



Welsh National Marine Plan Stakeholder Mapping

Final Report

23 August 2021

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1 Introduction

The Welsh National Marine Plan¹ (WNMP) was adopted on 12th November 2019. It is the first marine plan for Wales and will guide the sustainable development of the marine area by setting out how proposals will be considered by decision makers. The WNMP covers the inshore and offshore Welsh marine plan regions. It has been prepared and adopted under the Marine and Coastal Access Act² (MaCAA) 2009 and in conformity with the UK Marine Policy Statement³ (MPS). The WNMP will be used by “...*applicants to shape proposals and licence applications, public authorities to guide decision making, and other users to understand the Welsh Government’s policy for the sustainable development of the Plan area*”⁴.

Section 58 of the MaCAA 2009 which governs marine planning stipulates that public authorities (PAs) in Wales apply the WNMP when taking decisions with the potential to affect the Welsh Marine Plan Area (WNMP). PAs taking authorisation and enforcement decisions must do so “in accordance with the appropriate marine policy documents” which are the marine plan for the area and the MPS.

Welsh Government are undertaking work to support implementation of the WNMP. To achieve this, they are approaching all PAs to initiate dialogue in order to help them integrate the WNMP into their decision making. To do so, they need comprehensive knowledge of who the PAs are, what decisions they make, and whether those decisions should be taken “with regard to” s58(3), or “in accordance with” s58(1), the WNMP.

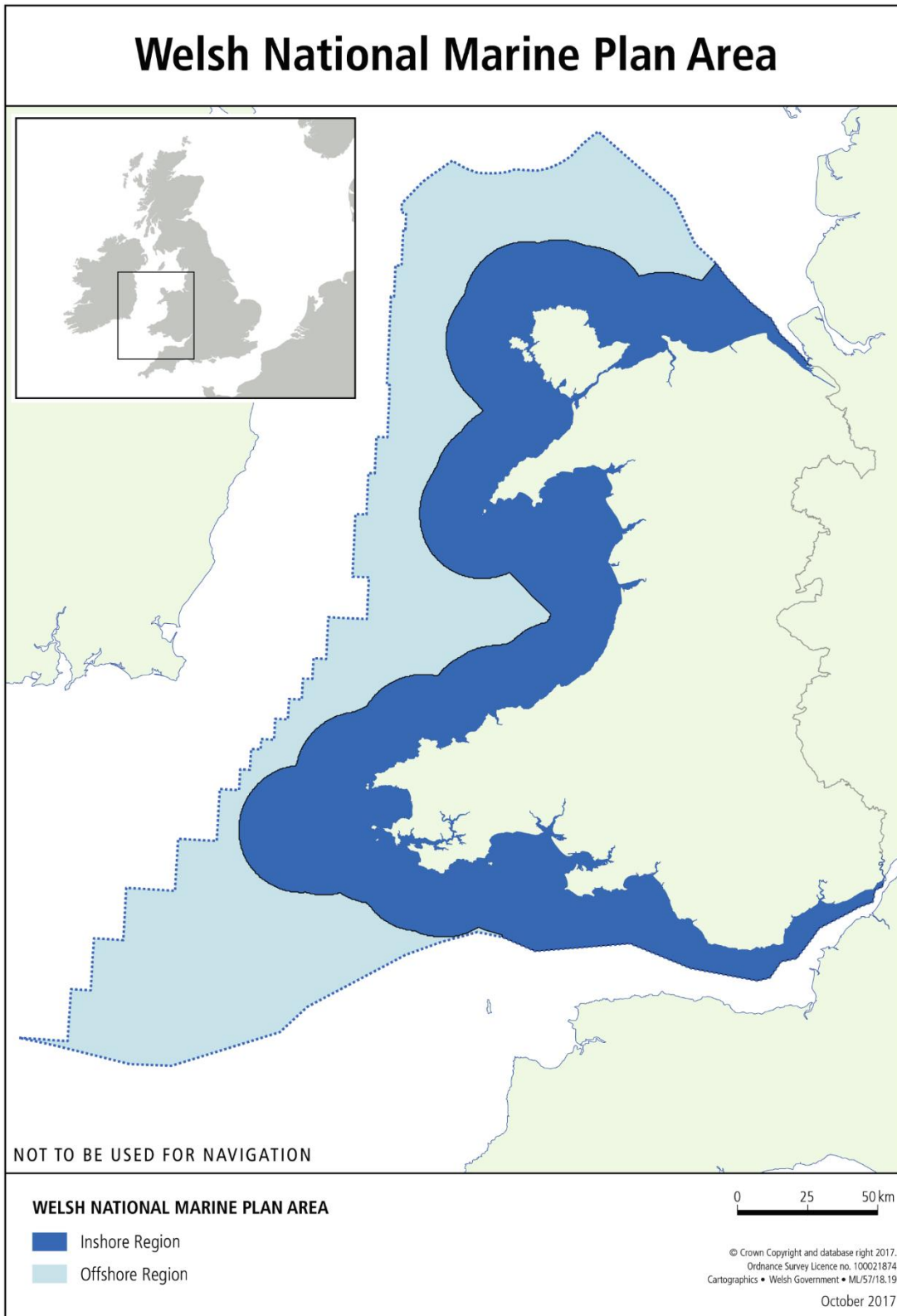
¹ [Welsh National Marine Plan 2019](#)

² [Marine and Coastal Access Act 2009](#)

³ [UK Marine Policy Statement 2011](#)

⁴ [WNMP \(2019\) p2](#)

Figure 1.1: Welsh National Marine Plan Area



Source: [Welsh National Marine Plan](#) Accessed 29-01-20

1.1 Objectives of Report

The objective of this research contract was to map out all PAs taking decisions affecting the Welsh Nation Marine Plan Area (Figure 1.1) and detail what decisions they are taking.

The WNMP takes effect principally through decisions taken by PAs.

Welsh Government required the following tasks to be undertaken:

1. List of all public authorities taking decisions with the potential to affect the WNMP area. This should include PAs outside of Wales that need to consider the WNMP.
2. A detailed list of decisions (e.g. authorisations, delivery activity or policy actions) undertaken by each public authority that may affect the WNMP area, including:
 - Activity type: for example, taking decisions, creating policy, advising on these activities;
 - Activity detail: what exactly are the public authorities doing;
 - Which specific WNMP policy/policies these activities should be influenced by and an indication of frequency or extent (e.g. High, Medium, Low); and,
 - Other relevant legislation that public authorities take into account when undertaking the listed activities.

The purpose of this work is to gather information enabling Welsh Government, in its capacity of marine planning authority, to deliver focussed stakeholder engagement with PAs.

1.2 Limitations

It should be noted that Mott MacDonald has not sought any Legal advice with regards to interpretation of the provisions of the MaCAA 2009. Agreement has, however, been reached with the Welsh Government on what constitutes a 'decision' under s58(3) of the MaCAA 2009: that policy formulation is a 'decision', but that consultee advice is not a 'decision'. This is explored in more detail in Section 3 of this report.

On commencement of the project, it was agreed with the Welsh Government that it would be too complex to include an indication of frequency or extent of policy influence (e.g. High, Medium, Low), as this may vary from decision to decision and will depend on the nature of, for example, a specific licence or planning application. Additionally, weight given to certain policies and activities may vary from one individual or department to the next.

It should also be noted that the information received through the questionnaires may not be representative of the whole organisation; it may only reflect the activities and responsibilities of one area or department within that organisation.

1.3 Report Structure

This report is structured as follows:

- Section 2 – Methodology. This section sets out the method that was used to gather information and contact organisations;
- Section 3 – Definitions Review. The definitions of the MaCAA 2009 and interpretation utilised for this study are set out;
- Section 4 – Findings and Next Steps. The findings of the study are summarised; and considerations on next steps are presented;
- Section 5 - Mapping of Decision Makers. The results of the information gathering exercise are populated into a table for each PA or PA type; and,
- Appendices – details of organisations contacted, the questionnaire, and covering email are set out in the appendices.

2 Methodology

2.1 Introduction

Section 58 of the MaCAA 2009 sets out provisions that require any decision made by a public authority which could affect the marine area, either in whole or any part, to be either in accordance with s58(1); or have regard to s58(3) the appropriate marine policy documents (as defined in s59 of MaCAA 2009 as the MPS and the WNMP), unless relevant considerations indicate otherwise.

2.2 Study Methodology

As set out in Section 1 of this Report, this study required two forms of information gathering processes. The first stage was a definitions review and scoping exercise.

Following this, a desk-based study was undertaken to identify all of the relevant PAs taking decisions with the potential to affect the WNMP area. This includes PAs outside of Wales that need to consider the WNMP, but only those that would hold a s58(1) or s58(3) responsibility.

The third stage included a questionnaire which was sent to PAs to identify the following:

- A detailed list of decisions (e.g. authorisations, delivery activity or policy actions) undertaken by each public authority that may affect the WNMP area, including:
 - Activity type: for example, taking decisions, creating policy, advising on these activities;
 - Activity detail: what exactly are the public authorities doing;
 - The key WNMP policy/policies these activities should be influenced by; and,
 - Other relevant legislation that public authorities take into account when undertaking the listed activities.

A fourth and final stage involved the receipt of comments/ corrections on the March 2020 version.

The methodology used behind each process is set out in Sections 2.2.1 and 2.2.4 below.

2.2.1 Stage 1 – Definitions Review and Scoping

Stage 1 necessitated a review of the provisions of the MaCAA 2009 to ensure that the implications were fully understood. No legal advice has been sought on

this interpretation, but the findings have been agreed with the Client. These are presented in Section 3 of this report.

2.2.2 Stage 2 - Desk Based Methodology

A desk-based study was undertaken through online research to ascertain which PAs are relevant to this study. This included all PAs making decisions with the potential to affect the WNMP area, including those outside of Wales.

A cross check of PAs within England was made following a review of a similar study undertaken by the Marine Management Organisation⁵ in order ensure all relevant PAs were included within this study.

Once the agreed list of PAs was completed, information available online was used to ascertain each PAs activities and responsibilities. This resulted in limited results, as a number of organisations do not have information on their roles and responsibilities in the public domain.

A contacts list was developed, based on members of the Marine Planning Decision Makers Group (MPDMG) and Welsh Government individuals that had agreed to have their contact details shared for the purposes of this study. Building on this, contact information for individuals available online was sourced. The full list of contacts that were approached (minus sensitive contact information⁶) is included in Table A.1 in Appendix A. Due to General Data Protection Regulation (GDPR) requirements, the full contacts list has not been appended to this report and will be submitted separately to Welsh Government.

Individuals within organisations that were sought included Chief Planning and Policy Officers, Senior Licensing Managers or Advisors, Port Managers, Area Managers, Policy leads, and other decision makers. Where contact details for individuals within these positions was unable to be found online, team mailboxes and telephone numbers were found in the public domain to seek contact details of the relevant individuals. In order to maximise responses, and to ensure the questionnaire reached the correct teams and individuals, contacts were also encouraged to share the questionnaire with other departments within their organisation that take decisions that may affect the WNMP.

Contact information for each PA was also searched for online to enable the questionnaire to be sent to the relevant individuals. In addition, the project team also attended a MPDMG meeting on the 19th February 2020 to promote the

⁵ Marine Management Organisation (MMO) 2019, External Decision Making and Implementation of Marine Plans (MMO1155)

⁶ In order to ensure that the study complied with General Data Protection Regulation (GDPR) requirements, all contact information was stored on a secure database with no access to staff outside of the project team.

study to PAs in attendance and generate additional contacts to complete the questionnaire.

2.2.3 Stage 3 - Questionnaire Methodology

A questionnaire was created using a Microsoft Forms template which was easily adapted to incorporate 19 questions that had been agreed with the Welsh Government. The questionnaire can be found within Appendix B. The questionnaire was available in both Welsh and English. Covering emails were sent to individuals in both Welsh and English, a copy of which can be found within Appendix C.

Contacts that were sent a link to the questionnaire included those that had already provided their consent to the Welsh Government that they were happy to be contacted, in addition to those sourced from the online search described in Section 2.2.2.

An initial email with a link to the questionnaire was sent to 91 individuals on 25th February 2020, a copy of which can be found in Appendix C. Subsequent emails were sent to a further 71 individuals following this date. Respondents were given a 10-day deadline to complete the questionnaire. A reminder email was sent on 6th March 2020. In order to cover as many potential areas of activity as possible, each contact was asked to pass on the questionnaire to relevant individuals within their organisation. Phone calls and additional emails to individuals that had not responded were made by Mott MacDonald and the Welsh Government from 13th March 2020.

The information received from the questionnaires and email responses was compiled into a series of tables within Section 5 of this report. Where considered necessary, following receipt of an individual's response, phone calls were made to those that completed the questionnaire to accurately determine the responsibilities and activities that were relevant for this study.

It should be noted that the information received through the questionnaires may not be representative of the whole organisation; it may only reflect the activities and responsibilities of one area or department within that organisation. Additionally, weight given to certain policies and activities may vary from one individual or department to the next.

It was apparent that there was some hesitancy amongst individuals in some organisations to complete the questionnaire, should their response later be found to be inaccurate, incomplete or their organisation held to account to the information they provided. Therefore, it was considered beneficial that all individuals who provided a response are sent the relevant table in Section 5 to confirm the information before this report be given wider circulation.

2.2.4 Stage 4 - Verification and Updating

PAs received the report in April 2020 at the close of financial year. Members of the Marine Planning Decision Makers Group (MPDMG) were given an opportunity to check the text before publication. Welsh Government subsequently wrote to all PAs in March and April 2021 enclosing their specific text and requested comment / corrections.

The following organisations responded either with comment or with request for amendment:

- MCGA;
- MOD;
- OGA;
- WG Planning and WG licensing;
- PCNPA (Pembrokeshire Coast National Parks Authority);
- Cefas (Fish Health Inspectorate);
- PINS;
- Trinity House; and,
- NRW (on behalf of Permitting/ Advisory and marine licensing).

Welsh Government has considered the submissions and made changes as appropriate. Mott MacDonald has incorporated those changes into this document (dated 23 August 2021). Any comments, correction or omission arising since April 2020 are therefore solely the responsibility of Welsh Government. Table A.1 in Appendix A has not been amended for any information received after April 2020.

3 Definitions Review

It is first necessary to define some of the key terms referred to in the MaCAA 2009.

Relevant extracts of the MaCAA 2009 are included in Appendix D.

3.1 What is a ‘public authority’?

Sections 58(1) and (3) of the MaCAA 2009 are applicable to “public authorities”.

Section 59 of the MaCAA 2009 defines the ‘appropriate marine policy documents’ referred to in s58.

Section 59(3) states that to the extent that the decision relates to a marine plan area, any marine plan which is in effect for that area is an appropriate marine policy document.

Section 59(4) (4) asserts that a marine plan for an area in a devolved marine planning region is an appropriate marine policy document in relation to the exercise of retained functions by a public authority only if: (a) it contains a statement under s51(8) that it includes provision relating to retained functions, (b) it was adopted with the agreement of the Secretary of State under paragraph 15(2) of Schedule 6, and (c) it was prepared and adopted at a time when an MPS was in effect which governed marine planning for the marine planning region.

The remainder of s59 sets out the circumstances in which a MPS is an appropriate document for specific types of public authorities. It does not, however, expand on the term ‘public authorities’ in relation to marine plans.

The term ‘public authority’ is defined in s322 of the MaCAA 2009 as follows:

“public authority” means any of the following—

- (a) a Minister of the Crown;
- (b) a public body;
- (c) a public office holder;

“public body” includes—

- (a) a government department;
- (b) a Northern Ireland department;
- (c) a local authority;
- (d) a local planning authority;
- (e) a statutory undertaker.

“statutory undertaker” means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990.

For the purposes of this study only PAs that make decisions in accordance with or with regard to the WNMP have been included.

3.2 What is a ‘decision’?

As set out above, s58 of the MaCAA 2009 requires *any decision* made by a public authority which could affect the marine area, either in whole or any part, to be either in accordance with s58(1); or have regard to s58(3) the appropriate marine policy documents, unless relevant considerations indicate otherwise. Section 58(1) and s58(3) are considered further in Sections 3.2.1 and 3.2.2.

3.2.1 S58(1)

Section 58(1) states that a public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.

Section 58(4) defines ‘authorisation or enforcement decision’ as being the determination of any application for authorisation of the doing of any act which affects or might affect the whole or any part of the UK marine area; any decision relating to any conditions of such an authorisation; any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions; any decision relating to the enforcement of any such authorisation or any such conditions; any decision relating to the enforcement of any prohibition or restriction on the doing of any act relating to the determination of any application for authorisation.

It should be noted that this definition does not include any decision on an application for an order granting development consent under the Planning Act 2008, which is deemed to fall under s58(3).

‘Authorisation’ is defined in s58(6) as ‘any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.’

It is considered that s58(1) decisions are fairly well defined by the MaCAA 2009 and the relevant ‘public authorities’ undertaking such decisions should be reasonably straightforward to identify.

For the purposes of this study, an example of a s58(1) decision taken ‘in accordance’ with the WNMP would be to provide authorisation and/or enforcement decisions on marine licensing and consenting or making decisions on appeals.

3.2.2 S58(3)

Section 58(3) states that 'a public authority must have regard to the appropriate marine policy documents in taking any decision: (a) which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area, but (b) which is not an authorisation or enforcement decision.

The MaCAA 2009 does not provide any further definitions or guidance in respect of s58(3) decisions, and the implications of the wording mean that a very wide range of decisions could fall within this section. Providing the decision is being made by a 'public authority' exercising their function, there is the potential for decisions to be made by public authorities on an inland issue that has the potential to affect part of the WNMP area (this is the case for both s58(1) and s58(3) decision makers).

In the absence of any definitions in the MaCAA 2009, it is necessary to consider the types of decision-making activities that are relevant. For the purposes of this study, an example of a s58(3) decision taken 'with regard' to the WNMP would be for a public authority to have regard to the WNMP when adopting plans and policies (further detailed examples are included at the end of this Section).

Government departments and Local Authorities go through a decision-making process to publish new policy and will have regard to other relevant policy in that process. So, where there is potential for a marine plan area to be affected, that department or authority would be expected to have regard to the WNMP in their policy development, hence the decision to adopt or publish a policy should be considered to be a s58(3) decision.

When a public authority undertakes a consultee role, for example, providing advice to another public authority that is making a decision on a licence or application. For some consultees, such advice could be by exchange of a letter or memo by an individual; in other organisations, the process of supplying such advice may be through a more formal decision-making process. Ultimately, that consultee is performing an advisory role to another organisation that is the public authority actually making a decision on an application. For the purposes of this study, it is therefore considered that such actions should not normally be considered to be s58(3) 'decisions', but that each public authority will themselves need to consider the effect of their advice.

There will be various organisations who should be using the WNMP to inform actions they take that either are not 'public authorities' (for example, an applicant or developer or objector to a planning application) and 'public authorities' that are not making a 'decision' (for example, the consultee example above), but they are all using the WNMP to form an opinion or provide advice i.e. they are WNMP 'users', but s58(1) and 58(3) do not apply to them. It is

considered that as s58(1) and s58(3) do not apply, then these scenarios also fall outside the scope of this study.

It is considered for the purposes of this project that providing advice to another public authority that makes a s58(1) decision is not a s58(3) decision.

Examples which are considered to be s58(3) decisions include:

- Making a Harbour Order;
- Management measures e.g. switch between harbour berthing purposes at the request of the harbour master;
- Marine resource strategic management e.g. change aggregates tonnage limits cap, or renewable energy production target;
- Fisheries management e.g. change whelk or mussel minimum landing size, cockle fishery opening;
- Policy making e.g. designate Nitrate Vulnerable Zone or coastal defence decision – hold the line or retreat, aquaculture - introduced non-native pacific oysters;
- Nature conservation designation e.g. designate or review Marine Protected Areas or any MPA management measures; and,
- Funding decisions e.g., grant aid fish farm or coastal development or tourism or recreation activity.

Given the variety of “decisions” possible, the above is far from being an exhaustive list.

4 Findings and Next Steps

4.1 Outline of findings

Following distribution of the questionnaire, 55 responses were received (up to 17:00 24th March 2020). Additionally, several responses were received via email where individuals confirmed that they did not take any s58(1) or s58(3) decisions. The main results of the stakeholder mapping exercise are contained in Tables 5.1 to 5.15 in Chapter 5 of this report.

The majority of the responses included general details of where they act “in accordance with” or “with regard to” the WNMP but did not list exact WNMP policies that their organisation interacts with. Where WNMP policies were provided, these have been highlighted within Section 5. Where WNMP policies were not provided, professional judgement has been used to assign relevant policies.

Paragraph 27 of the WNMP states that “All proposals, authorisation decisions and enforcement decisions should apply the policies in this Plan to project design, proposal application and related decision making. The only exceptions are if the associated Plan policy narrative or supplementary planning documents state policy is not applicable, or relevant considerations indicate otherwise”. Due to the generic nature of the decision-making details provided, it has only been possible to provide an indication of the likely key policies.

Many responses categorised decision-making activities as being undertaken under either s58(1) or s58(3), however, in some cases this was at odds with the definitions set out in Section 3.2 of this Report. In such cases, the final column of the Tables in Section 5 of this Report, have been updated to reflect the s58(1) or s58(3) definitions set out earlier in the Report.

The study also highlighted that a small number of individuals or organisations were not aware of the adoption of the WNMP. Therefore, the questionnaire also provided a positive way to reach out to and promote the WNMP to PAs that should already be interacting with the Plan.

From the information presented in full in Chapter 5 the following findings and conclusions can be drawn:

- In the vast majority of cases, there was only one response per organisation (Table A.1 in Appendix A provides details of the number of responses per organisation). This may result in the information in the tables in Section 5 being slightly skewed. Where information has been available online, these responses have been supplemented. Therefore

there may be additional decision making activities taking place that have not been included in this exercise;

- Responses from Local Authorities predominantly came from individuals within a planning role or planning department and responses were therefore focused on planning. This is partially a reflection of the contacts that were approached to answer the questionnaire;
- Responses from individuals within Local Authorities were generally consistent with each other;
- Responses from individuals within Ports and Harbour Authorities were also generally consistent with each other;
- For the majority of the responses that were received, the type of decisions that PAs are making were similar and PAs are using the plan in a similar way;
- The majority of PAs did not list policies that were applicable to their decision making within their response. This may be because PAs are not yet confident which policies they interact with yet;
- A small number of individuals were not aware that the WNMP had been published; and,
- The responses received were generally well distributed between governmental, Local Authorities and other wider PAs.

4.2 What happens next?

Where appropriate Welsh Government intend to use the information in the report, summary tables and the contacts list to engage more fully with individuals / organisations to further expand on the information received to date and enhance PAs understanding of how PAs are using the WNMP in their decision making. This could include finding more about the decisions making activities and also confirming which are the key WNMP policies that apply to those decisions. The study provides a starting point for such discussions, from both Welsh Government and the decision maker's perspective and also helps decision-makers fulfil their legislative requirements regarding the WNMP.

It was apparent that there was some hesitancy amongst certain individuals to fully complete the questionnaire, on the grounds that their response may later be found to be inaccurate, incomplete or their organisation held to account to the information they provided. Where detail was lacking, this has been supplemented by desk-based research. Welsh Government may consider further validation of responses received in follow up communication, to confirm that the final interpretation and any supplementary commentary is accurate.

The responses to the questionnaire are considered to be based on professional judgement on behalf of the individual or team within each organisation. Few, if

any, responses will have been legally checked, therefore it is recommended that a legal examination of the responses compared to the requirements within the MaCAA 2009 is undertaken before embarking on any further follow up work.

It is also recommended that the results of this exercise are disseminated through as many external channels as possible, such as forums, workshops and conferences. As part of that process, it may be beneficial for the Welsh Government to assist organisations practically by using case studies of decision making using the WNMP at plan and project level at workshops targeted at specific sectors, following on from case study exercises previously undertaken⁷⁸⁹. This would promote the WNMP to additional PAs that may still not be aware of its adoption and continue the momentum of this exercise.

⁷ Mott MacDonald (2019) Welsh National Marine Plan: Application Report - Case Study 2: Coastal Non-EIA Scheme, March 2019

⁸ Mott MacDonald (2019) Welsh National Marine Plan: Application Report - Case Study 3a: Coastal EIA Scheme, March 2019

⁹ Mott MacDonald (2019) Welsh National Marine Plan: Application Report - Case Study 3b: DCO EIA Scheme, March 2019

5 Mapping of Decision Makers

Tables 5.1 to 5.16 below show the results of this stakeholder mapping exercise.

PAs have been grouped into categories where applicable, for instance all Local Authorities have been combined into one table as the responses received were consistent with each other.

The 'Decision Making Theme' column has also been grouped where applicable, for example: enforcement, consenting, policy and funding. Additional information of the types of decisions made within each theme is then confirmed within the 'Activity Detail' column. Text in black within the tables comprises information that has been compiled by Mott MacDonald. All colours outside of black reflect information provided by individuals from that organisation. The details of which are confirmed in the text preceding each table.

The 'Key WNMP Policies' column lists the key policies that decision making is likely to be influenced by. In a few cases, these have been provided on the questionnaire responses, but in many cases, Mott MacDonald has made assumptions as to which ones are likely to be of most relevance. Policies in black font have been assigned by Mott MacDonald using professional best judgement. Any policies that were provided by PAs have been colour-coded to make this clear. It must be noted that this list of policies is not an exhaustive list.

5.1 Natural Resources Wales

Natural Resources Wales (NRW) is the largest Welsh Government Sponsored Body. They were formed in 2013, largely taking over the functions of the Countryside Council for Wales, Forestry Commission Wales and the Environment Agency in Wales.

NRW's overall roles and responsibilities are as an adviser, a regulator, a designator of sites and a statutory consultee, a responder to environmental incidents, a manager of sites and property, a gatherer of evidence and a partner / educator / enabler.

In relation to marine developments, NRW has two main functions:

- As marine licensing authority (acting on behalf of the Welsh Ministers); and,
- As marine advisor and statutory consultee.

The information in this table is a combination of desk-based research and responses received through the questionnaire from the Marine Licensing Team and the Regulatory Approaches Team. The desk-top research also identified advisory activities, including adviser to the Welsh Government, public and voluntary sectors about issues relating to the environment and its natural resources and statutory consultee to planning applications. However, as defined in Section 3.2, for the purpose of this study, such activities are not considered to be s58(1) and mostly not 58(3) decisions. Text followed by * shows responses received from the Permitting Services at Marine Licensing Team (MLT). Text in followed by † shows responses from Regulatory Responses Team.

5.1.1 NRW Marine Licensing (NRW MLT)

Many activities in the marine area require a marine licence as established by s66, Part 4 of MaCAA 2009 for the sea area that extends seaward of Mean High Water Springs (MHWS) to the EEZ. Inshore area being MHWS to 12 nm, and offshore from 12nm to EEZ.

Exemptions to marine licensable activities are set out in MCAA Part 4, Chapter 2 or as are identified in the Marine Licensing (Exempted Activities) (Wales) Order 2011.

The Welsh Ministers are both the Licensing Authority and the Enforcement Authority (s115). However, the marine licensing function in Wales was delegated to NRW MLT through the Marine Licensing (Delegation of Functions) (Wales) Order 2013 and the Marine Licensing (Delegation of Functions) (Wales) Order 2017.

Whilst NRW MLT administer the marine licensing system on behalf of the Welsh Ministers (and are therefore included here), marine licensing enforcement and appeals responsibility remains with WG Marine Enforcement Officers and Welsh Ministers respectively (see below). In practice, appeals against a marine licence decision are handled by the Planning Inspectorate.

In Wales, the Planning Act 2008 provision for deeming a Marine Licence as part of a Development Consent Order (DCO) does not apply. As such, applicants for Nationally Significant Infrastructure Projects (NSIPs) are also required to obtain a marine licence from NRW MLT. The WNMP will be taken into account in the licence determination process.

NRW MLT is a competent authority for marine licence related Habitats Regulations Assessment (HRA) – see section 4.

A marine licence is required for the following activities:

- Deposits in the sea, on or under the seabed;
- To scuttle a vessel;
- Construct, alter or improve works in, over, on or under the sea bed;
- Remove and substance or object from the sea bed;
- Dredge (whether the activity involves disposal or not);
- Deposit or use any explosive substances or articles; and,
- Incinerate any substance or object.

Table 5.1: NRW Marine Licensing Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies¹⁰	Other Legislation	MaCAA
Licensing	NRW makes decisions and issues marine licences (subject to conditions) for both inshore and offshore areas which is delegated by the Welsh Ministers.	GEN_01, GEN_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01	Marine and Coastal Access Act 2009	58(1)

5.1.2 Natural Resources Wales (NRW) – Advisory and Regulatory

NRW is the Welsh Government’s Statutory Nature Conservation Advisor including for the Welsh inshore waters out to 12nm. As well as being an adviser about issues relating to the environment and its natural resources; NRW has regulatory and management functions on land and at sea.

The Environment (Wales) Act 2016 sets out the statutory purpose of NRW and specific provisions are established by the Natural Resources Body for Wales (Establishment) Order 2012 and the Natural Resources Body for Wales (Functions) Order 2013. NRW receives a remit letter setting out what the Welsh Government wants NRW to achieve during each financial year.

In addition to its role in marine licensing, NRW undertakes regulatory activities across land and sea. These include industry (e.g. waste, radioactive substances); protected areas and species (e.g. SSSIs consents, protected species licensing and rights of way) and water resources, discharges and flood control. Applications are assessed and permits are granted as appropriate; against which compliance is assessed and enforcement taken where necessary.

¹⁰ No questionnaire responses from NRW listed relevant WNMP policies. All policies listed here are the authors own assumptions.

NRW also undertakes miscellaneous management activities such as managing commercial cockle fisheries, migratory fish and recreational fishing and is navigation authority for the Dee.

NRW is a Statutory Consultee on marine licences or other planning permissions and the regulator and appropriate authority for marine EIA and HRA projects. NRW is a competent authority for Statutory Nature Conservation Body (SNCB) advisor and regulatory functions.

The NRW Marine Advisory Service provides advice, both internally and externally, to developers and regulatory bodies (including the NRW marine licensing team) on a range of plans and projects including processes as well as offering nature conservation and discretionary advice. NRW offers preliminary advice on development proposals as well as a discretionary planning advisory service (DAS). In addition, NRW offer pre application advice for environmental permits to help applicants find out if authorisations are needed and to assist with the application process.

Table 5.2: NRW Advisory and Regulatory Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies¹¹	Other Legislation	MaCAA
Enforcement	Prosecuting those who breach the regulations that NRW are responsible for (mainly land activity related).	GEN_01, GEN_02, SOC_03, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07	Various depending on the breach.	58(1)

¹¹ No questionnaire responses from NRW listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies¹¹	Other Legislation	MaCAA
Licensing	NRW issues Marine European Protected Species licenses in internal or terrestrial waters (i.e. inshore, inside 12 nautical miles), to allow work within the law, including for marine developments, research and survey work.	GEN_01, GEN_02, SOC_03, SOC_10, SOC_11, ENV_01, ENV_02, ENV_07	Conservation of Habitats and Species Regulations 2017 Conservation of Offshore Marine Habitats and Species Regulations 2017	58(1)
Licensing	NRW makes decisions on Protected Species applications, including for rare or vulnerable species of fish.	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_05, ENV_07	Wildlife and Countryside Act 1981 Conservation of Seals Act 1970	58(1)
Licensing	NRW makes decisions and issues licenses for activities connected with wild birds. This includes nest recording, preventing serious damage to fisheries and conservation.	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02	Wildlife and Countryside Act 1981 European Wild Birds Directive 1979 Bern Convention 1979	58(1)
Licensing	NRW makes decisions and issues licenses for activities connected with protected plants. This includes scientific research, conservation and	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02	Wildlife and Countryside Act 1981	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹¹	Other Legislation	MaCAA
	prevention of serious damage to fisheries.			
Plan Making	NRW must produce Flood Risk Management Plans for the whole of Wales every six years starting from 2015. These plans cover flooding from main rivers, the sea and reservoirs.	GEN_01, GEN_02, SOC_08, SOC_09, SOC_10, SOC_11, GOV_01	Flood and Water Management Act 2010	58(3)
Consenting	Section 5(5) of the Coastal Protection Act 1949 requires applications for coastal developments to provide confirmation of notifications and consultations have been undertaken and permissions obtained for new coast protection scheme works to NRW. NRW then provide their consent (usually also associated with the issue of a marine licence) on whether the applicant can proceed with the application.	GEN_01, GEN_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_06, GOV_01	Coastal Protection Act 1949	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies¹¹	Other Legislation	MaCAA
Consenting	Issues Flood Risk Activity Permits for the carrying out of works in, over, under or near a main river or flood defence (including a sea defence) or within a flood plain.	GEN_01, GEN_02, SOC_08, SOC_09, GOV_01	Flood and Water Management Act 2010	58(1)
Consenting	Works carried out on ordinary watercourses within an Internal Drainage District (IDD) require a Land Drainage Consent. This will ensure work will not interfere with NRW flood risk management assets or adversely affect the local environment, fisheries or wildlife.	GEN_01, GEN_02, SOC_03, SOC_08, SOC_09	Land Drainage Act 1991	58(1)
Consenting*	NRW issues licenses for activities in Sites of Special Scientific Interest*	GEN_01, GEN_02, SOC_01, SOC_03, SOC_05, SOC_06, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_03	Wildlife and Countryside Act 1981	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹¹	Other Legislation	MaCAA
Funding†	Funding for external projects and internal delivery, e.g. asset protection and site management†	GEN_01, GEN_02, ECON_01, SOC_01, SOC_03, SOC_05, SOC_10, SOC_11	Various depending on the project.	58(3)
Management†	Management of designated areas including Special Areas of Conservation and Special Protection Areas†	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_03, SOC_05, SOC_06, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_03	Wildlife and Countryside Act 1981	58(3)
Designation	NRW can designate new Sites of Special Scientific Interest (SSSI), extend existing ones, remove protected status of land within a SSSI and alter any details of a SSSI, such as the list of activities that require consent within it.	GEN_01, GEN_02, SOC_05, SOC_06, SOC_10, SOC_11, ENV_01, ENV_02	Wildlife and Countryside Act 1981	58(3)

5.2 Welsh Ministers

Welsh Ministers have a wide range of functions in relation to the inshore and offshore marine area. The information in this table is a combination of desk-based research and responses received through the questionnaire from the Planning,

Regeneration, Division for Decarbonisation and Energy, Fossil Fuel and Carbon Capture and Storage, Renewable Energy, Tourism Development, Ports and Freights, and Marine and Fisheries teams. Text followed by * shows responses received from the Head of Planning at Welsh Government. Text followed by † shows responses from Regeneration Policy. Text in followed by ‡ shows responses from the Division for Decarbonisation and Energy, Fossil Fuel and Carbon Capture and Storage Licensing Manager. Responses followed by Δ are from the Welsh Government Marine & Fisheries Funding Manager. Text followed by ** show responses from Marine & Fisheries Coastal State Preparedness. Text followed by †† is from the Planning Directorate and ‡‡ from Ports and Freights.

Table 5.3: Welsh Ministers Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
Consenting	Petroleum Exploration and Development Licensing (PEDL) decisions. Decision on how to administer existing licences and consents for specific activities such as drilling, survey or production. ‡	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02 <i>Policy O&G_01 b</i>	Wales Act 2017 Petroleum Act 1998	58(1)
Enforcement ‡	PEDL enforcement against the licence model	GEN_01, GEN_02, ECON_01,	Wales Act 2017	58(1)

¹² Only a few questionnaire responses from the Welsh Ministers listed relevant WNMP Policies. These responses are in *italics*, the rest are the authors own assumptions

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Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
	clauses and any consents issued for specific onshore petroleum exploitation activities. ‡	ECON_02, SOC_01, SOC_03, SOC_05, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02	Petroleum Act 1998	
Consenting	Planning appeals which are recovered for determination directly by the Welsh Ministers.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_03, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02	Town and Country Planning Act 1990 (as amended) Town and Country Planning (Development Management Procedure) (Wales) Order 2012	58(1)
Designation	Designation of Special Areas of Conservation (SACs). SACs protect certain habitats and	GEN_01, GEN_02, SOC_06, ENV_01, ENV_02	The Conservation of Offshore Marine Habitats and Species Regulations 2017	58(3)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
	species in the offshore marine area.			
Designation	Designation of Special Protection Areas (SPAs). SPAs protect certain wild bird species in the offshore marine area.	GEN_01, GEN_02, SOC_06, ENV_01, ENV_02	The Conservation of Offshore Marine Habitats and Species Regulations 2017	58(3)
Designation	Designation of Marine Conservation Zones which protect nationally important habitats and wildlife.	GEN_01, GEN_02, SOC_06, ENV_01, ENV_02	Marine and Coastal Access Act 2009	58(3)
Making of Harbour Orders	Responsible for making Section 14 Harbour Revision Orders (HROs) and Section 16 Harbour Empowerment Orders (HEOs).	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02	Harbour Act 1964 Harbours, Docks and Piers Clauses Act 1847	
Policy Development	Develops and adopts national energy policy	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03,	Wales Act 2016 Environment (Wales) Act 2016	58(3)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
	such as renewable energy policy.*	SOC_10, SOC_11, ENV_01, ENV_02, GOV_01, GOV_02		
Funding†	Works alongside The National Lottery Communities Fund to grant funding.†	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_10, SOC_11	National Lottery Act 1993	58(3)
Policy Development / Funding†	Town Centre Regeneration such as their 'Transforming Towns' initiative. †	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_05, SOC_08, SOC_09, SOC_10, SOC_11, T&R_01	Housing and Regeneration Act 2008	58(3)
Policy Development‡	Oil and gas licensing and consenting policy for inshore and terrestrial areas. Policy regarding the administration of existing licences or whether or not to issue new licences. ‡	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02 <i>Policy O&G_01 b</i>	Infrastructure Act 2015 Petroleum Act 1998	58(3)

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Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
Enforcement ^Δ	Enforcement action taking on licenses/fisheries breaches including enforcing marine licences issued by NRW MLT. ^Δ	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, FISH_01	EU Common Fisheries Policy 2014 Marine and Coastal Access Act 2009	58(1)
Policy Development ^{**}	Sea Fishery Policy ^{**}	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_04, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02, FISH_01	EU Common Fisheries Policy 2014 Marine and Coastal Access Act 2009	58(3)
Management ^{**}	Managing Fishing quotas, opening/closing fisheries, general fisheries management ^{**}	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_07, GOV_01, GOV_02	EU Common Fisheries Policy 2014 Marine and Coastal Access Act 2009	58(3)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
Consenting††	Makes decisions on Transport and Works Orders applications. ††	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, GOV_01, GOV_02	Transport and Works Act 1992	58(1)
Consenting††	Makes consenting decisions on 1-350MW offshore energy generation applications††	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02, CAB_01	Wales Act 2017 Planning (Wales) Act 2015 Electricity Act 1989 {Planning Act 2008 The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 Town and Country Planning Act 1990} in	58(3)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
			part UK Govt consented.	
Consenting††	Responsible for the approval (Admiralty consent) of some port works under Local Acts††	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02	Wales Act 2017 Marine and Coastal Access Act 2009 Harbours Docks Piers and Clauses Act 1847	58(3)
Consenting††	Makes decisions on material and non-material amendments to Development Consent Orders††	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02	Planning Act 2008	58(3)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹²	Other Legislation	MaCAA
Designation	Spatial designation of areas for energy development.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_07, SOC_08, SOC_09, ENV_01, ENV_02, GOV_01, GOV_02,	Energy Act 2016	58(3)
Policy Development ^{††}	Develops policies for the use of Ports and Harbours. This includes promoting the sustainable movement of goods throughout the UK, including by shipping routes, and consideration of the role of Ports and Harbours not only as gateways for goods and passengers, but as hubs for economic wealth and sustainable development. ^{††}	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, ENV_01, ENV_02, ENV-04, GOV_01, GOV_02, P&S_01		58(3)

5.3 The Crown Estate

The Crown Estate is an active manager of marine and land assets in Wales. The seabed to 12 nautical miles is largely owned by the Crown Estate, outside of 12 nautical miles (i.e. beyond the territorial limit) the Crown Estate holds some rights with certain activities, such as offshore renewable energy, marine mineral extraction, or gas and carbon storage.

The information in this table is a combination of desk-based research and responses received through the questionnaire. Text followed by * shows responses from the Crown Estate.

Table 5.4: The Crown Estate Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies¹³	Other Legislation	MaCAA
Issues Leases	Issues leases for site development within the Crown Estate, subject to statutory consent being granted. Includes offshore wind farm transmission, cables and pipelines (telecommunications, gas and oil) laying maintenance and operation and offshore natural gas storage and CO ₂ storage beneath the seabed. Does not provide statutory	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, ELC_01, O&G_01, CAB_01	Crown Estate Act 1961	58(3)

¹³ No questionnaire responses from the Crown Estate listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ¹³	Other Legislation	MaCAA
	planning consent but provides the rights to leasing and licences.			
Licences and consents	Provide licences for interested parties to carry out activities on the seabed and foreshore*, including for the harvesting of seaweed, sporting licences, extraction of marine sand, gravel, mineral resources and for capital and maintenance dredging. Provide consent for the disposal of dredged sediment at sea. Provide Seabed Survey Licences and Coastal Survey Licences. Grants block lease or licence to mooring operators.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_03, ENV_05, ENV_06, ENV_07, GOV_01, AGG_01	Wildlife and Countryside Act (1981) Marine and Coastal Access Act 2009	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹³	Other Legislation	MaCAA
Issues Leases	Award agreement of HRA lease plans if the Crown Estate ascertains the plans would not adversely affect the integrity of a European /Ramsar site.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_06, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, GOV_01, GOV_02	Habitat Regulations	58(3)
Funding*	The Crown Estate awards funding to support collaborative industry / government / stakeholder initiatives, that seek to better understand the marine environment, the potential impacts of the sectors for which they grant rights, and solutions to challenges faced by the sectors.*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, GOV_01, GOV_02		58(3)

5.4 Department for Business, Energy and Industrial Strategy

The Department for Business, Energy and Industrial Strategy (BEIS) is responsible for business, industrial strategy, science, research and innovation, energy and clean growth, and climate change within the UK. Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) sit within BEIS. Under the Offshore Safety Directive, OPRED

is a joint regulator with the Health and Safety Executive (HSE) forming the Offshore Safety Directive Regulator (OSDR), who make decisions in relation to Safety Cases and Well Notifications. The information in this table is a combination of desk-based research and responses received through the questionnaire, including from OPRED team. Text followed by * is from the Environmental Manager for Offshore Petroleum Regulator for Environment and Decommissioning.

Table 5.5: Department for Business, Energy and Industrial Strategy Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁴	Other Legislation	MaCAA
Disposal Decisions	OPRED are responsible for ensuring that the decommissioning of offshore oil and gas installations and pipelines and offshore renewable energy on the United Kingdom Continental Shelf (UKCS) complies with the Petroleum Act. Owners these assets must set out measures to decommission	GEN_01, GEN_02, SOC_03, SOC_07, ENV_01, ENV_02, ENV_04, O&G_01	Petroleum Act 1998 Energy Act 2016	58(1)

¹⁴ No questionnaire responses from BEIS listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁴	Other Legislation	MaCAA
	disused installations and/or pipelines in a decommissioning programme. OPRED considers these programmes and makes disposal decisions.			
Licensing	Make decisions on applications for European Protected Species injury or disturbance licences for activities in the offshore area adjacent to Wales.	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_05, ENV_07, GOV_01	The Conservation of Offshore Marine Habitats and Species Regulations 2017	58(1)
Plan making	BEIS produces Licensing Plans that identify the areas of land that operators can bid for exclusive rights to drill in competitive licensing rounds.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, GOV_01, GOV_02	Petroleum Act 1998	58(3)

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Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁴	Other Legislation	MaCAA
Licensing	Responsible for deciding whether to grant a petroleum exploration and development license (PEDL). This is required to search and drill for and extract shale gas or conventional oil or gas.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01	Petroleum Act 1998	58(1)
Policy Formulation*	Strategic Energy Policy. OPRED develop specific policy and guidance within this in relation to oil and gas, carbon capture storage and gas unloading and storage.*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02, O&G_01	Petroleum Act 1998 Energy Act 2016	58(3)
Consenting	Issues 'Consent to Locate' (CtL) permits. Allows the installation of an offshore	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08,	Marine and Coastal Access Act 2009 Petroleum Act 1998	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁴	Other Legislation	MaCAA
	structure or the carrying out of offshore operations providing they are undertaken in accordance with the consent conditions.	SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, O&G_01	Energy Act 2008 Offshore Installations and Pipeline Works Regulations 1995	

5.5 Oil and Gas Authority

The Oil and Gas Authority's (OGA) role is to regulate, influence and promote the UK oil and gas industry. The Welsh Government have authority over inshore and terrestrial oil and gas industry, whilst the OGA have authority over offshore oil and gas industry. The information in this table is based on desk-based research.

Table 5.6: Oil & Gas Authority (OGA) Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁵	Other Legislation	MaCAA
Consenting	The Oil and Gas Authority consents pipeline works authorisations and variations. These should be in place	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01,	Energy Act 1976 Petroleum Act 1998 Pipeline Safety Regulations 1996 Offshore Petroleum Production and	58(1)

¹⁵ No questionnaire responses from the Oil and Gas Authority listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁵	Other Legislation	MaCAA
	before any pipeline or pipeline system construction or modification works begin.	ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, O&G_01	Pipelines (Assessment of Environment Effects) Regulations 1999	
Consenting	They consent applications for drilling, to produce oil and gas, flare gas and vent gas*, Annual Consents Exercise (application to produce Oil and Gas, and to Flare and Vent Gas), and licenses to install facilities or to produce hydrocarbons.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, O&G_01	Energy Act 1976 Petroleum Act 1998 Pipeline Safety Regulations 1996 Offshore Petroleum Production and Pipelines (Assessment of Environment Effects) Regulations 1999	58(1)
Licensing	The Oil and Gas Authority has the discretion in the granting of licences for exclusive rights to 'search and bore for and get' petroleum	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05,	Energy Act 1976 Petroleum Act 1998	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁵	Other Legislation	MaCAA
	through Production and Offshore Innovate Licences) to help maximise the economic recovery of the UK's oil and gas resources.	ENV_06, ENV_07, GOV_01, O&G_01		
Licensing	The OGA can grant Seaward Exploration Licences and Landward Exploration Licences.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, O&G_01	Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001	58(1)
Licensing	The OGA grants licenses and permits for offshore carbon dioxide storage, offshore gas storage and offshore gas unloading*.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, O&G_01	Energy Act 2008 Energy Act 2016	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁵	Other Legislation	MaCAA
Enforcement	Can take enforcement action on oil and gas matters.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, O&G_01	Energy Act 2016	58(1)

5.6 Local Authorities in Wales

Local authorities (councils) are statutory bodies set up under various Local Government acts to provide local leadership and services. Local government in Wales is responsible for a range of over 700 local services for people and businesses in 22 defined county (unitary) authority areas, including social services, education, housing and planning, highways and transport, leisure and culture, consumer protection, environmental health, economic development and business support, waste management and emergency planning.

Local Authorities in this report have been considered as ‘one’ statutory body as the activities and decisions they make are identical due to national legislation requirements. The information in this table is a combination of desk-based research and responses received through the questionnaire. Responses were received from the Isle of Anglesey Country Council (Planning, Built and Natural Environment Team), Merthyr Tydfil County Borough Council (Planning Team), Monmouthshire County Council (Planning Team), Newport City Council (Planning Team, Environment and Community, Countryside Team), Cardiff City Council (Ecology Planning Department), Bridgend County Borough Council (Planning Team), Neath Port Talbot Council (Planning Team), Gwynedd Council (Marine Special Area of Conservation), Swansea Council (Planning Ecologist), Ceredigion County Council (Senior Ecologist, Conservation Team, Economy and Regeneration Services) and Vale of Glamorgan Council. Text followed by * shows responses received from local authorities.

Table 5.7: Local Authorities in Wales Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies¹⁶	Other Legislation	MaCAA
Policy Formulation and Plan Making*	Develops policies and plans as part of the Local Development Framework. This includes Transport network development policies which make provision for facilities for interchange with water-based transport, climate change policies and support for marine and water technologies, to name a few. *	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, P&S_01, P&S_02, ELC_01, ELC_02, ELC_03, ELC_04, ENV_01, ENV_02, ENV_03, ENV_04, ENV_05, ENV_06, ENV_07, T&R_01* GOV_01, GOV_02	Planning and Compulsory Purchase Act 2004* Varies on types of policies developed*.	58(3)
Authorisation*	Determination of planning applications that could affect the marine environment directly and indirectly.*	Same policies as above.*	Town and Country Planning Act 1990*	58(1)

¹⁶ All policies listed were provided in the questionnaire response

Decision Making Theme	Activity Detail	Key WNMP Policies¹⁶	Other Legislation	MaCAA
Enforcement*	Enforcement of planning legislation, principally Town and Country Planning Act.*	Same policies as above.*	Town and Country Planning Act 1990*	58(1)
Consenting*	Authorising Ordinary Water Course consents*	GEN_01, GEN_02, SOC_02, SOC_03, ENV_01, ENV_06,	Land Drainage Act 1991	58(1)
Authorisation*	Authorisation of vessels to dock at Docks (Free Practique) and issuing of Maritime Declarations of Health (for marine bordering Local Authorities only).*	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_06, P&S_01, SAF_01	The Public Health (Ships) Regulations 1979	58(1)
Enforcement*	Enforcement action on breaches to the Free Practique and Maritime Declarations of Health (for marine bordering Local Authorities only).*	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_06, P&S_01, SAF_01	The Public Health (Ships) Regulations 1979	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁶	Other Legislation	MaCAA
Funding*	Grants funding for a variety of regeneration / environmental schemes. A recent example includes work to reduce nutrient ingress into a river system with a view to improving bathing water quality where the river enters the sea.*	GEN_01, GEN_02, ECON_01, SOC_01, SOC_02, SOC_03, SOC_04*	Not applicable.	58(3)

5.7 Planning Inspectorate

The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of Local Plans and other planning-related and specialist casework in Wales. The information in this table is a combination of desk-based research and responses received through the questionnaire, including from the Head of Planning. The questionnaire responses also identified advisory activities, including when the Planning Inspectorate makes recommendations on electricity developments to the BEIS, recommendations on major infrastructure projects to the relevant Secretary of State and recommendations on Harbour Revision Order applications to the Welsh Government. However, as defined in Section 3, for the purpose of this study, such activities are not considered to be s58(1) or 58(3) decisions. Text followed by * shows responses received from the Planning Inspectorate.

Table 5.8: Planning Inspectorate Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies¹⁷	Other Legislation	MaCAA
Appeals	Makes decisions on appeals made for marine licenses. In making a determination the inspectorate would have regard to the WNMP and direct NRW MLT who remain the decision maker.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02	Marine Licensing Regulations 2011 Marine and Coastal Access Act 2009	58(1)
Appeals	Makes decisions on appeals made for environmental permits.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06,	The Environmental Permitting Regulations (2016)	58(1)

¹⁷ No questionnaire responses from the Planning Inspectorate listed relevant WNMP policies. All policies listed here are the authors own assumptions.

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Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁷	Other Legislation	MaCAA
Interdependent investigations	An independent investigation will address any unresolved issues of a Marine Plan, but not the entire plan.	ENV_07, GOV_01, GOV_02 GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02	Marine and Coastal Access Act 2009	58(3)
Public Inquires*	Holds public inquiries for Transport and Works Act (TWA) applications. Provides recommendations and conclusions to the Secretary of State who uses this information to the make a decision on whether to make this order.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, GOV_01, GOV_02	Transport and Works Act 1992	58(3)

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁷	Other Legislation	MaCAA
Examination of Plans and Recommendations	Examines and makes decisions on whether Local Development Plans should be made.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_03, ENV_04, ENV_06, GOV_01, GOV_02	Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Planning) 2012	58(3)

5.8 Ministry of Defence

The Ministry of Defence (MOD) work for a secure and prosperous United Kingdom. The MOD is a large landowner and manager of marine access with wider control of access for security, control of development and public safety. The MOD reviews marine developments and activities to ensure danger, practice and exercise areas as well as defence activities are not compromised, and the MOD estate and interests are safeguarded. The information in this table is a combination of desk-based research and responses received through the questionnaire from the Financial and Military Capability Team (FMC). The questionnaire responses also identified advisory activities, representations to consultations such as Nationally Significant Infrastructure Project applications, Marine Licence applications, oil and gas licensing, acts as a competent authority under the UK Habitats Regulations, a statutory consultee in the UK planning system for safeguarding consultation zones and other marine consenting processes. However, as defined in Section 3, for the purpose of this study, such activities are not considered to be s58(1) or 58(3) decisions.

Table 5.9: Ministry of Defence (MOD) Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁸	Other Legislation	MaCAA
Making Byelaws	MoD has the power to regulate sea areas and restrict their use either temporarily or permanently by making bylaws.	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_03, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01 ENV_02, GOV_02, O&G_01, DEF_01*	Military Lands Acts 1892 and 1900 Land Powers Defence Act 1958	58(3)

5.9 Centre for Environment, Fisheries and Aquaculture Science

The Centre for Environment, Fisheries and Aquaculture Science (CEFAS) acts for the government as marine and freshwater science experts, working for healthy and productive oceans, seas and rivers and safe and sustainable seafood. In implementing the below regulations, it is the Fish Health Inspectorate (based within Cefas) which acts on behalf of the Competent Authority (the Secretary of State, and the Welsh Ministers). Information in this table is a combination of desk-based research and responses received through the questionnaire from the Fish Health Inspectorate. Text followed by * shows responses received from CEFAS.

¹⁸ Only one questionnaire response from the MoD listed relevant WNMP Policies. These responses are in *red*, the rest are the authors own assumptions

Table 5.10: Centre for Environment, Fisheries and Aquaculture Science (CEFAS) Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies¹⁹	Other Legislation	MaCAA
Authorisation*	Authorisation of aquaculture production businesses*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, SOC_07, SOC_08, SOC_09, ENV_01, ENV_02, ENV_03, ENV_05, ENV_07, GOV_01, AQU_01, FISH_01	Aquatic Animal Health (England and Wales) Regulations 2009*	58(1)
Consents*	Consents licenses* for the use of alien and locally absent species in aquaculture, to minimise the potential impact of these and any associated non-target species on the aquatic environment and thus contribute to the sustainable	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_03, ENV_05, AQU_01, FISH_01	Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011*	58(1)

¹⁹ No questionnaire responses from the CEFAS listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ¹⁹	Other Legislation	MaCAA
	development of this sector.			
Enforcement*	Enforcement on aquaculture matters such as outbreak of diseases on fish and shellfish farms.*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_03, ENV_01, ENV_02, ENV_03, ENV_07, AQU_01, FISH_01	The Aquatic Animal Health (England and Wales) Regulations 2009	58(1)

5.10 Pembrokeshire Coast National Park Authority

National Parks Authorities (NPA) of Pembrokeshire coast, Snowdonia and Brecon Beacons have some planning functions in addition to conserving and enhancing the natural beauty, wildlife and cultural heritage, promoting opportunities to understand and enjoy national parks by the public and fostering the economic and social well-being of local communities.

Pembrokeshire Coast National Park Authority (PCNPA) is the UK's only national park designated principally for its coastline. National Park purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage in the National Park, and to promote opportunities for public enjoyment and understanding of their special qualities. National Park Authorities are the local planning authorities for their areas; they also contribute to strategic development planning. Pembrokeshire Coast National Park includes the foreshore to mean low water, and the Authority leases much of this from the Crown Estate. The Authority is a relevant authority for three European Marine sites: Pembrokeshire Coast, Cardigan Bay and Carmarthen Bay and Estuaries. Information in this table is a combination of desk-based research and responses received through the questionnaire. Text followed by * shows responses received from PCNPA

Table 5.11: Pembrokeshire Coast National Park Authority Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies²⁰	Other Legislation	MaCAA
Policy Development*	Pembrokeshire Coast Local Development Planning policy*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_04, GOV_01, GOV_02, SCI_01, T&R_01	Planning and Compulsory Purchase Act 2004	58(3)
Policy Development*	National Park Management Plan*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02,	Environment Act 1995 Environment (Wales) Act 2016 Planning (Wales) Act 2015 Well-being of Future Generations (Wales) Act 2015	58(3)

²⁰ No questionnaire responses from the Pembrokeshire Coast National Park Authority listed relevant WNMP policies. All policies listed here are the authors own assumptions.

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Decision Making Theme	Activity Detail	Key WNMP Policies ²⁰	Other Legislation	MaCAA
		ENV_04, GOV_01, GOV_02, SCI_01, T&R_01	Historic Environment (Wales) Act 2016	
Consenting*	Determining planning applications in accordance with Pembrokeshire Coast Local Development Plan.*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02, ENV_04, ENV_05*, ENV_06*, GOV_01, GOV_02, SCI_01, T&R_01	Town and Country Planning Act 1990 (as amended) Town and Country Planning (Development Management Procedure) (Wales) Order 2012 Environment Act 1995	58(1)
Enforcement*	Enforcing planning policies / conditions in accordance with Pembrokeshire Coast Local Development Plan.*	GEN_01, GEN_02, ECON_01, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_05, SOC_06, SOC_07, SOC_08, SOC_09, SOC_10, SOC_11, ENV_01, ENV_02,	Town and Country Planning Act 1990 (as amended) Town and Country Planning (Development Management	58(1)

Decision Making Theme	Activity Detail	Key WNMP Policies ²⁰	Other Legislation	MaCAA
		ENV_05*, ENV_06*, GOV_01, SCI_01, T&R_01	Procedure) (Wales) Order 2012	

5.11 Maritime and Coastguard Agency

The Maritime and Coastguard Agency (MCA) is an Executive Agency of the Department for Transport and has regulatory responsibility for implementing the UK's maritime safety policies including the safety of vessels and crew, the environmental safety of UK coast and waters from pollution from vessels and offshore installations, provision of a maritime search and rescue service through HM Coastguard, and other key marine activities. Information in this table is a combination of desk-based research and responses received through the questionnaire from members of the MCA's UK Technical Services Navigation branch. The questionnaire results also identified advisory activities, including acting as statutory consultee and primary advisor for decision makers under the Marine and Coastal Access Act 2009 and other maritime legislation. However, as defined in Section 3.2, for the purpose of this study, such activities are not considered to be s58(1) or 58(3) decisions. Text followed by * shows responses received from the Maritime and Coastguard Agency.

Table 5.12: Maritime and Coastguard Agency Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ²¹	Other Legislation	MaCAA
Policy Development*	Policy making for vessel standards, equipment, cargo, seafarers, navigation	GEN_01, GEN_02, ECON_02, SOC_01, SOC_02, SOC_03, SOC_04, SOC_10,	Safety of Life at Sea Convention 2002	58(3)

²¹ No questionnaire responses from the Maritime and Coastguard Agency listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ²¹	Other Legislation	MaCAA
	and emergency response.*	SOC_11, ENV_01, ENV_02, ENV_03, GOV_02, SAF_01		
Enforcement*	Can detain vessels if they are unsafe. Can also take enforcement action for breaches of the Merchant Shipping Act 1995 e.g. COLREGs (preventing collisions at sea)*	GEN_01, GEN_02, P&S_01, P&S_02; SOC_03; GOV_02	Merchant Shipping Act 1995* International Regulations for Preventing Collisions at Sea 1972 Coastguard Act 1925	58(1)
Policy Development*	Receiver of Wreck*			
Enforcement*	Secretary of State's Representative for Maritime Salvage and Intervention*			
Policy Development and Funding*	Civil Hydrography Programme – seabed surveys of UK waters*			
Emergency services*	HM Coastguard – coordination of maritime Search and			

Decision Making Theme	Activity Detail	Key WNMP Policies ²¹	Other Legislation	MaCAA
	Rescue (SAR) in the UK SAR region*			

5.12 Welsh Water / Dŵr Cymru

Welsh Water supply water and wastewater services to most of Wales and part of Western England. Information in this table is a combination of desk-based research and responses received through the questionnaire from the Environment Services and Wastewater Team. Text followed by * shows responses received from Welsh Water.

Table 5.13: Welsh Water Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ²²	Other Legislation	MaCAA
Funding*	Grants funds for environmental projects*	GEN_01, GEN_02, ECON_01, SOC_01, SOC_02, SOC_03, SOC_04, GOV_02	Water Industry Act 1991	58(3)
Funding*	Environment programme improvements with organisations such as NRW, EA, Rivers	GEN_01, GEN_02, ECON_01, SOC_01, SOC_02, SOC_03, SOC_04, GOV_02, SAF_01	N/A	58(3)

²² No questionnaire responses from Welsh Water listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ²²	Other Legislation	MaCAA
	Trust, Wye and Usk Foundation through its Independent Environmental Advisory Panel (IEAP).*			
Enforcement*	Traders discharging to wastewater treatment works have conditions/agreements with the water company, if they breach these they could cause a failure at the works and Welsh Water have to take enforcement action.*	GEN_01, GEN_02, SOC_02, SOC_03, ENV_01, ENV_06, SAF_01	Water Industry Act 1991	58(1)

5.13 Trinity House

Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar. Information in this table is a combination of desk-based research and responses received through the questionnaire from the Navigation Department. Text followed by * shows responses received from Trinity House.

Table 5.14: Trinity House Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies²³	Other Legislation	MaCAA
Policy Development*	In conjunction with BEIS in relation to offshore oil and gas developments and renewable energy.*	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_03, ENV_06, P&S_01, SAF_01a, SAF_01b	Petroleum Act 1998 Energy Act 2016	58(3)
Authorisation*	Authorise the establishment, discontinuance and alteration to any existing or new Aid to Navigation (buoys, beacons, lights, daymarks, etc)*	GEN_01, GEN_02, SOC_03, ENV_01, ENV_02, ENV_03, ENV_06, P&S_01, SAF_01a, SAF_01b	Section 199(2) of the Merchant Shipping Act 1995* Section 78 of the Harbours Docks and Piers Clauses Act 1847*	58(3)

Prior to release of this document, Trinity House has stated its view that having contemplated the scope of its undertaking and activities as a Public Authority within the Act, Trinity House considers that it would not, ordinarily, fall within scope of sections 58(1) or 58(3). This given that any individual decision made by Trinity House would not be capable of materially affecting the whole or any part of the UK marine area or otherwise being of a nature that could impact upon the objectives of the marine plan.

If, however, any activity was considered by Trinity House to be within scope (e.g. due to its magnitude or scope etc.) then any such related decision to this activity (or potential activity) would be taken with regard to sections 58(1) or 58(3) as

²³ No questionnaire responses from Trinity House listed relevant WNMP policies. All policies listed here are the authors own assumptions.

appropriate. At present this is considered unlikely. The position is kept under review by Trinity House and in consultation with relevant stakeholders.

5.14 Welsh European Funding Office

The Welsh European Funding Office secure delivery funds for various programmes across Wales, including programmes within the Marine waters. Information in this table is a combination of desk-based research and responses received through the questionnaire from the Renewable Energy and Energy Efficiency Branch.

Table 5.15: Welsh European Funding Office Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ²⁴	Other Legislation	MaCAA
Funding*	Welsh European Funding Office secure delivery of programmes that reflect Welsh Government, UK Government and European Policy initiatives/imperatives.*	GEN_01, GEN_02, ECON_01, SOC_01, SOC_02, SOC_04, GOV_02		58(3)
Funding*	Approve grant to projects seeking to develop innovative renewable energy	GEN_01, GEN_02, ECON_01, SOC_01, SOC_02, SOC_04, SOC_10, SOC_11,		58(3)

²⁴ No questionnaire responses from Welsh European Funding Office listed relevant WNMP policies. All policies listed here are the authors own assumptions.

Decision Making Theme	Activity Detail	Key WNMP Policies ²⁴	Other Legislation	MaCAA
	technologies in the Wave and Tidal Stream sector.*	ENV_01, GOV_02, SCI_01,		

5.15 Port / Harbour Authorities

Port / Harbour Authorities in this report have been considered as ‘one’ statutory body as the activities and decisions they make are identical due to national legislation requirements. The information in this table is a combination of desk-based research and responses received through the questionnaire. Responses were received from the Port of Mostyn, Saunderfoot Harbour Commissioners and Milford Haven Port Authority. Text followed by * shows responses received from Port / Harbour Authorities.

Table 5.16: Port / Harbour Authorities Office Decision Making

Decision Making Theme	Activity Detail	Key WNMP Policies ²⁵	Other Legislation	MaCAA
Consenting*	Consents to lay leisure moorings, landings, marine works and dredging*	GEN_01, GEN_02, ECON_01, ECON_02, ENV_01, ENV_02, ENV_03, ENV_05, ENV_06, ENV_07, GOV_01, GOV_02, SCI_01, SOC_02, SOC_05,	Specific Harbour Orders*	58(1)

²⁵ All policies listed were received from questionnaire responses from the Port / Harbour Authorities.

Decision Making Theme	Activity Detail	Key WNMP Policies ²⁵	Other Legislation	MaCAA
Enforcement*	Enforcement action for breaches on the above consents*	SOC_07, SOC_08, SOC_10, SOC_11, AGG_01B, D&D 01, ELC_01A, ELC_01B, ELC_03A, ELC_03B, ELC_04B, P&S_01A, P&S_01B, P&S_02*	Specific Harbour Orders*	58(1)
Policy Development*	Port Authorities develop policy solely for their own jurisdiction for the construction, alteration and extension of marine infrastructure, dredging and environmental management.*	Same as above*	Specific Harbour Orders*	58(3)

5.16 Other Organisations

The following organisations were contacted to take part in the questionnaire and either responded that they do not make s58(1) or s58(3) decisions relevant to the WNMP or it has been concluded that they do not take such decisions, based on their questionnaire responses:

- The Royal Commission on the Ancient and Historical Monuments of Wales;
- Joint Nature Conservation Committee;
- Department of Housing, Planning and Local Government for the Government of Ireland;
- Cheshire West and Chester Council;
- UK Hydrographic Office;
- SeaFish;
- Devon and Severn Inshore Fisheries and Conservation Authority; and,
- Environment Agency.

A. Details of Organisations Contacted

Table A.1: Details of organisations contacted, and responses received from the questionnaire (correct as of 24/03/20) (excluding responses received via email)

Organisation	Number of Departments/ Representatives Contacted	Number of Responses to Questionnaire
ABP Barry	1	0
ABP Cardiff	2	0
ABP Newport	1	0
ABP Port Talbot	1	0
ABP Swansea	1	0
Anglesey Council	2	1
Anglesey County Council Harbours	1	0
Big Lottery Fund	0	0
Blaenau Gwent County Borough Council	1	0
Brecon Beacons National Park	1	0
Bridgend County Borough Council	2	1
British Ports Association	1	0
Caerphilly Council	1	0
Cardiff Airport	1	0
Cardiff City Council	2	1
Cardiff Harbour Authority	1	0
Carmarthenshire County Council	2	0
Cefas	5	2
Ceredigion County Council	1	1
Cheshire West and Chester Council	1	1
Civil Aviation Authority	1	0
Conwy County Borough	2	0
Conwy Harbour	1	0
Denbighshire County Council	3	0
Devon and Severn Inshore Fisheries and Conservation Authority	3	1

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Organisation	Number of Departments/ Representatives Contacted	Number of Responses to Questionnaire
Department for Business, Energy and Industrial Strategy Decision Making (BEIS)	2	2
Environment Agency	1	1
Flintshire Council	1	0
Government of Ireland	2	0
Gwynedd Council	3	2
Halton Borough Council	1	0
Health and Safety Executive (HSE)	1	0
Holyhead Port	2	0
Isle of Anglesey County Council	3	0
Joint Nature Conservation Committee (JNCC)	1	0
Maritime & Coastguard Agency	3	1
Merthyr Tydfil County Borough Council	3	1
MMO	7	1
MoD	7	1
Monmouthshire County Council	3	1
N. IRELAND - Department of Agriculture, Environment and Rural Affairs (DAERA)	1	0
National Grid	0	0
National Lottery Community Fund	1	0
Natural England	1	0
Natural Resources Wales	7	2
Neath Port Authority	1	0
Neath Port Talbot Council	2	1
Newport City Council	20	4
Newport Harbour Commissioners	1	0
Office for Nuclear Regulation	1	0
Oil & Gas Authority	1	1
Pembrokeshire Coast National Park Authority	4	2
Pembrokeshire County Council	2	0
Port of Fishguard	1	0
Port of Milford Haven	3	1

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Organisation	Number of Departments/ Representatives Contacted	Number of Responses to Questionnaire
Port of Mostyn	3	1
Powys County Council	1	0
Rhondda Cynon Taff	1	0
Saundersfoot Harbour Commissioners	1	1
Seafish	1	1
Severn Trent Water	1	0
Snowdonia National Park	2	0
South Gloucestershire Council	0	0
Swansea County Council	3	1
The Crown Estate	2	1
The National Lottery Community Fund	1	1
The Planning Inspectorate	1	1
The Royal Commission on the Ancient and Historical Monuments of Wales	2	1
Torfaen County Borough Council	1	0
Trinity House	2	2
UK Hydrographic Office	3	1
Vale of Glamorgan Council	2	1
Welsh Government	14	12
Welsh Local Government Association	1	0
Welsh Ministers	1	0
Welsh Water	3	1
Wrexham Council	1	0

B. Questionnaire Template

The text of the questionnaire template can be found below.

Welsh National Marine Plan: Decision Making Mapping

The Welsh Government adopted the Welsh National Marine Plan (WNMP) on 12th November 2019. The WNMP aims to support the sustainable development of our seas. Section 58 of the Marine and Coastal Access Act 2009(1), which governs marine planning, requires a public authority(2) to take any authorisation or enforcement decision in accordance with the appropriate marine policy documents (the WNMP, other UK marine plans if relevant and the UK Marine Policy Statement), unless relevant considerations indicate otherwise. An authorisation or enforcement decision includes the determination of any application for authorisation, any decision relating to the conditions of such an authorisation, as well as any decision relating to the enforcement of such conditions or of any prohibition or restrictions.

The Marine and Coastal Access Act (MCAA) 2009 also requires public authorities to have regard to the appropriate marine policy documents in making any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area, which is not an authorisation or enforcement decision.

The adopted WNMP can be found on [this link](#).

Welsh Government are now undertaking work to support the implementation of the WNMP and will be approaching various public authorities to initiate dialogue in order to help integrate the WNMP into their decision making. The aim of this project is to understand all public authorities taking decisions affecting the Welsh National Marine Plan Area (WNMPA) and detail what decisions they are taking. In 2019, the Marine Management Organisation (MMO) commissioned a similar report (3) that mapped decision makers and their decisions relevant to the English Marine Area, reference to this report may provide useful background context.

Thank you in advance for taking the time to complete the questionnaire. We hope this project will also help your understanding of the WNMP and your organisation's responsibilities. WG will be able to provide help and advice if required.

References:

- (1) [S58 of the MCAA](#)
- (2) s322 of the MCAA 2009 defines 'public authority' as a Minister of the Crown; a public body; a public office holder. 'Public body' includes a government department; a Northern Ireland department; a local authority; a local planning authority; a statutory undertaker.
- (3) [Marine Management Organisation – External Decision Making and Implementation Mapping of Marine Plans](#)

* Required

1. Do you consent to the Welsh Government and external consultant Mott MacDonald contacting you directly with any further questions with regards to this project?*

Please note that your contact details and any information you provide will be held in line with GDPR and the Privacy Statement that was sent to you along with a link to this questionnaire. Your contact information and any information provided as part of this survey will not be passed on to any further parties.

- Yes
- No

2. Please provide your full name *

3. Please provide your email address

We may wish to contact you in the future to discuss this questionnaire. If you you would prefer not to be contacted pleased confirm this in the below text box.

4. Please provide your contact number

We may wish to contact you in the future to discuss this questionnaire. If you would prefer not to be contacted pleased confirm this in the below text box.

5. Please provide your organisation name, department and job role*

6. Where does your organisation's decision-making authority apply? *

- Wales
- Wales and England
- Wales, England, Scotland and Northern Ireland
- Other:

7. At what scale does your organisation's decision-making authority apply?
*

- National scale
- Regional scale
- County scale
- District scale
- Parish/Local scale
- Other:

8. With reference to the WNMPA* what area(s) does your organisation operate within? *

*WNMP p3

- <Mean low water
- Terrestrial
- Inshore Region
- Offshore Region
- Other:

9. Do you work within specific marine sectors? *

- Yes
- No

10. If you answered Yes to Question 9, which sector(s) does this apply? *

- Aggregates
- Aquaculture
- Defence
- Dredging and Disposal
- Energy – Low Carbon
- Energy – Oil and Gas
- Fisheries
- Ports and Shipping
- Subsea Cabling
- Surface Water & Wastewater Treatment & Disposal
- Tourism and Recreation

- N/A
- Other:

11. Section 58(1) of the MCAA 2009 requires that a public authority must take any authorisation or enforcement decision in accordance with the WNMP. This includes the determination of any application for authorisation of any act which affects or might affect the whole or any part of the UK marine area; any decision relating to any conditions or the enforcement of any such authorisation.

Do you consider yourself to be a public authority that takes such decisions? *

An example of a s58(1) decision taken 'in accordance' with the WNMP would be to provide authorisation and/or enforcement decisions on marine licensing and consenting or making decisions on appeals.

Further information on Section 58 of the MCAA and the legal definition of an authorisation or enforcement decision can be found [here](#):

- Yes
- No

12. Section 58(3) of the MCAA 2009 requires that a public authority must have regard to the WNMP in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area (which is not an authorisation or enforcement decision, as described above).

Do you consider yourself to be a public authority that takes such decisions? *

An example of a s58(3) decision taken 'with regard' to the WNMP would be for a public authority to have regard to the WNMP when adopting plans and policies. It is considered for the purposes of this project that providing advice to another public authority that makes a s58(1) decision is not a s58(3) decision.

Examples include:

- *Making a Harbour Order;*
- *Management measures e.g. switch between harbour and bathing purposes;*
- *Marine resource strategic management e.g. change aggregates tonnage limits cap e.g. renewable energy production target;*
- *Fisheries management e.g. change whelk or mussel minimum landing size, cockle fishery opening;*

- *Policy making e.g. designate Nitrate Vulnerable Zone e.g. coastal defence decision – hold the line, aquaculture – introduced pacific oysters;*
- *Nature conservation designation e.g. designate or review Marine Plan Areas or management measures; and*
- *Funding decisions e.g. grant aid farm or coastal development or tourism and recreation activity.*

Further information on section 58 of the MCAA and the legal definition of a public authority having regard of the WNMP in taking decisions can be found [here](#).

- Yes
- No

13. Do you make decisions jointly with other organisations? *

- Yes
- No

14. If you answered YES to Question 13, please provide details of the organisation(s) that your organisation makes joint decisions with. And also provide details of the nature of those decisions. *

15. The following questions relate to the activities your organisation undertakes.

Please provide details of POLICY DEVELOPMENT that your organisation undertakes. Please include information on the Policy Area (e.g. oil and gas), Detail of Activity (e.g. develop UK oil and gas policy) and the Key WNMP policy (e.g. OG_01: OG_02). If this question is not applicable, please type 'N/A'. *

To help guide your answer to these questions, a list of WNMP policies can be found in the [Vision, Objectives, Policies Summary Document](#).

16. Please provide details Of AUTHORISATION decisions affecting the WNMPA that your organisation undertakes. If this question not applicable, please type 'N/A'. *

Please provide Activity Type (e.g. Exploration Licensing for Oil and Gas Production and Extraction), Activity Detail (e.g. Making decisions on licensing oil and gas exploration), Legislation this applies to (e.g.

Petroleum Act 1998; Energy Act 2017) and Key WNMP Policies (e.g. OG_01; OG_02).

17. Please provide details of ENFORCEMENT decisions affecting the WNMPA that your organisation undertakes. If this question is not applicable, please type 'N/A'. *

Please include Activity Type (e.g. License enforcement), Activity Detail (e.g. Prosecuting those who breach the regulations that your organisation is responsible for), Legislation this applies to and Key WNMP Policies.

18. Please provide details of any other decisions capable of affecting the WNMPA that your organisation undertakes. If this question is not applicable, please type 'N/A'. *

Please include Activity Type, Activity Detail and Key WNMP Policies.

C. Email sent to Individuals and Organisations

Initial email sent to individuals and organisations asking them to complete the questionnaire

From: Monckton, Ria

Sent: 25 February 2020 18:10

To: [email address]

Subject: Welsh Government – Welsh National Marine Plan Stakeholder Mapping – Questionnaire

Dear [name],

Welsh Government adopted the Welsh National Marine Plan (WNMP) on 12th November 2019 and are now undertaking work to support its implementation.

Mott MacDonald is working on behalf of Welsh government to map out:

- All public authorities taking decisions in the Welsh National Marine Plan Area (WNNPA);
- What decisions they take that affect the WNNPA;
- Which WNMP policies are relevant to those decisions; and
- When those are authorisation and enforcement decisions.

The WNMP is the first marine plan for Wales and its purpose is to provide policy direction and support for a wide range of marine decisions and consents and should be used by both developers and relevant public authorities. As one of the relevant public authorities, we want to ensure we understand what decisions you are taking and how you will use the WNNP. We would like to capture your views and to do this we have designed a questionnaire, which we would like you to complete.

We hope this project will also enhance your understanding of the WNMP and your organisation's responsibilities therein. It will enable the Welsh Government to provide targeted support and advice that is relevant to your duties as a decision maker in the WNMPA.

Mott MacDonald | Welsh National Marine Plan Stakeholder Mapping
Final Report

All responses will be treated in confidence and in accordance with the attached Privacy Statement and comments will not be attributed to particular individuals.

Please click this link [[Questionnaire](#)] to the questionnaire which can be easily accessed through a PC or a mobile device. The closing date for responses is the [06/03/2020].

Thank you in advance for taking the time to complete the questionnaire.

If you are responding on behalf of a specific department within your organisation and there are others within your organisation that are taking decisions that may affect the WNMPA, please forward this questionnaire to them or alternatively, please provide [*email address*] at Mott MacDonald with the relevant contact details.

If you require any further information about this project or if you require support completing the survey please contact following Welsh Government representatives:

Rafe Osborne - [*email address*] - for all Government Stakeholders; or

Geraint Horton - [*email address*] - All other Public Authorities.

Kind regards,

Ria

D. Extracts from Marine and Coastal Access Act (MaCAA) 2009

CHAPTER 4

IMPLEMENTATION AND EFFECT

Decisions affected by an MPS or marine plan

58 Decisions affected by marine policy documents

- (1) A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.
- (2) If a public authority takes an authorisation or enforcement decision otherwise than in accordance with the appropriate marine policy documents, the public authority must state its reasons.
- (3) A public authority must have regard to the appropriate marine policy documents in taking any decision—
 - (a) which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area, but
 - (b) which is not an authorisation or enforcement decision.
- (4) An “authorisation or enforcement decision” is any of the following—
 - (a) the determination of any application (whenever 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,

(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 paragraph (a),

but does not include any decision on an application for an order granting development consent under the Planning Act 2008 (c. 29) (in relation to which subsection (3) has effect accordingly).

(5) In section 104(2) of the Planning Act 2008 (matters to which Panel or Council must have regard in deciding application for order granting development consent) after paragraph (a) insert—

“(aa)the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;”.

(6) In this section—

“act” includes omission;

“appropriate marine policy document” is to be read in accordance with section 59;

“authorisation” means any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.

59 The appropriate marine policy documents

(1) This section has effect for the purpose of determining what are the appropriate marine policy documents for a public authority taking a decision falling within subsection (1) or (3) of section 58.

(2) For that purpose—

(a) subsection (3) has effect, subject to subsection (4), for determining whether any marine plan is an appropriate marine policy document, and

(b) subsection (5) has effect for determining whether an MPS is an appropriate marine policy document.

- (3) To the extent that the decision relates to a marine plan area, any marine plan which is in effect for that area is an appropriate marine policy document.
- (4) A marine plan for an area in a devolved marine planning region is an appropriate marine policy document in relation to the exercise of retained functions by a public authority only if—
 - (a) it contains a statement under section 51(8) that it includes provision relating to retained functions,
 - (b) it was adopted with the agreement of the Secretary of State under paragraph 15(2) of Schedule 6, and
 - (c) it was prepared and adopted at a time when an MPS was in effect which governed marine planning for the marine planning region.
- (5) Any MPS which is in effect is an appropriate marine policy document for each of the following public authorities—
 - (a) any Minister of the Crown;
 - (b) any government department;
 - (c) if a devolved policy authority has adopted the MPS, the devolved policy authority and any primary devolved authority related to it;
 - (d) any non-departmental public authority, so far as carrying out functions in relation to the English inshore region or the English offshore region;
 - (e) any non-departmental public authority, so far as carrying out retained functions in relation to a devolved marine planning region;
 - (f) any non-departmental public authority, so far as carrying out secondary devolved functions in relation to a marine planning region whose marine plan authority is a policy authority which adopted the MPS.
- (6) For the purposes of subsection (5)(f)—
 - (a) the Scottish Ministers are to be treated as if they were the marine plan authority for the Scottish inshore region, and

(b) the Department of the Environment in Northern Ireland is to be treated as if it were the marine plan authority for the Northern Ireland inshore region.

(7) In this section—

“adopted”, in relation to an MPS, means adopted and published in accordance with Schedule 5 (but see also section 48(4));

“Counsel General” means the Counsel General to the Welsh Assembly Government;

“devolved marine planning region” means any marine planning region other than—

- (a) the English inshore region, and
- (b) the English offshore region;

“devolved policy authority” means—

- (a) the Scottish Ministers;
- (b) the Welsh Ministers;
- (c) the Department of the Environment in Northern Ireland;

“First Minister” has the same meaning as in the Government of Wales Act 2006 (c. 32);

“non-departmental public authority” means any public authority other than—

- (a) a Minister of the Crown or government department;
- (b) the Scottish Ministers;
- (c) the Welsh Ministers, the First Minister or the Counsel General;
- (d) a Northern Ireland Minister or a Northern Ireland department;

“Northern Ireland Minister”—

- (a) has the same meaning as in the Northern Ireland Act 1998 (c. 47), but

(b) includes a reference to the First Minister and the deputy First Minister, within the meaning of that Act;

“primary devolved authority”, in relation to a devolved policy authority, means—

(a) in the case of the Welsh Ministers, the First Minister or the Counsel General;

(b) in the case of the Department of the Environment in Northern Ireland, a Northern Ireland Minister or a Northern Ireland department;

“retained functions” is defined for the purposes of this Part in section 60;

“secondary devolved functions” has the same meaning as in section 60.

60 Meaning of “retained functions” etc

(1) For the purposes of this Part, the functions of a public authority which are “retained functions” as respects any marine planning region are those functions of the public authority which, as respects that region, are not any of the following—

(a) Scottish Ministerial functions (see subsection (2));

(b) Welsh Ministerial functions (see subsection (2));

(c) Northern Ireland government functions (see subsection (2));

(d) secondary devolved functions (see subsection (3));

