



Llywodraeth Cymru
Welsh Government

**Welsh National Marine Plan:
Draft Marine Planning Notice –
Introduction of Strategic Resource Areas
and Activation of Safeguarding Policy for
Tidal Stream Energy
Consultation Version**

March 2024

Contents

Introduction	3
Use of this Marine Planning Notice in decision making	3
Strategic Resource Areas	3
The tidal stream energy sector	5
The Strategic Resource Areas for tidal stream energy	5
Identification of the Strategic Resource Areas for tidal stream energy	10
Soft constraints and the Welsh National Marine Plan policy framework	12
Amendment and withdrawal of this Marine Planning Notice	13
Figure	
Figure 1: The WNMP sets out a diverse suite of policies to ensure that natural resources are sustainably managed for the benefit of both current and future generations, so that our seas and marine ecosystems are healthy and resilient, supporting a thriving, sustainable economy	11

Introduction

1. The Welsh Ministers, as the marine plan authority for the Welsh inshore and offshore marine area, have determined, from the date of issue of this Marine Planning Notice (MPN), to introduce Strategic Resource Areas (SRAs) activating, in relation to those SRAs, Welsh National Marine Plan (WNMP) safeguarding policy SAF_02 for tidal stream energy.

Use of this Marine Planning Notice in decision making

2. This MPN is, from the date of its issue, a relevant material consideration in determinations taken by public authorities under section 58 of the Marine and Coastal Access Act (2009) (MCAA). The activation of safeguarding policy SAF_02 within the mapped SRA boundaries must, from this date, be considered in all decisions by public authorities who make decisions with the potential to affect the marine plan area¹.
3. The maps describing the SRAs for tidal stream energy are presented in this MPN. All maps are also published on the [Wales Marine Planning Portal](#).
4. This MPN should be read in conjunction with the WNMP and the [Welsh National Marine Plan: implementation guidance](#).

Strategic Resource Areas

5. Paragraphs 46-61 of the WNMP make provision, through the publication of MPNs, for SRAs which activate and focus WNMP safeguarding policy SAF_02.
6. SRAs are discrete areas of natural resource, with potential to support future sustainable use by a specific sector, to which safeguarding is considered appropriate and is applied through WNMP policy SAF_02.

¹ This includes all decisions which are open and/or undetermined at the date of adoption.

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.

7. SRAs do not guide development either to or away from an area, or confer or confirm development suitability. All proposals coming forward within an SRA must follow normal authorisation and consenting procedures. All environmental regulation (and policies within the WNMP) will need to be applied in full for any development progressed within any SRA (as they are within all other locations). Certain activity may not be appropriate in an SRA because of the requirement to protect Marine Protected Area (MPA)² features or for other reasons.
8. SRAs will not conflict with the designation of MPAs or the completion of Wales's contribution to an ecologically coherent network of MPAs. Maintenance or achievement of 'favourable conservation status' for sites of national, European and international importance (both MPAs and terrestrial sites) within or outside SRAs would be a "clear and convincing reason for proceeding" with nature conservation proposals requiring authorisation that might otherwise be incompatible with resource safeguarding within an SRA.
9. The safeguarding provided by SAF_02 does not take precedence over the protection provided by the Habitats Regulations. Incompatibility with resource safeguarding within an SRA cannot be relied on for a "no alternatives" derogation argument. The avoidance of adverse effects on sites of national, European and international importance would always be a "clear and convincing" reason for nature conservation proposals to proceed within an SRA, even where these proposals are unable to demonstrate appropriate compatibility with resource safeguarding within that SRA.
10. 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,

² Marine Protected Area (MPA) is an umbrella term for a network of protected sites which are ecologically coherent and well managed. The network is comprised of Marine Conservation Zones (MCZs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites and Sites of Special Scientific Interest (SSSIs). There are 139 sites in Welsh waters: 13 SPAs; 15 SACs; 1 MCZ; 107 SSSIs and 3 Ramsar.

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 license marine works which construct, extend or alter

works structures. Port/Harbour authorities determine their own priorities within their areas of jurisdiction.

11. Implementation Guidance on the application, in relation to SRAs, of WNMP safeguarding policy SAF_02 in decision making can be found at [Welsh National Marine Plan: implementation guidance](#).

The tidal stream energy sector

12. Supporting the development of tidal stream energy generation is a strategic priority for Welsh Government, with the Programme for Government 2021 to 2026 including commitments to support Wales to become a world centre of emerging tidal technologies.
13. Tidal stream energy is an emerging and innovative industry, with potential to play a part in the decarbonisation of our energy system and achieving net zero targets. Tidal stream energy development also has the potential to offer high quality employment and supply chain opportunities, supporting Wales's coastal communities.

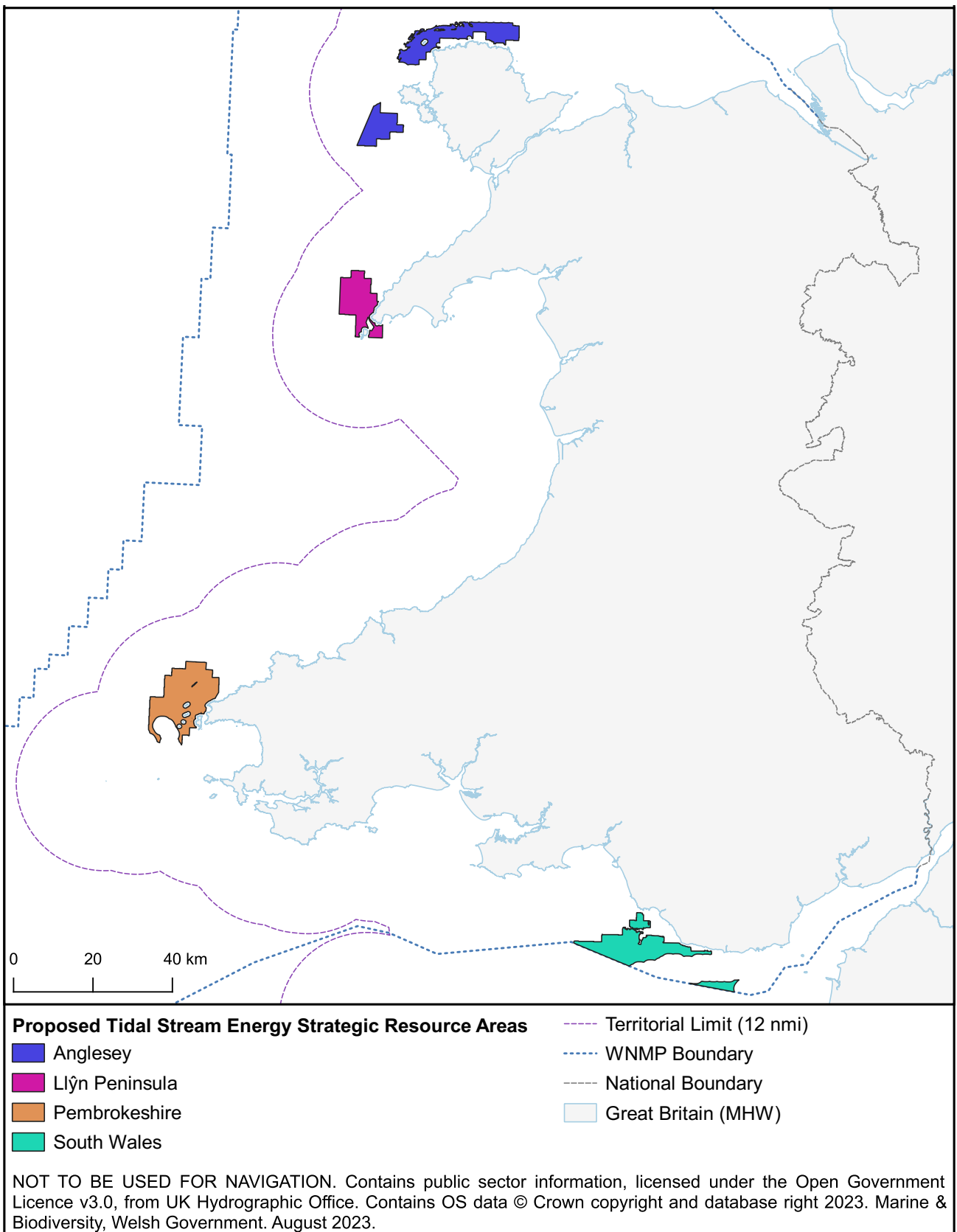
14. Tidal stream energy resource occurs in several areas around the Welsh coast, mainly where water flows are restricted, such as areas around coastal headlands. However, there are a limited number of small and discrete areas where sector activity may realistically be possible.
15. Safeguarding these areas of resource through the introduction of SRAs is, therefore, key to ensuring that the potential for the tidal stream energy sector to submit future applications to locate activity in these areas is not inappropriately compromised by short term planning and consenting decisions relating to other sectors.

The Strategic Resource Areas for tidal stream energy

16. During the initial phase of SRA mapping, specific SRAs have been identified to safeguard specific areas of resource around the coast of Anglesey, off the Llŷn peninsula and Pembrokeshire and off the South Wales

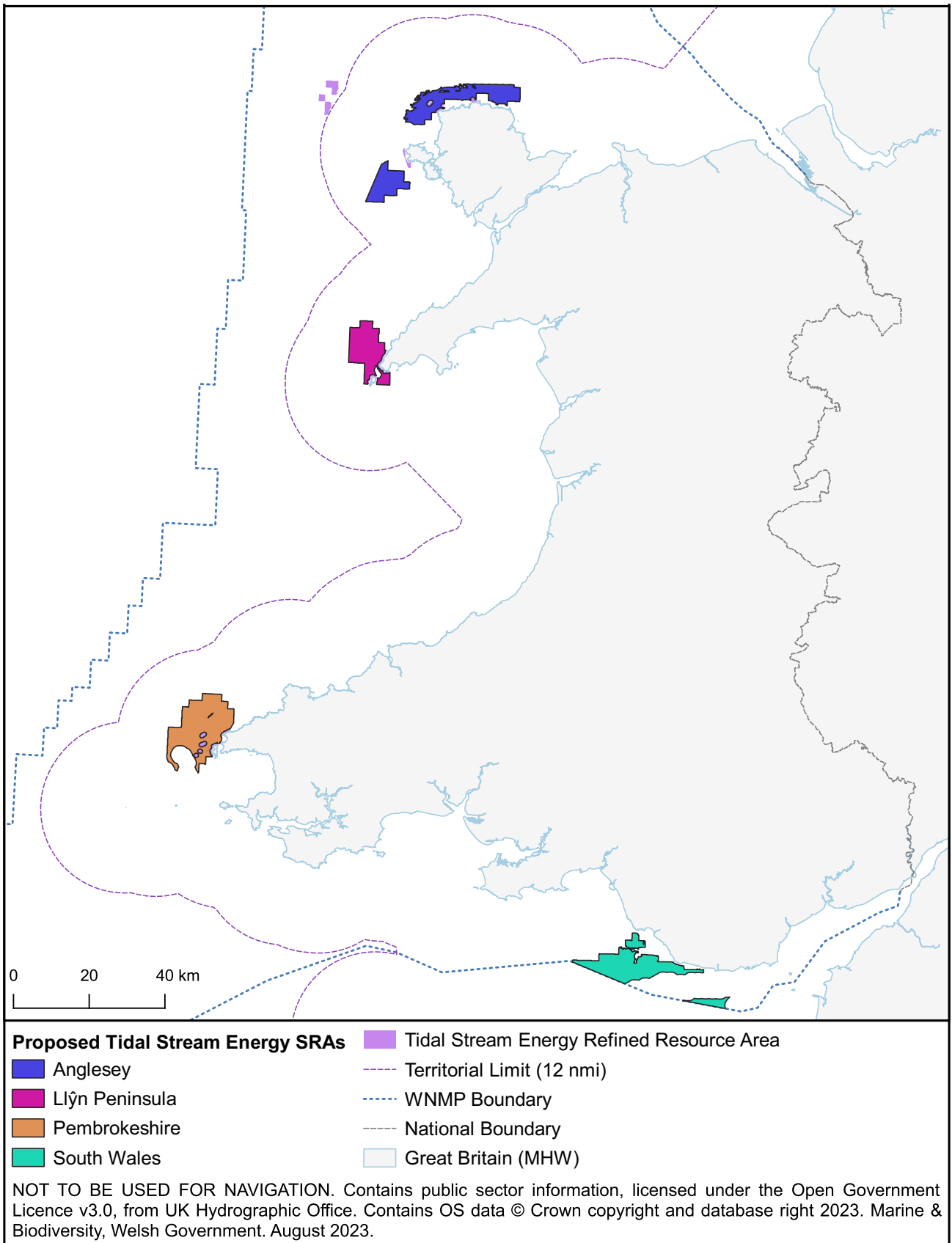
coast. These areas cover both surface and seabed/water-column resource and are shown in Map 1: Proposed Strategic Resource Areas for tidal stream energy.

Map 1: Proposed Strategic Resource Areas for tidal stream energy

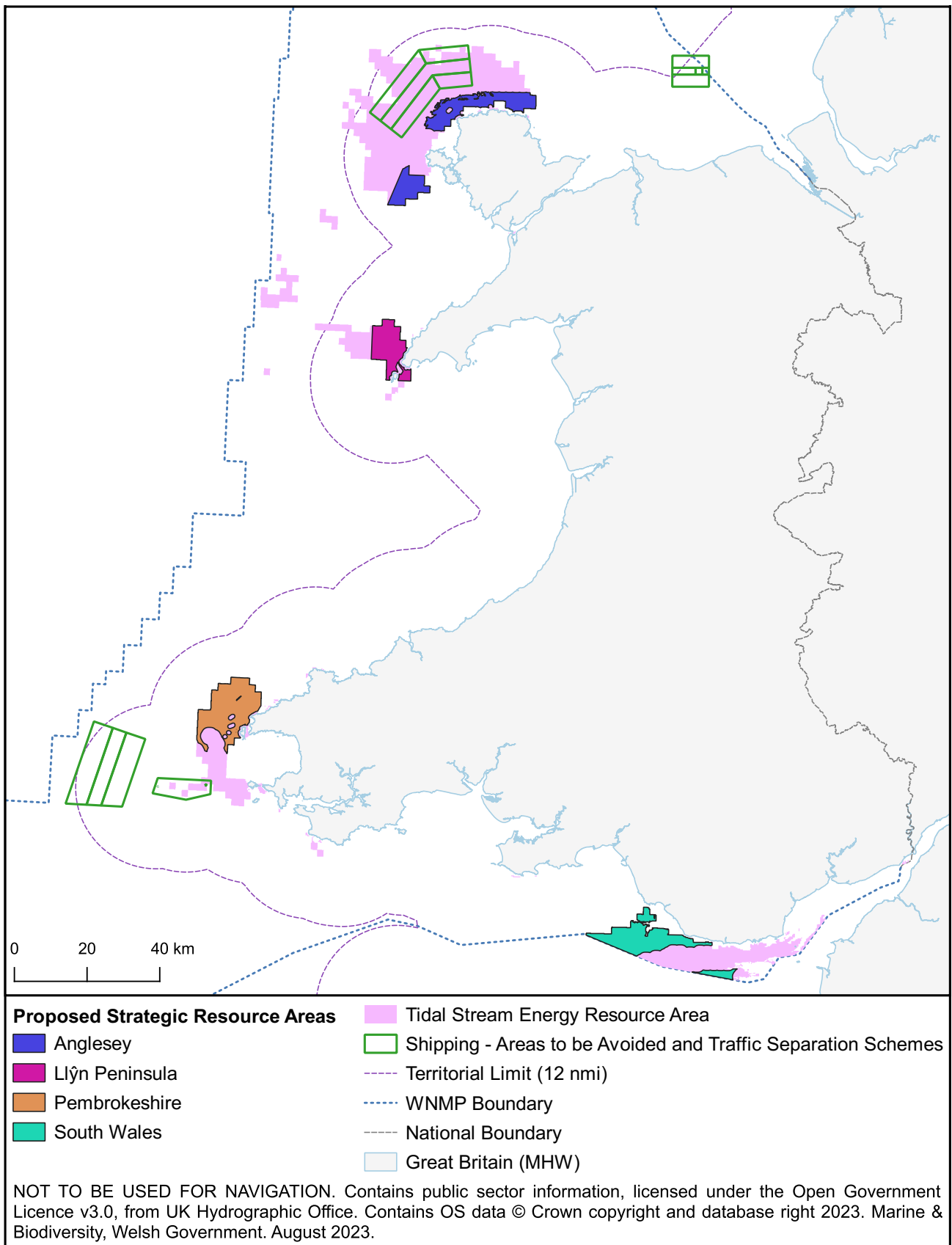


17. Not all areas of tidal stream energy resource occurring in the marine plan area currently benefit from safeguarding through policy SAF_02. Tidal stream energy is an emerging sector, with different types of tidal stream devices at various stages of proof of concept and testing. While some isolated areas of tidal stream resource occur in the offshore plan area, the tidal stream energy SRAs are therefore focused on resource in the inshore area, which is likely to be of most interest for potential development in the short to medium term. However, in recognition of wider resource potential, the identified SRAs can be viewed alongside the wider non-safeguarded tidal stream energy Refined Resource Area, see Map 2: Refined Resource Area and proposed Strategic Resource Areas for tidal stream energy. The Refined Resource Area delineates areas where water depth and current speed may be appropriate to support tidal stream energy generation, from which hard constraints (factors, such as existing infrastructure, which mean that there is no realistic prospect of the sector operating) have been removed.
18. In recognition of legal and regulatory protection applying to shipping activity and navigation interests, some areas of tidal stream energy resource coinciding with busy shipping lanes (around Anglesey and off South Wales) have also not been included within the current SRAs for tidal stream energy. However, it is recognised that, at an individual project-level, measures can often be taken to mitigate navigational safety implications and to ensure sufficient under-keel clearance, making development in these areas potentially viable. Developing an understanding of how tidal stream energy technologies could locate in these areas is an important focus for the sustainable development of the sector. The identified SRAs should therefore be viewed alongside the wider non-safeguarded tidal stream energy Resource Area (where water depth and current speed may be appropriate to support tidal stream energy generation, but no further consideration of potential for or appropriateness of future use has been undertaken), see Map 3: Resource Area and proposed Strategic Resource Areas for tidal stream energy.
19. The identification of SRAs for tidal stream energy does not indicate any planning intent regarding preferred locations for tidal stream development. There is no requirement for the sector to bring forward proposals to locate within an SRA, nor are proposals to locate outside an SRA precluded. Proposals for tidal stream energy development can come forward and be considered on their individual merits both within or outside an SRA.
20. If an application is made for a tidal stream energy development within an SRA, the identification of an SRA does not provide any planning support. Equally, there is no presumption that non-tidal stream development within a tidal stream energy SRA is automatically precluded. SRAs alert those proposing future development to the presence of areas of tidal stream energy resource, which they otherwise might not have considered. This should ensure that these areas are not unnecessarily or inappropriately sterilised, whilst allowing other development to proceed where adequate compatibility can be achieved or there is a clear and convincing case for proceeding.

Map 2: Refined Resource Area and proposed Strategic Resource Areas for tidal stream energy



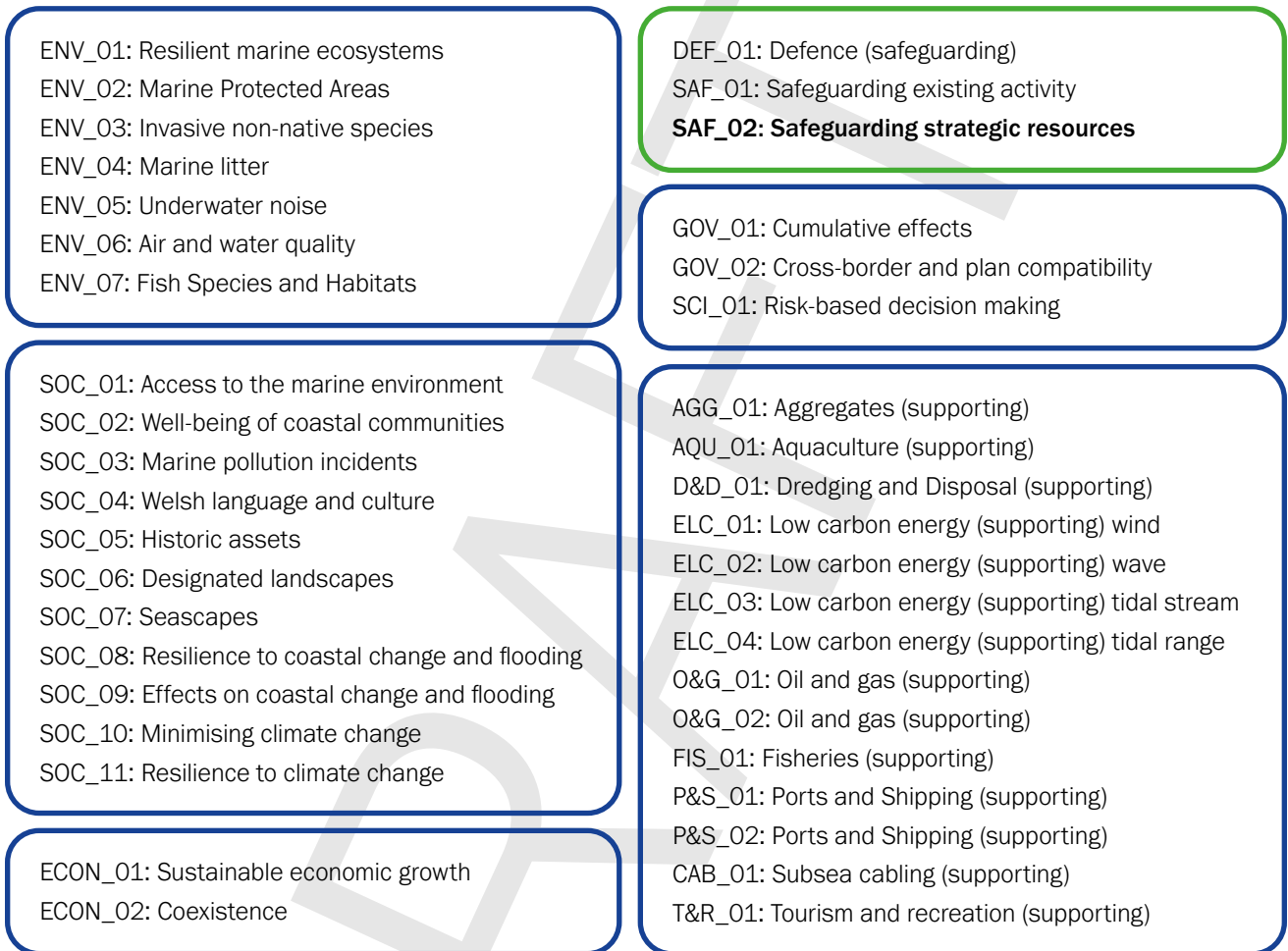
Map 3: Resource Area and proposed Strategic Resource Areas for tidal stream energy



Identification of the Strategic Resource Areas for tidal stream energy

21. In determining to introduce SRAs, the Welsh Ministers have, in line with the criteria in paragraphs 50-55 of the WNMP, had regard to the overall need for and benefit of the approach, together with the extent to which technical considerations allow for the identification of realistic, focussed and meaningful SRAs.
22. These considerations, and identification and refinement of SRA boundaries, have been progressed in line with specific **Strategic Resource Area design principles**. These Design Principles provide a framework to ensure that SRAs and the SRA mapping process:
 - Align appropriately with WNMP objectives and policies;
 - Are based on best available evidence;
 - Focus safeguarding on technically viable resource;
 - Promote opportunities for co-existence and minimise potential conflict between sectoral opportunities;
 - Balance the interests of the tidal stream energy sector with the regulatory burden upon other sectors resulting from the introduction of SRAs;
 - Are proportionate to a sector's current scale of operation and potential growth rate; and
 - Provide clarity of safeguarding, ensuring proportionate, coherent and spatially focussed SRAs.
23. The identification of SRAs has been informed and underpinned by extensive evidence and spatial analyses, as set out within the SRA derivation report (see **Strategic Resource Areas: guidance**).
24. Proposed SRAs were subject to plan level assessments, including Strategic Environmental Assessment screening and Habitats Regulations Assessment screening (see **Strategic Resource Areas: guidance**) and public consultation, with Welsh Ministers having due regards to representations received in taking the decision to introduce SRAs for tidal stream energy.
25. The Strategic Environmental Assessment screening and Habitats Regulations Assessment screening concluded that the implementation of an SRA MPN will not have any direct likely significant effects on the environment, as there are no mechanisms by which such effects occur. Whilst any future development within an SRA could lead to impacts, these are managed through the marine policy framework provided in the WNMP (see Figure 1), including the consideration of soft constraints.

Figure 1: The WNMP sets out a diverse suite of policies to ensure that natural resources are sustainably managed for the benefit of both current and future generations, so that our seas and marine ecosystems are healthy and resilient, supporting a thriving, sustainable economy.



Soft constraints and the Welsh National Marine Plan policy framework

26. Any consideration of use within an SRA must take into account a wide range of matters, including soft constraints relating to sector-sector and sector-environment interactions. An overview of soft constraint considerations is available through the [Wales Marine Planning Portal](#).
27. All proposals coming forward within an SRA, whether from the tidal stream energy sector or from other sectors, will need to consider interactions with and impacts in relation to all relevant soft constraints. The soft constraints mapping on the Wales Marine Planning Portal provides evidence to facilitate identification and consideration of relevant soft constraints by developers and as part of management and authorisation decisions. Referral to soft constraints mapped outputs will also assist day-to-day management and authorisation decisions to facilitate co-existence and avoid spatial conflicts.
28. Consideration of soft constraints in the safeguarded SRAs will help to assess potential for future development opportunity (policy ECON_01), alongside managing sectoral spatial conflicts by facilitating co-existence (policy ECON_02).
- It will also increase understanding of how important economic activity can be guided away from the most environmentally sensitive areas, in particular through compliance with policy ENV_01 to avoid, minimise or mitigate adverse impacts on marine ecosystems and policy ENV_02, which reinforces the importance of securing the coherence of and avoiding adverse impacts on the MPA network and other protected sites.
29. In some situations, it is recognised that soft constraints may act as a very significant limitation to the prospects of future development potential within an SRA for certain types of projects. However, in other situations, design, mitigation and/or compensation measures may provide an option to allow a project to proceed without inappropriate adverse impacts, meaning a soft constraint does not necessarily limit development in all circumstances. Where multiple soft constraints spatially and temporally overlap, any development proposal should recognise the potential higher degree of consenting complexity and the need to address this to the satisfaction of the relevant public authority decision maker.

Amendment and withdrawal of this Marine Planning Notice

30. The SRA maps for tidal stream energy, as set out in this MPN, and the activation of safeguarding policy SAF_02 in relation to these SRAs, apply from the date of publication of this MPN until such time that they are amended or withdrawn by Welsh Ministers through the revision or withdrawal of this MPN.
31. Welsh Ministers may, based upon appropriate evidence and consultation and having regard to any representations received, decide to amend or withdraw any of the SRAs introduced via this MPN, through the revision or withdrawal of this MPN. Any amendments to this MPN, the SRAs introduced through this MPN or the application of safeguarding policy SAF_02 will be progressed in line with the provisions of the WNMP.
32. Welsh Ministers will consider, from time to time, the ongoing effectiveness of the MPN and whether there is a need to amend or withdraw this MPN.