

Sea Bed User and Developer Group¹, Marine Conservation Society, RSPB, The Wildlife Trusts and WWF Joint Statement on Marine Conservation – June 2018

Introduction

Marine industry and conservation groups have been working together for many years sharing the same objective: to achieve a sustainable marine economy and to protect and restore the marine environment through a well-managed, ecologically coherent network of Marine Protected Areas (MPAs)² in appropriate locations.

Whilst it remains for the government to determine exactly how this is done, we believe that following Brexit the government has the unique opportunity to reflect on the legislative and regulatory frameworks best suited to delivering its ambitions, as laid out in the 25-year Environment Plan, and obligations for the environment, society and the economy. New 'post-EU' legislation could emerge that not only replaces EU mechanisms, if necessary, but also creates a clear vision to balance sustainable development with effective protection and restoration of the marine environment and sets out the mechanisms and timeline needed to deliver this.

Gradual long-term changes in the marine environment, coupled with long-established calls from industry for a clearer, swifter and more consistent regulatory process, point to opportunities to improve the current approach, which would benefit both the economy and the environment.

Signatories:



¹ The Sea Bed User and Developer Group is an informal grouping of industry sectors whose participants have a common interest in sustainable development within the UK's marine environment. The Group is funded by The Crown Estate to align seabed user groups across the UK to work positively with Government to prepare shared understanding and approaches to marine management. Organisations involved include sectors whose members require marine licenses for construction and operation include British Ports Association, United Kingdom Major Ports Association, British Marine Aggregates Producers Association, British Marine, Energy UK, Renewable UK and European Subsea Cables Association. Oil & Gas UK has not been represented at SUDG in 2018 so discussion with their members is required on proposals outlined.

² SUDG, MCS, RSPB, TWT and WWF *Joint Statement on Marine Conservation – November 2015*

In our view, to ensure transparent, consistent and joined-up consenting decisions are made, statutory nature conservation bodies (SNCBs), regulators, industry, Non-Government Organisations (NGOs) and other relevant organisations need to work more closely together to:

- Share and update best available scientific information. This should be used to clearly define conservation objectives and management measures, as well as being reflected in licensing conditions.
- Increase understanding of impacts of approved activities on MPAs and to develop effective management and regulatory responses to these.
- Encourage government to ensure that adequate monitoring is in place to measure the condition of MPAs and the impacts of activities, to inform decision making in a timely manner, and to trigger management intervention where required.
- Ensure all local staff are adequately informed and resourced to be able to provide sound and consistent advice.
- Establish a government-led process, involving industry and NGOs, to strategically plan and assess the impacts of activities on MPAs and explore how environmental and economic consequences can be minimised or, better still, improved. A small working group could be established to achieve this.
- With proper planning at a strategic level, assessment and projection of future plans could be jointly assessed and co-designed at a regional sea scale, identifying issues before they arise. This would provide industry with more certainty from the outset on management requirements and facilitate greater compliance with legislation.
- Promote a regulatory system where decisions are made quickly to provide developers with clearer indications if projects can proceed to prevent application timescales and costs spiralling.

With specific regard to regulation and assessment of activities within the marine environment, the government should:

- **Set out a clear vision for the marine environment within legislation (i.e. outcomes to be achieved and guiding principles to be followed).** This would embody ambitions set out in government policy (such as the Natural Environment White Paper), UK legislation (such as the Marine and Coastal Access Act (2009) and The Wildlife and Countryside Act (1981)), EU Directives, International Conventions and obligations to which the Government aspires to deliver. Placing these clearly within a more ambitious UK marine strategy at the heart of legislation would create a more straightforward and manageable marine consenting framework. This would allow both industry and conservation to focus on achieving wider societal and better environmental outcomes while taking account of environmental limits. This would be particularly useful in guiding day-to-day decisions where interpretation of the law is required and/or trade-offs have to be made between competing interests. Once in place in UK legislation, these outcomes and principles should cascade down into all government policies and industry strategies, thus creating clarity and certainty on the direction of travel for regulators, operators and investors alike.

- **Streamline and improve the regulatory framework to encourage compliance and ensure delivery of legislation.** Proportionate and balanced regulation also gives industry certainty and therefore encourages economic growth³. Good marine spatial plans should be the basis of this regulatory framework. This will encourage transparent decision making and increase certainty that decisions will be compliant with the legislation.

Government should do more to acknowledge that industry can, and does, develop and apply good practice that is beneficial for the environment. Efforts to develop and disseminate good practice across industry to reduce environmental risk from the outset should be facilitated and encouraged⁴.

³ SUDG, MCS, RSPB, TWT and WWF *Joint Statement on Marine Conservation – November 2015*

⁴ See draft TWT best practice briefing – in preparation