



# The relationship between the Environment (Wales) Act and the marine planning process in Wales

## 1. The Environment (Wales) Act

The Environment (Wales) Act put in place a new reporting, policy setting and delivery framework for Sustainable Management of Natural Resources across Wales, including its' inshore waters (to 12nm). This framework consists of three products:

- The **State of Natural Resources Report (SoNaRR)** which sets out the national evidence base for SMNR and an assessment of the extent to which sustainable management of natural resources is being achieved in Wales
- The **Natural Resources Policy prepared by Ministers** which sets out the national priorities, risks and opportunities for the sustainable management of natural resources, and their policies for contributing towards SMNR, drawing from a national evidence base in the State of Natural Resources Report. In developing and implementing the NRP, Ministers must apply the principles of SMNR set out in Part 1, section 4 of the Environment Act. The Natural Resources Policy sets out that WG policies will be aligned to the delivery of the national priorities identified, and as part of that includes Fisheries and Marine policy out to 12nm. It states that “the Wales National Marine Plan will guide the way in which we will take forward the delivery of the NRP priorities in this area as a part of our approach to the management of Wales’ marine natural resources”
- **Area Statements** which will facilitate the implementation of the national priorities in the Natural Resources Policy in a local context, recognising the different needs across different parts of Wales. Through this process new evidence on the sustainable management of natural resources will be captured to inform the next SoNaRR

The objective and principles of SMNR apply to NRW in the exercise of their functions. This means that NRW must pursue both the objective and principles of SMNR:

- when preparing SoNaRR and Area Statements
- when exercising other functions, for example in taking forward any specific actions identified through Area Statements (where NRW have a function to take forward that action)

## 2. The Welsh National Marine Plan

The Welsh National Marine Plan (WNMP) is being produced in accordance with the UK Marine and Coastal Access Act 2009 (MaCAA). The statutory purpose of the WNMP is to guide the sustainable development of Wales' marine area. It covers both Welsh inshore waters (from mean high water springs to 12 nautical miles) and offshore waters (beyond 12 nautical miles). Plans may express policy relating to both reserved and devolved functions as part of the UK common framework for marine planning. The WNMP supports sustainable use by setting out how proposals relating to the Welsh marine area should be considered by public authority decision-makers.

The WNMP must conform to the UK Marine Policy Statement (UK MPS) which is the shared UK expression of government policy for the marine area (unless relevant indications indicate otherwise). The MPS sets out a wide range of social, environmental and economic matters to be addressed within marine plans. It also requires that marine plans take an ecosystem-based approach. The Ecosystem-based Approach is defined within the UK MPS as one that ensures the collective pressure of human activities is kept within the levels compatible with the achievement of Good Environmental Status (GES) under the Marine Strategy Framework Directive; that does not compromise the capacity of marine ecosystems to respond to human-induced changes; and that enables the sustainable use of marine goods and services.

Supporting the achievement and maintenance of Good Environmental Status is an objective of the draft Welsh National Marine Plan and is also emphasised within the Natural Resources Policy.

## 3. Understanding the relationship between the Environment Act and the marine planning process

Annex 1 provides a diagram setting out the relationship between Planning and Natural Resource Management policy and delivery across land and sea. The Environment Act and the marine planning process interact in a number of ways:

The WNMP is a planning tool to implement shared UK policy expressed in the UK MPS.

**The WNMP is a key mechanism to take forward relevant priorities set out within the Natural Resources Policy**

It is also a tool to support Natural Resource Management through the Natural Resources Policy which sets out that "the Wales National Marine Plan will guide the way in which we will take forward the delivery of the NRP priorities in this area as a part of our approach to the management of Wales' marine natural resources".

In this way, policies in the WNMP support the delivery of the priorities within the current NRP, for example in relation to taking a place-based approach, increasing renewable energy; optimising benefits for coastal communities and supporting integrated management over the land-sea interface.

Other strategic and local plans and policies will also have roles in implementing the priorities in the NRP.

**SoNaRR will contribute to the evidence base supporting the marine planning process.**

Under Section 54 of MaCAA the marine planning authority has a broad duty to keep matters relevant to marine planning under review. The State of Natural Resources Report (SoNaRR) can contribute to this S.54 duty and revisions of the Wales Marine Evidence Report will reflect SoNaRR and other relevant evidence.

The draft Welsh National Marine Plan sets out a range of high level policies forming a

**Over time, Area Statements can support the marine planning process**

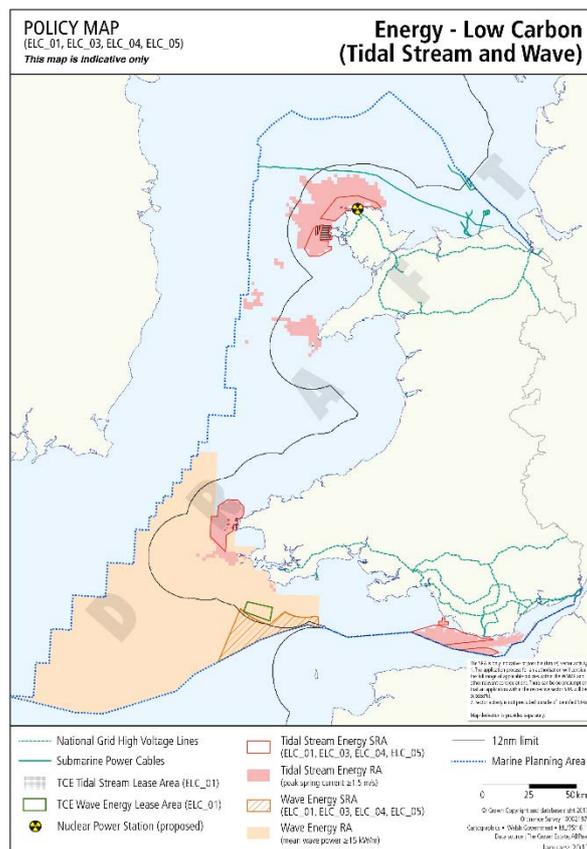
framework to inform decision-making and support sustainable use of the marine area and reflecting the priorities in the NRP. It requires Public Authorities taking authorisation or enforcement decisions relevant to the marine area to have regard to the evidence in any relevant Area Statement (dWNMP Policy GOV-02).

There are a number of ways that Area Statements could add value to and support the implementation of the WNMP:

### Developing evidence to support decision-making in relation to spatial marine plan policy

The dWNMP identifies Strategic Resource Areas setting out the location of key resources, including, for example, for renewable energy (see figure). The dWNMP recognises that whilst these areas have important natural resources that must be planned for, there are also challenges in doing so, in particular because of limited evidence. The dWNMP therefore supports further activity with regard to these areas and resources in order to better understand future opportunities for sustainable use i.e. spatial opportunities and constraints.

Area statements must set out the natural resources in the area; the benefits they provide and the priorities (in the Natural Resources Policy), risks and opportunities for the sustainable management of natural resources which need to be addressed. A marine Area Statement can therefore bring together local evidence on the



sustainable management of marine resources - for example constraints and opportunities within Strategic Resource Areas. Such evidence could support decision-making under the plan as well as the iterative refinement of Strategic Resource Areas in the marine planning process.

### Developing evidence to support decision-making in relation to other marine plan policy

The dWNMP sets out high level implementation guidance for individual policies. There is an opportunity for Area Statements to provide further clarity in terms of spatial evidence to support implementation of individual plan policies, and ultimately to inform the development of future plan policy

For example, WNMP policy ENV-01 sets out that: *'Proposals are encouraged to demonstrate how they contribute to the protection, restoration and enhancement of marine ecosystems'*. The marine Area Statement could support implementation of this policy by bringing together, for example

- Information on key spatial opportunities for ecosystem restoration
- Information on practical opportunities for marine ecosystem enhancement

A further example relates to WNMP policy SOC-02 *'Proposals that contribute to the well-being of coastal communities are encouraged'*. A marine Area Statement could add value to the implementation of this policy by developing relevant evidence and understanding of the way marine natural resources support the well-being of coastal communities.

### Supporting a joined-up approach over the Land-Sea interface

The Natural Resources Policy identifies Coastal Zone Management and nature-based solutions at the coast as a key priority, and this must therefore be addressed within Area Statements. The dWNMP includes policies and objectives supporting a more joined up approach to planning and decision-making at the coast. There are also a range of other relevant management processes and groups operating at the coast (e.g. terrestrial planning; Shoreline Management Planning; Coastal Partnerships). The Area Statement process offers an opportunity to bring together the different people and management processes operating within the coastal zone to facilitate collaboration and action to support the implementation of the Natural Resources Policy in the local context.

NRW have chosen to develop 7 Area Statements across Wales, with a single marine Area Statement sharing a coastal boundary with each of the six terrestrial Area Statements. In practise, issues may be identified in one place that require changes in management or approach in another – for example poor coastal water quality is likely to require changes in land management practises across catchments (which in turn might relate to a number of 'terrestrial' area statement areas). Conversely increasing renewable energy development at sea will require consideration of access to the grid on land among the relevant opportunities and constraints. The Area Statement process will therefore require collaboration between different 'places' to share information and identify common issues and to develop practical and integrated approaches to dealing with these. NRW has put in place internal governance around the development of the seven Area Statements to ensure the process can operate over boundaries and at a variety of different scales to

address the national priorities for SMNR set out in the Natural Resources Policy, issues and opportunities for the sustainable marine management of natural resources in Wales.

## Annex 1: The relationship between NRM and Planning Policy across Wales

The figure below illustrates the coverage of NRM and different Planning processes across Wales:



- The Natural Resources Policy extends across Wales out to 12nm and informs the content of the Welsh National Marine Plan. The NRP confirms that the marine plan as a key mechanism to deliver the national priorities in the NRP in the marine area. The marine plan contains many high-level policies relating to the sustainable management of marine natural resources, in addition to some spatial policies for certain sectors/marine resources.
- Similarly, on land the NRP informs the National Development Framework and Planning Policy Wales. The terrestrial planning framework extends to low water, whilst the marine planning framework extends to high water. This overlap in planning regimes encourages integrated planning and decision-making, as does the coverage of the NRP across the terrestrial and marine area.
- Area Statements must facilitate the implementation of the NRP in the local context. For the marine area, a single marine area statement can support implementation of SMNR through the marine planning process, with a focus on developing an appropriate evidence base to embed SMNR and support decision-making under the plan.
- Six terrestrial Area Statements share a coastal boundary with the marine Area Statement. This offers an additional mechanism for engaging with stakeholders on more local coastal and marine issues. Through working collaboratively to develop a suite of Area Statements, NRW can avoid duplication of effort and enable activity at the appropriate scale/ operational location to address issues.
- Planning decisions on land are driven by Local Development Plans informed by the NDF/PPW. One role for terrestrial Area Statements is to provide additional information

to inform the development of local planning and decision-making. At sea, where the WNMP guides all decision-making, the development of a marine area statement is an important opportunity to provide further evidence to support implementation of marine plan policies through regulatory processes that govern decision-making for the marine area.