

The Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA.
Sent by email to SeneddEnv@Assembly.Wales

12th June, 2015

Dear Clerk,

RE: Consultation on the Environment (Wales) Bill

Marine Energy Pembrokeshire (ME^P) welcomes the opportunity to comment on the general principles of the Environment (Wales) Bill.

1. The Marine Energy Pembrokeshire working group contains all wave and tidal developers who are interested in Welsh Territorial Waters and includes Welsh Government, The Crown Estate, Pembrokeshire County Council, Welsh European Funding Office, Natural Resources Wales – Marine Licensing, The Port of Milford Haven, RenewableUK, Marine Management Organisation, Tidal Energy Limited, Marine Energy Limited, Wave Dragon, Pelamis, Marine Current Turbines, OWEL, Marine Power Systems, OpenHydro, Minesto, Tidal Stream, Atlantis, SeaCatt, Swansea Bay Tidal Lagoon, Seabased, Carnegie, Ledwood, Mustang Marine, Nova Innovation, Wave Power, Repetitive Energy, Instream, Harris Pye, Pembroke Port, Anglesey Energy Island, the Energy Technology Institute, Offshore Catapult, Low Carbon Research Institute, Seacams, Innovate UK, Menter Mon and Wave Hub.

PLEASE NOTE Whilst all of the above are integral members of the working group the comments raised within this letter **do not contain their individual or organisational input or viewpoint as MEP members.**

In summary, our response at this stage of the bill, focussing on relevant key areas of ME^P remit is:

2. We supports the approach of sustainable management of natural resources at a national and local level, creating a statutory framework for action on climate change including targets and enhancing the powers available to NRW to undertake experimental schemes. Marine energy as a significant natural resource for Wales should be specifically included. We expand on our points below particularly relevant to Marine Licensing (Part 6).

3. The Bill is an opportunity to have more effective planning of regulatory processes and a more predictable and consistent framework for environmental decision making. Industry comment on the potential complexity with devolved and non-devolved planning in the wave and tidal stream sector e.g. Marine Licenses are decided by Welsh Ministers with the Marine Management Organisation providing a Section36 License.

4. Specifically on marine licensing in Wales, in 2014, following recommendations from the MEP working group, a consenting subgroup was established with the primary aim of reviewing best practice on a UK level and providing recommendations to Welsh Government and NRW on how Wales can streamline the consenting process.

The consenting subgroup contains representatives from industry who have experience in the consenting process in Scotland, Wales and Northern Ireland, along with NRW (Advisory and Licensing), Welsh Government (Energy Policy) and The Crown Estate.

5. These recommendations have been sent to Welsh Ministers, NRW and Amber Rudd, MP and maybe relevant for the Environment and Sustainability Committee. Below are those most potentially relevant to the Environment (Wales) Bill.

R 1 Risk-based proportionate and phased approach to consenting

6. MEP recommends that Welsh Government should adopt a policy to enable NRW to take a risk-based, proportionate approach to consenting for marine renewable energy projects. A risk-based approach would ensure that **proportionality** is considered in regulatory decision making and enable smaller, early stage and shorter-term projects to progress without being restricted due to unnecessary levels of precaution in the consenting processes.

7. An example of a risk-based approach to consenting is Marine Scotland's **Survey, Deploy and Monitor Licensing Policy**. This approach recognises that the level of required environmental data should be proportionate to the type and size of the project and the potential risks associated with the device at a particular location. It therefore allows for a phased approach to wave and tidal developments, whereby the initial deployment of a small number of devices can be gradually scaled up to a commercial scale array. In-built learning objectives and environmental monitoring from each phase of development informs subsequent stages.

8. An example of this type of phased approach is the MeyGen tidal stream project in the Pentland Firth. Ultimately, this approach could reduce the cost and time of monitoring and data collection for lower-risk proposals (which is crucial for early stage projects) and provide a clear consenting route map for larger projects. This should simplify the process, facilitating earlier consenting decisions, thus making Wales more attractive. Industry feedback indicates a belief that there is stronger policy support in Scotland through the provision of a risk-based approach to consenting. **Proposed Action – Welsh Government and NRW to review a risk-based, phased approach to consenting and consider its application in Wales.**

R 3 Develop a consenting framework with indicative timescales

9. Industry state that the consenting process in Scotland has been more prescriptive with defined stages and timetables. The process is smoother and timescales are followed. MEP recommend the development of a framework for all stages of the consenting process up to award of license, to include indicative timescales from NRW Marine Licensing Team. This would provide developers with

increased clarity as well as providing them with confidence that the regulator will be working to the same structured timetable. **Proposed Action – NRW to develop a framework with timescales that are achievable.**

10. The above are 2 of 7 recommendations that could be assisted in the Environment (Wales) Bill that considers compliance is appropriate to the extent of environmental risk.

11. Charges for further aspects of the Marine License process should consider the nascent as yet, non-commercial aspect of marine energy (wave and tidal stream) and be proportionate to the resources and timescales of delivery.

12. MEP would be happy to elaborate and be engaged further in the process and welcomes the opportunity to comment.

13. MEP welcomes the collaborative approach thus far from Welsh Government and NRW in engaging with MEP and industry. Having representatives from the NRW Marine Licensing Team and Advisory team together with Welsh Government Energy Policy as part of the consenting sub-group is very positive and “unique from an industry perspective”. MEP believes that Wales has the potential to be a world-leader in the marine energy market – as a significant generator and, just as importantly, as an exporter of marine energy knowledge, technologies and services. Welsh Government and NRW has a key role to play in enabling the consenting process to be as efficient as possible.

Yours sincerely



David Jones
MEP Project Director