

Regulating Ocean Energy Development

Phil Gilmour

Chair of OEF Environment and Consenting
Steering Group

Head of Marine Scotland's Renewables Branch

Ocean Energy

Environment & Consenting challenges

- Consenting of OE projects is complex with risk of failure
- Use of SEA and other strategic assessment tools can help steer developers with site selection to minimise risks
- New technologies come with potential unknown impacts and uncertainties
- Developers and Regulators have to be able to justify decisions based upon EIA and HRA findings
- Lack of knowledge and empirical impact data requires risk based consenting policy, otherwise project consenting will stall or fail

Use of Planning and Consenting Tools

- Using Sustainability Appraisal to develop RLG and Sectoral Plans
 - Steer developers away from environmental sensitivities and conflict with other sectors
- Use policy tools to facilitate wave and tidal consents
 - Risk based approach
 - Socialise intensive monitoring for initial project developers
 - Collect empirical data to populate assessment methodology of IMPACTs

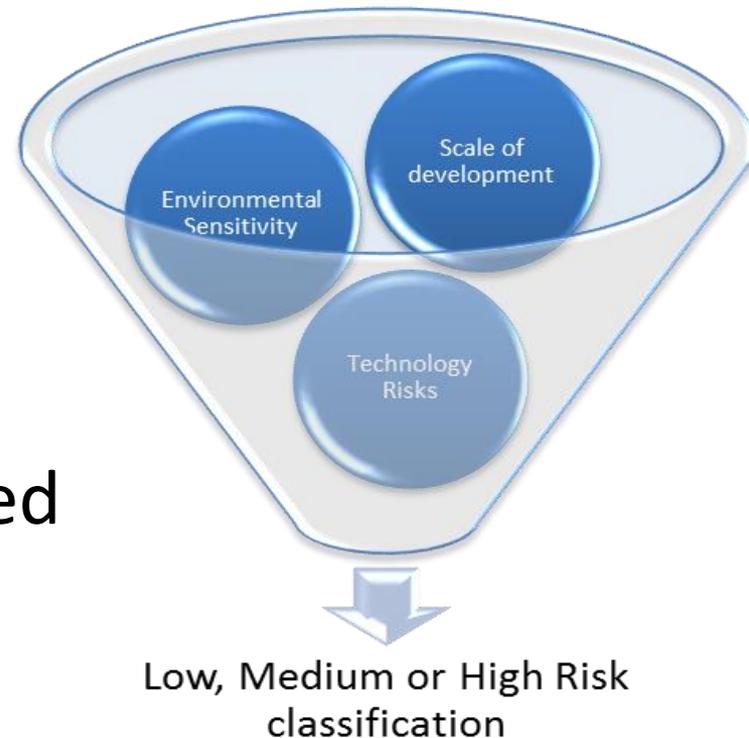
Survey, Deploy and Monitor Policy Guidance

- Considers factors:

1. Environmental Sensitivity (of the proposed site)
2. Scale of Development; and
3. Device (or Technology) Classification.

- It distinguishes between proposed developments for which:

- projects are considered to be of low environmental impact risk based upon the 3 factors
- and those where a greater level of site characterisation and impact consideration are required



Environmental Sensitivity Mapping

Similar to Strategic Environmental Assessment in approach and undertaken over relatively large spatial scale.

Darker brown = higher sensitivity

Map combination of 19 different sensitivity layers, each of which were weighted.

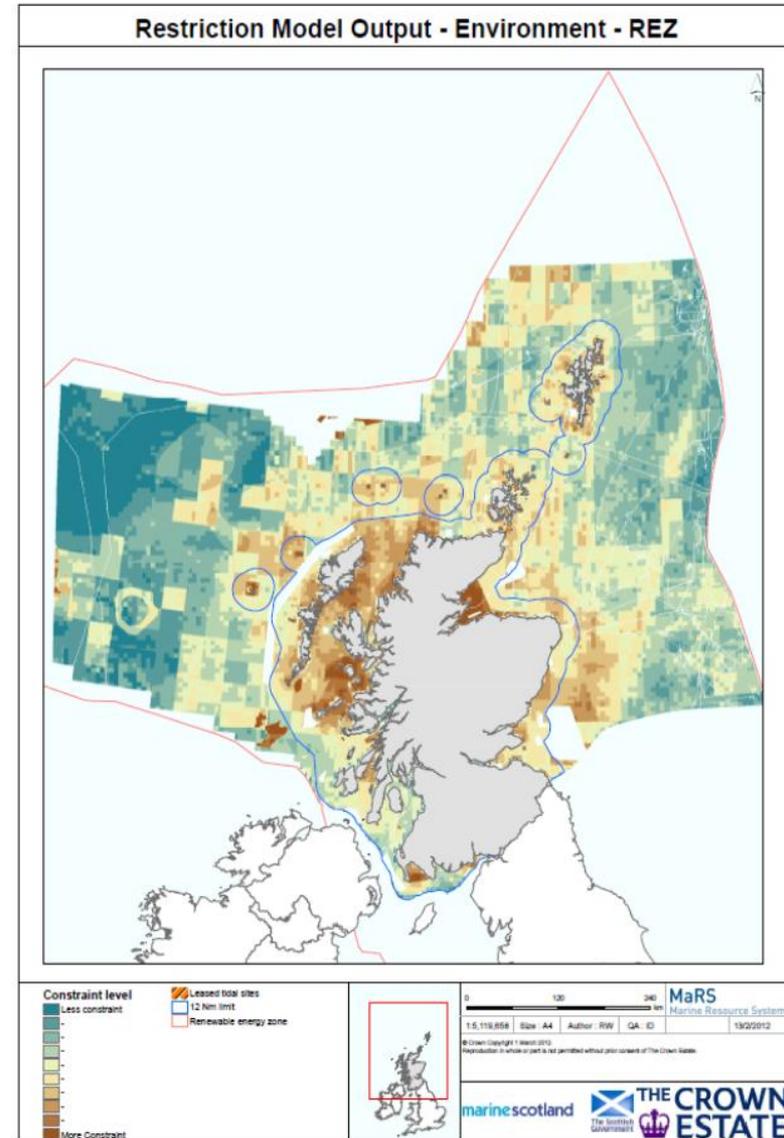
Included:

- Seabird distributions

- Marine protected areas

- Marine mammal distributions

- Fish spawning grounds



Maygen Tidal Array Pentland Firth

- Scale
 - First phase 4 MW move towards 86 MW
- Environmental sensitivity
 - Resident seal population, diving birds, salmonids and other fish
- Impact
 - Potential for collision impact with marine mammals
- Demonstration Strategy (DS)
 - Developer/Marine Scotland JV
 - Passive and active sonar and video surveillance
 - DS Phase 1 field trial of equipment summer 2015
 - DS Phase 2 deployment of system summer/autumn 2016
 - DS Phase 3&4 analysis and assessment methodology development to justify project expansion and other future projects

RiCORE Project — EU H2020

- The aim of the RiCORE project is to review approaches to and establish a risk-based approach to consenting across partner EU member states
- Like SDM, the level of survey requirement is based on environmental sensitivity, technology risk profile and project scale
- The project is intended to have the following impacts:
 - Ensure there are clear and transparent reasons for survey work, improving cost effectiveness.
 - Improve knowledge sharing.
 - Reduce the barriers to the development of the marine renewable energy sector.
 - De-risk Survey, Deploy and Monitor policy guidance application in Scotland to establish an EU wide accepted approach.

OEF Roadmap Projects to de-risk Consenting

OEF Draft Road Map – Projects

1. Minimise environmental monitoring costs on initial developers, review existing project and strategic monitoring requirements maximise use for emerging projects and reduce post consent condition requirements
 - establish information sharing portal(s)
2. Review EU best practice project consenting, promote streamlining and efficiencies through e.g. one stop shop regulator body, risk based consenting policies and proportionate requirements based on project scale
 - produce EU Guidance
3. Produce advice on how to use strategic assessment techniques and marine spatial planning to aid developers select sites to minimise risks of failed applications
 - consider how planning can aid developers with cumulative impact and in-combination effect assessments