draft plan to clarify the intent of the policies and set out where we feel guidance could be improved in our response to Qs 8 and 9. <b>Clarifying the intent of individual policies is critical in this first draft plan, and providing definitions in support of each policy wording will ensure consistent interpretation and reduce dispute over policy interpretation.</b> Our comments on SOC_02 in Q4 provide an example. <b>In addition, we seek clarity over where a Public Authority can seek advice to support assessment of compliance with certain plan policies (e.g. sector policies; socio-economic policies).</b></p> <p>As currently drafted, there is some implicit hierarchy of policy indicated within individual policy wording (for example 'proposals should' vs 'proposals are encouraged to'). Certain policies would also have higher weighting in decision-making where there is legislative backing (e.g. ENV_02; SOC_06). We set out some potential changes to policy wording that reflect these issues in our response</p>	

to Q 4 and suggest a review of all policy wording for consistency would be beneficial. **We advise that more explicit recognition and clarity over the relative policy priorities, or policy hierarchy, in the initial plan would be helpful in supporting implementation.**

**We acknowledge that the plan cannot reasonably include all the implementation guidance that will ultimately be required.** It is critical that the Planning Authority therefore provides clear initial guidance and ongoing support to Public Authorities to ensure that the requirements to demonstrate compliance with the plan can be easily followed by regulators, advisors and applicants. We anticipate that this will be an ongoing process following plan adoption, and recognise that over time this should reduce the regulatory burden.

Plan policies act directly on the decision-making process but full implementation and compliance with policies requires a range of other tools and activities that happen around, and are driven, by the plan itself. **These include developing and improving access to the evidence base to support policy implementation and evaluation of the effectiveness of the plan; development of a range of supplementary technical and process-orientated guidance to support implementation; and enabling ongoing dialogue between relevant actors (from individual sea users to within and between Governments).** As such, we welcome the creation of the Marine Planning Portal and see this as an essential tool for the implementation of the Welsh National Marine Plan, providing information to applicants, advisors and decision makers. Welsh Government should ensure that this Portal is maintained and improved to support the implementation of the plan.

The diagram below sets out the inter-relationship between these different elements of implementation. It would be useful if the need for wider marine planning activity was more clearly articulated both within the plan and through a clear programme of activity sitting alongside the plan driven by the Planning Authority.



We would welcome further discussion with Welsh Government around a wider programme of work to support the marine planning process, led by Government as the Planning Authority. **In particular, we would like to see a Public Authorities Group put in place as a forum for sharing best practise and addressing challenges in implementing and complying with planning policies.** This would offer a mechanism to raise and address key issues as we, and other Public Authorities, start to use the plan to support decision-making. It would also help to embed the requirement to comply with marine plan policies across the range of relevant decision-makers, and offer opportunities for learning from each other and share experience and expertise.

The 'how to use this plan' section (pages 22-49) is helpful and should be a core element of the plan – as such we advise this should be more 'visible' and up front in the document. Table 2 is a useful summary of the differing requirements around developing proposals/authorising proposals. We suggest it would also be useful to highlight that enforcement decisions would also need to be in accordance with the Plan and elaborate on the considerations of public authorities in having regard to the plan in their general duties in the accompanying narrative. We strongly welcome the inclusion of the summary table (Table 3) of all plan policies, which will greatly assist in using the plan.

There is a subsequent section of implementation guidance that sits before the sector chapters (pages 111-117) and again within each sector chapter. There is some duplication between these two sections, and even some potential ambiguity of wording in places, for example in describing the purpose and application of Strategic Resource Areas. The plan would benefit from bringing all of the more generic 'how to use' guidance into one place, ahead of all the plan policies.

As an important point of detail potentially relevant to implementation guidance across a range of plan policies, in revising this draft for adoption, consideration will need to be given to any changes that need to be made as a result of the Wales Act (for example para 171; 594-596; 793; 803/810).

<b>Q4. Do you agree that we have identified all relevant general policy areas and these are fit for purpose to deliver the plan Vision and Objectives? If not, please give details why below.</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	

The plan includes a wide range of general policies that include, for example, addressing environmental protection and the need for resilient marine ecosystems; supporting the well-being of coastal communities; embedding consideration of climate change; and encouraging integrated management over the land-sea interface. **We do not consider there are any significant gaps in the general policies within the plan, and agree that they are broadly fit for purpose in delivering against the plan Vision and Objectives.**

Throughout the plan policies (general and sectoral) there is regular recognition that impacts need to be avoided, minimised or mitigated but **it is also the case that a project approval may be withheld where significant effects cannot be adequately addressed** by any of these means (Paragraph 584 for example, overlooks this point). The plan would benefit from clear acknowledgement that it will sometimes be the case that authorisations will not be given if policy compliance cannot be achieved. We also note that within the sectoral policies, strong wording including ‘proposals should not be authorised unless...’ is common. There are a number of general policies which would also benefit from similar wording (e.g. ENV\_01; SOC\_06). Overall, it would be helpful to review the wording of policies for consistency.

There are a number of general policies where we consider improved wording would clarify the intent and application. It would be beneficial to cross reference the different types of wording across all policies to ensure consistency (e.g. should vs encourage). Some particular examples include:

**SOC\_01 Access to the marine environment**

An effective access network on the coast is essential for both doorstep opportunities for recreation and to service Wales thriving coastal tourism industry. We particularly support the detail outlined in para 123 for a presumption towards equitable and least restrictive access. We would suggest that Welsh Government make this requirement clearer in the policy by changing it to: “Proposals should maintain or enhance **inclusive** access to the marine environment.” However, given that there may be circumstances in which access needs to be restricted on

health and safety grounds we also recommend adding the following caveat ‘ or, in exceptional circumstances demonstrate why this is not possible’.

### **SOC\_06 Designated landscapes and SOC\_07 Seascapes**

We note there is inconsistency resulting in the Seascapes policy having a stronger policy wording than the Protected Landscapes policy. Given the statutory basis for the consideration and management of impacts on Designated landscapes we suggest the following changes to these policies:

SOC\_06: ‘Proposals should demonstrate how potential impacts on the purposes and special qualities for which National Parks or Areas of Outstanding Natural Beauty have been designated have been taken into consideration at an early stage, and should, in order of preference:

- a) Avoid adverse impacts
- b) Minimise impacts where they cannot be avoided; and/or
- c) Mitigate impacts where they cannot be minimised

If significant adverse impacts cannot be adequately addressed, proposals should present a clear and convincing justification for proceeding.

Opportunities to enhance Designated Landscapes are encouraged’

SOC\_07 ‘Proposals should consider the potential impacts on seascapes and should, in order of preference

- a) Avoid adverse impacts on seascapes
- b) Minimise impacts where they cannot be avoided; and/or
- c) Mitigate impacts where they cannot be minimised

Opportunities to enhance seascapes are encouraged’

### **ENV\_01 Resilient marine ecosystems**

We strongly support this policy as enabling planning to support the delivery of SMNR. However, we suggest it could be helpfully amended to follow the same pattern as several other policies as follows:

‘Proposals should demonstrate how potential impacts on marine ecosystems have been taken into consideration and should, in order of preference

- a) Avoid adverse impacts on marine ecosystems
- b) Minimise impacts where they cannot be avoided
- c) Mitigate impacts where they cannot be minimised

If significant adverse impacts cannot be adequately addressed, proposals should present a clear and convincing justification for proceeding.

Proposals that contribute to the restoration and/or enhancement of marine ecosystems are encouraged’



This policy wording is clearer in terms of setting out the likely requirements for compliance than the wording of the current policy.

### **SOC\_08 Resilience to coastal change and flooding**

We suggest the policy wording be extended to include 'and should not cause or exacerbate flood risk issues elsewhere'. This would better capture the current guidance set out within TAN15, which referenced in paragraph 183 of this policy's implementation guidance.

### **SOC\_09 Effects on coastal change and flooding**

We welcome the encouragement for proposals that align with the relevant Shoreline Management Plan set out within this policy. We suggest that this element of the policy could be further strengthened if re-worded 'align with the relevant Shoreline Management Plan **and its' policies'**.

However, we suggest that the policy might be clearer if it were split into two separate policies given the slightly different emphasis of different elements of the policy. The first two bullets in the policy relate to existing compulsory considerations and proposals should demonstrate compliance. However, it is more appropriate to encourage proposals to align to the relevant SMP. We recognise the difference in policy application of 'should' and 'encourage' policies and consider it is best for these to be kept as separate policies.

### **SOC\_02 - Well-being of Coastal Communities**

Although this planning policy is titled 'well-being of coastal communities' the context set out in para 127 suggests that the focus is more closely related to the protection of Welsh language in coastal communities. The implementation guidance then suggests a focus more closely aligned to health and well-being than language preservation. We would strongly advise reviewing SOC\_02 to clarify its intent, and added value over and above what will be delivered through other general policies (ECON\_01 Blue growth; SOC\_01 access to the marine environment; SOC\_04 Welsh language and culture; and several others that together should support the health and well-being of coastal communities).

We also seek clearer implementation guidance around this policy as a significant and important new area in the decision-making process. For example, could definitions be provided for the terms "wellbeing", "contribute", "coastal communities" and "encouraged"?

### **SCI\_01 (Risk based decision making)**

We would prefer to see the term 'proportionate decision-making' used in this policy, to align with GEN\_02. The term 'risk-based' can be perceived as taking 'riskier' decisions and we do not consider this is the intent of the policy. The use of both the terms 'precautionary principle' and 'adaptive management' in the policy itself is unhelpful. We would rather see clear direction within the accompanying narrative on the appropriate application of these different approaches to support proportionate decision-making.

<b>Q5. Do you agree that the WNMP provides a clear approach to ensuring policies are applied to proposals on a proportionate basis? If not, please give details why below.</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	
<p>We strongly welcome the focus on proportionality in the plan. We have previously advised that it is critical to have clear policy to enable proportionate decision-making and therefore support the inclusion of policies GEN-02 and SCI-01, which establish useful direction here.</p> <p><b>It is critical that the plan is clear that <u>all plan policies</u> should be considered to apply to a decision, as a starting point. A proportionate approach is then applied by identifying which of these policies will have no relevance to a given decision</b> (for example, a SRA safeguarding policy would only apply if an activity was proposed within the relevant SRA), <b>and in agreeing the level of information/evidence required by a Public Authority to demonstrate compliance with that policy.</b> We suggest that the draft is ambiguous on this point (for example paras 52 and 65 refer to applying relevant policies or application of a single policy whereas para 330 refers to applying the full range). Table 2 is clearer in establishing that at an early stage a developer would engage with the relevant Public Authority to ‘discuss the scale and nature of the proposal and the proportional implementation of WNMP policies’. It could be further expanded to demonstrate how the policies could be considered sequentially, such as screening out those not in the geographical area, and then considering the level of evidence required to establish that each policy has been met.</p> <p>We consider that proportionate application of plan policies should be an important focus for further work, and will inevitably be challenging in this first iteration of a marine plan when a body of experience has not yet developed in applying plan policies. Developing further guidance on this aspect of the plan should be a priority and we would welcome the development of some case studies that could explore application of plan policies to different types and scales of activities (i.e. Band 1-Band 3). Such guidance could be developed to sit outside the plan and could prove invaluable in enabling decision-makers to understand the intention of the planning authority in delivering proportionality.</p>	

<b>Q6. Do you agree that the WNMP can support integration between land and sea management and contribute to the principles of Integrated Coastal Zone Management? If not, how can this be improved?</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	
<p><b>We welcome the range of policies in the plan which seek to support integrated management at the coast and agree that the marine planning process is one of several mechanisms that can support better join-up over the land-sea interface.</b> We agree with the inclusion of policies seeking to protect the environmental, social and economic value of the coast and particularly policy GOV_02 which sets a requirement for decision makers to take account of relevant plans and strategies, including Area Statements.</p> <p>Engaging Local Authority Planners and decision-makers will be critical to ensuring the policies in the plan are effective in supporting a joined up approach over the land sea interface. The development of a National Development Framework, the refresh of Planning Policy Wales, and Welsh Government’s potential review of TAN15 all offer opportunities to ensure that Welsh Government’s aspirations and policies for land use planning and the marine environment are cross-referenced and mutually supportive in ensuring informed and effective decision-making and strategic planning for Wales’s coast. The creation of a Public Authorities Marine Plan Implementation Group (as set out in our response to Q3) could also help in this regard.</p> <p><b>We would welcome further discussion with WG and other relevant authorities about the development of mechanisms to facilitate better joined up decision making over planning boundaries</b> – including land-sea and cross-border situations. For example, the potential for parallel tracking of planning and permitting consents could be explored. In England, a Coastal Concordat has been agreed with the aim of delivering this objective, and a similar approach could be considered for Wales.</p> <p>Whilst we strongly support the intent of this policy GOV_02 we emphasise there are potentially significant implications to demonstrating compliance. We suggest this should be a priority area for the development of further implementation guidance to enable proportionate application of this policy. We advise that para 283 of the implementation guidance should make it clear that developments that may affect the marine area need to consider the marine plan.</p> <p>We note that there are a number of areas within the draft plan where implementation guidance could be strengthened to indicate the particular importance of terrestrial planning authorities taking account of individual plan policies and how they should do this – some specific examples include (but are not</p>	

restricted to) Ports and Shipping (e.g. para 806), Marine litter (e.g. para 246), Surface and Wastewater (e.g. para 921).

<p><b>Q7. Do you agree that the WNMP sufficiently considers cross-border marine planning challenges and opportunities, particularly in areas where Wales adjoins England? If not, please give details below.</b></p>	
<p><b>Strongly agree</b></p>	
<p><b>Agree</b></p>	
<p><b>Disagree</b></p>	
<p><b>Strongly disagree</b></p>	
<p><b>Comments</b></p>	
<p><b>Supporting effective planning and management over plan boundaries is fundamental in delivering an Ecosystem Approach and SMNR. However, we acknowledge the difficulty in meaningful cross-border planning in this first iteration of marine planning across the UK, where timelines for planning different adjoining areas of sea have not been aligned.</b> We consider that the requirement to conform to the UK Marine Policy Statement is helpful in setting a level of consistency across plans at least in the UK and that, given the high level nature of the first iteration of marine plans it is unlikely that significant inconsistencies in plan policies and objectives will arise. We do, however agree with the conclusions of the Habitats Regulation Assessment that there could be potential cross-border impacts of the Tidal Lagoon policy in this draft (see our response to Q12).</p> <p>We welcome the emphasis on the importance of cross-border planning in paragraphs 40-44 of the draft. However, we consider that the ‘how to use’ section could be expanded to include guidance on how cross border marine plans should be taken into account including more practical guidance on where the plan should be considered and by which authorities to provide direction over and above that in the Marine and Coastal Access Act. For example, what level of expectation is that there that an English terrestrial planning authority should take into account the plan? We refer to our response to Q6 around the development of a process or mechanism to support joined up decision-making in cross border areas. We acknowledge our role in supporting this approach, and have substantial experience in cross border working, for example through River Basin Management Plans and around Natura 2000 sites in the Dee and Severn. We suggest that the marine planning process could provide additional impetus and support for effective cross border planning and decision-making.</p> <p>Going forwards further collaboration across the relevant Planning Authorities over future planning, policy, guidance and evidence development can support a more joined up approach to decision-making across the Irish Sea and particularly in the</p>	

important areas of the Dee and the Severn. In the future, it could be possible to agree joint plan policies for relevant issues or within specific cross-border issues.

As with the land-sea interface there are a number of practical tools that can support a joined up approach. We would welcome data sharing and links or signposting between the various marine planning portals across the UK. Policy maps within the plan could usefully indicate activity and important considerations (e.g. WFD water bodies; Marine Protected Areas, Protected Landscapes, seascape character areas etc) outside the Welsh marine planning area to emphasise the wider spatial context of plan policies and potential for cross border considerations.

We welcome useful references to cross-border issues in relation to specific policies (for example para 401, para 552). We suggest this could be strengthened and clarified i.e. (indicating how cross border implications should be taken into account) and suggest that a further policy review is undertaken to ensure further references are added where helpful (e.g. under ENV\_01 and 02).

<b>Q8. Do you agree that the <u>general</u> policy implementation guidance is fit for purpose? If not, how can it be improved?</b>	
<b>Strongly agree</b>	
<b>Agree</b>	
<b>Disagree</b>	
<b>Strongly disagree</b>	
<b>Comments</b>	
<p>We have made a number of general comments relevant to implementation in our response to Q 3. The following comments relate to the implementation guidance for individual general policies.</p> <p><b>Policy GEN_01 (presumption in favour of Sustainable Development):</b> The over-arching nature of this policy makes demonstrating compliance difficult. We propose that the narrative around this policy could usefully acknowledge where a proposal can demonstrate compliance with all other plan policies they have complied with this policy.</p> <p><b>SOC_01 (access to the marine environment)</b> We would suggest Welsh Government consider how this policy and implementation relates to the requirement outlined under the Active Travel Act. There is currently little recognition of coastal access routes as an existing or potential active travel network.</p> <p><b>SOC_10 (minimising climate change)</b> Whilst we strongly support the objective of this policy, we seek further guidance on how proposals could demonstrate compliance, and in particular clarity over activities where this policy is not relevant, to support a proportionate approach. For large carbon producers such as power plants such assessments are currently done in the planning process by applying BAT techniques but we are not sure this</p>	

approach would fully comply with the policy. We have concerns that the reference in paragraph 195 to considering both direct and indirect emissions. Without further implementation guidance to outline the scope of these considerations, we consider it will be difficult to demonstrate compliance with the policy.

### **SOC\_11 (resilience to climate change)**

Clarity on how this policy interacts with SOC\_08 (resilience to coastal change and flooding) would be helpful.

Para 196 states 'Where necessary, public authorities should be satisfied that adequate risk management...is in place". An example of when adequate risk management would be considered necessary would assist with the implementation of this policy.

Para 197 indicates that Welsh Government's Sectoral Adaptation Plans should be taken account where appropriate". These Plans are no longer produced and we suggest they therefore do not provide useful support for implementation of this policy. We suggest that reference could instead be made to Welsh Government's 'Preparing for a changing climate' guidance with clarity on when and how this should be used in the context of the policy. The guidance provides a potentially useful framework for considering the impacts and risks of climate change for proposals and projects

<http://gov.wales/topics/environmentcountryside/climatechange/preparing/guidance/?lang=en>.

### **ENV\_01 (resilient marine ecosystems)**

We suggest amended wording of first sentence of para 216 to "Proposals should demonstrate how they are compliant with legislation that protects species, including those in relation to European Protected Species. It is an offence to deliberately disturb, capture, deliver take or destroy eggs, damage or destroy a breeding place or injure or kill a European Protected Species, unless a European Protected Species Licence has been granted. A final sentence could be added that sets out the three tests that must be satisfied.

Para 218 promotes the use of new and innovative ways to restore and enhance biodiversity. Whilst we support this aim, we suggest the plan is not trying to undermine 'tried and tested' methods, which should also be welcomed. We consider there is a need for further guidance and evidence (sitting outside the plan) around this aspect of ENV\_01 and acknowledge NRW's potential role in supporting this.

Para 221 alludes to the importance of joining up planning and management over cross-border areas. This is a significant challenge and it would be helpful if the planning process could provide greater clarity and direction over how this can happen. It would be useful to link this paragraph to policy GOV-02.

### **ENV\_02 (Marine Protected Areas)**

The implementation guidance would benefit from including definitions of what is meant by 'adverse effects', and needs a little further editing to clarify the implementation of the policy as it relates to non-marine conservation areas.

In paragraph 232 we note that in addition to ourselves, both the JNCC (in the offshore area) and Natural England (for cross-border issues) may be relevant authorities in the event of IROPI being applied to a proposed development, or (para 233) in relation to risk to a Marine Conservation Zone.

#### **ENV\_04 (Marine litter)**

The implementation guidance for this policy could usefully highlight the important role of terrestrial authorities in considering and applying this policy in taking decisions.

#### **ENV\_05 (Underwater noise)**

We note that there is a particular focus on noise impacts on marine mammals evident in the implementation guidance for this policy, and emphasise that a wider range of marine biodiversity, particularly fish, are also sensitive to such pressure. However, we also suggest that the "Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise, August 2010" developed through JNCC could usefully be referenced in para 253. This protocol is also relevant to ENV\_01 implementation.

#### **ENV\_06 (Air and water quality)**

In para 263 the term 'undesirable' has a specific legal definition in the context of 'undesirable balance' and eutrophication under the Urban Waste Water Treatment and Nitrate Directives. Is the term 'undesirable change' stated in this paragraph used with the intention of having the same legal meaning? We would recommend that 'undesirable balance' is used as it already has a legally defined meaning and would allow common terminology to be used across a range of policy areas.

Para 268 - should also refer to preventing a water body meeting its objectives (it does so in 267). WFD Articles 4.7, 4.8 and 4.9 only refers to other community legislation whereas this paragraph extends this concept also to other international agreements (e.g. OSPAR, MINIMATA). These other agreements often tend to be quite aspirational and if included in the implementation guidance could result in less developments being licensed - is this the intention?

#### **GOV\_01 (Cumulative effects)**

We acknowledge the objective of this policy (as set out in para 272) is to consider cumulative effects for environmental, economic or social factors. Given the strict meaning to this term under certain pieces of legislation the implementation guidance needs to be clearer. For example, the narrative states that cumulative effects are considered to include 'in combination' effects as described in other legislation. However, an in combination assessment under Habitats Directive does not comply with the definition of cumulative effects at the beginning of this paragraph (in that it would not have to consider changes caused by past actions, only present/future). Paragraph 276 could helpfully signpost the relevant legislation.

Para 274 'proposals should demonstrate...' would benefit from the addition of 'where data is available'. Further guidance (perhaps in the form of a case study, as

suggested elsewhere in our response) would help to establish proportionate application of this policy.

**SCI\_01 (Risk-based decision-making)**

Para 302 – we suggest that the word ‘human activities may bring about hazards to...’ is amended to “ human activities may bring about significant adverse effects to...”. The statement that there need be “no conclusive evidence of a causal relationship” should be clarified in that there must be some expert judgement/evidence to indicate there is the potential for a pathway for such an effect.

Within the subsection ‘Adaptive Management’ (paras 204-309) there are a number of references to ‘Deploy and Monitor’. Since this term is usually applied to the renewable energy sector it would be helpful to use the term adaptive management as having a potentially wider application.

We recognise that there are benefits to taking a phased approach for certain projects(para 305). However the narrative as drafted suggests a phased approach within one proposal which we advise is may not be workable in practise. A phased approach would more effectively involve an application for a small project, embedding monitoring to evaluate effects and improve the evidence base to support a second larger proposal etc etc. Para 307 indicates using thresholds of acceptable adverse effects to support adaptive management. The guidance should clarify the use of such thresholds - under the Habitats Directive, for example, no adverse effects are acceptable. Monitoring could be designed and put in place to identify that predicted effects (i.e. not considered to be adverse) are occurring so that an activity could be stopped if effects are becoming more significant.

<p><b>Q9. Do you have any comments or concerns about the <u>sector supporting and safeguarding policies and implementation guidance?</u> If you have concerns please explain.</b></p>	
	<b>Yes</b>
	<b>No</b>
<p><b>Comments</b></p>	
<p>The sectoral policies within the plan cover a wide range of activities relevant to and reliant on the marine environment. We note that a key activity requiring a marine license – coastal defence work – is not recognised as a sector though relevant considerations are specific to the coastal change and flooding policies (SOC_08 and 09). It may be worth considering appropriate policy and implementation guidance (cross referencing the SOC policies as necessary) for this activity as a sector for parity with other regulated activities.</p>	



A general comment applying to all the sector chapters is that the accompanying narratives are significantly longer than those of the general policies. This gives the impression that more weight has been given to the sectoral policies in the plan. This section of the plan would read much more clearly if it were significantly cut back. Each sector chapter includes sections setting out evidence needs, ecosystem interactions and climate change. We consider these sections, as drafted, are incomplete and suggest it is inappropriate to go into this level of detail within the plan, particularly in their current form. As set out in our response to Q3 we advise that a series of documents/activities sit outside the main plan document. **These would include a coherent evidence strategy that sets out priority evidence needs across the whole suite of plan policies (sectoral and general) and a range of guidance and evidence that could explore detailed interactions between individual sectoral and general policies.** Our comments below are restricted to the relevant implementation guidance for each policy, and we pick up further issues within the annex to this response.

**NRW strongly welcomes the inclusion of Strategic Resource Areas in this draft plan.** This addresses advice we have given previously seeking to drive spatial prescription within marine planning. We consider Strategic Resource Areas will provide benefits in terms of safeguarding key resources for future use, and thus provides a move away from the current 'first come, first served' approach. Including SRAs in the first plan is important because it sets the ambition for, and should drive further, spatial prescription which is fundamental to a truly plan-led approach.

We agree that Strategic Resource Areas should be refined over time, though the collection/gathering together of relevant data and evidence to support decision-making in specific sectoral and spatial contexts. However, we note that this is one of a number of directions in the plan documentation to Public Authorities to, for example, 'Collaborate with developers to better understand opportunities and constraints within SRAs' (paragraph 321) and 'Relevant Public Authorities should collaborate...liaise with sectors.....to understand SRA opportunity for sustainable use of wider natural resources' (Sector Supporting policies and narrative e.g. paragraphs 622/639; 480). **We strongly agree that the marine planning process should drive and direct collaborative work, and that this will be a priority to support implementation, but it remains unclear how this will happen in practise,** particularly given the current stretched resources of the relevant Public Authorities. The process, roles and responsibilities for refinement of SRAs should be clearly described within the plan. Ensuring longer term funding for prioritised activities (collating data; evidence gathering; production of guidance) that support the planning process will be critical to effective plan implementation.

Further more detailed comments on implementation of sector policies are set out below:

#### **Introduction to sector chapters**

As stated in our response to Q 3, we would advise that paragraphs 313-382 be integrated with the 'How to use this plan' at the front end of the plan document. This would bring relevant guidance into one place and avoid existing duplication of some of the text. For example, Para 343 is unnecessary and repeats a range of

guidance set out in other parts of the plan, as do para 344 and 345. The need for individual sectors to be aware of the safeguarding policies for other sectors is repeated within each sector chapter. Such generic guidance should be set out once to avoid duplication and improve clarity.

Para 330 states that evidence should be provided to support decision making. Consideration needs to be given as to how decision makers would be able to verify the information submitted in an efficient way to an impartial consultee. Is it appropriate for us to ask a trade body to verify information for a relevant sector? Where there is no representative trade body who could fulfil this role? We emphasise in particular the need for good evidence to support compliance with safeguarding policies, and for relevant spatial information to be held on the marine data portal.

Para 348 (referring to refinement of SRAs) states 'Such activity is best achieved through strategically planned initiatives to help refine understanding of areas of future opportunity' - examples of such initiatives would be very helpful here to support understanding.

Para 355 (applying safeguarding policies) – this paragraph requires expansion as to what a marine sectoral engagement strategy is, how this could be created, who would be responsible and how this would be used in demonstrating compliance with the relevant policy.

Para 372 (presenting a case for proceeding). This list could usefully form the basis of a 'checklist for decision makers' in deciding whether to authorise a proposal that does not comply with one or more plan policies.

The bulleted list in para 378 (exceptional circumstances) should make clear that proposals should have considered all the relevant policies in a request for an exceptional case to be considered.

We have significant concerns over the statement set out in para 382 (post consent safeguarding considerations). Is this intended to apply to projects that already have a marine licence in place prior to plan adoption? We are unclear how this would work in practice from a legal perspective and suggest this aspect needs further consideration to ensure that it could not be used in a vexatious manner.

### **Aggregates chapter**

Para 391 is confusing, and discusses mitigation and monitoring before the EIA process. We recommend re-wording as follows:

'The UK marine aggregate industry is regulated under the Marine and Coastal Access Act 2009, and all applications are subject to EIA. Features of conservation or ecosystem significance are identified at an early stage, informed by comprehensive baseline and pre-dredge surveys for fisheries, benthic ecology, archaeology and other seabed features. A Coastal Impact Study (CIS) is also required to inform the EIA. Where impacts are identified, the effects are reduced, avoided or managed through appropriate mitigation measures and on-going monitoring programme.'

Para 401 - As of April 1st 2018 NRW will have responsibility for marine licensing in the offshore marine area beyond 12 nautical miles. References within the plan to decision-making in the offshore area (such as within this para) should be checked and updated as necessary.

We note that a number of references are made in the narrative for this chapter to guidance and processes that are not relevant/applied in Wales, for example para 395 (Marine Aggregate Regional Environmental Assessments) and para 400 (Marine Aggregates Levy Sustainability Fund). Para 404 refers to the TCE/BMAPA Good Practice Guide and states that it can help inform delivery of marine aggregates policy. NRW have not had the opportunity to review this guide – is it to be considered supporting guidance to inform implementation of the marine plan?

A mechanism and parameters will be needed to support the collaborative action between the industry, NRW and others sought in para 412 to manage forward dredging reserves. We also seek clarity on what is meant by ‘on a regional basis’ in this paragraph.

Care will be needed to ensure that avoiding sterilisation of the wider aggregates Resource Area (para 436) does not result in an unreasonable burden on applicants proposing activity within these areas. Further steer to the applicant and decision-maker on proportionate implementation would be helpful.

### **Aquaculture Chapter**

Para 470 should be amended to reflect the 2017 WFD Regulations. WG are responsible for designating Shellfish Water Protected Areas. NRW are responsible for improving or protecting the Shellfish Water Protected Area in order to support shellfish life and growth and to contribute to the high quality of shellfish products suitable for human consumption.

NRW consider that this chapter does not put sufficient emphasis on new aquaculture operations being co-located in areas that are already of good water quality to avoid any potential for costs to the waste water treatment industry. Paragraph 487 could be amended to include a bullet point stating that ‘aquaculture proposals should be encouraged in areas where they can demonstrate that there is already good water quality and significant investment from waste water treatment would not be required’, or ‘are in an area of existing water quality that can sustain at least Class B Shellfish’.

Some aquaculture developers have circumvented Several Orders by securing land owner permission to conduct an aquaculture operation instead, this way they avoid the protracted Welsh Government Several Order application processes. While this method does not guarantee ownership of the shellfish species, like a Several Order, it does expedite the process. This new approach to aquaculture operations is acknowledged through the second bullet of aquaculture policy AQU-02.

For a developer applying for a Several Order, AQU\_02 only safeguards areas where an application for a Several Order or production rights for aquaculture has been granted or formally applied for. In this instance ‘formally applied for’ means an application for a Several Order has been made and it has been advertised.

However, currently the advertisement of the Several Order only takes place at the end of the Several Order determination process i.e. when the granting of the Several Order is imminent and there are no outstanding serious objections. This would seem reasonable if the Several Order process was efficient and timely, unfortunately there are a number of Several Order applications applied for over a decade ago that still have not been advertised. In these instances, these Several Orders 'in process' would have no safeguarding protection under the policy as written.

Given the protracted difficulties in determining Several Orders to support the growth in aquaculture, we have some concerns that it will be difficult to achieve the plan aquaculture objective of doubling aquaculture by 2020.

Para 473 should highlight that land based aquaculture infrastructure may also require discharge permits, emphasising the requirement to take account of relevant marine plan policies in such decisions.

Para 480 discusses sensitive locations, but it is not clear how these should be defined, or by who.

Para 485 should clarify that the evidence to address relevant policies should be provided by the applicant to support decision-making.

Para 503 relating to re-location of an aquaculture business. NRW seek confirmation that any burden in assessing alternative locations etc., as set out in this para, would be borne by the proposer and not the decision-maker. Implementation guidance could usefully set out how and when this might apply to landward activities seeking terrestrial planning permission.

### **Defence Chapter**

The governance arrangements for defence are very general and it would be helpful to have some description of the relevant consenting requirements for defence activities. In particular, the draft recognises the existence of exemptions from environmental protection legislation but that adequate measures are in place as an alternative. It would nevertheless be helpful to identify what the exemptions, derogations and alternative measures are as they have implications for application of some of the general WNMP plan policies and will need to be taken into account by decision-makers.

Policy DEF\_01 requires proposals that 'may affect MOD Danger Areas; Exercise Areas or strategic defence interests'. We suggest that given the large areas of the Welsh inshore and offshore area it would be disproportionate to require all proposals to have specific approval from the MoD, and potentially undermines the application of the wider marine planning process. Could this policy be re-worded to emphasise the need for decision makers to give significant weight to comments made by the MoD.

### **Dredging and Disposal Chapter**

This chapter needs to be clear if it relates to disposal in general or disposal of dredged material. If it is widened to cover disposal, it should be made clear what can be disposed at sea. Para 533 – refers to ‘coastal infrastructure’ – but should this be clarified as ports and harbour infrastructure rather than this wider term which could be taken to include coastal defences. Disposal could apply to fish waste disposals at sea. The plan should clarify whether this policy is related to dredging and disposal of dredged material or dredging and disposal.

Para 534 suggests that ‘environmental dredging’ is undertaken to improve ecosystem resilience such as restoring habitats or beach nourishment. Sediment for beach nourishment activities is usually derived from licenced aggregate extraction sites – therefore this would be considered an aggregate extraction activity rather than a dredging activity. Some nourishment has occurred using material from navigational dredging (e.g. Port of Neath, Burry Port), and is considered ‘beneficial use’ of dredged material. However, we are not aware of any instances where ‘environmental dredging’ as described here has been undertaken. We therefore recommend that this section is amended to clarify the points mentioned above and to allude to the potential to undertake environmental dredging to address issues regarding contaminated sediments.

Para 548 - note that following 1<sup>st</sup> April 2018 the offshore marine licensing function will be further devolved to Welsh Ministers and delegated to NRW.

We suggest that use of the waste hierarchy, para 556, could be more clearly described in terms of how it applies to dredge disposal applications.

Para 558 usefully indicates a range of issues for consideration in selecting new disposal sites. Perhaps this would most effectively be discharged by applying this plans policies to such a process?

"Relevant public authorities should set appropriate licence conditions" (para 559) sets a presumption that longer term licences would be issued, since it is rare that licence conditions for resampling would be set on shorter term licences. We suggest this is amended to state that relevant public authorities should ensure that sediment analysis is carried out with sufficient frequency to be compliant with OSPAR requirements".

Paragraph 560 indicates that dredged material should be retained within the system it came from, which could be read as the area from which it was dredged. We strongly suggest that this sentence is removed or sediment system is defined. If sediment cells are mapped/ known this may be useful data set in the marine data portal.

‘Closed disposal sites should be subject to new application procedures and have not been identified for the purpose of the plan’ (para 561) needs re-wording to....’Proposals for use of closed disposal sites should be the subject of a new application and assessment procedure’.

Policy D&D\_01 – we suggest the words, "long term access to open at sea disposal sites" could be removed from the policy as we are concerned this will be difficult to

comply with, and that this could prevent closure of inappropriately "performing" disposal site. Within the implementation guidance the potential implications in terms of Water Framework Directive mitigation measures should be described

Similarly, we suggest para 565 needs to be weakened. It seeks to promote longer term authorisation for D&D activities, but we advise that there are potential difficulties with determining longer term licences for dredge disposal that need to be considered and resolved prior to longer term licences being encouraged within the plan in this way. In the final sentence - evidence base should include the potential environmental, social and economic evidence. The potential implications in terms of Water Framework Directive mitigation measures should be described here.

Policy D&D\_02: Given that a large proportion of activity may be exempt from requiring a marine license, there is no data that identifies the location for all existing dredging activities. This safeguarding policy will require improved information to be properly supplied. Consideration should be given as to how exempt dredge activities could be safeguarded.

Policy D&D\_03: We suggest the policy wording is checked since 'aggregate activity' is used at one point where presumably it should state 'dredge and disposal activity'. There is also some repetition of the policy in D&D\_02 wording. As above, we emphasise the need for access to accurate data on the location of activities to apply the safeguarding policies effectively.

The implementation guidance for the safeguarding policies is very limited and could helpfully be improved by, for example, setting out what is meant by 'formally applied for' in this context.

### **Energy (Low Carbon) Chapter**

It would be sensible to include explicit reference in the supporting narrative to recent WG ministerial energy targets on the need for 70% electricity to come from renewables by 2030.

Para 601 helpfully identifies the National Policy Statement as providing the primary basis for decision-making for energy proposals. However, they are not the only relevant policy context (see also PPW, TANs, Marine Policy Statement, WNMP policies themselves). Other consents that may be required will also have their own decision-making arrangements requirements. This section could usefully set these out and additionally set out how they should be applied in the context of the WNMP.

Policy ELC\_01 (Low carbon energy supporting) sets out that 'Relevant public authorities should make relevant evidence widely available to support planning and decision making'. This is a wide duty and given the potential complication over confidentiality of data and technological capability to make data widely available we advise that this is not included in the policy wording. A link to policy SCI\_01 in the narrative, and encouragement for data to be sent to the Marine Data Portal/ developers to share data would be a more appropriate way to deliver this objective. The policy uses the word 'strongly encouraged' – does this indicate that

Welsh Government support energy above all other sectors? If yes this should be more clearly stated in the plan, and if not remove the word "strongly".

Para 636 – the last bullet discusses accommodating uncertainty in project design, e.g. through monitoring and adaptive consenting processes. This should acknowledge that such approaches can lead to withdrawal of licence where monitoring indicates agreed thresholds of effects have been exceeded.

**We note the inclusion of a strong policy for Tidal Lagoons in the draft plan. We have significant concerns about this element of the plan, as set out in our response to Q14.**

### **Energy Oil and Gas Chapter**

Para 656 needs updating to reflect that UK govt have now launched the 30th O&G licensing round and there are new blocks potentially available in Welsh waters as part of that round.

While it is positive that there is encouragement for CCS proposals in O&G\_01, the overall objective for this sector is phrased as if we are in a business-as-usual world where climate change is not a risk and that a transition to a low carbon economy was not a goal of both the UK and Welsh Government's. The sectoral policy states (p42-43) 'Proposals that **maximise the long-term** supply of oil and gas are encouraged, provided they fully meet the environmental safeguards contained within the statutory processes of awarding production licences and subsequent activity-specific approvals.' The inclusion of the words 'maximise' and 'long-term' make this policy in contradiction of the goal of a low carbon economy set out in the WFG Act and elsewhere, and the target for an 80% reduction in Welsh emissions by 2050. This wording is also not reflective of the oil and gas sectoral section itself which paints a more nuanced picture with gas playing an interim role in the transition to low carbon energy e.g. paras 669 and 672 in particular. We suggest this policy should be presented more clearly in the context of the need to meet the **short to medium term** need to supply oil and gas as part of the transition to a low carbon economy, especially given that there is no commitment to CCS in relation to future oil and gas developments.

Policy O&G\_04 (Oil and gas safeguarding): We suggest this should apply where an approval has been granted or formally applied for rather than infrastructure has been simply 'proposed' which may or may not proceed to formal application.

Policy O&G\_04 (Oil and gas safeguarding): We seek guidance on the relevant public authority to consult to check any statements in proposals to 'avoid, minimise, mitigate' under this policy.

### **Ports and Shipping chapter**

It would be useful if para 767 could be expanded to include a list of all port authorities in Wales. By allowing project proposers to easily determine which ports might need to be consulted in the development of project/activity applications, this would help users comply with safeguarding policies contained within the plan.

This is one of several places in the plan where revisions will need to be made to take account of changes following the Wales Act. If implementation of the Wales

Act results in disapplication of the National Policy Statements for Port and Energy (below 350MW) developments in Wales it will remove an important framework for decision-making and assessment. In order that decisions about future proposals can be made efficiently, effectively and transparently a suitable alternative planning policy framework would be needed.

### **Subsea cabling chapter**

Para 858 - 1st Bullet. As of April 1st 2018 NRW will have responsibility for marine licensing in the offshore marine area beyond 12 nautical miles.

The statement in 859 "NRW cannot grant a marine licence for works within non-crown owned tidal seabed unless it is satisfied that adequate arrangements have been made to compensate owners of interests in tidal water or lands affected for any loss or damage " is incorrect and should be removed.

Para 876 ' The sector practise of diversifying cable routes so as to reduce the risk of failure should be supported' - "were possible" should be added to the end of this paragraph.

### **Surface water and wastewater treatment and disposal chapter**

Para 891 – The description of the use and functioning of Combined Sewer Overflows is not in line with current legal understanding and government policy. The Urban Waste Water Treatment Regulations (UWWTR) require sewer networks for agglomerations with a population equivalent of 2,000 or more to be designed, constructed and maintained according to best technical knowledge not entailing excessive costs (BTKNEEC). This includes the volume and characteristics of the wastewater, the prevention of leaks, and the limitation of pollution of receiving waters due to storm water overflows. The regulations supplement the duty imposed on sewerage undertakers by the Water Industry Act 1991 to provide, improve, and extend a system of public sewers. In accordance with long-standing guidance (DETR 1997) where such overflows have an adverse environmental impact measures are required to address these problems. Furthermore, the Welsh Government Water Strategy identifies that 'the number of spills from CSOs should be reduced' which is not supported by the paragraph and should be considered for revision.

Para 894 - The majority of algae, virus and bacteria in shellfish are harmless and even the harmful ones are safe to eat if the shellfish are cooked or depurated appropriately. Note that currently NRW regulates bacteria for Shellfish Water but there is some consideration in Europe for the potential for EC requirements on viruses.

Para 897 – we suggest that nutrient enrichment and eutrophication are referred to as follows 'nutrient enrichment which under certain circumstances may result in eutrophication'.

Further clarity on how and who should fund changes to SWW as a result of a new proposal is required. Para 924 identifies that new proposals that affect SWW may result in price increases in water charges to customers. Para 925 identifies that potential impacts on the SWW includes designation of new areas such as Bathing



Waters or N2K sites. Para 926 identifies that mitigating effects may include meeting the additional costs endured by the water company. Para 927 identifies that as DCWW is not funded to meet these other activities then an additional funding stream may be required for any additional treatment. The points made in these paragraphs do not provide a clear direction to NRW as a regulator on who and how improved treatment as a result of new designations of bathing or shellfish waters should be funded. It should be noted that Welsh Government are responsible for new designation of Bathing and Shellfish Waters.

Para 931 should be amended to reflect that a proposal may not have an impact on SWW infrastructure per se – but it could still change the impact that the discharge has on the receiving environment, which would also need to be taken into account in decision-making.

### **Tourism and recreation Chapter**

We welcome the supporting policy (T&R\_01), and note that addressing the current lack of usable participation data was identified as a High Priority Action in the Life N2K Thematic Action Plan. Any increased provision of data to aid with Marine Recreation Planning would be beneficial. We advise that there is a need to ensure consistency in the methodology used to collate such data. Consistency, quality and comparability of data will be essential if the evidence is to be used to make strategic planning decisions across Wales.

Wales Activity Mapping is suggested as a platform through which to develop marine recreation participation data (para 956). We would support this as a means of disseminating data but register concern as to the cost of gathering and updating this type of data on a Wales wide level.

965 – We strongly support the acknowledgment of the contribution that outdoor recreation makes to health, and highlight the potential role of Health Impact Assessments in supporting implementation of the marine plan.

We welcome the clarification of the types of potential effects of a proposed marine activity on tourism and recreation in para 990 but suggest this could helpfully cross-reference with other relevant plan policies. We would suggest that better links are made between this requirement and policy T&R\_01, enabling evidence gathered by developers to be fed back into the strategic evidence base.

<b>Q10. Have we identified Strategic Resource Areas (SRA) for the right sectors and the appropriate areas? If not please specify which SRAs need amendment and provide clear evidence below.</b>	
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	<b>Yes</b>	
	<b>No</b>	
<b>Comments</b>		
<p><b>As set out in our response to Q9, we strongly support the inclusion of Strategic Resource Areas in the draft plan, though we do have significant concerns around the Renewable Energy Policy (ELC_01) and SRA as it relates to Tidal Lagoons.</b></p> <p>We consider that the plan is sometimes ambiguous in setting out the definition and application of SRAs in decision-making, and note this may have contributed to some confusion and concern during this consultation period. Para 318, for example, states that SRAs ‘allocate space’ which perhaps suggests some sort of priority over all other policies within the plan. Para 320 however emphasises the need to reflect site specific detailed considerations in any decision. Paragraph 51 sets out the role of Public Authorities as ‘guiding developers towards the use of SRAs’. We seek clarity around this statement - what does this mean in practice and what power or duty can Public Authorities rely on to encourage developers to apply in these areas?</p> <p>We recognise that these SRAs are indicative and consider it a priority to refine them over time, taking into account not just hard physical constraints, but by applying all plan policies – general and sectoral, as relevant. As currently drafted, all policies will still need to be applied to support any decision within an SRA. We welcome the exploration of this further spatial refinement and prescription within the plan, focussing on marine biodiversity/ecosystems, through the current EMFF funded project ‘Sustainable Management of Marine Natural Resources’ and hope to see this project a) develop and bring together information that can support implementation of policies in the draft plan and b) provide learning to support development of future similar work.</p> <p>We suggest that, given the recent interest in further development of further offshore wind development in Welsh waters, consideration should be given to development of an SRA for offshore wind.</p>		

<b>Q11. Do you think the plan adequately identifies opportunities and priorities for blue growth? If not, please give details below.</b>	
	<b>Yes</b>
	<b>No</b>

Comments	
<p>We consider the plan identifies the appropriate range of opportunities for blue growth noting our concerns around the inclusion of Tidal Lagoon policy in its current form.</p> <p>We welcome the statement in Paragraph 95 setting out the key areas for potential growth (renewable energy; ports and shipping; tourism and recreation and aquaculture) noting that paragraphs 96 and 97 then reduce this clarity by emphasising the importance of other activities in Welsh waters. We acknowledge the significant challenge in setting prescriptive priorities within this first plan but consider that a focus for future iterations of the plan should be to seek to develop more prescriptive policy or guidance that acknowledges these priorities.</p> <p>Currently, a decision-maker could be faced with applications for two competing but conflicting activities, and in some cases both activities could be supported by an SRA in the same place. Until such a time as more prescriptive policy can be developed, we would welcome further guidance on how to deal with sector policy conflict than that currently set out in paragraph 114, perhaps including some form of mechanism for addressing such a situation (in an extreme case), for example enabling the Planning Authority to provide a steer to a decision-maker.</p>	

<p><b>Q12. Do you have any comments on Welsh Governments revised marine aggregates dredging policy and the proposed withdrawal of iMADP? If so please give these below.</b></p>	
<p><b>Yes</b></p>	
<p><b>No</b></p>	
Comments	
<p>We have worked with Welsh Government to review the interim Marine Aggregates Dredging Policy (iMADP) and ensure that relevant aspects of this policy have been drawn into the draft aggregates policy within the plan. <b>We particularly welcome the inclusion of a definition of roll-over, licence terms and tonnage cap, as a means to achieving SMNR.</b></p> <p>The aggregates sector chapter arguably incorporates more prescriptive policy than for the other sectors in the draft plan, reflecting the detail that is set out in the iMADP. We suggest that WG consider updating the evidence base that the iMADP contained as a resource for developers, regulators and advisors as a means to effective and timely applications and decision-making. <b>We consider this approach, and level of policy prescription, should be the ultimate aim for other sector policies as marine planning progresses.</b></p>	

<b>Q13. Do you have any comments on the findings of the Sustainability Appraisal for the WNMP? If so please give these below.</b>	
<b>Yes</b>	
<b>No</b>	
<b>Comments</b>	
<p>NRW has submitted separate, detailed responses in relation to the Sustainability Appraisal for the draft plan, in line with our statutory role.</p> <p>We emphasise that effective monitoring and evaluation will be critical to supporting the further development of marine planning and maximising the potential benefits of this new process. The Sustainability Appraisal is a key mechanism to support the development of relevant monitoring of plan objectives and policies, and our views are therefore set out in more detail in the Sustainability Appraisal response.</p> <p>It will be critical to clearly set out the relevant roles and responsibilities of Welsh Government and other Public Authorities in supporting monitoring and evaluation of the Welsh National Marine Plan.</p>	

<b>Q14. Do you have any comments on the Habitat Regulatory Assessment (HRA)? If so please give these below.</b>	
<b>Yes</b>	
<b>No</b>	
<b>Comments</b>	
<p>NRW has submitted separate, detailed responses in relation to the Habitats Regulation Assessment for the draft plan, in line with our statutory consultee role.</p> <p>NRW supports initiatives which expand energy generation from low carbon sources while minimising unnecessary impacts on the environment. We consider that Government and other planners and decision-makers, with the support of their advisors, should aim to steer the right kind of development to the right location. <b>We agree with the conclusion of the Habitats Regulations Assessment that significant adverse effects on the integrity of European site(s) due to the tidal lagoon policy cannot be discounted.</b> We also welcome the recognition of the very significant environmental challenges associated with tidal lagoon development.</p> <p>NRW suggests that it may be premature to include a policy within the plan that goes beyond the exploration of the feasibility of a lagoon programme to so strongly support a programme of lagoon development. The reasons for this are as follows:</p> <ul style="list-style-type: none"> <li>• Projects that are likely to result in significant adverse effects upon European sites (which is likely to be the case for most lagoons) can only be approved if there are no alternative solutions, there are imperative reasons of overriding public interest and compensatory measures can be secured. The ability to take decisions about individual lagoon projects are hampered by the absence of a suitable policy framework (a National Policy Statement for example) for lagoon development which might address such issues and therefore assist decision-makers in meeting these tests.</li> <li>• The WNMP itself recognises that achieving the necessary compensation for features of European Sites that might be affected may not be possible given the limit of current knowledge. This echoes comments we made in our response to the Hendry Review in 2016 that highlighted the significant challenge associated with addressing this issue and other impacts such as far-field effects, flood risk management, habitat and species loss and cumulative effects. NRW considers that these kinds of issues can only be adequately addressed as part of a strategic, spatial and evidence-based approach to planning and assessment. The absence of any such process means that consideration of these issues will be left to the project level.</li> <li>• Given the likely size of individual developments (above 350MW), UK Government will retain the authority for taking decisions about lagoon development and for agreeing any Contracts for Difference. The WNMP does not appear to have any direct influence over such decisions, both of which are critical to the success of project delivery.</li> </ul>	

<b>Q15. Do have any comments on the effects (whether positive or adverse) the introduction of the WNMP would have on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably than the English language?</b>	
	<b>Yes</b>
	<b>No</b>
<b>Comments</b>	
No comments	

<b>Q16. Do have any comments on whether the proposals could be formulated or revised to have positive effects, or decreased adverse effects, on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably than the English language?</b>	
	<b>Yes</b>
	<b>No</b>
<b>Comments</b>	
No comments	

<b>Q17. We have asked a number of general questions, but are there any other comments you would like to make about the WNMP? If yes please explain below.</b>	
	<b>Yes</b>
	<b>No</b>
<b>Comments</b>	
Please note that we have identified a number of additional technical/editing issues within the draft plan document and have submitted a table setting these out as an annex to this response.	

Please return this form to reach the Welsh Government no later than 29 March 2018.

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Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: