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Dear Helen

Consultation on a Strategy for Marine Protected Areas in Wales: Protecting Welsh Seas

BWEA welcomes the opportunity to respond to this consultation on the strategy for marine protected areas in Wales.

The British Wind Energy Association (BWEA) is the leading UK renewable energy trade association. With over 500 corporate members BWEA represents the large majority of the wind, wave and tidal energy companies in the UK.

BWEA is informed by an established and active network of working groups consisting of leading experts in the wave & tidal industry. BWEA has received multiple individual contributions on the consultation from member companies. BWEA is therefore suitably well placed to comment on a strategy for marine protected areas in Wales. Overall comments are made below, with individual section assessments on the following pages.

BWEA welcomes this coordinated approach towards conservation of Marine Biodiversity, and would urge that it is undertaken with a focus on sustainable development. In line with this BWEA would greatly appreciate being involved in all consultation and workshop opportunities where possible, in order for the voice of offshore renewables industry to be justly heard.

As this is an overarching strategy for conservation, and given the current energy crisis and dangers faced from climate change, there should be an overarching strategy for sustainable marine development. Whilst conservation is crucial to the health of the marine environment, there are other factors that are important and BWEA feel these

issues are not justly represented in this document. Whilst the document is a conservation strategy that addresses EU policy and hence obligations, this could be achieved with the inclusion of a sustainable development strategy.

BWEA believe that a high level target of this document should be to tackle climate change; through both the conservation of the ecosystem and facilitation of sustainable development of the Marine Environment.

BWEA hope that our consultation response is useful and constructive in forming the Government's decision statement. BWEA are fully committed to working with the Government to further our mutual ambitions for maximising offshore renewable energy generation and volunteer the use of our network of industry working groups.

Please do not hesitate to contact me should you have any questions.

Yours sincerely,

Duncan Ayling
Head of Offshore
BWEA



Time Frame

It will be critical that government understands that establishing a coherent marine protected area network by 2012 is an extremely challenging deadline. It is important that during this process there is maximum stakeholder engagement and that the stakeholder group should include members with industry knowledge of marine renewables.

Developing the MPA Network

Design Principles of the MPA Network

BWEA believe that whilst network design should be based on the best information currently available and that lack of full scientific certainty should not be a reason for postponing decisions on site selection. This should also not be used as a reason to prevent the deployment of novel technologies. Marine renewable energy is a relatively new marine activity and while many of its features benefit from oil and gas technology, it often seeks to place novel devices in new situations. This is true of wave and tidal devices and also new offshore wind turbines. The industry is working hard to gather the data needed to provide greater understanding of the environmental impacts of these devices. BWEA feel it is imperative that if and when new evidence relating to the impact of renewable devices in the marine environment arises, it can be used to redefine the guidance notes for instillation and development with MCZs. Hence allowing the most up-to-date knowledge and understanding to be utilised, preventing serialisation of the sea bed and paralysis of the renewables industry, whilst also facilitating European conservation measures.

BWEA welcome the need to incorporate climate change adaptation as an integral part of the process; however how this is implemented will have to be clearly defined. The potential contribution that offshore renewables (wind, wave and tidal) can make to the fight against climate change is well documented. To aid guidance on how to incorporate climate change adaptation in the MPA network, BWEA suggest that clear reference to national renewable energy targets and the maximum contribution that each marine area could contribute to this, without conservation restrictions, is highlighted.

Improving the Management and Coherence of the MPA Network

"coordination of management of MPAs to deliver site-level and network-level objectives as well as broader biodiversity targets. The existing management schemes on many of the marine SACs in Wales have established coordination between statutory authorities and wider stakeholders in relation to MPA management at the site level. Improved coordination of this work would help to maximise the benefits of site management for the network as a whole."

"The primary aim of the network will be nature conservation and not to protect or restore commercially important fish stocks for enhanced commercial exploitation"

BWEA believe that greater reference should be made to the need to address climate change impacts and actions that can be taken to mitigate these measures, e.g. through the deployment of offshore renewables.

Selection of Additional MPAs

Whilst establishing MCZ's it will be fundamental that clear guidance is provided as to what activities will be permitted, this will be fundamental in Highly Protected Marine Conservation Zones. It will also be essential to revisit this guidance as new scientific evidence relating to the impact of activities upon the marine environment becomes available, e.g. developed learning of the impacts of marine renewable devices. This will facilitate the desired protection of the marine environment, whilst allowing for sustainable development of the sea bed and the ability to harness the power of the seas to help fight climate change.

BWEA believe that the incorporation of ecological and socio-economic information will only be obtainable through extensive stakeholder dialog. Considering the tight time frame offered for this project, the designation of Welsh MCZ will have to be highly coordinated and focused. To ensure this approach is adopted, BWEA would like to express interest in attending any events intended to determine how the MPA network is built.

Guidance for Identifying, Selecting and Designating MCZs

BWEA will respond to the associated guidance documents in due course.

Managing the MPA Network

"Plans or projects will generally not be licensed/permitted if appropriate assessments cannot conclude that operations would not have an adverse effect on the integrity of the site. The exception is where, in the absence of an alternative, the plan or project is declared to be of overriding public interest. In these cases, compensatory packages must be developed to offset damage to the site."

Appropriate assessment may pose an issue for the wave and tidal industry as currently there is little information on the impact of these devices. Management Schemes are integral to engaging with stakeholders; hence it will be important that these schemes are well informed about the impacts and benefits of marine renewables. Guidelines for compensation should also be drafted.

Marine Conservation Zone - proposed management regime

"This will mean different things for different bodies but could include requirements:

- to introduce restrictions on activities, wherever they take place, that would otherwise result in the objectives of a site not being achieved; and*
- to take positive measures to control damaging activities, such as taking action to mitigate impacts, where they have the powers to do so."*

The restrictions and actions required for MCZ management will need to be clearly defined. Consideration should be given to new scientific evidence, to allow previous prohibited activities. Deployment of renewable energy mitigates climate change, reducing carbon emission and subsequent acidification of oceans.

"Public authorities will also be under a duty in relation to certain decision making functions. Where necessary, we will prepare guidance for decision makers on the factors which may be relevant to the decisions on applications to carry out activities which may be capable of affecting a feature of an MCZ or a process on which a feature depends. It is important that decision makers are fully aware of the impacts of activities, which have a net benefit in reducing carbon emission and reducing acidification of the marine environment, e.g. deployment of marine renewables.

The CCW is working to consider the activities that are likely to be compatible with an MCZ afforded a high level of protection."

BWEA strongly welcomes the consideration of net benefit activities that reduce carbon emissions. The implementation of this thinking will be difficult and hence should be rely on a joined up approach, working with other regional MCZ projects. Industry and government should both invest in establishing the ecological benefits of deploying marine renewables.

Surveillance and Monitoring

"Relevant authorities are responsible for exercising their duties to secure compliance with SAC and SPA objectives; this includes undertaking appropriate assessments on plans or projects that are deemed to have a "significant effect" on site features and making sure that activities that are under their management do not have an adverse effect on these sites. These assessments will be informed by the Regulation 33 package and should ensure that any mitigation action is identified to prevent operations having an 'adverse effect on site integrity'."

It will be essential that a coherent methodology is used through the monitoring process, to take account for climatic and environmental fluctuations; hence long term monitoring programmes are required to fully assess the benefits and impacts of an MPA network. Additional monitoring of novel offshore renewable energy devices should also be promoted and the designation of experimental test sites should be a priority.

Enforcement

The Marine Enforcement Team should liaise closely with the Marine Management Organisation, to ensure that the Marine Bill is implemented in a similar manner. This will enhance continuity between Wales and England, preventing confusion and infringement, whilst providing a clear understanding and interpretation of the legislation.