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Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/LG/1544/18

Mike Hedges AM
Chair of the Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
Cardiff Bay
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12 June 2018

Dear Mike

Thank you for your letter of 18 April regarding the Draft Welsh National Marine Plan.

A detailed response has been provided to the 13 recommendations you have made in Annex A.

You have requested an update on the Welsh Government's approach to tackling marine plastic pollution. In Wales, action to prevent littering is focused on both enforcement programmes and on collaboration across key partner organisations; working to change public attitudes and behaviour through community involvement and education.

A Marine Litter Task Group has been established by the Wales Marine Action and Advisory Group to develop a Wales Marine Litter Action Plan. The Group has subsequently established the Wales Clean Seas Partnership which, through building a strong evidence base and focussing on preventative action, aims to tackle the issue of marine litter in Wales.

The Volvo Ocean Race saw Cardiff host a leg between 27 May and 10 June this year. The Volvo Ocean Race is using its storytelling platform to amplify the UN Environment Clean Seas campaign 'Turn the Tide on Plastics', tackling the growing problem of marine litter. The Minister for Environment made further announcements on action at its Ocean Summit on 5 June.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

On 8 May the Minister for Environment published a summary report on Extended Producer Responsibility (EPR), outlining a range of options including deposit return schemes, taxes or charges on single-use cups and changes to current EPR regulations. We are currently considering Wales' involvement in a UK-wide deposit return scheme. Developing approaches on a UK wide basis can be less complicated for consumers and better for businesses who have told us they prefer this approach. We are also considering making changes to regulations so that producers and retailers pay a larger share of waste management costs.

The Minister also announced her ambition for Wales to be the World's first 'Refill Nation'. To achieve this, work is underway to improve access to drinking water in public places across Wales. The Welsh Government will work with City to Sea on developing the Refill campaign for Wales, as well as working closely with water companies in Wales and more widely with our businesses, charities and major events. The work will also include a behavioural change campaign to help people see the value of water and make tap water their first choice for hydration.

We continue to work with HM Treasury on a UK single-use plastics tax. At the same time we will continue to consider a tax, levy or charge on single-use beverage cups for Wales. The mandatory use of reusable cups and a potential pilot is also something we are considering. We are developing legislation to introduce a microbeads ban in Wales, on both the manufacture and sale of products, by 30 June 2018.

Wales is a world leader in recycling. We are the best in the UK, second in Europe and third in the world. This is a direct result of policies made in Wales.

Later this year, we will consult on regulations to implement Part 4 of the Environment (Wales) Act, which will require businesses and public sector bodies to separate different types of waste, just like households in Wales have been doing for years. This will significantly contribute to recycling rates in Wales and it is only right that the onus is on all of us to take action.

Please keep me updated on the timeframe for the exploratory work you mention.

A handwritten signature in black ink that reads "Regards" on the top line and "Lesley" on the bottom line. The signature is written in a cursive, flowing style.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

WELSH GOVERNMENT RESPONSE TO RECOMMENDATIONS FROM THE CLIMATE CHANGE, ENVIRONMENT AND RURAL AFFAIRS COMMITTEE REPORT:

FEEDBACK ON THE WELSH GOVERNMENT'S DRAFT WELSH NATIONAL MARINE PLAN

JUNE 2018

Background and current position

The Marine and Coastal Access Act 2009 (MCAA) provides the statutory basis for a new plan-led system for marine activities throughout the UK. Welsh Ministers are the Planning Authority for the Welsh inshore and the Welsh offshore areas. Welsh Government is working on the first Welsh National Marine Plan (WNMP) which sets out Welsh Government's policy for the next 20 years for the sustainable use of our seas.

On 7 December 2017, the Welsh Government launched a 16 week consultation on the draft Welsh National Marine Plan ('the draft Plan') accompanied by a number of supporting documents including; an overview of developing the Welsh National Marine Plan, Habitats Regulations Assessment, Sustainability Assessment and Review of interim marine aggregate dredging policy. There were 86 responses to the consultation, which will be published on the Welsh Government website at the end of June 2018.

Over the next few months Welsh Government will be assessing consultation responses and working with members of the Stakeholder Reference Group to explore key themes raised during the consultation. We will also be working across Welsh and UK Government policy areas to agree the final text of the plan. At the same time, we will be working to develop our approach to supporting plan implementation.

Final consideration, adoption and publication of the WNMP and associated documents is currently scheduled for spring 2019.

Recommendation 1: The Welsh National Marine Plan ('the Plan) should explicitly state an ambition to ensure our natural environment is resilient, and the plan should give equal weight to achieving environmental resilience and promoting 'blue growth'.

Response: Accept

The Environment (Wales) Act 2016 places a duty on Welsh Ministers to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. Ecosystem resilience is the foundation to securing societal benefits from our seas. Resilient ecosystems are therefore integral to achieving blue growth.

In line with this obligation, the vision of the draft WNMP states 'Through an ecosystem approach, our seas are healthy and resilient and support a sustainable and thriving economy'. This aspect of the vision is supported by plan objectives 1, 8, 9 and 10 which state:

- **Objective 1** - Support the sustainable development of the Welsh marine area by contributing across Wales' well-being goals, ensuring the Sustainable Management of Natural Resources (SMNR) by taking account of the cumulative effects of all uses of the marine environment.
- **Objective 8** - Support the achievement and maintenance of Good Environmental Status (GES).
- **Objective 9** - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline.
- **Objective 10** - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.

The Natural Resources Policy (NRP), published August 2017, marks the second major milestone in the implementation of the Environment (Wales) Act. The NRP sets out the national priorities for the sustainable management of Wales' natural resources which both address the challenges our natural resources face to their resilience and realise the significant opportunities that they provide for our well-being and prosperity across Wales' well-being goals.

The NRP will drive action across Welsh Government. Wales' waters are an important national resource and the WNMP will guide the way in which we will take forward the delivery of the NRP priorities in this area as part of our approach to the management of Wales' marine natural resources. The WNMP will be clear that decision makers should ensure that opportunities for blue growth are supported in the context of complying with the statutory duty, under the Environment Act, in relation to biodiversity and the resilience of ecosystems.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 2: The Welsh Government should recognise the importance of the coastal and marine tourism and recreation sector, and do more to highlight its potential in supporting blue growth in the Plan.

Response: Accept

We are investing significantly in new products on our coast from resort regeneration through to direct business support, and these are being used to market Wales during our year of sea. Our new campaign *like the Wales Way* includes a coastal route and we recognise that supporting our fantastic seascape is vitally important. Our research shows how important our coastal offer is to tourism in Wales. We will work with stakeholders to ensure that marine planning highlights how coastal and marine tourism and recreation has great potential in contributing to blue growth.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 3: The Welsh Government should set out the purpose of Strategic Resource Areas in the Plan, and set out a degree of consistency of approach towards them. The draft Plan should explicitly state that development will take place following an ecosystems approach and within environmental limits.

Response: Accept

The WNMP will set out clearly, the purpose of Strategic Resource Areas (SRAs), how they have been identified and what we expect them to achieve. The plan identifies SRAs as part of our approach to spatial planning, enabling and supporting an improved evidence base for these areas, both at a strategic scale (e.g. are there particular environmental limits or important ecosystem services that should be considered) and at the project level (e.g. the specific opportunities and constraints for specific activities in each area).

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 4: The Welsh Government should seek to establish a cross-border advisory panel comprising the Marine Management Organisation and Natural Resources Wales to oversee cross border marine issues.

Response: Accept in principle

Cross-border marine planning and management is an important area which needs consideration at different scales across the Irish Sea as well as in terms of land-sea interfaces. We will:

- continue to work closely with the Marine Management Organisation (MMO) as the marine planning authority for the south-west and north-west of England and with which we share planning responsibility in the Dee and Severn estuaries;
- establish a relevant public authorities Implementation Group to aid information exchange and consistency of decision making by public authorities, including NRW and the MMO;
- consider how best to engage at the local estuarine scale including the merits of a cross-border advisory panel;
- continue to develop relationships with neighbouring countries including through a new Irish Sea five marine planning administrations initiative.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 5: The Welsh Government should demonstrate how the Plan will interact with the area statements delivered under the Environment (Wales) Act 2016.

Response: Accept in principle

Natural Resources Wales is in the process of developing the first suite of Area Statements under the Environment Act. The role of Area Statements is to facilitate the implementation of Wales' Natural Resources Policy (NRP) in the local context. Wales' inshore waters are an important national resource, and the WNMP will guide the way in which we will take forward the delivery of the NRP priorities in this area as part of our approach to the management of Wales' marine natural resources.

One of the seven Area Statements to be produced will cover the Welsh inshore marine area, which specifically addresses the need for alignment with marine planning. Area Statements will

provide evidence around the national priorities in the NRP and the risks and opportunities for the sustainable management of natural resources. As such, they will be an important tool to support planning and decision making.

The draft WNMP includes a policy requiring consideration of any relevant Area Statement in decision-making. Welsh Government will consider the need for supporting implementation guidance in relation to aspects of marine plan policy as part of the wider marine planning process. If appropriate, this may include guidance related to Area Statements.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 6: The Welsh Government should set out how the National Development Framework, Planning Policy Wales and the draft Plan will work together. This should include the decision-making process for agreeing developments on land which will have an impact on the marine environment and the consultation process between the relevant planning authorities and Natural Resources Wales.

Response: Accept in principle

Together the WNMP, Planning Policy Wales (PPW) and the National Development Framework (NDF) will set the strategic direction and framework for decision making in the terrestrial and marine environments. They will support integrated decision making and collaboration across land and sea interfaces.

Planning Policy Wales

PPW sets out the national land use planning policies for Wales which include policies on various marine-related topics which traverse the coastline including Energy, Transport, Coastal Management and Biodiversity.

The National Development Framework

The NDF will identify the key national spatial planning issues and will reflect the policies in the WNMP. The NDF may also potentially include specific policies on the land use developments associated with schemes identified in the WNMP.

The NDF will have development plan status and so will have substantial weight in the on-shore planning decision making process, including Developments of National Significance and those additional consents transferred to Wales by the Wales Act.

There is currently a consultation on the Preferred Option of the NDF and we will use this period, before the draft version of NDF is published in 2019, to understand and develop our understanding of the relationship and interaction of the two plans. This will include further consideration of how the WNMP, the NDF and PPW will collectively work together to deliver our objectives for our land and sea.

Development Consenting

While the process for gaining planning permission under the Town and Country Planning Act 1990 extends to the low water mark, some developments straddle both the land and marine area. These include infrastructure applications such as alterations to ports or harbours as well as

offshore renewable developments such as tidal and wave technologies. On 30 April the Cabinet Secretary for Energy, Planning and Rural Affairs released a consultation which sets out how the Welsh Government intends to consent such projects in the future.

The consultation proposes to establish a new type of consent which aims to integrate both the NDF and the WNMP into the decision-making process making them both the primary policy basis on which decisions on infrastructure will be made.

Consultation Process

NRW are statutory consultees and will continue to be engaged in the development of the WNMP, PPW and the NDF (including the Integrated Sustainability Appraisal process).

As part of the new infrastructure consenting process, it is proposed to require pre-application consultation to be undertaken by developers with statutory consultees such as NRW, as well as other conservation bodies, offshore, reflecting existing requirements onshore. It is also proposed to require local planning authorities to submit a Local Impact Report in response to a proposed major scheme.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 7: The Welsh Government should establish a programme of evidence gathering, supported with a dedicated budget, for delivery by Natural Resources Wales.

Response: Accept in principle

The plan emphasises the need for a collaborative approach to evidence. Welsh Government supports an extensive programme of evidence gathering, delivered by ourselves and a range of partners. Evidence in relation the WNMP relates to a wide range of topics, not just environmental quality or condition, (e.g. resource availability, existing activities, opportunities for co-existence, socio-economic considerations) and such evidence needs to be gathered from a range of sources and by a range of organisations. For example:

- Welsh Government grant in aid to NRW provides for marine and coastal evidence gathering (eg monitoring of protected sites);
- Our shared marine evidence budget, administered by the Department for Environment, Food and Rural Affairs (DEFRA), supports strategic research and evidence activity across England and Wales; and
- Welsh Government undertakes monitoring of fish stocks and fishing activity amongst assessment of other activities and natural resources.

Other important evidence gathering is undertaken by business, academia, charitable organisations and individuals.

Our focus is ensuring that current and future evidence activity is joined up and integrated with data being collected once and used many times. NRW has an important role to play and will continue to gather marine evidence but as part of a wider perspective. Through the marine

planning process we are developing our understanding of evidence gaps and priorities and this will feed into a broader WG marine evidence plan.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 8: The Welsh Government should carry out a comprehensive review of the draft Plan after five years to fully take account of the changes in policy and legislation that result from Brexit.

Response: Accept in principle

There is a statutory requirement under the Marine & Coastal Access Act (2009) to review marine plans and produce an “Effectiveness report” every three years and an “Intentions report” every six years. It will be important that the plan review process includes Brexit considerations.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 9: The Welsh Government should specify how the success of the plan will be measured and monitored.

Response: Accept

Evaluation of the effectiveness of any plan is an important part of the planning process. The Marine and Coastal Access Act (2009) (S.61) requires Welsh Ministers, as the marine planning authority, to keep certain matters under review so long as the plan is in effect including:

- the effects of the policies in the marine plan;
- the effectiveness of those policies in securing that the objectives, for which the marine plan was prepared and adopted, are met;
- the progress being made to securing those objectives; and
- the progress being made towards securing that the objectives, for which the UK Marine Policy Statement was prepared and adopted, are met in that region (where an MPS is in place).

The planning authority must lay a report relating to these matters before the Assembly. The first report must be published within three years of the date which the plan was adopted. Successive reports must be published at intervals of no more than three years. Welsh Government will work with stakeholders to develop our detailed proposals for monitoring and reporting and publish our approach alongside the WNMP.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 10: The Welsh Government should ensure that guidance and training is available to all stakeholders to support the delivery of the plan.

Response: Accept in principle

The Welsh Government recognises the need for and potential value of providing training and guidance. Our initial focus in facilitating plan implementation is to work with and support the relevant Public Authorities, who are the decision makers under the plan. Support may also be needed for project applicants. We will work with stakeholders to agree where there is a need for guidance to support plan implementation.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 11: The Welsh Government should explore the costs and benefits of appointing regional implementation officers to provide guidance and deliver an implementation programme.**Response: Accept**

Supporting the implementation of the WNMP will be an important aspect of work for Welsh Government: both in advance of and after the plan has been adopted. We are in discussion with the Marine Management Organisation (MMO) and other planning authorities to learn from their experience of plan implementation. Welsh Government will work with stakeholders to assess the costs and benefits of appointing regional implementation officers to support plan implementation. We will make our findings available in advance of plan adoption.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 12: The Welsh Government should seek to raise the profile of the plan with the wider public and explore what can be done to make the content of the plan accessible as possible.**Response: Accept**

We will continue to develop our policy in an open and collaborative way, seeking feedback from members of the public and stakeholders at key stages within the development. Meaningful engagement is a priority throughout the planning process, as set out in the Statement of Public Participation.

We have developed a communications plan to support activity under the Statement of Public Participation. In order to help the wider public understand marine planning, we created an animation which we will promote further as the plan reaches its final stages. Our Stakeholder Reference Group has and will continue to play a key role in shaping the plan and communicating it through their own networks. We will work with this group to understand options for making the plan as accessible as possible.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Recommendation 13: The Welsh Government should pay particular regard to issues of national importance which will have a local impact. This exercise should consider whether a particular focus on high use areas such as the Pembrokeshire Coast and estuaries is useful.

Response: Accept

Welsh Government has recently consulted upon the need for regional marine planning. In addition, we have commissioned a review of good practice in national and regional planning systems. Overall, there is good support for sub-national planning but stakeholders have suggested it may be premature to initiate sub-national planning at this stage and effort should be aligned to learning from experience of implementing the WNMP. We recognise that some areas of the marine plan area are busier than others and may need a particular focus. As we implement the WNMP and undertake monitoring to understand the effectiveness of the plan and its policies we will consider whether a particular focus on high use areas would be appropriate.

Financial Implications: None. Any additional costs will be drawn from existing programme budgets.

Lesley Griffiths
Cabinet Secretary for Energy, Planning and Rural Affairs