



Aim

This project aimed to start to understand the marine licensing evidence base and to build a picture of commonly applied licence conditions. As well as the evidence base it considered the range of conditions used, the associated costs to industry, and began to review the necessity of such conditions and suggested improvements.

Introduction and methodology

The MMO is responsible for Marine Licensing in English inshore and offshore areas. As part of the licensing process the MMO may impose environmental mitigation measures/restrictions (i.e. licence conditions) on any Marine Licence that is issued. These conditions can result in significant time and cost burdens on industry. It is therefore important that maximum benefit is derived from the vast amounts of data and information that are generated through this process and that conditions are proportionate. This is in accordance with the principles of implementing the policies of proportionate licensing and better regulation whilst continuing to protect the marine environment, human health and legitimate sea users.

This project incorporated a review of 700 Marine Licences in which 479 different conditions were identified. A detailed review was undertaken of 35 of the Licences to look at the evidence base used for the decisions on conditions in each case. The evidence submitted in support of the applications was in a range of formats dependent on the scale of the project and the required supporting assessments. This was reviewed alongside published resources such as latest conservation advice packages from the statutory nature conservation bodies and stakeholder engagement through a questionnaire.

The implications of the conditions on industry was then investigated through project team experiences, published socio-economic impact assessments, and the stakeholder questionnaire used above.

This work along with a wider literature review and conversations with the Marine Licensing Team meant that the current practice of condition selection by the marine licensing team could be reviewed. The review of current practice and associated recommendations was structured according to the following topics: setting of conditions, survey and monitoring, maintenance of the evidence base and knowledge sharing. As part of reviewing the completed Marine Licences the accessibility and usability of the Marine Case Management System (MCMS) public register was reviewed. This was done in the context of the potential to maintain and inform the evidence base for use in future environmental assessments.

Results

The conditions could be assigned to a project phase, receptor and the requirement for post consent monitoring. The majority of Marine Licence conditions encountered were applicable to the construction phase with very few relating to decommissioning. The main drivers for Marine Licence conditions can be summarised as: notification; detailed plan submission, mitigation, and survey and monitoring. The evidence submitted in support of the Marine Licence applications was in a range of formats dependent on the scale of the project and the required supporting assessments. It is important to derive as much benefit as possible from the large body of evidence that is generated through the Marine Licensing process. Overall, the information generated through the marine licensing process is



not as available as it could be for updating the evidence base to inform both future assessments and condition setting.

Conclusions and recommendations

To further promote consistency in the setting of licence conditions the following recommendations were made:

(1) – Maintain a standardised register of bespoke Marine Licence conditions according to set parameters.

(2) – Ensure requests for monitoring are hypothesis driven and that the rationale for monitoring is understood and communicated.

(3) – Ensure data is made more available, the use of a standardised approach for developers to report to the MMO could assist with this.

(4) – Undertake an IT feasibility study to consider wider opportunities for developing MCMS and linkages to other systems.

(5) – Ensure evidence is reviewed to inform future Marine Licensing decisions.

(6) – Collation of the evidence base should centre on both sectoral and cross sectoral learning. Mechanisms for funding initiatives would need to be explored.

(7) – Future effort could focus on gaps in the evidence base, the most notable of which include (but in no particular order):

- Mechanisms by which Non-indigenous species are introduced and spread
- Sources of underwater and aerial collision risk
- Sources of underwater noise
- Effects of underwater noise
- Effects of disturbance/displacement of birds, mammals and fish;
- Recoverability of sensitive habitats;
- Effects on socio-economic receptors such as fisheries and shellfisheries; and
- Cumulative effects.

(8) – Make best use of, and expand on the principles of, existing working groups, incorporating the full range of stakeholders.

MMO comments

This report provides a number of recommendations to improve the marine licensing process in relation to conditions. This work will form a key part of discussions in the Marine Licensing team to further improve processes.

Further information

Please direct any correspondence to the Evidence Team (evidence@marinemanagement.org.uk)