



Offshore Energy SEA Consultation  
The Department of Energy and Climate Change  
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## **BWEA Offshore Energy SEA Consultation Response**

The British Wind Energy Association (BWEA) is the leading UK renewable energy trade association. With over 470 corporate members BWEA represents the large majority of the wind, wave and tidal energy companies in the UK.

BWEA is informed by an established and active network of working groups consisting of leading experts in the offshore wind industry. BWEA has received multiple individual contributions on the consultation from member companies and has also carried out an informative, half day, SEA focused workshop attended by key industry players designed to help formulate this consultation response.

BWEA is therefore suitably well placed to comment on the SEA report for offshore energy. General comments are described below and comments on the report's recommendations follow in section 2.

BWEA hope that the our consultation response is useful and constructive in forming the Government's decision statement. BWEA are fully committed to working with the Government to further our mutual ambitions for maximising offshore renewable energy generation and volunteer the use of our network of industry working groups.

Please do not hesitate to contact me should you have any questions.

Yours sincerely

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## 1. General comments

- A. BWEA welcome the SEA report's high level statement that "...*there are no overriding environmental considerations to prevent the achievement of the ..... wind elements of the plan/programme*". However, this statement is qualified with "*albeit with a number of mitigation measures to prevent, reduce and offset significant adverse impacts on the environment and other users of the sea.*" It is therefore in the detail of these mitigation measures that lie the industry's concerns. These are addressed in section 2.
- B. BWEA believe that Government's 2020 renewable energy targets are of such strategic importance to the nation that a *presumption in favour* of renewable energy development should be written into the National Policy Statement for renewable energy.
- C. Marine spatial overlaps with sea users highlight conflicting governmental policies being pursued by different government departments. BWEA believe that a cabinet level sub-committee for renewable energy is needed to coordinate the strategic delivery of the Government's 2020 renewable energy targets.
- D. The SEA report is generally considered to be "unhelpful" to maximising delivery of offshore renewable energy. The report contains a theme of presumption against renewable energy development wherever spatial conflict arises. The offshore wind industry appears to be treated as lower priority than other industries.
- E. It is vital that a holistic approach is adopted whereby the recommendations from the SEA are balanced against economic drivers and the current lack of any offshore transmission network to ensure that delivery of offshore wind is both practical and economically feasible.
- F. It is vital that the government recognises the importance of near shore offshore wind development and the significant benefits for practical, cost efficient construction and operation. There appears to be no clear basis for the recommendation against much development taking place within the 12nm limit. The increased risk to the plan of pushing development long distances from shore has not been taken into account in the SEA report but should be in the subsequent Government thinking.
- G. The environmental benefits of offshore renewable energy development brought through climate change mitigation should receive a much higher prominence.
- H. Uncertainty remains within industry as to the influence of the SEA report; how Government will translate the information into policy; and what influence it may have on the National Policy Statement for renewable energy. BWEA understands the process to be as below but requests that this is confirmed and communicated to industry:
  - o The government decision statement on the SEA is intended to be published in June 2009. The statement will come in the form of a

comprehensive report and it is this decision report which will inform, or be referenced in, the NPS for renewable energy

- I. Industry requests, through BWEA, the opportunity to feedback on the government's decision report prior to publication.
- J. Any delay on the government's decision after consultation will maintain uncertainty and prolong high levels of risk for developers.

## 2. Comments on the SEA Report Recommendations

*1. In areas with high renewable energy generation potential DECC should ensure decisions on renewable energy leasing and licensing for oil & gas (including natural gas storage) are coordinated to minimise potential sterilisation of areas for other industries. This recommendation extends to maintaining options for potential future geological storage of captured carbon dioxide.*

- 1.1. It is vitally important that areas with high renewable energy potential are not sterilised unnecessarily. Rigorous, strategic consideration needs to be given to the benefits and costs of limiting use to one interest or activity over another. BWEA support a coordinated approach to minimize sterilisation for other industries however it should be remembered that suitable areas for offshore wind are limited by water depth and seabed conditions so cannot be easily relocated.
- 1.2. Careful consideration should be given to an automatic presumption against development due to spatial conflict. Spatial conflicts should examine mitigation rather than expulsion and/or compensation.
- 1.3. Although developers do not want to negatively affect safety, the oil and gas installation 6nm exclusion zone should not be considered a strict boundary as it can be negotiated on a case by case basis with the relevant installation owners. Examples where this has happened are Beatrice and Ormonde.
- 1.4. A major issue with oil and gas spatial conflict is in the lease condition stating that oil and gas interests take priority and the financial risk that this imposes on offshore renewable projects. However, this is not considered to be an SEA issue.

*2. The draft plan/programme for an additional 25GW of offshore wind farm (OWF) generation capacity will require wind farm development on a massive scale. In advance of a formal marine spatial planning system being in place for the UK, the leasing and consenting of OWFs must ensure the minimisation of disruption, economic loss and safety risks to other users of the sea and the UK as a whole. In particular, there should be a presumption against OWF developments which:*

- a. impinge on major commercial navigation routes, significantly increase collision risk or cause appreciably longer transit times*
  - b. occupy recognised important fishing grounds in coastal or offshore areas (where this would prevent or significantly impede previous activities)*
  - c. interfere with civilian aviation including radar systems*
  - d. could potentially jeopardise national security for example through interference with radar systems or significant reductions in training areas*
  - e. result in significant detriment to tourism, recreation and quality of life*
- 2.1. Whilst human safety must remain of paramount importance, the scale of the challenge of meeting the UK's renewable energy targets suggests that there will be some disruption of other activities.
  - 2.2. It should be noted that each offshore wind energy project is unique. This is recognised in the existing consenting process with the requirement for Environmental Impact Assessment and stakeholder consultation. With this in mind, recommendation 2 above may be interpreted as simply a general statement against licensing offshore wind farms.

- 2.3. The navigation data used consists of 4 x 1 week of data in 1 year. Whereas at regional and EIA level this is considered adequate for decision making purposes it is not sufficient to draw conclusions on a UK wide SEA scale. Detail at regional or EIA level would show different results. The SEA should therefore not rule out areas that would show up as developable under REA or EIA.
- 2.4. BWEA remained concerned that unpublished data (from the MCA OREI 1 report) was used to mark out shipping density and that the analysis of this data could be interpreted in a different ways.
- 2.5. It appears that large areas have been excluded without explanation. The presumption in favour of shipping in the SEA report contradicts the government's renewable energy plan.
- 2.6. The type of shipping impacted is very important and has not been analysed.
- 2.7. It is not correct to assume that visual impact is negative. Existing near shore offshore wind farms have been well received by coastal communities and statistics have shown an increase in associated tourism.

*3. Until there is a firmer base of information available to inform adaptive management, in respect of ecological receptors a precautionary approach to siting is recommended since the offshore wind industry is relatively young, with appreciable technological development expected in for example, turbine size, rotation speed, spacing and potentially rotational axis. This precautionary approach dictates that unless suitable evidence indicates otherwise, avoidance (for the present) of areas known to be of key importance to waterbird and marine mammal populations, including breeding colonies, foraging areas and other areas essential to the survival of populations.*

- 3.1. The report quotes the precautionary principle too frequently and liberally. In areas where sufficient data from previous studies exists and the effects are well understood PP should not be quoted.
- 3.2. Consenting authorities should be able to consider results and data collected elsewhere.
- 3.3. BWEA is surprised that in Section 6.2 in the SEA Environment Report, 'Effects Monitoring', there is the conclusion that existing monitoring activity as part of the DECC SEA process is considered to be adequate. BWEA recommend that the programme of monitoring and analysis from Round 2 should be continued by Government to further inform future development.
- 3.4. It should be emphasized that developers are responsible and have invested significant time and money to environmental research to develop with minimal impacts. It is fair to say that offshore developers are driving marine environmental research in the UK.
- 3.5. It should be noted that environmental statutory consultees are keen for win-win situations with dual use and appropriate monitoring. BWEA considered this to be a better solution than exclusion through the over-application of the precautionary principle.

- 3.6. BWEA request that specific guidance is developed from Government to consultees and regulators on a consistent approach to the invocation of the precautionary principle. Developers have experienced a sense of 'moving goalposts' in relation to data required.
- 3.7. In reality, due the changing nature of the marine environment, it will be necessary for developers and regulators to make positive decisions on development in face of some environmental uncertainties if large-scale renewable energy delivery is to be achieved by 2020.
- 3.8. Construction and/or operational restrictions imposed by consent conditions must be mindful of the risk and cost implications for developers.

*4. Reflecting the relative sensitivity of multiple receptors in coastal waters, this report recommends that the bulk of this new generation capacity should be sited well away from the coast, generally outside 12 nautical miles (some 22km). The proposed coastal buffer zone is not intended as an exclusion zone, since there may be scope for further offshore wind development within this area, but as mitigation for the potential environmental effects of development which may result from this draft plan/programme. The environmental sensitivity of coastal areas is not uniform, and in certain cases new offshore wind farm projects may be acceptable closer to the coast. Conversely, a coastal buffer in excess of 12nm may be justified for some areas/developments. Detailed site-specific information gathering and stakeholder consultation is required before the acceptability of specific major Round 3 or subsequent wind farm projects close to the coast can be assessed. Marine spatial planning proposals are under consideration in Parliament, which would give coastal regulators and communities further opportunities to have a say in the way the marine environment is managed, in addition to the existing routes for consultation as part of the development consent process.*

- 4.1. BWEA welcome that there is no exclusion on development near the coast and that development will have to justify plans as usual with Environmental Impact Assessment (EIA). "Detailed site-specific information gathering and stakeholder consultation" is already required and stakeholder consultation requirements are already in place. It is however, unclear if this recommendation adds a new layer of investigations and consultation or if this refers to the existing consenting process.
- 4.2. BWEA acknowledge that the 12nm recommendation is not intended as an exclusion zone but the recommendation that "the bulk of" offshore wind should be outside brings great concern in that the terminology is open to interpretation. Objectors to renewable energy projects will undoubtedly use this 12nm recommendation as a reason to oppose near shore projects. This 12nm recommendation therefore creates increased difficulty for 3 entire Round 3 zones and the closest areas of 2 other zones.
- 4.3. The general 12nm recommendation is arbitrary and will risk the clear economic advantage to near shore construction clearly identified in the Carbon Trust report "Big Challenge, Big Opportunity". Each project should be considered in its own a unique impact and not on general recommendations.
- 4.4. Although the SEA did not cover Scottish Territorial Waters this 12nm recommendation directly contradicts Scotland's plans for offshore wind.
- 4.5. For the reasons above, BWEA recommends that the Government ignores the SEA report's 12nm recommendation. BWEA recommends that Government

does not reference any specific distance in their decision report. EIA is, and will continue to be, sufficient to inform decisions on sensitivity of wind farm proximity to the coast.

*5. To minimise habitat change and to ensure areas developed as a result of the current draft plan/programme are left fit for previous or other uses after decommissioning, the volumes of rock used in cable armouring, foundation scour protection and pipeline protection must be minimised and there should be active promotion of alternative protection methods through the consenting process.*

- 5.1. Environmental considerations are important in deciding protection methods and materials. However, human safety, security of assets and power generation must not be compromised due to equipment or infrastructure becoming exposed or being made unstable.
- 5.2. BWEA wish to question the significance of this impact on habitat change. When considered in relation to habitats, any residual materials will be minimal and highly localised.
- 5.3. Government, The Crown Estate and industry have worked successfully to develop accepted decommissioning guidelines. Decommissioning plans consistent with international and national obligations must be approved prior to construction.

*6. For areas (zones and blocks) which contain good examples of habitats/species on the Habitats Directive Annexes, developers should be made aware that a precautionary approach will be taken and some areas with relevant interests may either not be leased/licensed until adequate information is available, or be subject to strict controls on potential activities in the field. Similarly, developers should note that DECC will continue to conduct Appropriate Assessments/screenings to consider the potential of proposed leasing/licensing and subsequent activities to affect site integrity.*

- 6.1. Concerns over the application of the precautionary principle have been previously mentioned in response to recommendation 3.
- 6.2. There remains uncertainty within industry as to how and when Appropriate Assessments (or Appraisals of Sustainability) for Round 3 zones will be undertaken. BWEA request guidance from DECC to give clarity on this issue.

*7. The effects of noise on marine mammals particularly from piling and seismic survey remain an issue of debate. A range of mitigation measures are available and their adoption is normally required through consenting. However, there is a need for cross-industry coordination of what noisy activities are planned, where and when, to facilitate the assessment of cumulative effects and implementation of temporal/spatial mitigation actions. The approach would require a mechanism to facilitate the exchange of information, for example through a web-based forum hosted by DECC, JNCC or the future MMO.*

- 7.1. BWEA have real concern about how combination noise effects from installation activity, seismic activity and other sectors activity would be dealt with. In particular how this would be addressed in licences application and delivery.

- 7.2. To be effective, cross industry coordination will need to encompass all industries, internationally, that operate in the marine environment not just renewables and oil and gas.
- 7.3. It should be noted that there is still considerable debate amongst specialists as to the significance of noise on marine mammals.

*8. Although there has recently been significant survey effort in coastal waters, the lack of modern data on waterbirds in offshore areas is noted. Developers need to be aware that access to adequate data on waterbird distribution and abundance is a prerequisite to effective environmental management of activities for example in timing of operations and oil spill contingency planning.*

- 8.1. BWEA agree with this recommendation. The Round 3 zonal programme will enable assessment over a wider area than with individual project EIAs. A difficulty encountered by developers is found when attempting to compare baseline bird data with the area outside of the proposed development. It would be unrealistic and unreasonable to expect developers to survey everywhere therefore it will surely fall to the Government to fund survey works outside of the Round 3 Zone boundaries.

*9. There remain a number of subject areas for which the information base is limited and will need to be enhanced to support future marine spatial planning as well as project specific consenting. These information gaps include aspects of the natural world and human uses, with regional context and long-term trend data notably lacking. These gaps include:*

- Seabed topography and texture. For some areas there is excellent data for example from multibeam mapping undertaken variously including by the MCA, BGS and the SEA programme, but the UK lacks a coordinated programme to marshal such data, to identify priority gaps and to find ways to fill them*
- Recent information on the distribution of fish eggs and larvae, and variability in space and time*
- Detail of bird migration patterns, and variability in space and time including flight heights in different weather conditions*
- An understanding of the marine areas routinely used by breeding birds for foraging, in particular those adjacent to SPAs*
- Ecology of most marine mammal species and in particular important areas for breeding, foraging and resting*
- Finer scale distribution of fishing effort, gears and catches for smaller vessels (<15m)*
- Precision on the offshore distribution of navigation (AIS data coverage typically only extends 80km from shore)*
- Effects on fishing activity in and immediately adjacent to constructed wind farms*

- 9.1. BWEA agree that marine spatial planning will benefit from further research into these areas and supports further work in this direction. We also recommend research into the ecological significance of the effects of offshore wind development. Many of the above issues are complex and spatially and temporally variable and therefore may never be understood to the levels that we would wish. It is therefore imperative that decisions can be made in the face of incomplete information or there will be a danger of "paralysis by analysis".

- 9.2. The use of a VMS system for smaller fishing vessels would aide future marine spatial planning. This would help developers and fishermen by giving

developers increased certainty when planning projects and considering important fishing grounds.

*10. In areas of cold water coral reefs and other vulnerable habitats and species, physically damaging activities such as rig anchoring and discharges of drilling wastes (from hydrocarbon or renewable energy related activities) should be subject to detailed assessment prior to activity consenting so that appropriate mitigation can be identified and agreed which may include no anchoring and zero discharge.*

No comment

*11. For the area to the west of the Hebrides (covered in SEA 7) it is recommended that blocks west of 14 degrees west should continue to be withheld from oil and gas licensing for the present. This recommendation also applies to the deepest parts of the Southwest Approaches. This is in view of the paucity of information on many potentially vulnerable components of the marine environment, and other considerations. Once further information becomes available, the possible licensing/leasing in these areas can be revisited.*

No comment

*12. Potential applicants for licences in the 26th and subsequent oil and gas licensing rounds should be reminded that the expectation for facilities design will be for zero discharge of oil in produced water.*

No comment

*13. The Department has a central role in UK energy and climate change response policies; in recognition of the national and international focus on climate change and curbing fossil fuel emissions, DECC should seek and give consideration at both the oil and gas licensing and project consenting stages to CO2 emission reduction proposals e.g. capture and storage (rather than venting) of CO2 from gas treatment offshore.*

13.1. BWEA agree with the above recommendation.

*14. Efforts are (or will be) underway to identify offshore Marine Conservation Zones / Marine Protected Areas e.g. under the Marine Strategy Framework Directive, OSPAR and the Marine and Coastal Access Bill. Where the objectives of the conservation sites and renewable energy development are coincident, preference should be given to locating wind farms in such areas to reduce the potential spatial conflict with other users.*

14.1. BWEA agree with the recommendation but wish to state that proposals for projects can only be considered in the context of what actually exists or has definite plans to exist. Proposals for future MCZs may not succeed and may not therefore be material considerations.

14.2. BWEA would also like to note that MCZs must be designated on sound evidence-based data and the socio-economics impacts of the designations must be considered prior to designation by the competent authority. MCZs should not be influenced by landscape and visual opinions which are not evidence based. It is noted that there are no buffer zones for onshore development around Areas of Outstanding Natural Beauty.

14.3. BWEA support the stakeholder led approach to MCZ designation that will include representation from marine based industries.

14.4. Uncertainty over the effects of MCZ designation on other activities remain. BWEA understand that until the habitat or species to be protected is known, it is naturally difficult to say what restrictions on development will be required. Wherever possible, the reduction of this uncertainty is clearly in the best interests of the environment and renewable energy development.

*15. Similarly, as part of the Natura 2000 initiative, further offshore SACs and extensions to SPAs are being identified. Such sites are not intended to be strict no-go areas for other activities and a number have been mooted in areas with significant potential for offshore wind farm development. Wind farm developers should be aware that SAC/SPA designation may necessitate, subject to the conclusions of any appropriate assessment, suitable mitigation measures so as to avoid adverse effects on a designated site or species.*

15.1. BWEA wish to emphasise that the SEA report indicates the least constraints for renewable energy development in the Dogger Bank area. This area is also earmarked as a potential SAC.

15.2. Please also refer to comments on recommendation 14.

*16. Gas storage projects need an EIA under the requirements of the EIA Directive. However, it is unclear at present under which UK regulations EIA for such projects would be undertaken, and early resolution is desirable in light of the drivers for increased UK gas storage capacity.*

No comment

*17. The Offshore Vulnerability Index (OVI) to surface pollutants developed by the JNCC should be reviewed in the light of results from recent aerial and boat based bird survey data, and updated if necessary. Consideration should also be given to whether the development of UK-specific individual waterbird species sensitivity indices and mapping of a Wind Farm Sensitivity Index (WSI) in UK waters would be useful in support of site selection and consenting.*

17.1. WSI would need better knowledge of potential effects on birds to have any useful meaning. For example, a high WSI scoring species may be present in a development site but reality could be that any effect could be insignificant. The presence of the high WSI could raise the barrier to successful permitting without genuine good reason. Advice received by BWEA from industry is that Population Viability Assessment models for specific species would prove of more value.

17.2. It should also be noted that seasonal restrictions on windfarm operation are very unlikely to be economically feasible and must therefore be considered to be unrealistic.

*18. The existing initiatives to develop waterbird Population Viability Analysis for sensitive species should be progressed, including, if necessary, research to improve the accuracy of inputs to the models.*

18.1. BWEA agree that this should be a priority for the Government, possibly in collaboration with The Crown Estate and industry. This work is likely to take a long time and although useful for informing future development it cannot be allowed to delay projects.

*19. The potential for capacity extensions to existing Round 2 wind farm leases requires careful site specific evaluation since significant new information on sensitivities and uses of these areas*

*is now available (see also recommendation 2 above). As a general rule it is recommended that any such site extensions are to the seaward rather than the landward side. Round 1 sites are closer to the coast and it is anticipated that the majority would not be extended; any application for this would also require detailed site specific evaluation.*

19.1. The general rule that site extensions are to the seaward side, or any specific side, should be flatly ignored by Government. Extensions, as with all development, would require detailed site specific evaluation. There is no justification for a general rule of this nature.

*20. Siting and consenting processes for offshore wind farms must remain flexible to allow for technological innovation, including in mitigation measures.*

20.1. Agreed. It is of utmost importance to allow sufficient flexibility to optimise renewable energy generation.

*21. The information collected by offshore renewables and oil industry site surveys and studies is valuable in increasing the understanding of UK waters. The initiatives such as the UKDEAL, COWRIE and UK Benthos databases to ensure that such information is archived for potential future use should be continued and actively promoted during the consenting processes. Similarly, there should be encouragement for the analysis of this information to a credible standard and its wider dissemination.*

21.1. BWEA agree with this recommendation and note that The Crown Estate lease requires environmental data to be submitted for public release.

*22. It is recommended that in certain key areas of marine mammal sensitivity, operational criteria are established to limit the cumulative pulse noise "dose" (resulting from seismic survey and offshore pile-driving) to which these areas are subjected. This could be implemented within the existing regulatory framework for activity consenting, but will require a mechanism to facilitate the exchange of information, for example through a web-based forum hosted by DECC, JNCC or the MMO when established, with suitable links to all parts of the UK.*

22.1. As mentioned previously, the issue of cumulative noise must include other marine based industries as well as oil and gas and renewables.

22.2. Restrictions on wind farm construction must be considered in the full view of the safety, practical and cost effects they have on the wind farm. For example, weather windows for installation work offshore dictate short periods of time that are safe to work within. Further restricting installation times will ultimately delay delivery of renewable energy in the UK.

*23. To assist developers and the achievement of conservation objectives, DECC and others in Government should encourage the adoption of consistent guidance across the UK on the implementation Habitats Directive requirements, for example disturbance of European Protected Species (Annex IV species).*

23.1. BWEA agree with this recommendation and suggest that it should be progressed with urgency. UK guidance should be in line with European Commission guidance work which is currently underway.