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Patrick Cowdy – Marine Planning Policy Officer
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Welsh Government

29th March 2018

Dear Pat,

Draft Welsh National Marine Plan Sustainability Appraisal Report Consultation

Thank you for consulting Natural Resources Wales on the Sustainability Appraisal Report of the Welsh National Marine Plan (WNMP). Our comments are made in the context of our statutory responsibilities under the Environmental Assessment of Plans and Programmes Regulations 2004, and as advisers to Welsh Government on the natural heritage and resources of Wales and its coastal waters.

We recognise Welsh Government's commitment to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA), and welcome the iterative way the Sustainability Appraisal process has influenced the development of this first Welsh National Marine Plan.

We provide a summary of our key points first, before going through the consultation questions, weaknesses in the report and other points, including a more detailed section on monitoring and suggestions for specific monitoring indicators, in Appendix 1.

Key points

- I. The balance achieved between general policies (which are generally positive for the environment) and sector policies (some of which have negative effects) will be key to the implementation of the plan and the decisions flowing from it. The relative weight given to different policies will be critical in determining the actual level of environmental impacts. We consider that the recommendation (5.3) to ensure marine planning decisions are consistent with the Sustainable Management of Natural Resources (SMNR) principles will be critically important to ensuring that this balance is achieved. (see Appendix 1, 2.1).

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

II. Monitoring is critical to understanding the impacts of the plan, and especially as it will help drive future reviews of the Plan. How this will be achieved is not clearly set out in the SA. It is our view that the following areas are not yet clearly defined and would benefit from further work to define and clarify them:

- The scope and limits of monitoring required for the SA and for the Plan itself
- The challenges of different reporting cycles
- Choice of monitoring indicators
- Practicalities and robustness of monitoring.
- Who is going to do the monitoring – roles and responsibilities

(See Appendix 1, 3.0)

We are keen to continue to work with you to develop the monitoring framework and to ensure synergies between monitoring for the WNMP and for the second State of Natural Resources Report.

- III. The Marine Area Statement has a potential role in contributing to the implementation of the WNMP, but it does not replace the need for further specific supplementary guidance notes as suggested in the Recommendations in Section 5.3 (see Appendix 1, 2.2).
- IV. The Sustainability Appraisal has not highlighted clearly enough that the Energy – Low Carbon Sector Objective and sector Policies are inconsistent and unclear in places. In particular the balance and timeline of research, pathfinder projects and wide scale commercial deployment is not clear and logical (See Appendix 1, 4.0).

We hope the above is of use. Should you have any queries regarding these comments, please do not hesitate to contact Anne MacDonald, via strategic.assessment@cyfoethnaturiolcymru.gov.uk.

Yours sincerely,



Howard Davies
Head of Governance & Planning

Appendix 1

1. Consultation question on Identification of likely significant effects

1.1. Greater consideration should be given to landscapes and seascapes, given the negative impacts predicted on landscape and seascape from the potential growth sectors of aquaculture, energy and low carbon development, and the proximity of their corresponding Strategic Resource Areas (SRAs) to the coasts of Wales' Designated Landscapes. Designated Landscapes contain many of Wales' most popular coastal tourism and recreation areas and facilities, a sector for growth in this and other Welsh Government Plans. Seascape and landscape is a very important asset for the tourism sector in Wales, and as such underpins a significant sector of the Welsh economy.

1.2. The section on Low Carbon energy is unclear in places, with near-field and far-field physical effects wrongly attributed. For example, effects on longshore drift are identified in the text as being a far-field effect, whereas in fact longshore drift is more likely to be a near-field effect, and will depend on project location and design. Changes to water levels are the key concern in terms of far-field effects of tidal lagoons in relation to physical processes, with associated implications for biodiversity.

Furthermore, we note that significant negative effects on biodiversity, water and the physical environment are recorded for the Energy – Low Carbon policy which covers tidal range schemes. We also note that the Habitats Regulations Assessment (HRA) in relation to the tidal lagoon policy has been unable to conclude no adverse effects on integrity, and has therefore been considered under the derogations set out under 6(4) of the Habitats Directive (consideration of alternative solutions and Imperative Reasons of Over-riding Public Importance). We note the acknowledgement in the HRA of the very significant challenges there are likely to be in finding appropriate compensatory measures (see our separate response to the HRA for more details). It is important that these challenges are not underestimated.

1.3. We consider that not all the potential effects of aquaculture on biodiversity have been considered in the assessment, although the mixed effect ((+/-/?)) recorded in the matrix does cover the likely range of effects. It is important to identify the range of possible impacts in order to decide on appropriate monitoring. The potential effects of an aquaculture activity, such as mussel cultivation, include the removal of large volumes of mussel seed from areas (often adjacent to or within protected sites) to be relocated within aquaculture sites (often also themselves adjacent to or within protected sites) to grow on. This activity can have a range of effects on this natural resource from positive (seed that would otherwise be lost to storms) to negative (creating extra nutrients through elevated levels of mussels in an area).

2. Consultation question on SA Report conclusions and recommendations

- 2.1. We strongly support the recommendation (5.3, bullet 6) that Welsh Government ensure and demonstrate the integration of the SMNR principles in marine spatial planning decisions, as well as future plan development. We note that the general policies tend to have positive environmental effects, whereas there are sometimes negative environmental effects associated with sector policies. How these potentially conflicting policies are considered in decision making will be crucial for determining the actual level of environmental effects. We consider that the application of the SMNR principles in decision making will be a key mechanism for ensuring that the positive environmental influence of policies will be maximised, and the resilience of ecosystems maintained and enhanced.
- 2.2. We agree with the recommendation that the Marine Area Statement process should help to support implementation of the Welsh National Marine Plan. However, we note that the Marine Area Statement is referred to as potentially providing supplementary guidance (5.3, bullet 4). We agree that a range of implementation guidance should be developed to support plan implementation and that Natural Resources Wales will have a role in developing some of this guidance. However, it is important to emphasise that the Area Statement process itself should not be the mechanism for developing such guidance. Rather, we suggest that the process of developing a Marine Area Statement could support activity across a number of the recommendations within 5.3, particularly in using the evidence base to resolve uncertainties (bullet 1), identify targets (e.g. environmental carrying capacity, bullet 3) and refine existing/ identify new SRAs (bullet 2).
- 2.3. We welcome the recommendation (5.3, bullet 1) around resolving uncertainties and developing the marine evidence base. We recommend that further research to reduce uncertainties is undertaken around a range of issues, for example on the benefits to the well-being goals of the coast and seascapes of Wales' Designated Landscapes. The seascapes for the 5 Designated Landscapes with coastline elements are essential components of Wales' tourism 'offer'. The visitor numbers and revenue generated are documented (e.g. Wales' National Parks attract 12 million visitors per year spending £1 billion on goods and services (Valuing Wales' National Parks, ARUP, 2013)), but the full range of benefits of these strategic national assets for future generations is not fully recognised. Their importance for well-being for instance, goes well beyond narrow economic terms. Their contribution to the well-being goals as a whole requires fuller understanding in order to support sound decision-making and deliver the Vision of this Plan.
- 2.4. We welcome the recommendation (D18) that the wording of SOC-06 is strengthened to give greater emphasis to enhancing and avoiding adverse impacts on the special qualities of National Parks and Areas of Outstanding Natural Beauty (AONBs). We note that some SRAs are close to sensitive Designated Landscapes and Heritage Coast seascapes, and recommend that any potential impacts are fully considered, (in line with Planning Policy Wales, Edition 9, 5.3.7) in order to avoid conflicts

and to maximise opportunities to avoid or reduce significant effects on these important areas. The duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas.

3. Consultation question on Monitoring

3.1 The scope and limits of the monitoring required for the SA and the WNMP itself

3.1.1. Under the SEA Directive the aim of monitoring is to test whether *the actual significant environmental effects* of the plan are as predicted, and to *identify any adverse effects* promptly so that remedial action can be taken.

The aim of the monitoring of the marine plan itself, as required under the Marine and Coastal Access Act 2009 (MCAA) is to report every *3 years* the *effects of the policies* in the plan and *their effectiveness in securing the plan objectives*, so that the plan can be reviewed and updated as necessary.

These distinctions need to be acknowledged so that the whole monitoring effort does not become muddled. Some of the general policies are closely aligned to SA criteria (e.g. Soc_06 and 07 refer to designated landscapes and seascapes and are closely aligned with Criteria 5 ('To protect and enhance landscape and seascape character and other protected features')), in which case a carefully chosen indicator could monitor for both. In other cases, particularly for the sector policies or objectives, very specific indicators are needed which are quite distinct from any SA indicators (e.g. the aquaculture objective is 'to double production by 2020...').

3.1.2. The Sector policies in the draft plan should be cross-checked with the Sector objectives before the plan is finalised, as at present they are not fully aligned (e.g. Energy – Low carbon and ELC-01). Having policies which can deliver the objective is an essential pre-requisite to monitoring the extent to which they are delivering the objectives. (See also 4.1.3 & Table)

3.2. The challenges of different reporting cycles

3.2.1. There are several references to annual reporting for indicators, where currently annual data is not collected (e.g. Marine Protected Areas (MPAs) and Sites of Special Scientific Interest (SSSIs)). Habitats Directive reporting for European sites is on a 6-yearly cycle, adjacent English NW and SW marine plans will be on a 3-yearly cycle (which could be harmonised with the WNMP reporting cycle), and the CEFAS presentation on evidence at the recent WNMP conference mentioned a 2-yearly cycle.

3.2.2. There is a risk of relying on old data, particularly where reporting cycles are out of synch. Data reported on 6-yearly intervals could be up to 6 years old, depending on the monitoring dates for that site or indicator. If it is then included in another report and quoted from there it could be older still (e.g. a 3-yearly report published in 2016 which quotes from the most recent report from a 6-yearly reporting cycle, could actually refer to data up to 9 years old by the time it is re-reported in 2019).

3.3. Choice of and responsibility for monitoring indicators

3.3.1. The ideal monitoring indicator is one that answers the relevant question and is already being collected as part of an existing monitoring programme. However, where there is no existing relevant indicator, it is not clear who will bear the cost of the additional breakdown of reporting (e.g. generating more frequent data reports from an existing system), or of collecting new data from scratch.

3.3.2. Several of the potential indicators suggest that the Marine Licencing Team in Natural Resources Wales could provide an annual total number of applications approved. However, this would place a significant additional burden on Natural Resources Wales to provide monitoring data and would be over and above the legal requirement of recording instances in which a policy has not been complied with. It is also likely that data to satisfy the monitoring in this context may not currently exist. Further consideration needs to be given to the scope, and appropriate resourcing, of any future monitoring and reporting for marine planning.

3.3.3. There should be a clear link between the guide questions under each of the sustainability assessment criteria (Appendix C2), and the indicators chosen for monitoring (Appendix G), so that the accuracy of the prediction of effects can be assessed. For example, under SA criteria 11 (To support the sustainable development of the marine and coastal economy) guide questions (Section 3.3, Table 3.1) include 'Will the proposed WNMP policies support the protection and conservation of marine fish stocks and ensure the continuation of sustainable fishing industry in Wales?' and 'Will the proposed WNMP policies help to promote the sustainable growth of aquaculture in Wales?'. Potential indicators for Criteria 11 (Appendix G2) make no reference to fish stocks, the fishing industry or aquaculture, referring only to numbers of marine businesses and GVA and proposals submitted. (See also 3.6.2 & 3.7)

3.4. Practicalities and robustness of monitoring

3.4.1. In order for monitoring to be useful it has to be realistic, focussed and relevant. The WNMP and its SA are both so wide-ranging that it would be easy to develop an overly detailed monitoring programme which was impractical to fund or implement. We suggest considering

a simple, replicable monitoring programme initially, and building it up from there. It is better to get a rough answer to the right question than a precise answer to the wrong one.

3.4.2. Attributable to the Plan – The marine and coastal environment is complex and subject to a myriad of influences. It should be possible to see clear cause-and-effect from the plan to its effects. It is not realistic to attribute wholly to the plan results where its effect has only been very minor amongst a host of other influences (e.g. changes in well-being of coastal communities, or improvements in the resilience of the marine environment).

3.5. Measures of totality or additionality of plan

3.5.1. The WNMP brings together a range of existing policies and commitments into one plan, as well as including new commitments. It is clearly beneficial to have all these considerations brought together in one unified plan, but it is not correct that without the plan there would be no relevant policy or guidance to inform decision-makers. Any monitoring of effectiveness of the plan should make it clear what it is measuring, and against what baseline. It would be particularly beneficial to develop some ways of measuring what additionality the plan brings to existing processes (e.g. by explicitly requiring compliance with general cross-cutting environmental and social policies). It would also be valuable to explore whether there was some way of recording future proposals which failed to be brought forward, or which started but fell by the wayside, because they could not satisfy the requirements of the plan.

3.6. Specific sector monitoring comments

3.6.1. Aquaculture: We suggest that more thought is given to monitoring the impacts of aquaculture. The WNMP calls for a significant increase in aquaculture (doubling of output by 2020) but proposes no specific monitoring of impacts. Potential negative impacts were identified across a range of receptors (1. Biodiversity, 3. Physical environment, 4. Air quality, 5. Landscape and seascape, 6. Climate Change, 7. Heritage, and 9. Tourism and Recreation). The WNMP (paragraph 458) states that 'Mitigating any adverse environmental impacts are an important consideration given growth targets for the aquaculture sector in Wales'.

3.6.2. Fisheries: We raised in our previous response the need to include a monitoring indicator for fisheries under Criteria 11 (Marine & Coastal economy). We suggest this indicator relates to relevant Good Environmental Status trends, in the same format as that currently proposed for biodiversity (Criteria 1) (see Table in 3.7 for detail of proposed indicator, and 3.3.3 for comment).

3.6.3. Energy Low Carbon - Tidal lagoons: We provide more specific comments on our views on the Tidal Lagoon policy in our responses to the plan itself and within our HRA response. We

emphasise again here the significant uncertainty around the impacts of tidal lagoons on the physical environment. This highlights the importance of appropriate, strategic monitoring and evidence collection to understand better the impact of proposals under ELC-01, and enable better-informed planning and decision making in relation to this sector. An approach which relies on the early deployment of small-scale pathfinder projects (paragraph 613 of WMNP) to demonstrate the suitability of the technology for wider roll-out must allow sufficient time for effects to be monitored and lessons learnt before deployment of larger lagoons. (See also 4.1.2)

3.6.4. Seascape and landscape impacts: Within an ecosystems approach for seascapes, the focus of monitoring should be on the performance of seascapes in providing a range of cultural / well-being benefits, as opposed to a focus on impacts on the resource. Therefore, working back from cultural benefits, the valued seascape attributes that enable such benefits are what require monitoring. Valued attributes include things like scenic quality, tranquillity and heritage (there are many more). This approach to monitoring would also work well with the established landscape monitoring programme in LANDMAP, and the recognition of ‘special qualities’ as the focus of management in Designated Landscape Management Plans. Potential monitoring indicators could be developed from LANDMAP and Seascapes monitoring. We would be happy to work with you on this.

3.7. Comments on specific potential indicators

Potential Indicator (<i>existing</i> or <i>new</i>)	<u>Comment</u>
SA Criteria 1: To protect and enhance biodiversity (habitats, species and ecosystems)	
<i>Annual trends in number, area and condition of MPAs and coastal European designated nature conservation sites and the features for which they have been selected.</i>	Annual data not currently collected. Data is collected on a 6-yearly cycle under the Habitats Directive.
<i>Annual trends in number, area and condition of coastal SSSIs.</i>	Annual data not currently collected. 6-yearly reporting cycle.
Annual number of reports of damage	Impacts on biodiversity from unregulated or illegal activities would not be captured by existing proposed indicators, especially outside protected sites.

SA Criteria 3: To protect and enhance the physical features of the marine environment	
<i>Change in total length of coastline subject to erosion relative to that predicted in SMPs (Shoreline Management Plans)</i>	Coastal erosion data is not routinely collected and does not cover the whole of the Welsh coast. However, we understand that Welsh Government are in the process of re-establishing the Wales Coastal Monitoring Centre (WCMC) to co-ordinate and collect coastal change data. We recommend that the details of this indicator should be discussed with the WCMC in due course.
<i>Annual number of proposals consented by the MLT (Natural Resources Wales' Marine Licensing Team) that would have adverse impacts on the physical features of the marine environment.</i>	In addition to the number of licences issued, it would be useful to record the area of seabed directly affected, and whether the effects are expected to be temporary or permanent. We suggest that The Crown Estates' 'Annual Area Involved' reports, which are produced for marine aggregate extraction, are a useful example of how information can be collected and reported. It would also be useful to record indirect effects, but this is likely to be very difficult to do, and may only be possible qualitatively.
SA Criteria 10: To promote the sustainable use of natural resources.	
<i>Proposals approved by MLT in the Oil and Gas sector</i>	Natural Resources Wales' Marine Licensing Team is not the authority that approves oil and gas projects (the correct authority is the UK Oil and Gas Authority).
SA Criteria 11: To support sustainable development of the marine and coastal economy	
Trends in achievement of Good Environmental Status (GES) targets and indicators associated with MSFD Descriptors 3 (Populations of commercial species of fish and shellfish) & 9 (Seafood contaminants)	We raised in our previous response the need for inclusion of a monitoring indicator for fisheries and suggested then that International Council for the Exploration of the Sea (ICES) Maximum Sustainable Yield (MSY) could be used. The Marine Strategy Framework Directive (MSFD) descriptors suggested including MSY, and other factors. All other MSFD descriptors are included under monitoring for Criteria 1, Biodiversity.
SA Criteria 13: To protect and enhance human health with special regard to vulnerable groups in society.	
<i>Proposals for recreation approved by MLT</i>	<i>Natural Resources Wales' Marine Licensing Team is not</i> the authority that approves recreation projects (with the exception of offshore infrastructure for the purposes of recreation).

4. Strengths and Weakness in the Sustainability Appraisal Report

- 4.1. The SA report is generally well-set-out, with clear and sensible recommendations. However, parts of the appraisal of the Energy – Low Carbon objective and policies are less clear and rigorous. It is our view that the SA report has not adequately highlighted the inconsistencies between the Energy - Low Carbon Objective and Policies, and has not adequately assessed the current Objective as written in the draft Plan.
- 4.2. The version of the Objective quoted in Table 4.2 of the SA report does not accurately reflect the current wording in the draft WNMP. The SA report only refers (bullet 3 of E-LC objective, in Table 4.2) to *‘Supporting the further commercial development of offshore wind over the next 3-5 years...’* whereas the Objective in the WNMP (paragraph 605) refers as well to *‘Supporting, where appropriate) further commercial development of offshore wind **and tidal lagoon** technologies over the next 5-10 years’.*
- 4.3. The timeline of tidal lagoon research, pathfinder projects and large-scale commercial deployment in the draft Plan is not clear and logical. The support for further commercial development of tidal lagoon technologies within 5-10 years seems to be premature, and not fully aligned with the subsequent bullet (Energy-Low Carbon sector objective, bullet 4) ‘promote evidence gathering and research on tidal range development to support the sustainable development and deployment of the technology’ or the draft Plan text in paragraph 613, which refers to Swansea Bay Tidal Lagoon as a potential pathfinder project for the strategic and sustainable development of the sector. To re-iterate our monitoring comments, (3.6.2 of this letter) any pathfinder project must be implemented and monitored for a reasonable period before lessons can be learnt to apply to wider deployment of the technology.
- 4.4. There are inconsistencies between the ambitions of the Objective and of the Policies which aim to implement the objective. In particular, the Objective calls for further research on **tidal range** development, whereas the implementing policy instead puts emphasis on evidence gathering for **off-shore wind**. See table below for detail of policy and objective wording.

<p>Plan Objective <i>(Aspects of Objective which are not reflected in the policy are shown in italics and highlighted in yellow.)</i></p>	<p>Plan Policy to deliver objective <u>(Aspects of the Policy which are not aligned to delivering the Objective are underlined and highlighted in blue.)</u></p>
<p>To contribute significantly to the decarbonisation of our economy and blue growth by increasing the amount of low-carbon marine energy generated, by:</p> <ul style="list-style-type: none"> • Supporting the development and demonstration of tidal stream and wave energy technologies over the next 5-10 years; • Increasing (where appropriate) the number of generation devices deployed in commercial scale developments over the next 10-20 years; • Supporting (where appropriate) further commercial development of offshore wind and tidal lagoon technologies over the next 5-10 years taking advantage of any favourable UK Government financial mechanisms under the Contract for Difference; • <i>Promote evidence gathering and research on tidal range development to support the sustainable development and deployment of the technology; and</i> • <i>Supporting the nuclear energy sector.</i> 	<p>ELC_01: Low carbon energy (supporting) Proposals for all types of marine renewable energy generation (wind, tidal and wave energy) and associated infrastructure are strongly encouraged, especially:</p> <ol style="list-style-type: none"> a) in corresponding wave, tidal stream and any other defined renewable energy technology test and demonstration zones; and b) in corresponding wave, tidal stream and tidal lagoon Strategic Resource Areas. <p>Relevant public authorities should, in liaison with the sector and other interested parties, collaborate to understand opportunities for the sustainable use of:</p> <ol style="list-style-type: none"> a) renewable energy Strategic Resource Areas; and b) wider natural resources that provide renewable energy potential; <p>in order to support the sustainable growth of the renewable energy sector through marine planning.</p> <p><u>In order to understand future opportunities for offshore wind development, proposals are encouraged that support strategic planning for the sector. Relevant public authorities should, in liaison with the sector and other interested parties, collaborate to:</u></p> <ul style="list-style-type: none"> • <u>collect evidence to support understanding of environmental constraints and opportunities</u> • <u>support understanding of the optimal siting of offshore wind developments across Wales.</u> <p>Relevant public authorities should make relevant evidence widely available to support planning and decision making.</p>

5. Other comments

5.1. We note the publication in December 2017 of further Water Framework Directive (WFD) guidance in (Guidance Document 36, Exemptions to the Environmental Objectives according to Article 4 (7)) which recommends the inclusion of a chapter on Water Framework Directive in SEA Environmental reports, see below.

'If the plans and programmes are expected to affect water bodies, it is recommended that the assessment under SEA includes a chapter on the WFD and Article 4(7). This can result in the saving of resources, strengthening of the assessment procedures and generation of a more holistic approach in management planning.'

We realise that Water is already considered as one of the receptors in the SEA process, but for any future iterations and accompanying assessments of the Marine Plan, we suggest that consideration is given to a separate chapter on WFD as described above.