



Llywodraeth Cymru
Welsh Government

REPORT, DOCUMENT

Strategic Environmental Assessment screening of the Strategic Resource Areas Marine Planning Notice: addendum

Updates the conclusions of the Strategic Environmental Assessment (SEA) Screening of the Strategic Resource Area marine planning notice.

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Welsh National Marine Plan: Strategic Environmental Assessment (SEA) Screening of the Strategic Resource Areas Marine Planning Notice: addendum

This addendum updates the conclusions of, and should be read alongside, the [Strategic Environmental Assessment of the Strategic Resource Areas Marine Planning Notice](https://www.gov.wales/strategic-environmental-assessment-screening-strategic-resource-area-marine-planning-notice) (15th August 2022). The conclusions of the 2022 SEA screening were based on a set of fundamental characteristics of the Marine Planning Notice (MPN) and the associated marine plan policies. This addendum has been produced to determine whether the characteristics of MPNs and associated policies have changed now that the MPN is completed, and if so whether or not the conclusions remain correct.

Background

In line with the Welsh National Marine Plan (WNMP), Welsh Government are progressing the identification of Strategic Resource Areas (SRAs) and activation of the WNMP policy SAF_02 to safeguard areas of resource upon which a sector is dependant from significant adverse impacts from any new proposals that are being considered by other sectors within these areas. SRAs and activating SAF_02 are implemented through MPNs.

As set out in the 2022 SEA screening (referencing the SRA [supporting documents](https://www.gov.wales/strategic-resource-areas-guidance)), SRAs are simply intended to safeguard resources and facilitate proactive dialogue between sectors when planning future activities. SRAs are intended to operate with WNMP policy SAF_02 in order to identify sector specific resource areas for

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safeguarding for potential future use with no inference regarding the acceptability or unacceptability of specific developments, therefore:

- they do not confer rights for use or development by any sector
- they will provide no direct support or planning benefit for development (e.g., a 'tidal stream' proposal will not be considered more acceptable or more likely to be permitted because it is in a tidal stream SRA)
- they do not prevent use of an area by other sectors (so, for example, an aggregates proposal in a 'tidal stream' SRA would simply need to demonstrate (inter alia) that acceptable compatibility can be achieved with the potential for sustainable tidal stream developments to be delivered in that area)
- they do not imply any particular scale or rate of development or resource use

SEA screening opinion outputs

On 15th August 2022 Welsh Government published the **Strategic Environmental Assessment: screening of the Strategic Resource Area marine planning notice** (<https://www.gov.wales/strategic-resource-areas-and-marine-planning-notices-habitats-regulations-assessment>)(Wood Group UK Limited, 2022) based on the purposes and principles of SRAs. The key conclusions from this screening exercise are:

- whilst a SRA MPN qualifies as a relevant plan or programme (SEA Directive Article 2a/SEA Regulation 2(1)(a)) and is within an appropriate sector (SEA Directive Article 3.2a / SEA Regulation 5(2)(a)), it:
 - does not set the framework for future development consent (SEA Directive Article 3.2a and Article 3.4/ SEA Regulation 5(2)(b)); and
 - does not have likely significant effects on European sites necessitating assessment under the Habitats Regulations (SEA Directive Article 3.2b/ SEA Regulation 5(3)).

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- in consequence, the requirements for SEA under the relevant regulations are not met
- the MPN has been considered against the requirements of Article 6 or 7 of the Habitats Directive (reflected through the application of Regulations 63 (and potentially 64) of the Conservation of Habitats and Species Regulations 2017)
- the HRA screening of the SRA MPN concluded it does not introduce any mechanisms by which significant effects on any European sites (or Marine Conservation Zone (MCZ)) would be likely, alone or in combination, due to the fundamental characteristics that will be common to SRA MPNs across all sectors
- the requirement to undertake Sustainability Appraisal (SA) of the SRA MPN has also been considered ... it has concluded ... that SA of the SRA MPN need not be undertaken
- Welsh Government may still wish to apply strategic assessment approaches to the development of the SRA MPN; however, such decisions would be at the discretion of Welsh Ministers

Under these considerations the screening concluded that there is no formal requirement to complete a SEA.

This conclusion nests with the WNMP Sustainability Appraisal and Strategic Environmental Assessment (Wood Group, 2019) conclusions that:

- “...WNMP policies are likely to make a significant positive contribution to the achievement of the seven well-being goals for Wales, supporting the objective for SMNR [Sustainable Management of Natural Resources].”
- “Development and use of the marine area will unavoidably require the use of natural resources and could result in some adverse environmental effects ... However, the general cross-cutting policies of the ... WNMP seek to avoid, minimise or mitigate significant adverse effects associated with new development or activity and will help to ensure the sustainable management of natural resources.”

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This conclusion also nests with the WNMP Habitats Regulations Assessment (Wood Group, 2019) conclusions that:

- “... there will be no adverse effect on the integrity of any European sites, alone or in combination, as a result of the plan’s implementation”
- “All future project-level proposals will be subject to a project-level HRA as part of the consenting procedure, and the general cross-cutting protective policies within the plan will reinforce existing safeguards for European sites.”

It was recommended that the SEA screening and provisional conclusions be kept under active review by Welsh Government to reflect any changes once further information on the content of the SRA MPN is finalised.

SEA screening opinion addendum

This addendum to the Strategic Environmental Assessment: Screening of the Strategic Resource Areas Marine Planning Notice (Wood Group UK Limited, 2022), re-evaluates the 2022 SEA screening conclusions based upon the MPN which, following public consultation, is being published to introduce SRAs for tidal stream energy and to which the SEA screening relates. Both the screening and this addendum were shared with the SEA consultation bodies, before being finalised. Responses to that consultation supported the findings and screening opinion, as set out in these documents.

The nature and role of the proposed SRAs and policy SAF_02 remain unchanged. As such, in this regard, the conclusions of the SEA screening are unchanged and therefore still apply in full.

The areas where there has been some refinement of the approach are:

- **Welsh Government consulted on and is in the first instance introducing**

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SRAs for Tidal Stream Energy, to inform decisions on proposing further SRAs for other sectors. (<https://www.gov.wales>)

However, this does not change or impact upon the fundamental nature and role of SRAs or policy SAF_02, and it does not deviate from any of the SEA screening question responses. This also aligns with an alternative proposed in the Sustainability Appraisal for MPNs for SRAs (see **Strategic Resource Areas: guidance** (<https://www.gov.wales/strategic-resource-areas-guidance>)). As such, the screening opinions stand unchanged.

- The response to question 8 of the SEA screening refers, among other things, to taking account of soft constraints and amending a potential SRA as appropriate. However, this is framed by the conclusion that implementation of the SRA MPN will not have any direct likely significant effects on the environment as, given the nature and role of SRAs and policy SAF_02, there are no mechanisms by which such effects could occur. It was subsequently agreed with stakeholders that, given the purpose of SRAs, it would not be appropriate to refine boundaries based on soft constraints, rather soft constraints should be applied as project level considerations in consenting and decision making. The SA concluded that this decision will have a 'neutral' impact on sustainability. Applying this same logic to the criteria assessed in the SEA screening, the decision not to use soft constraints to refine SRA boundaries does not deviate from any of the SEA screening question responses. Applying soft constraints as a project level consideration, rather than using them to refine SRA boundaries, supports these conclusions and as such the SEA screening opinion stands unchanged.

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