

Marine licences: changes to fees, exemptions and self-service licences

Energy UK is the trade association for the energy industry, representing companies investing billions of pounds to secure our country's current and future energy needs.

From growing start-ups to major electricity generators, grid and infrastructure developers and energy suppliers, our members are driving change across power, heat, transport and flexibility.

We provide a collective voice for the sector working with governments, regulators, charities and other organisations to provide crucial insight that shapes policy, offers solutions and promotes best practice.

Our broad view across the whole system supports evidence-based positions which are not tied to particular technologies, and are focused on delivering strategic benefits for people, businesses and the economy.

We champion initiatives such as our Vulnerability Commitment, which pushes suppliers to go beyond regulation to support customers with additional needs, and TIDE, the industry's drive for greater inclusion and diversity. Through our Young Energy Professionals Forum, we support the development of future leaders.

We are equally committed to our team and are proud to be recognised as a 'Gold' Investors in People employer.

Energy UK view

Regarding self-service, Energy UK supports the amendments associated with tethered scientific instruments and risk to navigation. In relation to UXO investigation, that is also supported, but further detail on the criteria is needed.

On exemptions, the amendments around water hull cleaning are supported by Energy UK, and this could be expanded to including cleaning of structure as well.

This review is an opportunity to discover greater efficiencies through additional pragmatic amendments to the self-service tool to avoid filtering out all offshore wind related maintenance works due to the association with an EIA development.

Energy UK wishes to disagree on the proposals in the consultation around fee increases. It is noted that the aims of the consultation are for a higher quality and timelier regulator, delivering better value for money in its services. Deliverability and accountability for developers are noted as well. However, there is a disconnect

between the aims and the proposals of the consultation. The direct link between increased fees and improved service is not made in the consultation document, with it remaining unclear in the consultation document how the increased fees will enable a more efficient regulator.

Energy UK would support an increase in fees for the MMO, if it has a demonstrable impact on areas such as timelines for projects. However, the consultation does not sufficiently justify the impacts of increased fees on this process to support this. Energy UK views the proposed fee increases as excessive and disproportionate, and will oppose unless a new direction for greater efficiency is spelled out. A focus on improving the quality of the service is needed, and this needs to focus on better delivery irrespective of fee increases.

Regarding the Marine Noise Registry, when completing this, 'actual' noise levels are not input unless they are actually measured in situ (such as for some UXO clearance and piling of the first few foundations for offshore wind projects). It is not standard process (and is variable and complex) to undertake sound field verification (SFV) for geophysical survey equipment. Therefore, inputting to the MNR would give a view of the number of days a noisy activity has been undertaken within a given area, and the noise levels that would typically be input are those from other SFV studies, manufacturers specifications or available literature which would represent a worst-case noise level. The text associated with this should therefore be clarified to avoid confusion around unreasonable expectations as 'actual' noise levels would not be input to the MNR. It should be noted that the specifications for geophysical surveys undertaken by offshore wind projects differ to those used by the oil and gas industry which needs to penetrate hundreds of metres into the seabed compared to tens of metres for offshore wind. Therefore, we do not believe there are comparable levels of impact or risk to sensitive receptors.

Much greater transparency on how the MMO operates, and how the existing service is being allocated, should be a focus to ensure industry can partner to reduce waste and see for itself where efficiencies can be gained. Areas such as training requirements and reducing overlap may be areas that need further investigation, ahead and irrespective of further fee increases. An example of overlap is that between case officers, case managers, and senior case managers. This could often result from an inefficient prioritisation of case work, with too many applications requiring senior signoffs and duplication of efforts. Improved training is needed to improve responsibility and greater autonomy in decision making for case managers, freeing up more senior case managers for more complex areas.

Given the critical role of power generation such as offshore wind to government goals of clean power by 2030, further barriers through the MMO are an area that must seek to be avoided. These fee increases will cause downstream difficulties for offshore wind developers, without further explanation for how they will improve the planning and consenting process for them. In summary, much greater justification is

therefore needed for these planned fee increases, and Energy UK will continue to oppose these until new evidence is presented which proves otherwise.

For difficulties in other parts of the system, Energy UK would recommend transitional arrangements should be examined again in band 3 applications. Changing charge out rates on live applications (even those that were subject to budget revision such as Band 3s) has impacts on project forecast consents and budgets, at a time when development, construction and operation of wind farms are facing significant financial constraints.

Energy UK also disagrees with the proposal for further changes for cost recovery from primary advisors. Key concerns here include a lack of oversight on agreeing scope for chargeable work, and the need for any cost recovery mechanism to work coherently with the existing process, without adding further complexity or risk of delay to consenting.