

**THE CROWN ESTATE - WAVE & TIDAL PROGRAMME: FUTURE LEASING  
INDUSTRY ENGAGEMENT EXERCISE  
SCOTTISH ENVIRONMENT LINK RESPONSE - SEPTEMBER 2012**

Scottish Environment LINK supports stakeholder consultation and welcomes the opportunity to provide comment on The Crown Estates (TCE) wave and tidal programme and particularly on the mechanisms for developing future leasing sites for wave and tidal stream development. LINK's consultation response is a summary of the key issues that represent the collective interests of its member bodies and indeed some members have submitted individual responses to this consultation. In this regard, no detailed answers are provided to the questions posed in TCE's consultation document.

## **1.0 Scottish Environment LINK's Recommendations:**

**Wave & Tidal Stream Energy, Lease Sites & Environment:** This industry can play a significant role in delivering low carbon energy and positioning the UK as a global leader in green growth. However, there exists potential for significant adverse impacts to the natural environment, particularly if future developments are inappropriately located and/or designed. Significantly increased efforts are needed to understand, avoid and, where necessary, mitigate the potential impacts development such as wave and tidal stream energy projects will have on marine biodiversity. Failure to do so will result in adverse environmental impacts, and public concern over these impacts, becoming a major barrier to further deployment. It is in this regard that The Crown Estate must responsibly carry out their duties '*with due regard to the requirements of good management*<sup>1</sup>' to support the **sustainable** development of wave and tidal stream energy in offshore waters.

**Integration with Marine Spatial Planning:** It is recommended that The Crown Estate continues to strengthen their relationship with devolved administrations in the UK to better integrate the release of wave and tidal stream lease sites with emerging statutory marine spatial plans and the ecologically coherent network of marine protected areas. This approach should, as a priority, seek to align programmes and timescales so as not to pre-empt the publication of marine spatial plans and the conclusion of any environmental assessments.

**The Crown Estate as a Facilitator:** The Crown Estate should, in fulfilling their 'good management' duties, act as a facilitator in data sharing, research and monitoring between industry, governments and their advisors and wider specialists/ NGOs. It is recommended that TCE commit to the allocation of a higher proportion of lease income to underfunded baseline survey and post consent monitoring as part of a long term strategy to protect public interest. This should include a continuation of programmes such as COWRIE and SOSS.

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<sup>1</sup> Section 1(3) of The Crown Estate Act 1961

## 2.0 Additional Detailed Comments and Recommendations:

Marine legislation in the UK is establishing a hugely improved regime for strategic planning of all marine and coastal developments, including precautionary measures. To provide context, Scottish Environment LINK's aim is to safeguard the environment, so bolster the sustainability and reputation of the burgeoning industry, and help rather than hinder the potential growth of responsible development. Recommendations made (Scottish Environment Link, 2010) include calls on decision makers and industry to work together to:

- establish **realistic expectations** of growth, allowing time for proper care to minimise impacts on the marine ecology
- guarantee **adequate resources** to fund the necessary environmental research and monitoring, to match the pace of development;
- appoint a wholly **independent committee** to scrutinise scientific research and advice given to regulators;
- publish without delay **zones of particular sensitivity** where there should be a presumption against development;
- adopt an **adaptive management** and planning approach, to build early findings into future plans and practices;
- improve arrangements for constructive **stakeholder engagement**.

**Wave & Tidal Stream Energy, Lease Sites & Environment:** In undertaking a feasibility appraisal and identifying suitable lease sites for wave and tidal stream energy, it is recommended that key environmental issues should be identified and assessed at an early stage in the process. This approach will strengthen the integrity of the process for identifying suitable lease sites; support European and national nature conservation aims and legislative requirements, including the achievement of Good Environmental Status under the Marine Strategy Framework Directive by 2020; support any subsequent environmental assessment; and avoid the inappropriate designation of lease sites which may subsequently frustrate the planning, implementation and deployment processes of renewable energy development. Priority environmental criteria for consideration in developing suitable lease sites include:

- Designated sites for nature conservation:
  - Global/European: Special Protection Areas and Special Areas of Conservation and Ramsar (designated, proposed and possible)
  - National: Sites of Special Scientific Interest (SSSIs), marine protected areas (MPAs) or marine conservation zones (MCZs) (designated, proposed and possible)
- Ecological hotspots including areas of known importance to marine species such as seabirds, fish and marine mammals.
- Large gaps still remain in our knowledge, particularly of mobile marine species including seabirds, fish and marine mammals. Existing and emerging academic and scientific research, literature and data should be identified and updated regularly to support and develop understanding of existing and future lease site characteristics and wave and tidal technologies and their interaction with marine species and habitats. Recommended projects and literature of relevance to the wave and tidal energy industry are provided by individual responses submitted by LINK members.

**Integration with Marine Spatial Planning:** Driven by the UK Marine and Coastal Access Act (2009) and devolved marine acts, marine spatial plans around the UK are progressing to different and diverging timescales. However, it is recommended that The Crown Estate is led by these plans in developing and subsequently releasing wave and tidal stream lease sites. To achieve this, a mutual understanding between the respective devolved administrations and The Crown Estates should be established through a strengthening of their respective working relationships.

There is a need to avoid potential significant impacts and subsequent issues of project implementation that are currently being experienced with, for instance , previous lease rounds for wind energy. This collaborative approach will thus likely see the phased release of lease sites from respective countries in the UK, with TCE liaising closely with respective governments to identify the most appropriate timing and achieving a corroboration of industry and marine spatial plans.

**The Crown Estate as a Facilitator:** In fulfilling their 'good management' duties, it is recommended that The Crown Estate act as a facilitator in data sharing, research and monitoring. This includes the promotion, additional funding and facilitation of environmental research and cooperation between relevant stakeholders through the continuation of programs such as COWRIE and SOSS, albeit tailored to suit the requirements of wave and tidal stream developments. These programs support discourse and the delivery of research and longer term monitoring packages which is what is needed to develop understanding and plug data gaps.

Similarly, TCE should support efforts to increase transparency and enable developers to collaborate and thus achieve a strategic benefit to the industry as a whole. TCE should also engage with relevant statutory authorities, NGOs and specialist advisors to deliver wave and tidal stream leases that are accommodating of the most sensitive areas for biodiversity and that have considered other competing and incompatible uses.

### **3.0 This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:**

RSPB Scotland  
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Scottish Wildlife Trust  
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