

Environment and Sustainability Committee

E&S(4)–08–12 paper 3

Inquiry into Energy Policy and Planning in Wales – Evidence from the Marine Management Organisation



1. Introduction to the Marine Management Organisation

The Marine Management Organisation is an executive non-departmental public body (NDPB) established and given powers under the Marine and Coastal Access Act 2009 (MACAA 2009).

The MMO incorporated the work of the Marine and Fisheries Agency (MFA) and acquired several important new roles, principally marine-related powers and specific functions previously associated with the Department of Energy and Climate Change (DECC) and the Department for Transport (DfT).

2. Overview of responsibilities

- implementing a new marine planning system designed to integrate social requirements, economic potential and environmental imperatives, which moves England's seas towards a system of plan led regulation
- implementing a new marine licensing regime that is easier for customers to use with clearer, simpler and quicker licensing decisions
- managing UK fishing fleet capacity and UK fisheries quotas
- working with the Statutory Nature Conservation Bodies to create and manage a network of marine protected areas (marine conservation zones and European marine sites) designed to preserve vulnerable habitats and species in UK marine waters
- responding to marine emergencies alongside other agencies

3. The MMO's role in Welsh waters

The MMO has powers to issue certain consents within Welsh inshore waters under both the Electricity Act 1989 (as extended by the Energy Act 2004) and Harbours Act 1964. A summary is provided below. A summary of our powers under s66 of MACAA 2009 is also provided.

Prior to the establishment of the MMO, consent under the Electricity Act 1989 was administered by DECC. Similarly, DfT were responsible for Harbour Orders issued under the Harbour Act 1964. The transfer of the relevant marine consents under the Electricity Act 1989 (and Energy Act 2004) and Harbours Act 1964 from DECC and DfT, respectively to the MMO helps to streamline the consenting process thereby providing a more integrated service to customers.

Electricity Act 1989 and Energy Act 2004

The Energy Act 2004 extends Electricity Act consenting into the Renewable Energy Zone and brings smaller projects (>1MW) in line with EIA regulations as well as providing powers to extinguish rights of navigation and providing for statutory safety zones to be established around electricity generating installations. As such, electricity installations that generate more than 1MW will normally require consent under the Electricity Act, within Welsh in-shore waters this is presently administered by the MMO.

In summary:

- For installations that are 100MW and under the MMO will issue an Electricity Act consent and Welsh Ministers issue a Marine Licence
- For installations over 100MW the IPC will issue consent under Planning Act and Welsh Ministers will issue a Marine Licence

Harbours Act 1964

Harbour Orders are a type of statutory instrument made under the Harbours Act 1964. They are used to create or amend legislation governing harbour authorities. Since 1 April 2010¹, the MMO has been responsible for processing and determining new harbour order applications for all harbours in England and for all non-fishery harbours in Wales².

The procedure for considering harbour order applications is set out in the Harbours Act 1964. It begins with notices placed in the London Gazette and local press advertising a period of 42 days during which objections and representations may be made. During this time the MMO will also consult with appropriate bodies. The bodies consulted vary depending on the case but would include the Welsh Government, amongst others.

¹ see The Harbours Act 1964 (Delegation of Functions) Order 2010

² the Sea Fish Industry Act 1951 lists fishery harbours in England and Wales

In determining an application the MMO will make decisions in accordance with relevant policy, for example, Modernising Trust Ports. The MMO may call a local public inquiry or hearing to inform its decision where there are outstanding objections.

Harbour orders can also be subject to environmental impact assessment³ and assessment under the Habitats Regulations⁴. In cases where there are associated applications made to other bodies, for example, applications to the Welsh Government for marine licences under the Marine and Coastal Access Act 2009, the MMO will work with those bodies to streamline the process where possible.

The Marine and Coastal Access Act 2009

The Marine and Coastal Access Act introduced a new framework for managing the demands we put on our seas. This includes a new marine licensing, planning system and marine conservation powers.

The integration proposed will provide benefits from a streamlined delivery and economies of scale that could not be realised by placing those functions in separate organisations.

4. Current working arrangements with the Welsh Government

There are no formal working arrangements in place (other than provisions made under the Marine Works Regulations 2007 as amended) but the WG and MMO have a close working relationship based on the need to issue multiple consents for the same project and also for cases that have cross-border implications.

5. Case study

Marine Current Turbines Ltd (MCT) is seeking to install a marine current turbine generator array off West Anglesey. The proposed project comprises of up to 7 twin rotor machines with two 18–20m diameter rotors mounted on either side of an axial cross arm. In addition to the offshore device infrastructure including inter-array and export cables, ancillary onshore works and works in the intertidal zone, are required to connect the array to the electricity distribution network.

The MMO is currently working with counterparts in Welsh Government (WG), Marine Consents Unit to ensure a joined-up licensing process. The MMO will carry out responsible functions for s36 and the WG will issue the Marine Licence (if granted). The MMO and WG regularly update each other on progress with the application.

³ under the Harbour Works (Environmental Impact Assessment) Regulations 1999

⁴ The Conservation of Habitats and Species Regulations 2010

6. Conclusion

We hope our comments are of assistance to the committee in its investigations. We are very willing to provide additional information on any points within this submission. All of this response can be included in the public domain, and we are happy to provide a link to the inquiry from our website if requested.