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Bijlage(n)
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Date: June 19, 2012
Re: Reaction report 'A Sea of Opportunity'

Dear Madam President,

In this letter I set out the government's response to the advisory report of the Council for the Environment and Infrastructure (RLI) entitled 'A Sea of Opportunity: strengthening the North Sea's significance to society'. We thank the RLI for their inspiring report.

There are large parts of the RLI report which I am very happy to endorse. The report helps strengthen the focus of policy on the North Sea and its development by highlighting the North Sea's importance to society¹. Currently I see no need to make any changes to the role of the coordinating member of government. I do, however, endorse the stakeholders' recommendation that central government should fulfil a number of clear roles. Without clearly defined programme of work it is not possible to assess the RLI's proposals for financing until the task ahead is clear.

I share the House's wish that extra attention be given in the coming years to the themes of innovation, economic use, energy, ecological values/sustainability, and optimum use of space. Addressing these themes will allow us to benefit from the opportunities identified by the RLI. The North Sea Agenda 2012-2014, appended to this letter, has been drawn up for this purpose. The themes can be elaborated further with stakeholders. The RLI report can be used as guidance in drawing up a successor to the National Water Plan (NWP), a process that should start sometime in 2012 or 2013.

Stakeholders' recommendations and suggestions can be included in the analysis of opportunities and threats and in policy decisions, possible measures and action plans.

¹ Societal significance encompasses the ecological, economic and sociocultural values of the North Sea, including its importance as a source of food and energy.

The government's comprehensive response to the advisory report is also appended to this letter.

Yours sincerely,

STATE SECRETARY FOR INFRASTRUCTURE AND THE ENVIRONMENT,

Joop Atsma

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Comprehensive response to RLI advisory report

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Summary of RLI's recommendations

The RLI's core recommendation is to make the significance of the North Sea to Dutch society a primary concern and to use this as a basis for elaborating North Sea policy for the decades to come. The Council believes that the sustainable utilisation of the North Sea is conditional on coherent goals being formulated for all the sectors involved. The Council links this directly to how 'good environmental status' is interpreted in the Netherlands' implementation of the Marine Strategy Framework Directive (MSFD). According to the RLI, the MSFD establishes the basic conditions for sustainable use of the North Sea in the future. It advises that the implementation of the MSFD be used to develop a new policy framework and a development plan for the North Sea, including appropriate structures for organisation and financing. It is also the Council's view that sustainable utilisation of the North Sea depends on central government playing a more active role, in partnership with stakeholders, in the future development of knowledge and policy with regard to the North Sea.

Stakeholder consultation

Stakeholder participation, knowledge-sharing and North Sea partnerships are important in order to the development and delivery of integrated goals. In December 2011, before formulating this response, the government consulted stakeholders through the Consultative platform on infrastructure and the environment.

The aim of this consultation was to get a better idea of the extent to which stakeholders support a collaborative approach to the further development of the North Sea.

The government also identified opportunities and threats, and stakeholders' visions. Virtually all stakeholders endorsed the RLI's recommendation 'to actively pursue, through the implementation of the MSFD, sustainable development of the North Sea, to create scope for new initiatives, and to shift the focus from sector-specific interests to the significance of the North Sea to Dutch society as a whole'.

National Water Plan as a starting point

The National Water Plan (NWP) and the Policy Document on the North Sea 2009-2015 set out a general framework for balancing the different spatial needs of users and for balancing users' needs with the conservation of the marine ecosystem and amenity value of the North Sea.

This framework clearly identifies 'activities of national importance' and sets out how these interests (which relate to people, planet and profit) must be balanced in a coherent manner. As a rule, the government welcomes new activities in the North Sea, but multiple use of space is an important principle. The NWP therefore introduced a new, integrated assessment framework for activities in the North Sea region, which was elaborated in the revised Integrated Management Plan for the North Sea 2015².

² Government Gazette, 2011, no. 20771

Ecosystem based management as a starting point

The management of the North Sea must be based on objectives and measures established under the Marine Strategy Framework Directive (MSFD). In decision-making on this matter, I will also consider stakeholders' comments before finalising the objectives under the MSFD. The sustainable use of the sea, now and in the future, is ensured by the MSFD and other EU instruments such as the Birds and Habitat Directives and the Water Framework Directive, and international instruments (such as MARPOL³ and OSPAR⁴).

In 2012, a draft decision will be published concerning 'good environmental status' and environmental objectives for the North Sea by 2020. It will be open to public inspection before being finalised and notified to the European Commission⁵.

Natura2000 areas in the Exclusive Economic Zone (Doggersbank, Klaverbank and Friese Front) can be designated as soon as the House of Representatives and the Senate have approved the application of the Nature Conservancy Act to the EEZ. Once these areas are designated, we will be able to establish management plans. A number of specific measures to be included in the management plans are already being prepared, such as fisheries measures (FIMPAS⁶) which will be implemented under the Common Fisheries Policy. Negotiations are also ongoing concerning the revision of the Common Fisheries Policy with a view to the economic and ecological sustainability of fisheries.

Joint utilisation of the North Sea

All parties see a collaborative approach as the best way to develop a timely response to threats, and to maximise the benefit to all of society from the North Sea. Broad stakeholder participation in the full range of North Sea policy is valued. The parties want to work together on an agenda for the future, provided everyone is committed to the outcome. This approach was followed successfully in recent years for the designation of offshore wind farm locations.

At present I see no need to make any changes to the role of the coordinating member of government. I do, however, endorse the stakeholders' recommendation that central government should fulfil a number of clear roles: as process initiator, coordinator, controller, protector of different interests, intermediary and, finally, as timely decision-maker.

Innovation and spatial use

I observe, jointly with stakeholders, that existing policy and regulations do not automatically impede initiatives. There is no indication that activities are obstructed due to lack of space or policy. On the other hand, various stakeholders do believe that applying the precautionary principle to the North Sea can hinder

³ MARine POLLution, the International Convention for the Prevention of Pollution from Ships

⁴ OSlo PARis, the Convention for the Protection of the Marine Environment of the North-East Atlantic (1992)

⁵ Under the MSFD (Directive 2008/56/EC) coastal member states must develop regional or sub-regional marine strategies that must enter into operation by 2016, so that the 11 descriptors for determining good environmental status in their marine waters can be achieved by 2020 or as soon as possible thereafter.

⁶ Fisheries Measures in Protected Areas

innovation and initiatives. They are also concerned that the MSFD may inhibit initiatives leading to further juridisation of the North Sea policy.

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I am aware of their concern, but also believe it is important that the potential environmental effects of proposed activities be weighed against the economic return within the context of delivering the requirements of the MSFD. In this regard, the government needs to do its share and as an example of our commitment we have commissioned the ongoing study into the ecological effects of offshore wind farms, which is intended to resolve the perceived conflict between wind power and nature (birds, fish and marine mammals).

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The tension between economic and environmental interests can result in increased innovation. A participative approach by the private sector, knowledge institutions and government can increase an initiative's chance of success, especially if cooperation begins in the early stages of developing ideas and business cases.

At the early stage (before a permit is applied for), parties can jointly examine the requirements of marine flora and fauna, identify suitable locations, including co-location, and become acquainted with existing interests (e.g. shipping or fisheries). It is also possible to decide whether, for the selected locations, if there are other factors that should be considered in the decision-making process. This does not only apply to cases that fall under the top sectors policy, but also, for example, to the experimental algae farm, which won the 2011 prize for multiple spatial use at sea, a competition organised by Rijkswaterstaat. Another example illustrating the scope for experimentation in the North Sea is that of ECN and Ecofys, which are collaborating in a trial involving algae cultivation at offshore wind farms.

Within ten years, it will probably become feasible to extract natural gas from the seabed without sea platforms. Using the dynamics of water as a source of sustainable energy is another realistic possibility for the future. Smart combinations, such as wind power and power from ocean currents, may optimise spatial use.

There may also be economic benefits, as more space will be available for other uses (such as shipping) and the cost of transporting the generated energy to land can be recouped.

Cooperation and specific innovation policy are necessary if such innovations are to come to fruition. Relevant policies in this regard are the top sectors policy and the government's 'Green Deal' with the Dutch wind energy association NWEA.⁷

Economic uses and energy

The development of various forms of energy generation at sea is increasingly leading to integrated policy, in line with the RLI's recommendation. A good example of this is the talks, prompted by the Van Veldhoven motion,⁸ on postponing the expiry date on wind power permits issued in the 'round 2' tender.⁹

⁷ House of Representatives, 2011-2012 session, 33043, no. 7 (annexe 31)

⁸ House of Representatives, 2010-2011 session, 32500-A, no. 52

⁹ See also my letter of 31 January 2012, House of Representatives, 2011-2012 session, 33000-A, no. 58.

There is significant potential for the harnessing of offshore wind power, but development and infrastructure costs need to be reduced if it is to be competitive.

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The Dutch top sectors policy for the energy sector and the Green Deal with the NWEA will help the sector reduce its costs in a variety of ways. There are other viable options for sustainable energy generation at sea, too.

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I expect that enhanced oil recovery with CO₂ or similar techniques will extend the productive lifespan of existing oil and gas fields. This may influence the development of existing and new prospects.

Safe forms of carbon storage in the seabed will require pipelines and/or shipping movements. The space that will be required for these activities in the future must be kept open in an intelligent manner, without restricting current uses. Spatial planning provides a good framework for allocating space to a wide range of developments.

Optimum use of space

In principle, all activities on the North Sea are welcomed provided there are socially, environmentally and economically sustainable. Currently, the preferred approach is to combine activities spatially and/or temporally, providing scope for a diversity of activities and taking account of the needs of the marine ecosystem and the amenity value of the North Sea.

The current body of law¹⁰ relating to the North Sea enables the various parties to implement policy in a satisfactory manner: strict when necessary, flexible where possible and restrained as regards the requirement of new legislation. Central government's spatial planning framework can thus be seen as one that invites initiative and innovation.

In order to improve marine spatial planning, the government is working to improve the systems that support decision-making, i.e. the systems that provide knowledge and information about uses, natural values and relevant legislation. Such a model can also be useful in partnerships with stakeholders and North Sea neighbours.

¹⁰ For a full description of the system and the government's vision on other options for spatial management, see the government's position paper on a spatial plan for the North Sea (House of Representatives, 2010-2011 session, 29675, no. 119).

Annexe 1
North Sea Agenda 2012-2014

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1. Implementation of the Marine Strategy Framework Directive (2012-2015);
2. Reform of the Common Fisheries Policy (2012-2013).
3. Designation of three Natura2000 areas in the Exclusive Economic Zone (EEZ) and establishment of management plans for these areas as soon as legislation on nature in the EEZ comes into force.
4. Implementation of the porpoise protection plan.
5. Broad-based agreement on reconfiguration of shipping routes and extension of existing permits for offshore wind farms to the west of the Netherlands, taking account of the future of short sea shipping, followed by the designation of new offshore wind farm locations west of the Netherlands and north of the Wadden islands (2012-2013).
6. With users, including the fisheries sector, explore scope for combined use and navigability of large-scale offshore wind farms, and make agreements. Also look at cases in neighbouring countries (2012-2014).
7. Implementation of offshore wind power legislation as agreed in the Green Deal with the NWEA. Take account of international developments on grid interconnection and opening up of offshore wind farms (before 2015).
8. Establish a sand extraction strategy to ensure sufficient and affordable sand supply in the long term, while taking account of safety, economic interests and natural values (2012).
9. Give public bodies, stakeholders and the public access, through *Informatiehuis Marien*, to data, knowledge and information acquired with public funds and/or by order of the government and prepare decision-making on permitting and policy using an improved decision-making support system for the North Sea (2012-2014).
10. International cooperation between North Sea countries in the areas of management, monitoring, nature, spatial planning and transboundary consultation. Adoption of the step-by-step approach advised by the RLI for the entire North Sea, including the Channel, the northern North Sea and the link with the Baltic Sea.
11. Prepare follow-up to the National Water Plan's policy framework for the North Sea (2012-2013/2014) in consultation with stakeholders. Long-term societal goals must be at the core of the analysis and influence choice of research questions, actions and actors, with a view to using available opportunities and covering risks. In this process new financing constructions, including a special fund as advised by the RLI, will be discussed.