CONSENTING PROCESS FOR OCEAN ENERGY IN SPAIN

Juan Bald and Iratxe Menchaca
Marine Research Unit
Herrera Kaia, portualdea z/g, 20110 Pasaia (Spain)
jbald@azti.es

This project has received funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement No 646436.
• Marine Spatial Planning
• Consenting process
• EIA
• Challenges
<table>
<thead>
<tr>
<th>MSP</th>
<th>CONSENTING PROCESS</th>
<th>EIA</th>
<th>CHALLENGES</th>
</tr>
</thead>
</table>

- **Marine Spatial Planning and Strategic Environmental Assessment** have been identified as tools which can support and inform future consenting of ocean energy projects.

- Some countries are in the process of developing MSP systems and others have already zoned sea areas for marine renewable energy development.
In Spain there is no a specific MSP policy for wave and tidal projects….but……

For offshore wind projects.....

After been subject of evaluation according to the Law 9/2006 of SEA


RESULTS

- Exclusion zones (Red) 62%
- Areas with some environmental restrictions (Yellow) 34%
- Suitable Zones (Green) 3%
In Spain no dedicated consenting process exists for ocean energy technologies

The consenting process is based on three main legal instruments:

- **Royal Decree 1028/2007** establishes the administrative procedure for processing applications for electricity generating facilities in territorial waters

- **Law 21/2013**, December 9th, on Environmental Impact Assessment

- **Law 2/2013**, of 29 May, for protection and sustainable use of the coast
The **Ministry of Agriculture, Food and Environment**, through the Directorate General of Coasts - is in charge of the authorizations and concessions regarding the occupation of maritime-terrestrial areas.

The **Ministry of Development**, through the Directorate General of Merchant Navy - authorizes the precise activities when they affect maritime safety, navigation and human life at sea.

The **Ministry of Industry**, through the Directorate General for Energy Policy and Mines is the decision-making body and it is responsible for granting the administrative authorization.

**Regional governments** can participate in the process depending on their competences. In particular, regional governments (there are 17 in Spain) are the decision-making bodies when the site is in internal sea areas (i.e. sea areas lying between two capes).
MSP  | CONSENTING PROCESS  | EIA  | CHALLENGES

**PROJECT**

AA + PU REQUEST

EIA

EISt

AA + PU

3 months

4-6 months (3-24 months before 2013)

OMTPD Request

AA + PU

OMTPD

OEA Request

MA Request

EP Request

EA Request

OEA

MA

EP

EA

3 months

8 months

4 months

3 months

3 months

3 months

(41-48 months before 2013) 20-27

Document submission

Administrative process

EIA: Environmental Impact Assessment

EIST: Environmental Impact Statement

Promoter

E: Competent authorities for approval licensing

Ministry of Environment

Ministry of Industry

Port Authority

AA: Administrative Authorisation

PU: Public Utility

OMTPD: Occupation of the Maritime-Terrestrial Public Domain

OEA: Occupation of the Easement Area

MA: Marking Area

EP: Execution Project

EA: Exploitation Authorization
According to the Law 21/2013, December 9th, on Environmental Impact Assessment, all projects devoted to the production of energy on the marine environment are subject to be evaluated through a simplified environmental impact assessment process.
Consenting is still regarded as a non-technological barrier to the progress of marine renewable energy industry, due to the complexity of consenting processes and the lack of dedicated legal frameworks.

<table>
<thead>
<tr>
<th>Barriers</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncertainties regarding environmental aspects of the projects. Uncertainties and lack of information of the different public agents who have to take decisions</td>
<td>Public database on monitoring results and conclusions, implement a <strong>risk-based approach</strong> during the decision-making process.</td>
</tr>
<tr>
<td>Lack of guidance to developers</td>
<td>Development of procedures and guidelines.</td>
</tr>
<tr>
<td>Lack of an integrated planning</td>
<td>Implementation of strategic plans like MSP and SEA.</td>
</tr>
<tr>
<td>Administrative procedures</td>
<td>The implementation of a ‘one-stop-shop’ approach or a well coordinated procedures between different consenting bodies.</td>
</tr>
<tr>
<td>Long lead-in times for approvals</td>
<td>Establishment of fixed time frames and deadlines.</td>
</tr>
</tbody>
</table>
http://www.azti.es/rim/component/content/article/28.html


Thank you very much for your attention!!!