EU Agriculture, Fisheries, Environment and Energy
Sub-Committee
Regional Marine Co-operation
Written and Oral Evidence

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WEDNESDAY 10 DECEMBER 2014

11 am

Members present
Baroness Scott of Needham Market (Chairman)
Lord Cunningham of Felling
Baroness Howarth of Breckland
Baroness Parminter
Lord Plumb
Lord Renton of Mount Harry
Lord Trees
Lord Whitty
Lord Williams of Elvel

Examination of Witnesses

Dr Peter Jones, Senior Lecturer, University College London, Professor Mike Elliott, Director, Institute of Estuarine and Coastal Studies, University of Hull, and Professor Melanie Austen, Head of Science: Sea and Society, Plymouth Marine Laboratory

Q126 The Chairman: Good morning. It is very nice to see you all. Thank you very much indeed for coming to talk to us this morning. This is the final of our formal evidence sessions in this current inquiry. In terms of dealing with the housekeeping, this is a formal evidence-taking session of the Committee. A full shorthand note will be taken and put on the public record in printed form and on the parliamentary website. We will send you a transcript, which you can revise in case there are any minor errors. Because the session is on the record, it is being webcast live and will be accessible via the parliamentary website in due course.

We have given you a copy of the interests of the various Members of the Committee, and if any Committee Members have an interest that relates specifically to this inquiry, they will
say so before the first time they speak. For myself, I declare an interest as the Secretary of State’s appointee to the Harwich Haven Authority, which is a publicly owned trust port.

Again, thank you very much for coming and for the evidence that you have given us in writing. I wondered if I could just kick off with the observation that a number of witnesses to our inquiry have expressed concerns specifically about absence of scientific data but particularly about lack of knowledge of the cumulative effects of the various human activities that are taking place in the marine environment. I wondered whether each of you, from your own perspectives, could say a bit about the current state of knowledge about the cumulative effect of human activities and something about the extent to which transnational co-operation is or is not taking place.

Professor Austen: I have two points of evidence here, I guess, from sitting in the MMO and sitting in a research project called UKERC—UK Energy Research Centre—but also in my EU project, VECTORS, we have been looking at interactive and cumulative effects of different things, so I have various observations. First, yes, there is not much evidence and data about, or at least, if there is, it is not available publicly. A lot of the renewable or oil and gas industries might have data available, but they are not releasing it. That could inform just on individual effects of systems, but we could then, if we had the whole data set, start to add them up and look at cumulative effects.

Similarly, it is quite difficult to get your hands on fisheries data in a spatially representative way. You can do it, but it is not exactly simple. Doing it transnationally across the different EU countries, it is even more problematic to get hold of them. It is possible, but it is kind of slow and difficult. So there are data difficulties.

There is also an awful lot of effort being made to look at projecting into the future, because, if you want to think about cumulative effects, you have to think about what is going to happen. As we continue to add in more renewable energy installations and marine
Professor Melanie Austen, Professor Mike Elliott, Dr Peter Jones — Oral Evidence (QQ 126-136)

conservation zones or marine protected areas, and as we continue to expand on aggregate dredging, we have to look to the future: what will the implications be? That is where it is cumulative. It is not just what is happening now; it is what is going to happen in the future. We do have some quite good research tools to address those problems, but it is getting the funding together to utilise those research tools and those ecosystem models, and marry them up with data that might be out there but we cannot get hold of. There are quite big gaps on cumulative impacts, which could be addressed if there was a will.

EU projects are definitely a good way to go about it. In my project, VECTORS, we have been looking at fisheries impacts and, again, projecting towards the future. We have joined up economists with ecologists, physiologists and modellers to start to look at what the impacts might be on the fishing industry in terms of economics and landings from different future scenarios of spatial segregation, spatial exclusion and different things happening, including climate change as well. That has been really interesting, but it is still pretty exploratory at this stage. You could not have made those steps forward, though, if you had not done that in an EU-wide project. That is a collaboration between the Netherlands, the UK and the Germans, just within the North Sea context.

The Chairman: There are a whole raft of things that come to mind after that. I will bring your colleagues in.

Professor Elliott: Good morning, everybody. For many activities, we have a good conceptual and qualitative knowledge. If any of you said to me, “What do you think are the effects of offshore wind farms, fishing, oil and gas exploration, aggregate extraction?”, I could tell you. If you said, “What are the effects of that on this type of habitat or on these sorts of species?”, I could have a fairly good stab at telling you. If you said, “Now can you tell me, in quantitative terms, how much of this stress do we need in order to create how much of this change?”, then I would say, “Now we are getting a bit into the realms of the unknown”. We
have good models, but I am sure most of you—I was going to say “would not put your mortgage on the outputs of models”—might not even put your wristwatch on the outputs of certain models, but we have models that will tell us that direction. We have good conceptual knowledge; but on the quantitative things, it is a bit less certain.

That, then, leads to the question of how many data and how much information you need to make a decision. If you said, “Will we get to the stage where we know everything fundamentally about the marine system?”, of course we will not, no. We understand fairly well the impact of physical changes on the system, but then there is all this messy biological stuff that starts getting in the way, so there are difficulties there.

As Mel was saying, when it comes to cumulative effects, we then have to think about layers of change. My apologies for the jargon; you have probably had enough jargon listening to the evidence. We talk about what we call exogenic unmanaged pressures and endogenic managed pressures. Exogenic unmanaged pressure is stuff happening outside the system that you have to respond to, so things like climate change. When you are trying to manage an area, you are not managing that; you are not managing the causes of it, but you are managing the consequences of it. The things that you are managing the causes of what we call the endogenic managed pressures: aggregate extraction, building a power station, oil and gas, whatever.

There are those layers, and then, based on that—and we will probably talk about it later—many of the European directives really are very simple. They are saying, “What is an area like? What will it be like, and can we do something about what it will be like?” It is very simple. That implies that we have some sort of baseline against which to measure change. The problem with cumulative impacts is that we do not know what all these conflicting baselines are. Plus—and this is the big one—climate change is giving us a moving baseline, so all of those layers are operating together, but perhaps we will come back to some of those.
Dr Jones: Good morning. As a quick addition to that, I would look at it from more a reactive than a predictive perspective. There is a great deal of work going into trying to predict impacts of individual activities. There is also work going into trying to predict the cumulative, synergistic impacts of various activities. I would look at it from the other way round. For instance, take the “good environmental status” descriptors and other ecological or environmental parameters. Set a threshold above which you do not want that parameter to go and monitor, and, sooner or later, if you have very significant cumulative impacts, you will see, for instance, fish stocks going below a certain level or a pollutant going above a certain level. Then you are in a position to react. You still have to try to assess some sort of cause-effect link: what is causing this parameter to go over this threshold? Realistically, though, cumulative impact is best dealt with from an end-of-pipe, reactive perspective.

The Chairman: That is really interesting.

Professor Austen: I am afraid I disagree with you, Peter. I do not think our monitoring programmes are rapid enough to respond. Once you see a change occurring, you then have that question: “What is actually causing the change?” Are our monitoring programmes repeated and regular enough to track that change? I am really not convinced that they are. Then, once we have seen a change, how quickly can we respond if we do not necessarily know what the cause of that change is, so I am not quite so enthusiastic about being reactive.

The Chairman: It is very interesting to be observers in your debate. It is a really interesting point for the Committee to ponder on.

Q127 Lord Renton of Mount Harry: This is a very basic question. Are you expecting climate change to make a very great deal of difference to the sea and to fish?

Dr Jones: Yes.
Professor Elliott: Yes.

Professor Austen: Yes.

Lord Renton of Mount Harry: You think it will.

Professor Elliott: It is almost an insidious change. You might not notice it year on year, although I guess we all noticed the tulips come out in our garden slightly earlier this year than they did a few years ago. Over the timescales we are talking about and now thinking we should manage over, we have to consider that. It is a philosophical debate. In 100 years’ time, there might be a different set of species—a different set of organisms, animals and plants—in, say, the North Sea, so things will come up from the south and those that are here now will move further north. The philosophical debate is, “Yes, but those organisms might be doing exactly the same things; they just have different names. They are functioning the same; the system looks the same, but they just have different names”.

I think the feeling at the moment is that the natural system may adapt, but it is us who have the problem. I shall not go into this, and it is more Mel’s field than mine, but we use the seas for various things—what we call ecosystem services—and climate change might mess up those ecosystem services. But there is now no debate that the system is changing.

Baroness Howarth of Breckland: One of the things that interested me in that little exchange and what you have just said is the social science impact. We are looking here at biological sciences and the water ecosystems, but I just wondered, in thinking about impact and how humans adapt, what thought do you give to the socio-political schemes? It is all very well coming in at the end of pipe, but what about all the other decision-making issues? We want to come to that, because that is what is bothering us about looking at how the EU directives all impact. As you are thinking through, I would be very keen that you also look at that area.
Professor Melanie Austen, Professor Mike Elliott, Dr Peter Jones — Oral Evidence (QQ 126-136)

Professor Austen: I can say that, certainly from the research perspective, we do look at that. As Mike alluded to, my group is very concerned about ecosystem services and the trade-offs, so fisheries, tourism, recreation, leisure, but also things like carbon storage and climate regulation that are mediated by our marine ecosystem. We have been looking at modelling for the future of climate change, the impacts on fisheries, what they might look like and where they are going to affect people most. It is mainly on smaller communities where they are very heavily dependent upon fishing for their social cohesion as well as their economic livelihoods that we think those effects are going to be targeted.

That implies that you need to understand the changes in the ecosystem and in what is going to happen across the North Sea over longer periods, but you also need to think about what they are going to do at very local scales to understand those social impacts, because social impacts, as you rightly point out, happen on very localised scales, usually. In my view—my colleagues might not have the same view—the directives tend to homogenise and assume that social impacts are quite uniform everywhere, but, when you come down to that level, it is very local.

Dr Jones: I would add to that. First of all, it is ends of pipes. When we are talking about cumulative impacts, we have to look at impacts from several pipes, and I would be more confident about monitoring cumulative impacts than predicting them, to go back to the previous point. It much more difficult to predict them than it is to monitor them and then try to attribute them to certain causes. Climate change is going to make very significant changes to marine ecosystems. We are seeing them now. We know that plankton is moving north at about 50 kilometres per annum in response to climate change.

The ability of marine ecosystems to respond and adapt to climate change is fundamentally underpinned by their health, their biological diversity and the status of the environmental parameters. The main message I would send is, in terms of adapting to climate change, if we
have a depauperate ecosystem that is relatively heavily impacted by various activities, it has a much lower capacity to respond. If that capacity to adapt is lowered because of the lowered diversity, that will magnify the social impacts.

**Q128 Lord Cunningham of Felling:** We have been told on numerous occasions during this inquiry that our knowledge and understanding of the marine environment is still pretty poor—not adequate to enable us to effectively tackle some of the issues that we need to be addressing. As we have heard Dr Austen say again, in her opening remarks, there are data around, but they are not accessible, particularly where the private sector is concerned. The Commission has proposed to tackle this through the creation of the European Marine Observation and Data Network—quite a mouthful. Do you think that is a good idea? Is that a proposal you would support? If so, tell us how effective you think it might be.

**Professor Elliott:** You are exactly right. We have had initiatives within the UK, as well, trying to make data more freely available. I am on the Marine Science Co-ordination Committee, which is to try to bring all the marine bodies in the UK together, and on the Science Advisory Board for Marine Scotland. One of the discussions is: we have all of these data; how do we bring those together? There are two questions: of the data that are available, how do we bring those together; and how do we bring them together so that we know we can trust them? That is, they have to be quality-assured data; if we put rubbish on, we will get rubbish off. That is the first one.

Then there is the point that Mel alluded to. There are a lot of data that are just not made public. They are not made public for various reasons. One of them is commercial confidentiality, where companies would say, “These data are really quite important for us. We have just paid a lot of money for them and we are not just going to give them up”.

**Lord Cunningham of Felling:** It is sometimes used as a catch-all phrase, is it not?
Professor Elliott: It is. If the companies realise that, by making it freely available, they would save money in the future, it might make them think. I have had a company come to me to say, “How much will it cost to do this survey?” I have told them, and they have said, “There is this company next door to us who are willing to charge such an amount”, and I have said, “Take it. That will be cheaper.” So there are moves, but it is not fast enough.

One of the points that have come up, which I think has been mentioned in your previous evidence, is looking at what monitoring data we have and how we got it. The UK submission to Brussels for the monitoring under the marine strategy framework directive talked about all the monitoring we are doing. It is really quite an impressive list. Some of us would argue some of it has not been in the right place, but it is impressive. However, they did not include monitoring from industry or academia. Some of those may be one-off surveys, but, if you are trying to understand the marine environment, it is still valuable. The mantra with data is that you collect once and use many times, whereas we probably collect many times and use once. As Mel said, though, we are all working on other European projects with lots of other partners, and this no different from any other country.

Professor Austen: I have one thing to say on that. We always forget that collecting data is expensive, but organising and depositing them can also be quite resource-intense. There is an increasingly attitude of saying, “Right, you have to make your data publicly available”, and we all go, “Yes, okay. Is there any additional funding to do that?”. Usually, there is not. I would imagine that affects the commercial companies as well; it is an additional cost, so 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. EMODnet may have a brilliant system to ingest data, as we call it, a beautiful framework and a beautiful database, but the company that has produced data, whether it be a research organisation or a commercial company, will have done so in a certain way. They will have to
transform, translate, re-label and do things to that data to make it ingestible, and that comes at a cost, which nobody seems to want to bear.

The Chairman: That is interesting. I do not know about the rest of the Committee, but my assumption would have been that, if you are a company and you have data for your own purposes, you just hand it over to EMODnet and they would turn it into whatever they need. That would be the way we would assume it is done.

Professor Elliott: If data are produced by a company and submitted for an environmental impact assessment and put into an environmental statement, they become in the public domain and you can get hold of them, but, of course, companies have various ways of saying, “We will put forward the summary”.

Lord Cunningham of Felling: Are you really telling us, then, that the Commission proposal will run into the existing obstacles and not be able to resolve them?

Professor Elliott: In a word, probably “yes”. It needs more pressure to say to companies, “It is really in your own interests to make the data available”.

Dr Jones: I would completely agree with everything my colleagues have said on making data available and making sure it is collected in a co-ordinated way with consistent methodologies. These are all important, and there are still challenges. By collecting it and networking it through things like EMODnet, we are making progress in that direction, but I sometimes get the sense, talking to scientists and decision-makers who take advice from scientists, that, if we had the right models and all the data, we could have a solid evidence base for decision. No matter how good that data networking system is, we must not lose sight of the fact that we will still be taking decisions under uncertainty.

Lord Cunningham of Felling: What you are saying, with which I certainly agree, is we will never know everything that would be good to know. My question really is: is the European Commission proposal going to move the game forward?
**Professor Elliott:** It has to. We have tried this before with European projects; we have to make sure the data are kept afterwards. In the UK system now, we have to make things open access, so it is going to move it forward. The question is whether it will move it forward as much.

May I return to when you started, Lord Cunningham, when you said that the detailed understanding of the marine environment is still poor? I made the point at the beginning, Baroness Scott, that you have to decide what level of information you need to make a decision. Companies all the time have to make decisions based on either poor data or no data. If our goal is to understand life, the universe and everything, it is going to take a while. I often talk about the need-to-know versus the nice-to-know. What do you need to know to answer this problem? If you talk to these academics—I am afraid I am one, although I used to be in the forerunner of the Scottish Environment Protection Agency for many years—it is nice to know lots of things. I want to know how the whole marine system works, but what do you need to know to take marine management forward?

**The Chairman:** Where the shoe pinches on that question is when you start to tie that in with the precautionary principle, because developers will say that the application of the precautionary principle can mean that you do not do any development because you do not know, because you do not have the data. That is not a criticism of the precautionary principle; it is just what they are saying to me. Is that not where you begin to get into difficulties?

**Professor Elliott:** There are difficulties there, and especially because of the presumption now that the onus is on the developer to show that there is no effect; it is not on the regulator to show there is one.

**Lord Cunningham of Felling:** This is my final question, although I could ask lots more, but I will let my colleagues ask questions. To get over this problem of the cost of unifying
the approach to data, would it be reasonable to propose that those costs should be borne as part of the European Marine Observation and Data Network?

Professor Austen: Certainly, if EMODnet was sufficiently funded that you could say, “Here is my data. You inject it into your system”, you would get a lot more enthusiasm from people to hand over data. If you combined that with the stick of, “You do not get your licence or whatever unless you hand over your data”, we would move forward.

Q129 Lord Whitty: We have had a lot of discussion now about the quality, transferability and usability of the data, but in what policy context are we talking? You can have as much data as you like of variable quality, but it is there to inform decisions of one sort or another. We have a chart here of all the different regulations and bodies.

Professor Elliott: I have larger copies if you want them.

Lord Whitty: We would like a larger one, because we cannot read the print on that. It shows what a complex area it is from the point of view of those who are producing scientific evidence. We have been addressing the issue of whether the evidence is sufficient, but I will put the question the other way round. For what decisions and where do you think that evidence should be being used? What decisions are needed on the basis of that evidence to improve the future of our marine environment or marine economy, and who do you think should be taking them?

Dr Jones: I would go back to a point I made earlier on about taking a reactive approach to this, so you would start off with the parameters that you want the environment to be maintained at, with certain thresholds attached to them, and then you seek data that enable you to inform decisions about those parameters. First of all, you decide what you want to know, and then you work backwards and say, “What data do we need to know this?”, so that you target both the gathering of the data and the way in which it is gathered and co-ordinated to address the key questions about environmental thresholds such as levels of
diversity and levels of certain pollutants. You decide what you want to know, and then you go back and say, “How do we gather the information that we need to know this and how do we co-ordinate it?”

**Lord Whitty:** Have we sufficiently decided what we want to know? Just leaving the environment conditions for the moment, because there are other interactions, have we decided what we want to know in that sense?

**Dr Jones:** That is in process. The good-environmental-status descriptors are an attempt to come up with a harmonised and concerted set of parameters that we monitor according to. I think we are making very good progress towards making strategic decisions that are applicable across Europe as to what we need to know—what we need to focus on in terms of setting certain standards.

**Professor Elliott:** Your question is exactly why we drew that horrendogram. As I say, if anyone wants, I have larger copies. I do not know whether your eyes are any better than mine. The reasons we did that were various. One is that we were looking to see—and you commented on it before—the sectoral nature. We manage things according to bits: environmental impact assessments, yes, we have that; habitats directive, we have that. The problem is that we have all these directives and they all want you to provide slightly different information. The system we want is one where we can get information that really covers a lot of those. This is the difficulty, and I think it is wasteful at the moment, about how we gather information in this—sorry to use a word you have probably heard lots of times—holistic way. We have this thing called the ecosystem approach. We want to know everything about it, but, again, that diagram was really to inform the users of what they need to do. Part of it came about because of a long history. I used to work for what is now the Scottish Environment Protection Agency; I worked for them for many years. Talking to many agencies, each agency has so much on their plate. If you talk to Natural England, the
Joint Nature Conservation Committee or the MMO, they have so much on their plate that they are focusing only on their part and not looking at everything else. In the terrestrial environment, on land, you can probably think about your little patch. Unfortunately, in the marine environment, everything is interconnected and you cannot do that.

**Lord Whitty:** When you say “you”, who are we talking about? Given the various bodies that are involved in this—some EU bodies, some bodies like OSPAR, national Governments and local planning authorities—who should be taking these decisions?

**Professor Austen:** I am going to try to address that, but also take on board a little of what my two colleagues have said. Peter said it is about, “What do we want?” Going back to what Baroness Howarth said, it is not about just setting reference conditions for the ecosystem of what means good environmental status. Largely, we are now driven by: “What do we want to get out of the system? Why do we want the system to look like that—for what purpose? Because we want to have safe, clean waters to go swimming in; we want to have safe, clean food; we want to have energy security; we want to be able to transport our goods across the sea; we want to get bio-economic growth from various things”.

We have a whole load of things we are after, and the targets and outcomes we are trying to get from our marine strategy framework directive reference points are all well and good, but they are not really helping us towards those other social outcomes. This, curiously enough, is vaguely mentioned in the marine strategy framework directive but is addressed much more in the biodiversity directive, which is concerned with ecosystem services and is being applied quite seriously in the terrestrial environment, and everybody assumes that, if we get good environmental status, that means we have covered all of our services.

Who would decide which ecosystem services we want and what the trade-offs are between the different ones probably then goes back to the local member state level of deciding what balance you want. As Mike says, though, are we going about collecting the data in the right
way? There are some serious questions that need to be asked about bringing those different directives together and trying to work out which targets we are going for and who decides what those targets are there for. Are they there for the socioeconomic and environment approach, the ecosystem approach, or are they there for good environmental status?

**The Chairman:** Later on, Lord Plumb will ask about regional co-operation, because the first thing that occurs when you make that point is, if one member state decides that achieving good environmental status is its key objective and the one next door decides that renewable energy is, clearly, you are in some difficulty.

**Professor Austen:** You have tension, yes.

**Q130 Lord Renton of Mount Harry:** I am going to switch to the European Union. One of our witnesses said very strongly that he thought there were major tensions between different EC policies relating to the environment and that this was a bigger challenge for marine management than improving co-operation between member states. Would you agree with that?

**The Chairman:** Dr Jones, you said it.

**Dr Jones:** I said it.

**Lord Renton of Mount Harry:** You have already repeated it. Is that really fair?

**Dr Jones:** Of course, I would enthusiastically agree. Let me explain very briefly why I would agree with it, and why indeed I included it in the evidence. There are various targets that are coming from the Commission. Implicitly, we have targets for blue growth. I always maintain that member states do not need legislation to encourage them to foster blue growth; that is what member states do anyway. We have targets related to good environmental status. Interviewing people that work in both DG Environment and DG MARE, I can definitely sense that there is this competition to see whose targets are going to be most binding on member states, with the good-environmental-status objectives and the
 marine strategy framework directive. I emphasise “framework” on purpose, because it is a framework; it is a directive that other directives are supposed to be, frankly, subordinate to and contribute towards achieving the obligations therein. Then they came up with the MSP directive to try to say, “No, this is a kind of framework directive as well”, and they are talking about the Integrated Maritime Policy as another framework.

It is this classic push that we see in all debates about sustainable development between one side saying, “The bottom line must be good environmental status”, and the other side saying, “The bottom line must be the growth of the blue economy”. Of course, it is both, but, if one interferes with the other, which way will the decision go? The MSFD is saying, quite clearly, that it must go in favour of environmental protection, unless there are outstanding reasons of overriding public importance. It is almost like a competition between the environmental push of the DGs and the member states’ push towards blue growth. There are definitely tensions in the policy landscape.

**Lord Renton of Mount Harry:** I will ask you a difficult one, then. We have a new commissioner, have we not? What recommendations would you make to him to address the inconsistencies between EU policies that affect the marine environment?

**Dr Jones:** The appointment of the new commissioner was, from my perspective, worrying, because, if you took a positive view of the co-ordinated brief—we have now a commissioner that is DG MARE and DG Environment—you could say, “Great, this is an opportunity for co-ordination and integration”. However, the letter appointing that commissioner mentioned blue growth several times and good environmental status not once. Were it a neutral appointment with a genuine commitment to promoting integration, I would applaud it, but I remain very concerned because the agenda behind the broadening of that brief would appear to have been to focus on promoting blue growth.
Lord Renton of Mount Harry: He is a new man, so you can presumably work on the commissioner a bit.

Dr Jones: He is a new man, but he is the former Minister for Tourism from Malta, who does not have a very solid track record on the implementation of the habitats directive, and particularly the birds directive, so he is a new man, but he is a new man with baggage.

The Chairman: Clarify this for me. Before you spoke about the individual post, you said that, in the balance of things, it was the environmental protection legislation that trumped the other side. The fact it is not mentioned in this letter gives you concern, but how would that resolve itself? If the legislative position is clear that it is the environmental side of things that takes priority, how would this tension begin to show itself in terms of the remit of the new commissioner?

Dr Jones: The legal obligations will definitely have a role to play, the problem being that a DG cannot be taken to the European Court of Justice. The European Court of Justice can summons only member states. There are political mechanisms that can be brought to bear to try to redress the balance, but I think those legal recourses are going to be necessary. At the moment, one of the first tasks the new commissioner was given was to review the habitats and the birds directives and make them modern and fit for purpose pieces of legislation. The worrying question in my mind is: what purpose do they need to be fit for? I think the underlying political commitments behind the European Union and the framework nature of the directive will then start to influence political processes, but this will ultimately be a political process rather than a legal process within the Commission.

Professor Elliott: You have to go back to the basis of most of the European environmental directives: the habitats directive, the water framework directive and all that. None of them are supposed to be anti-development. They are all supposed to encourage or allow development, but in a sustainable way. I think it has been embedded in European legislation
ever since the 1980s, or 1970s probably. Going back to your initial question, there are three tensions. I was trying to think about this as you were asking it, but I might even put them in the same weighting: the tensions between the European directives; the tensions between the European directives and the Regional Seas Conventions; and then the tensions between member states and the way they implement these.

There are tensions between the directives, in that Brussels, as with most legislatures, are not very good at learning the lessons of one thing before they start on the next thing. Sorry, that is just between these walls. There are those tensions. They are bringing in the maritime spatial planning directive before we have seen how the MSFD works, so that is one. As to the other tension between the directives and regional seas conventions, when the MSFD came in, I was in Brussels, and Brussels said they want the MSFD to be three things: not to be as complicated as the Water Framework Directive; to be based on existing data; and to be based on the Regional Seas Conventions—OSPAR, HELCOM and those things. None of those three is patently obvious at the moment; they are not there, so there are those tensions.

Finally, and the main thrust of your inquiry, there are tensions between countries. I will give a very precise example. As you will have read, the Marine Strategy Framework Directive is looking at 11 descriptors. The UK has already said it will define this good environmental status for each descriptor, so, in essence, we will come up with, say, the North Sea and say it has 11 types of GES. Other member states are saying, “No, if you take the MSFD at its word, what it says is, for an area, you will come up with one good environmental status”. If the Dutch do it one way and the Brits do it another way, we are going to have chaos in the middle.

Without going on too long, until couple of weeks ago I used to take the view—and Mel and I in various European projects—that the UK position was not really tenable; it did not follow
the Directive. Then I suddenly realised that it — the UK position — makes it easier to address problems. By having 11 good environmental statuses, you know where to put your measures, rather than the others. The jury is out. Mel and I are involved in two European projects: VECTORS, which Mel is leading, and DEVOTES, which we are both in, and I lead work packages in both of them. I do not know how many partners there are in DEVOTES; there are probably about 18 member states, and I asked them if anybody knew how their member state was going to implement the MSFD according to this, and nobody knows. I spoke to a friend in the Commission; they said, “No, we have not decided yet”, so there are those sorts of tensions. If we have the North Sea and we have five countries all implementing it slightly differently, it is going to be difficult.

On your question about what recommendation to make to the new commissioner, this is why I was wanting benefits from the MSFD over the Water Framework Directive. With the Water Framework Directive, they left things to member states and they said, “You implement it and then we will harmonise and cross calibrate”. What many of us hoped with the Marine Directive was there would be a bit more top-down control, because a lot of effort was wasted with the Water Framework Directive in trying to harmonise afterwards, but, of course, having more top-down control from Brussels does not go down too well in certain areas.

Professor Austen: To summarise even further, the new commissioner needs to encourage a standardised approach across the EU to implementation of its directives. That is possibly, in a nutshell, even more what you were trying to say.

Q131 Baroness Howarth of Breckland: I am still struggling, I have to say. You have been talking about the maritime spatial planning directive and the tensions already, and that is what I was going to ask about, because Dr Jones has said something about that in some detail, in both written evidence and what you have been saying now. There are two bits I
want to look at. Under what conditions could the MSP directive be made to work? Secondly, listening to the debate, how do we bring to consciousness, to the surface, those socio-political tensions and conflicts between member states, in terms of the way they implement, and the rules and direction or non-direction of the Commission, the EU and the Parliament? How do we bring those to the fore and encapsulate them in a way that makes it graspable? That is not a word, but I am struggling with this because that holistic issue is the one somehow we are grappling with. Would the maritime spatial planning directive help in any way, and is there anything we can say that brings some of those things to the fore to take it forward?

Dr Jones: The maritime spatial planning directive certainly could become a very important framework for moving this towards good environmental status, but it would need to be amended. When it was being drafted and when it was going through the revision stage, the need to contribute towards achieving good environmental status was in effect derogated in the directive. It originally appeared as a very specific target in one of the articles of the directive and was, frankly, delegated to the preamble to the directive. If it was amended and it became a directive that was contributing towards achieving the good-environmental-status objectives of the framework directive, if it recognised that it was a directive that was serving the framework directive and ultimately must contribute towards achieving good environmental status, it could be very positive.

It could also become a framework for predicting, and more importantly monitoring, cumulative impacts and then relating those to good-environmental-status descriptors. It could also become a framework for taking those necessary decisions about when economic development priorities override environmental priorities. Then the framework directive and the MSP directive could become much more synergistic, but what worries me is the purposeful efforts that were made when it was being drafted to derogate the importance of
achieving good environmental status, almost by setting it up as an alternative framework. If it was amended and implemented in a certain way, the synergies between the two could definitely be increased.

**Baroness Howarth of Breckland:** Clearly, there are forces that are preventing that: the forces that led to the derogation.

**Dr Jones:** Yes, and those forces are the economic contraction in Europe and the understandable focus of nearly every member state on expanding its economy. There is this political climate, and we are seeing it not just in Europe but in North America and Australia, of, “In these times of contracting economies, the environment needs to go on the back burner”. The problem with the environment is it always needs to be on one of the front burners, alongside economic development. You cannot, as priorities change, say, “We will put the environment on the back burner for now”. There is that sense that it was being put on the back burner when the MSP directive was being drafted.

**Professor Elliott:** We have the disadvantage that we do not yet know how the MSP Directive is going to be implemented, so it is all second guessing. What we and other people are looking for is that it eventually gives us more clarity. You will have heard many times that industries are looking for more clarity. If they are told, “You can do this and you cannot do this”, at least they know where they are. If they are told, “It is a good idea for you to do that and not do that”, they might think about it. What we are looking for is a way to try to harmonise the problems we have of the directives. For example, if you take a small coastal area not far from here, at the moment it will be asked to fulfil Favourable Conservation Status under the Habitats Directive, Good Environmental Status under the MSFD and Good Ecological Status under the Water Framework Directive, and the Water Framework Directive will take precedence over the MSFD in the overlapping area covered by both. As I said to Defra quite a long time ago, in order for this to work, you have to
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assume that those statuses—favourable conservation, good ecological and good environmental—all mean the same thing. They said, “I am not sure. We might work on that basis, but Brussels probably do not”, or something. We are looking for something to try to harmonise those things.

**Professor Austen:** The only thing I would add is, if we could solve the problems my colleagues have talked about, we have ways of implementing and putting the environment on an equal status with the economic growth agenda by pointing out that the environment is economically and socially important for us. I would like to think that the MSP is way of bringing those things together. From the implementation point of view, if we can overcome the obstacles my colleagues have talked about, we have the tools.

**The Chairman:** That is a really important point, because it is always seen as though it has to be one or the other and that it is somehow a zero-sum game: if you take your eye off the environment, it is to the benefit of business and vice versa. That is the win, is it not, to try to convince people that it is not a binary choice between the two?

**Professor Elliott:** One thing we have to guard against is fossilising the marine environment and partitioning it up: “Wind farms are there; gas fields are there; conservation areas are there”, and so on. Given that things like conservation areas are going to have to be modified with climate change, we have to try to avoid giving everything little labels, which you can do on land, and not recognising the fact that it is a dynamic system. We cannot cut off the conservation area in British waters from the Dutch waters and so on. It is trying to make sure that any system brought in can do that. These have been all these debates so far on the marine conservation zones in UK waters and marine protected areas elsewhere.

**Q132 Lord Plumb:** Our goal, at the end of the day, is to produce a report bringing together all the evidence we have been receiving, and that is a lot. It is a nice little job for our clerks and our adviser to do over Christmas.
The Chairman: You are all heart.

Lord Plumb: I would not wish to set about it myself at the moment, from the tremendous amount of evidence we are receiving and the sources of knowledge we are getting. The concern we have is: where is the leadership; who is going to really get things going? Taking a lot of the evidence, you almost come to a conclusion that we have to have a crisis before anything happens and we move forward. Your evidence today has been quite fascinating, particularly on climate change, realising the many difficulties there are. Our concern—and we would like you to add to what you have already said—is how decisions are taken, realising, of course, that the key, at the end of the day, is co-operation.

I did not realise there were as many bodies concerned in all of this as there are at the moment. They are coming forward, it seems, in droves. I did not realise, of course, the complexity of the regulations at sea. I know a little more about land than I do about water; I do know a little about the common agricultural policy, and I am beginning to realise that this is almost more complex than that, and, by God, that is saying something, coming from me. Can you tell us a bit more about this whole business of co-operation? On the basis of your work, how can that co-operation between member states around the North Sea be improved, and what should be the respective roles? You have already given us a fair indication there of your position, but it is really that combination of the Commission, the member states, local government and organisations like OSPAR and ICES playing quite a prominent part, as we have been receiving that evidence, particularly from them, on this whole area.

Professor Elliott: I think you were sent one of the papers we have coming out, which sets down marine management in England, never mind these other places. Again, I have a bigger version, because they are huge tables. If you managed to see that, you would see just how many English bodies there are—Scotland has the same—involving in marine management:
everything from MOD to DECC and everything. There are all of those. We have to get our act together for those, and then we have to get that act together with the other member states or with Brussels.

The difficulty we have is: who is taking the lead? Is it Brussels that are taking the lead in this marine management, or have they passed this on to OSPAR? I was going to say “I am afraid to say”, but that might be the sensible thing, if they are saying, “The regional seas conventions will take it on”. OSPAR have been doing this since the early 1970s, but OSPAR does not have the political clout that Brussels has. You have a system where we are saying this is better, and I think you have seen that both OSPAR and ICES have committed to looking at this integration, so they are both thinking about it, but we would need the leadership from the one that has the political clout to do it. The Regional Seas Conventions are clubs: we belong to them; if we do not like what they are doing, we could leave.

**Lord Plumb:** So it is the Council.

**Professor Elliott:** Yes. OSPAR is a commission. You join it and you try to follow what they are asking you to, but, if you do not follow it, there are not exactly any sanctions. The sanctions would have to come back through Brussels.

**Lord Plumb:** What do you recommend? You are posing the question that is my question. We are really searching for the answer to at least give some guidance or a directive from this Committee on who should be taking the issues on board as a leader. If I can perhaps add to that, though, you have spoken quite a lot about the various directives: the framework directive, the water directive and so on. This takes me back a bit. You said you thought they were in the 1970s; well, they were in the 1980s. I happened to be President of the Parliament at the time, and I can remember the midnights we spent dealing with this, sweating over it, because I took a very personal responsibility, particularly for the water directive. It all built up in the end to something that did happen, and we do want to see, I
think, the environmental development equal to the economic development in all aspects of what is going on. That would be an aim, I think. Such would be my personal view. That is what we are seeking.

Dr Jones: Let me try to venture an answer to the question that you have both posed, then. It must be the European Commission. As important as OSPAR is and other regional seas conventions will be, including for the Mediterranean, ultimately it must be the Commission that is responsible for this, and OSPAR must then become harmonised, through due democratic, political and legal processes, with decisions that have been taken by the Commission. At the moment, we are seeing a move in that direction. With this horrendogram, one thing I would say is, 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.

Professor Elliott: I follow Peter’s point entirely that it has to be the European Union rather than OSPAR, but these are exactly the same discussions that are being had between HELCOM (the Baltic commission), and the EU as well. Again, it comes down to who has the wings to take the lead. I guess HELCOM and OSPAR are taking the lead in many things because they have a longer track record of doing it, but, as I say, they do not have the legal clout to do it.

Professor Austen: I am probably not as informed on this, but, using the analogy of the map and where you want to go, it is also for the member states to think about where they want to go and at least feed that message into the Commission, so the Commission can work on the basis of what its member states want. I sense that, sometimes—and this is just in conversations—there is a bit of a power vacuum where the Commission are now a little
wary of treading on people’s toes, because they know that they are viewed as having too much power, but sometimes that is an appropriate place for the power to sit and they have to be empowered by the member states.

**Dr Jones:** It is important to remember decisions are taken by member states on a co-operative basis. I use the example of the Dogger Bank here, which I briefly referred to in my written evidence. We had a process put in place; there is a great deal of talk about the importance of stakeholder participation from different sectors in decision-making. 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.

**Professor Elliott:** I have a very quick point. I do not want you to get the impression that the system is so fragmented it does work. The system does work, but it works almost by accident rather than by design. The reason I think it works is because you have common membership of all of these: ICES, OSPAR, the European Commission. The same people from DEFRA and the Joint Nature Conservation Committee will go to each of those. Many of us have this hinterland, so it does work, but it is more by accident than design.

**Baroness Howarth of Breckland:** What really concerns me is the seriousness of the situations when it does not work. What do we mean by “the Commission”? We have talked about the different strands of the Commission having different views and the tensions between. If there is a power problem in the Commission, how do they deal with power problems between member states? Some things may just muddle through, which we have
been over, but there are some crucial decisions, particularly this balance of the economy and the environment, that cannot be allowed, long term, to muddle through. It goes back to the question that was really concerning me early on, which is that we ask ourselves which questions we need to answer, but there are some questions we do not know we need to answer because of what we are saying about our uncertainty of the future. In that environment, strong leadership is absolutely crucial, so where do we go from there?

**Dr Jones**: At the moment, what we see within the Commission is that we have a relatively new co-decision-making process. It has been in place for two or three years, but it is still maturing and developing within the Commission. In principle, that should contribute towards redressing the balance between economic development objectives and environmental protection objectives, because typically you have MEPs that are much more prone to focusing on environmental issues. We saw the influence of that new co-decision-making process on the reform of the common fisheries policy, so the simple answer to that question is it is the maturation and full implementation of the co-decision-making process.

**Professor Elliott**: I have a final point to that. We have not really talked about the role of European research projects in this. Looking across the many projects that are involved—especially the one Mel led, VECTORS; DEVOTES, which we are both involved in; plus other things like INTERREG projects—you cannot do a European project on the marine environment now where you think about only one of these things, either socio-economics or the natural environment. You have to build both of them in, and that has been the success of these recent projects where they really have looked at both of those, so there is light at the end of the tunnel.

**Q133 Lord Trees**: Once again, we started with the Dogger Bank, and I am pleased to see we are back with the Dogger Bank. I feel comfortable with that, because specifics can often
really shine a light on the generalities and the strategic problems. You have the three member states that are interested; they all agree about something. Now you say nothing is happening. The question is why. Is this administrative drag; is it political opposition? Why is it not being implemented?

**Dr Jones:** To start off with, it was administrative drag. The common fisheries policy itself, at the time, was going through a major reform. We have probably about 2,000 marine protected areas around Europe that are in waters managed under the common fisheries policy, and to date we have only four restrictions under the CFP to protect them, so that is a stark illustration of this fundamental disconnect between the CFP and, in this case, the habitats and birds directives. It is making sure, with regards to the Dogger Bank, that the article that allows member states to propose restrictions under the CFP to protect Natura 2000 sites is properly implemented. It was initially dragged because the CFP was going through this massive reform, and, now that we have the reform, they should start catching up and saying, “We have MSY by 2015; we have the discards ban”, and there are tensions between those two, but that is another discussion.

We must also ensure that we introduce measures under the reformed CFP that contribute to the favourable conservation status of Natura 2000 sites. Let us start with the Dogger Bank, because it would seem a pretty logical place to start, having gone through the difficult process of the co-decision-making between member states, and then start to extend that integrated approach whereby the CFP says, “There are objectives set by other directives and we must contribute towards those”. Historically, the CFP has been a bit siloed.

**The Chairman:** Lord Trees, you also wanted to ask about EU research projects, which we have just touched on, so we will carry on while you have the floor.

**Q134 Lord Trees:** I want to ask about research. You have all been involved in research. We would like you to tell us a little about the projects you have been involved with on
governance and management of the marine environment. To what extent have they been EU funded and have some been funded elsewhere? I would like to ask, as a scientist, do you feel that research funding is adequate? We have talked a lot about knowledge and data, but I do not think we have asked anybody whether there is adequate research funding to produce the data. Also critical is the extent to which you think research, and not just your own research but that of your colleagues, is being translated into and influencing policy. Lastly, where are the gaps in knowledge and research that should be addressed? That is a lot of questions, sorry.

Professor Austen: Yes, there were quite a lot there.

Lord Trees: They were all written down. I did not add any.

Professor Austen: I have certainly been involved in VECTORS and DEVOTES, with financial support from the EU, as well as projects where we had some funding from the Foreign Office and BIS to do some work with the Science and Innovation Network in the US, which was policy-related. That was a very small networking project, but it was quite good because we looked at how ecosystems services could be brought into marine planning across those two administrations. My research tends to be quite policy-focused, and, in VECTORS, we really pushed hard that we had to integrate the social and economic dimensions with the environmental dimensions, but also doing this forward planning and looking at what is going to happen in the future.

Again in VECTORS, we drove very strongly that it had to relate to policy needs. In this case, in VECTORS, it was about what understanding policy needs. It was not so much about how we are going to reach specific directives, which is what this other project, DEVOTES, is about: how are we going to measure good environmental status; what are we going to do? Ours was very much about growing the understanding to support implementation of directives.
I would say we were incredibly focused on policy and integration, but it took a lot of drive, and, from what I understand from my partners, it is not uniform across the EU project landscape that we say, “We are driving this towards supporting policy, and any academic papers we get out of it are going to be really nice, but they are not the driver”. As I understand it, my project was quite unusual in that. As it happens, we get all the papers out as well, but we also get some nice policy outputs, which we understand from our stakeholders are going to be providing them with information in ways that they will use. That was what we wanted to do; that was our objective.

So there are projects about. In terms of future projects, we still need more of that integration and policy focus. The regret I have is that my project is coming to an end. We have a group of people who have learned, over four years, to work with each other in a policy focus and in an integrated way, and that group is now going to be completely disbanded. We will have to try to regroup around some other proposal, rather than taking the research onwards to the next step: how do we now provide really specific tools that people might use on a day-to-day basis? So integration is important; projection is important.

One thing I would say about that integration—and I will end with this point—is economics has different future dimensions from environment. If you talk to environment people, they are worried about climate change, which happens on a scale, for their models and their projection for the future, of 50 to 100 years ahead. We had quite a tension that the economists could barely plan five years ahead, let alone 20, and we are saying we want to use scenarios that are 50 to 100 years ahead. There is a tension there, and that is a research question that needs to be addressed if we are going to help with things like marine planning and looking at what our seas are going to look like in the future.

Professor Elliott: In Hull, we have been involved in European projects on marine since the early 1990s, I guess—probably even earlier than that. One of the projects that Mel
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mentioned, called DEVOTES, was €12 million funding; VECTORS was €16 million funding. DEVOTES was there to help the implementation of the MSFD. The problem that some of these research projects have is their timing. DEVOTES should have been done five years ago—probably more. Similarly, one we were involved in called WISER, which was on the implementation of the Water Framework Directive, should have been done much earlier as well.

As a very precise example, in the work package I lead in DEVOTES, we knew there was the potential for revision of the Commission decision for the MSFD, and we knew that not only could the Commission decision be revised but also the appendices of the MSFD. You cannot revise the directive—that is going to take a new directive—but you can revise the appendices, the tables and the Commission decision. One of the things we did was we brought forward a report in order to look at how this Commission decision should be revised and the changes to the directive and the appendices that were needed. We made sure that got delivered to Brussels in time; it had to be there by the end of October, I think. We made sure it was there. We have immediately had the message back from Brussels that they have taken it and will use it to help. If they issue a new Commission decision, that will be taken into account.

I noticed, in previous discussions, you have talked about INTERREG projects, rather than framework 7 projects, which both DEVOTES and VECTORS were. The INTERREG projects are much more important in that they have stakeholders and users involved. We have been involved in a couple. One is all to do with ports and estuaries, led by the Port of Hamburg. These were led by the users, so they want, out of the research projects, things that they can use immediately. Yes, it is nice to get research papers out of it, but who needs research papers? They want these policy documents, guidelines and things they can implement. There are a lot of those.
Dr Jones: I recall being in a meeting about the Irish Sea. There was a series of eight presentations from EC-funded projects, and this Irish fishermen’s leader said, at the end, from the back, “It is a cacophony”. The point he was making is, “These projects all seem to be using the same sort of management cycle approach; there seems to be a great deal of duplication between them; and I am not sure where they are all going”. I personally feel that, having been involved in several European Commission-funded projects and seen this duplication and lack of integration, there needs to be much better integration of how the research funding is spent. There is some co-ordination at the moment when they are coming up with the work programmes, but my suspicion is that, when they take decisions about which projects they are going to fund, there is not enough interconnectivity between the different streams of the work programmes that the research is funded through. We end up with different projects at the end of different work programmes, all funding the same sort of research, which is taking the same probably quite logical approach at a conceptual level, but, in sum, is this the best and most efficient way of spending the money?

There is a need to better integrate the way that the research funding is spent, and for more emphasis on case studies that engage with realities, rather than developing concepts and models, and can be used on a more proactive basis. We need to go in there, look at case studies, engage with realities about the environmental status, economic development issues and the legal and political framework, with a much more empirically driven approach, with the individual projects being co-ordinated, rather than the work programmes.

Lord Trees: That is very interesting, but, when you have outputs—and I am talking not just about your own work but that of the general scientific community—do you think the policy-makers in the EU take notice of the research results? It is particularly worrying that recently we have seen the Chief Scientific Adviser post discontinued in the Commission. Are you satisfied that EU policy is evidence based, essentially?
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Professor Elliott: We are not delivering it in the right way. We are getting better. If we say, “This research project produced 100 papers”, is anyone in the Commission going to read those? If it produced these 150-page reports, are they going to use those? You will say, “No, they are probably not”. They want it in the bite-sized pieces, like the policy postcards that VECTORS created or some of the one-page briefing sheets. I had discussions with DEFRA recently, and we were talking about how they get information into them. The science projects are giving them too much; they really want it distilled down.

To touch very briefly on one of your other points there, funding from other sources, non-European, many of us have been involved in projects that are funded by individual countries or groups of countries. I was involved in one called BalticSTERN, and, as the name suggests, it was to do with climate change in the Baltic. That was funded by the Baltic states, so it is additional funding. I have been involved in ones funded by the Dutch Government and the German Government. There was one set of projects run by the German Government on the implementation of the MSFD in Germany, so we all get involved in those. What you are then hoping is that this—Peter used the word “osmosis” earlier—transfer of information between those. That is why the system does work, because there is enough transfer. We get involved in, say, BalticSTERN, and that has some good ideas, which you take to other areas, so it does work.

Q135 Baroness Howarth of Breckland: I want to go back to this question of the repetition and lack of co-ordination. Does the Commission not have a strategic, overarching plan? If you are a fund-giver for a research project, you have a series of objectives that you want to achieve, and that comes from earlier research or earlier empirical evidence of the sort you described. Surely the EU has something like that, which would then prevent the repetition, because they would know, when they get their applications in, what they are looking for. Are you saying that nothing like that exists? How does it all come together?
Dr Jones: There is a lack of feedback from the research offices that are engaged in decisions about which projects should be funded. We use this pipe metaphor again. If we think about the different streams, we have strategic objectives and sub-objectives, and then we bring in place a stream of research calls to address that. The flow is too one directional. There needs to be some feedback from the people who are taking the decisions about which projects will be funded and what approach each project is taking, and for that then to feed back up to say, “Let us just make sure that there is not another pipe related to another research stream that is funding research remarkably similar to this”. At the moment, I am not convinced, having seen this cacophony, on occasion, that there is enough two-way flow of information to feed back as to what projects are being funded.

Professor Elliott: The way it works is: we have the frameworks; we are just finishing Framework Programme 7 and now we are going to Horizon 2020; they are setting down the overall aims and direction, so there is some strategy there. These are the things that Europe plc needs to know. After that, though, it is in the lap of the gods, because you have asked for proposals; people submit the proposals; the proposals are then judged by other scientists; and you will find some are missing and some are taken forward. If there are any omissions then, you are really into the next cycle, so you cannot fill the gap immediately; it is another few years.

It is this problem. There is the strategy, but it is how long. I am sure, if any of you read the Horizon 2020 outline, which is the next very large fund, it says everything. There are lots of things in it, but, later on, just look at which bits were funded and which were not.

Professor Austen: I am not sure it is quite as bad as my colleagues have set out. In any research question, there are different perspectives as to how you address it, and there is added value in having different perspectives in approaching a question. That is how we do research, as scientists. We do not say, “Here is the question; we are going to answer it this
way. That is the only way to answer the question”. You need a mixture of approaches. I very much agree with Peter that you need empirical approaches; you need small-scale case studies from which you can learn. If you have those small-scale case studies, you involve a certain set of stakeholders who are very localised. They learn something. In projects that are large, like VECTORS and DEVOTES, you have a different set of stakeholders involved as well, who learn the results. We have OSPAR, HELCOM, DEFRA and ICES sitting on our stakeholder group, so you have different stakeholders at a different level, learning something. You did hit the nail on the head about the EU. Because you have this turnover of project offices, it is not always obvious that the policy is getting to the EU level. It is certainly getting to the member states, to the regional seas people. We are quite good at hitting those ones, but we find that the EU policy people are, on the whole, too busy. They are addressing that now, though. They now have their Ocean of Tomorrow conferences. I spoke at the first one of those. They have had two conferences, where they bring the scientists to Brussels to give an overview of the projects. Because it is in Brussels and because, I presume, they have a bit of a harder line on it, being in Brussels, certainly the one I attended was quite well attended. I assume that that osmosis then carries on that way. I think they are aware of the problem there.

Dr Jones: There is an impervious membrane between the research projects and the Commission at the moment. We need to increase the permeability of that membrane.

The Chairman: That is a very good way of putting it.

Q136 Lord Williams of Elvel: From what we have heard, it seems that the default political position towards the marine environment is a mixture of inertia and confusion. That is interrupted when you have a crisis: somebody wakes up to the fact the Baltic is badly polluted; somebody wakes up to the fact the North Sea is running out of fish; somebody wakes up to the fact there are a lot of jellyfish in the Mediterranean. A crisis needs to be
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dealt with. How important is it, in your view, that a more structured approach is implemented and this default position of inertia and confusion does not continue? What are the implications if nothing much happens?

Dr Jones: In essence, that is what the marine strategy framework directive is trying to do.

Lord Williams of Elvel: From what you are saying, it is not going to do it.

Dr Jones: Potentially, it could do it, if it is properly implemented. The reform of the Common Fisheries Policy is an example of how these things move on an almost glacial timescale, but, after 20 years—and the next five years are quite important, and I do have some reservations about some elements of the reform of the Common Fisheries Policy in terms of the timescale for its implementation—we are seeing an evolution of these policies so that they become more proactive, so we do not find ourselves reacting to fish stock crashes, eutrophication episodes and jellyfish outbreaks. In essence, the MSFD—and this is why it is a framework directive—should enable us to move towards a more proactive, preventative approach, rather than reactive, provided it is implemented properly.

Lord Williams of Elvel: If it is not implemented properly, what happens?

Dr Jones: We will end up with a reactive, mopping-up approach.

Lord Williams of Elvel: It will be the same as before.

Dr Jones: The same as before, yes.

Professor Elliott: I do not think I am as pessimistic as that. I was just pondering the inertia and confusion. There may be the inertia and confusion because it is a complex system. We are used to planning for land, and it is a hell of a lot easier to plan for a meadow than it is for the sea, where everything is interconnected. We have had a long history. Go back to the 1970s and we have this constant progression of environmental control. We started off with the land, then fresh waters, estuaries and the coast, and now we are doing it with the sea, so we have gone through a very large learning curve. If I thought we had not learned anything
from there, I really would be deciding “that is enough”. So there are reasons for inertia and confusion, because it is so complex.

I must confess, I do not think that is stopping us managing the seas at the moment. It is just that, as we said earlier, we have these various tensions and we need to get those sorted out. I am afraid I do not think it is as bleak as perhaps you were suggesting. We have all the tools; we know what to do; we have all the right licences, permits, authorisations. You name it, we have all of these things. We know methods of creating marine protected areas. We know a bit more now about co-location of activities, having things occurring at the same time. We know all those; what we are trying to do now is get all these pieces of the jigsaw puzzle together. I must confess, I am more optimistic. I mean, I am a Sheffield Wednesday supporter, so I have to be.

**The Chairman:** There are some things for which there is no hope.

**Professor Elliott:** I am either a follower of lost causes or eternal optimist, but we are gradually getting there. There is also our ability to make things more complicated. As a very quick example, when we created the Marine Management Organisation, we also created the Inshore Fisheries and Conservation Agencies. The logic would say those two should be put together, which they should have been if we had tried to sort things out, but we did not. We built in the inertia. Sometimes it is paralysis by analysis.

**Professor Austen:** As I have said before, it depends where we want to be. We need to be able to forecast, or at least think, “What do we want our future to look like in the North Sea? How critical is it that we might end up with a sea that is full of very small pelagic fish but no big cod, or a sea that is full of renewable energy devices of various sorts so that, every time we go bathing, we can see them?” Is that okay? Yes, it probably is okay, but it would be nice to know what we are looking forward to, rather than sleepwalking our way into it.
If we think about the North Sea, it is very much a changed atmosphere. We have been fishing it for over the last 100 years pretty intensively. We have changed the ecology of the North Sea, for sure, as human beings. We are not talking about a pristine state. We know that we have semi-natural grasslands. They are terrestrial environments. We have pretty meadows. They have evolved over the last thousands of years and we like them. We know what they are and we like them, and now we work hard to maintain them. In a marine environment, we do not have our semi-natural grasslands that we like. We just have a whole bunch of habitats that we are changing and we have changed by happenstance. Do we want to continue to change things by happenstance or do we want to decide what we want to change them to? That is a political decision rather than a science decision. It is not a decision for me and my colleagues, but we can warn you that we could maybe think about where we want to go or we could just sleepwalk our way into it and see what comes, but human beings will adapt and survive.

Professor Elliott: This is probably the point that Baroness Howarth was touching on. Do we know what we want for the marine environment? There is a line in a George Harrison song: “If you do not know where you are going, any road will take you there”, and that is where we are at. The idea of trying to both get the economic benefits and protect the natural environment is the only big idea. There are no any other ideas. How do we get those too? We cannot be too anthropocentric: “Everything is for humans and the natural system can go hang”. It is trying to get those two in our mind. Very briefly, Mel said earlier one of the benefits of some of the research projects is trying to get the scientists thinking about that, and to get people thinking out of their silos, so, instead of doing the natural science, they really have to think also about the social sciences, which is the route we have all taken, over the years.
The Chairman: That is a very good place to leave it. Thank you, all three of you, not just for coming today but for being so stimulating and so interesting. That was a really great way to finish our inquiry, so thank you very much indeed.
Q59 The Chairman: Good morning. It is very good indeed to see you all here. Thank you so much for coming. I know you are all busy in the day job, so the Committee does appreciate, in the case of some of you, a return visit. Thank you very much indeed. Just to do the formal announcements, this is a formal session of the Committee. A full shorthand note will be taken, and this will be put on the public record in printed form and on the parliamentary website. We will send you a copy of the transcript, which you can revise in terms of any minor errors. This session is on the record. It is being webcast live, and will be accessible via the parliamentary website in due course. You will have been provided with a
list of outside interests that members of the Committee have. If there are any that specifically relate to this inquiry, then members will declare them the first time that they speak today. To get mine on the record, I am the Secretary of State’s appointee to the Harwich Haven Authority, which is a publicly owned trust port. That is the formal stuff done. We have a range of questions—feel free to chip in whenever you want, but please do not feel you have to. If somebody else has said what you have to say, then that is great. We have an hour and a half, so plenty of time, but there is quite a lot to get through. I will kick off with a general question and ask each of you, first of all, to just say who you are and what organisation you are from, and to then tell us a little about your experience to date of regional co-operation between fishing interests and aquaculture, to give us a sense of how successful that sort of co-operation has been in resolving tensions, say between the seafood industries and environmental interests. We have looked at areas like the Dogger Bank and so on. Set the scene a little as to how that co-operation has developed and worked up to now, and what its strengths and weaknesses are.

**Bertie Armstrong**: Shall we go alphabetically? I am Bertie Armstrong, chief executive of the Scottish Fishermen’s Federation, which is an umbrella body for the catching sector of the Scottish industry. European co-operation is central to everything we do, of course, which goes without saying, because we are tightly wrapped in European regulation—more than a lot of other industries—and therefore this is of great interest to us. The scene in which we work has changed remarkably over the years, as the initial transmission pointed out. In the beginning there were the regional advisory councils, which were meant to be a range of stakeholders—that was the last CFP reform. That has done some sterling, but preliminary and exploratory, work. In the second phase, the advisory councils, very significantly in this CFP reform, now have a statutory advisory function. It is a statutory requirement for them to be consulted, so that has changed things. Also, the biggest change for us was the placing,
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under the Lisbon treaty, of fisheries management under co-decision. To be frank, the fishing industries of Europe—the productive catchers of fish—were not as well prepared for that as the environment NGOs were. There was a great lobbying campaign on CFP reform in the European Parliament by the NGOs. It was extremely well funded and extremely professionally done, and that has led to some dysfunction.

You mentioned the relationship between NGOs and the industry in the context of Europe. We come at almost every problem from a different direction. That will not change and is unlikely to be solved by co-operation. It is not that there are not excellent examples of co-operation. For instance, one of the biggest things we are wrestling with now is the landing obligation—the discard ban. Each of the advisory councils—now the statutory bodies, as I said before—is doing their level best to produce plans. That is being done, more or less, in harmony with the NGOs. That is enough from one speaker, but that is some general input to begin with.

Ann Bell: I am going to go back slightly, as I firmly believe—as both Barrie and Bertie know—in co-operation. I will give the example of how, way back in 1998, we started planning for the North Sea Commission fisheries partnership, which was a partnership of scientists and fishermen. That was the first time that fishermen had been allowed into the hallowed halls of ICES, and that was a huge step forward. That partnership led on to the creation of regional advisory councils, but the thing that was lacking there was that scientists were not formal members of that partnership. That was a big miss, because the relationship with science then took a slight step backwards. In the North Sea, we were very lucky, because we did have that relationship. The regional advisory councils, as Bertie said, have now changed and are now statutory bodies.

To move forward, we need to take the next step, which is looking at co-operation between all stakeholders, because the North Sea is a very busy sea with a vast amount of
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stakeholders. Both my colleagues know that my view is that the next step is a maritime forum, which they have both signed up to. That is in the next stages, but I hope not too much in the future. It will bring everybody together around one table and under the ethos of marine spatial planning. You have to have a plan, but the plan has to be approved by everybody before it is developed.

Barrie Deas: I am Barrie Deas from the National Federation of Fishermen’s Organisations. I suppose, in fisheries terms, regional co-operation is a must because of biological and political realities—these are shared stocks and therefore require shared management. Bertie and I have just come back from the EU-Norway negotiations. That is an example of regional co-operation at international level; there is a reciprocal agreement every year. However, there also has to be cooperation between member states, and of course, as has been said, the regional 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.

In terms of working with other stakeholders—including the environmental NGOs—our experience has been surprisingly good. Sometimes it has been difficult to find a consensus position, but in the majority of cases we have been able to do that with a bit of compromise on each side. You asked specifically about the Dogger Bank—thank you for asking the most difficult question. I would point to many other areas in which the regional advisory councils have produced consensus advice on the cod management plan. The whole shift towards decentralisation and the move away from micromanagement within the common fisheries policy towards results-based management—these are all shared goals. In fact, when it comes to where we want to go in terms of high-yield fisheries within a functioning ecosystem, there
is not really a huge gulf between the industry and the NGOs about the destination. There is quite often a gulf between how we get there and how fast we get there—the pace of change—and that can be a difficulty. But on the whole, destination is not an issue.

The Chairman: Okay, thank you. Professor Phil Thomas?

Professor Phil Thomas: Yes. I am a little different in the sense I hold my hand up and say I know nothing about fisheries. I look to Bertie to make all the comments there. I am the independent chairman of the Scottish Salmon Producers’ Organisation. To give you some context for that, in the UK, something like 93% or 94% of all the fish that is farmed is farmed salmon. Of that, something like 97% is farmed in Scotland by the members of the SSPO. It is a big chunk of the total industry. As to the scale of the industry—I like to say this, because I like to tease him—at farm-gate level, salmon farming in Scotland is about 50% more by value than fishing. But in the long term, you need to take account of the worldwide position. By 2050, something like 80% of the world’s fish will come through farming rather than fishing. It is a really big change that is taking place. At the moment, it is somewhere over 50%, but the aquaculture industry is increasing in size while, by and large the fishing industry is staying reasonably static; it is not increasing very much.

In terms of the particular issues that you are considering, aquaculture falls within the common fisheries policy, so we have been pulled into that. Pretty well every single European regulation and every UK or Scottish law that has anything to do with the marine environment in particular affects aquaculture. Aquaculture is hugely regulated. Yes, there is a big need for planning. We get caught in all tiers. We get caught in the highest level tiers of planning and we get caught in regional marine planning. Our planning approval for development is via the local authorities; it comes under the Town and Country Planning Act. If you are putting a farm in the water, it is like building a house in the water—you have very local-level planning, and there is a need for co-operation. There is no doubt at all about that.
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As far as NGOs are concerned, we have interactions with NGOs in almost every single thing we do. We do not always agree with them, but we have constructive dialogue—if I can put it that way—like everybody else.

The Chairman: That is a very helpful introduction. Thank you very much.

Q60 Lord Plumb: I add my welcome to that of the Chairman. It is good to see four organisations working together. My question is related to the possibility of competition and conflict at sea. I am fairly familiar with competition and conflict on land, but not so much at sea. We are learning fast and are beginning to realise that the regulations at sea are almost as complicated as the regulations on land. We are beginning to understand some of the processes and some of the difficulties, so it is good that your organisations come together.

My question really is about this whole area and how you cope with this situation and the difficulties between the various bodies, and therefore your concern about the crowded nature of the seas. Can you give any specific examples that would help us in that respect on the user conflict, particularly in the North Sea?

The Chairman: Ms Bell, you referred earlier to creating these wider bodies, which I think is relevant to this point—moving beyond science, environment and fisheries, and thinking about the energy sector and so on.

Ann Bell: I was formerly an executive secretary and director of the North Sea Regional Advisory Council before I retired. One of my reasons for retiring was to try to develop this concept of a maritime forum. As I worked very closely with all the sectors, I was in the fortunate position of working with so many people that could have been involved. Through the North Sea Commission we held three stakeholder conferences, and we asked what was required to bring forward regional plans. We looked at it under the aspect of marine spatial planning. Each conference that we held, in three different locations, came up with the same thing: there was a need for some sort of forum, be it informal, where you bring all the
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stakeholders together—energy, oil and gas, shipping, aquaculture, ports, the whole thing—so that all sectors could talk to one another. These two gentlemen here can you tell you after this how for years they have co-operated with the oil and gas sector. That was caused by a tragedy, but it brought them to co-operate with the oil and gas sector, and they have an amazing relationship now. To me, that is a unique example that should be followed. Building on that, we need to develop—I believe, and I know others believe with me—this concept of a maritime forum, albeit informal, where you have every stakeholder in the North Sea round a table.

The North Sea basically is a very busy place—I will try to find a slide that was delivered at one of the conferences that you and I attended. We have all the partners in place and have been looking for funding, obviously. It is the sectoral forum that member states can come to and quickly ask advice from, or say, “Well, we would like you to look at this”. You would have a series of working groups. It was building on the development of the regional advisory councils. But I still think it should happen.

The Chairman: Did you want to ask a question, Lord Trees?

Lord Trees: I just wanted some clarification. I am ignorant about regional advisory councils, but are they purely concerned really with co-ordinating fishing and some environmental interests? Or do they extend into all these other sectoral interests of energy, shipping or whatever?

Ann Bell: Bertie and Barrie are more involved in this, but the advisory councils are about fisheries.

Barrie Deas: It is primarily fisheries. The North Sea Advisory Council, for example, has two main working groups. One looking at the fisheries—demersal fisheries specifically—but there is also a spatial planning working group. That deals with issues of coexistence—notably renewable energy—and marine protected areas. So part of the work is directed towards
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that. However, the regional advisory council has a budget that allows a certain number of meetings to be held. It does not really have a budget to do the kind of research and preparation work that is necessary to make a big impact in that world. I have felt for a long time that that is the main reason why the regional advisory councils, although very successful, have been limited in their impact. There are those two strands to it.

**Q61 Lord Plumb:** Is there a budget to help fishermen deal with a conflict? Presumably, an independent fisherman will come to his or her organisation and say, “Hi, I have a problem”. It may be a big problem, and it may be a very expensive one to deal with. Is there any cover in that respect to help the fishermen?

**Barrie Deas:** Ann alluded to the arrangements the fishing industry has had with the oil-and-gas industry for over 30 years now, through which have managed the potential tensions and conflicts very well. There is a whole range of interactions that mediate the relationships so that offshore infrastructures can be built without disrupting fishing. With renewables, there are some good examples, but it is much patchier. However, we are talking about oil and gas, renewables, cables—which periodically is a very big issue—and absorbing marine protected areas, which is another big area where you have tensions and potential conflicts. Whatever the role of the Government in this—I would see the Government mainly as a facilitator for the dialogue that needs to take place for the various actors to work together and work out their own problems together—it is worth looking at the model of how oil and gas has been managed and how that relationship has been managed.

**Ann Bell:** Can I show you this slide?

**The Chairman:** You can pass it around.

**Ann Bell:** This is activity in the North Sea. This is a slide by Bertie’s organisation, the SFF. This is John Watt’s slide and it is quite scary. That is just a small part of it. Just keep tapping it—reset the picture.
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**The Chairman:** Yes, perhaps we could get a copy sent to us.

**Ann Bell:** Yes, I can do that.

**The Chairman:** That would be really helpful. We will pass it around. Often, these pictures really do say it all.

**Professor Phil Thomas:** Can I just make a point? As far as aquaculture is concerned—salmon farming in particular—the main area in the UK is on the west coast from the tip of Campbeltown up to John O’Groats, in effect, and in the islands. It is slightly different. Aquacultural activity tends to take place rather closer inshore, so large offshore wind farms, for example, are not a particular problem to us. There is an opportunity potentially, because we all think it will be possible to hang fish farms off some of these facilities, although that is yet to develop. At the moment, there is no conflicts are apparent. Where there will be conflict, in my view, or could be conflict, is as we begin to move into the phases of wave power development and large wave machines are placed relatively close to the shore. That is quite a challenge. I have spent most of my life in agriculture rather than aquaculture. In agriculture, you have a concept of prime agricultural land that you protect. In terms of the marine environment, we do not have that concept of prime aquaculture areas that you protect. That is a step that should be introduced.

As far as European activities are concerned, we have yet to have the corresponding advisory committees to the fisheries sector. Historically, we have had a joint committee with the Commission, which has worked very well. We are currently in the situation where we are being asked under the CFP reform to set up an advisory committee rather like the one the fisheries sector has. The problem there is aquaculture consists of whole range of different industries; therefore, every one of those industries wants to have its voice within that committee. We are stuck on the 60:40 rule—that 40% of the committee has to be NGOs, consumer groups and so on. At the moment, we are potentially looking at a committee that
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would fill a small theatre. It is going to be quite difficult to get that to work. I am not sure what the solution will be, but at the moment that is the point of development we are at.

Bertie Armstrong: I want to go back to Lord Plumb’s incisive question about how this happens, what occurs and what a fisherman does when he is confronted with a problem, and Phil’s excellent point about possible problems with the near-shore renewables industries.

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, in that there are some elements of work that need doing that can easily be done by the fishing industry. We have developed a useful coexistence there. However, underlying those two incisive questions is what happens in regulation and law, and that is of utmost importance. Co-operation and communication are obviously vital, but without that you do not even get started in exploring the problems. What is absolutely crucial is what the law says and which regulations govern this. The two Acts are the Marine and Coastal Access Act and the Marine (Scotland) Act. Neither of them, in our view, completely protects existing legal activity. That is the problem. If you are fishing in an area, and are established there, you have a reasonable expectation you will be allowed to continue to do so providing you are being sustainable and not wrecking the place. That is fine. In some areas, particularly in Scotland, particularly in renewables, you get a big political wind behind a development and you start to wonder, “Where is my protection in law when this comes along? Am I going to get rolled over?”. It is rather like what the oil industry did in early days, because it was a super-economic key point, saying: “Hey, you are going to lose, you smaller sea-space occupiers. You are going to have to get on with coexistence”.

As the renewables industry emerges, our central requirement is reasonable protection for sustainable legal activity that already exists. The Crown Estate has a part to play in this, in leasing the seabed. But when we ask it, “How do you protect the public right to fish?”, it
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says, “That is not our problem, chief. It is the licensing authority that does that. We just own the seabed”. The licensing authority then refers to Acts and says, “We will take due cognisance of everybody’s inputs”. Our fear, particularly with renewables, is if you do a balance of economic input then we are going to lose again on a super-economic key point. That is the point. All the co-operation is necessary, and all the forums and facilities for co-operation are vital. However, at the bottom of it all is this: what is our recourse for proper argument? A fisherman who comes across a problem will probably come across it the other way. It will probably be us, having been a statutory consultee on a development saying, “That is right in the middle of a prawn ground and the export cable goes right smack through some scallop grounds”. On behalf of the fishermen, we will then be negotiating for the burial of cables or for the best cable route: “Are you sure that is where you want to put this, because here is another place?”.

Anyway, the central point I would make is that co-operation is vital. What the law says and the continued development of the law in order to protect presently existing users of the seabed or users of the sea-space is very important. In Scotland, we as an industry are 0.3% of GDP. In the rest of the UK it is slightly smaller.

Lord Renton of Mount Harry: What percentage of GDP?

Bertie Armstrong: The figure of 0.3% of Scotland’s GDP is the first sale value of the landing of fish. In other words, we have zero economic muscle. It may be regarded as an iconic industry, and you hear lots of noise about it, but if it is being assessed for economic impact then we tend to lose. With the very large figures concerned with renewable energy developments, we have a fear about that. We are ever so conscious of what the law says and how we can develop that for our sensible protection. We do not want to keep things out; we cannot be Luddite or protectionist. However, these are established users in a sustainable industry; do not forget that we need to win protein from the sea and to continue to do so.
Lord Plumb: It is like the HS2 problem.

Bertie Armstrong: Yes, exactly.

Q62 The Chairman: Does anyone have any questions? That is a really interesting point, which in a way is almost at the heart of our inquiry: who is deciding these things? In the end, the legal framework may be one that you do not like very much, but what is important is it has happened in transparent way that has enabled you to make your points. If a political decision comes and says, “Like it or not, we think the turbines are more important than you are”, at least there is process that enables you to see who made that decision and at what point, rather than it just happening by default.

Bertie Armstrong: That is exactly it. I would say this, would I not, but if I am not able to demonstrate that we have gone down that road, then I am not doing my job. I am a dead man, because we did not see it coming and we did not protest. Even if we have, in the end, a transparent decision, at least you could say, “We fought as hard as we could and the decision was taken on a balance”.

The Chairman: I guess the same then is true about Professor Thomas’s point about wave power.

Professor Phil Thomas: I would go a little further than Bertie in this sense. It is important to understand who has made the decision, why it has been made and the background. It is also important to understand that it has been made on the right timescale. If you look on the 20, 30 or 40-year timescale, our biggest single challenge in the UK will be food security. If you put that into a fish context, you need to protect the areas that you are going to generate fish from. We have some alternatives in terms of energy generation; we have choices. When it comes to food production, and particularly fish production, your choices are a choice of one: you have a marine area that you need to exploit. That is your only choice, basically.
Q63 Baroness Howarth of Breckland: There is a difficult question about communication and the debate about these issues, and I wondered whether any of you saw yourselves in that position. If you are worrying about the national interest, do you worry about the food security from the seas or getting the fuel whereby you can develop other food in other places? I was interested that someone made a point about cables; do we worry about getting the grid in that will ensure that we have power so that we can process other food? I wondered, in that big debate, how you are communicating some of the discussion so that it gets media coverage from your point of view—you certainly see it from many other points of view—and so that general communities discuss it in a more rational way.

Professor Phil Thomas: Speaking personally, I started to speak about food security well before I became involved in the salmon industry, back in 1990 to 1992. I saw it even that far back it was beginning to emerge as a big issue. It is an issue that, in political terms, has been far too low on the profile of our thinking, because we tend, by and large, as a country, as most countries do, to think relatively short term. That is one of the big issues here. The short-term problems come forward, particularly if they have big economic benefit, but long-term food security is absolutely key.

Baroness Byford: Can I follow up on decision-making? It is one thing I would like to get greater clarity on. Quite rightly, you say you need sustainable protection and so do the other industries. My questions to you are about where those decisions are taken and how you lobby in. Do you lobby in as regional group to another overall European group or do you lobby straight in? How do you do that? Who makes the decisions? Is it the Commission or the Parliament? One of my colleagues will probably come back to me on this, but I was quite interested earlier on when you said that 40% of representatives have to be from NGOs. Who says so? I was quite staggered by that figure. The NGOs are an important part of the balance of what we are trying to do sustainably, but that is a very high percentage
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when you look at all the players that are now involved in the marine environment anyway. They are just a slightly wider group.

**Bertie Armstrong:** That is European legislation. Thank you very much for the straight question. The decision-making and the lobbying is to Governments.

**Baroness Byford:** Is that national Governments, in member states?

**Bertie Armstrong:** Yes, national Governments.

**Baroness Byford:** Do member states then lobby on your behalf?

**Bertie Armstrong:** No, these decisions are largely in the gift of this place and Holyrood. It is national lobbying for the establishment of sites on the seabed. It is a little different in marine protected areas, but that is a slightly different story. The law is also slightly different north and south. There is more protection under the Marine and Coastal Access Act that there is under the Marine (Scotland) Act for established use of the sea.

**Barrie Deas:** It is best understood in terms of layers, because some of the legislation and therefore the decisions will be made at European level. Some of them delegate to member states co-operating at regional level; the Dogger Bank would be an example of that. Some are at member state level; the UK level would be an example. Then at sub-national level it would be at devolved Administration level. Then, of course, there would be local decision-making below that. It is quite important to understand that in terms of layers. As my answer suggested, it is quite complicated and it is important for you to understand the relationship between the different layers.

**Baroness Byford:** Yes, I was meaning more in a European context.

**Barrie Deas:** The 40% to 60% is part of the new common fisheries policy, which changes the proportions slightly from two-thirds/ one-third. However, that one-third, or the 40%, includes other, non-fishing stakeholders, so that would include anglers, for example, as well as the NGOs.
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**Q64 Lord Cameron of Dillington:** I wanted to move on to the whole question of marine spatial planning, which is very much in sequence from the discussion we have already been having, particularly with reference to the North Sea, which, from the map that you sent us, is obviously where it really counts. We have already established that there is a vast amount of stakeholders involved here and we have obviously established that there has to be some methodology of arriving at prioritisation of specific areas of the North Sea, or other oceans for that matter, and we have already established that we are only going to arrive at these priorities through discussion and co-operation at the bottom level.

In terms of the marine spatial planning, which is going to be very important, I am wondering whether you could give any comment about the processes that you would like to see involved in marine spatial planning. Are they working? Are they going to work? Is there a sufficient bottom-up opinion taking or is it going to be decided autocratically? How is it going to work and is it effective? We are all probably agreed that it is a good thing, but is it working effectively? Is it going to work effectively?

**Ann Bell:** Speaking as a non-industry person, I personally think planning is a good thing, because you have to take account of what is there and you have to plan sensibly, especially if you are looking at things like the North Sea grid. However, I personally believe that plans only work if you consult stakeholders at the development stage of any plan. Do not develop a plan and then come to them and say, “This is what we have done. What do you think about it?” If you want a plan to work and you want all stakeholders to have ownership of it, take part in it and abide by that plan, then get them at the stage where they are part of developing it; otherwise, it will not work.

**Lord Cameron of Dillington:** How do we make that happen? How do we effectively implement the sort of co-ordination that you are looking for?
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**Professor Phil Thomas:** Particularly from a Scottish standpoint, things north and south of the border are subtly different in a number of ways, both at the level of the laws that apply and, indeed, in the way they have been interpreted and put into institutions. We already have a marine plan for Scotland, within which there will be regional planning authorities—in effect regional plans. We are now at the stage where those regional plans and the structures of the authorities that put those plans together are being debated. It is difficult, because we will end up with lots of stakeholders all wanting a voice. Again, you have to get to the point where you have something that is manageable. Not everybody will be around the table. The real challenge will be, as Ann was saying, to get everybody engaged at the very beginning of the planning stage. If that does not happen, we will end up with something that does not work. There is going to be, and going to have to be, a lot of consultation over that, but it is quite a challenge to get to the stage where you have a final, agreed plan for some of these areas, which are quite large.

**Lord Cameron of Dillington:** There are going to have to be some tough decisions taken.

**Professor Phil Thomas:** Absolutely, yes.

**Lord Cameron of Dillington:** Who should be taking those decisions, after consultation?

Let us assume we are going to get the consultation.

**Bertie Armstrong:** Barrie put his finger on the layered nature of this, although it depends on what you are talking about. Phil’s focus is on nought to three miles, largely, but offshore farms, of course, could come in the future. For the middleweight fishing industry, if you like, it is nought to 200 miles, and the problems are slightly less there. Some of them have an international dimension; some of them do not. Some of them are placing material and installations locally.

The problem we always grapple with on this is almost over-thinking it. Your question is absolutely correct: “How is this actually going to work?” The real answer is that it will work...
in a fairly ad hoc way with some rough guidelines. In the English Channel, the separation zones exist. You are not going to fish there; you are not going to put a tide farm in that, de facto, because that would be silly. However, it is less clear in some other areas. I go back to the original point: what is really important is the conflict resolution within statute. You can talk forever and you will have two different viewpoints: “Do you want to put a cable right across the middle of a scalloping ground?” “Well, it is a very important cable. The Isle of Skye is not going to have any broadband unless I put something somewhere”. Some of the questions are really very difficult.

**Barrie Deas:** Everyone will agree that marine spatial planning is a good idea conceptually. It is moving to the concrete that all gets a little tricky. One of the worries we have is that the plans will only be as good as the information on which they are based. Having that knowledge base, especially in our world of fisheries, is problematic. Another aspect from a narrow fisheries point of view perhaps, is that fishing is widely distributed. There will be some kind of fishing going on in most places to different levels of intensity. If we have too much of a top-down approach, you get fishermen displaced from their customary grounds. There are two questions there. What happens to the business or the community that depends on that particular fishery? Secondly, if they are displaced, if they are capable of moving to a different fishery, what is the knock-on effect there?

That is one of the big fears we have regarding the expansion of wind farms and the expansion of marine protected areas. If they involve displacement of the fleets, what are those knock-on effects? Fishing is quite widespread and, as Bertie said, it will always lose out on an economic basis if you pinpoint a particular place, because it will be of a relatively low value compared with extraction of oil or gas or the extraction of renewables or whatever.

We feel that is something that needs to be borne in mind and have some kind of weighting in the planning process.
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**Ann Bell:** Something else you cannot lose sight of, when you are looking at marine spatial planning, is that you must also look at the communities that surround the North Sea. If they depend on fisheries, that could depend on energy. They could become energy hubs. They may depend on aquaculture. However, we have coastal communities not just here but all around the North Sea. When you are looking at any plan for the North Sea, you must also take into account the communities that depend on it. We have lost a lot of our communities as it is, and we do not want to lose any more. It is about looking at how you can sustain those communities if other industries have then gone from them. This is part of that, and it could be part of the forum as well.

**Professor Phil Thomas:** Picking up that point, that is a big difference between the renewable energy industry and, for example, the aquaculture industry. When aquaculture develops in an area, it produces jobs. Most of the renewables industry has a very short period when the sites are being constructed. Once they are up and going, the number of jobs that are tied to that industry is very limited. If you are going to sustain communities up the west coast or in the islands, for example, aquaculture has a very significant role to play. As Bertie says, in terms of talking about values, the actual economic value of renewable energy will look very high. That has to be put into the equation in some way.

**Q65 Baroness Howarth of Breckland:** I want to continue with this stakeholder engagement question, but look at it from the discard-ban viewpoint and at you as stakeholders, if you like, in the discussions. When the plan for the North Sea was produced, it did take into account the recommendations of member states, the UK being one of them. We wondered how you were engaged as groups in the Commission’s recent discard-ban plan. Were the advisory councils consulted and what lessons could be learnt from that process that could take us forward into some of the other measures we have been thinking about?
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Bertie Armstrong: The industry input via the advisory councils was not overly impactful, frankly. The hallmark of the CFP reform was the discard ban, as you probably know, and along with it something called maximum sustainable yield. The biggest significant factor in that was a public campaign against discarding run most expertly by Hugh Fearnley-Whittingstall, who saw an opening and grabbed it. He got $400,000 from the Oak Foundation for his film company to undertake it, and did so with some very expensive stuff: ruggedised screens and a dummy trawler with a counter on it in the middle of Place du Luxembourg, in front of the European Parliament.

It had a disproportionate effect. Everybody suddenly became a discards expert. A simple technique was used, which we have been referring to as the “jam doughnut” question: a self-evident plausible truth followed by, “You are voting for that, are you not?”. In other words, “Throwing away edible and beautiful fish is madness, is it not?”. “Yes”. “Sign here and reject that”. “Okay”. Commissioner Damanaki has a heavy cross to bear on this. Her answer should have been, “Actually, the problem with this is that it is a very sticky regulatory problem of how I make regulation that does not cause fish to be discarded but also limits the amount of fish that have been taken overall, because it is necessary to do that”. She never said that. She just said, “Hugh, that is wonderful. Thank you very much. I am so glad you pointed this out. I am right on board. I am going to ban it”. It is like banning road accidents. How on earth are you going to do that? We are now stuck with, quite frankly, dysfunctional regulation that we all have to try to work our way through.

The real answer to your question is that the advisory councils, as they now are—they have taken the “R” out of it—now have a part to play and are being consulted. Half the reason they are being consulted is that this is such a difficult problem that everybody is looking to everybody else for help with the answer. We are all engaged, as we speak, in trying to wrestle with this and make it work one way or another.
Barrie Deas: To back up Bertie, it is worth putting on record that over the last 20 years, discards in the North Sea roundfish fishery have been reduced by 90%. This was a problem, but it was well on its way to being resolved. Now we have some very difficult European-level legislation, a political imperative and a landing obligation that will mean that all quota species will have to be landed. That creates an enormous range of problems. The Commission is looking to member states co-operating regionally to solve the problem. The member states are desperately looking at the regional advisory councils to solve the problem. It is going to be very difficult.

The most important thing is that we have a four-year phase-in period. By the way, the Norwegians did it over 15 years quite successfully in a pragmatic, progressive way. We are doing it over four years, but the most important thing is to have some reasonable phasing-in so we can start and learn the lessons as we go. I am not at all sure that is what we are going to get, but it is extremely important that that message gets through, because we have a very profound change—a paradigm shift it has been called—to the way European fisheries’ management is undertaken. Bear in mind that over the last 10 years we have done quite well in fisheries. We have reduced fishing pressure by about 50%; the stocks are coming back up. There are high levels of compliance. This is a good story. It seems to me that we are going to flick all the cards up in the air and see where they land, unless we do this very carefully. That is a job primarily for the member states and the industry working through the regional advisory councils.

Baroness Howarth of Breckland: What can we learn from that example about the other issues you are facing in terms of how co-operation should take place early? Are there other examples where these difficulties are manifested?

Barrie Deas: The lesson we ought to learn both from the Norwegian experience and fisheries management, and perhaps more generally, is to go one step at a time. This is a very
Ann Bell MBE, National Federation of Fishermen’s Organisations, Scottish Fishermen’s Federation, and Scottish Salmon Producers’ Organisation — Oral Evidence (QQ 59-72 profound change. It is called an “adaptive approach” when you do what you think is best in a managed way and learn the lessons before you take the next step. A big-bang approach is going to be completely disastrous.

Q66 Baroness Parminter: I have a question, but, before I come to that, I just wanted to take the opportunity, since Barrie said we were putting things on the record, to say that it was not just Hugh Fearnley-Whittingstall who was in favour of the ban. Long before my time on it, this Committee was in favour of a discards ban and, last night, Chris Davies, ex-MEP, was awarded a green ribbon for his democratically accountable, non-funded campaign for discards. I just thought I would take the chance to say that.

My question was around the idea of a maritime forum, which Ann said that we, as a Committee, would find it helpful to get a bit more detail on. Why is it that the regional advisory councils cannot be adapted—with either more funding or more commitment—to pick up some of the very real issues you were talking about around stakeholder engagement? Why does there need to be this maritime forum? I would be really pleased to hear from the other members of the Committee, with the chairman’s agreement, about how that could be a good forum for the future.

Ann Bell: Of course, the regional advisory councils could be adapted and made bigger, but that is not their role. They now have a statutory role to give advice. When we started the regional advisory councils and we started the partnership, like Barrie says, you start, you work through it, you develop it and then you move to the next phase. I am a great believer in writing a long-term strategy. Our strategy was to start with scientists and fishermen, move on to bring in the NGOs and then move forward to the next stage. It is important that we have this next stage, because 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
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this North Sea grid, how it is going it 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? As I said, we have had several seminars with different groupings of people, and each seminar has come up with the same conclusion. That has been from the bottom; this is not top-down at all. It certainly would start as an informal forum, because it would have no role, the same as the partnership when it first started.

The Chairman: In terms of those conferences that you held, who was the driving force and the organiser and how were they funded?

Ann Bell: They were funded through the North Sea Commission and we had support from the UK Government, from Defra. We had support from the European Commission. One of the ones we held was during the EU maritime day in Gijon in Spain, so we had support through that. The final one was funded by Marine Scotland, I think. I usually find somebody to give me money to do things. I am quite good at finding money, as a rule.

Bertie Armstrong: If I may add to that, the success of the first of the RACs, the North Sea AC, was largely down to the fact that in that basin co-operation had already existed in one form or another in response to need, so it gave it a good kick-start. The other ACs have found life a little more difficult. They are developing well, if I may say so, but the initial impetus came from the activity that was already there in response to need in the North Sea, which is quite good.

Can I answer Baroness Parminter’s point? You would expect me to. It was not just down to one man, and the campaign against discarding was very heavily supported across Europe—that is a fact. But we are back to the “jam doughnut” question, which was the question asked. “Do you want this to continue or do you want something nice to happen? Tick to ban it”. That is not very helpful; it is not accountable democracy. A lot of that was coming from a
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direction where there was no responsibility for winning protein from the sea and no
responsibility for keeping businesses going sustainably that would support local communities.
There was a great luxury there, as we have in the developed world, of being able to make
noise like that. Some of it was not very helpful, frankly, particularly from Chris Davies, if I
may say. We corresponded with him on a nearly daily basis when he was in the
European Parliament, but he did not have a fishing constituency to answer.

Often what we find is lack of accountability of the NGOs. For whom do they speak? Where
does their mandate come from? You often get superficial statements like, “I am speaking for
the earth; I am speaking for the world; I am speaking for humanity”. It is nonsense. Where is
the democratic mandate to say that? That is the world. That is the world we live in. That is
the way it will continue, and we will continue to interact with this—and it is quite good fun
sometimes. However, we need to be careful, because there are businesses to be run
sustainably, there are communities to be supported sustainably, and there is protein to be
won from the sea. Seventeen per cent of the world’s protein comes from the sea. Here
come 9 billion; we are going to need to continue to do that sustainably. There is a part to
play for the NGOs, but let us be careful that they are accountable.

Lord Bowness: Lord Chairman, I do not want to delay matters. In a sense, this is not a
question, but, with respect, it is a very valid point. The witness has tended to blame the
Commission. For the record, we need to remember that this was approved by the
Council—by those who are democratically accountable—and indeed claimed as a great
political success, at least in the United Kingdom. They may have got it wrong, and you may
well, Mr Deas, be right—I am not commenting upon that—but let us make sure we do not
lay the blame totally at somebody’s door when there were people who have the democratic
credentials that have been referred to who made the decision.
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Barrie Deas: We were not singling out the Commission. The co-legislators in the European Parliament and the Council both had a role to play, but the points that have been made are about the lack of connect between a high-level decision to ban discards and introduce a landing obligation through legislation that is confused to say the least, and the practical effects of implementing that legislation that we are faced with now. That gulf is what we are really concerned about.

Q67 The Chairman: For the Committee, that is the really important point. The Committee could, if I allowed them, spend quite a lot of time talking about who has a democratic mandate and who does not, and I would encourage them to desist. However, the point here is, if the political objective is the ending of discards, it seems to me the way they went about it—tweaking the current legislation, which had created the discards in the first place—probably was not terribly sensible. What you really needed to do was to say, “We want to end the discards,” and then almost take the thing apart and reconstruct it so you do not institutionalise discarding, which is what had happened before. That comes back to the dialogue point.

Barrie Deas: We do not object to a discard ban; we object to this discard ban.

The Chairman: Yes, that is the point. For purposes of our work, if they had engaged with the industry at an earlier stage, they may have been able to come up with something that achieved the end result of ending discards, but which was workable for you.

Barrie Deas: The campaign created a sense of moral panic, in which the co-legislators felt it was their moral duty to ban discards in the way that they have. In fact, if you look into the ICES’s science—I gave you the example of the North Sea roundfish fishery, which is one of the fisheries that featured very heavily in Hugh’s fish campaign—there had been a reduction of 85% to 90%. I would urge you to look at the science. It is all there on the record. If we were progressively getting to where we needed to go, why did we have to have this
enormous distraction against the background of the fact that we were moving in the right direction? What really matters in fisheries is the fishing mortality—the amount of fish you take out each year. We were moving in the right direction, and the stocks were responding. Scientists are extremely worried about their data streams and the relevance of their models. The control agency is extremely worried about how you ever control a discard ban in the way it has been formed. The industry is terrified about the economic consequences. That is the issue that concerns us.

The Chairman: This is not an Inquiry about the discard ban, but rather about the decision-making processes that led to that. Lady Howarth, did you still have a question?

Baroness Howarth of Breckland: You picked up the point I was trying to get to, which is about, to take it more generally, when you get a conceptual issue that is going to affect, in this position, the fishing industry, how you get into the debate at an early enough stage. Our question really is about the fact that you clearly were not in that debate at an early enough stage. How are you going to make sure that you are in the other debates about laying cables, wind farms, wave control and the things that are really going to affect your industry in future? That is why I did not get into the discard ban by itself. I wanted to get into that issue.

Professor Phil Thomas: Again, there are differences here between industries. I will be perfectly frank. Rather differently from the fishing industry, we would keep a watching brief. We do keep a watching brief on what is happening in Brussels. As an industry, we will lobby directly in Brussels both directly from industry and through our European organisations. What we have found over the years is that by the time something is established in Brussels and it is coming through as part of a legislative package, lobbying either here in Westminster, or indeed in the Scottish Parliament, is too late. You really cannot do anything about it. We take the view that, very clearly, we try to pick up things early and, if it is something that we think is going to impinge on us in a significant way, we try to engage in that debate.
Q68 Lord Williams of Elvel: Moving on, we have been told, not least by the Commission itself, that there are certain overlaps, gaps and incoherence in the EU policy. Do you endorse that view? Do you notice it? If so, what sort of effect does it have on your industry?

Professor Phil Thomas: Again, I could lead off on that. There are some gaps, and there are gaps in particular between policy and execution. It has taken roughly just over 10 years for the European Commission, European Parliament and European Council to recognise that there is a major need to improve aquaculture production in Europe. The reason for that is that, on a European basis, we import 65% of our fish from elsewhere. Our fisheries are not going to expand to fill that importation gap, but we do have a capacity to increase fish farming to fill that gap.

Now, having established that policy at a European level, there is an issue as to how you tier that down to a member state level. The way it sits at the moment is that the Commission has asked each member state, in effect, to come up with a plan for the development of aquaculture. However, it has entirely left open the decision on whether any individual member state does wish to develop. Clearly, it wants to encourage, but it has no ability, in a sense, to drive that process through the member states more generally.

In the UK we have a situation where we will get development in Scotland, because it is already in the marine plan quite significantly. If I were to take the comparison of England, I would be very surprised if England develops any significant aquaculture production over the next few years, because the process of thinking, “Is that possible?” is still not really gelling, frankly. Wales is a bit different again, and Northern Ireland is different again. We have a kind of regional difference, and that is where Scotland in this particular instance will lead the field.

Lord Williams of Elvel: Is there a Norway problem, because they are one of the big players?
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Professor Phil Thomas: Norway is not an EU member state, as you know. It is an EFTA country.

Lord Williams of Elvel: I am aware of that.

Professor Phil Thomas: Norway has a very interesting and—I will nail my colours to the mast—very good policy. It sees exploitation of the sea, both through fishing and through aquaculture, as being one of its major industries. It is one of the plank industries in Norway, and they are absolutely committed to increasing production of fish to import into Europe and sell elsewhere in the world. That is a main plank for them. They will go through periods, at least in aquaculture, where they will set out additional blocks of licensing for development. These are equivalent to the size of our industry and they will be released in one year. They will make quantum leaps that are the size of the UK industry.

The Chairman: Before we leave Professor Phil Thomas, can I ask about this difference between Scotland, England and Wales? Is it push or pull? Is it because there was a demand from your industry that the Scottish Government created the spaces in the plan or is it the case that because they allocated the space the industry has come in? Which way round is it working and why is it not happening elsewhere in the UK?

Professor Phil Thomas: The answer to your question is that it is a bit of both. However, you have to recognise that, as far as exports are concerned, salmon is the single biggest food export from Scotland. It has some political presence as a food export. The industry is keen to expand. We have both terrific home and world markets that we cannot meet because the market demand is far ahead of the volume we could produce. In terms of social policy, the areas that we farm in are areas where, to be frank, there is very little else that is going to develop. These are remote rural and very often quite fragile areas up the west coast and in the islands. All the policy elements come together. The two things are really working in concert there, so that is a special circumstance.
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**Bertie Armstrong:** There is a little rollover as well into the wild catching industry, in that of course the physical circumstance is highly significant. If you have sea lochs that are heavily tidally washed, it produces conditions where you can farm. That is not possible elsewhere for a variety of reasons. Quite a lot of volume fisheries are based in Scotland. It is no more nor less to do with the evolution of geography: you would do that there because that is available there. There is more than a little of that, as well, of course, as the insight or otherwise of the Government of the day.

Q69 **Lord Williams of Elvel:** Moving on from aquaculture, are there any other areas of incoherence in EU policy that you would like to draw our attention to?

**Barrie Deas:** If you want an example of incoherence, there are rules on the statute book that require vessels to discard fish and there are rules on the statute book that require vessels to keep that fish on board. The so-called omnibus regulation that is supposed to sweep away all CFP legislation that is incompatible with the discard regime—we are talking here about the pelagic species, the herring and the mackerel—looks like it will not be through in time before 1 January. You have the potential for two sets of rules: one that requires a vessel to throw the fish overboard and another that says you are liable for prosecution if you do. That is probably the clearest example of incoherence that I have come across in my time. There is a big question about whether that will be resolved in time. The worst scenario that I have heard is that it will be June of next year before this will be cleared through the co-decision process. That leaves vessels in a very invidious position: which set of rules will take precedence? The Commission says it is the most recent rule that takes precedence, but there could be a lot of national courts that take a different view, and that is where the prosecutions will be held. That is a mess.

**Bertie Armstrong:** There is another area, Lord Williams, and that is coherence and clarity of vision with regard to marine protected areas, i.e. what they are for, how many of them there
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are and where they are placed. Our approach in the Scottish Fishermen’s Federation with regard to the Scottish ones was, “What does international law say? What are the OSPAR arrangements for a coherent network that define a coherent network? What does Scottish policy say in the draft”—at that stage—“marine plan? What are we presented with?” There is a degree of incoherence in all of this. Rather like discarding, everyone is an expert on MPAs and it is self-evident that they are a good thing, are they not? The more the merrier is the sort of generalised approach that, if we are not careful, could overtake us. There are some inconsistencies and incoherencies there as well.

**Lord Renton of Mount Harry:** Could I clarify about marine protected areas that I was going to ask you, because obviously this is possibly a very big project, is it not? It will inevitably displace fishing activity. Would you like to tell us a little more about what role these MPAs can play? Is there really a place for them? How is it going to work out in the end for the fishing industry?

**Barrie Deas:** Marine protected areas certainly have a role to play in protecting vulnerable habitats and species. They are often oversold and overplayed as a kind of panacea. They are often sold as a solution to fisheries management problems, to which there are other, more appropriate instruments available. That is the first thing—that they have been oversold. Marine protected areas can be effective if they are well designed and they are put in the right place for the right reasons. The fishing industry broadly understands and accepts that. What we have a lot of concerns about—with both the European-level marine protected areas and, more specifically, marine conservation zones in domestic waters—is the rushed process and the lack of evidence about where you are going to put these things. Otherwise, it becomes a bit of a tick-box exercise. We have the 25% or 75% or some arbitrary percentage of the marine environment protected, when it is not protected. You do not know what you are protecting. That is why the Marine Protected Areas Fishing Coalition was formed, in order
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to give a voice to the industry in what was sometimes quite a strident debate. It was chaired
by authoritative scientist Dr Stephen Lockwood, and the whole purpose was to bring some
kind of rationality back into the debate.

Lord Renton of Mount Harry: You thought that was already necessary.

Barrie Deas: We certainly thought it was necessary. We thought there was a gap there,
because it was very much a rushed process. The consequences are not good for fishermen
and they are not good for the environment if you put these things in the wrong place. To
look back to something I said earlier, if you displace fishermen from their fishing grounds
there is a consequence for them, but there is a knock-on consequence for where that fishing
effort is transferred into. If they have to put their gear or fish in an area in which there are
already fishermen, what are the consequences?

We do not have a problem with the principle of marine protected areas or, indeed, closed
areas for fisheries purposes, but they have to be very thoroughly understood. The purposes
need to be very clear, and that was missing in process when the Marine Reserves Coalition
was established. The Government has paid heed to those pleas and is taking a much more
step-wise approach, which we applaud.

Lord Renton of Mount Harry: Mr Armstrong, would you agree with that?

Bertie Armstrong: Yes, I certainly would. A balanced approach is required. It is not
absolutely clear in all respects for what MPAs are meant, and it is important to have clarity
of thinking. For instance, the so-called Natura 2000 MPA network is already quite well
established, but it has still some way to go. Some of the confusion exists with MPAs to
protect features, with which we completely agree. No-one wishes to trawl over coral and
generally you do not, so when you find a feature it is really a question of continuing doing
what you did before, which is not fish there.
Ann Bell MBE, National Federation of Fishermen’s Organisations, Scottish Fishermen’s Federation, and Scottish Salmon Producers’ Organisation — Oral Evidence (QQ 59-72

However, there is this run-over, which is a little dangerous, where people imagine MPAs are good for fishing. There are many management measures applied to protect areas specifically for fisheries management purposes. We have closed some 400 areas in real-time closures, where you fall upon an abundance of fish that you really should not catch and you shut the area and move away from it. That is quite well established. We have temporary and permanent spawning ground closures for the protection of fish, but those are different from the marine protected areas to protect maerl beds or coral or other features. The answer is a balance, and it is sometimes quite difficult to achieve that.

We discussed that this morning. Why is it there? What are you trying to protect? How are you going to measure it? How are you going to ensure that it is protected and, if it is not working, how are you going to get out of the mess you are in now? There are several elements of that that need to be attended to. The one final thing I would say is the fishing industry is not against MPAs in any shape or form. The fishing industry is very much against ill-thought-out MPAs, which will not do anybody any good, not least the environment.

Lord Renton of Mount Harry: Thank you. That is very useful.

Lord Trees: Professor Phil Thomas, how do marine protected areas impact on you? A lot of them will be in relatively shallow waters and sea lochs and so on. I can imagine there could be quite serious issues, not only with the actual space occupied but the pollution issues and all that. How does it impact upon you?

Professor Phil Thomas: We have a history not of MPAs in the present new areas, but there are large areas around the Scottish coastline that have designations of a variety of sorts. Every single fish farm that would go in the water would always require an environmental impact assessment as part of the planning process, so it is part of the world that you work in, effectively. It is equivalently true that there are many areas around the Scottish coast that had fish farms long before they were designated as protected areas.
Therefore, there is no fundamental conflict at all, really, between fish farming in an area and an area being protected— As Bertie said, if it is an area where there are special features, you avoid putting your anchors in that area, for example. It is a question of the industry and the environmental legislation and environmental protected areas working together.

If you ask me which bit causes most of the problem in my experience, it is when you get a planning situation where somebody objects because, fairly typically, for example, there is a colony of sea birds close by. The question comes up, “Is there a possibility of any seabirds being caught up in nets and therefore a loss of seabirds from that colony?” It is very difficult to say absolutely always that there is no possibility, but you can put some figures on what the possibilities are and you can quantify them. Very often, you then get into slightly difficult debates on the other side of the fence, because the information on the colony itself - about the dynamics of population replacement and so on - is where the weaknesses information come about. Therefore, you get into a debate about managing wildlife in the situation where the data on wildlife are often not as good as you would ideally like them to be. That is where the points of tension are, but there is no fundamental conflict, as far as I am concerned, between the two.

**Q70 Lord Trees:** I will move on to the main question. I have been asked to address the knowledge issue. Mr Deas said earlier that plans can only be as good as the knowledge base, which leads to my question. Can you give us examples and can you tell us how closely all your organisations work with scientists to, first, identify knowledge gaps and, secondly, fill them, so how much research you encourage, facilitate or even fund? Finally, what steps are you involved with to disseminate that knowledge?

**Barrie Deas:** Ann Bell mentioned earlier that it was around 2000 when the dialogue between fishermen and scientists really got off the ground. Previously, we had been content to throw half-bricks at each other. It is quite good fun, but it does not really lead anywhere.
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Since then, there has been a complete transformation. Whereas the fishing industry was regarded as a kind of pariah and kept out of the ICES system, the problem that we face these days is that we do not have the people to accept all the invitations that are given to us. There are data-compilation meetings, stock-benchmark meetings and then meetings to discuss the overall scientific strategy. The regional advisory councils have been given a way into the ICES system, and that has been very important.

At a lower level, within England, Northern Ireland and Wales, we have fishery science partnerships. For about 10 years, Defra have funded these, where usually it will be a fisherman who wants a particular problem addressed. Scientists will help work that up into a problematic that is meaningful in scientific terms. The vessels will be involved in collecting the data, and it will be written up in the normal scientific way and peer-reviewed and all the rest of it. That has been regarded as being an enormous advance in terms of participative research, and we continue to very much support that. It has not only produced useful data; it has transformed the relationship between fishermen and scientists. Our experience has been, from a very poor start, progressively moving in the right direction. Now, scientists and fishermen work very well together in general.

Bertie Armstrong: I would add an observation. Barrie is absolutely right. He would not say it, but he was personally, via the RACs as it were and the ACs now, responsible for coordinating and gingering the campaign to make maximum use of the knowledge that was available and make sure it was collated and used properly, which was not always the case. As an industry, we have long since concluded that a requirement for knowledge and scientific assessment will never be adequate and will continue thus until time extinguishe, but we must do our best to address it. Observing that there will be little extra public resource available in the foreseeable future for this, we are trying to help ourselves wherever physically possible, because there are an awful lot of data, if properly collected and if made
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consistent, that can be used by the industry. We are trying to do that in the industry science partnerships. You would probably be reasonably impressed with the load of initiatives that are going on where we are also spending some of our own money trying to make sure—it is self-interest—that stock assessment is better and that that in the future will lead to a more stable catching for us.

**Ann Bell:** Through the partnership a fisher survey was developed. That was sent out by all the industry associations, right around the North Sea, to all the fishermen to carry out a survey of where the stocks were and where they were last year as opposed to this year. After many years, then were then classed as a time series by ICES and are now used, and they have continued on. That was a really practical way that fishermen and scientists could collaborate, by giving them practical soft data as opposed to scientific data.

**Professor Phil Thomas:** Aquaculture, again, is different. Aquaculture is probably the highest technology form of farming that exists. It is entirely science based. It has a huge investment in scientific research behind it. In Scotland, for example, the interaction with the research base is very strong. We have two organisations, one which has been established for a few years, which is the Marine Alliance for Science and Technology for Scotland. The other is new. We have just established a Scottish Aquaculture Innovation Centre, which will be very much industry driven. Both of those are substantial in terms of size, with combinations of industry and public funding. The industry itself has a big investment in research. That is partly in the UK and partly done internationally with other countries with similar interests. In a sense, it is a model of a science-based industry. That is not always the easiest thing to take forward in a public funding sense. It is getting easier, but it has been difficult because, for quite a long time, the UK has not realised the importance of aquaculture as an industry. It is doing so now. Quite significantly, BBSRC is now coming in with a significant fund. NERC has
established a smaller fund. Nonetheless, they are coming in. As I said, there has been a lot of activity in Scotland. That is a rather different base, but with a different focus.

**Lord Renton of Mount Harry:** Could I just ask a basic question—a very ignorant question? To what extent do the fish really move about? Do they go a long way quickly or are they always really there in approximately the same way?

**Barrie Deas:** It all depends.

**Bertie Armstrong:** The mackerel start up in the Arctic Circle and end up down off Portugal in an annual migration, whereas of course the scallop will be largely where it was born.

**Lord Renton of Mount Harry:** I am really rather asking, however much they change, do they change the same way each year or each month?

**Bertie Armstrong:** No, not at all.

**Lord Renton of Mount Harry:** Not at all?

**Bertie Armstrong:** To mention mackerel again, they used to come down through the Minches; they no longer do so. Some years they are inshore in volume; some years they are not. It is largely predictable in a macro way, but exactly what is going to happen is the expertise of the fishermen.

**Barrie Deas:** The scientific work using tagging is quite interesting. Cefas in particular have done work on this. It is fascinating that plaice, when they are migrating, when they are on the move, will bury themselves in the sand when the tide is against them, and then when the tide is going the direction they want to go in they get up onto the equivalent of a travelator and use the tides to get where they want to go. It is quite clever.

**Professor Phil Thomas:** I am tempted to volunteer that the delightful thing about fish farming is that they swim round and round.

**Q71 The Chairman:** I have one final question on this. A lot of what we have talked about today really comes down to conflict management and coexistence. I wonder to what extent,
from your different perspectives, you see research as a tool to help that coexistence. How
good are we at sharing that knowledge both between different sectors of industry but also
through the UK, Europe and the rest of the world?

**Barrie Deas:** Again, it varies depending on the problem you are confronting. In terms of
siting marine protected areas, we need a lot more knowledge; we need a lot more
information to get that right. The siting of renewables or an oil platform or something tends
to be less data-thirsty. Again, it depends on the location. It is a difficult question to give a
broad, simple answer to. It depends very much on what the problematic is that you are
trying to address.

**The Chairman:** Could each of you just come in, in turn, on that?

**Ann Bell:** I am going to take it from a different angle. Rather than always looking at research,
we could also look at education. We have a very well-educated fishing sector and through
education, much wider marine education, you could avoid conflict, if all the fishermen and
mariners were trained to the same standard and if they were co-operating. As you know, we
are trying to develop a North Sea maritime university using all the wonderful training
institutes we have right around the North Sea. If you have a cohesive training policy, maybe
it does avoid conflict, because the fishermen are talking the same language. I know it is not in
this remit, but having a good education underpins this.

**Bertie Armstrong:** I am delighted to report that conflict is not the order of the day. We do
not have giant fights, particularly between sectors of fishing. There are occasional times
when a creel fisherman or a pot fisherman will not want mobile gear through his area, so
you see it bubbles up a little with that, but that is a matter of local co-ordination.

**The Chairman:** Yes, I was not really talking about conflict in the sense of people rolling up
their sleeves. “Competing” is maybe a better word than “conflict”. I simply meant that one
of the themes that has run through today is about how you cannot carve the sea up and say,
“Well, you can fish here and you can do that”. You cannot do that in the way you maybe could on land. It is about how you live together. My question is this: does technology and research have the capacity to make that living together easier?

**Bertie Armstrong:** Absolutely, yes—and it is necessary. In the simple matter of an export cable from a renewables installation to the shore, if you do not know what the sea bed is on your planned track or you are only finding it out in stride with the last part of the planning process, having already spent £1 billion deciding to put your installation there, it is too late. Knowledge is extremely important so that we know what the art of the possible is in the decision-making process. The same thing applies to fishing opportunity. If the quality of the science is high, it will lead to sensible decisions on fishing opportunity, which will neither be excessively precautionary nor dangerous, and that is very important indeed.

**Professor Phil Thomas:** Good aquaculture practice is key. Every single farm has a neighbour, in effect, and they operate in different farm-management areas. The biosecurity of those farm-management areas is crucial. Therefore, knowing where all emissions from fish farms end up, knowing what currents you are dealing with, and knowing the potential tracks of any disease vectors, for example, are all absolutely crucial. However, every fish farm is computer-modelled right from the planning stage onwards. You could not fish farm without that underpinning science. It would not be possible.

**Q72 Lord Trees:** I am fascinated by the interaction you have particularly with the energy sector. It is not so much the installations but the connectivity between them, which is hugely important. We have been hearing other people talking about energy and the idea of a North Sea grid and so on. The amount of actual area occupied by a cable or a pipeline is tiny, but, if it stretches 200 kilometres and there are these things going all over the place, for certainly trawler-type fishing and so on this must be a major issue. To what extent would you benefit from demarcated lanes and to what extent is that happening? We have heard suggestions it
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might be happening, so that there are conduits through which all the cables and pipelines are put insofar as possible to leave other areas free. Or is it still just ad hoc and we are going to end up with a spider’s web of cables and pipelines that will certainly make deep-sea fishing very difficult? The sea is big, I know.

Barrie Deas: There are two aspects. Linking back to the last question, one thing that is worth investigating is the quality of environmental assessments, whether it is a tick-box exercise and a legal formality or whether there is substance in it. Our experience is that it can be very variable. The understanding and knowledge base on which planning decisions will be made rely a lot on environmental impact assessments, but there does not seem to be any standardisation; there does not seem to be any quality-control process. That would be worth looking into.

Yes, the marine environment, the seabed, is a complicated place with lots of competing interests. The answer to your question, again, is that probably it depends. You can have static-gear fishing in an area that will be affected by one kind of development; mobile trawling will be affected by another. It is instructive that pipelines, for example, do effect the distribution of fish. It is quite well known that one adaptation of fishing was to trawl up the pipeline, because you would have higher catches if you trawled up the pipeline. It was a very skilled method of fishing, but it was quite successful.

There is no obvious answer to your question, but I do not think a rigid grid pattern or a map in which fishing of this type or that type is excluded is particularly helpful. Firstly, it increases the displacement issue that we were talking about before and, secondly, fish stocks are a dynamic process. What will be right for one year might not be right for five years down the line. That is something that needs to be taken into account. Take the distribution of plaice for example: for North Sea plaice, fishing pressure is at the lowest level on historic record and its biomass is at its highest record. You also have a wider distribution of the stock.
Similarly, with mackerel, last year and the year before you probably would not have been
having the international disputes with Iceland and the Faroe Islands had it not been for
changes in the pattern of distribution. A very rigid planning structure that tries to limit
where fishing takes place probably would not flexible enough to deal with that kind of
dynamism.

**Ann Bell:** Sometimes, a simple way of resolving conflict is communication.

**The Chairman:** That is a very good place to end. Thank you very much to all four of you
for so generously giving us your time this morning. It has been really interesting. Thank you
very much. Thank you.
Evidence Session No. 7  
Heard in Public  
Questions 84 - 97

WEDNESDAY 3 DECEMBER 2014

10.50 am

Members present

Baroness Parminter (Chairman)
Baroness Byford
Lord Cunningham of Felling
Baroness Howarth of Breckland
Lord Plumb
Lord Renton of Mount Harry
Lord Whitty

Examination of Witnesses

Professor Stuart Rogers, Chief Scientist, Centre for Environment, Fisheries and Aquaculture Science (CEFAS), and Professor Geoffrey Boulton, President, Scottish Association for Marine Science (SAMS)

Q84 The Chairman: Thank you for being here slightly early, so that we can get started. We have two sessions of inquiry this morning. I am not Baroness Scott of Needham Market; my name is Baroness Parminter and I am stepping in due to ill health. This is a formal evidence-taking session. It will be webcast, and there will be a record which you will have the chance to have sight of before it is made public. It is completely on the record. I would like to make sure that you have noted that certain Committee Members have interests, which have been declared. If we have particular interests, we may declare those, and we should declare those, before we ask questions to you. If you are ready, can I kick off with the first question on behalf of the Committee? We would like, first of all, to set out an
Professor Boulton: Yes, certainly. SAMS is an independent laboratory. It was set up in immediate aftermath of the Challenger expedition, almost precisely 130 years ago. Although its name has changed, its remit really has not. Its remit has been to understand the way in which the oceans and the things associated with them work. In later articulations, that objective has become to really assess the issues of public policy, of the implications for society. At the moment, it involves itself very greatly in public outreach, particularly on the west coast communities of Scotland.

Our new centre, entitled Society and the Sea, is really the evolution of trends from over the last few years, where the social, physical and biological scientists who work at the Scottish Association for Marine Science have realised that the social implications of the things that they are doing are complicated and important. The old reductionist model of science, where science is rather good at solving simple problems, really does not work any more in a domain where complicated political and economic questions are being asked.

What we have tried to do is to bring together a group of social scientists and rather more conventional marine scientists, with the unified objective of trying to understand the implications of living by and utilising the oceans. I would say that across many areas of science, we increasingly bring in social scientists, but they are very much an add-on. The purpose of this is to focus centrally on the relationship between society and the oceans.

I would comment that I am a geologist; we tend to think of the earth as a natural and anthropogenic earth. I am afraid that, increasingly, that will not wash. We are all part of the same system. Can we understand the system of which we are a part? That is the motivating purpose of our new centre.
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The Chairman: Thank you. Professor Rogers?

Professor Rogers: CEFAS is an executive agency of Defra and we provide applied science solutions across government. We have a key role in monitoring the status of the marine environment around the shelf seas of the UK. Traditionally, that has focused on fisheries stock assessment working with our European colleagues, and monitoring contaminants following the post-war industrialisation. That work is broad and it has become more complex recently, because of the introduction of the need for an ecosystem approach to the management of human activities. While we advise the Marine Management Organisation on the implications of human activities in shelf seas, we also need to take account of much broader implications for food webs, ecosystems and the society of human activities, not only individually but combined as an integrated whole.

We provide a complex set of applied services to government. The priorities are based around Defra’s objectives, which are to improve the environment and safeguard animal health. We also work closely with them, providing advice, for example, on the reform of the common fisheries policy. We provided technical support on how that might be implemented. We were also active in drafting the technical contents of the marine strategy framework directive, which you will have come across; and that has quite broad implications. We also provide emergency response cover in the event of radiological emergencies, oil and chemical spills and fish disease outbreaks.

Q85 The Chairman: We have had heard quite a lot in the inquiry proceedings to date about marine co-operation, or the lack thereof. With the work of the new centre and the work that you are undertaking, is there anything you would specifically like to say about how that could be improved?

Professor Rogers: There are a range of different levels at which co-operation takes place. Co-operation is essential in science; we need to work together to solve some of the difficult
problems we have. Nationally, for example, the Fisheries Science Partnership has helped to engage the local fishing industry in delivering data and evidence to support some of the challenges around the CFP. Working in partnership with citizens is quite common now, particularly to help to deal with the increased demands on resources of collecting data. Nationally, there are a number of examples where we reach out to provide science solutions. Internationally, we work very closely with Regional Seas Conventions and, through our colleagues in ICES—the International Council for the Exploration of the Sea—on science issues and solving problems that member states and contracting parties have identified as needing regional-scale solutions.

**Professor Boulton:** I have a couple of examples. One relates to the massive explosion of fish farming in Scotland, where we are increasingly beginning to see infective agents, which are spread from location to location. Understanding what the vector of infection is is a crucial issue. What SAMS has been doing, together with a number of northern European partners, is to link with commercial operators and, in as objective a way as possible—and I put inverted commas around that phrase; I am sure that you will understand some of the commercial interests in dealing with the data in special ways—attempting to understand the networks of infection that occur, particularly off the west coast of Scotland, and trying to establish the key criteria that determine those networks.

Unfortunately, of course, it is one of those areas where science is complex. Historically, science has been very good at solving very simple problems and doing it extremely well. But in this sort of domain, the problems are highly complex; you make an intervention at one point and it has repercussions elsewhere that you do not quite understand. What has become quite clear in recent years is that the whole basis of marine infection between farmed fish, and the interaction with wild populations, is inherently a complex issue. Trying to get the industry, which has a rather clear view of what it wants to do, to work with
scientists, in an atmosphere where there is great uncertainty, is really very problematic and very important.

To some degree, it is almost a paradigm for understanding the rest of the marine system, where we realise that, if we are looking for simple cause and effect, then very often we are chasing a chimera. These are complex systems that interact in a complex way, over a variety of timescales. The whole thrust of cutting-edge marine science is to understand that broader context of complexity. We are making progress, but it is slow.

**Q86 Lord Renton of Mount Harry: Why does infection happen? What causes it to happen?**

*Professor Boulton:* That is a profound question, particularly for a geologist who is primarily concerned with inanimate objects. If I can try to think in as profound a way as possible, it is simply because of the mobility between organisms that are adapted to different conditions. For example, if we take infection globally, the whole pattern of infection has changed in the oceans as well as on land, simply because of mobility. The whole pattern of disease transmission has changed in quite a fundamental way. If there was only one organism, in one simple environment, then the probability is that it would have evolved to avoid infection; there would be nothing to infect it with. That is as simple as I can conceive of.

**Q87 Lord Plumb:** I am interested in what you are saying, because we had evidence earlier to say that the market of farmed salmon is well over 90% of the total market. That being so, what we are now hearing of—all the difficulties in controlling disease—is rather worrying. As soon as someone hears about chickens possibly carrying disease, it is a headline, and then it is: “Poisonous Chickens”. The sort of thing you are telling us is fine, and it is important that we understand the difficulties and problems, and the way this is going to be dealt with in scientific terms. Once it is out and becomes a headline, when 90% of the market is farmed fish, one fears the consequences.
**Professor Boulton:** Yes. Of course, there are other farmed organisms—shellfish being a rather obvious one—where we are aware of the potential for infection and the reality of infection, quite frequently. It is interesting to look at the way in which populations have adapted to that. We are aware that shellfish are often the carriers of infection, which is extremely unpleasant, and somehow we have adapted to it. In relation to fish, it is rather a different sort of phenomenon, because we are dealing with very large volumes which are highly concentrated. I know of Norwegian work, which is being done in Bergen, where they have been looking at the potential for dramatic infection of whole populations of farmed fish.

Do not forget I am a geologist, so my knowledge is a little limited in this domain. My understanding is that their view was that there are natural ways in which the population will restrain itself from becoming wholly infected by powerful antigens and parasites.

**Lord Plumb:** I ate my last oyster 40 years ago.

**Professor Boulton:** We all have tough choices to make.

**Q88 Lord Cunningham of Felling:** I would like both witnesses to answer this question, please, if they would or can. Is there or is there not clear evidence that the use of chemicals on high concentrations of farmed fish, and the excess chemicals for trying to safeguard these fish as well as the food on the seabed, causes problems not just for the environment but for migratory fish?

**Professor Rogers:** My first reaction would be that there are regulatory limits set for levels of use of some of these chemicals in normal husbandry techniques. Those are assessed, monitored and abided by in all those farms that are licensed. The measure of harm is quite a subjective one. It depends on levels of concentration, the consequences of those levels and the opportunity for the environment to recover. Those things will be different site by site. There is not a simple answer; it will very much depend on methods of remediation and opportunities to vary dosing with a range of different chemicals that have different efficiency.
Lord Cunningham of Felling: What about the effect on migratory fish?

Professor Rogers: It is a complex area of science. Those involved on both sides do not agree. It is an area in which one gets involved at one’s peril, because there are difficult analyses to undertake. We have had examples in NASCO—the North Atlantic Salmon Conservation Organization—where opposing sides will use the same piece of evidence to support their own view. This shows how difficult it is to come up with very clear outcomes from science that address the links between the transmission of disease between high-density stocked fish and migratory, wild stocks. It is a complex area.

Professor Boulton: It is worth commenting that although the knowledge that we can acquire from science is limited, confusing and unsatisfactory, it is actually just rather more satisfactory than all the other ways in which we can acquire knowledge. The human species is getting on a bit too, so we have survived.

It is true to say that the shallow marine environment is one that we have got to know rather well. On the other hand, that knowledge tends to be associated with larger-scale phenomena, such as the movements of currents and large fish. Actually, we are now beginning to realise that it is microbial and sub-microbial activity in the oceans that is of crucial importance. Our knowledge of it at the moment is rather limited. It is one of the domains that we have to work on much more carefully, if we are to avoid the possibility that there may be serious and serial infection arising from the exploitation of marine fisheries or resources.

If we look back over the last 100 years, and say, “How serious is it? What are the costs and benefits of eating fish?” I would say the benefits massively outweigh the costs. On the other hand, the potential for really severe outbreaks of disease, which are serious to humans, is still there, just as it is on land. The real problem is to try to evaluate how high the risk is. I do not think that we are anywhere near doing that.
Lord Cunningham of Felling: We know quite a lot about sea lice, however.

Professor Boulton: It depends what you mean by “quite a lot”, but yes, we do.

Lord Cunningham of Felling: We know they threaten the migratory fish, for example.

Professor Boulton: Yes

Lord Cunningham of Felling: We also know they are concentrated in huge numbers around fish farms.

Professor Boulton: One of the things that we do not understand is the relationship and what happened. The consequences on migratory fish in their natural environments of fish farms—that is something that, at the moment, is a matter of considerable study, but I am not sure that we understand it particularly well.

Q89 Baroness Byford: I would like to follow up, because I am slightly disappointed in the responses given, if I might be honest. We have been farming salmon and other fish for some years now. Are you suggesting that we have no evidence, and that we might be waiting another 10 or 15 years for evidence? Unless I am misunderstanding, where you have got your fish farm and you have got an infection, the water then goes back into the sea anyway. When it gets back into the sea longer term, do the sea and all its good bits gobble up the bad bits, or does it just get diluted? In other words, at a lower level, we are definitely polluting the sea. Why is more not being done? It seemed a very unsatisfactory answer, and I was not meaning that personally.

Professor Boulton: The oceans, of course, have an enormous dilution effect. There are 1,482 million cubic kilometres of water in the ocean. The total amount of water that surrounds all the earth’s fish farms is absolutely minute, by such standards. The crucial question is the extent to which the location of fish farms mixes with that global ocean. One of the key criteria for the location now is whether that mixing takes place or not. If it does
Baroness Byford: Indeed. Are you saying that there is still no evidence on that, or is somebody currently doing specific work on it?

Professor Boulton: There is a lot of evidence. There is a lot of evidence from Norway, for example, where the Norwegians now have very strict regulations about the locations where fish farms might be placed.

Baroness Byford: But it does not alter the fact that, wherever they are, they go back into the sea that is surrounding that particular place.

Professor Rogers: I want to briefly add that sea lice infections are a natural part of wild salmon stocks. They are infected by them; they are a natural organism and they are part of the ecosystem. The issue is the extent to which wild stocks infect hatchery stocks, and vice versa, the rate at which that happens and how to mitigate that rate. It is a controversial and complex area of science.

Q90 Baroness Howarth of Breckland: Interestingly, you have simply just demonstrated the answer to my question, which is about the level of understanding and the knowledge we have of the marine environment. You have told us, quite clearly, that that is complex, not yet clearly understood and developing. I am going to move on to the second half of my question, which is about how we ensure we take that forward in the best possible way. As you know, the European Commission is keen to improve data collection, by adopting an approach that relies more on regional co-operation. You have told us about the lack of knowledge of the marine environment and the complexities. I want you to focus on to what extent a more co-ordinated regional approach would actually help us to develop our understanding of the marine environment. What other things do you think are necessary to ensure that we...
understand it? Can I just say how delighted I am that social sciences—that being my background—are now being incorporated centrally into understanding these interactions?

**Professor Rogers:** We already have good regional co-operation, in relation to data, for many of the traditional areas of study. For example, for many years now, we have had an integrated fisheries survey across member states in the North Sea—in which we share methods, fish in each other’s water—and we manually update and submit the data for the assessment process. A similar process occurs with offshore nutrients. We have shared a fixed buoy in Netherlands waters; they service it and we collect the data. It tracks the harmful effects of nutrients moving across the North Sea from state to state.

We are involved in the European Marine Observation and Data Network—EMODnet—which has a number of different strands. One of them which is worth mentioning is that related to seafloor mapping, where the British Geological Survey are leading a project to generate a Europe-wide seafloor sediment map. Among the 36 different partners, they have 30 ways of describing the transition from mud to sand and to gravel. By standardising that method, and then adjusting national programmes, we are able to produce high-quality, generic, uniform maps over large regional sea areas. That is a step forward and it is one example of seven or eight themes within EMODnet.

There are a number of opportunities to work together for routine data collection which we are involved with. The future will require us to be much more careful about how we take on board the many ecosystem considerations, which we also need to incorporate. I mentioned food webs earlier, for example, which are one theme that we need to follow with the marine strategy framework directive. It is very challenging to know what element of food webs we should co-ordinate on, at an international level.
Baroness Howarth of Breckland: Why are we still hearing then, very strongly, that the understanding of the marine environment is still poor? That has been a central theme for many of our witnesses.

Professor Rogers: It is a complex picture. For some areas, our understanding is good—for some of the traditional areas of study that have been of concern for the past two decades. We are making good progress with improving the management of commercial stocks and with contamination, both nutrients and heavy metals. We are making progress. The complication arises because of the need to encompass all of that with very broad considerations, which cover litter, underwater noise and interactions between species, for which we have no data at all. It will never be possible to know everything about everything, so the task is to have a risk-based approach to how we address this. Where are the most important pressures on the ecosystem? How do we collect data just to solve those?

Professor Boulton: There is a fundamental answer to your question. The progress of knowledge is a bit like making a clearing in an infinite forest: the bigger the clearing, the more trees you can see. In other words, you realise how much more complex things are than you once thought. Once, cells were thought of as the simplest part of any living organism. Now, the cell is regarded as something of immense complexity. As we learn more, we realise just how much more there is to learn.

One of the things that has really changed the way we look at the oceans in particular is the recognition that the oceans are systematically changing through time. Of course, the acidification of the oceans is an absolutely fundamental issue. Do we understand how it might progress and what its impacts might be? We can easily identify some of its impacts: the levels in which carbonate dissolves in the ocean changes through time and we can monitor how they are changing through time. It is not about trying to understand a very simple setting, where you have the equivalent of a fish in a laboratory tank, but about understanding
a highly complex one of the globe and all its interactions, but at the same time one where the earth is changing. The oceans are changing at a remarkable rate. There are areas of the ocean now where the levels of acidity are extraordinarily high, and we see no reason why that increasing acidification should not continue.

When you say to us, “Why are you not a little more sure than you were 30 years ago? Why is your uncertainty growing?” the answer is very simply that we are aware of how big the problem is. When I was taught as a student, my presumption was that you would have a closed system: something happened in here, and what happened out there did not matter. Now, of course, we realise that it is all part of an open system. Sometimes very distant phenomena influence something over here. Identifying where cause and effect lie has become much more problematic.

**Baroness Howarth of Breckland:** Do you think regional co-operation is going to help or not?

**Professor Boulton:** It is absolutely essential. Indeed, it has got to be global co-operation, because the oceans are a global phenomenon. All you need to do is sail through the Mediterranean and see the continuous lines of ships, bringing not only goods from south-east Asia but also infectious marine diseases and marine animals, then you will realise that the globe is the dimension that we have to look at.

The other side of the question really relates to data. We are now accumulating data at rates that were inconceivable even two or three decades ago. We realise that the rate at which we accumulate data, utilising both modern means of acquisition and modern means of storage and manipulation, is so much greater than it ever was. The problem then arises that if we recognise these phenomena, where processes in one place are coupled with processes in another place, how do we make sure that the bits of data can talk to each other? One of
the really major issues in the whole area of scientific data is how we utilise that data so we can interrogate all of it concurrently and we can utilise different parts of it.

I would say that the state we are in at the moment—and this is highly relevant to the situation in the oceans—is that individual databases are now being accumulated at a rate that we never imagined might be possible. The real crux now is whether or not we can get those databases to talk to each other. That is not an easy thing. Indeed, some of the fisheries databases are rather poor in this regard. Even some of the more recent ones are actually very clunky, and interacting with them is difficult. There is a lot to be done.

Q91 Lord Renton of Mount Harry: I would like to follow on from what you are saying. It has been put to us that research on the cumulative impact of human activities on the marine environment is particularly lacking, particularly given the European Commission’s recent emphasis on blue growth. Do you agree with that? Is this where there should be much greater research on what humans are doing, rather than the fish themselves?

Professor Boulton: Yes, because we are doing an awful lot. Globally, we are changing the oceans, by warming them and changing the rate of acidification. Warming is unequal, and therefore global currents changed. We have mobility of organisms in a way that never, ever used to happen before. In a sense, it is a very different sort of earth from the earth that was extant, let us say, 500 years ago. I am a geologist and for me 500 years is a flicker of light. Things are changing, I would say, at a rate which the earth has never known before in the oceans. That poses very severe scientific challenges.

Professor Rogers: There are issues around cumulative effects. One of them is that there is not really a clear understanding of what it means, or how to understand cumulative effects. We have been active in OSPAR to try to get an agreed framework, across all contracting parties, on a pragmatic solution to a cumulative-effects assessment. For example, 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. The scale of the interaction can be anything from trivial to significant, on a regional sea scale. Trying to work out a set of terminologies, consensus on definitions, and a process for how you might undertake an assessment based on those criteria, is the first step. We are not there yet. Once we have that understanding, it will be much easier for member states to undertake these assessments of precisely what the consequences are of having cables, wind farms, fishing and pipelines in the same regional sea.

**Lord Renton of Mount Harry:** Do you think that there is a need for a greater research focus on this side of things, or is there as much at the moment as you think there can be?

**Professor Rogers:** I would not call it “research”. There is a need to understand terminology. Are we speaking the same language when we talk about cumulative effects? Is it about direct pressure on the seafloor, from the footprint occupied by a cable or a trawler? Is it about the harmful effect of those things on the ecosystem, if there is such an effect? Once we have that understanding, it will be much easier to work together. I do not see an opportunity for huge amounts of research.

**Q92 Lord Whitty:** I find this slightly frustrating, in the sense that you are telling us how complex it is and how difficult it is to relate one area of data to another, but you also said not long ago that it is the job of a scientist to pick out what the really big issues are that we need to tackle. You mentioned acidification of the oceans. Is that the biggest issue we should be worrying about? Is there a shortlist of three or four big issues as a result of the cumulative aspect that we really ought to be focusing on? At the moment, from what you are saying, it is a little vague as to what we should be really worried about. If you scientists have at least a broad idea of what we should be worried about, we should know.
Professor Boulton: There are two big issues, really, on a global scale. One of them is the implication of acidification for the marine system. I chair the Science Policy Centre at the Royal Society and at the moment we are trying to ask the question, “What are the big issues in relation to the oceans?” Although a great deal of modelling of the oceans under different scenarios has taken place, much of that work is to do with the interaction between the climate and the oceans. Actually, do we understand the ways in which the oceans themselves might evolve? Under present circumstances, the answer is probably no. So, we need to push very strongly for a greater understanding of the ways in which the oceans are likely to respond and react to present conditions over relatively short time periods. Acidification is absolutely a major issue. There was another one, but I have forgotten what it was.

Professor Rogers: The big issues that we will need to face over the next five to 10 years are the consequence of warming seas, the change in natural environment and the effect of gradual warming, or climate change more broadly, on the distribution of species that we are used to. The populations of coldwater fish that dominate our seas will gradually disappear; they will move north, to be replaced by other species that have a warmer water, southern preference. That will affect communities and the ecosystem in a way that we do not fully understand, but which will be significant and substantial. That also links to the effect of increased storminess on coastal communities and the effect that the sea has on the stability of our coastline. Those areas are on the list.

Professor Boulton: The warming effect mixes parts of the oceans that have not been mixed before, because the patterns of currents have changed. Of course, there is also human activity where we are mixing ecosystems in a profound way, simply because of ship-borne traffic if nothing else. The impact of that on local ecosystems has been quite profound. I will try to summarise what I guess both of us have been saying. There is a static view of the oceans as the oceans that we have always known. Do we understand them? The answer is
we do to a large degree, but in some detail, particularly in regard to fisheries, our
understanding is not as good as it might be. There is another big question: do we understand
the way in which the oceans, even now, are changing? How far might it go and what might
the consequences of that be? That is a very, very difficult question indeed.

Q93 Baroness Byford: Who is taking the lead? Who is doing what on these issues?
Clearly, some are in the private domain, are they not? Some are with groups like CEFAS.
There, you have obviously got a master data register. Can anybody tap in? Who is the lead
person? Is it done globally? In the EU, who leads on that and how is it done?

Professor Rogers: In the UK, the clear lead for data co-ordination is MEDIN—the Marine
Environmental Data and Information Network. It is part of the NERC. 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. They will then, through the
MEDIN data portal, provide access to the data. CEFAS has a project in hand, which you are
familiar with, which is collating our own data, sorting out legacy data and putting in place a
programme for the future, to avoid future legacy problems. All of that data is 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. At that wider European level, there are
formal databases collecting data under particular themes, such as fisheries and contaminants.
Ultimately, EMODnet, which I mentioned earlier, will be a European equivalent of MEDIN. It
will have Europe-wide standards and Europe-wide access to information about data, which
ultimately will lead back to the member state and to the institute that was responsible for
collecting it.

Baroness Byford: If I look at it from a political point of view, is it the European
Commission or the European Parliament that defines what use we can make of it? Is it
scientists who decide among themselves where the lead will take them?
Professor Rogers: EMODnet is an initiative of DG MARE in the Commission. It is put together in order to provide access to data that are required to show the member states have achieved various outcomes of the directive. So, the marine directive requires member states to achieve a whole set of indicators and targets, and achievement of those targets will be judged using the data that are available to all.

Q94 Baroness Byford: Right. I will now turn to the other professor. We were talking earlier about pollution of the seas; obviously, the warming of the seas will have a difference. How do you see this knowledge and information being of help to the work that you do? I do not quite see the line of management, if you like. It has been described to me. On a political front, it is somebody deciding, “That is the biggest problem. That is one that we ought to put more energy into.” You are getting so much information coming through on the scientific side.

Professor Boulton: If we try to describe the data universe, it is a very complex one. It is best to think in terms of the totality of operational scientific data and the like. If one does that, then one sees that there are national and international bodies that have particular responsibilities; they are bodies such as the ones that we have just mentioned in the European context. On the other hand, there are also national and international laboratories that decide that measuring something that nobody has thought of measuring before would be worth doing. There are many areas—and we spoke about some this morning—where there are new phenomena and where there is no historical data record. So the data universe that you might want to use is very complicated. There are bodies that have been collecting marine data for 100 years, and other bodies that have been doing it for no more than a decade. Some of that data is owned by informal, academic and industry groupings. Some of it is owned by international bodies. All of it, in a sense, is relevant. One of the great thrusts at the moment in science, both in basic science and its application areas, is to ensure that that
data universe is as accessible as possible, literally at the push of a button. The phenomena that we are dealing with are complex and we need to get information from a variety of sources.

We have new ways of collecting and exploring data that were never available before. One of the great problems is getting data that is interoperable, so that I can take data from one database, put it together with data from another database, and use it together. One of the criticisms, particularly of historical databases, is that they are set up in such a way that you cannot operate them from another source. For example, a database that I am very familiar with, which is to do with glaciers, has something called “annual mass balance”. Someone who is concerned about the way in which the atmosphere works might want to know what that data is, but all they have is my peculiar description of what it is. Creating ontologies that describe what all this data means is a vital step if we are going to utilise data from different sources.

The whole business of international data management, frankly, is crucial if we are going to address some of these big problems, which are not just national problems; they are international problems. Indeed, there is a body, which is arguably the governing body for international science, which has a data section. I say that because I am President. We are trying to ensure that data is internationally interoperable; in other words, anybody, anywhere, can use it. What is beginning to happen is 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 data than there is by holding it close to your chest.

The world of data is changing. If you were to produce a report, and if you were to say something to the effect that this is a wholly good thing to do, then that would add to the pressure to move in this direction. These problems are global problems. Unless we are able
to utilise all the information that we have, all you will be faced with is are the rather unsatisfactory answers that you heard from the two of us earlier in this session.

Baroness Byford: I did not mean it in that way. It is enormously helpful. In the old days, some of the organisations were very protective of information that they had. That clearly does not help the overall whole. I am quite encouraged by your last response and I thank you for it.

Q95 Baroness Howarth of Breckland: If we achieve the integration of data, which is a big enough problem in itself, looking from the social science bit of your institute, when the problems are identified, how do you get into the movement to try to do something about the issues that are often global issues? Will local co-operation help, or is that just—I should not say “a drop in the ocean” this morning—a small part of this huge, global problem that we have? We are going to make recommendations. Where is the sense of direction that we have to move towards?

Professor Boulton: If I have understood your question, it is about how the local and regional fit into the global. It is a very difficult question to answer. If one takes the European setting, the European Union, European Commission and bodies that think of themselves as Europe tend to think of collaboration quite readily and easily. There are many European databases that have developed as a consequence of that and the Commission is responsible for the support of many of them. That is a good thing. The problem really is that many of these issues are global issues; they are not merely European issues. How do we encourage the rest of the world to take a similar view of the acquisition of data—that it is crucially important in understanding the world we live in? Then, how do we get it to interoperate so I can utilise data from, let us say, the Sea of Japan and compare it with the North Sea? All those problems are problems that are currently being addressed. Increasingly, Governments—and the UK Government has taken a bit of a lead in this—are recognising
that it is in their national self-interest to share data with other national bodies, and indeed to support international bodies that are involved in the accumulation of data sharing as a habit. We are moving in the right direction.

In relation to social sciences, of course, many of the social sciences have been well ahead in this domain. There are now long series of social science data about educational achievement and the like, which have been accumulating for many years. The medical domain and the biomedical domain have tremendous databases. I would say that in the UK, for example, the work of the Social Sciences Research Council is a country mile ahead.

**Baroness Howarth of Breckland:** I was thinking not only of data. Once you have got the data, you identify the problem and you see that there is some action needed, how does that move forward?

**Professor Boulton:** You do not leap from data to action. The question “What does the data mean?” is not self-evident. Simply because two phenomena seem to be moving in parallel, it does not mean that one causes the other—that is obvious and trite, no doubt. One of the difficulties that has arisen in recent years is that there has been an argument that the old paradigm of science—of a thesis, an argument, an experiment, a test—is not necessary any more in a data-rich world and that we do not need the theories that science has majored in the past. All we need to do is have the data, and then we will be able to say how things are. I think that is a bit on the naive side. There is a substantial international movement trying to address these problems. The Royal Society will shortly undertake a major study, trying to understand the inherent logic that underlies these arguments about whether data will do it or whether we still need the old paradigm of theory and experiment.

**Lord Cunningham of Felling:** You are really saying that we need to try to understand what we know.
Professor Boulton: It depends what you mean by “what we know”. If you say, “I know that my grandson has just about learnt to climb upstairs”, I know that. If the question is, “How does he do it?” I have not got the slightest idea and not many people do. Why does he do it? I can probably answer that one.

Lord Cunningham of Felling: If we have all this rapidly accumulating data, which you have just been referring to, surely one of the fundamental priorities will be to make sure that we understand what we know from the data.

Professor Boulton: I agree entirely.

Lord Cunningham of Felling: Are you satisfied that that is a concept that is gaining momentum?

Professor Boulton: Absolutely, but there are some severe problems. One of the problems is that we have historically this view of the role of theory; you annunciate a theory, you do an experiment to test it or you explore some data to see whether it fits. It does not seem to work quite so well. I apologise for taking your time up but, for example, I have a rather clever researcher who is a mathematician and I asked her to look at three theories to explain some data. The three theories are quite mutually incompatible, but what she was able to demonstrate is that the data supported all three of them. What that means is that the data was not being appropriately interrogated.

What tends to happen is that we have an enormous mass of data and we say, “There is the signal and there is the noise”. In fact, all of it is information; it is just that we understand what the signal is about and we do not understand the noise. What tends to happen is that we are very partial in the way we use data to test scientific theories. Increasingly, we are now beginning to realise that we are misusing data in absolutely fundamental ways. In science, we are just not using it properly, and we are not using it properly because our logic is a corrupt logic. A lot of soul-searching is going on in the scientific community at the
moment about how we can utilise complex data without doing it a disservice and without fundamentally misinterpreting it.

**Lord Whitty:** Is that essentially a problem of scientific methodology, or is it a problem that the institutions that are engaged in the science and the remits that are given, whether publicly or by industry-funded organisations, are missing the point?

**Professor Boulton:** It is a fundamental problem of science, I think. I will try to give you an example.

**The Chairman:** Quite briefly, if you would.

**Professor Boulton:** A brief one might be difficult. It is a fundamental scientific problem. We are probably missing the point as well, but actually there is a real problem that is being grappled with. Sorry; I could have gone into lecture mode at that point.

**The Chairman:** I am sure that we would have appreciated it, but the next session may not have been quite so pleased.

**Q96 Lord Plumb:** It is absolutely clear that co-operation is the key to future development. You have said that there is a great degree of co-operation, including in the European Union. Of course, there is the funding part of some of the research that is currently taking place. We have three questions, which I am quite sure you have already seen. How helpful is the OSPAR science agenda to the development? I recognise what you said earlier: that this all has to be seen on a global scale. If you see it on a global scale, what part does that play? How does the science community seek to avoid duplication from so many bodies, all with perhaps varying degrees of ideas? What experience do you have in dealing both with the public and the private sector in this sense? Those are the areas of concern to us, as we see the importance of co-operation.

**Professor Rogers:** As I mentioned, we see OSPAR and the role of contracting parties in OSPAR as critical to delivering objectives for regional seas. The marine directive requires all
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member states to achieve good environmental status, but at regional sea level, not at member state level. Co-operation is obligatory to make this work. The OSPAR strategy is a useful way of brigading science tasks that have been discussed, debated and agreed on by all contracting parties. It acts as focal point for national science-funding bodies to see what the priorities are at regional sea scale. Those priorities will be slightly different from national priorities, almost self-evidently so. But the strategy allows us to look at those and select areas for future work. That works well from an OSPAR point of view. The other way in which we have experience of international co-operation is through ICES, the International Council for the Exploration of the Sea, which is a science body. At OSPAR, members represent their contracting party. At ICES members represent their technical specialism— their skill or area of science. It is an independent source of science advice to the Commission, to OSPAR and to others, traditionally on fisheries but now branching out into a broad range of ecosystem considerations. Those two mechanisms are central to how Europe progresses applied science and solves some of these problems. There are ways in which around those two core areas collaboration extends very broadly. The EU funds a range of technical development projects, R&D projects, and national bodies have programmes to brigade their own monitoring activity and do routine assessments of the status of their seas. The UK has one of those in the United Kingdom Marine Monitoring and Assessment Strategy Charting Progress 2, which is our state of the seas report, produced through collaboration across a broad range of organisations, institutes, NGOs and so on.

**Lord Plumb:** You mentioned the Joint Programming Initiative Healthy and Productive Seas and Oceans, involving 21 countries. Is that 21 out of 28? In other words, are the 21 countries part of the EU?

**Professor Rogers:** Yes.

**Lord Plumb:** They all are. Why not the other seven?
Professor Rogers: Perhaps it is because they have no marine interest.

Professor Boulton: I have nothing to add to that, apart from the interesting comment that JB Priestley, I remember, wrote an essay entitled “Maritime Bohemia”.

Q97 The Chairman: Finally, could you say anything about the UK’s Marine Science Coordination Committee?

Professor Rogers: Yes. The MSCC has two main roles. One of them is to deliver the UK marine science strategy, which has been published and identifies key tasks for UK marine science around understanding the function of the sea and looking at some of the services that are generated by the marine environment, and looking particularly at the effects of climate change on communities. The MSCC is responsible for oversight of the delivery of that 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. It focuses work on some of the data issues that we have spoken about this morning, key areas of science and delivering national obligations. It works also with industrial sectors and marine sectors, delivering some of the blue growth obligations, and is led through the BIS Marine Industries Leadership Council.

The Chairman: Is it working?

Professor Rogers: Yes, it is. It has a strategic implementation plan, which be published very shortly, and is taking forward the recommendations within that over the next couple of years.

Professor Boulton: Its primary concern and activity are to explore the links between science and policy. It does not try to co-ordinate the science as such. That would be difficult, largely because there are so many new areas of science and new ways of dealing with old questions. Provided that there are no large gaps that we ought to fill in the UK in attempting
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to answer scientific questions, which is an important issue, I think experience suggests that it is better to let the science community just rush ahead. Of course, they are very good at learning from international activities and contributing to them. Provided that there is a pervious boundary between the science community that is actively doing new science and that community attempting to integrate scientific understanding with policy, then I think that is a good separation. The last thing you want to do is have free-ranging science controlled within a very fixed framework. Of course, for many of us that is a slight problem at the moment in any case because, under economic circumstances such as the ones we believe we are currently in, there is a tendency to want to control the scientific agenda and direct it in certain directions. That might be self-defeating, but that is a bit of propaganda.

The Chairman: Thank you. On that note, I will bring this session to a close. Thank you both for your clear and thoughtful responses, which have provoked a number of supplementaries from members, so thank you very much for that.
Constitution of Scottish Local Authorities (COSLA)—Written Evidence

The **Convention of Scottish Local Authorities (COSLA)** is the representative voice of all Scottish Local Authorities both nationally and internationally and it has long been advocating strong, consistent EU Territorial Cohesion policies in which local communities are given the means to prosper and where the partnership principle, whereby Local Authorities are fully involved in the design and implementation of the programmes, is fully applied.

COSLA, together with our Councils and European consortia has been undertaking a detailed policy scoping on the potential added value for Scotland of the new macro-regions approach, which culminated in a politically agreed position agreed on 3 September 2010. The present submission builds on that position as it takes stock of developments that have taken since, notably the launch of the EU Atlantic Strategy and its Action Plan, the INTERREG Territorial Cooperation Programmes 2014-2020, the North Sea Preparatory Action, the Blue Growth Proposals and Marine Spatial Planning legislation.

Indeed originally it our political engagement focused on the preparations for a North Sea strategy, notably via the engagement of our then Vice President Cllr McChord in the Committee of the Regions North Sea Intergroup and the Kuhn Opinion (CdR 99/2010). However it eventually was the Atlantic under the initiative of the Spanish EU Presidency where a macro-regional sea basin strategy would be first developed after the seminal example of the Baltic Sea Strategy.

We welcome the opportunity to contribute to this House of Lords European Union Committee inquiry. Our responses below touch upon most of the five questions raised.

**Main messages:**

Scottish Local Authorities have competences in spatial planning, although this power does not extend to the seabed.

Coastal management does have implications for the inland/inshore planning let alone for the wider local economic development of which councils have clear powers.

On that basis we would caution against undue expansion of EU powers in this policy area. The EU Marine policy should be pursued only where it adds value and where it clearly respects subsidiarity.

At the same time, there is recognition that organisation of the maritime space at a continental, or sea basin level (such as oil installations and traffic lanes in the North Sea) makes sense hence they would be keen on a soft approach as much as possible.

In Scotland, the 2010 Marine Acts are an excellent example of multi-level governance with Central and Devolved governments legislating from their sphere of competence in an area that is naturally complex and with complex interrelations. The EU level should build on that.
Scottish Councils stress the need for any current or future strategy moving forward must be accompanied by direct representation of Scottish local government representatives in the main governance structures. The same of course applies for the other countries and regions concerned.

Currently there is “local and regional representative” at the Atlantic Forum appointed by the Committee of the Region, however fruitful past cooperation has been, is clearly not enough for such a relevant matter directly affecting Scottish Councils.

Indeed these macro-regional strategies and other forms of marine cooperation moving forward need to reflect more explicitly the principle of Multi-Level Governance. Indeed any new EU initiative can translate to the EU marine policy the European Code of Conduct on Partnership which as a delegated act is a statutory instrument is already in force to enable the EU, central and local governments to design and implement the European Structural Funds. (Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership)

There is a need for a more robust synchronisation between the EU Marine Policy (led by the Marine Affairs Directorate-General) and other EU Policy areas notably the Regional Policy Directorate General that continues being “chef the file” on Macro Regional Strategies.

On that basis it is welcome that both the Partnership Agreement that each Member State is required to submit to the Commission detailing its investment plans for the European Structural and Investment Funds also includes provisions for synergies with the relevant macro-regional strategies, including sea strategies and other forms of EU marine cooperation.

This linkage between the strategy and other EU policies and strategies is welcome. However it is a belated effort rather than forming part of the original policy design. For instance the linkage with the Atlantic Strategy and its Action Plan with the specific investment plans INTERREG North-West Europe Territorial Cooperation programme 2014-2020 was partly the result of lack of any other substantive EU financial resources to deliver the strategy than a policy design thought through from the outset.

Therefore provide that more synergies and coordination is achieved between different EU Policies and departments and that the EU respects the subsidiarity principle by focusing on areas where the EU has genuine competence and added value, the macro-regional strategies can play a positive role in bringing together national, regional and local authorities for better coordinating their policies along a shared seabed sea bed.

Finally there is a need to clarify which aspects of the cooperation activities taking place in the North Sea basin can be undertaken already under the cover of the EU Atlantic Strategy, notwithstanding the ongoing preparatory action that might eventually lead to a North Sea Strategy being set up.

**Detail**

Local Authorities in Scotland are keen to ensure that new arrangements in a macro-regional strategy do not create new structures and that any new cooperation arrangements do not interfere with the delivery of local/regional priorities but rather, enhance the role that the
established public bodies or cooperation structures (such as the North Sea Commission, Atlantic Arc, etc.) have by bridging any gaps in addressing common concerns that might exist at the moment.

A strategy, be for the North Sea or the Atlantic area, could instead focus on co-ordinating the plethora of existing policies and funds to make their delivery more effective and efficient, while also taking into account the territorial specificities of the area.

It is important to ensure that in spite of the scale of any macro-regional strategies, its development and delivery should be also undertaken at a local and regional level rather than by Member State governments and their agencies. The Scottish Devolution settlement needs to be taken into account from the outset.

To be specific, if both the present Atlantic Strategy and in an eventual North Sea strategy Scotland as a country and the concerned Local Authorities would need to be involved in the development of both of them.

If these two strategies were to be set up this would require a careful demarcation of responsibilities and priorities both between strategies but also as regards to the relationships between the local priorities and the national objectives. We are keen to stress that this particular situation would mean that national priorities do not automatically take the precedence over local priorities; instead it will be important that councils have direct engagement in developing and implementing these strategies, and ensuring that these tie in with local priorities.

For Local Government the bottom-line is to ensure that a Macro-Regional strategy does not reduce our scope for action, let alone our statutory powers but by contrast allow us to address issues that go beyond our geographical and policy scope.

Macro-Regional strategies and other forms of EU regional marine cooperation would need to work under a Multi-Level Governance Structures involving EU, Member State, Devolved and local authorities according to their existing roles and powers for it to provide real added value.

The geographical aspect also concerns how far inland the Strategy should cover: rather than predetermining top down in maps how inland the area should go, we advocate an evidence-based assessment: once the policy issues in which the Strategy should focus on have been settled, it will be possible to define which areas are more directly linked or affected by them. However, a crucial point is to avoid drawing abstract lines in maps (as it is currently the case with the Eurostat NUTS III boundaries) and to use Local Authority boundaries wherever possible to ensure clarity and legal certainty.

On funding we note the European Commission “three no’s” (no new funding, no new legal instruments and no new structures”). At an initial stage, this could even be a healthy starting point as to focus minds of trying to identify the common problems and the possible ways of working together. However as this initial stage has been reached, inevitably the question of additional EU funding has arisen.

There is scope to build on INTERREG and it is welcome that this is now recognised and encouraged in the operational programmes now being finalised. Equally the EU Structural
and Investment Funds do play a crucial role as required by the template that the Commission has prepared for the Member States to prepare their Partnership Agreements 2014-2020. Likewise it only makes sense that all other EU policy areas and funds having an impact in a given marine space are brought together and cross referenced by a relevant macro-regional strategy or an equivalent instrument achieving that same effect.

In this regard it is important to stress the need to distinguish potential EU support for macro-regions as distinct to the discussions towards the 2017 Mid-Term review of EU funding for the Cohesion and Convergence regions, let alone as a compensation for losing funding on the former.

Specific themes on Marine Cooperation:

**Sustainable Development:** The Atlantic (pretty much as the North Sea) is a very complex and sensitive ecosystem while its transport links and economic activities are very dense. It only makes sense to develop an overall strategy that tries to bring together the environmental and socio-economic dimensions as well as the relevant EU, national and local actors. Co-ordination across boundaries and sectors will be required to implement emerging legislation such as the Marine Strategy Framework Directive, which requires ‘good environmental status’ for the North Sea by 2020.

**Maritime Spatial Planning:** The need for Maritime Spatial Planning (MSP) and comprehensive resource management something to consider, although its need is less pressing than in the North Sea. However we want to stress that we are not proposing undermining existing national and local planning powers, but to coordinate them better. 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.

**Economic Development:** Atlantic and North Sea ports are important hubs for the export/import of goods and to provide access to business locations in Europe’s hinterland, stimulating economic development in the area. There is great scope for sector specific joint collaboration to develop supply-chains covering the whole to maximise new business opportunities and identify new markets and efficiencies.

**Connectivity:** For Scotland the issue of sea links, as evidenced when the Rosyth Ferry was discontinued, are of paramount importance. The revision of the Trans-European Networks and the “Motorways of the Sea” were indeed a missed opportunity. Other specific issues that are raised here such as the development of maritime hubs, sustainable ports or the potential for R&D in maritime design could be also considered.

**Climate Change:** In the push towards a low carbon society, Scotland has significant challenges in order to achieve our own targets included in the Scottish Climate Act and its very ambitious implementing measures which will directly affect Local Authorities. The Act contains a statutory target of net emissions reduction by at least 80% by 2050 lower than the 1990 baseline with an interim target of 42% already in 2020. Much can be learned from those regions from neighbouring countries which are generally more advanced in the following (non-exhaustive) areas: green public procurement, low carbon building techniques and technology, and energy efficiency in manufacturing and design.
However the key issue is how to ensure that each of our domestic climate adaptation measures work hand in hand and with the EU overall targets. A new sea-based strategy could help in identifying transnational climate impacts and collaborative adaptive solutions as a horizontal theme.

**Energy:** Scotland is leading in setting up commercial installations in offshore marine energy, as shown by the recent authorisation for several wave energy plants around the Orkney Islands and also off the west coast too. The Scottish Climate Change Act aims to generate 50 per cent of Scotland’s electricity from renewable sources by 2020 (~8 gigawatts) with an interim target of 31 per cent by 2011 (~5 gigawatts), and 20 per cent of Scotland’s total energy use to come from renewables by 2020. Similarly the North Sea Supergrid is considered a key aspect in the Scottish renewable energy strategy, and therefore we EU support on its development is welcome. Another crucial element should be to ensure grid address, particularly to prevent that Scotland geographical location vis-à-vis the main energy markets penalises its grid access.

**Culture and Tourism:** As with the research and education, there is scope for integrated projects. One issue that is of particular interest is that the similarities of Scotland with the “Celtic fringe” area of Western Europe including Brittany and reaching as far as Galicia. Scotland old links with France the UK links with Portugal (particularly via its two major cities and ports, Lisbon and Porto) are well known. Historical connections developed through trade and ferry links between Santander and Bilbao with very similar UK cities such as Glasgow, Cardiff, Plymouth and Liverpool stretch back from the times of the industrial revolution.

Serafin Pazos-Vidal
COSLA
Evidence Session No. 6 Heard in Public Questions 73 - 83

WEDNESDAY 26 NOVEMBER 2014

11.05 am

Witnesses: Dr Dickon Howell, Susan Kidd and Dermot Grimson

Members present

Lord Bowness (Chairman)
Baroness Howarth of Breckland
Lord Plumb
Lord Trees
Lord Williams of Elvel

Examination of Witnesses

Dr Dickon Howell, Acting Director of Marine Development, Marine Management Organisation, Susan Kidd, Marine Planning Manager, the Crown Estate, and Dermot Grimson, Head of Strategy and Policy, the Crown Estate

Q73 The Chairman: Good morning. Thank you very much indeed for coming to give evidence to this sub-committee in connection with our inquiry on European Union regional marine co-operation. First, I offer you the Chairman’s apologies and the apologies of other Members, as I am afraid we are a little thin on the ground this morning because of two full diaries, for which I apologise. Nevertheless, those of us who are here will do our best to cover all the areas that we have already given you notice of. Also, for the record, I remind you that this is a formal evidence-taking session of the Committee. A shorthand note is being taken, which goes on the public record in printed form and on the parliamentary
website. You will receive a copy of that and be able to revise it for any minor errors. Nevertheless, this is on the record and being webcast, and will be accessible from the website in due course. Lastly, you have been told of our interests as in the register, and any Members present asking questions will declare their relevant interests when they first speak. Perhaps I can ask you in turn, again for the record, to introduce yourselves briefly: your name, your organisation and the position that you hold in that organisation. At the same time, perhaps it would be useful, without making an opening statement, if you could just indicate the difference in terms of jurisdiction and function between the Marine Management Organisation and the Crown Estate. Who would like to start? Mr Grimson.

**Dermot Grimson:** Good morning, and thanks very much for inviting us along to this. My name is Dermot Grimson, and I am head of strategy for the energy and infrastructure part of the Crown Estate, which essentially deals with offshore energy, cables and pipelines. I will not start with William the Conqueror in summarising the Crown Estate, do not worry. It is a public body but not a government department. We operate under the 1961 Act, which set up our commercial remit. In the case of energy and infrastructure, that essentially is about enabling and trying to attract investment to offshore assets in the UK, focusing particularly on low-carbon energy. All our revenue goes to the Treasury on an annual basis. Describing us in relation to the MMO, I would say that we are a market participant. We are not a policymaker and we are not a regulator; we act as a landowner, which enables us to take a fairly long-term view, which is especially important in the low-carbon offshore industry.

**The Chairman:** Thank you very much.

**Susan Kidd:** Shall I go next?

**The Chairman:** If you do not mind, yes, so that we take the Crown Estate together.

**Susan Kidd:** My name is Susan Kidd. I am marine planning manager at the Crown Estate, so I work in the strategy and policy team that Dermot mentioned.
Dr Dickon Howell: My name is Dickon Howell. I am acting director of marine development at the Marine Management Organisation. The MMO is a much younger organisation than the Crown Estate. We were vested in 2010 following the Marine and Coastal Access Act, which came into force in 2009. We are a non-departmental public body and are relatively unique in that we have four government sponsors—DfT, DCLG, DECC and Defra, which is our lead sponsor. In many ways, that reflects our main duty, which is to contribute to the achievement of sustainable development in the marine area. We are effectively the main marine regulator in England. Our jurisdiction goes from the high tide mark out to pretty much the edge of our exclusive economic zone, which in the North Sea is the median line between us and our European counterparts.

Very briefly, we have six main responsibilities. We are charged with the delivery of marine spatial planning in England and the licensing of marine activities in England, which essentially includes all deposits and removals—which, as I am sure you can imagine, covers a lot of things—apart from oil and gas and nationally significant infrastructure projects, although we are the enforcement body for nationally significant infrastructure projects. We are also responsible for the management of marine conservation—importantly here, not for the designation of marine protected areas but for the management of them once they are designated. We are also responsible for fisheries management—we manage quotas for the UK on behalf of Defra and license the English fleet. Slightly apart from that, we are the managing authority for the European Maritime Fisheries Fund, as it will be, coming forward in the next financial year. We administer that scheme for England. On top of all that, we are responsible for the enforcement of all those activities in our marine space. I hope that gives you a bit of an idea. We have a very complex and broad remit, and 297 staff, so we are a small organisation delivering in a very complex space, with a focus on England. The other thing I would just like to say is that we are a non-departmental public body, so I will answer
questions relating to our delivery remit. There may be some things that touch on policy
which are more appropriate for our responsible departments to answer, if that is okay.

Q74 The Chairman: Thank you very much. I will start the questioning then. We of
course have had information about blue growth and the long-term strategy to support
sustainable growth, as well as figures about the number of jobs which the blue economy
represents across the European Union and its gross added value. Can you perhaps, however,
look at the UK and tell us what role the blue economy plays here? Are we harnessing the full
potential in terms of jobs and wider economic growth? If you do not think so, why are we
not and what could we do to change this? What could be done to boost the sectors that
have been identified by the European Commission as having a high potential for growth, such
as aquaculture, renewable energy, mineral resources, biotechnology and coastal marine
tourism? I am sure you are very familiar with all of those—more familiar than I am, certainly.
Do you think that the European Commission has a role? Is there a need for further advice
from the Commission as to how the blue growth agenda could be realised, maybe through
regional co-operation?

Dr Dickon Howell: My answer might be relatively short, because blue growth is an area of
policy development that is partly being looked at by BIS, the DfT and Defra. I believe that
you have Defra coming to give you evidence over the next week or so. Coming from a
delivery body, it is difficult for me to pass any comment on whether we think that policy is
successful or not.

Baroness Howarth of Breckland: For some reason the sound is not carrying very clearly
across.

Dr Dickon Howell: Do you want me to speak up?

The Chairman: Before we ask the witnesses to do anything, is there something we can do?
I seem to have a bit of feedback ringing in my ears.
Dr Dickon Howell: Shall I start again?

The Chairman: If you could.

Dr Dickon Howell: 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. That question would be better suited to one of our sponsor departments, such as DfT or Defra, or for BIS. We of course recognise the potential for sustainable growth in the marine and maritime sectors and take this into account during consideration of our work, not just through our legislative requirements but also in the assessment methods that we have for both planning and licensing.

Dermot Grimson: Just to add to that, I will give an example. We announced a major offshore wind leasing round in 2008. As part of that process, we ran a series of supply-chain events, aimed particularly at small enterprises, not just the tier 1 enterprises. We undertook a total of 15 events, right across the UK. We worked very closely with UKTI, because some of the companies and some of the interest came from international companies. We also worked very closely with BIS and DECC, and with Scottish Enterprise in Scotland. We were very pleased with and encouraged by the support that we got from central government departments. We know that they have carried on that work in the mean time, particularly with the supply chain industries and particularly up the east coast of England.

The Chairman: May I perhaps just press you on how important the blue economy is to the UK and this question of whether there is a further role for the European Commission in all this? Or do you feel those are policy issues which fall to government departments?

Dr Dickon Howell: I could pass some further comment on that if that would be useful. On the blue economy, I think there are some generally accepted figures that the marine industry is worth £40 billion to the UK economy. So it is obviously important to our economy. In terms of co-operation with Europe, we are already co-operating very fully with Europe
across our delivery functions, both in the delivery of the first marine plans in England, which were accepted in April 2014, and in the individual licensing work that we do on projects that affect other member states. From our point of view, the mechanisms that are out there and the direction that is set by the maritime spatial planning directive provides us with a level of co-operation that is satisfactory for what we need.

Susan Kidd: The only thing I would add is that the growth agenda suggests that there is an opportunity for further growth in the maritime sectors and that marine planning is the right mechanism to help achieve that. We are working quite closely with the marine planning authorities around the UK to help to deliver those objectives. But again, when it comes down to how those objectives are prioritised, that is a matter for the UK Government.

The Chairman: This may sound like a silly question, but when you are preparing the plans, do you have in mind the question of growth in all these various sectors? Presumably you do.

Dr Dickon Howell: The aim of the plan is to further sustainable development, so it will look at economic, environmental and social factors. You will see in the East Marine Plans—which we can provide you with out of Committee—that there are policies focused on growth, on environmental protection and on furthering society. It is the challenge, I guess, of a planning authority to put in place a plan that provides proper integrated and sustainable development for our marine area.

The Chairman: Thank you. Lord Plumb.

Q75 Lord Plumb: I think you have already told us that the long-term aim of blue growth is sustainability, which takes environmental issues into account. We are beginning to realise from the evidence that we have taken so far that there are a vast amount of environmental issues that are of concern, criss-crossing oceans and so on. That in itself means, of course, that there are protected areas, which play a role, as do marine plans, which are co-ordinated by the MMO. The NGOs also have a role to play. How do they play their role in that? Wind
farms and cables—all these things—matter. I think I said in a previous session that this all sounds a bit like HS2: when you start crossing the oceans it is like crossing the land and there are various obstacles, or what are seen to be obstacles, in the way. Where and what are the areas of tension that may exist, or which you see, in the way ahead between blue growth and marine conservation? Secondly, if I can ask the two questions together that we sent to you, what role do you play in ensuring that the licences and the plans you coordinate are used sustainably, with due regard to the marine environment?

**Dr Dickon Howell:** I will take that first. From our point of view, blue growth and marine sustainability are not mutually exclusive. Blue growth is about sustainable development. When we are looking at marine planning, we are effectively delivering government policy and using that government policy to frame some of the difficult challenges that we have out there. Most of those are around industries wanting to use the same space. There is no doubt that there are various industries that want to be in the same space where that would be mutually exclusive, and they cannot be in the same space together, but I would say that the majority of industries can exist together in some form or another. There are two things here. There is the marine spatial plan itself, which sets out a framework for industry, provides certainty about where government policy is suggesting that industry should go and highlights both the existing evidence base and things such as marine protected areas. That is the plan as a product. There is also the process of planning, which is very important in resolving conflict. When we were planning in the east, we had 350 meetings with industry. Getting those people in the same room to discuss the way that they operate and the conflicts that might exist within the framework of developing and creating the plan has been incredibly useful. Into that mix, you throw marine protected areas. If you look at European policy, marine protected areas and the marine strategy framework directive are the environmental pillars of an integrated maritime policy and should therefore represent, within
that integrated maritime policy, where marine conservation and environmental protection is the most sustainable option for us to reach our overall policy aims.

When we are delivering that on the ground, regulating, planning—I have already talked a bit about the planning process—and looking at licence applications coming forward, we work within a very clear regulatory framework, which is set out in both the Marine and Coastal Access Act and various European directives such as the environmental impact assessment directive and the habitats and birds directives. Those set out very clearly for the people that we regulate how we take marine conservation into consideration and provide that certainty upfront for them.

_Susan Kidd_: I will expand on our activities where we are looking at leasing of the seabed. There are three main areas that we would look at to help manage the issues around marine conservation and the issues with potential activities. Those are early engagement with the planning authorities, as the appropriate regulators and plan makers, and encouraging robust pre-application engagement between proponents and developers and the environmental regulators. The third area is the more informal stakeholder engagement process that we are doing off the back of the leasing process. We will actually go and talk to stakeholders at an early stage in relation to any concerns that they may have about various activities we are undertaking on the seabed.

_Lord Plumb_: May I just follow that, Lord Chairman? I was interested in particular in what you said about the integration between people and bodies in other countries. I assume that you have very regular contact with various organisations similar to your own in other countries. It is difficult enough to co-ordinate these things within Europe. What about the rest of the world?

_Dr Dickon Howell_: I cannot really pass comment on that because we do not have any such contact.
Lord Plumb: But should you?

Dr Dickon Howell: No, because our remit goes from the high-tide mark in England out to our exclusive economic zone, so we only border other European countries. We have not had any requirement to contact any third party or third countries.

The Chairman: I wonder, Lord Williams, whether you would agree for me to ask Lady Howarth to take her question, which rather follows from this conversation.

Q76 Baroness Howarth of Breckland: Thank you very much. This follows from the questions that have already been asked. What you are presenting in your answer to Lord Plumb is a sort of picture of calm, light and co-operation which is not altogether what we have heard hitherto, so I thought it might be useful if I came in here and asked a little bit about the user tensions that we have heard about and how you think those can be managed. This Committee will end up with a report that makes recommendations to the European Union and to the Government, and you may want to say some things to us that need to be conveyed. Some of the users are certainly telling us that they want messages conveyed. For example, we have had fishermen come to talk to us about some of the tension that they feel between the wind farm developments—which I particularly wanted to ask about—and their geographical management of the seas, which they have had for many years. They feel that they may well be displaced by the development of wind farms. I just wondered how, from both your points of view, you saw that management. I will come on to energy separately and later, because it is a little different, but you must be dealing with these tensions all the time. Could you say a little more about the reality? I am getting the feeling from you that all is well, but that is not the way we have it. I would also press again this issue of the role of the NGOs. In Europe, some groups think that they are overrepresented in meetings compared to the role they have to play. I am not proposing a view, I am just giving you the evidence thus far. Can you just comment on all that?
Dermot Grimson: Susan can tell you in a bit more detail some of the interactions we have with the fishing industry. As general background, it is worth pointing out that in the early days, or the middle days, of the oil and gas industry offshore there were huge tensions between the fishing industry and the oil and gas industry. I used to work in the oil and gas industry, and the resolution, if you like, to those issues was when both sides saw that they had a mutual commercial advantage in working together. You have quoted that already. We are going through a similar period just now. There are many economic interests in the offshore environment. The offshore renewables industry is talking to the fishing industry, and they are also starting to talk about mutual economic benefits. Similarly, there are issues between the oil and gas industry offshore and the offshore renewables industry, but they are beginning to come together. For example, we can talk about sharing infrastructure and all sorts of support facilities.

It is very important to work on the economic benefits to both sides. It is the old Adam Smith adage: if there is a benefit on both sides, that can help to bring people together. There are bound to be differences of view as the North Sea gets busier, but Susan can perhaps talk a bit more about the interactions that we have with the fishing industry.

Susan Kidd: Yes, just to finish off that last point, in a defined space where multiple activities are going on, there is bound to be a degree of interaction between activities. That is why we are quite supportive of the marine planning process and of having a clear legislative framework that helps to deliver that in the UK.

In relation to specifics in fishing and offshore wind, a group called FLOWW has been set up—the Fishing Liaison with Offshore Wind and Wet Renewables Group. It was established in 2002 and has been brought together to help to foster good relations between those two industries, recognising that there is an interaction between them given the growth in renewables. Its objectives are to help facilitate discussion around those. Earlier this year, it
produced some best practice guidance for renewables developers in relation to liaison with the fishing industry. That is an example of where it has begun to work well, and we see our role as helping to facilitate that discussion so that the two parties can work together.

**Baroness Howarth of Breckland:** Could I just follow that up? In terms of spatial planning for the sea, we have the North Sea Regional Planning Group and there are other groups that we will come to. I just wondered how all these groups fit together to achieve a level of cooperation that everyone understands.

**Dr Dickon Howell:** If I may, I will pass comment on your original question. Of course I am not going to sit here and say that everyone gets on really well. My job would be very easy if they did. I guess that the point I am trying to make is that the regulatory framework that we use at the moment is very good at recognising those conflicts and at addressing them in a satisfactory way through the regulatory process. It is very rare that we get a complete stalemate during the regulatory process where we have two parties who find that they cannot find some kind of resolution. I am pleased to hear Dermot and Susan say that since the MMO has been in place we have a new marine licensing system and a new system of marine spatial planning. Those are hopefully providing developers and applicants with clarity about how the process works so that they can have certainty in how to resolve their conflicts.

Those conflicts can vary widely. We regulate a wide variety of industries, any combination of which might come into conflict with each other. Our aim is that we put in place the framework based on marine spatial planning and marine licensing and that we have the regulatory activities so that we can manage those conflicts in a reasonable manner. With the advent of the first marine plans—we are developing a second batch for the south at the moment—we are seeing great progress. Can you remind me of your second point?
Baroness Howarth of Breckland: I am going to leave that there for the moment because I think that Lord Williams will want to pursue more of the regulatory issues.

Q77 Lord Williams of Elvel: You have defined yourselves on the one hand as landlords and, on the other hand, as a regulatory agency. Do you talk to one another? How do you get on with each other, or do you maintain radio silence?

Dr Dickon Howell: We get on very, very well. We have very close working relationships. When the MMO was vested, we were very aware that the Crown Estate had been doing resource planning of its marine portfolio for a reasonable amount of time. It was very advanced in things like its geographic information systems and in the way in which it analysed data, albeit that it focused on the exploitation of the portfolio with regard to sustainable development and how it could get the most out of it. So we work very closely with the Crown.

The other point I would make is that we have two relationships with the Crown Estate. We obviously have a relationship with it as a public body—as the responsible landowners of our marine estate. We also have a relationship with it as a commercial entity. So when, for example, wind farm developers are coming through pre-application, often they will be supported by the Crown, and we will engage with them in the same way as we engage with any developer who comes to us pre-application. We will be as open and engaging as people want us to be. So I think that we have a very good relationship with the Crown.

Lord Williams of Elvel: Does the Crown Estate issue licences in any capacity?

Dermot Grimson: We issue leases, just like a landlord in an urban area.

Lord Williams of Elvel: Do you consult on the nature of these leases?

Dermot Grimson: Yes. We have wide consultation. Before doing a leasing round, for example, we would normally consult industry. We would certainly consult the MMO and its sister organisations in the other parts of the UK, as well as other interests such as fishing,
the NGOs and so on. I should say that our world has become a lot simpler and more straightforward since 2010, when the MMO was set up. It clarifies a very distinct relationship between the regulator, the statutory planner and the landlord. In exactly the same way, in central London we work with Westminster City Council when we are planning to do things in Regent Street. We feel that it clarifies our role and is very helpful, but it also gives greater clarity to the industry with regard to investing. We work closely with the MMO, and one reason we do so is that we are a market participant. We want to accelerate and de-risk developments taking place because we believe that that will attract investment.

It is worth pointing out that Ernst & Young does a global investment attractiveness survey on a quarterly basis. For offshore wind, the UK is number one in the world, just edging out Germany. One of the reasons for that is that there is an effective and clear regulatory and planning environment. That is quite important and it goes back to question 1: that is the investment that creates jobs.

**Q78 Lord Williams of Elvel:** Could I ask you another question about European regulation? Some people have said in evidence that there is a good deal of confusion and overlap between European regulations. Do you find various ones in conflict and, if so, how does that impede your activity?

**Dermot Grimson:** No, we do not find particular conflicts there. The European legislation, the directives, is then incorporated into the activities of the UK regulators. We find that pretty clear, actually, and it does not give us any problems. Do you want to add to that, Susan?

**Susan Kidd:** No, I think that that summarises it quite well.

**Lord Williams of Elvel:** Moving on from that, people have told us that there is a certain amount of incoherence in European maritime policy and that it needs to be pushed forward,
possibly by spatial planning, but leaving that aside for the moment, you do not see any incoherence—or, if there is, it does not worry you?

**Dermot Grimson:** There is bound to be a degree of incoherence, because each of the states around the North Sea, for example—where Norway is not a member of the European Union and has a significant interaction with the UK—have different priorities, different ways of doing things and different types of regulation. They will never all be the same. We see our job as trying to attract investment and trying to help industry, the companies, through that. We do not see it as hugely problematic. Particular issues come up, case by case, from time to time, such as in the offshore wind industry, where there is an international interface. Those are the things that need fixing, rather than having a strategy or vision, as referred to in these papers. We would rather see pragmatic fixes to problems that come up between different jurisdictions. We certainly do not expect the German priorities to be exactly the same as the UK priorities; it would be foolish to expect that.

**Lord Williams of Elvel:** Is your experience that where there are disagreements or conflicts with other jurisdictions, they are quite easily resolved?

**Dermot Grimson:** So far.

**Susan Kidd:** Dickon may want to expand on this, but in relation to planning and co-operation across member states, the marine special planning directive is specifically set out to promote regional co-operation between the states, to take consideration of transboundary impacts and to share knowledge and information at an early stage. The new directive should help to address that.

**Dr Dickon Howell:** I make just one further comment on that. In the regulatory process that we in the MMO deal with, all the European directives that have been taken into English regulation—such as the Environmental Impact Assessment Directive and the Habitats and Birds Directive—contain specific provision to coordinate with other member states. That
happens regularly in our licensing process. With marine spatial planning, for the east we had sessions with the Netherlands, Belgium, France: all the countries that we were coming up against. I can provide more information in writing if you would find that useful.

If I may, I shall read a very short extract from the Ministry of Infrastructure and the Environment of the Netherlands: “We would like to compliment the MMO on a very transparent process leading to a profound and evidence-based marine plan for the east inshore and offshore areas. We appreciate the various opportunities given to the Dutch Government to describe our interest and opinions during different stages in the planning process, starting already at a very early stage. Especially we appreciate the way in which you have involved both Governments and institutes as stakeholders in neighbouring countries”.

That is anecdotal evidence that the way we are working at the moment on marine spatial planning is in the spirit of the directive and that neighbouring countries seem to be fairly happy with it, as are we.

**The Chairman:** Thank you. I am sure that if you have any additional information, the Committee would be delighted to receive it. I ask just one question following on from Lord Williams’s question. You have talked about the UK and our priorities. Are there any differences in approach or problems between the devolved Administrations in Scotland and the rest of the country?

**Dr Dickon Howell:** From an MMO point of view, the way they have set up marine regulation in Scotland is different from the way we do it in England; and it is similarly different in Wales. In Scotland, they have kept the regulatory function inside government, so they have a department of the Scottish Government called Marine Scotland. They have not put it into an executive agency or non-departmental public body. Their approach is to produce an overall high-level national plan that reflects the marine policy statement at the highest level, and regional plans underneath that.
In Wales, they have done it slightly differently again, in that they have set up National Resource Wales, which has both advisory and regulatory functions within the one organisation so, effectively, they have taken the Environment Agency, the equivalent of Natural England, CCW, the Forestry Commission and the functions that we have in the MMO and put them all into one organisation. That launched this year, I think.

So there are differences. I have no view on whether they are better or not; they are just different and we work very closely with our devolved colleagues.

**Lord Trees**: One problem coming later is that you have answered a lot of the questions. I have marine spatial planning in front of me, but you have talked extensively about it. You said that we now have a marine spatial plan for the UK issued in April 2014?

**Dr Dickon Howell**: We have marine spatial plans for the east, so that runs from Felixstowe to Flamborough Head and out to the median line, so there are inshore and offshore plans. We are currently working on marine spatial plans for the south—from Folkestone to the River Dart. Essentially, we have broken the English marine area into 11 areas and are going around the coast bit by bit, so that by 2021 we will have marine spatial plans in place for the whole of the English marine area.

**Lord Trees**: You referred earlier to a new set of marine spatial plans; is that what you are alluding to?

**Dr Dickon Howell**: Yes.

**Q79 Lord Trees**: I would like you to think about what you suggest could be done better to co-ordinate marine spatial planning, integrating both the different parts of the United Kingdom, because we have all these borders in our marine territory between England and Wales and between Scotland and England, and with Europe—although you have given some examples in Europe. As well as integration with EU member states at the sea boundaries, which you have talked a bit about with our interaction with Holland, I am wondering about
integration and co-ordination of our landside and how the Crown Estate office deals with sewage outflows and other things that affect the marine environment. I am thinking about marine conservation, but there is a land planning element there.

Lastly, Dr Howell, you mentioned that you are responsible for enforcement. No matter what anyone suggests that we do in the EU or Westminster, it is not much use without enforcement. I am intrigued by how you actually enforce what you do.

So there are a few little things there. You have covered a lot of what was in the prepared questions, so I ask those additional questions.

**Susan Kidd:** From the Crown Estate’s perspective, these planning systems are operating around the UK but, as a UK body, we interface with all those. Our role is essentially the same in all: to provide knowledge, data, evidence and advice in that process consistently. I think that we have established good working relationships with all those planning authorities. In terms of co-ordination across planning, I again come back to the new maritime special planning directive and the minimum requirements that it sets out for land-sea interactions to manage the environmental, social, economic and safety aspects. When it comes to the question of activities and their impacts on the environment, again that is an issue for regulation. Those activities need to be licensed in accordance with the regulation, which is the role of the MMO and other bodies.

**Dr Dickon Howell:** I will take the co-ordination point first. I guess I would make the point that marine planning is quite young, and in the marine plans, we were developing a process as we went along and leading the way in the development of that process. Much of what we are doing is reflected in the Maritime Spatial Planning Directive, so it has been useful to have the first mover advantage. On what could be done better, I am not going to sit here and say that everything is perfect and nothing could be done better but our considered view is that at the current moment in time the way that we do things meets our needs. We do not feel
that we need anything above and beyond the way we currently operate, both in terms of our legislative requirements or making the plans easier to deliver. On your other two points, I will come back to the point about enforcement. On terrestrial planning, you are absolutely right. We recently went through the Red Tape Challenge, which is a Cabinet Office initiative, and the Focus on Enforcement on coastal development, which was a BIS initiative that looked at ways that regulation could be more effective in the marine space. One of the main things that they identified was that as regards the land-sea interface there are lots of different systems layered on top of each other. We have town and country planning, marine licensing, environmental permitting from the Environment Agency and various Natural England consents that sit on top of that. It is very complicated. We realise that to undertake legislative change to align all these things is a very difficult thing to do. I chaired a drafting group that had on it DCLG, DfT, Defra, the Environment Agency, the Local Government Association and Natural England. We have put in place a concordat on how local authorities should interact with government coastal regulators and advisers so that we do not have a situation where someone gets to the end of the terrestrial planning system and then finds that they have to go through the marine planning system from the beginning—which can happen. The concordat was launched in November last year and we are just doing the first review of it. I can send a copy of that to members of the committee if they are interested. On enforcement, you are right: we enforce across a wide variety of sectors and in lots of different ways. We are currently working towards a system of what is called outcome focused enforcement where the outcome that we are looking for is compliance, so we are looking to move towards a situation where we are not always going out there to try to catch people doing illegal activities. We have a system whereby the way that something is regulated and the way that we operate as a regulator means that their business as usual is compliant business as usual. It is the way that many regulators work in a terrestrial space.
can provide you with some additional information if that would be useful. I can get some of
my colleagues from that side of the business to put something together for you. I point you
to our compliance enforcement strategy which is on GOV.UK, is that is okay.

**Lord Trees:** If I may continue, Lord Chairman, we were discussing earlier controlling the
recreational fishing of a particular species. How could you enforce that? Is that your
responsibility? You said that the MMO regulates fisheries.

**Dr Dickon Howell:** It is my responsibility but my role is sitting over marine planning and
licensing. I can answer that question but I will need to take it to a colleague, if that is okay.

**Q80 Baroness Howarth of Breckland:** May I just go back a point that Keith mentioned
of a new organisation that was going to be set up to deal with co-ordination? I missed what
it was. You said something about a group that was going to be set up. Was it FLOWW?

**Susan Kidd:** That is an existing group: FLOWW, the Fishing Liaison with Offshore Wind and
Wet Renewables Group. I can send you some further information on that if that would be
helpful.

**Baroness Howarth of Breckland:** That is very interesting.

**The Chairman:** That would be a help, thank you.

**Baroness Howarth of Breckland:** I wondered how that fitted into OSPAR, the North
Sea Advisory Council and all these other organisations, some of which we have taken
evidence from and which are not as calm as you. You are beautifully calm and sanguine about
the whole thing. Other witnesses have been less calm and sanguine about. I just wonder how
you fit all these layers together and co-operate in an area where there is only a certain
amount of funding and where people are scrabbling for funding to run their organisations.
Do you come into conflict in that area?

**Dr Dickon Howell:** We can provide you with a whole list of different groups that have been
set up, which you probably have somewhere, with 100 acronyms, all meaning something
slightly different. You are right: it is a busy space. In the absence of direction from the centre, people will always set up individual groups and that is fine. Being a new organisation, over the last four years we have similarly moved into a space where we are the marine regulator and we answer to four different policy masters. There is a role for us in co-ordinating but there are a lot of groups out there which are working very effectively at the moment. If you want to make a distinction between the North Sea Commission, OSPAR and a group like FLOWW, or, indeed, a group that we chair, the Offshore Renewable Energy Licensing Group, which has industry representatives and some policy colleagues on it, and is about de-risking offshore wind, those groups are very much focused on delivery in England or in the UK—the UK waters, if our devolved colleagues are involved as well—whereas a group like OSPAR is more focused on the co-ordination of policy direction rather than the delivery that sits underneath it. So we already have that policy co-ordination mechanism.

OSPAR is very effective at that. That is reflected in the fact that the marine strategy framework directive uses OSPAR as the co-ordination mechanism. It works very well. Underneath that, you may have things that come out of OSPAR so that when you are looking at an individual project or an individual application you will come to some of these other more delivery-focused co-ordination groups who will say, “Okay, on the ground in England, how are we going to deal with this policy direction that is coming out of OSPAR that has had a UK Government policy input into it? What are the practical realities of delivering that?” So that is the distinction I would like to draw out.

**Susan Kidd:** To explain that further, the delivery function of those types of groups is around industry collaboration and developing best practice to address the policy requirements that exist.
The Chairman: We are going to move on in the interests of time, but if you feel there is anything that you have not been able to say to us about the relationship between all these organisations and yourselves, we would be glad to receive it.

Q81 Baroness Howarth of Breckland: For the record I would like to ask you about energy co-operation specifically. We know that the Crown Estate has a particular role in supporting this. Do you agree that member states round the North Sea should move to develop a meshed North Sea grid? How should work on energy co-operation around the North Sea be taken forward?

Susan Kidd: A number of reports have been undertaken; one in 2012 was done by DECC and Ofgem, the Offshore Transmission Coordination Project Conclusions Report, which looked at the potential benefits in relation to cost savings from a meshed co-ordinated grid, and at the same time identified significant barriers or challenges to that around technical issues, economic and financial mechanisms, et cetera. So our role is, I suppose, that if there are significant cost savings, that is an opportunity to explore further, recognising that there are some barriers to overcome. Again, as a policy position it is a matter for the UK Government to decide how they will take forward the recommendations of such a report, and we would seek to work with them to help facilitate that where we can, because it is obviously of interest to the industry.

The Chairman: Does anybody wish to add to that? Thank you very much. Can I just say, lastly, that knowledge and transfer of knowledge are important both for management and planning the marine environment? Can you give us specific examples of the work that both organisations or one do with scientists where you are engaged in trying to identify where there are gaps in our knowledge, how we should fill those gaps and what contributions your organisations make to sharing and disseminating the existing knowledge?
**Dr Dickon Howell:** I guess the short answer is that we contribute to all the UK government co-ordination of marine science, mainly through the Marine Science Co-ordination Committee and through very close work with Defra. That is effectively where the UK Government set their science priorities, and it is the mechanism by which at the highest level we can look at what joint objectives we are going to work towards. Underneath that there are various initiatives which my colleagues at the Crown Estate will be able to talk about in more detail, where there are programmes of work that address specific industries where we are working closely with industries on joint industry programmes.

The other point is that as a public body we are of course committed to data sharing; we have various requirements and responsibilities under things such as the INSPIRE directive to share data. All our data collected through marine planning is shared through things such as Defra's MAGIC GIS system. We have a website called the marine planning portal where we share all our data and our marine information systems similarly; Susan may talk more about it, but the Crown Estate has something called the Marine Data Exchange, which we contribute to. Therefore we are a very active participant in the collaboration and co-ordination of UK marine science.

**Susan Kidd:** From the Crown Estate's perspective, we are also quite active as regards a lot of these knowledge programmes. We are also an active member of the Marine Science Co-ordination Committee, which Dickon mentioned. We sit on the Underwater Sound Forum which reports to that committee and which provides reports to various European working groups around that area. We participate in the North Sea Basin Task Force, which looks at potential work that can be done collaboratively across the North Sea basin around CCS. We have been involved in the Marine Knowledge 2020 work that has come out of the Blue Growth strategy, which specifically looks at the socioeconomic data that we can help provide and contribute to that process. Dickon mentioned the Marine Data Exchange, which
is a platform with which we make freely available access to industry data which we collect through our leasing activities, to make sure that it is of the required marine standard for data that we make available.

**The Chairman:** Do you get all the information that you would like from other member states in terms of regional co-operation?

**Dr Dickon Howell:** I think so, yes, certainly for the marine plans that we put in place in the east. Of course we are collaborating with them to make sure that things like data standards are similar so that you do not have data that finishes at an artificial line in the middle of the North Sea; that is obviously very important.

**Q82 Lord Trees:** We are trying to look at big strategic issues, but sometimes in understanding how they are addressed and work, it is helpful to look at specifics. Can I lob in two specifics to you and ask: who makes the decision eventually? Somebody wants to put an offshore wind farm, say, on the Dogger Bank, and the fishermen say that there is valuable fishing there. Who ultimately makes the decision? Or somebody wants a sewage discharge, but there is an offshore cold-water coral bed of international significance. Who ultimately decides what is going to go on that critical site?

**Dr Dickon Howell:** On your first point, an offshore wind farm is generally a nationally significant infrastructure project. The decision is ultimately taken by the DECC Secretary of State; he will get a recommendation from the Planning Inspectorate and then make that ultimate decision. What form that takes and how we are involved at the MMO is that you will have a development consent order, which gives consents to the development, and alongside it a marine licence, which is the instrument that we enforce against and which is produced as part of the process. Your second example is interesting because it would potentially involve at least three regulators. You may have a local authority consenting planning permission for the terrestrial side. You may have us consenting to the construction
of the outfall, and will have the Environment Agency providing an environmental permit for the water that goes down the outfall.

Both those decisions are essentially governed by the same European regulation but at different levels. So if you look at an offshore wind farm, the regulatory mechanism in the UK would be the Planning Act; that is what the Secretary of State will use to frame his or her decision-making. Sitting alongside that will be various pieces of EU regulation: the EIA directive would be one, taking the environmental impact assessment; the habitats and birds directive will set out clearly how to assess the impact against any nature conservation sites; and there will be others, depending on what industry you are looking at. Your second example would probably not fall under the EIA directive but may fall under the habitats directive, so you may have an instance where ourselves, the local authority and the Environment Agency are all competent authorities under the habitats regulations. Defra has guidance that says, “You should only have one competent authority”; and we have enshrined this in the coastal concordat that we drew up with the Local Government Association and DCLG. In that instance, if the nature conservation site, special protection area or special area of conservation that we needed to do an assessment against with regard to the habitats regulations was marine, we would step into that and say, “We are the most competent of the competent authorities, therefore it should be us that takes that forward”. They are all very interesting questions and as a new regulator, elbowing our way into that space, they are things that we have had to set quite clear boundaries about over the last four years.

I would direct you to the coastal concordat and we will send you a copy if it. It will be interesting reading. But ultimately, the legislation sets out who makes the decision and it is clear that if we were in a situation where an activity was going to have an adverse effect on integrity—on an area designated under the habitats regulations—and an applicant could not show imperative reasons for overriding the public interest or that they were going to
compensate for the damage that they were going to cause, we would not give a licence for it because that is our duty under those regulations. Defra has put out very clear guidance on this matter, which I can point you to as well.

Q83 The Chairman: We have almost opened up another hour’s discussion with that answer to Lord Trees. The concordat would be very interesting to the Committee. Perhaps I could just abuse my position by asking a question that follows on from what Lord Trees asked. You were saying with regard to a wind farm, that is major infrastructure, the Secretary of State would take that decision and then you would issue the licence. What is your licence going to be about?

Dr Dickon Howell: We would not issue the licence; the Secretary of State issues a deemed marine licence that sits alongside the development consent order. The development consent order is fairly high level and will essentially say that you can build a certain amount of turbines or production capacity in a location. The marine licence is a more detailed instrument which will have all the conditions against the extensive environmental impact assessment work that are required to control the actual construction and operation of that facility.

The Chairman: But it is not about the consent for carrying out the work.

Dr Dickon Howell: No, it is about how you carry out both the construction and the operation.

The Chairman: Thank you very much indeed. A very quick last question.

Baroness Howarth of Breckland: Just bear with me. So what is the argument and the tension about Dogger Bank? I am still concerned that we are not really getting to any of these underlying issues that have been raised with us before, where people feel that they have real differences of opinion which do not get resolved in the right place. The Dogger Bank was the example that we had of where there were real tensions.
Dr Dickon Howell: Just very briefly, the Dogger Bank application is going through the system at the moment, so it is difficult to comment on case detail. But it is an area—and this is not uncommon—where you have nature conservation designation and someone wanting to do an industrial activity in and around it. Those activities are not always mutually exclusive but there is a regulatory process that we need to work to. Potentially, there are sometimes stakeholders who come from very different places and want to sort out those differences before the regulatory process gets under way. The fit and proper place for those differences to be reconciled is through the regulatory process, because you then have a framework within which you can operate. What you actually find is that when you get into the detail through pre-application, or indeed application, for major infrastructure projects through the examination process is that those differences can be aired and reconciled in a formal manner within a framework, which is a useful thing.

Baroness Howarth of Breckland: Being a regulator, I agree with that.

Dr Dickon Howell: The useful thing for an NGO is that there is a mechanism by which their opinions can be heard and considered, and counted as being as valid as anybody else’s, and within which their evidence can be taken into account. As a regulator, I would always say that that is where we should be taking those things into consideration—be that in the planning process or the licensing processing.

Dermot Grimson: And the regulator is quite able, having heard the evidence, to mitigate an approval with certain measures, for example, so that is where the decision is made.

The Chairman: May I thank you all for coming this morning and for your evidence? Thank you for answering our questions and for being patient with us if we did not understand quite as much as you do about the subject. It has been very helpful indeed and we are very grateful. Thank you. That concludes our meeting.
Department for Environment, Food, and Rural Affairs — Written Evidence

Introduction

The Government welcomes the Sub-Committee’s inquiry into EU regional marine cooperation looking specifically into whether more should be done to advance regional cooperation in the North Sea.

This paper provides evidence to show how regional cooperation is being used to deliver UK marine and fisheries policy, with a particular focus on regional work to implement the EU’s Marine Strategy Framework Directive (MSFD). Some examples of complementary regional initiatives are also included without seeking to be in any way an exhaustive list of instances of regional marine cooperation.

The Marine Policy Statement published in 2011 defined the shared vision of the UK Government and Devolved Administrations of having ‘clean, healthy, safe, productive and biologically diverse oceans and seas’.

The Government recognises it cannot achieve the vision for our marine environment in isolation. It values the benefits of cooperation with, and between the neighbouring countries that share the North East Atlantic region including the North Sea sub-region.

OSPAR

OSPAR is the key organisation promoting regional cooperation for the North East Atlantic marine environment. As a regional seas convention, it has a number of roles given to it by the EU’s MSFD e.g. the work on an ecologically coherent network of Marine Protected Areas (MPAs) and on human impacts.

The 15 OSPAR contracting parties have been working and cooperating well together for over 20 years to protect the marine environment of the North East Atlantic. OSPAR has a well-developed committee structure and associated strategies to address the main threats to the marine environment and assess progress towards good environmental status.


The Marine Strategy Framework Directive shapes the way in which EU Member States work together. It requires them to take a coordinated approach to implementation, cooperating with other Member States in the relevant marine region or sub-region to ensure each element of their marine strategies is coherent and coordinated.

Examples of where the existing structures enable close cooperative working include:

- The Directive splits Europe’s waters into four marine regions. The European Commission has recognised that OSPAR, together with the other regional seas conventions, will play a pivotal role in the coordinated delivery of significant elements of the MSFD’s implementation. The UK believes that this form of cooperation is the best way forward to reach good environmental status for the North East Atlantic, for
example by including targets under MSFD linked to achievement of Maximum Sustainable Yield (MSY) under the reformed Common Fisheries Policy (CFP).

- A dedicated OSPAR group has been set up to address the regional coordination required for the MSFD. Strategic direction is given by policymakers and technical work and assessments are done by experts, generally using a “lead country” approach. The UK plays an active role by leading on particular issues and has found that the way of working in OSPAR is consensual, productive and leads to products for which contracting parties feel ownership and which they can agree to take forward together.

- Publication of the OSPAR Quality Status Report 2010 as an overarching regional-scale assessment of the environmental quality status of the North-East Atlantic. A further regional assessment is being prepared for 2017 and the UK is chairing the group that will deliver the 2017 assessment.

- The OSPAR report, “Finding Common Ground: Towards regional coherence in implementing the MSFD in the North East Atlantic region through the work of the OSPAR Commission”, summarises OSPAR’s role in regional coordination, assesses the degree of alignment across the different Contracting Parties’ Initial Assessments and Good Environmental Status (GES) characteristics and targets, and sets out future actions for improving the level of coherence.

- Development of common indicators that are used to assess progress towards GES at a regional or sub-regional level. The UK has been instrumental in this work and has played a leading role in securing a more co-ordinated approach across the OSPAR region. Assessment of these common indicators will contribute to the OSPAR intermediate assessment in 2017, which in turn will inform the MSFD assessment in 2018.

The MSFD is a wide ranging and complex directive, where indicators/targets break new ground. The UK accepts that improvements can be made having recognised that in this first phase of implementation complete coherence would not be achieved. However, the UK and its neighbours are clear that OSPAR is the forum for taking this forward.

The European Commission’s assessment of the first implementation phase of the MSFD highlighted the need for greater regional cooperation. The UK came out relatively well and was assessed as better than all other Member States. Similarly, OSPAR was assessed as the best regional seas convention. Nevertheless, the UK has welcomed the opportunity to discuss options to improve implementation of the MSFD and in particular, how we can better coordinate our activities at a regional seas level. Going forward the focus of this work is the development of an OSPAR action plan that responds to the issues set out in the Commission’s assessment. As a co-convenor of the relevant OSPAR group dealing with this work, the UK is well placed to ensure that the action plan addresses:

(i) Improved coordination between Member States sharing a marine region;

(ii) Delivery of comparable datasets to support regional-level assessments;

(iii) Identification of coordinated or joint, cost effective monitoring programmes and assessments;

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(iv) Development of common indicators and related assessment methodologies that support regional level assessments that could be used by the Commission to assess progress against Member States’ MSFD obligations;

(v) Minimising reporting burdens through joint OSPAR level reporting where possible; and

(vi) Coordination of measures where it makes sense to do so.

Within this framework it is essential that we maintain an element of national flexibility and responsibility for determining priorities and decision-making in our marine waters. This underlies the UK’s contribution and engagement with OSPAR as a structure that enables neighbouring countries to achieve consensus and a coordinated approach to policy delivery.

Alongside the work on implementation of the MSFD, there are other good instances of effective or developing regional marine co-operation, examples of which are given below.

**Common Fisheries Policy**

A new Common Fisheries Policy came into force on 1 January 2014. One element of the reform included the establishment of a new form of regional governance, with more fisheries management decisions devolved to ‘groups’ of Member States that share fisheries at a sea basin level. This is commonly known as “regionalisation”. The power to enact those decisions into EU law remains with the EU institutions but Member States now have more initiative to develop and propose management measures which are tailored to regional circumstances. The UK is involved in both the North Sea (with Germany, Denmark, France, the Netherlands, Sweden and Belgium) and North West Waters (with Ireland, Spain, France, Belgium and the Netherlands) groups.

The North Sea and North West Waters groups have responsibility for agreeing and submitting any joint recommendations of the group to the Commission. These groups are also required to consult with Advisory Councils (ACs), which are made up of representatives of the catching and processing sectors of the fishing industry and of environmental NGOs. Their initial focus is on developing Discard Plans to oversee the implementation of the new landing obligation. These groups may also develop fisheries measures to protect MPAs and may cooperate on the development of a range of other recommendations for fisheries conservation measures within the scope of the CFP.

For commercial fisheries, which are not covered by OSPAR, our MSFD targets and indicators are aligned with our objectives for the CFP. They are to ensure the achievement of the legally binding requirements to set fishing rates at sustainable levels (MSY) by 2015 where possible and 2020 at the latest.

**Integrated Maritime Surveillance**

Integrated Maritime Surveillance provides authorities interested or active in maritime surveillance with ways to exchange information and data, so making surveillance cheaper and more effective. In the UK the Maritime & Coastguard Agency is responsible for being a contracting party to the Bonn agreement for Co-operation in Dealing with Pollution in the North Sea by Oil and Other Harmful Substances.
A Common Information Sharing Environment is currently being developed by the European Commission and EU/EEA Member States. It will integrate existing surveillance systems and networks and give all concerned authorities access to the information they need for their missions at sea.

**Oil and Gas**

There are two categories of offshore oil and gas projects (including gas and carbon dioxide storage) where transboundary arrangements are implemented. The first relates to Projects of Common Interest (PCIs), and there are guidelines for trans-European energy infrastructure projects to implement the rules laid down in EU 347/2013 (the TEN-E Regulations), to ensure the timely development and interoperability of energy networks in European Union Member States and the European Economic Area (EEA). The TEN-E Regulations set out guidelines for streamlining the permitting processes for major energy infrastructure projects that contribute to European energy networks, and include details of transboundary consultation requirements.

The second category relates to national projects governed by domestic Strategic Environmental Assessment, Environmental Impact Assessment and Marine Conservation regulatory requirements, and the Department of Energy and Climate Change (DECC) is required to consult adjacent States if an offshore oil or gas project could have an impact in those States. Adjacent States are therefore advised of all programmes and projects where the proposed activities could have an impact, irrespective of the nature of the impact, and are also advised of all projects that are within 10 km of a median line. The UK contacts the relevant State regulators directly, using EU and OSPAR contacts, and either ask if they would wish to be consulted or provide them with a copy of the Environmental Statement, the Non-technical Summary of the Environmental Statement or the relevant application documents. These arrangements have been agreed with adjacent States that could be impacted by offshore oil and gas activities, and are reciprocated. The system works well.

**Marine Planning**

The Government supports the introduction of marine planning, the overarching objective of which is to ensure sustainable development of the marine environment. The Committee has recognised the role that marine planning can and does play in helping to support regional cooperation and integration.

In England, responsibility for preparing marine plans has been delegated to the Marine Management Organisation (MMO). The first marine plans in England, covering the East Inshore and Offshore Areas, were adopted in April 2014. In developing these plans, MMO fully recognised the importance and value of cooperating with interested or affected Member States and they worked closely throughout the planning process with a range of countries including Belgium, France, Germany, Netherlands and Norway. This cooperation included several seminars and workshops as well as more detailed exchanges and discussion on the approach and specific sectoral issues. The MMO will continue to engage and build on this cooperation during preparation of the next tranche of plans for the South Inshore and Offshore areas. Scotland, Northern Ireland and Wales are actively developing their own national marine plans which follow the principles and approaches set out in the Marine Policy Statement.
Marine planning reflects and addresses, as far as possible, the range of activities occurring in, and placing demands on, the plan area as well as identifying areas of constraint and locations where a range of activities may be accommodated. This 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. The close involvement of stakeholders in the marine planning process, which is integral to UK processes, will help to achieve these aims.

The importance of cooperation is reinforced and strengthened by the Maritime Spatial Planning Directive, published on 28 August 2014, which requires Member States sharing marine waters to cooperate with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned. The UK worked very closely with other Member States to determine the content and structure of the Directive to further embed our own approach to marine planning, extending aspects of this approach to neighbouring countries and so enabling wider integration.
WEDNESDAY 22 OCTOBER 2014

11 am

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

Examination of Witness

Haitze Siemers, European Commission

Q1 The Chairman: Good morning, Mr Siemers. It is good to see you again, even though it is from a distance. Thank you very much indeed for giving up your time to talk to us this morning, and this is a formal evidence-taking session of the Committee, and a full shorthand note will be taken. It will be put on the public record in printed form, and also on the parliamentary website. We will, of course, send you a copy of the transcript, which you will be able to revise if we make any minor errors. This session is being webcast live, and will be accessible via the parliamentary website, so I do hope all of that is in order.
You will have received a list of the interests that Members of the Committee have, and I will remind the Committee that the first time they speak today, if they have any particular interests relevant to this inquiry, they should declare them. For myself, I should declare that...
I am the Secretary of State’s appointee to the Harwich Haven Authority, which is a publically owned trust port.

So I wonder if I could start, Mr Siemers, by talking about, and asking you to talk to us about, this concept of blue growth, and just explain what the European Commission’s vision is for blue growth, and what sort of progress has been made in delivering it.

**Haitze Siemers:** Blue growth is basically the take that we have from the perspective of maritime affairs on employment and growth in the maritime economy. You are aware, I think, that in the European Union, we have a strategy called Europe 2020, whose objective is basically to boost employment and growth in the European Union as much as possible. This is something that has been now, as you will have seen, reinforced by the positions taken by the President-elect of the Commission, Mr Juncker, in his statements before taking office.

Our job, in this particular context, is to make sure that the maritime economy can contribute as much as possible to this particular objective that the European Union has.

Now, particularly relevant in that context, of course, is first of all the size of the maritime economy in the European Union. Estimates vary, of course, but we have done some research work on this, which indicates that it has approximately €500 billion gross added value for the European Union, and that there are between 4 million and 5 million jobs in the maritime economy as well. Obviously, this depends on which sectors we include. In this particular case, we have included tourism, for example, which is a major employer, but it does give you a ballpark figure of what the size of the maritime economy is. A further element that is of interest in this context as well is that, when looking at the individual sectors of the maritime economy, their average growth rate is higher than the growth rate of the overall economy in the European Union, which again makes it highly relevant in terms of development. So, the job that we have in the context of blue growth is to do whatever
we can from our perspective to facilitate and support the development of the maritime economy in the European Union.

There are a number of approaches that we have taken in this. The most specific ones are related to the sectors that we think have most potential for the future, and that are not what I would call the intrinsic, classic sectors of the maritime economy. These are, in no particular order, maritime and coastal tourism; aquaculture; seabed mining; blue biotech; and ocean energy. In all of these sectors, we have proposed, or indeed launched, initiatives which are aimed simply at looking from the European perspective as to where these sectors stand and how they can develop most effectively. A case in point is ocean energy, for example, in the sense of renewable energies, which are not necessarily wind energy but, for example, things such as wave and tidal. The global potential of this is estimated at something like €535 billion worldwide, and we know that the estimated value in the United Kingdom, for example, is around £6.1 billion.

This is an area where we think a lot can be done to push this sector further along, for example, by making it easier for market entrants or developers to develop products that will then be developed as production capabilities, rather than being merely research or initial projects, if you will. We have also delivered a communication, together with our colleagues from DG Enterprise, on maritime and coastal tourism, the main idea of which is that it proposes a series of recommendations on how this area could be further developed. We have, as you will no doubt be aware as well, produced guidelines on the development of aquaculture, which is, again, a sector where we think there is great potential for its overall development in the European Union. We are planning to look more closely into the development of seabed mining and blue biotech over the next couple of years or so.

This is a picture from the sectoral perspective. Then you have some initiatives that we have taken that are support measures to facilitate the development of the offshore maritime
economy in Europe in more general terms. One typical example of this is the work that we have done on maritime spatial planning, where we have tried, to the greatest extent possible, to get to a stage where all European Union coastal member states apply maritime spatial planning, simply from the perspective of creating a situation in sea basins around the European Union where you have 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. I will leave it like that for the moment, by way of introduction.

The Chairman: Thank you. That was a very good introduction. I do not know if any of my colleagues want to comment on that, or whether we will maybe just get into some more detail. Lady Byford.

Q2 Baroness Byford: Good morning, Mr Siemers. Can I apologise in advance that I have to leave before you are finished giving evidence? I do apologise about that. On the evidence we have been receiving, there has been a suggestion that there is a lack of co-operation and co-ordination between the policies affecting the marine environment. First, do you accept that? Secondly, how will you ensure that those policies coming in are complementary to each other and not creating more difficulties? Thirdly, I understand there will be an appointment of a Commissioner responsible for the environment and maritime affairs. Is this progressing, and if so, when will the appointment be made?

Haitze Siemers: To answer your first question, with regard to the co-ordination and coherence between policies affecting the marine environment, the picture is a little bit more complex than it would appear at first sight. At the European level, for example, we have a fairly stable system in place within the European Commission, and also in the wider context of the EU institutions, to make sure that there is actually coherence between individual
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policies and, in particular, that whatever is done in terms of protecting the marine environment is taken on board and connected with what is happening in other policy areas. I can give you two examples. One example of this is the work that has been done in the context of sulphur emission control areas in the North Sea and in the Baltic Sea, which has been quite a subject for discussion, but where there is very close co-operation between the Commission’s services, for example, to make sure that determining what technologies would help industry to implement the requirements there, or what can be done in terms of proposing alternative fuels such as LNG, are very closely co-ordinated. This is not something that is done on separate or divergent strands. Another example, which is closer to our hearts here in DG MARE in the European Commission, is the recent reform of the Common Fisheries Policy, where we have worked very closely with colleagues from DG Environment to determine exactly what the sustainable management of fish stocks means. This is a fairly technical issue, but one of the concepts that has emerged from this is what we call MSY—maximum sustainable yield—which is something that has been accepted by the colleagues from DG Environment, for example, as being entirely consistent with the objectives under the marine strategy framework directive in terms of good environmental status. Both the objectives that we have set now in the common fisheries policy for sustainable management of fish stocks and the objectives that are set out in the marine strategy framework directive are entirely consistent. Now, this is how we work together and how we try to ensure consistency between policies, but there is, of course, also an element in there—you are entirely correct—where there are different policies that operate in what people call silos, which do not always effectively talk to each other. Without going into too much detail there, I would like to point out that this is a collective problem across the European Union. It is not something that only affects EU
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policies, or one individual member state, for example; I would almost say it is widespread, in the sense that all administrations have co-ordination issues at one point or another. Some administrations deal with it better, and some administrations deal with it less well. One of the tasks that we have set ourselves in the context of what we do on maritime affairs and blue growth is to put in place as many helpful mechanisms as possible to facilitate the co-ordination of environment and other policies, so that the end results are as effective as possible.

In the context of the implementation of the marine strategy framework directive, for example, one of the things that came out very clearly of the reports that the Commission adopted in February this year was that whilst there are institutions in place at European level to facilitate the co-ordination of what is being done by member states and at European level on marine environment issues—such as, for example, the co-ordination mechanism for the marine strategy framework directive or a mechanism that we call the marine directors, or the work in the regional sea conventions such as OSPAR—there is considerable work that can be done to further streamline that work, eliminate duplication, and make sure that what is being decided in either of these groups is also effectively implemented in the member states themselves. From what we know, and what we have in our report, the UK, for example, has a very good track record on this, but it is obviously a collective effort. The end result in terms of quality of what we do for safely managing the marine resources we have at our disposal can only be as good as the weakest link in the chain, if you will. It is really something where everybody is called to task, and it is not just a question of policies at EU level in isolation.

The second question, I think, was with regard to the Commissioner-designate. This is Mr Karmenu Vella, who is ex-Minister for Tourism for Malta, and he has been asked to take on the portfolio of Environment, Maritime Affairs and Fisheries. The stage that we are at for the
moment is that, if I am correct, we have today the confirmation vote of the entire Commission in the European Parliament, and if that vote ends positively, then that should definitively put Mr Vella into this position. That is basically as much as I can say on this at this point in time. As you know, the entire Commission is scheduled to take office on 1 November.

**Baroness Byford:** Can I just add: presumably, his responsibilities will cover the whole question of this silo mentality, and trying to make sure that there is no overlap?

**Haitze Siemers:** Yes, indeed.

**Q3 The Chairman:** To follow on from that, clearly, it is quite right and proper that at times, you have sets of environmental policies, such as the habitats directive, and then you have aspirations, for example, to develop seabed mining. One of the things that we are told is that, from an investor point of view, uncertainties around the way in which the habitats directive is going to be interpreted—which then goes on to involve them in long legal battles—is quite a disincentive for investors. I wonder whether you see the court of law as the way of resolving those tensions, or whether there is more of a role for the Commission in terms of providing more certainty. That is not the same thing as reducing the environmental protections; it is a question of having a bit more legal certainty.

**Haitze Siemers:** Absolutely. No, I understand very well. This is an issue that is very well known to us. It is of a certain complexity, if you will, in the sense that when you are talking about directives as legal instruments, the actual way in which these legal instruments are then implemented is left to the member states. It is up to the member states, within their own legal systems, to achieve the objectives set by these legal instruments. The issue that you therefore have, depending on which legal instrument and which member state you are talking about, is that you may have varying interpretations. That is a great part of the uncertainties that some in industry refer to: that you have, indeed, some differences in
interpretation between member states as to what exactly the best application of a particular instrument such as the habitats directive should be.

There are things that the Commission can do in this context, other than obviously encouraging member states to talk to each other. That is, for example, the proposal for guidance that helps develop a common understanding of what exactly a particular legal instrument means, or how it can best be applied, and I know for a fact that this has been done in the context of the application of environment legislation in estuaries in the European Union. I do not have the exact reference of this document with me; I would be happy to provide you with that reference, but this was one attempt, in direct response to criticisms levelled, notably, by economic operators, to respond to this question of a lack of consistency between varying interpretations of that particular piece of legislation.

Q4 Lord Cameron of Dillington: Good morning. I would like to ask you some questions about the maritime spatial planning directive, which you have already mentioned. I think you have had a notice of my list of questions, but I will read them into the record. The directive has got to be implemented in national legislation by 2016. First of all, what was the rationale for the directive, and how does it link in with other marine environment policies? This is quite important: there seems to be a lack of co-ordination between regions and member states, so will this directive act as a focal point to encourage a more collaborative approach? Then, if we can get a collaborative approach and a collaborative vision, how are we going to convert this vision into action? Finally, what examples of best practice in maritime spatial planning are there around the EU?

Haitze Siemers: Let me start with the rationale for the directive. I have covered this already a little bit in my introduction. Basically, the idea is that we have increasing development of the maritime economy in the European Union. We have increasing development, in particular, of the maritime economy offshore in the European Union, which means in the
exclusive economic zones of the member states. In that particular context, it is also clear that, depending on which sea basin you look at, you are looking at increasingly densely used space, and, to some extent, space that becomes too tight for all the activities that are supposed to be taking place there, or that operators would like to have take place there. The idea for us was to say, first of all, maritime spatial planning per se is something that is a rational means to organise the development of offshore economic activities. Secondly, if we want to really do this well then the optimal way to do this is to organise it across sea basins. The idea was then to say, “What if we can make sure that we not only have the few who have already taken the bold step of developing maritime spatial planning”—the UK is one, obviously—“but get all coastal member states in the European Union to develop maritime spatial planning?” They obviously will manage that themselves. Then we can get to a situation where member states talk to each other about maritime spatial planning, simply in the interest of making sure that the organisation of economic activities in the sea basin area is as efficient as possible.

The second element in the same rationale is part of the second question that you asked, which is linking this into other policies affecting the marine environment. We have legislation in place, such as the habitats directive, the marine strategy framework directive and, in a sense, the water framework directive, which sets out environmental standards for the management of the marine environment around the European Union. These policies obviously should not be working in isolation. They need to work together with the uses and activities that take place in a sea basin. At the end of the day, it is the protection of the marine environment and resources from negative impacts of economic activities that is the reasoning behind environment legislation. The important element for us was also to find a way to link the organisation of environment protection with the development of economic activities.
In that same context, one of the very important background elements is that when you talk about looking and watching over the marine environment you have to take into account the ecosystems in the sea basins. Ecosystems obviously do not decide that they want to stop at national borders or at the limits of one or another country’s exclusive economic zones. They cross those economic borders, just as wildlife does or other marine resources do. Again, the rationale for finding a way to combine 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 maritime spatial planning by the member states, but in particular making sure that they work together across borders. That is the rationale for the directive.

Then obviously one of its central obligations is that member states should co-operate on marine spatial planning. Our hope is that indeed it will be some form of a focal point or that it will lead to strengthening those individual examples of co-operation that are already taking place between some of the member states in the North Sea, for example, in particular. In other sea basins it is a little bit thinner. That is the idea and we hope that this will be successful.

Timely action is of course always the question when you have ambitious and, in particular, somewhat innovative projects. For the United Kingdom, MSP is not that innovative anymore because there is a lot of activity already ongoing and a lot of things in place. In some member states in the European Union, though, it is quite a new concept. The main thing that helps in terms of achieving timely action is that we have some implementation deadlines in the directive. The most important one of those is that all member states should be able to deliver maritime spatial plans by April 2021. This is something that we think is at least going to get us through the first stage, which is the development of maritime spatial planning in all member states, not only in those who already do it. Then we can take the next steps in
making sure that planning across the sea basins becomes something that is done co-operatively.

Finally, on examples of best practice, there are a number of member states that do maritime spatial planning already, and I have already mentioned several times that the United Kingdom is one the front-runners here. Germany is another member state that does maritime spatial planning both for its territorial waters and the exclusive economic zone. The Netherlands does so as well. We have member states like Sweden, for example, which has very recently adopted legislation to implement maritime spatial planning in their waters. This is not an exclusive list; there are other member states who are working on it as we speak. Portugal is another case, for example. There are also quite a few where it is still in its infancy or where, for example, you have legislation in place but the planning itself has not happened. That is the situation in terms of best practice, and I think I have given you an impression as to where we hope our proposal and our directive might help speed this process up.

Q5 Baroness Howarth of Breckland: Good morning. You talked a great deal, in your answer to the previous question, about regional co-operation and the way in which the Commission can facilitate this. Could I ask you some slightly different-angled questions from the ones you have answered, which covered a great deal of that already? One of the things that struck me in your answers was that on a number of occasions you have talked about the weakest links in the chain, and you said something about those member states where this was a new idea. I just wondered, when you were talking about the objectives of co-operation between member states, how the monitoring of those things is going to take place, and in what practical sense the Commission will anticipate the directive is followed so that policy and practice come together. Are there other things you can describe that can be seen by member states in terms of co-operation and in which they can learn from each other? That is taking you on from the previous answers into a little bit more depth.
The Chairman: While you are answering that, I wonder if you could weave into your answers a question that is both simple and very complex. What do you actually mean by co-operation? At one level it might simply be letting each other know what you are doing and at another it would be developing a plan that was fully integrated. There is an entire spectrum and it would be really interesting to hear, in the context of Lady Howarth’s question, what the Commission thinks co-operation in this context means.

Haitze Siemers: First of all, in terms of monitoring progress or making sure that progress is visible, there are a couple of things that we do to support the development of maritime spatial planning in member states that are not legal instruments. For example, since 2009, we have provided financial support to member state organisations, member state bodies and other interested parties who want to develop what we at the time called pilot projects—now we simply call them operational projects—of practical cross-water co-operation on maritime spatial planning. It is putting in place ways and means to work together in co-ordinating maritime spatial planning in specific sea areas. There are a number of projects of that nature that have taken place, both in the Baltic Sea and in the North Sea; we have one that has almost concluded in the Atlantic; we have another one that is going on in the Adriatic Sea.

This is one tangible means of making sure that work is being done and, in particular, that the development of an understanding as to what cross-border co-operation on maritime spatial planning might actually look like is developed by all the different players around the European Union. The results can vary. One of the things, for example, taking us into the co-operation proper, that you can see in the Baltic Sea area is that there was an INTERREG project there called BaltSeaPlan, with which a number of you might be familiar. It was a very strongly supported project amongst a large number of Baltic Sea member states that flowed directly into the work of member state representatives, equally in the Baltic Sea area, on
co-operating on maritime spatial planning in the Baltic Sea. In turn, that yielded a political commitment by these same member states to come to joint maritime spatial planning by a certain date. I believe this is 2018, but I would have to check the exact date. 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 maritime spatial planning co-operatively. This is one area, but in other areas it may be a little bit less ambitious.

One of the things that we are trying to do other than these projects, in order to facilitate the implementation of maritime spatial planning in general, is that we have a group of member state representatives called the Member States Expert sub-group on Maritime Spatial 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 maritime spatial planning.

Then, to go on to the question that was about how we envisage the co-operation, I can tell you that ideally the outcome would be something where you would say we have a common vision or plan for a given sea basin area. That would be the ideal outcome. How long it will take to get there is something that I would hesitate to pin any figure on. That is very simply because it takes quite a bit of time for the planners—the institutions in the member states—to develop a real modus operandi that moves forward, from informing each other about something that is either already ongoing or even already decided, to successively earlier stages in the planning process, where the exchange is more about, “We are looking at doing X, Y and Z here, and you are looking at doing A, B and C there, so maybe there is a means for us to find a common approach to this”. In our view, this is something that will take time.
I will not hesitate to say here that the whole issue of spatial planning, the EU context and co-operation internationally is not an entirely insensitive subject. Our idea here was to leave as much room as possible to member states to work out for themselves how they could best co-operate; we are there to facilitate that process, but not much more. The idea really is to see that we have an obligation in place for member states to co-operate across sea basins. Moving on from there, one of the things that will have to be done is that member states’ experts amongst themselves will have to work out ways to co-operate as effectively as possible.

The last remark I would make in that context is that this is obviously going to vary according to each of the sea basins around the European Union. I already gave you the example of the Baltic, where this looks like it is going to, slowly but certainly, turn into a very closely knit co-operation, although again there I would say the proof of the pudding will be in the eating.

In the North Sea we know that there are quite good examples of bilateral contacts and bilateral co-operation. A little bit more could probably be done to do this in a broader context and to perhaps work a little bit more strategically. In other areas, such as in the Atlantic or in the Mediterranean there is probably quite a bit of scope for developing further theories for co-operation.

I will conclude on what makes the task a bit more complex. You have different institutions existing in all of these sea basins and the last thing we would want is for yet another institution to be called into life to duplicate frameworks that already exist. One of the tasks at hand will also be to find which bodies are already in existence that could provide the most efficient framework for this type of co-operation to develop.

**Q6 Lord Cameron of Dillington:** Can I ask a supplementary on that? The European Environment Agency has produced a paper, and one of the things it is very concerned about is the baseline. If we are going to make progress, how do we know we have made progress?
They say that some of the definitions—for instance, good environmental status—are interpreted differently by different countries. Is this something that the Commission could assist with by putting some baseline definitions on paper so that people know whether progress is being made or not?

**Haitze Siemers:** Indeed. This is in the context of the marine strategy framework directive. The Commission has acknowledged the fact that there is more work that needs to be done. There are a number of bodies that already try to do precisely what you mentioned: to put some baselines for descriptors and the way in which you can coherently measure what “good environmental status” means. We are not starting from a blank sheet; mechanisms exist to achieve this objective—i.e. develop these common descriptors. We have an implementation mechanism for the marine strategy framework directive; we have a more political body called the marine directors; we have OSPAR and HELCOM as regional sea conventions. These mechanisms probably need to be working together even more closely than is the case now.

One of the things that the Commission is doing for the time being is working on the development of a work programme by 2018 that will further strengthen the way in which this co-operation and this dialogue takes place, in particular making it more efficient, in the sense of eliminating double work that may be being done in varying bodies across either the member states themselves or at European Union level. This type of work is being done, but it is a complex issue and something that will take some time to mature.

**Q7 Lord Williams of Elvel:** We have been discussing co-operation among member states. Could you say something about possible co-operation with non-member states? For instance, in many of the sea basins, non-member states have decisive voices. It is difficult to see how you could have a spatial plan for the Baltic without involving Russia. It is difficult to see how you could do anything in the Mediterranean without involving all the north African
countries. On the Black Sea you have Ukraine, Turkey and Russia. On the Aegean you have Greece trying to reach agreement with Turkey, which obviously has its own problems. In all these cases it is all very well to talk about co-operation between member states, but how are you going to involve non-member states?

**Haitze Siemers:** This is something that was the subject of very lengthy discussions when we were negotiating the directive. Following these negotiations, which were long and complex, the directive has language in it there that says that member states should try to co-operate with third-country neighbours in their sea basin. It also has language in there that recognises that, depending on which case you are talking about, co-operation may or may not work. Therefore, you cannot turn it into a full obligation that might also create more difficulties than it solves.

One thing that I would emphasise is that this is work in progress. We now have something in place that ensures that EU member states themselves will all do maritime spatial planning. It is already a major step forward that at least amongst the member states we will start working together on this. I am sure that at some point we will be able to take further steps, but we are already making a significant step forward that supports both the development of economic activities and the implementation of environment legislation, in itself, through this directive. Then hopefully this will also be something that entices third countries to also proactively want to co-operate with the European Union or with member states on the development of maritime spatial planning in the sea basins. In other areas, such as the North Sea, for example, I do not see any difficulties in the co-operation with Norway, which has its own maritime spatial planning system in place and is a very strong partner for the European Union in maritime spatial planning and other maritime affairs.

**Lord Williams of Elvel:** It is an interesting problem: as you say, work in progress, but not much progress, I would have thought, at the moment.
Q8 **The Chairman:** I also observe from the European Environment Agency report into the MSFD that “Disputes, gaps or overlaps on the position of maritime boundaries between countries exist for more than 70% of maritime boundaries within the EU”. They recognise some of them are major and some minor, but it does, one assumes, add another whole level of challenge in terms of co-operation.

**Haitze Siemers:** One quick comment on this: I do not know whether the fact that a maritime boundary between one or the other member state is not 100% clear or agreed should form a real obstacle to working together on planning a sea area. I do not know because, to be honest, they have not hampered any other co-operation between member states so far, in most cases at least. They have not been a problem for the development of economic activity, so far at least. My feeling is that, yes, there are these disputes, but, first of all, this is not something that the Commission should be involved in; this is entirely member state sovereignty that is for them to settle and arrange. Also, I wonder to what extent this has to be a difficulty, if the will to co-operate exists.

**The Chairman:** That is something we will ask the European Environment Agency when we talk to them: why they felt the need to make that point in their report.

Q9 **Baroness Howarth of Breckland:** Going back to the other end, you said on a number of occasions how sensitive this area is. Of course, the great sensitivity is between the environmentalists and the developers. One of the interesting things is how co-operation and policy can be put together when you think of the very local level of environmental protection action as against economic developers trying to interfere in the environment, as the local people would say. I know you say that is for the member state to deal with, but it must be something the Commission has some thoughts on. It must be one of the greatest conflicts.
**Haitze Siemers:** Yes. The rationale here—and it has led to the actual adoption of a legal instrument—for proposing a cross-cutting instrument on maritime spatial planning was precisely that, which is that, unless you have an instrument in place that makes it compulsory to look at all issues together—i.e. environment protection as well as economic development, renewable energy objectives and fisheries objectives—it will be more rather than less difficult to resolve the problems. The idea behind it is to say, when we have an instrument such as maritime spatial planning, it obliges all the interests to come around the table, and the concept that underlies it is then, of course, you have a political arbitrator, which is the authorities of the member states, which decides, on the basis of the input from all involved parties, what the most rational organisation of maritime space in a given area is. That is the rationale behind it. That is why we thought maritime spatial planning is a good instrument to have in place, rather than to be in a situation where you have one side of the administration that wants to designate a Natura 2000 area in a spot; another side of the administration wants to develop a wind farm in that same area; the two do not talk to each other; and what you end up with is a both very costly and very lengthy process of dispute settlement, which you can probably avoid by having a more rational and streamlined planning process in place. A lot of analysis, for example, has gone into how much this can save in terms of administrative burden for public administration, simply because they have a process to which they have to conform.

**Q10 Lord Renton of Mount Harry:** On the North Sea, I would like, for a moment, to just say that I have a personal interest in this. I have, for years, been going up to the north-west coast of Scotland to catch fish. The fish are still there, but the people are not. There has been a great deal of movement, in fact, from that part of Scotland to other parts of Scotland and England. It seems difficult that, though, as I say, the fish are still there in many quantities, the people have gone. Therefore, with your Directorate-General, what are you
planning to do in your preparatory action for the North Sea? Could you explain to us, for a moment, what you plan to do and the progress you may have already been making in taking it forward?

Haitze Siemers: This is indeed one of those things where we get asked by the European Parliament to take on a particular action in a particular area. We were asked to look at a preparatory action for the North Sea. We are trying, for the moment, to organise a first discussion on an area where we think one could, from the perspective of the European Commission, contribute usefully to co-operation in the North Sea. One of things, for example, that is of great interest to us from one of our policy areas is the development of renewable energy. One particularly important topic there is the development of grids that connect the various renewable energy installations being developed all over the North Sea right now.

It has become increasingly clear that the best way to develop such grids is by doing this in the context of what you would call “smart grids”, which allow the electricity produced by renewable energy installations to be brought onshore in the most efficient and effective way possible. Given that, as you know, wind energy is not something that is entirely stable—it depends very much on the wind conditions you have at any given point in time—being able to smartly distribute the energy as it is being produced by the various installations across a grid, which then brings it onshore across all of the North Sea, is a far more effective and efficient manner of doing this than what is currently being done in most cases, which is what we call radial connections: connections from wind farms in one particular spot directly onto shore, rather than through a grid that balances out the distribution of the energy a bit more. The combination of co-operation on this particular subject with the implementation of the marine spatial planning directive is in a context where one of the main necessities for achieving this type of grid development in the North Sea is a coherent way of looking at the
planning of these activities in the North Sea area. To keep it simple, in one sentence, the thing we are going to do is organise a discussion forum that tackles both of these issues jointly—we had initially thought we might do this towards the end of this year, but it looks like it will have to slip into the beginning of next year—as 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, and, God knows, maybe on some other issues in future.

**Q11 Lord Trees:** For the record, I have no interest to declare relevant to this particular investigation on regional marine co-operation. My questions really follow some of those you have already addressed, about initiatives to promote regional co-operation. I have before me—and I think you have the questions—a number of examples, which I will not read out in full. You have given us a number of examples of initiatives to promote co-operation, so I do not think you need repeat those, but, if there are any others you have not mentioned you would like to draw our attention to, perhaps you could. If I could go a bit beyond that, I realise these are early days yet—as you said earlier, this is work in progress—but are you able, at this stage, to identify some initiatives that have been more successful and some that have perhaps been less successful? Are you able to observe and describe what particular factors are leading to success in co-operation or lack of such success, specifically things like funding or language barriers or issues that impact on success or otherwise?

**Haitze Siemers:** Let me deal with one thing immediately. As far as I am aware, language issues have not really been a barrier in any of the initiatives one could look at in the context of sea basins. The only thing that happens is that, where you have a very large disparity of languages, and if there are meetings organised at sea basin-wide level, you would have to foresee adequate interpretation or so on, but I do not think that language as such is really an issue.
If I see correctly from the written material I have had, this is mostly about sea basin strategies and macro-regional strategies. There we have a number of examples I could list. The first one is the Baltic Sea strategy. That is really the one that started the whole process. It was launched back in 2009 and was entirely at the initiative of the member states round the Baltic Sea area. It basically is the same kind of thing as I mentioned earlier about spatial planning, which is that the intention of those member states was very much to enhance their co-operation in the sea basin area where they are situated, to see what they can pull out of that co-operation in terms of improvements, not only from an economic perspective but also from an environmental perspective.

On balance, I think that this has been very successful in terms of developing a common action plan and bringing actors and people around the sea basin together as having common interests and developing common ideas. What will now increasingly be necessary is for the action plans and those who have taken on the responsibility of the actions to deliver results on the individual objectives they have set for themselves. In some cases, such as the Baltic plan initiative, the result is very good, and in other cases it will probably take a few more years for these things to bear fruit.

What is, I think, another example on the other side of Europe is the Atlantic strategy, with which I am sure you are familiar. It is a common strategy amongst the five Atlantic EU member states, where the focus is much more maritime than in the Baltic Sea area. The Baltic Sea is both land and sea intermingled; in the Atlantic strategy, it is really coastal and maritime. The advantage of that strategy in that context is that the focus is a bit narrower. There has been a very solid and lengthy process, co-ordinated by the Commission but with strong input from the member states, of developing a common action plan, focusing on issues that are of particular interest in the context of the Atlantic Sea area.
One of those, for example, that is part of that action plan is everything related to ocean energy. It is early days; the action plan was adopted only a year or so ago in its final form. It needs to be put into practice further, but this is one example where, setting in place the appropriate formats, such as the Atlantic Forum that has been organised specifically to develop this action plan, you can come to very focused and good results in terms of an action plan for a particular sea basin.

The proof will really be in the eating for the next pudding, which is the Adriatic Ionian strategy, which was launched only very recently, but in a similar context: very strong demand from the member states in the region, and, on that basis, the development of a strategy and the first steps towards developing an action plan, which now of course will have to be put into practice.

If I were to draw a few conclusions as to how all of these things have worked or not worked, or what the strong and weak points were, there are two messages I would give. The first is member state commitment to the strategies is absolutely crucial. It is crucial not only because they should be the initiators—they should be the ones driving these processes—but also because, 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, so it is going to be very important for the member states to be fully on board and get involved in the actions themselves.

The second is everything related to funding. Funding is always a touchy issue. At the time the Baltic Sea strategy was launched, there was a very clear decision that there would be no new funding, no new legislation, no new institutions. Everybody has kept to that adage. However, 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, for example. There are ways and means for European structural and investment funds to support actions under the Atlantic strategy. The same goes for the Baltic Sea strategy and the Adriatic Ionian strategy. The issue there, therefore, is not so much that the funding in itself is not there; the issue is that those authorities that develop programming for funding, such as the regional authorities that develop operational programmes, have to, slowly but certainly, get into a different modus operandi, notably with respect to blue growth, which is what we started this session out with. 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 regions. It is a real challenge that this is taken up by member states and member-state regions; then it can be extraordinarily effective.

Q12 Lord Cunningham of Felling: You have spoken a great deal already about the North Sea. The German Government has actually proposed that regional and national partners from the North Sea countries should co-operate in a maritime spatial planning project in the context of the North Sea region programme. Is that a proposal that the Commission would support?

Haitze Siemers: This is a tricky question.

Lord Cunningham of Felling: That is why I asked it.

Haitze Siemers: It is not because I have a political issue with it, but because it is very difficult for me as a Commission official to say something about a project that has yet to be submitted for funding. Let me put it this way. We are interested in member states developing the best possible means of co-operating across borders in sea basins on maritime spatial planning. This goes for the North Sea, the Baltic Sea, the Atlantic, the Mediterranean
and the Black Sea. I am sorry if I cannot be more categorical than that, but I think you understand why that is.

**Lord Cunningham of Felling:** Yes, I think I do. I want to focus on the North Sea, although I understand the importance of the other projects you have mentioned. Certainly, no project of this kind could go ahead in the North Sea, as you have already agreed, I think, without the total involvement of Norway, for example. How would member states go about seeking and hopefully obtaining the co-operation of Norway if this project was to go ahead? What would be the mechanisms?

**Haitze Siemers:** Again, I do not think I can comment on a potential project that is being developed in the context of a financing programme of the European Union, so I am going to have to keep this more general. The co-operation with Norway I do not think is an issue, in the sense that, if member states wanted to co-operate with Norway on maritime spatial planning per se, they have at their disposal both bilateral contacts, which I am sure they have, but also, for example, regional sea conventions such as OSPAR.

I indicated earlier that one of the issues we will have in implementing the maritime spatial planning directive is to find the most effective body that will make it possible to develop this co-operation on maritime spatial planning. It is not because that body does not exist; it is just because there are a number of them, and each of them has its advantages and its drawbacks, but the means are there for European member states in the North Sea to develop a dialogue and work together with Norway on maritime spatial planning.

**Lord Cunningham of Felling:** Let us accept that it is not possible for you to commit the Commission in advance to such a project, but, thinking at least hypothetically about the project, what would you envisage the main benefits of such an approach to the North Sea to be?
**Haitze Siemers**: The main benefits for co-operation on maritime spatial planning in the North Sea, for me, would be, for example—and I am really sorry that I did not bring any slides with me, because then I could show you on a slide exactly what I mean—that it would reduce the occurrence of having one area on one side of a border designated as a Natura 2000 area, and another area adjacent to it, on the other side of the border, designated as a wind-farm development project. I cannot put it any more simply than that. This is why we think it is really very important for member states across the North Sea to work together on maritime spatial planning. Which way they want to do it is something that is entirely up to them, but we think this can only be beneficial, both for the way in which we manage the environment in the North Sea and for the development of all sorts of objectives, whether it is renewables, fisheries or other.

**Lord Cunningham of Felling**: I am sure you can e-mail us the slides you have just referred to. It would be very helpful if we could see them.

**Haitze Siemers**: Yes, I can do that, absolutely.

**Q13 Lord Cunningham of Felling**: Thank you. It is very difficult to discern how policy and policy development is co-ordinated and determined within the Commission. In the case of maritime spatial planning and the related issues, who has the overall responsibility for seeing policy developed in this area?

**Haitze Siemers**: For the moment, we have the Commissioner for Maritime Affairs and Fisheries, Maria Damanaki, who is the current Commissioner in office, so she is the one who is responsible for this. If everything goes as set out by the President-elect of the Commission, Mr Juncker, as of the beginning of November it would be the Commissioner in charge of maritime affairs, fisheries and the environment, Mr Vella. That is pending approval, obviously, of the Commission by the European Parliament.
The Chairman: You have been very generous with your time and extremely full with your replies. Thank you very much for that. If these slides exist around the benefits of North Sea co-operation, that would be very helpful. The Committee would also really like a chance to look in more detail at some of the existing examples of maritime regional co-operation, where they work and the factors that contribute to their working. Particularly, there is an issue about at what level. For the North Sea, for example, all the co-operation that has been done on spatial planning in the North Sea so far has been done by the local and regional authorities, and not by the governments. Something about who needs to be involved at what level for these things to work would be very helpful to the Committee. We are really grateful to you for your time this morning and really good evidence.

Haitze Siemers: My pleasure entirely.

The Chairman: Thank you very much indeed.
European Environment Agency — Oral Evidence (QQ 48-58)

Evidence Session No. 4         Heard in Public         Questions 48 - 58

THURSDAY 6 NOVEMBER 2014

11.30 AM

Members present

Baroness Scott of Needham Market (Chairman)
Baroness Byford
Lord Cameron of Dillington
Lord Cunningham of Felling
Baroness Howarth of Breckland
Lord Whitty
Lord Williams of Elvel

Examination of Witnesses

Trine Christiansen, Head of Marine Environmental Group, European Environment Agency, and Ronan Uhel, Head of Natural Systems and Vulnerability, European Environment Agency

Q48  The Chairman: Good morning.

Trine Christiansen: Good morning.

Ronan Uhel: Good morning.

Trine Christiansen: Or afternoon here, I think.

The Chairman: Yes, I suppose it is, and I imagine it is probably rather colder there than it is here. Thank you both very much indeed for giving up your time for this session. This is a formal session, so I need to put some housekeeping on to the record.

This is a formal session and a full note will be taken and put on the public record in printed form and on the parliamentary website. We will of course send you a copy of the transcript, and if there are any minor errors you will be able to revise them. It is being webcast live and will be accessible via the parliamentary website in due course. You will have received a copy of the interests of the Committee Members, and Members are also required to declare the
first time they speak any interests they have that are specific to this inquiry. For the record, I am the Secretary of State’s appointee to the Harwich Haven Authority, which is a publicly owned trust port. That is the formal stuff.

Again, thank you very much for coming to talk to us. Certainly your Marine Messages document played an extremely important part in our decision-making to carry out this inquiry. Because we are not meeting in our usual session, there are rather fewer Members than we would normally have. That is not at all a reflection of interest in your work; it is simply that we are not in our usual meeting slot.

I wonder if I could start with Marine Messages. We understand that you are planning to publish a comprehensive report on the state of the marine environment—it is there, sorry I was looking at my note and not at you. Is this officially published now?

**Trine Christiansen:** No.

**Ronan Uhel:** Not yet.

**Trine Christiansen:** Not yet, no. We are just launching the consultation of it and we plan to have it officially published in February.

**The Chairman:** What was your thinking in publishing the Marine Messages document ahead of the more detailed document?

**Ronan Uhel:** The Marine Messages was very important to us because it was connected to the policy discussion, which took the form of an important conference this year, the Healthy Oceans—Productive Ecosystems conference in March, organised by the Commission services. As you can see from the name, the acronym spells HOPE. That conference was timed to correspond with information from the member states through their initial assessment, which was required under the marine strategy framework directive. The Commission intended to communicate at large the varied results and evaluation of this initial assessment.
From our side, it was very important to bring these policy discussions into the context of the environmental quality of the European seas. In consultation with all the stakeholders, we thought of developing and stipulating this message to bring this element of context so that the policy discussion can be directed towards the objectives of environmental quality.

**Q49 The Chairman:** You have both been with the organisation for some years now, and I wonder how, on reflection, you would assess the level of political commitment or commitment in the Commission towards the kind of work you are doing? Has it changed at all?

**Trine Christiansen:** No, I think there is an extremely high level of commitment in the Commission, but you have to understand—I am sure you do understand—that this is very much a collaboration between the Commission and member states. When the Commission puts out legislation, as they have done with the marine strategy framework directive and with marine spatial planning, this puts on the table the need for the countries to march in the same direction.

But we also know—this happens in many of the different legislative packages—that it takes quite some time for countries to get themselves aligned to the requirements of the policies. You have to see this as a collaboration between the Commission and member states. The Commission is extremely committed to this.

**The Chairman:** Is it your sense that there is less commitment at a national level, or is it simply that there is the time lag, which you have described, between the overarching policy and the national development of programmes to meet the European level objectives?

**Trine Christiansen:** There are three things going on. One is that the marine strategy framework is still quite new. It was adopted in 2008. It is also an extremely complex piece of legislation. So even though the directive is 35 pages or something like that—it is not a long document—the complexity of what has to be done is very great. It has arrived at a time of
austerity, so the countries have been put in a position where they are forced into perhaps a priority setting that goes in other directions than the environmental priorities. But this is an important factor in the countries.

**The Chairman:** Finally, on managing sea basins, regional co-operation is an important part not just of marine policy but of energy and various other things. Can you comment on how you see regional co-operation currently and how it is developing?

**Trine Christiansen:** At the moment this regional co-operation, especially around the marine environment, is set in the context of regional sea conventions, which are forms of collaboration that were agreed a long time before there was a directive. They have been agreed because of the recognition that there is a need to work together on managing the environment of sea basins. It does not make sense to work on this from a purely national perspective. This would be OSPAR in the case of the UK. They work very much on environmental issues, whereas the human activities are managed under completely different instruments. This may be where some of the challenge lies in bringing these issues together in a way such that environmental considerations are adequately taken into consideration.

**The Chairman:** We will definitely be going into that in more detail.

**Q50 Baroness Byford:** Good morning. The directive is obviously based on the ecosystem-based management, so two questions spring to mind straightaway. How do you balance economic activities against social considerations? You have just mentioned that we are here in a time of austerity, so obviously the economic value from our seas is highly important. Presumably trade-offs will have to be made, if we are to be able to do that as well as protect the environment and have a sustainable future for our seas?

**Ronan Uhel:** You are absolutely correct. If you would allow me, I would like to take it from the very first step in this discussion on ecosystem-based management. It would be very trivial to start with. It is a question of working with nature or working against nature. To be
very trivial, let us take the fishery example. Nature provides fish and we catch the fish. The question is the way we go about it. If we continue to fish the way we are, we definitely take the risk that there will be no more fish to catch. That is a very important thought to have in mind when you think about ecosystem-based management. This example is very trivial because it is a very simple and very linear eco-habitat.

When it comes to marine ecosystems, we are entering a field that is much more complex because we are looking at many services that the marine environment can provide our societies with. Of course, in order to tap into these services, we are talking about a number of economic activities that are very different in their business model, in the technologies they use and so on. Ecosystem-based management has to be directly related to the directive on marine spatial planning, 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, which has to do with this issue of complexity. This is where the trade-off that you underlined between environmental assets and human benefits—be they social, economic or even welfare—is at the heart of the entire discussion. This is reflected today at a very macro level between the aspiration that we have at a European level for the blue-growth strategy while at the same time implementing a number of regulations that are very much directed towards maintaining the ability of the environmental system to deliver services in the long run.

**Baroness Byford:** Can I follow that up? Where we have this balance, are you confident that the various groups are being drawn together, and do you think your Marine Messages will help to strengthen that, making it easier for the directive to be agreed to and come into fulfilment?

**Trine Christiansen:** Going back to the example that Ronan just gave on fisheries, one of the things we made a point of highlighting in Marine Messages is the number of environment
policy targets that we have in the EU that relate to the marine environment. I believe it is an A4 page long. I do not want to go into the details but will just show the figure that I have in mind. It has been recognised not just by the EU but by society as a whole. Many different people and communities have come to the conclusion that overfishing, for example, is a problem. I think it was in 1982 that we established a target for fishing at a level called maximum sustainable yield and it has still not been implemented. It is being implemented gradually more and more, but the point is that it has taken us a very long time to come to the recognition that this is the only way to go if we want to have a sustainable fishing community that can predict its own economic future. Maybe I am being modest here, but our publication is a message into this discussion that hopefully will encourage others to take some of these discussions and consider some of these trade-offs here.

Baroness Byford: Thank you for that. I think other colleagues will want to press you further on other issues.

Q51 Baroness Howarth of Breckland: I would like to go further. I clearly do not know what is in your new document, but in Marine Messages it was quite clear that there was no eco-based approach to the assessment of the cumulative impact of marine activities and the pressure, such as climate change. That work to bring all the information together—what information already exists, never mind the 70% or so that still does not exist—has not been done, so I think you would probably say that there is a lack of knowledge in making policy. Why do you think it is so important to look at the cumulative effects of human impact on the ecosystems? I think we all think it should but we would like to know from you why it should. How should the work be taken forward? At what level and by whom?

The other question I have is: how much time do we have to do it before it is too late?
Ronan Uhel: There is definitely a related scientific dimension to the last part of your question, and at the same time there is also a very political side to the discussion. The cumulative impact is very much linked to this ecosystem-based approach that we very much tried to make the case for in our message and which we have fully deployed in developing the report that will come out in February. What is important to understand here is that it has to do with actions, because cumulative environmental impacts are a reflection on the number of activities that for the time being have a direct or indirect impact on some components of the marine environment to demonstrate that there is a collective responsibility into mitigating these efforts.

If you can bear with me for one minute, I would like to give an example of what we mean by “cumulative environmental impacts”. It was in the setting of one of the previous marine EU Directors meetings and it was a presentation by somebody from the Dutch Ministry of Economic Affairs. They had installed a process whereby they had invited many of the stakeholders—fishermen, oil companies, nature protection, the tourist industry, etc.—and they had created what they called a digital table with some parts of the North Sea. Clearly the question from Economic Affairs was, “Okay, people, what are your claims on the different resources that we have here in the North Sea?”. Then somebody high-tech put that in and represented it on the map. Of course, the more they added the more they realised that their claims had something in common, which was, “We are going to impact on precisely the same area. In this same area we are going to tap into exactly the same kind of services that this area can deliver. So cumulatively we are going to provide huge impacts”. It was then demonstrated that around the table you had co-responsibilities to mitigate the impacts, so there was a need to streamline a response process by going with co-responsibility. That moment, I must say, was absolutely revealing because it was very
concrete and it talked directly to the large number of interested parties and made a point about the common interest.

**Baroness Howarth of Breckland:** Could I just follow through and take you to Dogger Bank question? This follows the same sort of issues that you have been describing: people coming together and looking at an issue. In the Dogger Bank example there are a number of interests: the Germans, the Netherlands and the UK all have an interest in Dogger Bank. Would you agree that there are criticisms directed at the protection of the Dogger Bank because there is a lack of a joint plan? How can protection of that kind of area be improved? Does the example that you have just given help? Could there be some similar plan? Should the process be led by member states or should the Commission have a role? Should they be more interventionist in all this? Do you have other examples where effective co-ordination has led to the protection of the seas?

**Trine Christiansen:** The example I would like to highlight from Marine Messages on this is in figure one, which very clearly gives you an idea, a graphical impression, of what we mean when we talk about cumulative impacts. But that analysis only includes a very small part of the Dogger Bank, so that is not specifically in there.

In terms of collaboration, it is fair to say that analysis, such as the one that was put forward here, would be greatly strengthened if all countries around the North Sea participated in this activity or in an activity where they agreed on sharing the information that they had available. The countries 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 where everybody agrees, “This is the analysis that we as a society are going to be doing”. It is only by doing that that you can really start outlining the basic ideas of an ecosystem-based approach, because you have to be looking at all the activities and all the interests. You have economic interests but you also have nature protection interests. Of
course around the Dogger Bank the big issue is that it is very well suited to the establishment of wind farms. Most of us do not like to have them close to our homes, but on the other hand we see this as a very powerful way of reducing our dependency on oil. Here we are in the middle of a societal debate on what the priorities should be. You can argue in the first instance that the countries should be able to work out a plan, but this is often difficult and is where the Commission comes into the picture. It can be more forceful in getting countries to work together. This is about developing shared solutions to shared problems. I know this is a cliché, but on the other hand that is the basis of what needs to happen.

Q52  Lord Williams of Elvel: Could you say something about what is happening in the Baltic, which appears to be rather more advanced in this matter than others? What are they doing right there that others should be doing in assessing the cumulative impact of marine activities? Secondly, how do they accommodate the Russian interest? That, of course, is very important in the Baltic, but they are not part of the European Union.

Trine Christiansen: I am Danish, so I have a national background in the Baltic Sea. One of the things that I think is very important to recognise around the Baltic is that there is a very strong cultural connection between most of the countries surrounding the Baltic Sea. There is a long history and there has been a long history of working together.

One of the things that the Baltic Regional sea convention, the Helsinki convention, has been extremely successful at is developing a shared understanding of the biggest problems in the Baltic Sea. In the case of the Baltic, the biggest problem is the nutrient enrichment of the sea, which is creating huge areas of hypoxia, or anoxia, so they basically have lots of problems with a dead sea floor. Another part of recognising this problem is that it is quite visible in the Baltic. You have a lot of influential people who like to go sailing in the summer. They go out sailing and all of a sudden they see toxic algal blooms on the surface of the sea, and they
know that these things were not there when they went there as children. So there is a very intuitive understanding that this is a problem that needs to be solved. Simply because this collaboration has been going on for a long time, and there is a shared understanding of what the problem is, it has also helped to develop an understanding of what the shared solution is. How come? Because it is an intergovernmental organisation, Russia participates in this. Russia is included in the discussion of these solutions and in the agreement of these solutions, so it has basically signed off on it. In that sense, it is a very good example of how this collaboration can take place. It has now been adopted into an EU regional strategy but it came into being without the EU.

**Lord Williams of Elvel:** That is very interesting. Do you think that those arrangements, that level of co-operation between states and non-member states, are exportable to other sea basins as well?

**Trine Christiansen:** I think it is, but this co-operation and the way the specific arrangements end up being based on co-operation has a lot to do with the cultures of the countries that participate in the co-operation. One of the things that the Scandinavian countries share is our language. Our languages are very similar. We see ourselves as part of an intertwined history, so we might not have as many barriers in how we see each other and our degree of willingness to enter into these arrangements. I am not an expert in this area but that strikes me as rather important.

**Q53 Lord Cunningham of Felling:** As *Marine Messages* shows us, there is a very complex array of policies that affect the marine environment in European Union waters and elsewhere in the areas and regions that we are talking about. It has been put to us by other witnesses that a lack of co-ordination between EU policies is a more significant challenge to marine protection than improving co-operation between states. Is that fair?
Ronan Uhel: To a large extent there is again a multi-dimensional reply to your question. The first has to do with coherence in the sense that when you have established policies, of course you would assume that implementation would be done in a very consistent and converging manner. One of the difficulties that we observe on the ground, which countries are experiencing, is that very often the implementation remains very fragmented: that is, an objective from a particular directive will be fully implemented that is disconnected from the related objective that will be implemented through another pathway. There is a coherence issue here, which we have tried to highlight and to exemplify in Marine Messages, which we go into further in the report coming out in February. The other dimension, which is very much related to this coherence, is what you could call co-ordinated implementation. It goes together, but this is something that we are conscious of and what we observe today at the European level. There has been a wake-up call, from the member states in particular, for the Commission to see that the marine, water and nature directives, taken all together, have a common core, obviously. There are similar pathways for implementing these directives, but we are not doing that in a co-ordinated manner. For instance, the whole discussion about the marine directives is that the definition of good environmental status can be better connected to some of the environmental quality objectives that you have through the nature directives. That would definitely help with monitoring, reporting and making comparisons. So that is one element to your question. The second element, which is more political than technical, has to do with whether there is a lack, a gap, an absence of real response to implementation. As we say in our message and in the report, yes, that is definitely part of the equation. There is a lack of response. That is obvious and I think it is fully appreciated by all parties concerned.

Trine Christiansen: I would add that what you very often see in these European assessments, whether it is under the water framework, the nature directives or the MSFD,
a percentage of unknowns. In the nature directive, for example, almost 90% of the marine habitats and species are classified as unknown. This is basically where countries have a responsibility to go out to try to understand what the conditions are, and have had the responsibility for a very long time.

**Lord Cunningham of Felling:** I am tempted to ask you whether, to quote an American, these are known unknowns or unknown unknowns. From what you have both said, would it be safe to conclude that you are not satisfied yet that the EU’s policies and strictures affecting the marine environment are well co-ordinated, or as well co-ordinated as we would want them to be?

**Trine Christiansen:** We are trying to make progress in that direction. One of the agreements that have been made is that what this is about at the end is the specific programmes of measures—the specific activities that you put into place to improve the environment. As I said before, part of the problem at sea is nutrient enrichment. It has been agreed that the programmes of measures that are set under the water framework directive, which manages this on land, will be accepted as programmes of measures under the marine directive. This may be a bit trickier in fisheries, for example, where we have a common fisheries policy that is a completely different policy instrument, and anything that regulates fisheries gets agreed under the common fisheries policy, which has an environmental objective but also has the objective of catching fish. This creates some difficulties.

**Q54 Lord Cunningham of Felling:** Finally, turning to the proposals on maritime spatial planning and the directive, do you think that this will act as a way of positively encouraging collaboration in future on the implementation of policies? Secondly, to what extent is there a danger that marine planning might cause as many divisions as it may resolve?
Ronan Uhel: That is an interesting way to put it. I think we have to look at the objectives and comment on them and their benefits in terms of co-ordinated efforts and then full implementation.

The directive is now asking the countries to come up with their marine spatial plans by 2021. So you have a time horizon that has to be considered. Now, would it be too late or would it still be on time to help the overall issue? That is the debate. I think what is absolutely essential is that the process of going there has a very intrinsic value and advantage to helping in a number of discussions. I would say that it remains the case that the process has to be exercised in the most comprehensive manner. As per the example I gave earlier from the Netherlands, with this stakeholder and a very participatory decision-making process, this is exactly what the marine spatial plan should be about. It is about bringing everybody around the table to have discussions about interests and to find a common way to serve these interests through particular trade-off mechanisms. In a way it is not very different from what has been put in place in the context of the water framework directive, with the development of the original basins management plans. This is what we can expect to see happening. The key question is: would it be happening in a most comprehensive way or not? That is a question that remains to be answered.

Lord Cunningham of Felling: Can I just ask one final brief question? Given that we are dealing with very complicated and heavily used seas—the Mediterranean and the North Sea—can we learn any lessons from other parts of the world in developing these polices, or are we already a world leader in dealing with these complexities? When I say “we” I mean the European Union, not the United Kingdom.

Trine Christiansen: Yes. I am not sure that we can give you a completely in-depth example of that. I do think that what we have going for us in Europe is that we have a mechanism of collaboration and a mechanism for achieving international agreements through the European
Union, whereas in other parts of the world this may be much more conflictual. One of the areas that we also work with is the Black Sea, and you can imagine how many more complications there are in agreeing anything in that particular area. That is the case even in our own neighbourhood and in many other parts of the world. When you do not have national sovereignty, achieving these agreements can be extremely difficult.

**The Chairman:** Could I just ask a specific question on that? In the *Marine Messages* document, you point out the number of boundary disputes that there are in Europe. We raised this with the Commission, with Mr Siemers, and he did not seem to see this as a problem at all when it came to implementing maritime spatial planning, but you think it is important enough to put in your document. Can you give some specific examples of where these territorial disputes have got in the way?

**Trine Christiansen:** When you have a territorial dispute, that means that you have no agreement on, for example, who issues permits in that area. You can imagine that if you are discussing the use of a particular area or use for one purpose or another, that can be a conflict in its own right. With some of these areas, countries have agreed to disagree on where the boundaries are. One of the areas is between Slovenia and Croatia, and the boundary between Greece and Turkey is extremely sensitive. It simply creates issues of how you use the area and who has a right to use a particular area in a particular way.

**The Chairman:** That is very helpful, thank you.

**Q55 Baroness Howarth of Breckland:** I have been listening carefully to what you have been saying about how people get together and co-operate and co-ordinate the work. I go back to the question I was interested in: how can they do that if they do not have some sort of assessment of the cumulative impact, which clearly in areas of dispute they will not have? Even where we are supposed to be co-operating, you are saying that these things do not
exist in the way they should—the knowledge is not there—so you can sit around and have a discussion but it is very intuitive rather than based on facts.

*Ronan Uhel:* Yes. To give you another very concrete example, we work quite a lot in the Mediterranean area where, as you can imagine, you would need a huge body of evidence to convince the neighbourhood of the Mediterranean basin to co-operate and act together towards protecting the Mediterranean Sea. In this area this is one of the oldest original conventions that we have in the world. It was not really based on identifying problems. It was mostly based on identifying the common future around the Mediterranean Sea and the benefit from the particular assets which the sea provides to countries overall. There it was mostly presented as, “We are all together in an asset management context and it would be much better if we do that collectively than bilaterally”, and so on.

In this context, when it comes to presenting the issues from an environmental perspective, it is absolutely correct that the body of evidence about cumulative impacts is still very limited. But there is a threshold, from the evidence that we have on particular sub-areas, where there is complete acceptance that this is indeed the main issue that can be fully represented at the original level. This is about the level of acceptance threshold, and when we develop the evidence base we always reach a point where clearly, with the limited information that we have, there is complete understanding that it is representative of an overall issue.

*Trine Christiansen:* Yes, but I would say that in the North Sea the issue is probably more co-operation in relation to the evidence and bringing the evidence to the table than about not knowing. At least it is too early to draw conclusions about what you do not know.

*Baroness Byford:* I will, if I may, ask a follow up to that. Earlier you said that there are clearly two challenges: one is technical and one is political. To achieve the outcomes that we all want, where you have knowledge already and you know where your research is, who
moves it on? Is that done at a member state or EU level? How can we move this process forward?

Ronan Uhel: This is something where the collective comes into the equation. In the process of implementing the MSFD, the MSFD started off very much as a one-to-one process between each member state and the Commission and gradually moved towards groups of countries, mostly in the context of the original sea conventions, towards a commission. Then it was decided by all the parties involved to reorganise a bit of the process and the communication lines. Today there is a complete understanding that many of the policies that are in place, which they will have to deliver, will be done through the original sea conventions. A complete platform has now been established to help in both the communication and the implementation. That is a very important element in this regard. At the same time—this is more on the political side—technically this is exactly what we try to contribute to this collective: that is, we are working with many of the partners involved at all levels to come up with a common representation of the issues. We work with large communities, scientific communities, technical communities, organised in institutional networks or not to help in providing this common picture. So perhaps the key to answering your question here is “play collectively”. Elements of that are coming to the fore.

Baroness Byford: Yes. From the evidence that we have heard from other people, where there has been success it is exactly as you describe it. My question was how, in areas where this is not happening, you move it forward, and who acts as the lead to that to enable it to happen.

Trine Christiansen: An example of where it is extremely difficult is the Black Sea. There, countries such as Romania and Bulgaria have to comply with EU legislation and all the other countries around the Black Sea that are openly disagreeing. Here the EU provides a very strong stimulus for Romania and Bulgaria to work together. You might think that by virtue of
being two EU members states in the same region it would be straightforward for them to work together but it is not, so the Commission stimulates a certain collaboration between these two countries to get them into a situation where they can fulfil the requirements in the directive.

A country such as Turkey, which is an EU accession state, is a bit on the margins of this collaboration, but it is also gradually being brought into the picture because in the end that is what you want. We are, for sure, believers in the European system here, because we see that the EU, although sometimes coming across as technocratic, brings people together around shared approaches to shared solutions. Here we are talking about the environment, but it is true for any issue of international disagreement that this is the way forward. You have to work out a shared approach.

**Q56  Lord Whitty:** In a sense these questions tackle the same issue from a different angle. Could we move the focus to the North Sea? Obviously there are wider and much more difficult questions in the Black Sea in some ways, but the most intensive, and probably the one the British are most interested in, is the North Sea. In that area I am not sure whether you are saying that the problem is co-ordination between EU policies—you have described certain conflicts, even within the environment area, and the lack of consistency on progress—and whether the Commission itself ought to be more co-ordinated in bringing together environment, fisheries and, for example, energy, or whether the main problem, even within the North Sea where we get on relatively well and have not had a war for many years, is the lack of co-operation or consistency between the member states. Which is it?

That is the first part of my question.

**Trine Christiansen:** The assessment that was done by the Commission on the marine strategy framework directive reporting very clearly concludes that it is the latter: the lack of co-ordination between countries. So, yes, I agree with you. I do not think we are so far apart
on the North Sea area. That is also why we point to other areas with some of the examples that we are giving. It is also true that there is collaboration around the North Sea, but it is a very individualistic co-operation, probably because there are some very strong national interests in the area. I am not trying to diminish the challenge of coming to terms with some of these conflicts or difficulties, but there are issues with how the member states approach these topics.

**Lord Whitty:** Just to pin it down a bit, could you give us a couple of examples where you think co-operation has worked in the North Sea and that you would tick off as a success or a near success, and a couple of example of where you think that co-operation may have fallen down, partly because of this differential national interest issue?

**Trine Christiansen:** I think the co-operation within OSPAR works, because countries come together in a regional setting and discuss common solutions. I also know, especially because OSPAR is put in a position where they act as a co-ordinator of a regional approach, that there are very strong political agendas that go into that discussion. The countries come with their various interests for various reasons. The Dutch do an awful lot of sand mining to maintain their country. What are other examples? Continental Europe has very strong agricultural communities that pollute into the North Sea, and countries have different interests in the fisheries. On top of that we have wind-farm development, and I should not forget the oil sector. These issues are very closely related to issues of national security, which makes it very difficult to have a non-political discussion of the environment.

**Ronan Uhel:** I do not know if you are aware of the map that was produced by Defra UK a couple of years back, which exhaustively mapped all the human activities and interests in the North Sea. It was absolutely impressive because at the end of the mapping you could not see the water any more.
Q57 The Chairman: I was not sure at what point to ask this, but this is as good as any. We always think about economic development on the one hand as a competitor to environmental protection, a trade-off. You can have one or the other. Is that true? How much work is done not just to mitigate the bad things but to see sometimes where some developments could improve the marine environment? How much of that research and discussion goes on?

Ronan Uhel: We can put that under the umbrella of what we call in our jargon “best practice” in order to demonstrate that things can work and can work around a common agenda to deliver a common good. This approach is reflected in a number of examples that we will put in our report in February. The approach is to explain the success factors, what the economists would call the benefit transfers. What can you learn from what worked there and apply almost by practical analogy to another place? There are many elements of that. It is not to be denied; it is not to be put aside. The thing, though, is that it operates on a tiny fraction of the overall issue. Similar to our discussion about the community of impacts, we have to think about the community of effects. The areas where you have excellent work ongoing are very often confined to a particular aspect of the issue. What has to be encouraged is the demonstration of the community of impacts and the common good that can be achieved by ecosystem-based management. This is where we stand in the evidence that we can fetch from here and there. This is too case specific, but this is what we can share with you today. This is not really helping, although it is intrinsically very telling in terms of possibilities and pathways to make things happen.

Baroness Byford: If I might, I will still follow up, please, on the whole question of knowledge and of sharing of knowledge. I think in your contributions to us already we have had the sense that some areas are much better at sharing that knowledge. Do you have any examples—I do not mean pure examples—of cases where people are not willing to share
and are very defensive, or of areas where you perhaps slightly lack the research needed to have a sound base on which to share knowledge and skill with each other? If you could start by commenting on that, I think that would be helpful to our other questions.

**Trine Christiansen:** Yes. I go back to the marine strategy framework directive, which is based on an ecosystem-based approach. The directive states very clearly that the basis for what it works with is the ecosystem. This means specific habitat, specific species and their health. It is clear from what we know at the moment that if you ask me whether our marine ecosystems are healthy, I would not be able to answer that question. Basically we are asking: what is at the core of what we are trying to protect? We do not have very much knowledge of that. Then you can ask, “How do you obtain that knowledge? Is this through more research, is it through better monitoring?” Again, there are a number of different answers to this. Some of this knowledge has to be obtained from the research, but it also has to be obtained through wanting to address these systems as a whole, as a community of species, wanting to try to understand the practical approaches to achieving this.

What I can say—and this is perhaps where the strength of having legislation comes in—is that if the legislation had not been there, there would have been no impetus for going into such a discussion. But now that we have legislation the issue is whether it is forcing many different parts of society to think about these questions. I think it will be some time before we can satisfactorily draw a conclusion, simply because so much is unknown and there are still a lot of issues, even at the level of how you go about this. Do you assess everything or can you find a few key species that you address? Some of the species that are targeted are at the top of the food web, but maybe we need things that are more at the bottom or something that is in-between. There are many discussions still ongoing on exactly how to approach this. I would say that it is a combination of research, monitoring and investigation at a national level.
Q58 Baroness Byford: Thank you very much for that. Can I take you back to the question that you said you could not answer: whether the seas are healthy or not? I can understand why you answered that way. Can I move it one stage further back to earlier legislation? You say that you have a whole page listing legislation, and we have it here. Is that counterproductive? Are there issues in there that do not help in your overall desire to get a broader outcome?

Trine Christiansen: Our focus there is that there are a number of different perspectives on how you enter into setting targets for what we are trying to achieve. We were just talking about wind energy. That is also responding to a target of society or of legislation. Perhaps by building wind farms in an important habitat we are in the middle of the kind of trade-offs that we are talking about. That does not invalidate one or the other target; it just means that you simply have to think more carefully about what we are doing as a society, because what is apparent, not just to us at the European Environment Agency but to everybody working in the environmental community, is a decline in species and habitats everywhere. Every time you see a report being published on this, we can see—if you look at extinction rates and so on—that these declines are increasing globally. So somehow we are not approaching this in the right way.

Baroness Byford: I will ask another follow-up question on that. Bearing in mind what you have shared with us today, how would you prioritise this? Would it be to narrow specific issues and deal with them rather than trying to tackle the whole at the same time?

Ronan Uhel: For a couple of years our approach has been very much to rationalise but at the same time to target the essentials. We have brought the wealth of targets that we have today to a common envelope that has to do with what you will find in the EU biodiversity strategy, and target 2 in particular, which is to do with the restoration of ecosystems. In order to have this process you need a particular metrics—this is what is lacking—and then
to bring this wealth of targets and related processes, monitoring and reporting, to a common benchmark.

We have been working quite intensively with a number of countries and organisations at an international level towards what we call—to mimic the economic side—ecosystem natural capital accounting. This is reflected in the UK. You have a national committee on natural capital accounting that has been in place for the past two years and is very much about addressing the concern to find a metrics against which we can discuss the different targets in a very converging manner. Going about the accounting for ecosystem capital is one way of doing so, while at the same time bringing in to the debate how much society values the environmental flows, the environmental quality and the environmental benefits through an ecosystem approach. That is very significant, because it has now reached a global understanding through the Convention on Biological Diversity, which presented this principle at the last meeting of the parties a month ago. The World Bank and a number of leading organisations will finance a number of countries to help to establish a national system of natural capital accounting. This is absolutely essential to help answer the question you keep putting to us, which is extremely valid.

Baroness Byford: Thank you.

The Chairman: Thank you to both of you for spending time with us this morning. As I said at the beginning, your Marine Messages work has been extremely influential. This has been a very helpful session. We may have some follow-up questions that we will perhaps take up in writing with you. When your document is published it will be too late to influence our report, but we will read it with enormous interest nevertheless. Thank you both very much indeed.
WEDNESDAY 29 OCTOBER 2014
11 am

Members present

Baroness Scott of Needham Market (Chairman)
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
Lord Trees
Lord Williams of Elvel

Examination of Witnesses

Nick Medic, Director of Offshore Renewables, RenewableUK, Jacopo Moccia, Head of Political Affairs, European Wind Energy Association, and Mark Pearce, Business Development Manager, National Grid

Q14 The Chairman: Good morning, thank you very much indeed for coming to talk to us. In front of us this morning we have Nick Medic, who is the Director of Offshore Renewables from RenewableUK, Jacopo Moccia, who is the Head of Political Affairs at the European Wind Energy Association, and Mark Pearce, who is Business Development Manager at the National Grid, coming to talk to us about marine regional co-operation in
European Wind Energy Association, National Grid, Renewables UK — Oral Evidence (QQ 14-26)

their particular fields of energy. Thank you very much. I know you are all busy, so we appreciate you giving up time.

This is a formal evidence-taking session of the Committee and a full shorthand note will be taken. It is put on the public record in printed form and on the parliamentary website, but we will of course send you a copy of the transcript, which you can revise if there are any errors. As the session is on the record, it is being webcast live and will be accessible via the parliamentary website in due course.

I know you will have had a set of interests of the Committee, and any Committee member who has an interest specific to this inquiry will mention it the first time they speak. For myself, I am the Secretary of State’s appointee to the Harwich Haven Authority, which is a publicly owned trust port. That is my interest.

Before we start, I just wanted to mention that Oil & Gas UK were invited to give oral evidence, but due to other commitments the relevant spokesperson was not available to join us today. They have agreed to provide written evidence, and we will be considering that submission in due course.

With that, we will kick off. I wonder if I could ask very briefly the three of you to say a word or two about your role in your organisations, just to set some context.

Nick Medic: Yes, sure. Thank you. My name is Nick Medic. I am the Director of Offshore Renewables at RenewableUK. You might know RenewableUK in its previous incarnation as the British Wind Energy Association. We were founded in 1978. For the last 35 years, we have been representing companies in the wind-energy sector. In 2006 we also started representing companies in the wave and tidal sectors. We now represent the full gamut of offshore renewable technologies in this country. We have 580 corporate members and three offices in the UK: London, Cardiff and Belfast.

The Chairman: That is very helpful. Thank you.
Jacopo Moccia: I am Head of Political Affairs at the European Wind Energy Association. We represent about 600-750 companies all active in wind energy in Europe, both onshore and offshore, and we are the main Brussels-based association lobby, if you like, for wind energy in Europe.

Mark Pearce: I am Business Development Manager in the National Grid’s European Business Development Team. We are looking to take forward a number of interconnector projects, most notably UK-Belgium, UK-Norway, UK-France and UK-Denmark, and we are also looking at a link with Iceland.

Q15 The Chairman: That is terrific. Thank you very much indeed. I wonder if I could kick off by reflecting that the European Commission’s roadmap for moving towards a competitive low-carbon economy by 2050 is talking about significant and rapid change in the European energy system. I guess there has been some extra urgency put on that by the particular concern now on energy security—about the role that diversifying supply has to take in making a more secure energy system. I wonder if you would like to comment from your different perspectives about this roadmap to a low-carbon economy, about the realities of some of that and what changes are going to be required if this is to become a reality.

Nick Medic: If I open with a few observations that might set some context, the roadmap as it translates in one way into UK legislation is through the Climate Change Act. As you are aware, the Climate Change Act requires the United Kingdom to obtain around 80% of its energy from renewables by 2050. The reality at present is that we get in the region of about—perhaps it is a few per cent more—5% renewable energy. Clearly, a major ramp-up in that to achieve that target will require opening new energy frontiers, and offshore renewables really are such a frontier.

This is an infrastructure project that will have to be rolled out at scale if we are to start getting a more significant portion of our energy from renewables. To illustrate the potential
by what has been happening in the last 10 years, in 2002 we had a total of two offshore wind farms, or rather wind turbines, installed off the coast of the UK. We now have 1,075—so the growth has been quite significant.

However, this will have to be just the beginning of a project that will have to last well into this century. To explain the context, perhaps, of the impact offshore wind has had on the nation's electricity supply, we now supply around 5% of UK electricity—not energy but electricity—and that is scheduled to go up to about 10% by 2020. The corresponding environmental footprint, if you look at seabed usage, has been around 500 square kilometres. We have now managed to reach almost 5% while only taking 500 square kilometres. Really, the vision of how the sector will have to be developed will have to take into account the required amount of electricity needed versus seabed usage.

**The Chairman:** We will come back in a minute to questions about managing the conflict, but, while you have said that, the specific question was: what is a realistic amount that could be delivered by seabed offshore energy by 2050? What would be the land-take, if it was on land, or the seabed-take? I am just trying to get a sense of what the scale might be.

**Nick Medic:** In the short term, we know the Government’s commitment is to find 9 gigawatts of offshore wind. There is tangible funding in place for that and the signal is that, beyond that 9 gigawatts, perhaps one or two more could be available to be funded. That is 2010. Beyond that, we have very little visibility. There is nothing currently enshrined in any regulations or government strategies beyond 2020, which is a great worry for our sector, because it needs long lead-in times both in terms of the supply chain and because these projects take about 10 years to deliver.

Setting that aside, however, to answer your question directly, we have done various scenarios. National Grid has also been very proactive in producing a set of very feasible scenarios. By 2030, the sector could accommodate 30 gigawatts or more with the right
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support in place. Beyond that, the total pipeline set aside by the Crown Estate—that is, the total seabed that can be used for offshore wind—grows to 45/50 gigawatts, so we are talking about quite significant chunks of generation out there.

Q16 Lord Bowness: Lady Chairman, forgive me if I interrupt. I am afraid gigawatts go over my head—perhaps they go through it; I am not sure—but the question you were asking really was: what sort of acreage are we talking about? How many hectares is it?

The Chairman: Yes.

Lord Bowness: I appreciate there will be developments and these things will produce more electricity as they are improved and what have you, and you cannot be absolute, but, if we could start with where we are, you have your 1,075. How many are we going to have, covering what area, to produce the five or however many gigawatts you were talking about?

Nick Medic: The UK’s exclusive economic zone is around 700,070 square kilometres. It is one of the largest exclusive economic zones in Europe; there is quite a huge chunk of seabed around the UK. That is basically that. The 3.6 gigawatts we have at the moment—that is the 1,075 turbines—are taking up about 575 square kilometres. That is basically a tenth of 1% of the total exclusive economic zone.

For that tenth of 1%, we are now getting up to 5% of electricity from offshore wind. If we scale up those calculations, by 2020 we anticipate we will be using perhaps—this is something I would also be prepared to submit after this session as a written statement—around 2,000 square kilometres to accommodate the 9-10 gigawatts.

Lord Cameron of Dillington: How many turbines is that?

Nick Medic: We anticipate around 3,000.

The Chairman: That is really helpful. It helps us to get a sense of the size of the job.

Jacopo Moccia: Lady Chairman, just to complete this question, assuming that all the offshore wind turbines in Europe were to be in the North Sea and they were to power the
whole of the EU, which currently consumes about 3,000 terawatt hours of electricity per year, we calculated that it would be less than a tenth of a percentage of the space of the North Sea. Of course, not all the turbines will be in the North Sea.

To come back to your original question, as you may know, there was a decision a few years ago from the heads of Government from each member state of the EU that we needed to decarbonise our economy by 80-95% by 2050, which is where, of course, the decarbonisation roadmaps come from. In this context, the easiest part of the economy to decarbonise is the power sector, the electricity sector, which therefore would need to be almost 100% carbon-free by 2050.

If we look at the types of investments that could be promoted in this context and what is cost efficient, we obviously see a significant role for wind energy and, particularly, offshore wind energy, which already is today and certainly will be post-2020, if we carry on along this decarbonisation path, the fastest growing power sector in the world, in fact. Certainly in Europe, no other power sector would deliver that much.

Currently, wind energy in Europe meets 8% of all EU final electricity consumption. A little bit less than 1% comes from offshore at the moment, and we expect that in 2020 about 15% of all electricity consumption will be met by wind energy, of which 3% would be offshore. 60-70% of that would be in UK waters, basically because of the move advantage that the UK has. Even though offshore wind started in Denmark, it is of course a much smaller country with much smaller needs in electricity and a much smaller sea. From here we can develop a number of other concepts, which you can ask us questions about and we can certainly discuss later in terms of how this power can be traded to make sure that it is effectively as cost efficient as possible to develop all these new installations.

The last point I would like to make at this stage is that, when we look at a wind farm and we say, “The wind farm occupies 500 square kilometres,” or whatever it is, it is not a total
build-out. It is not as if we are covering the whole seabed in one go. A number of activities, and certainly environmental conservation activities, can carry on. The actual space, if we looked at how much space each turbine individually occupies of the seabed, is significantly less. It is just that certain activities cannot carry on.

The Chairman: Shipping is one example.

Jacopo Moccia: Yes, certainly large shipping. It is probably best not to have sand extraction on a wind farm. A number of other things could carry on, however.

The Chairman: We will come back to some of that. That is great, thank you.

Mark Pearce: We have currently installed approximately 4.5 gigawatts of interconnection capacity between the UK, Europe and Ireland. When we talk about connecting with countries, that is the point of connection, but when we are connecting to Europe we are actually connecting to a much wider European system. If we are connected to France, they are connected to Belgium and Germany, so we have a much wider network to go to.

Currently, peak demand on the UK system is somewhere in the region of 63 gigawatts. We are under the 10% target that has been set for interconnection capacity. We estimate that, with our projects that we have in the pipeline, we have somewhere in the region of a further 4 gigawatts of capacity to connect in over a period of timescale stretching from 2018 through to about 2020.

In terms of the footprint we take for an interconnector, the cables themselves are approximately 5 inches in diameter, which is a relatively small footprint. Usually, there are two cables, because we are using high voltage direct-current technology. The shortest distance is between the UK and France; that is somewhere in the region of 75 kilometres. To Belgium it is 130 kilometres, but we have to take the cable through UK waters, Belgian waters and, indeed, French waters. To Norway we are stretching up to 750 kilometres. If
we proceed with Iceland, that could be anything up to 1,000 kilometres, but we are a relatively small footprint in the seabed.

The Chairman: Thank you. Again, that is something we may come back to.

Q17 Lord Cameron of Dillington: Thank you very much. I would like to ask some questions about the maritime spatial planning directive. I guess the first one is this: what are the most significant problems that you encounter when operating in the North Sea basin alongside other sectors and marine activities? Who wants to have the first go?

Nick Medic: Perhaps I can have a go and illustrate it with an example of current practice.

As you know, offshore wind farms are subject to lease agreements issued by the Crown Estate. One of the sticking points in previous lease arrangements was the so-called “oil and gas” clause. Basically, the oil and gas clause stipulates that, if at any point during the wind farm’s construction or operation there are oil and gas deposits discovered, the wind farm developer has to vacate the zone and cease all activities and make way for the oil and gas exploration activities. That clause was hanging over the heads of developers in the offshore wind sector for nine or 10 years after the zonal arrangements were inaugurated in the early 2000s.

However, I would like to now move to perhaps explaining why this could turn out to be an example of good practice. We have had a successful resolution of this clause recently, whereby a system of mediation and compensation was instituted by the Secretary of State. Essentially, if I had to sum it up, I would say the problems really come from competing interests in this area. You can understand that perhaps some activities are perhaps more location-specific than others, but this is not to say such issues are insurmountable. When you look at the process of how the oil and gas clause was negotiated and how it was resolved to the satisfaction of both sectors, you can actually see that these interests can be reconciled.
To sum up, in terms of its interests, the offshore wind sector does come up against other sectors, but we have seen in practice that these issues can be resolved.

**Lord Cameron of Dillington:** Do you want to add anything to that?

**Jacopo Moccia:** If I may, Lady Chairman, there are a lot of activities in the sea. If we are to follow an agenda of blue growth, which both stimulates economic activities in the sea as well as ensuring a minimum of environmental protection and sustainability of those activities, it is clear that you will inevitably come into some kind of conflict. If you took an overlay map of the North Sea—or certainly certain regions of it—and said, “Here we have sand extraction; here we have nature conservation; here we have shipping lanes; here we have pipelines and telecommunications cables; here we have offshore wind farms,” there would be a lot of activities superposed. This is where the maritime spatial planning directive comes in extremely useful: to be able to see these things beforehand and, basically, plan out.

The directive is important because it is not very prescriptive at all; it just says, “Do maritime spatial planning and co-ordinate with your neighbours if you possibly can.” We would actually push that message quite far because on the sea, as opposed to on land, there are a lot of activities that can happen. There is less governmental control over the activities a foreign ship or a foreign company et cetera can carry out. There is a necessity to co-ordinate in areas where you have maritime zones that come into each other, which is the case especially in the North Sea, but it is also the case if you look at the Irish Sea and parts of the Atlantic coast, if you look at France, Portugal or Spain. Clearly, if you are putting sand extraction very close to where your neighbouring country has a nature conservation zone, that may not be the optimal way about it, but if you co-ordinate with your neighbour you may be able to say, “Well, I will have the nature conservation zone on this site, so we can put sand extraction on that site,” et cetera.
Clearly, we need to look at upcoming activities. Will there be an increase in shipping and, therefore, do we need more shipping lanes? Clearly, offshore wind and, in a few years from now, also wave and tidal will be new uses of the sea. If we just say, “Well, because in the past we had an activity here, therefore for the rest of eternity it is blocked and it is immutable,” clearly that will then be a problem, which is where maritime spatial planning can play a role.

**Lord Cameron of Dillington**: What about the National Grid? Do you come into conflict with other users?

**Mark Pearce**: We have quite some challenges. We do a lot of cable-design work in terms of the cable route that we plan. We have the physical constraints of other operators in a route corridor that we are looking at. For example, we may have a wind farm and we may need to cross their cables or a pipeline, if they are already installed. We liaise very closely with the Marine Management Organisation and with the Crown Estates. They are very helpful in providing a conflict management assessment to see if we are going to impact on gravel and marine aggregate extraction.

However, equally important is the impact of environmental constraints, i.e. protection zones and environmental protection zones. When you start overlaying all these different constraints, as we call them, and do constraint mapping, you start to get a feel for what sort of cable route you can take and which one is the least environmentally damaging but, equally, brings you into the least conflict with the number of parties that you have to cross: telecommunication cables, pipelines etc.

**The Chairman**: This is not for now, but something that would be really helpful to the Committee, if you are able to do it, is a worked out example. What are the procedures you would have to go through? Who do you have to consult with? Which bodies are statutory and which are not? It would just give us a sense of how you would carry out that kind of a
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project. I have a local authority background and we found it very difficult to co-ordinate people digging up the pavements. I actually find it very difficult to conceptualise how you would go about having to work on the seabed, and that is something that would be quite useful to the Committee.

**Mark Pearce:** Lady Chairman, I would be more than happy to provide that sort of information.

**The Chairman:** Thank you.

**Q18 Lord Cameron of Dillington:** The impression I am getting from all three of you is that the maritime spatial planning directive is really important and it helps to harmonise and avoid conflict. What about the investment, which was my other question? Does having it in place improve investment in your industries in terms of confidence?

**Nick Medic:** It should have that effect. At the moment, offshore wind is going through a transition from so-called “renewable obligation certificates” as a funding mechanism to CFDs, which is proving to be a somewhat difficult process. You would perhaps excuse us for this not being the key ingredient when considering investment, but where we see this having value is in terms of long-term plans for the industry. If you look at how all the various directives interlink, perhaps there is a sense that they could direct sequentially how the development process should be mapped out at a strategic level.

For instance, we have the marine strategy framework directive, which looks at the implications of these developments on habitats and protected species. That is something that really is of key importance at the construction and operational stages. The planning directive, however, has to come sequentially before then to map out those areas where development would be suitable. When you look at the future of development in the UK, you can really see the value of this sort of co-ordinated policy with our European neighbours, because past the end of next year, round three, which is the current
development round, will be completed in terms of consenting activity. The last planning application for a round-three offshore wind farm would have been submitted to the planning inspectorate. Beyond then, we have very little in terms of concrete plans on how we plan to lease further offshore sites. This is where the maritime spatial planning strategy comes into its own.

**Jacopo Moccia:** Yes, I would like to add to that. Once you have done a planning exercise, whether it is maritime or even on land, it also tends to simplify the administration. The obvious call of industry—and it comes up again and again in EU documents, even though they cannot intervene in this matter; this is very much for member states—is about the question of the one-stop shop. You say, “I give my documents to you and then you circulate it to all the administrations to then tell me if it is accepted or not”. This goes bit beyond maritime spatial planning, but clearly maritime spatial planning can facilitate that.

We are still perceived as a relatively risky investment for obvious reasons: because we are out at sea and not on land. There are a lot of things that can be done to reduce that risk perception and therefore reduce the cost of money. Maritime spatial planning may not be the first thing on the bankers’ minds when they are assessing a wind farm, but it certainly means simplified administration. 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.

The other thing that is extremely important is that there needs to be co-ordination with the other objectives of the UK Government or the EU more broadly. If we are to use offshore wind as a main technology between now and 2050 to power our homes, we obviously need to know where we are going to put it. Investors need to know what the volumes will be. “How many wind turbines will we be producing? Until I know that, I cannot invest in a factory, because what if I overinvest and I am left with stranded costs”. That will then trickle
through to the whole supply chain and the costs of offshore wind energy will not come
down as fast as they could do. It gives this kind of certainty, this longer term vision, which
means that industry knows both which countries and which parts of the sea they should
invest in and, potentially, how many turbines, how many boats and how many ports they
need to invest in to get this to happen.

Mark Pearce: I would echo Jacopo’s comments about investability and the bankers. That
comes in at a later stage in terms of investment, but a maritime spatial planning concept
allows us to get the necessary consents. That then allows us to take it through to a financial
investment decision. It is perhaps a little lower down in the sequence, but getting the
necessary consents is extremely important and, as part of the cable-routing exercise we do,
we need surety of where we can put the cables with the least impact.

Lord Cameron of Dillington: I just have one more poi

nt on that. When you do let us
know about our Chairman’s question about the processes involved, it would be very helpful
if you could comment on the processes and whether you think the processes involved with
the maritime spatial planning directive are correct or could be improved in order to
ascertain the certainty that we all need.

The Chairman: Lord Trees, did you want to come in?

Lord Trees: I have one quick question. Mark Pearce, your activities conflict with deep-sea
fishing. How do you resolve those conflicts?

Mark Pearce: When we are looking at this, fishing is one of the, shall we say, constraints
that we look at—where fishing activity takes place. We work very closely with the local
fishermen and, indeed, the fishing authorities—the inshore fisheries conservation authorities.
We work very closely with them when we are going through our routing exercise to gain an
insight, basically, into where would be better for them for us to place our cables, because
they have a vast knowledge of the seabed. They have been working this for years, so we see them as a source of information that is helpful to our project.

**Lord Williams of Elvel:** The directive somewhat heroically requires neighbouring member states to co-operate in order to ensure coherence and co-ordination between different plans. Furthermore, member states should endeavour, where possible, to co-operate with third countries. Can I confine my question, first of all, to the energy sector itself, leaving out the fishing and the rest? What is the best method of co-operation within the energy sector? Clearly, if you have a group of friendly countries like the North Sea member states plus Norway—or the Atlantic ones such as France and Spain or, alternatively, the Baltic to a certain extent—the mechanisms are either governmental or through associations within the sector itself. Are there initiatives to put any of these in progress in the North Sea, in the Irish Sea or the Baltic? If so, are they working? What progress should be made?

**Nick Medic:** The co-operation has actually happened along both of those two parallel tracks. RenewableUK has worked closely over the last few years—particularly as the UK’s offshore wind sector became the leading offshore wind sector in the world—to actually promote UK knowledge and expertise in this particular area. How this has translated in terms of particular work streams is that we have been partnering with the FCO and UKTI to build relationships with policy officials abroad to discuss how much of what we have learnt here can be applied in other countries. That is one level of co-operation. The second level—let us call it official level—is also driven by the contingencies of some of the processes built into how you need to carry out your environmental work. As part of your environmental impact statement, you do need to consult with neighbouring countries, and this is particularly prominent where you have migratory species and so on and so forth. In terms of industry building those contracts, they are built both at trade-association level between us and foreign trade associations and foreign policy-officials, but also between
companies and other institutions in European countries that have an interest in those projects. For instance, Dogger Bank is a very relevant example. If you look at its north-easternmost tip, it is equidistant to Denmark and to the UK. Clearly, there has to be a lot of co-operation between the two countries. On the other track, what we have seen are things such as OSPAR, the working group. We have seen a great initiative called NSCOGI as well. These working groups actually bring together policy officials at governmental level to discuss these issues.

If I had to sum up my views, we have seen co-operation here, which is a good omen, if you will, for what sort of co-operation we could expect in the future from this.

**Jacopo Moccia:** Chairman, there are a number of examples of what I would call more transnational co-operation, as opposed to just talking with one’s neighbour. Where they work best is probably the Baltic Sea. Because of the relatively small distances, there is clearly a very strong need to co-ordinate. They tend to be born on a specific subject. Environmental and nature conservation tends to be one. However, these fora could be used in a broader scope and have a more holistic view, which is necessary not to oppose different sectors but rather to see where they can grow more harmoniously.

Nick Medic mentioned NSCOGI, the North Seas Countries’ Offshore Grid Initiative, which is a very important initiative and at the moment is lacking teeth. However, it is fundamental in the power sector and the electricity sector, because if we want to make these offshore renewables basically be the backbone of the power system, which they are getting up to being in the next 20-30 years, there are so many elements, such as grid connection for instance, which you need to resolve. It could be much cheaper to co-operate on certain grid lines as opposed to saying that each wind farm individually has to be connected back to its national country’s shore and then we build an interconnector to export to the other side again. There is so much cost efficiency that can be gained. That is really the way the
maritime spatial planning directive needs to be read. There are some places where the cost efficiency is, to use a horrible management expression, a no-brainer.

**The Chairman:** Just on that one, again that is something you could provide us with some information separately on. I am not going to name names, but I was speaking to somebody pretty senior in the department yesterday who said, “The jury is out on whether indeed it is cheaper and more efficient to connect in this way,” and I said, “That is quite counterintuitive.” It would be quite helpful to hear more on that.

**Jacopo Moccia:** I have a ready-made report I can send to you.

**Mark Pearce:** I am afraid I do not have such a ready-made report. We co-operate very closely with our neighbouring countries, particularly on projects at various levels. We have the ambassadors facilitating discussions with our neighbouring countries. Then the Department of Energy and Climate Change talk to their counterparts. We are quite often involved in those discussions with them. The energy regulators have their own fora for discussions, and then people like the Marine Management Organisation again co-ordinate with their counterparts, particularly on an interconnected project. While the MMO have jurisdiction in the 12 nautical mile range off the UK coast, it is important that they co-ordinate with their counterparts—for the Belgium project, Belgium and France—because what we want is effectively a fully consented route. There is a lot of co-ordination that takes place at a variety of levels. I would say we benefit from that.

**Lord Williams of Elvel:** I understand, as I said earlier, that co-operation is relatively easy where you have a group of countries which are, if I may put it like this, friendly among themselves, i.e. let us assume they are member states or Norway. You just touched on the Baltic. There is a slight problem with the Baltic, in that Russia has a very considerable interest. Moving on to other sea basins—like the Aegean, for instance, where you would need agreement between Greece and Turkey, which is, again, a heroic assumption—how do
you cope with co-operation with third countries which are not necessarily friendly either one with another or with the directive itself?

**Jacopo Moccia**: I would suggest being pragmatic from the outset. I am coming at this from the offshore electricity/wind sector. Clearly, we are very far away from needing significant trans-border maritime spatial planning in the eastern Mediterranean for offshore wind, fortunately, for a number of reasons, because the Mediterranean Sea is a nightmare to work in—in terms of legislation, exclusive zones and territorial waters.

From the UK perspective, unless you are planning interconnections with Latin America, you are only surrounded by friendly countries—or countries as friendly as they can be. This is why we suggest that taking it from a sea basin or regional perspective is probably the most sensible approach. The problems you will have or the issues you need to solve in the UK—basically, to match your ambitions in offshore wind with your ambitions in shipping, sand extraction or whatever else—are significantly different from the ones in the Mediterranean.

That actually also stems from the fact that you have very shallow waters, but in the Mediterranean we reach a depth of 5,000-6,000 metres; there is really not much that can go on. However, the Mediterranean is clearly a can of worms.

You as the UK will have one problem in the Mediterranean with maritime spatial planning. As I understand it, there is still a small rock between Sicily and Malta that Malta, the UK and Italy are still fighting over. However, again, not many offshore wind or wave and tidal arrays are programmed there, so fortunately I can sit this one out.

**Lord Williams of Elvel**: For the Mediterranean specifically, you have to take account of the North African littoral. You have to get Morocco, Algeria, Libya, Egypt et cetera involved. That seems to me a formidable problem.

**Jacopo Moccia**: It is, my Lord.
Q19 Lord Williams of Elvel: Moving on from the energy sector, I do not want to trespass on future questions on the North Sea, where we will deal with something rather specific, or other sectors, but I am interested to know how you cope in practice with naval movements. After all, you are dealing with the high seas here. There is nothing to stop the Russian Baltic Sea Fleet coming and knocking over all your wind turbines. How do you deal with all that?

Nick Medic: I am perhaps in a more fortunate position than my European colleague, who probably has to have a keener sense of these dangers. When you look at offshore wind, as it has been developed over the last 10 years, it has proved remarkably safe in terms of its impacts on navigation and other marine activities. We have perhaps a number of issues outstanding with the MoD regarding radar impact. These structures are tall; they do, in some cases, present something of a shadow on radar, but, again, we are greatly encouraged by the amount of research and development going into that particular area.

Something that perhaps should be taken away from this discussion is that when you look at things like maritime spatial 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.” This is what Jacopo alluded to earlier. However, another approach is actually to look at the potential of the technology itself to solve these problems.

If I may just give a quick example, we have had a host of issues around cumulative impacts from monopile driving. This is a very noisy activity and there are concerns that some sea mammal species could be affected. However, as the industry has ramped up deployment, we have actually seen a number of initiatives—such as ORJIP, which is the Offshore Renewables Joint Industry Programme, the Carbon Trust’s programme—to mitigate those noise impacts.

We now have some really promising technology that could actually drive a monopile without any noise whatever, using “vibro” technologies and so on and so forth.
Yes, the problems are there because these structures are so prominent in the seascape, but perhaps rather than be formalist and prescriptive in how we deal with them, maybe looking at R&D and better integration for these structures is the answer.

**The Chairman:** It is really interesting, but I shall want to move us on, because time is really pressing.

**Q20 Lord Cunningham of Felling:** I am sure you are aware the German Government has proposed, in the context of the North Sea, a maritime spatial planning project. Is that a good idea?

**Nick Medic:** As I alluded to earlier, one of the difficulties in transitioning—

**Lord Cunningham of Felling:** You could just say yes or no.

**The Chairman:** Or you could say maybe.

**Nick Medic:** The answer is maybe. Thank you, Lady Chairman. May I just offer a few thoughts on this very quickly?

**The Chairman:** Yes, of course.

**Nick Medic:** One of the key difficulties in transitioning from the current support funding for offshore wind, which is under renewable obligation certificates, to the CFDs is that we now have an auction process. What tends to happen in an auction process is that all the development costs are frontloaded. Your average wind farm could be 500 megawatts and your spend to develop that wind farm is around £60 million, but you have no certainty whatever that you will actually win a contract. You might be in a situation, going forward, where you need to write off your development costs at some stage. In those circumstances, perhaps a spatial planning model could be the answer, where you say, “Here is a site and that site already has a lot of the consenting and environmental impact assessments done, so that people can directly bid on a site rather than develop it and then bid.” Then you are
decreasing the development risk and stimulating investment. There are circumstances, if I may say so, where that model could actually work.

**Jacopo Moccia**: I do not have much to add. This is extremely important. As I have said, investing in offshore wind is risky and extremely expensive. If significant amounts of money are written off during the course of the planning procedure, then it will be difficult. The industry will carry on; it will just be difficult to match that with the cost-reduction imperative that we have. Simplifying the process and building more certainty into it, even through smaller things like maritime spatial planning, certainly help.

**Lord Cunningham of Felling**: Would such a project like the planning project I am referring to—involving all the North Sea countries, members of the European Union and others, obviously, including countries like Norway—not be bound to result in an extra or a new layer of regulation and control?

**Jacopo Moccia**: If I may be impertinent, I do not actually see why.

**Lord Cunningham of Felling**: You can say what you like; I do not regard that as impertinent.

**Jacopo Moccia**: In a sea basin, the ultimate aim would be to do the contrary. Transnational co-ordination of maritime spatial planning will not create laws in the UK or Germany et cetera; it will just create a plan that everyone can agree with and therefore focus their policy decision-making on turning out that plan. I would say exactly the contrary.

**Mark Pearce**: I could see opportunities for it serving a good purpose—e.g. reducing some of the bureaucracy involved—but it depends on how it is implemented.

**Lord Cunningham of Felling**: If it is generally regarded as a good idea, something positive, what priorities should it focus on? It is not just going to affect your activity; it is going to affect many other activities in the North Sea. What priorities should this maritime spatial planning agreement focus on?
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**Mark Pearce**: From the energy sector’s perspective, it should be focused on making sure we have facilities for cables to be installed—whether it be for an offshore wind farm connecting to Europe or the UK or, indeed, for interconnectors—but, equally, it should recognise there are other industries that would put forward their view and their arguments for it.

**Jacopo Moccia**: I would say we want to have an ecosystem approach and balance out the pros and cons of every activity. However, we should not underestimate the role of the energy sector—because I am in the European Wind Energy Association but not only because I represent a specific power technology—and the importance of rolling out the European internal energy market is to bring down costs, which will then allow other sectors to be more cost-competitive. If I take a simple example—you can jump in and correct me, because I am going to talk about UK power prices—on the spot markets, on the trading market in the UK, power is traded at €20 more than the average in France or in Belgium. This is not because your power plants are less efficient or because you have done something significant wrong; it is simply because you do not have that possibility to fully tap the other energy markets across Europe. When power prices in France or Belgium are down, for whatever reason, let us import energy from there. When the wind picks up in the UK and your power prices come down significantly, let us export it to where it is more expensive and then balance out. At the moment, there is actually a handicap in the UK power market compared to some of its neighbouring countries.

If your focus as policymakers in the UK is to say, as the European Union is now saying, “We need to get to grips with our energy sector so as to become competitive and to ensure that other sectors can create jobs,” clearly your maritime spatial planning activities should certainly have—I do not want to say “priority”—a focus around energy. If your worry is somewhere else, such as nature conservation or, “We really need to push the cement
industry and extract more sand,” clearly you would come at it from a different perspective. However, I would say that the idea of the North Sea maritime spatial planning exercise is probably pushed by the energy sector—by the need to interconnect countries and to tap the energy potential of the water and the wind.

Q21 Baroness Howarth of Breckland: Although the European Commission’s emphasis on blue growth is about harnessing economic potential, there is hostility to the kinds of attitudes people have in relation to protecting the marine environment. We have had a very rational discussion this morning, but out there you hear a great deal of chat that may or may not be irrational, depending on whether your answers are right about the protection of the marine environment. I just want to pursue that a little. How do you see that tension between all the things you have talked about, in terms of economic growth, and many conservation groups that are deeply concerned about the sea and the damage you might be doing? Indeed, there is hostility even to the visual impact of wind farms on the coasts, which you hear a great deal about. I would be interested, just as an aside, as to what you think you can do to improve that sort of vision of it all, because not a lot goes out there. If we can start there, I might then go on a bit more about carbon emissions, but where do you think this plan could actually help with that tension?

Nick Medic: We talk in our day-to-day work with a great number of statutory and non-statutory stakeholders and we are aware that some of them are very keen on marine protected areas and marine conservation zones—and often for a good reason, because these zones are on or near protected habitats, and so on. The offshore wind-energy industry has basically accommodated to the structure of marine protected areas and zones, and we have coexisted well. I do not really see a tension in practice, but what we do notice is there is a sense that offshore wind is a huge industrial project, where it is not always clear how local people benefit. The challenge for our
industry has really been to try, perhaps within that blue growth agenda, particularly in the UK, to strengthen the UK supply chain. I am talking about socioeconomic impact.

For us, one of the priorities has been to demonstrate that offshore wind actually means jobs. We were clearly successful. When I joined RenewableUK in 2007, we had something like 700 people working in this sector in the UK; we now have close to 7,000 at the latest count—and we have actually commissioned these figures from external consultancies to be able to independently verify them.

We have seen significant growth in job numbers in offshore wind. On the back of that, we have seen tremendous public support. When you look at public polling, you find that offshore wind is one of the most enthusiastically supported technologies in this country.

However, this residue of concerns around environmental impact remains, but, if I had a message there, my sense is that those need not always be resolved through restriction and constriction of the actual development pipeline. There is a middle way—and that is through better research and development of existing solutions and better working practices.

**Baroness Howarth of Breckland:** Funding, however, is needed for that. I am interested to know where that contribution is going to come from, because with the investment that is already being made—the Chair alluded to concerns about whether or not the investment is actually going to prove economically viable in terms of production—there is still a feeling that the amount of energy produced by wind farms is just, let me just say, a drop in the ocean.

**Nick Medic:** My Lady, I would contest that. When you look at the actual statistics—and National Grid is on top of these figures every single day—you can actually see, for instance, that in the last few months wind energy, both onshore and offshore, has outperformed nuclear and coal in terms of its daily contributions to the energy supply. I see wind energy as a significant contributor to the nation’s energy supply. There is no reason why it should
not be. When you look at examples across Europe of countries with very limited interconnection actually achieving these huge wind-energy loads, you can see that this is perfectly viable. The European Wind Energy Association has been doing some research on that and they keep up with the statistics in this area. Wind energy already is a significant contributor; there is no reason why it cannot continue to be.

Q22 Baroness Howarth of Breckland: How are you minimising the effect of heavy industrial impact on the marine environment?

Nick Medic: That is really the key question. Most people in the wind-energy sector actually come from an environmental background, so we are very alive to these concerns. I will give you an example of cumulative impact—that is one pressing topic for debate now—and how different institutions have tried to address this by working together.

For instance, cumulative impact in construction could essentially be the noise emitted from all of the transportation and construction activity and so on and so forth. What Defra and DECC have tried to instigate successfully—this is now being rolled out—is a noise registry. Basically, this database will monitor and track construction activity across the North Sea to minimise disruption, and they will try to work with developers to understand whether these activities can be organised in a less disruptive way. It is one example of developers actually working across national boundaries to minimise disruption. Another example is the cumulative impact database, which again looks at wider cumulative impacts and draws in again our European partners.

The conclusion would be that these problems or issues are there, ever present, but they are not insurmountable. They can either be resolved through better working practices, which is better monitoring or logistics, or research and development.

The Chairman: I want to speed things up a little bit. We have reached our hour.

Nick Medic: I was finished, Lady Chair.
Baroness Howarth of Breckland: That was the last sentence, was it? You have answered the last question. I am not hostile to this; I just need your answers on the record.

The Chairman: From National Grid’s perspective, did you want to add anything?

Mark Pearce: I just have one very quick point, and that is, basically, when we are developing a project, when we come to the actual installation it is a very temporary exercise. Once the cable is installed beneath the seabed, it returns back to its previous state. It is very temporary in its nature.

The Chairman: You monitor that to make sure that is in fact the case.

Mark Pearce: Yes, we usually have licence conditions. Particularly, perhaps, more on the low-watermark to high-watermark sites, where there may be things like salt marsh and things, there are conditions attached to our licence to monitor that.

Lord Plumb: I was going along similar lines to Lady Howarth. I would go one step further. If we were to pull out of Europe, what effect would it have? I am not expecting you to answer that, but nevertheless it is a question that must be in our minds at the moment in the situation in which we find ourselves. I have had some experience of dealing with other countries over a period of years, and co-operation, of course, is the key. In this case we are dealing with co-operation and integration of interlinking technologies. You have given us a very interesting comment on the importance of that, from cabling through to the actual operation. Norway has been mentioned, but as we have read of and heard about and know about Norway, it set a fine example as far as hydroelectrics are concerned and so on. Would you like to add to that and say anything further about the importance of the interlinking, particularly with the Norwegian pattern, which of course is a way ahead of some of the others, as we understand it, in the direction of where we want to go, particularly with the North Sea?
The Chairman: If we could start with National Grid, because this question of the North Sea grid is really key to what we want to find out.

Mark Pearce: This is my personal view. There have been various examples of what a North Sea grid may look like in the future. It is something that will evolve over time. It will not be a one-hit wonder; we will not say, “Let us build a North Sea grid.” It will develop and evolve over time.

For this to really take hold, though, what is perhaps really needed is standardisation. We have different cable sizes and different cable voltages connecting over distances, so there needs to be some work on standardisation to achieve this.

Jacopo Moccia: I fully agree. The grid is the fundamental point in the North Sea, because, again, without the grid, you cannot export electricity, and there is so much cost efficiency that can be gathered in there. If I come back to the Baroness’ question, Lady Chairman, this is why maritime spatial planning is important: you can take a higher approach, an ecosystem approach, and basically look at the cumulative effects on all sorts of environmental issues.

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. In Belgium there is a project to actually build up some rocks around the offshore wind farms so that porpoises and seals can rest on them. It might just be a bit of fun—I do not know—but of course you then have to balance that out with our fishing needs and you need to balance that out with other species that maybe do not live quite so readily within a wind farm.

We need to look at it from that perspective, but, certainly, if I was to ask for a real political push on one aspect of offshore wind, it is the cabling in the North Sea. That is fundamental.

Q23 The Chairman: Can I be clear? Who develops this super-grid? Where does the leadership have to come from? Does it come from industry? Is it political? Who is it?
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Jacopo Moccia: My take is we have had a lot of initiatives on the North Sea grid, on how it should be developed and even the technology. It is something that we can solve. What we are missing at the moment is the regulatory aspect. It is literally the regulators. I remember in the written questions there was something about ACER in there. That is where the stumbling blocks come, because we can come and discuss the technology as an industry and you can discuss it as TSOs and governments can say what a good idea it is—and then the regulator says, “I do not know how to charge for electricity when the wind farm sells to your side of the interconnector or the wind farm sells to my side of the interconnector,” and then everything stops.

My personal view—I have discussed this with people at the European Commission—is that we need a pilot project. The offshore grid will not be built in one day. It will be a bit here to solve one issue and then something else will join up and connect. If we had one pilot project with maybe one wind farm and one interconnector, and if the two regulators discussed that and they solved it, then we would have a blueprint that would be able to be used across the North Sea, but also for a number of onshore interconnectors where governments cannot seem to really understand which way the electricity should be flowing.

That is what my recommendation would be: choose one project, get the two regulators sorted out and then, once we have that, we can discuss it more widely and come back to the dream offshore grid with all these meshed cables.

The Chairman: Presumably they are already doing that, to an extent, with the interconnectors that are already there.

Mark Pearce: They are, but they are point-to-point interconnectors. It is the integration of those with the offshore wind and, indeed, with other interconnectors.

Lord Plumb: Can I ask where the problem is? Are most countries in favour?
Jacopo Moccia: Yes. It is the Ofgems of this world, my Lord, which are very focused on their national markets and do not really have any other mandate. We can do a wind farm connected to the UK and then an interconnector, which then goes off back to France or Germany, while if we connected the wind farm straight into the interconnector there would be one less cable to build. When electricity is expensive on the continent, the electricity would flow that way and when it is expensive in the UK it would flow towards the UK. How that mechanism can be codified by Ofgem, by the French Ofgem or the Belgian Ofgem is where the main stumbling block is at the moment. If we solve that, the technology and the political push will follow.

Lord Plumb: Data between countries would be important.

Jacopo Moccia: Yes. You probably know this better than I do.

Lord Renton of Mount Harry: In a sense, this is a very big new issue for different countries to sort out between them. There must potentially be quite a lot of jealousy in this—or is that not the case?

Nick Medic: When you look at the potential benefits from having a North Sea super-grid, coming back to the question of who benefits from this and who should be driving it, you can see there are such a wide socioeconomic benefits to all the countries involved—in that it reduces the cost of power and it speeds up decarbonisation—that there is no reason that every country around the Atlantic arc, from Norway down to Portugal, should not back it. It is just a wonderful proposal, if I may evangelise a bit about it, because it really brings the benefits of clean, low-carbon electricity to everyone. It is kind of a melancholy thought that the technology in this particular area is so far advanced ahead of the regulatory aspect. All of the technology—I am sure my colleague from the National Grid will back me up—is there. We can roll out DC 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.

Lord Renton of Mount Harry: It is the other way around almost.

Mark Pearce: Certainly, the technology is there. There is new technology called voltage-source conversion technology, which now allows multi-terminal or multi-point connections.

Q24 Baroness Byford: I am very excited about what you have told us this morning. You have filled a lot of gaps for me. I accept that when one country is using more you can ship it across and it is cheap. What happens if all the countries are screaming for energy at the same time?

Mark Pearce: Typically we are in a supply and demand scenario. What you will see are prices rising and rising and, ultimately, you will get to a point where one price is higher than the other and then interconnectors will flow, because energy is being traded between the two countries.

Baroness Byford: I accept that, but it still does not get away from the point. Let us say that nuclear has had a total failure in some of the countries and there is much more massive unexpected demand. It is the question of “what if?”. How would that be regulated or done? I am not clear.

Nick Medic: I am perhaps not conversant with all of the technological aspects, but in a wider portfolio approach you are actually hedging risks, because you have a bigger number of countries feeding in. Actually, when you look at Europe across the kind of time zones and so on and so forth, you do get these cycles. You also get the weather cycles with places being warmer and colder. When you equalise it, you can see a scenario where the whole grid is pretty well balanced and these incidents, with everyone being short at the very same time, are a little bit hypothetical.
Baroness Byford: You reassure me.

The Chairman: You have been really generous with your time; we are overrunning. However, it is all so interesting. I wonder if the Committee could keep going. Lord Trees wanted to ask particularly about Dogger Bank.

Lord Trees: A great attraction, it seems to me, of expanding the geographical catchment of the grid is you are dealing with this public criticism of intermittency, which is a real problem you have with wind—in perception, at least, if not in reality. Obviously, a grid would help to address that, presumably. Yes, I have been asked to ask about the Dogger Bank. It did receive a favourable mention earlier from you, Nick. Coming down to specifics—it is useful to focus—you talked about exemplars and pilots and so on. Let us take that as a small example. There are conflicts there, as I understand it, with it being designated under Natura 2000 and there is interest in marine conservation with the Dogger Bank area. However, the UK has approved a site for offshore wind. How are those apparent conflicts being dealt with? Who is dealing with them? How are they being dealt with?

Nick Medic: Dogger Bank is a unique site. It is essentially perhaps one of the most pioneering infrastructure projects anywhere in the world. We will have—or should have, to qualify that further—a huge offshore wind farm around 150 miles from the coast of Britain. It is a striking project in every way. The companies involved—by the very nature of this project, because it requires huge financial and manpower resources—are transnational. We have Statkraft; we have Statoil; we have Iberdrola involved, German utilities and so on and so forth. Even at the stage—let us call it the business stage—of putting this whole deal together, we are seeing European co-operation to bring this about. That trickles down in how you have to consult around the various aspects to make sure that the project is environmentally sound.
There is an important thing to note there. If you remember my point from the outset of this session, when you actually look at the footprint of an offshore wind farm, you actually realise that you get quite a lot of energy from a comparatively small space. Dogger Bank will be built out in a number of phases, rather than the whole Dogger Bank 4 zone being built out. Perhaps that sort of gradual approach will enable us to unlock some of these issues around how you balance development versus conservation.

Just to say one final thing, as a trade association we are speaking with our counterparts in Europe on these issues. We have looked at things around wind farm layouts and so on and so forth. Conversations are ongoing and they are even sponsored by some of the government departments. I am really optimistic that this project can come together in the best possible way.

Baroness Byford: Nearly all my questions have been answered, so I am very grateful to you for that. You gave us the two items you particularly wanted us to see, and that was the cabling of the North Sea and setting up a pilot scheme. Is there anything else that would help? From what I heard, those were the two priorities that the three of you agreed with.

Mark Pearce: As the spatial plans are developed, it would help to have a recognition of the importance of being able to cable in areas. In Germany, they have cable corridors on the seabed. That may help with the consenting process in the UK, but not to the exclusion of alternative routes. If it gave you a more simplified consenting process if you took your cables through a corridor, then it would be a more streamlined approach. If you were going outside of that, however, you would be expected to demonstrate why you needed to go out of there and the impact it had on the environment.

Q25 Baroness Howarth of Breckland: Thank you. Can I ask one quick question? Going back to the grid just briefly, because this is a very key area, at the moment the newspapers and the television are full of, “The lights are going to go out, because there is
not enough electricity.” If the message comes across to the general public that what is holding up the movement forward is bureaucracy, that might move it forward. How do your industries get that message across without, I assume, getting the regulators fed up with you? It is a very big issue. The country may run out of electricity simply because some bureaucracy has not been dealt with.

Jacopo Moccia: If I may, Lady Chairman, when we were discussing maritime spatial planning and the North Sea grid, that was a specific issue with the regulators. The issue you are referring to is slightly broader and I was going to bring it in, also, in reply to your question earlier.

I live in Belgium and we have a very high nuclear park, which has not been upgraded in a long time and therefore we have three reactors that are down for unscheduled maintenance because there is a problem somewhere. Every day on the television all I hear is that this winter we are going to have blackouts. There will be a patchwork of blackouts: it will be this area first and then we will black out that area. How are we going to live with that? They will send you text messages to tell you your house will be cut off and things like that. That is all fine.

In Spain, there are 100 gigawatts of power plants: gas power plants, coal power plants, wind farms et cetera. They only consume about 40-45 gigawatts a day, yet no one else in Europe can use them, because the connections through France are not very good. The French do not want to build more, because they do not want to curtail their nuclear power plants, because it is very expensive to do so—nuclear not being particularly flexible.

It brings us back to this question: what are we trying to do? If every government in the EU wants to ensure that it can meet the very large peak that maybe happens every 10 years and you need a power plant for every megawatt hour of peak—it happens every so often—it can be done. Naturally, we will balance the grid; it will just be horribly expensive. If we are
willing to say, “I would rather have everything in my country and I want to control all my power plants and the taxpayer or bill-payer has to pay for it,” and that is acceptable politically, then that is fine. If that is not acceptable politically, because people are saying, “I do not want to pay this bill,” or, “I do not want to subsidise energy through my taxes in another form,” then let us use our European co-operation.

I know European co-operation is a bit of a dirty word—and not just in the UK nowadays: look at the new European Parliament. But I would ask this: why are fully-paid-for power plants sitting idle? The next-door neighbour is saying, “There will be a blackout at my house at the moment I get home. I want to be at home and cook my dinner, but there are no lights.” For me, as a citizen of the world, it makes no sense. That is a political question: it goes way beyond Ofgem.

Baroness Howarth of Breckland: Well done, Mr Moccia. Thank you. I do not think you can follow that.

The Chairman: No, I do not think you can. That was a real tour de force. Thank you very much. I thank all three of you for coming along this morning. We have been really interested in what you have had to say. We feel you have been very direct with us. As well as, probably, the specifics we have asked, we may well need to come back to you as time goes on for a bit more clarification or information on a written basis. With that, however, I would like to thank you again on behalf of the Committee. Thank you very much indeed for coming. Thank you.
UKIP is against regional cooperation within the EU.

The CFP has proved to be a disaster for the UK.

The decision-making process is a mess. One-size-fits-all regulations are proposed for varied waters and fleets, dictating fishermen instead of working with them. The Council has the last word. Countries that do not have an interest in the North Sea, or even have no coast at all, take part in the voting. As such, they can vote tactically to pay off favours in other Council business. So it is all political bargaining and short-term views, dominating the decision-making process. Decisions are made by qualified majority voting, so the UK does not have a veto.

Because the system of quotas is based on the quantity of fish that is landed, and not on how much fish is actually caught, it has encouraged the practice of discards. Massive discarding is of course also due to the absurd bureaucratic inflexibility in the system. In 2010, UK vessels discarded an estimated 51,697 tonnes of fish. With regard to the discards ban under the reformed CFP, we point to the complexity of steps needed to implement such a ban.

Meanwhile, other states continue to have influence over our waters and foreign fishermen and companies continue to take advantage of our fishing allocations. The Factortame case has illustrated the futility of the quota system. In the EU 'equal access' means that owners of foreign fishing vessels can register them in whichever country is most advantageous to them. This then means that they get a portion of that country’s fish quotas but don’t have to land the fish within the country of registration. Quota hopping enables big commercial fisheries from countries like Spain and France to grab our fishing quota allocations.

During decades subsidies have been massively used by a few states such as Spain and France to build new vessels, new engines, scrap vessels, called decommissioning, or let vessels lay idle in port. While the UK has the largest fleet of boats under 10 metres in Europe, the subsidy policy has always been geared to help the larger boats, the fleets of France and Spain. Figures clearly show that in the past Spain actively used the subsidies system to reshape its fleet by building and modernising vessels above 24 metres and scrapping mainly small-scale vessels. For example, in the period between 1994 and 1997, Spain got a massive 1,163 million ecus - funds which went to replacing about 1,400 obsolete vessels and the modernisation of about 1,800 vessels. The UK is paying huge amounts of money from which other EU member states profit. In general, the massive amount of state and EU subsidies has led to overcapacity, resulting in its turn to overfishing. Many subsidies, facilitating overfishing, are maintained under the new, reformed CFP.

As a result of more than 40 years of CFP, the state of Europe's and Britain's seas is in a very bad state. The most recent scientific assessments of fish stocks have revealed that more than 88% and 39% of the stocks in the Mediterranean and the North East Atlantic respectively, are overfished. This explains of course why 60% of the fish consumed in the EU is imported and why Spanish and other EU-registered vessels, mainly from France,
Portugal, Italy, Latvia, Lithuania and the Netherlands, operate in the waters of poor developing countries.

The UK has rich waters but is forced to import because foreign vessels plunder our fish stocks. 70 % or more of the total EU catch comes what were formerly British waters. The UK is giving away to EU interests at least £2 billion a year in fish.

The recent proposal of a ban on driftnets is a typical example of the one-size-fits-all policy. As the organisation Seafish observes, the ban is "unnecessary, heavy handed, disproportionate and inappropriate for UK waters". It is almost universally rejected in the UK. The problems the proposal seeks to address do not exist within UK waters. It will destroy the livelihoods of many fishermen. For example, a small-scale drift net fishery for bass and mullet has developed and is now the predominant fishing method of the under-10 metre fleet in the South East region. A total ban would have dramatic consequences for this fleet since these boats are designed and built solely for the drift net fishery and would not be able to revert to other fishing methods. The reformed CFP says it will spur regionalisation but this ban is in direct contradiction with this.

We do not have to look far for an alternative for the CFP. Norway's fisheries and aquaculture industry is one of the world's largest exporters of seafood reaching over 150 countries and producing about 3 million tonnes of seafood each year. Norway does not suffer for being outside the EU. In fact, the EU accounts for much of Norwegian seafood exports.

We can only preserve and increase our fish stocks if we withdraw from the EU and declare a UK Exclusive Economic Zone up to the 200 mile international limit. Foreign boats with a record of fishing in UK waters can continue to fish with licences during a transition period of five years provided they observe British rules but licences will not be offered to foreign boats in receipt of EU subsidies and foreign boats will not be licensed to fish in UK territorial waters (12-mile limit).

Raymond Finch MEP
The German Federal Ministry of Transport and Digital Infrastructure (BMVI) has two issues in its portfolio which are of high relevance to the inquiry into EU Regional Marine Co-operation. These are Maritime Spatial Planning (MSP) and Transnational Co-operation in the INTERREG B programmes. The transnational INTERREG programmes aim at promoting regional co-operation in larger transnational regions, such as the Baltic and North Seas. Germany and also the United Kingdom are partner in the Bonn Agreement on mutual assistance of pollution accidents in the North Sea and in other cooperation agreements related to sea transport.

Germany explicitly welcomes the adoption of an EU-Framework Directive on Maritime Spatial Planning. Experience has shown that planning the maritime space is ultimately only efficient if some co-ordination exists between States and Regions sharing a common sea. While insisting that the competence for establishing the maritime spatial plans in the Exclusive Economic Areas (EEAs) and the Coastal Zones has to remain a national one, we fully recognize the need for consultation with our neighbour States both in the Baltic and North Seas. All EU Member States around the Baltic and North Seas face the same challenges when it comes to an efficient use of these marine spaces. There is growing conflict between different uses of the seas. Economic activities like fishery, aquaculture and wind energy have to be reconciled with tourism and recreation as well as with ecological aspects. Furthermore, 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. Therefore, beyond formal consultation on individual planning projects, a wide exchange of knowledge and experience is needed. We strongly support the idea of building up and promoting both among the North Sea States. As examples of good practice, we would like to point to some experience gained from co-operation in the Baltic Sea Area:

Ministers for Spatial Planning of the Baltic Sea States have been co-operating very successfully in the framework of VASAB (Vision and Strategies for the Baltic Sea Region). VASAB is intergovernmental multilateral structure for co-operation, based on the main philosophy that it is much more efficient to treat the marine space as a common good rather than splitting it up into several parts. VASAB notably set up a common working group with HELCOM, the organization of Environment Ministers of the Baltic Sea States, which has defined a series of common principles for MSP in the Baltic Sea Area.

This philosophy was carried even further in the framework of the INTERREG B programme for the Baltic Sea Area. BMVI promoted and supported the “BaltSeaPlan” Project in the context of this programme. This project was based on a partnership of more than 15 partners from nearly all Baltic Sea States and went as far as drawing up blueprints for common maritime spatial plans for some specific areas of the Baltic, namely those where the EEAs are bordering on each other. Another result of the project were a number of recommendations which contributed widely to the drawing up of the EU Maritime Spatial Planning Directive.
Based on this experience, BMVI strongly supports a similar approach for the North Sea Region and cannot enough stress the important role the transnational INTERREG B programme for the North Sea Region can play in building up strong partnerships and cooperation on the MSP issue – and beyond. The main advantages of the INTERREG programme are its bottom-up approach and its flexibility. Countries, respectively Regions, participating in the INTERREG North Sea Region programme are Denmark, Flanders as Belgium’s Coastal Region, Germany (represented through the Federal level and the Coastal Regions Bremen, Niedersachsen, Hamburg and Schleswig-Holstein), the Netherlands (Northern Provinces), Sweden (Western Coastal Regions), Great Britain (Eastern Coastal Regions) and Norway. Partners from these States and Regions have been co-operating very successfully through this programme for more than twenty years in a large number of projects covering a wide range of topics reaching from clean shipping across wind energy to aquaculture. It enables partners both from the public and private sectors and representing economic interests as well as civil society to define common challenges, to work on solutions and to find common paths of development. The main advantage is that partners from the different Regions can base their work on their own knowledge and experience and therefore find solutions which are exactly fitted to the regional context. Furthermore, the programme offers both the possibility to build up long standing partnerships or to work together for a limited period of time, solving very specific problems.

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 MSP project in the context of the INTERREG North Sea Region programme. This would be a highly important contribution to setting up the informal structures of co-operation and exchange of experience needed if Maritime Spatial Plans in the North Sea are to be set up according to principles commonly agreed on. Furthermore, this would be an important step in the process of implementation of the new EU-MSP directive.

BMVI
THURSDAY 4 DECEMBER 2014

11.30 am

Members present

Lord Bowness (Chairman)
Lord Cunningham of Felling
Lord Plumb
Lord Whitty

Examination of Witness

Anne Christine Brusendorff, General Secretary, International Council for the Exploration of the Seas (ICES)

Q107 The Chairman: Good morning, Ms Brusendorff. Thank you very much indeed for agreeing to have this video-conference with the Committee, which, as you know, is looking into the whole question of regional marine co-operation in this particular session. Can I just formally point out a number of things to you? You will have had a list of the interests of Members that are registered, and they will declare any interests they have prior to speaking in this session. It is a formal evidence session. A full note is taken that goes on the public record and on our parliamentary website. You will receive a copy of that transcript so that you will have the opportunity to make any amendments to correct minor errors. As I say, the session is on the record. It will be broadcast live as we go ahead and will appear on the parliamentary website in due course. I hope that is clear.

Again, thank you very much indeed for joining us. I understand that we have just half an hour with you. I would like to open the session by asking you about your own role and the role of your International Council for the Exploration of the Seas. Could let us know its role, how it
Anne Christine Brusendorff: Thank you very much. Allow me also to wish you a good morning and say that I am very pleased that I have been offered this opportunity. I am the General Secretary of the International Council for the Exploration of the Seas, which means that I head the headquarters, the secretariat, which is located in Copenhagen. I will start outlining the role of ICES by stating that it is a network of marine scientists and it is governed by a legal convention that is acceded to by all the coastal Governments around the North Atlantic and the Baltic.

Basically, I think that you can outline six tasks that are carried out within the work of ICES. First, we are promoting our scientific knowledge of the oceans, how to better protect them but certainly also how to better ensure that we have a sustainable use of their resources. Secondly, we are co-ordinating the use of the marine research infrastructure, most notably the research vessels, and we are ensuring that this is being done for scientific purposes. Thirdly, we are ensuring that when we collect data, be it physical, chemical or biological data, they are quality-controlled and stored in an accessible format and that we share them with the marine community. Fourthly, we are ensuring that there is public access to all the scientific background information as well as to the data. Fifthly, we are disseminating our scientific findings to provide decision-makers with the best possible scientific evidence and advice in their management of the oceans. The sixth and final task that we are carrying out is offering training courses to explain the latest state of the art of ocean science but also to ensure that this content and knowledge is shared.

I do not know if you have had the time to look at our website. I am just going to hold up our latest strategic plan in which ICES agreed that we are going to move towards a more
integrated approach where we can inform integrated policy decisions. We are going to focus on a more integrated ecosystem understanding, which means that we are moving from a single-sector to a cross-sectoral approach. In all this it is important to understand that ICES is a network of nearly 4,000 scientists, and through our strategic partnerships we reach beyond the 20 member countries. That means that we can also emphasise the global applicability of the work that we are carrying out.

I do not know if you want me to go into the next question about the support to the EU regional seas management.

**The Chairman:** Please, if you would.

**Anne Christine Brusendorff:** We can see that across global, European and national legislation there is a uniform requirement to move the work towards more integrated management of the oceans, the protection and the use of the oceans. This ranges from the integrated maritime policy to the reformed fisheries policy to the maritime spatial planning directive and to the marine strategy framework directive. This means that within ICES we are already involved in the development of such a more integrated approach. We do that together with our strategic partners, one of them being OSPAR, the regional seas commission in the north-east Atlantic, but also, for instance, HELCOM within the Baltic Sea.

We are developing science that is integrated across economic sectors and that will enable us to understand multiple and simultaneous impacts and how these are impacting on marine ecosystems. We are transforming such knowledge into policy support and we do that, for instance, by providing member states with guidance on how best to define good environmental status and how to define standards for this.

**The Chairman:** Thank you very much. Members, any questions on that first response? In that case, I ask Lord Cunningham to ask the next question.
Q108 Lord Cunningham of Felling: We have been told quite regularly during our consideration that degradation of the marine environment is widespread, widely reported and even, in some cases, well documented. Yet we have also been advised that real detailed knowledge and understanding of the marine environment is poor. Looking forward, the European Commission is keen to improve data collection, adopting an approach that relies on regional co-operation. Do you think this is a credible way forward to improve our knowledge and understanding of the seas?

Anne Christine Brusendorff: For sure we do not have a complete knowledge of the marine ecosystems, but I do not think that this should prevent us from providing the scientific basis to inform policies about the direction in which to move. In most cases we would also be able to tell which are the most efficient ways to obtain this. I do believe that through coordinated research activities and increased cross-sectoral co-operation we will be able to improve this situation further.

We have good knowledge about our marine ecosystems’ function generally, but there are some areas in which knowledge is important for informed policy decisions but where we still have insufficient knowledge. One of the areas that can be mentioned here is that we still have to learn more about how simultaneous pressures are impacting our ecosystems. What we will see in some cases is that pressures may add up, we will have reinforcement between the pressures and we will have some cases where new types of impacts will arise. We frequently refer to these various potential interactions as cumulative impacts, even though they may originate from very diverse mechanisms.

Lord Cunningham of Felling: If we were to imagine a scale on which our knowledge of the marine environment was recorded—say, “comprehensive” at the top and “inadequate” at the bottom, with many variations in between, no doubt—where do you think you would
put it? What do you think would be an accurate description of our overall knowledge at the present time?

**Anne Christine Brusendorff:** I would say that we have sufficient knowledge to act, but there are some areas that we would still have to work on in order to get the comprehensive overview and knowledge.

**Lord Cunningham of Felling:** How do you think we should go about it? Other than what you have already said, are there any other ways in which we could go about improving our knowledge and making it more comprehensive than it is at the present time?

**Anne Christine Brusendorff:** I think that we have to acknowledge that all our knowledge is generated by data that originate from surveys. I would like to see us doing greater co-ordination of the surveys where we gather our data.

I could take ICES as an example. Within ICES we have more than 100 research vessel surveys a year and we have more than 1,200 human resources a year out at sea to collect these data. This is being done by eco-region, which means that all the ICES member countries are pooling their research vessel surveys and in this way ensuring that we gather the data in a more efficient way. I would very much like to see us trying to find out ways in which, within eco-regions, we could co-ordinate these ICES research vessel surveys with other kinds of vessel surveys so that we could look into having a more efficient but also resource-efficient way to collect the data, both for a yield purpose but also for broader ecosystem and biodiversity considerations.

**Lord Cunningham of Felling:** Could the European Union be more effective in helping with this co-ordination and better understanding? Do you think, for example, that the current proposals coming from the Commission are the right way forward?

**Anne Christine Brusendorff:** When we have looked at the fisheries data, we have been able to do this co-ordination because we have had a financial instrument that has supported the
collection of the data and the carrying out of the surveys. I now see that there is also, with the reformed common fisheries policy, a new financial means—the European maritime and fisheries fund—that is looking into the collection of data, and not just for fisheries: there is also the marine strategy framework directive. I would like to see our use of this fund further encouraged in order to have these co-ordinated surveys.

Q109 Lord Whitty: You talked about simultaneous pressures and cumulative impact. Others have told us that there is insufficient evidence on the cumulative effect, and of course the European Commission has recently emphasised the economic dimension of it through its Blue Growth document. Are there areas of cumulative impact that you could point us to where there is established knowledge, on the one hand, and you could identify it as against areas where you need more knowledge? By cumulative impact, I mean the impact of human activity.

Anne Christine Brusendorff: Yes. I do not know if I have a good answer to this, but I could say that with this cross-sectoral approach which the ecosystem approach requires us to take, we now need to find out how different human activities together are impacting on the functions and the processes in the marine ecosystem. As I tried to explain, this is not trivial because there are many ways in which it can play out, and we are only starting to grasp this. Maybe we could get better knowledge and a better grasp of this by carrying out some pilot cases within eco-regions, and we may have to start on a limited number of human activities where we are able to provide the scientific background information. ICES would be very willing to conduct such an example in the form of demonstration advice. An example of such a demonstration advice, based on data that may be collected in a fisheries context, could be showing how this could be informative also in the context of integrated ecosystem assessments. In this way we could show the potential of co-operation but also what we could attain through such cross-sectoral co-operation.
Q110 Lord Whitty: That brings me, in a sense, to the next question, which is how available and compatible that knowledge is. A number of our witnesses have said that there is a lot of knowledge in different data systems but that, first, there are problems of access and transparency, partly because some of it is privately owned, and, secondly, that even if the systems are accessible they are not compatible with each other and it is quite difficult to collate information in a form that is easily measurable and presentable. Do you have any suggestions as to who, or what organisation, should take responsibility for ensuring that marine environment information is widely available and in a form that is usable?

Anne Christine Brusendorff: As I stated earlier, it is important that all data are available, because that is the basis for picking up the science that we are conducting. I see now that there is a general tendency that the data behind scientific research are made publicly available. This is implemented both in research projects and in scientific publications. Part of this discussion may also be a bit to do with the tendency that data are not just trivial numbers; quite a lot of processing is required to acquire that background information. May I take as an example ICES and the way we are processing data? I think that could be a good way of explaining some of these issues.

Lord Whitty: Yes.

Anne Christine Brusendorff: As I mentioned earlier, ICES is co-ordinating the collection of data at sea with research vessels and from other platforms. We are quality-checking these data and then we are developing tools to collate them according to the needs of the end users. We then make them available to the scientific community but also to the public in general. We do that through our website so that it can be easily downloaded by everybody who accesses our website. It is very important to understand that one thing is access to the data but another thing is to establish what I would call these more primary databases, the
host of these primary databases, in which you ensure that the data that are collected there are comparable, quality assured and can be used by the end users.

If I could answer your question a bit more, when we talk about supporting integration and the cross-sectoral approach it is very important to stress that we need to deal with data on an eco-region basis. We need to work on a regional scale. From my point of view, for this reason there would be a need to work further with databases that are covering an eco-region and that are dealing with biological yield and biodiversity data but also social and economic data, so that you would be able to go in and access this data for an eco-region.

Q111 Lord Whitty: Could you say a word about the role of the European marine observation data network, EMODnet?

Anne Christine Brusendorff: Yes. I think EMODnet is a grand undertaking by the EU. A lot of funds and resources have been invested in it and it is certainly a way in which you could ensure access to data. However, I also think it is important in this regard to state that this system displays data from databases, so I do not see EMODnet in its own right solving the issue of getting data made more public. If you do not have the primary databases underlying EMODnet, you will not solve this issue with EMODnet in its own right.

Lord Whitty: Are there any examples of databases, or primary information as you call it, that are difficult to access, either for legal reasons or because of the nature of the information?

Anne Christine Brusendorff: I could, of course, mention issues such as VMS data from fishing vessels. There are restrictions as to who can access these data and what these data can be used for, but you have the possibility of accessing these data where you provide scientific advice that is being used for management purposes.

Q112 Lord Plumb: I think you have covered a lot of the ground related to co-operation. Our concern is to make sure that we understand better the possibility of duplication of
some of the work that takes place within that co-operation. We know, of course, that the European Union and member states have an important role to play, particularly regarding the financing of projects. In addition, the relationship between scientists and industry must be crucial. I think you have been making those points one way or another. To what extent are the roles of the various bodies and the institutions—including ICES, which you have mentioned several times, OSPAR, and the European Union and the member states—clear? Could you tell us how helpful you see OSPAR’s scientific agenda being to the whole business of those who are seeking more information? How does the marine science community seek to both avoid that duplication and encourage collaboration?

Anne Christine Brusendorff: There is always room for better and more co-operation, but I also believe that in a way we are forced to do that now because we are seeing that we have diminishing human and financial resources available.

If you look at this from an overall perspective, I think the roles are clear. You have the EU and member states that are responsible for developing policies; you have OSPAR, if you take OSPAR as an example, as a platform for policy dialogue and regional implementation that is going even beyond the EU; and then you have ICES, if we take my own organisation as an example, where we conduct and assemble marine science and translate this into science-based advice in response to policy needs. Of course, I also acknowledge that when we talk about day-to-day operation we sometimes enter grey areas, and there is a need to clarify the co-operation, but I think that so far we have been able to do that in a smooth way.

Before I came here I looked at the OSPAR science agenda, and I see that it covers more than 70 priorities of science that we would need to conduct. This is, of course, important in order to have some dialogue, but it is also important to look into some of the highest priorities within that list. Talking to the OSPAR community, we can see that this is how to
make integrated ecosystem assessments in regional seas and how to look into the cumulative impacts that we talked about earlier.

As I stated, within ICES we have more than 4,000 scientists, so the question of how we avoid duplication within ICES and ensure that we seeking, through co-operation, to promote science and not do what others are doing is a good one. I think this is an excellent framework for sharing the latest scientific co-operation, and it is also an excellent network in the sense that it is an open network for everybody to come in with their specific scientific interests, to take part in the work that is being carried out, and then to identify a community that they can actively join and learn from the work that has already been carried out.

**Q113 Lord Plumb:** Thank you. That is very helpful. Within all the various organisations, one that is of interest and concern to everybody is the fisheries industry itself. To what extent do they share information, and how do you work with them?

**Anne Christine Brusendorff:** ICES has a policy of transparency and co-operation, and the fishing industry is part of the ICES network. We do that because we want to be open in the way that we use and create our evidence, which is used later for management purposes. Specific schemes have also been set up whereby fishing vessels and the fisheries industry are obliged to share some of their data, which can be used later on for the scientific advice that is put forward to policymakers.

**The Chairman:** May I just follow Lord Plumb’s question? When you replied to him you talked about human and financial resources, and perhaps I could focus on the question of financial resources. There are so many different organisations, including your own. Is there anywhere where the different organisations establish the priorities and establish how the limited funds from the different sources are going to be applied? Co-operation is one thing, but all the work has to be paid for. Since everybody has similar objectives for looking after
the marine environment, is it all brought together in any one place or is there scope for that to be done by somebody within the European Union?

Anne Christine Brusendorff: I think that is a very good question and maybe there are two answers to it. The first answer lies in the different roles of the organisations. By having different roles, we ensure that we do not carry out the same work but that we listen to the needs of each other and see how we can contribute to each other’s work. Secondly, the issue here is that we see the same member countries taking part in the work of ICES, HELCOM, OSPAR, and partly also within the EU. That means that it is the same member countries that pay and I do not think that we would see the same member countries paying several times for the same work to be carried out.

Of course, some work is being co-ordinated within the EU through the legal framework and through contacts with DG Environment, DG MARE, and DG Research and Innovation, but some of this work is also being carried out by dialogue meetings, for instance between ICES, HELCOM and OSPAR, so that we find out which issues—for instance, now with the OSPAR scientific research agenda—they would like to see some input on from ICES in order to be able to carry out their work within OSPAR.

The Chairman: Thank you. Do any Members have any other questions? Ms Brusendorff, is there anything that you would like to say to us that we have not asked you, before I bring this to a conclusion?

Anne Christine Brusendorff: I think that was a quite comprehensive list of questions and I hope that I have answered them in a sufficient way.

The Chairman: We are very grateful to you for joining us. It has been most useful and we thank you very much indeed. On behalf of the Committee, I wish you a very good day.

Thank you again. Goodbye.

Anne Christine Brusendorff: Goodbye.
Dr. Peter Jones — Written Evidence

This submission is largely based on research into the governance of marine spatial planning initiatives as part of the EC funded research project on the Monitoring and Evaluation of Spatially Managed Marine Areas (MESMA). The submitter of this evidence led the work package on governance in the MESMA project, involving 13 case studies around the EU.

Broadly speaking, governance addresses how decisions are taken, including the roles of different resource user groups, of different regulators, of the legal, policy and political framework, and of different sources of knowledge (scientists.locals). It also considers the degree to which decisions are effectively implemented, different objectives are effectively achieved, and related conflicts are effectively addressed.

This inquiry is particularly focused on the question of how regional cooperation between member states can be improved. This submission accepts that such cooperation is important, particularly to integrate initiatives for blue growth in order that efficiencies related to the provision of infrastructure, access to markets, etc. are achieved. My first point is that member states have already demonstrated that such efficiencies can be achieved by technical, political and economic cooperation between them (e.g. North Sea Countries Offshore Grid Initiative), other than where market competition is a major factor (e.g. between ports), EC legislation arguably not being appropriate to address or remove such market competition. The role of the new Maritime Spatial Planning (MSP) Directive in this respect is therefore questionable. As one of the MESMA outputs notes, “Member States do not need further encouragement from the EC in promoting growth in the maritime economy” and it is not the role of the EC to direct how Member States govern regional marine spatial planning, noting that the EC has no such role in terrestrial regional spatial planning (Qiu and Jones, 2013). The question of how regional cooperation between Member States can be improved is best focused on existing models focused on technical, political and economic approaches, rather than legal approaches such as through the MSP Directive.

My second point is that the major challenges for improving cooperation to improve how marine spatial planning is governed are actually between different EC policies, rather than between different member states. There remain major tensions between different EC sectoral policies, as Figure 2 in Qiu and Jones (2013) illustrates. The Marine Strategy Framework Directive and Habitats/Birds Directive being more focused on conservation/restoration, particularly the achievement of Good Environmental Status (GES) by 2020, the MSPD and Renewable Energy Directives being more focused on sustainable economic development (in line with the Integrated Maritime Policy, IMP) and the Common Fisheries Policy (CFP) being more focused on sustainable fisheries exploitation, with the Environmental Assessment and Strategic Environmental Assessment Directives more focused on reconciling conflicts between these different sectoral priorities. However, the new MSP Directive has arguably increased tensions between achieving ‘blue growth’ (IMP) and ‘good environmental status’ (MSFD), e.g. the objective of achieving GES under the MSFD is only noted in passing in the ‘recitals’ of the MSP Directive, it is not actually an obligation.

1 http://www.sciencedirect.com/science/article/pii/S0308597X12002084
2 http://origin-ars.els-cdn.com/content/image/1-s2.0-S0308597X12002084-gr2.jpg
under the MSP Directive, nor does the MSP Directive even mention the Strategic Environmental Assessment Directive, whilst the reformed CFP is still very inward looking in focusing on sustainable fisheries exploitation in a manner that takes little account of other sectoral priorities. The different EC sectoral policies are summarised in the appendix\(^3\) of Qiu and Jones (2013) and Figure 2 illustrates the main synergies and tensions in the emerging policy landscape.

The tensions between different policies in the emerging policy landscape for marine spatial planning in the EC remain a major obstacle to regional cooperation between member states. Take the example of the Dogger Bank in the North Sea. After many years, the three Member States (UK, Germany and the Netherlands) that share jurisdiction over this important biogeographical feature had each designated their section as a Special Area of Conservation under the Habitats Directive, and the EC funded Fisheries Measures in Protected Areas (FIMPAS) project had led to facilitated negotiations between different fisheries and conservation sectors in various Member States. This, in turn, led to an agreed proposed management plan in 2011, but this has yet to be implemented through the CFP after three years, and the Dogger Bank remains unprotected, i.e. a paper park. My third point is that it would appear that measures to achieve GES are at most risk from this lack of coordination due to the tensions in the emerging policy landscape for marine spatial planning in the EC. This is all the more worrying given initial assessments from the European Environment Agency Marine Messages\(^4\) report on the status of Europe’s seas and the prospects for achieving GES by 2020, e.g. “Whether looking at species or marine habitats, less than 20 % (often much lower) of all biodiversity features (i.e. species, habitats and ecosystems) are considered as being in Good Environmental Status” across EU; 97% of UK marine SAC habitats in unfavourable condition.

Conclusions – (a) the main challenge of improving marine cooperation is between different EC policies for a region such as the North Sea, rather than between different Member States; (b) the main risk of a lack of cooperation and integration between different EC policies is that the environmental status of Europe’s seas, including the North Sea, will not be restored and may even continue to decline, severely endangering the prospects for achieving good environmental status by 2020; (c) the need to better integrate policies at an EC level in order to enable member states to cooperate with each to promote the achievement of GES other should be a key focus of this inquiry. At the moment, the tensions and disconnections between different EC policies remain a major obstacle to marine regional cooperation between different sectors and different member states, as the Dogger Bank case illustrates. The main risk is that good environmental status (GES) will not be achieved by 2020, ‘blue growth’ being a priority that does not need legislating for.

See an outline of the main findings and outputs of the MESMA governance research for further information\(^5\).
Q1: 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?

The State of the UK’s Marine Environment

In June 2014, Member States reported under the Marine Strategy Framework Directive (MSFD) on the condition of the environment in their marine waters; on what they consider as being a “good environmental status” and on the objectives and targets they have set themselves to reach it by 2020 (articles 8, 9 and 10 of the MSFD). Whether looking at marine species (fish, mammals, birds, invertebrates or reptiles) or habitats, less than 20% - and often much lower - of all biodiversity features (i.e. species, habitats, and ecosystems) are considered as being in Good Environmental Status. The report concluded that:

“The EU is still very far from enjoying healthy oceans and seas. Meeting this objective by 2020, in less than seven years, implies renewed and intensified efforts and rapid and important change in the way Member States, the European Commission, Regional Seas Conventions and other relevant organisations work together.”

In UK seas alone, 28 species of mammals and fish are considered to be threatened. While it should be acknowledged that some fish stocks (particularly in the North East Atlantic) have shown signs of relative improvement in recent years, in June 2014 the European Commission reported that 39% of stocks in the Northeast Atlantic and 88% in the Mediterranean and Black Seas are still overfished. Indeed, in the UK, it has been calculated that landings of demersal fish stocks per unit of fishing power have declined by 94% since 1884. In the North Sea, Skagerrak and Kattegat, all stocks but saithe, plaice, haddock and nephrops are either overfished or their status is unknown. It is important to note that a stock can remain ‘overfished’ (referring to its biomass) even if no longer being subject to ‘overfishing’ (referring to the level of fishing mortality). Charting Progress and Charting Progress 2, as well numerous peer reviewed scientific studies and the 2011 National Ecosystem Assessment (NEA), have demonstrated the chronic widespread degradation that the fishing practice of bottom trawling in particular can have on benthic habitats, including rock, sediment and deep sea habitats. Only recently, a study found that a single pass of a heavy fishing trawl on a pristine mussel bed resulted in a 90% reduction in the epifaunal community, and a significant loss in biodiversity. A year later the same site was surveyed, with virtually no recovery evident.

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Ibid
11 http://chartingprogress.defra.gov.uk/charting-progress2005
12 http://chartingprogress.defra.gov.uk/
13 http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0069904
Despite widespread scientific evidence and acknowledgement from across the political spectrum of the degraded state of UK seas, there is considerable expectation that our marine environment will not only continue to provide vast goods and services, but that we will need to increase our exploitation of the seas. In addition to growth plans per sector, the EU’s Blue Growth Agenda encourages Member States to further look to our seas for: food production calling for a considerable increase in aquaculture; energy generation; construction materials; transport; deep-sea mining; and all of the associated infrastructure development. Given the political climate of austerity and the drive for growth, one of the greatest threats therefore to the marine environment is a lack of political will to, challenge the assumption that growth can continue, without impacting on the biodiversity, and the vast goods and services it delivers that are often taken for granted.

In response to this decline we do have new measures, Directives and reforms to address the state of the marine environment, including the MSFD and the reformed Common Fisheries Policy. In some cases, such as in fisheries policy, the widespread recognition of the degraded state of the marine environment has translated into meaningful change at the policy level. The radical overhaul of the EU Common Fisheries Policy offers promise, although much will depend on the political will to actually implement change. However, where our marine environment is less tangibly defined (in particular biodiversity protection), MCS believe that the present level of political will to restore the marine environment falls considerably below what will be needed to achieve “Good Environmental Status”, or indeed the Government’s stated vision of “clean, healthy, safe, productive, biologically diverse oceans and seas.”

Marine biodiversity protection (in particular the development of networks of Marine Protected Areas) is an area requiring far greater political will. Although often harder to tangibly or discretely define the goods and services provided, the habitats proposed for protection within MPAs are the building blocks of our marine ecosystems. As the NEA observed,

“It is imperative that these plans (MPAs) consider the components of marine habitats not only in terms of biodiversity and habitats, but also with regards to ecosystem functioning and the provision of ecosystem services and benefits.” (NEA, 2011, p.462)

Evidence of the lack of political will can be seen in the designation of full network of MPAs in UK seas. This policy is presently defined principally by the aim of minimising what is viewed as undue burden on the status quo for industry. This is clearly shown by the fact that when consulting on the first 31 Marine Conservation Zones (MCZs) proposed for designation in English Seas in November 2013, the Government Impact Assessment only calculated the costs to industry (often as little as £1,000 per year) - it made no attempt to quantify the benefits that would be delivered by the sites, or indeed the network as a whole. Furthermore, no quantification was made of the “costs of inaction” – the fundamental stimulus of the MCZ policy. This approach results in decisions being premised solely on narrow economic valuations of private commercial interests, disregarding the substantial benefits that will be realised by a much broader group of society, as well as the huge costs arising from the continued degradation of the marine environment.

Despite the clear and recognised evidence detailing the social, economic and environmental imperative for this network, the Department for Environment, Food and Rural Affairs

14 http://ec.europa.eu/maritimeaffairs/policy/blue_growth/
continues to employ the dangerous narrative of seeking to balance “environmental benefits” with “economic costs”. It is this false binary that perpetuates the myth that environmental and economic recovery need “balancing”, and subsequently skews a large part the political will necessary to take the steps required to restore our marine environment.

Q2: To what extent do you agree with the recent conclusion by the European HOPE conference 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?

Marine habitats and species do not observe the territorial boundaries of nation states. The achievement of Good Environmental Status hence needs to be a combined effort, with all Member States around a Regional Sea basin implementing measures on an equitable basis. There is little to be gained from one nation taking far-reaching steps to reduce marine litter, or improve biodiversity protection if these are not matched elsewhere in a Regional Sea. As such, increased co-operation and coordination will be important. However, “co-operation and co-ordination” alone will not work. It will only be effective if matched by sufficient levels of political will. Co-operation should not equate to member states simply working to the lowest common denominator. Although the MSFD legally obliges member states to achieve GES across the 11 MSFD descriptors – it does not say how this should be done, and therefore does not infer what GES will actually look like. Allowing member states the flexibility to tailor nationally appropriate measures is important. But this flexibility should not be used to work to the bare minimum. Individual member states need to be ambitious for our marine environment, and the Regional Seas Conventions will have a role in pulling all Member States up to the same level. However, given the denuded health, productivity and diversity of the EU’s marine environment, “cooperation” alone will not be enough.

The fact that Member States now having common objectives for the marine environment thanks to MSFD and the 11 Descriptors is certainly an opportunity for cooperation. Arguably greater coordination, and accountability of common marine objectives across Member States is required. It is vital that commonly accepted and ambitious metrics for the 11 descriptors determining “Good Environmental Status” under the MSFD are embedded within a clearly understandable and enforceable framework. Providing each and every Member State is working to achieve these objectives to a common standard, then they should be cooperating to deliver an agreed outcome.

The two most promising frameworks to implement a holistic approach to managing the marine environment, while also ensure coordination across EU member states cooperation, are the Regional Seas Conventions and possibly also Marine Planning.

The existing Regional Seas Conventions (RSCs) which already parallel the four defined MSFD geographic regions) have the potential to facilitate a more holistic approach and coordination at the regional scale. It is important to remember that the MSFD has identified four geographic “regions” – the Baltic Sea, the Black Sea, the Mediterranean and the North East Atlantic. Each of these regions already has a “Regional Sea Convention” – effectively a governance forum: the Helsinki Commission for the Baltic, the OSPAR Commission for the North East Atlantic, the Mediterranean Action Plan for the Barcelona Commission and the Black Sea Commission. These bodies already have a role as a forum for coordinating Member States’ individual approaches to holistic management at a regional scale, and do not
require the dilution of member state’s individual sovereign authority over its territorial waters). Each Member State is responsible for adherence to the standards set under MSFD and GES, but OSPAR should be ensuring that all Member States with waters in the NE Atlantic really achieve OSPARs objective of “protection of the NE Atlantic”.

Without reform and investment into the RSCs however we fear this won’t be achieved. The principle difference between agreements reached through these regional Commissions as presently defined, and GES as required of member states under the MSFD, is that it is only the latter is legally binding. We welcome the fact that there is still full engagement by OSPAR Contracting Parties including Ministerial meetings, but we are concerned that increasingly members encourage action to the lowest common denominator rather than the highest.

Marine Planning (sometimes referred to as Marine Spatial Planning) purports to be a holistic framework of ecosystem based management – a paradigm of sustainable development that acknowledges the interdependency of the variety of different human activities on the health of the natural environment. The 2009 UK Marine Act (and subsequent 2010 Scotland Marine Act and Northern Ireland Marine Act 2013) marked the UK as a global leader in its ambitions in this area. Added to this, the 2014 EU Marine Spatial Planning Directive now requires each member state to develop similar plans within its own seas by 2021. By embedding commonly accepted metrics for each of the 11 MSFD descriptors within Marine Planning, each member state may retain the flexibility to pursue the most appropriate process of Marine Planning to its seas, but can still be held accountable against commonly accepted environmental standards. The existing four Regional Seas Conventions could then act as regional forums to ensure compliance. There are however two key hurdles that will need to be overcome in order for this practice to translate into reality.

Firstly, Marine Planning and Plans must fulfill their promise in implementing an ecosystem based approaches 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. There are already worrying signs that the ambitious environmental rhetoric promised within Marine Planning will ultimately play second fiddle to more traditional economic models of growth. In England’s first Marine Plans (the East Inshore and Offshore regions), in the majority of places where environmental policies had the potential to conflict with economic/growth policies, it was the latter that took precedence. Many environmental issues and policies were ultimately devolved down to the project/Environmental Impact Assessment level, while the strategic vision was very much geared to a presumption in favour of development. This is not to ignore that these development proposals have to satisfy the relevant environmental process/assessment, but the inference at least is that the plans are aimed at providing policy certainty for developers, rather than necessarily act as a driver for environmental recovery.

Secondly, identifying the most appropriate institutional framework, and divisibility of accountability and sovereignty, to implement marine planning at a regional scale. Again, rather than reinvent yet another EU forum for the implementation of MSP, the existing four Regional Seas Conventions could then act as regional forums to ensure compliance.

**Q3: 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;

While some good progress is being made with regard to Marine Protected Areas thanks to regional co-operation, regional co-operation also brings a couple of issues.

Starting with progress – Under OSPAR we have one of our original commitment to an Ecologically Coherent Network of MPAs that has now been embedded in legislation through the MSFD MPA commitment for ‘spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems,...in the framework of international or regional agreements to which they are parties’. The Regional Seas Conventions (RSCs) - HELCOM, BARCON, OSPAR, and Bucharest Convention – have adopted comprehensive lists of species and habitats in need of protection providing information on which habitats and species need protecting in addition to those designated under the EU Habitats & Birds Directives. As a result a number of Member States, e.g. Germany and the UK, have amended existing nature legislation or introduced new legislation, the UK Marine Act, 2009, to enable MPAs to be designated for these OSPAR habitats and species. They will therefore provide for an important input in the development of the spatial protection measures of the MSFD Programmes of Measures.

OSPAR have also provided guidance on the principles contracting states should adhere to in developing ecologically coherent networks. These include representivity, adequacy, connectivity and viability. This is also important and helpful advice on the whole. However, we are concerned OSPAR’s guidance on adequacy is very outdated and falls behind that of UK and EU marine scientists. MCS and other EU eNGOs\(^{16}\) believe that the amount that is protected for each representative broadscale habitat should not be less than 30% of that feature, and for rarer features that percentage should be much higher (up to 100% for rare habitats such as seagrass beds and maerl). For European Marine Sites alone the EC recommends protection of 20-60% of the listed habitats and species in their waters\(^{17}\). If OSPAR does not encourage its members to designate these higher percentages, but allows their base minimum or that of States with lower ambition to become the benchmark then we will not achieve ecological coherence across regional seas. In addition, some States may use the regional sea approach to rely on other States to deliver their MPA targets. This is an approach we are concerned Defra might take – using the large number of sublittoral sand MPAs Germany have designated in the North Sea to prop up their own. We on the other hand believe ecological coherence should be delivered both at the national and UK level in line with the UK Marine Act as well as the regional sea level.

MPAs also need to be well managed if they are to contribute to MSFD GES. Well managed sites prevent damaging activities, allow seabeds to recover (allowing seafloor integrity to be restored), have the necessary monitoring mechanisms, and can be well-enforced. Most European Marine Sites (Special Areas of Conservation and Special Protection Areas) still have inadequate management measures to prevent damaging activities.

When it comes to management we believe there needs to be much improved co-operation and guidance from OSPAR or other regional bodies to encourage effective management. At present Defra are trying to introduce a revised approach to management of fisheries in

\(^{16}\) Seas at Risk, Oceana, Birdlife, WWF, MCS et al. Priorities for MSFD Programmes of Measures. 2014.

\(^{17}\) European Commission. Guidelines for the establishment of the Natura 2000 network in the marine environment.
European Marine Sites to better implement the Habitats Directive and ensure that sites meet favourable conservation status which we warmly welcome. However, to date they are finding that the lower ambitions of other Member States such as the Dutch, following lobbying by their fishermen, is preventing them getting acceptance for the protection levels needed at the EU level. The need to co-operate and consult other Member States that fish in our waters could therefore preventing us introducing the management we would like to and are obliged to by law to properly protect sites.

**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;**

It is too early to tell yet if the regional approach outlined in the CFP is working as there has yet to be much in the way of implementation beyond the development of the discard plans for the pelagic fisheries. Cooperation amongst the members of the Scheveningen Group and of the various Advisory Councils seems to work well. However it is felt that clearer governance, especially relating to who is responsible for what, is needed. It is also not clear how the Scheveningen Group should interact and work with the North Sea Advisory Council. For stocks that range outside of the EU, it is also very important to establish how non-EU member States can input into and adhere to regionally developed multiannual plans. This is particularly relevant to Norway and the North Sea fisheries.

MCS does believe that a regional approach will better allow for tailored and more flexible solutions to fisheries issues in EU waters, yet consider there remains a strong need for some overarching objectives and minimum common standards to apply across the EU. Overarching Directives such as the MSFD present ideal objectives that regions should be aiming to achieve through for example the development of multiannual plans. Strong deterrents and incentives for compliance however are very much needed to ensure that regions properly consider the MSFD and the ecosystem approach to fisheries management in multiannual plans. Without an EU wide consistent application of the MSFD, Member States are at risk of becoming uncompetitive in the seafood market place.

To assist in this application, some technical measures, primarily conservation measures relating to non-commercial bycatch species and habitat protection, should also remain regulated at a high level (e.g. agreed through co-decision) to ensure that these are interpreted, implemented and enforced consistently across all member states. This will help achieve a more level playing field with respect to such measures and assist in the alignment of technical measures with the new CFP and its unprecedented linkage with environmental legislation.

**Innovation and knowledge, particularly towards delivery of the Commission’s Blue Growth Agenda**

MCS has no comment on the innovation and knowledge side of this question, but we would like to make the point that we believe the Commission should change their Blue Growth agenda, to Blue Green Growth, or Blue Sustainable Growth. Growth unheeded, will undo the objectives of the MSFD.
Q98 The Chairman: Good morning. Thank you very much for coming to address our Committee and our inquiry on regional marine co-operation. As you will know, since you sat through much of the first session, this is our second session. We have about three-quarters of an hour. This session will be on the record. You will be sent a transcript of the proceedings and will be able to comment on that before it is made public on the parliamentary website. I think you have had a list of the declaration of Committee Members, but Committee Members will make clear any interests they have before they ask any questions. Without further ado, can I ask some questions about an issue that has come up an awful lot so far in our inquiry, which is around the distinct lack of knowledge of particular issues in the marine environment? What are you views on how perhaps greater information
on the cumulative impact of human activities in the sea can be developed and how they impact on the ecosystems? As a supplementary to that, how can regional co-operation play a role in delivering that? Please, if you would not mind, first of all say who you are. If I might just say, I am clearly not Baroness Scott of Needham Market. I am Baroness Parminter, standing in due to her ill health today.

**Melissa Moore:** I am Melissa Moore, from the Marine Conservation Society. On the cumulative impacts, we as a group of environmental NGOs are obviously extremely concerned about the cumulative impacts on our marine environment. Earlier this year, member states had to report to the Commission on how they were striving towards achieving good environmental status under the marine strategy framework directive. The resulting report by the European Environment Agency suggested that only 20% of our habitats and species are in good environmental status. Our seas are very degraded, and certainly more co-ordination and more action are needed.

**Dr Dunn:** My name is Euan Dunn. I am Principal Marine Adviser at the RSPB. I also chair the spatial planning working group of the North Sea Advisory Council. On cumulative impacts, we will come to developing better information, but the onus is definitely on the Marine Maritime Organisation or the equivalent administrations, for example the Welsh Government in those seas, to co-ordinate this work on cumulative impacts. The MMO is starting to look at cumulative impacts, although it is still an unknown known at this stage, but I very much endorse my colleague’s impression of a burning need to address this issue.

**Eleanor Stone:** Good morning. I am Eleanor Stone. I am the Marine Planning Officer with the Wildlife Trusts and I am representing Wildlife and Countryside Link today as well. I agree with your assessment that cumulative impacts have not really been addressed, especially for certain issues and species. I am thinking particularly of highly mobile species such as marine mammals. There is a distinct lack of understanding of the cumulative impacts,
as well as a recognition that it has to be addressed more strategically across wider regional seas that just individual member states or, indeed, individual developers or industries. Data sharing is key here, as is the development of new tools and models that can be used to address some of these problems, but it is certainly not there yet. There is certainly a lot more that needs to be done.

**Dr Dodds:** I am Lyndsey Dodds from WWF. Perhaps more picking up the second part of the question around the regional co-operation, we lead the Celtic Seas Partnership, which you will have read about in the written evidence, I am sure. The aim of that project is to bring together cross-sectoral stakeholders from across the different countries on the Celtic Seas, and certainly one issue that comes up time and time again in our workshops and events is the need for data and the need for them to be available and integrated at the regional scale. That is something that we are looking to address through some of the work in that project in the Celtic Seas, and of course working with other initiatives such as EMODnet, which I am sure you have heard about from others as a good way of trying to get those regionally co-ordinated data that are really the basis of being able to deliver a regional governance and management structure.

**Q99 Baroness Howarth of Breckland:** We do not usually declare memberships unless it is specific, and I have to tell you that I am a member of both the RSPB and the WWF. I have to put that on record as you are here. I want to talk about tensions and opportunities. You probably heard a little of the last session, but we have heard a lot about tensions in the marine environment between environmental protection, which is your particular interest, and blue growth. We had an example of the latter in the evidence from the Wildlife and Countryside Link. There was a criticism of decisions taken on the setting of fishing opportunities under the common fisheries policy. We have also heard that opportunities can be derived from productive relationships between blue growth and marine protection. Can
you tell us a little about your experiences of these tensions? To what extent can concerns about issues such as noise in the marine environment be overcome through innovation? We have heard quite a lot about that particularly in relation to the development of wind farms. Are there opportunities to be derived from a productive relationship between blue growth and the marine environment? I am going to stop there and then go on to the issues about the European Commission’s assessment when we have got started on that.

The Chairman: Do not feel that you all need to answer every single question, otherwise we will be here for a very long time.

Melissa Moore: Yes, we are concerned about the European Commission’s blue growth agenda. We are concerned that it is not focused on green blue growth, or blue-green growth, so we are concerned about how sustainable the proposals are. Certainly some of the areas for growth, such as offshore wind, can be sustainable, particularly if issues such as noise are mitigated and you can introduce floating turbines or turbines with gravity bases to prevent the pile driving, which has an impact on cetaceans. Likewise, aquaculture can be sustainable potentially, but not to the level of growth proposed by the European Commission at the moment. The actual amount of feed needed is larger than the actual protein delivered by the finfish developed through the aquaculture. There are some opportunities for growth, but it needs to be sustainable. In addition to GDP growth, we are concerned that the Commission is not looking at the broader ecosystem services. We can deliver lots of economic benefits just by further managing our seas sustainably. For example, if we managed to achieve maximum sustainable yield with our fisheries, that could generate, according to the New Economics Foundation, an extra 100,000 jobs for fishermen.

Dr Dunn: On the first tension that you mentioned, on setting fishing opportunities, every year we have the ICES advice, which is very clear on sustainable limits, and routinely the Council of Ministers sets the total allowable catches above the scientific advice. This year,
for the fishing opportunities for 2015, the access was bigger than we have seen for many years, and this is a chronic excess over the scientific advice. That tension between the environmental limits of the seas and what the politicians set is a clear worry to NGOs, and obviously we cleave to the scientific advice.

On the blue growth agenda, it is clearly not a fit-for-purpose approach taken on its own. For things like deep-sea mining, we would have particular worries. There is a strong tension between the blue growth agenda and what we would call an ecosystem approach. Let me just quote Commissioner Damanaki: “Discovering and unleashing the potential of the seas and the maritime economy is a key priority of the European Commission’s integrated maritime policy. Our blue growth strategy, which is now in full deployment, has an objective to identify and remove obstacles and define smart solutions to boost the sectors of the maritime economy”. Taken on its own, that sounds like a juggernaut that is going to roll over sustainable limit considerations, and that kind of language coming from the European Commission worries us. The cost-benefit analysis that is used in all of these considerations favours industry. It is much easier to quantify economic benefits and cost than it is to identify the environmental benefits, for example, of a marine protected area. This invokes the need for a different approach to impact assessment.

Eleanor Stone: On your point about offshore wind and noise, this is an area that I work quite a lot in directly with developers through the planning process. The key is to look for win-win opportunities. You mentioned innovation, and that is certainly being driven forward by some individual developers. They need more incentives to do it. Cynically, their incentive will be that it will be cheaper for them, but that does not mean to say that we cannot also address some of the issues and tensions such as whether it would also reduce noise. There is a misconception sometimes that just because an industry is renewable it is wholly green and should be supported. We have to take each development on its merits and realise that
there are environmental impacts that are sometimes quite serious. There is a misconception sometimes that just because an industry is “green”, we can just let it continue unchecked.

**Q100 Baroness Howarth of Breckland:** Can we look for a moment at the EU policies affecting the marine environment? How well aligned are the marine strategy framework directive, the common fisheries policy and the maritime spatial planning directive? You have commented that you have concerns about those. Would you like to expand on it, remembering that we want to make recommendations to the Commission?

**Dr Dodds:** In terms of those different directives, there is certainly some good consistency in that they all reference each other. There is a recognition that European policy legislation needs to be integrated and recognise other legislation. But the question really comes down to the implementation of those different directives and whether that is still recognising the consistencies between them. Of course, the Article 12 review by the Commission on the marine strategy framework directive, which came out earlier this year, picked up on some critical issues with implementation for the MSFD, and that included a lack of information on other policies that relate to the MSFD in implementation to date. Then of course we have issues or challenges in that we have the different directives sitting within different directorates at the European Commission. What are sometimes seen as the more commercially focused directives, such as the common fisheries policy and the maritime spatial planning directive, are in DG MARE, with the more environmental MSFD and habitats directive sitting with DG Environment. We have the new Commissioner now, who is hoping to bring together those two directorates, so we are waiting to see how that works. It would be welcome if we could see a closer integration between them, which is not just at a European level; it can also appear in national Governments and within organisations, so it is a challenge for most people.
Dr Dunn: I fully endorse the opportunity that we see now of the joining of the environment and the fisheries directorates. Certainly for the many years I have been working on this, this lack of join-up of environmental and fisheries policy has been manifest and counterproductive. At the meeting in Athens in April this year, the fisheries directors from the member states put out a statement where they called for much closer alignment with their fisheries director colleagues. At member state level, there is a sort of alignment of DG Environment with DG MARE. This is a really important point; the Commission needs to push this. They need to get the directorates and the directors speaking to each other in a much more integrated way, especially at a regional level. This will produce much more coherent policy. I think that is positive recommendation we could expect to hear.

Melissa Moore: When the European Commission wrote the communication on blue growth, they stated that the ocean resources are largely unexplored and made no mention of the fact that they are also overexploited. Considering even the marine strategy framework directive, this was a real lack of join-up in the Commission.

Q101 Lord Plumb: You all have a lot of experience in working together and co-operating together in the fields that you represent. It is good to know that you are doing this in a marine sense, because this is what we are seeking. The whole business of co-operation has to be the key. Can you give us some specific examples, including the Celtic Seas Partnership, working around the Dogger Bank area, and your engagement in OSPAR? I think that is important—to what extent you ascribe the success or the failure of the co-operative initiatives.

Dr Dodds: Just on the Celtic Seas Partnership as an example, we are focusing on the Celtic Seas and trying to work with all the different stakeholders and are particularly focused on the marine strategy framework directive implementation. We are doing that by involving people from the main sectors, from France, the UK and Ireland, in developing measures,
which is the next crucial stage of MSFD implementation, to drive that move towards good environmental status. We are halfway through the project at the moment, so we do not have any final conclusions, but certainly we are having good success in involving people. We are seeing that people—stakeholders from all the different sectors—are very keen to be involved in policy implementation, which is something that is maybe not always evident. They are really looking for this opportunity to discuss and learn from each other, different sectors and different countries about how they can work together.

In terms of the success or failure so far for that, that level of co-operation and co-ordination at that kind of scale is very resource-intensive. We have a lot of staff members on the ground doing constant stakeholder engagement with people, which is resource-intensive but ultimately is what you need to get the results, if you really want to see that level of co-operation. It is also important, and I think a success so far, to have the buy-in from Governments to be part of that. We have good support from Defra colleagues and their equivalents in the other countries. They also enjoy the opportunity of meeting with their French and Irish counterparts and discussing the issues of that particular region. What is probably needed for a truly successful approach of involving stakeholders in a regional co-operation initiative is to have the ambition from government primarily and the real recognition that that level of regional co-operation is a priority. It is understandable that it always comes back to national priorities and things that need to be done on a national level, but we want to see that shift to seeing regional coming first—and I mean that in the sense of what is best for the environment, rather than politically or anything else. Essentially, the best way to manage or govern the environment is at that scale and we need the ambition and commitment from government to match that.

**Dr Dunn:** As to the Dogger Bank, I have had the privilege to be intimately involved in it from the beginning. Just to give you a little context, the situation here is we have three
Natura 2000 sites on the Dogger Bank. It is a jigsaw with adjoining boundaries. One is the
UK’s, one is the Netherlands’ and one is Germany’s. The challenge was to try to find a
common fisheries management regime for this sand bank, rich in sand eels and other fish,
that would be satisfactory to the fishing industry and the environmental movement. It was
very hard to begin with. All the member states had different interpretations of what the
habitat meant. It was all sand, if you like. They had different objectives. Some included
harbour porpoise. They also had different timescales. The member states had a very difficult
task and the lack of co-ordination between member states from the outset was a problem.
The member states then gave the North Sea Advisory Council the opportunity to come up
with a joint approach, but some of the terms of reference were very wide and very loose,
and it almost set us up to fail. It was difficult to achieve any kind of output from that. Then
the Dogger Bank member states therefore had the responsibility to take the task back to
themselves and try to deliver something under this new regionalised common fisheries
policy. I have to say that, to me, the regionalised common fisheries policy is when a lion
roared and a mouse was born. It was one of the big ideas for the council, and they set up a
system that I think is not as good as it needs to be.
So, we have the group of North Sea member states, which now have this job of agreeing this
management plan for the Dogger Bank. They are called the Scheveningen Group. However, I
do not think they have a strong enough working relationship with the stakeholders in the
North Sea Advisory Council—the fishermen and the NGOs. This needs to be worked out.
They need a memorandum of understanding so that you get a real sense of co-management
and not this top-down command and control that we were trying to get away from. The
fishermen and the NGOs are worried that this new layer of regional member states, and
there is one for the different sea basins, will become just a new layer of bureaucracy that we
have to get through to get to the Commission and the Parliament. It is a still a work in progress, and it requires a lot of hard and due diligence to make it work well.

**Q102 Lord Plumb:** Thank you. That is most interesting. Dare I say it, what you said about the Dogger Bank is the best we have heard yet, from the point of view of understanding it better. To what extent do you have your contacts in Brussels? Do you sort of work together as an organisation or separately? Is it one contact? Obviously, there is with the Commission, but I am thinking of people who are also involved, as you are, in marine development. Is there such a body now in Brussels?

**Dr Dunn:** The NGOs work extremely co-operatively in Brussels, particularly on the common fisheries policy, and I think they held the Parliament’s and the Council’s feet to the fire very well over the CFP reform. It was not perfect, but we got a much better outcome. I have never seen the NGOs work so well together as they did in Brussels. They threw the kitchen sink at it in a surgical strike—a military operation. It was fantastic.

**Lord Cunningham of Felling:** That was a bit of a mixed metaphor.

**Q103 Lord Renton of Mount Harry:** I would very much like to ask you a question or two about marine protected areas and marine planning. There seems to be a general view that marine planning is positive, including the identification of marine protected areas. But we have heard some concerns that it is challenging to make the theory work in practice. Would you agree with that or not?

**Melissa Moore:** We are fully supportive of marine protected areas and have campaigned for them for a long time. We see them as an ecologically coherent network, as advised by OSPAR, that is critical across all seas throughout Europe. The emphasis needs to be on the protected element within marine protected areas. We have concerns that Governments are looking at protecting just features within these areas rather than the whole site and we believe that the whole sites need to be protected. When it comes to marine planning and
marine protected areas, they are not that well integrated. The marine protected areas are being identified separately, simply because of the timescales of marine planning, and marine planning, as it is being delivered, is not quite as sustainable as we were originally hoping. It should be implementing the ecosystem approach and looking at all activities and working out what activities and developments can occur while maintaining our whole ecosystem. But as it is, so far it seems to be just development planning.

**Lord Renton of Mount Harry:** Is the UK approach the same as the approach from Germany, France and others? Do all the countries involved have the same views about this?

**Melissa Moore:** They are slightly different. Every member state implements marine protected areas as they want, but obviously they have to implement the habitats directive, which is a cross-European piece of legislation, as I am sure you know. We have concerns that at the moment the habitats directive is being looked at. It is undergoing a refit and we are concerned that potentially it could be watered down in some way.

**Lord Renton of Mount Harry:** Why should it be watered down?

**Melissa Moore:** We do not think it should be at all. We think that it is effective, if it is implemented properly. But there is quite a strong lobby from industry and Governments. You may have heard the UK Government criticising the habitats directive, and we had a review of the habitats regulations within the UK where it was proven that it was a piece of legislation that was fit for purpose and essential if we are going to protect some of our seas.

**Lord Renton of Mount Harry:** Are there any other views on this?

**Dr Dunn:** Two quick points: first of all, it is a very slow burn to get these MPAs established in our waters. This is a real concern for not just the NGOs but industry. You could call it regulatory blight. For example, the birds directive entered into force in the UK 33 years ago. We have only three inshore sites and no offshore ones yet, after 33 years. This drives the wind farmers crazy. They cannot plan ahead if they know that something is going to come up
on their patch that is going to have legal force majeure. That is a real worry. The second point is that we see a great reluctance on the part of the British Government to consider mobile species. For the marine conservation zones, the national sites, mobile species like seabirds and cetaceans are still not considered qualifying features, and I think that is quite a concern when you are speaking about an ecologically coherent system.

**Lord Renton of Mount Harry:** Why on earth should it be so?

**Dr Dunn:** I think they take the view that, because they are widely ranging species, they should be dealt with by global measures and not on a site-by-site basis. That is quite a spurious argument, I think.

**Eleanor Stone:** Just to pick up on your questions about marine planning, we are also very supportive of marine planning as a tool that can aid marine conservation. We have been involved with the process right from the beginning. We accept it is a new process. The east marine plans we now have are the first of their kind, and as such we realise they are not necessarily going to be completely perfect. We hope that marine planning will be a tool that can reduce user conflict. I think that is where it can really add value. At the minute, it 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. That is where we really hope marine planning, as it develops as a tool, can go.

**Dr Dodds:** You asked if there is a difference in approach between different countries, and I suppose one thing that is important to recognise, and it is a positive, is that in the UK there is the Marine and Coastal Access Act. The intention of that was to bring together in the same piece of legislation marine planning, marine protected areas through MCZs, as well as licensing and other issues, based on common principles and objectives. That certainly has the potential to be positive and quite different from the way other countries have approached it.

**Lord Renton of Mount Harry:** Will it change? Do you feel the other countries are willing to change?

**Dr Dodds:** I think they certainly look to the UK; that was quite a good example across the world of a single piece of legislation to address all of that. But I suppose there are national priorities that drive things in different ways in different places.

**Q104 The Chairman:** As a supplementary, can I ask whether you have any views on the use of natural capital accounting in marine planning? The Committee is now in its second year. It did an interesting project on forests over the last year. Do you see that as a potential way forward?

**Melissa Moore:** Yes, we would support the use of natural capital accounting, but probably not using the present methodology. The methodology needs to be developed, but we would support it. If we destroy our natural capital assets, obviously we will not be able to make use of the ecosystem services, whether from tourism, fisheries, angling, diving et cetera.

**Dr Dunn:** I absolutely agree with that. We strongly support the NCC work and its strategic legal underpinning. I will just say that it is not the be-all and end-all. There is much more to it than that. If I can put it like this, we are looking for an ecosystem-based approach, not an ecosystem-service-based approach. Natural capital accounting is necessary but not sufficient.

**Q105 Lord Whitty:** In part you have answered this question, but just focus back down on the North Sea. Various proposals have been put to us as to how we might change the structure of co-operation on the North Sea. Assuming member states go in for effective marine planning under the directive, do you see any institutional changes that would be necessary, and what is the role of the various organisations in terms of the relationship of the EU member states’ organisations with wider organisations such as OSPAR? Who should take the lead in ensuring that we have a coherent approach on the North Sea?
Dr Dodds: Building on some of the lessons from the work in the Celtic Seas to date, we think different elements need to be taken into account. Of course, there are many structures already in place, as you alluded to: OSPAR, the North Sea Commission, et cetera. The main thing is really about streamlining that—not necessarily creating something new but streamlining what there is. A key issue for WWF is that of stakeholder involvement, and we would really advocate for a role for some stakeholder forum as a way of stakeholders being involved in decision-making at the regional scale. I know previously the North Sea Commission looked into developing a North Sea maritime forum that did not end up getting funding to go ahead, but it certainly supported that type of initiative.

Generally speaking, to get that type of regional co-operation in the North Sea, some of the enabling conditions are there. We have the directives requiring co-operation. We have some structures already in place. We have OSPAR, which plays a great role in bringing together that information, and the directives point to OSPAR as a potential mechanism for doing that. But of course that is only as strong as the contracting parties that sit within OSPAR, and if you do not have that ambition and drive for that co-operation at the member state level, then it is very hard to make that happen. It might be a consideration that the role of OSPAR could be strengthened and could even go to the point where you might imagine that it would be able to make legally binding decisions at a regional scale, so a North Sea scale, that would then feed down to what needed to be delivered at the national level.

Lord Whitty: Would you say that more has been achieved in the Baltic, for example?

Dr Dodds: Yes. The Baltic is a very good example of good co-operation and co-ordination. A lot of that is driven by the circumstances there. At the beginning, there was a clear need: there were clear issues with pollution and clear impacts that really forced people to come together and try to address that issue, which maybe is not the same in different areas, but certainly that is a very good model. The Wadden Sea off the Netherlands is another good
example. They have exactly that sort of decision-making governance body alongside a stakeholder advisory forum that links together to create the governing structure.

**Dr Dunn:** I absolutely agree about the Baltic. Coalition Clean Baltic is doing a really good job, and there is nothing equivalent for the North Sea, so I fully endorse what Lyndsey said. I cut my marine teeth on the North Sea Conference process, which fizzled out in about 2004 but in the 1990s was a very strong forum. It used to get Fisheries and Environment Ministers to turn up at the conference, and the synergy between them from getting Fisheries and Environment Ministers in the same room was very powerful. It was not legally binding, but they produced strong statements of political intent. I was sad to see the North Sea Conference rather swallowed up by OSPAR, but it moved to a bigger geopolitical scale. We need to somehow retrieve that sense of dynamism, because the North Sea Conference process was really the progenitor of the ecosystem-based approach for the North Sea. It became a kind of test bed for a model for exporting that knowledge and know-how to the rest of the European seas and the rest of the world. It was very powerful, I think.

**Melissa Moore:** At present we, with other NGOs across the North Sea and Europe, are developing a North Sea vision, and that is environmental NGOs looking at all the activities taking place and looking at the ecosystem-based vision. You have the NGOs doing that, then you have the North Sea Commission, which seems to be focused on growth and industry, and there is this lack of integration and ministerial commitments. We really feel that OSPAR needs the contracting parties and the Ministers in particular to provide more support. OSPAR needs more funding and it needs this regional-seas level commitment as well to actually take action for the North Sea and the Irish Sea as well.

**Dr Dodds:** Another important aspect would be linking together all the different policies. What tends to happen quite frequently is that people look at a regional approach for one particular thing: for the common fisheries policy or for maritime spatial planning. But we
need a governance structure not focused just on one policy but to integrate management across all policies in one particular area, so that we do not have the issue of DG Environment and DG MARE being separate, and blue growth somehow standing against the environment, when in fact the environment should underpin blue growth. Healthy seas are needed for blue growth.

Q106 Lord Whitty: Could I just ask one final question in a different vein? Your focus of concern is ecosystems and the effects on marine species et cetera. When I asked the last group of witnesses what they thought the biggest threats were to our ocean or marine environment, they said effectively the chemical composition in terms of acidification and the temperature, obviously both of which have effects on ecosystems. From the ecosystem or species basis, what would you say are the biggest threats to the seas around Britain?

Melissa Moore: Acidification is certainly going to be an increasing and major issue, possibly the biggest issue our seas face, along with climate change and warming of the seas. But really it is fisheries-based bottom trawling, which is impacting on so many seafloor habitats. It really is having the largest impact.

Dr Dunn: I would agree that it is climate change, and particularly sea warming, which is fundamentally changing the food chain in the north-east Atlantic. For example, based on data collected in the North Sea, the north-east Atlantic has lost 70% of its biomass of plankton since the 1960s. This is affecting the whole food chain, through small prey fish like sand eels up to top predators like seabirds. What this means in practice is that it will take generations to turn that around, but what it behoves us to do is to build as much resilience into the system as we can, and that is why marine protected areas and marine spatial planning are so important. Those are the tools at our disposal that we can use right now for the short term to try to ameliorate the impact of climate change.
Eleanor Stone: A lack of understanding is a real threat as well, and this almost brings us back to the first point about cumulative impacts. For a lot of things, we do not know what the risk or threat is going to be, especially on top of all the other issues that are potentially identified at an individual level. We might know what their impacts are at an individual level, but when you put all those impacts together, we really do not have any understanding.

Dr Dodds: Similarly, WWF would cite the unco-ordinated approach to activities and the increasing pressures from a range of activities that are working often in a single-sector way rather than a cross-sectoral way. Of course, we very much come at it not just from the idea of protecting the marine environment but also in terms of sustainable livelihoods for people who are dependent on the marine environment.

The Chairman: We can therefore bring the session to a close. Thank you for your prompt answers and for not repeating what previous colleagues have said, which is very helpful when there are four of you. Thank you very much for your time.
1. Considerations for the Development of an Interconnector

1.1. This note sets out the considerations that are taken into account during the development of an interconnector and assumes that the economic case to support such a development can be made.

1.2. Across continental Europe the majority of electricity interconnectors linking one country to another are High Voltage Alternating Current (HVAC) overhead lines and look predominantly like any other type of electricity infrastructure.

1.3. Due to the distances separating the UK with its neighbouring continental European countries it is necessary to use High Voltage Direct Current (HVDC) technology to exchange power between countries. HVAC technology loses a considerable amount of power through transmission losses. Therefore, over such long distances an HVAC project would be impractical and uneconomical. The typical maximum distance for an HVAC subsea interconnector is 50-75km. Over that distance HVDC interconnectors provide greater controllability whilst minimising electrical losses.

1.4. A typical HVDC interconnector consists of one or two pairs of HVDC cables installed subsea with each cable measuring approx. 10cm in diameter. These cables are connected to a converter station in each country which converts the Alternating Current electricity from the “sending” country to Direct Current across the HVDC cables to the “receiving” converter station located in the other country. The “receiving” converter station converts the direct current electricity to Alternating Current for onward transmission and use.

Figure 1

1.5. The cost of the cable alone will run into hundreds of millions of pounds. Therefore, in order to give the cable a level of physical protection from third party activities such as anchor drag or fishing developers will seek to install the cables beneath the seabed typically between 2-3 metres to enable sufficient protection from these activities.
2. **Assessment**

2.1. An interconnector developer must consider a range of factors in the development of its converter station locations and cable route, these factors include:

- Appropriate points for connection of the link into the transmission systems of the two countries.
- Suitable locations for the converter stations and availability of land.
- Suitable location for the point at which the cable comes ashore with consideration needed to be given to any environmental designations and geophysical considerations such as coastal erosion / movement.
- Appropriate and suitable subsea cable route taking into account constraints.

2.2. Similarly, options for the terrestrial elements will be discussed with appropriate stakeholders in each country affected.

2.3. Stakeholder input provides invaluable knowledge and experience to further inform the preferred cable route and converter station location.

2.4. The seabed survey is the largest area of expenditure at the development stage.

3. **Consent / Licence Application**

3.1. Applications are made to the different countries’ jurisdictions for the appropriate and relevant permissions, consents and licences. We seek to submit our applications in a co-ordinated way such that the appropriate authorities can co-ordinate their considerations.

4. **Relevant UK Legislation**

4.1. There are two elements for an interconnector development to secure by way of consents to allow construction to be taken forward; terrestrial and marine consents.
In July 2014 the European Parliament and the Council adopted legislation to create a common framework for maritime spatial planning in Europe. The main purpose of the legislation is to promote the sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources. This will establish a framework for the effective implementation of maritime spatial planning in EU waters and integrated coastal management in the coastal areas of Member States. The North Sea Commission agrees in principal that a directive on this matter is needed and adopted the following position and recommendations on implementation of the directive at its Annual Business Meeting in June 2014 in Aberdeenshire.

The North Sea Commission recommends:

- The North Sea is one of the most intensively used sea basins in the world. A cross-country approach is needed to address the competition between different users of the sea.

- The core element is to find a sustainable balance between blue growth and environmental protection.

- Regions can be new platforms for innovation. Regional authorities have knowledge about local conditions and challenges, in addition to close dialogue with stakeholders.

- Predictable, long term planning is important to boost regional attractiveness.

- The link between terrestrial planning and sea planning needs to be addressed.

North Sea Region – an engine for blue growth

The North Sea Region includes a number of strong economies and is one of the most successful regions in Europe. The North Sea Region has the potential to act as an engine for growth in Europe. Being a complex and open marine ecosystem, the North Sea is a nursery for fish and a migratory and wintering area for many species of birds. It is also one of the most heavily used seas, supporting fishing, shipping, trade, energy, sand mining, defense and recreation. Increasing and to a large extent uncoordinated use of the sea leads to competition between the different users of the sea. A key challenge in the North Sea is the management of conflicts between competing users of the sea basin.

The sea and the coasts are drivers of the economy. If we count all economic activities that depend on the sea, then the EU’s blue economy represents 5.4 million jobs and a gross added value of just under €500 billion per year. Because of their outward-looking geography, ports and coastal communities have traditionally been centres for new ideas and innovation. Growth in the blue economy offers new and innovative ways to help steer the EU out of its current economic crisis. It represents the maritime dimension of the Europe 2020 strategy. Blue growth can contribute to the EU's international competitiveness, resource efficiency,
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job creation and new sources of growth whilst safeguarding biodiversity and protecting the marine environment.

**Regions – new platforms for innovation**

North Sea Commission was founded in 1989 to facilitate and enhance partnership between regions around the North Sea. It has grown to be an important organization for policy making and regional influence at the European level. Regions can become new platforms for innovation in Europe. The mentioned directive states that "the relevant authorities" shall be consulted on the draft plans and strategies. We see the regions as “relevant authorities” in this matter and involving the regions in this work will be essential in the success of the legislation.

Even around the North Sea, it differs quite a lot from country to country whether competence on coastal and maritime spatial planning is found at local, regional or national level. The Marine Resource Group of the NSC has conducted a comparative analysis of the management systems in the different North Sea countries. Despite the differences, all NSC members have an interest of regional development and good environmental standard.

The core challenge for marine planning is to find a balance between blue growth and environmental protection. The North Sea Commission believes that management of maritime space must be built on the principles of sustainable development; a balance between good environmental standard, economic growth and social concerns. In the North Sea Commission we are all maritime regions. For maritime regions regional development is very much connected to the notion of blue growth. Coastal regions have the advantage of proximity and interaction with stakeholders and the actual opportunities and challenges they face relating to blue growth.

The directive provides for the need for member states to cooperate across borders as well as with third countries, to develop plans and strategies. This is a key added value of the directive. The North Sea Commission stresses that regions should also be involved in this dialogue. The organization has long traditions of successful cooperation between North Sea regions, including regions in Norway.

**Predictable planning to boost regional attractiveness**

A key challenge to maritime spatial planning is to prioritize between competing users of the sea, and between economic growth and environmental protection. The neutral character of the balance between the different uses of coastal and maritime areas is a central element of the approach put forward by the European Commission. It is necessary to define the relationship between an ecosystem-approach and blue growth. Although managing maritime space is a difficult exercise, clear and predictable plans will make coastal regions more attractive.

Furthermore, stakeholder involvement at an early stage is a success factor for marine planning. A number of concerns can be met by dialogue and involvement in the process. Relevant stakeholders will also possess important knowledge which can prove important for the planning process. Stakeholder involvement can also foster opportunities on co-existence between different sectorial uses.
The North Sea Commission believes that knowledge about the marine conditions is vital to achieve a sustainable management of the sea basins. It depends upon knowledge of the state of the sea now, how it was in the past and how it might change in the future. North Sea regions have already conducted projects, showing the importance of marine data and stakeholder involvement. More importantly is also the need for coherent and shared information and knowledge about the marine environment in a cross-country approach. Harmonized plans and policies would contribute to a more effective use of space and available resources.

**Sea/land planning**

Several models exist in Europe on the organisation of the links between MSP and ICZM and on how to organise consistency of the actions concerning coastal areas with those concerning maritime areas. It is therefore important that the MSP and ICZM are addressed together at European level, whilst allowing national authorities and regions maximum flexibility to organise the relationship between MSP and ICZM at their levels. The North Sea Commission believes that MSP and ICZM should be addressed together in the directive, but is missing the link between coastal and terrestrial planning.

**Preparatory Action for the North Sea Region**

In October 2013 the European Parliament confirmed a budget line of 250 000 euro for a preparatory action for the North Sea region. The preparatory action will finance a number of coordinated activities that will focus on in-depth analysis of five identified priorities. It will allow for a series of stakeholder conferences and secure dialogue with the European Commission, Member States and regional authorities. The idea is to examine the areas and sectors of common interest and to explore and build commitment among stakeholders and thereby form a basis for decision-making on the future development and creation of growth in the North Sea region. The final output of the action is intended to be an in-depth analysis of the North Sea region’s growth potential, including possible intervention areas about the potential and added value of a shared regional strategy and cooperation for the North Sea Region. The responsibility for following up the preparatory action now lies with DG MARE.

The North Sea Commission prepared a concrete proposal in cooperation with CPMR (Conference of Peripheral Maritime Regions of Europe) which outlined a clear plan for two conferences under the preparatory action giving suggestions on how to involve the NSC and the region’s stakeholders. The proposal also gave clear indications regarding relevant themes and issues which NSC would like to see addressed. The issues are seen as important strategic issues for the whole of the North Sea Region. The proposal was forwarded to DG MARE. The NSC considers that the aim of the process is to examine how to unlock the growth potential in the North Sea region by harnessing the added value of a coherent strategy for this sea basin.

**North Sea Grid**

The North Sea Commission sets the issues around energy security and supply high on the agenda. Offshore renewables and grid development are topics closely followed by the commission. NSC sees harmonisation of spatial and environmental practices and management of competing interests of paramount importance during this debate. There is a clear need for a political and legal framework in order to coordinate the future maritime space and grid development in the North Sea Region where the role of regions and their
stakeholders must play a role. Civil society must be an integral part in order to build understanding and foundations for further grid development.

Since an increase of offshore wind capacity is expected until 2030, the North Sea Commission sees a need for a meshed and more coordinated transmission network solution, a North Sea Grid, rather than a radial one. Crucial is in what way the costs of the grid infrastructure will be realized in a cost effective way. There are too many risks (financial, social, legal) connected to insufficient international coordination and planning.

The North Sea Commission therefore puts forward the need for a coordinated policy and governance through cooperation between the regions and nations around the North Sea within a macro regional strategy for the North Sea Region.
Evidence Session No. 3  
Heard in Public  
Questions 27 - 47

WEDNESDAY 5 NOVEMBER 2014

11 am

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

Examination of Witnesses

Dr Darius Campbell, Executive Secretary, OSPAR, Matt Nichols, Project Development and Communication Officer, North Sea Region Programme, and Kate Clarke, Executive Secretary, North Sea Commission

Q27 The Chairman: Very good morning to you. Thank you, all three of you, for sending us written evidence, but particularly for being here today. In terms of some of the housekeeping, this is a formal evidence-taking session of the Committee. A full shorthand note will be taken. After you have had a chance to correct it for any minor errors it will be put on the public record in printed form and on the parliamentary website. Because it is on
the record it will be webcast live and will be accessible via the parliamentary website in due course.

You have been provided with copies of the interests declared by the Members of the Committee. If there are any interests specific to this inquiry then Members will make them at the start of their first intervention. For myself, I declare that I am the Secretary of State’s appointee to the Harwich Haven Authority, which is a publicly owned trust port. In addition, it is not an interest but I think it is probably best to get on the record that I was active in the North Sea Commission between 1997 and 2005, when I was a member of Suffolk County Council. Those are the formalities.

Just to start off with, one of the things that has struck us is that the marine strategy framework directive, maritime spatial planning directive and the CFP, and indeed the European Council pronouncements on energy the week before last, all talk about regional co-operation in marine areas. I wondered whether each of you could just, as an introduction, on the basis of your own experience, tell us what you see as the purpose of co-operation. Is it between states or sectors? Is it about co-operation between users? Is it all of these? Just begin to paint a picture for us.

Dr Campbell: I am Darius Campbell from OSPAR. We hear “regional”; we have been discussing what “regional” means. For us, “regional” means a region of the world, so we are talking right from the coast of Portugal and Spain all the way up to Norway and Iceland. For us, our focus for regional co-operation is on the environmental aspect. It is about making sure that the north-east Atlantic is clean and healthy and the biodiversity systems are healthy. We have that focus. Our focus is co-operation between Governments as they assess the state of the sea and they regulate and make national policy on that. So we have quite a specific focus. Obviously there are interactions with things that happen at what we
would call the sub-regional level, say at the North Sea level. There is interaction with
stakeholders, both upwards and downwards, but we can explore that as you like.

**Matt Nichols:** Good morning. My name is Matt Nichols. I am from the Interreg North Sea
programme. We work with the North Sea region, so the seven countries in the sea area,
and we also work with the sub-national level. So when we are talking regional we also mean
regional in a country level. Co-operation is a tool, is it not? The co-operation we have been
funding is about identifying specific problems faced by the stakeholders around the North
Sea, and agreeing what the most effective action is. There is a lot of scope for pooling
resources, for pooling knowledge, but there are also a lot of activities where we have to act
together to get the right solution. Co-operation is the tool we need to get where we need
on the North Sea.

**The Chairman:** Could you just say a word or two about Interreg and what it is, in case
any colleagues are not familiar with it.

**Matt Nichols:** Yes. Interreg is the European Union’s interregional co-operation programme.
We fund projects on a number of themes, of which the environment and the North Sea are
one. We also do transport, economic development and the knowledge economy. It is based
totally on the fact that with co-operation between the countries around the North Sea,
there are a lot of common areas, a lot of common knowledge, so we see better solutions
coming out of working together around those countries.

**The Chairman:** It is project-based.

**Matt Nichols:** Yes, 80 projects in the last period. It tends to be around €5 million per
project. We are just starting up the new period with a slightly bigger budget, so next year
we should see our first projects coming in.

**The Chairman:** I expect Members will want to dig down into some of that.
Kate Clarke: Good morning, Lord Chairman. I am Kate Clarke, the executive secretary of the North Sea Commission. The North Sea Commission is a political organisation with members at the regional level from member states, and a third country, Norway, around the North Sea basin. The purpose of the North Sea Commission is to address common challenges around the North Sea and to promote the region as an economic entity. We are structured with five thematic working groups, and they work on specific thematic areas, one of which is marine resources. Also relevant here would be the energy and climate change group. We also have a group, for example, on transport. The commission has been in existence since 1989 and has a total of 36 members at the regional level. As we were discussing here, “regional” can mean a lot of different things. Here we are talking about what would be considered, perhaps, level 3 of government: not the national Government, probably not municipality level, but whatever is in existence in between. To answer the question, we see that there is a strong need for co-operation, and what we would argue is that there is a need to create a common understanding for issues and policies, and to give priority to the areas that are seen to be most pressing. We would like to remove barriers to allow for growth in the region, and we would like to commit to create a common commitment to environmental protection. We think that it will be important to identify areas of conflict and to find ways to work together to solve them. We would like to also find ways to create practices for standardisation for infrastructure and future investments.

Q28 The Chairman: I wonder if you could just say a little bit more about the UK’s involvement in the North Sea Commission, which at the time I was involved was quite extensive, predominantly county council type. However, I understand that that has dropped off significantly now. I am not sure whether England is represented at all any more; I know Scotland still is. I wonder if you could just update us on that.
Kate Clarke: Yes. The Scottish membership is very strong and they play a very important role in the work. Highland Council is an important member. We also have Orkney and Shetland as members, of course. From the English side, we have lost a lot of members. With the lack of any regional body or level, it is a little bit difficult to know how to involve English local authorities. We have one member, which is Southend-on-Sea. In fact, Councillor John Lamb, is also Vice-President of the North Sea Commission. He has been very active.

The Chairman: We may need to come back to that question too.

Q29 Lord Whitty: Your written evidence, and that of other organisations, has drawn up a number of examples of successful co-operation. I wonder if each of you could indicate the kind of project that you think has been successful and the lessons that you draw from it. Could you then comment also on two things: first, whether it is possible to upscale the kind of projects, which are relatively small; and secondly, whether the organisational structure, the superstructure, helps or hinders? At the moment it is quite complex to me, and it must be to your potential clients, if that is the right term, so could you comment on that?

Kate Clarke: We have been involved in a number of projects, of course, but perhaps the best way to approach this is to think about our thematic working groups. They work together through meetings with exchanging of best practice, and also through political lobby work. We issue, for example, a certain amount of political position papers, which involve a certain amount of research and bringing all the regions together. It is a complicated business because everybody has their own point of view. They have a national point of view; they have a regional point of view; they have a local point of view. These are very much based on what their local industry is working on, what investments they need, what infrastructure they lack. To bring all of these things together is, as you can imagine, quite complicated. However, I can take the example of the project we have been involved in through the North
Sea Region Programme, which is called Clean North Sea Shipping. This was a project that brought together a triple helix, with research organisations, local government and specialists in shipping and ports. Large ports—Antwerp, Rotterdam and Hamburg—were also involved. The aim of the project was to consider how to approach the sulphur directive and the ECA for the North Sea region, which has the sulphur restrictions that will come into place in 2015. The project has ended with a set of recommendations. We also have some scenario building models, which are accessible on the website. They show how, for example, the emissions move across the North Sea in different weather conditions. We have been involved in this project through the fact that, for example, the region I work for is the lead partner, and has given regular updates to the steering committee of the North Sea Commission. Then the recommendations will be spread throughout the member regions, and hopefully taken on board. There are other examples of very good co-operation. I could also draw, for example, on the Wadden Sea Forum. I do not know if you are aware of this. It is a kind of mini-scale co-operation, if you like, between three countries: Denmark, the Netherlands and Germany. The forum comes together in order to facilitate different sectors bringing together their interests—conflicting interests in some cases. They build projects and they have, for example, tools on the website for integrated coastal zone management. It is a good example of a kind of co-operation that can actually work, albeit relatively small-scale. Regarding your question about scaling up, perhaps we should give some other examples before we come back to that.

Matt Nichols: I would say pick a theme, really. We have many, many good examples, and I think that is something to bear in mind from the start. It is a complex environment, definitely. That is why we were so positive to see that there is an initiative around maritime spatial planning. Somehow that could be a clarifying mechanism to bring together the information and the different opportunities. I will give you an example. There is a project
called Ballast Water Opportunity. We have a problem in the North Sea, as with everywhere else, with invasive species coming in through the ballast water that is then discharged from ships. We now have an international requirement to find effective ways of disinfecting that water before it is discharged in order to avoid this problem. We need to find cost-effective, non-environmentally harmful methods of doing that. That has been somewhat of a challenge around the world, but in the North Sea region a number of research organisations got together. They have been piloting, through our funding, different mechanisms for doing this, and then testing the quality of the water coming out of the discharge, with a view to commercialising, eventually, the successful methods. The North Sea will not only have the environmental solution but have the business opportunity of then selling that on to the rest of the world. It is a very good example that once we have pinned down what a specific problem is and where there is a common need, we have some very good, effective mechanisms for taking action on those. Can they be upscaled? Yes, they can. We should bear in mind some of these things do go further. Some of the best projects are already having a knock on international policy. There could be more, and there again that is the value of the work being done by this Committee and the spatial planning. It would help greatly to have clear messages sometimes from the national level, saying, “This is the policy; this is the direction we would like to move in”. This would be a signal to some of the stakeholders that this is the initiative to be involved in and how they can make progress on their issues they are addressing.

**Dr Campbell:** From our perspective, again, it is different scales we operate at. I was at a meeting last week where we were talking about upscaling from the OSPAR level to the global level. Talking about co-operation, OSPAR itself obviously has a good history in co-operation. A lot of it has been built on consensus between the contracting parties, where they have taken action on various contaminants and pollution, et cetera. That is driven by
the contracting parties’ own work. They lead the work; they develop the science. They do actually co-operate and lead the work, so it is not an external influence on them but they are together working in that way. That does not mean also there is not scope for upscaling from, say, local authority or sub-regional levels. A good example we have had in the past of OSPAR is where KIMO International, which worked with local authorities in the North Sea, were developing this system where fishermen could bring in the rubbish they were collecting in their nets and find a way of dropping it off at a port. That process was happening at the KIMO level. KIMO raised it with OSPAR and it became an OSPAR recommendation in 2010 at the ministerial. It is something that we are now also integrating into our regional action plan on marine litter, which is part of the marine strategy framework directive process as well. There is an example where local action has gone up to the OSPAR level and then been taken up, so it can happen both ways. It happens top-down, through the agreements that Governments make and then want to implement through local authorities or whatever, but it also happens bottom-up. That is partly through the observer organisations that are involved in OSPAR, which all have an international nature, but obviously also through the national mechanism where action can come up through a national Government and then join in to the OSPAR process.

Q30 Lord Williams of Elvel: Can you say a bit more about the mechanics of co-operation? I understand you have formed committees, you have working groups, you have different interests represented, and different languages. How does this actually work? The committee appoints a chairman or elects a chairman; do they vote? Working groups: how do you resolve the obvious differences and stop the rows?

Kate Clarke: I cannot seem to remember there being too many rows. Language barrier, in fact, around the North Sea is not a problem. Also, in the North Sea Region Programme, English is the common language. We do not have to have any interpretation or this kind of
thing. Everything is done in English. All our work is done in English. As to how it actually works, we are a political organisation and each working group is led by a regional politician with two vice-chairs, who are also regional politicians. Then there is one adviser. The adviser is the person who does the day-to-day work of the group. They push it forward and set the targets, organise the meetings and introduce the papers to be considered. The chairs and the vice-chairs will then carry out the work, take it back to their regions, discuss it with their local politicians, and carry it forward. The papers that are produced can also be taken into the various political bodies at the regional level. We mainly work at a regional level and we try our hardest to involve the stakeholders. We think this is an important part. This is also, perhaps, what makes our organisation a little bit special, a little bit different, in that we have the knowledge and the access to regional stakeholders. We can bring them into the different forums to discuss the issues and to get a different perspective.

**Dr Campbell:** We have a complex structure within OSPAR. Our official languages are French and English, so we have to have translation for our major meetings. We have five main committees within OSPAR. We have one that deals with radioactive substances, one that deals with hazardous substances, one that deals with biodiversity, one that covers human impacts on the environment and one that covers offshore industry. Through those major committees, a whole load of work is created underneath those, and that might be technical or policy work. All of these groups are led by the contracting parties, by election of chairmen, et cetera, and the secretariat facilitates that process. Yes, we have had some big disagreements, but generally consensus has worked for most things. However, there have been in the past positions where OSPAR has made a recommendation or a decision and there have been reservations from certain contracting parties, so that whole normal thing you would expect in international organisations goes on.
Matt Nichols: Our own approach is project-based, as I have said. That sidesteps a lot of the problems that one can have. We have decision-making committees, of course, involving the countries, that decide on those projects, but once you are into the projects we insist that they identify a very practical, hands-on problem that they are going to address. Then the differences between national systems and between national perspectives are part of the problem they need to solve. Once professional people start working on that kind of problem on a project, they get very excited about the differences. They get very excited about the tensions and very keen on solving them. Of course we still find that some barriers are insurmountable, but we also find that a lot of barriers actually tend to be barriers of misunderstanding and knowledge gaps between exactly why things are happening in the different countries. Bringing together people of different levels can be a large part of the solution to these sorts of tension.

Lord Renton of Mount Harry: What does OSPAR stand for?

Dr Campbell: It came from its origins as the Oslo and Paris accords. They were two separate accords that came together, but then it just became OSPAR, so it does not really stand for anything apart from OSPAR.

Q31 Lord Cameron of Dillington: I wanted to talk about user conflict. Just before I do so, I just wanted to get a general picture of the need. I can see the point of co-operation and spatial planning in order to divide up the spoils, as it were, between different users, and how you do it. However, I was slightly concerned when Kate Clarke mentioned that the idea is to maximise resources for maximum growth. The sea is sort of out of sight and out of mind. Is there an overall current problem with man’s overuse of the ocean, in the environment? Could you give me a handle on the extent to which we are overusing our seas at the moment? I am talking not necessarily about fisheries but other uses as well, obviously. There are two of you on the North Sea, but maybe Mr Campbell on the wider world.
Dr Campbell: I would say that, from your question, yes, there are opportunities for resolving issues of competition for resources, shall we say, and finding compromise, but there is compromise. Certainly in the North Sea and more widely, it does not mean everything can go ahead full pelt. You described some of the users, but of course some of the users are those who might value the sea for its cleanliness or for the biodiversity in there, even if they are not directly accessing it. Just knowing that it is in a good status is also important for them. We are involved in one arm of that, but I would see the overall balance as trying to respect all the uses of the sea. That includes those who are thinking about the conservation uses and the quality of the sea, as well as the economic uses. It is thinking about the social, environmental and economic aspects all together.

Q32 Lord Cameron of Dillington: Is Europe moving on this whole issue because there is a serious problem, or is it because it is foreseeing the possible overuse and problems in the future?

Dr Campbell: OSPAR was created because there were problems—problems with pollution in particular. In our last report, which was the Quality Status Report in 2010, we still saw major problems with biodiversity and impacts on biodiversity. The pollution issues are there, although they have improved a lot. Of course there are major things like climate change that are going to challenge everything. So yes, there are issues that need to be dealt with.

Matt Nichols: I can maybe expand on that as well. We have to realise the North Sea is probably the most industrialised sea in the world. The offshore growth, for example, is huge and expanding. There is already in the southern North Sea quite a problem in terms of shipping routes. We have already got queues for ships to move through the southern part of the North Sea. Although there is co-operation on maritime safety issues it is not complete. Although there is on shipping routes it is not complete. There are a lot of things there where things, touch wood, have worked okay so far, but there is a potential that we may see
problems in future. So if we can move on those now and put in common structures or agree how we are going to tackle them, we will save ourselves future problems. Again, another issue that relates to that very strongly is the whole North Sea grid discussion. It has to be there—that infrastructure will go in—but if we can agree how we are going to do it and where it is going to be we will save ourselves enormous struggle further down the road.

Kate Clarke: The North Sea Commission sees this issue of conflict and sets it as a very high priority for the work that we are going to do and the work that we have done. I can take an example from my own country, Norway. The Norwegian Government has been working on an integrated management plan for all of the sea areas around the country, including the North Sea and Skagerrak. One part of the management plan is directed specifically towards conflicts and the need for co-ordination. There is one specific area of the report where the plan is working on this. This report identifies two areas of conflict. One area of conflict is between conflicting industries, and another area of conflict is between industries and the environment. We see it as very important to keep this distinction and to work in both these areas. The report also concludes that there is a lot of policy in place, a lot of tools that are already working, but it is more a case of the future infrastructure that we are going to build that will cause new areas of conflict. A specific area, for example, is between the future of wind parks that are planned in the North Sea and fisheries. Norway has a lot of experience from the oil and gas industry, and we have seen that this is an area of conflict. For example, when they tried seismic shooting for oil, this often came into conflict with the mackerel trolling season. I am not an expert on these things. We can use the experience from the oil and gas industry and bring it forward into the new industries.

We have to build the North Sea grid. We are starting to build it. Two cables were announced just in October by the Norwegian Government. They will each bring 1,400 megawatts of electricity. One is going to Germany, where it will enter at Schleswig-Holstein,
and the other is going over to the UK. This is the longest sea cable in the world that will be built. This is the start of the North Sea grid. We are assured by Statnett, which is the TSO that will be building these cables, that they are building in the latest kind of technology that will allow for a meshed grid system, so that any wind parks that come in will be connected and will be able to be connected up. We truly believe the North Sea grid is a reality, and it is a necessity. We have to build out the infrastructure for European energy, and a lot of that will have to take place in the North Sea.

Another conflict area will be with the shipping lanes. If we build lot of wind parks not only are we disturbing fisheries, we are also creating the need to re-align the shipping lanes. In 2013 the Dutch Government moved all of their shipping lanes after a long process. This was due to the new size of the ships that are coming in and the amount of traffic that is now going across from the UK to the Netherlands but also coming into Rotterdam from China. There are a huge amount of vessels that are getting larger and larger. We have to realise that there are, without any doubt, these conflict areas between sectors and, as I mentioned, with the environmental issue.

**Q33 Lord Trees:** We are starting to touch on marine traffic management, which is not really the main theme today. Could I follow on that, though, and just ask: is there any traffic management system analogous to air traffic control that manages that, and particularly connects different national responsibility areas?

**Matt Nichols:** Actually, there is a project on that running at the moment, called ACCSEAS, trying to introduce, or pilot at least, precisely that kind of system, because it does not exist at the moment. Also, there have been some conflicts around different proposals for electronic services for shipping in the North Sea that not all the countries have been comfortable with. So it is a work in progress and still a need. The UK is actually leading on that project.
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**The Chairman:** Currently it is the port authorities operating within their legal jurisdiction areas. The project is about linking them up and about dealing with the space in the middle, if you like, that is not covered.

**Matt Nichols:** Somewhat. It is actually Trinity House and the lighthouses that are leading on that. Again, as Kate said, with the Dutch shifting their shipping lanes, for example, it is a very dynamic picture out there. If you look at the pictures of where the Dutch moved their shipping lanes and where the shipping lanes of the other countries bordering them in their sea areas were, you will see the new Dutch shipping lanes tended to plough straight into areas designated for other things by the country next door. This is the sort of issue we are tackling. You have to join up.

**Q34 Lord Cunningham of Felling:** There is a maritime spatial planning directive, which is about to be implemented. In your opinion, will maritime spatial plans be effective in reducing the kind of conflicts you have been talking about and, if so, how?

**Dr Campbell:** I will speak from an OSPAR position. We have not got a major involvement in marine spatial planning at the moment in our committees, et cetera. In answering your question, one of the interesting things, from the OSPAR perspective, is I would describe marine spatial planning at the moment mostly as being about economic and spatial decisions. You are deciding how things overlap and whether they can interact. If you are looking at it from the ecosystem perspective that OSPAR and the marine strategy framework directive are committed to, there you try to understand the interactions between the human activity and what is happening in the ecosystem and fisheries, et cetera. Actually modelling that and then building that into the decision-making process is yet another step forward, I would say. The marine spatial planning certainly will help deal with some of those conflicts and will help find some of the compromises and reduce some of the issues, but we have probably got
another whole step forward to do in starting to understand what the interactions are with the marine ecosystems and how to then best manage under those circumstances.

Matt Nichols: It could be a useful tool. Earlier on we had the whole integrated coastal zone management approach, which was a similar idea dealing with the coastal waters. What that gave was a much higher level of transparency between different users about what actually were the problems, what they wanted and what they needed from these coastal zones. For me at least, the whole maritime spatial planning initiative is an attempt to take that approach out also into the deep waters. Already simply creating a forum where people can become aware of the issues that each sector has is 50% of the solution. Although having a plan and a strategy is not in itself a solution, I think it gives a framework for the steps, the concrete steps, that can then be taken to actually put practical day-to-day implementation in place. I think it is a good framework that might help move things forward.

Kate Clarke: Yes, the North Sea Commission welcomes the integrated maritime policy of the EU, and the maritime strategy framework directive. As in accordance with the North Sea Region Programme, we see the maritime spatial planning directive as a tool to implement the strategies from high level. Under this umbrella we also would take in the strategy for Blue Growth. We see that the conflict here is between how to create this general standard of environment—the GES—and how to ensure Blue Growth for the regions. We have experience on a very local level also of, for example, how when building these new cables that were initiated from the Norwegian Government the local people moved against this: the pylons that have to be built, the infrastructure that has to break into their local communities or into their coastal regions. We see the maritime spatial planning directive as the tool that can bring together, also on a cross-border level, the interaction between different stakeholders in order to allow this kind of work to be carried out with acceptance of local communities. The acceptance of local communities and the work that we can do
there will be very important in the maritime spatial planning directive, within the framework of cross-border. I think the fact that the directive is asking the member states to show they can work cross-border will be the key to the success of this maritime spatial planning directive.

Q35 Lord Cunningham of Felling: There are various different models of spatial planning in use at the moment or proposed, some of which include land and sea issues. Is there a favourite way to approach these things in your view or your experience, or are we going to have a whole variety of different types of maritime spatial planning?

Kate Clarke: Does anybody want to go first? I do not know. That is a difficult question.

Matt Nichols: I expect we will have a number of different types depending where we are in Europe, yes. That is the way things tend to work. What is important is that we agree around the North Sea how we are going to address this. There are things happening. The German authorities are moving on this and have proposed various papers. The Dutch are very interested. The initiative is there and the time is coming to get people around the table.

Lord Cunningham of Felling: Specifically in the North Sea, should there be one model of spatial planning, or is it just going to be a free for all?

Matt Nichols: There has to be one model. If we are addressing spatial 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.

Q36 The Chairman: Can I just ask a supplementary on that? Try not to get too much into the semantics, but in your practical experience do people always mean the same thing by “co-operation”? We hear a lot of words that begin with “co”: coherence, co-operation,
co-ordination. I just wonder whether people see them differently. In other words, is it just about managing differences or do some people see it as creating uniformity?

**Matt Nichols:** Absolutely. Your first question is the easier one. There are, of course, a thousand different ways of defining “co-operation”, from the lightest to the heaviest. Is it a way of creating harmonisation and of creating a common approach on everything? I do not think so. There are realistic limits to how far we can go on these things. Again, certainly around the North Sea, there is a very strong understanding that the countries are different. We have many points of similarity, but we have profound differences as well. What we need is a framework where those differences can be comfortably accommodated and do not become a problem for any of the other countries.

**The Chairman:** That is very helpful.

**Dr Campbell:** One of the things that OSPAR has been looking at is how you assess the cumulative impacts of different activities. So if you have got fishing, you have got this and you have got that, what does that actually mean in terms of the impact on the environment? One of our committees is looking at that issue, because three models are being used around the North Sea at the moment. That is one of the fundamental things: how do you start getting your language together and understanding the impacts that you then make your decisions on? It might be that you need to harmonise and have one approach, or it might be that you have to find tools that can translate between the two easily. Obviously the harmonised approach is more straightforward, but that is not always achievable.

**Lord Cunningham of Felling:** One might hope that that is what would happen, but politics might decide something else.

**Dr Campbell:** Exactly.

**Kate Clarke:** In answer to Lord Cunningham’s question, the North Sea Commission welcomes diversity. We see from our own members that each area, however small, or
region, has their own specific character: we have our own industries; we have our own universities; we have our own specialisations. In fact, under the innovation specialisation policy of the EU we are all to develop our own and go further within our own specialisation areas. We would not say that there is one size that fits all. We do not believe that. We have to approach it from an evidence-based and locally based situation. What we are lacking and what we need—and here I agree very much with Mr Nichols—is the framework to bring these things together. That is so that we can find what the common areas are, so that we can prioritise and so that we can find the standards that we need to put into place in order to build this on a cross border level.

**The Chairman:** That was very helpful.

**Q37 Baroness Howarth of Breckland:** I wanted to ask about the role of the European Union in really pulling all this together. You have talked a great deal about national policies and local level, and it is how the maritime spatial planning concept, through the EU, can pull some of this together. We did wonder to what extent you are aware of overlaps, gaps and inconsistencies between EU policies affecting the marine environment. What do you think is particularly problematic in those EU policies? Do the problems rest there with the EU or is it the national and regional implementation and interpretation of EU policy that is the problem? We would also like to ask what the impact of such issues on the abilities of member states, regions and stakeholders around the North Sea would be to work together. We really do not want to be too North Sea-centric, if you see what I mean. You have obviously got a view across the maritime spatial planning issues that go into other areas as to how it could come together, which is obviously a challenge.

**Kate Clarke:** To be quite honest, I find this a very difficult question to answer and maybe it is to do with the organisation that I represent. Perhaps the others will find this easier to answer. The only thing I can say is once again the conflict we see is between the need for
Blue Growth and the need for a more sustainable development. These things, at the EU level, of course are addressed, but maybe the problem is how to address them together, at the same time. I do not have the answer to that. I am just trying to find my way through this complicated area. When it comes to the impact, I would say that we are a highly industrialised region. There is a strong competition issue in the North Sea region between industries for investments to find the money to finance the infrastructure that we need. Just take, for example, shipping and clean shipping: how are we going to get the shipping industry to actually fit the scrubbers that they need to meet sulphur targets or to reissue the engine, to adapt it for LNG, for example? How are we going to load the LNG? How are we going to transport the LNG? All these questions need to be answered, and it is just one sector. Policy has to be overreaching and it has to somehow bring these things together. To be honest, I do not think we have found the key to that yet.

*Dr Campbell:* From my experience, I would say that the sectoral divisions run right from the top to the bottom and bottom to the top. One sees it in the stakeholders, which come from very different perspectives, depending on who they are representing. You see it in national Governments, depending on how well they co-ordinate between their ministries. You see it at an EU level and you see it at a global level as well where global agreements have quite sectoral elements to them. That is just a reality of the fact we cannot organise everything into one super-ministry for everything, but overcoming that is how hard we try at dialogue. Certainly in OSPAR we have been improving over the years the internal dialogue that is going on within national Administrations. This means that people who come and commit themselves to something on the environmental side within OSPAR have properly co-ordinated with their colleagues in other departments. Again, you see that in the EU. The European Commission now is certainly pushing on this issue between the marine strategy
framework directive and the CFP to bring those sides together more effectively as well. It is just an ongoing challenge that we need to deal with, and the best way is to improve dialogue. Certainly in OSPAR, experience of working with, say, the North East Atlantic Fisheries Commission much more closely over the last years has improved our policymaking and our ability to take forward our agenda, respecting the agenda that comes from the fisheries side. It is something that is ongoing. Again, in the marine litter regional action plan that we agreed recently, core to that was making sure that the shipping interests, terrestrial waste policy, and all these other sides were also adequately reflected in OSPAR’s approach in dealing with marine litter. It is an ongoing challenge.

**Matt Nichols:** I would echo those views very much. There are always incoherencies between different policies. I do think from the signals we have had from Brussels on this, and also—you will come to discuss this later—around the whole Baltic Sea strategy development, the view is that there are complications. However, it would be fantastic if countries could begin the process and feel their way forwards to their own solution, as well as if countries could acknowledge that the solution that is going to work for the North Sea is going to be very different from any solution that is ever going to work for the Mediterranean, for example. They could then try to find, in more precise detail, where these conflict areas are. I am not too aware of the conflicts between these policies at the moment, but I have been through a very similar process with the floods directive, the water framework directive and all that side of things. There the European Commission were very open to hearing about problems and to hearing about what they needed to change, provided that the countries could come with a very constructive set of potential solutions for these conflicts. Within the North Sea, if we can use projects and if we can use organisations like ourselves to do some of the groundwork and really get a sense of where we are with this, we can then sort out any conflicts there may be.
Q38 Baroness Howarth of Breckland: Can you conceptualise that into a framework? We have to think about making some recommendations. What are we going to say to the EU about what they can do to help this go forward?

Matt Nichols: It is largely a question of attitude at this point and of understanding the fact that this is a process: that not everything will be in place on day one, and that there may be mistakes; that some of what any structure put in place comes up with, tries to do, may not be exactly what the Commission were imagining when they framed the directives in the first place. However, the member states, in dialogue with the Commission, are trying to move forward to a position they agree on. As we have said, a lot can be done by simply beginning to work on the political framework to express from the national level that there is a will to do this and that there is backing for this process. Simultaneously, a lot of small-scale practical action can be put in place through projects like our own, but there are many other funds as well. If those two things can then come together over the coming years with the Commission’s thinking, I think we have the beginning of a process that might lead somewhere.

Q39 Baroness Howarth of Breckland: A final question for Dr Campbell: is there time for that? We have got environmental issues developing very quickly. Blue Growth is going to be pressurised because of the economic environment. How fast do we have to get this right in order to protect species and ensure that the Blue Growth is allowed?

Dr Campbell: It would be nice if it could all happen very fast, but I do not think it can. The ecosystem approach is all about an iterative process. You try to understand what is happening in the environment, you take measures to try to address that issue, or you manage your systems, or whatever. Then you look again and see, “Did that work?” and then make the next stage. The sea itself is a huge and slow-moving environment, so you cannot just do things quickly. If you look over OSPAR’s history, things have been slow to develop,
but basically because it has always been an evidence-driven organisation. So it wants to be sure that you do not just make lots of decisions randomly; you have a really good evidence base before you make those decisions. That is the difficulty. The other difficulty is international agreements anyway are slow.

**Baroness Howarth of Breckland:** These things are happening.

**Dr Campbell:** Yes, indeed, so you try to make a mix of decisions that are pragmatic and deal with the worst cases, or are a win-win situation that you can make that decision. I just wanted to pick up another point on the North Sea lens we were looking at. When we deal with our contracting parties, quite a few of them have a foot in the North Sea and a foot in the Baltic, or a foot in the Atlantic and the North Sea. For them, actually having just a North Sea-focused activity within OSPAR is not necessarily helpful, because they want consistent national processes. That is the pressure that goes the other way. The European Union also, which is one of our contracting parties, also tends to look at things, again, from the European perspective in terms of competition, et cetera, so it also has a different perspective. We have to be a little bit careful about how much you can tailor your solutions for the North Sea without creating problems for the neighbouring seas and the way that national Administrations manage those.

**Matt Nichols:** I will maybe just make one more point addressing your point about urgency on some of these issues. There is an urgency, is there not? That is, again, one of the potential advantages of this process. We in the past have funded many projects. We have had some great projects but we have funded projects across a very wide range of themes, which means that in some cases we have made very slight progress on a theme. It would be better for everyone if we could narrow down the number of themes we addressed and be more focused in the funding we provide. That is certainly a process that has started but that, again,
the whole maritime spatial planning dimension could accelerate by saying, “These are the
core interest areas for us at present”.

Q40 Baroness Byford: You said there were a lot of projects on the go. Who actually
decides which projects are worth pursuing, and then who does evaluation on them? Do
some of them get rejected, because projects are all very well but you want an outcome?
How do you get from your project to an agreed outcome?

Matt Nichols: I will maybe start with our own organisation and how that works. We have a
steering committee with the seven countries that are involved in the programme: Belgium,
the Netherlands, Germany, Denmark, Sweden, Norway and the United Kingdom. On that
committee we have one national-level representative, one regional-level representative and
one other from each country. Those are the ones who decide about each project proposal
as it comes forward. The assessment is done by the programme secretariat based in
Denmark, where I work. The success rate for the applications is about 50%, so about half
the projects never make it. Of the 50% I would say maybe half of those are somehow
recommended to improve before they actually start implementing. Again, that will be even
tougher in future.

Kate Clarke: The question regards the longevity of projects and how results are
communicated or carried further at project end, if I understand you correctly.

Baroness Byford: Yes, correct, and who decides.

Kate Clarke: In the case of the North Sea Region Programme, you have the answer. It is a
pot of money that is dealt out. In the case of the North Sea Commission, we have no
money. We are a membership-based organisation and each member pays the fees through
the CPMR—the Conference of Peripheral Maritime Regions. We have therefore the
connection up to the next level, if you like, at the EU level, because they have six
geographical commissions underneath their umbrella organisation. So we do not have any
money to put into projects. We use the North Sea programme if we are going to try to make projects ourselves. Otherwise our work has to be done on a committee basis and through the working groups. This ensures some kind of continuity, since the working groups are permanently based, with a permanent member basis. I do not know if that answers the question.

Q41 Baroness Byford: Yes. Might I press a little further? Of the 50 projects that we were talking about, I am trying to work out whether it is the European Commission or whether it is the European Parliament who finally decides. I know you have explained that there is more work to be done on some, so you may only get 10 projects going through that are actually ready to be useful to everybody, if I might say. It is who decides and at what level is that decided, not on the individual project but on the completion of them.

Matt Nichols: That is a very difficult and complicated process to try to explain. It varies hugely and there is no one mechanism for doing that. It depends very much on what the theme is, who is involved in the project and what they actually achieve. As I have mentioned, we have had various projects on the water framework directive and how that is practically done. Some of those we recommended to go straight to the European Commission and the relevant Directorates-General and try to influence possible changes to the legislation. We have other projects: again ACCSEAS, for example, this one working with the electronic piloting information systems, where we would hope that the transition would be to the national level directly, leaving out the European level. Where there is no European jurisdiction on a particular theme, we do not want to get them involved. There is no need. Other projects, again, could go to the European Parliament, could become part of European legislation. That tends not to happen too often because the sorts of things we fund are much more practitioner-based, much more hands-on. We are more about finding out how to
make policy work than actually dictating policy. Where we have policy recommendation it tends to be in the details rather than the big picture.

Q42 Lord Renton of Mount Harry: I gather that on 24 October EU leaders endorsed a new strategy for the Adriatic and Ionian region. When this happens, do you find things there or an ability to talk with others that would help you in the North Sea? Are you all the time looking elsewhere to see how the North Sea can be helped?

Matt Nichols: Yes. We share an office, and my own background is from another European programme that works with the whole of the European Union. We are very aware of these developments, particularly around the process that has happened with the Baltic Sea. We have followed closely exactly what they were doing and why they were doing it. This was a point made in our written response: there is limited usefulness, in practical terms, of what we can draw from that. If we look at the Adriatic and Ionian Seas it is a very, very good example. There has existed for many, many years a cross-border programme, for example between Italy and Greece. They have not always managed to spend the money at all because of disagreements.

Lord Renton of Mount Harry: Because of disagreements?

Matt Nichols: Because of disagreements, yes—refusal or inability to agree on common themes to work on. Where they have managed to allocate and spend funding it has been single-country-based. So it has been a project in Italy or a project in Greece. That is the lesson also with the Baltic and with the Danube strategy that has been put forward. These European Union strategies tend to be a response to a crisis situation—to something that is not working in co-operation terms. Even in the Baltic, where the co-operation is quite good, the co-operation was failing to address the environmental problems that were there. In the North Sea we have a very different situation. As OSPAR have said, the environment is improving. It is not perfect but it is certainly getting a lot better. The general mood of
co-operation, and the ability to talk together and work together, is excellent around the North Sea. It is held up around Europe as an example of what countries can do together. I think we have a very different starting point. It means we can avoid some of the heavier structures and document-writing that go into these EU structures, and maybe start from a higher position and focus more on the actual delivery than putting these new structures in place, I would hope.

**Lord Renton of Mount Harry:** Do you agree with that?

**Dr Campbell:** Obviously we are not involved in these more structural programmes, but certainly in our experience working with sister organisations, which are HELCOM in the Baltic, and with the Barcelona programme—the Barcelona agreement in the Mediterranean—problems are very different. The social and economic situations are very different for these sea basins. Some things you can transfer and some general lessons possibly, but some of the specific issues are very different. For instance, in the Baltic eutrophication from run-off from farming is much more of an issue than it is in the north-east Atlantic as a whole—certainly the North Sea, and even less so off the Atlantic coast. The Mediterranean actually has a lack of nutrients in it, so that has a very different problem. Also, we see it with our contracting parties, that some contracting parties have a very big GDP but small sea area. Some of ours have very low GDP, comparatively, and huge sea areas in the Atlantic. All these things make the solutions not so easy to transfer and you have to look at the specifics as well as the possible common lessons you can learn.

**Q43 Lord Trees:** Dr Campbell, you were referring to the evidence base in response to the question before last, and that leads on to my questions, which are about knowledge and science base. It is a two-parter, with the first part largely for you about OSPAR. OSPAR has recently adopted a science agenda because of the scientific nature of a lot of its work, like seabed mapping and so on. Could you tell us a bit more about the science agenda and how
that relates to your member contracting parties? Then perhaps all three: could you tell us a bit about any projects you have been involved with that have been designed to extend and expand knowledge in the area of the North Sea and the environment, and particularly how you have tried to ensure that that knowledge is then disseminated, particularly to the people who can best utilise it?

**Dr Campbell:** Science and, in particular, monitoring and assessment has been the core of OSPAR’s activity ever since it was created. That work, generally, is done through the national Administrations and their scientific institutes—possibly as part of their normal programme but maybe tweaked a bit for OSPAR needs. All that information comes together in OSPAR, where we make the assessments on a regional and sub-regional basis. There is an established history of that in OSPAR, and we also rely on ICES—the International Council for the Exploration of the Sea—for advice as well, which we pay for. Generally, however, we do not have our own funding for science; we rely on our contracting parties bringing that science together and, again, explaining that science to their policymakers. The science agenda that we have just developed is not so much saying what we will do but saying, “These are our needs that we have identified through our committee processes in all the areas that we consider, and also specifically under the marine strategy framework directive. Here are the gaps that we have in our knowledge”. By setting out this list of priorities that we see, what we hope is, through the EU and the national processes, scientists can use that to get themselves money to do that work. It is setting out our stall in terms of what we need rather than what we have in science. The scientific world at an EU and national level is really complicated. There is a lot of stuff going on and, probably, a lot of it is lost because it might be done in an academic’s field and then just put on the shelf. We and the European Union and other organisations are all trying to make sure that that is as accessible as possible. OSPAR is redeveloping its data and information systems so that we can produce our data
much more accessibly, for everyone to see, if they go to the website. Again, mapping it is part of that. There are lots of processes going on at the EU level—EMODnet is one of them—where they are setting up a whole series of websites where you can access any information from all around the EU on the marine environment, again mapped out. All of this stuff is happening; I guess the tricky bit is trying to make sure that it is joined up and not replicated. I think the real risk is that we end up with a fragmented system, where you do not know where to go to get what.

**Lord Trees:** Could the others come in on the wider issue of knowledge generation and dissemination?

**Kate Clarke:** I can also draw the example of the project that we were involved in: the Clean North Sea Shipping project. When this project was finished, we delivered a set of policy recommendations. Subsequent to that, we have started a new, shorter project, which works mainly on the dissemination of the tools and knowledge that were acquired in the main project, if you like. It is a spin-off or follow-up project. The key to all this sharing knowledge and spreading knowledge is, first of all, funding. If you are going to do it in the context of projects, you have to be approved as a project. You have to have the right partners. You have to have the right institutions in order to work on the knowledge that you want to create. Then the challenge is always how to share the knowledge and how to spread the knowledge. There are many different mechanisms. We do, as mentioned already, a lot of that work in our working groups with our member regions. I could mention that the North Sea Commission has a strategy put in place that was developed in 2011. This strategy outlines or gives a framework for the work that we want to do and the sectors or the priorities that we want to work on. This is a way to focus the work and to then share the knowledge of what we have worked on throughout the period of 10 years, or however long
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it is. This process is now under review and will be reviewed in 2016, to make sure that we are up to date on the policy issues of today.

Matt Nichols: Perhaps I could introduce an appalling item of terminology that we use: quadruple helix implementation—it did not come from us, I promise you—is shorthand for the whole method we have of putting together projects. When we do that, we want to see the public sector, the academic sector, the private sector and normal citizens being involved in whatever is going on. I can give you an example of that. We have a project called Living North Sea, which is about fish migration and how you can make sure that all this new flood-prevention infrastructure that is being built, often over estuary mouths, for example, is not going to interfere with the breeding cycle of a lot of our fish species. It has been put together and is, obviously, academically based, given that it is electronic tagging and things, working a lot with fish farmers as well as river managers and with the environmental authorities in the countries, and equally with schoolchildren, to really raise awareness of how fish move around the North Sea and what it means in construction terms. I think it is a very good example of how things can work. If you get everyone involved as far as is possible in a project context, you tend to be able to rely on those people to feed back that information into their organisations and stakeholder groups. I think that is what we have seen. Each of the sectors around the North Sea has its own very strong sectoral voice: there are organisations for the fisheries; there are organisations for the oil industry, et cetera. If we can simply get them involved in our process, we can rely on them to do a lot of the work for us. Things are not perfect, of course, and, returning to this discussion here, being able to say that a project and the work it was carrying out was related to a wider North Sea planning process and strategy for improving the North Sea would help this communication enormously and would somehow give a new weight to the message.
Q44 The Chairman: Do any of you end up running into any issues about intellectual property rights if you are bringing in the private sector or the academic sector? Does this ever occur? Is it ever a barrier to dissemination of knowledge?

Dr Campbell: There are barriers, yes. We and EMODnet and these other European initiatives are trying to overcome them. There is still quite a lot of information that comes out of even consenting processes that is still not available from industry, so that is a concern. One thing I was going to mention is that OSPAR has just done a project with ICES in trying to map all the fishing pressure footprint across the OSPAR area—the whole of the north-east Atlantic—and that has been very challenging. It is aggregated data, not individual fishing data, just to know how much fishing pressure of which type of gear has been in this area and that area, so we can map that, match that to human impacts and then match that to the biodiversity habitats in that area. It has been a major challenge just to get that information, even though it is held within the EU. There are all sorts of bits of information that, for various reasons, are not available, and I think the big challenge is to make them available, because then you can do much better marine spatial planning and much better ecosystem assessment, et cetera, because you have the information.

The Chairman: In view of the time, I think we may come back to you in writing on that, because that might be quite an important issue for us.

Q45 Baroness Parminter: We have talked a lot about structures and processes. Can I ask you to say a bit more about funding? The situation that we have at the moment requires an intensive amount of co-operation, and you talked a bit about one model for the future, if you wanted to develop the response. Could you say how much the lack of funding is a challenge now and how much it could be a challenge in the future, looking at that both as funding from member states and at the European level?

Matt Nichols: That is a difficult one.
Baroness Parminter: You have said that a few times today.

Matt Nichols: Yes. I think it depends on the outcome of this discussion, rather. There are many different ambition levels at which you could address this. I think you have if not all then most of the elements of one potential co-operation structure and mechanism with what exists now: you have a very research-based OSPAR that can give you the brains behind it; you have a very strong regional connection from the North Sea Commission; you have the EU link and a funding pot from the North Sea programme. If you could somehow put those things together with a national impetus to say, “This is what is wanted”, that would be a mechanism in and of itself. Once you get down into implementing things, again there is money available in my own programme for some of these things. There are other European funds. We also find that once the solution is available, there is huge funding within the private sector within national budgets to move these things forward. I think the risk aversion is what can be tackled in the sort of forum I have been describing here, and might open up all sorts of other opportunities.

Dr Campbell: I think 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, thankfully recognised by the European Commission, so there may be a little bit of funding available to help that process. The opportunities that exist to deal with that also exist here, because 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. Certainly, on the monitoring side and assessing things, the more you can get people to do things in the same way and not replicate each other, the more costs you save. That comes back to the point about there
being a huge amount of money being spent on research but not all that research is then accessible to everyone who needs it. That is one of the big issues that need to be tackled.

Kate Clarke: We see funding as one of the major challenges in this work. Apart from the EU funding that is available and the member states, through the operational programmes of the ERDF, there are also possibilities there to put funding towards this kind of work. However, we see levying from the private sector to create the investments that are needed and to build the infrastructure that we need as perhaps the greatest challenge, because they will need some form of predictability and some form of standardisation. They will need to know what the legal requirements and policy issues are that they have to address, so it is an issue which is above us and above the issue of where the funding will come from. It has a more overreaching perspective. National programmes will have to interact in order to make sure that, if you build something on one side of the North Sea, it has to connect with the other side of the North Sea. The policy and the legal frameworks need to be in place to create that. If we want to create the right climate to allow investors to step forward and take risks, we need to create this form of predictability. The North Sea Commission, in our written evidence, has argued for a macro-regional strategy, as you know. We take a pragmatic view to how we define a macro-regional strategy, if you like, from earlier evidence, given that there is no one size fits all. We do not necessarily think that the Baltic Sea structure is the way for the North Sea. We would like to see a structure put in place that suits and fits this region. We work solely within the North Sea, so what they do in the Mediterranean really is not what our business is about. However, when we see ourselves as part of the North Sea grid, we see that that grid is part of the European grid. It does not stop there. We are creating an energy situation for the whole of Europe, not just for our region, but the investment will take place here, and we need to create the climate for it.
Q46 Lord Whitty: Mentioning that and the North Sea grid reminds me that, in our energy inquiry, one of the things that we alighted on was that, if there is ever any proper development of carbon capture and storage, the ex-gas wells in the North Sea would be an obvious area for storage. That is a huge potential advantage but, of course, it cuts across all these other usages, and it is very specific to the North Sea. I would really like to ask: has that issue crossed the radar of any of your organisations or anybody else who is supposedly looking at the medium-to-long-term impacts on the North Sea?

Kate Clarke: In Norway, we have a rather bad experience from a carbon capture and storage project. It was not in the North Sea but at Mongstad, which is the oil terminal just outside of Bergen, where I live. This was a political process that went wrong. I do not know all the details myself, but what we do see, talking about existing infrastructure in the North Sea, is, for example, the decommissioning of some of the oil rigs and how we can use the infrastructure that is already in place for new technology or new forms of energy. That is something that has crossed our table, but not so much the issue that you mentioned with the gas installations.

Dr Campbell: OSPAR made provision for carbon capture and storage when it was being discussed a few years ago, so that has been discussed but nothing much has happened since then.

Matt Nichols: We funded a project that looked among other things at some of the practical challenges of carbon capture and storage—less at the storage side and more at the capture side, which in itself is very complex. We would continue to be in a position where we would like to assist in developing an understanding of what is possible with CCS, but again I think Kate’s point about policy certainty is a very good one. This is an issue that we would not factor in strongly until it was clearer that this was going to be the policy for a number of countries, which is still, given the lack of knowledge on technology, an open issue.
Q47 Baroness Howarth of Breckland: Just a small point to clear up in my mind: because you have talked so much—this is really to Ms Clarke—about the local issues and the way the Commission depends on soft areas around co-operation, sharing and all the things we have found difficult to define, what are the implications of the failure of England to properly be represented?

Kate Clarke: Of course, we would very much like to have English regional representation in the North Sea Commission. It would be extremely useful, also because our relations with Westminster would, hopefully, be improved. We have a lot of good relations with the Scottish Government through the Scottish members, and they do a lot of good work for us. This is lacking for us in England, but England is not the only country without membership. We also have no membership in Belgium, for example.

Baroness Howarth of Breckland: What are the implications? What does it stop you doing?

Kate Clarke: The implications are that a whole chunk of the North Sea coast is missing from our work. The problem, for example, of the Norfolk coast—if Norfolk was a member, we would be able to address that. We work on a lot of the issues that we know would be relevant for them, and their membership would both add to our knowledge and help increase our ability to influence policy issues. That would make a big difference to us, and we would really like that. We are working for that. The president is, at this moment, in Schleswig-Holstein addressing the parliament there on exactly these issues—the North Sea issues. We will do the same for the Dutch representatives in December, and it would be fantastic to be able to address an English chamber or an English committee as well on these issues.

Lord Plumb: What reasons do they give for not being members?
Kate Clarke: Unfortunately, the history of the North Sea Commission is not my strongest point. I have been working there for only two months as executive secretary, but I think that, when the whole structure of local government changed in England, it became a little bit unclear at what level the membership could take place. There is also an issue of financing. You have to pay fees to be a member, first, of the CPMR, 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.

The Chairman: We will finish on that note, which is rather depressing in some respects, particularly as I was involved with the North Sea right from the start. The break-up of the Brent Spar oil rig began to make the authorities around the North Sea think about how we needed to co-operate. It grew from that in those early days. Thank you very much, all three of you, for giving us such interesting and useful evidence today. We appreciate that. If there are things on which we need to build or seek clarification, perhaps we might write to you. Many thanks from all the Committee.
There is a history of successful cooperation on issues affecting the North Sea. It is clear that these collaborative approaches are needed and that they can produce good practical results if conducted properly. Cooperation to date has brought the region a long way and has provided much of the inspiration for the regional sea basin management and maritime spatial planning approaches now being proposed. The ambition level for these activities is however increasing and this requires some modification to existing cooperation arrangements. High level backing for collaborative management of the North Sea could create important progress on a number of major environmental challenges and stimulate a wide range of business activity. None of the models so far proposed seems ideal but it is possible to identify the main factors that need to be considered based on the extensive experience available in the region.

Who are we?
The North Sea Region programme (NSRP) has advocated a regional approach to the management of the North Sea for over 15 years. This response aims to capture some lessons and highlight some limitations of existing arrangements based on this experience. Over 150 UK organisations and companies are currently receiving funding and are cooperating on over 70 initiatives with the other 6 countries around the North Sea.

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?

What are the risks?
There is quite wide consensus about the main challenges facing the North Sea and that these mostly cannot be tackled in isolation or at a local or national level only. Emerging research continues to underline the complex interactions between the different parts of the North Sea ecosystem and to stress how local impacts can have a knock-on effect that may ultimately influence the whole sea basin. Research has developed a prioritised list of challenges, which provides a good overview of the different risks (The North Sea Environment – Progress Report\(^\text{16}\)) and has helped to define the priorities for practical responses under the North Sea Region programme. This research stresses the need to take a holistic ‘ecosystem service’ based approach.

Need for coordinated management
There is a growing acceptance of the need for some degree of collaborative management of marine resources, pollution, transport, infrastructure, and risks. There are however a huge range of interests and a host of regulatory bodies in each of the eight countries bordering the North Sea. Tools and methods developed in the past for Integrated Coastal Zone Management (ICZM) offer successful approaches for mediating between these different interests but there is no forum for considering the sea basin as a whole. Project based

\(^{16}\) The OSPAR prioritised list is: A. Highest impact: fisheries, trace organic contaminants, nutrients; B. Upper intermediate impact: oil and polynuclear aromatic hydrocarbons (PAHs), other hazardous substances, heavy metals, biological impacts; C. Lower intermediate impact: litter and disturbance, I, dredging and dumping, engineering operations, mariculture, radionuclides; and D. Lowest impact: litter and disturbance
cooperation tends to be single issue and temporary and cannot therefore fill this gap. In this situation, many aspects of planning maritime developments are necessarily ad hoc but this brings with it a significant potential for conflict between user groups and between countries.

**Fisheries – progress through cooperation**

Fisheries are the most obvious example both of the intensity of the conflicts that can arise but also of the progress that has been made and the current challenges. On the plus side, fishery management for the North Sea has been partially regionalised through the creation of the North Sea Advisory Council (which itself grew out of the Fisheries Partnership project sponsored by the North Sea Commission and funded by the NSRP). The council aimed to break long-established patterns of mistrust between researchers and the fishing industry and to develop consensus on sustainable quotas for different species. These measures have been influential in the development of the Maximum Sustainable Yield (MSY) approach, which is now being used to manage a number of important commercial stocks in the North Sea.

**Fisheries – partial solutions can create new problems**

These and similar initiatives should be welcomed and supported but they must also be taken further because they are not yet sufficient. Again focusing on fish, it can be seen that quotas for target species are in many cases — but not all — leading to stock recovery and increased catches. On the other hand, this often results in increased fishing (and potentially over-fishing) of other species such as red gurnard. Fishing is not the only pressure on fish. Less cod means more herring and shrimps — which eat more cod eggs and fry. Climate change probably causes dramatic drops in the Atlantic zooplankton populations that young cod feed on. Pollutants in spawning and feeding grounds impact breeding and cause disease. Unless we take a cooperative, holistic approach we risk exporting problems from one species and/or location to another, or failing to address the full problem.

**Regional, holistic and effective**

Fisheries are an example but the same complex interactions characterize renewable energy, flood defence infrastructure, oil and mineral extraction, dredging, eutrophication, tourism, invasive species, climate change and other relevant areas. 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.

2. **To what extent do you agree with the recent conclusion by the European HOPE conference 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?**

**Limits of project-based cooperation**

Very much. Two main types of cooperation exist at present but neither is sufficient. On the one hand, the project based funding provided by programmes like the North Sea Region programme allows small-scale experimental and knowledge sharing activities. This leads to the creation of new understanding and solutions but it cannot substitute the knowledge and reach that would be available to a dedicated organisation with long-term funding, which would be able to work towards a democratic governance model for the North Sea. Projects can continue to serve as an implementation tool but they are unlikely to deliver a long-term strategy setting forum at the level required.
Role of existing organisations
A number of specialist organisations do already exist and include OSPAR, the Bonn Agreement, the North Sea Commission (and particularly its Maritime Resources working group) and the Advisory Council. These organisations provide specialist inputs and policy recommendations but either have a much wider geographical scope than the current proposals or focus on more specialist target groups or themes. The principle of establishing sea basin management for the North Sea should build on these experiences but will add (i) a manageable geographical scale with a real and proven potential for agreeing action and (ii) an inclusive approach that tries to bring together all relevant interests in one forum.

Previous attempts at sea basin management
Several attempts have already been made to create such a regional council or forum. These attempts have so far failed to bear fruit and strong signals from national governments may be what is needed to move forward now. Barriers include:

- The need to ensure the commitment and balanced representation of all participating states. ‘Grass roots’ approaches attempting to build cooperation from the bottom up can easily result in the impression that one country is trying to dominate and steer the process.

- The need to manage and negotiate powers and interests within countries. Many different organisations and sectors with strong lobbies have an important interest in the development of the North Sea. Similarly, there are frequently different authorities responsible for coastal waters, offshore waters, rivers, ports etc. Commitment to a regional management approach and the need to agree holistic approaches would hopefully signal the need for increased cooperation and provide a forum for building it.

Will it work?
Experience from the North Sea Region programme suggests that stakeholders are very interested in engaging in cooperation and that the work carried out in these collaborations can unlock many disagreements. Past examples include extensive work on maritime safety and disaster management in projects like Safety@Sea, which led to policy modifications at both the IMS and EMSA. North Sea Fish is looking at maximising value from reduced North Sea catches. Save the North Sea worked with the oil and fishing industries to reduce marine litter, and was involved in some of the first studies to measure plastic waste in sea animals. Ballast Water Opportunity has used collaborative development and testing of new technologies for disinfecting ballast water to remove invasive species. These projects and others like them, typically involving organisations from 5 or 6 countries, show the support for cooperation and the positive results it can yield. They are not, however, a replacement for a higher level initiative, which could take on big questions like the North Sea Energy Grid and manage the engagement of large numbers of high level stakeholders.
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**

**Look at ecosystems, not sites**

Clear need. Marine populations are not static. For example, recent tracking experiments carried out as part of the Living North Sea project show that even non-migratory fish species travel extensively between feeding grounds in the North Sea with a particular concentration of trips to the Wadden Sea area. This suggests the need for an ecologically coherent network of feeding, breeding and spawning sites, which takes account of these movements and is not limited to national waters.

**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**

**Sustainability requires public support**

Clear need. Transparency is a must in all fisheries quota setting to limit perceptions that any country is being treated unfairly. Cooperation can also help to support other methods for improving the sustainability of fishing such as providing technology sharing on catch tracking. Research is also underway to address the environmental challenges posed by the growing aquaculture sector. The Fisheries Partnership demonstrated that complete openness and communication are the most effective ways to win backing for quotas. These approaches should be continued and strengthened, and integrated with discussions on alternative business models for coastal communities.

**The development of energy co-operation in regional seas including interconnection and the development of marine renewable technologies**

**Joined up planning**

Clear need. For the UK in particular, it seems that the majority of renewable installations will be offshore. This is already creating competition for the relatively small number of suitable sites and particularly in the narrow and crowded southern parts of the North Sea, there is already a clear risk of conflict between different user groups. While national plans exist to designate different uses for different sea areas, they are uncoordinated. As a result, one country’s shipping lane can dead end in another country’s proposed wind farm. This is already resulting in navigation hazards, which will only increase as already busy North Sea routes expect major increases in maritime freight volumes over coming years. Projects like BLAST and ACCSEAS are addressing the safety implications of this situation but would be greatly assisted by coordinated planning of sea areas.

**The North Sea Grid – Essential infrastructure**

Even more importantly, agreement is needed on the grid to bring power from offshore installations on land, and also for carrying electricity between Member States. The importance of developing this grid cannot be over-stated. Perhaps the most important limitation on further development of renewable energies beyond a certain level is grid balancing. Linking the electricity grids of North Sea countries would allow countries to fully exploit favourable conditions for renewable generation and export power, while the
integration of Norwegian hydropower facilities would ensure that there were no shortages when conditions for other renewables were less favourable. This would prevent the current situation where, for example, Germany is forced to pay Dutch consumers to take electricity because it cannot export its over-capacity to countries where there is a greater need (potentially the UK). Steps have already been taken particularly under the North Sea Countries Offshore Grid Initiative but much remains to be done. The grid will also be necessary infrastructure for any large scale deployment of marine renewables.

**Innovation and knowledge, particularly towards delivery of the Commission’s Blue Growth Agenda**

**Undiscovered treasures**

Good potential. To take one example, recent Danish research has identified one very promising replacement for penicillin in marine bacteria and has established from the DNA of the same bacteria that it could produce as many as ten different antibiotics but will only do so if laboratory conditions can better replicate open sea conditions. The number of pharmaceutical patents based on marine genetic resources is rising by 12% per year but we have barely begun to study the potentials of marine organisms. Regular exchange would help to ensure the development and spread of enabling technologies as well as new solutions that can preserve marine resources.

**Examples of new business opportunities**

New ways of exploiting marine resources could represent a major new industry and would be particularly beneficial for struggling coastal communities. Exchange can raise awareness of sustainable harvesting methods, successful business models (for example algae sold for cosmetics fetches twenty times the price of algae sold for biomass energy generation), and technologies for reducing environmental impacts such as work currently underway to recover and reuse waste from fish farms.

**Opportunities of regulation**

Regulation can also drive product development. The designation of the North Sea as a sulphur reduction zone is pushing the development and deployment of Liquid Natural Gas (LNG) technologies in ships and ports, and improvements in ship design (see the Clean North Sea Shipping project for example). Action to prevent invasive species has seen North Sea businesses leading development through the Ballast Water Opportunity project. This is an aspect of cleantech where North Sea businesses and especially SMEs are amongst the leaders on the global market.

**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?**

**Advantages to a regional approach**

Proximity: Focusing exclusively on the North Sea will ensure greater agreement on challenges to address, interests, and realistic solutions. It has been demonstrated that cooperation between North Sea countries functions well.

Focus: A regional approach can set an agenda for action and raise the political profile of some of the key issues.
Synergistic: While there are conflicts of interest and legislation, many challenges also arise from lack of awareness and understanding of different sectoral concerns. A platform welcoming broad participation could build towards more holistic management approaches. Conflicts and conflict resolution will be a necessary part of this process.

Resources – costs and gains
Provided that any regional management structure could be established with the backing and support of all relevant governments and international organisations, the resource implications do not have to be significant. There are already many relevant research bodies that can provide knowledge, and funding schemes that can develop and pilot practical solutions. The need is for organisation, coordination, and profiling. While this of course has a cost, it should be seen in the context of supporting the region’s important maritime sector both by supporting jobs in traditional industries and growing new sectors such as marine renewables and biopharmaceuticals. Effective management of the seas should not therefore be regarded only as a resource drain.

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 Sea 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?

Need for a new model
None of the existing models is right for the North Sea. The Regional Sea Conventions are a good resource for research and information sharing but seem to be too unwieldy as an implementation tool (OSPAR includes 15 Member States for example). The OSPAR area is therefore fragmenting into a number of variously proposed sub-regions (North Sea, Celtic Seas, Channel, Atlantic, Irish Sea), which provide a more manageable scale for joint action.

A North Sea Strategy?
The macro-regional strategies are, to a large extent, an imposed solution when existing arrangements fail to deliver on policy goals (e.g. Baltic) or where there is a need to construct a new cooperation culture (e.g. Danube). The North Sea has well-functioning cooperation networks and, generally speaking, a commitment to take action (for example, 188 UK organisations and companies have been involved in the current round). It should therefore avoid the complex structures involved in macro-regional strategies if possible.

Success factors
The Maritime Spatial Planning Directive proposes a solid and well-tested basis for cooperation. The main success factors for any future model would seem to be:

Political backing: Countries need to commit to the process and on a regular basis to agree to the main actions to be carried out. This needs to happen at a relatively high level if it is to be credible to other stakeholders.
International: It is vital that no one country is seen to dominate and that staffing of any support office and representation in decision-making are balanced.

Semi-permanent: The process needs stability over a quite extensive period as these are long-term processes.

**Role of the North Sea Region programme**

The programme has demonstrated that greater cooperation across the North Sea is wanted and actively supported by many important stakeholders. The projects we have funded have played a vital role in developing understanding of the challenges facing the region but also of the potential of collaborative solutions. The proposal to establish a framework for regional management of the North Sea represents the culmination of many of these projects and could provide the profile and political backing needed to advance work on a number of themes – as long as it can integrate and balance the interests involved. If successful, regional management should be able to define a clear agenda for coming years, and provide a valuable strategic steer for funding schemes like the North Sea Region programme.
OfGem — Written Evidence

We welcome the opportunity to feed in Ofgem’s perspectives on relevant issues being covered by the above inquiry. Specifically, we comment on the following points raised in evidence given to the inquiry on 29 October by Nick Medic, Jacopo Moccia and Mark Pearce:

1. A point on regulation beyond 2020 – “there is nothing currently enshrined in any regulations or government strategies beyond 2020 for seabed offshore energy” (page 4).

2. Observations on the regulation of the North Sea grid – that the regulatory aspect is missing with respect to the integration of point-to-point interconnectors with offshore wind (for example on the question of arrangements for charging of electricity), with regulation running behind technology and regulators focused on their own national markets. There is also a suggestion that the way forward is to choose one project and develop the regulatory arrangements for that as a first step on the potential path to a more meshed offshore grid (pages 26-29, 32).

We provide our views on these points in turn.

1. Regulation beyond 2020

There is no time limit to our framework for the regulation of offshore transmission lines. We have also proposed that the cap and floor regime for interconnectors should be extended to future projects, with no fixed time limit (though we will keep it under review). Subject to confirming this decision, the default will be that both regimes will continue to apply beyond 2020.

The approach to offshore generation beyond 2020 is a matter for the Government. We note however that the Climate Change Act sets a target for an 80% reduction in carbon emissions by 2050 based on 1990 levels. The indicative pathway to this target is outlined in five-year carbon budgets recommended by the Committee on Climate Change. Additionally, at the EU level there has been recent agreement on a 2030 climate and energy framework comprising a greenhouse gas reduction target of at least 40% compared to 1990 and also targets of at least 27% for renewable energy and energy savings by 2030.

2. Regulation of the North Sea grid

Ofgem supports the vision of a competitive, secure and sustainable European energy market that brings affordable and secure energy supplies to consumers. We are involved in a range of work to achieve greater integration with European energy markets where it will be in consumers’ interests. This includes working bilaterally with other regulators where appropriate (for example, on the regulation of specific proposed new interconnectors) and within the regulators’ organisations (CEER and ACER). In respect to the North Seas Grid, we are also an active member of the North Seas Countries’ Offshore Grid Initiative (NSCOGI) as explained further below.

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20 The Council of the European Energy Regulators and Agency for the Cooperation of European Regulators
Ofgem has undertaken a range of work to in relation to more integrated offshore networks, both on our own and with other bodies:

- We undertook a joint project with DECC on the benefits of and barriers to a more integrated offshore transmission network.\textsuperscript{21} This indicated that a more coordinated approach to the connection of offshore wind farms could generate significant savings, but this is highly contingent on levels of offshore generation deployment and on development of new HVDC technologies. It also found some areas of the regulatory framework that could act as barriers to coordination occurring where it would be efficient. Ofgem subsequently brought forward changes to the offshore transmission framework to address these barriers\textsuperscript{22}. In some areas there are changes needed to the industry codes and we support the moves by National Grid to bring these forward.

- We have also been undertaking the Integrated Transmission Planning and Regulation (ITPR) project. We recently consulted on our draft conclusions\textsuperscript{23}, which include proposals to provide regulatory continuity for the owners of transmission assets that take on multiple purposes (e.g., an offshore transmission link that later connects to a market-to-market interconnector). We also set out a default regulatory regime for the ownership of potential future connections of non-GB generation to the GB network.

- We have been an active member of the NSCOGI, which is a regional cooperation of 10 countries to facilitate the coordinated development of a possible offshore electricity grid in the greater North Sea area\textsuperscript{24}. It is made up of Governments, regulators and transmission system operators. We provide a member of the Programme Board and have led several reports under the regulatory workstream.

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.

Questions over the amount of offshore generation required in the future are creating uncertainty as to how much integration will be efficient. There is a linked question about the extent to which governments will look to open up their domestic renewables support schemes to generators in other countries’ waters (i.e., “renewables trading”). Finally, we note that while technology has been progressing there is still some way to go before the technologies needed for meshed offshore networks (such as the control systems) are sufficiently proven to support commercial deployment.

\textsuperscript{22} Further details can be found here: https://www.ofgem.gov.uk/electricity/transmission-networks/offshore-transmission/offshore-transmission-policy-design/coordination-policy
\textsuperscript{23} https://www.ofgem.gov.uk/publications-and-updates/integrated-transmission-planning-and-regulation-itpr-project-draft-conclusions
\textsuperscript{24} Further details can be found here: http://www.benelux.int/nl/kernthemas/energie/nscogi-2012-report/
Within this context, we do not believe that developing the full details of the regulatory frameworks for the transmission wires is the key issue in unlocking the development of a more integrated offshore network. We see benefit in retaining some flexibility to adapt the regime to future developments.

We think there could be merit in the suggestion that a pilot project would be a good way to demonstrate the viability of an integrated approach. We think the choice of such a project would be for governments and projects developers rather than regulators, but should a credible project emerge that included GB elements then we would be happy to engage in developing the appropriate regulatory arrangements.
Oil and Gas UK — Written Evidence

Background

1. Oil & Gas UK is the leading representative body for the UK offshore oil and gas industry. It is a not-for-profit organisation, established in April 1973.

2. We have over 500 members. Membership is open to all companies active in the UK continental shelf, from super majors to large contractor businesses and from independent oil companies to SMEs working in the supply chain.

3. Our aim is to strengthen the long-term health of the offshore oil and gas industry in the United Kingdom by working closely with companies across the sector, governments and all other stakeholders.

4. The UK oil and Gas industry is the largest industrial investor in the UK; a provider of some 450,000 jobs; with a supply chain turnover of £35 billion per annum, of which £14.4bn is in exports of oilfield goods and services. It generates significant revenues and, crucially, gives this country a vital and secure supply of primary energy.

5. Oil and gas each accounted for 34% of UK energy demand in 2013, greater than the individual contributions from coal, nuclear and renewables. There is a wide range of possible fuel share in the future as the UK progressively decarbonises but it is notable that, in the latest energy and emission projections published by DECC (Sep 2014), the share of oil and gas is marginally higher in 2030 than in 2013. The persistence of oil and gas in the UK energy mix reflects the strength of the economic position of oil in almost all forms of transport and the dominant role of gas in the heat sector, especially in residential and commercial heating. Beyond 2030, the role of both oil and gas may decline slowly once electricity generation is largely decarbonised, if it is economically attractive to replace oil used in transport and gas in heating with electricity.

6. There are currently 475 installations and 10,000km of pipelines on the UK Continental Shelf involved in the production and delivery of oil and gas.

Regulatory Process

7. The oil and gas industry, like other industrial sectors, is subject to the Strategic Environmental Assessment and Environmental Impact Assessment processes mandated by European Directives. Together with the marine plans and the increasing network of marine protected areas, these processes provide regulators with the information required to ensure that effective consultation with other sea users and conservation interests takes place and that potential environmental impacts, both at project level and in combination, are effectively manage. All oil and gas activities from exploration, through production to decommissioning are subject to these processes.

8. The oil and gas industry is subject to one regional convention and one international convention, these being, The Convention for the Protection of the Marine Environment of the NE Atlantic (OSPAR) and The International Convention for the Prevention of Pollution
from Ships (MARPOL) respectively. The latter applies to oil and gas activities because offshore installations are defined as ships for the purposes of the convention. As a result of the combination of European, OSPAR and MARPOL requirements, all aspects of oil and gas operations that have the potential to affect the marine environment require a permit, licence or authorisation to be issued before commencement.

9. It is notable that, as a result of the regulatory process, oil and gas operations, with the potential exception of noise, are not a significant pressure on the marine environment. This is confirmed in the ‘Marine messages’ paper, cited in the Healthy Oceans – Productive Ecosystems Conference report.

10. On the subject of noise, Oil & Gas UK is working closely with JNCC and other sectors on the development of a noise registry to inform Descriptor 11 of the Marine Strategy Framework Directive.

Knowledge Sharing

11. Offshore installations and pipelines are recognised as biodiversity hotspots and might be important elements of the North Sea ecosystems. To test this, several industry sponsors have initiated a programme of research, called INSITE. The INSITE Programme (INSITE - INfluence of man-made Structures In the Ecosystem) is an industry-sponsored project with the overall aim of providing interested stakeholders with independent science to improve the understanding of the influence of man-made structures on the ecosystem of the North Sea. The initial phase is supported by a research fund of £1.8M and is anticipated to be completed by the end of 2016. Further phases will be developed based on the outcomes from this initial phase and future funding. Researchers will be expected to make their findings publicly available via publication in peer-reviewed scientific journals.

The scientific programme of research to be performed under INSITE is determined by the Programme's Independent Scientific Advisory Board (ISAB); a group of eminent scientists from across Europe with expert knowledge in marine science in the context of the North Sea region. From an initial request for ‘Pre-proposals’ published in July 2014, some seventeen research proposals from European research organisations have been shortlisted for the submission of Full Proposals, with the initial research programme being confirmed by ISAB in 1st Qtr 2015. Although not concerned specifically with decommissioning, it is anticipated that the findings may support any future discussion on the scope of decommissioning offshore infrastructure in the North Sea.

12. Interaction with academia is increasing in other areas. The industry has maintained a published database of all seabed surveys undertaken for oil and gas operations over the last 30 years. The data has recently been combined with data from the National Oceanographic Centre and the British Geological Survey by researchers at Heriot-Watt University through NERC funding. The product is ‘North Sea Interactive’, a GIS based decision support tool for marine environmental managers.

Intra and Inter Sector Collaboration

13. 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.
Common positions may be developed for communication to OSPAR or the European Commission through the International Association of Oil and Gas Producers.

14. In the UK, an informal group of trade associations meets as the Seabed Users and Developers Group (SUDG), which is sponsored by the Crown Estate. Membership is open to those sectors that are licensed through the EIA process and includes oil and gas, offshore renewables, marine aggregates, cables, ports, leisure boating and carbon capture and storage. SUDG 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. The regulators and their scientific advisers attend the SUDG meetings to ensure a common understanding of marine issues.

15. Oil & Gas UK has developed an excellent working relationship with the UK Fishing Federations to ensure that fishing activity can be safely carried out around oil and gas infrastructure on the seabed.

Regional Marine Co-operation

16. Oil and Gas UK does not have a formal position on the benefits or otherwise of regional co-operation, however, we provide the following comments:

17. Existing mechanisms such as the Marine Strategy Framework Directive and OSPAR should be the vehicles for delivery of sustainable development. 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.

18. The lack of an integrated, detailed seabed map of the North Sea region is a hindrance to the understanding of environmental pressures and effective use of the ecosystem approach in the marine environment. 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.

19. The Marine Strategy Framework Directive and the Common Fisheries Policy are not aligned with respect to the management of pressures that could have a cumulative effect. The CFP is concerned with management of fisheries, not the potential pressure of fishing operations on the seabed. As a result there is no regulatory mechanism to enable the consideration of cumulative or in combination effects between all users of the marine environment. This can only be achieved through a regional approach.
The OSPAR Convention entered into force in 1998. It was built on, and incorporated a history of, regional cooperation in the North East Atlantic since the early 1970s under the Oslo and Paris Conventions. The Convention has been signed and ratified by all of the Contracting Parties to the original Oslo or Paris Conventions (Belgium, Denmark, the European Union, Finland, France, Germany, Iceland, Ireland, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland) and by landlocked Luxembourg and Switzerland. Of all the European regional seas conventions, OSPAR includes the largest group of EU Member States and also some of the most ‘maritime’ EU Member States.

Contained within the OSPAR Convention are a series of Annexes which deal with the following specific areas:

- Annex I: Prevention and elimination of pollution from land-based sources;
- Annex II: Prevention and elimination of pollution by dumping or incineration;
- Annex III: Prevention and elimination of pollution from offshore sources; and
- Annex V: The protection and conservation of the ecosystems and biological diversity.

The Convention extends the cooperation of the Contracting Parties to cover all human activities that might adversely affect the marine environment. Nevertheless, programmes and measures cannot be adopted under the Convention on questions relating to fisheries management and there is a preference for issues related to shipping to be dealt with by the International Maritime Organisation.

Work to implement the OSPAR Convention and its strategies is taken forward through the adoption of decisions, which are legally binding on the Contracting Parties, recommendations and other agreements. Decisions and recommendations set out actions to be taken by the Contracting Parties. These measures are complemented by other agreements.

The ecology of the OSPAR maritime area includes a wide range of species and habitats. It ranges from the ice-bound and fjord coastlines of the Arctic to the estuaries, sea lochs, and open bays of the Greater North Sea, the Celtic Seas, the Bay of Biscay and the Iberian Coast, and to the deep-ocean ecosystems of the Wider Atlantic. The huge differences in physical, climatic and ecological conditions are taken into account in OSPAR’s work by dividing the area in five regions which are broadly similar to the EU Marine Strategy Framework Directive’s subregions.


The European Union’s Marine Strategy Framework Directive, adopted in 2008, was very much modelled on existing successes of marine environmental regulation through regional seas conventions. The directive includes numerous provisions which aim at ensuring that its
implementation not only contributes to, but also builds upon the activities of the conventions. (see:


At the 2010 Ministerial in Bergen, OSPAR’s Ministers welcomed the EU Marine Strategy Framework Directive, emphasising that the coherence of OSPAR and the Directive’s objectives. The Ministers affirmed that OSPAR would facilitate the coordinated and coherent implementation of this Directive, setting out a Road Map for a Regional Implementation Framework for the Directive.

The Ministerial commitment to use OSPAR’s shared expertise, mechanisms and structures was underlined by a revised working structure and a North-East Atlantic Environment Strategy that aimed to deliver the coordination needed. The commitment included closer work with other Regional Sea Conventions and River Conventions. The Strategy can be found at:

http://www.ospar.org/content/content.asp?menu=01491300000000_000000_000000

Coordination so far

The OSPAR Commission aimed to provide the basis for coordination of national initial assessments across EU Member States in the North-East Atlantic by providing a high level of information, based on environmental assessments, such as the OSPAR Quality Status Report 2010. OSPAR also facilitated substantial information sharing of existing methodologies for determining GES, as well as a framework for the development of coordinated environmental targets and indicators.

Practical delivery of OSPAR coordination takes place through an inter-sessional MSFD group consisting of policy and technical representatives from the different Contracting Parties. This then reports to the OSPAR Coordination Group which is responsible for cross-cutting issues such as the implementation of the Ecosystem Approach. These two groups draw on the expertise of the entire OSPAR working structure and its committees (which cover biodiversity, hazardous substances, eutrophication, radioactive substances, offshore industry, and environmental impacts of human activity). OSPAR can then make binding commitments related to delivery of marine strategies at its annual Commission meetings. OSPAR Contracting Parties are of course closely involved in all technical and policy developments at the EU level, and therefore able to put forward approaches and agreed positions from the OSPAR meetings. The Secretariat also attends many of the relevant EU meetings as an Observer or an invited guest (such as at the EU Marine Directors’ meetings).

OSPAR has now agreed a suite of indicators across the MSFD descriptors; biodiversity, food webs, contaminants, seafloor integrity, litter and noise energy. These indicators are either agreed as ready for assessment, or as candidates that need further development, within the relevant OSPAR sub-regions for the Directive (the greater North Sea, the Celtic Seas and the Bay of Biscay and the Iberian coast). Since OSPAR has a history of dealing with issues such as contaminants, relevant indicators are already well developed. For areas that are a more recent focus for OSPAR, such as biodiversity, food-webs and noise, intensive effort is currently being expended to develop indicator monitoring and assessment methods that our Contracting Parties can undertake together. Such development comes together under a
new Joint Assessment and Monitoring Programme that OSPAR has just published, which sets out the tasks for OSPAR’s thematic committees. OSPAR is also developing and widening its existing Coordinated Environmental Monitoring Programme which sets out more detailed guidance for Contracting Parties to follow to enable comparisons between national data. In addition, OSPAR is developing a new Data and Information Management System to enable countries to only report data once before it becomes available to both regional and EU processes.

Based on the progress on regional indicators, OSPAR is currently developing its monitoring and assessment plans and activities to deliver a regional assessment of the agreed indicators by 2017. This assessment will form a common regional ‘roof report’ to be included in national assessments of marine waters in 2018 as the start of the second cycle of the MSFD.


See also OSPAR publications: Regional Implementation Framework for the EU Marine Strategy Framework Directive - MSDF Road Map (2010) and Finding common ground - Towards regional coherence in implementing the Marine Strategy Framework Directive in the North-East Atlantic region through the work of the OSPAR Commission (2012). These can both be found on the OSPAR publications page search as below:

http://www.ospar.org/v_publications/browse.asp?preset=1&menu=00080800000000_000000_000000&v0_0=framework&v1

Programmes of Measures

OSPAR has agreed 4 components of regional coordination for Member State’s programmes of measures under the MSFD. These are: a) assessing existing activity under OSPAR programmes and measures that are contributing to the MSFD objectives and targets; b) exchange of information and coordination on measures that are primarily of national concern and responsibility; c) the development of measures at regional level (e.g. a focus on large-scale/ trans-boundary issues); and d) the development proposals for measures that are in the competence of the EU or other international authorities. OSPAR is currently developing its description of both its existing aquis and in understanding what national measures are planned. In terms of regional level measures, the first priority has been marine litter; see below.

The OSPAR Marine Litter Regional Action Plan.

In line with the objective to substantially reduce marine litter in the OSPAR maritime area to levels where properties and quantities do not cause harm to the marine environment, the 2014 OSPAR Commission agreed OSPAR’s Regional Action Plan on Marine Litter. The action plan aims at the reduction of reduction of marine litter from sea-based sources and land-based sources, as well as the removal of existing litter from the marine environment. It also forms the basis of regional measures to deliver Good Environmental Status under Descriptor 10 (litter) of the MSFD. The Action Plan was adopted as a flexible tool providing a set of actions to address marine litter for collective activity within the framework of the OSPAR Commission (such as OSPAR Measures), as well as through
adoption into national measures under the MSFD. The Marine Litter Regional Action Plan can be found at:

http://www.ospar.org/content/content.asp?menu=00760302270000_000000_000000

Future Prospects.
The MSFD has been an enormously challenging process for Member States, despite ongoing coordination mechanisms such as the Regional Seas Mechanisms. This is partly because of restricted resources set against the regular process deadlines set out under the Directive. In addition, while the more rigid structures and enforcement processes of European Legislation can incentivise action, they can also lead to more cautious progress than has been traditionally the case under a consensus based agreement process, such as OSPAR’s. Because of this, progress so far under the MSFD has been a process of ‘catch up’ for regional seas. In the case of OSPAR, the ‘Article 12’ report from the European Commission to the Council and the European Parliament on the first phase of implementation of the Marine Strategy Framework Directive stated:

- Work on the MSFD has triggered and accompanied new developments in RSCs, demonstrating the complementarity of work at EU and regional sea level and providing mutual benefit to all parties concerned….

- Regional cooperation through the RSCs protecting the EU’s marine waters is well-developed. Significant commitments were made by all RSCs to implement the ecosystem approach and support MSFD implementation.

- Unfortunately, Member States’ use of the results of regional cooperation within their marine strategies varies….

- This has resulted in a lack of coherence within the EU, and also within the same marine region or subregion… While coherence varies widely across the EU and is high in some regions and for some descriptors, overall levels are moderate to low. Member States in the North East Atlantic show the highest level of coherence (nevertheless with significant room for improvement)….

It is the OSPAR Secretariat’s view that the MSFD is an enormously challenging task. In particular aiming to achieve Good Environmental Status by developing new areas of cooperation on environmental protection in the sub-regions of the North East Atlantic. Given how long it has taken OSPAR to develop its existing measures, which include notable successes (such as tackling marine pollution from mercury, radioactive substances, organic pollutants and offshore activities), it is not surprising that new areas of regional activity are taking a time to establish. This is particularly true on issues such as on protection of biodiversity, which is has to be achieved within complex ecosystems interacting with a web of different human-induced pressures. Nevertheless, progress is being made already and OSPAR aims to tackle issues such as restricted national resources by ensuring our meetings and data, monitoring and assessment systems maximise harmony with other international and national processes, to avoid replication and to target joint activity where it is most effective and efficient.

OSPAR is currently developing an action plan to respond to the European Commission’s ‘Article 12’ report.
This includes elements related to monitoring and assessment as well as to programmes of measures. A new emphasis on a long-term strategic approach to the MSFD aims to overcome the problems of matching resources to the regular deadlines within the MSFD cycles, with better timing of regional inputs to the national processes. In addition, joint action on newer issues, such as noise monitoring and assessment, offers real opportunities for efficiencies and savings in the very high costs of monitoring associated with marine assessments. The European Commission has also acknowledged the difficulties Member States face in resourcing the intensive coordination required by the Directive and is therefore providing more opportunities for European Union funding.
Scottish Association for Marine Science, and the Centre for Environment, Fisheries and Aquaculture Science — (QQ 84-97)

Scottish Association for Marine Science, and the Centre for Environment, Fisheries and Aquaculture Science — (QQ 84-97)

Transcript to be found under Centre for Environment, Fisheries and Aquaculture Science, and the Scottish Association for Marine Science — Oral Evidence (QQ 84-97)
The Scottish Government — Written Evidence

Introduction

The Scottish Government welcomes the Sub-Committee’s inquiry into EU regional marine co-operation looking specifically into whether more should be done to advance regional co-operation in the North Sea. The North Sea is part of the wider north east Atlantic maritime area and Scotland is a truly maritime nation with a major stake in the marine policy for the North Sea and wider north east Atlantic Maritime area. Scotland has:

- 61% of the UK sea area
- A fishing & aquaculture industry worth over £1 billion
- Over 6,500 species of marine plants and animals and a significant network of MPAs that covers approximately 20% of our maritime area
- Up to a 25% of Europe’s tidal & offshore wind power and 10% of its wave power
- Scottish vessels land 84% of the total value of UK landings of key fish stocks
- Scotland is currently the largest producer of farmed salmon in the EU

Local, national and European issues have to be dealt with at appropriate levels. We are clear that where regional governance arrangements are warranted, these should be light touch based on co-operation within the relevant framework and distribution of responsibilities and allow for implementation to be adapted to local or regional conditions. We favour co-operation between nations around sea basins e.g. North Sea, Atlantic fringe, where issues are shared and frequently work closely with a number of countries on marine issues. There are already a range of examples for such co-operation. Norway, the Faroese and other North Atlantic countries are also important, in addition to European regional marine co-operation.

There are a large number of players (the Commission, OSPAR, ICES, NEAFC for example), each with clear remits and a complex system of sub groups and committees. Moves to simplify this would be welcome, particularly given the resource and capacity issues which arise in ensuring engaged and meaningful co-operation across the range of activity. Meaningful and engaged co-operation would also be served if Scotland had a stronger voice within the EU, particularly on issues of primary relevance to Scotland.

Further detail is given in relation to each of the headings below.

Marine Planning and Licensing

Scotland has introduced comprehensive marine planning and licensing systems. The Marine (Scotland) Act and the UK Marine and Coastal Access Act set the legislative framework for a Scottish National Marine Plan. Scotland’s first National Marine Plan will be placed in Parliament in December and sets out strategic policies for the sustainable development of Scotland’s marine resources out to 200 nautical miles. All marine plans across the UK are required to be compatible with the UK Marine Policy Statement, agreed by all the UK administrations.
Involvement of stakeholders has been central to the development of the National Marine Plan and full details of the procedures and processes used, including those to ensure stakeholder engagement and cross-boundary working are set out in the Statement of Public Participation. Stakeholder engagement and public consultation are key aspects of both planning and licensing systems.

At a local level marine planning will be taken forward by Scottish Marine Regions, extending out to 12 nautical miles. Scottish Marine Regions which take account of local circumstances and smaller ecosystem units will develop Regional Marine Plans (RMPs). RMPs are required to be in accordance with the National Marine Plan and the Marine Policy Statement (MPS) to ensure they are consistent with national objectives and priorities and are subject to adoption by Scottish Ministers.

Marine planning and licensing provides an integrated system to deal with conflict. Furthermore marine planning is essential to deliver key policies such as MSFD. The National Marine Plan promotes an ecosystem approach, putting the marine environment at the heart of the planning process to promote ecosystem health, resilience to human induced change and ability to support sustainable development and use.

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.

Scotland is actively engaged in co-operation in the North East Atlantic involving other contracting parties to the OSPAR Convention and Scottish-based scientists and officials have contributed to work on MSFD (COBAM), MPAs (ICG-MPA) and other biodiversity and wider environmental protection (BDC and EIHA), often leading the UK delegation. Scotland contributes to delivery of the ICES programme and NEAFC as well as discussions at the EU level through the EC Habitats Committee, ORNIS, Co-ordination Group on Biodiversity and Nature and other groups such as the Marine Co-ordination Group and Marine Experts Group.

The Scottish Government has been asked to contribute to European Commission events on a range of topics. These interests include, sectoral interaction matrices, regional locational guidance and scenario planning are some of the techniques used, alongside impact assessment, in order to identify potential conflicts and associated costs and benefits of proposed developments and protection measures.

Notifying neighbouring states is built into the Marine Planning process and further regional co-ordination may be welcome if focussed on tangible issues such as the effects and impacts of offshore renewables on Natura 2000 sites and protected species; and the provision of grid infrastructure and pan-European interconnection to enable the realisation of North European offshore and marine energy. Enhanced co-operation would potentially require additional resource and therefore a focus on practical issues which would underpin blue growth and/or environmental protection would be a prerequisite.

Science, Data and Research
Considerable efforts are directed towards obtaining the relevant evidence base, be it in connection with marine fisheries, migratory fish, offshore oil and gas production, marine renewable energy, tourism, climate change, ocean acidification, the laying of cables and pipelines. An assessment of the condition of Scotland’s seas is provided by Scotland’s Marine Atlas: Information for the National Marine Plan. The Marine Atlas includes an economic assessment and a summary of pressures and human impacts relating to activities in Scottish Waters. In addition to the Atlas, Marine Scotland has developed National Marine Plan interactive (NMPi). NMPi is an online, interactive GIS-based tool allowing users to view different types of information (as layers) at a scale of their choice.

Regional (and wider) coordination of relevant environmental science is presently achieved through membership of Expert Groups of ICES, and organisation of international symposia such as that held on Environmental Interactions of Marine Renewables in Stornoway in May 2014. As noted above Marine Scotland is increasing wider international links with Canada, USA and the Far East on renewables science, licensing and planning.

The new EU programmes of research funding for 2014-2020 (Horizon 2020) emphasise Blue Growth and the need to move to a low carbon economy. Projects under these programmes will develop into strong vehicles for regional cooperation. For example, Marine Scotland is currently involved with a project to help realise the opportunity of offshore renewable energy in Europe through a consistent risk based approach to project consenting (RiCORE Project) and will encourage Scottish involvement with these programmes.

Renewable Energy & Grid

The Scottish Government believes regional co-operation between Member States is effective. Scotland has had a number of positive experiences in particular around marine renewable energy, examples are provided below. This is an important blue growth area for Scotland, as high proportions of the EU wave, wind and tidal stream energy resources are located in the seas around Scotland. Developing this potential will contribute to wider policy initiatives such as green energy, carbon reduction and climate change targets.

Ocean Energy Forum

The Scottish Government is involved in the Ocean Energy Forum, the first stage in the European Commission action plan for the development of Wave & Tidal Energy across the EU, and chairs the Environment/Consenting Workgroup. This group, containing representatives from industry, regulators and marine planning authorities across the EU, is focussed on identifying key common thematic issues to be addressed and proposing a relevant work programme. The work of the Forum will ultimately lead to the development of an EU Industrial Initiative to enhance the development of the wave and tidal industry.

North Seas Countries Offshore Grid Initiative

The Scottish Government is currently involved in the spatial planning work group for NSCOGI. The work of the group is focussed on addressing common issues and themes around the planning of grid interconnections in the marine environment across the North Sea. Developing a North Sea meshed grid could bring many potential advantages; greater energy security, accelerate the development of marine renewables, cheaper energy costs to the consumer. However getting the infrastructure in place is expensive and can only be done through cooperation with North Sea Member States and the European Commission. Co-ordination would reduce costs and speed up delivery of an efficient smart North Sea grid.
ISLES Project
The Irish Scottish Links on Energy Study (ISLES), now in its second phase, is led by the Scottish Government in partnership with the Irish Government and Northern Ireland Executive, and is part-funded by the EU INTERREG IVA cross border programme. It looks to progress an offshore electricity network, further reduce regulatory barriers, explore market mechanisms and align and establish joint planning and environmental consenting provisions. In October 2013 the European Commission announced that the ISLES Project is one of approximately 200 designated as priority ‘Projects of Common Interest’ (PCIs) under the new Trans-European Energy Networks Regulation (TEN-E), allowing future work under the project to access the Connecting Europe Facility.

Structural Funds
The INTERREG North Sea Programme offers Scottish and other EU regional partners the opportunity to work together on common issues relating to protecting, preserving and identifying opportunities for growth and innovation, within the shared marine environment – examples include creating a permanent management group for migratory fish species (Living North Sea) and development of an holistic economic, social and environmental development approach to integrated coastal zone management (SUSCOD).

Other INTERREG trans-national programmes serving Scotland’s marine and coastal regions have supported projects to jointly tackle the challenges of developing environmentally-conscious marine energy in the Atlantic Area (ATLANTICPOWER), working with coastal communities in the North Atlantic to help them adapt to the impacts of climate change (CoastAdapt) and expediting a collaboration between coastal practitioners and scientists on the ecological, social and economic impacts of climate change using the principles of sustainability science (IMCORE).

These projects offer visible, tangible and effective examples of Scotland engaging responsibly and constructively with other countries on current and often common issues. The Scottish Government led a 2012 bid for the development of a North Sea Forum under INTERREG funding which was unsuccessful. This focussed on a potential stakeholder forum to provide an opportunity for dialogue on issues such as Energy and Marine Resources; Integration of Transport with other activities; Science, Research, Data; and Community Activities/Coastal Protection.

Sea Fisheries & Aquaculture
The Fishing and Aquaculture sectors are key industries in Scotland.

Aquaculture
As industry continues to rationalise and develop world-wide, it is important that regulators do likewise through shared minimum world standards and tackling certain shared issues such as sea lice and disease. The Scottish Government is contributing to the development of the Multi National Annual Plan which will facilitate co-ordination of aquaculture across the EU and Member States.

Sea Fisheries
A cornerstone of the reform of the CFP, which was championed by Scotland and formed a central element of the UK’s position on the reform package, is the regionalisation process whereby fisheries management decisions required to implement high level multi-annual fisheries plans can be taken by Member States at regional level, rather than through
centralised decision-making in Brussels. Two regional groups have now been established covering UK waters: one comprises the Member States fishing in the North Sea while the other comprises the Member States fishing in the North Western Waters to the West of the UK.

Both these groups have been active in developing plans for implementing the EU’s ban on discarding of fish, which was another key feature of CFP reform. The groups have presented to the European Commission regional discard plans for the pelagic fisheries in their regions, ahead of commencement of the pelagic discard ban in January 2015. These plans have been adopted by the Commission and as such they represent the concrete delivery of regional decision-making. The regional groups will now proceed to develop discard plans for the white fish fisheries, for which the discard ban will commence in 2016. The groups also have the scope to consider and agree regional approaches to any other aspect of fisheries management, including for example measures which might be taken to respond to the development of marine protected areas and other aspects of EU environmental legislation.

In addition Marine Scotland operate a fleet of three compliance vessels, two research vessels and two planes. With substantial fishing in Scottish waters by other European fleets and non-EU countries such as Norway, and reciprocal arrangements, regional co-operation in compliance is extremely important.

**Regional approach to marine co-operation**

The Scottish Government believes meaningful co-operation only flourishes where national interests are closely aligned with the interests of neighbouring Member States. For example, all North Sea countries face significant challenges in implementing a fisheries discard ban. That is why Fisheries Directors have been meeting regularly and in a short time have agreed discard action plans. Countries also collaborate when there is a shared objective, for example in the case of joint bids to structural or research funds.

It is our view that the key requirements to develop a coherent and flexible approach to marine co-operation are:

- focus on issues which are of common interest and have practical outputs that can be used at both pan-European and more local levels. It is uncertain that further formal co-operative machinery would be helpful in what is already a relatively cluttered landscape. Opportunities for informal co-operation may be more welcome, if focussed on the right issues.
- Where existing frameworks work well, for example using OSPAR to co-ordinate MSFD implementation, there is a need to support the continuing bedding in of these arrangements and ensure they are strengthened and well-resourced before committing to further structures being put in place.
- 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.
Scottish Salmon Producers’ Organisation, Ann Bell MBE, National Federation of Fishermen’s Organisations, and Scottish Fishermen’s Federation — Oral Evidence (QQ 59-72)

Transcript can be found under Ann Bell MBE, National Federation of Fishermen’s Organisations, Scottish Fishermen’s Federation, and Scottish Salmon Producers’ Organisation — Oral Evidence (QQ 59-72)
Seascape Consultants Ltd — Written Evidence

Summary

Rapid access to reliable and accurate information is vital to obtain the knowledge necessary to address threats to the marine and coastal environment, in the development of policies and legislation to protect vulnerable areas of our coasts and oceans, in understanding trends and in forecasting future changes. Likewise, better quality and more easily accessible data is a prerequisite for innovation and further sustainable maritime economic development or ‘Blue Growth’.

The European Marine Observation and Data Network (EMODnet) is a network of organisations specifically set up by the European Commission in the framework of the EU’s Integrated Maritime policy to address the fragmented marine data collection, storage and access in Europe. The primary aim of EMODnet is to unlock existing but fragmented and hidden marine data and make them accessible for a wide range of users including private bodies, public authorities and researchers.

EMODnet currently comprises more than 100 organisations working together to make the marine data collected freely available and interoperable, to create seamless data layers across all European sea-basins and to distribute the data and data products through the internet.

So far, seven thematic assembly groups have created thematic web portals covering data resources from diverse fields including bathymetry, geology, physics, chemistry, biology, physical habitats and human activities. In addition, two sea-basin checkpoints have been established to assess the observation capacity in the North Sea and the Mediterranean Sea areas from the perspective of concrete application areas (e.g. spill response, offshore installation siting, etc.). Tenders for additional checkpoints covering the Arctic, Atlantic, Baltic and Black Sea were launched in 2014.

To strengthen the coherence and functionality for users a common portal www.emodnet.eu, labelled ‘EMODnet Entry Portal’, has been established to provide an entry point delivering access to data, metadata and data products held by EMODnet thematic sites as well as developing data products and search results combining data from several thematic portals.

1.1 Time Frame

The European Marine Observation and Data Network (EMODnet) is a long-term 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.

- 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;
- 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;
• Phase III (2015-2020) will work towards providing a seamless multi-resolution digital map of the entire seabed of European waters providing highest resolution possible in areas that have been surveyed, including topography, geology, habitats and ecosystems; accompanied by timely information on physical, chemical and biological state of the overlying water column as well as oceanographic forecasts.

1.2 Availability of information from private companies

Currently, the main volume of data made available by EMODnet is collected and held by national agencies and research institutes. However, a huge amount of marine data is collected and held by private companies active in a diverse range of maritime activities. From the current phase onwards (Phase II), efforts will increase to engage with industry stakeholders to secure more uptake of industry data into the EMODnet system. This will require a different approach, because data is collected by industry under different remits, different standards, and cost models with varying levels of confidentiality, and therefore not always freely available and accessible.

To encourage data submission, a tailored and dedicated ‘data ingestion’ facility will be set up in the coming years which will provide guidance and allow different stakeholders to submit data (in a multitude of formats) to the EMODnet consortium to be integrated with current holdings. This facility is not to replace existing data infrastructures and repositories but will build upon them and develop complementary services. A call for tender will be launched early in 2015 to develop this data ingestion facility.

1.3 Cumulative impact of human activities on the marine environment

EMODnet Human Activities is the latest and most recent addition to the family of seven EMODnet thematic data portals. The work started in September 2013 and less than 6 months later the Human Activities web portal was launched and gradually populated with data and information. Its remit is to aggregate data about the location of a series of activities related to the sea, their temporal variation, and attributes to indicate the intensity of each activity. The approach is to attempt for each activity to obtain and make available data, which is free and can be used without restriction from a single source that holds data for all EU sea basins. When this is not possible, national, local sources and other sources are consulted, harmonised and aggregated.

The information currently being collected is ‘raw’ data, i.e. no cumulative impact products are being created. To further define deliverables for the human activities project a workshop with key marine stakeholders will be held in early 2015.

Human Activities data deliverables are the topics listed below. Note that information is not currently available for all of these activities.
UK Government — Oral Evidence (QQ 114-125)

Evidence Session No. 9  Heard in Public  Questions 114 - 125

MONDAY 8 DECEMBER 2014

4 pm

Members present
Baroness Scott of Needham Market (Chairman)
Lord Bowness
Baroness Parminter
Lord Plumb
Lord Renton of Mount Harry
Lord Trees
Lord Whitty
Lord Williams of Elvel

Examination of Witnesses

Rt Hon Matthew Hancock MP, Minister of State for Business and Enterprise and Minister of State for Energy, Department of Business Innovation and Skills and Department for Energy and Climate Change, George Eustice MP, Parliamentary Under Secretary of State for Farming, Food and Marine Environment, Department for Environment, Food and Rural Affairs, and John Robb, Director of Marine and Fisheries, Department for Environment, Food and Rural Affairs

Q114 The Chairman: Good afternoon. Thank you, both Ministers, for your time this afternoon. The Committee really appreciates it. We are taking your time in what I know is a very busy period, so thank you both for that. This is a formal session of the Committee. Therefore, we will be on the public record. A full note will be taken and put on the parliamentary website. The session is also being webcast live. You will have a received a note of any interests that have been declared by Members of the Committee, and if they have any that relate particularly to this session they will declare them the first time they speak. I just put on the record at this point that I am the Secretary of State’s appointee to the Harwich Haven Authority, which is a trust board.
With that I think we can get on to business again. I think you know what we are about. We are coming to the end of a piece of work that for us was inspired, if that is the right word, on the one hand by the raft of legislation on marine protection and on the other hand by a new emphasis within the Commission on blue growth and what you might call economic development of the sea. We were very struck by the juxtaposition of those two things and how they would work together in reality. BIS is the department that has the leadership on blue growth, which we were thinking about, and supplies the Explanatory Memoranda, yet many of the component parts—offshore energy, oil and gas, fisheries, shipping—are within other departments. So it occurred to us that it would be a fruitful piece of work to look at the decision-making in relation to maritime spaces and to try to get a sense of how these competing priorities are met.

I wonder whether I could start, Mr Hancock, by asking how, from a business perspective, you see blue growth. I think the current value of the sector is around £49 billion a year, yet many of the levers are in other departments. Could you start by outlining how this works?

**Rt Hon Matthew Hancock MP:** I would start by saying that I agree with a lot of the inspiration, as you call it, and the challenge that led to this hearing and this inquiry, and that it is very important that we have a cross-government attitude and approach to the use of the marine environment. After all, the UK has a great wealth of marine environment and a very high shoreline to landmass ratio, if you want to look at it in terms of the hard figures, as well as a deep history and a huge amount of resource under the sea. So this is a very important question.

As a BIS Minister, I am well used to preparing and signing off impact assessments on issues that are cross-government related. BIS’s role, in a sense, is to be the business department within the whole of government, and we spend a lot of time knocking on other departments’ doors to ensure that the business impact of any policy decision is brought to the fore. In this
instance, this cross-departmental working is helped by the fact that there is also a joint post with energy, which I hold and which Michael Fallon held before me, which brings together some of the cross-cutting issues, because, as you well know, historically energy has been sometimes within what was the DTI and is now BIS and sometimes a separate department. There are very strong interlinkages, so there is a good argument for having a joint ministerial post, which I think this hearing confirms.

We formalised that cross-government approach through our industrial strategy, and we have a marine industrial partnership that brings the different marine industries together, with a focus not only inevitably on what happens on the surface but on an element of what happens under the sea. This is a cross-government approach to tie in all these different departmental responsibilities and to try to break down the silos. That has been going for about a year, so it is early days. Nevertheless, big decisions are taken on a government-wide basis, and no doubt departments have full cognisance of the impact of any decision in one area on other areas of policy interest.

We have a co-ordinating mechanism, and the business of government allows other departments to have their say on a particular department’s lead responsibility, so we do bring the questions together, but they are diverse. The issue of where our pipelines go to allow North Sea oil and gas to be brought onshore is quite a long way away from ensuring that the fishing communities of north Scotland or indeed the great fishing communities of Cornwall are properly addressed in policy terms. There is a very broad range, so bringing together it all together inevitably has its challenges.

**Q115 The Chairman:** The Commission is talking about blue growth. Does that concept mean anything in real terms in government, or is it just something that government would do anyway? If you were seeking to improve the economy of the country, would you not take
the seas and the coasts into account anyway? I just wonder what difference it makes to the way your department does its job.

_Rt Hon Matthew Hancock MP_: The answer to your question is, yes, it ought to happen automatically, but we found as a Government that it does not automatically happen. The whole concept behind industrial strategy is that if you just have a policy framework and let it lie and do not have an ongoing dialogue, it does not always work correctly. Ultimately the best way to promote prosperity, through promoting business development and the jobs and the income that they bring, is to have an activist approach to dialogue in this area, both with the private sector and within government. Sea-based energy resources, for instance, whether hydrocarbon or renewables, whether under the ground or on the surface such as tidal, which is very close inshore, or wind farms, which are a bit further out on average, are a DECC lead but have a massive impact on BIS. Likewise, marine coastal tourism is a DCMS responsibility, and we could easily have a DCMS Minister here who was responsible for tourism, but of course it has an impact on the overall UK business environment. Should that co-ordination happen automatically? Yes. Does it? Our view is that you need to have formal mechanisms to ensure that it happens.

_The Chairman_: Right. Finally, while we are in this sort of space, and talking about the sort of conflicts that you talked about previously with regard to the fishing industry and renewables, for example, one of the ways of resolving these sorts of issues is intended to be through marine planning. I wonder what your observations are—I would also like to hear from Mr Eustice—on how good marine planning has been at at least framing a way of making decisions to resolve these conflicts, even if it does not resolve the conflicts themselves.

_George Eustice MP_: The UK has probably been ahead of most other European countries on this, and this comes back to the point that Mr Hancock was making: that there are ever more competing demands on the marine environment. There are cables, offshore gas,
marine renewables, offshore wind, offshore wave power and tidal power, as well as all the traditional industries such as fishing. Allied to that, the marine environment is incredibly complex and the interactions between many of these things are also complex. That is why we were actually very early in introducing the concept of marine planning. The MMO has already implemented marine plans for the eastern area, both inshore and offshore. It is currently working on plans for the southern area, and it has consulted many other member states in putting that together.

The importance of marine plans is that they create a framework and give some clarity and certainty to developers when they come forward with a proposal. Somebody who wants to build an offshore wind farm through the marine plans will have a reasonable idea about where and when it would be allowed and where and when it might not be. Getting those marine plans into place, just as we have a planning system terrestrially, and actually having some kind of system and some kind of framework for the marine environment is important, given all these new competing demands.

The EU has subsequently come forward with its own marine spatial planning directive, which was adopted in July this year. We were content with that, because it was broadly what we had already been doing anyway, and if other countries start to adopt a similar approach we think that is the right thing to do.

**The Chairman:** Do you want to add anything, Mr Hancock?

**Rt Hon Matthew Hancock MP:** Needless to say, I agree with all that, but planning is one consideration. If you are engaging in a marine business activity, then just like on land the concept of going through a planning process is perfectly reasonable. We have to make sure that it is a well thought through and balanced process, and I think we are making good strides in doing that. For instance, if you want to develop an offshore wind farm, one of the first things you have to do is ensure that you have the planning for that. That can bring
together different considerations and consultations on a particular development. However, it is also part of the bigger-picture policy of supporting an overall policy environment that makes the best and most balanced use of our marine heritage.

**The Chairman:** Just before I bring my colleagues in, you referred, Mr Eustice, to work that is being done with other states. Could you say a little more about that work? At one level it could simply be a matter of letting them know what we are doing. At another it could be really integrated planning so that somebody’s shipping lane does not end up in somebody else’s wind farm array. That is an easy characterisation, but we do hear of such things happening. At what level would you say that that co-operation is active?

**George Eustice MP:** The first thing I would say is that the MMO has a long track record, both in its current form and previously when it was the Marine and Fisheries Agency within Defra, of co-ordinating with other European countries on fisheries policy. We have international waters where we have shared fishing rights, and those relationships need to be managed to ensure that everybody is enforcing the rules correctly. So we have a long-standing track record of trying to deal with these sorts of things, and the MMO, when putting together its marine plans, has hosted several workshops which other member states were involved with and has had discussions with Norway where there are issues of cross-border interest. In fact, the Netherlands even wrote to the MMO to thank it for its engagement and to congratulate it on it. As we all know in politics, it is not often that you get thanked or congratulated for doing something, and that to me was a good sign that the MMO in this instance had very comprehensively engaged other member states.

**Q116 Lord Trees:** Good afternoon. That brings things quite nicely on to the question that I have been given, which obtains to energy co-operation, particularly offshore wind. Several witnesses have talked about the potential value of an offshore grid extending to member-state territorial waters as well as to the UK and linking all the installations. Technologically,
that appears to be doable now, but there appear to be some regulatory obstacles in the way. The second part of the question is almost contradictory, but could you tell us a bit about what the Government or their agencies are doing to try to ensure that those regulatory obstacles are overcome in such a way that competing interests in the marine environment do not conflict and are managed so that you can get sustainable energy, perhaps in a joined-up grid, but do not harm fishing resources, for example? How do we balance those two?

**Rt Hon Matthew Hancock MP:** This is a really important question. The need for greater electricity interconnection is widely understood and increasingly taken on board by the European Commission and others and is a strong priority for the Government. We think that increased electricity interconnection—energy interconnection too, but I am referring specifically to electricity since that is what you asked about—can enhance our security of supply, because it means that if margins are tight we can draw in from other countries but also on average reduce the price by having more competitive sources of supply and improve the renewables mix of UK electricity usage. For instance, we are working hard to pursue an interconnector with Norway where Norway has an excess capacity of hydropower because of its geography. This would allow us to draw down very low-carbon energy into the UK from Norway, where such energy is kept in storage in high lakes, and so could be a very good outcome for our energy mix and for the cost of our electricity.

This is organised through the North Sea countries’ offshore grid initiative. That is an important initiative, because the second element is the regulatory interface. Getting the physical infrastructure is important, but so is getting the right regulatory rules. Again, the Commission is making progress on this at an EU level, but it is not EU only, because Norway plays an important part in the North Sea, both in energy terms and physically. So we are hoping that there will be three projects, to Belgium, France and Norway, that look to take
final investment decisions next year, and we are doing everything we can from a UK government point of view to support that.

The 10-country North Sea initiative is also tackling some of the regulatory barriers to make sure that regulations both properly support physical investment and ensure that grids then operate correctly, that electricity tends to flow from a low-price country to a high-price country, as you would expect on a market base, and that we address appropriately the wider non-energy considerations that you mentioned, such as interference with shipping and other sub-sea activity. Once cables are laid, they are pretty unobtrusive. A cable across the seabed does not have much impact on the marine environment once it is properly laid.

Nevertheless, we have to make sure that we get these things right.

**Q117 Baroness Parminter:** Can I ask you about your views on the EU policy framework? You have the common fisheries policy, which deals with sustainable fishing and exploitation; you have the marine strategy framework directive and the habitats directive, which deal with marine conservation and the environment; and you have maritime spatial planning directive and the renewables directive, which deal with sustainable economic development. Indeed, the recent maritime planning framework does not even mention achieving good environmental status. How do we cope with this confused policy environment?

**George Eustice MP:** I think you are right that there is quite a bit out there already. Then, of course, in addition to the EU things, you have OSPAR—the Oslo and Paris conventions—as well, which we see as playing a very important part in developing conservation measures in the north-east Atlantic, particularly when it comes to issues such as marine litter. So there is quite a lot out there, but I think the EU is conscious of this and trying to get a better alignment of its policies.
I guess the three key policies from the EU’s point of view are, obviously, the common fisheries policy, the marine strategy framework directive and the maritime spatial planning directive. The latter serves a slightly different purpose in that it talks about the whole marine environment and the other competing issues of renewable energy, but there is increasing alignment between the objectives of the CFP and the marine strategy framework directive in that the CFP, with its latest reform, has in my view just taken a major step towards improving the environmental status of our seas, with a legally binding commitment to fish sustainably and regional decision-making so that you can do things more quickly and effectively.

Linked to that is greater flexibility between quotas and species, so that you eliminate unnecessary discards and have that discard ban phased in over the next few years. I think that represents a big step forward for the common fisheries policy, which will contribute to some of the objectives in the marine strategy framework directive.

**Q118 The Chairman:** The vexed question about the balance between the decisions that are properly taken at member state level and those that are taken at European level seems to me to be one of the dilemmas in this. If you look at the framework that Baroness Parminter has outlined, you see quite a lot of flexibility for member states to do things in particular way, but in an area like the North Sea it just seems nonsense for all member states to be doing things in a different way. I wonder what your sense is about how member states work together and the extent to which they are sometimes prepared to give things more or less of a priority in order to meet a wider objective and collaborate, or whether it is really a matter of all the member states doing their own thing and hoping that things improve out of that.

**George Eustice MP:** My view is that it is not so much about member states doing their own thing as about it being better for member states to work through their differences and
shared concerns to reach a consensus. That is what we think is achieved through OSPAR. It is not a toothless organisation; it can make decisions and there is an understanding between the signatories that they will put that into their own legal frameworks. Under that, it can make recommendations, which is a strong steer to the signatories to that commission. Finally, it can issue just more general guidance.

I think that OSPAR has been quite successful since it was set up in 1992. It is now quite established and is doing some good work in some of these areas. Let us bear in mind that the common fisheries policy is not the European policy that has had the best reputation in recent decades. As somebody who has always been quite sceptical about the European Union, I am now supportive of the latest reform. When it comes to regional decision-making, rather than there being some central diktat on technical measures from the European Commission that then comes down to the Council, with there then being some haggling between member states before it goes back to the Commission and our ending up with something that is not quite right, we skip a lot of those positions and start in the regional groups, with member states effectively working through their differences multilaterally and finding a solution. The outcome of that then goes to the Commission to be agreed and effectively rubber-stamped, provided that it delivers maximum sustainable yield and good environmental outcomes. I think that has been a step forward.

We may even be borrowing some of the principles of consensus decision-making from OSPAR and trying to bring them into the CFP. Certainly, our experience this year of introducing discard ban plans for the pelagic fleet is that, yes, there were challenges early on while people got used to the idea that they had to work through their own differences and could not just go crying to the Commission and ask it to intervene and make a decision, but, ultimately, once people got used to that new culture, they found that they could reach decisions much more quickly than under the old system.
The Chairman: That is really interesting. I think we have touched on quite a lot of the questions that Lord Williams and Lord Whitty wanted to ask. I do not know whether they have anything that they want to add.

Lord Williams of Elvel: I just want to go back to your first question. It also relates to co-operation, which is covered by the sixth question, but I would like to go back to the first.

We have in front of us a diagram of the governmental institutions that are responsible for marine policy. If you look at it, you will see that the Planning Inspectorate comes to DCLG, the Ministry of Defence is responsible for the marine policy unit and so on. Also listed are the Department for Transport, the Department for Business, Innovation & Skills, the Department for Culture, Media and Sport, the Home Office et cetera. How on earth does this actually work when you come to co-operation with any other organisation? It is a recipe for complete confusion.

Rt Hon Matthew Hancock MP: This is the business of government. Governments are big beasts, even from my side of the political spectrum. First, the diagram mentions seven government departments as having substantial authority. That is a medium-sized group of government departments for any particular policy area. As for the list in the second-most column from right, the MoD police marine unit is of course going to report to the MoD, and you would be surprised if English Heritage and the National Maritime Museum did not report to DCMS. The question is not whether there are lots of government departments but how well they come together. There are two main approaches for that. One is the standard system of Cabinet government, which we have and which in my experience in government in two and a half years is quite—

Lord Williams of Elvel: Who runs the show as far as marine policy is concerned?

Rt Hon Matthew Hancock MP: Well, the Government run the show. I would say that Defra has the biggest area of responsibility, but understandably marine energy falls under
DECC, and from the business side of this the industrial strategy brings together, with BIS leading, the different interests of private business in the marine environment. But the Government run the show, and this is a perfectly normal description of how a Government operate.

George Eustice MP: There is a concordat as well between all the various interested parties when it comes to issues such as licensing to make sure that people have a single point of entry when putting in an application so that they do not have to go to multiple agencies. We have to recognise that it is a very complex environment. As Mr Hancock has said, lots of different departments quite legitimately have an interest in it, but through things like the coastal concordat you can assist people by simplifying it.

Lord Williams of Elvel: Okay. You are in the Celtic Seas Partnership. The Foreign and Commonwealth Office has a role to play, does it not? It does not appear in the diagram. How is co-operation going with the Republic of Ireland on the Celtic Seas Partnership, and what role does the Foreign Office play in it?

George Eustice MP: I might ask John to come back on the specific role of the Foreign Office, but our view is that this was a four-year plan. We think that it is too early to tell how much it will add. Coming back to the point that was made earlier, frankly there are already quite a lot of bodies out there responsible for co-ordinating member states. We co-ordinate through the common fisheries policy, we co-ordinate through OSPAR, and increasingly we co-ordinate through issues as we develop marine planning. The reality is that there is already quite a lot out there. This project was launched under LIFE+, and it has engaged many other organisations such as the WWF. I know that the FCO is involved as a signatory, but John could perhaps tell us how involved it is in day-to-day representation.

John Robb: In this specific instance, I doubt that it is involved at all, quite frankly. The Foreign Office interest is limited to the UK’s relationship with other countries.
Lord Williams of Elvel: Such as Ireland?

John Robb: Yes, but similarly you could say that the Foreign Office is interested in every EU negotiation going. In practice, it leaves it to the lead departments, because it cannot do everything. In this instance, it is an EU grant scheme, which WWF led a consortium in securing—there are all sorts of players in it, from the UK, Ireland and France—with government departments on an observer board but no more than that. It is not a government initiative as such; it is simply something which government departments from the three different countries sit on the observer board of. The Foreign Office may be interested if we tell it about it, but it is not actively engaged in it.

Q119 Lord Whitty: My colleague has described the large number of institutions involved at the UK level. There is also some difficulty for us in working out how the various supranational organisations play a role, because it is not just the EU and the member states. OSPAR is referred to, as are the regional bodies and ICES, and we have a new monitoring organisation. What lessons are you drawing from that on how co-operation operates? I think from what you were saying that OSPAR appears to be the most important of these bodies, but that also has to relate to the EU and, frankly, to almost as many directorates-general and commissioners of the EU as there are UK government departments. How does all that get pulled together in the more specific example of the North Sea?

George Eustice MP: As I said at the beginning, we did not want to duplicate and create new structures, which is why we believe OSPAR works effectively as a forum for co-operation and decision-making. It is quite interesting that the European Union now recognises that in some respects. Quite often, when it comes to moving towards the objectives of the marine strategy framework directive, the EU has been keen to involve OSPAR in that process. OSPAR has effectively in some respects become a delivery body for the objectives of the marine strategy framework directive. That, to me, is a positive step forward.
Q120 Lord Whitty: A number of our witnesses, as you will probably appreciate, have said that duplication of effort is resource-intensive and that it is therefore important to be clear where decisions will ultimately be taken. Do you think the present structure, broadly speaking, works?

George Eustice MP: We would not want it to become any more complicated—let us put it that way. There are quite enough structures out there trying to do this, and what we really want to be doing is joining them up. The EU has introduced its own integrated maritime policy, which is not about having another structure but about trying to join up everything that is already there at the moment. We now have the marine strategy framework directive and the maritime spatial planning directive. When it comes to the latter, we were relaxed about that being adopted. We had some concerns about some of what was being proposed. At one point, it had an ambition to come on to shoreline or terrestrial planning, which we were unhappy about, but broadly what they have ended up with in that directive is something that we were effectively doing anyway.

When it comes to the marine strategy framework directive, aligning as many of its objectives as possible with OSPAR and starting to use OSPAR to deliver some of those objectives would be a positive step forward, and you can already see that it starts to look less complicated. There is undoubtedly a blizzard of acronyms for all sorts of different organisations out there, but we need now to consolidate and join up the activity and not create still more structures.

Q121 Lord Whitty: We have talked very institutionally and slightly conceptually. Are there issues of serious potential conflict, either recently or prospectively, that you think we have to face up to? It may be conflict between different uses and different objectives, or conflict between different economic interests. Are such issues on the agenda and do they
need to be resolved very specifically? Having said that, do you think that the present structure is capable of resolving them?

**George Eustice MP**: I am not sure that I would say that there are specific conflicts around the corner that we think we need to act quickly to deal with. However, as I said in my opening remarks, there is undoubtedly the reality that you have more and more competing interests who want to use the marine environment, and there will sometimes be a conflict of interest between, let us say, somebody who wants to build an offshore wind farm and fishing interests, who might say, “That’s one of our best fishing grounds”. There will also be conflicts sometimes with environmental concerns. If you are going to allow offshore wind, what impact does that have on the seabed? That is why we have the marine protected areas.

The marine environment is never going to be simple, but the whole raison d’être of marine spatial planning, which we have pioneered in this country, is a recognition of the fact that it is becoming more complicated, with more and more users of the marine environment. We therefore need some kind of structure that regulates what they do and gives them, crucially, the clarity of knowing when it is worth them spending tens of thousands of pounds on an impact assessment and when it is not.

**Rt Hon Matthew Hancock MP**: If I may to add that, it is inevitable that there are challenges and competing uses of resources. That is true everywhere: on land, and in the marine environment too. I would caution against the view that because there are lots of institutions and organisations this would be better done in fewer organisations. Looking down the list in the five minutes since you have given it to me, I think it shows you that there are lots of different competing interests. These interests need to be taken into account, and sometimes having them in separate institutions can ensure that that happens properly and formally, in the sense that clear boundaries make for good neighbours. Of course, all these things can always be looked at and you can hope to improve them, but what
you cannot do through institutional reorganisation is remove fundamental underlying conflicts for the use of resources that we need to address and balance reasonably and carefully.

**Q122 Lord Renton of Mount Harry:** Apologies for being late arriving. It was not a ship, it was a railway. Without asking you, I hope, something that we have already discussed, if you look forward 10 years, what do you think will have happened thereafter? As you have said, with more and more people and more and more countries wanting to get fish and so forth, what do you think the situation will look like in 10 years?

**George Eustice MP:** It is a brave man who tries to predict 10 years out.

**Rt Hon Matthew Hancock MP:** We do not have any briefing for this.

**George Eustice MP:** Exactly. In terms of structure, when it comes to the marine strategy framework directive, we have already published the targets and completed a piece of work about the environmental status of our seas. We have been commended by the Commission on the quality of that work. Within 10 years, you would hope that the objectives of that directive might be in place. I would hope that we had a far more sustainable common fisheries policy, which would then reinforce some of the objectives of the marine strategy framework directive. I would hope as well that we in the UK will have completed all the network of marine protected areas and have those marine plans in place. I would hope that in 10 years the challenges that we recognise of co-ordinating all these competing demands on our marine environment will have been accommodated perfectly in a set of structures that are properly co-ordinated to ensure that we manage our marine environment sustainably.

**Lord Williams of Elvel:** What happens if the UK decides to withdraw from the EU? How do you unravel all this stuff?
**Rt Hon Matthew Hancock MP:** Many of these international collaborations involve Norway, and Norway is not a member of the EU. International collaboration, whether or not the UK is a member of the European Union, will continue.

**Lord Renton of Mount Harry:** Do you think that the European Commission’s being very much involved is going to help things?

**George Eustice MP:** It depends on what area you are talking about. Earlier, I talked about what I think is an important reform of the common fisheries policy, where the multiannual plans for how we manage individual seas will effectively revert to being a multilateral decision whereby countries that have an interest in the water work through their differences and arrive at a plan that is based on science and then go to the Commission effectively to rubber-stamp that plan. To me, that is a better way than what we have now, where you have a top-down diktat from the centre, lots of argument in Council and then a lot of batting proposals toing and froing until you end up with something that is not particularly optimal. The type of regional decision-making that we have just introduced in the common fisheries policy could be quite radical and enable you to maintain a concept of shared European objectives while recognising that the delivery of those objectives might best be done multilaterally between nation states.

**Q123 Lord Bowness:** Following this conversation, I hesitate to be thought to be suggesting that there should be any more fingers in the pie, but it has been put to us by other witnesses that all the interested parties should be engaged at the earliest possible opportunity to achieve co-operation and that those parties should include the local authorities, which clearly have a role. Do you think that local enterprise partnerships and local authorities could be involved in a strategic approach to North Sea marine planning? I know that you have said that you do not want new bodies, but we had at least one witness...
who was strongly in favour of creating a North Sea maritime forum composed of the stakeholders from the industries and communities around the North Sea.

**George Eustice MP:** There are, of course, still more organisations that we have not yet mentioned, but given your question, now might be an opportunity to mention them. When it comes to fisheries in particular and marine conservation inshore, we have the inshore fisheries and conservation authorities, which are usually hosted by local authorities and typically have a membership that consists of some appointees by the MMO, some fishing representatives, representatives of anglers and other sea users, and some local authority representatives. The IFCAs, as they are referred to, already have powers to introduce by-laws inshore, and quite a lot of their work is done in co-ordination with the local authorities. So we have those bodies. Are there 10 of them, John?

**John Robb:** Ten or 12.

**George Eustice MP:** There are 10 or 12 IFCAs around the coast, which effectively do what you would expect a local authority to do. They have a dotted line into the local authority and are often hosted by the local authority. They have a role in fisheries management and conservation inshore, as well as the ability to implement by-laws. In addition, we also have the fisheries local action groups, which are another body. They are a bit like the local action groups that you get in the common agricultural policy. These are local groups that can apply for grant funding into the EFF, soon to become the EMFF. So there are already two local bodies that have direct involvement with local authorities. Often, their work will overlap with the LEP. A lot of LEPs will talk to their flag groups, those fisheries local action groups, when deciding the priorities for grant funding in the fisheries sector.

**Lord Bowness:** Thank you for that answer. Is the position the same in the areas of the devolved Administrations—Scotland, Northern Ireland and Wales?
George Eustice MP: They have their own arrangements. Perhaps John could explain what the devolved Assemblies have. Do they have an inshore fisheries body?

John Robb: I cannot tell you what they have, but I can tell you what they do not have. They do not have the IFCAs, which are a peculiarly English arrangement, but they have their own arrangements for the inshore areas, and they have local authorities, of course, as we do. The Marine Management Organisation, in our case, will consult local authorities in developing marine plans, for example.

The Chairman: Could I just press on with this? As someone who comes from a local authority background, it is one of the things that interest me. Mr Eustice, you have just explained the situation with regard to fisheries, but if someone wanted to have some tidal power, for example, that would probably mean that you could not then have farmed fishing. We heard that in evidence. You would have to plan which of those you were going to have. There are all sorts of examples of where a planning activity is needed. It is not a sort of Wild West where whoever comes first and puts their application in gets it. Somebody has to sit down and think about how you would zone the maritime areas, in exactly the same way in which you would zone your town if you were planning the town and deciding what the different purposes were. It just seems to me that the local authorities are a really important part of that. In many other European member states they are. Local or regional authorities are absolutely key there, but we do not get the same sense so much. Even the local enterprise partnerships, which may or may not be involved in fisheries, have a business focus. Where do they fit into this picture?

Rt Hon Matthew Hancock MP: Many of the LEPs that have coastline have a very strong engagement with the marine business environment. I can give a couple of examples. The Solent LEP is hugely interested in the impact on the marine environment around the Isle of Wight and in the Solent area and has links to both the local authorities and the other
authorities that are engaged it. How the marine conservation zone interacts with the shipping requirements around the Solent, for instance, which are very complicated, is an important question which the LEP is heavily engaged in. Similarly, the new Anglia LEP is heavily involved in the support of the supply chain to offshore wind industries off East Anglia. That is rightly LEP-led. That is to say that where the local enterprise partnership recognises the business potential in its marine environment, it takes the lead. That is the right way round.

In terms of local authority involvement, where there is an impact onshore of an offshore development there is automatic local authority engagement. I am thinking of energy substations and all the energy infrastructure that is needed for landed energy, whether hydrocarbon or electric. That occurs in the same way in which any planning decision that goes over different local authority boundaries occurs. In that sense, local authorities are heavily engaged in the onshore consequences of inshore and offshore activity.

I think it is important to draw a distinction between inshore and offshore, because offshore activity has much less direct impact on the local authority, except the activity that occurs on land because of what happens offshore, where the local authority already has a strong role.

The Chairman: Thank you.

George Eustice MP: Can I just add to that? It is a moot point, but it is worth remembering that the MMO is the agency that is leading on putting these marine plans together. When they put together both the eastern inshore and offshore plans, as well as consulting other member states, which we talked about earlier, they will have consulted, very closely I am sure, all the local authorities in that area to make sure that their views were reflected in their proposal. So the MMO, as the lead agency in marine licensing, puts that plan together and then implements it through its licensing decisions.
Finally, it is also worth remembering that compared with what we had previously, some of the licensing functions relating to ports, harbours and the like that used to reside in the Department for Transport are now also within the MMO. So in some ways the creation of the MMO and bringing a number of functions together made things a little more joined up than perhaps they were before. In addition, because it is the lead agency and is consulting people and putting the plans together, things might be a little more co-ordinated than perhaps they once were, if that seems a credible thing to say when we have been talking about all the complexity in this area.

**The Chairman:** Lord Whitty, did you want to come in?

**Q124 Lord Whitty:** I have two questions. One is that I did not want to lose the issue of the North Sea, which the noble Baroness referred to. A number of witnesses have put it to us that the North Sea approach is not as coherent as the Baltic one, and a number of witnesses felt—and I understand it is also the German Government’s view—that we ought to create something like the Baltic Development Forum for the North Sea. I know that sounds like another institution, but do you have a concern or an ambition to have a tighter approach to the development of the North Sea?

**George Eustice MP:** I think our view is that that would create yet another body that was trying to co-ordinate things, and what we have with OSPAR, which covers the north-east Atlantic, basically covers that. It includes the North Sea.

**Rt Hon Matthew Hancock MP:** In a sense, we do it on an issue by issue basis. In energy, we have organisations, such as the offshore grid initiative, that pull things together in that area, and there are Defra-led ones as well. If you bring all these together in one organisation, you may well lose something from not having them focus on that particular area.

**George Eustice MP:** We bring them together when you need them. Specifically in the north we have the coastal states’ meeting, which includes the EU, Norway, the Faroes and Iceland.
We have an annual discussion, if that is the word for it, on allocations of the mackerel quota, which covers the North Sea and further north—the north North Sea.

Rt Hon Matthew Hancock MP: And there is the Nordic partnership, which is a once-a-year Heads of State meeting.

George Eustice MP: I suppose we are sceptical about what yet another body would add.

The Chairman: I quite see that one has to be practical and pragmatic, and if there are bigger interests in a North Sea energy grid you clearly need a body to deal with that and with fishing, but how do you deal with the conflicts between them? If you have a lot of people in government being busy, both internally and across Europe, with other people on energy, what are the mechanisms for dealing with conflict between the sectors rather than looking at them in silos? How does that happen?

Rt Hon Matthew Hancock MP: That is a very good question. The way I think about it is that on different issues you need regional co-ordination around the North Sea. Where there are conflicts between the requirements of different areas, such as energy and fishing, those conflicts are resolved through the planning process. That brings to bear on the decision whether to go for a marine plan. Let me give you a practical example. Should we have more interconnectors? What should they connect between? What should the regulatory structure be around them? That is all dealt with through the North Sea countries’ offshore grid initiative, which focuses specifically on the grid and improving it. Where you should run that line and what the impact is on other considerations then becomes a specific example of resolving these conflicts and where the planning system comes to bear. The problem is that if you try to bring everything into one organisation, you lose focus on everything and it is more difficult to resolve some of these problems.

Baroness Parminter: I am sorry to be dense, and maybe I am being dense, but I just do not understand what you mean by “the planning process”. The constraints which the
Chairman is talking about are the constraints between, for example, interconnection—which we all know is a great thing; it is fantastic that the Government have an interconnection strategy and we all want to see it—and blue growth, which we all want to see. But, equally, there are environmental challenges. The planning process is a time-specific—and as the Chairman said almost a Wild West—process of who comes first. What do you mean when you say that it is all resolved by the planning process, Minister?

**Rt Hon Matthew Hancock MP:** We are developing new marine plans, of which the inshore east and the offshore east marine plans are the first.

**Baroness Parminter:** Okay, so will that resolve the tension with the planning applications coming in? Will those be in effect a local plan for the sea, so that you have an overall vision into which development applications can be pitched?

**George Eustice MP:** Yes. The east inshore and offshore plans are not as specific as a local plan would be, because we want something that is lighter touch than that, but they do talk about where certain activities might be allowed or not allowed.

To get to the nub of your point as to who polices this and who chooses whether to allow fishing here and not there, it starts with those plans, which are quite high level. They are not as specific as, say, a local framework plan, as they call them. But the MMO is ultimately the body that licenses most of these activities, so it is the body that takes most of the decisions on the IFCAs inshore and on what fishing activity there should be offshore. If somebody wants to dredge above a certain level, the MMO has to grant a licence for that. If somebody wants to put sluicing gates on a port that will affect the flow of the water, they need to get a licence before that can happen. When deciding whether to grant a licence, the MMO will often ask for environmental impact assessments. It routinely consults the Environment Agency for its view. It will sometimes consult English Heritage for its view on things. The
MMO holds the ring in terms of granting those licences. That is what our planning system is at the moment, and broadly speaking it works.

**Q125 The Chairman:** When I was a member of a local authority, the planning department had two distinct functions. One was planning and the other was development control. Do you see an MMO as a planning organisation or an organisation that undertakes development control?

**George Eustice MP:** I am not sure that I would make that distinction, but John sounded as though he recognised a distinction, so I might, if it is okay, ask John to answer that.

**John Robb:** Thank you. It was imprudent response on my part, I think. It is different at sea, as you are finding everywhere you look. The systems are not nearly as developed as they are on land, partly because we simply do not know anywhere near as much about the sea as we know about what happens on land. So sea is following behind. The marine planning system is way behind the terrestrial planning system. We have the first two in place at a higher level. They are a framework and they are intended to reduce the uncertainties for developers and conservationists when applications are considered for any form of activity in the area they cover. That is coming along and will, we hope, bring great benefits for all parties.

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 and so that applications to exploit the sea’s resources are governed. There are major infrastructures, such as the ones Mr Hancock has been talking about, where you have one regime, and then you have a whole suite of any other sort of development, such as aggregates extraction—all sorts of examples have been cited today—where the Marine Management Organisation, having consulted the statutory conservation advisers of different sorts and all the other parties, has to decide whether to grant a licence. That process is a bit ad hoc, because we do not have the frameworks in place. As we get that set of plans in place, it will become less ad hoc. There will be reduced uncertainty for all
players, and therefore reduced expense and greater economic benefit. But at the moment we are in transition to having a full planning system in place.

The Chairman: Thank you. I do not want to keep you beyond your hour, because I know that you have other appointments. There is one set of questions which it would be very helpful if we could the answers to in writing, which lead on very well from what you have just described, which is the state of our knowledge about the sea. Whether we really know enough about the impact of the things that we are doing has come up a number of times, and most importantly what the cumulative impacts are. We have a number of questions on that, and it would be very helpful if you could write to us to set out the answers to some of them.

George Eustice MP: We would be more than happy to do that. We do a lot of environmental survey work to support our negotiations on the common fisheries policy, and a lot of work has gone on in the last couple of years on the designation of the marine conservation zones. So we have some quite recent research in that area that we would be happy to share with you.

The Chairman: Thank you very much indeed.
UK Government — Written Evidence

Evidence submitted by George Eustice MP, Parliamentary Under Secretary of State for Farming, Food and Marine Environment, and Rt Hon Matthew Hancock MP, Minister of State for Business, Enterprise and Energy

EU Regional Marine Co-operation
Further to the session on 8 December, we now provide the additional information requested in the form of written evidence.

The Committee had specific follow up questions for the DECC/BIS Minister and these are addressed below. In addition, the Committee asked for written answers to questions it did not have time to cover during the oral evidence session. These answers are provided in Annex A.

Would Matthew Hancock MP on behalf of BIS provide more information on the ‘marine industries partnership’. The Minister explained that there is a formal cross government approach through an industrial strategy. In his words, "This is a cross Government approach to tie in all these different departmental responsibilities and to try to break down the silos". He went on to explain that this has been in existence for about a year. He said that decisions are taken on a Government wide basis in the case of big decisions and in the case of individual decisions he assured the Sub-Committee that other departments are aware of the impact on other areas of policy interest. The Committee would welcome further details of the nature of marine industries partnership and how it ties in departmental responsibilities across the broad range of marine interests in order to break down departmental silos.

The Committee would welcome examples of cross Government decisions taken through this mechanism and an explanation of how individual decisions by other departments are harmonised with the wider UK marine industrial strategy.

Marine industries partnership can best be seen through the activities of the Marine Industries Leadership Council, which brings together the marine engineering industry and government in developing programmes around seabed mapping; maritime autonomous systems; and marine research engineering in vessel efficiency. These are directly linked to marine and maritime market opportunities in the offshore energy, defence, marine science and commercial shipping sectors at home and abroad.

The UK has growth opportunities across a broad range of marine and maritime industries. Departments are joined up in relation to specific themes. The Marine Industries Liaison Group brings together Defra, BIS and the marine science community to implement the UK Marine Science Strategy under the auspices of the Marine Science Co-ordination Committee. DfT is leading work on developing a UK Maritime Industry Competitiveness Study with the assistance of the maritime and marine industry, BIS and HMT. This was launched by The Rt Hon John Hayes MP, Minister of State for Transport on 26 November 2014 at Lloyd’s Register. These initiatives support departments develop and implement a wider UK marine and maritime industrial strategy.
There are a number of examples of cross-Government decisions taken through Marine Industries Leadership Council to develop projects as follows:

1. Only 30% of the UK seabed has been systematically mapped. There could be important economic gains to be had by accelerating the mapping to produce a comprehensive data library. Government and industry are working together to consider how we can achieve this goal.

2. The Defence Growth Partnership launched a £4 million UK Centre for Maritime Intelligent Systems based in Portsmouth. This has brought together scientists and engineers to develop cutting-edge technology for use in autonomous unmanned boats, submarines or other vessels. Future applications will be of use to the marine science and offshore energy sectors.

3. This government has been the first to fund marine engineering collaborative research for some considerable time by investing £17 million since January 2013 in vessel efficiency and maritime autonomous systems. A further competition for £5 million for Managing Energy on Marine Vessels will be launched in January 2015.

We hope you find this information helpful.

**Annex A**

**Knowledge – Cumulative impact of human activities**

Marine planning which encompasses all sectors, is key to the delivery of the UK-wide vision for the seas and should be underpinned by sound evidence and monitoring. The importance of good quality knowledge of the marine environment in order to support effective marine planning has been a consistent theme throughout the inquiry. It is the role of the UK’s Marine Science Co-ordination Committee to implement the UK-wide Marine Science Strategy. A particular need to focus on the cumulative impact of human activities on the marine environment has been highlighted.

**A) How strong are links between the UK Marine Science Strategy and the development of knowledge about the North Sea as a whole?**

- The Government recognises the importance and economic benefit of making marine data available to those that need it and is actively promoting this.
- The UK Marine Science Strategy provides a high level framework for the development and implementation of marine science across the UK.
- The Marine Science Co-ordination Committee (MSCC) is taking forward the Strategy actions through the co-ordinating activities of its working groups. These focus on long-term monitoring and data assessment, science alignment, economic growth and communication.
- Participants include Devolved Administrations, Government Departments and agencies, the Marine Environmental Data and Information Network partnership (MEDIN), marine industries and research funding organisations.
- The UK Marine Monitoring and Assessment Strategy (UKMMAS) community (which reports to MSCC) provides a coordinated approach to marine monitoring across the
UK through a number of evidence groups and produces regular assessments of the state of the UK Seas, including specific assessments of the Northern and Southern North Seas (see chartingprogress.defra.gov.uk)

- The Government also recognises the need for data to be available and accessible at both European and global level. Officials and marine scientists participate in various initiatives that have been set up to realise this goal.
- UK Marine information also feeds into the assessment and monitoring work carried out by the OSPAR Convention for the Protection of the North East Atlantic (OSPAR), which coordinates the methods used by its 15 Contracting Parties and produces regular assessments of the state of the North East Atlantic. The recent OSPAR Quality Status Report includes an assessment of the status of the Greater North Sea (see qsr2010.ospar.org)
- The “OSPAR Data and Information Management System” (ODIMS) has recently been set up to deliver more accessible data over the next couple of years and enable cooperation with the development of an EU Marine Strategy Framework Directive (MSFD) information system. The ODIMS should also be able to link with MEDIN and other databases where UK marine data is stored.
- These initiatives support the Government’s transparency agenda, links to the Defra Open Data Strategy, UK Location Programme and Defra Data Sharing Programme.

Aligning marine research across Europe.

- There are already cross EU structures in place to facilitate a coordinated approach to research, such as the Joint Programming Initiative Oceans (JPI Oceans), which are aimed at bringing alignment and synergy to the marine and maritime research and innovation landscape in Europe. A Strategic Research and Innovation Agenda and a draft Implementation plan are due to be published in 2015.
- We support the EU Knowledge 2020 initiative aimed at replacing the present fragmented, inaccessible and inhomogeneous repositories of marine data in the EU with a process that makes data easily accessible, interoperable and free of restrictions on its use.
- At a regional sea level, OSPAR provides an opportunity for more localised cooperative approaches to research and monitoring.

B) What attention has been devoted by your Departments to understanding the cumulative impact of human activities on the marine environment?

- The Defra marine evidence programme is actively engaged in many projects that contribute to our understanding of the cumulative impact of human activities on the marine environment.
- These projects include the integration of results from diverse areas such as climate change, underwater noise, marine litter, and fishing pressure. The studies are developed through the wider Defra network and the UKMMAS Evidence Groups.
- The UK “co-chairs” the OSPAR Intercessional Correspondence Group on Cumulative Effects (ICGC) that has produced an agreed list of environmental pressures and descriptions which underpins standardised assessment of the effects of anthropogenic activities on biodiversity. The list has/is being applied within OSPAR workstreams for the 2010 and 2021 Quality Status Report(s) and nationally by JNCC as part of activities under UKMASS.
• As part of the OSPAR ICGC, the UK (Cefas) is co-leading a project with the Netherlands to evaluate various methodologies for assessments to make a recommendation as to which is the most efficient to be applied to the estimation (and potential management) of the magnitude and spatial distribution of anthropogenic pressures and impacts in the OSPAR region. This project will report in Q2 2015.

• Also within the OSPAR ICGC, the UK (Cefas) and Sweden (University of Gothenburg) have produced a risk-based approach for defining and implementing marine cumulative effects assessment.

• Cefas chairs the Working Group on Integrated Assessments of the North Sea (WGINOSE) which is developing ecosystem modelling and risk based approaches to support cumulative effects assessment.

• Marine plans will guide how the potential impacts of activities will be taken into account and managed, including cumulative effects at the local, cross-border and regional scales. Close working across plan boundaries will be important and as described above, we are engaged in cooperative research with a number of MS, under the auspices of OSPAR, to develop suitable methodologies for assessing and understanding such cumulative impacts.

C) What efforts might be made to work in co-operation with other Member States to develop a map of cumulative impact across the North Sea, perhaps working through OSPAR?

• OSPAR has started to develop components of such a map by starting on the physical damage associated with fisheries pressures and is working in collaboration with ICES to achieve this. Provisional results are expected next year.

• Along with our network bodies Defra is undertaking numerous projects to map and assess pressures and impacts that support work of EU projects and ICES. Examples include:
  • Options for Delivering Ecosystem-Based Marine Management
  • Developing a model for effects of human activities at sea.
  • Improve our understanding of how environmental and manmade factors are impacting marine ecosystems now and how they will do so in the future.
  • Using predictive models to explore the impacts of both climate drivers (acidification, light, circulation and temperature) and human induced drivers
Wildlife and Countryside Link (Link) brings together 44 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

This response is supported by the following members of Link:

- Environmental Investigation Agency
- Marine Conservation Society
- Royal Society for the Prevention of Cruelty to Animals
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- WWF – UK

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?

a) Poor state of knowledge of the marine ecosystem

No objective assessment of principal risks and their cumulative impacts has been carried out for the EU’s marine environment. The impacts of some activities such as trawling, coastal development, aggregate extraction and other commercial activities are generally well studied at an individual level. The changes taking place in marine biodiversity and habitats at a wider scale as a result of ocean acidification, invasive and non-native species and warming of oceans are also increasingly becoming better studied. However, our understanding of the complex, multiple interactions between human activity and our marine species, in particular impacts of specific forms of fishing activity on our seabed\textsuperscript{25}, impacts of construction noise on cetaceans and the cumulative impacts of human activity needs developing. The cumulative impacts of these activities taking place within the same space are believed to be significant but complex to measure due to limitations in data, multiple interactions and overlaps in space and time.

Whilst declines in our marine environment have been well documented at a national, European and indeed a global level, a detailed understanding of our marine environment is still poor. Knowledge of the biological makeup of our seabed, and the life cycles, population

\textsuperscript{25} For example electric pulse fishing which has been approved on a temporary basis under the Common Fisheries Policy and which takes place within European marine protected areas in the North Sea. Scientific studies continue to look into the environmental effects of electric pulse fishing in the North Sea.
numbers, trends and interactions between marine species is still lacking. This makes decision-making in the marine environment complex and uncertain. Therefore, development in the marine environment should be balanced with the need to take a precautionary approach to protect our valuable marine features.

Impacts and pressures on the marine environment have been recognised by the European Commission and in particular in two recent reports. The report from the Commission to the Council and the European Parliament into the first phase of implementation of the Marine Strategy Framework Directive\(^\text{26}\) (Feb 2014) concluded that ensuring that EU waters are in Good Environmental Status (GES) by 2020 will require a major effort. A report published by the European Environment Agency in February 2014\(^\text{27}\) recognised the failure to protect our marine habitats noting that the conservation status was inadequate for 50% of the marine habitats assessed and that the trajectory of declines in marine species and habitats was continuing.

Declines in marine species and habitats would suggest that we have not yet managed to get the balance right and co-operation and co-ordination across Member States is crucial in order to address some of these evidence gaps, in particular when it comes to best practice in reducing impacts. The development of best practice will also help reduce the burden of evidence gathering for each new marine project proposal.

a) User conflicts and the need for regional marine planning

The ever increasing demand for marine space in EU waters, combined with the European Commission’s drive for economic Blue Growth has led to user conflict at a number of levels. The licensing of commercial developments takes place on a case-by-case basis with potential impacts being identified at a local level but often without appropriate regard to ‘in-combination effects’ with other proposals and other on-going activities. It would be more effective to take a strategic approach to licensing new developments and to develop a clearer understanding of spatial needs. In some cases, inappropriate developments, which have not undertaken adequate environmental assessments, take space away from more suitable uses, and can even prevent future development of the same activity nearby on the basis of potential cumulative impacts.

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 and the plans so far, developed in the North Sea area have not included fisheries and future conservation designations. The use of marine plans could help to reduce conflicts between users provided that all activities are considered and the plan is future proofed. Regional co-operation could help ensure that local and national plans are coordinated and consider the needs of regional seas as a whole.

a) Legislation affecting the marine environment

The Marine Strategy Framework Directive is designed as an all-encompassing piece of environmental legislation for the protection and restoration of the marine environment. The overarching objective of the Marine Strategy Framework Directive is for all Member States to have achieved ‘Good Environmental Status’ in the marine environment by the year 2020


at the latest. As a framework directive, it anticipates that there will be different conditions, problems and needs within the waters of different member states and so allows discretion to Member States in relation to what the ‘necessary measures’ are to achieve the overarching objective. The importance of regional co-operation is highlighted in Article 6 which requires Member States to ‘make every efforts, using relevant international forums, including mechanisms and structures of Regional Seas Conventions, to co-ordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region or sub region’.

The achievement of Good Environmental Status ultimately needs to be a combined effort, with all Member States around a Regional Sea basin implementing measures on an equitable basis. Our seas are inescapably transnational, so, for example there is little to be gained from one nation taking far-reaching steps to reduce marine litter, or improve biodiversity protection if these are not matched elsewhere in a Regional Sea. What is lacking is a joined up approach to the different Directives and therefore Europe does not have a single vision for our marine environment.

To what extent do you agree with the recent conclusion by the European HOPE Conference 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?

The ecosystems that support marine living resources, as well as charismatic mobile species, operate at regional seas, oceanic and global scales. This means that activities in one nation’s waters can be dramatically affected by those occurring in the waters of quite distant nations. It is therefore crucial that EU Member States are able to effectively work together in order to ensure that decision-making - at EU, national and regional levels - provides the best solutions to tackling the risks to the EU’s marine environment.

We agree with the conclusions of the EU’s Article 12 assessment of progress under the Marine Strategy Framework Directive, and conclusions of the EU HOPE conference, that regional cooperation between countries sharing the same marine sub-region should be significantly improved in order to reach and maintain Good Environmental Status (GES). Such co-ordination and cooperation across Member States, while recognising issues specific to individual countries, is vital to manage a number of the impacts in our marine environment. If we are to properly tackle and appropriately manage a number of pressures in our marine environment, including pollution, fishing pressures and underwater noise, both on our fish stocks, mobile species such as harbour porpoise and our wider marine environment, this will require cooperation at a regional level. We recognise that this is best undertaken at a Regional Seas level in order to ensure best practice and cooperation between Member States that share bodies of water but this should not be instead of domestic implementation.

Cooperation and a coordinated approach to managing marine features are important when addressing conservation of migratory or highly mobile species. For example, the transnational shared seas nature of the fisheries resources mean that for the vast majority of species, fishing cannot be satisfactorily regulated by Member States and/or local and regional authorities individually and there is a great need for coordination and cooperation to ensure that these resources are appropriately managed. Migratory birds also often require conservation action in several countries at breeding, passage and wintering stages.
This need for appropriate and effective management of shared resources is particularly apparent in the context of the Common Fisheries Policy (CFP). It is worrying that while decision-makers were reforming the CFP, which included as a high-level and overarching objective the need to fish at sustainable levels on the basis of best scientific evidence, the Council of Ministers actually increased the amount of overfishing they allowed under annual catch opportunities. The Commission’s communication on fishing opportunities for 2015 reported that for 2014, Total Allowable Catches (TACs) were set 35% higher than the scientific advice for sustainable catch limits. This was 6% higher than in 2013 and 24% more than the lowest level of disparity (11%) achieved in the last decade.

Restoring and/or maintaining stocks at healthier (i.e. higher) levels will allow them to be more resilient in the face of other pressures, including pollution and climate change. The revised CFP should contribute to helping achieve this, as it includes a legally-binding requirement for decision-makers to set sustainable catch limits and to follow scientific advice. In cases of uncertainty with regard to sustainable fishing levels, the need for a precautionary approach (i.e. lower exploitation) is all the more compelling given the growing evidence of poor recruitment across a wide range of fish stocks in EU waters. Reducing fleet overcapacity is another aspect of tackling overfishing. The revised CFP includes stronger provisions for Member States to ensure that their fishing capacity is in line with their fishing opportunities. Not achieving this balance will have negative financial implications under the European Maritime and Fisheries Fund.

Cooperation and a strategic approach also needs to be considered with regard to marine mammals, which range across member state boundaries. This is particularly relevant in the North Sea, where offshore renewable energy developments are being planned in deeper waters and therefore in closer proximity to other Member States’ waters. Underwater noise pollution resulting from pile driving during construction is of particular concern. Not only can it cause physical injury to marine mammals but the impacts on behaviour can spread several 10’s of kilometres away from the source of the noise. The long term implication of this impact is unknown and it may not be possible to measure it unless dramatic declines result. Furthermore, the use of certain types of vessel in the construction of these developments can also create a hazard for marine mammals unless the proper mitigation is included.

A strategic approach to cumulative impacts on marine mammals from underwater noise is required. For example strategic planning of construction times is needed so that the Marine Strategy Framework Directive Descriptor 11 target for the introduction of energy that does not adversely affect the marine environment (including underwater noise) can be met. A coordinated approach to such a Descriptor 11 target across Member States is also essential. Whilst there is a degree of similarity to the approach currently being taken, some Member States are more ambitious than others, for example Belgium and Germany are planning to have a quantitative noise threshold limit, whereas the UK and others are only proposing to establish a noise registry.

We have concerns about the UK’s management of fishing activity within European Marine Sites (designated under the EU Birds and Habitats Directives) and UK national sites in offshore waters. Under the Birds and Habitats Directive, the UK has an obligation to ensure that no activity takes place within a European Marine Site that would ‘adversely affect the integrity of the site’ with the overall aim being to ensure that the protected habitats and

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28 COM(2014)388 final
species within each site are maintained at ‘favourable conservation status’. In addition, the Marine Strategy Framework Directive also requires Member States to put in place an ecologically coherent network of Marine Protected Areas and includes obligations for Member States to adopt measures to regulate human activities likely to have a significant impact on marine protected areas.

The Common Fisheries Policy stipulates a new process for how Member States must implement such conservation measures where they affect the fisheries interests of other Member States. This can result in complex negotiations between Member States, which are often dominated by fishing interests. It is essential that during negotiations, each Member State has a clear understanding of the environmental stringency that is expressly incorporated through the Common Fisheries Policy in respect of a Member State’s compliance with EU environmental law, marine protected areas measures. To assist this process, the European Commission - and in particular the Directorate General for the Environment which has the relevant expertise and responsibility for ensuring that EU nature conservation laws are being complied with - must provide clear leadership and guidance and only allow measures that are compliant with a Member States environmental law obligations. The European Commission can adopt urgent conservation measures on a temporary basis itself (for example if Member States cannot agree solutions amongst themselves) and this power should be utilised by the Commission where necessary. Again, this must be carried out by DG Environment.

We have concerns that complex, ongoing negotiations over management of these sites will greatly delay the implementation of appropriate management, thereby reducing the likelihood that the UK (and other Member States) achieves compliance of its EU environmental laws in the marine environment, including reaching good environmental status by 2020. For example, transboundary negotiations regarding bottom fishing within the 3 designated SACs on the Dogger Bank (UK, Netherlands and Germany) have been taking place since 2011 without an outcome, meaning fishing activity in this region is still taking place unchecked. This is coupled with the added complexity that each of the 3 Member States has designated its SAC for different features, and with different conservation objectives. 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.

However, whilst cooperation across Member States is important, it is also vital that countries are able to adopt management measures that are appropriate for them given their individual ecological and sectoral characteristics. For example, the European Commission has recently proposed a ban on small-scale drift net fishing in EU waters. This is in response to the devastating effects that drift net fishing has had in the Mediterranean where vulnerable and protected species including turtles, cetaceans and sharks can end up entangled in nets. Whilst a ban on this type of fishing in the Mediterranean would likely have a positive impact on the conservation of vulnerable species if it were effectively enforced, we have concerns that a blanket EU-wide ban would not have the same benefits in UK waters. A ban on small-scale driftnets in UK waters may result in fishermen that currently operate with low-impact, low-bycatch gears (some of which are certified by the Marine Stewardship Council), turning to more damaging types of fishing, such as trawling, or gears with higher bycatch rates. If, as suspected, the UK can produce evidence showing the low-impact and low-bycatch level of their small-scale driftnetters, we would support their position that a blanket ban is not
appropriate in this case, and indeed may be detrimental to achieving and supporting more sustainable methods of fishing.

A regional approach to marine health and productivity: Case Studies

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.

Marine Spatial Planning

Sub-national marine planning is now underway in English waters, with similar plans being developed in the devolved countries. The first of these, the East Inshore & Offshore Marine Plan was adopted in April 2014 and covers almost 60,000km² of the southern North Sea, extending into the Dogger Bank. Marine plans are intended to bring a more strategic approach to our use of the seas and give direction for all sea users. Although these plans do largely sum up the existing set of policies affecting the marine environment, with some guidance on how these should be applied, we are not convinced that the policies within this plan currently address the complex issues of different sectors competing for the same space. We do, however, recognise that these were the first plans in a new process and if done well, marine plans could be a useful tool in reducing the risks to the marine environment brought about through multiple sector use.

We are encouraged by the development of the marine plans covering the English Channel from Dover to Dartmouth, and continue to engage proactively as Link organisations in each of the marine planning processes around the UK. At the regional level, we would like to see the UK engaging more proactively through OSPAR’s ICG_MSP subgroup, which currently does little but could be a useful forum for exchanging best practice. Together with the introduction of the EU Maritime Spatial Planning Directive, which will require reporting to the European Commission, marine planning should become a more cooperative process across EU seas, with each region/member state having to consider neighbouring marine plans to ensure a joined up and strategic approach to use of the sea.

Marine Protected Areas under the Marine Strategy Framework Directive

As referred to above, the Marine Strategy Framework Directive stipulates that measures to achieve Good Environmental Status shall include ‘spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems...in the framework of international or regional agreements to which they are parties.’. However, there is no mechanism through which member states can co-operate in the development of marine protected areas to build a
network that is ecologically coherent across different regions and boundaries. Ecological coherence is poorly defined, and while England and France have co-operated on an analysis of ecological coherence within the Channel region, there is no obligation on Member States to co-operate with one another in designating sites.

An international consortium has been commissioned by DG Environment to develop and test methodology and criteria for assessing coherence, adequacy and representatively of European networks of marine protected areas. It is not currently clear whether DG Environment will provide any specific guidance or targets on meeting ecological coherence criteria.

There is significant variation in the coasts and marine environments of Europe, from the highly indented coasts of Scotland to the low energy, soft sediment environments of Belgium and southern England. European countries have taken different approaches to the implementation of the Birds and Habitats Directives, with variation in how features have been demarcated and managed. Some countries, such as France and the UK are also implementing national networks of marine protected areas. The challenge therefore is to be able to provide meaningful, but flexible criteria that leads Member States towards ecological coherence. Currently, the development of MPAs takes place in an ad-hoc manner, with assessment provided on a bi-annual basis by OSPAR.

Link commissioned a report on the ecological coherence of the UK marine protected area network in June 2014 and concluded that whilst MPA network properties vary across UK regions, with good percentage coverage in some places, overall the network is some distance away from being ecologically coherent.

**Energy Co-operation**

Offshore electricity cabling is the lowest cost way to enable integration of variable renewable electricity supplies into Europe’s grid, both from onshore and offshore sources. As such it is essential for tackling climate change. However these developments must be compatible with the need to protect and enhance the marine environment and biodiversity – both individually and in terms of the overall grid architecture.

Avoiding unnecessary economic, environmental and social impacts will be important to secure government, stakeholder and public support for rapid development and to maximise short, medium and long-term economic, environmental and social benefits. This requires integrated and sensitive planning involving governments and stakeholders across the region.

Developing the North Sea Grid in a low-impact way requires:

- Closer working relationships and strategic partnerships between stakeholders to develop shared visions and share knowledge;
- Collection and sharing of methodologies and data to enable authorities and regulators to coordinate effectively;

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Cross-border cooperation to assure effective marine spatial planning and environmental assessments that takes cumulative impacts into account effectively and to a common, high standard.

We are concerned that current institutional arrangements do not enable this kind of integrated planning and knowledge sharing. Grid planning is coordinated by ENTSO-E, the umbrella group for European grid operators. However its Ten year Network Development Planning process remains very much a ‘bottom-up’ process, derived from national plans that often take little account of European priorities and coordination needs. National plans and regulatory regimes are very poorly integrated at present, and the European regulator ACER as yet has little power to improve coordination. The North Sea Countries Offshore Grid Initiative is a valuable forum bringing together national governments to advance a more integrated approach and better coordination. However to date this forum has failed to overcome the challenges to more integrated working identified above.

Overall, we believe there is scope to improve regional inter-sectoral co-operation and that there is value in doing so to reduce conflict, plan more efficiently and understand spatial needs of different sectors. An example of effective regional collaboration between Member States and sectors is the EC LIFE+ Celtic Seas Partnership project. The Celtic Seas Partnership (led by WWF-UK) is an innovative model for cooperation between countries and sectors, which facilitates engagement between sea-users, industry, governments and the scientific community across the Celtic Seas to support delivery of the MSFD.

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?

In the case studies above, we have highlighted the need for regional co-operation at a strategic level to ensure coherence and collaboration where necessary. The designation and management of marine protected areas, measures under Marine Strategy Framework Directive and marine plans needs to be undertaken at a national level. We advocate strong, well-resourced regional co-operation with a clear framework for delivery.

A regional approach means that countries in a Regional Sea context are taking a balanced and equal commitment to achieving compliance with environmental laws as well as sharing resources and expertise. Decisions are also being taken at an appropriate scale that can ensure the overall good management of a Regional Sea. Regional co-operation needs to be able to provide a clear framework that will provide clear boundaries within which it can be delivered at a national or local level. This can be an iterative and two-way process through which the development of national implementation can be subsequently assessed and updated at a Regional level.

Potential processes to develop a coherent regional approach

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 Sea 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?
We are unaware of an ideal model for regional co-operation in other parts of the world. In our view the following are essential components of a well-functioning regional approach:

- A strong, well resourced Regional Seas Convention that can direct Contracting Parties (and where relevant) Member States to take action to meet requirements of Convention or EU Directives respectively.

- Legislation that is coherent and complementary, that is implemented effectively and is well understood.

- A long term role for sector or issue specific organisations – often these are project led, and institutional memory, relationships and capacity are lost when the project ends.

Wildlife and Countryside LINK
Key points

- The marine environment is under increasing pressure and a more coordinated approach across sectors and countries is needed at a regional scale, in line with the ecosystem approach.

- WWF promotes regional co-operation, co-ordination and improved governance as core principles for effective marine management.

- WWF would like to highlight the LIFE+ Celtic Seas Partnership project as an example of effective regional collaboration between Member States and sectors.

- Regional decision-making structures (e.g. OSPAR) should be strengthened to ensure regional coordination is considered before national implementation and there is a mechanism to link it with stakeholder forums.

- The Celtic Seas Partnership model should be replicated in the North Sea (and other sub-regions) with the development of a regional stakeholder forum providing coordinated advice into a strengthened regional decision-making process.

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?

The marine environment is under threat from a range of different pressures. There has been an increase in the number of activities operating in the marine environment and technological advances are allowing greater levels of exploitation. Traditional industries such as fishing and aggregate dredging are now having to co-exist with ‘newer’ industries such as renewable energy and mining. The demand for space is increasing as our seas become busier and 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. Very little space is being left for nature with only 6% of Europe’s seas designated as conservation areas. Climate change impacts are putting further pressure on the marine environment. In the UK we are living as if we had two extra planets at our disposal, and globally using 50% more resources that the Earth can provide (WWF Living Planet findings32).

Healthy and resilient European seas and coasts are a critical prerequisite for healthy and resilient communities, economies, marine habitats and biodiversity. Currently the conflicting use of the seas, with sectors and countries operating in isolation from each other, are all exerting pressure on the marine environment. Coastal regions are tremendously important for Europe’s economy:

- Approximately 40% of the EU’s population lives within 50km of the sea.

32 WWF International Living Planet Report 2012
• Almost 40% of the EU’s GDP is generated in these maritime regions,

• 75% of the volume of the EU’s foreign trade is conducted by sea.\textsuperscript{33}

The future potential for ‘Blue Growth’ is being greatly undermined by the single sector approach to management of our marine resources, causing unnecessary conflict and competition which delays sustainable management. There is not enough recognition of environmental limits, which has contributed to habitat loss, pollution, and accelerated coastal erosion - ultimately reducing people’s quality of life.

It is therefore clear to us at WWF, as well as colleagues from the public and private sector alike, that a much more holistic and integrated approach to the protection, management and use of our seas is urgently needed. The Maritime Spatial Planning (MSP) Directive should work towards addressing integration between sectors but only if it is fully aligned with other policies and supports the achievement of Good Environmental Status (including decision-making based on the ecosystem approach). There are currently few formal or informal mechanisms in place to secure the necessary cross-border co-operation (between sectors and between levels of government) to ensure MSP works at the regional seas scale.

The Marine Strategy Framework Directive is crucial legislation that should help to achieve healthy and sustainable seas. It includes important requirements for the use of the ecosystem approach and regional coordination. However, progress to date indicates a lack of coherence between policies and a lack of ambition to address them by Member States. In order to achieve Good Environmental Status we must have the necessary integration across policies, departments, sectors and countries. And that involves ensuring that the Blue Growth agenda and other policies are based on the same sound principles of the ecosystem approach and the need to achieve GES in order to support the environment and the industries that depend upon it.

Examples of risks to the marine environment caused by lack of cross-border collaboration include:

- conflicts between fisheries, windfarm developers and conservation interests such as experienced over the use of the Dogger Bank in the North Sea;

- unclear governance arrangements for fisheries (e.g. between England and Wales over inshore fisheries; the lack of accountability of Regional Advisory Councils in offshore waters to other marine interests) resulting in a lack of co-ordinated management and unfair representation in decision making;

- lack of ecological coherence caused by inconsistencies over Marine Protected Area designation in different countries.

To what extent do you agree with the recent conclusion by the European HOPE conference 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?

WWF has been promoting regional co-operation, co-ordination and improved governance for many years. We believe these elements are vital to safeguard our seas. In addition, we

\textsuperscript{33} European Environment Agency ‘marine messages’, 2014
believe marine management should be based on the ecosystem approach, ensuring the consideration of all aspects of the ecosystem, including human activities and involving stakeholders. In order to tackle regional cooperation and coordination, WWF has led on two LIFE+ projects to investigate the issue and demonstrate how genuine engagement and co-ordination can operate: the PISCES project (2009-2012) and the current Celtic Seas Partnership project (2013-2017). Both projects have engaged stakeholders from across a range of sectors and countries in marine management and policy implementation - in order to increase co-operation, improve understanding and ultimately deliver more sustainable activities and healthier seas.

Although co-operation and co-ordination are critical to addressing the status of the marine environment, this must also be mirrored by a strong ambition and commitment from the UK Government to tackle the problems. The recently published European Commission’s Article 12\textsuperscript{34} report on progress to date with MSFD implementation, highlighted major problems across Europe, not just with regional co-operation. The EC’s press release stated “The Commission’s analysis shows a marine environment that will require urgent efforts to reach good environmental status by 2020.” The report highlighted that many Member States have failed to take other policies into consideration, including the Habitats Directive and the Water Framework Directive. There is also a general lack of ambition to do more above and beyond existing policies and measures. Crucially, the ability for Good Environmental Status to be achieved at a regional scale is in jeopardy as there has been limited coordination between countries, despite the requirement for this in the Directive.

Although the UK appeared to do better than some countries, it is essentially the ‘best of a bad bunch’ with major shortcomings in the level of ambition of targets, a lack of reporting on the impacts from pressures and a lack of detail on existing and planned policies and measures, all highlighted in the report.

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.

The identification of spatial protection measures, such as Marine Protected Areas, is largely being led by national MPA programmes in individual Member States with little regional coordination. 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

\textsuperscript{34} http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0097
Member States within MSFD sub-regions. WWF is planning to carry out an assessment of the MPA network in the Celtic Seas MSFD sub-region in order to identify gaps and help Member States apply a coordinated approach to addressing these gaps.

The main example of effective regional collaboration between Member States and sectors that WWF would like to highlight is the LIFE+ Celtic Seas Partnership project. This WWF-UK led project is one of the few examples of large-scale regional cooperation across marine sectors and across a number of Member States. This four year (2013-2017) project focuses on the Celtic Seas: an MSFD sub-region of the North East Atlantic region. The aim of the project is to support the delivery of Good Environmental Status in the Celtic Seas, by facilitating engagement between sectors and across borders. Specifically, we are aiming to achieve:

1. Increased stakeholder understanding of marine policy
2. Building and developing relationships between sectors and countries
3. Influencing management practices
4. Increasing stakeholder involvement in marine policy and decision-making
5. Improving the availability of information at the Celtic Seas scale.

In order to achieve this we are engaging stakeholders across the Celtic Seas countries (UK, France and Ireland) from all the main marine sectors, NGOs, academics and governments in project activities. One of the main areas of focus is a process of developing management measures with stakeholders that will feed into government consultations on MSFD ‘Programmes of Measures’ (due to take place between January and March 2015 in the UK), and a small number of measures that will be further developed through the project. We started this process at a multinational workshop in October 2013 and it has progressed through the use of online surveys and a series of 6 workshops in Scotland, Northern Ireland, Wales, England, France and the Republic of Ireland between May and September 2014. The Celtic Seas Partnership Observer Board includes representatives from DEFRA, the Devolved Administrations, the French and Irish Governments, the European Commission and OSPAR. The Observer Board meets approximately quarterly to review project progress and ensure that outputs are adding value to and are appropriate to feed into existing government work. This also represents a valuable opportunity for the government representatives to exchange information and knowledge at the Celtic Seas scale on MSFD progress.

In addition, we are also using a number of place-based case studies to investigate:

i) cross-border governance arrangements (e.g. through OSPAR, Irish Loughs Agency and cross-border estuaries within the UK)

ii) the co-location of marine activities and conflict resolution between sectors (e.g. between renewables and conservation interests in Strangford Lough)

These case studies will be used to develop a series of good practice guidelines.

We are also investigating the links between integrated coastal zone management (ICZM) and MSFD policy implementation in theory and practice. For example, how can ICZM principles
and examples of delivery support MSFD implementation. The North West Coastal Forum and Irish Sea Forum have a 10+ year history of cross-border and cross-sector collaboration effort which may help to demonstrate positive impact relevant to the larger marine sub-region.

In collaboration with one of our partner organisations, the Natural Environment Research Council (NERC), British Oceanographic Data Centre, we are looking to develop a web tool and strategic guide for data harmonisation for the Celtic Seas to aid management at this scale.

Throughout the project we are demonstrating a model that can be applied to other areas in Europe, including the North Sea. We recommend that each European marine region or sub-region has an active stakeholder forum where sea-users, scientists, NGOs and government representatives can work together across sectors and borders to support regional coordination. A regional forum provides a mechanism for stakeholders to provide advice and recommendations to governments or an overarching regional decision-making body and ultimately help with the implementation of national policy.

In the North Sea, there have been some recent efforts to set up a stakeholder forum by the North Sea Commission and the Scottish Government. Although this initiative has not gone ahead, there is the recognition amongst many sectors and governments of the need for stakeholder forums to aid cross-sectoral working at a regional scale.

**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?**

The advantages of regional co-operation in the Celtic Seas Partnership include the ability to consider activities at a scale that makes sense for industry, which needs to operate in multiple countries' waters, and for the environment, whose ecosystems are transboundary, rather than being restricted to administrative boundaries. It also allows the identification of synergies between different sectors and highlights areas of potential or future conflict. Regional cooperation in this project also allows stakeholders to feed directly into policy implementation of the MSFD and gives a co-ordinated Celtic Seas voice that would not be possible through national consultations alone.

The main disadvantage or challenge of regional co-operation in the Celtic Seas Partnership relates to the scale of engagement. Across the Celtic Seas there are differences in language, culture and different national contexts. Different countries will have different priorities and often different timelines for delivery, even with the same legislation. This means that a tailored approach has to be taken for each country. As the Celtic Seas is such a large area it can be difficult for stakeholders to identify with it as compared to a more local area.

In order to address the issue of national versus regional approaches in the Celtic Seas Partnership, we take a bottom-up approach, holding both national and multi-country events. We aim to identify and represent local issues and challenges then relate them or prioritise them based on one of our core selection criteria: whether the issue has a transboundary element and would benefit from tackling it at that scale.
The Celtic Seas Partnership has a total budget of €4M over four years and dedicated full-time staff in each of the six project countries to engage with stakeholders on the ground. This is reflective of the resource intensive nature of stakeholder engagement.

The advantages of regional seas co-operation do not only relate to the coherent implementation of MSFD or indeed legislation. There are social, economic and environmental benefits from fostering cross-sector and cross-border collaboration at this scale (e.g. for the transfer of knowledge to support renewable energy development, to stimulate transport and tourism and to inform approaches to habitat monitoring and management). Many of the benefits to industry and the environment from offering a networking platform are unquantified. The development of new methodologies to help monitor and evaluate the engagement process and its impact at this scale would be very useful.

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 Sea 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?

Through the Celtic Seas Partnership project we are assessing the ideal model for regional co-operation involving stakeholders. The Regional Seas Conventions play an important role in regional cooperation at the government level, but there is limited involvement of stakeholders and OSPAR does not include fisheries or shipping. The role of regional stakeholder forums should be recognised and supported in order to feed into the governance structures.

The MSFD requires regional cooperation but provides very little detail for how this should happen other than referring to the Regional Seas Conventions (RSCs). The role and mandate of RSCs should be strengthened to allow for enhanced decision-making at the North Sea or Celtic Seas scale (MSFD sub-regions). This should be supported by the recommendations and input from a stakeholder forum. This would result in better policy and decision-making as well as stronger buy-in to implementation from stakeholders.

The result would be regional decisions informing national policy implementation, rather than national policy disparities causing potential conflicts between interests and delays in implementation. Trying to add on regional cooperation to separately developed national systems will not lead to greater cooperation and coordination. The structures to implement MSFD need to be formalised and have a clear mandate and role in decision-making that is transparent and accountable. Initiatives such as EU macro-regional and sea basin strategies have helped to create more of an identity at the regional scale but are not sufficient to deliver the integrated approach that is required for national governments to actively coordinate activities and policy implementation and listen to the views of stakeholders.

The Fisheries Advisory Councils represent an example of a coordinated stakeholder response at a regional scale. However, the Advisory Councils are focused on fisheries matters only and, as well as a need for a regional approach, there is also a need for a
balanced cross-sectoral approach in such governance structures to ensure that cumulative impacts of multiple activities are taken into account and we move away from managing marine activities in isolation from each other.

Experience from elsewhere in Europe such as in the Baltic Sea through the BALTSEAPLAN project, in the Mediterranean through the ICZM Protocol and the Wadden Sea through the Secretariat and Stakeholder Forum are worthy of detailed investigation to inform future regional seas co-ordination around the UK. The nature and style of the leadership for regional seas co-ordination and the value of a neutral secretariat service to generate trust, needs to be considered.

WWF believes the principles and approach of the Celtic Seas Partnership model should be replicated in the North Sea with the development of a regional stakeholder forum providing advice into a strengthened regional decision-making process.

WWF UK

Transcript to be found under Marine Conservation Society, RSPB, Wildlife and Countryside Link, WWF — Oral Evidence (QQ 98-106)