Marine

Version	**1.2**
Latest Version	**August 2026**
Responsibility of Tony Thickett	**Subject Lead for Marine**
Link added to WG guidance on Marine Licence Exemptions. 14 July 2026: Para 39 amended to include advice on the relevance/application of the recently published National Planning Statement for Ports.	

Key legislation and policy

Legislation	• Marine and Coastal Access Act 2009 • Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011 • Electricity Act 1989 • Transport and Works Act 1992 • The Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019 • Transport and Works (Applications and Objection Procedure (England and Wales) Rules 2006 • Harbours Act 1964 • The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (the 2017 Regulations) • Conservation of Habitats and Species Regulations 2017 • Conservation of Habitats and Species Regulations 2010 (Regulation 73 applicable to Wales) • Marine Licensing (Miscellaneous Provisions) (Amendment etc) Order 2026 • Biodiversity Beyond National Jurisdiction Act 2026
National policy and guidance	• Welsh National Marine Plan 2019 • UK Marine Policy Statement • Future Wales • Planning Policy Wales • TAN 14: Coastal Planning • TAN 15: Development and Flood Risk • Minerals TAN 1: Aggregates • National Policy Statement for Ports
Other guidance	• WNMP Implementation Guidance • Marine Planning Technical Statement Recreational Boating – Sector Safeguarding • Marine planning technical statement: safeguarding policy for ports and shipping

	• Marine planning technical statement: safeguarding policy for subsea cabling • Transport and Works Act orders: a brief guide • The Harbours Act 1964: Procedural Guidance for Wales • Marine and Coastal Access Act (2009) – Section 74 Exemptions

Policy

UK Marine Policy Statement (MPS)

1. All UK administrations have adopted the MPS. The Marine and Coastal Access Act 2009 requires public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the MPS unless relevant considerations indicate otherwise. Marine Plans must be in conformity with the MPS, unless relevant considerations indicate otherwise.

2. On adoption Marine Plans have the same effect on authorisation or enforcement decisions as the MPS. The Welsh National Marine Plan was adopted in 2019 and it should not be necessary, therefore, to refer to the MPS in any decision or report.

Welsh National Marine Plan 2019 (WNMP)

3. The WNMP covers around 32,000 km² of sea and 2,120 km of coastline, including the Welsh inshore region (from mean high water spring tides out to 12 nautical miles) and the offshore region (beyond 12 nautical miles). The Plan provides policy direction and support for decisions with the potential to affect the seas around Wales and related territorial activities. The Plan's overarching objective is to; *'Support the sustainable development of the Welsh marine area by contributing across Wales' well-being goals, supporting the Sustainable Management of Natural Resources (SMNR) through decision making and by taking account of the cumulative effects of all uses of the marine environment.'*

4. The Plan contains general and sector-specific policies. General policies are described in the Plan as cross cutting and may be seen as akin to strategic polices in LDPs. For example, GEN 01 sets a presumption in favour of sustainable development, Policy ECON 01 supports economically sustainable activities.

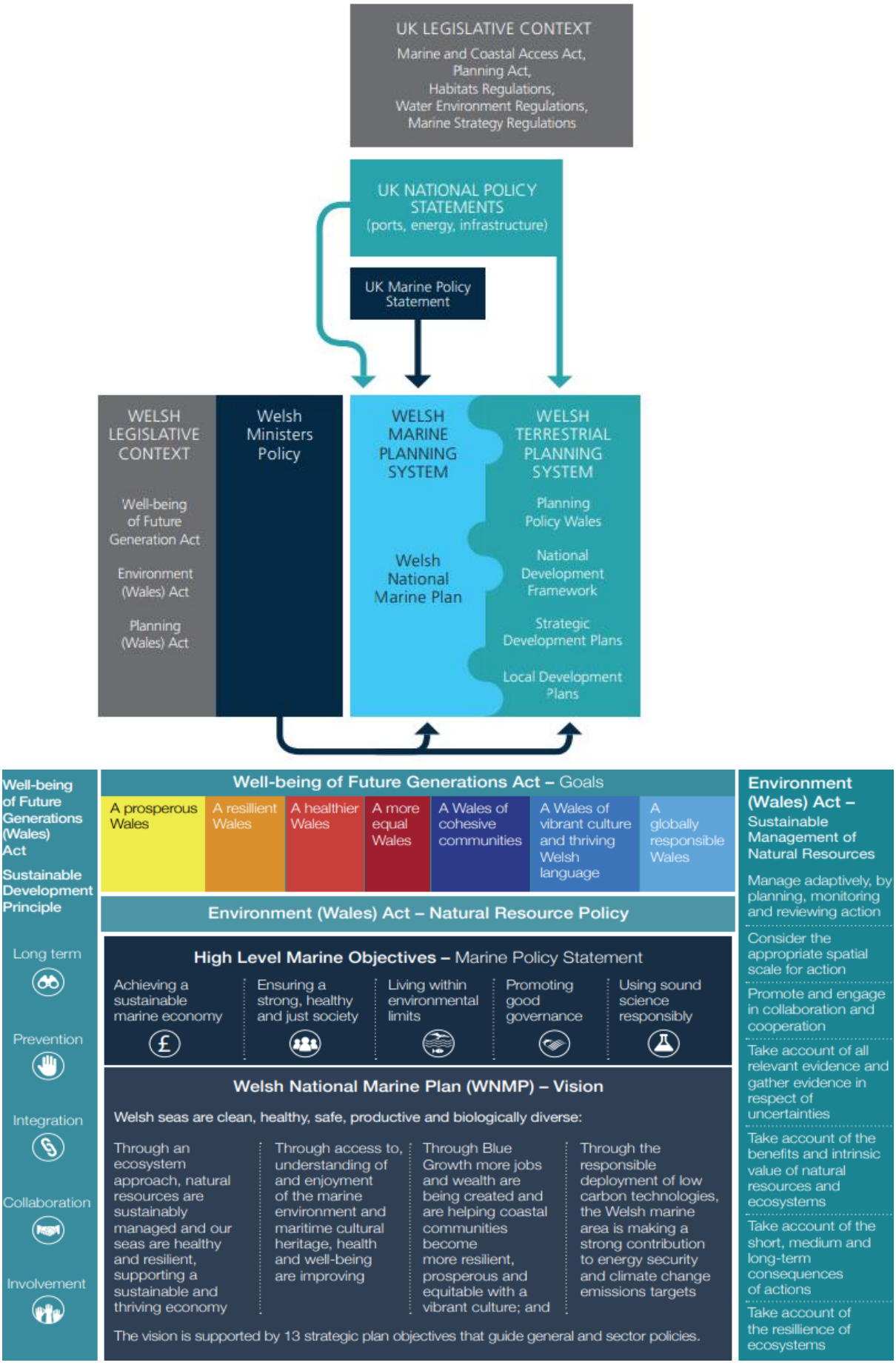
5. Sector policies support the sustainable development of a sector. Safeguarding policies to protect sectors from adverse impacts from other activities. Sector policies cover the following areas and must be considered alongside all other Plan policies.
   - Aggregates
   - Aquaculture
   - Defence

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

6. The WNMP does not limit itself to the effect of proposals on the marine environment. The plan includes policies relating to the well-being of coastal communities, promoting the Welsh language and terrestrial historic assets and landscapes. Proposals for development on land must also have regard to the marine environment. Policy SOC_07 protects seascapes and defines 29 Marine Character Areas around Wales and Policies SOC_08 and SOC_09 require proposals to demonstrate how they are resilient to coastal change and flooding and to minimise the risk of coastal change and flooding.

7. WNMP has accompanying supplementary Implementation Guidance and is also supported by Marine Planning Technical Statements intended to aid the effective and consistent implementation of WNMP safeguarding policy. These documents are to be read alongside the WNMP. Where there may be uncertainty over the requirements or implementation of the WNMP or any of its policies, decision makers should refer to the WNMP for the definitive policy wording and intent. There are 3 Technical Statements for safeguarding; recreational boating, ports and shipping and sub sea cabling.

8. The diagrams below show the relationship between the marine and terrestrial planning systems and the policy and legislation which shaped the WNMP.


UK LEGISLATIVE CONTEXT
Marine and Coastal Access Act,
Planning Act,
Habitats Regulations,
Water Environment Regulations,
Marine Strategy Regulations
UK NATIONAL POLICY STATEMENTS
(ports, energy, infrastructure)
UK Marine Policy Statement
WELSH LEGISLATIVE CONTEXT
Well-being of Future Generation Act
Environment (Wales) Act
Planning (Wales) Act
Welsh Ministers Policy
WELSH MARINE PLANNING SYSTEM
Welsh National Marine Plan
WELSH TERRESTRIAL PLANNING SYSTEM
Planning Policy Wales
National Development Framework
Strategic Development Plans
Local Development Plans
Well-being of Future Generations (Wales) Act
Sustainable Development Principle
Long term
Prevention
Integration
Collaboration
Involvement
Well-being of Future Generations Act – Goals
A prosperous Wales
A resilient Wales
A healthier Wales
A more equal Wales
A Wales of cohesive communities
A Wales of vibrant culture and thriving Welsh language
A globally responsible Wales
Environment (Wales) Act – Natural Resource Policy
High Level Marine Objectives – Marine Policy Statement
Achieving a sustainable marine economy
Ensuring a strong, healthy and just society
Living within environmental limits
Promoting good governance
Using sound science responsibly
Welsh National Marine Plan (WNMP) – Vision
Welsh seas are clean, healthy, safe, productive and biologically diverse:
Through an ecosystem approach, natural resources are sustainably managed and our seas are healthy and resilient, supporting a sustainable and thriving economy
Through access to, understanding of and enjoyment of the marine environment and maritime cultural heritage, health and well-being are improving
Through Blue Growth more jobs and wealth are being created and are helping coastal communities become more resilient, prosperous and equitable with a vibrant culture; and
Through the responsible deployment of low carbon technologies, the Welsh marine area is making a strong contribution to energy security and climate change emissions targets
The vision is supported by 13 strategic plan objectives that guide general and sector policies.
Environment (Wales) Act – Sustainable Management of Natural Resources
Manage adaptively, by planning, monitoring and reviewing action
Consider the appropriate spatial scale for action
Promote and engage in collaboration and cooperation
Take account of all relevant evidence and gather evidence in respect of uncertainties
Take account of the benefits and intrinsic value of natural resources and ecosystems
Take account of the short, medium and long-term consequences of actions
Take account of the resilience of ecosystems

Shoreline Management Plans

9. Shoreline Management Plans (SMPs) set out a shared strategic approach for managing the coastline from coastal flooding and erosion risks. SMPs are produced by public bodies including NRW, local authorities and Welsh Government. For example the Severn Estuary Coastal Group responsible for the Severn Estuary SMP includes NRW, the Environment Agency and local authorities in Wales and England. Their aim is to reduce the risks to people, developed, historic and natural environments over the next century. There are 4 SMPs in Wales; Severn Estuary, South Wales, West of Wales and North West England and North Wales.

Future Wales

10. According to the introductory paragraphs in Future Wales (FW), it and the WNMP; *'work together to provide a framework for the management of change around our* coast. *Co-ordination between marine and terrestrial planning is important to sustain and facilitate the development of port, harbour and marina businesses and associated enterprises; coastal communities; tourism opportunities; energy generation; and seascapes.'*

11. FW is likely to be material in cases where off shore development may have an impact on landscape and/or seascapes, particularly along coastlines with national landscape designations. FW policies material to development on the coast or marine environment include:
    - Policy 8 – Flooding
    - Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
    - Policy 18 – Renewable and Low Carbon Energy Developments of National Significance
    - Policy 21 - Regional Growth Area – North Wales Coastal Settlements
    - Policy 24 – North West Wales and Energy
    - Policy 29 – Regional Growth Areas – Carmarthen and the Haven Towns
    - Policy 32 – Haven Waterway and Energy

12. Until the new Infrastructure Consenting Bill comes into force, NRW remain responsible for the off shore elements of renewable energy projects. However, Policies 17 and 18 are likely to be material to the on shore elements (land fall, cabling, sub stations etc).

Planning Policy Wales

13. Paragraphs 5.3.14 to 5.3.16 set out national guidance regarding ports, harbours and marinas. PPW requires decision makers to consider the land use implications of the WNMP (5.3.15). The use of ports, harbours, marinas and inland waterways should be promoted and includes the provision of wharf, dock, harbour and rail transfer facilities to support economic activities in a way that minimises any adverse impacts on the environment.

14. Access to mineral resources including marine dredged materials should be safeguarded (5.14.7) including infrastructure such as wharves (5.14.8). Marine dredged materials should be considered instead of land won minerals where this can be done in a sustainable way (5.14.12).

15. The impact of climate change on coastal change and marine habitats is recognised in the introduction to Chapter 6 'Distinctive and Natural Places'. Section 6.5 'Coastal Areas' sets out guidance for plan and decision making and acknowledges development on land can affect marine interests and vice versa; *'The Welsh National Marine Plan identifies opportunities for the sustainable development of Wales's seas by guiding new development and related decisions both inshore and offshore. Development plans and the Marine Plan should work together and support integrated decision making and collaboration across marine and terrestrial interfaces and boundaries'* (6.5.2).

16. Section 6.5 provides further content relevant to cases involving development on the coast or the examination of LDPs in LPAs with a coast.

TAN 14: Coastal Planning

17. TAN 14 was published in 1998 and is so old the copy on WG's website is scanned in. Whilst TAN 14 remains extant later guidance and policy should be favoured if there is any conflict in policy or advice.

18. TAN 14 advises that the planning system should address:
    i. Proposed development
        a. the nature of ground conditions and physical processes and the potential need for defence works,
        b. likely effects on physical and biological processes along the coast,
        c. potential effects on mineral, water and conservation resources and BMV,
        d. potential visual impact from land and sea
    ii. Nature and landscape conservation
        a. the role of physical and biological processes in creating, maintaining and altering features of landscape and ecological value,
        b. effects on statutory and non-statutory landscape and nature designations,
    iii. Recreation
        a. processes responsible for creating recreation resources such as beaches and sand dunes,
        b. effects of recreational activity on the stability of coastal geomorphology.

Water Framework Directive

19. The Water Framework Directive (WFD) (Directive 2000/60/EC of the European Parliament) was adopted and came into force in 2000. The WFD

establishes a legislative framework for the protection of surface waters including 'transitional waters' which is taken to refer to estuarine waters. The WFD may, therefore, be relevant to development offshore. The WFD is transposed into law in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (the 2017 Regulations).

20. The objectives of the WFD are, amongst other things, to:

- enhance the status and prevent further deterioration of surface water bodies, groundwater bodies and their ecosystems,
- reduce pollution of water,
- contribute to mitigating the effects of floods and droughts;
- achieve at least good surface water status for all surface water bodies and
- promote sustainable water use.

Casework

Marine Licensing

21. Marine licences are required for a large range of activities. Appeals are not common but issues have ranged from the historical implications of removing an anchor from a wreck to the ecological impacts of dredging. Case work may also involve impacts arising from changes in coastal processes, wave and tidal patterns, sediment dispersal and settlement, water quality and navigation.

22. Given the wide ranging nature of marine licensing it is not possible to advise on all matters that may arise. Inspectors should scrutinise all the submitted evidence and write decisions as they would in any other casework. Where necessary, PEDW may appoint assessors to assist Inspectors. Inspectors should speak to their Planning Inspector Manager in cases where it is felt specialist advise may be required.

23. A marine licence is required for a range of activities within the Welsh inshore and offshore region. Most relevant to our work are:
- construction, alteration or improvement works (including works hanging/suspended over the marine licensable area and works beneath the sea bed e.g. tunnels, bridges and piers)
- Harvesting or growing aquaculture (seaweed or shellfish)

24. NRW administer marine licensing in the Welsh inshore and offshore region. Under S71 of the 2009 Act appeals can be made against the refusal of a marine licence application or against the issue of a licence subject to conditions. The appeal process is set out in the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011.

25. Under Reg 22 Inspectors may dismiss the appeal or allow the appeal and quash the decision in whole or in part. Where an appeal is allowed Inspectors

may direct the Licensing Authority to grant a marine licence or to grant a marine licence on such terms or subject to such conditions as the appointed person (the Inspector) may direct.

26. As the regulations require Inspectors to direct NRW to grant or vary a notice, Inspectors cannot grant or vary a notice. NRW takes the view that as issuing the new or varied licence is its responsibility, it is also the competent authority with regard to HRA/AA. WG has a legal opinion that supports this view. In cases where carrying out HRA/AA is necessary to inform a decision, Inspectors should produce a shadow HRA.

27. As NRW will be a main party and should have submitted evidence to support its case, there should be no need to consult it further as appropriate nature conservation body with regard to the production of a shadow HRA. However, it is important Inspectors fully understand NRW's position and should seek additional evidence if necessary.

28. Marine licences may be granted subject to conditions. If NRW has not provided or been invited to suggest conditions, Inspectors should do so if they consider they may be minded to allow the appeal. Suggested conditions should always be invited if the case is subject to a Hearing or Inquiry.

29. Inspectors should take care to be consistent with regard to terminology used in the Decision and Conclusions sections. Unlike planning casework, the decision does not form the Licence, that can only be issued by NRW. In both sections, if allowing the appeal, the following or similar should be used: *'The appeal is allowed and the Licensing Authority is hereby directed to grant a licence….'*

Offshore infrastructure

30. The provisions of the TCPA do not apply beyond the mean high water mark and as it is based on the TCPA, nor does the existing DNS regime. That will change when the new infrastructure act comes into force but until then off shore schemes will be processed under S36 of the Electricity Act 1989 or the Transport and Works Act 1992.

31. For applications made under the Electricity Act, the off shore element is a matter for NRW and would be the subject of a separate report and recommendation. NRW is the Licensing Authority in respect of applications for a Marine Licence in the Welsh inshore and offshore areas and, by agreement with Welsh Government, the assessment of any significant effect on the environment under the Marine Works (Environmental Impact Assessment) Regulations 2007 is deferred to NRW.

32. Welsh Ministers are the competent authority with regards to applications under Section 36 of the Electricity Act. NRW is the competent authority in respect of applications for a Marine Licence in the Welsh inshore area and the Welsh

offshore area. Regulation 67 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) provides for co-ordination in cases when an appropriate assessment is required and where more than one competent authority is involved. Welsh Ministers have confirmed that implications for works seaward of the mean high watermark affecting European Sites should be assessed by NRW as the competent authority.

33. Consideration of proposals submitted under the Electricity Act will, therefore, be limited mainly to the on shore elements of the proposed development. Assessment of the proposed landfall, cable routing and sub stations or any other necessary equipment is likely to involve landscape, ecology, archaeology, historic assets. For construction and decommissioning, matters may also include volume and type of vehicle and noise and disturbance.

34. If the development can be seen from the shore, impact on landscape and seascape will also be a material consideration, particularly off protected landscapes such as National Parks. Impacts on SACs and SPAs may also be a factor. Although turbines may be many miles offshore, impact on populations of bird species which are the qualifying features of a SAC/SPA will be a relevant material consideration.

35. If a relevant LPA objects to a S36 application an Inquiry must be held, the regulations make no provision for Hearings or written representations. Where others object it is for the Inspector to decide whether an Inquiry is required. Again, there is no provision for Hearings, if an Inquiry is not necessary objections would be dealt with by way of written representations.

36. Applications made under the Transport and Works Act 1992 (TWA) include on and offshore works and may include compulsory purchase orders. Morlais was a TWA application but there are currently no TWA projects expected before the infrastructure act comes into force. Subsequently no guidance is provided here but the process is set out in 'Transport and Works Act orders: a brief guide'.

Harbour Revision Orders (HRO)

37. The Wales Act 2017 transferred specific functions under the Harbours Act 1964 (the Act) to the Welsh Ministers. HROs cover development/works and other things such as how a harbour is managed (non-works). PEDW only deals with HROs involving works under Section 14 of the Act and specified in paragraphs 7, 7A, 7B, 9A and 17 of Schedule 2.

38. Orders under section 14 can be applied for by the harbour authority or by a person, or a body representing persons, having a substantial interest in the harbour for improving or maintaining a harbour. A HRO may not be made unless the Welsh Ministers are satisfied the HRO is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economical transport of goods or passengers by sea. Orders under section 16 may be applied for by any person whose objectives are the improvement, maintenance or management of a

harbour, or the construction of a new harbour for which they are seeking statutory powers where such powers do not already exist.

39. The matters for consideration will depend on the proposal but are likely to include landscape, ecology, archaeology, historic assets and coastal processes. For construction, matters may also include volume and type of vehicle and noise and disturbance. The National Policy Statement for Ports provides the framework for decisions on proposals for new port development classed as NSIP under the Planning Act 2008. Whilst not determinative for HRO and SIP applications, it may be a material consideration in such casework.

40. Where objections to a harbour order are made, it is common for the applicant to negotiate with the objectors with a view to resolving the objections. The objections will be passed to the applicant to allow negotiations to continue until they are either resolved or there is no longer any progress possible. There is no fixed timescale for this stage in the process and it will depend on the nature and scale of any objections received. PEDW will normally agree a time frame to review the status of the objections with the applicant at the end of the 42 day consultation period.

41. If agreement is not reached and objections remain, it is for the Inspector to determine the procedure.

Relevant ITM Chapters

- Approach to Decision Making
- Hearings and Inquiries
- Historic Environment
- Noise
- Role of the Inspector
- Site Visits
- Welsh Language