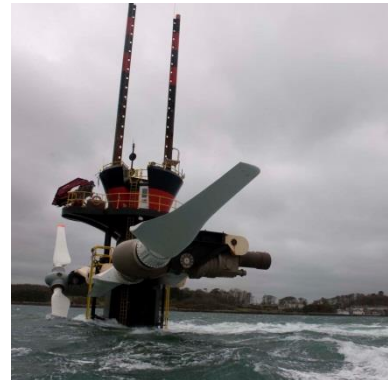
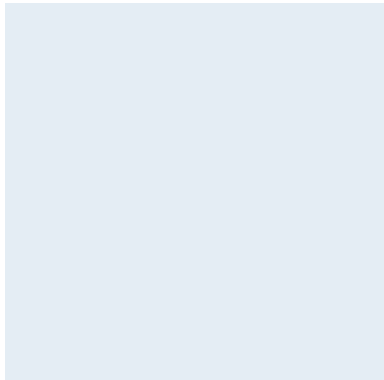
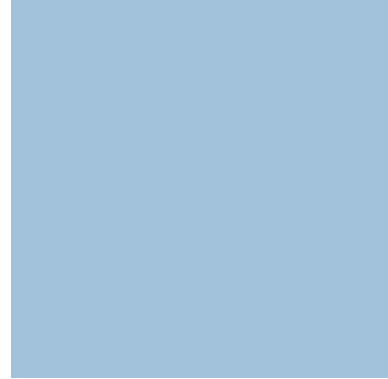
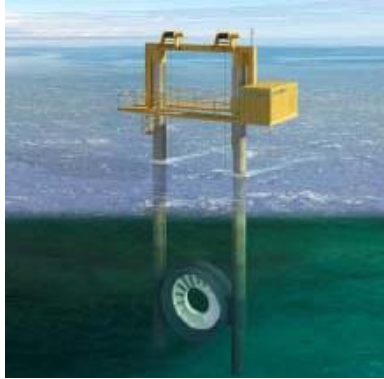


RPS

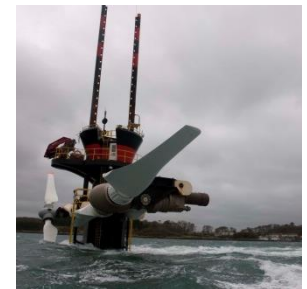
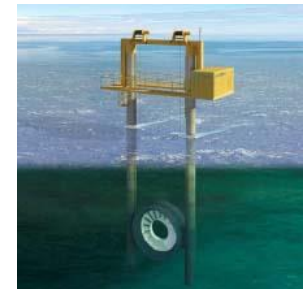


RiCORE-Project
21st May 2015
Paris Workshop

Irish Offshore Renewable Licencing

Dr James Massey
RPS Group

- **National Strategy and Policy**
- **Current Activity**
- **Licencing and Consenting**
- **Issues and Uncertainties**



- **Ireland's Ocean Strategy, Ireland's Energy Policy (White Paper and Green Paper), Sea Change, Horizon 2020**
- **EC Directives**
- **Renewable Energy Policy**
- **Policy Drivers**
- **Policy Support Mechanisms**
- **Policy Initiatives**
- **Policy Indicators and targets**



- **Phase 1 Development: (2006 – 2008) institutional and industrial.** Support for the design and construction of scale model prototypes, support will be given to strengthen research facilities, and to develop offshore test facilities.
- **Phase 2 Pre-Commercial Single Device:(2008 – 2012) constructing a fully operational pre-commercial wave energy converter supplying power directly to the electricity network.**
- **Phase 3 Pre-Commercial 10MW Array: Unless the devices can be arranged effectively in an array, large scale deployment**
- **Cost benefit and regulatory assessment.**
- **Phase 4 Commercial Deployment:**

Offshore Renewable Energy Development Plan 2015

- **Acknowledging the current state of readiness, the targets from the Strategy**
- **New targets**
 - Robust Governance structure for ODREP – to be complete 2014, reviewed in 2017 and 2020
 - Increase Exchequer support for Ocean Research, Development and Demonstration Sites
 - AMETS (2016)
 - Galway SmartBay
 - Cork Test Site
 - IMERC, 2016
 - Beaufort Laboratory, 2015
 - Prototype Development Fund, 2016
 - Initial Market Support Tarrif for Ocean Energy (2016 – €260/MWh up to 30MW)
 - Export Markets, 2014
 - Supply chain for Offshore Renewable Industry
 - Communication – Open for Business
 - International Collaboration
 - New Planning and Consenting System (2015)
 - Environmental Monitoring
 - Infrastructure Development

- **Existing consents for MRE Projects in Irish waters**
 - *Offshore Wind*: **Two leases** are in place for the development of Offshore Windfarms at the Arklow Bank and the Codling Bank in the Irish Sea.
 - *Offshore Wind*: Arklow Phase 1 has been developed – seven turbines – 3.6 MW
 - *Offshore Wind* – following some site investigation works, Codling Bank, Arklow Phase II and Kish Bank were tendered but not awarded for 24 month baseline surveys (also First Flight – NI)
 - *Tidal Energy*: To date, no licences have issued for tidal energy projects.

- **Existing consents for MRE Projects in Irish waters**
 - *Wave Energy*: A **site investigation licence** was issued to Sustainable Energy Authority Ireland (SEAI) for the purposes of exploring a site off Belmullet, Co. Mayo as a testing facility for full-scale wave energy devices.
 - *Wave Energy*: A **site investigation licence** was issued to CETO Wave Energy Ireland to assess the suitability of a location for the development of an electricity generation station using wave energy between Freagh Point and Spanish Point in County Clare.
 - *Wave Energy*: **Site investigation licences** have issued to ESB Energy International Ltd in respect of the WESTWAVE project at Achill Island, Co. Mayo and Killard, Co. Clare.

- The laying of subsea cables within the Irish Inshore Region (0 – 12 nm) would require a Foreshore Licence under the Foreshore Acts 1933 – 2009 from the Minister for the Environment, Community and Local Government;
- The development of an offshore array and sub stations within the Irish Inshore Region (0 – 12 nm) would require a Foreshore Lease under the Foreshore Acts 1933 – 2009 from the Minister for the Environment, Community and Local Government;

- The laying of cables / development of an offshore sub station within the Irish Offshore Region (12 - 200 nm) would require the consent of the Minister of Communications, Energy and Natural Resources under the Continental Shelf Act, 1968.
- The laying of cables / development of an offshore array and sub stations within the Irish Offshore Region (12 - 200 nm) would require the consent of the Minister of Communications, Energy and Natural Resources under the Continental Shelf Act, 1968 – **however, there is no identified licensing system or competent authority**

- **Construction and operation of an electricity generating station, Commission for Energy Regulation (CER)**
- **Grid Connection – Electricity Supply Board Networks / EIRGRID**
- Permit to search for archaeology
- Foreshore permits for actions in the foreshore including site investigation, survey, deployment of equipment
- Seismic and geophysical survey is regulated for energy under the Oil and Gas legislation. Site investigation is exempt, but drilling is covered under EIA regulations
- **The Department's current position of not accepting new Offshore Renewable Energy (ORE) applications other than those for site investigation and demonstration projects will remain in force for the foreseeable future (DECLG, February 2014)**



Legislation and Issues identified in ISLES

Renewable Energy

National Law	National Policy	Gaps identified
<p>Electricity Regulation Act 1999 (ERA 1999)</p> <p>Foreshore Acts 1933 – 2011</p> <p>Foreshore Regulations 2011</p> <p>Continental Shelf Act 1968</p> <p>Sea Fisheries and Maritime Jurisdiction Act 2006</p> <p>Planning and Development Acts 2000 – 2011</p> <p>Planning and Development Regulations 2001 - 2013</p>	<p>Draft Offshore Renewable Energy Development Plan (2010)</p>	<p>Offshore renewable energy beyond the territorial sea has not been developed.</p> <p>The process for obtaining the required licences and authorisations for electricity generation do not distinguish between onshore renewable energy projects and offshore projects although offshore projects are required to submit marine charts in order to identify the location (Ronan Long p.495). The Guidance for Developers applies to the limit of the EEZ and defines offshore as being the foreshore and the waters between the 12 nm limit and the outer limit of the EEZ. However, it is unclear whether guidance issued by DCMNR is still being used.</p> <p>Foreshore aspects of the development have 2 stages:</p> <ol style="list-style-type: none"> 1. Licence – to allow investigations in the area to commence 2. Lease - to allow development to commence. <p>The licensing/authorisation processes are not aligned – for example authorisations are obtained from the Commission for Energy Regulation (CER) to construct generation stations but developers then have to obtain a foreshore licence, conduct investigations and thereafter apply for lease in order to even start building. Once built there are then grid connection issues. Furthermore, there are no time limits within this process. For example 16 offshore wind-farms are under construction with a further 52 fully consented although to date foreshore leases have only been granted at two sites.</p> <p>The EIA process for foreshore renewable energy projects only notes EIAs for turbine developments – what about tidal/wave developments?.</p> <p>SI 349 of 1989 amended various Acts including the 1960 Petroleum Act in order to transpose the EIA Directive. However, s. 13A contains the obligation for “A plan submitted to the Minister under the terms of a lease under section 13 of this Act seeking his approval for working of petroleum” to be accompanied by an EIS. The reference to ‘under the terms of a lease’ is unclear but if the EIS is only to be submitted after the decision has been made to grant a lease and allow minerals to be worked, the transposition does not meet the requirements of the Directive because EIA must be carried out prior to the giving of a consent – see Case C-215/06 <i>Commission v Ireland</i>.</p> <p>A further issue arises in that s. 13A merely requires the Minister to have regard to the submitted EIS, not to carry out an environmental impact assessment. The ECJ in case C-50/09 <i>Commission v Ireland</i> has held that requiring a planning authority or ABP to establish the completeness of a submitted EIS does not correspond to the obligations of the EIA Directive. The competent authority must carry out the assessment itself and the transposing legislation must incorporate this requirement.</p>

- **EIA follows international best practices.**
- **National guidance based on terrestrial planning**
- **Appropriate Assessment required**
- **EIA process can be lengthy and has several Departments with equal consent / veto rights**
- **Includes several public consultation periods and requirements**
- **Likely EIA time – 18 months.**
- **Survey requirements are only stipulated after EIA review in the RFI process.**
- **Survey requirements are not stipulated (currently following 24 months for sensitive species and international guidance – COWRIE, OSPAR etc.)**

- **Natura sites can be included up to significant distances (150km) for marine projects**
- **Stage 1 (Screening) and Stage 2 (Impact Assessment and Mitigation) only. No case history of accepted compensation.**
- **EIA / AA process must include Article 12 (Annex IV) species assessment for the marine.**
- **Baseline Acoustics - modelling of constructions and operation and realtime acoustic monitoring likely to be required.**
- **Real-time current and turbidity monitoring likely**
- **No case history for licence or Derogations for disturbance. Disturbance includes behavioural response of individuals.**
- **DAGH (2014) guidelines.**

- Currently, there is no overarching planning or marine management system operating seawards, a number of authorities are ‘co-custodians’ of the marine environment.
- No planned MSP, no existing ICZM
- Multiple permissions are required for an application.
- A streamlined system is identified as a goal of the ODREP.
- The Maritime Area and Foreshore (Amendment) Bill 2013 which devolves some powers to LA and clarifies issues is still to be presented to the Dail (Irish Parliament)
- The existing systems are relatively untested.
- Despite announcements of technology neutral permissions for SmartBay, AMETS and Westwave, permissions only cover infrastructure or site investigation activities.

- Tariff
- Monitoring baseline (default to UK requirements)
- Permitting without statutory deadline
- Unclear procedures
- SAC and SPA interactions – Precautionary Principle
- Process of EIA and AA can be extremely difficult and lengthy without clear ability to identify risks at early stages (based on terrestrial renewable experience (2 years + monitoring and 18 months consenting))
- No clear guidance of requirements – monitoring, SEIA, HIA
- Uncertainties not limited to renewables in the marine consenting

- **Inclusion of near shore potential in Local Area Plans and Strategies**
- **ESB purchasing method**
- **Local area schemes of island communities**
- **Completion of the Westwave, AMETS and SmartBay infrastructure.**
- **Government lead / backed projects (SID – streamlined consenting)**
- **Introduction of Marine Spatial planning areas**
- **Legislative reform**
- **Identification of marine renewables in Government research strategy.**
- **MARIE, Beaufort, Test site complex**
- **Tariff issues**
- **Completion of interconnectors (France and UK)**

- **Test sites in construction**
- **Beaufort, IMERC and MAREI centres**
- **SEAI – developing EIA guidelines for Offshore renewables**
- **ODREP SEA completed**
- **IOSEA5 completed acknowledging renewables**
- **Maritime and Foreshore Act on government agenda 2015**
- **Ireland UK interconnectors (Moyle and East West) operational**
- **Ireland France interconnector at final route selection stage**
- **AMETS and Westwave completing baseline surveys.**
- **Northern Ireland commercial tidal (Torr Head) progressing – (EIRGRID are a major stakeholder).**

- **As the industry is less developed - leads will be taken on consenting, monitoring and EIA requirements from adjacent jurisdictions.**
- **Clear EU level guidelines on any of these areas will be adopted or adapted for Irish development.**
- **Lack of consenting certainty is due to lack of demand on proposed systems.**
- **As test site infrastructure (and procured generation sites) are completed, expected rapid increase in applications and therefore clear development of regulatory systems.**
- **Not currently commercially viable to wider generation industry without resolving the tariff issues.**