

Wales National Marine Plan: Strategic Environmental Assessment (SEA) Screening of the Strategic Resource Area Marine Planning Notice

1. Purpose and Summary

- 1.1.1 This Technical Note provides the draft Strategic Environmental Assessment¹ (SEA) screening of the proposed Strategic Resource Areas (SRAs) Marine Planning Notice (MPN) which is being developed by the Welsh Government (WG) under the Welsh National Marine Plan (the WNMP).
- 1.1.2 The SEA screening uses information made available by WG and the likely contents of the SRA MPN, taking into account that the work on the MPN and SRAs is ongoing and yet to be completed. In consequence, the SEA screening has provisionally concluded that there will be no formal requirement to complete an SEA. Whilst the SRA MPN qualifies as a relevant plan or programme and is within an appropriate sector, it does not set the framework for future development consent and will not have likely significant effects on European sites necessitating assessment under the Habitats Regulations². In consequence, the requirements for SEA under the relevant regulations are not met.
- 1.1.3 The requirement to undertake Sustainability Appraisal (SA) of the SRA MPN has also been considered. Whilst ambiguous, taking the precedent of examples of marine planning in Scotland and land use planning in Wales and England, it has concluded that the same approach should apply, and that SA of the SRA MPN need not be undertaken.
- 1.1.4 These provisional conclusions have been discussed with NRW.
- 1.1.5 It is recommended that this SEA screening and provisional conclusions are kept under active review by Welsh Government to reflect any changes once further information on the content of the SRA MPN is finalised.
- 1.1.6 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.

¹ HM Government (2004) The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 1633).

² HM Government (2017) The Conservation of Habitats and Species Regulations 2017 (SI 1012)

2. Background

2.1 Welsh National Marine Plan, Marine Planning Notice and Strategic Resource Areas

- 2.1.1 The WNMP was published on the 12th of November 2019 by the WG. It applies to the inshore and offshore Welsh marine plan regions and has been prepared and adopted under the Marine and Coastal Access Act (MCAA) 2009 in conformity with the UK Marine Policy Statement (MPS). The WNMP seeks to guide the sustainable development of Wales' marine area by setting out how proposals will be considered by decision makers, and by providing tools to facilitate spatial planning in the marine environment.
- 2.1.2 The WNMP includes safeguarding policies that aim to ensure compatibility between current sector activities and/or some potential future activities when considering new proposals; the policies largely formalise common planning practice (i.e. consideration of the potential tensions between sectors and the management of this) but ensure that these considerations are made in a structured and timely manner at an appropriate stage in the proposal development or determination process. There are four safeguarding policies in the WNMP:
- **DEF_01** safeguards activities related to the Defence Sector.
 - **SAF_01a** and **SAF_01b** apply to the safeguarding of existing non-defence related activities (depending on whether the activity requires a formal authorisation (01a) or not (01b)).
 - **SAF_02** safeguards strategic resources that particular sectors may wish to utilise in the future and aims to ensure that these are not sterilised or otherwise significantly constrained by incompatible activities. This will be achieved by the identification of **Strategic Resource Areas (SRAs)** through **Marine Planning Notices (MPNs)** supported by **Implementation Guidance³ (IG)**.

Strategic Resource Areas

- 2.1.3 SRAs are defined in paragraph 47 of the Plan as "...a tool to improve the management of marine activities, space and resources, helping to support the management of sector-sector interactions and providing a focus for further strategic planning". They are discrete, delineated areas of natural resource with the potential to support future sustainable use by a specific sector.
- 2.1.4 In line with the provisions set out in paragraphs 53-55 of the WNMP, WG is proposing to identify SRAs to safeguard areas of resources (upon which a sector is dependent) from significant adverse impacts from any future new proposals.

³ [Welsh Government \(2020\) Welsh National Marine Plan Implementation Guidance.](#)

2.1.5 SRAs could be developed for a number of sectors identified in the WNMP. WG has signalled its intent to explore the potential identification of SRAs in relation to the following sectors:

- wave energy resources;
- tidal stream energy resources;
- tidal range energy resources;
- floating offshore wind energy resources;
- aggregate resources; and
- aquaculture (shellfish and seaweed) resources.

2.1.6 Work to map and develop potential SRAs is being progressed by WG in partnership with stakeholders and in line with criteria set out within the WNMP and SRA design principles⁴. These include but are not limited to:

- Identify and exclude areas of sector-specific 'hard' constraints⁵ [for example, in relation to SAF_01a].
- Take account of 'soft' constraints⁶ and amend a potential SRA as appropriate [for example, considering existing activity (SAF_01b); environmental considerations (policies ENV_01, 02, 07); social/cultural considerations (policies SOC_05, 06, 07)].
- Seek to minimise conflict between sectoral opportunities.
- Seek to promote coexistence⁷ and optimise spatial planning for resource safeguarding.
- Avoid SRAs overlapping each other where coexistence between activities may not be possible.
- Ensure clarity of safeguarding through avoiding disproportionately complex boundaries and disjointed or fragmented areas, where possible, in the final proposed SRAs.

2.1.7 SRAs are intended to operate with SAF_02 in order to identify sector specific resource areas for safeguarding for potential future use with no inference regarding the acceptability or unacceptability of specific developments; therefore:

⁴ [Welsh Government \(2021\) Welsh National Marine Plan Strategic Resource Area \(SRA\) Identification: Design Principles.](#)

⁵ Hard constraint – a spatial consideration which means, for the lifetime of that constraint, new development for a particular sector is, in practice, not possible. For example, significant fixed infrastructure would be considered a hard constraint in relation to new aggregate extraction.

⁶ Soft constraint – a spatial consideration which relates to a particular sector. Soft constraints may have a varying degree of relevance to the prospects and nature of a new development. For example, a Marine Protected Area would be an important consideration for a new renewable energy development but does not necessarily mean new development cannot progress.

⁷ The WNMP defines coexistence as when multiple developments, activities or uses can exist alongside or close to each other in the same place and/or at the same time. Co-location is a subset of coexistence and is where multiple developments, activities or uses coexist in the same place by sharing the same footprint or area. (WNMP paragraph 98).

- 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.

2.1.8 SRAs are simply intended to safeguard resources and facilitate proactive dialogue between sectors when planning future activities. Paragraph 48 of the WNMP sets out the purpose of SRAs: "SRAs, where introduced, will guide related sector safeguarding policy. SRAs do not necessarily confer development suitability nor do they sterilise an area from development by other activities. Unless specified, SRAs do not imply any particular scale or rate of development or resource use and certain human activity may not be appropriate in an SRA because of the requirement to protect MPA features. Areas safeguarded by an SRA may reflect the long-term potential for a sector over the lifetime of this Plan or beyond."

Marine Planning Notice

- 2.1.9 SAF_02 safeguards strategic resources for future potential use enabled by the spatial mapping of the relevant natural resources. The supporting text to the policy (paragraph 250) states the "policy will apply to an SRA from the point at which it is introduced through the publication of a MPN". This is aligned to earlier text in the WNMP (paragraph 50) which states "...the marine planning authority may introduce SRAs through the publication of a MPN".
- 2.1.10 WG has indicated that the structure and contents of the MPN is likely to be similar to the following:
- Provides a statement that it is issued by Welsh Ministers.
 - Provides a clear statement of the role and status of the MPN in decision making (referring back to the relevant provisions in the WNMP).
 - States that the MPN formally activates WNMP policy SAF_02 with regards to the relevant SRAs for the identified sectors.
 - States the date from which this comes into force and the actions required from the different parties from this date i.e. all decision makers to apply WNMP policy SAF_02 in relation to the relevant sectors.
 - Sets out the provisions under which the SRA has been identified and policy WNMP policy SAF_02 is activated.
 - Sets out the rationale / justification for taking this action.
 - Summarises the process by which the SRA has been identified and developed.

- Sets out the scope / extent of the activation of WNMP policy SAF_02 and the details of the SRA (the sector, the safeguarded area(s) of natural resource).
- Provides guidance on the interpretation of 'compatibility' and the 'case for proceeding' within SAF_02.
- States SRAs do not guide development and all proposals coming forward within the SRA will need to follow normal authorisation and consenting procedures.
- Includes map(s) of the SRA safeguarded area(s) of natural resource – and signposts to the Marine Planning Portal for 'live' detailed mapping.
- Sets out the provisions/arrangements for updating, reviewing and withdrawing an MPN / SRA.
- Signposts to the underpinning evidence pack (maps, spatial evidence, impact assessments, Sector Locational Guidance, consultation responses etc.) and sources of further guidance e.g. the Implementation Guidance.

2.1.11 With regard to the guidance that the MPN will provide to decision makers concerning the interpretation of 'acceptable compatibility' and the 'case for proceeding' within SAF_02, the WG has not concluded which approach to follow (whether prioritisation, criteria or a combination of both). WG indicates that any guidance would need to reflect:

- Specific interactions between individual sectors / individual sector SRAs, and to the specific locations of these SRAs and would be tailored for each SRA.
- Issues for consideration as part of a case for proceeding where there are residual adverse impacts which could include reference to:
 - ▶ the strategic need for the proposal;
 - ▶ that there are no reasonable viable alternatives to proceeding with the proposal in its current form (e.g. design, scale, location);
 - ▶ that need for and/or benefits of proceeding with the proposal outweigh the adverse impacts on the safeguarded resource.

2.1.12 Such guidance, if it were contained in the MPN would be a relevant consideration in determinations under s.58 of the MCAA. As such, it would be supplementary to the requirements in the WNMP.

2.2 Strategic Environmental Assessment

Overview

2.2.1 SEA became a statutory requirement following the adoption⁸ of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the

⁸ EU law has ceased to apply in the UK under the terms of the Withdrawal Agreement and EU Treaties. The European Union (Withdrawal) Act 2018 (EUWA) has established a new body of domestic law known as retained EU law. Any

SEA Directive). In Wales, this was transposed into legislation on 12th July 2004 as Statutory Instrument 2004 No.1656 - The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004. These apply to plans and programmes whose effects are wholly within Wales; however, if plans or programmes could affect more than one country in the UK, then The Environmental Assessment of Plans and Programmes Regulations 2004 (Statutory Instrument 2004 No.1633) (the SEA regulations) would apply. The WNMP was assessed against the UK SEA regulations.

- 2.2.2 SEA is a systematic decision support process, aiming to ensure that the likely significant environmental effects of plans and programmes are identified, described and assessed to avoid, manage or mitigate any significant adverse effects and to enhance any beneficial effects. In this context, the purpose of SEA is to encourage relevant plan authors to integrate environmental considerations into the development of any plan or programme. Generally, a SEA is therefore conducted before an Environmental Impact Assessment (EIA) is undertaken.
- 2.2.3 In consequence, and for the purposes of this SEA screening, the emerging MPN is considered the relevant plan or programme (as opposed to any individual SRA).

3. SEA Screening

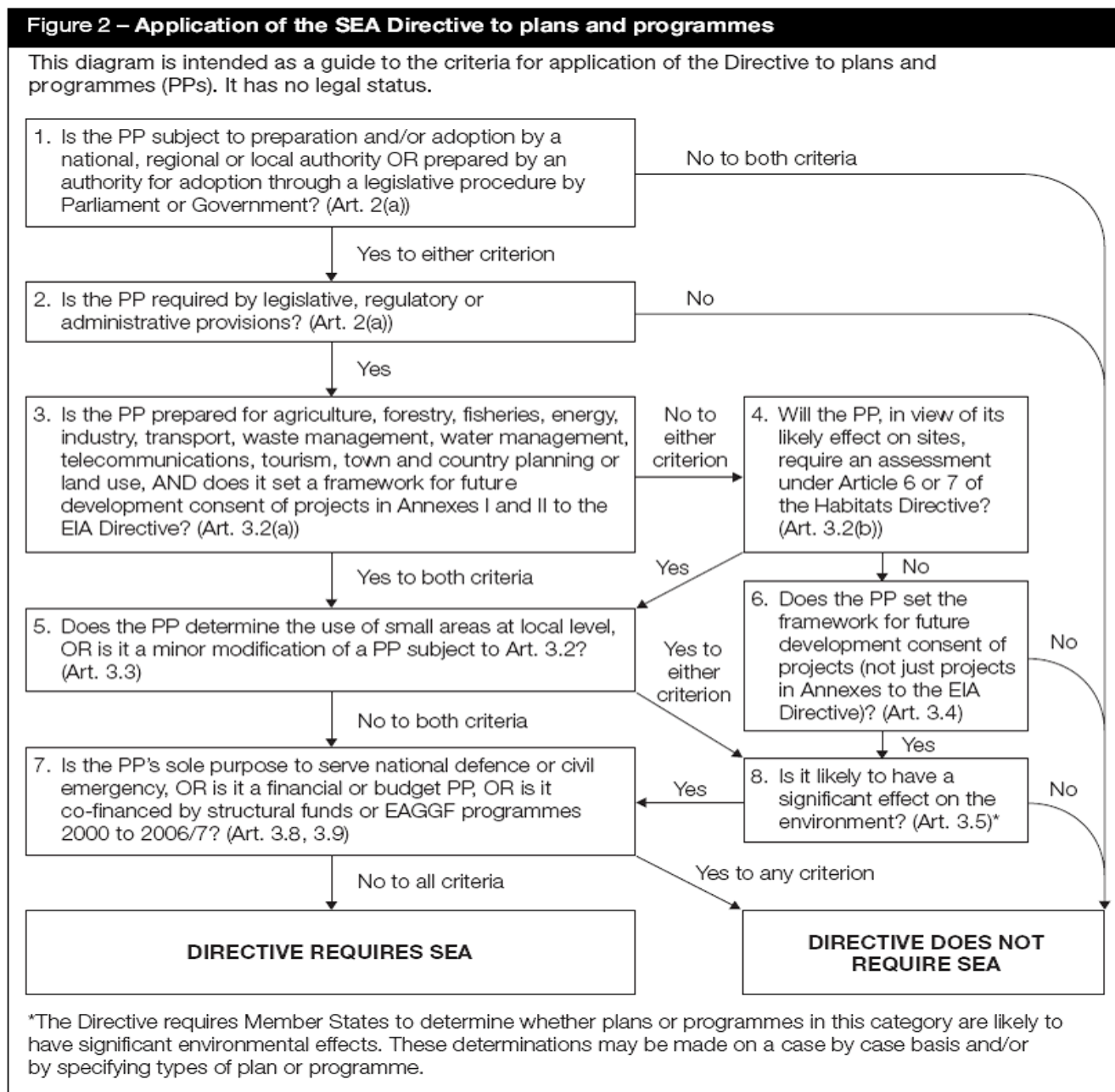
3.1 Screening Approach and Outcomes

- 3.1.1 **Figure 3.1**⁹ outlines the screening process for determining whether SEA of the WG MPN is required.

references to EU Directives in this Technical Note should be read as references to the domestic legislation that implemented the Directive (including that domestic legislation as it is revised or replaced from time to time).

⁹ Figure 2 from the 2005 ODPM Practical Guidance

Figure 3.1 SEA screening process



3.1.2 The stages outlined in **Figure 3.1** have been converted into a *pro forma*, which has then been completed for the MPN (see **Table 3.1**). For completeness, a response has been provided to each question, although it is noted that is not essential when following the decision tree within the diagram.

Table 3.1 Screening for the need for SEA of the WNMP MPN for SRAs

SEA screening question	Y/N	Detail
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	<p>The MPN as the relevant PP is subject to preparation by the Welsh Government, a national authority.</p> <p>Welsh Ministers are identified as the relevant marine planning authority under Section 50(2d and 2e) of the MCAA 2009 and Welsh Government is proposing to progress, in line with the provisions set out in paragraphs 53-55 of the WNMP, the identification of SRAs to safeguard, from significant adverse impacts from any future new proposals, areas of resources upon which a sector is dependent. Paragraph 50 of the WNMP states that "...the marine planning authority may introduce SRAs through the publication of a MPN".</p>
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	<p>The decision to proceed with the MPN will be the Welsh Ministers, as the relevant marine planning authority, who will then require the preparation of the MPN consistent with the following legislative and administrative provisions:</p> <ul style="list-style-type: none"> • Section 51(9) of the MCAA2009 states that "A marine plan may also include statements or information relating to policies contained in the plan". • Paragraph 33 of the WNMP states that "Supplementary planning documents (e.g. Implementation Guidance (IG) and Marine Planning Notices (MPNs)) may provide further support and spatial guidance for policy implementation". • Paragraphs 46-61 of the WNMP makes provision for introducing, through the publication of MPNs, SRAs which activate and focus WNMP safeguarding policy SAF_02 for potential future sustainable resource use. • Paragraph 50 of the WNMP states that "...the marine planning authority may introduce SRAs through the publication of a MPN". • Paragraph 54 states that "Where the marine planning authority proposes to introduce an SRA, it should:...Identify the SRA by publishing an MPN".
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications,	Y	<p>The MPN is likely to include SRAs in relation to emerging marine renewable energy technologies (wave energy resources, tidal stream energy resources and, potentially, tidal range energy resources and floating offshore wind energy resources), as well as aggregate resources and aquaculture resources.</p>

SEA screening question	Y/N	Detail
<p>tourism, town and country planning or land use,</p> <p>AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))</p>	N	<p>EC SEA Guidance¹⁰ advises that whilst there is no definition in the text to the phrase “to set a framework for future development consent”, it would normally be interpreted to mean that the plan or programme contains criteria or conditions that guide the way a consenting authority decides an application for development consent. Development consent is defined in the EIA Directive as “the decision of the competent authority or authorities which entitles the developer to proceed with the project” (Article 1(2) of the EIA Directive).</p> <p>Annex II to the SEA Directive illustrates how such a framework may be set with reference to a non-exhaustive list of factors such as location, nature, size or operating conditions of projects and the allocation of [financial, natural or human] resources. This is mirrored in Schedule 1 (a) of the SEA Regulations.</p> <p>Annex I and II of the EIA Directive identify those development projects where EIA is required. Annex II includes energy industries, covered by the likely sectors to be included in the SRAs within the MPN:</p> <p>(a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);</p> <p>(i) Installations for the harnessing of wind power for energy production (wind farms).</p> <p>SRAs within the MPN do not set the framework for future development consent nor pre-determine the consenting authority’s decision on any application for development consent. The delineation of an SRA and its inclusion within the MPN does not provide any additional criteria or conditions to be used by Welsh Ministers (as the relevant marine planning authority) and relevant public authorities to make decisions, although it does give spatial expression to an area to which those criteria identified in SAF_02 could apply. However, this is insufficient to conclude that the SRA itself is responsible for the introduction of the criteria. SRAs are intended to operate with SAF_02 in order to identify sector specific resource areas for safeguarding for potential future use with no inference regarding the acceptability or unacceptability of specific developments. Specifically:</p> <ul style="list-style-type: none"> • The MPN will be entirely supplementary to and contingent on the WNMP and will not introduce any

¹⁰ EC (2001) Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment, paragraph 3.23.

SEA screening question	Y/N	Detail
		<p>new policies and cannot be in conflict with the WNMP policies.</p> <ul style="list-style-type: none"> • SRAs within the MPN do not confer rights for use or development by any sector. • SRAs within the MPN 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). • SRAs within the MPN 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 that acceptable compatibility can be achieved with the potential for sustainable tidal stream developments to be delivered in that area). • SRAs within the MPN do not imply any particular scale or rate of development or resource use. <p>The MPN will provide supplementary guidance to the interpretation of SAF_02 concerning 'adequate compatibility' and 'the case for proceeding' and may provide prioritisation and/or criteria to support decision making. These would be a relevant consideration in determinations under s.58 of the MCAA. However, any such decisions would need to be in accordance with the WNMP and the criteria established under SAF_02 (and the wider planning policy framework provided by the WNMP). In consequence, whilst the MPN may then contain criteria to support the interpretation of specific aspects of SAF_02, given the criteria's specific application, supplementary nature and weight within decision making, it is not considered that their introduction would qualify as setting 'a framework for future development consent'.</p> <p>In summary, the MPN, as currently understood would not set the framework for future development consent of projects in Annex I and II of the EIA Directive.</p>
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the	N	The MPN has 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). This process, which is commonly referred to as a Habitats Regulations Assessment (HRA), determines whether there will

SEA screening question	Y/N	Detail
Habitats Directive? (Art. 3.2 (b))		<p>be any 'likely significant effects' on any European site¹¹ as a result of the plan's implementation (either on its own or 'in combination' with other plans or projects); and, if so, whether these effects will result in any adverse effects on the site's integrity.</p> <p>The screening for HRA of the SRA MPN has concluded that it does not introduce any mechanisms by which significant effects on any European sites would be likely, alone or in combination, due to the fundamental characteristics that will be common to SRA MPNs across all sectors. In particular, the SRA MPNs will not contain "...any strategies or policies, or make any proposals or provisions for any changes that could conceivably affect a European site". The SRAs are used to implement Policy SAF_02 (itself considered a 'no significant effects' policy in the Marine Plan HRA) that:</p> <ul style="list-style-type: none"> • do not confer rights for use or development by any sector; • do not provide any direct or indirect support, or planning determination benefit, for development by a particular sector; • do not prevent use of an area by other sectors or activities; • do not imply any scale or rate of development or resource use; • will not result in indirect or secondary effects on European sites 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. <p>To reconfirm, against this criterion, the MPN is not subject to an assessment under Article 6 or 7 of the Habitats Directive</p>

¹¹ European sites' are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agreed the site as a 'Site of Community Importance' (SCI) (if this was before 31 Jan 2020); any classified Special Protection Area (SPA); and any candidate SAC (cSAC). However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (NPPF para. 176; TAN5 para. 5.2.2) when considering development proposals that may affect them. "European site" is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites. Note, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 largely carried forward the provisions and terminology of the 2017 Regulations (so the term 'European site' is currently retained and for all practical purposes the definition is essentially unchanged).

SEA screening question	Y/N	Detail
<p>5. Does the PP determine the use of small areas at a local level,</p> <p>OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)</p>	<p>N</p> <p>N</p>	<p>The MPN is a strategic document that covers areas likely to be outlined for each sector SRA, which are likely to be a subset of wider Resource Areas, as outlined by Figure 2 'Overview of Resource Areas' in the WNMP. In consequence, the MPN is not considered to meet this criterion when the EC guidance on what "small areas" may include is taken into account: "The kind of plan or programme envisaged might be a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design".</p> <p>The MPN is a new document and is not considered to be a minor modification to an existing plan (although it will build on elements of the WNMP and IG).</p>
<p>6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)</p>	<p>N</p>	<p>EC SEA Guidance¹² advises that whilst there is no definition in the text to the phrase "to set a framework for future development consent", it would normally be interpreted to mean that the plan or programme contains criteria or conditions that guide the way a consenting authority decides an application for development consent. Development consent is defined in the EIA Directive as "the decision of the competent authority or authorities which entitles the developer to proceed with the project" (Article 1(2) of the EIA Directive).</p> <p>Annex II to the SEA Directive illustrates how such a framework may be set with reference to a non-exhaustive list of factors such as location, nature, size or operating conditions of projects and the allocation of [financial, natural or human] resources. This is mirrored in Schedule 1 (a) of the SEA Regulations.</p> <p>Annex I and II of the EIA Directive identify those development projects where EIA is required. Annex II includes energy industries, covered by the likely sectors to be included in the SRAs within the MPN:</p> <p>(a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);</p> <p>(i) Installations for the harnessing of wind power for energy production (wind farms).</p>

¹² EC (2001) Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment, paragraph 3.23.

SEA screening question	Y/N	Detail
		<p>SRAs within the MPN do not set the framework for future development consent nor pre-determine the consenting authority's decision on any application for development consent. The delineation of an SRA and its inclusion within the MPN does not provide any additional criteria or conditions to be used by Welsh Ministers (as the relevant marine planning authority) and relevant public authorities to make decisions, although it does give spatial expression to an area to which those criteria identified in SAF_02 could apply. However, this is insufficient to conclude that the SRA itself is responsible for the introduction of the criteria. SRAs are intended to operate with SAF_02 in order to identify sector specific resource areas for safeguarding for potential future use with no inference regarding the acceptability or unacceptability of specific developments. Specifically:</p> <ul style="list-style-type: none"> • The MPN will be entirely supplementary to and contingent on the WNMP and will not introduce any new policies and cannot be in conflict with the WNMP policies. • SRAs within the MPN do not confer rights for use or development by any sector. • SRAs within the MPN 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). • SRAs within the MPN 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 that acceptable compatibility can be achieved with the potential for sustainable tidal stream developments to be delivered in that area). • SRAs within the MPN do not imply any particular scale or rate of development or resource use. <p>The MPN will provide supplementary guidance to the interpretation of SAF_02 concerning 'adequate compatibility' and 'the case for proceeding' and may provide prioritisation and/or criteria to support decision making. These would be a relevant consideration in determinations under s.58 of the MCAA. However, any such decisions would need to be in accordance with the WNMP and the criteria established under SAF_02 (and the wider planning policy framework</p>

SEA screening question	Y/N	Detail
		<p>provided by the WNMP). In consequence, whilst the MPN may then contain criteria to support the interpretation of specific aspects of SAF_02, given the criteria's specific application, supplementary nature and weight within decision making, it is not considered that their introduction would qualify as setting 'a framework for future development consent'.</p> <p>In summary, the MPN, as currently understood would not set the framework for future development consent of projects in Annex I and II of the EIA Directive.</p>
<p>7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or European Agricultural Guarantee Fund (EAGGF) programmes 2000 to 2006/7? (Art 3.8, 3.9)</p>	<p>N</p>	<p>The purpose of the MPN is to bring WNMP policy SAF_02 and the SRA into effect. It provides formal, supplementary planning guidance.</p> <p>It is not related to national defence or civil emergency, or is a financial or budget PP, nor is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7.</p> <p>In consequence, the MPN does not meet this criterion.</p>
<p>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	<p>N</p>	<p>Annex II of the SEA Directive (or Schedule 1 of the regulation) provides the criteria for determining likely significant effects on the environment and relate to the characteristics of the plan and the characteristics of the effects and of the area likely to be affected.</p> <p>The SRA MPN is intended to have the following fundamental characteristics:</p> <ul style="list-style-type: none"> • It will be entirely supplementary to and contingent on the WNMP and will not introduce any new policies and cannot be in conflict with the WNMP policies. • The SRAs are intended to operate with SAF_02 in order to identify sector specific resource areas that safeguards resources against inappropriate sterilisation and facilitates proactive dialogue between sectors when planning future activities; they do not safeguard resources for development. SAF_02 was appraised in the SA¹³ of the WNMP as having either neutral or positive effects (with some uncertainty), with the SA completed to also meet SEA requirements

¹³ [Welsh Government \(2019\) Welsh National Marine Plan Sustainability Appraisal Addendum, November 2019.](#)

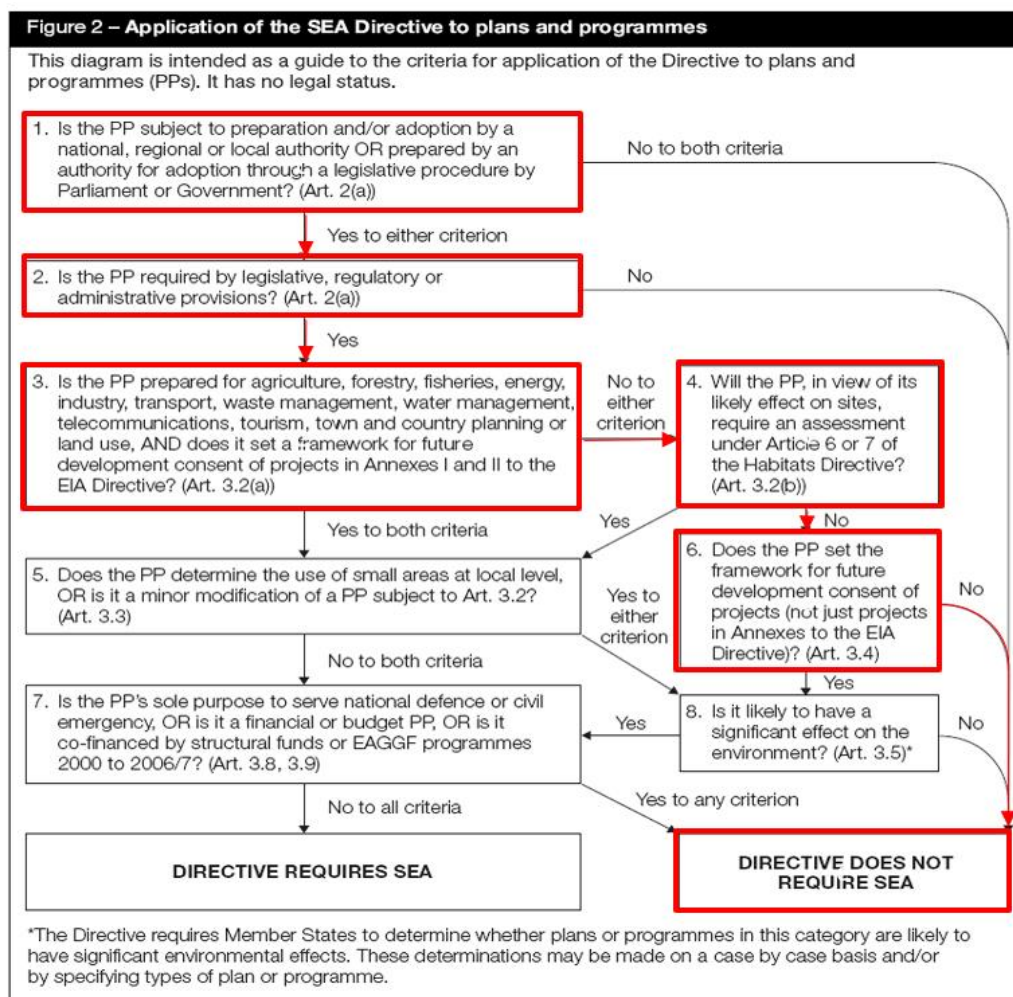
SEA screening question	Y/N	Detail
		<ul style="list-style-type: none"> All proposals coming forward within an SRA must follow normal authorisation and consenting procedures. The SRAs will have no bearing on the acceptability (or not) of specific developments; nor will they confer rights, support, planning benefit (etc.) for development by a particular sector; nor imply any scale or rate of development or resource use. A 'tidal stream' proposal will not be considered more acceptable or more likely to be permitted because it is in a tidal stream SRA; likewise, an aggregates development would not be barred from a tidal stream SRA. <p>As a consequence, the implementation of the SRA MPN will not have any direct likely significant effects on the environment as there are no mechanisms by which such effects could occur.</p> <p>Theoretical pathways exist by which the designation of SRAs might have indirect effects on future development e.g. planning intent, passive 'blocking effects' or through indirectly supporting a 'no alternatives' argument under the Habitats Regulations. However, these mechanisms are not considered to lead to effects, considering the marine planning policy framework provided in the WNMP, notably ENV_01 and ENV_02, the conclusions of the SA of the WNMP and the SRA design principles, notably, the need to:</p> <ul style="list-style-type: none"> take account of 'soft' constraints and amend a potential SRA as appropriate [for example, considering existing activity (SAF_01b); environmental considerations (policies ENV_01, 02, 07); social/cultural considerations (policies SOC_05, 06, 07)]; seek to minimise conflict between sectoral opportunities; and. seek to promote coexistence and optimise spatial planning for resource safeguarding. <p>In conclusion the SRA MPN is not considered likely to have significant effects when taking into account its characteristics or the presence of direct or indirect pathways for likely significant effects on the environment. This finding also reflects the screening for HRA of the SRA MPN which concluded that it does not introduce any mechanisms by which significant effects on any European sites would be likely, alone or in combination, due to the fundamental</p>

SEA screening question	Y/N	Detail
		characteristics that will be common to SRA MPNs across all sectors.

3.1.3 **Figure 3.2** maps the relevant responses in **Table 3.1** onto the SEA screening process. It leads to the conclusion that SEA is not required, as whilst the 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
- will not have likely significant effects on European sites necessitating assessment under the Habitats Regulations¹⁴ (SEA Directive Article 3.2b/ SEA Regulation 5(3)) (see HRA Screening, 807823-WOOD-ZZ-XX-TN-OE-00002_S3_1).

Figure 3.2 SEA screening process (red boxes apply to screening of SRA MPN)



¹⁴ HM Government (2017) The Conservation of Habitats and Species Regulations 2017 (SI 1012)

4. Sustainability Appraisal

- 4.1.1 Schedule 6 (10) of the MCAA 2009 requires that the WG carry out a Sustainability Appraisal (SA) to assess the likely effects of the emerging policies contained in the WNMP. In meeting the SA requirement, WG also determined to incorporate the requirements of the Strategic Environmental Assessment (SEA) Directive and the transposing regulations (the SEA Regulations). The resulting SA/SEA was completed¹⁵, concurrent with the adoption of the WNMP.
- 4.1.2 It is ambiguous whether the requirements for SA from Schedule 6 (10) of the MCAA 2009 apply to the MPNs as well as the WNMP as there is no reference in the schedule to the application of SA to other supplementary documentation. There are no relevant precedents when considering the adopted marine plans in England (under the MCAA 2009). In Scotland, whilst there are examples of relevant supplementary planning guidance (SPG)¹⁶ being adopted (though Local Development Plans (LDPs) and the Scottish Marine Spatial Plan), none identified have required sustainability appraisal.
- 4.1.3 Drawing on land use planning practice, the relationship between MPNs and the WNMP is analogous to the relationship between SPG and LDP as SPG can provide further information and interpretation of policies in the LDP. When considering the requirements for plan level assessment, Welsh Government guidance¹⁷ states “
- “Even though SPG is non-statutory and does not require an SA, SEA or HRA, the relevant regulations may apply to some types of SPG, for example some development briefs, master plans or Place Plans. Where screening indicates that SEA and/or HRA applies and there are likely to be significant environmental effects, the LPA will need to ensure it has met the requirements of the SEA and HRA Regulations.” [Section 9.7]
- 4.1.4 Equivalent guidance¹⁸ from the UK government on supplementary planning documents states:
- “Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.”
- 4.1.5 Taking the precedent of examples of marine planning in Scotland and land use planning in Wales and England, it is concluded that the same approach should apply to the SRA MPN and that SA need not be undertaken. However, whilst not considered an explicit requirement, WG may still consider it appropriate to undertake SA of the SRA MPN to

¹⁵ [Welsh Government \(2019\) Sustainability Appraisal: Post Adoption Statement Welsh National Marine Plan, December 2019.](#)

¹⁶ Shetland Local Development Plan (2014) Supplementary Guidance: Aquaculture, Orkney Local Development Plan (2017) Supplementary Guidance: Aquaculture; Highland Local Development Plan (2015) Supplementary Guidance: Aquaculture,

¹⁷ [Welsh Government \(2020\) Development Plans Manual, March 2020.](#)

¹⁸ [DLUHC \(2020\) Planning Practice Guidance, Guidance: Strategic environmental assessment and sustainability appraisal, Paragraph: 008 Reference ID: 11-008-20140306.](#)

inform its development and support the contribution of marine planning to the achievement of sustainable development.

5. Conclusion

- 5.1.1 Following the application of the SEA screening criteria to the MPN and considering the decision making process outlined in **Figure 3.2, it is concluded that that there will be no formal requirement to complete an SEA.**
- 5.1.2 Whilst the 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
 - have likely significant effects on European sites necessitating assessment under the Habitats Regulations (SEA Directive Article 3.2b/ SEA Regulation 5(3)).
- 5.1.3 In consequence, the requirements for SEA under the relevant regulations are not met.
- 5.1.4 The requirement to undertake Sustainability Appraisal (SA) of the SRA MPN has also been considered. Whilst ambiguous, taking the precedent of examples of marine planning in Scotland and land use planning in Wales and England, it has concluded that the same approach should apply, and that SA of the SRA MPN need not be undertaken.
- 5.1.5 These provisional conclusions have been discussed with NRW.
- 5.1.6 It is recommended that this SEA screening and provisional conclusions are kept under active review by Welsh Government to reflect any changes once further information on the content of the SRA MPN is finalised.
- 5.1.7 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.

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