



Llywodraeth Cymru
Welsh Government

Welsh National Marine Plan

Welsh Government response to Implementation Task and Finish Group recommendations

1. Introduction

Welsh Government have produced a draft of the Welsh National Marine Plan (WNMP) and will hold a public consultation on it in autumn 2017. In recognition of the need to think beyond plan production, we have also drafted an additional speculative document, “Implementing the Welsh National Marine Plan (WNMP) – 2017-2020”, which sets out aspects of our initial thinking on the approach to implementing the WNMP.

The Welsh Marine Plan Implementation Task and Finish Group, convened as a sub-group of the wider Stakeholder Reference Group, met in spring 2017 to consider this latter draft document and to provide recommendations to Welsh Government on how the WNMP should be implemented. We are grateful to the group for their time and effort in providing their advice.

We have considered these recommendations and are using them to develop our programme of work on plan implementation. This paper sets out how Welsh Government has addressed or proposes to address each of the task and finish group’s recommendations. Those marked as DONE will be revised as required following the consultation. We welcome further comments and clarifications as necessary and will keep under review the need to reconvene the task and finish group to address specific aspects of marine plan implementation.

2. Recommendations

Roles and responsibilities

Recommendation 1: Welsh Government could provide guidance and advice, alongside release of the final Plan, to clarify and promote awareness of the expectations, roles and responsibilities of those who should use the Plan.

WG response: We plan to

- Draw up a list of public authorities obliged to make decisions in accordance with the plan or have regard to the plan (DONE).
- Engage with those authorities to discuss their specific obligations and needs.
- Set out a list of high level roles and responsibilities of public authorities in the WNMP itself (DONE).
- Provide relevant public authorities with more detailed implementation guidance and training as required based upon practical experience of plan implementation.
- Consider the potential for the Task & Finish group to assist the development of written or practical guidance and training.

Recommendation 2: The relationship between UK National Policy Statements, National Development Framework, Planning Policy Wales, and the Marine Plan should be made clear in the Plan and associated guidance.

WG response: We plan to

- Provide a statement and diagram in the plan showing relevant policy relationships (DONE).
- Provide a flowchart in the plan explaining the steps required in developing and considering proposals (DONE).
- Include a policy (GOV_02) that specifies a number of plans and documents that need to be complied with including relevant planning documents and area statements (DONE).
- Recognise that the system is complex and may need addressing on a case by case basis; consider addressing this under potential implementation pilot projects.

Recommendation 3: Draft consultation questions on the Plan should be informed by the output from the implementation task and finish group and should be issued to the Stakeholder Reference Group for comment.

WG response: We plan to

- Consider revising the consultation questions on the basis of these recommendations.
- Provide draft consultation questions to SRG by correspondence in advance of Sept/Oct meeting; request comments (DONE).

Recommendation 4: Practice Guidance on implementing the WNMP is prepared by Welsh Government to support implementation.

WG response: We plan to

- Draft core policy implementation guidance as part of the plan (DONE).
- Draft a paper outlining the key issues and opportunities associated with SRAs and a list of tasks and requirements; share with SRG for comment.
- Use the consultation process to collect views on level and detail of guidance that may be needed and its relative priority.
- Work with public authorities and SRG, including through focussed pilot projects, to establish what additional guidance and/or training is required (including covering proportionality).
- Consider the need for additional guidance for other groups identified by the T&F Group including in relation to enforcement.

Recommendation 5: Welsh Government, with support from the Stakeholder Reference Group, prepare worked examples of decision-making in the context of a Plan and case studies.

WG response: We plan to

- Develop pilot projects to work with developers and regulators to test implementation and involve the SRG in this process.
- Consider preparing case studies as part of written implementation guidance following consultation.

Implementing the Plan

Recommendation 6: WG could develop best practice to demonstrate how the Plan has influenced the project; this may be through scoping and then setting out in the Design & Access Statement.

WG response: We plan to

- Work with public authorities to determine the information they need to assess compliance of a proposal with plan policies and how this information will be recorded; feed this into our monitoring and reporting approach. As part of this we may consider assessing % of projects in SRA, degree of colocation/conflict, evidence of collaboration, evidence of early stage avoidance and mitigation decisions, or survey of developers' awareness and attention to the plan.
- Consider the guidance required for developers to provide evidence of their compliance with plan policies, including considering proportionality.
- Develop a framework to efficiently collate, store and disseminate marine planning relevant evidence to inform decision-making and evaluate the effectiveness of plan implementation (the first draft of this to be shared with the SRG).

Training

Recommendation 7: Prepare CPD training and communications to NRW, WG, local authorities and other plan users (including private sector consultants). This could be done through an online

module or face to face, but must be properly planned and linked to the key audiences identified above.

WG response: We plan to

- Engage with public authorities to provide guidance and training as required; however public authorities will need to take responsibility for ensuring that they are able to comply with the requirements of the plan.
- Consider developing training for developers to become familiar with the marine planning portal.

Recommendation 8: As a consequence Welsh Government should consider the extent that small scale, low risk activities may be outside the scope of the Plan e.g. a *de minimus*.

WG response: Our proportionality workstream has determined that all developments including Band 1 (small scale, low risk activities) must comply with the plan. Our approach is to aim to ensure that the plan does not place an additional burden on small scale / low risk activities. Our current thinking is that we will describe how such activities comply with the plan, with the expectation that the proponents of such activities would just have to tick a box in the applications (or submit a letter) to state that they have read the guidance.

Unregulated activities

Recommendation 9: Welsh Government should set out how policies within the plan are capable of influencing unregulated activities. Linked to this, it may also be important for WG to explain where the plan may not be used at all (e.g. Cardigan Scallops)

WG response: We plan to

- Engage with relevant industries, through SRG in the first instance, to determine the willingness of those industries that are not bound by the plan to comply with its policies on a voluntary basis.
- Consider the potential for the plan to be used to influence other decision makers of relevance to these sectors, eg funding bodies.
- Consider reviewing experience elsewhere to identify where planning can usefully and meaningfully influence unregulated activities.

Recommendation 10: Welsh Government should ensure Plan policies are coherent with other WG policy objectives, and use signposting to ensure the Plan remains current in the context of changing priorities, legislation and policy between review periods.

WG response: We plan to

- Develop policies in collaboration with WFGA and Environment Act colleagues (DONE).
- Lay out the objectives and general policies in the plan under High Level Marine Objectives to demonstrate coherence with the MPS (DONE).
- Include GEN_01 and GEN_02 in the plan to ensure coherence with the SD principle (DONE).

- Include GOV-01 in the plan, listing other relevant documents that need to be adhered to (DONE).
- Provide a table in the plan showing which policies support which Descriptors of MSFD (DONE).
- Retain the concept in the plan's implementation guidance of "where appropriate", "where possible" and "unless relevant considerations indicate otherwise" to give the regulators flexibility to adapt as other Government policies evolve (DONE).
- Maintain through monitoring and reporting an understanding of the effect of the plan and any need to update or provide additional policy support or clarity to support plan policy.
- Maintain an awareness of the plan within the relevant Welsh Government departments to aim to ensure consistency and compatibility with future policies

The land-sea interface

Recommendation 11: Welsh Government (marine policy with planning/national consenting) consider options and implement solutions on how to streamline (avoid duplication) and synchronise planning/infrastructure planning and marine licensing requirements for developments/activities in the marine area to assist implementation of the Plan.

WG response: We plan to

- Engage with NRW Permitting Service, terrestrial planning colleagues, other relevant regulators and neighbouring administrations to consider how best to align planning and decision making processes
- Develop related implementation guidance as required.

Plan 'evolution'

Recommendation 12: In the event of 'soft launch' of the Plan, WG must make it clear what is intended. For instance:

WG response: We plan to

- Make clear in the plan that the policies apply from day 1 of adoption of the plan (DONE).
- Develop guidance as to how the plan will impact activities that are already in progress or have been applied for prior to the date of adoption.

Recommendation 13: WG should set out how the Plan is designed to be resilient to change; how it is intended to be sufficiently responsive to various changes in-between review periods.

WG response: We recognise the need to future-proof the plan, particularly in light of Brexit uncertainties. We plan to

- State in the plan that maps are indicative (DONE).
- Retain enough flexibility to allow public authorities to adapt their approaches and assess applications on a case by case basis (DONE).

- Consider providing additional guidance following consultation.
- Review the plan in the event of a significant change in policy or governance to establish whether re-consulting and amendments between revision periods are required.
- Ensure the provision of a mechanism for Welsh Government to consider concerns raised by Public Authorities and others following adoption.

Recommendation 14: A task and finish group should be set up, led by Welsh Government, comprising industry representatives, conservation organisations and regulators to review the issues and options for monitoring the Plan.

WG response: This task will largely be performed by the SRG and the Project Board. We will consider the need for such a group to be drawn out of the SRG and if so will propose clear ToR.