



## Wind Farm consents - offshore

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- This note is closely related to [Wind Farm Consents – Onshore](#) (SN/SC/4370). They both deal with the procedures for obtaining consent for wind farms and the related policy issues.
  - The Crown Estate issues leases for the seabed.
  - Most offshore wind farm consents are over 100MW, and will require development consent under the *Planning Act 2008*.
  - The Infrastructure Planning Commission was abolished on 6 April 2012. A Major Infrastructure Planning Unit (within the Planning Inspectorate) will investigate applications, leaving the final decision to the Secretary of State.
  - The new marine planning plans being developed by the Marine Management Organisation (MMO) will also be important in determining suitable applications for wind farms. The MMO will decide applications for small wind farms.
  - Two applications for large wind farms were approved in July 2012, but a third one was refused.

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### **1 The Crown Estate leases for the seabed**

The Crown Estate issues leases on the seabed. That decision is taken by the Crown Estate Commissioners although Government officials are involved in the process. The granting of a lease does not confer development rights.

The [Crown Estate](#) explains what it has done:

To date we have pursued a series of leasing rounds under which areas of seabed have been made available for the development of offshore wind farms.

In December 2000 we announced the first round of UK offshore wind farm development, undertaken as a demonstration round. The key aims of Round 1 were to provide perspective developers with the opportunity to gain technological, economic and environmental expertise. Round 1 was to cater for demonstration scale projects of up to 30 turbines with the selection of sites largely driven by developers.

Eighteen sites were awarded, totalling a combined capacity of up to 1.5 GW.

Two years later, and prior to Round 2, a government report 'Future Offshore' set out the framework for offshore wind development in the UK. Through this report, three strategic areas were identified for development and a strategic environmental assessment (SEA) was carried out for these areas, (the Greater Wash, the Thames Estuary and Liverpool Bay in the northwest). Our Round 2 tender process was for commercial scale projects within these three areas, with the aim of meeting the offshore wind capacities identified by the SEA. In July 2003 we announced a competitive tender process for commercial scale Round 2 sites. The fifteen successful projects awarded Crown Estate agreements for lease amounted to 7.2 GW and included sites within and beyond territorial waters.

In May 2008, we announced a process for leasing wind farm sites in Scottish territorial waters. Following a detailed evaluation, nine development companies were awarded exclusivity agreements to take forward development at ten separate locations. The Scottish Government is currently undertaking an SEA for wind farms in Scottish territorial waters.

On 4 June 2008, and following announcement made from the Department for Business, Enterprise and Regulatory Reform (BERR) on the launch of an SEA of UK waters to open up the seas to up to 33 GW of offshore wind energy, we announced proposals for the third round of offshore wind farm leasing. The ambition was to install

25 GW of offshore wind energy in the UK Renewable Energy Zones and the territorial waters of England and Wales.

For Round 3, we used our spatial planning system (MaRS) to identify nine development zones for which developers could bid. In parallel to the bidding process, the government carried out a further SEA for offshore energy. Once awarded, each of the nine zones would be managed by a single development partner (company or consortium) who will oversee development of the zone. Wind farm sites will be identified within each zone in due course. In a further development, we are to contribute up to 50 per cent of the development costs for Round 3.

More recently, in July 2009 we announced our intention to offer the opportunity to extend Round 1 and Round 2 projects. The aim of this leasing round is to take advantage of the possible accelerated delivery of project extensions, in order that construction can be underway before development starts on Round 3 projects. This is expected to provide developers with a continuous stream of projects, an issue seen to be a priority in order to add confidence and security to the supply chain.

## 2 Consents from the Secretary of State

Consents for the construction of offshore electricity generating stations in English and Welsh waters were previously regulated by the Department of Energy and Climate Change (DECC) under the provisions of section 36 of the *Electricity Act 1989*. Development consent was needed for all offshore generating stations over 1 MW installed capacity in territorial waters and 50MW in the Renewable Energy Zone.

The Marine Management Organisation, established under the *Marine and Coastal Access Act 2009*, is responsible for consents for windfarms smaller than 100MW, but most are much larger than that.

Under the *Planning Act 2008* the Infrastructure Planning Commission (IPC) took over responsibility for processing new consent applications for offshore electricity generating stations generating more than 100 megawatts (and for onshore windfarms generating more than 50 megawatts) from 1 March 2010.

The Government abolished the Infrastructure Planning Commission in April 2012, via the *Localism Act 2011*, replacing it by a Major Infrastructure Planning Unit (MIPU) within the Planning Inspectorate. MIPU will consider the evidence and presumably send the Secretary of State a summary of the evidence, along with a recommendation whether to approve the application. The Secretary of State will take the final decision.

Decisions will be taken on the basis of the [National Policy Statement for Renewable Energy Infrastructure](#) (EN-3), July 2011. There is a long passage on offshore wind, with the following introduction:

2.6.1 Offshore wind farms are expected to make up a significant proportion of the UK's renewable energy generating capacity up to 2020 and towards 2050.

2.6.2 There are two main UK sea areas in which structures such as offshore wind farms can be built:

- in UK territorial waters, which generally extend up to 12 nautical miles (nm) from the coast; and

- beyond the 12nm limit where, under international law, the UK is able to construct wind farm installations or other structures to produce renewable energy in the Renewable Energy Zone (REZ) as declared in the Energy Act 2004.

2.6.3 For clarification, any reference within this NPS to offshore wind farm infrastructure includes all the elements which may be part of an application, including wind turbines, all types of foundations, onshore and offshore substations, anemometry masts, accommodation platforms and cabling.

2.6.4 The extent to which generic impacts set out in EN-1 are relevant may depend upon the phase of the proposed development being considered. For example, land-based traffic and transport and noise issues may be relevant during the construction and decommissioning periods only, depending upon the specific proposal.

2.6.5 The applicant should identify the impacts of a proposal and these impacts, together with proposals for their avoidance or mitigation wherever possible, should be set out in an Environmental Statement (ES) that should accompany each project application. Policy on ESs is set out in Section 4.2 of EN-1.

### 3 Marine Planning

The *Marine and Coastal Access Act 2009* introduced a new marine planning system, including a new Marine Management Organisation. Offshore wind farms above 100MW would not be within its scope, but would require development consent from the Secretary of State under the *Planning Act 2008*, as noted above.<sup>1</sup> Smaller offshore wind farms would need consent under the *Electricity Act 1989* s.36 [as amended by the *Marine and Coastal Areas Act 2009* s.12], which would be determined by the Marine Management Organisation.

In March 2011, Defra published the [UK Marine Policy Statement](#).

#### Renewable energy

3.3.16 The low-carbon energy industry is developing rapidly in response to strategic Government policy and financial mechanisms. The UK is currently the leading country for offshore wind deployment and the potential sites identified for offshore renewables (including offshore wind, wave and tidal) show the huge exploitable renewable energy resource in UK waters which would keep the UK as a global leader in renewable energy production from these technologies. Increasing the generation of energy from low carbon sources will mitigate against climate change, lessen the UK's dependence on fossil fuels and improve energy security by increasing the diversity of electricity supply.

3.3.17 The UK Administrations have undertaken a large number of studies to assess the environmental implications and spatial interactions of increasing renewable energy deployment in UK waters. From these studies, it was concluded that there are no overriding environmental reasons to prevent the achievement of our assessed plans for offshore wind and sub-sea grid development up to 2020, if mitigation measures are implemented to prevent, reduce and offset any significant adverse effects. Further studies and a rolling programme of Environmental Assessments are underway to strategically assess the implications of draft plans/ programmes to enable further leasing for offshore energy, including CCS and marine renewables.

3.3.18 Marine Plans should take account of and identify areas of potential for the deployment of different renewable energy technologies. Measures should be taken to

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<sup>1</sup> HC Deb 5 June 2007 cc334-5W

prevent, mitigate, and where that is not possible compensate, for any potential negative impacts in line with legislative requirements. Marine Plans and the marine planning process will need to be flexible in responding to emerging evidence about the impacts of new technologies; in particular the monitoring and review arrangements for plans will be important in this.

#### Offshore wind

3.3.19 The UK has some of the best wind resources in the world and offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050. Harnessing and connecting offshore wind is currently more technologically challenging and more expensive than harnessing and connecting onshore wind. However, offshore wind has a larger potential, due to a stronger and more consistent wind source at sea leading to higher power outputs. As the most mature of the offshore renewable energy technologies, it has the potential to have the biggest impact in the medium-term on security of energy supply and carbon emission reductions through its commercial scale output. Expansion of the offshore wind supply is likely to require significant investment in new high-value manufacturing capability with potential to regenerate local and national economies and provide employment.

This is not the same as the full marine plan. The Marine Management Organisation is preparing detailed marine plans for parts of the coast.

## 4 Some approvals but greater need

On 8 August 2008, Department for Business, Enterprise and Regulatory Reform (BERR) announced approval of the 315MW wind farm (Sheringham Shoal) off the coast of Norfolk.<sup>2</sup> On 4 September 2008, BERR announced approval of the 500MW wind farm planned West of Duddon Sands near Walney Island off the coast of Barrow-in-Furness in Cumbria.<sup>3</sup>

Baroness Andrews noted in the House of Lords in October 2008:

The CBI has pointed out that we need 40 to 45 new large offshore wind farms in the next eight to 10 years, and seven nuclear power stations.<sup>4</sup>

There have been three rounds of leasing for offshore windfarms carried out by The Crown Estate (CE) who are the landlord of the seabed. The Crown Estate announced the winners of the Round 3 process on 8 January 2010. The successful companies had been chosen following an extensive competitive bidding and negotiation process that began in June 2008. The announcement has the potential to see an additional 32GW of clean electricity feeding into the UK grid, on top of 8GW planned from previous rounds.<sup>5</sup>

In October 2008, the Carbon Trust called for relaxation of the constraints dictating where offshore wind farms could be built.

Applying all the current constraints would require the UK's next round of offshore wind farms to be built at great expense 70 miles from the shore and in deep waters. Allowing wind farms to be built nearer to the shore and in shallower waters is the key cost-saving measure that will enable 29 GW of offshore wind farms to be built by

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<sup>2</sup> BERR Press Release, *Fourth largest offshore wind farm in UK is approved*, 8 August 2008

<sup>3</sup> BERR Press Release, *Cumbrian wind gains strength*, 4 September 2008

<sup>4</sup> HL Deb 6 October 2008 c45

<sup>5</sup> DECC, [Offshore wind farm licensing](#)

2020<sup>1</sup>. This in turn will help the UK meet renewable energy targets, cut carbon emissions by 14%, create 70,000 new jobs and bolster energy security<sup>6</sup>

In September 2010, a large wind farm was opened off the Kent coast:

The 100-turbine Thanet wind farm will generate enough power to supply up to 200,000 homes when it is operating at full capacity. The completion of the project, built by the Sweden's state-controlled energy company Vattenfall, has nudged Britain's total wind energy capacity above 5,000 megawatts for the first time — enough to supply electricity for up to five million people.<sup>7</sup>

[Renewables UK](#) has a database showing current projects. It shows more onshore capacity in planning than offshore capacity.<sup>8</sup>

| Category             | Onshore |               | Offshore |               |
|----------------------|---------|---------------|----------|---------------|
|                      | number  | capacity (MW) | number   | capacity (MW) |
| Operational          | 298     | 4234          | 14       | 1525          |
| Under construction   | 36      | 1571          | 6        | 2054          |
| Consented projects   | 233     | 3613          | 5        | 1627          |
| Projects in planning | 318     | 7423          | 5        | 2011          |

In July 2012, DECC announced further approvals, but also a major rejection:

Consent was given today by the Government for the construction of two wind farms off the Norfolk Coast with a combined capacity of over 1GW. This means that 6.6GW of offshore wind power is now either operational, under construction or consented in the UK.

The two wind farms at Race Bank (580MW) and Dudgeon (560MW) in the Greater Wash could generate enough electricity to power around 730,000 homes. The projects represent around £3bn of investment.

An application for a third project at Docking Shoal, also off the Norfolk Coast, has however been refused due to the potential impact on seabirds in the area. These birds (Sandwich terns) are specially protected by environmental legislation.<sup>9</sup>

RenewableUK welcomed the decision:

Maria McCaffery, RenewableUK's Chief Executive, said:

"This decision is a tremendous boost for the offshore wind energy sector, creating hundreds of jobs, stimulating billions of poundsworth of investment and setting the UK firmly on the path of reaching its 2020 renewable energy targets.

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<sup>6</sup> Carbon Trust Press Release, *Carbon Trust calls for urgent debate on siting of offshore wind farms to help slash costs*, 14 October 2008

<sup>7</sup> "Giant offshore wind farm shifts the balance of power for Britain; Switch-on for site that can serve 200,000 homes", *Times*, 23 September 2010

<sup>8</sup> Renewable UK, [UKWED statistics](#), 17 November 2011

<sup>9</sup> DECC Press Release, *New offshore wind farms will bring huge boost to UK capacity*, 6 July 2012

"In total we now have close to 6.6 gigawatts of offshore projects operational, in construction and with planning consent. This is a globally unrivalled pipeline of offshore wind farms, which has attracted significant investor interest from around the world."

"It took the UK ten years to go from two wind turbines off the port of Blyth to grow into a sector being admired worldwide as a low-carbon energy success story.

"Given the completion of Round 1 and excellent progress of Round 2, what now needs to follow is a decisive push to get the first of the Round 3 projects through planning. It will take hard work by the industry and Government, but we will not waver. By 2020, offshore wind could deliver around 20% of UK's electricity and tens of thousands of jobs – a worthy prize!"<sup>10</sup>

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<sup>10</sup> RenewableUK Press Release, *Britain's Offshore Wind Energy Gigaboost*, 6 July 2012