

## Opportunities for Marine Industry arising from Brexit

SUDG members represent all the key marine industry<sup>1</sup> sectors providing over 900,000 jobs and upwards of 5% GDP. Marine industries are an essential component of the UK economy, central to UK policies on transport and climate change and integral to the Government's desire to promote Blue Growth.

See [www.sudg.org.uk](http://www.sudg.org.uk) for further information about our aims and objectives.

The practical implications arising from the decision to leave the European Union will unfold as the detailed discussions around the nature and form of Brexit continue. It is therefore important that in addition to considering the potential risks associated with Brexit, industry also examines the potential opportunities that Brexit brings; something which has also been encouraged by Defra and the regulatory bodies. SUDG can also help in delivering these opportunities.

### 1. Better regulation

SUDG has already made clear that it does not think that abandoning EU legislation would be in the best interests of the environment or industry. Industry has spent many years working with regulators to understand how to deliver these more effectively; however, the re-examination of EU legislation through the Repeal Act and other initiatives does provide an opportunity not only to identify where legislation is to be retained, but also to clarify its purpose and objectives going forwards. Consequently, the best opportunities will arise from how the legislation that remains is implemented in practice. These could include:-

- Placing a much greater focus on our approach to management of the marine environment so that it is less driven by over prescriptive regulation, but makes greater use of cost benefit analysis linked to ecosystem services valuation and the socio-economic benefits that derive from development.
- Streamlining the number of separate assessments that may be required for individual aspects of EU legislation (EIA, WFD, MSFD and H and BD)<sup>2</sup> so that the current complexity could be both rationalised and simplified

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<sup>1</sup> Aggregates, Cables, Marine Recreation, Oil and Gas, Offshore Energy, Ports, and emerging sectors such as Carbon Capture and Storage,

<sup>2</sup> Environmental Impact Directive, Water Framework Directive, Marine Strategies Framework Directive, Habitats and Birds Directive

- Greater clarification of environmental objectives for Marine Protected Areas and for legislation generally. There is still too much uncertainty about this and developers continually find themselves having to guess what environmental aspects they need to consider.
- Developing a more UK based approach to delivering many aspects of EU legislation; for example applying compensatory measures for onshore and offshore development in ways which contribute better to the overall functioning and ecosystem services of SACs and SPAs<sup>3</sup> rather than simply compensating on a 'like for like' basis which may be sub-optimal and over prescriptive.
- There are also clear opportunities to make the links between marine planning and development more effective, and for spatial plans to be at the heart of the decision making process, which would assist both developers and consenting authorities.

Although not necessarily linked directly to Brexit, any review of legislation should also include opportunities to:

- Deliver more practical, more proportionate and less risk-averse decision making. We are already working with the conservation bodies such as Natural England and the regulators such as Welsh Government and MMO, but it would be logical to follow this through with more coordinated effort and a need for clearer and shared outcomes.
- Impress on MMO and other regulators that they must be more open about their intentions on regulation and any actions they take to change or improve legislation. A clear understanding of their programmes of work would allow industry and others, such as the conservation NGOs, to plan better to support them in delivering their work.
- Emphasise the need for business as usual by ensuring necessary resource and capacity are retained within regulators and statutory advisors to maintain service delivery. However, it is important that the service provided should be proportionate and increasingly dependent on better regulation through greater application of fast tracking, self-assessment and exemption of low risk activities. Additionally, as it is the policy that regulators increasingly charge for licensing and advice, there should be service level agreements to ensure a properly professional service with clear routes and shorter timescales for delivery of decisions.

## **2. Better use of science**

The UK is renowned for the extent and quality of its marine scientists and the work they do. While we would make no comment on the desirability of 'blue skies' research to ensure we retain this world-class reputation, there remain considerable shortfalls where attempts are made to apply marine science to the real world. Too much applied research simply does not assist in decision making or planning development and, in many cases, can even result in greater uncertainty.

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<sup>3</sup> Special Area of Conservation – Habitats Directive and Special Protection Area – Birds Directive

Linked to any review of legislation arising out of Brexit, there is an opportunity to develop a programme of applied research that is planned and carried out with clear objectives and deliverables to assist decision making and development which should be determined through extensive involvement from industry and the conservation NGOs from the outset. If successful they would deliver significant added value and provide practical outputs that supported the decision making process. In turn, this would result in better risk-based decision making founded on sound evidence, rather than simply relying upon the application of the precautionary principle.

### **3. Better use of good practice developed between industry and regulators.**

In the absence of Government guidance, a more proportionate approach to EIA<sup>4</sup> needs to be accompanied by clear recognition that industry good practices that address the assessment, mitigation and management of activities can benefit both industry and the environment. The application of accepted good practice should also reduce the need for regulators to apply the precautionary principle.

### **4. Better stakeholder engagement**

Defra remains committed to preparing a 25 year Environment Plan and the Marine Pioneer programme is underway, but there is little clarity as yet about how these will be done. Industry can play a key role in helping to achieve these outcomes, but only once it understands what the objectives and intended outcomes are.

In conclusion, Brexit provides an opportunity to refocus our approach to management of the marine environment to be less driven by regulation while making greater use of socio-economic benefits and ecosystem services valuation to ensure sustainable development of the marine environment.

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<sup>4</sup> Environmental Impact Assessment