

EXAMPLES OF GOOD PRACTICE – LINKAGES BETWEEN ENVIRONMENT, SOCIO-ECONOMICS AND REGULATION

Peter Barham, Rachel McCall (European Subsea Cables Association)
Email: peterjbarham@googlemail.com

European Subsea Cables Association, 9 Nightingale Road, Guisborough, North Yorkshire, TS14 8HA.

Abstract: In 2016 Subsea Cables UK became The European Subsea Cables Association (ESCA), reflecting the increasing membership from across Europe. Acknowledging the benefits of shared learning as offshore development increases across the region, ESCA has been working with other industries, regulators and conservation bodies in the development of marine planning and marine regulation to help safeguard current and future development of the industry and maintenance of existing assets. By establishing common understanding of the economic value of the industry and ensuring correct and consistent interpretation of permitting legislation across regulators and industry, we are increasingly working towards greater consistency and cost effectiveness. In addition to creating better working relationships, this valuable partnership approach is also based on the better use of evidence to develop and support better working practices which assists regulators and developers by ensuring a more proportionate approach. This paper examines the approaches taken and the lessons learnt.

1. INTRODUCTION TO ESCA

The European Subsea Cables Association represents national and international companies which own, operate or service interconnectors, export power cables and telecommunication submarine cables in European and surrounding waters. From its early days the organisation has recognised the benefits of collaboration and engagement in achieving its aims of promoting safety and protection of cables. The organisation was formed in May 1999 as the UK Cable Protection Committee (UKCPC) and renamed Subsea Cables UK in 2011. In March 2016, reflecting its European membership, it was agreed that the organisation should become the European Subsea Cables Association.

Membership of the organisation has increased by more than 20% over the last 5 years. Now the organisation has more than 60 members from more than 10 different countries across Europe and the surrounding

area. Member organisations include cable owners and operators, technology providers, installers, consultancies and survey companies. As such, the organisation benefits from a wealth of expertise, knowledge and experience and has range of differing interests and perspectives.

ESCA supports its members by monitoring technological, regulatory and legal developments in the industry. This work is undertaken by a series of working groups (the Executive Committee, Maritime Subgroup; Technical and Regulatory Subgroup, Renewables and Power Cables Subgroup, and three regional subgroups) which are supported by a Liaison Officer.

With such extensive and ongoing marine development in the waters of Europe, the linkages between socio-economics, the environment and regulation are extensive and, as such, work has focussed in each of these areas to ensure that the subsea cables sector is appropriately considered in the

development of new legislation and environmental guidance.

2. A HOLISTIC AND COLLABORATIVE APPROACH

The work of ESCA is completed by its working groups and the ESCA Liaison Officer – a role part funded by the membership and The Crown Estate (The Crown Estate manage the seabed of England, Wales and Northern Ireland, including offshore energy, aggregates, and cables and pipelines). The role of the Liaison Officer is to work on behalf of ESCA engaging with government departments, statutory nature conservation bodies (SNCBs), regulators, non-government organisations (NGOs), and marine industries to meet the aims of the organisation – promoting safety and protection of cables and continued development of the industry.

The combined efforts of the working groups and the Liaison officer enable the organisation to draw together information and evidence on the environment, socio-economics and regulation to build consensus and common ground between the industry and government departments, statutory nature conservation bodies, regulators, non-government organisations, and other marine industries. This in turn helps ensure a proportionate and informed approach to regulation, licensing and marine planning. The sections below provide details of how best practice has developed and evolved to result in positive outcomes for the industry.

3. SOCIO-ECONOMICS

Understanding the value of the industry helps to frame engagement with other industries and stakeholders, and to evidence the importance of the industry.

Work to demonstrate the value of marine industry has long formed a mainstay of engagement to support the requirement for

sustainable development where the needs of society and the environment are balanced.

In 2008, The Crown Estate undertook a piece of work in collaboration with marine industry (including the subsea cables industry) to assess the contribution of marine industries to the UK economy [1] at a key time in development of the regulation of marine industry through new legislation (The Marine and Coastal Access Act 2009). The study communicated the importance and complexity of reconciling environmental objectives and economic growth, and was used by marine industry to work with government in the development of the legislation to regulate activities in the marine environment.

During 2016, ESCA and The Crown Estate came together to commission a study specifically on the social and economic value of the subsea cables industry [2]. This study concluded that the economic value of the UK telecommunications subsea cables industry to the digital economy was circa £62.8 billion per annum. The impact of the UK electricity subsea cables industry was found to be comparatively smaller but still significant at £2.8 billion per annum.

4. WORKING WITH OTHER INDUSTRIES

It is important to work with other marine industries to ensure that, where relevant, marine industry gives a consistent message to government departments, statutory nature conservation bodies, regulators, and non-government organisations. This is done through engagement with industry groupings such as the UK based Seabed Users and Developers Group (SUDG) and specific engagement with the fisheries industry to ensure the safe co-existence of fishing and subsea cables.

Since 2001, ESCA has worked closely with Seafish (a UK public body set up by the

Fisheries Act 1981 to improve efficiency and raise standards across the seafood industry) in order to provide fishermen with accurate, up-to-date and freely available information relating to subsea cables to help ensure safe working around cables through increased awareness of their presence. In 2012, in recognition of the growth of the offshore wind industry and the benefits of drawing together key marine industries, KISCA became KIS-ORCA and now includes details of oil and gas, subsea cables (power and telecoms) and offshore renewable energy structures. As well as working closely with Seafish, ESCA also retains the services of a Fisheries Liaison Officer to update members on developments in the fishing industry and visit ports providing details of KIS-ORCA data and remind the fishing industry of presence of cables. ESCA are also members of the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) which was set up in 2002 to foster good relations between the fishing industry and offshore renewable energy sector. ESCA brings its long history of experience of the interactions between the telecoms sector and fisheries to the group to help ensure that the offshore renewables sector benefits from this experience.

ESCA is also an active member of the SUDG which encompasses the sectors of oil and gas, aggregates, ports and shipping and renewable energy, as well as cables. The group works together to progress the following priorities through engagement with government, regulators, SNCBs and NGOs:

- A future for our seas based on sustainable development.
- Clear objectives which cover economic and social, as well as environmental needs.
- An integrated approach to planning, management and protection.
- Cost-effective regulation and management.

- Planning decisions based on science and knowledge.
- Robust mechanisms for high level resolution of problems.
- Consistency from the devolved administrations.

Much of the work done by ESCA with other industries to date has been UK focussed, but with the organisation's increasing emphasis on Europe, it intends to extend this work with other sectors across Europe, where appropriate and beneficial.

5. WORKING WITH REGULATORS

Work with regulators ranges from responding to consultations on changes to legislation, to meetings to explain developments within the industry and the sector's needs and publishing joint guidance.

Examples of areas where ESCA has worked with regulators include:

- Development of new legislation (such as the Marine and Coastal Access Act 2009 and current draft fisheries and environment bills).
- Development of industry good practice guidance.

A key outcome of this work has been a guidance note on permitting/consenting cables projects in English waters that was written jointly with the regulator (the Marine Management Organisation) [3]. The Marine Management Organisation's (MMO) Marine Licensing Team worked with ESCA to develop a desk note to assist with marine licence applications. This desk note provides an overview of the subsea cables sector, the relevant legislation, a description of the different types of cable, the main methods of cable installation, as well as the key impacts to be considered in a subsea cable application. The work has been well received by both the industry and the

regulator. Trudi Wakelin MMO Director of Marine Licensing said:

“We worked closely with ESCA in developing this desk note to make sure that the content is of value to the cable industry and that the information contained in it gives a clear understanding of what applicants need to do to achieve licences. This demonstrates the benefits of working together to achieve the common goals of economic growth and environmental protection.”

ESCA is now looking to work with other regulators across the UK and Europe to develop similar guidance in other jurisdictions.

6. WORKING WITH CONSERVATION BODIES

As well as working with regulators, ESCA liaises with the UK conservation bodies to help to develop consensus on evidence associated with environmental impacts arising from development. This increasingly supports ESCA’s European members in this area where needed.

This work is important in the context of the level of conservation designations we have across UK and Europe; almost 24% of UK waters are currently protected by designated Marine Protected Areas (MPAs) and a further 40 sites in English waters alone are currently proposed for designation.

ESCA has worked with Natural England and other national conservation bodies across the UK and Europe to foster a common understanding of the impacts of cable installation based on the available scientific evidence and research. Such work has been carried out through engagement with Natural England on their “Advice on Operations” tool which provides an initial assessment of whether a proposed plan or project (or ongoing activity) may have an impact on a

habitat or species of conservation importance [4].

7. MARINE PLANNING

Marine planning has been a key area of engagement for ESCA since the first regional marine plan was developed in England in 2013 and published in 2014. Since this time, marine planning has been developing across Europe in line with the Marine Spatial Planning Directive (2014/89/EU) of 2014 [5] and ESCA and its members have engaged extensively to influence planning policies in order to ensure that marine plans appropriately support existing and future subsea cables developments. By 2021, all European countries must have binding marine spatial plans in place.

ESCA has worked with marine planning bodies to ensure that:

- Plans do not compromise necessary access to existing power (offshore wind and interconnectors) and telecommunications cables and therefore ensure that repair and remedial work can be undertaken safely, quickly and cost effectively. This has involved ensuring that we publicise relevant ESCA guidelines on proximity distances.
- Future projects have flexibility to select the most appropriate cable routes and landfall locations and are not unnecessarily restricted by marine plan policies.
- Policy development is consistent across the marine as cable routes cross national marine boundaries.

The work has involved provision of data on the locations of existing cables and information on potential future developments, participation in cross-sector working groups and one to one meetings with marine planners to explain the value and importance of the industry in order to ensure

the needs of the sector are fully understood and considered.

8. SUCCESSFUL OUTCOMES

Balancing work streams to develop evidence on the socio-economic, environmental and regulatory aspects relevant to the subsea cables sector has enabled ESCA to engage effectively to influence and shape marine regulation, spatial planning and guidance for the benefit of the sector to ensure a proportionate approach that meets the needs of the sector.

9. REFERENCES

- [1] Pugh, D. ‘Socio-economic Indicators of Marine-related Activities in the UK Economy’, Research Report, The Crown Estate, 2008. ISBN: 978-1-906410-01-8
- [2] C Elliott, O Al-Tabbaar, A Semeyutin, E Tchouamou Njoya, 2016. An Economic and Social Evaluation of the UK Subsea Cables Industry. University of Huddersfield.
- [3] MMO. 2018. MMO Subsea Cables Desk Note
- [4] Natural England
<https://designatedsites.naturalengland.org.uk/Marine/FAPMatrix.aspx?SiteCode=UK0030076&SiteName=alde&SiteNameDisplay=Alde%2c+Ore+and+Butley+Estuaries+SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>
- [5] Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning