



Llywodraeth Cymru
Welsh Government

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Habitats Regulations Assessment and Marine Conservation Zone Assessment: screening opinion

Updated screening opinion on the draft Strategic Resources Areas Marine Planning Notice for Tidal Stream Energy resources.

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Welsh National Marine Plan - Strategic Resource Areas Habitats Regulations Assessment Screening Opinion and Marine Conservation Zone Assessment Screening Opinion

The Welsh Ministers, as the marine plan authority for the Welsh inshore and offshore marine area, are publishing a Marine Planning Notice (MPN) to introduce Strategic Resource Areas (SRAs) and to activate, in relation to those SRAs, Welsh National Marine Plan (WNMP) safeguarding policy SAF_02 for Tidal Stream Energy resources.

Welsh Government, as the competent authority for the Marine Plan and the publication of the MPN, considers it necessary to determine whether the SRA MPN for Tidal Stream Energy resources will require an ‘appropriate assessment’ in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’) and Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017 (the ‘Offshore Habitats Regulations’) (i.e. an MPN is considered a ‘plan’ within the scope of the Regulations).

SRA MPNs are not plans “directly connected with or necessary to” the management of any specific European sites and the Regulation 63(1)(b) and 28(2)(c) exemptions do not therefore apply to the SRA MPNs.

However, having reviewed all aspects of the SRA MPN for Tidal Stream Energy resources, including the associated Marine Plan policies (notably SAF_02), it has been concluded that the SRA MPN can be eliminated from further assessment because it cannot have any conceivable effect on a European site. This conclusion is based on the following fundamental characteristics of the MPN and the associated Marine Plan policies:

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- the MPN will be entirely supplementary to and contingent on the Marine Plan, will not introduce any new policies, and cannot conflict with the Marine Plan policies
- the SRAs will operate with SAF_02 to safeguard resources against inappropriate sterilisation and facilitate proactive dialogue between sectors when planning future activities; they do not safeguard resources for development or facilitate or promote any development or other activities
- all proposals coming forward within an SRA must follow normal authorisation and consenting procedures, and the overarching protective policies within the Marine Plan. The SRAs will have no bearing on the absolute acceptability (or not) of specific developments; nor will they confer rights, support, planning determination benefit (etc.) for development by a particular sector; nor imply any scale or rate of development or resource use
- the SRAs will not result in indirect or secondary effects on European sites though other mechanisms, such as by creating a perception of support, inadvertently displacing activities, impeding conservation measures or by providing indirect support for development that might adversely affect a European site

Supporting evidence is provided in:

- **[Strategic Resource Areas and Marine Planning Notices Habitats Regulations Assessment Technical Note](#)**
- **[Habitats Regulations Assessment: addendum to technical note](#)**

Welsh Government, as the competent authority for the Marine Plan and the publication of the MPN, also considers it necessary to determine whether the SRA MPN for Tidal Stream Energy resources will require a 'section 126' assessment relating to significant risks of hindering the achievement of the conservation objectives stated for Marine Conservation Zones (MCZ) in accordance with Part 5 of the Marine and Coastal Access Act 2009.

The mechanisms by which an MPN introducing an SRA could affect an MCZ are

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the same as for Marine Protected Areas subject to HRA. As such, despite the different steps within 'appropriate assessment' and 'section 126' assessment, the HRA screening conclusions and the underpinning rationale also apply to MCZs, in that SRAs do not introduce any mechanisms by which significant effects on any MCZ would be likely, alone or in combination, due to the fundamental characteristics that will be common to SRA MPNs across all sectors.

Supporting evidence is provided in:

- **[Strategic Resource Areas and Marine Planning Notices Habitats Regulations Assessment Technical Note](#)**
- **[Habitats Regulations Assessment: addendum to technical note](#)**

The SRA MPN will therefore have no significant effect, alone or in combination, on any European sites or MCZs. .

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