

## National Assembly for Wales's Environment and Sustainability Committee – Inquiry into Marine Policy in Wales

### Response from The Crown Estate

September, 2012

#### 1. General Comments

- The Crown Estate welcomes the publication of this inquiry and is grateful for the opportunity to provide these comments in the context of our interests and ownership of almost the entire seabed.
- Since November 2011, The Welsh Government has a Memorandum of Understanding with The Crown Estate which sets a framework to illustrate how the two bodies can work together for the benefit of marine planning and Wales. We work closely with the Welsh Government and have an open and transparent working arrangement in which we welcome further dialogue on the progress of the marine plan development in Wales.
- In light of the significant changes to legislation related to the management of the marine environment in the last decade, a large increase in resource is required to implement these arrangements and we would suggest that the Welsh Government is not yet sufficiently resourced.

#### 2. Introduction

The Crown Estate welcomes the publication of this inquiry and is grateful for the opportunity to provide these comments. The statements contained in this response are in the context of The Crown Estate's interests and ownership of almost the entire seabed. This response is informed by The Crown Estate's extensive experience of managing activities within the marine environment and, within its core remit, of balancing economic activity with stewardship of natural resources for future generations to use and enjoy. We are committed to working with government departments, stakeholders and industry in helping to manage the coastal and marine environment.

The Crown Estate can bring to bear a high level of knowledge and expertise on issues relating to management of the foreshore, the territorial seabed and continental shelf, and we are committed to working with the UK and Devolved Governments and all stakeholders on issues which affect these areas. Our Welsh portfolio is diverse including, on our rural estate, substantial areas of common land, agricultural holdings and a range of mineral interests. Our marine estate takes in around half of the foreshore and the seabed out to 12 nautical miles, where we are playing a key role in enabling developers to realise the potential for renewable energy, particularly through offshore wind farms and marine renewable energy installations. In managing our Welsh estates we aim to work in partnership with government and local communities for mutual benefit. We have built good working relationships with the Welsh Government and the National Assembly for Wales, local councils, communities and our own customers.

Having reviewed the inquiry, please see below for some specific comments related to the questions asked: -

### **3. Marine planning in Wales**

- The limited resources in the Welsh Government dedicated to the new process of marine planning has meant that progress has been restricted to principles and consultation on the approach, rather than implementation.
- However, there is still an opportunity for Wales and the Welsh Government to progress quickly and begin the marine planning process in earnest. The combined resource of the public and private sectors (through the Wales Coastal & Maritime Partnership and other mechanisms) affords Wales an opportunity to make great strides in a short time.
- The Welsh Government have a Memorandum of Understanding with The Crown Estate – signed in November 2011 – which sets a framework to illustrate how the two bodies can work together for the benefit of marine planning and Wales. We would welcome the opportunity to enhance this relationship through further dialogue regarding the progress of development of marine plans in Wales and how we can facilitate and contribute to them.
- The Crown Estate through discussions with the Marine Management Organisation in England, Marine Scotland and the Welsh Government have identified an opportunity to create a vehicle to share information, resources and knowledge exchange about marine planning issues. We would suggest that this is a key way forward to assist in the pooling of human and technical resource across the breadth of the UK marine environment.
- There is a need to create momentum around marine planning in Wales and there is an opportunity for the Welsh Government to work closely with its neighbours in the UK and Republic of Ireland to create the first cross-border multi-sector marine plan which helps deliver the objectives of government.
- From experience of other marine planning processes across the UK, we would recommend early consideration of existing and planned sustainable renewable energy installations (and stakeholder and UK Government dialogue) in the context of meeting Wales and UK renewable energy objectives.

### **4. New marine conservation zones**

- The Crown Estate supports the principle of protection of the marine environment through designated sites. We have been a trusted advisor to the Welsh Government and the MCZ process through our involvement in the Welsh Government's Technical Advisory Group.
- Whilst we support the process to develop Marine Conservation Zones (MCZs), we believe it is important that the designation process and associated development of management measures take account of other users and uses of the marine and coastal environment.

- We would welcome further clarification regarding key features of the proposed MCZs including the potential association of highly mobile species within the sites and how activities outside of the boundaries and related Risk Management Areas (RMAs) will operate. At present uncertainty surrounding these aspects of the proposed designations creates a consenting risk for potential developments that are progressing through the marine planning and licencing process.
- An ecologically coherent network of MPAs (including MCZs) would make an important contribution to the implementation of an ecosystem approach with benefits economic and social, as well as environmental.

## 5. Marine licensing in Wales

- The Marine Consents Unit (MCU) of the Welsh Government is seen by The Crown Estate and many of our partners as an example of a well-functioning and efficient delivery unit. The intention to move the function of marine licensing into the new single Natural Resources Body must be carefully considered by the Welsh Government as there is a danger of a regressive step if implementation is not carried out with rigour and understanding of all implications. Specifically, planned renewable energy developments need to be considered in the context of wider Government objectives and resource provisions planned accordingly. The Crown Estate will also respond to the Welsh Government's current consultation on the Natural Resources Body for Wales.

## 6. Resourcing and coordination

- The huge change in legislation related to marine management in the last decade means that in order to implement these arrangements we believe that the Welsh Government is not sufficiently resourced.
- This lack of resource is most evident in regard to marine planning; it is clear that resources are not sufficient in order to implement this new area of marine management. The Crown Estate, along with the statutory marine planning bodies in the UK have met to discuss how all sides can explore ways in which we can collaborate and share our knowledge and expertise in a structured manner for the benefit of Wales and UK. It is essential that this exchange concept is progressed to determine if it is a viable approach and we will continue to work with and encourage government to examine the benefits of such collaboration.
- As stated earlier, The Crown Estate and the Welsh Government have a joint MoU which helps to set the context of cooperation at an organisational level and commits both parties to communicate and work collaboratively. The Crown Estate works throughout the UK and our remit means that we work with government across administrative boundaries. We work closely with the Welsh Government and have an open and transparent working arrangement, which we welcome. We will continue to progress dialogue around the marine planning process, development of marine conservation zones and the single Natural Resource Body in Wales.

## **7. Conclusion**

We trust that you will find these comments constructive. We would be very willing to provide additional information on any of the points we have raised above and be very pleased to discuss these matters with you further. Through the Energy & Infrastructure's Policy, Planning and Consenting team, we are ready to engage in further discussions on these and other points relevant to our ownership or which our expertise may be brought to bear. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

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### **Background Information on The Crown Estate and our marine based portfolios**

The diverse portfolio of The Crown Estate comprises marine, rural and urban properties across the whole of the United Kingdom valued in total at £7.6 billion, £118m of which is in Wales (2012 figures). Under the 1961 Crown Estate Act, The Crown Estate is charged with maintaining and enhancing both the value of the property and the revenue from it consistent with the requirements of good management. We are a commercial organisation guided by our core values of commercialism, integrity and stewardship.

The Crown Estate's entire revenue surplus is paid directly to HM Treasury for the benefit of UK citizens; in 2012 this amounted to just over £240 million, with £6.8m of this generated in Wales.

We are custodians of the seabed out to the 12 nautical mile territorial limit, including the rights to explore and utilise the natural resources of the UK continental shelf (excluding oil, gas and coal). We are responsible for 65 per cent of the Welsh foreshore. Through our marine stewardship programme, we support a range of practical projects that contribute to good stewardship around the UK coast. Our coastal holdings comprise areas of great beauty and national importance, and we take our responsibilities towards them and to the people of Wales very seriously indeed. The challenge is to balance environmental priorities with opportunities for commercially sustainable development. We achieve this by working closely with the full spectrum of marine-based industries.

The Crown Estate manages its marine assets on a commercial basis, guided by the principles of sustainable development and social responsibility. We engage with partners, local people and other bodies in order to facilitate the development of a world class offshore energy capability. In Wales our economic interests include ports, marinas, renewable energy and marine aggregate extraction. The activities of the marine estate are bringing significant new inward investment, businesses and jobs to the UK. As stewards of the territorial seabed and having brought forward the first three rounds of offshore wind farm developments around the UK, The Crown Estate is playing an active role in helping Wales to make the most of offshore resources.

We take a consistent approach to the management of our activities around the UK, whilst retaining flexibility to take local factors into account whenever necessary. The Crown Estate can bring to bear an unparalleled level of knowledge and expertise on issues relating to management of the foreshore, the territorial seabed and continental shelf. We have a strong understanding of the needs of a broad range of sea users, as commercial partners, customers and stakeholders.