



Llywodraeth Cymru
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Implementation guidance: Policy SAF_02 – Strategic Resource Areas – working draft

This document adds to the existing Welsh National Marine Plan implementation guidance.

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Policy SAF_02: Safeguarding strategic resources

Proposals which may have significant adverse impacts upon the prospects of any sector covered by this plan to engage in sustainable future strategic resource use (of resources identified by an SRA) must demonstrate how they will address compatibility issues with that potential resource use.

Proposals unable to demonstrate adequate compatibility must present a clear and convincing case for proceeding.

Compatibility should be demonstrated through, in order of preference:

- avoiding significant adverse impacts on this potential strategic resource use, and/or
- minimising significant adverse impacts where these cannot be avoided; and/or
- mitigating significant adverse impacts where they cannot be minimised

Section A: Strategic Resource Areas

1. A Strategic Resource Area (SRA) identifies key areas of resource which may have potential to support the future activity of a specific sector (termed the 'focus sector').

2. WNMP safeguarding Policy SAF_02 applies to an SRA, from the point at which that SRA is introduced through the publication of a Marine Planning Notice (MPN) (Welsh National Marine Plan (WNMP) paragraph 250).

3. SRAs provide a basis for informed dialogue between different sectors, and sectors and regulators, to facilitate sustainable use and development of marine resources. Identification of SRAs aims to ensure that the ability of future

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generations to access resources is formally considered by public authorities when taking marine management and consenting decisions (e.g. determining marine licence applications).

4. The identification of SRAs does not mean that development in these areas would be supported. SRAs do not signal suitability of an area for any particular development, nor do they indicate any planning intent or support.

5. The identification of an SRA relating to a focus sector does not mean that the focus sector has to locate in the SRA. All developers (whether from the focus sector or not) will still need to apply for planning consents in the usual way.

6. Identifying and implementing an SRA has no effect on the consideration of environmental impacts as part of the decision making process. The environmental impacts of any developments are and will continue to be assessed through compliance with robust environmental regulations and regulatory project-level environmental assessments.

7. On 7 January 2025, SRAs were introduced for the tidal stream energy sector.

Section B: Resource Safeguarding Policy SAF_02

8. Proposals from other sectors seeking consent for a development or activity within (or impacting on) an SRA will need to:

- demonstrate how they will address compatibility with potential future resource use by that SRA's focus sector or, if this isn't possible
- present a clear and convincing case for proceeding.

9. In demonstrating compatibility or presenting a case for proceeding, applicants should ensure they are using the most up-to-date available evidence. Proposals should make every effort to achieve compatibility, following the avoid, minimise,

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mitigate hierarchy, before moving to a case for proceeding (see below, and also paragraphs 27-38 of the main **WNMP Implementation Guidance**) (<https://www.gov.wales/welsh-national-marine-plan-implementation-guidance>).

10. Sector-sector compatibility considerations when applying Policy SAF_02 will need to be guided by project specific details.

11. As set out by the WNMP, a proportionate approach to decision making should be adopted. Small scale development proposals are unlikely to lead to compatibility issues. For example, activities falling into Band One in relation to NRW marine licensing are considered unlikely to raise issues around compatibility that would lead to a decision not in favour of a proposal, and it is therefore expected that they will be considered to have adequate compatibility under Policy SAF_02.

12. When a proposal has potential to impact on the resources safeguarded by an SRA, applicants are strongly encouraged to engage with relevant sector operators and their representative groups, or other suitable interested parties where they exist, at the earliest stages of concept, planning and design.

Adequate compatibility and significant adverse impacts

13. In demonstrating adequate compatibility, proposals should demonstrate that they will not inappropriately prevent potential future use of safeguarded resource by the focus sector. This may include consideration of whether temporal or sequential co-existence can be achieved.

14. In terms of Policy SAF_02, significant adverse impacts may include impacts on the integrity or extent of the safeguarded resource, or a substantive impact on the ability of the focus sector to access the resource at a future date.

15. The avoid-minimise-mitigate decision hierarchy applies when demonstrating

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adequate compatibility under Policy SAF_02. Applicants and decision makers should apply this hierarchy, in accordance to the guidance set out in paragraphs 27-28 of the main **WNMP Implementation Guidance** (<https://www.gov.wales/welsh-national-marine-plan-implementation-guidance>). This may involve proposals making temporal or spatial adaptations to avoid or minimise adverse impacts (see also the main **WNMP Implementation Guidance** (<https://www.gov.wales/welsh-national-marine-plan-implementation-guidance>), paragraph 360), or the application of effective decommissioning arrangements to allow future use once the proposed activity has concluded its working life.

16. It is the responsibility of the sector for whom resources are safeguarded to make appropriate representations regarding compatibility of a proposal with resource safeguarding afforded through SRAs.

Case for Proceeding

17. Where proposals are likely to have a significant adverse impact(s) which cannot be adequately addressed through avoidance, minimisation or mitigation measures, applicants must present a clear and convincing case for proceeding, in line with the guidance in paragraphs 31-33 and 35 of the **WNMP Implementation Guidance** (<https://www.gov.wales/welsh-national-marine-plan-implementation-guidance>).

18. Decision makers may choose to issue guidance on the form any such case for proceeding should take. However, it is the responsibility of the applicant to ensure they submit sufficient information on the nature and extent of the impacts and proposals in order to provide a justification which sufficiently demonstrates the overriding benefits of proceeding.

19. Submission of a supporting justification does not mean that a proposal will be supported. It is at the discretion of the decision maker, when making a decision, to weigh-up the case made against the potential adverse impacts of

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the proposal, other relevant policies, legislation, and the contribution of the proposal to other targets such as economic or social benefits.

20. In considering whether a proposal should proceed and weighing any potential adverse impacts against the benefits, decision makers should take into account:

- whether there is an overarching need for the non-focus sector development that outweighs the need to avoid permanently sterilising the safeguarded resource;
- whether there are reasonable viable alternatives to proceeding with the proposal in its current form (e.g. design, scale, location);
- the strategic importance of the proposal (that it aligns with WNMP policies and supports the Plan Objectives);
- the extent to which the proposal meets Welsh Government or national policy and complies with other relevant information and marine planning policy and guidance, such as MPNs and/or Cabinet Statements;
- the extent to which the sector objectives and policy of the safeguarded sector would be adversely impacted;
- the extent to which alternative resource is available to the focus sector; and the impacts upon other marine users.

21. It is the responsibility of the applicant to formulate and present a robust case for proceeding.

22. It is the responsibility of the sector for whom resources are safeguarded to make appropriate representations regarding compatibility of a proposal with resource safeguarding afforded through SRAs.

23. As set out in the WNMP, the ability of the MOD to defend the nation is paramount and marine activities and developments must not adversely affect strategic defence interests (WNMP paragraph 301). As such, strategic defence interests and activities necessary for defence and national security will be

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deemed to satisfy the requirements for a case for proceeding, even where there are residual adverse impacts on the ability of the focus sector to access the safeguarded resource.

24. Due to the importance of Nationally Significant Infrastructure Projects (NSIPs), where an NSIP has significant adverse impact(s) on safeguarded areas of resource, and these impacts cannot be adequately addressed through avoidance, minimisation or mitigation measures, decision makers should prioritise the proposed NSIP. This does not remove the need for proposed NSIPs to avoid, minimise or mitigate, as much as practical, any adverse impacts on safeguarded area(s) of resource

25. The safeguarding provided by SAF_02 does not take precedence over Port/ Harbour Authority legal “conservancy” powers for the management and safe passage of all vessels within harbour waters, including managing navigation aids and dredging. Such powers include acquisition of businesses and land; harbour and navigation powers to maintain, improve, protect and regulate harbour use and to issue byelaws; powers to maintain and improve harbour services and facilities; to designate anchorages and moorings, to deepen or dredge; and to licence marine works which construct, extend or alter works structures.

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