

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

An Advisory Council to the Department of the Environment

1st Floor Calvert House, 23 Castle Place, Belfast, BT1 1FY

Tel: 028 9025 4850/Fax: 028 9025 4856

secretariat-hillst@doeni.gov.uk

8th March 2010

Ms Sandra McMillan
Sustainable Energy
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP

Dear Sandra,

NI Offshore Wind & Marine Renewable Energy SEA & SAP Consultation

The Council for Nature Conservation and the Countryside (CNCC) is the statutory body providing advice to the Department of the Environment on nature and countryside conservation issues, particularly as they affect Northern Ireland.

CNCC welcome the opportunity to comment on this consultation, which has been prepared with input and advice from the Joint Nature Conservation Committee (JNCC).

JNCC is the statutory adviser to Government on UK and international nature conservation. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems. JNCC has responsibility for the provision of nature conservation advice in the offshore area; 'offshore' is defined as beyond 12 nautical miles (nm) from the coastline to the extent of the United Kingdom Continental Shelf (UKCS). Within territorial limits (<12 nautical miles) nature conservation advice is the responsibility of the relevant country agencies, such as CNCC. JNCC has experience of providing advice on similar plans and SEAs beyond 12 nautical miles.

General Comments

We appreciate the important overview of relevant data that the SEA environmental report represents and welcome that the SEA findings and recommendations have been considered in the drafting of the SAP.

In general it appears, from our biodiversity-focused review, that the SEA environmental report has identified the key issues and potential effects that would most likely result from marine renewable energy and offshore wind developments. However, as identified by the SEA, there are data and knowledge gaps that need addressing, and we have made some further comments on this action and its implementation below.

It is noted that an appropriate assessment of the SAP has not yet been undertaken, despite the possibility that the implementation of the SAP may affect Natura 2000 sites. Although the SEA environmental report includes information that may be used to support an appropriate assessment, it has not been specifically identified in the report. We understand from the Offshore Renewable Energy Seminar held on 4 February 2010 that an appropriate assessment will be undertaken, which we welcome and look forward to commenting upon.

SEA Environmental Report

Resource Zone Assessment

Overall, the approach taken and the outcomes of the resource zone assessment seem sensible. At this strategic level, some assumptions do need to be made, e.g. regarding the effectiveness of standard mitigation measures, and in general the assumptions that have been made seem reasonable. However, we suggest that perhaps more caution needs to be exhibited regarding the residual effect significance (with mitigation) grading allocated to effects where data confidence is low and more data needs to be collected. For example, the data confidence level for benthic and intertidal ecology is identified as low and in table 11.6 (page 224) the need for benthic surveys at a project level is identified as a mitigation measure, but the residual effect grading is given as being negligible or negative. The uncertainty could simply be indicated by the use of the unknown category when more detailed or further survey work is required, as it has already in some instances (e.g. in table 11.6 (page 229) the barrier to movement residual effect on marine mammals is graded as unknown to significant adverse).

Although the SEA Appendices acknowledge the distinction between narrowband and broadband sound sources, the differing impacts are not distinguished. It is felt that these should be treated as distinct cases, as both the sources and impacts are likely to be different, particularly when multiple emitters are involved.

Cumulative Effects

It is noted that the assessment of the cumulative effects of varying renewable energy targets (Chapter 12) considered different levels of development within each of the resource zones and identified the development capacity of each zone with environmental constraints. However, the cumulative effect of undertaking development to capacity (with environmental constraints) in all of the potential two wind and two tidal zones was not considered. The combination of development activities in four zones would be likely to have greater environmental effects, especially if developments were being undertaken simultaneously. DETI may wish to consider in this type of scenario issues such as the cumulative effects of disturbance to marine mammals and displacement effects on birds amongst others. In particular, the SEA might usefully consider the development of clear recommendations to help manage the risk of cumulative impacts on European Protected Species (EPS). Greatest risks are likely to relate to the potential for construction noise to cause disturbance that may affect the favourable conservation status of EPS if disturbance occurred over a wide area and extended period of time. For SACs and SPAs, we would expect potential cumulative effects to be identified and assessed as part of the appropriate assessment process. This may result in clear recommendations to address specific risks.

Alternatives

The SEA environmental report considers a number of strategic-level alternatives. We would like to highlight that consideration of alternatives will also be key at the project level, in particular considering the options regarding device design and the resulting construction methods e.g. looking at alternatives to piling for device installation may be key in avoiding significant disturbance to marine mammals.

Strategic Plan Level Mitigation Measures

The SEA has identified a reasonable set of mitigation measures for integration into the SAP. However, we do have some comments on the proposed measures that are outlined below.

Offshore Renewable Energy Forum

DETI may find it helpful to look at the remit and work of the Scottish Marine Energy Spatial Planning Group (MESPG) that was formed in response to the findings of a similar SEA for the development of wave and tidal energy around Scotland. They are looking to produce a spatial planning framework that includes location/planning guidance and scientific research (to better understand the interface between new technology deployments and the marine environment) so there are obvious similarities with DETI's ambitions for the Forum. CNCC is very keen to participate in such a forum in NI.

Data and Knowledge Gaps at a Strategic Level

Table 14.1 helpfully summarises the data and knowledge gaps identified during the SEA and also proposes survey/research or monitoring to fill these gaps. There is obviously a substantial amount of work to be done, so we would recommend that DETI consider prioritising and also allocating responsibility for the tasks to appropriate departments. With no specific targets attached, transposing the mitigation measure to the SAP in its current form is unlikely to assist with the implementation of a challenging action. Furthermore, concern is felt that adequate resources will not be allocated to data gathering, with the potential for delays to the appropriate assessment process.

Deploy and Monitor Approach to the Management of Development

We would like to emphasise that the uncertainty relating to new and unproven technology that gives rise to this deploy and monitor approach may result in the potential targets for offshore wind and tidal energy that have been identified through the SEA not being fulfilled. This uncertainty and the consequent challenge of meeting potential development targets has been highlighted in SEA environmental report, including in section 12.5. This deploy and monitor approach to marine renewable energy developments does help to address uncertainties regarding environmental effects. However, we would recommend that if the deploy and monitor approach is being adopted, priority should be given to developments outwith protected sites.

Offshore Renewable Energy Strategic Action Plan

As stated above, the SEA mitigation measures that are being taken forward in the SAP seem reasonable. However, as highlighted above in relation to the filling of strategic data and knowledge gaps action, we would suggest that the actions would benefit from being more targeted in order to support their actual implementation. The allocation of priorities and responsibilities, together with identification of resource requirements, would contribute to making the actions more achievable and measurable. High level targets should be included in the next Programme for Government.

A considerable amount of work has obviously gone into the SEA process and we appreciate the effort that has gone into establishing an understanding of the environmental impacts of the Offshore Renewable Energy SAP. However, we have concerns with the timescales and resources available.

Yours sincerely



**PATRICK CASEMENT
CHAIRMAN**