

Petition P-05-928: Remove the words which promote the recovery of oil and gas resource from the Welsh National Marine Plan

Y Pwyllgor Deisebau | 7 Ionawr 2020
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Reference: RS19/11116-4

Petition Number: P-05-928

Petition title: Remove the words which promote the recovery of oil and gas resource from the Welsh National Marine Plan

Text of petition: Now your Government has declared a climate emergency, we ask that these words should be removed from the draft Marine Plan: "optimising the economic development and recovery of UK oil & gas resource in order to provide Welsh and wider UK businesses and consumers with a secure and resilient supply of fossil fuels".

1. Introduction

On 7 December 2017 the Welsh Government launched a [consultation](#) on the draft Welsh National Marine Plan (WNMP). There were 86 responses to the consultation. A [summary of the consultation responses](#) was published in July 2018. The adopted [WNMP](#) was published on the 12 November 2019, alongside several documents including a [summary of changes document](#).



A key function of a marine plan is to state the policies for, and in connection with, the sustainable development of the marine plan area. The Welsh marine planning area comprises an inshore and the offshore region, consisting of approximately 32,000 km² of sea and 2,120 km of coastline.

The WNMP contains several key components: a vision; 13 plan objectives; 25 general policies; and 17 sector policies. The focus of this petition is the wording of the oil and gas sector objective in the *draft WNMP*:

Optimising the economic development and recovery of UK oil and gas resource in order to provide Welsh and wider UK businesses and consumers with a secure and resilient supply of fossil fuels.

The Welsh Government has said that sector objectives in the WNMP are intended to articulate the desired future state for that sector and provide context for sector policies. This sector objective was included in the draft WNMP alongside policies for the oil and gas sector.

The oil and gas sector objective highlighted in this petition has been changed. The revised objective and accompanying policies are discussed in this briefing.

2. Legislative background

The *Marine and Coastal Access Act 2009* establishes a system for marine planning in UK seas. The Act states that the Welsh Ministers are the marine plan authority for the Welsh inshore and offshore regions. However, the management of activities in Welsh waters is split between devolved functions and functions retained by the UK Government. The WNMP has therefore been adopted with the agreement of the UK Secretary of State for Environment, Food and Rural Affairs.

The *UK Marine Policy Statement (MPS)* was adopted in March 2011. It provides the framework for preparing marine plans in the UK and provides the high level policy context for marine planning. The MPS is intended to facilitate the development of marine plans in line with the UK's vision for "clean, healthy, safe, productive and biologically diverse oceans and seas".

A marine plan is required to be ecosystem based in accordance with the *EU Marine Strategy Framework Directive 2008* and the *EU Maritime Spatial Planning Directive 2014*, as well as the MPS. The *Marine Strategy Regulations 2010* define an ecosystem-based approach as an approach which:

- ensures that the collective pressure of human activities within the marine strategy area is kept within levels compatible with the achievement of good environmental status; and
- does not compromise the capacity of marine ecosystems to respond to human-induced changes.

3. Climate emergency

This petition highlights the Welsh Government's declaration of a climate emergency. This climate emergency was **declared** in April 2019 by the Minister for Environment, Energy and Rural Affairs. There is no official definition of a climate emergency, but many areas declaring this are aiming to be carbon-neutral by 2030.

4. Welsh Government action

4. 1. Changes to the oil and gas sector objective and policies

The sector objective cited in this petition has been amended. A re-worded sector objective and new sub-policy on oil and gas have been included in the adopted WNMP.

4.1.a. The new sector objective

In the adopted WNMP, the new oil and gas sector objective is:

Maximising the sustainable recovery of UK oil and gas in order to provide commercial and domestic consumers with a secure, affordable and resilient supply of energy whilst meeting UK decarbonisation goals.

The **summary of changes** document published alongside the adopted WNMP describes this change as follows:

The Sector Objective has been re-focused on maximising sustainable recovery of oil and gas, with the underpinning narrative setting out the continuing reliance on oil and gas in maintaining the UK's energy security while highlighting the importance of mitigating environmental effects. The underpinning narrative has also been expanded to set out the Welsh Government's policy aim to avoid continued extraction of fossil fuel in areas under Welsh Government jurisdiction.

4.1.b. The new sub-policy

The adopted WNMP also includes a new sub-policy on oil and gas (O&G_01b):

Welsh Government policy is to avoid the continued extraction of fossil fuels in intertidal areas and estuaries and coastal inlet waters that fall within the Welsh onshore licence area. Applications for new petroleum licenses in these areas should not be supported, unless required for mine safety or scientific purposes. Proposals for the development and extraction of oil and gas in these areas with land based elements must provide robust and credible evidence to demonstrate how they conform to the Planning Policy Wales Energy Hierarchy for Planning, including how they make a necessary contribution towards decarbonising the energy system.

The Habitats Regulations Assessment for the WNMP states that policy O&G_01b:

...does not support the extraction of fossil fuels in intertidal areas and estuaries and coastal inlet waters that fall within the Welsh onshore licence area. Furthermore, the policy does not provide support for the extraction of oil and gas outside these areas with land-based elements, and any proposal must be compatible with Welsh Government's decarbonisation approach.

Nonetheless, policy O&G_01a, which applies to offshore and inshore waters subject to UK Government national policy, supports the development of oil and gas activities. This policy says:

Proposals that maximise the economic recovery of oil and gas sustainably will be supported where they comply with the objectives of this plan, and fully meet the environmental safeguards contained within the statutory processes of awarding production licences and subsequent activity-specific approvals. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.

4.1.c. The effect of these changes

Changes to the draft WNMP were screened and, where deemed appropriate, assessed as part of an ongoing Sustainability Appraisal (SA). This included assessments of compatibility against the SA criteria on climate change, which is "to limit the causes and effects of climate change and promote adaptation". The outcome of these assessments was presented in a Sustainability Appraisal Addendum published alongside the adopted WNMP.

The new oil and gas sector objective was classed as potentially significant during the SA screening process and therefore reassessed. The assessment found that the changes made to objective impacted upon the SA climate change criteria. Previously, the objective in the draft WNMP had been assessed as “potentially incompatible” with the climate change criteria. In contrast, the assessment of the new objective identified **both** compatibilities and incompatibilities with the SA climate change criteria.

The changes to the O&G_01: oil and gas policy were also deemed to be potentially significant. The assessment found that the inclusion of the O&G_01b sub-policy altered the appraisal of the policy to include **minor** positive effects on climate change (and other) criteria. However, as a whole, the O&G_01 policy was assessed as having a mixed negative and minor positive effect on climate change (with some uncertainty).

4. 2. The Welsh Government’s statement

The oil and gas sector policies were a key feature of the oral statement made by the Minister for Environment, Energy and Rural Affairs, announcing the publication of the adopted WNMP on 12 November 2019:

The plan also includes references to UK Government policy where matters are reserved to UK Government. Inevitably, there are areas in which there is a contrast between Welsh Government and UK Government policy. One such area is in relation to the extraction of oil and gas. Welsh Government policy is designed to avoid further extraction and consumption of fossil fuels within all areas for which we have responsibility. We completely oppose any extraction of fossil fuels in the seas surrounding Wales. In the plan, we have gone further than this to say that where offshore fossil fuel extraction has land-based elements—that is, any elements that would fall into the responsibility of Welsh Government—we will apply our policy to avoid continued extraction of fossil fuels, using all powers available to us.

In our plan, we've also included details of the UK Government policy, insofar as it applies to the seas surrounding Wales. Their policy is to maximise fossil fuel extraction in the offshore areas surrounding Wales. The contrast between the policy of Welsh Government and UK Government could not be more stark. For the avoidance of any doubt, I would like to place on record the view of Welsh Government that any policy to encourage the continued extraction of fossil fuels is a policy we would emphatically reject.

4. 3. Welsh Government’s letter to this Committee

On 19 November 2019, the Welsh Government wrote to the Chair of this Committee regarding this petition. This letter echoes the oral statement made by the Minister on 12 November 2019.

2. National Assembly for Wales action

The National Assembly for Wales debated the draft WNMP on 9 January 2018.

The Climate Change, Environment and Rural Affairs Committee held a stakeholder workshop to discuss the draft WNMP on 14 March 2018. The Committee made 13 recommendations on the draft WNMP in April 2018, which the Welsh Government responded to in June 2018.

Following the oral statement on 12 November 2019, announcing the publication of the adopted WNMP, Assembly Members expressed views on the statement as it related to fossil fuels. For example, Andrew R T Davies said:

I do note, obviously, the extensive referral to fossil fuels. I think it occupies five/six paragraphs in the whole statement, it does. That's a Government position, and I would most probably disagree with it to a point, but I understand why the Government are making that view known.

In addition, Llyr Gruffydd said:

I'm pleased to see the reference to the extraction of fossil fuels from our seas. I've raised this with you previously, of course. Plaid Cymru opposes that, and I'm pleased to see a statement making your view on that issue clear.

Huw Irranca-Davies asked several questions regarding the mechanisms available to the Welsh Government to limit fossil fuel extraction, particularly in the offshore area:

And, in respect of fossil fuels—and I welcome the clarity given here very much in this statement here—can I ask what are those powers that Welsh Government has at its disposal to reject fossil fuel extraction in these precious waters, but not least in the offshore waters? Powers over, for example, onshore and near-shore facilities used to support and service extraction—we could use those— powers to influence the Westminster Government in line with the overarching Marine and Coastal Access Act, which has duties upon the four Governments and administrations of the UK to talk together and plan together

properly. What is the Irish Government's position on fossil fuels, and can we work with them? What does the marine Act enable Welsh Government to do in having a say in these offshore waters? And, at this present moment in time, what's the EU's position in terms of the extraction of fossil fuels there?

The Minister responded:

Regarding the fossil fuels and the oil and gas, I did want to be very clear about the differences between the two Governments. However, oil and gas consenting is a reserved matter for the UK Government across most of our Welsh seas, as the Member knows, but we are responsible for nature conservation, we're responsible for environmental protection, and that's why we've put in place a wide range of measures to ensure that those safeguards are in place. I met with the Minister for climate change mitigation in Ireland when I was at the marine energy conference. This was an issue that we discussed generally, but I think we do need to ensure that, all the countries that I spoke to about those cross-border arrangements, we know very clearly where we have the powers and what we are able to do with those powers. As I say, the licensing of offshore petroleum exploitation is a reserved function, but I think the UK Government are in no doubt as to our position.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.