



Llywodraeth Cymru
Welsh Government

Overview of Marine Sector Governance for Wales

This document outlines sectoral marine governance arrangements for Wales.



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DISCLAIMER

This document outlines marine planning governance arrangements which are complex and subject to change as policy, legislation and/or interpretation evolves.

Users are strongly advised to refer to the relevant source legislation and/or contact the appropriate decision-maker in a timely manner, as well as seeking their own independent specialist advice to ensure they have the necessary permissions required before commencing any works or investment.

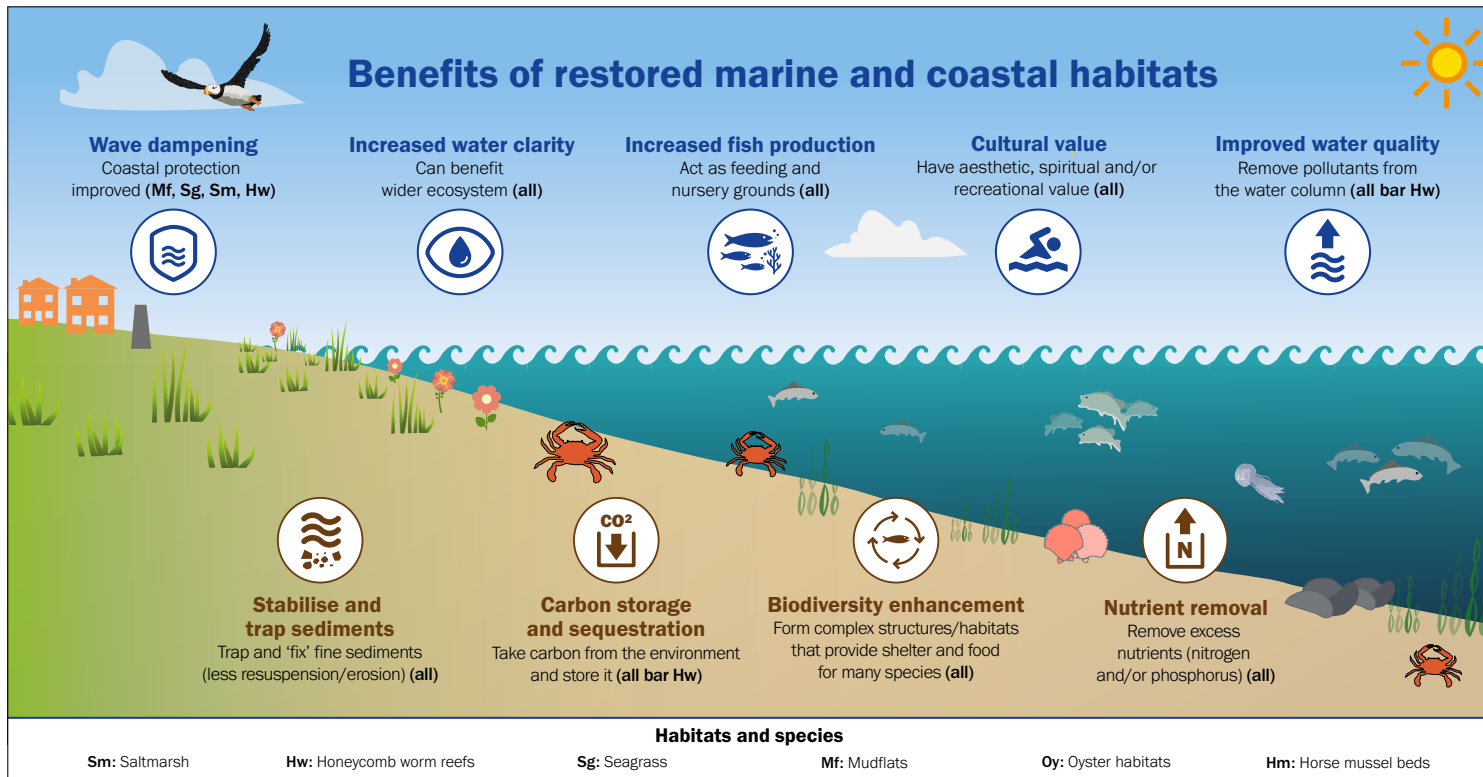
Whilst every effort has been taken to ensure the information published in this document is up-to-date and accurate, its content does not constitute legal or professional advice and Welsh Government does not accept any liability for actions arising from its use.

Introduction

Our coasts and seas make a significant contribution to our lives and well-being. The Welsh Marine Zone doubles the size of Wales. Being a coastal nation, our coasts, seas and fishing heritage are a vital part of our culture and language. Wales has a rich and diverse marine environment that supports a huge variety of species (including internationally important populations of marine mammals and birds) and habitats.

Marine ecosystems that are resilient and rich in biodiversity provide us with many direct and indirect benefits and are host to a range of marine sectors who operate in our seas. We rely on our seas as a source of healthy food, aggregates for building, a means of transport and a source of clean energy.

However, the marine environment around Wales is under pressure from a range of impacts including climate change and increasing human activity. Our activities need to be managed sustainably. If we want to continue to benefit from our marine ecosystems, we must take steps not only to maintain but also to restore and enhance them. It is important that we have good governance to be able to make the right decisions to manage our marine environment sustainably.



What is Governance?

It's about

Creating and using the correct processes

For

Making and implementing decisions

In order to

Deliver the best outcomes for society

What is Marine Planning?

Marine Planning is about managing the space in our seas in a joined-up way, so everyone can benefit from it.

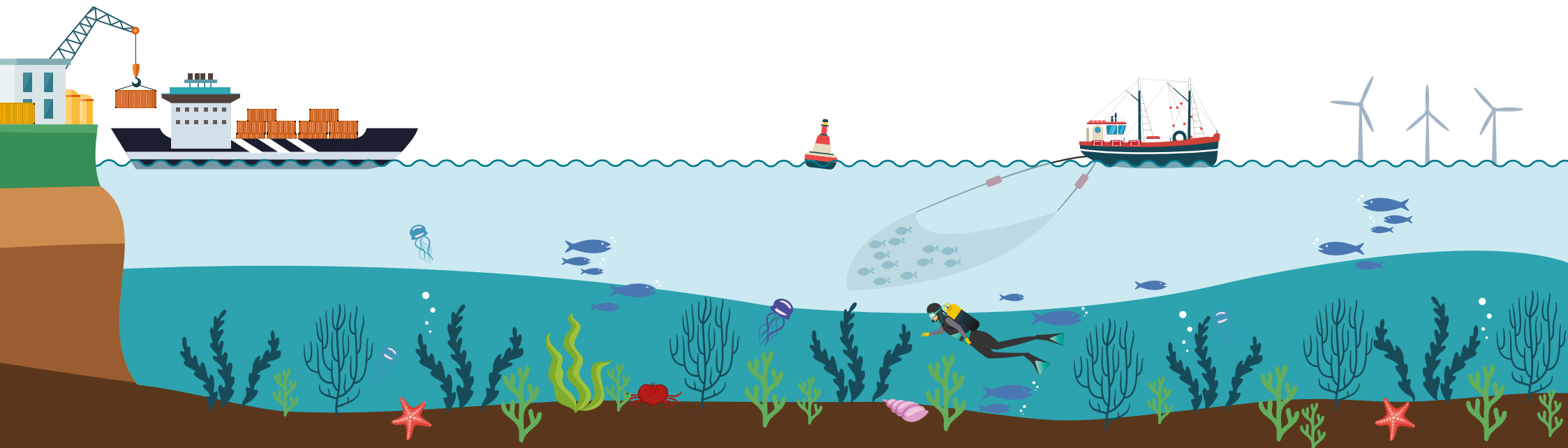
As every year brings new activity, our seas are getting busier and so the need for planning increases.

How does marine planning support good governance?

To ensure our seas are clean, healthy, safe, productive and biologically diverse:

- We have to manage our natural resources, to protect our sea life and natural habitats.
- We also have to help the businesses that rely on our seas, e.g. ports, fishing industry, tourism, turbine manufacturers, and all the maintenance and service industries that support them.

There's a fine balance between protecting and using our marine environment, which must be considered carefully before decisions can be made on proposals which affect the future of our seas.

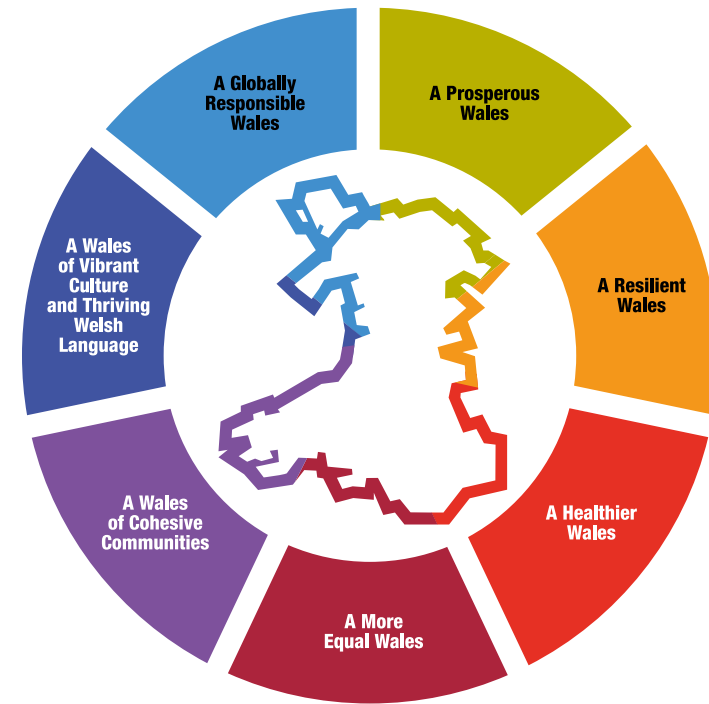


Marine planning helps provide good governance by supporting:

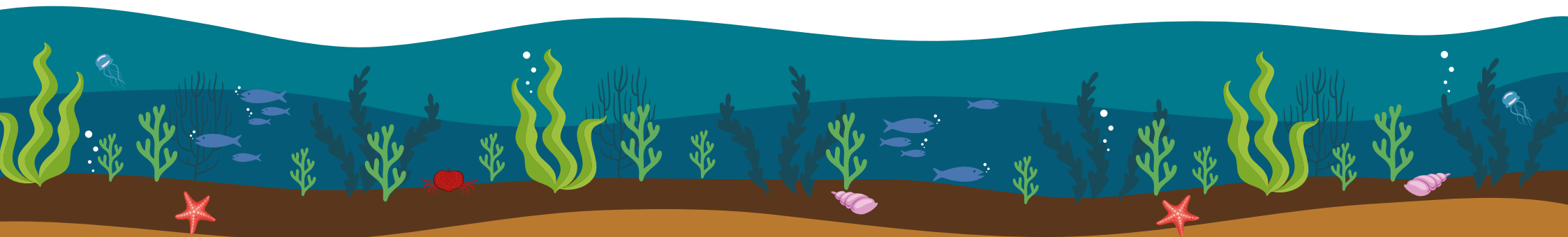
- A clear understanding of roles and responsibilities (accountability)
- Sharing of information (transparency)
- Inclusive, well balanced and effective decision making and
- Setting a framework to identify and establish priorities for our seas

Marine planning also contributes to meeting the seven legally required (statutory) wellbeing goals set out in the **Well-being of Future Generations (Wales) Act 2015** and meeting the statutory requirements of **The Environment (Wales) Act 2016**.

The Environment (Wales) Act 2016 sets out the 'sustainable management of natural resources' – an approach to managing Wales' natural resources and ecosystems to ensure that the benefits they provide for our social, economic, environmental and cultural well-being are available now and for future generations.



The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales today whilst ensuring the needs of future generations are met.



To assist good governance of the Welsh marine area, Welsh Government has produced the **Welsh National Marine Plan**.

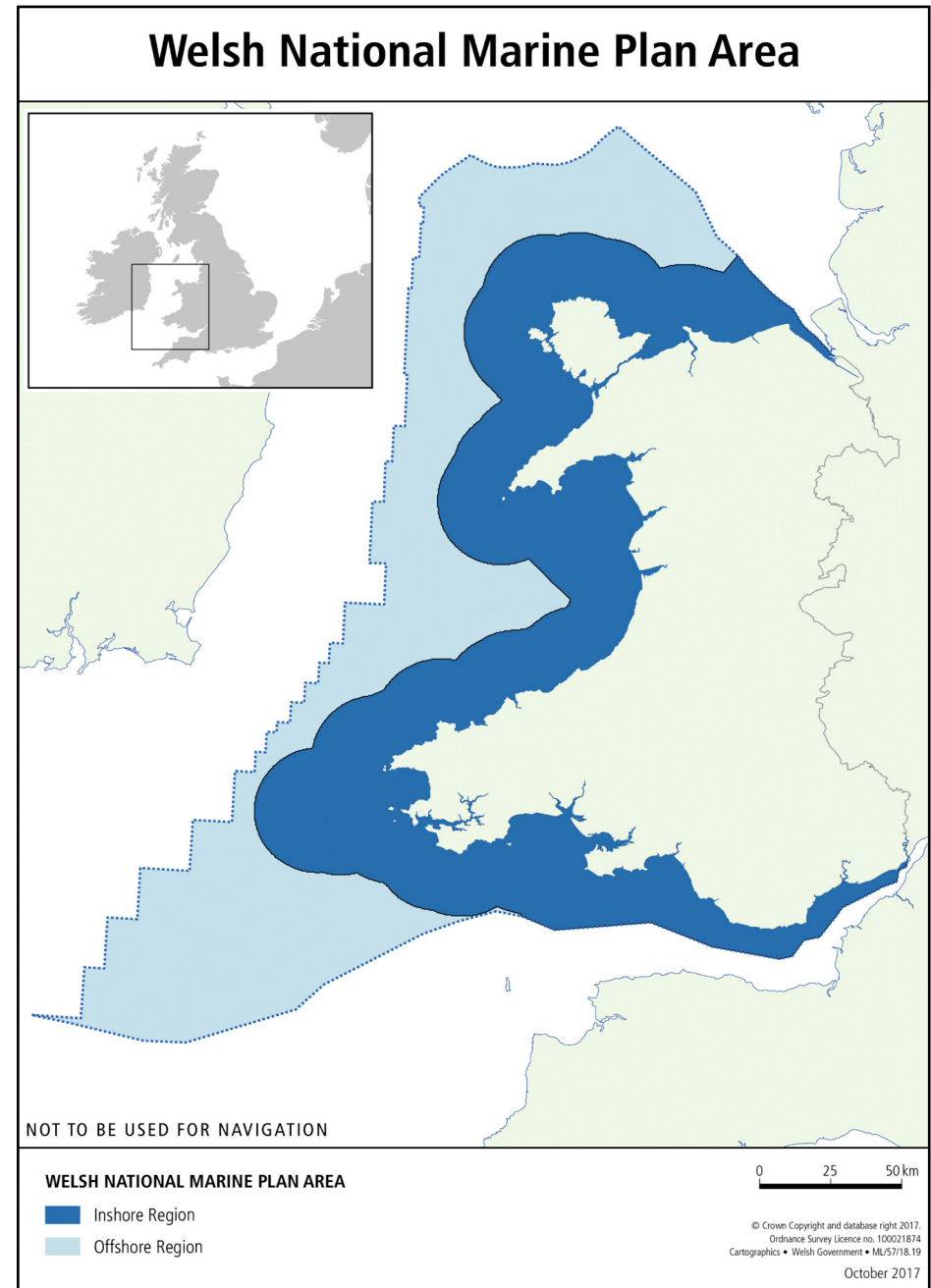
This Plan guides the sustainable development of the **Welsh marine area**.

It's all about carefully managing our seas by helping to make sure the right activities happen in the right place at the right time.

Early engagement is essential to ensure other sea users and sectors are aware of proposals so potential impacts can be minimised where possible.

Welsh marine area

- Inshore marine area (within 12 nautical miles of the Welsh coast)
- Offshore marine area (beyond 12 nautical miles of the Welsh coast)



The Welsh National Marine Plan:

- Will guide the **sustainable development** of our Welsh marine area.
- Contains policies to guide applicants wishing to propose an activity or development within the Welsh marine area and for **decision makers** who consider such projects.
- Supports the shared UK vision of clean, healthy, safe, productive and biologically diverse oceans and seas.
- Requires us to think about the relationships between nature and people over the long term.
- Encourages us to think about ways of making our **ecosystems** more resilient.
- Promotes compatibility between different activities to help reduce conflict.
- Has been developed in accordance with the Well-being of Future Generations Act 2015 and Environment (Wales) Act 2016.
- Will be reviewed regularly, with our findings reported every three years.

To help us develop the Welsh National Marine Plan to reflect everyone's best interests we:

- involved a wide range of organisations with an interest in our Welsh marine area
- discussed with colleagues in the Welsh and UK Governments
- looked at evidence and research
- considered all the implications which include: social, economic, cultural and environmental factors.

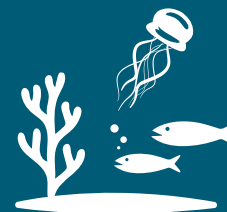
Legislation (Law)

The Welsh National Marine Plan must be used by any public authority required to make decisions which may affect the Welsh marine area.

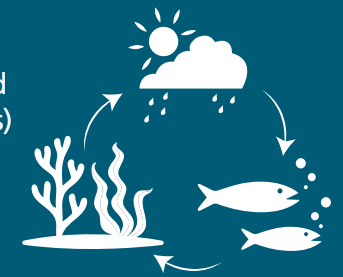
Sustainable development is the process of improving the economic, social, environmental and cultural well-being of Wales, ensuring that the needs of the present are met without compromising the ability of future generations to meet their own needs.



Decision makers are public authorities with a legal responsibility to make decisions affecting the marine environment.



An **ecosystem** is a natural environment and includes the flora (plants) and fauna (animals) that live and interact within that environment.



The Welsh National Marine Plan sets out:

- General policies, these are overarching and cross cutting and cover areas such as nature conservation, heritage and economic growth.
- Sector specific policies for certain sectors that use the Welsh marine area.

The General and Sector policies collectively support the sustainable development of Welsh seas, in line with the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The sectors are:



Aggregates



Aquaculture



Defence



Dredging
and Disposal



Energy
Low Carbon



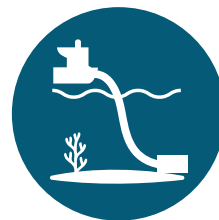
Energy
Oil and Gas



Fisheries



Ports and
Shipping



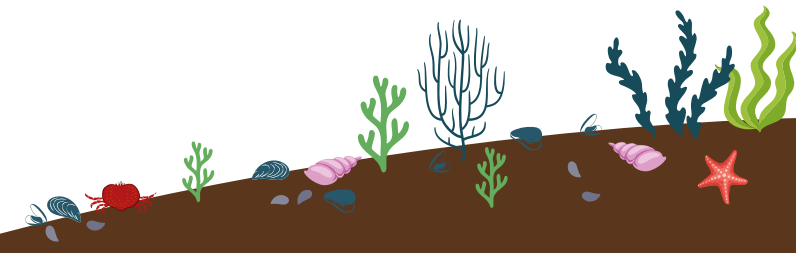
Subsea
Cabling



Surface water
and Waste water



Tourism and
Recreation



In addition to the Welsh National Marine Plan, a wide range of other strategies, policy and legislation guide the use of the Welsh marine area.

Legislation and Policy

The Marine and Coastal Access Act 2009 sets out the legal basis and requirements for marine planning.

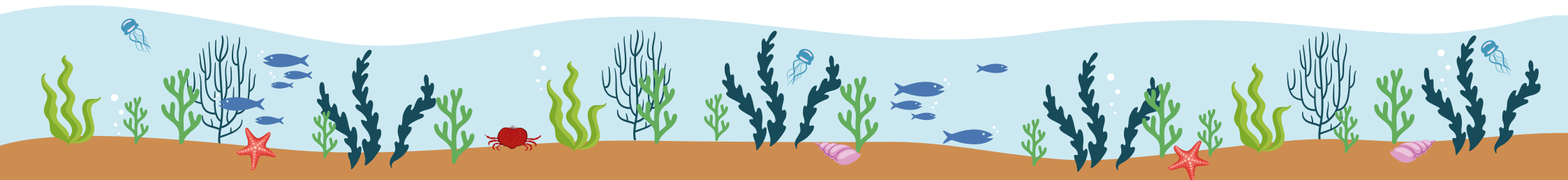
The UK Marine Policy Statement 2011 is the framework for preparing Marine Plans and making decisions affecting the marine environment in the UK. It promotes the shared UK vision of having 'clean, healthy, safe, productive and biologically diverse oceans and seas'.

The Well-being of Future Generations Act 2015 defines sustainable development and requires public bodies to carry out sustainable development to improve economic, social, environmental and cultural well-being. The following seven well-being goals must be applied to all proposals.

The Environment (Wales) Act 2016 requires public authorities to promote ecosystem resilience and enhance biodiversity by following the principles of the "sustainable management of natural resources".

Marine Planning and related documents contribute to good governance and include:

- Marine Planning animation
- Overview of Marine Planning in Wales and the Welsh National Marine Plan
- Wales Marine Planning Portal
- Marine Licence Determination infographic
- Marine Renewable Consenting Process Overview infographic
- Marine and Terrestrial Planning in Wales infographic
- Considering marine plans in terrestrial planning permission infographic
- Sustainable Management of Marine Natural Resources evidence packages
- Sector Locational Guidance.



Terms used in this document include:

Devolution

- Is given effect through the transfer of legislation (law) making power from the UK Government to the Welsh Government.
- This transfer of power allows the Welsh Government to make legislation relevant to that power.
- Not all sector activities within the Welsh National Marine Plan are fully devolved to the Welsh Government. Some sectors are only partially devolved and others are reserved to the UK Government.
- UK Government governance arrangements will need to be followed for the reserved and partially devolved sectors.

Natural Resources Wales

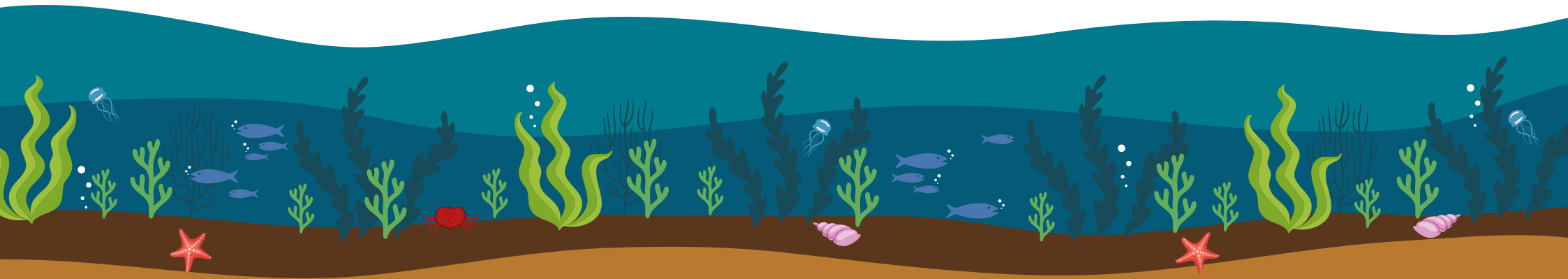
Natural Resources Wales is an organisation which ensures Wales's environment and natural resources are sustainably maintained and used, now and in the future.

Marine Licence

A marine licence is required from Natural Resources Wales for most activities in the Welsh marine area. Licences typically include conditions and requirements. These must be followed and reported on by the licence holder to show they're complying with the conditions.

The Crown Estate

An independent commercial business created by the Crown Estate Act 1961 to manage some of the UK's assets. These assets include most of Wales' seabed and foreshore (the land between high and low tide) areas. Where the Crown Estate manages the seabed and foreshore it grants landowner rights to interested parties to use an area for a specified purpose.



Nature Positive Projects

Introduction

Enhancement is the term used in Wales to define actions that aim to improve the quality, size or area of a habitat or species. A resilient marine ecosystem can provide many benefits for the environment and our society.

Our marine planning policy in Wales encourages enhancement to be included as part of a proposal for development where this is possible and appropriate. For example using nature-based solutions in coastal defence projects or by adding enhancement features to infrastructure to benefit biodiversity.

Enhancement can also be delivered through stand-alone restoration projects, for example planting seagrass along the coast or reintroducing native oyster beds. Projects such as these, alongside careful management of the use and development of our seas, are an important way of helping recover the resilience of our marine ecosystems.

Nature positive action, such as the projects taking place in Welsh Seas also need to be subject to good governance. This is to ensure they deliver the environmental benefits we want without affecting other things such as other sea users' needs or marine plan objectives.

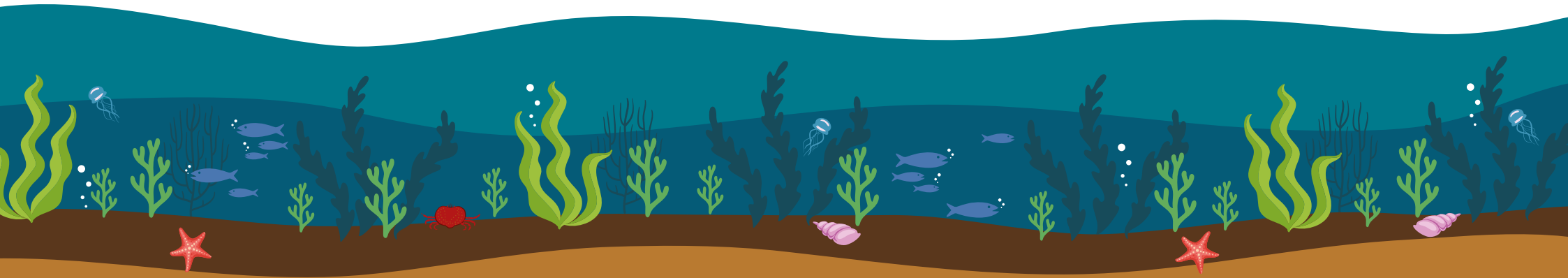
Governance Summary

The specific consents and / or licences required will depend on the nature and scale of the project and its location, and could include:

- A **Marine Licence** from Natural Resources Wales for projects below Mean High Water Spring tide level (MHWS) out to 200nm.
- **Planning permission** under the Town and Country Planning Act for projects at the coast down to Mean Low Water Spring tide level (MLWS).
- **Landowner permission** for example The Crown Estate or private landowner.

Advice:

As the Statutory Nature Conservation Body and Welsh Government advisor on sustainable management of natural resources, Natural Resources Wales (NRW) can provide advice and guidance on proposals for enhancement and restoration projects or for incorporating these elements into a development project. Early engagement with NRW as the SNCB and Regulator is strongly encouraged.



Legislation and Policy

The management of the environment in Wales is devolved to the Welsh Government.

The **UK Marine Policy Statement 2011** recognises the economic, social and intrinsic value of a healthy marine environment and the commitment of the UK Administrations to halting biodiversity loss and restoring it so far as is feasible.

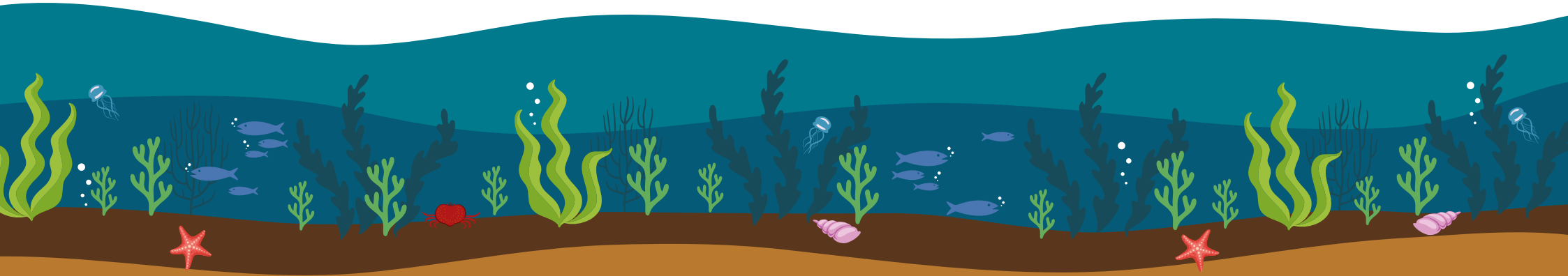
Under the heading “Living with Environmental Limits”, the **Welsh National Marine Plan** sets out a suite of policies that “promote the protection and enhancement of the marine environment to ensure that Wales has resilient marine ecosystems that can meet the needs of future generations”. Policy ENV_01 set out in the Welsh National Marine Plan says that proposals should demonstrate how potential impacts on marine ecosystems have been considered. Proposals that contribute to the enhancement of marine ecosystems are encouraged.

The **Natural Resources Policy** highlights the needs for action to identify and support practical opportunities for ecosystem recovery, realising benefits for coastal communities and ensuring multiple benefits from the sustainable development of the marine area.

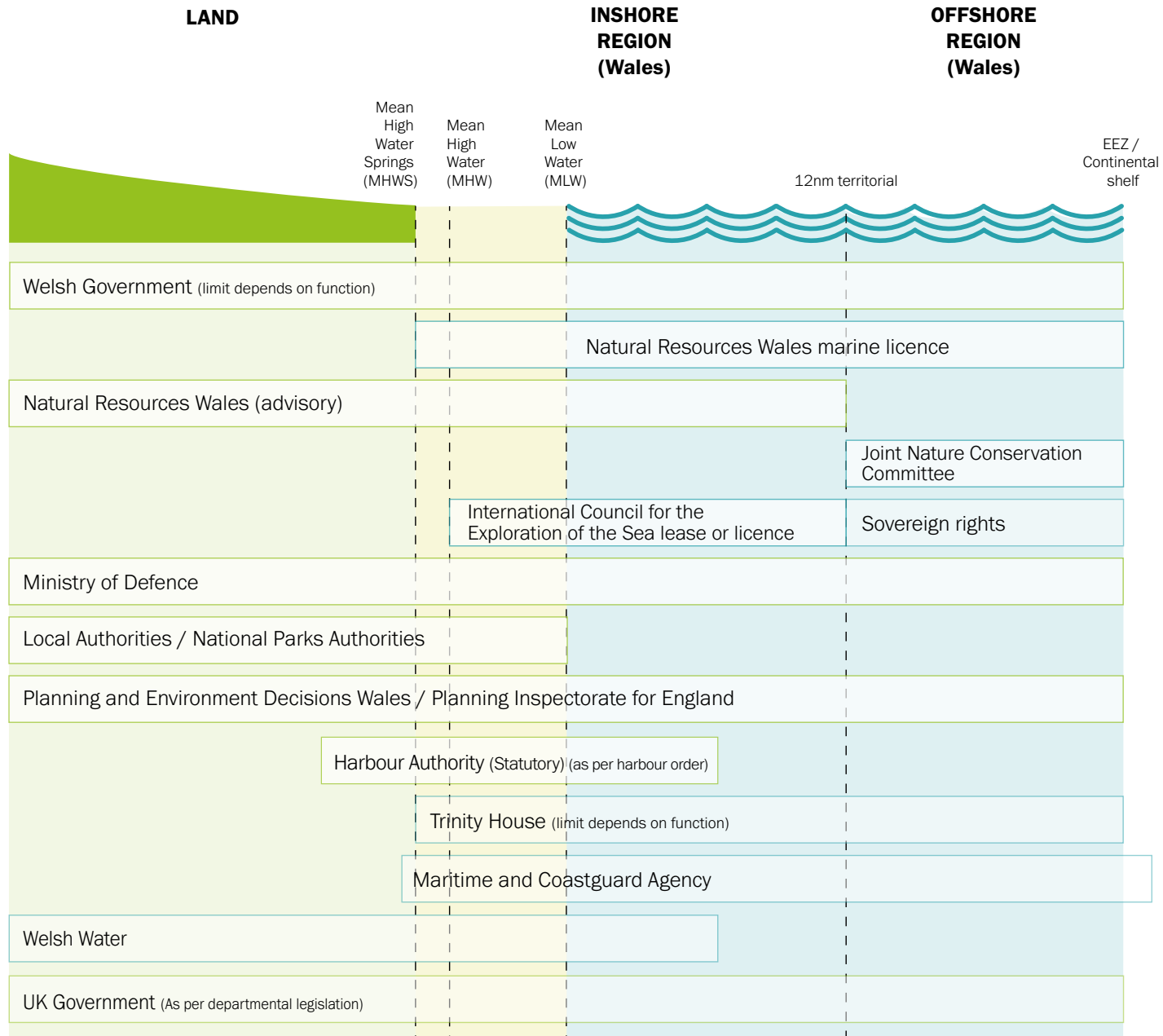
Section 6 of the Environment Act requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions, and in so doing, promote the resilience of ecosystems.

Planning Policy Wales is relevant for coastal projects down to MLWS including a requirement to achieve net biodiversity benefit.

The Welsh Government will continue to work to support projects delivering biodiversity and marine ecosystem enhancement both through marine planning and marine licencing policy. All of the sectors covered by this document have an important role to play in supporting marine ecosystem resilience.



Main bodies involved in marine sector administration and licensing





Marine Aggregates

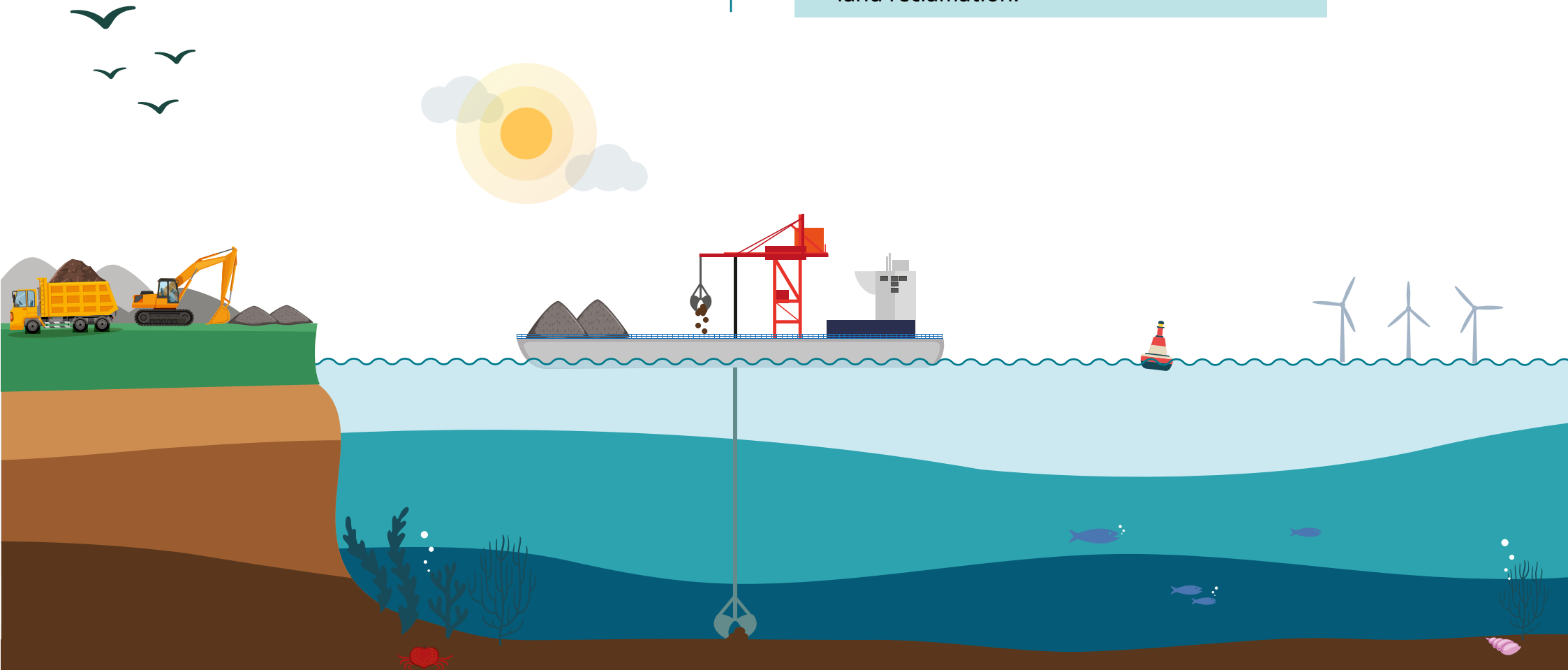
Aggregates are sands and gravels found on the seabed, they are a limited, non-replenishing marine natural resource.

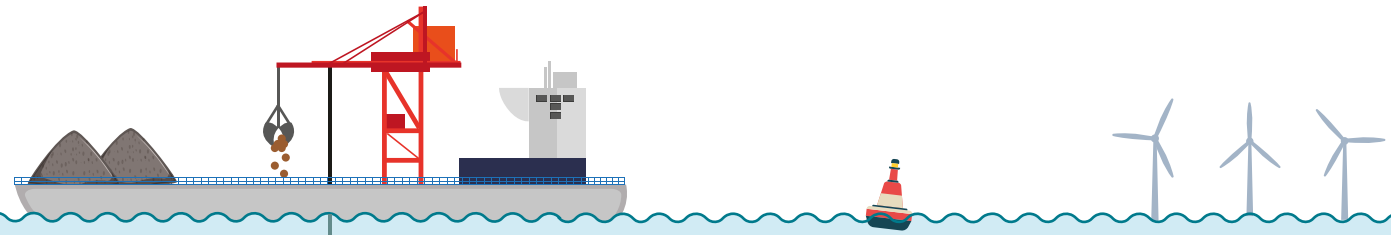
The process of removing aggregates from the seabed is known as 'dredging'.

What are Marine Aggregates used for?

Mostly:

- general construction
- infrastructure projects (i.e. ports, roads, energy developments, coastal defence etc)
- beach replenishment works; and
- land reclamation.





Governance Summary

A marine licence from Natural Resources Wales and landowner consent (usually from The Crown Estate) must be obtained. A marine licence will generally allow extraction for a maximum of 15 years, subject to a review every five years.

The Crown Estate issues exploration and option agreements to allow operators to investigate and test accessibility of a commercial aggregate resource. They also issue production agreements once a marine licence has been issued.

Since 1993, all vessels involved in marine aggregate extraction operations in Welsh waters have been required to operate an Electronic Monitoring System. The system automatically records the date, time and position of the vessel when it's dredging; thereby providing secure data on the location of extraction activities.

The Crown Estate reviews the data monthly to ensure dredging operations are taking place in the correct location and annually to confirm the quantities of material landed.

Through monitoring, impacts can be carefully managed.

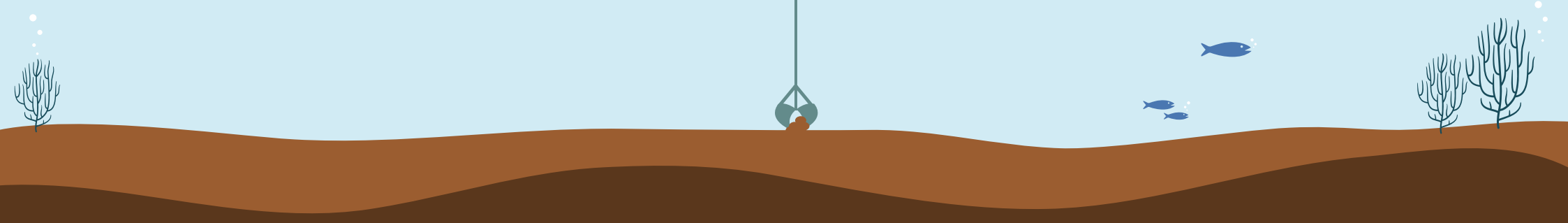
Legislation and Policy

Management of Aggregates in Wales is devolved to Welsh Government.

The marine aggregate industry is regulated by Natural Resources Wales.

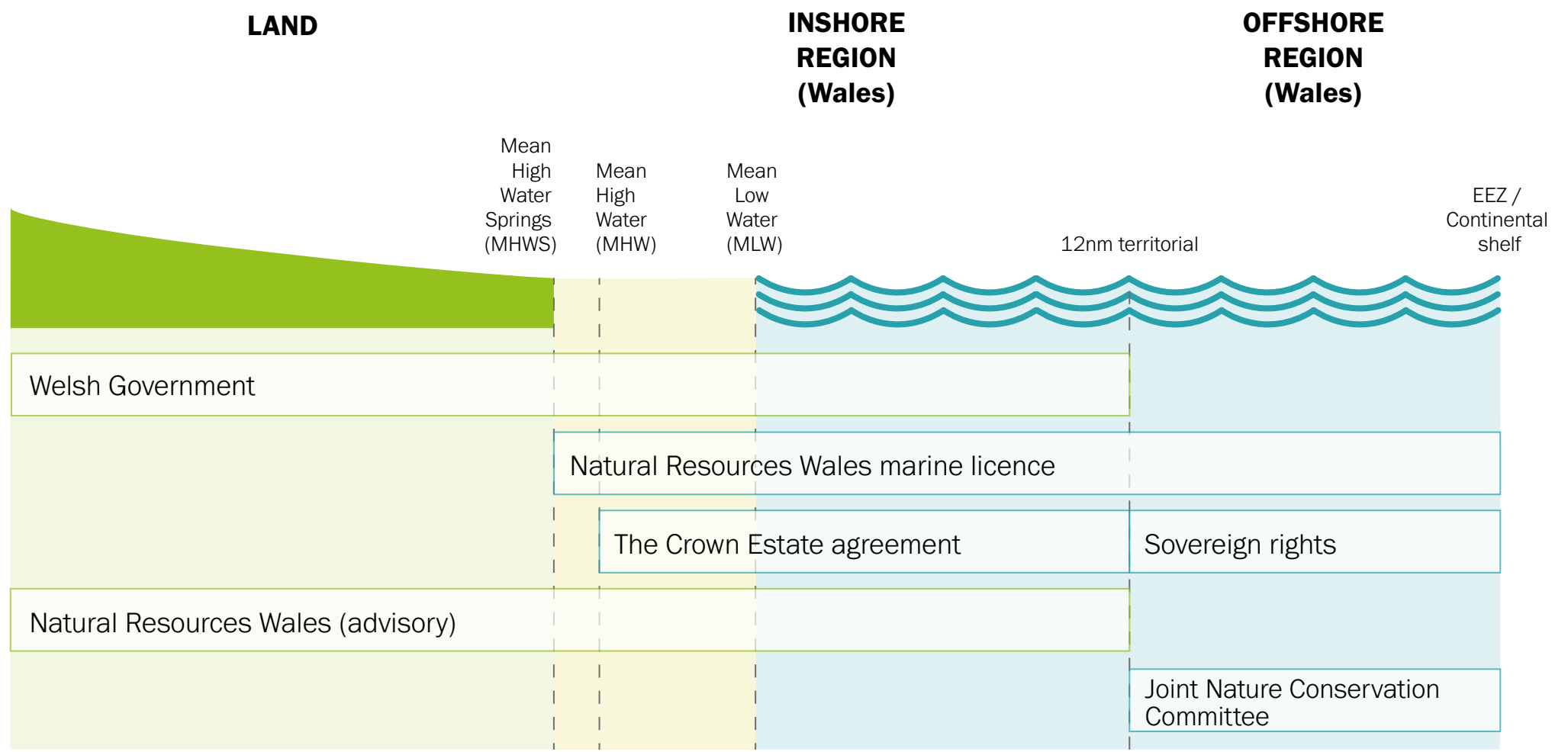
The UK Marine Policy Statement 2011 recognises that marine sand and gravel makes a crucial contribution to meeting the nation's demand for construction material. The aggregates industry also has wider social and economic benefits including skilled, stable employment and the generation of income through the construction industry supply chain.

The Welsh National Marine Plan's objective for the sector is to continue to use marine aggregates resources at a rate and in locations which best meet our current and future needs by ensuring adequate reserves are provided for through long-term licences.



Aggregates

Main bodies involved in Aggregates administration and licensing.

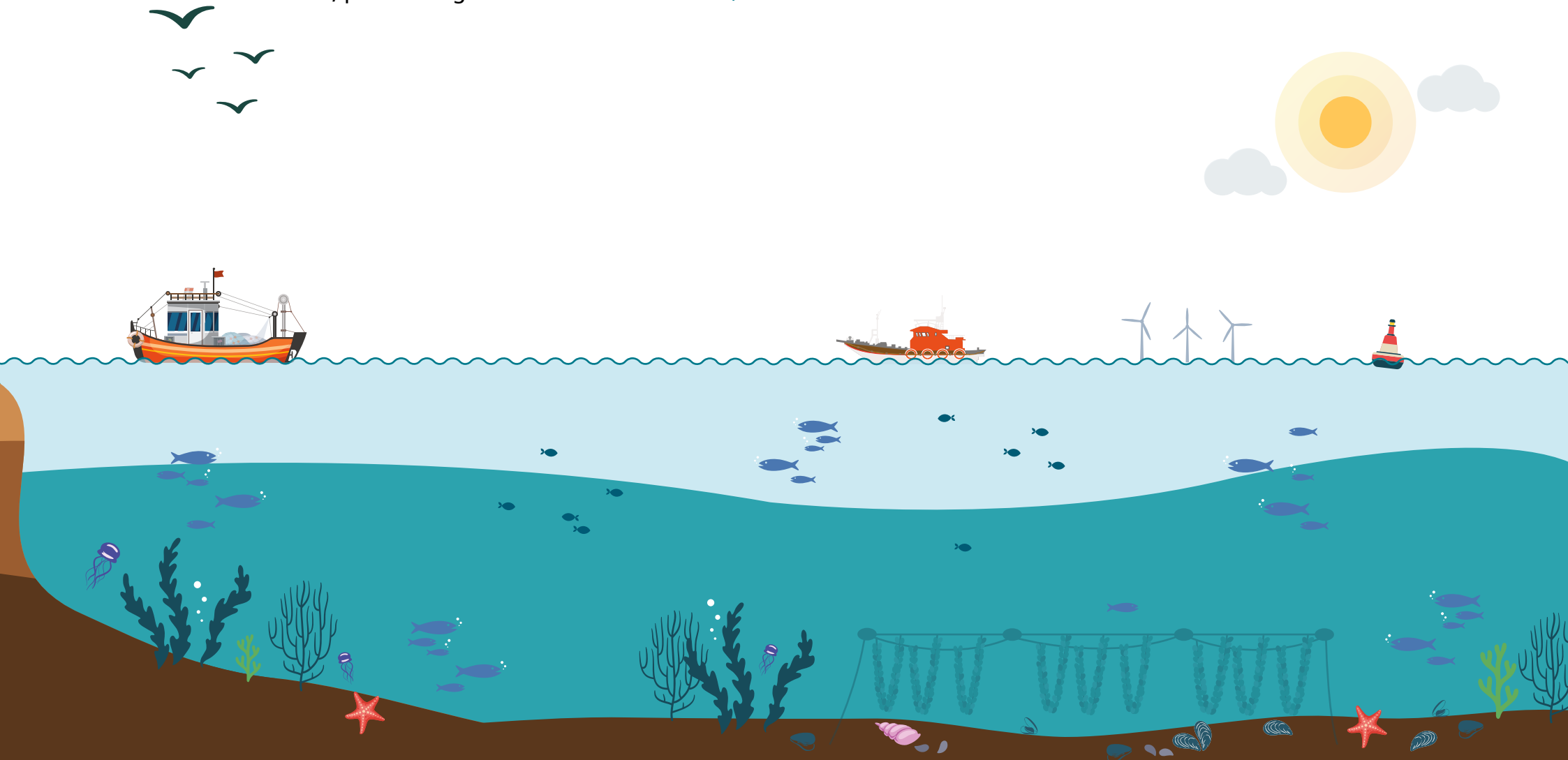




Aquaculture

Aquaculture activities include the breeding, rearing, growing or cultivation (farming) of any fish, shellfish, marine algal (ie. seaweed) or any other aquatic animal, plant or organism in water.

Aquaculture businesses require clean and healthy water conditions. Their presence acts as a driver to maintain, improve and monitor water quality, which in turn benefits ecosystem resilience, other marine users and tourism.



Governance Summary

The process for establishing and running an aquaculture business in Wales depends on the species involved, method of cultivation and its location (e.g. intertidal, offshore or in a harbour) and therefore requires a range of specific consents and/or licences.

The **Aquaculture Regulatory Toolbox** for Wales contains further information.

Welsh Ministers can grant 'orders' giving businesses (the grantee) powers to restrict fishing within a shellfish fishery within six nautical miles from the shore.

Businesses can apply to Welsh Ministers for:

- Several Orders – to establish private ownership and to cultivate shellfish for their own economic benefit at the exclusion of the public; or
- Regulating Orders – to regulate a natural fishery by issuing restricted permits which allows permit holders to fish for shellfish at the exclusion or restriction of the public.

Products of animal origin, including fish products, must be safe to eat and transported free from pests and diseases. Health standards include a requirement that shellfish products are tested and categorised and that product checks are made by a number of regulatory bodies.

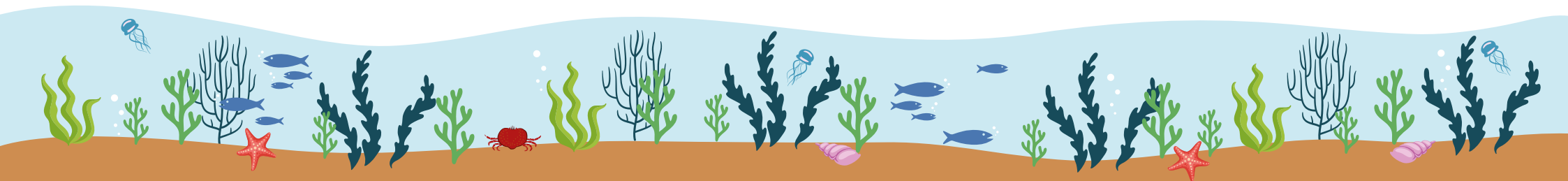
Regulatory bodies are public organisations or government agencies responsible for legally controlling aspects of activities.

Aquaculture activities, including the placing of seabed structures, will require a lease or licence from The Crown Estate or agreement of other landowners depending on location. A marine licence from Natural Resources Wales is also required for structures associated with and the cultivation of any fish, shellfish, or marine algal (ie. seaweed) species.

In addition to the consents required for all aquaculture activities, marine algal (ie. seaweed) developments are required to be registered with their local Plant Health Inspectorate Office.

Dwr Cymru Welsh Water has an interest in proposals that have the potential to impact on water and sewerage services or to be impacted by their operations.

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.



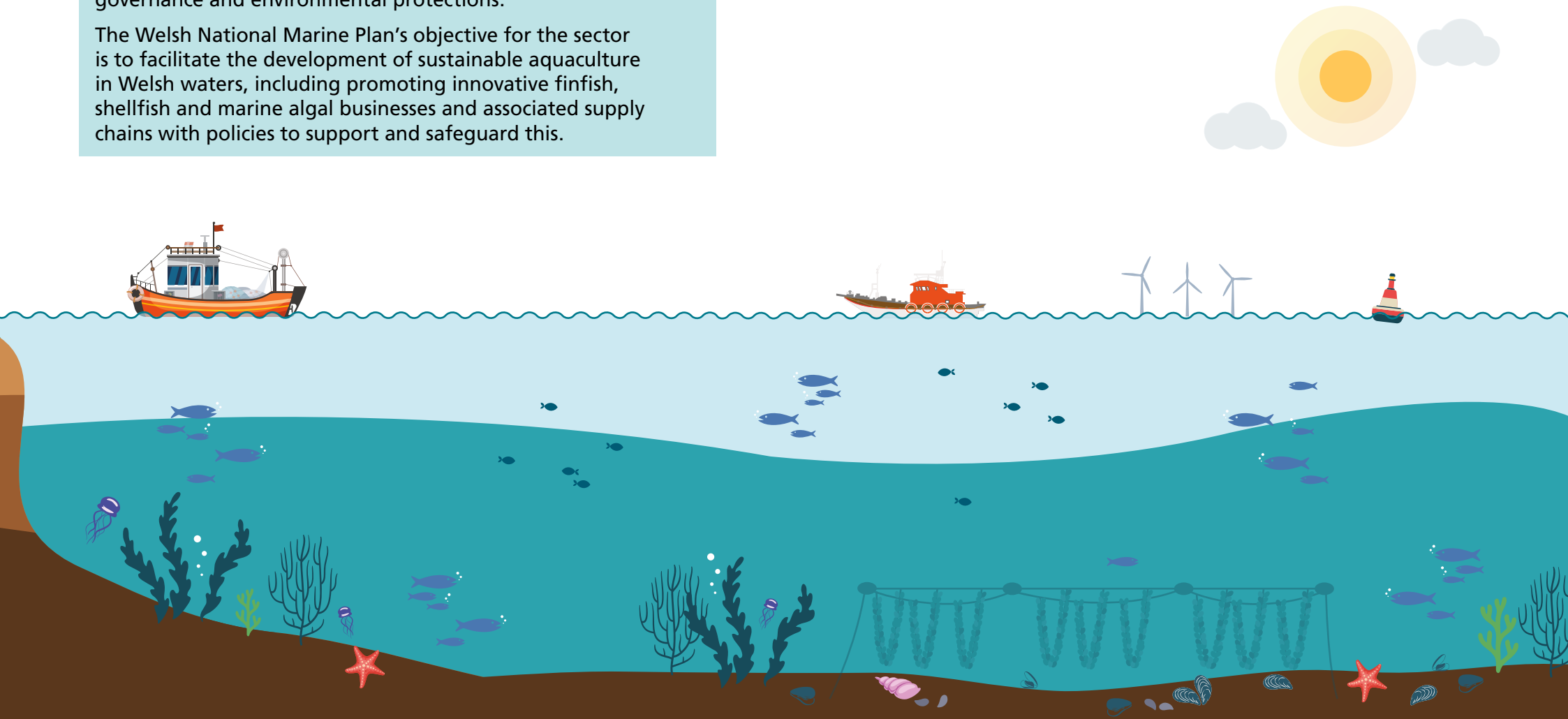
Legislation and Policy

Management of aquaculture is devolved to Welsh Government.

The Fisheries Act 2020 sets out the legal rules, responsibilities and processes for aquaculture.

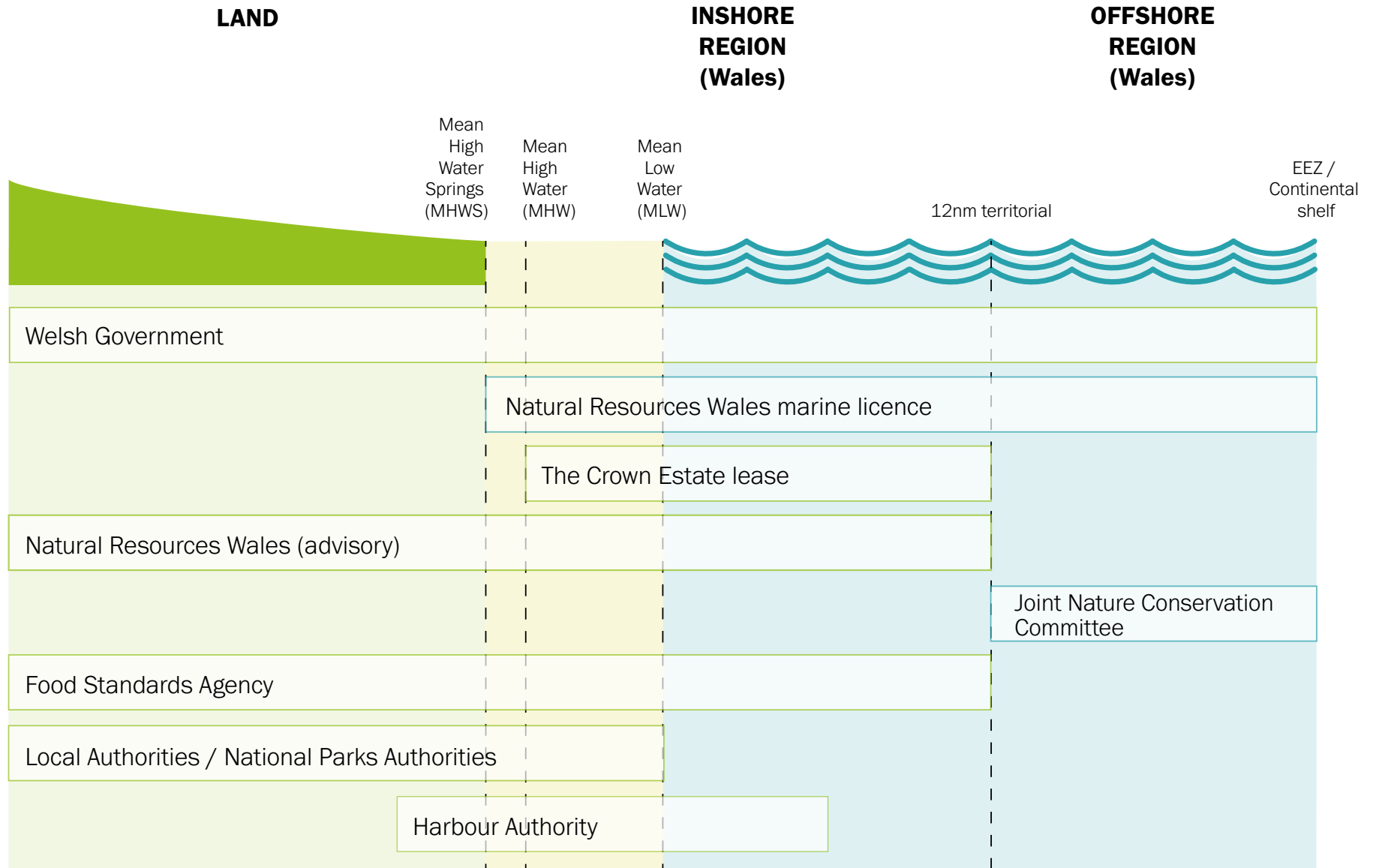
The UK Marine Policy Statement 2011 supports and encourages the development of efficient, effective, competitive and sustainable aquaculture industries, subject to suitable governance and environmental protections.

The Welsh National Marine Plan's objective for the sector is to facilitate the development of sustainable aquaculture in Welsh waters, including promoting innovative finfish, shellfish and marine algal businesses and associated supply chains with policies to support and safeguard this.



Aquaculture

Main bodies involved in Aquaculture administration and licensing.





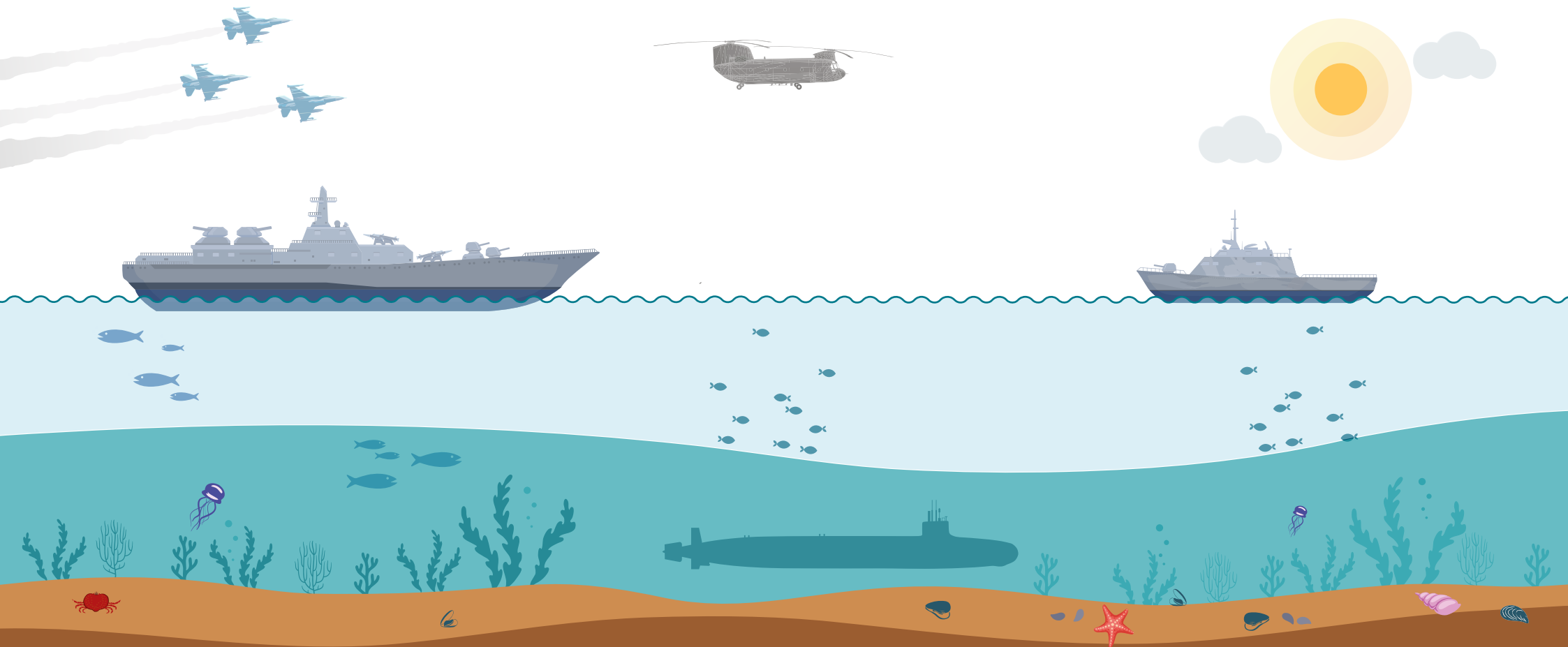
Defence operations in Welsh waters

The Ministry of Defence is a UK Government department responsible for protecting the UK's, including Wales's' people, territory, values and interests at home and overseas – making a significant contribution to the economic, social and environmental well-being of Wales.

The Ministry of Defence includes the Royal Navy, British Army, Royal Air Force and its reserve forces (the armed forces) and the Royal Fleet Auxiliary.

Wales's coasts and seas are used for a range of defence purposes, including operations mainly by the Army and Air Force, involving:

- supporting vessels, aircraft and navigational interests;
- conducting military training exercises; and
- operating test and evaluation ranges and facilities including missile firing ranges and unmanned air systems and unmanned surface and underwater vehicle test areas.



Governance Summary

Consent for any marine activities or proposals within the Ministry of Defence's danger or exercise areas will only be granted where the Ministry of Defence is satisfied that the activities or proposals will not cause unacceptable risk to defence and national security interests.

Certain Ministry of Defence areas are protected by bylaws (laws which only apply to specific areas) which, for the purpose of safety and control of access, give the Ministry of Defence the ability to deny access to people and vessels as well as the use of structures in these areas.

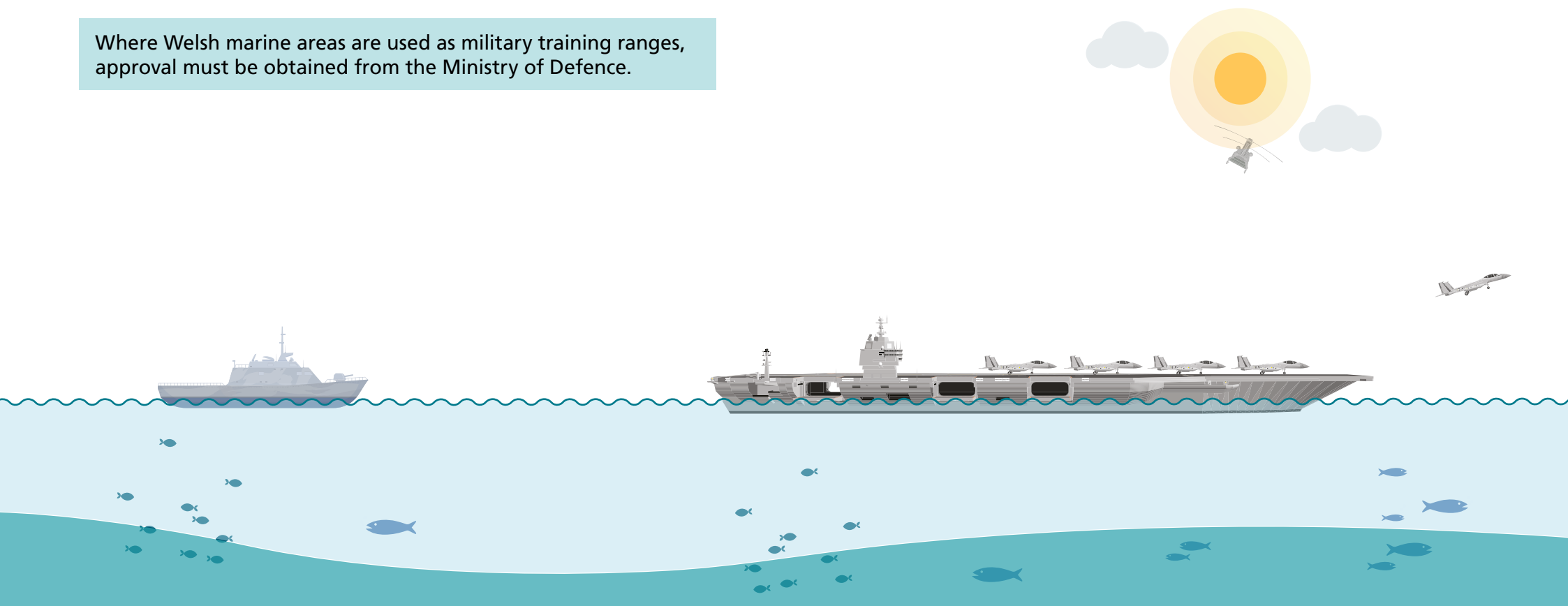
Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.

Legislation and Policy

Management of defence activities in Wales is reserved to UK Government and regulated by the UK Secretary of State for Defence (a senior UK Government Minister).

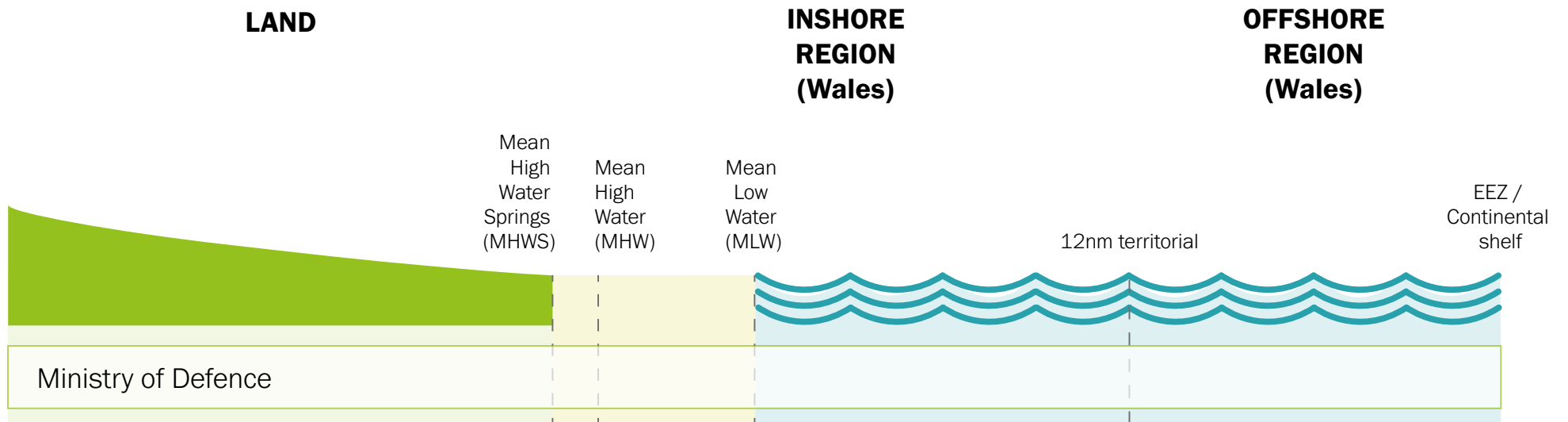
The UK Marine Policy Statement 2011 recognises the need for the Ministry of Defence to maintain and deploy the operational capability to provide defence and security to the UK.

The Welsh National Marine Plan's objective for the sector is to contribute to the defence of the nation by ensuring that Defence and National Security activities are not compromised.



Defence

Main bodies involved in Defence administration and licensing.





Dredging and Disposal

Dredging is the removal of sediment from one part of the sea or seabed to another using any device.

Most dredging takes place in shallow waters close to shore.

Marine disposal sites are areas of the sea designated to receive marine sediment dredged from the seabed.

Why dredge?

Dredging supports the development and maintenance of navigational, engineering and environmental developments.

Dredging operations:

Capital dredging (areas not previously dredged):

- for navigation purposes such as creating or expanding channels and port areas; and
- for engineering purposes such as constructing trenches for pipes, cables and tunnels and to also enable removal of material.

Dredged material uses:

Maintenance dredging:

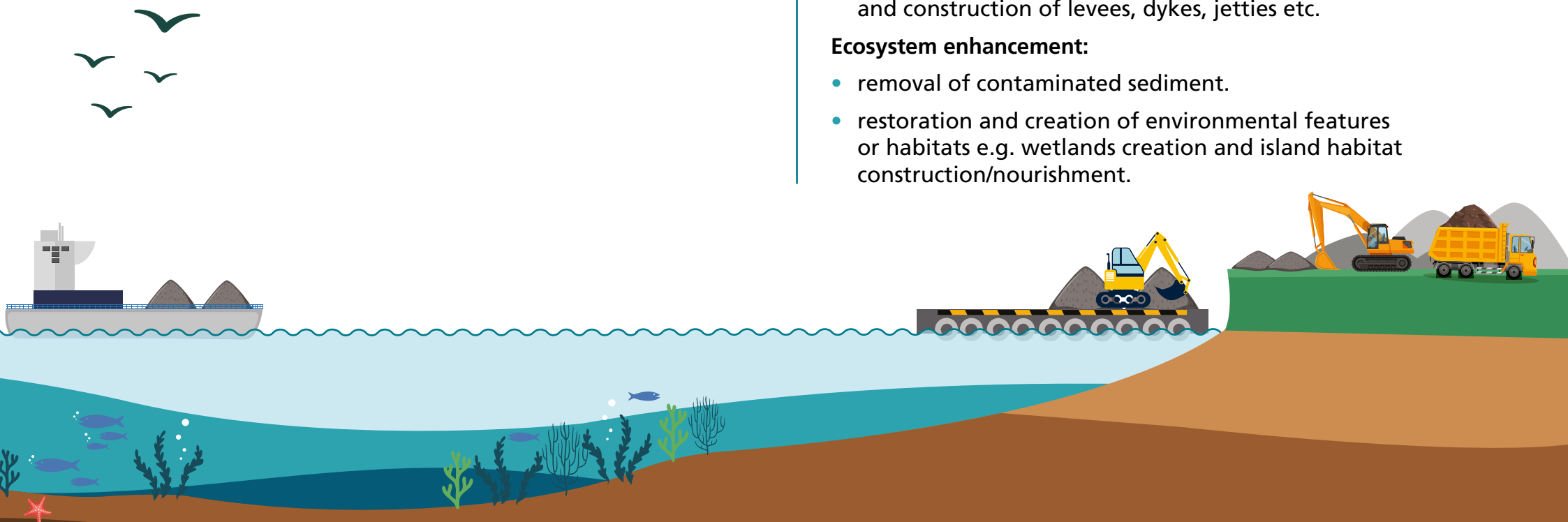
- removal of sediments which have recently built up naturally to maintain channels, berths or construction works.

Coastal protection:

- use of sediments for activities such as beach nourishment and construction of levees, dykes, jetties etc.

Ecosystem enhancement:

- removal of contaminated sediment.
- restoration and creation of environmental features or habitats e.g. wetlands creation and island habitat construction/nourishment.



Governance Summary

A marine licence from Natural Resources Wales must be obtained for dredge and disposal operations, unless Harbour Orders enable Local Harbour Authorities to carry out works within Port Limits, in these cases an exemption may apply. Applications for licences must be accompanied by various assessments, sampling and analysis results to assess potential environmental effects.

All sediment for disposal at sea must be tested in line with international standards. Natural Resources Wales provides guidance on the approach for sampling and testing sediment. Subject to the results of the sampling, Natural Resources Wales will determine whether the sediment is suitable for disposal back at sea.

In addition to a marine licence, applicants may also need other permissions such as landowner's consent (usually from The Crown Estate, or from harbours or port authorities, depending on the location).

Natural Resources Wales requires annual returns from licence holders with the type and amount of sediment disposed of each year. This information is provided to **CEFAS** who advise **OSPAR** on the location, quantities and type of dredged sediment disposed at sea.

A disposal site is generally classified as 'open' if a site is currently available for use, 'disused' refers to a site that has not been used for a period of five years, while a site is considered 'closed' following an inactive 10-year period. Natural Resources Wales may also close a site if new evidence suggests the deposit of sediment is having an impact on the marine environment, human health or interfering with other legitimate uses of the sea.

Applying the government's waste hierarchy guidance minimises any waste to be disposed and encourages its beneficial use, for example as replenishment of mudflats for wildlife habitat or recharging of beaches for coastal defence or land reclamation.

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence to undertake a development in these areas.



CEFAS – Centre for Environment, Fisheries, and Aquaculture Science are the government's experts in marine and freshwater science. They provide data and advice to Welsh Government.



OSPAR was created to enable a collection of governments, including the UK and the European Union, to work together to protect the marine environment of the North-East Atlantic.

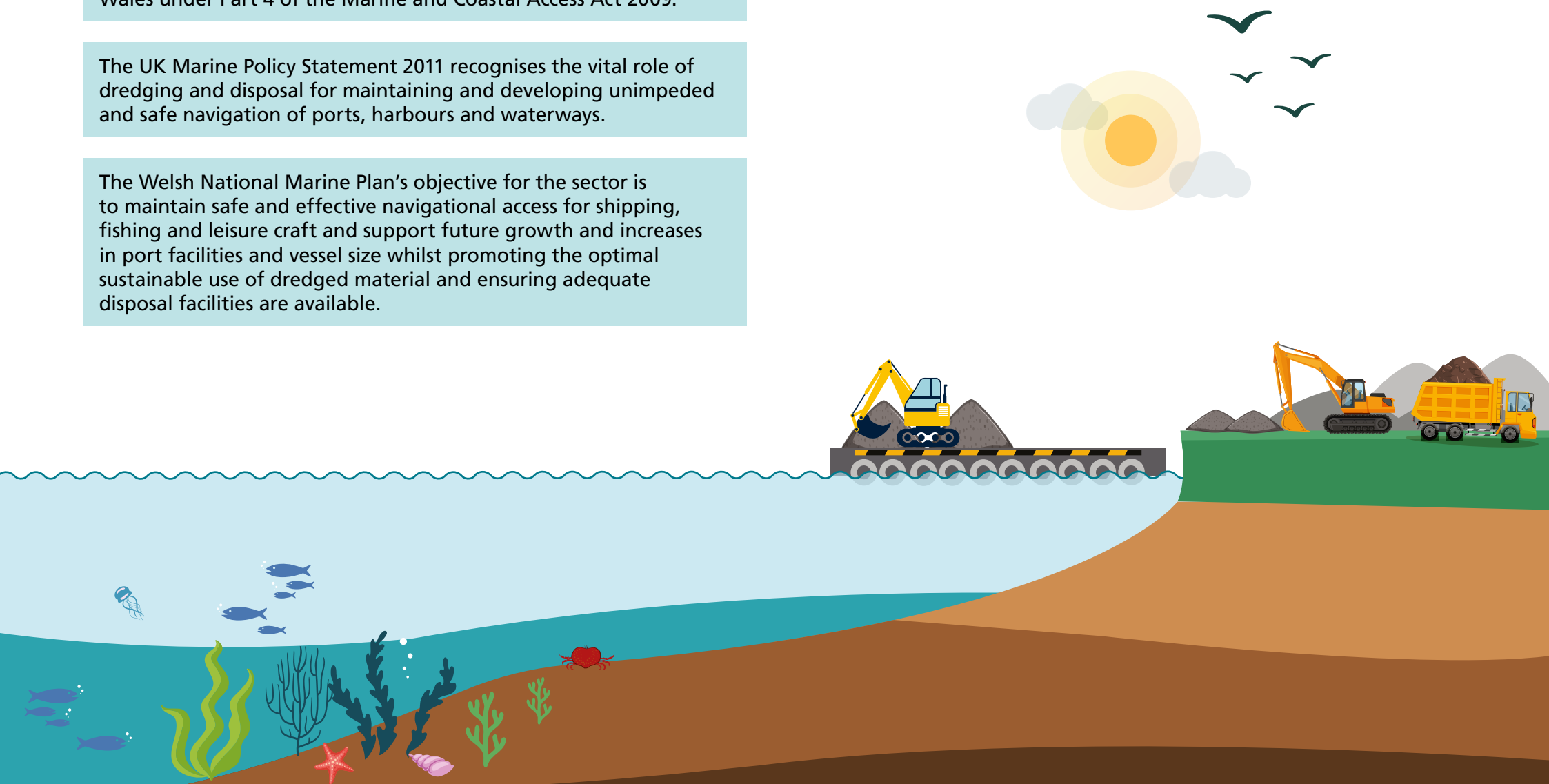
Legislation and Policy

Management of dredging and disposal policy in Wales is devolved to Welsh Government.

Dredge and disposal operations are regulated by Natural Resources Wales under Part 4 of the Marine and Coastal Access Act 2009.

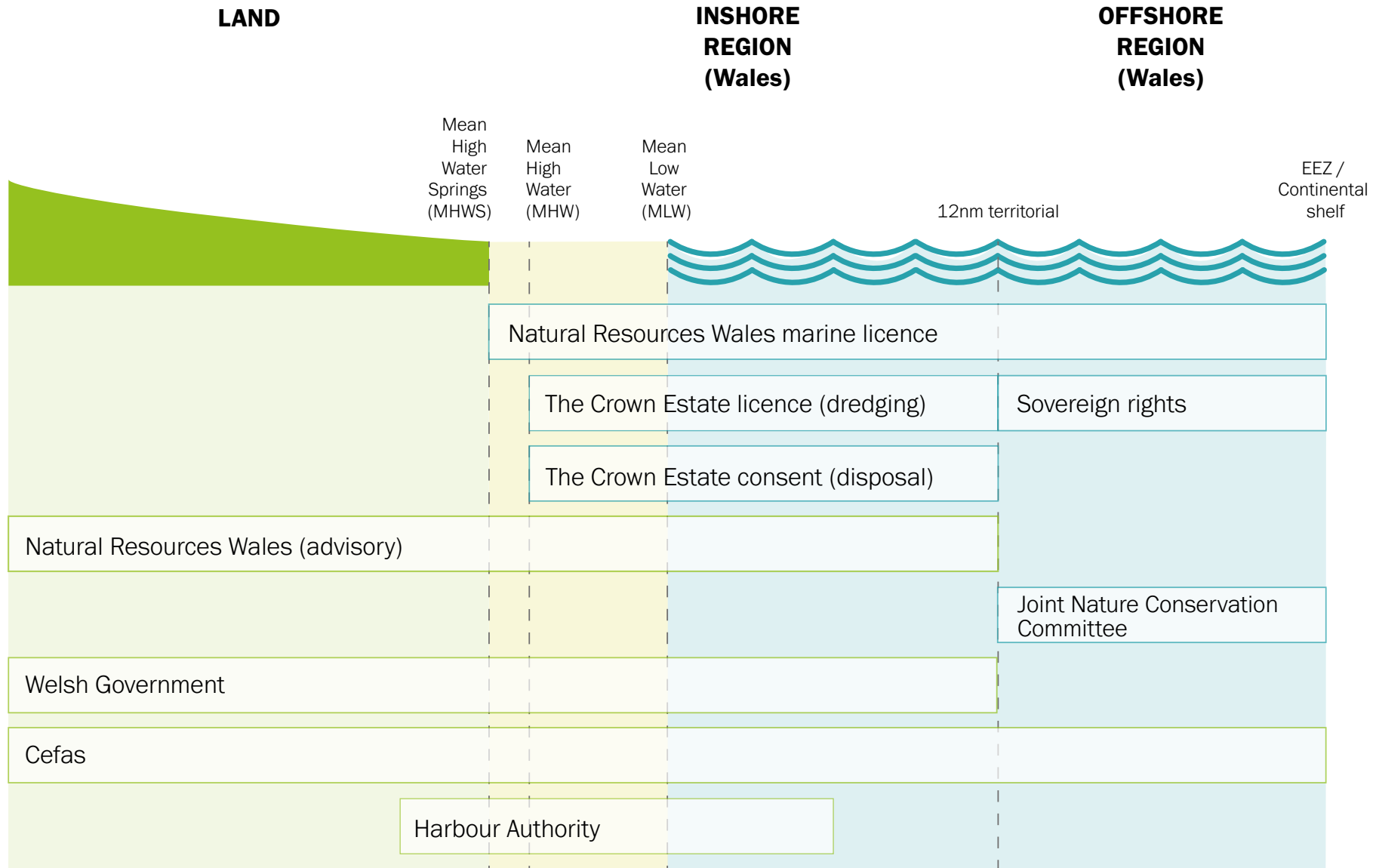
The UK Marine Policy Statement 2011 recognises the vital role of dredging and disposal for maintaining and developing unimpeded and safe navigation of ports, harbours and waterways.

The Welsh National Marine Plan's objective for the sector is to maintain safe and effective navigational access for shipping, fishing and leisure craft and support future growth and increases in port facilities and vessel size whilst promoting the optimal sustainable use of dredged material and ensuring adequate disposal facilities are available.



Dredging and Disposal

Main bodies involved in Dredge and Disposal administration and licensing.





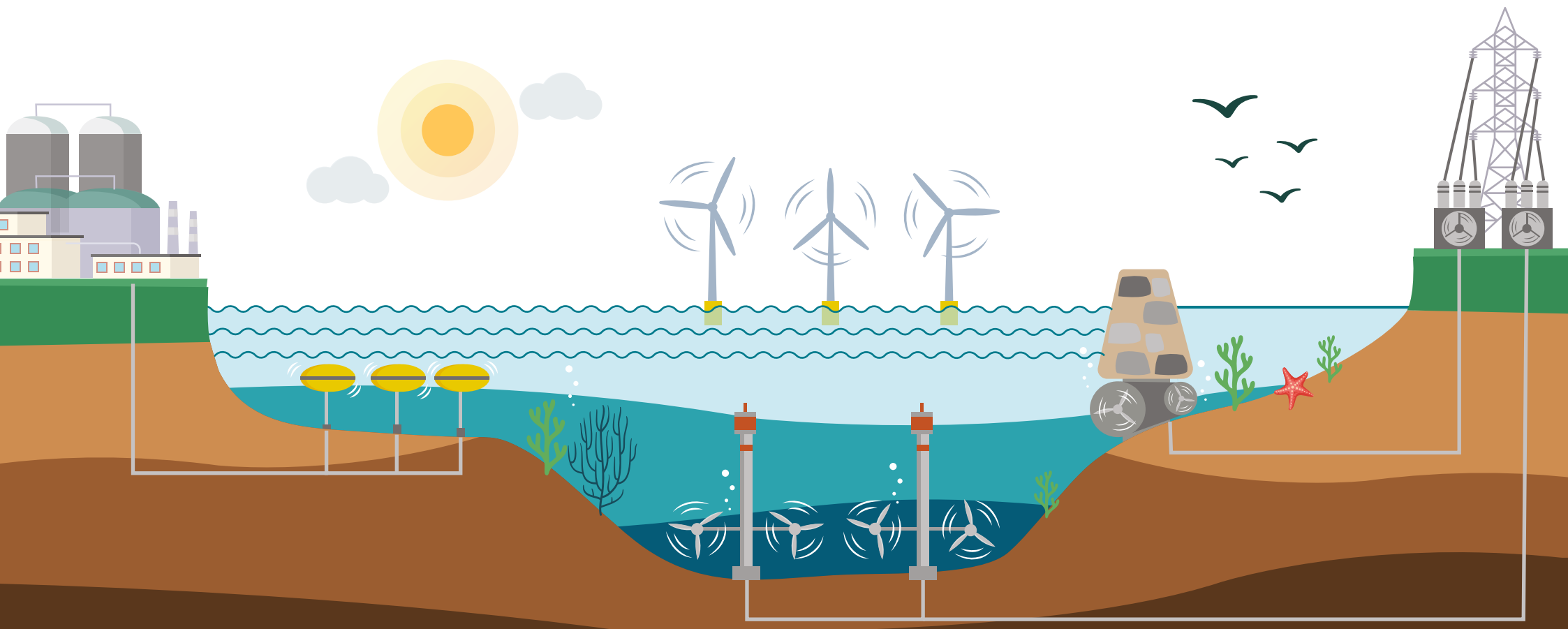
Energy – Low Carbon

Energy – Low Carbon is energy generated using wind, wave and tidal resources (marine renewable energy) and new coastal nuclear power generation facilities.

In 2019 the Welsh Government declared a climate emergency. As a result, low carbon methods of producing energy will need to replace historical high carbon coal and gas methods.

Low carbon methods will potentially make a significant contribution to meeting **decarbonisation** targets of zero carbon dioxide (CO₂) emissions from electricity generation by 2050.

Decarbonisation is the removal or reduction of carbon dioxide (CO₂) output into the atmosphere.



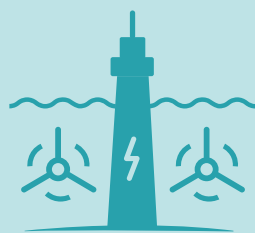
Current activity is mostly in the Welsh inshore marine area but the technology exists and there is interest in developing larger scale schemes in the Welsh offshore marine area, particularly for wind energy generation. The Crown Estate has indicated that the **Celtic Sea** has the economic potential to accommodate up to an additional 20 gigawatts of floating offshore wind capacity by 2045 in addition to the 4 gigawatts currently being progressed.

The Celtic Sea is an area of the Atlantic Ocean to the south-west of Pembrokeshire and the south of Ireland, also bordered by the Bristol Channel, English Channel and Bay of Biscay.

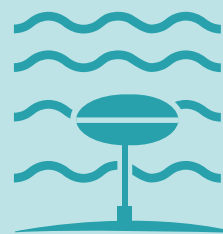


Offshore wind reaches a higher and more constant speed than on land. Technologies to generate energy from offshore wind include fixed turbine installation in waters up to 60m deep or floating turbine structures in waters exceeding 50m depth.

A turbine is a machine that takes energy from a flow of air (wind) or liquid (water movement). The turbine then converts the energy into electricity.



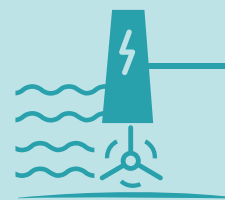
Tidal stream is a fast-flowing body of water created by tides. Technologies to generate energy from tidal stream are being developed, with small scale demonstration devices being deployed. Devices can either be seabed mounted, mid-water or surface emergent.



Wave energy is the energy produced from wave motion. Technologies to generate wave energy can either be located at the surface or submerged.

- **Surface devices** – These devices gain power from the waves moving them up and down on the surface of the ocean.
- **Underwater devices** – These devices range from balloon type objects attached to the ocean floor to long tubes that stretch over a long distance. When the waves cause them to move, they move a turbine and create electricity.
- **Reservoir devices** – These devices take advantage of the waves moving water into a reservoir on the coastline. As water moves back out into the ocean it is forced down a tube and turns the blades of a turbine creating electricity.

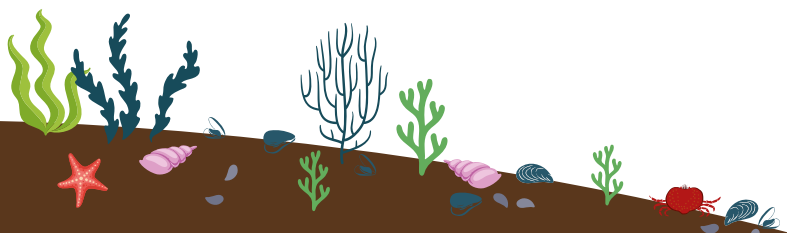
Wave and tidal energy converters are located near the coastline. It is easier to install, maintain and capture and retrieve the energy when the converters are located close to the coast.



Tidal lagoons can potentially capture large volumes of water behind a man-made structure, the water is then released to drive turbines and generate electricity. Tidal lagoons would be expected to be large scale, long term (120 years) projects established in near-shore waters.

Substantial tidal range resource exists around the Welsh coast but there is economic and environmental uncertainty regarding this technology.

At a broad level, projects that support decarbonisation will contribute to wider ecosystem resilience by helping to mitigate climate change related ecosystem effects.



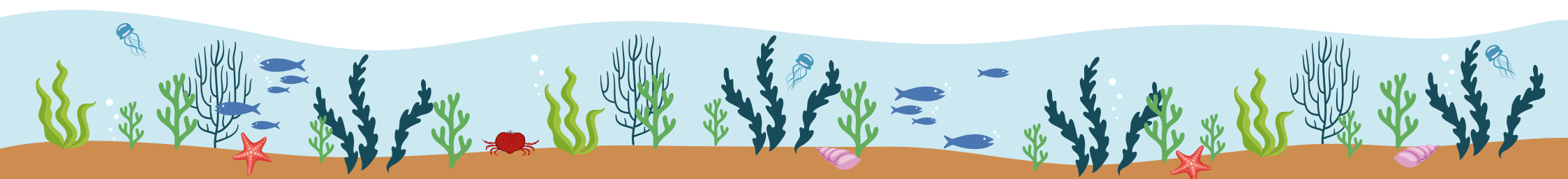
Governance Summary

The Crown Estate issues an “Agreement for Lease” to allow for site investigation which, if successful, can be converted to a lease, subject to all necessary consents being obtained. For some emerging technologies (such as wave or tidal stream) The Crown Estate also provides a more flexible option of just using a Seabed Survey Licence to investigate.

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.

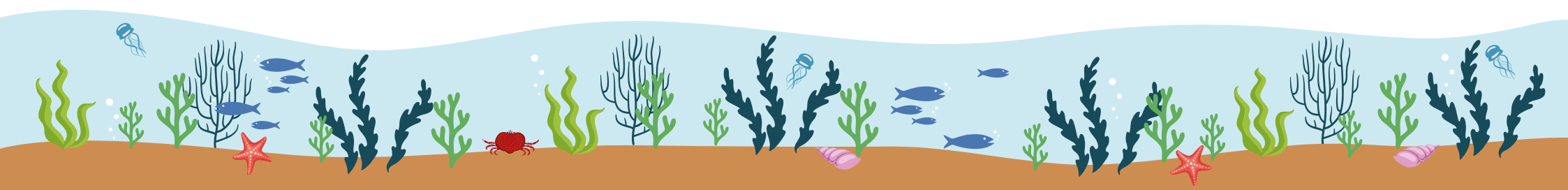
Primary consents for an energy project between 1MW – 350MW in Welsh waters (inshore or offshore)

Consent	Jurisdiction	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Marine Licence (Pt4 of Marine and Coastal Access Act 2009) (as amended by the Wales Act 2017)	Welsh Waters	Natural Resources Wales	Natural Resources Wales	Welsh Ministers
Section 36 Energy Consent under the Electricity Act	Welsh Waters	Welsh Ministers, following recommendation by Planning Inspector	Welsh Ministers	The Crown (summary conviction)



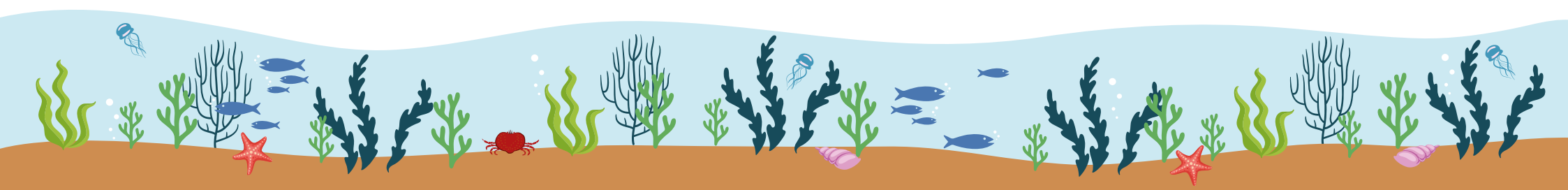
Primary consents for an energy project above 350MW wholly within Welsh inshore or offshore waters

Consent	Jurisdiction	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Development Consent Order (Planning Act 2008) (as amended by Wales Act 2017)	Welsh Waters	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector	Natural Resources Wales (Welsh waters), Secretary of State, Local Planning Authority (whoever is specified to discharge the specific provisions in the Order)	The Crown (summary conviction or on conviction on indictment), or whoever is specified in the provisions of the Order
Marine Licence (Pt 4 of Marine and Coastal Access Act 2009) (as amended by the Wales Act 2017)	Welsh Offshore	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector may 'deem' a marine licence if the project infrastructure is wholly within offshore waters, or Natural Resources Wales, if developers choose not to include a 'deemed' marine licence as part of the DCO process	Natural Resources Wales (Welsh waters)	Welsh Ministers (Welsh waters)
	Welsh Inshore	Natural Resources Wales		



Primary consents for an energy project above 350MW straddling Welsh/English waters

Consent	Jurisdiction	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Development Consent Order (Planning Act 2008) (as amended by Wales Act 2017)	Welsh and English Waters	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector	Natural Resources Wales (Welsh waters), Secretary of State, Local Planning Authority (whoever is specified to discharge the specific provisions in the Order)	The Crown (summary conviction or on conviction on indictment), or whoever is specified in the provisions of the Order
Marine Licence (Pt 4 of Marine and Coastal Access Act 2009) (as amended by the Wales Act 2017)	Welsh Waters	Natural Resources Wales (marine licence cannot be 'deemed')	Natural Resources Wales	Welsh Ministers (Welsh waters)
	English Waters	Marine Management Organisation or the Secretary of State, following a recommendation from the National Infrastructure Planning Inspector (if marine licence is 'deemed')	Marine Management Organisation	Marine Management Organisation



Legislation and Policy

The promotion of energy efficiency in Wales is devolved to Welsh Government. The regulation of energy efficiency in Wales is reserved to UK Government.

Overall UK Policy direction on large scale energy developments is managed by the UK Secretary of State for Energy Security and Net Zero and the Office of Gas and Electricity Markets (OFGEM).

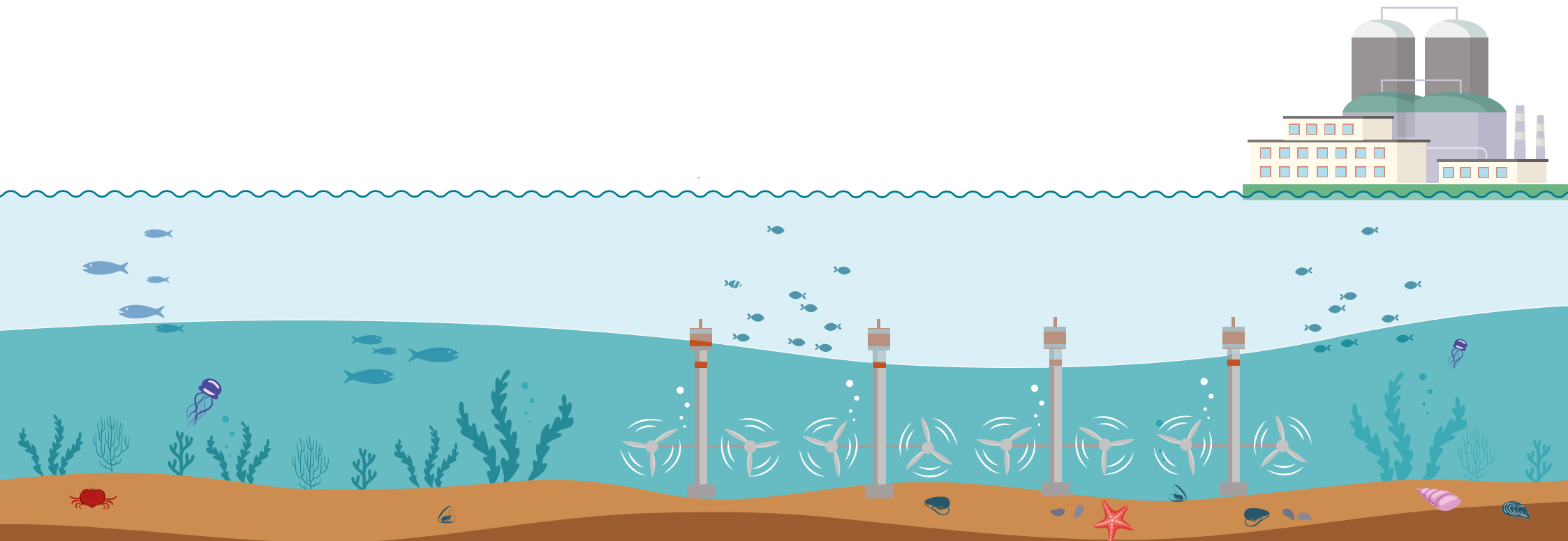
In March 2021 the Welsh Parliament (a democratically elected body that represents the interests of Wales and its people) approved a **net zero** target for 2050.

Net zero means balancing greenhouse gas emissions with the amount of gases we are removing from the atmosphere.

The UK Marine Policy Statement 2011 recognises that a secure, sustainable and affordable supply of energy, increasingly from marine renewable sources, is of central importance to the economic and social wellbeing of the UK.

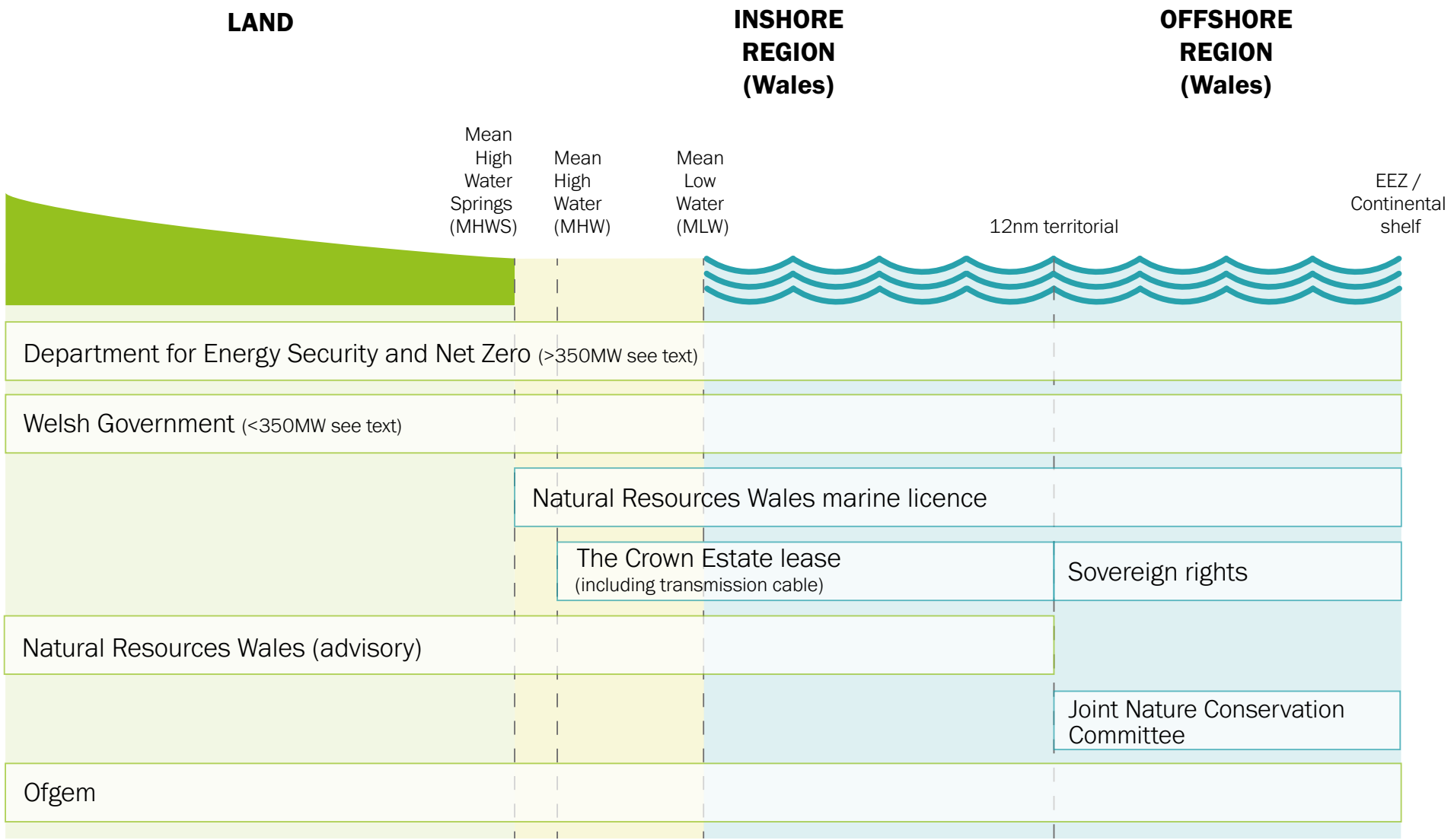
The Welsh National Marine Plan 2019 objectives for the sector are:

- To contribute significantly to the decarbonisation of our economy and to our prosperity by increasing the amount of marine renewable energy generated; and to
- develop Wales as an exemplar of marine renewable energy technology by developing the essential skill base, infrastructure and technical knowledge to support the development of the industry over the next 20 years.



Energy – Low carbon

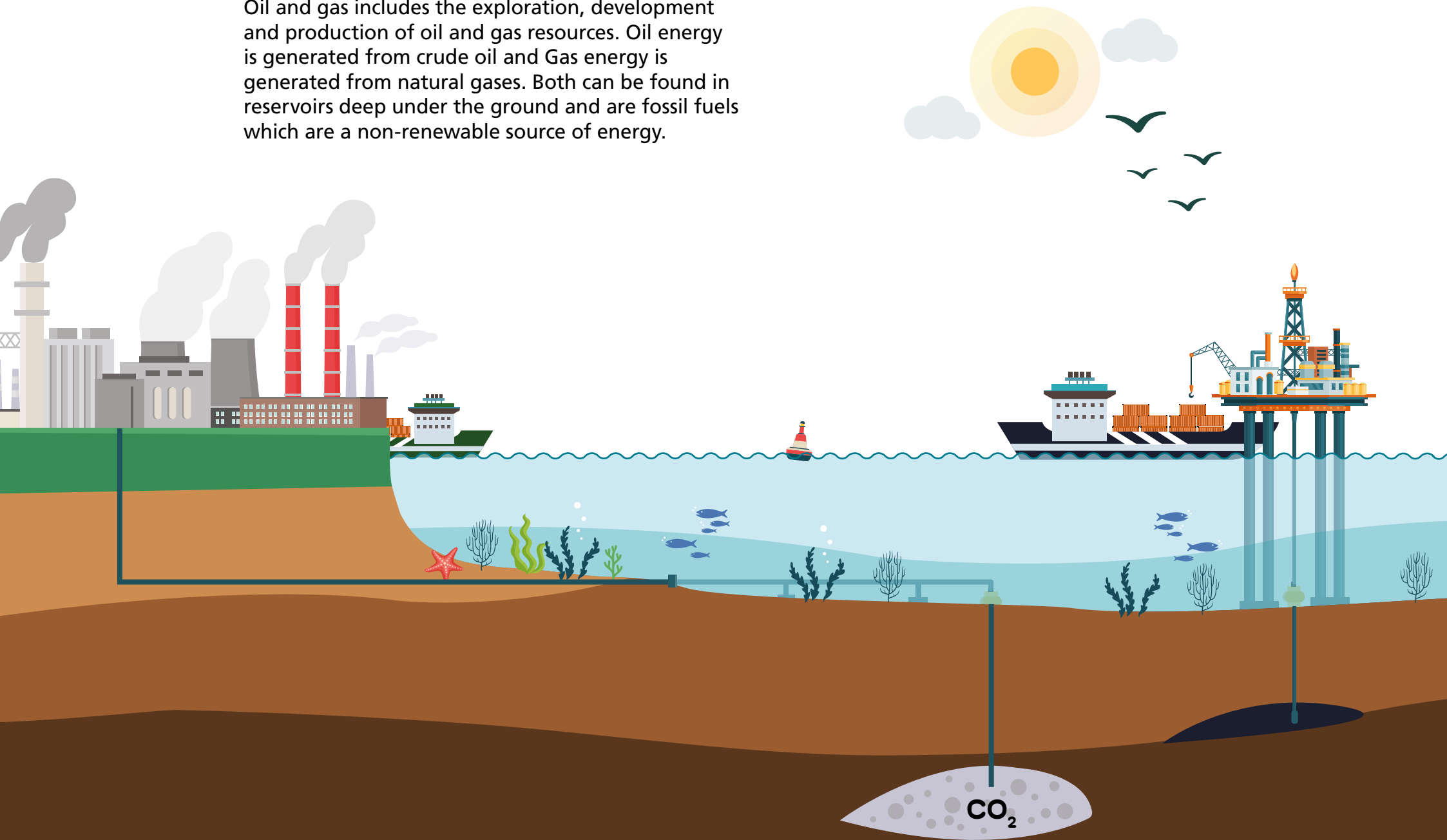
Main bodies involved in Energy – low carbon administration and licensing.





Oil and Gas Production

Oil and gas includes the exploration, development and production of oil and gas resources. Oil energy is generated from crude oil and Gas energy is generated from natural gases. Both can be found in reservoirs deep under the ground and are fossil fuels which are a non-renewable source of energy.





Oil and Gas exploration and production activity involves:

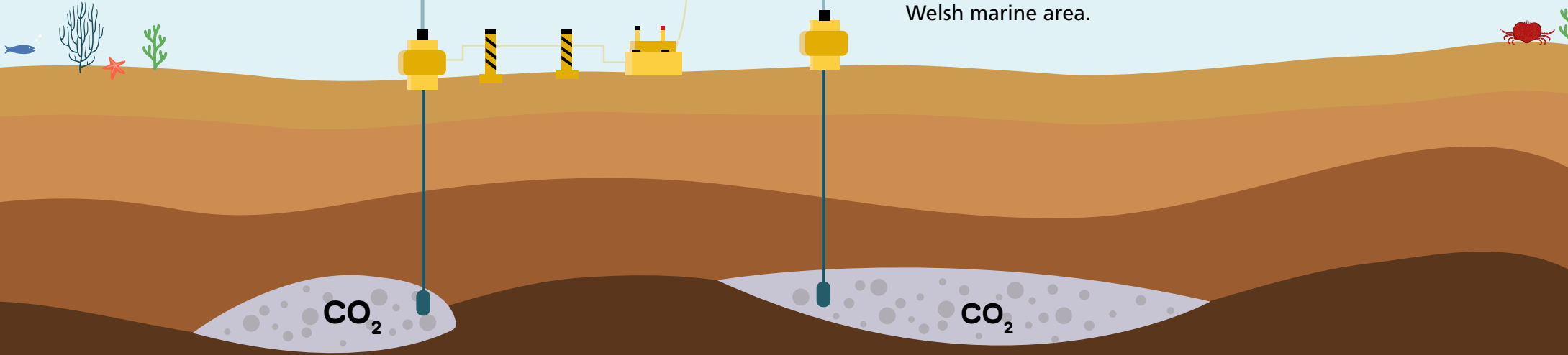
- exploration and appraisal – following receipt of a licence, drill testing, well evaluation and surveying.
- development – includes the installation of fixed or floating facilities and the drilling of wells. Pipeline(s) are generally installed to come ashore via existing export infrastructure or connect to floating storage and offloading vessels.
- production and export operations – involves routine supply, return of wastes to shore, power generation, chemical use, flaring and venting, produced water management/reinjection and reservoir monitoring and maintenance.
- decommissioning – including cleaning and removal of facilities, for reuse, recycling or disposal.

Welsh Government is committed to moving to a low carbon energy system and to working with the UK Government to reduce offshore production wherever possible. **The Welsh Government’s policy objective is to avoid further extraction and consumption of fossil fuels.**

What is Carbon capture and storage

Carbon capture and storage is the capturing of carbon dioxide (CO₂) emissions from industrial processes, such as steel and cement production, or from the burning of fossil fuels in power generation. This carbon is then transported from where it was produced, via ship or in a pipeline, and stored deep underground.

Due to the geology of Wales there may be limited opportunities to directly capture carbon dioxide (CO₂) emissions in underground offshore structures in the Welsh marine area.



Governance Summary

Oil, gas and carbon capture and storage infrastructure requires the appropriate regulatory consents and environmental approvals to ensure that developers consult with other sea users to consider their interactions and seek to avoid, minimise or mitigate their effects. This identifies the existence of hazards caused by the infrastructure and updates can be made to navigation and fishing charts.

Welsh Government issue oil and gas licences for Welsh onshore marine areas and internal waters (intertidal areas, estuaries and coastal inlet areas). Beyond these limits the relevant licensing authority is the North Sea Transition Authority.

The Crown Estate consent, usually via a lease, is required for the installation of oil, gas and carbon capture and storage infrastructure (including subsea platforms and pipeline infrastructure) located within the Welsh inshore marine area.

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.

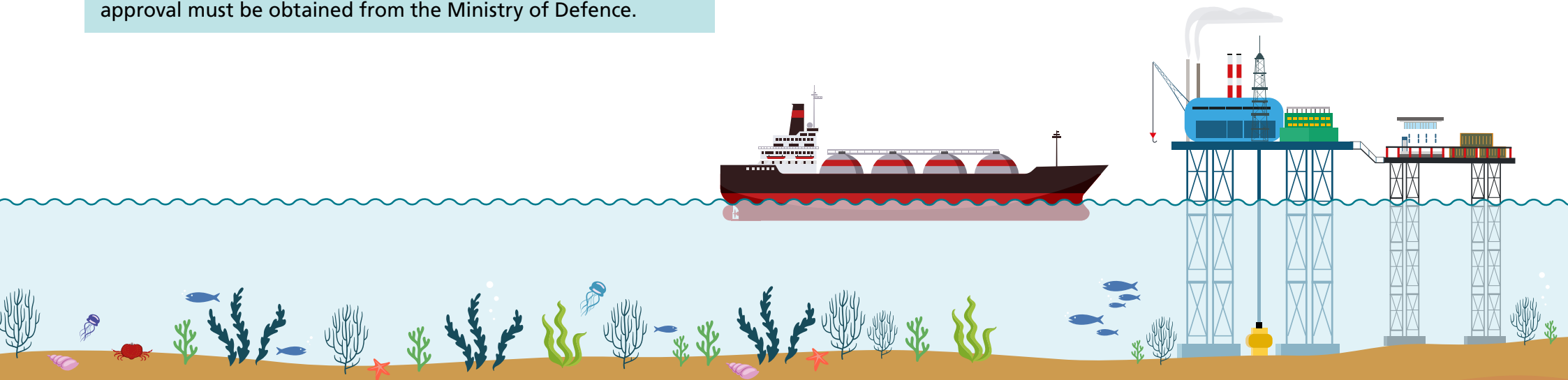
Legislation and Policy

Oil and gas policy is reserved to UK Government. However, oil and gas licensing for the Welsh onshore marine areas and internal waters devolved to Welsh Government.

Welsh Government policy applies to Welsh onshore marine areas and internal waters. Beyond these limits, oil and gas policy is reserved to the UK Government. The UK policy position towards domestic oil and gas has developed since the publication of the UK Marine Policy Statement 2011 and now reflects the Government's commitment towards net zero by driving the reduction of greenhouse gas emissions from all offshore oil and gas operations.

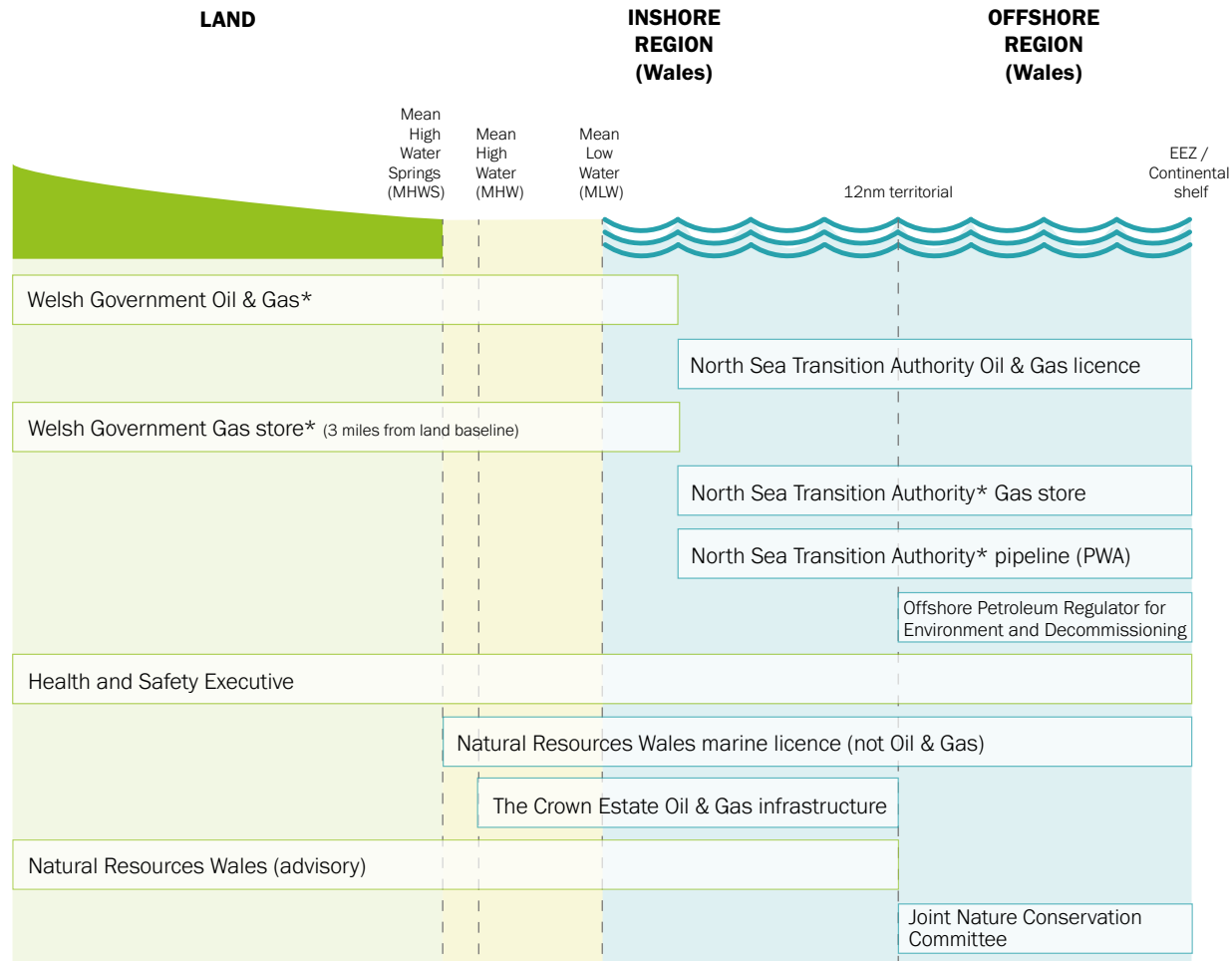
In March 2021 the Welsh Parliament (a democratically elected body that represents the interests of Wales and its people) approved a net zero target for 2050.

The Welsh Government's policy objective is to avoid further extraction and consumption of fossil fuels.



Energy – Oil and gas

includes carbon capture and storage. Main bodies involved in administration and licensing.



Main bodies involved in Carbon Capture and Storage administration and licensing





Fisheries

The Fisheries sector consists of the commercial harvesting and capture of fish and shellfish.

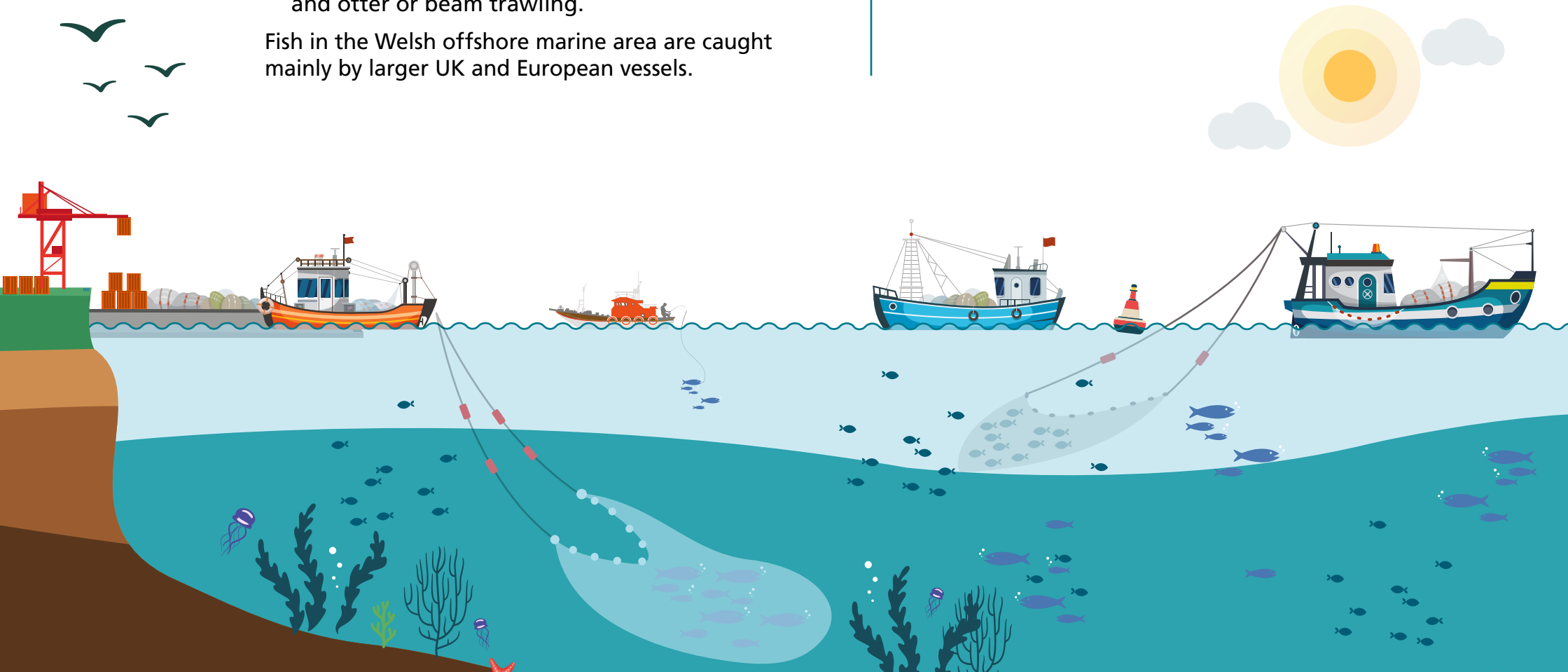
In Wales, this sector is mainly made up of:

- small vessels (under 10 metres in length) operating within 6 nautical miles of the coast; and
- hand gathering on intertidal sand, mainly around estuaries. Fishing vessels use techniques such as potting/trapping, netting, rod and line, dredging and otter or beam trawling.

Fish in the Welsh offshore marine area are caught mainly by larger UK and European vessels.

The level of fishing needs to be sustainably managed to ensure our seas are not overfished. Fishing restrictions can consist of:

- size of individual species,
- total weight of fish which can be kept,
- time periods when fishing is allowed,
- closed areas; and
- methods or equipment which can be used to fish.



Governance Summary

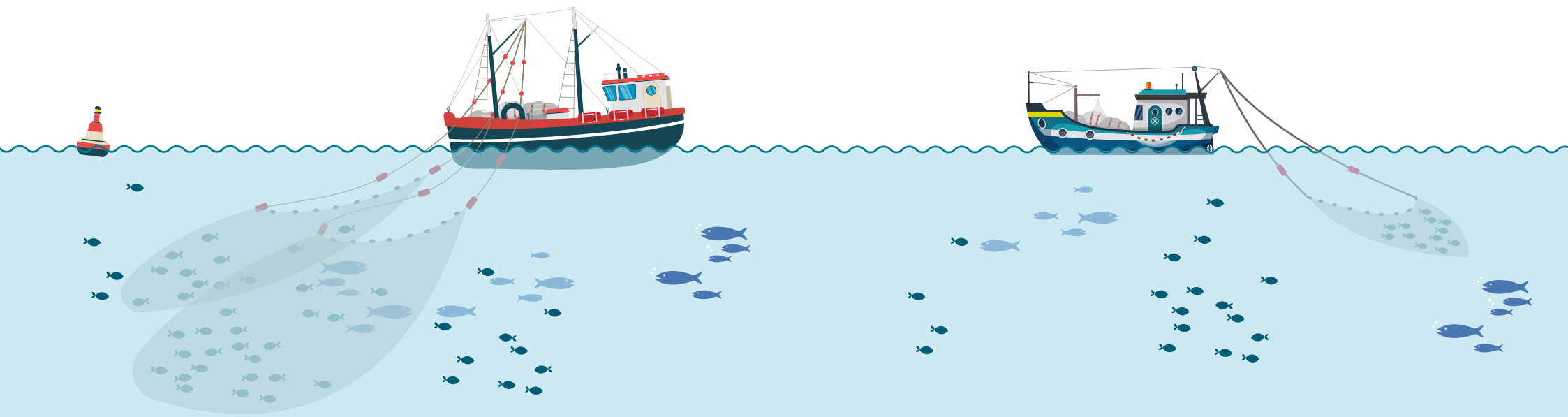
All commercial fishing vessels require a licence to fish in UK waters. The Welsh Government is responsible for the licensing of all Welsh registered fishing vessels, regardless of where they fish. All commercially licensed vessels operating in Welsh waters are required to carry a vessel monitoring system device to enable their activity to be tracked and monitored.

To manage fish stocks, every year in consultation with the EU and other coastal states, total allowable catches (TACs) are set to determine the amount allowed to be caught for around 70 stocks. The TACs are allocated firstly between coastal states, and then allocated between UK fisheries administrations and producer organisations based on historic quota holdings. A small amount of the TACs are managed directly by fisheries administrations in the form of a pool for the under 10 metre vessels or other non-sector vessels. Some stocks which are particularly important to Wales, such as whelks, scallops and crab/lobsters do not have a TAC set and are considered non-quota stocks.

To monitor fishing activity and catches, the Welsh Government require a 'catch record' to be submitted for each fishing trip within 24 hours of the catch being brought to land (landed). The record must include information about the live weight of the catch and the area fished. Incidental mortality and injury (bycatch) in fisheries is a threat to the conservation and welfare of marine mammals, bycatch data must also be reported to identify and reduce fisheries interactions with sensitive marine species.

The Welsh Government manages public cockle fisheries around the coastline of Wales. Natural Resources Wales manages the Burry Inlet and Dee cockle fisheries through Regulating Orders and issues fishing licences for freshwater and migratory fish.

Fish products must be safe to eat and transported free from pests and diseases. Health standards include a requirement that sources be tested and categorised and that product checks are made by a number of regulatory bodies.



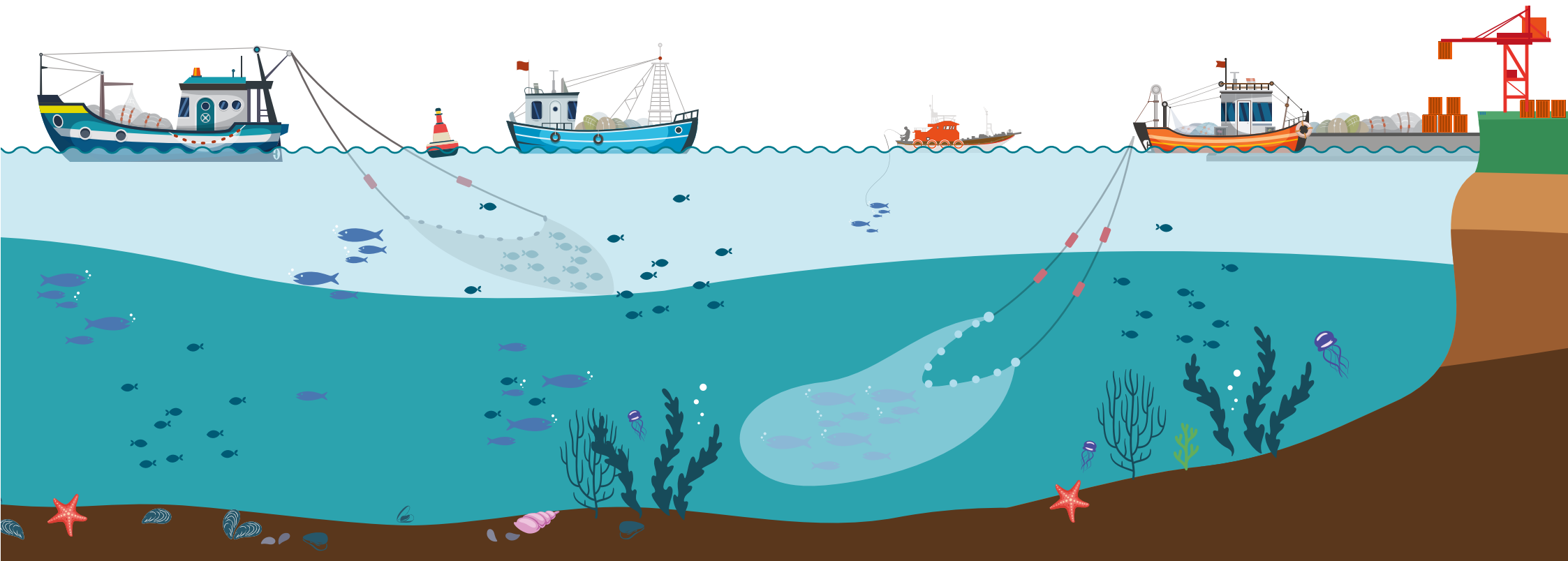
Fisheries policy in Wales is devolved to Welsh Government

The Fisheries Act 2020 puts in place a UK framework for post EU exit fisheries management including the establishment of fisheries objectives.

The Joint Fisheries Statement, as required by the Act, sets out policies for achieving, or contributing to the achievement of, the fisheries objectives.

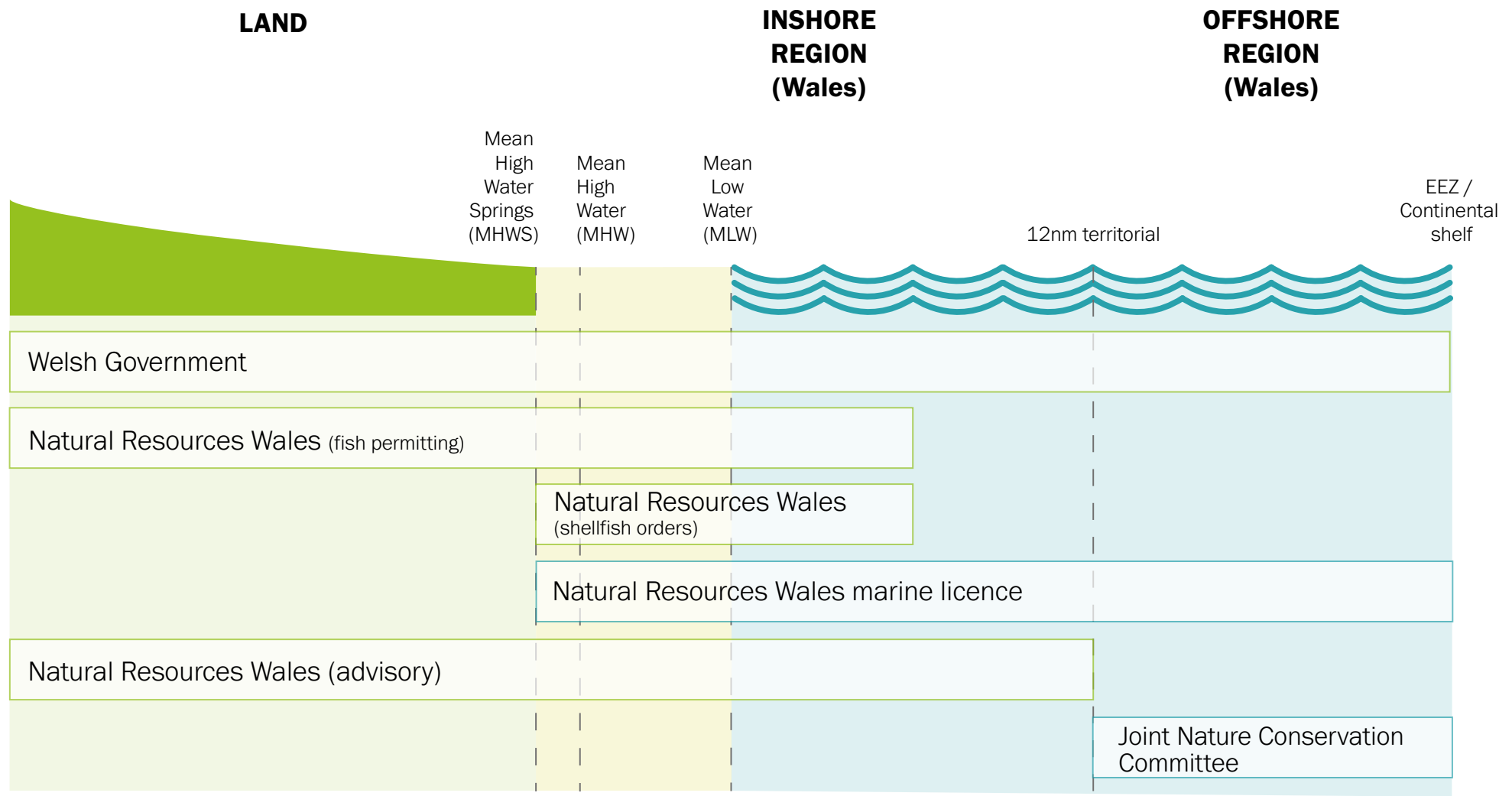
The UK Marine Policy Statement 2011 recognises fish as being an important source of protein as part of a healthy diet and has a role in achieving food security, employment and is of social value.

The Welsh National Marine Plan 2019 objective for the sector is to support and safeguard a sustainable, diversified and profitable fishing sector including promoting sustainable capture fisheries and optimising the economic value of fish caught as a supply of sustainable protein.



Fisheries

Main bodies involved in Fisheries administration and licensing.





Ports and Shipping

Ports and shipping are separate but complementary activities covering the construction, operation and maintenance of ports, harbours, and marinas, which:

Support commercial activities associated with shipping cargo, transporting passengers, fishing, leisure and tourism operators and work associated with offshore energy industries.

The ports and shipping sector is an essential part of Wales' economy, providing a major route for the country's imports and exports and representing key transport infrastructure between land and sea. Ports and shipping are critical to the effective movement of cargo, supply chains and people within the UK and around the world.



Ports

A port is a commercial enterprise containing facilities such as cranes, warehouses and docks. These support trade and transportation, providing safe mooring and facilities for vessels, passengers and the import and export of goods from shipping activity.

A harbour can be a man-made or a naturally sheltered area of water, adjacent to land, in which ships may dock, moor or anchor, for shelter or to load and unload goods or passengers. Some harbours support both commercial and recreational activities.

A marina is used by small boats to dock or anchor, they are usually used for personal recreation.

The operation of ports, harbours and marinas is enabled through the creation and maintenance of channels, berths, docks, piers, jetties, quays and wharfs.

Shipping

Shipping activity consists of established navigation routes for commercial cargo and passenger vessels and widespread navigation of smaller vessels. Throughout the Welsh marine area there are aids to navigation such as lighthouses, buoys and telecommunications equipment which, along with the standards set by the **International Maritime Organization**, are essential in maintaining the safety of maritime traffic.

The International Maritime Organization is a United Nations specialised agency for the development of international standards and regulations for the safety and security of shipping and the prevention of marine pollution by ships. The Maritime and Coastguard Agency leads the UK delegations at committees and sub-committees of The International Maritime Organisation.



Governance Summary

Ports

Port sector governance is varied depending on the nature of the port or associated shipping activity. Ports are managed by Statutory Harbour Authorities, their powers vary depending on the size and type of the port, but usually include charging fees for vessels, maintaining harbour infrastructure, maintaining navigation safety and, in some cases, dredging the waters in their area. A Competent Harbour Authority (which will often also be a Statutory Harbour Authority) also has statutory **pilotage** powers.

Pilotage – A skilled marine pilot with local knowledge of a harbour area who can board and manoeuvre ships through a Competent Harbour Authority area. This is common for ports on rivers and estuaries where such knowledge is needed to ensure a ship's safe passage.

Port developments are usually managed by Harbour Authorities, who may also require a marine licence and/or agreement from The Crown Estate and planning permission.

The Port Marine Safety Code and its supporting Guide to Good Practice sets UK industry standards for safe marine operations at ports and harbours.



Shipping

Any works that could impact on, or be considered a danger or obstruction to navigation should be advised as part of the consenting process to Trinity House and the Maritime & Coastguard Agency (and appropriate harbour authority if inside a Statutory Harbour Area limits) in order to determine if the risks are acceptable or if mitigation measures are necessary, to ensure that risk is reduced to As Low As Reasonably Practicable (ALARP).

There are established International Maritime Organization adopted routeing measures around Wales including Traffic Separation Schemes (a defined area in the sea where navigation of vessels is highly regulated).

The provision of adequate **under-keel** clearance is essential, both to maintain vessel safety and to maximise opportunity for shipping to co-exist with other activities. Static infrastructure should not reduce **under-keel** clearance by any significant amount for vessel safety along established navigation routes.

Under-keel clearance is the safe depth of water between a vessel's hull and the seabed or underwater hazard.

Shipping emissions are regulated and enforced/policed by national Ship Surveying and Port State Control (under the authority of the Maritime and Coastguard Agency in the UK).

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.

Policy and Legislation

Welsh Ministers have powers to regulate ports and harbours in Wales, responsibilities include local and general statutory duties, in the Welsh inshore marine area (with the exception of reserved trust ports).

UK Government has responsibility for reserved trust ports and shipping policy. This includes navigational rights and freedoms, shipping policy, pollution from ships, maritime emergency response through HM Coastguard, and harbours not wholly in Wales. Marine safety policy also sits principally with UK Government.

The United Nations Convention on the Law of the Sea (UNCLOS), is an international agreement that establishes a legal framework for all marine and maritime activities.

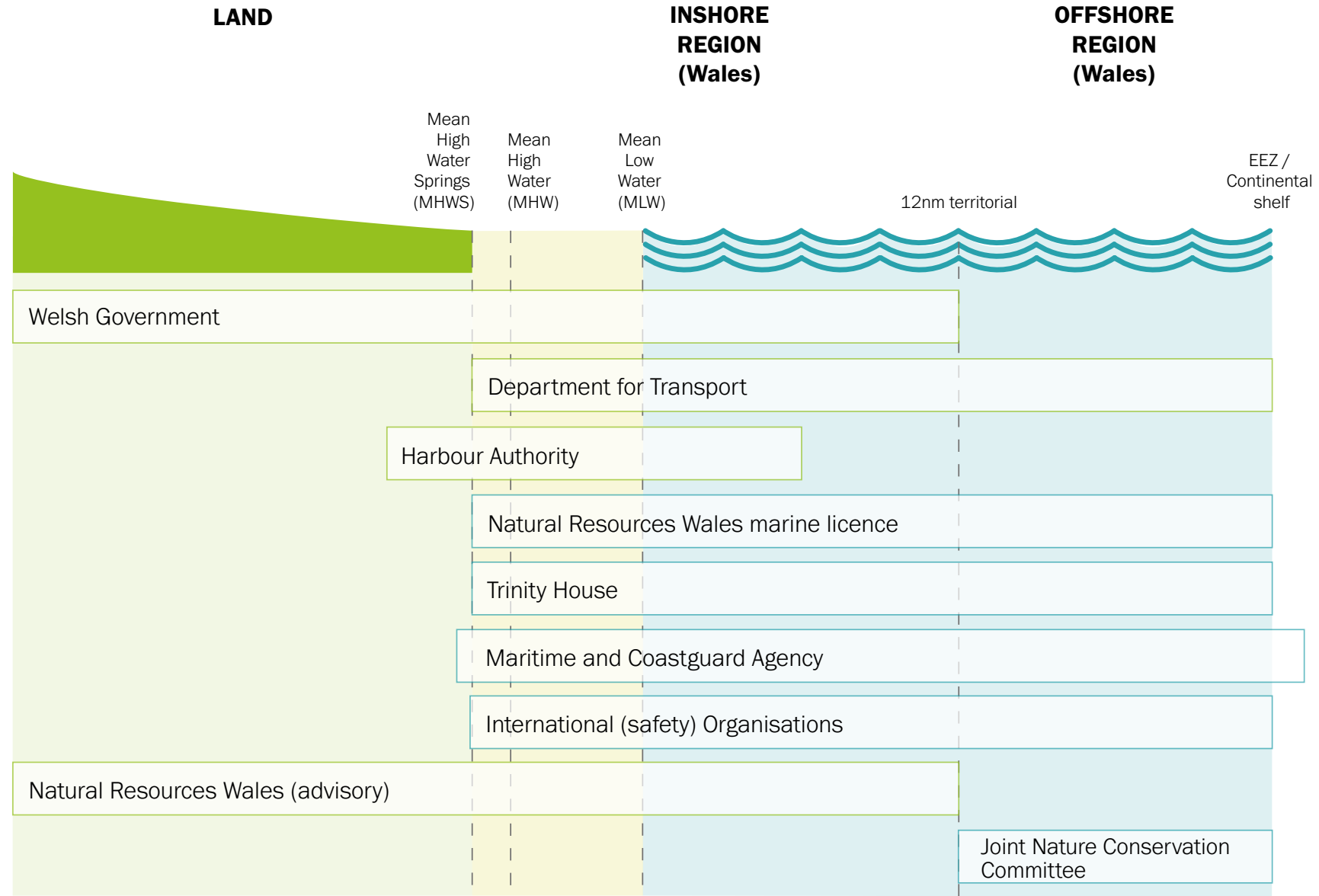
The UK Marine Policy Statement 2011 recognises that ports and shipping are an essential part of the UK and global economy, providing the major method for the country's imports and exports and key transport infrastructure between land and sea.

The Welsh National Marine Plan 2019 objective for the sector is to safeguard established shipping routes and support sustainable development in the shipping and ports sector.



Ports and shipping

Main bodies involved in Ports and Shipping administration and licensing.





Subsea Cabling

The subsea cabling sector consists of the installation, maintenance, and decommissioning of subsea cables.

Cables include:

- **Telecommunications:** Including digital information. These cables are around 55mm in diameter.
- **Electricity transmission:** Transportation of electricity from one place to another, including **interconnectors**. These cables are around 350mm in diameter.

Interconnectors are high voltage cables used to import and export electricity between neighbouring countries. The number of interconnectors and total interconnector capacity in the UK is likely to increase in order to trade electricity between countries to diversify supply sources and smooth peaks in electricity supply and demand.

- **Electricity export transmission:** Transportation of electricity from marine renewable generating stations to substations on land.

For reliability and security of electricity supply and communication, cable routes are typically spread out. The cabling industry shares marine space with a range of other activities which could potentially damage subsea cables (e.g. oil and gas pipelines, aggregates extraction, fishing and ship anchoring, and the dredging of shipping channels).

These risks can be mitigated through careful planning and cooperation between sectors. Damage to cables is expensive, can be time-consuming to repair and can cause significant disruption to power distribution and communication.

It is, therefore, vitally important that established cable infrastructure is adequately protected, it is in the cable operator's interest to identify the locations of cables so that other activities can avoid them.

Governance Summary

Governance arrangements depend on the type and location of the cable.

Consenting for electrical cabling from electricity generating stations is divided by Welsh Ministers (under 350 megawatt generating capacity) and UK Government (over 350 megawatt). Multi-purpose interconnectors usually require a Development Consent Order under the Planning Act 2008, with a decision taken by the UK Secretary of State for Energy Security and Net Zero.

Telecommunication cables are regulated by OFCOM.

The Crown Estate grants landowner rights for the installation, maintenance, and operation of power transmission and telecommunication cables within the Welsh inshore marine area.

The Crown Estate additionally issues rights for offshore renewable energy developments and electrical transmission and distribution cables in the Welsh offshore marine area.

Interconnectors need a short term (usually under 12 months) seabed survey licence from The Crown Estate for their activities within the Welsh inshore marine area, granting the right to undertake surveys, cable installation etc. This is followed by an option agreement (agreement for lease). No rights to use the land are required from The Crown Estate for interconnector proposals in the Welsh offshore marine area.

A marine licence from Natural Resources Wales is required for the installation and removal of subsea cables in the Welsh inshore marine area. A marine licence may be required for the installation and removal of subsea cables in the Welsh offshore area.

Electricity cables that pass through more than one national jurisdiction will require cross-border dialogue on routing and permitting. The UK Department for Energy Security and Net Zero is the designated National Competent Authority for these projects, except for cables located in Welsh waters which don't involve other parts of the UK. For these projects, Welsh Ministers have been delegated certain powers as the National Competent Authority.

When operating near a charted cable it is an offence in UK and international law to damage a cable either wilfully or through culpable negligence.

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.



Legislation and Policy

The power to consent onshore and offshore electricity generating stations (and associated electrical cabling) under 350 megawatts in Wales lies with Welsh Government and above 350 megawatts with UK Government. Overall, UK policy direction on energy (i.e. electrical cables and multi-purpose interconnectors) in Wales lies with the UK Secretary of State for Energy Security and Net Zero and the Office of Gas and Electricity Markets (OFGEM) and for telecommunications (OFCOM) within the Department for Digital, Culture, Media & Sport.

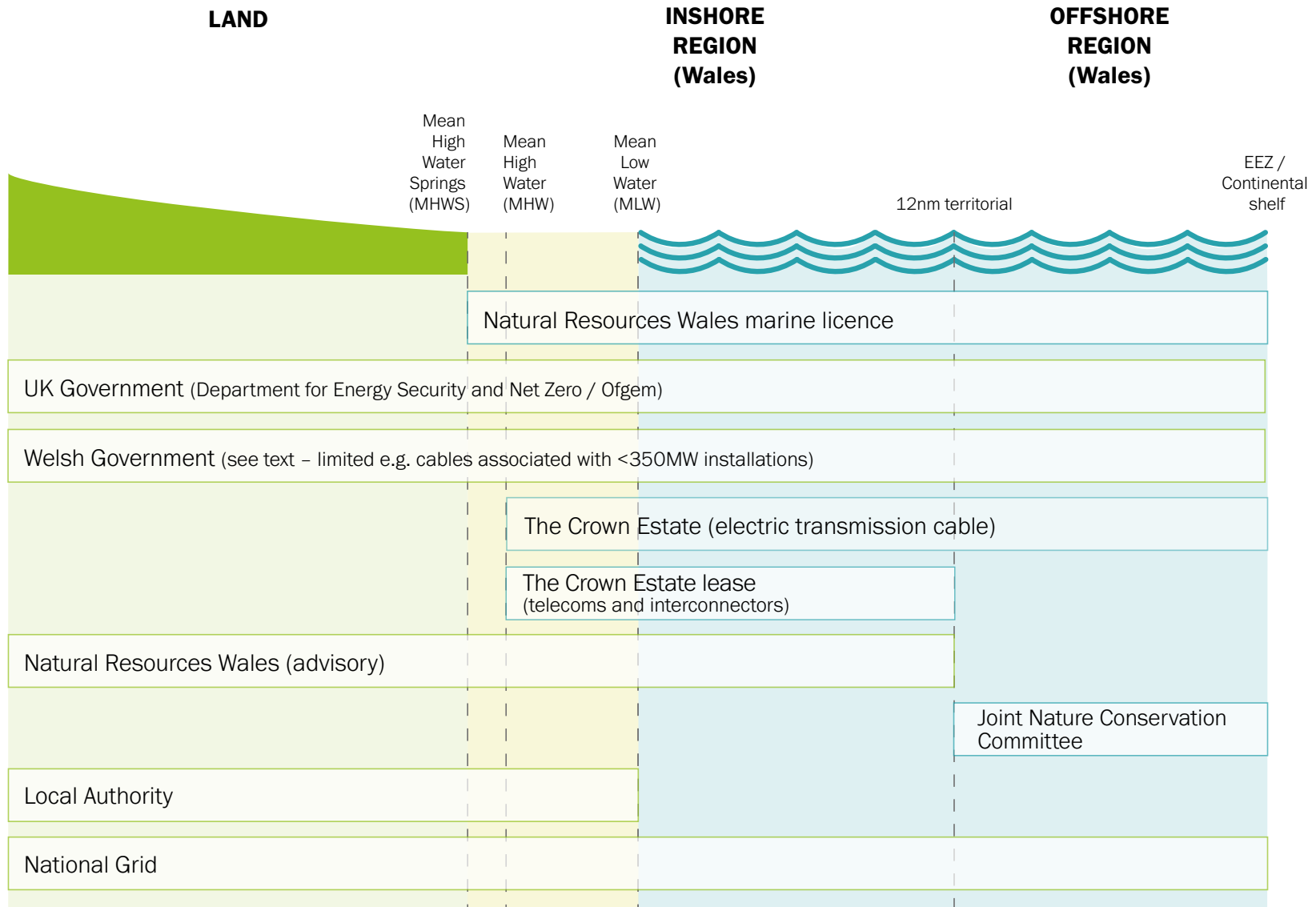
The UK Marine Policy Statement 2011 recognises that subsea cables form part of the backbone of the world's power, information, and international telecommunications infrastructure, and are socially and economically crucial to the UK. Growth in offshore marine renewables will require electrical cable connection from the sea to the grid network on land.

The Welsh National Marine Plan 2019 objective for the sector is to support the optimal distribution of electricity and better global communications through the growth of digital communication networks.



Subsea cabling

Main bodies involved in Subsea cabling administration and licensing.





Surface water and wastewater treatment and disposal

The management of surface water and wastewater includes its collection, transport, treatment and disposal. It covers sewers, sewage treatment works, industrial effluent, and combined sewer overflows. Surface water runoff is the rainwater that runs from roofs, highways and paved areas into the public sewerage system.

Management of surface water and wastewater is critical to supporting natural resources and other sectors and human activities that rely upon healthy, clean coastal and estuarine waters. Impacts on local water quality can have significant implications for other sectors such as tourism, recreation, fisheries, and aquaculture.



Governance Summary

All water and wastewater infrastructure in the Welsh inshore marine area requires a marine licence from Natural Resources Wales and landowner consent (usually from The Crown Estate).

The majority of the wastewater network in Wales is owned and managed by the not-for-profit company Welsh Water and whose sewerage supply area includes the entire Welsh coastline. Domestic sewage and trade waste is treated either in public or private works and is the subject of a consenting regime administered by Natural Resources Wales before discharge either to the sewerage system or (less commonly) directly to the environment.

The surface water and wastewater treatment and disposal sector is managed by Natural Resources Wales, which implements various regulations relating to Urban Waste Water Treatment, Shellfish Waters and Bathing Waters.

Water treatment systems are largely developed in response to regulatory needs, changing water quality standards, and public health considerations which mainly arise from land-based factors such as changes in the number or distribution of people or increased surface water runoff.

In order to manage flood risk Welsh Government introduced in 2019 the requirement that new developments of 10 or more homes, a major commercial build, or mixed use development must include a sustainable drainage strategy as part of planning proposals.

Where Welsh marine areas are used as military training ranges, approval must be obtained from the Ministry of Defence.

Legislation and Policy

Management of surface water and wastewater treatment and disposal in the Welsh inshore marine area is devolved to Welsh Government.

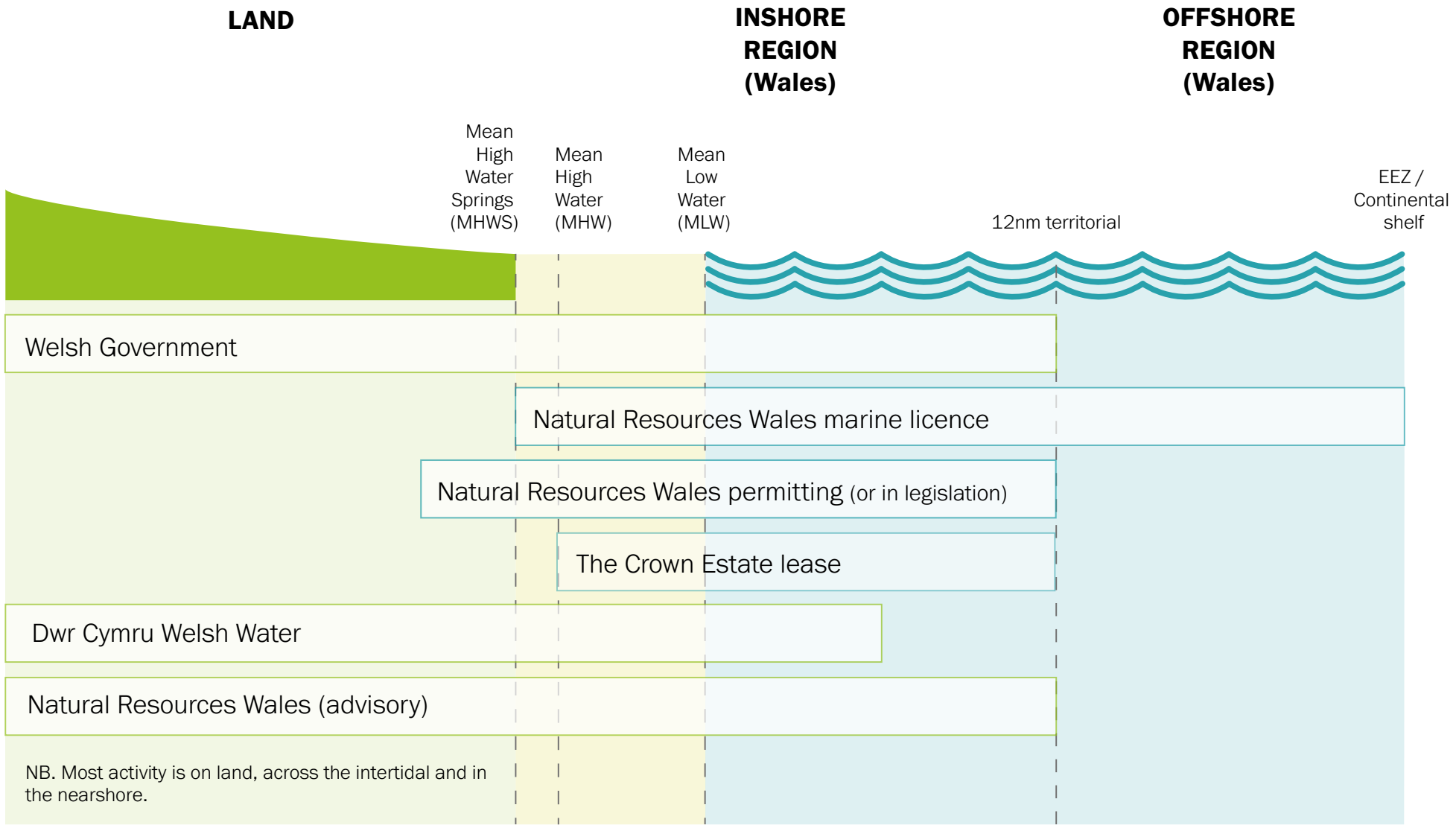
The UK Marine Policy Statement 2011 recognises that to contribute to sustainable development including the health and wellbeing of the community and the protection of the environment, it is necessary to maintain and develop policy and regulatory systems which provide modern, high-quality management and treatment of surface and wastewater.

The Welsh National Marine Plan 2019 objective for the sector is to safeguard the capacity to safely and effectively treat and discharge surface water runoff and wastewater.



Surface water and waste water treatment and disposal

Main bodies involved in Waste Water administration and licensing.





Tourism and Recreation Sector

Tourism involves people traveling to and staying in places outside their usual environment for leisure, business or other purposes. It involves activities, services and infrastructure associated with visitors and holidaymakers.

Tourism is a wide ranging and varied industry made up of many different businesses including hospitality (food, drink, accommodation), transport (rail, road, water, and air networks), travel services, cultural services (e.g. museums, attractions), sports activities, and retail services.

Recreation is a non-work leisure activity undertaken for enjoyment. Recreational activities are variable and not easily categorised. They range from formal activities requiring specialist equipment or facilities (e.g. scuba diving) to informal activities like walking or picnicking.

Tourism and recreation make a very significant contribution to Wales's economy, well-being, health, development, and quality of life. The level of marine or coastal-related tourism and recreation activity is highest close to the coast or onshore and rapidly declines with distance offshore.



Governance Summary

Unlike other sectors, tourism and recreation largely does not require authorisation or permitting. The exceptions are proposed coastal and at-sea structures or developments (e.g. constructing or maintaining infrastructure), some of which may be wholly or partially associated with tourism and recreation activity. These may require permissions such as a marine licence from Natural Resources Wales or planning permission.

The tourism and recreation sector benefits from a high-quality environment. The Blue Flag and Resort Seaside Award schemes set standards for public beaches including criteria relating to water quality, safety, and facilities, as well as management of land and water recreation to avoid conflict between incompatible activities.

Wales has led the way in engaging the tourism and recreation sector in managing and mitigating potential impacts, such as through the Pembrokeshire Marine Code and Outdoor Charter, Snowdonia Active, South Wales Activity Providers and Wales Activity Tourism Association.

Recreational fishing can take place almost everywhere at sea (except where restricted by law) without a licence. Fisheries which are managed by a Regulating Order (to improve the management of natural shell fisheries) restrict fishing to licence holders only.

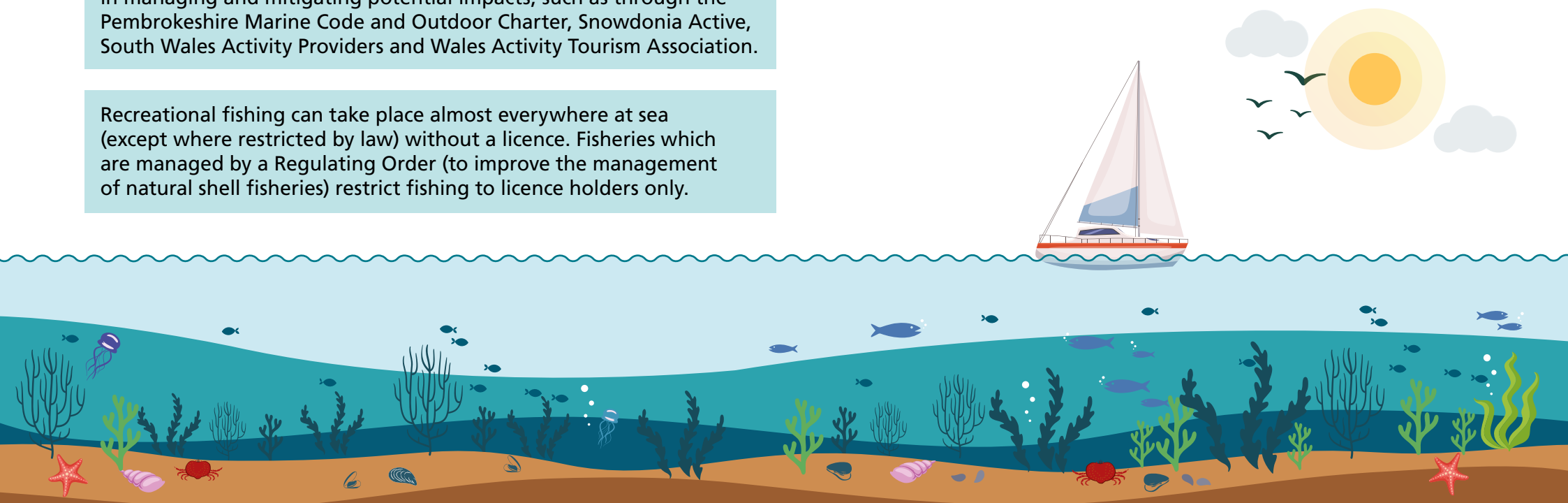
Legislation and Policy

Management of tourism and recreation in Wales is devolved to Welsh Government.

The Fish and Wildlife Act 1956 details rights for people to fish for pleasure and to maintain and increase public opportunities for recreational use of fish and wildlife resources.

The UK Marine Policy Statement 2011 recognises both tourism and recreation as being activities of high economic and employment importance, which have scope for growth within environmental limits and improved competitiveness.

The Welsh National Marine Plan's objective for the sector is to contribute to sustainable development by protecting and promoting access to the coast and improving the quality of the visitor experience, increasing Wales's reputation as a world class sustainable marine tourism and recreation destination.



Tourism and recreation

Main bodies involved in Tourism & Recreation administration and licensing.

