

HOUSE OF LORDS

European Union Committee

10th Report of Session 2014–15

**The North Sea under
pressure: is regional
marine co-operation
the answer?**

Ordered to be printed 10 March 2015 and published 17 March 2015

Published by the Authority of the House of Lords

London : The Stationery Office Limited
£price

HL Paper 137

The European Union Committee

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CONTENTS

	<i>Page</i>
Summary	5
Chapter 1: Introduction	7
The challenge	7
Figure 1: Competition for marine space	8
Box 1: Dogger Bank	9
A new approach	9
The Blue Growth Agenda	10
Box 2: Blue Growth	11
Complexities	11
Scope of the inquiry	11
The Committee's work	12
Chapter 2: Knowledge	13
State of the seas	13
Box 3: Marine Strategy Framework Directive (MSFD)	13
Cumulative impact	15
Box 4: Cumulative environmental impact on seabirds	15
Box 5: North East Atlantic Regional Sea Convention (OSPAR)	17
Data availability and analysis	19
Data availability	19
Box 6: European Marine Observation and Data Network (EMODNet)	20
Data analysis	22
Chapter 3: Tensions and opportunities	23
Objectives and uses of the marine environment	23
Managing economic uses of the sea	25
Box 7: The Crown Estate	25
Box 8: The International Maritime Organization (IMO)	27
Marine planning	27
Progress of marine planning in the UK	29
Box 9: Marine Management Organisation (MMO)	29
Regulatory tensions	32
EU regulatory inconsistency	32
Box 10: Aligning the CFP and the Habitats and Birds Directives	33
Implementation of EU legislation	34
Multi-level governance of the marine environment	35
Box 11: North Sea Commission	36
Chapter 4: Current co-operation	38
Catalysts for marine co-operation	38
The Directives	38
Energy	40
Figure 2: Approaches to offshore energy grids	41
Fisheries	42
Co-operation in practice	44
BaltSeaPlan and the Baltic Sea Strategy	44

Wadden Sea Forum	45
Celtic Sea Partnership	45
MASPNOSE	45
Ballast Water Opportunity	46
Clean North Sea Shipping	46
Factors and challenges in successful co-operation	46
Political leadership	46
Duplication and transparency	48
Funding	49
Chapter 5: Future co-operation	52
The Maritime Spatial Planning Directive: a driver of future co-operation	52
Delivery	53
Pilot projects	54
Action through existing structures	55
A North Sea Forum	55
A North Sea Strategy	56
Ministerial engagement	56
List of Conclusions and Recommendations	58
Appendix 1: List of Members and Declarations of Interest	63
Appendix 2: List of Witnesses	65
Appendix 3: Call for Evidence	68
Appendix 4: List of Abbreviations	70
Appendix 5: Marine Planning in the UK	72
Appendix 6: Marine Planning by North Sea Countries	74
Appendix 7: Ministerial Letter on Fisheries Discard Plans for 2015	77

Evidence is published online at <http://www.parliament.uk/regional-marine-cooperation> and available for inspection at the Parliamentary Archives (020 7129 3074).

Q in footnotes refers to a question in oral evidence.

SUMMARY

The North Sea is one of the most industrialised seas in the world. While ships queue to progress through its southern channels, navigable space allocated to wind farms could, according to some estimates, increase fifty-fold within just a few years. At the same time, it is essential to develop coherent networks of environmentally protected areas and engage in the European Commission's long term plan to support sustainable economic growth in the marine sectors.

We discovered that there is no single map or database plotting the various, often conflicting, uses of the Sea. Data are not in short supply, but duplication of effort wastes resources and means that the most value is not being derived from what is available. We conclude that there is an urgent need to commit to a properly resourced single cross-border data collection initiative. If appropriately funded, the evolving European Marine Observation and Data network could fulfil this function.

Tensions in the marine environment, both between contrasting environmental and economic objectives and between different economic users, can be managed through effective planning. Such planning is embryonic and unpredictable around the North Sea. The UK Government should initiate longer term strategic planning for the seas around the UK coastline, along the lines of the Dutch North Sea 2050 Agenda.

There are also substantial regulatory tensions. Different countries around the North Sea, for example, take different approaches to defining the environmental quality of their parts of the basin. The European Commission should improve guidance on the implementation of relevant EU law. As the responsibility for the marine environment lies at a local, an EU and an international level, we urge the UK Government to work with English local authorities to identify and address barriers to their co-operation with other authorities around the North Sea.

Current co-operation initiatives demonstrate that consistent political leadership is required in order for co-operation to flourish. It is also clear from experience that co-operation can deliver efficiencies and enable limited resources to go further. Cross-border energy co-operation in the North Sea has enormous potential, but regulatory barriers remain and we recommend that the Government work to overcome these. Co-operation in fisheries management has been furthered by the new responsibilities given to the Advisory Councils, but there is insufficient funding available for the enhanced role. We recommend that the UK Government consider how it can support the Advisory Councils to fulfil their duties. We also recommend that the European Commission publish guidance on the wider funding opportunities that exist to stimulate greater co-operation across all sectors.

Successful future marine co-operation in the North Sea region will require strong and effective political leadership. We recommend that the UK Government co-operate with other North Sea Member States to develop the pilot marine planning project that was proposed to us by the German government. This should lead the way towards the effective implementation of the Maritime Spatial Planning Directive and contribute to proactive planning on the part of Member States. We support the idea of a North Sea Maritime Forum to bring the full range of stakeholders together in an atmosphere of collaboration, but note that strong political leadership is still lacking.

We conclude that no existing body or mechanism has a broad enough remit to facilitate the political co-operation required to make the necessary step-change in the management of the North Sea basin. We recommend therefore, that the UK Government convene a North Sea ministerial conference in order to develop a holistic approach to all economic and environmental issues affecting the North Sea. Importantly, the conference should seek to deliver the urgently required political and strategic vision which will sustain this precious resource and secure it for future generations.

The North Sea under pressure: is regional marine co-operation the answer?

CHAPTER 1: INTRODUCTION

The challenge

1. Often out of sight and out of mind, the North Sea¹ is the lifeblood of more than 60 million people² who live on or near its shores. It provides much of the oxygen on which we depend, employs around 850,000 people, provides an estimated gross added value³ of €150 billion to surrounding countries, and supplies an increasing proportion of the secure, affordable and clean energy on which the UK depends.⁴ At the same time, we expect it to provide a healthy supply of food, secure trade routes and leisure opportunities. We are demanding more and more.
2. Yet the North Sea is in a state of environmental degradation. For example, 98% of seabirds on a Norwegian beach were found to have fragments of plastics in their stomachs (see Box 4), and although some fish stocks are improving, others remain in a critical state. It is one of the most industrialised seas in the world. Ships queue to progress through the southern North Sea⁵, and the number of offshore wind farm turbines in UK waters is likely to increase from the current 1,000 to an estimated 3,000 by 2020.⁶ Figure 1 demonstrates the intensity of the use of the North Sea in UK waters. We were not able to source a map displaying similar usage for the entire basin—a fact which demonstrates that marine co-operation and cross-border marine planning in the North Sea have a long way to go.

¹ The North Sea is situated on the continental shelf of north-west Europe. It forms part of the North East Atlantic region as defined by the North East Atlantic Regional Sea Convention, OSPAR. It extends: to Arctic Waters to the north; beyond the Orkney and Shetland Islands to the Atlantic Ocean and the Celtic Seas to the north west; to the Baltic Sea in the east; and to the English Channel to the south west. States bordering the North Sea are the UK, Norway, Sweden, Denmark, Germany, The Netherlands, Belgium and France.

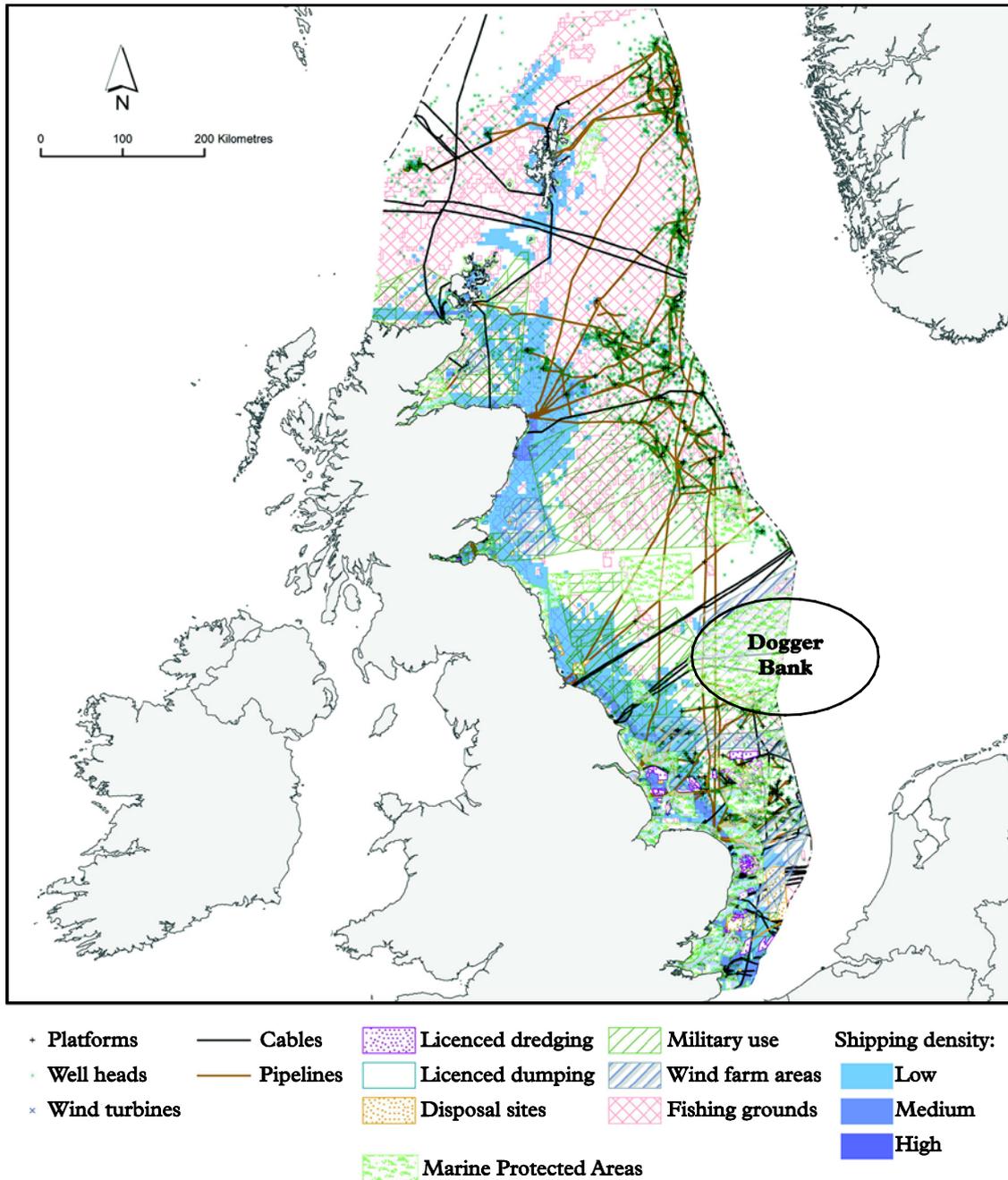
² North Sea Region Programme, 'Background': <http://www.northsearegion.eu/ivb/content/show/&tid=96> [Accessed 5 February 2015]

³ Gross Value Added (GVA) is an accounting concept that measures the contribution to the economy of each individual producer, industry or sector, as described by Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Gross_value_added_at_market_prices [Accessed 17 February 2015]

⁴ ECORYS, MRAG and S.Pro, *Study on Blue Growth and Maritime Policy within the EU North Sea Region and the English Channel* (March 2014): https://webgate.ec.europa.eu/maritimeforum/sites/maritimeforum/files/Final%20Report%20North%20Sea_corr_03032014.pdf [Accessed 5 February 2015]

⁵ [Q 32](#) (Matt Nichols)

⁶ [Q 16](#) (Nick Medic)

Figure 1: Competition for marine space⁷

Source: Cefas, February 2015. © British Crown Copyright. All rights reserved. Permission Number Defra 012012.004

3. Surprisingly, given the complexity of the marine environment, the mechanisms of co-operation and planning are underdeveloped. There is a plethora of different policies and approaches, yet a distinct lack of political leadership. The failure to agree on a coherent fisheries management plan on the Dogger Bank since 2011, for example, has paralysed progress in environmental management of the whole area.

⁷ The map is indicative of competition for space in the North Sea but it is not definitive as not all activities occurring in the North Sea are included.

Box 1: Dogger Bank⁸

The Dogger Bank is an area of the North Sea measuring around 18,000km², falling within UK, Dutch, Danish and German jurisdiction. It lies around 150km north east of the Humber Estuary.⁹ The United Kingdom, The Netherlands and Germany have designated parts of the area as environmental protected areas; those three Member States and Denmark have fishing rights; and planning permission has just been granted for the first stage of a large offshore wind farm¹⁰ in the UK section of the Dogger Bank.

4. The opportunities derived from co-operation, and the risks of failing to co-operate, are encapsulated in the energy sector, which for that reason features prominently in our report. The supply of energy to the UK, and to the EU as a whole, has come under increasing focus because of uncertainties surrounding the supply of gas from Russia. Increased energy co-operation between North Sea countries can improve the security of supply and mitigate soaring consumer and commercial prices. Yet installing cables, pipelines and offshore energy structures can also impact the marine environment and other users of the sea. Dolphins, for example, can be seriously affected by the noise of pile driving new structures into the seabed. Structures present navigational challenges for shipping. Cables can affect the fishing industry. On the other hand, offshore structures can act as artificial reefs for a range of sea life, and it may be possible for decommissioned oil infrastructure to be used for wind farms.
5. In summary, the cumulative impact of uncoordinated human activities has the potential to inflict further harm on the very resource on which they depend. Swift action is required to mitigate this risk.

A new approach

6. The 2014 briefing ‘Marine Messages’¹¹, by the European Environment Agency (EEA), presented a compelling argument for a new approach to the sustainable use of the seas, and advocated increased co-operation between users of the marine environment, an approach supported by almost all who contributed to this inquiry.¹² The benefits of co-operation are discussed in this report, as are the challenges. Although scientific knowledge of the marine environment is often incomplete, we stress that this should not prevent increased co-operation; poor knowledge should not stand in the way of action.

⁸ Vectors of Change in Oceans and Seas Marine Life, Impact on Economic Sectors (VECTORS), *The Dogger Bank: understanding stakeholder and policy-maker needs*: http://www.marine-vectors.eu/Core_pages/The_Dogger_Bank_understanding_stakeholder_and_pol [Accessed 16 February 2015]

⁹ Joint Nature Conservation Committee, ‘Dogger Bank’: <http://jncc.defra.gov.uk/page-6508> [Accessed 16 February 2015]

¹⁰ Forewind, ‘Dogger Bank Creyke Beck granted consent’: <http://www.forewind.co.uk/news/121/34/Dogger-Bank-Creyke-Beck-granted-consent.html> [Accessed 24 February 2015]

¹¹ European Environment Agency, *Marine Messages: Our Seas, our future: moving towards a new understanding*, February 2014: <http://www.eea.europa.eu/publications/marine-messages> [Accessed 6 February 2015]

¹² Written evidence from Raymond Finch MEP stated “UKIP is against regional co-operation within the EU” (RMC0004).

7. This is an important time in the development of marine governance structures in the European Union. Member States are in the process of implementing the Marine Strategy Framework Directive (MSFD),¹³ and will need to implement the recently adopted Maritime Spatial Planning Directive (MSPD);¹⁴ co-operation is mandated in both of these Directives. Implementation of the reformed Common Fisheries Policy (CFP)¹⁵ is underway and a regional approach features prominently. Energy security is high on the political agenda of the new European Commission and increased energy interconnection has pan-European support. It was against this backdrop that we undertook an inquiry which examines the potential to synergise and enhance the effects of these diverse tasks.
8. In the past, initiatives to build better marine co-operation in the North Sea have often been prompted by some form of environmental disaster or crisis. This does not need to be the pattern for co-operation in the future. Political leadership is required to stimulate discussions that would otherwise not take place.

The Blue Growth Agenda

9. The seas are a rich natural resource drawn upon by the people who live on their shores. According to the European Commission, across the EU, the 'blue' economy represents roughly 5.4 million jobs and generates a gross added value to Member State economies of almost €500 billion a year.¹⁶ Many coastal communities depend on the marine environment for their livelihood and have existed for centuries in a delicate relationship, which both exploits and sustains. Care should be taken to ensure that increased and uncoordinated human activity does not disrupt this balance.
10. The European Commission's Blue Growth strategy¹⁷ (see Box 2) is the long term plan to support sustainable economic growth in the marine sectors. It is the marine sector's contribution to achieving the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth, and encompasses the energy and fishing industries, among others. Although this activity is often juxtaposed with environmental conservation efforts, we believe that if users are willing to co-operate and communicate effectively, economic growth can be achieved alongside the work to safeguard the marine environment.

¹³ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy, ([OJ L 164](#), 25 June 2008, p 19)

¹⁴ Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning, ([OJ L 257](#), 28 August 2014, p 135)

¹⁵ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, (Common Fisheries Policy Regulation 2013) ([OJ L 354](#), 28 December 2013, p 22)

¹⁶ European Commission, 'Blue Growth': http://ec.europa.eu/maritimeaffairs/policy/blue_growth/ [Accessed 6 February 2015]

¹⁷ *Ibid.*

Box 2: Blue Growth¹⁸

The EU's Blue Growth strategy is a strand of the Integrated Maritime Policy, which was first launched in 2007.¹⁹

The strategy consists of three components:

- (1) The development of sectors that have a high potential for sustainable jobs and growth, such as aquaculture (fish farming), coastal tourism, marine biotechnology, ocean energy and seabed mining;
- (2) The provision of knowledge, legal certainty and security through marine knowledge, [marine planning] and integrated maritime surveillance;
- (3) The development of sea basin strategies to ensure tailor-made measures and to foster co-operation between countries

Complexities

11. Co-operation between users of the seas can be understood in a variety of ways. Moreover, concepts such as communication, consultation, co-operation and co-ordination are not synonymous. We identified three main relationship axes, and sought to examine each of them in the course of our inquiry:
 - (1) Co-operation between different industries and interests;
 - (2) Co-operation between those in the same industry;
 - (3) Co-operation between regulators, national governments, the European Commission and other supra-national bodies.
12. These relationships are multi-faceted. Although there are fruitful initiatives in place in certain areas, we heard that it is often difficult for individuals and bodies to participate because of a lack of information, an over-complicated regulatory framework or a lack of resources. In other areas, the technology and know-how exists to implement practical co-operation initiatives, but the political impetus is lacking. The absence of any overarching strategic approach to the North Sea basin was particularly striking.

Scope of the inquiry

13. The inquiry's primary focus was marine co-operation in the North Sea. This was a conscious decision, taken in the light of time constraints and because of the UK's deep involvement and political interest in the North Sea basin. Moreover, it helped to give the inquiry some practical application, and allowed us to examine how the six other EU Member States with a North Sea coastline and Norway are approaching the same issues as the UK. Although different sea basins face different problems, some of the conclusions we draw from the specific situation of the North Sea may be

¹⁸ *Ibid.*

¹⁹ Communication from the Commission: An Integrated Maritime Policy for the European Union, [COM\(2007\) 575](#)

applicable in the wider EU marine context. Our focus was the principle of co-operation itself: we did not assess the merits or otherwise of different industries such as oil and gas, renewable energy, fishing or aquaculture. In order to illustrate some of the complexities associated with co-operation in the marine environment, however, we have used case studies from individual sectors.

14. The report examines the issues stemming from what we know and what we do not know about the state of the marine environment (Chapter 2), and the tensions and opportunities that currently exist as multiple users draw on the same resource (Chapter 3). Current examples of co-operation are examined (Chapter 4), as are options for the future (Chapter 5). The vast majority of respondents to the Call for Evidence were of the view that increased co-operation is a good thing; this report suggests practical ways to realise this vision.
15. Shipping is one of the main sectors to operate across the North Sea, but as a truly global industry, the main strategic and regulatory decisions are taken outside the European Union. Although we did not focus on the shipping industry in any depth, we acknowledge the role that the UK Government must play in considering the regional effects of decisions taken at an international level through the International Maritime Organization (IMO).

The Committee's work

16. While this report is made to the House, it is also aimed at a wide range of policymakers and others, within the UK and across the EU as a whole. We trust that the new Commission will take note of our report, and we look forward to its response in the context of the ongoing political dialogue between the Commission and national parliaments. It is particularly pleasing to be able to send our findings to Mr Karmenu Vella, the Commissioner for the newly amalgamated portfolio of Environment, Maritime Affairs and Fisheries. Our hope is that this report will also assist the governments of individual Member States.
17. We issued our Call for Evidence in July 2014 and took oral evidence from a range of UK and EU witnesses between October and December 2014. Overall, we received 17 pieces of written evidence and took oral evidence from 28 witnesses, held over 11 evidence sessions.
18. The members of the Agriculture, Fisheries, Environment and Energy Sub-Committee who carried out the inquiry are listed in Appendix 1; their declared interests are also listed here. We are grateful for the written and oral evidence that was submitted to the inquiry; the witnesses are shown in Appendix 2. We are also grateful to Rodney Anderson and Dr Irene McMaster, who acted as Specialist Advisers to the inquiry.
19. The Call for Evidence is given in Appendix 3 and a list of abbreviations can be found in Appendix 4. All evidence is published online.
20. **We make this report to the House for debate.**

CHAPTER 2: KNOWLEDGE

21. The Maritime Spatial Planning Directive (MSPD) obliges²⁰ EU Member States to use and to share the best available data to support the marine planning process.²¹ In this chapter, we consider briefly the state of knowledge of the EU's seas and how regional co-operation could assist with data generation, sharing, availability and analysis. This is assessed in the context of a move towards ecosystem-based management of the seas, as enshrined in the Marine Strategy Framework Directive (MSFD) (see Box 3).

State of the seas

22. EU Member States have begun to report under the MSFD.²² The European Environment Agency's (EEA) summary of those reports indicated: "Whether looking at species (fish, mammals, birds, invertebrates or reptiles) or marine habitats (water column, seabed), less than 20% of all biodiversity features are considered as being in Good Environmental Status."²³ In the North Sea, the most recent Quality Status Report of the North East Atlantic Regional Sea Convention, OSPAR (see Box 5) highlighted the breeding failure of seabirds as a particular concern due to the combined effect of climate change and fishing.²⁴ There are also some positive messages, including the recovery of certain fish stocks in the North Sea such as haddock and plaice,²⁵ and a reduction of inputs of nutrients by 50%.²⁶ Cefas, the UK's Centre for Environment, Fisheries and Aquaculture Science confirmed that understanding of "some of the traditional areas of study that have been of concern for the past two decades", such as fish stocks and pollution, was good.²⁷

Box 3: Marine Strategy Framework Directive (MSFD)

The MSFD aims to achieve Good Environmental Status (GES) of EU seas by 2020 and to protect the resource base upon which marine-related economic and social activities depend. The maintenance of biodiversity by 2020 is the cornerstone for achieving GES.²⁸

The Directive takes an ecosystem-based approach to the management of the seas. By considering the marine environment and human activities together,

²⁰ Maritime Spatial Planning Directive, Article 10

²¹ The terms 'marine planning', 'marine spatial planning' and 'maritime spatial planning' were used synonymously by stakeholders. As the UK Government uses the term 'marine plans', this term will be used throughout the report.

²² Report from the Commission: The first phase of implementation of the Marine Strategy Framework Directive: The European Commission's assessment and guidance, [COM \(2014\) 97](#)

²³ *Marine Messages: Our Seas, our future: moving towards a new understanding*, p 10

²⁴ OSPAR Commission, *Quality Status Report 2010*, Chapter 12: http://qsr2010.ospar.org/en/ch12_02.html [Accessed 6 February 2015]

²⁵ *Ibid.*, Chapter 8

²⁶ OSPAR Commission, *The North Sea: An Integrated, Ecosystem Approach for Sustainable Development*: http://www.ospar.org/html_documents/ospar/html/brochure.pdf [Accessed 6 February 2015]

²⁷ [Q 90](#)

²⁸ European Commission, 'Legislation: The Marine Directive': http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index_en.htm [Accessed 6 February 2015]

this differs from traditional approaches that address single concerns, such as species, sectors or activities.²⁹

23. There is also good knowledge of the identity of the key challenges faced by the marine environment, such as climate change. One example in the North Sea of the effect of warming seas is the replacement of cold water plankton by warm water plankton, which has been documented by the Sir Alister Hardy Foundation for Ocean Science.³⁰ The Royal Society for the Protection of Birds (RSPB) explained: “This is affecting the whole food chain, through small prey fish like sand eels up to top predators like seabirds.”³¹
24. While there is therefore some knowledge about high level trends and challenges, Wildlife and Countryside Link emphasised that “a detailed understanding of our marine environment is still poor.”³² With regard to the impact of effects induced by climate change, for example, Cefas said: “That will affect communities and the ecosystem in a way that we do not fully understand, but which will be significant and substantial.”³³ They went on to say that the lack of such understanding meant that there was no baseline against which to measure change.³⁴
25. At the same time, witnesses cautioned against using a lack of information as a reason to postpone action. Cefas made a distinction between the level of knowledge required in order to understand the whole marine system and the level required in order to take decisions on marine management: “It will never be possible to know everything about everything, so the task is to have a risk-based approach”.³⁵ The International Council for the Exploration of the Sea (ICES) said: “we do not have a complete knowledge of the marine ecosystems but ... this should [not] prevent us from providing the scientific basis to inform policies about the direction in which to move.”³⁶
26. Where information is not comprehensive, the Treaties require that EU environmental policy decisions should be taken on the basis of the precautionary principle.³⁷ This has not been defined, but the Commission has stated:

“Recourse to the precautionary principle presupposes that potentially dangerous effects deriving from a phenomenon, product or process have been identified, and that scientific evaluation does not allow the risk to be determined with sufficient certainty.”³⁸

²⁹ *Marine Messages: Our Seas, our future: moving towards a new understanding*, p 8

³⁰ Sir Alister Hardy Foundation for Ocean Science, ‘Northward shift indicators’: <http://www.sahfos.ac.uk/research/macroecology-and-climate-change-impacts/northward-shifts.aspx> [Accessed 11 February 2015]

³¹ [Q 106](#) (Dr Dunn)

³² Written evidence from Wildlife and Countryside Link ([RMC0008](#))

³³ [Q 92](#)

³⁴ [Q 126](#)

³⁵ [Q 90](#)

³⁶ [Q 108](#)

³⁷ Article 191(2), Treaty on the Functioning of the European Union (TFEU) ([OJ C 326](#), 26 October 2012, p 132)

³⁸ Communication from the Commission on the precautionary principle, [COM\(2000\) 1](#)

The UK High Level Marine Objectives adopt a similar interpretation:

“Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing proportionate and cost-effective measures to prevent environmental degradation.”³⁹

27. **Knowledge of the broad trends in the marine environment is developing but is already sufficient to state with reasonable confidence that marine biodiversity in the seas around the EU is degrading. In line with the precautionary principle, the current degree of uncertainty should not delay action now. The positive impacts of recent management measures in specific areas, such as fish stocks, can give confidence of the benefits of action taken on the basis of the precautionary principle.**

Cumulative impact

28. A particular challenge facing the marine ecosystem, notably in the highly industrialised North Sea, is the cumulative impact, or cumulative effect, of human activities. The European Commission concluded: “Marine ecosystems, their habitats and species throughout Europe continue to be under significant threat from cumulative impacts from human activities no matter what ecosystem features we look at.”⁴⁰ An example of such cumulative impact is given in Box 4.

Box 4: Cumulative environmental impact on seabirds

The Norwegian Management Plan for the North Sea and Skagerrak⁴¹ identifies pressures on seabirds, which can combine—in time and space—to intensify their impact:

- Hazardous substances, such as persistent organic pollutants and marine litter—in a study of beached seabirds found at Lista near the southern tip of Norway, 98% of the birds were found to have plastic particles in their stomachs;
- Acute pollution such as oil spills;
- Disturbance of breeding sites due to leisure activities;
- Accidental entanglement in fishing nets;
- Collisions with turbines;

Changes to food supply caused by climate change, competition with the fishing industry and discharges of nutrients from agriculture, aquaculture, waste water treatment and industry.

³⁹ HM Government, *Our Seas: a shared resource*, (February 2009): https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182486/ourseas-2009update.pdf [Accessed 6 February 2015]

⁴⁰ Commission Staff Working Document accompanying the Commission Report: The first phase of implementation of the Marine Strategy Framework Directive: The European Commission’s assessment and guidance, *SWD(2014) 49*

⁴¹ Norwegian Ministry of the Environment, *Integrated Management of the Marine Environment of the North Sea and Skagerrak Management Plan*, (26 April 2013): <https://www.regjeringen.no/contentassets/f9eb7ce889be4f47b5a2df5863b1be3d/en-gb/pdfs/stm201220130037000engpdfs.pdf> [Accessed 6 February 2015]

29. We were told that research on the cumulative impact of human activities, such as construction noise, on the marine environment was particularly lacking. ICES said: “we still have to learn more about how simultaneous pressures are impacting our ecosystems.”⁴² The World Wide Fund for Nature (WWF) stated: “The cumulative impact of all the different activities on the marine environment is largely unknown but is likely to be far greater than the sum of the individual activities.”⁴³ Wildlife and Countryside Link gave the example of the unknown impact of electric pulse fishing⁴⁴ on the marine environment, such as sandworms, crabs and clams,⁴⁵ in addition to its specific impact on fish stocks.⁴⁶ Honeycomb worms (*sabellaria alveolata*), for example, can perform an important ecosystem engineering role by modifying the environment around them to the benefit of other species.⁴⁷ Professor Austen from the Plymouth Marine Laboratory emphasised that cumulative impact assessment is not only about the present but also about the future: “As we continue to add in more renewable energy installations and marine conservation zones or marine protected areas and as we continue to expand on aggregate dredging, we have to look to the future.”⁴⁸
30. Cefas told us that there was no common understanding of what was meant by cumulative impacts, nor of how to understand them. They explained the challenge:

“Activities can coincide both in space or in time. Sometimes they can occupy the same piece of seafloor, but do not occur in time and appear in different seasons. Occasionally, there is an interaction that is positive; sometimes, it is negative.”⁴⁹

Discussions are being pursued within the North East Atlantic Regional Sea Convention, OSPAR, (see Box 5) to develop mutual understanding of the terminology.⁵⁰ OSPAR’s work includes a project, being co-led by Cefas in the UK, and The Netherlands, to evaluate various methodologies for assessments of cumulative impact. The project is due to report by mid-2015. Within OSPAR, Cefas has also worked with Sweden to produce a “risk-based approach for defining and implementing marine cumulative effects assessment”. Under the ICES framework, Cefas chairs the Working Group on Integrated Assessments of the North Sea, which is developing ecosystem

⁴² [Q 108](#)

⁴³ Written evidence from WWF ([RMC0010](#))

⁴⁴ Electric pulse fishing is based on a system which emits short electric pulses on a part of the seabed. This causes the muscles of the fish to contract, whereupon the fish detach from the seabed and land in the net. North Sea Advisory Council (NSRAC), *Pulse Trawl*: http://www.nsrac.org/wp-content/uploads/2014/04/16383_Imares_Factsheet_Pulse_Fishery.pdf [Accessed 6 February 2015]

⁴⁵ *Ibid.*

⁴⁶ Written evidence from Wildlife and Countryside Link ([RMC0008](#))

⁴⁷ Ulrike Braeckman, Marijn Rabaut, Jan Vanaverbeke, Steven Degraer, Magda Vincx, ‘Protecting the Commons: the use of Subtidal Ecosystem Engineers in Marine Management’, *Aquatic Conservation: Marine and Freshwater Ecosystems*, vol. 24, issue 2, (2014), pp 275–286: <http://onlinelibrary.wiley.com/doi/10.1002/aqc.2448/abstract>

⁴⁸ [Q 126](#)

⁴⁹ [Q 91](#)

⁵⁰ [Q 36](#) (Dr Campbell)

modelling and risk-based approaches to support cumulative effects assessment.⁵¹

Box 5: North East Atlantic Regional Sea Convention (OSPAR)

Globally, there are 18 regional sea programmes, 14 of which are supported by legally binding conventions.⁵² The programmes engage neighbouring countries in comprehensive and specific actions to protect their shared marine environment. In the EU, there are four different Regional Sea Conventions, covering the Baltic Sea, the Black Sea, the Mediterranean Sea and the North East Atlantic (OSPAR).⁵³

The OSPAR Convention to protect the marine environment of the North East Atlantic dates back to 1972, with the Oslo Convention against dumping. This was broadened to cover land-based sources and the offshore industry by the Paris Convention of 1974. These two Conventions were unified, updated and extended by the 1992 OSPAR Convention. A new annex on biodiversity and ecosystems was adopted in 1998 to cover non-polluting human activities that can adversely affect the sea. The 15 contracting party governments are Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom.⁵⁴

31. Professor Austen set out some of the emerging work being undertaken within EU-funded projects in order to assess cumulative impacts. One such project, VECTORS,⁵⁵ links economists with ecologists, physiologists and modellers to assess the impact on the fishing industry of climate change and different forms of fisheries spatial management. She described the project as exploratory and considered its cross-border nature to be essential.⁵⁶ ICES advocated pilot projects, with an initial focus on “a limited number of human activities where we are able to provide the scientific background information.”⁵⁷
32. The lack of knowledge about cumulative impact is in stark contrast to the regulatory requirements at both UK and EU levels to take it into account. According to the UK’s Marine Policy Statement, marine plans across the UK “should identify how the potential impacts of activities will be managed, including cumulative effects.”⁵⁸ It is acknowledged in the East Inshore and

⁵¹ Written evidence from the UK Government ([RMC0017](#))

⁵² United Nations Environment Programme, ‘Regional Seas Programmes’: <http://www.unep.org/regionalseas/programmes/default.asp> [Accessed 6 February 2015]

⁵³ European Commission, DG Environment, ‘Regional Sea Conventions’: http://ec.europa.eu/environment/marine/international-cooperation/regional-sea-conventions/index_en.htm [Accessed 6 February 2015]

⁵⁴ OSPAR Commission, ‘About OSPAR’: <http://www.ospar.org> [Accessed 6 February 2015]

⁵⁵ *The Dogger Bank: understanding stakeholder and policy-maker needs*

⁵⁶ [Q 126](#)

⁵⁷ [Q 109](#)

⁵⁸ HM Government, *UK Marine Policy Statement*, (March 2011): https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf [Accessed 6 February 2015]

Offshore Marine Plans, however, that current evidence places limits on the ability to provide plan-specific detail on cumulative effects.⁵⁹

33. At the EU level, cumulative impact assessment is referenced in various pieces of legislation, using distinct types of language. The Strategic Environmental Assessment Directive refers to “synergistic effects on the environment”, and “cumulative nature of the effects”.⁶⁰ The Environmental Impact Assessment Directive refers to “direct effects and indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects”.⁶¹ The Habitats Directive refers to “in combination” effects.⁶² Article 8 of the MSFD indicates that Member States’ initial assessment of their waters should cover: “the main cumulative and synergetic effects.” In its report on the initial assessments submitted by Member States, the Commission referenced only one such inclusion, by Spain, with specific reference to cumulative sound pressures.⁶³
34. The joint UK MSFD consultation document on a Programme of Measures, published in January 2015, set out the current approach to marine cumulative impact assessment across the UK administrations:
- “Work is underway to review existing guidance for developers ... on addressing cumulative impacts, as part of the Environmental Impact Assessment and Strategic Environmental Assessment processes. The UK is also involved in various initiatives to develop its understanding and evaluation of cumulative effects at both national and European levels. Careful consideration will be needed to ensure that impacts from groups of smaller scale developments can be distinguished from changes in prevailing conditions.”⁶⁴
35. **Knowledge of the cumulative impacts of all human activities on the marine ecosystem remains very limited, despite the fact that its consideration is a statutory requirement in both EU and UK legislation. It is an area that would benefit from greater regional co-operation but, for this to happen, agreement on terminology and on the methodology for assessment is required. We recommend that the preparatory work on methodology that has been undertaken thus far**

⁵⁹ Department for Environment Food and Rural Affairs, *East Inshore and East Offshore Marine Plans* (April 2014): https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf [Accessed 6 February 2015]

⁶⁰ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (*OJ L 197*, 21 July 2001, p 30)

⁶¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (*OJ L 26*, 28 January 2012, p 1)

⁶² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, (*OJ L 206*, 22 July 1992, p 7)

⁶³ Commission Staff Working Document accompanying the Commission Report: The first phase of implementation of the Marine Strategy Framework Directive: The European Commission’s assessment and guidance, *SWD(2014) 49*

⁶⁴ Department for Environment Food and Rural Affairs, Welsh Government, Northern Irish Department of the Environment, The Scottish Government, *Marine Strategy Framework Directive consultation: Programme of Measures*, (January 2015): https://consult.defra.gov.uk/marine/msfd-programme-of-measures/supporting_documents/20141015%20POM%20complete%20consultation%20document%20FINAL.pdf [Accessed 6 February 2015]

within OSPAR and the International Council for the Exploration of the Sea be applied to practical pilot projects in the North Sea. (Recommendation 1)

36. **We recommend that the European Commission carry out a specific analysis of work undertaken by Member States to assess the cumulative impact of human activities, in line with Article 8 of the Marine Strategy Framework Directive. We recommend also that the Commission review the consistency of cumulative impact obligations across EU environmental legislation and, furthermore, how those obligations are implemented in national legislation. (Recommendation 2)**

Data availability and analysis

Data availability

37. Professor Austen criticised the amount of data made publicly available by the private sector. She said that the renewable energy or oil and gas industries “might have data available, but they are not releasing it”.⁶⁵ Oil and Gas UK, on the other hand, stated that interaction with academia was increasing and that the industry had maintained a published database of all seabed surveys undertaken for oil and gas operations over the last 30 years.⁶⁶ The Scottish Association for Marine Science (SAMS) told us that “bodies that hitherto have regarded data as a crucial part of their commercial operation are now beginning to realise that there is more to be gained by sharing information than by holding it close to your chest.”⁶⁷ The Crown Estate reported that it had a Marine Data Exchange, providing access to survey data and reports from industry collated during the planning, building and operating of offshore renewable energy projects.⁶⁸
38. The European Commission’s solution to making data available is the European Marine Observatory Data network (EMODnet) (see Box 6). Seascope Consultants⁶⁹ explained that national agencies and research institutes collected and held the main volume of data made available by EMODnet, but that efforts would increase to engage with industry stakeholders to secure more uptake of industry data into the EMODnet data system. This would require a different approach, as not all industry data were always freely available and accessible.⁷⁰ ICES did not see EMODnet solving the issue of getting more data made public.⁷¹ Seascope Consultants noted that a call for tender would be launched early in 2015 to develop a data ingestion facility designed to encourage data submission to EMODnet.⁷²

⁶⁵ [Q 126](#)

⁶⁶ Written evidence from Oil and Gas UK ([RMC0015](#))

⁶⁷ [Q 94](#)

⁶⁸ [Q 81](#) (Susan Kidd)

⁶⁹ The secretariat for EMODnet.

⁷⁰ Written evidence from Seascope Consultants Ltd ([RMC0012](#))

⁷¹ [Q 111](#)

⁷² Written evidence from Seascope Consultants Ltd ([RMC0012](#))

Box 6: European Marine Observation and Data Network (EMODNet)

The European Marine Observation and Data Network (EMODnet) is a long-term EU-funded marine data initiative. The EMODnet data infrastructure is developed through a stepwise approach in three major phases. Currently EMODnet is in the second phase of development.

- (1) Phase I (2009–2013) developed a prototype (so called ur-EMODnet) with coverage of a limited selection of sea basins, parameters and data products at low resolution;
- (1) Phase II (2013–2016) aims to move from a prototype to an operational service with full coverage of all European sea basins, a wider selection of parameters and medium resolution data products;
- (2) Phase III (2015–2020) will work towards providing a seamless multi-resolution digital map of the entire seabed of European waters, providing the highest resolution possible in areas that have been surveyed, including topography, geology, habitats and ecosystems; accompanied by timely information on the physical, chemical and biological state of the overlying water column as well as oceanographic forecasts.⁷³

39. SAMS considered that the amount of data available was in fact substantial but that, while data were now being accumulated “at rates that were inconceivable even two or three decades ago”, a major issue was now “how we utilise that data so we can interrogate all of it concurrently and we can utilise different parts.”⁷⁴ Similarly, Professor Mike Elliott from the Institute of Estuarine and Coastal Studies at the University of Hull said: “we have all of these data; how do we bring those together?”⁷⁵ ICES called for greater co-ordination of the findings from research vessel surveys.⁷⁶
40. Cefas explained that, in the UK, “the clear lead for data co-ordination is MEDIN—the Marine Environmental Data and Information Network.”⁷⁷ They added: “All data providers—industry, government and others—are required to submit their data to MEDIN’s standards and to have the information about that data available online.”⁷⁸ They told us that all of the data produced by Cefas were available through MEDIN, “and parts of our data are also submitted directly to ICES, such as fisheries data, and contaminants data is submitted to OSPAR.” We heard that OSPAR was developing a new Data and Information Management System.⁷⁹
41. OSPAR was concerned, however, that the existing initiatives were insufficiently connected, thus increasing the risk “that we end up with a fragmented system, where you do not know where to go to get what”.⁸⁰

⁷³ *Ibid.*

⁷⁴ [Q 90](#)

⁷⁵ [Q 128](#)

⁷⁶ [Q 108](#)

⁷⁷ [Q 93](#)

⁷⁸ *Ibid.*

⁷⁹ Written evidence from OSPAR ([RMC0005](#))

⁸⁰ [Q 43](#) (Dr Campbell)

OSPAR added: “the more you can get people to do things in the same way and not replicate each other, the more costs you save.”⁸¹ Professor Elliott agreed that there was replication: “The mantra with data is that you collect once and use many times, whereas we probably collect many times and use once.”⁸² The need to share data is recognised in the new MSPD, which requires Member States to “organise the use of the best available data, and decide how to organise the sharing of information, necessary for maritime spatial plans.”⁸³

42. Professor Elliott said that data “have to be quality-assured”.⁸⁴ He warned that “if we put rubbish on [databases], we will get rubbish off.”⁸⁵ ICES said that data should be: “comparable, quality assured and [able to] be used by the end users.”⁸⁶
43. Professor Austen, though, warned: “we have to bear in mind that, if we make data publicly available, it is quite expensive to get them quality assured, deposited and organised to the point that the receiving body needs.”⁸⁷ She argued that funding for EMODnet should be increased in order that such work could be undertaken by EMODnet rather than by those submitting data. If this were the case, she reasoned, “You would get a lot more enthusiasm from people to hand over data.”⁸⁸
44. It is clear that there is no lack of desire to develop and accumulate knowledge, and there is widespread acknowledgement that access to information is key to protecting the marine environment.
45. **Data collection initiatives are not in short supply, but we are concerned that efforts may be duplicated and that the best, most cost-effective, use is not being made of existing data. This will need to be resolved in order to meet the requirements of the Maritime Spatial Planning Directive in relation to the organisation and use of data.**
46. **National governments around the North Sea must commit to a single cross-border data collection initiative and allocate resources accordingly. Such a commitment could encourage a similar approach in other sea basins.**
47. While EMODnet is a promising initiative, it must be supported by Member States, Regional Sea Conventions and the ICES as well as by the private sector.
48. **We recommend that the European Commission work closely with the European Marine Observatory Data network (EMODnet) to ensure that awareness of the network is raised and that its database includes as much of the available information as possible. We recommend that**

⁸¹ [Q 45](#) (Dr Campbell)

⁸² [Q 128](#)

⁸³ Maritime Spatial Planning Directive, Article 10

⁸⁴ [Q 128](#)

⁸⁵ *Ibid.*

⁸⁶ [Q 110](#)

⁸⁷ [Q 128](#)

⁸⁸ *Ibid.*

consideration be given to increasing funding for EMODnet, so that it can format and quality-assure data itself, rather than relying on those submitting the data. (Recommendation 3)

Data analysis

49. The EEA told us: “The countries [around the North Sea] usually do quite a good job when it comes to knowing the exact situation in their area. But the challenge is putting this together into a common pool and performing an analysis.”⁸⁹
50. The North Sea Region Programme (NSRP)⁹⁰ developed a similar point:
- “There is a need for a mechanism to gather and sift the complex data involved, to initiate a participatory process and collect different views, and build towards a long-term consensus on the best use of the seas, in order to provide objective recommendations based on the interests of the wider ecosystem.”⁹¹
51. In the UK, the Marine Science Strategy provides a high-level framework for the development and implementation of marine science across the UK. It is taken forward through the Marine Science Co-ordination Committee (MSCC). Its working groups focus on long term monitoring and data assessment, science alignment, economic growth and communication.⁹²
52. **Knowledge co-operation should extend to the analysis of available data. So far as the UK is concerned, we recommend that the Marine Science Co-ordination Committee develop a mechanism for such analysis. We recommend that the UK Government feed that work into discussion at OSPAR on adopting a similar approach for data analysis at the North Sea level, linking this in to any expansion of EMODnet’s capacity. (Recommendation 4)**

⁸⁹ [Q 51](#)

⁹⁰ The INTERREG North Sea Region Programme (NSRP) is a Programme of the European Union to promote the economic, environmental, social and territorial development of the North Sea Region area. It funds activities based on the co-operation of partners from seven countries: Belgium, Denmark, Germany, The Netherlands, Norway, Sweden and the UK. Successive rounds of INTERREG co-operation programmes have run in the North Sea Region since 1997 and will continue with a Programme for the 2014–2020 period. The 2007–2013 Programme had an overall budget of €274.2 million (€138.5 million funded through the European Regional Development Fund) and funded around 80 projects.

⁹¹ Written evidence from the North Sea Region Programme ([RMC0007](#))

⁹² Written evidence from the UK Government ([RMC0017](#))

CHAPTER 3: TENSIONS AND OPPORTUNITIES

53. We identified tensions and opportunities arising from three distinct human factors in the seas: from the sometimes contrasting environmental and economic objectives; from the varying objectives of economic users; and from the regulatory environment. In this chapter, we illustrate the first two of those factors before considering marine planning as a tool to overcome the tensions and maximise the opportunities through a co-operative approach. We go on to consider regulatory tensions, particularly those deriving from EU legislation.

Objectives and uses of the marine environment

54. The European Commission has adopted the term “blue growth” to describe economic growth in the marine environment (see Box 2). It explained that the aim of blue growth was “to do whatever we can ... to facilitate and support the development of the maritime economy in the European Union.”⁹³ The North Sea region is highly industrialised and is considered to be a crucial region for the EU’s maritime economy.⁹⁴ The North Sea Region Programme (NSRP) described the North Sea as “probably the most industrialised sea in the world.”⁹⁵
55. Marine environmental protection in the EU is most effectively encapsulated by the Marine Strategy Framework Directive (MSFD). An important method of delivering Good Environmental Status (GES) under the MSFD is to introduce marine protected areas (MPAs), of which there should have been “ecologically representative systems” by 2012. The World Wide Fund for Nature (WWF) said: “In order to establish coherent and representative networks of MPAs as required by the MSFD, more progress needs to be made with co-operation between Member States within MSFD sub-regions”.⁹⁶ Wildlife and Countryside Link observed that “there is no obligation on Member States to co-operate with one another in designating sites.”⁹⁷ We explore the difficulties of such co-operation when faced with the competing demands of blue growth in paragraphs 59 and 90 in relation to the Dogger Bank.
56. The size of the MPA designation challenge was demonstrated by the difficulties faced by the UK alone in designating its Marine Conservation Zones. Commenting on these difficulties, the House of Commons Environmental Audit Committee concluded: “The designation of 27 sites in 2013 and the prospect of only another 37 at the end of 2015 represent an unambitious programme, after a total of 127 sites had been recommended by experts and stakeholders.”⁹⁸ On 30 January 2015, the Government announced that, out of the original 37 candidates for designation by the end

⁹³ [Q 1](#)

⁹⁴ *Study on Blue Growth and Maritime Policy within the EU North Sea Region and the English Channel*

⁹⁵ [Q 32](#) (Matt Nichols)

⁹⁶ Written evidence from WWF ([RMC0010](#))

⁹⁷ Written Evidence from Wildlife and Countryside Link ([RMC0008](#))

⁹⁸ Environmental Audit Committee, *Marine Protected Areas* (First Report, Session 2014–15, HC Paper 221)

of 2015, only 23 were suitable. Further consideration will be given to designating the remaining 14 sites at a later stage.⁹⁹

57. Delivery of both economic growth and marine environmental protection is an explicit priority of marine management. This is clear from the vision set out in the joint Marine Policy Statement of the UK Government and the UK's three devolved administrations: "The UK vision for the marine environment is for 'clean, healthy, safe, productive and biologically diverse oceans and seas'". The Marine Management Organisation (MMO) considered these goals of marine environmental protection and blue growth to be compatible.¹⁰⁰
58. In contrast, the European Wind Energy Association (EWEA) told us: "it is clear that you will inevitably come into some kind of conflict".¹⁰¹ The Minister of State for Business, Enterprise and Energy, Rt Hon Matthew Hancock MP, considered that "it is inevitable that there are challenges and competing uses of resources".¹⁰² The German government noted: "Economic activities like fishery, aquaculture and wind energy have to be reconciled with tourism and recreation as well as with ecological aspects."¹⁰³
59. The Dogger Bank was often cited to illustrate these tensions. This area of the North Sea falls under British, Dutch, German and Danish jurisdiction (see Box 1). It was identified by Germany, The Netherlands and the United Kingdom as a marine Special Area of Conservation—a form of marine protected area—under the Habitats Directive.¹⁰⁴ It is also a rich area for fishing and a site for offshore wind development. Yet, the Royal Society for the Protection of Birds (RSPB) told us that it had not so far proved possible to secure agreement on protecting the area under the Common Fisheries Policy (CFP).¹⁰⁵ Wildlife and Countryside Link said: "The recovery of the Dogger Bank habitat has the potential to make a major contribution to marine conservation in the North Sea, but the lack of governance, support and political will means that this has been severely delayed."¹⁰⁶
60. On the other hand, new environmental opportunities could arise from the economic development of the seas. EWEA told us: "An offshore wind farm can also be an excellent natural conservation site for certain types of species, because it is a no-fishing zone or because molluscs and plants all collect around the substructures and therefore offer feeding grounds for certain other kinds of species."¹⁰⁷ Oil and Gas UK made a similar point: "Offshore

⁹⁹ Department for Environment, Food and Rural Affairs, *Marine Conservation Zones: Consultation on Sites Proposed for Designation in the Second Tranche of Marine Conservation Zones* (January 2015): https://consult.defra.gov.uk/marine/tranche2mczs/supporting_documents/Consultation%20Document%20Final.pdf [Accessed 6 February 2015]

¹⁰⁰ [Q 75](#) (Dr Howell)

¹⁰¹ [Q 17](#) (Jacopo Moccia)

¹⁰² [Q 121](#)

¹⁰³ Written evidence from the German Federal Ministry of Transport and Digital Infrastructure ([RMC0009](#))

¹⁰⁴ MASPNOSE, *Preparatory Action on Maritime Spatial Planning in the North Sea* (May 2012): https://www.wageningenur.nl/upload_mm/c/f/2/f25d7f9e-34fa-4c31-a5ab-c79768d46f64_MASPNOSE%20D1.3.3%20final%20report.pdf [Accessed 6 February 2015]

¹⁰⁵ [Q 101](#) (Dr Dunn)

¹⁰⁶ Written evidence from Wildlife and Countryside Link ([RMC0008](#))

¹⁰⁷ [Q 22](#) (Jacopo Moccia)

installations and pipelines are recognised as biodiversity hotspots and might be important elements of the North Sea ecosystems.”¹⁰⁸ To test this, industry sponsors had initiated a programme of research, INSITE (Influence of man-made Structures In The Ecosystem).¹⁰⁹ Oil and Gas UK anticipated “that the findings may support any future discussion on the scope of decommissioning offshore infrastructure in the North Sea.”¹¹⁰

61. The ‘Clean North Sea Shipping’ project (see paragraph 138) was cited as an example of the way tension in the marine environment can stimulate a positive change, contributing to environmental protection and driving innovation. It led to a set of recommendations, from which opportunities also flowed for industry.¹¹¹

Managing economic uses of the sea

62. Competition between the different economic users of the sea can also present challenges. The North Sea Commission (NSC) stated: “A key challenge in the North Sea is the management of conflicts between competing users of the sea basin.”¹¹² The MMO acknowledged that there could be competition for space in the sea, but considered that “the majority of industries can exist together in some form or another.”¹¹³
63. The relationship between the fishing industry and the oil and gas industry was one example of successful co-existence. The Scottish Fishermen’s Federation (SFF) told us: “We have indeed had a mature and developed relationship with oil and gas for over 30 years—better still, we have managed to work together for mutual benefit”.¹¹⁴ The Crown Estate (see Box 7) confirmed that there were previously “huge tensions” between the two industries, but that the relationship improved once they realised that there was “a mutual commercial advantage in working together.”¹¹⁵

Box 7: The Crown Estate

The Crown Estate is a body established in perpetuity under the Crown Estate Act 1961 as a trust estate, independent of government and the Monarch with a public function to:

- invest in and manage certain property assets belonging to the Monarch; and
- give its surplus revenue each year to the Treasury.

It manages virtually the entire seabed out to the 12 nautical mile territorial limit, as well as around half of the foreshore. In relation to offshore energy and infrastructure, its role as a landowner “is about enabling and trying to

¹⁰⁸ Written evidence from Oil and Gas UK ([RMC0015](#))

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ Clean North Sea Shipping, *Clean North Sea Shipping Recommendations*, (March 2014): http://cnss.no/wp-content/uploads/2014/03/CNSS_Recommendations_Web.pdf [Accessed 6 February 2015]

¹¹² Written evidence from the North Sea Commission ([RMC0003](#))

¹¹³ [Q 75](#) (Dr Howell)

¹¹⁴ [Q 61](#)

¹¹⁵ [Q 76](#) (Dermot Grimson) and [Q 17](#) (Nick Medic)

attract investment to offshore assets in the UK, focusing particularly on low-carbon energy.”¹¹⁶

Under proposed new arrangements on the devolution of powers to Scotland, responsibility for the management of the Crown Estate’s economic assets in Scotland, and the revenue generated from these assets, would be transferred to the Scottish Parliament.¹¹⁷

64. On the other hand, relations between the fisheries sector and the offshore wind industry were described by the National Federation of Fishermen’s Organisations (NFFO) as “much patchier.”¹¹⁸ The Crown Estate was more positive, citing the work of the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) as an example of where the relationship between the two industries had begun to work well.¹¹⁹
65. Shipping is another industry that could come into conflict with the offshore renewables sector. Research by the EU part-funded project, ACCSEAS, indicated that navigable space allocated to wind farms could increase within just a few years from the current c.440km² up to c.23,500km². This would constitute around 5.5% of all navigable space in the North Sea region.¹²⁰
66. The NSC told us: “If we build [a] lot of wind parks not only are we disturbing fisheries, we are also creating the need to re-align the shipping lanes.”¹²¹ ACCSEAS concluded that the size and location of wind farm sites, “coupled with projected increases in shipping traffic and vessel size, [pose] serious safety and efficiency concerns.” The project’s recommendation was to introduce electronic navigation systems.
67. The International Maritime Organization (IMO) (see Box 8) is responsible for adopting shipping lanes and amendments to them.¹²² IMO guidance indicates that proposals for new or amended shipping lanes (routeing systems) should take account of “any drilling rigs, exploration platforms, and other offshore structures that may exist in the vicinity of the proposed routeing system. Member governments should ensure, as far as practicable, that such structures are not established within the traffic lanes of routeing systems or near their terminations.”¹²³

¹¹⁶ Q 73 (Dermot Grimon)

¹¹⁷ HM Government, *Scotland in the United Kingdom: An enduring settlement*, Cm 8990, January 2015, p 62: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397079/Scotland_EnduringSettlement_acc.pdf [Accessed 16 February 2015]

¹¹⁸ Q 61

¹¹⁹ Q 76 (Susan Kidd)

¹²⁰ ACCSEAS, ‘New research by ACCSEAS highlights growing safety concerns for North Sea shipping traffic’: <http://www.accseas.eu/news/new-research-by-accseas-highlights-growing-safety-concerns-for-north-sea-shipping-traffic> [Accessed 6 February 2015]

¹²¹ Q 32 (Kate Clarke)

¹²² Amendments to shipping lanes or proposals for new shipping lanes are proposed by IMO Member States and agreed by the IMO’s Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) before being put forward for adoption by the Maritime Safety Committee of the IMO.

¹²³ International Maritime Organisation, *Guidance note on the preparation of proposals on ships. Routeing systems and ship reporting systems for submission to the sub-committee on safety of navigation*, (January 2003): <http://www.imo.org/OurWork/Safety/Navigation/Documents/1060.pdf> [Accessed 6 February 2015]

Box 8: The International Maritime Organization (IMO)

The establishment by the United Nations of the IMO in 1948 recognised the international nature of the shipping industry and the reality that issues relating to maritime safety in particular cannot be managed by States acting on their own.

It is now comprised of 170 Member States and three Associate Members. The European Union is not a Member of the IMO. The IMO has promoted the adoption of around 50 conventions and protocols and adopted more than 1,000 codes and recommendations concerning maritime safety and security, the prevention of pollution and related matters.¹²⁴

68. The UK Marine Policy Statement supports the IMO requirement:

“Marine plan authorities and decision makers should take into account and seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety and ensure that their decisions are in compliance with international maritime law.”¹²⁵

69. **The confluence of shipping lanes and offshore structures is a particular issue in the southern North Sea. We observe that International Maritime Organization guidance is comprehensive in its navigational safety requirements and we are confident that the UK has a regulatory process in place to implement that guidance. It is, however, evident that there are concerns about the application of navigational safety provisions across the North Sea as a whole. We recommend that the UK Government, in partnership with the International Maritime Organization and neighbouring countries, ensure that comprehension of the provisions is adequate and that the process is transparent. (Recommendation 5)**

Marine planning

70. A number of witnesses argued that the tension between users and between objectives in the marine environment could be tackled through marine planning. This involves the analysis and organisation of human activities at sea to achieve ecological, economic and social objectives. It is distinct from the licensing of specific activities.

71. The Government considered that, in principle, marine planning “helps to reduce real and potential conflict, achieve integration between different objectives, manage competing demands on the marine area, maximise compatibility and encourage co-existence of marine activities.”¹²⁶ The MMO, responsible for marine licensing and for the delivery of the marine planning process in England, saw planning as a positive way of resolving conflict.¹²⁷ Wildlife and Countryside Link also hoped that marine planning could reduce user conflict and argued that it should be used proactively to

¹²⁴ International Maritime Organisation, *What it is*, (October 2013): <http://www.imo.org/About/Documents/What%20it%20is%20Oct%202013%20Web.pdf> [Accessed 12 February 2015]

¹²⁵ *UK Marine Policy Statement*

¹²⁶ Written evidence from the Department for Environment, Food and Rural Affairs ([RMC0002](#))

¹²⁷ [Q 75](#) (Dr Howell)

reduce conflict.¹²⁸ The Crown Estate supports marine planning, because: “in a defined space where multiple activities are going on, there is bound to be a degree of interaction between activities.”¹²⁹

72. The Marine Conservation Society (MCS) was concerned that environmental commitments might be overlooked during the marine planning process:

“Marine planning and plans must fulfil their promise in implementing an ecosystem-based approach to economic growth. There is a danger that Marine Plans can become little more than window dressing for the status quo, or worse—a veneer of ‘environmental legitimacy’ for what is in reality merely an unabated ‘Blue Growth’ agenda.”¹³⁰

73. Wildlife and Countryside Link considered that, for marine planning to be successful, all activities needed to be considered:

“There is a misconception that the needs of fishing and conservation are not as spatially specific as commercial activities such as wind farms and aggregate dredging ... the plans so far, developed in the North Sea area have not included fisheries and future conservation designations.”¹³¹

The SFF was concerned that the interests of the emerging offshore renewable industry might trump those of the fishing sector. There was therefore a need for “reasonable protection for sustainable legal activity that already exists.”¹³² The Convention of Scottish Local Authorities (COSLA) concluded: “Co-ordination will be key to ensuring that the interests of traditional sectors such as fisheries and transport are protected while Scotland takes advantages of the opportunities of new sectors such as offshore renewable energy.”¹³³

74. The EWEA emphasised the value of marine planning in supporting offshore wind energy investment decisions: “More certainty that planning procedures will go through and that there will be less conflict—so other people will not complain and not come back and challenge the permits—would certainly help appease this sentiment of risk.”¹³⁴ The Crown Estate agreed: “We want [through the marine planning process] to accelerate and de-risk developments taking place because we believe that that will attract investment.”¹³⁵ The NSC noted the importance of “predictable, long term planning as a means to boost attractiveness for investment.”¹³⁶ In 2013, when investigating long term energy investment, we too concluded that clear and credible policy was a pre-requisite for attracting investment. We warned

¹²⁸ [Q 104](#) (Eleanor Stone)

¹²⁹ [Q 76](#) (Susan Kidd)

¹³⁰ Written evidence from the Marine Conservation Society ([RMC0011](#))

¹³¹ Written evidence from Wildlife and Countryside Link ([RMC0008](#))

¹³² [Q 61](#) (Bertie Armstrong)

¹³³ Written evidence from COSLA ([RMC0006](#))

¹³⁴ [Q 18](#)

¹³⁵ [Q 77](#) [Dermot Grimson]

¹³⁶ Written evidence from North Sea Commission ([RMC0003](#))

that “Failure to invest, or investment at high financing costs due to perceived policy risk, could push up the overall cost of energy to consumers.”¹³⁷

75. The need for a flexible approach that takes into account innovation was another element of marine planning highlighted by the EWEA: “when you look at things like [marine planning], one risk is to adopt a very formalist, prescriptive approach and to start thinking, ‘Perhaps wind turbines should not go here or perhaps wind turbines should not go there.’” Instead, systems should also allow for technological developments that might solve problems of co-location, such as those that can drive monopiling silently, thus minimising the associated noise impact on marine mammals.¹³⁸
76. The Commission emphasised that marine planning was an evolving concept among EU Member States and still in its infancy in some of them.¹³⁹ The current state of play in the countries around the North Sea is set out in Appendix 6.

Progress of marine planning in the UK

77. The various marine planning systems in place across the UK, which sit within the framework of the UK-wide Marine Policy Statement (MPS),¹⁴⁰ are set out in Appendix 5. Together, the UK plans and MPS aim for “greater coherence in policy and a forward-looking, proactive and [marine planning] approach to the management of the marine area, its resources, and the activities and interactions that take place within it.”

Box 9: Marine Management Organisation (MMO)

The MMO is a non-departmental public body with a range of functions, including:

- marine planning;
- regulation of marine industries;
- licensing activities in the marine area;
- protecting and enhancing the natural marine environment;
- fisheries management.

The MMO is responsible for most of the marine planning functions in England, including preparing the marine plans. It does so within the framework of Government policy: “Although the overarching policy is set by Government in national framework documents, ultimately it is the planners of the MMO who ... have the important and difficult responsibility of making the judgements”.¹⁴¹ The marine plans must be approved by the

¹³⁷ European Union Committee, *No Country is an Energy Island: Securing Investment for the EU's Future* (14th Report, Session 2012–13, HL Paper 161)

¹³⁸ [Q 19](#) (Nick Medic)

¹³⁹ [Q 4](#)

¹⁴⁰ *UK Marine Policy Statement*

¹⁴¹ Department for Environment, Food and Rural Affairs, *A Description of the marine planning system for England* (March 2011): <http://webarchive.nationalarchives.gov.uk/20121204124616/http://archive.defra.gov.uk/corporate/consult/marine-planning/110318-marine-planning-descript.pdf> [Accessed 16 February 2015]

Secretary of State before they are published in draft and before they are finalised. The MMO is also responsible for monitoring and reporting on the implementation of the marine plans.

Much of the delivery of the marine planning system is through licensing and enforcement by the MMO. All decisions—whether through licensing, consents, other approvals or enforcement—must be made in accordance with the marine plans or the Marine Policy Statement, unless relevant considerations indicate otherwise.

78. Despite the stated division of responsibility between the Government and the MMO for marine planning policy and delivery in England (see Box 9), and the distinction between marine planning and marine licensing, we sensed a lack of clarity in both areas. On the one hand, the MMO stated: “Blue growth is a policy area for central government, and we have no direct role either in influencing that policy area or in evaluating whether it is successful.”¹⁴² On the other hand, the Minister, George Eustice MP, Parliamentary Under Secretary of State for Farming, Food and the Marine Environment, was clear that the MMO “is leading on putting these marine plans together ... and then implements [them] through its licensing decisions.”¹⁴³
79. England’s first set of marine plans—the East Inshore and East Offshore Plans—were published by the MMO in 2014, and included a 20-year vision. The executive summary accompanying the plans explains:
- “Individual applications for marine developments will continue to require case specific assessments that consider the proposed activity and the location where it will occur. However, the East marine plans set the planning context for case specific assessments, providing a broad picture to inform the assessment of the likely impacts, positive or negative, of proposals and giving an indication of the locations where particular activities or developments may be supported.”
80. Similarly, in Scotland:
- “The National Marine Plan and future regional plans must be taken into account when marine licensing applications are considered. The licensing process will also consider specific aspects of proposed developments and use, reaching a balanced view on whether an individual project should be consented.”¹⁴⁴
81. These explanations draw a distinction between marine planning on the one hand and development control (marine licensing) on the other. It was a distinction recognised by the UK Government: “Pending a full set of marine plans being in place, we of course have a marine licensing regime so that it is not the Wild West”.¹⁴⁵

¹⁴² [Q 74](#)

¹⁴³ [Q 123](#)

¹⁴⁴ Written evidence submitted by The Scottish Government ([RMC0014](#))

¹⁴⁵ [Q 125](#) (John Robb)

82. The sometimes blurred distinction between planning and licensing may explain the differences of opinion between the MMO and stakeholders on the level of certainty in relation to planning in the English marine environment. The MMO took the view that “the regulatory framework that we use at the moment is very good at recognising ... conflicts and at addressing them in a satisfactory way”. National Grid acknowledged that there might be “opportunities for [marine planning] serving a good purpose ... but it depends on how it is implemented.”¹⁴⁶ Wildlife and Countryside Link was similarly uncertain: “At the minute, [marine planning] seems to be more describing the *status quo* of what industries and activities are already taking place, rather than looking for ways to proactively reduce that conflict.”¹⁴⁷
83. The UK Government admitted that marine planning in England was still at an early stage: “The marine planning system is way behind the terrestrial planning system ... at the moment we are in transition to having a full planning system in place.”¹⁴⁸
84. Scotland’s draft marine plan was published in December 2014.¹⁴⁹ The Scottish Parliament’s Rural Affairs, Climate Change and Environment Committee concluded that the plan “is in parts too detailed and prescriptive and in other places too vague, and therefore requires amendment to make it fully fit for purpose.” The Committee was also unclear how regional marine planning would interact with the national plan.¹⁵⁰
85. **There are examples of co-operation between users of the sea, but as competition for space grows increasingly intense, so the need to co-operate will intensify. Marine planning may contribute to productive co-operation that spans sectors and users, but it is not a silver bullet for overcoming tensions and maximising opportunities in the marine environment.**
86. **The reality of marine planning is that, insofar as it exists around the EU, it is embryonic. There is broad support for the concept, but it is now important that users should begin to see its practical benefits, most notably in providing a more predictable planning framework for investment and for the multiple users of the North Sea.**
87. **We note the emphasis placed on the importance of a comprehensive approach that features both certainty and the flexibility to take into account innovative developments. While a full review of the application of the Marine Policy Statement across the UK would be premature, we recommend to the Government and devolved administrations that concerns about certainty, flexibility and**

¹⁴⁶ [Q 20](#) (Mark Pearce)

¹⁴⁷ [Q 103](#) (Eleanor Stone)

¹⁴⁸ [Q 125](#) (John Robb)

¹⁴⁹ Scottish Government, *Scotland’s National Marine Plan*, (11 December 2014): <http://www.scotland.gov.uk/Resource/0046/00465865.pdf> [Accessed 6 February 2015]

¹⁵⁰ Scottish Parliament Rural Affairs, Climate and Environment Committee, *Report on Scotland’s National Marine Plan*, 2nd Report, 2015 (Session 4), SP Paper 659: http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/Reports/rur-15-02w.pdf [Accessed 6 February 2015]

coverage be reflected and addressed in plans as they are developed, thereby ensuring that strategic marine planning is seen as the primary platform for managing competing demands. A distinction must be drawn between marine planning on the one hand and the licensing of individual marine developments on the other. (Recommendation 6)

88. We also considered alternative approaches that have been taken to marine planning around the North Sea. The Dutch government adopted a ‘North Sea 2050 Spatial Agenda’ in 2014. The document is described as an “exploration of ambition, potential, challenges and possible measures”, and was drawn up in close consultation with stakeholders and with civil society, including children. Co-operation with other Member States is a recurring theme, as are nature, energy, multi-functional use of the seas, connection between land and sea, and shipping. The Agenda notes that officials from other North Sea countries were consulted and that they “were indeed surprised by the focus of The Netherlands on the longer term but [were] also of the opinion that this is an interesting approach.”¹⁵¹ Since publication of the Agenda, the Dutch government has launched a consultation on its 2016–2021 Maritime Spatial Plan, which integrates elements of the Agenda.¹⁵²
89. **We welcome the 20 year vision under the first English marine plans, but we can discern no long term strategic planning for the seas around the UK as a whole, or even around England. This is in stark contrast to the Dutch approach, which sets a vision to 2050. Management of the seas must not only focus on the present: it must take into account potential future developments and must do so in a way that is credible for users. This requires a long term vision. We urge the UK Government and devolved administrations to consider the development of a strategy akin to, and ideally aligned with, the Dutch North Sea 2050 Spatial Agenda. (Recommendation 7)**

Regulatory tensions

EU regulatory inconsistency

90. We heard that, in certain cases, regulatory tension was hindering co-operation. Dr Peter Jones from University College London argued that “the major challenges for improving co-operation to improve how [marine planning] is governed are actually between different [Commission] policies, rather than between different Member States.”¹⁵³ He cited in particular the inconsistencies between the MSFD, the Biodiversity Directives (Habitats and Birds¹⁵⁴), the MSPD, the Renewable Energy Directive, the CFP, the

¹⁵¹ Dutch Ministry of Infrastructure and Environment, *North Sea 2050 Spatial Agenda* (28 July 2014): http://www.noordzeeloket.nl/en/Images/North%20Sea%202050%20Spatial%20Agenda_LO%20RES_3562.pdf [Accessed 6 March 2015]

¹⁵² Dutch Ministry of Infrastructure and Environment, Dutch Ministry of Economic Affairs, *Draft Policy Document on the North Sea 2016–2021* (December 2014): http://www.noordzeeloket.nl/en/Images/Draft%20Policy%20Document%20on%20the%20North%20Sea%202016–2021_3917.pdf [Accessed 16 February 2015]

¹⁵³ Written evidence from Dr Peter Jones ([RMC0001](#))

¹⁵⁴ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, ([OJ L 20](#), 26 January 2010, p 7)

Environmental Assessment and the Strategic Environmental Assessment Directives.¹⁵⁵ One result of such inconsistencies was the failure under the CFP to protect areas—such as the Dogger Bank—identified under the Habitats and Birds Directives as sensitive.¹⁵⁶ As set out in Box 10, all Member States with a direct management interest in a fishery should agree to a recommendation for fisheries management in a protected area. The MCS suggested that “the lower ambitions of other Member States, such as the Dutch, following lobbying by their fishermen” were preventing the UK from implementing protected areas under the Habitats Directive.¹⁵⁷

Box 10: Aligning the CFP and the Habitats and Birds Directives

Where a Member State considers that other Member States have a direct management interest in a fishery affected by measures that need to be adopted for the purposes of complying with the Habitats and Birds Directives, the Common Fisheries Policy (CFP) requires that the Member State provide all necessary supporting information to the Commission and to other affected Member States. All Member States with an interest may submit a joint recommendation within six months, following which the Commission should adopt the measures within three months. If it is not possible for all interested Member States to agree, the Commission may either submit a legislative proposal for agreement by the European Parliament and Council or, in urgent cases, it may adopt measures itself for a period of 12 months, which may be extended once for a further 12 months.¹⁵⁸

91. The Minister, George Eustice MP, was confident that the EU was trying to align its policies more effectively. He pointed to the increased alignment between the MSFD and the CFP as a result of the recent CFP reform.¹⁵⁹ The Commission made a similar point and also drew our attention to the close co-ordination of efforts to identify technologies that would help industry to implement sulphur emission control areas in the North Sea and Baltic Sea.¹⁶⁰
92. The European Commission admitted that policy development could take place in silos but argued that this was a common problem across all public administrations.¹⁶¹ WWF and RSPB hoped that the appointment of a Commissioner for Environment, Fisheries and Maritime Affairs¹⁶² would help in co-ordinating distinct, but overlapping, EU rules.¹⁶³ In his introductory statement at his pre-appointment hearing in the European

¹⁵⁵ Written evidence from Dr Peter Jones ([RMC0001](#))

¹⁵⁶ [Q 133](#) (Dr Jones) and [Q 101](#) (Dr Dunn)

¹⁵⁷ Written evidence from the Marine Conservation Society ([RMC0011](#))

¹⁵⁸ Regulation (EU) No 1380/1013, Article 11, ([OJL 354](#), 28 December 2013, p 35)

¹⁵⁹ [Q 118](#)

¹⁶⁰ [Q 2](#)

¹⁶¹ [Q 2](#)

¹⁶² Karmenu Vella was appointed as European Commissioner for Environment, Maritime Affairs and Fisheries with effect from 1 November 2014. Under the previous Commission, responsibility for Environment on the one hand and Maritime Affairs and Fisheries on the other hand was split between two different Commissioners.

¹⁶³ [Q 100](#)

Parliament, Commissioner Vella saw the elements of his portfolio as a natural fit: “Sustainability is the key principle in all areas of my portfolio, with its economic, social and environmental dimensions.”¹⁶⁴ On the other hand, Dr Jones was concerned that “the agenda behind the broadening of that brief would appear to have been to focus on promoting blue growth.”¹⁶⁵

Implementation of EU legislation

93. The European Environment Agency (EEA) also expressed concern that implementation of the various Directives could be incoherent, even within one Member State: “an objective from a particular Directive will be fully implemented that is disconnected from the related objective that will be implemented through another pathway.”¹⁶⁶ WWF agreed: “the question really comes down to the implementation of those different Directives and whether that is still recognising the consistencies between them.”¹⁶⁷ This bears out the Commission’s Report on implementation of the MSFD, which indicated: “Member States have in some instances not systematically built on existing EU legislation.” A specific example related to the failure of Member States to make a clear link to the Water Framework Directive¹⁶⁸ when defining good environmental status for hydrographical changes, which often occur in coastal zones.¹⁶⁹
94. There was further concern over the different approaches by Member States to the implementation of single pieces of legislation. The Commission’s Report on the first phase of implementation of the MSFD criticised the different approaches, around single seas, to defining Good Environmental Status under the Directive. While the North East Atlantic region, including the North Sea, demonstrated the greatest level of coherence, there was still “significant room for improvement”.¹⁷⁰ This criticism was accepted by the UK Government.¹⁷¹ Professor Elliott stated: “If the Dutch do it one way and the British do it another way, we are going to have chaos in the middle”.¹⁷²
95. Some witnesses stressed the need for guidance from the Commission on implementation of EU policies affecting the marine environment. Professor Austen argued: “the new Commissioner needs to encourage a standardised approach across the EU to implementation of its Directives.”¹⁷³ Professor

¹⁶⁴ Hearing by the European Parliament, *Introductory Statement of Commissioner-Designate Karmenu Vella*, (29 September 2014): http://ec.europa.eu/commission/sites/cwt/files/commissioner_ep_hearings/vella-statement_en.pdf [Accessed 6 February 2015]

¹⁶⁵ [Q 130](#)

¹⁶⁶ [Q 53](#)

¹⁶⁷ [Q 100](#) (Dr Dodds)

¹⁶⁸ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, ([OJL 327](#), 22 December 2000, p 1)

¹⁶⁹ Commission Staff Working Document accompanying the Commission Report: The first phase of implementation of the Marine Strategy Framework Directive: The European Commission’s assessment and guidance, [SWD\(2014\) 49](#)

¹⁷⁰ Report from the Commission: The first phase of implementation of the Marine Strategy Framework Directive: The European Commission’s assessment and guidance, [COM \(2014\) 97](#)

¹⁷¹ Written evidence from the Department for Environment, Food and Rural Affairs ([RMC0002](#))

¹⁷² [Q 130](#)

¹⁷³ [Q 130](#)

Elliott, on the other hand, acknowledged that greater direction by the Commission was not always welcome.¹⁷⁴

96. The Commission explained that it can issue guidance “that helps develop a common understanding of what exactly a particular legal instrument means, or how it can best be applied, [such as on] the application of environment legislation in estuaries in the European Union.”¹⁷⁵ The Commission also told us that it was developing a work programme, to be completed by 2018, to strengthen co-operation and dialogue on the MSFD.¹⁷⁶ In the meantime, the European Commission’s Work Programme for 2015 promises a ‘fitness check’ of the Habitats and Birds Directives.¹⁷⁷
97. **We welcome the appointment of a European Commissioner responsible for both environmental policy and maritime affairs. An important priority for the new Commissioner should be to ensure that EU legislation affecting the marine environment is consistent. We recommend that the Commission publish guidance for Member States on implementation of such legislation at national level, to improve consistency both between Member States and within the Member States. (Recommendation 8)**
98. **In the short term, we recommend that the fitness check of the Habitats and Birds Directives should include assessment of the coherence of the implementation of those Directives with related legislation, such as the Common Fisheries Policy and the Marine Strategy Framework Directive. (Recommendation 9)**
99. **We also recommend that the fitness check consider the desirability of requiring Member States to co-operate with one another in designating sites under the Habitats and Birds Directives in order to develop ecologically coherent networks of such sites. (Recommendation 10)**

Multi-level governance of the marine environment

100. The NFFO told us that governance of the marine environment “is best understood in terms of layers, because some of the legislation and therefore the decisions will be made at European level.” Other decisions would be taken at the national, regional and local levels respectively.¹⁷⁸ The Scottish Salmon Producers’ Organisation (SSPO) confirmed that the aquaculture industry got “caught in all tiers” of governance from the CFP at EU level to development consent at the local level.¹⁷⁹
101. The complexity of governing marine planning around the North Sea was set out by the NSC: “it differs quite a lot from country to country whether competence on coastal and [marine planning] is found at local, regional or

¹⁷⁴ [Q 130](#)

¹⁷⁵ [Q 3](#)

¹⁷⁶ [Q 6](#)

¹⁷⁷ Annex to the Communication from the Commission: Commission Work Programme 2015, A New Start [COM\(2014\) 910ANNEX 3](#)

¹⁷⁸ [Q 63](#) (Barrie Deas)

¹⁷⁹ [Q 59](#) (Prof Thomas)

national level.”¹⁸⁰ COSLA explained that coastal management had implications for inland and inshore planning as well as for broader local economic development considerations. It was therefore necessary that any further co-operation on marine issues reflected “more explicitly the principle of multi-level governance.”¹⁸¹ Similarly, the Scottish Government was clear that “Local, national and European issues have to be dealt with at appropriate levels.”¹⁸² The NSC described involvement of the regions in work on the draft plans and strategies under the Maritime Spatial Planning Directive (MSPD) as “essential” to the success of the Directive.¹⁸³

Box 11: North Sea Commission

The North Sea Commission is a co-operation platform for local authorities and regions around the North Sea. It currently includes 34 regions from eight countries around the North Sea—Scotland (seven representatives), England (one), France (one), The Netherlands (four), Germany (two), Denmark (three), Sweden (three) and Norway (thirteen).¹⁸⁴

It aims to develop partnerships between regional and local authorities which face the challenges and opportunities presented by the North Sea. Through dialogue and formal partnerships, the NSC seeks to promote common interests, especially in relation to European Union institutions, national governments and other organisations dealing with issues that are relevant to the North Sea.

The main objectives of the North Sea Commission are:

- To promote and create awareness of the North Sea region as a major economic entity within Europe;
- To be a platform for developing and obtaining funding for joint development initiatives;

To work on strategic policy and lobby work at European level for a better North Sea region.¹⁸⁵

102. The NSC brings local and regional authorities around the North Sea together (see Box 11). In contrast to Scottish local authorities, English local authorities are not, with one exception (Southend-on-Sea), engaged in the NSC.¹⁸⁶ The NSC offered two reasons for this. First, there was a lack of clarity over the most appropriate type of region that should be represented, a decision which is linked to sub-national governance arrangements in each country.¹⁸⁷ The second reason was financial:

¹⁸⁰ Written evidence from the North Sea Commission ([RMC0003](#))

¹⁸¹ Written evidence from COSLA ([RMC0006](#))

¹⁸² Written evidence from The Scottish Government ([RMC0014](#))

¹⁸³ Written evidence from the North Sea Commission ([RMC0003](#))

¹⁸⁴ North Sea Commission, ‘Member Regions’: <http://www.northsea.org/index.php/about/member-regions> [Accessed 6 February 2015]

¹⁸⁵ North Sea Commission Homepage: <http://www.northsea.org/> [Accessed 6 February 2015]

¹⁸⁶ [Q 28](#) (Kate Clarke)

¹⁸⁷ [Q 47](#) (Kate Clarke)

“You have to pay fees to be a member, first, of the CPMR [Conference of Peripheral Maritime Regions of Europe],¹⁸⁸ and, secondly, some of the fees go to the North Sea Commission. In these difficult times of budget cuts and trying to find priorities, I think we have lost quite a few members. We still struggle today to keep the membership up and to make sure that members get value and that we are giving something back. That is an important part of our work.”¹⁸⁹

103. The Dutch government has expressed its support for the NSC and has actively supported Dutch local authority involvement.¹⁹⁰ In the introduction to its recent North Sea 2050 Spatial Agenda, the Dutch government confirmed that it would consult local authorities on how the local authorities and the government could “accelerate towards a North Sea wide approach from The Netherlands.”¹⁹¹
104. Despite the lack of English engagement in the NSC, the UK Government gave various examples of local recognition of the value of the maritime economy. The Government explained that some Local Enterprise Partnerships (LEPs), such as Solent and Anglia, were strongly engaged with the marine business environment and that local authorities were involved where an offshore development may have an onshore impact.¹⁹² Other groups engaged with local authorities in managing and working with the marine environment included Inshore Fisheries and Conservation Authorities and Fisheries Local Action Groups.¹⁹³
105. **We support the principle that EU regional co-operation on marine issues should involve regional and local authorities as well as the EU and its Member States. We see an important role for the North Sea Commission as a forum for bringing regional and local authorities together.**
106. **The engagement in England by some Local Enterprise Partnerships in marine issues demonstrates an acknowledgement that local economic growth can be derived from the sea. We therefore regret the lack of English local authority engagement in the North Sea Commission, particularly in contrast with the greater level of engagement by Scottish local authorities and those elsewhere. We recognise that there are financial consequences of membership, but there are nevertheless significant benefits to be gained from co-operation. We therefore recommend that the UK Government and the Local Government Association collaborate to identify and address barriers, including resources, to improved engagement by English local authorities in the work of the North Sea Commission. (Recommendation 11)**

¹⁸⁸ The CPMR includes 150 regions from around Europe: www.crpm.org [Accessed 13 February 2015]

¹⁸⁹ [Q 47](#) (Kate Clarke)

¹⁹⁰ *North Sea 2050 Spatial Agenda*, p 68

¹⁹¹ *North Sea 2050 Spatial Agenda*, p vii

¹⁹² [Q 123](#) (Rt Hon Matthew Hancock MP)

¹⁹³ [Q 123](#) (George Eustice MP)

CHAPTER 4: CURRENT CO-OPERATION

107. Co-operation in the North Sea basin is not new. Both the Marine Strategy Framework Directive (MSFD) and the Maritime Spatial Planning Directive (MSPD) require co-operation between Member States, whether through existing structures or through new efforts.

Catalysts for marine co-operation

108. Two shipping incidents in the late 1960s and early 1970s were instrumental in energising the political will to agree binding rules to protect the marine environment. The *Torrey Canyon* oil spill in 1967 required a joint clean-up operation involving both the UK and France. Over 117,000 tonnes of crude oil were spilt, resulting in a slick covering over 700km². The accident, which was the worst in UK history, triggered global action and the International Maritime Organization (IMO) adopted the International Convention for the Prevention of Pollution from Ships. At a regional level, the Bonn Agreement was adopted (Agreement for Co-operation in dealing with Pollution of the North Sea by Oil and Other Harmful Substances).
109. The Dutch ship *Stella Maris* sailed from Rotterdam in 1971 to dump chlorinated waste at sea, but because of overwhelming local protests and political pressure, returned to port unsuccessful. This widely-publicised incident led to the adoption of the 1972 Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft.
110. Subsequent Conventions led to the creation of the North East Atlantic Regional Sea Convention, commonly known as OSPAR. The UK Government said “OSPAR is the key organisation promoting regional co-operation for the North East Atlantic marine environment.”¹⁹⁴ Further information can be found in Box 5.

The Directives

111. In 2010, Ministers attending OSPAR affirmed its role in facilitating the co-ordinated and coherent implementation of the MSFD,¹⁹⁵ setting out a ‘road map’ for a regional implementation framework for the Directive. This was further expanded in a North-East Atlantic Environment Strategy.¹⁹⁶ Other forms of co-operation to implement the MSFD include a ‘Common Implementation Strategy’ across all Member States and regular meetings of senior Member State officials responsible for the marine environment.¹⁹⁷ While these are positive examples of Member State co-operation, the European Commission acknowledged that more could be done to bring these efforts together.¹⁹⁸

¹⁹⁴ Written evidence from DEFRA ([RMC0002](#))

¹⁹⁵ Written evidence from OSPAR ([RMC0005](#))

¹⁹⁶ *Ibid.*

¹⁹⁷ [Q 11](#)

¹⁹⁸ [Q 6](#)

112. There is also evidence of co-operation with regard to the MSPD. The European Commission told us about the EU Member State Expert Sub-Group on marine planning:

“It meets on a regular basis and has taken on, as its task, the development of further guidance with regard to the concrete implementation of the Directive following its adoption. In particular, what we expect from that group is that it will provide at least the first elements for guidance to Member States on things such as, for example, co-operation across borders, but also on more technical things such as how to work together on the collection and use of data you need for [marine planning].”¹⁹⁹

113. It is notable that OSPAR has convened a working group on marine planning, though it has no power to force Member States to co-operate with one another. Moreover, we heard that resource constraints can impact on the work they undertake:

“Resources are a major issue for us in terms of our Contracting parties, because national Administrations have had their numbers of officials cut heavily, and their scientific budgets might be under pressure. The Marine Strategy Framework Directive has also created a lot of administrative burden for those national Administrations, so it is a huge challenge for us.”²⁰⁰

114. The ecosystem approach to marine planning places environmental considerations at the heart of decision making. OSPAR described it as an “iterative process”,²⁰¹ and the European Environment Agency (EEA) told us that marine planning must take ecosystems into account:

“Ecosystem-based management has to be directly related to the [MSPD], where clearly you look at the overall context as a system with different components intervening in a very interactive manner. Interconnectedness is part of an ecosystem-based management.”²⁰²

115. Under the UK Marine Policy Statement, all UK Administrations have undertaken to develop plans based on this ecosystem approach. Such an approach:

- ensures that the collective pressure of human activities is kept within the levels compatible with the achievement of good environmental status;
- does not compromise the capacity of marine ecosystems to respond to human-induced changes;
- enables the sustainable use of marine goods and services.²⁰³

¹⁹⁹ [Q 5](#)

²⁰⁰ [Q 45](#) (Darius Campbell)

²⁰¹ [Q 39](#) (Darius Campbell)

²⁰² [Q 50](#)

²⁰³ *UK Marine Policy Statement*, Para. 2.3.1

116. The Marine Management Organisation (MMO) (see Box 9), the body responsible for preparing the English Marine Plans (see Appendix 5), assured us that it engaged with The Netherlands, Belgium, and France over the recently published East Marine Plans. The Dutch government was reportedly very complimentary about the level of consultation.²⁰⁴
117. **We observe that co-operation between countries concerning the marine environment has often been prompted by some form of crisis or disaster. The ensuing efforts in the North Sea region have resulted in some effective tools and useful mechanisms for co-operation which take account of environmental considerations.**

Energy

118. Co-operation is taking place within many individual sectors, the energy industry being just one example. The North Sea is an area traditionally rich in oil and gas, and boasts a growing renewables industry. Political developments within the energy sector are also becoming increasingly important. The European Commission published a Strategy for an Energy Union on 25 February 2015.²⁰⁵ This built on the Conclusions adopted by the European Council in October 2014, which emphasised the need to enhance energy security, complete the internal energy market and improve governance. To achieve these goals, greater co-ordination of national energy policies and regional co-operation were recommended.²⁰⁶ In 2013, we concluded that stronger regional co-operation on energy network planning “could be very beneficial in the transition to a more renewable-based and secure system.”²⁰⁷
119. The development of a ‘meshed’ North Sea grid was advocated by most witnesses as more economically sound than the current radial ‘point to point’ approach (see Figure 2).²⁰⁸ Currently, offshore renewable generators are individually connected to national transmission onshore grids via a radial connection, and interconnectors generally link together two onshore grids. Hybrid structures combining interconnectors and renewable energy sources could, in some situations, be a more efficient alternative, representing the first step towards an offshore ‘meshed’ grid. Witnesses told us that, although the technology to support such a development (voltage-source conversion technology) was currently in place, there was regulatory resistance.²⁰⁹

²⁰⁴ [Q 78](#) (Dr Howell)

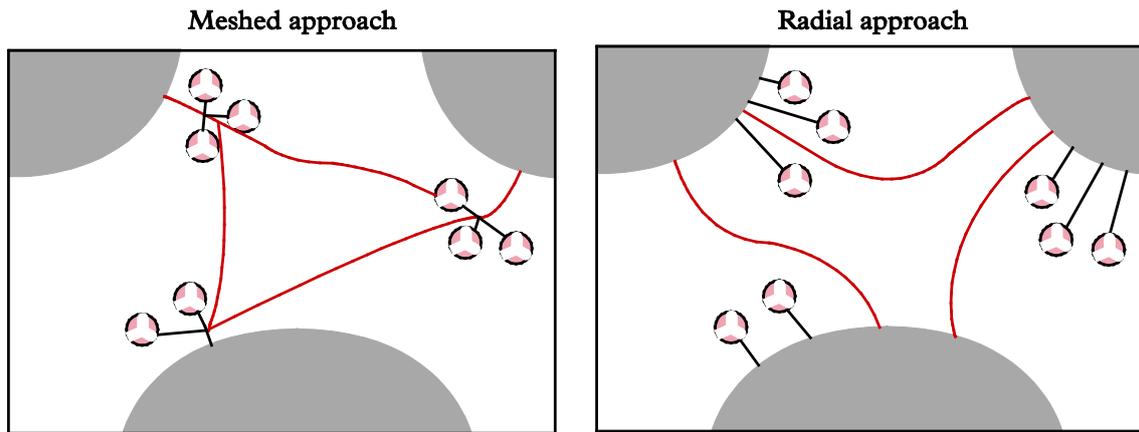
²⁰⁵ Communication from the Commission: A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy, [COM\(2015\) 80](#)

²⁰⁶ European Council, *Conclusions on 2030 Climate and Energy Policy Framework*, SN 79/14, (23 October 2014): http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/145356.pdf [Accessed 6 February 2015]

²⁰⁷ European Union Committee, *No Country is an Energy Island: Securing Investment for the EU's Future* (14th Report, Session 2012–13, HL Paper 161)

²⁰⁸ [Q 19](#) (Nick Medic)

²⁰⁹ [Q 23](#) (Nick Medic)

Figure 2: Approaches to offshore energy grids

Source: North Seas Countries Offshore Grid Initiative

120. It is in this context that the North Seas Countries' Offshore Grid Initiative (NSCOGI) has been established, to consider how a meshed energy grid could be developed. It was generally felt that, while helpful, it had not achieved the required step change. For example, the 2014 NSCOGI progress report highlighted remaining barriers to allocating the costs of hybrid assets among interconnector and wind farm developers, and to trading options for simple hybrid infrastructure (one wind farm linking to one interconnector), and for more complex infrastructure (a number of wind farms linked to an offshore hub).²¹⁰ The North Sea Region Programme (NSRP) told us that the development of such a grid would form part of the internal energy market and would include renewable energy installations.²¹¹ Ofgem, on the other hand, spoke of the uncertainty surrounding the project's future:

“We agree with the view that there is still further work to be done to establish the full details of the regulatory arrangements for projects that integrate offshore generation with market-to-market interconnection. We will continue to work as part of the NSCOGI group to make progress on these issues, but also believe that there is a limit to how much can be done in advance of greater visibility about the nature of projects that are likely to be developed.”²¹²

121. The Minister, Matthew Hancock MP, echoed this point, but emphasised the work that was being carried out to overcome the regulatory barriers to fully realise the grid.²¹³ The European Wind Energy Association (EWEA) told us, however, that NSCOGI was “lacking teeth.”²¹⁴ This view was shared by Wildlife and Countryside Link, which pointed out that ACER, the European energy regulator, possessed little power to bring about greater regulatory integration.²¹⁵ RenewableUK made the point more bluntly:

²¹⁰ The North Seas Countries' Offshore Grid Initiative, *NSCOGI 2013/2014 Progress Report*, (August 2014): http://www.benelux.int/files/9814/0922/7026/NSCOGI_2013_2014.pdf [Accessed 6 February 2015]

²¹¹ Written evidence from North Sea Region Programme ([RMC0007](#))

²¹² Written evidence from Ofgem ([RMC0016](#))

²¹³ [Q 116](#)

²¹⁴ [Q 18](#) (Jacopo Moccia)

²¹⁵ Written evidence from Wildlife and Countryside Link ([RMC0008](#))

“All of the technology ... is there. We can roll out DC²¹⁶ connectors. We could connect Norway; we could connect Iceland. However, the regulatory aspects are lagging behind, and that is a unique situation. Usually, the big vision is there but the technology is lagging, but here it is the paperwork.”²¹⁷

122. Oil and Gas UK assured us that “the representative bodies or trade associations for the oil and gas producers around the North Sea meet formally on a regular basis and informally as common issues arise.”²¹⁸ On a UK level, we were told that the Seabed Users and Developers Group (SUDG), which is sponsored by the Crown Estate, “meets regularly to discuss common issues around the sustainable use of the marine environment, particularly within the context of marine plans and marine protected areas.”²¹⁹
123. The European Commission explained that it was undertaking a “preparatory action” for energy co-operation and marine planning in the North Sea. It said that this would take the form of a “discussion forum” that would tackle the two issues of a smart grid and the wider implementation of the MSPD, and that it would be a first step “to see what ambition, what potential and what interest there is for developing co-operation further in the North Sea on these issues in particular.”²²⁰ Following this assurance, the European Commission and the North Sea Commission (NSC) held a stakeholder conference in Edinburgh on 29 January 2015.²²¹ Speakers at the conference made the point that energy co-operation could bring about cost-savings to the consumer and that the energy industry should work on a flagship project as a first step.
124. **Regulatory barriers to greater cross-border energy co-operation remain. Member States should prioritise efforts to overcome technical obstacles associated with trading options and asset costs. In particular, we urge the UK Government to continue its work in overcoming the regulatory barriers involved in the North Seas Countries Offshore Grid Initiative. (Recommendation 12)**

Fisheries

125. The involvement of fisheries stakeholders and environmental organisations in the Common Fisheries Policy (CFP) has been evolving for some time. Ann Bell, an independent North Sea expert, highlighted the NSC’s 1998 fisheries partnership,²²² which eventually led to the Regional Advisory Councils’ (RACs) introduction under the 2002 CFP reform. The RACs were given a statutory advisory function in 2013 and re-named as Advisory Councils (ACs).²²³ Two thirds of the seats are allocated to representatives of the

²¹⁶ Direct Current

²¹⁷ [Q 23](#) (Nick Medic)

²¹⁸ Written evidence from Oil and Gas UK ([RMC0015](#))

²¹⁹ *Ibid.*

²²⁰ [Q 10](#)

²²¹ European Commission, ‘Regional cooperation on energy and maritime spatial planning in the North Sea’: http://ec.europa.eu/maritimeaffairs/events/2015/01/events_20150129_01_en.htm [Accessed 5 March 2015]

²²² [Q 59](#)

²²³ Common Fisheries Policy Regulation 2013

fisheries sector and one third to representatives of the other interest groups affected by the CFP, such as environmental organisations.²²⁴

126. This co-operation between the European Commission and fisheries stakeholders was welcomed by some witnesses: the MCS told us that “co-operation amongst the members of ... the various Advisory Councils seems to work well.”²²⁵ The National Federation of Fishermen’s Organisations (NFFO) told us:

“Advisory Councils have been a big step forward. In terms of the industry groupings, they provide a very strong platform for mutual understanding. In the past it was all too easy to blame somebody else for whatever was happening. It is not quite so easy when you have to sit and listen, and understand the nature of their fisheries. So, in terms of the industry, it has been a very big step forward.”²²⁶

127. Moreover, under the 2013 reform of the CFP, groups of Member States surrounding a regional sea may agree on a package of management measures which, provided that they conform to the general principles of the Policy, are subsequently ratified by the Commission.

128. The Government expressed strong support for the new arrangements, based on its initial experience of applying them in practice to detailed plans for initial implementation of the landings obligation (‘discard ban’):²²⁷

“The development of the pelagic discard plans was the first formal application of the regional approach to fisheries management under the new CFP and I have been extremely pleased with how the process has worked. The appetite shown by the other Member States in both the North Sea and North Western Waters to employ the new processes was heartening and exceeded my initial expectations ... [we] have agreed Memoranda of Understanding for how the groups operate, developed clear work programmes, dividing tasks to share the workloads effectively and set out a very clear process of engagement with the relevant Advisory Councils to ensure they work to a clear timetable and scope ... [officials] have been able to work directly with their counterparts from other regional Member States towards a clear set of outcomes from day one.”²²⁸

129. The Scottish Fishermen’s Federation (SFF) confirmed that “the Advisory Councils ... now have a part to play and are being consulted [on the development of discard plans].”²²⁹ Despite this recent engagement, the fishing industry and environmental NGOs were not able to coalesce around a single position on the original proposal to introduce the controversial landings obligation. The AC was not therefore in a position to influence

²²⁴ Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy, ([OJ L 256](#), 3 August 2004, p 17)

²²⁵ Written evidence from the Marine Conservation Society ([RMC0011](#))

²²⁶ [Q 59](#)

²²⁷ [Q 118](#)

²²⁸ Letter from George Eustice MP to Lord Boswell on the North Sea pelagic stocks discard plan (14543/14) in Appendix 7

²²⁹ [Q 65](#)

discussions. In contrast, the Royal Society for the Protection of Birds (RSPB) commented that the NGOs “threw the kitchen sink at it in a surgical strike.”²³⁰

130. The North Sea Advisory Council’s position paper in 2012 on the reform of the CFP highlighted funding as a particular concern.²³¹ Currently, ACs are funded by their members, by the Member States and by an annual grant of €250,000 from the Commission, an amount which has not changed since 2007. In 2008, we urged the Commission to review the funding of RACs and we argued that this “should factor in the pace at which their activities are developing.”²³²
131. **We note the successes that have resulted from the work of the fisheries Advisory Councils and support their enhanced role in Commission-level consultations. In the light of their enhanced role, we recommend an urgent review of their funding by the Commission. We also recommend that the UK Government consider how it may be able to contribute additional resources to enable Advisory Councils to fulfil their obligations. (Recommendation 13)**

Co-operation in practice

132. Numerous practical examples of co-operation were drawn to our attention. Some specific examples, varying in scope and scale, are summarised below.

BaltSeaPlan and the Baltic Sea Strategy

133. Co-operation around the Baltic Sea has been particularly notable. The intensity of co-operation in the Baltic was due, in large part, to serious issues of pollution and eutrophication. BaltSeaPlan,²³³ a €3.7m project, was established in 2009 and was strongly supported by Baltic Sea Member States. This led to a political commitment to achieve a comprehensive level of marine planning by 2030 (BaltSea Vision 2030).²³⁴ An EU Baltic Sea Strategy was launched in the same year, solely on the initiative of the Member States concerned, and the German government told us that this Plan influenced the subsequent approach of the MSPD.²³⁵ The European Commission told us:

“[This] is the most ambitious example I can give you of where we have been able, as a Commission globally, to support work on developing [marine planning] co-operatively.”²³⁶

²³⁰ [Q 102](#)

²³¹ NSRAC, *The NSRAC perspective of a reform of the Common Fisheries Policy: Framework regulation*, (March 2012): <http://www.nsrac.org/wp-content/uploads/2012/03/NSRAC-1112-5-2012-03-13-CFP-Position-Paper-FINAL.pdf> [Accessed 6 February 2015]

²³² European Union Committee, *The Progress of the Common Fisheries Policy* (21st Report, Session 2007–08, HL Paper 146)

²³³ BaltSeaPlan Homepage: <http://www.baltseaplan.eu> [Accessed 6 February 2015]

²³⁴ BaltSeaPlan, *Vision 2030: Towards the sustainable planning of Baltic SeaSpace*: http://www.baltseaplan.eu/index.php?cmd=download&subcmd=downloads/2_BaltSeaPlan_Vision2030.pdf [Accessed 6 February 2015]

²³⁵ Written evidence from the German Federal Ministry of Transport and Digital Infrastructure ([RMC0009](#))

²³⁶ [Q 5](#)

The Baltic Sea Strategy has now been followed by other macro-regional strategies such as that in the Adriatic and Ionian region.

Wadden Sea Forum

134. This is an independent platform of stakeholders from Denmark, Germany and The Netherlands contributing to an advanced and sustainable development of the trilateral Wadden Sea Region. It was established in 2002, following a decision by the 9th Governmental Conference of The Trilateral Co-operation on the Protection of the Wadden Sea.²³⁷ They have used a website with tools for integrated coastal zone management, and the stakeholder group consists of representatives from the agriculture, energy, and fisheries industries as well as harbour, nature protection and tourism sectors. Local and regional governments are part of the same group and national governments are supportive and are represented as observers.²³⁸

Celtic Sea Partnership

135. This is led by the World Wide Fund for Nature (WWF) and engages stakeholders across the Celtic Seas countries and territories²³⁹ in project-based activities. They have secured a €4m budget over four years and the main marine sectors, NGOs, academics and governments are all involved, either as core stakeholders or, in the case of governments, the European Commission and OSPAR, as observers. The focus of the Partnership is the delivery of the MSFD in the Celtic Seas. WWF called for this model to be extended to the North Sea.²⁴⁰

MASPNOSE

136. MASPNOSE²⁴¹ (Maritime Spatial Planning in the North Sea) was a study carried out by a number of knowledge institutes (Centre for Marine Policy, Deltares, vTI, University of Ghent and DTU-Aqua) at the request of the European Commission. The consortium initiated discussions with governmental parties and stakeholders (fisheries, NGOs and other industry bodies). Two case studies in the North Sea were taken up: developing an international fisheries management plan for the Dogger Bank in the central North Sea and an exploration of the potential for collaboration on the Thornton Bank in the southern part of the North Sea. The challenges associated with the Dogger Bank are described above, in paragraph 59, and the project attempted to develop an international management plan for the area taking into account those constraints. The Thornton Bank is managed by The Netherlands and Belgium. Here the focus was on potential areas of collaboration for wind energy and the harmonisation of marine planning practices. The project concluded that cross-border co-operation efforts often lacked commitment and did not lead to a unified marine spatial plan for the

²³⁷ Wadden Sea Forum, 'About the forum': <http://www.waddensea-forum.org> [Accessed 6 February 2015]

²³⁸ QQ 29 (Kate Clarke) and 105 (Dr Dodds)

²³⁹ England, Scotland, Wales, Northern Ireland, Republic of Ireland, France, Isle of Man

²⁴⁰ Written evidence from WWF (RMC0010)

²⁴¹ Wageningen UR, 'Masnose: Maritime Spatial Planning in the North Sea': <https://www.wageningenur.nl/en/show/Masnose-Maritime-spatial-planning-in-the-North-Sea.htm> [Accessed 6 February 2015]

area. The project concluded that cross-border situations required a pre-agreed process with a clear mandate and responsibilities.

Ballast Water Opportunity

137. This is an EU-funded project through the North Sea Region Programme, under which research organisations have come together in order to pilot different mechanisms to disinfect ballast water in a cost-effective, non-environmentally harmful way, before the water is discharged into the sea. We were told that the results of research could be commercialised and marketed internationally.²⁴²

Clean North Sea Shipping

138. Involving both the NRSP and the NSC, this project brought together research organisations, local government and specialists in shipping and ports. Large ports such as Antwerp, Rotterdam and Hamburg were also involved. The aim of the project was to consider how to approach the Sulphur Directive and the Emission Control Area for the North Sea region, in preparation for the sulphur restrictions which will come into force in 2015. The project ended with a set of recommendations which will be circulated throughout the member regions for consideration.²⁴³

Factors and challenges in successful co-operation

Political leadership

139. The projects and partnerships described above demonstrate the potential for effective collaborative working. The Commission emphasised that Member States' commitment to greater co-operation was absolutely crucial in order to deliver results.²⁴⁴ At the same time there was a clear view that the lack of strong signals from national governments, and in some cases the European Commission, may have impeded progress with regional co-operation thus far. In the example of the Dogger Bank (see paragraph 59), we heard that a stronger political steer would have been helpful,²⁴⁵ a conclusion echoed by the MASPNOSE project. Dr Jones told us:

“With the Dogger Bank, we had a trilateral decision-making process between representatives from different industries and the three Member States. They could not agree on a single zonation plan; they ended up with two zonation plans that they could not quite agree on, and then those went to the Commission. That was three years ago, and, since then, there has been zero progress. Where we see some laudable examples of good co-operation between Member States, we also need to see a commitment from the Commission to implement the decisions that are taken as a result of that co-operation.”²⁴⁶

²⁴² [Q 29](#) (Matt Nichols)

²⁴³ [Q 29](#) (Kate Clarke)

²⁴⁴ [Q 11](#)

²⁴⁵ Written evidence from Wildlife and Countryside Link ([RMC0008](#)) and WWF ([RMC0010](#))

²⁴⁶ [Q 132](#)

140. The respective roles of the Commission and the EU Member States, though, reflect the fact that competence for marine planning and for the associated policy areas is spread over all levels of governance. Concerns over competence mean, as the Commission observed, that the issue of marine planning “is not an entirely insensitive subject.”²⁴⁷

141. Competence over town and country planning and over national energy supply is shared between the EU and its Member States. Legislation is subject to unanimous agreement by the Member States.²⁴⁸ The EU and its Member States also share competence over aspects of energy policy relating to the internal market and over environmental policy, but legislation is adopted jointly by the European Parliament and a qualified majority of Member States.²⁴⁹ Competence for fisheries policy lies almost exclusively with the EU.²⁵⁰ Overall responsibility for shipping falls to the IMO, operating at the international level. The tension inherent in competence relating to EU policies affecting the marine environment is clear in the wording of the MSPD:

“This Directive shall not interfere with Member States’ competence to design and determine, within their marine waters, the extent and coverage of their maritime spatial plans. It shall not apply to town and country planning.”²⁵¹

142. The North Sea region includes Norway, which is not a member of the European Union but is a member of the European Economic Area. Membership of the European Economic Area applies EU internal energy market legislation to Norway. EU fisheries policy does not apply to Norway, but the EU and Norway are obliged under international law²⁵² to agree on the management of shared stocks. Norway is a member of OSPAR, which co-ordinates action on environmental protection in the North Sea.

143. The German government argued that respect for the division of competence on the one hand and regional co-operation were not mutually exclusive:

“While insisting that the competence for establishing the maritime spatial plans in the Exclusive Economic Areas and the Coastal Zones has to remain a national one, we fully recognise the need for consultation with our neighbour States both in the Baltic and North Seas.”²⁵³

144. Despite this positive statement by the German government, concerns over loss of national control over marine planning seemed to be evident in many

²⁴⁷ [Q 5](#)

²⁴⁸ Article 192, TFEU ([OJ C 326](#) 26 October 2012, p 133)

²⁴⁹ Articles 4, 192 and 194, TFEU ([OJ C 326](#) 26 October 2012, pp 18,133 and 134)

²⁵⁰ Articles 3, 4 and 43, TFEU ([OJ C 326](#) 26 October 2012, pp 51 and 64) The EU has exclusive competence over the conservation of marine biological resources under the CFP but shares competence with the Member States on the remaining aspects of fisheries policy, such as control and enforcement. Legislation is adopted jointly by the European Parliament and the Member States on all issues except measures on fixing prices, levies, aids and quantitative limitations and on the fixing and allocation of fishing opportunities.

²⁵¹ Maritime Spatial Planning Directive, Article 2

²⁵² United Nations Convention on the Law of the Seas, Article 63: http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf [Accessed 6 February 2015]

²⁵³ Written evidence from the German Federal Ministry of Transport and Digital Infrastructure ([RMC0009](#))

of the discussions about sea basin strategies and macro-regional strategies, such as the Baltic Sea Strategy (see paragraph 133). In some cases it may be that these concerns are acting as barriers to progress. The Commission was careful not to force regions and Member States to take on a macro-regional approach, but more could be done to open up discussions on other possible courses of action.

145. **The experience of co-operation thus far indicates that clear direction from national governments is an essential factor in effective marine co-operation. A lack of leadership in situations where it has not proved possible to align economic interests with environmental protection, has led to paralysis. An example is the Dogger Bank, where we urge the UK Government to show political leadership by intensifying efforts to agree a joint recommendation for fisheries management. Failing any such resolution, we recommend that the European Commission consider the option of adopting urgent measures to manage the area. (Recommendation 14)**
146. **Competence over elements of marine policy ranges from the international to the local and it is not therefore appropriate for the European Commission to take a decisive role in leading cross-border co-operation to develop coherent marine plans in the North Sea. The examples of co-operation that we have highlighted demonstrate that it is possible to co-operate effectively, while respecting the boundaries of national competence.**

Duplication and transparency

147. The Commission told us that “the last thing we would want is for yet another institution to be called into life to duplicate frameworks that already exist.”²⁵⁴ Equally, some clarity over the respective roles of individual organisations which already exist would be helpful. Oil and Gas UK called for a new approach:

“There is a plethora of organisations, initiatives and funding mechanisms operating within the North Sea region which is challenging for individual sectors to engage with. Regional co-operation could benefit from rationalisation to improve transparency and manageability.”²⁵⁵

148. We saw a number of complex diagrams during our inquiry, which attempted to map the various bodies and institutions and their interactions with one another. Professor Elliot drew our attention to a diagram known as the ‘horrendogram’²⁵⁶ to illustrate the complex and sectoral nature of the terrain.²⁵⁷ On the other hand, Dr Jones argued that the complexity was inevitable:

²⁵⁴ [Q 5](#)

²⁵⁵ Written evidence from Oil and Gas UK ([RMC0015](#))

²⁵⁶ Suzanne J. Boyes and Michael Elliott, ‘Marine legislation: The ultimate ‘horrendogram’: International law, European directives & national implementation’, *Marine Pollution Bulletin*, 86, (2014), p 43

²⁵⁷ [Q 129](#)

“If you look at a London A-Z, that is pretty horrendous as well, but what we do is say, ‘Where am I and where do I want to go?’ Then we can work out our route through it. With horrendograms like this, it is important to remember that, if you take a certain route through this landscape, it becomes much easier to comprehend.”²⁵⁸

149. Despite this assurance, we were left with the distinct impression that more could be done to aid stakeholders in engaging with the various bodies in existence and in navigating the complicated legislative web.
150. We also examined the UK Government’s departmental approach to regional marine co-operation. Citing a diagram which showed the various marine environment responsibilities of Government departments,²⁵⁹ we asked the ministers whether the plethora of policy makers engaged coherently with extra-national bodies. Despite being told that “[The question] is not whether there are lots of government departments but how well they come together,”²⁶⁰ and that cabinet government was the primary method of policy synthesis, we were unconvinced that the Government was appraising the marine environment in a holistic way.
151. **We recommend that, through a joint effort, national governments and the European Commission map the institutions and frameworks that currently exist, in order to inform decisions about future co-operation and to assist stakeholders. (Recommendation 15)**

Funding

152. While failure to co-operate can be costly, effective co-operation can bring about economic, environmental and social gains; investment in such co-operation can be worthwhile. As OSPAR told us, “the more you do things in a regional or even in a sub-regional approach, the more you can then share some of the costs.”²⁶¹ To be effective, however, co-operation needs to be properly resourced. Indeed, the results of the effective use of funding can be seen in the specific examples of co-operation in practice outlined above in paragraphs 132–138.
153. The Government indicated that the new co-operation processes under the reformed CFP had not increased the required central resources. Discussions which would previously have taken place centrally in Brussels were now taking place elsewhere on a regional basis,²⁶² though additional funding would be required to support the ACs’ enhanced responsibilities under the reformed CFP (see paragraph 125).
154. OSPAR (see paragraph 113) and the North Sea Advisory Council (see paragraph 130) told us that cross-border co-operation could be resource-intensive. The NSC added that funding was one of the major challenges to

²⁵⁸ [Q 132](#)

²⁵⁹ Suzanne J. Boyes and Michael Elliott, ‘The excessive complexity of national marine governance systems: Has this decreased in England since the introduction of the Marine and Coastal Access Act 2009?’, *Marine Policy*, 51, (2015), pp59-60

²⁶⁰ [Q 118](#) (Rt Hon Matthew Hancock MP)

²⁶¹ [Q 45](#) (Darius Campbell)

²⁶² Letter from George Eustice MP to Lord Boswell in Appendix 7.

co-operation.²⁶³ Similarly, the Scottish government was concerned that increased co-operation “would potentially require additional resource.”²⁶⁴

155. The European Commission acknowledged the resource challenges of intensive co-ordination but told us that it was providing further opportunities for EU funding using existing sources:

“We do have considerable funding means available at European level, through, for example, the European structural and investment funds. These funds have been organised in such a way that they make it possible for those Member States and Member State regions that want to take up these possibilities to find financial support for actions in the context of these strategies. This is the case for the Atlantic strategy,²⁶⁵ for example.”²⁶⁶

156. It went on to explain the importance of those who apply for funding aligning objectives so that they cohered with the wider objectives of the Commission:

“There are explicit possibilities in the European structural and investment funds for blue growth actions to be taken up in operational programmes proposed by Member States and their region.”²⁶⁷

157. We heard about the valuable work of the NSRP in financing a wide range of projects aimed at regional development (see paragraphs 134–135). This small scale project-based funding scheme is part of INTERREG, the European Union’s interregional co-operation programme.²⁶⁸

158. EU financial resources can support a co-operative approach to marine research. Such research features in the Commission’s Horizon 2020 framework programme for research and innovation:

“Cross-cutting marine and maritime scientific and technological knowledge will be addressed to unlock the potential of the seas and oceans across the range of marine and maritime industries, while protecting the environment.”²⁶⁹

159. The Convention of Scottish Local Authorities (COSLA), however, called for a greater co-ordination of “the plethora of existing policies and funds to make their delivery more effective and efficient.”²⁷⁰ It noted the links between the INTERREG North West Europe Programme²⁷¹ and the

²⁶³ [Q 45](#) (Kate Clarke)

²⁶⁴ Written evidence from The Scottish Government ([RMC0014](#))

²⁶⁵ Communication from the Commission: Developing a Maritime Strategy for the Atlantic Ocean Area, [COM\(2011\) 782](#)

²⁶⁶ [Q 11](#)

²⁶⁷ *Ibid.*

²⁶⁸ [Q 27](#) (Matt Nichols)

²⁶⁹ European Commission: ‘Horizon 2020 Aquatic Resources’: <http://ec.europa.eu/programmes/horizon2020/en/area/aquatic-resources> [Accessed 6 February 2015]

²⁷⁰ Written evidence from COSLA ([RMC0006](#))

²⁷¹ INTERREG North-West Europe (NWE) is a Programme of the European Union to promote the economic, environmental, social and territorial future of the North-West Europe area. It funds activities based on the co-operation of partners from eight countries: Belgium, France, Germany, Ireland, Luxembourg, The Netherlands, Switzerland and the United Kingdom. <https://www.nweurope.eu/> [Accessed 6 February 2015]

Atlantic Strategy and its Action Plan, describing them as “a belated effort”, and the “result of a lack of any other substantive EU financial resources.”²⁷² This was a rather different picture to the one put forward by the Commission.

160. Dr Jones expressed concerns about how well research funding was co-ordinated at a macro level:

“There needs to be much better integration of how the research funding is spent... [we] end up with different projects at the end of different work programmes, all funding the same sort of research.”²⁷³

161. We also heard of the need for increased communication on the part of research bodies, as well as a more integrated approach at an EU level. Cefas explained that the UK’s Marine Science Co-ordination Committee (MSCC) had a role to play on a national level:

“The MSCC has two main roles. One of them is to deliver the UK marine science strategy ... The second part of its role is in communication, bringing together many funding bodies, departments and Devolved Administrations to highlight and co-ordinate what is being done, make sure there is no overlap and fill important gaps as they arise.”²⁷⁴

162. Oil and Gas UK suggested that greater Member State co-operation could help fund a successful sea-bed mapping project:

“The potential must exist for a co-operative approach at Member State level to undertake mapping and consideration could be given to a strategic review of research funding to enable delivery of a regional resource.”²⁷⁵

163. **Co-operation between stakeholders and Member States can deliver efficiencies and enable limited resources to go further.**

164. **Accessing resources can be problematic, and so we recommend that the European Commission prepare and publish guidance on navigating and accessing the existing funding opportunities. (Recommendation 16)**

²⁷² Written evidence from COSLA ([RMC0006](#))

²⁷³ [Q 134](#)

²⁷⁴ [Q 97](#)

²⁷⁵ Written evidence from Oil and Gas UK ([RMC0015](#))

CHAPTER 5: FUTURE CO-OPERATION

165. The statutory requirement to co-operate is enshrined in various pieces of EU legislation (see paragraph 7). As the use of the North Sea basin intensifies, there is a growing recognition of the complex inter-relations between factors affecting the marine environment and users of the sea.

The Maritime Spatial Planning Directive: a driver of future co-operation

166. The European Commission explained the purpose of the Maritime Spatial Planning Directive (MSPD). It told us that in the sea basins around Europe, there is:

“A far more transparent and stable view as to what economic developments are possible, and how best these can be organised in a manner that works both with the ecosystems in these sea basins and with the industries concerned, so that they can co-exist effectively ... the planning of the use of marine space across borders was a very important element for us. This was also where we thought the added value was at European level. That is to achieve [marine planning] by the Member States, but in particular making sure that they work together across borders. That is the rationale for the Directive.”²⁷⁶

167. Most witnesses shared this vision, emphasising sharing and understanding rather than harmonising. The North Sea Commission (NSC) saw the Directive as the tool that could bring about the necessary interaction between stakeholders.²⁷⁷ The European Commission told us that it was confident that the deadlines set in the legislation would ensure timely action with Member State spatial plans being delivered by April 2021 and further planning across sea basins at a later date.²⁷⁸ The UK, The Netherlands and Germany were identified as Member States already making good progress.²⁷⁹
168. The vast majority of witnesses saw the legislation as helping to improve co-operation, though some qualified their support by highlighting the need for increased action through existing technical, political and economic relationships.²⁸⁰ Many also felt that a more strategic approach to national marine planning was needed, an approach which looked beyond national boundaries. In the words of the North Sea Region Programme (NSRP):

“If we are addressing [marine planning] within the sea basin, we need to be talking about the same thing. That is one of the first core lessons of the whole co-operation experience. If we do not have the same concepts, the same terminology behind the things we are trying to explain, we will talk past each other. Step one has possibly been identified there.”²⁸¹

²⁷⁶ [Q 1, Q 4](#)

²⁷⁷ [Q 34](#) (Kate Clarke)

²⁷⁸ [Q 4](#)

²⁷⁹ [Q 4](#) See Appendix 6 for more on marine planning in North Sea countries.

²⁸⁰ Written evidence from Dr Peter Jones ([RMC0001](#)) and Written evidence from the North Sea Region Programme ([RMC0007](#))

²⁸¹ [Q 35](#) (Matt Nichols)

169. While the benefits of a common approach to national marine planning are obvious, such an approach should appreciate that different Member States may have distinct priorities. A common approach is not the same as a common plan. The Directive mandates cross-border co-operation, and the NSC told us that “the fact that the Directive is asking the Member States to show they can work cross-border will be the key to [its] success.”²⁸² Indeed, the effect of the Directive is that national plans developed in isolation and without the involvement of bordering Member States could be rendered useless. The German government told us:

“There needs to be some form of understanding that marine areas bordering on each other cannot be allocated to uses completely excluding one another, like for instance raw material extraction areas next to nature and species conservation sites.”²⁸³

170. The German government described one positive experience of co-operation through BaltSeaPlan, which is discussed in paragraph 133 above.²⁸⁴ The European Wind Energy Association (EWEA) added that cross-border co-operation had the potential to focus decision-making,²⁸⁵ and suggested that the Directive’s lack of prescription was a strength, allowing for flexibility and accommodation.²⁸⁶ The European Commission told us that bilateral co-operation was good, but that more could be done to “perhaps work a little more strategically.”²⁸⁷ Co-operation took place between the Marine Management Organisation (MMO) and neighbouring North Sea countries when preparing the East Inshore and East Offshore Marine Plans (see paragraph 116).

171. We welcome the recent introduction of the Maritime Spatial Planning Directive, particularly the obligation upon Member States to co-operate across national boundaries, but are conscious that its success will be contingent on effective implementation.

172. We recommend that the UK Government and the devolved administrations initiate strategic discussions with bordering North Sea countries as the UK marine plans are being developed, so that areas of common interest and potential conflict can be identified and addressed early in the planning process. (Recommendation 17)

Delivery

173. With regard to delivering better co-operation in practice, the Commission emphasised that the Member States needed “to work out for themselves how they could best co-operate”,²⁸⁸ adding that “this is obviously going to vary according to each of the sea basins around the European Union.”²⁸⁹

²⁸² [Q 34](#) (Kate Clarke)

²⁸³ Written evidence from the German Federal Ministry of Transport and Digital Infrastructure ([RMC0009](#))

²⁸⁴ *Ibid.*

²⁸⁵ [Q 21](#) (Jacopo Moccia)

²⁸⁶ [Q 15](#) (Jacopo Moccia)

²⁸⁷ [Q 5](#)

²⁸⁸ *Ibid.*

²⁸⁹ *Ibid.*

174. The Commission’s non-prescriptive approach begs the question of who should be taking the lead. The Commission saw its role largely as a facilitator and was content for Member States to take the initiative. While COSLA stressed that the principle of multi-level governance should be embedded in regional marine co-operation,²⁹⁰ we believe that decisive political leadership is needed. On balance, it seems to us that this leadership should come from individual Member State governments. Some options are explored below; they are not mutually exclusive.

Pilot projects

175. As described above, the technology for establishing a North Sea Energy Grid exists, but progress has been hampered by regulatory and political constraints (see paragraphs 115–121). Overcoming these constraints will require strong leadership from national governments and the determination to make progress through individual projects. The EWEA advocated a pilot project involving one wind farm and one interconnector, which would allow regulators to collaborate and resolve any issues. They told us that the pilot could provide “a blueprint that would be able to be used across the North Sea.”²⁹¹ As mentioned in paragraph 120 above, speakers at the January stakeholder conference in Edinburgh called for action in a flagship project.
176. The German government highlighted its positive experience of co-operation in the Baltic Sea area. It called on regional and national partners from North Sea countries to co-operate in a marine planning project under the North Sea Region Programme:

“BMVI would very much welcome and support it if regional and national partners from the North Sea countries were soon to co-operate in an [marine planning] project in the context of the INTERREG North Sea Region programme.”²⁹²

A pilot project of this nature could be funded by the North Sea Region Programme, but would require decisive political leadership on the part of the initiating countries. The German government is willing to co-operate and the UK Government should look to work with them.

177. **The technology for establishing a North Sea Energy Grid exists, but progress has been hampered by regulatory and political constraints. Should the UK Government and other coastal states wish to achieve this objective, they should work together on a pilot project. Such a project would form part of the EU’s move towards improved energy system governance and would involve enhanced regional co-operation.**
178. **We recommend that the UK Government work with other North Sea Member States on the development of the pilot marine planning project in the North Sea, as suggested by the German government. This could be funded by the North Sea Region Programme. (Recommendation 18)**

²⁹⁰ Written evidence from COSLA ([RMC0006](#))

²⁹¹ [Q 24](#) (Jacopo Moccia)

²⁹² Written evidence from the German Federal Ministry of Transport and Digital Infrastructure ([RMC0009](#))

Action through existing structures

179. Many witnesses wanted to improve co-operation while simplifying existing structures and without creating new ones. The Scottish Government said: “Moves to simplify [the current large number of players] would be welcome, particularly given the resource and capacity issues which arise in ensuring engaged and meaningful co-operation across the range of activity.”²⁹³ The Convention of Scottish Local Authorities (COSLA) was “keen to ensure that new arrangements ... do not create new structures ... but rather enhance the role that the established public bodies or co-operation structures have.”²⁹⁴ Such work could build on existing organisations such as the NSC and OSPAR, perhaps by permitting enhanced decision making within the latter organisation at the North Sea level.²⁹⁵ The vision is of regional decisions informing national policy implementation rather than national policy disparities creating conflicts. To achieve this, the NSRP argued for a North Sea forum to bring the many specialist organisations together,²⁹⁶ though COSLA commented on the pressures faced by authorities in meeting existing commitments.²⁹⁷

A North Sea Forum

180. Ann Bell described a possible North Sea Maritime Forum as follows:

“We need all stakeholders involved. It is much wider than just fisheries; it is aquaculture. However, it is also energy—oil and gas and the North Sea grid. The North Sea grid is something that I use as the elephant in the room. If we have this North Sea grid, how it is going to impact on everything else? How are we going to learn to be collaborative before we start developing something? How are we going to consult stakeholders and help them develop the plans before they get to too far a stage?”²⁹⁸

181. A similar forum in the fisheries sector led to the current ACs; the proposed North Sea forum would broaden the stakeholder base considerably. The Scottish Government said: “It is our view that the introduction of a forum for environmental and industry interests could be useful to provide a conduit between the formal structures already in place and the wider stakeholder community.”²⁹⁹ Not only would such a forum advise Member States, it would also provide a space for stakeholders and representatives from a range of sectors to come together and agree on mutually acceptable solutions to common problems. Informal, light-touch structures might be more conducive to co-operation than attempting to integrate different and often opposing regulatory regimes. The National Federation of Fishermen’s Organisations (NFFO) agreed that the various actors need to work together in order to work out their problems together.³⁰⁰

²⁹³ Written evidence from The Scottish Government ([RMC0014](#))

²⁹⁴ Written evidence from COSLA ([RMC0006](#))

²⁹⁵ Written evidence from WWF ([RMC0010](#))

²⁹⁶ Written evidence from the North Sea Region Programme ([RMC0007](#))

²⁹⁷ Written evidence from COSLA ([RMC0006](#))

²⁹⁸ [QQ 59–60](#)

²⁹⁹ Written evidence from The Scottish Government ([RMC0014](#))

³⁰⁰ [Q 61](#) (Barrie Deas)

182. The NSRP explained that numerous attempts had been made in the past to make such a forum work, but that barriers had included difficulties in ensuring the commitment and balanced representation of all participating states, and in managing and negotiating powers and interests within countries.³⁰¹ They suggested that “strong signals from national governments may be what is needed to move forward now.”³⁰² The idea of a forum received support at the January stakeholder conference in Edinburgh but, like the NSRP, participants agreed that such a forum should have a focus and that areas of competence would need to be agreed.
183. **We support the idea of a North Sea Maritime Forum composed of relevant stakeholders. Strong leadership will be needed to manage competing interests in such a forum and we therefore urge the UK Government to take ownership of this idea. As a first step, we recommend that the UK Government work with the European Commission to identify a source of funding for the forum, which could involve engaging with the North Sea Region Programme. (Recommendation 19)**

A North Sea Strategy

184. The idea of a North Sea Strategy is ambitious. The European Commission advocated “a common vision or a plan for a given sea basin area”,³⁰³ and the NSC spoke of the need for a coherent strategy,³⁰⁴ which should be tailored to the North Sea.³⁰⁵
185. We stress, however, that a sea basin strategy has to be adapted to the specific needs and requirements of the area in question: a North Sea Strategy need not follow the Baltic Sea model. The Commission reminded us that “Member State commitment to the strategies is absolutely crucial ... if they are not committed from the beginning to the end you can launch all the beautiful strategies that you want, but you are not going to deliver any results.”³⁰⁶ Funding such an ambitious project and coordinating the current co-operation initiatives in the North Sea would require careful consideration. In such a busy sea basin, such a vision may be difficult to realise, but the potential benefits justify the effort.

Ministerial engagement

186. Between 1984 and 2006, successive North Sea Conferences were convened to discuss pressures on the North Sea basin. The first such Conference, the International Conference on the Protection of the North Sea, was convened by the Federal Republic of Germany and took place in Bremen in 1984. A further five Conferences took place. At the last Conference, in Gothenburg in 2006, Ministers agreed not to meet again in this format, but to continue close contacts on North Sea environmental issues. OSPAR, in co-operation

³⁰¹ Written evidence from the North Sea Region Programme ([RMC0007](#))

³⁰² *Ibid.*

³⁰³ [Q 5](#)

³⁰⁴ Written evidence from the North Sea Commission ([RMC0003](#))

³⁰⁵ [Q 45](#) (Kate Clarke)

³⁰⁶ [Q 11](#)

with the EU, was invited to facilitate a periodic follow-up, designed to safeguard the fulfilment of the commitments from the various Conferences.

187. The Conferences enabled Ministers to come together to discuss the mounting pressures and potential conflicts arising from intensive use of the North Sea. This overarching perspective allowed the participants to make ambitious joint declarations on subjects such as the level of nutrients released into the sea, the reduction and phasing out of the release of hazardous substances into the sea, as well as a ban on dumping and incineration of waste at sea.³⁰⁷ We are aware of the existence of the Northern European Energy Dialogue (NEED), involving Energy Ministers, but feel that a more holistic approach would have the potential to integrate the considerations of energy infrastructure and supply in the North Sea with other marine sectors.³⁰⁸
188. Evidence from Norway³⁰⁹ and Germany³¹⁰ suggested a desire for co-operative links to be pursued further; a new North Sea inter-ministerial group could be a way to take discussions forward. This could engage with partner ministries in North Sea countries, and would demonstrate political commitment at a high level. It would focus on broad transnational strategic issues, complementing rather than duplicating existing areas of dialogue and co-operation. Such engagement could result in the agreement of guidelines for a common cross-border approach to co-operation.
189. **We conclude that no existing body or mechanism has a broad enough remit, or is able, to facilitate the political co-operation required to make the necessary step-change in the management of the North Sea basin.**
190. **Visionary leadership is required and we therefore recommend that the UK Government convene a North Sea ministerial conference to take stock of the overarching challenges and opportunities in the North Sea marine environment. This should build on the environmental focus of earlier ministerial conferences, and take a more holistic approach, extending to the consideration of economic sectors including shipping, fishing and energy. Such a ministerial conference should aspire to a common political vision for the North Sea, which, through genuine co-operation, delivers a sustainable and secure resource for the future. (Recommendation 20)**

³⁰⁷ North Sea Commission, *The North Sea, An Integrated Ecosystem Approach to Sustainable Development*: http://www.ospar.org/html_documents/ospar/html/brochure.pdf [Accessed 6 February 2015]

³⁰⁸ This conference of energy ministers and high-level representatives from Member States in northern Europe last met in London in 2013 to discuss the conditions required for increased investment in modern energy infrastructure. A meeting did not take place in 2014, despite the fact that the 2013 conference expressed an intention to do so.

³⁰⁹ “The [Norwegian government] will ... continue and strengthen co-operation in existing international forums to achieve and maintain good environmental status in the North Sea and Skagerrak” in Norwegian Ministry of the Environment, *Integrated Management of the Marine Environment of the North Sea and Skagerrak Management Plan*, p 141

³¹⁰ Written evidence from the German Federal Ministry of Transport and Digital Infrastructure ([RMC0009](#))

LIST OF CONCLUSIONS AND RECOMMENDATIONS

1. Knowledge of the broad trends in the marine environment is developing but is already sufficient to state with reasonable confidence that marine biodiversity in the seas around the EU is degrading. In line with the precautionary principle, the current degree of uncertainty should not delay action now. The positive impacts of recent management measures in specific areas, such as fish stocks, can give confidence of the benefits of action taken on the basis of the precautionary principle. (Paragraph 27)
2. Knowledge of the cumulative impacts of all human activities on the marine ecosystem remains very limited, despite the fact that its consideration is a statutory requirement in both EU and UK legislation. It is an area that would benefit from greater regional co-operation but, for this to happen, agreement on terminology and on the methodology for assessment is required. We recommend that the preparatory work on methodology that has been undertaken thus far within OSPAR and the International Council for the Exploration of the Sea be applied to practical pilot projects in the North Sea. (Recommendation 1) (Paragraph 35)
3. We recommend that the European Commission carry out a specific analysis of work undertaken by Member States to assess the cumulative impact of human activities, in line with Article 8 of the Marine Strategy Framework Directive. We recommend also that the Commission review the consistency of cumulative impact obligations across EU environmental legislation and, furthermore, how those obligations are implemented in national legislation. (Recommendation 2) (Paragraph 36)
4. Data collection initiatives are not in short supply, but we are concerned that efforts may be duplicated and that the best, most cost-effective, use is not being made of existing data. This will need to be resolved in order to meet the requirements of the Maritime Spatial Planning Directive in relation to the organisation and use of data. (Paragraph 45)
5. National governments around the North Sea must commit to a single cross-border data collection initiative and allocate resources accordingly. Such a commitment could encourage a similar approach in other sea basins. (Paragraph 46)
6. We recommend that the European Commission work closely with the European Marine Observatory Data network (EMODnet) to ensure that awareness of the network is raised and that its database includes as much of the available information as possible. We recommend that consideration be given to increasing funding for EMODnet, so that it can format and quality-assure data itself, rather than relying on those submitting the data. (Recommendation 3) (Paragraph 48)
7. Knowledge co-operation should extend to the analysis of available data. So far as the UK is concerned, we recommend that the Marine Science Co-ordination Committee develop a mechanism for such analysis. We recommend that the UK Government feed that work into discussion at OSPAR on adopting a similar approach for data analysis at the North Sea level, linking this in to any expansion of EMODnet's capacity. (Recommendation 4) (Paragraph 52)

8. The confluence of shipping lanes and offshore structures is a particular issue in the southern North Sea. We observe that International Maritime Organization guidance is comprehensive in its navigational safety requirements and we are confident that the UK has a regulatory process in place to implement that guidance. It is, however, evident that there are concerns about the application of navigational safety provisions across the North Sea as a whole. We recommend that the UK Government, in partnership with the International Maritime Organization and neighbouring countries, ensure that comprehension of the provisions is adequate and that the process is transparent. (Recommendation 5) (Paragraph 69)
9. There are examples of co-operation between users of the sea, but as competition for space grows increasingly intense, so the need to co-operate will intensify. Marine planning may contribute to productive co-operation that spans sectors and users, but it is not a silver bullet for overcoming tensions and maximising opportunities in the marine environment. (Paragraph 85)
10. The reality of marine planning is that, insofar as it exists around the EU, it is embryonic. There is broad support for the concept, but it is now important that users should begin to see its practical benefits, most notably in providing a more predictable planning framework for investment and for the multiple users of the North Sea. (Paragraph 86)
11. We note the emphasis placed on the importance of a comprehensive approach that features both certainty and the flexibility to take into account innovative developments. While a full review of the application of the Marine Policy Statement across the UK would be premature, we recommend to the Government and devolved administrations that concerns about certainty, flexibility and coverage be reflected and addressed in plans as they are developed, thereby ensuring that strategic marine planning is seen as the primary platform for managing competing demands. A distinction must be drawn between marine planning on the one hand and the licensing of individual marine developments on the other. (Recommendation 6) (Paragraph 87)
12. We welcome the 20 year vision under the first English marine plans, but we can discern no long term strategic planning for the seas around the UK as a whole, or even around England. This is in stark contrast to the Dutch approach, which sets a vision to 2050. Management of the seas must not only focus on the present: it must take into account potential future developments and must do so in a way that is credible for users. This requires a long term vision. We urge the UK Government and devolved administrations to consider the development of a strategy akin to, and ideally aligned with, the Dutch North Sea 2050 Spatial Agenda. (Recommendation 7) (Paragraph 89)
13. We welcome the appointment of a European Commissioner responsible for both environmental policy and maritime affairs. An important priority for the new Commissioner should be to ensure that EU legislation affecting the marine environment is consistent. We recommend that the Commission publish guidance for Member States on implementation of such legislation at national level, to improve consistency both between Member States and within the Member States. (Recommendation 8) (Paragraph 97)

14. In the short term, we recommend that the fitness check of the Habitats and Birds Directives should include assessment of the coherence of the implementation of those Directives with related legislation, such as the Common Fisheries Policy and the Marine Strategy Framework Directive. (Recommendation 9) (Paragraph 98)
15. We also recommend that the fitness check consider the desirability of requiring Member States to co-operate with one another in designating sites under the Habitats and Birds Directives in order to develop ecologically coherent networks of such sites. (Recommendation 10) (Paragraph 99)
16. We support the principle that EU regional co-operation on marine issues should involve regional and local authorities as well as the EU and its Member States. We see an important role for the North Sea Commission as a forum for bringing regional and local authorities together. (Paragraph 105)
17. The engagement in England by some Local Enterprise Partnerships in marine issues demonstrates an acknowledgement that local economic growth can be derived from the sea. We therefore regret the lack of English local authority engagement in the North Sea Commission, particularly in contrast with the greater level of engagement by Scottish local authorities and those elsewhere. We recognise that there are financial consequences of membership, but there are nevertheless significant benefits to be gained from co-operation. We therefore recommend that the UK Government and the Local Government Association collaborate to identify and address barriers, including resources, to improved engagement by English local authorities in the work of the North Sea Commission. (Recommendation 11) (Paragraph 106)
18. We observe that co-operation between countries concerning the marine environment has often been prompted by some form of crisis or disaster. The ensuing efforts in the North Sea region have resulted in some effective tools and useful mechanisms for co-operation which take account of environmental considerations. (Paragraph 117)
19. Regulatory barriers to greater cross-border energy co-operation remain. Member States should prioritise efforts to overcome technical obstacles associated with trading options and asset costs. In particular, we urge the UK Government to continue its work in overcoming the regulatory barriers involved in the North Seas Countries Offshore Grid Initiative. (Recommendation 12) (Paragraph 124)
20. We note the successes that have resulted from the work of the fisheries Advisory Councils and support their enhanced role in Commission-level consultations. In the light of their enhanced role, we recommend an urgent review of their funding by the Commission. We also recommend that the UK Government consider how it may be able to contribute additional resources to enable Advisory Councils to fulfil their obligations. (Recommendation 13) (Paragraph 131)
21. The experience of co-operation thus far indicates that clear direction from national governments is an essential factor in effective marine co-operation. A lack of leadership in situations where it has not proved possible to align economic interests with environmental protection, has led to paralysis. An example is the Dogger Bank, where we urge the UK Government to show

political leadership by intensifying efforts to agree a joint recommendation for fisheries management. Failing any such resolution, we recommend that the European Commission consider the option of adopting urgent measures to manage the area. (Paragraph 145)

22. Competence over elements of marine policy ranges from the international to the local and it is not therefore appropriate for the European Commission to take a decisive role in leading cross-border co-operation to develop coherent marine plans in the North Sea. The examples of co-operation that we have highlighted demonstrate that it is possible to co-operate effectively, while respecting the boundaries of national competence. (Paragraph 146)
23. We recommend that, through a joint effort, national governments and the European Commission map the institutions and frameworks that currently exist, in order to inform decisions about future co-operation and to assist stakeholders. (Recommendation 15) (Paragraph 151)
24. Co-operation between stakeholders and Member States can deliver efficiencies and enable limited resources to go further. (Paragraph 163)
25. Accessing resources can be problematic, and so we recommend that the European Commission prepare and publish guidance on navigating and accessing the existing funding opportunities. (Recommendation 16) (Paragraph 164)
26. We welcome the recent introduction of the Maritime Spatial Planning Directive, particularly the obligation upon Member States to co-operate across national boundaries, but are conscious that its success will be contingent on effective implementation. (Paragraph 171)
27. We recommend that the UK Government and the devolved administrations initiate strategic discussions with bordering North Sea countries as the UK marine plans are being developed, so that areas of common interest and potential conflict can be identified and addressed early in the planning process. (Recommendation 17) (Paragraph 172)
28. The technology for establishing a North Sea Energy Grid exists, but progress has been hampered by regulatory and political constraints. Should the UK Government and other coastal states wish to achieve this objective, they should work together on a pilot project. Such a project would form part of the EU's move towards improved energy system governance and would involve enhanced regional co-operation. (Paragraph 177)
29. We recommend that the UK Government work with other North Sea Member States on the development of the pilot marine planning project in the North Sea, as suggested by the German government. This could be funded by the North Sea Region Programme. (Recommendation 18) (Paragraph 178)
30. We support the idea of a North Sea Maritime Forum composed of relevant stakeholders. Strong leadership will be needed to manage competing interests in such a forum and we therefore urge the UK Government to take ownership of this idea. As a first step, we recommend that the UK Government work with the European Commission to identify a source of

funding for the forum, which could involve engaging with the North Sea Region Programme. (Recommendation 19) (Paragraph 183)

31. We conclude that no existing body or mechanism has a broad enough remit, or is able, to facilitate the political co-operation required to make the necessary step-change in the management of the North Sea basin. (Paragraph 189)
32. Visionary leadership is required and we therefore recommend that the UK Government convene a North Sea ministerial conference to take stock of the overarching challenges and opportunities in the North Sea marine environment. This should build on the environmental focus of earlier ministerial conferences, and take a more holistic approach, extending to the consideration of economic sectors including shipping, fishing and energy. Such a ministerial conference should aspire to a common political vision for the North Sea, which, through genuine co-operation, delivers a sustainable and secure resource for the future. (Recommendation 20) (Paragraph 190)

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Bowness
 Baroness Byford
 Lord Cameron of Dillington
 Lord Cunningham of Felling
 Baroness Howarth of Breckland
 Baroness Parminter
 Lord Plumb
 Lord Renton of Mount Harry
 Baroness Scott of Needham Market (Chairman)*
 Lord Trees
 Lord Whitty
 Lord Williams of Elvel

* Baroness Scott of Needham Market did not participate in the evidence session of 26 November 2014, for reason of the interest declared below.

Declarations of interest

Lord Bowness
No relevant interests declared.
 Baroness Byford
No relevant interests declared.
 Lord Cameron of Dillington
No relevant interests declared.
 Lord Cunningham of Felling
No relevant interests declared.
 Baroness Howarth of Breckland
No relevant interests declared.
 Baroness Parminter
No relevant interests declared.
 Lord Plumb
No relevant interests declared.
 Lord Renton of Mount Harry
No relevant interests declared.
 Baroness Scott of Needham Market
Member, Board of Harwich Haven Authority (appointed by Secretary of State for Transport)
 Lord Trees
No relevant interests declared.
 Lord Whitty
No relevant interests declared.
 Lord Williams of Elvel
No relevant interests declared.

The Special Advisors for the inquiry declared the following interests:

Rodney Anderson
No relevant interests declared.

Dr Irene McMaster

No relevant interests declared.

The following Members of the European Union Select Committee attended the meeting at which the report was approved:

Lord Boswell of Aynho (Chairman)
Earl of Caithness
Lord Cameron of Dillington
Lord Foulkes of Cumnock
Lord Harrison
Baroness Henig
Lord Kerr of Kinlochard
Lord MacLennan of Rogart
Baroness O’Cathain
Baroness Parminter
Baroness Prashar
Baroness Quin
Baroness Scott of Needham Market
Lord Tomlinson
Lord Tugendhat
Lord Wilson of Tillyorn

During consideration of the report the following Members declared an interest:

Lord Boswell of Aynho
Shareholding in E. ON
Earl of Caithness
Share portfolio, managed by JMFinn & Co Ltd, on a discretionary basis and which from time to time may include holdings in companies which may have interests in the North Sea
Lord Foulkes of Cumnock
Trustee and Treasurer of the Climate Parliament
Lord Kerr of Kinlochard
Deputy Chairman, Scottish Power Plc
Former Deputy Chairman, Royal Dutch Shell Plc
Lord Tugendhat
Shareholdings in Rio Tinto, BP, Exxon, Chevron, and ETFS Commodity Securities

A full list of Members’ interests can be found in the Register of Lords Interests:
<http://www.publications.parliament.uk/pa/ld/ldreg.htm>

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at www.parliament.uk/regional-marine-cooperation and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the Committee is listed below in chronological order or oral evidence session and in alphabetical order. Those witnesses marked ** gave both oral and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

- | | | |
|----|--|----------------------------------|
| * | Haitze Siemers, European Commission | <u>QQ 1-13</u> |
| * | Jacopo Moccia, Head of Political Affairs, European Wind Energy Association | <u>QQ 14-26</u> |
| ** | Mark Pearce, Business Development Manager, National Grid | |
| * | Nick Medic, Director of Offshore Renewables, RenewableUK | |
| ** | Kate Clarke, Executive Secretary, North Sea Commission | <u>QQ 27-47</u> |
| ** | Matt Nichols, Project Development and Communication Officer, North Sea Region Programme | |
| ** | Dr Darius Campbell, Executive Secretary, OSPAR | |
| * | Trine Christiansen, Head of Marine Environmental Group, Ronan Uhel, Head of Natural Systems and Vulnerability, European Environment Agency | <u>QQ 48-58</u> |
| * | Ann Bell, independent North Sea expert | <u>QQ 59-72</u> |
| * | Barrie Deas, Chief Executive National Federation of Fishermen's Organisations | |
| * | Bertie Armstrong, Chief Executive Officer, Scottish Fishermen's Federation | |
| * | Professor Phil Thomas, Chairman, Scottish Salmon Producers' Organisation | |
| * | Susan Kidd, Marine Planning Manager, the Crown Estate | <u>QQ 73-83</u> |
| * | Dermot Grimson, Head of Strategy and Policy, the Crown Estate | |
| * | Dr Dickon Howell, Acting Director of Marine Development, Marine Management Organisation | |
| * | Professor Stuart Rogers, Centre for Environment, Fisheries and Aquaculture Science (CEFAS) | <u>QQ 84-106</u> |
| ** | Melissa Moore, Senior Policy Officer, Marine Conservation Society | |
| * | Dr Euan Dunn, Principal Marine Advisor, Royal Society for the Protection of Birds | |

- * Professor Geoffrey Boulton, President, Scottish Association for Marine Science (SAMS)
- * Eleanor Stone, Marine Planning Officer, Wildlife and Countryside Link
- * Dr Lyndsey Dodds, Project Manager, WWF
- * Anne Christine Brusendorff, General Secretary, International Council for the Exploration of the Sea (ICES) [QQ 107–113](#)
- ** Rt Hon Matthew Hancock MP, Minister of State for Business and Enterprise and Minister of State for Energy, BIS and DECC [QQ 114–125](#)
- ** George Eustice MP, Parliamentary Under-Secretary of State for Farming, Food and Marine Environment, DEFRA
- * John Robb, Director of Marine and Fisheries, DEFRA
- ** Dr Peter Jones, Senior Lecturer, University College London [QQ 126–136](#)
- * Professor Mike Elliott, Director, Institute of Estuarine and Coastal Studies, University of Hull
- * Professor Melanie Austen, Head of Science: Sea and Society, Plymouth Marine Laboratory

Alphabetical list of all witnesses

- * Professor Melanie Austen, Head of Science: Sea and Society, Plymouth Marine Laboratory (QQ 126–136)
- * Ann Bell, independent North Sea expert (QQ 59–72)
- * Professor Stuart Rogers, Centre for Environment, Fisheries and Aquaculture Science (CEFAS) (QQ 84–106)
- Convention of Scottish Local Authorities [RMC0006](#)
- * Professor Mike Elliott, Director, Institute of Estuarine and Coastal Studies, University of Hull (QQ 126–136)
- * Dermot Grimson, Head of Strategy and Policy, the Crown Estate (QQ 73–83)
- * Susan Kidd, Marine Planning Manager, the Crown Estate (QQ 73–83)
- * DEFRA [RMC0002](#)
- * Haitze Siemers, European Commission (QQ 1–13)
- * Trine Christiansen, Head of Marine Environmental Group, Ronan Uhel, Head of Natural Systems and Vulnerability, European Environment Agency (QQ 48–58)
- * Jacopo Moccia, Head of Political Affairs, European Wind Energy Association (QQ 14–26)
- Raymond Finch MEP [RMC0004](#)
- German Federal Ministry of Transport and Digital Infrastructure [RMC0009](#)

- * Anne Christine Brusendorff, General Secretary,
International Council for the Exploration of the Sea (ICES)
(QQ 107–113)
- ** Dr Peter Jones, Senior Lecturer, University College London [RMC0001](#)
(QQ 126–136)
- ** Melissa Moore, Senior Policy Officer, Marine Conservation [RMC0011](#)
Society (QQ 84–106)
- * Dr Dickon Howell, Acting Director of Marine
Development, Marine Management Organisation
(QQ 73–83)
- * Barrie Deas, Chief Executive National Federation of
Fishermen’s Organisations (QQ 59–72)
- ** Mark Pearce, Business Development Manager, National [RMC0013](#)
Grid (QQ 14–26)
- ** Kate Clarke, Executive Secretary, North Sea Commission [RMC0003](#)
(QQ 27–47)
- ** Matt Nichols, Project Development and Communication [RMC0007](#)
Officer, North Sea Region Programme (QQ 27–47)
- OfGem [RMC0016](#)
- Oil and Gas UK [RMC0015](#)
- ** Dr Darius Campbell, Executive Secretary, OSPAR [RMC0005](#)
(QQ 27–47)
- * Nick Medic, Director of Offshore Renewables,
RenewableUK (QQ 14–26)
- * Dr Euan Dunn, Principal Marine Advisor, Royal Society for
the Protection of Birds (QQ 84–106)
- * Professor Geoffrey Boulton, President, Scottish Association
for Marine Science (QQ 84–106)
- * Bertie Armstrong, Chief Executive Officer, Scottish
Fishermen’s Federation (QQ 59–72)
- Scottish Government [RMC0014](#)
- * Professor Phil Thomas, Chairman, Scottish Salmon
Producers’ Organisation (QQ 59–72)
- Seascope Consultants Ltd [RMC0012](#)
- ** UK Government (QQ 114–125) [RMC0017](#)
- * Eleanor Stone, Marine Planning Officer, Wildlife and [RMC0008](#)
Countryside Link (QQ 84–106)
- * Dr Lyndsey Dodds, Project Manager, WWF (QQ 84–106) [RMC0010](#)

APPENDIX 3: CALL FOR EVIDENCE

The EU Sub-Committee on Agriculture, Fisheries, Environment and Energy of the House of Lords, chaired by Baroness Scott of Needham Market, is conducting an inquiry into *EU Marine Regional Co-operation*. The Sub-Committee seeks evidence from anyone with an interest.

Written evidence is sought by 26 September 2014. Public hearings will be held over the period October–December 2014. The Committee aims to report to the House, with recommendations, by March 2015. The report will receive responses from the Government and the European Commission, and may be debated in the House.

The “Healthy Oceans–Productive Ecosystems” (HOPE) European conference for the marine environment in March 2014 recognised that Europe’s seas and oceans are under significant pressure and must be safeguarded for their intrinsic value and to ensure the health of their ecosystems including for human benefit. Moving forward, the need to collaborate and to achieve greater coordination within and between marine regions was particularly stressed.

This is an important juncture in the development of governance structures to support the marine environment. Member States are implementing the Marine Strategy Framework Directive and, following its recent adoption, will need to implement the Maritime Spatial Planning Directive. Implementation of the reformed Common Fisheries Policy is underway, involving a regional approach. Energy security is a prominent issue and has placed interconnection, including across sea basins, firmly under debate. Finally, the European Commission has a Blue Growth Agenda to harness the potential of the seas.

In several of these areas, a regional approach is required and, elsewhere, it is encouraged. We will seek to identify the advantages and disadvantages of a regional marine co-operation approach and we will consider what inspiration can be drawn from existing mechanisms. We take co-operation to refer both to Member State co-operation and to co-operation across sectors and interests. While we are particularly interested in making recommendations specific to the North Sea, we anticipate that our findings will have wider applicability.

We will make policy recommendations to the UK Government, the European Commission and Member States accordingly.

Our focus is on four case studies as set out in the Call for Evidence, but we would welcome comments on regional marine co-operation in other areas, with the exception of maritime security and migration. For the purposes of this inquiry, we will consider the marine environment extending to the coastline.

The Sub-Committee seeks evidence on any aspect of this topic, and particularly on the following questions:

The rationale for action: Risks to EU seas

1. What are the principal risks to the EU’s marine environment? How significant are factors such as conflicts between users of the marine environment, unclear governance arrangements and potential inconsistencies between pieces of legislation affecting the marine environment?

2. To what extent do you agree with the recent conclusion by the European HOPE conference³¹¹ that co-operation, co-ordination and improved governance lie at the heart of the solution to tackling the risks to the EU's marine environment?

A regional approach to marine health and productivity: Case Studies

3. In relation to the case studies set out below in particular, what are your views on existing examples of effective regional collaboration between Member States and between sectors? What further progress towards regional co-operation in these areas, particularly in the North Sea, would you like to see?
 - Identification of spatial protection measures, such as Marine Protected Areas, under the Marine Strategy Framework Directive;
 - Action, through regional co-operation, to implement the fisheries and aquaculture sustainability objectives of both the Marine Strategy Framework Directive and the revised Common Fisheries Policy;
 - The development of energy co-operation in regional seas including interconnection and the development of marine renewable technologies;
 - Innovation and knowledge, particularly towards delivery of the Commission's Blue Growth Agenda.
4. With particular reference to the case studies above, what are the advantages and disadvantages, including resource implications, of a regional co-operation approach? To what extent can local and national approaches conflict with a regional approach?

Potential processes to develop a coherent regional approach

5. A range of processes and institutions have evolved to support regional marine co-operation, including Regional Sea Conventions, EU macro-regional strategies, EU sea basin strategies and the Maritime Spatial Planning Directive. Others have developed more informally, such as the North Seas Countries Offshore Grid Initiative. What, with reference to emerging structures and experience around the world, are the basic requirements to develop a coherent and flexible regional approach to marine regional co-operation? Is an ideal model yet identifiable, particularly for the North Sea, from those that are emerging?

You need not address all these questions in your response.

³¹¹ European Commission, 'Healthy Oceans, Productive Ecosystems': <http://ec.europa.eu/environment/archives/marine/hope-conference/pdf/HOPE%20Conference%20Declaration.pdf> [Accessed 6 February 2015]

APPENDIX 4: LIST OF ABBREVIATIONS

ACs	Advisory Councils
ACCSEAS	Accessibility for Shipping, Efficiency Advantages and Sustainability
ACER	Agency for the Co-operation of Energy Regulators
BaltSeaPlan	The 2009–12 Baltic Sea Plan that accompanied the EU Maritime Policy
BMVI	German Federal Ministry of Transport and Digital Infrastructure
CFP	Common Fisheries Policy
Cefas	Centre for Fisheries and Aquaculture Science
COSLA	Convention of Scottish Local Authorities
EEA	European Environment Agency
EMODnet	European Marine Observatory Data network
EWEA	European Wind Energy Association
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
GES	Good Environmental Status
ICES	The International Council for the Exploration of the Sea
IMO	International Maritime Organisation
INSITE	Influence of man-made Structures In The Ecosystem
INTERREG IVC	The EU's Interregional Cooperation Programme
LEP	Local Enterprise Partnership
MASPNOSE	Maritime Spatial Planning in the North Sea Project
MEDIN	Marine Environmental Data and Information Network
MMO	Marine Management Organisation
MPAs	Marine Protected Areas
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive
MSPD	Maritime Spatial Planning Directive
NEED	Northern European Energy Dialogue
NFFO	National Federation of Fishermen's Organisations
NGOs	Non-Governmental Organisations
NSC	North Sea Commission
NSCOGI	North Seas Countries' Offshore Grid Initiative
NSRP	North Sea Region Programme

OSPAR	Oslo and Paris Conventions (The Convention for the Protection of the Marine Environment of the North-East Atlantic)
RACs	Regional Advisory Councils
RSPB	Royal Society for the Protection of Birds
SAMS	The Scottish Association for Marine Science
SFF	Scottish Fishermen's Federation
STECF	Scientific, Technical and Economic Committee for Fisheries
SUDG	Seabed User and Developer Group
TFEU	Treaty on the Functioning of the European Union
VECTORS	Vectors of Change in Oceans and Seas Marine Life, Impact on Economic Sectors
WWF	World Wide Fund for Nature

APPENDIX 5: MARINE PLANNING IN THE UK

In the UK, marine planning was introduced and is being implemented under a combination of primary legislation; the Marine and Coastal Access Act 2009, Marine (Scotland) Act 2010 and Marine Act (Northern Ireland) 2013. Marine planning is a devolved matter. To varying degrees, a different approach is being adopted by each of the four UK Administrations and the implementation timescales differ. However, all plans must conform to the UK-wide Marine Policy Statement (MPS), unless relevant considerations indicate otherwise. When marine plans have been established, all decisions, as a general rule, must accord with them. There are agreements in place between the UK Government and each of the devolved administrations with a view to co-ordinating activities across national and plan area boundaries.

Consequently, marine activities across the UK are governed by a plan-led system within a common high-level framework, replacing a system of *ad hoc* decision making over time through licensing and other authorisation processes. The plans are intended to provide detailed policy and spatial guidance for an area and to set out relative priorities.³¹² The MPS recognises that, in preparing marine plans, the UK Administrations will need to co-ordinate their activities with other countries sharing the same regional seas, including sharing data.

England

The Marine Management Organisation is responsible for preparing the marine plans. The waters off the English coast have been split into eleven areas (ten plans will be produced). Planning for the first two of these areas—the east inshore and offshore marine plan areas—was launched in 2011 and completed in 2014. Plans are currently being prepared for the south inshore and offshore areas. All areas should have plans in place by 2021. Each plan is reviewed every three years and all plans are intended to take a long term view extending to 20 years.

Wales

The Welsh Government is preparing a Welsh National Marine Plan that will cover Welsh inshore waters and UK waters off the Welsh coast. It will have a 20 years forward look at activities and needs. As part of this process, the Welsh Government has sub-divided the sea areas into areas that are intended to be meaningful and recognisable to people. When completed the National Plan will be reviewed every three years.

Scotland

The Marine (Scotland) Act (2010) introduced a new statutory marine planning system to sustainably manage the increasing, and often conflicting, demands on Scotland's seas. The Scottish National Marine Plan (NMP) was laid before the Scottish Parliament on the 11 December 2014. This Plan covers both Scottish inshore waters (out to 12 nautical miles) and offshore waters. Marine planning will also be implemented at a local level within Scottish Marine Regions. Within these regions, regional marine plans are developed by Marine Planning Partnerships to take account of local circumstances and smaller ecosystem units.

³¹² UK Marine Policy Statement

Northern Ireland

The Marine Act (Northern Ireland) introduced powers to create and implement a Northern Ireland Marine Plan. Work (acquisition of data and stakeholder engagement) is being undertaken by the Marine Division in the Department of the Environment. A Scoping Report has been prepared as part of a Sustainability Appraisal (SA) of the Plan to facilitate marine planning around Northern Ireland. It is intended that the Draft Plan and Sustainability Appraisal will be issued for public consultation in 2015.

APPENDIX 6: MARINE PLANNING BY NORTH SEA COUNTRIES

Belgium

The Belgian federal authority has drawn up a marine spatial plan for the Belgian part of the North Sea. This plan maps the Belgian part of the North Sea and its users, and tries to reconcile the spatial impact of the various demands and uses of the area. The plan covers a period of six years, thus the plan is evaluated on a regular basis. At the same time, stakeholders know what is planned and where, and understand the longer-term vision.³¹³

Denmark

Denmark does not have a specific Planning Act for its sea space. Sea-based activities are regulated by a large number of sectoral laws. Thus, authority over the coastal zone is dispersed among different sectors and different administrative levels of decision-making. However, in 2010 a Marine Policy Strategy was approved by the government. The strategy stresses the need for Maritime Spatial Planning, as a result plans are being discussed.³¹⁴

France

The management of waters under French jurisdiction has been the responsibility of the central government. Increasingly, however, responsibility for coastal and near shore activities has been shared with local authorities and stakeholders.

While several planning instruments have been introduced to facilitate and enhance spatial planning in the coastal zone, they have been applied primarily to terrestrial activities. The management of human activities in marine waters is commonly characterised by a sectoral approach.³¹⁵

It should be noted that French authorities have been very active in regional co-operation based around the Channel, i.e. Arc Manche which is a co-operation network aiming to gather territories bordering the Channel to advocate the shared interests of this area and to promote co-operation.

Germany

The Exclusive Economic Zone of Germany covers about 28,600 km² in the North Sea. Marine planning in Germany is based on the Federal Land Use Planning Act that was extended to the Exclusive Economic Zone. Spatial plans for the territorial sea (up to 12 nautical miles) are developed by the German Länder (Federal States). The German plans are regulatory and enforceable. A federal plan for the North Sea came into effect in September 2009.

³¹³ Belgian Federal Public Service Health, Food Chain Safety and Environment, ‘Something is Moving at Sea... a Marine Spatial Plan for the Belgian Part of the North Sea’ (March 2014): <http://www.unesco-ioc-marinesp.be/uploads/documentenbank/25ad8a7ad6fbb0a0bd07562e392c382f.pdf> [Accessed 6 February 2015]

³¹⁴ PartiSEApate, ‘Marine Spatial Planning in Denmark’: <http://www.partiseapate.eu/wp-content/uploads/2013/08/Denmark-country-fiche.pdf> [Accessed 6 February 2015]

³¹⁵ UNESCO Marine Spatial Planning Initiative, ‘France’: http://www.unesco-ioc-marinesp.be/msp_around_the_world/france [Accessed 6 February 2015]

The Netherlands

The Dutch part of the North Sea covers an area of about 58,000 km² (one and a half the land mass of The Netherlands) and is one of the most intensely used marine areas in the world. Dutch marine planning policy is considered as a means of fostering sustainable use while allowing scope for private sector initiatives. One of the most recent, relevant developments is the publication of the country's 'North Sea 2050 Spatial Agenda', which is based on research into the long-term potential of sea and coastal areas and makes connections between the North Sea's future opportunities and existing developments and challenges.

The need for coordination and co-operation is stressed throughout the document, and the significant need for an integrated approach to the entire North Sea is noted. Referring to their own consultations during the development of the Agenda, it is stated that "Talks with officials from the countries around the North Sea in March 2014 have taught us that various opportunities lie within the ... themes of the spatial agenda, and that these can best be addressed on a North Sea-wide scale. Other North Sea countries' focus points concur with the North Sea 2050 Spatial Agenda themes. This is helpful when working on a North Sea-wide strategy. The other countries were indeed surprised by the focus of The Netherlands on the longer term but are also of the opinion that this is an interesting approach."³¹⁶

Norway

The North Sea-Skagerrak area is Norway's most intensively used sea area. In 2013, Norway adopted an 'Integrated Management Plan for the Norwegian part of the North Sea and Skagerrak'.

The Plan provides an overall framework for both existing and new activities in these waters, and "facilitates co-existence of different activities, particularly the fisheries, maritime transport and the petroleum activity."³¹⁷ The expressed aim is to establish an ecosystem-based management of activities, where the total environmental pressure from activities does not threaten the ecosystems. Cumulative effect is therefore a key issue addressed in the Plan. The Plan will be updated at relevant intervals. It is based on existing knowledge, but the significant gaps in knowledge and data are acknowledged. Thus, commitments are made to strengthening the knowledge base.

The importance of co-operation is highlighted: "Co-operation with the other North Sea countries and the combined efforts of all these countries are ... of crucial importance."³¹⁸ It is anticipated that the Integrated Management Plan will help to provide a firmer basis for Norway's contributions to international co-operation.³¹⁹

³¹⁶ Ministerie van Infrastructuur en Milieu (2014) North Sea Spatial Agenda 2050, July 2014 p 67

³¹⁷ Norwegian Ministry of Trade, Industry and Fisheries, Integrated Management Plans http://www.fisheries.no/resource_management/Area_management/Integrated_management_plans [Accessed 6 February 2015]

³¹⁸ Norwegian Ministry of the Environment, *Integrated Management of the Marine Environment of the North Sea and Skagerrak Management Plan*, op.cit., p 8

³¹⁹ *Ibid.*, p 141

Sweden

Sweden has no tradition of marine planning in its Exclusive Economic Zone. However, an inquiry initiated in 2006 proposed the introduction system based on marine spatial plans and that such plans should contain provisions ensuring that marine planning takes place in consultation with the international organisations concerned and with relevant actors in adjacent countries.³²⁰

Marine planning is now considered an important tool for the Swedish Agency for Marine and Water Management in planning and management of marine areas. Marine spatial plans for the relevant areas of the Swedish Exclusive Economic Zone have not been completed yet, but the aim is that, when finalised, there will be guidance for agencies and municipalities examining claims made to use the areas in question.

In parallel with the development of Sweden's marine planning, the Government is in the process of producing a maritime strategy. Within this strategy the Government will submit proposals regarding the development of marine and coastal industries. One of the overall goals is to develop the utilisation of Swedish waters as a resource, to create more employment opportunities and to enhance common interests and quality of life.³²¹

³²⁰ UNESCO Marine Spatial Planning Initiative, 'Sweden': http://www.unesco-ioc-marinesp.be/msp_practice/sweden [Accessed 6 February 2015]

³²¹ Swedish Agency for Marine and Water Management, *Marine Spatial Planning Current Status 2014* (March 2014): <https://www.havochvatten.se/download/18.44319c4a145d364b807436c/1402924457106/marine-spatial-planning-current-status-2014-english.pdf> [Accessed 6 February 2015]

APPENDIX 7: MINISTERIAL LETTER ON FISHERIES DISCARD PLANS FOR 2015³²²

Letter from George Eustice MP, Parliamentary Under Secretary of State for Farming, Food, and Marine Environment, to Lord Boswell of Aynho, Chairman of the Lords European Union Select Committee³²³

...

As you are aware securing the new regionalisation was a major UK priority throughout the negotiations to reform the Common Fisheries Policy (CFP). I was therefore keen to take advantage of the new process at the earliest possible opportunity but mindful that we needed to prove the concept and show that taking a regional approach would be successful and deliver results quickly.

The development of the pelagic discard plans was the first formal application of the regional approach to fisheries management under the new CFP and I have been extremely pleased with how the process has worked. The appetite shown by the other Member States in both the North Sea and North Western Waters to employ the new processes was heartening and exceeded my initial expectations. While the discussions between officials, and with industry, have at times been challenging, they have been effective in identifying problems and finding solutions.

The success of the process was proved as both groups were able to agree Joint Recommendations which were adopted by the Commission in the aforementioned Delegated Regulations.

While there have been some teething problems in setting up the new process, I believe that we have been able to resolve them quickly. We have agreed Memoranda of Understanding for how the groups operate, developed clear work programmes, dividing tasks to share the workloads effectively and set out a very clear process of engagement with the relevant Advisory Councils to ensure they work to a clear timetable and scope. That learning has already been integrated into the processes and timelines for the development of the joint recommendations that will define the content of the more complex demersal discard plans.

You asked for my view on the availability of resources to support these discussions with Member States. I can only speak on behalf of my own department but I have been able to use existing resources, from within my fisheries team, to develop the plans. This is work that would have needed to be done under conventional EU procedures if we had not done it in the new regional groups. I have not needed to seek additional staff to deliver these plans. It is important to recognise that the new regionalisation process has changed the EU negotiation process. Previously, officials would need to spend considerable time trying to influence the content of a proposal that the Commission would bring forward. Once that proposal had been

³²² Commission Delegated Regulation (EU) No 1393/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in north-western waters ([OJ L 370](#), 20 October 2014, p 25) and Commission Delegated Regulation (EU) No 1395/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea ([OJ L 370](#), 20 October 2014, p 35)

³²³ This letter is part of a strand of correspondence between the UK Government and the House of Lords European Union Sub-Committee on Agriculture, Fisheries, Environment and Energy. The Sub-Committee routinely scrutinises the UK Government's position on draft European Union legislation and other significant documents.

adopted they would frequently spend significant amounts of time in working groups in Brussels trying to amend ill-fitting EU wide proposals and gather support for alternative approaches. Overnight this has changed. Officials have been able to work directly with their counterparts from other regional Member States towards a clear set of outcomes from day one.

You have also asked for my views on the survival exemptions that have been included in these Regulations. These exemptions are centred on the use of purse seine nets in mackerel and herring fisheries. These are nets which are drawn in slowly and can be opened to allow fish to escape unharmed. I am confident that the exemptions are scientifically robust as the evidence provided was reviewed and approved by the Scientific, Technological and Economic Committee for Fisheries (STECF).

...

7 December 2014