



**Welsh Coastal
Groups Forum**

SHORELINE MANAGEMENT PLANS

***GUIDANCE TO MAJOR POLICY
CHANGE PROCESS IN WALES***

March 2019



Foreword

Shoreline Management Plans 2 (SMP2s) are non-statutory documents, providing a high-level assessment of the risks associated with coastal processes and present a consistent policy framework to reduce these risks to people, communities and historic and natural environment in a sustainable manner. SMP2s consider a hundred-year timeframe with preferred policies identified across 3 epochs setting out objectives of intent.

SMP2s are recognised as the foundation for shoreline management planning based upon the information and consideration given by professional partners taking into account best available evidence as well as local management policies and opportunities. They have been subject to peer review by stakeholders and a Quality Review Group before being adopted by local authorities to inform decision making.

The Wales Coastal Groups Forum (WCGF) recognises that uncertainty over the longer term is unavoidable and therefore policies may have to be reviewed if new evidence emerges that provides justification for a major policy change proposal. There is a need for the WCGF to ensure that the process for reviewing, challenging and changing policies is robust, consistent and transparent, especially for major policy change. This guidance document which has been approved by members of the WCGF sets-out this process.

WG Grant in Aid Funding and Regulatory decisions are informed by SMP Policy and could be difficult to secure if management action is proposed that is not in line with policy. Therefore, this Major Policy Change Guidance provides a robust mechanism to consider whether a policy change can be justified, which in turn may support funding or regulatory decisions if the policy change is agreed.

Finally, the WCGF acknowledges the nature of potential changes and the difficulty of developing and applying a one size fits all process. We have therefore committed to review and update this process regularly as new cases are brought to us for recommendation.

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I. Introduction

The second generation of Shoreline Management Plans (SMP2s) became live documents at the end of 2014. They provide a large-scale assessment of the risks associated with coastal processes and presents a policy framework to reduce these risks to people and the developed, historic and natural environment in a sustainable manner over a period of 100 years, with a view to moving us forward to a more sustainable position of management beyond that timeframe.

SMP2s and preferred policies have been developed based on an evaluation of all four SMP policy options, informed by the best information available at the time. SMP2s are invaluable tools which support decision making linked with strategic planning, coastal management policies and have been subject to peer review by consultants, coastal group members and an SMP2 review panel. They help support sustainable decisions for now and the future in light of increasing risks linked with climate change.

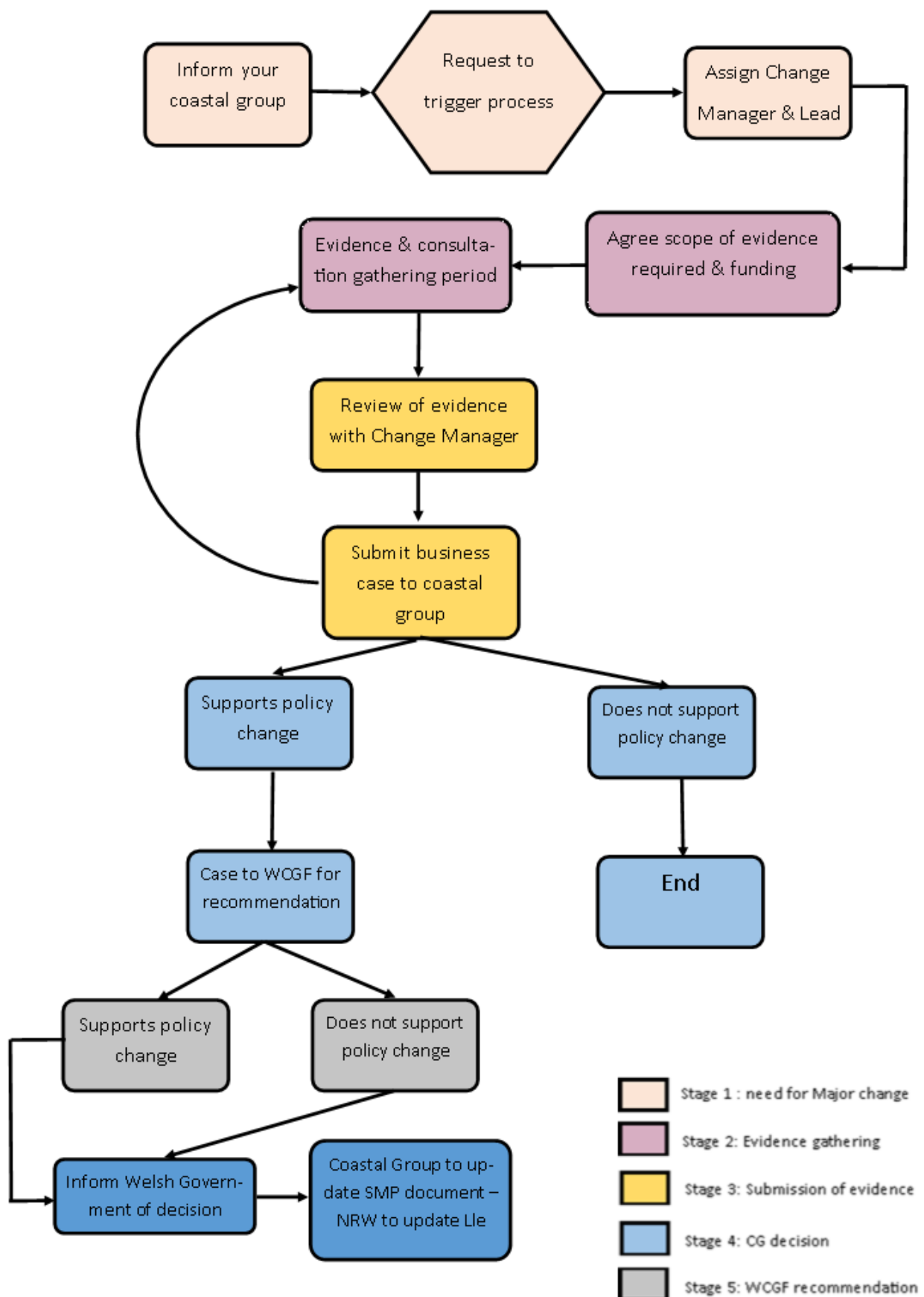
Whilst uncertainty over the longer term is inherent, the SMP2s help to communicate the direction of trends based on evaluation of current and future risk, although the timing of change can't be precise. There is therefore an understanding that SMPs2 epochs are not absolute, and timing and preferred policies should not be set in stone, instead setting the direction of travel and the broader intent of management knowing that, as new evidence emerges, challenges to these policies, with a view to changing the policy, could arise.

The Wales Coastal Group Forum defines major policy change as follow (see appendix 1 for the full hierarchy of policy change):

Changes to a policy, or epoch in which a policy is to be implemented, or changes to the action plan that are likely to result in this;

To ensure this process is transparent and consistent as well as being informed by sound evidence, the Wales Coastal Group Forum (WCGF) which agreed that 'major changes' are of significant focus to the Forum has developed the following 5 stage process which should be followed by all organisations wishing to trigger a major policy change (*Figure 1* below maps out the proposed 5 stage process).

Figure 1: Outline of the Major SMP Change Process and Stages



II. Roles of contributing organisations

This section sets-out the role of key individuals and organisations involved in the process of a major policy change. Terminology used throughout this and other related documents will be in reference to the below roles.

Change Instigator	An individual or organisation who wants to raise a challenge.
Change Sponsor	Needed in the case where a challenge is raised by an organisation who is not a coastal group member to bring the challenge to the coastal group. The best placed organisation (which can be agreed at CG level) will fulfil this role.
Coastal group Lead	The nominated lead for coordinating the function of the Change Managers to process a policy change request would be the Coastal Group Chair. If an application for policy change is within the Chair's own Local Authority administrative area, responsibility is either passed on to the Vice Chair to chair or the Vice Chair signs off the Chair continuing. The Chair will be responsible for ensuring adequate stakeholder engagement is carried out by the lead organisation or change sponsor as appropriate.
Change Managers	A subset of the Coastal Group, including relevant Local Authorities (the Local Authority covering the location of the policy challenge and neighbouring Local Authorities to the policy challenge location); Natural Resources Wales (representatives of operational and strategic interests and as a SNCB advisor); Heritage representation (e.g. CADW / relevant Wales Archaeological Trust) dependent on environmental screening outcome. Any other members deemed appropriate by the Coastal Group. Change Managers will review the business case proposed for a major change and provide a view on whether a recommendation for further consideration can be determined.
Coastal Group	Consider the change on a regional basis and, consistency with other major change challenge evidence submitted
Wales Coastal Groups Forum	Consider the change on an all Wales level, consistency with other major change challenge evidence submitted, and owner of the change process. WCGF will write to Welsh Minister to confirm the major change process has been followed considering all economic, social and environmental impacts of the proposed change in policy and provide a recommendation.

<p>Welsh Ministers</p> <p>Welsh Government</p>	<p>Will consider the evidence and recommendation of the WCGF, and if content, will write to CG Chair to confirm WG is content due process has been followed. Welsh Ministers will also be responsible for reviewing and signing off the Statement of Case (incorporating IROPI) where necessary.</p>
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III. Major Change Stages

It is accepted that reasons for triggering the major policy change process will vary on a case by case basis. However, steps to follow to ensure due process has been followed will remain the same. The following stages identify this process.

STAGE 1: Triggering Major Change

Who is likely to trigger a major change in Wales?

A number of different stakeholders have an interest in management of the Welsh coastline for example, Local Authorities, NRW, private landowners, Network Rail, communities and individuals. It is however anticipated that only a small fraction of stakeholders may propose a major change to SMP2s.

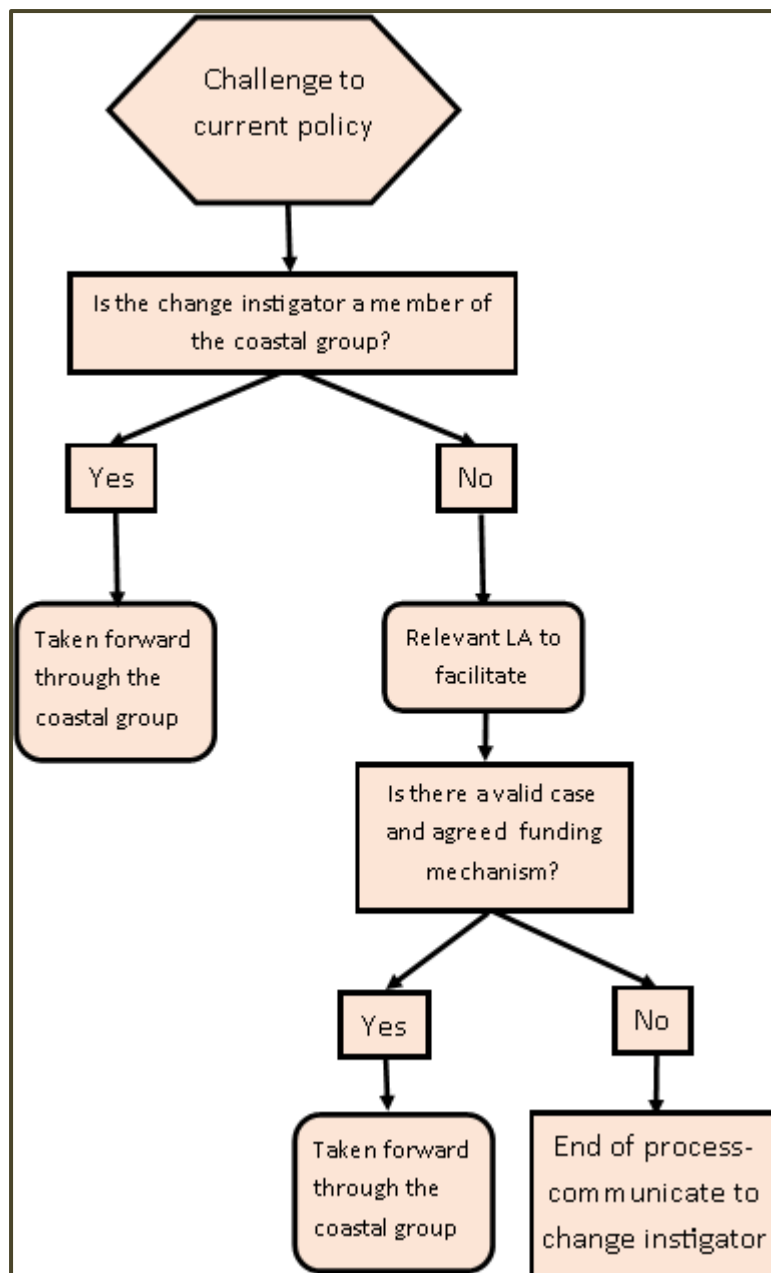
While several organisations are standing members of coastal groups making engagement and communication throughout the change process easier, some stakeholders (which may include communities and private asset owners) are not members of Coastal Groups. In this instance (and perhaps following an initial high-level screening exercise which may consider strategic fit reason and evidence for challenge), the Coastal Group, once informed, will identify a Coastal Group member to lead the challenge on their behalf as a 'Change Sponsor'. It is anticipated to be the relevant local authority which will then request to trigger the process. Figure 2 below highlights in more details stage 1 process.

Who will lead on the process?

The official challenge to a policy will have to be raised and minuted at the Coastal Group meeting thus officially triggering the process. The Chair of the relevant Coastal Group will become the lead overseeing development of the major change case and ensuing the process for stages 1,2,3 and 4 are followed. If the challenge comes from the organisation for which the Chair works, the Vice Chair of the Coastal Group will become the Nominated Lead.

The change instigator or 'Change Sponsor', will have to nominate a lead officer which will be the main liaison with the Coastal Group and Change Managers. The role of this officer is to build the case to be presented to the coastal group for determination. To note, the coastal group would not build the business case on behalf of the change instigator and sufficient funding and resources must be identified by the change instigator or change sponsor to fulfil the major change process requirement.

Figure 2: Identifying Change Sponsor



Consideration of a proposal for major change to an SMP will require a business case

STAGE 2: Agree scope of evidence- A strong case for change

to be developed. The business case should specify the nature of the major change proposed, explain the associated reason(s) and provide robust technical, economic, environmental and consultation outcomes evidence to support the major change proposed. In all cases, a major change should not be driven by local interest or preferences

SMP2s present a policy framework to reduce risks to people and the developed, historic and natural environment in a sustainable manner. As such, the potential economic, social and environmental impacts of a major change should be undertaken, as a minimum, measured against those elements using the methodology set-out in DEFRA's SMP Guidance¹². A good starting point will be reviewing the evidence produced for SMP2 including the Strategic Environmental Assessment (SEA), Habitat Regulations Assessment (HRA).

As part of this process it will be necessary to consider screening for environmental assessments required to assess major change(s) proposed including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) where applicable, which will require consultation with relevant bodies (e.g. NRW as Statutory Nature Conservation Body (SNCB), Wales Archaeological Trust, Cadw etc). It will be important to factor in necessary consultation requirements into the timeframe for developing the case for change.

In addition to NRW's formal role as a SNCB, NRW can be consulted to provide informal advice on potential environmental impacts and the scope of SEA and HRA as required.

The coastal group and change instigator/sponsor should agree on the scope of evidence required to support a business case with a view to ensuring a robust assessment is undertaken. Consideration should be given to potential impacts to other organisations which will help to inform who the Change Managers will be. Ensuring the scope of evidence is sufficient will facilitate the review undertaken in Stage 3 of the process by the Coastal Group Lead and Change Managers.

All costs and time associated with developing the business case and providing evidence to support the proposal for major change will be funded by the

¹ Department for Environment Food and Rural Affairs. March 2006. Shoreline management plan guidance, Volume 1: Aims and requirements. Available from: <https://www.gov.uk/government/publications/shoreline-management-plans-guidance>

²Department for Environment Food and Rural Affairs. March 2006. Shoreline management plan guidance, Volume 2: Procedures. Available from: <https://www.gov.uk/government/publications/shoreline-management-plans-guidance>

organisation triggering the process and would not be funded by the coastal group reserves unless otherwise agreed.

Stakeholder Engagement

Part of this stage must also include public and stakeholder engagement. This is identified as key components of SMP Action Plans and a requirement as part of the evidence necessary to inform a major change proposal. Public engagement also ensures that public expectations are managed as not all change requests will be accepted. Communities impacted, private asset owners and all other stakeholders that may be impacted or have an interest must therefore be kept informed at all stages. As noted in above, it will also be necessary to consult with statutory bodies on environmental assessments required.

When consultation is carried out it must be done fairly and must also comply with the 'Gunning' principles'. These principles state that consultation must take place while proposals are still at a formative stage; sufficient information must be put forward for the proposal to allow for intelligent consideration and response, adequate time must be given for consideration and response; and the product of the consultation must be conscientiously taken into account.

The initial stage of engagement should ensure that consultees are aware of and understand the principles behind SMPs as well as the major change process in Wales. This will ensure that expectations are managed adequately from the offset.

Further engagement may be necessary as the process moves through the various stages.

It is recommended that a stakeholder engagement plan is created to support a major change by the change instigator, which could be agreed with the coastal group. A record of consultations undertaken, responses received and if/how responses have been addressed should also be documented. This will ensure transparency and facilitate consideration of the business case.

STAGE 3: Submission to Coastal Group

The business case developed to support the proposed major change including the evidence gathered in line with stage 2 will need to be submitted to the Coastal Group Lead and Change Managers for review to ensure it is sufficient to enable Change Managers to provide a recommendation to the Coastal Group.

In the case where a third party is impacted, the lead organisation/change sponsor will need to demonstrate that evidence has also been provided to this party and that

adequate consultation has been undertaken in order to demonstrate that their requirements have been satisfied.

STAGE 4: Coastal Group decision

The role of the coastal group is to ensure that sufficient consideration has been given and sufficient evidence has been gathered to understand potential impacts of a policy change to a wider area and receptors discussed in stage 2.

In light of any evidence provided a coastal group or member of may wish to ask for additional study or evidence to be undertaken to fully understand the impacts. Once sufficient evidence has been collated to enable intelligent decision, the coastal group will either support or not the organisation triggering the change.

Whilst coastal groups do not have statutory powers of decision, in the case of no support it is recommended the process finished at this stage. No support would indicate that the impacts of a policy change would outweigh the benefits of such change.

STAGE 5: WCGF Recommendation

Stage 5 should be the final stage of the process unless Ministerial approval is required. The decision to approve a major change rests with the Wales Coastal Groups' Forum recommendation.

The role of the WCGF is to either support the coastal group decision by approving a major policy change or to go against the coastal group by not supporting such a change.

The WCGF is the overarching decision-making body for SMP policy change in Wales, however if an Appropriate Assessment can't demonstrate that there would be no adverse effect an IROPI case would require ministerial approval. Similar to coastal groups, the WCGF does not have statutory powers of decision and are only able to make a recommendation.

However, it must be noted that the WCGF recommendation will inform WG decisions for any Flood and Coastal Erosion Risk Management grant in aid funding application. Any capital or revenue bid for works which does not fit with the preferred SMP policy will be likely refused. Similarly, here is a risk that any licenses or permits may not be granted by the relevant regulator.

Once a major change has been approved the WCGF Chair will formally inform WG of the decision in an agreed format. The Coastal group as 'owner of the SMP and Action plan' will be responsible for updating the SMP document accordingly and inform the relevant organisation to update the SMP Overview for Wales Master document, the Action Plan master document and the relevant information within Lle website.

Note Whilst this is currently done by NRW it may potentially change in the future.

Appendices

Appendix 1: Hierarchy of policy change in SMPs

Degree of policy change	Description of Action
Minor	<ul style="list-style-type: none"> - Textual and mapping corrections with no effect on context or outcomes of the SMP - Changes within organisations that may have a bearing on SMP implementation.
Moderate	<ul style="list-style-type: none"> - Textual or mapping corrections where the context of the SMP is affected; - Changes, additions or deletions in the action plan that may impact on SMP implementation but do not change an SMP policy option. These might include changes to the timescale or priority of an action, a new study or scheme proposal, or alteration to the scope of a study/scheme already proposed. - Changes potentially impacting a nationally designated site, e.g. SSSI, NNR, AONB, SAM.
Major	<ul style="list-style-type: none"> - Changes to a policy, or epoch in which a policy is to be implemented, or changes to the action plan that are likely to result in this; - Changes to the action plan that are likely to significantly impact on SMP implementation, such as significant new schemes and studies, or significant changes to existing ones; - Mapping corrections that affect the number of properties protected from flooding or erosion; - Changes with the potential to have adverse effects to an internationally designated site, e.g. SAC, SPA, Ramsar (informed by a test of likely significant effect).