



Joint Nature Conservation Committee
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Offshore Transmission Final Consultation
Department of Energy and Climate Change
1 Victoria Street
London
SW1P 0ET

5th May 2009

Dear Sir/Madam,

RE: Government Response to Offshore Electricity Transmission – A further Joint Ofgem/DECC Regulatory Policy Update

This letter represents the views of the Joint Nature Conservation Committee (JNCC), Natural England (NE) and Countryside Council for Wales (CCW). We, as the nature conservation agencies, are primarily concerned with the minimisation of negative environmental effects of offshore electricity transmission, both onshore and offshore, and therefore appreciate the opportunity to respond to the Government Response to Offshore Electricity Transmission – A Further Joint Ofgem/DECC Regulatory Policy Update.

Please find our comments below:

1. Section 3.13 & 4.6 states that extension of the principles of the onshore regulatory framework will 'ensure a co-ordinated approach to the development of the offshore network, providing an additional environmental benefit, by reducing unnecessary duplication of transmission assets'.

As we stated in our earlier response to consultation on transmission proposal (dated 9th January 2009), we believe that a coordinated approach to the development of the offshore transmission network is of particular importance in minimising the environmental impacts of cable laying. Such an approach would also help to minimise the overall burden of project consenting to developers, regulators and advisors. However, we are not convinced that extending the principles of onshore regulation, which underpin a regulatory regime that is project specific in nature, will by itself provide the strategic coordination necessary. It appears to us that there is a need for a coordinating mechanism to be developed and that this should be described in the regulatory policy.

Furthermore, in order to minimise the environmental impact of cable laying and associated infrastructure, and, we consider that there should be *no* duplication of transmission assets.

2. The document does not describe the regime for assessing the environmental implications of laying transmission cables (i.e. FEPA/Marine Development License following enactment of the Marine Bill, and also potentially under the Wildlife & Countryside Act and Habitats Regulations). Neither does it make it clear who will be required to submit for consents issued under these arrangements (e.g. will it be the OFTO or energy generator?). This should be

made clear to avoid confusion/delay at a later stage, either in the policy or within a supporting code.

3. Section 6.19 bullet 2 that relates to circumstances under which the Authority might revoke a licence, this should also refer to the ability to revoke a license where conditions of any environmental consent have not been complied with.
4. Section 4.33 - We note the inclusion of further detail on the Crown Estate and the Round 3 plan, and that the zonal approach will “...enable strategic planning, such as electricity grid infrastructure investment,” and that DECC and Ofgem will “continue to work with the Crown Estate to ensure that the approach to the development of offshore renewables and associated grid infrastructure is compatible and delivers the most economic and efficient network structure from offshore renewable energy generation.”

However, it is not apparent that this new zonal approach to the development of offshore wind, which provides the key opportunity for developing a co-ordinated transmission infrastructure, has influenced the development of the regulatory policy in any way. As noted by developers, the policy still encourages ‘point-to-point’ transmission solutions and the need for a policy which facilitates effective transmission development at a strategic level has not been addressed.

In anticipation that the regulatory policy is unlikely to change significantly at this stage, the Agencies would like to work with DECC, Ofgem and the Crown Estate to develop potential grid solutions which effectively address environmental concerns, to prevent conservation issues becoming a constraint later in the consenting process. We are particularly keen to avoid issues such as those encountered in relation to Round 1 and 2 projects in the Wash area, and attach an Annex detailing these concerns to this response.

Please contact me with any queries.

Yours sincerely,

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Joint Nature Conservation Committee

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Andrew Hill, Countryside Council for Wales (a.hill@ccw.gov.uk)

ANNEX 1: Case study of grid connection issues in the Wash (written by Natural England and submitted in support of their consultation response to the Offshore Energy SEA, 22nd April 2009).

As part of three proposed windfarms in the Greater Wash Strategic Area, an offshore transmission corridor has been identified that will result in offshore transmission cabling through The Wash. The Wash is ecologically biodiverse and supports numerous ecosystem services and functions for a wide range of habitats and species. This is recognised both nationally and internationally, through its status as a National Nature Reserve, Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and a Wetland of importance under the Ramsar Convention.

It is Natural England's duty to advise the UK Government on the conservation and enhancement of this site, to ensure that activities within the Wash are sustainable and do not result in an adverse effect on the integrity of the site. At the present time this site is relatively undisturbed by major industrial impacts, and unlike other large shallow inlets and bays or estuaries within the U.K., such as the Humber Estuary, it has not been impinged upon by oil and gas pipelines or other subtidal benthic cabling infrastructure (e.g. telecom cables).

Natural England recognises that as part of the Strategic Environmental Assessment carried out for Round 2, suitable areas for offshore wind farm development were identified. The Greater Wash Strategic Area was one of these three Strategic Areas. Eleven developments are proposed within this area. However, Natural England are concerned that the SEA did not adequately address the infrastructure needed to enable offshore wind farm to be developed and identify optimal investments to ensure offshore transmission connections to the national grid that would not disrupt or put at risk key environmental assets.

As a result of limited grid connection options available to the developer, transmission routes through The Wash or across the North Norfolk coast are being put forward. These routes will cross areas of high environmental and ecological value resulting in higher ecological risk than that of a connection at the Skegness substation (the maximum capacity of which will be achieved once the proposed Lynn and Inner Dowsing wind farm is connected). This is a regrettable position, and from Natural England's perspective, investment to increase capacity at the Skegness substation would be the best option and would minimise risks to higher value environmental interests.

Natural England's specific concerns with regard to cabling through the Wash are set out in full within our responses to the individual Round 2 proposed windfarms. We have advised that there could be significant impact on the *Sabellaria spinulosa* reefs within The Wash and North Norfolk Coast SAC through damage from cabling.

Lincs OWF (consented 21-10-08) is the first of three developments which propose to cable through The Wash. Consent for two export cables which go through The Wash was granted due to mitigation measures which include micro-routing the cables around interest features. The exact route of the Lincs cables has yet to be agreed, but will need to take into account the latest data once a pre-construction survey has been undertaken. The route will also have to consider the draft Inner Dowsing, Race Bank and North Ridge SAC reefs. On its own, and with the mitigation in place, Natural England advised that the Lincs project will not have an adverse effect on the integrity of existing and draft European Marine Sites.

Docking Shoal and Race Bank have applied for consent (in January 2009) for a total of 8 more cables however the adjustments that will need to be made for Lincs project cable route will reduce the total width of the cable corridor identified for the three developments. In addition to this, Eastern Sea

Fisheries Joint Committee (ESFJC) has identified an area of historically stable reef within the cable corridor. Natural England is working with ESFJC to protect this area through a *Sabellaria* fisheries byelaw and will advise that other activities with a benthic impact should avoid this area also. It is still possible that, once further benthic surveys have been completed, an alternative route can be identified to the west of the reef, outside the currently proposed cable corridor.