

Welsh Government



Welsh National Marine Plan

Implementation Guidance

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1 Introduction

1.1 The Welsh National Marine Plan

1. The Welsh National Marine Plan (WNMP) is the first Marine Plan for Welsh Waters. It sets out the Welsh Government's vision and objectives for the Welsh marine plan area and policies to support their achievement, helping marine users and those undertaking land-based activities (with the potential to affect the plan area) to support the sustainable development of our seas. The WNMP supports sustainable development by guiding and supporting effective, proportionate and consistent decision making.
2. The WNMP will apply to all decisions **with the potential to affect the marine plan area**.¹ In this context, decision makers are defined as the (Relevant) Public Bodies or Relevant Public Authorities (RPAs) who make decisions relating to the marine area.

1.2 What is the WNMP Implementation Guidance?

3. This supplementary Implementation Guidance (IG) supports the WNMP and is a consideration for Public Authorities in taking decisions which may affect the plan area. It provides further detail on WNMP policies to help ensure they are implemented effectively and consistently; it does not introduce new planning policy. This IG sits alongside other non-statutory plan related policy, guidance and evidence to support marine planning for Wales and will be updated periodically.
4. **This IG should be read alongside the WNMP.** Where there may be uncertainty over the requirements or implementation of the WNMP or any of its policies, decision makers should refer to the WNMP for the definitive policy wording and intent, within the context of the overall Plan.
5. The WNMP and IG signpost to other legislation and guidance where relevant. Further information and supporting material is also available from:
 - The WNMP Sustainability Appraisal and Habitats Regulation Assessment reports and other WNMP impact assessments;
 - Strategic evidence, for example the Wales Marine Evidence Report (WMER) and the State of Natural Resources Report;
 - The Wales Marine Planning Portal² and neighbouring marine plan evidence portals or databases;
 - Topic specific Welsh Government Marine Planning Notices (MPNs) which provide supplementary technical detail to inform WNMP implementation³;
 - Related and relevant policy and guidance;

¹ This includes all decisions which are open and/or undetermined at the date of adoption.

² <http://lle.gov.wales/apps/marineportal/>

³ See WNMP para 62.

- The WNMP Monitoring and Reporting Framework and monitoring reports.
6. Guidance relevant to each WNMP policy is provided. Chapter 2 provides guidance on the general cross-cutting policies and Chapter 3 on sector specific policies. A list of terms and definitions in the WNMP and this IG is at Annex 1.

Each WNMP policy has a code and a title (e.g. SOC_04 = social policy number 4: 'Welsh Language and Culture'). In this IG the policies are identified by the **policy code and/or title**.

Policy specific guidance should always be read in conjunction with the corresponding WNMP policy sections.

1.3 Who should use the WNMP Implementation Guidance?

7. Action will be required by a range of parties to ensure the effective implementation of the WNMP ranging from authorisation or enforcement decisions to wider decisions which have the potential to affect the marine plan area. Parties who should use this IG include anyone involved in decision making with the potential to affect the marine plan area, for example:
- Project applicants;
 - Public authority decision makers including marine and terrestrial planning authorities and Regulators; and,
 - Other users of the marine plan area.
8. Not all activities in the marine plan area require formal authorisation by an RPA. For example, some activities are largely unregulated, such as tourism and recreation, whereas others may be exempted from need for a permission under certain regulations. Whilst the WNMP and this IG are particularly relevant to decisions made by RPAs, these documents also provide context for all marine plan area users to understand how they relate to and can contribute to Welsh Government marine planning policy.

1.4 The role of Relevant Public Authorities

9. Section 58 of the Marine and Coastal Access Act 2009 (MCAA) requires all public bodies to:
- take authorisation or enforcement decisions (s. 58(4)) that affect or might affect the UK marine area **in accordance with the UK Marine Policy Statement 2011 (MPS) and relevant Marine Plans, unless relevant considerations indicate otherwise** (s. 58(1));
 - state their reasons where authorisation or enforcement decisions are not taken in accordance with the MPS and relevant Marine Plans; and,
 - **have regard to** the MPS and relevant Marine Plans when taking decisions **that affect or might affect the UK marine area which are not authorisation or enforcement decisions** (s. 58(3)).

10. Public bodies that have responsibilities far from the marine area can affect and be affected by the marine environment. **All RPAs therefore need to be aware of the WNMP, the MPS and comply with the requirements of s. 58 of the MCAA.**

MCAA s. 322 describes RPAs and the different types of decisions these bodies may be taking. RPAs making authorisation and enforcement decisions in the Welsh Marine Plan Area under s. 58(1) of the MCAA include:

- Natural Resources Wales (NRW);
- Welsh Government;
- Secretary of State / First Minister;
- Ministry of Defence (MOD);
- Oil & Gas Authority (OGA);
- UK Department for Business, Energy and Industrial Strategy Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)
- Local (Planning) Authorities;
- Maritime and Coastguard Agency (MCA) and,
- Harbour Authorities.

11. Responsibility for taking decisions in accordance with the WNMP rests with public authorities (MCAA, s. 58). When taking decisions, RPAs should assure themselves if they are acting in the capacity of a s. 58(1) or s. 58(3) authority basis (or both). The policy specific guidance provided in this document is primarily intended to assist RPAs taking authorisation or enforcement decisions (s. 58(1)); however, it provides context for all public bodies and can assist those bodies in taking any other relevant decisions (for example under s. 58(3)).
12. Where a decision is in relation to a Development Consent Order (DCO) under the Planning Act (2008), i.e. a Nationally Significant Infrastructure Project (NSIP) the decision must be made in accordance with the relevant National Policy Statement(s) (NPS). The RPA making the decision will also have regard to the WNMP, any other relevant marine plans, and the MPS.

1.5 RPA decision making

13. Decision makers should ensure that any potential adverse impacts resulting from a proposal are justified. In doing so, consideration should be given to the achievement of the Sustainable Management of Natural Resources (SMNR) or Wales' well-being goals under the Well-being of Future Generations (Wales) Act 2015 (WFGA). Weighing and balancing of benefits and adverse impacts might include offsetting of losses in one area against benefits to be gained in an alternative area, for example offsetting potential adverse environmental impacts against potential economic or social benefits for coastal communities, or vice versa.
14. In considering a proposal and weighing any potential adverse impacts against benefits, decision makers should take into account:

- the level of compliance with WNMP policies; and
 - the level of compliance with other relevant legislation.
15. Some residual adverse impacts resulting from a proposal will normally be unavoidable. It is the responsibility of the proposer to identify such impacts and to set out options considered for avoiding, minimising or mitigating them. It is the responsibility of the decision maker to take these residual impacts into account in making their decision.
16. It is for the RPA to determine how to apply the WNMP through its decision making and how to ensure it can sufficiently demonstrate this or, alternatively, that relevant considerations indicate otherwise. RPAs should be able to describe how they made their decision in accordance with the WNMP. Any such description should be proportionate to the activity and RPAs may find it helpful to present their decision making in a 'Decision Report' or incorporate this information into existing procedures and documentation.
17. If an RPA makes any authorisation or enforcement decision which is not in accordance with the relevant marine plan documents (MPS and WNMP), it should clearly state its reasons. Relevant considerations might include, but are not limited to:
- relevant national policy;
 - policies in relevant terrestrial development plans including the National Development Framework (NDF), Strategic Development Plans, and Local Development Plans (LDPs);
 - wider Government policy – legislation, policy, guidance and advice;
 - previous appeal decisions and any Independent Inquiry report;
 - principles of case law held through the courts; and
 - new evidence which was not available at the time of plan development.

1.6 Preparing a proposal requiring authorisation by a RPA

18. Proposals should include consideration of all relevant social, economic and environmental impacts and potential benefits⁴. It is for the RPA to determine the weight that should be attached to each consideration in each individual case.
19. A theme throughout the WNMP is one of early engagement and collaboration. Applicants should engage at an early stage with the RPA and are encouraged to engage early with relevant stakeholders and consultees. The responsibility for demonstrating engagement with the RPA(s) and any sectors affected shall be on the applicant making the proposal.

⁴ In respect of assessing options for the social and economic costs and potential benefits of a proposal a useful source of information is the HM Treasury Green Book https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685903/The_Green_Book.pdf

20. A useful source of information for applicants and decision makers is the Wales Marine Planning Portal⁵ which contains relevant spatial data and maps. Applicants may find the Portal helpful to:
- understand existing and future potential use;
 - determine whether areas of relevance to their proposals are already subject to pre-existing licences, option and exploration agreements or applications;
 - identify potential conflicts and opportunities;
 - identify opportunities to avoid, minimise and/or mitigate adverse impacts to achieve compatibility with other users; and,
 - consider whether proposals can coexist with other, existing sector developments or activities.
21. Neighbouring planning jurisdictions also maintain public access evidence databases or portals. A wide range of additional sources of evidence are accessible and the best available evidence should be used to support proposals.
22. Table 2 of the WNMP provides an overview of the process for developing and determining proposals.

The Welsh Government published the WMER in 2015 presenting available evidence on the state of the Welsh marine environment. Updates to this will be published periodically. The Wales Marine Planning Portal is updated regularly with relevant marine spatial data and maps. Similarly, the Marine Management Organisation (MMO) marine planning evidence base provides evidence in relation to the English marine plan areas which will be relevant for proposals with cross-border considerations. NRW regularly publishes relevant material and reports including the State of Natural Resources Report and Indicative Feature Condition Assessments for European Marine Sites. There is an ongoing requirement to develop the evidence base to more fully understand the state and resilience of marine ecosystems; such initiatives are encouraged. Evidence should also be shared where possible (see **Policy SCI_01**).

⁵ <http://lle.gov.wales/apps/marineportal/>

1.7 Understanding and applying the policies of the WNMP

23. The WNMP provides an integrated set of objectives and policies for the sustainable development of Wales' marine plan area. The general cross-cutting policies cover subject matter which is relevant to all determinations⁶ and operate alongside the sector specific policies relating to activities. All of the policies work together to support the achievement of the Plan's vision and objectives. As such, **none of the objectives, policies or supporting text should be considered or applied in isolation.**
24. In applying the WNMP, the starting point should be that all policies are relevant. With the exception of the sector safeguarding policies (which state when the policy does not apply), all policies should be considered on a case by case basis as set out in the box below.

⁶ In line with paragraph 24 of this IG and the 'Application screening process for developing and determining proposals' flowchart, a decision should be taken on a case-by-case basis regarding general policies which are not applicable to an individual proposal due to the geographical location or nature of that proposal.

Application screening process for developing and determining proposals

Policy and evidence consideration process for applicants and decision makers

Review all WNMP policies.



Identify whether the proposal relates only to the inshore or offshore region and screen out policies which are only related to the opposing region accordingly, e.g.

Port sector policy (**P&S_02**) is not applicable to the offshore region and, therefore, may be screened out if the proposal solely relates to the offshore region.



Identify sectors that may be affected by the proposal and screen out those sector policies that are not applicable, e.g. **SAF_01a** and **SAF_01b** policies for various sectors. For example, if no existing aquaculture activities exist in the area of the proposal (including Several Orders, formal agreements, applications or Aquaculture Production Business registrations) then **SAF_01a for the aquaculture sector** may be screened out at this stage.



Identify and screen out those general policies that are not applicable due to the geographical location or nature of the proposal. For example, if no heritage assets or Marine Protected Areas (MPAs) are present in the area of the proposal, or in an area likely to be affected by the proposal, then the associated policies (**SOC_05** and **ENV_02**) may be screened out at this stage.

Any policies screened out of a proposal application should be identified within the application along with the reasons why it was deemed appropriate to screen out each policy.

The screening process used, and the reasons given for screening out any policies, will be reviewed by the RPA considering the application. If the RPA disagrees with the screening out of one or more policies, they may require the proposal to subsequently address those policies.

25. A proportionate approach should be applied in determining the evidence to be provided for individual WNMP policies to a specific decision. Assessment of the scale, type and location of the proposal, along with the level of risk posed, will help to

determine the level of information required and the approach taken to determine the proposal.

1.8 Understanding terminology

26. The following sections define various terms that are used within the WNMP and IG, for example, '*exceptional circumstances*' and '*encouraged*'. These terms are highlighted in *italics* throughout this document.

1.8.1 Decision hierarchy

27. An avoid-minimise-mitigate decision hierarchy applies to a number of WNMP policies as a common approach to decision making and one which is consistent with other UK marine plans. Adverse impacts related to this hierarchy can be environmental, social, cultural or economic.
28. In applying the hierarchy, the focus should be to exhaust the possibilities of one level before progressing to consideration of the level below. Proposals should seek to address any identified adverse impacts through firstly considering avoidance measures and only progressing through the hierarchy to minimisation and then to mitigation measures where achievement of the previous aim can be demonstrated as not being realistically possible or fully adequate.

Avoid	<p>Acting at source to plan, design and deliver proposals to prevent an adverse impact from occurring. To achieve this, where adverse impacts are identified, the proposal should be altered so that it no longer exerts a pressure, or the pressure produced can no longer be received by a receptor.</p> <p>Examples of avoidance include: not proceeding with the proposal; relocating the proposal; redesign to materials or techniques that have no adverse impact.</p>
Minimise	<p>Acting at source to plan and design proposals to reduce adverse impacts to the smallest possible amount or degree. Minimisation is a reduction in the level of pressure generated.</p> <p>Examples of minimisation include: using materials that have a lower impact; reducing the scale of the development</p>
Mitigate	<p>Where adverse impacts from pressures cannot be avoided or minimised at source and receptors are exposed to those pressures, action should be taken to make the consequences of the impacts less severe. Mitigation is a reduction of how a given pressure level is experienced by the receptor.</p> <p>Examples of mitigation include: timing restrictions to avoid sensitive periods or other activities; introducing measures to reduce the distribution and spread of any impacts.</p>

1.8.2 Significant adverse impacts

29. If, after following the above decision hierarchy, there is potential for adverse impacts to remain, the level of significance of these impacts will be determined on a case by case basis, applying the policy specific guidance where appropriate, and in line with the relevant legislation.
30. The identified impacts and their significance in each situation will typically differ dependent on the specifics of individual proposals. However, some general considerations on what might be considered *significant adverse impacts* will apply:
- in a general policy context *significant adverse impacts* may include economic or social impacts on coastal communities, impacts which threaten the achievement of Wales' well-being goals or other Welsh Government targets, impacts which threaten the protection of designated sites, landscapes or historic assets, or impacts which threaten ecosystem resilience, the achievement of Good Environmental Status (GES) or the achievement of individual targets for UK Marine Strategy Descriptors;
 - in a sector policy context, *significant adverse impacts* may include impacts on the integrity and scope or economic viability of an existing or consented activity or potential future activity, including its capacity to provide wider social benefits.

1.8.3 Presenting a clear and convincing case for proceeding

31. *Presenting a clear and convincing case for proceeding* applies to the following policies:
- **SOC_05** Historic assets
 - **SOC_06** Designated landscapes
 - **SOC_07** Seascapes
 - **SOC_10** Minimising climate change
 - **ENV_01** Resilient marine ecosystems
 - **ENV_05** Underwater noise
 - **ENV_06** Air and water quality
 - **ENV_07** Fish species and habitats
 - **GOV_01** Cumulative effects
 - **SAF_01a** and **SAF_01b** Safeguarding existing activity
 - **SAF_02** Safeguarding strategic resources
32. Where proposals are likely to have a *significant adverse impact(s)* under the relevant policies which cannot be adequately addressed through avoidance, minimisation or mitigation measures, applicants must present *a clear and convincing case for proceeding*. Where this applies, sufficient information should be submitted on the nature and extent of the impacts and proposals should provide a justification which sufficiently demonstrates the overriding benefits of proceeding.

33. Submission of a supporting justification does not mean that a proposal will be supported. It is at the discretion of the decision maker to weigh up the case made against the potential adverse impacts of the proposal, other relevant policies, legislation, and the contribution of the proposal to other targets such as economic or social benefits when making a decision.
34. In a general policy context, where *significant adverse impacts* remain and a *case for proceeding* is presented, decision makers should ensure that any potential *significant adverse impacts* are justified in the context of the overall WNMP vision and objectives.
35. In a sector policy context, a *case for proceeding* should demonstrate that, despite some remaining degree of incompatibility with existing or planned activity, on balance the overall benefits of the proposal outweigh the disadvantages it imposes on existing, planned or future potential development, use and quality of the marine environment, or that the new activity will make a greater contribution to well-being in the context of Wales' well-being goals.

1.8.4 Exceptional circumstances

36. *Exceptional circumstances* only relate to the sector safeguarding **Policy SAF_01a** (i.e. sector-sector interactions) where an assessment cannot demonstrate a proposal can adequately avoid, minimise or mitigate adverse impacts on existing sector operations or the resources on which existing sector activities are dependent. Proposals will be determined on a case by case basis but some general considerations on what constitutes *exceptional circumstances* apply.
37. The *exceptional circumstances* would have to be supported by government policy, should be supported by a *clear and convincing case* on environmental, social, cultural and/or economic benefits (compared to the existing use) and should assess this impact on the existing use.
38. Consideration of *exceptional circumstances* should include:
- evidence of a strategic need for the project (e.g. it is a development of national significance);
 - clear demonstration that there are no viable alternative options (including the 'do nothing' option) or means of delivering the proposal in a way that can avoid, minimise or mitigate any identified *significant adverse impact(s)*;
 - demonstration that other means of proceeding with the proposal (e.g. design, scale, locations) that would reduce impact on or improve compatibility with the existing use are not available;
 - evidence that harm or loss is necessary to deliver benefits (environmental, social or economic) where public benefit of the proposal outweighs that of the original use;
 - demonstration that all coexistence (and co-location) opportunities to phase or design proposals to achieve multiple benefits have been fully considered;

- consideration of the compliance with any *encouraged* policies within the proposal or the achievement of enhancement in one or more policy areas; and,
- consideration of any agreement between the users and the RPAs, or between the proposed user and safeguarded user(s), on the need to compensate the original user(s).

1.8.5 Encouraged

39. Several policies include *encouragement* for proposals which can positively contribute to the achievement of relevant WNMP and sector objectives, or for proposals which include an aspect of enhancement. This applies to the following policies:

- **ECON_01** Sustainable economic growth
- **SOC_01** Access to the marine environment
- **SOC_02** Well-being of coastal communities
- **SOC_04** Welsh language and culture
- **SOC_05** Historic assets
- **SOC_06** Designated landscapes
- **SOC_07** Seascapes
- **SOC_09** Effect on coastal change and flooding
- **SOC_11** Resilience to climate change
- **ENV_01** Resilient marine ecosystems
- **GOV_01** Cumulative effects
- Several sector supporting policies also include *encouragement* for strategic planning and collaboration in order to understand future sector opportunities.⁷

40. It is recognised that not all proposals can include an element of enhancement or positive input to achievement of objectives and early engagement with decision makers is recommended to discuss opportunities.

41. Where a policy or its IG refers to *encouraged* this reflects the broad intent of the WNMP's vision, objectives and policies. It relates to the promotion and continued development of 'good practice' in the sustainable use and development of marine natural resources and associated decision making.

42. If a positive contribution to one or more policy area is proposed the full details of the planned measures and anticipated outcomes should be included with the proposal. Opportunities for enhancement or a positive contribution to one or more policy area could also form part of any consideration of a proposal's identified adverse impacts or *case for proceeding* against another policy.

43. Where a policy is *encouraged*, proposals which comply with the policy should be given support by the decision maker, where possible. However, compliance with an

⁷ This applies to the following sectors: Aggregates (**AGG_01b**), Aquaculture (**AQU_01b**), Low Carbon Energy (wind, wave, tidal stream and tidal range) (**ELC_01b**, **ELC_02b**, **ELC_03b** and **ELC_04**), Fisheries (**FIS_01b**), Ports & Shipping (**P&S_01b**), and Tourism & Recreation (**T&R_01b**).

encouraged policy alone does not mean that a proposal will necessarily be supported. It is at the discretion of the decision maker to weigh up the benefits gained against the potential adverse impacts of the proposal.

1.8.6 Displacement

44. *Displacement* only relates to some sectors such as tourism and recreation, fishing, and shipping.
45. *Displacement* occurs when an activity is moved (in time or space), fully or partially, because of the introduction or impact of another activity. The impacts of *displacement* may be economic, social or environmental, positive or negative, direct and indirect, permanent or temporary, and cumulative. It may mean that the impacted activity can no longer take place on a (commercially) viable basis if no alternative, unused, suitable area is available.
46. RPAs should be mindful of the objective to maintain or increase output of a sector and therefore aim, where practicable, to ensure no net loss of sector productivity. In doing so, consideration should be given to the scale and scope for relocating individual operations and the scale and recoverability of any loss caused when an *exceptional circumstances* decision is made.
47. RPAs should also consider the application of WNMP policies to any alternative site to which the activity may be displaced. Determining suitable locations for a new or displaced activity also requires consideration of the local characteristics including business continuity and ability to maintain supply chains. RPAs may require proposals to provide evidence to support an assessment of suitable alternative locations for the displaced activity and the net costs and implications for the objectives of the WNMP of re-establishing or of terminating the business.
48. Methods to avoid adverse impacts of *displacement* may include moving the new activity or considering temporal and spatial options for coexistence. Methods to minimise adverse impacts of *displacement* may include e.g. condensing work into a shorter or more convenient time period, burial of obstructions, or reducing the number of vessels on site to limit inconvenience. Methods to mitigate adverse impacts of *displacement* may include reaching consensus between operators or opening up new areas for the existing activity.

2 General Policies

2.1 GEN – Planning Policy

2.1.1 GEN_01 Planning Policy

Policy context and general guidance

49. Sustainable Development (SD) is defined in the WFGA as “*the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals*”. Decisions made by RPAs with the potential to affect the Welsh marine plan area should be in accordance with the SD principle of the WFGA.
50. All individuals and organisations undertaking public functions with the potential to affect the Welsh marine plan area are *encouraged* to contribute to the delivery and achievement of the seven well-being goals for Wales and to apply the principles of SMNR in applying the WNMP’s policies.

Advice for applicants and decision makers

51. RPAs should take a positive approach to assessing proposals, with a presumption in favour of proposals that demonstrate compliance with the policies of the WNMP. RPAs should seek to support proposals that will contribute to the SD of the Welsh marine plan area, and the wider SD of the UK.
52. Where a proposal can demonstrate adequate compliance with other policies of the WNMP, they will be in compliance with this policy.

2.1.2 GEN_02 Planning Policy

Policy context and general guidance

53. Given the wide range of developments and activities in the Welsh marine plan area of varying types, sizes and scales, it would be disproportionate to apply the same level of consideration or evidence requirement to all proposals. Assessment of the scale, type, location and potential significance of an impact will help to determine the level of information required and the approach taken to applying the WNMP to the determination of the proposal.

Advice for applicants and decision makers

54. RPAs, in making their decisions, should apply an appropriate level of proportionality in applying the policies of the WNMP and in the information and evidence required to demonstrate compliance with the relevant policies. As a starting point, all Plan policies should be considered to apply to a decision; a proportionate approach should then be applied to identify the level of evidence required to demonstrate compliance with each relevant policy⁸.

⁸ See Table 2 of the WNMP and section 1.7 of this IG.

55. The available evidence base will also be a factor in determining the proportionality required, with less existing or available evidence, or lower quality evidence, potentially equating to a higher level of uncertainty. In some cases, therefore, additional evidence may be required to demonstrate compliance with Plan policies. Decision makers should also apply an appropriate level of precaution which should be proportionate to the environmental, or other, risk(s) posed by the proposal (see **Policy SCI_01**).
56. Proposals for the development and use of the marine environment should provide an appropriate level of information to demonstrate compliance with the policies of the WNMP which is proportionate to the type, scale, identified impacts and risks of the proposal. Applicants should engage with decision makers and, where appropriate, other statutory advisors to discuss the requirements for individual proposals.
57. In applying proportionality in decision making RPAs should avoid wherever and as far as possible introducing any unnecessary or inappropriate burden of proof on applicants. Considerations in relation to proportionality include taking a fair, equitable and consistent approach to consideration of any application.

2.2 ECON – Achieving a sustainable marine economy

2.2.1 ECON_01 Sustainable economic growth

Policy context and general guidance

58. The WFGA and Environment (Wales) Act 2016 introduce a strategic approach to integrating economic, social and environmental policy. Use of marine resources should be managed in order to optimise the economic value to Wales, while supporting social objectives and values, by contributing towards the achievement of Wales' well-being goals, and maintaining and enhancing the resilience of marine ecosystems through SMNR.
59. Optimising benefits from the management and use of natural resources requires an understanding of their economic and societal value and the ways in which they provide a range of economic, social, environmental and cultural benefits. This will require development of the evidence base to more fully appreciate the benefits provided by marine natural resources and where possible such evidence should be made available.
60. Where possible, marine developments should take place in or near to areas that can best benefit from that activity. This could mean that the physical infrastructure or skilled workforce is already available or potentially available for an activity and this should be recognised. Alternatively, it could mean supporting new activity or development in or near areas that would most benefit from an influx of marine related training and employment opportunities. Skill creation and diversification can increase the resilience of communities and local economies to fluctuations in demand in certain industries.

Advice for applicants and decision makers

61. Proposals should demonstrate how they will be economically sustainable, including consideration of value for money, benefits to society, support for the development of marine-related skills, in particular where they relate to the creation of marine jobs, and where they will benefit the communities adjacent to the plan area (see also **Policy SOC_02**), all of which support a resilient economy. Proposals should also include details on the timeframe within which they may become economically sustainable. This should be a realistic and achievable timeframe demonstrated with sufficient supporting evidence.
62. Proposals for development should include relevant social and economic information including the potential number of jobs connected with the proposal, economic activity associated with the procurement, construction, operation and decommissioning phases of the development, and the services and benefits that they contribute to well-being in Wales.
63. LDPs and other spatially expressed policy may help in understanding the opportunities for development that are appropriate in particular locations. Proposals should also consider Planning Policy Wales (PPW) and how they contribute to the creation of sustainable places through the concept of placemaking. In line with PPW, all development decisions, either through development plans, policy choices or individual authorisation decisions should seek to contribute towards the making of sustainable places and improved well-being.
64. All potential economic impacts of a proposal, both positive and negative, should be considered over the long-term and given appropriate weighting in balancing a decision in accordance with the principles of the WFGA.

2.2.2 ECON_02 Coexistence

Policy context and general guidance

65. Managing possibilities for coexistence, including activities in the same area, vertically, laterally or temporally separated is particularly relevant in busier marine areas and may help ensure multiple benefits are secured thereby maximising value in line with **Policy ECON_01**. It is recognised that not all activities are compatible or can coexist, for example subsea cables and bottom trawling.
66. Proposals should consider coexistence opportunities with relevant existing and potential developments and activities, including the seabed, water column and sea-surface and across the land sea interface.
67. Coexistence considerations could include the co-location of developments across multiple sectors such as an integrated aquaculture and renewable energy installation. In addition to co-location, coexistence could also be achieved through temporal separation of activities such as dredging and fishing, facilitated through proactive sector-sector communication and liaison.
68. Where conflict over space or resource exists or arises, initiatives between sectors are encouraged. Early engagement between the respective sea users and, where

relevant, with stakeholders and the appropriate RPA is an important approach to facilitate the realisation of opportunities for coexistence and should be progressed wherever practicable.

69. The presentation of options for coexistence in proposals will assist decision makers to manage current and potential conflict, ensure optimal use of resources, maximise compatibility between marine activities and encourage coexistence of multiple uses where appropriate.

Advice for applicants and decision makers

70. Proposals should set out what options for coexistence with other known sector interests have been considered and how these have been assessed. Proposals could also demonstrate how they will avoid conflict with other existing or known proposed developments and activities.
71. Where an element of coexistence with other compatible sectors or activities is proposed, proposals should demonstrate the extent to which they will coexist and how this will be achieved in practice (see also **Policy SAF_01**).
72. RPAs should support proposals which contribute positively to optimising the use of use of marine resources though coexistence opportunities wherever possible.
73. In recognising that not all activities are compatible or can coexist, RPAs should ensure a realistic and proportionate approach is taken to applying this policy.

2.3 SOC – Ensuring a strong, healthy and just society

2.3.1 SOC_01 Access to the marine environment

Policy context and general guidance

74. Inclusive access to the marine environment includes consideration of accessibility for all and results from inclusive design combined with appropriate management and maintenance. Access to the marine environment should be sensitively designed and should not result in unacceptable adverse impacts such as the disturbance of historic assets or vulnerable habitats or species, for example ground and cliff nesting birds.
75. Whilst this policy primarily relates to physical access, opportunities to also enhance remote/intellectual access to the marine environment could also be pursued and secured, where appropriate, and supported, for example, through publications and web-based interpretation and other remote means.

Advice for applicants and decision makers

76. Proposals are *encouraged* to facilitate inclusive access to ensure that everyone can get to, into and around developments, and take part in the activities and services provided where appropriate.
77. Proposals should not constrain existing access, and/or should seek to facilitate increased access to the marine and/or coastal environment where possible and appropriate. It is recognised that there may be circumstances in which access needs

to be restricted on the grounds of security or health and safety requirements. Whilst temporary restriction of public access on safety grounds is acceptable, the need for long-term restriction or exclusion from marine space should be avoided wherever possible. Where such long terms adverse impacts on access are anticipated, proposals should provide sufficient justification.

- 78. RPAs should support the maintenance of existing access or opportunities for new or enhanced access to the marine or coastal environment, where possible and appropriate.
- 79. RPAs should assess the risks and potential adverse impacts associated with access proposals, such as disturbance to wildlife, habitats, and/or historic assets, safety considerations and conflicts between activities when making their decisions.
- 80. Where access to a specific location is lost, for example through coastal change or new development, RPAs should support proposals that seek to re-establish safe access with minimal disruption to the public where possible; however, accepting that in some circumstances reinstating access may not be safe, economically viable or environmentally desirable.

2.3.2 SOC_02 Well-being of coastal communities

Policy context and general guidance

- 81. Welsh Government has undertaken typological community studies and also identified National Marine Character Areas that described local seascape character⁹ (see also **Policy SOC_07**). These characterisations may help to identify, protect and enhance local identity, and can also be an appropriate basis for engaging with local communities and planning authorities. Information derived from typological studies and community engagement should be applied in the context of the wider evidence base as appropriate to identify which activities fit best with which communities in which areas.

Advice for applicants and decision makers

- 82. Development and use of the marine environment has the potential to affect the socio-economic character and future prospects of coastal communities and positive contributions from proposals to the well-being of coastal communities are *encouraged*. Decision makers should seek to ensure that opportunities are taken to contribute positively to the future well-being of coastal communities in a way which meets their place-based objectives under PPW and contributes to the creation of sustainable places through the concept of placemaking.
- 83. Proposals should consider the significance of potential development on relevant features of the area including cultural heritage, seascape and environmental quality. Characterisation, as described above, may be an aid to this process.

⁹ <https://naturalresources.wales/evidence-and-data/maps/marine-character-areas/?lang=en>

2.3.3 SOC_03 Marine pollution incidents

Policy context and general guidance

84. Relevant requirements include those under the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973/1978, the Merchant Shipping Act 1995 (as amended), the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended) and the Marine Safety Act 2003. The UK National Contingency Plan for marine pollution from shipping and offshore installations sets out roles and responsibilities for responding to marine pollution incidents.

Advice for applicants and decision makers

85. Proposals should demonstrate compliance with the relevant regional, national and international regulation, legislation and guidance to minimise the risk of marine pollution.
86. Proposals for development should consider potential sources of pollution from the construction, operation and decommissioning phases of the project as well as any necessary transportation of, for example, materials, chemicals or fuels. Proposals should demonstrate what measures they have included to minimise any identified risks. Pollution originating on land or pollution incidents in rivers can also have significant impacts on the marine environment and should, therefore, also be considered, where relevant.

2.3.4 SOC_04 Welsh language and culture

Policy context and general guidance

87. Welsh Government has a vision to increase the number of Welsh speakers, reaching a million by 2050, and is committed to increasing the use of the Welsh language. Use of the Welsh language and accessible knowledge and information about the rich cultural history, literature and communities can act as drivers for innovation, education and economic growth as well as contributing to the future well-being of communities.

Advice for applicants and decision makers

88. Proposals should consider opportunities to support the Welsh language and promote Welsh culture in a wide range of activities, including for businesses and leisure.
89. Proposals are *encouraged* to identify opportunities to promote the Welsh language to facilitate its use in their development and beyond, for example through the provision of Welsh language signage, information and educational resources.
90. Developments that are funded or contracted by Welsh Government should follow a suitable Welsh Language Policy and where necessary to do so, comply with the Welsh Language Standards set out in its Compliance Notice with which the Welsh Government is required to comply. All other proposals are *encouraged* to do the same.

91. RPAs should facilitate participation in decision making through the medium of Welsh wherever appropriate. This includes being proactive about using Welsh for informal and formal meetings, in signage and in key materials such as guidance, instructions and applications processes, making best use of existing good practice.

2.3.5 SOC_05 Historic assets

Policy context and general guidance

92. Relevant legislation is contained within the Protection of Wrecks Act 1973, the Ancient Monuments and Archaeological Areas Act 1979, the Protection of Military Remains Act 1986, the Town and Country Planning Act 1990, the Merchant Shipping Act 1995, and the Historic Environment (Wales) Act 2016.
93. Cadw is the Welsh Government historic environment service and regulator working for an accessible and well-protected historic environment for Wales and can provide advice on development and use of the marine environment in relation to designated historic assets. In addition to Cadw, the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) and the Welsh archaeological trusts are also relevant archaeological authorities for the marine area providing advice in relation to historic assets for offshore and intertidal development respectively.
94. Understanding the significance of historic assets is key to informing decisions about future management and whether protection (up to and including designation) is appropriate under law and policy. Opportunities to better understand the significance of historic assets should be *encouraged* and promoted. This implements the Welsh Government approach to the sustainable management of the historic environment in Wales and aligns with Cadw's Conservation Principles¹⁰ which set out guidance on evaluating and describing the significance of historic assets. *Managing the Marine Historic Environment of Wales* explains the Welsh Government's approach to the marine historic environment and offers best-practice guidance for its protection and management.
95. The absence of designated historic assets should not be taken to imply that non-designated historic assets are necessarily of lesser significance. Given the logistical difficulties and resource-intensive nature of working underwater the significance of many marine historic assets is yet to be established. Nevertheless, all such assets, and their settings, should be considered by proposals.

Advice for applicants and decision makers

96. Proposals should demonstrate compliance with the relevant regional, national and international regulations, legislation and guidance with regard to historic assets and their settings.
97. The available evidence base will be a factor in assisting developers and RPAs in the assessment of proposals. The four regional Welsh archaeological trusts maintain publicly available historic environment records on behalf of the Welsh Ministers and

¹⁰ Cadw: 2011: Conservation Principles for the sustainable management of the historic environment in Wales <https://cadw.gov.wales/advice-support/conservation-principles/conservation-principles>

RCAHMMW maintain an extensive database of marine historic assets. The Archaeological Research Framework for Wales has also been developed to provide an overview of current archaeological knowledge, where the most significant gaps are, and how they may best be addressed. This framework operates in development management scenarios to inform the implementation of appropriate mitigation measures and archaeological programmes of work. Guidance is also available from the Chartered Institute for Archaeologists covering subjects that range from desk-based assessment to archaeological field evaluation and best practice sectoral guidance notes for the marine historic environment.

98. Proposals should demonstrate that they have identified any relevant historic assets and have considered potential impacts from the proposal on them. Impacts could include loss of, or damage to, historic material; alteration to the setting of historic assets which can positively or negatively affect the ability to understand and appreciate it; burial or exposure (for example, due to changing patterns of sediment movement). Proposals should also demonstrate consideration of cross-border impacts on historic assets in neighbouring planning jurisdictions, where relevant.
99. RPAs should satisfy themselves that proposals have:
- adequately investigated and evaluated the significance of both designated and non-designated historic assets which may be impacted by development and use of the marine environment; and
 - taken appropriate measures to avoid, minimise or mitigate the impact upon historic assets and their settings in a manner that is proportionate to their significance; and/or,
 - where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.
100. There should be a general presumption in favour of the preservation or enhancement of historic assets and their settings. For any development proposal affecting a historic asset or its setting, the primary material consideration is to have special regard to the desirability of preserving the asset, its setting or any features of special architectural or historic interest which it possesses. Where possible, designated assets and sites of equivalent importance should be preserved in situ within an appropriate setting.
101. Proposals are *encouraged* to identify opportunities to promote or enhance historic assets in their development and beyond, for example through the long-term safeguarding of assets and their settings, the improvement of access to historic assets, or provision of signage, information and educational resources (see also **Policies SOC_01** and **SOC_04**).

2.3.6 SOC_06 Designated landscapes

Policy context and general guidance

102. Development at sea can have a positive or adverse impact upon designated landscapes. Welsh Government objectives for National Parks and Areas of

Outstanding Natural Beauty (AONBs) conservation and enhancement are largely delivered through the national land planning system although marine planning will also be a consideration. National Parks deliver the statutory planning function in their areas, including the production of the LDPs and undertake the development control (authorising proposals) function. The AONBs are part the local government system and therefore planning remains with their constituent Local Authorities.

103. Public bodies, statutory undertakers and certain utilities have a statutory duty to have regard to the purposes of National Parks (under the Environment Act 1995) and AONBs (under the Countryside and Rights of Way Act 2000) when undertaking activities that affect these designated areas. Guidance is available from NRW on various aspects of AONB management and on the status and role of AONBs and National Parks in Wales.
104. National Parks and AONBs are legally required to produce management plans which guide management, resources and delivery. These plans are produced in partnership with a wide range of stakeholders and provide an opportunity to engage with these designated landscapes, helping to shape the future of these special places. The management plans and other spatially expressed policy may help understanding of opportunities for, or constraints on, development in particular locations.

Advice for applicants and decision makers

105. Proposals should include consideration of their impact on landscape. Guidelines for Landscape and Visual Impact Assessments to support this process are available from the Landscape Institute.
106. Proposals should take into consideration evidence and policies set out in any relevant management plans. Wherever possible proposals should support the delivery of the purpose(s) of the designated landscapes and agreed management plan actions.
107. RPAs should satisfy themselves that proposals have:
- adequately investigated and evaluated their potential impacts on National Parks and AONBs, including any impacts on the special qualities for which these sites have been designated; and,
 - taken appropriate measures to avoid, minimise or mitigate any identified impacts in a manner that is proportionate to their significance; and/or
 - where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.
108. Proposals are *encouraged* to identify opportunities to promote or enhance designated landscapes in their development and beyond, including for example consideration of visual, physical, environmental, or access improvements (see also **Policy SOC_01**).

2.3.7 SOC_07 Seascapes

Policy context and general guidance

109. Development at sea can have a positive or adverse impact upon other marine or coastal seascapes, including terrestrial areas with views of the coast or seas. Many of these seascapes do not benefit from any formal designations; however, it is recognised that they support a wide range of activities and make an important contribution to tourism and recreation, and the health and well-being of coastal communities.
110. Development impact on seascapes may be more significant and require a more sensitive approach where it has the potential to adversely affect National Parks; AONBs; Heritage Coast; Registered Historic Landscapes, Parks or Gardens; World Heritage Sites; or other built heritage or undeveloped coast (see also **Policies SOC_05** and **SOC_06**). Significance will vary depending on the nature of a development and the sensitivity of the seascapes affected.
111. The Landscape Character Assessment system identifies location specific, natural and cultural features and benefits and can be used for strategy, planning and development management. Under this system, Marine Character Areas have been identified at national and local scales with a focus on coastal areas.
112. NRW can provide evidence and advice on seascape character, their special qualities, and their sensitivity to change. Any advice or guidance provided should be taken into account to inform the development design and plan-making process.
113. It is in the early stages of a project or in developing plan options that avoiding, minimising and mitigating adverse seascape impact is most effective. Appropriate siting and consideration of alternatives should be the first priority in any approach to address potential impacts.
114. As part of land-use planning, PPW advises that Local Planning Authorities characterise their coastline and develop or apply specific policies which reflect the characteristics of their coastlines. Both seascape character and visual resource mapping (available from NRW) should be considered when doing this.

Advice for applicants and decision makers

115. Proposals should demonstrate consideration of the existing character and quality of the seascape, its sensitivity and its capacity to accommodate change. Landscape Character Assessment methodology may be an aid to this process.
116. Involving local communities and other stakeholders in both the development of proposals and, where appropriate, in making a decision, is critical in order to understand the range of perceptions about who values what, where and why. Proposals where seascapes are a consideration should clearly set out engagement they have undertaken with relevant stakeholders, the views of stakeholders and how they have incorporated those views within the proposal.

117. Proposals should demonstrate that they have identified relevant seascapes and have considered their potential impacts on them. Where there is the potential for a *significant adverse impact(s)* on the seascape of an area, proposals should demonstrate the measures they have included to avoid, minimise or mitigate these impacts. This could include, for example, using siting and design techniques to reduce remaining adverse impacts or using materials, colour and backdrop to reduce visual prominence. If seascape impact has been considered in the choice of development location, this should be demonstrated in the application. Proposals should also demonstrate consideration of seascapes in neighbouring planning jurisdictions, where relevant.
118. RPAs should satisfy themselves that proposals have:
- adequately investigated and evaluated the significance of seascapes that may be impacted by the proposed use of the marine environment; and,
 - taken appropriate and proportionate measures to avoid, minimise and/or mitigate significant adverse impacts on seascapes, and identify, where possible, the potential for enhancement; and/or,
 - where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.
119. In some areas, accepting change to character and views may be most appropriate where new or enhanced seascape benefits arise as well. In other areas there may be a greater public interest role in conserving natural or historic character and associated special qualities such as “wildness”, “remoteness” and “heritage”, where certain developments may not be appropriate.
120. Proposals are *encouraged* to identify opportunities to promote or enhance seascapes in their development and beyond, including for example consideration of visual, physical, environmental, or access improvements (see also **Policy SOC_01**).

2.3.8 SOC_08 Resilience to coastal change and flooding

Policy context and general guidance

121. Welsh Government flood risk policy is contained within PPW. Guidance is also contained within Technical Advice Note (TAN) 14 (Coastal Planning) and TAN 15 (Development and Flood Risk).
122. Coastal development should preferably be sited in areas less vulnerable to flooding and erosion, although there may be exceptions if a specific location is essential for operational reasons or infrastructure cannot be located elsewhere. The undeveloped coastline is unlikely to be considered appropriate for new development; neither is development that requires extensive engineering or defences to make it safe.

Advice for applicants and decision makers

123. With respect to flooding, proposals should take account of Welsh Government flood risk policy and guidance. Developers should engage with NRW for information and technical advice on flood risk and may be required to undertake a Flood

Consequence Assessment for developments in high risk areas. Where available, flood maps from Welsh Government or NRW should be used to identify the level of flood risk in coastal areas, with TAN 15 Development Advice Maps providing a trigger for further assessment.

124. Proposals should assess the risk of coastal change and flooding over the lifetime of the project and, where appropriate, should demonstrate the measures they have included to address the identified risks and increase resilience. The lifetime of the project includes the construction, operation and decommissioning phases of a development. Proposals should include a realistic and evidenced assessment over their anticipated lifetime.
125. Proposals could include consideration of policies within Shoreline Management Plans (SMPs) which provide important context for decision making on the coast by setting out preferred policies for how the coast should be managed. In line with SMP policy, development will not normally be permitted in areas at risk of flooding or erosion and with a “no active intervention” or “managed realignment” policy in the SMP for any epoch relevant to the lifetime of the development.

2.3.9 SOC_09 Effects on coastal change and flooding

Policy context and general guidance

126. Both marine and terrestrial planning processes and related decision making have a role to play in addressing the issues associated with coastal change and flooding. Providing advice on the management of flood risk and erosion are the responsibility of NRW and Local Authorities.

Advice for applicants and decision makers

127. Proposals and RPAs should consult with NRW and Local Authorities on matters relating to coastal change and flooding at the earliest possible opportunity.
128. Proposals should identify any potential adverse effects which may increase the risk of coastal change and flooding and identify any potential adverse impacts on coastal processes. Where these are identified, proposals should demonstrate the measures they have included to address these risks or impacts. This could include, for example, adaptation of existing or construction of new coastal protection structures; however, any measures requiring construction or engineering should seek to avoid unacceptable adverse impacts on coastal communities and the natural environment (in line with **Policy SOC_02** and **ENV** policies). Proposals should also demonstrate consideration of the potential impacts of coastal change, flooding or impacts on coastal processes in neighbouring planning jurisdictions, where relevant.
129. Proposals relating to flood risk management and coastal protection solutions are *encouraged* to take account of the relevant SMPs, and should ensure that, where possible, they comply with the relevant SMP policies. As far as practicable, proposals should identify solutions that work with natural processes and the local landscape/seascape and enable habitat creation opportunities (see **Policies ENV_01 and 02; SOC_06 and 07**).

130. Where the SMPs support 'hold the line', proposals should also consider the risks associated with climate change (see also **Policies SOC_10** and **11**) using the most up to date scientific evidence. Proposals should demonstrate how they avoid or minimise the risk of adverse impacts on coastal erosion, and/or increase or exacerbate flood risk at other locations.

2.3.10 SOC_10 Minimising climate change

Policy context and general guidance

131. Welsh Ministers have declared a climate emergency and the emission of greenhouse gases should be avoided wherever possible, particularly in the context of larger scale developments and infrastructure projects. Welsh Government statutory emissions reduction targets are included under Part 2 of the Environment (Wales) Act 2016.

Advice for applicants and decision makers

132. Proposals should demonstrate that they have identified the potential for greenhouse gas emissions and set out the measures they have included to avoid, minimise or mitigate these impacts. Minimisation measures could include, for example, increasing energy efficiency and utilising low carbon technologies such as renewable energy sources. Where significant emissions remain, proposals should provide a *clear and convincing case for proceeding*.
133. Consideration of emissions should include those both directly related to the activity proposed (including greenhouse gases associated with construction, operation and decommissioning) and those indirectly related (for example, increased journey length for vessels arising from the development and/or the production of the materials to be used in construction).
134. RPAs should satisfy themselves that proposals have:
- adequately investigated and evaluated the significance of both direct and known or anticipated indirect greenhouse gas emissions from their proposed activity or development; and,
 - taken appropriate measures to avoid, minimise or mitigate the emission of greenhouse gases in a manner that is proportionate to their significance; and/or,
 - where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.
135. Decision makers should apply an appropriate level of proportionality in the assessment of greenhouse gas emissions in line with **Policy GEN_02** whilst also applying precaution, where necessary and appropriate, which should be proportionate to the type, scale and identified impacts of the proposal (see **Policy SCI_01**).

2.3.11 SOC_11 Resilience to climate change

Policy context and general guidance

136. In developing a proposal and as part of decision making with regard to resilience to climate change, the most up to date scientific evidence on the predicted extent of climate change should be used. Support can be found through the Welsh Government's Climate Change Adaptation webpages which includes guidance on preparing for climate change and a Climate Change Adaptation Plan for Wales presenting a national, co-ordinated approach for Wales on climate change resilience.
137. SMPs can support climate change adaptation at the coast and inform adaptation decisions. These plans consider, over the short, medium and long term, how best to manage the coast, including coastal adaptation, in light of predicted sea-level rise and other constraints.
138. An important aspect of ensuring new proposals are suitably resilient to potential climate change impacts, will include incorporation of adaptation measures within the proposal.

Advice for applicants and decision makers

139. Proposals should demonstrate consideration of the potential future impacts of climate change over the lifetime of a development.
140. Adaptation measures should be incorporated where appropriate. Any adaptation measures proposed should be clearly detailed within an application. Measures should be evidenced and realistic and not increase risk of climate change impacts elsewhere.
141. Climate change mitigation measures could include reducing greenhouse gas emissions through increased energy efficiency, or the use of low carbon technology. Adaptation measures could include those that increase the resilience of ecosystems, communities and economic activity to the impacts of climate change. Any mitigation or adaptation measures should avoid unacceptable adverse impacts on coastal communities and the natural environment (in line with **Policy SOC_02** and **ENV** policies).
142. Proposals could include consideration for the possible opportunities emerging as a result of climate change, as identified by the UK Climate Change Risk Assessment.
143. RPAs should satisfy themselves that, where necessary, adequate risk management or contingency plans are in place to increase the resilience of developments to climate change. For example, where a development is proposed in an area which has been identified as at high risk of flooding or coastal change (see **Policies SOC_08** and **09**).

2.4 ENV – Living within environmental limits

2.4.1 ENV_01 Resilient marine ecosystems

Policy context and general guidance

144. Relevant legislation is contained within the Wildlife and Countryside Act 1981, the Marine Strategy Regulations 2010, the Environment (Wales) Act 2016, the Conservation of Habitats and Species Regulation 2017, and the Conservation of Offshore Marine Habitats and Species Regulations 2017.
145. It is an offence to deliberately or intentionally disturb, capture, deliver, take or destroy eggs, damage or destroy a breeding place or injure or kill a European Protected Species (EPS), unless an EPS Licence has been granted. Further offences are listed in the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Advice for applicants and decision makers

146. Proposals should demonstrate compliance with the relevant regional, national and international regulations, legislation and guidance with regard to the protection of marine ecosystems.
147. RPAs should satisfy themselves that proposals have:
- adequately investigated and evaluated the significance of identified impacts on marine ecosystems of their proposed activity or development; and,
 - taken appropriate measures to avoid, minimise or mitigate the identified impacts in a manner that is proportionate to their significance; and/or,
 - where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.
148. Proposals should demonstrate how they are compliant with legislation that protects species, including those in relation to EPS. In addition, focus should be given to habitats and species of principal importance for the purpose of maintaining and enhancing biodiversity in Wales listed under Section 7 of the Environment (Wales) Act 2016. Proposals should demonstrate how they maintain and enhance these habitats and species, including protecting them from potential impacts or promoting their restoration and/or enhancement.
149. Proposals are *encouraged* to contribute to the restoration or enhancement of marine ecosystems. Incorporating restoration and/or enhancement of marine ecosystems into proposals does not have to be expensive or complex. It could include using different substrates for building on the foreshore that are favourable to post-construction colonisation by a range of species. Small changes to intertidal structures that allow the formation of crevices in walls or pools at low tide as opposed to the structure drying out entirely can provide an additional environment for rock pool species that would otherwise be unable to exist there. Developers should engage with NRW for advice on enhancement to ensure any proposed enhancement is suitable.

2.4.2 ENV_02 Marine Protected Areas

Policy context and general guidance

150. Conservation advice is available from the relevant Statutory Nature Conservation Body (SNCB) (NRW in their role as SNCB for Wales, the Joint Nature Conservation Committee (JNCC) for the UK offshore area, and Natural England in relation to designated sites in the English marine areas which will be relevant for proposals with cross-border considerations) and will help to ensure the MPA network is well managed by providing advice on the likely operations which may cause deterioration and/or disturbance to habitats and species and conservation objectives. Applicants and decision makers are encouraged to use Conservation Advice Packages, where available, to help inform the development and determination of proposals.
151. The WNMP is supported by an ongoing process of evidence development, collation and interpretation in order to facilitate Plan implementation and ongoing marine planning activity. This includes consideration of MPA and marine ecosystems as well as the distribution and nature of resources on which different sectors rely. Such understanding supports those developing proposals, decision makers and other stakeholders. Annex 2 provides some indicative maps with examples of the spatial relationships between resource locations (aquaculture, marine aggregates, wave energy and tidal stream energy) with MPAs (and MPA features). These maps are for illustrative purposes; Plan users should consult the most up to date scientific evidence when considering individual proposals.

Advice for applicants and decision makers

152. Proposals should demonstrate compliance with the relevant regional, national and international regulation and legislation with regard to MPAs and other sites protected for nature conservation interests. Proposals should include such information as required by RPAs to enable them to determine whether the proposal is likely to have a significant effect on a protected site and, therefore, whether an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 and/or the Conservation of Offshore Marine Habitats and Species Regulations 2017 would be required.
153. Proposals should be compatible with any relevant management measures for MPAs, or voluntary codes of conduct that may be in place. Early engagement with the relevant SNCB is encouraged to discuss the MPA network and identify any management measures that may be relevant in the context of individual proposals.
154. Where potential adverse effects on a designated site have been identified, approval of a proposal may include appropriate mitigation measures to ensure the integrity of the designated site is secured. Where this is the case, details of proposed mitigation measures should be included in the proposal, when possible to do so.
155. RPAs should satisfy themselves that proposals:
- have adequately investigated and evaluated any potential impacts of their proposed activity or development on any designated sites;

- have taken appropriate measures to avoid any identified adverse impacts on any designated sites; and,
- will not adversely affect the site alone or in combination with other existing, known or anticipated plans or projects.

156. An RPA can only approve a proposal which will adversely impact the integrity of a European Site or European Marine Site if it is satisfied that there are no alternative solutions to the objective of the proposal and Imperative Reasons of Overriding Public Interest (IROPI) applies. In such cases, compensatory measures must be secured to ensure the overall coherence of the network is maintained.

2.4.3 ENV_03 Invasive non-native species

Policy context and general guidance

157. Relevant legislation includes the Wildlife and Countryside Act 1981.

158. Biosecurity Planning Guidance (England and Wales) is available from the Great Britain Non-native Species Secretariat¹¹; as well as identification charts and risk assessments for certain species and a mechanism for reporting suspected sightings of invasive non-native species (INNS). Local terrestrial areas, for example seabird islands, may have biosecurity plans in place which could inform considerations under this policy where relevant.

Advice for applicants and decision makers

159. Proposals should demonstrate compliance with the relevant legislation, regulations and guidance.

160. Proposals should assess their risk of introducing or spreading INNS. Where an increased risk is identified, proposals should include appropriate measures to avoid or minimise any of the identified risks in a manner that is proportionate to its significance.

161. In certain circumstances, for example where a significant risk remains, proposals may be required to include biosecurity measures. These could include:

- following good practice guidance, such as the Marine Check, Clean, Dry campaign, which seeks to prevent the accidental transfer of INNS for anyone visiting or working in or near water; and/or,
- developing a full biosecurity plan which details the specific actions that will be taken to reduce the risk of introducing or spreading INNS.

162. Proposals should engage with NRW to discuss the requirements for individual proposals. Where biosecurity measures are included as part of a proposal, this should be evidenced and realistic. Decision makers should include any necessary conditions to secure biosecurity measures, when appropriate to do so.

¹¹ <http://www.nonnativespecies.org/home/index.cfm>

2.4.4 ENV_04 Marine litter

Policy context and general guidance

163. Relevant legislation includes the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL) and the Environmental Protection Act 1990.
164. Marine litter is a far reaching and long-term issue which requires consideration at all levels and across all policy areas. Litter originating on land can also have significant impacts on the marine environment and should, therefore, also be considered, where relevant to a proposal.
165. Initiatives that seek to reduce the amount of litter entering the marine and coastal environment are *encouraged*. These may include fishing for litter initiatives, re-use and recycling, enhanced filtration systems and alternatives to single-use plastics.

Advice for applicants and decision makers

166. Proposals should demonstrate compliance with the relevant regional, national and international regulation and legislation with regard to marine litter.
167. Proposals should assess their risk of introducing litter into the marine environment. Where an increased risk is identified, proposals should include appropriate measures to avoid or minimise the identified risk in a manner that is proportionate to its significance. Measures may include waste management plans, adherence to relevant codes of conduct, and the provision of training, signage and waste disposal facilities.
168. Where appropriate, proposals should also include an effective plan for the removal of litter in the case of an accidental release.

2.4.5 ENV_05 Underwater noise

Policy context and general guidance

169. The UK Administrations have established a Marine Noise Registry¹² for loud, low to medium frequency (10Hz – 10kHz) impulsive sounds such as those generated during piling and seismic surveys. The noise registry records in space and time noise-generating activities. Information collected through the registry will further improve understanding of underwater noise and how it can best be managed. Initiatives which contribute to the development of the evidence base and the sharing of data are *encouraged* (see **Policy SCI_01**).
170. Where appropriate, Plan users should also refer to the JNCC guidelines and protocol for minimising the risk of injury to marine mammals from seismic activities, piling and explosive use.

¹² <https://mnr.jncc.gov.uk/>

Advice for applicants and decision makers

171. Proposals may find it useful to refer to the Marine Noise Registry to inform the development of their proposal. The relevant SNCB(s) can provide advice on protected species that may be sensitive to noise.
172. Proposals should demonstrate that they have assessed the potential noise impacts on the marine environment as a result of their development or activity. Where impacts have been identified, proposals should detail the measures they have included to avoid, minimise or mitigate these impacts. Minimisation measures could include limiting periods of construction or operation to avoid breeding or migration seasons, alternative construction methods or sensitive design. Mitigation measures could include creating buffer zones or using noise barriers. Where measures are proposed, this should be detailed in a proposal.
173. Proposals should include a noise impact assessment when required by a RPA. Where this is the case, any assessments should detail the type, level and duration of noise expected to be generated throughout all stages of the development and the predicted effects on noise-sensitive species, for example cetaceans, (including the cumulative impact).
174. Where evidence is available, assessments should demonstrate that there are no adverse effects upon protected noise-sensitive species.
175. Proposals should consider whether the level of surface or underwater noise has the potential to affect any EPS and whether an EPS Licence may be required to reflect disturbance and injury impacts (see **Policy ENV_01**). Proposals should also consider their proximity to any MPAs with sensitive features as noise generated outside an MPA has the potential to disturb species within the site. Where appropriate, proposals should assess any potential noise impacts on MPAs in line with **Policy ENV_02**.
176. Where appropriate, the application of the JNCC guidelines and protocol for minimising the risk of injury to marine mammals may be a condition of any approval.

2.4.6 ENV_06 Air and water quality

Policy context and general guidance

177. Relevant legislation includes the Air Quality Standards (Wales) Regulations 2010, the Environment (Wales) Act 2016, the Water Environment (Water Framework Directive) (England and Wales) Regulations (WER) 2017. Additionally, please refer to the IG on sector supporting and safeguarding policies for information on relevant legislation relating to sectors such the Oil and Gas sector.
178. Where an activity may impact upon a Water Framework Directive (WFD) waterbody, a Compliance Assessment should be carried out under the WER.

Advice for applicants and decision makers

179. Proposals should demonstrate compliance with the relevant regional, national and international regulation, legislation and guidance with regard to air and water quality including the WER and the Environment (Wales) Act 2016.
180. Proposals should demonstrate that they have assessed the potential air and water quality impacts of their development or activity. Where impacts have been identified, proposals should detail the measures they have included to avoid, minimise or mitigate these impacts. These measures could include using alternative construction methods, controlling dust and emissions from construction, operation and demolition, water treatment or the use of alternative chemicals.
181. Where proposals are located within or adjacent to an Air Quality Management Area (AQMA), they should seek to be consistent with the relevant AQMA action plan. Applicants should liaise with the relevant Local Authority to ensure statutory limits are not exceeded and proposals are consistent with AQMA action plans.
182. Proposals should also consider the impact of pollutants on nature conservation sites¹³, for example for aerial deposition. This involves a staged screening process based on best available information to assess the impacts of proposals. The first step is to check whether there are any conservation sites within specified distances from the proposal. The predicted process contribution and predicted environmental concentration resulting from regulated proposals are then compared with thresholds expressed as percentages of Air Quality Standards, critical levels and critical loads.
183. Where a Compliance Assessment is undertaken under the WER, it must consider the objectives of the water bodies that may be affected by development and any potential deterioration in the status or potential of the water body, or whether the development may prevent a water body achieving its objectives. This includes potential effects to water quality, hydromorphology and biological elements. If the Compliance Assessment concludes that the waterbodies may be at risk of deterioration, or that the development may prevent a water body from achieving its objectives, consent cannot be granted unless proposals demonstrate that the conditions of Part 5 (16-19) of the WER are met.
184. Authorisation decisions should also take account of other relevant statutory and non-statutory plans and national policies and guidance including, but are not restricted to, Area Statements, SMPs, and River Basin Management Plans (RBMPs).

2.4.7 ENV_07 Fish species and habitats

Policy context and general guidance

185. Key species include those of commercial (including recreational), conservation and ecological importance and include Species of Principal Importance given protection under Section 7 of the Environment (Wales) Act 2016.

¹³ Including any protected site on land or at sea designated for nature conservation purposes.

186. A range of indicative information is available on the Wales Marine Planning Portal and from industry and regulators to assist the identification of important feeding, breeding (including spawning and nursery) and migration areas. The current evidence base is limited in some cases, initiatives which contribute to the development of the marine evidence base and the sharing of data are *encouraged* (see **Policy SCI_01**).

Advice for applicants and decision makers

187. Proposals should demonstrate that they have assessed the potential of their development or activity to adversely impact key fish and shellfish species and/or important habitats, including any impacts on important feeding, breeding and migration areas. Where adverse impacts have been identified, proposals should detail the measures they have included to avoid, minimise or mitigate these impacts. These measures could include using alternative construction methods or sensitive design, limiting periods of construction or operation to avoid breeding or migration seasons or using different substrates for building that are favourable to post-construction colonisation. Where measures are to be included, this should be detailed in a proposal.

188. RPAs should satisfy themselves that proposals:

- have adequately investigated and evaluated any potential impacts of their proposed activity or development on important fish species and habitats; and,
- taken appropriate measures to avoid, minimise or mitigate the impact on important fish species and habitats in a manner that is proportionate to their significance; and/or,
- where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.

2.5 GOV – Promoting good governance

2.5.1 GOV_01 Cumulative effects

Policy context and general guidance

189. Cumulative effects are an important consideration in order to understand the incremental or wider social, economic and/or environmental impacts from multiple pressures or activities. Consideration of cumulative effects should extend across individual activities and developments and across sectors.

190. The Wales Marine Planning Portal makes available activities granted a marine licence by NRW and such information may be helpful in supporting the assessment of potential cumulative effects. Similarly, neighbouring planning jurisdictions and other regulators also maintain public access evidence databases or portals.

Advice for applicants and decision makers

191. Proposals should demonstrate, where data is available and using the best current scientific evidence, that they have assessed the potential for their development or activity to cause adverse cumulative effects. In doing this, proposals should consider

existing as well as any known planned or anticipated plans or projects. Proposals should, where appropriate, include consideration of cumulative impacts with projects located in neighbouring planning jurisdictions.

192. Proposals should take into account available guidance and consult the decision maker for additional guidance on the scale and nature of any required assessment of cumulative effects.
193. Where potentially *significant adverse* cumulative effects have been identified, measures may be required to avoid, minimise and/or mitigate depending on the significance of such effects. Early engagement with the relevant decision maker is recommended to discuss the requirements for individual proposals.
194. RPAs should satisfy themselves that proposals have:
- adequately investigated and evaluated any multiple and cumulative effects of their proposed activity or development on the marine environment; and,
 - taken appropriate measures to avoid, minimise or mitigate the identified impacts in a manner that is proportionate to their significance; and/or,
 - where necessary, submitted a suitable *case for proceeding* which sufficiently demonstrates the overriding benefits of proceeding.
195. Decision makers should apply an appropriate level of proportionality in the assessment of cumulative effects in line with **Policy GEN_02** whilst also applying precaution, where necessary and appropriate, which should be proportionate to the environmental, or other, risk(s) posed by the proposal (see **Policy SCI_01**).

2.5.2 GOV_02 Cross-border and plan compatibility

Policy context and general guidance

196. The Welsh marine plan area shares borders with three other marine plan areas within the UK (South-West England, North-West England and Northern Ireland) and two outside the UK (the Isle of Man and the Republic of Ireland).
197. Integration between marine and terrestrial planning areas is facilitated by a physical overlap in both planning area and area of influence. The WNMP extends up to the level of mean high water spring tides (MHWS) while Local Authority boundaries generally extend down to mean low water tides (MLW). In addition, decisions by Local Authorities not immediately adjacent to the coast can affect and be affected by those in the marine area, for example developments on land can affect rivers which eventually discharge into the sea. These Local Authorities should be aware of and comply with the policies in the WNMP and all developments that may affect the marine area need to consider the WNMP.
198. In developing proposals for developments and in developing plans, policies and strategies, developers and RPAs should consider the principles of Integrated Coastal Zone Management for managing the land-sea interface.
199. Regular engagement and the sharing of evidence and data and good practice between jurisdictions is an important aspect of cross-border compatibility. Welsh

Government maintains and regularly updates the Wales Marine Planning Portal which contains relevant marine spatial data and maps. Similarly, neighbouring planning jurisdictions also maintain public access evidence databases or portals. The sharing of data or signposting of databases between relevant authorities or jurisdictions is *encouraged* (see **Policy SCI_01**).

Advice for applicants and decision makers

200. Proposals should demonstrate that they have identified any relevant documents or plans and considered any applicable policies within them. This is particularly important with respect to trans-boundary applications where several plans are likely to be relevant.
201. RPAs should ensure that any relevant documents or plans, and any applicable policies within these, are considered when developing their own plans, policies and strategies. This includes the WNMP and the marine plan(s) of any neighbouring marine area.
202. To ensure joined-up decision making and plan compatibility, RPAs should consider the potential for collaboration, whilst ensuring compliance with legal duties, to manage proposals that occur in cross-border areas and which require multiple consents including, for example, more than one marine licence from neighbouring authorities.
203. Where a decision is considered likely to affect a neighbouring marine plan area or affect, in any way, the functions for which another marine plan authority is responsible, all reasonable steps should be taken to encourage coherence of Plan policies. Any differences in approach should be with the intention of delivering intended outcomes and should be aware of, and look to avoid, unintended outcomes.
204. Authorisation decisions should also take account of other relevant statutory and non-statutory plans, projects, programmes, and national policies and guidance prepared by RPAs. Examples include, but are not restricted to, development plans in the land-use planning system, Area Statements, SMPs, RBMPs and Flood Risk Management Plans.

2.6 SCI – Using sound science responsibly

2.6.1 SCI_01 Risk-based decision making

Policy context and general guidance

205. The WMER presented the best currently available evidence of the state of the Welsh marine environment. Updates to this and supplementary evidence will be published by Welsh Government periodically. There is an ongoing requirement to develop the evidence base to more fully understand the state and resilience of marine ecosystems; such initiatives are *encouraged*.
206. The Wales Marine Planning Portal is updated regularly, and neighbouring planning jurisdictions also maintain public access evidence databases.

207. Welsh Government aims to address gaps in evidence through a variety of methods including the Marine Evidence Strategy, research and monitoring mechanisms and stakeholder projects. The sharing of data or signposting of databases between relevant authorities or jurisdictions is *encouraged*.
208. Evidence should be communicated in a clear and unambiguous manner for the target audience. The levels of confidence in the data being used and the assumptions associated with any interpretation of the data should also be clearly described. Poor, incomplete or uncertain data should be clearly identified and described as such. Expert judgement typically plays an important role in decision making and, when used, this should be clearly stated.
209. Opportunities should be taken to identify and address strategic evidence needs in line with the priorities of the WNMP to help de-risk future investment and consenting decisions. Reasonable steps should be taken to fill strategic evidence gaps to underpin decision making by planning authorities, regulators and sea users. Collaboration with partners from across the UK and internationally can maximise learning potential and avoid duplication of effort.

Advice for applicants and decision makers

210. Proposals should provide such evidence as is necessary to inform decisions pertaining to their proposal, making best use of existing good practice and best available evidence. In developing a proposal, evidence should be used from a full range of relevant sources to identify likely positive and adverse effects of the proposal, including cumulative effects. This evidence should be relevant, of appropriate quality and proportionate to the risk of the activity to be undertaken.
211. Decision makers, supported by the relevant consultee(s), should clearly and proactively communicate the nature of evidence needed and that would be adequate to inform a decision. Applicants are encouraged to engage early with relevant consultees.
212. The available evidence base will be a factor in determining the proportionality required, with less existing or available evidence, or lower quality evidence, equating to a higher level of uncertainty. Issues which are likely to be insignificant or not a relevant consideration to an authorisation decision should be scoped out of the process as soon as possible. Decision makers should also apply an appropriate level of precaution which should be proportionate to the environmental, or other, risk posed by the proposal. A precautionary approach is appropriate in cases where there is the threat of serious and/or irreversible damage to the environment and/or and in cases of high scientific uncertainty where evidence is lacking or inconclusive.
213. Where there is a lack of evidence and the impacts of an activity are unclear, decisions may still be made as part of a risk-based approach. A lack of evidence should not postpone action to protect the marine environment; neither should a lack of evidence unnecessarily impact upon social and economic objectives.
214. It is important that there is clear feedback from the process of identifying predicted effects to monitoring actual effects and that this evidence is made available to inform

and be applied in future decision making. Applicants are encouraged to make available marine evidence that is collected as part of a proposal and to consider voluntary monitoring proposals to support the future development of the sector. Proposals should clearly set out how they intend to share any evidence that has been collected to inform an application or that may be collected post authorisation.

215. In some cases, adaptive management may be used for the management of uncertainty in conjunction with thresholds of acceptable adverse effects and associated monitoring programmes. For adaptive management to be an appropriate option, feedback and management responses should be able to occur throughout a project. Applicants should be aware that reliance on this approach may result in the identification of management or operational restrictions being imposed on projects.

216. Where forms of adaptive management are being applied it is critical that:

- sufficient evidence is provided to support the application, utilising best available evidence and expert advice;
- monitoring is in place; and,
- learning from the process feeds back into future decisions.

217. Where the adaptive management objective includes managing adverse effects within acceptable limits, it is important that:

- early warning triggers are identified, if required, to prevent damage from exceeding acceptable levels;
- monitoring is in place to detect when these triggers are reached, if required; and,
- adaptive management measures are agreed in advance to prevent damage from exceeding acceptable levels.

3 Sector Supporting and Safeguarding Policies

218. In order to support the application of sector policy, guidance is also included, where appropriate, on the application of certain general policies. Inclusion of reference to a particular general policy does not imply this general policy is necessarily more relevant nor has priority over other WNMP policies. The IG for each general policy should be fully considered.

3.1 Sector Supporting Policies

The WNMP sector specific supporting policies operate alongside the general policies and set policy for the future development and use of the marine plan area by certain sectors.

219. In accordance with **Policy GEN_01**, there is a presumption in favour of sustainable development. In order to maximise the sustainability of the sectors and their contribution to Wales' well-being goals, most sectors considered in the WNMP include a "supporting policy" which encourages ongoing and/or new sector activity.
220. Sector supporting policy **a** is intended to give business security and confidence to operators who wish to:
- propose a new development or activity;
 - extend the duration or geographical scope of an existing activity; and/or
 - make informed decisions about Welsh Government's ambition for the marine plan area including opportunities for development, de-risking investment decisions and supporting the application process.
221. Under these policies, proposals will be supported where they contribute to WNMP objectives, comply with the WNMP general policies and sector safeguarding policies, and are in line with any other relevant considerations.
222. In considering the merits of a proposal, RPAs should balance the benefits against potential adverse impacts, taking into account all general policy considerations as set out in section 2 of this IG including:
- other sea users (**Policies SAF_01 and 02, and DEF_01**);
 - environmental considerations (**Policies ENV_01 - 07**);
 - the Welsh economy (**Policies ECON_01 and 02**); and,
 - social considerations (**Policies SOC_01 - 11**)

223. Sector supporting policy **b** includes *encouragement* for sector specific strategic planning and collaboration.¹⁴ Welsh Government recognises that sector development can be supported and enabled through capacity building, innovation and collaboration between stakeholders alongside focussed development of the evidence base. This policy, therefore, *encourages* sectors and RPAs to work in partnership to address key evidence gaps and to better understand opportunities for the sustainable development of the sector, including the identification and refinement of Strategic Resource Areas (SRAs).¹⁵

3.1.1 AGG_01: Aggregates

Policy context and general guidance

224. Aggregates sector policy applies to both the inshore and offshore regions of the marine plan area; however, no aggregate dredging currently takes place in the offshore region.

225. RPAs for this sector may include (but are not limited to):

- Welsh Government;
- NRW; and
- The Crown Estate.

226. The WNMP uses the following terms, which are defined¹⁶ as follows:

- ‘resource’: an estimate of the volume of aggregate that exists within an area based on specific geographical knowledge (see WNMP Resource Area Maps);
- ‘reserve’: the volume of licensed aggregate that is permitted to be extracted within the licence term; and
- ‘roll-over tonnage’: the un-dredged licensed tonnage allocation that has not been taken in one 12-month licensed period that may be removed in the following 12-month period, subject to the approval of the regulator and the mineral owner. Any application should indicate, assess and fully justify the requirement for limited tonnage of roll-over.

227. Relevant legislation includes the Marine Works (Environmental Impact Assessment (EIA)) Regulations 2017. Additionally, whilst the interim Marine Aggregates Dredging Policy (Wales) (2004) has been withdrawn by the WNMP, the evidence provided within it may be used to assist policy implementation.¹⁷

228. Aggregate dredging activity has the potential to expose or bring to the sea surface material of historic interest. Accordingly, the sector has developed codes of practice

¹⁴ This applies to the following sectors: Aggregates, Aquaculture, Low Carbon Energy (wind, wave, tidal stream and tidal range), Fisheries, Ports & Shipping, and Tourism & Recreation.

¹⁵ Where appropriate for a given sector and as set out in paragraphs 46-57 of the WNMP.

¹⁶ http://www.bmapa.org/documents/BMAPA_Glossary.pdf

¹⁷ <https://gov.wales/sites/default/files/publications/2018-11/interim-marine-aggregates-dredging-policy.pdf>

and reporting practices¹⁸ with archaeological interests¹⁹ including RCAHMW which applicants may find useful in the development of their proposal.

229. All marine aggregate extraction takes place under a marine licence and most extraction is subject to seabed rights being granted by The Crown Estate. The Crown Estate issues exploration and option agreements to enable operators to investigate and prove a commercial aggregate resource, and a production agreement once a marine licence has been issued.

Advice for applicants and decision makers

230. The sector should be guided, where appropriate, away from sensitive locations and further offshore whilst being mindful of practical constraints and potential environmental impacts.
231. Aggregate extraction activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from impacts on marine ecosystems (**Policy ENV_01**) to changes in water quality (**Policy ENV_06**) and risk of disturbing historic assets (**Policy SOC_05**). Sensitive locations would, therefore, include any locations which may be especially vulnerable to the impacts identified, with a particular consideration of sites designated for marine conservation purposes (**Policy ENV_02**).
232. When considering near shore proposals relative to further offshore aggregate supply, considerations should include weighting of:
- any benefits, for example, from reduced transport movement and commensurate reduced emissions;
 - practical considerations such as transport time to site, potential weather and tidal constraints; and
 - the significance of the activity on relevant features of the area including impacts on the coast and beaches, cultural heritage, seascape and environmental quality.
233. Under **Policy AGG_01a**, proposals should demonstrate compliance with any set tonnage limits.
234. Comprehensive baseline and pre-dredge surveys for impacts on fisheries, benthic ecology, archaeology and other seabed features will typically form an integral part of the EIA and consent process for aggregate activities. Other assessments such as coastal impact studies may also be a condition of application where appropriate. Where an assessment identifies potential adverse impacts, proposals should set out the measures they have included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.
235. Sector specific considerations for aggregate proposals may include:

¹⁸ <https://www.wessexarch.co.uk/our-work/marine-aggregate-industry-protocol-reporting-finds-archaeological-interest>

¹⁹ <http://www.bmapa.org/issues/archaeology.php>

- whether they can clearly demonstrate the need for the additional licensed resources with consideration of market demand and/or local development requirements;
- whether the application area is the minimum required to achieve the proposed tonnage to ensure that the associated area of seabed impacted is, as far as is practicable, minimised;
- whether they support the development of local aggregate reliant industries to bring jobs and support local economies and the wider well-being of coastal communities (see **Policies ECON_01** and **SOC_02**); and,
- assessment of the benefits and/or cost of using marine aggregates over land-based sources.

236. RPAs should accept that there is a clear need for further extraction of marine aggregate resources in Welsh waters, in order to ensure licensed reserves are maintained for routine construction uses for at least ten to fifteen years. Accordingly, RPAs should give appropriate weight in their decision making to the contribution a proposal will make to:

- the economy;
- meeting any targets for construction activity in Wales established through land-use plans including the NDF; and,
- any identified strategically significant infrastructure project supported by Government policy.

237. RPAs should ensure that any tonnage caps set by the WNMP or Cabinet Statements are adhered to and enforceable. Tonnage caps must be considered on the basis of permitted tonnage, unless other mechanisms for ensuring caps are not exceeded have been secured. In determining aggregate proposals RPAs should consider:

- any marine planning related tonnage caps, ensuring as far as possible that these are not exceeded; and,
- the extent to which any roll-over from the previous calendar year may be appropriate.

238. Aggregate resources further offshore could potentially support larger extraction licences. Depending upon location and environmental sensitivity, marine licences in these areas may be suitable for longer-term licence durations and/or may involve less onerous monitoring and reporting requirements. Such opportunities should be considered by applicants and RPAs where appropriate.

3.1.2 AQU_01: Aquaculture

Policy context and general guidance

239. Aquaculture sector policy applies to both the inshore and offshore regions of the marine plan area.

240. RPAs for this sector may include (but are not limited to):

- Welsh Ministers;

- The Crown Estate;
- NRW;
- Harbour Authorities; and
- Local Planning Authorities.

241. Relevant legislation includes the Wildlife and Countryside Act 1981, the Diseases of Fish (Control) Regulations 1994, the Aquatic Animal Health (England and Wales) Regulations 2009, the Alien and Locally Absent Species in Aquaculture (England & Wales) Regulations 2011 and the Marine Works (EIA) Regulations 2017.
242. The necessary permissions for aquaculture developments are varied and depend on type and location. Welsh Government Several Order (SO), marine licence, landowner (usually The Crown Estate) and/or harbour authority consents may be required, with additional land planning consent if aspects of the development are on land. Further consents (e.g. Aquaculture Production Business authorisation or approval for use of certain species under the Alien and Locally Absent Species in Aquaculture (England & Wales) Regulations 2011) may be required to operate or to discharge.
243. Applications for SOs will be subject to environmental appraisal where applications lie within or close to sites designated for marine conservation purposes. As a condition of granting any SO, Welsh Government may put in place conditions that reflect the outcome of the environmental assessment to ensure that it will not adversely affect the integrity of any European site or result in other unacceptable environmental implications such as the release and/or spread of INNS.

Advice for applicants and decision makers

244. The sector should be guided, where appropriate, away from sensitive locations and further offshore whilst being mindful of practical constraints and potential environmental impacts.
245. Aquaculture activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from visual impacts (**Policy SOC_07**) to changes in water quality (**Policy ENV_06**) and risk of introducing INNS (**Policy ENV_03**). Sensitive locations would, therefore, include any locations which may be especially vulnerable to the impacts identified, with a particular consideration of sites designated for marine conservation purposes (**Policy ENV_02**).
246. An environmental assessment may form part of a determination for a SO or a marine licence and will be necessary where a proposal is located in a potentially sensitive location and/or where applications lie within or close to a designated site. Where an assessment identifies potential adverse impacts, proposals should set out the measures they have included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.
247. Sector specific considerations for aquaculture proposals may include:

- making use of opportunities for coexistence or co-location with existing or planned fixed structures such as renewable energy developments, thereby optimising use of marine space (see **Policy ECON_02**);
- coordination with existing or planned activities to share vessel use and other facilities, (thereby reducing greenhouse gas emissions, reducing running costs and increasing the economic viability of the activity) (see **Policies ECON_01 and 02, SOC_10**);
- whether waters are of pre-existing good (e.g. Class B) water quality (under the Food Standards Agency shellfish bed classification) and significant investment from waste water treatment would not be required (see **Policy ENV_06**);
- if the proposal fits well with or enhances the local character of an area including heritage, landscapes and seascape (see **Policies SOC_05, 06 and 07**); and,
- supporting the development of local seafood industries to bring jobs and boost tourism to support local economies and the well-being of coastal communities (see **Policies ECON_01 and SOC_02**).

248. RPAs should be mindful of the sustainable growth potential for the aquaculture sector identified by the WNMP (in particular shellfish aquaculture) as well as Welsh Government's ambition to enable the sector to develop. Accordingly, RPAs should give appropriate weight in their decision making to the contribution a proposal will make to:

- well-being of local communities;
- the economy;
- the achievement of the sector objective to develop sustainable aquaculture in Welsh waters.

249. RPAs, including Welsh Government, The Crown Estate, NRW and the sector should collaborate as appropriate to ensure that future activity is supported in order to help meet the policy aim for sustainable sector development. The industry is encouraged to develop practical, realistic plans to expand activity in a sustainable manner.

250. RPAs should seek to support future prospects for sustainable aquaculture by encouraging, supporting and engaging in proposals which further support and enhance sustainable aquaculture activities which may include:

- grant support schemes for example to provide support for developing culture techniques;
- initiatives that improve coexistence potential or understanding for aquaculture activities;
- initiatives that support collaborative working e.g. with the Fisheries sector in collection of mussel seed and ocean ranching opportunity;
- initiatives that support appropriate aquaculture diversification, identification of new market outlets, products, and processing opportunities in Wales;
- initiatives that support sustainable aquaculture such as Marine Stewardship Council accreditation; and,

- initiatives that aid the identification of suitable aquaculture sites, identification of land owners and a simplification of the application process.

251. A range of indicative information is available on the Wales Marine Planning Portal and from industry and regulators to assist the identification of important areas and established aquaculture sites. Information on designated Shellfish Waters (designated under the WER) is available from NRW.
252. The characteristics required to support offshore finfish and algae cultivation facilities are less well defined than shellfish culture. Small scale aquaculture projects could potentially operate widely in Welsh inshore waters and may therefore be challenging to map with a high degree of confidence. There may be potential for seaweed aquaculture, which is worthy of further consideration and development of an appropriate evidence base to enable development of this sub-sector.
253. Under **Policy AQU_01b** for future aquaculture opportunities it may be appropriate to include consideration of species or technologies that can provide wider benefits such as deep-water finfish and algae production which could lead to large scale offshore production in the longer term.

3.1.3 D&D_01: Dredging and Disposal

Policy context and general guidance

254. Dredging and Disposal sector policy applies to both the inshore and offshore regions of the marine plan area; however, no dredging or disposal activity currently takes place in the offshore region.
255. This policy applies to capital or navigation (maintenance) dredging activities and the at-sea disposal of dredged material. This policy does not apply to aggregate dredging which is considered under the Aggregates sector and associated policies (see **Policy AGG_01**).
256. RPAs for this sector may include (but are not limited to):
- The Crown Estate;
 - NRW; and
 - Harbour Authorities.
257. The WNMP uses the following terms, which are defined as follows:
- ‘long-term access’: established disposal sites with a history of use for a period greater than 10 years.
 - ‘closed disposal site’: a site which has been identified as closed by the RPA or has not been used in the last 10 years.²⁰
258. Relevant legislation includes the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) 1992, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

²⁰ A disposal site becomes “disused” after being unused for a period of 5 years and would have to go through additional checks before being authorised for subsequent use.

(London Convention) 1972, the Waste (England and Wales) Regulation 2011, and the WER 2017.

259. Dredging activity has the potential to expose or bring to the sea surface material of historic interest. Accordingly, the sector has developed codes of archaeological practice (see Aggregates section) which applicants may find useful in the development of their proposal.
260. Disposal refers to all types of disposal operations, not just dredge sediment disposal. Disposals may require a marine licence and, subject to that, rights from The Crown Estate (to 12 nautical miles (nm)) which are issued when the marine licence is issued. Dredging usually requires a marine licence although exemptions may apply within Statutory Harbour Authority areas.

Advice for applicants and decision makers

261. In preparing dredging and disposal related proposals, developers should apply the waste hierarchy²¹ to minimise any waste to be disposed. Under this hierarchy, the beneficial use of dredged material and/or the retention of dredged material within the same sediment cell from where it originated should be considered prior to offsite disposal.
262. Disposal of material to sea must comply with the OSPAR and London Conventions, including the need to dispose at a designated disposal site and for sediment to be appropriately sampled.
263. Identification of new disposal sites are subject to a characterisation process which involves consideration of environmental characteristics and economic and operational feasibility. Proposals for new disposal sites should include an assessment of their potential environmental impact and should ensure that the deposition of material will not result in significant adverse impacts upon ecosystem resilience (see **Policy ENV_01**). Proposals for new disposal sites should also consider their potential impact on other sector activities and should ensure that the proposed disposal site will not significantly interfere with, or devalue, other legitimate users and uses of the marine environment (in line with the relevant safeguarding policies of the WNMP).
264. Proposals for the use of closed disposal sites should be the subject of a new application and should include any relevant assessments and the same considerations as detailed above for the identification of new disposal sites.
265. Dredging and disposal activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from impacts on marine ecosystems (**Policy ENV_01**) to changes in water quality (**Policy ENV_06**) and risk of disturbing historic assets (**Policy SOC_05**) or spreading INNS (**Policy ENV_03**). Where a proposal identifies potential adverse

²¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

impacts, it should set out the measures included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.

266. RPAs should be mindful of the critical importance of navigation dredging for the effective operation of the Ports and Shipping sector as well as the related role it plays in supporting and enabling other sectors such as fishing, tourism and recreation, and marine energy sectors. Accordingly, RPAs should give appropriate weight in their decision making to:
- the contribution a proposal will make to the achievement of the sector objective to maintain safe and effective navigational access and support future growth in port facilities; and
 - the economic impact and/or potential consequences on other sector activities or developments if authorisation is not granted.
267. RPAs will need to carefully consider any proposals for the disposal of non-dredged material into the marine area. New disposal activities should only be supported where the proposal can adequately demonstrate:
- no alternative option is available for use of the waste material; and
 - a suitable at-sea disposal site can be identified, and all relevant assessments have been undertaken in the identification of the site including a site characterisation study.
268. RPAs should give consideration to providing longer-term authorisations for maintenance dredging activities, ensuring long-term access, where an adequate evidence base can be provided by the applicant that sufficiently demonstrates the sustainability of ongoing operations.

3.1.4 ELC_01 to 04: Energy – Low Carbon

Policy context and general guidance

269. Energy - Low Carbon sector policy applies to both the inshore and offshore regions of the plan area.
270. RPAs for this sector may include (but not are not limited to):
- The Welsh Government;
 - The Crown Estate;
 - NRW; and
 - The UK Government.
271. In the context of the WNMP, “marine renewable energy” includes energy generated from wave, tidal stream, tidal range, offshore wind and other forms of low carbon energy.
272. Relevant legislation includes the Electricity Act 1989, the Transport and Works Act 1992, the Planning Act 2008, the Environment (Wales) Act 2016, and the Electricity (Offshore Generating Stations) (Wales) Regulation 2019.

273. Welsh Ministers have declared a climate emergency and Welsh Government has set statutory emission reduction targets (under Part 2 of the Environment (Wales) Act 2016). Welsh Government has also set targets for the generation of renewable energy including for Wales to generate 70% of its electricity consumption from renewable energy sources by 2030²².
274. New marine renewable generation capacity could be achieved through the deployment of demonstration and commercial scale technologies depending upon any particular sub-sector considerations.

Sub-sector considerations

The WNMP identifies **offshore wind** energy as a proven and strategically important technology with considerable scope for further large-scale development (including potential for floating structures offshore) and through **Policy ELC_01** new development is supported.

Wave and tidal technologies offer medium to longer term potential to support the achievement of low carbon energy targets, with the current focus for these sectors being on smaller scale demonstration. **Policies ELC_02** and **03** support the deployment of wave and tidal stream devices including in testing and demonstration zones.

The WNMP recognises that the **tidal range** resource offers substantial energy generation potential subject to the development of an understanding of the opportunity for the sustainable development of **tidal lagoon** technology including management of potential adverse environmental impacts. **Policy ELC_04** focusses on *encouraging* an evidence-based and stepwise approach to planning for the tidal lagoon sector. It will be important for any demonstration project(s) to maximise evidence gathering and show how knowledge gained from its deployment can inform future decision making.

275. All low carbon energy developments require a marine licence and are subject to seabed rights being granted by The Crown Estate if located in an area of seabed owned by The Crown Estate. NSIPs (projects >350MW) additionally require a DCO under the Planning Act 2008. Projects under the DCO threshold may also require consent under the Electricity Act 1989, the Electricity (Offshore Generating Stations) (Wales) Regulation 2019, and/or the Transport and Works Act 1992. For most potential low carbon energy developments, The Crown Estate issue an Agreement for Lease to allow for proposal-related site investigation which, if successful, can be converted to a Lease, subject to all necessary consents being obtained by the lessee. For wave and tidal developments at an early project phase, The Crown

²² Oral Statement on “Energy” delivered by the Cabinet Secretary for Environment and Rural Affairs to the National Assembly for Wales on 26 September 2017 (<http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4644&assembly=5&c=Record%20of%20Proceedings#C494225>)

Estate may instead initially grant rights for undertaking survey activity via a Seabed Survey Licence.

276. UK Government's overarching NPS for Energy Infrastructure (EN-1-6) and Renewable Energy (EN-3) provide the primary basis for decisions on applications for NSIPs under the Planning Act 2008 (such decisions must also have regard to the MPS and the WNMP in Wales). EN-3 covers offshore wind specifically (not wave, tidal stream or tidal range technologies). Applications for new NSIP development above 350MW will require a DCO as well as a marine licence in the inshore plan area. The DCO process will include deeming of a marine licence in the offshore plan area. In taking decisions under the Planning Act (2008) on NSIPs, the decision maker must have regard to the WNMP including the principles and objectives which are set out in the Introduction. Welsh Ministers would expect that in determining any proposal for NSIPs, project legacy for coastal communities will be an important consideration.

Advice for applicants and decision makers

277. In preparing marine renewable energy related proposals, applicants should consider the PPW Energy Hierarchy for Planning which aims to minimise the carbon impact resulting from energy generation.
278. Renewable and low carbon energy developments offer significant potential for local community involvement and securing community benefits. Welsh Government has specific targets for local ownership of renewable energy projects²³ and supports commercial developers working together with community-based organisations to take forward projects on a shared ownership basis. Welsh Government also support the principle of securing positive benefits for host communities where appropriate (see **Policy SOC_02**).
279. With regard to seascape impact (**Policy SOC_07**), the WNMP recognises the development of marine renewable energy infrastructure may result in changes to the seascape character of Wales and that these changes are an inevitable result of Welsh Government ambition for marine renewable energy. The extent of any seascape change would be dependent upon various factors, including the size of the development and its distance from the shoreline, and may be of particular relevance to the Tourism and Recreation sector. There is limited evidence to date of any actual adverse impacts to tourism and recreation as a result of such seascape changes due to marine renewable energy development and there may be opportunities for positive benefits to arise. However, the potential for such impacts is an important consideration and proposals, in particular those in close proximity to the shoreline, should demonstrate how they have considered, and addressed the requirement to avoid, minimise or mitigate, their impact upon the seascape.

²³ Oral Statement on "Energy" delivered by the Cabinet Secretary for Environment and Rural Affairs to the National Assembly for Wales on 26 September 2017 (<http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4644&assembly=5&c=Record%20of%20Proceedings#C494225>)

280. Marine renewable energy activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from impacts on marine ecosystems (**Policy ENV_01**), changes in water quality (**Policy ENV_06**) and the introduction of underwater noise (**Policy ENV_05**), to impacts on UK search and rescue capability and the safety of navigation (Ports and Shipping **Policy SAF_01b**). Where a proposal identifies potential adverse impacts, it should set out the measures included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.
281. Sector specific considerations for low carbon energy proposals may include:
- supporting the development of local industries to bring jobs and support local economies and the well-being of coastal communities (see **Policies ECON_01** and **SOC_02**);
 - making use of opportunities for coexistence or co-location with other sectors such as aquaculture, thereby optimising use of marine space (see **Policy ECON_02**);
 - supporting local community involvement and securing benefits for local coastal communities.
282. Tidal lagoon proposals offer particular potential for coexistence with certain other sector activities or developments. In line with **Policy ECON_02** proposals should set out what options for coexistence have been considered and how these have been assessed. Where an element of coexistence with other compatible sectors or activities is included, proposals should demonstrate the extent to which they will coexist and how this will be achieved.
283. Due to the anticipated size of future tidal lagoon proposals the consideration of far-reaching and/or cumulative effects are likely to be an important consideration in decision making (see **Policy GOV_01**). Proposals should also demonstrate consideration of cross-border impacts in neighbouring planning areas, where relevant (see **Policy GOV_02**) and have regard to the MPS and marine plan(s) for these areas where required.
284. Under **ELC Supporting Policies**, RPAs should accept that a strategic need for new sustainable marine renewable energy development is established and it is critical to support the development of new marine renewable energy in Wales wherever possible. RPAs should accordingly give significant weight to Welsh Government targets to increase renewable and low carbon energy generation including taking into account in any decision making the contribution a proposal will make to WNMP policies relevant to:
- meeting identified Welsh and UK targets and potential for renewable energy;
 - cutting greenhouse gas emissions;
 - meeting Welsh and UK climate change related targets;
 - local communities;
 - the economy; and

- the achievement of the sector objective to contribute significantly to the decarbonisation of our economy and prosperity by increasing the amount of marine renewable energy generated.

285. **Policy SCI_01** requires careful consideration of evidence needs in relation to novel technologies. This policy is likely to be particularly relevant with respect to smaller scale demonstration projects for new marine renewable technologies such as tidal stream and wave developments where uncertainties around adverse effects need to be carefully managed. RPAs should ensure, whilst applying a precautionary approach, that any requirement for the collection of new evidence at the consenting stage for small scale/lower risk marine renewables should be proportionate to the risk of the device, reflecting the likelihood of such evidence enabling conclusions to be drawn with sufficient confidence. Information should, therefore, only be requested at pre-application where it is clearly needed to make a decision and will have a meaningful influence on the decision outcome. The value of survey effort should be maximised and focussed on understanding key issues at an appropriate scale. Where appropriate, the focus of evidence gathering should shift from pre-application, baseline survey to post-consent monitoring as a proportionate and effective mechanism for managing risk and uncertainty.
286. An adaptive management approach (see **Policy SCI_01**) is likely to be an important option for progressing some types of marine renewable energy projects, including the use of carefully managed deployments with integrated monitoring and project phasing as adaptive management tools.
287. RPAs should coordinate activity in planning and consenting across land-sea boundaries wherever legally practicable as wider electricity cable considerations are important to ensure sufficient capacity and infrastructure to enable grid connection.
288. Each **ELC supporting policy b** *encourages* developers and RPAs to collaborate to better understand and identify future opportunities for new development. This includes policy *encouragement* for collaborative working across relevant organisations to develop and participate in opportunities to address key evidence gaps to better understand opportunities for sector development. The UK Government Offshore Energy Strategic Environmental Assessment, Offshore Renewables Joint Industries Partnership, The Crown Estate and Marine Energy Wales will have particular roles to play.
289. Each **ELC supporting policy b** also *encourages* RPAs and sector interests to collect and make evidence available, where appropriate, to support planning and decision making. This collaborative approach to sharing and maximising the value of evidence will be an important enabler for the sector and can facilitate proportionate and evidence-based decision making (in line with **Policy SCI_01**).

3.1.5 O&G_01 and 02: Energy – Oil and Gas

Policy context and general guidance

290. Oil and Gas sector policy applies to both the inshore and offshore regions of the plan area although particular policies have specific area application.

291. RPAs for this sector may include (but are not limited to):

- The Welsh Government; and
- The UK Government.

292. This IG uses the following terms, which are defined as follows:

- The term ‘internal waters’, as used in the WNMP, is defined as intertidal areas, estuaries and coastal inlet areas that fall within the Welsh onshore and internal waters petroleum licensing area;
- The term ‘at sea/seaward areas’ is defined as the offshore and inshore areas subject to UK Government National Policy for oil and gas (excludes Carbon Capture and Storage (CCS)).²⁴

293. Relevant legislation includes the Petroleum Act 1998, the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999 (as amended), the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended), the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended), the Energy Act 2008, the Energy Act 2016, the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014, the Infrastructure Act 2015, and the Wales Act 2017. A detailed list of environmental regulations and guidance on at sea/seaward oil and gas exploration and production is available on the OPRED website²⁵.

294. Welsh Government policy applies onshore and to internal waters and UK Government policy applies beyond these limits to seaward areas.

295. Welsh Government policy may be subject to amendment through Cabinet Statement and will be a relevant consideration for any decisions taken under the WNMP.

296. **Policy O&G_01a** applies UK Government policy to seaward areas and reflects UK policy for the continued role of fossil fuels in the transition to a low carbon energy mix and ensures that supplies of non-renewable energy resources are used as efficiently as possible.

297. **Policy O&G_01b** applies Welsh Government policy to internal waters. It recognises that the development and extraction of oil and gas onshore does not align with Welsh Government’s long-term vision of a low-carbon Wales.

298. **Policy O&G_02** applies to both the inshore and offshore regions of the marine plan area but has particular potential to be applied to the inshore region.

299. Welsh Government are the licensing authority onshore and for internal waters. The OGA issue seaward exploration licences which grant rights to explore, and seaward production licences which grant exclusive rights to explore and produce. The OGA hold regular offshore licensing rounds but licences can also be awarded out of

²⁴ While this term is not used in the WNMP, it is used in the IG to aid understanding of WNMP policy.

²⁵ <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation>

round. OPRED undertake environmental regulation in relation to oil and gas activities in seaward areas.²⁶

300. Strategic Environmental Assessment is undertaken to inform UK Government licensing rounds and an EIA is undertaken to support activity specific applications.
301. The Energy Act 2008 provides for a licensing regime (currently via the OGA) that allows Welsh Government to govern at sea capture and storage of carbon dioxide (CCS).²⁷
302. UK Government's overarching NPS for Energy Infrastructure (EN-1) and Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) provide the primary basis for decisions on applications for NSIPs under the Planning Act 2008 (such decisions must also have regard to the MPS and the WNMP in Wales).

Advice for applicants and decision makers

303. Applications for a licence to extract oil or gas will need to reflect the relevant policy which applies at sea or for internal waters and any developing policy on CCS. Proposals with land-based elements must also include consideration of land use planning policy.
304. Oil and gas activities may have a range of impacts which will need to be considered in any decisions taken. These range from impacts on marine ecosystems (**Policy ENV_01**), changes in water quality (**Policy ENV_06**) and the introduction of underwater noise (**Policy ENV_05**) to impacts on seascapes (**Policy SOC_07**) and the emission of greenhouse gases (**Policy SOC_10**). Where a proposal identifies potential adverse impacts, it should set out the measures included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP and established sector regulatory requirements. Appropriate mitigation measures and/or monitoring may be a condition of any approval.
305. RPAs will need to carefully consider any proposals for new oil and gas activity under **Policy O&G_01b**. Proposals should not be supported unless they can adequately demonstrate:
- the new activity is required to ensure the safe management of an abandoned mine; or
 - the new activity is required to support scientific research;
- And the proposal can provide robust and credible evidence to demonstrate:
- how they conform to the PPW Energy Hierarchy for Planning; and,
 - that they are compatible with Welsh Government's decarbonisation approach, including how they make a necessary contribution towards decarbonising the energy system.

²⁶ For relevant legislation and guidance for the seaward areas see OPRED <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation>

²⁷ This is currently under review.

306. RPAs should refer to the MPS and to any relevant guidance or Cabinet Statement that may from time to time be issued as well as having regard to whether any compensatory agreement has in principle been reached between respective sector interests.

3.1.6 FIS_01: Fisheries

Policy context and general guidance

307. Fisheries sector policy applies to both the inshore and offshore regions of the marine plan area, although most vessel fishing effort takes place within 6nm of the coast.

308. Recreational fishing activities also have a direct interest in and impact on the state of fish stocks and are considered under the tourism & recreation sector and associated policies (see **Policy T&R_01**).

309. RPAs for this sector may include (but are not limited to):

- Welsh Ministers;
- NRW; and
- Local Planning Authorities.

310. Relevant legislation includes the Wildlife and Countryside Act 1981, the MCAA, and the Conservation of Habitats and Species Regulations 2017.

311. Fishing activities are frequently not authorised but are managed or restricted through regulations and conditions.

Advice for applicants and decision makers

312. Fishing activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from changes in water quality (**Policy ENV_06**) and risk of disturbing historic assets (**Policy SOC_05**) to the introduction of underwater noise (**Policy ENV_05**) and impacts on fish species and habitats (**Policy ENV_07**). Where a proposal identifies potential adverse impacts, it should set out the measures included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.

313. Under **Policy FIS_01a**, proposals that support and enhance sustainable fishing activities, which should be supported, might include:

- grant support schemes to provide support for adapting to environmental and fishery management regimes;
- initiatives that improve coexistence of activities (**Policy ECON_02**) and that reduce the risk of *displacement*;
- the promotion of fishers in being custodians of the fisheries resources that they depend upon including the establishment of co-operatives and fishers' association(s);
- supporting appropriate fishery diversification to take under-utilised species (subject to Sustainability Appraisal);

- initiatives that obtain increased value of the catch and reduce costs and wastage, including encouraging processing in Wales;
- initiatives to identify domestic markets in the retail and hospitality sectors;
- initiatives to identify higher value, sustainable export markets;
- supporting sustainable fishing such as Marine Stewardship Council accreditation;
- establishment of a new sustainable fishery targeting new/novel species.

314. RPAs should positively consider opportunities to support the sector, in dialogue with sector representatives, to contribute to the Welsh Government objective to support and safeguard a sustainable, diversified and profitable fishing sector.
315. Policy **FIS_01b** *encourages* all relevant parties to invest (through various means) in developing a spatially specific evidence base of fishing intensity, by location, method and season or time.
316. Not all areas are frequently fished, and some locations have particular importance to the fishery sector. Whilst these locations and the times, seasons and circumstances are known to individual fishers, it is vitally important that they be made known to developers and decision makers if the needs of the fishing industry are to be adequately reflected in marine planning. Opportunities to improve understanding in this area are *encouraged*.
317. The increasing use of technology (e.g. Inshore Vessel Monitoring Systems) to record vessel fishing location, catches and gear deployed, provides particular potential to offer independent verification of areas of importance to the fishing industry and should be matched by improved recording of intertidal and where relevant, subtidal (hand) fishing effort.

3.1.7 P&S_01 and 02: Ports and Shipping

Policy context and general guidance

318. Port sector policy is not applicable to the offshore region of the marine plan area. Shipping sector policy applies to both the inshore and offshore regions of the plan area.
319. RPAs for this sector may include (but are not limited to):
- NRW;
 - The Crown Estate;
 - Harbour Authorities;
 - Local Planning Authorities;
 - MCA; and
 - The UK Government.
320. Relevant legislation includes the Harbour Act 1964, MARPOL, the Protection of Wrecks Act 1973, the Dangerous Vessels Act 1985, and the Merchant Shipping Act 1995.

321. Sector governance is varied depending upon the nature of the development and circumstances. Developments within ports may require a marine licence and/or lie within the powers of the Harbour Authority. Agreement from The Crown Estate may also be required and developments landward of the MLW boundary also require planning permission.
322. Most ports, harbours and marinas have significant landholdings and PPW and the NDF (when published) complement the policies in the WNMP, requiring planning authorities to plan positively to promote the use of ports through the protection or provision of access to them and by the retention or provision of appropriate facilities.
323. Shipping and navigation take place within designated routes under UK legislation and international legislation and agreements and/or to buoyage; however, shipping can also take place outside of designated routes.
324. Applications for new NSIP port developments will be examined using the criteria on national need, benefits and impacts as set out in relevant NPS. For port developments, this will include the relevant NPS for Ports, which sets out national policy against which proposals for major new port developments will be assessed and examined. In taking decisions under the Planning Act (2008) on NSIPs, the decision maker must have regard to the WNMP including the principles and objectives which are set out in the Introduction.

Advice for applicants and decision makers

325. Port development must be responsive to changing commercial demand including from the developing renewables industry and potentially the cruise market.
326. Sector specific considerations for ports and shipping proposals may include:
- supporting the development of offshore sources of renewable energy;
 - offering a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and *encourage* coastal shipping;
 - ensuring effective competition among ports and providing resilience in the national infrastructure;
 - promoting growth through improving networks and links for passengers and freight, as well as ensuring an efficient and competitive transport sector nationally and internationally;
 - creating a cleaner and greener transport system through improving the environmental performance of ports and associated developments, including transport, as well as to support infrastructure needed for green technologies;
 - strengthening the safety and security of transport;
 - facilitating short sea shipping activities as part of encouraging a modal shift from use of road to waterborne freight, to reduce carbon emissions and free up road and rail capacity; and,

- supporting the use of ports in Wales as cruise liner call ports, and *encouraging* the tourism aspect of its ports and marinas in line with ‘Welcome to Wales: Priorities for the visitor economy 2020-2025’.

327. Where a Statutory Harbour Authority has worked with stakeholders to produce a Port Master Plan or other formal Development Plan, the RPA should take this into account as a relevant consideration as an indication of support and need for the project at a local level. The Statutory Harbour Authority should, when making a proposal or when consulted on proposals, highlight any implications on the Port Master Plan or other formal Development Plan to the RPA or project proposer.

328. RPAs should be mindful of the sustainable growth potential for the Ports and Shipping sector identified by the WNMP, as well as the Welsh Government’s recognition of the sector as an area of priority for future development for Wales and a strategic priority for marine planning. Accordingly, RPAs should give appropriate weight in their decision making to the contribution a proposal will make to:

- the well-being of local communities;
- the economy, at both regional and local levels;
- delivering an increase in trade through Welsh ports, improving the strength of the freight network and encouraging tourism at ports and marinas (including cruise liner calls and disembarkation ports);
- supporting sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea; and,
- the achievement of the sector objective to safeguard established shipping routes and support SD in the Ports and Shipping sector.

329. RPAs should coordinate activity in planning and consenting across land-sea boundaries wherever practicable as wider terrestrial infrastructure and access considerations are essential to sector operations.

3.1.8 CAB_01: Subsea Cabling

Policy context and general guidance

330. Subsea Cabling sector policy applies to both the inshore and offshore regions of the marine plan area, although a focal point arises where cables meet landfall and associated coastal infrastructure.

331. RPAs for this sector may include (but are not limited to):

- NRW;
- The Crown Estate; and
- Local Planning Authorities.

332. Relevant legislation includes the Pipe-Lines Act 1962, the United Nations Convention on the Law of the Sea (UNCLOS) 1982, the Telecommunications Act 1984, the Electricity Act 1989, and the Marine Works (EIA) Regulations 2017.

333. Subsea cables may require a marine licence and will require seabed rights from The Crown Estate (within 12nm). Cable infrastructure on land will require planning permission.

Advice for applicants and decision makers

334. Subsea cabling activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from impacts on marine ecosystems (**Policy ENV_01**) to the introduction of underwater noise (**policy ENV_05**) and risk of disturbing historic assets (**Policy SOC_05**). Where a proposal identifies potential adverse impacts, it should set out the measures included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.
335. Subsea cable proposals offer particular potential for coexistence with certain other sector activities or developments. A collaborative and planned approach promotes coexistence and reduces risk. Flexibility in cable routing can often adequately address potential adverse interactions and applicants are *encouraged* to engage and coordinate with relevant sea-bed users. In line with **Policy ECON_02** proposals should set out what options for coexistence have been considered and how these have been assessed. Where an element of coexistence with other compatible sectors or activities is included, proposals should demonstrate the extent to which they will coexist and how this will be achieved.
336. Due to the trans-boundary nature of subsea cables, cross-border impacts are likely to be an important consideration in decision making (see **Policies GOV_01** and **02**). Proposals should demonstrate consideration of impacts in neighbouring planning areas, where relevant, and have regard to the MPS and marine plan(s) for these areas where required.
337. RPAs should accept that there is a clear need for further development of subsea cables in Welsh waters and that it is important to support electricity and telecommunications infrastructure. Accordingly, RPAs should give appropriate weight in their decision making to the contribution a proposal will make to WNMP policies related to:
- society and local communities;
 - the economy;
 - meeting Welsh and UK energy targets including those related to marine renewable energy;
 - the necessary growth of digital communications networks; and
 - the achievement of the sector objective to support the optimal distribution of electricity and better global communications.
338. RPAs should coordinate activity in planning and consenting across land-sea boundaries wherever legally practicable as wider terrestrial considerations are essential to ensure sufficient capacity and infrastructure to enable grid connection.

3.1.9 T&R_01: Tourism and Recreation

Policy context and general guidance

339. Tourism and Recreation sector policy applies to both the inshore and offshore regions of the plan area although most activity takes place in the inshore region, most often within 3nm of the coastline.
340. RPAs for this sector may include (but are not limited to):
- Welsh Ministers;
 - NRW; and
 - Local Planning Authorities.
341. Welsh Government has supported the development of local Tourism Destination Management Plans²⁸ which outline the development priorities for tourism destinations across Wales and these may be a relevant consideration in decision making by RPAs.
342. As tourism and recreation are frequently activities which take place under public rights and are largely managed (not authorised) then few consents are required. Infrastructure for associated activities at the coast land may require planning permission and/or a marine licence.

Advice for applicants and decision makers

343. Tourism and recreation activities, depending upon type and location, may have a range of impacts which will need to be considered in any decisions taken. These range from the introduction of underwater noise (**Policy ENV_05**) or marine litter (**Policy ENV_04**) to impacts on fish species and habitats (**Policy ENV_07**). Where a proposal identifies potential adverse impacts, it should set out the measures included to avoid, minimise or mitigate these impacts in line with the relevant policy of the WNMP. Appropriate mitigation measures and/or monitoring may be a condition of any approval.
344. Under **Policy T&R_01a**, proposals that demonstrate a positive contribution to tourism and recreation opportunities around the Welsh coast, which should be supported, might include:
- promoting access (footpaths, slipways, marinas, signposting, public transport, free or low-cost entry charges) (see also **Policy SOC_01**);
 - providing facilities (car parks, slipways, berthing, public toilets, facilities for people with disabilities, boat yards, chandleries, club infrastructure) (see also **Policy SOC_01**);
 - promoting awareness of an area or attraction's existence, value, vulnerability, protection and development (signage, tourist offices, electronic and paper information);

²⁸ <https://businesswales.gov.wales/tourism/working-together#guides-tabs--4>

- promoting the Welsh language and Welsh culture through tourism activities (provision of Welsh language signage, information, digital and educational resources) (see also **Policy SOC_04**);
- promoting stewardship (*encouraging* the public to take a proactive role in protection and/or conservation (reporting problems/disrepair, volunteering, removing litter, development of and compliance with codes of conduct));
- considering opportunities for coexistence and diversification to increase the range of activities available in a given area (see also **Policy ECON_02**); and
- environmentally responsible or eco-tourism initiatives.

345. RPAs should be mindful of the sustainable growth potential for the Tourism and Recreation sector identified by the WNMP (in particular the potential offered by the cruise market and higher value, year-round and all-weather opportunities) as well as the Welsh Government's ambition to enable the sector to develop. Accordingly, RPAs should give appropriate weight in their decision making to the contribution a proposal will make to:

- the economy;
- well-being of local communities; and
- the achievement of the sector objective to protect and promote access to the coast and improve the quality of the visitor experience in Wales.

346. RPAs should seek to support future prospects for sustainable tourism and recreation by *encouraging*, supporting and engaging in proposals which identify opportunities for the sustainable development of tourism and recreation activities and contribute to sector knowledge and the evidence base. This may include:

- identifying potential locations for tourism and recreation activities;
- understanding markets and constraints; and,
- understanding the direct and indirect economic impact of tourism and recreation activities and/or understanding where the sector has strategic importance.

347. **Policy T&R_01b** *encourages* all relevant parties to invest in developing a specific evidence base of recreational activity by location, type and season/time. Some locations have particular importance to the Tourism and Recreation sector because they offer very specific characteristics that an activity needs to be successful (for example deep water as an angling platform, sheltered locations as a leisure anchorage, steady winds for windsurfing, or favourable wave exposure as a surf break). Whilst these locations and the times, seasons and circumstances are known locally, it is important that they be made known to developers and decision makers if the needs of the sector are to be adequately reflected in marine planning. The small-scale nature of the Welsh tourism industry and dynamics of the marine natural environment makes this a challenging area and one which will continue to develop. Opportunities to improve understanding in this area are *encouraged*.

3.2 Sector Safeguarding Policies

348. In order to ensure that development is sustainable, each sector has one or more safeguarding policies to promote compatibility. Any proposed activity must take account of such safeguarding.
349. The safeguarding policy of the WNMP formalises common practice in decision making, ensuring all considerations are taken into account in a structured way, including the potential effects of any proposal on current activities and potential adverse impact on other sectors reliant upon a particular resource. In practice, new proposals often already consider the extent to which they relate to the future potential use for their own and other sectors. The WNMPs safeguarding policies therefore ensure that this occurs routinely and at an appropriate stage. Accordingly, safeguarding policies are not intended to be a burden upon those proposing projects but will ensure that they consider and present their proposal in the context of the current or future use prospects of other sectors for the area where they are proposing to operate.
350. Safeguarding policies are intended to give business security and confidence to operators who:
- are undertaking an established and/or authorised activity;
 - have submitted an application to undertake an activity;
 - have been allocated an area(s) for their development (e.g. exploration or option areas) and are in the process of undertaking research or site characterisation in order to refine their application for a licence within an area that is no more than is necessary to meet their sector needs; and/or
 - benefit from an established SRA for their sector identifying areas of strategic sector resource.

The WNMP safeguarding policies seek to protect, to an appropriate degree, current and in some cases future potential activity. A specific safeguarding policy (**DEF_01**) applies in relation to the Defence sector and other safeguarding policies (**SAF_01a** and **b**) apply in relation to all sectors other than defence.

Policy **SAF_01** safeguards existing activity. Under **SAF_01a**, proposals likely to have a *significant adverse impact(s)* upon an established activity covered **by a formal application or authorisation** must demonstrate how they will address any compatibility issues.

Under Policy **SAF_01b**, proposals likely to have a *significant adverse impact(s)* upon an established **activity not subject to a formal authorisation** must demonstrate how they will address any compatibility issues.

Policy **SAF_02** will be delivered through the future identification of SRAs for specific sectors as and when appropriate.

3.2.1 DEF_01: Defence

351. Defence sector policy applies to both the inshore and offshore regions of the plan area. All proposals with the potential to impact upon MOD activities should apply **Policy DEF_01**. This policy helps manage the potential adverse impacts of other sector activities on existing, planned and future potential activities of the Defence sector. It also helps ensure that new proposals from other sectors consider their potential individual and cumulative impacts on both marine and land-based MOD activities and avoid, minimise or mitigate interference; protecting both MOD interests as well as protecting marine users from dangers associated with MOD activities. Certain MOD range and Danger Areas are protected by bylaw which gives the MOD rights to deny access by persons and vessels as well as the deployment of structures.
352. The MOD would be a consultee for any proposed development in the marine area with the potential for conflict with defence interests and engages in the preparation of both terrestrial and marine development plans. Marine developments or activities may also affect some onshore defence facilities such as aerodromes, transmitter sites and explosive stores at coastal locations that have safeguarding zones extending over the marine area to regulate development that may otherwise affect their operational effectiveness. Applicants should notify the MOD at an early stage in the process should there be a potential impact on any MOD activities. **Planning permission, a marine licence or other relevant consent/permit will only be granted where the MOD is satisfied that the proposal will not cause unacceptable risk to defence and national security.** However, it may be possible to agree mitigation measures to overcome any identified adverse effects so that compatibility can be achieved, and the proposal can proceed.
353. Certain activities and fixed structures may be incompatible with defence activities, particularly within designated MOD Danger and Exercise Areas. However, mitigation measures may help address some of these issues under certain circumstances. All marine activities or proposed developments within MOD Danger or Exercise Areas will need to be approved by the MOD safeguarding team.
354. Energy developments proposed in proximity to MOD activities may face constraints depending on the nature of the devices and the specified use of the area. MOD activity may act as a particular constraint on the renewable energy and oil and gas industries in Danger and Exercise Areas.
355. Radar activity necessary for national defence can be affected by some installations such as wind turbines. All marine activities or proposed developments including any renewable energy installations within MOD practice and exercise areas, and any wind turbines 11 metres or more in height or with a rotor blade length of 2 metres or more, will also need to be approved by the MOD safeguarding team.
356. As military firing ranges are not in constant use, other activities may be permitted by the MOD where consistent with operational requirements. Temporal access may be allowed for fishing, carrying out a geological survey, shipping and recreational boating activity during periods where areas are not under active military use. The

fishing sector and the MOD have an agreed code of conduct which aims to resolve conflicts arising from their respective activities.

357. Activities involving the seabed, such as certain fishing practices, may be restricted in areas historically used as munitions dump sites. MOD establishments and munition disposal sites are clearly marked on Admiralty charts.

3.2.2 SAF_01: Safeguarding existing activity

358. **Policy SAF_01** applies to all sectors (other than defence which has its own dedicated safeguarding policy, **DEF_01**) and aims to safeguard existing activity, resource use and also promote coexistence. Safeguarding is facilitated by the *encouragement* of appropriate liaison arrangements between sectors.

359. **Policy SAF_01** recognises the importance of providing security for ongoing operations and investments. This policy seeks to ensure that existing activities are clearly and systematically taken into account, at an early stage, by any new proposal which has the potential to adversely impact upon them.

360. Proposals seeking to take place in areas to which **Policy SAF_01** applies should demonstrate compatibility with existing activities (through implementing the avoidance, minimisation, mitigation criteria). This may involve making temporal or spatial adaptations to avoid or minimise impact. For example, fishing and shipping activities may take place in aggregate extraction areas but short-term *displacement* of these activities may be required during periods of active aggregate extraction. If compatibility is not possible then proposals may make a *case to proceed* (if under **SAF_01b**) or demonstrate *exceptional circumstances* (if under **SAF_01a**).

361. In considering whether a proposal should proceed and weighing any potential adverse impacts against the benefits, decision makers should take into account:

- the impacts upon other marine users;
- the strategic importance of the proposal (that it aligns with WNMP policies and supports the Plan objectives);
- the extent to which the proposal meets Welsh Government or national policy and complies with other relevant information such as MPNs and/or Cabinet Statements.
- the extent the proposal, if accepted, would help that sector meet its own objectives;
- the extent to which the sector objectives and policy of the safeguarded activity would be adversely impacted; and,
- the extent to which a case for *exceptional circumstances* has been made.

Aggregates sector safeguarding

362. **Policy SAF_01a** recognises the importance of providing security for ongoing operations and protecting investments. It applies to all proposals with the potential to impact upon areas where:
- an exploration or option agreement for aggregate dredging has been offered or is in place;
 - a consent or authorisation for aggregate dredging has been granted or formally applied for; and,
 - an application for production rights for aggregate dredging has been granted or formally applied for.
363. **Policy SAF_01a** reflects the process to identify areas that are prospective for aggregates and offered by The Crown Estate for sea-bed exploration and subsequent refinement of the area for commercial viability (and the offer by The Crown Estate of a Production Agreement).
364. “Offered or is in place” in this context means offered or provisionally accepted by The Crown Estate or the landowner for a periodic licence to undertake further exploratory work. “Formally applied for” means the application being accepted by The Crown Estate or the landowner for a Production Agreement, or a marine licence application being duly made to NRW ready for advertisement for a marine licence. Once a marine licence is awarded, The Crown Estate will issue the applicant with a Production Agreement.
365. A broad Resource Area has been identified based on extensive British Geological Survey work showing the existence or likely existence of aggregate resource as shown on the sector map in the WNMP. No direct safeguarding policy applies for these areas because they are extensive and, in many cases, not likely to be developed during the term of the WNMP. However, in the longer term, some areas may be developed or used if a large capital or beach replenishment project arises coincident with that location or of nearby landing facilities. Welsh Government supports the further refinement of the aggregate Resource Area to support future decision making.
366. Whilst exploration areas may be extensive, the presence of vessels undertaking aggregate assessment and characterisation work will be temporary and largely non-intrusive which provides good opportunity to coexist with other users. *Exceptional circumstance* case applications are therefore most likely received from sectors putting in place permanent installations in (proposed) production (licensed) areas. Where such a case is made in respect of option or exploration areas then the potential of that area for future aggregate development will be an important consideration.
367. The aggregate industry has good potential to share space with other sectors provided there is flexibility in deciding the location and timing of extraction activities. In offering support for the aggregates industry, it is important to consider what implications this may have for other sectors. As part of the licensing procedure, new

proposals for aggregate dredging sites are obliged to minimise their impacts on existing or planned activities in other sectors.

368. Whilst certain sectors may be able to coexist with aggregate activity, e.g. fishing, shipping, and tourism and recreation, consideration must be given to collision risk (safety and risk of pollution) and cost implications of a proposal for other sectors. Liaison arrangements should be put in place with key sectors where necessary e.g. MOD, shipping and fishing. In particular, appropriate fisheries liaison arrangements should be established in order to facilitate communications and working practices (e.g. the appointment of a fishery liaison officer or contact). The industry has produced good practice guides in relation to navigation²⁹, the fishing industry³⁰, and cables³¹.
369. A number of sectors have the potential to adversely affect the aggregate sector, in particular those that establish fixed or permanent structures, such as cables and renewable energy, which are likely to restrict or prevent (i.e. sterilise) any future aggregate extraction. MOD activity in established areas may be incompatible with regular aggregate dredging activity, although spatial overlap between the two activities is currently low. There is also contamination risk associated with dredging operations, resulting from the re-suspension of sediment pollutants, which will have implications for sectors such as aquaculture.
370. Shipping plays an essential role in the transportation of aggregate material to ports and harbours where it is landed and stored for onward land transportation to final destination of use. Aggregate wharves need to be safeguarded to enable continued access to local markets and coastal planning and ports authorities should take account of the needs of the aggregate industry and ensure adequate provision for appropriate wharf facilities and associated infrastructure as close to areas of demand as practicable in accordance with the policy requirements of PPW. This consideration also relates the ports safeguarding policy.

Aquaculture sector safeguarding

371. **Policy SAF_01a** is intended to enable aquaculture to continue where authorisations are in place and being secured.
372. The policy recognises the importance of providing security for ongoing operations and protecting investments. It applies to all proposals with the potential to impact upon areas where:
- an application for a SO or production rights for aquaculture has been granted or formally applied for;

²⁹

https://bmapa.org/documents/Annex_II_Guide_to_Good_Practice_Dredging_Operations_140912.pdf

³⁰

https://www.bmapa.org/documents/Marine_Aggregate_Fisheries_Liaison_CoP_with_survey_notifications.pdf

³¹

https://www.bmapa.org/documents/Guideline_19_Marine_Aggregate_Extraction_Proximity_2.pdf

- a documented formal agreement is in place between the sea-bed owner and an aquaculture operator; and,
- an Aquaculture Production Business registration is in place or has been applied for.

373. **Policy SAF_01a** applies where a formal agreement has been entered into or awarded for a marine licence and/or a SO (for shellfish) or with the sea-bed owner (usually The Crown Estate). For processes requiring formal advertisement, the policy takes effect once public advertisement has commenced. The receipt of, or application for, an Aquaculture Production Business registration and the existence of other licences or consents will confirm the status of the aquaculture business for the purposes of this policy.
374. “Formally applied for” means an application made to Welsh Ministers for a SO and advertised, or rights to the seabed have been granted. At this stage, the boundaries of the area applied for should be well-defined and, pending the outcome of responses to any formal advertisement, remain relatively fixed.
375. Aquaculture operations, depending upon type, require a range of onshore and at-sea facilities and accordingly will interact with a variety of other marine users in a range of ways. The extent to which aquaculture activities impact or will be impacted by other users will depend upon, for example, the footprint of each activity, the species farmed and whether the activity is surface, or seabed located.
376. Whilst aquaculture activity needs are very site specific, there may be some flexibility to determine their location, particularly for smaller enterprises, and with appropriate planning both extensive and intensive aquaculture operations can often coexist well with other sectors.
377. Good water quality, and for finfish “quiet space”, is particularly important for successful aquaculture activity. Adverse impacts from other sectors can occur. Potential impacts include disturbance caused by aggregate extraction, navigation dredging, discharges to sea, sea disposal of wastes and a reduction in water quality for shellfish production. Such activities can adversely affect aquaculture operations and should form part of any consideration for new activities.
378. Conflicts with tourism and recreational activity can occur, particularly in relation to surface and intertidal activities, including local changes to water quality, disruption to navigation and access and impacts on seascape. In practice, aquaculture activities tend to be located in less accessible areas which are, therefore, less used for recreation and can make a positive contribution to sense of place and character of an area.
379. In line with the approach to positive planning for blue growth, coexistence opportunities should be a consideration for future aquaculture development and a number of opportunities may exist particularly in relation to the co-location of aquaculture with marine renewable energy infrastructure (e.g. tidal lagoons or at sea wind infrastructure). However, in the main, prospective areas of tidal stream and wave energy are not a suitable physical environment for aquaculture. Applicants are

encouraged to engage with port authorities where they see aquaculture potential within port areas. Likewise, port authorities should consider such use in the context of their remit, their development plans and the context of the WNMP generally.

380. The presence of existing aquaculture operations does not necessarily prevent the consenting of new activities where the new activity can demonstrate compatibility. To do so, new proposals should include an assessment of the potential adverse impacts on the aquaculture operation and its dependencies. Adverse impacts may include, for example, changes to water quality or temperature leading to reduced productivity or product quality; physical disturbance, light or noise; impacts upon business continuity or infrastructure; an increase in disease; or physical obstructions leading to increased cost, time or effort e.g. to access the site or harvest.
381. In some cases, there might be scope to relocate established aquaculture although it is acknowledged that this will incur costs. RPAs, in considering a proposal which may *displace* or interrupt the activities of an aquaculture development, should take into account the extent of adverse impact (including business interruption), and the opportunities and costs of relocating the operation (and whether any agreement has been reached between respective parties). Any new activities that will require an existing aquaculture development to relocate should provide evidence to support an assessment of suitable alternative locations and the net costs and implications for the objectives of the Plan of re-establishing or of terminating the business.

Dredging and Disposal sector safeguarding

382. **Policy SAF_01a** applies to all proposals (including new Dredging and Disposal sector proposals) with the potential to impact on existing or planned dredging and disposal activities in:
- areas where a consent or authorisation for: navigation (maintenance) dredging; or at-sea disposal of dredged material has been granted or formally applied for; and,
 - areas undergoing investigation or survey work for capital dredging or disposal site characterisation.
383. “Formally applied for” means when a marine licence application has been accepted as ‘duly made’ by NRW or the MMO or when permission by a Statutory Harbour Authority has been granted.
384. Policies safeguard the sector by ensuring that, wherever possible, proposals do not have adverse impacts upon dredging and disposal activities or adverse impacts are effectively minimised or mitigated. It recognises the work and investment required to identify appropriate sites and apply for a licence which can be costly and time consuming for developers, particularly where alternative options may be limited.
385. In practical terms other sectors have a very limited impact upon the Dredging and Disposal sector. Dredging operations occupy a limited space, are necessary and are pre-planned in liaison with other sea users and following statutory e.g. environmental assessment processes. Impacts may be addressed by temporal restrictions on access for the duration of the dredging or disposal campaign. In terms of day-to-day activities, undertaking periodic maintenance, dredging and disposal operations have

a very limited impact upon most other sectors because it is an occasional activity of limited duration.

386. Respective licensing processes will consider potential sector impacts, for example, of navigation dredging upon aggregate dredging (where the quality of the resource may become reduced by contamination from dredge spoil) or may impact cables or pipelines. Capital dredging works can be more intensive depending on the nature of the related development and may therefore result in greater sector interactions. Disposal sites have the potential to interact with a range of sectors, but this is relatively restricted given the typically small footprint and number of disposal sites active in Welsh waters.

Energy – Low Carbon sector safeguarding

387. These safeguarding policies help manage the potential adverse impacts of other sector activities on existing, planned and future potential activities of the low carbon sector, including wind, wave, tidal stream and tidal range infrastructure, inter-array and export cables, safety zones and any materials placed on the seabed associated with low carbon energy generation.

388. **Policy SAF_01a** recognises the importance of providing security for ongoing operations and protecting investments. It applies to all proposals (including new Energy - Low Carbon sector proposals) with the potential to impact upon areas where:

- an agreement for lease for low carbon energy production has been offered or is in place; or,
- a consent or authorisation for low carbon energy production has been granted or formally applied for.

389. The policy therefore includes areas where agreements for lease are in place or in areas offered for lease and include those for:

- marine renewable energy projects in the wave and tidal stream test and demonstration zones which UK Government, The Crown Estate, NRW and/or Welsh Government have identified as strategically important;
- commercial scale tidal stream or wave energy projects;
- commercial scale wind farms or tidal range planned activity; and,
- infrastructure associated with any of the above.

390. **SAF_01a** reflects the process to identify areas that are prospective for low carbon energy production and offered by The Crown Estate under an Agreement for Lease covering survey activities that interact with the seabed and subsequent refinement of the area for commercial viability (and any future offer of a lease by The Crown Estate).

391. “Formally applied for” means the application being accepted by The Crown Estate or the landowner, or duly made to the RPA ready for advertisement for a marine licence, DCO, or other relevant permission.

392. Under **Policy SAF_01a** proposals that overlap with consented or authorised areas will need to demonstrate that they can safely coexist with the generation of low carbon energy unless, unusually, they would be making a *case to proceed* under *exceptional circumstances*. This helps to identify parties with interest in utilising/developing the same areas and facilitates a dialogue between them and the RPA at the earliest opportunity to identify constraints and opportunities for coexistence.

Any presented case for *exceptional circumstances* will need to consider as a relevant consideration:

- UK Government's overarching NPS for Energy (EN-1) and Renewable Energy (EN-3) and any other relevant NPS or Government policy; and,
- that this sector is a priority area of the WNMP and that decision makers will be taking into account the extent to which the Energy - Low Carbon sector objectives are being met or may be compromised by a proposal.

393. The nature of interaction of the marine low-carbon energy industry with other sea users depends on the device type, size, location and the characteristics of other marine activities.

394. Whilst exploration areas may be extensive, the presence of vessels undertaking assessment and characterisation work will only be temporary and largely non-intrusive therefore providing good opportunity for coexistence. *Exceptional circumstance* case applications would therefore be most likely to be received from industries putting in place permanent structures, and by application to consent other development that adversely affect low carbon energy areas. Where such a case is made in respect of option or exploration areas then the potential of that area for future energy development will be an important consideration.

Energy – Oil & Gas sector safeguarding

395. **Policy SAF_01a** applies to all proposals (including new Oil and Gas sector proposals) with the potential to impact upon areas where licences have been awarded or where oil and gas developments have been approved or applied for.

396. **SAF_01a** applies to proposals with the potential to impact blocks covered by seaward production licences and ensures that any new proposals within such areas are compatible with the Oil and Gas sector. Dialogue between the respective sea users and, where relevant, the appropriate RPA, is *encouraged* in order to maximise opportunities for coexistence.

397. **SAF_01a** also applies to the area covered by a production consent or extant or proposed infrastructure including well heads, manifolds, terminals and platforms, pipelines (including export routes), cables, and any statutory exclusion zone around fixed installations.

398. The term “formal application” will take effect when the OGA has received an application or awarded a seaward production licence for a specific block(s) or

received a Field Development Plan which defines an area for the proposed field development including the location of any infrastructure.

399. Oil and gas activities are currently limited and mainly located some distance offshore in Welsh waters. The location and small footprint of exploration and production infrastructure and the limited duration of certain activities (e.g. any exploration activities including site specific seismic surveys and drilling operations or construction operations) mean that interactions with other sea users are often limited and other activities may, therefore, continue in proximity outside of any relevant safety zone. However, safety zones are not required in relation to seismic survey vessels and there is the potential for interaction with fishing operations. Liaison between the survey contractors and fishing organisation is, therefore, essential.
400. Proposals that overlap with areas where the OGA has awarded a seaward production licence or where oil and gas developments have been approved or applied for will need to demonstrate that they can safely coexist with the extraction of oil and gas³² unless they intend to make a *case to proceed under exceptional circumstances*.
401. *Exceptional circumstances* case applications would therefore be most likely to be received from industries putting in place fixed installations. In view of the offshore location of oil and gas in Welsh waters, few other users, good opportunities to alternatively site conflicting infrastructure and the UK national importance of oil and gas; then few *exceptional circumstances* case applications are likely to be made. Where such a case is made the prospective potential of that area for oil or gas development, likely commercial take-up and the specific site needs for both industries will be important considerations.
402. Any proposal will need to consider the importance of the area in meeting the Oil and Gas sector objectives and the extent to which that requirement may be adversely impacted if the proposal is accepted. The national strategic importance of oil and gas and UK Government's objective to maximise the economic recovery of oil and gas resources should also be considered.
403. Where another user of the seabed has a lease agreed for a co-located activity e.g. for a wind farm there may be a requirement for negotiation between parties involved (see UK Government Guidance, 2014³³). Marine energy NSIPs could have extensive implications for the natural resources and activities that occur in the plan area. In taking decisions on NSIPs, the RPA must have regard to the WNMP.
404. As part of the project application process the OGA and OPRED will ensure that developers consult with other sea users to consider interactions and seek to avoid, minimise or mitigate their effects. As a consequence, surface oil and gas infrastructure will normally be located outside of established shipping and MOD

³² <https://www.ogauthority.co.uk/licensing-consents/licensing-rounds/>

³³

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/318704/Crown_Estate_Lease_Independent_Valuer_Guidance.pdf

areas. Relevant bodies will be advised of seabed and surface infrastructure as part of the consent to locate process which is regulated by OPRED and requires identified hazards caused by the infrastructure to be notified to other sea users via the UK Hydrographic Office (UKHO), the MCA and Seafish services.

Fisheries sector safeguarding

405. Fishing is an activity which generally (although not always) takes place without a marine licence. Most often, fishing activity is restricted through the establishment of conditions set to manage and conserve (shell)fish species and/or the marine environment on which they depend.
406. **Policy SAF_01b** applies to all proposals (including new Fisheries sector proposals) with the potential to impact upon or *displace* established fisheries activities.
407. Fisheries operations, depending upon type, will interact with a variety of other marine users in a range of ways. Interactions between established fisheries interests and other sectors can be extensive due to the widespread nature of fishing and its specific dependence upon habitat or fish aggregation areas. In particular, energy generation, aggregate extraction, capital and navigation dredging, disposal, oil and gas survey and extraction, MOD firing ranges, shipping and navigation routes, cables, pipelines, platforms or other underlying structures all interact and may disrupt or prevent fishing activities. Decisions on each of these activities will need to consider **Policy SAF_01b** in the context of the Plan as a whole.
408. Proposals for new development by other sectors may result in *displacement* from fishing grounds, changes to the distribution of the resource, or potential impacts upon spawning, nursery, migration and feeding grounds that support fish stocks. Aside from *displacement*, potential impacts upon fishing activities may arise from fixed installations which represent a navigation risk or could involve the snagging of towed fishing gears resulting in potentially expensive damage and with safety implications. Opportunities for coexistence of fixed infrastructure with fishing may be possible.
409. Given its widespread and mobile nature, fishing activity can impact upon other sectors. These matters are best addressed through voluntary means and effective liaison between respective parties although, on occasion, it may be necessary to introduce statutory controls, e.g. restricting fishing in designated navigation channels or statutory safety zones around oil and gas related structures.
410. The coexistence of activities, including fishing, is *encouraged* in the WNMP (see **Policy ECON_02**). Often, activities can coexist through effective liaison and practical management measures, for example fishing in MOD areas or in areas being surveyed (e.g. aggregates or oil and gas) which can be conducted at mutually convenient times. Not all areas are of equal fishery value, and not all fishing takes place year-round; this variety and variability provides good opportunity for coexistence.
411. Under **Policy SAF_01b**, proposals should take into account the nature, intensity and value of established fishing activity in the proposed development area and the

implications of any likely *displacement* of fishing activity, with an emphasis on commercially important activities and the permanence of any effects.

412. Commercially important activities should be interpreted broadly due to the variability of stocks and their commercial availability (e.g. through quotas or other temporary fishery management restrictions). Consideration should focus on the more important finfish species by weight or value, and all shellfish species which are of actual commercial value above nominal amounts (examples of species of lesser economic importance include flounder, dab, most gurnard species, poor cod and dragonet which can be numerically abundant in scientific trawl surveys inshore but commercially less significant).
413. The characteristics of the fishing industry, particularly of smaller vessels and shore locations, make it extremely vulnerable to disruption from other maritime activities.
414. Unlike larger, more nomadic vessels with mobile gears, Welsh inshore vessels cannot easily relocate to other areas where, in any case, the available space and catch opportunity is likely to be limited. If decisions by RPAs were to require (result in) *displacement*, resulting in the permanent relocation of fishing vessels to other areas, such relocation is unlikely to be a viable option for individual fishers. Any disruption to fishing activity, even temporary, may impact upon the financial viability of small, location-based businesses. *Displacement* may also increase pressure on any alternative grounds into which fishing efforts may be concentrated, resulting in a greater impact on stocks or increased damage to the ecosystem. The WNMP therefore makes provision for the particular sensitivities of the Welsh commercial fishing sector to *displacement*, especially the risk of permanent *displacement*, to be taken into account.
415. Engagement with other plan regions in relation to *displacement* of fishing effort may be necessary to ensure an understanding of potential impacts. In particular, decision makers must take account of the often cumulative or interacting effects of:
- weather (windows of opportunity can be small, requiring that operators work with maximum flexibility);
 - strong tidal flows (at certain locations and on each spring tide period twice a month);
 - other sector activities either through their direct operations or their fixed infrastructure;
 - MOD firing range restriction areas, which are extensive in Wales;
 - MPAs;
 - fishery management restrictions (e.g. area or temporal closures / restrictions to aid stock management or recovery); and,
 - other competing fishing activities such as the presence of static gear (pots or nets) which prevents the operation of mobile gear (trawls or dredges).
416. Where a certain activity such as fishing has taken place in an area for a long time, it can become a strong feature of that community's identity and sense of place and be

of considerable significance. Strong identity and sense of place make these areas distinctive and attractive to visit, live, work and do business in, stimulating economic activity. Any *displacement* may therefore have a greater adverse impact than may be initially evident and should be considered by RPAs.

417. When considering *displacement* under **SAF_01b** RPAs should also have regard to:

- whether potential *displacement* impacts from new proposals are permanent or temporary;
- the potential economic impact (e.g. increased fuel costs or time at sea, loss of income or reduced viability of vessels);
- whether it is practically possible for existing vessels to relocate;
- *displacement* effects on other fish stocks and ecosystem resilience;
- likely impacts on land-based elements dependent upon commercial fishing activities; and,
- the likely impact on local communities (including social and economic impacts).

418. When a proposal has the potential to impact on commercial fishing or supporting areas, the proposer is strongly *encouraged* to engage with relevant fisheries stakeholders at the earliest stages of concept, planning and design. Relevant stakeholders may include fishery managers, local fishers, RPAs and fish producer organisations.

419. RPAs should ensure a proposal demonstrates that any potential impacts have been considered and measures are included to avoid, minimise or mitigate such impacts as appropriate. If it is not possible to avoid, minimise or mitigate the adverse impacts the proposer should make a *clear and convincing case for proceeding* by setting out how the public benefit of the proposal clearly outweighs adverse impacts. There will be occasions when proposals will have a temporary impact upon fishing activities.

Ports and Shipping sector safeguarding

420. **SAF_01a** applies where a consent or authorisation for a marine licence or to a Local Authority for planning permission has been granted or formally applied for, usually by a Harbour Authority in connection with an activity that it is directly responsible for (or indirectly responsible for in the case of navigation dredging for example).

421. Proposals for marine activities and development should consider their potential impacts on vessel, port, harbour and marina infrastructure and operations. This includes the extent to which the proposed activity may interfere with existing or planned shipping routes, development of or access to ports and harbours and navigational safety, whether interference is likely and if alternatives can be identified and where there are no reasonable alternatives and the effectiveness of any minimisation or mitigation measures. Any works that could impact on, or be considered a danger to, navigation should be advised to Trinity House (and the MCA if outside of Statutory Harbour Area limits) in order to determine if any marking is required.

422. Activity of other sectors might impact on port and shipping operations; obstructions can lead to increased voyage distance and time resulting in financial and related environmental costs (e.g. emission increases) and safety concerns, particularly for passenger vessels. Potential risks include increased collision or *displacement* of vessels from safe anchorages, the implications of which may be severe and, therefore, should be avoided. Port authorities exercise vessel controls in order to manage safety and environmental risks and interactions within their jurisdiction.
423. The most significant potential interactions for commercial shipping in transit is with fisheries, aggregates, certain tourism and recreation activity (particularly nearshore) or with oil and gas and renewable energy infrastructure. Various regulatory controls and guidance are applied to the Shipping sector to safely manage these interactions including the International Convention for the Safety of Life at Sea 1974.³⁴ Interactions with many sectors are low impact and good coexistence opportunities often exist, e.g. shipping and submerged tidal stream technologies may coexist if sufficient under-keel clearance is provided.
424. Surface based aquaculture may interfere with vessel based fishing and safe navigation and therefore cannot be approved in key navigation routes or restricted locations. However, navigation can safely traverse bottom culture areas with sufficient under keel clearance, and any conflicts which arise, e.g. from vessel harvesting operations, can usually be accommodated.
425. Operation of ports, harbours and marinas is enabled through the creation and maintenance of channels, berths and docks which may require periodic dredging which often takes place within prescribed port boundaries (see Dredging and Disposal safeguarding section). As the proportion of large vessels increases so might the dredging need. Ports and Shipping related decisions may also need to consider any related decisions on dredging and disposal, without positive approval of which, the development could not go ahead.
426. **Policy SAF_01b** applies to all proposals (including new Ports and Shipping sector proposals) with the potential to impact upon established commercial navigation routes, pilot boarding areas and commercial anchorages outside of existing port, harbour and marina boundaries.
427. Proposals should consider the intensity of shipping activity in the area of interest; the type(s) of vessel, their ability to manoeuvre and the risks associated with cargo types; the disruption to shipping activity; and whether impacts are permanent or temporary. Increased journey length increases fuel costs and emissions and might also affect frequency of journey required. This in turn might be detrimental to the economic success of some freight types or significantly influence the ports used. Proposals will also need to consider the general policies in particular the effects of shipping on emissions and noise. *Displacement* of shipping should be avoided where possible and its significance considered under **SAF_01b**.

³⁴ For example, the International Maritime Organisation Collision Regulations, Marine Guidance Notes issued by the MCA, and Notices to Mariners issued by Trinity House.

428. Potential risks to navigation and navigational safety include interference with the use of International Maritime Organisation (IMO) routing measures, the functioning of maintained channels or areas of intensive shipping activity (including maintaining sufficient under-keel clearance), and the operation of aids to navigation. Proposals should consider their impacts on defined approach channels and commercial anchorages which are integral to logistical port operations and safe refuge of ships, as well as areas used by shipping more generally. Proposals should not be authorised where use of IMO routing measures might be compromised.
429. Consideration should be given to static under-sea or sea surface infrastructure that may significantly interfere with or reduce under-keel clearance in identified navigation routes. When a proposal has the potential to impact on navigational safety the proposer should submit a Navigation Risk Assessment in line with best practice demonstrating that potential safety impacts have been considered and measures included to avoid, minimise or mitigate them. In assessing proposals that have the potential to impact on navigational safety, RPAs should consult with the relevant authorities, such as the MCA, Trinity House and Statutory Harbour Authorities.
430. Under **Policy SAF_01b** proposals that overlap with commercial navigation and shipping areas will need to demonstrate that they can safely coexist unless they *make a case to proceed* and clearly demonstrate that the public benefit of the proposal outweighs the adverse impacts in the context of contributing across Wales' well-being goals. RPAs should only issue consent if they are satisfied that the proposal will not adversely impact on navigational safety or have an unacceptable impact on shipping activities and freedom of navigation and are in compliance with national and international maritime law. Given the significant contribution that shipping and Welsh ports make to the economy, safety and legal considerations, such cases will be unusual and will need to be carefully considered.

Subsea Cabling sector safeguarding

431. Physical interactions involving force can both damage subsea cables, causing economic loss to the operators of both activities, and cause risk to human safety. Damage to cables is expensive and time consuming to repair and can cause significant disruption to power and telecommunication distribution. It is, therefore, vitally important that established cable infrastructure is adequately safeguarded.
432. Project developers and operators should work closely with other sectors and marine users to implement compatibility with other marine activities and to take actions to minimise the risks of any accidental or deliberate interference to supplies. As indicated above, therefore, processes to maximise coexistence and compatibility and to minimise the chances of adverse interactions with other sectors are ingrained within cable industry working practices and are backed up by the consent application process.
433. **Policy SAF_01a** applies to all relevant (i.e. non-international or non-exempt under MCAA) proposals (including new Subsea Cabling sector proposals) with the potential to impact upon existing and planned subsea cables and cable landfall sites where a

consent, authorisation or lease has been granted or formally applied for. It applies to cable landfall sites and cable routes within the inshore and offshore regions of the plan area (including those that pass through the plan area but make landfall in neighbouring marine plan areas).

434. “Formally applied for” means, for those cables that require a consent, when a marine licence application has been accepted as ‘duly made’ by NRW or the MMO.
435. This policy recognises the importance of protecting subsea cables, their landfall sites, and the associated land-based infrastructure which will be the subject of Local Authority planning permission.
436. Cables are fixed installations and once laid on or buried under the seabed may interact with other activities that make contact with the seabed. Such cabling is usually either covered or buried in order both to protect the cables themselves and to reduce the risk of adverse interaction with other sea users. Where burial is not achievable or desirable, alternative protection measures may be appropriate (in line with regulatory requirements and industry good practice).
437. Compatibility measures taken by the cable industry are largely sector specific and will be proportionate, cost effective and aligned to risk. Avoidance measures include siting cable routes to reduce sector interaction. Minimisation actions might include collective siting, promulgation of cable route information and identification of activities and risks or encouraging sector dialogue in the planning of laying or maintenance operations. Mitigation measures include cable burial or protection.
438. Main sector interactions are with:
- Fishing activity: the main effects of cable laying on commercial fishing activity are associated with the need for bottom contact fishing methods to avoid installed cables which may result in restrictions on access to fishing grounds or a need to adjust fishing practices to avoid snagging cables. This can lead to reduced returns and/or increased costs for the fishing industry. The risk is small in Wales where the majority of the fishing fleet are small vessels which do not use dredges or other towed fishing gears. However, larger vessels using towed gears operate beyond 6nm (especially for scallop) in areas where cables are known to be present.
 - Aggregate dredging: current activity is not coincident with cable corridors, although this may change in future if aggregate areas further offshore in the Bristol Channel are accessed as indicated in the WNMP. Future aggregates licensing decisions will need to take account of existing cable locations.
 - Offshore oil and gas activity has to date focused on areas off the Mid Wales and North Wales coasts, where cabling is known to exist. Future oil and gas licensing decisions will need to take account of cable locations and any buffer zones. This is also the case with other pipeline activities such as waste water pipes which are mainly inshore.

- Vessel anchoring poses a significant risk of damage to cable installations and should be considered in cable routing and burial assessments for proposed cables projects.

439. Proposals for cable laying should seek to avoid areas that are important to other sectors, e.g. deep-water or dredged shipping channels (in order to allow for maintenance dredging), spatially restricted, important bottom fishing areas (for example where slight variations in fishing access could have a major impact on the viability of fishing the area as a whole) and areas of importance and good potential for marine aggregates. Early consideration should be given to the safeguarding policies for the other sectors covered by the WNMP.
440. Cable laying and maintenance operations may have a short-term impact on navigation activities (i.e. *displacement*/increased collision risk). It is considered that this risk is of a temporary nature and can be mitigated through standard measures such as adherence to International Regulations for Preventing Collisions at Sea 1972 upon which the MCA can advise.
441. Other potential interactions and impacts could include disturbance from cable operations to known or undiscovered archaeological sites. This is typically a very localised effect and a properly executed cable route survey, appropriate stakeholder engagement and adequate route engineering can avoid, minimise or mitigate these risks.
442. Various national and international law exists in order to protect cables from breakage or injury (damage), although these do not establish specific areas where damaging activity such as anchoring or fishing with towed gears may be managed or prohibited. Successful risk management therefore depends on putting in place mechanisms to promote coexistence e.g. in making available the precise locations of cables, of making parties aware of the risks and consequences of causing damage and of cable protection measures. The European Subsea Cables Association work to promote and assist with the local distribution of data³⁵ and has issued an advisory statement on vessels operating in the vicinity of subsea cables³⁶. Cable routes are also identified on UKHO charts and on the Wales Marine Planning Portal.

Surface Water and Wastewater Treatment and Disposal sector safeguarding

443. **Policy SAF_01a** applies to all proposals with the potential to impact upon existing or planned surface water and wastewater treatment and disposal activities where a consent or authorisation or lease has been granted or formally applied for³⁷.

³⁵ Free digital chart information is made available to sea users (especially fishers) by Kingfisher under the KIS-ORCA (Kingfisher Information Service – Offshore Renewable & Cable Awareness) project on the majority of submarine cables within UK waters.

³⁶ <https://www.escaeu.org/news/?newsid=84>

³⁷ This includes planned activities within Local Authority planning applications, Dwr Cymru Welsh Water plans, or Asset Management Plans agreed with NRW, Government and Office of Water Services. The capacity of existing and future infrastructure for water supply and waste facilities is a

444. “Formally applied for” means when a marine licence application has been accepted as ‘duly made’ by NRW.
445. The WNMP recognises that effective surface water runoff and wastewater management has environmental, economic and social benefits that should be safeguarded by protecting the sector from adverse impacts by other users of the marine environment. **Decisions concerning the Surface Water and Wastewater Treatment and Disposal sector will normally be addressed by terrestrial planning and regulation**, although any infrastructure within the marine plan area will require a marine licence. Applications for a marine licence will need to be considered in tandem with land permissions.
446. In issuing a marine licence for a development which may have an effect on surface or waste water infrastructure directly or indirectly of the discharge to the receiving environment, the decision maker shall consider the extent to which impacts are effectively minimised or mitigated. Proposals must demonstrate compatibility. If this is not possible, then any *case for proceeding* at that location under *exceptional circumstances* must present a clear and convincing argument to progress.

Tourism and Recreation sector safeguarding

447. **Policy SAF_01b** applies to all proposals (including new Tourism and Recreation sector proposals) with the potential to impact upon existing or known planned tourism and recreation activities. Proposals likely to have a *significant adverse impact(s)* upon an established activity (whether or not subject to a formal authorisation) must demonstrate how they will address compatibility issues. Proposals should demonstrate they have considered potential impacts on tourism and recreation, and that they have taken appropriate measures to avoid, minimise or mitigate any identified impacts in a manner that is appropriate to their significance. Proposals unable to demonstrate compatibility must present a *clear and convincing case for proceeding*.
448. Broad adverse impacts of a variety of activities on tourism and recreation may result in a reduction of amenity value through a range of circumstances, such as:
- reduced air or water quality;
 - reduced aesthetic appeal of the landscape and seascape;
 - reduced access to or safety of a site for use resulting in possible cessation or *displacement* of activity;
 - increased collision risk of vessels with fixed structures;
 - pressure on and competition for shared resources, for example fishing; and,
 - loss of biodiversity that is important to tourism and recreation.

component of LDPs. Dwr Cymru Welsh Water investment in water and sewerage infrastructure is guided by LDPs and managed in rolling five-year Asset Management Plans. See <https://www.dwrcymru.com/en/My-Wastewater/Drainage-and-Wastewater-Management-Plan/Our-Drainage-and-Wastewater-Plans.aspx>

449. Non-statutory guidance is available on the impacts of renewable installations on recreational surfing³⁸ and boating³⁹. Coastal community typology may give an indication of potential issues for tourism and recreation impact assessment purposes.
450. Assessment of the likely effects of a proposed marine development or activity on tourism and recreation may consider, as necessary:
- the types of tourism and recreation activities undertaken in the area;
 - the number, seasonality/timing of use and geographical distribution of participants in the area;
 - the interaction of marine users, tourists and local communities; including the *displacement* of one by another and potential for conflict;
 - the potential for coexistence with other sectors;
 - safety of navigation (in relation to objects both on or under the sea surface), regularly used navigational routes (particularly those used in constrained channels or approaches), general boating areas, areas regularly used for recreational use including for competition, access, anchoring and mooring;
 - direct and indirect employment within the Tourism and Recreation sector (including any change in the number of seasonal jobs, which could potentially lead to economic instability) and any multiplier effects on the economy;
 - tourism and recreation expenditure and any multiplier effects on the economy;
 - the impact on environmental quality and designations, including bathing water quality and blue flag status; and,
 - known planned activities (e.g. detailed in LDP or other relevant plans or programmes).
451. Proposals for new developments by other sectors or change of policy may result in interruption or permanent *displacement* of recreational or tourist activity creating social or economic losses or increases pressure on any alternative destinations.
452. Proposals should take into account the nature, intensity and value of established recreational or tourist activity in the proposed development area and the implications of any likely interruption or *displacement* with an emphasis on commercially or recreationally important activities, the extent to which the effects are cumulative or interacting and of their permanence.
453. Whilst most tourism and recreation activity takes place within 3nm of the coast, the number of users rapidly declines with distance offshore; the highest usage being within a narrow zone close to the shore. Nevertheless, a lower number of more experienced sea anglers, sailors and divers regularly operate further offshore all year round when weather conditions allow. These users value the areas they use highly and applicants and decision makers will need to take these activities into account.

³⁸ Surfers Against Sewage, 2009

³⁹ Royal Yachting Association: <http://www.rya.org.uk/KNOWLEDGE-ADVICE/OFFSHORE-RENEWABLES/Pages/hub.aspx>

454. When a proposal has the potential to impact on recreational or tourist activity or supporting areas, the applicant is strongly *encouraged* to engage with relevant sector operators and their representative groups at the earliest stages of concept, planning and design. Proposals for development should detail measures they have included to avoid adverse effects on coastal communities and to ensure coexistence with other sectors (see **Policies SOC_01, 02 and 04** and **ECON_02**).
455. Where areas of conflict exist, they are often temporary and spatial in occurrence and best managed through education and implementation of best practice/codes.
456. In the future, better data to assist the robust assessment and valuation of tourism and recreation activities, their benefits and opportunities, and potential impacts upon them, will help the sector to be better represented through marine planning.

3.2.3 SAF_02: Safeguarding Strategic Resources

457. **Policy SAF_02** safeguarding is dependent upon the nature of the identified resource and the nature of the sector and will be delivered through the identification of SRAs for specific sectors. The policy will apply to an SRA from the point at which that SRA is introduced through the publication of an MPN.

At the time of publication, no SRAs have been identified in relation to the WNMP. Should SRAs be identified, this IG will be updated accordingly.

4 Annex 1: Glossary

4.1 Acronyms

AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
CCS	Carbon Capture and Storage
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPS	European Protected Species
GES	Good Environmental Status (EU and UK Marine Strategy requirement)
IG	Implementation Guidance
IMO	International Maritime Organisation
INNS	Invasive Non-native Species
IROPI	Imperative Reasons of Overriding Public Interest
JNCC	Joint Nature Conservation Committee
LDP	Local Development Plan
London Convention	International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972
MARPOL	International Convention for the Prevention of Pollution from Ships 1973
MCA	Maritime and Coastguard Agency
MCAA	Marine and Coastal Access Act 2009
MHWS	Mean High Water Spring tides
MLW	Mean Low Water tides
MMO	Marine Management Organisation
MOD	Ministry of Defence
MPN	Marine Planning Notice
MPA	Marine Protected Area
MPS	UK Marine Policy Statement 2011
NDF	National Development Framework
NM	Nautical mile(s)
NPS	National Policy Statement (UK)
NRW	Natural Resources Wales

NSIP	Nationally Significant Infrastructure Project (UK)
OGA	Oil and Gas Authority
OPRED	The Offshore Petroleum Regulator for Environment and Decommissioning
OSPAR	International convention for the Protection of the Marine Environment of the North East Atlantic 1992
PPW	Planning Policy Wales
RBMP	River Basin Management Plan
RCAHWW	Royal Commission on the Ancient and Historical Monuments of Wales
RPA	Relevant Public Authority
SD	Sustainable Development
SMNR	Sustainable Management of Natural Resources
SMP	Shoreline Management Plan
SNCB	Statutory Nature Conservation Body
SO	Several Order
SRA	Strategic Resource Area
TAN	Technical Advice Note (Wales)
UKHO	The UK Hydrographic Office
UK Marine Strategy	applies the EU Marine Strategy Framework Directive (2008) in the UK
UNCLOS	United Nations Convention on the Law of the Sea 1982
WER	The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 – applies the EU Water Framework Directive (2000) in the UK
WFD	The EU Water Framework Directive (2000)
WFGA	Well-being of Future Generations (Wales) Act 2015
WMER	Wales Marine Evidence Report
WNMP	Welsh National Marine Plan

4.2 Definitions

The policies and their implementation guidance should be interpreted as follows:

Term	Interpretation in the WNMP and IG
Applicants	Those individuals or organisations preparing and submitting proposals to RPAs for decision(s).
Authorisation or enforcement decisions	<p>S. 58 of MCAA states that a public authority must take any authorisation or enforcement decision in accordance with the relevant marine policy documents (the WNMP and the MPS) unless relevant considerations indicate otherwise.</p> <p>Authorisation or enforcements decisions are any of the following:</p> <ul style="list-style-type: none"> a) The determination of any application (wherever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the UK marine area; b) Any decision relating to any conditions of such an authorisation; c) Any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed); d) Any decision relating to the enforcement of any such authorisation or any such conditions; and, e) Any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within (a). <p>For any application for development consent under the Planning Act 2008, the RPA must have regard of the appropriate marine policy documents (including the WNMP) in deciding application for order granting development consent.</p>
Authorisation	S. 58 of MCAA defines authorisation as “ <i>any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.</i> ”
Avoid/ minimise/ mitigate	An avoid-minimise-mitigate decision hierarchy is incorporated into a number of policies in the WNMP. Impacts considered under this hierarchy can be to environmental, social, cultural or economic parameters.
Avoid	Requires acting at source to plan, design and deliver proposals to prevent an adverse impact from occurring. To achieve this, where adverse impacts are identified, the proposal should be altered so that it no longer exerts a pressure, or the pressure produced can no longer be received by a receptor.

	Examples of avoidance include: not proceeding with the proposal; relocating the proposal; redesign to materials or techniques that have no adverse impact.
Blue Growth	Economic growth and development which supports social equity while ensuring that natural assets can continue to provide the resources and environmental benefits on which well-being relies.
Coexistence	Where multiple development, activities or uses can exist alongside or close to each other in the same place and/or at the same time.
Co-location	A subset of coexistence where multiple developments (often structures), activities or uses are located in the same place by sharing the same footprint or area in the marine environment. 'Footprint' can include both the physical location of a development or activity, e.g. a built structure, and a wider area associated with the development or activity, e.g. a surrounding safety zone. It could involve designing projects to accommodate multiple uses of marine space.
Constraints	Constraints refers to understanding and integrating factors that may preclude or limit future development or use of the plan area.
Decision makers	The '(Relevant) Public Bodies' who make decisions relating to the marine area (see also 'RPAs').
Decisions	Are defined in S. 58 of MCAA and relate to decisions made by "Public Authorities". There are two types of decisions, "authorisation and enforcement" (as defined above) and any decisions which relate to the exercise of a Public Authority function that is capable of affecting the whole, or any part of the UK marine area, in which the Public Authority must have regard to the WNMP.
Demonstrate	To provide proportionate evidence that enables Public Authorities to appropriately determine whether a proposal is in accordance with WNMP policies.
Development and use of the marine environment	Refers to all activities making use of the marine environment. It may include existing, planned and future potential activities and regulated and non-regulated activities.
Displacement	Occurs when an activity is moved (in time or space) because of the introduction or impact of another activity.
Exceptional circumstances	<i>Exceptional circumstances</i> only relate to the sector safeguarding Policy SAF_01a (i.e. sector-sector interactions) where an assessment cannot demonstrate that a proposal can avoid, minimise or mitigate adverse impacts on existing sector operations

	or the resources on which these existing sectors are dependent. Proposals will be determined on a case by case basis but some general considerations on what constitutes <i>exceptional circumstances</i> apply. The need to (a) protect the environment, (b) protect human health and (c) prevent interference with legitimate uses of the sea underpins the interpretation of <i>exceptional circumstances</i> .
Implementation Guidance (IG)	Supplementary planning material which sits alongside the WNMP to support implementation of marine planning in Wales, it provides an overview of the practical application of the Plan vision, objectives and policies. It is a consideration in decision making and applicants and RPAs should refer to the WNMP and its IG in conjunction. IG does not introduce new policy.
Inshore area	The 'Welsh inshore region' is defined in S. 322(1) of MCAA as the area of sea within the seaward limits of the territorial sea adjacent to Wales.
Marine Plan Authority	For the WNMP, the Welsh Ministers (S. 50 MCAA) are the Marine Plan Authority.
Marine Planning Notices (MPN)	Supplementary planning material presented as a series of technical documents. MPNs are a relevant consideration and should be read alongside the WNMP and its IG. MPNs are the mechanism to introduce or amend marine planning operational procedures (e.g. SRAs). They provide technical guidance (locational or topic specific) for the implementation of specific WNMP policies or development in specific areas. They assist in the interpretation, and in certain circumstances, apply WNMP policies. MPNs will be developed, amended or withdrawn by the Marine Plan Authority as appropriate. Each MPN will be subject to public consultation before adoption, variation or withdrawal.
Minimise	Requires acting at source to plan and design proposals to reduce adverse impacts to the smallest possible amount or degree. Minimisation is a reduction in the level of pressure generated. Examples of minimisation include: using materials that have a lower impact; reducing the scale of the development.
Mitigate	Where adverse impacts from pressures cannot be avoided or minimised at source and receptors are exposed to those pressures, action should be taken to make the consequences of the impacts less severe. Mitigation is a reduction of how a given pressure level is experienced by the receptor. Examples of mitigation include: timing restrictions to avoid sensitive periods or other activities; introducing measures to reduce the distribution and spread of any impacts.

Offshore area	The 'Welsh offshore region' is defined in S. 322(1) of MCAA as so much of the Welsh zone as lies beyond the seaward limits of the territorial sea.
Opportunities	Opportunities refer to potential new future measures, proposals or activities for development or use.
Plan user	All of those who have an interest in the policies set out in the WNMP.
Presenting a clear and convincing case for proceeding	<i>"Present a clear and convincing case for proceeding"</i> relates to a range of policies in the WNMP. Proposals likely to have a <i>significant adverse impact(s)</i> under any policy which cannot be addressed through avoidance, minimisation or mitigation measures must <i>present a clear and convincing case for proceeding</i> . Where this is the case, sufficient information should be submitted on the nature and extent of the impacts and proposals should provide a justification which sufficiently demonstrates the reasons for this. Proposals will be determined on a case by case basis.
Proposal	<p>Relates to requests or submissions to RPAs concerning a new, or a change to an existing, development or use of the marine environment and its resources which are subject to management by Public Authorities where the doing of any act which affects or might affect the whole or any part of the UK marine area requires authorisation. Any act includes (but is not limited to) a new policy, plan, initiative or measure that has the potential to affect the marine area.</p> <p>For any decisions which relate to the exercise of a Public Authority function "proposal" relates to the production of information or variation to existing information to inform a Public Authority "Decision" that is capable of affecting the whole, or any part of the UK marine area.</p>
Receptor	Environmental, social or economic areas or interests that may be susceptible to adverse effects.
(Relevant) Public Authorities (RPAs)	<p>RPAs are defined separately in MCAA and the Environment (Wales) Act 2016. When the WNMP or IG references RPAs it encompasses both of these definitions.</p> <p>The MCAA (part 11, S. 322) defines a "Relevant Public Authority" as:</p> <ul style="list-style-type: none"> • a Minister of the Crown; • a public body, including; a government department, a Northern Ireland Department, a Local Authority (in relation to Wales a county council, a county borough council or a community council; in relation to England a county council, the Common

	<p>Council of the City of London or the Council of the Isles of Scilly; in relation to Northern Ireland, a district council), a Local Planning Authority, a statutory undertaker (a person who is, or is deemed to be, responsible for provision of the Town and Country Planning Act 1990 (c.8);</p> <ul style="list-style-type: none"> • a public office holder (e.g. The Crown Estate), including: an office under the Crown, an office created or continued in existence by a public general Act or by devolved legislation, an office paid for by Parliament or devolved legislation. <p>The Environment (Wales) Act 2016 defines a “Public Authority” as:</p> <ul style="list-style-type: none"> • the Welsh Ministers; • the First Minister for Wales; • the Counsel General of the Welsh Government; • a Minister of the Crown; • a public body (including a government department, a Local Authority, a Local Planning Authority, a strategic planning panel); • a person holding an office: <ul style="list-style-type: none"> – under the Crown; – created or continued in existence by a public general Act of the National Assembly for Wales or Parliament; or, – the remuneration in respect of which is paid out of money provided by the National Assembly for Wales or Parliament. • a statutory undertaker.
Sea	<p>Is defined in S. 42(3) of MCAA as including any area submerged at MHWS, and the waters of every estuary, river or channel, so far as the tide flows at MHWS. This included waters in any area that is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but into which seawater is caused or permitted to flow, whether continuously or from time to time, and from which sea water is caused or permitted to flow, whether continuously or from time to time.</p>
Should and Must	<p>Where a policy or its IG says “must” it relates to a mandatory action in line with relevant legislation, guidance and/or best practice. If the proposal does not comply with such policy requirements, the decision maker is likely to reject its consideration of the matter until such time that these can be provided.</p> <p>Where a policy or its IG says “should” it expresses a preferred option but is advisory. Nevertheless, if the proposed activity is determined against the associated assessment criteria, it may be more likely to be consented where the policy preference (“should”) has been complied with. In some cases, the proposed activity will not be consented unless these requirements are fulfilled.</p>

Support / supporting	Where a policy or its IG refers to “ support ” by or from a Public Authority, it refers to the fact that the authority will be expected to consider the relevant components of the proposal favourably where it has met the requirements of this policy, however all other policies must also be considered. It should not be interpreted to mean that the proposal will necessarily be consented which will be determined through the assessment procedures. Equally, it does not imply any active or financial support from the authority.
Sustainable Development	SD is defined in the WFGA as <i>“the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.”</i>
Welsh Marine Area	Is defined in S. 43 of MCAA in so far as applies to the Welsh Zone, the area of sea within the seaward limits of inshore and offshore area adjacent to Wales.
Where appropriate	Where a policy or its IG refers to “ where appropriate ”, it means that reasonable steps should be taken to apply the policy in a proportionate manner.
Where possible	Where a policy or its IG refers to “ where possible ”, it means that a policy should be met wherever practicable but that the RPA should recognise that meeting a policy may not be possible in all cases and should, therefore, apply discretion.

5 Annex 2: Indicative Maps

Understanding the spatial relationship between natural resources which may be important for sector use and Marine Protected Areas is an important aspect of marine management. This suite of indicative maps shows Wales' Marine Protected Areas and the distribution of marine habitat features for which they are designated and how they relate to certain natural resources such as aggregates or marine renewable energy. These maps are indicative and their content liable to change; developers and decision makers should refer to current maps on the Wales Marine Planning Portal <http://lle.gov.wales/apps/marineportal>.

































