



Isle of Man
Government

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**Consultation Summary Report: The introduction
a consenting process for seismic surveys
in Manx waters**

20 December 2016

Section1: Introduction

Seismic surveys are used by offshore industries to understand the composition of the seabed. They are used in oil and gas exploration and in surveying sites for developing wind farms, tidal turbines and other infrastructure.

A range of types of seismic surveys are used, with varying levels of impact on the marine environment. Seismic survey produces underwater noise which can impact on marine life, in particular on whales, dolphins, porpoises and seals which are protected species under Isle of Man law. The noise can also impact on commercially important species such as herring, which aggregate in Manx waters in the late summer to spawn in autumn. Impacts of seismic surveys have been observed on sand eels, which are an important source of food for many species of fish, marine mammals and birds. Seismic surveys also contribute to the cumulative impact of noise from various man-made sources which now impact on the marine environment. Recent research has made a link between seismic surveys and scallop populations, and negative impacts on scallop larvae.

The Department of Infrastructure's Marine Infrastructure Management Act 2016 provides a consenting process for large marine infrastructure projects including offshore wind farms, oil and gas extraction and aggregate extraction. This Act gives DEFA the power to make regulations to establish a consenting regime for seismic surveys. Notification of other geophysical surveys is also good practice and it is proposed that this will be possible using the same application form.

If potential impacts can be assessed at the planning stage of a seismic survey, measures can be put in place to ensure the survey can be carried out with minimal impact on the marine environment and other users of the sea.

Public consultation was carried out to inform the development of these regulations.

Section 2: Consultation process

In the consultation the draft Byelaws for the proposed consenting process were presented. There was a formal public consultation process which ran from Monday 17 October to Wednesday 23 November 2016. A press release was issued on 17 October and key stakeholders were sent the consultation document directly. The option was given to respond via the online survey website Survey Monkey as well as by email and post. Key stakeholders were identified from offshore industry, conservation, fisheries and other sectors. A full list of those consulted directly is given in the appendix.

Section 3: Responses

Respondents were asked to indicate their organisation and interest group where appropriate.

Of the 18 responses received, the sectors represented, or identified with were as follows;

RESPONSES	SECTOR
2	Fishing Industry (catching, processing, related)
4	Conservation/ Environmental Protection
4	Private individual
1	Tourism/Recreation/Leisure
7	Local government/Government Dept/Statutory Body

Responses were received from the following organisations:

- Department of Economic Development
- Manx Utilities and Manx Cable Company
- Discover Diving
- Natural England
- Manx Wildlife Trust
- Manx National Heritage
- Santon Commissioners
- Ramsey Town Commissioners
- Isle of Man Friends of the Earth
- Isle of Man Natural History and Antiquarian Society
- Department of Business, Energy and Industrial Strategy, UK

All responses to this consultation supported the proposal to introduce regulations for seismic survey, and no responses were received opposing the planned regulations or suggesting any major amendments to what was proposed. Many of the responses provided useful technical suggestions which have been used to inform the final drafting of the regulations.

Consultation responses

Question 1 – Do you support the concept of a statutory consenting process for seismic surveys and other geophysical surveys in Isle of Man waters? Please provide further information to support your response.

Yes – 16 (100%) No – 0

Of the 18 respondents to the consultation, 16 answered this question directly and all 16 answered yes, supporting the concept of a statutory consenting process for seismic surveys in Isle of Man waters. The remaining two respondents did not answer the question directly but once said they would “expect that regulations over seismic surveying would be robust to provide adequate environmental protection and also offer clarity to enable those who may potentially seek to undertake seismic survey activity in Manx waters, to fully understand the Isle of Man Government’s requirements to enable them to make decisions which will be required as part of their analysis of the viability of future projects.” The other respondent supported the approach taken and said that the proposed process mirrors that used in the UK which is considered robust.

The second question related only to whether respondents had any additional comments. Thirteen respondents had additional comments to make on the proposal.

Common themes that emerged from responses to the consultation included:

- Concerns about current lack of statutory consenting for seismic surveys.
- The importance of being able to manage seismic surveys to minimise impacts on the marine environment, fisheries and other users.
- The need for some system for those carrying out seismic surveys to notify other sea users.
- The need for monitoring of impacts of seismic surveys and a rapid reporting system for impacts observed by sea users.
- Applications should be made public.

Specific information on potential impacts of seismic activity on Manx fisheries was also provided:

- Attention was drawn to recent scientific research suggesting that seismic surveys can impact on scallop populations and therefore scallop fisheries. Impacts on lobsters have also been reported.
- Previous seismic surveys in Manx waters were reported to have had an impact on fisheries, in particular the queen scallop fishery.
- The point was made that many Manx fisheries species have limited capacity to move quickly/long distances and so will be more vulnerable to seismic impacts than highly mobile fish species.
- It was suggested that important areas for fishing or marine life should be protected from seismic activity.

Sites and species of particular importance were also raised:

- The ecological importance of Ramsey Marine Nature Reserve should be considered.
- The herring spawning ground to the East of the Isle of Man is particularly important.

From the point of view of ensuring that the process was practical for applicants, the following points were made:

- Ensuring that the process is not too onerous for those applying to carry out low impact scientific surveys.
- It will be important to make the application process clear and easy to follow.
- The application process should be proportionate to the works being carried out.

Other comments and suggestions

All of the comments received were supportive of the proposed statutory consenting process for seismic survey work.

Some practical suggestions were made, including taking the application form out of the Byelaws to enable more flexibility to amend/respond to circumstances. An important point was raised about the thresholds that will be used to determine whether an Environmental Impact Assessment is needed. It was also suggested that applicants for a permit to carry out seismic survey in Isle of Man waters could be asked to submit their data to the UK Marine Noise Register which is being set up under the Marine Strategy Framework Directive.

Two respondents specifically mentioned the requirement for applications to be received 60 days before surveys are due to commence. One respondent indicated 60 days may present

logistical challenges, but that it may be appropriate for the Isle of Man situation. This could be addressed by allowing additional information to be provided less than 60 days but within 28 days of the start of the survey. Another respondent felt that 60 days was too short and should be at least 90 days.

It was also highlighted that whilst the UK Joint Nature Conservation Committee (JNCC) was mentioned as an organisation from which DEFA could seek technical advice, other technical specialists and relevant organisations may also need to be consulted, depending on the nature of the application.

Section 4: Response to consultation inputs

After considering responses to the consultation and following further discussions with those with knowledge of seismic surveying and its regulations, the following provisions have been made:

- The application form will not be included in the Byelaws to allow more flexibility in its content in light of experience/feedback from users.
- Any permit issued will include a requirement for a survey company to issue a Notice to Mariners to ensure that all sea users are informed.
- Applications must be submitted 60 days before the survey commences, but there will be some flexibility in the application form to allow applicants to provide additional details following initial application, up to a minimum of 28 days before the survey is due to commence. This recognises that full details may not be available at the time of the application. Appropriate flexibility will also be possible around dates of surveys to accommodate weather and other logistical challenges.

To clarify/respond to some of the queries raised:

- Appropriate marine experts will be co-opted to the Wildlife Committee to provide specialist advice.
- Where needed, additional advice will be sought from technical specialists in other organisations.
- Applicants will be encouraged to liaise with the fishing industry and fisheries impacts of surveys will need to be assessed.
- Guidelines will be produced which clarify other points raised by consultees and will accompany application forms.

Section 5: Summary

Through this public consultation process we received a wide range of technical comments which have assisted in finalising the regulations for seismic survey. All those who responded supported the concept of seismic survey regulations and many gave useful additional detail on some aspect of the process. Seismic survey companies and marine developers who use seismic survey were directly contacted for their input. Whilst no responses were received directly from this sector, a number of other responses gave the perspective of the applicant and emphasised the importance of good regulation of this sort of work and for proportionate conditions, appropriate to the type of work being carried out.

Many of those who responding emphasised the importance of Manx waters for marine wildlife, fishing and tourism and recreation. They welcomed the development of consenting for seismic surveys that could assist in protecting our marine environment and ensure that such work does not have significant adverse effects.

DEFA would like to thank all those who responded for their useful input.

Appendix 1: Consultation Stakeholder List

Fishermen's organisations

Manx Fish Producers Organisation Ltd
ANIFPO
NIFPO

Marine industry

Manx Geological Survey
British Geological Survey
DONG Energy
Manx Tidal Energy
WesternGeco
HIS
MMbbIs
TGS Ltd
CGG Ltd

Environmental groups

Manx Wildlife Trust
Manx Basking Shark Watch
Manx Whale & Dolphin Watch
Manx Society for Marine Conservation
SeaSearch Isle of Man
Friends of the Earth (IoM)
Manx Conservation Forum
Manx National Heritage
Society for the Preservation of Manx Countryside & the Environment
Isle of Man Natural History and Antiquarian Society

Marine-related businesses and recreational organisations

Anglers Forum
Isle of Man Angling Federation
Ramsey, Peel, Mannin Angling Clubs
Isle of Man Charter Skippers Association
Gemini Charter Angling
Discover Diving
Isle of Man Sub Aqua Club
Isle of Man Aquaholics

Other

All Members of Tynwald
Attorney General's Office
Local Authorities
Isle of Man Government Departments, Chief Officers
Law Society
Department of Environment, Food and Rural Affairs, UK
Joint Nature Conservation Committee, UK
Oil and Gas Authority, UK
Department of Communications, Climate Action and Environment, Ireland
AFBI, Northern Ireland
Natural England
Marine Management Organisation, UK
Department for Business, Energy and Industrial Strategy (BEIS), UK