



Offshore Petroleum Licensing Bill: Marine Protected Areas amendment Briefing ahead of Lords report stage

Briefing not circulated due to General Election being called on 22.05.24 and Offshore Petroleum Licensing Bill failing to proceed further.

Wildlife and Countryside Link ([Link](#)) is the largest environmental coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world.

Executive summary

- Ahead of report stage, we urge peers to vote for the **Marine Protected Areas amendment** tabled by Baroness Willis of Summertown, The Lord Bishop of Norwich, Lord Randall of Uxbridge, and Lord Berkeley.
- This amendment is needed to prevent the Bill from opening the door to significant seabed destruction, noise and chemical pollution in Marine Protected Areas, at a time when we need the health of these sanctuaries for marine wildlife to improve.
- Without the amendment, the Bill will lead to degraded marine habitats, extra pressures on hard-pressed marine species and an increased risk of missing vital ocean recovery targets.
- We also ask peers to support two further changes to improve the environmental impact of the Bill; the **amendment on marine spatial prioritisation** tabled by Baroness Willis of Summertown, Lord Teverson, Lord Randall of Uxbridge, and Baroness Young of Old Scone and the **amendment on venting and flaring** tabled by Baroness Hayman, Lord Randall of Uxbridge, Earl Russell and Baroness Blake of Leeds.

The impact of the Offshore Petroleum Licensing Bill on nature recovery goals, as well as on climate commitments, has been discussed throughout earlier Commons and Lords stages. The proposed new wave of oil and gas exploration will cause damage to sensitive marine habitats and species, including seabed destruction, noise pollution and chemical pollution¹, at a time when ocean health is precarious² and the achievement of vital ocean recovery targets is looking challenging.³

When combined with the carbon emissions the new oil and gas licences will enable (without boosting UK energy security), these environmental harms make an overwhelming case for the Government to

¹ See page 1 of Link committee stage briefing for more detail on these harms:

https://www.wcl.org.uk/docs/assets/uploads/OPL_Bill_Lords_committee_Link_briefing.pdf

² <https://stateofnature.org.uk/>

³ <https://www.theoep.org.uk/report/government-remains-largely-track-meet-its-environmental-ambitions-finds-oep-annual-progress>



withdraw the Bill.⁴ In the absence of withdrawal, we ask peers to vote for a crucial amendment at Report Stage which would at least mitigate the worst nature harms from the legislation.⁵ By preventing new oil and gas licenses in Marine Protected Areas, the cross-party amendment tabled by Baroness Willis of Summertown and others would safeguard ecologically critical parts of the UK ocean from new oil and gas harms. This would keep Marine Protected Areas worthy of the name, benefit hard-pressed marine species and preserve the possibility of achieving ocean recovery targets.

Oil and gas exploration in Marine Protected Areas

Marine Protected Areas (MPAs) are the areas of the sea meant to be protected from damaging activities in order to safeguard threatened habitats and species. There are currently 377 MPAs around the UK, and the network is intended to make a major contribution to the ocean recovery target of 30% of the sea being effectively protected and managed for nature by 2030 (the 30x30 commitment).⁶ In order for this to happen, more MPAs need to be effectively protected and managed for nature.⁷ This has led to welcome recent interventions, including Defra's programme to ban bottom-towed fishing gear across an increasing number of English MPAs.⁸

Oil and gas activity in MPAs directly undermines this progress. Historic oil and gas activity has damaged a range of MPAs in a range of ways, from sandbank destruction in the Dogger Bank⁹ to disruption to important marine mammal travel corridors in the Faroe-Shetland Channel.¹⁰ Despite this damage, a new wave of oil and gas exploration is now sweeping towards MPAs, with 17 of 64 new licences granted in October 2023¹¹ and 21 of 31 new licences granted in May 2024¹² falling within MPA boundaries.

The requirement in the Offshore Petroleum Licensing Bill for the North Sea Transition Authority (NTSA) to run an annual oil and gas licensing round would sustain and potentially even expand this pace of exploration, leading to more oil and gas activity across more MPAs. This runs directly contrary to the IUCN definition of MPAs as a system designed '*to prevent outside activities from detrimentally affecting the marine protected areas*'.¹³ It also undermines efforts by Defra to reduce damaging fishing activities in MPAs so that they can better contribute to achieving the 30x30 commitment.

⁴ <https://www.upliftuk.org/post/brief-offshore-petroleum-licensing-bill>

⁵ See running list of amendments here: <https://bills.parliament.uk/publications/55500/documents/4912>

⁶ https://www.wcl.org.uk/docs/assets/uploads/WCL_30x30_in_the_Marine_Environment.pdf

⁷ <https://wcl.org.uk/30-by-30-progress-report.asp>

⁸ See March 2024 announcement: <https://www.gov.uk/government/news/bottom-towed-fishing-gear-prohibited-over-reef-habitats-in-13-marine-protected-areas>

⁹ <https://www.indeepwater.co.uk/>

¹⁰ <https://uk.whales.org/2023/09/27/go-ahead-for-new-uk-oil-and-gas-exploration-threatens-whales-and-dolphins/>

¹¹ <https://unearthed.greenpeace.org/2023/11/20/more-than-a-quarter-of-newly-approved-oil-and-gas-blocks-fall-in-marine-protected-areas/>

¹² <https://www.upliftuk.org/post/award-of-oil-and-gas-licences-under-the-33rd-licensing-round>

¹³ <https://portals.iucn.org/library/efiles/documents/PAG-003.pdf> p98



Government assurances on MPA safeguards do not stand up to scrutiny

Throughout the passage of the Bill, Ministers have pointed to process to try and square the circle of opening the door to more damaging activities in MPAs whilst still professing a commitment to ocean recovery. As set out by Lord Callanan, speaking for DESNZ at committee stage:

*"The regulatory framework that we have developed is robust. Licences have only been awarded by the NSTA when the environmental regulator, OPRED, was satisfied that they would not have any adverse effects or hinder the conservation objectives of those protected sites."*¹⁴

This explanation of the process obscures the fact that the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) is a DESNZ team, whose expertise and focus is concentrated around the oil and gas industry. The environmental objectives of OPRED make this industry focus clear, requiring them to promote a *'responsible business practice within the offshore oil and gas industry'* and to create a *'stable, consistent and proportionate regulatory regime'*.¹⁵ In line with this focus, the first in a list of skills and experience criteria for a [recently advertised](#) Environmental Manager post at OPRED is a requirement to *'have extensive knowledge and/or experience relating to offshore industries, particularly offshore oil and gas, gas unloading and storage'*.¹⁶

OPRED is the regulator for the oil and gas industry, not a source of environmental expertise, particularly with regard to the natural environment. As such a green light for license progression by OPRED is not a guarantee of no environmental harm, as Ministers claim.

Indeed, OPRED conclusions that licenses will not harm protected sites have directly contradicted advice from the Government's actual nature experts, the Joint Nature Conservation Committee (JNCC). At Lords committee stage Baroness Willis of Summertown revealed that:

"In a letter to DESNZ on the recent 33rd oil and gas licensing round, the JNCC wrote a strong letter stating that it was unable to agree with the conclusions that the projects would have no adverse impact on site integrity. The committee strongly advised that no new oil and gas infrastructures should be located anywhere within an MPA."

These expert recommendations were disregarded by OPRED and the 33rd oil and gas licensing round proceeded. OPRED environmental assessments have been repeatedly criticised by ecologists for their limited scope, failure to consider cumulative impacts and refusal to adopt the precautionary principle.

As the 33rd licensing round demonstrated, the OPRED assessment process constitutes DESNZ marking its own homework, with environmental expertise claimed but not applied. The requirement for new rounds of licenses under the Bill to go through this environmental masquerade of a process provides no assurance that harms to MPAs will be avoided.

¹⁴ <https://hansard.parliament.uk/lords/2024-04-23/debates/88117301-4765-4B4C-B250-8341D7832FE2/OffshorePetroleumLicensingBill>

¹⁵ <https://www.gov.uk/government/organisations/offshore-petroleum-regulator-for-environment-and-decommissioning/about>



The Government has also appeared to suggest that the MPA network is in good health, and that as a result any minimal harms from oil and gas can be shrugged off. In the words of Lord Callanan at committee:

“The UK is taking a leadership role in marine protected areas, with 44% of protected features within our MPAs already in favourable condition. This is fairly close to the 48% statutory interim target set for 2028 under the Environment Act.”

This is an overly sanguine assessment, on the basis of limited data. A Link Freedom of Information request has revealed that only 37 out of 377 UK MPAs have full monitoring measures in place (10%).¹⁷ Given this lack of information about the health of the MPA network as a whole, and the growing evidence of harms to individual MPAs from oil and gas activities¹⁸, it is dangerous to assume that such harms can be absorbed without undermining the network. A precautionary approach is required. The beneficial impact of recent bans to bottom-towed fishing gear could be cancelled out by extensive new oil and gas, permitted on the basis of insufficient information and rendering it impossible to describe MPAs as effectively protected and managed for nature, reducing the ability of the network to contribute to 30x30 and environmental recovery.

Contrary to Ministerial claims, the process for assessing environmental harms before licenses are granted is not fit for purpose, failing to take proper account of scientific advice, and there is a lack of strong evidence that the MPA network as a whole can safely absorb the harms from new oil and gas activities. In its current form, the Offshore Petroleum Licensing Bill could open the door to oil and gas exploration on a scale that fatally undermines both the intended protective purpose of MPAs and the chances of achieving 30x30 at sea.

Protecting the protected areas

The amendment to clause 1 tabled by Baroness Willis of Summertown, The Lord Bishop of Norwich, Lord Randall of Uxbridge, and Lord Berkeley would simply and effectively protect MPAs from damage from new oil and gas. It would prohibit the North Sea Transition Authority from inviting any licensing applications for oil and gas exploration and development activities in any of the 377 Marine Protected Areas in UK seas, effectively taking MPAs off the table for new licensing.

This would protect MPAs both from new oil and gas exploration, and from any new oil and gas extraction that could follow successful exploration. In a situation where the existing process for assessing license applications is failing to prevent environmental damage to MPAs, and where we need the MPA network to be in better condition in order to achieve 30x30 and restore the marine environment, this cross-party amendment provides the surest route to defending these sanctuaries for marine wildlife and keeping 30x30 delivery viable.

¹⁷<https://www.wcl.org.uk/docs/Link%20Freedom%20of%20Information%20request%20re%20MPAs%20%E2%80%93%20March%202024.pdf>

¹⁸ See <https://www.indeepwater.co.uk/>



This is the minimum required to safeguard the marine environment and the UK's global reputation for leadership on ocean protection. In this month of World Ocean Day (8th June), we ask peers to stand up for the marine environment and to vote for the amendment.

Other amendments we support

Amendment to Clause 1: Marine spatial prioritisation

Tabled by Baroness Willis of Summertown, Lord Teverson, Lord Randall of Uxbridge, and Baroness Young of Old Scone

The overlapping of so many oil and gas licences with MPA boundaries points to a failure of overall strategic planning; there isn't a current policy in place that sets out priorities for use of the sea and provides spatial strategies to appropriately allocate space for those priority activities. Marine spatial prioritisation policies would bring this required order to sea-use and, if built around the achievement of environmental targets, would better protect areas of the sea intended for nature recovery against damaging activities.¹⁹

Defra is working on a marine spatial prioritisation programme, but at a leisurely pace - work on the programme was first announced in January 2022; over two years on it has yet to lead to any public outputs.²⁰ With the content of the Government's marine spatial prioritisation programme unclear, we cannot be sure that it will be effective at securing sufficient space for effective management of MPAs. Attempts by peers to secure a meaningful update from the Minister at Lords committee stage on the progress of the programme only elicited confirmation that the programme "*is exploring opportunities to optimise the use of the seas and enable marine activities to co-exist.*"²¹

The spatial prioritisation test amendment tabled by Lord Randall and others would accelerate the delayed marine spatial prioritisation programme and ensure it protects MPAs, by requiring the Secretary of State to publish a marine spatial prioritisation policy, including prioritisation of the achievement of relevant targets under the Climate Change Act 2008 and the Environment Act 2021, *before* any licensing round is held under the OPL legislation. With a marine spatial prioritisation policy in place, a marine spatial prioritisation test would then be applied to all new license proposals. Proposals for oil and gas exploration which would contribute to cumulative environmental damage would fail this test, as they would set back achievement of the environmental targets the marine spatial prioritisation policy was built upon.

An amendment along these lines was widely supported at Commons committee stage²², as was a cross-party Lords successor amendment at committee on 23rd April. The Government should accept the amendment, which would align the marine spatial prioritisation programme Defra is preparing with the

¹⁹ https://www.wcl.org.uk/docs/assets/uploads/Guiding_principles_for_Marine_Spatial_Planning_30.11.23.pdf

²⁰ <https://www.gov.uk/government/speeches/minister-pow-keynote-speech-coastal-futures-2022>

²¹ <https://hansard.parliament.uk/lords/2024-04-23/debates/88117301-4765-4B4C-B250-8341D7832FE2/OffshorePetroleumLicensingBill>

²² <https://hansard.parliament.uk/commons/2024-02-20/debates/6A7C27EB-C359-4D82-8C20-C028F0C5B749/OffshorePetroleumLicensingBill>



DESNZ OPL Bill in a timely and constructive manner, ensuring that better marine planning helps to navigate any spatial clashes between environmental target and energy generation policy objectives.

Amendment to Clause 1: Flaring and venting

Tabled by Baroness Hayman, Lord Randall of Uxbridge, Earl Russell and Baroness Blake of Leeds

The discarding of excess oil or gas from an installation, through either burning (flaring) or release (venting) results in harmful carbon emissions. Flaring releases greenhouse gases and toxic particulates (black soot) into the atmosphere, venting releases methane.²³ NTSA guidance currently states that there should be zero routine flaring and venting from new developments, and that routine flaring and venting from existing developments should be phased out by 2030. Enforcement is patchy however, not helped by these measures being only found in non-binding guidance.

The amendment tabled by Baroness Hayman and others would put this guidance on firmer footing, legislating so that no new licenses can be granted until an immediate ban on flaring and venting in new developments is in place. The amendment also requires the Government to set the 2030 ban on routine flaring and venting from existing developments into law within two years, if it wishes to grant any further new licenses. It is difficult to understand why the Government is resisting these efforts to put existing policy commitments into law.

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²³ <https://green-alliance.org.uk/wp-content/uploads/2023/11/The-North-Sea-super-polluters.pdf>