

AN INDUSTRY PERSPECTIVE ON THE MARINE BILL

Sustainable development and the sea



 Seabed User
& DEVELOPER GROUP

Executive summary



THE SEA AROUND OUR SHORES is a sensitive environment that needs to be valued and protected. But it is also, in part, a working environment that makes a substantial contribution to all our lives. From energy to aggregates and from ports to cables and leisure boating, the industries of the sea make an essential contribution to our land-based society and represent 4.2 per cent of gross domestic product.*

The *Seabed User & Developer Group* represents some of these industries. We are an informal grouping whose participants have a common interest in sustainable development within the UK's marine environment. We believe that sustainable win-win solutions are possible from what are sometimes seen as competing needs.

The Government's Marine Bill is fundamental to this objective. We wholeheartedly support its principles and believe it has the potential to create a long-overdue new system for managing our seas. Beyond all else, we hope it can protect sensitive marine life while delivering a new certainty that allows industry to fulfil its various roles for society.

What has long been needed is joined-up thinking – an integrated approach to planning, managing and protecting our seas. We welcome the Government's recognition of the need for change in terms of policy, planning and licensing; and its belief that the new system can be achieved while holding firm to the principles of sustainable development.

We are committed to working with Government and other stakeholders to ensure that the Bill makes a significant contribution by putting in place cost-effective regulation and marine management that benefits both business and the environment.

The development of a UK Marine Policy Statement to define priorities under the umbrella of sustainable development is essential. It is, however, inevitable that issues will arise and it is equally important that the new legislation includes robust mechanisms designed to resolve them.

* Pugh, D. 'Socio-economic Indicators of Marine-related Activities in the UK Economy', Research Report, The Crown Estate, 2008. ISBN: 978-1-906410-01-8



OUR PRIORITIES

The objectives of the Bill must be clearly stated in tangible terms that allow clear, objective and deliverable goals to be set by Government and the regulators who enforce legislation. These objectives and goals must address economic and social as well as environmental needs, so properly reflecting the sustainable use of UK seas.

Joined-up thinking necessitates a common approach from the devolved administrations for Scotland, Wales and Northern Ireland that may be difficult to achieve. The benefits would, however, be considerable and it is essential that the administrations deliver the same consistency in marine management when overlaying their own local requirements.

We recognise that the changes to be delivered through the Marine Bill will inevitably take some time to be developed and implemented. It is, therefore, essential that the arrangements for the transitional period are clarified to ensure that ongoing marine development and operations do not grind to a halt while new policies, plans and licensing arrangements evolve.

A future for our seas based on sustainable development

Clear objectives covering economic and social, as well as environmental needs

An integrated approach to planning, management and protection

Cost-effective regulation and management

Planning decisions based on science and knowledge

Robust mechanisms for high-level resolution of problems

Consistency from the devolved administrations

Transitional arrangements while the new framework is put in place.



Working for all of us

THE SEA PLAYS AN ESSENTIAL ROLE IN OUR SOCIETY. It provides much of the energy to power our homes and businesses, and the aggregates we need to build and maintain our homes, schools, hospitals, roads and much more. The ports around our shores enable us to import what we cannot produce ourselves and to earn revenue from exports. The sea is also a pathway for vital cables and telecommunications. And it's a wonderful place for leisure boating, which is a source of enjoyment and an industry in its own right.

OIL AND GAS

The UK's offshore oil and gas industry is one of the UK's greatest economic successes of modern times. It has contributed £9 billion in direct taxation to the Exchequer in the last year and supported the employment of 480,000 people. Domestic oil and gas production provided 70 per cent of the UK's total energy demand, avoiding imports costing £30 billion. Although the UK continental shelf is now a mature province, there are still substantial reserves of oil and gas to be found and recovered.

RENEWABLE ENERGY

The sea is a vital and growing source of renewable energy. The UK's offshore wind sector

alone has grown in the space of five years from just two experimental turbines to eight operational projects totalling 435 megawatts (MW). As of May 2008, the UK boasts the most operational offshore wind installed capacity in the world. A process is currently underway that will rapidly grow up to 33GW of capacity, providing almost a third of UK domestic demand.

The year 2008 will be one of deployment with many wave and tidal technologies entering the water; totalling over 5MW in combined capacity. With adequate support, this could realistically grow to 1300MW by 2020. The UK possesses 50 per cent of the European tidal energy resource and 35 per cent of the European wave energy resource. Together, they have the potential to contribute 15–20 per cent of current UK electricity demand, making a significant contribution to the reduction of greenhouse gas emissions.

PORTS

The UK port industry, by virtue of our long coastline and substantial economy, is the largest in Europe, handling some 600 million tonnes of freight a year. Much of the cargo entering and leaving Britain is in the form of raw materials – the commodities needed to fuel the economy.



ACTION ON SUSTAINABILITY **Minimising the impact of recreational boating**

The Green Blue is an innovative initiative from the British Marine Federation and the Royal Yachting Association designed to encourage the recreational boating community to minimise its environmental impacts. The programme focuses on several areas of potential impact: oil and fuel; anti-fouling and marine paints; waste management; resource efficiency; and effects on wildlife. Initiatives include a collaborative approach to cleaning up Bristol's historic floating harbour, an enclosed freshwater environment fed by two rivers. Improving water quality in the harbour is a key aspect of the campaign. It involves installation of four new pump-out facilities, awareness raising amongst the boating community on wastewater disposal and the launch of a certification scheme for those who do so in an environmentally acceptable way.



Finished goods include vehicles, fresh foods, steel, timber, building materials, machinery and manufactured goods. Over 95 per cent of imports and exports by volume (and 75 per cent by value) still pass through our ports, so helping to solve national transport problems.

MARINE AGGREGATES

Aggregate – sand, gravel and crushed rock – contributes greatly to our quality of life. The strength we draw from this vital natural resource gives us our homes, schools, hospitals, offices and much more. The marine aggregate industry is one of the UK’s key suppliers of sand and gravel. In a typical year, over 20 million tonnes of marine aggregate are dredged from a total licensed area which represents 0.15 per cent of the UK seabed, providing 20 per cent of the sand and gravel supply in England and Wales. The industry also makes a strategic contribution to national coastal defence programmes.

RECREATIONAL BOATING

Boating and yachting is a major British industry. The British Marine Federation’s 1,550 members account for about 76 per cent of the industry’s turnover and between them employ around 22,325 people. Members are drawn from both the seagoing and inland sectors of the marine industry covering the leisure boat, hire fleet, commercial workboat and superyacht categories and supporting services.

SUBMARINE CABLES

Virtually all international telecommunications between Europe, the USA, India, the Far East and across the Pacific are now carried by submarine cables, without which the internet would not work. The UK itself is a massive transit hub for cables across the Atlantic – a role that adds approaching £3 billion to our economy each year. The industry attaches great importance to safeguarding them from man-made and natural hazards.

THE CROWN ESTATE

The Crown Estate is effectively the “land owner” for many of our industries of the sea. It comprises 55 per cent of the foreshore around the UK and almost the entire seabed out to 12 nautical miles.

It has rights to non-hydrocarbon minerals and renewable energy across the UK Continental Shelf. The Crown Estate’s role is to manage the estate in a responsible manner and to grow revenue and capital value.

It attaches particular importance to taking a long-term sustainable view of its work and expects the industries that lease parts of its estate to do likewise and to communicate effectively with stakeholders.

Amongst its research projects, The Crown Estate has encouraged and part-funded the practice of Regional Environmental Assessments as a means of ensuring “a big picture” against which decisions for marine aggregate permissions can be taken with confidence.

ACTION ON SUSTAINABILITY **Analysing the impact of our ports**

Ports have a range of impacts on the environment, including noise, dust, light pollution and ship emissions. They also result in road, rail and sea transport modes converging on one area. The *EcoPorts* initiative is a self-diagnosis method through which a port can assess its environmental strengths and weaknesses. It looks in particular at dredging, water quality and waste management. Ports are encouraged to complete their analysis annually so that an audit trail of progress can be established. They can then elect to seek a Port Environmental Review System certificate awarded by Lloyd’s Register. Of 27 ports to achieve this standard to date, 17 are from the UK. Ports using the system meet regularly to exchange ideas in best practice.



Science and knowledge

ACTION ON SUSTAINABILITY

Marine monitoring on a vast scale

Six marine aggregate operators recognised that, in seeking permission to dredge sand and gravel from a large, previously unworked section of the eastern English Channel, they needed to consider impacts on a much wider basis. While pursuing individual licenses, they cooperated to commission an environmental assessment covering the whole of the region. This in turn generated a regional-scale approach to managing and monitoring marine aggregate operations. The monitoring programme that has been initiated by the industry in partnership with The Crown Estate covers some 58 square miles. While the regional approach falls outside the formal decision-making regime, it has been welcomed by the Government and other key stakeholders as a valuable means of ensuring consistency and creating confidence that any impacts are being properly understood and mitigated.

CERTAINTY AND RISK are inevitably related to the level of understanding we have of any issue.

The UK marine area is enormous, but data, knowledge and understanding are still relatively limited. The majority of high-resolution, high-quality marine data across the UK marine area has to date been collected by industry as a result of commercial activity.

In the case of the Marine Bill, it is important that planning and licensing decisions are made against a broader context of the environment we are trying to protect and manage. This must involve an evidence-led approach based on a robust understanding of the location, significance and sensitivity of its features and activities.

The current approach is, however, essentially a reactive, bottom-up one that is informed by site-specific data. Looking forward, the approach must become more proactive. It will require sustained long-term investment in capturing existing data sets and also acquiring new and consistent, high quality mapping information across the entire UK sea area. Only then can we make decisions that are soundly based on science and accumulated knowledge.



ACTION ON SUSTAINABILITY Building a knowledge base

The oil and gas industry's Atlantic Frontier Environmental Network (AFEN) was a groundbreaking initiative when launched in 1995 – and has yielded valuable benefits in the years since. It adopted a coordinated approach whereby operators, government, regulators and the research community worked together to map and understand the sea environment, identifying its sensitivities and developing protection measures. The initial survey mapped 30,000 square kilometres of previously poorly understood seabed. AFEN also surveyed seabirds and mammals along the Atlantic margin as a means of identifying vulnerability and determining procedures to minimise impact from oil and gas operations. Another benefit was the development of a coastal protection strategy in the event of a large oil spill. Resources and response strategies were identified in each of 18 regions. Amongst other successes was the finding of the Darwin Mounds with their unique biology and invertebrate species.



Marine planning

WHILE THE UK'S MARINE AREAS have been subject to multiple use for many years, the situation in some areas is becoming increasingly complex, with competing and potentially conflicting demands for space. For industry, this often results in uncertainty, delays and increased costs associated with marine developments and the delivery of the social benefits that they bring.

A formal system of marine planning must allow all legitimate marine activities and uses to be considered, guided by the national objectives and the associated policy framework.

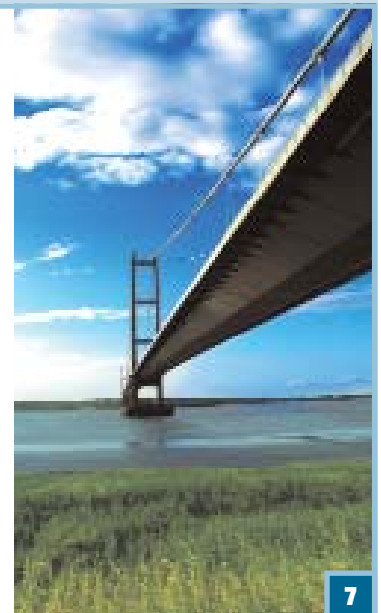
Marine planning, as described in the Marine Bill, is part of broad changes to the planning system. There are two issues to tackle. First comes the need to build a body of knowledge about the dynamics of the marine

environment. Second, improving the planning system so that it is better informed, more efficient and delivers decisions more quickly. There are important proposals within the Bill that would simplify the consents and licensing system and the Marine Management Organisation (MMO) will have a critical role in ensuring that efficiencies are delivered. Delivery will also depend upon adequate resourcing of the MMO.



ACTION ON SUSTAINABILITY Habitat creation on the Humber

A pioneering agreement between Associated British Ports (ABP) and leading UK conservation organisations has helped to safeguard the future of the Humber Estuary as one of Britain's key habitats for migrating birds. Development of two new riverside berths at the Ports of Immingham and Hull has resulted in the loss of inter-tidal mudflats. But ABP's agreement with organisations including Natural England, the Environment Agency, RSPB and Wildlife Trusts is resulting in a series of offsetting measures to mitigate and compensate for the development, including the creation of 57 hectares of mudflat and salt marsh, and six hectares of grassland. Once completed, these sites will provide an important contribution to the environmental wellbeing of the Humber estuary by providing new habitats for migratory wildfowl and by contributing to the Environment Agency's long-term plans for flood defence.



Licensing

WHILE SOME LICENSING ARRANGEMENTS appear to work, the *Seabed User & Developer Group* has first-hand experience of the failings of many consenting regimes. These can be overly complex, with overlapping responsibilities between regulators and insufficient clarity or consistency. The absence of clear, overarching policy objectives causes confusion and results in delays that waste time and resources for industry and regulators alike.

Against a background of widely shared concern about the regulatory processes that exist, we believe that rationalisation and improvement of regulation, licensing and other approvals is an absolute prerequisite for the success of the Marine Bill.



We welcome the Bill's commitment to deliver better regulation, and believe there should be greater emphasis on consistency, plus a more proportional approach to regulation based on the risk and significance of the activity being regulated. This would see low-risk activities subject to a "lighter touch".

The effectiveness of any regulatory process is as dependent on the systems that deliver it as it is on the regulation itself. Therefore, the mechanisms to implement the regulations will be equally important in delivering the desire for better regulation. This will require clear guidance to be produced for regulators and applicants alike, and represents an opportunity to deliver greater consistency across industry environmental impact assessment processes by drawing upon existing good practices as a model.



ACTION ON SUSTAINABILITY

Identifying cable decommissioning issues

Submarine cables are essential to modern life – to telecommunications, to the internet and to the bulk import and export of power. Some cables inevitably become redundant and decommissioning creates its own environmental issues. The cable industry has, therefore, developed a generic local environmental assessment approach which analyses the environmental risks involved in recovery as opposed to leaving cables *in-situ*. It provides operators with a 'generic self-assessment' tool that can be used to support permit applications for specific cables. This approach allows sensitive issues to be identified at an early stage of the planning process, and the information helps to generate an environmental case to present to authorities.

Conservation



WE WELCOME THE MOVE towards a more proactive means of identifying and protecting features of interest. If developers know what features are important and where they are located they can take more informed decisions.

Also welcomed is the application of sustainable development principles to the selection and designation of potential Marine Conservation Zones, whereby socio-economic factors will also be taken into account alongside conservation issues.

However, underpinning this is the requirement for national policies and objectives to be developed to help guide the designation process. Without these, it is difficult to see how robust decisions will be possible.

Related to this, the designation process should be coordinated by an independent body such as the Marine Management Organisation (MMO), taking advice from the nature conservation agencies and wider stakeholders against the backdrop of national marine policies and objectives.

ACTION ON SUSTAINABILITY Understanding tidal turbines and wildlife

Tidal turbine technology has been identified as a key renewable energy source for the future. The Northern Ireland government has recognised the potential of the technology and is keen to support it to a stage where arrays of turbines can ultimately be deployed in the open sea. The experimental system deployed at Strangford Lough on the east coast of County Down comprises two turbines mounted either side of a monopile structure. They work rather like under-water windmills, but in this case driven by strong water currents. Operator, Marine Current Turbines, recognised the huge environmental responsibility of deploying its *Seagen* device in a highly sensitive site and undertook baseline monitoring over three years to assess the impact on seabed habitats. This included a special assessment of the impact on the seal population which involved tagging and monitoring of individual seals.



Management

To deliver better management and regulation, the Marine Management Organisation (MMO) must not simply become another layer of bureaucracy. It must reduce existing overlaps between regulatory bodies, provide consistent expert knowledge, advice and judgement and provide the lead role in delivering national marine sustainable development objectives.

As an independent body, the MMO must be able to demonstrate its ability to deliver sustainability in both economic as well as environmental terms. To do this, it is essential that clear objectives for the whole range of sustainability drivers are defined, together with robust mechanisms for dealing with competing interests.

Effective and consistent linkages with other national planning mechanisms are also essential. This would include the Infrastructure Planning Commission proposed under the Planning Bill.



ACTION ON SUSTAINABILITY Monitoring impacts of offshore wind energy

Offshore wind is fast becoming a mature energy industry. With age, comes an understanding of the impacts and mitigation methods at every stage of development. The environmental monitoring programme at two Danish offshore wind farms has shown little impact on the environment during either construction or operation. A comprehensive monitoring programme was carried out over seven years from 1999 to evaluate the environmental impact of the Nysted and Horns Rev offshore farms, which are two of the biggest in the world. The studies covered every aspect of nature, from animals and plants that live on and in the seabed to birds and marine mammals like seals and porpoise. It also analysed the evolving attitudes of local people and found that more than 80 per cent of respondents were positive or very positive.



Seabed User & Developer Group



Associated British Ports

www.abports.co.uk



British Ports Association

www.britishports.org.uk



British Marine Aggregate Producers Association

www.bmapa.org



British Marine Federation

www.britishmarine.co.uk



British Wind Energy Association

www.bwea.com



Oil & Gas UK

www.oilandgasuk.co.uk



Renewable Energy Association

www.r-e-a.net



The Crown Estate

www.thecrownestate.co.uk



United Kingdom Cable Protection Committee

www.ukcpc.org.uk



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