

The Rt Hon Grant Shapps MP, Secretary of State for Business, Energy and Industrial Strategy

The Rt Hon Dr Thérèse Coffey MP, Secretary of State for Environment, Food and Rural Affairs

The Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities

Wednesday 26th October 2022

Improve, not replace: SUDG marine industries need stability to deliver green growth

Dear Secretaries of State,

We are writing to you as the Seabed User and Developer Groupⁱ which represents the majority of UK marine industries, including renewable energy, marine aggregates, ports, subsea cables, recreational boating and marinas, oil and gas, nuclear energy, and carbon capture storage and utilisation. All SUDG industries are committed to developing our marine environment sustainably, seeking win-win solutions for industry and nature alike.

One of our key objectives is to seek clarity, certainty and proportionality when it comes to environmental legislation and planning reform. We have years of experience working within the existing legislative framework for environmental protection and the bodies which deliver them. We believe that considerable improvements could be made to the length and complexity of the consenting process, the time it takes to reach a decision and the bureaucracy associated with gaining consent, but we also consider that most improvements could be achieved by better implementation of the existing legislation rather than widespread planning reform. We do not recommend moving away from environmental legislation such as the Habitat Regulations and the Environmental Impact Assessment Regulations, which are well established and well understood.

We are concerned that reform in England, which is not being pursued in the devolved nations of Wales, Scotland and Northern Ireland, could inadvertently add greater complexities and delays to delivering marine developments, increasing the risks of unintended consequences that may actively work against ambitions for green growth and nature recovery. Whilst we welcome the government's recognition of the planning system's shortcomings, we believe it will provide more certainty for industry if the focus instead is on:

- Improving existing legislation through better and more consistent implementation;
- Undertaking an appropriate root cause analysis of delays in the consenting regimes;
- Streamlining licencing applications and environmental assessment through:
 - i. ensuring sufficient and competent resource is maintained within statutory advisors and regulators, which will in turn encourage more timely and less risk averse decision making; and
 - ii. increasing the number of self-service applications and increasing the length of licences for ongoing maintenance activities.

The SUDG supports any re-examination of existing legislation to clarify its purpose, reduce unnecessary delays and to assist in making it more proportionate. We have extensive experience of working closely with the regulatory bodies and Defra to look for opportunities in recent years. This is continuing now with workstreams

such as the Offshore Wind Acceleration Task Force, which is focussed on speeding up an over burdened consenting process. The SUDG welcomes this work and looks forward to the benefits it should deliver, but to avoid creating different consenting pathways and considerable confusion for marine sectors, we consider it essential that any changes are applied to all marine industry licensed activities and not just offshore wind or other similar NSIP projects with a marine interest. A more holistic view is needed that recognises the ability to deliver such major projects requires a variety of enabling activities in support, including essential subsea cables, port developments and construction materials.

While regulatory reform may appear attractive, we believe a disproportionate amount of time, effort and resource would get re-directed to inward looking processes, both within industry and regulators. This would not help, at a time when the priority should be on delivering more wind energy and supporting green growth more generally, in parallel with supporting the continued operation of all essential marine industries, and ensuring that government arm's length bodies have the necessary skills to deliver their primary functions, and the resources and experience to do so.

We are eager to work closely with you to ensure that any changes to existing legislation build on, and further support industry efforts to deliver at pace the government's ambitions for green economic growth, energy security and the attainment of net zero, alongside wider commitments to nature recovery.

We would welcome a meeting with you to discuss these thoughts from SUDG marine industries on the direction of travel for planning reform in the UK.

With kind regards

A handwritten signature in black ink, appearing to read "P Barham", with a long horizontal line extending from the end.

Peter Barham, MBE
Chair of SUDG

¹ The SUDG is an informal grouping of key UK marine industry trade body associations, whose participants have a common interest and commitment to sustainable development within the UK's marine environment.